# CONGRESSIONAL RECORD

CONTAINING

# THE PROCEEDINGS AND DEBATES

OF SERIE

FIFTIETH CONGRESS, SECOND SESSION.

VOLUME XX.

WASHINGTON: GOVERNMENT PRINTING OFFICE 1889.

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## VOLUME XX, PART II.

## CONGRESSIONAL RECORD,

FIFTIETH CONGRESS, SECOND SESSION.

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To the House of Representatives:

I return without approval House bill No.7877, entitled "An act to place Mary Karstetter on the pension-roll."

The beneficiary named in this bill is the widow of Jacob Karstetter, who enlisted in June, 1894, and was discharged in June, 1895, on account of a wound in his left hand received in action. He died in August, 1874, of gastritis or inflammation of the stomach and congestion of the liver. He was granted a pension for his gunshot wound, and was in receipt of such pension at the time of his death.

death.

I was constrained to return without approval a bill identical with the one herewith returned, and which was passed by the last Congress, and stated my objection to the same in a communication addressed to the House of Representatives, dated July 6, 1886.

It seemed to me at that time that the soldier's death could not be held to be the result of his wound or any other cause chargeable to his military service.

Upon re-examination I am still of the same opinion, which leads me to again return the bill under consideration without approval.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 18, 1889.

The following message from the President was laid before the House, read, referred to the Committee on War Claims, and ordered to be printed:

To the House of Representatives.

I return without approval House bill No. 9791, entitled "An act for the reltef of Charles W. Geddes."

This bill directs the Secretary of the Interior to include the name of the beneficiary mentioned, late assistant engineer in the United States Navy, among those who served in the Mexican war, and issue to him a land warrant for his services as assistant engineer on the United States steamer General Taylor during said war.

services as assistant engineer on the United States scamer General auring said war.

On an application made by this beneficiary for bounty land under general laws, the Secretary of the Navy reported that the vessel to which he was attached was not considered as having been engaged in the war with Mexico, and thereupon his application was rejected. Upon appeal to the Secretary of the Interior, he states that the settled doctrine of such cases to be that "service must have been in, not simply during, a war, to give title to bounty land."

The only claim made by the beneficiary is that the vessel upon which he was employed was engaged for a time in transporting seamen from New Orleans, where they were enlisted to Pensacola, and that he was informed and believed that they were enlisted to serve on board vessels composing the Gulf squadron then co-operating with the land forces in the Mexican war.

It seems to me that it is establishing a bad precedent, tending to the breaking down of all distinctions between civil and military employment and service, to hold that a man engaged on a vessel transporting recruits to a rendezvous from which they may be sent to the scene of hostilities should be allowed the same advantages which are bestowed upon those actually engaged in or more directly related to the dangers and chances of military operations.

EXECUTIVE MANSION, January 18, 1889.

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MILITIA OF THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for buildings for the militia of the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT FORT SMITH, ARK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation for an iron fence, elevator, etc., at the public building at Fort Smith, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

TOTAL ECLIPSE OF THE SUN IN 1889.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of an appropriation to pay the expenses of observing the total eclipse of the sun on December 21, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

BRITISH VESSEL CITY OF ALABAMA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, papers and correspondence relating to the contract with the owners of the British vessel State of Alabama for removing material from the channel of New York Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

STATE CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims allowed by accounting officers, with the papers in each case, since January 17, 1888, under the act of July 4, 1864; which was referred to the Committee on War Claims, and ordered to be printed.

FORAGE AND WAGON MASTER AT FORT LEAVENWORTH, KANS.

The SPEAKER also laid before the House a letter from the Secretary of War, submitting an estimate of an appropriation for one forage and wagon master at Fort Leavenworth, Kans.; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF OHIO RIVER NEAR PITTSBURGH, PA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with a provision of the river and harbor act of August 11, 1888, report of the Board of Engineers on the practicability of improving the Ohio River below Pittsburgh by means of movable dams; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ALASKA SEAL AND FUR COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the Alaska Seal and Fur Company; which was referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

HENRY PIPER VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact in the case of Henry Piper against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

ABOLITION OF CIRCUIT-COURT POWERS IN CERTAIN DISTRICT COURTS.

The SPEAKER also laid before the House the bill (S. 3733) to abolish circuit-court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other pur-

Mr. ROGERS. Mr. Speaker, that bill is in exactly the same terms, except as to the date that it shall go into effect, with a bill that was passed by both Houses of Congress at the last session, but too late to receive the signature of the President. It has again passed the Senate, has been reported by the Committee on the Judiciary to the House, and is now upon the Calendar. It will perhaps take three minutes to read the bill and put it upon its passage, and inasmuch as it is in the interest of humanity to grant these writs of error throughout the Union, I ask unanimous consent that it may be put upon its passage at this

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

The bill was read, as follows:

Be itenaced, etc., That there shall be, and is hereby, established a circuit court of the United States in and for the western district of Arkansas, for the northern district of Mississippi, and for the western district of South Carolina, respectively, as the said districts are now constituted by law. And terms of said circuit courts, respectively, shall be held at the times and places now provided by law for the holding of the district courts in said districts respectively, and terms of the circuit court shall be held also at Helena, in the eastern district of Arkansas, at the same times the district court is now required by law to be held; and also at the times and places in West Virginia, where the district court is now provided by law to be held.

SEC. 2. That said circuit courts, respectively, shall have and exercise, within their respective districts, the same original and appellate jurisdiction as is or may be conferred by law upon the other circuit courts of the United States; and all suits, causes, and proceedings now pending in the said several respective district courts, and also in the district court of the district of West Virginia, and also in the district court of the eastern district of Arkansas, held at Helena, in and concerning which the said district courts exercise circuit-court powers, shall be transferred to and belong to the jurisdiction of said circuit courts, respectively, and shall be proceeded with accordingly.

Sec. 3. That there shall be appointed for each of said circuit courts in this act mentioned, by the circuit-court judge of the circuit in which said districts are respectively embraced, a clerk, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall take the oath and give the bond required by law for clerks of circuit courts, who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by general law. And the marshals of the United States in and for said circuit courts ar

vised Statutes of the United States, as amended by said last-mentioned act, and all provisions of law inconsistent with any of the provisions of this act, be, and the same are hereby, repealed.

SEC. 5. That hereafter in all cases of conviction of crime the punishment of which provided by law is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be re-examined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe. Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error, it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the clerk of the Supreme Court of the United States to receive, file, and docket the same. Every such writ of error shall during its pendency operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation as well as at the time so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court, and the court to whichsuch cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had of record.
SEC. 7. That this act shall take effect and be in force from and after the 1st day of May, A. D. 1889.

The SPEAKER. Is there objection to the present consideration of

Mr. TOWNSHEND. This bill seems to be much broader in its scope than was indicated by the remarks of the gentleman from Arkansas. It appears not only to relate to the proceedings of the United States courts, but to create new courts. Before determining whether I desire to object, I would like to hear from the gentleman some ex-

planation of the bill.

Mr. ROGERS. I can make a very brief explanation which I think will satisfy the gentleman. There are only five United States district courts which have circuit-court power. By this bill those district courts are so arranged that there shall be circuit and district courts in those five places, thus rendering uniform throughout the United States the Federal judiciary system, and compelling the present circuit judges to go to those districts to hold their courts, as they do at other places. So far as concerns the regulation of procedure, the last section of the bill provides for granting writs of error in capital cases only, and the machinery for carrying into effect this right is provided by the bill.

This explanation, I think, meets both points suggested by the gentleman from Illinois. I will state in addition that the machinery here provided is made to conform as nearly as may be to the present practice with reference to granting writs of error by the Supreme Court of the United States. The measure has been patiently and carefully prepared, mainly by the distinguished Senator from Vermont [Mr. Ed-MUNDS], and it met the full approbation of the conference committee composed of that Senator, Senator Wilson, and Senator Vest, as well as the subcommittee of the Committee on the Judiciary, of which subcommittee I have the honor to be chairman. I have never heard a dissenting voice in regard to this measure in either House of Congress. As I have already stated, a bill in similar terms passed both Houses in the last Congress

Mr. RANDALL. As I understand, this bill proposes to give to per-

sons condemned to death an additional chance of life.

Mr. ROGERS. Yes, sir.

Mr. RANDALL. That appears to me not unreasonable or improper. Mr. ROGERS. It simply proposes to grant to a party who may have been condemned to death in a Federal court, the right to have the law of his case reviewed upon the record by the Supreme Court of the United States.

Which right he does not now possess.

Mr. ROGERS. A right which he does not now possess and never has possessed in this country, although in every State of the Union a corresponding right exists with reference to cases arising under the State law. It is a right which ought to exist in every civilized government on earth.

The SPEAKER. Is there objection to the present consideration of

this bill?

Mr. TOWNSHEND. I will not object; for the gentleman's explanation is satisfactory. I hope, however, that the Committee on the Judiciary will take into consideration the fact it would be much better for the interests of the people if they would seek not to extend, but to diminish the jurisdiction of the Federal courts. The tendency of this bill appears to be in the opposite direction.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time,

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

The SPEAKER. If there be no objection, the House bill on the same subject, House bill No. 11793, will be laid on the table. The Chair hears no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. McCormick, for four days, on account of important busi-

To Mr. BRECKINRIDGE, of Arkansas, for ten days, on account of im-

To Mr. LEHLBACH, for one week, on account of important business. PRINTING OF BILL FOR ADMISSION OF NEW STATES.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota, be printed in the RECORD for the information of members, as amended and passed by the House. there objection? The Chair hears none; and it is so ordered.

The bill (S. 185) as amended by the House retains only the enacting clause of the Senate bill, the title, preamble, and body of the bill having been amended or stricken out. As passed by the House the bill is

[Enabling act for Dakota, Montana, Washington, and New Mexico.] A bill to enable the people of Dakota, Montana, Washington, and New Mexico to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, to provide for the division of Dakota into two States, and to make donations of public lands to such States.

Be it enacted by the Senate and House of Representatives of the United

States of America in Congress assembled: Section 1. That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, Washington, and New Mexico, as at present described, may become the States of Dakota, Montana, Washington, and New Mexico, respectively, or in lieu of the State of Dakota the States of North Dakota and South Dakota, as hereinafter provided.

SEC. 2. That all persons who shall have resided within the limits of said proposed States for sixty days, and are otherwise qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said Territories; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned among the several counties within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the United States attorney of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said Territories, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued at least thirty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress. The number of delegates to said conventions, respectively, shall be seventy-five, except in the Territory of Dakota, in which the number of delegates shall be one hundred and fifty; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates and upon the ratification or rejection of the constitutions, under such rules and regulations as said conventions may prescribe, not in conflict with this act: Provided, That in the apportionment of delegates to the convention in the Territory of Dakota the districts shall be so constituted that one-half of the delegates to be elected in said Territory shall be elected in districts north of the seventh standard parallel produced due west to the western boundary of said Territory and one-half in districts south of said

Provided, That at the time of the election of delegates as provided in section 2 of this act, the constitution framed and adopted by the constitutional convention at the session thereof begun Monday, January 14, 1884, and concluded February 9, 1884, at Helena, Mont., shall be submitted to the people of said Territory for their ratification or rejection, and all persons entitled to vote for delegates under the provisions of this act shall be entitled to vote upon the ratification or rejection of said constitution. Each elector voting at such election for delegates shall have written or printed upon his ticket the words "For the old constitution" or "Against the old constitution;" which said vote shall be canvassed as provided herein for the canvass of votes for the election of delegates, and if, when all the votes for or against the adoption of said constitution have been canvassed in the manner aforesaid, it shall appear that the constitution has been ratified by a majority of all the votes cast, then and in that event the constitutional convention which may assemble in said Territory of Montana as provided in subsequent sections of this act shall resubmit to the people of Montana at the election provided for in this act, for ratification or rejection, the constitution so adopted as aforesaid, with such changes only as relate to defining the judicial districts, the salaries of county officers in counties organized since the adoption of said constitution, and such other changes as may be necessary in order to comply with the provisions of this act; and thereupon if said constitution so amended shall be ratified by a majority of all the votes cast at said election, the President of the United States may issue his proclamation declaring the State of Montana admitted as a State in the Union from and after the date of such proclamation.

SEC. 3. That at the election for delegates to the constitutional convention in the Territory of Dakota provided for in the foregoing section of this act, each qualified elector may have written or printed on his ballot the words "For division" or the words "Against division." The returns on this question shall be made and the result ascertained in the same manner as provided in said section. And if a majority of the votes cast in that part of the Territory south of the seventh standard parallel produced due west to the western boundary of said Territory shall be "For division," and also if a majority of the votes cast in that part of the Territory north of said parallel shall be "For division," then in both those events the following provisions in this section set forth shall take effect and be in force and all subsequent sections of this act shall be changed and modified accordingly, namely:

First. The area comprising the Territory of Dakota shall, for the

purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls. The convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, or as Dakota, if said convention shall so determine, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota, or by any other name than that of Dakota which said convention may determine. Each of said conventions shall form such constitution and State government in accordance with and subject to all the provisions of this act the same as if the States of North Dakota and South Dakota had been provided for in the first section of this act, and mentioned instead of the State of Dakota in all the subsequent sections of this act.

Second. The State of North Dakota shall be entitled to one Representative in Congress and South Dakota shall be entitled to two Representatives in Congress until the apportionment under the eleventh

census of the United States.

Third. The donations of public lands provided for in this act to be granted to the State of Dakota shall apply to and be granted to each of the States of North Dakota and South Dakota, as far as applicable, and Congress will, in the act or acts admitting said States into the Union, equalize and adjust the donations of public lands therein so that each of said States shall receive substantially the same amount of public lands, according to their respective areas, as are granted to the States of Washington, and New Mexico.

Fourth. The appropriation for paying the expenses of constitutional conventions and the compensation of the members thereof, authorized by section 18 of this act, shall be increased so as to appropriate the sum of \$20,000 for each of the conventions in North Dakota and South

Fifth. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be com-posed of not less than three members of each convention, whose duty it shall be to assemble at the present seat of government of said Territory and agree on an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each State shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

Sixth. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the election provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be.

Seventh. That at the election for delegates to the constitutional convention in South Dakota each elector may also have written or printed on his ballot the words "For the Sioux Falls constitution of 1885," or the words "Against the Sioux Falls constitution of 1885;" and if a majority of all votes cast on this question shall be "For the Sioux Falls constitution of 1885," and if a division of the Territory is authorized as provided in this section, then it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota for ratification or rejection at the election provided for in this act the constitution framed at Sioux Falls and adopted November 3, 1885, and also the articles and propositions separately submitted, at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, then the President of the United States may issue his proclamation declaring the State of South Dakota admitted as a State in the Union from and after the date of such proclamation.

And the Territorial government of the Territory of Dakota shall continue in existence thereafter and apply to that portion of the Territory not embraced in the State of South Dakota until the State of North Dakota is admitted into the Union; but the archives, records, and books of the Territory of Dakota shall remain at the capitol of North Dakota until an agreement in reference thereto is reached by said

SEC. 4. That the delegates to the conventions elected as provided in

this act shall meet at the seat of government of each of said Territories on the 4th day of July, 1889, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be as-

sumed and paid by the said States, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

SEC. 5. That in case constitutions and State governments shall be formed in compliance with the provisions of this act, said conventions forming the same shall provide by ordinances for submitting said constitutions to the people of said States for their ratification or rejection, at an election to be held in each of said Territories on the Tuesday after the first Monday of November, 1889, at which election the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any provisions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate propositions, and a copy of said declaration, constitution, and ordinances

SEC. 6. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except Dakota, which, if admitted as one State, shall be entitled to two, but if admitted as two States such number as may be provided in the third section of this act; and such Representatives, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of each constitution, respectively, and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the du-

ties of their respective offices in each of said Territories.

SEC. 7. That sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for na-tional purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reserva-tion shall have been extinguished and such lands be restored to, and become a part of, the public domain.

Provided, That the rights of all settlers on unsurveyed lands under

the general land laws, upon lands found upon survey to be within either

the sixteenth or thirty-sixth section, where their settlements were made before survey or the approval of this act, shall be preserved, and where payment shall be required it shall be at the rate of \$1.25 per acre.

SEC. 8. That when either or any of the proposed States shall be admitted into the Union in accordance with the provisions of this act, 50 sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions by direction of the Legislature thereof, with the approval of the Secretary of the Interior, on or before the 1st day of January, 1892, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.

SEC. 9. That so much of the lands belonging to the United States as

has been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to penden onlines of the moneys appropriated therefor by said act, to said State of Dakota or to the State of South Dakota, if said State should be divided, as provided in this act, for the purposes therein designated; and the States of New Mexico and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana. granted to the State of Montana.

SEC. 10. That 90,000 acres of land, to be selected and located as provided in section 8 of this act, are hereby granted to each of said States for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of land for such pur-

SEC. 11. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States re-

Sec. 12. That all lands herein granted for educational purposes, except as hereinafter otherwise provided, shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regula-tions as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company. In all cases where actual settlers have located, reperson or company. sided upon, and made valuable improvements on section 16 or 36, prior to the survey of said section, or the passage of this act, with the intention in good faith of purchasing such lands from the State upon its admission, the respective Legislatures may provide for disposing of so much of the lands so settled upon, to such settlers, their heirs or legal representatives, at a price not less than \$6 per acre, to be fixed by appraisement of the value of the lands exclusive of improvements.

The appraisement of such lands shall be made in the manner follow-

ing:
The actual settler shall, within one year after the admission of such State into the Union, apply to the court in the county or district where the land is situated, having general common law and chancery jurisdiction, setting forth the facts of settlement and cultivation in good faith and praying for appraisement and sale of such land, making the county superintendent of schools of the county in which the land is situated, or if there be no such officer, the county treasurer, the party defendant. The court shall thereupon appoint three commissioners, who shall be freeholders and wholly disinterested, whose duty it shall be to appraise such land at the actual cash value at the time of such appraisement and the improvements thereon, separately, under oath, and make report thereof to the court. The court shall thereupon make an order for the sale of such land either to the settler at the appraised value thereof or at public sale to the highest bidder, in such manner

as the court may deem just to the public and the settler.

SEC. 13. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of Dakota and Montana, respectively, or in the States of North Dakota and South Dakota, if such States are formed as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And the lands, to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the State of New Mexico

for university purposes, to be held and used in accordance with the provisions of this section. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as provided in section 12 of this act. The schools, colleges, and universities provided in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane, shall, upon the admission of said State of Dakota into the Union, become the property of said State, or of the State of North Dakota or South Dakota, as the case may be.

SEC. 14. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township, shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

SEC. 15. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed land to certain States, which grant is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of lands are bestlyn mode. lands to said States, the following grants of land are hereby made, to

To the State of Dakota: For the maintenance of a school of mines at Rapid City, 50,000 acres; for the reform school at Plankington, 50,000 acres; for the deaf and dumb asylum at Sioux Falls, 50,000 acres; for agricultural colleges at Fargo and Brookings, 50,000 acres each; for the State normal schools at Madison, Spearfish, Springfield, and Minto, 25,000 acres each; for public buildings at the capital of the State, 150,000 acres, in addition to the fifty sections hereinbefore granted for that purpose. If the States of North Dakota and South Dakota are formed as provided in this act, the donations shall be made to the States in which said places are located, and other donations shall be made to each of said proposed States as provided in section 3 of this act.

To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition

to the grant hereinbefore made for that purpose, 150,000 acres.

To the State of New Mexico: For the establishment of permanent water reservoirs for irrigating purposes, 250,000 acres; for the establishment of an insane asylum, 50,000 acres; for the establishment of State normal schools, 50,000 acres; for the establishment of a school of mines, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for the establishment of a reform school, 50,000 acres.

To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable educational, penal, and reformatory institutions, 200,000 acres.

That the States provided for in this act shall not be entitled to any

further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may

severally provide. SEC. 16. That all lands granted in quantity or as indemnity by this act shall be selected under the direction of the Secretary of the Interior from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects of said States the number of acres in each

heretofore donated by Congress to said Territories for similar objects. SEC. 17. That the conventions herein provided for shall have the power to provide, by ordinance, for the transfer of actions, cases, proceedings, and matters pending in the supreme or district courts of the Territories of Dakota, Montana, Washington, and New Mexico at the time of the admission of the said States into the Union, arising within said Territories, respectively, to such courts as shall be established under the constitutions to be formed as provided in this act; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws

SEC. 18. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of \$35,000 is so appropriated, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 19. That the constitutional conventions may, by ordinance, provide for the election of full State governments, including members of the Legislatures and Representatives in Congress; but said State governments shall remain in abeyance until the constitutions framed by said conventions shall have been approved by Congress. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election to Congress; and when the constitution so framed is approved by Congress, and such State admitted into the Union by special act of Congress therefor, the Senators and Representatives shall be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of State officers; and all laws in force made by said Territories at the time of their admission into the Union shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

SEC. 20. That the constitutional convention to assemble in the Territory of New Mexico, as hereinbefore provided, shall submit to the people, as a separate proposition to be voted upon at the same time that the vote upon the constitution is taken, the question of changing the name of the State from that of the State of New Mexico to that of the State of Montezuma, and if a majority of voters shall be in the affirmative the name of the State shall, upon its admission, be Montezuma; and all the powers, rights, privileges, grants, and obligations pertaining under this act to the State of New Mexico shall attach to, be vested in, and imposed upon the State of Montezuma; and the constitutional convention of Washington Territory shall, in like manner and with like effect, submit to the people the question of changing the name of that State from Washington to Tacoma.

SEC. 21. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of saidTerritories or by Congress, are hereby repealed.

## PROTECTION OF GIRLS IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I rise to present a privileged report. The Clerk read as follows:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

Strike out, before the word "District," in line 4, the words "any Territory," and insert the word "the:" in line 5, after the word "place," insert "except the Territories;" in line 11, before the word "years," strike out "five" and insert "fifteen;" in same line, after the word "and," strike out the words "second or other" and insert "each subsequent," and in line 13, before the word "years," strike out "the words "second or other" and insert "thirty; "so as to read:

"That every person who shall carnally and unlawfully know any female under the age of sixteen years, or who shall be accessory to such carnal and unlawful knowledge before the fact in the District of Columbia, or other place, except the Territories, over which the United States has exclusive jurisdiction, or on any vessel within the admiralty or maritime jurisdiction of the United States and out of the jurisdiction of any State or Territory, shall be guilty of a felony, and when convicted thereof shall be punished by imprisonment at hard labor, for the first offense for not more than fifteen years, and for each subsequent offense not more than thirty years."

And the Senate agree to the same.

The committee further recommend that the title of the bill be amended so as to read: "A bill to punish as a felony the carnal and unlawful knowledge of any female under the age of sixteen years."

JOHN S. HEMPHILL,

JOHN S. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Conferees on the part of the House of Representatives. CHARLES J. FAULKNER, JOHN C. SPOONER, C. B. FARWELL, Conferees on the part of the Senate.

The statement of the House conferees, submitted in accordance with the rule, was read, as follows:

The managers on the part of the House on the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, respectfully submit the following statement:

The Senate amendments raised the age of consent to sixteen years from fourteen, as fixed by the House. This amendment the conferees agreed to recommend to the House.

The Senate amendments extended the operation of this act to the Territories and other places over which the United States have exclusive jurisdiction. The effect of the conference report is to exclude the Territories from the operation of this act.

The effect of the conference report is to change to some extent the punishment fixed by the House for the violation of this law. The conference report changes the title of the bill to conform to the changes made in the bill.

The conference report contains the bill as amended in conference in full, and for this reason a more extended explanation of the changes agreed in conference seems unnecessary.

ence seems unnecessary.

JNO. J. HEMPHILL, For Managers.

The question being taken on agreeing to the report of the committee

of conference, it was agreed to.

Mr. HEMPHILL moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## C. F. HOLBROOK.

Mr. FLOOD. I rise to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, July 16, 1888.

Mr. Henderson, of Illinois, submitted the following; which was referred to the Committee on Accounts:
"Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to C. F. Holbrook the sum of \$76, being the sum due him for services rendered as laborer of the House of Representatives from December 5, 1887, to January II, 1888."

The Committee on Account A.

The Committee on Accounts, to whom was referred the accompanying resolution for the relief of C. F. Holbrook, have examined the same, and respectfully report:

The beneficiary in this case has been engaged as laborer in the Press Gallery since the beginning of the Forty-ninth Congress. For his services during the sessions of that Congress he was provided for in the deficiency bills. Upon the assembling of the Ffitieth Congress he resumed his duties, but was not put upon the roll until January 12, 1888, and your committee find that he is entitled to pay for thirty-seven days labor at \$2 per day, his usual compensation, making \$74 instead of \$76, as called for in the resolution. Your committee would therefore recommend that "\$74" be substituted for "\$76," in line 5, and as so amended the resolution be adopted.

The question being taken on agreeing to the amendment proposed by the Committee on Accounts, it was agreed to.

The resolution as amended was adopted.

Mr. FLOOD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the morning hour; and I give notice that if this motion prevails I shall ask unanimous consent that gentlemen desiring to present reports from committees may be allowed to hand them to the Clerk.

Mr. FORD. Before that question is put, I would like to present a

report.

The motion of Mr. RANDALL to dispense with the morning hour was agreed to.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that gentlemen having reports to submit may hand them to the Clerk. Is there objection?

Mr. SPINOLA. I desire to reserve the right to object. man from Michigan [Mr. FORD], the chairman of the select committee to inquire into the importation of contract laborers, etc., wishes to make a report, and I desire leave to present the views of the minority.

The SPEAKER. The gentleman from Michigan [Mr. FORD] is rec-

ognized to present his report.

## IMPORTATION OF CONTRACT LABORERS, ETC.

Mr. FORD, from the select committee to inquire into the importation of contract laborers, convicts, paupers, etc., to which committee were also referred House bills 11633 and 11685, relating to that subject, submitted in writing a report of such investigation, and also reported, as a substitute for the bills referred to, a bill (H. R. 12291) to regulate immigration; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. If there be no objection, unanimous consent will

be given to the minority of the committee to present their views.

There was no objection.

Mr. TOWNSHEND. I ask that the report with the accompanying bill be printed in the RECORD.

Mr. RANDALL. Is the report very long?

Mr. FORD. About six pages in document form.

The SPEAKER. If there be no objection, the bill and report will be printed in the RECORD.

The following are the bill and report:

## A bill to regulate immigration.

Be it enacted, etc., That no alien shall be admitted into the United States of America who is an idiot, insane, a pauper, or liable to become a public charge, or who has been legally convicted of a felony, other infamous crime, or misdemeanor involving moral turpitude, or who is a polygamist, anarchist, or socialist, or who is afflicted with any loathsome or contagious disease, or who has en-

tered into contract, express or implied, onl or written, to perform labor or service for any person, firm, company, or corporation in the United States or doing business thesein, or who comes or undertakes to come on a prepaid ticket, or who receives the money with which to pay his passage, on a promise, understanding, or agreement to labor for any person, firm, company, or corporation within the United States, except as provided in the act "to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," approved February 25, 1885, nor shall any other alien laborers than those in said act excepted be admitted into the United States is labor for a limited time with the intention of returning: Provided, That this section shall not apply to prospect the states in violation of any of the provisions of this act or other laws of the United States in violation of any of the provisions of this act or other laws of the United States, or who shall bring, aid, or assist in bringing into the United States any alien, including idiots and lunatics, contrary to the provisions of this act, shall be guilty of a misdemeanor, and if prosecuted within two years thereafter shall, upon conviction, be fined for each person who comes, is brought, or assisted not exceeding \$1,000, and may be imprisoned or sentenced to hard labor for not more than three years, one or both, at the discretion of the court trying the case; and any alien who shall come into the United States in violation of law new be returned at all on company, whether by land or water, by whose line such person was brought into the United States, and if that can not be done, then at the expense of the United States.

SEC. 3. That no vessel which brings passengers to any of the ports of the United States from any foreign port shall transport at one voyage more than in the proportion of one passenger to every 5 registered tons of such vessel, not including

compensation from any such applicant or any other person for the services herein provided.

Sec. 6. That upon the arrival at any port of entry or other place within the United States of any citizens or subjects of any foreign government it shall be the duty of all commanders, officers, and agents of the particular vessel, railroad train, or other vehicle of transportation to report the name, number, nationality, and condition of every such passenger, before any of them are landed, to the collector of the port or his deputy, assistant, or agent having authority, who shall thereupon go or send a competent assistant or agent, or where inspectors of immigration have been appointed they shall go on board such vessel, car, or train, and there inspect all such passengers, examine and compare their certificates; or the collector of the port may order the temporary landing of such passengers until a thorough inspection is made, and the said inspectors or persons acting under the authority of the collector shall have power to administer oaths and to take and consider testimony touching the right of any of such passengers to come to or land in the United States, all of which shall be entered or record; that during such inspection after temporary landing the collector shall cause such foreign persons to be properly housed, fed, and cared for; and all decisions made by inspectors, agents, or persons authorized to inspect touching the right of any passenger to land shall be submitted to the collector for his approval, and his decision shall be final unless appeal be taken to the Secretary of the Treasury.

his decision shall be final unless appeal be taken to the Secretary of the Treasury.

Sec. 7. That the Secretary of the Treasury is hereby charged with the duty of supervising immigration to the United States and of regulating all matters pertaining ther-to, and for that purpose he shall have the power to make all needful contracts, employ assistants, and to do all acts necessary for the comfort, protection, and proper landing of immigrants, and to appoint inspectors wherever necessary, in no case to exceed three at one point, to be known as inspectors of immigration, to be subject to the control of the collector of customs and to receive an annual salary of not less than fifteen hundred nor more than four thousand dollars, in the discretion of said Secretary. And for the purpose of carrying out the provisions of this act said Secretary is hereby authorized, by and with the approval of the President, to use any property or reservation belonging to the United States. And said Secretary shall make an annual report to the President of his doings under this act.

Sec. 8. That the Secretary of the Treasury is authorized to establish such rules and regulations as he may deem proper for the landing of passengers and to protect them from imposition, and for executing the provisions of this act and all other laws upon the subject of immigration. These rules and regulations shall be furnished to vessels engaged in carrying passengers, to be posted in said vessels, for the information of such passengers.

Sec. 9. The circuit and district courts of the United States are hereby invested with full jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act, and no other law of the United States on the subject of immigration not in conflict is repealed by this act, and this act shall go into effect on the 1st day of July, 1889.

Mr. FORD, from the Select Committee on Investigation of Foreign Immigra-tion, etc., submitted the following report:

[To accompany bill H. R. 12291.1

The Select Committee to Inquire into the Importation of Contract Laborers, Convicts, Paupers, etc., having completed their investigation, respectfully report as follows:

The Select Committee to Inquire into the Importation of Contract Laborers, Convicts, Paupers, etc., having completed their investigation, respectfully report as follows:

PAIPERS, ETC.

The two principal acts regulating immigration are those of 1882 and 1885. By the terms of the act approved August 3, 1882, it is made unlawful for "any convict, lunatic, idiot, or any person unable to take care of himself or herself, without becoming a public charge," to land in the United States. The same act provides that there shall be a tax of 36 cents levied on every immigrant coming to the United States, and that the sum thus collected shall constitute a fund to be used to defray the expenses of regulating immigration. It is also provided that the Secretary of the Treasury shall be charged with the duty of executing the act, and it empowers him to contract with "such State commission, hoard, or officers as may be designated for that purpose by the governor of any State, and to provide for the support and relief of such immigrants herein landing as may fall into distress or need public aid." In pursuance of this clause of the act the Secretary of the Treasury has contracted with State boards who have charge of the local affairs of immigration at the principal Atlantic and Pacific scaports.

The committee have held sessions in New York, N. Y., Soston, Mass., Pittsburgh, Pa., and Detroit, Mich. A great many witnesses have been sworn and a large amount of testimony has been taken, which is submitted herowith.

The great majority of immigrants landing in the United States are received at the port of New York; therefore he investigation of the committee was more extended in that city than at any other place. The local affairs of immigration at the William of the State of New York, by virtue of a contract entered into with the Secretary of the Treasuration and the greater portion of them arrived between the months of April and September; and during this period the daily arrival of immigrants is exceedingly large, sometimes amount

branded name of the work-house of which they had recently been inmates in Ireland.

The investigation at Boston disclosed that a few years ago an organized effort was made by the officials of Great Britain and Ireland, through and by means of an association known as the "Tuke Society," to assist poor persons, paupers, etc., to immigrate to this country, by furnishing them with tickets for the necessary transportation, and that the number of such assisted immigrants who were landed in Boston between April 3, 1852, and July 8, 1888, was 4,922, a great many of whom subsequently became inmates of charitable institutions in this country. And by certain English statutes guardians of the poor are authorized to appropriate funds at their disposal for the purpose of exporting to other lands persons who have become public charges. That the English authorities have made liberal use of these laws is absolutely attested by the number of aliens who are inmates of charitable institutions in this country. In fact, the testimony upon the subject of pauper immigration conclusively shows that there are thousands of alien paupers, insane persons, and idiots annually landed in this country, who become a burden and a charge upon the States where they happen to gain a settlement, many of whom are aided and assisted to emigrate by the officials of the country from whence they came.

IMMIGRATION ALONG THE CANADIAN BORDER.

Along the border between Canada and the United States no inspection what-

IMMIGRATION ALONG THE CANADIAN BORDER.

Along the border between Canada and the United States no inspection whatever is made of immigrants, and alien paupers, insane persons, etc., may land at Quebec and at once proceed to this country without any let or hindrance. The number of persons not lawfully entitled to land in the United States who thus arrive in this country by way of the Canadian frontier is rapidly assuming large proportions, and has become a matter of serious contemplation. The testimony shows that in many instances immigrants coming by steamer to Quebec have within forty-eight hours after their arrival there been applicants for shelter in the almshouses of the State of New York. At many of the points along the border no account whatever is kept of the number of immigrants arriving, so that it would be a difficult matter to state with exactness the number arriving in the United States whose landing on this continent was first effected in Canada; but from information submitted to them the committee believe that for the six months ending July 30, 1888, there were about 50,000 such immigrants who arrived here by the way of Canada, many of whom, by reason of being paupers, idiots, and insane persons, were not lawfully entitled to land. The charitable institutions in the county of Wayne, Michigan, of which Detroit is the principal port, are filled to overflowing, and the county has now in process of erection an almshouse at a large expense.

Sigmond Simon, president of the board of county poor commissioners, testified before the committee that this state of affairs was owing entirely to the alien immigrants coming from Canada, whom the county is forced to take care of, and that were it not for the alien paupers who are supported by the county no increased facilities would be demanded.

CONVICTS.

It was also shown that many persons belonging to the criminal class have een sent to the United States by officials of the European Governments. In

Germany there exists an association whose object is the exportation of their incorrigible convicts and their vicious and lawless members of society. Quite a number of this class of persons have been assisted by this society to immigrate here, and they have succeeded in affecting a landing. According to the testimony, this practice has also been carried on by officials of Great Britain and of the Swiss Republic, and in this manner this country has been made the refuge for a great many criminals whose character was such that they were deemed to be irreclaimable; and therefore the officials of the governments from whence they came have purchased tickets for them, opened the prison doors, conducted them on board a steamer, and shipped them to the United States, some of them being sentas cabin passengers, in order thereby to render detection more difficult. And they have persisted in this course even after having been requested fluit. The result of the investigation into the enforcement of the law of 1882 demonstrates beyond a doubt that it has been and is being repeatedly violated, and to such an extent, in fact, that it has become a matter of grave concern and demands immediate remedial legislation.

#### CONTRACT LABORERS.

CONTRACT LABORERS.

By the act of February 26, 1885, it is made unlawful to prepay the transportation or in anywise assisted encourage the importation of aliens into the United States under a contract to perform labor or service of any kind, except skilled workmen in a new industry when such workmen can not be otherwise obtained. The Secretary of the Treasury is given the same power in this act as is conferred by the act of 182, to contract with such State commission or board as may be designated by the governor to examine passengers arriving at ports within such State, in reference to detecting violations of this law.

The enforcement of this act is not essily accomplished. Evasions of the law are much more numerous than convictions, for the reason that it is a difficult matter to prove in court a violation of it. The committee have discovered some cases of actual transgression of the act, but still the instances of failure to obey the letter of the law have been, comparatively speaking, few, yet the proof disclosed that the spirit of the law has been violated with impunity. A reference to the testimony will show that it is constantly evaded to a large extent, and also the manner in which it is done.

In the opinion of the committee the non-enforcement of these acts of 1882 and 1885 is not so much due to a want of diligence on the part of the officials having their administration in charge as it is to a lack of proper machinery to carry them into effect. The committee believe that the enforcement of all acts designed to regulate immigration should be intrusted to the Federal Government and not to the States. The regulation of immigration is a matter affecting the whole Union, and is pre-eminently a proper subject for Federal control.

#### CHINESE IMMIGRATION.

In view of the limited time at the disposal of the committee no effort has been made to investigate Chinese immigration.

#### IMMIGRATION GENERALLY.

The resolution under which the committee was appointed directs the investigation of alleged violations of our laws regulating immigration. In the outset it became apparent to the committee that this question was so interwoven with the general subject of immigration that it would be difficult to separate them; consequently the committee have taken considerable testimony upon the question of the class and character of immigrants arriving in the United States within the past six or eight years, and also the object and motive inducing them to come here.

It can not be gainsaid that immigration in the past has been an important factor in the growth and development of this Republic. The persons, generally speaking, who have sought homes in America have been largely composed of honest, industrious people, who, by reason of a wish to benefit their condition and being in sympathy with our form of government, have come among us and proved a most desirable addition to our population. They have gone into the great West and, by their industry, frugality, and thrift, have aided in turning the wilderness into prosperous and thriving States and Territories; and having become thoroughly imbued with the spirit and genius of our institutions, they have harmonized with our population and ripened into law-abiding and worthy citizens.

become thoroughly imbued with the spirit and genius of our institutions, they have harmonized with our population and ripened into law-abiding and worthy eitizens.

But can this be said of a large portion of the immigrants we are now receiving? The committee believe not. From the inquiry they have made they believe that the time has now come to draw the line, to select the good from the bad, and to sift the wheat from the chaft. To any person familiar with the results of the committee's investigation it must be apparent that this country can not properly assimilate the immigration now coming to our shores.

Take the class of persons known as anarchists, for instance. A few years ago they principally lived in Germany. The officials of that Empire determined to get rid of them. Their newspapers were suppressed; they were forbidden to hold meetings; they were prosecuted in different ways, until Germany became an unpleasant abiding place for them. They then immigrated to England in large numbers, but the officials there made is so uncomfortable for them that they came to the United States. Here they have proven a lawless, turbulent class, and the whole country is familiar with their recent acts of violence.

These disorderly persons do not come here to uphold and maintain our form of government. Their object and purpose is to destroy and tear it to pieces. They hold any law in contempt which does not meet with their individual approbation, and believe disobedience to it is perfectly justifiable. This class of persons, in the judgment of the committee, ought to be rigidly excluded from entering this country.

Generally speaking, the class of immigrants who have lately been imported and employed in the coal regions of this country are not such, in the opinion of the committee, as would make desirable inhabitants of the United States. They are of a very low order of intelligence. They do not come here with the intention of becoming citizens; their whole purpose being to accumulate by parsimonious, rigid, and unbeatthy

ber of immigrants who have thus been induced to come to the United States can not be exactly stated, but it amounts to many thousands.

A practice has prevailed among certain foreigners residing in this country of importing men for the purpose of contracting them to perform service chiefly in the construction of railroads. The principal is connected with numerous agents in Europe, who scour the country, picking up laborers. The agent pays the expense of bringing them to the United States, but takes an agreement from each one to repay to the principal, within a certain time, a sum usually more than twice as large as the actual cost of the transportation. Upon their arrival they are entirely under the control of the principal, and are subject to many impositions and frauds at his hands, and in some instances are kept in almost a state of slavery. They come here with no intention of becoming citizens, but merely for the purpose of accumulating a small sum of money, with which to return to their homes. If sickness or distress overtakes them in this country, they become public charges. Many thousands have been brought here in this manner.

manner.

Along the frontier bordering upon Canada it is the practice for aliens to perform labor in the United States, coming over in the morning and returning to Canada in the evening. At Detroit, in the State of Michigan, it was ascertained that a great many aliens are so employed, notably in the building trades. The testimony shows that about eight hundred carpenters and joiners, subjects of Great Britain, perform labor in that city, and that about the same number of American citizens of that occupation are lying idle because they can not obtain employment.

employment.

The committee will not particularize further, but ask that the testimony be carefully perused. Certainly the effect of the present unrestricted system of immigration as applicable to the conditions under consideration upon the industrial situation of this country has been very bad, and the committee believe that the time has come when immigration should be more effectively regulated; that persons who immigrate to the United States should at least be composed of those who in good faith desire to become its citizens and are worthy to be such.

#### REPORTS OF CONSULS.

Soon after the appointment of the committee certain inquiries were propounded and submitted through the Department of State to our ministers and consuls in Europe. The replies to these inquires will be printed in a separate document. Attention is called to these reports. They corroborate the views of the committee as gleaned from the investigation in the United States, and show added reasons why immigration should be further regulated.

The committee report back H.R. 11633 with an amendment striking out all after the enacting clause and substituting the bill reported herewith. The committee believe that if the substitute bill should become a law it would effectually remedy the evils with which this subject is now surrounded; and therefore recommend that the substitute bill do pass. The committee report back H.R. 11685 and recommend that it do lie upon the table.

Mr. FORD. I move that the two bills just reported back, and for which the committee has reported a substitute, be laid on the table. There being no objection, bills of the following titles were laid on the

A bill (H. R. 11633) to regulate immigration; and A bill (H. R. 11685) to amend chapter 184 of the laws of 1885, en-titled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," as the same was

amended by chapter 22 of the laws of 1887, approved February 23, 1887.

Mr. GUENTHER. Mr. Speaker, has consent been given to the mi-Mr. GUENTHER. Mr. Speaker, has consent been given to the mority to file its report later?

The SPEAKER. That consent has been given.

Mr. GUENTHER. And also to be printed in the RECORD?

The SPEAKER. The Chair thinks that request had better be made

when the report is presented. The report of the committee will be printed in the RECORD to-morrow morning, but the views of the minority may not be ready for submission.

Mr. GUENTHER. Then I would ask unanimous consent now that

when the views of the minority are prepared they may have leave to print them in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection, and it was so ordered.

The report is as follows:

Mr. SPINOLA, from the Special Committee on Immigration, submitted the fol-

Mr. Spinola, from the Special Committee on Immigration, submitted the following report:

That he disagrees with the report of the majority of the committee both in regard to the report of the committee and the bill reported for the consideration of the House.

The undersigned is opposed to a head-money tax of more than \$1 for each immigrant, believing this sum sufficient to meet all the required expenses necessary to conduct the Department of Immigration.

The undersigned also disagrees with the majority of the committee in regard to any change of existing law limiting the number of passengers to each 100 tons of the vessel conveying the immigrant, as the safeguards of the present law are sufficient protection to the immigrant, and therefore require no change. The undersigned is of the opinion that the committee was only charged with the duty of making a thorough and full investigation, and to report a bill to effectually protect the country from a flood of paupers, lunatics, idiots, and cripples entirely incapable of self-support, thereby becoming a charge upon the country, adding greatly to the burthens of the people.

Another subject of investigation requiring consideration by the committee was not only to check but to prevent the influx of criminals into this country, as well as to thoroughly wipe out the unjust and injurious system of the importation of laborers and mechanics under contracts made abroad at a very much less rate of compensation than the wages paid in this country, to the great injury of our own mechanics and workingmen. So far as the report and bill of the majority of the committee deal with the three propositions last above referred to, the undersigned is prepared to go any length in advocacy of the passage of a proper measure to furnish absolute protection, in order to shutout paupers, lunatics, idiots, cripples, and thieved, as 'well as all other evil-doers, who come here to practice their wickedness and fill our poor-houses and prisons.

I am unqualifiedly opposed to the passage of any

I am unqualifiedly opposed to the passage of any law that will in any way check or stop the influx of honest immigration, believing that our happy and prosperous country will in the future as in the past continue to receive with open arms every honest, industrious man who may seek a home among us for

the purpose of improving and benefiting his condition in life, whether such comer may be worth one dollar or one million of dollars.

All of which is respectfully submitted.

F. B. SPINOLA.

The request of Mr. RANDALL that committees should have leave to file reports at the desk was agreed to.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

ALLEY IN DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 11099) to close, condemn, and sell part of the alley in square 288; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JURY LAW IN THE DISTRICT OF COLUMBIA.

Mr. ATKINSON, from the Committee on the District of Columbia, reported back the bill (H. R. 11587) to amend sections 851, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia; which was referred to the House Calendar, Mr. ATKINSON also, from the Committee on the District of Colum-

bia, reported, in the nature of a substitute for the foregoing, a bill (H. R. 12291) to amend certain sections of the Revised Statutes relating to the jury law in the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with accompanying report, ordered to be printed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the purpose of considering appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole,

Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The CHAIRMAN. The Clerk will also report the provision of the bill against which the point of order made by the gentleman from Illi-

nois is pending.

The Clerk read as follows:

Torpedoes for harbor defense: For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal scaports; for needful casements and cable galleries to render it possible to operate submarine mines; for continuing torpedo experiments, and for practical instruction of engineer troops in the details of the service, \$330,000.

Mr. SAYERS. As this matter has been discussed, if no other gentleman desires to speak on the point of order I will ask a decision of the Chair.

Mr. ADAMS. Permit me to occupy a few moments. If the Chair is disposed to sustain the point of order I ask to call the attention of the Chair to the language of line 12 on page 1, and line 1 on page 2, which provides:

For needful casements and cable galleries to render it possible to operate sub-marine mines.

I simply ask the attention of the Chair to this provision, because even if the point of order should be sustained as a whole, it can not be sustained as to these two lines, the argument being as to the rest of it that a torpedo was a weapon, but this is not a weapon but a fortification or a part of a fortification, where the guns can be used or dis-

charged, or properly managed.

Mr. CUTCHEON. As I understand, Mr. Chairman, the gentleman from Texas does not wish to proceed. In the confusion prevailing I

could not hear his statement.

Mr. SAYERS. As the gentleman from Michigan and the gentleman from Illinois have already spoken upon the point of order, I suggested that if no further discussion be desired I would have nothing additional to say, but would ask a decision of the Chair.

Mr. CUTCHEON. I should be glad to be heard for a few moments longer.

The CHAIRMAN. The Chair will recognize the gentleman from Michigan.

Mr. CUTCHEON. Whenever the Chair is ready to give attention

I will proceed.

The CHAIRMAN. Whenever the gentleman proceeds the Chair will

give attention. Mr. CUTCHEON. The question to which I desire particularly now to call the attention of the Chair is the limitation of the jurisdiction of the Committee on Appropriations as relating to fortifications. As I remarked to the Chair when this question was last before the House, the question of the jurisdiction of all matters of public defense and of the military establishment is confided to the Military Committee. I also stated that out of that general jurisdiction there was a lesser jurisdiction carved which is confided to the Committee on Appropriations,

and that lesser jurisdiction is conferred simply by the words used in the rule, "for torpedoes."

On a former day I submitted some observations in regard to the limitations on the words "for fortifications." Now I desire to call the attention of the Chair to the entitling of the bill submitted by the gentleman from Texas [Mr. SAYERS]. It is a bill—

Making appropriations for fortifications and other works of defense, for the mament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes

And he proposes to bring all of that caption, with all that it embraces, in under the two words "for fortifications."

Now I turn to the Book of Estimates. It will be remembered that this bill is based upon the estimates for public works, which are to be found on page 170 of the Book of Estimates. I submit, sir, that "other works of defense" are not necessarily fortifications. The point I attempted to make the other day is this, and I think it is an irrefragable position in law, that where a general jurisdiction is conferred upon one tribunal or upon one body, and out of that jurisdiction a lesser jurisdiction is carved, the words defining the lesser jurisdiction must be strictly construed.

I repeat that position to-day. I claim that the Committee on Appropriations must confine itself in the preparation of its bill to works of fortifications, and that they are not at liberty under the jurisdiction conferred upon them by the rule, without any reference whatever to the order made by the House itself—that they are not at liberty to bring in a bill for other works of defense, like torpedoes, for instance, for the armament of fortifications, for the procurement of heavy ordnance for trial and service, etc. Even if after the order made by the House upon the resolution passed by the House reported from the Committee on ways and Means, the Committee on Appropriations should, under the general term "fortifications," have had jurisdiction of this matter, under this resolution which provides that "so much of the annual message of the President of the United States to Congress at the present session as relates to the Army of the United States, including the appropriations therefor, and to providing an armament for defense on the seacoast be referred to the Committee on Military Affairs," it is absolutely impossible for that committee to take jurisdiction of this subject, because the whole matter of seacoast defenses on this defense on the mere questions. cause the whole matter of seacoast defenses outside of the mere question of the establishment of fortifications is confided to the Military Committee.

The terms used in this bill, "torpedoes for harbor defense, for the purchase of submarine mines and necessary appliances to operate them, for closing the channels leading to our principal seaports, for needful casements," I suppose it means casemates, "and cable galleries to render it possible to operate submarine lines," etc., do not come under the head of fortifications in any proper acceptation of the word, but are a part of the military establishment, a part of the defense of the seacoast, and have been by the rules, as well as the late order of the House, confided to the Committee on Military Affairs.

I understand that this House has in no way committed this matter to the Committee on Appropriations. They must take it under their general jurisdiction or under a special order of this House, or they can not take it at all.

Now, the gentlemen upon the other side, the Appropriations Committee, the other day in discussing this matter referred to the fact that a like order was in existence in the Forty-ninth Congress; that at the first session of that Congress, notwithstanding that order, the Appropriations Committee did bring in a bill somewhat similar to the present bill, and the House entertained it.

Mr. Chairman, if you will examine the RECORD of the Forty-ninth Congress, as I think you have no doubt done, because I believe you participated in that debate, no point of order was ever made upon the bill; no question was ever raised in regard to it in the first session of the Forty-ninth Congress. In the second session of the Forty-ninth Congress no fortification bill was brought in, and no fortification bill became a law at either session of the Forty-ninth Congress. Now, in the absence of a point of order ever having been made, the other side can take nothing from the simple absence of a point of order being made. There was no decision of the Chair whatever.

Mr. BUTTERWORTH. Will my friend permit me to ask him a a question?

Mr. CUTCHEON. Certainly.

Mr. BUTTERWORTH. Does not the uniform practice of the House operate as a construction of the rules—
Mr. CUTCHEON. I will come to that directly.

Mr. BUTTERWORTH. And the gentleman will admit that the bill, as reported by the Committee on Appropriations, conforms to uni-

form practice?

Mr. CUTCHEON. My distinguished friend from Ohio asks if the uniform practice of the House does not settle the jurisdiction of the committee in this matter. I noticed this in reply to the gentleman from Texas when he raised that point here, and said that for more than fifty years similar appropriation bills for fortifications had been brought in, and that in the Forty-ninth Congress the Committee on Appropriations had unquestioned jurisdiction of this entire bill.

Mr. BUTTERWORTH. But when the Committee on Appropriations

had jurisdiction of both bills the line was as sharply drawn in defining

the jurisdiction of each bill as it is now.

Mr. SAYERS. The gentleman says that there was no question made in the Forty-ninth Congress. Now, so that he may answer, I desire to call his attention to the proceedings of the House as they appear in volume 85, page 1546, of the RECORD, when a bill was introduced to encourage the manufacture of steel for modern ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern warfare, and for other purposes, and the question was raised in the House as to which committee this bill should be referred. The Speaker decided that it should go to the Committee on Appropriations.

Mr. CUTCHEON. That was the naval bill, as I understand the

Mr. SAYERS. I think that the gentleman himself took part in the debate upon the proposition to refer it to the Committee on Appropriations, and insisted that it should go to the Committee on Military Affairs.

Mr. CUTCHEON. That was in the first session of this Congress. Mr. SAYERS. It was in the second session of the Forty-ninth Con-

Mr. CUTCHEON. I think the gentleman will find that it was in the Fiftieth Congress.

Mr. SAYERS. It was on the 9th day of February, 1887.
Mr. CUTCHEON. I have no recollection of anything of the kind. Mr. SAYERS. I will send the book to the gentleman so that he may

refresh his memory.

Mr. CUTCHEON. I do not desire unnecessarily to prolong this debate. I desire to state my position, and leave it to the Chair. Support of order was made in the Fortypose that I am correct that no point of order was made in the Fortyninth Congress against the Committee on Appropriations having jurisdiction of this so-called fortification bill. In the Fiftieth Congress, at the first session, there was but one subject embraced in the President's message, and therefore there was no apportionment of the subject of fortifications to any committee, and no resolution was passed or order made. Therefore, in the first session of the Congress that ques-

tion rested solely upon the rule, without reference to any resolution.

Mr. TOWNSHEND. Will my friend allow me to call his attention to the fact that the Committee on Appropriations did not take jurisdiction of this appropriation in the Forty-ninth Congress. There was no fortification bill in that Congress.

Mr. CUTCHEON. The Committee on Military Affairs in the Fortyninth Congress, at the second session, did take jurisdiction of the entire subject of armament. It also reported a bill from that committee unanimously for armament, through General Bragg, its chairman, and

was put by him on the Calendar, but was never reached for action.

Mr. SAYERS. Will the gentleman allow me, as he seems to have forgotten what transpired in the early part of the second session of the Forty-ninth Congress, to have read the RECORD of the 9th day of February, 1887, in reference to the fortification bill which came over from

The Clerk read as follows:

The Speaker also laid before the House the bill (S.662) to encourage the manufacture of steel for modern army ordnance, armor and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for

other purposes.

Mr. McAddoo, Mr. Speaker, I make the same point of order with reference to this bill that the gentleman from Michigan made with regard to the preceding bill, that under clause 2 of the eleventh rule, which provides that all proposed legislation relating to the military establishment and public defense, including the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs, this bill should be so re-

ing the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs, this bill should be so referred.

Mr. Reed. I ask that the bill be read for the information of the House,
The bill was read at length.

Mr. Reed. I make the same parliamentary inquiry as to this bill that was made with reference to the other—that is to say, if it goes to the Committee on Appropriations will that committee be at liberty to report at any time?

The Speaker. The Chair will state that so much of this bill as relates to the procurement of ordnance, guns, has usually, the Chair thinks, been included in the sundry civil appropriation bill when any appropriation was made for that purpose at all, and the remainder of the bill, providing armor for fortifications, is a subject over which the Committee on Appropriations has jurisdiction by the express terms of the rule of the House. The Chair thinks, therefore, this bill properly belongs to the Committee on Appropriations.

Mr. Reed. And they can report at any time for consideration?

The Speaker. The Chair has already stated its opinion upon a bill on a somewhat similar subject; but the Chair has also stated that if convinced hereafter, upon a re-examination, that the ruling was incorrect, the Chair will not hesitate to retract it and correct the reference.

Mr. Reed. A parlimentary inquiry. Will the Chair inform the House to what committee it can be referred, so that it can be immediately acted upon in committee and presented for consideration to the House?

The Speaker. The Chair thinks it should be referred to the Committee on Appropriations under the rules of the House.

Mr. Reed. The Chair thinks it should be referred to the Committee on Appropriations under the rules of the House.

Mr. Reed. The Chair thinks its should be referred to the Committee on Appropriations under the rules of the House.

Mr. Reed. The Chair has already stated that in his opinion the bill will go to the Committee on Appropriations.

Mr. Selexer.

Mr. SAYERS. I will state for the information of the gentleman that the Speaker has never withdrawn or modified the opinion which he gave in reference to the bill which was referred by him to the Committee on Appropriations.

Mr. CUTCHEON. The reading of that extract from the RECORD

brings distinctly to my mind the occurrences of that day. Two bills known as the twin bills for the procurement of steel forgings for heavy ordnance came over from the Senate. The first related to army forgings. Upon that I made the point of order that the bill should go to the Committee on Military Affairs under their general jurisdiction with reference to matters of public defense, the matter not being one pertaining to fortifications. Upon the request of the gentleman from Maine [Mr. Reed] I withdrew the point of order for this reason: that the subject not being a part of a general appropriation bill, the Military Committee would have no privilege to report a bill and have it considered at any particular time, while the Committee on Appropriations would have that privilege upon their bill. Therefore the point of order was withdrawn. It was, however, renewed by the gentleman from New Jersey [Mr. McADOO]; and the colloquy which has been read between the Chair and the gentleman from Maine then took place.

Mr. SAYERS. Does the gentleman state that he withdrew the point

of order?

Mr. CUTCHEON. I think I withdrew the point of order; that is my

recollection; I have not looked into the matter recently.

Mr. SAYERS. There is a ruling by the Speaker upon the point. Mr. SAYERS. There is a ruling by the Speaker upon the point.
Mr. CUTCHEON. That was upon the Navy bill, the point having
been made by the gentleman from New Jersey [Mr. McADoo] after my
point had been withdrawn. But that question is not material.
Mr. RANDALL. It was the same point.
Mr. BUTTERWORTH. The same point precisely.

Mr. SAYERS. Lat me correct the gentleman from Michigan [Mr.

Mr. SAYERS. Let me correct the gentleman from Michigan [Mr. CUTCHEON]. It was upon the Army bill, or the "Hawley bill," as it was called, that this decision just read was made, and the point was raised by the gentleman from New Jawas [Mr. McAngel]

Mr. CUTCHEON. The proposition I stated was that no point was made upon the fortification bill brought in by the House committee in the first session of the Forty-ninth Congress. I had forgotten about these two Senate bills. I now, of course, remember the ruling of the

Chair in that instance.

But it will be observed that at that time the order of the House read the other day by the gentleman from Tennessee [Mr. McMillin] conferring this jurisdiction on the Committee on Military Affairs was not referred to. In fact, I may say that at the time its existence was not known to me; and the then chairman of the Military Committee, Mr. Bragg, did not take part, I believe, in that debate.

Now, the question may be asked, if we take away from the Committee on Appropriations or its subcommittee on fortifications this jurisdiction, what jurisdiction will remain to them? If we look into the Book of Estimates we shall see very plainly what jurisdiction will remain. The first item under the head of "Fortifications and other

works of defense" is the following:

Gun and mortar batteries: For construction of gun and mortar batteries for defense of our chief seaports: For Portland Harbor, \$290,000; Boston Harbor, \$290,000; Narragansett Bay, \$220,000; New York, \$690,000; Philadelphia, \$210,000; Baltimore, 380,000; Washington, D. C., \$30,000; Hampton Roads, \$250,000; New Orleans, \$210,000; San Francisco, \$460,000.

Mr. RYAN. The gentleman will allow me this remark. The estimates to which he has just called attention are for works to be com-menced at some time when ordnance shall be ready to be placed upon them; but for the last twenty-five years what would have remained in the fortification bill under the gentleman's interpretation of the rules

as changed?

Mr. CUTCHEON. That is not very material, because at the time the rule was changed there was jurisdiction committed to that subcommittee of the Committee on Appropriations in regard to fortifications proper. In the Forty-eighth Congress we had authorized the appointment of a committee on seacoast defenses and other works of defense, and they had made a report recommending the expenditure of \$126,-000,000 for fortifications and their armament. That matter was, by the reference of the President's message, committed undoubtedly to the Committee on Appropriations.

Mr. RYAN. That was for guns and their manufacture; but accord-

ing to the gentleman's interpretation of the rule there would be left nothing whatever in the fortification bill except the little appropriation of \$100,000, or some such matter, for the annual repairs of fortifications.

Mr. CUTCHEON. But the gentleman can not make any such complaint at the present time. Here is an item of \$2,840,000 for the construction of fortifications, which the committee has utterly ignored in the face of the report of the Secretary of War and in the face of the report of the Board upon Fortifications and other Works of Defense. They have simply taken up a little item here for repairs of fortifications, the second item, recommending an expenditure of \$200,000, and even this they have cut down to \$100,000.

Mr. RANDALL. I admire the intellectual adroitness of the gentleman; but I submit that is not the issue. I am afraid he wants to

arouse prejudice on this subject.

Mr. CUTCHEON. Not at all. I want to discuss this matter fairly. Congress has committed to the subcommittee on fortifications of the Committee on Appropriations one of the most momentous questions of this generation, the fortification of our seaports, the determination of the question where forts shall be built, and what shall be their character; and it has committed, under the rules and by the order of the

House, to the Committee on Military Affairs, a committee created for the express purpose of considering military matters, the proper arma-ment of those works. And your Secretary of War and Secretary of the Treasury have sent to you at this very session an estimate for works of fortification proper, calling for the expenditure of more than \$3,000,000 in the construction of new works and the repairs of old works. Yet you utterly ignore that jurisdiction except to report an appropriation for repairs amounting to \$100,000; and then you come here and ask this House to give you jurisdiction of a matter which the House, by its order, has taken away from you.

Mr. RYAN. I wish to say to my friend from Michigan that he

ought not to make a false impression upon the House.

Mr. CUTCHEON. I do not intend to. Mr. RANDALL. I ask the gentleman whether the Military Committee have not taken the recommendations of the Committee on Appropriations; whether they have not taken them up entirely as they are recommended in this bill, and whether they do not still seek to

place them on the Army bill in amount as well as in items?

Mr. CUTCHEON. The Military Committee, in obedience to the order of the House, has taken jurisdiction of the question of armament of coast defense. They have placed in the draught reported to the full committee appropriation for works of armament, the subject committed to us, although the bill is not yet reported to this House; but I have no doubt when the Army appropriation bill is reported to the House there will be appropriation made therein for armament.

Mr. RANDALL. Has it not been confined to items and amounts as represented in this fortification bill which comes from the Committee on Appropriations? That being so, then why attempt to arouse a sentiment against the Committee on Appropriations because they have not given a larger sum than you believe the Committee on Military Affairs will give?

Mr. CUTCHEON. My distinguished friend from Pennsylvania, for

whom I have a most profound respect, misapprehends me.

Mr. RANDALL. I do not misapprehend you.

Mr. CUTCHEON. We do not seek to take from you your jurisdiction over fortifications proper. We only take that which the House has ordered us to take, and that is to provide appropriations for the construction of arms, whether small or heavy arms. The House has committed to us the entire subject of armament and seacoast defenses. Of course we have the arming of the three branches of the military service,

the artillery, the cavalry, and the infantry.

Mr. BUTTERWORTH. I understand the gentleman from Michigan to contend that the Committee on Military Affairs gets jurisdiction of this matter by reference of a portion of the President's message to that

Mr. CUTCHEON. Certainly. Mr. BUTTERWORTH. You do not oust a general jurisdiction by a special reference. The other day the revenue bill, referred to the Committee on Appropriations by a vote of the House, by no means ousts the jurisdiction of the Committee on Ways and Means under the rules of the House. General jurisdiction is not ousted by special ac-I do not think the gentleman will claim it is usual to do any such thing. If a certain particular matter is referred to a committee, how does that oust the general jurisdiction of another committee under a standing rule of the House's

Mr. CUTCHEON. My friend from Ohio is too astute a lawyer to

make such an argument as that.

Mr. BUTTERWORTH. The astuteness will be found in giving a

successful answer to it.

Mr. CUTCHEON. I will give you a successful answer. The other day we committed to the Committee on Appropriations a single bill. Of course that does not take away from the Committee on Ways and Means the general jurisdiction of the subject of revenue. But in this case the House has committed to the Committee on Military Affairs universal jurisdiction of matters of public defense, except the single subject of fortifications. It has committed to the Committee on Military Affairs the entire jurisdiction of the subject of armament and seacoast defense

Mr. RANDALL. Will my friend say—
Mr. CUTCHEON. It leaves you nothing.
Mr. BUTTERWORTH. Will my friend say, for one moment, he understood it to be the purpose of this House by the special reference to abrogate or rescind one of its standing rules? He will not say so.

Mr. CUTCHEON. No, sir. Mr. BUTTERWORTH. In order to rescind or totally abrogate the standing rule of the House conferring general jurisdiction it must be done in a different way from that suggested by the special rule relied upon by my friend.

Mr. CUTCHEON. But I do understand this, that when the House made this order confiding to the Military Committee, in the language of the resolution reported from the Committee on Ways and Means—

So much of the annual message of the President of the United States to Congress at the present session as relates to the Army of the United States, including appropriations therefor, and to providing an armament for defense on the

that it did oust your committee from all jurisdiction of armament

for seacoast defenses. You were left the jurisdiction of the construction of the seacoast defenses, but the armament of the defenses was taken away from you and conferred upon the Military Committee.

Mr. BUTTERWORTH. I have too much respect for the intelligence

of my friend from Michigan to believe that he supposes for a moment that the House intended to oust the conceded jurisdiction of any committee by any such reference as that. If any man on this floor so understood it, or if he asked for that reference for the purpose of ousting the jurisdiction of any committee, or for the purpose of abrogating a rule of the House in force for twenty-five years, the House did not know it, its attention not being called to the matter that any such jurisdiction was being conferred, for everybody knows that we do not rescind or abrogate our rules in that way, but that we do it after careful consideration. Nor do we oust a standing committee of the jurisdic-tion which it has exercised for twenty-five years under the established rules of the House by a pro forma reference made as in the case of the President's message. Very far from it, and my friend, I think, will President's message. not so insist

Mr. CUTCHEON. As the gentleman from Ohio has now finished

his remarks

Mr. BUTTERWORTH. Oh, no; I will make another speech in a few

minutes.

inutes. [Laughter.]
Mr. CUTCHEON. I will say in response to him that the Committee on Appropriations and its subcommittee on fortifications must get jurisdiction from one of three sources, either from the rules of the House as interpreted by the House itself, or it must get it by the reference of that portion of the President's message, or by the reference of a separate bill or resolution. Now, the House interpreted its own rules by referring to the Military Committee the armament of seacoast defenses. You can not have it, then, in the Committee on Appropriations by any interpretation of the rules of the House given to them by the House itself; you do not get your jurisdiction by the reference of any bill or resolution, and you do not get it at all, because you have not got it.

Mr. BUTTERWORTH. Now let me ask my friend, in real good

Mr. CUTCHEON. Oh, yes; we are all good-natured. Mr. BUTTERWORTH. Certainly, we are all lovable in our dis-[Laughter.] position and nature.

Mr. CUTCHEON. And there is nobody whom I love better than

my friend from Ohio.

Mr. BUTTERWORTH. Certainly; but I want to ask my friend from Michigan if on the occasion to which he refers the attention of the House was called to the fact that we were vacating or rescinding a rule or order of the House of long standing? Did the gentleman

Mr. CUTCHEON. When this reference was made?

Mr. BUTTERWORTH. Yes.

Mr. CUTCHEON. What has that got to do with it? The gentleman is trying to beg the question.

Mr. BUTTERWORTH. Oh, no; I am only trying to get a candid

answer from you. Mr. CUTCHEON. You are assuming that it was a rescinding or

abrogation of the rule to make that reference; while, on the contrary, I hold that it was a reaffirmation of a rule of long standing.

Mr. BUTTERWORTH. My friend will not find any comfort for himself in that position. Under the settled practice of the House—and this I take it for granted the gentleman will not deny—the items under consideration have uniformly gone to the Committee on Appropria-tions. Now, the gentleman speaks of the reaffirmation of a rule. I have referred to the settled practice which confessedly has been to refer the items covered by this clause to the Appropriation Committee. Now, that being the well-settled practice, if the reference of a clause in the President's message ousts completely the jurisdiction of the Appropriation Committee, does it not result that that proforma reference rescinds and abrogates utterly one of the standing rules of this body. And I ask if the gentleman from Michigan or any one else called attention to the fact that such a result was proposed or attained? And, in view of what is admitted, will my friend still claim that the standing rule is rescinded by the reference mentioned?

Mr. CUTCHEON. But the rules were changed in the last Congress.

We do not operate under that old rule.

Mr. BUTTERWORTH. Oh, that is not the point.
Mr. CUTCHEON. But we are operating under a new system, and the question of order is for the first time presented here now.

Mr. BUTTERWORTH. Oh, no.

Mr. CUTCHEON. I ask my friend, in all candor, this question: I find under another provision of this bill, for I have not yet examined siege guns. Now, I want to ask my friend, I say, in all candor, if he proposes to take jurisdiction of the armament of the field batteries under the head of fortifications?

Mr. BUTTERWORTH. Oh, my friend, we will discuss that ques-

tion when we reach it.

Mr. CUTCHEON. I apprehend that the gentleman is scarcely likely to discuss that question now or at any other time.

Mr. BUTTERWORTH. Oh, yes. I am very glad to meet the gen-

tleman in discussion of this point. I will call his attention to the fact that these guns, to which reference is made, are used in the fortifications of the country.

Mr. CUTCHEON. And I call the attention of the gentleman from Ohio to the fact that he does not know of the 3.2-inch guns being used in any fortification in this country, except it be in field works

Mr. BUTTERWORTH. I hope my friend will confine himself to one point at a time. He is skipping all around and exhibiting such dexterity in his movements that I can scarcely follow him.

Mr. CUTCHEON. I am only trying to follow you.

Mr. BUTTERWORTH. And I hope the gentleman will stick to the real point at issue until it is disposed of.

Mr. CUTCHEON. If the gentleman from Ohio wants to state his position correctly upon this question, because if I have not stated it for

position correctly upon this question, because if I have not stated it for him I have misunderstood him, I am perfectly willing to yield.

Mr. BUTTERWORTH. If the gentleman will yield I will state

the proposition in full.

Mr. CUTCHEON. I will yield for that purpose.

Mr. BUTTERWORTH. I will state the position as I understand it, and my friend can correct me if I am wrong. When the President's message was reported to the House the usual order of reference was made, and in that reference a certain part of the message alleged to cover the items in question was referred to the Military Committee. Upon a careful scrutiny of the language contained in the order of reference my friend finds that it gives to the Committee on Military Affairs jurisdiction of matters which for twenty-five years before, in the practice of the House, belonged to the Committee on Appropriations. Now, I say that if that be the gentleman's understanding, and he is correct in that understanding, the attention of the House was not called to the matter; nor did the House by the pro forma reference intend to do any such thing. The gentleman himself, if he knew that to be the purpose or result, did not call the attention of the House to it.

There was no proposition, therefore, to vacate or rescind a standing rule of the House. Nobody's attention was specially challenged to the matter, and now, when in the exercise of the recognized jurisdiction of the Appropriations Committee, it offers a bill making appropriation for the items now under consideration, my friend claims that by that reference—inadvertence, if you please, to which nobody's attention was called—of a part of the President's message, the rule of the House was rescinded, was abrogated, was wiped out. I submit to him in view of these facts that he will not adhere to his position that this House intended to do any such thing as he suggests, or that this body consciously ousted any committee from its rightful jurisdiction, a jurisdiction conferred by its rules as construed by uniform practice for years, and conferred it upon another committee.

As my friend sitting near me here suggests, the most that can be claimed is that temporarily the committees may have concurrent jurisdiction of the same subject-matter; but I hold that it would require a great deal of misdirected energy and courage to say that the House in that reference deliberately and knowingly abrogated one of its rules and ousted the settled jurisdiction of one committee and conferred that jurisdic-

tion upon the other.

Now, if my friend says that this was done consciously, I would like him to say so plainly; otherwise, if it was not done consciously, I think he will not insist that it was done at all. I do not believe that the House so intended, and to insist upon it is to practice an imposition upon the House. If for any reason the subject-matter should be taken from the jurisdiction of the Appropriations Committee and conferred upon the Military Committee, let it be done by an appeal to the House, so action may be taken with a full knowledge of what is proposed, to wit, that we are abrogating, rescinding, or changing one of its standing rules

Mr. CUTCHEON. If the gentleman is through I will resume the floor.

Mr. BUTTERWORTH. It was not my desire to interrupt my friend

except with his permission.

Mr. CUTCHEON. I regret, Mr. Chairman, that I have spoken with so poor effect as to leave upon the mind of the gentleman from Ohio the impression that I supposed in the making of the special order on the recommendation of the Ways and Means Committee, the House was abrogating a fixed and settled rule. On the contrary, I have said, and said repeatedly, that the House was simply reaffirming a construc-tion of a permanent rule which conferred upon the Military Committee jurisdiction of matters pertaining to the public defense, such as are embodied in the provisions of the bill under consideration.

Mr. BUTTERWORTH. Will my friend insist that the House understood that it was construing a rule or affirming a construction here-tofore given to a rule by conferring upon the Military Committee jurisdiction of any such matter? Will he insist that the House was

consciously construing a rule in that reference?

Mr. CUTCHEON. I am one of the best-natured men in the world.
Mr. BUTTERWORTH. I know that.
Mr. CUTCHEON. And I have given away fully one-half of my time.
Mr. SAYERS. Will you answer a good-natured question?

Mr. CUTCHEON. Certainly.

Mr. SAYERS. How soon will we get through this discussion?

Mr. CUTCHEON. In about two minutes. I realize that this has gone far enough. I remember the fact that the present presiding offi-cer took part in this debate. I know, of course, what the opinion of the gentleman was—the chairman at that time—with reference to this special order of the House. I now insist, Mr. Chairman, that the whole status of the case is changed since then. In the face of the standing rule of the House we have taken the President's message and we have referred it to the Committee on Ways and Means, the leading committee of this House the mittee of this House, the committee which has the premiership of the

Having in view the discussion of the law, rules, and practice of the House in the last session as to where these matters of armament and fortification go, they have deliberately reported to this House that it should go to the Committee on Military Affairs. The House has confirmed that. The Committee on Military Affairs has taken jurisdiction and prepared a bill, and I insist that that jurisdiction shall not be taken away upon a point of order by the chairman. The House may do it if it sees fit for sufficient reason; but I submit, may it please the Chairman, that it does not rest upon the Chairman of this committee upon a point of order to say that this jurisdiction has not been conferred upon this question.

Mr. RYAN. If the gentleman will permit me, I would like to ask

him a question before he takes his seat.

Mr. CUTCHEON. Certainly.

Mr. RYAN. A few days ago this House referred to the Committee on Appropriations a bill removing the tax from tobacco. Does the gentleman maintain that the House by that action took away jurisdic-tion on that subject from the Committee on Ways and Means?

Mr. CUTCHEON. Oh, no; not for a moment, except as to that special bill. But there is no parallel between this case and that.

Mr. RYAN. I think there is.

Mr. CUTCHEON. That was a special bill.

Mr. SAYERS. Mr. Chairman, I ask a ruling on the point of order.

Mr. TOWNSHEND. I hope the gentleman will not cut off discussion of this question. It is a question to be regulated not by a member of the House, but it is a question for the Chair to determine whether he wants the discussion to continue or not. whether he wants the discussion to continue or not. Mr. SAYERS. How much time do you want?

Mr. TOWNSHEND. I do not know.

Mr. Chairman, there seems to be a misapprehension in the mind of the gentleman from Pennsylvania [Mr. RANDALL] as to the decision of the gentleman from Illinois [Mr. SPRINGER] who was in the chair at the last session when a similar point was made upon the Senate amendments to the Army appropriation bill. One of the controlling reasons that induced the Chair to hold that the Committee on Appropriations had jurisdiction over appropriations of this kind was that the estimates having been referred to the Committee on Appropriations, he held— Mr. BUTTERWORTH. There was no resolution of reference to any

committee last session, was there?

Mr. TOWNSHEND. There was no resolution of reference last session. Mr. Chairman, for the reason that the President's message was devoted to one subject. That message did not discuss anything pertaining to the military establishment or to any of the various Departments of the Government; and therefore at that time we had no such ground to stand upon as we have to-day. The Committee on Ways and Means did not distribute the message at the last session as it related solely to the subject of revenue. There was nothing in it a year ago which related to fortifications. We come to-day standing upon a different ground from that upon which we stood when the gentleman from Illinois passed upon the question last session. I call attention to the fact that jurisdiction over all these various questions that specifically relate to the coast defense has by a unanimous vote of the House been

referred to the Committee on Military Affairs.

Mr. BUTTERWORTH. Will my friend allow me to eall his attention to a fact? Your committee is authorized to legislate, to report a bill changing existing law. We can not do that upon our appropriation bills, and hence the reference to your committee might be very

oroper in view of your having charge of legislative matters.

Mr. TOWNSHEND. Not on the appropriation bills.

Mr. BUTTERWORTH. Not on the appropriation bill, but you have harge of legislative matters strictly. We can not legislate on the charge of legislative matters strictly.

bills, but can only make appropriations.

Mr. TOWNSHEND. I simply wanted to emphasize this point: That at the last session of Congress there was no reference of that portion of the President's message relating to the military establishment or public defense specifically to the Committee on Military Affairs. We stood in a different attitude at that time. Since then there has been action on the part of the House by a vote of the House. By a unanimous vote of this House all that portion of the President's message discussing the seacoast defenses (and I have the message here before me) are referred to that committee. Under it are included the appropriations in reference to the purchase of steel forgings, the establishment of a gun factory, and the manufacture of heavy ordnance, as well as all other appropriations that have been asked for by the Secre-

tary of War (these very estimates in regard to torpedoes and submarine mines); and the Committee on Ways and Means, having the right to distribute that message, brought in a resolution which I have in my hand here specifically authorizing the Committee on Military Affairs to take jurisdiction of these different items and to make such report as they might deem proper.

That resolution I will read. It is the resolution adopted by the House on the 6th of December. The resolution reads in this way:

That so much of the annual message of the President of the United States to the Congress at the present session \* \* \* as relates to the Army of the United States, including the appropriation therefor—

Mark the language-

and to provide an armament for defense on the seacoast, be referred to the Committee on Military Affairs.

That is the last time this House took action in relation to these appropriations. Now, Mr. Chairman, it stands just in this way: The House, by a unanimous vote, has authorized and directed the Committee on Military Affairs to take jurisdiction of these appropriations. The Committee on Appropriations now seek to overturn the unanimous vote of this House by a ruling of the Chair. Thus the Committee on Appropriations is asking the Chair to violate the express and specific direction of this House. The Committee on Appropriations, sir, it seems to me, is asking the Chair to ignore a command of this

If these gentlemen wanted to test the question of jurisdiction over this question why did they not do it in this House when that resolu-tion was pending? Why did they sit here and allow the jurisdiction to be conferred upon the Committee on Military Affairs, and then wait a month or more? The right way to test a question of jurisdiction is by taking the sense of the House. I feel, sir, that gentlemen are to-day asking of the Chairman of the Committee of the Whole too much. They are assuming that he will ignore the action of the House, the unanimous will of the House, in order that they may have the privilege of ingrafting on their bill appropriations over which properly they have no jurisdiction, either under the rules or under the resolution to which I have referred, or, as I maintain, under the practice of the House since these rules were formed. These rules were changed in the last Congress. No test on this question was made in that Con-In fact, no fortification bill was disposed of in that Congress.

Mr. SAYERS. A fortification bill was passed by the House. Mr. TOWNSHEND. But it did not become a law.

Mr. RANDALL. Jurisdiction of the subject was taken.
Mr. TOWNSHEND. Not upon these items. I defy gentlemen to
examine the fortification bill prepared by the Committee on Appropeiations in the last Congress and show me a single item pertaining to the manufacture of heavy ordnance, the establishment of a gun factory, or any of these appropriations against which we make the point of order on another bill. In the last session that committee took no jurisdiction In the last session that committee took no jurisdiction over these subjects; they did not assume to do so until they saw that the Military Committee was about to exercise its jurisdiction, and then they hurriedly brought in a fortification bill. The Committee on Appropriations did not attempt to bring in, or even to mature, a fortifica-tion bill until the fact was known that the Senate had placed upon the army bill an appropriation for the establishment of a gun factory and the purchase of steel forgings for heavy ordnance.

Mr. SAYERS. Was there anything of this kind in the army bill which you reported and passed, and which was sent to the Senate?

Mr. TOWNSHEND. The Committee on Military Affairs did not

on that bill determine to make appropriations for seacost defenses until the Senate had made such amendments to the bill.

Mr. MAISH. They had another bill.
Mr. TOWNSHEND. I may say in reply to my friend from Texas
[Mr. SAYERS] that the Committee on Military Affairs did take jurisdiction. A bill covering this very purpose was introduced and referred to that committee, reported back, and is on the Calendar to-day. The Committee on Military Affairs asserted its jurisdiction.

Now, this is a plain and simple question for the Chair to determine. In my honest judgment the Chair, in order to sustain the appropriation against which I made the point of order, would be forced to ignore the rules, to ignore the resolution of the House, and to ignore its practice.

I leave that responsibility entirely with the Chair.

Mr. RANDALL. Mr. Chairman, a direct mind will go naturally to the issue involved in the question, and I beg that you will not become confused by too much "gab." [Laughter.] What is the issue here? Simply one of jurisdiction. As all concede, the Committee on Appropriations, up to the beginning of the Forty-ninth Congress, possessed this jurisdiction. Has the House taken from that committee the jurisdiction which without dispute it had up to that time? No; on the contrary, at the first session of the Fiftieth Congress, when this issue was practically raised, the House decided that the jurisdiction which the Committee on Appropriations have exercised was justified by a proper construction of the rule.

Now, the Committee on Military Affairs, if they seek this jurisdiction, must have recourse to an alteration of the rules, not only because the jurisdiction exercised by the Committee on Appropriations is war-

ranted by the literal language of the rule, but because of the construction which has been placed upon that rule by the House. If this House wants to take from the Committee on Appropriations another bill, and add it to the jurisdiction of the Committee on Military Affairs, let it do so in an open way, not by indirection, not by any struggle of this kind. The open path is a change of the rule. To prove that there is nothing involved in this matter to-day except the question of jurisdiction, I think I am warranted in saying that there is no diversity of opinion between the membership of the Military Committee and that of the Appropriations Committee as to the merits of the items here reported

or the amounts which should be given at this session.

Mr. MAISH. Mr. Chairman, I do not understand that this question was decided during the last session of Congress. The gentleman from Texas submitted a resolution, but before the Chair passed upon the question he withdrew it. Then after the amendments were ingrafted on the military appropriation bill by the Senate the members of the conference committee on the part of the House finally yielded to the conferees of the Senate, and the amendments were omitted. Somewhat similar provisions were finally passed as having come from the Appropriations

Committee.

Now, I maintain that the straight path on the part of both committees would be to appropriate nothing beyond what is provided by the rules of the House. I would also commend to gentlemen on the Appropriations Committee to do only that which is plainly provided by the rules, and not come in here and usurp what clearly does not belong to them. I think they are guilty of indirection. They have embraced in this bill appropriations for field artillery—appropriations for the construction of field guns. Will those gentlemen contend that under the general term "fortifications" they have authority under the rules of the House to make appropriations for field guns? Yet the Committee of the House to make appropriations for field guns? tee on Appropriations has proposed thus to usurp the jurisdict on of the Committee on Military Affairs.

Mr. SAYERS. I would like to call the attention of the gentleman from Pennsylvania to the estimates as they come from the War Depart-

ment. I do not think he would have the hardihood to put his own opinion on military subjects in conflict with the views of the War Department, and especially of the Ordnance Bureau, in matters of this kind. By examination he will find that the estimates for these very guns, which he calls "field guns," come under the head of "arma-

guns, which he calls "field guns," come under the head of "armament of fortifications."

Mr. CUTCHEON. "And other works of defense."

Mr. SAYERS. No, sir; "armament of fortifications;" there is nothing there about "other works of defense."

Mr. CUTCHEON. What page does the gentleman refer to?

Mr. SAYERS. Page 170. There is not a word there about "other works of defense."

Mr. MAISH. Mr. Chairman, I.

Mr. MAISH. Mr. Chairman, I have the "hardihood" to say that the Committee on Appropriations did not follow the estimates. Mr. SAYERS. Of course we did not; we have not in some instances

ven as much as the estimates asked.

Mr. MAISH. The Committee on Appropriations did not follow the estimates in this particular: They have reported appropriations in this bill for field artillery without specifying that such field artillery is to be used for the armament of fortifications. Why have they not in this bill confined the Secretary of War to the manufacture of field artillery for fortifications alone? No, sir; they have simply come here with their bill, usurping plainly the authority of the Committee on Military

I have taken occasion to make these remarks simply because the gentleman from Pennsylvania [Mr. RANDALL] has charged that the Committee on Military Affairs have undertaken to do by "indirection" what they should seek to do directly. Now, I charge that the Committee on Appropriations have been guilty of "indirection" in attempting—plainly, manifestly, indisputably—to usurp the jurisdiction of the Committee on Military Affairs, not only in this particular,

but in respect to appropriations for torpedoes and submarine defenses.

The CHAIRMAN (Mr. BLOUNT). The Chair is ready to rule upon this question. The gentleman from Illinois [Mr. Townshend], on the paragraph in relation to "torpedoes for harbor defense," raises the point of order that the Committee on Appropriations has not jurisdiction of the subject-matter contained in the paragraph. He and gentlemen who support this point of order base their objection on two grounds: First, the construction of the rules themselves; second, the order reported from the Committee on Ways and Means on January 13, 1889, in this language:

That so much of the annual message of the President of the United States to Congress at the present session as relates to the Army of the United States, including appropriations therefor and providing an armament for defense on the seacoast, be referred to the Committee on Military Affairs.

Gentlemen claim that whatever might be the construction of the rule, the order made in the adoption of that resolution deprives the Committee on Appropriations of jurisdiction over this subject. It has been contended that the words "public defense," in clause 12 of Rule XI, give to the Committee on Military Affairs jurisdiction of this question, leaving the subject of "fortifications" as understood by lexicographers as the whole jurisdiction of the Committee on Appropriations in reference thereto. That clause of Rule XI is in the following language:

To the military establishment and the public defense, including the appropriations for its support, and for that of the Military Academy.

Now, if under the phrase "public defense" the Committee on Military Affairs should take jurisdiction of the subject-matter of this paragraph, why should they not likewise take jurisdiction of the matter of arsenals—usually reported in the sundry civil bill? Why should they not likewise take jurisdiction of all matters reported in the naval bill? Certainly the language "public defense" would cover all these sub-

The Chair is of opinion that the words "public defense" were not designed to convey to the Military Committee the jurisdiction claimed by gentlemen who have supported the point of order; and that the language "including the appropriations for its support" relates to the words

"to the military establishment, and for that of the Military Academy," and not to the words "and the public defense."

If it were admitted that the language "the public defense" is as broad as claimed, then the deficiencies in relation to the Army would go to the Military Committee; naval deficiencies to the Naval Committee; postal deficiencies to the Post-Office Committee.

The Chairman pot think that this is a legitimete construction when

The Chair can not think that this is a legitimate construction when clause 3 expressly declares that "to appropriations of the revenue for the support of the Government as herein provided, namely, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies, shall be referred to the Committee on Appropriations;" and that all appropriations to the naval establishment shall be referred to the Committee on Naval Affairs; and that all appropriations relating to post-offices and post-roads shall be referred to the Committee on the Post-Office and Post-Roads, etc.

Then what was the true purpose of the rule? Certainly any strict

construction of language, any very literal construction without reference to the parliamentary history of the House in connection with this subject involves contradiction. It is, therefore, important we should look to that history in this connection. The Chair has before it a statute passed by the Forty-eighth Congress relating to fortifications, and in it are included appropriations for the very subject-mat-ter of this paragraph. So, again, in the Forty-ninth Congress, after the change of the rules, the same subject-matter was reported in the fortification bill and became a law.

An examination of the statutes and of the practice of the House for a long series of years shows that prior to the adoption of the present rules the rules simply assigned the work of appropriations to the Committee on Appropriations. That committee subdivided their work into various general appropriation bills, not by virtue of any rule of the House, but for their own convenience. They were designated at the legislative, executive, and judicial bill, the sundry civil bill, the fortification bill, the District of Columbia bill, the pension bill, the deficiency bill, the military bill, the naval bill, and the bill in relation

to post-offices and post-roads, etc.

The subject matter of these several bills was designated by the Committee on Appropriations itself, and the Chair thinks that the only way of ascertaining the nature of these bills is by an examination of Under these designations they have been the substance of them. crystallized in the practice of the House until they have a significance as pregnant as the strongest language could give them. of this practice the subjects contained in the paragraph have almost from the beginning been assigned to the fortification bill

Now it is claimed that notwithstanding the construction of the rule upon the language and in the light of the practice of the House the resolution reported from the Committee on Ways and Means outs the Committee on Appropriations of jurisdiction on this subject. The Chair fortunately is not making the first decision upon these several questions. During the Forty-ninth Congress, after the rules now in existence were adopted, this matter was distinctly brought before the Speaker as to the construction of clause 12 of Rule XI. It has already been read to the House. The Chair there distinctly determined that the language in this rule did not deprive the Committee on Appropriations of their right to report the usual matters in this appropriation

This ruling was made on February 9, 1887, and it was made after the following resolution had been agreed to by the House:

Resolved, That so much of the President's message as relates to the Army of the United States and the Department of War, including appropriations there-for, and to providing an armament for defense of the scacoast be referred to the Committee on Military Affairs.

The situation, therefore, when this ruling was made, was identical with what it is to-day. It was not claimed that that order was designed to have the effect now claimed. The Chair is of opinion that the Committee on Appropriations could not have been ousted of their jurisdiction under the rules by this order, even had the Committee on Military Affairs been given jurisdiction by it. The Chair not believing the Committee on Appropriations was deprived of it, holds that this paragraph is in order on this bill.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCreary having taken the chair as Speaker pro tempore, a message was received from the Senate, by Mr. McCook, its Secretary, notifying the House of the passage of the bill (H. R. 12060) to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to said port of Co-

#### FORTIFICATION BILL.

The Committee of the Whole resumed its session.

Mr. SAYERS. Mr. Chairman, I desire to call the attention of the committee to an error in line 12, on the first page of the printed bill. The word "casements" should be "casemates." It is a typograph-It is a typographical error, and I move that it be corrected.

The amendment was adopted.

The CHAIRMAN. The Clerk will read.

Mr. ADAMS. Mr. Chairman, I endeavored to secure recognition before passing from the paragraph relating to submarine mines. To that I wish to move the amendment I send to the desk.

The Clerk read as follows:

In lines 3 and 4, page 2, strike out "\$330,000" and insert "\$1,912,000."

Mr. ADAMS. Mr. Chairman, that is the amount of the estimates for this part of the subject covered by the bill. When this bill came up at first I desired an opportunity of debating it, but through my own carelessness, and supposing that the gentleman from Texas would himself speak to the bill, I allowed the Clerk to read a paragraph or two, and lost the opportunity.

Now, I want to point out to the gentleman from Texas and to the committee that although there may be some reason for a small appropriation in some parts of this system of public defense, no reason has been given, and none can be, I think, for the small appropriation which the committee give for this particular item. I understood that the reason why the committee does not give so large an amount as the Department desires for making heavy guns is that the delay in the establishment of the new Watervliet shops will prevent the assembling and finishing of heavy guns within the next fiscal year. Admit it to be so. It is also clear that there will be a delay in the delivery of the steel Admit that, too. Admit that the gun and mortar batteries need not be appropriated for in this year. Still, the point I make is, that if we go into this system of coast defenses at all it would require the appropriation of a large sum of money and take a considerable That being so we ought not to delay here appropriating a large amount for the particular part of it which can be carried forward without delay when we are obliged to delay in regard to certain other portions of the system. That is to say that if we have to wait until the next year or the year after to furnish the heavy guns and mortars and the gun and mortar batteries, that is all the more reason why we should give to the Department all the money it says it can use in the torpedo system, which the Department says it can go on with and complete.

Now. I think there is no doubt about it that the casemates and galleries are works the plans of which are already in the mind of the Department. They are simply heavy masonry or heavy earthwork. The places where they are to be established, as well as the manner of their arrangement, are all determined upon in advance and are understood. We need not wait for new plans or inventions. It is simply furnishing the machinery for that part of our system. And there is nothing in the report of the committee, especially in regard to this subject, to show why the appropriation in this regard should not be adequate and up to

I have asked at the Department why this has not been done, but I can get no information there. I can obtain no information from the reading of the report of the committee. As I said before, if the committee means to postpone the furnishing of heavy guns and mortars and gun and mortar batteries, all the greater reason why they should be more liberal, or at least give a sufficient appropriation for the particular items in regard to which no such reason can be alleged.

Mr. SAYERS. Upon the amendment of the gentleman from Illinois, and also in answer to what has been said by him, I have to say to the committee that we had General Casey before us, and that upon the first estimate for gun and mortar batteries, which was \$2,840,000, he said, in view of the fact that the guns which the present Congress at its first session provided to be built would not be completed before three or four years, it would not be at all necessary to make an appropiration for mortar batteries at this time.

Mr. ADAMS. I admit the force of that.

Mr. SAYERS. Again, it is well known, sir, that the manufacture of these heavy guns and the armament of the fortifications with high

ex plosives generally go hand in hand.

Now the torpedo system is in an unsettled state. It is being improved, I may say, continually. The experiments and productions of to-day will possibly in a few months be abandoned and other experiments made and other productions of a different character developed, and the system carried to a more successful issue.

I desire to call the attention of the committee to a letter which has been addressed to me by the Chief of Engineers in regard to the purchase of more than 600 statute miles of cable in 1874. I will read the

WASHINGTON, D. C., December 22, 1888

SIR: In compliance with your verbal request, I take pleasure in sending you the following information regarding the armored cable bought in 1873 and delivered

Single conductor armored cable: 

 605 statute miles at \$335
 \$203,280

 2 statute miles at \$471
 942

 2 statute miles at \$485
 972

 2 statute miles at \$529
 1,058

 statute miles at \$444 

Total, 618 statute miles.....

again covered with animal pound.

The seven conductor cable consisted of seven completed cores, as above, stranded together and covered with tarred jute and taped with tarred cotton tape. The sheathing consisted of sixteen No. 9 wires, prepared and covered as

stranged together are the sheathing consisted of sixteen No. wwires, property above.

The sheathing consisted of sixteen No. wwires, property above.

The above-described cable is to-day practically useless for the purposes of sea-mines, the insulation having been almost entirely lost, but for certain purposes on land some of it may still be used.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,

Brigadier-General, Chief of Engineers.

Hon. J. D. SAYERS, M. C., House of Representatives, Washington, D. C.

To avoid similar results in the future it was thought by the committee that inasmuch as three or four years will elapse before the heavy guns provided for a few months ago can be built, it would be better for the Ordnance Bureau to have a moderate but sufficiently large sum of money for torpedo experiments, so that when these guns shall have been completed the War Department will have secured a torpedo system that will be entirely practicable.

To expend all of this money at this time might prove a wasteful extravagance from which the Government would derive no benefit whatever, and the committee was of the opinion that \$300,000 would be sufficient for present purposes, especially as the sum which we appropriated in the first session of this Congress has not been expended. We now recommend an appropriation of \$200,000, bringing it up to

about \$500,000 for that purpose.

Mr. ADAMS. I think, if the gentleman will allow me, he will see my point more clearly if I call his attention to the subdivision of the subject contained in the Book of Estimates. Now, the \$330,000 that you have allowed is exactly made up of two sums that are contained here, one for the purchase of submarine guns and necessary appliances, \$300,000, and the other for continuing torpedo experiments and giving practical instruction to the Engineer Corps in the details of the service, \$30,000.

Now, if the committee had determined to allow these two items, and had allowed just what the Department asked, the sum would be \$330,-000, precisely the sum which the committee has allowed. And therefore my inference is that the committee left out all consideration of the third, which is the very point on which I was speaking, and the very one to which the objections just made by the gentleman from Texas do not apply, to wit, for casemates and cable galleries, etc., to render

it possible to operate submarine mines.

Mr. SAYERS. The gentleman will find that the provision is embraced in the bill; and the Department may use all of the \$330,000,

or any portion of it, in its discretion.

Mr. ADAMS. I admit that; but they use that for that particular purpose. They want \$1,500,000. The point the gentleman makes is that invention is progressive. Invention is progressive so far as torpedoes are concerned; but I am informed and believe the object of this \$1,500,000 is simply to build the masonry of the casemates to protect the men who are to operate the torpedo mines.

Mr. SAYERS. Will the gentleman permit me to answer him for one moment?

Mr. ADAMS. Certainly.

Mr. SAYERS. The gentleman has referred to the fact that plans have already been prepared for the construction of fortifications. Would he have the Government engage in the building of these casemates upon a large scale to go with the old fortifications that now exist throughout the country? As an instance, take Fortress Monroe. General Casey tells us that according to the new plans it would require no less than \$5,000,000 to reconstruct Fortress Monroe alone.

Ought the Committee on Appropriations, as suggested by the pending amendment, to have recommended an appropriation at this time for the purpose of building casemates, to accompany a fortification which the Government proposes either to tear down or to improve at an ex-

pense of \$5,000,000?

Mr. ADAMS. Not one dollar, and not one cent. These are not the casemates which the Engineer Department has in view. The point is this: Here is a harbor. If the harbor is to be defended against a hostile fleet, the casemates must be placed where they will be most effective in order to operate against that fleet. What they shall be

Mr. SAYERS. And these casemates are parts of the general fortifications.

Mr. ADAMS. Oh, no. Mr. SAYERS. That is my understanding.

Mr. CUTCHEON. Not at all.

Mr. ADAMS. I do not so understand it.
Mr. SAYERS. I understand that the casemate is part of the fortification. It is a part of the system of coast defense, and these casemates form a part of the fortifications which are contemplated in the plans that are now being prepared.

Oh, yes.

Mr. ADAMS. Mr. SAYERS. Where is the difference?

Mr. BUCHANAN. Part of the torpedo system—
Mr. SAYERS. The torpedo system and the general fortification system are one and the same thing—that is, they go together in the general defense.

Mr. ADAMS. Oh, no.
Mr. TOWNSHEND. With the permission of my colleague [Mr. ADAMS], I wish to point out the error into which my friend from Texas has fallen when he places these items in this bill. He is under the delusion that the submarine mines and casemates provided for in the bill are a part of our fortifications. He certainly is in error there. They have no direct relation to the fort; they may be established away.

Mr. SAYERS. Of course they may; I do not deny that. Mr. TOWNSHEND. As stated by my colleague [Mr. ADAMS], these submarine mines may be placed under the water leading into the

barbors

Mr. SAYERS. Let me interrupt the gentleman. One of the purposes of the system of torpedoes is the protection of the fortifications themselves

Mr. TOWNSHEND. But let me call my friend's attention to the language of this item:

For the purchase of submarine mines and necessary appliances to operate them, for closing the channels leading to our principal scaports.

Mr. SAYERS. That is all right, but you are talking now about casemates.

Mr. TOWNSHEND. I maintain (and I am warranted in this by the officers of the Engineer Corps) that the casemates here provided for are not a part of the fort, are not to be placed at the fort, but are expected to be placed on the shores

Mr. SAYERS. Are not the forts on shore? Where do we have forts except on shore?

Mr. TOWNSHEND. Take, for instance, the harbor of New York. The casemates provided for these submarine mines may be a mile or more away from Fort Hamilton or Fort Lafayette.

Mr. ADAMS. They ought not to be near the gun battery. Mr. TOWNSHEND. The casemates provided here are intended simply as a shelter for the operator who is to explode the submarine mines when the enemy's ships approach. They ought to be at a distance from the fort. They are not a part of the fortification. This fact, I maintain, shows clearly that the Committee on Appropriations is not warranted in assuming jurisdiction over this matter, their jurisdiction being confined alone to the fortifications, or the building of the outwork, or something that is near to the fort.

Mr. ADAMS. Let me make this suggestion to my friend from Texas. Suppose a hostile fleet is approaching; you depend upon your mortars

Mr. SAYERS. Certainly.
Mr. ADAMS. If your torpedo galleries were a part of the gun batteries, the view from the galleries would be obscured by the smoke from the batteries. That was explained by the Chief of Engineers. There are to be four or five of these torpedo galleries at different angles in different parts of the harbor, so that the men may know when a hostile vessel is over a particular point where a torpedo may be effectively exploded. Therefore the casemates here meant are simply small chambers-say 40 feet square-surrounded with very heavy masonry; and four or five or six or ten of them are to be in one harbor, to be operated in unison, so that a man in each of them connected by telegraph can tell to an instant when an approaching vessel crosses the intersecting lines protected by the torpedoes. This has nothing what-

ever to do with the gun batteries or the mortars.

Mr. BUTTERWORTH. Did my friend from Illinois [Mr. ADAMS] understand General Casey to say that he could properly use the entire appropriation asked for, say \$1,560,000?

Mr. ADAMS. I inferred that from the statement he did make. I

asked him why the committee had reduced certain appropriations, and

he gave me the explanation which has been given by my friend from Texas. But when I asked him—and if it is proper to say so when I asked the Secretary of War—what reason had been given for cutting down this particular appropriation, those officers said they could not tell.

Mr. BUTTERWORTH. I want to say-my associates on the committee will correct me if I am wrong—that I understood this reduction was not made in defiance of General Casey's wishes, but in view of the fact that the Ordnance Corps were not able to provide that which was essential to the completion of this work; in other words, that the amount asked for in this estimate was not indispensable in view of the facts which he stated to the committee. I believe the committee desired to meet General Casey fairly, for he appeared to ask for only that which he deemed essential to the public defense. My understanding was that the committee tried to meet him fairly.

Mr. ADAMS. I do not dispute that-

Mr. BUTTERWORTH. And I understand the item here to respond practically to the requirements of that department at the head of

which General Casey is.

Mr. ADAMS. Well, I think my friend is under a misapprehension. I went over these items with him one after another. I simply wanted to get information. I am not an expert in ordnance or fortifications, but I like to understand what I am voting for. I went over these items with him one by one: first, heavy guns; second, mortars; third, gun batteries; and as to each an explanation was given. He said that a gun battery would take a great while to make, and it was a pity that he could not begin the construction now, even though the guns would not be ready for three years. He did say something about the lift for the heavy guns, the plans for which would not be perfected until next

Mr. BUTTERWORTH. In that connection, I want to say that the reduction was made with his distinct approbation.

Mr. ADAMS. I do not dispute that.

Mr. BUTTERWORTH. I do not understand why he should say "it would be a pity" not to begin work on the batteries at once when we struck out that provision—I do not say at his suggestion, but, as I understood, with his approval.

Mr. RANDALL. He has never protested against any item in this

Mr. ADAMS. I should do an injustice to General Casey if I did not correct my language. I did not intend to say he blamed the commit-tee. As we all know, it is a pity that the plans for these heavy-gun batteries, these lifts by which the guns shall be raised into position and then sunk below the line of sight, are not ready in order that these batteries might be built in preparation for the guns, which will be ready three years hence. But I admit General Casey did not blame the committee.

Mr. SAYERS. Let me say to the gentleman from Illinois that the Committee on Appropriations endeavored to reach an agreement both with the Chief of Engineers and the Chief of Ordnance.

Mr. ADAMS. We are not disputing that, but there has been a misunderstanding somewhere, because I am sure from what General Casey told me these casemates are works which will require a considerable time to make on account of their ponderous character. The mode of their construction is simple, and does not require any new invention. They can be made applicable at once.

Mr. SAYERS. It is true that these casemates may be applicable to the torpedoes made to-day; but, sir, the gentleman must not forget that torpedoes made to-day may in three months from this time be-

come absolutely worthless.

Mr. ADAMS. I think my friend from Texas has interrupted me a little too soon. These casemates are simple chambers protecting the

men who are operating the cables, whatever they may be.

Mr. BUCHANAN. Let me inquire of the gentleman from Illinois whether these casemates or galleries are not in fact for the protection of the men who are engaged in this service?

Mr. ADAMS. Certainly, and they are not gun batteries. They are chambers or galleries where the men can be protected while they are receiving telegraphic communications as to whether they shall explode the torpedoes or not.

Now, I am not insinuating that the Committee on Appropriations is unwilling to comply with the recommendations of the Department, but I am sure from what I learned from the engineers this sum of money could be used to advantage in the coming year.

Mr. RANDALL. General Casey has made no protest against this, and, according to the gentleman, then he must have led us into error.

Mr. ADAMS. Is it his duty to watch?

Mr. RANDALL. Yes; he was before us.

Mr. BUTTERWORTH. Our interview with General Casey was of the most satisfactory character. If we have fallen into any error I have never heard of it. We tried to meet him fairly, and to make appropriations which were necessary according to the recommendations the Department.

Mr. RANDALL. We discussed this subject with General Casey when he was before the committee.

Mr. ADAMS. The gentleman from Texas did not seem to know. He seemed to think these casemates meant gun batteries.

Mr. SAYERS. Oh, no; not at all.
Mr. ADAMS. There is no question about that, as my colleague said, that these casemates meant something very different from what they understood them to mean.

Mr. TOWNSHEND. Let me say a word.

Mr. ADAMS. I have said my say, and I will yield the floor. Mr. TOWNSHEND. General Casey did say to me he was satisfied with the amount appropriated in the fortification bill. He did say also to me he could use the entire sum and would like to have the entire

Now, I understood my friend to say these heavy guns would have to be provided in three or four years. Mr. SAYERS. They might then become necessary after fortifica-

tions had been constructed at such points as may be selected. They,

of course, should go together.

Mr. TOWNSHEND. We might need these casemates and submarine mines, although we may not have any fortification in the harbor where they are to be used. They are useful where there is no fort. They are one of the real means of coast defense which can be provided.

Now, I am not in favor of increasing the appropriation. I wish to confirm the statement as to General Casey's satisfaction about the matter. I feel I ought to say, in justice to my colleague, General Casey did say that he could use the whole amount to-day, and that it was not necessary to wait until fortifications were constructed.

Mr. ADAMS. I wish my colleague from Illinois would make that very distinct. He understands that there is no reason for delay in this

particular item, as there is in the case of the heavy guns, or as may be

claimed in that case.

Mr. RANDALL. We gave all that was asked or that was necessary.

Mr. CUTCHEON. I hold in my hand the current report of the Chief of Engineers of the United States Army for 1888, and on page 5 I find his estimates. The sum there estimated for the purchase of submarine mines and for needful appliances to operate them, and for closing the channels leading to our principal seaports, is \$300,000, and for needful casemates and cable galleries, to render it possible to operate submarine mines, \$1,560,000, and another item for continuing torpedo experiments, \$30,000; but the two items first named in the list are the ones embraced in this paragraph. Here, then, are the official estimates of the Chief of Engineers. He either needs that amount or he does not need it. If he needs it, we ought to give it to him. If he does not need it, he ought not to have put it in his estimates. I do not think he put it in there simply for fun. What, then, was the object of it?

Mr. SAYERS. I ask a vote on the amendment.
Mr. SPINOLA. One moment. I want to know if this is for contin-

uing torpedo experiments?

Mr. SAYERS. The gentleman can offer his amendment after this is disposed of.

Mr. SPINOLA. I want to get an amendment in here for the purchase of movable torpedoes.

Mr. SAYERS. This matter is left to the Department entirely. Mr. RANDALL. They can go to a junk shop and buy them if they

Mr. SPINOLA. But I wish to insert a clause for movable subma-

rine torpedoes. Mr. SAYERS. That does not come in here. I ask a vote on the amendment.

The amendment of Mr. ADAMS was rejected.

The Clerk read as follows:

Armament of fortifications: For the finishing and assembling of 8-inch, 10-inch, and 12-inch steel guns made from forgings procured under the act of Sep-

tember 22, 1888, \$35,000.

For the purchase of steel forgings for field and siege cannon as follows:

For steel forgings for not less than twenty-four 3.6-inch field guns, \$24,000.

Mr. CUTCHEON. Upon that part of the paragraph in the follow-

For steel forgings for not less than twenty-four 3.6 inch field-guns, \$24,000-

I make the point of order, the same point that was made by the gentleman from Illinois on the preceding paragraph; but I shall not take any time to discuss it, only to say that this relates expressly to field guns for field batteries of the Army.

Mr. SAYERS. Under the head of "Armament for fortifications," page 170 of the Book of Estimates, the Chair will find that clause is embraced providing for steel forging for the manufacture of certain small guns. It belongs to the armament of fortifications. I will send the estimates to the Chair.

Mr. TOWNSHEND. The Chair will observe that the caption of these estimates is entitled "Fortifications and other works of defense,"

and this is only one of the minor items under that caption.

Mr. CUTCHEON. I would like to be heard further just one moment, and I will not take more than a minute. I simply want to call the attention of the Chair and of the gentleman from Texas also to the estimates under the head of "Armament of fortifications," to which he refers. We have first for finishing and assembling guns under sec-

tion 4 of the act heretofore passed providing for such purchase, and next is the manufacture of approved field and siege guns and their carriages; in other words, siege guns are guns for fortifications, while field guns are guns for use in the Army in the field; and there is no possibility of mistaking that, and they are not separated in the estimates.

But I make the point against that paragraph which relates to the manufacture of field guns only at the present time.

Mr. RANDALL. I only desire to say that an examination of the

law passed at the last session of Congress will show that the same character of armament was provided for in that bill. Hence the precedent has been set and jurisdiction is established. I have marked the paragraphs of the bill and of the estimates, which I send to the Chair, and think there can be no controversy on that point.

The CHAIRMAN The Chair will

The CHAIRMAN. The Chair will examine them.

Mr. RANDALL. I think gentlemen will admit that, as this is the language of the law, it establishes the jurisdiction, because, as will be seen, the language there refers to field guns of exactly the same char-

The CHAIRMAN. The Chair has examined the authorities cited,

and overrules the point of order.

The Clerk will read. The Clerk read as follows:

For the test of experimental guns procured under the act of September 22, 1888, namely, for one 10-inch wire-wound gun, steel, \$28,000; for one 12-inch gun, steel-hooped, \$39,500; for procuring one 10-inch disappearing gun-carriage, \$13,500; for gun-platforms at proving-ground, \$0,500; for projectiles for field, siege, and seacoast guns for issue to the service, \$28,500; for siege-gun powder for issue to the service, \$7,000; for fuzes and implements for issue to the service, \$2,000; in all, \$125,000.

Mr. CUTCHEON. Mr. Chairman, I make the point of order upon so much of the paragraph just read as embraces projectiles for field guns. I find by a reference to the report of the committee, on page 3, that under the head of "Projectiles" the following provision is made:

One thousand steel shrapnel for field guns. Four thousand eight hundred projectiles, cast-iron, for field guns.

Now, sir, if it is competent for the Committee on Appropriations to provide shrapnel for field guns, it is also clearly proper and in order for them to undertake to furnish cartridges for the muskets of the infantry, and therefore they had better take control and jurisdiction of the whole matter. In the army bill we have \$400,000 provided for the manufacture of small-arms, but if this Committee on Appropriations are going to assume the whole thing, why, we had just as well drop that too.

Mr. RANDALL. I submit that the Committee on Appropriations is assuming nothing at all. We have only been asserting our rights and doing what we have always done under the law.

Mr. CUTCHEON. When it comes to providing shrapnel for field guns, why then you might just as well take the whole Army under your wing at once. and therefore they had better take control and jurisdiction of the whole

your wing at once.

Mr. BUCHANAN. Will not the gentleman from Michigan allow us to go on and get this little miserable amount for our seacoast defenses, and not seek to risk even that amount by rescuing the jurisdiction of his committee, scrap by scrap, in this manner?

Mr. CUTCHEON. I do not mean to sit here in silence and see the

jurisdiction of the committee of which I am an humble member seized

and trampled upon without protest.

Mr. SPINOLA. It applies to gunpowder for the siege guns also.

Mr. SAYERS. What is the ruling upon the point of order raised by the gentleman from Michigan?

The CHAIRMAN. The Chair has made no ruling.

Mr. SPINOLA. Before the Chair rules I find away down in the

Mr. RANDALL. Wait till we get there.
Mr. SPINOLA. Powder for siege guns. Now, whether the Committee on Appropriations have the right to appropriate for the powder

or not I do not know.

Mr. RANDALL. We certainly have jurisdiction to provide for the testing of guns, and we can not test them without powder and pro-

Mr. SPINOLA. I do not want us to lose our powder. [La The CHAIRMAN. The Chair overrules the point of order. The reading of the bill was resumed and concluded.] [Laughter.]

Mr. SAYERS. I desire to offer an amendment which is made at the suggestion of the Chief of Ordnance.

The Clerk read as follows:

On page 3, after line 23, insert:
"For repairs and improvement at the ordnance proving-grounds, Sandy Hook,
New Jersey, namely: Repairing dock and dredging, \$5,500; relaying roads and
walks, \$3,800; repairs to officers' quarters, \$2,000; repairs to foremen's and soldiers' quarters, \$2,000; repairs to office, \$5,000; repairs to shops and storchouses,
\$1,000; machinery for shops, \$4,000; clearing ground about ranges, \$500; laying
narrow-gauge tramway to proof-butts and targets, \$5,320; in all, \$25,320."

Mr. SAYERS. I will state that it was intended that that provision should appear in the sundry civil bill, but on reflection, after the pending bill was reported, we concluded to submit it as an amendment. I move the adoption of the amendment.

bill and amendments to the House, with the recommendation that it

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

The SPEAKER. The question is on agreeing to the amendments. Is a separate vote demanded on any of the amendments? If not, the question is on agreeing to the amendments reported from the Commit-

tee of the Whole House.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER. The regular business is the hour for the considera-

tion of bills, but the hour of 3 o'clock—

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union on the sundry civil appropriation bill. I want to say, Mr. Speaker, that I do not propose to go on with the bill until Wednesday, but I would like the track.

Mr. TOWNSHEND. Were all points of order reserved?
Mr. RANDALL. It does not matter whether they are or not.

## NEW CONGRESSIONAL LIBRARY.

Mr. HOLMAN. I ask leave to present a report from the special committee to inquire into the erection of the new Congressional Li-

The SPEAKER. The gentleman has leave to report.

Mr. HOLMAN. I wish to offer the report, that it may be laid on the table, and that the report and testimony be printed.

There was no objection.

#### SUNDRY CIVIL APPROPRIATION BILL.

The motion to go into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Dockery in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of general appropriation The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 12008) making appropriations for sundry expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. RANDALL. Unless some member of the committee desires to debate this bill under the general-debate clause, I would ask unanimous consent that general debate be dispensed with, and that we proceed to the reading of the bill by sections and its consideration under the five-minute rule, and that there be leave given to print remarks upon the bill.

Mr. BUTTERWORTH. There may be some point during considera-tion of the bill at which I will ask to be heard, and would not desire to be limited to the five-minute rule.

Mr. RANDALL. Anything reasonable will find a ready assent from

Mr. BUTTERWORTH. If for any reason I should want an hour I

should want it understood now that I can have it.

Mr. RANDALL. If the gentleman from Ohio should want to speak an hour I am quite sure he would say so much that somebody would need to reply. [Laughter.]

Mr. BUTTERWORTH. I think that the House will be in perfect

accord with me.

Mr. RANDALL. So that if an hour be given to the gentleman from Ohio and it provokes debate we should want an hour on our side.

Mr. TOWNSHEND. The request made by the gentleman from Ohio may be made by any other member.

Mr. RANDALL. The House will find me ready to grant anything

in that way which does not interfere with a reasonably rapid transit of the bill through the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and it is

so ordered. The Clerk proceeded to read the bill by sections for amendment. The Clerk read the following:

ent. I move the adoption of the amendment.

The amendment was agreed to.

Mr. SAYERS. I now move that the committee rise and report the control of Treasury Department, \$200,000; and the Secretary of the Treasury

shall report to Congress at its next session a statement of the expenditure of the appropriation for repairs and preservation of public buildings for the fiscal year 1889, showing on what public buildings said appropriation was expended, and the number of persons employed and paid salaries therefrom.

The CHAIRMAN. The hour of 3 o'clock having arrived and having been assigned by the House to a special order, the Committee of the Whole must rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Dockery reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, had come to no resolution thereon.

DEATH OF HON. EDWARD W. ROBERTSON.

The SPEAKER. To-day at 3 o'clock has been fixed by order of the House for the "delivery of tributes to the memory of Hon. Edward W. Robertson, late a Representative from the State of Louisiana."

Mr. BLANCHARD. I offer the resolution which I send to the desk. The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. Edward White Robertson, late a Representative from the State of Louisiana.

Resolved, That in his demise the country has suffered the loss of a wise legislator, a valuable citizen, and an able and faithful public servant.

Resolved, That as an additional mark of respect to the memory of the deceased, the House, at the conclusion of these memorial proceedings, shall stand adfourned

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. BLANCHARD. Mr. Speaker, the resolutions which have just been read cause this House to pause in the consideration of its regular business, and call upon its members to reflect that death is no respecter of persons, and invades the council chamber of a great nation as freely as it does the lowly habitation of its humblest citizen.

The inscrutable fate of mortal man, and, indeed, of all living things upon this terrestrial sphere, is that none escape its icy grasp. It shuns neither the palace of the great and powerful nor the hovel of the most wretched and degraded. It is familiar in the frequented haunts or men, and is equally present in the seclusion of the closet or the solitude of the wilderness. Science, with all its vaunted progress, has not yet learned the lesson of prolonging the average of life, much less the obliteration of death.

"All who live must die," is the immutable condition upon which

existence, as we understand it, is assumed.

When we consider that the choice of life, or its rejection, upon this condition, is not permitted us, life indeed were a bitter irony were death the end of all.

To live but to die, and death being "absolute destruction, total annihilation, utter obliteration," were a fate so cruel and relentless as to suggest that the twin furies of injustice and hate presided at its conception, instead of the divine attributes of justice, love, and mercy.

The argument proves too much. It leads to conclusions which cause

the rejection of its premises

Aside from divine revelation, it is at variance with an indefinable something evolved from the inner consciousness, the soul of man.

It is not consonant with what we see in all the universe—the light and beauty, the harmony, law, order, symphony, which pervades all the heavens, which characterizes the celestial bodies and directs their movements.

That the Infinite Power which created man has ordained for him a grander destiny than to live in mortal form only and die to annihila-tion is an eternal truth, whispered in the music of the celestial spheres,

and whose effulgence reaches and quickens the soul of man.

Mr. Speaker, these thoughts suggest themselves in contemplating the demise of the good man to pay tribute to whose memory we are

now assembled.

Edward White Robertson was born in Davidson County, Tennessee, on the 13th day of June, 1823. His father was William Blount Robertson, the fourth son of General James Robertson, one of the pioneers of Middle Tenness

In 1826 the father of young Robertson moved to Louisiana and engaged in planting in the parish of Iberville, where he amassed a fort-

une.

The early life of the subject of our sketch was passed in the usual manner of the sons of wealthy Southerners. The leisure and opportunity which characterized life for the owner and his family upon a large, well-appointed plantation in the South in ante-bellum days was utilized by young Robertson in study and reading, for which he early developed a fondness, as well as in manly exercise, such as riding and driving, and in the sports of the field, such as hunting and fishing.

In 1839 his father died, leaving him, at the age of sixteen, lord of himself, with a competency, so far as fortune was concerned.

His education was acquired in various schools and colleges, and com-

pleted at the Nashville University, Tennessee, where he graduated in

An episode in his life at this time was a visit he paid to General Andrew Jackson at the Hermitage.

The old hero had known his grandfather, General Robertson, and as a boy had associated with his father. So he welcomed with much cordiality the son to his hospitable home.

Colonel Robertson never forgot this visit to the grand old man, and was wont to remark to his friends in after life that his political ideas

were given direction and his political principles strengthened and confirmed by this early interview with "Old Hickory."

After leaving the Nashville College, young Robertson decided to adopt the law as a profession and entered upon a course of study to that end. While pursuing his studies war with Mexico was pro-At the call for volunteers he threw down his law-books and assisted in raising a large company, in which he himself enlisted, taking the position of orderly sergeant, having refused with characteristic modesty a higher command. His company became part of the Second

Louisiana Regiment and saw service in Mexico.

Returning to Louisiana after his term of enlistment had expired, he married, in 1847, Mary Jane Pope, daughter of Dr. Nathaniel Wells Pope, a prominent citizen of Louisiana. His married life was an un-usually happy one. Domestic in his tastes and persuaded by the gentler feelings which find fullest development in the charmed circle around the fireside, he loved home and its endearments, and no presence was as grateful to him as that of his wife, and no music charmed him so much as the prattle of his children. Twelve were born of this marmuch as the prattle of his children. Twelve were born of this marriage, of whom eight survive him, and one of them, the second son, following in the footsteps of his distinguished father, is now the able and popular Representative in the Congress of the United States of the same constituency, and occupies in this House the same seat so long and so creditably filled by him whose life and character is our theme to-day.

Truly it is a case of the mantle of the father descending on the son. The political life of Colonel Robertson commenced soon after his marriage, in 1847. The parish of Iberville, where he then lived, had for years been a strong Whig parish. Yet notwithstanding this, having been nominated by the Democrats of the parish as their candidate for the Legislature in 1847, he was elected by a large majority. He served a term, but declined a re-election.

In 1850 he was admitted to the bar and commenced the practice of his profession in the town of Plaquemine, the county-seat of Iberville

Parish.

In 1854, yielding to the solicitations of his Democratic friends in the parish, he was again elected to the Legislature. During this term of service he advocated the policy of making the construction of levees to protect the alluvial lands from periodical floods a State work, which policy had never before been adopted. He maintained that levees were of more than local importance, and that their cost should be borne by the whole State since, directly or indirectly, all the people shared in the benefits of the protection. He urged that the benefits resulting from a complete levee system were general and widespread and the works too great and costly a burden to be borne by the riparian owners.

While he did not succeed in grafting this policy in full upon the legislation of the State, his efforts in this direction resulted in a law which made it incumbent upon the general public to bear one half the expense of levee-building, the other half to be borne by the riparian owners directly benefited. Thus did he become one of the fathers of

the levee system of the State.

His course in the Legislature gained him much prominence and popularity throughout the State, and this resulted in his nomination and election as State auditor in 1857. He was re-elected and served faithfully and well in this capacity until 1862. At this time he was a fine type of the Southern gentleman. Handsome, dignified, of a cheerful disposition, in easy circumstances, and the possessor of a happy and hospitable home, life's pathway to him seemed bright and joyous. But the shock of resounding arms in fratricidal strife was soon to

break the enchantment of the scene. War, civil war, grim and hideous, with all its horror and desolation, broke upon the country. call to arms was heard throughout the land, and Colonel Robertson, partaking of the spirit which animated his section of country, raised a company of one hundred and fifty men in Iberville Parish, was elected captain, and left for the seat of war. His company was enrolled as Company D, Twenty-seventh Regiment Louisiana Infantry. Its local name was the Iberville Guards. With his command he was ordered to Vicksburg, and participated in the bombardments, engagements, and siege which have made that city celebrated in history and caused the fame of its assailants and defenders to be recorded in story and in song. He remained at Vicksburg until its surrender.

Among other events of the war in which he took part prior to being stationed at Vicksburg was the battle of Baton Rouge, on the 5th of August, 1862, in which he served as volunteer aid to General Ruggles. At the close of hostilities he returned to Louisiana and settled with

his family at Baton Rouge, where he resumed the practice of the law.

All of his property had been swept away by the storm of war. It

was the common fate of all, or nearly all, and he complained not. He addressed himself with quiet determination to the task of supporting, amid greatly altered conditions, a large family, and with commendable fortitude battled bravely against poverty, always the neritage of desolating war. A remunerative practice enabled him to build up a comfortable home in the capital city of his State, and there, avoiding for years the allurements of official station, he quietly enjoyed the tranquil happiness of domestic life so congenial to his disposition.

In 1876 the Democracy of the Sixth Congressional district of Louisiana nominated him as their candidate for Congress

It seemed like a forlorn hope, but so great was the esteem in which he was held, even by members of the opposite party, that he was elected. This was to the Forty-fifth Congress, a Democratic Congress, which elected as its Speaker that distinguished Pennsylvania Democrat, SAMUEL J. RANDALL, still a member and a leader of this House, full of honors, but not of years, with other honors, I trust, higher and better, yet to be pressed upon him by a grateful party and an appreciative country.

Mr. RANDALL, recognizing the abilities of Colonel Robertson, made him chairman of the Committee on Levees and Improvement of the Mississippi River, notwithstanding it was his first term of service in a new and untried arena. He was peculiarly fitted for this position. He had been reared on the banks of the Mississippi River, had watched the rise of the floods and the fall thereof, and, in short, had that experience with the great river and that knowledge of its phenomena which enabled him to deal successfully with the subjects referred to his com-

He took a leading part in framing and passing through Congress the legislation creating the Mississippi River Commission. This bill was reported from the committee of which he was chairman, and as such he had charge of it on the floor of the House and of the time allowed for debate. It came up for consideration in June, 1879, and an interesting incident of that day's proceedings was the following: General Gar-field, then a member of the House, sent a page across the hall to his desk with the request to yield him ten minutes' time in support of the bill.

Colonel Robertson was only too glad to do this, appreciating his liberal and broad-gauge statesmanship on all great questions of national importance, and knowing the ability and eloquence with which he would handle the subject, and of his great influence with the Republican side of the House. General Garfield thus closed the debate in one of his masterly speeches, which carried conviction with every sentence, and the liberal sentiments he expressed were greeted with applause on both sides of the House.

The bill passed by a vote of 166 for it as against 11 in opposition,

and passed the Senate by a vote of 48 to 4.

Colonel Robertson was re-elected to the Forty-sixth and Forty-seventh Congresses. In the Forty-sixth he again served as chairman of the Committee on Levees and Improvement of the Mississippi River, and it was during this Congress that the commission bill was passed, as previously referred to.

At the end of his service in the Forty-seventh Congress he returned to the practice of his profession, and continued in private life until 1886, when he was again, and for the fourth time, nominated and elected to

Congress.

This was the Fiftieth Congress. His term of service began March 4 1887, but he never lived to occupy the seat. On the 2d of August, 1887, he died at his residence in the city of Baton Rouge, after an illness of about two weeks, of asthma and bronchial affection, from which he had suffered for several years. His remains were interred in Mag-nolia Cemetery, near Baton Rouge, with religious services after the forms of the Methodist Episcopal Church and amid the impressive ceremonics of the order of Free Masonry, of which he was a member.

On the receipt of the news of his death the governor of the State is-

sued an executive order, as follows:

EXECUTIVE DEPARTMENT, STATE OF LOUISIANA, Baton Rouge, August 2, 1887.

Baton Rouge, August 2, 1887.

W. Robertson, an eminent and distinguished citizen of this State, which event occurred to-day at 1 o'clock. The deceased had served his district three consecutive terms in Congress, and was re-elected again to the Fiftieth Congress. During his public career he had served his State and district well and faithfully, and was devoted to their interests. His services in behalf of the levees were valuable and important. The state-house will be closed on the day of his funeral, and the flag displayed at half mast at the capitol building.

Done and signed this 2d day of August, 1887.

S. D. McENERY, Governor.

S. D. McENERY, Governor.

The death of a man so prominent and so useful to his State was everywhere received with manifestations of sorrow and regret. Since his majority he had been associated with well-nigh every campaign of the Democratic party in Louisiana.

Possessed of great firmness of purpose, and of considerable oratorical ability, he was a man of force, and always commanded attention on the hustings and in the halls of legislation. He was justly regarded as one of the ablest advocates in his section of the State in the practice of the criminal law.

The high esteem in which he was held by the members of the bar is attested by the following extract, taken from the resolutions adopted by the bar of the parish of West Baton Rouge on receiving news of his

Resolved, That in his death the legal profession loses one of its brightest or-naments, the parish, a good, noble, and faithful servant, and the State at large one of its worthlest sons.

With what might be called the professional politician class, Colonel Robertson enjoyed no great degree of popularity. His ways were too

direct, his frankness too great, his methods too simple and open. There was something about him which impressed all who came in contact with him that here was a man of conviction and force; a man of resolve and earnestness; a man of a lofty conception of duty and the courage to essay its full performance; a man who could not be swayed or swerved from the straight line of what he deemed to be right—in short, a man who could not be used for purposes ulterior to those legitimately connected with the position he filled or aspired to fill.

But with the masses of the common people, with the small farmers and landholders, the mechanics and laborers, he was universally popular. These instinctively regarded him as their friend; they intuitively felt that a warmer and fuller sympathy existed in him for and towards them than was the case with most of the public men they met, and as a consequence no man in his district stood closer to them than he, or could rely so securely upon their support. Early in his acquaintance with the people bonds of union and ties of good-will and friendship were formed and cemented which continued to the day of his death, and made possible the useful and honorable career at the bar and in public life which was his.

Colonel Robertson was an ardent sportsman, and his passion for the rod and gun never abated, and continued strong in him to the day of

his death.

All through his life he enjoyed no recreation as much as he did the camp hunts" for deer, which in his day, as now, were in vogue in Louisiana. With a few boon companions—genial spirits of a kindred nature—with their horns and hounds and guns and saddle-horses, accompanied or followed by a wagon or two loaded with provisions and sundries for the maintenance and comfort of the inner man and beast, with Cuffee to cook and Sambo to "tend camp," he would go forth a day's journey into the piney woods of the Florida parishes of Louisiana, and there for a week or so engage in the delightful sport of chasing the deer or bear, or decoying the wild turkey, which abounded amid the fastnesses and solitude of their native forests, or else, varying the sport, in beating the limpid streams of the neighborhood with troll

and fly for the sportive trout and the predatory pike, or jack-fish.

And around the camp-fire at night, with bountiful good cheer and hearty welcome for "the natives" who visited camp, his guests and himself would entertain each other and them by stories of deeds of prowess, cunning, and skill wrought in the sportsman's line on that

occasion and others.

These annual camp hunts afforded him that relaxation which he liked best from the exactions of business or the cares and annoyances

incident to public life.

While making no pretensions to piety, Colonel Robertson was a man of deep religious convictions, and died at peace with the world and with his God. He was a great reader of the Bible. Scarcely a day passed without his reading a chapter or two before going to his breakfast. His favorite chapter in the good book was the 37th Psalm, the key-note of which is, "Trust in the Lord and do good." As a public man Colonel Robertson leaves a long record of useful

and honorable service, which his State remembers with gratitude, and of which his descendants in this and future generations may well be

Mr. HOOKER withholds his remarks are for revision. [See Appendix.]

Mr. BROWNE, of Indiana. Mr. Speaker, it is said that the "remorseless past stands ever near, breathing through the broken cords of life its never-ending dirge." The past will be repeated through all time. Sorrows are woven into the web and woof of every life's experience, and on each day as it passes the cries of the bereaved break upon the ear. Death invades every habitation, and "life after life flowers out from the darkness but to sink back into it again."

How often these truths force themselves upon us. During my short service in this House thirty-eight members of Congress have joined the great majority." Neither friends nor love nor renown could rescue them from the remorseless destroyer. In these brief years each State of the Republic has inscribed notable names on the death-roll; my own those of Morton and Hendricks and Orth; and Louisiana, the loss of whose honored son we lament to-day, those of Leonard and Hahn and Robertson. Death touched these distinguished men, laborers with us here, and they put aside the burdens of this weary life and passed out of sight. "Dying they have left a memory like the breath of summers full of sunshine."

Allow me on this sad occasion to pay my humble tribute to the memory of Edward W. Robertson. My acquaintance with him, although brief, was indeed a most pleasant one. It began and ended with his term as Representative here. I saw him first at the meeting of the Forty-fifth Congress, in October, 1877; often met him during that and the subsequent Congresses in which he served, and we were for a time domiciled under the same roof. Of his home life, of the details of his life-history, his labors and achievements without this body. I have no personal knowledge; but one so often selected by his neighbors for responsible public trusts must have held a high place in their esteem. That he was twice chosen auditor of public accounts for the great State of Louisiana, and four times a Representative to this House by a people who had known him long and well, is an eloquent testimonial to

the excellence of his private life.

Honorable distinction like this is won by those only who merit it. The citizen who could thus succeed must have been well equipped for his work and prepared to "seize the opportunity as it passed." The world only pushes a man the way he has made up his mind to go. "If he would go upward it pushes him upward." Those only who stand near one, who view his life in every change of circumstance, who see him in shadow and in sunshine, can accurately estimate him. While my relations to Edward W. Robertson were not intimate, I was a witness to his work here. He impressed me as an active and vigilant Representative; as one who had a watchful eye to all that concerned the welfare of his people. He brought to his work a force of will, a quickness of perception that made him a valuable public servant.

He did courageously whatever duty bid him do. His methods were at all times plain, direct, and conscientious. In social intercourse he eschewed the mere mannerisms of the times and was affable and courteous to all. His mental processes seemed robust rather than crit-ical—impulsive rather than reflective. He did not often address the House, and his speeches were suggestive of strength of thought more than of elegance of expression. He did not hesitate to attack when

duty directed it.

When he believed a corporation of his State—one of immense wealth and of almost unlimited influence-had become an infamous scheme to rob the people, he defied its power and denounced it in language as forcible as it was bitter. From a speech made by him in this House against this iniquity I quote:

Its unscrupulous audacity is only equaled by the secrecy of its counsels. It acts without warning, it strikes without premonition, and the cries of its victims are drowned in the arrogant exultations over its success. It possesses the power, which it ruthlessly exerts, to plunder the ignorant and unwary of sixty millions, and its dupes may be found in every corner of this vast empire. A monopoly of the worst description, and backed by both national and State authority, it laughs to scorn the impotent efforts of its enemies to arrest it in its course. Every official, judicial, legislative, and executive, is at its beck, and those who dispute its power are summarily removed to give place to more pliant tools. Where gold can not reach, it finds in a venal press the way to crush and destroy.

No power is too high to attack, no means too low to use, when it suits the policy of its action. It illustrates the saying of Coke: "It not only possesses no soul, but it is equally destitute of all pity, all mercy, all remorse." Once entangled in its meshes there is no escape for its dupes.

This spacech was a vigorous and manly protest against a mouster in

This speech was a vigorous and manly protest against a monster iniquity which, intrenched in its wealth and its social and political power, was debauching the public sentiment and defying the moral sense of the This courageous attack on this colossal swindle was ap-

planded by good people everywhere.

No one who served with him will forget the lively interest he took in all legislation looking to the improvement of the levees and navigation of the Mississippi River. Nothing tending to improve this the greatest of our inland water ways failed to secure his support. Of the friends of liberal appropriations for our rivers and harbors he was

among the most active and pronounced.

In that struggle that brought sorrow to so many hearts he went with his people and shared with them its dangers and sufferings. Of this I do not speak to either condemn or approve. To this sad epoch in our history he never referred but to deplore it. I believe he sincerely rejoiced that "from under the blood-stained sod of our battle-fields there had sprung a new and more vigorous growth" of freedom and brotherhood. Those who joined on either side of this terrible conflict are rapidly passing away, and time, with generous hand, is engaged in removing its every wound from wood and field.

Nature is teaching us a lesson. As if to show its abhorrence of the bloody and desolating struggle, it is fast removing its landmarks from the face of the earth. It has effaced the furrows plowed by shot and shell, and out of the track of the cannon and the war steed are springing verdure and flowers. Peace and plenty smile in the places laid waste by our devastating campaigns. The yellow grain ripens on the

hillside

Where swelled the white tent; There are plows in the field where the war-wagons went

The good angel is mellowing the hates and bitterness born of the struggle, inspiring a common pride in our matchless institutions and a love of country that will make our Union inseparable forever.

Sad occasions like this start afresh the currents of our better natures;

they soften our asperities and tend to restore that fraternal feeling which is the chief source of our strength and our glory as a people. They make us feel that life is too short for hates, and on the tragedy of blood in which each played his part they invoke that generous charity which forgets and forgives. In death's presence how deformed and sinful hate appears. How ambition shrivels into nothingness when we are made to see that he who but yesterday was full-armored for the battle is to-day-

A brother to the insensible rock, And to the sluggish clod which the rude swain Turns on his shovel.

But, Mr. Speaker, I will not interrupt these proceedings further. With Edward W. Robertson—

Life's fitful fever is over.

He sleeps with the fathers." "He shall return no more to his house, neither shall his place know him more.'

We question vainly. Yet it somehow pleases,
When they have spoken the last good-by,
It somehow half the pain of parting eases,
That in the sky,
In the vast solitudes of stars and spaces,
There may be consciousness and life and hope,
And that when we must yield to death's embraces
There may be scope
For the unfolding of the better powers,
So sadly stifled in this life of ours.

Mr. RANDALL. Mr. Speaker, my acquaintance with Mr. Edward Whit Robertson began in the Forty-fifth Congress, when he came to take the seat to which he had been elected from the Sixth Congressional district of Louisiana. It was not long before his associates in legislation discovered his real worth and sterling qualities of mind and heart, and it is a source of sorrow to me to-day that time and strength do not permit me to do that full justice to his memory which my disposition prompts. But I was unwilling on an occasion like this to remain silent for reasons that must be entirely understood by those about

It has been already said that in the Forty-fifth Congress I, as Speaker of this House, appointed him as chairman of the Committee on Missis-He was reappointed by me in the Forty-sixth Congress. The appointment was made after a painstaking inquiry and a full conference with those Representatives who then had this great undertaking directly in charge; and I can say that he brought to the discharge of the duty to which I assigned him intense and unceasing industry, great energy of mind, and full knowledge of the subject, and in conse quence he secured the confidence of the House and the success of the measure which was placed in his charge. His selection for this duty was prompted by two considerations: First, I thought that such an undertaking as the Mississippi levees should be committed to the care of its friends; and second, I thought that such position should be given to one who was capable of doing justice to a measure which was calculated to be of lasting benefit to those he represented.

I was not mistaken in that selection. It was true that he was deeply concerned in the welfare of his immediate constituents who lived along the banks of the Mississippi River, but so far as my observation extended and I was able to judge from his action in this House he never allowed himself to forget the larger duties which he owed to the inter-

est of the whole country.

beautiful State.

He was a man modest and without pretension, but he was righteous in the search for truth as to every subject to which he applied his mind. His gentle and winning courtesy drew to him hosts of friends. He was greatly honored by his own people, who knew him best, to the hour of his death. Such lives are the solid foundation upon which our in-

stitutions, if successful, must rest.

Mr. HOLMAN. Mr. Speaker, I was not a member of the House during the first two terms of service of Edward W. Robertson. My acquaintance with him began with the Forty-seventh Congress. In a body so large as this House, composed of gentlemen drawn together from every district and Territory of the Union, constantly occupied with exacting public duties, acquaintances are not rapidly formed, but it was my good fortune to form the acquaintance of Mr. Robertson soon after the meeting of the Forty-seventh Congress, which ripened into a cor-dial friendship. We were members of the same committee during that

Mr. Robertson was in that Congress as a Democrat, a member of the minority. It is often assumed that members of the minority, not being directly responsible for legislation, are less attentive to the current proceedings of the House than members of the majority. This is not true as a general rule. It was not true as to Mr. Robertson. He was one of the most vigilant and attentive of the members, carefully noting every step in the current proceedings of the House, and never losing sight of the great agricultural and commercial interests of his great and

Louisiana and her great commercial city always have occupied, and always must occupy, a most important and interesting relation to the Union. Her magnificent delta, inexhaustible in fertility, reclaimed from the ocean by the plastic forces of nature toiling on through the countless centuries, covered with rich cane-fields and the golden fruits of the tropics, and warmed by the genial sun-light of eternal spring, may challenge the fairest valleys of the globe to a comparison. Her geographical relations to the Union are, if possible, still more interesting. Resting upon the Gulf of Mexico, she is the especial guardian of the outlet to the ocean of the commerce of the prosperous commonwealths that border upon the great river of the continent. It was a safe prediction of the First Consul of France, when he surrendered this inviting region to the United States, that the nation that should hold the mouth of the Mississippi would be the foremost of the nations. Mr. Robertson represented and guarded the important interests of his State with marked ability and patient industry.

He addressed the House during the Forty-seventh Congress in an able and carefully considered speech in behalf of the improvement of the navigation of the Mississippi, in connection with the other great water ways of the central portions of the Union. He discussed the important sugar industry of his State in the broad spirit of an American statesman. But while the services of Mr. Robertson were of great value to his State, the enduring honor that gathers around his name and memory in my judgment rests upon a measure having no direct relation to her material interests—a measure of a class which seldom obtain a hearing in the halls of Congress, involving the tone of a just public sentiment, the moral well-being of our people—the protection of the feeble against the wiles and artifices of scheming avarice and of legalized deception and fraud.

In an evil hour, in the midst of the disorder incident to the late civil war, a lottery had been incorporated in Louisiana with immense powers, which, reaching out into all sections of the Union and bloated with ill-gotten wealth, defied public opinion and denounced its vengeance on any citizen who should call in question its dishonest methods. Edward W. Robertson challenged the right of this corporation to employ the mails, the postal system of the Union, to distribute the seductive poison of the massion for cambling among the people of the United States.

son of the passion for gambling among the people of the United States. He brought a protest against it of the just moral sentiment of the American people into this Hall and gave it a voice. He demanded that the grand postal system of the United States devised by Frankiin, designed to diffuse the light of intelligence over the whole land and elevate the whole people, an agency of government intended to reach with beneficence every fireside and home, should not be degraded to the wretched employment of enticing the young, the unwary, the feeble, into the den of the gambler, into the toils of a mercenary and merciless corporation, whose wealth only expressed the deluded hope, the agony and despair of its victims!

Congress from time to time had enacted provisions of law partially withdrawing from such schemes of fraud the use of the mails. Mr. Robertson sought to uproot the evil "by prohibiting the transportation through the mails of publications containing lottery advertisements." If the publishers of newspapers thought proper to sell their columns to gamblers and aid them in their fraudulent schemes, the postal agencies, designed for the good of the people, should be closed against them. It was an effectual remedy, perhaps the only effectual remedy, for a great evil.

Mr. Robertson's speech in support of this bill was delivered in the House on the 23d day of February, 1883. It was his last and greatest work in this House. That speech alone entitles Edward W. Robertson to a high place in the history of his country. It is a great speech, rendered important and of high moment by reason of the great evil it assailed. The occasion placed him in a commanding position. He stood up as the champion of the best moral sentiment of the American people, of the virtuous home and the honest fireside; he denounced in words that burned the infamy of the traffic that amassed wealth by playing upon the groundless hopes, the credulity, excited passions, and the very weakness and frailty of its victims. In his argument there is no parleying and paltering. This mercenary power, although clothed with the forms of law, that amasses wealth by preying upon the feeble and the poor, must be crushed out!

While the argument of Mr. Robertson was directed against this seductive and victors form of members in capacitate of the last the seductive and victors form of members in capacitate of the last the seductive and victors form of members in capacitate of the last the seductive and victors form of members in capacitate of the last the seductive and victors form of members in capacitate of the last the seductive and victors form of members in capacitate of the last the seductive and victors form of members in capacitate and the last the seductive and victors form of members in capacitate in the seductive and victors form of members in capacitate in the seductive and victors form of the last the seductive and victors of the last the seductive and victors of the last the

While the argument of Mr. Robertson was directed against this seductive and vicious form of gambling in general as fatal to the good morals of our people, it was especially directed against the corporation to which I have referred. It is a powerful philippic against that extraordinary feature in the legislation of a great State in the closing years of the nineteenth century. The following passage will indicate the vigor and force of his argument and the extraordinary power that such an institution may attain in a free government until the public sense of right is fully aroused:

sense of right is fully aroused:

No power is too high to attack, no means too low to use when it suits the policy of its action after being once determined. It illustrates the saying of Lord Coke: "It not only possesses no soul, but it is equally destitute of all pity, all mercy, and all remorse." Once entangled in its meshes there is no escape for its dupes. A bribe once accepted the threat forever hangs over the head of its victim. And strangest of all the momentuum of its power, contracted by a long series of years of wrong-doing with impunity, has been so great that it can exist in defiance of all law, and defies the proof that it exists without a charter. It makes no public statements of its affairs, permits no inspection of its books, and its grasp of monopoly exercises all the police functions of an independent sovereignty, allied with the inquisitorial power of a secret tribunal. It is a jealous mistress, and allows no rival within the fair domain of the State. None can plunder its subjects. It keeps their goods and possessions under guard against the attacks of kindred institutions.

Edward W. Robertson delivered this great speech in this House on

Edward W. Robertson delivered this great speech in this House on the 23d day of February, 1883, and a few days later left this Hall never

His relations with the members of this House in the Forty-seventh Congress were pleasant and cordial. He was a disciple of Jefferson, and stood with unfaltering firmness by the principles of that great champion of the rights of the people. His bearing was that of an intelligent, frank, cordial gentleman, not obstrusive, but equal to any emergency that might arise, positive in his convictions and prepared to stand by them under all conditions; an enemy of false pretense, subterfuge, and deceit, with a heart full of sympathy for the poor and the unfortunate.

Edward W. Robertson was elected by the people of his district to the Fiftieth Congress, but to the sincere regret of those who had enjoyed his friendship in Congress in former years, Providence decreed that he should never return, and a son worthily occupies his seat in this Hall.

If, as the wisest and best of men in all ages have believed, the soul of man is immortal, who shall say that in the last moment, with the light of eternity breaking upon his vision, in the review of his life, his spirit was not buoyed up by the remembrance that he had boldly upheld in this Hall the cause of virtue, purity, and honor against a venal power that assailed them. "Peace to the just man's memory." Peace to his askes. Honor to his name.

Peace to his ashes. Honor to his name.

Mr. HENDERSON, of Illinois. Mr. Speaker, it is not my purpose to speak at length on this occasion either as to the private character or the public services of Hon. Edward W. Robertson, to whose memory we this day pay tribute. That duty I leave to others more familiar with his life and character, and more competent to speak of them than I am. But it was my pleasure to have served with Colonel Robertson in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and during that time I had an opportunity to observe something of his character and services as a member of this body. And it gives me pleasure, Mr. Speaker, at this time to contribute my testimony to the dignified and courteous, as well as able and faithful, manner in which he discharged his public duties as a Representative in Congress.

his public duties as a Ropresentative in Congress.

I can not say, Mr. Speaker, that our relations were intimate, but they were from our first acquaintance pleasant. We were natives of the same State, and from that fact perhaps we often met in a social way, and sometimes we came in contact with each other during the debates and proceedings of the House, and I ever found him genial and pleasant in social intercourse and a gentleman of high character for integrity and ability. That he was honest and conscientious, as well as able, earnest, and faithful in the discharge of his public duties while a member of this House, no one who served with and knew him will, I think, for one moment doubt.

As a Representative living on the Mississippi River, which flows through one of the richest, grandest, and most productive valleys in the world, he was earnestand untiring in his efforts to secure the adoption of such measures as looked to the improvement of that great river, which with its tributaries gives to the great valley through which it flows 14,000 miles of navigable waters. I well remember how earnestly and with what ability he labored in that direction. I believe he was called the father of the Mississippi River Commission, and certainly he labored faithfully and diligently to establish it. And if the work of that commission shall only meet with the success which we hope it may, and result in a thorough improvement of the river and in preventing the annual loss of property which occurs from its overflow, it will add luster to the name of this able and faithful legislator.

The work of originating a plan for a thorough systematic improvement of the Mississippi River was perhaps the most important service of Colonel Robertson while a Representative in Congress. But he was active in other directions and entitled to great credit for the earnest effort made by him to prevent and suppress lotteries. He made in the House in February, 1883, an able and exhaustive speech in support of a bill introduced by him for that purpose, which exhibited not only a high standard of morals in legislation but a high order of ability and research. That speech is well worthy of study by every friend of good morals. Among other acts of his while a member of this body, and which was in the interest of the people he represented, was a resolution introduced by him and passed through Congress withdrawing from public sale the public lands in the States of Louisiana and Florida during pending legislation and reserving such lands for disposal under the homestead law. This resolution was intended to secure homes for the homeless and to keep the public lands out of the hands of speculators, and his action in that respect is worthy of all commendation.

and his action in that respect is worthy of all commendation.

I have referred to these acts of Colonel Robertson, Mr. Speaker, merely to show something of his character as an able and faithful representative of his people and of the country.

Colonel Robertson was a leading, prominent citizen of the State in which he lived from his infancy, and served his people in many positions of honor and trust in peace and in war, and in all of them, I have no doubt, served them with fidelity and ability. I could well wish that part of his service in war which had for its purpose the dismemberment of the Union might be blotted out forever. But he no doubt was honest and sincere in his action, and I am glad to know that even before the war had fully ended he took upon himself a solemn oath in the presence of Almighty God that he would thenceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States. And that oath I have no doubt he faithfully kept until the day of his death.

Mr. Speaker, Colonel Robertson was elected a member of this Con-

Mr. Speaker, Colonel Robertson was elected a member of this Congress; but he was not permitted by an All-wise Providence, to whose supreme will we must all bow, to take his seat here. And on the 2d day of August, 1887, he departed this life, honored and respected by the people among whom he lived and died. It was with deep regret, I know, that all of us who knew him heard the news of his death. But he, full of honors, has paid the debt from which there is no exemption to any of us, and sooner or later we must all follow him. All honor to his memory.

to his memory.

Mr. COX. Mr. Speaker, in honoring a college-mate, Julian Hart-ridge, of Savannah, Ga., I said to this House that there were various relations which we sustained to each other, and that these relations

often determined the members who were to speak in honor of those who had departed.

In these remarks I said:

It would take a Psyche to assort and arrange the "confused" seeds out of which have grown so many and such endearing relations of regard and affection. Some of us live here under the same roof, some serve on the same committee, some take the same side on favorite themes, some have had in our changeful American life mutual friends who have brought them together, some are kind to each other by association in their own States, and others, though far distant, share early and delightful reminiscences, and among them that one which springs radiant out of the morning of life, enhanced and beautified by college partialities and studies.

My relations to Col. Edward White Robertson did not arise from any association upon any committee or upon any relations we sustained before we met in Congress, either State or otherwise, or from any congeniality upon special themes in which we were interested in our American legislation, but it so happened that we were thrown side by side in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses; and therefore we became intimate. I knew something of the relations which he bore to public life. I had occasion to know something of the trials and hardships through which he had reached his manhood and his emi-

We lay sometimes much stress, Mr. Speaker, upon the elements of blood or heredity, or perhaps these elements are related to associa-tions connected with early and ancestral scenes and struggles.

I think the gentleman whom we honor to-day made the character for which he is honored because of those early associations. By them he was inspired after he left the State of Tennessee, where he was born, and settled upon the Mississippi, with which he becames o intimately bound.

The State of Tennessee has in its delegation to-day a gentleman whose

education and refinement have led him within the paths of literature. I refer to the honorable member from Memphis [Mr. Phelan]. In the elegant history of his State he has thrown a romantic interest about the State of Jackson, Houston, Grundy, Sevier, Polk, and Robertson and others, pioneers, soldiers, statesmen, and heroes who overcame the wildness of the Tennessee and Cumberland valleys, and moved on outside of the borders of Tennessee for new States to institute and conquer.

Happening upon an old map of Tennessee, I noted immediately south of the Kentucky line, but not wholly separated from the dark and bloody ground of Kentucky, within the crescent made by the Cumberland, which flows from the mountains on the east to the beautiful Ohio, the name and "route of Robertson." His route from Cumberland Gap and from further beyond in the east, crossing the Cumberland River in Kentucky and reaching to Nashville, makes his name historic along with the State within whose borders his ancestors lived.

His grandfather was born in Nashville. He saw the light upon the banks of the Cumberland. That city is now the conspicuous center and capital of Tennessee. He traversed the districts represented by the gentlemen from Tennessee [Mr. McMillin and Mr. Washington]. It is the great rich limestone country of the Cumberland. This land creates crops and heroes

The descendant of this pioneer sought the Mississippi River over the lands represented by my friend [Mr. ENLOE]. He was of a sturdy class.
Tennessee was separated by mountains from the older States of North Carolina and Virginia. Coming from an old Scotch stock, a tough element that never failed to resent indignity, while it righted wrong, it brought over the splendid eminences and out of the wilderness public

and private prosperity out of every possible disaster.

From the Carolinas and from Virginia this stock had emigrated over the mountains. The names of the early counties of Tennessee—the Seviers, Sullivans, Nathaniel Greenes, Waynes, Spencers, Caswells, Williamsons, Sumners, Wilsons, and the Montgomerys—indicate whole chapters of our heroic history, every man a pioneer or a Revolutionary hero. The incarnation of all this energy is Andrew Jackson. In the easy and luxurious modes of transportation at the present

time, it is difficult to realize the difficulties of the earlier settlers who led and followed the tide of emigration from Southern Virginia and North Carolina. Some of these migrations were made into the then Indian territory. They were made against the remonstrances and con-tentions of the Cherokees and other tribes. This frontier was a barrier

which only served to provoke our ante-Revolutionary emigration. Some acts of the Legislatures of the Provinces of North Carolina and Virginia greatly encouraged, both by franchise and bounties, the surmounting of these barriers. Besides, there were complaints in the provinces, and the hardy pioneers in pursuit of fortune, either to repair or to make their fortune, or to rise in life, penetrated the wilderness in order to enjoy a certain independence of their own. Some of them, like the Huguenot Sevier, who became a governor; others, like Boone, who piloted this new civilization and never stopped until he had reached Missouri; and others, like Robertson, as early as 1770, and with the spirit of the Mecklenburgh declaration of independence in their minds, and with the ambition of erecting free government for themselves and children, live in the annals of those early days. They have received the plaudits of esteem and affection of their hardy offspring, to whom they gave a robust frame, a strong mind, an intrepid spirit, and an invincible honesty of purpose.

The story of Robertson was that of a man, at first, of an unpromising future, with neither learning, means, nor friends. But difficulties were his helper. He lived to figure as the nucleus of a splendid community in Tennessee, along with other heroes whose names are fixed in pioneer

It is hard to realize the little trapping canoes and buckskin huntingshirts upon the Cumberland of that early day. The first commerce in which they engaged was with both Frenchmen and Indians, trading far up into Illinois and as far down as the Spanish Natchez. men were the framers of constitutions, whose States have their emblems in the escutcheons above us.

They combined the gallantry of the volunteer with the cunning of the red man and the heroism of a composite race. Before them melted away, as a famous Cherokee orator said of them, like balls of snow before the sun, the tribes who once held these lands.

Through one of these heroes we learn the characteristics of all. He has been described as the "negotiator between his countrymen and their Indian neighbors, a citizen who well united the character of the patriot and the patriarch; the active friend of his country, who possed, in an eminent degree, the confidence, esteem, and veneration of all his contemporaries."

This man was Robertson, and he was, in this movement across the mountains of America, a fit companion and type of Andrew Jackson.

Associated with such men and pervaded by such influences, the father of the man whom we honor, as early as 1826, when the son was but two years of age, moved from Tennessee to Louisiana. He engaged in planting cotton in the parish of Iberville. He became wealth. He had wealth. He had more. He had good sense; and therefore he increased his capital. The social and cheerful spirit which he inherited from his father was transmitted to his son. That son is the subject to-day of our eulogies.

It is significant, sir, that when the father moved from Tennessee he settled upon the Mississippi at Baton Rouge. No less a stream than the Mississippi satisfied his ambitious movement and mind. The father died in 1839, leaving the son, sixteen years of age, with an ample fortune. By some reflux wave the son returned to Nashville. There he finished his education in 1844, on the spot where his ancestor had

blazed out through the forests his early adventures.

How Colonel Robertson performed his life-duty will be rehearsed by others who knew him better than myself. What influences he obtained from the celebrated Nashville convention in 1844; how he was inspired in life by his visit to General Jackson at "The Hermitage," referred to by the gentleman from Louisiana [Mr. BLANCHARD]; what energies and adventure came from his communion with the old hero, who talked about General Robertson, his grandfather; how he was led from a life of uncertainty and repose to a life of study and labor, in which the law became his delight; what inducements led him to leap to the front as an "orderly sergeant" in the Mexican war; what sweet, persuasive influences in 1847, after that war was over, came from his marriage with a beautiful and loving helpmeet—these memories belong more to domestic than to political reminiscences.

His political life herea was the back of the Minister of the law in the law to t

His political life began upon the banks of the Mississippi. It began in the locality where it closed. It became famous in 1847, when he in the locality where it closed. It became famous in 1847, when he was promoted to the Legislature in spite of the Whig majority which then prevailed. In 1850 he began earnestly his practice at the bar. In 1854 he was again sent to the Legislature, and during that service he conceived the idea which was the chivalry of his life. He made it the subject of conversation while he sat at my side. That idea was the utilization of the Mississippi, the building of levees to make that great right the great highway of our interior converses. river the grand highway of our interior commerce.

It was Mr. Robertson who introduced and had passed a bill making it incumbent on the part of the State of Louisiana to bear one-half of the expense of building the levees. He thus desired to relieve the peo-ple of one-half of the expenses. That law was having its full fruition when the civil war unfortunately interfered.

It 1857 he held the important office of auditor of public accounts. Being re-elected, his term of service in all was four years.

Friends have pictured him, as he then was, of a manly form, and with a cheerful and kindly disposition. He had with a firm lip, expressive of his will, a happy expression, a courageous independence, and a principle which yielded to no one for its defiance of disingenand a principle which yielded to no one for its defiance of disingennousness and dishonesty. It was, indeed, a sad toesin which called
him to our civil war. But the very name of Baton Rouge—a bloody
baton—seemed to be contagious. He enrolled himself in the Twentyseventh Louisiana. A glance at the map will show the significance of
the position which he and his compatriots occupied. The forts on the
Mississippi, the investiture of Vicksburg, and the strategic importance of the vicinage all suggest that his work was intense, because
local. It was unhappily a work of war. His baton was the Baton
Rouge! The guards of Iberville were of his home. It was the name
of his company. His letters from Vicksburg to his heloved wife are of his company. His letters from Vicksburg to his beloved wife are picturesque descriptions of the progress of the siege, out of which he came honorably courageous, and decorated with a preferment.

But these memories would seem, by the order of time and the clemency of the heart, to be obsolete. The son of the toilsome pioneer,

the ambitious child of that pioneer's father, the soldier exiled from home, and returning humbly and modestly to his home after Federal successes and Confederate defeat; the lawyer resuming his meager practice after the world struggle in a "lost cause," still he did not succumb to despondency. He yielded nothing to the catastrophes of his life. He never thought of emigration to Mexico or South America. He emerged from these disasters; he came to Congress as a representative of the dominant and patriotic element of his suffering people.

Three times indorsed by his people, sustained by studious and careful practice of his profession and elevated in spirit-by an invincible honesty that no one ever challenged—he was enabled to resume his confidence among his people, though not his service here in the Fiftieth

It is my recollection, sir, that when he first came here the gentleman near me, Mr. RANDALL, was our Speaker. He promptly recognized Colonel Robertson's ability and his local relations, and I may say continental relations. He was created chairman of the Committee on Levees. It was the Mississippi that gave him inspiration and to this he was assigned. The banks of this splendid stream were familiar to his ken. Its trade, its currents, its caprices, he knew. He had seen them from early Above all he knew its importance as an avenue out of the heart and industry of inland America. He knew its exit to the ocean. He knew its uses in peace and, alas! he had found its terrible disasters to his people in war. It was his able report, often quoted here, for all committees and all wise action, that led to the best consideration of its

protection as well as a grand channel of transportation, as a mobile though a lasting band of unity.

When the "Mississippi River Commission" had passed Congress he exclaimed, "This is the proudest moment of my life." After this expression he was reminded that he should be careful; that others might claim the credit of securing that for which he had given so much of

his time, study, and labor.

"Let them," he exclaimed, "say what they will; I care little for the credit. Let the levees be built, and my people be made happy!"

It is within my own knowledge, sir, why it was that he failed to be returned to the Forty-eighth Congress. It is within my own knowledge.

edge that he was anxious to be vindicated for certain votes and opinions, and why he was returned to the Fiftieth. I was not here to meet him.

I was in another country.

It happens, however, in the order of nature, and by the providence of God, that men like him perpetuate in their offspring their intrinsic virtues. Therefore, the member from Louisiana, whom we deplore, is not without representation here. His son holds, and is worthy of, the seat of his father. I may be permitted to say that the modesty, independence, courtesy, and worth of the son compensate for the loss which the country has sustained in the death of the father.

It will be seen by my brief rehearsal that this man was toughened by experience. His was no butterfly flight to a land of summer where the orange blooms in the wintry air. These experiences connect him with mountain and river life, with peace and war, and with combats of all kinds. In these conflicts he yielded only to one conqueror—death!

For this man, and for every man of every race, death has a sinister, d, or sublime imagery. The Arab sees death as a black camel kneelsad, or sublime imagery. The Arab sees death as a black camel kneeling at the gates of hell; others see death as an angel or houri opening the gates of orient pearl. Some regard death as a rest of stirless, sleepful majesty, in which the human hero "lies down to pleasant dreams," and to a change which has no further change. Philosophers regard death as a matter of chemistry, and as easy as birth. To most of men is it not a dark and repelling horror—a skeleton, a shadow—and not, as it should be, another life, with roseate bloom of Eden loveliness? To one who has traveled over seas and land it is the end, sir, of a long and tiresome journey, only welcome when at the end, as it is blessed with meeting the loved ones who have gone before.

Whatever our mortal man be, whether hero, sage, rich, poor, bad, or good, death comes to each and to all with equal steps. To each and all

it comes as a terrific sadness

How we all strive to avert the great catastrophe which ends our mor-How we all strive to avert the great catastrophe which ends our mortal life! I am not, sir, averse to such laws here as look to human life, its liberty and preservation; but when the life is stranded I would, sir, it were on a shore of affection, without blasts or billows! Upon a silent and happy shore I trust our friend has found refuge and felicity. If honorable service would bring such a happy condition he has won his peaceful home among the immortal souls whom he loved. He has but stream.

but stooped-

Into a dark, tremendous sea of cloud; It is but for a time.

And he could say as he left us:

I press God's lamp Close to my breast; its splendor, soon or late, Will pierce the gloom. I shall emerge one day.

The Mississippi River, which he endeavored so earnestly to direct and restrain in its channel for purposes of public utility, rolls on, and will ever roll on, with "a perpetual sigh." Its waters are freighted with the atoms of earthly empire, whose organism and independence in the far-off realms of the Upper Missouri we have been discussing the past week.

There is a desolateness upon the banks of the great river as there is upon its sources; but this desolateness is the despair of nature—that so much human courage, chivalric goodness has passed down the stream to the eternal sca with the memory of Edward White Robertson!

Mr. HOUK. Mr. Speaker, Mr. Robertson, to whom this tribute is being paid to-day by this House, was a native of my own State of Tennessee. He came from one of the pioneer and most distinguished families of that State. I first made his acquaintance in the Forty-sixth

nessee. He came from one of the pioneer and most distinguished families of that State. I first made his acquaintance in the Forty-sixth Congress, and having in my school-boy days learned something of his family and of their history, my attention was naturally riveted upon the member from Louisiana. I became pretty well and closely acquainted with him in the business of this House and the legislation of the country in the two Congresses in which he and I served together. I have prepared no remarks, Mr. Speaker, in the nature of a eulogy upon Colonel Robertson, but knowing him as I did, I felt it to be my duty as one of those who in the providence of God have been permitted

duty as one of those who in the providence of God have been permitted to remain and take an active part in the legislation of the country to which he was so dutiful, while he has passed away, I felt that it was a duty resting upon me as one of his associates upon this floor to bear but a few words of testimony to his worth as a man and his character

as a legislator.

In the Forty-seventh Congress I had the honor to preside over the Committee on War Claims of this House, of which he was a member, and I am not saying too much when I declare that Colonel Robertson was one of the most faithful, painstaking, just, and fair-minded men connected with the committee. In this committee work, and of that I only propose to speak now, he was never behind. He was always at the meetings of the committee, and when Colonel Robertson investigated a case he did it without passion, without prejudice or predilection in any direction, except with a heartfelt desire to arrive at a true and just conclusion in regard to its merits. I had occasion to know something of the duties of that committee, and I feel, Mr. Speaker, that it will not be improper for me in this connection to state that if there is any committee in this House where a man's capacity and integrity as well as his industry will be more severely tested and where his parts will be more clearly developed than in the War Claims Committee, I do not know it. I wish to say further, and it is about all I desire to say, that Colonel Robertson never, at any time, while friends, personal friends, political friends, old associates, people whom he had known in more prosperous days, were before the committee and called upon him for his assistance and aid in their behalf, I have never seen him in any manner swerve in any direction except to seek to arrive at a just, proper, and an honest conclusion in regard to every question which he was called to adjudicate or decide.

Others have spoken more in detail of his life and character. Speaker, all I desire to say I have now said, except to add in conclusion that in the providence of God he has gone, and I can only exclaim, in the language of Job, "The Lord gave and the Lord hath taken away. Blessed be the name of the Lord." Peace to the ashes of Colonel Robertson

and rest to his soul.

Mr. BLAND. Mr. Speaker, we have paused in the midst of an exciting session to give expression to our grief at the loss of one of our

brother members

Hon. E. W. Robertson is dead. The solemn word "death" brings to us a contemplation of the great fact that all mankind are doomed to decay and dissolution. Life and death were planted within us at the decay and dissolution. This and death were planted within to a the beginning. Life and death, the two great laws of nature, continue in the struggle for supremacy with the certainty that however long life may survive the contest, death will ultimately conquer all.

In the Forty-fifth, Forty-sixth, and Forty-seventh Congresses we heard

as we sat in our seats on the roll-call of members the name of our deceased friend. His answer was always clear, distinct, and positive. His voice is no longer heard. His name has been dropped from our rolls; we no longer hear it announced from the Clerk's desk. His name has not been removed from our rolls simply by an order of the House, for we were delighted with his presence and companionship. It has not been erased by his constituency, for they loved to honor him and had re-elected him as a member of the present Congress. He has gone to meet the summons of his God. To this command we must all, sooner or later, bow.

The name of our departed friend has been transcribed from the roll of time to the book of eternity and, we trust, to everlasting life.

I never knew our departed brother until I met him in the Forty-fifth I served with him in the Forty-fifth, Forty-sixth, and Fortyseventh Congresses. I had not the pleasure of serving on any committee with him, but in the Forty-seventh Congress my seat was near his. This afforded me the opportunity of a more intimate acquaintance with him, and enabled me to observe his character. I can testify to his genial manners and his social accomplishments which drew to him many personal friends.

He was always watchful of the proceedings of the House and never failed to express himself upon a measure when he believed it was his duty to do so, but he was not in the habit of addressing the House merely with the intention of attracting attention. He was a man of

good attainments and ability.

He was a useful and faithful representative of his constituency, but

his patriotism embraced the whole country.

I regarded him as a man of strong convictions, great energy, and conscientious in all that he advocated. He was not what we call a brilliant man; he was a sturdy and honest legislator, whose industry and intelligent thought resulted in great good to the country and his constituents. He was cut down by the scythe of time in the midst of a useful career. A laudable ambition to serve one's country and to be useful to mankind in our day is commendable. It is but natural that we should wish to live in history. But, after all, what is earthly fame? This sad occasion reminds us of the uncertainties of life and of the solemn thought that e'er long its struggles will be over. Who can believe death is the end? Who can say in his heart this is all there is of Where is the philosopher or seer that can coldly view humanity as the simple output of natural forces, to be relegated to nothing-The spark of intelligence implanted in man to go out as the lightning's glare or the whistling of the wind? We instinctively revolt at the thought.

No, sir; there is something beyond this life. There must be in the nature of things compensation somewhere; we know it is not here. The great disparities in the enjoyment and blessings of this world teach

us that somewhere, somehow, there must be an evening up, else justice is a mockery and life itself a curse and a snare.

We can not say to our departed friend, "Dust to dust, ashes to ashes," and leave him food for the worms, shut up in the gloom of eternal night. The soul has separated itself from its earthly prison, and why not, if life, the spirit or the soul, can live in our frail bodies, and that body perish, who can say the spirit has not entered in another form and resumed an existence of a higher order and a happier state?

So live that when thy summons comes to join The innumerable caravan that moves To that mysterious realm where each shall take His chamber in the silent halls of death, Thou go not like the quarry-slave at night. Scourged to his dungeon, but sustained and soothed By an unfaltering trust, approach thy grave Like one who wraps the drapery of his couch About him and lies down to pleasant dreams.

Mr. SPRINGER. Mr. Speaker, Edward White Robertson was born in the State of Tennessee in 1823, but in his infancy his parents removed to Louisiana, where he continued to reside until the day of his death. He received a collegiate education, and entered upon a course of legal studies just at the beginning of the Mexican war. Like many of the noblest youths of the country at that time, he volunteered as a private to serve in that war, and took part in that contest as a member of the Second Louisiana Volunteers. Returning to his home, he entered the law school of the University of Louisiana and graduated in 1850. In the mean time he had been elected a member of the lower house of the Louisiana Legislature, where he rapidly rose to distinction in his State. He was re-elected to the same position, and afterwards was twice elected auditor of the State.

In 1862 he entered the Confederate service as captain of a company, and served until the fall of Vicksburg, July 4, 1863, when he was captured by the Union forces. He did not again return to the military service. At the close of the war he resumed the practice of the law, and continued to follow that profession until elected to the Forty-fifth Congress. He was re-elected to the Forty-sixth, Forty-seventh, and Fiftieth Congresses, but died before the assembling of the latter Congress. It was my pleasure to serve with him in the three Congresses in which he was a member. I found him an earnest, conscientious man, of more than ordinary ability, of most exemplary habits and

pleasing manner.

He did not take so prominent a part in the debates as did some other members, but when he spoke he always commanded the attention of the House, and favorably impressed all who heard him. That which most attracted my attention and gained my admiration for him was the earnestness of his manner and the deep conviction of right which actuated him. Such earnestness and candor are always indicative of honesty and a strict regard for the dictates of conscience. He was not an orator in the sense that oratory consists in well-rounded periods and high-sounding words; but he was an orator in the sense that oratory consists in a clear statement of the facts and deductions therefrom in reference to the matter under consideration. When he had stated the facts and had drawn his conclusions he resumed his seat and left to others that elaboration which more frequently detracts from the strength of one's position than otherwise.

He was a man of high sense of honor—a gentleman in the truest sense of that word. He was courteous to his fellow-members, and in turn commanded the highest respect and deference of all with whom he came in contact. He was free from concealment, free from cunning and de-ception of every kind. He was frank and outspoken, leaving nothing

in doubt as to his true position.

He was attentive to his official duties, rarely absent from his seat in the House and earnestly devoted to the service of his constituents and to the people. His frequent election to positions of honor and public trust attests the esteem and admiration in which he was held by the

people of Louisiana, where he had resided from his infancy. He leaves behind him a record of official integrity, of personal purity, and of pa-triotic devotion to the public weal. His memory will be cherished by all who knew him; his loss will be mourned by a large circle of friends and relatives, and his State will place his name in the list of those who

and relatives, and his State will place his hallot have rendered her faithful and patriotic service.

Mr. Robertson was the grandson of General James Robertson, who was one of the pioneers of Virginia and Tennessee, having been born in Virginia in 1742. He was of Scotch-Irish descent, and his character was marked by the peculiarities of both races. The grandfather was one of the most conspicuous of the pioneers of the Revolutionary period, and was engaged in numerous Indian wars, enduring great hardships and performing many heroic deeds. On one occasion, at the head or a colony of two hundred and fifty men, in an exposed position, har-assed by the Cherokee Indians, his companions were fast deserting him and seeking safer locations. He did not repreach them, but said:

Each one should do what seems to him his duty. As for myself, my station is here, and here I shall stay if every man of you deserts me.

And he did stay. His declaration on this occasion was not only characteristic of himself but of his grandson, whose loss we deplore and whose virtues we commemorate this day. Where duty called there was found Edward White Robertson. It mattered not to him what others might do or say. He took a firm stand for the right and adhered to his resolution, no matter whether he was supported or deserted by others.

One of the most striking and appropriate tributes to his memory which his late constituents have conferred upon him was in the election of his son, with great unanimity, as his successor as a member of this House. But to do this required, happily, no letting down of the high standard which should prevail in choosing Representatives in Congress. The son is worthy of his sire, as his sire was worthy of his il-

lustrious grandfather.

True greatness consists in doing one's duty. In whatever station of life that duty may be, he who performs it well has done all that man or God requires. In the service of the State that which is most requisite for stability of government and the prosperity of the people is-

Men who their duties know, But know their rights, and, knowing, dare maintain.

Such a man was our deceased brother. And now, having ended his public service, having performed his whole duty to his State, his country, and his fellow-men, we commend his spirit to the favor and fellowship of his Creator.

Mr. WILKINSON. Mr. Speaker, with the sun fast sinking in the West and the hours of the Fiftieth Congress fast flying to its close, we have laid aside for a time the ordinary routine of legislation to pay a last tribute to one whose hours on earth are over, but whose life of kindly deeds, of able efforts, and patriotic actions lingers in memory still as the light lingers in the evening sky after the day has gone.

Sir, the words are not idle, the phrases are not empty, the tribute is not unearned which we pause this afternoon to offer to the memory of

Edward White Robertson.

Elected from Central Louisiana to the Fiftieth Congress by a large majority, he died three months before it assembled. A devoted constituency, with high regard for his faithful service in the past, sent a son to sit in the father's stead. The members of this House from other States than Louisiana, whose public life on this floor commenced with the Fiftieth Congress, did not know the father upon whose death the son was selected to fill the uncompleted term. Hence the eulogies that have so far been pronounced have been uttered by friends of former years, by comrades and fellow-members of the Congresses before this. Full of detail as these eulogies have been, full as they have been of respect and appreciation, of affection and esteem, I can add but little more, and a part of that little will be a repetition of what has been already said.

Edward W. Robertson was born about sixty-six years ago, near Nash-ville, in Tennessee, a State then as now the mother of noble sons. He was brought by his parents when a child of two years to that beautiful region of Louisiana on the banks of the Mississippi River, to which Iberville gave his name. He was educated in Louisiana, Kentucky, and Tennessee. As a young collegian, he took front rank in the lecture room and was a leader in manly sports. On coming of age he de-termined to be a lawyer, but had scarcely begun his legal studies when he laid them aside to serve on the battle-fields of Mexico. From thence he is next found occupying a seat in the Legislature at the early age of twenty-four. Graduating afterwards in law, in which he enjoyed a successful practice, he was elected again to the Legislature, then to the

position of State auditor, to which he was re-elected in 1858.

Such were, in brief, the chief incidents of his life up to the begin ning of the civil war. In that tremendous conflict which showed, through blood and agony, through desolation and tears, that the Constitution as the fathers made it was not a sufficient bond of union, and that for the perpetuation of the Union hereafter citizenship and its inherent obligation, allegiance, must be extended so as to make the citizen a citizen not of the State alone, but of the United States—in that tremendous conflict, amid those tragic scenes, he was an earnest and an active participant. He marched, fought, and endured side by side with his neighbors, his friends, and his countrymen, and like them, when defeat came, devoted his energies to healing the ghastly wounds that war had made.

Recognizing the ability with which he had served in so many stations, it is not remarkable that he was selected by his people in 1876 as a candidate for membership in this House. Elected in that year to the Forty-fifth Congress, he was re-elected to the Forty-sixth, again to the Forty-seventh, and once more, after an interval, to the Fiftieth Congress, and would have taken his seat on this floor after being elected for the fourth time, had not death ended forever his legislative career.

He would have come no stranger here, but would have been among friends, some of whom served with him for six years, who loved his genial qualities and respected his mental attainments, and who have told this evening in glowing terms of his virtues and his worth.

I shall not attempt, Mr. Speaker, to add to what they have said about his legislative career. Words from the lips of those who served with him through all that period, tributes offered by those who were engaged with him, on one side or the other, in legislative contests of and earnest, are more precious than any that I could utter or I could

I knew, but not intimately, the colleague for whom we mourn, for the generation of public men in Louisiana among whom he moved and by whom he was best known, was my father's more than mine. I well knew, however, of the esteem in which he was held, not only in the district which so often honored him, but by the people of the whole State whose faithful public servant he had also been.

It would have been singular indeed had he not been held in high esteem. As a soldier who served with gallantry in two wars, as a civilian who adorned every station which he had filled, what right had he not won to honor and esteem? Twice sent to the Legislature; elected again and again to a high State office; four times selected as a Representative in Congress, his record in all these positions bears no mark of calumny or of shame. It is white and unsullied as the marble slab that marks his tomb.

My dead colleague lived a life and held a creed which in great meas ure robbed the dread hereafter of its terrors; but making life on earth pleasant to others as he did, he had a keen appreciation of its joys himself. A wise counselor, an earnest advocate, an able legislator, ever zealous for the interests that clients or constituents had committed to his care, his love for manly sports gave at times fresh zest to his labors in their behalf. He loved to breathe the open air outside of courts and legislative halls. He loved the woods and fields, the shady dells where crystal streams and placid pools seemed made for lovers of the angler's art. He loved the chase. The whirr of wild-fowl's wings, the notes of hunter's horn, the deep baying of hounds in close pursuit, all made sweet melody to his ears.

But now, alas, the hand that was skilled with rod or pen alike, the

voice that moved juries or contended for right and justice before the courts where the law is interpreted, or here where the laws are made, that hand is motionless, that voice is hushed in death.

When last in this Chamber he sat yonder full of life and vigor, and

looking forward to many years more of usefulness. To-day he sleeps on a distant hillside a thousand miles and more away.

Close by that silent form is the home to which happiness and sun-shine ever came when he was near. Not far off the white towers of the State capitol, where thirty years ago he served, lift their lofty summits, fit emblems of the uprightness of his life. Near by also flows the great river whose banks witnessed his childhood's early sports, and to deepen whose shallows and control whose mighty floods were given his manhood's grandest efforts.

While he sleeps so silent there, the phenomena of nature will go on in their appointed courses just the same as if he and all the hosts who sleep with him had never lived or never died. The days will continue steep with him had never fived or never died. The days will continue to come and go in splendor, with dawn's red light and sunset's blush. The nights will ever gem the sky with stars. The seasons, as in all time, will mantle the earth with bloom, or verdure will deck the fields with harvests or shroud them with snow. And as the hours and days and seasons come and go, by a kind provision for our happiness, time will dull, as it ever does, the keen edge of grief. In the years that are to come it may be, it must be a consolation to the season and don't be. to come it may be, it must be, a consolation to the sons and daughters now grown to man's and woman's estate—to her who has been left to go down the path alone without the dear companion with whom she "climbed the hill thegither"—it must be some solace to them to feel that the priceless heritage of a name honored, esteemed, and beloved

Sorrow for his loss did not come to them alone, for when their dearest companion, counselor, and protector was taken, not only was a loving husband and devoted father lost to them, but the State was deprived of an able and a faithful representative, poverty and distress were reft of a kind and sympathetic friend, justice lost a devoted champion, patriotism a bright ornament, Christianity a conspicuous exemplar!

Mr. McMILLIN withholds his remarks for revision. [See Appen-

Mr. BLANCHARD. I now move the adoption of the resolutions.

The motion was agreed to.

And then, on motion of Mr. BLANCHARD (at 5 o'clock and 5 minutes p. m.) the House adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. E. P. ALLEN: A bill (H. R. 12293) for the relief of Wilbur F. Cogswell-to the Committee on Naval Affairs.

By Mr. G. A. ANDERSON: A bill (H. R. 12294) granting a pension to William T. Hudnall—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: A bill (H. R. 12295) for the relief of Fanny Mason L. Janney-to the Committee on War Claims.

By Mr. CHEADLE: A bill (H. R. 12296) granting a pension to Joseph W. McConnell—to the Committee on Invalid Pensions.

By Mr. ENLOE (by request): A bill (H. R. 12297) for the relief of the estate of John M. Campbell, deceased—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 12298) granting a pension to Dr. D. B. Goldsmith—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12299) for the relief of Mrs. E. G. Tomlinson, administratrix of the estate of William E. Tomlinson, deceased—to the Committee on War Claims,

Also, a bill (H. R. 12300) for the relief of Mary C. Shields—to the Committee on War Claims.

Also, a bill (H. R. 12301) for the relief of C. S. Farrar, administrator of the estate of Gray W. Smith, deceased—to the Committee on War Claims

By Mr. OWEN: A bill (H. R. 12302) granting a pension to Parker

Smith—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 12303) granting a pension to Ester Gaven-to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of A. M. Monroe and 44 others,

of Decatur, Miss.—to the Committee on Agriculture.

By Mr. C. S. BAKER: A joint resolution relative to a division of Dakota, and the admission of each division as a State—to the Committee on the Territories.

By Mr. BURROWS: Petition of J. W. Pike and 66 other citizens. and of Daniel L. Akey and 62 others, citizens of St. Joseph, Mich., in favor of pure lard-to the Committee on Agriculture.

By Mr. CARUTH: Papers relating to the bill to increase the pension of Margaret Jane Lovell to accompany the bill H. R. 12044—to the Committee on Invalid Pensions.

By Mr. DORSEY: A joint resolution relative to a division of the Territory of Dakota and the admission of each division as a State—to the Committee on the Territories.

By Mr. ENLOE: Petition of Jesse R. Wright, administrator of Nancy Wright, of Hardin County, Tennessee, for reference of her claim to the Court of Claims-to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of post-office clerks for relief-to

the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Petition of Charles A. Comer, of Cherokee County,
Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GIFFORD: Petition of the board of county commissioners of Bottineau County, Dakota, for relief—to the Committee on the Terri-

By Mr. GUENTHER: Petition of post-office clerks, for relief-to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Milwaukee Turnverein, against the Blair Sunday bill-to the Committee on the Judiciary.

By Mr. HALL: Petition of Dr. J. T. Akin and others, of New Richmond, Pa., in favor of pure lard and pure food-to the Committee on Agriculture.

By Mr. HERBERT: Petition of H. B. Metcalf, of Montgomery County, Alabama, for reference of his claim to the Court of Claims-to the Committee on War Claims.

By Mr. McKINLEY: Petition of G. T. Wolf and others, of Salem, Ohio, in favor of pure lard and pure food and drugs-to the Committee on Agriculture.

By Mr. PLUMB: Affidavit of Mary J. Downer and of Herbert W. Oldham, in support of the claim of Jane Johnson for a pension-to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of the administrator of James Cunningham, of Franklin County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEAVER: Petition relating to the duty on logs—to the Com-

mittee on Ways and Means.

#### SENATE.

## MONDAY, January 21, 1889.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. BUTLER. Mr. President, there is evidently not a quorum

I move a call of the Senate.

The PRESIDENT pro tempore. The Senator from South Carolina suggesting the absence of a quorum, the Secretary will call the roll of the Senate.

The Secretary called the roll, and after some delay the following Senators answered to their names:

Allison, Berry, Bowen, Brown, Butler, Chandler, Cockrell, Dawes, Dolph, Edmunds, Evarts, Farwell, Faulkner, Hale, Hampton, Hiscock, Cullom,

Hoar, Spooner, Ingalls, Stockbridge, Jones of Arkansas, Teller, Mitchell, Vance, Morrill, Vest, Paddock, Walthall, Saulsbury, Wilson of Iowa.

Mr. SHERMAN. The Senator from Rhode Island [Mr. ALDRICH] and the Senator from New York [Mr. HISCOCK] are present in the Finance Committee room on duty, and I hope their names will be en-

tered.

The PRESIDENT pro tempore. The Senator from New York [Mr. Hiscock] has responded to his name.

Mr. SHERMAN. The Senator from Rhode Island [Mr. ALDRICH] is detained and might as well be entered as present.

Mr. EDMUNDS. We can not do that.

Mr. REAGAN, Mr. PLATT, Mr. GEORGE, Mr. PLUMB, and Mr. ALDRICH entered the Chamber and responded to their names.

The PRESIDENT pro tempore. Thirty-nine Senators having answered to their names, further proceedings under the call will be dispensed with, if there be no objection. The Secretary will read the Journal of the proceedings of Saturday last.

The Secretary proceeded to read the Journal of the proceedings of Saturday, January 19, 1889, but before concluding was interrupted by—

by— Mr. ALLISON. I ask that the further reading of the Journal be dis-

pensed with.

The PRESIDENT protempore. The Senator from Iowa asks unanimous consent that the further reading of the Journal be dispensed with. The Chair hears no objection, and it is so ordered.

## CERTIFICATES OF ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of electors for President and Vice-President appointed by the States of Colorado, West Virginia, and Minnesota; which were ordered to be printed, and, with the accompanying certificates, to lie on the table.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of State, transmitting the report of Dr. B. A. Gould, as American delegate to the international committee of weights and measures, held at Paris in September and October last, and a dis-patch from Mr. McLane, United States minister at Paris, communi-cating a copy of the special report of the international committee, es-timating the expenditures of the committee for the year 1889 at the usual sum of 100,000 francs and assessing the United States the sum of 10 111 francs; which with the accommanying papers, was referred

usual sum of 100,000 francs and assessing the United States the sum of 10,111 francs; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of October 12, 1888, a report from Maj. W. A. Jones, Corps of Engineers, submitting an estimate of the cost of the improvement of the Willamette River between Portland and October 10, October 10, by the removal of bery and tween Portland and Oswego, in Oregon, by the removal of bars and deepening the channel so as to admit of the navigation of that river by deep-draught vessels; which, with the accompanying report, was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR. I desire to ask the Chair whether the answer of the

Secretary of the Treasury to the resolution in regard to the sugar

frauds was laid before the Senate? The PRESIDENT pro tempore. It was laid before the Senate on Saturday, and ordered to lie on the table until the Senator from Massachusetts came in.

Mr. HOAR. I move that the letter and accompanying papers be printed and referred to the Select Committee to Examine into the Condition of the Civil Service, of which the Senator from Maine [Mr. HALE] is chairman.

The motion was agreed to.

#### STATUE OF LEWIS CASS.

The PRESIDENT pro tempore laid before the Senate the following communication; which was read:

EXECUTIVE OFFICE, MICHIGAN, Lansing, Mich., January 16, 1889.

Lansing, Mich., January 16, 1889.

Dear Sie: I have the pleasure at this time to inform you, and through you the Senate, that in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, a statue in marble of Lewis Cass has been made in pursuance of an act of the Legislature of this State, passed at its blennial session in 1885, and which statue is the work of the celebrated American sculptor, Mr. D. C. French, of Concord, Mass. The same has been placed in the old Hall of the House of Representatives at the Capitol of the United States in the custody of the Architect of such Capitol.

This work is now presented to the Congress of the United States as one of the statues contributed by the State of Michigan in pursuance of the invitation aforesaid.

I write you at this time that such further action may be taken in the matter by Congress as may be deemed expedient.

Very respectfully, yours,

CYRUS G. LUCE, Governor.

Hon. John J. Ingalls, President of Senate of United States, Washington, D. C.

Mr. PALMER. Mr. President, in response to the letter I will state that on the morning of February 18, at the close of the morning business, I shall present resolutions expressive of the sense of the Senate and make a few remarks thereupon.

The PRESIDENT pro tempore. Meanwhile the letter will lie on the

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of underwriters on marine risks of New York City, praying for the passage of House bill No. 8855, providing for a new light-ship with a steam fog-signal off Sandy Hook, New York Harbor; which was referred to the Committee on Commerce.

tee on Commerce.

Mr. FARWELL presented petitions of 150 members of the Methodist Church of Savoy, Ill.; of 36 citizens of Illinois; of 11 members of the Baptist Church of Berwick, Ill.; of members of the United Presbyterian Church of Paxton, Ill., and of members of the South Baptist Church of Belvidere, Ill., praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a petition of the Wholesale Liquor Dealers' Association of Chicago, Ill., praying for the removal of special taxes or licenses on wholesale liquor-dealers and rectifiers; which was referred to the Committee on Finance.

the Committee on Finance.

Mr. CULLOM. I present a petition signed by a large number of citizens who are residents of the Territories, praying that in the acts for the admission of any of the Territories women shall be allowed to vote for delegates to the State constitutional convention or conventions, and at the elections for the adoption of the constitution in every Territory where the Territorial Legislature has passed a law providing that women may vote, etc. I move the reference of the petition to the Committee on Territories.

The motion was agreed to.

Mr. PLUMB presented a petition of 1,559 residents of Kansas, praying for the passage of a Sunday-rest law, against needless Sunday work, Government Sunday mails, and interstate commerce on the Sab-bath; which was referred to the Committee on Education and Labor.

Mr. MITCHELL presented a petition of non-commissioned officers and privates of Battery E, Fourth United States Artillery, and a petition of non-commissioned staff and band officers of the Fourth United

tition of non-commissioned staff and band officers of the Fourth United States Artillery, praying that the act creating a retired-list for enlisted men, approved February 25, 1885, be amended so as to require twenty-five years' service instead of thirty years; which were referred to the Committee on Military Affairs.

He also presented the petition of Mary Ellen Fitzgerald, of Vancouver, Wash., daughter of the late Michael Fitzgerald, a private in Company G, Sixth United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAVIS presented a petition of members of the Westminster Presbyterian Church of Minneapolis, Minn.; a petition of 101 citizens of the State of Minnesota; a petition of citizens of Rushford, Minn.; a petition of 134 citizens of the State of Minnesota; a petition of 111 citizens of the State of Minnesota, praying for the enactment of a Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Turnverein Germania, of St.

He also presented a memorial of the Turnverein Germania, of St. Paul, Minn., remonstrating against the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Chamber of Commerce of St. Paul, Minn., favoring the passage of an act to prevent dumpage in the Mississippi River so as to obstruct navigation; which were referred to the Committee on Commerce.

He also presented the position of He. D. C.

He also presented the petition of Hon. P. Cudmore and other citizens of Faribault, Minn., praying for legislation providing for the purchase of Cuba; which was referred to the Committee on Foreign Relations.

Mr. ALLISON presented petitions of the Presbyterian, Congregational, and Baptist Churches of Council Bluffs, Iowa, praying for the

sage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. CALL presented a petition of certain postal clerks, praying for a readjustment of their salaries; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the merchants of New York representing the Florida sponge fisheries, remonstrating against placing

sponges on the free-list; which was ordered to lie on the table.

Mr. HOAR presented a petition of W. H. Sawyer and others, lumbermen and residents of Worcester, Mass., praying for an additional duty on manufactured lumber imported from countries which place an export duty on logs and shingle-bolts and other wood equivalent to such export duty; which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (H. R. 3765) for the relief of Harriet Young, reported it with amendments.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations, reported it with

Mr. GEORGE, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below; which was read twice by its title.

#### OMAHA, DODGE CITY AND SOUTHERN BAILWAY.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3696) to authorize the Omaha, nairs, to which was referred the bill (S. 3695) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation, introduced by the junior Senator from Kansas [Mr. Plums], to report it back to the Senate without amendment and recommend its passage. There have been two similar bills reported favorably from the committee. This is practically an abandand military recommends. abandoned military reservation.

Mr. PLUMB. In view of the facts as stated by the Senator from Missouri, and in view of the further fact that apparently the parties are awaiting the passage of this bill in order to commence work upon the line of railroad through the reservation, I ask for the passage of the bill

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the consideration of the bill just reported. It will be read at length for information.

Mr. ALLISON. If it takes no time, I shall not object. The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Omaha, Dodge City and Southern Railway Company, a corporation in the State of Kansas, be, and is hereby, granted a right of way, not to exceed 100 feet in width, across the Fort Hays military reservation, upon such line as may be approved by the Secretary of War.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3858) in relation to dead and fallen timber on Indian lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAVIS introduced a bill (S. 3859) granting a pension to Sarah T. Dinsmore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3860) granting a pension to Mary Ellen Fitzgerald; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 3861) providing for certain lights and other works connected with the Light-House Establishment, on the coast of Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 3862) providing for the erection of certain light-house structures and fog-signals on the coast of Massachusetts, and for the construction of a new steam-tender for service on that coast; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PADDOCK introduced a bill (S. 3863) granting a pension to Evelyn W. Miles; which was read twice by its title, and referred to the Committee on Pensions.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER and Mr. MITCHELL submitted amendments intended to be proposed by them, respectively, to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd; and

A bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3782) to amend an act entitled "An act declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled 'An act granting to railroads the right of way through the public lands of the United States,' approved March 3, 1875,'' approved September 10, 1888; and it was thereupon signed by the President pro tempore.

#### RECEIVING-SHIP CLAIMS.

I submit the following resolution, and ask for Mr. CHANDLER. its present consideration:

Mr. CHANDLER. I submit the following resolution, and ask for its present consideration:

\*Resolved\*\*, That the Secretary of the Treasury be directed to furnish to the Senate a statement concerning claims for extra allowances to officers and men of the Navy based on sea service on receiving-ships, showing the total gross amount of such claims which have recently been allowed by the accounting officers of the Treasury, the total amount of such claims now pending, and any estimate which been paid, the total amount of such claims now pending, and any estimate which may have been made in the Treasury Department of the probable total amount of all such claims; and that said Secretary be also directed to inform the Senate whether or not, either in the office of the Fourth Auditor or Second Comptroller, any lists of such probable claims for sea-pay and allowances for service on receiving-ships have been prepared in advance of the presentation by the claimants of their demands; and if so, why such lists have been prepared; and also whether or not clerks have worked evenings or otherwise out of office hours in preparation of the same; and whether or not copies of such lists or access to them or any knowledge of their contents have been allowed to or obtained by attorneys or claim agents; if so, who are such attorneys or claim agents; and further, whether or not any such claimants have, to the knowledge of the Treasury Department, paid or made bargains to pay commissions to attorneys or claim agents in the newspapers inviting correspondence from the heirs of officers or men of the Navy supposed to be entitled to extra allowances on account of sea service on receiving-ships; and if so, whether to the knowledge of the Treasury Department attorneys or claim agents have inserted advertisements in the newspapers inviting correspondence from the heirs of officers or men of the Navy supposed to be entitled to extra allowances on account of sea service on receiving-ships; and if so, whether to the knowledge of the Department such

The PRESIDENT pro tempore. Is there objection to the present

consideration of the resolution?

Mr. VANCE. I feel it my duty to object to the consideration of that or any other business unless I can obtain unanimous consent for an extension of the time fixed limiting the debate on the tariff bill to twentyfour hours. The most important of all the schedules is the woolen

The PRESIDENT pro tempore. The resolution will lie over under the rules and be printed.

## HOUSE BILLS REFERRED.

The bill (H. R. 6963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

#### THE REVENUE LAWS.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 9051.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the rev-

Mr. VANCE. Mr. President—
Mr. ALLISON. I will yield to the Senator from North Carolina in one moment. I ask unanimous consent that at 3 o'clock to-day the rule limiting debate to five minutes may be applied to this bill.

Several MEMBERS. Say 2 o'clock.

Mr. ALLISON. Two o'clock is suggested. I will say 2 o'clock to-day, allowing ten minutes instead of five.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that at 2 o'clock this afternoon—
Mr. BUTLER. I suggest 3 o'clock.
Mr. ALLISON. Very well; I will modify my request and say 3

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that at 3 o'clock this afternoon— Mr. VANCE. I shall feel compelled to object to that, sir.

The PRESIDENT pro tempore. The question recurs on the amend-

ment proposed by the Senator from Georgia [Mr. Brown]
Mr. VANCE. I desire before the subject passes away I desire before the subject passes away to make the

appeal which I undertook to make a few moments ago.

The PRESIDENT pro tempore. The Chair did not understand the Senator to make a request except conditionally.

Mr. VANCE. I ask that the time for the discussion of this tariff

question be extended twenty-four hours from the time fixed by the agreement that we have already made.

The PRESIDENT pro tempore. The original agreement was that the vote should be taken at 1 o'clock this afternoon. By subsequent agreement that period was extended until to-morrow at 1 o'clock. The Senator from North Carolina asks unanimous consent that the agreement be further extended so that the vote shall be taken on the bill and the pending amendments at 1 o'clock on Wednesday.

Mr. VANCE. I desire to say in support of that request that the most important, as it occurs to many of us, of all the schedules has not yet been touched. It was kept back out of its order when it was regularly reached, at the request of the Senator from Iowa, and to confine us now to a five-minute debate, with the little remnant of time remaining to us, is not doing justice to the importance of that great sub-

I trust, inasmuch as we have been able to manage this thing harmoniously by unanimous consent so far, that twenty-four hours more will be given, and that the time be given to the wool schedule, and not subject to be taken up by anything else that may be thrust in at the discretion of Senators.

Mr. ALLISON. In response to the suggestion of the Senator from North Carolina I will say that we have proceeded with as much diligence as possible in the consideration of the bill. We have lost not a moment. It is true that the wool schedule has been passed over. I am ready this morning to take up the wool schedule. We have already arranged for a night session, and I am quite sure that there is ample time between now and 1 o'clock to-morrow, the time for the final vote, to debate the wool schedule so far as detail is concerned.

I hope the Senator from North Carolina will not ask for an extension of time. We are so pressed with every sort of business at this ession that it will be almost impossible for us to get on unless we get this bill out of the way to-morrow.

Mr. VANCE. If we could take the wool schedule and adhere to it

and nothing else we should perhaps have somewhat reasonable time.

Mr. ALLISON. It was with that view, I will state to the Senator from North Carolina, that I suggested that at 3 o'clock we limit the debate. I know how easy it is, as the Senator well knows, to get away from the special paragraph under consideration into a general discussion of the tariff. So, I think if the Senator will allow us to limit the debate say at 3 o'clock to-day and take up the wool schedule immediately, or in a few minutes, after the amendment of the Senator from Georgia is disposed of, it will not be necessary to extend the time beyond 1 o'clock

Mr. HOAR. May I ask the Senator from Iowa what appropriation bills have passed the Senate?
Mr. ALLISON. None.

Mr. HOAR. We have but thirty-three secular days remaining of this session after to-morrow, and the time to be occupied in ascertain-ing and declaring the result of the Presidential election is to come out of that. So really we shall have but between four and five weeks for what usually occupies thirteen weeks and crowds us.

Mr. VANCE. I do not want to be considered obstinate, sir, but we

have no assurance how long the question of rice is going to occupy the time of the Senate. Then the lumber schedule is to be taken up—

Mr. ALLISON. Allow me to make a suggestion to the Senator from North Carolina. Instead of 1 o'clock make it 3. That will give us two

hours more.

Mr. VANCE. I can not consent to any limit of debate to-day unless

the time shall be extended as I have requested.

The PRESIDENT pro tempore. The pending amendment, proposed by the Senator from Georgia [Mr. Brown], will be stated.

The CHIEF CLERK. It is proposed to strike out paragraph 287 and

in lieu thereof to insert:

287. Rice.—Cleaned, 2½ cents per pound; uncleaned, 1½ cents; paddy, 1½ cents. Broken rice or rice-flour which will pass through a sieve commercially known as No. 12 wire sieve, 20 per cent. ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. Brown].

Mr. ALDRICH. I submit two amendments to be offered to the pend-

ing bill, and ask that they be printed.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Senator from Rhode Island submits two amendments to the pending bill; which will be printed and lie on the table.

Mr. MORGAN. Mr. President, it is rather late in this debate, but the Senator from Georgia [Mr. Brown] made some allusions to Southern industries which I think it proper to examine very briefly before the Senate. I would not interfere at this time with the discussion of the particular items of this bill if I did not feel that it was a duty I owe to

my own State to say something in reply, or rather in explanation of what conceive to be the drift of the remarks of the Senator from Georgia.

Capital is represented by money, and credit is the power to concentrate it upon giving a promise of repayment, with interest or profits. Money is worth nothing except as a token of value by which ex-changes of articles of real or supposed use to the human family can be conveniently made. The value of a dollar is always fixed by agreement, expressed or implied, when it is given in exchange for any com-

When it is given in payment of a debt its redeeming power is fixed by law. So many dollars of money for so many dollars of debt is the tender that is made legal by statute. In all other transactions money has a purchasing power, dependent upon the agreement of the persons who are trading. It has no redeeming power supported by the law of the land. As a purchasing power there is a universal standard of the value of money for which there is no substitute, but to which there are exceptions caused by varying circumstances. That universal standard is food, raiment, fuel, and shelter. The cost of these is measured

strictly by demand and supply.

Demand and supply fix the value, in these elements of human subsistence and comfort, of every dollar that is used in transferring them from the hands of the producer to those of the consumer

A bushel of wheat that is worth \$5 in a famine would be worth only 80 cents in a time of abundance. The demand and supply of wheat haul the prices of the dollars up and down as hot and cold raise and lower the mercury in a thermometer.

One hundred million bushels of wheat demand the use of \$100,000,-000, or of \$500,000,000, according to the abundance or scarcity of wheat, not according to the abundance or scarcity of dollars.

Capital is the aggregation of money and its great incident, credit, but the wants of mankind for food, raiment, fuel, and shelter fix and regulate the value of capital whether it is in the form of money or credit. Money is a bad thing when it can not purchase these elements of human existence and social organization.

It is the productions of these elementary industries that furnish food, raiment, fuel, and shelter to mankind, that fix the value of money in the first instance and in the most important respects.

The necessities of mankind force them to have these dollars redeemed in these productions. They are the real capital of the world, and the indispensable basis of all that human existence depends upon, and that also supports the human family in every stage of social, commer-

cial, and manufacturing development.

Agriculture, in supplying food and textiles for clothing to the people, is the foremost agency in regulating the value of money, and in the supply of what is called capital, whether it is money or credit.

The country that has the most productive agriculture, in reach of the channels of exchange, ought to be the richest country.

In such a country, if the agriculturists are poor or greatly embarrassed with debt, we must know that the laws are unwise. In such a case debt represents agriculture artificially depressed and money artificially increased in its purchasing power. The laws that produce this result reverse the laws of nature and imperil all the laborious indus-

The South, in depending for the permanent prosperity of the people upon increased agricultural productions suited to soil and climate, has chosen the wisest course.

To cut down agricultural productions for the purpose of a temporary increase of their price, by laws that burden and overload the farmers with taxes, is to lock up the real fountain sources of wealth.

Such laws react upon that industry and tend to degrade it. For a time such laws may increase the gains of the farmers, but they depress the value of money with reference to food and raiment, so that the people can not buy their productions except to supply their extreme necessities. A people starved on account of the high prices of food are not good customers for the farmers. They can never be held in that condition while the earth holds out an inducement for tilling the soil. The factories will empty their labor into the fields whenever the laws create a short supply and high prices for food and for the material of which raiment is made.

It is the business of all mankind to keep the prices of food and raiment down to the capacity of the consumers to buy them from the farmers. This competition never can cease while a short supply of food and raiment produces hunger and nakedness.

The farmer never turns a furrow that does not place him in competition with every other industry. This unceasing pressure is quite enough of burden for him to endure. He should be left free, without artificial burdens, to work out his hard but noble task. If encouragement is given by law to any industry it should be given to agriculture, but its real interests are never promoted either by diminishing the crops or by taxing the hunger and nakedness of the consuming classes to increase the prices of food and raiment.

The laws of human necessities which enable the agriculturists to measure the value of money should be left free to regulate the entire sweep of the relations of agriculture to all other pursuits.

I must, therefore, declare my opposition to tax laws that disturb

these relations. I would not cause any class of people to go hungry and naked in order to increase the profits of agriculturists, nor would I load taxes upon them for the purpose of building up other industries at their expense.

I rely upon agriculture in the South as the leading and best and safest industry for the enriching of the people, and I would as soon advise those people to suffer their lands to grow poor for want of fertilization as to advise them to abandon their fields in order to diversify their pursuits, and to increase the price of their crops for a short period by decreasing their annual yields.

It is a grave mistake to suppose that we can benefit the South by

decreasing any crop that is suited to the climate and soil.

What we have need to do is to increase our crops and to diversify them, and not to decrease them by drawing the labor engaged in agrithem, and not to decrease them by drawing the labor engaged in agriculture into other pursuits. Agriculture is the chief source of the supply of money to the South, drawn from the whole civilized world, and it will continue to be. This money, saved to the people by low taxes and wise economy, becomes a fund that will search out new fields of investment and add to the wealth of the country; but if we neglect agriculture we will dry up the stream at the fountain.

Iron, coal, and timber are immense resources of wealth added to our agricultural wealth. They may equal the value even of cotton, our great staple, in a few years, but it is as idle to relax our hold on the money this crop will produce as it was for the dog in the fable, while crossing the brook, to drop his bone into the stream while attempting to add its

shadow to his store of food.

We have no need to abandon agriculture in order to make iron or lumber, or to raise coal from our mines. We need all our resources, and only ask to be allowed to save something from the hundreds of millions of dollars that our agriculture produces annually to enable us to add to our population the classes who are skilled in the manufacture of our other rich materials and will convert them into additional wealth.

It is said that this process is too slow; that we need capital in the South to develop our coal and iron mines and to work up our forests into merchandise, and that the capital will not come to our iron and coal fields without special inducements created by law in the shape of high taxes on all consumers. If agriculture is the mother of capital and gathers it from the remotest parts of the earth, and if it is also the redeemer of money over the counter of the great bank of supply for human necessities, there is no reason why so vast a yield as the South furnishes in its crops to the hunger and nakedness of the world should

not accumulate capital with rapidity.

This accumulation of capital has been largely prevented, I know, by the drain of taxation we have had to endure while establishing in the wilderness the foundations of our mother industry, agriculture. Then, far more than three thousand millions of dollars of accumulated wealth were swept off by the civil war, and that must be re-

placed before our real prosperity can be increased.

But we have advanced very rapidly in making up these losses, and have already raised and invested in our mineral and lumber industries a vast sum of money, far in excess of that which has been supplied from the Northern States. While doing this we have increased our cotton crop from three to seven million bales. To the earnings of this crop and to railroad enterprise, and not to the tariff, all this progress is due. is due.

I have known from my boyhood the riches of Alabama in coal, iron, and timber, and in many other mineral resources of which little has been said or thought. What is now revealed to the surprised intelligence of the country as to the value of these natural resources is not half-way up to the conceptions that I had of their magnitude long before a railroad penetrated our mineral regions. We are only in the hosizonia of this great development and yet we have the full master. beginning of this great development, and yet we have the full mastery of the production of hematite pig-iron in the whole world. This result has been a plain deduction from well-known facts for a half cen-

In all of the early reports on projected railroad routes and river improvements in Alabama, back to 1840, will be found the most vivid statements and the most confident prognostics of the extent and riches of our coal and iron fields. Their conjectures are already eclipsed by the reality. These calculations led to great activity in building rail-roads when iron T-rails cost \$70 a ton. Railroads were being built from Mobile to Chicago, and to Montgomery, and to Girard, from Mont-gomery to Atlanta, and to Nashville, and from Memphis to Charleston, from Chatanooga to New Orleans, from Selma to Dalton, and to Meridian, from Montgomery to Eufaula, besides many shorter lines in Alabama, as early as 1845.

The farmers were the chief contractors and the principal stock-holders in these railroads. In Georgia and Alabama railroads, as far as completed, were earning good dividends on their stock, and no country has ever engaged more earnestly or more successfully than the South in building its railroads on its own capital up to 1861. The war

If we had completed even two or three of these railroads in Alabama we should have created a market for coal and iron that would have

yielded us as much profit and as rapid an advance in prosperity as came to our mineral region just as soon as these railroads were completed.

We would have owned these railroads and would have had them in full operation at least by the year 1870. We were then diversifying our pursuits by putting the money we earned in our fields into railroads in order to reach the markets with our coal and iron.

We were not diversifying our industries by destroying our main reliance for wealth, in order to build up new and different schemes for

making money.

Our plan was then, and now is, to "try all things," and yet "hold fast to that which is good."

We were making rapid preparation to reap for ourselves, with our own capital and energies, and with a skill which we think the history

of the war has proved equal to any requirement.

Our capital was large accumulated wealth in money, our State banks in the South had a gold capital that supplied, at three dollars of circulation for one of gold in their vaults, all the money that we needed, and quite as much and quite as good for our purposes as the national-bank circulation, which only has the credit of the Government as a fund for its redemption.

Another element of capital was slave labor. Whether this was right or wrong, human or inhuman, it had the guaranty of the Constitution of the United States for its continued existence. As capital its power

was enormous.

It was not as a mass highly intelligent, but the labor of the African race is that which now actually moves and supports the new progres in mineral development that is so astonishing. As slave labor it would have been still more efficient under the control of the slaveholding railroad builders and owners of mines, foundries, and factories than it is now, in a very demoralized condition, under the control of men who hire that labor.

I do not assert that we could have reached the highest development in manufactures using negro slave labor alone; still there are many instances which I could state from my own knowledge of very high mechanical skill, and skill in the manipulation of iron ores and in smelt-

ing, among the negro slaves

I do assert that we could and would have placed this labor under the direction of skilled white men, as we were accustomed to do in the cotton plantations, and they would have done more and better work than they do now. And then, as now, they would have done the larger part of the work in the iron, coal, and lumber industries.

We were ready to open these wonderful stores of wealth, and were making all the needful preparations with great rapidity and with the most earnest purpose that ever moved in a grand business enterprise, when the war prostrated and sealed up all these enterprises.

When we came out of the war our railroads were destroyed, our money was gone, our labor was lost, and all it had cost the generations

It is a wonderful story that reveals the power of our natural resources to attract capital to our Southern fields of industry. Capital, timid as it is said to be, rushes to the center of attractive investment as the

air presses in upon the vortex of a cyclone.

In the South this vacuum had to be filled, and money poured in upon us to take the place of the \$300,000,000 in values that had been

destroyed by the war.

The first investment was in cotton-planting, and hundreds of millions of Northern capital was employed at once in raising cotton, then worth 50 cents a pound, and cotton-lands were then in great demand at high prices.

It requires peculiar skill and experience to grow cotton, and the capitalists who went into amateur cotton-growing soon settled their accounts in the courts of bankruptcy.

The railroad builders of the North, through the power of the enfranchised negroes, seized upon the credit of the States to create sub-

sidies for the building of our incomplete lines.

They got all our corporations, strangled all the stock, seized our State credit to vamp up their issues of mortgage bonds, and in Alabama they ran up the State debt from \$4,500,000 to \$32,000,000 in less than six years, and with the funds thus raised they finished the same roads and on the same lines that we were building in 1861 when the war stopped our progress.

They opened to the markets these treasures of wealth, the barriers to which we had so nearly removed, and capital greedily sought out

the best fields for investment.

The first movements, and the most profitable, were made by Southern men with Southern capital earned in the cotton-fields of the South.

The opportunity for speculation was so good that capital came rushing in from all quarters, England and Germany furnishing as much or more than the Northern States. Not a dollar of it, when wisely invested in coal, iron, and timber lands, has failed to yield a great profit. Not a dollar so invested during the next twenty-five years will fail to return ample profit. But this is the true statement of the causes that have lifted up, the properity of the mineral and timber districts. have lifted up the prosperity of the mineral and timber districts of Alabama. The tariff had no more to do with this wonderful progress than it had to do with the divine councils that laid the coal and iron

in such excellence and vast abundance close together in the bosom of

When we remember that almost every dollar of money that has been used or that will be used in this great mineral development has been furnished its true value by the labors of the agriculturist in some part of the earth, we should turn our thoughts to that industry as the solid and enduring basis of all this show of increased wealth.

After all, this new wealth only means the power to purchase more of food and raiment and to supply more of fuel and shelter to this and

coming generations of men.

In Alabama there is an evident and constant shrinking in the profits of agriculture. I have not time to go into all or even a considerable number of these causes. The most prominent of them are the with-drawal of labor from the cotton-fields, the usury that must be paid to

capitalists to draw money into the cotton industry, and the high taxes our people must pay who grow cotton, without any compensation.

Mr. President, I have laid down these propositions, which I think are incontrovertibly true, for the purpose of showing that it will not increase the prosperity of the Southern States, and particularly of the State of Alabama, to cause the people of that country by force of oppressive laws to give no the production of cotton and turn their attention. ive laws to give up the production of cotton and turn their attention and their capital and resources of every kind into a new field of in-dustry. Whenever we in Alabama, we in the South, we in the United dustry. Whenever we in Alabama, we in the south, we in the United States, set our faces against the prosperity of agriculture we reduce the power of this people and this Government in a way that can be done by no other agency that can be devised. It is irreclaimable, and it is an awful thing to break down by the burden of taxation that one industry which, I take occasion to repeat again, through its crops and its yield, comprises the value sooner or later of every dollar of capital that passes through the hands of the human family.

These are the remarks that I desire to submit in explanation rather than in reply to the position taken by the Senator from Georgia.

Mr. BUTLER. During my absence from the Senate on the last legislative day the Senator from Rhode Island said:

Mr. ALDRICH. It is especially unfortunate, I think, that the Senator from South Carolina [Mr. BUTLER], who addressed the Senate on this subject the other day, is now absent from his seat, as there seems to be a radical difference of opinion between these representatives of two rice-producing States as to the necessity of protection on this article—

Referring to the speech made by my friend from Georgia [Mr. BROWN] who sits on my left.

The Senator from South Carolina stated the other day that there was no necessity for any duty on it, that it could be produced as cheaply here as anywhere in the world, while the Senator from Georgia [Mr. Brown] now thinks that the present rate, which is 113 per cent, ad valorem, is inadequate for the protection of rice in the State of Georgia. Perhaps this item had better go over until we see whether an agreement can not be reached as to the facts between the Senators specially interested in the question.

Now, I have a proposition to submit to the Senator from Rhode Island, and let us see if he will, as I remarked the other day, meet me half way on this proposition. I repeat now to the Senator that if he will reduce the tariff on farming implements and on clothing which the laborers in the rice-fields and the planters who own the rice plantations and employ the laborers have to use to anything like a respectable rate so as to cheapen the articles necessary in the culture of rice, I will stand by the proposition which I made to him the other day. I await a re-

by the proposition which I made to him the other day. I await a reply from him upon that proposition.

Mr. ALDRICH. In the colloquy which took place between the Senator from South Carolina and myself the other day, which I am not able to put my hand on now—I hope he has it—

Mr. BUTLER. It is on page 1035 of the RECORD of January 20.

Mr. ALDRICH. There were no conditions as to what should be done for South Carolina, and that was not involved in my question. I asked the Senator whather, if there were no duties on rice whatsoever, the people engaged in the production of rice in South Carolina and Georgia could compete with the cooly labor of India, and he said dis-

tinctly that they could.

Mr. BUTLER. I repeat that.

Mr. ALDRICH. There was i There was no question about protection to any other industry involved in that statement.

Mr. BUTLER. Very well.
Mr. ALDRICH. And I hope the Senator will confine himself to what was then said.

Mr. BUTLER. I want to know what the Senator thinks upon the

subject. Does he think they can?

Mr. ALDRICH. I do not think they can. I think the protection of rice in the Senate bill is sufficient, and it is greater than the rate of protection afforded to the articles to which the Senator alludes.

Mr. BUTLER. Then I ask the Senator if he is willing to make a reduction in the articles which the planters and the laborers in the ricefields have to use which are necessary to them?

Mr. ALDRICH. Such as sugar.

Mr. BUTLER. Take woolen clothing.

Mr. ALDRICH. We propose to put 40 per cent. ad valorem upon woolen clothing above the duty placed on wool; and the rate we propose on rice is equal to 50 per cent. Agricultural implements pay 45 per cent. I am quite willing that the duty on rice should be fixed at the rate which is placed upon agricultural implements and the cotton cloths and other articles which the planters of South Carolina use.

Mr. BUTLER. With the same conditions surrounding the people who produce the woolen cloths and the agricultural implements that surround the rice-planters and laboring classes?

Mr. ALDRICH. I do not know what the Senator means by "condi-

tions." If he means the physical conditions-

Mr. BUTLER. I mean the condition necessary to the production of these articles, the circumstances incident to the production of these articles. Is the Senator willing to reduce the rate of duty on necessaries of life used by the rice-planters and laborers in proportion to the reduction on rice?

Mr. ALDRICH. The duty upon rice at present is 113 per cent. ad valorem. There is no article which the rice-planters use which has over 45 per cent. protection, and we propose to give the rice-planters

50 per cent. by this bill.

Mr. BUTLER. Is not that an excessive rate of duty?

Mr. ALDRICH. Fifty per cent.? Mr. BUTLER. No. Is not that excessive under the circumstances?

Mr. ALDRICH. On rice? Mr. BUTLER. No; on articles used by the rice-planters, farming implements and scythe-blades, axes, hammers, and iron in its various forms, and woolen clothing and shoes and hosiery. Is he willing now

to make a reduction in proportion on them?

Mr. ALDRICH. We export agricultural implements.

Mr. BUTLER. I understand that.

Mr. ALDRICH. And the duty on them is only 45 per cent. Now, we propose to give the Senator's rice-planters 50 per cent. upon an agricultural product where he says no protection whatever is neces-

Mr. BUTLER. And I state to the Senator now that it costs to produce rice just about ten or fifteen times as much as it does agricultural

implements. Mr. ALDRICH. And the Senator comes here this morning and ad-

mits that he was wrong—

Mr. BUTLER. No; I do not admit it.

Mr. ALDRICH. He now admits that he desires protection upon rice

Mr. BUTLER. I do not admit that I am wrong. I contend for fair play in this bill; that is all. I simply contend for fair play. The Senator undertakes to vindicate the increase upon cotton-ties of over 100 per cent. by replying to me that that 100 per cent is a protective duty and is part of the general scheme for the protection of industries engaged in hoop-iron. That is the reply he makes to that. I ask only common fairness; nothing more for rice than for any other industry in this country now.
Mr. ALDRICH.

Mr. ALDRICH. Then you do not ask protection?
Mr. BUTLER. All I ask is that it shall have fair play, and I repeat
to the Senator now that if he will reduce the tariff upon articles which those people use in the production of it, I will stand by my proposition.

The Senator said in the course of the debate the other day that there

were sixty-five millions of people who consume rice. I venture to say there are not a thousand people in the Senator's own State who use rice. It is practically a luxury.

Mr. ALDRICH. Three hundred and seventy-odd thousand, or what-

ever there are there, use rice—as many people as there are in the State of Rhode Island. It is not a luxury with them, whatever it may be in the State of South Carolina.

Mr. BUTLER. • Yes; it is a luxury in the State of Rhode Island, too, and I venture to say that you can not find on the table of a thousand people in the State of Rhode Island rice as an article of food.

Mr. HOAR. Oh, yes.
Mr. ALDRICH. I think the Senator from South Carolina will have to investigate the question of the consumption of rice as well as its production, and I think with investigation he will change his views on that subject also.

Mr. BUTLER. I have looked into it in various forms and I under-

take to say that rice in its crude state is not used in Rhode Island by a

thousand people. Mr. HOAR.

Mr. HOAR. They use it with molasses.

Mr. ALDRICH. They do not eat it raw.

Mr. BUTLER. Of course not. What I complain of in this bill is that the Senator and the Committee on Finance have reduced the tariff on rice far below the reduction made in other matters, but on the contrary have increased the duties on many other items.

Mr. PLATT. I think the Senator from South Carolina must be mistaken as to the use of rice. I do not think there is a family in my

State that does not use it to a greater or less extent.

Mr. ALDRICH. Certainly; there are no families in Rhode Island who do not use it.

Mr. GIBSON. I should like to ask a question, if the Senator from South Carolina will allow me. The Senator from Rhode Island and the Senator from Iowa declared that we must exclude sugar from protection because we do not produce sufficient under the tariff system to supply the country.

Mr. ALLISON. I said if we must rely wholly upon the production

of sugar from sugar-cane we did not produce enough for that purpose.

Mr. GIBSON. I understood the Senator to say that the extraordi-

nary reduction of 50 per cent. of the duty upon sugar was because it had been demonstrated that with a rate of duty which he considered high protection it had been demonstrated that it was impossible to

produce sufficient sugar for American consumption.

Mr. ALLISON. From sugar-cane. Now I will ask the Senator if he controverts that statement, if he believes that we can produce 3,000,-000,000 pounds and increase at the rate of 150,000,000 pounds a year according to the increase of consumption-I ask if he believes that quantity of sugar can be produced in this country from sugar-cane?

Mr. GIBSON. For the purposes of the suggestion which I am about

to address to the Senator from Iowa

Mr. ALLISON. I want to get the other matter straight first. Mr. GIBSON. I will concur with him in his opinion that we can not produce sufficient sugar from the ribbon-cane in the State of Louisiana to supply the demand of the American market. That was the reason given by the Senators who spoke on that side, notably the Senator from Ohio [Mr. Sherman] and the Senator from Iowa [Mr. Allison]. That was the reason given why they made the extraordinary reduction of 50 per cent. in the rates of tariff duty on sugar.

Now, here is another article that is produced south of the Potomac, and I beg leave to call to the attention of Senators that these are the only two articles under the tariff system that are produced exclusively south of the Potomac upon which the committee have proposed the extraor-

dinary reduction of 50 per cent. ad valorem.

We were discussing on Saturday the tariff upon cutlery, and the Senator from Missouri [Mr. VEST] showed that on certain grades of cutlery the tariff had been raised to the extraordinary height of 190 per cent. ad valorem, and the rates fixed by this bill on woolen goods, woolen hats, woolen shirts and blankets constitute an ad valorem tax imposed upon the producing classes of this country reaching to 80 and 90 per cent., and in some instances to 133 per cent. The tariff is actually raised by the subcommittee on cotton and woolen manufactures and cutlery and steel; and now when you cross the Potomac you reduce the tariff rate upon sugar, which is a manufactured article, 50 per cent, on the one hand and you reduce the tariff rate on rice 50 per cent, on the other hand. Now, I ask you—

Mr. HOAR. I should like to ask the Senator a question if he will

Mr. GIBSON. The Senator will pardon me a moment, and I shall take pleasure in answering any question he submits presently.

Now, then, if the reason why you make this extraordinary reduction on sugar be that that industry does not produce sufficient for the American market, I ask you why do you make the extraordinary reduction of 50 per cent. on rice when the rice industry in this country

can produce ample rice, sufficient for the American market?

Mr. HOAR. The question I desired to put to the honorable Senator was this: Why it is that in dealing with this question he always thinks of the amount of reduction on sugar, the amount of the reduction on rice, as compared with other things, instead of speaking of the amount of duty which is left on sugar, and the amount of duty which is left on rice as compared with other things? If this protection be robbery, as I think I have heard some of the Senators on the other side of the Chamber say—I will not specifically name any particular Senator—why is it not robbery and why are not sugar and rice still the greatest rob-

bers left, even if they have come down in their robbery a little?

Mr. GIBSON. Do I understand the Senator from Massachusetts to

address that question to me?

Mr. HOAR. Yes, sir. Mr. GIBSON. In the first place, I have never said, speaking for myself, that the bounty or benefit or protection to rice under the tariff was robbery. I have not used that language, but I say that I think the bounties and the burdens of the tariff should be equalized not only in

respect of the industries north of the Potomac, but in respect of the industries south of the Potomac, whether those industries be in manufactures or agriculture or commerce. Why is it that this bill gives in some instances over 150 per cent. protection to manufacturing industries, to the capital and labor in manufactures, and proposes 50 per cent. as the maximum protection to be given to agricultural industries? Upon what grounds can such discrimination be defended?

Mr. HOAR. Then the other part of my question is, if that be true, the Senator complains of a duty which is still left larger than any

Mr. GIBSON. I will answer the Senator. I think when the sub-committee of the Committee on Finance of the Senate bring in a bill here which is not uniform in its operation with respect to the industries of this country, but discriminates by reducing the tariff rates upon sugar and rice and raising the tariff rates upon cutlery, upon wool and woolen goods, that that is an unjust discrimination, an inequitable discrimination, and anybody with an impulsive temperament might be very likely to say that that is legislative robbery—legislation which yields large bounties to the manufacturing North and imposes heavy burdens upon the agricultural South. Whether the North and South shall take to manufacturing or to agriculture is determined by climate and soil and other natural conditions, and it is no answer to say that the South is free to embark in manufactures and thus enjoy equally with the North the enormous bounties and privileges bestowed upon them.

Mr. HOAR. Have they equalized them yet?

Mr. GIBSON. Now I will answer the Senator with respect to the other question I understand him to ask, namely, why I allude to the ad valorem rate of reductions made and not to the rates which are fixed by this bill. I will answer the Senator I do so with respect to sugar because the laws of demand and supply have been interfered with by the competition between the French and German Governments, each in a race with the other to command the markets of the world, and each bestowing large bounties upon the export of sugar, equal almost to the cost of production in those countries, so that sugar has become cheapened in all the markets of the world far below the cost of production. The sugar producers from cane all over the world have been bankrupted, and it is owing to these bounties that these extraordinarily low prices have been reached in the article of sugar and the ad valorem rates correspondingly raised.

The tariff on sugar has been steadily reduced since 1874. The largest reduction made in the revision of the tariff in 1883 was upon sugar,

from about 2.18 to 1.40 cents per pound.

I was in the House of Representatives at that time, and it was fixed by the House of Representatives at 1.25, which was thought to be about 41 per cent. ad valorem. It was brought into the Senate, and in conference committee it was increased over the rate fixed upon by the House to about 51 per cent. ad valorem by the Senate of the United States.

But the tariff on sugar before that had been higher than 41 per cent. and higher than 51 per cent., and the standard for determining the value of sugar was the Dutch standard; no doubt the Senator from Ohio [Mr. Sherman] well remembers it. Under that standard sugars Ohio [Mr. Sherman] well remembers it. Under that standard sugars were brought in by the wholesale at a lower rate than the tariff actually required that they should pay, because they were colored down in the West India Islands so as to come in at a lower rate, the color then being the test and not the saccharine strength.

But the point I make now-I do not intend to detain the Senate by any remarks upon sugar or rice at length—the point I make now is that here it is shown that the resources of the rice supply are adequate to the American market and the American demand. ficial tables, and I ask any man acquainted with business in the Senate to look at these tables, and I will have them inserted in my remarks.

Table showing domestic production, importation, exportation, and consumption of rice, commencing with 1865-'66.

Years.	Domestic production.	Domestic rice exported.	Domestic rice consumed.	Foreign rice imported.	Foreign rice exported.	Foreign rice consumed.	Total consumption.
1865-'66	Pounds. 11, 592, 600	Pounds, 639, 080	Pounds, 10, 953, 520	Pounds. 60, 407, 756	Pounds. 7, 998, 996	Pounds. 52, 408, 760	Pounds. 63, 362, 280
1866-'67		2, 212, 901	9, 993, 819	75, 514, 064	8, 656, 060	66, 858, 004	76, 851, 823
1867-'68		1, 394, 007	13, 208, 533	44, 782, 223	4, 676, 082	40, 106, 141	53, 314, 734
1868-'69	26, 790, 200	3, 074, 043	23, 716, 157	59, 140, 707	11, 908, 953	47, 231, 754	70, 947, 911
1869-'70	53, 937, 000	2, 232, 833	51,704,167	53, 065, 194	8, 868, 664	44, 196, 530	95, 900, 697
1870-'71	47, 348, 000	2, 133, 014	45, 214, 986	43, 123, 939	15, 212, 833	27, 911, 106	73, 126, 092
1871-'72	39, 625, 990	445, 842	39, 180, 148	64, 655, 820	10, 212, 920	54, 442, 900	93, 623, 048
1872-'73	52, 634, 400	403, 835	52, 230, 565	74, 642, 631	12, 251, 959	62, 390, 672	114, 621, 237
1873-'74		276, 637	62, 623, 743	83, 755, 225	20, 202, 774	63, 552, 451	126, 176, 194
1874-775		558, 922	67, 682, 478	73, 257, 716	25, 840, 877	47, 416, 839	115, 099, 317
1875-'76	72, 360, 800	277, 357	72, 083, 443	59, 414, 744	12, 352, 330	47, 062, 414	119, 145, 857
1876-'77	81, 391, 800 77, 240, 400	439, 991 1, 306, 982	80, 951, 809 75, 933, 418	71, 564, 852 64, 013, 064	16, 610, 614 14, 483, 645	54, 951, 238 49, 529, 419	135, 903, 047 125, 462, 837
1877-'78		631, 105	84, 108, 095	47, 489, 878	9, 656, 593	37, 833, 285	121, 941, 380
1879-'80		178, 534	86, 818, 266	57, 364, 848	8, 793, 395	48, 571, 453	135, 389, 719
1880-'81		150, 451	117, 615, 549	68, 739, 409	10, 819, 867	57, 919, 542	175, 535, 691
1881-'82	95, 512, 800	143, 289	95, 069, 511	79, 412, 841	.6, 855, 056	72,557,785	167, 727, 296
1882-'83	107, 171, 125	186, 140	106, 984, 985	96, 673,080	2, 312, 068	94, 361, 012	201, 345, 997
1883-'84	107, 086, 630	163,519	106, 923, 111	106, 630, 523	10, 146, 154	96, 484, 369	203, 407, 480
1884-185	108, 128, 760	168, 827	107, 959, 833	81,077,410	8, 630, 960	72, 446, 550	180, 406, 383
1885-'86	151, 102, 920	256, 311	150, 848, 609	97, 562, 353	6,591,090	91, 391, 263	242, 239, 872
1886-'87	155, 707, 060	644, 384	155, 063, 476	93, 950, 357	4,858,769	89, 111, 590	244, 175, 060

From 1865 to 1867 there were 11,000,000 pounds only of rice produced in this country; in 1868 there were 26,000,000 pounds; in 1878, 62,000,000 pounds; in 1879 there were 86,000,000 pounds; in 1883, 107, 000,000 pounds, and in 1886 there was the enormous production of 155, 000,000 pounds of rice. Now, look at the importations of rice. The importations last year of foreign rice consumed were 89,000,000 pounds. We are producing to-day nearly two-thirds of all the rice consumed in this country. But look at the ratio of increase from 11,000,000 pounds to 155,000,000 pounds in 1886. There is no other industry in this country that has increased so rapidly, I venture to say, as the rice in-

Now, is it true that we produce sufficient wool in the United States to supply our manufacturers? We do not produce more than two-thirds of the wool that is required for the home market in this country; and

yet look at the rates agreed upon by the Finance Committee upon wool.
Do we produce sufficient cutlery for the wants of this country?

Mr. SHERMAN. The Senator is mistaken in regard to wool. The total amount of wool produced here is far above the proportion he states.

Mr. GIBSON. I have heard that statement made in the debates in the House, and I think there is a general consensus of opinion that we

produce about two-thirds the amount of wool required for the Ameri-

Mr. SHERMAN. There ought to be no controversy about this matter, because the tables show that the amount produced in this country four or five years ago was about 320,000,000.

Mr. GIBSON. In value?

Mr. SHERMAN. No, in pounds.

Mr. GIBSON. The point I make is that these manufacturing industries that receive high protection are not producing all that is necdustries that receive high protection are not producing all that is necessary for the American market, and no gentleman on the other side of the Chamber defends the high duty upon that principle. The Senator from New York [Mr. Hiscock] fell back in his remarks the other day upon the position taken by Henry Clay. We all remember how the tariff system was proposed in order to protect infant industries in this country, that ultimately they might under protection be able to become self-supporting and self-sustaining against foreign competition. Now, here is an industry, agricultural and manufacturing, representing both interests, and the figures show unmistakably that if the rice industry is adequately protected, protected like woolen goods, or cotton goods, or cutlery, that industry will make such strides as will enable the capital and labor engaged in it to supply the American market. In

Mr. ALLISON. I desire to ask the Senator a question. Does he

Mr. Allison. I desire to ask the senator a question. Does no think 113 per cent. is necessary to protect rice?

Mr. GIISON. Mr. President, I will answer that question in a moment. In 1860 we produced in this country 187,000,000 pounds of rice, and we exported 25,000,000 pounds. Now, why can we not produce sufficient rice for the American market, and why should we not do it? It is true the building of the Suez Canal has shortened the route to India and reduced the cost of transportation, but there is a large area brought into the production of rice that in 1860 did not produce a pound of it. We were large exporters of rice in 1860, and I believe now, if any gentleman will look in candor over the figures embraced in this table, he will see by the ratio of increase that in a few years from now we shall be producing all the rice consumed in the United

My friend, the chairman of the subcommittee, asks me if I think 113 per cent, adequate. I think it just as adequate a protection of rice as 190 per cent, is for the protection of cutlery or 80 per cent. on woolen

Mr. HISCOCK. Does the Senator from Louisiana recognize any distinction between agricultural products and manufactured products?

Mr. GIESON. Not for the bounties and benefits of the Government?

Mr. HISCOCK. You do not permit any incident of labor involved, or anything of that kind, to make any distinction?

Mr. GIESON. I do.

Mr. HISCOCK. Then why is it that you still couple rice, an agri-

eultural product, and manufactured products together?

Mr. GIBSON. I stated that rice is a manufactured article as well

as an agricultural article.

Mr. HISCOCK. I ask, if the Senator thinks there is a distinction between agricultural products and manufactured products, why he does not illustrate his argument by potatoes, by wool, and by things of

Mr. GIBSON. Because that is an industry, like cotton and wheat, that does not require any protection; and I want to ask the Senator, and I want him to treat me with candor in this business—
Mr. HISCOCK. Certainly I will.
Mr. GIBSON. I desire to answer the question the Senator asks me, why I do not compare rice with potatoes.
Mr. HISCOCK. Or with wool.
Mr. GIBSON. The people of this country are engaged in particular occupations, such occupations as the climate and soil and the natural conditions most favor. The people of New England are engaged in manufacturing industries. Why? Because nature favors the development of manufactures in New England and disfavors agriculture, and

the climate and soil are not favorable to agriculture, whereas in the South the conditions are unfavorable to manufactures, but favorable to

agriculture.

Now, I say that when we come to establish a protective system we ought to give to the great leading agricultural interests of the West and South the same favors, the same benefits of the Government, that we extend to the people engaged in the manufacturing industries of New England and the North.

Mr. ALLISON. Then I understand the Senator to be in favor of a

protective duty on wool?

Mr. GIBSON. Not necessarily.

Mr. ALLISON. I think that necessarily follows.

Mr. ALLISON. There should be an intelligent discrimination in all these things. The Senator knows that. I do not ask, however, for any greater bounty or protection for the industries I represent here than I am willing to accord to other sections of the country.

I desire to say to the Senator from New York that I am far from be-

ing a free-trader. I never have risen either in the House of Representatives or here and advocated free trade as a system for the fise of this country. How could we raise the immense sums necessary for the support of the Government if we abolished all tariff taxation and declared commerce should be as absolutely free with foreign nations as it is between the States of the Union?

Mr. BUTLER. I yielded the floor to my friend for a moment.
Mr. GIBSON. I beg the Senator's pardon. I thought he had given

up the floor.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. BUTLER] is entitled to the floor.

Mr. BUTLER. I want to get my friend from Rhode Island [Mr.

ALDRICH] down to some practical point.

Mr. GIBSON. If the Senator from South Carolina will allow me a moment further, as I have just said I am not a free-trader, I want to say also that I am not in favor of using the powers of the Government to create and build up by a high-tariff system any particular industry in this country, nor am I in favor of using the power of the Government to favor one industry in this country, at the overnment to favor one industry in this country. ment to favor one industry in this country at the expense of another, or one section of this country at the expense of the other, but I am in favor of the doctrine laid down by Mr. Madison, that we ought to raise our revenue by levying taxes upon foreign imports, that the object is revenue and the incident is protection.

In exerting the power to raise revenue for the support of the Government I would adjust the tariff so as to discriminate against foreign competitive commodoties and in favor of the capital and labor in American industries in such a way as to prevent monopolies and to distribute equitably the benefits and burdens of the system between the manufacturers, commerce, and agriculture, and also between all

sections of our common country

That principle is laid down by Mr. Madison, by Mr. Benton, and Mr. Webster, and all the great writers upon the American system. I will quote briefly some of their observations.

Mr. Madison remarks:

In the first place, I am myself the friend to a very free system of commerce, and hold it as a truth that commercial shackles are generally unjust, oppressive, and impolitic. It is also a truth that if industry and labor are left to take their own course they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened Legislature could point out.

Nor do I think that the national interest is more promoted by such restrictions than that the interest of individuals would be promoted by legislative interference directing the particular application of its industry.

The case is the same between the exercise of the artsand agriculture, between the city and the country, and between the city and the town, each capable of making particular articles in abundance to supply the other; thus all are benefited by exchange, and the less this exchange is cramped by government the greater are the proportions of benefit to each.

The same argument holds good between nation and nation, and between parts of the same nation. In my opinion it would be proper also for gentlemen to consider the means of encouraging the great staple of America—I mean agriculture—which I think may justly be styled the staple of the United States, from the spontaneous productions which nature furnishes and the manifest advantage it has over every other object of emolument in this country.

. If my general principle is a good one—that commerce ought to be free and labor and industry left at large to find its proper object—the only thing which remains will be to discover the exceptions that do not come within the rule I have laid down.

Duties laid on imported articles may have an effect which comes within the idea of national prudence. It may happen that materials for manufactures may grow up without any encouragement for this purpose. It has been the case in some of the States, but in others regulations have been provided, and have succeeded in preducing some establishments, which ought not to be allowed to perish from the alteration that has taken place; it would be cruel to neglect them and divert their industry to other channels, for it is not possible for the hand of man to shift from one employment to another without being injured by the change.

The impost laid on trade for the purpose of obtaining revenue may likewise be considered as an exception; so far, therefore, as revenue can be more conveniently and certainly raised by this than any other method, without injury to the community, its operation will be in due proportion to the consumption, which consumption is generally proportioned to the circumstances of individuals. I think sound policy dictates to use this means.

Mr. Webster says:

Protection, when carried to the point which is now recommended—that is, to entire prohibition—seems to me destructive of all commercial intercourse among nations. We are urged to adopt the system on general principles. I do not admit the general principle; on the contrary, I think freedom of trade the general principle and restriction the exception.

Mr. Benton remarks:

Revenue the object, protection the incident, had been the rule in the earlier tariffs; now that rule was sought to be reversed and to make protection the object of the law and revenue the incident,

Mr. BUTLER. I want to get my friend from Rhode Island [Mr. ALDRICH ] down to some practical point where he will deal frankly and fairly, and not answer a question which I put to him by asking me an-

He says that the tariff on rice in this bill is 50 per cent.

that there is a reduction of over 50 per cent. on rice, and he says, in fact, that nothing else has been increased—

Mr. ALDRICH. I beg the Senator's pardon.

Mr. BUTLER. Beyond what is proper and right, as I understand him. I am not responsible for this bill, and the Senator might as well understand now as later, if he has not already understood it, that I am not going to vote for it. I should like him, though, to explain, if he can, which he has not done so far, to my satisfaction, at least, why it is that in the amendment which was offered to the substitute the other day the duty on four-blade knives was increased from 50 to 80 per cent. I ask where he finds warrant for an increase of 30 per cent. on that article in this country? Will the Senator answer that question?

Mr. ALDRICH. If the Senator will permit me after he finishes his question, which seems to me rather involved, I hope he will make it as

explicit as he can, I will answer it in my own time and in my own way.

Mr. BUTLER. The Senator will not answer it now.

Mr. ALDRICH. Yes, I will answer any question.

Mr. BUTLER. I ask, why increase the tariff from 50 to 80 per cent. on four-blade knives, an increase of 30 per cent., and why at the same time he insists upon the reduction of the duty on rice from 113 per cent.

time he insist upon the rectangle of the second of the representatives of both parties in their national platforms and the representatives of both parties in the executive office, and especially in the Treasury Department, have called attention to the inequalities and the anomalies of the existing tariff, and both parties have been pledged to remedy those defects and inequalities and anomalies. The duty upon rice is one of the anomalies and inequalities of the present law, as the duty on sugar is, and it was for the purpose of remedying that inequalities that the committee anomalies are duction. As to the edequacy of ity that the committee proposed a reduction. As to the adequacy of that duty I will address the Senate in my own time when the Senator gets through with his remarks.

gets through with his remarks.

Mr. BUTLER. Precisely; but I am not asking the Senator what the representatives of both the political parties or their platforms recommended and thought wise and desirable. I am asking the Senator what he thinks. He has put a question directly in regard to rice. I should be glad to have his individual opinion as to the proposition that it is unfair and unjust to select one industry in this country, to wit, rice, and cut that down from 113 per cent., which I am very frank to say to him is entirely too much in my opinion.

Mr. ALDRICH. How much does the Senator think would be enough?

Mr. BUTLER. I think the rate provided for in the Mills bill is

about right. That is what I think.

Mr. ALDRICH. You think that it is important a duty should be retained?

Mr. BUTLER. I think it is right and just in view of the other reductions.

Mr. ALDRICH. Is it necessary for the industry?
Mr. BUTLER. I can not say that it is absolutely necessary. I will say to the Senator, if he will reduce everything else, that I shall be quite willing to agree to a reduction of the tariff on rice to 50 per cent. But the Senator from Rhode Island, and those who agree with him, insist that they are in favor of protecting American industries, and by one stroke of the pen according to their own admission they strike it down and destroy it. That is not my proposition. It is the proposition of the Senator from Rhode Island. What I want to get him down to is whether he thinks it fair in the arrangement of these tariff duties, whether he thinks it is just according to the view which he himself expresses, that he should increase the duty from 50 per cent. to 80 per cent. on a certain grade of knives and reduce the rate on rice from 113 per cent. to 50 per cent. I ask him in common fairness, and I will say in common honesty, if that is right, leaving my own views out of the question and taking his standpoint. I ask if he can justify himself and justify the committee in that? willing to agree to a reduction of the tariff on rice to 50 per cent.

justify the committee in that?

Mr. BROWN. Will the Senator allow me one moment to make a

suggestion in that connection?

Mr. BUTLER. Yes, sir.

Mr. BROWN. My suggestion is this: That in the case of cutlery and knives we pay in the United States I suppose about twice as much for the labor as is paid in Great Britain, where the articles are made in

the factories of that country; and in the case of rice the rice-planter on the coast of Georgia or South Carolina pays just fourteen times as much as the foreign rice-planter pays for labor, and I showed this very clearly from statistics in my remarks on Saturday.

Mr. BUTLER. I have stated that this morning to the Senate when

I undertook to draw a comparison between the rice industry and the

manufacture of agricultural implements. What I should like the Senator to come to if he will—

Mr. ALDRICH. When I am able to retain the floor for a minute successfully without being interrupted by the Senator from South Carolina, I shall answer the question in my own way.

Mr. BUTLER. Then the Senator declines to answer the question?

Mr. ALDRICH. I do not decline to answer it, and I will answer it to the Senator's satisfaction when I can obtain the floor.

Mr. Aldrich. I do not decline to answer it, and I will answer it to the Senator's satisfaction when I can obtain the floor.

Mr. VEST. If my friend from South Carolina will permit me, when the Senator from Rhode Island makes that answer I want him to answer something else. The other day when we were discussing the cutlery schedule I said, as matter of compromise only, I would be willing if Senators on the other side would accept it to put a duty on each article which would be different between the said of ticle which equalized the difference between the cost of labor in this country and abroad, and Senators around, with a unanimity I have never seen outside of the political convention, said "Amen;" they would do it. The Senator from Connecticut said he would; the Senator from Rhode Island said he would; and so did the Senator from Iowa.

Now, I want to read the cost of labor—the most unprotected and help-less labor of this country—in the production of classed via and this less labor of this country—in the production of cleaned rice, and this is the testimony of Mr. Trenholm, now Comptroller of the Currency, an experienced rice planter, before the Committee on Ways and Means of the House. He says:

The cost of producing a bushel of rice is about \$1, and a very careful estimate has been made showing that of that the cost of labor is 90 cents, so that almost the entire cost of rice is in the labor expended on it. The soil is so soft and soggy that it is impossible to use machinery or animals in the cultivation of rice to any extent. In many places, after the rice is harvested, it has to be made up in bundles and carried out of the fields on the heads of the working people.

Mr. Harris. Is it cultivated with hoes?

Mr. TRENBOLM. It used to be cultivated entirely with hoes, and isso still to a great extent. Now they put broad boots of leather on the feet of the mules and use cultivators more than they did before.

But what I want to call the attention of the Senator from Rhode Island to is this: The cost of this helpless negro labor—because it is impossible to use white men; the stench from the rice-fields is insuffera-able; the malaria is deadly, more deadly than that of Chagres; no white man can work in the rice-field—the cost of that labor is 90 cents on the dollar-the peculiar wards of our friends on the other side, who vote the Republican ticket with a unanimity and pertinacity unrivaled in political experience; and now it is proposed when the labor is 90 per cent. to reduce the duty to 50 per cent., the present duty being 113 per cent., or only 23 per cent. over the amount of labor actually used. I am not complaining of any reduction in this bill, understand me; I am speaking now from the standpoint of Senators on the other side, who the other day said that was the just rule; but it has its climatic disproportions. It is a good rule north of Mason and Dixon's line, but it will not work at all when it goes South.

Mr. BUTLER. No, the Senator from Rhode Island has avoided my question, and says he will not answer it except in his own time. It trust he will be able to explain the inconsistencies which to my mind

trust he will be able to explain the inconsistencies which to my mind are in this bill from one end of it to the other.

I do not retract one syllable of what I said in regard to rice. On the contrary, I have said from the beginning of this tariff discussion, not only in general but to those engaged in the culture of rice, that they must expect a reduction in the duty on rice. I thought myself, and think now, that it is too high. But I am now arguing the question from the standpoint of the Senator from Rhode Island and the Finance Committee and the Republican side of the Senate, in which they claim that their object is to protect American industries uniformly, equally, justly, without regard to locality. What I can not understand and have not been able to get from any Senator on the other side, is why it is that they increase the tariff enormously on some articles manufactured that they increase the tariff enormously on some articles manufactured in certain localities in this country and reduce the tariff on articles manufactured in other localities out of all proportion. That is what I have not been able to comprehend.

I stated awhile ago that the article of rice as an article of food was in a measure a luxury, and that comparatively few people in this country use it as an article of food. The Senator replied to me by saying that there were such large importations. He must be aware of the fact that two grades of rice imported into this country, to wit, the grades known as broken rice and rice flour, are used by brewers in the manufacture of beer. They are not consumed upon the tables of anybody that I know of. Broken rice and rice flour is the only rice that

is imported into this country, and it is used enormously.

Mr. TELLER. The Senator is mistaken about that.

Mr. BUTLER. That may be a mistaken statement of it, but the very large proportion of imported rice brought into this country is what is known as broken rice and rice flour.

Mr. TELLER. Will the Senator allow me to give him the correct

Mr. BUTLER. Yes, sir.

Mr. TELLER. Of rice the Senator speaks, of broken rice-

Mr. GIBSON. And rice flour.

Of rice flour, etc., there were imported 48,526,783 Mr. TELLER. pounds. Of other rice there were imported 33,731,463 pounds, and 4,000,642 pounds placed in the bill at one-half cent per pound.

Mr. BUTLER. That is imported rice?

Mr. TELLER. Imported rice.

Mr. BUTLER. Very much the largest portion of it is what is known as broken rice and rice flour. The Senator does not deny that proposition?

Mr. TELLER. Not so very much the largest portion.
Mr. GIBSON. I will state to the Senator that the tax on broken rice or rice flour is only 20 per cent. ad valorem.

Mr. BUTLER. The tax is only 20 per cent. ad valorem. I believe this bill cuts it down to 15 per cent.

Mr. TELLER. No, it does not.
Mr. BUTLER. It cuts it down to one-quarter of a cent a pound. I do not know what the ad valorem would be upon that. It is a very

So I repeat, while the Senators are claiming to protect labor in this country and to exempt, as far as possible, the necessaries of life, and those used every day by the common people are the special objects of their care and consideration, they strike down here, according to the Senator's theory, not mine, an agricultural product raised only in a very limited area in this country. It is not a matter of a great deal of concern to my constituents. The production of rice is very limited in South Carolina, comparatively, and I think is languishing every day, owing to the uncertainty of the labor and the enormous risk and expense of preparing rice plantations for the cultivation of rice. a matter in which I feel no special personal interest except, if I can, to induce the Senators who have charge of this bill to exercise some degree of justice and consistency in the preparation of their bill, and that is all.

The Senator seems to have got into a spasm and a state of perturba-tion which is getting to be alarming, I am afraid, as to the differences between my friend from Georgia and myself. It perhaps would be cruel to relieve him of that happy state of mind, but I desire to say to him that he need not lose any sleep on account of any difference between my friend from Georgia and myself on this point. He need not indulge in too much hilarity on that account. He will find, in the common parlance of the day, that upon the general propositions we shall be very apt to flop pretty closely together on this bill.

The Senator might, with very great propriety and a very much better expenditure of his time, devote himself to reconciling some little differences on his side of the Chamber on the iron schedule and the lumber schedule. When my friend from Kapsas [Mrs. Plumba] and

differences on his side of the Chamber on the fron Schedule and the lumber schedule. When my friend from Kansas [Mre Plumb], and my friend from Nebraska, who now presides so gracefully over this body [Mr. Manderson in the chair], have an occasional spasm of independence and manifest some anxiety to see justice done to their condependence and manifest some anxiety to see justice done to their condependence and manifest some anxiety to see justice done to their condependence and manifest some anxiety to see justice done to their condependence. stituents, my friend has about all he can attend to to keep those gentlemen straight, I think, without crossing the line and coming over to this side to reconcile the differences between ourselves.

I should be very glad to see this bill so arranged as that ample and exact justice can be done to everybody. The only point I have made on this rice schedule is that it is unjust and unfair and unequal in its I will not charge any personal motives to gentlemen concerned in it, but I believe in the main it is intended to make a blow at rice and sugar and other commodities because certain Senators on this side of the Chamber will not acquiesce in the monstrous proposi-

tions in this bill.

Mr. President, this proceeding in the Senate does not deceive anybody. It is a farce from beginning to end. However desirous the Senator from Rhode Island and the Finance Committee of the Senate may be to reduce the tariff on certain articles, Senators on that side know perfectly well that if they dared do justice the masters of the Republican party in this country, the monopolies, the trusts, the corporations would relegate these gentlemen to a back seat as soon as they could get to the polls and have "fat" enough "fried out" of them to

purchase the votes to so relegate them.

The country understands this matter perfectly well, Mr. President. In the classic language of some Republican Senator, the fat must be fried out of the manufacturers; and the fat was fried out of them in the last election for the purpose of buying "floaters" in "blocks of five" to carry the election. Now we are going through the farce of pretending to these persons out of whom the fat was fried that we will give them an opportunity under this bill to fry the fat out of the tax-payers and recoup what they have paid for electioneering purposes in the last election. That is the object of this bill.

Senators are perfectly well aware that the bill can not become a law, but they have a certain part to play, and they are playing it. They think that perhaps the producers of rice have not as much influence as the manufacturers of cotton-ties; that perhaps the producers of sugar have not as much influence as the producers of structural iron or jack-knives or blankets or woolen clothing or the finer fabrics of cotton manufacture. Therefore they will reduce enormously the tariff on rice

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. EUSTIS. If 50 per cent. ad valorem is adequate, why did the Republican Congress of 1883 fix the present rate?

and sugar and raise it in other directions in order that those who have had the "fat" "fried out" of them may fry the fat out of somebody

Mr. BROWN obtained the floor.

Mr. ALDRICH. Does the Senator from Georgia desire to proceed now, or is he willing that I should answer briefly the elaborate question which has been propounded to me by the Senator from South

The PRESIDING OFFICER. Does the Senator from Georgia yield

to the Senator from Rhode Island?

Mr. BROWN. I will yield provided I can retain the floor. I do not know when I shall be able to get it again. I will yield a part of

my time, however, if the Senator prefers to make his explanation now.

Mr. ALDRICH. I think the Senator from South Carolina may well be excused for the extreme sensitiveness which he has shown in regard to the matter now under consideration. Senators from the rice-producing States charge that the members of the committee who prepared this bill have treated the article of rice unfairly; that upon the theory on which the bill is constructed rice is entitled to a larger duty.

The theory upon which the bill was constructed was to give adequate protection to every American industry which was entitled to protection, whether it was located North or South; and it was the purpose of the committee to give to the article of rice that adequate protection.

The rate now fixed by the bill upon rice is equivalent to about 50 per cent. ad valorem, which I think is the highest rate upon any single agricultural product which is produced either at the North or at the South. As to the adequacy of that rate, I was anxious the other day to ascertain the views of the Senator from South Carolina upon this subject, as he represented one of the principal rice-producing States. He was haranguing the Senate against the rates which we had placed in the bill upon other agricultural and manufactured articles, and I was anxious to find out whether he thought the rate which we had fixed upon rice was a proper and adequate rate, and I asked him this ques-

Does not the Senator think that the duty upon rice enables the laborers of South Carolina and Georgia to produce rice in competition with the cooly labor of India?

After a short colloquy, I followed it up by this question:

Could they do it-

That is, compete with India-

without any tariff at all?
Mr. Butler. Yes, sir.
Mr. Aldrich. Without any tariff?
Mr. Butler. Yes, sir.
Mr. PLATT. Then let us take it off.
Mr. Butler. I have not asked you to keep it on.
Mr. Aldrich. I have not said that the Senator did ask us to do so.
Mr. Butler. And I will never ask it. Let my friends on the other side understand that.

This was a distinct and definite statement, not connected with any proposition for the reduction or increase of duties upon knives, woolen fabrics, or anything else. The Senator from South Carolina stated emphatically that his constituents could compete with the cooly labor of India without any duty whatever, and he is certainly an authority, or ought to be, on this subject. Yet we allow 50 per cent. duty upon this agricultural product, which is in general use.

Now, the Senator undertakes to show that we are not treating rice fairly and the Senator from Missouri agrees with him. The problem

fairly, and the Senator from Missouri agrees with him. The problem we have in hand is whether the rate of duty which we have imposed

on rice is adequate to protect this product.

It may be interesting to remind Senators how rice has been treated in former tariffs. In 1846 a Democratic Congress under the leadership of the great apostle of revenue tariffs imposed a duty of 20 per cent. In 1846 a Democratic Congress under the leadership upon rice. In 1857 another Democratic Congress reduced the duty from 20 to 15 percent. Mr. BUTLER.

Will it disturb the Senator if I interrupt him?

Mr. BUTLER. Will it disturb the Senator if I interrupt min.

Mr. ALDRICH. No, sir.

Mr. BUTLER. I simply want to be right as we go along, I will say frankly. I say according to his theory of taxation, the theory of the Committee on Finance, 50 per cent. is not enough. According to my theory of taxation it is. That is my statement.

Mr. ALDRICH. According to the Senator's theory the other day,

there was no duty required at all.

Mr. BUTLER. I say so yet. I say if you will adjust the tariff fairly, equally, and justly, I believe the American laborer can compete with anybody in the world upon any of these industries that the Senator

speaks of—cotton-ties and a good many other things.

Mr. ALDRICH. My position and the position of Senators on this side is that the rate which we have fixed is adequate; if it is not, we propose to make it so. Certainly if 20 per cent. was adequate in 1846, and 15 per cent. in 1857, 50 per cent. should be adequate in 1889.

Mr. BROWN. We made rice by slave labor entirely in the period

referred to.

Mr. ALDRICH. Because they were misled as to the facts.

Mr. EUSTIS. Ah! Mr. ALDRICH. We had a Tariff Commission appointed in 1882 on which were three Southern Democrats interested in the rice production, or one of them was at least, and they recommended to Congress this exorbitant rate of duty, and it is the purpose of this bill to relieve the tariff from existing inequalities.

Mr. BUTLER. If it will not disturb the Senator, I ask him if any

body other than those interested in the manufacture of the articles specified in this bill have given the committee any information?

Mr. ALDRICH. A great many people.
Mr. BUTLER. Outside of those interested in manufactures?

Mr. ALDRICH. Certainly. The Senator from North Carolina has given us information.

Mr. BUTLER. But I am talking about information in framing the

Mr. ALDRICH. Certainly.
Mr. BUTLER. Did the committee summon anybody before them except those interested in manufactures?

Mr. ALDRICH. We summoned no one before us.
Mr. BUTLER. Did anybody appear except those interested in man-

Mr. ALDRICH. Certainly.
Mr. BUTLER. The Senator makes a point about one of the members of the Tariff Commission being interested in the culture of rice, and says that therefore they were misled as to the facts. I should like to ask the Senator if in framing this bill the committee were not influenced very largely by the opinions of those interested in the manufacture of the articles protected in it.

Mr. ALDRICH. No, sir; we based the provisions of the bill upon information which was submitted by various parties and gathered from

Mr. BUTLER. Was not the tariff act of 1883 based upon facts given by the Tariff Commission?

Mr. ALDRICH. Possibly.

Mr. BUTLER. Then the Senator says the committee was misled.

Yes. Mr. ALDRICH.

Mr. BUTLER. May not the committee have been misled by the gentlemen who appeared in this case and testified in their own behalf?

Mr. ALDRICH. Possibly we have been.

Mr. HOAR. Will the Senator from Rhode Island allow me to make one suggestion?

Mr. ALDRICH. Certainly.

Mr. HOAR. I suppose I represent as large a variety of manufacture as any Senator on this floor, certainly with one or two exceptions only, and a great deal of it is manufacture which comes at the highest stage of protection. I wish to testify for the committee that various manufacturers from my State have appeared before them presenting various views, and that they have been subjected by the committee to a very sharp and searching cross-examination in regard to their statements, and in many instances their desires have been complied with, while in many instances they have been rejected.

Mr. GIBSON. Mr. President— Mr. BROWN. I yielded the floor to my friend from Rhode Island,

but not with a view to general debate.

Mr. ALDRICH. I will allow the Senator to proceed, and will sub-

mit what further remarks I may have to make later on.

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor.

Mr. BROWN. Mr. President, the statement is made that the bill provides a higher tariff on rice than any other agricultural production, if I understand it correctly. If that be true, there are strong reasons why it should be so. First, it takes a much larger expenditure to reclaim swamp lands and prepare them for the cultivation of rice than it does to prepare land for any other agricultural crop, and that heavy

expenditure is indispensable to the cultivation of rice successfully.

Then, again, the rice-planter comes in competition with cheaper labor than any manufacture in this country comes in competition with, or than any other agricultural production in this country has to compete with. Take the manufacturers; they usually pay about double as much for their labor as is paid in Great Britain, scarcely ever three times as much. Take the article of rice. The rice-planter in Georgia pays fourteen times as much for his labor as the rice-planter in India or in China does. Therefore, according to the rule laid down by the political conventions of both the great contending parties, there ought to be a heavier toriff for the protection of the rice-planter than any to be a heavier tariff for the protection of the rice-planter than any other. In other words, the labor cost ought to be equalized, and to do that you must provide a heavy tariff or it is impossible for the rice-planter of Georgia and the Carolinas to subsist at all in cultivating

rice and making any profit upon it.

As to the preparation of the land, I desire to send to the desk and have read an extract from an address issued by the agricultural convention of Georgia, which shows the modus operandi and the expense of preparing reclaimed swamp lands for the cultivation of rice. I respectfully ask the attention of Senators to the statement as to the cost of preparing lands for the production of rice.

The PRESIDING OFFICER. The matter referred to will be read by the Secretary.

The Secretary read as follows:

In the estimates of cost the interest on the investment in land and improvements have not been considered. But this is really of first importance. Perhaps no better evidence of this can be presented than the following extract from an address published in the Proceedings of the Georgia State Agricultural Society in 1884:

"In order that the character and extent of the embanking and drainage system may be understood in a general way, I will venture, before concluding, the statement of a few facts in regard to these, the chief extraordinary burdens of a rice plantation.

"In order that the character and extent of the embanking and dramage bystem may be understood in a general way, I will venture, before concluding, the statement of a few facts in regard to these, the chief extraordinary burdens of a rice plantation.

"The storm-flood of 1854 rose about 11.5 feet above mean low water in the Savannah River. This would make the still-water level of the flood over the fields 4.8 feet. The storm-flood of 1881 was about 6 feet maximum over the fields, or 1.2 feet higher than that of 1854. No rice-field embankments exist which could repel such storms as these. If any were constructed high enough to reach the still-water level of the flood, its waves, which surge like those of the ocean, and to a height quite double the elevation of that level, would roll over such embankments and submerge the fields as effectually as if no such protectives existed. No effort, therefore, has yet been made to bar off extraordinary cataclysms like those of 1854 and 1881, and the rice-planter raises only such embankments as will defend his fields against ordinary storm-floods.

"The exterior embankments of a rice plantation are usually originally constructed 4 feet wide on top, 5 feet in height, with a base of 10 feet. On insular plantations, and, in fact, all rice plantations are practically insular, because each is necessarily self-dependent, these dimensions are carried entirely around the property. Unless creeks and other surface irregularities increase the quantities, these embankments contain 6,845.5 cubic yards per mile. Thus, the exterior embankments contain 6,845.5 cubic yards per mile. Thus, the exterior embankments of a plantation of 640 acres, I mile square (which is used here for easy estimates), would be 4 miles in length, and contain 27,378 cubic yards, or 77 cubic yards per acre. If now, this plantation be divided into 36 square of, say, 17.5 acres each, the divisions, which are called check banks, will roughly be 8 miles in length, with contents of 34,417 cubic yards, or 65 cubic yards to

length is 18 miles, its contents are 111,079 cubic yards, or 174 cubic yards to the acre.

"But the drainage of the rice-fields and its annual maintenance is a servitude more burthensome than their embankments. It is, however, also true that while the rice plant of the tidal lands is aquatic, or, perhaps more correctly, amphibious, it is paradoxical in demanding the most thorough drainage for its successful growth. \* \* \* Interior embankments not necessary to the safety and convenience of the fields may demand no more than perfunctory renewals, but the drains imperatively require to be not only thoroughly excavated in the origin, but to be constantly kept down to their original depth, and, as the land settles, to be lowered to the same relative depth.

"A properly arranged plantation of 640 acres, looking to the best control of flowing water and to thorough drainage, would require four parallel canals, each 20 feet in width and 5 feet in depth. The total length of these would be 3.33 miles. Each would require a flood-gate at its extremity on the river, so arranged as to admit or bar the tide-water at pleasure. Along these canals, one on each side of each field, or two to the field, are laid small flood-gates, commonly called tranks, by which the watering and drainage of each field is independently regulated. The main flood-gates of the canals are frequently true locks, so that canal and river navigation may be united. The four canals mentioned call for the excavation of 48,899 cubic yards, or 76 cubic yards per acre.

"In addition to these canals, which are the great arteries of the rice-fields, each square or field must be surrounded by a main or margin ditch, cut 6 feet wide by 4 in depth, and parallel drains, called quarter drains, must be sunk through the fields from 1.5 to 2 feet in width, by 3 feet in depth, usually 75 feet apart, but in some instances still nearer. If now, for easy computation, we throw off spaces not actually cut through margins and embankments, which would not seriously affect the resul

246 cubic yards per acre.
"To sum up, for this illustrative rice plantation we have—

Of-	Lineal miles.	Cubic yards.
Embankment	18.0 97.3	111,079 206,115
Total	115.3	317, 294
Total to the acre	0.18	496

Mr. BROWN. I recur to the fact that there is no other agricultural crop in the world that costs as much labor and as heavy expenditure of money to prepare the land properly for its cultivation as the rice crop. The document just read shows that the expense of reclaiming 1 mile square of rice land in the swamps on the tidal deltas is very heavy indeed. No one but a man of very considerable capital can undertake it. Then the culture, as I undertook to show and I hope I did show on Saturday, is a very difficult one, has to be conducted almost entirely by hand labor, and the crop has to be flooded at certain periods and the water drained off at certain periods. It is subject to casualties greater that any other crop, because whenever the river gets higher than the embankments it runs over and entirely destroys the crop. So there are more contingencies against it, more casualties befalling it, than any other crop. It takes a much greater amount of capital to prepare and care for the cultivation of rice than any other crop. Then the riceplanter has to contend with the cheapest labor on the face of the earth. As I stated awhile ago, the manufacturer in New England competes with labor in Great Britain that costs about one-half what the New England manufacturer has to pay.

Mr. HOAR. If the Senator will pardon me, that is hardly a gen-

Mr. BROWN. I said "about one-half;" I do not have the exact figures.

Mr. HOAR. There are many instances in which some of our most valuable labor competes with labor which is paid abroad not less than

Mr. ALDRICH. Take the article of cotton-bagging, for instance. The manufacturer of cotton-bagging competes with precisely the same kind of labor in the industry abroad

Mr. BROWN. I will take a third, then, as the Senator suggests that. It answers my purpose just as well to make that admission, though I doubt whether it is quite correct.

Mr. HOAR. If the Senator will pardon me, if I am not interrupting him too much, there was a representative of a very important industry in my district who appeared here the other day, a near neighbor of mine, a gentleman well known to me personally, a gentleman of the highest character and standing. He was a Norwegian, and he told the story of his life, which will appear in the published testimony before the committee. He had worked, being an apprentice, between six and seven years, getting only his board during that term of apprenticeship, and depending on his father for the rest of his support. He became perfectly competent to make all parts of a breech-loading arm, a gun or pistol, and became one of the skilled workmen in Norway, getting as high wages as any. He came to this country before he learned our language. He went up from a dollar, a dollar and a half, two dollars, two dollars and a half, to four dollars a day in Worcester, Mass., and is now the head of an establishment where he employs three hundred and fifty hands. He said he had been to Europe within a few years, and the wages in Norway and Belgium, with which he has to compete, laborers of the highest skill, never exceed 80 cents a day, while he pays to his men in Worcester, for precisely the same service. while he pays to his men in Worcester, for precisely the same service, two dollars and a half.

Mr. BROWN. I am willing for the purpose of this argument, though I do not believe it is a fact, to admit that the manufacturers of New England, as a whole, pay three times as much for their labor as the manufacturers of Great Britain.

Mr. HOAR. The Senator does not think it is a fact?

Mr. BROWN. I do not think it is a fact, but it answers my purpose just as well in this argument to admit it. The rice-planters of Georgia pay just fourteen times as much for their labor as the rice-planters in China do. The difference, then, is certainly so great that there would be a little to the supplementary of the supplementary China do. The difference, then, is certainly so great that there ought to be a little more liberality in fixing the per cent. of the tariff on rice. If we are to take the doctrine laid down by the two political parties that the tariff is to be so arranged as to equalize the labor, then the present the tariff is to be so arranged as to equalize the labor, then the present tariff on rice is not near as high as it ought to be. There can be no doubt that it costs more to prepare the land, that it costs more to cultivate the rice, and that there is a greater competition with foreign labor in the case of rice-culture than any other. It is not therefore right to apply the rule to it that is applied to other grains raised upon the farm.

But I can not quite agree with the Senators in charge of the bill that

they have left 50 per cent. upon rice, and it is still the highest of any agricultural production. I will take the article of corn. As I do not know what the import price is, I will fix the price of the articles of corn, wheat, and rice at their supposed value at the plantation or at the plantation or at the plantation or at the plantation or at the plantation is not interior. the market town near the plantation in our interior. That, I think, is a fair mode of treating the subject. Corn per bushel of 56 pounds pays a tariff under the present law of 10 cents a bushel. Forty-four pounds, the remainder of the hundred pounds, would pay at the same rate 8 cents, or 100 pounds of corn pays a tariff of 18 cents. Corn is worth per bushel of 56 pounds, say, 40 cents. I presume on the prairies of the West that is a very liberal price for it. The 44 pounds is worth 31 cents, or the 100 pounds of corn would be worth 71 cents in the market, which pays 18 cents tariff, or a fraction over 25 per cent. ad

Wheat per bushel of 60 pounds pays a tariff of 20 cents a bushel. Then the 40 pounds necessary to make 100 pounds pays 13 cents, or 100 pounds of wheat pays a tariff of 33 cents under the present law. A bushel of wheat is worth in the market near where it is raised, say, 80 cents. The 44 pounds would, at the same rate, be worth 53 cents; or 100 pounds of wheat is worth \$1.33. This \$1.33 worth of wheat pays a tariff of 33 cents, or 25 per cent. ad valorem.

Now take the article of rice. Cleaned rice in the vicinity of the rice plantations, or in the nearest market, is worth 4 cents a pound. costs the planter 4 cents a pound to make it. Under the proposed Senate bill \$4 worth of rice would be protected by a tariff of \$1. In other words, the tariff is 1 cent a pound, and the rice is worth 4 cents a pound. It is therefore protected by 25 per cent. of its value. Uncleaned rice, which is the rice after the husk has been cleaned off it (it is paddy before that state, and when nothing but the cuticle and flour that are left around the grain are to be cleaned off it is then called uncleaned rice), is worth \$3.50 per hundred pounds in the market. The bill proposes to worth \$3.50 per numered pounds in the market. The bin proposes to a balance every year that had a fix the tariff at one-half cent per pound, or at 50 cents on \$3.50 worth of rice, which is 14\delta per cent. ad valorem. One hundred pounds of paddy was the case every year during would be worth, if cleaned, \$4. Deduct for cleaning 28 per cent., or \$1.32, and it leaves 100 pounds of paddy worth \$2.68. The proposition and it is one worth considering.

is to put the duty on this rice at a quarter of a cent per pound, which would be 25 cents tariff on 100 pounds of paddy, and that is simply 10 per cent. ad valorem.

If it is said that the import price is lower than this, then to that extent it would raise the ad valorem. There may be some difference in that particular, but in no case does the present bill fix the tariff as high as 50 per cent. ad valorem.

The proposition is to take an agricultural product, for which it costs ten times as much to prepare the land as any other, and that pays four-teen times as much for labor as its competitor abroad pays, and to put a lower tariff upon it than is put upon corn and wheat, the common

productions of the country.

There is scarcely an acre of land out in the rich region upon which the Senator who now fills the chair lives that can not be prepared with very small expense for the cultivation of corn. Then there are no great casualties that attend the crop. It is a pretty certain crop, and the freshets and contingencies are a very small per cent. as compared with those which attend rice. It is not fair to put the tariff as low upon rice as upon corn under all these circumstances.

I can not think the Senators who profess to be governed by the principles of protection can feel that they are doing quite the thing that they are doing quite the thing that make the done to pass the bill in the shape they now have it. When ought to be done to pass the bill in the shape they now have it. they look into the whole question and examine it in all its lights, I think they will come to the conclusion I have, that rice needs all the

protection it now has.

I think the Senator from Rhode Island was mistaken when he said that the bill passed in 1883 made one-quarter of a cent reduction under a misapprehension of facts. The bill was very thoroughly discussed, and the particular paragraph relating to rice was discussed at very con-

siderable length and with a very full understanding of the facts.

The Republican Senate in 1862 or 1863 fixed the tariff at 2½ cents; The Republican Senate in 1862 or 1863 fixed the tariff at 2½ cents; the Republican Senate in 1883 reduced it to 2½ cents on cleaned rice. Now the proposition is to reduce cleaned rice to 1 cent, taking off a cent and a quarter and leaving it at 1 cent. Take uncleaned rice, which stands, under the present law, at 1½ cents a pound. The proposition is to reduce it to half a cent, or only one-third as much as the present rate. Then take the paddy, which now pays 1½ cents a pound. The proposition is to put it at a quarter of a cent, or only one-fifth as much as the present rate. It seems to me that this is doing great injustice to a very important and valuable agricultural industry and discrimito a very important and valuable agricultural industry and discriminating against it sectionally at a rate that can not be said to be fair and just

I think there is much good sense in the proposition laid down by my friend from South Carolina [Mr. BUTLER]. While I do not agree with him that we could get along in cultivating rice at all, with any profit, without a tariff upon it, still if everything that is made in New England factories and in other sections of the Union is to be taxed at a high rate to support the Government and give incidental protection, I think it is only just and fair that a great Southern production such as rice

should have like consideration.

It is hardly the fair thing for the committee to insist upon the rate fixed in the Senate bill. I think the present rate of tariff ought to be maintained on rice just as it stands to-day, and nothing ought to be taken off it. I do not believe the planters would have anything like a reasonable profit as it now is. If the rate is much reduced, they can

not even make a living at all by raising it.

Now, a word in response to my friend, the Senator from Alabama [Mr. MORGAN], who sits near me. He made a speech this morning dissenting from the views I take as to the part that the tariff has played in the development of the South, in the building up of Southern industries. It would not be worth the while of myself and my friend for us to discuss that question at any great length or by any set speeches, as I do not think we should convince each other, and we should not be likely to come together on it. I expressed my views very fully on this subject during the tariff debate in the Senate at the last session, and as the desire is to get to a vote upon the bill to-morrow, and I do not want to take an unreasonable portion of the time of the Senate, I will refer to what I then said, for my views more fully stated than I stated them Saturday afternoon last.

I will, however, call the attention of the Senate to certain statistics as to the balance of trade. I will not claim for the tariff (for my friend and I would differ about that probably) that it did produce the result which I shall reach when I have read this official statement about the balance of trade as between this country and foreign countries; but it is rather a peculiar coincidence that at the time when the tariff was the lowest it has ever been, certainly at any late period of the Government, from 1848 to 1857, inclusive, taking those ten years the balance of trade was against us every year, and the aggregate balance for the ten years was, in round numbers, \$339,000,000. In other words, we conducted trade and commerce with the people of other nations, and when we came to a general settlement at the end of the year we owed them a balance every year that had to be paid by sending gold out of this country to pay the debt, which gold is not likely ever to return. That was the case every year during that very low-tariff period. I do not say whether the tariff did it or what did it. I only speak of the fact,

Then take another period, from 1878 to 1887, inclusive, taking exactly the corresponding years, and the balance of trade was largely in our favor every one of those ten years. The aggregate balance in round numbers for the ten years was \$1,381,000,000.

In other words, in conducting trade and commerce with other nations for the ten years from 1848 to 1857, inclusive, during the very low-tariff period, the balance of trade was against us every year, and the aggregate balance of the ten years that we had to send out of the country in gold to pay debts abroad was \$339,000,000. Taking the period from 1878 to 1887, inclusive, the ten years just passed, under a high tariff, the balance of trade was in our favor largely every year, and

it aggregated in the ten years \$1,381,000,000.

These are simple facts that I state. I shall not draw any conclusions, because I have no doubt my friend and myself would differ about the conclusions. I think, however, that the tariff had something to do with that balance in each case.

I have here a statement made up of the balance of trade every year from 1790 to the present time, and if there is no objection I will incorporate it in the RECORD, as it is a rather interesting document.

## Balance of trade.

Year.	Exports.	Imports,	Excess of exports.	Excess of imports.
790	\$19,666,000	\$23,000,000		\$3,334,00
791	18,500,000	29, 200, 000		10,700,000
792	19,000,000	31,500,000		12, 500, 000
793	24,000,000	31, 100, 000		7, 100, 00
794	26, 500, 000	34, 600, 000		8, 100, 00
795	39,500,000	69, 756, 268		30, 256, 26
796	40,764,097	81, 436, 164		40, 672, 06
707	29, 850, 206	75, 379, 406		45, 529, 20
797	28, 527, 097	68 551 700		
793	38, 142, 522	68, 551, 700		40,024,600
799	21 840 002	79, 069, 148		35, 926, 62
800	31, 840, 903	91, 252, 768		59, 311, 86
801	47, 473, 204	111, 363, 511		63, 890, 30
802	36, 708, 189	76, 333, 333		39, 625, 14
803	42, 205, 961	64, 666, 666		22, 460, 70
804	41, 464, 477	85,000,000		43, 532, 52
805	42, 387, 002	120,600,000		77, 212, 99
806	41, 253, 727	129, 410, 000		88, 156, 27
807	48, 699, 592	138, 500, 000		89, 800, 40
808	9, 433, 546	56, 990, 000		47, 456, 45
809	31, 405, 702	59, 400, 000		27, 994, 29
810	42, 366, 675	85, 400, 000		43, 033, 32
011	45, 294, 043	53, 400, 000		
811				7, 105, 95
812	30, 032, 109	77, 030, 000	Ou 000 150	46, 977, 89
813	25,008,152	22,005,000	\$3,003,152	
814	6, 782, 272	12, 965, 000		6, 182, 72 67, 066, 87
815	45, 974, 403	113, 041, 274		67, 066, 87
816	64, 781, 896	147, 103, 000		82, 321, 10
817	68, 313, 500	90, 250, 000		30, 936, 50
818	73, 854, 437	121, 750, 000		47, 895, 56
819	50, 976, 838	87, 125, 000		36, 148, 16
820	51, 683, 640	87, 125, 000 74, 450, 000		22, 766, 36
821	43, 671, 894	62, 585, 724		18, 913, 83
822	49, 874, 079	83, 241, 541		33, 367, 46
822		77 570 907		90, 400, 00
823	47, 155, 408	77, 579, 267		30, 423, 85
824	50, 649, 500	80, 549, 007		29, 899, 50
825	66, 944, 745	96, 310, 075		29, 365, 33
826	53, 055, 710	84, 974, 477		31, 918, 76
827	58, 921, 691	79, 484, 068		20, 562, 37
828	50, 669, 669	88, 509, 824		37, 840, 15
829	55, 700, 193	74, 492, 527		18, 792, 33
830	59, 462, 029	70, 876, 920		11, 414, 89
831	61, 277, 037	103, 191, 124		41, 914, 06
832	63, 137, 470	101, 029, 266		37, 891, 79
833	70, 317, 698	108, 118, 311		37, 800, 61
834	81, 024, 161	126, 521, 332		45, 497, 17
835	101, 189, 082	149, 895, 742		48, 706, 66
000	106, 916, 680	189, 980, 035		
836				83, 063, 35
837	95, 564, 414	140, 989, 217		45, 424, 80
838	96, 033, 821	113,717,404		17, 683, 58
839	103, 533, 891	162, 092, 132		58, 558, 24
840	113, 895, 634	107, 141, 519	6, 754, 115	
841	106, 382, 722	127, 946, 777		21, 563, 45
842	92, 969, 996	100, 162, 087		7, 192, 09
843 (nine months)	82, 825, 689	42, 433, 464	40, 392, 225	
814	105, 745, 832	102, 604, 606	3, 141, 226	
845	106, 040, 111	113, 184, 322	100000000000000000000000000000000000000	7, 144, 21
846	109, 583, 248	117, 914, 065		8, 330, 81
847	156, 741, 598	122, 424, 349	34, 317, 249	, 000, 01
040	138, 190, 515	148, 638, 644	01,011,210	10 449 10
848		141 900 100		10, 448, 12 855, 02
849	140, 357, 172	141, 206, 199		00 100 0
850	144, 375, 726	173, 509, 526		29, 133, 80
1851	188, 915, 259	210, 771, 429		21, 856, 17
1852	166, 984, 231	207, 440, 398		40, 456, 16
1853	203, 489, 282	263, 777, 265		60, 287, 98
1854	236, 959, 560	297, 623, 039		60, 663, 47
855	218, 909, 503	257, 808, 708		38, 899, 20
1856	281 219 423	310, 432, 310		29, 212, 88
1857	293, 823, 760 272, 011, 274	348, 428, 342		54, 604, 58
1858	272 011 274	263, 338, 654	8, 672, 620	
1859	292, 902, 051	331, 333, 341	0,012,020	38, 431, 29
1860	333, 576, 057	353, 616, 119		20, 040, 00
1961		289, 310, 542		60 756 70
1861	219, 553, 833			69, 756, 70
1862	190, 670, 501	189, 356, 677		00 000
1863	203, 946, 447	243, 335, 815		39, 371, 36
1864	108, 837, 988	316, 447, 283		157, 609, 29
1865	166, 029, 303	316, 447, 283 238, 745, 580		72,716,27
1866	348, 859, 522	434, 812, 066		85, 592, 5
1867	294, 506, 141	434, 812, 066 395, 761, 096		72,716,27 85,592,54 101,254,95
1868	203, 946, 447 158, 837, 988 166, 029, 303 348, 859, 522 294, 506, 141 281, 952, 899 286, 117, 697 392, 771, 768	307, 486, 440		10, 480, 0
1869	286, 117, 697	417, 506, 879 435, 958, 408		131, 388, 68 43, 186, 6
A STATE OF THE PARTY OF THE PAR	000 BRY BOO	40F 0F0 400	The state of the state of	10 100 0
1870	892, 771, 768	430, 908, 4UN		93, 186, 64

# Balance of trade-Continued.

Year.	Exports.	Imports.	Excess of exports.	Excess of imports.
1872 1873 1874 1875 1876 1876 1877 1878 1877 1878 1879 1880 1881 1881 1882 1883 1884 1884 1885 1886	\$444, 177, 586 522, 479, 922 586, 283, 040 513, 442, 711 540, 384, 671 602, 475, 220 694, 865, 766 710, 439, 441 835, 638, 658 902, 377, 346 750, 542, 257 823, 839, 402 740, 513, 609 742, 189, 755 679, 524, 83)	\$626, 595, 077 642, 136, 210 567, 406, 342 533, 095, 436 460, 741, 190 451, 323, 126 445, 777, 775 667, 954, 746 642, 694, 628 724, 639, 574 723, 180, 914 667, 697, 693 577, 527, 329 635, 436, 136 692, 319, 768	\$18, 876, 698 79, 643, 481 151, 152, 094 257, 814, 234 264, 661, 666 167, 683, 912 259, 712, 718 25, 902, 683 100, 658, 488 72, 815, 916 164, 662, 426 44, 088, 694 23, 863, 443	\$182, 417, 491 119, 656, 288 19, 562, 725

#### RECAPITULATION.

Excess of imports, 78 years.

Excess of exports, 20 years.

Excess of imports, 1790 to 1839, except 1813.

Excess of imports, 1840 to 1875, except 7 years.

Excess of exports, 1813, 1840, 1843-144, 1847, 1858, 1862, 1874, 1876 to 1887, inclusive. CONTRAST

# [Decade from 1848 to 1857, inclusive, low tariff.]

1848	\$54,607,500
1849	22, 212, 887
1850	38, 899, 205
1851	60, 662, 479
1852	60, 287, 983
1853	40, 456, 167
1854	21, 856, 170
1855	29, 133, 800
1856	855,000
1857	10, 448, 129

### Decade from 1878 to 1887, inclusive, high tariff 1

Excess of exports.	
1878	\$257, 814, 234
1879	264, 661, 666
1880	167, 683, 912
1881	259, 712, 718
1882	25, 902, 683
1883	100, 658, 488
1884	72, 815, 916
1885	164, 662, 426
1886	44, 088, 694
1887	23, 863, 443
Total	1, 381, 863, 380

Total		1, 381, 863, 380
	PECAPITITIATION.	

1848 to 1857, balance trade against United States	\$339, 416, 320 1, 381, 863, 380
	MANAGEMENT OF STREET

Mr. MORGAN. Mr. President, the balance of trade that was against us has been relieved by the contributions of agriculture to the com-merce of the world, not by the contributions of manufactured goods or articles. We overcame that balance of trade because our agricultural interests were very greatly expanded by immigration, and by our homestead laws, and by the increased demand of the foreign nations of the earth for our food productions as well as for our textile productions. I can not conceive how the balance of trade has been turned in our favor by imposing upon imported goods higher duties than were formerly imposed.

The balance of trade means the return for the productions of this country that were sent out abroad that the people in foreign countries are obliged to have, being indispensable elements of living. If I am correct in the statement that the contributions of agriculture are the causes of the turn of the balance of trade in our favor, when we come to look over the statistics in respect of what those contributions are I think we shall find that very much more credit is due to agriculture in the United States than to manufactures for our present apparent prosperity, considered in a national view.

If I have correctly footed up the column in the "Statistical Abstract" headed "Amount of duties collected" (and my addition is, I think correct), from 1791 to 1888, inclusive, the Government collected customs duties amounting to \$6,092,311,456. Of this, \$5,028,984,800 has been collected since 1850, including that year, from which date we have census reports of manufactures.

A table prepared by Mr. Switzler gives the amount of the products of domestic manufactures in the United States for 1850, 1860, 1870, and 1880-census years. I have taken the amounts for 1850 and 1860, added them together, and divided the aggregate for an average for the ten years between these dates; and so for 1860 and 1870, and for 1870 and 1880, and using the figures for 1880, estimated at moderately larger figures for 1888, for an average for the last eight years, thus making an estimate of the total products for thirty-eight years. I have in the  $\begin{array}{c|c} 131,388,682\\ 43,186,640\\ 77,403,566\\ \end{array}$  same way estimated the exports of domestic manufactures for the same 77,403,506 period, and have so reached the amount consumed. There is no means of knowing exactly what of these products are of protected industries or the percentage of protection.

This is my estimate, which I am satisfied is approximately correct:

46, 478, 316, 472 

Of all the goods consumed, of domestic manufacture or imported, the percentage of imported goods was, in 1850, 11.61; in 1860, 12.43; in 1870, 6.86; and in 1880, 7.42.

If the consumption of goods of domestic manufacture since 1791 has borne the same proportion to the consumption of imported goods that it has since 1850, and if the effect of protection is to increase the cost of the domestic goods to the amount of the duty imposed on foreign goods, the consumers have paid to the manufacturers more than \$50,-000,000,000 in bounties, the imported goods being something like 10

o00,000,000 in bounties, the imported goods being something like 10 per cent. of the value of the domestic goods consumed, and more than \$8,000,000,000 having being paid on their importation.

These figures may look large, they may even look wild to the Senator from Georgia, but I believe there is a close approximation to correctness in them. It is not probable, though, that nine-tenths o' the direct and indirect tariff tax goes to the manufacturer and one-tenth to the Government. It believe that is not the correct proportion. With the resources that I have for information on subjects of this kind—and I believe they are resources that almost any other persons can resort to for such information—it is necessarily the case that our estimates must be only approximate; but that the agricultural interests of the United States have paid to the manufacturing interests and industries of the United States during these periods of taxation about the enormous amount that I have referred to I think is undoubtedly correct.

Agriculturists in the United States have been able to bear this tax

because of the great fertility of our soil and because of the immense number of immigrants that have come from other countries here to supply us with labor, as well as, also, because of the necessities of for-eign countries, many of which have been engaged in very heavy warfare with each other and have consequently depleted their fields of labor so that their harvests have been comparatively small. But I think I can state with absolute assurance, and every American citizen will appreciate fully the fact, that the agricultural interests of the United States, which, as I remarked in the few observations I made this morning, fixed the value of all capital and all money, have yielded to the protected industries more than five times the money that would be necessary now to rebuild every one of them if they were burnt to the ground. It has been the constant, unvaried cause of the depletion of the profits of agriculture, and while that industry has borne it with patience it does seen to me that when we are reforming our tariff act and are trying to reduce the surplus in the Treasury, amounting to \$130,000,000 a year, our very first and most direct effort should be to lift the burdens from this industry that has contributed so enormously to the support of the Government, has provided this balance of trade in our favor, and has yielded to the manufacturing industries of this country, as I repeat, more money, by far more money than would be necessary to rebuild every one of the manufactories of the United States if they were burnt to the ground.

Mr. BROWN and Mr. BUTLER rose.

Mr. BUTLER. Just one moment, if the Senator pleases. I do not desire to interfere with the drift of the debate, but just to say a word. The other day in the discussion between the Senator from Rhode Island [Mr. Aldrich] and myself on the subject of rice—and I propose to dismiss it after what I shall now say—that Senator referred to the duty on beans, an agricultural product, which he said had only been taxed 25 cents a bushel. I think there is one agricultural product that is

ceasing to be patient under these exactions.

Mr. ALDRICH. I can not hear the Senator from South Carolina.

Mr. BUTLER. I say I think there is one industry which is ceasing to be patient under this protective system, and is coming in now to ask relief at the hands of Congress. The Senator from Rhode Island, with some exultation, said that while the committee had given 45 cents a bushel on rice they had only given 25 cents a bushel on beans, an industry cultivated principally in New England; it does not make any difference where they are cultivated; they are used very largely in New England.

I find that that Senator did not state quite all relating to beans. According to my understanding of another line in this bill they have put a tax not only of 25 cents a bushel—where they come in, I take it, in bulk—but they have also put a tariff of 25 cents a gallon on "beans, peas, and mushrooms, prepared or preserved, in tins, jars, bottles, or

Now, estimating 8 gallons to a bushel, the tax on a bushel of beans under that head would be about \$2.

there is a duty of 25 cents a gallon, and there are eight gallons in a

Mr. ALDRICH. What is the number of the paragraph?
Mr. BUTLER. Paragraphs Nos. 241 and 242.
Mr. ALDRICH. These are "prepared or preserved"—French beans green, in tin cans.

Mr. BUTLER. I suppose that is the way they are prepared. I do not know how they are prepared. I see that the paragraph states:

Beans, peas, and mushrooms, prepared or preserved, in tins, jars, bottles, or otherwise, 25 cents per gallon.

Mr. ALDRICH. Ordinary beans are never prepared in this way These are French beans.

Mr. HISCOCK. It would be equivalent to a duty of about 30 per cent. ad valorem.

Mr. BUTLER. Under the existing law they are about 30 per cent, under the House bill 30 per cent., under this bill 25 cents per gallon.

Mr. ALLISON. That is not a change of the ad valorem rate of duty.

These rates are based on Government tests in the Mr. ALDRICH. ew York custom-house for a period of six months.

Mr. BUTLER. These beans in paragraph 242, then, are not the beans referred to in the preceding paragraph?

Mr. ALDRICH. Not by any means. Mr. BUTLER. Paragraph 241 states 25 cents a bushel. What ad valorem duty is that?

Mr. HISCOCK. About 25 per cent. The value of beans is just about the same per pound or bushel as the value of rice.

Mr. BUTLER. I see here that the imports are 478,205.33. I do not know whether these are bushels or pounds. The value is \$492,752.39.

That would be a little over \$1 a bushel if for bushels. Mr. ALDRICH. It is \$1.03 a bushel. The foreign price of rice is

Mr. BUTLER. Domestic rice is four or five dollars a bushel.
Mr. ALDRICH. But the foreign rice is not.
Mr. BROWN. Not more than a dollar a bushel?
Mr. ALDRICH. Not more than a dollar a bushel.
Mr. BROWN. Mr. President—
Mr. ALDRICH. Will the Senator allow me to finish my remark

st? I have been trying to get the floor for half an hour.
Mr. BROWN. I had the floor and yielded it.
The PRESIDING OFFICER (Mr. BERRY in the chair). Does the

Senator from Rhode Island yield?

Mr. ALDRICH. I will yield for a question if the Senator desires; otherwise I should like to continue.

The Senator from South Carolina said that the committee had heard only parties interested on one side—the manufacturers.

Mr. BUTLER. I did not state that, but I ask the Senator from

Mr. BUTLER. I did not state that, but I ask the Schator Hola.

Rhode Island whether that was not the case?

Mr. ALDRICH. I say it is not the case, and I will say that we have heard on each of the questions involved in the preparation of this bill parties on both sides and on all sides—not only the manufacturers but importers and everybody who had anything to say either for or against the rates in the bill, or the rates of the existing law. So the inference that would be drawn from the Senator's statement would not be a correct one. We have given a hearing to everybody who desired to be heard.

Mr. HARRIS. If the Senator from Rhode Island will allow me-The PRESIDING OFFICER. Does the Senator from Rhode Island

Mr. ALDRICH. Certainly. Mr. HARRIS. As a matter of fact, I will ask the Senator were not the people who appeared before the subcommittee in the ratio of 9 out of 10, if not 19 out of 20, manufacturers who sought protection for their special industries?

Mr. ALDRICH. No, sir. As to the people who appeared in the earlier hearings of the committee that proportion would probably be too large; but as to the later hearings of the committee very much the Mr. ALDRICH.

larger proportion have been importers.

Mr. HARRIS. I simply desire to say, if the Senator will allow me, that so far as I have had the honor of attending the sessions of the subcommittee I do not know exactly what the ratio was, but at least 9 out of 10, if not a larger number, were manufacturers who sought protection for their special interests.

Mr. ALDRICH. That may have been true, or approximately true, in regard to the earlier hearings of the committee; but the Senator from Tennessee must remember that for a number of weeks, when the hearings before the committee have been very large, he has not been able to be present.

Mr. HARRIS. That is true.

Mr. ALDRICH. I will restate that recently we have heard importers and other persons interested in the reduction of rates, in a much larger proportion than we have the manufacturers.

Mr. VOORHEES. May I ask the Senator from Rhode Island a

Mr. ALDRICH. Certainly. Mr. VOORHEES. I have not been very troublesome. The Sena-Mr. ALDRICH. What paragraph is the Senator reading from?

Mr. BUTLER. I am referring to paragraphs 241 and 242. I do not know how beans are prepared in "tins, jars, or bottles," but I say that the Committee on Finance. Inasmuch as all this labor and exertion on the part of Congress seems to be to protect laboring men and laboring women who work in the factories, rolling-mills, and mines, I should like to ask how many of them have appeared here in behalf of these interests of theirs?

Mr. ALDRICH. I will say that all the great industries and very many minor industries have been represented by laboring men.
Mr. VOORHEES. They have been represented by the employers of

labor, the manufacturers.

Mr. ALDRICH. I beg the Senator's pardon. Mr. VOORHEES. If there has been here a man or a woman who works with his or her own hands in the factories I have not seen one.

Mr. ALDRICH. That is not at all strange. The Senator never at-

tended but one meeting of the committee, I think.

Mr. VOORHEES. What does the Senator mean—one meeting of

the Finance Committee?

Mr. ALDRICH. One meeting of the subcommittee.
Mr. VOORHEES. Oh, that subcommittee met in the interest of the Republican party and kept four-fifths of its workings secret from all the world.

Mr. ALDRICH. Oh, no. Mr. VOORHEES. Oh, yes. I will ask the Senator this question: How many mechanics or agricultural laborers were before the commit-

The PRESIDING OFFICER. Does the Senator from Rhode Island yield?

Mr. ALDRICH. I will answer the questions seriatim. The meetings of the subcommittee have never been secret. They have always been open to every member of the committee. No meeting was ever held when a Democratic member was not present or had not the op-portunity to be present if he had seen fit. I do not say that the Senator from Indiana purposely absented himself from the meetings of the committee; I have no doubt he had other matters to attend to. I have never seen him at but one of the meetings of the subcommittee, and the statement that the Senator now makes shows that he could not have been present.

Mr. VOORHEES. That does not affect the question.
Mr. ALDRICH. We have heard delegations of laboring men and women constantly before the committee, and their testimony is in the printed record of the committee

Mr. VOORHEES. Where did they come from? Mr. ALDRICH. From New York, New Jersey, Connecticut, and other States

Mr. VOORHEES. M Mr. ALDRICH. Yes. Mr. VOORHEES. H Mechanics and agricultural laborers?

Mr. VOORHEES. How many farmers have ever been there?
Mr. ALDRICH. Several delegations of farmers have been there

recently.

Mr. VOORHEES. On the subject of rice and sugar, I suppose.

Mr. ALDRICH. No. sir; on the subject of Northern farm products.

Mr. VOORHEES. I do not think there have been five farmers

Mr. ALDRICH. The Senator evidently is not familiar with the work of the committee. If he had read the record of the committee's proceedings he would not make this statement.

I want to say that it was the purpose of the committee (and it had no other purpose) to afford adequate protection to the rice industry of the United States.

Mr. BROWN. The committee has not done it.

Mr. ALDRICH. Then it is not the fault of the committee. of the facts presented by the Senator from Georgia were not before the I would suggest that the matter go over until to-morrow, until the committee can examine the facts presented by that Senator, and if it shall appear that we have the rate too low we are willing to change it. There is no rate in this bill that the committee will insist on if evidence be produced by any one in the Senate or out of it that will lead the committee to believe that they have done an injustice. I suggest that this paragraph may go over until to-morrow morning, and the committee will in the mean time examine the facts now presented.

Mr. GIBSON. I understood the Senator from Rhode Island [Mr. ALDRICH] to complain that in the revision of the tariff in 1883 the rate on rice was increased.

Mr. ALDRICH. No. I said it was fixed too high.
Mr. GIBSON. That it was fixed too high—not properly reduced.
Mr. President, the tariff rate on rice before 1883 was 2½ cents per pound on cleaned rice, and 2 on uncleaned rice; 3 cents a pound and 20 per cent. besides on "rice and other starch;" and 20 per cent. on "flour and meal" rice. In 1883 there were reductions made in these rates on rice. On cleaned rice the duty was made 2\frac{1}{2} cents; on un-I wish also to call the attention of the subcommittee to the fact

that while they have reduced the tariff rate on rice—on clean rice 50 per cent. and on uncleaned rice more than 50 per cent. -no, not quiteabout 23 per cent., and on paddy 26 per cent.—that the reduction in revenue will be very small collected from rice. The revenue collected from rice now does not quite equal a million dollars—exactly \$971,454.49, and by this reduction of largely over 50 per cent. the estimated amount

that will be collected will be exactly \$599,957.13. Hence the total revenues will only be reduced by the sum of \$371,497.36; a trifling sum, indeed, as a compensation for the overthrow of this industry. I suggest that there are no considerations relating either to the revenues or public policy to justify this extraordinary discrimination against rice. It can not be defended on any ground.

Mr. BROWN. In connection with what the Senator from Louisiana

[Mr. GIBSON] has said, I want to repeat one statement.

Prior to 1883 the duty on cleaned rice was 2½ cents a pound. tariff act of 1883 took off a quarter of a cent, leaving the duty as it now stands, 21 cents. The committee proposes to reduce it to 1 cent. In other words, you propose to take off one cent and a quarter and leave a cent on. Then take uncleaned rice. The present law fixes it at one and a half cents, and you put it at half a cent. You reduce it two-thirds.

Under the present law, on paddy it is one and a quarter cents a pound, and you put it at a quarter. In other words, you take off four-fifths of

Before I take my seat I want to say a word about another matter, in reference to the point I made awhile ago and the reply to it of my friend from Alabama [Mr. Morgan]. I stated that I had not expected that he and I would agree on the effect of the tariff on Southern industries. I take one view of that subject and he another. He attributes it all to the general advancement of business and to the importation of foreign money for investment and all that sort of thing. I think the tariff has had a great deal to do with it. But I stated that there was another point on which he and I might differ, that is as to the effect of the tariff on the balance of trade, and I referred to the fact that the balance of trade during the ten years of lowest tariff from 1848 to 1857, inclusive, was against us every year, and that the aggregate balance of trade against us for which we had to send gold to Europe to make settlements amounted to \$339,000,000. There was no year out of the ten years of low tariff that I have just referred to when the balance of trade was not against us, and the aggregate was what I have just stated.

Then as to the ten years lately past, making a corresponding computation and taking the years of 1878 to 1887, inclusive, under the present high tariff, the balance of trade has been in our favor every year during that period and the aggregate balance in our favor \$1,381,000,000. It was against us every year during the ten years of the first period I referred to, aggregating a balance against us of \$339,000,000, and it was in our favor every year during the latter period referred to,

aggregating a balance in our favor of \$1,381,000,000, in round numbers.

My friend attributes all that to agriculture. I attribute a large part of it to manufactures. I think the tariff caused a great many industries to spring up that otherwise would not have sprung up. The protection that was given caused capital to be put largely into business, and the increased quantities made brought down the prices until during the period I have referred to our people, instead of going abroad for their manufactured articles and sending their gold abroad in settlement, made their articles mostly at home and kept the gold at home that they would otherwise have sent out to pay for them. That is my view of it. I know that my friend and I can not agree on it, but as I referred to it I wanted to put the point on record.

Mr. ALLISON. I suppose the Senator from Georgia consents that

this matter may go over.

Mr. BROWN. I consent that it may go over.

The PRESIDING OFFICER. There being no objection, the amend-

ment will be passed over until to-morrow mo ning.

Mr. DOLPH. At the request of the Senator from California [Mr. STANFORD] I submit an amendment to be printed.

The PRESIDING OFFICER. It will be printed.

Mr. ALLISON. I move to proceed now to the consideration of Schedule K, page 142.

The PRESIDING OFFICER. The Secretary will read the first

paragraph of Schedule K.

The Secretary read as follows:

All wools, hair of the alpaca, goat, and other like animals, shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes.

Mr. VANCE. I move to amend in line 1383 by striking out all after the word "be" to the end of the paragraph, and inserting the

words "admitted free of duty."

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. In line 1383, page 142, after the word "be," it is proposed to strike out to the end of the paragraph, as follows:

Divided, for the purpose of fixing the duties to be charged thereon, into the three following classes.

And insert in lieu thereof:

Admitted free of duty.

So as to read:

All wools, hair of the alpaca, goat, and other like animals, shall be admitted free of duty.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

Mr. VANCE. Mr. President—

Mr. VEST. If the Senator will pardon me, I desire to say just a

word. This debate has taken up the morning, and no definite agreement has been arrived at. If it will suit the convenience of the Senators in charge of the bill, I would suggest that we continue the general discussion without limitation as to time until 5 o'clock to-day, and that any subsequent discussion shall be under the ten-minutes rule, and that the debate close and voting on the bill and amendments commence at 5 o'clock to-morrow afternoon.

Mr. ALLISON. I will say to the Senate that the Senator from Mis-

souri and myself and the Senator from North Carolina have had some informal conversation on the subject, and I am willing, in behalf of our side of the Chamber, unless some objection be made, that that may be

done.

The PRESIDING OFFICER. The Senator from Missouri asks that general debate may continue until 5 o'clock this afternoon, and that thereafter all debate shall be under the ten-minutes rule until 5 o'clock

Mr. HARRIS. Is it this afternoon or to-morrow afternoon?

The PRESIDING OFFICER. The Chair will again state the proposition of the Senator from Missouri. It is that the general debate continue until 5 o'clock this afternoon, and after 5 o'clock to-day that the debate shall be under the ten-minute rule until 5 o'clock to-morrow, at which time the vote shall be taken on the amendments and the bill without further debate. That is the way the Chair understood it. If that is not correct the Senator will correct it,

Mr. HALE. Make it the five-minute rule, instead of ten.
Mr. VEST. No, make it ten minutes. I have consulted my colleagues on this side of the Chamber, and I believe that ten minutes will be more acceptable to them.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Missouri? The Chair hears none.

Mr. ALLISON. I will thank the Presiding Officer to state it from the Chair so that there may be no mistake about it. It is, if I understand it, that there is to be no limit to debate until 5 o'clock this evening, that being the hour for the recess, so that when we come here at 8 o'clock to-night we shall go on under the ten-minute rule, and that that shall go on to-morrow until 5 o'clock, when all debate ceases.

Mr. HALE. All debate closes to-morrow at 5 o'clock.

Mr. VEST. At 5 p. m.

The PRESIDING OFFICER. That is the understanding. The Senator from North Carolina [Mr. VANCE] is entitled to the floor.

Mr. ALLISON. Will the Senator from North Carolina yield to me a moment? There are some amendments that the committee propose to this wool and woolen schedule that I think perhaps I had better offer and have sent to the printer.

The PRESIDENT pro tempore. The amendments will be received if

there be no objection, printed, and lie on the table.

Mr. REAGAN. I desire to offer an amendment and have it printed

The PRESIDENT pro tempore. It will be received and printed. Mr. ALLISON. The amendments I offer are by direction of the Committee on Finance.

The PRESIDENT pro tempore. They will be received, lie on the

table, and be printed.

Mr. VANCE. Mr. President, we have approached now what I regard as the most important schedule in this bill. It will certainly be conceded that there is nothing of more prime necessity to the comfort

or the clothing of man than wool.

The history of our race from Asia to Australia is the history of wool. It is commingled with the traditions of Greek mythology as well as the ceremonials of the Jewish religion. In all ages, in all countries, wool has been the chief covering of man. The gentle domestic animal which yields it has ever been the faithful friend of man, furnishing him both food and raiment By the tables which are furnished us by the Bureau of Statistics, which I will not take the trouble to read, but will ask to have incorporated as part of my remarks, I find that the United States is the fourth country in the world in the number of sheep, while in the production of wool the United States is the second country in the world.

The table is as follows:

Table showing the number of sheep and lambs of the principal wool-producing countries of the world.

Countries.	
Russia in Europe (1882) United Kingdom (1886) France (1885) Spain (1878) Germany (1883) Hungary (1884) United States of America (1887) Argentine Republic (1885) Uruguay (1884) Uruguay (1884) Australasia (1884 and 1885) India (1877 and 1878) Cape Colony and Natal (1875 and 1885)	19, 189, 718

It will be observed that Australasia leads the world in the number of sheep and lambs.

Table showing the raw wool produced in ecc's of the principal wool-producing countries of the world.

	Quantities produced.
Russia in Europe (1884) United Kingdom (1885) France (1882) Spain (1/78) Germany (1881) Hungary (1885) United States of America (1885) Uruguay (1884) Uruguay (1884) Australasia (1885–'86) British East Indies Turkey and Persia Cape Colony and Natal (1885)	Pounds, 262, 966, 000 135, 936, 000 80, 138, 000 54, 894, 000 43, 146, 000 302, 000, 000 283, 047, 000 59, 084, 000 455, 470, 000 36, 354, 000

Those tables substantiate the assertion I made that the United States is second in wool producing and fourth in the number of sheep of all countries of the world.

The number of sheep in the United States in 1888 by estimation was 43,544,755. The amount of wool produced in 1887 in this country was 285,000,000 pounds; the amount of wool imported was 114,038,030 pounds; the amount of wool exported was 6,986,232 pounds. Therefore there were retained for consumption 392,051,798 pounds. The tax paid upon the imported wool in the shape of tariff duty was \$6,430,317.

The price of corresponding grades of wool at that period in London was 22½ cents per pound and the price in New York and Boston for the same grades of wool for that period was 31 cents per pound. So that we can clearly arrive at the conclusion that we paid a tax on the domestic article of 8½ cents per pound, minus the cost of transportation to this country, which at a half a cent per pound, or something like \$11 per ton, should be stated thus: 285,000,000 pounds of domestic wool with 8 cents added in the shape of the duty on the foreign wool with which it competes, making \$22,800,000, and the total tax therefore upon the raw wool used by the American people in the year 1887, was \$29,-230.317.

The cost of woolen manufactures which were imported in 1888 was \$47,719,393, and the duty paid thereon averaging 69 per cent. was \$32,213,120, making the total cost of imported woolens \$79,932,513.

The domestic articles of wool manufactured in the United States we can only arrive at by approximation. In 1880, according to the census, the product of our factories-and it must be borne in mind that less than a half million dollars, all told, were exported the last year—the product of our factories was \$267,252,913 in value. At the very lowest At the very lowest estimate, I suppose it would be fair to say that the product of the woolen factories of the United States now is at least \$300,000,000. Now how are we to arrive at the additional cost to the American people? We have seen that the tax on the raw material, domestic and imported, amounted to \$29,000,000 and upwards. We have seen that the taxes on woolen goods imported amounted to \$32,000,000 and upwards. Now, how much additional cost has been imposed upon the American people by the enhancement of the price of the domestic article?

Estimating the amount of manufactures in 1888 at \$300,000,000, if we were to take the whole amount of duty of 69 per cent. the amount would be \$188,000,000. The price of the enhanced cost of the domestic article, if we are to take it at 50 per cent. duty, would amount to \$150,000,000. If it were so that it did no more than enhance the price to the extent of 25 per cent. it would be \$75,000,000. Whichever way you see proper to take it, there is an enormous additional tax imposed upon the American people under cover of this duty on wool and woolens, which is to be paid by them, and which will continue to be woolens, which is to be paid by them, and which will continue to be paid by them so long as our present laws exist. We have already seen that about 80 per cent. of the duty on wool itself is found in the enhanced price of the domestic wool, at least 8½ cents per pound. Therefore, if you take 50 per cent. of the duty imposed, as I have found, upon the domestic article, you will have somewhere in the neighborhood of \$100,000,000 of additional tax upon the American people in consequence of these weeken duties people in consequence of these woolen duties.

Mr. President, we are the greatest wool-consuming country in the world. That is stated and I believed admitted upon all sides. We have a larger population than almost any other people in Christendom. The average wealth of the people of the United States is greater than that of any other; their average condition of comfort is greater than that of any other people, and therefore we consume more of woolen goods, and it is our greatest industry, with the single exception of the metals. In 1880 the product of all the manufacturing establishments of metals in the United States was \$604,553,460, whilst the value of all the wool manufactured was \$267,182,914, and the value of all the cotton manufactures was \$210,950,383. So I say with the exception of the metal manufactures of the United States, wool is our very greatest interest, and therefore it should be the duty of legislators, as it seems to me, to push the prosperity of our greatest industry.

Why continue this heavy tax? Why tax the raw material which forces the taxation of the manufactured product in order to equalize it? When a proposition to place any article upon the free-list or to reduce the duty is made, the assertion is always made that it will, in the first place, destroy that industry. Can that be said here? Can it be asserted here truthfully that the reduction of the tax or the removal of the tax upon the raw material of a great industry will destroy that in-

It is an absurdity to say so. dustry?

In the first place, I have some authority here showing that there is In the first place, I have some authority here showing that there is nothing in the way of this country excelling all the countries in the world in the manufacture of woolen goods except the duty on the wool itself, which makes the price higher than it is to any other people. A gentleman by the name of Schoenhof, who is at present the consul of the United States at Tunstall, has made, under direction of the State Department, most careful inquiry and investigation into the cost of manufacturing wool in the United States and in England. He visited, as his report shows, which I have before me, the most reliable and respectable manufacturers whom he could find in both countries and made the most careful and paintstaking calculations and inquiries and made the most careful and painstaking calculations and inquiries into every branch of the manufacture of woolen goods, and the conclusions to which he comes, and which I have not yet seen anywhere denied, are, as I have stated, that there is nothing in the way of the successful manufacture of American woolen goods in competition with all the world except the price of raw material. Instead of reading his statement in extenso I have collated and abstracted it for the purpose of saving the time of the Senate.

The total cost of manufacturing a pound of wool into ladies' dress

goods, called sackings, in America is

Executions in the result of th	Cents.
Wool	.70
Carding and scouring	3.09
Spinning	2.8
Weaving	6.90
Dressing and warping	1.00
Burling, mending, etc	1.60
Supplies	8
Dyeing.	1.90
Finishing	2.60
Additional charges	. 11.40
Total cost per pound	102.3
Total cost per pound	102.

Cost of manufacture (in Massachusetts), exclusive of the wool, 32.31 cents; price of wool in the dirt, 35 cents; a loss of 50 per cent. in scouring, which makes wool cost 70 cents.

Mr. CHACE. Will the Senator yield to me a moment for a question?

Mr. VANCE. Certainly.

Mr. CHACE. What evidence has the Senator that those estimates

are upon the same quality of wool?

Mr. VANCE. I have the evidence of the gentleman who took the testimony

Mr. CHACE. Does the Senator know this gentleman?

Mr. VANCE. Mr. CHACE. I do, personally.

What are his qualifications for judging as to the quality?

Mr. VANCE. I think he is one of the most competent men to deal

with questions of this kind I have ever known.

Mr. CHACE. The Senator knows that? Mr. VANCE. He is a man of intelligence He is a man of intelligence and long experience, with perhaps twenty-five or thirty years of his life devoted to the study of

these very subjects.

Mr. CHACE. Has he any practical knowledge of it?

Mr. VANCE. I should say so. I do not know whether he ever worked in a mill or not. I have not that knowledge. He gives the names of the manufacturers and everybody from whom he obtained the information. So it is very easy to contradict it if it is not true.

I was proceeding to read that the wool of the English manufacturer

stands at 32 cents per pound.

Cost of manufacturing the same quality of goods in England:

	ents.
Carding, preparing and spinning	32 4 1.50
Supplies Weaving and dressing, etc	7.40
Finishing	13
	69.90 37.90

Whereas the Massachusetts cost was 32. So the cost of manufacturing a pound of wool in England is 5.59 cents greater than it is in the United States.

In England the wages of weavers in woolen mills (mostly girls) are from 12 to 15 shillings per week, scarcely more than one-half the earnfrom 12 to 15 shillings per week, scarcely more than one-half the earnings of the American weaver in the same goods, but the English weaver tends one loom only, and the American tends two.

The output of the American weaver is about 300 yards per week; the output of the English weaver per week is 105 yards; making the

average cost for weaving American goods 2.65 cents per yard, and for

English weaver 2.56 cents per yard; English cost of weaving per pound,

English weaver 2.56 cents per yard; English cost of weaving per pound, 6.07 cents; Massachusetts cost, 6.90 cents. The small difference is due to difference in width of the cloth, the English article being 54 inches in width and the American article 50 inches in width.

All this plainly shows that if we had free wool we could produce woolen cloth at 64.31 cents per pound which would cost in England 69.90 cents per pound to produce.

I think there is nothing wanting to the demonstration that we could exceed the world in the production of woolen goods with free wool; and even with a different duty levied upon wool, the manufacturing interests of this country would take a great start forward and would be able to furnish goods much cheaper and give more employment to labor.

The manufacturers, the woolen people, who apppeared before the Finance Committee gave some testimony that I regard as very valuable concerning the present method of levying duties and the present duties which are levied upon the raw wools that are imported into this country. I will read first from the statement of Mr. T. Sampson, of the Washington Mills Company of Lawrence, Mass., and to save my own Washington Mills Company of Lawrence, Mass., and to save my own strength I will ask the Secretary to read this testimony which I have

The Chief Clerk read as follows:

Washington Mills Company of Lawrence, Mass., and to save my own strength I will ask the Secretary to read this testimony which I have marked.

The Chief Clerk read as follows:

I respectfully submit what I believe to be the solution of that much-vexed question, tarif on wool.

I respectfully submit what I believe to be the solution of that much-vexed question, tarif on wool.

Wanskuck Mills, Providence, R. I. I am now manager of the Washington Mills Company, a corporation with two millions of capital and consuming about 4,00,000 pounds of wool a year and employing 1,600 hands. My business has compelled me to become personally acquainted with the working of the present of the system and to suggest a remedy.

You are aware that wools are classified and a separate specified duty is charged on the various classes. Wool costing a certain price pay 22 econs duty; when that price advances it pays 5 cents, then again 10 cents, then 20 cents, etc. As you are aware that wools are classified and a separate specified duty; is charged on the various classes. We will start from 20 to 8 per cent. of retime markets contains from 20 to 8 per cent. of retime markets of the wool is the payed to the wool when society. For instance, when in England recently I found many of the mills in Bradford using a Russian wool that costs 5 pence a pound.

This was desirable wool, and was then being put into yarns which were exhibited the United States the amount of the duty would have been equal to the cost of the wool, as it must have paid 10 cents a pound duty on the greasy weight. This was desirable wool, and was then being put into yarns which were saystem. After passing through the London wool stores with my broker, I selected certain wools and instructed him to bid for the same at public auction. He was a substitute of the wool would have the province of the present system. After passing through the London wool stores with my broker, I selected certain wools and instructed him to bid for the same at public auction. He was the province of

of wool was imported into the United States. The effect of an ad valorem duty would be to equalize the prices of wool abroad. American competition would be liable to drop in on any and all kinds of wool, and so advance prices in Lon-

don.

It is beyond my comprehension how any intelligent manufacturer or farmer can advocate a specific duty on wool. I have conversed with many, and have as yet to hear the first who will give a good reason why wool shrinking 70 per cent.; or why wool costing 15 pence in public auction in London should pay 10 cents a pound, whereas the very same wool costing 15\(\frac{1}{2}\) pence pays 20 cents a pound duty. The farmer's trouble to-day does not arise from the amount of Australian, South American, or Cape wools that are imported into the United States, but from the fact that these wools come in the shape of manufactured cloth. Raising the price of the raw material abroad will decrease the importation of manufactured cloth, will start up the American mills that are now idle or in a semi-idle condition, and then a market will be found that will satisfy our farmers.

tion of manufactured cloth, will start up the American mills that are now idle or in a semi-idle condition, and then a market will be found that will satisfy our farmers.

Not along ago an attempt was made to enter at the New York custom-house single 60 worsted yarn at 59 cents; the parties desiring to enter it declaring that they would furnish 200,000 pounds of the same thing at that price.

Any one familiar with the prices at which certain wools can be bought abroad and with the prices paid for foreign labor can understand the possibility of the truth of the above statement.

As has been stated, certain wools, on account of high shrinkage, can not be imported under the present tariff. Hence there is only demand for these wools by the foreigner, who is able to buy them at much less cost than would be possible could the American bid on them, thus greatly enhancing the demand and enhancing the price. Wools thus cheaply bought by the foreigner are worked by him cheaply into yarn or goods and passed under a low tariff into this country, where of course they can be sold at a much lower figure than the same grade of goods made in this country from the wool on which high tariff has been paid. It takes 3 pounds of low-priced wool to produce 1 pound of yarn. The duty on this wool would be 35 cents. The duty on it after being made into yarn woulds be but 18 cents. So it is seen that we not only aid the foreigner by being unable to bid against him in the purchase of wool, but also by allowing him to pass into this country the manufactures from this wool at about half the duty we would pay on the same wool should we buy it at a price to allow of its entry as a low-cost wool. Thus it is readily seen that the very object of the tariff is deteated. Instead of the price of wool being raised for the foreigner by the possibility of American competition in bidding on that wool, the American farmer is utterly discouraged by the impossibility of finding a market for an equally good wool, but which the American manufactures read of

Mr. VANCE. Mr. President, it will be recollected that in 1885 Mr. Manning, then Secretary of the Treasury, sent out inquiries to manufacturers and merchants all over the country requesting their co-operation in the improvement of the fiscal policy of the country, and among the replies received was one from the National Association of Wool Manufacturers, representing over one hundred manufacturing establishments of wool, and signed by some of the leading manufacturers of the country, among them William Whitman, of Boston, as president, Thomas Dolan, of Philadelphia, one of its vice-presidents, and James Dobson, of Philadelphia, one of the executive committee, and other officers of this association, and they give almost precisely the same arguments that were given by Mr. Sampson, of the Washington Mills Company, whose testimony I have just had read; and it is all to the effect that it is impossible, with the specific duty such as we have now on raw wool, for the manufacturers of this country to compete, with

on raw wool, for the manufacturers of this country to compete, with anything like a chance of success, with their foreign rivals.

They go on to say that the cheap goods are absolutely forbidden because of the tax upon the grease and dirt which are in it, and which frequently amount to 66 or 70 per cent. of the weight of the mass; and therefore to pay a duty of 10 cents a pound upon grease and dirt, and in the case where there are two pounds to one of grease and dirt the duty would be 20 cents a pound upon it, is an absolute prohibition upon the importation of such goods. Therefore the cheap, greasy, dirty wools of Europe, however fine in quality they may be, are left for the manufacturers of Europe to consume and undersell the American manufacturers with their production.

Not only is that the case, that our manufacturers are prohibited by

Not only is that the case, that our manufacturers are prohibited by this duty from the use of these wools in that greasy and dirty condition, but the very fact that so great a wool-consuming and manufacturing country as the United States is kept out of the market depresses the price of these dirty wools still more in the European market, and still further inures to the benefit of the manufacturers of Europe who can alone pay for them at the rate in London. Therefore, it is a ruinous and suicidal policy to maintain this duty; and it seems to me that the best thing for the manufacturers of this country that could be done would be either to remove this duty entirely (which I propose to do by my amendment) or to change from specific to ad valorem duties, and put it in the reach of the American manufacturer of cheaper goods to buy; and being able thus to get his material cheap, he will be able to sell the product to the people cheaper.

But it is said that it would destroy the woolen interests; that if the duty upon raw wool is reduced it will cause a decline in the number of

sheep in this country, a decrease of the flocks all over the land; and they give as an evidence of that the slight decrease in the duty on wool that was made by the tariff of 1883, which they say was followed by a great decline in the number of the sheep in this country. There never was an argument more fallacious than that.

with the number of sheep and the increase or diminution of the flocks of this country during the same period, will show that there can be no possible connection whatsoever between the tariff rates of duty and the number of sheep that we have had in this country. Why, sir, the decline of which they speak and which they attribute to the reduction of the duties on wool in 1883 began many years before the passage of the act of 1883. That decline began in 1867. In 1867, after the duties were raised to the highest point they have been since the war, a decline in the number of sheep began.

I have tables here showing the number of sheep in various portions of the country at the decennial periods when our censuses have been taken, and you will notice that the decline of the flocks has mostly been in the older and more thickly settled States, showing that from the nature of the animal the sheep which required a large extent of pasturage had to give way before the pressing necessities of man, and therefore the decline was found to be the greatest in the older and more thickly

settled States of the Union.

In the New England States in 1840 there were 3,820,307 head of In the New England States in 1840 there were 3,820,307 head of sheep; in 1850 there were 2,257,583; in 1860 there were 1,779,732; in 1870 there were 1,450,155; in 1880,1,362,234, a gradual decline in the number of sheep in New England. Did the tariff have anything to do with that? From 1850 to 1860 the duty was very low, about 24 per cent., and from 1857 to 1860, I believe, all wool below the value of 20 cents was admitted free, and yet the decline was no greater in that decade than it was in the next one, when the duty was raised to 10 and 12 cents a pound

and 12 cents a pound.

How was it in New York and the Middle States, as they are called?

In 1840 there were 7,403,557 sheep; in 1850, 5,641,641; in 1860, 4,559,000; in 1870, 4,248,000; and in 1880, 3,801,000, or a slight increase for the first time in the history of any of these older settled States.

But that increase made the total number just about half what it was

in 1840.

In the Southern States in 1840 the number was 4,521,000; in 1850, In the Southern States in 1840 the number was 4,521,000; in 1850, 5,667,000; in 1860, 5,938,000; in 1870, 5,188,000; in 1880, 7,439 000. That included the great and then thinly settled State of Texas and other Southwestern States where the presence of man had not yet driven out the cultivation of sheep and restricted their pasturage, and there we see an increase from 1840 to 1880 of nearly 100 per cent.

In the Western States in 1840 there were 3,562,000 head; in 1850, 7,743,000 head; in 1860, 8,141,000 head; in 1870, 13,757,000 head; in 1880 14 146 000 head; showing a gradual increase in that country where

1880, 14,146,000 head; showing a gradual increase in that country where there was room and pasturage for them, just as there was a gradual decrease in the countries where their pasturage was restricted. Now, can any man pretend to say that the tariff had anything to do with So I might go on through the whole list, including the Territories, where, of course, the increase has been very great.

I think that sufficiently establishes the fact that natural causes in-

fluence the number, the increase, or the decrease of the farmers' flocks, and not the tariff duties on wool. Why, Mr. President, the same variations and fluctuations in the number exist in regard to the other animals, particularly swine. The fluctuations in the number of swine during the period which I have read are just as great, or much greater, than they are in those of sheep, showing, as a matter of course, that no tariff could have had anything to do with their increase or decrease.

Now, let us see whether the tendencies of tariff reduction are to a

destruction of the sheep industry or not. Let us see what effect the low tariff which existed from 1846 to 1850 had upon the sheep itself, its carcass, its value, and its wool. I have taken what I shall read from the reports of the Bureau of Statistics, giving the export prices of various articles of commerce at various periods of our country's his-

tory.

I find that the export price of sheep from 1846 to 1859 in New York was \$4.39\frac{7}{2}\$ per sheep, and the export price of wool for the same period at the same place was 28.7 cents per pound, whilst the export price of sheep from 1860 to 1885 was only \$3.03\frac{1}{2}\$ per head, and the export price of wool during the same period averaged only 32 cents, a slight increase in the export price of the wool itself, but a very large decrease in the export price of the value of the sheep. I find the highest price paid for sheep was in 1866, when they reached the price of \$7 per head, whilst the highest price paid for wool was in 1850, during the free-trade period so called, which was 62 cents per pound.

I find from the same authority that the average prices of wool from 1825 to 1880 at different periods were as follows: From 1825 to 1836 it was 29.18 cents; from 1837 to 1842 it was 30.8 cents; from 1843 to 1847 it was 25.4 cents; from 1848 to 1861 it was 33.3 cents; from 1862 to 1867

it was 25.4 cents; from 1848 to 1861 it was 33.3 cents; from 1862 to 1867 it was 33 cents; and from 1868 to 1880 it was 26.8 cents. So the highest average price of wool was during the period from 1848 to 1861 under the so-called free trade.

Mr. ALDRICH. Do I understand the Senator from North Carolina in moving that wool be placed upon the free-list to do so to increase the price?

Mr. VANCE. What is that?

Mr. ALDRICH. Do I understand that the purpose of the Senator A careful examination of the tariff duties which have been imposed upon wool from the organization of the Government to the present time, increase the price of wool?

Mr. VANCE. No, sir; that is not my idea.
Mr. ALDRICH. I understood the Senator was now reasoning that such had been the result heretofore.

Mr. VANCE. I was reading these authorities to rebut the false idea which gentlemen on that side are constantly instilling into the minds of the country, that the reduction or the removal of the duty on wool would destroy the wool-growing industry of this country. That is my object, and I read these prices for that purpose.

In 1872, I believe it was, the duty on hides was repealed, and it was supposed that that would affect the cattle-growing industry in this country. The duty on hides bears a great deal of similarity to the duty country. The duty on hides bears a great deal of similarity to the duty on wool. The clip of the wool from the sheep is an incident of the sheep-growing business, and the taking of the hide from the slaughtered animal is an incident of the cattle-growing industry, and the value per hide is much greater than the value per clip of wool. The average per hide is estimated by the Bureau of Statistics at \$5 for every slaughtered beef, and the total value of the hides of cattle slaughtered in this country is estimated by the same bureau to amount to about \$43,000,000,

whereas the wool clip amounts to about \$70,000,000. It would be reasonable to suppose that if either the repeal or reduction of the duty on wool would destroy or affect injuriously in any way the sheep-growing industry, a parallel might be found to the cattlegrowing interest of this country by the reduction of the duty upon foreign hides; and yet we find that the duty on foreign hides was scarcely felt when it was removed. So great became the competition, so wonderful an impetus was given to the leather trade and the tanning industries of this country that the competition of the home marning industries-of this country that the competition of the home market became so great that the repeal of the duty was hardly noticed, and in a short time the price of hides in New York became higher than it was when the duty was in existence. The gold price of hides in New York from 1860 to 1872, the date when the duty was repealed, was 18.6 cents per pound, and the gold price in New York from 1872 to 1885, after the duty was repealed, was 22.1 cents per pound.

Mr. ALLISON. Now the Senator is arguing that the imposition of a duty reduces the price, is he? I understand the Senator to be now arguing that the imposition of a duty reduces the price of a service.

arguing that the imposition of a duty reduces the price of an article.

Mr. VANCE. Sometimes it does, and I think it will in the case of wool. In the case of hides the facts are that the price in New York became higher in a very short time than the price was before the repeal of the duty, by reason of the increased home demand. So of wool. A full supply of the kind of foreign wools desired would greatly increase the demand for those produced at home.

Mr. DAWES. I am interested in this wool discussion. Did I understand the Senator to say that he thought the putting of the duty on wool would advance the price of it?

Mr. VANCE. Or decrease the price of wool?

Mr. DAWES.

Mr. VANCE. I certainly think it will not decrease it to any injurious extent. That is what I was trying to show. You are of opinion that the removal of the duty would drive our sheep out of the country.

Mr. DAWES. I understood the Senator in likening it to the duty on hides to answer the Senator from Iowa that the imposition of the duty would decrease the price of the wool.

Mr. VANCE. Would decrease it?

Mr. VANCE.

Yes.
The imposition of the duty at present, I say, does not Mr. DAWES. Mr. VANCE. inure to the benefit of the wool-growing industry so much as to the destruction of the consumers of woolen goods, for the reason I have given and which I cited in the testimony of Mr. Sampson and the memorialists

of Secretary Manning.

Mr. DAWES. Did the Senator mean to say or does he now mean to say that the duty on wool has the effect to increase or decrease the price of it?

Mr. VANCE. In my opinion the repeal of the duty on wool would inure as the repeal of the duty on hides did, to the benefit of the producers of hides and the consumers of leather goods.

Mr. DAWES. I was asking as to the effect of the present duty upon the cost of wool. Has it the effect to increase or decrease it?

Mr. VANCE. The present duty on the cost of wool, as I endeavored to explain when I opened my remarks, made the consumers of this country pay 8½ cents per pound more than the present price.

Mr. DAWES. The question was—

Mr. VANCE. And therefore the manufacturers of wool in this country could not compute with the English German or French manufacturers.

try could not compete with the English, German, or French manu-

Mr. DAWES. I ask the Senator's pardon, but I have not been able to make him understand my interrogatory. My interrogatory was whether the present duty has had the effect to increase or decrease the

whether the present duty has had the elect to increase or decrease the price of the American consumption?

Mr. VANCE. I think, if it was possible to explain it to the Senator, that it has had to some extent both effects. It has prevented the development of the woolen manufacture in this country, which would increase the price of wool, and yet because it kept out cheap wools from this country to that extent it increased the price of the domestic article.

Mr. DAWES. It would be an interesting process to convince me

that it had the effect both to increase it and decrease it. Ishould like to have the Senator try that experiment on somebody else more intel-

Mr. VANCE. If I can find a sane man who really believes that a tax imposed upon anything cheapens the price, then I will undertake the Senator and receive him as a catechumen. Perhaps I can make myself a little clearer as I go along, if the Senator from Massachusetts will give me his attention. As I have shown that the repeal of the duty upon hides did not decrease the price of hides, but that the impetus which it gave to the home demand maintained the price fully, I wish also to show what effect it had upon the balance of the beef after the hide was taken off.

Of course I have no means of getting at the prices of fresh beef from year to year in New York, but mess-beef, put up in barrels for exportation or for commerce, was sold in 1872 in New York at \$8.75 $\frac{8}{10}$  per barrel, and in 1885 it was \$11.06 $\frac{2}{10}$  per barrel, showing that the repeal of the duty upon hides had not tended to destroy but rather to encourage the cattle-growing industry of this country. In 1873 leather was worth in New York 25.2 cents per pound. In 1885, after the repeal of the duty upon hides, leather was worth 19.8 cents per pound. Perhaps the Senator may get a little light into the idea that I have in connections. tion with these wool duties.

Mr. DAWES. I can not see yet how it affects it both ways at one

and the same time.

Mr. VANCE. If the Senator will listen one moment, I think-Mr. DAWES. I do not see how he can bring it up and down at the same time without leaving it about where it wa

Mr. VANCE. I thought the Senators on the other side were well ccustomed to that in this bill.

Mr. CHACE. Mr. President—
The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. VANCE. Oh, yes.

Mr. CHACE. The Senator has been alluding to the price of hides and the effect of the duty, and the removal thereof. Has he collated the price of hides for a number of years before and after that change in the tariff? I desire to assure him that I have examined it with great care, and it is a fact, as I understand, that the price of hides for five years after the duties were removed was higher than it was the five years before.

Mr. VANCE. Is not that what I have been showing to the Senate? Mr. CHACE. Then the Senator has been showing also that the duty upon wool makes the wool lower for the farmer.

Mr. VANCE. That I am showing that to repeal the duty makes wool lower to the farmer.

Mr. VANCE. I do not know that I am required constitutionally to invest the Senator from Rhode Island with understanding. If that is my duty, I will give it up right now. [Laughter.]

Mr. CHACE. The Senator would have a work.

Mr. CHACE. The Senator would have a very great job, for he does not have enough understanding in this case to invest anybody with

understanding. Mr. VANCE, That is very evident. I did not say that it would reduce the price of wool to the farmer.

That was the line of the Senator's argument undoubt-Mr. CHACE.

Mr. VANCE. I set out with the observation that the tariff had

nothing to do with the decrease or increase of the flocks of sheep.

Mr. ALDRICH. Or the price of wool?

Mr. VANCE. Or the price of wool, for the simple reasonMr. CHACE. Now the Senator has conceded the point, a Now the Senator has conceded the point, and yet all these weeks he has been talking about what an onerous tax it was

upon the consumer.

Mr. VANCE. Yes, it is an onerous tax, but the farmer does not get the benefit of it. The consumer of the woolen goods is the victim in this cas

in this case.

Mr. DAWES. Will the Senator answer me one question? I want to know what he is going to do with all the speeches he has been making for the last fortnight, if it is true that the duty does not increase the price of the American article?

Mr. VANCE. When I am told that the duty does not increase the price of the American article, of course I am referring, whatever the Senator from Massachusetts may be referring to, to the sheep industry in this country. Does the Senator understand that which depends when causes other than the tariff? upon causes other than the tariff?

I was going on to show that leather was worth in 1873 25.2 cents per pound in New York. In 1885 it was 19.8 cents per pound. So whilst the price of hides increased, the price of leather decreased. In 1873 the price of shoes was \$1.617 per pair. In 1885 the price was \$1.214 per pair. What more desirable ends could political economy hope to establish than these?

Mr. ALDRICH. May I ask the Senator from North Carolina a cuestion?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. VANCE. Oh, certainly; certainly.

I understand, then, by analogy the Senator thinks that taking off the duty upon wool will increase the price of wool for

the farmer and decrease the price of woolen cloth?

Mr. VANCE. That is my position, sir, if I understand it; that if we unshackle the woolen manufacturers in this country and enable them to buy those wools in Europe which they absolutely need to admix with the wool of American growth, the impetus given to the woolen manufacturers in this country and to the growth and production of wool in this country will be the same as was given to the leather trade by the removal of the duty on hides. That is my posi-

Mr. ALDRICH. That the woolen manufacturer would be able to pay an increased price for wool and still sell his product at a lower

Mr. VANCE. The woolen manufacturer, then, would get the wool, whatever the price may be, as suggested by the law of supply and demand, which he can not now get in consequence of these specific duties. I ask what more desirable thing could political economy propose to this end than the increased price of the raw material, the decreased price of the manufactured article, and, at the same time, the maintenance of wages of those engaged in the manufacture?

During this period of low wool, of free-trade prices, from 1846 to 1860, the price of all other great products of this country was well kept up at the same time. Wheat had an average price in gold from 1846 to 1860 of \$1.46<sub>18</sub> per bushel. From 1860 to 1885 there was an average price of \$1.36 a bushel. Cotton had an average price in gold from 1846 to 1860 of 9.8 cents a pound, and from 1875 to 1885, 11.8 cents a pound, and pound 2 cents higher. Cotton was longer in recovering from the inflaabout 2 cents higher. Cotton was longer in recovering from the infla-tion of the war than any other article.

There can be no doubt in my mind that the repeal of the duty on raw wool will give such an impetus to all of our woolen manufactures that the price will be so well maintained that the farmers' flocks will not be decreased, whilst the price of woolen goods which clothe our people will be greatly reduced, and there will be additional labor given to all persons engaged or proposing to engage in the manufacture of woolen goods. In this opinion I am glad to know that I am sustained by the chairman of the subcommittee. In 1870, the Senator from Iowa [Mr. Allison], then a member of the House of Representatives, used the following language in the tariff discussion:

I will tell the gentleman how, in my own judgment, the wool-grower will be benefited. As the law now is the tariff upon fine wools of a character not produced in this country is 100 per cent, upon their cost. The tariff upon woolens of the same class is only about 50 per cent, so that the finer woolen goods are imported, and not the coarser fabrics. Before the tariff of 1867 our manufacturers of fine goods mixed foreign fine wools with our domestic product, and thus were able to compete successfully with the foreign manufacturer of similar articles.

lar articles.

But being prohibited from importing this class of wools, these fine goods can not now be produced in this country so cheaply as they can be imported. Consequently mills that were formerly engaged in producing those goods have been compelled to abandon business or manufacture the coarser fabries. If they could afford to manufacture those fine goods they would make a market, which we do not now have, for our fine wools to be mixed with other fine wools of a different character from abroad. This want of a market, as I understand, is the reason why our fine wools now command so low a price; there is no demand for them at home and we can not export them in competition with fine wools grown in other countries.

And so on

I do not think there can be any doubt in the world as to the truth of that proposition. The fact is, a reduction of the duties upon wool, or free wool, is so manifestly the policy of the manufacturers of this country, as well as of the people who have to consume their goods, that it is a wonder to me that any of them can hold out for these enormous duties.

The only explanation that I have been able to find for the absurdity, or the anomaly, to say the least of it, of the proposition is in the fact that they say the votes of the wool-growers are absolutely necessary to maintain the duties upon the woolen goods after they are manufactured. In other words, they are afraid to break the pool. Says Mr. Joseph Truitt, a witness who appeared before the subcommittee of the Committee on Finance:

Free raw material is the pioneer of free goods, for we can not expect that the wool-grower will consent to a policy of protection which embraces everything he buys and excludes every article which he produces and wants to sell.

That is precisely the condition which the farmers of this country have been in ever since the inauguration of protective-tariff duties in our country. They have to submit to a duty upon everything which they have to buy, whilst they have no duties upon anything which they have to sell.

Mr. President, no nation of any commercial importance in the world so far as I have been able to ascertain, taxes raw wool. England, of course, has raw wool free. France, by her general tariff; Belgium, Germany, Austria, Italy, all have free wool for the use of their manufacturers. The nations of Europe which have a small duty upon wool are urers. The nations of Europe which have a small duty upon wool are Russia, Spain, Roumania, and one or two other insignificant commercial countries of Europe; and I must not forget to mention that the country whose policy Senators on that side so much admire, and of which they are endeavoring to secure the imitation of the American people, China, imposes a heavy duty upon raw wool.

There was once a Senator from Massachusetts who could perhaps

have appreciated the position that I have assumed this morning better than his successor seems to have been able to do. His name was Wilson, and he was once Vice-President of the United States. In 1857 in giving his vote for a tariff which put all wools worth less than 20 cents a pound upon the free-list, and which imposed a duty of only 24 or 30 per cent. upon the remainder, he used the following language:

The manufacturers, Mr. President, make no war upon the wool-growers, They assume that the reduction of the duty on wool, or repeal of the duty altogether, will infuse vigor into the drooping interest, stimulate home production, and diminish the importation of foreign woolen manufactures, and afford a steady and increasing demand for American wool. They believe this policy will be more beneficial to the wool-growers, to the agricultural interests, than the present policy. The manufacturers of woolen fabrics, many of them men of large experience and extensive knowledge, entertain these views, and they are sustained in these opinions by the experience of the great manufacturing nations of the Old World.

Since the reductions of duties on raw materials in England, since wool was

of the Old World.

Since the reductions of duties on raw materials in England, since wool was admitted free, her woolen manufactures have so increased, so prospered, that the production of native wool increased more than 100 per cent. The experience of England, France, and Belgium demonstrates the wisdom of that policy which makes the raw material duty free. Let us profit by their example. If our manufactures are to increase to keep pace with the population and the growing wants of the people; if we are to have the control of the markets of our own country; if we are to meet with and compete with the manufacturers of England and other nations of Western Europe in the markets of the world, we must have our raw materials admitted duty free or at a mere nominal rate. We of New England believe that wool, especially the cheap wools, manilla, hemp, flax, raw silk, lead, in,brass, hides, linseed, and many other articles used in our manufactories can be admitted duty free, or for a mere nominal duty, without injuring to any extent any considerable interest of the country.

When I listen to these words and then listen to the words of those gentlemen who have succeeded Mr. Wilson, I say to myself, "How are the mighty fallen!" No better argument can be given this day by any man who is denominated a free-trader than there was given by the former Senator from Massachusetts, the late Vice-President of the United States.

This bill at the very outset demonstrates the shrewdness of the intellects which framed it. On wools of the first class worth only 30 cents a pound, they raise the duty from 10 to 11 cents, while on the wools worth over 30 cents a pound they reduce it from 11 to 10. Now, let us see what they make by that. They increase the wool worth less than 30 cents per pound, of which class there were imported last year 22,607,000 pounds. They reduce on the next class, worth over 30 cents per pound, from 12 to 11 cents, of which only 17,586 pounds were imported. By this they give up \$276 and receive \$226,000. Is not that a pretty shrewd Yankee trade?

a pretty shrewd Yankee trade?

On wool valued at less than 30 cents a pound they increase the duty from 20 cents to 22 cents per pound, whilst on the washed wool, worth over 30 cents per pound, they reduce the duty from 24 to 22 cents per pound; but whereas of the former, on which they increase the duty, there were 383,275 pounds imported, of the latter, on which they reduce, there were only 2,000 pounds imported. They can make a very good trade indeed by giving \$40 in exchange for \$7,665. That is the way the schedule runs. They reduce where the reduction amounts to nothing. They increase where it amounts to a great deal.

The House hill, for which this Senate conception is a substitute, pro-

The House bill, for which this Senate conception is a substitute, proposes to reduce this enormous weight of taxation that presses upon the American people for their woolen clothing to the extent of \$18,677,844, to say nothing of the very great reduction that must follow upon the manufactured articles of a domestic character in this country by reason of the enhanced price. The Senate substitute proposes to increase this entire schedule—I have not the time to follow it item by item—\$4,-748,636, to say nothing of the great rate of increase which must necessarily follow as the enhanced price of the domestic article.

Now, when are these infants to attain maturity? When will these

infant industries for which the people of America are taxed be able to stand alone? When will they escape the cutting of teeth and cholera infantum and all other ailments to which childhood is incident, and be able to stand unprotected? When in the history of this Government has one of them ever yet said it had enough? The Senator from Connecticut [Mr. HAWLEY] told us the other day that they were all

infants and that the whole nation was an infant.

That declaration, I suppose, was preliminary to the proposition to continue this tax indefinitely for the future. Never as yet has one said that it had enough. I had supposed from the fostering which the manufacturers and their friends gave to them that there were some articles at least that were able to stand alone. We were told in regard to American saws that they were sold in the streets of London under the noses of the greatest English manufacturers of that article, yet the duty was increased but the other day by the Senator from Iowa upon

We were told that American carpets are made cheaper and better than any other people in the world make them, and that we are able to undersell and compete with every other people in the world. the other day a higher duty was put upon carpets. The same thing was done with leather goods. I thought it had been conceded on all hands that we could equal the world in the production of leather goods. But the leather infant had not a leather medal voted to him, but an increase of duties in solid cash.

So it goes, Mr. President, and if I had the time and if the Senate had the time (but unfortunately this debate is limited and I will have to

hurry through), I think I could be able to show, schedule by schedule, that in every item most iniquitous and outrageous increases have been made upon articles which are the common use of the poor of this country. And to show that these things are not the vaporings of rebel brigadiers, I wish to read once more from the same debate in 1870 in the House of Representatives and call attention to the words of the Senator from Iowa on wool and woolen goods. He said:

Let me call attention, in the next place, to wool and woolen goods. And I will say with regard to the duty on wool and woolens that I regard it not as an intentional fraud, but as operating as though it were a fraud upon the great body of the people of the United States. I allude to the woolen tariff, so called, of 1867, a law by which the average duty on woolen goods is certainly not less than 60 per cent. of the value we import; a law the effect of which has been to materially injure the sheep husbandry of this country.

If that law which the Senator from Iowa so eloquently and so properly denounced then was a fraud, or in the nature of an unintentional fraud, what would he, if I could put him upon his voir dire, style this bill which came from his own hands, where the duties are increased the most outrageous manner, especially on those things which bear

upon the poor?

Mr. ALDRICH. Does the Senator from North Carolina say that the rates in this bill are increased above the act of 1867?

Mr. VANCE. Many things are

Mr. ALDRICH. I should like to have the Senator point me to one item.

Mr. ALLISON. Not one single item.

Mr. ALDRICH. They are largely below the rates which were im-

posed by the act of 1867.

Mr. VANCE. Then if they have not been increased beyond the law of 1867 (and I have not time to examine it now), I join with the Senator in denouncing it as an unintentional fraud at least

The paragraph of this bill which provides for the duty on woolen cloths, paragraph 354, says:

354. Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, worsted, the hair of the goat, alpaca, or other animals, not specially enumerated or provided for in this act, valued at not exceeding 40 cents per pound, 35 cents per pound, and in addition thereto 35 per cent. ad valorem; valued at above 40 cents per pound and not exceeding 60 cents per pound, 35 cents per pound and 40 per cent. ad valorem; valued at above 60 cents per pound, 40 cents per pound and in addition thereto 40 per cent. ad valorem.

I have some samples of woolen cloth here, classified according to this section. Here is an article of woolen cloth [exhibiting] manufactured in England, 50 inches wide, 18 ounces, which is sold in England at 32 cents, with a discount of 2.8 cents off, making 29.92 cents, the duty on which is 49.84 cents per yard.

There is about 150 per cent. duty on that sample. So it runs through about a dozen samples of various kinds of cloth, some of woolen, some of shoddy, some partly wool and some partly cotton, all, however, fairlooking and heavy cloth; and the duties are increased upon the article as the value is decreased, and the duty is decreased upon the article as the value is increased. If there was anything in the act of 1867 worse than 150 per cent. on this cheap cloth for the use of the poor, then surely the Senator from Iowa was right, and it was a fraud

Mr. ALDRICH. Does the Senator from North Carolina understand that the Senate substitute increases the rates of duty upon that class

of goods above the existing law?

Mr. VANCE. That is the question I was talking about, so far as I understand it. I say that the specific duty has the effect to make these duties heaviest upon the goods used by the poor—the cheap goods, in other words.

Mr. ALDRICH. I will say that the provisions of the bill do not change the existing law in that regard.

Mr. VANCE. The bill changes it by classification, as I have undertaken to show

Mr. ALDRICH. Not on the class the Senator is now alluding to; the bill does not change the existing law at all.

Mr. VANCE. It changes it in various places in the classification, and

Mr. VANCE. It changes it is for the worse.

Mr. ALDRICH. The rate of duty upon the lower class of goods to which the Senator is now alluding and of which he has exhibited samples remains unchanged in the bill, I repeat.

Mr. VANCE. We propose to change it, if we possibly can, and have these duties reduced. I will accept the challenge of the Senator, though. I hope before the wool schedule is disposed of to be able to satisfy the Senator that he is mistaken; that in every instance where there has been a change of classification it has worked a change in the ad valorem rate of duty, and consequently to the disadvantage of those who use the cheaper class of goods. There is every provision made in this free-list, and, in fact, throughout the whole schedule, for the convenience of the rich.

It is carefully provided everywhere that their interest shall not suffer by overtaxation, but the common people of this country who have to be clothed, and who have to do that by the sweat of their own brows, have no favor in this bill. It is the worst, so far as I have been able to determine, that has ever been proposed to the American Congress; and instead of decreasing the duty upon those articles in which the constituents of the Senators on that side are interested there is an increase

every time, and whatever little decrease there is comes from something they are not interested in.

I find I am unable to continue any longer in the discussion of this wool question, and I will bring my remarks to a close, promising that during the course of the debate I will undertake to expose some of the sections and paragraphs of the bill which I think operate most hardly

and deserve most reprobation.

Mr. GEORGE. Mr. President, I have listened with interest to the discussions on this bill, some of which have been very entertaining and instructive. I now propose as briefly as I can to submit some general observations on it within the hour allotted for general debate.

In the first place, it strikes one who has read the Constitution of the United States as a little singular, at least, that we are now engaged in the consideration of a bill which did not originate in the House of Representatives as the Constitution requires, but which was from the first to the last word in it framed by a committee of the Senate. It is true it is called an amendment to the House bill. Possibly, technically speaking, it is an amendment, but it is that kind of an amendment which proposes to strike out, to destroy all that originated in the House of Representatives, and to substitute a new bill in its place.

I say possibly it might be considered technically as an amendment of the House bill, but when we consider the object and purpose of the insertion of that clause in the Constitution which declares that all bills to raise revenue shall originate in the House of Representatives, it will be seen that we have but used the House bill as a mere jurisdictional fact. Without the passage by the House of Representatives of some bill on the subject of raising revenue no man would contend that the Senate had a right to consider any bill upon that subject. We therefore accept the action of the House, not as the basis, as the Constitution intended we should, of our action, and proceed to perfect that bill, to amend it, but we accept it simply as a jurisdictional fact which allows us to originate a bill according to our own notions, and to enact that bill into a law.

During the two weeks in which I have listened to the debate upon this bill I have heard no allusion made to the House bill except to contrast it with the bill now before the Senate. The Senate bill is the text or the body upon which we are acting. We are offering amendments to that, and voting for and against amendments to it, and we are not to that, and voting for and against amendments to it, and we are not proposing or voting upon amendments to the House bill as the Constitution requires. It is true when we get through with this interesting operation of amending our own work, when we have discussed and voted upon amendments to the Senate bill (and it is called a Senate bill in this debate), then we will in one act alone vote upon it with reference to the House bill. That act will be performed when the question comes up, will we substitute this new bill of the Senate for the House bill? That is the amendment which we propose to give to the House bill under the Constitution of the United States—to destroy it and create another in its stead. and create another in its stead.

I shall therefore in what I have to say speak of this Senate bill as the foundation of our action here, regarding simply the House bill as the jurisdictional fact which permits us to go on and consider the bill now before the Senate.

I do not propose to go into any lengthened or critical examination of the bill. There only remains a little over an hour of the time allotted by the Senate for general debate. The Senator from Connecticut [Mr. HAWLEY] and probably other Senators desire to speak within that time, so I shall be as brief as I can.

There is only one aspect of this subject to which I shall have time to allude. We are now considering a bill originating in the Senate, a bill confessedly and avowedly highly, not to say enormously, protective. Numerous votes taken in the Senate show that no other sort of bill can receive the sanction of this body. So whatever may be my opinions, and they are very decided, upon the propriety or the impropriety of passing a protective tariff, I am confronted with the fact, which every Senator here knows is true, that we are considering alone a protective bill and can not under any circumstances proceed to a final vote favorably upon a bill for revenue.

Some complaints have been made that Southern Senators who are opposed to protection believe that in passing a protective bill the peculiar interests of their States should be taken care of. I am opposed to a protective tariff further than such incidental protection as may result from a fair adjustment of revenue duties. To that extent I favor it, and no further.

But when we proceed, as I have shown we are proceeding now, avowedly for the sole purpose of constructing a protective tariff, it is material to inquire what is the duty of Senators opposed to protection. Is it merely to vote and protest unavailingly against all protective features which benefit interests outside of the States in which they reside? These protective features have already been passed by the Senate, already have received the approbation of a majority of the Senate. We therefore know that they will on the final vote receive the approbation of the Senate, and so far as the Senate can make them will have the force and effect of law.

What, then, is the duty under such circumstances of a Senator who is opposed to protection? His first duty is to resist with all his power the passage of such a bill; but in the process of its construction, in the

machinery through which it goes, in the amendments offered and voted upon during its passage, it seems to be his duty to make it fair, uniform, and equally protective to all parts of the Union and to all the interests of the people. Otherwise, sir, he would surrender to those who believe in the protective policy the sole benefit, if benefit there may be, arising from protection, and will fail to take the necessary and essential steps to compensate the neglected interests for the burdens

unjustly imposed on them.

Mr. President, I believe a protective tariff to be unjust. I believe it to be unfair to the interests which not only are not protected, but which are made to bear the burden of the protection given to others. I believe it casts upon those interests which do not come within the protective features an unjust and onerous burden. Do we make it more unjust or less unjust when we make the protective features universal? In other words, are those of us who believe a protective tariff is unconstitutional and unjust in its operations upon those who are required to bear the burdens of the protection given, when we are acting in constructing a bill confessedly protective, to strive to make it uniform, just, and equal to all parties, or are we to surrender all the benefits of protection to one class of interests, and to submit without a struggle to all the burdens imposed upon other interests?

My answer to that question is this, that resisting a protective tariff, doing all we can to defeat it, yet when we are confessedly constructing one, and when every Senator here knows that we can construct no other, we should strive to make it fair, make it equal, make it just in all its parts with reference to all the interests which exist in this coun-Certainly, sir, it can not be more unconstitutional because it is equal and fair, for the Constitution itself declares that it was ordained to establish justice." It can not be more unjust, but must be more

just when it is made equal and fair to all men and to all interests.

Mr. HARRIS. Will the Senator from Mississippi allow me to ask him, believing, as he does, that to levy or increase a tax not for revenue, but for purposes of protection, is unconstitutional and wrong, if he can justify participating in such wrong or in such violation of the Constitution? In other words, is he willing to accept a part of the stolen goods because others are receiving them?

Mr. GEORGE. That is putting it pretty strongly, Mr. President, calling them "stolen goods."

Mr. HARRIS. That is exactly what I mean, and I want to put it

strongly.

Mr. GEORGE. But, Mr. President, to answer the Senator from Tennessee is easy. I oppose protection as unwarranted by the Constitution, as unjust to the interests which must bear the burden of protection, as unjust to the interests which must bear the burden of protection, and as giving to the favored interests an undue and unjust preference; I oppose it with all my power; and yet when I see, when I am certain it will be adopted, I strive to make it less unjust, less unequal, and therefore less unconstitutional, by extending the benefits to those who are compelled to bear the burdens.

I hope that is an answer to the Senator from Tennessee. If protection

be robbery, as denominated by the Senator, and I will not dispute that proposition, is it right, is it just that the robbed person shall not by the same color of law be enabled to recoup, to get back some of that which has been unjustly taken from him? So if I had my way, if my voice could prevail in constructing this Senate bill, manifestly unjust, confessedly for the protection of a portion of the interests, a part only of the industries of the people of the United States at the expense of another portion, I would make it protective all around. Where we can not have a protective duty I would make it a protective bounty.

Mr. President, agriculture is made to bear the burdens of this protect-

ive system. It is only in a very few instances, it is only here and there that protection can be given by tariff duties to the agricultural interests of the country. The cotton-producers of the South, the wheat-growers of the West, the meat-producers of the West, are compelled to pay the enhanced prices made necessary by a protective tariff in order to increase the gains of manufacturers; and why, if that be so, should they not, carrying on their own business with all the competition which the world brings out against them, and having the additional burden put upon their shoulders, the unjust burden, I might say the iniquitous burden, of being compelled to contribute to swell the fortunes and the gains of the favored classes, be allowed to receive back what has been taken from them in order to make the law just and fair and equal? Why should not they receive also their share of the benefits of protection? I would vote to amend the Senate bill by giving a bounty of 1 or 2 cents a pound for every pound of cotton raised in the United States; not because I believe that the paying of a bounty to the producers of cotton is what we ought to do if taxation be otherwise fair and equal, but because it is certain that nothing but a protective system can receive the sanction of the Senate. The cotton-raisers are made to bear a large portion of the burdens of that system, and it is but right and fair that, being thus compelled to contribute to the prosperity and advancement of others, they should be allowed to receive as a compensa-tion for this burden their just share of this system which must inevit-

That, sir, is my doctrine, and whoever may dispute it may stand strictly as he may think up to principle, but whoever may advocate it will not abandon any principle.

I resist a protective tariff. I resist it because I believe it to be unjust, because I believe it to be unequal, because it takes from one man a part of his property and transfers it to another. I regard it to be in violation of the Constitution of the United States. But when you are going through with the process of imposing on the cotton-producers and the sugar-producers and the rice-producers and the wheat-growers and the pork-raisers of the country an unjust burden levied for the purpose of enriching a few favored industries, will it be less constitutional, will it be less equal, will it be less just, if in the same act by which you transfer from the pockets of agriculturists of this country a portion of their gains to favor a few, that at the same time you transfer from the favored few a part at least of the unjust gains thus acquired and replace it in the pockets of those who have been deprived of it? If

mr. BLAIR. May I ask the Senator a question?

Mr. GEORGE. Not now, because I must get through in order to allow the Senator from Connecticut [Mr. HAWLEY] to speak.

I do not mean to say that a bill thus framed is right. I do not

think we ought to pass a protective law taking from one man and giving it to another, and then taking it from the other and giving it back to the man whom you had previously robbed. I admit that is wrong, but I say it is more nearly right when you take from the farmer a portion of his hard earnings and transfer it to the manufacturer in order to make the manufacturer's gains larger; if also at the same time you transfer from the pockets of the manufacturer a portion, to use the language of my friend from Tennessee [Mr. HARRIS], of the stolen goods to the true owner. Can it be wrong to compel a wrong-doer to make restitution? Is it a violation of the principles of him who opposes robbery or theft to compel the robber or thief to restore the stolen goods to the true owner?

Mr. PLUMB. Will the Senator allow me to interrupt him a moment?

The PRESIDENT pro tempore. Does the Senator from Mississippi

yield?

Mr. GEORGE. I declined to yield to the Senator from New Hamp-shire [Mr. Blair] because I desired to make my remarks as brief as I could, in order that the Senator from Connecticut might speak within the hours limited for general debate.

Mr. PLUMB. I only wanted to ask a question which I thought

perhaps would throw some light on the remarks the Senator has just

made.

Mr. GEORGE. I will throw all the light on it that I can, and the Senator can throw on it his light at some other time. It would be unjust to the Senator from Connecticut if I allowed my time to be too far extended, as it will be if I submit to interruptions

Mr. PLUMB. The Senator from Connecticut [Mr. HAWLEY], Iunderstand, says he has no objection to the time coming out of his

Mr. HAWLEY. I have none, but 5 o'clock is the limit, and there

are two or three after me who want to speak.

Mr. GEORGE. So it is that I want to be just and fair about the I declined to be interrupted by the Senator from New Hampshire.

I will waive my rights in the matter.

Mr. HAWLEY. There are two or three more who wish to speak.
Mr. PLUMB. I only wanted to ask the Senator at that particular point in his remarks, in case some one should pick his pocket he would consider himself justified in picking that man's pocket or some other man's pocket in order to recoup himself?

Mr. GEORGE. No, sir; but I will tell you what I would consider just. A law that authorized the Senator from Kansas to pick my pocket would be more just and more equal if I were allowed at the

same time to pick the plunder back out of his pocket.
Mr. PLUMB. Will the Senator vote for a law that Will the Senator vote for a law that would authorize him to pick somebody else's pocket on the ground that somebody had picked his own?

Mr. GEORGE. No, sir; but whenever you introduce a law here authorizing the Senator from Kansas or any one else to pick my pocket, I will vote as an amendment to that law that I be authorized to pick his in return, and when the bill comes to its final passage I will vote

against it entirely.

Mr. BLAIR. How does the Senator justify the pocket-picking to

the extent of the revenue?

Mr. GEORGE. I hope Senators understand me. I want you to understand that if you amend this bill so as to make it protective all around, on its final passage I shall then vote against it. I would frame it so it would be equal, so that if you pass any bill for protection it should not be partial and one-sided; but I would leave to you the responsibility of enacting it. And so with the law suggested by the Senator from Kansas. Whilst I would vote to make the law equal in the process of making it, when it came to be enacted I would vote against But if we are going to have the law for the Senator from Kansas, if you are determined to pass a law authorizing the Senator from Kansas to pick my pocket, I insist that you make it more just, more fair, more equal, by putting in the same law when you enact it that I shall pick his in return. I hope I am understood on that subject now.

The Senator from Tennessee [Mr. HARRIS] says I become a robber with the other man. No; but I shall stop his robbery by putting it in the

law that he shall not make anything by it. I would destroy the protective system by making the benefits and burdens under it exactly equal. When that is done the system is destroyed. For it is of the essence of the system that there should be some—the great mass of the peoplewho are to be plucked by it, and the plunder thus gained bestowed on others. Destroy all opportunity for this and you destroy the system itself. And that brings me to the very essential point in this debate. Senators say, Mr. President, there will be no use of having a protective law of that sort. If you tax the cotton-farmer of Mississippi, the wheat-farmer of the West, the sugar-planter of Louisiana, in order to enrich a manufacturer, and then you tax the manufacturer in order to return to the wheat-farmer and to the cotton-planter that which was abstracted from them, there would be no use in passing the law at all, and I admit there would be none. Each would lose exactly this, the commissions, the cost, the expenses of taking the money out of the pocket of one tax-payer and putting it into the pocket of another taxpayer, and then taking it from the pocket of the tax-payer who received it and transferring it back to the other, and that is the point which is the reductio ad absurdum to which I wish to bring this argument.

How can you justly give to a man engaged in one sort of business a part of the gains of another, when the occupation of the last-named man will be made less gainful by the amount of the sum so abstracted? When you do that, what is the objection in justness and in fairness to taxing the beneficiary, the recipient, as my friend from Tennessee would -I do not say it-of these stolen goods, to make him restore them

So, Mr. President, when the Senators from Louisiana and the Senator from South Carolina were pressed about being in favor of protection for sugar and for rice, I thought without inconsistency they might have said, "You impose these unjust burdens upon us; you make our occupations less gainful, in fact, profitless, by the burdens you impose upon us, and we therefore ask that the damage to our business be recouped, by compelling those who have unjustly taken our money to restore it."

Mississippi its abspace health.

Mississippi, it so happens, has little interest that can be benefited by a protective tariff—very little. She has some factories, cotton and woolen, but they make that class of goods which are exported from the United States. So all the protective tariffs you may make in the world can never benefit the people of Mississippi. How, then, can you protect her? I know you will not impose a tax upon the property-holders of the country, upon the manufacturers, the railroad-men, and all that blessed sort of men, for the purpose of paying to the farmers of Mississippia cent or two cents a pound bounty on cotton. How, then, can you benefit Mississippi? I will tell you, and this kind of protection I claim here in behalf of the people of Mississippi.

M. Persident there are several ways of protecting industries under

Mr. President, there are several ways of protecting industries under the tariff. You may protect by putting a tax upon an article which the industries produce—that is protection—or you may protect a manufacturer by discriminating in his favor, by letting in free the articles which are the manufacturer's raw material, as in the case of wool; that is also strictly protection. If wool is admitted free of duty, it is protection in favor of the manufacturer. So in the adjustment of the tariff you may give an incidental protection to an industry when you do not tax the necessary instruments of carrying on that industry

The farmer could be benefited, could receive a little of the benefit of this system, if you would take off the tax on agricultural implements. But no, you will not do that. You make the farmers pay upon all they use either in the production or cultivation of their crops or in preparing them for market, or in supporting comfortably themselves and their families. But there is a protection which I ask the Senate to give to the people of Mississippi, to give to the people of the South. I heard the Senator from Ohio [Mr. Sherman], the other day, speak in glowing and in eloquent terms of the great future of the South if we would go into manufacturing. You all heard the very eloquent and able reply of the Senator from Texas [Mr. Coke] upon that subject, in which he told the Senate how rapidly we were progressing in that direction.

Now, when you lay all these great burdens on us to assist your manufactures, will you not help us to build up ours? You say that manufactures ought to be encouraged so that they will grow up all over the country. As I have shown you, it is not a benefit to us to impose a protective duty upon the articles we now manufacture in the South. But there are modes in which you can help to build up manufactures in the South, and one of those is an amendment which I intend to offer at the proper time, to be inserted on page 186, after line 2470, in the free-list:

All machinery for the manufacture of cotton or of cotton and woolen fabrics, or for the manufacture of bagging for the covering of baled cotton.

If you are in earnest, if you desire to build up manufacturing in the South, why tax us exorbitantly for the machinery which we desire to

purchase and employ in the manufacture of cotton and woolen goods? Some Senator, I forget whom now, has painted here with some eloquence and force the many advantages the South had if she would go into the manufacturing of cotton and woolen goods. I admit that. I admit that if the South had a fair chance under this protective system she would manufacture in some shape or other a large portion of her

crop, thereby increasing its value enormously both in the domestic and

in the foreign markets

I made this proposition in 1883, and I was almost laughed out of court by the Senator from Rhode Island [Mr. ALDRICH], and I believe the Senator from Massachusetts [Mr. HOAR], with the suggestion that foreign cotton-machinery was of no account; it was clumsy, it was not as good as our machinery; but yet, notwithstanding that, in less than five days afterwards a proposition was made by, I believe, the Senator from Rhode Island to raise the tariff upon a particular species of manufactures upon the ground that the machinery to manufacture that particular article of goods had to be imported and pay a duty.

Mr. HOAR. The Senator, I think, errs in attributing to me any remark upon the subject. I do not remember having made one.

Mr. GEORGE. I may, but my recollection is that such remarks were made by the Senator from Massachusetts and by the Senator from Rhode Island.

Mr. HOAR. I do not think I said anything on that subject. If I said anything, I should have asked the Senator why he did not manu-

facture his cotton-machinery himself.

Mr. GEORGE. I think that question was put to me by the Senator from Rhode Island, and I made the answer then that I give now: First, we have not the capital nor the skilled labor to manufacture machinery. We are to a large extent in an embryo state, so far as manufactures are concerned. We have really and truly, as to cotton manufactures, infant industries, and so with reference to this, and it would be just as reasonable to ask me the question why we did not manufacture this machinery in the South as it would be for me to ask the Senator from Massachusetts or the Senator from Rhode Island, "Why do not you grow your cotton and your sugar in Massachusetts and Rhode Island?"

So, now, Mr. President, I appeal to Senators. They know our condition; that was depicted the other day by the Senator from Texas [Mr. Coke]—the devastation of war, the destruction of all the capital which had been accumulated in our section for one hundred years all gone; and now, in the struggle for resuscitation, when we want to establish factories with our limited means we find a bar in the shape of a high protective duty upon manufacturing machinery. I ask Senators if that is right. In raising cotton we submit to all the taxation you impose upon us. We receive nothing in return. We want to manufacture. We are destitute to a large extent of capital necessary to compete with New England, and we ask that we may be allowed to introduce into our own section the instruments by which we may go into the manufacturing business

But if you will not do that, then I will ask you to take just one little step to aid us, and that is the amendment which I will offer if the other is voted down, as I suppose it will be, putting on the free-list "all machinery for the spinning of cotton into yarn." If that shall pass it will be easy without a very large amount of capital that a large proportion of the cotton crop of the South shall be spun into yarn for ex-

port as well as for sale to the Northern manufacturers.

I understand that in England one mill spins cotton and another mill weaves it into a cloth. I understand in this country probably the spinning and the weaving are all done in the same factory. In the South, under the new order of things, nearly every cotton gin is run by steampower. If we could get the spinning-machine it could be easily attached to the power used in ginning the cotton and the cotton converted into yarn. Now, when we ask that, what is the answer we receive? When the value of our cotton crop could be doubled, when labor could be found for many women and children who are unfitted for labor in the cotton-fields under a Southern sun, what will be the answer to that? It will be, I fear, "If we allow that, some man in the North or somewhere else who makes cotton-spinning machinery will not make the profit that he otherwise would."

Now, Mr. President, I submit it to Senators if in equating the benefits and the burdens of the protective tariff they will not make that concession to those who would, if they had the means, engage to some extent in manufacturing and thereby build up an infant industry or help to build up an industry which would double the value of our exports of cotton. This would be some compensation for the burdens

imposed on us

I yield the floor to the Senator from Connecticut. Mr. HAWLEY. Mr. President, I wish we had agreed upon an equal division of the time or had made some better arrangement. I find no fault with our respected friends on the Democratic side who have taken two hours and a half of the three.

Mr. ALLISON. If the Senator will allow me, I think in view of the fact that the whole time allotted was taken up by two Senators on the other side, it would be a wise thing to extend the time for a recess until We have agreed to take a recess from 5 to 8. I suggest that we take a recess from 6 to 8. That will give us ample time.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the order for a recess from 5 until 8 this evening may be modified and stand as an order for a recess from 6 o'clock this evening until 8 o'clock. Is there objection?

Mr. VEST. With the understanding that there be no vote taken

between 5 and 6 o'clock.

Mr. ALLISON. Very well, but to-night we will vote.

Mr. JONES, of Arkansas. I should like to ask the Senator from Iowa if the intention is to limit debate to ten-minute discussion after 5 o'clock? Is that extended to 6?

The PRESIDENT pro tempore. General debate until 6 o'clock. Is there objection? The Chair hears none, and it is so ordered. At 6 o'clock the Senate will take a recess until 8 o'clock this evening. Mr. CULLOM. And no vote will be taken before that?

The PRESIDENT pro tempore. No vote will be taken before that

Mr. HAWLEY withholds his remarks for revision. [See Appendix.]
Mr. CHACE. I understand that my friend, the Senator from Vermont, wishes to offer a few remarks. I trust he will be allowed to do so.

Mr. MORRILL. Mr. President, let me say that I have an engagement at my house at 6 o'clock, and I did intend to occupy fifteen or twenty minutes, not having occupied much time in the debate hereto-fore. I therefore ask that I may have the privilege to-morrow morning of occupying fifteen or twenty minutes in some general remarks on the bill. I ask manimous consent.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that to-morrow morning he may be permitted to address the Senate upon the pending question for twenty minutes.

Mr. MORRILL. Not more than twenty minutes.

The PRESIDENT pro tempore. Not to exceed twenty minutes. Is

there objection? The Chair hears none.

Mr. CHACE. Mr. President, the Senator from North Carolina [Mr. VANCE] alluded again to-day to the report of Consul Schoenhof, nominally consul at Tunstall, England, in regard to textile manufactures. The other day he used the following language:

I know him to be a man of high character and very considerable ability in the investigation of financial and commercial questions, and I have every rea-son to believe that what he has stated in his official report can not be success-fully contradicted, and that if it could be successfully contradicted it would have

Now, he alludes again to-day to this report in regard to worsted manufactures. We can not so well criticise his report in regard to woolen and worsted manufacture as in regard to the cotton, because, happily for us, in his report on the cotton manufacture he has given us absolute figures and quoted authorities. Therefore I propose to analyze his report on the cotton manufacture for a few moments; and inasmuch as the Senator from North Carolina stands forward as his sponsor I desire, by way of premise, to ask him a few questions, as I want to be enlightened a little. I find in looking over this report, on page 242, that Mr. Schoenhof says:

The spinning prices for No. 33 is 75 cents, for No. 37, 84 cents per pound, and for No. 39, 93 cents.

The Senator having quoted those prices, I should be very much obliged if he would explain to us what that means. What is it? What does he mean by that? Does he mean that that is the spinning price in England?

Mr. VANCE. The Senator has my remarks before him. I have not them present, nor have I the report to which he is alluding.

Mr. CHACE. It is the report in No. 93, Consular Reports, page 242.
Mr. VANCE. I will say that I have not that report present nor my remarks that I made the other day on the question.

Mr. CHACE. I have read to the Senate what the consul says. He

The spinning prices for No. 33 is 75 cents, for No. 37, 84 cents per pound, and for No. 39, 93 cents.

What does he mean by it? What is it?

Mr. VANCE. Without having the remarks present before me I can not understand the Senator's question. Certainly it is not a pound— 84 cents a pound for spinning. I think it can not be that.

Mr. CHACE. Here it is in cold print.

Mr. VANCE. If the Senator will proceed with his rem

If the Senator will proceed with his remarks I will

hunt up my speech and see what I did say.

Mr. CHACE. This is a report that was used very lavishly on the stump during the last campaign to convict "these robbers" under the protective tariff. The Senator from North Carolina quoted this matter in his speech.

Mr. VANCE. Does the Senator read from my remarks or from Schoen-

hof's report?

Mr. CHACE. I am now reading from Schoenhof's report. I quote from Schoenhof and quote from the Senator's speech also. He will find He will find in the RECORD on page 527 what I read from his speech.

As the time is very short and we are going to take a recess at 6 o'clock, and I perceive it is occupying a good deal of the time of the Senator from North Carolina, I think I will proceed to analyze this report myself.

The amount of it is that that statement is nothing short of a pure absurdity. There never was in the last twenty-five years anywhere on the face of this earth where it would cost that sum of money to spin a pound of No. 33, No. 37, or No. 39 yarns.

Mr. VANCE. Will the Senator allow me to ask if I made any such statement? I can not find it in my remarks if I did.

statements of the consul in the language which I have read, and said they

could not be successfully contradicted, and he vouched for him.

Mr. VANCE. I indorsed the general character of that gentleman

mr. VANCE. I must about matters on which he was treating.
Mr. CHACE. The Senator says this "official report can not be successfully contradicted" or, if it could have been done, "it would have been done long ago."
Mr. VANCE. I think I said all the matters which I set forth. If there is anything in the report that I did not read I do not remember

anything about it and am not prepared to speak of it, but I would take his general statement of fact as quick as that of any man.

Mr. CHACE. The Senator from North Carolina informed the Senato to-day that it was impossible for him to make the Senator from Rhode Island understand anything in regard to this matter, and I venture the opinion that that was a most excellent reason, because he did not know anything about it himself, and it is very evident he does not know anything about this case. A more utter absurdity never was put in cold print than appears here in this report from the State Department in regard to the cost of spinning yarn. Why, Mr. President, you can buy the yarns all spun for half those figures anywhere. In Great Britain you can buy them for a good deal less than half.

Mr. VANCE. Perhaps the Senator has come agrees a misprint.

Mr. VANCE. Perhaps the Senator has come across a misprint. Per-

haps he has mistaken a decimal mark for a comma.

I invite the Senator to come over here and look at it. That is what I was talking about. The Senator has Mr. CHACE. Mr. VANCE. the report before him and I have not, and the Senator has the statement all his own way. Mr. CHACE.

I suggest before the Senator attempts to vouch for auother report that he had better provide himself with one and examine it and see if there are any misprints in it.

Mr. VANCE. I have one on my table which I will bring up after the rece

Mr. CHACE. I hope the Senator will, and I hope he will explain to us what that means.

Mr. VANCE. On what page will it be found?
Mr. CHACE. On page 242, near the bottom of the page, and I recommend the Senator to pore with his midnight oil over it and see if he can illuminate it-the Senator from Wisconsin suggests his surplus energy. Here is No. 39 yarn, No. 40 is a little finer, and I hold in my hand the report of the market from the Oldham Chronicle, published in Oldham, England, a place within 15 miles of Burnley, where the mills are that this consul is making his report about. This quotes No. 40 yarn as selling at 8\frac{3}{4} to 8\frac{1}{8} pence. That is about 18 cents.

Mr. EDMUNDS. When was this consul appointed?

Mr. CHACE. Soon after this Administration came into power. By

the way, I will say to the Senator from Vermont that this man is consul at Tunstall, but he seems to have had a sort of roving commission to go all over England and hunt up free-trade facts, and he has spread himself and been spread very largely by the State Department.

Mr. VANCE. It seems he has found something, also. The statement I made the Senator has not found it convenient to touch, relative to the price of the spinning of cotton in the two countries.

Mr. CHACE. I suggest to the Senator that he abide in patience a few minutes and perhaps I may reach that yet. But I want to ask the Senator another question now. I find on the top of the same page, or rather commencing at the bottom of the page before, in speaking of print cloths-the Senator talked about those the other day, and I do not know but I would better ask him a question about something he can answer. I will drop that and I will read from the Senator's own remarks. Here he publishes a letter in which the writer speaks about brown sheetings

Brown sheetings is mostly 4 yards wide and 3 yards to the pound.

Those are goods made down in North Carolina. I wish the Senator would tell me where those are woven. I should like to send somebody down there to look at them.

Mr. VANCE.

Brown sheetings 3 yards wide? This says "4 yards wide and 3 yards to the pound." Mr. CHACE.

Mr. VANCE.

Four quarters wide. It says "4 yards wide." Mr. CHACE.

Mr. VANCE. Four quarters of a yard wide. That is evidently a misprint—\frac{3}{2}, \frac{5}{2}, \text{and } \frac{3}{2} is the designation of the cloths. The Senator must remember that I do not own a factory and do not run one, and therefore am not acquainted with the minutiæ and technicalities of the

Mr. CHACE. Well, we will put that down as a misprint. I want to see now as to this Consul Schoenhof, whose report can not be contradicted. He is speaking about print cloths; he says 64 square—Mr. VANCE. Will the Senator designate that expression that he

has just commented upon of mine?

Mr. CHACE. I beg pardon, I did not hear the Senator. Mr. VANCE. Will the Senator point out that expression that he

Mr. CHACE. On page 527 of the RECORD, in a letter, the Senator quoted from somebody down there who knows all about this business and has written him a letter which he has published. It is part of the Mr. CHACE. No, but the Senator from North Carolina indorsed the evidence brought in to show the dreadful operations of this robber fariff,

and I thought I would like to have explained how they make sheetings

4 yards wide. Mr. VANCE. The explanation of that is, I suppose, that the writer alluded to cloth four-quarters of a yard wide.

Mr. CHACE. Four quarters of a yard wide!

Mr. VANCE. Four quarters in contradistinction to cloth of three uarters. If the Senator's comments are not any better than that, I think we might as well go to dinner, for we are wasting time.

Mr. CHACE. He says these goods are known as print cloths. are 64 by 64, that is so many threads to warp and filling. In Switzerland they are a little finer cotton. The width is 13 inches in America and England and 70 centimeters in Switzerland. What does that 13 inches mean?

Mr. VANCE. It means a foot and 1 inch. [Laughter.]

Mr. CHACE. I am glad to be advised. A foot and I inch! Well, Mr. President, that is about the gauge of the ordinary free-trade argument—just about a foot and 1 inch. [Laughter.] That is not quite as good as the four quarters—not quite. Nobody ever manufactured a 13-inch print cloth in my opinion in this world anywhere, certainly not in this country. If there is anything that is well known, if there is any article of trade and commerce that is well understood when you speak of it, what it is and what its characteristics are, it is print cloth, both in this country and abroad. Print cloths in this country are woven 28 inches wide and not 13 inches wide. He says further on:

We have therefore here a fair basis on which to proceed. Still,

Still, upon so simple an article, and with all the features of similarity, quite a number of disparities exist which make a comparison difficult and call for explanation.

That is the explanation I want the Senator from North Carolina to give me. I will proceed a little further, and there is some truth here, a little, not enough to save it, but there is a little truth in what he says here. He does admit that in the manufacture of print cloth in Great Britain they spin the yarn finer than the manufacturers in this country spin it, but he mistakes that somewhat.

Now, I wish to say for the information of the Senators that it is the

fineness of the yarn in the manufacture of cotton goods that costs, and to illustrate it so that Senators may appreciate it, I have made a calculation of the length of a pound of yarn spun into different numbers. This matter of the numbering of yarn is purely arbitrary. It is not regulated by statute anywhere that I know of, but it has been a long-established custom to estimate yarns by their numbers. That is, they take a pound of cotton and spin it 840 yards long. That is called No. 1. That is a skein. It is spun into one skein and that will be No. 1. It is spun out to twice 840 yards, and ten times that, and so on. A skein of No. 1 yarn is about half a mile long; a skein of No. 30 would be spun out about 14 miles long; a skein of No. 40 would be about (not giving the exact figures) 19 miles long, and a skein of No. 100—and there is a great deal of 100 yarn made in this country—would be a pound of cotton spun out about 47 miles in length; and 532 pounds of it, which is only a little more than a bale of cotton, would reach around the earth.

That will give Senators a little appreciation of the additional cost to manufacture a pound of cotton into fine yarn over and above what it That will illustrate how unfair and dishonest is in the coarse yarns. and dishonorable this Schoenhof has been in comparing the English print cloth with the American print cloth when I tell you that the yarns in the English print cloth, the average number is about 42, making the goods lighter or more yards to the pound. This is all set out here, and he gives the figures. I will read them before I get through. The English spin the yarn finer and the goods are treated with China

clay and starch, etc., and they sell them for honest cotton goods, as

some free-trade arguments palmed off on the market.

Mr. EDMUNDS. And then sometimes marked "China."

Mr. CHACE. They do that in China. We are met with it all the time. They make these poor goods up with some cotton and some starch and China clay, send them to China and put on American stamps, and we suffer for that.

Now, I come to the statement of waste. Here is a most extraordinary statement. Bear in mind that this document was used on the stump last fall to prove what robbers we were. It gives an account of one mill; this is on page 243. He states that the waste was  $5\frac{1}{2}$  per cent, and then he says in another mill it was 8.18 per cent. Farther along he makes an entirely contradictory statement. He says:

A manufacturing merchant of Manchester, who controls a variety of mills, and who has made a profound study of the cotton industry, gives me the loss in waste for strict middling N. O. as 10 per cent., middling N. O. as 13 per cent., and low middling, 15 per cent.

Now, I wish the Senator from North Carolina would tell us which of

Now, I wish the Senator from North Carolina would tell us which of these three statements we are to take. Is it 5.5 or 8.18 per cent., or is it 15 per cent, or what is it? It makes a very great difference to these calculations.

Mr. VANCE. The Senator knows all about spinning and manufacturing cotton. That is the Senator's occupation, and I suppose he is especially at home at that. I ask him if the waste is the same in all will be a supposed to the same in all suppose the same in all the same in the same mills and under all treatments?

Mr. CHACE.

Oh, no.

Then is there anything unusual in the variation of Mr. VANCE. waste which the consul gave there—the different statements from dif-ferent persons of the waste in different mills? Is that not an evidence of his care in making his statements rather than the contrary?

Mr. CHACE. I should think not. It would be my impression that

it was not. If the Senator will take that report and go to any practical manufacturer in this country or in any other and ask him if he really believes there ever was a cotton-mill in this world that made cotton goods which had 5 per cent. waste, the man would laugh at him. It is an utter impossibility. It never was done in the world, and can not be done.

Mr. President, the Senator from Missouri [Mr. Vest] the other day in speaking of an account brought in here called it a "cooked account." This is cooked, badly cooked. He does give us a little credit. Fur-

ther along he says:

Though in American print cloths the cheaper kinds of cottons are used, yet there seems to remain still a greater percentage of net waste than in English mills, which probably will find explanation from our spinners, and which I can not venture to give.

It is well he should not "venture" any farther.

He says that in Lancashire the cost of power and taxes is .418 of a cent a pound. He says at Lowell the cost of power and taxes is .568 of a cent a pound. Over on page 246 he says, and he has it in two columns, that in Lancashire power and taxes cost .418 of a cent a pound, and in Lowell power and taxes cost .298 of a cent a pound.

Mr. EDMUNDS. Does he explain that?

Mr. CHACE. No; I should think he could not. The man does not

Mr. CHACE. No; I should think he could not. Ine man does not live who can give an explanation of it.

Now, Mr. President, I go on a little further and here he attempts to give the spinning cost of these goods in Lancashire at Burnley and in Lowell. Here are comparative tables. He says he got those figures from a mill in Lowell. I happened to find out what mill he got them from. I have access to the accounts of that mill. In the first place he makes a comparison of power and tax. He evidently does not know what he is talking about, but I can see where he makes the difference. In one case he is talking about power and taxes for spinning yarns In one case he is talking about power and taxes for spinning yarns alone, and in the other case for both spinning and weaving. But every man who knows anything about it knows that the power and taxes on the weaving department amount to only a very small fraction of the power and taxes on the whole process of manufacture; but the poor, simple soul has divided them by two, and the State Department has published it for him.

But the extraordinary thing is that the Lowell mill is a water-mill. On page 245 he calls it "water-power and taxes." There is no waterpower in Lancashire, no water-power at Burnley, and yet he is comparing the cost of a steam-mill in Lancashire, where there is no water-power, with that of a water-mill in Lowell. The water runs down by gravity and it does not cost anybody anything. It is no expense what-

ever. Is that an honest comparison?

That man Schoenhof is an intelligent man undoubtedly. I have no doubt he is a very shrewd man, but I think he is altogether too shrewd, when he is comparing the cost of water-power in America with steam-power in Great Britain, to make out that it costs more to manufactwere there than it does here; and I want to say to the Senator from North Carolina that three-fourths of all the print cloths made in this country are made by steam-power, and I think I might enlarge it very much and say nine-tenths, but I wish to be strictly within bounds. I will guaranty that three-fourths of them are made by steam-power in this country

Why should this man, in making this comparison, if he wished to be fair and honest about it, compare the cost of water-power in this country with the cost of steam-power in Great Britain? As the Senthat one mill, or, as the Senator from Vermont [Mr. EDMUNDS] says, was he acting under instructions? Was he intending that this should be "cooked," or is this a misprint? [Laughter.]

The next item I find is "repairs and depreciation." The repairs and depreciation in Langeships he was a tire to the of a content of the cooked.

and depreciation in Lancashire he puts at six-tenths of a cent and the "repairs and depreciation" in Lowell at .475 of a cent.

I have another report here of this same consul, in which he makes some very fortunate comparisons for us. He seems to have a spell of candor on him at this time. He says:

Generally speaking, then, and taking the above as a basis, a decided advantage seems to be in the hands of the British manufacturer from a competitive tage seems to be in the hands of t point of view.

1. Cost of construction is lower.
2. Cost of machinery is lower.
3. Cost of management is lower.
4. Cost of supplies.

Further back he says the cost of interest is lower. Now, what is "depreciation and repairs" except the wearing out of machinery and replacing that which costs more in this country than it did in England? The whole mill costs more over here, every part of the mill costs more; and yet this wonderful consul tells us that you can replace the parts of that mill in this country for less than you can in Great Britain because he says the "repairs and depreciation" amount to six-tenths in Lancashire and .475 in Lowell. That is a little less than five-tenths. Everybody knows who knows anything about it that that is not so. The consul's own statement shows that it is not true. It is absolutely false; I will not say intentionally so.

Mr. EDMUNDS. A mistake.

Mr. CHACE. I accept the suggestion. It is a mistake, or perhaps

a misprint.

If it will not interrupt or disturb my colleague, I should like to read for the information of the Senate a statement made by the Senator from North Carolina [Mr. Vance] himself in this discussiop, which is even more remarkable than the statement of Mr. School Nof. He says:

In America one weaver attends 6‡ looms, whilst in England the same weaver would strend 4 looms. In America the average earning per loom per week of the operative is \$5.08.

Well, 62 looms, which would be an average earning for the American weaver of \$34.20 per week, or \$5.71 a day.

In England the average earning per loom per week of the operative is \$5.

That is \$20 a week for a weaver on the other side against \$32.29 for the operative on this side. And then the Senator from North Carolina

Showing a difference of only 8 cents in the aggregate earnings of the two.

I do not know which is the most remarkable part of that statement, that the girls at Fall River earn on an average \$5.71 a day, or that there is only a difference of 8 cents in the aggregate earnings, when the statistics show a difference of \$14.29.

Mr. EDMUNDS. That is a misprint!
Mr. ALDRICH. Yes, that is another misprint.
Mr. VANCE. Will the Senator oblige me by designating where those remarks may be found?

Mr. ALDRICH. On page 528 of the RECORD, near the top of the page. I beg my colleague's pardon for interrupting him.
Mr. CHACE. I am very glad that my colleague has brought out

that fact.

The next item we find in this wonderful report in the comparison between the two countries is the item of "carriage." That is John Bull all over. In this country we should say "transportation." The transportation, or carriage, as they call it in Lancashire, is eighteen one-hundredths of a cent, and in Lowell, according to this, it does not cost anything. That is very remarkable. The Lowell manufacturer buys his cotton of the Senator down in North Carolina, or of his constituents, or of the constituents of the Senator from Texas. He transports it all these thousands of miles and then transports his goods back; he buys his fuel at the mines in Pennsylvania and transports it all the way East, or if he buys it in Boston transports it from there to his mill in Lowell, transports his goods to market, and yet by some sort of leger-demain this consul makes him do it all for nothing!

Perhaps it was necessary to put it so in order to make the figures foot up right. But if the Senator from North Carolina will explain how it is that mill-owners in Lowell can buy their coal, transport it to the mills, buy their supplies and transport them to the mills, and then have their merchandise conveyed to market for nothing, I will wait to

have him do it. Here it is in the report. I should like to have that explained. There is no cost of carriage in Lowell, no cost of transportation! I pause for a reply.

Mr. VANCE. When I get the report upon which the Senator is commenting this evening I shall endeavor to reply to his heart's content. I can not undertake to do it while he holds the report in his hands and I have it not.

Mr. CHACE. This is the report which the Senator and other Senators on that side have been quoting from. Here is another item at the bottom where it says "addition." Addition of what? I do not know whether it is for the cost of book-keeping or what it is. "Addition" is only nine one-hundredths of a cent, to be sure, but I do not know what the addition is.

Mr. EDMUNDS. He was a beginner in arithmetic.

Mr. CHACE. On page 246 he says:

We can approximate the expense

I want Senators to notice these words, "approximate the expense". We can approximate the expense by taking the English additional cost for weaving print cloth as a guide. This, I was told by an expert in the business, is covered by five-eighths to three-fourths of a penny—

Rather a wide difference thereon a pound of print cloth, or about 13 cents.

Let it be borne in mind that this man is making a statement running out into the thousandths of a cent per pound, and yet he approximates and talks about its being 12, and puts in some items that do not belong in it and leaves out items in the other account that do belong in it, and calls this an approximate estimate, when he is figuring to the thousandths of a cent; and he winds up at the top of the page and says, "We have nearly covered the same items." He says:

I have to repeat that though we have nearly "covered" the same items, still the modifications in each item are sufficient that the result may be somewhat altered when comparison can be made item for item in each branch.

That is on page 247. I should like the Senator to make a note of that "about the same," because the Senator has denied that there is any material difference between wages in this country and in England. I worse need of it. [Laughter.]

Mr. VANCE. No, sir; I have not denied that. Mr. CHACE. What did the Senator say?

I said, as I have always understood from Mr. Edward Mr. VANCE. Atkinson and others, that the earnings of the American worker were very much greater, but that the output was so much greater that it made the labor cost to the American and to the English manufacturer very nearly the same. That was my statement. Does the Senator from Rhode Island deny that?

Mr. CHACE. The Senator from Rhode Island understood the Sen-

ator to say a very different thing from that.

Mr. VANCE. Does he deny the fact which I have stated, that the

labor cost in the two countries is very nearly the same?

Mr. CHACE. Why, most certainly I deny it.

Mr. VANCE. That is the candid way to do it.

Mr. CHACE. Now I will put up Schoenhof against Schoenhof.

Mr. CHACE. Now I will put up be a second of the second of that the State Department issued it in a little leaflet like this [exhibiting], so that our free-trade friends might have it. He gives, on page 207 of Consular Report No. 70, a table of wages in the two countries.

Mr. EDMUNDS. What is the date of that?

Mr. CHACE. October, 1886. Here are wages in New England and Lancashire. He says:

It is not due to direct spinners' wages, which are about the same, but to a higher general cost as held against this most profitable working mill, and would not all, it seems, be above, and even somewhat below, the cost of English mills not so advantageously situated or organized.

But in this table he says that the average earnings of mule-spinners in New England are \$10.38; in Lancashire, \$5.83 to \$7.29.

Mr. VANCE. The average weekly earnings? Mr. CHACE. The average weekly earnings.

That is what I said. You are talking about wages Mr. VANCE. and I am talking about earnings.

Mr. CHACE. Here he says it is not due to direct spinners' wages.

Mr. VANCE. No.

Mr. CHACE. There can not be any evasion of that term. Spinners' wages, which are about the same as given in this report No. 93, this campaign document. This was issued before the election, and used before the election, and you have been using it here on the other side, and here is one in which he uses the expression "the average weekly earnings." Is not that wages? What are "weekly earnings" but wages? "Mule-spinners \$10.38 in New England; \$5.83 to \$7.20" or \$7.29; it is blotted in the copy I have, and I can not see which it is, but it is not material. There is Schoenhof against Schoenhof. I should like to have the Senator explain to us the difference between wages and earnings. What is the difference?

Mr. VANCE. The favorite method of the protectionist is under-

taking to show how much more the people earn in this country by their work than they do in the old country—is to compare their pay per diem when it is per diem, but not when it is per piece. When the spinning or weaving is done by the cut or by the yard, we say that the additional output of the American workman makes his earnings much greater, while his per diem pay, if reduced to the day, would not be much larger than in England. That is what I have been trying to make the Senator understand is my position.

Mr. CHACE. Will the Senator explain the difference between a man's earnings and his wages?

man's earnings and his wages?

Mr. VANCE. There is no di
Mr. CHACE. I should thin
Mr. VANCE. When you spe

Mr. VANCE. There is no difference practically.

Mr. CHACE. I should think not.

Mr. VANCE. When you speak of paying him so much by the day, as you always do in contrasting it with the old country, of course that is different from wages. You pay him so much by the day, but if you pay him so much by the week then it is a very different thing, as a matter of course.

Mr. CHACE. That is not so in this case. But I must hasten on,

Mr. President, because there are some other very extraordinary things here to which I want to draw attention before I get through. I find on page 208 of this same report he speaks about spinners. He says:

Girls are paid 90 cents a day for 896 spindles, ten hours' spinning and number

That is in Massachusetts.

He says:

They spin 1,792 pounds at \$540, which was equal only to three-tenths of a cent a pound.

I have figured that all sorts of ways, and I can not figure it out. I should like to have the Senator explain what that means.

Mr. VANCE. I give it up.

Mr. CHACE. You give it up.

Mr. VANCE. Wait until I get hold of the document, and I will give the Senator all the information I can. I never saw a man in

Mr. CHACE. He says further, however, in this report that he can not submit the same qualities of goods. He says:

It is a very difficult matter to obtain goods manufactured in different countries alike, on account of the width and weight.

Mr. President, my time is nearly to a close; I shall seek a further opportunity to analyze this under the ten-minutes' debate, because it s a very interesting matter. I understand that the Secretary of State has sent a communication to the House of Representatives, asking that a special appropriation of \$10,000 be made to pay this man for these

I want to say before I leave the floor that that report bears within itself the internal evidence of having been purposely fixed to mislead and deceive the public.

#### BILL BECOME A LAW.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (8. 3732) granting the right of way to the Pensacola and Memphis Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida, having been presented to the President of the United States January 5, 1889, and not having been returned by him to the House in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

#### BILLS INTRODUCED.

Mr. PUGH introduced a bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3866) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Springs Mountain reservation, which had been condemned by the Hot Springs commission and after-wards burned, and to fix a reasonable value for each of said buildings from the evidence now on file in the Interior Department; which was read twice by its title, and referred to the Committee on Claims.

#### AMENDMENTS TO BILLS.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned; which was referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

Mr. CALL submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RECESS The PRESIDENT pro tempore. The hour of 6 having arrived, the Senate takes a recess until 8 o'clock this evening.

# EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

THE REVENUE LAWS.

The PRESIDENT pro tempore. The recess having expired, the Senate resumes the consideration of House bill 9651.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws

in relation to the collection of the revenue.

The PRESIDENT pro tempore. Under the agreement of the Senate general debate has ceased. Each Senator is entitled to speak but once and for ten minutes only upon any question. The Secretary will report the pending amendment proposed by the Senator from North Carolina [Mr. VANCE].

The SECRETARY. In line 1383, after the word "be," it is proposed to strike out the words-

Divided, for the purpose of fixing the duties to be charged thereon, into the three following classes.

And to insert-

Admitted free of duty.

So as to read:

All wools, hair of the alpaca, goat, and other like animals, shall be admitted free of duty.

The PRESIDENT pro tempore. The question is on agreeing to the

Mr. JONES, of Arkansas. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLATT (when Mr. HAWLEY's name was called). My colleague [Mr. HAWLEY] is necessarily absent from the Senate this evening. He is paired, I believe, with the Senator from Missouri [Mr. Cock-RELL

Mr. MANDERSON (when his name was called). I am paired with

the Senator from Kentucky [Mr. BLACKBURN], who is now absent. It he were present, I should vote "nay."

Mr. JONES, of Arkansas (when Mr. Plumb's name was called). The Senator from Kansas [Mr. Plumb] is paired with my colleague [Mr. Berry]. My colleague is detained from the Senate by indispo-

Mr. RIDDLEBERGER (when his name was called). I have been paired for many weeks, and I have observed that pair all the time. Even when I had doubts I resolved them against myself—

The PRESIDENT pro tempore. The Chair would remind the Sena-

tor from Virginia that debate is not in order.

Mr. RIDDLEBERGER. I do not want to debate the question. I just want to make a statement. I am still paired, but if the Senators from Pennsylvania have an idea that their best interests will be conserved or those of their constituents

The PRESIDENT pro tempore. The Chair must remind the Senator from Virginia that debate is not in order.

Mr. RIDDLEBERGER. I am not debating. I mean to withdraw

my statement that I will stay with the committee, sir.

The PRESIDENT pro tempore. The roll-call will proceed.

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BATE. My colleague [Mr. HABRIS] is paired with the Senator from Vermont [Mr. MORRILL]. The junior Senator from West Virginia [Mr. FAULKNER] is paired with the junior Senator from Penn-

sylvania [Mr. QUAY].

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON], but my pair has been transferred to the Senator from Wisconsin [Mr. SPOONER], so as to enable the Senator from Mississippi [Mr.

WALTHALL] and myself to vote. I vote "nay."

Mr. WALTHALL. My pair having been transferred by the arrangement just stated by the Senator from Colorado, I desire to be recorded

in the affirmative.

Mr. CHACE. I am paired with the Senator from Georgia [Mr. Col-QUITT]. If he were present, he would vote "yea" and I should vote nay.

Mr. CULLOM (after having voted in the negative). I am unable to see the junior Senator from Delaware [Mr. GRAY], with whom I have general pair, and I shall therefore have to withdraw my vote.

The PRESIDENT pro tempore. The Senator from Illinois withdraws his vote

Mr. HOAR. I am entitled to vote if my vote is needed for a quo-

The PRESIDENT protempore. A quorum is not yet recorded.
Mr. HOAR. I vote "nay."
Mr. BLAIR. I am paired with the senior Senator from Mississippi
[Mr. George]. If he were present, I should vote "nay."
Mr. CHACE. I desire to say that by the terms of my pair with the Senator from Georgia [Mr. COLQUITT] I am allowed to vote in order to

make a quorum.

The PRESIDENT pro tempore. No quorum has yet been recorded.

Mr. CHACE. I vote "nay."

Mr. BUTLER. I am paired with the Senator from Pennsylvania

[Mr. CAMERON]. I am informed that the Senator from Indiana [Mr. [Mr. CAMERON]. I am informed that the Senator from Indiana [Mr. VOORHEES] is not here, and, if agreeable, I will transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. HARRIS. I wish to inquire if the Senator from Vermont [Mr.

MORRILL] has voted?

The PRESIDENT pro tempore. He is not recorded.

Mr. HARRIS. Then I withhold my vote. I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "yea" if he

Mr. CULLOM. I will transfer my pair with the Senator from Delaware [Mr. Gray] to the Senator from Colorado [Mr. Bowen], and vote "nay."

Mr. BLAIR. I vote "nay." Mr. HARRIS. I will inquire if there has been a pair announced

Mr. HARRIS. I will inquire if there has been a pair announced with the Senator from Virginia [Mr. Daniel]?

The PRESIDENT pro tempore. No such pair has been announced. Mr. HARRIS. Then I will transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from Virginia [Mr. Daniel], and record my vote. I vote "yea."

Mr. HALE (after having voted in the negative). I am paired with the Senator from Kentucky [Mr. Beck]. I withdraw my vote.

The PRESIDENT pro tempore. The Senator from Maine withdraws his vote.

his vote.

The result was announced—yeas 11, nays 23; as follows:

YEAS-11

Bate, Butler, Harris, Jones of Arkansas, Vance, Reagan, Vest,

Walthall, Wilson of Md.

	The Contract of	NAYS-23.	
Allison, Blair, Brown, Chace, Chandler, Cullom,	Davis, Dolph, Edmunds, Hiscock, Hoar, Ingalls,	Jones of Nevada, Manderson, Mitchell, Palmer, Payne, Platt,	Sawyer, Sherman, Stockbridge, Teller, Wilson of Iowa.
	A	BSENT-42.	
Aldrich, Beck, Berry, Bisekburn, Blodgett, Bowen, Call, Cameron, Cockrell, Colquitt, Daniel,	Dawes, Eustis, Evarts, Farwell, Faulkner, Frye, George, Gibson, Gorman, Gray, Hale,	Hampton, Hawley, Hearst, Kenna, McPherson, Morgan, Morrill, Paddock, Pasco, Plumb, Pugh,	Quay, Ransom, Riddleberger, Sabin, Saulsbury, Spooner, Stanford, Stewart, Voorhees.

The PRESIDENT pro tempore. It being ascertained by the vote that less than a quorum is present, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dolph,	Jones of Arkansas,	
Bate,	Edmunds,	Jones of Nevada,	Stockbridge,
Blair,	Frye,	Manderson,	Teller,
Brown,	George,	Mitchell,	Turpie,
Butler.	Gorman,	Palmer,	Vance,
Chace,	Hale,	Payne,	Vest,
Chandler.	Harris,	Platt,	Walthall,
Coke,	Hiscock,	Reagan,	Wilson of Iowa,
Cullom.	Hoar,	Riddleberger,	Wilson of Md.
Davis,	Ingalls,	Sawyer,	

Mr. JONES, of Arkansas. I will announce again, and for the last time, that my colleague [Mr. Berry] will probably not be able to be present to-night on account of indisposition. He is paired with the

present to-night on account of indisposition. He is paired with the Senator from Kansas [Mr. PlumB].

The PRESIDENT pro tempore. Thirty-nine Senators have answered to their names. A quorum is present. The Secretary will call the roll upon the question of agreeing to the amendment of the Senator from North Carolina [Mr. VANCE].

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], who is necessarily absent, I transfer the pair to the Senator from Virginia [Mr. DANIEL], and vote "Yea."

"yea."

Mr. WALTHALL (when Mr. Spooner's name was called). The Senator from Wisconsin [Mr. Spooner] is paired with the Senator

from Louisiana [Mr. Gibson].

Mr. BUTLER (when Mr. VOORHEES's name was called). The Senator from Indiana [Mr. VOORHEES] is paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky

[Mr. BLACKBURN]. Mr. ALLISON (after having voted in the negative). I have voted with the understanding I have with my pair that I may vote to make a quorum. I am paired with the Senator from New Jersey [Mr. Mc-

PHERSON]. As there was not a quorum without me, I voted.
Mr. HOAR (after having voted in the negative). I am paired with
the Senator from North Carolina [Mr. RANSOM] unless my vote is
needed to make a quorum. I have voted, but shall withdraw my vote if I can do so without breaking a quorum.

Mr. ALLISON. I will transfer my pair to the Senator from Nevada

[Mr. STEWART] and allow my vote to stand.

Mr. PADDOCK (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. Eustis]. I do not see him here, and therefore withdraw my vote.

The PRESIDENT, pro tempore. The Senator from Nebraska with-

draws his vote.

Mr. EDMUNDS. I think it right to say that I have a general pair with the Senator from Alabama [Mr. PUGH], but by his full consent, in order that the business of the Senate may go on, I am authorized to vote to-night without announcing our pair.

The result was announced—yeas 11, nays 26; as follows:

	YEA	1S-11,	
Bate, Butler, Coke,	Harris, Jones of Arkansas, Reagan,	Turpie, Vance, Vest,	Walthall, Wilson of Md.
	NAT	YS-26.	
Aldrich, Allison, Blair, Brown, Chace, Chandler, Cullom,	Davis, Dawes, Dolph, Edmunds, Frye, George, Hiscock,	Hoar, Ingalls, Jones of Nevada, Mitchell, Palmer, Payne, Platt,	Sawyer, Sherman. Stockbridge, Teller,* Wilson of Iowa.
	ABSE	NT-39.	
Beck, Berry, Blackburn, Blodgett, Bowen,	Call, Cameron, Cockrell, Colquitt, Daniel,	Eustis, Evarts, Farwell, Faulkner, Gibson,	Gorman, Gray, Hale, Hampton, Hawley,

Hearst, Kenna, McPherson, Manderson, Morgan,	Morrill, Paddoek, Pasco, Plumb, Pugh,	Quay, Ransom, Riddleberger, Sabin, Saulsbury,	Spooner, Stanford, Stewart, Voorhees.	
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The PRESIDENT pro tempore. It being ascertained that a quorum is not present, the Secretary will call the roll of the Senate.

The Secretary proceeded to call the roll.

Mr. RIDDLEBERGER (when his name was called). I wish to ask

if it is not possible to transfer my pair in some way that would make

a quorum?
The PRESIDENT pro tempore. The Chair will state to the Senator from Virginia that this is a roll-call to ascertain the presence of Sena-

Mr. RIDDLEBERGER. I know that, and I want to answer here; but I could not answer on the other call, and I should like to do so.

The PRESIDENT pro tempore. The Senator will be recorded as

present.

The roll-call having been concluded, the following Senators had answered to their names:

Aldrich, Allison,	Cullom, Davis,	Ingalls, Jones of Arkansas,	Sawyer, Sherman.
Bate,	Dawes,	Jones of Nevada,	Stockbridge,
Blair,	Dolph,	Manderson,	Teller,
Brown,	Edmunds,		Turpie,
Butler.	Frye,	Paddock,	Vance,
Cameron,	George,	Palmer,	Vest,
Chace,	Hale,	Payne,	Walthall,
Chandler,	Harris,	Platt,	Wilson of Iowa,
Cockrell,	Hiscock,	Reagan,	Wilson of Md.
Coke,	Hoar,	Riddleberger,	

The PRESIDENT pro tempore. Forty-three Senators have answered

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

Mr. HOAR. Is that in order when a quorum is present?

Mr. EDMUNDS. It is in order.

Mr. SHERMAN.

I think we can have a vote now. We shall not get a vote now. We shall fail on Mr. EDMUNDS. pairs just as we did before.

The PRESIDENT pro tempore. The Secretary will read the third paragraph of Rule V

The Secretary read as follows:

3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

The PRESIDENT pro tempore. The presence of a quorum having been ascertained, the Chair thinks the motion of the Senator from Vermont can not now be entertained.

Mr. CULLOM. I desire to state that the Senator from Nevada [Mr. Stewart] is absent, and I announce his pair with the Senator from Indiana [Mr. Yoorhees], so that the Senator from Pennsylva-

nia [Mr. CAMERON] can vote.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. A quorum being present, the roll will be called upon the question of agreeing to the amendment of the Senator from North

Mr. HARRIS. It appearing that there are forty-three Senators present, a quorum, I ask unanimous consent that the demand for the yeas and nays may be withdrawn. The record has been made by two roll-calls already so far as the Senators present are concerned. In that way we may proceed with the business before us.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the call for the yeas and nays may be withdrawn. Is there objection? The Chair hears none. The question is on agreeing to the amendment proposed by the Senator from North Carolina [Mr. VANCE].

The amendment was rejected.

Mr. REAGAN. I move to strike out all after line 1381, in paragraph 340, page 142, down to line 1448, paragraph 353, page 144, and to insert in lieu thereof the following:

On all grades and kinds of wool; wools on skins; top waste, slubbing waste, ring waste, yarn waste, garnetted waste, and all other wastes similar to them in character or description, composed wholly or in part of wool or worsted; woolen rags, shoddy, mungo, flocks, and wool waste not otherwise provided for in this act; and noils, a duty of 25 per cent. ad valorem.

Mr. ALLISON. I raise a point of order. I do not desire to cut off the Senator's amendment, but the paragraphs which he proposes to strike out have not yet been read, and I think they should be read. There are some amendments that may be offered to the paragraphs. Of course it will be in order, after we have reached paragraph 354, for the Senator to have a vote upon his amendment. I only wish to have an orderly proceeding respecting these various paragraphs and amend-

Mr. SHERMAN. An amendment to perfect the part proposed to be Mr. ALLISON. The Senator from Texas proposes to strike out a number of paragraphs none of which have been read. I submit that those paragraphs should first be read.

Mr. REAGAN. Very well, I shall withhold the amendment until

the paragraphs are read.

Mr. HOAR. Is the Senate now proceeding under the ten-minute rule?

The PRESIDENT pro tempore. It is. The Secretary will read the part of the substitute reported from the Committee on Finance which was passed over, beginning with paragraph 341.

The Secretary read as follows:

The Secretary read as follows:

341. Class 1, clothing wools; that is to say, merino, mestiza, metz, or metis wools or other wools of merino blood, immediate or remote, down clothing wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes 2 and 3.

342. Class 2, combing wools; that is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also all hair of the alpaca, goat, and other like animals.

343. Class 3, carpet wools and other similar wools: Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Expt, Syria, and elsewhere.

344. The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would be subjected if imported unwashed; and the duty on wools of all classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed.

345. The duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than ordinary condition, as now and heretofore practiced, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be twice the duty to which it would be otherwise subject.

346. Wools of the first and second class, and all hair of the alpaca, goat, and other like animals, 11 cents per pound.

Mr. Allison. In line 1419 I move to strike out the words "and

Mr. ALLISON. In line 1419 I move to strike out the words "and second" before "class," and at the end of the paragraph to add "wools of the second class, 12 cents per pound;" so as to read:

Wools of the first class, and all hair of the alpaca, goat, and other like animals, 11 cents per pound; wools of the second class, 12 cents per pound.

The PRESIDENT pro tempore. What punctuation should appear before the second amendment, after the word "pound?"

Mr. ALLISON. A semicolon.

The two amendments will be treated

The PRESIDENT protempore. The two amendments will be treated as one question, if there be no objection.

Mr. VEST. I move to strike out, in line 1420, as the text now stands, "eleven" and to insert "ten," and to strike out "twelve"—I understand that to be the amendment of the Senator from Iowa-and insert " ten."

The PRESIDENT pro tempore. The Senator from Missouri proposes to amend the amendment of the Senator from Iowa by striking out in his proposed amendment the word "twelve" and inserting "ten."

Mr. VEST. I made that motion because the Chair suggested that

the two questions be considered as one.

Mr. ALLISON. That is all right.

Mr. VEST. If the Senator prefers, I shall confine myself to the mo-tion I first intended to make, which is to strike out "eleven," in line 1420, and insert "ten."

The PRESIDENT pro tempore. They can be both treated as one

question.

Mr. VEST. For all practical effect one motion does as well as two,

because the same vote will reject one as well as the other.

The effect of this proposed amendment to the existing law is to increase the duties upon the two classes of wool named (provided the amendment of the Senator from Iowa just offered by him does not prevail) \$239,073.89. Of course if that amendment prevails the increase of duty will be just so much larger by 1 cent a pound upon the second class of wools, which is now 11 cents in the text of the Senate substi-

The whole effect of the text as it stands is to make the duty upon clothing and combing wools, if in the grease, 11 cents, and if they are washed, 22 cents; and if scoured, 33 cents, without distinction as to value. This is an increase, as I have said, of \$239,073.89 in duty without taking into consideration the last amendment proposed by the Sen-

ator from Iowa

In consideration of the fact that two years ago the National Association of Wool Growers expressed themselves entirely satisfied with the provisions of the act of 1883, which is the existing law, and with a unanimity scarcely ever seen before in so large an interest came to Congress with that request, it is most extraordinary that these changes and increases are made. In 1886 the National Association of Wool Growers, through their secretary, Mr. Hayes, sent to the Ways and Means Committee of the House of Representatives the following statement:

The association which I represent-

Said Mr. Hayes, who was a witness-

The association which I represent has been at great pains to ascertain the sentiment of the national woolen industry upon the question of traiff revision. Upon the publication of the paper before you setting forth their policy, in the months of October and November last, they sent copies of that document to

every known wool manufacturer in the United States, except wool-hat manufacturers, with a request that the recipient would express his approval or disapproval of the policy therein set forth, and that if he approved he would sign and forward to the office of the association a communication to the following

To the Secretary of the National Association of Wool Manufacturers:

SIR: The undersigned, manufacturer of — at —, in the county of — and State of —, employing — sets of cards (or — wool combers) hereby declare — approval of the policy, in relation to a revision of the tariff set forth by the National Association of Wool Manufacturers, in response to a circular of Hon. Daniel Manning, Secretary of the Treasury, of July 18, 1885.

The features of the policy set forth in that response which — especially approve are:

approve are:
First, That there shall be no change at present in the existing wool and woolen tariff, nor a general tariff revision at the next session of Congress.
Second. That in case of any revision of the tariff, so long as a duty is imposed upon wool, it is indispensable for the prosperity of the woolen manufacture that the present system of compound duties upon woolens should be strictly resintained.

Mr. HOAR. I should like to ask the Senator— Mr. VEST. Will the Senator permit me to finish this document? Then I will yield.

Mr. HOAR. I wanted merely to ask the Senator to repeat—it was not distinctly heard on this side of the Chamber-what he said about the satisfaction of the wool-growers with the woolen tariff.

Mr. VEST. I am just reading the paper. Mr. HOAR. To what act does the Senator refer; the tariff act of 1883?

Mr. VEST. I refer to the act of 1883, which is the existing law.
Mr. HOAR. That is all I wanted to know.
Mr. VEST. This is the statement which they sent to the wool manufacturers in the United States and the wool-growers. This is the National Association of Woolen Manufacturers.

Mr. TELLER. Not wool-growers.
Mr. VEST. They are woolen manufacturers. Some of them, I suppose, are wool-growers. The paper proceeds:

That in case of any revision of the tariff, so long as a duty is imposed upon wool, it is indispensable for the prosperity of the woolen manufacture that the present system of compound duties upon woolens should be strictly main-

— further authorize the attaching of — name, with others, to such a memorial as may be made to Congress by any considerable number of wool manufacturers, embodying the above propositions.

Respectfully, yours,

Now follows the number of signers to this instrument, amounting to 954, and in all the States of the Union from Arkansas to Wisconsin. Mr. Hayes proceeds to say:

In all, 354 establishments, employing 4,837 sets of cards (the set or series of cards being the unit of measurement of the capacity of a woolen mill), and 319 combers (the comber being the unit of measurement of the capacity of a worsted mill), not to mention the large number of manufacturers included in this list who do not employ cards or combers, but are engaged only in the more advanced processes of manufacture.

To what extent do these manufacturers, nearly a thousand in number, represent the national industry of manufacturing wool?

Mr. Hayes proceeds to say that this is the largest, most unanimous, and united expression of opinion that has ever been had from any similar interest in the United States.

Mr. TELLER. I should like to ask the Senator if he understands

Mr. Hayes to say that those are the wool-producers, the wool-growers?
Mr. VEST. They are the woolen manufacturers.
Mr. TELLER. That is quite a different thing from the statement

the Senator made.

Mr. DAWES. The Senator said "wool-growers."

Mr. VEST. Then I used the wrong word; that is all.

Mr. TELLER. These are the manufacturers of wool, and not the

Mr. VEST. Exactly; it is the manufacturers, and I intended to say "manufacturers." If I used the other word it was done inadvertently. Mr. Hayes is secretary of the National Association of Wool Manufacturers.

Mr. DAWES. Was.

Mr. VEST. Or was. If Senators would speak one at a time, I might not be induced to use the wrong word.

The PRESIDENT pro tempore. The Chair would suggest that as

debate is proceeding under the ten-minute rule and each Senator can speak but once on any question, interruptions are liable to result in embarrassment and confusion.

Mr. VEST. Now, Mr. President, I use the word this time advisedly. I say the wool manufacturers of the United States came to Congress and solicited that the present law of 1883 should remain unchanged upon the statute-book; and yet in the face of that expression of opinion and that desire the majority of the Finance Committee now come in with increases upon manufactured goods of over \$4,000,000 in this woolen schedule—more than \$4,000,000 over the act of 1883.

But that is not remarkable in view of the fact that these same woolen manufacturers in January, 1878, sent a petition to the Committee on Ways and Means, asking for the admission into the United States of foreign wool free of duty, and I ask that this be inserted in the RECORD without consuming my time in reading it:

We, the undersigned, manufacturers of woolen goods, respectfully represent that for several years past our industry has suffered great and general depres-

sion. Many failures have occurred, many mills have stopped, and many others continue to run without adequate remuneration to their owners. We believe that one great cause for this widespread depression is to be found in the present high rates of duty on wool. These duties, ranging from 45 per cent. to 85 per cent. on our raw material, increase the cost of our fabrics in a corresponding ratio above the price of similar foreign goods.

To compensate for this increase the tariff of 1867 attempted to levy a duty on manufactured woolens which should balance the duty on wool and give in addition to the American manufacturer an advantage, we believe, has been very imperfectly realized. High cost of our fabrics has limited consumption and entirely prevented exportation, while low-cost foreign goods have forced their way into our markets through both legitimate and illegitimate channels.

The great shrinkage of values which has occurred has not only affected capital, but it has seriously impaired the ability of consumers to pay the high prices contemplated by the tariff. The number of those who can afford to purchase at a given price is lessened. A sluggish demand and an over supply are the natural consequences.

a given price is lessened. A sluggish demand and an over supply are the natural consequences.

To meet this lessened ability of consumers and to establish the woolen industry on a firm basis of prosperity lower prices based upon lower cost are absolutely necessary. The wool manufacturers see this necessity; they have struggled with some success to adapt themselves to it; they will succeed completely whenever they are permitted to select their raw material in the markets of the world on the same terms as their foreign competitors.

On the other hand, the wool-growers have not realized from the high duties on wool the advantage they expected. The depressed condition of the woolen industry has given them a poor market, and the prices of all classes of wools grown in this country have been, on the average, no higher than under lower tariffs. The production of fine wools has absolutely declined, and we venture to express the hope that the wool-growers are beginning to discover that the prosperity of the industry which consumes their product is a condition which must precede and accompany their own prosperity.

For the present we content ourselves with declaring as our deliberate conviction, that the tariff of 1867 has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has not promoted the interests of the wool manufacturers; has n

Mr. MITCHELL. Will the Senator allow me a question?

Mr. VEST. Certainly. Mr. MITCHELL. If it is all true, as stated by the Senator, that the wool manufacturers came here saying that they were satisfied with the tariff of 1883, and they also came here and asked that wool be placed on the free-list, it can not be said with much propriety that the

committee is standing with the manufacturers, can it?

Mr. VEST. The first petition was sent here in 1878. The next petition was sent here in 1886. The first petition asked for free wool. The last petition asked for the same duties imposed by existing law, the act of 1883. But we find the Republican party, without regard to the wishes of these manufacturers, who are the best judges of what is necessary to protect the woolen manufacturers of the United States, for some purpose or other disregarding these experts as to their own interests and imposing these enormous duties, and continuously refusing from 1878 to put wool upon the free-list at all.

The PRESIDENT pro tempore. The Senator has spoken ten min-

Mr. SHERMAN. Mr. President, the Senator from Missouri has not made much progress in his investigation of the tariff question if he does not know that the woolen manufacturers are a very different body of men from the wool-growers.

Mr. VEST. I reckon I know that.

Mr. SHERMAN. The woolen manufacturers would no doubt like to have wool duty free, and they would no doubt like to have the rate fixed by the law of 1883 kept on wool, but the wool-growers have protested largely, continuously, and vociferously from that time on to this hour, and they stand to-day protesting against the injury to the great wool-growing interests of this country.

Mr. President, my colleague owes his seat in the Senate to the dis-

satisfaction of the wool-growers of Ohio at the action taken in 1883. The Republican party was beaten in our State in the election of a Legislature and in the elections that followed for two or three years, on account of the discontent caused by the act of 1883. The wool-growers of the Senator's own State, and of every State in the Union, have protested against it from that time to this.

Only the other day an intelligent body of men representing the woolgrowers' associations of the United States, having delegates from fif-teen or sixteen of the States which produce the largest quantity of wool in this country, protested against it, and appeared before us and asked for more than the Committee on Finance (a majority of them, at least) were willing to give to the wool-growers. Therefore the Senator's statement falls to the ground.

This duty on wool is founded upon the broad proposition that the producers on the farm have the same right to the protection of their industry as the producers in the workshop, and your tariff law could not stand a moment upon any other principle. All forms of industry in this country are entitled to protection, and when the farmers are separated from the mechanics and manufacturers and the miners, then,

as a matter of course, the whole system will fall to the ground.

As to the increase of this duty 1 cent a pound, that makes it only on one item equal to the tariff of 1867. It replaces the duty on combon one item equal to the tariff of 1867. It replaces the duty on comoling wools at 12 cents a pound, as it was prior to the act of 1883. In regard to the clothing wool, it is only 11 cents a pound, so that it is still less than it was before the act of 1883. This is but a faint effort to undo a wrong that was done in 1883.

The Senator talks about high duties. Why, Mr. President, the duties on these wools are low. If he will only look at the tables before him

he will find that the average rate of duty on wools under the existing law is but 25.97 cents. On some grades it is higher, especially on one grade of clothing wool, which reaches to 47.55 cents. Taking the three grade of clothing wool, which reaches to 47.55 cents. Taking the three chief grades that are contained in these schedules, the duty now is 25.97 cents. This is an increase of 1 cent a pound on clothing wool and combing wool, and probably from  $1\frac{1}{2}$  to  $2\frac{1}{2}$  cents a pound on carpet wool. It is perhaps more on carpet wools, because the rate is now only 24 cents. So this is a slight effort to undo a wrong that was done in 1883.

I am prepared with ample statistics to show that the effect of the act of 1883 has been to reduce the number of sheep in this country 10,000,-000; in my own State more than a million and a half. It has reduced the production of domestic wools in this country 60,000,000 pounds, and probably has done more harm than any single act or measure con-

But it is not necessary to go into these statistics, because the Committee on Finance have in a very slight degree and sparingly endeavored to undo a part of the mischief done by the act of 1883. Now, what the manufacturers demand on this question is quite a different thing. They have nothing to say about this proposition, however. Their interests and those of the wool-growers are naturally opposed to each other in one sense, but they have acted in concert together, and I believe the modifications made by the Committee on Finance will be satisfactory to wool-growers and woolen manufacturers in regard to the duties on woolen goods.

When we come to them we can discuss them. They are not larger than they ought to be, in my judgment. It is not the object of the wool-growers to reduce the duties on manufactured goods. They want to see woolen manufacturers succeed and prosper in this country, and they do not object in the slightest degree to give them that degree of protection which will maintain the woolen industry of this country. There is no industry more important to the people of America and to

the people of any country in the world than the wool-growing industry.

No country can be considered independent of foreign nations unless it grows wool and provides not only food but clothing for its people, and this sheep industry is more valuable than any other because it provides both food and clothing. From the first dawn of civilization to this hour no industry has equaled in importance and solace to mankind the growth of sheep. Of all the domestic animals, although humble, cowardly I may say, yet it is the most valuable. We can do humble, cowardly I may say, yet it is the most valuable. We can do without the horse and the cow better than we can without the sheep; and the act of 1883, in my judgment, which produced so great an injury to this important industry of our country ought to be recovered from as soon as possible.

My answer, therefore, to the Senator is that he is attacking the duty which is the lowest on the whole list, and he is attacking the duty which is most vital to the people of our country. When the Senator from Georgia [Mr. Brown] said that a certain Southern production ought to be advanced in rate, that he thought the rate prescribed by this bill would endanger it, and it was stated to us by the Senator from Louisiana [Mr. Gibson] that the quantity of rice raised in this country had increased from 25,000,000 to 155,000,000 pounds, I was then in favor of making some increase and giving them that degree of protection on this rice industry that they desire.

But that rice has now a duty of 113 per cent. The committee propose to reduce it to 50 per cent., and that duty even as proposed to be reduced by the committee is very much higher than the duty on wool. On the statements here made when submitted to the Committee on Finance I have no doubt, when they have time to consider the subject, they will be willing to make some modification of their recommendation wherever they find that they are in error. This modification was made upon the demand of the wool-growers without distinction of sec-This modification was tion or party, because this wool-growing industry is probably the only one that is uniform throughout the United States.

There are sheep grown everywhere, from the hills of Vermont to the plains of Texas, and to the broad uplands of Nevada and California. It is an interest in which some twenty to thirty States are interested. It is an interest which affects more than one million of farmers in this country. Compared with the manufacturing interest it is wide-reaching and broad. It is conducted by farmers, and the yield, though small on a single farm, makes the aggregate of 330,000,000 pounds of wool, about two-thirds of all our domestic supply.

If the wool industry is protected the farms of America will yield enough to make all our clothes, our blankets, and our carpets, and every other portion of woolen manufactures. There is no difficulty anywhere in the United States in raising sheep, no difficulty in producing wool, varying in quality from the finest fleece of Saxony, worth when secured and prepared for the machine sometimes almost a dollar a pound, down to the lowest and coarsest and weakest fiber on the plains of the West.

[Here the hammer fell.]

Mr. ALDRICH. Mr. President, I can not allow the statement which has been made, that the manufacturers of the country are in favor of free wool, to go uncontradicted. It is not true that in 1876 or 1880, or at the present time any considerable portion of the woolen manufacturers of the United States were or are in favor of the abolition of the wool duty. Notwithstanding the great temptation which was offered to the woolen manufacturers by the provisions of the Mills bill, and notwithstanding the disadvantages which a heavy duty upon wool places upon them, they have remained true to the principles of protection, and are in favor of an adequate duty being placed upon wool. I think it is due to the woolen manufacturers of the country that I should say this for them.

Mr. SAULSBURY. Mr. President, I do not rise for the purpose of discussing the particular amendment now pending. I have no doubt it will be gratifying to many farmers engaged in a small way in the growth of sheep to have some duty upon wool, but every cent you put upon wool comes out of the great mass of the people who have to provide clothing for themselves and their families. I shall content myself with this reference to this particular item of the bill. I desire simply to express my opinion about the bill generally.

I think, Mr. President, if the ingenuity of man had been taxed to the utmost extent to devise a scheme the purpose and effect of which was to increase the profits, to fill up the coffers of a particular class of men in this country at the expense of the great body of the people of the United States, it could not have succeeded better than it has in the form of this bill.

There is no time now to enter into the discussion of the details of the bill, but from the discussion which has taken place, as well as the investigation which I have been able to give, the details of the bill sustain and carry out the position which I have announced, that human ingenuity could not have devised a scheme better calculated to promote the manufacturing interests of this country at the expense of the great body of the people.

The Senator from North Carolina [Mr. Vance] and the Senator from Missouri [Mr. Vest] and other gentlemen who have gone into an examination of the details deserve the thanks of the country for exposing this measure, notwithstanding I apprehend nobody expects it to become a law at the present session. As it, however, has emanated from the Republican members of the Finance Committee and is sustained by the entire Republican membership of this body, it is fair to presume that it furnishes the basis of the legislation upon taxation which is to ensue in the next Congress when both branches of Congress and the executive department will be in the possession of the Republican party.

It is only in view of that fact that the discussion of this question at the present time, in my opinion, has been justified, and I say again that those gentlemen who have exposed the dangerous character of the bill in the examination of the details have deserved well of their country in showing what the Republican party, when in full possession of this Government, intend to do in reference to the taxation of the people

Now, sir, I venture the assertion that, examining this bill, carefully examining the general scheme and plan of the bill as well as its details, it is not possible to arrive at any other conclusion than that it has been framed specially for the manufacturing interest of the country, and with a reckless, I will not say a criminal, disregard of the interests of the great body of the people.

Why, sir, in my opinion, there has been no consideration given to the wants and necessities of the consumers of these articles. The great animus of the whole measure is to increase the protection of the protected classes, and that is done by the oppression of the people who consume the products that are thus protected. Sir, standing here in my place, I do not hesitate to say that no more indefensible legislation was ever perpetrated.

In almost every tariff bill that has been under discussion since I have had the honor of a seat in this body there has been some respect paid heretofore to the wants of the great masses of the people; but what do we hear now? We hear that protection is the panacea for all evils. Give us protection and a reacting influence will come back to benefit measurably the consumers of this country! Tax the people first and trust to the beneficent operations of this protective system to indemnify the people hereafter after the tax shall have been paid! I do not believe in any such scheme as that.

Now, as to the general plan of your bill, what does it mean? You propose taxation, but what relief do you give to the people? You propose to take the tax off tobacco. I say that not one fourth of the people of this country use tobacco in any form. The women and children are excluded from the tobacco-users, and therefore you propose to relieve but a small portion and not exceeding one-fourth of the people of this country, if it would even have the effect of giving them relief.

You propose in that item to relieve not more than one-fourth in order that you may cut down the revenues of the country and keep up the necessity for high taxation upon imported goods. Then I say it will not reduce the cost of tobacco. When I first came to the Senate the tax on tobacco was 32 cents a pound. It was reduced to 24 cents, subsequently to 16 cents, and now to 8 cents, and I say from personal experience (because I indulge somewhat in the use of tobacco in various forms) that you can not buy a plug of tobacco at any retail store in the city of Washington at any cheaper rate than you could when the tax was 32 cents a pound.

You can not buy as good a cigar to-day as you could then, notwith-

standing the tax has been reduced. So I say the consumer will derive no benefit, neither do I believe that the man who produces tobacco will be benefited by that provision. The great interest in this protection is the interest of the manufacturer.

Mr. President, take any other provision of the bill. Take the whisky clause. You propose to reduce the taxation upon whisky that enters into the production of medicines, etc. Who will get any benefit from that except the manufacturers? Do you suppose you will be able to buy a dose of medicine, or any cosmetic, or anything else any cheaper simply because you have taken the duty off alcohol that enters into the arts? Not one particle of relief will be found in that clause to the tax-payers of the country, and not one particle of benefit will the consumers derive from that remission of taxation. It is another scheme to reduce the revenues of the Government so as to keep up the necessity for high taxes on imported goods.

You may go through this whole bill, and I say again it is framed with that particular object and will have that practical effect and no other.

Now I turn to the committee's report. They say first that there should be a great reduction in the revenues of the country, and while they have said that they have said nothing about the relief of the people from the enormous burden of taxation on imported goods. The whole plan of the bill from beginning to end is to favor special interests, without any particular regard to what it may cost the consumers of the goods manufactured and protected under this bill.

without any particular regard to what it may cost the consumers of the goods manufactured and protected under this bill.

Because we have resisted these high and onerous taxes we have been charged with being free-traders. Sir, I deny it. What is a free-trader? Who is a free-trader? Is it the man who believes that he ought to buy in this country every article without the imposition of any tax upon it? That is a free-trader. But no Democratic Senator, and not even the President of the United States, who has been charged with being a free-trader, and no Democratic convention in any part of this country has declared for any such policy. On the contrary, we are in favor of raising a large part of the revenues in this country from the duties on the importations of foreign articles, but we do not believe you have got the constitutional right or that it is sound policy or wisdom to lay those duties so high as to make them prohibitory, and I go further and say that you have no constitutional right to make those duties so high that they will limit importations.

You have a right to lay duties to the revenue point, but when you undertake to limit the revenues from any article by the imposition of taxation you have no authority under the Constitution to do it. You have the right, as I before remarked, up to the limit of revenue to impose your duties if you think it proper to do so, but you have no constitutional right to prohibit the introduction of foreign articles or to restrict or to limit the importation of them by onerous taxation.

I remember a few years ago reading a speech of a distinguished gentleman who once occupied a seat on the floor of the other House, S. S. Prentiss; and he was a great protectionist, openly avowed himself a protectionist to the fullest extent, and he said there was no constitutional power in Congress to prohibit importations or to lay duties higher than was necessary to raise the revenues necessary for the Government. He said he would have—

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DAWES. Mr. President, nothing has proved so signal a failure in this warfare which has been inaugurated against the industries of this country as the attempt to detach the woolen manufacturers of the country from the support of protection by the bribe of free wool. Great expectations were raised as to the possible success of this war by detaching in detail one industry after another from the support of protection by a promise of free raw material, and this warfare began with a special attack in this line.

The first recommendations that came under this Administration for a reform in the tariff were directed exclusively to the wool and woolen interests. Circulars were sent out to all the woolen manufacturers of the country; missionaries were sent into the North and into woolen manufacturing districts, and meetings were called of the manufacturers, and the benefit to them was held out that would result, as was supposed, from having their wool free. I heard one of those engaged in this modern warfare upon industries express his great surprise more in this than in anything else, that the woolen manufacturers refused to take the bait. He told me in conversation that it was expected by this offer that the woolen manufacturers would accept it and thereby abandon the entire doctrine of protection, and, as he expressed it, "to my amazement, not more than two or three of all the woolen manufacturers have stood by us in this attempt to secure free wool for them."

In 1867 the present relations between the tariff upon wool and the tariff upon woolens was fixed upon the principle then recognized and maintained all the way through till now, that the successful manufacturer of woolens in this country could never be unless the woolen manufacturer could depend upon the American product for his supply. The proper relation between them has been kept up on the principle that to maintain successfully the woolen manufacture the woolen producer must be maintained in this country. No one thing was seen more clearly by the sagacious and wise and far-looking manufacturer of woolens than

this, that the moment he became dependent upon the foreign wool-grower he had no assurance that he could maintain successfully his

manufacture a single year.

The Mills bill, which had upon it free wool and free tin, was reported in the House, and the effect upon the market abroad for those two articles was instant. Tin went up; wool went up. They had an idea that the market speedily in America was to be theirs in both these articles, and they could command the price; and our woolen manufacturers saw very soon through this scheme, and it is a tribute not only to their conviction of the justice of the principle of protection but to their sagacity that they saw it and refused to take this bait which was held out to them.

They stand by the wool-growers both upon principle and their own interest. It is as much their interest to stand by the protective principle applicable to the wool-grower as it is when applied to their own manufacture. The producers of everything that can be produced in this country must have the market, and they must all stand together. The American producers of every article possible of production in this country are seeing more clearly every day that the cause is a common cause, and no scheme that will detach one at a time of either the manufacturers or the producers from this common effort of theirs to preserve and

urers or the producers from this common effort of theirs to preserve and maintain and amplify American markets is going to succeed.

Mr. BROWN. Mr. President, wool is a commodity produced by the farmers of this country. Much has been said about their interests and about the injustice that is done them by our tariff laws and by the manufacturers. I think they are entitled to their fair share of protection, and as wool is one of their principal products they are entitled to be protected on their wool; and I think a great many Democrats in my own party, who are honored members of it, have seen probably my own party, who are honored members of it, have seen probably within the last few months the mistake that was made by some of our leaders on that question.

It has frequently been said, how can it be accounted for that the Republicans gained so heavily in the rural or agricultural districts? think it was because they marched to the music of the bleating of sixty

millions of sheep.

Take the farmer who has only fifty head of sheep. If the duty on wool is 12 cents a pound he knows what his clip will be, and he makes his calculations. He knows about how much he is to receive by that tariff; and when you propose to strike it down and not to relieve him of other tariff burdens he resents it, and in my opinion there were thousands of as good and pure Democrats as there are in this broad

were thousands of as good and pure Democrats as there are in this broad land who went to the polls and voted the Republican ticket or staid away from the polls and did not vote the Democratic ticket because of the provision in the Mills bill that places wool on the free-list.

There is much in the Mills bill that I approve. There is much in it that I do not approve. The same, I may say, is true of the substitute reported by the Senate Finance Committee. I do not approve in the Mills bill those provisions which put the productions of the farmers generally on the free-list, and that is one of the important features of that bill. I have before me a list of items produced by the farmers, a table showing the rate of tariff, the amount of the importation of each class, and the amount of tariff paid into the Treasury upon it, and I beclass, and the amount of tariff paid into the Treasury upon it, and I believe these are all articles in which the farmers have an interest, or which are made by the farmers. The list is as follows:

Farmers' products made free by Mills bill.

Articles.	Tariff.	Imports.	Duty.
Flax straw	\$5 per ton	\$11.00	\$1.18
Flax, undressed	\$20 per ton	1,026,207.00	92, 916, 45
Hemp, etc	\$25 per ton	2, 778, 150.00	583, 977.53
Beeswax	20 per cent	1,948.10	389, 22
Vegetables	10 per cent	51, 931, 25	802, 80
Chickory root	2 cents per pound	163, 682, 00	106, 671. 70
Dates, plums, and prunes	1 cent per pound	2, 662, 561.72	805, 873, 19
Currants	do	1,062,326.00	291, 963, 93
Figs	2 cents per pound	488, 632, 00	175,057.96
Meats, game, and poultry	10 per cent	109, 834. 08	10, 983, 44
Milk, fresh	do	4, 201.81	420, 17
Egg-yelks	20 per cent	2,726.00	545.20
Beans, peas, and split			
peas	10 to 20 per cent	2, 662, 561.72	805, 873, 19
Bristles	15 cents per pound	1, 156, 435.00	174, 428.71
Bulbs, etc	20 per cent	160, 982. 47	32, 196, 49
Feathers	25 per cent	1, 246, 558. 46	311, 639. 65
Grease	10 per cent	125, 483, 66	12, 548, 37
Hemp and oil seeds	dent per pound	87, 487.00	9, 380. 79
Garden seeds	20 per cent	149, 876. 07	29, 975, 21
Linseed or flaxseed	20 cents per bushel	418, 031. 30	83, 060. 81
Osier or willow	25 per cent	18,516.00	4,629.00
Broom-corn	do	4, 174. 80	1,043.70
Rattans and reeds	10 per cent	195, 452, 00	19,545.20
Tallow	1 cent per pound	855, 72	224.94
Wools		16, 357, 369, 97	5, 899, 816, 63
Wools on skin, etc		1, 885, 618.00	490, 238. 10
Total farm		39, 365, 080, 13	11, 111, 187, 56
Farm products		21, 158, 092, 16	4, 721, 132, 83
Wool		18, 206, 987, 97	6, 390, 054, 73

It will be seen from this table that the aggregate of these articles foots up \$39,365,080.13 worth in the importations of last year, and they

paid a duty of \$11,111,187.56 into the Treasury. This was protection to the farmers in all those items. The Mills bill transfers them all to the free-list. I believe this bill as reported by the Finance Committee here puts most of these articles on the dutiable-list, and I prefer those provisions that put them on the dutiable-list, and to that extent I prefer the bill reported by the Senate committee, and I vote for the tariff on wool because I believe the farmers are entitled to that protection, and I shall vote for the proposition to raise it to the extent proposed by the chairman of the committee.

One word before I sit down in reference to the remark made by the Senator from Ohio [Mr. SHERMAN] about rice. I thank him for his kind expression in that regard, and think if he will look into the subject carefully and discover the cost of producing rice, the cost of preparing the land necessary for the crop, the contingencies that befall the crop, and the further fact that the planter in Georgia pays for his labor fourteen times as much as the rice-planter in China pays, the Sen-

ator will be willing to permit the present tariff on rice to stand as it is.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Missouri [Mr. Vest] to the amendment

of the Senator from Iowa [Mr. ALLISON]

Mr. BROWN. I have also a table that I did not read in reference to the forestry or wood that the farmers are interested in, and I will insert that, with the consent of the Senate, in the RECORD with my

The PRESIDENT pro tempore. The paper will be inserted, if there be no objection.

The statement is as follows:

Forest products made free by Mills bill.

Article.	Tariff.	Imports.	Duty.	
Timber, hewn, etc	20 per cent	\$993, 94	\$198, 80	
Timber, squared, etc	1 cent per cubic foot	81.00	3,18	
Wood, unmanufactured Sawed boards, etc:	20 per cent	13, 620, 45	2,738.08	
Hemlock, etc	\$1 per 1,000 feet	314, 445, 33	36, 872, 67	
All other	\$2 per 1,000 feet	5, 480, 506, 53	886, 692, 33	
Hubs and blocks, etc	20 per cent	46, 956, 19	9, 391, 24	
Wood staves	10 per cent	304, 031, 00	30, 403, 10	
Pickets and palings	20 per cent	32, 907. 04	6,581,40	
Laths	15 cents per 1,000	241, 076, 66	28, 610, 00	
ShinglesClapboards:	35 cents per 1,000	185, 610. 98	31, 354. 53	
Pine	\$2 per 1,000	3,681.00	293, 89	
Spruce	\$1.50 per 1,000	55, 272, 00	6, 068, 13	
Extract bark, tanning	20 per cent	751.00	150,00	
Logwood and dye-wood	10 per cent	245, 036, 00	24, 503, 60	
Barks, etc	do	47, 942, 19	4, 794, 21	
Chicory root	2 cents per pound	163, 682, 00	106, 671, 70	
Brushwood,	10 per cent	300.00	30,00	
Total		7, 136, 843. 27	1, 175, 346. 86	

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Missouri to the amendment of the Senator from Iowa

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

The amendment was agreed to.

Mr. ALLISON. In paragraph 347, line 1425, after the word "pound,"
I move to strike out the words "two and one-half" and insert "four."
Mr. VEST. What paragraph is that?
The PRESIDENT pro tempore. Three hundred and forty-seven, which will be read as proposed to be amended.
The Chief Clerk read the paragraph as proposed to be amended, as

347. Wools of the third class, the value whereof, at the last port or place whence exported to the United States, including charges in such port, shall be 12 cents or less per pound, 4 cents per pound.

Mr. VEST. I move to strike out in that paragraph the word "class" in line 1422.

Mr. ALLISON. I have offered an amendment to that paragraph, to strike out "2½ cents," in line 1425, and insert "4 cents," in behalf of the committee.

Mr. VEST. That is an increase, then, of  $1\frac{1}{2}$  cents.

The PRESIDENT pro tempore. The amendment will be again stated. The CHIEF CLERK. In line 1425, it is proposed to strike out " $2\frac{1}{2}$ ," before the word "cents," and insert "4," so as to read: "4 cents per pound."

Mr. VEST. That is an increase of  $1\frac{1}{2}$  cents upon the text of the bill,

from  $2\frac{1}{2}$  to 4 cents a pound.

I am obliged to the Senator from Ohio [Mr. Sherman] for reminding me of the difference between the woolen manufacturers and the woolgrowers. It is not to be expected that a Democrat can understand the plain vernacular of this country, and although I come from a State which has been in the past one of the largest sheep-growing States in the Union and has now a very large number of sheep within its limits, the Senator was kind enough to remind me what a wool-grower was in contradistinction to a wool manufacturer.

But the Senator from Massachusetts [Mr. DAWES] relieved me of any difficulty growing out of my misuse of a single word, when he stated here, what is an open secret and has been known for years and repeated here and elsewhere over and over again, that a combination was made in 1867 between the wool manufacturers and the wool-growers, and that combination has been preserved since that time with remonstrances and protests and attempts on the part of the manufacturers to escape from it, but without success, and to-day it exists in the United

States by virtue of a political necessity and nothing else.

My friend from North Carolina [Mr. VANCE] read the whole of it
this afternoon in the testimony of Mr. Sampson, in which he stated that he believed that wool ought to be upon the free-list, but he said we could not afford to do it, because the Republican party might lose

the votes of the wool-growers of the country.

Now we are told by the Senator from Massachusetts that the manufacturers stand with the wool-growers upon principle. I read here the petition to Congress of 984 manufacturing establishments represented in one petition, and I could read here, if my time permitted, to the exhaustion of my ten minutes, the evidence of the manufacturers that wool ought to go on the free-list, and the reason they give for it is because, not as the Senator from Ohio says, we can raise all sorts of wool in this country, but the weight of authority is overwhelming that we can not raise the fine wools that are necessary in the manufacture of the finer cloths.

Even my distinguished friend from Iowa gave the reason for it, and gave it so succinctly and so distinctly that there can not be any doubt in regard to it. He gave that identical reason, that the foreign wools were absolutely necessary in order to enable American manufacturers

to compete as to the finer cloths.

Mr. ALLISON. The Senator, I suppose, now is quoting what I said

Mr. Allingor.

The some twenty years ago.

Mr. VEST. In 1879, March 24. That is only ten years ago; and that is nothing in the life of a politician, especially a Senator.

Mr. BUTLER. And the statute has not run in its favor yet.

Mr. ALLISON. What was said then related to combing wools.

Since that time we have become great growers of combing wools, so that what applied then does not apply now, I will say to my friend from Missouri.

Mr. VEST. I want to make one inquiry as to the rule. Do these

interruptions come out of my time?

Mr. ALLISON. I beg pardon.
The PRESIDENT pro tempore. The Chair has once stated that as each Senator can speak but once and for ten minutes only on any question, interruptions are liable to result in confusion and embarrassment.

Mr. VEST. I do not interrupt anybody.

Mr. ALLISON. I beg pardon of the Senator and of the Chair, and will not interfere with the Senator further.

Mr. VEST. Mr. President, I repeat that if these manufacturers are in full accord and upon principle stand with the wool-growers of this country, they have got the most remarkable way of demonstrating and showing that fact that has ever been known to mortal man. They swore under oath before the committee that they believed that foreign wool ought to come into this country upon the free-list, and they swore that only one-half the wool that was necessary to the wool manufacture of this country is produced in the United States. They say that 300,000,000 pounds of the foreign import are necessary in order to enable them to compete. Are we to-day making the finer cloths that are necessary to the rich and luxurious?

I saw the other day, and I have it in my pocket, I believe, a statement that the newly-elected Republican governor of Maine recently sent to Germany for uniforms for his staff to be made out of German cloth, costing \$250 to the uniform. And yet that gentleman was elected upon the platform of protection to the wool-growers of the United States and the woolen manufacturers of New England. So it goes.

[Laughter and applause in the galleries.]

The PRESIDENT pro tempore. The Senator will pause one moment. The Chair announces to visitors in the galleries that manifestations of applause or disapprobation are in violation of the rules of the Senate. The Chair is confident that the suggestion will prevent a repetition of the disorder that has just occurred. The Senator from Missouri will proceed.

Mr. VEST. I do not read as a general thing from newspapers unless they come from the highest authority. This is the Lewiston Evening Journal, owned exclusively, I believe, by an ex-governor of Maine, and a distinguished member of the House of Representatives, one of the most ultra-protectionists within my knowledge, and this is my authority for the statement that the newly-elected governor of Maine sent abroad to Germany because he could not find in the United States cloth which was of sufficiently fine quality in order to put it upon his staff. Here it is:

In Lewiston the governor and staff will be entertained by Worombus En-

Military tailors B. F. Haley & Co., of Newmarket, N. H., were at the Augusta House last evening and measured the staff for uniforms,

Mr. BLAIR. They are Democrats.

Mr. VEST. Yes; but they were not Democrats who sent for the uniforms. That is the point. The article proceeds:

The uniforms will be of the finest imported German broadcloth with full gold trappings and trimmings, and will cost about \$250 a uniform. Mr. Haley comes to Augusta next week, at which time the uniforms will be fitted.

It is very evident that Governor Burleigh's military staff will be able to carry him through quite a stege.

Mr. President, we can not produce in this country, it seems, the fine cloths which are necessary to suit the luxurious military or civic taste of the distinguished people in New England; and yet we are told by the Senator from Ohio that this country can produce all the wool of all the qualities necessary to enable the American manufacturers to compete

with the foreign manufacturers.

Mr. SHERMAN. We produce the finest wool in the world.

Mr. VEST. The finest wool, says the Senator, in the world, but the manufacturers say not, and I can produce their testimony taken before the committees of the other House and of the Senate. If they are to be discredited simply because they are manufacturers, why, Mr. President, they are American citizens. But besides that, like all these other manufacturers, they are consulting their own self-interest. It you will show me a manufacturer in this country who has any aesthetic or philanthropic object in regard to the tariff, I will show you a white crow. They are all actuated by one single object, and that is to make money for themselves.

The whole of this tariff system is simply a game in which the question is, who shall get most by virtue of his being a partner of the Gov-

ernment under this system?

Now, are these woolen manufacturers making money? Why, sir, the testimony is overwhelming that the wool manufacturers of the United States to-day are not making money to anything like the extent that money is made by the cotton manufacturers of the United States. I have here a statement which I commend to Senators on the other side, especially my distinguished friend from Massachusetts, who

took me to task because I spoke of the profits made by the cotton manufacturers of New England. Cotton is free; there is no duty on it.

It is true it is produced in this country. There is no tariff on it and the New England manufacturers simply take it with the transportation cost on it from the Southern States. But the cotton manufacturers are flourishing. The statement I refer to is taken from the Providence Evening Journal.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The

Senator's ten minutes have expired.

Mr. VEST. Then I will put it in on the next heat. Mr. SHERMAN. Mr. President, I am very glad that my friend, before he closed, showed the source of his authority to be the Providence Journal, formerly Republican, now Democratic, or more properly perhaps denominated as a Mugwump paper, as his authority. Now let me say a few things in regard to this wool business that will probably relieve my friend from much trouble.

He says the manufacturers of woolen goods in the United States are in favor of free wool. I have seen many of them before the Committee on Finance, many of them in private intercourse; I know many of them in the East, and with the exception of five or six among the prominent manufacturers of woolen goods in the United States, they are thoroughly in favor of a fair and reasonable and liberal duty on wool.

There can be no controversy about this matter, because I have heard from these gentlemen in their associated capacity, in which they state that here and there a man who believes that free wool would give him some advantage, or that he would make his articles at a lower cost, says that he would like to have free wool. But the manufacturers are shrewd men, they are able men; they know that free wool in this country would compel them to go to the markets of the world to purchase all the wool necessary for their supply, and if they were compelled to do that they would lose all the advantage they now derive from the production of three hundred and odd millions of wool for the home market.

The Senator says we can not produce fine wools in this country. He is mistaken there, and utterly mistaken, I will say to him. There was a time when it was not profitable in this country to raise anything but the coarser fabrics of wool; but about twenty years ago, about the time of the passage of the act of 1867, in Vermont, Ohio, and some other States, they commenced raising the finest merino wool in the world, importing from England and from other countries the stock from which it came, and now we produce in this country, it it conceded on all hands, the very finest wool in the world, without exception.

Strange to say, when the act of 1867 was passed there were scarcely

strange to say, when the act of 1867 was passed there were scarcely any of these long-wool sheep, called the combing-wool sheep, in this country, but no sooner was the protective tariff imposed by the act of 1867 than the American Yankee imported this class of sheep, and now the combing wool is cheaper than the clothing wool. To my personal knowledge, and probably the knowledge of gentlemen on that side of the Chamber, we are producing now the finest Scotch wools and the various wools of long fiber denominated combing wool of the second

And really the improvements are so remarkable in this country that Englishmen are coming here for stock. They raise mostly the combing wool. It is called, therefore, the English wool. But now we have finer merino wool in the United States of America than is raised in Spain, the parent country of the merino wool, and finer combing wool than is

raised anywhere else.

There is a difficulty in manufacturing broadcloths, but it does not lie in the wool but in the manufacture. They have not yet adopted the fine methods of the French, German, and English manufacturers, but they are rapidly approaching them, and I have seen woolen goods in this country—woolen cloths—that were as good as any that can be made anywhere. But, as a matter of course, it is the fashion to wear

foreign imported clothes of the most expensive character.

As to the "pride, pomp, and circumstance" of the gentlemen on the staff of the governor of Maine who wanted to go to England or Germany for their goods, they are no worse for this than the Senator from Missouri. He is always a finely dressed gentleman, and I warrant you he is dressed in English clothes. If he chooses to buy imported goods and is willing to pay a liberal price for them, and willing to pay the duty without growling, and therefore indulges in this vanity that these self-styled aides-de-camp of a governor of Maine indulged in, that is all well and good. But if you give to the wool-growers of this country
the same average rate of duty that you give others, they will not only
get the finest growth of wool but more of it.

The difficulty heretofore in this country has not been on account of

The difficulty heretofore in this country has not been on account of fine wools, but carpet wools. It was shown that in New Mexico and other places they do raise carpet wools to a certain extent, but it was more profitable to raise the finer class of wool. Therefore, our manufacturers scour the werld to get cheaper and coaser wool for the purpose of manufacturing carpets—wool strong enough and good enough for that purpose—and those wools are brought here, wools that cost only 5, 6, 7, 8, 10, or 12 cents a pound in foreign countries, because they are coarse and cheap, but the fine wool can be supplied in America, and I think the coarse wool will be in a short time.

This proposition is simply to cure a defect in the old law of 1867.

This proposition is simply to cure a defect in the old law of 1867. Under the old law of 1867 when wool was washed the duty was doubled. But that duty did not apply to every carpet wool or combing wool. Why? Because at that time we did not have any combing wools in this country, and it was the policy to encourage their importation and growth. Therefore there was omitted in regard to wool the provision that doubled the duty on washed combing wool and carpet wools. Those goods are now introduced at the single rate and the minimum rate, and this is only an effort to apply the rule that where the wools are advanced by washing they shall pay a higher rate of duty.

The duties here are not enough. I at least, in the interest of wool-

growers, have demaded that the same rate be applied to combing wool and carpet wool, but it was thought best not to make any radical distinction in the existing rate, and therefore the wool-men were compelled to yield, but got on carpet wools an advance of  $1\frac{1}{2}$  on one grade, and 3 cents on another grade. That is all they could get, and they had to be content. But I say that these rates on the two lower classes of wool are too low. The same rule applied to clothing wool should be applied here, that when advanced by washing and doubled in value it should be doubled in duty. That is now amended somewhat by this scant amendment, insufficient in character.

I hope the House of Representatives when it comes to this bill will mete out the same measure of justice to the farmers that is now measured out to the manufacturers. When the wool is advanced from an

unwashed state and doubled in value I hope the rate of duty will be doubled. This is an endeavor to get something in that direction.

Mr. VANCE. Mr. President, the Senator says that the manufacturers are in favor of free wool, but he must recollect that when gentlemen on this side of the Chamber down beingin favor of free trade they men on this side of the Chamber deny being in favor of free trade they are always reminded that their arguments lead directly to free trade. The same thing, sir, can be said of all the wool manufacturers. Although they deny being in favor of free wool for the reason assigned by Mr. Sampson, of Boston, that the votes of the wool-producers are absolutely necessary for those who desire to keep the duty on manufactured wool, yet all their arguments lead directly and inevitably to free wool.

One of the strange things connected with our history and our circumstances seems to be our greatness coupled with our weakness and our inability to do anything.

Mr. EDMUNDS. That is true.

Mr. VANCE. We are always told that an American workingman is the best in the world, and I believe it; we are also told that Yankee machinery is the best in the world, and I believe that. We are also We are also told that the output of work in given times and under given circum-

stances in America is always best.

The Senator has told us that we raise the best wool in the world and that we have the finest country in the world for raising wool and for producing almost everything else, and I believe all that. And yet, sir, the moment that one of these inferior men from Europe makes his appearance in competition with us, we knock under. [Laughter.]
You recollect what Scotty Briggs said to the parson. Said he, "Somehow or other, Parson, whenever you hits out with your left, I hunts grass." [Laughter.]

Whenever a pauper attempts to compete with us in anything, then

we need the protection and the prayers of the church. [Laughter.] Before the echo of our boasting has died away we commence crying the inability of this country to compete with anybody in the manufacture of or the doing of anything!

Now, sir, our country is so great that it can not afford to raise cheap wool! Then, in the name of common sense, does not political economy dictate that we should raise our fine wools and apply them to the puroses for which they are fitted, and buy the cheap wool of foreign coun-

tries to which Providence has not been so liberal?

Mr. President, this is a great subject. The interest in it has reached from one end of this country to the other. It has aroused, as I have been informed, even the rustic muse, and I have been furnished with an effusion of that muse, with the request that I lay it before the Senate. It is designated-

A girl with one stocking—a protective pastoral. Composed and arranged for the old spinning-wheel, and respectfully dedicated to that devoted friend of protected machinery and high taxes, the Senator from Rhode Island.

[Laughter.]

It begins somewhat in this way, Mr. President:

A GIRL WITH ONE STOCKING-A PROTECTIVE PASTORAL.

[Composed and arranged for the old spinning-wheel; and respectfully dedicated to that devoted friend of protected machinery and high taxes, the Senator from Rhode Island.]

Our Mary had a little lamb, And her heart was most intent To make its wool, beyond its worth, Bring fifty-six per cent.

But a pauper girl across the sea, Had a small lamb also, Whose wool for less than half that sum She'd willingly let go.

Another girl, who had no sheep, Nor stockings, wool, or flax, But money just enough to buy A pair without the tax,

Went to the pauper girl to get Some wool to shield her feet, And make her stockings not of tax, But both of wool complete.

When Mary saw the girl's design, She straight began to swear She'd make her buy both wool and tax, Or let one leg go bare.

So she cried out "'Protect' me from That pauper's sheep wool free, If made to keep both her legs warm What will 'encourage' me?"

So it was done, and people said Where'er that poor girl went One leg was warmed with wool and one With fifty-six per cent.

VIII.

Now praise to Mary and her lamb Who did this scheme invent, To clothe one-half a girl in wool And one-half in per cent.

All honor, too, to Mary's friends, And all protection's acts; Who cheaply clothe the rich in wool And wrap the poor in tax!

[Laughter.] [Laughter.]
This pastoral, sir, I commend seriously and earnestly to those gentlemen on that side of the Chamber who have raised the duties on raw wool to begin with, and who, as I hope to be able to demonstrate as we progress in this bill, have raised the price of every article made of wool which is in use by the poor of this country.

The PRESIDING OFFICER. The question recurs on the motion to amend the motion of the Senator from Iowa.

The amendment was agreed to.
The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk read as follows:

343. Wools of the same class, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, shall exceed 12 cents per pound, 6 cents per pound.

Mr. ALLISON. On line 1429 I move, on behalf of the Committee on Finance, to strike out the word "six" and insert "eight," so as to read "8 cents per pound." Mr. VEST. I move, sir, to strike out "eight" and insert "five."

The PRESIDING OFFICER. The Senator from Missouri moves to strike out "eight" and insert "five;" so as to read:

Five cents per pound.

Mr. VEST. The Senator from Ohio made the issue squarely in both of his addresses to the Senate, that in the United States we could produce all classes of wool necessary to the manufacture of all sorts of cloth. I have before me the testimony, taken before the Senate Finance Committee, of Mr. John L. Hayes, on behalf of the National Associa-tion of Wool Manufacturers, and his statement is emphatic. He says:

Committee, of Mr. John E. Hayes, on behalf of the National Association of Wool Manufacturers, and his statement is emphatic. He says:

Lest we drift insensibly into the dangerous doctrine of restricting the importation of wool, let us consider the practical impossibility of this country's supplying all the varieties of wool necessary for an advanced manufacture. The farmers of the country grow wool without the slightest respect to the wants of manufacturers. They grow the sheep which can be raised and bred most cheaply, produce the heaviest fleeces and wool fetching the most remunerative price. Fortunately the necessities of the farmer and manufacturer have reacted upon each other in creating a wool, with a demand for the same, which is most profitable both to the farmer and manufacturer.

This wool, essentially of merino blood, but possessing peculiar characteristics derived from our soil, climate, and methods of culture, is known as American fleece. This wool, of unsurpassed excellence for its purposes, supplies the great bulk of the raw material consumed in our mills. Its possession by America is a priceless inheritance. Its destruction, by an abolition of the wool duties, would be a national sacrilege.

It is needless to say that these wools do not supply all the wants of an advanced manufacture. We need fine wool for broadcloths and face goods like the wool from the Saxons or old merinos. Fifty years ago the hills of Ohio and Pennsylvania, and even New Hampshire, Vermont, and Connecticut, swarmed with sheep of this race. The highest prize given for fine wool at the great London Exhibition was awarded to wool grown in Tennessee.

In the Pan Handle district of Pennsylvania and Ohio the Electoral race, producing wools equal in fineness and softness to those of Siberia and Germany, has been developed, acclimated, and hardened. But these priceless flocks have been permitted to be absorbed into the coarser American merinos, and it is believed that scarcely a thousand remain as relics of the Electoral blood, whic

I will not emulate the Senator from Ohio by giving personal experience, but I know that prior to the war in the State of Missouri these merino sheep, brought there from Pennsylvania and from Virginia and West Virginia, then old Virginia, were permitted to come there and mingle with the ordinary sheep of the country until this fine Electoral breed, of which Mr. Hayes speaks, has ceased to be known.

Now, the Senator says, if his remarks amount to anything, that the tariff has protected the farmers of this country and increased the production of wool. I have bern though I will not take the time to

duction of wool. I have here—though I will not take the time to read it—the report of the Statistical Bureau, giving from 1867 to 1883 inclusive the production of wool in the United States.

In 1867 we had the highest wool tariff we have ever had—the tariff to which the manufacturer and the wool-grower both look back with regret. In their evidence they express the opinion that if they could get back the tariff rates of 1867 there would be an Elysium in this country as to the wool interest. Let us see the effect of the highest tariff in 1867:

Wool produced in the United States

	Pounds.
1867	
1868	180,000,000
1869	162,000,000

A falling off of 6,000,000 pounds from 1867, when the law was enacted, to 1869, two years afterwards. The production in the United States in 1870 was 160,000,000 pounds, a falling off of 2,000,000 pounds

	Pounds.
1871	150,000,000
1872	158,000,000
1873	170,000,000
1874	181,000,000
1875	192,000,000
1876	200, 000, 000
1877	208, 250, 000
1878	211,000,000
1879	232, 500, 000
1880	240, 000, 000
1881	272,000,000
1882	290, 000, 000
1883	300,000,000

Showing that the tariff had nothing to do with the production of wool in the United States.

I have in a pamphlet, prepared by Mr. Patterson, of Pittsburgh, the most intelligent and correct exhibits of the wool industry and production, and the prices of wool, that it has ever been my fortune to encounter. I have not time to read, of course, all that he says on this question, but I will ask that a portion of it be inserted in my remarks. Of course I desire to put it in some sort of authorized shape. I will read his conclusion. He says:

It is plain beyond all question that the price the wool-grower receives for his clip is not regulated by the tariff, nor by the tariff in connection with the price of foreign wool of the same grade. He sometimes receives better prices when the tariff is low than when it is high; he sometimes receives much more than the foreign price, with duty added, and sometimes less.

The official tables carry out that statement of Mr. Patterson abso-Intely.

Mr. EDMUNDS. How do you account for it?

Mr. VEST. It is not for me to account for it. I am here fighting

an increase of prices, and when the assertion is made that a high protective tariff increases the production of wool in this country, I give the tables to show that it does not, but that after the tariff of 1867, which is the paragon of perfection with the wool-men of the country, the production of wool went down in the United States.
Mr. MITCHELL. Mr. President—
Mr. SHERMAN. Does not the Senator know—

The PRESIDING OFFICER. Does the Senator from Missouri yield?
Mr. VEST. No, sir; I can not. I must decline to yield to anybody; my time is limited.

Mr. MITCHELL. I dispute the facts stated by the Senator. I say that the production of wool increased.

Mr. VEST. I propose now to make good my statement that the cotton manufacturers of the United States have progressed in profits and in dividends far beyond the wool manufacturers of the country, though cotton has no tariff on it and wool has had the tariff of 1867 and then the tariff of 1883.

My friend from Massachusetts stated some time ago that the cotton manufacturers of New England were making on an average a profit of 5 per cent. Here, Mr. President, is a table of dividends and of profits up to December, 1888, which I desire to be put in the RECORD.

Mr. HOAR. What is that?

Mr. VEST. It is a statement of the Providence (R. I.) Journal.

Mr. EDMUNDS. Let us hear it read.

Mr. VEST. I do not propose to take up my ten minutes in reading

Mr. EDMUNDS. Then I object to it going in the RECORD.
Mr. VEST. Then I will read as much as I can of it and I will read no more

Mr. EDMUNDS. Take the best part.

Mr. VEST. I want the Senator from Vermont to understand that if he is discourteous enough to consume my ten minutes by asking me to read a statement of this sort, I shall not comply with it; that is all. Here is the report. The total capital on which dividends were based amounts to \$17,358,000.

Mr. HOAR. Where? What capital:
Mr. VEST. The Fall River manufactories. What capital? What business?

Mr. HOAR. A single company?
Mr. VEST. This statement is headed, first, "Comparison of the mill-stock prices of the year"—up to December 31, 1888; then the quarterly dividend, then the year's stock business. Here are the different manufactories.

Mr. HOAR. Are you talking about cotton or wool?
Mr. VEST. About cotton. I take it that these are all cotton manufactories.

If the Senator had done me the honor to listen to me for even a minute he would have found out that I stated that cotton paid no import duty, and yet these cotton manufacturers are in a much more prosperous condition than the woolen manufacturers of the country, who are buying wool from abroad to mix with American wool and paying this duty on it.

Mr. DAWES. Did you think it would make any difference if they

did not?

Mr. VEST. I think the experience with hides, as soon as we put hides on the free-list, and with the cotton business when cotton is admitted free, and when the only extra is the cost of transportation from the cotton States

The PRESIDING OFFICER. The time of the Senator has expired. Mr. EDMUNDS. I ask that the Senator be allowed to proceed to

read the paper. Mr. VEST.

If the Senator wants it read he can have it read. Mr. EDMUNDS. I will ask it to be read. I ask unanimous con-

sent that the Senator be permitted to read the paper. Mr. SHERMAN. I must call attention to the fact that the Senator

can not speak twice on the same point.

Mr. CHACE. I am perfectly well aware that the question of the dividends of cotton manufacturers of Fall River, or whether they make any dividends, has nothing whatever to do with the duty on wool, but inasmuch as the Senator has introduced that table, I desire to say (for I am perfectly familiar with that statement, I know all about it) that a great many of these establishments have run year after year without making any dividends at all.

Some of them have sunk their whole capital and have had to pay in anew, to be reorganized. Many others have had to enlarge their capital, to call in new capital, and others still have paid but very small dividends, and some of the mills I think in that city have paid no dividends at all. I submit therefore that it is not fair to publish here an article which was put in that paper on purpose to be used during the campaign as a free-trade argument to show that there should be no duty put upon wool.

I know my friend from Missouri does not mean to use this thing in a wrong sense; I know he does not mean to strain this, but it is not the first time that the Senator from Missouri has been misled by that

paper.

Mr. VEST. That is just published; it was not in the campaign. It has only just been published.

I can not help that; we have just had a campaign and it is a reprint of old campaign material; it is a new thrashing of old straw. I do not wish to occupy the whole of my ten minutes, but I say that it is unfair to cite recent dividends of these mills, for they have run year after year, many of them making no dividends at all.

Mr. EDMUNDS. I now withdraw the objection that I made to my friend from Missouri putting in the RECORD any statistics that he likes. My objection at that moment was that I wished to hear him state what those statistics were, in order that we might understand them, but as he has not had time to do it in his ten minutes I withdraw the objection

The PRESIDING OFFICER. The matter desired by the Senator from Missouri [Mr. Vest] to be inserted in the RECORD will be so inserted if there be no objection.

The matter is as follows:

[From "Superiority of Democratic Administration," by D. F. Patterson.]

If no market is as nonows.

[From "Superiority of Democratic Administration," by D. F. Patterson.]

A comparison of the prices with the rate of duty prevailing at the time will conclusively show that the home prices are not regulated or apparently affected by the rate of duty, either alone or in connection with the foreign prices.

The act of June 10, 1826, imposed a duty of 15 per cent. on wool not costing over 10 cents per pound, and 30 per cent. on wool costing over 10 cents in 826, 40 cents in 1827, 45 cents in 1828 and 1829.

The act of January 2, 1830, provided a duty of 4 cents per pound, and 45 per cent. ad valorem in addition; which was increased to 4 cents and 50 per cent. ad valorem in addition; which was increased to 4 cents and 50 per cent. ad valorem on the act of June 20, 1830. The New York and Boston price in 1830 was 55 cents, and 71 cents in 1831.

The act of July 14, 1832, provided a duty of 4 cents per pound and 40 per cent. ad valorem on wool costing over 8 cents per pound, while wool not costing over 8 cents was admitted free of duty. During the operation of that act the New York and Boston prices were as follows, to wit: Fifty-six cents in 1832, 63 cents in 1833, 64 cents in 1834 and 1835, 67 cents in 1836, 63 cents in 1837, 50 cents in 1838, 57 cents in 1839, 1842, provided a duty of 5 per cent. ad valorem on wool not costing over 7 cents per pound, and 3 cents per pound and 30 per cent. ad valorem on wool costing over 7 cents per pound. The New York and Boston prices in 1842 were 43 cents; 44 cents in 1844; 42 cents in 1845; 38 cents in 1846.

The act of December 5, 1846, provided a duty of 30 per cent. ad valorem on imported wool. Under the operation of that act the New York and Boston prices in 1850; 47 cents in 1851; 47 cents in 1852; 59 cents in 1853; 49 cents in 1854.

The prices received by T. M. Patterson, in Washington County, Pennsylvania, were 35 cents in 1851; 47 cents in 1852; 50 cents in 1853; 49 cents in 1854 in 1856 in was 50 cents.

The act of March 28, 1856, continued t

creept the product of British North American creept the white was activited faces. The New York and Boston price in 1855 was 46 cents; in 1856; twas 55 faces.

The act of July 1, 1857, provided a duty of 24 per cent, ad valorem on wool costing over 20 cents per pound, and admitted all other foreign wool free. The New York and Boston prices were 53 cents in 1857; 45 cents in 1859; 59 cents in 1859; 54 cents in 1859; 55 cents in 1850; 55 cent

50 cents in 1873 and 1874; 48 cents in 1875; 40 cents in 1876; 42 cents in 1873; 37 cents in 1878; 35 cents in 1879; 48 cents in 1880; 42 cents in 1881; 41 cents in 1882; T. M. Patterson received 50 cents (about 44, gold) in 1872, 1873, and 1874; 42 cents (gold, 37) in 1875; 35 cents (gold, 37) in 1876; 36 cents (gold, 37) in 1876; 36 cents (gold, 37) in 1876; 36 cents (gold, 37) in 1876; 30 cents in 1881 and 1882.

The London price reached 33 cents in February, 1872, then suddenly dropped to 25 cents in 1881, and 1872; 45 cents in 1880; 40 cents in 1881 and 1882.

The London price reached 33 cents in February, 1872, then suddenly dropped to 25 cents in 1881, and 1874; in 1876 it varied from 29 cents; to 25 cents; in 1876, 1877, 1878, and 1879, from 27 cents to 22 cents; from September, 1879, there was a gradual advance from 22 cents up to 30 cents in 1881, 1880 eprice was never below 23 cents nor above 25 cents; in 1882 the price was 26 cents steadily throughout the year.

The act of March 3, 1883, struck off the ad valorem duties provided by the act of 1887, on classes I and 2, and modified the rate so as to make the duty 10 cents per pound on wools costing 30 cents or less, and 12 cents per pound on wools costing over 30 cents. Wool of class 3, costing 12 cents or less, duty 24 cents per pound, and 5 cents on wool costing over 12 cents.

The New York and Boston prices under the operation of that act, which is the law now in force, have been as follows, to wit: Forty cents in 1883, 35 cents in 1884, 31 cents 1885, 30 cents in 1885, 32 cents in 1885, 32 cents in 1886, 32 cents in 1886, 33 cents in 1887, in 1886 the 32 cents, in 1884 the section of the 1887, in 1886 the 32 cents, in 1884 the section of the 1887, in 1886 the decline continued until it reached 19 cents in September, and avanced to 20 cents in 1884 cents, until the latter part of the year it reached 23 cents, in 1885 the decline continued until it reached 19 cents in September, and avanced to 20 cents in 1887 to 1883, the price of wool exceeded 50

price.
The conclusion is irresistible that it was not the duty that gave the wool-grower 15 to 17 cents above the cost, duty paid, of foreign wool in 1869, and 3 to 4 cents below the foreign price, duty added, in 1837. If foreign competition in wool was so dangerous as partisan alarmists would have the wool-growers believe, why was not the country flooded with 33-cent foreign wool in 1869, when the home price was 48 cents?

It is play beyond all custion, that the price the wool-grower receives for his

nome price was 48 cents?

It is plain, beyond all question, that the price the wool-grower receives for his clip is not regulated by the tariff, nor by the tariff in connection with the price of foreign wool of the same grade. He sometimes receives better prices when the tariff is low than when it is high; he sometimes receives much more than the foreign price with duty added, and sometimes less.

# [From Providence Daily Journal of December 31, 1888.]

COMPARISON OF MILL-STOCK PRICES OF THE YEAR,—THE QUARTERLY DIVI-DENDS,—THE YEAR'S PRINT-CLOTH BUSINESS,

There is usually a boom in the print-cloth business in Presidential years, at least such has been the case since 1872, and 1888 has proved no exception to the

rule.
The Fall River mills have been running at full clip, and have turned off 8,863,000 pieces of goods. The demand has been in excess of this enormous production, and perhaps never in the history of manufacturing has the average stock left in manufacturers' hands from week to week been so light, while the year closes with the market here stripped of goods, and with the mills oversold some 120,000 pieces. The estimated stock in the country Saturday, December 29, was but 14,000 pieces, as compared with 221,000 pieces in 1886.

The mills in this city have contracted to deliver 157,000 pieces for January.

pieces in 1886.

The mills in this city have contracted to deliver 155,000 pieces for January, 129,000 pieces for February, and 110,000 pieces for March, while April and May deliveries foot up some 30,000 pieces more. The highest price at which 64 by 64 goods have been quoted during the past twelve months has been 4 cents, the lowest 3½ cents, and the average 3.8085 cents.

The following table gives a review of the year's business in Fall River, the prices mentioned being the quotation at the close of each week:

Week ending—	Sales.	Stock.	Price, 64x64s.
Jan. 7	Pieces. 183,000 104,000	5,000 7,000	31 31 31 31
21. 28. Feb. 4	114,000 188,000 228,000 66,000	8,000 3,000 5,000 2,000	4
18. 25. Mar. 3. 10.	57,000 66,000 90,060 68,000 62,000	8,000 16,000 1,000 1,000 None,	4 31 31 31 31 31

Week ending—	Sales.	Stock.	Price 64x64s.
of well in the start of the sta	Pieces.	THE P	417
Mar. 24.	85, 000	3,000	31
31	98,000	None.	3.%
April 7	113,000	28,000	3,0
14	263,000	10,000	31
21	260,000	26,000	31
28	219,000	35,000	31
May 5	275,000	30,000	31
12	264, 300	22,000	311
19	174,000	10,000	311
26	339,000	10,000	31
June 2		6,000	31
9	159,000	8,000	31
16	263,000	5,000	4
23	75,000	5,000	4
30	31,000	13,000	4
July 7	49,000	12,000	4
14	55,000	18,000	4
21	60,000	20,000	313
28	110,000	1,000	31
Aug. 4	163,000	None.	31
11	147,000	None.	31
18.	256, 000	None.	318
25	004 000	None.	416
Sept. 1	276,000	5,000	â
8	312,000	2,000	318
15.	124,000	10,000	31
		7,000	31*
	248,000	14,000	313
Oct. 6		8,000	31
	184,000	12,000	33
13			313
20	124,000	8,000	313
27	43,000	12,000 17,000	313
Nov. 3			
10	202,000	22,000	318
17	151,000	24,000	318
24	382,000	7,000	31
Dec. 1	95,000	6,000	318
<u> </u>	88,000	1,000	4
15	117,000	10,000	348
22	149,000	None.	318
29	37,000	None.	316

\* Less 1 per cent.

The sales amount to 8,698,000 pieces, and sales not included in weekly reports are estimated at 444,000 pieces. Of these 3,580,000 pieces were odd goods, 4,918,-000 pieces were 64x64s, and 200,000 pieces were 60x56s.

## MILL STOCKS-COMPARISON OF PRICES FOR THE YEAR.

There has been a fair demand for mill stocks during the past week, and the sales reported show that good figures have been obtained. Messrs. G. M. Haffards & Co., bankers and brokers, furnish the following list, which includes a comparison of prices at which local stocks have sold during the last twelve

< Corporations.	Bid.	Asked.	Lowest price for year.	Highest.
American Linen Company	970	975	775	975
Barnard Manufacturing Company		100	821	100
Border City Manufacturing Company	128	130	1401	150
Barnaby Manufacturing Company	128	110	971	1371
Chace Mills	115	1171	95	117
Crescent Mills		524	46	771
Crystal Spring Bleachery				
Davol Mills.	106	115	100	110
Fall River Manufactory		115	105	1121
Fall River Bleachery				
Flint Mills		*120	99	117
Globe Yarn Mills		125	1131	1221
Globe Street Railway Company	128	130		
Granite Mills	247± +106±	256 †108	225 98	250
King Philip Mills		117	871	1091
Merchants' Manufacturing Company	120	1224	105	122
Mechanics' Mills		105	84	105
Metacomet Manufacturing Company		75	671	70
Narragansett Mills		105	87	105
Osborn Mills		115	97	115
Pocasset Manufacturing Company		120	112	120
Richard Borden Manufacturing Company		89	721	89
Robeson Mills		92		***************************************
Sagamore Manufacturing Company	120	122	108	1221
Shove Mills		1051 57	85 45	117½ 60
Stafford Mills		119	100	1171
Seaconnet Mills		140	100	140
Tecumseh Mills			101	119
Union Cotton Manufacturing Company			220	240
Wampanoag Mills		**********	1021	1254
Weetamoe Mills			45	621
	159 =	1	100	

\*With dividend.

+Ex-dividend.

### DIVIDENDS.

For the year ending December 31, 1888, the Fall River mills have paid in dividends to stockholders \$1,710,790, as compared with \$1,427,990 in 1887, an increase

of \$282,800. This amount of money does not represent the actual earnings, as in many instances debts have been wiped out and a portion of the profits applied to improvements. The following list, prepared by Messrs. G. M. Haffards & Co., shows the per cent. in dividends declared by each corporation during the various quarters:

Company of the second	-	Quarters.				Total.	
Corporations.	First.	Second.	Third.	Fourth,	1888.	1887.	
Barnard Manufacturing Com-		102	i elle				
Border City Manufacturing	11	2	2	2	71	6	
Company	3	3	8	2	11	12	
pany	11 0 11	31 3 11	1½ 2 1½	1½ 2 1½	7 7 6	6	
Crescent Mills	1½ 3 2½	11 3 21	1 3 21	3 21	12 10	6 3 6	
Globe Yarn Mills	2 4 11 11 12	2 6 11 2	2 6 11 2	2 6 11 3	8 22 6 81	8 17 6 6	
Merchants' Manufacturing Company Mechanics' Mills Metacomet Manufacturing	11 11	2 11	2 11	2 2	71 61	7 6	
Company Narragansett Mills Osborn Mills Pocasset Manufacturing Com-	3 1½	2 3	21	2 3	3 8 6	3 6 6	
pany	2	2	2	2	8	8	
ing Company	1½ 1½	11 11	1½ 1½	11 11	6	6	
pany	4 11 1 3 3 2	3 11 1 3 4 2	3 11 1 3 4 2	3 2 1½ 4 2	13 61 41 9 15 8	11 6 3½ 12 5 8	
Company	5 21 11	5 2½	5 3 2	15 4½	30 12½ 3½	21 13 31	

The American Linen Company has paid \$90 on a share. It paid \$55 for 1887. The Bourne Mills have paid 16 per cent. as compared with 14 per cent. last year. The first three dividends declared by the Border City Manufacturing Company were paid on a capital of \$800,000 and the last on a capital of \$1,000,000. The Davol Mills have paid 2 per cent. on a capital of \$300,000.

The corporation was reorganized May 7. Stockholders in the Troy Cotton and Woolen Manufactory have received \$100 on each share, par value of shares \$500; \$85 on a share were paid last year. A few of the mills have declared what are called extra dividends. The Stafford skipped its last dividend. It has been robbed and is building a new factory. The total capital on which dividends were based amounts to \$17,358,000, and dividends averaged 9.85 plus per cent.

Mr. EDMUNDS. Now I will try to take up the subject of wool for a moment and will try not to occupy one-half of my time.

I will continue the reading concerning what followed the tariff act of the 2d of March, 1867. I will begin where the Senator from Missouri did and will go through the list which he had not time to read. I read, I believe, from the very same paper that he did, as he has kindly loaned the book to my friend from Massachusetts, and so to me. I leave off the smaller figures so as to save time:

	Pounds.
1867	168,000,000
1868	
1869	162, 000, 000
1870	160,000,000
1871	150,000,000
1872	158, 000, 000
1873	170,000,000
1874	181,000,000
1875	192,000,000
1876	200, 000, 000
1877	208, 250, 000
	211,000,000
	232, 500, 000
	240, 600, 000
1881	272,000,000
1882	290,000,000
1883	300,000,000

So it will be seen, reading the very statistical table that my honorable friend read, a part of that, the final result or the final following, call it result, as a consequence or not, the thing ran up instead of running down. Therefore the argument of my honorable and distinguished friend would fall upon his theory.

But how does it happen that we have so much zeal upon this subject if the statement of the Senator from Missouri be correct (as he believes it to be, I have no doubt) that the tariff upon wool, as he stated it has no effect when the price of wool that the farmer is to get

believes it to be, I have no doubt) that the tariif upon wool, as he stated it, has no effect upon the price of wool that the farmer is to get for his production? If it has not any effect, what has anybody to complain of in putting up the duty? I should be glad to have somebody tell me that, for if putting the duty down does not hurt the farmer, why will putting the duty up hurt the manufacturer?

It is in the long run, as everybody knows, a question of demand and

supply, and the cost that the manufacturer or wearer of woolen goods has to pay for his commodities is just as the price of land may be in Connecticut \$100 an acre and in Missouri \$50, and the farmer in Connecticut and the farmer in Missouri having exactly the same number of sheep of the same kind and the same breed, the Missouri farmer can raise his wool cheaper by the difference between the value of the land which is necessary to keep those sheep on than the farmer in Connecticut can. Then it will depend upon the market for wool, the demand and the supply, as to whether the farmer in Connecticut or the farmer in Missouri will make the greater or less profits. That is what

So it seems to me, if my honorable friend is right in his supposition that the tariff makes no difference, he and his friends on that side are wasting a vast deal of valuable time in trying to prevent a change which, on his theory, can not do anybody in the world any harm.

But my honorable friend says that the Americans have run out in their capacity to produce the finer grades of wool; that the art is lost and that the finest of wools are no longer produced in the United States. I beg to assure him that I know in the rough and mountainous country of Vermont the original breeds in great numbers are still produced in all their fineness, and still grow better than when they came

half a century ago from France and Spain.

They are infinitely better than they were then, and better, as I believe, than anywhere else on the face of the globe except as they are reproduced in the high territory perhaps of Missouri, certainly in the higher Western region that is best suited for these fine wools, and in California, that go out over all the world, to the English colonies of Australia, giving the means of producing the grades of wool that are the finest in the world. Ship-load after ship-load every year, coming from my little State, not to mention all the others that raise similar sheep, goes to Australia and to English and other colonies and foreign countries in order that the improved quality of wool that the United States has produced from this original French and Spanish stock may be again re-

produced all over the world.

It is useless, therefore, to say that the United States are incapable of producing on three-quarters of the wool farms of the country, taking the mountains of North Carolina and South Carolina as well, and the plains of the great West from the north to the south, where the climate is not low and damp, wool as fine as can be grown anywhere in Cau-casus or elsewhere on the face of the globe; and it only needs that on the principle of helping each other we should help this industry which affects the farmers (of whom so many of our friends on the other side have professed, and I have no doubt with sincerity or what they think is sincerity, to be the friends) who make up the great majority of the people of the United States. I am amazed, therefore, that our friends who have been talking so loudly about the farmer should now turn around and say that he shall not have this protection upon his wool.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Missouri [Mr. VEST] to the amendment of the Senator from Iowa [Mr. Allison]. The amendment to

the amendment will be stated.

The CHIEF CLERK. In line 1429 it is proposed to strike out of the amendment "eight" and insert "five;" so as to read:

Five cents per pound.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa [Mr. Allison] will be stated.

The CHIEF CLERK. In line 1429 it is proposed to strike out the word "six" and insert "eight;" so as to read:

Mr. VEST. I wish to say in reply to the Senator from Vermont, when he states that the statistical tables bear out the assertion that the tariff has affected the production of wool in the United States, that this conclusion is manifestly incorrect and can not be deduced from those

conclusion is manifestly incorrect and can not be deduced from mose statistics, but entirely the opposite conclusion is irresistible. If the tariff increased the production of wool, then after the enactment of the high tariff of 1867 that production ought to have increased.

Those tables show that it did not increase, but that it fell off in 1868, 1869, 1870, and 1871. It is very true that up to 1883 the production of wool had increased to 300,000,000 pounds, but look at the vest increase in the population of this country. Look at the increase vast increase in the population of this country. Look at the increase in every other product of the country. Look at the large area of sheep land that had been opened up. Look at the immense State of Texas, where the sheep culture, as the State had become populated and the western and southwestern counties had been turned into sheep-raising counties, added to the crop of wool in this country. And in Cali-

Mr. MITCHELL. Will the Senator allow me to ask him a ques-

The PRESIDING OFFICER. Does the Senator from Missouri yield? Mr. VEST. It will come out of my time.

Mr. MITCHELL. I wish to ask just one question. It will take only a moment.

Mr. VEST. The Senator can speak in his own time.
The PRESIDING OFFICER. The Senator from Missouri declines to yield, and is entitled to the floor.

Mr. VEST. Has not everything else in this country increased be-tween 1867 and 1883? There has been a general and rapid increase in product. But when Senators on the other side say that a high protective tariff increases the production of wool, and I point to the fact that after the enactment of the high protective tariff of 1867, at first apparently a legislative protection to the wool industry of this country, the production of wool fell off, of course I shall be met with some reason connected with the product of wool in these respective years which is local in its character.

If the tariff has that effect, why did it not overcome these local and sporadic influences and give us a gradual increase from that time on? The figures do not sustain that allegation. That is all I propose to say

about it.

Mr. ALDRICH. The causes which led to a decline in the production of sheep and in the price of wool in this country for the years following 1867 are well known to those who are familiar with the industrial history of the country. The American civil war produced a cotton famine, which led to a greatly increased consumption of light woolen fabrics the world over. The war itself created an abnormal demand for clothing, and accelerated the great increase in the dem and for This was followed by an abnormal increase in the production

of wool in every wool-producing country of the world.

In 1866, after the close of our war, it became apparent that cotton was to resume its natural place as one of the leading fibers for producing the cloth for the clothing of the people of the world. The close of ing the cloth for the clothing of the people of the world. The close of hostilities here not only stopped the abnormal demand for clothing for the Army, but threw upon the American market a large amount of cloth which had been manufactured into clothing for our troops.

Mr. EDMUNDS. Out of wool?

Mr. ALDRICH. Out of wool. The Government of the United States sold, as I remember, more than 3,000,000 overcoats at one time.

These things together nearly brought about a collapse of the wool-producing industry of the world. The fact that prices declined in the United States and that the wool production of the United States fell off was not owing in any sense to the tariff of 1867, but to the causes which I have alluded to.

The decline in the prices of wool in England, Germany, Australia, and South America was very much greater than it was in the United States, as can be very easily shown by a statement of the relative prices between the years 1867 and 1870. The recovery of prices here was very much more rapid and took place at a very much earlier period than in any of the other countries to which I have alluded.

I think it is safe to say (and this statement will be verified, I think, by any one who will give the subject careful investigation) that the tariff of 1867 saved the wool industry of the United States from total and absolute collapse; and as the Senator from Vermont [Mr. EDMUNDS] very well says, it put hundreds of millions of dollars into the

pockets of our farmers.

There was one other cause which led to the great decrease in the number of sheep in the United States in the years following 1867. During the war, when the prices of wool were abnormally high, sheep of an inferior character had been produced in various parts of the United States as sheep, growing was profitable without regard to the amount of the clip, and without regard to the inferiority of breed.

When the war closed and this great decline in the prices of wool took place (because the decline commenced prior to the adoption of the act of 1867), the retention of these inferior sheep throughout the United States was no longer profitable and they were sold for mutton. Almost coincident with this, or growing out of it, more attention was paid to the breeding of merino sheep in Ohio and in various parts of the coun-The inferior sheep were exchanged by the farmers of the country for sheep of the merino blood.

All of these facts taken together produced the state of affairs to which the Senator from Missouri has alluded, and they had no relation whatever to the adoption of the act of 1867, which actually saved the

wool industry, as I have stated.

Mr. SHERMAN. Mr. President, the fact referred to by the Senator from Missouri is a conceded, well-known fact. It has often been commented upon in the Senate, and is known to every wool-grower and woolen manufacturer in the country.

After the tariff of 1867, it so happened that in Ohio and in nearly all the wool-growing States the number of sheep declined, and the quantity of wool clipped for two or three years decreased to some extent, as the Senator has stated. That led to one of the most remarkable facts in sheep production that ever happened in this or perhaps in any other

The tariff of 1867 for the first time gave to the farmers an inducement to raise fine wool. Then a duty was imposed of 10 and 12 cents a pound on clothing-wool, and the same duty on combing-wool, which is a higher rate of duty than ever before, so far as my recollection goes, provided in the tariff law. The result was that the common sheep of

the country were gradually superseded by merino and the English blooded wool. Valuable animals in Vermont, where this industry had been early started, bore almost fabulous prices, I think running up to thousands of dollars.

Mr. EDMUNDS. Some sheep were sold for \$4,000 or \$5,000.

Mr. SHERMAN. As the Senator from Vermont says, \$4,000 or \$5,000 was paid for valuable animals. They were carried to Ohio and to the West. Up to that time Ohio raised what was ordinarily called the common merchant wool of the country, mainly founded upon the common breeds of the country, and these fine-blood sheep were sub-stituted in place of the others. The English sheep began to be cultivated, and the result was that in a very few years the growth of sheep in this country increased rapidly and enormously. The figures read by the Senator do not continue down to the present time.

Mr. EDMUNDS. I read all the Senator from Missouri had in his

Mr. SHERMAN. Up to the time when the tariff act of 1883 was passed the number of sheep in this country (and it is shown by the census table) had reached over 50,000,000, one to each inhabitant. In Ohio, the statistics of which I am more familiar with-and there the sheep statistics are made a part of the returns of the proper officers of the State—they had 1,800,000 sheep in 1867, and in 1883 they had 5,000. 000 sheep. In 1867 they had nothing but the common sheep, while in 1883 they had as good sheep as any in the world. They then com-

menced supplying the West with these valuable animals, and at that time we had reached 5,000,000 sheep, all of them very valuable.

Then another result occurred. Instead of the fleeces yielding 2 or 3 pounds on an average, they yielded 7, 8, and 10 pounds to the fleece, so that every sheep represented a value of three or four times as much,

counting the quality and counting the yield of the fleece.

Another remarkable result occurred. When the tariff was interfered with a considerable reduction was made on the duty; not so large as one would suppose, but about 20 per cent. of the ad valorem duty was wiped away. The reduction was 20 per cent., if I remember aright.

one would suppose, but about the process of the would suppose, but about the process.

Mr. ALLISON. Ten per cent.

Mr. SHERMAN. The duty was reduced 10 per cent., and the result which immediately followed was the decline of sheep-growing not only in Ohio but in the United States, so that in five years the number of sheep had decreased nearly one-third. The number of sheep in Ohio was reduced from 5,000,000 to 3,700,000, and the number of sheep in the United States was reduced from 50,000,000 to 44,000,000, and the the United States was reduced from 50,000,000 to 44,000,000, and the loss of the clip on the sheep that were thus grown was a loss to the people of the United States of \$60,000,000 a year.
Mr. EDMUNDS. I believe the Senator from Ohio pointed that out

in 1883

Mr. SHERMAN. Certainly; that was a matter fully and fairly discussed. The result that has happened is that taking off this protection, taking away from the farmer the inducement to raise these expensive and fine flocks, reduced the number of sheep in the United States and in Ohio nearly one-third. It reduced the clip to 60,000,000 pounds; so that we are now far behind what we were in 1883, and the loss to the people of this country, in a recent estimate which I have seen made up, has been over \$300,000,000.

It is an amazing loss. If that protection had been seen that the lost of the people of this country.

It is an amazing loss. If that protection had been continued from 1883 to this time, instead of having now 40,000,000 sheep in the United States we would by the natural progress of the previous years, have come up from 1880 to 100,000,000 sheep, and instead of 320,000,000 pounds of yield we would have had probably 600,000,000 pounds from American sheep. That is more than all the wool now produced in the United States, and all the wool that is now used for carpet purposes.

Mr. President, this question that we are now discussing, although it is only a matter of a few cents a pound, is a matter of infinite importance to the people of the United States. I believe that the passage of this bill and the adoption of these paragraphs, inducing the farmers again to turn their attention to sheep-raising and wool-growing, will be of more service to our countrymen in all parts of the Union, in Texas as well as in Ohio, and in all the country West, than any other features of the bill.

My only regret here is that the Committee on Finance were not willing to give to this industry the protection it ought to have. They ought to have given for washed wool 5 and 10 cents instead of 4 and 8 cents, as is proposed here. They ought to have given on combing wool twice the amount of the duty on washed wool. But the committee were

not prepared to make any radical changes here

I am sorry they did not, because I believe if the subject was discussed Senators on both sides would see that whatever might be said in regard to the duty on woolens, the wool industry ought to be protected, and our farmers ought to be encouraged not only to increase the number of their sheep, but to improve the quality of the sheep. There is no doubt that on our Western plains we could produce all the sheep needed in the

It is sometimes asked, Why give this large protection? Why need wool be protected? It is because wool comes into competition with the cheapest production of the most inferior races of mankind. Wool is produced wild in Australia, in South America, in Russia, in all the vast plains that are almost uninhabited. But now if we continue the

old system of improving our sheep, as a matter of course we shall overcome these difficulties and we can finally export wool.

I look upon this proposition as extremely important, and I hope there will be no further delay about agreeing to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. Allison].

The amendment was agreed to.
The PRESIDING OFFICER. The reading will proceed.
Mr. ALLISON. Before passing from paragraph 348 I move to strike out "same" and insert "third;" so as to read: "Wools of the third

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk. In line 1426 it is proposed to strike out the word same "and to insert "third;" so as to read:

Wools of the third class, the value whereof, at the last port or place whence exported to the United States, excluding charges in such port, etc.

Mr. SHERMAN. That is right.

The PRESIDING OFFICER. The amendment will be agreed to if

there be no objection.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri rise to object to the amendment?

Mr. VEST. No, sir. I rise to speak to it.

I wish to say simply a few words in reply to the Senator from Ohio, who ascribes to the tariff act of 1883 the decrease in the number of sheep in his State from 1883 until the last year, which I believe was the time he fixed, from 50,000,000 to 40,000,000. I think that was his statement.

Mr. SHERMAN. The number has decreased to 44,000,000. I stated that the number of sheep now estimated to be in the United

States is 44,000,000.

Mr. VEST. I understood the Senator to say there had been a large

decrease in sheep in his State.

Mr. SHERMAN. Yes, from 5,000,000 to 3,700,000. The Senator from Colorado [Mr. Teller] has the figures showing the decline in

the whole country.

Mr. TELLER. In 1887 the total number of sheep was 43,544,755.

Mr. SHERMAN. I was within the figures. In Ohio we know what Mr. Shekman. I was within the figures. In Ohio we know what it is, because it is returned every spring by the auditor of each county, and each particular tax-payer is bound to make those returns. I know there the number has decreased from a little over 5,000,000 to three million seven hundred and some odd thousand.

Mr. VEST. The Senator ascribes that to the reduction of duties in

1883 from the tariff act of 1867.

Mr. SHERMAN. It commenced then.

Mr. VEST. Is not that decrease of sheep in the State of Ohio to be ascribed to the increase in the value of land? That has been the case in Missouri.

When I went to Missouri, which was a good many years ago, I found one single gentleman with a flock of 8,000 sheep in Pettis County, Missouri. In 1857-'58 he sold those sheep to a syndicate in Texas. No tariff had anything to do with that sale. He sold them because the Missouri Pacific Railroad was built through that county and the increase in the value of his land made it entirely unprofitable for him to devote it to sheep.

Mr. SHERMAN. The answer to that is that in Ohio our lands have

not increased in value in the last year on account of the rivalry of West-

ern lands, and I suppose it is so in all the Eastern States.

Mr. VEST. That has been the case with us west of the Mississippi River. No tariff has affected the deportation of sheep from those States to Texas and California.

Mr. EDMUNDS. But take the whole country.

Mr. VEST. In the whole country there has been a decrease in the number of sheep, because in the older States the raising of sheep has been abandoned to a very great extent.

Mr. EDMUNDS. But why?

Mr. VEST. Because it was no longer profitable, owing to the price of land. The tariff had nothing to do with it. The question was when a man's land had gone up to \$50, \$60, \$75, and \$100 an acre, whether he could not devote it to a more profitable use than to raising sheep. That has been the cause of it, and the decrease in the United States

has come largely from the same cause.

It is true that there have been a great many lands opened up to sheep culture in California and Texas, but the increase there in the number of sheep has not made up for the change in the other States

throughout the Union.

Now, I wish to make one other remark and I am done with this paragraph. I neglected to make it before.

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. I should like to ask the Senator whether he does

not think it to be true, inasmuch as we all appear to be satisfied that the quantity of sheep in the United States, and so the production of wool, decreased after 1883, that the importation of foreign wools, raised in whatever way, increased in just the same proportion substantially?

Mr. VEST. I do not know but that that is to a certain extent true. Mr. EDMUNDS. To the full extent.

Mr. VEST. As I understand this question, all the American wools require so much of the foreign wool to be mixed with them in order to produce the qualities which the manufacturer finds most profitable. Mr. EDMUNDS. But that would not quite answer my question, if

Mr. VEST. Oh, no.

Mr. VEST. Oh, no.

Mr. EDMUNDS. If the wools were required to be mixed after 1883, they were required to be mixed before 1883 in exactly the same proportion. Therefore, if the American production of wool decimed and 1883 and the foreign importation of wool increased after 1883, it would seem to follow that something had happened which led to the encouragement of foreign industry and to the discouragement of home indus-

Mr. VEST. I have not the slightest doubt but that the foreign importation increased because the population of this country increased. The market was enlarged, and it was necessary to have more wool

brought from abroad.

Mr. EDMUNDS. The increase of population would not lead to a de-

crease in the production of American wool.

Mr. VEST. The decrease in the production of American wool grew, in my judgment, out of the fact that the lands increased in value and there was a change in the raising of sheep from one section of courtry to the other. As a matter of course, the importation of foreign wool increased because the manufacturers were compelled to import it to meet the demands of the domestic market.

But what I wanted to say was this: The increase in this bill from 5 to 6 cents as it stands in the text was an increase of \$544,000 in the amount of duty collected. Now, the committee have increased it from 5 to 8 cents, and on this single item alone, this single paragraph, the increase in the same proportion would be a million and a half dollars by raising the rate from 5 to 8 cents.

Mr. EDMUNDS. But if the Senator will allow me, if he is through, or if he will yield-

Mr. VEST. I will answer any question.
Mr. EDMUNDS. That only illustrates the proposition the protectionists have always insisted upon when on the subject of revenue; that if you increase the importation you do not get as much revenue, or may perhaps get more, as the case may be, than before. So the figures about the income that I got from the importations do not, it

seems to me, support my friend's argument.

Mr. VEST. I thought we were here for two purposes: one of them was to decrease the surplus in the Treasury, the other was to decrease the cost of the necessities of life to the consumer; and I thought that we were all about agreed now that an increase of import duties increased the surplus, and that an increase of duties increased the cost to the consumer, for in the absence of my friend from Ohio [Mr. SHER-MAN] we have disposed of that question, and the Senator from Rhode

Island says now that he is satisfied.

Mr. EDMUNDS. I do not agree to either of those propositions. Mr. VEST. My friend from Rhode Island says that he is satisfied that the average effect of a tariff is to increase the price to the consumer. Those are the two things that I am trying here to do, to decrease the surplus and decrease the cost to the consumer, and here we are in one item alone in this bill increasing duties a million and a half dollars.

Mr. EDMUNDS. If you reduce the duty on a million pounds of

wool introduced during the last year by 10 per cent., that is to help the consumer by reducing prices, and therefore the increase of foreign importations, if you increase that foreign importation to a million and a half pounds which is 90 per cent. of what the duty was before, will

bring you more revenue than you had.

Therefore, if the diminution of duty is to enable the American to buy foreign goods at a cheaper rate than he buys American goods, he buys the foreign goods in the place of the American goods that he bought before. If he does that it increases the foreign importation, which will outrun in point of the bulk of the total income from the duties the diminution that you make by the reduction on these tariff

My belief is that an increase of duties will diminish your surplus, and a decrease of duties, if it has any effect upon the consumer (as I do not believe in general it has), will increase the amount of the revenue as a total that you get into the Treasury.

Mr. ALLISON. In the discussion as to what has caused the decrease in the number of sheep produced in this country, I think it with the estand that that decrease are the well established to the

ought to be stated that that decrease can not be well attributed to the

changes made in the wool duties by the tariff of 1883. The tariff of 1883 reduced the duty upon the lower class of carpet wools half a cent a pound and upon the higher classes a cent a pound, and took off the 10 per cent. ad valorem. What the effect of that small reduction was of course I would not undertake to say absolutely.

Mr. EDMUNDS. How much would it all be, putting it into an ad

valorem?

Mr. ALLISON. Half a cent a pound would be less than 10 per cent. ad valorem.

Mr. EDMUNDS. But you took off 10 per cent. ad valorem.

Mr. ALLISON. The carpet wools did not have the 10 per cent. ad

valorem. We reduced the carpet wool half a cent on the lower grade, which was 3 cents, and upon the higher grade 1 cent. probably one of the causes.

I am not going to discuss that question with my brother Senators; but if we take the statistics from 1883 to the present time we shall find that there have been immense importations in the form of woolen cloths, and last year if we reduced to wool the importation of woolen cloths it would have amounted to 150,000,000 pounds of foreign wool that was imported into this country in the shape of woolen cloths, whilst the total importations of wool of every kind only amounted to about 100,-

Mr. ALDRICH. Eighty millions.
Mr. ALLISON. Eighty millions of carpet wools, nine millions of combing wools, and a few scoured wools.

Mr. EDMUNDS. That supports the argument of the Senator from

Mr. ALLISON. I am neither supporting nor disclaiming, but I want to say that it will not do, in my judgment, to assert that the whole of this depression results alone from the decrease in the duties upon wool in 1883. It results from the fact that we reduced the duty on woolen goods in such a way in that same tariff as enabled a large importation of woolen cloths and woolen fabrics to come into this coun-There can be no mistake about that, because if 150,000,000 pounds of wool come in the shape of woolen fabrics it takes away just that much of a market from our own wool-producers.

Now, the committee in this bill have undertaken, as far as we

thought it was conservative and wise, to restore this wool duty, and we have also undertaken to readjust the duty on woolen goods, so that our woolen manufacturers will use our own wools and manufacture our goods rather than that these manufactured goods shall come into this

country manufactured abroad.

That is the general statement which I wished to make in this connection respecting the amendments the committee have recommended.

After the tariff act of 1883 passed it had the effect to increase largely the importation of woolen goods under the name of worsteds and various other woolen goods. So the adjustment of the tariff of 1883 was such as to secure large importations of woolen goods, and wool also, but relatively of woolen goods much larger than of wool.

Mr. EDMUNDS. So that the reduction of the duty upon the farmer's product of wool did not help the American manufacturer.

Mr. ALLISON. No, sir; because the reduction of duty on the manufacturers was larger than on the wool.

Mr. EDMUNDS. Certainly.
Mr. ALLISON. I want to say another thing in this connection, and that is that there has been an immense increase in the production of wool the world over, notably in Australia, and there has been great depression in the price of wool the world over as well as in the United States. Wool has sold in the London market, irrespective of the duty, very much lower since 1883 than it sold for a great many years prior to that time.

There have been a variety of causes, as the Senator from Rhode Island [Mr. ALDRICH] so well stated, following 1867, which resulted in the depression both of the price of wool and of woolens. Woolen goods that in 1883 sold at \$1.39 a pound without any duty, now sell for 76 cents a pound without any duty, showing an enormous decrease in the price of woolen fabrics since 1883, of course resulting from a depression in the price of wool.

So when we came to the readjustment of the duty, the committee found it necessary to make this relation as respects wool, in order to give the woolen producer in this country the home market for his wool,

and he can not have a market abroad.

It is necessary for the wool-grower that the wool which is produced in this country shall be manufactured in this country, because the wool-producer can not find a market for the wool produced in this country in competition with the wool-producers of South America and the world besides.

Mr. TELLER. Mr. President, whatever may have been the cause it can not be denied that immediately after the passage of the act of 1883, not only the price of wool went down, but the price of sheep. Immediately, commencing at once after the passage of the act, sheep began to decline in price until there was a loss to the flock-masters of the United States in that item alone of more than \$30,000,000 in the next three years, or at the rate of \$10,000,000 a year.

I have no doubt a good deal of that arose from the great importation of woolens, but it was from the classification and lack of proper duty on woolen goods and the duty on wool both combined that destroyed or

began to destroy the sheep industry of the United States.

The Senator from Missouri says that we can not raise good wools in this country. I want to say to him that it is a fact beyond question that we have produced the finest sheep in the world. It is a historical fact that we have sold sheep at higher prices than they have ever been sold in any portion of the world, that we have sent our sheep to all parts of the world where they raise fine sheep, that the finest flocks of Australia are bred from American sheep. Car-load after car-load has gone across the continent to be shipped from the Western coast to Aus-

This country is to-day the place where the wool-raising people of the world are looking for the finest blood and the finest wool, and that can not be denied and can not be gainsaid. When the Senator says that the high price of land in Ohio and other States has decreased the number of sheep in the country, if he will look at the statistics he will find that that is not true.

In the country where the land has not appreciated practically at all, the sheep have declined more rapidly than they have in the old States, notably in Arizona, notably in California, notably in Colorado; and in regions of country where the land has practically no value whatever and they pay nothing for their pasturage, the sheep have declined in number.

As to good sheep, they may be raised in that country and heavy fleeces; on some of the table-lands of that country to-day they are producing as fine wool as can be produced anywhere, and a fleece-master from Arizona told me within a week that he had sheared his entire flock at an average of more than 10 pounds per head, and that is good fleece anywhere.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa, which is, in line 1426, to strike out the word "same" and to insert "third."

The amendment was agreed to.
The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk read as follows:

349. Wools on the skin, the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may pre-

to be ascertained under such rules as the Secretary of the Treasury may prescribe.

350. Top waste, slubbing waste, roving waste, ring waste, yarn waste, garnetted waste, and all other wastes similar to them in character or description, composed wholly or in part of wool or worsted, 30 cents per pound.

351. Woolen rags, shoddy, mungo, flocks, and wool waste not otherwise provided for in this act, 10 cents per pound.

352. Noils shall pay the same rate of duty as the washed wools or hair from which they are made.

353. All wools, and hair of the alpaca, goat, or other animals, which have been advanced by any process of manufacture beyond the washed or secured condition, not otherwise enumerated or provided for in this act, shall be subject to the same duties as are imposed upon manufactures of wool not specially enumerated or provided for in this act.

Mr. REAGAN. At this point I desire to offer the amendment which I suggested.

The PRESIDING OFFICER. The amendment will be reported. Mr. ALLISON. Allow me to suggest to the Senator from Texas that his amendment is one of importance, affecting the whole schedule, and there are a few amendments that are not so important further on. If he will allow us to dispose of these and then offer his amendment to-morrow morning and allow it to go over to-night, I shall be obliged to him.

Mr. REAGAN. Very well; I have no objection to that course. The PRESIDING OFFICER. The amendment of the Senator from Texas will be in order after the reading of the rest of this schedale.

Mr. ALLISON. I move to insert as a new paragraph, after line 1448, on page 144, as follows:

353}. Woolen and worsted yarns, made wholly or in part of wool, worsted, the hair of the goat, alpaca, or other animals, valued at not more than 50 cents per pound, 30 cents per pound; valued at more than 50 cents per pound, 38 cents per pound, and in addition thereto upon all the above-named yarns 40 per cent. ad valorem.

The amendment was agreed to.

The Chief Clerk read paragraph 354, as follows:

354. Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, worsted, the hair of the goat, alpaca, or other animals, not specially enumerated or provided for in this act, valued at not exceeding 40 cents per pound, 35 cents per pound, and in addition thereto 35 per cent. ad valorem; valued at above 40 cents per pound, and not exceeding 40 cents per pound, 35 cents per pound and 40 per cent. ad valorem; valued at above 60 cents per pound, 40 cents per pound, and in addition thereto 40 per cent. ad valorem.

Mr. ALLISON. In line 1449, after the word "woolen," I move to insert the words "or worsted;" so as to read:

Woolen or worsted cloths.

The amendment was agreed to.
Mr. ALLISON. In the same line, after the word "woolen" where it occurs the second time, I move to insert "or worsted:" so as to read; Woolen or worsted shawls.

The amendment was agreed to.

Mr. ALLISON. In line 1450, after the word "manufactures," I move to strike out the words "of wool."

The amendment was agreed to.

Mr. ALLISON. In the same line, after the word "description," I move to strike out the comma.

The amendment was agreed to.

Mr. ALLISON. In line 1458, after the word "forty," I move to insert "five;" so as to read:

Forty-five cents per pound, and in addition thereto 40 per cent, ad valorem.

The amendment was agreed to.

Mr. VEST. Before this is acted on—I do not wish to enter into any discussion, but I want to make a statement about the effect of this schedule; that is about all I can do anyhow—to point out the changes. This is a subdivision which has been created in this bill. Here is 35 cents.

the effect of it, leaving out the last increase made by the Senator from Iowa, which is 5 cents, in changing from 40 to 45 cents per pound.

This subdivision reduces the dutiable value line or criterion-I will say line-to 40 cents per pound at the present rates, and it raises those from 40 to 60 cents per pound at the present rates, and it raises those from 40 to 60 cents per pound in value to 35 cents per pound and 40 per cent.; if valued at 42 cents per pound it pays 123 per cent, duty; valued at over 60 cents per pound it pays 40 cents per pound and 40 per cent.; thus raising the average importation of all woolen cloths imported in 1887 of the class below 80 cents in value to 102 per cent. duty. The total increase on woolen cloths is \$476,000.

On shawls the cheapest grades are raised over 100 per cent. and the duties on all shawls are increased nearly \$50,000. On woolen manufactures another classification is made; the cheaper grades are raised over 100 per cent. by the proposed duty, and nearly \$60,000 increase

of duties is collected by reason of that. That is all I care to say about it.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Iowa

The amendment was agreed to.

The amendment was agreed to.

The reading will proceed.

The Chief Clerk read paragraph 355, as follows:

The Unier Clerk read paragraph 500, as follows:

355. Flannels, blankets, and hats of wool, composed wholly or in part of wool, worsted, the hair of the goat, alpaca, or other animals, valued at not exceeding 30 cents per pound, 10 cents per pound; valued at above 30 cents per pound and not exceeding 40 cents per pound, 12 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound, 13 cents per pound; and in addition thereto, upon all the above-named articles, 35 per cent. ad valorem; valued at above 60 cents per pound, 40 cents per pound, and in addition thereto 40 per cent. ad valorem. 40 per cent. ad valorem.

Mr. ALDRICH. An amendment should be made in line 1461. The word "worsted," where it occurs after "wool," should be stricken

The PRESIDING OFFICER. The amendment will be stated.
The CHIEF CLERK. In line 1461, after the word "wool," it is proposed to strike out "worsted;" so as to read:

Flannels, blankets, and hats of wool, composed wholly or in part of wool, the hair of the goat, alpaca, or other animals, etc.

The amendment was agreed to.

Mr. ALDRICH. In line 1469 there is a committee amendment.
Mr. ALLISON. In line 1469, after the word "forty," I move to insert "five;" so as to read:

Forty-five cents per pound and in addition thereto 40 per cent. ad valorem. Mr. VEST. I want to call attention to the fact that under this legislation blankets and hats are changed in classification and in the rate

of duty. The increase is \$286,980 by reason of these changes.

Upon flannels the increase is from 67 to 94 per cent., making upon flannels and woolens an increase of \$30,000 annually. On blankets it is an increase from 69.36 to 95.22 per cent. This makes a pair of blank-

ets that are worth, say, \$3 cost \$5.85.

Mr. ALLISON. We do not change the existing law in this paragraph

at all until we reach the higher grades. What are called the cheaper blankets are not changed in this paragraph, nor are hats of wool. the Senator will turn to the existing law, he will see that this is an exact copy of it.

Mr. VEST. It can not be an exact copy of the e Mr. ALLISON. It is, excepting the last clause.

It can not be an exact copy of the existing law.

Mr. VEST. Ah! Mr. ALLISON. Which is the very highest grade and does not relate to cheap things at all.

Mr. VEST. That is an increase of \$286,980 on the importations of

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The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Iowa

The amendment was agreed to.
The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk read paragraph 356, as follows:

The Chief Clerk read paragraph 356, as follows:

356. Women's and children's dress goods, coat linings, Italian cloths, and goods of similar character or description, composed in part of wool, worsted, the hair of the goat, alpaca, or other animals, valued at not exceeding 15 cents per square yard, and in addition thereto 40 per cent, ad valorem; on all the above-named goods, valued at above 15 cents per square yard, 7 cents per square yard, and in addition thereto 40 per cent, ad valorem; but such goods as are composed in part of silk, or which contain an admixture of silk, and in which silk is not the component material of chief value, and not otherwise provided for in this act, shall be dutiable at 11 cents per square yard and in addition thereto 40 per cent, ad valorem: Provided, That all goods of the character enumerated or described in this paragraph, weighing over 4 ounces per square yard, shall pay a duty of 40 cents per pound and in addition thereto 40 per cent, ad valorem.

Mr. ALLISON. I move an amendment in line 1480, which I send to the desk

Mr. VEST. I want to call attention to the result of these changes in paragraph 356. The existing law is 35 cents per pound and '0 per The House bill makes it 40 per cent. ad valorem. cent. ad valorem. The Senate bill makes it 40 cents per pound, an increase of 5 cents,

and 40 per cent, ad valorem.

Mr. HISCOCK. Makes it how much per pound, did the Senator

Mr. VEST. Five cents more per pound. In the existing law it is

Mr. HISCOCK. We change it from 5 cents per square yard to 6 cents per square yard, and the second clause, at 7 cents per square yard, remains at 7 cents per square yard.

Mr. VEST. I am speaking as to paragraph 356, "Women's and children's dress goods," etc.
Mr. HISCOCK. So am I.

Mr. VEST. This is an increase from 67.86 per cent., and the result of it is an increase of three-fourths of a million dollars annually in duties on the importations of 1887.

Mr. ALDRICH. That is, supposing the importations will continue the same as in 1887. I confidently believe that the importations will

be very much less.

Mr. VEST. I suppose all we can make these calculations upon is on the basis of the importations of 1887. Of course all the balance is mere conjecture. We are bound to take those importations, and upon that basis this increase is three-quarters of a million of dollars and a lit-

The PRESIDING OFFICER. The amendment proposed by the

Senator from Iowa from the Committee on Finance will be stated.

The CHIEF CLERK. In line 1480, after the word "but," it is proposed to strike out the word "such" and insert in lieu thereof "all the above-named;" so as to read:

But all the above-named goods as are composed in part of silk, etc.

Mr. ALDRICH. Strike out the word "as" and insert "which."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. In line 1488, after the word "forty," I move to insert "five;" so as to read:

Provided. That all goods of the character enumerated or described in this paragraph, weighing over 4 ounces per square yard, shall pay a duty of 45 cents per pound, and in addition thereto 40 per cent. ad valorem.

The amendment was agreed to. The Chief Clerk read as follows:

The Chief Clerk read as follows:

357. Women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of like description, composed wholly of wool, worsted, the hair of the goat, alpaca, or other animals, or of a mixture of them, II cents per square yard and in addition thereto 40 per cent. ad valorem; and all such goods with selvedges made wholly or in part of other materials, and all such goods in which threads made wholly or in part of other materials have been introduced either in the warp or in the filling for the purpose of changing the classification for duty, shall be dutiable at II cents per square yard and in addition thereto 40 per cent. ad valorem: Provided, That all such goods weighing over 4 ounces per square yard shall pay a duty of 40 cents per pound and in addition thereto 40 per cent. ad valorem.

Mr. ALLISON. In line 1502, after the word "all," I move to strike out "such," and after the word "goods," in the same line, I move to insert "of the character enumerated or described in this paragraph;" so as to read:

Provided, That all goods of the character enumerated or described in this paragraph, etc.

The amendment was agreed to.

Mr. ALLISON. In line 1503, after the word "forty," I move to insert "five;" so as to read, "shall pay a duty of 45 cents per pound." The amendment was agreed to.

Mr. VEST. I want simply to state that this is an increase upon women's and children's dress goods from 9 to 11 cents per yard and the ad valorem remains the same. In other words, it is an increase of 2 cents a yard, and that makes an increase of over three-quarters of a million dollars annually upon the importations of 1887, and that is without taking into consideration the increase made in the last amendment, in line 1503, from 40 cents to 45 cents per pound.

Mr. ALLISON. The committee propose to strike out paragraph 358,

as follows:

338. Clothing ready-made, and wearing apparel of every description, not specially enumerated or provided for in this act, balmoral skirts, and skirting, and goods of similar description, or used for like purposes, knit goods, all goods made on knitting-frames, and plushes, and all pile fabrics, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, 40 cents per pound, and in addition thereto 45 per cent. ad valorem.

And in lieu thereof to insert:

358. Clothing, ready-made, and articles of wearing apparel of every description, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not specially enumerated or provided for in this act, knit goods and all goods made on knitting frames, plushes, and pile fabrics, and felts and felt fabrics not otherwise provided for; all of the above composed wholly or in part of wool, worsted, the hair of the goat, alpaca, or other animals, 45 cents per pound, and in addition thereto 45 per cent. ad valorem.

Mr. VEST. I have not seen that section. Will the Senator from Iowa be kind enough to state to me what these changes are? I understand that you increase the duty from 40 cents a pound to 45 cents in line 1513

Mr. ALLISON. The only change in the original text of the paragraph is that we include "felt and felt fabrics not otherwise provided

for," and change the rate from 40 to 45 cents a pound.

Mr. VEST. That is the way I understood it.

The PRESIDING OFFICER. The question is on the amendment. Mr. VEST. I wanted just simply to state what is the result of these changes; I do not want to engage in any argument about it. I want to state the changes as I have marked them. On knit goods not ex-

ceeding 30 cents a pound the existing law imposes a duty of 88.33 per

This bill makes it 258.33. Above 40 cents a pound the duty is raised from 65.20 per cent. to 145.70. Above 40 cents and not over 60 cents it is raised from 69.14 to 120.88 per cent. Above 60 cents and not over 80 cents it is raised from 69.62 per cent. to 102.70, and above 80 cents it is raised from 62.58 per cent. to 70.80, making an average increase on all these classifications of 70 per cent., and an increase on the importations of 1887 of \$157,845.92.

Mr. ALLISON. What is that, the importations of 1887, of the character of goods the Senator describes, of knit goods?

Mr. VEST. The importations for 1887 were \$689,009.38 in value on one and \$1,908,453.74 on another class.

Mr. ALLISON. Of knit goods?
Mr. VEST. All these goods.
Mr. ALLISON. The Senator was describing knit goods and showing that there was an increase of the ad valorem rate. The knit goods comprised within this paragraph were not imported to the extent of \$30,000 in 1887, or, in other words, the importations of 1887 will make an infinitesimal change.

I quite agree that if you have one or two importations-I think there was one of \$9 upon that list—it is possible there would be a large increase of the ad valorem duty; but we have practically the market in

this country for these knit goods now.

Mr. VEST. I did not undertake to say that that was the increase only upon knit goods. I took all the classifications. I commenced with knit goods and gave the duty upon them under the existing law, and then I took up the other classifications, and upon the whole I stated that it was \$157,845.92.

Mr. ALLISON. Taking the whole paragraph, which includes the

clothing ready made, there is an increase.

Mr. VEST. And balmorals. That is another classification.

Mr. ALLISON. Balmorals have gone into "innocuous desuetude." There are none imported.

Mr. VEST. The increase is from 67.72, on the cheapest of these goods, to 112.74 per cent.

Mr. ALLISON. Balmorals were inserted because they are in the tariff of 1867. I do not think there are any balmorals imported now.

Mr. VEST. On the next classification the increase is from 68.17 to

125 per cent.; on the highest, from 66.25 to 75. That is an increase all along the line. Balmorals are not included in this amendment.

Mr. HISCOCK. Balmorals are not included in this ame Mr. ALLISON. No. I forgot that we struck them out.

Mr. VEST. I did not know what was stated in the amendment. Mr. HARRIS. I suggest to the Senator from Iowa, in view of the importance of this schedule and the thinness of the Senate, and the fact that it is after 11 o'clock, that perhaps it would be as well to ad-

Mr. ALLISON. If the Senator will allow a vote to be taken on this

paragraph, I shall not resist an adjournment.

Mr. HARRIS. I do not make the motion. I merely made a sug-

gestion to the Senator.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Finance.

The amendment was agreed to.

Mr. ALLISON. Now I will yield to the Senator from Tennessee to make a motion to adjourn.

Mr. VEST. We can finish this schedule if we go on.

Mr. ALLISON. I am willing to go on.

Mr. VEST. Go on with it.

The PRESIDING OFFICER. The reading will proc

The reading will proceed.

The Chief Clerk read parargraph 359, as follows:

359. Cloaks, dolmans, jackets, talmas, ulsters, or other outside garments for ladies' and children's apparel and goods of similar description, or used for like purposes (except knit goods), composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, 45 cents per pound, and in addition thereto 45 per cent. ad valorem.

Mr. VEST. I merely wanted to say that is an increase of 5 per cent. The Chief Clerk read as follows:

360. Webbings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, head-nets, any of the foregoing which are elastic or non-elastic, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand, or braided by machinery, made of wool, worsted, the hair of the goat, alpaca, or other animals, or of which wool, worsted, the hair of the goat, alpaca, or other animals is a component material, 30 cents per pound, and in addition thereto 50 per cent advalorem.

cent, ad valorem.
361. Aubusson, Axminster, Moquette, and chenille carpets, figured or plain, carpets woven whole for rooms, and all carpets or carpeting of like character or description, 45 cents per square yard, and in addition thereto 30 per cent. ad

Mr. ALLISON. In line 1538, after the word "thirty," I move to insert "five;" so as to read:

And in addition thereto 35 per cent, ad valorem.

The amendment was agreed to.

Mr. ALLISON. In line 1532 I move, on behalf of the committee, to strike out "30" and insert "35."

The amendment was agreed to.

The Chief Clerk read paragraph 362, as follows:

362. Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, 45 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1542, after the word "thirty," I move to insert "five;" so as to read:

And in addition thereto 35 per cent. ad valorem.

The amendment was agreed to.

The Chief Clerk read paragraph 363, as follows:

363. Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, 30 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1545, after the word "thirty," I move to insert "five;" so as to read:

And in addition thereto 35 per cent, ad valorem.

The amendment was agreed to.

The Chief Clerk read paragraph 364, as follows:

364. Patent velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, 25 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1550, after the word "thirty," I move to insert "five;" so as to read:

And in addition thereto 35 per cent. ad valorem.

The amendment was agreed to.

The Chief Clerk read paragraph 365, as follows:

365. Tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, 20 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1555, after the word "thirty," I move to insert "five;" so as to read:

And in addition thereto 35 per cent, ad valorem.

Mr. VEST. I want to say, without taking up time, as to these increases which are all made to the text of the bill now by the committee that the evidence shows that in the manufacture of carpets the American manufacturers can compete with the world successfully. There is no industry in this country to-day that is in a more flourishing condition, and why these increases should be made here is to me simply mysterious.

I can not understand the reason. The foreign carpets are not coming in now and taking the market away from the domestic manufacturer. I was satisfied myself, as far as I could be satisfied with anything in this bill, with the text of the bill, but here is an increase now upon

every one of these items.

Mr. ALLISON. The first statement made by the Senator from Missouri is true, that is, that our carpet manufacturers have the market. That is so true that a good many kinds of carpets are cheaper here than in foreign markets, particularly in London. So the testimony discloses. All these carpets made here are sold as cheap perhaps as they are in any other country. But having increased the duty upon carpet wools it was deemed just that we add 5 per cent. to the ad valorem upon carpet. That is the reason for the change.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The Chief Clerk read paragraph 366, as follows:

366. Treble ingrain, three-ply, and worsted chain Venetiau carpets, 12 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1559, after "thirty," I move to add "five." The amendment was agreed to.

The Chief Clerk read paragraph 367, as follows:

367. Yarn, Venetian, and 2-ply ingrain carpets, 8 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1561, after "thirty," I move to add "five." The amendment was agreed to.

The Chief Clerk read paragraph 368, as follows:

368. Druggets and bockings, printed, colored, or otherwise, 15 cents per square yard, and in addition thereto 30 per cent. ad valorem.

Mr. ALLISON. In line 1565, after "thirty," I move to add "five." The amendment was agreed to.

The Chief Clerk read paragraph 369, as follows:

369. Carpets and carpetings of wool, flax, or cotton, or parts of either, or other materials not otherwise specially enumerated or provided for in this act, 40 per cent. ad valorem.

Mr. ALLISON. In line 1568, after "forty," I move to insert "five."

The amendment was agreed to.

The Chief Clerk read paragraph 370, as follows:

370. And mats, rugs, screens, covers, bassocks, bedsides, and other portions of carpets or carpetings shall be subjected to the rate of duty herein imposed on carpets or carpetings of like character or description. And the duty on all other mats not exclusively of vegetable material, screens, hassocks, and rugs shall be 40 per cent. ad valorem.

Mr. ALLISON. In line 1575, after "forty," I move to insert "five."

Mr. HISCOCK. Wait a moment; that is not right.
Mr. ALLISON. I withdraw that amendment; it is a mistake.

The PRESIDING OFFICER. The amendment being withdrawn, the next paragraph will be read.

The Chief Clerk read paragraph 371, as follows:

371. Endless belts or fells for paper or printing machines, 20 cents per pound and 30 per cent. ad valorem.

Mr. ALLISON. Now, having finished this schedule, with the exception of the amendment proposed by the Senator from Texas, unless some Senator desires to go on later, I will move that the Senate ad-

ROAD TO MOUNT VERNON.

Mr. RIDDLEBERGER. I will ask the Senator if he will allow me first to pass a bill.

The PRESIDING OFFICER. Does the Senator from Iowa yield to

the Senator from Virginia?

Mr. RIDDLEBERGER. I desire to pass Senate bill No. 3800, directing a survey of a road from the Aqueduct Bridge to Mount Verhon and making an appropriation therefor. I can only say that it is reported unanimously, and unless we can pass it early here it will not be worth our while to pass it at all, because they have such an immense Calendar in the House of Representatives. I ask unanimous consent to pass it this evening

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent of the Senate that the bill named by him be now

considered. Is there objection?

Mr. COCKRELL. Let it be read for information. We do not know what it is

The PRESIDING OFFICER. It will be read for information. The Chief Clerk read the bill (S. 3800) directing a survey of a road

from the Aqueduct bridge to Mount Vernon, and making an appropriation therefor.

Mr. COCKRELL. There is no quorum here and it is not worth while to transact that business. It ought not to be asked at this hour of the night. I move that the Senate adjourn.

The PRESIDING OFFICER. There being objection to the con-

sideration of the bill, the Senator from Missouri moves that the Senate

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 22, 1889, at 11 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

Monday, January 21, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved. LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. YARDLEY, until Tuesday, the 22d, on account of business. To Mr. Barry, for to-day, on account of important business. To Mr. Anderson, of Kansas, for one week, on account of committee work.

To Mr. Cox, for this day.

# MRS. FANNIE A. BOYD.

The SPEAKER. The gentleman from Illinois [Mr. Anderson] asks unanimous consent to reconsider the vote by which the bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd, was passed on Friday night. The facts are that the bill was reported from the Committee of the Whole with the recommendation to strike out \$50 and insert \$40, and the gentleman supposed that the amendment had been agreed to, whereas the House passed the bill without considering the amendment, and it has been enrolled granting a pension at \$50 instead of \$40. The gentleman desires to reconsider the vote by which the bill was passed, to have the amendment agreed to, and the bill passed as amended. Is there objection? [After a pause.] The Chair hears none, and the vote will be reconsidered, the amendment agreed to, and the bill as amended passed.

LIGHT-BOAT AND FOG-BELL ON OYSTER-BED SHOAL, NEW YORK.

Mr. BACON. I desire to ask unanimous consent to take from the Calendar the bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster-Bed Shoal, in the Hudson River, New York, which I have sent to the Clerk's desk.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That a light-boat with fog-bell be established at or near Oyster-Bed Shoal, in the Hudson River, opposite Rockland Lake Dock, New York, at a cost not to exceed \$10,000.

The committee recommend, in line 3, to strike out the word "boat" and insert "house;" in line 4, to strike out the words "Oyster-Bed" and insert "Oyster-Beds," and in line 6, to strike out the word "ten" and insert "thirty-five."

The SPEAKER. Is there objection to the consideration of this bill?
Mr. KILGORE. I demand the regular order. ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (S. 3782) to amer an act entitled "An act declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled 'An act granting to railroads the right of way through the public lands of the United States,' approved March 3, 1875," approved September 10, 1888; when the Speaker signed the same.

#### ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of the States and Territories for the introduction and reference of bills and resolutions.

LIGHT AND FOG-SIGNAL AT SAN PEDRO HARBOR, CALIFORNIA.

Mr. VANDEVER introduced a bill (H. R. 12304) providing for the establishment of a light and fog-signal to mark the entrance to San Pedro Harbor, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CESSION OF LOWER CALIFORNIA TO THE UNITED STATES.

Mr. VANDEVER also introduced a resolution requesting the President to open negotiations with the Republic of Mexico for the cession of Lower California to the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. CHEADLE. Let the resolution be read.

The resolution was read at length.

HEATING, ETC., ROOMS OCCUPIED BY CIRCUIT AND DISTRICT COURTS.

Mr. MORROW introduced a bill (H. R. 12305) to provide for the heating and keeping in order of the rooms occupied by the circuit and district courts of the United States and the chambers of the judges of said courts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CHEADLE. Let the bill be read.

The bill was read at length.

LAMMI INTERSTATE RAILWAY COMPANY.

Mr. PAYSON (by request) introduced a bill (H. R. 12306) to incorporate the Lammi (or Louisiana, Arkansas, Mississippi, Missouri and Illinois) Interstate Railway Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. PAYSON. Let the bill be read.

During the reading,
Mr. WILLIAMS said: I move to dispense with the further reading of the bill.

The SPEAKER pro tempore (Mr. RICHARDSON). The reading of the bill was called for. The gentleman has the right to have it read Mr. WILLIAMS. I ask to have the further reading dispensed with. Mr. PAYSON. I object.

The reading of the bill was resumed and concluded.

### BANKRUPTCY LAW

Mr. PAYSON also introduced a bill to establish a uniform system of bankruptcy throughout the United States, and asked to have it read at

The Clerk proceeded to read the bill.

## ORDER OF BUSINESS.

Mr. DIBBLE. I ask unanimous consent that such bills as gentlemen insist upon having read in full be temporarily laid aside until all the States shall have been called and such bills as are not required to be read at length shall have been introduced. In this way gentlemen who desire to have their bills read in full will not lose their right, but can have the bills read at the conclusion of the call. I make this request because I, and I suppose other members, have matters which they wish to present this morning, and I think the arrangement I propose will answer the purpose of the gentlemen who desire to have their bills read.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. Dibble] asks unanimous consent that when members desire to have bills read in full such bills shall be laid aside until atter the completion of the regular call, and shall be then read at length if that is desired by the members introducing them.

Mr. TOWNSHEND. Mr. Speaker, how can we ascertain what bills are desired to be read?

Mr. DIBBLE. By each member offering his bill and stating that he desires to have it read in full.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. PAYSON. I object to it in the form in which it is presented.
Mr. BUCHANAN. Then, Mr. Speaker, I ask unanimous consent
that gentlemen having bills to present may be allowed to file them with
the Clerk. That will allow those of us who desire to do some business here this morning to do it.

Mr. PAYSON. I have no objection to that.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. Buchanan] asks unanimous consent that gentlemen having bills to introduce which they do not desire to have read at length shall have the privilege of filing them with the Clerk for reference by the Chair in the usual manner. Is there objection?

Mr. TAULBEE. How will the reference of those bills be determined?

The SPEAKER pro tempore. In the usual way, by the Chair. At least that is the answer which the present occupant of the chair would give to the question. Is there objection to the request of the gentleman from New Jersey [Mr. Buchanan]?

There was no objection, and it was so ordered.

Mr. DIBBLE. Mr. Speaker, I suppose that that order will embrace also memorials and resolutions that are in order under the call?

The SPEAKER pro tempore. They will go to the petition-box, and also private bills.

#### FILING OF BILLS.

The following bills and resolutions were filed by being handed in at the Clerk's desk:

#### MEXICAN PENSIONS.

Mr. LAWLER introduced a bill (H. R. 12311) to amend the pension laws by increasing the pension of the surviving soldiers and sailors of the Mexican war, and of their surviving widows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

#### REVISED STATUTES.

Mr. LAWLER (by request) also introduced a bill (H. R. 12312) to amend section 2166 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### NEW RULES FOR SPELLING.

Mr. LAWLER also submitted a concurrent resolution to provide new rules for spelling in printing Government publications; which was referred to the Committee on Printing, and ordered to be printed.

#### LAND LAWS.

Mr. McRAE introduced a bill (H. R. 12313) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries or timber culture, and for amending other land laws, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

# RAILROAD THROUGH MARICOPA COUNTY, ARIZONA.

Mr. SMITH, of Arizona (by request), introduced a bill (H. R. 12346) empowering the Legislative Assembly of the Territory of Arizona to authorize the county of Maricopa to issue certain bonds in aid of the construction of a railroad through said county; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

### RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PERKINS introduced a bill (H. R. 12314) to grant a right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# HOMESTEAD SAVINGS BANK, WASHINGTON, D. C.

Mr. HEMPHILL introduced a bill (H. R. 12328) to incorporate the Homestead Savings Bank, of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

### BEACONS ON COAST OF SOUTH CAROLINA.

Mr. ELLIOTT introduced a bill (H. R. 12315) providing for certain beacons on the coast of South Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### LIGHTS, ETC., COAST OF MICHIGAN.

Mr. CHIPMAN introduced a bill (H. R. 12316) providing for certain lights and other works connected with the Light-House Establishment, on the coast of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# C. L. WARNER.

Mr. HOLMES introduced a bill (H. R. 12317) for the relief of C. L. Warner; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

# DISTRIBUTION OF DOCUMENTS.

Mr. GLASS submitted a resolution to provide for distribution of documents, books, etc., ordered printed by the Fiftieth Congress; which was referred to the Committee on Printing, and ordered to be printed.

### PROCEEDINGS OF IMMIGRATION COMMITTEE.

Mr. FORD submitted the following concurrent resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved by the House of Representatives (the Senate concurring). That in addition to the usual number there shall be printed 10,500 copies of the proceedings, testimony, documents, and all consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc., and also the same number of copies of the bill and report of said committee, of which 3,500 copies shall be for the use of the Senate and 7,000 copies for the use of the House.

#### LIGHTS AND FOG-SIGNALS IN NEW JERSEY.

Mr. HIRES introduced a bill (H. R. 12318) providing for the establishment of certain lights and fog-signals in the State of New Jersey; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### HONORABLY DISCHARGED SOLDIERS AND SAILORS.

Mr. HIRES also (by request) introduced a bill (H. R. 12319) for the proper recognition and protection of honorably discharged soldiers and sailors; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

#### WILLIAM P. ATWELL.

Mr. HOLMES introduced a bill (H. R. 12320) authorizing the muster of William P. Atwell as captain of volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### LIGHTS, ETC., ON COAST OF MAINE.

Mr. DINGLEY introduced a bill (H. R. 12321) providing for the erection of certain light-house structures and fog-signals on the coast of Maine, and the construction of a new steam-tender for service on that coast; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# PROTECTION OF SEAL FISHERIES.

Mr. DINGLEY submitted the following resolution; which was referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform the House what orders were given to the commander of the United States revenue-cutter Richard Rush in reference to the protection of the seal fisheries in Behring Sea in the spring and summer of 1888, and whether such instructions differed from these given the same commander in the season of 1887; and if so, what reasons existed for any material change in such instructions; and the Secretary of the Treasury is further requested to transmit to the House copies of all orders given to the commanders of the United States vessels charged with the protection of the seal fisheries in the seasons of 1886, 1887, and 1888.

### LIGHT-HOUSES, ETC., COAST OF NORTH CAROLINA.

Mr. LATHAM introduced a bill (H. R. 12322) providing for the erection of certain light-house structures and fog-signals on the coast of North Carolina; which was referred to the Committee on Commerce, and ordered to be printed.

## STEAMER FOR LIGHT-HOUSE SERVICE.

Mr. LATHAM also introduced a bill (H. R. 12323) for the construction of a steel side-wheel steamer for light-house service in North Carolina and adjacent waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### LIGHT-HOUSE, ST. CATHARINE ISLAND, GEORGIA.

Mr. NORWOOD introduced a bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia; which was referred to the Committee on Commerce, and ordered to be printed.

# TAX ON PRUNE WINE, ETC.

Mr. CAMPBELL, of Ohio, submitted the following resolution; which was referred to the Committee on Ways and Means, and ordered to be printed:

Resolved. That the Secretary of the Treasury is hereby directed to inform the House what assessment or rate of duty has heretofore been made for the last six months and what rate is now assessed on alcoholic compounds known as prune wine, prune juice, Turkish prune-juice extract, and Thompson's patent prune wine; and also to furnish copies of correspondence on the subject, together with the opinion of the Attorney-General and the report of the board of local appraisers on the subject at their meeting held at the port of New York from October 3 to 15, 1883, and also to report if the provisions of section 2499 of the act of March 3, 1883, which is a substitute for Title XXXIII of the Revised Statutes of the United States, have been complied with.

# PUBLIC BUILDING, LEADVILLE, COLO.

Mr. SYMES introduced a bill (H. R. 12325) for the erection of a public building at Leadville, Colo.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

### LIGHT-HOUSES IN THE STATE OF MARYLAND.

Mr. COMPTON introduced a bill (H. R. 12326) for the establishment of certain light-houses in the State of Maryland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## BRIDGE OVER OHIO RIVER.

Mr. TAULBEE submitted a joint resolution (H. Res. 256) concerning the contruction of a bridge between Louisville, Ky., and Jeffersonville, Ind.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# LIGHT-HOUSE ESTABLISHMENT, VIRGINIA.

Mr. WISE introduced a bill (H. R. 12327) to provide for certain works connected with the Light-House Establishment, in the State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### DAKOTA.

Mr. TAULBEE presented a joint resolution of the Territory of Dakota relative to a division of the Territory of Dakota and the admission of each portion into the Union as separate States; which was referred to the Committee on the Territories, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. DINGLEY. Mr. Speaker, as it is usual to have resolutions of inquiry printed in the RECORD, and as I have a resolution of that character which I desire to present under the order which has just been

made, I ask unanimous consent that it be printed in the RECORD.

The SPEAKER pro tempore. The present occupant of the chair is of opinion that resolutions of inquiry such as the gentleman indicates

would be printed in the RECORD as a matter of course.

Mr. DINGLEY. Very well.

Mr. GIFFORD. Mr. Speaker, I have a joint resolution of the Legislature of the Territory of Dakota relative to the proposed division of that Territory and the proposed admission of each portion into the Union as a separate State, and I ask unanimous consent that it be writted in the Proconn.

printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Dakota?

Mr. CHEADLE. I ask that the resolution be read.
Mr. GIFFORD. I hope the gentleman will not insist on that.
Mr. TOWNSHEND. Then I object to its being printed in the Rec-

The Clerk resumed the reading of the bill introduced by Mr. PAYson, but before the reading was concluded, Mr. PAYSON said: I withdraw the bill.

## MEETING OF RAILEOAD PRESIDENTS, ETC.

Mr. ANDERSON, of Iowa, introduced a resolution directing the Interstate Commerce Commission to report to the House any and all information they may have touching the meeting of railroad presidents in New York on the 10th instant, and also the opinion of the Commission of the Commis sion as to the legal character of the plan agreed upon at such meeting,

The resolution was read at length, as follows, and was referred to the Committee on Commerce:

whereas, according to the late confession of Charles Francis Adams, president of the Union Pacific Railway Company, "the difficulty in railroad management does not lie in any act of legislation, state or national," but "does lie in the covetousness, want of good faith, and the low moral tone of those in whose hands the management of the railroad system now is; in a word, in the absence among them of any high standard of commercial honor," the real facts being, according to this same competent witness, in the same confession, that "the railroad system of this country, especially of the region west of Chicago, is to-day managed on principles which—unless a change of heart occurs, and that soon—must inevitably lead to financial disaster of the most serious kind," for, continues the same authority, "there is, among the lines composing that system, an ultra disregard of those fundamental ideas of truth, fair play, and fair dealing which lie at the foundation not only of the Christian faith, but of civilization. With them there is but one rule—that, many years ago, put by Wordsworth into the mouth of Rob Roy:

"The simple rule, the good old plan,

"'The simple rule, the good old plan, That he shall take who has the power, And he shall keep who can;'"

and
Whereas there was lately held in the city of New York a meeting composed of
the presidents of the leading and trunk lines of railroads in the country, especially of the region west of Chicago, and of the bankers representing the leading
banking interests of this country and Europe, the alleged leading purpose of
which meeting was the enforcement of the act to regulate interstate commerce;

ially of the region west of Chicago, and of the bankers representing the leading banking interests of this country and Europe, the alleged leading purpose of which meeting was the enforcement of the act to regulate interstate commerce; and.

Whereas at said meeting, inspired and dominated by said controlling officers of the confessedly law-breaking companies, chiefly "of the region west of Chicago," with the conspicuously avowed purpose of maturing plans for enforcing said act and protecting these great and powerful corporations from wrecking at the hands of subordinate employés, it seems that the real object, if its proceedings were correctly reported through the daily press, was to perfect a plan which, under cover of the avowed purpose, means deliberate and sweeping violation of the spirit if not the letter of the most important provisions of said act, as by the terms of the agreement reached, as reported aforesaid, "one officer of each company will be held responsible for the strict maintenance of the rates and rules established by the association," which was created at said meeting, thus taking into their own hands the practical revision of the act, in harmony with the late suggestion of Mr. Adams that it "be so modified that contracts made among railroads, subject to the approval of the Interstate Commerce Commission, for the division of competitive traffic at reasonable rates, may be binding in law," in this way giving direct application to the further declaration of the same author that "the railroad system must heal itself; no act of Congress or repeal of any act of Congress would greatly help it;" and

Whereas at said meeting Mr. Charles Francis Adams is alleged to have stated that "the report and plan of the organization, as now to be submitted, was read and discussed by the commissioners (meaning Messrs. Cooley, Walker, and Morrison, of the Interstate Commerce Commission) in detail," and that said "Commissioners were invited to criticise it," and that "they expressed a decided opinion that the plan

state Commerce Commission be, and hereby is, directed to report in writing within ten days to this House any and all information it may possess concerning the action of said meeting of railroad presidents in New York City January 10, 1889, so far as the same related to the management of railway companies subject to the provisions of the interstate-commerce act, to what extent and in what manner, if at all, said Commission or any of its members participated in discussing, criticising, or approving the "plan" of maintaining "rates and rules established by the association," and to accompany said report with a copy of the contract, agreement, or "plan" adopted at such meeting, and if no such agreement, contract, or "plan" is on file, the substance of such contract, agreement, or "plan," together with the opinion of the Commission as to its legal character, and its effect on the public, and as to what legislation is necessary to prohibit the form of contract, agreement, or combination for the prevention of competition, which was submitted at the New York meeting, if the same be not already prohibited by existing law. Also transmit, with said report, a list of the companies represented at said meeting and the names and official title of the persons representing each of said companies.

PACIFIC RAILROADS.

#### PACIFIC RAILROADS.

Mr. ANDERSON, of Iowa, introduced the following resolution; which was read, and referred to the Committee on Commerce:

Mr. ANDERSON, of Iowa, introduced the following resolution; which was read, and referred to the Committee on Commerce:

Whereas it appears from the report of the Pacific Railroad Commissioners appointed under the act of Congress approved March 3, 1887, that the Pacific railroads, through their management, officers, and boards of directors, have for years constantly and persistently refused to comply with the acts of Congress approved July 1, 1862, July 2, 1864, March 3, 1873, and May 8, 1878; and
Whereas it appears from said report that in addition to the defant refusal of said companies to comply with said acts of Congress, the officers and managers thereof have squandered large sums out of their gross earnings in extravagant and unprofitable enterprises and in the payment of interest and subsidies forbidden by said acts of Congress, and have divided among themselves, in violation of law, enormous sums of money amounting to hundreds of millions of dollars, in defraud of the Government and of the people of the United States; and
Whereas the directors of said companies have since the passage of theact approved March 3, 1873, divided among themselves and other pretended stockholders and creditors large sums of money as dividends and subsidies, which were not from the net actual earnings of said roads, but from moneys which should have been applied in liquidation of the indebtedness of said acts of Congress issued new stock, mortgages, pledges, and other incumbrances without the consent of Congress, thus squandering the funds of said companies, impairing their credit, and destroying the value of the United States lien upon the same; and
Whereas tappears from said report that said companies, in order to avoid their just obligations to the Government, have unduly and fraudulently increased their indebtedness greatly in excess of the amount actually expended, and in turn have levied excessive charges upon the people tributary to said lines to pay interest and dividends upon said fictious and fraudulent indebtedness;

divers unlawful transactions, included an enter rights, previously franchises: Therefore, be it Resolved, That the Attorney-General of the United States be, and he is hereby, directed to report to this House what steps, if any, have been taken by him to secure a judicial enforcement of said forfeiture, and if none have been taken, that he inform this House his reasons for not proceeding as directed by law.

## ADMISSION OF NORTH AND SOUTH DAKOTA.

Mr. STRUBLE presented a joint resolution of the Legislative Assembly of the Territory of Dakota relative to a division of that Territory and the admission of each portion into the Union as a separate State; which was referred to the Committee on the Territories, and ordered to be printed.

## ESTHER A. KEYSER.

Mr. GIBSON introduced a bill (H. R. 12307) for the relief of Esther A. Keyser; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

## PENSIONING OF PRISONERS OF WAR.

Mr. CHIPMAN. I send to the desk a resolution which I would be

glad to have considered at once.

The SPEAKER pro tempore. It is not in order during this call to ask the consideration of any resolution. It can only be introduced at this time for reference.

Mr. CHIPMAN. I am very sorry that it can not be considered now. The Clerk read the following resolution; which was referred to the

Committee on Rules: Resolved, That the Committee on Rules report a day for the consideration of House bill No. 1420, entitled "A bill for pensioning prisoners of war."

# REPEAL OF TOBACCO TAX.

Mr. BROWER introduced a bill (H. R. 12308) to repeal the tax on tobacco in all its forms, and for other purposes; which was read a first and second time.

The SPEAKER pro tempore. This bill will be referred to the Committee on Ways and Means.

Mr. BROWER. I ask its reference to the Committee on War Claims. The SPEAKER pro tempore. The gentleman from North Carolina asks the reference of this bill to the Committee on War Claims. Is

there objection?
Mr. BYNUM. I object.
Mr. BROWER. I move that the bill be referred to the Committee on War Claims.

The SPEAKER pro tempore (having put the question). The noes seem to have it.

Mr. BROWER. Division.

The question being again taken, there were—ayes 72, noes 87.
Mr. BROWER. I call for the yeas and nays.
The yeas and nays were ordered, 38 voting in favor thereof.
Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry. object of sending this bill to the Committee on War Claims is to get a report, is it not?

The SPEAKER (having resumed the chair). The Chair does not

know what the object is.

Mr. LAWLER. It is a peculiar committee to send it to.

The SPEAKER. The Clerk will call the roll.

The question was taken; and it was decided in the negative—yeas 103, nays 125, not voting 94; as follows:

dams,	Darlington,	Kean,	Sherman,
llen, Mass.	Davis,	Kelley,	Spooner,
llen, Mich.	Dingley,	Kennedy,	Steele,
nderson, Kans.	Farquhar,	Kerr,	Stephenson,
rnold,	Finley,	Ketcham,	Stewart, Vt.
tkinson.			
	Fleod,	La Follette,	Struble,
laker, N. Y.	Fuller,	Lodge,	Taylor, E. B., Ohio
saker, Ill.	Funston,	Long,	Taylor, J. D., Ohio
layne,	Gaines,	McKinley,	Thomas, Ky.
Selden,	Gallinger,	Milliken,	Thomas, Ill.
Soothman,	Gest,	Moffitt,	Thomas, Wis.
Soutelle,	Grosvenor,	Morrill,	Thompson, Ohio
lowden,	Grout,	O'Donnell,	Tillman,
rewer,	Guenther,	O'Neill, Pa.	Turner, Kans.
rower,	Harmer,	Osborne,	Vandever,
rown, J. R., Va.	Haugen,	Parker.	Wade,
uchanan,	Hayden,	Patton,	Warner,
urrows,	Henderson, Iowa	Perkins,	Weber,
annon,	Henderson, Ill.	Peters,	West.
headle,	Hitt.	Plumb,	Whiting, Mass.
lark,	Hopkins, Va.	Post,	Wickham,
ogswe'l.	Hopkins, N.Y.	Pugsley,	Williams,
onger,	Houk,	Rowell,	Wise,
owles,	Hunter,		Woodburn.
		Sawyer,	
rouse,	Johnston, Ind.	Scull,	Yost.
alzell,	Johnston, N. C.	Seymour,	

#### NAYS-125.

Abbott,	Dargan,	Lawler.	Rowland,
Anderson, Iowa	Davidson, Ala.	Lynch,	Russell, Mass.
Anderson, Miss.	Dibble,	Macdonald,	Rusk,
Anderson, Ill.	Dockery,	Maish,	Savers.
Bacon,	Dougherty,	Mansur,	Scott.
Bankhead,	Dunn,	Martin,	Seney,
Barnes,	Elliott,	Matson,	Shively,
Blanchard,	Enloe,	McAdoo,	Smith,
Bland,	Fisher,	McClammy,	Sowden,
Blount,	Foran,	McCreary,	Spinola,
Breckinridge, Ky.	Forney,	McKinney,	Springer,
Bryce,	French,	McRae,	Stewart, Tex.
Buckalew,	Gibson,	Merriman.	Stewart, Ga.
Burnes,	Glass.	Mills,	Stockdale,
Burnett,	Grimes,	Moore,	Stone, Ky.
Bynum,	Hall.	Morgan,	Stone, Mo.
Campbell, F., N. Y		Morse,	Tarsney,
Campbell, Ohio	Hatch,	Neal,	Taulbee,
Campbell, T.J., N.Y		Nelson,	Tracey,
Candler,	Hemphill,	Newton.	Townshend,
Carlton,	Henderson, N.C.	Oates,	Walker,
Catchings,	Herbert,	O'Ferrall.	Washington,
Chipman,	Hogg,	O'Neall, Ind.	Weaver,
Clardy,	Holman,	O'Neill, Mo.	Wheeler,
Cobb,	Hooker,	Outhwaite,	White, N.Y.
Collins,	Howard,	Perry,	Wilkinson,
Compton,	Jones,	Phelan,	Wilson, Minn.
Cothran,	Kilgore,	Randall,	Wilson, W. Va.
Crain,	Laffoon,	Rice,	Yoder.
Crisp,	Landes,	Richardson.	
Culberson,	Lane,	Robertson,	
Cummings,	Lanham,	Rogers,	

	NOT	VOTING-94.	
Allen, Miss. Barry, Biggs, Bingham, Bliss, Bound, Bowen, Breckinridge, Ark Browne, T.H.B., V. Browne, Ind. Brown, Ohio Brumm, Bunnell, Butler, Butterworth, Caruth, Caswell, Clements, Coockran, Cooper,	De Lano, Dorsey, Dunham, Ermentrout, Felton, Fitch, Ford, Gay, a.Gear, Glover, Goff, Granger, Greenman, Hayes, Hermann, Hiestand, Hires, Holmes, Holmes, Houdd,	VOTING—94.  Laird, Laird, Latham, Lee, Lehlbach, Lind, Lyman, Maffett, Mahoney, Mason, McComas, McCornick, McCullogh, McKenna, McMillin, McShane, Montgomery, Morrow, Nichols, Norwood, Nutting, Owen,	Phelps, Pidcock, Rayner, Reed, Rockwell, Romeis, Russell, Conn. Ryan, Shaw, Simmons, Snyder, Stahlnecker, Symes, Thompson, Cal. Turner, Ga. Vance, White, Ind. Whitthorne, Wilber, Wilber,
Cooper, Cox, Cutcheon, Davenport, Davidson, Fla.	Hudd, Hutton, Jackson, Lagan, Laidlaw,	Nutting, Owen, Payson, Peel, Penington,	Wilber, Wilkins, Yardley.

So the motion was not agreed to.

During the vote,

On motion of Mr. BYNUM, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced until further notice on all political questions:
Mr. Breckingidge, of Arkansas, with Mr. Lehlbach.

- Mr. Cockban with Mr. DE Lano.

- Mr. Pidcock with Mr. Dunham, Mr. Latham with Mr. Nichols, Mr. Hayes with Mr. Thomas H. B. Browne,
- Mr. SIMMONS with Mr. McCullogh.
- Mr. Allen, of Mississippi, with Mr. Davenport, Mr. Biggs with Mr. Morrow.

- Mr. WHITTHORNE with Mr. BUTLER.
  Mr. McShane with Mr. Laird,
  Mr. Snyder with Mr. Bowen.
  Mr. Penington with Mr. Bunnell.

- Mr. PENINGTON WIGH MR. BUNNELL.
  Mr. WILKINS with Mr. WILBER.
  Mr. GRANGER with Mr. YARDLEY, for this day.
  Mr. DAVIDSON, of Florida, with Mr. NUTTING, for this day.
  Mr. BARRY with Mr. RUSSELL, of Connecticut.
- Mr. Cox with Mr. Goff.

- Mr. Cox with Mr. Goff.
  Mr. Thomeson, of California, with Mr. McKenna, for this day.
  Mr. Wise with Mr. McCormick, on this vote.
  Mr. Turner, of Georgia, with Mr. Ryan, on this vote.
  Mr. Rayner with Mr. Brumm, for this day.
  Mr. Caruth with Mr. Felton, on this vote.
  The result of the vote was then announced as above recorded.
  The bill was referred to the Committee on Ways and Means, and organd to be wrinted. dered to be printed.

#### CONSIDERATION OF QUARANTINE BUSINESS.

Mr. PHELAN introduced the following resolution; which was read, and referred to the Committee on Rules:

Resolved by the House of Representatives, That — day of January, 1889, be set apart for the consideration of bills in relation to quarantine and the prevention of the spread of epidemic diseases.

### THE TARIFF.

Mr. MARTIN introduced a resolution amending the tariff laws; which was referred to the Committee on Ways and Means, and ordered to be printed.

Mr. MARTIN. I ask consent that this resolution be also printed in the RECORD.

The Clerk proceeded to read the resolution.

Mr. MILLIKEN. Let us hear it read; it is interesting.

The Clerk resumed and concluded the reading of the resolution.

There being no objection, the resolution was ordered to be printed in the RECORD. It is as follows:

the RECORD. It is as follows:

Resoived by the Senate and House of Representatives in Congress assembled, That—Whereas the Government of the United States of America is based upon the democratic principle of equal and exact justice to all men and special and exclusive privileges to none; and

Whereas the present existing tariff legislation is based upon the aristocratic principle of special and exclusive privileges to a moneyed class and is the prolific mother and source of all the special legislation, both national and State, which has followed its adoption; and

Whereas we have now arrived at that time in the history of our common country when we must retrace our steps and follow in the paths marked out by the fathers of the Republic and adopt only democratic methods in democratic administration or move on in the maelstrom of revolution from which our institutions can never be rescued: Therefore,

Be it resolved, First, That the panacea for all our ills is to adopt without delay a series of repealing statuies, repealing all special and privileged class legislation.

Second. That the Committee on Ways and Means be, and they are hereby, instructed to report a bill to this House without delay repealing all existing tariff

structed to report a bill to this House without delay repealing all existing tarif legislation.

Third. That the Committee on Ways and Means be instructed to report, at the same time, a bill imposing a tariff of 42½ per cent. ad valorem upon all foreign imports into the United States, thus taxing all capital invested in foreign merchandise and imports alike, and at the same time affording the same protection to the raw wool and hide of the Texan in the Boston market which is given to the manufacturer of woolen goods and shoes in the State of Massachusetts, and protecting labor in all parts of the Union alike, and allowing every American to know the tax that he pays and the protection which a government of equal and exact justice to all men affords to every inhabitant alike.

## DIVISION OF THE TERRITORY OF DAKOTA.

Mr. GIFFORD. Mr. Speaker, I now ask unanimous consent to submit at this time and have printed in the RECORD a joint resolution of the Legislature of the Territory of Dakota in relation to the division of the Territory of Dakota and the admission of each portion into the

Union as a separate State.

The SPEAKER. Is there objection to the request of the gentleman

from Dakota?

Mr. SPRINGER. There is no objection to that.

There being no objection, the joint resolution was ordered to be printed in the RECORD, and referred to the Committee on the Territo-

It is as follows:

Be it resolved by the Legislative Assembly of the Territory of Dakota in joint convention assembled. That the proposition to divide the Territory of Dakota on the seventh standard parallel is hereby indorsed, and that the oft-repeated expressions of the representatives of the people of Dakota of adherence to the cause of division are hereby renewed and reaffirmed.

That each portion of Dakota is entitled to membership in the Federal Union and should be admitted without further unnecessary delay, the southern half bearing the name of South Dakota and the northern half bearing that of North Dakota.

That a copy of these declarations, signed by the president of the council and the speaker of the house, and attested by the chief clerks of the council and house, be sent to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States, and to Dakota's Delegate in Congress.

#### SPECIAL PENSION EXAMINERS

Mr. JOSEPH D. TAYLOR submitted the following resolution; which was read and referred to the Committee on Reform in the Civil Service:

Whereas there were appointed under an act of Congress, approved March 3, 1885, one hundred and fifty special pension examiners, at a salary of \$1,400 a year each, with a per diem allowance for subsistence of \$3 per day each, with a yeiw to sending such examiners to the residence of claimants and witnesses to make a personal examination by seeing claimants and witnesses, and ascertain the merit of each claim referred to them for this purpose: Therefore, Resolved, That the Secretary of the Interior be requested to furnish to Congress a list of the persons originally appointed under this law, and a statement showing how many of them are still in the service of the United States, and whether any of them have been recalled and assigned to other duty; if so, how many, and why these changes have been made.

#### SALE OF LIQUOR AT THE INAUGURAL BALL.

Mr. JOSEPH D. TAYLOR also introduced a resolution forbidding the sale of wine, beer, ale, or intoxicating liquors of any kind in the public building in which the inaugural ball is to be held; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. DIBBLE. Would not that go to the Committee on Expendi-

tures on Public Buildings?

The SPEAKER. The Chair thinks not.

#### DECISIONS OF THE INTERSTATE-COMMERCE COMMISSION.

Mr. BUCHANAN introduced a concurrent resolution providing for the printing in permanent form of the decisions of the Interstate Commerce Commission; which was referred to the Committee on Printing.

#### SUPERINTENDENT OF PUBLIC PRINTING.

Mr. STONE, of Kentucky, introduced a bill (H. R. 12309) authorizing the President to appoint a superintendent of public printing; which was read a first and second time, and ordered to be printed.

The SPEAKER. The Chair is in doubt as to where this bill would

Mr. SPRINGER. To the Select Committee on Reform in the Civil Service, I would suggest.

The SPEAKER. The Chair will send it there.

#### LIGHTS ON THE MISSISSIPPI COAST.

Mr. STOCKDALE introduced a bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### VISITORS TO NAVAL WAR COLLEGE.

Mr. WHEELER introduced a joint resolution (H. Res. 255) for the appointment of a board of visitors to attend the commencement of the Naval War College, at Newport, R. I.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MEASURES FROM COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. WHEELER also introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That Wednesday evening, January 23, and Thursday evening, January 24, be, and they are hereby, set apart for the consideration of bills reported from the Committee on Expenditures in the Treasury Department, the sessions on the evenings specified to begin at 7.30 p. m. and continue until 10.30 p. m.

## ORDER OF BUSINESS.

Mr. PERKINS. I understood it was ordered that bills should be handed to the Clerk, and they would be referred.

The SPEAKER. It was.

Mr. PERKINS. I handed in a bill, and I want it to appear that it was introduced.

Mr. SPRINGER. Regular order.

The SPEAKER. The regular order is the motion made by the gentleman from South Carolina [Mr. DIBBLE], chairman of the Committee

on Public Buildings and Grounds, to suspend the rules and pass a bill.

Mr. WARNER. It was my understanding, when I gave way temporarily to the gentleman from South Carolina, that I was to lose none of my rights in the order with reference to Oklahoma.

The SPEAKER. If such was the understanding, the motion made by the gentleman from Missouri would be the regular order.

Mr. DIBBLE. I will not make any controversy about that.

# TERRITORY OF OKLAHOMA.

The SPEAKER. Then the question is upon the motion made by the gentleman from Missouri.

Mr. WARNER. I wish to modify the order heretofore made, and move to suspend the rules and pass the following order.

The SPEAKER. The gentleman's motion has been modified once at his suggestion. Is that modification withdrawn?

Mr. WARNER. Yes, sir.

The SPEAKER. There has been no second, and a second has been demanded.

Mr. WARNER. I ask that the following order be passed:

Ordered, That Thursday, January 24, 1889, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of House bill 19614, entitled "A bill to organize the Territory of Oklahoma, and for other purposes," now in Committee of the Whole on the state of the Union; and at 4 o'clock on said day the said bill shall be reported to the House with such amendments

as may have been agreed upon in the committee, and the previous question shall then be considered as ordered upon all such amendments and upon ordering said bill to be read a third time and upon the passage of the same, and the votes thereon shall then be taken in the House; and in case said bill shall not be taken up on said day, then this shall be a continuing order until one day shall be occupied as herein specified, and provided that a yea-and-nay vote shall be taken in the House on the pending amendment relating to Union soldiers' homesfeads and an amendment to be offered by Mr. Payson to the town-site section of said bill.

The SPEAKER. Is a second demanded?

Mr. HOLMAN. I demand a second. Mr. SPRINGER. I ask unanimous I ask unanimous consent that a second may be considered as ordered upon this order.

Mr. HOOKER. I object.
Mr. RANDALL. Is it understood that the Committee on Appropriations would have the privilege of moving to go into Committee of

the Whole on that day?

The SPEAKER. The resolution does not so provide. understood the reading, it provides that that day, immediately after the reading of the Journal, be set apart for the purpose suggested, and therefore the only way in which the Committee on Appropriations could secure that day would be to raise the question of consideration against this bill, and then if this bill should lose its place on that day would have another day.

Mr. SPRINGER. There would be no trouble about that

Mr. RANDALL. With that understanding, I will not specified as the gentleman The SPEAKER. The Chair will appoint as tellers the gentleman from Missouri [Mr. from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr.

The House divided; and the tellers reported-ayes 131, noes 35.

The SPEAKER. The ayes have it, and there is a second. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to The Chair will recognize the gentleman from Missouri [Mr. WAR-NER] to control the time in support of the motion, and the gentleman

from Indiana [Mr. Holman] to control the time in opposition.

Mr. WARNER. Mr. Speaker, I reserve my fifteen minutes until I hear from the other side. This seems to be a proposition that is well understood, and I do not see why time should be taken up in discuss-

Mr. HOLMAN. Mr. Speaker, if that imperative order is made there will be no fair consideration of the bill, no reasonable opportunity to amend it. I wish therefore, if possible, to arrest the attention of the House to the effect that this bill "to organize the Territory of Oklahoma" may to the effect that this bill "to organize the Territory of Oklahoma" may have in securing and confirming to certain railroad companies a portion of that Territory. I can not believe that the bill was designed to accomplish any such result, and I will not and do not believe that the able gentlemen who are urging the passage of this bill have any such purpose in view; but I do assert that upon the law and facts, as they appear, if this bill as now framed becomes a law, and that law is carried into full officet certain railroad corresponding will secure several ried into full effect, certain railroad corporations will secure several million acres of the most valuable land of the Territory. At least that seems to be inevitable.

I will call attention to some of the acts of Congress enacted more than twenty years ago, in the midst of that most extraordinary period in our history when Congress was largely employed in granting lands to corporations, and greatly exhausted the public domain in such grants to such extent that even the Indian Territory was called upon to furnish lands to carry out that unexampled effort to monopolize the public

domain.

The eighth section of the "act granting lands to the State of Kansas aid in the construction of a southern branch of the Union Pacific Railway and telegraph line from Fort Riley, Kans., to Fort Smith, Ark.," approved July 27, 1866, and the eighth section of the "act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 27, 1866, contain grants of land in this Indian Territory.

It will be seen that each of those acts authorizes the construction of

those railways substantially through the entire width of the Indian Territory, and one of them the entire width, as Red River divides the

Indian Territory from the State of Texas.

The ninth sections of both of said acts are in the same terms, as fol-

SEC. 9. And be it further enacted, That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act. Provided, That said lands become a part of the public lands of the United States.

The one grants to the corporation the alternate sections for 5 miles on each side of the railway, the other the alternate sections for 5 miles on each side of the railway, the other the alternate sections for 10 miles on each side of the railway. What is now known as the Missouri, Kansas and Texas Railroad Company, which now runs through the entire width of the Indian Territory, and was completed some years ago, as I understand the matter, holds the rights of the first-mentioned corporation, the tribes in the Indian Territory having agreed by the treaty of 1866 that two railroads one running worth and continued. by the treaty of 1866 that two railroads, one running north and south, the other east and west, might be constructed through their Territory, but granting only the right of way and nothing more, and the railway I have first named obtained that right.

On the 27th day of July, 1866, the President approved an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean." This railroad was to commence at or near Springfield, Mo., and extend westward to the Pacific. This was the other railroad which by the treaty of 1866 was to run through the Indian Territory east and west; but by that treaty only the right of way and depot stations were granted. But the act of Congress of July 27, 1866, contains extraordinary provisions. The railroad commencing at or near Springfield, Mo., and running westward to the Pacific Ocean runs 350 miles through the Indian Territory, and the second section of the act provides as follows:

The United States shall extinguish as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operations of this act and acquired in the donation to the railroad company mentioned in this act.

The third section of this Atlantic and Pacific grant is as follows:

SEC. 3. That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, and munitions of war and public stores over the route of said line of railway and its branches, every alternate section of the public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of said railroad line as said company may adopt, and through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever on the line thereof the United States shall have full title, not reserved, sold, granted, or otherwise appropriated. propriated.

The one railway, the Missouri, Kansas and Texas, is constructed and in operation through the entire width of the Indian Territory north and south, with only the right of way, its valuable land grant still suspended until the Indian title is extinguished. The Atlantic and Pacific Railway is completed, and was before the forfeiture of its grant, westward to the Arkansas River. The third railway company I have mentioned, it is said, stands ready to complete its road through the Indian Territory as soon as the Indian title is extinguished. If the pending bill accomplishes anything beyond establishing a petty territorial government over the Public Land Strip of three and a half million acres of land—if it accomplishes in its final result anything more than this, it opens up this Territory to one of the most exasperating railroad "land grabs" that has ever aroused the just indignation of the American people.

Let us see how we stand. The Missouri, Kansas and Texas Railroad Company, as I understand, completed their railway within the time prescribed by law. The Atlantic and Pacific had reached the Arkansas River before we declared the forfeiture of its grant. The Neosho Valley Railway Company, it is claimed, completed its road as far as it was able, under the terms of its charter, and is ready to proceed and secure

its valuable land grant in the Indian Territory.

What is to be the result? Lands opened up, as is alleged, to actual settlers become the prey of railroad corporations, a monopoly of those lands the more exasperating as the grant was not needed to open up the country, and because the lands to be secured instead of being properly "wild lands," were and are worth from \$20 to \$50 per acre. that with millions of acres of these valuable lands at stake, gentlemen who claim the especial right to speak for the settler have made no sufficient provision to save them from the rapacity of the railroad corpo. The mere repeal of the two acts of Congress I have first men tioned amounts to nothing, for it is clear that the rights of these corpo rations are vested and only wait for these lands to become lands of the United States to become absolute. And yet it is clear as a question of honorable dealing that the people of the United States, if they must take these lands from the Indians, have a right to secure them to actual settlers, for no injustice is done in standing by the terms in which these railroad grants are made, even if the justice of the grants is admitted, which I do not admit. But to despoil the Indians for the benefit, in a large degree, of the railroad corporations is simply monstrous. If it was for the benefit of our landless people, and to secure them homes under the homestead law, the beneficence of the purpose might perhaps justify it.

But again on the 20th of April, 1871, Congress passed a still more extraordinary act authorizing the Atlantic and Pacific Railway Com-

pany to issue its bonds without limit and mortgage

Its road, equipments, lands, franchises, privileges and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe.

Under this extraordinary power the Atlantic and Pacifice Railroad corporation mortgaged its entire property for \$30,000,000. And the mortgagees, by eminent counsel who have appeared before the Land Committees of Congress, insist that the astounding claim that their mortgage covers the whole enormous conditional grant to that corporation, 350 miles in length and 40 miles in alternate sections in width, is clearly established and defensible under the acts of 1866 and 1871

If this claim has any foundation whatever it rests upon the extinguishment of the Indian title, which, strange to say, is the purpose of

the pending bill.

The gentlemen who have framed this bill have manifestly not examined the land-grant railroad legislation of former years.

It had been hoped by the friends of the homestead law that in progress of time the western half at least of this magnificent body of land, all of it indeed not actually required by the Indians, a region large enough to form a great and prosperous State, could be secured to our landless people under the humane provisions of the homestead laws.

It was easy to accomplish that result by proper legislation. But other counsels have intervened and prevailed. Four years ago, as chairman of a committee which had visited the Indian Territory charged with the duty of inquiring into Indian affairs, I had reported to the House the propriety and policy of securing the western portion of this Indian Territory, a larger portion than is covered by this bill, for the settlement of our landless people. A bill was prepared at the instance of the President by the Secretary of the Interior to carry out a just and honorable and practicable method of securing these lands for the benefit of actual settlers; that bill I introduced, and it has been pending for four years, and has been defeated time and again by the friends of the pending measure.

If the President's views had been carried out white settlers before this would have occupied the land covered by the pending bill, and no fears would have been entertained that millions of acres of these valuable lands would inure to the benefit of railroad corporations without consideration. The friends of this bill demand its passage without any regard to result. I am not willing to run the risk of those three rail-

road corporations obtaining any portion of this land.

It is apparent that this bill will pass the House, and perhaps become a law, properly amended, and justice done to the Indians. I have no objection to it, for I think I first brought the measure into the House in the bill to which I have referred. But I protest against those railroad corporations appropriating millions of acres of land which rightfully belong to our landless people when the Indian title shall be extinguished. Four years ago I suggested to the House that the land should not become a part of "the public domain," but should be held in trust by the United States, so that it may inure to the benefit of actual I shall therefore, if I can, offer the following amendment to the bill. But how can I hope for its proper consideration if the imperative order proposed shall be adopted? The amendment I will propose

is as follows:

Provided, That the Indian title shall not by this act be extinguished to any of the land in said Indian Territory mentioned in the eighth and ninth sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and telegraph from Fort Riley, Kans., to Fort Smith, Ark.," approved July 25, 1896, or to any land in the Indian Territory mentioned in the eighth and ninth sections of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River;" nor shall any provision of this act be construed to authorize the extinguishment of the Indian title to any of the lands mentioned in the said eighth and ninth sections of said act, or to any other land in said Territory which, by virtue of any existing law, would inure to the benefit of any railroad corporation on the extinguishment of the Indian title thereto; but all such lands shall be held in trust by the United States for the benefit of the tribes of Indians interested therein, and shall be disposed of as trust lands for the benefit of such tribes to actual settlers only, and shall not become a portion of the public lands of the United States or inure to the benefit of any such railroad corporations.

But I object to the bill in its present form, because I think it violates

But I object to the bill in its present form, because I think it violates the contract entered into with the Indian tribes by our fathers when these tribes were induced to settle in the Indian Territory, engagements and solemn contracts which we ought not to disregard, for this bill not only disregards solemn treaties made with these tribes by our fathers, but annuls patents issued under the seal of the United States without the consent of the tribes.

I object to the bill because it annuls substantially the homestead policy of the United States in the settlement of the lands in this Indian Territory and rejects all the safeguards for securing homes to actual settlers which the homestead law was intended to secure.

I object to the bill because it ignores the rights of soldiers of the Union Army, as recognized by existing law in their settlement on the public lands. I object to the bill because in its present form it opens up and secures the very heart and most valuable portion of this Territory (if the measure shall be finally carried out) to railroad corporations,

who in equity and justice are not entitled to an acre of the land.

I object to the bill because under its present provisions, instead of honest homesteaders and our landless people seeking homes, railroad corporations and land speculators will secure the lands we wrest from the Indian tribes.

To cover this extraordinary action of Congress the cry is raised that in refusing to open up this Territory we play into the hand of the cat-tle kings. Have gentlemen considered that while the Indians compel the cattle kings to pay well for the use of their pasture fields the United States permits them (and mainly foreigners) to pasture vast millions of acres of the public domain without charge?

But it is claimed that notwithstanding the patents issued by our fathers to these civilized tribes, they have more land than they need. But is that a good argument for negotiating with them for the land, a good argument to justify a violation of their rights, when railroad corporations hold 55,000,000 acres of land without a shadow of right, and

yet Congress refuses to restore them to the people?

Let justice be done though the heavens fall! Let us in an honorable way obtain a cession of these lands and hold them for honest homestead

However earnest our people may be that the lands in the Indian Territory not required for the actual use of the Indians should be opened up to settlement and cultivation, I am very confident they will not justify any injustice to the feeble remnants of the once powerful tribes which have gone down in a brave but hopeless struggle against the aggressive civilization of the white race. Nor will the people justify you in turning this most valuable body of land, now left for settlement, over to railroad corporations and land speculators. Public opinion unquestionably demands that this land shall be secured to our landless

questionably demands that this land shall be secured to our landless people, to actual settlers under the homestead laws. Homes, not speculation! And yet that high purpose will not be accomplished if this bill in its present form shall become a law.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I am opposed to this resolution without regard to the merits of the bill—without regard to whether it is a good or a bad bill, or whether it ought to be amended or not. This resolution, under the disguise of fixing a day for the consideration of the bill, puts it in the power of a majority consisting of the friends of the bill to occupy the entire time from the mosisting of the friends of the bill to occupy the entire time from the mo-ment we go into Committee of the Whole until 4 o'clock, then to bring the bill back into the House, when under the operation of this order the previous question will be ordered and all amendments cut off. Thus the House, without the operation of any of its ordinary rules, will be brought immediately to a vote upon the bill and upon certain amendments which have been dictated to the friends of the bill by those who have used filibustering tactics to obtain a compromise.

Now, I do not think it good policy, I do not think it a good precedent, for the House to tie its hands in such a manner as this, depriving the House of its ordinary power of amendment, requiring the previous question to be considered as ordered at a given hour, without any agreement of any sort as to the power of amendment. In other words, under the disguise of fixing a day, it is proposed to set aside all the ordinary rules for the consideration of business in the House, and in an arbitrary way, agreed upon by the friends of a certain measure and such of its enemies as are willing to yield to filibustering tactics, to have carried into effect this order.

I do not regard this as a good precedent. I am therefore against the order without regard to whether the bill be good or bad. I have expected to vote for the bill, but I do not think this is such an order as the House ought to make a precedent. Possibly I am the more against this proposed order because we have already had such a precedent. I was against that precedent, but had to support it reluctantly. I do not want the precedent repeated. Not being obliged to support this proposition, I take advantage of the occasion to entermy protest against the class of orders of which this is a specimen. This does not seem to me to have the real merit which should attach to a proposition presented on suspension day. This day is for the purpose of transacting business which two-thirds of the House agree ought to be transacted. It is not meant for the purpose merely of obtaining, under the operation of this rule, favors for legislation which could not otherwise be obtained. For these reasons I am opposed to this order.

Mr. HOLMAN. I yield three minutes to the gentleman from Misssippi [Mr. Hooker].

Mr. HOOKER. Does the gentleman on the other side [Mr. WAR-NER] propose to say anything in favor of this proposition? If so, I submit he had better go on now.

Mr. WARNER. I have no objection to taking the floor now, and

allowing the gentleman from Mississippi to reserve his time.

Mr. HOOKER. Very well; I will occupy my time hereafter.

Mr. WARNER. I yield three minutes to the gentleman from Col-

orado [Mr. SYMES].

Mr. SYMES. Mr. Speaker, in reply to the gentleman from Indiana
[Mr. HOLMAN] I desire to say that if he can invent any language
which will add to the force of section 14 of the Oklahoma bill, which has for its intention the absolute wiping out of any claim that any railroad company might ever make to an acre of this land in Oklahoma Territory, no one will second him in his efforts more heartily than I will. I have conferred with other members of the committee, including the able and distinguished lawyer from Georgia [Mr. BARNES], in endeavoring to incorporate into section 14 provisions which shall absolutely prevent any railroad, under any guise whatever, from ever making any claim to an acre of land under the granting acts of Congress referred to in the amendment offered by the distinguished gentleman from Indiana. We on this committee are only too glad to have the aid of gentlemen like my friend from Indiana and the gentleman from Illinois [Mr. PAYSON]. If we have not already incorporated into section 14 of this bill such explicit and unequivocal language as will absolutely prevent one acre of this land from ever being taken from the

settler and given to railroad companies, we desire to do so.

Mr. HOLMAN. What objection is there to having this land held in
trust by the United States for the Indian tribes, instead of the United
States acquiring title as provided in the bill? Your provision simply attempts to extinguish a right already acquired. I am trying to prevent that right from attaching. That is the difference between the two propositions.

Mr. SYMES. Mr. Speaker, I will say that I, with other members of the committee, have considered this question as well as we could, and

we have tried to invent language which shall accomplish the purpose. It was talked over in our committee that railroad attorneys and claim agents would contend before the Departments and before the Supreme Court that certain vested rights would accrue, whenever it was in their power to make the claim, on account of the extinguishment of the Indian title.

Here the hammer fell.]
Mr. WARNER. I yield the gentleman from Colorado [Mr. SYMES]

one minute more.

Mr. SYMES. I can not, for want of time, answer in detail the statements of my friend from Indiana, but I will say that I will vote for his amendment in order that we may have additional safeguards incorporated in this section which shall guaranty the accomplishment of what we have already sought to attain. If I had the slightest idea that the bill would not prevent any railroad company from acquiring title to an acre of this land I would be found speaking against it to-day instead of in favor of it. I would like to show, but I have not the time, why they can not possibly acquire title under this bill.

[Here the hammer fell.] Mr. BAKER, of New York. I would like to ask a question of my

friend from Missouri [Mr. WARNER].

Mr. WARNER. I am not occupying the floor, and do not propose take any time. I yield three minutes to the gentleman from Illito take any time. nois [Mr. SPRINGER].

Mr. BAKER, of New York. May I be permitted to ask a question? Mr. SPRINGER. In the time of the gentleman from Indiana, not

Mr. Speaker, the gentleman from Kentucky has stated as his objec-tion to this order that it permits the friends of the bill and certain opponents of the bill to agree upon what amendments shall be voted upon, and does not offer sufficient opportunity for other amendments to come in. I desire to state, so far as that is concerned, under this order the committee will be considering this measure for three hours and a half or four hours, and every opportunity will be given by the friends of this bill to vote on any of it, and if adopted there, in the House, on every amendment which can be suggested, and especially the amendment suggested by the gentleman from Indiana [Mr Hol-MAN], in regard to railroad grants. And I call attention of the House to the fact that section 14 of the Oklahoma bill was framed for the purpose of forfeiting every conceivable condition of railroad right there might be in Oklahoma Territory that was possible for Congress to contrive. And we have no objection, so far as I am concerned, to the gentleman's amendment when brought up for consideration. If it can be devised by the ingenuity of man or by the legislation of Congress to forfeit every possibility of a railroad grant being given in Oklahoma Territory I want gentlemen to exercise their minds in that direction, and the friends of the bill will help them in all efforts of that kind, because it is our intention, so far as expressed in the bill and in this debate, to permit under no circumstances any railroad to have any right

in the Territory outside of this right of way.

Mr. SYMES. Let me suggest to my colleague on the committee that section 15 of the bill absolutely prohibits the Territorial Legislature or any municipality voting bonds to aid any railroad in the future.

Mr. SPRINGER. It is guarded as well in that respect as it can be. One word further. This is a proposition giving consideration to a measure which has attracted attention for many years.

Gentlemen will bear in mind the fact that the precedent to which they object has been established in a notable case in this House-the direct-tax bill. That precedent has been established and is here invoked for the purpose of bringing to a conclusion a measure in which the majority of this House is interested, and which the House desires

Mr. BARNES. I wish to know whether it is the distinct understanding on the part of the gentleman and the friends of this Oklahoma bill that the substitute offered by myself and agreed to by the minority of the committee shall be voted on before this question is disposed of?

Mr. SPRINGER. Certainly; and I will give the gentleman my pledge now that shall be done, or I will ask consent now that matter

shall be put beyond all controversy.

Mr. HOOKER. Put it in the resolution.

Mr. SPRINGER. If not in the resolution now, I ask that it be so amended.

Mr. WARNER. I understand that understanding will be carried

Mr. BAKER, of New York. Does the gentleman refer to the substitute reported by the committee or the substitute of the gentleman from Georgia [Mr. BARNES]?

Mr. WARNER. I do not wish to take up my time by answering questions. The resolution itself shows it is the bill now pending in the Committee of the Whole House on the state of the Union (H. R. 10614).

Mr. WEAVER. And it is the understanding that the gentleman from Georgia [Mr. BARNES] will have an opportunity to have a vote on his substitute.

Mr. WARNER. Yes: that is understood.

The SPEAKER. If there be no further debate, the Chair will put the question.

Mr. WARNER. I wish to be heard.

Mr. HOOKER. If you wish to, speak now. I would rather follow

No, go on first. Mr. WARNER,

The SPEAKER. There are seven minutes remaining in opposition. Mr. HOOKER. I am yielded three minutes by the gentleman.

Mr. WARNER. Certainly.

Mr. HOOKER. I am very much struck by the observation of the gentleman from Kentucky [Mr. Breckinridge] in reference to this resolution. Now, it is simply evident this resolution proposes to do by indirection what could not be done by a simple resolution, pending to-day, for the consideration of this measure, and it is therefore unjust to use this suspension day for the purpose of fixing a day for the consideration of a given bill named in the resolution, together with but two amendments thereto, under a regulation and agreement between the friends of this bill and a particular opponent of the bill that should

I have not been consulted about the resolution, but I undertake to say the argument of the gentleman from Kentucky can not be answered. There are a great many measures pending before the House of great public importance, and they are of greater importance certainly than the consideration of this bill, which has been thrown in our faces during the last and present sessions of Congress. I say, therefore, it is an effort by this resolution to designate a particular day to consider this measure under an iron-clad rule which is unprecedented except in the single instance referred to by the gentleman from Illinois [Mr. SPRINGER].

You propose that on a given day this measure shall have precedence over all other measures pending before Congress. There are important matters pending from the Committee on Foreign Affairs, important measures from the Committee on Appropriations, from the Committee on Elections, and from the various other committees of the House, and yet notwithstanding that it is proposed by this resolution to give precedence to this particular measure over all others for the purpose of consideration, and then to consider it under an iron-clad rule, so close

consideration, and then to consider it under an iron-clad rule, so close fitting that no amendment can be offered save the two designated. Is there any equity, any justice, in this matter?

What is there, Mr. Speaker, about this Oklahoma matter which should clothe it with a sanctity not belonging to any other measure pending before the House? It should be considered in a regular legislative way, and I am willing so to consider it. I have myself several are regular to in a regular legislative way, and I am willing so to consider it. amendments in my desk, written when this was under discussion long ago, which I desire to offer. I am to be excluded from offering them—

Mr. SPRINGER. Not at all; you will have every opportunity.

Mr. HOOKER. Ah! I am excluded, and you know it, for the simple reason that a fixed time is provided when the previous question shall be considered as ordered, and that time arriving no amendment can be offered, and that is the gravamen of your resolution. It fixes a time when the previous question shall be considered as ordered upon the amendment. You do not even put it in the plural in your resolution, but that the previous question shall at 4 o'clock on the day be considered as ordered, and no other amendment shall be offered or considered by the House. I see no reason for giving this matter consideration under this iron-clad rule over other far more important measures which are before us.

Mr. BAKER, of New York. Let the resolution be again reported. The SPEAKER. The gentleman from Indiana is entitled to the

Mr. HOLMAN. I yield now two minutes to the gentleman from

Ohio [Mr. GROSVENOE].
Mr. GROSVENOR. Mr. Speaker, I represent a district of Ohio in which there is a large body of laboring men belonging to various industrial organizations, and these men have petitioned me on more than one occasion to support what they call in round numbers the "Oklahoma bill." On inquiry of them I understand that their understanding of this bill is that the proposition is simply to remit this land to the position of the ordinary homestead lands of the country; and without that understanding not one of them would ever have favored the meas-They understood that any man, head of a family, can locate on

the land and hold, occupy, and finally get a good title to it.

There are about this bill, sir, circumstances of suspicion, and one of them has already been pointed out by the gentleman from Illinois [Mr. PAYSON], and since that discovery was made public opinion has rapidly formed against the bill in its present form. I am willing to vote to set apart a day to consider the bill without limitation, but I am not willing and can not consent to put myself into a strait-jacket that would prevent a complete scenting of every provision of the bill that would prevent a complete scrutiny of every provision of the bill. And I want opportunity to offer such amendments as will give to the

people who can not buy a chance to own a farm and erect a home.

I will vote for a measure that will turn these lands over to the homestead law, and which will give to the soldiers of the country the rights which they have upon other parts of the public domain; but, I repeat, I will never vote for any measure which will by any possibility send the public lands, either in small or in large quantities, into the hands of speculators, and that, in my judgment, will be the operation of this measure. I am not willing now or at any time while I hold a seat in this House to turn aside another foot of public land from the uses of free homesteads.

[Here the hammer fell.]

Mr. HOLMAN. I now yield three minutes to the gentleman from

New York [Mr. BAKER].
Mr. BAKER, of New York. Mr. Speaker, of all the measures of great importance pending before this Congress, this I think deserves, and indeed it demands, the fullest and most careful consideration. It has been debated, as we all understand, somewhat; but it involves proposi-tions that to my mind can not find approval in the hearts of the Representatives of this Congress when they understand them. I believe that the passage of the bill will organize an evil greater than that complained of by the settlers upon the Des Moines River lands. It will result in wrong unheard of in the public-land administration of this country, and in a very few years we shall have a repetition of the same troubles growing out of the same wrong that has been complained of, and which we have endeavored to legislate and rectify, concerning the lands in the State of Iowa. It would repeat these influences; it would result in these wrongs and would inaugurate the same system of outrages, while Congress would be responsible through the legislation proposed here.

Mr. SYMES. Will my colleague explain what outrages and wrongs

he refers to?

Mr. BAKER, of New York. I am referring now to the question of title or ownership to be derived from the lands that will be claimed by railroad corporations under the grants which are contained in the by railroad corporations under the grants which are contained in the charters to which allusion has been made by the gentleman from Indiana [Mr. Holman]. Under these grants, I repeat, grave questions are certain to arise, and in order to proceed understandingly about this matter, there should be the very fullest discussion and debate and the most complete understanding with reference to all the features in connection with the subject. It is too important to be rushed through the House in any such manner.

[Here the hammer fell.]

The SPEAKER. The gentleman from Indiana has one minute remaining

Mr. HOLMAN. I yield that to the gentleman from Kentucky [Mr.

MCCREARY

Mr. McCREARY. Mr. Speaker, I am in favor of organizing the Territory of Oklahoma, and have been acting with the friends of the Oklahoma bill from the time it was offered, but I am not in favor of adopting this resolution. The Oklahoma bill contains important provisions which are worthy of the fullest debate and the most careful consideration; but this resolution brings us to a direct vote on that bill without proper time or opportunity for discussion. It addition, there are important amendments which ought to be offered to the bill and considered in the House, which amendments are cut off by the resolu-

Moreover, the resolution now under consideration can not be amended according to the rules of the House. If I could amend the resolution in such way as to give freedom of debate and to allow other amendments to be introduced which I think ought to be introduced, then I should consider the resolution with favor; but in its present form I am opposed to it.

Mr. SPRINGER. I pledge to the gentleman my word that he shall have the fullest opportunity for amendment, as far as I am concerned.

Mr. BAKER, of New York. Is it in order to have the resolution

read again?

The SPEAKER. After the close of the thirty minutes' debate, but not before.

Mr. WARNER. I yield three minutes of my time to the gentleman

from Kansas [Mr. Perkins].

Mr. PERKINS. The position of some of the friends or professed friends of this bill is the same as that of some of the people of our State in reference to prohibition. They claim that they are in favor of prohibition, but are opposed to the enforcement of the law giving to the people of the State prohibition. So with some of the professed friends of this bill. They are in favor of the bill, but are opposed to the resolution which gives us a day for the consideration of the bill. Mr. Speaker, this bill is very important to the people of this country, and to-day there are more than five thousand people living in tents and in wagons along the borders of this territory waiting for legisla-tion that will give them an opportunity to go on this land and acquire homes in an honest, manly way and with the protection of the law.

My friend from Ohio [Mr. GROSVENOR] suggests that he is afraid it is in the interest of speculators, and yet under the provisions of this bill not an acre of that land can be taken, except for homestead purpospes, at \$1.25 an acre; and to acquire it at that price requires a residence of three years upon the land, except as to Union soldiers of the late war. My friend from Illinois [Mr. PAYSON] the other day sug-

and this \$20 an acre goes into the treasury of the Territory for educational purposes to create a fund for the education of the children of that Territory. Not an acre of that land can be acquired for town-site purposes under the provisions of this bill except on the payment of \$20 an acre, while under the public-land law as it is to-day, and which my friend justifies and stands by, it can be obtained at \$1.25 an acre, and

Mr. PAYSON. Not any of this land,
Mr. PERKINS. Not any of this land, but the public lands; and
you contend that the public-land laws should be extended to this Ter-

ritory, so far at least as they apply to town sites.

Now, Mr. Speaker, as one of the friends of this bill, I ask that a day shall be given for its consideration, and ask that those who oppose it may be afforded every opportunity to offer amendments. Under the five-minute rule, which will govern this debate, the gentleman from Mississippi [Mr. HOOKER] will have every opportunity to offer the amendments that suggest themselves to his mind.

All that the friends of the bill ask is that they shall be given an op-portunity for its consideration. They believe it is fair and right to all, and they know that many thousand honest and intelligent settlers are asking for this legislation in the interest of justice and good government; and knowing this, we challenge the opponents of the bill to a discussion and fair consideration of its provisions.

[Here the hammer fell.]

Mr. WARNER. I yield two minutes to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Speaker, it is hardly worth while to undertake to say anything in two minutes; and yet I desire to correct a false impression that has been acquired round me here as to this bill. It is claimed that one of the objections to the bill is that it deprives Union soldiers of rights they have under existing laws. Now, the homestead law that was passed in 1862 is applied to every acre of the ocean of public lands that we have acquired in the great Northwestern Territories by the treaty with Mexico and by the Louisiana purchase.

Now, I would say, in regard to these lands that have been opened under the terms of the homestead law, they are free of price to everybody, and the only differences between the people at large and the soldiers are these: that the soldiers were allowed a credit on the term of residence of the time that they served in the Army. Instead of living five years on the land the soldier could have deducted from that time the period he

served in the Army.

served in the Army.

Now, what does this bill propose? The same relative position is given the soldier in respect to this land that he occapied with reference to the general ocean of public lands that we have had settled under the homestead law. We simply say to the soldier that you shall get credit for your services on your five years' residence on the public lands. Now, in respect to this land that we buy from the Indians, we propose that they pay \$1.25 an acre, and on the question of residence say that the soldier shall have his time of service credited to him on the period of residence required under the provisions of this bill. So that the proposition in this bill as to the rights of the soldier is identically the same as existing law with reference to the public lands.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYSON. That is, you do not treat the soldier any meaner than you do anybody else?

Mr. NELSON. I will show that further on. Mr. WARNER. Let us get back to the proposition before the Housewill the House give consideration to this bill four hours in Committee

of the Whole House on the state of the Union?

That would be under the five-minute debate, without cutting off the right of any gentleman to amend. This enlarges it only to this It says, with reference to the amendment in relation to Union extent. It says, with reference to the amendment in relation to thion soldiers' homesteads, that we shall have a yea-and-nay vote in the House. It also says, in reference to the amendment offered by the gentleman from Illinois [Mr. PAYSON] in relation to town sites, that we remark that in the House. I say to generate the same of shall have a yea-and-nay vote upon that in the House. I say to gentlemen who are opposed to this bill that I care not whether there is a town-site provision in the bill or not. Your objection to the passage of this bill, gentlemen, on this day or any other day, under the suspension of the rules, was that there would be only thirty minutes for debate. It was desired to give two days to the consideration of this bill, but on consultation with some of the gentlemen opposed to the measure, it was agreed that that would be taking too much time at this short session. Now we propose to give one day to the discussion and to the offering of amendments to a bill which seeks to open this great body of land to actual settlers, not to speculators. No man can acquire a homestead unless he resides upon the land for a period of three years, and then he can acquire title to only 160 acres. exception is that a Union soldier can acquire a title to his 160 acres by gested that he believed it was in the interest of town-site companies.

My friend knows that under the law as it is to-day he and a few others can organize themselves into a town-site company and go and acquire title to the public lands through the probate judges, and get them at \$1.25 an acre, and then sell them as speculators, while under the provisions of this bill they would be required to pay \$20 an acre; lators than I will; and I say to the gentleman from Indiana [Mr. HolMAN], who is so apprehensive about railroad monopoly, let him draught a provision as strong as his ingenuity and his masterly command of the English language can frame it, and if it is in the interest of actual settlers upon these lands and in the interest of keeping the lands out of the hands of corporations, I will advocate and vote for the amendment. We simply ask that this measure shall be given fair consideration upon this floor. Having been discussed day in and day out in the past and delayed by dilatory motions, by filibustering, and in every practicable manner, we now ask that it shall receive fair consideration at the hands of this House.

Mr. HOOKER. Then strike out from your resolution the proposi-tion to consider the previous question as ordered. That is what you ought to do if you want to have the measure fairly and fully considered.

The question was taken; and the Speaker declared that the ayes

seemed to have it.

Mr. HOOKER. I ask for a division.

Mr. WARNER. Mr. Speaker, on that question I demand the yeas

The question was taken; and it was decided in the affirmative-yeas 163, nays 75, not voting 84; as follows:

Adams,	Fisher,	McKenna,	Smith.
Allen, Mich.	Fuller,	McKinley,	Sowden,
Anderson, Iowa	Funston,	McKinney,	Springer,
Anderson, Ill.	Gallinger,	McMillin,	Steele,
Anderson, Kans.	Gear.	McRae,	Stephenson,
Atkinson,	Glass,	Merriman,	Stewart, Vt.
Bland,	Grout,	Milliken.	Stockdale,
Blount,	Guenther,	Moffitt.	Stone, Ky.
Bound,	Harmer,	Morgan,	Stone, Mo.
Boutelle,	Hatch,	Morrill,	Struble,
Bowden,	Hayden,	Morrow,	Symes,
Brewer,	Heard,	Neal,	Tarsney,
Browne, Ind.	Henderson, Iowa	Nelson,	Taulbee,
Brown, J. R., Va.	Herbert,	Newton.	Taylor, E. B., Ohio
Buchanan,	Hitt,	Norwood,	Taylor, J. D., Ohio
Burnes,	Hogg,	Oates,	Thomas, Ill.
Burnett,	Hopkins, Ill.	O'Donnell,	Thomas, Wis.
Burrows,	Hopkins, Va.	O'Neill, Mo.	Thompson, Ohio
Bynum,	Houk,	Osborne,	Thompson, Cal.
Campbell, F., N. Y.	Howard.	Outhwaite,	Tracey,
Campbell, Ohio	Hudd,	Parker,	Townshend,
Campbell, T.J., N.Y		Patton,	Turner, Kans.
Cannon,	Kean,	Peel,	Vandever,
Caswell.	Kennedy,	Perkins.	Wade,
Cheadle,	Kerr,	Peters,	Walker,
Chipman,	Kilgore,	Pugsley,	Warner,
Clardy,	Laffoon,	Reed,	Weaver,
Clark,	Landes.	Rice,	Weber,
Cogswell,	Lane,	Richardson,	West,
Collins,	Lanham,	Rockwell,	Wheeler,
Conger,	Lawler,	Rogers,	White, N. Y.
Crouse,	Lind,	Romeis,	Whiting, Mich.
Dalzell,	Lodge,	Russell, Mass.	Whiting, Mass.
Darlington,	Long,	Rusk,	Williams,
Dingley,	Maish,	Ryan,	Wilson, Minn.
Dockery,	Mansur,	Sayers,	Wilson, W. Va.
Dorsey,	Martin,	Scott,	Wise,
Dunn,	Matson,	Seull,	Woodburn,
Enloe,	McAdoo,	Seney,	Yoder,
Ermentrout,	McClammy,	Seymour,	Yost.
Farquhar,	McComas,	Shively,	

## NAYS-75.

Abbott.	Cooper,	Haugen.	O'Neall, Ind.
Allen, Mass.	Cothran,	Hemphill,	O'Neill, Pa.
Anderson, Miss.	Cowles.	Holman,	Perry,
Baker, N. Y.	Crain,	Hooker,	Post,
Baker, Ill.	Crisp.	Hopkins, N. Y.	Randall.
Barnes,	Culberson,	Hunter,	Rowell.
Bayne,	Cummings,	Jackson,	Rowland,
Belden.	Cutcheon,	Johnston, N. C.	Sawyer,
Bingham,	Dargan,	Jones,	Sherman,
Boothman.	Davidson, Ala.	Ketcham.	Spinola,
Breckinridge, Ky.	Dibble,	La Follette.	Spooner.
Bryce,	Dougherty,	Laidlaw,	Stewart, Tex.
Buckalew,	Finley.	Lynch.	Stewart, Ga.
Candler,	Forney,	Macdonald.	Thomas, Ky.
Carlton.	Gest.	McCreary,	Tillman,
Caruth,	Grimes,	Mills.	Turner, Ga.
Catchings,	Grosvenor,	Montgomery,	Wickham,
Clements,	Hall.	Moore,	Wilkins.
Compton,	Hare,	O'Ferrall,	Trans.

## NOT VOTING-84.

Allen, Miss. Arnold, Bacon, Bankhead, Barry, Biggs, Blanchard, Bliss, Bowen, Breckinridge, Ark. Brower, B. H. P. V.	French,	Hermann, Hiestand, Hires, Holmes, Hutton, Kelley, Lagan, Laird, Latham, Lee, Lehlbach,	•	Owen, Payson, Penington, Phelan, Phelps, Pidcock, Plumb, Rayner, Robertson, Russell, Conn. Shaw,
Browne, T.H.B., Va Brown, Ohio	Gay,	Lyman, Maffett.		Simmons, Snyder,
Brumm,	Gibson,	Mahoney,		Stahlnecker.
Bunnell, Butler,	Glover, Goff,	Mason, McCormiek,		Vance, Washington,
Butterworth,	Granger,	McCullogh,		White, Ind.
Cobb, Cockran,	Greenman, Hayes,	McShane, Morse,		Whitthorne, Wilber,
Cox,	Henderson, N. C.	Nichols,		Wilkinson,
Davenport,	Henderson, Ill.	Nutting.		Yardlev.

So the motion of Mr. WARNER to suspend the rules and adopt the order proposed was agreed to.

Mr. STRUBLE. I ask unanimous consent that the reading of the

manes be dispensed with.

Mr. HOOKER. I object.

Mr. WEAVER. This is an important vote; I think it had better be read.

The roll-call was read.

Mr. HOLMES. Mr. Speaker, I was not present, I believe, when my name was called. If present, I would have voted "ay."

The following additional pairs were announced:

Mr. Bankhead with Mr. Kelley, for the remainder of the day.

Mr. HENDERSON, of North Carolina, with Mr. WILBER, for the remainder of the day.

The result of the vote was announced as above stated. [Applause.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed the bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation.

#### POST-OFFICE IN WASHINGTON, D. C.

The SPEAKER. The next question in order is the motion (coming over from a previous suspension day) made by the gentleman from South Carolina [Mr. Dibble], from the Committee on Public Buildings and Grounds, to suspend the rules and pass the bill which will be

The Clerk read as follows:

A bill (H. R. 10406) for the purchase of square 489 in the city of Washington as the site for the post-office and other Government uses.

A bill (H. R. 10406) for the purchase of square 489 in the city of Washington as the site for the post-office and other Government uses.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide, square 489, in the city of Washington, in the District of Columbia, as the site for a city post-office and for other Government uses. The said site shall not exceed in cost the sum of \$430,000, and for the acquisition thereof the said sum of \$430,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 2. That in case the Secretary of the Treasury shall be unable to purchase the whole of the said square he shall enter into a contract or contracts of purchase with so many of the owners of parcels of the said square as are willing to dispose of the same, at such price or prices as he deems reasonable, and as will leave remaining an ample sum to meet the expenses of acquiring the remaining parcels by condemnation, within the limit of cost hereinbefore provided; and in each and every such contract of purchase there shall be inserted a proviso that the same shall not be binding upon the United States unless a good and valid title to the whole of the real estate embraced in the said square shall be acquired by the United States at a cost not exceeding the said sum of \$430,000; and he shall proceed to acquire the remaining parcels by condemnation in the supreme court of the District of Columbia, in the mode prescribed by an act of Congress, entitled "An act authorizing the construction of a building for the accommodation of the Congressional Library." approved April 15, 1886, and full jurisdiction in the premises is hereby vested in the said court: Provided, That no money hereby appropriated shall be expended for the acquisition of the said site or any part thereof until a valid title to the same shall be vested in the United States.

The SPEAKER. On the motion to suspend the rules and pass the bill, which has been read, a second was demanded.

Mr. DIBBLE. I ask unanimous consent that a second be considered as ordered.

Mr. KILGORE. My impression is that this bill was pending on suspension day a month ago.
The SPEAKER. It was

Mr. KILGORE. And if I remember correctly, a second had been demanded, pending which the House adjourned. The SPEAKER. That is so.

Mr. KILGORE. Does not the same question now come up? The SPEAKER. It does; but the gentleman from South Carolina asks unanimous consent that a second be considered as ordered.

Mr. KILGORE.

I object.
The gentleman from South Carolina [Mr. DIB-The SPEAKER. BLE] and the gentleman from Texas [Mr. KILGOBE] will act as tellers.

The House divided; and the tellers reported—ayes 156, noes 12.

So the motion to suspend the rules was seconded. The SPEAKER pro tempore (Mr. Mocreary). Under the rules,

The SPEAKER pro tempore (Mr. McCreary). Under the rules, thirty minutes are now allowed for debate—fifteen minutes on each side. The gentleman from South Carolina [Mr. Dibble] will be recognized to control the time in favor of the bill, and the gentleman from Texas [Mr. Kilgore] to control the time in opposition.

Mr. Dibble. Mr. Speaker, the site proposed in this bill is that agreed upon by a majority of the Committee on Public Buildings and Grounds after considering all the various sites offered. In respect to economy, this site, considering the quantity of ground there is in the square, is as cheap as, indeed cheaper than, any site which has been offered. In situation it is eligible. This bill embodies, I think, a basis on which something may be done to expedite the acquisition of a site and the building of a city post-office, which we all know is a "consummation devoutly to be wished." mation devoutly to be wished."

I will reserve the residue of my time until I have heard what may

be said in opposition to this measure.

Mr. KILGORE. Mr. Speaker, I agree that this city ought to have a first-class building for post-office purposes, and that it ought to be

located on a desirable site, but I can not conceive that it is the duty of the Government to pay \$430,000 for the block named in this bill upon which to erect such building while the Government owns within the limits of the city plenty of ground which can be used for such purposes, affording more eligible sites in every respect for a post-office building than the block on Judiciary Square. These reservations owned by the city would cost nothing; they are well and favorably located, and it would be much better that some one of the numerous reservations belonging to the Government should be used for post-office purposes, and let the \$430,000 which it proposed to expend in purchasing the site with such additional amount as may be necessary be used for the erection

of a first-class public building.

Besides, Mr. Speaker, this is not a business-like proposition. The method which the committee presenting this bill has chosen to employ is just the reverse of the course a business man would pursue who was seeking investments in Washington. The block in view is covered by a number of first-class brick buildings. They certainly constitute at least half the cost of the block; and yet they can not be utilized at all for public purposes, and hence would have to be torn down and the rubbish removed, which, according to the old spelling-

book, is "no small job."

Would a capitalist, a business man, buy valuable property and then proceed to destroy at least half its value in that way? And certainly no business man with money to invest would publicly announce the price he was willing to pay for a given piece of property without knowing what it could be bought at. He would first undertake to negotiate for it, ascertain the lowest price at which it could be bought, find out its true market value, and would satisfy himself it was worth the price asked for it before binding himself to the bargain. No one, it seems, has had authority to contract for the bargain. No one, it seems, has had authority to contract for the purchase of the property mentioned in the bill. No one seems to knew its value. It is not stated that this is the cheapest bargain that can be had. Yet the Government binds itself to pay \$430,000 for the block in question, "hit or miss." It is unbusiness-like.

Mr. OATES. Will the gentleman allow me a question?

Mr. OATES. Will the gentleman allow me a question?
Mr. KILGORE. Certainly.
Mr. OATES. Let me ask the gentleman from Texas, although his criticism may be true, whether it is not better to let some bill pass and send it to a committee of conference?
Mr. KILGORE. I do not know what action the Senate has taken.
My understanding is it has been in favor of appointing a commission to negotiate for property upon which to erect this city post-office building. If a site has to be bought at all, it seems to me this would be the ing. If a site has to l best course to pursue.

Mr. ROGERS. Will the gentleman from Alabama state what the Senate has done, for I should like to know?

Mr. OATES. The Senate has agreed on a different site.

Mr. RANDALL. And a different procedure.

Mr. ROGERS. A different lot at what price? We certainly ought to know and somebody ought to be able to tell us.

Mr. KILGORE. I agree there ought to be a building suitable to the

Mr. KILGORE. I agree there ought to be a building suitable to the demands of this city, but I do not agree to the passage of a bill largely

in the interest of speculation.

Mr. CANNON. Am I correct in saying this site is west of Judiciary

Square?

Mr. KILGORE. Yes, sir; it is the block upon which the police-court house is situated. My friend from Illinois ought to know where that building is located. [Laughter.]

Mr. CANNON. I know my friend does, because I was there as his attorney on one occasion. [Renewed laughter.]

I ask my friend whether he would be willing now to vote to make an appropriation of half a million of dollars to erect a city post-office building provided we would agree to erect that building 200 feet alongside or in the rear of the building now used as the city court-house? The building, you mean, on Judiciary Square?

Mr. KILGORE. Mr. CANNON. Yes, sir.

Mr. KILGORE. There we have the site for nothing. I will be willing to vote an appropriation sufficient for a building which ought to be put up in this city. I am perfectly willing to vote for a propo-sition of that kind, and for the necessary appropriation to erect the building.

Now, this is valuable property, valuable by reason of its situation, valuable because it is covered with buildings owned by private individuals who will insist on a high price; but if we buy the buildings they will be utterly worthless for a post-office, and they must be removed and a new building erected in their place. This is bad business. You hear of certain things being bad politics, but this is bad financiering for the Government, and it ought not to engage in it.

Beside I take it that an additional clause ought to be put on this bill

and all others providing for public improvements in Washington. There has never been to my knowledge a public improvement prose-cuted in this city which did not wind up with a scandal more or less disgraceful. There should be a provision in the bill, if this purchase is to be made, for the appointment of a Congressional committee with authority to sit in vacation and to send for persons and papers to investigate the scandal which must inevitably grow out of this transaction. [Laugh-

How much the real-estate speculators of Washington are interested I do not know. The bill ought not to pass, and I trust it will not.

I reserve the remainder of my time.

Mr. MILLIKEN. Mr. Speaker, I desire to say, in the first place, that in the committee I did not vote in favor of the propriety of making the purchase which is contemplated here, not because I believed that more was asked for the proposed site than it was worth, but because I believed that the post-office should be located at a place more convenient of access for the people of the city, as well as those who are here transiently, and who are of necessity required to transact business with the post-office while they are here.

There has been a proposition before the Committee on Public Buildings and Grounds during the entire time that I have been a member of this House, coming from the Senate, to purchase the block of ground

adjacent to the Post-Office Department.

The committee of the House has steadily refused to adopt that proposition, because after giving to the subject careful consideration we are satisfied that the plat of land indicated, when it shall be purchased by the Government and the building erected, will not cost the people of this country less than \$6,000,000, and because of the fact that two-thirds or three-fourths, but I think at the extreme not more than twothirds, of the land can be purchased at private sale. The remainder of the site would have to be condemned, and nobody knows what that property would cost the Government until after the condemnation proceed-

ings were had.

Now, my friend from Texas who has just spoken favors the taking of a reservation in the city and placing the building upon it. Mr. Speaker, we are now spending nearly \$100,000 annually in this city to pay for the rental of private buildings for public purposes, and we are in some instances paying as much as 17 per cent. on the value of the buildings, while many of them are old tumble-down structures, really fit only for rats to live in. A great many new buildings, if the Government shall practice economy or desires proper buildings for the transaction of the public service, and where it can be done well and economically, ought to be built, and a good many such buildings will have to be built in the near future, or else we must go on paying such

rents as I have indicated.

If you are to take a public reservation for the post-office site, I see no reason why, on the same ground argued by the gentleman from Texas, you should not take other parts of the public reservations for Texas, you should not take other parts of the public reservations for the other necessary public buildings; and then, after you have completed your work the city of Washington will be left with hardly a breathing place in it. Is this great capital of a great nation of 60,000,000 people to-day, with the prospect of 100,000,000 in the near future, to be left without an open spot, a breathing place, for its inhabitants? If so, why? Simply to practice a little petty economy. Why, Mr. Speaker, you have no park here now of any consequence. You have only what I may again call these little breathing places at the corners where the avenues and the streets intersect each other, and shall we, to gratify the economical designs of certain gentlemen, shut them up to gratify the economical designs of certain gentlemen, shut them up to save a few dollars necessary to purchase plats to erect outbuildings upon? I protest against it. I would not put the proposed post-office on Judiciary Square because, in the first place, I would not shut up that reservation, and, in the second place, it is out of the way from where the post-office should be. Where is the wisdom of putting it there? For the purpose of saving a few dollars a man might be willing to erect a stable in his front yard, and that of course would be a saving of money necessary to buy a suitable plat for it in the rear. But the question is, would it be good economy? It certainly would not be ornamental to have it there. And so I believe this great capital of the United States can afford to buy a lot of land in the right place where the post-office ought to be and pay a fair price for it, and it ought to do it, and then erect a post-office here that shall be fit to do the public business in a manner that will not dishonor or discredit the nation. the nation.

I have said that I did not vote for this in the Committee on Public Buildings and Grounds, but I shall vote for the passage of the bill because it will throw the subject in conference, and then, between the Senate and the House conferees, I have no doubt that we will finally succeed in getting a better plat at a lower price to build the post-office upon than the one which is now selected in the measure pending before the House. On that account I shall vote for the proposition.

Mr. KILGORE. I yield five minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I shall not consume so much time.

Mr. Speaker, it seems to me proper that the House should reflect be-fore entering upon an act which will commit this Government to the purchase of the plat proposed by the Committee on Public Buildings and Grounds for the erection of the proposed post-office building. The proposition before us is to buy for \$430,000 the lot due west across the street, if I understand correctly, from Judiciary Square. Why not, if you are going into that immediate section to erect this building, take the Judiciary Square lot and put you building upon it, and save to the Government the amount required for this purchase, \$430,000?

We are told that this is a matter of convenience to the citizens. But I venture to suggest that the people of the city are not in fact so much interested as gentlemen would have us suppose. I concede of course,

as an absolute necessity, that this great city should have a proper and adequate post-office building; but under the carrier system, where we have employed at public expense a large number of letter-carriers who go to every part of the city, there is not that necessity which has been suggested for a large and expensive building or a particular or a censuggested for a large and expensive building of a particular of a central location, nor are the citizens so much interested as claimed by those who seek to authorize the purchase of this private property. The gentleman from Texas [Mr. KILGORE] has said that this should be a clean business transaction, and the Government should use its own land, which is as convenient a lot as that it is proposed to purchase, and can be utilized at a saving of nearly half a million of dollars. I ask if there is any sane individual that would not avail himself of that which there is any sane individual that would not avail nimself of that which he has and which is available for the purpose, rather than to put his hand in his own pocket and pay a half million of dollars unnecessarily for the privilege of putting this building on another lot adjacent to it?

The fact is that somehow or other, irresistibly and without our knowledge, every proposition to make an improvement in the city of Washind it as a motive power the purphase of privi

ington seems to have behind it as a motive power the purchase of private land. I have experienced it myself from time to time in the vate land. I have experienced it myself from time to time in the committees on which I have served, and I can realize how others may have felt it. Here is a proposition for the purchase, at a cost of nearly a half million of dollars, of a lot right across the street from one owned by the Government. Why incur this expense when you have a suitable lot adjacent to it? You have the choice; which will you choose?

Mr. MILLIKEN. Will the gentleman permit a question? I would like to ask the gentleman if he would be in favor of shutting up the parks of the city?

parks of the city?

Mr. RANDALL. Oh, there is nothing in that. On the contrary, my opinion and belief is that a proper post-office building on Judiciary Square would be an ornamentation to the park.

Mr. MILLIKEN. You put enough there and there will be no Ju-

diciary Square left.

Mr. DIBBLE. I yield two minutes to the gentleman from Penn-

sylvania [Mr. Sowden].

Mr. SOWDEN. I recognize the force of the argument presented by my distinguished colleague from Pennsylvania [Mr. RANDALL], and it may not be out of place for me to state that I advocated in the committee the selection of the Judiciary Square, but a large number of the committee differed with me, and I acquiesced in the report of the majority. Every member of this House must recognize the public importance of the erection of a post-office building in this city. The present building is not only inadequate for the needs of the service, but a standing disgrace to the capital of the nation.

The President of the United States, in his last annual message to Congress, spoke in no uncertain terms upon this important subject, as

appears from the following extract, which I will read:

The propriety and necessity of the erection of one or more prisons for the confinement of United States convicts and a post-office building in the national capital are not disputed. But these needs remain unanswered, while scores of public buildings have been erected where their necessity for public purposes is not apparent.

Now is presented an opportunity which is likely to be the only one at this session of Congress when the needs of the public might be pro-

The Senate has passed a bill selecting a site different from the one provided for in this bill. If we pass the bill now before the House we may accomplish something; otherwise, the matter may be deferred for more than a year.

The measure will undoubtedly have to go to a committee of conference, when the differences between the two Houses may be reconciled and a satisfactory solution of this vexed question agreed upon.

So far as I am individually concerned, I agree with my colleague

from Pennsylvania [Mr. RANDALL].

From a purely economical standpoint, I believe in selecting land owned by the Government for the erection of the necessary public buildings, provided the location is accessible and suitable for the convenience of the people and a proper transaction of the public busines

I shall vote for the present proposition, however, because I firmly believe that the matter can be satisfactorily adjusted in a committee of conference, and I fear it is the only way in which a bill can be passed in the closing hours of this session.

The SPEAKER pro tempore. The time of the gentleman has expired. Mr. RANDALL. Would not the gentleman be in favor of remodeling the late court-house building, so that we could have a court-house, post-office, and other municipal offices here for the city of Washington?

Mr. SOWDEN. That is one of the reasons why I was in favor of the selection of Judiciary Square; but I was outvoted by the committee.

The SPEAKER pro tempore. The time of the gentleman has ex-

Mr. KILGORE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has three minutes of

his time remaining.

Mr. KILGORE. I yield that time to the gentleman from New York

[Mr. SPINOLA]. Mr. SPINOLA. The question narrows down to a clear business issue; and I doubt whether there is a member on the floor of this House,

acting in a fiduciary capacity, who would create an outlay of \$450,000 when he could accomplish the same purpose void of that expense.

Now, I am not opposed to the erection of a suitable building for a post-office for this city, and will vote for it at the proper time; but I post-office for this city, and will vote for it at the proper time; but I am opposed to the expenditure of \$450,000 for a site when we have one right in the immediate vicinity of the lot proposed to be purchased that we can use without the expenditure of a single dollar. Now, there is a strong power, as indicated by the gentleman from Pennsylvania [Mr. RANDALL], behind all of these Washington measures. It is a very powerful influence; whether electrical or otherwise I do not know; but it acts upon us and reaches us in such a way that bills are reported favorably and advocated on the floor of this House without regard to common sense and instice. common sense and justice.

common sense and justice.

I would like to vote for a post-office, as I have said, but will not vote for \$450,000 to be paid for a site when we can get a far better one than that proposed to be purchased for nothing. For that reason I hope the proposition will not prevail.

Mr. DIBBLE. What seems to be the mistake made by gentlemen who have been speaking in favor of Judiciary Square is this: That it is not simply for this House to say where the site is to be. It requires the concurrent action of the Senate and the House. Now, Mr. Speaker, I have had some little experience in relation to this question.

the concurrent action of the Senate and the House. Now, Mr. Speaker, I have had some little experience in relation to this question.

It has been my sphere of duty in this House to have been for six years past on the Committee on Public Buildings and Grounds, and I have myself held the position which has been advocated here to-day. I have been in favor of putting the post-office building upon Judiciary Square, but I realize two things: first, that that proposition has not met with general support on this floor, and, second, that the sentiment of the Senate (and I have been in contact with that sentiment for the last six years) is entirely converted to that proposition. Now, I think last six years) is entirely opposed to that proposition. Now, I think it is a good rule of legislation that if you can not get the best, or what you think is the best, then you should take the next best that you can get. This proposition, which has been brought in here from the Committee on Public Buildings and Grounds, was arrived at by mutual concessions among members of the committee, and, considering the size of the square, it is at least as cheap in every particular as any proposition that has been submitted to the committee.

The square is a large one, and it will furnish a site not only for the post-office, but also for the District offices and for a great many purposes of general departmental business which are now carried on in rented premises. It is well situated, on elevated ground; it is near the two depots where the mails come and go; it is a good site; and I am not one who, because I may agree in the abstract with the gentleman from Pennsylvania [Mr. RANDALL] or with the gentleman from New York [Mr. Spinola] or with the gentleman from Texas [Mr. Kil-Gore], will therefore say that the city of Washington, the capital of the nation, shall remain without a post-office building because I may think some other proposition would be better than the one that is presented. For these reasons, so far as I am concerned, I have yielded my views, as other members of the committee have yielded theirs, and we have brought in this bill as one step towards that consummation which we all desire. This site may not be agreed upon by the Senate; they may substitute another site, and then the matter will go into conference, and probably something will be agreed upon. At any rate, the necessity for this legislation is so urgent that I think the House ought to sacrifice something for the sake of getting a place for the city post-office, and this plan is quite as economical as any that has been suggested, if we once decide to go out of the public grounds for a site for this building. The Senate proposition proposes a site which can not be bought for less than a million and a quarter or a million and a half of dollars. That is the proposition of the Senate that has been sent us. Is not this better than that? If we are to go out of public grounds at all for a site, this is the most economical proposition that has been presented. There are 76,000 square feet of ground in the square; it is one of the largest squares in the city, at least double the size of the majority of those that have been offered, and I hope that the House will pass this bill, so that it may go to the Senate and become the basis of something definite.

The SPEAKER. Mr. KILGORE. The time of the gentleman has expired.

Is there any more time?

The SPEAKER.

The gentleman has one minute left. I yield that to the gentleman from Pennsylvania. Mr. KILGORE. Mr. RANDALL. I merely desire to say that the first step which the gentleman from South Carolina [Mr. DIBBLE] says he desires to take is a step in a contest between two private blocks or squares, and when we once take that step I fear we shut out entirely the proposi-

tion to put the building upon Judiciary Square.

Mr. BLOUNT. Does the gentleman mean that the conferees would not have jurisdiction to select a site outside of the two contending

Mr. RANDALL. The Senate has declared for a site costing about a million and a quarter of dollars, and the House is asked to declare for a site which will cost about \$430,000. For one I am opposed to both, because I believe that you should take Judiciary Square, which is a suitable and convenient site, without paying a dollar for it. The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. DIBBLE] to suspend the rules and pass the

Mr. DUNN and Mr. DIBBLE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative (twothirds not voting in favor thereof)—yeas 109, nays 108, not voting 105;

	YE	AS-109.	
Adams,	Darlington,	Kennedy,	Romeis,
Allen, Mass.	Dibble,	Ketcham,	Rowell,
Allen, Mich.	Dingley,	Laidlaw.	Scull,
Anderson, Kans.	Dorsey,	Lawler.	Shaw,
Baker, N. Y.	Farquhar,	Lodge,	Sowden,
Belden,	Fisher,	Long,	Spooner,
Boothman,	Foran,	McComas,	Springer,
Boutelle,	Ford,	McKinley,	Steele,
Bowden,	Gallinger,	McKinney,	Struble,
Brewer,	Gear,	Milliken,	Symes,
Browne, Ind.	Gest,	Moore,	Taulbee,
Brown, Ohio	Grosvenor,	Morrow,	Thomas, Ky.
Brown, J. R., Va.	Grout,	Neal,	Thomas, Ill.
Burnett,	Guenther,	Newton,	Thomas, Wis.
Campbell, F., N. Y.	Harmer,	Oates,	Thompson, Ohio
Campbell, T.J., N.Y	Haugen,	O'Neill, Pa.	Townshend,
Candler,	Hayden,	Owen,	Wade,
Caswell,	Hemphill,	Parker,	Walker.
Cheadle,	Henderson, Iowa	Patton,	Warner,
Chipman,	Holmes,	Perkins,	Weber,
Clark,	Hopkins, Ill.	Peters,	White, N. Y.
Cogswell,	Hopkins, N. Y.	Phelan,	Whiting, Mass.
Conger,	Houk,	Plumb,	Wickham,
Cothran,	Howard,	Post,	Wilkins,
Crouse,	Hudd,	Pugsley,	Wilkinson,
Cutcheon,	Jackson,	Reed,	
Dalzell,	Johnston, N. C.	Rice,	
Dargan,	Kean,	Rockwell,	
The same of the sa	4717	70 100	

	77.77	MENT COLUMN TOPA	
Abbott,	Cummings,	Lind,	Randall,
Anderson, Iowa	Davidson, Ala.	Lynch,	Rogers,
Anderson, Ill.	Davis,	Macdonald,	Rowland,
Atkinson,	Dockery,	Maish.	Ryan,
Bacon,	Dunn,	Mansur,	Sawyer,
Baker, Ill.	Elliott,	Martin.	Sayers,
Barnes,	Enloe,	Matson,	Seney,
Bingham,	Flood,	McAdoo,	Sherman,
Bland,	Forney,	McClammy,	Shively,
Blount,	Fuller.	McCreary,	Smith,
Breckinridge, Ky.	Glass,	McMillin,	Spinola,
Buchanan,	Grimes,	McRae,	Stewart, Tex.
Buckalew,	Hare.	Merriman,	Stewart, Ga.
Burnes,	Hatch,	Mills,	Stockdale,
Butterworth,	Henderson, Ill.	Moffitt.	Stone, Ky.
Bynum.	Herbert.	Montgomery,	Stone, Mo.
Campbell, Ohio	Hitt.	Morgan,	Tarsney,
Cannon,	Holman,	Nelson.	Taylor, J. D., Ohi
Caruth,	Hopkins, Va.	Norwood,	Tillman,
Catchings,	Johnston, Ind.	O'Ferrall.	Turner, Ga.
Clardy,	Jones,	O'Neall, Ind.	Weaver,
Clements,	Kerr,	O'Neill, Mo.	Whiting, Mich.
	Kilgore,	Osborne,	Williams,
Cobb,	La Follette,	Outhwaite,	Wilson, Minn.
Cooper,	Landes,	Payson,	Wilson, W. Va.
Cowles,		Peel,	Wise.
Crisp,	Lane,	Perry	Woodburn.

	NOT VO	TING-105.	
Allen, Miss.	De Lano,	Kelley,	Russell, Mass.
Anderson, Miss.	Dougherty,	Laffoon,	Rusk,
Arnold,	Dunham,	Lagan,	Scott,
Bankhead,	Ermentrout,	Laird,	Seymour,
Barry,	Felton,	Latham,	Simmons,
Bayne,	Finley,	Lee,	Snyder,
Biggs,	Fitch,	Lehlbach,	Stahlnecker,
Blanchard,	French.	Lyman,	Stephenson,
Bliss,	Funston,	Maffett,	Stewart, Vt.
Bound,	Gaines,	Mahoney.	Taylor, E. B., Ohio
Bowen,	Gay,	Mason.	Thompson, Cal.
Breckinridge, Ark.	Gibson,	McCormick.	Tracey.
Brower		McCullogh,	Turner, Kans.
Brower, Browne, T. H.B., Va	Goff	McKenna,	Vance,
Brumm,	Granger,	McShane,	Vandever.
Bryce,	Greenman,	Morrill.	Washington,
Bunnell,	Hall,	Morse,	West,
Burrows,	Hayes,	Nichols,	Wheeler,
Butler,	Heard,	Nutting,	White, Ind.
Carlton,	Henderson, N. C.	O'Donnell,	Whitthorne,
Coekran,	Hermann,	Penington,	Wilber.
Collins,	Hiestand,	Phelps,	Yardley,
Compton,	Hires,	Pideoek,	Yoder,
	Hogg,	Rayner,	Yost.
Cox,	Hooker,	Richardson.	7 000
Crain,	HOUKEI,	Actendardson,	a man of the contract of the c

Robertson, Russell, Conn. Hunter, Hutton, Davenport, Davidson, Fla. So (two-thirds not voting therefor) the motion of Mr. DIBBLE to suspend the rules and pass the bill was rejected.

During the vote,

On motion of Mr. DIBBLE, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. Anderson, of Mississippi, with Mr. VANDEVER, for the rest of the day.

Mr. DOUGHERTY with Mr. MASON, for the rest of the day.

Mr. THOMPSON, of California, with Mr. McKenna, for the rest of

The vote was then announced as above recorded.

#### NAVAL APPROPRIATION BILL.

Mr. HERBERT, from the Committee on Naval Affairs, reported a bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I reserve all points of order on that bill.

ORDER OF BUSINESS

The SPEAKER pro tempore (Mr. McCreary). The next committee in order for the purpose of submitting a motion to suspend the rules is the Committee on Indian Affairs.

Mr. O'FERRALL. Mr. Speaker, on the last suspension day, when the Committee on Mines and Mining was reached, I was unavoidably out of my seat. I now ask unanimous consent that the Chair may return to that committee, in order that I may call up the bill which I

would have called up had I been present at that time.

The SPEAKER pro tempore. The Committee on Indian Affairs and The SPEAKER pro tempore. The Committee on Indian Analysis and several other committees were passed, their rights being reserved. The gentleman from Virginia [Mr. O'FERRALL] now asks unanimous consent that the Committee on Mines and Mining be allowed to retain its place, to be called after the other committees which have been . passed are called. Is there objection?

Mr. O'NEILL, of Missouri. I object.
Mr. McADOO. Mr. Speaker, I was unavoidably detained from my seat when the Committee on the Militia was called. I do not know whether any member asked that the right of the committee be reserved; but if no such continuance was given, I now ask unanimous consent that the committee may retain its right to be called.

Mr. O'NEILL, of Missouri. I object.

## LEASES OF INDIAN LANDS FOR MINING PURPOSES.

Mr. PEEL. On behalf of the Committee on Indian Affairs, I move that the rules be suspended so as to pass, with the amendments reported by that committee, the bill (H. R. 6162) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Natiors of Indians, respectively, to lease lands within their respective boundaries for mining purposes, subject to the approval of the Secretary of the Interior, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations.

The bill as amended by the Committee on Indian Affairs was read, as

follows:

Be it enacted, etc., That the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, be, and the same are hereby, authorized to lease, in such manner as may be prescribed by the laws of said nations of Indians, respectively, lands within their respective boundaries, for coal-mining or other mining purposes, upon such terms and conditions and for such period as to said nations, respectively, may seem best, subject to the approval of the Secretary of the Interior; and any contract for mining made and entered into in pursuance of the law of the contracting nation, by the person or persons, officer or authority prescribed by the laws of said nation making such contract, shall be binding and effectual upon such contracting nation, as well as upon the party entering into such contract with said nation.

Sec. 2. That all moneys arising from leases under the provisions of this act shall be paid to and receivable by the treasurer of the contracting nation, and expended in the same manner and for the same purposes as are other revenues or moneys belonging to said contracting nation: Provided, That any revenues or moneys arising under a contract of lease made with the Choctaw or Chickasaw Nation shall be paid, one-fourth to the Chickasaw Nation and three-fourths to the Choctaw Nation.

Sec. 3. That the district courts of the United States for the western district of Arkansas and for the northern district of Texas shall have juri-diction of all controversies arising under this act where the interests of a citizen of the United States are involved, or where such citizen may be a party plaintiff or defendant; and for the purposes of this act the Indians, by birth or adoption, of said nations are hereby authorized to sue and be sued, to plead and be impleaded, in said courts.

Sec. 4. That all lease contracts heretofore made with any of said nations and in pursuance with their laws, for coal-mining and other mining, and which shall be approved by the Secretary of the Interior, are hereby

The SPEAKER pro tempore. Is a second demanded on the motion to suspend the rules?

Mr. CHEADLE. I demand a second.

Mr. PEEL. I ask unanimous consent that a second be considered

as ordered.

Mr. CHEADLE. I object.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CHEADLE] and the gentleman from Arkansas [Mr. Peel] will take their places as tellers.

The House divided; and the tellers reported—ayes 116, noes 2.

Mr. CHEADLE. No quorum.

Mr. PERKINS. I understand that the gentleman from Indiana [Mr. Cheadle] is willing to withdraw his demand for a quorum if he can be allowed an opportunity to offer to this bill an amendment limiting the period of these leases to fifteen years.

Mr. PEEL. Twenty years.

Mr. PEEL. Twenty years.

Mr. PEEKINS. The gentlemen in charge of the bill consent that this may be done, if satisfactory to the House. I ask unanimous consent for that purpose.

Mr. HOLMAN. Let that portion of the bill be amended so as to

read, "for such period not exceeding twenty years."

Mr. CULBERSON. I introduced this bill; and I hope that the agreement now asked may be made.

The SPEAKER pro tempore. It will require unanimous consent.

Mr. PERKINS. I ask unanimous consent that the amendment indicated may be considered as pending, and that a vote be taken on it. The SPEAKER pro tempore. The gentleman from Arkansas [Mr. PEEL] can modify the bill which he has submitted.

Mr. HOLMAN. I suggest that by unanimous consent the amend-

ment indicated be made.

The SPEAKER pro tempore. If there be no objection, the amendment indicated, to insert, after the word "period," in line 9 of section 1, the words "not exceeding twenty years," will be made. The Chair hears no objection.

Mr. PEEL. I now modify my motion so as to suspend the rules and pass the bill with the amendments reported by the Committee on Indian Affairs and the amendment just inserted on the suggestion of the gentleman from Indiana [Mr. CHEADLE].

Mr. ADAMS. We can not understand what modifications are being made. I think the modifications should be read at the desk.

The SPEAKER pro tempore. That will be done. Is the demand for a quorum withdrawn?

Mr. CHEADLE. I withdraw it.
Mr. PEEL. Now, Mr. Speaker, for the information of the House as well as of the gentleman from Illinois [Mr. ADAMS], who has made the inquiry, I wish to state that this bill simply authorizes the five civilized tribes to lease their coal and other mines for a period not exceeding twenty years. The bill itself provided no limitation in that respect, but the amendment provides that lease contracts of such lands shall be for a period not exceeding twenty years, subject to the approval of the Secretary of the Interior in all cases.

Now, these Indians have been leasing their coal lands for many years

past. Many of the leases were approved. It was believed the Department could authorize the making of such contracts, and many were approved by the Secretary of the Interior under that impression. The present Attorney-General, however, found a statute which prohibited lease contracts for temporary purposes by these Indians of their coal lands. Consequently this legislation has been rendered necessary.

The bill requires such leases shall be made under the laws and local

regulations of the Indians themselves. Gentlemen must understand these tribes have their own governors, Legislatures, and various local

officers; they have all the elements of good State government.

It is important to the country where these coal lands are located that they should be worked, but no company would venture to invest their money upon an uncertainty in relation to the validity of their leases. We merely provide these Indians shall do hereafter what they have done for years—that is, lease their coal lands. But we have in the amendment also provided that they shall not be leased for a period exceeding twenty reverse.

ceeding twenty years.

As I have already said, the provisions of the bill are to be carried out under regulations by the Indians themselves, and no lease is to be granted without their consent.

Mr. BLOUNT. Will this terminate the leases which have been al-

ready made?

Mr. PEEL. The leases heretofore made contain no limitation. They were made under the belief these Indians had the authority to make them for whatever period they might choose. The statute which the Attorney-General found, however, prohibits any such leasing of these Indian coal lands. The effect, therefore, of this legislation is to terminate all such leases.

Mr. BLOUNT. So, then, it is provided that all leases, past and present, shall be for a period not exceeding twenty years?

Mr. PEEL. Yes, sir. Mr. HOLMAN. Section 4 provides-

That all lease contracts heretofore made with any of said nations and in pursuance with their laws, for coal-mining or other mining, are hereby validated; and any controversy arising under such contract shall be under the jurisdiction of the courts aforesaid, with the same rights to the parties as are provided in section 3 of this act.

The result of the adoption of this provision would be to validate

past lease contracts, and they would run forever.

Mr. PERKINS. Let that be amended so as to provide that those lease contracts shall be validated under the provisions of this act for a period not exceeding twenty years. I understood the amendment which has been agreed to covered past leases as well as the present

Mr. HOLMAN. It does not. Mr. PERKINS. Then let it apply to past leases as well as to pres-

The SPEAKER. The confusion is so great that it is impossible to hear what the gentleman is saying.

Mr. PEEL. I suggest, Mr. Speaker, that the limitation not exceeding twenty years shall apply to all sections of the bill so as to cover all

leases, past and present. Mr. HOLMAN. Afte After the word "validated" insert "subject to the provisions and limitations of this bill."

Mr. PEEL. That will cover it. Section 4 as modified was then read. The SPEAKER. Is there objection?

There was no objection; and the amendment was agreed to.
Mr. CHEADLE. At what point in the bill has the limitation "not

exceeding twenty years" been inserted?

The SPEAKER. After the word "period" in line 9, section 1.

Mr. CHEADLE. I move to insert it also after the word "lease" in line 8; so it will read:

That the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, be, and the same are hereby, authorized to lease for a period not exceeding twenty years, in such manner as may be prescribed by the laws of said nations of Indians respectively, lands within their respective boundaries, etc.

Mr. PEEL. Very well, let it be inserted there. I have no objection

The SPEAKER. The Chair hears no objection, and the amendment is agreed to.

Mr. PEEL. The object is to limit all leases, past and present, to a

period not exceeding twenty years,
The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks by unanimous consent that he have leave to extend his remarks on the Oklahoma bill. If there be no objection, leave will be granted for

There was no objection; and it was ordered accordingly.

Mr. PEEL. I move to add to section 4 of the bill the following: Provided, That the provisions of this bill shall not be deemed to apply to the Cherokee Strip or the so-called Oklahoma Territory.

The SPEAKER. Is there objection?

Mr. ADAMS. Yes; I object.
Mr. CHEADLE. I wish to suggest an amendment by which railroad corporations should be prohibited from making leases of these Indians. I do that for this purpose: Unless it is done, if you give railroad corporations the exclusive right of transporting coal, and also let them enter into these lease contracts, you will place the coal supply of that region in their hands as absolutely as it is in other sections of the coun-

try.

Mr. PEEL. I desire to state to the gentleman from Indiana that I

do not know of any other way to get this coal out except by railroads.

Mr. CHEADLE. The reason I make this suggestion is that I believe the railway corporations of this country ought to be compelled to transact their business as common carriers, and not enter into other lines of trade out of which all of these great monopolies grow. It is for that reason, and for that only, that I ask the adoption of the amendment.

Mr. PEEL. As far as I am individually concerned I have no objec-

tion in the world, if the gentleman desires to move his amendment, that

he shall have that privilege.

Mr. BLAND. It is a good amendment and I hope the gentleman will yield for it. The railroads get possession of these coal-mines and discriminate against private parties engaged in the same business.

Mr. HOLMAN. I suggest to my colleague to ask unanimous consent to insert these words at the end of the section:

But no railroad corporation shall directly or indirectly become the lessees of

Mr. CHEADLE. I accept that, and ask its adoption at the end of

The SPEAKER. Is there objection to the modification suggested by the gentleman from Indiana?

There was no objection.

The bill as modified was passed, two-thirds voting in favor thereof.

## INTERNATIONAL MONEY-ORDERS.

The Committee on the Post-Office and Post-Roads was called. Mr. MONTGOMERY. I am directed by the Committee on the Post-Office and Post-Roads to move to suspend the rules and pass the bill (H. R. 12107) to increase the maximum amount of international

money-orders from \$50 to \$100.

The SPEAKER. The bill will be read.

The bill is as follows:

Be it enacted etc., That section 4023 of the Revised Statutes of the United States (second edition, 1878) be, and the same is hereby, amended so as to read as follows:

lows:

"Sec. 4028. The Postmaster-General may conclude arrangements with the post departments of foreign governments with which postal conventions have been or may be concluded for the exchange, by means of postal orders, of small sums of money, not exceeding \$100 in amount, at such rates of exchange and compensation to postmasters, and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such systems of exchange may be paid out of the proceeds of the money-order business."

SEC. 2. That this act shall take effect within six months from the date of its approval by the President.

The SPEAKER. Is a second demanded?

A second was not demanded.

The question was taken; and the motion to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

## ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn. Mr. BACON. I ask the gentleman to yield to me for a moment to take up a bill which was read this morning.

Mr. MILLS. I will yield for that purpose. The SPEAKER. This bill was read this morning. Is the reading of it again asked for?

Mr. McMILLIN. Let it be read. The bill (H. R. 10832) for the establishment of a light-boat with fogbell on Oyster-Bed Shoal, in the Hudson River, New York, was again

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. I shall object unless there is one recognition also given to this side of the House.

The SPEAKER. The gentleman from Massachusetts [Mr. DAVIS] is next on the list if that consent is given.

Mr. BLAND. Let us have the regular order.
Mr. MILLS. Then I renew the motion that the House adjourn.
Mr. BACON. I understand the gentleman from New Jersey will withdraw his objection.

The SPEAKER. But the regular order is demanded, which is the motion of the gentleman from Texas.

The motion was agreed to.

And accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 12330) for the relief of Moses M. Bane—to the Committee on Claims.

By Mr. BELDEN: A bill (H. R. 12331) granting an increase of pension to Agnes M. Bradley—to the Committee on Invalid Pensions.

Also a bill (H. R. 12332) granting a pension to Charles H. Perry and Philoder Smith to the Committee on Invalid Pensions.

Philander Smith—to the Committee on Invalid Pensions.

By Mr. BOWDEN: A bill (H. R. 12333) providing for certain works connected with the Light-House Establishment, in the State of Virginia-to the Committee on Commerce.

By Mr. BURNES: A bill (H. R. 12334) for the relief of James A. Rice-to the Committee on Invalid Pensions.

By Mr. CLEMENTS: A bill (H. R. 12335) granting a pension to An-

drew W. Longley—to the Committee on Invalid Pensions.

By Mr. MAISH: A bill (H. R. 12336) authorizing the President of the United States to appoint Jacob E. Noel, late lieutenant-commander, United States Navy, a lieutenant-commander on the retired-list of the Navy—to the Committee on Naval Affairs.

By Mr. NELSON: A bill (H. R. 12337) granting a pension to Whe-

don W. Griswold-to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 12338) for the relief of Leger Res-

tle—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 12339) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 12340) for the relief of B. G. Tilley—to the Committee on War Claims.

Committee on War Claims.

By Mr. TOWNSHEND: A bill (H. R. 12341) to pension Thomas J. Bonig-to the Committee on Invalid Pensions.

Also, a bill (H. R. 12342) to pension Thomas H. Campbell-to the Committee on Invalid Pensions.

Also, a bill (H. R. 12343) to pension William F. Story—to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 12344) granting a pension to Louis Holtz—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 12345) to refer the claim against the United States of Harriet C. Hunter to the Court of Claims—to the

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of A. A. Hunt and 21 others, citizens of Manitou County, Michigan, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of farmers of Burlington County, New Jersey, for protection to agriculture-to the Committee on Ways and Means.

By Mr. CHIPMAN: Petition of George C. Langdon and others, for a bridge at Detroit-to the Committee on Commerce.

By Mr. CLEMENTS: Petition of heirs of Mary Deez, of Chattooga County, Georgia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. DIBBLE: Concurrent resolution of the General Assembly of South Carolina, urging favorable action in regard to the French spoliation claims—to the Committee on Claims.

Also, memorial of citizens of South Carolina for the same-to the Committee on Claims.

By Mr. GAINES: Resolutions of the Petersburgh, Va., tobacco trade urging the repeal of the internal taxes on tobacco—to the Committee on Appropriations.

Also, petition of post-office clerks, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of post-office clerks, for relief-to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMES: Petition of W. P. Atwell, praying for the passage of a special act for his relief-to the Committee on Military Affairs.

By Mr. HOUK: Petition of Rebecca J. Johnson, of Tennessee, for payment of her war claim-to the Committee on War Claims

By Mr. HUDD: Petition of post-office clerks for relief-to the Com-

mittee on the Post-Office and Post-Roads.

By Mr. LAWLER: Petition of the Wholesale Liquor Dealers' Association of Chicago, Ill., asking for the repeal of the special tax on wholesale liquor dealers and rectifiers—to the Committee on Ways and

By Mr. LIND: Protest of the Turnverein of St. Paul, Minn., against the Blair Sunday bill-to the Committee on the Judiciary.

By Mr. LONG: Petition of farmers of Sudbury, Mass., for protection to agriculture—to the Committee on Ways and Means,

By Mr. NEAL: Petition of Chattanooga Canning Company and 31 other business firms of Chattanooga, Tenn., asking that drawback be allowed on tin-plates—to the Committee on Ways and Means.

By Mr. NELSON: Petition of citizens of Euclid County, Minnesota, for a constitutional amendment to prohibit the manufacture, sale, etc., of alcoholic liquors in the United States—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. OSBORNE: Petition of post-office clerks, for relief—to the Committee on the Post Office and Post-Roads.

By Mr. PARKER: Resolutions of the State of New York, in favor of the improvement of Spuyten Duyvil Creek-to the Committee on Rivers and Harbors.

By Mr. PHELAN: Petition of Jennie S. Mitchum, administratrix of W. E. Mitchum, of Shelby County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. RICE: Resolution of the Chamber of Commerce of St. Paul, Minn., for an act to forbid dumpage upon the shores of the Mississippi River, and for increase of appropriations for improvement of the Upper Mississippi-to the Committee on Commerce.

Also, protest of Turnverein of St. Paul, Minn., against the Blair Sunday bill—to the Committee on the Judiciary.

By Mr. ROGERS (by request): Petition of Mrs. Susan Bonneville, for special act pension—to the Committee on Pensions.

By Mr. STAHLNECKER: Resolution of the New York State Assembly, urging sufficient appropriation for improvement of the Harlem River and Spuyten Duyvil Creek—to the Committee on Rivers and Har-

By Mr. M. A. SMITH: Memorial of tax-payers of Maricopa County, Arizona, requesting a grant of power to said county to issue bonds in aid of a railroad in said county—to the Committee on the Territories.

By Mr. SYMES: Memorial of the Denver Chamber of Commerce for

a deep harbor on the Texas coast—to the Committee on Rivers and Harbors.

By Mr. TAULBEE: Petition for an appropriation to survey the Ohio River—to the Committee on Rivers and Harbors.

Also, resolution relative to a division of Dakota and the admission of each into the Union-to the Committee on the Territories.

By Mr. TOWNSHEND: Petition of William F. Stovey, for a pensionto the Committee on Invalid Pensions.

Also, petition of citizens of Grayville, Ill., for an appropriation to improve the Wabash River near Grayville, Ill .- to the Committee on Rivers and Harbors.

By Mr. VANDEVER: Memorial of the Chamber of Commerce of Los Angeles, Cal., in favor of the acquisition of the peninsula of Lower California—to the Committee on Foreign Affairs.

By Mr. WEBER: Petition of citizens of Niagara County, New York, in relation to duties on logs and lumber-to the Committee on Ways

and Means. By Mr. WILLIAM WHITING: Petition of 4,500 voters of Spring-

field, Holyoke, South Hadley, and other towns of Massachusetts, for the improvement of navigation in the Connecticut River between Hartford and Holyoke-to the Committee on Rivers and Harbors.

By Mr. YODER: Resolution to place Henry B. Keffer on the soldiers' roll of the House employés-to the Committee on Accounts.

The following petitions against the passage of the international copyright bill were received, and severally referred to the Committee on

By Mr. C. S. BAKER: Of J. A. Gillis and others, of Rochester, N. Y. By Mr. BELDEN: Of D. S. Kinney and others, of Syracuse, N. Y. By Mr. SOWDEN: Of Isaac M. Kahn and others, of Philadelphia,

# SENATE.

TUESDAY, January 22, 1889.

The Senate met at 11 o'clock a. m.
Prayer by the Chaplain, Rev. J. G. Butler, D. D.
The Journal of yesterday's proceedings was read and approved.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was, on motion of Mr. EDMUNDS, rereferred to the Committee on Foreign Relations, and ordered to be

To the Senate of the United States:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 5th instant, a report of the Secretary of State, touching correspondence with Venezuela in regard to the exchange of ratifications of the claims convention of December 5, 1885, between the United States and Venezuela, and to the suspension by Venezuela of the monthly quotas of indebtedness under the convention between the two countries of April 25, 1866; together with copies of sundry correspondence between the Department of State and owners of Venezuelan certificates of award or their attorneys on the same subject, as requested in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 21, 1889.

INDIAN WAR VOLUNTEERS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of War, transmitting, in response to a resolu-tion of the 3d instant, a report from the Adjutant-General relative to the services of volunteers from Washington and Idaho Territories in the Nez Percé Indian war of 1877; which, with the accompanying pa-pers, was referred to the Committee on Appropriations, and ordered to be printed.

STREET IMPROVEMENTS IN WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from S. E. Wheatley, acting president of the commissioners of the District of Columbia, submitting, in response to a resolution of January 9, 1889, an estimate of the cost of grading and regulating Boundary street from Fourth street west to North Capitol street; also the cost of and a plan for the opening of the extension of Eleventh street west from Boundary to Mount Pleasant avenue; which was referred to the Committee on Appropriations, and ordered to be printed.

# ADALINE A. SMYTH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2765) granting a pension to Adaline A. Smyth, which was, in line 5, after the word "pension," to strike out the words "during life of twenty-five," and insert the words "of twelve."

Mr. FAULKNER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

# HARRISON WAGNER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 332) granting a pension to Harrison Wagner, which was, in line 5, before the word "dollars," to strike out "twenty-five" and insert "twelve."

Mr. DAVIS. I move that the Senate concur in the amendment of

the House of Representatives.

The motion was agreed to.

# PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of 30 citizens of Dallas, Iowa, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

to the Committee on Education and Labor.

Mr. SPOONER presented a memorial of the Woman's Board of the Seventh Day Baptist General Conference of the United States, remonstrating against the passage of the national Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. STOCKBRIDGE presented the petition of 230 citizens of Hillsdale, Mich., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. VEST. I present the petition of Dr. Henvy S. Chase and other

Mr. VEST. I present the petition of Dr. Henry S. Chase and other dentists, residents of St. Louis, Mo., praying that "a bounty of \$1 on each tooth filled by dentists for their preservation be granted by the Congress of the United States in order to encourage an honest industry and encourage competition among dentists, which will lower prices to patients and moreover encourage immigration of dentists from other parts of the world to this country, thereby making a better market for all the agricultural and other products," etc. As the tariff bill is still under consideration, I move that the petition lie on the table.

The motion was agreed to.

The motion was agreed to.

Mr. DOLPH. I present a petition of a convention of delegates of the people of Washington Territory, held at Ellensburgh, in that Territory, January 3, 1889, and resolutions adopted by that convention, favoring the admission of the Territory and the northern counties of Idaho as a State of the Union with the name of the State of Washington. As the petition contains some facts which may be valuable to the committee,

I move that it be printed as a document, and referred to the Committee on Territories.

The motion was agreed to.

Mr. CHANDLER. I present the petition of J. S. Tilder and 60 other citizens of the county of Orangeburgh and the voting precinct of Rivesville, in the State of South Carolina, stating that they were deprived of their right to vote for Presidential electors and member of Congress on the 6th day of November, 1888, at that election precinct. They state that they made every reasonable effort to become qualified to vote according to the registration laws of the State, but have been denied an according to the registration laws of the State, but have been denied an equal chance and the same opportunity to register as are accorded to others of their fellow-citizens. Wherefore the petitioners pray Congress to investigate the facts and the practical workings of the registration and election laws of the State of South Carolina, and devise some means to secure to them the free exercise of the right guarantied to them by the constitution of the State of South Carolina and the laws and Continuity of the United States. It was the programme of the petition to stitution of the United States. I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. MANDERSON presented a petition numerously signed by members of Nickajack Post No. 245, Grand Army of the Republic, of Nebraska, praying for the passage of what is known as the National Tribune service-pension bill; which was referred to the Committee on

Mr. BLAIR presented the petition of Bishop Hurst and 27 citizens of Washington, D. C., and petitions of the Methodist Church, the Woman's Christian Temperance Union, and Aurora Lodge of Good Templars, of Dayton, Dak., praying for the enactment of a Sunday-rest law; which were referred to the Committee on Education and

Mr. HOAR presented the petition of Cyrus A. Roys and 66 other citizens of Nantucket, Mass., and the petition of Charles Tilton and 80 other citizens of Milford, Mass., praying for the adoption of a constitutional prohibition amendment; which were referred to the Committee on Education and Labor.

He also presented two petitions of citizens of Lee, Mass., praying for the passage of a Sunday-rest law; which were referred to the Commit-tee on Education and Labor.

Mr. DAWES presented petitions of citizens of Weymouth and other places in Massachusetts, praying for a constitutional prohibition amendment; which were referred to the Committee on Education and

Mr. CULLOM presented a petition of citizens of Fairfield and Grand

Ridge, Ill., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. EVARTS presented the petition of the Knights of Labor of Horseheads, N. Y., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

which was referred to the Committee on Education and Labor.

Mr. CALL presented the petition of Hon. J. J. Finley, of Florida, praying for the payment of salary due him as Senator from that State by reason of appointment to that position by the governor of Florida to fill the vacancy created by the expiration of the term of Hon. C. W. Jones on the 4th of March, 1887, to the date of Senator Pasco's election by the Legislature; which was referred to the Committee on Privileges and Elections.

## REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11757) granting a pension to Rebecca H. Lyons;
A bill (H. R. 12039) granting a pension to Thirza S. Jenner;
A bill (H. R. 11052) granting a pension to Clara M. Owen;
A bill (S. 2758) granting a pension to Susan P. Murdock;
A bill (S. 3819) granting a pension to Esther Gould;
A bill (S. 3617) granting a pension to J. W. Boyd; and
A bill (S. 3642) granting a pension to Jonas Lehman.
Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 11624) to increase the pension of Jacob Rogers, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon: Mr. SAWYER, from the Committee on Pensions, to whom were re-

submitted reports thereon:

A bill (H. R. 6755) granting a pension to Mary Jane Harris;

A bill (H. R. 11629) granting a pension to Elizabeth Clover;

A bill (H. R. 11578) to increase the pension of Rowland Ward; and

A bill (H. R. 11459) granting a pension to Erasmus W. Jones.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 3604) granting a pension to Sarah J. Alexander, reported it with an amendment, and submitted a report thereon with an amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Appropriations, to whom was referred the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, reported it

He also, from the same committee, reported a bill (S. 3869) to secure

the maintenance of public order during the inauguration ceremonies of 1889; which was read twice by its title.

Mr. PLUMB. I give notice that to-morrow, or at the earliest practicable moment thereafter, I shall ask the Senate to proceed to the consideration of both of these bills.

The PRESIDENT pro tempore. Meanwhile the bills will be placed on the Calendar.

#### MOUNT VERNON ROAD.

Mr. RIDDLEBERGER, I desire to report favorably from the Committee on the District of Columbia the bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor. I hope I may have unanimous consent to state that I was under the impression when a committee agreed to report a bill over their signatures I could just lay it on the desk and that it would be considered as reported. I find I was mistaken in that, and therefore I have lost the opportunity to call up the bill, unless I can get unanimous consent this morning. In view of the fact that the chairman of the subcommittee of the Finance Committee, who is in charge of the tariff bill, is absent, I ask that this bill be now considered.

Mr. MORRILL. I will state that he will be here presently, and he has asked me, soon as the morning business is over, to call up the tariff bill.

The PRESIDENT pro tempore. The Senator from Virginia reports favorably from the Committee on the District of Columbia the bill named by him, and asks for its present consideration.

Mr. RIDDLEBERGER. I will not insist upon it, but I thought it would be proper to take it up at once and pass it. I do not think there is any objection to it. I ask unanimous consent that the bill may be placed on its passage.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent that the Senate may now proceed to the considera-

tion of the bill. Is there objection?

Mr. HARRIS. Let the bill be read at length for information. The Chief Clerk read the bill, as follows:

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to detail one or more engineer officers of the Army to make the necessary surveys for a national road from a point in Alexandria County, Virginia, at or near the Virginia end of the Aqueduct Bridge, and thence through the counties of Alexandria and Fairfax, in said State, to Mount Vernon, who shall report the same, together with the estimated cost of building such road, to the Secretary of War, who shall transmit the same to Congress.

SEC. 2. That the sum of \$10,000, or so much thereof as may be necessary, to be expended under the direction of the War Department, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States in carrying out the provisions of this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

Mr. HOAR. I suggest to the Senator from Virginia, as this is a Senate bill, so that it will not be required to send it back to us again, that instead of the words "to be expended under the direction of the War Department" the phrase should be "under the direction of the

War Department "the phrase should be Secretary of War."

Mr. RIDDLEBERGER. Very well. Let that change be made.

The PRESIDENT pro tempore. That amendment, in section 2, line

2, will be made if there be no objection.

The bill was reported to the Senate as amended, and the amendment

was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3867) granting an increase of pension to Sue B. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PUGH introduced a bill (S. 3868) to provide for the establishment of a light and fog-signal to mark the entrance to San Pedro Harbor, California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 3870) for the relief of John Faunce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

## RECEIVING-SHIP CLAIMS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from New Hampshire [Mr. CHANDLEB], which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr.

CHANDLER, as follows:

Resolved. That the Secretary of the Treasury be directed to furnish to the Senate a statement concerning claims for extra allowances to officers and men of the Navy based on sea service on receiving-ships, showing the total gross amount of such claims which have recently been allowed by the accounting officers of the Treasury, the total amount of such claims which been paid, the total amount of such claims now pending, and any estimate which may have been made in the Treasury Department of the probable total amount of all such claims; and that said Secretary be also directed to inform the Senate whether or not, either in the office of the Fourth Auditor or Second Comptroller, any lists of such probable claims for sea-pay and allowances for service on receiving-ships have been prepared in advance of the presentation by the claim-

ants of their demands; and if so, why such lists have been prepared; and also whether or not clerks have worked evenings or otherwise out of office hours in preparation of the same; and whether or not copies of such lists or access to them or any knowledge of their contents have been allowed to or obtained by attorneys or claim agents; if so, who are such attorneys or claim agents; and further, whether or not any such claimants have, to the knowledge of the Treasury Department, paid or made bargains to pay commissions to attorneys or claim agents for collecting their claims; if so, what percentages have been agreed upon; and in addition, whether or not to the knowledge of the Treasury Department, attorneys or claim agents have inserted advertisements in the newspapers inviting correspondence from the heirs of officers or men of the Navy supposed to be entitled to extra allowances on account of sea service on receiving-ships; and if so, whether to the knowledge of the Department such advertisements have been prepared after the attorneys or agents have obtained access to or knowledge of lists of claimants from the accounting officer of the Treasury Department; and that the said Secretary be also directed to furnish to the Senate without delay a statement of all other material facts on the subject of said receiving-ship claims within the knowledge of the Treasury Department. ment.

The PRESIDENT pro tempore. The question is on agreeing to the

The resolution was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Clark, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6162) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, to lease lands within their respective boundaries for mining purposes, subject to the approval of the Secretary of the Interior, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations: and

A bill (H. R. 12107) to increase the maximum amount of international money-orders from \$50 to \$100.

## DEATH OF HON. EDWARD W. ROBERTSON.

The message also communicated to the Senate the intelligence of the death of Hon. Edward W. Robertson, late Representative from the State of Louisiana.

## THE REVENUE LAWS.

Mr. ALDRICH. I move that the Senate proceed to the consideration of House bill 9051.

The PRESIDENT pro tempore. The Calendar under Rule VIII being in order, the Senator from Rhode Island moves that the Senate proceed to the consideration of House bill 9051.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the rev-

The PRESIDENT pro tempore. The pending question is on the amendment proposed by the Senator from Texas [Mr. REAGAN], which will be read.

The CHIEF CLERK. It is proposed to strike out all after line 1381, in paragraph 340, page 142, down to line 1448, paragraph 353, page 144, and insert in lieu thereof the following:

On all grades and kinds of wool; wools on skins; top waste, slubbing waste, ring waste, yarn waste, garnetted waste, and all other wastes similar to them in character or description, composed wholly or in part of wool or worsted; woolen rags, shoddy, mungo, flocks, and wool waste not otherwise provided for in this act; and noils, a duty of 25 per cent. ad valorem.

Mr. REAGAN. I understand the Senator from Vermont [Mr. Mor-RILL] has given notice of his desire to submit some remarks this morning, and I shall wait until he closes.

The PRESIDENT pro tempore. Debate will proceed on the bill and amendments until 5 o'clock this afternoon, each Senator being permitted to speak for ten minutes, and but once only on each question.

Mr. SPOONER. Unanimous consent was given to the Senator from

Vermont to proceed for twenty minutes.

Mr. SHERMAN. Unanimous consent was given that the Senator

from Vermont should have twenty minutes this morning.

The PRESIDENT pro tempore. The Chair understood that the Senator from Vermont was to be permitted, by unanimous consent, to speak not to exceed twenty minutes. The Chair was announcing the general order of debate.

Mr. MORRILL. Mr. President, I have sought the floor mainly for the purpose of preserving the symmetry of the Republican record in relation to its action on the tariff.

It has been my purpose to keep entirely out of the debate on the tariff bill now before the Senate, as I have full confidence in the competency of the Senators who have in the year past given many laborious days to the investigation of the subject, and who have the bill in ous days to the investigation of the stollect, and who have the bill in their special charge; but I am unwilling to remain entirely silent when as a calm looker-on I observe the sudden change that has come over the dreams of our friends on the other side of the Chamber. Last year they were prone to charge the Republican party with having no purpose to make any revision of the tariff, or any reduction of the revenue. In not altogether complimentary terms they assured the public that the Republican party were not to be trusted—that our professions in this direction were sheer precisely presented, and Republican party when a measure has been practically presented, and Republican party when a measure has been practically presented.

the revenue by a revision of the tariff on the system of protection approved by Washington, Hamilton, Madison, and Jackson, the measure is assailed by a chorus of vituperative epithets, as harsh to the ear as is assailed by a chords of vidiperative epithess, as larish to the ear as the discordant din of a calithumpian band. I am persuaded, however, that our people, prosperous as they will be under the continuance of a fair and reasonable protective policy, with a reasonable reduction of revenue, will be able to appreciate the fact that it is "a condition and not a theory" which now most troubles our Democratic friends, and this general denunciation that we have had for the past twenty days will only show, like the clubs found around the best tree of an orchard. that a protective tariff bears good fruit.

During the recent debate we have often heard the words "war tariff," as though we were continuing the rates of duty imposed during the late rebellion. If that were true, the North would have most reason to complain, as the North makes much the largest tariff contributions of revenue; but it is not true. Since 1865, and in years when the Republicans have had the control of both Houses of Congress, there

have been at least twelve acts of tariff reductions.

The duties reduced, if they were now enforced according to the rates imposed in 1866, would yield a greater revenue by at least 50 per cent. In 1871 we made the breakfast-table free of any duty on tea and coffee, amounting to a reduction of nearly \$23,000,000 as based upon the receipts of 1870. The imports free of duty in 1868 were only \$15,147,-618, but in 1888 they were \$244,104,852. The Republicans repealed also an immense amount-over two hundred millions-of various internal-revenue taxes, reducing the tobacco tax from 40 cents to 32 cents; again to 24, and from 16 to 8 cents in 1883. The tax on tobacco was reduced from 24 cents per pound to 16 cents in 1879, while a Pennsylvania Democrat was the Speaker of the House of Representatives.

The dozen acts of tariff reductions are sufficient evidence that the Republicans, so long as they had the legislative power, were neither idle nor inattentive to any proper reduction of the war tariff and of the

public revenue.

But when we come to look at the work of the Democratic party while holding a majority of the House of Representatives, where all revenue bills must originate, we find only the lean and gaunt picture of one tariff bill, and that was in 1879, for the repeal of the duty on quinine, from which \$125,653 of revenue had been collected the previous year.

The House of Representatives was controlled by the Democratic

party from 1875 to 1881, and from 1883 to 1888, and, until July, 1888, quinine is the sole decoration of the reduction policy of Democratic "tariff reformers," although our ears are here still stunned by the unceasing blare about "revenue reform." The work done by the Democratic party in the House of Representatives on internal revenue has been equally inconsequential, and is wholly covered by one act, the 8-cent reduction on tobacco, and that led by one who has been in some danger of being excommunicated from his party in consequence of his

unbelief in the Mills tariff bill.

We are constantly told that a protective tariff is a tax and of no benefit to farmers. Vermont, the State I have the honor in part to represent, is largely an agricultural State, and in proportion to the number engaged in agriculture eclipses all the States as well as Territories in the total value per capita of all farm productions, and produces more horses, cows, oxen, sheep, hogs, wheat, corn, oats, barley, buckwheat, hay, and potatoes than any of the New England States except Maine, which is much larger in area and population. Vermont leads thirty States and Territories in the value of all real and personal property averaged to each inhabitant. Of millionaires we have hardly one, if any, but our people have excellent homes and are fairly prosperous. They fully understand that the encouragement of manufactures is an unfailing incidental protection to the pursuit of agricultu new manufacturing enterprise creates consumers and a wider and more profitable market for the farmer, and increases the value of his real estate. If our people are well-to-do, it is because labor has the always been held to be honorable, and because they have been trained to habits of economy for a hundred years. If some Southern States in comparison with Northern States, have not equal wealth, it should be remembered, not as a reproach but as their misfortune, that they long lived under a system for which our parent country, England, must be held as responsible—a system which only demanded manual labor from one half of their population and did not encourage economy on the part of the other half of their population.

But all this is happily changed, and the emancipation of the colored race has emancipated the whole people of the South from a system that

has retarded their industrial prosperity. To-day the advantages to be reaped from a protective tariff are not so much in the North or in the East; but they will be most largely sought after in other directions, and the great West and the new South in the near future may be expected to be the chief competitors for the mastery in diversified industry. It is annually growing more and more an absolute certainty that nearly all the products of agriculture must mainly depend upon a

home market.

The Senator from North Carolina [Mr. VANCE] declared that he preferred the system of taxation which obtained in Great Britain to any other. That is the only free-tradesystem known in all the world; the Senator indorses it; and what have been its results? In five years

after its adoption free bread, regardless of the bread-producers, diminished the population of Ireland three-eighths, and ejectments in Ireland rose eightfold, while the arrests for crime increased in like proportion. In twenty years following the repeal of the corn laws the production of wheat in Ireland and Scotland fell off one-half. The total acreage in Great Britain planted to wheat and its equivalents declined 1,900,000 From 1874 to 1882 the number of cattle diminished 320,000 head, and the number of sheep dwindled from 30,300,000 to 24,300,000, a loss of one-fifth, or 6,000,000.

It is notorious that free trade has proved disastrous to all landed estates in Great Britain, but the sacrifice had to be made or their suprem-

acy in foreign trade surrendered.

The Mills tariff bill came to the Senate July 25, 1888, and the question arises, what is the matter with that? The answer is that it is an abandonment of protection, and every change proposed is either of absolute free trade or a step nearer to free trade. It was a bold withdrawal of protection to agriculture in almost every direction. The bill and the message of the President made free wool, woolen rags, shoddy, and mungo so conspicuous that the multitude of agricultural products which were consigned to the same fate has been almost hidden from The Mills bill proposed to open our markets free to all the world for-

Wool, Meats, Game, Poultry, Tallow, Milk, Bristles, Feathers, Flaxseed or linseed, Peas, Beans, Garden seeds,

Vegetables, Coal oil, Oils, animal and fish, Flax, Hemp,

This list indelibly brands the House Democratic tariff bill as reckless and false to all the interests of the farmer, and these articles deserve further notice because they appear to have been placed on the free-list in accordance with what the last Canadian minister understood might be expected of the present Administration. I do not think Sir Charles has been thanked for divulging state secrets. The list given Sir Charles has been thanked for divulging state secrets. furnishes an illustration of the favors farmers may expect from a Democratic tariff. They will find it a free-trade scheme to give them an opportunity to buy their merchandise at low prices, while concealing the fact that they must at the same time sell at low prices all of their own products. The farmer rarely buys of his merchant merchandise equal to more than 10 per cent. of the amount of his annual agricultural products, and his prosperity therefore depends upon the prices of what he has to sell rather than upon the price of the limited amount of what he wants to buy.

Whatever protection for the farmer there is to be found in the House tariff bill has been copied from existing law, and there is not one original paragraph that proposes a new favor to agricultural products, while

in many instances these favors are much reduced.

The Mills bill was un-American and framed to inspire foreign people with livelier hopes than our own. The large manufacturing towns of Great Britain were jubilant over the prospect opening here for a better and larger market for their merchandise. The Canadian Dominion, on the other hand, were to get ready to offer us a larger amount of their "natural products." Their exports are limited almost exclusively to lumber and agricultural products, and in 1886 were as follows:

Cheese	\$7, 291, 686	Animal products	\$4,734,466
Horned cattle			7,066,402
Horses	2, 232, 623	Barley	5, 724, 693
Sheep	1, 184, 106	Other agricultural products.	8,650,721

This shows that our Canadian neighbors are competitors with us for a market for their agricultural products; and that these products are based on cheaper lands and cheaper labor will hardly be disputed. The Mills bill would be all right for Canada and all wrong for the United

And now what is the character of the amendment proposed by the Senate to the tariff bill of the House of Representatives? It will, I think, be at once conceded that the Senate amendment as it now stands will make a reduction of revenue not less than the estimate in the report of the Committee on Finance, that is to say, of about seventy-three millions of dollars, including nearly twenty-four millions proposed to be removed on tobacco and cigars. Of the four hundred and forty paragraphs of the Senate amendment, covering existing laws, I have ascertained that the duties are proposed to be reduced in one hundred and ten of those paragraphs, or in one-fourth part of them. The tariff reduction upon sugar will decrease the cost of sugar to every family not less than I cent per pound. The bounty on sugar will also multiply the crops of the farmer by the introduction of a permanent and more profitable field crop, and ere long, it is believed, will make our country independent, whether in peace or war, as to one of the most expensive and important necessaries of life. The Senate amendment proposes over forty additions to the free-list, and it also proposes to remedy ascertained practical defects of existing laws, many of which have been pointed out by the Secretary of the Treasury. In fact the amendment is the fruit of vast labor, and is intended to be a whole and complete revision of the tariff. Should the amendment of the Senate become the law of the land, I believe it is not too much to claim that it will cover the country and every part of it with countless blessings.

Mr. REAGAN. Mr. President, between the high rate of duty on wool proposed by the Senate bill and the amendment of the Senator from North Carolina to adopt the provisions of the House bill making the importation of wool free, I voted for that amendment, not because it expressed my view, but because as between the two propositions I preferred free wool to wool taxed as high as is proposed by the Senate

The amendment which I submit proposes an ad valorem duty of 25 per cent. on the importation of foreign wools. This is a very modest per cent. on the importation of foreign wools. This is a very modest duty compared with that which is proposed by the Senate bill, which ranges from what would be an ad valorem duty of 81 per cent. down to a much lower rate; but it seemed to me that a 25 per cent. duty upon wool, with the advantage to the American wool-growers of the cost of transportation from foreign countries to this and passing through intermediate hands, would make a reasonable incidental protection to American wools. American wools.

I have seen a calculation, purporting to be from good authority, to

I have seen a calculation, purporting to be from good authority, to the effect that the cost, transportation, and handling of average imports amounts to the equivalent of about 15 per cent. of duty. If that be true, then a duty of 25 per cent, would really operate in its effect as a duty of 35 or 40 cent.

While this is nothing like so high a rate of duty as that proposed by the Senate bill, it is to be remembered that the duty thus to be paid upon these wools and the increased price springing from this duty is to be collected off the people, who in the main have to work harder for less pay than those engaged in raising wools. So it seems to me it would be equitable to put the rate of duty lower than is fashionable at this time to propose in the Senate.

at this time to propose in the Senate.

The amendment which I present is a substitute in a few lines for about three pages of the Senate bill, which proposes specific duties ranging all the way from 24 per cent. up to 81 per cent. I do not see the advantage of the adoption of specific rates for different classes of the things which come under the head of wool. It is alleged that it is to prevent undervaluation at the custom-houses. If that be the only reason, then it seems to me the answer to that is that if we have honest officials there will not be undervaluation, and that the adoption of specific rates will not make officials honest if they are not otherwise honest. So at last we must depend upon the integrity and honesty of the custom-house officers and not upon the question as to whether there

I have never agreed with the view presented in the House bill that wool ought to be free, unless it may be made free upon the basis of the argument which was there used for it, that by making free wool we could greatly reduce the cost of woolen fabrics. When we look at the rates of duty proposed by the House bill on woolen goods, where they propose to make wool free, and then at the rates of duty proposed to be imposed upon woolen goods by the Senate bill, where the rate upon wool is so high, it will be seen that there was much reason in that ar-

The rate upon woolen goods proposed by the House bill, I believe uniformly (certainly to a great extent), was about 40 per cent. This, added to the cost of transportation and handling, according to the calculation to which I refer, would make it operate as a protection of about 55 per cent. That is a very great reduction from what exists under the law as it now is. It is a reduction on the average receipts of 50 per cent. I have not made an accurate calculation, but the table will show that it is not less than 50 per cent. So if we reduce the duty on woolen goods 50 per cent., and take the duty off of wool, it would cheapen woolen clothes to the people, and perhaps might save them as much as wool-growers would lose by the failure to put an import tax on wool.

However that may have been, when we see the duty on woolen goods placed at rates ranging from 148 per cent. down to 63 per cent., as is the case in the Senate bill, it would seem strange that the wool out of which those goods were made should be made free.

Certainly those engaged in sheep husbandry are as much entitled to the favor of the Government as those engaged in other vocations. Be-sides that, it is an industry which in its results comes into competition with foreign wools, so that the condition upon which gentlemen ad-

vocate high protection is brought to bear with reference to wool.

Another reason I have for this is that it is one of the agricultural products of the country. I have had occasion more than once to refer to the fact that in this immense system provided for in the Senate bill for the transfer of the money and earnings of one part of the people and country for the benefit of another part, it was found necessary to leave agriculture out of its beneficial influence in order that we might have a field to draw revenues from to supply the means of enriching the beneficiaries of the Senate bill.

Sheep husbandry is a branch of agriculture. I would of course do what I could do to place it on a fair and equal basis with other industries. I know no way, however, under the facts which surround us, to be equally just to the men who plow and hoe, to the men who raise corn and cotton and wheat, and to the men who raise meats, because as to these things we export and do not import. That is, if we import any of them it is in a very unimportant degree, and no duty levied upon the importation of these things can benefit the millions of peo-

ple engaged in these vocations. So they stand unprotected, uncovered by the law, and made to pay the bounties proposed to be conferred by this bill upon all the classes intended to be benefited by it.

It is something that is calculated to excite inquiry, if not surprise, in the mind that the manufacturers of woolen products do not prefer free wool as a means of increasing their profits. Evidence was read here yesterday from persons engaged in the business which indicated a good reason for such persons that they feared if they did not give a duty on wool they would lose the votes of the wool-growers in seeking

protection for their own industries.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator's time has expired. The question is on the amendment offered by the Senator from Texas [Mr. REAGAN].

Mr. COKE. Mr. President, before the Senate bill was reported I had occasion to express to the Senate my views on this wool question in connection with the tariff, and I will read here what I then said as expressive of my views now:

expressive of my views now:

Wool ought to go on the free-list, just as all the bases of manufacture and all the machinery used in manufacturing should. Woolen clothing is as absolutely necessary to all the people of the United States, and made so by climatic and sanitary considerations, as quinine is in the malarial districts. Because it is recognized as a prime necessity in the treatment of diseases in many parts of the country, quinine was placed on the free-list. For infinitely stronger reasons woolen clothing ought to be cheapened to the lowest attainable point, and the first and most indispensable step in that directisn is to put wool on the free-list. When it is placed on the free-list, however, it ought to be done in the interest of the consumer, not of the manufacturer. The consumer should have the benefit of the reduction, not the manufacturer. A duty of \$\frac{3}{2}\$ per cent, would pay back to the manufacturer the difference between English and American wages in woolen manufacturer. A duty of 17 per cent, would return to the woolen manufacturer of the United States every dollar he pays out for wages in manufacturing wool. A duty of 20 per cent, would be highly protective of the manufacturer who uses untaxed wool. To allow the manufacturer of free, untaxed wool 30 or 40 or 50 per cent, protection for the manufacturer derice would, in my judgment, be an outrage on the consumer.

As I do not expect a bill passed which will meet my views, and do mean to accept what I can get in the way of tariff reduction, however far it may fall short of what I desire, I may be compelled to vote for a bill containing such an injustice; but if so, it will be against my most earnest protest, and after my best efforts to reform it.

Now, Mr. President, whenever the bases of manufactures, whenever the

Now, Mr. President, whenever the bases of manufactures, whenever the different raw materials which enter into manufactures in this country different raw materials which enter into manufactures in this country are placed upon the free-list, I shall always be ready to put wool upon the free-list. The Mills or House bill and the Senate substitute proceed upon opposing theories. The Mills bill proposes to raise revenue for the support of the Government, giving incidental protection. The Senate substitute is constructed for protection, raising revenue incidentally. I have stood by the theory of the Mills bill by my votes in the Senate because I believe, while the bill is not such a one as I prefer in all respects, it represents the true principle upon which taxation should be levied and collected in this country. As to wool, lumber, salt, tin-plates, provisions, and all sorts of clothing, all in the every-day life of our people in constant use, the Mills bill deals in the interest of the great mass of the American people. It places some of these articles the great mass of the American people. It places some of these articles upon the free-list and others upon the tax-list, but the rate of taxation is the lowest that it was believed at the time the bill was constructed would commend itself to the American people. The Senate substitute imposes an increased rate of taxation upon these items and all others entering into daily and general consumption. It increases the burdens of living. It increases the cost of shelter, of clothing, of provisions. It increases everything that enters into the life, the support, and cost of living of the people of the United States Between these two bills could not hesitate as to choice.

The Mills bill placed wool upon the free-list. I have voted for the amendment of the Senator from North Carolina [Mr. Vance] to place it on the free-list here. I would not be willing to place wool on the free-list on the Senate bill, standing as it does now heavily protecting everything else. I voted to place it upon the free-list knowing that no such bill could pass the other House in its present form and believing that whenever it goes there and is sent to a committee of conference between the two Houses it must be changed, and that if concessions were made by the House to the Senate on one side the Senate would be compelled to make concessions to the House on the other, and in this adjustment that justice will be done to the wool as to other in-

The views which I expressed in the speech from which I have just read are the views I entertain now, and they are the views I have expressed in the votes I have cast on this bill.

Mr. President, I have no hope that any measure of relief from oppressive taxation will pass this Congress. The theories of the two bills now before the Senate are irreconcilable. I regard the debate and discussion of this session of Congress and of the previous session as simply educational. I believe the people will take hold of this subject and examine it and understand it for themselves. I do believe the time examine it and understand it for themselves. I do believe the time will come when the true principles of government with reference to taxation will be reasserted, when the people will return to them, when the Government will be administered upon them, when taxation for the support of the Government alone will be regarded and held and established as the only legitimate taxation under a free government.

The time will come when the people will look back to the bill that is before the Senate, and which will pass the Senate but not the House,

as a monstrous attempt at legislation in the interest of a few at the expense of the great mass of the people. The correct principles of government will be reasserted, and I say, Mr. President, to the Senators on the other side that they need not lay the flattering unction to their souls that the issue is determined. It is not determined, and it will never rest until the great mass of the people of this country are permitted to live free of any exaction except that which is necessary for the support of their Government. I shall vote for the amendment of-

fered by my colleague.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. REAGAN]. [Putting the question.] By

the sound the noes have it.

Mr. REAGAN. I ask for the yeas and nays on that amendment.
The yeas and nays were ordered.
Mr. TURPIE. Mr. President, I voted for free wool, and therefore I can not consistently vote for this amendment. I voted for it notwithstanding the pretended claim made upon the other side of the Chamber in behalf of protection. The party seeking what is called protection now are divided into three classes: First, the bulk of dealers and jobbers; the second class is the manufacturers, some of whom are said to be opposed to free wool and some of whom are said to be in favor of it; and the third party appearing to be the wool-growers, estimated by the honorable Senator from Ohio to be 1,000,000. There is a much more numerous class, however, of the American people who are interested. The persons who wear and use woolen clothing and woolen fabrics embrace, I think, the whole population of the United States, 65,000,000. They exceed in numbers the wool-growers or the woolen manufacturers, or any other parties who are interested in the product of wool. I think they are also the parties who most need protection, and that we, in voting to take the tax off wool, are thus the true protectionists affording protection to the most numerous class and those who most need it.

I doubt very much the circumstances recited here about the decrease in the number of sheep and the decrease in the amount of the wool product. I doubt whether if the fact exists it has had any connection with the tariff legislation upon this subject. These statements are antiquated fallacies long ago exploded, that two things contemporaneous must necessarily bear the relation to each other of cause and effect

Vicious as I believe a high prohibitory system to be to all the indusrial interests of the country, I would not yet think that the cholera or the yellow fever, though both of those plagues have visited us during the regime of prohibitory tariffs, are in any measure to be attributed to that system. I believe, indeed, that tariff legislation has had no more to do with those pestilences than it has had to do with the fact stated by the honorable Senator from Ohio. Even if it were true it would be the country of the requirement. not change my course. I believe a large amount of the revenue paid upon imported wools will be added immediately to the price of the domestic article—that the wool-grower, one of the factors, and the most numerous, will be to that extent benefited by untaxed wool. Even if that were not so I do not think that men, women, and children should be scantily or meanly clad for the sake of clothing sheep better or for the sake of increasing the number of sheep or clothing them with fine and long wool instead of coarse or short wool.

I believe the sheep was made for man, not man for the herd or flock, and that therefore if the interests of the herd and flock collide with the interests of humanity the former must be subordinated. But I do not think there can be any collision. No legislation can bring it about. The great industry of sheep culture and all the factors dependent upon it will find their profit, not by virtue of legislation, but in spite of legislation hostile to it in the necessities of the country.

The question was asked by the Senator from North Carolina [Mr.

VANCE], and by the Senator from Missouri [Mr. VEST], with reference to this wool schedule generally, and with reference to the metal schedule, and with reference to all the schedules in this bill, why is the highest rate of duty, or a very high one, placed upon the cheaper

In this case the cheapest and the coarsest fabrics of wool are subject to the highest rate of duty and the finer fabrics are subject to a lower one. That is a question every way worthy of an answer. It has not been answered. It remains without answer. The reason is obvious. These monopolists now in existence, protected by the high prohibitory tariff, and the monopolists by the passage of this law to be protected, under which I have no doubt a new species of this vermin will appear who will crawl to the surface like grubs and worms after a rain-storm in summer-both these classes know very well that to place the highest rate of duty upon an expensive article will give them the command simply of a limited market; the tribute-payers (and these are very few) will be composed only of a number of our people who are wealthy and well-to-do, who can buy and use such articles of fine or refined

But when you impose the highest tax upon articles of coarse material then, the tax or tribute payers being coexistent with the population of the Republic, every man, woman, and child becomes subject to that exaction and the monopoly becomes universal. This is undoubtedly the reason of this discrimination. Therefore, dividends accrue to the owners and holders of shares of manufacturing corporations, and large

fortunes are made within two or three years and they often retire. Such persons under the provisions of this bill may retire from active business in a very short period. They have become men of wealth, men of capital. They subscribe liberally to the Home Market League: they pay penny-a-liners to malign the Democratic party as an English party, as a French party, as a German party, as an Austrian party. They eat, drink, and are merry. They have solved the alchemy of life itself—solved it by an act of Congress merely to extract from the earnings of others the abundant means of their own luxury and fashionable display.

1 very much regret that the consideration of such a measure should not only occupy the day but should have fallen to a night session and a session before 12 o'clock. I do not think it would have hurt the measure to have had a full session in all the consideration given to the

I suppose all have concluded now for several weeks that this magnificent scheme of eclectic plunder will reach here its consummation, and will to the extent of the action of this body receive the sanction and The victim is bound securely to the altar. way or hope of escape. Why should there be any unseemly orunusual haste in offering the sacrifice? Is it indispensably necessary that this stupendous holocaust of the interests of land and labor should be of-fered up on a day certain? For notwithstanding what is said about diversifying interests, I remind honorable Senators that taxation can not be diversified. All these taxes will come from the product of land and labor.

Again, sir, there may be other considerations. How far, sir, will the high prohibitory features of this bill, those features which distinguish it from the original bill, which distinguish it from every other measure ever reported to the American Congress-those features which propose absolutely to destroy the American protective system and to substitute in its place the Chinese system of prohibition and of prohibitory duties and rates of commercial exclusion-how far will these gain acceptance outside of this body?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. Like the Senator from Indiana [Mr. TURPIE], I voted for free wool, but unlike him I shall vote for this amendment ing to get free wool, I shall vote for the amendment because it approximates free wool very much more nearly than that part of the bill for which it is proposed to substitute the amendment. If I can not get free wool I will come as near it as I can, and for that reason I shall very cheerfully vote for the amendment proposed by the Senator from

Texas. That is all I desire to say.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. REAGAN], on which the yeas and nays

have been ordered.

The Chief Clerk proceeded to call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. As he is not present, I withhold my vote. Otherwise I should vote "nay."

I withhold my vote. Otherwise I should vote "nay."

The roll-call was concluded.

Mr. DAVIS. My colleague [Mr. Sabin] is paired with the Senator from West Virginia [Mr. Kenna].

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from New Jersey [Mr. McPherson], and therefore withdraw my vote, having voted "nay."

Mr. HALE. I am paired with the Senator from Kentucky [Mr. Prock].

BECK].

The result was announced—ayes 22; nays 31; as follows:

3			YEAS-22.	
White and the State of the Stat	Bate, Berry, Blackburn, Cockrell, Coke, Colquitt,	Eustis, Faulkner, George, Gibson, Gray, Hampton,	Harris, Jones of Arkansas Morgan, Pasco, Pugh, Ransom,	Reagan, Vance, Vest, Walthall.
1	Translation February		NAYS-31.	ENSUST THE PROPERTY.
The second secon	Aldrich, Blair, Brown, Chace, Clandler, Cullom, Davis, Dawes,	Dolph, Edmunds, Evarts, Farwell, Frye, Hawley, Hiscock, Hoar,	Jones of Nevada, Manderson, Mitchell, Morrill, Paddock, Palmer, Payne, Platt,	Quay, Sawyer, Sherman, Spooner, Stewart, Stockbridge, Teller.
		Α	BSENT-23.	encinnés of the
The state of the s	Allison, Beck, Blodgett, Bowen, Butler, Call,	Cameron, Daniel, Gorman, Hale, Hearst, Ingalls,	Kenna, McPherson, Plumb, Riddleberger, Sabin, Saulsbury,	Stanford, Turpie, Voorhees, Wilson of Iowa, Wilson of Md.

So the amendment was rejected.

Mr. ALDRICH. I ask now that the Senate proceed to the consideration of Schedule D.

Mr. VANCE. Before the wool schedule is passed I desire to offer an amendment with the permission of the Senator from Rhode Island. I propose to amend by adding a provise at the end of section 371, after the close of the wool schedule, as follows:

Provided, That no article mentioned in this schedule shall pay a rate of duty exceeding 75 per cent. ad valorem.

Which will afford some relief against the enormous duties imposed by the specific rates upon the cheaper articles mentioned in this sched-

The PRESIDENT pro tempore. The amendment will be stated from the desk.

The CHIEF CLERK. After line 1579, on page 150, it is proposed to insert:

Provided, That no article mentioned in this schedule shall pay a rate of duty exceeding 75 per cent. ad valorem.

Mr. VANCE. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll-call was concluded.

Mr. BERRY. On the last vote I inadvertently voted, forgetting that I was paired with the Senator from Kansas [Mr. Plumb]

Mr. CALL. I am paired with the Senator from Colorado [Mr. BOWEN], but as the Senator from Virginia [Mr. DANIEL] is absent, I am requested to transfer the pair to him, which I do, and I vote "yea."

Mr. ALLISON (after having voted in the negative). Being paired with the Senator from New Jersey [Mr. McPherson], I withdraw my

The PRESIDENT pro tempore. The Senator from Iowa withdraws his vote.

The result was announced—yeas 27, nays 33; as follows:

	YE	AS-27.	
Bate, Berry, Blackburn, Brown, Call, Cockrell, Coke,	Colquitt, Eustis, Faulkner, George, Gibson, Gray, Hampton,	Harris, Jones of Arkansas, Morgan, Pasco, Pugh, Reagan, Saulsbury,	Turple, Vance, Vest, Voorhees, Walthall, Wilson of Md,
	NA.	YS-33.	
Aldrich, Blair, Chace, Chandler, Cullom, Davis, Dawes, Dolph, Edmunds,	Evarts, Farwell, Frye, Hawley, Hiscock, Hoar, Ingalls, Jones of Nevada, Manderson,	Mitchell, Morrill, Paddock, Palmer, Payne, Platt, Plumb, Quay, Sawyer,	Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa
	ABS	ENT-16.	
Allison, Beck, Blodgett, Bowen,	Butler, Cameron, Daniel, Gorman,	Hale, Hearst, Kenna, McPherson,	Ransom, Riddleberger, Sabin, Stanford.

So the amendment was rejected.

Mr. ALDRICH. I now ask that Schedule D, on page 119, may be read.

The PRESIDENT pro tempore. The reading will proceed. The Chief Clerk read as follows:

SCHEDULE D .- WOOD AND WOODEN WARES,

SCHEDULE D.—WOOD AND WOODEN WARES.

199. Timber, hewn and sawed, and timber used for spars and in building wharves, 20 per cent. ad valorem.

200. Timber, squared or sided, not specially enumerated or provided for in this act, I cent per cubic foot.

201. Sawed boards, plank, deals, and other lumber of hemlock, white-wood, sycamore, and bass-wood, \$1 per thousand feet board measure; sawed lumber, not specially enumerated or provided for in this act, \$2 per thousand feet board measure; but when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid for each side so planed or finished 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved, \$1 per thousand feet board measure; and if planed on two sides and tongued and grooved, \$1.50 per thousand feet board measure.

Mr. ALDRICH. After the word "measure," in line 815, the committee move to insert "white pine, \$1.50 per thousand feet board measure."

The PRESIDENT pro tempore. The amendment will be stated from the desk.

The CHIEF CLERK. In paragraph 201, line 815, after the word "measure," it is proposed to insert:

White pine, \$1.50 per thousand feet board measure.

The amendment was agreed to.

The PRESIDENT pro tempore.
The Chief Clerk read as follows: The reading will proceed.

202. Hubs for wheels, posts, last-blocks, wagon-blocks, oar-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough-hewn or sawed only, 20 per cent. ad valorem.
203. Staves of wood of all kinds, 10 per cent. ad valorem.
204. Pickets and palings, 20 per cent. ad valorem.
205. Laths, 15 cents per one thousand pieces.
206. Shingles, 35 cents per one thousand.
207. Pine clapboards, \$2 per one thousand.
208. Spruce clapboards, \$1.50 per one thousand.

Mr. VEST. I move now to strike out in the paragraphs that have been read, commencing with paragraph 199, those words which impose a duty and to insert in lieu thereof in each case "shall be admitted free of duty."

The PRESIDENT pro tempore. The Senator will please send his amendment in writing to the desk, so that it may be properly incor-

porated in the Journal.

Mr. VEST. That would take some little time, and my whole object is to place these woods, commencing with "Timber hewn and sawed," and the manufactures of wood, upon the free-list. I could have made the motion to the first paragraph as well as to the others, but I preferred to wait until we reached furniture, so as to raise the whole question upon one motion instead of several.

The PRESIDENT pro tempore. It will be impossible to keep the Journal entries correctly unless the amendment is made more specific.

Mr. VEST. Very well; then I will raise the whole question by moving in paragraph 207 to strike out "\$2 per one thousand" and insert "shall be admitted free of duty."

The PRESIDENT pro tempore. The amendment will be stated from the desk.

The CHIEF CLERK. In paragraph 207, line 834, it is proposed to strike out the words "two dollars per one thousand" and insert "shall be admitted free of duty;" so as to read:

Pine clapboards shall be admitted free of duty.

Mr. VEST. By turning to the free-list upon page 183 of the bill reported by the Finance Committee, it will be found that the following articles of wood are put upon the free-list:

articles of wood are put upon the free-list:

Wood.—Logs.

Fire-wood, handle-bolts, heading-bolts, or stave-bolts, and shingle-bolts, hoppoles, railroad ties, ship-timber, and ship-planking.

Cedar, lignum-vite, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet-woods, unmanufactured, not otherwise specially provided for in this act; bamboo, retan, reeds, unmanufactured; bamboo, reeds, and sticks of partridge, hairwood, pimento, orange, myrtle, and other woods, not otherwise specially provided for in this act, in the rough, or not further manufactured than cut into lengths suitable for umbrella, parasol, sun-shade, or whip sticks, or walking-canes; and India malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.

The effect of these pravisions is simply this, that as to railroad ties.

The effect of these provisions is simply this, that as to railroad ties—
Mr. BLAIR. I should like to ask the Senator if he does not

Mr. VEST. I will not yield to any question, for the reason that I have only ten minutes and it would come out of my time.

Mr. BLAIR. All right.
Mr. VEST. I do not mean any discourtesy, but I am compelled to decline to allow interruptions.

It will be seen from these provisions on the free-list that railroad ties, after they are prepared to be put down upon the tracks of the road, are put upon the free-list, and yet I take it that there are no corporations in this country which in their means and organization are more able to take care of themselves and of their interests than the railroads of the United States.

It will be seen also that timber for ship-building, planks, etc., are put upon the free-list, which is a discrimination in favor of the woodenship builders and ship owners of the United States. It will also be seen that cedar, lignum-vitæ, lancewood, mahogany, and all woods that are used for luxurious and unnecessary purposes for the rich and the wealthy are placed upon the free-list. The object of my amendment is simply to extend that provision to the ordinary consumers of the United States. After the close of the war the Republican party took the taxes off of the railroads, and off of banks, and off of incomes, and now we ask them to extend the same sort of legislation to the settlers upon the wild lands of the West who need lumber for the most ordinary and necessary purposes of human life.

I might quote one of the great leaders of the Republican party against the idea of placing internal-revenue taxes upon lumber. I refer to Mr. Blaine, who a number of years ago, when that question came up in the House of Representatives, of which he was then a member, made an eloquent appeal in behalf of the settlers in the great West, assuming as a matter of course (because, although it was a question of internal revenue, the argument applied just as well to tariff taxation, so far as the necessities of the poor men were concerned) that lumber was an absolute necessary of life and should be made as cheap as possible to the people of the country.

But we are again confronted with the question whether the removal of this duty will decrease the cost to the consumer. I shall not go over that argument again, but I simply refer to past legislation to show the construction that has been put upon this removal of the lumber-tax by the Congress of the United States in both branches.

When the town of Eastport, Me., was destroyed by fire a proposition was made by the members from Maine to remove the duty from lumwas made by the members from Maine to remove the duty from lumber in order to assist the people of that city who had been visited by this terrible calamity. When Chicago, with its magnificent business houses and palaces, was wrapped in billows of flame and fortunes disappeared in a single night, the representatives of the great State of Illinois appeared here and asked that lumber, with other materials for building, be put upon the free-list in order to give relief to the people of that fire-stricken city.

I have before me the history of that legislation. I have here the report upon the bill introduced by General Logan, then a member of the Senate, to give this relief to the people of Chicago, and a voluminous report made by the Committee on the Judiciary as to its consti-

Senator Carpenter then raised the question in behalf of the lumber interests of Wisconsin that this legislation was unconstitutional, and for weeks the debate was carried on in this Chamber as to the constitutionality of that measure. Finally the Judiciary Committee, under the lead of Mr. Carpenter, made a majority report against the constitutionality of the bill, and the Senator from Vermont [Mr. Edmunds], with Senator Wright, of Iowa, made a minority report upon the other side, Senator Carpenter reporting that the bill was unconstitutional, and the Senator from Vermont and Senator Wright hold-

ing that it was constitutional.

I have here the vote by which the Senate passed that bill and sent it to the House of Representatives, including lumber, and I have the debate in the House where the Representatives from Wisconsin and Michigan appeared in behalf of the lumber interests of those States and objected to the bill because they said it discriminated against their constituents by taking this duty from the proceeds of the sale of lumber by the lumber owners, the owners of those vast tracts of lumber lands in these great Northwestern States and in those great Northwestern States; the whole argument assuming that the removal of the duty inured to the benefit of the consumers in Chicago and militated against the interests of the timber owners in Wis-

consin and Michigan.

In this Chamber Senator Chandler, representing the lumber owners in Michigan, fought the bill from the beginning, and the debate lasted here, as I have said, over three weeks. When the bill went to the House of Representatives Mr. Conger, lately a Senator in this body and then an active member of the House, opposed it upon the same ground, stating that immense forest fires had swept over Michigan and the same ground that immense forest fires had swept over Michigan and the same ground. gan, and it would be unjust to take this duty off in behalf of the city Upon the motion of Mr. FARWELL, of Chicago, then a of Chicago. member of the House and now a member of this body, lumber was as a compromise stricken out of that bill, and I call attention to the statement made by Mr. Finkelnburg, from my own State, after it was

Mr. CONGER. Mr. Speaker, I desire to state to the House that after consultation with gentlemen representing the various interests affected by this bill it has been understood that this proposition will in the main be satisfactory to all interests; and therefore I desire, on the part of those I represent, that with this amendment the bill for the relief of Chicago may be passed and go into operating the state of the st

tion as soon as possible.

Mr. Finkelneug. I suppose the gentleman from Michigan [Mr. Conger]
means to say that the delegations from Wisconsin and Michigan, having saved
their lumber interests, are willing that anybody else may be sacrificed.

I refer to these debates and to the law upon the statute-book, which I have before me now, with lumber stricken out at the instance and under the opposition of the Representatives of the great lumber interests of the Northwest, who declared that no such discrimination in favor of the people of Chicago should be made, because their own constituents had also suffered from conflagration in the forests and they should still be permitted to reap the benefit of the \$2 a thousand tax upon imported lumber.

We are told that the records of Maine have the right to this tender.

We are told that the people of Maine have the right to this tax because they are put in sharp competition with the Canadians; but the other day we found a provision in this bill which permitted the citizens of Maine owning forests in that part of the State which lies across the St. John River to take their lumber down that stream, land it upon the shores of Canada, then have their work performed upon it by Canadian laborers, and then brought back into the United States and

sold to my constituents in the West.

Mr. HALE. The Senator is mistaken there.

The PRESIDENT pro tempore. The time of the Senator from Mis-

souri has expired.

Mr. STOCKBRIDGE. Mr. President, I certainly hope that the amendment of the Senator from Missouri [Mr. Vest] will not be adopted. Representing in part the State of Michigan, whose citizens are largely engaged in this industry, I desire to submit a few remarks upon this general question. I intended to have entered an objection to the provision proposed by the committee. While I dislike to differ with the committee, I am unable to find any good reason for the proposed re-

The lumber interest of the country is a vast one, and by the census of 1880 only two industries of the country exceeded it in value.

Industry.	Capital invested.	Duty.
Iron and steel	\$250,000,000 219,500,000 181,000,000 177,000,000 96,000,000	Per cent, 41 40 16 20 67

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Michigan:	
Annual product (4,000,000,000 feet)	\$52,000,000
Invested in mills and fixtures	\$40,000,000
	28,000
Men employed	
Paid out in wages	\$17,585,000
Interest on same, wages	4,000,000
Farm produce consumed	6,000,000
Whole country:	
Produced (20,000,000,000 feet)	200,000,000
Invested in mills and fixtures	200,000,000
Annual wages	90,000,000
Farm produce consumed	30,000,000

From this statement the magnitude of the business will be understood.

Now the question is, why should lumber be protected?

First. In reply I would say, because the timber standing is worth and costs from \$4 to \$6 per thousand feet, standing in the tree, in the white-pine region of the United States, while in Canada it costs but \$1.

Second. Because the labor expended upon it, to fit it for the market, costs not less than 33½ per cent. more than it does in Canada.

Third. The expresse cost of labor in making lumber is not less than

Third. The average cost of labor in making lumber is not less than \$6 per thousand feet. So that the difference in the cost of labor alone equals the present amount of duty, namely, \$2 per thousand feet. So that, even upon the theory laid down by the President in his message, the present duty should be maintained to equalize the difference between labor here and in Canada.

The difference in freight to New York or Buffalo is less than upon Michigan or Wisconsin lumber, and to Chicago is not over \$1 per thousand more, while the difference in cost of stumpage is from \$3 to \$5

against the American manufacturers.

It has been said that when you call the cost of stumpage \$3 to \$6say an average of \$4-that you allow to the lumberman an immense profit upon his timber. It has been said in the discussion of this question elsewhere that these pine lands were bought of the Government at 10 shillings per acre, and that when you reckon stumpage at \$4 per thousand feet it gives the lumberman an immense gain upon its cost.

Now, the facts are that a large proportion of these lands in Michigan and elsewhere were put into market and largely sold in 1836-'37. They were bought largely by Eastern parties and were held by them very largely till 1857 or 1860, and were sold to mill-men or others at from \$10 to \$15, and this price only gave them 6 per cent. interest and amount paid for taxes during those twenty years.

Lumbermen who purchased these pine lands in 1857 to 1860 find that allowing 6 per cent. interest and taxes, to this date, makes their pine lands cost them \$40 to \$45 per acre. Ten thousand feet per acre is a good average cut per acre, which, at \$4 per thousand feet, would only give them \$40, or the cost of the land; so that you will see that the much-abused pine baron only gets back his investment when he realizes \$4 stumpage. During all the years he has held these lands he has paid large annual taxes, town, county, road, and school taxes, contributing his full share to the development and improvement of the country.

It should be kept in mind that his Canadian competitor simply pays upon his leased timber limits an annual tax of \$1 per square mile, and \$1 per 1,000 feet upon the amount he cuts and removes annually, having no other taxes to pay and no risk of forest fires and windfalls, and no large investment in timber lands to be carried by the business has been claimed in the discussion of this question elsewhere that large numbers of the low-priced Canadian laborers come over and are employed by our lumbermen. The fact is, that while many Canadians do seek employment in American pineries, still they are, as a rule, strong, sturdy fellows, brought up to the business, and earn full Ameri-

About 5 or 6 per cent. of the lumber consumed in the United States comes in from Canada, and, in my opinion, all you reduce the duty on lumber will be added by the Dominion Government to the price of their stumpage, and no purchaser of lumber in this country will be benefited

by it.

These being the facts as to the relative cost of producing lumber in this country and in Canada, why should the present duty of 16 per cent. be reduced, unless the principle of protecting American industries is to be abandoned? Not less than 60 per cent. of the total cost of lumber is the cost of labor and woods supplies, and that labor, as I have before stated, is paid not less than 33\(\frac{1}{3}\) per cent. more than the same

labor is paid in Canada.

I understand that the States which produce no lumber would like to buy it as cheaply as possible. But when the lumber duty is among the very lowest on the entire list-and they should remember that this industry employs and supports 150,000 men, who consume \$30,000,000 of their farm products as well as a vast amount of manufactured articles, which all tends to their prosperity. These 150,000 men must be employed somewhere, and if not employed in producing lumber, and all turning their attention to growing wheat and corn, I fear our friends in the West would soon feel the change. I do not believe lowering the duty on white-pine lumber would give the purchaser in the West cheaper lumber; but the difference would go into the Dominion treasury, and at the same time it would disturb and cripple the lumberman in this country.

Our claim for the retention of the present duty on lumber is the

most modest and honest claim made by any class of manufacturers in this country, and I therefore hope the amendment will not be adopted.

Mr. PALMER. Mr. President, I am sorry that the Senator from Missouri [Mr. VEST] is not in the Chamber.

Mr. VEST. I am in the Chamber.

Mr. PALMER. Ah! I always like to hear him talk because he talks equally well on all subjects, and when the facts are not to his hand his imagination supplies arguments that are about as convincing as the conclusions he draws from facts for premises. He talks this morning as if he were in the Canadian Parliament. It is the same argument that we hear of there, the great humanitarian argument, cheap lumber for the people of the West.

There is a demand for cheap lumber as there is for everything else cheap, but I contend that the imposition of the tariff has given the people in the long run cheaper lumber to-day than they would have had if the lumber interest had not been protected, and for the very reason I shall state. The Canadian lumber that comes into competition with American lumber is the lumber of low grade. With the protection of \$2 a thousand the American lumberman has been enabled to save all of the coarser qualities, which amount in Michigan alone to 800,000,000 feet a year; and which, if it was not for the tariff, would be left to rot in the woods, and would be an intrinsic loss. Possibly the Senator can not appreciate the amount of lumber contained in 800,000,000 feet. It would make three fences five boards high around the earth at the equator. That would have been thrown away each year for the last ten years if it had not been for the tariff; and I will leave it to any gentleman of this Chamber with common reasoning faculties whether that abstraction from the supply of the country would not have brought lumber up to a higher price than it is to-day

What has been the advance? I will send up some tables which I will not read, but would like to have incorporated in my remarks, showing that whereas lumber has advanced only \$1 a thousand in the last twenty years the stumpage has increased from \$4.50 to \$6.

That apparent anomaly is accounted for in this way: That lumber-men, by reason of the tariff, have not only taken all the coarser logs which have filled a place in the consumption of the country, but they have dug up logs from the very earth, and they are digging them up to-day and taking them down to the mills of Michigan to be sawed. Whereas, if there had been no duty on lumber, there would have been wasteful cutting in the Northwest and in Canada, and lumber would have necessarily been higher because of the diminished supply

In regard to the Chicago fire, if the Senator had looked over the whole of that discussion he would have seen that one of the reasons why the duty was not thrown off of lumber for the Chicago sufferers was because there was fear of fraud. It was distinctly charged that instead of lumber being admitted for the Chicago sufferers alone a break would have been made that would have enabled the whole West to have been sup-

plied with lumber free of duty.

I am sorry that I shall have to hurry along with my remarks, for I I am sorry that I shall have to nurry along with my remarks, for I have a great deal to say. In addition to the arguments for protection that my colleague [Mr. Stockbridge] has advanced, I will state another one. Canada with the true British instinct of promoting all of its industries subsidizes her lumbermen. Our lumbermen get no advantage from the United States except the incidental advantages from protection. The Canadian lumbermen have their booms built to the extent of hundreds of thousands of dollars by the Canadian Government. It would be a direct discrimination against our lumbermen if you should admit lumber free.

if you should admit lumber free.

Then, again, they sell their lumber in Canada by limits, as it is called. There are certain ground rents; certain timber duties. As a matter of course it is loosely conducted. They get their stumpage for little or

course it is loosely conducted. They get their stumpage for little or nothing. They pay none of our taxes; and, as my colleague has said, they only pay 75 per cent. as much as we pay for labor.

The great point is this: The Senator from Missouri made the remark that there was a discrimination against the poor in favor of the rich by admitting these luxurious woods free. The difficulty with the gentlemen on the other side is that they never seem to rise to the comprehension of this subject of a protective tariff. Why are luxurious and expensive woods like mahogany admitted free? Because they give work to American laborers. The log only is admitted free from Honduras. It comes here in American or foreign bottoms; it is put on American cars made by American mechanics, trundled off to an American shop, hauled on American drays, worked up by American workmen, put into houses or furniture by American workmen. The logs that cost \$500 in the city of New York cost when put into furniture and into a house from \$8,000 to \$50,000. The difference between the \$500 and the \$50,000 all goes to \$50,000. The difference between the \$500 and the \$50,000 all goes into American labor.

If the Senators on the other side would only turn the telescope around, if they would not look through the big end and minimize all these advantages, they would see the great benefit of a protective tariff to American workmen.

In regard to wooden ties for railroads, they have always been on the free-list, I believe. There has been no contention that they should be taxed, although I should be very glad to see them put upon the dutiable-list.

If the tariff should be taken off from lumber, I have no doubt within two years lumber would be much higher than if the duty is refained. The very economy practiced in the cutting of timber, the very closeness of the market has compelled our people to resort to all the devices by which an honest dollar can be turned, and now there are put into riv-

which an honest dollar can be turned, and now there are put into rivers of Michigan and Wisconsin and sawed into lumber for transportation millions of feet of logs that would otherwise be left in the woods. I should regard the taking off the duty on lumber as not only a blow against the lumbermen of Michigan, New York, New Hampshire, and Maine, but as a blow against the farmers directly, because in the present state of the lumber business almost every farmer has a little lumber to see the second secon

In regard to strikes and lockouts, of which the Senator from Alabama [Mr. Morgan] spoke a few days ago; in the lumber business strikes are very infrequent, and when they occur they generally inure to the benefit of the strikers. They have never struck in our State for higher wages. They have struck for shorter hours, and they have got

In regard to the bounty-fed aristocracy, I will say the Senator will not find them among the manufacturers of this country. The way to keep down or to destroy a bounty-fed aristocracy is to distribute your manufactures all over the country and not have great cities built at the termini of great railroads, where the Vanderbilts and Goulds, the Rhinelanders and the Stewarts, amass immense fortunes in railroads, in transportation, in banking, and in importations; factories should be distributed all over the country. You will find among the great fortunes of this country that none of them have been made in manufactures. They have all been made by exchange, by transportation, or by the selling of goods. The way to cure that, and the way to cure it in the South as well as in the North, is to distribute by the protective tariff the benefits of protection and of manufactures.

Mr. VANCE. The Senator from Missouri moved to strike out all of the words which impose a duty in all the paragraphs down to paragraph 208. The Chair announced that that could not be done unless reduced to writing, so that the clerks could keep the record properly. I move as a substitute for the amendment of the Senator from Missouri I move as a substitute for the amendment of the Senator from Missouri his first motion reduced to writing, to wit: In line 809, to strike out "25 per cent. ad valorem" and to insert the words "free of duty;" in line 812, to strike out the words "one cent per cubic foot" and to insert in lieu thereof the words "free of duty;" in lines 814 and 815, to strike out the words "one dollar per thousand feet board measure" and to insert in lieu thereof the words "free of duty;" in lines 816 and 817, to strike out the words "two dollars per thousand feet board measure" and insert "free of duty;" in line 827, to strike out "20 per cent. ad valorem" and to insert in lieu thereof the words "free of duty;" in line 829, to strike out "10 per cent. ad valorem" and to insert "free of duty," and the same in lines 831, 832, and 833, striking out the rate of duty and inserting the words "free of duty" in each case. each case.

I move this amendment for the purpose of saving time and allowing those of us on this side of the Chamber who are in favor of free lumber to express our sentiments by one vote.

The PRESIDENT pro tempore. Does the Senator desire to include the same amendments to paragraphs 207 and 208 which have been read?

Mr. VANCE. Yes, sir; it will include those paragraphs also.

The PRESIDENT pro tempore. The amendments will be treated as one question, if there be no objection.

Mr. HALE. I was going to suggest that in order to make the issue clear and distinct and have it disposed of at a single vote, I hope there will be no objection to the proposition of the Senator from North Carolina being made in the form proposed, and that the amendment may be considered as one. olina being made in the considered as one.

Mr. VANCE, As one.

Mr. HALE. And a vote to settle the question.

Mr. HALE. And a vote to settle the question.

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Mr. HALE. And a vote to settle the question.

The PRESIDENT pro tempore. The Chair hears no objection.
Mr. VEST. Mr. President, the Senator from Michigan [Mr. PALMER]
states that the lumber item was stricken out of the existing law upon the statute-book for the relief of sufferers by the Chicago fire because it was apprehended that fraud would be perpetrated under the revenue laws of the country if that should be done. That will not do, Mr. President, because the law which I have before me provides that "there shall be allowed and paid, under such regulations as the Secretary of the Treasury shall prescribe, on all materials except lumber," etc. I have explained fully why lumber was stricken out in the House of Representatives. It was done at the instance of lumber owners or their representatives in the Northwestern States

Mr. PALMER. Will the Senator let me interject a remark?

Mr. VEST. Certainly, just a remark.

Mr. PALMER. The Senator will find proof of what I said in a communication signed by Avery & Murphy, Charles Merrill & Co., and others, which was read in the Senate at that time.

Mr. VEST. I have read every word of that debate in the Senate and in the House, and I think that I can state with accuracy what it was. The point was made that fraud would be perpetrated by remitting the duty on lumber, and the reply was made, which I make now, that this same objection applied to brick and mortar and all the materials that went into the matter of rebuilding or building houses. That point of fraud was overruled, as is shown by the text of the existing law which lets in free of duty all materials except lumber, and the House of Representatives struck out lumber at the instance and under the opposition of the representatives of the lumber interests in the great Northwest.

We are confronted again in the discussion of this question with that ever-recurring commercial specter, the trust and combine that is created just as soon as you shut out foreign competition, allowing the domestic producers or manufacturers to put up prices to suit themselves and their interests without regarding those of the consumers. I saw in the paper yesterday morning, the Washington Post, I think, or in a New York paper, a statement that the lumbermen were now in secret session at a point in the State of Michigan for the purpose of reconstructing or adding additional features to the lumber trust which is now in existence in the United States. I know it has been denied that there was such a trust, but I find in the New York Tribune of March 7 last the following statement to the effect that there is such a

The pine-lumber pool has succeeded during the past year in advancing the prices of lumber \$12 to \$15 per thousand, on the ground of high shipping rates and increased wages. The grounds for the advance are trivial, as the wages of the men are only \$5 more per month and the running expenses of the vessels are no greater. The pool, which has adopted all the methods of newly invented trusts, has simply made the people of California pay about one and a half millions into its pockets. It controls ships and mills, and regulates the prices of pine lumber to suit itself.

In the North American Review as far back as June, 1884, I find an article written by Henry D. Lloyd, one of the principal members of the staff of that periodical, in which he says that the trust has just been in session, that in it were five hundred and fifty dealers, and that they fixed prices to suit themselves. I will ask that the extract to which I refer be incorporated in my remarks.

refer be incorporated in my remarks.

Four years ago the Chicago Lumbermen's Exchange adopted a resolution declaring it to be "dishonorable" for any dealer to make lower prices than those published by it for the control of prices in one of the greatest lumber markets of the world. Monthly reports are required by this exchange from dealers, so that accurate accounts may be kept of stock on hand in order to regulate prices. The price-lists of the exchange are revised and made "honest" at monthly banquets. In February, 1883, it was found that members who ostensibly adhered to the price-list dipped into the dishonorable practice of competition on the sly by giving buyers greater than the usual discounts. This was then forbidden, and another pathway of competition closed.

The effect of this price-legislation was attested by the address of a dealer of Minneapolis at one of the price-list banquets of the exchange, who said that his firm, which made sales as far as Manitoba and Dakota, had never sold a foot for less than the published lists. A delegation of dealers from the Mississippi River district spoke feelingly of their labors "for harmony," and their willingness that Chicago should make prices. A secret meeting of lumbermen from all parts of the West was held in Chicago March 8, 1883, to discuss means for advancing prices, restricting production at least 35 per cent., and in general, in the language of one of them, putting themselves into a position like that of the coal producers of Pennsylvania, who by combination dictated the prices of Lumber Dealers met in Chicago. It represents over five hundred and fifty retail dealers in the West, and its principal purpose was to prevent wholesale dealers at Chicago, St. Louis, and other centers from retailing lumber to carpenters, farmers, and scalpers in the territory of the retailers.

There are too many sellers, and so any wholesaler who persists in competing in this way, with local dealers is, when found guilty, named to all the retailers and punished by losing their

Mr. PALMER. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Missouri consent to an interruption? If he does, it will come out of his time.

Mr. PALMER. I wish merely to ask a question.

Mr. PALMER. I wish merely to ask a question.
Mr. VEST. I will yield for a question.
Mr. PALMER. My question is, how does the Senator from Missouri define the word "dealers," whether they are lumber sellers, pine-land owners, manufacturers, or transportation men?
Mr. VEST. I include them all. I include every man, whether he owns the ground or the mill, who goes into this combination as a member of the trust. In this article by Mr. Lloyd (and it is distinct and emphatic and specific) he gives all the details of this trust. That it is

in existence no man can deny. It is in existence in the United States; and according to the newspaper article which I read yesterday morning, it is now in session for the purpose of combining more effectually against the consumers of the United States in order to put upon them the prices that they may think necessary for their own aggrandizement.

We are always met with these trusts whenever the protective tariff becomes an exclusive tariff. How is it in England, where they have free trade? It is almost treason to mention England, it seems, in this debate; but in the limits of our great commercial rival, England, trusts exist, but they are difficult of creation and of being perpetuated, for the simple reason that capital enough must be got together in free-trade England to influence and control the product of the whole world instead of the product of a single country. With free trade the whole world comes in competition, and some such trust must be created as that in regard to copper which now exists in the hands of a French

I see that already in the United States it is contemplated to create trusts to control the product of the whole world in regard to certain articles of prime necessity; but under this tariff trusts can be created with even limited capital, by the dealers in lumber, the dealers in salt, the dealers in wool, and the dealers in sugar, and in all the different articles that enter into the ordinary consumption of the American citizen, and outside of the limit of necessities, in luxuries, such as whisky. Sir, they have a trust upon cartridges, and the other day when there was a sale in the city of St. Louis of some cartridges sold by the United States for duties, not a single gun-dealer made a bid. When asked why they did not do so, one of them said it was because he belonged to a combine which had agreed not to bid upon those cartridges, that had been forfeited under the revenue laws of the United States; that he was obliged by a solemn agreement not to buy cartridges except at a certain price and from certain establishments.

So it goes. Wood-screws and every trivial article that goes into the ordinary life of the American citizen are to be the subject of a trust, and the price is fixed for the purpose of putting money into the pockets of

the men who control it.

Mr. PLUMB. Will the Senator allow me to interrupt him for a moment?

The PRESIDENT pro tempore. Does the Senator from Missouri yield?

Mr. VEST. Oh, yes. Mr. PLUMB. The suggestion of wood-screws brings to my mind a very significant occurrence that happened in the Democratic caucus at which the Mills bill was really prepared for public exploiting, wood-screws having been restored to their former duty, as a sop to a Connecticut Democrat. So while the Senator is portioning out the responsibility for these trusts, etc., he ought not to omit taking into account the latest Democratic exploit in that direction.

Mr. VEST. Mr. President, I am not here to discuss matters in the Democratic caucus or any other caucus. I care not whether what I say strikes Democrat or Republican or Mugwump, or whether it belengs to any one of these classifications politically. What I say here is made for the interest, as I believe, of the great body of the consumers of the

United States.

I saw a statement not long ago, referring back to wood-screws, that Mr. Chamberlain declared that he had been paid by a wood-screw trust \$40,000 a year—\$40,000 for non-competition. And so it goes.

Mr. PLUMB. Mr. President—
Mr. VEST. I can not yield to my friend any more because it comes out of my ten minutes. In every department of industry, in every department of production, we are confronted invariably with this same thing, that as soon as this high protective tariff becomes an exclusive tariff and shuts out the foreign competition, then the combine, or trust, or "sympathetic movement," finds its opportunity, and is created immediately, without regard to the interests of anybody else except the men who constitute it. Now I will yield to my friend from Kansas

Mr. PLUMB. I was going to say that it is commonly understood that the profits of the wood-screw trust, a large portion at any rate, went into the Democratic treasury, and by the means of that contribution Connecticut was carried for the Democratic ticket. I do not

want to have all the current facts of history ignored in this discussion.

Mr. VEST. I have no knowledge about the treasury of the Democratic party. I have heard something said about "frying the fat" out of Pennsylvania manufacturers for the benefit of the Republican party, but I have never gone into the details. I have no taste for it and care nothing about it. I suppose that money was used by both parties in the late election. There is no question in regard to that; but as to where it came from and how it was used I have no personal knowledge whatever.

I denounce this system of combination, I do not care who constitutes it. I do not care how such combinations are created, they can have but one result, and that is to increase the price to the consumers of the country. In this particular instance the result of this combination upon lumber is to make it higher to the people, because if that were not so we would hear no complaint in regard to taking off the tax of \$2 a thousand.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Sen-

ator's time has expired.

Mr. PALMER. The first extract read by the Senator from Missouri, I think, is from the New York Tribune of March 7. That seems merely to apply to the lumber market of California. I can not discuss it, for I know nothing about it. It does not apply to anything east of the Rocky Mountains. The next seems to apply to an organization called the Chicago Lumbermen's Exchange, which merely includes the lumber dealers of Chicago.

What I wish to state is that where, as in copper, or in sugar, or in whisky, or in cotton-seed oil, trusts may be possible, they are not possible to the end of being practicable and profitable in the lumber business. It is scattered over too great an area of country. It would include too many small dealers. It would be impossible, with all of the marshals of the United States with full power to compel obedience to the articles they should sign, to enforce any such trust. It has been tried time and again.

I do not pretend to defend the lumber manufacturers against the charge of selfishness. They will get all they can for their lumber, but charge of selfishness. They will get all they can for their lumber, but in the very nature of things a lumber trust is impossible. There was

in the very nature of things a lumber trust is impossible. There was one started, or attempted to be started, on the Wisconsin River, at Chippewa Falls. It has gone to pieces. No one has heard of it since. What would you think of a trust that would include, in the State of Michigan, 40,000 laborers, and throughout the United States 200,000 laborers and probably 20,000 concerns or firms? It would be impossible. Therefore I say, when persons are talking about trusts (and it is becoming very fashionable when anything goes up in price to roar out "trusts" and "associations" and "combines"), while it may be possible in sugar and copper, and whisky, it is impossible in lumber; and I will stake my reputation as a business man on that statement.

Mr. PLATT. Mr. President, I think I deplore trusts as much as any one, and I think I will go as far as any one in the passage of any laws which Congress can pass to prevent and punish them. But, as it

laws which Congress can pass to prevent and punish them. But, as it appears to me, the question of trusts has nothing whatever to do with the question of duties. It seems to me that the righteous indignation which exists at a great many trusts in this country (against all trusts that have the features which make them obnoxious) is made use of to

attack the tariff.

Trusts are not indigenous to the United States. The worst trusts are to be found abroad, and many of them in England, where there is no tariff. There is not a worse trust for the United States than the copper trust which exists in France. There is no trust which is bearing upon our people more unfavorably, more injuriously, and the tariff has nothing to do with that; the rate of duty has nothing to do with that.

I take up this morning's paper, and I find under date "London, January 21," a dispatch about a foreign steel-rail trust, and it is as

LONDON, January 21.

It is stated that all the English steel-rail makers have agreed to form a trust, and that the French and German and Belgian makers consent to join the ring. It is expected that the movement, if successful, will cause an advance in prices of 20 to 25 per cent.

I merely rose to say that while I join in the indignation against those combinations which put up the price of necessaries of life, which put up the price of articles that enter into general use, I do protest against this continued reiteration in the Senate that they are the result in some way

of protective duties.

Mr. VANCE. Mr. President, it seems to me, abstractly considered, that there is no policy more unwise than that which induces a great country like ours, in consideration of a temporary benefit, to abolish or hasten the abolition of its entire forests. Whether considered in an economic sense or with reference to climatic influences, to the comfort and health of the inhabitants, or in any other sense, there can be no policy more injurious, it seems to me, than this, which would offer a premium for the destruction of the forests. Forests that are now partially covered with timber, that would take at least three genera-tions of our race to replace if destroyed; forests that supply the moisture which is necessary for the maintenance of the water in our rivers and for the benefit of the climate generally; forests that furnish all the comforts and conveniences that add to the happiness of our homes, that would take, as I have said, at least three generations to replace, have been destroyed with a recklessness and a want of foresight by the American people that our children's children will regret with unavail-

I do not know that, except on general and abstract principles, the people whom I represent have any particular interest in this duty upon lumber. There is still a vast amount of lumber, or timber for the making of lumber, remaining in North Carolina. The swamps in the eastern part of the State furnish still a considerable amount of the most magnificent lumber to be found in the Atlantic States-cypress, which is exceedingly valuable. The plains furnish still a considerable quantity of pine, while the Piedmont region and the southern Alleghanies that obtain in the western part of the State of North Carolina contain perhaps more hard wood of value for use in the arts and in the finishing and decoration of houses than certainly any other Atlantic State, if it would not be too much to say than any other State in the American Union. Not only all that we need of every kind and de-

scription for our own purposes is found there, but a considerable quantity is found for exportation to neighboring States and markets.

I can not see, therefore, that the people of North Carolina are affected by the duty on lumber, or would be affected by the removal of it, but in so far as the duty upon lumber does stimulate the unnecessary cutting down and exportation of the lumber of my State they are injuriously affected by it, and would prefer laws of a conservative character which would tend to preserve their forests for their own use and for the use of their children. I am sure that they are opposed to the temporary riches which the destruction of their forests might bring to them in view of the great injury that would be inflicted upon their descendants.

As I understand, the great lumber regions, or the regions which were once great in lumber, of the Northwest have mainly passed into the hands of a few wealthy men who have been able to accumulate them and who hold them for a rise in the price of the timber which stands upon those lands. Therefore a continuance of this duty upon lumber can act in no other way than to hasten the exorbitant increase of the price of that timber which those States that are covered with treeless plains will be compelled to buy at whatever price. It can have no other effect. Time will be sufficient in that respect. The absolute necessities of the people and of an increasing population in that tree-less country will certainly be sufficient in hastening the high prices of lumber to gratify all the reasonable avarice of any set of men; but that the public legislation of the country should be called upon to hasten that time and to increase the price which these people will be com-pelled to pay in the future, it seems to me, is an outrage upon them that can not be justified even by the mysterious logic of protection, be-cause it can not be said truthfully that a protective duty against foreign lumber will increase the quantity and decrease the price of domestic lumber for the reason that it can not be supplied by the establishment of lumber manufactories. The more manufactories of lumber which you establish, the more rapidly will the material that supplies these mills disappear.

So, then, according to protection logic, it is an absurdity and an outage. According to any kind of logic that you apply to it, whatever view you take of it, it is an injurious, and an unjust, and an unwise Therefore those of us who sit on this side of the Chamber, without exception, so far as I know, desire to see the premium for the destruction of our lumber removed, and think that we have done a good service to our people and our country at large when we induce Canada or any neighboring nation to destroy its forests for our benefit.

and leave ours for the benefit of our children.

Mr. HISCOCK. Mr. President, I desire to contribute a word or two to this great economic question in view of the facts over which the Senator from North Carolina is so alarmed, that our forests are in dan-ger of being denuded because of the operation of the tariff upon lumber

on the people of the country.

Our imports of lumber from Canada are 9,500,000 feet. That is the foreign importation of lumber. The product of Michigan alone is 4,000,000,000 feet, and of the whole United States probably 20,000,-000,000 feet. Now, the whole importation of lumber from Canada is simply infinitesimal as compared with the lumber manufactured in this country and used here. What may be dumped in our market from this country and used here. What may be dumped in our mathere does not have the slightest effect in the world upon it.

How is it on the other side, in Canada? Recognizing the fact that the whole influx of lumber from Canada will not affect our price, that they have not the power to affect it, they put an export duty on logs with a view of holding theirs up to the American price. What next? In the sale of their stumpage they regulate it according to the price of lumber here, putting an amount absolute, so much a thousand, upon it as it is cut, so as not to force in their lumber here, knowing very well that the whole product of lumber in Canada can have no possible effect upon us. There is no one who will examine this question who can come to the conclusion that if we have free lumber it will have the slightest effect upon the price, for the reason that the export duties and the price of stumpage that will be put upon lumber in Canada will be increased to compensate for the reduction of duties here. I do not believe, myself, that it is of the slightest consequence in the world, practically, to the lumber producers here or to the lumber consumers here. Nevertheless it is a small duty comparative y, and it is a duty which protects an agricultural product pure and simple.

So far as the State of New York is concerned, the land on which there is lumber is owned by the farmer, and the price of it aids him in clearing up his lands. It is a source of revenue to him as much as the corn, wheat, or potatoes which he raises; and while I do not believe this will affect the price, still it is a protection which the farmers ask and I am in favor of their having it.

The Senator from North Carolina urges that there is a great catastrophe in the future on account of the denuding of our forests. That argument if applied would prevent railroads running through prairies. I do not know but that if properly applied it could be urged against draining swamps or any improvement upon our land. The theory of the argument is that it is better that we should have forests, uncul-tivated lands, than to have cultivated lands covered by farms, villages, and cities. That is not the policy of the country; and you might just as well urge that railroads should not be built because a century or two hence we should not have the prairie land for our children or our children's children. Improvements of the whole domain, cultivation of the land, increasing our population, homes for the people-that is

the policy of this country.

Mr. PALMER. Mr. President—
The PRESIDING OFFICER. The Senator has spoken once.

rule is that a Senator shall speak but once.

Mr. PALMER. I thought we were confined to ten minutes.

The PRESIDING OFFICER. That is the rule—one speech of ten

Mr. PALMER. Can that not be done in three efforts, or are we

confined to one

The PRESIDING OFFICER. This is the first time that question has been raised. The Chair received the rule from the President pro tempore in that form, that there should be only one speech by a Senator and he could speak ten minutes. Nothing was said about dividing

the time into three speeches.

Mr. PALMER. If the Chair will permit me to speak in the time of the Senator from New York [Mr. HISCOCK] not occupied by him, I would merely answer the philosophical argument made by our friend from North Carolina [Mr. VANCE] in regard to the destruction of forests, which is a subject of contention now among scientific men whether it does affect the climate unfavorably or not. I know that Spain is always adverted to as having been ruined by having its forests cut off; but it is now contended that it has had no such effect.

However, I will say that the destruction of the forests in the West will go on whether they are cut or not. The railroad, the settler, the hunter, the fisherman, and the Indian spread fire there, and it is about all the lumberman can do to keep up with the ravages of fire and save

In Canada they have what they call woods-rangers to take care of the fires. To make a fire in the woods there is a misdemeanor, and

those rangers are patrolling their forests and guarding them.

My point is that if you want to take it on economical grounds, independent of the interests of our manufacturers, the forests of British America are the timber preserves of the Northern States of the Union, and it would be better for us to put on a prohibitory tariff and not to encourage the cutting of a single stick of timber in Canada, and when our timber is gone let it come in free, if you wish, but not till then.

Mr. CALL. Mr. President, admitting all that is claimed for high or prohibitory duties, let us follow the idea and the argument to its

ary conclusion or result. The country has arrived at that condition. High duties have produced home supply for home demand in the country. What then follows? The home supply is either equal to the home demand or less than the home demand or greater than the home demand. Now, let us examine separately all of these conditions and see what necessary consequence follows from each condition.

see what necessary consequence follows from each condition.

First. The home supply equals the home demand. Here we have paid a high duty for years; that is, we have by law required the people, whose wants make the demand, to give a greater part of their labor or their earnings than they would have otherwise done to those whose labor or means furnished the supply.

To put it in its most favored light, admitting and conceding that it is the American workingman alone that is interested, we have compelled one American workingman to work a greater length of these doing was necessary for another American workingman and in thus doing was necessary for another American workingman, and in thus doing we have necessarily limited his capacity to acquire a greater amount of necessaries or luxuries precisely by the amount of the excess of labor

which we have forced him to give.

The public benefit derived from this has been a home supply of a home demand. What does this mean? It means that we have created an industry and employment, and made no national profit out of it, but have paid a certain quantity of labor or money for it, more than would have been necessary without the passage of the law. The country, then, has the industry and the employment, and it has cost the country a certain sum. Now the question is whether the sum paid by the country is greater or less than the difference between the amount the country would have made from money and labor employed in other occupa-tions and the amount the country had paid for maintaining the home supply of the home demand.

This would be the precise amounts, and the country would then have

either to abandon or to continue the cost of maintaining this home supply of the home demand. If we continue it, then we are to have a permanent policy of maintaining this state of things by an annual con-

tribution from the country.

If, on the other hand, we are to discontinue this policy of maintaining the home supply of the home demand, then we shall have gone back to the place we started from, and open the home supply of the home demand to the competitions and all the influences of money capital and pauper and surplus production, which we assumed were strong enough to have crushed the home supply of the home demand, and we shall have paid our money for a temporary protection, and without permanent results.

Now let us consider the conditions where the high duties have produced, as it is claimed they will, an excess of the home supply over the home demand. What then will be the effect if we discontinue the

high duties? We will again subject the supply to all the causes which we have paid our money to prevent from destroying this supply. have not produced any permanent change in the causes against which the law assumes the home supply can not successfully contend.

If, on the other hand, the home supply shall not equal the home demand, then the high duties will have compelled the country to pay a large amount and failed to accomplish the home supply of the home demand; and as to that part of the home supply of the home demand which high duties may have produced, the amount will be between the gross sum paid by the country and the foreign value of the supply, and the value of this temporary protection, and then the reopening of the supply to all the causes which we have paid large sums to prevent.

If, on the other hand, this excess in the home supply of the home demand should by domestic competition reduce the value of the home supply, what will the country have gained by taxing the people vast sums of money for the single object of making that home supply val-uable beyond the value of the foreign supply, only to have domestic competition reduce it to the same or a lower level?

Mr. President, the question of a system of high duties, and the question of whether or not a particular people shall be subjected to a system of high duties, and then that which they produce be exempted en-

tirely from duty, are entirely distinct things.

I am in favor of a system of low duties, but I am not in favor of taxing the people of my own State and exempting their productions from a similar tax—a similar duty, so as to tax them so far as they are consumers. But whatever protection or benefit may result from the system, I insist shall be given to them fairly and equally with others.

you tax them by a high duty as consumers, you must lay the duty so as to tax other people as consumers of what they produce.

Now, this duty upon lumber is a small duty, it is amongst the smallest of the duties, and if it have any effect at all, that effect and that benefit should be given to the people of the section of country which produces it and in which it is a staple and of which it is a part of their resources; and for me to vote here to except it from the beneficial effect, if there be any, of this bill, would be to discriminate against my own

people and my own section of country.

Mr. President, these are entirely different propositions. If we are to have a system of high duties let it be general, let it extend to every part of the country. Those who represent the portions of the country which are proposed to be sacrificed ought to object to it. Lumber is a large interest in the State of Florida. Whatever may be its effect upon the forests, it is an established industry them.

large interest in the State of Florida. Whatever may be its effect upon the forests, it is an established industry there. Large quantities of lumber are exported abroad, and great quantities in the coastwise trade are carried throughout the length and breadth of the coast trade, and under these circumstances, if there be any benefit or appearance of benefit, I am in favor of giving it to my own people.

Mr. BLAIR. Mr. President, in considering these questions I notice a constant tendency to treat them in masses, and "millions" seem to be always considered as of greatly more importance than "thousands" or "hundreds" or single dollars. The argument is a cash argument all the time, as though a man's soul was not worth much, but his pocketbook was of some consequence. The truth about this lumber interest with which we are dealing at the present time is that the legislation affects more individuals, more souls, more bodies, the fate of more individual men, women, and children, than almost any other one question that is being discussed; and it is an interest which is incapable of tion that is being discussed; and it is an interest which is incapable of

being combined and worked up in the form of a trust.

Almost all the agricultural interests of this country in the New England States and in New York are interested in it; in fact, all along the line of Canada almost every man who owns a piece of land owns some lumber that goes with it; and although there are lumber barons, I do not think them of any particular account. I would not like to see any legislation in reference to them, whether they are in the Senate or in Congress or out of it. There are no lumber barons who are not able to take care of themselves, and the most of them are able to take care of a great many other people; and it is the good fortune of many that they are able to do so; but the men who are not lumber barons are millions who are interested in lumber, in the growth and production of lumber, and to whom a little alteration in this matter of duties is of the utmost importance, meaning more to them in what appertains to existence than hundreds and thousands may be to many others who seem to be controlling this legislation.

Take my own State. There is nowhere that you can touch her where she is more tender or more liable to injury than upon this same lumber schedule. Two dollars a thousand is not sufficient protection to the lumber interest in that State. There are only 350,000 or 400,000 people there, you say. Very well, but to the 350,000 or 400,000 people who are there and who at one time and another have been of some conse quence in the scales of justice and the prosperity and the existence of this country, the lumber tariff is of importance. Almost every farmer in the State, probably every farmer in the State has a portion of his soil covered with a growth of timber, and upon it he relies annually for some portion of his cash income, which to him is existence, and from the little surplus which he gets out of it he educates his daughter or his son, pays for his newspapers, his minister's tax, or his own tax for the support of the institutions of the State and of the country. It is

his little reservoir of ready money, and if you do injury to that, the source of his income, however slight, you affect his existence as an American citizen much more uncomfortably and seriously than though, if he were a millionaire, you took out of his pocket \$100,000 every year.

The committee, I understand, have reduced this tariff somewhat on lumber, and if I could beat their bill by voting against it I would do so for that very one thing, because I think it is a most unrighteous and wicked discrimination that ought not to have been done, because it affects poor people principally, and does no good to anyhody on the face

wicked discrimination that ought not to have been done, because it affects poor people principally, and does no good to anybody on the face of the earth anywhere so far as I can see.

Our friend from North Carolina [Mr. Vance] says it is of no consequence to him. It certainly does not interest my friend from Florida [Mr. Call]. What consequence is it to the sugar-planter or to my friend from Missouri [Mr. Vest] along the line of the great Mississippi? It will not affect the price of lumber a cent a thousand, he claims, whether it be put up to a dollar and a half or whether the whole thing he abolished

thing be abolished.

Mr. President, it ought not to be touched at all, and it is a good reason for defeating this whole bill that the lumber schedule is reduced at all, and if any of our friends have assented to it. I am not one of those who have been consulted, and I do not believe that it has been assented to really in the interest of at least five or six millions of people all along the Canadian frontier, especially in New York and in the Northeast, who are vitally interested in this matter.

New England is a free-trade section of the country, if any portion of it is. If anybody can live under the rules of free trade, New England can to-day. She has her capital of two or three centuries' accumulation. She has habits with which she can live when other portions of the country would starve to death; and so she is enabled to get along with less than people anywhere else in the country. That is why she grows strong and powerful and dictates in many of the important things pertaining to the interests of the country and the world.

We pay our 75 cents a ton duty right along upon the important article of coal. It would be greatly for our advantage to let it come in free from Canada. Give us free coal and we could get on very well; but what would become of the interests down in West Virginia and in Maryland? What would become of the interests of the Baltimore and Ohio Railroad and its great feeders, the interests which give it freight and all that? You might say the same with reference to the corpo-ration interests all through the State of Pennsylvania and elsewhere in this country. But, for the sake of the great system which protects the whole, we pay from our small incomes the duty upon coal. We should be very glad indeed in sacrificing so much for this protective system (which is really of more benefit to the South than to anybody else in the country) if the lumber interest, which is really important to us, should be left undisturbed.

Now, here comes a proposition to make lumber free. We are on the great lines of communication with Canada, directly in contact with the Canadian line, and the northern part of our State is peculiarly a lumber section, and where lumber has been removed in the southern portion of the State it is being rapidly reproduced. The reduction now proposed upon white pine, as it is called—all classes of white pine—affects every kind of lumber that is grown in the State, because it comes in competition with hemlock and spruce and all the rest. You might exactly as well make this schedule in such a way as to be a removal of the duty upon all kinds of lumber as upon white-pine lumber, because the various grades of white lumber compete with all lumber grown in the State. Instead of speaking of it as applying to a section, I ought to say that it applies to the entire bill in contiguity with the Canadian line.

I rose merely to state these general propositions and to show that there are those who assent to this tariff legislation who in some respects are sacrificing interests in so doing, and when the Senator from Missouri and others make motions to place lumber on the free-list they make motions which, if successful, would carry ruin and destruction to thousands of the population of this country who are a portion of its

yeomanry, of its most vigorous and essential citizenship.

Mr. GRAY. Mr. President, if the position of the Senator from Louisiana [Mr. Eustis] the other day, that this whole tariff scheme was itself in its essence a gigantic trust, within the definition lately given by Judge Barrett of a trust, needed illustration, it seems to me the speeches of the Senator from New York [Mr. HISCOCK], and of the Senator from New Hampshire [Mr. BLAIR] who has just taken his seat, would furnish such illustration.

The proposition to give to the people of this country, the great consuming masses, the dwellers upon the treeless plains of the West, the denizens of our crowded cities, a little abatement in the price of this absolute necessary of life, the material for constructing the shelter that is absolutely essential for themselves and their families, it seems to me should receive universal approval, and that opposition to it is well characterized by the Senator from North Carolina [Mr. Vance] as mon-

The idea of protection or its philosophy, if there is a philosophy in it, has made great strides since this matter was first introduced into the House of Representatives last spring by the Committee on Ways and Means. Now, it is part of the doctrine of high protection, part of

its philosophy, that at no point shall the line be broken. The Senator from New York has said that making lumber free would not, in his opinion, affect the price of lumber anywhere, and would not materially injure the interests of the producers of lumber, still he is opposed to making any abatement or giving to the masses of this country the opportunity, at least, to test the truth of the proposition that an abatement of the tax on the necessaries of life would be a removal of a burden upon those who use them.

Even the bounties of nature are taxed, and the proposition now is that whereas in this happy land of ours a kind Providence has given from its bountiful hand these great natural resources, these great for-ests of valuable timber for the use of man, has stocked our adjacent seas with food-fish—that all these are to be gathered in and controlled by a syndicate of men who claim that they have an ownership in a so-called American market, lest these things would be too cheap to the consumer unless they were taxed, even where the taxes are not needed in an overflowing Treasury; that these forests that God Almighty has given to the poor men of America, wherewith they can make for themselves cheap shelter, homes such as no other people on the face of God's earth can enjoy—that syndicates of rich men must step in between them and the bounty of Providence and say that by the imposition of a tax this great bounty, this great beneficence of an all-wise Creator is to be neutralized or abated. That is the proposition.

Here is a material that is as absolutely essential to human comfort as food or clothing—the material for building shelter—and it is that which is to be controlled by syndicates and trusts who as I said pro-

which is to be controlled by syndicates and trusts, who, as I said, propose to stand between the citizens of this country, the poor men of this country, and the bounty of a beneficent Providence.

The Senator from North Carolina very well stated, and very strongly the Senator from North Carolina very well stated, and very strongly stated, the difference between a tax upon this particular article, lumber, and a tariff tax upon the so-called protected articles that are embraced in this schedule. This is a natural product, which excepts it from the logic even of the protection idea. You can not stimulate the manufacture of lumber by a tariff tax. We have been told over and over again that the effect of a tariff tax was to stimulate domestic production and thereby eventually to reduce the price of commodities to the consumer, but in the case of lumber you stimulate destruction. You do not and can not stimulate production. Therefore, as he very well said, this is an exception even to the protection logic; and it would seem, unless there has been a conspiracy among the protected interests of this country, that at no point should there be a break in their line; that unless they have all joined hands and have determined to stand together or fall together, that they would, in the interest of the protective idea, step in here and agree with us that the poor people of this country should not longer be made to submit to the burden; that we should no longer keep them from enjoying to its full the bounty that Providence offers them on every hand.

Mr. President, the Senator from New Hampshire [Mr. Blair] spoke of the poor men who were interested in this tariff, the men who own timber tracts on their small farms. Why, sir, what is that interest in comparison with the interest of the millions to whom cheap lumber is an absolute necessity? I spoke of the inhabitants of these treeless plains in the West, and the denizens of our crowded cities, the thousands upon thousands that are there congregated and are necessarily tribute-payers to the lumber barons, as he termed them, and to those who are so fortunate as to own the land that is covered by timber. That timber was not created by human labor or by human hands. That timber was not created by human labor or by human lands. The fortunate possessors of those tracts of timber, whether in large or small quantities, need no further protection. They are to be congratulated if they own that much of the earth's surface producing this most necessary article, and why should they step in and be mendicants upon the bounty of the whole people in order to enhance to them the value of this important material of which they are the fortunate pos-

sessors?

It seems to me, as I said in the beginning, that this is a most mon-strous illustration of the iniquity of this whole high-tariff protective scheme

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. QUAY (when his name was called). I am paired generally with the junior Senator from West Virginia [Mr. FAULKNER]. I suppose if he were present he would vote "yea." I should vote "nay." The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from New Jersey [Mr. McPherson]. If he were present, I should vote "nay."

Mr. HAWLEY (after having voted in the negative). I forgot for the moment that I was paired with the Senator from Missouri [Mr.

the moment that I was parted what the COCKRELL]. I withdraw my vote.

Mr. COLQUITT (after having voted in the affirmative). I ask if the Senator from Rhode Island [Mr. CHACE] is recorded?

The PRESIDENT pro tempore. The Senator from Rhode Island is

not recorded.

Mr. COLQUITT. I voted in the affirmative, and I am paired with im. I therefore withdraw my vote.

Mr. HARRIS. I desire to inquire if the Senator from Vermont [Mr. Morrill] is recorded as voting?

The PRESIDENT pro tempore. He is not recorded.

Mr. HARRIS. I ask the attention of the Senator from Iowa [Mr. Allison] for a moment. ALLISON] for a moment. I am paired with the Senator from Iowa [Mr. ALLISON] for a moment. I am paired with the Senator from Vermont [Mr. MORRILL]. I have already voted in the affirmative. If it will suit the convenience of the Senator from Iowa to transfer his pair with the Senator from New Jersey [Mr. McPherson] to the Senator from Vermont [Mr. MORRILL], the Senator from Iowa can vote. I have already voted, but I shall withdraw that vote unless the Senator from Iowa can vote already voted, but I shall withdraw that vote unless the Senator from Iowa can vote. Iowa chooses to make the transfer.

Mr. ALLISON. I will make the transfer with pleasure, and vote

"nay."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], and therefore abstain from voting.

Mr. HALE. I transfer the pair I have with the Senator from Kentucky [Mr. Beck] to the Senator from Rhode Island [Mr. CHACE], which will enable the Senator from Georgia [Mr. Colquitt] and my-

which will enable the Schator from Georgia [Mr. Colegotii] and myself to vote. I vote "nay."

Mr. COLQUITT. I vote "yea."

Mr. MORGAN. I am paired with the Senator from New York [Mr.
EVARTS]. If he were present, I should vote "yea."

Mr. PUGH (effer horizon voted in the affirmative). Has the senior

EVARTS]. If he were present, I should vote "yea."
Mr. PUGH (after having voted in the affirmative). Has the senior
Senator from Vermont [Mr. EDMUNDS] voted?

The PRESIDENT pro tempore. He is not recorded.

Mr. PUGH. Then I withdraw my vote. I am paired with him.

The PRESIDENT pro tempore. The Senator from Alabama withdraws his vote.

Mr. RIDDLEBERGER. I am paired with the Senator from New Jersey [Mr. BLODGETT], and therefore withhold my vote.

The result was announced-yeas 19, nays 28; as follows:

Bate, Berry, Coke, Colquitt, Daniel,	Eustis, George, Gray, Hampton, Harris,	YEAS—19.  Ransom, Reagan, Saulsbury, Turpie, Vance,	Vest, Voorhees, Walthall, Wilson of Md.
	STATE SOUND ATT	NAYS-28.	
Aldrich, Allison, Blair, Brown, Call, Chandler, Cullom,	Davis, Dawes, Dolph, Farwell, Frye, Hale, Hiscock,	Hoar, Ingalls, Jones of Nevada, Mitchell, Palmer, Platt, Plumb,	Sawyer, Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa.
rouged all I	int all or aniver	BSENT-29.	
Beck, Blackburn, Blodgett, Bowen, Butler, Cameron, Chace, Cockrell,	Edmunds, Evarts, Faulkner, Gibson, Gorman, Hawley, Hearst, Jones of Arkan		Pugh, Quay, Riddleberger, Sabin, Stanford.

So the amendment was rejected.

Mr. SAULSBURY. I offer the amendment which I send to the desk as an additional section to the bill. I shall not ask that it be taken up until the consideration of the committee amendments is concluded.

The PRESIDENT pro tempore. The proposed amendment will lie

on the table and be printed.

Mr. ALLISON. Let it be read for information.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill as an additional

section the following:

section the following:

SEC. — It shall be the duty of any person, firm, corporation, association of persons, or company engaged in the manufacture or production of any goods, wares, or merchandise mentioned in the schedules of this bill, upon the importation of which a duty is imposed when of foreign production, to pay into the Treasury of the United States any profits arising from such manufacture or production in excess of 10 per cent. over and above the cost of materials and labor used and employed in such business; and it shall be the duty of every such person, firm, corporation, association of persons, or company to make in each and every year to the Secretary of the Treasury, under oath, a complete and correct return of the aggregate value of the goods, wares, and merchandise manufactured or produced in the year, with the aggregate cost of the materials and labor used and employed therein and a statement of the profits therefrom; such return and statement in case of a firm, corporation, association of persons, or company shall be made by its treasurer or other financial agent; and if any person shall make a false or fraudulent return or statement he shall be guilty of perjury, and upon conviction thereof shall be imprisoned for a period not less than one year nor more than five years, and shall forfeit and pay a fine of \$5,000: Provided, That this section shall not apply to manufacturers the value of whose aggregate business shall not exceed \$20,000.

Mr. HISCOCK. I desire to offer an amendment to paragraph 201,

Mr. HISCOCK. I desire to offer an amendment to paragraph 201,

after the word "measure" in line 824.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from New York.

Mr. HISCOCK. It comes in at the close of line 824, at the end of

paragraph 201.

The CHIEF CLERK. It is proposed to add the following proviso to paragraph 201:

Provided, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave-bolts, shingle-wood, or heading-

blocks, exported to the United States from such country, in excess of the duty fixed in this act upon the sawed lumber manufactured from logs of the kinds heretofore mentioned, then the duty upon the sawed lumber herein provided for when imported from such country shall remain the same as fixed by the law in force prior to the passage of this act.

Mr. VEST. Let me ask the Senator from New York why certain specific articles are named in this amendment.

Mr. HISCOCK. It is intended to name the articles that are manufactured from the white-pine logs and any other logs

The PRESIDENT pro tempore. Is this an amendment proposed by

the Committee on Finance?

Mr. HISCOCK. Yes, sir.
Mr. VEST. It seems that if this principle is to be applied at all, if this legislation is to be indulged in, it ought to apply to all the lumber which is brought into this country from abroad where an export duty

in the foreign country is imposed upon it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New York [Mr. HISCOCK].

Mr. CALL. I ask that the proposed amendment be again read.

The PRESIDENT pro tempore. The amendment will be again read.

The Chief Clerk read the amendment of Mr. HISCOCK.

Mr. HISCOCK. I might say further in reply to the inquiry of the

Mr. HISCOCK. I might say further, in reply to the inquiry of the Senator from Missouri, that there are certain kinds of lumber that I do not know that we want to interfere with. Take mahogany and woods of that kind-

Mr. VEST.

They are on the free-list now.

K. There may be export duties levied upon those, but Mr. HISCOCK. they are goods which are not produced in this country, and I am not aware that we would care to interfere with cases of that kind. It is only that kind of lumber made in the bill subject to duty that this amendment applies to.

Mr. CALL. I should like to have some further explanation of the

object of the amendment and its supposed effect.

Mr. HISCOCK. I will state that the object of the amendment is this: At the present time it is a notorious fact that \$3 a thousand is the export duty imposed upon logs by the Canadian Government, and I have not any sort of doubt that they possibly may increase it just to the extent by which we have reduced the duty here. They may do so or may not. I think perhaps this amendment is in the direction of the argument made by some of the gentlemen on the other side, that it possibly may have the effect to prevent an export duty being levied at

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New York [Mr. HISCOCK].

The amendment was agreed to.

Mr. ALDRICH. Has paragraph 209 been read?

The PRESIDENT pro tempore. It has not been read. It will be

The Chief Clerk read as follows:

209. House or cabinet furniture, of wood, in piece or rough, and not finished, 30 per cent. ad valorem.

Mr. ALDRICH. From the Committee on Finance I offer the following amendment: At the end of the paragraph add:

Reeds, 10 per cent. ad valorem; chair cane, 15 per cent. ad valorem.

Mr. VEST. I should like to ask the Senator from Rhode Island if these articles are not included in paragraph 213.

Mr. ALDRICH. They are at the present time by the bill as it now

stands

Mr. VEST. And the Senator proposes to reduce the duty?
Mr. ALDRICH. Yes, from 30 and 35 per cent. to 10 and 15 per cent.
Mr. VEST. All right.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading of the substitute will

The Chief Clerk read as follows:

210. Cabinet ware and house furniture, of wood, finished, 35 per cent. ad va-

210. Cabinet ware and house furniture, of wood, infished, 35 per cent, ad valorem.

211. Casks and barrels (empty), sugar-box shooks, and packing-boxes, and packing-box shooks, of wood, not specially enumerated or provided for in this act, 30 per cent. ad valorem.

212. Manufactures of cedar wood, granadilla, ebony, mahogany, rosewood, and satinwood, 35 per cent. ad valorem.

213. Manufactures of wood, or of which wood is the component material of chief value, not specially enumerated or provided for in this act, 35 per cent. ad valorem.

Mr. VEST. That last paragraph includes rattans, which constitute a very important article of importation.

Mr. ALLISON. No, it does not. Rattans are on the free-list in

Mr. VEST. I will ask the Senator now if this paragraph 213 does not include some varieties of rattans?

Mr. ALDRICH. It includes reeds and chair canes, which we have just provided for.
Mr. VEST. Are no rattans included in this paragraph?
Mr. ALDRICH. None whatever, unless they are manufactured

Mr. VEST. I understand, then, that none of the others are included. fery good. I merely wanted to understand it.

The PRESIDENT pro tempore. The reading will proceed.

The Chief Clerk read as follows:

214. Wood, unmanufactured, not specially enumerated or provided for in this act, 20 per cent, ad valorem.
215. Sawed boards, plank, deals, and blocks or posts of mahogany, rosewood, satinwood, granadilla, or other cabinet wood, 15 per cent, ad valorem.

Mr. ALDRICH. From the Committee on Finance, I move to strike out "fifteen" and insert "twenty," in line 856, paragraph 215, just

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Rhode Island.

Mr. VEST. We have passed paragraph 214 in the preceding list, and I desired then to submit a motion to strike out "20 per cent. ad valorem" and insert "shall be admitted free of duty." If that is not objected to, I shall make the same motion as to paragraph 215 now under consideration. We can take this question as to the two paragraphs together, and upon it I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Cullom in the chair). The

amendment proposed by the Senator from Missouri will be reported

from the desk

The CHIEF CLERK. In line 853, paragraph 214, it is proposed to strike out "20 per cent. ad valorem" and insert "shall be admitted free of duty;" and in line 856, of paragraph 215, it is proposed to strike out the words "15 per cent. ad valorem" and insert "shall be admitted free of duty;" so as to make the paragraphs read:

214. Wood, unmanufactured, not specially enumerated or provided for in this

act, shall be admitted free of duty,

215. Sawed boards, plank, deals, and blocks or posts of mahogany, rosewood,
satinwood, granadilla, or other cabinet wood, shall be admitted free of duty.

The PRESIDING OFFICER. Upon this question the Senator from

Missouri asks for the yeas and nays.

Mr. VOORHEES. Mr. President, I do not rise to discuss the particular amendment before us, but in the closing hours of this debate I desire to place on record certain conclusions which have been indelibly

impressed on my mind. The tariff issue is no longer what it once was. A new departure of The tariff issue is no longer what it once was. A new department the most astounding character has been made. We are no longer called upon by the majority of this Senate to legislate for revenue with which to pay the expenses of the Government, but to enact laws by which one class of our citizens are to be enriched, aggrandized, protected, by

a vast system of tribute arbitrarily levied on every other class.

The idea of our fathers, that a tariff could only be laid for revenue, and that protection, if any followed, was to be a mere incident to such legislation, is now hooted from the councils of that party which is in a majority in this body, and soon to take control of every department of the Government. The bill before the Senate is not in any legitimate sense a revenue measure, but a measure to amass fortunes for the favored few by wholesale extortion practiced on every want and necessity of human existence.

The title to this bill as it now stands is "to reduce taxation and simplify the laws in relation to the collection of the revenue." This title is false and misleading. It should read as follows: "A bill to increase taxation and to complicate the laws in order to still further exalt and enrich monopolies by the iniquitous and unrighteous spoliation of the people."

Some weeks ago, during the early days of this debate, in speaking on this subject, I said:

on this subject, I said:

For the first time in American history the mask of the manufacturer is thrown aside and all disguise abandoned. He has heretofore at least pretended that the protection he needed and asked could be secured as an incident to a purely revenue tariff. The greatest minds ever engaged in the conduct of our public affairs have willingly conceded all the incidental protection which wise legislation framed for the purposes of revenue could afford to the domestic manufacturer. The protection, however, now boldly demanded is the enormous tribute which the consumer is compelled to pay directly to the monopolist in manufacture and in trade, no part of which ever reaches the Treasury of the Government at all.

This tribute exacted for the sake of protection per se, and with no reference to revenue, is the increased price which high rates of duty, keeping foreign imports from our shores, enables the manufacturer to put on his goods without fear of foreign competition. This is the naked and avowed plunder of one class of American citizens for the sole benefit and enrichment of another, and it will not long be borne.

Since that time I have been an observer of all the details of the disc

Since that time I have been an observer of all the details of the discussion which has followed, and the great burden of concern on the other side of the Chamber has been for the protection of monopolists in manufacture and trade against outside competition which would necessarily cheapen the necessities of life to the consumers.

The question of revenue has only been sounded on a very minor key, while all the notes of the whole organ have been swept in the loudest

and boldest strains in behalf of protection, and protection alone.

Is it pretended that such a policy has any warrant in any precedent of the Government or in anything ever uttered by a public man of na-

tional reputation?
Several disputes have taken place between Senators on this floor as to the attitude of Henry Clay on the question of a protective tariff. He is known to history as the father of the American system of protection, and yet he would recoil with horror from the swollen, arrogant, and rapacious pretensions of that system if he could look upon it to-day, and scan the monstrous provisions of this bill. In the great debate between Mr. Clay and Mr. Calhoun, running through February

and March of 1838, Mr. Clay used this language, and it is to be found in Benton's Thirty Years' View, page 113:

No one, Mr. President, in the commencement of the protective policy ever supposed that it was to be perpetual. We hoped and believed that temporary protection extended to our infant manufactures would bring them up and enable them to withstand competition with those of Europe.

Now, however, after a hundred years of national existence we find our manufactures still more infantile than ever before, guarded and rocked in their baby cradles by such stalwart and giant tariff duties on foreign imports as Mr. Clay never dreamed of, and yet putting up their hands and squalling with incessant hunger for more.

We find corporations, syndicates, trusts, combines, and individual millionaires, more potent in their wealth than the nabobs of the East millionaires, more potent in their wealth than the nabobs of the East Indies or the robber barons of the middle ages in their proudest and most remorseless days, coming here, surrounding this Capitol at both ends and pretending "to mewl and puke" like infants unless they get a renewed and enlarged license for higher prices, greater profits, and bloated dividends at the expense of the laboring men, women, and children of the United States who are compelled by restrictive legislation to purchase their wares and merchandise. It is this class of bearded babies living in palaces, flashing with diamonds, sailing the seas in private yachts, and careering over Europe on Tally-ho coaches, who have dictated this abominable bill line by line and schedule by schedule in their own interests, and in the interest of nobody else.

their own interests, and in the interest of nobody else.

It was this class also which surrounded and bullied the Republican national convention at Chicago, in June last, into a declaration that high and in many instances prohibitory protection should be perpetual. That every vestige of taxation on all sorts of distilled spirits and on every form of tobacco should be thrown overboard rather than that a single jot or tittle of the present oppressive protective system should be abated. It is true that Mr. Blaine had taken different ground, and so had the Senator from Ohio [Mr. SHERMAN], but monopoly was master there as it is here, and enforced its bold and insatiate demands for loot and plunder in Chicago as it is doing here now on this floor.

Sir, I wish to arrest the attention of the public mind to the increased pretensions and arrogant claims of the protected monopolies. It is but a short time since that Grant, Garfield, Arthur, and other eminent leaders of the Republican party recommended heavy reductions of tariff duties. They would not dare do so now. A little while ago a tariff commission with a Republican majority reported in favor of a general reduction of 20 per cent., and after a full investigation declared that our domestic manufacturers would still be prosperous and in wholesome condition.

The Senator from Vermont [Mr. MORRILL], a high Republican authority on this subject, is on record repeatedly to the effect that the exorbitant tariff rates imposed during the war were to be but temporary, and yet they remain to this hour, and the Senator will no more move their repeal than he will move to destroy this Capitol from turret to foundation stone. The able Senator from Iowa [Mr. Allison], now in charge of this bill, a few years ago declared himself in favor of reduced tariff rates all along the line. Will he do so now? The Treasury is full and overflowing with a surplus, but he is compelled by merciless coercion to ask that duties on foreign imports, which the consumer pays, shall be raised instead of lowered. I mean no personal offense to any one, but the country will take notice of the fact that the leaders of the Republican party are working under the rod of a master, and that master is the spirit of monopoly.

Sir, a single thought further, and I am done. Let Senators on the

other side take warning that one extreme begets another, that the pendulum will swing of itself as far one way as it is made to swing in the other. The cormorant greed and unsparing lust for plunder displayed by the monopolists in their persistent outcry for protection, under all circumstances and on everything, big and little, are rapidly begetting an extreme public sentiment in the opposite direction.

Men heretofore thought to be conservative on this great question are seriously considering whether Government revenue could not be more seriously considering whether Government revenue could not be more justly secured by laying taxes on the property of the country rather than on the necessities of the people, and thus wipe out all the rankling injustices of the whole tariff system. Public opinion travels fast and far when stimulated by the spur of wrong and crime.

Mr. SAULSBURY. Mr. President, I do not propose to discuss the question immediately before the Senate; but the very able speech of the Senator from Indiana [Mr. VOORDERS] expessing the character of

the Senator from Indiana [Mr. VOORHEES] exposing the character of the legislation that is being now enacted at the dictation of monopolists and of great corporations and of enriched manufacturers justifies me in saying that the amendment which I have offered to be inserted at the end of this bill is a proper amendment. That amendment proposes that when those manufacturers who have come here and dictated the legislation of this body in reference to the tariff question, who have been heard by the committee and whose behests have been obeyed by the committee and are to be carried out by the other side of this Chamber in the votes which they are to give on this bill—that when those manufacturers have made their profit, made it by the enactment of the law which they have procured from the Senate of the United States, when they shall have piled up enormous sums of money by virtue of legislation which has been enacted in their interest,

then, as to all excess over 10 per cent. of profit that they may make, over and above all labor and material employed, they shall be compelled to divide it with the Government, through whose legislation they have been enabled to make all these large profits.

I have offered that amendment for the purpose of exposing the pretenses that have been made here that the manufacturing interests are in a deplorable condition and making no profits. I have provided in that amendment that they shall pay only in excess of 10 per cent. of the profits over and above material and labor which they employ. If they make no profits over and above that sum, they will not be compelled, if my amendment is enacted into law, to pay anything into the Treasury; but if they do make over and above that, it would be making that which is an illegitimate profit by virtue of the legislation which they have secured from this body.

I have offered the amendment (I do not expect that it will be adopted) for the purpose of showing, when the vote is recorded on it, that it is a mere pretense to say that the protected inferests are in a dilapidated condition and need protection. I want to show by the votes of the men who favor this protective policy that they know or are satisfied that by virtue of this legislation these manufacturing interests will make large profits at the expense of the consumers of the country.

I have heard much about this protective system, the benefits of which have been extolled on the other side of this Chamber. It is a system have been extolled on the other side of this Chamber. It is a system which proposes to put the hands of a few people in this country into the pockets of the masses and take from them such portions of their hard earnings as they may be authorized by this legislation to take. Against that, in behalf of the people of this country, I enter my protect. In behalf of the people of the system to this power of the proper way was lives by the sweet of his power. Against that, in behalf of the people of this country, I enter my protest. In behalf of the poor man who lives by the sweat of his brow I protest against it. I protest against an advantage being given to a few at the expense of the many who are toiling from sunrise to sunset to make an honest living. I protest against it, sir, as an iniquitous and wrongful exercise of power, entirely unauthorized by the Constitution, which simply takes the means of the people from them unnecessarily to enrich certain favorites.

One thing is certain that history establishes: whatever may be the designation of parties and whatever may be the ultimate settlement of party questions, one class of mankind rallies around the headquarters of the rich and another around the headquarters of the poor. I am proud, sir, that I belong to that party which stands to-day before the country defending the great body of the people against the cormorants and monopolists who would wring from them their hard earnings and appropriate them to themselves.

Mr. PALMER. Before the Senator from Delaware sits down I should like to ask him a question. How would he arrange a business, under the operation of his amendment, in the case of a manufacturing con-

cern-and the case is not infrequent

The PRESIDING OFFICER. The Chair would state to the Senator from Michigan that the amendment of the Senator from Delaware is not now before the Senate for consideration.

Mr. PALMER. I am merely asking the Senator a question. Mr. SAULSBURY. If the Senator will read my amendment care-

fully he will see precisely what it means.

Mr. PALMER. Suppose a business should lose money for three or four years and then in the fifth year make a considerable profit, say a hundred per cent., how would the business be compensated for the three or four losing years? Such cases are not infrequent. I merely ask for information, and do not ask the question in any unfriendly spirit what-

Mr. SAULSBURY. I have no idea whatever myself that under the provisions of this bill any line of manufacture in this country will not be profitable. This bill is designed to make manufactures profitable. I have no doubt they will reap rich rewards from the legislation here proposed in their favor. But the amendment provides only for the excess of profits over and above 10 per cent. It does not ask anything

from any man who has not made a profit over and above that.

Mr. PALMER. But I ask the Senator from Delaware to please solve this problem: In the case of a loss in a manufacturing concern for, say, three consecutive years, suppose it should lose 10 or 20 per cent. a year and that in the fourth year it should make, say, 100 per cent., does the Senator mean to make any provision for the 10 per cent. or 20 per cent. lost in each of the three losing years? As I understand it, his amendment does not so read.

Mr. SAULSBURY. If men by inattention to their business fail to be successful we can not help that. They have the machinery under the legislation of Congress by which they can make large profits, but if by negligence they fail to do so the Government is not bound to in-

demnify them for any losses.

Mr. PALMER. Will the Senator please answer that question? Men can not control markets; they may be industrious, but there are times of depression that come to every business, and there are losses in certhat an establishment can be said to be certainly profitable.

The PRESIDING OFFICER. The year and nays have been demanded by the Senator from Missouri. Is the call sustained?

The yeas and nays were ordered.

Mr. CALL. I understand the amendment now is to admit sawed boards or lumber duty free.

Mr. BUTLER. "Sawed boards, plank, deals," etc. Mr. CALL. "Sawed boards, plank, deals," etc. That language would seem to cover the ordinary pine lumber of the country.

Mr. BUTLER. Oh, no. Mr. CALL. I should like to have some information on that sub-The Senator from Delaware in alluding to this a few moments ago referred to the advantage that free lumber would give to the inhabitants of the States where there were no forests and where there was a necessity for lumber and the impossibility of obtaining it from the local supply. That is certainly true in that it is an advantage to the people to obtain lumber at the lowest possible price and to remove the artificial causes—causes imposed by law—which would increase the price. But at whose expense, if you are to sustain the Government by a system of duties?

At whose expense is it that this contribution to the general welfare shall be made? Shall those people whose sole support or a large part of whose subsistence consists of the profits derived from the manufacture of lumber be subjected to all the hardships of high taxes and excepted from all the benefits of them? That is the proposition. It is that in a system of duties for the support of the Government the duty should bear equally and fairly upon all industries, and that the people of Florida should not be called upon to do this beneficence to all the

people of the United States.

That is the question here in this matter of making lumber free. I agree to all that is said upon the subject of the impracticability and the unwisdom of a high system of duties. I agree to all that is urged in reference to the evil effects upon the country at large. Why, Mr. President, we may admit the whole argument that has been made in reference to the country at large. ence to the effect of duties upon the encouragement of domestic manufactures, but when they are thus encouraged there is one of three things that will occur—either the home supply will only equal the home demand, or it will exceed it, or it will fall below the home demand. That is an inevitable result—one of those three conditions must occur, and whichever of those three conditions does occur, it will still be true that we must either continue indefinitely the artificial cost which has created the protection or must abandon it and subject again the home supply to all the causes which the law assumes it is incapable of withstanding successfully.

So that the idea carried out in itself will show its futility and failure; but that a reasonable encouragement in laying duties may be given for the creation of industries, leaving them to stand or fall by the competition which they must inevitably encounter whatever may be the law, is a different proposition. But however that may be, it is unquestionably true that there is no kind of justice and no kind of good policy in imposing a system or support of government in the collection of revenue through duties upon imports and not making it fair and equal in its impositions and its benefits upon every portion of the country. For that reason, sir, I should not be willing in a revenue tariff, or in any other kind of tariff, to except the productions of any part of the country from the benefits which they may derive by a levy of a duty on imports.

The PRESIDING OFFICER. The yeas and nays having been ordered, the roll will be called on the question of agreeing to the amendment proposed by the Senator from Missouri [Mr. Vest].

The Chief Clerk proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. Bowen].

Mr. HALE (when his name was called). The Senator from Kentucky [Mr. Beck] stands paired with the Senator from Rhode Island [Mr. Chace], and I vote "nay."

Mr. HAWLEY (when his name was called). I am paired with the

Senator from Missouri [Mr. COCKRELL]. If he were here, I should

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. QUAY (when his name was called). I am paired with the junior Senator from West Virginia [Mr. FAULKNER].

The roll-call was concluded.

Mr. HARRIS. May I ask if the vote of the Senator from Vermont [Mr. Morrill] is recorded?

The PRESIDENT pro tempore. It is not recorded.

Mr. HARRIS. I would suggest to the Senator from Iowa [Mr. Al-LISON], who is paired with the Senator from New Jersey [Mr. MC-PHERSON], I being paired with the Senator from Vermont [Mr. MOR-RILL], that we transfer our pairs and each of us vote.

Mr. ALLISON. I agree to that. Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. As he is not present, I withhold my vote.
Mr. FARWELL having voted in the negative,
Mr. HARRIS. I wish to call the attention of the Senator from Illinois [Mr. FARWELL] to the fact that, as I am informed, the Senator from Florida [Mr. PASCO] announced a pair with him.

Mr. FARWELL. I saw the Senator from Florida in his seat a mo-

Mr. FARWELL. I saw the Senator from Florida in his seat a moment ago; I think he is here.

Mr. HARRIS. I will ask the Chair whether the vote of the Senator from Florida [Mr. PASCO] is recorded.

The PRESIDENT pro tempore. It is not recorded.

Mr. HARRIS. I am informed by the Senator from Vermont that the Senator from Florida announced a pair with the junior Senator

from Illinois.

Mr. FARWELL. Then I withdraw my vote.

Mr. VEST. I wish to announce the pair of my colleague [Mr. Cockrell] with the Senator from Connecticut [Mr. Hawley]. My colleague if present would vote "yea."

Mr. FARWELL. Mr. President, I desire to vote.

The PRESIDENT pro tempore. The Senator from Illinois desires his vote to be recorded. It will be recorded.

Mr. HARRIS. I desire to ask the Senator from Illinois what arrangement has been made with regard to the pair of the Senator from

rangement has been made with regard to the pair of the Senator from Florida [Mr. PASCO].

Mr. FARWELL. The Senator from Florida gave me permission to

Mr. FARWELL. The Senator from Florida record my vote, and I accordingly do so.
Mr. HARRIS. That is perfectly satisfactory.

The result was announced—yeas 21, nays 30; as follows:

	YEAS-2
George	Mor

Bate, Berry, Butler, Coke, Colquitt, Daniel,	George, Gibson, Gray, Hampton, Harris, Jones of Arkansas,	Morgan, Pugh, Ransom, Reagan, Turpie, Vance,	Vest, Walthall, Wilson of Md,
	NAY	7S-30.	
Aldeloh	Dolph	Incalls	Sherman

Aldrich. Allison, Blair, Cameron, Chandler, Cullom, Davis,	Edmunds, Evarts, Farwell, Frye, Hale, Hiscock,	Jones of Nevada, Mitchell, Palmer, Platt, Plumb, Riddleberger,	Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa
Davis, Dawes,	Hiscock, Hoar,	Riddleberger, Sawyer,	

	A	BSENT-25.	
Beck, Blackburn, Blodgett, Bowen, Brown, Call, Chace,	Cockrell, Eustis, Faulkner, Gorman, Hawley, Hearst, Kenna,	Manderson, McPherson, Morrill, Paddock, Pasco, Payne, Quay,	Sabin, Saulsbury, Stanford, Voorhees.

So the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the Committee on Finance, which will be read.

The CHIEF CLERK. In paragraph 215, line 856, it is proposed to strike out "15" and insert "20;" so as to read:

215. Sawed boards, plank, deals, and blocks or posts of mahogany, rosewood, satinwood, granadilla, or other cabinet wood, 20 per cent. ad valorem.

The amendment was agreed to.

Mr. ALDRICH. Let the next paragraph be read.

The Chief Clerk read as follows:

216. Veneering, and briar-root or briar-wood, and similar wood, unmanufactured, or not further manufactured than cut into forms or shapes suitable for the articles into which they are intended to be converted, 20 per cent. ad va-

Mr. ALDRICH. In connection with the amendment adopted to paragraph 209, the committee move to strike out, in paragraph 790, line 2416, the word "reeds."

The PRESIDENT pro tempore. The Secretary will report the pro-

posed amendment. The CHIEF CLERK. On page 184, in line 2416, it is proposed to strike out the word "reeds."

Mr. ALDRICH. And insert the word "and" between "bamboo" and "rattan."

and "rattan."

The PRESIDENT pro tempore. Will the Senator indicate at what point he desires the additional word "and" to be inserted?

Mr. ALDRICH. Between the word "bamboo" and the word "rattan," and strike out the additional word "and."

The PRESIDENT pro tempore. The Senator desires to strike out the "and" before the word "osier?"

Mr. ALDRICH Yes

Mr. ALDRICH. Yes.

The PRESIDENT pro tempore. The clause will be read as it will stand when amended. Will the Senator from Rhode Island attend to

the reading so that it may be ascertained whether it is correct or not?

The CHIEF CLERK. If amended as proposed the clause will read "bamboo and rattan and unmanufactured".—

"bamboo and rattan and unmanufactured"

Mr. ALDRICH. That is correct.
Mr. SHERMAN. I desire to offer an amendment.
Mr. MORGAN. I ask that this amendment shall be disposed of before any new amendment comes in.

The PRESIDENT pro tempore. The Chair understood that the Senator from Ohio rose to speak to the pending amendment.

Mr. SHERMAN. I rose to offer an amendment.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Rhode Island to the paragraph just

read by the Chief Clerk. Does the Senator from Alabama desire to speak to the amendment?

Mr. MORGAN. Yes, sir.
Mr. BUTLER. Upon what page is that amendment?
The PRESIDENT pro tempore. On page 184, line 2416.
Mr. HALE. Let me inquire as to whether the lumber schedule has

been finished?

Mr. VEST.

No. AN. I believe I have the floor. The Sens Mr. MoRGAN. I believe I have the floor.

The PRESIDENT pro tempore. The Senator from Rhode Island moves the amendment already read upon page 184, paragraph 790, line 2416, on which the Senator from Alabama is recognized by the Chair as entitled to the floor.

Mr. MORGAN. Mr. President, that does not appear to be a very important amendment in this bill, and I dare say it is not, but perhaps it will furnish me an opportunity to express my opinion upon an amendment that I intend to offer here, which I think is an important

The Committee on Finance have entirely omitted to deal with one of the features of revenue in this country which is a very important one, and which I take for granted they have omitted to mention because of the favoritism that has heretofore been shown to the railroads of the country to the extent of fifteen or twenty millions of revenue that ought to go into the Treasury of the United States.

The President of the United States on the 29th day of August, 1888,

sent a message to the Senate, calling our attention very sharply to the state of the law on the subject of duties upon goods passing in transit between Canada and the United States. That subject came up in the House of Representatives on a bill now pending before the Senate Committee on Foreign Relations, and was considered and discussed, and the vote taken upon it in the other House resulted in yeas 176, nays 4. Out of the total of 180 votes there were only 4 votes against the bill to carry out the views of the President of the United States. That vote is as follows:

Rogers, Romeis, Rowell,

Rowland, Russell, Mass.

		YEAS-176.
bbott,	Culberson,	Lagan,
nderson, Iowa	Cummings,	Laidlaw,
nderson, Ill.	Dargan,	Laird,
nderson, Kans.	Davis,	Landes,
nderson, Miss.	Dibble,	Lane,
acon,	Dockery,	Lanham,
aker, III.	Dougherty,	Latham,
aker, N. Y.	Dunn,	Lee,
ankhead,	Farquhar,	Lynch,
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Taylor, E. B., Ohio Taylor, J. D., Ohio Thomas, Ky. Thomas, Ill. Thomas, Wis. Tillman, Townshend, Turner, Ga. Wade, West. Montgomery, Morgan, Morse, Neal, Newton, O'Donnell, O'Ferrall, Outhwaite, Parker. Reed, Richardson, Rockwell, Russell, Conn. Rusk, Ketcham. Lodge, Long, Lyman, Maffett, Mansur, Scott, Shaw, Sherman, Mason. Parker. Simmons. Simmons, Snyder, Spinola, Spooner, Springer, Steele, Stewart, Tex. Stewart, Vt. Stockdale, Matson, McComas, McCormick, West, Whiting, Mass. Whiting, Mich. Whitthorne, Patton, Patton, Perry, Phelan, Phelps, Pidcock, Pugsley, Randall, Rayner, McKinley, McKinney, McRae, Merriman, Milliken, Wilber, Wilkins, Wise, Woodburn.

The President's views were in substance that the Congress of the United States, finding that there was now in operation no provision of law with respect of taxation or non-taxation on goods in transit be-tween the Atlantic seaboard and Canada and between Canada and the Atlantic seaboard, owes a duty to the tax-paying people of this country to correct the state of the law in that regard. I now quote from the message the President's own statement of the case:

the message the President's own statement of the case:

Actuated by the generous and neighborly spirit which has characterized our legislation, our tariff laws have since 1886 been so far waived in favor of Canada as to allow free of duty the transit across the territory of the United States of property arriving at our ports and destined to Canada, or exported from Canada to other foreign countries.

When the treaty of Washington was negotiated in 1871, between the United States and Great Britain, having for its object very largely the modification of the treaty of 1818, the privileges above referred to were made reciprocal and given in return by Canada to the United States in the following language, contained in the twenty-ninth article of said treaty:

"It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States, for export from the said ports of the United States.

"It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North

the rules, regulations, and conditions, goods, wares, or merchandise may be through the tertitory of the United States, for export from the said ports of the United States.

"It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue, as the governments of the said possessions may from time to time prescribe; and, under like rules, and regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States, through the said possessions to other places in the United States, or or export from ports in the said possessions."

In the year 1856 notice was received by the representatives of an overnment free of duty through Canadian territory to this country; and ever since that time such shipment has been denied.

The privilege of such shipment, which had been extended to our fishermen, was a most important one, allowing them to spend the time upon the fishing-grounds which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation. In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty, the Canadian authorities deprived us of the only facility dependent upon their concession, and for which we could supply no substitute. The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory, and to and from our ports though great and imports across our territory on the one of recent privilege of transit for their exports and imports across our territory, and to and from our ports though great and imports across our territory under the privilege

In addition to this very satisfactory evidence supporting this construction of the language of Article XXIX, it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries."

After providing in its first and second sections for putting in operation Articles XVIII to XXV inclusive, and Article XXX of the treaty, the third section is devoted to Article XXIX, as follows:

"SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the Articles XVIII to XXV, inclusive, and Article XXX of said treaty shall remain in force according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, and merchandise arriving," etc.—

Article XXX of said treaty shall remain in force according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, and merchandise arriving," etc.—

Following in the remainder of the section the precise words of the stipulation on the part of the United States as contained in Article XXIX, which I have already fully quoted.

Here, then, is a distinct enactment of the Congress limiting the duration of this article of the treaty to the time that Articles XVIII to XXV, inclusive, and Article XXX should continue in force. That in fixing such limitation it but gave the meaning of the treaty itself is indicated by the fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that this law appears to have been submitted before the promulgation of the treaty to certain members of the Joint High Commission representing both countries, and met with no objection or dissent.

There appearing to be no conflict or inconsistency between the treaty and the act of the Congress last cited, it is not necessary to invoke the well-settled principle that in case of such conflict the statute governs the question.

In any event, and whether the law of 1873 construes the treaty or governs it, section 29 of such treaty, I have no doubt, terminated with the proceedings taken by our Government to terminate Articles XVIII to XXV, inclusive, and Article XXXX of the treaty. These proceedings had their inception in a joint resolution of Congress passed May 3, 1883, declaring that in the judgment of Congress these articles ought to be terminated, and directing the President to give the notice to the Government of Great Britain provided for in Article XXXIII of the treaty. Such notice having been given two years prior to the last named day, and with them Article XXIX was also terminated.

If by any language used in the joint resolution it was intended to relieve section 3 of the act of 1873, embodying Article XXIX of the treaty, from its own limitations, or to save

miscarried.

But statutes granting to the people of Canada the valuable privileges of transit for their goods from our ports and over our soil, which had been passed prior to the making of the treaty of 1871 and independently of it, remained in force; and ever since the abrogation of the treaty, and notwithstanding the refusal of Canada to permit our fishermen to send their fish to their home market through her territory in bond, the people of that Dominion have enjoyed without diminution the advantages of our liberal and generous laws.

If Article XXIX was terminated it was done in virtue of an act of Congress which limited the operation of that article as to the transit of goods entering into the custom-houses between our seaboard and Canada, and between Canada and our seaboard, to the period of time when Articles XVIII and XXIX and Article XXX should remain in Congress had the right to make that limitation. Congress made that limitation within the terms and according to the purpose of the treaty. It may or may not be that Article XXIX of that treaty has been abrogated by the consent of the two Governments. It may be that that article still stands as a subsisting diplomatic engagement between the two countries, ratified by both Governments, but it is a doctrine of the Constitution, a doctrine of both Houses of Congress, that whatever relates to the revenue in a treaty negotiated by the President and ratified by the Senate must be put into operation by an act of Congress, and can remain in operation as a law of this land only so long as Congress gives its sanction to its operation.

If, then, to-day, in accordance with the amendment which I propose to offer at the time when we come to vote on amendments, we should declare in accordance with the language of the President of the United States, and in accordance with the fact that that act of Congress is no longer operative, it results that we must resort to some legislation here to remove that gap and defect in the law which is created by the enactment of the statute of 1873. The agreement between the two Gov-ernments may stand, but the law has worked its effect, has become functus officio by the terms of the very words contained in its body. We might to-morrow enact a law to carry into effect the treaty of Washington for ten years more, under the twenty-ninth article, but until Congress does something to supply the deficiency in the law created by the lapse or self-destruction, as I may call it, of this act of 1873, we are proceeding here to admit Canadian goods to pass through our country from the seaboard to the St. Lawrence and the Lakes without any duties whatsoever upon them, giving to the countries of Europe all the benefits of that trade, which the declaration that I propose to place on the statute-book as an amendment to this bill would transfer immediately to the people of the United States; and then the Canadians, instead of going abroad to get their goods that are now admitted free of duty in their transit across our territory after being entered in the custom-house

would come to New York, Boston, Chicago, Detroit, and elsewhere in the United States for the purpose of buying these very goods.

More than that, the railroads which our friends seem so determined to protect at the expense of fifteen or twenty millions a year to the revenues of the United States would then probably be benefited by the fact that they would have the transportation to and from Canada of the goods sold at Boston, New York, Philadelphia, and elsewhere in this country. I do not know that they would lose even considerably by it. One thing, however, is beyond question, and that is that the Canadian trade would be transferred to our large cities on the northern

lakes to a great extent which now finds its market over the ocean in London, Liverpool, Paris, and other important cities.

I shall therefore press this amendment when the time comes for voting on amendments. As I offered it the other day it is not exactly to my liking, and I will offer it with some modifications to make it still more distinct. But I do insist that we have no right while dealing with the subject of the tariff laws of the United States to pass over this very important subject and ignore it. I must believe that if the Senate chooses to do that thing it will only be because it intends to take from the revenues of the United States from fifteen to twenty million dollars a year for the purpose of subsidizing, in effect, certain railroads that lead from the North Atlantic seaboard out to the St. Lawrence River at Quebec and Montreal.

In the light of the policy indicated by the honorable Senator from Ohio, in which I fully concur, every reasonable provision on our side should be made for admitting Canada into close political union with

The PRESIDENT pro tempore. The time of the Senator from Ala-

Mr. MORGAN. That was all I had to say. I withdraw my objec-

tion to the pending amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Rhode Island [Mr. ALD-

The amendment was agreed to.

Mr. SHERMAN. I offer a proviso to what is called the fresh-fish clause, on page 125, or thereabouts—the new clause providing for a tax of half a cent per pound on fresh fish. I offer this to make it more certain. The amendment already adopted is not printed, and therefore I can not very well tell the page with exactness.

Mr. ALLISON. It is page 128. Mr. SHERMAN. It was not printed, and therefore I could not locate the page exactly.

The PRESIDENT pro tempore. The subject of fresh fish was treated in an amended paragraph, numbered 267½, on page 127 of the bill.

Mr. SHERMAN. Very well. This is a proviso to that amend-

Mr. ALLISON. That is right.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. It is proposed to add the following proviso to the new paragraph, which has been numbered 2672:

Provided, That this duty shall not apply to fish caught by citizens of the United States in the open waters of the lakes forming a boundary between the United States and the Dominion of Canada.

The PRESIDENT pro tempore. The clause will be read as proposed to be amended.

The Chief Clerk read as follows:

267½. Fresh fish, one-half of 1 cent per pound: Provided, That this duty shall not apply to fish caught by citizens of the United States in the open waters of the lakes forming a boundary between the United States and the Dominion of Canada.

Mr. SHERMAN. The waters of the lakes being divided by a boundary line between the two countries, Great Britain and the United States, the question arises whether if fish were caught on the Canadian side or the boundary line and were brought over here they would not be imported articles. I do not think so, because fish caught on the high seas by American citizens anywhere, as a matter of course, are not imported; but as the northern half of the lake is within the jurisdictional waters of Great Britain or Canada it might be held that it was an importation.

Mr. HOAR. I wish to hear that new paragraph read again in the form in which it will stand if this amendment be agreed to.

The PRESIDENT pro tempore. It will be read again.

Mr. SHERMAN. Let me first conclude what I was going to say; I shall finish in a moment. The whitefish, especially in Lake Erie, following along the north shore, are constantly pursued by our fishermen and are caught with the consent of Canada. Being caught by American citizens and brought to us, they ought not to pay duty. I do not think it necessary to discuss the matter any further.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. HARRIS. Is the question on the amendment of the Senator

from Rhode Island?

The PRESIDENT pro tempore. The question is offered by the Senator from Ohio [Mr. SHERMAN]. The question is on the amendment

I think there should be added to this "or caught in Mr. HOAR. the open sea."

Mr. SHERMAN. I have no objection to that, but there is no need

Mr. ALDRICH. That is covered by another paragraph.
Mr. SHERMAN. The open sea is not within the jurisdictional waters of a foreign country.

Mr. HOAR. Ithink it had better be put in, however.

Mr. SHERMAN. It is the law now.
Mr. HOAR. I have no doubt it is the law now.
Mr. ALDRICH. All articles the product of American fisheries are made free by paragraph 156.

The PRESIDENT pro tempore. Does the Senator from Ohio modify the proposed amendment?

Mr. SHERMAN. I do not think it necessary, but if the Senator from Massachusetts asks it

Mr. HOAR. I prefer to have it modified as I have suggested. Mr. SHERMAN. Say "fish caught in the high seas or." There is no objection to that,

The PRESIDENT pro tempore. The Chief Clerk will state the proposed modification.

The CHIEF CLERK. In line 3 of the proposed amendment it is pro-osed to insert, after "United States," the words "in the high seas or." The PRESIDENT pro tempore. The amendment will be read as

proposed to be modified.

The Chief Clerk read as follows:

Provided, That this duty shall not apply to fish caught by citizens of the United States in the high seas or in the open waters of the lakes forming a boundary between the United States and the Dominion of Canada.

The PRESIDENT pro tempore. The question recurs upon agreeing to the amendment proposed by the Senator from Ohio as read.

The amendment was agreed to.

Mr. ALLISON. I ask the attention of the Senate now to a paragraph or two that were passed over.

On page 117, the three paragraphs beginning with 184 were passed

The PRESIDENT pro tempore. Paragraphs 185 and 186 have been

Mr. ALLISON. Has paragraph 184 been also read?

The PRESIDENT pro tempore. Yes, those have all been read.
Mr. ALLISON. Then, on behalf of the committee, I move to insert,
in paragraph 184, "two" instead of "five."

The PRESIDENT pro tempore. The proposed amendment will be stated from the desk.

The CHIEF CLEEK. On page 117, paragraph 184, line 766, it is proposed to strike out the word "five" and insert "two," so as to make the paragraph read:

184. Nickel.—Nickel in ore, 2 cents per pound for the nickel contained therein.

The amendment was agreed to.

Mr. ALLISON. Now, in paragraph 185, on page 117, I move to strike out "ten" and insert "five."

The PRESIDENT pro tempore. The proposed amendment will be stated.

The CHIEF CLERK. On page 117, paragraph 185, line 769, it is proposed to strike out "ten" and insert "five;" so that the paragraph may read:

185. Nickel in matte, or other crude form not ready for consumption in the arts, 5 cents per pound on the nickel contained therein.

The PRESIDENT pro tempore. The Chair would call the attention of the Senator from Iowa to the punctuation of paragraphs 184 and 185. At the close of the paragraphs should not the semicolon be changed to a period?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. That change will be made.

Mr. ALLISON. Paragraphs 166 to 170 inclusive have not, I think, been read.

Mr. VEST.

Mr. VEST. No, they were passed over.
The PRESIDENT pro tempore. They have not been read. They will be now read.

The Chief Clerk read as follows:

166. Copper.—Copper imported in the form of ores, 1½ cents per pound on each pound of fine copper contained therein.

167. Regulus of copper and black or coarse copper, and copper cement, 1½ cents per pound on each pound of fine copper contained therein.

168. Old copper, fit only for remanufacture, clippings from new copper, and all composition metal of which copper is a component material of chief value, not specially enumerated or provided for in this act, 1½ cents per pound.

169. Copper in plates, bars, ingots, Chili or other pigs, and in other forms, not manufactured, not specially enumerated or provided for in this act, 2 cents per pound.

pound.

170. Copper in rolled plates called braziers' copper, sheets, rods, pipes, and copper bottoms, and all manufactures of which copper shall be the component material of chief value, not specially enumerated or provided for in this act, also sheathing or yellow metal of which copper is not the component material of chief value, and not composed wholly or in part of iron ungalvanized, 35 per cent, ad valorem.

Mr. ALLISON. In line 718, after the word "bottoms," I move to strike out down to and including the word "act," in line 720.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 115, in paragraph 170, line 718, it is proposed to strike out after the word "bottoms," down to and including the word "act," in line 720, as follows:

And all manufactures of which copper shall be the component material of chief value, not specially enumerated or provided for in this act.

The amendment was agreed to.

Mr. ALLISON. On page 158, I move as an amendment what I send to the desk.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 158, paragraph 423, line 1778, after the word "cocoa," it is proposed to add the words "and rattan;" and in the same line, to strike out "ten" and insert "eight;" and in line 1779 of the same paragraph, to strike out "five" and insert "fcur." The PRESIDENT pro tempore. These amendments will be considered as one question if there be no objection. The paragraph as it is

proposed to be amended will be read.

The Chief Clerk read as follows:

423. Cocoa and rattan matting and mats: Matting, 8 cents per square yard; mats, 4 cents per square foot.

The amendment was agreed to.

Mr. ALLISON. On page 160, in paragraph 440, line 1832, after the word "glasses," I move to strike out the words "and watch-keys;" and after the word "watches," in the same line, to insert the word "and;" so that the paragraph will read:

440. Watches, watch-cases, watch-movements, parts of watches and watch-lasses, whether separately packed or otherwise, 25 per cent. ad valorem.

The amendment was agreed to.

Mr. REAGAN. I ask if I can now introduce an additional section immediately following line 1824.

Mr. ALLISON. There are a number of small amendments that I first desire to offer, and if the Senator will allow me to get them out of the way I shall then yield to him with pleasure.

On page 128, in paragraph 277, I move to add what I send to the

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 128, paragraph 277, it is proposed to add at the end of the paragraph:

Sugar of milk, crude, 4 cents per pound; refined, 8 cents per pound.

The PRESIDENT pro tempore. Is this an independent paragraph?
Mr. ALLISON, No, it is to be a part of the paragraph.
The PRESIDENT pro tempore. Then the punctuation should be changed, and it will be.

The amendment was agreed to.

Mr. ALLISON. On page 110, in paragraph 151, line 601, I move to strike out "10" and insert "5," and in line 602, to strike out "40" and insert "30."

The PRESIDENT pro tempore. The amendment in line 602 has already been agreed to. The proviso will now be read as proposed to be amended.

The CHIEF CLERK. It is proposed to amend the sentence so that it may read as follows:

Provided further, That all iron or steel wire valued at more than 5 cents per pound shall pay a duty of not less than 35 per cent. ad valorem.

The amendment was agreed to.

Mr. ALLISON. On page 157, in paragraph 417, line 1753, after the words "gutta-percha," I move to insert "vulcanized india rubber known as hard rubber."

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 157, in paragraph 417, line 1753, after the words "gutta-percha," it is proposed to insert the words "vulcan-ized india rubber known as hard rubber;" so that the paragraph may

417. Manufactures of leather, gutta-percha, vulcanized india rubber known as hard rubber, human hair, and papier-maché, or of which these substances or either of them is the component material of chief value, not specially enumerated or provided for in this act, 35 per cent. ad valorem.

The amendment was agreed to.
Mr. ALLISON. On page 155, in paragraph 409, line 1717, after the word "bodies," I move to insert the words "or parts thereof."
The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 155, in paragraph 409, line 1717, after the word "bodies," it is proposed to insert the words "or parts thereof;" so that the clause may read:

Including fur hat bodies or parts thereof, 50 per cent, ad valorem.

The amendment was agreed to.

Mr. ALLISON. On page 148, in paragraph 360, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 148, in paragraph 360, lines 1526 and 1527, it is proposed to strike out the words:

Any of the foregoing which are elastic or non-elastic.

So that the clause may read:

Cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons.

The amendment was agreed to.

Mr. ALLISON. In the same paragraph, in line 1529, after the word "machinery," I move to add "any of the foregoing which are elastic or non-elastic;" so that the clause may read:

Wrought by hand or braided by machinery, any of the foregoing which are elastic or non-elastic, made of wool, worsted, etc.

The amendment was agreed to.

Mr. ALLISON. In the same page and paragraph, line 1532, I move to strike out "30" and insert "40."

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 148, in paragraph 360, line 1532, it is proposed to strike out "30" and insert "40;" so that the clause may

The hair of the goat, alpaca, or other animals, or of which wool, worsted, the hair of the goat, alpaca, or other animals is a component material, 40 cents per pound, and in addition thereto 50 per cent. ad valorem.

The amendment was agreed to.

Mr. ALLISON. On page 134, paragraph 312, I move an amendment, to which I call the attention of the Senator from Missouri [Mr. VEST]. In line 1193, paragraph 312, I move to strike out the word "aerated" and to insert "similar;" so as to read:

Ginger-ale, ginger-beer, lemonade, soda-water, and other similar waters.

The PRESIDENT pro tempore. There is an amendment pending to that clause, to insert the word "artificial" before "waters."

Mr. ALLISON. In lieu of the amendment suggested the other day, which has not yet been adopted, I move to insert the word "similar." Mr. VEST. Does the Senator propose to strike out the word "aer-

ated?"

Mr. ALLISON. I move to strike out the word "aerated" and to insert "similar."

The PRESIDENT pro tempore. The motion to amend by inserting the word "artificial" was made by the Senator from Missouri [Mr. VEST].

Mr. ALLISON. Then I ask him to withdraw it.
Mr. VEST. It seems to me that striking out the word "aerated" and inserting the word "similar" would make this a very nebulous and uncertain clause.

Mr. ALLISON. Not after paragraph 627 is changed as I propose. Mr. VEST. What is the other provision? Let us hear it all.

Mr. ALLISON. I propose, on page 173, paragraph 627, to insert natural mineral waters." I will say to the Senator that I have

looked into this matter.

Mr. VEST. I believe that is all right.
The PRESIDENT pro tempore. Does the Senator from Missouri withdraw his amendment?

Mr. VEST. I withdraw my amendment.
Mr. REAGAN. I desire the attention of the Senator from Iowa for a moment. The amendments proposed by the committee can be acted upon after 5 o'clock. There are a few amendments that have to be

presented by other Senators.

Mr. ALLISON. Very well. If the Senator will allow this matter to be disposed of, I will accept his suggestion. I see there is some

force in it

The PRESIDENT pro tempore. The amendment of the Senator from Missouri being withdrawn, the amendment proposed by the Senator from Iowa will be stated.

The CHIEF CLERK. In line 1193, before the word "waters," it it proposed to strike out the word "aerated" and to insert "similar;"

so as to read:

312. Ginger-ale, ginger-beer, lemonade, soda-water, and other similar waters,

The amendment was agreed to.

Mr. ALLISON. Now, while upon this subject, on page 173, paragraph 627, line 2143, I move to insert the word "natural" before "mineral waters," and to strike out the words "all not otherwise specially provided for in this act."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 173 it is proposed to change paragraph 627 so as to read:

627. Natural mineral waters.

The amendment was agreed to.

Mr. COLQUITT. I wish to call the attention of the Senator from Iowa to an amendment in which I think he will concur. On page 120, after line 847, I move to insert:

Rattans and reeds, manufactured but not made up into completed articles, 10 per cent, ad valorem.

Mr. ALLISON. I will say to the Senator from Georgia that in his absence an amendment has already been agreed to covering the question to which he alludes, by inserting reeds at 10 per cent. and chair canes at 15 per cent. ad valorem.

Mr. COLQUITT. I think those are the crude articles; they are not

partly manufactured.

Mr. ALLISON. Rattan is a crude article and is now on the free-

Mr. COLQUITT. I know.
Mr. ALLISON. Reed is in one sense a manufactured and perhaps, also, a crude article. We have inserted reed at 10 per cent. ad valorem and chair cane, which is a preparation from rattan, at 15 per cent. ad valorem, which I think covers all the Senator desires.

Mr. COLQUITT. These articles, then, are not included under the 35 per cent. duty?

Mr. ALLISON. They are not, as now arranged in the bill.

Mr. COLQUITT. That will answer my purpose if I have the assurance of the Senator that that is the case.

Mr. ALLISON. That has already been disposed of. Mr. EUSTIS. In line 880 I move to strike out "five-eighths" and insert "four-eighths;" so as to read:

219. All sugar above No. 16 and not above No. 20 Dutch standard of color, 14 cents per pound.

And in line 883 I move to strike out the word "two" and insert "one and three-fourths;" so as to read:

220. All sugar above No. 20 Dutch standard of color, 11 cents per pound.

I ask that they be considered as one amendment.

The PRESIDENT pro tempore. The two propositions will be so treated, if there be no objection. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. EUSTIS].

Mr. EUSTIS. Mr. President, the statement has been made repeat-

edly by Senators on the other side that there is a reduction of 50 per cent. ad valorem upon sugar. That statement is correct with regard to sugars that are not consumed by the people. It is not correct with regard to sugars that are consumed by the people. If the Senators on the other side, particularly the Senator from Colorado [Mr. Teller] and the Senator from Wisconsin [Mr. SPOONEB], are in favor of giving cheap sugar to the American consumers, as they have declared in this Chamber, if it be the desire of the Finance Committee to give cheap sugar to the American consumers as they declare in their report, then I submit that this amendment is directly in the line of the declared desires and intentions of the Republican members of the Senate. effect of these two amendments will be to equalize the rate, and to make the reduction not only 50 per cent. upon sugars which are not consumed by the American people, but to make the reduction 50 per cent. on sugars that are consumed by the American people.

Senators will understand that up to the current of the standard established by law the sugar which is graded below 16 is not the sugar in daily consumption, as we were informed by the Senator from Rhode Island. The sugar above 16 is the sugar that is used upon the American breakfast-table. According to the Senate bill, up to 16 the reduction is 50 per cent., but the moment you come to the class of sugar that is consumed by the American people there is a deviation from that reduction of 50 per cent. ad valorem, and it is 45 and 42 per cent.

Mr. President, there has been a very false impression created with regard to this sugar question by the arguments presented. I do not mean to intimate or insinuate that it has been intentionally done; but that the Senate bill is intended and will have the effect to give cheaper sugar to the people who consume sugar in this country I deny. I challenge the Finance Committee to controvert the fact that under the Senate bill you have a prohibitory tariff so far as refined sugars are concerned, and those are the only sugars which are consumed in this

The moment you have reached the prohibitory point (and you have reached it by this Senate bill), I care not what pretensions are asserted on the other side, I care not what professions are made for the sugar consumer of this country, I care not whether the Senators on the other side choose to attempt to put the Democratic party in a false attitude on this question of giving cheap sugar to the American consumer, I say that it is absolutely impossible under the provision of this bill for a foreign refiner to import a solitary pound of sugar into the United States that is to be consumed by an American citizen. Why? For illustration, the refiner abroad pays 2 cents for raw sugar. He pays, say, 1 cent for refining it, and pays a duty, if it is between 13 and 16, of 1\s^2\_8 cents a pound landed here. That is what his sugar has cost him landed here, for it costs as much freight to import a pound of raw anded here, for it costs as much freight to import a pound of raw sugar as a pound of refined sugar. So his sugar costs him 4\frac{3}{8} cents here, making a difference of three-eighths of a cent against him. Why? Because the refining importer of the United States pays the same price for raw sugar, 2 cents; he pays 1 cent for duty, and 1 cent for refining; so that sugar refined costs him 4 cents, whereas it costs the foreign refiner who attempts to import that sugar 4\frac{3}{8} cents, if the quality be between 13 and 16, and 3\frac{3}{8} cents if the quality be between 16 and 20, and 1 cent difference if the quality be above 20, of which a large amount is consumed in this country.

Consumed in this country.

What I desire to test is the sincerity of the Republican Senators. They are attempting to shelter whatever designs they have themselves with reference to the other provisions of this bill under the idea that they are protecting American labor and all that sort of thing. Your positive position has been that you have made this reduction in order to give cheap sugar to the American consumer. I say if that be your intention and purpose, this amendment you can not for a moment controvert, for it is directly in the line of that argument and of that wish on your part, because it equalizes the reduction upon the grades of sugars and makes the reduction 50 per cent. upon refined sugars as well as upon raw sugars.

In conclusion, I desire to state that this duty upon sugar is a duty as absolutely prohibitory as is the existing law, and we know that under the existing law there have been no sugars imported below No. 13. believe the whole tax does not amount to \$11 as compared with \$52,-000,000 or \$53,000,000 of import duties. Inasmuch as the law is abso-Intely prohibitory as to imported refined sugars, you leave this whole | Mills bill.

sugar interest after you have passed your bill exactly where it was before you passed your bill, and that is within the absolute control of the sugar trust in this country.

I heard the Senator from Ohio [Mr. Sherman] some time ago declare in this Chamber that the only way to reach the sugar trust was to reach it through tariff legislation. I agree with him. I believe that his position is correct. The only way that you can ever reach, affect, or destroy that trust is through tariff legislation, by accepting the proposition which I now tender to the other side, to make the duty upon imported and refined sugars the same as you have made it upon raw sugars, thereby under certain conditions and circumstances inviting foreign competition. foreign competition.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. ALDRICH. Do I understand that the Senator from Louisiana

tenders the proposition which he has made in behalf of his associates?

Mr. EUSTIS. I take it for granted that my associates will vote to reduce the duty on imported sugars in the interest of the sugar consumers. I have no reason to believe otherwise.

Mr. ALDRICH. I will ask the Senator another question. think if we put raw sugars upon the free-list that we ought to put re-

fined sugars also upon the free-list?

Mr. EUSTIS. That is not the question involved in the amendment.

Mr. ALDRICH. I was simply asking that question for the purpose of ascertaining the basis of the Senator's amendment, if I can find it out; whether he thought the business of refining sugar in the United States is a legitimate business, and if it is a legitimate business to what extent it is entitled to protection? Does the Senator mean to say that he thinks, if his amendment should be adopted, the difference which would then exist between raw and refined sugar is an equitable one? Is that the reason why he seeks to make this amendment

Mr. EUSTIS. Of course I do. Otherwise I should not have offered

the amendment

Mr. ALDRICH. Does the Senator think that the sugar-refiners of the United States could still continue in business if his amendment were

Mr. EUSTIS. That is predicated upon conditions, Mr. ALDRICH. Does the Senator think they ought to be put in a situation where their business would depend upon conditions

Mr. EUSTIS. What I mean by this amendment is that we should get nearer the point of probable importations, whereas you now rest at the

point of absolute prohibition.

Mr. ALDRICH. Now, let us see whether we do rest at the point of absolute prohibition. The Mills bill, which was a part of the Democratic platform, and which received the support, with one or two exceptions, of every Democratic member of the House of Representatives, and which I understand to be the platform upon which the Senators on the other side stand, including the Senator from Louisiana, gives greater protection to the sugar-refiners than the Senate substitute does. Upon the very grade of sugars which the Senator now seeks to reduce the duty upon the Mills bill gives seventy-seven hundredths of a cent protection to the refiners. The Senate substitute gives seventy-five hundredths of a cent, and the Senator now proposes to give fifty hun-

That arrangement of duties was entered into, it is an open secret, at the suggestion and demand of the Representatives from Louisiana in the other House. Now, the Senator from Louisiana comes in here and asks us to reduce the duty which is a protection to American refiners twenty-seven hundredths of a cent below the Mills bill. refiners twenty-seven hundredths of a cent below the Mills bill.

Having opposed here a proposition to give a bounty to the sugar producers of Louisiana, and having opposed a reduction of the duties upon sugar, which is produced in Louisiana, he seeks to destroy the business of sugar refining.

Mr. EUSTIS. To destroy it!

Mr. ALDRICH. I say advisedly to destroy it, because if the duty which he now proposes should be adopted it would be impossible to refine sugars in the United States.

Mr. EUSTIS. There is still a large discrimination in their favor in

Mr. EUSTIS. There is still a large discrimination in their favor in

mr. EOSTIS. There is still a large discrimination in their ravor in regard to raw sugars.

Mr. ALDRICH. The Senator says we ought to give the same protection upon raw and refined sugars. Let us see how that would operate. Suppose the difference in duty is seventy-five hundredths, as the Senate bill proposes, and we should put raw sugar upon the free-list; that would result in putting refined sugars on the free-list if reduced to the same percentage. It is not the reduction of percentage; it is the margin between the duty on raw sugar and refined sugar which affords the protection to the sugar-refiner. That is a well-known fact, which has been stated repeatedly on this floor.

The Mills bill, which, as I say, has received the support of the Democratic party in both Houses, gives an absolute protection amounting

to more than \$6,000,000 per annum to the sugar-refiners, as does the Senate substitute; and yet the Senator from Louisiana at this late day, because we have, in spite of his vote, given a bounty to the sugar-producers of Louisiana, and have reduced the duty to the consumers of this country, breaks up his alliance with the sugar-refiners and comes in here and seeks to put his party in the attitude of repudiating the

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. EUSTIS].

Mr. EUSTIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GIBSON. I ask that the amendment be read.

The Chief Clerk read the amendment.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from Louisiana [Mr. Eustis].

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were present, I should vote

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

The roll-call was concluded.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from New Jersey [Mr. McPherson], and therefore

withdraw my vote.

The PRESIDENT pro tempore. The Senator from Iowa withdraws his vote

Mr. BUTLER (after having voted in the affirmative). Is the vote of the Senator from Pennsylvania [Mr. CAMERON] recorded?

The PRESIDENT pro tempore. It is not recorded.

Mr. BUTLER. Then I withdraw my vote, as I have a general pair

with him

The PRESIDENT pro tempore. The Senator from South Carolina withdraws his vote.

Mr. HAWLEY. I am paired on this question, until his return, with the senior Senator from Missouri [Mr. COCKRELL].

Mr. GIBSON. Before the vote is announced I should like, with the

consent of the Senate, to have three minutes to explain my vote on this proposition.

The PRESIDENT pro tempore. The Chair can not entertain the request.

Mr. ALDRICH and others. Make it afterwards.

Mr. GIBSON. After the vote is declared I will make my statement. The result was announced—yeas 22, nays 31; as follows:

Bate, Berry, Blackburn, Brown,	Eustis, Faulkner, George, Gorman,	Pasco, Pugh, Ransom, Reagan,	Vest, Voorhees. Walthall, Wilson of Md.
Colquitt, Daniel,	Hampton, Harris,	Turpie, Vance,	
	of to accord one	NAYS-31.	
Aldrich, Blair, Chace, Chandler, Cullom, Davis, Dawes, Dolph,	Edmunds, Farwell, Frye, Gibson, Hiscock, Hoar, Ingalls, Manderson,	Mitchell, Morrill, Paddock, Palmer, Payne, Platt, Quay, Riddleberger,	Sawyer, Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa
	A1	SSENT-23.	
Allison, Beck, Blodgett, Bowen, Butler, Call,	Cameron, Cockrell, Coke, Evarts, Gray, Hale,	Hawley, Hearst, Jones of Arkansas, Jones of Nevada, Kenna, McPherson,	Morgan, Plumb, Sabin, Saulsbury, Stanford.

Hale, So the amendment was rejected.

Mr. GIBSON. Mr. President, it appears to me, if I caught the terms of the proposition correctly as I heard it read just before the vote was taken, that the effect of it was misunderstood by our friends upon this side. The duty under the existing tariff is on all sugar above 16 and not above 20 Dutch standard in color 3 cents per pound, and it is reduced by the Senate bill now pending to 1\(\frac{1}{8}\) cents per pound. The existing law fixes the tariff on all sugar above No. 20 Dutch standard of color at  $3\frac{1}{2}$  cents per pound. The Mills bill places upon these grades 2.40 and 2.80 cents per pound.

The pending Senate bill reduces them far below the Mills bill, to  $1\frac{5}{8}$ 

cents per pound and to 2 cents per pound. I understand the amendment now offered proposes to still further reduce these rates from 15 to

1 and from 2 cents to 1 cents.

I feel constrained to record my vote against this amendment. production of sugar in Louisiana above No. 16 is very large. judgment it constitutes in value to-day the chief portion of the crop, and it is rapidly increasing, both in value and in quantity, as new and better methods of manufacture are applied. It is wise to encourage the use of these new processes—the diffusion process, centrifugal and vacuum pans-by which not only is the quantity of sugar extracted from a ton of cane increased, but the quality is also improved and brought above No. 16 Dutch standard. Recent experiments demonstrate that, instead of an average of 100 pounds of sugar per ton of cane, by these improved

methods over 200 pounds of sugar may be extracted from a ton of cane. This shows the immense benefits that will be bestowed not only upon the large planter but the small farmer, not only upon those who make

the better goods but the lower grades of sugar in Louisiana, by the in-

troduction of machinery to make sugar over No. 16.

The best consideration I have been able to give to the Senate schedule leads me to the conviction that its rates were too low upon all grades of sugar, and that it discriminates in favor of the Demerara or bright yellow refined grocery sugars above No. 16 that come directly in competition with our Louisiana sugars. I believe that under the bill as it now stands these sugars, ready for consumption, will be imported. To reduce still further these rates would, in my judgment,

be injurious to our sugar interests.

Mr. EUSTIS. I desire to state that so far as my knowledge extends there is no sugar made in Louisiana above the grade of 16, except by refinement. I know that as a fact.

Mr. REAGAN. On page 160, after line 1834, I move to insert as an additional section the following:

an additional section the following:

SEC, —: That there shall be levied and collected and paid annually upon the gains, profits, or income of every person or corporation in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income exceed the sum of \$1,000, a duty of 5 per cent. on the excess over \$1,000 and not exceeding \$5,000; a duty of 7½ per cent. per annum on the excess over \$5,000 and not exceeding \$5,000, and 10 per cent. upon all sums in excess of \$10,000: Provided, That the duty imposed by this act on cotton and woolen goods, on iron and steel, and the products of iron and steel, including farmers' and mechanics' tools, shall in no case exceed 40 per cent. ad valorem, and that salt shall be imported free of duty.

The PRESIDENT pro tempore. The question is on agreeing to the

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. President, I am aware that the objection may

be made that it is now desirable to reduce the revenue—that we have heard all the time—and that a tax on incomes would tend to increase the revenue of the Government. To guard against that I suggest that we place a limit upon the revenue to be derived from the duty upon imported cotton and woolen goods and upon salt and upon the products of iron and steel, including farmers' and mechanics' tools.

I do not present this amendment under the supposition that it will be adopted by the Senate, though I am sure that we all profess, and I hope we all desire, to benefit the American people by our legislation

If I were called upon to point out the greatest political evil that now threatens the welfare of this country, it would be the danger and the evil of promoting class interests by class legislation and of increasing

evil of promoting class interests by class legislation and of increasing the fortunes of individuals and corporations by trusts and combinations. If Senators agreed with me in that, then I might ask them logically to agree with me in providing that instead of building up fortunes by class interests and by trusts and combines, we should impose a tax, a reasonable graduated tax, upon incomes of over the sum of \$600.

I fear by the reading of the amendment as I presented it, that I made an omission which I suppose will not be material, in not providing for incomes exceeding \$10,000. If I expected that the action of the Senate would be favorable, of course I should seek to correct that now. I will say also when I provide for free salt if there was a probability that such an amendment would be adonted or if it was adonted bility that such an amendment would be adopted or if it was adopted, I should move to strike out that portion of the bill which provides for

The purpose of the amendment is to indicate that we propose to make class interests, combinations, and trusts, that are accumulating vast fortunes in this country, to contribute something to the support of the Government and to take some of the burdens off the toiling millof the Government and to take some of the Butters of the tolling inns, out of whom they are now extorting immense fortunes. The amendment is based upon that policy. If such a policy could be adopted and announced to the American people it would produce another rejoicing like the rejoicing which sprang from the Declaration of Independence, because they would feel once more that the Government is the resolution of the record and that ment was engaged in legislating for the masses of the people and that the people might expect a fair chance in the race of life to support their families, educate their children, and discharge the duties of citi-

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Texas.

Mr. REAGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VANCE. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The Chief Clerk read the amendment.

Mr. REAGAN. I ask the Secretary to insert after the words \$10,000" the words "and 10 per cent. upon all sums above \$10,000." The PRESIDENT pro tempore. The words suggested by the Senator from Texas will be inserted.

Mr. GEORGE. Is it in order at this time to move to amend the amendment?

The PRESIDENT pro tempore. It is in order.

Mr. GEORGE. I move to stril curs, and insert "one thousand." I move to strike out "six hundred," where it oc-

Mr. REAGAN. I will accept the amendment if I have a right to do

The PRESIDENT pro tempore. The amendment to strike out "six hundred" and insert "one thousand" will be inserted. The question

is on the amendment as modified.

Mr. HOAR. I should like to ask the Senator from Texas, who, of course, has carefully studied the subject to which his amendment re-lates, what, in his judgment, would be the amount of income or revenue received into the Treasury of the United States under his amendment?

Mr. REAGAN. I am not prepared to answer, because I only determined to-day to present that view of the subject for the purpose of taking the sense of the Senate on the policy. If the amendment should be adopted, we can then make other calculations. I presented the amendment in its present shape and propose to limit the duties upon imports to guard against an increase of the revenue by the adoption of the amendment. I am not able to answer the Senator's question as to the amount of revenue the provision, if adopted, would produce.

Mr. HOAR. In the judgment of the Senator, without going into exactness of calculation, is he not quite sure that it would increase the present revenues of the Government many hundreds of millions of dol-

lars above what they are now?

Mr. REAGAN. I should say not; but, of course, as I have already stated, I can not answer the question. I should say certainly it would not increase the revenues to the extent of hundreds of millions of dollars.

Mr. HOAR. Then we have a proposition made by a grave Senator on this floor, who has labored and toiled and perspired with indignation against the large amount of exactions which were taken from the people of this country and put into the Treasury, and the effect on the business of the country of that surplus going into the Treasury, in re-gard to which he has no opinion whether his proposed policy will add to the amount of that surplus in the Treasury many hundred millions

The PRESIDENT pro tempore. The roll-call will proceed.

The yeas and nays were taken.

Mr. BERRY. I was paired with the Senator from Kansas [Mr. Plumb], but I have voted, having transferred the pair to my colleague [Mr. JONES, of Arkansas].

Mr. CALL. I am paired with the Senator from Colorado [Mr.

Mr. HISCOCK (after having voted in the negative). Is the Senator from Arkansas [Mr. JONES] recorded?

The PRESIDENT pro tempore. He is not recorded.

Mr. BERRY. I have taken the liberty of transferring my pair with the Senator from Kansas [Mr. PLUMB] to my colleague [Mr. Jones, of

Arkansas], and therefore voted.

Mr. HISCOCK. I will let my vote stand, then.

Mr. ALLISON. I am paired with the Senator from New Jersey [Mr.

McPherson].

Mr. HISCOCK. I desire to withdraw my vote, and will announce my pair with the Senator from Arkansas [Mr Jones].

The PRESIDENT pro tempore. The Senator from New York withdraws his vote.

Mr. DAVIS (after having voted in the negative). Is the Senator from Indiana [Mr. TURRIE] recorded?

The PRESIDENT pro tempore. He is not recorded.

Mr. DAVIS. Then I withdraw my vote.

The PRESIDENT pro tempore. The vote of the Senator from Minnesota is withdrawn.

The result was announced—yeas 20, nays 32; as follows:

	Y	EAS-20.	
Bate,	Coke,	George,	Saulsbury,
Berry,	Colquitt,	Gibson,	Vance,
Blackburn,	Daniel,	Hampton,	Vest,
Butler,	Eustis,	Harris,	Voorhees,
Cockrell,	Faulkner,	Reagan,	Walthall.
	N	AYS-32.	
Aldrich,	Dolph,	Morrill,	Riddleberger,
Blair,	Evarts,	Paddock,	Sawyer,
Brown,	Frye,	Palmer,	Sherman,
Cameron,	Hawley,	Payne,	Spooner,
Chace,	Hoar,	Platt,	Stewart,
Chandler,	Ingalls,	Plumb,	Stockbridge,
Cullom,	Manderson,	Pugh,	Teller,
Dawes,	Mitchell,	Quay,	Wilson of Iowa.
	AE	SENT-24.	
Allison,	Edmunds,	Hiscock, Jones of Arkansas, Jones of Nevada, Kenna, McPherson, Morgan,	Pasco,
Beck,	Farwell,		Ransom,
Blodgett,	Gorman,		Sabin,
Bowen,	Gray,		Stanford,
Call,	Hale,		Turpie,
Davis,	Hearst,		Wilson of Md.

So the amendment was rejected.

Mr. ALDRICH. The committee have several amendments of importance which should be acted upon before the hour agreed upon at which debate is to close shall arrive; and I ask, therefore, that the committee amendment to paragraph 402, in regard to the duty on kid

gloves, may be taken up.

Mr. BROWN. I desire to call the attention of the chairman of the

subcommittee to the fact that the rice schedule was passed over yesterday and was to be taken up this morning, as I understood.

Mr. ALDRICH. That will be reached in due time.

Mr. ALLISON. I think we can arrange so as to have no controversy

about rice

Mr. BROWN. I hope it will be soon taken up and disposed of.
The PRESIDENT pro tempore. The amendment of the Senator from
Rhode Island [Mr. ALDRICH] will be read.
The CHIEF CLERK. On page 159, line 1697, it is proposed to strike
out paragraph 402, as follows:

402. Gloves, kid or leather, of all descriptions, wholly or partially manufactured, 50 per cent. ad valorem.

And in lieu thereof to insert:

402. Gloves of all descriptions, composed wholly or in part of kid or leather, and whether wholly or partly manufactured, valued at not more than \$5 per dozen pairs, \$1.50 per dozen pairs and 20 per cent. ad valorem; valued at more than \$6 and not more than \$8 per dozen pairs, \$2 per dozen pairs and 25 per cent. ad valorem; valued at more than \$8 per dozen pairs, 50 per cent. ad valorem.

Mr. VEST. I simply desire to call attention to the effect of this roposed amendment. The present duty upon all these gloves is 50 proposed amendment. The present duty upon all these gloves is 50 per cent. ad valorem. The effect of this amendment analyzed is as follows: Upon gloves costing \$1 a dozen the duty is increased from 50 to 170 per cent.; on gloves costing \$1.50 a dozen, from 50 to 120 per cent.; and on the next grade, costing \$2 a dozen, the rate will be 95 per cent., an increase of 45 per cent.; on gloves costing two and a half dollars per dozen, 80 per cent., an increase of 30 per cent.; those costing \$3 a dozen, an increase of 20 per cent., being an increase from 50 to 70 per cent.; on those costing \$3.50 a dozen the duty is increased to 62 per cent.; and so on down until we come to the highest-priced gloves, costing \$8 a dozen pairs, and upon them the duty is retained at 50 per cent., without any change from the existing law

So, as in all these amendments, systematically and persistently the ad valorem rate is increased upon the cheaper grade and not increased in the same proportion upon the higher-priced gloves, or else the duty is allowed to remain the same. That is all I desire to say.

Mr. ALDRICH. One Senator can judge as well as another of the value of an ad valorem duty which is based upon kid gloves at a dollar a dozen. The absurdity of that proposition is apparent upon the face of it.

Mr. VEST. These are not all kid gloves. Mr. ALDRICH. They are all kid or leather gloves.

Mr. VEST. I understood the Senator to say they were all kid gloves.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Rhode Island.

The amendment was agreed to.

Mr. ALDRICH. I ask that the committee amendment to paragraph 412 in regard to the duties on leather be taken up. The first amendment is in line 1729, to insert a comma after the word "enameled."

The amendment was agreed to.
Mr. ALDRICH. In lines 1730, 1731, and 1732, of paragraph 412, it is proposed to strike out:

And skins of all kinds not specially enumerated or provided for in this act, and chamois-skins, dressed or undressed;

And insert:

Dressed or undressed and finished chamois and other skins, not specially enumerated or provided for in this act.

The amendment was agreed to.

Mr. ALDRICH. I now ask to modify the next clause of the same paragraph by inserting, before the word "sheep" in line 1732, the following words:

Bookbinders' calf-skin, kangaroo, sheep;

So as to read:

Bookbinders' calf-skin, kaugaroo, sheep, and goat skins, including lamb and kid skins, dressed and finished, 20 per cent. ad valorem.

The amendment was agreed to.

Mr. ALDRICH. After the word "twenty," in line 1734, in the same paragraph, I move to insert "five;" so as to read: "25 per cent. ad valorem."

The amendment was agreed to.
Mr. ALDRICH. In line 1733 of the same paragraph I move to strike
out "ten" and insert "fifteen;" so as to read: "15 per cent. ad va-

The PRESIDENT pro tempore. If there be no objection, the amendment will be considered agreed to.

Mr. VANCE. There is objection. I object to that, and ask for the yeas and nays upon it.

Mr. ALDRICH. The yeas and nays can be taken after the close of the debate. I will suggest to the Senator from North Carolina that a separate vote can be taken just as well in the Senate.

Mr. VANCE. Of course it can.

The PRESIDENT pro tempore. The Senator from North Carolina asks that the yeas and nays may be entered upon the Journal.

Mr. VANCE. I withdraw the call for the present.

Mr. ALDRICH. I ask that paragraphs 320 and 321 be taken up.

Mr. VANCE. I should like to have a viva voce vote upon the last

The PRESIDENT pro tempore. The question is upon the amendment. [Putting the question.] By the sound the noes have it.

Mr. ALDRICH. Let us have a division.

The question being put, there were, on a division—ayes 28, noes 21. So the amendment was agreed to.

Mr. ALDRICH. I ask action on the amendment I offered.

The CHIEF CLERK. It is proposed to amend paragraph 320, so as to read as follows:

On stockings, hose, and half-hose made on knitting machines or frames, composed of cotton or other vegetable fiber and not other wise specially enumerated or provided for in this act, and on shirts and drawers composed of cotton, valued at not more than \$1.50 per dozen, 35 per cent, ad valorem.

Mr. VEST. The effect of this amendment is, like the last about which I made a few remarks, to increase the ad valorem rate of duty upon the cheaper article, for instance upon the cheaper qualities of hose, 30 cents a dozen, and the ad valorem duty is increased from 40 per cent. to 86 per cent.

Mr. ALDRICH. The Senator must be mistaken in his idea of the paragraph under consideration. Paragraph 320 is now under consid-

eration

Mr. VEST. I thought it was the next one, 321.
Mr. ALDRICH. Not yet.
The PRESIDENT pro tempore. The question is of the Senator from Rhode Island. The question is on the amendment

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated. The CHIEF CLERK. It is proposed to amend paragraph 321 to read

On stockings, hose, and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, and composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than 60 cents per dozen pairs, 20 cents per dozen pairs, and in addition thereto 20 per cent. ad valorem; valued at more than 60 cents per dozen pairs and not more than \$2 per dozen pairs, 50 cents per dozen pairs, and in addition thereto 30 per cent. ad valorem; valued at more than \$2 per dozen pairs, 40 cents per dozen, and in addition thereto 40 per cent. ad valorem; and on all shirts and drawers composed of cotton or other vegetable fiber, valued at more than \$1.50 per dozen, and not more than \$3 per dozen, \$1 per dozen, and in addition thereto 35 per cent. ad valorem; valued at more than \$3 per dozen, \$1.25 per dozen, and in addition thereto 40 per cent. ad valorem.

Mr. VEST. This is the paragraph which I supposed had been read, and I repeat that upon the lower-priced articles under these classifications the rate of duty has been most largely increased. For instance, on the hose at 30 cents a dozen, the present rate of duty being 40 cents, it is increased to 86 per cent. by the amendment, and reduced to cents it would be, according to the rate proposed by the amendment, 26 cents, while in the substitute it is 20 cents, and the present duty 12 cents. On the highest-priced article, which is \$2.10 a dozen, and the highest classification in the schedule the duty is increased from 40 per cent. to an advalorem of 59 per cent, the increase being greater as you decrease the price, and the higher the value of the article is the smaller is the increase, whilst upon the cheaper rates the proportion is reversed and

the cheaper the article the larger the increase.

The PRESIDENT pro tempore. In lines 3 and 4 of the amendment as printed the word "sixty" is duplicated. If there be no objection

the duplication will be omitted.

Mr. VEST. I will ask to insert the tables from which I have read. The PRESIDENT pro tempore. The Chair hears no objection. The tables are as follows:

[Aldrich amendment-paragraph 321.]

Hose and half-hose.

	Present		Amount of duty.		Proposed ad
	rate.	Proposed rate.	Present.	Proposed.	valorem
\$0.30 .40 .50 .61 .75 1.00 1.50 2.00 2.10	Per cent. 40 40 40 40 40 40 40 40 40 40	20 cents perdozen and 20 {     per cent.     50 cents perdozen and 30 }     per cent. 40 cents per dozen and 40 per cent.	Cents. 12 16 20 24.4 30 40 60 80 84	\$0.26 .28 .30 .63 .72 .80 .95 1.10 1.24	Per cent. 86 70 60 111 96 80 63 555

Shirts and drawers:	Proposed r	ate.
Valued less than \$1.50 per dozen	.per cent	35
At \$1.51 per dozen	do	100
At \$3.01 per dozen	ob	81

[Allison amendment.]

Gloves, of kid or leather (wholly or partly manufactured).

Value per dozen.  \$1.00	Present		Amount of duty.		Ad valorem
	rate.	Proposed rate.	Present.	Proposed.	rate pro- posed.
	50 50 50 50 50 50 50 50 50 50 50 50 50	\$1.50 per dozen and 20 per cent.	\$0.50 .75 1.00 1.25 1.50 1.75 2.00 2.25 2.50 2.75 3.00 3.25 3.50 3.73	\$1.70 1.80 1.90 2.00 2.10 2.20 2.30 2.40 2.50 3.371 3.50 3.60 3.60 3.60 3.75 3.874 4.00	Per cent. 170 120 95 80 70 62 57 53 50 61, 58 55 53 51 55

The amendment is evidently intended to exclude "partly manufact-

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Rhode Island. [Putting the question.] By the sound the noes have it.

Mr. VANCE. Let us have the yeas and nays upon this.

The yeas and nays were ordered.

Mr. VEST. Before the roll is called I will ask the consent of the Senate to do what I neglected when the gun schedule was under consideration. I was not able then to prepare an analysis of the effect of it. I will ask the consent of the Senate to insert that also at this time in the RECORD. I wish to have it preserved.

Mr. HOAR. What is it?

Mr. HOAR. What is it?
Mr. VEST. It is an analysis of the rates of duty upon the gun schedule which were adopted some days ago. I have not been able until now to furnish it.

Mr. HOAR. I do not understand what the Senator means by a statistical table coming from some authority. If it is an argument, I think it ought not to be put in the RECORD.

Mr. VEST. It is no argument. Of course, I do not propose to print

any speech here.

Whose analysis is it? Mr. HOAR.

Mr. VEST. An analysis made by an expert for me.
Mr. HOAR. I shall object to it unless the Senator will state more

fally what it is. We do not know from what source it emanates.

Mr. VEST. The table which I wish to put in is nothing but a statement of the effect of the duty. It is just simply this: The Lefaucheux gun costs in Liege 20 francs, say \$4; the present duty is 35 per cent.; the present cost in New York \$5.40; the proposed duty is increased to 85 per cent., making the cost in New York \$7.40.

Mr. HOAR. May I ask the Senator what expert prepared that table

in Leeds?

Mr. VEST. Not Leeds; Liege, in Belgium, or wherever it is. The Senator can examine it if he thinks there is any "gunpowder plot" involved in it.

Mr. HOAR.

Mr. HOAR. No, I will not.

Mr. ALDRICH. Purchasers of these guns pay from \$10 to \$15 apiece for them in America, and they will probably not pay any more under this duty

Mr. VEST. If I may be permitted I would like to go into the testimony on that. The schedule is one of the worst in the bill, but it is a little better now than the substitute, and I did not make war upon Mr. VEST. it as determinedly as I would upon the substitute itself for that reason. The increase, however, is upon the cheapest article, which goes all through the bill from beginning to end. I will ask leave to have this table printed, or I can read it.

The PRESIDENT pro tempore. The Chair hears no objection, and the table will be so printed.

The table is as follows:

Description.	Cost in Liege.	Present duty.	Present cost in New York.	Pro- posed duty.	Proposed cost in New York,
Lefaucheux	Fres. 20 = \$4,00	Per cent,	\$5.40	Per cent.	\$7.40
Side-snap Top-snap	27 = 5.40 $40 = 8.00$	35 35 35 35 25 35	7.20 10.80	70 85	9. 20 14. 80
Top Damascus	54 = 10.80 60 = 12.00 6 = 1.20	35 35	14.60 16.20 1.50	70 85	18,60 22,20 2,50
Single muzzle-loader Revolvers Single breech-loader	5 = 1.20 5 = 1.00 9 = 1.80	35 35	1.40 2.40	108 90 90	1.90

The PRESIDENT pro tempore. The roll-call will proceed on the amendment of the Senator from Rhode Island [Mr. ALDRICH].

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were present, I should vote

The roll-call was concluded.

Mr. ALLISON (after having voted in the affirmative). I am paired with the Senator from New Jersey [Mr. McPherson], and withdraw

The PRESIDENT pro tempore. The Senator from Iowa withdraws

Mr. CULLOM. The Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from South Carolina [Mr. BUTLER].

The result was announced—yeas 31, nays 25; as follows:

	* YE	AS-31.	
Aldrich, Blair, Chace, Chandler, Cullom, Davis, Dawes, Dolph,	Edmunds, Evarts, Farwell, Frye, Hawley, Hiscock, Hoar, Ingalls,	Manderson, Mitchell, Morrill, Paddock, Palmer, Platt, Quay, Riddleberger,	Sawyer, Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa,
	NAT	YS-25.	
Bate, Berry, Blackburn, Cockrell, Coke, Colquitt, Faulkner,	George, Gibson, Gray, Hampton, Harris, Jones of Arkansas, Morgan,	Pasco, Payne, Pugh, Ransom, Resgan, Turpie, Vance,	Vest, Voorhees, Walthall, Wilson of Md.
	ABS	ENT-20.	
Allison, Beck, Blodgett, Bowen, Brown,	Butler, Call, Cameron, Daniel, Eustis,	Gorman, Hale, Hearst, Jones of Nevada, Kenna,	McPherson, Plumb, Sabin, Saulsbury, Stanford.
	ndment was agreed to		THE TANK THE BET

Mr. STANFORD. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. On page 86, after line 57, it is proposed to in-

sert the following as new sections:

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. On page 86, after line 57, it is proposed to insert the following as new sections:

SEC. 12. That any producer of pure sweet wines, who is also a distiller, authorized to separate from fermented grape-juice, under internal-revenue laws, wine-spirits, may use, free of tax, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, so much of such wine-spirits so separated by him in the preparation of such seacharine matter contained therein: Provided, That the wine-spirits so used free of tax shall not be in excess of the amount required to introduce into such sweet wines an alcoholic strength equal to 14 per cent. of the volume of such wines after such use: Provided printer, That such wine, after such fortification, shall not contain more than 24 per cent. of alcohol, as defined by section 3249 of the Revised Statutes of the United States: Provided further, That such use of wine-spirits free from tax shall be confined to the months of August, September, October, November, December, January, February March, and April of each year. The Commissioner of Internal Revenue, in determining the liability of any distiller of fermented grape-juice to assessment under section 3299 of the distiller of fermented grape-juic, and shall be held to include the product commonly known as grape-brandy; and the pure sweet wine time the provisions of this section.

SEC. 13. That the wine-spirits mentioned in section 14 of this act is the product resulting from the distillation of fermented grape-juice, and shall be held to include the product commonly known as grape-brandy; and the pure sweet wine that may be fortified free of tax, as provided by said section, is fermented grape-juice, and shall be held to include the product commonly known

using the same set forth in section 3 of this act; and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury; anthorized, whenever he shall deem it to be necessary for the Pressury; anthorized, whenever he shall deem it to be necessary for the prevention of violations of this law, to prescribe that wine spirits withdrawn under this section, or any other spirits, shall not be used to fortify wines except at a certain distance prescribed by a spirits, and the state of the prevention of the provision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Treasury; and the Commissioner of Internal Revenue shall provide by regulations the time within which wines so fortified with the wine-spirits so withdrawn may be subject to inspection, and for final accounting for the use of such wine-spirits, and for rewarehousing or for payment of the tax on any portion the provision of the provisi

Mr. HARRIS. As the time for closing debate has almost arrived, I Mr. HARRIS. As the time for closing debate has almost arrived, 1 desire to ask the Senator who offers this amendment if it is a copy of a bill which was reported by the Finance Committee of the Forty-ninth Congress upon the subject of giving free grape brandy for the fortification of sweet wines for exportation? Is it a copy of the bill reported by the Finance Committee of the Forty-ninth Congress?

Mr. STANFORD. Yes, sir; and it then passed the Senate.

Mr. HARRIS. Has the amendment been referred to the Committee on Finance at this session?

Mr. STANFORD. It has.

Mr. STANFORD. It has.
Mr. ALDRICH. It has been examined by the committee to-day, and it is a copy in words of the bill referred to.

Mr. EDMUNDS. It is precisely the same thing that we all agreed

on then.

Mr. HARRIS. I simply wanted to know. I remember the committee considered that question in the Forty-ninth Congress and reported a bill.

Mr. ALDRICH. And it passed the Senate. Mr. EDMUNDS. It is precisely in that shape. Mr. HARRIS. That is what I wanted to know.

The PRESIDENT pro tempore. The question is on agreement to the amendment proposed by the Senator from California [Mr. STANFORD]. The amendment was agreed to.

Mr. CALL. I offer the amendment which I send to the desk.
The PRESIDENT pro tempore. The amendment will be stated.
The CHIEF CLERK. On page 131, under Schedule H, line 1115, it is proposed to strike out the word "seven" and insert "four;" so as to read:

Champagne and all other sparkling wines, in bottles containing each not more than 1 quart and mcre than 1 pint, \$4 per dozen.

Mr. EDMUNDS. What is to be stricken out?

Mr. EDMUNDS. What is to be stricken out?
The PRESIDENT pro tempore. The amendment proposes to strike out "seven" and insert "four."
Mr. CALL. I ask leave to say that this amendment is intended—
The PRESIDENT pro tempore rapped with his gavel.
Mr. HARRIS. Are we to have debate?
The PRESIDENT pro tempore. The Chair will call the Senator from Florida to order, and remind him of the unanimous agreement that at 5 o'clock debate upon the bill and amendments should cease.
Mr. CALL. I ask unanimous consent merely to say a word.

Mr. CALL. I ask unanimous consent merely to say a word. I do

not want to debate-

The PRESIDENT pro tempore. The Chair can not entertain the request. The question is on the amendment of the Senator from Florida. [Putting the question.] The noes appear to have it.

Mr. VANCE. I should like to have the amendment reported.

The PRESIDENT pro tempore. The amendment will be again reported.

The CHIEF CLERK. On page 131, line 1115, Schedule H, it is proposed to strike out "seven" and insert "four;" so as to read:

Champagne and all other sparking wines, in bottles containing each not more than 1 quart and more than 1 pint, \$4 per dozen.

I ask unanimous consent to explain that amendment. Mr. HARRIS. Mr. President, I am rather glad that the request comes from this side of the Chamber. We have debated all the questions arising upon this bill for a couple of months or thereabouts.

The PRESIDENT pro tempore. The Chair reminds the Senator from Tennessee that debate is out of order.

Mr. HARRIS. I object to debate, and do not propose to participate. The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Florida, if he desires to have an-

Mr. CALL. I desire a vote to be taken. The amendment is not understood. No one knows what it is.

The amendment was rejected.

The PRESIDENT pro tempore. The Senator has sent up additional

amendments to the desk, which will be read in their order.

The CHIEF CLERK. In lines 1116 and 1117 it is proposed to strike out the words "three dollars and fifty cents" and insert in lieu thereof the words "two dollars and fifty cents;" so as to read:

Containing not more than 1 pint each and more than one-half a pint, \$2.50 per

The amendment was rejected.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Florida will be read.

The CHIEF CLERK. In line 1118 it is proposed to strike out the words "one dollar and seventy-five cents" and insert in lieu thereof the words "eighty-seven and one-half cents;" so as to read:

Containing one-half pint each or less, 871 cents per dozen.

The amendment was rejected.

The PRESIDENT pro tempore. The next amendment of the Senator from Florida will be read.

The CHIEF CLERK. In line 1120 it is proposed to strike out the words "in addition to \$7 per dozen bottles."

The amendment was rejected.

The PRESIDENT pro tempore. The next amendment of the Senator

frem Florida will be stated.

The CHIEF CLERK. In lines 1121 and 1122 it is proposed to strike out the words "two dollars and twenty-five cents," and to insert in lieu thereof the words "three dollars;" so as to make the paragraph, if amended as proposed, read:

331. Champagne and all other sparkling wines in bottles containing each not more than 1 quart and more than 1 pint, \$4 per dozen; containing not more than 1 pint each and more than one-half pint, \$2.50 per dozen; containing one-half pint each or less, \$7\frac{1}{2}\$ cents per dozen; in bottles or other vessels containing more than 1 quart each, on the quantity in excess of 1 quart, at the rate of \$3 per gallon

The amendment was rejected.

The PRESIDENT pro tempore. The next amendment of the Senator

from Florida will be read.

The CHIEF CLERK. On page 131, paragraph 301, line 113, it is proposed to strike out the words "all other sparkling wines;" so as to

Champagne in bottles containing each not more than I quart and more than

The amendment was rejected.

The PRESIDENT pro tempore. The next amendment of the Senator from Florida will be reported.

The CHIEF CLERK. After line 1122, page 131, it is proposed to insert as an additional paragraph the following:

301. All other sparkling wines, in bottles containing each not more than 1 quart and more than 1 pint, \$7 per dozen; containing not more than 1 pint each and more than one-half pint, \$3.50 per dozen; containing one-half pint each or less, \$1.75 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to \$7 per dozen bottles on the quantity in excess of 1 quart, at the rate of \$2.25 per gallon.

The amendment was rejected.

Mr. SAULSBURY. If I am in order, I call for the amendment which I offered this morning.

The PRESIDENT pro tempore. The Senator from Delaware offers an amendment, which will be stated.

The CHIEF CLERK. It is proposed to insert as a new section the

following:

SEC. —. It shall be the duty of any person, firm, corporation, association of persons, or company engaged in the manufacture or production of any goods, wares, or merchandise mentioned in the schedules of this bill upon the importation of which a duty is imposed when of foreign production, to pay into the Treasury of the United States any profits arising from such manufacture or production in excess of 10 per cent, over and above the cost of materials and labor used and employed in such business, and it shall be the duty of every such person, firm, corporation, association of persons, or company to make in each and every year to the Secretary of the Treasury, under oath, a complete and correct return of the aggregate value of the goods, wares, and merchandise manufactured or produced in the year, with the aggregate cost of the materials and labor used and employed therein, and a statement of the profits therefrom. Such return and statement in case of a firm, corporation, association of persons, or company shall be made by its treasurer or other financial agent; and if any person shall make a false or fraudulent return or statement he shall be guilty of perjury, and upon conviction thereof shall be imprisoned for a period not less than one year nor more than five years, and shall forfeit and pay a fine of \$5,000: Provided; That this section shall not apply to manufacturers the value of whose aggregate business shall not exceed \$20,000.

The amendment was rejected.

The amendment was rejected.

Mr. REAGAN. I call up the amendment which I gave notice some time ago that I should offer.

The PRESIDENT pro tempore. The amendment will be read.

Mr. REAGAN. I offer it as a proviso to come in at the end of paragraph 2671, on page 127.

The CHIEF CLERK. It is proposed to add to paragraph 2671 the fol-

Provided, That from and after three months from the passage of this act the officers and at least three-fourths of the crews of any and all fishing vessels owned by citizens of the United States and engaged in fishing in waters outside of the territorial jurisdiction of the United States shall be either native-born or naturalized citizens of the United States. That the owner or owners of any such vessel, or their agent or agents, and the commander or master of such vessel, found guilty after indictment in any district or circuit court of the United States of a violation of this act, shall be fined in a sum not less than \$1,000 nor more than \$5,000, and may, at the discretion of the court, be imprisoned in the penitentiary for a term not exceeding two years.

Mr. REAGAN. On that amendment I call for the year and nays.

The yeas and nays were ordered.

Mr. HOAR. I move to amend the amendment by inserting after the word "citizens," in the sixth line, the words "or shall have filed a preliminary declaration of intention to become citizens of the United States."

Mr. VANCE. I object to debate.

Mr. HOAR. I am not debating. I am stating an amendment, which is my right.

The PRESIDENT pro tempore. The Senator from Massachusetts pro-poses to amend the amendment. Will the Senator please state his proposition? The Chief Clerk expresses his inability to repeat the language of the Senator from Massachusetts.

Mr. HOAR. I withdraw the amendment for the present.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Texas [Mr. REAGAN].

Mr. DOLPH. Let the amendment be again reported. The Chief Clerk again read the amendment of Mr. REAGAN.

The PRESIDENT pro tempore. The yeas and nays having been ordered, the roll-call will proceed.

The yeas and nays were taken.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. Pugh], but I am at liberty to vote if it be necessary to make a quorum. I think that is not necessary now, and I withhold my vote.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. Tur-

The result was announced—yeas 23, nays 33; as follows:

	YE.	AS-23.	
Bate, Berry, Blackburn, Brown, Butler, Cockrell,	Coke, Eustis, Faulkner, George, Gray, Harris,	Jones of Arkansas, Morgan, Pasco, Payne, Ransom, Reagan,	Saulsbury, Vance, Vest, Walthall, Wilson of Md.
	NA'	YS-33.	
Aldrich, Allison, Blair, Cameron, Chandler, Cullom, Dawes, Dolph, Evarts.	Farwell, Frye, Hampton, Hawley, Hiscock, Hoar, Ingalls, Jones of Nevada, Manderson	Mitchell, Morrill, Paddock, Palmer, Platt, Plumb, Quay, Riddleberger, Sawyer	Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa.

ABSENT-20.

Colquitt, Daniel, Davis, Edmunds, Pugh, Sabin, Stanford, Turpie, Voorhees. Beck, Blodgett, Bowen, Call, Gorman, Hale, Hearst, Kenna, McPherson, Chace. Gibson,

So the amendment was rejected.

The PRESIDENT pro tempore. The Chair was in error in stating the terms of the agreement under which the Senate is now proceeding. On the 20th of December it was agreed that upon the 21st of January, which was subsequently extended to the 22d, there should be no further debate after the hour named without unanimous consent. The Chair expresses his regret that he declined to entertain the request of the Senator from Florida for unanimous consent, as he was entitled to do under the order of the Senate.

Mr. PLUMB. On page 106, line 495, I move to strike out "two-tenths" and insert "one-tenth;" so as to make the proviso read:

Provided, That hoop or band iron, or hoop or band steel, cut to length, or wholly or partially manufactured into hoops or ties for baling purposes, barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared or splayed, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made.

Mr. HARRIS. Upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. Will the Senate agree to the amendment? Upon this question the Senator from Tennessee asks that the yeas and nays be entered on the Journal.

The yeas and navs were ordered, and the Secretary proceeded to call the roll

Mr. ALLISON (when his name was called). I am paired with the Senator from New Jersey [Mr. McPherson].

The roll-call was concluded.

Mr. ALDRICH. I desire to call the attention of the Senator from Georgia [Mr. Colquitt] to the fact that my colleague [Mr. Chace] is absent from the Senate.

Mr. COLQUITT (after having voted in the affirmative). Then I withdraw my vote.

The PRESIDENT pro tempore. The Senator from Georgia withdraws

Bate, Berry,

Mr. COLQUITT. At the suggestion of Senators upon the other side, I transfer my pair with the Senator from Rhode Island [Mr. CHACE] to the Senator from South Carolina [Mr. BUTLER], so as to relieve the Senator from Pennsylvania [Mr. CAMERON] and myself, and we can

Mr. CAMERON. I vote "nay." Mr. COLQUITT. I vote "yea."

The result was announced-yeas 29, nays 32; as follows:

#### YEAS-29 Morgan,

Blackburn, Blodgett, Brown, Coekrell, Coke, Colquitt,	George, Gorman, Gray, Hampton, Harris, Jones of Arkan	Plumb, Pugh, Ransom, Reagan, Saulsbury, sas, Turpie,	Voorhees, Walthall, Wilson of Md.
	1	NAYS-32.	
Aldrich, Blair, Cameron, Chandler, Cullon, Davis, Dawes, Dolph,	Edmunds, Evarts, Farwell, Frye, Hawley, Hiscock, Hoar, Ingalls,	Jones of Nevada, Manderson, Mitchell, Morrill, Paddock, Palmer, Payne, Platt,	Riddleberger, Sawyer, Sherman, Spooner, Stewart, Stoekbridge, Teller, Wilson of Iowa.
	Al	BSENT-15.	
Allison,	Call, Chace.	Hale, Hearst.	Quay, Sabin.

Gibson, So the amendment was rejected.

Faulkner.

Mr. BROWN. I move to take up the amendment offered by me on Saturday as a substitute for paragraph 287, on page 129, relating to

Kenna, McPherson.

Stanford.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. It is proposed to strike out paragraph 287 in

the following words:

287. Rice.—Cleaned, I cent per pound; uncleaned rice and rice flour and meal, one-half of I cent per pound; rice, broken, which will pass through a sieve known commercially as No. 12 wire sieve, and paddy, one-fourth of I cent per pound.

And in lieu thereof to insert:

287. Rice.—Cleaned, 2½ cents per pound; uncleaned, 1½ cents; paddy, 1½ cents; broken rice, or rice-flour, which will pass through a sieve commercially known as No. 12 wire sieve, 20 per cent. ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. Brown].

Mr. HAMPTON. Under the agreement just announced, I ask unan-

imous consent that I may explain the vote I propose to give upon the

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that he may be permitted to debate the pending amendment. Is there objection?

Mr. ALLISON For what length of time?
Mr. HAMPTON. For two minutes.
Mr. HARRIS. I objected to the Senator from Florida debating, and I shall object to debate on the part of all other Senators. I will not discriminate

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. Brown].

The amendment was rejected.

Mr. BROWN. I now offer another amendment as a substitute for paragraph 287.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out paragraph 287 and in lieu thereof to insert:

287. Cleaned rice, 2 cents per pound; uncleaned rice,  $1\frac{1}{2}$  cents; paddy, 1 cent; broken rice, or rice-flour, which will pass through a sieve commercially known as No. 12 wire sieve, 20 per cent. ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. Brown].

Mr. SHERMAN. I move to amend the amendment by inserting

instead of the ad valorem rate the rate proposed by the bill as it now stands.

Mr. BROWN. I do not understand the Senator from Ohio.
Mr. SHERMAN. Instead of "20 per cent. ad valorem," I move to insert "1 cent," "one-half of 1 cent," and "one-fourth of 1 cent a pound."

The PRESIDENT pro tempore. The original paragraph, 287, will be read.

Mr. SHERMAN. To allow the Committee on Finance to present their proposition, I will withdraw for the present my amendment. The PRESIDENT pro tempore. The question recurs on agreeing to the amendment proposed by the Senator from Georgia.

Mr. BROWN. On that question I desire the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from New Jersey [Mr. McPherson].

Mr. CALL (when his name was called). I am paired with the I am paired with the

Senator from Colorado [Mr. Bowen]. If he were here, I should vote

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. SAWYER (when his name was called). I am paired with the

Senator from Delaware [Mr. SAULSBURY].

Mr. TELLER (when his name was called). I am paired with the

Senator from Louisiana [Mr. GIBSON]. Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should

vote "yea." The roll-call was concluded.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK]. The result was announced—yeas 20, nays 36; as follows:

YEAS-20. Daniel, Eustis, George, Gorman, Hampton, Mitchell, Morgan, Blackburn. Brown, Butler, Quay, Ransom, Cameron, Colquitt, Payne, Voorhee Gray, Wilson of Md. NAYS-36. Hiscock, Hoar, Jones of Arkansa Jones of Nevada, Manderson, Aldrich. Cullom, Riddleberger, Bate, Berry, Blair, Blodgett, Dawes, Dolph, Edmunds, Evarts, Faulkner, Sherman, Spooner, Stewart, Stockbridge, Chace, Chandler, Cockrell, Coke, Morrill, Paddock, Platt, Turpie, Vest, Walthall, Wilson of Iowa. Frye, Harris, Hawley, Reagan, ABSENT-20.

Farwell, Gibson, Hale, Hearst, Ingalls, Saalsbury, Allison, Kenna, McPherson, Palmer, Beck, Bowen, Call, Sawyer, Stanford, Teller, Vance. Davis, Sabin.

So the amendment was rejected.

Mr. BROWN. I desire to offer one more amendment. I move to strike out paragraph 287 and to insert:

287. Rice—Cleaned, 11 cents per pound; uncleaned rice, 11 cents per pound; and paddy, three-fourths of 1 cent per pound. Broken rice, or sour, that will pass through a sieve commercially known as No. 12 wire sieve, 20 per cent. ad valorem

Mr. HARRIS. Let the part be read that is proposed to be stricken

The PRESIDENT pro tempore. The part proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out paragraph 287, in the following words:

287. Rice.—Cleaned, 1 cent per pound; uncleaned rice and rice flour and meal, one-half of 1 per cent. per pound; rice, broken, which will pass through a sieve known commercially as No. 12 wire sieve, and paddy, one-fourth of 1 cent per pound.

#### And in lieu thereof to insert:

287. Rice.—Cleaned, 1½ cents per pound; uncleaned rice, 1½ cents per pound; and paddy, three-fourths of 1 cent per pound; broken rice, or flour, that will pass through a sieve commercially known as No. 12 wire sieve, 20 per cent. ad valorem.

Mr. BROWN. Instead of cleaned rice at 1 cent per pound, my amend-

ment would fix the duty at  $1\frac{3}{4}$  cents per pound.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BROWN].

The amendment was rejected.

Mr. ALDRICH. From the committee I move to amend the paragraph now under consideration in the manner indicated by the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out paragraph 287 and in lien thereof to insert:

287. Rice.—Cleaned, 1½ cents per pound; uncleaned rice and rice flour and meal, 1 cent per pound; paddy, one-half of 1 cent per pound. Rice, broken, which will pass through a sieve known commercially as No. 12 wire sieve, one-fourth of 1 cent per pound.

Mr. HARRIS. Is that amendment from the committee?

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island from the Committee on

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Colorado [Mr. Bowen].

Mr. PASCO (when his name was called). I am paired with the Sena-

tor from Illinois [Mr. FARWELL].

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. I will announce the pair

for the rest of evening.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. VANCE. I have transferred the pair I have with the Senator from Michigan [Mr. PALMER] to the Senator from Kentucky [Mr. Beck], so as to enable the Senator from Maine [Mr. HALE] and myself to vote. I vote "nay."

Mr. HALE. I vote "yea."

The result was announced-yeas 45, nays 11; as follows:

		YEAS-45.	
Aldrich, Allison, Blackburn, Blair, Brown, Butler, Cameron, Chace, Colquitt, Cullom, Dawes, Dolph,	Edmunds, Eustis, Evarts, Frye, George, Gübson, Gorman, Gray, Hale, Hampton, Hawley,	Hoar, Ingalis, Jones of Nevada, Manderson, Mitchell, Morgan, Morrill, Paddock, Payne, Platt, Pugh, Quay,	Ransom, Riddleberger, Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iow. Wilson of Md.
		NAYS-11.	
Bate, Berry, Blodgett,	Cockrell, Coke, Harris,	Reagan, Turpie, Vance,	Vest, Walthall.
	1	ABSENT-20.	
Beck, Bowen, Call, Chandler, Daniel	Davis, Farwell, Faulkner, Hearst, Jones of Arkan	Kenna, McPherson, Palmer, Pasco, sas. Plumb.	Sabin, Saulsbury, Sawyer, Stanford, Voorbees.

So the amendment was agreed to.

Mr. PLUMB. After paragraph 378, on page 152, I move to insert: Silk, raw or as reeled from the ecooon, but not doubled, twisted, or advanced in manufacture in any way, and silk waste, 25 per cent. ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kansas, to add to-

Mr. VANCE. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. It is proposed to add after paragraph 378—Mr. PLUMB. That is to be a separate paragraph, 378½. It has no connection with the paragraph preceding it. It comes in after paragraph 378.

The PRESIDENT pro tempore. It is proposed to add as paragraph 3781 what will be read by the Secretary.

The Chief Clerk read as follows:

3784. Silk, raw or as reeled from the cocoon, but not doubled, twisted, or advanced in manufacture in any way, and silk waste, 25 per cent. ad valorem.

Mr. PLUMB. I ask for the yeas and mays on agreeing to the amend-

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL].

The roll-call was concluded.

Mr. TELLER. The Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 22, nays 34; as follows:

	X	EAS-22.	
Blair, Brown, Butler, Coke, Davis, Dawes,	Dolph, George, Hoar, Ingalls, Manderson, Mitchell,	Morgan, Paddock, Payne, Plumb, Pugh, Quay,	Ransom, Reagan, Stewart, Teller.
AND CLASS	N	AYS-34.	
Aldrich, Allison, Bate, Blackburn, Blodgett, Chace, Chandler, Cockrell, Colquitt,	Cullom, Edmunds, Eustis, Evarts, Faulkner, Frye, Gorman, Gray, Hale,	Harris, Hawley, Hiscock, Jones of Arkansas Jones of Nevada, Morrill, Platt, Riddleberger, Spooner,	Stockbridge, Turpie, Vance, Vance, Vest, Walthall, Wilson of Iowa, Wilson of Md.
	AE	SENT-20.	
Beck, Berry, Bowen, Call, Cameron,	Daniel, Farwell, Gibson, Hampton, Hearst,	Kenna, McPherson, Palmer, Pasco, Sabin,	Saulsbury, Sawyer, Sherman, Stanford, Voorhees.

So the amendment was rejected.

Mr. PLUMB. I now move to add to the bill what I send to the desk, being in substance the amendment which I offered some days since providing for a customs commission. I should like to say some-

thing upon it, but I forbear.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add the following additional

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add the following additional sections:

That a commission is hereby created and established in the Treasury Department, to be known as the customs commission, to be composed of five commissioners to be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office two, three, four, five, and six years, respectively, from the date of their respective appointments, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No more than three of the commissioners shall be appointed from the same political party. No person engaged in importing merchandise into the United States, and no person engaged in manufactures, or who is in any manner pecuniarily interested therein, shall hold such office. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. They shall be entitled, in addition, to compensation for actual traveling and other necessary expenses in the discharge of their duties. They shall choose one of their own number to be the president of the commission. They shall have power to employ a clerk, a stenographer, and a messenger, and, with the approval of the Secretary of the Treasury, such other clerical assistants as shall be necessary to the performance of their duties, and at such rates of compensation as they may establish, with the approval of the Secretary of the Treasury. Their salaries, expenses, and the compensation of the clerk, stenographer, messenger, and such additional clerical force as may thus be employed shall be paid out of any money in the T

periods. Fourth. To ascertain whether in any and what instances the particular rates of customs duties have operated to increase or diminish production in the United

of customs duties have operated to increase or diminish production in the United States.

Fifth. To ascertain in what particulars rates of customs duties, existing from time to time, operate injuriously or favorably to the development and increase of American manufactures and productions, or operate injuriously or favorably to the consumers of such manufactured articles and productions in respect of causing or contributing to the payment of unreasonable prices by consumers, or the removal or reduction of the same.

Sixth. To ascertain the effect of the customs duties upon the price of agricultural productions of the country and their sale in United States markets and their consumption in the United States.

Seventh. To ascertain the effect of such customs duties, both actual and relative, in respect of the employment and the payment of remunerative wages, both actual and relative, to labor in the United States, and a comparison of the same with the labor and wages in other countries.

Eighth. To consider the effect of customs duties, or the absence of them, upon the agricultural, commercial, manufacturing, mining, and other industrial interests of the people of the United States.

Ninth. To ascertain and compare the actual cost and the selling price, both at wholesale and retail, of similar manufactured commodities reduced to American weights, measures, and money in the United States and elsewhere.

Tenth. To ascertain the growth and development of the principal manufacturing industries affected by the tariff schedules in England, France, Germany, Belgium, and the United States for the last twenty-five years; and to ascertain the relative cost of transportation in those countries and the United States.

SEC, 47. That for the purpose of such inquiries and investigations the commission may visit any part of the United States, and by public notice or otherwise invite testimony and information from all persons interested. They may from time to time also delegate one of their number to visit foreign countries to make investigation respecting the labor and industries of those countries whenever such investigation may be necessary to promote the objects of the commission, and they may require information concerning the labor and industries of foreign countries from consular or other agents of the United States in those countries, and such agents shall furnish the information so required promptly and without charge.

SEC, 48. That the commission shall report its proceedings in respect of the matters hereinbefore in this act mentioned, with the statistics and evidence upon which its report is based, together with recommendations for changes in customs dues which they may deem advisable and necessary, and the ground upon which its conclusions concerning such changes have been reached, to Congress, in the month of December in each year. It shall cause the testimony and statistics taken and obtained in respect of the matters in this act mentioned to be printed from time to time and distributed to members of Congress 9,000 copies of its annual report, together with statistics and testimony hereinbefore mentioned. It is hereby made the duty of the Public Printer to execute the printing provided for in this act.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Kansas [Mr. Plumb].

Mr. Plumb. I move to amend the amendment, which I have a

right to do at the present stage of consideration.

The PRESIDENT pro tempore. The Senator can modify his amend-

Mr. PLUMB. I wish to modify the amendment by adding, after the word "office," in line 13, on the first page, the words "or other sufficient cause," so that the power of removal may be for inefficiency, neg-

cient cause," so that the power of removal may be for inefficiency, neglect of duty, malfeasance in office, or other sufficient cause, striking out the word "or," preceding "malfeasance."

The PRESIDENT pro tempore. The modification will be stated.

The CHIEF CLERK. In line 13, in the first section of the proposed amendment, after the word "office," it is proposed to insert the words "or other sufficient cause;" and between the words "duty" and "malfeasance" to strike out "or;" so as to read:

Any commissioner may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or other sufficient cause.

The amendment was agreed to.
Mr. VANCE. Were we taking the vote upon the amendment of the Senator from Kansas or the modification which he proposed?
The PRESIDENT pro tempore. The modification the Senator proposed did not require any action by the Senate. The question was taken upon the amendment proposed by the Senator from Kansas.

Mr. VANCE. It was not known here.

The PRESIDENT pro tempore. As the Senator states that the vote was taken without his understanding the question, it will be again submitted. The question is on the amendment. The amendment was agreed to.

Mr. ALLISON. Has section 2508, on page 194, been read?
The PRESIDENT pro tempore. It has not been read.
Mr. ALLISON. I ask that it may be read.
The PRESIDENT pro tempore. It will be read.
The Chief Clerk read as follows:

The Chief Clerk read as follows:

SEC. 2508. That the importation of all articles of foreign manufacture, or of boxes or packages containing the same, when stamped, marked, branded, or labeled to represent that such articles were manufactured in the United States, is hereby prohibited, and all such articles shall be forfeited to the United States.

Mr. ALLISON. I have no amendment to offer to that section, but on page 181 I move to strike out paragraph 761. I believe that has not been done.

The PRESIDENT pro tempore. The amendment will be reported. The CHIEF CLERK. On page 181 it is proposed to strike out line 2362, paragraph 761, as follows:

761. Sugar of milk.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair would call the attention of the Senator from Iowa to paragraph 745, on page 180, which has not been read.

Mr. ALLISON. I ask that it may be read. The PRESIDENT pro tempore. It will be read.

The Chief Clerk read as follows:

745. Silk, raw, or as reeled from the cocoon, but not doubled, twisted, or advanced in manufacture in any way.

Mr. ALLISON. On page 126, I propose, as an amendment to paragraph 257, line 981, to strike out "ten" and insert "thirteen." I will make one amendment of the whole paragraph. In line 984, after the word "twenty," I move to insert "five;" in line 986, to strike out the word "forty" and insert "fifty," and in line 988, to strike out [thirty], and insert "they?" so at a make the paragraph read. "eight" and insert "ten;" so as to make the paragraph read:

257. Oranges, lemons, or limes, in packages of capacity of 1½ cubic feet or less, 13 cents per package; in packages of capacity exceeding 1½ cubic feet and not exceeding 2½ cubic feet, 25 cents per package; in packages of capacity exceeding 2½ cubic feet and not exceeding 5 cubic feet, 50 cents per package; in packages of capacity exceeding 5 cubic feet, for every additional cubic foot or fractional part thereof, 10 cents; in bulk, \$1.50 per 1,000.

The PRESIDENT pro tempore. The question is on the amendment Blackburn,

proposed by the Senator from Iowa. [Putting the question.] By the sound the noes have it.

Mr. HOAR. Let the vote be taken again.

The PRESIDENT pro tempore. The Chair will again take the question by the sound. [Putting the question.] By the sound the noes

Mr. ALLISON. Let us have a division.

The question being again put, there were, on a division—ayes 23, noes 11; no quorum voting.

Mr. MORRILL. I call for the yeas and nays.

The yeas and nays were ordered. Mr. ALLISON. I ask unanimous consent to pass over this paragraph for a few moments.

The PRESIDENT pro tempore. It appears on the vote last taken

that no quorum is present.

Mr. ALLISON. All right.

Mr. BUTLER. On page 169-

The PRESIDENT pro tempore. It is ascertained by the last vote that a quorum is not present.

Mr. BUTLER. I do not demand a quorum.

Mr. VANCE (at 6 o'clock and 19 minutes p. m.). I think it is manifest that we can not finish this bill to-night. I move that we adjourn.

Mr. ALLISON. Ihope not. I think it manifest we shall finish the bill in a few minutes if we just pay attention to it. There are only a few more amendments.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment proposed by the Senator from Iowa [Mr. AL-LISON].

Mr. BROWN. Let the amendment be again reported.

The PRESIDENT pro tempore. The amendment will be reported. The Chief Clerk read the amendment proposed by Mr. Allison. The PRESIDENT pro tempore. The question is on the amendment, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. BUTLER. I have been requested to announce a pair between the Senator from Texas [Mr. Coke] and the Senator from Massachusetts [Mr. DAWES].

Mr. MITCHELL. I desire to state that the Senator from Colorado [Mr. Teller] is temporarily absent and paired with the Senator from Arkansas [Mr. Jones]

Mr. BLACKBURN (after having voted in the negative). I desire to withdraw my vote, seeing that the Senator from Nebraska [Mr. Man-

DERSON], with whom I am paired, is not in his seat.

The PRESIDENT pro tempore. The Senator from Kentucky with-

draws his vote.

Mr. ALLISON. If the Senator desires, I will exchange my pair with the Senator from New Jersey [Mr. McPherson]. I will transfer the pair of the Senator from Nebraska [Mr. MANDERSON] with the Senator from Kentucky [Mr. BLACKBURN] to the Senator from New Jersey, and then the Senator from Kentucky and myself can vote.

Mr. BLACKBURN. Then I will allow my vote to stand.

The PRESIDENT pro tempore. Does the Chair understand that the Senator from Kentucky desires his vote to stand?

Mr. BLACKBURN. I will allow my vote to stand under the arrangement of the transfer of pairs made by the Senator from Iowa.

Mr. ALLISON. I vote "yea."

Mr. SPOONER. I am paired with the Senator from Mississippi [Mr. WALTHALL].
Mr. COLQUITT. I am paired with the Senator from Rhode Island

[Mr. CHACE]

Mr. WILSON, of Iowa. I am paired with the Senator from Mary-

land [Mr. Wilson]. If he were present, I should vote "yea.
Mr. TELLER (after having voted in the affirmative). I

whether the Senator from Arkansas [Mr. Jones] has voted?
The PRESIDENT pro tempore. He is not recorded.
Mr. PASCO. I think the Senator from Arkansas went out relying upon his pair with the Senator from Colorado.

The PRESIDENT pro tempore. The Senator from Arkansas is not

recorded.

Mr. TELLER. Then I withdraw my vote.

The result was announced—yeas 39, nays 7; as follows:

	A A Mayor	YEAS-39.	
Aldrich, Allison, Bate, Bowen, Brown, Butler, Call, Chandler, Cullom, Daniel,	Davis, Dolph, Edmunds, Evarts, Farwell, Faulkner, George, Gibson, Gorman, Gray,	Hale, Hawley, Hoar, Ingalls, Jones of Nevada, Mitchell, Morgan, Morrill, Paddock, Pasco,	Payne, Platt, Plumb, Quay, Riddleberger, Sherman, Stewart, Turple, Vance.
		NAYS-7.	
Berry,	Coekrell,	Reagan,	Voorhees.

ABSENT-30.

Beck, Blair, Blodgett, Cameron, Chace, Coke, Colquitt, Eustis, Frye, Hampton, Dawes

Manderson, Palmer, Pugh, Ransom, Sabin, Saulsbury, Hearst, Hiscock, Jones of Arkansas, Kenna, McPherson, Sawver. Spooner,

Stanford, Stockbridge, Teller, Walthall, Wilson of Iowa, Wilson of Md,

So the amendment was agreed to.

I move, on page 181, paragraph 754, to strike out Mr. CALL.

"sponges."
The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. On page 181, line 2350, it is proposed to strike

754. Sponges.

Mr. CALL. If it be in order I will accompany that motion with another: to insert in line 1787, after the word "pearls," the words "sponges, 30 per cent. ad valorem." This will take sponges off the free-list and impose a duty of 30 per cent, on them. The existing law is 25 per cent.

The PRESIDENT pro tempore. Will the Senator indicate the para-

graph and line?

Mr. CALL. On page 181, in the free-list, I move to strike out in paragraph 754 the word "sponges" and insert, after the word "pearls," in line 1787, the words "sponges, 30 per cent. ad valorem."

The PRESIDENT pro tempore. The Chair would suggest to the Senator that, as indicated by him, the paragraph would be unintelli-

The Chair would suggest to the Senator to insert a new paragraph with the numerals 425

Mr. CALL. I will accept the suggestion of the Chair.

The PRESIDENT pro tempore. The amendment will be stated from

The SECRETARY. On page 181, it is proposed to strike out:

754. Sponges.

And to insert as a new paragraph: 4251. Sponges, 30 per cent. ad valorem

The PRESIDENT pro tempore. The two amendments will be treated as one question, if there be no objection.

The amendments were rejected.

Mr. CALL. I ask unanimous consent of the Senate that the memorial of merchants of New York representing the Florida sponge fisheries and of fishermen of sponges residing in Florida, protesting against placing sponges on the free-list, presented by me yesterday, be printed in the RECORD. The memorial relates to the amendment which I have just moved.

The PRESIDENT pro tempore. What disposition of the memorial

does the Senator desire?

Mr. CALL. I ask unanimous consent that it may be inserted in the RECORD in connection with the amendment in relation to sponges

The PRESIDENT pro tempore. The Chair hears no objection. memorial will be inserted in the RECORD.

The memorial is as follows:

To the honorable Senators and Representatives in Congress of the United States:

We, the undersigned merchants of New York, representing the Florida sponge fisheries, and we, the fishermen of sponges, residing in the State of Florida and following our vocation in the sponge-fishing waters of Florida, hereby petition that the article of sponges be not placed on the list of articles to be admitted free of duties on the tariff bill now under consideration for the

to be admitted free of duties on the tariff bill now under consideration for the following reasons, namely:

First. The present rate of duties is 20 per cent. ad valorem, and the revenue derived from the payment of the same does not exceed \$80,000 per annum, which is no appreciable item on a surplus revenue.

Second. The rate of duties now exacted is sufficient to protect the fisheries of Florida, and only sufficients to compensate the fishermen in fair day's wages.

Third. The admission of sponges free of duties will result in consignments on commission from the Mediterranean and Bahama Islands, and will exclude the sponges of Florida by reason of the competition, lowering the price of the Florida product, and finally compelling the abandonment of the trade.

Fourth. The capital now represented in fishing boats, tackle, and other plant will become valueless from abandonment, our occupation unprofitable, compelling a seeking of new fields of labor, breaking up our homes, and scattering our families.

Respectfully submitted.

Mr. ALLISON. On page 174 I move the amendment which I send

Mr. ALLISON. On page 174 I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to consolidate the paragraphs from 644 to 666, inclusive, as one paragraph.

Mr. ALLISON. It is not necessary to reread those paragraphs. It is an amendment of which I gave notice some days ago.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. I offer another amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.
The SECRETARY. In paragraph 382, on page 152, line 1646, after the word "process," it is proposed to insert "photograph, autograph, and scrap albums, wholly or partially manufactured;" so as to make the paragraph read:

382. Papers known commercially as surface-coated papers, and manufactures thereof, card-boards, albumenized and sensitized papers, lithographic prints

from either stone or zinc, bound or unbound (except illustrations in printed books), and all articles produced either in whole or in part by lithographic process, photograph, autograph, and scrap albums, wholly or partially manufactured, 35 per cent. ad valorem.

Mr. ALDRICH. The word "and" should be inserted before the word "photograph."

The PRESIDENT pro tempore. That modification will be made, if there be no objection. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. ALLISON. On page 124, paragraph 247, I move an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In paragraph 247, line 949, it is proposed to strike out "1 cent" and insert "1½ cents;" so as to read:

Chicory root, burnt or roasted, 11 cents per pound.

Mr. ALLISON. On page 130, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to amend paragraph 294, on page 130, by adding thereto:

De gras, 1 cent per pound.

The PRESIDENT pro tempore. Will the Senator from Iowa indicate whether the word "de gras" is spelled correctly—"d-e-g-r-a-s?"
Mr. ALLISON. "De gras," I think it is.

Mr. ALLISON. "De gras," I think it is.

The PRESIDENT pro tempore. The paragraph will be read as proposed to be amended.

The SECRETARY. It is proposed to amend paragraph 294, on page 130, so as to read:

294. Tallow, 1 cent per pound. De gras, 1 cent per pound.

The PRESIDENT pro tempore. A semicolon will be inserted instead of the period after the word "pound" where it first occurs.

Mr. ALLISON. Yes, sir. The amendment was agreed to.

Mr. ALLISON. On page 167, line 2003, I believe there was an amendment added. At the end of that amendment I move to insert "and watch jewels."

The PRESIDENT pro tempore. The amendment will be stated.
The SECRETARY. On page 167, at the end of line 2003, it is proposed to insert the words "and watch jewels."

Mr. VEST. Is that the free-list? Mr. ALLISON. It is the free-list.

Mr. VEST. I ask for the yeas and nays on that.
Mr. ALLISON. I would rather withdraw the amendment at this moment of time than spend the time in taking the yeas and nays on it.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. ALLISON. I shall offer it later when we have a fuller Senate. On page 227, after "United States," in line 18, I offer an amendment

The PRESIDENT protempere. The amendment will be stated.
The SECRETARY. On page 227, line 18, after "United States," it is proposed to insert:

So much of section 2804 of the Revised Statutes of the United States as requires that a stamp shall be affixed to each box of imported cigars, to indicate the inspection thereof by customs officers, be, and the same is hereby, repealed. The amendment was agreed to.

Mr. ALLISON. I offer an amendment now which is a mere consolidation of paragraphs.

The SECRETARY. It is proposed to consolidate paragraphs 720 to

741, inclusive, into one paragraph, as follows—

Mr. ALLISON. It is not necessary to read that.

Mr. HOAR. It is a mere method of arranging the items.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the reading of the amendment may be waived. The Chair hears no objection. The question is on agreeing to the amend-

The amendment was agreed to.

Mr. BUTLER. On page 169, paragraph 561, after the word "matting," I move to insert "20 per cent. ad valorem."

The PRESIDENT pro tempore. The amendment will be stated.
The SECRETARY. On page 169, line 2051, after the word "matting," it is proposed to insert "20 per cent. ad valorem;" so as to make the paragraph read:

561. Floor-matting manufactured from round or split straw, including what is commercially known as Chinese matting, 20 per cent. ad valorem.

The amendment was rejected.

Mr. MORGAN. I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC.—. That all laws and parts of laws which exempt from the payment of duties any articles of commerce upon which duties are imposed in this act, when such articles have been entered in the custom-houses of the United States and are in transit through the United States, to or from the Dominion of Canada or any province thereof, are hereby declared to be inoperative: Provided, That this declaration does not apply to Article XXX of the treaty with Great Britain, concluded May 8, 1871, or to that part of any act of Congress which gives operation and effect to said article.

Mr. MORGAN. I ask for the yeas and nays on that. \*

Mr. HOAR. Is that amendment in order? Is it germane to the bill? The PRESIDENT pro tempore. The Chair knows of no reason why it is not in order.

Mr. HOAR. I heard the amendment read imperfectly.

The PRESIDENT pro tempore. The Chair will hear any suggestion on that subject. Does the Senator from Massachusetts desire to have the amendment again read?

Mr. HOAR. Let it be read.

The PRESIDENT pro tempore. It will be again read.
The Chief Clerk read the amendment of Mr. MORGAN.

Mr. VANCE (at 6 o'clock and 46 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina. [Putting the question.] By the sound the noes have it.

Mr. VANCE. I ask for the yeas and nays

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL], and therefore withhold my vote.

Mr. STEWART (when his name was called). I am paired with the

Senator from South Carolina [Mr. HAMPTON].

Mr. TELLER (when his name was called). I am paired with the senior Senator from Arkansas [Mr. Jones], otherwise I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN (after having voted in the affirmative). I with draw my vote, as the Senator from Nebraska [Mr. MANDERSON], with whom I am paired, is not present.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. Eustis], and therefore withhold my vote.

The result was announced—yeas 18, nays 32; as follows:

	I Di	70-10'	
Bate, Blodgett, Butler, Call, Cockrell,	Coke, Colquitt, Daniel, Faulkner, Gibson,	Gray, Harris, Morgan, Reagan, Turpie,	Vance, Vest, Voorhees,
	NAY	78-32.	
Aldrich, Allison, Bowen, Brown, Cameron, Chace, Chandler, Cullom,	Davis, Dawes, Dolph, Edmunds, Evarts, Farwell, Frye, Hale,	Hawley, Hoar, Ingalls, Jones of Nevada, Mitchell, Morrill, Palmer, Payne,	Platt, Plumb, Quay, Riddleberger, Sawyer, Sherman, Stockbridge, Wilson of Iowa.
	ABSE	NT-26.	
Beck, Berry, Blackburn, Blair, Eustis, George, Gorman.	Hampton, Hearst, Hiscock, Jones of Arkansas, Kenna, McPherson, Manderson.	Paddock, Pasco, Pugh, Ransom, Sabin, Saulsbury, Spooner.	Stanford, Stewart, Teller, Walthall. Wilson of Md,

So the Senate refused to adjourn.

The PRESIDENT pro tempore. Before proceeding further the Chair feels it to be his duty to call attention to the terms of the original agreement made on the 20th of December. The Secretary will read a few paragraphs that relate to the question of the final consideration of this bill.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

The PRESIDENT pro tempore. If there be no objection—
Mr. Allison. I do not object, but I think it ought to be also understood that at the session on the 21st of January we shall have a final vote upon the bill before adjournment that day. I think that is important.
Mr. MORRILL. That is according to the proposition.
Mr. Allison. I suppose that is the understanding.
Mr. SHERMAN. That is in the proposition.
Mr. HALE. Yes, that is in it.
Mr. Allison. Is it understood that the proposition shall comprehend the final vote upon the bill before the adjournment on the 21st of January?
Mr. Aldrich and Mr. Harris. Certainly.
Mr. SHERMAN. After the hour of 1 on that day there is to be no further debate.

Mr. VANCE. If the agreement was that we should have a final vote to-day before adjournment, I owe an apology for moving to adjourn; but I did not so understand the agreement. I understood that the debate was to cease at 5 o'clock, and then that the vote should be taken without debate on amendments.

Mr. BUTLER. My understanding of the agreement entered into subsequently to the one read from the Secretary's desk was that the final vote on the bill should be had to-day at 5 o'clock. I have been very much misled if that is not true; and now it is very nearly 7 o'clock and we are still voting. I should like to know what was the understanding. That was my understanding.

Mr. ALLISON. The time was extended from 1 o'clock to-day until 5 o'clock for the beginning of the vote on amendments without debate.

Mr. BUTLER. I understood that the final vote was to take place at 5 o'clock, and we are here now voting two hours after 5 o'clock

Mr. ALDRICH. Is there an amendment pending?
The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN], on which the eas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr STEWART (when his name was called). I am paired with the

Senator from South Carolina [Mr. HAMPTON].

Mr. WILSON, of Iowa (when his name was called). , I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. SPOONER (after having voted in the negative). I voted inadvertently. I am paired with the Senator from Mississippi [Mr. Wal-THALL], who is not in the Chamber, and I therefore ask leave to with-

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his vote.

Mr. FARWELL (after having voted in the negative). I withdraw my vote, as I am paired with the Senator from Florida [Mr. PASCO].

The PRESIDENT pro tempore. The Senator from Illinois withdraws

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from New Jersey [Mr. McPherson], and withdraw

my vote.

The PRESIDENT pro tempore. The Senator from Iowa withdraws

Mr. CALL (after having voted in the affirmative). with the Senator from Colorado [Mr. Bowen], and withdraw my vote.

The PRESIDENT pro tempore. The Senator from Florida withdraws his vote.

Mr. MORGAN. My colleague [Mr. Pugh] has a general pair with some Senator. He is absent necessarily from the Senate at this time. If he were present, he would vote "yea."

The result was announced—yeas 22, nays 23; as follows:

	YE	AS-22.	
Bate, Berry, Blackburn, Blodgett, Brown, Butler,	Coke, Colquitt, Daniel, Faulkner, George, Gibson,	Gray, Harris, Jones of Arkansas, Morgan, Payne, Reagan,	Turpie, Vance, Vest, Voorhees,
The state of the state of	NA.	YS-23.	
Aldrich, Blair, Chandler, Cullom, Davis, Dawes,	Edmunds, Evarts, Frye, Hawley, Hiscock, Hoar,	Ingalls, Manderson, Mitchell, Morrill, Palmer, Platt,	Plumb, Quay, Sherman, Stockbridge, Teller,
	ABS	ENT-31.	
Allison, Beck, Bowen, Call, Cameron, Chace, Cockrell, Dolph,	Eustis, Farwell, Gorman, Hale, Hampton, Hearst, Jones of Nevada, Kenna,	McPherson, Paddock, Pasco, Pugh, Ransom, Riddleberger, Sabin, Saulsbury,	Sawyer, Spooner, Stanford, Stewart, Walthall, Wilson of Iowa, Wilson of Md.

So the amendment was rejected.

Mr. ALDRICH. In paragraph 533, in behalf of the committee, I move to add:

And jewels to be used in the manufacture of watches

Mr. VANCE. What is the effect of the amendment?

The PRESIDENT pro tempore. The amendment will be stated from

The CHIEF CLERK. At the end of paragraph 533 it is proposed to

And jewels to be used in the manufacture of watches.

So as to make the paragraph read:

533. Diamonds and other precious stones, rough or uncut (including glaziers' and engravers' diamonds not set), and diamond dust or bort, and jewels to be used in the manufacture of watches.

Mr. HARRIS. What is the duty imposed by the amendment, or in what schedule is it placed?

Several SENATORS. On the free-list.

The PRESIDENT protempore. On the free-list.

Mr. HARRIS. That is what I wanted to understand.

The PRESIDENT pro tempore, of the Senator from Rhode Island. The question is on the amendment

Mr. HARRIS and Mr. VANCE asked for the yeas and nays, and they ere ordered.

The Chief Clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. WILSON, of Iowa (when his name was called). I am paired in the Senator from Manufacture (Mr. WILSON).

with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. Beck], but I transfer that pair to the Senator from Rhode Island [Mr. CHACE] and vote "yea."

The result was announced-yeas 30, nays 26; as follows:

	1100	YEAS-30.	
Aldrich, Allison, Blair, Bowen, Cameron, Chandler, Cullom, Davis,	Dawes, Dolph, Edmunds, Evarts, Farwell, Frye, Hale, Hawley,	Hiscock, Hoar, Jones of Nevada, Manderson, Mitchell, Morrill, Palmer, Platt,	Plumb, Quay, Sherman, Spooner, Stockbridge, Teller.
	• 17	AYS-26.	
Bate, Berry, Blackburn, Blodgett, Butler, Call, Coke,	Colquitt, Daniel, Eustis, Faulkner, George, Gibson, Gray,	Harris, Jones of Arkansas Morgan, Pasco, Payne, Pugh, Ransom,	Turpie, Vance, Vest, Voorhees, Walthall.
	AI	SENT-20.	
Beck, Brown, Chace, Cockrell, Gorman,	Hampton, Hearst, Ingalls, Kenna, McPherson,	Paddock, Reagan, Riddleberger, Sabin, Saulsbury,	Sawyer, Stanford, Stewart, Wilson of Iowa, Wilson of Md.
Ca the ame	admost mas some	3 40	

So the amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments in Committee of the Whole to the amendment proposed by the Committee on Finance, the question is on agreeing to the substitute reported by the committee as amended.

Mr. GEORGE. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Mississippi will be stated from the desk.

The CHIEF CLERK. On page 186, after line 2470, it is proposed to

All machinery for the manufacture of cotton fabrics and of cotton and woolen fabrics, and also all machinery for the manufacturing of any bagging to cover baled cotton, shall be admitted free of duty.

Mr. GEORGE. On that I call for the yeas and nays. The yeas and nays were ordered, and the Chief Clerk proceeded to

Mr. ALLISON (when his name was called). I am paired with the Senator from New Jersey [Mr. McPherson], or I should vote in the negative. I withhold my vote for the present.

Mr. STEWART (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Mayrland [Mr. WILSON].

with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. EUSTIS. I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were present, I should vote "yea."

YEAS-22

The result was announced—yeas 22, nays 32; as follows:

Bate, Berry, Blackburn, Brown, Butler, Call,	Cockrell, Coke, Daniel, George, Gibson, Harris,	Jones of Arkansas, Morgan, Pasco, Pugh, Ransom, Reagan,	Turple, Vance, Vest, Walthall,
	N	AYS-32.	
Aldrich, Blair, Bowen, Cameron, Chandler, Cullom, Davis, Dawes,	Dolph, Edmunds, Evarts, Farwell, Frye, Gorman, Hale, Hawley,	Hiscock, Hoar, Ingalls, Jones of Nevada, Manderson, Mitchell, Morrill, Palmer,	Payne, Platt, Plumb, Quay, Sherman, Spooner, Stockbridge, Teller.
	AI	SENT-22.	
Allison, Beck, Blodgett, Chace, Colquitt, Eustis,	Faulkner, Gray, Hampton, Hearst, Kenna, McPherson,	Paddock, Riddleberger, Sabin, Saulsbury, Sawyer, Stanford,	Stewart, Voorhees, Wilson of Iowa, Wilson of Md.

So the amendment was rejected.

Mr. GEORGE. I offer another amendment to come in at the same place.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. After line 2470, on page 186, it is proposed to

All machinery for the spinning of cotton into yarn shall be admitted free of duty.

Mr. GEORGE. On that I call for the yeas and nays. The yeas and nays were ordered, and the Chief Clerk proceeded to

Mr. STEWART (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], but have transferred that pair to my colleague [Mr. Jones, of Nevada], and I vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

The roll-call having been concluded, the result was announced—yeas

21, nays 31; as follows:

	1	TEAS-21.	
Berry, Blackburn, Brown, Butler, Call, Cockrell,	Coke, George, Gibson, Gray, Harris, Jones of Arkans	Morgan, Pasco, Ransom, Reagan, Turpie, sas, Vance,	Vest, Voorhees, Walthall,
	N	AYS-31.	
Aldrich, Blair, Bowen, Cameron, Chandler, Cullom, Davis, Dawes,	Dolph, Edmunds, Evarts, Farwell, Frye, Hale, Hawley, Hiscock,	Hoar, Ingalls, Manderson, Mitchell, Morrill, Palmer, Payne, Platt,	Plumb, Quay, Sherman, Spooner, Stewart, Stockbridge, Teller.
	Al	BSENT-24.	
Allison, Bate, Beck, Blodgett, Chace Colquitt,	Daniel, Eustis, Faulkner, Gorman, Hampton, Hearst,	Jones of Nevada, Kenna, McPherson, Paddock, Pugh, Riddleberger,	Sabin, Saulsbury, Sawyer, Stanford, Wilson of Iowa, Wilson of Md.

So the amendment was rejected.

Mr. GEORGE. I offer another amendment to come in at the same place.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. After line 2470, on page 186, it is proposed to

All agricultural implements and tools for mechanics and laborers shall be admitted free of duty.

Mr. GEORGE. I call for the yeas and nays on that amendment. The yeas and nays were ordered, and the Chief Clerk proceeded to

call the roll. Mr. STEWART (when the name of Mr. Jones, of Nevada, was called). My colleague [Mr. JONES] is paired with the Senator from South Car-

olina [Mr. HAMPTON].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. SAWYER. I am paired on this bill and on all the amendments connected with it with the Senator from Delaware [Mr. SAULSBURY]. I make this announcement for the day. I have, however, the right to

vote if necessary to make a quorum.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from New Jersey [Mr. McPherson], and withdraw

The PRESIDENT pro tempore. The Senator from Iowa withdraws

The result was announced-yeas 21, nays 30; as follows:

	YE.	AS-21.	
Bate, Berry, Blackburn, Butler, Cockrell, Coke,	Colquitt, Daniel, George, Gibson, Gray, Harris,	Jones of Arkansas, Morgan, Pasco, Ransom, Reagan, Vance,	Vest, Voorhees, Walthall.
	NA	YS-30.	
Aldrich, Blair, Cameron, Chace. Chandler, Cullom, Davis, Dawes,	Dolph, Edmunds, Evarts, Farwell, Frye, Hawley, Hiscock, Hoar,	Ingalls, Manderson, Mitchell, Morrill, Palmer, Payne, Platt, Plumb,	Quay, Sherman, Spooner, Stewart, Stockbridge, Teller,
K.	ABSI	ENT-25.	
Allison, Beck, Blodgett, Bowen, Brown, Call, Eustis,	Faulkner, Gorman, Hale, Hampton, Hearst, Jones of Nevada, Kenna,	McPherson, Paddock, Pugh, Riddleberger, Sabin, Saulsbury, Sawyer,	Stanford, Turpie, Wilson of Iowa. Wilson of Md.

So the amendment was rejected.

Mr. BUTLER. I should be very glad to have some understanding as to when this business is to cease, and therefore, with a view of testing the sense of the Senate, I move that at 8 o'clock the final vote be taken on the bill.

Mr. EDMUNDS. It was agreed by unanimous consent many weeks ago, or many days ago, that to-day we should dispose of this bill.

Mr. BUTLER. That is exactly what I have insisted upon, but it seems the Senator from Vermont and I are both wrong about it. I thought we were to vote at 5 o'clock on the bill, but it seems I was mistaken. The general debate under the ten-minute rule was to cease at 5 o'clock, and then the amendments were to be voted upon without debate. Now, it seems to me that we ought to have some understanding as to when that operation shall cease.

Mr. HOAR. We are through on our side.

Mr. BUTLER. I do not know whether you are through on your side or not. That is what I want to get at, not as to one side or the

The PRESIDENT pro tempore. Debate can only proceed by unanimous consent. Is there objection to the Senator from South Carolina proceeding? The Chair hears none.

Mr. BUTLER. I simply want to come to some understanding as to when we shall have the final vote on this bill. If we are going to stay all night, let us understand it. If we are not going to stay all night, then I can arrange my movements accordingly.

Mr. EDMUNDS.\* Mr. President—

Mr. PLUMB. I rise to move an amendment to the bill.
Mr. BUTLER. Pending that, I ask unanimous consent that the
final vote on the bill be taken at 8 o'clock.

Mr. EDMUNDS. I ask unanimous consent to reply to my friend from South Carolina. By an honorable understanding, which has never yet been violated in the Senate, it was agreed, as I understood, that this day, and now, this bill, every Senator having a right to offer amendments, should be finally disposed of; and for one I feel bound by

that engagement, whatever other gentlemen may do.

Mr. BUTLER. I do not propose to deviate from that engagement. but when is it to end? Are we to go on offering amendments until

day after to-morrow?

Mr. EDMUNDS. It was to end before we adjourned this day.
Mr. BUTLER. I understand that perfectly well. I do not propose
to violate any agreement, but I should like to have some time ap-

pointed when we are to take the final vote on the bill.

Mr. HARRIS. If the Senator from South Carolina will allow me, I will state that there is no limit to the right of Senators to offer amendments. Debate is closed on amendments and on the bill, and it is to be hoped at an early hour we may come to a direct vote upon the substitute for the House bill, but so long as Senators desire to offer amendments without debate they have a right to do so.

Mr. BUTLER. I understand that perfectly well. I have not questioned the right of Senators to offer amendments, but I wanted to as-

tioned the right of Senators to offer amendments, but I wanted to ascertain, if possible, about when that practice would cease.

Mr. HARRIS. No Senator can tell.

Mr. PLUMB. In line 1086, page 130, I move to strike out "25 cents?" and insert "50 cents," which is the present duty.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In line 1086, it is proposed to strike out "25" and insert "50," before the word "cents;" so as to read:

290. Seeds.—Castor beans or seeds, 50 cents per bushel of 50 pounds

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. PLUMB. In line 1086, before the word "cents," I move to strike out "25" and insert "40."

The PRESIDENT pro tempore. The amendment will be stated.
The CHIEF CLERK. In the same line it is proposed to strike out
"25" and insert "40;" so as to read:

290. Seeds.—Castor beans or seeds, 40 cents per bushel of 50 pounds.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas

The amendment was rejected.

Mr. PLUMB. On page 107, line 512, I move to strike out "seventenths" and to insert "eleven-twentieths."
Mr. VEST. What is that on?
Mr. PLUMB. Steel rails.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. On page 107, line 512, it is proposed to strike out "seven-tenths" and insert "eleven-twentieths;" so as to read:

141. Railway bars, made of iron and steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, eleven-twentieths of 1 cent per

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. PLUMB. I ask for the yeas and nays. That will leave a rate of duty of \$12.30 a ton, against \$15.68 as provided in the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HALE (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. Beck] to the Senator from Colorado [Mr. Bowen], and vote "nay."

Mr. STEWART (when the name of Mr. Jones, of Nevada, was called). My colleague [Mr. Jones, of Nevada], is paired with the Senator from South Carolina [Mr. HAMPTON].

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from New Jersey.

Mr. ALLISON. I am paired with the Senator from New Jersey [Mr. McPherson], and therefore withhold my vote.

Mr. SHERMAN. The junior Senator from New Jersey [Mr. Blod-

GETT] has voted against the amendment.

Mr. ALLISON. I should vote "nay" if I were not paired.

The PRESIDENT pro tempore. Does the Senator from Iowa desire to have his vote recorded?

Mr. ALLISON. I think it safer for me to withhold my vote. The result was announced-yeas 29, nays 34; as follows:

	YE	AS-29.	
Bate, Berry, Blackburn, Butler, Call, Cockrell, Coke, Colquitt,	Daniel, Eustis, Faulkner, George, Gibson, Gorman, Gray, Harris,	Jones of Arkansas, Morgan, Pasco, Plumb, Pugh, Ransom, Reagan, Turpie,	Vance, Vest, Voorhees, Walthall, Wilson of Md.
CHIS SYAL TO A	NA.	YS-34.	
Aldrich, Blair, Blodgett, Brown, Cameron, Chace, Chandler, Cullom, Davis,	Dawes, Dolph, Edmunds, Evarts, Farwell, Frye, Hale, Hawley,	Hoar, Ingalls, Manderson, Mitchell, Morrill, Paddock, Palmer, Payne, Platt,	Quay, Sherman, Spooner, Stewart, Stockbridge, Teller, Wilson of Iowa,
	ABS	ENT-13.	
Allison, Beck,	Hearst, Jones of Nevada,	Riddleberger, Sabin,	Stanford.

So the amendment was rejected.

McPherson,

Hampton,

Mr. PLUMB. On page 104, line 447, I move to make the duty ninetenths of 1 cent a pound in place of 1 cent, as we have now fixed the

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 104, lines 446 and 447, it is proposed to strike out "1 cent" and insert "nine-tenths of 1 cent;" so as to

130. Beams, girders, joists, angles, channels, car-truck channels, TT columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, ninetenths of 1 cent per pound.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call

the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from New Jersey [Mr. McPherson]. I should vote "nay"

if I were not paired.

Mr. STEWART (when the name of Mr. Jones, of Nevada, was called).

My colleague [Mr. Jones, of Nevada] is paired with the Senator from South Carolina [Mr. Hampton].

The roll-call having been concluded, the result was announced—yeas 24, nays 32; as follows:

YEAS-24.

Bate, Berry, Blackburn, Butler, Call, Cockrell,	Coke, Colquitt, Daniel, Gibson, Gray, Harris,	Jones of Arkansas Morgan, Pasco, Plumb, Ransom, Reagan,	vance, Vance, Vest, Voorhees, Walthall, Wilson of Md.
		NAYS-32.	
Aldrich, Blair, Blodgett, Bowen, Brown, Cameron, Chace, Chandler,	Dawes, Dolph, Edmunds, Evarts, Farwell, Frye, Gorman, Hawley,	Hiscock, Hoar, Ingalls, Manderson, Mitchell, Morrill, Paddock, Palmer,	Payne, Platt, Quay, Sherman, Spooner, Stewart. Stockbridge, Wilson of Iowa.
	A	BSENT-20.	
Allison, Beck, Cullom, Davis, Eustis,	Faulkner, George, Hale, Hampton, Hearst,	Jones of Nevada, Kenna, McPherson, Pugh, Riddleberger,	Sabin, Saulsbury, Sawyer, Stanford, Teller.

So the amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments to the amendment of the Committee on Finance, as in Committee of the

Whole? If not, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The Senate having made one amendment to the bill as in Committee of the Whole, the amendment will be considered as concurred in, if there be no objection.

Mr. HARRIS. No, the amendment will not be concurred in with-

out a yea-and-nay vote.

The PRESIDENT pro tempore. The Senator from Tennessee asks that upon the question of concurring in the Senate with the amendment made as in Committee of the Whole the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Secretary proceeded to call

the roll.

Mr. FAULKNER (when Mr. KENNA's name was called). [Mr. Kenna], is paired on this question with the Senator from Minnesota [Mr. Sabin]. If my colleague were present, he would vote "nay." Mr. STEWART (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], otherwise I should vote

"yea."

The roll-call was concluded.

Mr. SAWYER. I am paired on this vote with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "yea."

Mr. HALE. I desire to announce my pair with the Senator from Kentneky [Mr. BECK]. If he were here, I should vote "yea" and he

would vote "nay."

Mr. ALLISON (after having voted in the affirmative). I am paired with the Senator from New Jersey [Mr. McPherson]. I have endeavored to secure a transfer of that pair, but have been unable to do so. Therefore I withdraw my vote, having voted in the affirmative.

The PRESIDENT pro tempore. The Senator from Iowa withdraws

his vote.

The result was announced-yeas 32, nays 30; as follows:

	Y	EAS-32.	
Aldrich, Blair, Bowen, Cameron, Chace, Chandler, Cullom, Davis,	Dawes, Dolph, Edmunds, Evarts, Farwell, Frye, Hawley, Hiscock,	Hoar, Ingalls, Jones of Nevada, Manderson, Mitchell, Morrill, Paddock, Palmer,	Piatt, Plumb, Quay, Sherman, Spooner, Stockbridge, Teller, Wilson of Iowa.
	N	AYS-30.	
Bate, Berry, Blackburn, Blodgett, Brown, Butler, Call, Cockrell,	Coke, Colquitt, Daniel, Eustis, Faulkner, George, Gibson, Gorman,	Gray, Harris, Jones of Arkansas Morgan, Pasco, Payne, Pugh, Reagan,	Turpie, Vance, Vest, Voorhees, Walthall, Wilson of Md.
	. AI	SENT-14.	
Allison, Beck, Hale, Hampton,	Hearst, Kenna, McPherson, Ransom,	Riddleberger, Sabin, Saulsbury, Sawyer,	Stanford, Stewart.

So the amendment made as in Committee of the Whole was con-

curred in.

Mr. ALLISON. There is an amendment which I omitted. It is a matter of form merely, striking out "February" and inserting "July," on page 86, line 1 of section 15, so as to read: "on and after the 1st day of July" instead of "February." I ask unanimous consent to insert July instead of February.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 86, in line 1 of section 15, it is proposed to strike out the word "February" and insert the word "July;" so as to read:

That on and after the 1st day of July, 1889, etc.

Mr. HARRIS. There can be no objection to that.

The PRESIDENT pro tempore. If there be no objection, that amendment will be agreed to. If there be no further amendment in the Senate, shall the amendment be engrossed and the bill be read a third

The amendment was ordered to be engrossed and the bill to be read

a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Having been read three times, shall

the bill pass?

Mr. HARRIS. I ask for the yeas and nays upon the passage of the

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am

Mr. ALLISON (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. McPherson]. If he were present, I should vote "yea."

Mr. BLODGETT (when his name was called). Upon this question I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). On this vote I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "year."

Mr. STEWART (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. Hampton]. If

am paired with the Senator from South Carolina [Mr. Hampton]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. DAVIS. I desire to announce the pair of my colleague [Mr. Sabin] with the Senator from West Virginia [Mr. Kenna]. If my colleague were present, he would vote "yea."

Mr. HALE. I am paired with the Senator from Kentucky [Mr. Beck]. If he were here, he would vote "nay" and I should vote "yea."

yea."
The result was announced—yeas 32, nays 30; as follows:

327	725	10	-32,
- 2	4542	100	~22.

	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2			
Aldrich, Blair, Bowen,	Cameron, Chace Chandler,	Cullom, Davis, Dawes,		Dolph, Edmunds, Evarts,
				- 3

	Farwell, Frye, Hawley, Hiscock, Hoar,	Ingalls, Jones of Nevada, Manderson, Mitchell, Morrill,	Paddock, Palmer, Platt, Plumb, Quay,	Sherman, Spooner, Stock bridge, Teller. Wilson of Iowa,
		N/	YS-30,	
	Bate, Berry, Blackburn, Brown, Buller, Call, Cockrell, Coke,	Colquitt, Daniel, Eustis, Faulkner, George, Gibson, Gorman, Gray,	Harris, Jones of Arkansas, Morgan, Pasco, Payne, Pugb, Ransom, Reagan,	Turpie, Vance, Vest, Voorhees, Walthall, Wilson of Md.
8		ABS	ENT-14.	
	Allison, Beck, Blodgett, Hale.	Hampton, Hearst, Kenna, McPherson,	Riddleberger, Sabin, Saulsbury, Sawyer,	Stanford, Stewart.

So the bill was passed.

Mr. EDMUNDS. Mr. President—

Mr. RIDDLEBERGER. Will the Senator allow me to make a state-

ment that is peculiarly personal?

Mr. EDMUNDS. Certainly.

Mr. RIDDLEBERGER. I have voted right along with the Republican party here for their bill, and with the committee, and have so stated time and again. There is nothing in the bill that would have justified me as a representative here of a constituency in voting for it after the amendment of the Senator from Kansas. Therefore if I had not been paired, and had not felt under obligation to preserve that pair, I should not have voted for the bill.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President

A bill (H. R. 12060) to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to said port of Columbus;

A bill (S. 3422) granting a pension to Kate C. Van Arnum;

A bill (S. 3264) granting a pension to Kate C. van Arnum; A bill (S. 3264) granting a pension to Mrs. Ellen Hand; A bill (S. 3221) granting a pension to Isaac N. Hawkins; A bill (S. 3112) granting an increase of pension to William H. Marston:

A bill (S. 3042) granting a pension to Mrs. Philena T. Carpenter;

A bill (S. 2981) granting a pension to Mrs. Philena T. Carpenter;
A bill (S. 2981) granting a pension to Walter N. Smith;
A bill (S. 2705) granting a pension to Ellen Smith;
A bill (S. 2646) granting a pension to Danville A. Ricker;
A bill (S. 2595) to increase the pension of Seth F. Myers;
A bill (S. 2333) granting a pension to George W. Fogle;
A bill (S. 3733) to abolish circuit-court powers of certain district courts

of the United States, and to provide for writs of error in capital cases, and for other purposes; and
A bill (S. 3016) for the relief of Sarah R. Fisher.

### ADJOURNMENT.

Mr. EDMUNDS. I move that the Senate adjourn.
Mr. SHERMAN and others. Until 12 o'clock to-morrow.
Mr. EDMUNDS. Until 12 o'clock to-morrow.
The PRESIDENT pro tempore. The order for adjournment until 11 o'clock exhausted itself to-day. This motion to adjourn carries the

Senate over until 12 to-morrow.

Mr. EDMUNDS. Then I make a simple motion to adjourn.

The motion was agreed to; and (at 8 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 23, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

## TUESDAY, January 22, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERNATIONAL COMMITTEE ON WEIGHTS AND MEASURES. The SPEAKER laid before the House a letter from the Secretary of State, transmitting, with accompanying correspondence, the report of the American delegate to the international committee on weights and measures, and also recommending an appropriation to pay the share of the United States in the expense of the committee; which was referred to the Committee on Appropriations, and ordered to be printed.

## LIGHTING THE RARITAN RIVER, NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for lighting the Raritan River, New Jersey; which was referred to the Committee on Commerce, and ordered to be printed.

STEAMER FOR LIGHT-HOUSE SERVICE, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for a side-wheel steamer for light-house service in the sounds of North Carolina and adjacent waters; which was referred to the Committee on Commerce, and ordered to be printed.

## TELEGRAPH, OREGON COAST.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for a telegraph between the Tillamook Rock lightstation and Fort Stevens, Oregon; which was referred to the Committee on Commerce, and ordered to be printed.

## REMOVING LIGHT-STATION, CAPE CANAVERAL.

The SPEAKER also laid before the House a letter from the Secretary of the Tacasury, transmitting an estimate from the Light-House Board of an appropriation for removing the Cape Canaveral (Florida) light-house station; which was referred to the Committee on Commerce, and ordered to be printed.

# ALLIE V. ASKEW, ADMINISTRATRIX, VS. UNITED STATES.

The SPEAKER. The Chair is in receipt of a communication from the Attorney-General, stating that a motion for a new trial has been made in the case of Allie V. Askew, administratrix of the estate of W. W. Neeley rs. The United States, and asking that the papers and documents relating to that claim which have been transmitted to the House by the Court of Claims be returned to the court for use on the retrial of the cause. If there be no objection, the Clerk of the House will be directed to withdraw these papers from the Committee on War Claims and send them to the Court of Claims.

# There was no objection, and it was so ordered.

#### ORDER OF BUSINESS

Mr. RANDALL. I demand the regular order.

The SPEAKER. The gentleman from Pennsylvania has demanded the regular order; and the regular order is the call of committees for

Mr. RANDALL. I move to dispense with the call of committees for reports, with the understanding that gentlemen having reports to offer may file them with the Clerk.

Mr. CRISP. I rise to a privileged report. I have, however, no objection to the motion of the gentleman from Pennsylvania to dispense with the call of committees for reports.

The SPEAKER. There being no objection, that order will be

FILING OF REPORTS. The following reports were filed by being handed in at the Clerk's

### ELIZABETH PETERSON.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10644) granting a pension to Elizabeth Peterson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# STEAM-YACHT NAUTILUS.

Mr. DUNN, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (H. R. 12228) to provide for an American register for the steam-yacht Nautilus, of New York, N. Y.; which was referred to the Committee of the Whole House on the Private Caleudar, and, with the accompanying report, ordered to be printed.

## HOTEL, FORT WASHINGTON, MARYLAND.

Mr. MAISH, from the Committee on Military Affairs, reported back adversely the joint resolution (H. Res. 170) authorizing the Secretary of War to grant a permit to Frederick Freund to erect a hotel upon the lands of the United States at Fort Washington, Maryland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ORIN R. M'DANIEL.

Mr. STEELE, from the Committee on Military Affairs, reported back favorably the bill (S. 768) for the relief of Orin R. McDaniel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### ELIZABETH ANN BEST.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12347) for the relief of Elizabeth Ann Best, executrix of David Best, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WILLIAM LLOYD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12348) for the relief of William Lloyd; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

reported a bill (H. R. 12349) for the relief of Mary E. West, executrix of Richard T. West, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MARY E. WAGELEY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12350) for the relief of Mary E. Wageley, administratrix of David A. Wageley, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### HENRY PIPER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12351) for the relief of Henry Piper; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY SULLIVAN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2934) granting a pension to Mary Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

#### JESSIE ISHERWOOD.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11184) for the relief of Jessie Isherwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY W. SMALLEY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5791) granting a pension to Mary W. Smalley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## CHARITY J. TOWNS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2782) granting a pension to Charity J. Towns and minor children; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### LEGAL REPRESENTATIVES OF G. W. PERRY.

Mr. BROWER, from the Committee on War Claims, reported a resolution referring the bill (H. R. 7955) for the relief of the legal representatives of G. W. Perry to the Court of Claims under the provisions of the act approved March 3, 1887; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

# MUTUAL LOAN ASSOCIATIONS OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 11701) for the relief of the building and mutual loan associations of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ALEXANDER W. BALDWIN, DECEASED.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (8. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin as United States district judge for the district of Nevada; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# PUBLIC BUILDING AT WILMINGTON, DEL.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 1062) to increase the appropriation for the erection of the public building at Wilmington, Del.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

# NORTH GERMAN LLOYD STEAM-SHIP COMPANY.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 3738) for the relief of the North German Lloyd Steamship Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# RHODA WILLIAMS.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1045) granting a pension to Rhoda Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# JAMES M. FROST.

ort, ordered to be printed.

MARY E. WEST.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2759) granting a pension to James M. Frost; which was referred to the Committee of the Whole House on the

Private Calendar, and, with the accompanying report, ordered to be

#### ALBERT H. SMITH.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 3104) granting an increase of pension to Albert H. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CONTESTED-ELECTION CASE-SMALLS VS. ELLIOTT.

Mr. CRISP. I call up for present consideration the contested-elec-tion case of Smalls vs. Elliott, from the Seventh Congressional district of South Carolina.

Mr. RANDALL. I must raise the question of consideration upon that. I know the gentleman from Georgia has a right to call that up, but I think, if the gentleman will permit me to say a word or two, that there are good reasons why I should raise the question of consideration. I think the river and harbor bill and the sundry civil appropriation bill should be proceeded with immediately. I think that the

election case will not suffer by a day or a week's delay.

Mr. CRISP. I only want to state in reply that I have heretofore made two efforts to get this report considered by the House. It is here, ready for consideration; and it is the desire of the parties that it should be taken up and disposed of. So far as the appropriation bills are concerned, this case will not interfere with their consideration or passage in ample time.

Mr. BLANCHARD. I wish to say that if the election case be not proceeded with to-day, the river and harbor bill is to come up.

Mr. HOUK. I simply desire to say that while I am a friend of the river and harbor bill, I think justice to Mr. Elliott and Mr. Smalls and to this House requires us to take this case up. Here is a member who has been knocking at the door for two whole years. The session is about to expire, and yet consideration of his case is still attempted to be antagonized upon the floor before it is determined.

The question was put, and the Chair announced that he was unable

to determine.

Allen, Mass. Anderson, Kans.

Mr. RANDALL. Division. Mr. REED and others. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, nays 109, not voting 107; as follows:

	YI	EAS-106.	
Adams, Allen, Mich, Anderson, Iowa Arnold, Atkinson, Baker, Ill, Barry, Bayne, Beiden, Bingham, Boutelle, Bowden, Brewer, Browne, Ind. Brown, Ohio Brown, J. R., Va. Buchanan, Burrows, Butterworth, Bynum, Campbell, Ohio Cannon, Caswell, Cheadle, Clark, Coonger, Cooper,	Crisp, Cummings, Darlington, De Lano, Dorsey, Farquhar, Finley, Fuller, Funston, Gaines, Gallinger, Gear, Gear, Gest, Grout, Guenther, Harmer, Haugen, Heard, Henderson, Ill. Hiestand, Hitt, Holman,	Jackson, Johnston, Ind. Kean, Kelley, Kennedy, Kennedy, Kerr, Laidlaw, Landes, Lind, Lodge, Long, McKinney, Morrill, Norwood, O'Donnell, O'Ferrall, O'Neall, Ind. O'Neall, Ind. O'Neill, Pa. Osborne, Outhwaite, Parker, Patton, Payson, Perkins, Peters,	Reed, Rockwell, Russell, Mass. Ryan, Sawyer, Soull, Spooner, Steele, Stephenson, Stewart, Vt. Taylor, E. B., Ohir Taylor, J. D., Ohir Thomas, Wis. Turner, Kans, Turner, Ga. Vandever, West, White, Ind. White, N. Y. Wickham, Wilber, Williams, Yardley, Yoder.
	N	AYS-109.	

Cooper,	Hunter,	Plumb,	
	NA	YS-109.	
Abbott,	Dunn,	Lagan,	Rice,
Allen, Miss.	Enloe,	Lanham,	Richardson,
Anderson, Miss.	Ermentrout,	Lawler.	Rogers,
Anderson, Ill.	Flood,	Lee,	Romeis,
Bankhead,	Ford,	Macdonald.	Rowland.
Blanchard,	Forney,	Maish.	Sayers,
Bland.	French,	Martin.	Seymour,
Blount,	Gay,	Matson,	Shaw,
Breckinridge, Ky.	Gibson,	McAdoo.	Spinola,
Burnes,	Granger,	McClammy,	Stewart, Tex.
Campbell, F., N. Y	Grimes.	McMillin.	Stone, Ky.
Candler,	Grosvenor,	McRae,	Stone, Mo.
Caruth,	Hare,	Milliken,	Thomas, Ill.
Catchings,	Hatch,	Mills,	Thompson, Cal.
Chipman,	Hayden,	Moffitt,	Townshend.
Clardy,	Hemphill,	Montgomery,	Walker,
Cobb,	Henderson, N. C.	Moore,	Washington,
Cogswell,	Herbert,	Morgan,	Weaver,
Compton,	Hermann,	Nelson,	Weber.
Cowles,	Hogg.	Newton,	Whiting, Mich.
Crain,	Hooker,	Oates.	Whiting, Mass.
Crouse,	Hopkins, Va.	Peel,	Wilson, Minn.
Culberson,	Howard,	Penington,	Wilson, W. Va.,
Cutcheon,	Hudd,	Perry,	Wise.
Dargan,	Hutton,	Post,	Yost.
Davidson, Fla.	Johnston, N. C.	Pugsley,	Tose.
Dibble,	Kilgore,	Randall,	
Dockery.	Laffoon.	Rayner.	

NOT VOTING-107.

Baker, N. Y.

Barnes Biggs,

Bliss, Boothman.

Bound,	Elliott.	Mason,	Shively,
Bowen,	Felton,	McComas,	Simmons,
Breckinridge, Ark.		McCormick,	Smith,
Brower.	Fitch,	McCreary.	Snyder,
Browne, T.H.B., Va	Foran.	McCullogh,	Sowden,
Brumm, .	Glover,	McKenna,	Springer.
Bryce,	Goff,	McShane,	Stahlnecker,
Buckalew,	Greenman,	Merriman,	Stewart, Ga.
Bunnell,	Hall,	Morrow,	Stockdale,
Burnett,	Hayes,	Morse,	Struble,
Butler,	Henderson, Iowa	Neal,	Symes,
Campbell, T. J., N. Y		Nichols,	Tarsney,
Carlton,	Hopkins, N. Y.	Nutting,	Taulbee,
Clements,	Jones,	O'Neill, Mo.	Thompson, Ohio
Cockran,	Ketcham,	Owen,	Tillman,
Collins,	La Follette,	Phelan,	Tracey,
Cothran,	Laird,	Phelps,	Vance,
Cox,	Lane,	Pideoek,	Wade,
Dalzell,	Latham,	Robertson,	Warner,
Davenport,	Lehlbach,	Rowell,	Wheeler,
Davidson, Ala.	Lyman,	Russell, Conn.	Whitthorne,
Davis,	Lynch,	Rusk,	Wilkins,
Dingley,	Maffett,	Scott,	Wilkinson,
Dougherty,	Mahoney,	Seney.	Woodburn.
Dunham,	Mansur,	Sherman,	

So the House refused to consider the South Carolina contested-elec-

During the vote,
Mr. McCREARY said: Mr. Speaker, I desire to vote.
The SPEAKER. Was the gentleman in the Hall?
Mr. McCREARY. I was not.

The SPEAKER. Under the rule, then, the gentleman would not be entitled to vote.

Mr. CRISP. I ask unanimous consent to dispense with the reading

of the name

Mr. O'NEALL, of Indiana. I object. Mr. DOUGHERTY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman can not interrupt the roll-call with a parliamentary inquiry.

Mr. DOUGHERTY. It is in reference to my vote.

The SPEAKER. The gentleman will state his inquiry.

Mr. DOUGHERTY. I desire to state that I was not in the Hall when my name was called, but I was in the Hall before the roll-call was completed, and I desire to know whether I can vote.

The SPEAKER. The Chair thinks that is not sufficient under the

ractice which has grown up in the House

The following pairs were announced until further notice on all political questions

Mr. COCKBAN with Mr. DALZELL. Mr. MAHONEY with Mr. McComas.

Mr. Allen, of Mississippi, with Mr. Davenport. Mr. Breckinridge, of Arkansas, with Mr. Lehlbach.

Mr. PIDCOCK with Mr. DUNHAM.

Mr. LATHAM with Mr. NICHOLS.

Mr. HAYES with Mr. THOMAS H. B. BROWNE.

Mr. SIMMONS with Mr. McCullogh.

Mr. Biggs with Mr. Morrow.

Mr. WHITTHORNE with Mr. BUTLER.

Mr. McShane with Mr. Laird.

Mr. SNYDER with Mr. BOWEN.

On this vote:

Mr. WILKINS with Mr. GOFF.

Mr. NEAL with Mr. MASON.

Mr. Bryce with Mr. Anderson, of Kansas. Mr. Hall with Mr. Russell, of Connecticut. Mr. Dingley with Mr. Dougherty.

Mr. Sowden with Mr. LYMAN.

Mr. SENEY with Mr. BUNNELL.

On the Elliott-Smalls election contest:

Mr. GREENMAN with Mr. SHERMAN.

Mr. TRACEY with Mr. McCormick; also on the river and harbor bill. If present, Mr. TRACEY would vote for it, and Mr. McCormick would vote against it.

Mr. BURNETT with Mr. DAVIS.

Mr. Bacon with Mr. Crouse. Mr. Allen, of Mississippi, with Mr. Nelson.

The vote was then announced as above recorded.

## ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I move to dispense with the morning hour for the consideration of bills.

Mr. HOLMES and Mr. OUTHWAITE objected.

Mr. RANDALL. Now, Mr. Speaker, I desire to make a motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering appropriation bills. As this may seem to be an indirect motion in this connection, I am not willing to make it except with full knowledge on the part of the House of what I am about to accomplish, if I can, which is the consideration of the river and harbor bill to-day, so that the sundry civil bill will come next in order. It was necessary to harmonize the friends of those two measures, and the understanding is that the river and harbor bill is to occupy this day. The objection which has been raised prevents my going directly to the execution of that understanding, but if this motion carries I shall ask general consent to lay aside the appropriation bill so as to give free transit to the river and harbor bill. I was unwilling to make this motion, however, without a full, free, and frank statement

of the purpose I have in view

Mr. OUTHWAITE. Mr. Speaker, my reason for objecting is that too often this morning hour has been blotted out. There are now pending two measures reported from the Committee on the Militia and one from the Committee on Pensions, both of which have had one hour's consideration, and I desire that this morning hour may be used by one or the other of those committees to finish their business, so that other measures may have an opportunity for at least as much consideration as can be had in one hour.

Mr. RANDALL. In reply to the gentleman I will remind the House that the bill to which he refers as having been reported from the Committee on Pensions proposes to increase expenditures and will cost

the Government a quarter of a million of dollars.

The SPEAKER. The gentleman from Pennsylvania [Mr. Randall] moves that the House now resolve itself into Committee of the Whole for the consideration of appropriation bills, and states that his purpose is, if the motion is carried, to ask that the sundry civil bill shall be passed over in the Committee of the Whole in order that the river and harbor bill may be taken up and disposed of.

The question was taken; and there were—ayes 100, noes 41.

Mr. CHEADLE. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Louisiana [Mr. BLANCHARD].

The House again divided; and the tellers reported—ayes 148, noes 18.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. McMILLIN in the chair. The CHAIRMAN. The House is now in Committee of the Whole for the consideration of appropriation bills, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. RANDALL. I move to lay that bill aside for the present.
Mr. CHEADLE. I object.
The CHAIRMAN. Objection is made, and under the rule the committee will rise in order that the question may be submitted to the

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McMillin reported that the Committee of the Whole House on the state of the Union having under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, objection was made to laying it aside, and, under the rule, the question was submitted to the vote of the House.

Mr. RANDALL. Mr. Speaker, I ask for the usual procedure under the rule.

the rule.

The SPEAKER. The question is, Will the House order that in Committee of the Whole the bill be laid aside?

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. CHEADLE. I ask for a division.

The House divided; and there were—ayes 103, noes 2. Mr. CHEADLE. No quorum.

The SPEAKER. The point of no quorum being made, the Chair appoints as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Louisiana [Mr. BLANCHARD]. The question is, Will the House direct the Committee of the Whole to pass over the sundry civil appropriation bill?

The House again divided; and the tellers reported—ayes 160, noes 4. So the House directed that in Committee of the Whole the sundry

civil appropriation bill be passed over.

The Committee of the Whole, in accordance with the rule, resumed its session, Mr. McMillin in the chair.

The CHAIRMAN. By direction of the House, the bill the title of which was last reported by the Clerk will be passed over. The Clerk will report the title of the next general appropriation bill. [A pause.] The Chair is informed by the Clerk that the next appropriation bill, the naval appropriation bill, has not yet come from the Printing Office. The Chair is informed that there is no other general appropriation bill on the Calendar. The bill which now comes up as unfinished business will be reported by its title.

RIVER AND HARBOR APPROPRIATION BILL.

The Clerk read as follows:

A bill (H. R. 11765) making appropriations for the construction, repair, and reservation of certain public works on rivers and harbors, and for other pur-

The Clerk will report the pending amendment, offered, when the bill was last under consideration, by the gentleman from Michigan [Mr. CUTCHEON].

The Clerk read as follows:

In line 6, page 13, strike out "ten" and insert in lieu thereof "fifteen;" so that the paragraph, if amended as proposed, will read:
"Improving harbor of refuge at Portage Lake, Michigan, continuing improvement, \$15,000."

Mr. CUTCHEON. Mr. Chairman, the Committee of the Whole when it last rose was dividing on this amendment, no quorum having voted. I desire now to withdraw the pending amendment and offer the amendment which I sent to the desk.

The Clerk read as follows:

Strike out "ten," in line 6, page 13, and insert in lieu thereof "twenty."

Mr. CUTCHEON. This is in accordance with our agreement. Mr. SOWDEN. Mr. Chairman, I hope the amendment offered by the gentleman from Michigan will not prevail. In the act of August 11, 1888, Congress appropriated \$10,000 for this improvement. This balance is still unexpended and available for this work. In the bill now before the Committee of the Whole the Committee on Rivers and Harbors recommended an additional appropriation of \$10,000, which, with the amount on hand, makes \$20,000. Why the necessity for the increase proposed by the gentleman from Michigan?

Mr. CUTCHEON. Mr. Chairman, in consequence of the confusion in the Hall I have not been able to hear what the gentleman from Pennsylvania [Mr. SOWDEN] has said, and therefore I make no reply.

The question being taken on the amendment of Mr. CUTCHEON, there were—ayes 77, noes 15.

Mr. SOWDEN. No quorum.

Mr. CUTCHEON. I think I can make a brief statement which would be satisfactory to the gentleman from Pennsylvania.

would be satisfactory to the gentleman from Pennsylvania.

The CHAIRMAN. Discussion can not be had except by unanimous consent. If there be no objection, the Chair will recognize the gentleman from Michigan. Is there objection?

Mr. SOWDEN. I object. Regular order.

The CHAIRMAN. The regular order is upon agreeing to the amendment of the gentleman from Michigan. No quorum having voted, the Chair appoints as tellers the gentleman from Michigan [Mr. CUTCHEON] and the gentleman from Pennsylvania [Mr. SOWDEN].

The committee again divided; and the tellers reported—ayes 142, toes 21.

1 oes 21.

So the amendment of Mr. CUTCHEON was adopted.

Mr. GROSVENOR. Mr. Chairman, when the eleventh page of this bill was acted upon by the Committee of the Whole I had not the information which I now have in regard to the rights of certain persons to a county road or other roads leading across the dock company's property at Grand River to the river and across. An appeal now comes to me from certain farmers and others, living back of the river, asking that their rights in certain roads may be protected by a proviso to be added to this portion of the bill. I therefore ask unanimous consent to offer a proviso saving the rights of those people to the public ways across a proviso saving the rights of those people to the public ways across

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the Committee of the Whole return to page 11, that he may offer the amendment which he has indicated. Is there objection?

Mr. BLANCHARD. I desire to ask whether the proposed amendment in any way increases the amount of the appropriation?

Mr. GROSVENOR. - It does not. I have received a communication stating that the provision of the bill as it stands might result in an obstruction of certain highways

Mr. BLANCHARD. If the amendment is only a proviso with reference to that matter, I have no objection.

The CHAIRMAN. Is there objection to the request of the gentlem in from Ohio [Mr. GROSVENOR] that the Committee of the Whole recur to page 11, already passed, in order that he may move a proviso to line 13 on that page? The Chair hears no objection.

The amendment of Mr. GROSVENOR was read, as follows:

At the end of line 13, on page 11, add the following:
"Provided, That the owners of such dock property shall not obstruct or close
up the existing streets, roads, or ways leading to the said river, but shall leave
and preserve the existing roads, streets, alleys, and ways in as good condition
for travel as though this act had not been passed."

The amendment was agreed to.

Mr. COX. Mr. Chairman, I propose the following amendment.

The Clerk read as follows:

After line 6 insert:
"For harbor of refuge on the Atlantic seaboard at or near Point Judith, Rhode Island, \$50,000."

Mr. COX. Mr. Chairman, I do not expect the House will pass this amendment, and I make it with the view of submitting a motion that certain documents be published in the RECORD for future reference,

which I think, sir, is a very good custom.

1 am put in charge of this matter by the Chamber of Commerce of New York. The Maritime Association of the city of New York and others have furnished me with some documentary evidence as to the necessity of this harbor of refuge at Point Judith. These papers show the number of vessels wrecked at that point, as well as the imports and export of merchandise which go and come along that coast, and they

are enormous in their quantity, and are in constant peril.

The Chamber of Commerce of the State of New York states this portion of the Atlantic coastator near Point Judith is considered by mariners or c of the most dangerous points on the seaboard, and there is no harbor for 29 miles along the shore where passengers and crews of vessels in distress can with safety make a landing, and disaster in this locality has resulted usually in general loss. The wonder with me is that this bar-

bor at Point Judith, Rhode Island, has not been established ere this. It is in the line of the large steamers which come down along the New England coast, and although this is the beginning of the harbor of refuge, and although it may not be deemed by the gentleman having in charge this bill to be in order under the rules of proceeding here, I ask these papers from different commercial associations, giving statements of disasters at Point Judith, and showing the perils of that coast, be printed in the RECORD.

The CHAIRMAN. The Chair hears no objection, and it is so ordered. The papers referred to are as follows:

PRELIMINABY EXAMINATION OF COAST NEAR LIFE-SAVING STATION, EAST POINT JUDITH, RHODE ISLAND, WITH A VIEW TO CONSTBUCTING A BREAKWATER.

Engineer Office, United States Army, Newport, R. I., December 14, 1888.

ENGINEER OFFICE, UNITED STATES ARMY,
Neuport, R. I., December 14, 1888.

GENERAL: In compliance with instructions contained in Department letter of September 29, 1888, I have the honor to submit the following report upon the preliminary examination of coast near life-saving station, East Point Judith, Rhode Island, provided for in river and harbor act of August 11, 1888, and made by Capt. Thomas L. Casey, Corps of Engineers, on the 11th of October last.

Point Judith is the southeastern extremity of South Kingston Township, Washington County, Rhode Island, and marks the southwestern entrance to Narragansett Bay.

Captain Casey recommends the establishment of a harbor of refuge in this locality. His report is accompanied by two sketches and a list of vessels which have been wrecked there between 1883 and 1888. I have been told that the loss of the larger of these vessels was caused by fogs, and not by storms. The amount of commerce passing Point Judith is too well known to require detailed description. The point is an exceedingly dangerous one to navigation. While vessels of large size can ride in the trough of the sea to a safe shelter in Narragansett Bay, a harbor of refuge for smaller vessels is much needed.

Such a harbor can be established by the construction of break waters, at a cost, roughly estimated, of \$300,000, which would also afford relief to the commerce of the neighboring villages, and furnish a landing for the boats of the Point Judith life-saving service, which now often can not be effected nearer than Newport or Block Island. I am therefore of the opinion that East Point Judith is worthy of improvement by the General Government, and estimate the cost of a survey of the locality at \$300.

Point Judith is in the collection district of Newport, which is a port of entry. The amount of revenue collected at Newport in the last fiscal year was \$2,184.51. The nearest light-house is Point Judith light. The nearest fortification is the fort on Dutch Island, Rhode Island. The population of South Kingston

W. R. LIVERMORE, Major of Engineers.

The CHIEF OF ENGINEERS, U. S. A.

List of vessels wrecked near Point Judith, east and west, 1883-'88.

Vessels wrecked.	When wrecked.	Valuation of vessel.	Valuation of cargo.	Nature of cargo.
Schooner Warren Gates Schooner Thomas R. Pills- bury.	Mar. 25, 1883 June 13, 1883	\$4,000 28,000	\$6,500 2,500	Steel wire, Coal,
Schooner Julia A. Tate	May 10, 1884	4,000	3,500	Logwood and axles
Schooner Idlewild	June 6, 1884	2,000	1,125	Grain.
Schooner Almon Bacon	Nov. 5, 1885	3,000	2,000	Iron.
Schooner Mott Haven	Dec. 25, 1885	6,000	1,900	Furniture and oil.
Schooner Willie De Wolf	do	3,000	1,500	Lumber.
Schooner Allen Green	Jan. 9,1886	12,000		No cargo; ballast.
Steamer Miranda	June 20, 1886	110,000	31,500	General cargo.
Schooner Mary Natt	Dec. 1,1886	1,200	2,700	Iron.
Schooner Harry A. Barry	Feb. 20, 1887	25,000	4, 275	Coal.
Schooner Mary A. Drury	Dec. 31, 1887	10,000	2,000	Do.
Brig John Welsh, jr	Mar. 3, 1888	1,500	1,200	Do.
Schooner Maggie J. Smith		35,000	5,000	Do.
Schooner Henry H. Olds		45,000	5,000	Do.
Schooner Anita	May 2,1888	3,000	1,800	Lumber.
Schooner Earl P. Mason	Aug. 22, 1888	17,000	3,000	Coal.
Schooner Isaac H. Borden	Sept. 9,1888	500	3,000	Oil.
Total		310, 200	78,500	

Total number wrecks, 18,

Domestic imports of merchandise at the town of South Kingston, Point Judith dis-trict, 1887.

Description.		Value.
3,000,000 shingles	Tons. 900 5,000 2,000 10,000 200 300 100 1,750 900 20,000 15,000 587	\$120,000 869,000 90,000 57,000 3,000 2,500 10,000 65,000 2,700 350,000 411,250
Total	57, 137	2,019,350

Exports, and distances Exports,	
Manufactured woolens	\$800,000 200,000
Total.	1,000,000
Passengers carried by Narragansett Pier Railroad	
Newport, R. I	10,000
Total	70,000
Stores of general merchandise	50 20

At a monthly meeting of the Chamber of Commerce, held January 3, 1889, the following preamble and resolutions reported by its committee on the harbor and shipping were unanimously adopted:
Whereas the section of the Atlantic seaboard at and near Point Judith, Rhode Island, is considered by marinersone of the most dangerous parts of the coast; and

Island, is considered by mariners one of the most dangerous parts of the coast, and

Whereas there is no harbor at present for 29 miles along the shore where passengers, crews, cargo, or vessels in distress can with safety make a landing, and, in consequence, disaster in this locality has generally resulted in total loss of vessels and cargoes and the destruction of human life; and

Whereas by the construction of harbors of refuge at the locality lives and property will be saved and the coastwise commerce of the Atlantic seaboard be benefited: Therefore,

Be it resolved, That harbors of refuge at the point designated seem to this chamber to be urgently required by the coastwise commerce of this part of the Atlantic seaboard, whereby the safety of the lives of seamen and the property of its citizens will be greatly enhanced.

Resolved, That our Representatives be requested to urge upon Congress the importance of immediate construction of such harbors of refuge, and at such points as, in the judgment of the United States engineers, are required in the neighborhood of Point Judith, and that the appropriation required to carry the same into effect be made.

A true copy.

CHAS. S. SMITH, President, GEO, WILSON, Secretary.

CHAS. S. SMITH, President, GEO. WILSON, Secretary.

MARITIME ASSOCIATION OF THE PORT OF NEW YORK, New York, January 9, 1889.

At a regular meeting of the board of directors, held this day, the following preamble and resolution were unanimously adopted:

Whereas the section of the Atlantic seaboard at and near Point Judith, Rhode Island, is considered by mariners one of the most dangerous parts of the

Rhode Island, is considered by mariners one of the most dangerous parts of the coast;

Whereas there is no harbor at present for 29 miles along the shore where passengers, crews, cargoes, or vessels in distress can with safety make a landing, and in consequence disaster in this locality has generally resulted in total loss of vessels and cargoes and the destruction of human life:

Whereas by the construction of harbors of refuge at this locality, east and west of Point Judith, lives and property will be saved and the coastwise commerce of the Atlantic seabord be benefited: Therefore,

Be it resolved. That it is the opinion of the Maritime Association that such harbors of refuge should be constructed by the United States as are deemed by the United States engineers best suited to meet the necessities of the growing coastwise commerce of the Atlantic seaboard, and that the Representatives in Congress of the States of the Atlantic seaboard be requested to urge upon Congress the importance of the immediate construction of harbors of refuge at this part of the coast, and that a copy of this resolution be transmitted to them, to the Secretary of War, and to the President of the United States.

A true copy.

RADCLIFFE BALDWIN, President, WM. H. VAN BRUNT. Secretary.

RADCLIFFE BALDWIN, President, WM, H, VAN BRUNT, Secretary.

THIRD UNITED STATES LIFE-SAVING DISTRICT, Point Judith Station, December 27, 1888.

DEAR SIR: Your communication of the 26th instant, asking for the number of vessels that pass this station during a year, is received. In reply will say that I have taken an average of the different vessels, and, making allowance for the summer months, nights, and thick weather, think it will be safe to say that about 167 ships, 175 brigs, 24,110 schooners, 7,483 steamers, 1,080 sloops, and 5,383 barges pass this station during a year, or a grand total of about 38,398 vessels.

Very respectfully yours,

Mr. F. W. HOUGHTON, Superintendent Maritime Exchange, New York City.

HERBERT M. KNOWLES.

The following steamers regularly pass Point Judith on their way to and from New York, namely, Fall River Line, for Newport, etc., daily; Fall River Line freight-boats, daily; Providence Line, daily; Merchants' Line, for Providence, weekly; New Bedford Old Colony boats, three per week; Boston Outside Line, three per week; Portland, Me., two per week; Bangor, Me., one per week; Red Cross Line, Halifax, and St. John's, Newfoundland, etc., besides the transient steamers from Boston and vessels bound to and from the East, including large fleets of coasters, colliers, coal-barges, etc.

In addition to the above the following lines of steamers, namely, Fall River, for Philadelphia, two per week; Providence, for Baltimore, two per week, etc.

THIRD DISTRICT LIFE-SAVING STATION, Point Judith, January 15, 1889.

Point Judith, January 15, 1889.

Dear Sie: Your communication of the 12th instant, asking for my opinion of the needs and establishment of a harbor of refuge at Point Judith, etc., is received. In reply will say that it would not only be a great advantage to shipping and commerce, but to the fishermen, and particularly to the saving of lives.

Owing to a large cove being on each side of Point Judith, I am quite sure that good harbors could be obtained on either or both sides of the point simply by building a breakwater from the shore out to a suitable depth of water. A breakwater of this kind at Point Judith would be the means of saving many a good vessel and their cargoes.

Suppose a vessel comes ashore in a light or moderate sea in thick weather at low water, which is generally the case, and as the tide rises is floated, leaking more water than the pumps can take. She could easily be sheltered by a breakwater if one was near at hand and the vessel and cargo saved. On the other hand, the harbors or place of shelter being miles away, the vessel and her cargo is either allowed to sink in deep water and both become a total loss or else run ashore again, only again to be dashed to pieces by a coming storm. Cases of

this kind occur on all shores, but oftener here than elsewhere, because we have more wrecks. Again, suppose a vessel springs a leak and is making more water than can be kept out by the pumps, or a small leak with pumps choked; she must either sink in deep water and be a total loss or beached, which are the only two things that could be done under the circumstances.

Within the past few years the following vessels: Schooners Alida, of Newport, R. I. Palladium, of Harwich, Mass.; Almon Bacon, of New York, and Mary Natt, of New York, sprung a leak, sunk in deep water, and were a total loss. I am quite sure if a breakwater had been here for these vessels to run behind and beached, each, with their cargoes, would have been saved. The steamer Thetis, of the Neptune Line, bursted a water-pipe and was run ashore on this point to keep from sinking; also the schooner Adelaide, loaded with moldingsand. Owing to good weather these vessels were saved.

I inclose herewith a copy of the report to the General Superintendent United States Life-Saving Service relative to the wreck of the large three-masted schooner Mary A. Drury, of Boston, Mass, which came ashore here last winter. Had there been a harbor of refuge here this vessel and cargo would certainly have been saved. On Christmas morning, 1885, which is fresh in the minds of every citizen of the United States, I went to a couple of wrecks which had collided during the night some 5 or 5 miles off shore. A heavy sea was running at the time, the wind increased to a 60-mile gale, and we were driven before the gale to the nearest place of shelter, which, fortunately, was Block Island. We landed on the sheltered side of the Government breakwater, going through the surf in good shape. I have often mentioned the fact to my crew that had it not been for the breakwater we would in all probability been drowned, for a tremendous sea was running on all sides of us. And I assure you that a breakwater mear this place (Point Judith) would some day be the means of saving many lives. Just

[Copy of journal of life-saving station, Point Judith, District No. 3, December 25, 1885.]

25, 1885.]

At 7.40 a. m. I discovered the masts of a two-masted schooner about 5 or 6 miles southeast of station, and another two-masted schooner capsized about 1 mile north of her. Upon examination with the glass objects were seen resembling men clinging to the rigging of each vessel. The wind at this time was northeast, blowing a brisk gale, and heavy sea running. I thereupon ordered the life-boat launched and we got away with considerable difficulty through the surf at 7.55 a. m., well prepared with clothing, provisions, etc., for whatever occasion might require. Pulling through a heavy, choppy sea we arrived at the schooner, lying upon her beam ends, anchored; observed no signs of life upon her.

schooner, lying upon her beam ends, anchored; observed no signs of life upon her.

What had appeared through the glass to be people clinging to her side and shrouds proved to be scupper doors and a loose top-sail that were awast; we carefully observed the surroundings and that her boat was gone from davits; satisfied myself that there was nothing living upon her. The surface of the water was covered with the débris in large quantities composed of lath and joist. Squaring away we pulled through this for the sunken schooner, which lay about one mile in a southerly direction, the wind in the mean time increasing to a severe gale and the sea to rise much higher. Arriving at the sunken schooner, after careful examination found that no one had sought shelter in the top-sails or otherwise.

ing to a severe gale and the sea to rise much higher. Arriving at the sunken schooner, after careful examination found that no one had sought shelter in the top-sails or otherwise.

All indications pointed to the fact that the crew had either perished or been rescued by some passing vessel. The débris nowhere exhibiting signs of life, thereupon I gave orders for return to the station. For about thirty minutes we strugdled with the now tremendous sea and wind to accomplish this purpose. I discovered that we were steadily going to the leeward; the elements were too powerful for us, and I therefore found it absolutely necessary to make for the nearest refuge to the leeward, which was Block Island. With the greatest difficulty and by careful management of the boat I was able to avoid the seas which every instant threatened to engulf us, and at last safely reached and beached the boat upon the said island near the harbor United States life-saving station, where we found Captain Ashford and his crew of four men of the sunken schooner Mott Haven. From him we learned that they had with great difficulty arrived there about 5 a. m. that morning in their yawl-boat, their vessel, the Mott Haven, having been sunk in collision with the schooner Willie De Wolf, both of Calais, Me.; the former from New York for Eastport and Calais, Me., with cargo of coal, kerosene oil, starch, and furniture; the latter from Calais, Me., for New York, laden with lath.

Of the fate of the latter's crew we could get no information. The gale continued with unabated force, the highsets velocity of the wind being between 6 and 70 miles an hour, as I learned of the signal officer stationed there. The next morning, being the 26th instant, at 9 o'clock the above-named schooner, Willie De Wolf, drifted ashore and shortly became a total wreck near the north end of the island, my own and the harbor crew giving effort so far as possible to save the cargo, but the high seas rendered our efforts unavailing. We remained storm-bound here until the next mornin

Mr. SOWDEN. The object of the gentleman I understand is to get before this House the information contained in the documents which he has asked to have printed in the RECORD.

Mr. COX. I do not insist if the point of order is made. Now do you make the point of order?

Mr. BLANCHARD. I do not understand the amendment is to be

pressed by the gentleman from New York.

Mr. COX. That is right; I do not. I think, Mr. Chairman, it is wise on the part of members of Congress to place substantial docu-ments in the RECORD. I have been scolded by some members of the press because I have done that heretofore, but I have found it in my service here a most convenient thing and proper to place these matters in the RECORD

I now withdraw the amendment.

Mr. SOWDEN. I move to strike out lines 7 and 8 on page 13: Improving harbor of refuge at Sand Beach, Mich.: Continuing improvement, \$20,000.

Mr. Chairman, under the act of August 11, 1888, there was appropriated for this improvement \$75,000, which is still on hand and unexpended. I should like some substantial reason to be given for this additional appropriation.

The question was taken, and the Chairman announced the noes

eemed to have it.

mr. SOWDEN. I ask for a division.
The committee divided; and there were—ayes 5, noes 72.
Mr. SOWDEN called for tellers.
The CHAIRMAN appointed as tellers Mr. SOWDEN and Mr. BLANCH-ARD.

The committee again divided; and the tellers reported-ayes 7, noes

So the amendment was disagreed to.

The committee informally rose; and Mr. MILLS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Mc-COOK, its Secretary, announced agreement to amendments of the House to Senate bills of the following titles:

A bill (8, 332) granting a pension to Harrison Wagner; and A bill (8, 2765) granting a pension to Adaline A. Smyth.

It further announced the passage of the bill (8.3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon and making appropriation therefor; in which concurrence was requested.

#### RIVER AND HARBOR APPROPRIATION BILL.

The committee then resumed its session.

Mr. SOWDEN. I move to strike out the word "twenty," in line 8 on page 13, and insert "ten;" so that it will read:

Improving harbor of refuge at Sand Beach, Mich.: Continuing improvement, \$10,000.

The CHAIRMAN declared the noes had it.

Mr. SOWDEN. Division.

The CHAIRMAN appointed as tellers Mr. BLANCHARD and Mr. SOWDEN.

The committee again divided; and the tellers reported-ayes 7, noes

So the amendment was disagreed to.

Mr. COX. Mr. Chairman, I ask, with the consent of the chairman of the Committee on Rivers and Harbors, to go back to page 6 of the bill now for the purpose of offering an amendment, not to increase the amount of the appropriation for New York Harbor, but to make a necsary insertion so that the present appropriation shall conform to the last bill and to the existing law. It is desirable that the plan should be continued as fixed in the last law; and I therefore send to the desk the following amendment, to take the place of line 1 on page 6. I will say that the chairman of the committee passed this over in consequence of my absence, with the privilege of recurring to it.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out all after the words "New York" and insert:

"Improving the channel at Gowanus Bay, New York: Continuing improvement by deepening to 21 feet, mean low water, and widening the channel to 400 feet on the northern side from the foot of Pereival street along the wharves to the 23-foot curve opposite the entrance to the Erie Basin, \$20,000."

Mr. BLANCHARD. The appropriations for the harbor of New York embraced in this bill were passed over at my request owing to the ab-sence of the gentleman from New York, with the privilege on his part of recurring to them after he returned if he should see proper to do so. The committee, therefore, have no objection to going back, nor is there any objection to the amendment. It does not increase the amount.

There being no objection, the amendment was considered, and adopted. Mr. ALLEN, of Michigan. Mr. Chairman, I now ask unanimous consent to go back to page 12 of the bill in order to offer an amendment to lines 22 and 23, referring to the harbor at Monroe, Mich. I find that I was absent from my seat at the moment this part of the bill was considered. This portion of the bill was considered on the 3d day of January, when I happened to be absent.

The CHAIRMAN. Is there objection to the request of the gentle-

man from Michigan?

There was no objection.

Mr. ALLEN, of Michigan. I now send up the amendment to which have referred.

The Clerk read as follows:

In line 23, page 12, strike out "\$3,500" and insert "\$10,000."

Mr. ALLEN, of Michigan. Mr. Chairman, this is the only harbor on the west side of Lake Erie. It is upon the eastern side of the State of Michigan, north of Toledo, and is the center of the most industrious population of that great State, almost exclusively devoted to agriculture. This harbor, Monroe, is the only lake outlet, and the business of the harbor has doubled and quadrupled in the last few years. This appropriation has been recommended by the engineer in charge and by the Secretary of War. In his report the following lan-

As the business at this harbor has increased considerably in the last two years, with prospect of still greater increase, general and thorough repairs to piers should be undertaken at once, and considerable dredging done; and the whole of the estimated amount for existing project, namely, \$20,000, could be profitably expended in one season's work in addition to the \$6,000 needed for immediate repairs.

The whole amount appropriated for this harbor to date has been \$215,515.27, all of which has been expended.

This is the report of the officer of the Government himself in charge of these appropriations, not merely of the engineer in charge; and, Mr. Chairman, there is no one harbor that can claim superiority to this as a matter of right, nor is there one which is more entitled to consideration in the preparation of bills of this character. As I have already stated, it is the only harbor on the east shore of the lake, and in case of trouble between this country and Great Britain it would be the only harbor of refuge for vessels in distress and where they could escape British or Canadian gun-boats. It ought to be put in a state of thorough repair without delay. The amount asked for is a mere bagatelle. If the amount can be appropriated by the House it would be used judiciously and wisely, in a manner which will produce the best results and give us what we have so much needed up there. I may state also that this is one of the oldest places in Michigan, or in the West, and, as I have shown, the money is needed largely in order to save from ruin work already done. Now, as the engineer in charge of the work and the Secretary of War both state in their reports to this House the importance of the harbor and the need of this appropriation, I sincerely hope that the usual rule which requires the House to keep within the appropriations recommended by the committee may in this instance be relaxed, because of its fairness, because of its equity, and

because of its justice. I hope the amendment will be adopted.

Mr. BLANCHARD. Mr. Chairman, I do not think this amendment should be adopted. The committee duly considered the interests of the harbor of Monroe, Mich., and allowed the sum of \$3,500 upon an estimate of \$10,000. The amount appropriated for the harbor in the last kill which was deather. last bill, which was double the aggregate of the appropriation here, was only \$5,000; and the committee do not see that any particular exigencies have arisen since to justify any larger appropriation in pro-portion than was allowed in the bill of the last year. For this reason

I do not think that amendment should be adopted.

The amendment was rejected.

Mr. DIBBLE. Mr. Chairman, I also was absent, and beg leave to recur to page 9, in line 8, for the purpose of adding an amendment, which does not, however, increase the amount of the appropriation.

The CHAIRMAN. Is there objection to the request of the gentle-

man from South Carolina?

There was no objection. The amendment proposed by Mr. DIBBLE was read, as follows:

Add to line 8, on page 9, "of which sum \$5,000 shall be expended in continuing the work on the Mount Pleasant shore of the harbor."

Mr. DIBBLE. I understand that there is no objection on the part of the committee to which this has been referred, and it does not in-

Mr. BLANCHARD. The amendment just read does not increase the amount of the total appropriation for Charleston Harbor, but makes the phraseology of it conform to the bill of last year in reference to the appropriation for that harbor. For that reason I see no objection to the amendment.

The amendment was adopted. The Clerk read as follows

Improving harbor at St. Joseph, Mich.: Continuing improvement, \$6,000.

Mr. KERR. I move to strike out "six thousand" and insert "five thousand." The reason for that is, the engineer in his recommendation says \$5,000 is all that is needed. That being the case, I do not see why \$6,000 should be put in there.

Mr. BURROWS. The engineers asked for \$20,000 in this case.

The question was taken on the amendment.

The CHAIRMAN. On this question the ayes are 3, the noes 70.
Mr. CHEADLE. No quorum.
Mr. BURROWS. I think the gentleman from Iowa will withdraw his amendment when he discovers that the report he speaks of refers

to St. Joseph River and not to the harbor.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Louisiana [Mr.

BLANCHARD].

Mr. KERR. My attention had been called to St. Joseph River in- on account of sickness.

stead of St. Joseph Harbor in making my former statement, and therefore I withdraw the amendment.

Mr. CHEADLE. I move to strike out the item.

The question was taken, and the Chairman announced that the noes seemed to have it. Mr. CHEADLE.

Division.

The committee divided; and there were-ayes 2, noes 92.

Mr. CHEADLE. No quorum.

Mr. BLANCHARD and Mr. CHEADLE were appointed tellers.
Mr. EZRA B. TAYLOR. Mr. Chairman, I desire to inquire how
many votes are reported in the affirmative.
The CHAIRMAN. One in the affirmative.
Mr. EZRA B. TAYLOR. The intellectual impudence of that one

is remarkable.

The tellers reported—ayes 2, noes 111.

Mr. BLANCHARD. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker pro tempore, Mr. McMillin reported that the Committee of the Whole had had under consideration the bill (H. R. 11765) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. BLANCHARD. The vote in Committee of the Whole disclosed

no quorum present. I therefore move a call of the House.

The motion was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles;

when the Speaker signed the same:
A bill (H. R. 12060) to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled "An

act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to said port of Columbus;

A bill (S. 2333) granting a pension to George W. Fogle;

A bill (S. 2595) to increase the pension of Seth W. Myers;

A bill (S. 2646) granting a pension to Danville A. Ricker;

A bill (S. 2705) granting a pension to Palville Spith.

A bill (S. 2040) granting a pension to Ellen Smith;
A bill (S. 2981) granting a pension to Walter N. Smith;
A bill (S. 3016) for the relief of Sarah R. Fisher;
A bill (S. 3042) granting a pension to Mrs. Philena T. Carpenter;
A bill (S. 3042) granting a pension to Mrs. Philena T. Carpenter; A bill (S. 3112) granting an increase of pension to William H. Mars-

A bill (S. 3221) granting a pension to Isaac N. Hawkins; A bill (S. 3264) granting a pension to Mrs. Ellen Hand;

A bill (S. 3422) granting a pension to C. Van Arnum; and A bill (S. 3733) to abolish circuit-court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other purposes.

#### CALL OF THE HOUSE.

The roll was called, and the following members failed to answer to

Allen, Mass.	Culberson,	Lagan.	Russell, Mass.
Allen, Miss.	Davenport,	Laird.	Ryan,
Bacon,	Davidson, Ala.	Lehlbach,	Seney,
Barnes,	De Lano.	Lyman.	Shaw.
Biggs,	Dunham,	Lynch,	Simmons,
Bliss,	Ermentrout,	Maedonald,	Snyder.
Boothman,	Felton,	Maffett,	Spinola.
Bound,	Fisher.	Mahoney,	Stahlnecker,
Bowen,	Fitch.	Maish.	Stewart, Ga.
Breckinridge, Ark.		Mansur,	Stewart, Vt.
Brumm,	Glover,	Mason,	Tarsney,
Bryce,	Goff.	McComas.	Taulbee.
Buckalew,	Greenman,	McCormick,	Thompson, Ohio
Bunnell,	Hall,	McCullogh,	Tillman,
Butler.	Hayes,	McShane,	Tracey,
Butterworth,	Heard,	Merriman,	Vance.
Campbell, Ohio	Henderson, N. C.	Morse,	White, Ind.
Clements,	Hires,	Nichols.	White, N. Y.
Coekran,	Holman,	Norwood.	Whitthorne,
Collins,	Hopkins, Ill.	Nutting.	Wilkins,
Cooper,	Hunter,	Phelps,	Woodburn,
Cothran,	Johnston, Ind.	Pideoek.	Yoder.
Cowles,	Johnston, N. C.	Plumb,	Yost.
Cox,	Kelley,	Richardson.	
Crain.	La Follette	Russell Conn.	

The following members were absent with leave of the House: Maffett.

Allen, Miss.
Breekinridge, Ark.
Breekinridge, Ark.
Hayes,
Henderson, N. C.
Cox,
Laird,
Lehlbach,
Lyman,
McCornick,
McCornick,
McCullogh,

For the remaining members who failed to answer to their names no excuses were offered except in the following cases:

Mr. LONG. Mr. Speaker, I ask unanimous consent that my colleague, Mr. ALLEN, of Massachusetts, be excused until 4 o'clock to:

day, as he has gone to attend a funeral.

There was no objection, and Mr. ALLEN, of Massachusetts, was ex-

Mr. MORROW. I ask that my colleague, Mr. BIGGS, be excused

There was no objection, and Mr. BIGGS was excused.

Mr. GAINES. Mr. Speaker, I ask unanimous consent that my colleague, Mr. Bowen, be excused on account of important business.

There was no objection, and Mr. Bowen was excused.

Mr. HIESTAND. Mr. Speaker, I ask unanimous consent that my

colleague, Mr. Bound, be excused on account of sickness. There was no objection, and Mr. Bound was excused.

Mr. OWEN. Mr. Speaker, I ask unanimous consent that my colleague, Mr. Johnston, of Indiana, be excused. He was called out or the Hall a few minutes ago on important business.

There was no objection, and Mr. Johnston, of Indiana, was ex-

cused.

Mr. ADAMS. I ask unanimous consent that my colleague, Mr. Mason, be excused on account of important business.

There was no objection, and Mr. Mason was excused.

Mr. HOPKINS, of New York. I ask unanimous consent that my colleague, Mr. NUTTING, be excused on account of sickness.

There was no objection, and Mf. NUTTING was excused.

Mr. GROSVENOR. I ask unanimous consent that my colleague, Mr. GROSVENOR. I ask unanimous consent that my coneague, Judge Thompson, be excused. He was suddenly called out by a matter connected with the closing of a bank at 3 o'clock.

There was no objection, and Mr. Thompson, of Ohio, was excused.

Mr. MOFFITT. I ask unanimous consent that my colleague, Mr.

TRACEY, be excused on account of sickness in his family.

There was no objection, and Mr. TRACEY was excused.

Mr. BLANCHARD. I will ask the Chair how many members are

present.

The SPEAKER pro tempore. The Chair will state that the call discloses the presence of 221 members.

Mr. BLANCHARD. Then I ask unanimous consent that further

proceedings under the call be dispensed with.

The motion was agreed to.

Mr. BLANCHARD. I now move that the House resolve itself into Committee of the Whole on the state of the Union for further consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. McMillin in the chair.

#### RIVER AND HARBOR APPROPRIATION BILL

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors. The question is on the amendment offered by the gentleman from Indiana [Mr. CHEADLE].
The amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Marquette, Mich.: Continuing improvement, \$20,000.

Mr. SOWDEN. Mr. Chairman, I move to strike out the paragraph I make that motion because it seems to me entirely unnecessary for this Congress to appropriate \$20,000 for the continuing of this improvement. On July 1, 1888, there was a balance available for this purpose of \$9,000.86, and in the act of August 11, 1888, an additional appropriation of \$25,000 was made to prosecute this work; so that there is now an unexpended balance on hand and available for this work of \$34,000.86. Why the necessity of appropriating \$20,000 at this particular time? Had we not better first expend the \$34,000

now on hand before making this additional appropriation?

Mr. SEYMOUR. Mr. Chairman, I would say in reply to the gentleman that the harbor of Marquette is one of the most important on Lake Superior. The iron ore alone passing out of that port in a single season is a million of tons, and other articles increase the aggregate tonnage largely. The harbor is inadequate for the rapidly increasing business. Seamen often attempt to use it as a harbor of refuge, yet since it is so small and so many storms prevail at some seasons of the year on Lake Superior, wrecks at this point are of frequent occur-rence. This appropriation is for the extension of the breakwater and for the enlargement of the facilities required for the transaction of

The engineer reports that \$175,000 is necessary to complete the work. As has been stated here, in August last \$25,000 was appropriated, but in order to enlarge the facilities to the extent required it is necessary to increase the amount. It is not likely that another appropriation will be had before August, 1890, and during the early part of the coming year that entire amount will be expended, and also the amount of \$20,000 which is proposed to be appropriated in this bill. The necessity for the improvement of this backer, the sity for the improvement of this harbor, the great amount of commerce on Lake Superior, and the few harbors of refuge that exist there, re-quire the construction and completion of this work at the earliest possible moment.

Taking into consideration the amount on hand, the Secretary of War has recommended the appropriation of \$50,000 at this time; yet only the sum of \$20,000 for this work is embraced in the present bill. So that, in the opinion of the Secretary of War, in the opinion of the engineers in charge, this amount is necessary, as much so as any item embraced in the pending measure.

Mr. SOWDEN. Mr. Chairman, the importance of this work is admitted; but the propriety of appropriating an additional sum of \$20,000 when there is still an unexpended balance on hand of more than \$34,000 is the matter to which I take exception. I do not dispute the importance of this work; but the question in my mind is whether we can profitably expend the balance now on hand during the coming fiscal year. The propriety of any further appropriations by this Congress for this particular project is therefore doubted.

[Here the hammer fell.]

Mr. SEYMOUR. In regard to the amount named, I wish to say that this appropriation is for another fiscal year. The last appropriation was made August 11 of the present year. The coldness of the climate of Lake Superior and the difficulty of doing work there in the winter season making the procuring of timber and doing the necessary dredging impossible, I may say the letting of contracts, which would now show any considerable amount of work done, are reasons why this amount is shown to be on hand at the time of this report.

Whether the contract has since been let I can not say, but it would not be likely to be much before the opening of navigation. This appropriation, as I have said, is for another fiscal year; and the whole amount desired to complete this work is \$175,000, of which the amount amount desired to complete this work is \$175,000, of which the amount shown to be on hand, together with the sum now asked for, is much less than should be expended during the season of 1889. The gentleman from Pennsylvania admits the importance of the work, and yet, with the statement of the engineers before him asking for \$50,000 additional to the amount now shown to be on hand, doubts the propriety of the appropriation of even \$20,000. If any just criticism can be made on the amount named in this bill it is that the sum is entirely too small.

Mr. SOWDEN. Mr. Chairman—
The CHAIRMAN. Debate on the pending amendment is exhausted.
Mr. SOWDEN. I move to amend by striking out the last word. Mr. SOWDEN. I move to amend by striking out the last word. The very argument advanced by the gentleman who represents this project is an argument in favor of my proposition, because he contends that this work can not be prosecuted during the colder portion of the year, during the winter season; and if this be true and there is on hand \$34,000 for this work, how is it physically possible to expend this sum of money between now and the meeting of the Fifty-first Congress? Why appropriate \$20,000 before the amount on hand has been expended?

Mr. BUCHANAN. Does the gentleman from Pennsylvania [Mr.

Sowden] want an answer?
Mr. GROSVENOR obtained the floor.

Mr. BUCHANAN. The gentleman from Ohio [Mr. GROSVENOR]

will give the gentleman the answer.

Mr. GROSVENOR. Mr. Chairman, I trust that the point made by
the gentleman from Pennsylvania [Mr. Sowden] is made in actual good faith and not as a mere matter of delay. From this point of view I shall answer his argument. I concur in what has been said by the gentleman from Michigan [Mr. SEYMOUR]; and I wish to add that the amount available (which has misled so many of our friends on this floor) will not be available at the time this proposed appropriation goes into effect. This appropriation will not be available until after the 30th of June, 1890; and therefore the Fifty-first Congress can not make an appropriation in time so that any part of it can be expended upon the harbor of Marquette. Hence, if it be true that the \$34,000, which appears to be the stumbling-block of my friend from Pennsylvania, shall have been expended in a whole year of operations up there, there will then be another entire year without a dollar.

This is one of the most important of the smaller harbors on the lakes. Its commerce is growing constantly, and the importance of other har-bors depends upon the improvement of this harbor. Hence, this small appropriation—less than one-third of what it should be—ought not be attacked by anybody who under any circumstances favors the improve-

ment of the harbors of the Great Lakes.

Mr. SOWDEN. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] is evidently laboring under a misapprehension when he states that this appropriation is only to take effect after June 30, 1890.

Mr. GROSVENOR. Eighteen hundred and eighty-nine, I should have said

Mr. SOWDEN.

gentleman meant.
That is a fiscal year to which the present balance has no application. If it is expended during 1889, I apprehend that the Fifty-first Congress will convene as usual under the Constitution in December, 1889. Mr. GROSVENOR.

That is what we may presume, anyhow; and its appropriation bill for rivers and harbors, we may also presume, will be passed in July or August of the next year, and can not by any possibility have any effect upon these northern harbors during any part

of the year 1890.

Mr. SOWDEN. Now, Mr. Chairman, it strikes me that the gentleman from Ohio is overzealous in his anxiety for the passage of this legislation. He wants to shift upon this Democratic Congress, which is about going out of existence, the responsibility of passing river and harbor appropriations amounting in the aggregate to nearly \$35,000,000, something entirely unheard of in the past. This is the question-

Over \$22,000,000 have able precedent he would have us establish. already been appropriated by this Congress for these improvements and the greater bulk of it is on hand and unexpended, and in the face of which we have another bill confronting us appropriating very nearly \$12,000,000, making the grand total of nearly \$35,000,000 in all from a Democratic Congress that came into power upon its distinct pledges in favor of economy in the public expenditures

The question being taken on the amendment of Mr. Sowden, it was

not agreed to; there being-ayes 8, noes 132.

The Clerk read as follows:

Improving harbor at Ahnapee, Wis.: Continuing improvement, \$3,500.

Mr. McADOO. Mr. Chairman, I would like to have the attention of the chairman of the Committee on Rivers and Harbors. No one realizes more than I do the importance of the commerce of these Great Lakes or the necessity of improving the various harbors that line them. I do not wish to delay the committee or to make any captious criticism on this bill, but I wish to extenuate my opposition to it—to show why I and other gentlemen are compelled year after year to record our votes in opposition to legislation of this class. Take this improvement in question. I find by reference to the engineer's reports, to state the question sententiously, that this is an artificial harbor and that it had originally but 2 feet of water in it.

Mr. BLANCHARD. Will the gentleman be kind enough to state

what harbor he is referring to?

Mr. McADOO. I am referring to the harbor of Ahnapee, Wis. Why, they have undertaken to make a harbor where there is no water save the 2 feet, which may have been rain-water. They have scooped out a harbor on this sand-bank on the shores of Lake Michigan, and after an expense of over \$100,000 they find what? That they were on another man's farm, and that man is levying to-day, and has been since the first dollar was expended on this harbor, a tribute on every man who ships a ton or a pound of freight from it.

If gentlemen will turn to the map of the engineers which accompanies the report on this improvement, they will find that the picturesque commerce as represented on the map consists of two small warehouses, a hay press, and a large brewery. [Laughter.] Now, I can readily account for the charms that this brewery has for the hardy mariners on Lake Michigan, but I can not on my own responsibility and conscience as a Representative consent to vote for a continuance of this monopoly to this one man.

Now, M , to show that I do not exaggerate the merits of

this que\_\_\_\_iet me read an extract from the report:

From the commencement-

Says the engineer-

much trouble has been experienced in carrying on the work at this harbor, owing to the fact that a private party claims to own the entire site of the harbor, from the piers to the highway bridge.

Why, Mr. Chairman, have we come to this in our river and harbor improvements that we are going around throughout the country looking for sites where we may possibly, by an expenditure of Government money, make a harbor or turn a river?

The engineer goes on:

This man was the owner of a landing pier, from which he derived a handsome revenue before the Government undertook the improvement of the harbor. He has built a warehouse just in the rear of the south pier, and has continued to make his own charges for all goods shipped by the steamer, which stops there three times a week. As Ahnapee has no railroad communication and as this man claims to own the land on both sides of the river, no one can reach the piers except as he may direct.

They have already available to continue the improvement a considerable sum, for there has been appropriated up to date for the enlargement of this purely artificial harbor, dominated and controlled by this one man, who stands there and, as I have said, levies actual tribute upon the whole commerce of the place, \$155,000, and we are asked by this bill to appropriate still further the sum of \$3,500.

The last appropriation bill for this purpose contained a very wise provision—that before any more money should be expended on this improvement the Government should obtain from the people of that vicinity a free right to the harbor. That has not been done up to this

date, and says the engineer:

The efforts of the citizens for free wharfage have been unsuccessful, and consequently there have been no operations carried on at this harbor during the past fiscal year.

Now, what is the reason, so far as the engineer's report goes, for making a further appropriation? It is this: About a half a mile from the entrance to the lake there is a bridge, and the engineer says that if they give a still further sum of money he will dig up into the interior of the country and get beyond the property of this man who owns this site. In other words, Congress, after having expended \$155,000 to dig a hole on the shores of Lake Michigan for an artificial harbor, is asked to expend further a sum of \$20,000 to continue the excavation beyond the limits of the property of this man, and these limits are not specified in the report.

Gentlemen will find in this report, by reference to it, a map looking from the proposed improvements up the river, and will see there is a bridge, and the engineer asks you to give an appropriation of \$20,000 to continue the work.

[Here the hammer fell.]

Mr. SOWDEN was recognized, and yielded his time to Mr. McADOO. Mr. McADOO. Now, the truth is this. We are asked to place implicit reliance upon the reports of the engineers, and they enjoy a vast amount of the confidence of the people. But is not that confidence doubly shaken when we find that the Government has embarked in the digging of an excavation for an artificial harbor upon ground which was the property of a private citizen? Why did Congress embark upon that appropriation in the first instance? I do not remember whether my distinguished friend from Louisiana was then chairman of the committee or not, but at any rate here was a case in which Congress deliberately embarked upon the digging of this hole on land which was held in title by another, upon the recommendation of the Engineer Corps

Now it must be true that if the engineers were mistaken in this case, and if this is a fair sample of their action, although I trust it is not, then we have no guaranty whatever that in the thousand and one appropriations we are making they were not misled in many other instances; and that being the case every man will see and willingly concede that we should not embark further in such a project as this until we know when we make an excavation like this on the shores of Lake Michigan for an artificial harbor, that the Government is doing it on

land over which it can exercise control.

Now we have embarked upon this enterprise, and what is the argument of the engineers? That we have gone so far that unless we make further appropriations to protect the work, or unless we put our structure upon them, that the work so far done will be dangerous and obstructive to navigation. Mr. Chairman, it is a much better thing to stop the work now and make a small appropriation to take away the obstruction and break up this monopoly there existing than to continue the work under such conditions.

I would like to know from the distinguished chairman of the Committee on Rivers and Harbors the nearest point at which there is another harbor, because I want to be fair in the matter; and if another

port is very distant it may have been more justifiable, as I find on examination that this place is very small according to this report.

Upon no other ground can there be any possible argument for such a wild-goose chase, such a rainbow chase, such a moonshine chase, to take

white-goose classe, such a rainbow chase, such a moonsmine chase, to take the hard-earned money of the people to dig fish-ponds and make aquariums on these Great Lakes for the advantage of one single citizen.

Now, look at the statement in respect to the commerce of this place.

Very ingeniously they state as the number of steamers "six hundred and over." How do they make that up? I am afraid they make it up by the weekly trips of one steamer. Do they count canoes, rowboats, sail-boats, and dug-outs, or do they make it up by simply counting every trip that a steamer makes? Do they count it as one steamer when it enters the port and another when it goes out? The tonnage is

when it enters the port and another when it goes out? The comage is made up in the same way.

Gentlemen will notice on the map another thing which strikes me. It is one of these beautiful town sites which spring up when that enterprising country of the Northwest has a boom to make. Is it an unreasonable suspicion that the gentlemen who boomed this Eldorado on the shores of Lake Michigan and laid out this beautiful town of Ahnapee came to Congress to get water up to the town to further the real-

estate boom at Ahnapee? [Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDD. I fear that the gentleman from New Jersey [Mr. Mc-ADOO] is confounding some man in his imagination with the man who is charged with standing at Gibraltar and demanding toll of the commerce at that place, and from whom we derive the word "tariff." I can assure him that we have no such man in Wisconsin, and no such tax-gatherer at the harbor of Ahnapee; have no place on Lake Michigan where the Government is endeavoring to "scoop" a harbor "out gan where the Government is endeavoring to scoop a harbor out of sand and rocks." The town of Ahnapee lies at the mouth of the river Ahnapee, which in times past has been navigable, and which is bridged. The gentleman speaks of it appearing on the map as some 3 miles from the lake. That is like all the rest of the picture he has drawn. There may be a map of the place, but I have never seen it. His statement is entirely a matter of fancy and not of fact. This bridge is less than 30 rods from the lake shore itself. There is a valuable harbor at Ahnapee, and it is of great assistance to the commerce of our great unsalted sea, Lake Michigan. Not only one steamer, but many steamers weekly land there.

I have myself stood upon the shore at this thriving village and seen forty vessels heading for Ahnapee at one time. This is one of the great wheat depots for our State at one season of the year; and it is also a coal depot for other ports of Wisconsin and the West. There is no fancy about this. My friend can not conjure up a Duluth and make a Duluth speech in reference to Ahnapee. In years past money has been expended to create a harbor there, and now we only ask this, or at least the committee have only allowed \$3,500. Why? Because in the first session of the Forty-ninth Congress \$15,000 was appropriated at the request of the engineers, but it was coupled with a provision that until the claim of somebody who claimed to be the land-owner and was levying a sort of tribute over those who were shipping goods there should be set aside, that appropriation was not to be used. Subsequently it was ascertained that this man had no legal claim and the bar or restriction was removed and the \$15,000 became available. That was two years ago. Some part of that money is still unexpended, and that is the reason why a small appropriation is called for this year.

If we can have what is now put in this bill with that which is left over it would go far to make a valuable harbor at Ahnapee. I would be glad to see my friend from New Jersey [Mr. McADoo] there. He would find that they are not dug-outs which enter the port, but good, substantial steamers that accommodate and carry out the freight they have for shipment there and bring in freight for the West. I trust that there will be no attempt made to amend this provision, or to strike it out from the bill. It is a just, a fair provision, and one that ought to

Mr. CUTCHEON. How about its being a hole "scooped out" of

private property?

Mr. HUDD. It is not private property. It is well known that the United States does not own land in any of the harbors which are being improved, or which are under construction, but that there are riparian owners all along them. At Ahnapee one gentleman owns a small tract of land on one side of this harbor. He has a warehouse there, which is on the lake shore, which is used as a freight depot and warehouse, and he has the right and privilege of charging rent for its

Mr. McADOO. Will the gentleman permit me to ask him a ques-

Mr. HUDD. Certainly.

Mr. McADOO. He says it is not owned by a private land-owner. It is not my fancy, but here is the language of the engineer:

From the commencement much trouble has been experienced in carrying on the work at this harbor owing to the fact that a private party claims to own the entire site of the harbor.

Mr. HUDD. If my friend had followed my remarks he would have heard me say that that was a misunderstanding. It was so understood by the engineers, but on subsequent investigation and on proofs which were laid before the Secretary of War and the Committee on Rivers and Harbors it was ascertained that this gentleman had no legal right to this land, and the claim is now abandoned.

Mr. GROSVENOR. If the gentleman from Louisiana will call attention to the fact that the project of the engineer is to extend deep water beyond the private rights in the river, he will be able to point out that the landing will then be open and free to the public, and disposes of the entire point made by the gentleman from New Jersey.

Mr. BLANCHARD. I was about to state that in addition to the reasons given by the gentleman from Wisconsin why the very small appropriation of \$3,500 was placed in this bill for a continuation of work at the harbor of Ahnanee the statistics submitted to the con-

work at the harbor of Ahnapee, the statistics submitted to the committee, and which are now before me, showing the commerce of the harbor, fully justify the recognition which the harbor has received in the present bill.

Mr. Chairman, there entered at this small harbor in the last fiscal year 280 steam-vessels and 330 sailing-vessels, making 610 vessels in all, that entered and cleared from the harbor in the time mentioned. The commerce of the harbor was: Exports, \$538,000 in value, and imports, \$275,000 in value; making more than \$800,000 worth of commerce in one year, which showing of trade and of business I submit amply justifies the small appropriation embodied in the bill.

Mr. CUMMINGS. I will ask the gentleman where he gets his

figures?

Mr. BLANCHARD. They are statistics gathered and furnished to Congress by the Engineer Bureau of the United States under the author-ity of law. It is made the duty of the engineers in charge of these Government works not only to report concerning the progress of those works, but also to report to Congress the amount of business, commerce, or trade existing in the different localities; in other words, to report as to the necessity for appropriations for harbor or river improvement, as the case may be, at such points, and statistics thus gathered from com-mercial men and from boards of trade and other reliable sources are undoubtedly reliable and trustworthy. Does the gentleman from New York dispute the correctness of the statistics?

Mr. CUMMINGS. I will answer the gentleman in my own good time.

Mr. BLANCHARD. If he does, I hope he will furnish us the true statistics. These figures are furnished to Congress by the United States officials in charge, who are trustworthy and disinterested.

Mr. McADOO. Will the gentleman allow me to interrupt him?

Mr. BLANCHARD. I will yield for a question.

Mr. McADOO. The gentleman has stated that these statistics of the commerce of these ports have been collected by Government offi-cers. Now, if he will turn to page 1847 of this document he will find it stated that "the commercial statistics for the calendar year 1887 have been furnished by M. T. Parker, esq."

Mr. BLANCHARD. These statistics are furnished by the engineer

officer in charge and he appends them to his report, and, in that con-

nection, he states the source from which he obtains them,

Mr. McADOO. But he does not verify them. He simply states that one "M. T. Parker, esq.," came into his office and handed him a bundle of statistics; but how are those statistics to be verified?

Mr. BLANCHARD. Mr. Chairman, the engineer in charge is not supposed to be at the given locality all through the year, and in collecting statistics he must necessarily get them from some reliable source. Is is not to be presumed, as the gentleman from New Jersey would seem to intimate, that the engineer obtains them from an unreliable source, and when these figures are furnished here upon the authority of the engineer officer they are entitled to as much credence as any figures that could be obtained in any other way.

Now, Mr. Chairman, the project for improvement of this harbor was adopted by Congress in 1875. The project, therefore, has been inherited, so to speak, by this Congress, and by the Congresses immediately preceding. Before many of us had entered Congress the work was begun, and it is not good policy or wise economy to stop short in such a work before it is completed. We found that the work had been prosecuted to a certain point, and that the commerce of this port had increased until it amounted to \$800,000 a year, and we thought it was wise and proper to make this small additional appropriation of \$3,500 to continue the work. In connection with this I desire to read what the engineer says:

It is very desirable that work at this harbor should be resumed, and it is recommended that the proviso about free wharfage be omitted from future appropriations, as after the channel has been excavated above the present site of the bridge steamers can land above the limit of the land now claimed by the owner of the warehouse and his monopoly will then be ended.

So that if this work be now completed it will end the monopoly of which the gentleman from New Jersey complains, and will give the people who use this harbor free facilities for their trade and commerce.

Mr. CUMMINGS. Mr. Chairman, it seems that whenever it is necessary the Congressman residing in the district where the appropriation is made knows more about the appropriation than the Board of En-

A MEMBER. He ought to. Mr. CUMMINGS. And w A MEMBER. He ought to.

Mr. CUMMINGS. And whenever it is necessary that he should
know nothing about the appropriation he falls back upon the report of
the Board of Engineers. We have had from the gentleman from Louisiana [Mr. Blanchard], the chairman of the committee, an exact statement of the commerce of the port of Ahnapee as given by the Board of Engineers. When the river and harbor bill vetoed by President Arthur was before the House we had similar reports from the Board of Engineers. I propose to give extracts from one of them. It is in reference to the immortal appropriation for the immortal Cheesequakes Creek of New Jersey. [Laughter.] Its commerce, as every man living near the creek and many a fisherman in the city of New York knows, is confined to row-boats, flat-boats, and other small craft. Yet the Board of Engineers, this exquisite Board of Engineers, which goes to the United States records for its figures, puts down the commerce of Cheese-quakes Creek at 152 sloops, 30 schooners, 146 barges, and 232 steam-vessels in one year. Such a statement is utterly preposterous. It is evident that the board in making it was suspicious of the accuracy of the figures, for they say-

The amount of commerce is estimated by one of the parties interested at \$110,000 per annum.

And it is a pretty shrewd guess that the man who "estimated" it was the Congressman who is said to have been interested in the marlbed and the brick-yard on Cheesequakes Creek. Thus much for the accuracy of the figures of the Board of Engineers. Their reports, for years past, present similar inaccuracies.

The discovery of the gentleman from New Jersey has led me to again after my protest against this log-rolling scheme. To secure a molety enter my protest against this log-rolling scheme. of the money needed to facilitate the commerce of our great ports we are asked to wink at appropriations for puny streams, cut-offs, creeks, and channels. Indeed, the advocates of the bill condone the jobbery upon the ground that the benefits to be derived from it excuse it. I

quote the remarks of my colleague, Mr. FITCH:

quote the remarks of my colleague, Mr. FITCH:

His second argument, I confess, has much more weight with me. I am sorry to see these small creeks, these inaccessible places, where only the lumberman or the trout-fisherman ever shows himself, coupled with the magnificent national improvements of which I am strongly in favor. But I must choose and he must choose—every one of us who has important national works going on in his district, improvements employing hundreds of men, and bringing incalculable good to the vicinity—we must choose between taking this bill as it is or not taking it at all, and I say for myself that I believe the expenditure of this money in improving the Harlem River alone will bring in more wealth to the commerce of this country than all the money that may be wasted in all the rest of this bill.

Mr. TOWNSHEND obtained the floor and said: I yield my time to

the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Sir, this proposition of my colleague recalls the scheme of the Hon. Flavius Josephus. He paid from the public treasury to the robbers of Galilee such sums of money as he thought they might steal each year, and claimed that the arrangement was of great benefit After dismissing his two fellow-legates because they to the province. took bribes, and after he had become sole governor of Galilee, he entered upon his log-rolling administration on business principles. [Laughter.] He details them thus:

When I had sent for the most hardy among the robbers, I saw that it was not in my power to take their arms from them; but I persuaded the multitude to allow them money as pay, and told them it was better for them to give them a

little willingly rather than to be forced to overlook them when they plundered their goods from them. And when I had obliged them to take an oath not to come into that country unless they were invited to come, or else when they had not their pay given them, I dismissed them and charged them neither to make an expedition against the Romans, nor against those their neighbors that lay round about them, for my first care was to keep Galilee in peace. So I was willing to have the principal of the Galileans, in all seventy, as hostages for their fidelity, but still under the notion of friendship. Accordingly, I made them my friends and companions as I journeyed, and set them to judge causes, and with their approbation it was that I gave my sentences, while I endeavored not to mistake what justice required and to keep my hands clear of all bribery in those determinations.

Like Congressmen and others interested in this bill, I presume. with my colleague [Mr. FITCH]. He admits that this bill may be the source of undefined jobbery; but he is honest, and out of it will get a little for the benefit of the country. By bribing the robbers he would keep peace in Galilee. [Laughter.]

Now, Mr. Chairman, are the gentlemen here so sodden in selfishness as not to see that an increase of the appropriations for our great commercial ports, where they are really needed, will prove of more real advantage to their sections of the country than to reduce them in the interest of scores of infinitesimal streams and alleged harbors? Must Savannah, the queen commercial city of the South on the Atlantic coast, forever bow the knee to the Feather River? Must the appropriation for the harbor of proud Galveston always be held subservient to appropriations for Gordon's Landing? Must the welfare of the great harbor of New York be for time immemorial dependent upon appropriations for Petaluma Creek? Let the money be put where it is really needed, and next let it be honestly expended. Then the country will draw a long breath, open wide its eyes, throw up both hands in astonishment, and with one acclaim exclaim, "Thank God! we have at last a sensible Congress." [Applause.]

Mr. SOWDEN. Mr. Chairman, during the fiscal year ending June 30, 1888, not a single dollar was expended upon this work. On July 1, 1888, there was a balance on hand for the continuation of this improvement of \$15,274.62. The amount appropriated by the act of August 11, 1888, was \$5,000, making the sum available for the fiscal year ending June 30, 1889, \$20,274.62. The engineer in charge of this work says that it required for its completion \$15,000, and that the amount which could be profitably expended during the fiscal year ending June 30, 1890, is \$10,000.

Why not expend this balance of \$20,274.62 before coming to Congress and asking for an additional appropriation? Why was this work not prosecuted during the fiscal year ending June 30, 1888, when there was over \$15,000 on hand to be expended upon it? Why ask now for \$3,500 when there is over \$20,000 on hand for expenditure upon this project?

Mr. CHIPMAN. Mr. Chairman, I have listened with amazement to some of the speeches which have been made on this bill here to-day. I grant, sir, that New York is worthy of the highest consideration at the hands of Congress; I am ready now, and shall be at all times, to vote liberally to comply with the just demands of that great city.

But, sir, I wish it understood, I wish it understood most emphatically, that New York does not comprise the entire great United States of

America. [Laughter.] There are other sections to which New York is not tributary, but upon which New York is entirely and absolutely dependent.

The assault which is made here upon the Great Lakes and through the Great Lakes upon the great West, the hostility which has been shown to these appropriations is born of ignorance of the situation or of intense selfishness which will not admit the just claims of that great section. The Great Lakes, sir, are the avenues of the prosperity of New York.

I would ask my friend from Pennsylvania [Mr. Sowden] what would become of his district, what would become of his great manufactories, if you attempt to stop up the waters of commerce which pour through the Great Lakes? Even his own beloved home for which he has fought so manfully here, and for which I hope in the end he will fight successfully, even Allentown would become a desert and grass would grow in its streets. [Applause.] The truth is this: There may be here and there, and I am not going to say anything concerning this appropriation for Ahnapee, there may be here and there—there necessarily must be in a bill comprising so many subjects of appropriation—items which are unworthy. I do not know what name the gentleman from New York [Mr. Cummings] used, whether it was Cheesequakes Creek or not, but I know no instance of appropriations for the Great Lakes, from beginning to end, for which the appropriation is not for a worthy and necessary object.

I have no local appropriation in the bill. I am not here to support any merely local measure. I am here in defense of the entire system. I am for the great water way stretching a thousand miles from Buffalo to Duluth and a thousand miles from Buffalo to Chicago, through which both that and a mousaint innestroin build to chicago, through which pours the commerce of a continent. I am here to support the general improvement of that great water way, to the attainment, if possible, of a mean depth from one end to the other of 21 feet, and as incidental to that I am here to support the improvement of all the harbors, the harbors of refuge, the harbors of commerce, to support any and every

measure necessary to make commerce across the continent safe, and to

make it profitable to the people of the United States. [Applause.]
Mr. GROSVENOR. Mr. Chairman, the assault made by the gentleman from New York [Mr. CUMMINGS] on the general scheme for the improvement of rivers and harbors, which necessarily involves and implies an assault upon the Engineer Corps of the Army, is not new in this country. He does not enunciate for the first time the doctrine that the people of the country should pay tribute to the port of New York and receive nothing in return. I suppose the gentleman will join with his people in New York in insisting that the people along the Columbia River and over on the Pacific shore shall be taxed to provide for the dumping of the sewerage of New York ontside of the vide for the dumping of the sewerage of New York outside of the 3-mile limit. [Laughter.]

I wish to commend to the gentleman who seems to have gone into the examination of the bill, and who talks so eloquently about "creeks," the creek called Newtown Creek in New York; and I wish him to make a report of the number of sugar refineries at one end and the outlet into the East River at the other. And I wish him to give the reason for the demand for \$4,000,000 for cutting a channel between Harlem River and the East River for the purpose of extending the navigation and extending the transportation of the freight of the canal system of New York down into the bay of New York, a work peculiarly local to New York

Mr. Chairman, this is a country too large to be narrowed down to the outlet to the ocean at New York City.

A MEMBER. You mean the New York Sun. [Laughter.]

Mr. GROSVENOR. Without the improvement of rivers and hardeness

bors the people of this country would not for one moment continue the improvement of the harbor and bay of New York. The one system is

the complement of the other.

The Congress of the United States, since I have had observation of it, has been peculiarly and lavishly generous to the harbor of New York, considering the enormous appropriations which had before that time been made for this New York Bay; but the time has come, and I say it in all friendliness to my friends over there who represent New say it in all friendliness to my friends over there who represent few York City, that the great lakes, the great harbors, the great channels of intercommunication, the great checks on railroad extortion, the great arteries of the commerce of this country are to be the especial objects of the interest of the people of this country.

And wherever a channel leads into a great lake there is an appropriate subject of improvement if commerce is there; and I might as

priate subject of improvement if commerce is there; and I might as well say in this connection to my friend from New Jersey [Mr. Mc-Adoo] that it is not always that a Congressman calls attention to the commercial importance of the point at the time when he asks for an appropriation. I have listened to the very eloquent arguments by members in this House in the direction of appropriations for dredging canals at points along our shores where there was practically no commerce at the time, but the argument was based on the future prospects. They were looking forward to the day when the particular point would ultimately be benefited and draw such commerce to it. This is wise and judicious. In this way the great system is being builded up and fitted together.

Mr. McADOO. Mr. Chairman, I believe in the great West, and I have a great deal of respect for the Great Lakes; and I may also say that I have great respect for my friend from Michigan who has but recently spoken; but I would like to call the attention of this committee again back to the case now before us. I do not wish to indulge in any general remarks for the purpose of meeting the many things that have been said on both sides in this discussion, but simply desire to ask the House now to honestly consider the facts of this individual then and give its conclusions upon them in the light of the facts. If that is done, then I believe the House will agree to strike out the whole of this item, which I think is a very improper one, and if it be stricken out it will have a great moral effect upon river and harbor bills in future by showing a disposition to eliminate from them, as far as practicable, improper and unwarranted expenditures.

But, Mr. Chairman, I must confess that I was disappointed that the distinguished and practical chairman of the Committee on Rivers and Harbors should have advocated and defended this item. Let us consider briefly what that defense is. The gentleman from Wisconsin says it is not a fact that all of the land upon which this harbor is situated is owned by a private individual. He says that the citizens there can get free access to the waters of the harbor and to the improvements that the Government is making. Mr. Chairman, if that be true, if the gentleman is not mistaken in his statement, then why did not the engineers expend the \$20,000 which you appropriated in the last bill? It is not my fancy with which I am now dealing, but simply the facts as they are stated by the engineer himself. He did not expend the money because, he says, the land was claimed and is owned by a private individual; that after two years of agitation and effort the citizens there have been utterly unable to get free access by any means to the

will avoid it by deepening the channel of this river that flows into this harbor. Suppose we give the money? What guaranty have we when we get up through this harbor to the bridge that we will not find another man claiming territory on both sides of the river, and the citizens of Wisconsin will find in the end that notwithstanding the appropriation they have only changed masters? Let us then thoroughly understand what we are doing before we take the money of the people and improve this harbor and the adjacent river, and be sure that the citizens of Wisconsin can find free access over the public property to the river or harbor bank.

The gentleman from Louisiana says that this harbor has a very important commerce. He tells my friend from New York that these are facts from official sources; but I have called his attention to the fact that the commercial statistics of this harbor, as stated in the report, are not from official sources except indirectly, because they are furnished by a Mr. M. T. Parker, a gentleman who does not, so far as I am aware, bear any relation to the Congress or to this Government, and is presumably a private citizen of the State and interested locally in getting all the money he can for his section.

My friend from Wisconsin says it is a flight of fancy on my part, and that it is the high tide of exaggeration by me when I talk of cances and dug-outs, and would lead us to suppose that the United States would place the whole fleets of merchant marine that he saw on the salt seas with their prows turned for Ahnapee.

If he will read the report of the engineers he will find it stated there, and it is not my statement, remember, that the one weekly steamer is a vessel upon which this tribute is laid, showing that the one weekly steamer represents the whole commerce of the place.

[Here the hammer fell.]
Mr. HUDD. Mr. Chairman, I do not care to take up the time of
the committee and hope we shall proceed at once with the bill. I understand that there is no motion pending, but notwithstanding that they have taken my poor little harbor of Ahnapee to make speeches against the general policy of river and harbor bills and against other against the general policy of river and harbor bills and against other items which have no relevancy to the pending question. But to the gentleman last on the floor, as well as the gentleman from Pennsylvania who made the same inquiry as to the amount of money which it was said was unexpended and available for this project, I desire to say but a single word. I have endeavored to explain before that it was owing to an idea on the part of the engineers, an overcaution on behalf of the interest of the people, that the money had not been expended, on the ground that the man who had erected a warehouse, which he on the ground that the man who had erected a warehouse, which he had a right to erect on his own land, had by consent of the people themselves been using that point as a shipping point. But if the peo-ple saw fit to land their goods at this warehouse and pay a certain sum for the privilege, I do not see that that has anything to do with the general question of improving the harbor or that it was any interference

with the free use of the harbor.

After making that report the Committee on Rivers and Harbors, in the early part of the Forty-ninth or in the Forty-eighth Congress, put a proviso upon the bill that the money which was appropriated for the continuation of the improvement of this harbor should not be used until this embargo or tribute was removed; and it was removed to the satisfaction of the committee and the Government. Then there was an unexpended balance. That balance of nearly \$20,000 has already been used or contracts have been entered into covering it. The work has been commenced and the entire amount will be expended. We only ask \$3,500, or that is all that is given to us in this bill.

Mr. McADOO. Will the gentleman permit me to ask him a ques-

tion?

Mr. HUDD. Certainly.
Mr. McADOO. Will the gentleman explain to me and to this House how it is that the engineer in the report says this?

The efforts of the citizens for free wharfage have been unsuccessful, and consequently there have been no operations carried on in this harbor during the last fiscal year.

Now, will the gentleman, in case my amendment be not accepted, vote to put the same restriction on this appropriation in the present bill, that not a dollar of the appropriation shall be expended in this

way unless we shall have free access for the people to this wharf?

Mr. HUDD. I certainly should not; because that would be unfair to this man. The harbor has gone beyond this man's property, and is now beyond his wharf to where others are making other warehouses.

I do not understand that in any harbor the rights of the riparian owner are surrendered to the Government. The Government does not gain the right of warehouseman. That belongs to the riparian owner. There seems at the outset to have been some misunderstanding. It now appears clearly to the War Department and to the Committee on

now appears clearly to the War Department and to the Committee on Rivers and Harbors that this hindrance will no longer exist.

Mr. SPINOLA. It is with great reluctance, sir, I find I am compelled to say a word in defense of the city of New York, which has been so voluntarily and, in my judgment, unwarrantedly assaulted on the floor of this House this afternoon by my friend from Michigan and my distinguished friend from Ohio. One would suppose from listening to their remarks that the State of New York was depending

upon the Congress of the United States for her existence. But it is almost directly the reverse of that fact. We exist from our own resources. We take care of all the people of the country when they come to New York. We protect gentlemen who visit that city not thoroughly up in all the ways of the world, and see that no harm befalls them.

Mr. ALLEN, of Michigan. Will the gentleman permit me to ask

him a question? Mr. SPINOLA.

Mr. SPINOLA. Certainly.
Mr. ALLEN, of Michigan. What is your population?
Mr. SPINOLA. Of New York City? About 1,600,000 to-day.
Mr. ALLEN, of Michigan. Have you not had a book published there within a few months saying there were only 40,000 there?

Mr. SPINOLA. That came from the Republican side—the aristocracy—for which the great mass of the population is not responsible. [Great laughter on the Democratic side.]

Mr. ALLEN, of Michigan. Is it true? Mr. SPINOLA. You must go to the Republican authority to find that out. I do not mingle with that class of people much in New York, for I have discovered they are dangerous at times, and therefore shun

them. [Laughter.]

Now, so far as "Ahna Pee" is concerned, I wish to say I am for Now, so far as "Ahna Pee" is concerned, I wish to say I am for "Annie Pee," and, notwithstanding what my distinguished friend from Pennsylvania has said (and I have just as much love and respect for him as any one in this body) and my eloquent friend from New Jersey [Mr. McAdoo], I am still going to support "Ahna" in this bill, and you may leave the "Pee" off if you want to.

Now, sir, if the committee had done what I think they should have done, and taken the report of the engineers and adopted their recommendation for the city of New York; if for that great harbor, the ben-

mendation for the city of New York; if for that great harbor, the benefit of which is felt all over the country, not by the citizens of New York or the residents of that great city only, but whose pulsation is felt throughout the length and breadth of the American continent, a proper appropriation had been made, a good work would have been done. We ask you to continue to aid us in such a way as to strengthen done. that pulsation.

The Board of Engineers recommended for the improvement of Harlem River and East River \$500,000, and they could use that amount with great economy during the coming year. It is one of the greatest improvements now being considered by the American people. That should have been embodied in the report and provision made up to the full amount recommended by the Board of Engineers. There should be \$500,000 for the clearing of East River and Hell Gate. Give us what we want to have in New York and I will vote for all the creeks in the country. [Great laughter.]

Mr. SOWDEN. That is the source of our complaint against this

character of legislation.

Mr. SPINOLA. If you would do justice to that great port I would vote to put jetties along the entire length of the Mississippi River and reclaim millions upon millions of acres of valuable land, from which sugar enough could be produced to supply the people of the whole

Suppose we spent \$100,000,000 on the banks of that river. In our present great financial strength we would not miss what would be spent. Suppose it took \$5,000,000 a year for twenty years, and at the end of that time we had a vast territory reclaimed that would be able to furnish sugar to the whole world, the question of duty on sugar would be solved forever. And so it would be with all other great improvements. We never make large enough appropriations in the first instance. They should be large enough to complete the work and the money should be spent under the careful supervision of proper authorities. New York asks no special favors at the hands of Congress or anybody else. [Ap-

plause.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. SPINOLA. I trust the Ahnapee will not be stricken out, but will be provided for.

The amendment was disagreed to.

Mr. McADOO. I hope the gentleman will accept my amendment. The Clerk read the amendment, as follows:

In line 20, after the word "dollars," insert: "Provided, That no part of this money shall be available until a free passage is secured to the Government pier."

Mr. HUDD. I would say to the gentleman that that amendment would be entirely useless, as they now pass away out beyond the pier. I trust the bill will not be encumbered with unnecessary amendments. Mr. McADOO. Then I will strike out "the Government pier" and insert "the harbor," and then I trust the amendment will receive the

gentleman's support.
Mr. BLANCHARD. Mr. BLANCHARD. Mr. Chairman, I will call the attention of the gentleman from New Jersey [Mr. McAddo] to the language used with reference to this harbor in the bill of last session. I do this for the purpose of showing him that if his amendment be now adopted it will undo what was done by the river and harbor bill of last session. In that bill an appropriation was made for this harbor, which read as fol-

Improving harbor, Ahnapee, Wis.: Continuing improvement, \$5,000. And so

much of the act of August 5, 1886, for the improvement of rivers and harbors as relates to the harbor of Ahnapee is hereby amended by striking out the words "and no part of the sum hereby appropriated shall be expended until the wharfage over the Government pier shall be made free."

It seems that in the bill of 1886 the proposition which the gentleman from New Jersey desires to incorporate in this bill was adopted, but it

was found not to operate advantageously.

Mr. McADOO. Why? What was the reason it did not work?

Mr. BLANCHARD. For the reasons stated in the report of the engineer for the last fiscal year it was found not to operate, and on the recommendation of the engineer in charge of this improvement Congress repealed in the bill of last session that restricting clause

In the engineer's report, upon which the present bill is based, the same recommendation is made, and hence the omission in the bill of the restricting clause which the gentleman from New Jersey now asks to

have incorporated in the bill.

Mr. GRÔSVENOR. Mr. Chairman, the operation of the amendment proposed by the gentleman from New Jersey [Mr. McAdoo] would be exactly opposite to that which I am sure he intends. Here stands a riparian proprietor demanding toll or wharfage as a condition of the landing of commerce upon the bank. So long as this condition remains in the appropriation bill just so long he will have the power to hold that monopoly; but when you authorize the improvement of the river above him, then you get rid of the monopoly. That is all there is of the matter. there is of the matter.

Mr. McADOO. I should like to have a vote upon the merits of the amendment. The gentleman from Louisiana [Mr. Blanchard] states that this provision was incorporated in the act of 1886, but that the engineer found he could not expend the money although it was appropriated because this man ownedall the land around the harbor, so that if he went on with the work this man alone would be benefited, and that thereupon the engineer asked Congress in his report to take away the restriction. Now the engineer says, "Give me more money and I will dig, not in the harbor but away up the river beyond the bridge, and I will keep on digging until I come to some neighborly man who will let the Government go across his land to get to its own property."
Mr. HUDD. Mr. Chairman, I will say to the gentleman that the

\$20,000 has already taken off the embargo, because it has operated to carry the improvement beyond this monopoly. The improvement is

now beyond the bridge.

Mr. McADOO. My amendment provides for that. It differs from the old restriction. It takes in the whole harbor, and the money can be expended provided the citizens can get access to any part of the harbor. I do sincerely trust, in the interest of honest legislation, that the House will adopt this amendment. And I further trust that gen-tlemen who are in favor of this river and harbor bill—and I am so myself, because I believe that in the main these improvements are necessary—I trust that they will give a fair and impartial hearing to other gentlemen who criticise in good faith its policy, its measures, and its items, and seek to amend it. I hope that we shall now have a vote in good faith on this amendment.

The question was taken on the amendment of Mr. McADoo; and

there were—ayes 28, noes 83.

Mr. SOWDEN. No quorum.

Mr. McADOO. I hope my friend from Pennsylvania will withdraw the point of "no quorum." I have offered my amendment, and the House has voted it down.

Mr. SOWDEN. I withdraw the point. So the amendment was disagreed to.

The Clerk read as follows:

Improving harbor at Superior Bay and St. Louis Bay, Wisconsin: Continuing improvement, \$35,000.

Mr. SOWDEN. I move to strike out the paragraph just read in relation to improving the harbor at Superior Bay and St. Louis Bay, Wisconsin. On July 1, 1888, there was a balance of \$10,270.33 on hand for expenditure on this work; and under the act of August 11, 1888, an appropriation of \$50,000 was made for its continuance; so that there is now an available balance on hand of \$60,270.33. It does seem to me, therefore, that this sum ought to be a sufficient amount to carry

on this work for the next year.

Mr. Chairman, this bill contains three hundred and thirty-seven items of appropriation, including many of the small and unimportant rivers, harbors, creeks, and bayous of the country; and evidently a large number of these unnecessary and wasteful appropriations are included in this measure for no other purpose than to secure the necessary appropriations for the improvement of the more important rivers and harbors of the country. This reflects no credit upon this House. No one objects to appropriations of a reasonably large amount for expenditure under the direction of the Secretary of War, or some other responsible officer of the Government, for the improvement of the more important rivers and harbors of the country in the interest of commerce.

But, as the President said in his last annual message, it would seem that Congress is incapable of providing for the improvement of the great harbors and water ways of the country in the interest of the commerce of the nation without adding to these appropriations large sums of Mourland—to the Committee on War Claims.

Stelly—to the Committee on War Claims.

Also, a bill (H. R. 12370) for the relief of the heirs, etc., of Francois Mourland—to the Committee on War Claims.

money to be wasted upon the most unimportant rivers, harbors, and creeks in the various Congressional districts of the country, and through the expenditure of which not a particle of benefit results to commerce, nor is the public good, in the least degree, subserved thereby.

[Here the hammer fell.]

The question being taken on agreeing to the amendment of Mr. Sow-DEN, there were—ayes 6, noes 79.
Mr. SOWDEN. No quorum.

Tellers were ordered; and Mr. Sowden and Mr. Blanchard were appointed.

The committee again divided; and the tellers reported—aye 1, noes

Mr. SOWDEN. No quorum.
Mr. BLANCHARD. I move that the committee rise.
Mr. BRECKINRIDGE, of Kentucky. A quorum having failed to vote, do not the rules require that the roll should be called?

The CHAIRMAN. That would be the course taken had not the motion of the gentleman from Louisiana [Mr. Blanchald] that the committee rise intervened. This motion, being equivalent in committee to the motion for an adjournment in the House, takes precedence, it being at all times the right of the Committee of the Whole to rise.

The motion of Mr. BLANCHARD was agreed to.

The committee accordingly rose; and Mr. RICHARDSON having taken the chair as Speaker pro tempore, Mr. McMillin reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 11765) making appropriations for the construction, repair, and preservation of certain public works on the construction, repair, and for other nurroses, and had come to no resolurivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. BLANCHARD. I move that the House adjourn.
Mr. DAVIS. Pending that motion, I ask unanimous consent to reort a bill-

Mr. BLAND. Regular order. Mr. BLANCHARD. I am willing to yield to the gentleman from **Iassachusetts** 

The SPEAKER pro tempore. Does the gentleman from Missouri withdraw the demand for the regular order?

Mr. BLAND. No, sir; I think we had better adjourn.

The SPEAKER pro tempore. The regular order being demanded, the question must be taken on the motion to adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FULLER: A bill (H. R. 12352) granting a pension to Lydia Everetts-to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 12353) granting a pension to A. H. Bash—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 12354) for the relief of the heirs

etc., of Gerard Prejean-to the Committee on War Claims

Also, a bill (H. R. 12355) for the relief of Joseph Quebideau—to the Committee on War Claims.

Also, a bill (H. R. 12356) for the relief of Marshall R. Hayes—to the Committee on War Claims.

Also, a bill (H. R. 12357) for the relief of Mary R. Meche-to the

Committee on War Claims.

Also, a bill (H. R. 12358) for the relief of Treville Lagrange—to the Committee on War Claims.

Also, a bill (H. R. 12359) for the relief of Joseph Mouton—to the

Committee on War Claims.

Also, a bill (H. R. 12360) for the relief of John Posey, administrator,

etc.—to the Committee on War Claims.

Also, a bill (H. R. 12361) for the relief of Julia G. Wikoff, administratrix, etc.—to the Committee on War Claims.

Also, a bill (H. R. 12362) for the relief of St. Anne L. Fontenot—to

the Committee on War Claims.

Also, a bill (H. R. 12363) for the relief of Alice Duffy and Ellen Duffy-to the Committee on War Claims

Also, a bill (H. R. 12364) for the relief of Joseph Rayon-to the Committee on War Claims.

Also, a bill (H. R. 12365) for the relief of George W. Dunbar—to the Committee on War Claims.

Also, a bill (H. R. 12366) for the relief of the heirs of Elisha An-

drus-to the Committee on War Claims.

Also, a bill (H. R. 12367) for the relief of Louis Meyer-to the Committee on War Claims.

Also, a bill (H. R. 12368) for the relief of Andreol Landry—to the Committee on War Claims.

Also, a bill (H. R. 12369) for the relief of the heirs, etc., of Terence

Also, a bill (H. R. 12371) for the relief of Theophile Sanvald-to the Committee on War Claims.

Also, a bill (H. R. 12372) for the relief of Catharine A. Grimmerto the Committee on War Claims.

Also, a bill (H. R. 12373) for the relief of Ann Kennison, administratrix, etc.—to the Committee on War Claims.

Also, a bill (H. R. 12374) for the relief of Valery Olivier, admin-

istratrix, etc.—to the Committee on War Claims.

Also, a bill (H. R. 12375) for the relief of Joseph Bernard—to the Committee on War Claims.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROWER: Petition of the officers of the Woman's Christian Temperance Union of the State of North Carolina, representing 600 members, asking prohibition in the District of Columbia-to the Committee on the District of Columbia.

By Mr. J. R. BROWN, petition of post-office clerks, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Petition of Dwight Russell and 80 others, of Milford, Mass., for a constitutional amendment to prohibit manufacture, etc. of alcoholic liquors—to the Select Committee on the Alcoholic

By Mr. CASWELL: Petition of H. J. Benham and 24 others, of Fort Atkinson, Wis., for a constitutional amendment to prohibit the manufacture, etc., of alcoholic liquors—to the Select Committee on the Alcohelic Liquer Traffic.

By Mr. DINGLEY: Petition of the Woman's Christian Temperance Union of Maine, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DOUGHERTY: Petition of Richard Keane, McRae & Whitner, and others, for deepening Mosquito Inlet-to the Committee on Rivers and Harbors.

Also, petition of B. S. Whiteman, I. Wofford Tucker, and others, for deepening of Mosquito Inlet-to the Committee on Rivers and Har-

By Mr. GIFFORD: Memorial of citizens of Steele County, Dakota, for the division of Dakota and the admission of each part as a Stateto the Committee on the Territories.

By Mr. JOSEPH: Petition of the Woman's Christian Temperance Union of New Mexico, asking for prohibition in the District of Colum-bia—to the Select Committee on the Alcoholic Liquor Traffic. By Mr. LEE (by request): Petition of Robert H. Johnson, for relief— to the Committee on War Claims.

By Mr. LONG: Petition of R. Bates and 50 others, of Weymouth, Mass., for a constitutional amendment to prohibit the manufacture, etc., of alcoholic liquors-to the Select Committee on the Alcoholic Liquor Traffic

By Mr. NELSON: Petition of the officers of the Woman's Christian Temperance Union of the State of Minnesota, representing nearly 5,000 members, praying for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PETERS: Petition favoring the passage of the Blair Sunday-rest bill-to the Committee on the Judiciary

Also, petition favoring the passage of the Blair educational bill-to the Committee on Education.

Also, petition of John J. Eickoff, for reference of his claim to the

Court of Claims—to the Committee on War Claims.

By Mr. RICE: Petition of the Woman's Christian Temperance Union, of Santiago, Minn., for an amendment to the Constitution to prevent the manufacture, etc., of alcoholic liquors—to the Select Committee on Alcoholic Liquor Traffic.

By Mr. STAHLNECKER: Petition of post-office clerks, for relief-to the Committee on the Post-Office and Post-Roads.

By Mr. TOOLE: Resolutions of Board of Trade of Helena, Mont. asking to be made a port of entry-to the Committee on Ways and

Also, resolutions of Board of Trade of Helena, Mont., asking liberal appropriations for establishment of system of dams and reservoirs in Montana for the reclamation of arid lands—to the Committee on Agri-

By Mr. WADE: Petition of Josiah Cunningham, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEAVER: Petition of Mrs. Maud W. Robinson and 100 others, citizens of Melrose, Iowa, praying for an amendment of the Constitution of the United States to forever prohibit the manufacture, sale, and transportation of alcoholic liquors used as a beverage—to the Committee on the Judiciary.

The following petitions against the passage of the international copyright bill were received, and severally referred to the Committee on

By Mr. BURROWS: Of W. H. Gardner, of Centreville, Mich. By Mr. GIFFORD: Of Frank Foster, of Egan, Dak.

## SENATE.

## WEDNESDAY, January 23, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

#### HOUSE BILLS REFERRED.

The bill (H. R. 6162) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, to lease lands within their respective boundaries for mining purposes, subject to the approval of the Secretary of the Interior, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 12107) to increase the maximum amount of international money-orders from \$50 to \$100 was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3116) granting an increase of pension to Thomas Wynne, which was, after the word "pension," in line 7, to strike out "of \$50 a month, in lieu of the pension he is now receiving," and to insert "for disabilities resulting from the gunshot wounds of right leg, and rheumatism, and for disabilities now found to exist;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Wynne, late a private of Company C, Second Regiment United States Infantry, and to pay him a pension for the disabilities resulting from the gunshot wounds of right leg, and rheumatism, and for disabilities now found to exist.

Mr. SAWYER. I move that the Senate non-concur in the amendment of the House of Representatives, and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE were appointed.

# PROCEEDS OF CHEROKEE LAND SALES.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs and the draught of a joint resolution providing as to the manner for ascertaining who are entitled to share in the appropriation of \$75,000 made by the act of October 19, 1888, entitled "An act to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under act of March 3, 1883;" which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. HALE presented the petition of Fred. Wallroth, of New York City, praying for an investigation into the income-tax case of John A. Dickerson, of New York City; which was referred to the Committee on Finance

Mr. HALE. I present the petition of H. G. Garcelon and 103 others (49 voters and 55 women), citizens of Auburn, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, transportation, and sale of all alcoholic liquors as a beverage. I move that the petition be referred to the Committee on Education and Labor.

Mr. BLAIR. A joint resolution proposing the submission to the States of such a constitutional amendment has been reported from the Committee on Education and Labor, and is now on the Calendar. The petition should therefore lie on the table.

The petition was ordered to lie on the table.

Mr. PADDOCK presented the petition of H. F. Smith and 112 others (49 voters and 64 women), citizens of Aurora, Nebr., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors

as a beverage; which was ordered to lie on the table.

Mr. FAULKNER presented a petition of 21 citizens of Wheeling,
W. Va., praying for the passage of what is known as the Blair Sundayrest bill; which was referred to the Committee on Education and La-

Mr. PLUMB presented the petition of W. R. Hillman and 59 others (49 voters and 11 women), citizens of Sedan, Kans., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors

as a beverage; which was ordered to lie on the table.

Mr. SPOONER presented the petition of H. J. Benham and 24 others (8 voters and 17 women), citizens of Fort Atkinson, Wis., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. SPOONER. I present the petition of Lewis H. Schilling, of

Texas, setting forth that he was wrongfully and illegally imprisoned by the Mexican authorities; that he was wounded and beaten, and robbed of his money and his goods; that he is and was an American citizen, and he prays Congress for some measure of relief. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DOLPH presented the petition of citizens of Seattle, Wash., praying that Congress in passing enabling acts for the admission of Dakota, Montana, New Mexico, and Washington, incorporate in such acts a clause allowing women to vote for delegates to conventions to frame State constitutions; which was referred to the Committee on Territories

Mr. MANDERSON presented the petition of A. W. Yatt and 361 others (102 voters and 160 women), citizens of Madison, Nebr., and the petition of S. S. McQuilkin and 25 others (12 voters and 14 women), citizens of Dickey, La Moine County, Dak., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were referred to the Committee on Education and La-

Mr. EVARTS presented the petition of Caleb G. Hall and 13 others, citizens of New Berlin, N. Y., praying for a free circulation of the daily Congressional Record by providing that one copy shall be furnished to each school district upon the application of ten or more legal voters thereof; which was referred to the Committee on Printing.

#### REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 11089) granting a pension to Elizabeth Harper; A bill (H. R. 538) granting a pension to Lazaceth Harper;
A bill (H. R. 538) granting a pension to James Miller; and
A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.
Mr. HOAR, from the Committee on Claims, to whom was referred
the bill (S. 902) for the relief of Warren Hall, reported it without amend-

ment, and submitted a report thereon.

Mr. HALE. By direction of the Committee on the Census I report the bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses with sundry amendments. I ask that the bill be printed with the amendments and placed on the Calendar, and I give notice that as soon as possible, I hope at no very distant day, I shall ask the Senate to proceed to the consideration of this important bill.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report an amendment to the consular and diplomatic appropriation bill, which I ask to have read and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be read.

The amendment was read, referred to the Committee on Appropriations, and ordered to be printed, as follows:

For the survey, improvement, and occupation of the bay and harbor of Pagopago, in the island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000; this appropriation to be immediately available.

Mr. SHERMAN. I also report from the Committee on Foreign Relations an amendment to the consular and diplomatic appropriation bill, which I ask to have read and referred to the Committee on Appropriations

The PRESIDENT pro tempore. The amendment will be read.

The amendment was read, referred to the Committee on Appropria-

tions, and ordered to be printed, as follows:

For the execution of the obligations and the protection of the interests of the United States existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

Mr. SAULSBURY. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (S. 3516) to further suspend the operation of section 5574 of the Revised Statutes of the United States, Title LXXII, in relation to Guano Islands, to report it without

I desire to say that personally I dissented from the views of the committee in proposing the passage of the bill, and I am also requested by the Senator from Vermont [Mr. Edmunds], a member of the committee, to make known his opposition to the bill.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 1778) for the relief of Philip Loney, submitted an adverse report thereon, and moved that the bill be postponed indefi-

mitely.

Mr. DOLPH. I ask that the bill be placed on the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. TURPIE, from the Committee on Pensions, to whom were re-

ferred the following bills, reported them severally without amendment, and submitted reports thereon:

ment, and submitted reports thereon:

A bill (H. R. 11999) granting a pension to William Barnes;

A bill (H. R. 4763) to grant a pension to Joseph Van Arsdel;

A bill (H. R. 9946) granting a pension to Enoch B. Vice;

A bill (H. R. 11617) granting a pension to Mary Thompson; and

A bill (H. R. 10260) to place the name of Charles A. Stockman, of Dundee, Mich., on the pension-roll.

Mr. CHANDLER. I am directed by the Committee on Naval Affairs to report back certain resolutions of the Headquarters Commandery of the Military Order of the Loval Legion of the United States, of Des the Military Order of the Loyal Legion of the United States, of Des Moines, Iowa, in favor of the publication of the naval records of the war of the rebellion, together with a report and accompanying amendments which the committee intend to propose to the legislative, executive, and judicial appropriation bill. I move that the amendments be referred to the Committee on Appropriations, and that the accompanying report of the Committee on Naval Affairs be printed.

The motion was agreed to. .

## ISAAC N. THOMPSON.

Mr. PADDOCK. I move to reconsider the vote by which the Senate postponed indefinitely the bill (S. 1589) for the relief of Isaac N. Thompson, and that the bill be placed upon the Calendar.

The motion was agreed to.

#### ROAD AT PLATTSBURGH, N. Y.

Mr. PADDOCK. With the assent of the Senator who reported the bill (S. 3754) to construct a road from the village of Plattsburgh, N. Y., through and along the Government military reservation in said village, I move that it be recommitted to the Committee on Military Affairs. The motion was agreed to.

#### BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3871) to grant the Home Mining Company the coal underlying the bed of the Missouri River opposite Fackler's addition, city of Leavenworth; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. CULLOM (by request) introduced a bill (S. 3872) for the relief of William H. Cayce; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER (by request) introduced a bill (S. 3873) for the relief of Oliver S. Glisson; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 3874) for the relief of Edmund R. Calhoun; which was read twice by its title, and referred to the Committee on Naval Affairs,

Mr. WILSON, of Maryland, introduced a bill (S. 3875) providing for the establishment of certain light-houses in the State of Maryland; which was read twice by its title, and referred to the Committee on Commerce.

# AMENDMENT TO A BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOLDIERS' HOME AND ECKINGTON RAILROAD.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the commissioners of the District of Columbia be directed to report to the Senate forthwith whether the Soldiers' Home and Eckington Railroad Company is indebted to the District of Columbia; and if so, what sum and on what account; and if such indebtedness exists, why the same is not collected.

# POSTMASTERS' ACCOUNTS.

Mr. PLUMB submitted the following resolution; which was read: Mr. PLUMB submitted the following resolution; which was read:

Resolved, That the Postmaster-General be directed to report to the Senate the
salaries due postmasters, computed upon applications presented to the Postmaster-General under chapter 119 of the laws of 1893, upon the basis of chapter
61 of the laws of 1864, agreeably to the requirement of section 8 of chapter 114 of
the laws of 1865, and chapter 119 of the laws of 1883, as the requirement of said
laws is laid down and published by authority of the Postmaster-General in "Exhibit A" of Senate Executive Document, No. 146, Forty-minth Congress, first session; and in Post-Office Department circular, form 1223; such report to exhibit
in each case the amount of computed salary for each biennial term of service, and
for each fractional biennial term of service, less the amount of paid salary for the
same term of service in all cases in which it appears that postmasters of the three
classes within the acts, received as laries 10 per cent. or more less than they would
have received in commissions under the act of 1854, had not the acts subsequent
to 1854 been enacted, and to be made from time to time as report of such claims
already computed can be prepared and tabulated in each State. And that the
Postmaster-General be directed to make a like report to the Senate, as early as
practicable, of all such claims presented to the Postmaster-General prior to January 1, 1887, which have not yet been computed.

The PRESIDENT pro tempore. Is there objection to the present

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. That would involve an incalculable amount of

labor in the Post-Office Department. It seems to me that the information called for by the resolution has already been covered by a resolution previously introduced and referred to the Committee on Post-Offices and Post-Roads, which was reported adversely by the committee, and is on the Calendar. I must, therefore, move that the resolu-tion be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

#### SEIZURE OF SHIP BRIDGEWATER.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of State be directed to transmit to the Senate copies of all correspondence on the files of the Department of State relative to the seizure and release of the ship Bridgewater, owned by Mary E. Allen, of New York, and of all documents and papers in his possession relative thereto.

## INTERNATIONAL COPYRIGHT BILL.

Mr CHACE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,000 copies of the bill (S. 554) "to amend Title LX, chapter 3, of the Revised Statutes of the United

#### COUNT OF ELECTORAL VOTES.

Mr. HOAR. I ask the Senate to proceed to the consideration of the concurrent resolution in regard to the electoral count.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution reported by Mr. HOAR from the Committee on Privileges and Elections, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 13th day of February, 1889, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States; and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled, as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States; and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. SAULSBURY. I ask the Senator from Massachusetts if the resolution is in the usual form.

Mr. HOAR. The resolution is a precise copy of that adopted four years ago, and, I believe, of the one adopted eight years ago, but certainly of the one adopted four years ago.

Mr. SAULSBURY. That is all I wanted to know.

The PRESIDENT pro tempore. If there be no objection to the present consideration of the concurrent resolution, the question is on agreeing to the same.

agreeing to the same.

The concurrent resolution was agreed to.

#### DEATH OF REPRESENTATIVE ROBERTSON.

Mr. GIBSON. A "message from the House of Representatives, by its Chief Clerk, T. O. Towles, communicated to the Senate intelligence of the death of Hon. Edward White Robertson, late a Representative in the House of Representatives from the State of Louisiana, and resolutions thereon by that body." I ask that the resolutions may lie upon the table, and I give notice that I shall call them up on Friday, the 15th of February next, at 4 o'clock.

The PRESIDENT pro tempore. The resolutions will lie on the table subject to the call of the Senator from Louisiana.

## PERSONAL EXPLANATION.

Mr. BLODGETT. Mr. President, I ask permission to make a personal explanation

The PRESIDENT pro tempore. The Senator from New Jersey is

recognized for that purpose.

Mr. BLODGETT. I notice in the RECORD this morning that the senior Senator from Virginia [Mr. RIDDLEBERGER] is reported as have ing made an explanation of his position upon the Senate substitute for the tariff bill, in which he stated that he would not have voted for that bill. As I was paired with that Senator, and acting entirely in good faith, it is due to the Senate that they should understand all the circumstances of the case.

cumstances of the case.

The junior Senator from New York [Mr. HISCOCK] asked me to pair with the Senator from Virginia, which I did, and I announced when my name was called that I was so paired. I understood—in fact, I had a right to suppose and believe—that the Senator from Virginia was in favor of the passage of the Senate bill until after I had made the announcement. I then found the Senator from Virginia and told him that I had announced my pair with him; and at his request I allowed the pair to stand. That is all the explanation I desire to make.

Mr. RIDDLEBERGER. Mr. President, there is no difference between any statement that I could make and that which the Senator

Mr. RIDDLEBERGER. Mr. Fresident, there is no difference between any statement that I could make and that which the Senator himself has made. I suppose that I could correct him in one matter, and that is that he and I both thought that the vote which was then being taken was a vote on an amendment and not on the Senate subbeing taken was a vote on an amendment and not on the Senate substitute. I think the Senator will agree that the misapprehension was mutual. He came into what we call the cloak-room here, and he said, "Well, let this pair stand." I think the Senator fron New Jersey will agree that we both misunderstood it at the time, because the hour of 8 o'clock had not arrived. Neither, I think, would attack the integrity of the other on the question of a pair between Senators here. That being understood everything was understood.

Mr. BLODGETT. I will only say that I had no information that the Senator from Virginia was opposed to the passage of the bill. I paired with him in absolute good faith, believing him to be in favor of

the passage of the bill, and I want that fact distinctly understood by the Senate.

## RIGHT OF WAY THROUGH CROW RESERVATION.

The PRESIDENT pro tempore. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order. The first bill on the Calendar under Rule VIII will be stated.

The CHIEF CLERK. A bill (H. R. 593) for the relief of James Al-

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in Montana Territory.

Mr. SHERMAN. I do not want to antagonize the Senator's bill, a local bill, but I wish to call up the bill to declare unlawful certain trusts; and I should like to have it passed as soon as possible.

Mr. JONES, of Arkansas. I will say to the Senator from Ohio that I do not think there can be any objection to this bill. It will only take the time to read it and pass it. It is a local matter.

Mr. SHERMAN. I shall try to get up the trust bill after that is

disposed of.

Mr. HOAR. Perhaps it is proper that I should say to the Senator from Ohio now that I have given some careful study to his bill with reference entirely to making it more certain and accurate in its defini-There are one or two amendments which have been suggested to me by a very high quarter indeed (I will not call the name of the person publicly), which I should like to submit to him. I think if he would let the bill go over one day it would be more convenient.

Mr. SHERMAN. That makes no difference as to the consideration of the bill to-day. The Committee on Finance have one or two amend-

ments already agreed upon to the bill.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in Montana Territory.

The motion was agreed to; and the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 3, after the word "way," to insert "and grounds adjacent thereto, as provided in section 2;" so as to read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and grounds adjacent thereto, as provided in section 2, and provide the time and manner for the payment thereof; and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road.

The amendment was agreed to.

The next amendment was, in section 3, line 18, before the word "regard," to insert "due;" so as to read:

But no right of way shall yest in said railroad company in or to any of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TRUSTS AND COMBINATIONS.

I now move that the Senate proceed to the con-Mr. SHERMAN. sideration of what is known as the trust bill, stating that at the request of the Senator from Massachusetts [Mr. HOAR] I will not ask for a final vote until to-morrow, as he desires to offer one or two amendments; but I should like to have it read now.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Senator from Ohio moves that the Senate proceed to the consideration of the bill (S. 3445) to declare unlawful trusts and combinations in re-

straint of trade and production.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed, or which tend to advance the cost to the consumer of any of such articles, are hereby declared to be against public policy, unlawful, and void.

SEC. 2. That any person or corporation injured or damnified by such arrange

ment, contract, agreement, trust, or combination may sue for and recover, in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

SEC. 3. That all persons entering into any such arrangement, contract, agreement, trust, or combination described in section 1 of this act, either on his own account or as agent or attorney for another, or as an officer, agent, or stockholder of any corporation, or as a trustee, committee, or in any capacity whatever, shall be guilty of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States shall be subject to a fine of not more than \$10,000, or to imprisonment in the penitentiary for a term of not more than five years, or to both such fine and imprisonment, in the discretion of the court. And it shall be the duty of the district attorney of the United States of the district in which such persons reside to institute the proper proceedings to enforce the provisions of this act.

Mr. SHERMAN. I move to strike out in lines of and recover.

Mr. SHERMAN. I move to strike out, in lines 9 and 10 of section 1, the words "competes with any similar article upon which a duty is levied by the United States, or which," and to insert in lieu thereof, after the word "that," in line 9, the words "in due course of trade;" so as to read:

Or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another, etc.

I ask for the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment to the amendment reported by the Finance Committee, which will be read.

The CHIEF CLERK. In lines 9 and 10 of the amendment reported by the committee, it is proposed to strike out the words "competes with any similar articles upon which a duty is levied by the United States, or which," and insert in lieu thereof the words "in due course of trade;" so as to read:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another.

Mr. SHERMAN. I promised the Senator from Massachusetts to let the bill lie over until to-morrow, as he has some amendments that he desires to propose. I wish to call the attention of the Senate to the importance of the bill. I do not wish to say a word about it, but to-morrow I will call it up for final action.

Mr. HARRIS. Who desires that the bill go over until to-morrow? Mr. SHERMAN. The Senator from Massachusetts [Mr. HOAR] desires to offer two or three amendments, and I give notice that to-mor-

row, when he has prepared them, I shall call up the bill.

Mr. HOAR. I will repeat, for the information of the Senator from
Tennessee, that some week or two ago I gave some careful examination to this bill, desiring to make it a little more stringent in one or two particulars, and I consulted a gentleman of very high character and great legal ability, whose name I will state to the Senator from Tennessee in private. It is not necessary to state it publicly. He suggested two or three amendments which I should like to submit to the Senators having the bill in charge, which I think they will find will help to carry out their object, but by an accident I have them not with me this morning.

Mr. HARRIS. Of course there can be no objection to having the bill go over for that purpose; and the more stringent you make it the

better it will suit me.

Mr. CULLOM. I was going to inquire of the Senator from Ohio whether he had made any amendment to the bill reported by his com-

Mr. SHERMAN. The amendment is a substitute for the original bill, and contains three sections, one of which I believe was mainly taken from a bill introduced by the Senator—the punitive clause.

Mr. CULLOM. The bill reported from the committee. I was out and did not know whether the Senator made any suggestion to further

amend the bill.

Mr. SHERMAN. I submitted one amendment from the Committee on Finance; and the bill will come up for further amendment to-mor-

Mr. PLATT. Has the bill been read as amended?

The PRESIDING OFFICER. The amendment proposed by the committee, reported as a substitute, has been read and an amendment offered to it and agreed to.

Mr. PLATT. Let us have an order that the bill as now amended

shall be printed in the RECORD, so that we may all see it.

The PRESIDING OFFICER. The amendment reported by the committee has not been agreed to. The Senate has not acted on that. The committee reported an amendment which was practically a substitute, and the Senator from Ohio offered an amendment to that amendment, which was agreed to. Now the question is on the amendment of the committee as amended.

Mr. SHERMAN. What the Senator desires will be done anyway, because the Secretary has read the bill, and the bill as it now stands will be printed in the RECORD to-morrow.

Mr. PLATT. That is all I desire.

The PRESIDING OFFICER. The bill will be postponed until tomorrow, if there be no objection.

STATE NATIONAL BANK OF NEW ORLEANS.

Mr. VOORHEES. I ask the Senate to proceed to the consideration of the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank.

The PRESIDING OFFICER. The Senator from Indiana moves that

the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

Mr. DANIEL. I do not object to the Senator's calling this bill up out of order, but I beg leave to give notice now that the next bill on the Calendar I shall ask a hearing for, a bill that I have several times tried to get up out of order.

Mr. VOORHEES. I shall help the Senator all I can. I yield to the

Senator from Wisconsin.

Mr. SPOONER. That bill has been read.

The PRESIDING OFFICER. House bill 3715 has been already read, and is now before the Senate as in Committee of the Whole, and open to amendment.

Mr. SPOONER. I move to insert an amendment, which I send to

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 15, after the word "court," it is proposed to insert the following words:

So far as the same may be legally competent and proper under said rules and practice,

So as to read:

That the testimony and original papers filed by said bank before the Treasury Department of the United States in connection with said claim be, and the same shall be, received by said court, so far as the same may be legally competent and proper under said rules and practice, as evidence as if taken or filed under the rules of said court.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read third time.

The bill was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. PLATT. I desire to say that I am not in favor of the passage of this bill. I know that it has passed the Senate two or three times, and very possibly it may pass again. But I desire in some way to re-cord my opposition to the bill. I will not call for the yeas and nays on its passage, unless other Senators feel that they desire to vote against the bill, because what I am now saying will declare my position upon it.

Without going into the facts particularly, it is a claim made by the State Bank of Louisiana, arising when it was the agent of the Confederate government, as I understand, for the purchase of cotton. barred by the statute of limitations. A suggestion is made on behalf of the bank, as I understand, that since the bar of the statute of limitations has run against the claim there has been a decision of the Supreme Court on the law, and that if it had known that the law was as it is now declared by the Supreme Court of the United States, it could and would have brought its case before the Court of Claims within the time required by the statute of limitations

I may not be exact about it, but I think that is the general claim upon which the bank asks that it may go into the Court of Claims. am opposed to removing the bar of the statute of limitations in such cases. There are a great number of these cotton cases, to say nothing about the fund of some \$10,000,000 which is now in the Treasury of the United States, derived from the proceeds of captured and abandoned cotton, upon which we shall be asked to remove the bar of the statute of limitations—and I do not think it ought to be done—to take that fund which is in the Treasury of the United States, amounting to about \$10,000,000, the proceeds of captured and abandoned cotton, for which no claim has ever been made by the parties to whom the cotton originally belonged, and who could not within the time before the statute of limitations ran make any claim according to their under-

statute of limitations ran make any claim according to their understanding of the law, because a requirement for making that claim was, as it was supposed, certainly upon the face of the statute, that they should be able to prove their loyalty.

Since the time in which they could bring those cases has elapsed, as in this instance, a decision of the Supreme Court of the United States has held that pardon and amnesty estopped the Government from setting up in such cases that the party was disloyal; and if we remove the bar of the statute of limitations in this case, it seems to me that no reason can be urged, when parties who were disloyal come forward to make claim for this \$10,000,000 which is in the Treasury, against removing the her of the statute of limitations. It appears to me that if moving the bar of the statute of limitations. It appears to me that if we follow precedent we shall be bound to remove the bar of the statute in those cases, that being the only thing which stands now between the Treasury and the recovery of the fund of \$10,000,000 in it as the proceeds of captured and abandoned property.

This case, therefore, is of so much importance as a precedent that I

Mr. HOAR. Mr. President, I concur with my honorable friend from Connecticut in the opinion he has just expressed, as I do on almost every opinion he expresses in this world, so far as it is a matter of principle. ciple. I know no person more unlikely to be mistaken in a matter of principle. But it does seem to me that this is a case to which the gen-

eral principle he has announced does not apply.

In the first place, this is not a claim against the Government in the sense of a claim to any property treated or recognized by the Government as its own. It is not a claim against the Government for any wrongdoing or injury inflicted by itself or its agents. It is not a claim for any indebtedness on its part in the ordinary sense. It is a claim to what it took into the Treasury as a trust fund to be held solely for the owners and has always been treated as such. It found certain property, a good deal of it property of Union men, which it collected, gathered, and sold, placing the proceeds in its Treasury to be recovered by the owners when they should establish their right to it; and it never recognized this as captured and abandoned property which had been forfeited or as property which was to be treated as booty.

The present case is the case of a party who presented his claim to the Quartermaster's Department of the United States, there being a

provision that application should be made within a certain time, which has, of course, some general analogy to the ordinary statute of limitation; but it is not the case of a usual statute of limitation. It is the case rather of an executive officer having a particular power to deal with this for a limited time and before he had made the final determination upon the subject the right of prosecuting the remedy expired, the right of going into the Court of Claims expired. That being the case and the Supreme Court of the United States having clearly established the title of this party to this property, it does seem to me that it would be a very strange thing for the United States, the trustee, to say that the cestui que trust did not come in soon enough and therefore the trustee will pocket this trust fund himself.

Mr. EDMUNDS. Mr. President, this claim of the State Bank of Louisiana is not a new one for consideration in Congress. It has been here a good while as I believe, and is one of the cotton claims, the cotton having been seized under the captured and abandoned property act of March, 1863. That act did not confer upon the Secretary of the Treasury any authority to decide to whom the money, the proceeds of the cotton, should be paid, but in Mr. Johnson's administration the

then Secretary

Mr. HOAR. Will the Senator allow me to correct him in a fact in the statement made by him? I am sure he would like to be correct. This was not seized in 1863, but after the war ended, in 1865.

Mr. EDMUNDS. If the Senator would patiently listen to me a little while he would see what I mean. I have not, I think, made any wrong statement of fact, and the Senator does me the justice to say he does not suppose I would intend to do so.

I think I may safely repeat that this cotton was seized under the captured and abandoned property act. It was the only act of Congress that I know of which would have justified any officer of the United

States, civil or military Mr. HOAR. The Senator said that it was seized in 1863.

Mr. EDMUNDS. I rather suspect that the Reporter's notes will show that I said it was seized under the act of 1863. I was not ignorant of the fact-for this matter I am confident was once before the Committee on the Judiciary—that it was seized in 1865, as the Committee on Claims think after hostilities had terminated. I do not think it was seized after hostilities had terminated in the sense that the Supreme Court has decided when the war ended.

It became important some time ago, in causes arising between parties, for the Supreme Court to determine, as it was their mission to do in a case between parties, when the war between the United States and the so-called Confederated States of America—or whatever may have been the title of that establishment-ended; and my present impression is, without referring to the decisions to fix it, that the court held that the war terminated later than June, 1865, if that was the date of the seizure. My impression is that it was sometime in August, but, as I say, I am not now speaking by the book, and it is a long time since I have seen the decision.

My friend from Massachusetts corrects me again, and very properly, that the Supreme Court held that the war in the sense of the rights of parties terminated in 1866 and perhaps in some sections of the country earlier than others. I thank my friend for the candor (although he is in favor of this measure) of stating that fact. Now let us see what the act of 1863 was and whom it was intended to benefit. Here it is. The first section provided-

That it shall be lawful for the Secretary of the Treasury from and after the passage of this act, as he shall from time to time see fit, to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory of the United States designated as in insurrection against the lawful Government of the United States by the proclamation of the President of July 1, 1862.

And so on. It then provided that that property might-

Be appropriated to the public use on due appraisement and certificate thereof, r forwarded to any place of sale within the loyal States as the public interest

The PRESIDENT pro tempore. This debate is proceeding under Rule VIII. The Senator has spoken five minutes.

Mr. EDMUNDS. Then I ask unanimous consent to go on, for I do not wish to interrupt the will of the Senate if they choose to pass this bill; but it can not be justly debated in any five minutes.

Mr. VOORHEES. I have no objection at all to the time being extended.

Mr. COCKRELL. I do not understand that we are proceeding under the five-minute rule. There was a motion made to proceed to the consideration of this bill. It did not come up on the Calendar regu-

The PRESIDENT pro tempore. The Chair was absent attending to other business of the Senate when the bill was brought before the Senate, but he subsequently understood that, the Calendar under Rule VIII being in order, the Senator from Indiana [Mr. VOORHEES] moved the consideration of this bill, and no objection was made to it. It was not taken up by vote. The Chair thinks that when the Calendar is in order under Rule VIII, unless a bill is taken up by vote, the five-minute rule applies. If there be no objection, the Senator from Vermont will

Mr. EDMUNDS. I was proceeding to say that the act provided that the property which was not appropriated for public use by the Army, etc., at the time might be sent for sale in any of the loyal States, and that the proceeds should be paid into the Treasury of the United States. I will stop there on that section and tell you what took place. The very large sums of money, probably more than twenty millions at times, accumulated at the end of the war, in 1865 or 1866. Although the statute said that the proceeds should be paid into the Treasury of the United States, it was found on inquiry that in the technical sense, on the books of the Treasury, the money had not been paid into the Treasury at all, and that although it was in the Treasury building or in the subtreasury in New York, or somewhere, it stood in such shape that on the order of the Secretary of the Treasury, without any appropriation by act of Congress (which alone can take money out of the Treasury of the United States), it could be paid to anybody that the Secretary chose to give it to. He, of course, acting under his just sense of responsibility, gave it to people whom he thought were the original owners of the cotton and ought to have the money back. That was called to the attention of Congress, and Congress passed a law, in which I had some part, directing peremptorily that every dollar of that money thus held outside of the technical Treasury of the United States should come into it, so that no further order of any Secretary of the Treasury could take a dollar out of it until Congress had passed on the question as to whom any part of it should go to.

The result was that the money which was left, ten or twelve, or per-haps fifteen million dollars, was turned into the Treasury in the proper and legal and constitutional sense. That ended that part of it; and there was no time, so far as I understand the law, with great respect to the committee, when lawfully the Secretary of the Treasury had any authority to decide upon the question as to whether the alleged owner of the original cotton was loyal or disloyal, whether he was the owner or not, or to make any order concerning the return of the proceeds of the cotton to him. So the claim of this bank that it was delayed in filing its application in the Court of Claims because the matter had not been determined adversely to it by the Secretary of the Treasury is totally without foundation. It has, according to the best of my knowledge, information, and belief, nothing whatever to stand upon.

Then came the remedial part of the act, which provides that-Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion—

Which, as my friend from Massachusetts reminds me, the Supreme Court determined was long after 1865—

prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that—

Now I beg Senators to notice-

and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase-money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition

thereof.

The point of the law was first that cotton being really a contraband of war, and furnishing really, as we all know that it did, the whole sinews of war to the Confederacy, was declared by this act of Congress to be one of the things that should be seized wherever it could be found by capture, or if abandoned by retreating troops or the departure of the owners of plantations who had gone into the rebellion it was to be taken up; but Congress saw that it might happen, as it did often happen, that the owner of that cotton had stood by the flag and that he was rejected by the Confederacy as a traitor to it, and they that he was rejected by the Confederacy as a traitor to it, and they therefore through their officers would take his cotton without paying for it, as they had a perfect right to do so long as the state of war ex-Congress therefore declared that no man (and I take it the Supreme Court has decided that corporations are men within the protection of the Constitution as to depriving people of rights, etc.), no person, no corporation, I will say, although the word "corporation" is not used in the statute—no set of men, under whatever form of organization they may style themselves or associate themselves, should be entitled to any return of the proceeds of this cotton unless he or they had been on the side of the United States during the rebellion; and it stood upon just and broad principles of public policy and public

What was the next step in this drama of events about this money in the Treasury? The Supreme Court of the United States decided that a pardon by the President of the United States of a person who had levied war against it, and therefore according to the Constitution had been guilty of treason toward it, was equivalent to his having always been a loyal man in fact, and that it puthim in point of law under this statute in the same attitude as if he had been fighting on the side of his country instead of against it. That they said was the law; perhaps it was; and they said therefore that this clause in the statute which said that the claimant of the cotton must prove to the satisfaction of the court that he had never given aid or comfort to the rebellion was satisfied by his producing a paper signed by the President of the United States stating that he had forgiven him for that, and that therefore he was entitled to a standing in the Court of Claims just like a really loyal

It became, then, of some consequence, if the real will of Congress was to be carried out, to hold up this statute in its other respects which the Supreme Court could not get over if they wanted to, one of which was the statute of limitations that the rebel who applied thus having been made a loyal man by the President of the United States must apply within the time that the statute had provided. There was one safety left for the Union side and for the Treasury, although the Supreme Court had overthrown the other part of it. And accordingly all these cotton claims a few years ago went to the Committee on the Judiciary as relating to the instituting of judicial proceedings in court; and if I am not wrong in my recollection (as I think I am not) that committee, when it had among its members the late Senator from Ohio, Judge Thurman, and the former Senator from Arkansas, Mr. Garland, and two or three other Democratic Senators, probably not more than two, had several cases of exactly this character as it regards the statute of limitations, where the time had gone by to sue in the Court of Claims, and where the claimants appealed for relief to that committee (which, as I say, was then given the duty of considering and reporting to the Senate on these questions), and asked us to pass an act waiving the statute of limitations; but that committee, I believe unanimously, certainly with the assent and with the decided approval of the Democratic members I have mentioned-I am confident of that-determined that there was no justification in cases of this character in Congress removing the statute of limitations. So we declined to report bills to do that thing, and I think he reported some adversely, although it very often happens in that committee, as I suppose it does in others, that when all the committee are opposed to a particular relief being granted and they are oppressed with so many things, they just let it lie in the committee without making any report at all.

My present impression is that there will be found in the files of the Senate written reports upon some claims involving the question of the statute of limitations under this captured and abandoned property act, adversely, upon that very ground that it was due to the interests of the United States, due to the good order of its laws, due to the safety against false claims, in fact, the manufacture of evidence, after the seizing officers and the circumstances of seizure had been lost sight of, to bring up persons on plantations to swear that there was cotton and that it had been seized, and all that sort of thing; that every principle of justice and of policy required that the bar of the statute of limitations should not be removed unless the claimant could show a clear case of that fraud or accident or mistake which sometimes leads courts of equity to relieve against the bar of the statute of limitations in the ju-

risprudence of the various States.

That is what became of these claims upon this question in the Committee on the Judiciary when we were honored with the confidence of the Senate in considering them. Such cases latterly, for several years, have been withdrawn from the consideration of the Committee on the Judiciary and sent to the Committee on Claims. It appears that in this instance the committee has reported in favor of removing this bar. Now, upon what ground of justice can it stand? This corbar. Now, upon what ground of justice can it stand? This corporation, although a person not existing otherwise than in contemplation of law in the technical sense, was still a corporation that was composed of citizens of the United States who managed that bank. The bank was situated in New Orleans. It was a Confederate bank in the sense of carrying on its operations under the Confederacy, and under its direction during four years of the war, and as my friend from Connecticut [Mr. Platt] says, and as I believe is true, it was the fiscal agent of the Confederacy, and for aught I know—and I should be strongly inclined to believe it to be a fact, but I can not prove it at this moment—the very funds that the bank sent into the country to collect and buy this cotton were made up of the deposits which the collect and buy this cotton were made up of the deposits which the Confederate government had made in that bank; but that, as I say, I do not state upon any evidence which is in my possession. It is merely a surmise, a belief of mine, because I wish to state everything, as of course every Senator does, with absolute fairness and candor, so far as I understand it.

That bank, then, having bought this cotton and it having been seizedhaving bought the cotton for the purpose of gathering it in and making a profit for itself and the Confederacy, or both—did not get it within the lines to dispose of it for English gold, until the armies of

the United States got in a condition where it could not be done, and so it staid at the various plantations and depots where it happened to be. Then it came forth. Then it was seized under this act of 1863 that I have recited, and the proceeds—at least I will assume—got into the Treasury, and now it is proposed that this fiscal agent of the Confederacy, probably acting with Confederate money, is to come to the Treasury of the United States after every other man is shut out by the statutes of limitations long since, and be repaid. It does not seem to me to be right.

Mr. HOAR. I ask consent of the Senate to occupy a few minutes

in reply to the Senator from Vermont.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Massachusetts asks unanimous consent to proceed.

Mr. EDMUNDS. There is no objection.
The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Massachusetts will proceed.

Mr. HOAR. Mr. President, the Senator from Vermont has stated the names of some eminent gentlemen, not now members of the Senate, who he thinks, either publicly or privately, agreed to a certain policy in dealing with captured and abandoned property when legis-

lation was desired.

I do not question at all the wisdom of those gentlemen or the accuracy of the Senator's recollection so far as it applies to the question with which they were then dealing. But I think this case is entirely dis-tinguishable from the class of cases to which the Senator's argument referred and the class of cases which Judge Thurman and Mr. Garland considered; and perhaps as the Senator has referred to a matter of authority it may not be improper for me to state that this matter was considered very carefully by the late Senator from Tennessee, Judge Jackson, one of the fairest-minded men with whom we were, any of us, ever associated in the public service, and a man who set his face like flint, although himself from the section of the country formerly in rebellion, against all that class of Southern claims, so called, to which any reasonable doubt anywhere attached, either on grounds of honesty or on grounds of general public policy. There was no Senator to whom the Senate looked in his time for a more faithful, thorough, and rigid examination of such things, a member both of the Judiciary Committee and of the Committee or Co mittee and of the Committee on Claims, and this matter has been be-fore the Committee on Claims in several Congresses, and I believe on investigation the favorable report has been always unanimous. I am not aware of any dissent.

Now, this does not come within the class of captured and abandoned property in its principle at all. A number of Louisiana planters sold to the State National Bank of Louisiana certain cotton, and that was in violation of the non-intercourse act. Probably the contract of sale was illegal. But after the forces of the United States had been in possession of New Orleans for years, late in the year 1865, after an assurance had been given to that people that they would be dealt with in all respects, so far as their rights of property were concerned, like other citizens of the United States, after the war had ended all over the country, although technically it extended to 1866—because it was necessary, of course after subdoing the grown to hold the grown to the second the second to the second the sec of course, after subduing the enemy to hold the grasp upon them until peaceable relations could be re-established—after the ordinary war had ceased, these planters who were in possession of their property and had a perfect right to hold it and keep it against all the world, including their vendee, if they chose to set up this technical objection to the validity of the contract, as honest men and as honorable men delivered

the cotton in pursuance of their previous contract to this bank. They had been paid for it, and they delivered it.

The State National Bank of Louisiana, whatever its predecessor might have done—its predecessor was the State Bank before it was reorganized as a national bank—in relation to the Confederacy when it was in control there, was a lawful corporation of the United States, exercising all the rights of citizenship.

Mr. EDMUNDS. Who bought the cotton?

Mr. HOAR. The predecessor had bought it and the national bank received it after the war was over; and under these circumstances the authorities of the United States took that cotton, and its proceeds went into the Treasury under a policy well established in legislation. The United States received that property as a trustee and not as a captor, to be accounted for to the owner and not to be treated as booty or prize

The claimants went to the Treasury and said, "This property does not come within any principle or policy or purpose of the United States to seize it and to hold it; it was taken from us long after the war was over and when the character of a disloyal or rebel citizen could not possibly be imputed at the time to any man within the limits of the United States, as in the case of the old capture or abandonment while the war was flagrant, and you must give it up to us, whether the statute has given you a right to deal with this general captured and abandoned property fund or not, because you have taken it unadvisedly or by mistake." The Treasury Department considered that question and they held erroneously that they could not give it up to the bank be-cause of the illegality of the old contract of sale, not adverting to the consideration that it was not now a question of the illegality of the old contract of sale, but a question of the legality of the delivery and the ratification of that old contract and the making of a new one after the non-intercourse act had by the President's proclamation expired.

President Johnson had issued his proclamation long before that time,

in which he announced the restoration of the rights of intercourse to

all parts of the country. I had it on my desk a moment ago. That proclamation was issued June 24, 1865.

Under these circumstances the bank went into the Court of Claims under this law, and the Court of Claims said, "You are too late; the statute of limitations has applied." The question now for Congress is, is that laches? I do not think it is laches. The parties went to the Treasury in time, and it was a mere blunder or error of the Treasury Department not to return the money to them, and they were perfectly justified in not going into the Court of Claims and incurring the expense and costs of a lawsuit until they got this decision. Then they came, and came seasonably, to Congress

The Senator from Vermont dwells, and dwells with emphasis, as if he thought it was of some importance—and I take it he utters no word that he does not think of importance—on the fact that this claim has been here a good while. It has been here a good while through the fault—or the condition of business, whether the fault or not—of Congress, because whenever it has got examination from a committee of Congress it has had a unanimous recommendation of its justice and a

recommendation that it should pass.

I ought further to say that it was not until the decision of the case of the United States vs. Klein, in 13 Wallace, decided in December, 1871, that it was generally understood or supposed by the profession that this class of claimants could go into the United States courts at all.

So we have got this naked proposition that here is a trustee holding this property for the owner, never desiring or claiming or proposing to keep it himself; here is an owner, a lawful owner, without a suggestion of flaw in that owner's title; and that trustee is asked to take this property from the innocent owner, or the proceeds of it, and put them into his own pocket and keep them, because, it is said, the owner applied to the wrong officer of the trustee by mistake to get his property back.

I have never been able to understand those arguments which pro-I have never been able to understand those arguments which proceed on the ground that the moral law and the law of honor do not apply to that great, noble, moral being, the United States of America, and should not govern it in its dealings with all mankind just as much as they should apply to a private citizen. I can not understand how my honorable friend from Vermont can ask his country to do a thing which he would burn off both his hands to the stump rather than do it himself. There is not a member of this body who would not feel a sense of infinite mortification, shame, and humiliation if he were to suppose that any of his grandchildren or great-grandchildren a hundred years hence would discover in looking over the records of the United States that he had done in his private relations to mankind the thing which the United States of America is asked to do to this bank, thing which the United States of America is asked to do to this bank, to wit, take a lot of trust property, pocket it, cheat the owner out of it, and plead the statutes of limitation.

Mr. EDMUNDS. Mr. President—

The PRESIDING OFFICER. The Senator from Vermont may proceed by unanimous consent. The Chair hears no objection.

Mr. EDMUNDS. Mr. President, I disagree with my honorable friend from Messachusetts as to this centured and abandoned property money.

from Massachusetts as to this captured and abandoned property money being a trust fund for anybody except for that owner of the seized cotton who should have been on the side of the United States during the rebellion and not against it. That is what the act of Congress the rebellion and not against it. That is what the act of Congress says in explicit terms. And although the Supreme Court of the United States thought they were bound to hold as a matter of law that a pardon gave a rebel the legal status of never having been engaged in the rebellion, they certainly could not hold, and Congress could not hold, and no lover of his country could hold that that gave rebels the status of falling in fact within the description of the persons whom Congress could not hold, and that the interpret and shandard representational that the contract and shandard representations. intended that this captured and abandoned property should be returned

Mr. HOAR. This national bank never set up a pardon.

Mr. EDMUNDS. I know it never set up a pardon. I am speaking about the principle of this trust fund, so called, and I repeat that the plain and explicit language of this act was that there was no trust whatever in favor of any enemy of the United States, and the fact that that enemy got pardoned afterwards did not create a trust; but, as the Supreme Court said, in point of law as the law then stood, they were bound to declare that he had never been in the rebellion at all whether Congress meant it or not.

Now, when not availing themselves of the decision of the Supreme Court on that question, they come to Congress and ask us to remove the two years which Congress had provided as the time within which the claim of every loyal citizen must be presented, I think I have a right to say that I will disregard the technical effect of a pardon and declare that property captured from the enemies of the United States and its proceeds turned into the Treasury shall not be returned to them, whether they were pardoned or not pardoned.

The difficulty about the pardon question applied to this would be

the technical fact that this rebel fiscal agent of the Confederacy was an ideal entity, and probably therefore, in the legal sense, not capable of a pardon, and perhaps in the legal and technical sense not capable of being guilty of treason, although every one of its stockholders and every one of its directors was a secretary of state of the Confederacy

or a brigadier-general in its service.

I do not propose to be a party to any kind of reasoning of that character; but when the gentlemen who managed this bank, the old State Bank of Louisiana, from whom the present national bank was a mere purchaser or successor to its assets, if it had any, shall set up the idea that it was not an individual person capable of committing treason, I may submit; but if its managers and agents and operators and its funds were exerting themselves in favor of the Confederacy when in 1863 they took Confederate money, as I believe, and paid it for this cotton and waited until after they could, in a military sense, get it into New Orleans, I must decline to facilitate their being paid for it from the Treasury of the United States. That is my position.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. EDMINDS. Is there any amendment, pending? If not, I

Mr. EDMUNDS. Is there any amendment pending? If not, I move to amend, in line 5, by striking out the word "belonging" and inserting the words "alleged to belong." I do not propose in this act of Congress, if it should pass, to admit upon ex parte evidence before a committee that this bank is the owner of the cotton. Let them prove

it just as anybody else must.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 5, after the word "cotton," it is proposed to strike out "belonging" and insert "alleged to belong;" so as to read:

For the payment of the proceeds of cotton alleged to belong to said bank.

Mr. HOAR. I have no objection to that.

The amendment was agreed to.
Mr. EDMUNDS. I move to amend the bill by striking out, in line 12 and the succeeding lines, all after the word "law" to the end of the section, and inserting these words:

But the claimant shall not be entitled to recover unless it shall appear that the managers of the Louisiana State Bank were at the time of the purchase of and the payment for said cotton in fact loyal to the United States, and had never been in fact engaged in the rebellion.

The PRESIDING OFFICER. Will the Senator from Vermont send his amendment to the desk in writing?

Mr. EDMUNDS. I am afraid the Secretary can not read it. I was in hopes it had been taken down as I stated it. I will write it down more plainly—the Secretary can not possibly read it as I have it now—if the Senate will pardon me for a minute's time.

Mr. HOAR. While the Secretary is writing that down I may as well go on and comment upon it as I would do otherwise.

go on and comment upon it, as I would do otherwise.

The rights which this bank is entitled to prosecute were acquired long after the rebellion was over. Now, the idea of sending a claimant into court after the rebellion is over and saying he shall not have a legal or equitable right against the United States which is clearly his unless he proves that long before he acquired it his predecessor did not do something to aid and comfort the rebellion!

Mr. PLATT. May I inquire upon what grounds the Senator from Massachusetts says the rights of this bank to this cotton were acquired

after the war?

Mr. HOAR. The right of this bank was acquired in the year 1865. I do not mean after the technical end of the war, but long after any human being in the country gave aid or comfort to the rebellion.

Mr. PLATT. But this bank bought this cotton during the war, in

1863, paid for it in 1863, and did not get possession of the cotton till 1865.

Mr. HOAR. Certainly. Mr. PLATT. But the Mr. PLATT. But the Senator will permit me to say that after the war was closed the cotton was delivered. Now, was that a new contract?

Mr. HOAR. The very question that the Supreme Court decided makes the right to date from that delivery in 1865. That is the whole

substance of the decision.

Mr. PLATT. What decision of the Supreme Court is that? I do not understand that the Supreme Court has decided that this was a new contract; nor do I understand that their question is left to the Court of Claims to decide by this bill. If it were, there would be more reason for the passage of the bill. There is nothing in the bill, as I remember it, which would leave the Court of Claims to reject this claim if it should be found that that was not a new contract, but simply an execution of the old contract.

Mr. HOAR. The non-intercourse act—
Mr. PLATT. I can not see how that question is left to the Court of Claims by this bill. I may be mistaken upon that point. I have not examined it sufficiently so that I can speak with certainty about it, but a hasty consideration of the bill led me to suppose that that question

or the Court of Claims.

Mr. HOAR. If I may be pardoned for one more suggestion, this contract was made with the bank in 1863, when there was a prohibition of intercourse. New Orleans was in our possession and other parts of Louisiana were not. In 1865, after President Johns in had issued a proc-

lamation removing all obstructions to intercourse, after the war was practically over, after the last person who aided and comforted the practically over, after the last person who aided and comforted the rebellion had got through, these people went in and delivered the cotton, as they were bound in honor to do, to the bank, and after that it was taken possession of by the officers of the United States. If that does not make a good title founded on that delivery, in 1865, it is, as Judge Jackson said, like a contract invalid if made on a Sunday, but if you deliver on Monday the thing agreed to be sold on Sunday, that is a good contract. If that is not so, then these people have never got the bill to this cotton and will not recover under this bill, any more than they did before.

The PRESIDING OFFICER (Mr. Pasco in the chair). The amendment proposed by the Senator from Vermont [Mr. EDMUNDS] will be

The SECRETARY. It is proposed to strike out after the word "law,"

in line 12, to the end of the bill, as follows:

That the testimony and original papers filed by said bank before the Treasury Department of the United States in connection with said claim be, and the same shall be, received by said court as evidence if taken or filed under the rules of said court, if legally competent and proper under said rules and practice; that the said bank and United States may take further evidence as may be deemed proper, subject to the rules for taking testimony in said court.

And in lieu thereof to insert:

But the claimant shall not be entitled to recover unless it shall appear that the managers of the Louisiana State Bank were at the time of the purchase of and payment for said cotton in fact loyal to the United States, and had never been in fact engaged in the rebellion.

Mr. EDMUNDS rose

Mr. EDMUNDS rose.

The PRESIDING OFFICER. Is there objection to the Senator from Vermont proceeding? The Chair hears none.

Mr. EDMUNDS. In support of this amendment I have to reply to my honorable friend from Massachusetts, who thinks it a very improper amendment, after this long period of peace, to require anybody that makes a claim against the Treasury for an event which took place during the war to prove that he fell within the intent of the act of Congress that provided for such cases. I have to say that I do not see the force of his argument.

force of his argument.

I have only to repeat what I said before, and I wish to repeat it with all the earnestness of which I am capable, that when a fiscal agent of the enemies of the United States, although it is a corporation, engages in the act of purchasing contraband of war, not only in violation of the laws of war as between enemies, but also in violation of the nonintercourse act, which was merely in accordance with the laws of war, and got a delivery of that property, which, the war still pending, was seized under and in conformity to a constitutional act of Congress then in force, and the proceeds turned into the Treasury, and Congress said they should not go out to any man that had been an enemy of the United States, when he asks Congress to relieve him and let him go into a court after everybody else is cut off, no matter how loyal he was, he shall prove as a fact that according to the spirit and intent of that act of Congress he stood in an attitude to have any right to claim that this seized property should be returned to him. On this amendment I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment

offered by the Senator from Vermont, on which he calls for the yeas

and nays. Is there a second?

The yeas and nays were ordered; and the Secretary proceeded to call

the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. EUSTIS (when his name was called). I ask the Senator from Massachusetts if he considers this a political question?

Mr. HOAR. If it was I should vote the other way. Mr. EUSTIS. Then I vote nay.

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Arkansas [Mr. BERRY], but I doubt somewhat whether in his design that pair covers a question like this. I will ask the Senator's colleague what view he takes of it.

Mr. JONES, of Arkansas. I do not think there is any objection to

the Senator voting on this question.
Mr. PLUMB. Then I vote "yea."

The roll-call was concluded.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN].
Mr. COCKRELL. I am paired with the Senator from Connecticut

[Mr. HAWLEY], who has not yet returned to his seat and is compelled

The result was announced—yeas 18, nays 35; as follows:

		YEAS-18.	
Chace, Chandler, Cullom, Dawes, Dolph,	Edmunds, Evarts, Farwell, Hiscock, Morrill,	Paddock, Palmer, Platt, Plumb, Sherman,	Stockbridge, Teller, Wilson of Iowa.
		NAYS-35.	
Bate, Blodgett, Brown, Butler,	Call, Coke, Colquitt, Daniel,	Eustis, Faulkner, Frye, Gibson,	Gorman, Gray, Hampton, Harris,

	Hoar, Jones of Arkansas, Jones of Nevada, Mitchell, Morgan,	Pasco, Payne, Pugh, Ransom, Reagan,	Saulsbury, Spooner, Stewart, Turpie, Vance, ABSENT—23.	Vest, Voorhees, Walthall, Wilson of Md,
The Property of the Party of th	Aldrich, Allison, Beck, Berry, Blackburn, Blair,	Bowen, Cameron, Cockrell, Davis, George, Hale,	Hawley, Hearst, Ingalls, Kenna, McPherson, Manderson,	Quay, Riddleberger, Sabin, Sawyer, Stanford.

So the amendment was rejected.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 2563, being the bill providing appropriations for

the District of Columbia.

Mr. HOAR. I ask unanimous consent to dispose of the bill which

has been pending.

Mr. PLUMB. I shall not object to that, but I want to take up the

appropriation bill. The PRESIDING OFFICER. Does the Senator from Kansas pro-

pose to withdraw his motion?

Mr. PLUMB. I will withdraw it for the purpose of allowing the

bill of the Senator from Massachusetts to be concluded.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate proceed with the further considera-tion of the bill which has been under consideration during the morn-ing hour. Is there objection? The Chair hears none. ing hour. Is there objection? The Chair hears none.

Mr. EDMUNDS. I now move to strike out all after the word "law,"

in the twelfth line, to the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. After the word "law," in line 12, it is proposed to strike out all down to and including the word "court," at the end, in line 19, as follows:

That the testimony and original papers filed by said bank before the Treasury Department of the United States in connection with said claim be, and the same shall be, received by said court as evidence as if taken or filed under the rules of said court so far as the same may be legally competent and proper under such rules and practice; that the said bank and United States may take further evidence as may be deemed proper, subject to the rules for taking testimony in said court.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. EDMUNDS. I think that the generosity of my friend from Massachusetts and of the other gentlemen who have voted with him in support of this claim ought not to ask us or induce him, when we have reinstated this ancient Confederate bank and agent to all that it has lost by not conforming to the law of the statute of limitations, and when we have waived any requirement that the bank shall prove itself to have been loyal to the United States, to add to that the facility of its proving its claim by papers and evidence that it filed in the Department of the Treasury, taken ex parte, without any notice to the United States, and for a purpose in the Treasury Department that the law did not recognize at all, because the Secretary of the Treasury never had any power or authority to exercise any jurisdiction in decid-

ing upon these cotton claims under the act of 1863.

Now, having granted to this bank a waiver of its treason, and having granted to it a waiver of the statute of limitations, I can not see upon what ground it is that its ex parte affidavits, taken in support of its claim and filed with the Secretary of the Treasury, shall be received as evidence. If that is all stricken out the case will stand in the Court of Claims, if the bill becomes a law, just as every other claimant's case stands, to be proved by evidence that is lawfully admissible and by

witnesses who can be cross-examined.

I should hope that even the gentlemen on the other side, whose friend this bank was in the time of it, to be sure, would see that in protecting the Treasury of the United States it is right that whoever now makes a claim upon the Treasury and is relieved from the other disabilities, should prove his claim just as anybody else would be required to prove his.

The PRESIDING OFFICER. The question is on agreeing to the

amendment offered by the Senator from Vermont.

Mr. EDMUNDS. I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call

the roll. Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

The roll-call was concluded.

Mr. WILSON, of Iowa (after having voted in the affirmative). I have voted, but I am paired with the Senator from Maryland [Mr. WILSON], who I see has not responded to his name. I therefore with-draw my vote. The result was announced-yeas 17, nays 30; as follows:

		Transfer Ti	
Chace, Chandler, Cullom, Dolph, Edmunds,	Evarts, Farwell, Frye, Hiscock, Morrill,	Palmer, Platt, Sawyer, Sherman, Spooner,	Stockbridge, Teller.
No.		NAYS-30.	
Bate, Blodgett, Brown, Butler, Call, Coke, Colquitt, Daniel,	Eustis, Faulkner, Gibson, Gorman, Gray, Hampton, Harris, Hoar,	Jones of Arkansas, Mitchell, Morgan, Pasco, Payne, Pugh, Reagan, Saulsbury,	Stewart, Turpie, Vance, Vest, Voorhees, Walthall.
	Λ	BSENT-29.	
Aldrich, Allison, Beck, Berry, Blackburn, Blair, Bowen, Cameron,	Cockrell, Davis, Dawes, George, Hale, Hawley, Hearst, Ingalls,	Jones of Nevada, Kenna, Manderson, McPherson, Paddock, Plumb, Quay, Ransom,	Riddleberger, Sabin, Stanford, Wilson of Iowa, Wilson of Md,

So the amendment was rejected.

Mr. CHANDLER. I desire, before the vote is taken on the passage of the bill, to ask the Senator from Massachusetts or some other member of the Committee on Claims who is in favor of this bill, as it removes the bar of the statute of limitations in this case and allows these plaintiffs to recover the proceeds of captured and abandoned property in the Treasury of the United States under the captured and abandoned property statute, if they are in favor of, and propose to recommend, a general removal of the barof the statute of limitations in cases of a similar nature; in other words, whether they propose to open the Treasury of the United States to the demand of all claimants of captured or abandoned property where the statute of limitations has now run, or whether they propose to open it in this single case or in special cases merely? I should like to know what the views and purposes are of the Senators who advocate the removal of the statute bar in this

Mr. HOAR. I must have failed to make myself clear in the apprehension of the very clear-sighted Senator from New Hampshire in what I said before. I do not think this is captured and abandoned property in any true sense of the term. It does not come within the principle or the policy of it. I do not think it is a case really where the statute of limitations can properly be said to be removed. Although, when they went into the court the court said it was too late, yet it does not seem to be the class of property to which that remedy in the Court of Claims was intended to apply.

It is property, let me repeat, which a national bank, under the na-

tional-banking law, acquired in 1865 after the war was all over. It is not to say that they shall not have their title established to property which they acquired, without showing that their managers, some of whom were managers of the old bank which they succeeded, in the time of the Confederacy, were loyal to the United States. There is no purpose on the part of the committee to reopen the door, which is shut, in the matter of captured and abandoned property, or to recognize any different policy from that which has always obtained.

Mr. DAWES. I have not been able to examine this claim in detail.

I should like to inquire of my colleague what it is that the new bank

Mr. HOAR. The old bank made a contract in 1863, which was invalid in consequence of the non-intercourse act, for certain cotton. In 1865, after President Johnson had issued his proclamation restoring intercourse between all parts of the United States, after profound peace had taken place in this country, the owners of the cotton, considering, I suppose, that it would be dishonorable for them to set up that thing, went in and delivered it to this national bank, which had been organized out of the old State Bank of Louisiana, and which the Senator from Vermont says was the fiscal agent of the Confederacy. I know nothing about that, and care nothing. That was seized under a mistake as being captured property of a disloyal person. The bank went to the officers of the Treasury to have it given up. The officers of the Treasury declined to give it up on the ground of the violation of the non-intercourse act, which prevented any property being vested in them, notwithstanding the delivery after intercourse was restored, by the owners, who had kept it up to that time. Then they came to Congress years and years ago, and they have had a unanimous report from every committee that ever investigated it; and I believe if my honorable friend from Vermont had understood all the facts and had had the case presented to his legal mind he would have been as earnest for it as any-body. But of course I can not undertake to vouch for him. Mr. CHANDLER. I think I did understand the statement of the

Senator from Massachusetts nearest to me, both his first statement of the case and the statement which he has now made in answer to his colleague. I understand him to say that in his view, and in the view of the Senators who support the bill, the taking of this cotton was not a taking of captured or abandoned property, but I also understand the

fact to be that every pale of this cotton was taken and the proceeds put into the Treasury under the captured and abandoned property act. I do not suppose the Senator will dispute that. He thinks that it was

mot captured or abandoned property.

Mr. HOAR. If the Senator will pardon me, I will state that it was taken at a time when tile right of capture had long passed away and the armies of the United States had gone. You might just as well say that if a bale of cotton in my possession was taken by the General of the Army this morning as I walked down Pennsylvania avenue, that

was captured or abandoned property.

Mr. CHANDLER. There is a wide distinction between the case. suggested by the Senator and this case. The Senator may say there was no right to take this cotton as captured or abandoned property at the time that it was taken; but I still say that it was taken by the officers of the United States in the exercise of the authority given by the captured and abandoned property act. When the Senator says there was no authority under that act to take possession of cotton which had become the property of the Confederate States, I say he is mistaken about it, and that the authority existed long after the close of hostilities, if cotton was found which had become the property of the Confederacy, to put the proceeds into the Treasury of the United

Mr. HOAR. Will my honorable friend pardon me for suggesting to him that that would not be on the ground of the right of capture? It was on the ground that the United States succeeded to all the property of the Confederacy as owners. If they had found these bales of cotton in the port of Liverpool, where our war power certainly did not extend, belonging to the Confederacy, the agents of the United States would have been upon it and taken it, by consent of Great Britain, of

Mr. CHANDLER. I well understand the distinction between the taking of cotton on the battle-field as captured and claiming it after the battle as the result of the capture. I understand the distinction which the Senator undertakes to set up perfectly well, but I dispose of it by saying that in all these cases the proceeds of the cotton were put into the Treasury of the United States under and by virtue of the captured and abandoned property act, and there has been but one way to get the proceeds of that cotton out, and that was to bring suit in the Court of Claims within a certain period. To those suits the statute of limitations has been applied, and now the question is whether the

limitations has been applied, and now the question is whether the statute of limitations shall be removed in these cases.

I for one might have been willing to allow this one claim to go to the Court of Claims without the bar of the statute, but as discussion has arisen upon it I am bound to say that I do not see how this statute bar can be removed in this case without being removed in every case. It seems to me that if this bill passes it will be a precedent for the removal of the statute bar in every case, and for the opening of the doors of the Court of Claims to every man, loyal or disloyal, because, under the construction of the Supreme Court of the United States, it makes no difference whether a man was a rebel or not, if he has been pardoned. Under that decision of the court loyal men and disloyal men all stand equal in the eye of the law, provided they can get into the Court of Claims or into the Supreme Court of the United States, and there is nothing that stands in the way of any disloyal claimant, of any rebel whose cotton may have been seized on the battle-field and put into the Treasury of the United States under the captured and abandoned property act, except the statute of limitations.

I say to the Committee on Claims that if they propose to remove the statute bar and allow every claimant to come in without regard to loyalty or disloyalty, let such a bill be brought in here and let it be dealt with on its merits, but do not let us take one claim and another claim and remove the statute bar simply because the Senator from Massachusetts thinks the claim is a little better than some other claim, and that it is not strictly a claim for captured or abandoned property. Do not on that ground undertake to make a distinction between one case and all the others, but bring in a bill that will let in all these claimants, and then the Congress of the United States will have to decide, not whether it will give this bank \$300,000 or \$400,000, or whatever the amount may be that is claimed, but whether it will pay to rebels whose cotton was taken, rehabilitated by the decision of the Supreme Court, not \$1,000,000 but \$10,000,000.

Mr. EDMUNDS. Mr. President, I must be excused if I say a very few words more upon this subject, for I think the last statement of my friend from Massachusetts [Mr. Hoar], in answer to his colleague [Mr. Dawes], does not justly represent the history of this case. I will try to state it as far as it appears in this report, and then add something of

my own information and belief about it.
"The State Bank of Louisiana," this report says, was "a banking corporation chartered by the laws of Louisiana, and located in the city of New Orleans, in 1863, while said city was in the permanent occupa-tion and control of military forces of the United States." That is the first statement of the report. The first step in this history, therefore, is to know what sort of an institution that State Bank of Louisiana was when General Butler and Admiral Farragut went in there and got it into our military possession.

The State Bank of Louisiana, as I am informed and believe (and

nobody has disputed the statement I have repeatedly made upon the subject here), was a bank of the State of Louisiana while that State was a member of the Confederacy and in hostility to the United States. It was the fiscal agent and operator for the Confederacy. Whether the money in the bank was deposited by the Confederacy or not, I do not know. You can not prove it at this moment; but I believe the deposits made by the Confederacy itself, which depended upon cotton to carry on its war (and I think the war was somewhat fervent in the year 1863, although the city of New Orleans had been captured), were sent out into the parts of the country that then were not in the military possession of the United States, the extreme regions of Louisiana, and over in Arkansas and in the Confederate country, and with this Confederate money cotton was bought of the various planters.

They could not ship it to England to get more gold for the Confederacy then, because we held New Orleans and the key to the entrance into the Mississippi River. Accordingly, this Confederate bank, having used these funds and bought this cotton and paid for it, waited until 1865, when one supporter of the Confederacy had assassinated President Lincoln and Mr. Johnson had become President. Mr. Johnson issued a proclamation allowing commercial intercourse between certain parts of the United States and certain other parts of the United States that had not been allowed before. Then this Confederate bank, having turned itself into a national bank of the United States, and as the sucssor of the Confederate bank the national bank took all its claims, rights, assets—a mere transformation—sent its agents up into the country that had been rebel country (and it was rebel country until the 20th of August, 1866, when the war terminated), and got this cotton, and brought it for shipment to various places to send it to New Orleans, when it could then be got out, if the United States did not seize it.

Mr. DAWES. Before August?

Mr. DAWES. Before August.

Mr. EDMUNDS. Before August. In June. It having thus been discovered, the agents of the United States acting under the act of 1863, either rightfully or wrongfally seized it and turned its proceed into the Treasury of the United States, as the law required.

Then this transformed and rehabilitated Confederate bank applied to

the Secretary of the Treasury to get the money. The Secretary of the Treasury had no more business to pay them the money, whether they were entitled to it or not, than I have at this minute, out of the Treasury, because the law said that the money should be paid into the Treasury and not into the pocket of the Secretary to be paid back by him at

his discretion. Congress found out that the Secretary of the Treasury was exercising a jurisdiction that did not belong to him, and that the money had not technically been turned into the Treasury, the whole sum. Congress instantly passed an act to have it turned into the Treasury. Then it got into the Treasury, so that the Secretary could no longer deal with it illegally as he had been doing before.

Now come these people and say, "We got outside the statute of limitations because we did not sue within the two years, and our excuse for this laches is that we were honestly struggling with one of the Departments to get that money, and that Department did not give it to us." That is a little too much for me.

Mr. HOAR. The facts suggested by the Senator from Vermont are

entirely the creatures of his own fancy. In the first place, he said in answer to my colleague that this was before June, 1865.

Mr. EDMUNDS. Before August.

Mr. HOAR. It was expressly after.
Mr. EDMUNDS. It was before August.
Mr. HOAR. June 24, 1865, is the date of the President's proclamation, and this is found to be subsequent to June 30. But if there were any pretense—there never has been a word from any quarter so far as I know—that it was the property of the Confederacy, that is a perfect defense before the Court of Claims and before the Supreme Court of the United States open to the defendant there. The only question is whether it is sound policy to have facts of that kind ascertained in the courts or taken from the excited fancy of Senators in the heat of de-

Mr. EDMUNDS. On the passage of the bill I demand the yeas and

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is, Shall the bill pass?
on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

The roll-call was concluded.

Mr. GEORGE. Has the Senator from New Hampshire [Mr. BLAIR] voted?

The PRESIDENT pro tempore. He is not recorded.
Mr. GEORGE. I am paired with him.
Mr. PALMER (after having voted in the negative). I should like to inquire if the Senator from North Carolina [Mr. VANCE] is re-

The PRESIDENT pro tempore. He is not recorded. Mr. PALMER. Then I withdraw my vote.

The PRESIDENT pro tempore. The Senator from Michigan withdraws his vote

Mr. WILSON, of Iowa. I am paired with the Senator from Maryland [Mr. Wilson]. If he were present, I should vote "nay." I also desire to announce the pair of my colleague [Mr. Allison] with the Senator from New Jersey [Mr. McPherson].

The result was announced—yeas 32, nays 20; as follows:

Bate, Blackburn, Blodgett, Brown, Butler, Ball, Boke, Bolquitt,	Daniel, Eustis, Faulkner, Gibson, Gorman, Gray, Hampton, Hoar,	Mitchell, Morgan,	Reagan, Saulsbury, Sawyer, Spooner, Turpie, Vest, Voorhees, Walthall.

NAYS-20 Ingalls, Jones of Nevada, Morrill, Paddock, Platt, Evarts, Farwell, Frye, Hawley, Hiscock, Plumb, Riddleberger, Sherman, Stockbridge, Teller. Bowen, Chace, Chandler, Dolph, Edmunds. ABSENT-24.

Harris, Hearst, Kenna, McPherson, Palmer, Quay, Cockrell, Cullom, Davis, Dawes, Sabin, Stanford, Aldrich, Allison, Beck, Berry, Blair, Stewart, Vance, Wilson of Iowa, Wilson of Md. George, Hale, Cameron.

So the bill was passed.

Mr. HOAR. I move that the House of Representatives be asked for a conference on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate.

#### ORDER OF BUSINESS

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 11651, being the District of Columbia appropriation bill.

Mr. FRYE. Under special orders the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded the Ath January 1868," was made a special order for Wedness. on the 4th day of July, 1868," was made a special order for Wednesday, December 12; and Senate bill 3401, which is the bill touching the Pacific railroads, was made a special order for December 4, eight days before the time fixed for the consideration of Senate bill 994. The latter was necessarily postponed on account of the tariff bill then under consideration, and it seems to me that Senate bill 3401 properly is to-day in advance of Senate bill 994. I do not understand that any objection is urged against this view, or at any rate against placing the Pacific railroad bill in advance.

Mr. DOLPH. I was about to state that, being in temporary occu-pancy of the chair at the hour of 2 o'clock, I examined the record, and it appearing upon the Calendar that the bill referred to first by the Senator from Maine was on the 1st of October last made a special order for the 12th of December, and that on the 15th of October last the bill concerning the Pacific railroads was made a special order for the 5th of December, and that it was postponed until the 12th of December, the rule seemed to require that the bill which was last made a special order should be given preference. Therefore the occupant of the chair laid before the Senate the bill which was made a special order for the 12th of December on the 1st of October.

The PRESIDENT pro tempore. That is to say, Senate bill 994.
Mr. DOLPH. That bill was laid before the Senate at 2 o'clock.
Mr. FRYE. Iask unanimous consent, the Pacific Railroad bill being

one of great public importance, that it may have precedence of Senate bill 994 and may now be taken up, and if it is taken up I will then yield to the Senator from Kansas for the consideration of the District appropriation bill.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the special order (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, may have precedence in the list of special orders, and be first assigned for considera-

Mr. RIDDLEBERGER. I wish to ask the Senator from Maine whether that will interfere at all with the unanimous consent which the Senate gave for the consideration of the British extradition treaty?

Mr. FRYE. It will not. I do not mean that it shall.

Mr. RIDDLEBERGER. In that case I do not object.

Mr. PLUMB. I shall not object if the only effect is to transpose those two special orders.

The PRESIDENT pro tempore. That will be the effect.

Mr. HALE. What is the other special order?
The PRESIDENT pro tempore. The title of the bill will be stated. The CHIEF CLERK. A bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

Mr. MITCHELL. I desire to inquire of the Senator from Maine,

the chairman of the Special Committee on the Pacific Railroads, whether it is his intention to call up Senate bill 3041 for considera-

tion this week.

Mr. FRYE. It is, immediately, only I will yield to the Senator from Kansas to proceed with the District appropriation bill.

Mr. MITCHELL. I desire to inquire further from the chairman of the committee whether there has been any action taken by his committee on an important amendment introduced by me and referred

Mr. FRYE. There has been consideration, but not final action.

Mr. MITCHELL. I have no disposition to interfere with this matter if it can be postponed until next week. However, unless the chairman of the committee is willing that the bill shall not be proceeded with until next week, I shall feel like objecting.

Mr. HALE. I was going to express the hope that my colleague would get this bill out of the way as soon as possible. I am desirous of calling up the bill providing for the next census, which is an important matter, and may take some time in the Senate; and I wish to bring it up as soon as at least the Pacific Railroad bill is out of the

The PRESIDENT pro tempore. The Senator from Maine [Mr. FRYE] asks unanimous consent that Senate bill 3401 may have pre-

Mr. GORMAN. I suggest to the Senator from Maine that he had better ask unanimous consent to consider the bill some day next week, so that we may have an opportunity to be prepared. I think quite a number, probably, of our friends would object to its being taken up for consideration immediately after the appropriation bill. While I have no disposition on my part to object, I suggest that the Senator fix a day next week, say Monday or Tuesday.

Mr. FRYE. The trouble is that appropriation bills will be coming

in then.

Mr. HOAR. Allow me to suggest that I understand there are to be one or two pretty full speeches on the bill, explanatory of the measure,

one or two pretty full speeches on the bill, explanatory of the measure, and after those are made undoubtedly there will be no difficulty in a postponement of the further consideration of the bill until next week. Those speeches will probably take all the week, and we shall not sit on Saturday this week. To-day is Wednesday, and it is now 3 o'clock. Mr. GORMAN. With the understanding that there shall be no vote taken on the question until next week, I shall interpose no objection. Mr. CHANDLER. Speaking with reference to the order of business, I desire to say that it was my intention this morning or some time to-day to move to proceed to the consideration of the resolution for the investigation of the Louisiana election. The Senator from Louisiana [Mr. GIBSON], however, indicated to me that he desired to speak on the resolution, and would not be prepared to go on to-day. I wish to say that I shall at the first convenient opportunity, certainly not later than Friday of this week, make a motion to proceed to the consideration of that resolution, and I trust the Senator will be prepared at that tion of that resolution, and I trust the Senator will be prepared at that time. If the investigation proposed by the resolution is to be ordered at this session of the Senate, it is certainly important that the subject should be acted upon at an early day, and not later than Friday I shall make that motion.

Mr. GIBSON. Mr. President, I have no objection to the Senator testing the sense of the Senate on that question whenever he desires to do so, provided I may be present. If there is any memorial here from any member of the Legislature of Louisiana or any citizen of Louisiana asking for an investigation, I should be glad, if that citizen feel aggrieved, to move that the investigation shall take place. But I am opposed to an investigation being made at the request of a citizen of New Hampshire against the wishes of the people of Louisiana.

Mr. CHANDLER. The whole Republican party, I think, is ready for an investigation except the two colored men who, I see, were run out from Louisiana yesterday for undertaking to organize the Knights

of Labor in that State.

### INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. MITCHELL. If it is the understanding that no vote on any proposition connected with the funding bill shall be taken this week, I have no objection to the change in the order of business asked for by the chairman of the committee.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that Senate bill 3401 may be assigned first in the Calendar of special orders. Is there objection?

Mr. MITCHELL. I appeal to the chairman of the committee to know

if a vote will be asked on any matter connected with the bill this week. Mr. FRYE. To-day is Wednesday. No; I will consent that no vote shall be taken this week.

Mr. MITCHELL. Then I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection. Senate bill 3401 has precedence on the Calendar of special orders, and the order heretofore made laying Senate bill 994 before the Senate is reconsidered. The Senate, as in Committee of the Whole, proceeds to the consideration of the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 11651, being the District appropriation bill.

The PRESIDENT pro tempore. Does the Senator from Maine yield for that purpose?
Mr. FRYE. I do.

#### PUNISHMENT OF RAPE.

Mr. FAULKNER. I ask the Senator from Kansas to yield just a moment, that I may secure action on the conference report upon House bill 5870, to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape.
Mr. PLUMB.

Mr. PLUMB. Certainly.

The PRESIDENT pro tempore. The report of the committee of conference was presented, and was laid on the table at the suggestion of the Senator from Florida [Mr. CALL].

Mr. FAULKNER. I will state that the Senator from Florida does not care about making any remarks upon the conference report, or I should not have asked the Senator from Kansas to yield.

The PRESIDENT pro tempore. If there be no objection, the Senate will proceed to the consideration of the conference report, which has been read.

Mr. BLAIR. I should like to know what the report is. The PRESIDENT pro tempore. The report will be read. The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, having met, after full and free confrence have agreed to recommend and do recommend to their respective Houses as follows:

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendments as follows:

Strike out befors the word "District," in line 4, the words "any Territory" and insert the word "the;" in line 5, after the word "place," insert "except the Territories;" in line 11, before the word "years," strike out "five" and insert "fifteen;" in same line, after the word "and," strike out the words "for the second or other" and insert "each subsequent;" and in line 13, before the word "years," strike out "ten" and insert "thirty;" so as to read:

"That every person who shall carnally and unlawfully know any female under the age of sixteen years, or who shall be accessory to such carnal and unlawful knowledge before the fact in the District of Columbis, or other place, except the Territories, over which the United States has exclusive jurisdiction, or on any vessel within the admiralty or maritime jurisdiction of the United States and out of the jurisdiction of any State or Territory, shall be guilty of a felony, and when convicted thereof shall be punished by imprisonment at hard labor for then first officnse for not more than fifteen years, and for each subsequent offense not more than thirty years."

And the Senate agree to the same.

The committee further recommend that the title of the bill be amende 1 so as to read:

"A bill to punish as a felony the carnal and unlawful knowing of any female

to read:
"A bill to punish as a felony the carnal and unlawful knowing of any female under the age of sixteen years."

CHAS. J. FAULKNER, JOHN C. SPOONER, C. B. FARWELL, Conferees on the part of the Senale. JNO. J. HEMPHILL, BARNES COMPTON, WILLIAM W. GROUT, Conferees on the part of the House

The PRESIDENT pro tempore. The question is on concurring in the report.

The report was concurred in.

## USE OF STREETS IN WASHINGTON.

I ask the Senator from Kansas to allow me to call up the bill (H. R. 11785) to authorize the commissioners of the District of Columbia to permit the temporary occupation and crossing of certain streets in the city of Washington and District of Columbia by the tracks of the Baltimore and Ohio Railroad Company, to meet the demands of increased travel incident to the inaugural ceremonies on the 4th of March, 1889. Mr. PLUMB.

Mr. PLUMB. As that is a matter relating practically to the inauguration ceremonies to occur early in March, I will yield for that pur-

The PRESIDENT pro tempore. Is there objection to the consideration of the bill moved by the Senator from Rhode Island?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11785) to authorize the commissioners of the District of Columbia to permit the temporary occupation and crossing of certain streets in the city of Washington and District of Columbia by the tracks of the Baltimore and Ohio Railroad Company, to meet the demands of increased travel incident to the inaugural ceremonies on the 4th of March, 1889.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

#### DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 11651.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other pur-

The bill was reported from the Committee on Appropriations with

Mr. PLUMB. I ask unanimous consent that the formal reading be dispensed with, and that the amendments of the committee be acted upon as they are reached in the reading of the bill.

The PRESIDENT pro tempore. If there be no objection, the amend-

ments will be acted on as they are reached in the text of the bill.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was in the appropria-tions "for salaries and contingent expenses for executive office," page 2, line 6, after the word "each," to insert:

One clerk, stenographer, and type-writer, \$1,200.

The amendment was agreed to.

The next amendment was, in the same clause, line 15, after the word "dollars," to insert:

Three laborers, at \$1 per diem each, \$939.

The amendment was agreed to.

The next amendment was, in the same clause, line 23, to increase the appropriation for salary of "one chief inspector of plumbing" from \$2,000 to \$2,500.

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 3, line 3, to increase the total amount of the appropriation "for salaries and contingent expenses for executive office" from \$44,064 to \$46,703. The amendment was agreed to.

The next amendment was, in the appropriations "for assessor's office," on page 3, line 12, after the word "dollars," to insert "one clerk, \$1,000."

The amendment was agreed to.

The next amendment was, in the same clause, on page 3, line 17, after the word "thousand," to insert "six hundred;" so as to read:

For contingent expenses, including printing, books, stationery, detection of frauds on the revenue, and other necessary items, \$1,600.

The amendment was agreed to.

The next amendment was, in the same clause, on page 3, line 17, to increase the total amount of the appropriations "for assessor's office" from \$17,300 to \$18,900.

The amendment was agreed to.

The next amendment was, in the appropriations "for collector's office," section 1, line 1, page 4, before the word "dollars," to insert "five hundred;" so as to read:

For contingent expenses, including printing, books, stationery, and other necessary items, \$1,500.

The amendment was agreed to.

The next amendment was, on page 4, line 1, section 1, to increase the total amount of the appropriations "for collector's office" from \$18,200 to \$18,700.

The amendment was agreed to.

The next amendment was, on page 4, line 1, section 1, to increase the appropriation "for necessary expenses in the collection of overdue personal taxes by distraint and sale or otherwise, and for other necessary items" from \$1,000 to \$2,000.

The amendment was agreed to.

The next amendment was, on page 4, line 25, in the appropriations "for attorney's office," to increase the appropriation for "one assistant attorney" from \$2,000 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 5, line 9, to increase the total amount of the appropriations "for attorney's office" from \$11,600 to

The amendment was agreed to.

The next amendment was, on page 6, line 14, in the appropriations "for engineer's office," to increase the appropriation for the salary of "one superintendent of roads" from \$1,400 to \$1,800.

The amendment was agreed to.

The next amendment was, in the same clause, on page 6, line 15, to increase the appropriation for the salary of "one superintendent of lamps " from \$900 to \$1,200.

The amendment was agreed to.

The next amendment was, in the same clause, page 6, in line 17, after the word "dollars," to insert:

One superintendent and inspector of sewers, \$2,000.

The amendment was agreed to.

The next amendment was, in the same clause, page 7, line 2, to increase the total amount of the appropriations for salaries of clerks and employés in the "engineer's office" from \$40,050 to \$42,750.

The amendment was agreed to.

The next amendment was, on page 7, line 9, to increase the amount of the appropriation "for contingent expenses" of engineer's office from \$4,800 to \$5,100. The amendment was agreed to.

The nextamendment was, on page 7, in the appropriations for "streets, avenues, alleys, and roads," after the word "ninety," in line 25, to strike out "and for resurfacing and repairing of Pennsylvania avenue from First to Seventeenth streets northwest, six hundred and seventeen thousand," and insert "one million seventy-nine thousand eight hundred and four;" and in the same clause, on page 8, line 5, after the word "appendix," to strike out "and on Pennsylvania avenue;" so as to make the clause read:

For work on sundry streets and avenues named in Appendix "CC," Book of Estimates, for the fiscal year 1890, \$1,079,804, to be expended in the discretion of the commissioners on streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the words "General schedule," to strike out: "Including the work of resurfacing and repairing of Pennsylvania avenue from First to Seventeenth streets northwest, two hundred and forty-four thousand five hundred," and insert "two hundred and seventy-eight thousand;" so as to read:

General schedule: Two hundred and seventy-eight thousand dollars.

The amendment was agreed to.

The next amendment was, on page 8, line 13, after the words "Georgetown schedule," to strike out "thirty-seven thousand" and insert "seventy-six thousand five hundred and fifty;" so as to read:

Georgetown schedule: Seventy-six thousand five hundred and fifty dollars.

The amendment was agreed to.

The next amendment was, on page 8, line 15, after the word "schedule," to strike out "one hundred and forty-five thousand" and insert three hundred and fifty-seven thousand seven hundred and fortynine;" so as to make the clause read:

Northwest section schedule: Three hundred and fifty-seven thousand seven hundred and forty-nine dollars.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the word "schedule," to strike out "fifty-eight thousand" and insert "one hundred thousand and seventy-five;" so as to make the clause read:

Southwest section schedule: One hundred thousand and seventy-five dollars.

The amendment was agreed to.

The next amendment was, on page 8, line 20, after the word "schedule," to strike out "fifty-eight thousand" and insert "one hundred and twenty-five thousand eight hundred and seventy-five;" so as to make the clause read:

Southeast section schedule: One hundred and twenty-five thousand eight hundred and seventy-five dollars.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "schedule," to strike out "seventy-four thousand five hundred" and insert "one hundred and forty-one thousand five hundred and fiftyfive;" so as to make the clause read:

Northeast section schedule: One hundred and forty-one thousand five hundred and fifty-five dollars.

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "base," to insert the following proviso:

Provided, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the commissioners of the District, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required.

The amendment was agreed to.

The next amendment was, on page 9, line 17, under the head of "Repairs to pavements," to increase the appropriation "for repairs to concrete pavements" from \$90,000 to \$100,000.

The amendment was agreed to.

The next amendment was, in the same clause, page 9, line 17, after the word "dollars," to insert:

For resurfacing and repairing Pennsylvania avenue from First to Seventeenth street northwest, \$130,000; in all, \$230,000.

The amendment was agreed to.

The next amendment was, on page 9, line 24, under the head of "Permit work," to increase the appropriation "for the improvement and repair of alleys and sidewalks and the construction of sewers and sidewalks" from \$100,000 to \$200,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 10, line 12, after the words "according to the," to strike out "area" and insert

"lineal frontage;" and in line 19, in the same clause, after the word "property," to insert "according to its lineal frontage;" so as to read:

"property," to insert "according to its lineal frontage;" so as to read:

And provided further, That the commissioners of the District of Columbia are
authorized in their discretion to order such of the above enumerated work as
in their opinion is necessary for the public health, safety, or comfort, and to
pay the total cost of such work from said appropriation; one-half of the cost
of such work so done, including material and labor, shall be charged against
and become a lien upon the property abutting upon the line of such improvement, and shall be levied pro rata according to the lineal frontage of each lot
or part of lot abutting upon such improvement, within sixty days after making
such assessment, and in order to reimburse said appropriation so expended
one-half of the cost of such work, so done, including labor and material, shall
be charged against and become a lien upon the property abutting upon the line
of the said work, and shall be levied pro rata upon said property according to
its lineal frontage upon such terms and regulations as to notice to proprietors
and the method and terms of such notice as shall seem to the commissioners
of the District of Columbia right and proper, etc.

The amendment was agreed to.

The next amendment was, on page 12, line 1, under the head of "Repairs, streets, avenues, and alleys," to increase the appropriation "for current work of repairs of streets, avenues, and alleys" from \$30,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 12, line 4, under the head of "Repairs, county roads," to increase the appropriation "for current work of repair of county roads and suburban streets" from \$45,000 to

The amendment was agreed to.

The reading of the bill was continued to line 11, on page 12.

Mr. SHERMAN. I should like to offer an amendment at this point, with the permission of the committee, to come in after line 11, on page

To grade and regulate First street west-

Mr. PLUMB. I suggest to the Senator that the rule is to go on first and complete the consideration of the amendments of the Committee

Mr. SHERMAN. Very well. If the Senator prefers that, I shall wait until the committee amendments are concluded.

Mr. PLUMB. I think that will be better.

The PRESIDENT pro tempore. The amendment of the Senator from Ohio will lie on the table until the committee amendments are con-The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 12, under the head of "Constructing county roads," after line 15, to insert:

For paving Pomeroy street, from the west building line of the Freedmen's Hospital to the east building line of Brightwood avenue, \$1,625;

To extend Eighteenth street, middle section, to Columbia road, \$5,000;

To grade and regulate Massachusetts avenue extended from Boundary to Rock Creek, \$25,000;

To grade and regulate Roanoke and Irving streets from Seventh to Fourteenth streets, \$10,000.

The amendment was agreed to.

The next amendment, was on page 13, line 5, after the word "road," to insert "where widened;" so as to read:

For Rock Creek Church road, where widened, \$5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to insert:

For Naylor road, \$3,500. For Woodley road, \$5,000. To grade and macadamize Good Hope road to the District line, \$6,000.

The amendment was agreed to.

The next amendment was, on page 13, line 12, before the word "Branch," to strike out "Piney's" and insert "Piney;" so as to road: To grade and regulate Seventeenth street from Park street to Piney Branch, \$1,000.

The amendment was agreed to.

The next amendment was, on page 13, line 23, to reduce the appropriation "for Bunker Hill road" from \$8,000 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 13, line 24, to strike out "for River road from Tennallytown west, \$5,000;" and in line 25, after the word "all," to strike out "ninety-nine thousand four hundred" and insert "one hundred and forty-six thousand five hundred and twentyfive;" so as to read:

In all, \$146,525.

The amendment was agreed to.

The next amendment was, on page 14, line 4, before the word "thousand," to strike out "ten" and insert "five;" so as to read:

Condemnation of streets, roads, and alleys: For condemnation of streets, roads, and alleys, \$5,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to insert:

The next amendment was, or page 12, after line 6, to insert.

The commissioners of the District of Columbia may at any time proceed to condemn lands for streets, alleys, roads, and highways, to the ascertainment of the costs thereof, under the provisions of chapter II of the Revised Statutes pertaining to said District: Provided, That in all cases where there are no fundsupplicable to the same no further proceedings shall be had until payment of the condemnation money, and all such condemnations not paid from moneys furnished or appropriated for shall, after six months from their respective dates, become void for all purposes.

Mr. SHERMAN. I wish to offer an amendment: In line 14, to insert "twelve" instead of "six," so as to allow twelve months.

The Senator will see that sometimes appropriations are made a considerable time in advance of the beginning of the fiscal year and do not take effect until the 1st of July, and sometimes in the long session they are made after that time.

Mr. PLUMB. What is the Senator's amendment?

Mr. FLOMB. What is the Senator's amendment?
Mr. SHERMAN. On page 14, line 12, in the amendment proposed by
the committee, I propose to make it read "twelve months." It should
be at least that, and I think really it ought to be two years; but I suggest twelve months instead of six months.

Mr. PLUMB. The point in reference to that is that the property-owner ought to be taken into account. When his property has been condemned, that is, when all the machinery for condemnation has been set in motion and the property has been appraised, he is entitled to know within some reasonable time whether it is to be taken or not. This is designed more specifically to cover cases where individual property-owners, individual persons, owners of adjacent property or otherwise, having an interest in the subject-matter, are willing to put up the wise, having an interest in the subject-matter, are willing to put up the money, but can not put it up until they know the amount which will be necessary, and that can only be determined by the appraisal provided for in this section. It seems as though six months should be long enough to keep the property-owner in that waiting condition after the appraisal is made until the time when the owner can know whether the property will be taken or whether it will be abandoned.

I may say to the Senator that the courts have held that under the present law, unless there is money appropriated and actually under the control of the District commissioners for the payment of the appraised price of property to be taken under condemnation proceedings, no condemnation proceedings can be had. We have designed here to cover a condition of things in which the necessity for the condemnation might exist, but for which no money could be had, leaving the question open as to whether the money might come in one case from the adjacent property-owners, as I have said, or in the other case from Congress by

appropriation after report made.

While I have no objection to having the time made twelve months, it seems to me to be unjust to the property-owners to keep them in that uncertain condition for so long a period.

Mr. SHERMAN. It will take some time to make the condemnation, and then the property-owners ought to have at least twelve months afterwards to raise the money or make their arrangements.

Mr. PLUMB. I shall not object to the extension of the time to

twelve months.

Mr. SHERMAN. My attention has been called to this matter by a

person who is interested as a property-owner.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 14, line 14, of the amendment reported by the Committee on Appropriations, it is proposed to strike out and insert "twelve" before the word "months;" so as to read:

And all such condemnations not paid from moneys furnished or appropriated for shall, after twelve months from their respective dates, become void for all

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 14, line 24, after the word "Provided," to strike out:

That the said ground can be acquired without public expense.

And insert:

That the said ground be acquired, or the cost of the same be defrayed, otherwise than at public expense.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to insert:

Surveys on account of subdivisions of land: To pay the expenses of such surveys as may be necessary to enable the commissioners of the District to determine if plats of subdivisions of land within the District offered for record have been made in conformity to the "Act to regulate subdivisions of land within the District of Columbia," approved August 27, 1888, \$5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "sewers," on page 15, line 21, before the word "thousand," to strike out "thirty-three" and insert "thirty-five;" so as to read:

For cleaning and repairing sewers and basins, \$35,000.

The amendment was agreed to.

The next amendment was, on page 15, line 23, before the word "thousand," to strike out "twelve" and insert "twenty;" so as to

For replacing obstructed sewers, \$20,000.

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "sewers," to strike out "seventy-five" and insert "one hundred and twentyfive;" so as to read:

For main and pipe sawers, \$125,000.

The amendment was agreed to.

The next amendment was, on page 16, line 3, before the word "thousand," to strike out "forty" and insert "sixty;" so as to read: For suburban sewers, \$60,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 3, to insert:

That hereafter the commissioners of the District of Columbia shall be authorized, in their discretion, to apply the money appropriated for the repair of sewers and replacing of obstructed sewers, by contract or otherwise, as may be most economical and advantageous to the District.

The appropriations made in this act for the improvement of streets and county roads, exclusive of repairs thereon, for the construction of sewers, and for the erection of school buildings, shall be immediately available.

The President of the United States is hereby authorized to appoint three competent sanitary engineers, who shall examine and report upon the system of sewerage existing in the District of Columbia, together with such suggestions and recommendations as may to them seem necessary or desirable for the modification and extension of the same, and such report shall be transmitted to Congress by the President at its next session. And for the purpose of defraying the expenses of such examination and report the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Current expenses, streets, avenues, and alleys. Sprinkling, sweeping, and cleaning," on page 17, line 1, after the word "avenues," to insert "and;" and, in line 2, to strike out "and suburban streets;" so as to read:

Sprinkling, sweeping, and cleaning streets, avenues, and alleys, \$55,000.

The amendment was agreed to.

The next amendment was, in the same clause, page 17, line 2, after the word "dollars," to strike out:

Provided. That no expenditure hereunder shall be made at a price higher than 27 cents per 1,000 square yards for streets and avenues, and 30 cents per 1,000 square yards for alleys.

And in lieu thereof to insert:

And the payments for such work for the fiscal year 1889 shall be at the rate and according to the terms of the contract now existing under which the same is being done, and for this purpose a sufficient sum is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 17, to increase the appropriation for contingent expenses of the parking commission from \$18,000 to \$25,000.

The amendment was agreed to.

The next amendment was, under the head of "Lighting," on page 17, line 12, after the word "Georgetown," to insert "including the south side of Pennsylvania avenue;" and in line 13, before the word "thousand," to strike out "thirty-five" and insert "forty-five;" so as to

For electric lighting, including necessary expenses of inspection, on one or more of the principal streets of the cities of Washington and Georgetown, including the south side of Pennsylvania avenue, \$45,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 18, line 14, after the word "Provided," to strike out the following proviso:

That no more than 40 cents shall be paid for each light per night burning from sunset to sunrise, and each are light shall be of not less than 1,000 actual candle-power, and no part of this appropriation shall be used for electric lighting after September 30, 1889, by means of wires erected or maintained on or over any of the streets or avenues of the cities of Washington and Georgetown.

And in lieu thereof to insert:

That no more than 60 cents per night shall be paid for any light burning from sunset to sunrise, and no more than 50 cents per night shall be paid for any light burning from sunset to sunrise and operated wholly or in part by overhead wires; and each are light shall be of not less than 1,000 actual candle-power, and no part of this appropriation shall be used for electric lighting after September 30, 1889, by means of wires that may exist on or over the streets or avenues of the cities of Washington and Georgetown.

Mr. MORRILL. I move to amend, on line 23, page 18, by striking out "fifty" before the word "cents" and inserting "forty."

I desire to say that I think the proposition of the House of Representatives is better than the amendment of the Committee on Appropriations. I do not think that these electric lights running on wires overhead should be tolerated in the city of Washington at all. They ought all to be placed under ground. We have noticed the calamities which have overtaken persons and horses in various cities where these wires have been strung overhead. They are always a source of danger. Every time a building takes fire, if a fireman approaches and happens to touch one of these wires, it is death to him. Therefore I think that, instead of giving these corporations an opportunity to place these wires

overhead, they ought to be compelled to place them under-ground.

So far as the pending proposition is concerned, I do not think that the difference between 50 and 60 cents is sufficient to compel the companies to put the wires under-ground. If the present system is to be tolerated at all, I want to have the difference in the amount allowed for lighting large enough to induce them to place the wires under-ground.

Mr. PLUMB. The Senator has not observed, I think, the latter part of the committee amendment. If he will read that, he will see that after the 30th day of September next none of the money appropriated by this bill will be available for the payment of any lamp which is operated by means of a wire carried overhead.

If he looks at that amendment carefully I think the Senator will find that it is superior to the provision contained in the bill as it came from the House of Representatives, because it provides, which the House bill does not, in a practical way, as the committee think, for the proper adjustment of this matter, and the sum of 50 cents has heretofore been fixed as the proper sum for overhead lighting. The District commissioners, the engineer commissioner especially, say that that is

the proper sum; and we only design to carry this on to the 30th day of September, at which time every single dollar of this appropriation ceases unless the wires are put under-ground.

Mr. MORRILL. But still I would not authorize the construction of these wires overhead.

Mr. PLUMB. There is a positive provision in the existing law forbidding the erection of overhead wires, which went into effect on the 15th day of September last, and no overhead wires have been put up since that time.

The amendment of the committee not only constitutes an inducement to these people to put the overhead wires under-ground, but it provides that unless they do so by the 30th day of September next, they shall not have any of the money appropriated by the bill.

Mr. MORRILL. The explanation of the Senator from Kansas is

entirely satisfactory, and I withdraw my amendment.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question, then, is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, line 7, after the word "shall," to insert "investigate, ascertain, and;" in line 9, before the word "electric," to insert "gas and;" and in line 10, after the word "contracts," to strike out "and that they be authorized to invite proposals for supplying said light at reduced rates, and in this they are not limited to any one system;" so as to read:

Provided further, That the commissioners of the District of Columbia shall investigate, ascertain, and report to the first session of the Fifty-first Congress what deduction may be made for gas and electric lighting, both for annual and for five-year contracts.

The amendment was agreed to.

The next amendment was greed to.

The next amendment was, under the head of "Public schools," on page 20, line 14, before the words "in number," to strike out "forty" and insert "forty-five;" in line 18, before the word "dollars," to strike out "seventy" and insert "eighty;" in the same line, after the word "dollars," to strike out "four hundred and ninety-five thousand eight" and insert "five hundred and six thousand six;" in line 21, before the word "dollars," to strike out "nine hundred" and insert "one thousand;" and on page 21, line 1, after the word "grades," to insert "exclusive of principals of such normal, manual-training, and country schools;" so as to read:

For teachers: For teachers, not to exceed seven hundred and forty-five in number, including teachers of manual-training schools, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed \$850, \$506,600; and no increase in salaries paid to teachers in grades now receiving \$1,000 or more, except in cases of promotion to fill vacancies occurring before or after the passage of this act, and except in salaries to principals of normal, manual-training, and country schools, and no increase in the number of teachers in any of such grades, exclusive of principals of such normal, manual-training, and country schools, shall be made, and the minimum compensation shall not be less than at the rate of \$300 per annum, and the names of and actual compensation paid to each teacher under this provision shall be reported to Congress at the beginning of each regular session by the commissioners.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the word "duties," to insert:

And the commissioners are directed to report to Congress at its next session an estimate of the number of teachers required in each of the grades and classes of the schools in the District and the amount of salary for each of the teachers in each and all of the grades and classes of the schools in the District for the fiscal year 1891.

The amendment was agreed to.

The next amendment was, in the appropriation for "janitors and care of buildings and grounds," on page 22, line 12, before the word "new," to strike out "eight" and insert "nine;" so as to read:

Nine new eight-room school buildings, at \$500 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 22, line 22, to increase the total amount of the appropriations for janitors and care of school buildings and grounds from \$41,311 to \$41,811.

The amendment was agreed to.

The next amendment was, on page 23, line 2, to increase the appropriation "for repairs and improvements to school buildings and grounds" from \$20,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 23, line 5, to increase the approery, printing, insurance, and other necessary items," from \$22,500 to \$25,000. priation "for contingent expenses, including furniture, books, station-

The amendment was agreed to.

The next amendment was, on page 24, after line 5, to insert:

To enable the commissioners of the District to purchase lots 51, 52, and 53, in square 633, adjoining the Arthur school-building lot, for the use of said school, \$5,792.50; and also to purchase lots 73 and 74, in said square, for use of said school, \$3,192.80; in all, \$8,985.30: Provided, That not exceeding \$1 per square foot shall be paid for said lots or either of them.

The amendment was agreed to.

The next amendment was, after line 24, on page 24, to insert:

That the commissioners shall have all the powers conferred on the Secretary of the Treasury and other officers of the United States by the act of August 1,

1888, entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," for the condemnation of land for sites for school buildings, engine-houses, and for police stations, and for circles to become public reservations. Applications for such proceedings shall be filed in the supreme court of said District, by the attorney thereof, under such orders as said court may prescribe in such cases.

Mr. SHERMAN. I propose an amendment to the amendment of the committee, which, I suppose, the Senator from Kansas will agree to. In line 10, on page 24, after the word "reservations," I move to in-

The PRESIDING OFFICER. The Secretary is reading on page 25.

Mr. SHERMAN. Then he is reading from another copy of the bill. In the copy I have it is on page 24.

Mr. PLUMB. The Senator should insert his amendment on page 25, line 8, in the amendment of the committee which has just been read.

Mr. SHERMAN. I have a different print. I think it is an old print.

Mr. PLUMB. There was another print made for the committee. The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 25, line 8 of the amendment proposed by

the Committee on Appropriations, after the word "reservations," it is proposed to insert:

And for streets, alleys, and roads authorized by law.

Mr. PLUMB. The commissioners already have that authority.

Mr. SHERMAN. I think there is a difference of opinion about it. If we insert these words, and the Senator does not find that the law to which I refer is better, the conference can strike them out; but the law regulating the condemnation of land by the Secretary of the Treasury for public-building sites throughout the United States is carefully framed, and has undergone the ordeal of the decisions of the United States courts as to the mode of condemnation.

Mr. PLUMB. So has the law which has been in existence here for many years, providing for the condemnation of streets. The commissioners and the attorney for the District—and the attorney for the District drew this amendment—said in response to a suggestion of the subcommittee of the Committee on Appropriations that no additional authority is necessary for that purpose, because ample authority is already conferred under the existing law, as has been settled by the

Mr. SHERMAN. If the Senator is sure of that, I shall not insist on my amendment, but I understand that the law I have referred to has undergone the closest scrutiny.

Mr. PLUMB. There is no question about it.

The PRESIDENT pro tempore. Does the Senator from Ohio withdraw his amendment?

Mr. SHERMAN. I do, on the assurance of the Senator from Kan-

The PRESIDENT pro tempore. The amendment to the amendment is withdrawn. The question recurs on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Metropolitan police;" on page 25, line 20, after the word "superintendent," to strike out "two thousand seven" and insert "three thousand three;" on page 26, line 8, before the word "lieutenants," to strike out "nine" and insert "ten;" on the same page, in line 9, before the word "sergeants," to strike out "twenty-two" and insert "twenty-eight;" on the same page, in line 11, before the word "privates," to strike out "forty-five" and insert "eighty-five;" on the same page, line 12, before the word "privates," to strike out "forty-five" and insert "seven;" on page 27, line 1, after the word "cach," to insert "three police matrons, at \$600 each, \$1,800;" and on the same page, line 2, after the word "all," to strike out "three hundred and sixty-two thousand three hundred and forty" and insert hundred and sixty-two thousand three hundred and forty" and insert "four hundred and twenty thousand four hundred and twenty;" so as to make the clause read:

#### FOR METROPOLITAN POLICE.

FOR METROPOLITAN POLICE.

For one major and superintendent, \$3,300; one captain, \$1,800; two lieutenants, inspectors, at \$1,500 each; one chief clerk, who shall also be property clerk, \$1,800; one clerk, \$1,500; one clerk, \$900; four surgeons for the police and fire departments, at \$480 each; for additional compensation for privates detailed for special service in the detection and prevention of crime, \$1,440, or so much thereof as may be necessary; ten lieutenants, at \$1,320 each; twenty-eight sergeants, at \$1,140 each; one hundred and eighty-five privates, class I, at \$900 each; one hundred and fifty privates, class 2, at \$1,080 each; nineteen station-keepers, at \$720 each; nine laborers, at \$480 each; one messenger, \$700; one major and superintendent, mounted, \$240; one captain, mounted, \$240; twenty-five lieutenants, sergeants, and privates, mounted, at \$240 each; one van-driver, \$360; one ambulance-driver, \$480; one assistant ambulance-driver, at \$300; seven drivers of patrol-wagons, at \$300 each; three police matrons, at \$600 each, \$1,800; in all, \$420,420.

The amendment was agreed to.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the appropriation "for the fire department," on page 29, line 5, after the word "dollars," to insert "exchanging two fire-engines, \$8,000;" in line 9, after the word "items," to strike out "seven thousand five hundred" and insert "eight thousand;" and in line 10, after the word "all," to strike out "twenty-

eight thousand two" and insert "thirty-six thousand seven;" so as to make the clause read:

For repairs to engine-houses, \$2,000; repairs to apparatus and new appliances, \$3,000; purchase of hose, \$3,000; for fuel, \$2,000; purchase of horses, \$3,000; forage, \$5,500; purchase of one chemical engine, \$2,250; exchanging two fire-engines, \$3,000; contingent expenses, including office-rent, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, \$8,000; in all, \$36,750.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "telegraph and telephone service," on page 30, after line 2, to insert:

For purchase of new fire-alarm boxes and one additional repeater and other necessaries for enlarging the fire-alarm telegraph, \$5,000.

And the commissioners of the District of Columbia may hereafter, under such reasonable conditions as they may prescribe, authorize the overhead wires of any telegraph, telephone, or electric-light company to be laid under any street, alley, highway, footway, or sidewalk in the District, whenever in their judgment the public interest may require the exercise of such authority, such privileges as may be granted hereunder to be revocable at the will of Congress without compensation, and this authority to continue only until the termination of the Fifty-first Congress.

Mr. PLUMR. I suggest an amendment in line 6, to strike out "And".

Mr. PLUMB. I suggest an amendment in line 6, to strike out "And" and insert "That," at the beginning of the last paragraph.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Health department," on page 30, line 21, after the word "dollars," to strike out "for one clerk" and insert "one chief clerk, who shall hereafter, in the necessary absence or inability of the health officer from any cause, perform his duties without additional compensation." In the same clause, on page 31, line 1, after the word "each," to strike out "one clerk, \$1,000," and insert "two clerks at \$1,000 each;" on the same page, line 5, before the word "dollars," to strike out "thirty" and insert "forty;" in the same line, after the word "thousand," to strike out "four hundred and forty" and insert "nine hundred and twenty;" and on the same page, in line 12, after the word "all," to strike out "forty-eight thousand and sixty" and insert "forty-nine thousand five hundred and forty;" so as to make the clause read: clause read:

#### HEALTH DEPARTMENT.

HEALTH DEPARTMENT.

For one health officer, \$3,000; six sanitary inspectors, at \$1,200 each; two food inspectors, at \$1,200 each; one inspector of marine products, \$1,200; one chief clerk, who shall hereafter, in the necessary absence or inability of the health officer from any cause, perform his duties without additional compensation, \$1,800; one clerk, \$1,400; two clerks, at \$1,200 each; two clerks, at \$1,000 each; one messenger, \$540; one pound-master, \$1,200; laborers, at not exceeding \$40 per month, \$1,920; one ambulance-driver, \$480; and for contingent expenses, including books, stationery, fuel, rent, repairs to pound and vehicles, forage, meat for dogs, horseshoeing, painting, and other necessary items, \$4,000; collection and removal of garbage, \$20,000; in all, \$49,540.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous expenses," on page 33, in line 8, before the word "thousand," to strike out "seven" and insert "eight;" and in the same line, after the word "all," to strike out "fourteen" and insert "fifteen;" so as to make the clause read:

For rent of District offices, \$3,600; for general advertising, \$3,000; for books, and repairs of books for register of wills, \$200; to enable the register of wills to complete the assorting, briefing, indexing, and filing the records of his office, and reproducing the administration and guardian dockets, prior to 1879, including clerical service and purchase of file-holders and books, \$1,000; printing, checks, damages, forage, care of horses not otherwise provided for, horseshoeing, fuel, ice, gas, repairs, insurance, rebinding and repairing records, and other general necessary expenses of District offices, \$8,000; in all, \$15,800.

The amendment was agreed to.

The next amendment was, in the appropriations for "reformatories and prisons," on page 34, line 5, after the word "hostler," to insert '\$120;" and in the same line, to strike out "and ambulance-driver, \$240" and insert "one ambulance-driver, \$120;" so as to read:

For Washington Asylum: For one intendant, \$1,200; one matron, \$600; one visiting physician, \$1,090; one resident physician, \$480; one clerk, \$600; one baker, \$420; one overseer, \$800; five overseers, at \$600 each; one engineer, \$600; one assistant engineer, \$350; one second assistant engineer, \$300; five watchmen, at \$365 each; one blacksmith, \$300; one hostler, \$120; one ambulance-driver, \$120.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the appropriation for "Reform School," on page 35, line 24, to reduce the amount appropriated "for grading, draining, and permanently improving grounds" from \$600 to \$300.

The amendment was agreed to.

The next amendment was, in the appropriations for "the Industrial Home School," on page 36, after line 5, to insert:

To provide for heating the several buildings by steam and lighting same by gas, \$6,700; and the unexpended balance of the appropriation of \$1,500 for new boiler and connections and repairing and restocking greenhouses, made by the District appropriation act approved July 18, 1888, shall be covered into the

The amendment was agreed to.

The next amendment was, on page 36, line 23, under the head of "For charities," to increase the appropriation for the relief of the poor from \$15,000 to \$16,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 23, to insert:

For temporary support of indigent persons, male and female, to be expended

in such manner as the commissioners of the District may deem best, \$6,000; and from this sum the commissioners may allot not exceeding \$2,500 to the board of management of the Temporary Home for Soldiers and Saliors, Grand Army of the Republic, District of Columbia, and not exceeding \$1,500 to the Young Woman's Christian Home, and not exceeding \$1,500 to the Woman's Christian Temperance Union.

The amendment was agreed to.

The amendment was agreed to.

Mr. DAWES. I move to strike out "fifteen" and insert "twenty" before the word "thousand," in line 10, on page 37.

The PRESIDENT pro tempore. The Chair understood that the committee amendments should be concluded first.

Mr. DAWES. This is from the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 37, line 10, before the word "thousand" it is proposed to strike out "fifteen" and insert "twenty;" so as to read:

For the support and maintenance of the Columbia Hospital for Women and Lying-in Asylum, \$20,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 37, after line 15, to insert:

To complete and connect drainage and sewerage of building with main sewer \$200.

To erect coal-vault and to change the laundry, \$500.

The amendment was agreed to.

The next amendment was, on page 38, line 5, to reduce the appropria-tion "for the Washington Hospital for Foundlings, for maintenance," from \$7,000 to \$6,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 12, to insert: To aid the House of the Good Shepherd in erecting a building, \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "Charities," on page 38, line 19, before the word "appropriation," to strike out "the annual" and insert "this act and in former;" so as to read:

That hereafter the several institutions included under the heads of asylums, reformatories, industrial schools, and charities named in this act and in former appropriation acts for the support of the District of Columbia shall report to the commissioners of the District, on or before the 1st day of October of each year, a full and detailed account of receipts and expenditures, and all their operations.

The amendment was agreed to.
The next amendment was, on page 39, after line 2, to insert:

And for the purpose of defraying any expense that may be incurred in obtaining the information necessary to carry into effect the above requirements the sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated, and the commissioners are authorized to make such regulations as they may deem necessary to enable them to make full report of the transactions of the said several institutions.

Mr. PLUMB. It is necessary to make an amendment there in order that that may be, to use a printer's phrase, "run in" immediately following the word "same," in line 39, instead of being made a separate paragraph.

The PRESIDENT pro tempore. That can be arranged by the Sec-

retary.

Mr. PLUMB. I wish to have that done.

The PRESIDENT pro tempore. It will be so ordered. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to insert:

The next amendment was, on page 39, after line 10, to insert:

And all sums of money heretofore appropriated by Congress or which may hereafter be appropriated and expended in aid of the purchase of real estate shall (subject to any trust deed, mortgage, or other security or incumbrance existing on such property at the time of its purchase, or created at the time of its purchase) be a lien upon such property, and in case of the dissolution of any such corporation as in the preceding paragraph is mentioned, owning such property, or in case of the disposal of such property by such corporation, entitle the United States to reimbursement in proportion to any other contributions or funds used in the purchase of such property. The acceptance of any sum of money by any such corporation as is in this act appropriated for its benefit shall be deemed an acceptance of and agreement to this provision.

Mr. PLUMB. I move to strike out the word "and" at the beginning of the paragraph and insert the word "that;" so as to read:

That all sums of money heretofore appropriated by Congress, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to insert as a new section:

Committee on Appropriations was to insert as a new section:

SEC. 3. That hereafter all moneys received from the sales of animals or material of any sort, purchased under appropriations made for the District of Columbia since July 1, 1878, other than for the water department, shall be paid into the Treasury of the United States, to the credit of the United States and the District in equal parts; and all balances of appropriations that have been here-tofore or that shall be hereafter made for the District of Columbia under section 3 of the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia," heretofore or hereafter remaining unexpended at the end of two years from the close of the fiscal year for which such appropriations have been or shall be made, shall be covered into the Treasury, one-half to the credit of the surplus fund and one-half to the credit of the general fund of the District of Columbia.

The appropriators are agreed to

The amendment was agreed to.

Mr. SHERMAN. I have three or four amendments that I wish to offer, all of which I believe are estimated for in the regular estimates

or in special estimates. First, on page 12, between lines 11 and 12, I move to insert

To grade and regulate First street west, from Boundary street to Soldiers' Home, \$5,000.

Mr. PLUMB. How much is that?

Mr. SHERMAN. Five thousand dollars. That is what was recom-

The amendment was agreed to.

Mr. SHERMAN. On page 8, after line 25, I move to insert:

To grade and regulate Boundary street from Fourth street west to North Capitol street, \$15,333.

The amendment was agreed to.

Mr. SHERMAN. I offer another amendment to make the appropriations for the suburban and outside streets conform to the provis-

ions in the bill in regard to the streets within the city.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 13, after line 23, it is proposed to in-

For the grading and improvement of the county roads and suburban streets, estimated for by the commissioners of the District of Columbia in Appendix "CC" to their report, and not specifically included in this bill, to be expended on such roads and streets as they shall designate, \$40,000.

Mr. PLUMB. That seems to be contradictory. I suppose the design of the Senator is to have the appropriation for the country roads correspond to the estimates.

Mr. SHERMAN. Yes, sir. Mr. PLUMB. If the Senator desires to do that he must leave out that portion which would authorize the commissioners to designate. The words "as they shall designate" ought to be eliminated.

Mr. SHERMAN. I have no objection. I simply found in the bill

the amounts estimated for certain streets in certain schedules, leaving the appropriations to be designated by the commissioners of a certain Some of those estimated for have been omitted from the details

of the appropriation bill.

Mr. PLUMB. The House of Representatives, in taking up this matter of suburban improvements, itemized, that is to say, individualized the various items of appropriation. The Senate committee accommodated itself to the House idea, inserting some additional ones, but not all of those estimated for. I have no objection if the Senator wishes to insert the remainder of them. If he wants to do it in a general way I have no objection to that.

Mr. SHERMAN. This will be better, because they are all set out

in the schedule referred to.

Mr. PLUMB. Very well. The last part of the amendment, that authorizes the commissioners to put the money wherever they please, should be stricken out.

Wherever they please on the designated streets Mr. SHERMAN. and roads.

Mr. PLUMB. If the Senator will leave out the last portion of the amendment it will be all right. I suggest to strike out "wherever they shall designate."

Mr. SHERMAN. Very well.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out of the amendment the words "to be expended on such roads and streets as they shall designate." so as to read:

designate;" so as to read:

For the grading and improvement of the county roads and suburban streets, estimated for by the commissioners of the District of Columbia, in Appendix "CC" to their report, and not specifically included in this bill, \$40,000.

Mr. SHERMAN. That is all right.
Mr. EDMUNDS. In Appendix "CC" of what year?
Mr. SHERMAN. Of the present year. It is referred to once or twice in the bill.

Mr. PLUMB. I will make one other suggestion to the Senator from Ohio, and that is that he should say not "Appendix 'CC' of their report," but "Appendix 'CC' of the Book of Estimates."

Mr. SHERMAN. It is referred to once or twice in the bill.

The PRESIDENT pro tempore. It is first referred to on page 7, in lines 23, 24, and 25.

Mr. SHERMAN. We had better use the same language that is used

in the preceding part of the bill.

The PRESIDENT pro tempore. The question is on the amendment as modified.

Mr. EDMUNDS. Let us see how it reads now about the appendix when it is corrected.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. After the letters "CC" insert:

Book of Estimates for the fiscal year 1890.

Mr. PLUMB. The language will be found at the foot of page 7: For work on sundry streets and avenues named in appendix "CC," Book of Estimates for the fiscal year 1890.

The PRESIDENT pro tempore. That language has been inserted.

Mr. PLUMB. Very well.
The PRESIDENT pro tempore. The of the Senator from Ohio as modified. The question is on the amendment

The amendment was agreed to.

Mr. SHERMAN. At the request of a very respectable body of gentlemen who are interested in an old charity here, I offer an amendment to come in at the end of the list of charities provided for in the

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. On page 37, after line 25, it is proposed to in-

For the erection of a suitable brick building to be used by the German Orphan Asylum Association, and to be erected on the grounds now owned by said association, \$10,000: Provided, That said association expends an equal amount in the erection of said building.

The amendment was agreed to.

Mr. SAWYER. I offer an amendment for an improvement that has been estimated for, I believe. I move, on page 8, after line 25, to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. On page 8, after line 25, it is proposed to in-

For paving Twentieth street from R street to S street, and for paving S street to Connecticut avenue northwest, \$10,000.

The amendment was agreed to.

Mr. PLUMB. On page 13, line 3, I move to strike out the word "five" before "thousand," and insert "twenty;" which is according to the estimate of the commissioners of the District.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 13, line 3, before the word "thousand,"
it is proposed to strike out "five" and insert "twenty;" so as to read: To widen and regulate Brightwood avenue, \$20,000.

The amendment was agreed to.

Mr. PLUMB. On page 13, between lines 23 and 24, I move to insert: For paving Kansas and Colorado avenues, \$4,000.

The amendment was agreed to.

Mr. VEST. I offer an amendment, which I send to the desk, to come in on page 12, line 2, after the word "dollars."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 12, line 2, after the word "dollars," it is proposed to insert:

is proposed to insert:

All street-railway companies having tracks or road-beds on the streets of the city of Washington shall cause said rails and road-beds to be made level with the surface of the streets upon each side of said track or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks. The cost of making the changes herein required shall be paid by the corporations owning said street-railroads, and if after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act the said corporations shall not within thirty days thereafter begin the work required to complete the same within a reasonable time, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made, and the cost thereof shall be collected from the corporations respectively owning said street-railroads by suit in the name of the United States, to be instituted by the United States attorney for the District of Columbia, against said corporations in the district court of said District.

Mr. EDMUNDS. I would like to have the Secretary read the first

Mr. EDMUNDS. I would like to have the Secretary read the first clause of the amendment, the descriptive clause of what it is that is to

be corrected.

The CHIEF CLERK. After the word "dollars," in line 2, page 12, it is proposed to insert:

All street-railway companies having tracks or road-beds on the streets of the city of Washington shall cause said rails and road-beds to be made level with the surface of the streets—

Mr. EDMUNDS. That is enough. I think that covers the point. Mr. DAWES. I ask the Senator from Missouri to modify the amendment by requiring the street-railway companies to remove the present rails and use the flat rails.

Mr. VEST. I have not the slightest objection. That is my meaning. I want them to change the T rails, I think they are called, which extend now from half to three-quarters of an inch above the surface of the street, and use the groove rails or flat rails, which will present no

obstacle to vehicles passing over them.

Mr. EDMUNDS. They have been required to do that hitherto, but in defiance of law, as I understand it, they have put down these T rails, which are an utter nuisance everywhere.

Mr. VEST. I think so.

Mr. CULLOM. I want to say furthermore that, for instance, at New York avenue and Fourteenth street, whenever there is a rain, mud and water accumulate to such an extent that it is almost impossible to get across the street on Fourteenth street going north or south. I think the persons whose business it is to attend to that sort of improvement should have their attention called to it, so that the streets shall be kept in better condition.

Mr. VEST. As I understand the Senator from Massachusetts he wants to insert a provision for the use of flat rails. I think the amendment covers it now, but I am willing to make it as strong as possible.

The PRESIDENT pro tempore. Does the Senator desire to modify

the amendment?

If the Senator from Massachusetts desires it I have no

spirit of the law has always required that they should be. In the State from which I come, on such occasions of private corporations having rights in streets, when they do not do what their charter requires them to do in regard to keeping the streets in order, the executive authority of the locality, no matter what we call it, is to go and do it; and in-stead of bringing an action, like any other tax or assessment that is laid in my State, the proper authority is to issue a warrant for the amount expended, to be collected out of the property of the delinquent then and there. If it is illegal the delinquent can sue and rectify himself.

If it is not, you get your pay without a five or ten years' lawsuit.

I am very sorry (there is no time at this moment to change it) that the amendment does not provide that whenever the corporations occupying the streets do not do what the law requires, and the public money is obliged to be expended to do it, a warrant shall go against their property then and there, like any other tax, and collect it, and pay it into the Treasury, and if they have any rights to defend let them sue the United States or the District, rather than our having to sue them.

Mr. SHERMAN. I wish to say a word about this matter. I am inclined to think that the amendment as now drawn will compel companies to use this new rail Will it not?

Mr. EDMUNDS. I hope so.

Mr. SHERMAN. Does it not require them to use the new Johnson

Mr. VEST. It does not specify the rail, but requires them to put the rails down on a level with the street upon each side, so as to present no obstruction to vehicles

Mr. SHERMAN. The trouble with the old-fashioned rail was that it was not possible to do that because of the flanges. It seems to me that when we are compelling the railroad companies practically to rebuild their roads we ought to regulate the motive power. I am in favor of doing that now. Whenever the Committee on the District of Columbia will take up the question I am in favor of requiring the railroad companies here, except one or two in remote parts of the town, but all the chief railroads, especially the Metropolitan and the Washington and Georgetown railroads, to put on a different motive power. When the railroad companies were chartered twenty-five years ago, it was considered a great advance, but now in no large city would such a thing be done or authorized, and the principal railroads ought now to be required to use some other kind of motive power than horses.

I think the railroad facilities in this city are much poorer than in many cities of the North. We discussed that question somewhat last year. In Chicago and all the chief cities they have now substituted to

some extent either the cable road or the electric road.

Notwithstanding the criticisms made in regard to the electric road, that I believe is going to be the final railroad of the future. It may be necessary for them to devise some way of putting the wires below ground, but even above ground, as the road now built here shows, it is far superior to any other railroad in this city. I should be very glad indeed to see that system adopted, though it would be better, as the Senator from Vermont has contended very strongly, to put the wires

It seems to me, therefore, that when this proposition is made it ought to be accompanied by a provision requiring new motive power. These corporations, I am told, are strong enough and able to do it, at least two or three of them; and those in remote parts of the town, where probably the patronage would not justify the increased cost, need not be required to do it. I have been hoping all along that the District Committee would report some such bill.

Mr. VEST. I agree entirely with the Senator from Ohio as to the need for a change of motive power, and I have expressed myself in that regard several times pretty strongly. But there is one difficulty about There are provisions in the charters of some of these companies which would seem to give them control of the motive power upon their respective roads. Some time ago I got together all the acts in regard to the franchises of the street railroads in the District of Columbia, but I frankly confess that it was an undertaking beyond what I supposed it to be, and I gave it up because the press of other business took me away from it. But I went far enough to ascertain the fact that there are some provisions in the charters of these companies that would make an absolute (I will not use the word arbitrary, but absolute) requirement on them to give up the horse transportation and adopt that of the

electric railway or cable road very oppressive.

I say that, while I have not the slightest sort of sympathy with the present system here, for I think it is the worst in any city of the United States, I have no doubt with my friend from Massachusetts that we have the right, that is, we have the power, to control these cor-porations and to force them to change their motive power. We have that power; but we did give them certain privileges in their charters, and we can escape from those grants only by just saying that we take them back or we nullify them.

Mr. SHERMAN. In other words, we would exercise our power to

Mr. VEST. If the Schator from Massachusetts desires it I have to objection, although I think the amendment covers the point.

Mr. EDMUNDS. I wish to call the attention of the Senate to the last part of the amendment, which provides for reimbursement of the expense of putting these tracks and road-beds in the condition that the

there are great abuses existing here in the street-railway system of the They have no charter rights as to the way in which they

put down the rails.

The Senator from Vermont is right when he says that the spirit of the existing law requires them not to put down the sort of rails they have in this District. They have rails here extending from one-half to three-quarters of an inch above the surface of the street. I can go to one place here, immediately on my way from the Capitol to my residence, where it is almost impossible at times for a delicate vehicle to go across the track without injury when rain and mud accumulate, and always the driver is compelled to go at a very slow rate of speed.

All this, as a matter of course, does not bring up the question of charter rights. They are putting obstacles in the streets here, and they are dangerous obstacles, and they have no right to do it. When you come to the other question of changing the motive power, I have no doubt of our having the authority to do it, but it is a little intricate as to whether we ought to exercise it absolutley in every case. words, putting it all in a single sentence, I want to start this reform with something about which we all agree; and if the Senator from Ohio wants to put it in an amendment or wants to change this as to motive power and thinks we ought to do so, I am perfectly willing.

Mr. SHERMAN. I am not prepared to make any proposition at this

Mr. EDMUNDS. Let us go as far as we can now.

Mr. HALE. Let the amendment be read.

The PRESIDENT protempore. The amendment will be again read. The CHIEF CLERK. After the word "dollars," in line 2, page 12, it is proposed to add:

All street-railway companies having tracks or road-beds on the streets of the city of Washington shall cause said rails and road-beds to be made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks. The cost of making the changes herein required shall be paid by the corporations owning said street railroads; and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations shall not within thirty days thereafter begin the work required to complete the same within a reasonable time, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made, and the cost thereof shall be collected from the corporations respectively owning said street railroads by suit in the name of the United States, to be instituted by the United States attorney for the District of Columbia against said corporations in the district court of said District.

Mr. EDMUNDS. I wish to call the attention of the Senator from

Mr. EDMUNDS. I wish to call the attention of the Senator from Missouri, as corporations, I have discovered, are rather technical, to the language, which merely speaks of a corporation owning the thing. I suggest to him to modify his amendment in that connection by say "the corporation or persons owning or operating," so as to hit everybody who has anything to do with it.

Mr. VEST. That is right. I move to make that change.
Mr. PLUMB. I wish to make one other suggestion in regard to the
atter. The amendment says "on each side of the track or roadmatter. The amendment says "on each side of the track or road-bed." That perhaps would mean only on the exterior, and not the space between the rails.

Mr. EDMUNDS. I thought of that, and thought of suggesting it, but I concluded that the word "road-bed" was intended to cover the

space between the rails.

Mr. PLUMB. I have no doubt of it, but the only question is whether it is broad enough to cover it. I only make the suggestion.

Mr. VEST. As a matter of course they can not use the asphalt, be-

cause that would not permit of horse-power.

Mr. HALE. I do not rise to oppose the amendment, because it is in the direction, I take it, that all of us desire action; but I should like to ask the Senator from Vermont whether it is possible that such an amendment as that is needed in order to secure this very desirable change in the way that these tracks are placed. Is it not clearly in the power of the commissioners of the District, who are intrusted by Congress with the management of the District for Congress, for the people, for the country, to regulate such matters in a proper way?

Mr. DAWES. The claim is that they have been going on for twenty-

The claim is that they have been going on for twenty-

five years in this way.

Mr. HALE. I supposed that would be the answer. I do not know what the Senator from Vermont would say in reply to that question. It may be that it is not material. Perhaps the answer would be, as indicated by the Senator from Massachusetts, that things have gone on in this way for years, and that now, in order to see that right is done, Congress has got to interfere. All I have to say is that it is none too

The people of no city in the country are imposed upon and ill-treated as are the people of Washington and the people who visit Washington by the street-railway companies in their manner of conducting business. The trouble is that every year it comes around and the grievance is felt by everybody here, and we grumble and fulminate and declare what shall be done, and Congress goes by and nothing is done. The committees do not report any schemes that will relieve us of the evil, the inconvenience, the trouble; and whoever are imposing upon us after a time get to feel that they can do it with impunity, and from year to year they continue. I have no doubt that when they get together and sit down and consider the subject, draw their dividends and go on for the next year, a part of the performance is to laugh in

derision at the talk that is made in Congress about it. So we suffer ourselves, we suffer our constituents who come here, and everybody else, to be imposed upon.

If anything can come of this amendment of the Senator from Misouri, I hope it will be passed and become a part of the law. It is not

half that ought to be done.

Mr. EDMUNDS. I reply to the Senator from Maine as to the state of the law by saying that I think he is right in supposing that the governing executive power in the District would probably have the right to require this very thing. Whether the existing law would give even such a weak and ineffectual remedy as is provided in this amendment, I do not remember; but the fact is, as the Senator from Maine has stated, that, granted the commissioners have the power to compel the doing of this rightful and necessary thing, they have not done it, and I am very much afraid it will be a good while before they will do it if left to themselves.

I can relate very briefly an instance in my own experience showing the relations or the contrast between the governing power in the District of Columbia and these corporations and their grace to private individuals. I take it it was just about a year ago that I wrote a formal letter, as one person resident in this District, to the commissioners of the District, calling their attention to the absolute nuisance of the two railway crossings, I think, at Third street and Massachusetts avenue, where you had to stop your horse to a walk and go as you would across a mountain brook full of stones to get across the railway tracks. I asked them to call upon the railways and compel them to make those crossings there in a condition suitable for traffic. They replied with great politeness and courtesy that they would attend to it at once, and they sent a notice to the railways to do it. From that day to this it has not been done, and stones larger than you can see in excavated Pompeii of twenty-five hundred years ago are now in the road-bed between the tracks there at those crossings in that street, standing just as they did a year ago when I made the humble and piteous appeal to the commissioners.

Having had that experience, and there being at Du Pont Circle a similar condition, though not nearly so bad, in getting over the railway tracks there, I gave up the commissioners entirely and addressed an humble and piteous and respectful petition to the masters, the railway company, without going to the commissioners at all, and appealed to them as an act of grace to everybody who traveled along there to have that thing put in order. I got an immediate gracious response that they would do it right away, and within two weeks it was done. So the way for any citizen of the District or resident here to get any-

thing done in ameliorating these crossings is to apply to the masters of the situation, the corporations themselves.

Mr. DAWES. I move to amend the amendment. I think the Senator from Missouri will accept it.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the seventh line of the amendment, after "be" and before "made," it is proposed to insert:

Relaid with the flat grooved rail and

And in the fourth line, second page, after "corporations," to insert "or persons," and after the word "owning" to insert the words "or operating;" so as to read:

The cost of making the changes herein required shall be paid by the corporations or persons owning or operating said street railroads.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. There may be another place where the very same phrase should occur. I think there is one somewhere.

The PRESIDENT pro tempore. Does the Senator suggest an amendment?

Mr. EDMUNDS. I think there is another place where the same words occur in the original text, and the same addition should be inserted.

The PRESIDENT protempore. The clerks will carefully inspect the amendment.

Mr. EDMUNDS. It is a mere matter of phrase. The clerks can put in. I wish to call the attention it in.

The PRESIDENT pro tempore. Let the amendment first be disposed

Mr. HARRIS. Mr. President-

The PRESIDENT pro tempore. The clerks are inspecting the amendment to see if it needs any further corrections.

Mr. EDMUNDS. While the clerks are doing that, I wish to call the attention of the Senator from Missouri to his description of the court in which a suit may be brought. "The district court of the District of Columbia," I think the phrase is. There is not technically any such

court. It is the supreme court of the District of Columbia.

Mr. VEST. Let that be changed. I did not have the statute be-

fore me.

Mr. EDMUNDS. I think it would be proper to make that change.

The PRESIDENT pro tempore. The amendment first suggested will The CHIEF CLERK. In the second line of the amendment, after the word "companies," insert "or corporations operating or;" so as to read:

All street-railway companies or corporations operating or having tracks or road-beds.

And also at the end of the second page, after the word "corporations," to insert "or persons," and after the word "owning" insert the words "or operating;" so as to read:

And the cost thereof shall be collected from the corporations or persons respectively owning or operating said street railroads.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. There is one other matter of phrase about the description of the court that ought to be corrected.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On the last page strike out the word "District" and insert the word "supreme;" so as to read:

To be instituted by the United States attorney for the District of Columbia against said corporations in the supreme court of said District.

Mr. EDMUNDS. It should read "against said corporations or persons." The words "or persons" should go in there also.

The PRESIDENT pro tempore. The amendment to the amendment will be so modified. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HARRIS. I wish to ask the Senator from Massachusetts [Mr. DAWES] if the amendment proposed by him to the amendment of the Senator from Missouri contemplates a change of rail to be immediately

adopted on all the roads in the city?

Mr. DAWES. That would be the effect of it. It has occurred to me since its adoption that perhaps that would be pretty hard on some of the new outlying roads, where it would not be so necessary.

Mr. HARRIS. The amendment of the Senator from Missouri, if I

remember the general proposition, requires the work to be commenced within thirty days and completed within a reasonable time, I believe it is stated. It seems to me it may involve a very great hardship on the railroad companies to compel them to adopt an entire change of rail in so short a time.

Mr. DAWES. It would. Mr. HARRIS. I have no I have no objection to their being compelled to adopt the very best steel rail within such reasonable time as may be allowed.

Mr. DAWES. It has occurred to me that perhaps in conference that will be required to be subjected to some changes that may meet the exigencies. I should not want to require the outlying roads in the suburbs to dispose at once of their rails and adopt the flat rail. It

would be an expense upon them that would be unreasonable.

Mr. SHERMAN. Let me assure the Senator from Massachusetts that the amendment as it is drawn does not require them to lay down any other rail than they have now, because they have a flat rail. They must conform the rail to the surface of the street. That is all that is required. Of course if they were to lay down a new rail it would take a year or two years. They could not certainly get a new rail and lay it down without a very large investment of money and without a good deal of time, but the amendment does not require that, I think. Its fair and legal construction does not require them to get a new rail, but it does require them to make the rail conform to the surface of the

Mr. DAWES. As to the amendment adopted, I think the Senator is Whenever they have any other than a flat rail they would be required to replace it within the time fixed there, which I think the Senator from Tennessee rightly says might impose a very great hardship if they were required to do it within the time limited in the amendment. I think, however, it may be safely adopted, and we can leave that to a conference, though if the Senator can suggest any language that would be certain, that would not leave these roads to take their own time for doing the duty which they ought to have performed

twenty-five years ago, it can be inserted now.

Mr. FRYE. I should like to ask the Senators who are familiar with the horse-railroads in the city of Washington one question. I have never been able to understand why the United States and the cities in the United States allow their streets to be absolutely destroyed by these horse-railroads. One day in Liverpool I hired a horse and carriage to take a ride, and I was riding through several streets where there were horse-railroads, or tramways, as they call them. I avoided them the same as I would here, but accidentally I got on the track and afterwards I had no occasion at all to avoid the railroad tracks. No one riding would have noticed that there was such a thing as a railroad track there. There was not the slightest disturbance to the carriage, and you could ride over it in any direction. You could ride over it lengthwise, and it would not disturb the carriage in the slightest degree. I got out of the carriage and examined the rail, and I found that it was a very simple contrivance. Instead of a T rail, such as we have here almost everywhere, it was a simple U rail, the flanges of the rail coming just level with the pavement, and the slot of the U not being large enough to admit of an ordinary carriage wheel.

Mr. SHERMAN. There are some of those rails here in this city.

Mr. FRYE. There are some here? Mr. EDMUNDS. Where are they?

Mr. SHERMAN. Right in front of the President's House. Mr. HAWLEY. Just in front of the Executive Mansion. Mr. FRYE. Why do we not make every railroad in the city have

U rail?

Mr. SHERMAN. I should be glad to go farther when we do that, and go to the extent of having new motive power. The railroad upon New York avenue has a most beautiful rail. You can go over it without disturbing your carriage in the slightest degree, riding right over it, and it is concreted between. Your carriage can go anywhere, astride the rail, or across the rail, diagonally, or in any other way.

Mr. FRYE. Since my return I have never been able to understand why so many cities in the United States allow their streets to be sac-

rificed in that way. Mr. SHERMAN. Nobody else understands it; but we do not require them to adopt this new rail. A new rail is not provided for by this amendment. What we ought to require is a new motive power; that is, either the cable or the electric motive power. In my judgment

the electric motive power is now far in advance of any other.

Mr. TELLER. I should like to ask the Senator from Ohio if he thinks that the New York avenue street-car line is a model with their columns in the middle of the street and their death-dealing wires hang-

ing over the street on both sides?

Mr. SHERMAN. I am glad the Senator asks me if I think that is a model railroad. It has wires above, but there is no unsightly aspect about them; a straight, open way with the columns 200 feet apart. At night lit with brilliant electric light, it is rather beautiful than otherwise. The "death-dealing wires" would not kill a cat, I imagine. The evidence is conclusive that the wires carrying electricity sufficient to light are very dangerous, but that the wires carrying electricity sufficient to light are very dangerous, but that the power, according to the tes-timony of experts, required for moving these cars is not sufficient to cause death.

Mr. HARRIS. If the Senator will allow me, I will state that if the whole power a dynamo machine can generate for propelling the cars to which the Senator refers was put upon the wire, he would experience only a slight shock if he should come in contact with it; but when you come in contact with the wire that furnishes the power to the arc light,

it is a death-dealing power.

Mr. TELLER. They have not only the power necessary for the street car, but for the lights, and they have their columns in the middle of the street. I do not know myself where they get authority to use the streets

in that way

Mr. HARRIS. It requires no other power than the one I have already described, which is absolutely safe.

Mr. TELLER. I may be wrong about it, but I do not think that is the proper way to use the streets. For one, I do not intend, when I have an opportunity to be heard—and we seem to be powerless about it to give my consent to the use of the streets of this city for that kind. it—to give my consent to the use of the streets of this city for that kind of locomotion, although I know that the Congress of the United States is not to be consulted in the matter.

Mr. CHANDLER. I should like to ask the Senator from Tennessee whether he is to be understood as saying that the electric current which passes through the wire which moves the car on the New York avenue

milroad is not dangerous to life?

Mr. HARRIS. I do desire and intend to be so understood.

Mr. CHANDLER. Does the Senator say that the current from those wires which moves the car might be applied to an individual and not hurt him; that it might pass through him and not hurt him?

Mr. HARRIS. That is the concurrent testimony of every expert ho has been examined on the subject.

Mr. CHANDLER. The Senator has made sufficient examination to

advance that proposition as one of which he is convinced?

Mr. HARRIS. There are 400 volts used—a volt is the unit—in the locomotive power

The PRESIDENT pro tempore. The Chair will suggest to the Senate that these colloquial debates are very difficult to report.

Mr. HARRIS. The utmost capacity, as I am informed, of the chains that generate the electricity will not exceed 500 volts, and about 400 volts is the power employed to propel the cars and to furnish the incandescent light upon the poles.

Mr. HOAR. I will state that the manager of an establishment near Boston, which is a very large one, employing many hundred workmen, brought to me a letter during the last Congress from a gentleman whom I know well, and in whom I have absolute confidence, representing him as a person entitled to very high confidence, who stated that the workmen in that factory handled the wires when they are charged to the full extent of the mechanism with electricity for the purpose of propelling horse-railroads with absolute indifference.

Mr. CHANDLER. I will ask the Senator whether he means that

they handled the wires when the batteries were on?

Mr. HÖAR. Certainly.
Mr. CHANDLER. The Senator omitted to state that. I would not

be alraid to handle them myself when the batteries are not on.

Mr. HOAR. Of course I did not mean to have that loop-hole.

Mr. CHANDLER. I did not feel that part of the charge.
Mr. DAWES. I wish to state that new discoveries are all the time being made, not only as to the method of applying electricity but as

to the effect of it, and that recently it has been discovered that what is a perfectly harmless shock to one individual is fatal to another, and that which is perfectly harmless to one individual at one time is fatal to that individual at another time. No one as yet has been able to say when any particular individual is safe who comes in contact with these electric wires. Human life is at the mercy of conditions if these wires are within contact. Within a few days the dress of a lady in a parlor lighted by electricity, upon which she had some metal buttons or ornaments, coming in contact with the wire, was set on fire.

Mr. HOAR. That was electricity for lighting.

Mr. DAWES. I know it was electricity for lighting. Whether these

electric wires be for lighting, or for power, or for any other purpose, we have not yet been able to understand when we are safe and when we are in peril, except when we know they are beyond our reach. We

are not safe whether they are used for one purpose or another.

Mr. CHANDLER. I am glad to learn from the Senator from Tennessee [Mr. HARRIS] and from the Senator from Ohio [Mr. SHERMAN] nessee [Mr. Harris] and from the Senator from Ohio [Mr. SHERMAN] and the Senator from Massachusetts [Mr. Hoar] that electricity passing through these wires is safe. I am glad to learn that we are getting-over the dangers. I do not understand how it can be, because certainly there have been many fatal accidents reported. Every day we see that some workman has been instantly killed by contact with these wires. But now it seems that there is no danger. I am glad of it.

Mr. HARRIS. If the Senator will allow me, speaking from the standpoint of such information as I have been able to obtain by having a lot of experts before a committee to which I chance to belong, charged a lot of experts before a committee to which I chance to belong, charged with the duty by the Senate of investigating and getting such information as we could obtain upon this question, it depends upon the energy and the amount of the current, no matter what wire the electricity is conducted by.

Mr. EDMUNDS. It depends somewhat on the nature of the current, because there are two different natures.

Mr. HARRIS. Yes.

Mr. CHANDLER. The Senator from Massachusetts [Mr. DAWES]

says it also depends somewhat on the person.

Mr. HARRIS. I think the Senator from Massachusetts is somewhat if not entirely mistaken in that declaration. Different nervous organisms will be affected differently by electricity; I do not know to what extent. But the information the committee derived from that investigation amounts to something like this: No accident or injury to human life has been known to occur where a volume of, say, 500 volts has been employed. In the moving of the cars to which reference has been made about 400 volts is the maximum of power used. The batteries employed here on this railroad can not generate exceeding 500 But the arc light requires from 1,500 to 2,000 volts, and that is far beyond the danger line. Wherever a man comes in contact with that power, there is very great danger, if not absolute certainty of de-struction of animal life. That is the state of the information that we derived from the investigation.

Mr. CHANDLER. I am not prepared to take issue with so much learning as the Senators are able to exhibit on this subject. I am very glad if the facts which they state are correct. I had not supposed that the power used upon the new railroad on New York avenue was so slight as the Senator from Tennessee says. I want to ascertain what his figures are exactly. I understand him to say now, and I repeat it in order that I may be accurate, that the current used in moving those cars is not greater than 400 volts, and that the batteries which create the current are not capable of more than 500 volts.

Mr. HARRIS. That is the information I have.

Mr. CHANDLER. And that the scientific testimony of experts is that the limit of danger is within 500 volts of electric power.

Mr. HARRIS. There is no danger to man or animal.

Mr. CHANDLER. So I understand the Senator from Ohio also to vouch for the safety of the New York avenue railroad, asserting distinctly to the Senate that the electric currents which are used for moving the cars on the electric railways are not dangerous, and that the only danger from these wires is from the electric-light wires. I understand that to be the information communicated to the Senate.

I have not so understood the facts. I shall be glad if they turn out to be true, but I am myself under a suspicion that there is a conspiracy among the promoters of these electric railways (who are not willing to put their wires under-ground, and who are determined to occupy and disfigure the streets and avenues of the cities of this country with their wires) to misrepresent the amount of power used in the electric railway, and I am sorry to say I believe it is true. I do believe it, and I believe that we shall learn this eventually to our cost.

Mr. BUTLER. I move that the Senate adjourn. Mr. SHERMAN. I desire a short executive session.

Mr. SHERMAN, I desire a short executive session.

Mr. BUTLER. I am not particular about it, but I am not quite in a condition to hear lectures on the subject of electricity. If we are going to continue with those lectures, I shall move to resolve this body into a committee of the whole or adopt some other method by which to get rid of them. I shall insist upon my motion to adjourn.

Mr. SHERMAN. I can not hear a word the Senator says.

The PRESIDENT pro tempore. The Senator from South Carolina moves that the Senate adjourn.

Mr. VEST. I ask for the yeas and nays. Mr. SHERMAN. There will be but five minutes of executive session required. Mr. VEST.

I withdraw my request for the yeas and nays.

Mr. BUTLER. I withdraw my motion.
Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Does the Senator from South Carolina withdraw his motion to adjourn?

Mr. BUTLER. For the present.

Mr. VEST. I hope there will be a vote on the amendment I have

offered.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. FRYE. Let the unfinished business be laid before the Senate. The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being Senate bill 3401, concerning the Pacific rail-

#### EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive busines

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 24, 1889, at 12 o'clock m.

#### NOMINATIONS.

Executive nominations received by the Senate the 23d day of January, 1889. PROBATE JUDGES.

E. P. Johnson, of Utah Territory, to be judge of probate in Box Elder County in said Territory, vice John D. Peters, whose term of office has expired, as provided by section 19, chapter 397, volume 24, United

States Statutes at Large.

Joseph D. Jones, of Utah Territory, to be judge of probate in Utah County in said Territory, vice W. N. Dusenberry, whose term of office has expired, as provided by section 19, chapter 397, volume 24, United

States Statutes at Large.

James McGarry, of Utah Territory, to be judge of probate in Beaver County, in said Territory, vice F. R. Clayton, whose term of office has expired, as provided by section 19, chapter 397, volume 24, United States Statutes at Large.

# APPOINTMENT IN THE REVENUE SERVICE.

Harry U. Butler, of Maryland, to be a second assistant engineer in the revenue service of the United States, in the place of Second Assistant Engineer Paul Barnes, resigned.

James M. O'Donovan, of New York, to be a second assistant engineer in the revenue service of the United States, in the place of Her-

bert W. York, declined.

# UNITED STATES CONSUL.

Archibald H. Grimke, of Massachusetts, to be consul of the United States at San Domingo, vice H. C. C. Astwood, removed.

### POSTMASTER.

Daniel Budd, to be postmaster at Rye, in the county of Westchester and State of New York, in place of Daniel Budd, whose commission expired July 5, 1888.

# HOUSE OF REPRESENTATIVES.

## WEDNESDAY, January 23, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXHIBITS, NATIONAL MILITARY AND NAVAL MUSEUM.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with accompanying communication, a list of exhibits for the national military and naval museum; which was referred to the Committee on Military Affairs, and ordered to be printed.

# LIGHTING THE CAPITOL.

The SPEAKER also laid before the House a letter from the Assistant Secretary of the Treasury, transmitting deficiency estimate of an appropriation for lighting the Capitol building and grounds for the fiscal year 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

### CHEROKEE FREEDMEN.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, with accompanying papers, a draught, and recommending the passage of a joint resolution to secure to the Cherokee freedmen the proceeds of certain lands under the act of March 3, 1883.

Mr. PEEL. Mr. Speaker, this is a proposition to enable the Secretary to divide the money heretofore appropriated to the proper owners

among these Indians.

The SPEAKER. The Secretary incloses draught of a joint resolution, and recommends its passage, making more specific distribution of the \$75,000 heretofore appropriated by Congress to the Cherokee freedmen, and states that under the legislation already passed he is unable to distribute this fund.

Mr. PEEL. That is correct, sir, and I ask unanimous consent to

consider that question now.

The SPEAKER. The joint resolution recommended will be read.

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of

the joint resolution?

Mr. PAYSON. I desire to inquire of the gentleman from Arkansas whether this is the same matter to which objection was made by the gentleman from Indiana [Mr. OWEN] when its consideration was sought in the last Congress?

Mr. PEEL. It is the same, only that this makes more explicit the

bill heretofore passed.

Mr. PAYSON. If it be the same I object to its present considera-

The SPEAKER. Objection is made, and the communication will be re erred-

Mr. PEEL. I ask unanimous consent that it lie on the table for the present.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

#### ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The Chair is proceeding to execute the regular or-

### REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred as indicated,

The bill (S. 3800) directing a survey of the road from the Aqueduct Bridge to Mount Vernon and making an appropriation therefor—to the Committee on the District of Columbia; and

The bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation-to the Committee on Military Affairs.

# CHANGE OF REFERENCE.

The SPEAKER. On the 19th of the present month the Chair laid before the House a communication from the Secretary of War in relation to the British vessel State of Alabama, which was referred, it seems, to the Committee on Rivers and Harbors. The gentleman from Maine [Mr. DINGLEY] asks that the reference be changed from the Committee on Rivers and Harbors to the Committee on Merchant Marine and Fisheries, which the Chair thinks is the proper committee, and if there be no objection the change of reference will be made.

There was no objection, and it was so ordered.

# ORDER OF BUSINESS

Mr. SHAW. I wish to submit a privileged report.
Mr. SOWDEN. I also have a privileged report to submit from the Committee on Accounts.

Mr. RANDALL. Against these reports I must raise the question of consideration.

Mr. SHAW. I ask for the reading of the report which I have sub-

The SPEAKER. The Clerk will read the title of the report.

The Clerk read as follows:

Resolution providing for the payment out of the contingent fund of the House to the widow of James K. Edwards, late Official Reporter of the House, the expenses of his last illness and funeral, not to exceed \$500.

Mr. RANDALL. I do not like to interfere with the Committee on Accounts, but the arrangement of yesterday was that I should go on today with the sundry civil appropriation bill. I do not want to discriminate as between gentlemen or subjects, and therefore I am compelled to raise the question of consideration against all reports at this time.

Mr. SOWDEN. I withdraw the report that I have sent up. Mr. RANDALL. These reports can wait for a day or two. It will not interfere materially with them.

Mr. SHAW. Rather than consume the time I will withdraw the

report.

The SPEAKER. The gentleman from Pennsylvania demands the regular order, which is the hour for the call of committees.

Mr. RANDALL. I move to dispense with the hour for the call of committees, and pending that I ask unanimous consent that gentlemen having reports to make from committees may file them as heretofore at the desk.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

#### ELLEN EDWARDS.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6893) granting a pension to Ellen Edwards; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### SARAH J. POWERS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3479) granting a pension to Sarah J. Powers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### REUBEN ASH.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 3283) granting a pension to Reuben Ash; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILBOAD COMPANY.

Mr. ROWELL, from the Committee on the District of Columbia, reported back the bill (H. R. 11823) to amend the charter of the Eckington and Soldiers' Home Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar.

Mr. ROWELL also, from the Committee on the District of Columbia,

reported, in the nature of a substitute for the foregoing, a bill (H. R. 12376) to amend the charter of the Eckington and Soldiers' Home Railroad Company; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY H. STACY.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3888) granting a pension to Mary H. Stacy; which was referred to the Committee of the Whole House or the Private Calendar, and, with the accompanying report, ordered to be printed.

WADDY T. JAMES AND OTHERS.

Mr. BOWDEN, from the Committee on Claims, reported a bili (H. R. 12377) to pay Waddy T. James and others for horses killed in the service of the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# W. B. MORROW.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 2981) for the relief of W. B. Morrow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## BIG HORN SOUTHERN RAILWAY COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 12150) granting to the Big Horn Southern Railway Company the right of way through a part of the Crow Indian reservation in Montana Territory; which was referred to the Commit-tee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### JOHN D. THORNE.

Mr. BROWER, from the Committee on War Claims, reported back with amendment the bill (H. R. 3903) for the relief of John D. Thorne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ORDNANCE AND ORDNANCE STORES.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (S. 29) to authorize the Secretary of War to issue ordnance and ordnance stores to the Territory of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon of the said Territory during the Nez Percé war of 1877 and 1878, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

### HARDIN COUNTY, KENTUCKY.

Mr. TAULBEE, from the Committee on Claims, reported back with amendment the bill (H. R. 11871) for the relief of Hardin County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### JAMES HEALY.

Mr. TAULBEE, from the Committee on Claims, reported, as a substitute for the bill H. R. 4551, a bill (H. R. 12378) for the relief of James Healy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JAMES COLVIN.

Mr. O'NEALL, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 2148) for the relief of James Colvin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ARCHIBALD HUNLEY.

Mr. YODER, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 104) for the relief of Archibald Hunley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ORDER OF BUSINESS.

Mr. RANDALL. I now move to dispense with the morning hour.

The motion was agreed to.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Is it not

necessary first to dispense with the morning hour? Mr. RANDALL. It has been dispensed with. Mr. TOWNSHEND. Not the consideration hour.

The SPEAKER. The Chair will state that there is but one hour recognized by the rules, which is the hour for the presentation of reports. The hour for the consideration of bills may be cut off by the motion that the House resolve itself into Committee of the Whole to consider general appropriation bills or revenue bills, which motion has

been submitted by the gentleman from Pennsylvania.

Mr. TOWNSHEND. And takes precedence of that order? The SPEAKER. It does, under the rules of the House.

#### SUNDRY CIVIL APPROPRIATION BILL.

The motion of Mr. RANDALL was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of appropriation bills, and the Clerk will read the title of the first bill.

The Clerk read as follows:

A bill (H. R. 12003) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The CHAIRMAN. The Clerk will resume the reading at the place where it ceased when this bill was last under consideration.

The Clerk read as follows:

The Clerk read as follows:

That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for. That hereafter the United States shall not be responsible for or chargeable with any expense attending the paying or repaying of any streets surrounding or adjacent to any public building constructed by the United States outside of the District of Columbia.

I make the point of order on lines 21 to 25. Mr. CONGER.

The CHAIRMAN. The gentleman will state the point of order. Mr. CONGER. The point of order I make is under clause 3 of Rule XXI, that it changes existing law.

The CHAIRMAN. Will the gentleman refer to the law?

Mr. ROGERS. I hope the gentleman will restate the point of order.

We can not hear anything whatever over here.

Mr. CONGER. I make the point of order that this is new legislation, and that under clause 3, Rule XXI, it is not in order in an appro-

Mr. ROGERS. Mr. Chairman, I rise to a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. I have been unable so far to understand to what the point of order is addressed.

The CHAIRMAN. To that part of the bill beginning at line 21, on

page 4, and continuing to line 25.

Mr. RYAN. I do not think this is subject to a point of order since it does not change existing law, and is but an affirmation of the law as it already exists. There is no lawful authority anywhere to impose taxes upon the Federal Government for the paving of streets adjacent to public buildings in any of the States or Territories. In other words, it is now the law that the Government of the United States is not liable to be taxed to pave streets adjacent to public buildings outside the District of Columbia.

The CHAIRMAN. Will the gentleman refer to that law?

Mr. RYAN. It is a general principle of law that a State can not tax the property of the United States.

Mr. ROGERS. That has been decided over and over.

Mr. RYAN. That has been conceded and decided over and over again. Now, I might disagree with my colleague from Pennsylvania regarding the policy of the Government in respect to the payment of a tax for paving streets adjacent to public buildings; but it is the wellsettled law of the country, repeatedly adjudicated by the Supreme Court of the United States, that Government property is not subject to taxation by a State. Hence, this provision is simply an affirmation of

Mr. CONGER. Will the gentleman permit me to ask him a question?

Mr. RYAN. Certainly. Mr. CONGER. Why, if that has been settled over and ever by decisions of the Supreme Court, is it necessary to put it in this bill?

Mr. RYAN. It is idle legislation.

Mr. CONGER. Why put it in here, then?

Mr. RYAN. So far as I am concerned, I am not in favor of putting it in; but it is not subject to the point of order that it is new legis-

lation, or that it changes existing law in any respect.

Mr. CONGER. So far as to its not changing existing law or being new legislation, it has been the custom of Congress to make appropriations in this very bill to pay for the paying of streets adjacent to its public buildings. It was done, I think, in the Forty-seventh and in the Forty-eighth Congresses; and if there is any legislation in regard to it at all, and if there are any precedents, they are in favor of the Government's paying for the paying of streets around its public buildings. It seems to me, Mr. Chairman, it is but just that it should do so. Why should the Government build buildings in my town, or in any other town, and then not be compelled, as the city government compels private citizens, to pay for the paving of the streets and the laying of the sidewalks about its buildings? It is not only right, but it has been the custom of Congress to enact legislation upon this very bill to pay for this work. Therefore an enactment prohibiting this is new legislation and subject to the point of order I have made.

Mr. RYAN. As to the merits of the question, perhaps myself and the gentleman from Iowa would not disagree. But upon the point of order we do not expect

order we do not agree.

Mr. RANDALL. There is not a deed of dedication for any Federal building that gives a State or municipality the right to enforce any burden whatever by any State or municipal government on such property; and the auxiety of localities to secure public buildings is such that they readily make provision that they shall not be subject to such taxation. The deeds of dedication in every case show that they are not to be subject to such charge.

Mr. ADAMS. If it is not fair play to do that in this Congress the

present Appropriations Committee can answer it by refusing the appropriation, and if it is not fair play in some future Congress to make a similar appropriation the Appropriations Committee in that future Congress can be trusted to take care of the matter. But the effect of this provision is to prevent some Appropriations Committee in some future Congress from making an appropriation for this purpose, how-

ever fair and proper it may appear to be.

Mr. RYAN. It does not change the existing law.

Mr. ADAMS. It does change the law. The gentleman from Kansas says it does not change the law. Why? He does not maintain that there is any existing statute on the subject. All he says is that there have been repeated decisions of the Supreme Court covering this point. If that were true it would still change the existing law; for when you take the decisions of the Supreme Court and put them into the form of a statutory provision, it is a provision changing existing law within the obvious intent and purpose of the rules of this House.

Mr. RYAN. Does not the Supreme Court simply declare what the law is, and not make the law?

Mr. ADAMS. But, Mr. Chairman, it is not even true to the extent to which the gentleman states it, that the provisions of the Supreme Court do cover this case. He says that that court has frequently decided that the lands of the United States can not be sold for taxes. Admitted. But it is a defect in remedy and not a defect in liability. And, moreover, the obligation of the United States to pay for a street improvement is not an obligation to pay taxes. It is something entirely different from a tax.

Mr. RYAN. How can you enforce it? Mr. ADAMS. I do not say that you can enforce except by making an appropriation.

Mr. RYAN. But if it is a legal tax you can enforce it.

Mr. ADAMS. You can sell the land for taxes, and public lands have been sold for taxes in my State, but the tax provision is practically valueless. That is all. The United States could be sued if the Attorney-General chose to enter the appearance of the United States.

Mr. RANDALL. Has there not been a decision of the Supreme Court that taxes levied upon Federal property can not be collected?

Mr. ADAMS. I do not know.
Mr. RANDALL. I think I do.
Mr. ADAMS. Very well. I say that that does not cover this point, because this is broader than a tax. The obligation to maintain a street in good condition around a Government building, where the wearing out of the pavements may be due mainly to the passage of mail-wagons,

is not an obligation to pay a tax. It is another and different obliga-

Mr. ROWELL. Mr. Chairman, the distinction that I see in the case is this: While it may be unlawful for a State or a municipality to levy a tax against the Government, this provision, if enacted into law, ties a tax against the Government, this provision, it chartest into law, then the hands of the Appropriations Committee in reporting an appropriation to pay for an improvement. At present the Appropriations Committee are not so tied, and were they to bring in an appropriation for the purpose of paying for an improvement a point of order would not lie against it; but if this clause is enacted into law, then the point of order

will lie against such an appropriation hereafter.

Mr. RANDALL. I do not think it will bind the Appropriations
Committee any more in the future than they are bound now.

The CHAIRMAN. The Chair desires to ask the gentleman from
Kansas [Mr. RYAN] if he can refer to any law or decisions covering this point.

Mr. RYAN. I have no decisions of the Supreme Court at hand, but I do not think any lawyer will maintain for a single moment that the State has a right to levy a tax upon Federal property. That has been decided repeatedly. I think the Chair can safely assume it to be admitted that the law is as I have stated it.

The CHAIRMAN. The Chair will call the attention of the gentleman from Kansas to the fact that the doubt which now exists in the

mind of the Chair is as to whether the proposition he presents covers the point under consideration.

In the one case the question is as to the right to tax; in the other it

is as to the right to appropriate.

Mr. RYAN. If the Chair is rendering his decision I do not care to interrupt him, but—

The CHAIRMAN (interposing). The Chair is not rendering a decision at this moment.

Mr. RYAN. But if I am correct in assuming that the State has not authority or power to levy a tax upon Federal property, then if the Appropriations Committee should report here in a bill an item to pay such a tax it would be a violation of existing law and subject to the point of order. The condition in that respect would not be changed by the proposition in the pending bill. If it is now unlawful for a State to levy a tax upon Federal property, then it would be out of order for the Committee on Appropriations to report in an appropriation bill an item to pay any such tax

the Committee on Appropriations to report in an appropriation bill an item to pay any such tax.

Mr. ROGERS. Mr. Chairman, the suggestion made by the Chair to the gentleman from Kansas [Mr. RYAN] presents, in my view, the real point involved here. This is not a question of taxation, but a question of appropriation. In regard to the point about which the Chair made inquiry, there is no question as to what is the settled law on that point. Ever since the decision of Chief-Justice Marshall, in the case of McCulloch vs. The State of Maryland, it has been the settled law of the land that no State can fax the property of the United the case of McCulloch es. The State of Maryland, it has been the settled law of the land that no State can tax the property of the United States; for if that could be done, then a State might tax the property of the United States out of existence. So Chief-Justice Marshall, in an opinion which, in my judgment, is the greatest ever delivered in this country—an opinion which gave vitality to the Federal Government, an opinion which determined the question whether or not we had a Federal Government; which in point of fact clothed the great skeleton of the Federal Government with flesh and blood and life—beld that "a State can not tax a branch of the Bank of the United held that "a State can not tax a branch of the Bank of the United States established within it." That is the decision in McCulloch vs. The State of Maryland, 4 Wheaton. So that upon that point the law is fully settled.

But that is not the point here. This is not a question of taxation. If no State can tax the property of the Federal Government, then a State has no power to delegate any such authority to a municipality of the State, and therefore no city can tax the property of the United States. Hence, any procedure whatever which may be set on foot by a municipal government of any State undertaking to impose any bur-

a municipal government of any State undertaking to impose any burden upon property belonging to the Government of the United States (without reference to whether or not the State may have withdrawn its jurisdiction from such property) is an absolute nullity and void.

But the real question presented here is another one—whether the Congress of the United States, in the exercise of the power conferred upon it to construct public buildings, to condemn property for public purposes, etc., shall have the power to improve that property according to its own judgment. There is no law whatever prohibiting that, and a proposition to that effect would be a change of existing law and a proposition to that effect would be a change of existing law.

The CHAIRMAN. The opinion of the Chair is that this clause is

obnoxious to the rule—
Mr. RANDALL. Let the Clerk read.
The CHAIRMAN. The Chair was about to remark that in his view language more forcible and to the point than that embraced in the rule could not be employed.

Mr. RANDALL. When I asked the Clerk to read I thought the Chair had concluded his decision. I understood him to hold that the clause in the bill is obnoxious to the rule.

Mr. TRACEY. I was unable to hear the decision of the Chair. Mr. RANDALL. The Chair has ruled that the clause goes out. The CHAIRMAN. The Chair sustained the point of order.

The Clerk read as follows:

That hereafter all legal services connected with the procurement of titles to sites for public buildings shall be rendered by United States district attorneys, and without extra compensation therefor: Provided further, That hereafter in the procurement of sites for public buildings, it shall be the duty of the Attorney-General to require of the grantors in each case to furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title that the Attorney-General may deem necessary.

Mr. REED. I desire to make a point of order on this clause, on the ground that it is a change of existing law. Under existing law, United States district attorneys can be paid for these services

Mr. RANDALL. What is the objection of the gentleman from Maine [Mr. REED]?

Mr. REED. The objection I have to this paragraph is that it seems to me decidedly unfair to the United States district attorneys to oblige them to examine the title of property without allowing them payment therefor, because the principle upon which these officers are paid is that of piece-work, so to speak. They receive a salary which is merely nominal, which is in the nature of a retainer, and a very small one at that. I do not see any reason why they should be called upon to do work for the United States and receive no pay for it.

Mr. RANDALL. The matter involved here is the examination of

titles to sites for public buildings, and it occurred to the committee that the disirict attorney living in the locality where it is proposed to purchase any site and erect a building is the appropriate officer to do this legal work in connection with the title rather than any one outside, and we have a sort of right to call upon him for service of this

character.

Undoubtedly, but why should he not be paid for it? LL. Well, we think the district attorney receives suf-Mr. REED. Mr. RANDALL. ficient compensation in connection with his other duties to warrant the Federal Government in asking the performance of this work under the \$200 clause

Mr. REED. I hope the gentleman will strike out the clause which provides that this work shall be done without extra compensation, and then let the rest of the paragraph remain. Mr. REED.

Mr. RANDALL. I wish to say to the gentleman from Maine—and when he comes to understand the effect of this provision he will at once see its propriety—that in the past the Government has paid extraor-dinary amounts for services of this character. I will cite a few cases to prove the necessity for legislation of this kind. When the Government of the United States came to secure a title

in Brooklyn whereon the public building was to be erected in that city, I find a charge for that legal service of \$4,985.

I find in the city of Baltimore—and these charges are all excessive,

Ind in the city of Baltimore—and these charges are all excessive, but they run down—

Mr. HOPKINS, of Illinois. Does the gentleman know the amount of labor for which the charge of \$4,000 was made?

Mr. RANDALL. I relieve them in this paragraph of that part of the labor by compelling the vendor to furnish the abstract. The gentleman will not contend the extortionate charge of nearly \$5,000 in the city of Brooklyn for examination of title is just.

Mr. HOPKINS, of Illinois. Does that charge include the making of

Mr. HOPKINS, of Illinois. Does that charge include the making of

the abstract of title?

Mr. RANDALL. That in in connection with that site. That included what went to the lawyer or lawyers

Mr. HOPKINS, of Illinois. The custom of lawyers is for the purchaser to pay for the abstract.

Mr. RANDALL. I do not know what the custom is.

I want to go on and show what the charge was in other places. In

Baltimore the Government was put to the expense of \$3,500 for law-yers' fees in securing a title to the property there. Here is the little yers' fees in securing a title to the property there. Here is the little town of Hannibal, Mo.; the Government paid \$800 for getting a title in that town. In Pensacola, Fla., it paid \$527, and so on all the way through. In some twenty or twenty-five places there is an expenditure in that connection of \$15,000. Now we want to break that up.

Mr. REED. Were these sums paid to the district attorney?

Mr. RANDALL. I am not able to answer that.

Mr. REED. Were they just sums? Were they proper sums?

Mr. RANDALL. I think they were outrageously high.

Mr. REED. Why, then, did the Department pay them?

Mr. RANDALL. I am not able to answer that. I can only answer for myself

for myself.

Mr. REED. Is it not the presumption that they were fair charges?
Mr. RANDALL. I suppose the Department paid those sums believing they were due, or ought to be paid; I do not know what to say in answer to that question. But when I present this case of \$5,000 to secure title to a building in Brooklyn, the gentleman, good lawyer as

secure title to a building in Brooklyn, the gentleman, good lawyer as he is, must admit it is extravagant.

Mr. REED. If it is extravagant I think you should be able to show us the items which make it so. If the Department has paid out this large sum of money the presumption is it was paid because it was due. If it is due you propose to force the district attorney with his salary of \$200 to do all the work for which the Department of Justice has seen fit to pay \$5,000 in one instance, \$3,000 in another, and \$800 in another. It would be a trifle unjust to the United States district attorney. It may be these items for which \$4,000, \$3,000, and \$900 were paid were

items which are covered by the other portion of this amendment to which I have no objection. I do not think it is just to the district

Mr. RANDALL. In Brooklyn the charge was made an arbitrary one, being 1 per cent. upon the purchase-money or cost of the lot. I judge

in some degree that is the mode of charge in other cases

But I am not here to defend the action of the Department in this direction. I am trying to correct what the committee believe to be a useless and extravagant expenditure of the public money. I want hereaster to provide that the vendor of such property shall supply this information to the Government and that then the district attorney of the locality shall make an examination and report to the Department upon it without extra compensation.

Mr. REED. Why not modify the proposition so that the Department of Justice may be at liberty to pay the officer a fair compensation for the additional work, as they do in other cases? All I am contending for is merely what I conceive to be an act of justice.

Mr. RANDALL. I think that an officer of this Government who is already paid a fair salary—ranging in the neighborhood, I think, of \$3,000 a year—should be willing to assume a little extra duty, and that the district attorney ought to be public-spirited enough when the Congress of the United States has exhibited its willingness to erect a public building within his bailiwick, to do that additional work for the Covernment of the United States in addition to his other duties. It Government of the United States in addition to his other duties. It can not be very considerable.

But I am not tenacious about the manner of doing it. If the gentleman can show any proper way that is better to cut off this extravagance—this utterly unjustifiable expenditure of the public money—I

am quite willing.

Mr. REED. Why not strike out that portion of it which provides that "this shall be done without extra compensation therefor" and allow the Department of Justice to pay what is reasonable for the service rendered

Mr. RANDALL. Because that would nullify the very provision itself and remit us to the same condition of affairs of which we now complain. They might come right back and say "You may pay the same percentage that private parties are compelled to pay for such service."

Mr. REED. Well, if private parties pay that why should not the Government?

Mr. RANDALL. Because primarily no private individual would have done so in the case of Brooklyn.

Mr. REED. Then the Department of Justice ought never to have paid it.

Mr. RANDALL. I think not, also.

Mr. REED. Then the remedy would seem to be not to have the Department of Justice force such duties upon the district attorneys for nothing. They certainly are entitled to some compensation for it. It is not a fair thing. The Department of Justice day after day pays district attorneys for what work they perform. They do not undertake to appeal to the patriotism of the attorney to serve the people and the Government for nothing, but on the contrary we raise money on the patriotism of the people and distribute it pro rata in proportion to the work done, and our patriotism is supposed to be equal to the amount of property we have. Is that to be the rule?

Mr. RANDALL. The only defense in the Brooklyn case, as I understand it, was that the lawyers there had been in the habit of charging

1 per cent. commission as their rate for the transaction of such business; but I assume that was in ordinary cases and that no individual would be willing to pay 1 per cent. on a purchase of \$500,000. I take it that a smaller sum would have been agreed upon. I do not believe that any individual would have been willing to pay that amount.

Mr. HOPKINS, of New York. If the gentleman from Pennsylvania will permit me, I will state to him that that is the uniform rate in New York. The lawyers pay that, no matter what the amount of the

purchase may be.

Mr. REED. I think the object of the gentleman would be accomplished without that clause. But as it stands, it certainly seems to me

a piece of gross injustice.

Mr. RANDALL. It was not so intended.

Mr. REED. I know it was not so intended, but that is its effect.
Mr. RANDALL. It is intended to break up, root and branch, one
of the most unjustifiable expenditures to which this Government is subjected.

Mr. HOPKINS, of Illinois. Why not say that they shall be entitled to a reasonable compensation?

Mr. RANDALL. Oh, because a lawyer may say to his fellow what

was a reasonable compensation, which would not be accepted by a layman. There is no definite line.

Mr. REED. There is no definite line, precisely, for professional remuneration, and hence you have got to leave it to somebody to decide what is proper. It is a good deal better than refusing all compensitions.

Mr. ROGERS. If I can have the attention of the Chair for a moment, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. I wish to ask if the gentleman from Maine made any point of order?

The CHAIRMAN. The Chair understood the gentleman from

Maine to raise an objection to the paragraph.

Mr. REED. I made the point of order in regard to it; but I suggested to the gentleman from Pennsylvania that, upon striking out that clause, I would have no objection to the remainder of the paragraph. I dislike to interpose this point of order, which is an illustration of the one-man power, but I shall have to do it if the change is not made, for I regard it as a piece of injustice which ought not to be enacted into law

Mr. ROGERS. If I may have the attention of the gentleman from Pennsylvania for a moment, I wish to state that I know nothing whatever of the extravagant charges to which the gentleman has alluded. Of course we would all of us naturally sympathize with any effort on his part to curtail extravagant and improper appropriations; but I submit to the gentleman from Pennsylvania that there is one aspect of the case, as well as one argument in regard to it, which I think he has overlooked. The mere furnishing of an abstract by the party who wants to sell property to the Government does not relieve the Government or the Government counsel, who represents the Government, from the responsibility and duty of verifying the correctness of the abstract. There are one or two cases within my own knowledge, and I apprehend about which there is no complaint whatever as to the rates, where officers of the Government have been compelled to go a hundred miles where a new court was to be located for the purpose of making an examination of title.

In a case of that character he leaves his court. He goes to the place where a new court is to be located and remains there a sufficient length of time to examine the titles. He pays his own expenses to and fro, his hotel bills, etc., and when he gets back home he gets his salary, but gets not a solitary cent for his services under the provisions of this bill as now prepared. Now, the gentleman from Pennsylvania, it seems to me, would at once recognize that this is an injustice to the district atthe this duty is to be imposed upon him. Therefore, if this provision is to go into the bill, it should be limited in such a way as that the Department would be allowed to pay at least such sums of money as the district attorney may have expended for the purpose of paying his own individual expenses. So I make this suggestion to the gentleman from Pennsylvania, without arguing at all the question of the point of order.

Mr. RANDALL. Now, I understand the gentleman from Maine to

make the point of order against the proviso

Mr. REED. I make it against the section, but I say to the gentleman from Pennsylvania that if he will strike out that clause I will withdraw all objection.

Mr. RANDALL. All right, then. We will have it to do. Strike out the words "and without extra compensation therefor."
Mr. REED. That is all right.

Mr. ROGERS. I want to offer this amendment after the words without extra compensation."

The CHAIRMAN. That is out now.
Mr. ROGERS. I beg pardon.
Mr. RANDALL. That goes out on the point of order; I admit that that is subject to the point of order, and therefore I had no remedy except to take what I could get.

Mr. ROGERS. I am in some doubt yet as to what has been done, Mr. RANDALL. We have stricken out that proviso, and provide We have stricken out that proviso, and provided that hereafter the district attorney shall do the work and the Department can pay for it.

Mr. SPINOLA. Before that shall be adopted—

The CHAIRMAN. That has already been adopted. It went out

on the point of order.

Mr. SPINOLA. I was desirous of expressing my views in regard to it. I wish to have a limit inserted, that for the searching of a title to a given piece of property in any State of this country, or in any large

The CHAIRMAN. Will the gentleman send up his amendment? Mr. RANDALL (to Mr. SPINOLA). What do you want to make the limit?

Mr. SPINOLA. Not to exceed \$250.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Insert, after the words "that hereafter all legal services connected with the procurement of titles to sites for public buildings shall be rendered by United States district attorneys," "at a charge not to exceed \$250."

Mr. SPINOLA. Now, sir, for the examination of the title for the Brooklyn city post-office I think they charged \$6,000. Between \$5,500 and \$6,000 was the fee which was paid for the examination of that title. The examination of the title of that piece of property could have been made in one day. No question could have arisen of any character whatever that would have left the least cloud on the title of that preparty that certain flyerities or certain pate were all title of that property; but certain favorites or certain pets were allowed to charge between \$5,500 and \$6,000 for that service. It was an astonishing thing to the people of Brooklyn. It alarmed them,

and they at once came to the conclusion that there was something wrong in the appropriation for the purchase of the site when the attorney for the examination of the title alone was allowed to charge

Now, sir, I am willing that our legal friends shall be well compensated for their services; but if they form a combination upon the floor of this House to take care of themselves against the people, then I will have to be against them. That is all there is about it. Two hundred and fifty dollars is what I want to go in, and I appeal to the good judgment of this House to adopt that amendment.

Mr. RYAN. The amendment will need to be modified. "without extra compensation" have been stricken out, and you should put it "at a compensation not to exceed \$250 in any case."

Mr. SPINOLA. That is what I want.

Mr. REED. I care very little about this matter. It is not worth any great amount of argument. I do not know who are concerned about it, or who will be; but certainly \$250 would be a very small, niggardly compensation for the United States to pay for looking up the title of a very valuable piece of property. If the United States were to pay \$250 it would be likely to get but \$250 worth of work and no more; and it might be very desirable that it should be more.

I can conceive of a case where the title of property might be very difficult to look up, where the property might be very valuable, and where the responsibility of the person who looked it up would be very onerous, and it seems to me that a proposition to limit the compensation to \$250 in every case is a piece of mistaken economy arising from want of knowledge of what legal services actually are. It sometimes happens that legal services which take a short time to perform are nevertheless very valuable and carry with them an amount of responsibility of which the time occupied is no indication or measure. Everybody knows that where large amounts are involved and the responsi-bility is greatly increased a lawyer always gets from the world at large greater compensation, and I know of no reason why the United States should not pay a fair compensation in such cases except a survival of should not pay a fair compensation in such cases except a survival of the old idea that the king ought to command the services of his subjects for nothing, and that whatever he gives them is a gratuity. I supposed that we had got beyond that idea in this country, and that we gauged every man's patriotism on a level and expressed it by the taxes we exacted from him, and then proceeded to pay him for any services that he rendered without whining or begging him to take less simple homes the recovery less of the property of the state of

services that he reintered without winning of begging him to take less simply because he was working for a rich client.

Mr. SPINOLA. Mr. Chairman—

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SPINOLA. I want to say a word in reply to the gentleman from Maine [Mr. Reed]. In the first place, the kind of property to which the gentleman refers is not a kind that the Government is likely to want to buy; and in the second place, as to his reference to the king's subjects, they were subjects of the Republican party to whom I referred, these men in Brooklyn who charged the Government \$5,600 for doing work which the very first lawyers in Brooklyn would have been glad to do for \$250.

Mr. HENDERSON, of Iowa. Do you know that?

Mr. SPINOLA. Therefore, sir, I am not surprised that our friends here desire to have the same system continued under the incoming administration. Now, let us look at this matter a little further. bill contains the following proviso:

Provided further, That hereafter, in the procurement of sites for public buildings, it shall be the duty of the Attorney-General to require of the grantors in each case to furnish, free of all expense to the Government, all requisite abstracts, official certifications, and evidence of title that the Attorney-General may

Therefore, Mr. Chairman, under this clause in the bill the grantor has got to furnish all these proofs, and I think that \$250 to a lawyer for simply running his eye over the documents after the grantor has furnished them is very liberal compensation.

Mr. REED. All I have got to say is that if the United States pays only \$250, it will never get more than \$250 worth of work.

Mr. SPINOLA. I will guaranty to furnish as good lawyers as there are in the city of New York, experts in this very line of work, real estate, who will do the work for that figure.

The question was taken on the amendment offered by Mr. SPINOLA, and it was rejected.

Mr. RANDALL. I desire to offer, by instruction of the committee, the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

On page 2, after line 18, insert :

"For court-house and post-office at Fort Smith, Ark.: For iron fence and approaches, including stone flagging for sidewalks, \$15,000.
"For public building at Frankfort, Ky.: To enable the Secretary of the Treasury to pay to the persons named in House Executive Document No. 83, Fiftieth Congress, second session, the sums severally ascertained to be due them for labor and material supplied for the construction of the court-house and post-office at Frankfort, Ky., \$6,119.18."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. CONGER. Where does that amendment come in?

Mr. RANDALL. I ask unanimous consent to have it placed where

There was no objection, and it was so ordered.

The amendment was agreed to.

Mr. CONGER. I offer an amendment to come in on page 2, line 13. The CHAIRMAN. The gentleman from Iowa [Mr. CONGER] asks unanimous consent to return to page 2 of the bill-

Mr. RANDALL. I object. Mr. CONGER. We are on that page now. We have just returned to it and the gentleman from Pennsylvania has offered an amendment. The CHAIRMAN. The gentleman from Pennsylvania has modified his motion so as to have his amendment come in on page 5 of the bill. Mr. CONGER. Let this one come in on page 5, then.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HOLMES. I wish to inquire of the Chair or of the proper committee why there can not be provided a copy of this appropriation bill for each member of the House. There seems to be a great deal of "economy and reform" in regard to the printing of the bill.

The CHAIRMAN. That is not a matter over which the Chair has

any control.

Mr. HOLMES. I was simply inquiring why it is that a copy of this appropriation bill is not provided for each member of the House. Mr. HOLMES.

Mr. RANDALL. The number printed, I believe, is 1,500.
Mr. HOLMES. It is reported to us this morning that there are no copies of the bill to be had.
The CHAIRMAN. The number of bills printed is fixed by law, and the Committee of the Whole has no control over the matter.

Mr. RANDALL. Nor the Committee on Appropriations. Mr. HOLMES. Still it would seem to be a matter of privilege con-

nected with the business of the House that each member should be provided with a copy of the bill under consideration.

The CHAIRMAN. The Clerk will read the amendment sent to the

desk by the gentleman from Iowa [Mr. CONGER].

The Clerk read as follows:

For court-house and post-office at Des Moines, Iowa: To defray the expense paying alley adjoining court-house and post-office at Des Moines, Iowa,

Mr. RANDALL. I make the point of order that there is no authority of law for any such appropriation. The dedication of property to the use of the United States contains a stipulation that the Government shall be free from any such charge.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONGER. I desire to be heard a moment upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONGER. The appropriation proposed here is for paving a 20foot alley which adjoins the Government building in the city of Des Moines; it is practically the approach to the building, so that the building can be of no use to the public—can not be used for the purpose for which it has been erected—unless this alley is paved. This amendment proposes only that the Government shall pay one-half the expense. I notice on page 3 of this bill an item providing an appropriation for "approaches" to the post-office at Rochester. That may mean merely the steps by which the building is reached or it may mean the side-

Mr. RANDALL. The "approaches" referred to are exclusively on the ground owned by the Government of the United States. The idea of the Government paving an alley in Des Moines upon ground which

it does not own is something quite novel.

Mr. CONGER. This building can not be used for public purposes without this alley. It is a 20-foot alley between the Government building and the adjacent buildings. You can not approach the Government building with a mail-wagon for the purpose of unloading it without the use of this alley, and in order that it may be used the alley must be paved, otherwise for nine months in the year it can not be used.

Mr. RANDALL. I insist on the point of order.

The CHAIRMAN. The Chair feels compelled to sustain the point

of order.

Mr. CONGER. I am undertaking to show that the point of order is not good, because this alley is an approach to the building, and the building can not be used without it, and in the legislation which provided for this building this very thing was contemplated.

The CHAIRMAN. The Chair is of opinion that the point of order

well taken.

Mr. LAWLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

And for repairs and preservation of custom-house building at Chicago, Ill., \$50,000.

Mr. RANDALL. There is no estimate for that. The CHAIRMAN. Where does the gentleman from Illinois desire this amendment to come in?

Mr. LAWLER. Immediately after the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL].

While there is no estimate for this, I wish to state that \$158,000 was asked a year ago for repairs and preservation of this public build-Mr. CONGER. Where does that amendment come in?

Mr. RANDALL. I ask unanimous consent to have it placed where it belongs alphabetically in the bill. I am not certain as to the line.

ing at Chicago; but the amount appropriated was only \$28,000. There is a portion of that building the wood-work and walls of which have not been painted since the building was completed. The \$28,000 appropriated in the last appropriation bill has been about all expended. For four years we have been asking for money enough to put this building into proper condition; and I submit that this large public building at Chicago should be allowed \$50,000 for repairs.

Mr. RANDALL. As I understand, the committee has endeavored, as far as it could, to provide for the repairs of this building; but an examination of the appropriations heretofore made in this connection goes to show that a large portion of the amount asked under the head of repairs has gone in fact for salaries. There is no estimate for this appropriation; and I hope the committee will vote it down.

Mr. LAWLER. The statement just repeated by the gentleman from Pennsylvania was made when the last appropriation bill was being considered. I wish to say that the only officers on the pay-roll in connection with these repairs were a superintendent and a clerk. Those

are the only two officers on the pay-roll now.

Mr. RANDALL. There ought to be a superintendent there without

reference to repairs.

Mr. LAWLER. Wait one moment—

Mr. RANDALL. But there is a superintendent of repairs, attend-

ing to nothing else.

Mr. LAWLER. I wish to say that in this bill there is found for this building only an item of \$2,000 for clocks. We have been en-deavoring for four years to obtain money for ventilating the building. No public building in the United States is more crowded to-day, there being a vast amount of work at that building as a general distributing point. It seems to me I am asking but very little for the third largest city in the United States when I propose that the House allow \$50,000 for the purpose of putting in repair a building which cost over \$6,000,000—a building which, since the time of its completion, has not seen paint on its walls or door-frames or other wood-work in the rear portion of the building.

I repeat the assertion—as the chairman of the committee in the con-

sideration of this bill before raised that same point, that this appropri-

ation was eaten up by salaries—that there are but two men on the salary-roll at this building, a superintendent and clerk.

I do not like to set myself up against the Appropriations Committee, but all our recommendations for four years have not received the slightest attention. We got only the meager sum of \$28,000 last year when we should have a sum sufficient to supply adequately all needs of the service at Chicago. I say it is bad treatment to a city like Chicago when you have this bill up year after year, and see the liberal appropriations made in other cities not one-third the size of Chicago.

Mr. RANDALL. On three or four occasions we made this appropriation. This year no estimate was made. Of course it did not include any appropriation for any money required in this connection, as it can get it out of the \$200,000 of the general fund which we know according to the estimates is for this general character of work.

Mr. LAWLER. When the Secretary of the Treasury did make his

estimate for \$158,000 for general repairs and preservation of the building at Chicago last year why did not the committee give it to Chicago?

Mr. RANDALL. I should dislike to be governed by the estimates made in connection with public buildings in the United States.

Mr. LAWLER. One word more. I wish the House to understand about the \$200,000 for general repairs of all buildings in the United States and say that it would not give the city of Chicago \$1,000. One year ago the Secretary of the Treasury made a recommendation for \$800,000 for the preservation and general repairs of public buildings in eight large cities in the United States, and the Appropriations Committee never appropriated a dollar of that, but let us come in under the \$200,000 of general appropriations. We can not get a dollar of that fund.

Mr. RANDALL. It is all expended each year. Mr. LAWLER. It may go over to Philadelphia.

Mr. RANDALL. It did not.
Mr. LAWLER. It did not go to Chicago.

Mr. ADAMS. I move to strike out the last word. Whether there is an estimate or not the gentleman knows better than I do.

Mr. RANDALL. I am able to say there is absolutely no estimate.

Mr. ADAMS. But the fact of the needs of that building in Chicago is unquestioned. I know it from personal inspection. I can verify every word my colleague has said. There is need of painting, of which my colleague has spoken, and there is need of ventilation. I supposed that would have been done out of last year's appropriation. The question is not what was done last year, but what is the absolute need this year. There is need of ventilation for the clerks who work there in the basement.

There can not be the slightest possible question in my mind, for I

have been through it on purpose to ascertain the fact.

The gentleman from Pennsylvania says we have \$200,000. Yes, but that is for the whole country. If Chicago takes \$30,000 or \$40,000 of it some other city has to suffer. We need, according to the facts made by my colleague, a special appropriation for Chicago for the purpose of relieving the clerks in that building, or rather we need to put the building in a condition of repair.

Mr. RANDALL. There is no estimate, and it will be seen at once what the result would be if we appropriated without an estimate.

Mr. ADAMS withdrew his formal amendment.

The question recurred on Mr. LAWLER's amendment. The committee divided; and there were—ayes 96, noes 28.

So the amendment was agreed to.

Mr. RANDALL. I move to insert the words "to complete repairs." The gentleman will not object to that. Mr. LAWLER. If he will make the appropriation \$150,000 I will

not object.

Mr. RANDALL. I move to insert the words "to complete repairs," The CHAIRMAN. Is there objection?

Mr. DUNHAM. I object.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk resumed the reading of the bill, as follows:

Devil's Island light-station, Michigan: For establishing complete a light at Devil's Island, Apostle Group, Lake Superior, Michigan, \$15,000.

Mr. RANDALL. I want to make a change in line 3 of this amendment, and also in line 5, by striking out the word "Michigan" and inserting "Wisconsin." It is an error which appeared in the first estimates, but has since been corrected.

The amendment was adopted.

Mr. REED. I offer the amendment I send to the desk.

The Clerk read as follows:

For the building of a new keeper's building at Bear Island light-station,

Maine, \$3,750.

For a light and fog-signal on Great Duck or Long Island, Maine, \$30,000.

For a light at Green Island, near the entrance to Burn Coat Harbor, Maine, \$20,000.

Mr. RANDALL. I make the point of order on the amendment that it is not in accordance with existing law.

Mr. REED. There could be a law for it if the gentleman would not

interfere. [Laughter.]

Mr. RANDALL. But as there is no law for it I can not make a dis-

Mr. REED. But if you will not interfere for a moment there will be a law.

Mr. RANDALL. But I must treat all alike, and however much I may sympathize with the object of the gentleman's amendment, I am compelled to perform what I conceive to be my duty under the circumstances and to make the point of order. The Committee on Appropriations has taken from methe power to do otherwise.

Mr. REED. But it has not taken from the gentleman from Pennsylvania the power to be silent on this point, and as I have said, if he

will not interfere

Mr. RANDALL. If the gentleman will get the Committee on Commerce to make a report in this connection and the House and the Senate to act jointly upon the bill, and the President to sign it, just as soon as there is a law for it the gentleman will find me providing an appropriation with alacrity.

Mr. REED. That is to say, the gentleman will not interpose an objection if it will be futile. [Laughter.]

I want him to refrain from interposing an objection now when his objection is effective. This is recommended by the Light-House Board, should be remembered.

Mr. RANDALL. There is no man in the House that I would run to

do a favor quicker for than the gentleman from Maine.

Mr. REED. That is the first time, I may be permitted to say, that am sorry that a sense of public duty on the part of the gentleman from Pennsylvania has been so strong. [Laughter.]

The CHAIRMAN. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

For establishing new life-saving stations on the sea and lake coasts of the United States authorized by law, \$50,000.

Mr. McADOO. I want to ask unanimous consent to go back to that portion of the bill which makes provision for lighting the rivers and

Mr. RANDALL. There is so much confusion that I can not hear the request of the gentleman from New Jersey.

Mr. McADOO. Mr. Chairman, in answer to the request of the Light-House Board, I am simply asking now unanimous consent to go back to that portion of the bill providing for the lighting of rivers and harbers, to offer an amendment appropriating \$1,000 to light the jetties on the Raritan River between the bay and New Brunswick.

Mr. RANDALL. We have not reached that part of the bill yet. It

is further on. Mr. DAVIS. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by inserting, after line 2, on page 11, as follows:
"For the establishment and maintenance of a refuge station at or near Point Barrow, Alaska, on the Arctic Ocean, \$15,000.

Mr. RANDALL. I must reserve the point of order,

I want to say that I recognize with the gentleman from Massachusetts that this is an appeal to our humanity, and that it is in the cause of humanity; nevertheless I interpose to make the point of order—
Mr. LONG. Will the gentleman from Pennsylvania permit me to

state that this is reported by the Committee on Commerce, and pre-sents a different case from the other amendment?

Mr. DAVIS. Unanimously reported.

Mr. RANDALL. I do not know how to yield without being inconsistent

Mr. DAVIS. The urgency is so great that I hope there will be no

objection.

Mr. RANDALL. It is a pretty close corner to drive a man into.

The CHAIRMAN. If there be no objection, the Chair will submit the question.

There was no objection, and the amendment was adopted.

The CHAIRMAN. The Clerk will read.

Mr. RANDALL. What has become of my point of order?

The CHAIRMAN. The Chair submitted the question and there was

mo objection. [Laughter.]

Mr. REED. I do not see but that this transfers my complaint from the gentleman from Pennsylvania to the Chairman of the committee.

Mr. RANDALL. That is just what I expected you to say. [Laugh-

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the revenue-cutter service: For pay of captains, lieutenants, engineers, cadets, and pilots employed, and for rations for the same; for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship-chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; instruction of cadets; commutation of quarters; for protection of the interest of the Government on the Seal Islands and the seal-otter hunting-grounds, and the enforcement of the provisions of law in Alaska; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and miscellaneous expenses which can not be included under special heads, \$925,000.

Mr. DINGLEY. I want to call the attention of the gentleman from Pennsylvania to the importance of what I regard as a necessary amendment in this connection, that is to enlarge the provision a little in the twelfth and thirteenth lines where the language is used:

For the protection of the interest of the Government on the Seal Islands, etc.

I suppose the object of that paragraph is to protect the seal fisheries of Alaska, or rather that is one of the objects of the provision, and yet the words "the seal fisheries" are not mentioned. I simply suggest to the gentleman that he insert after the words "protection of," in the twelfth line, the words "the seal fisheries in Behring Sea and the waters of Alaska." so as to make it sure that under this appropriation it is intended to provide a certain sum for the protection of seal fisheries, and with the consent of the gentleman I will send up an amendment making the language here a little broader.

The Clerk read as follows:

Amend by inserting after the words "protection of," in line 12, page 11, the following: "The seal fisheries in Behring Seaand other waters of Alaska and;" so that it will read: "for protection of the seal fisheries in Behring Sea and the other waters of Alaska, and of the interest of the Government on the Seal Islands," etc.

Mr. RANDALL. We have used in this paragraph the same lan-guage that has been used for many years. I do not think the lan-

guage is objectionable.

Mr. DUNN. I will state to the gentleman from Pennsylvania, in order that the House may understand the importance of the language used by the amendment proposed, that for the protection of the seal it is not merely necessary to protect the Pribylov Islands. The trespass upon our fisheries and seals is rarely made on these islands. The unlawful destruction of seals takes place in the Behring Sea, from 10 to lawful destruction of seals takes place in the bearing sea, from 10 to 60 miles from these islands, where the seals go during the season when they are hauled out on the islands. They go out for food during the time the females are having their young. The investigation that we have made in the Committee on Merchant Marine and Fisheries shows that the destruction of seal life in the open sea by unauthorized and unlawful hunters extends all the way from one to two and three hundred thousand seals per annum—greater, very much greater, than the take of seals authorized under the contract with the Alaska Commer-

cial Company, and the law for their protection can not be too strong.

Mr. RANDALL. I fully concur in the object that the gentleman from Maine and the gentleman from Arkansas who has just taken his seat have in view, and I therefore do not feel called upon to object to the insertion of these words.

The amendment was agreed to.

The Clerk read as follows:

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employés, other than plate-printers and plate-printers' assistants, \$363,000, to be expended under the direction of the Secretary of the Treasury: Provided, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or

retired. For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, and for wages of printers' assistants at steam-presses, at \$1.50 a day each, when employed, and for royalty, at not exceeding 1 cent per thousand impressions for use of steam plate-printing machines, \$376,000, to be expended under the direction of the Secretary of the Treasury: Provided, That no portion of this sum shall be expended for printing United Statas notes of larger denomination than those that may be canceled or retired: Provided further, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, \$174,000, to be expended under the direction of the Secretary of the Treasury.

Mr. LANDES and Mr. FARQUHAR rose.
The CHAIRMAN. The Chair recognizes the gentleman from Illi-

nois [Mr. LANDES].

Mr. LANDES. I desire, Mr. Chairman, to raise the point of order against a provision in the section just read. The provision that I desire to antagonize reads as follows:

And for royalty, at not exceeding 1 cent per thousand impressions for use of steam plate-printing machines.

I contend, Mr. Chairman, that that changes existing law. Mr. FARQUHAR. It is impossible, Mr. Chairman, to hear what the gentleman says.

Mr. LANDES. I make the point of order, Mr. Chairman, that this provision is obnoxious to the last clause of the third subdivision of Rule XXI, which provides:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

And in order to simplify the presentation of the point I will state, in calling the attention of the gentleman who has this bill in charge to what I am about to state, I understand the object of this limitation to be to prevent the use of steam plate-printing presses in the Bureau of Engraving and Printing. That I understand to be the object, and that will be the effect. Under this section of the rules is not that a change of existing law in this respect? I ask the gentleman from

Pennsylvania whether I am correct in that view? Mr. RANDALL. I do not think that this provision is subject to the point of order, and I state that outside the merits of the question, and for this reason: There is no law fixing the payment of a royalty for the use of these presses at all. It is a contract under which the pat-entees are paid \$1 per thousand impressions. Now, it has always been held here that the House had the power to place a limit or restriction upon the amount provided for in this bill, and as to the manner in which it should be expended, and for any work that might be proper. I say further that the practice for many years has been to place limits on apropriations, because it is claimed that there is no authority under the statutes for any officer of the United States to make a contract involving an expenditure of public money beyond twelve months.

Mr. LANDES. The gentleman from Pennsylvania, however, has

failed to answer my question.

Mr. RANDALL. Well, I will try to answer it if the gentleman

will repeat it.

Mr. LANDES. The question I propounded to the gentleman was: Will not the effect of this legislation be to prevent the use of the steam

plate-printing presses?

Mr. RANDALL. I believe it would; and I will say why it is inserted here. At the last session of this House there was passed unanimously (at least I am so informed, as I was not here) a bill which in so many words provided for the displacement of these steam-presses. The committee did not go so far as that, however, because the committee recognized the fact that the Government of the United States had an ownership in these presses at a cost of \$1,400 each, or thereabout, and they concluded that it was not desirable to remove them from the Department at all, even though the use of them might be by law prohibited.

will also say frankly that, from what I can learn from these contractors, the effect of the reduction of the royalty from \$1 per thousand to 1 cent per thousand impressions will be to prevent the use of these presses in the bureau.

The Chairman desired to hear the gentleman from Illinois [Mr. LANDES] simply on the point of order, and not upon the merits of the proposition.

Mr. LANDES. The point of order is simply this, that the provision will change existing law.

The CHAIRMAN. Will the gentleman state the existing law to

which he refers?

Mr. LANDES. It would take me a considerable time to review the history of the use of the steam printing-presses in the Bureau of Engraving and Printing, so I will confine myself at present to the provision in the statute which I send to the Clerk's desk to be read.

The Clerk read as follows:

Provided, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses.

Mr. LANDES. Now, Mr. Chairman, since the enactment of the law which has just been read, the Secretary of the Treasury has entered into a contract with the patentees of these presses, by the terms of which contract he has agreed to pay them the sum of \$1 for every thousand perfect impressions produced by the presses. I hold that contract

in my hand.

Mr. FORAN. Does it fix the term of the contract, its duration, how long it shall continue in force?

Mr. LANDES. It is to run as long as the presses are used.

Mr. TRACEY. Will the gentleman give the date of that contract? Mr. LANDES. The agreement is dated the 30th day of September, I will read a portion of it:

And the said party of the second part hereby covenants and agrees to and with

the said parties of the first part, in consideration of the foregoing covenants, to pay the said parties of the first part or their assigns the sum of \$7,500 for the construction of six of said Milligan presses; the said sum to be paid as follows, to wit: The sum of \$1,250 when each of said presses shall have been delivered at the Bureau of Engraving and Printing of the Treasury Department, and shall have been inspected and accepted as satisfactory, both in construction and in operation, by the proper officers of that bureau, and a royalty of \$500 for each press on its delivery to and acceptance by the chief of said bureau, and a further royalty for the continuous use of said presses of \$1 for each one thousand perfect impressions thereafter printed thereon, and to keep and furnish the parties of the first part a true and correct account of the number of impressions so printed.

Mr. FORAN. Does not the gentleman think that Congress has the right to terminate that contract at any time?

Mr. LANDES. I will say, in reply to the gentleman, that I hold that a contract made by an officer of the Government in pursuance of law is binding upon the Government. That is the very question that is now submitted to the Chair upon this point of order.

Mr. McADOO. Suppose the Government officer did not have the light to solve the government officer did not have the

right to make the contract, do you think it would be binding in that

Mr. LANDES. No, sir; not if he had no authority to make it. Mr. FORAN. Is there any authority in law on the part of any Gov-

ernment officer to make a contract to pay a royalty?

Mr. LANDES. I will say to the gentleman that in 1878 the introduction of the steam plate-printing presses into the Bureau of Engraving and Printing occurred, and the contract was made by the Government with the patentees to pay \$1 for each thousand perfect impressions

made by those presses—

Mr. FORAN. But my question is, is there any authority of law authorizing the Secretary of the Treasury, or anybody else, to pay any

such royalty?

Mr. LANDES. I am about to state the authority. Since that time from year to year, with the report of the Secretary of the Treasury, before the Congress of the United States, we have gone on appropriating and directing the payment of royalty to the patentees of these presses, and this particular clause which it is now proposed to inject into the appropriation bill is a novelty.

Mr. FORAN. Another question: Does an appropriation to pay a royalty extend beyond the year for which the appropriation is made?

Mr. LANDES. I will answer in the language of the distinguished chairman of the Committee on Appropriations. This question was suggested, I think fairly, in the last Congress to the gentleman from Pennsylvania [Mr. RANDALL], when an amendment was offered, in effect prohibiting the payment of royalty upon the use of these press I think that amendment was offered by the gentleman from New Jersey [Mr. McADoo].

The amendment was:

Amend by striking off these words, in lines 5 and 6, on page 14: "And for royalties for the use of steam plate-printing machines."

Mr. Ryan. The effect of that would be to prevent the use of the presses now owned by the Government.

Mr. RANDALL. We have not the power to do that; the law and the contract

Mr. FORAN. I am not asking what the distinguished chairman of the Committee on Appropriations said last year; I am asking the opinion of the gentleman from Indiana [Mr. LANDES] himself with reference to this contract.

Mr. RANDALL. There is nothing inconsistent in my position on this question. This provision proposes to put a restriction upon the amount to be paid for royalty; it does not strike out the provision for

Mr. LANDES. But the distinguished gentleman from Pennsylvania, the chairman of the Committee on Appropriations, has stated to the House that the effect of this limitation is to prevent the payment of any royalty by striking down the use of the machines; and I take

Mr. RANDALL. The contractor so said to me.
Mr. LANDES. I take it that the gentleman can not do indirectly
what he himself confesses he can not do directly.

Mr. BUCHANAN. Will the gentleman answer another question? Is there anything in that contract which compels the Government to continue the use of the machines?

Mr. FORAN. There is nothing except authority to purchase and

operate the machines.

Mr. BUCHANAN. I desire to know whether there is in that contract one word which compels the Government to keep on using these machines.

Mr. LANDES. The language is that the Secretary of the Treasury

shall buy and operate the machines, whatever that may mean.

Mr. Chairman, I have made this point of order for the reason that

unless it be sustained or unless this paragraph be amended, there will be an expenditure of money to the extent of more than \$100,000 for the accomplishment of a purpose which can be accomplished without such expenditure; in other words, the additional expense incurred by the Government to do the work which these machines do amounts, according to the statement of the Chief of the Bureau of Engraving and Printing, to the sum of \$102,000; and in the interest of economy I have deemed it my duty to interpose objection to this clause.

Mr. BUTTERWORTH. I wish to ask my friend a question for information. If I understand his point it is to this effect—that this arrangement between the Secretary of the Treasury and the owner of these patents was not in the nature of a contract, but in the nature of the acquisition of property in a patent for which the Government stipulates to pay a certain sum, and that thus it stands upon a different footing from the case where there is a mere contract from year to year to render service.

Mr. LANDES. That is the point I was endeavoring to make to the

Chair.

Mr. BUTTERWORTH. I was not here when the gentleman first stated his point. Now, I wish to ask him another question: Does he understand the Secretary of the Treasury to be clothed with power to make such a contract; that is, to acquire an interest in a patent and the right to use a machine, and to stipulate that the payment shall be in the manner provided in this contract?

Mr. LANDES. The law which was read by the Clerk covers, I think,

that ground exactly

Mr. BUTTERWORTH. I was out of the Hall when that law was

Mr. RANDALL. That brings us to the inquiry what law was read—whether it was the appropriation bill of last year or not? I ask that it be read again, together with the title of the act.

The CHAIRMAN. The Clerk will again report it.

The Clerk read as follows:

An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, approved March

3, 1887. Proviso under the head of "Engraving and printing:" "Provided, That any part of this sum may be used for purchasing and operating new and approved plate-printing presses."

Mr. LANDES. Now, I only desire to say that, in pursuance of the authority contained in that clause, the contract was made by the Secretary of the Treasury stipulating to pay \$1 for every thousand im-

Mr. BUTTERWORTH. My friend will observe, however, that the provision of the act just read—and I say this without reference to what he may propose—is that any part of the sum appropriated may be used for purchasing and operating machines, etc. Does the gentleman think that that provision authorizes a contract which would be continuous, requiring payment from year to year during the life of the patent? In other words, does the gentleman understand that the Secretary of the Treasury has the power to buy this piece of property—that is, a patented device—for the use of the Government, and that in purchasing it he can contract in such a way as to require appropriations from year to year, for instance, for seventeen years, the life of the patent? Do we change the law when we refuse to make that appropriation and provide that the machines shall not be used hereafter

Mr. LANDES. I think so, sir.

Mr. FORAN. Mr. Chairman, as I understand this law, it simply authorizes the Secretary of the Treasury to use any portion of this appropriation for the purchase and operation of improved machinery. Now, it may be admitted that this contract was made; but suppose the machinery should prove inoperative and the work unsatisfactory, is it to be supposed that the contract would be binding, and that the Secretary of the Treasury would have to continue the use of these machines, though turning out defective work?

Mr. BUTTERWORTH. In that case there would be a failure of

consideration.

Mr. FORAN. Well, take the other view of it. Is this contract to be eternal or to continue only from year to year? Have we not the

right to terminate it at any time?

Mr. RANDALL. I submit that the point of order involved here is whether this House has the power in this way to put a limitation or restriction upon the amount provided for in this paragraph, which is to go to the payment of royalties. I took the position before that to strike out entirely the provision for the payment of royalties would be in effect a provision for discontinuing the use of these machines. While I am on the floor I want to oppose that which seems to have got into some minds, that the officials of this Government, in the face of a direct statute to the contrary, can involve the Government for a period over one year.

Mr. LANDES. What, then, did the gentleman from Pennsylvania mean when he said in this House on June 18, 1888?

Mr. Randall. We have not the power to do what the law and contract prevent. We have tried as far as we could to direct the Secretary of the Treasury to make inquiry to see whether that royalty could not be got rid of.

Mr. BUCHANAN. If the gentleman will pardon me, he will see by the terms of the contract he has not done so.

Mr. RANDALL. They have gone beyond the realm of their power.
Mr. LANDES. They have purchased their machine and then agreed
that they shall pay a dollar of royalty for it without saying a word for how long

Mr. McADOO. So far as the point of order is concerned it seems to

lower the appropriation.

The CHAIRMAN. The Chair has no hesitation in overruling the point of order.

Mr. LANDES. We have no power to do that.

Mr. RANDALL. I neversaid we had not the right to say how much money should be appropriated. I am here as the representative of my

The CHAIRMAN. The Chair overrules the point of order. House, under the rules, has the right to make any limitation for the fiscal year on any appropriation it makes. As to rights under contracts, that is a matter for the courts and not for the Chair.

Mr. LANDES. I offer the following amendment.

The Clerk read as follows:

In lines 9 and 10, page 12, strike out the words "not exceeding 1 cent per thousand impressions."

Mr. BLAND. I make the point of order on that amendment.

Mr. BLAND. I make the point of order on that amendment.
Mr. LANDES. I desire to state, Mr. Chairman, that unless this amendment prevails, according to the declaration of the chairman of the Committee on Appropriations, the Government will be prevented from using seventeen or eighteen steam printing-presses, which it now owns and is now using at a great saving to the people of this country. In 1878 the first one of these machines was purchased. It gave satisfaction, and from time to time additions have been used and for the set of the second from the set of the second from time to time additions have been used and from time to time additions have been used to the second from time to time additions have been used to the second from the second faction, and from time to time additions have been made until now the Government owns seventeen or eighteen of these presses, and is operating nineteen of them.

Mr. RANDALL. Eighteen of this particular kind.
Mr. LANDES. Eighteen the Government owns at this time. All
the \$1, \$2, \$5, and \$10 silver certificates have been for many months,

according to the chief of that bureau, printed on these presses.

Mr. RANDALL. Only the backs.

Mr. LANDES. The backs only. They are not intended to print the faces, as I understand.

According to the statement of our officers, if these presses are discontinued it will cost more than \$102,000 per annum to do the same work by hand plate-printers, work no better in quality, no better in

style, than the work now turned out by these presses.

I understand that the plate-printers of the Government are to-day making war upon these steam-presses. Because the presses them selves do as much work as three, or four, or six, or eight men there seems to be a hostility against the use of the steam-presses, and the question is, inasmuch as we have the testimony of the chief of the bureau, of the superintendent of the bureau, of experts and bankers of the country, that the work is entirely satisfactory, can we afford to drive out these presses for which the Government has paid something like \$20,000, and perhaps more, and incur an expense of \$100,000 in order to add to the force in that institution of 160 employés?

The CHAIRMAN. The gentleman's time has expired.

Mr. LANDES. I would like to finish my statement.

Mr. RANDALL. Let the gentleman go on for five minutes longer.

There was no objection, and it was so ordered.

Mr. LANDES. In order, Mr. Chairman, that there may be no doubt about the quality of work, I will send to the Clerk's desk and have read copies of three letters written to the Chief of the Bureau of Engraving and Printing from gentlemen whose opinions on the subject ought to be of value, and I do this to corroborate the opinion of the Chief of the Bureau of Engraving and Printing.

The Clerk read as follows:

FIRST NATIONAL BANK, New York, October 8, 1888,

PIBST NATIONAL BANK, New York, October 8, 1888.

DEAR SIR: In reply to yours of 3d instant, the silver certificates of series of 1886 seem to me an improvement over all other issues of notes since the original legal-tender greenbacks, and I see nothing in them to facilitate counterfeiting more than in other series.

We have seen in the bank very few counterfeits of the certificates, and did not regard those as more dangerous than others we have seen or had.

Trusting that this gives you all the information you desire, I am,

Yours truly,

GEORGE F. BAKER, President,

E. O. GRAVES, Esq., Chief of Bureau Engraving and Printing, Washington, D. C.

THE AMERICAN EXCHANGE NATIONAL BANK, 128 BROADWAY,
New York, October 4, 1888.

New York, October 4, 1888.

Dear Sir: In reply to your note of yesterday asking my opinion of the design, engraving, and printing of the United States silver certificates of series 1886, especially of the backs, I take pleasure in saying that they seem to me to be of excellent quality in every respect. The backs of them all, which I have carefully examined, are in printing, and in every particular, in the best siyle of the engraver's art, and I see nothing in them to condemn, but everything to commend their workmanship.

I have also seen a counterfeit of each of the one-dollar and five-dollar notes. They are such miserable imitations of the genuine that a glance at them by the least experienced observer would show them to be spurious. They have never caused us annoyance. The faces of them are bad and the backs are worse.

Yours, very respectfully,

GEORGE S. COE, President,

E. O. GRAVES, Esq., Chief of Bureau, Washington, D. C.

CONTINENTAL NATIONAL BANK, 5 AND 7 NASSAU STREET, New York, October 5, 1888.

DEAR SIE: Your favor of the 3d instant is received, asking for an opinion concerning the silver certificates of the series of 1886, as to the design, the engraving, and the printing—especially the printing of the backs. We have accordingly examined them anew critically, only to confirm the opinion we had already formed as to their excellent design and admirable work in every particular; and as far as there being any appearance of deterioration in any part of the work as

compared with former issues, or anything which would in any way facilitate counterfeiting, we entertain quite the opposite opinion.

As to the counterfeits of the one-dollar and five-dollar certificates, those which have come under our notice have been of very poor quality, and we have been subjected to no loss by them.

Very truly, yours,

EDW'D D. RANDOLPH, President,

E. O. GRAVES, Esq., Chief of Bureau of Engraving and Printing, Washington, D. C.

Mr. LANDES. Now, Mr. Chairman, I ask to have read an extract from the report of the Chief of the Bureau of Engraving and Printing. The Clerk read as follows:

The clerk read as follows:

The steam-power plate-printing presses have continued in successful operation during the year. The quality of their work has steadily improved, and it can now be said without qualification that all of it is equal to that done on the hand-presses. All the backs of the new silver certificates of the denominations of \$1, \$2, \$5, and \$10 have for many months been printed on them. For evidence of the quality of their work it is only necessary to inspect the backs of these certificates. In clearness, sharpness, and uniformity of impression and all the qualities which tend to prevent successful counterfeiting, they are up to the highest standard.

The steam-presses are now printing much more than one-third of the work of the bureau with a great economy of room, labor, and expense. The cost of the printing done by them is less than \$80,000. To print the same work by hand would cost \$180,000, or \$100,000 a year more. There has also been in use for many years a number of steam-power typographic presses, on which are printed, from steel dies, the tints on many varieties of internal-revenue stamps and the seals on United States notes, silver certificates, and national-bank notes. To replace all the steam-power printing-presses with hand-roller plate-printing presses would add nearly \$200,000 to the annual expenses of the bureau, and would make it necessary to enlarge the building occupied by the bureau in order to provide room in which to do the work.

[Here the hammer fell.]

Here the hammer fell.]

Mr. McADOO. Mr. Chairman, it seems to be, after the discussion of last year, simply thrashing over old straw to go over all of this dis-cussion again; but I think the House will be impressed, after hearing from the gentleman from Alabama [Mr. WHEELER], who has investigated the subject as chairman of the investigating committee, and who proposes to now address the committee in regard to this question, as to the feeling on the part of the bureau in sustaining the use of these es there

Mr. FORAN. And you know why?

Mr. McADOO. Certainly I know why; I understand it perfectly.

The present chief of the bureau takes it very foolishly as a personal matter that his official capacity is to be somewhat dimmed if the Congress of the United States undertakes to set up its wisdom as against the infallibility of that gentleman. He is a good man, weighing a respectable number of pounds.

Now, sir, in answer to the gentleman from Illinois [Mr. Landes], I wish to state in the first place that we dispute as to the saving to which he has referred. We assert that the chief of the bureau has not made a fair comparative statement of the relative cost of work done on the steam-presses as against the hand-presses. He has omitted from his statement, as I am informed, some very important facts; first, the payment of royalty, which amounts to \$500 on each press. That is omitted altogether from his statement. He has omitted the cost of wasted certificates and bills which are destroyed or rendered useless by the operation of these presses. He has omitted the cost of the steam-power.

Mr. FORAN. Also the cost of the patterns.

Mr. McADOO. Also the cost of the patterns, as my friend suggests;

and we assert and will vindicate the assertion by an almost unanimous array of testimony of experts and bank presidents throughout the United States, and also by a letter from the chief of the secret service, that this mode of printing injures the fiber of the paper so as to make counterfeiting simple and easy. Why, sir, the Government securities and notes ought to be printed on the very finest paper, and should be engraved in the highest style of the art, and printed with the utmost skill and care. In order to do this the press work must be done with the most exacting care. It is impossible to get a machine to do that work with that fine and delicate touch with which the expert printer will do it by hand.

The result of printing them on a steam-press, with a powerful pressure applied, is to bake out the paper; and if any man present—for members of Congress are generally poor—is the fortunate possessor of one of these silver certificates he will find that if it has been in use for six months or a year the bill has gotten into a most disgraceful consists and the property of the present of the pres dition and is certainly not fit to be used as currency by the people. Why, Mr. Chairman, a comparison of the bills printed for the Canadian Government, which I have seen, and those printed here on our steampresses makes our currency look absolutely disgraceful. I have in my hand three silver certificates of the denomination of \$1, and one of them is a counterfeit, and I might challenge every member of this House to take the three bills and select from among them the one which is a counterfeit. I do not believe any man present can do it. If you

are poor, you are all honest, so that I will hand them around.

Counterfeiting is accomplished readily by reason of the work done
by the presses, and it is not confined alone to the silver certificates, which, as I have said, are short-lived, and are in a disgraceful condition after a few weeks' use, but counterfeiting is also carried on in internal-revenue stamps; and I have in my hand an item from the New York Herald where reference is made to the arrest of a party in New York for having a counterfeit bill in his possession, or attempting to pass one of these bogus silver certificates, which was said to have been

We are tempting the criminal ingenuity of the whole world by the wretched manner in which our work is being done.

Mr. LANDES. Will the gentleman allow a question?

With pleasure. Mr. McADOO.

Mr. LANDES. What expert banker or Government officers have ob-

iected to the quality of the work done by these presses?

Mr. McADOO. I will answer the gentleman with pleasure. The chief of the secret service, Mr. Bell himself, and my friend from Alabama knows, for he has the papers, which I have not had the opportunity of examining, that a number of bank presidents and leading experts have called attention to the same fact.

Mr. LANDES. I hope the gentleman will have read the testimony

of Chief Bell.

Mr. McADOO. I will do so with pleasure. I will accommodate the gentleman at once, and ask to have read now a letter which I send to the desk. I might also, if I had time, have read his startling and emphatic testimony before the committee.

The Clerk read as follows:

United States Treasury Department, Secret Service Division, Office of Chief, Washington, D. C., September 22, 1888.

Sir: I have the honor to acknowledge the receipt of your communication of the 21st instant, making certain inquiries regarding counterfeit internal-revenue stamps and United States silver certificates (1886 series), and in reply thereto beg leave to state:

stamps and United States silver certificates (1885 series), and in reply thereto beg leave to state:

1. Internal-revenue stamps, printed from lithograph plates made by Paul Bernon, captured July 17, 1859, in the city of New York. At the same time, July 17, 1859, one Achille Patti was arrested at Snake Hill, N. J., 6 miles from Jersey City, and on his premises were found lithograph plates for printing 10, 16, and 60 pound tobacco-stamps, 31 internal-revenue manifest-stamps, and 60-pound tobacco-stamps, printed from plates engraved by Hart L. Pierce; plates and stamps captured from Robert B. Clark, October 30, 1859, in New York City; one-cent proprietary stamps, printed from plate engraved by Hart L. Pierce; plates and stamps captured from deave the printer, October 31, 1869, at Prince's Bay, Richmond County, New York.

A plate containing fifteen transfers for one-cent proprietary stamps, made from the same die as above, was captured from one John Story March 3, 1870, at Pleasant Plains, N. J. This plate was made for G. C. & D. Howard, proprietors of a match factory in New York. The stamps were all printed by the abovenamed John Rippon.

One-fourth-barrel heer-stamps, printed from lithograph plates by N. H. Traubol, of Camden, N. J.; plate captured March 7, 1870, from one Frank Mackey, in Philadelphia, Pa.; plate contained fifteen impressions.

Four-ounce tobacco-stamps, discovered July 9, 1872; printed from copper electrotype plates (14) captured from one Joseph Beckemeyer, tobacco manufacturer, July 19, 1877, in Cincinnati, Ohio.

These counterfeits were all discovered by reason of deficient workmanship.

2. Counterfeit silver certificates, series 1885; \$1, portrait of MarthaWashington; \$5, portrait of Grant; two different issues.

The above have been discovered up to the present time, and up to date would estimate the number of persons arrested in connection with the above counterfeit notes to be about thirty.

I am, sir, very respectfully.

JOHN S. BELL, Chief.

Hon. FRANK HISCOCK, United States Senate.

Here the hammer fell.

Mr. SAYERS was recognized, and yielded his time to Mr. McADOO.

Mr. McADOO. In addition I want to say that the chief of the secret service in conversation with me has had no hesitation whatever in declaring as his belief that the steam printing of these bills does lead to easy counterfeiting, and I have the personal assurance of the present superintendent of the Engraving Bureau, Mr. O'Neill, that justice is not done to the engraver's work in that bureau when the bills are printed

But, Mr. Chairman, I want to call the attention of my friend from Illinois to the amount of money which this company is getting from the Government. They have struck a rich vein. In the first place, \$1,250 is paid for the presses; \$500 in addition for each press by way of royalty, and \$1 for each 1,000 sheets or impressions by way of further royalty. Besides that, the Government has been repairing the presses, and the chief of the bureau himself last year returned to the Government an item of expenditure for repairs of the presses upon which this heavy royalty is exacted the sum of very nearly \$8,000, and in addition to that it is charged by those conversant with the matters in the bureau that this sum of \$8,000 does not represent the whole amount which the Government has spent in repairing the presses. For the purpose of calling the attention of the committee more clearly to the exact condition of affairs with regard to this contract, let me read a brief extract from the contract under which the presses have found their way into the Bureau of Engraving and Printing of this Government:

And it is mutually understood and agreed between the parties hereto, that this purchase of the right to make and use the preses aforesaid is for the purpose of a more thorough test of the economy of the press, and that the price paid for the same shall not be a basis for any future purchase of other like

Mr. Chairman, what does that mean? Gentlemen, it means this, that this company says, "Give us an opportunity to make a test of the powers of our presses, and for the purpose of making this we will sell you a press at \$1,250, with \$500 royalty, \$1 per thousand impressions; and if it is a success, and if we can do the Government work satisfac-

torily upon these presses, we are not bound by this contract, but we will raise the price."

The CHAIRMAN. The time of the gentleman from New Jersey has

expired.
Mr. LONG. Will the gentleman from New Jersey answer a ques-

Mr. McADOO. Certainly.

Mr. LONG. If all these things are true, how do you account for the fact that the Secretary of the Treasury favors the continuance of the

use of these same presses?

Mr. McADOO. I never could nor attempted to account for the action of many of the officers of the Government. And I am not aware of the fact that the Secretary of the Treasury had done that. I was under the impression that he rather favored the reduction of this amount of royalty, but that can not have anything to do with the facts of the ease. We have the same evidence upon which he passed and our committee favors the hand-presses. Ithink, moreover, that the Secretary takes no decided stand in this controversy.

Mr. LONG. Only one word, Mr. Chairman. I think the House should understand exactly what the question is before it. The bill proposes that the amount paid as royalty on these presses shall be cut down from a dollar a thousand to 1 cent a thousand impressions. That is a reduction from \$18,000 a year, which we have been heretofore paying, to \$180 a year. I trust the House will notice that enormous reduction. Instead of paying for these valuable machines \$18,000 a year, according to the contract which we have made, and by which we year, according to the contract which we have made, and by which we are saving the Government \$100,000 a year, we now propose to pay them the absurd sum of \$180 a year. In other words, we propose to pay them nothing for the use of their property.

Mr. FORAN. Will my friend permit a question?

Mr. FORAN. Will my frie Mr. LONG. In a moment.

The necessary result of this must be that they will refuse to allow us the use of their property. It is perfectly well understood that they will refuse to allow us the use of their property. In other words, the object of this innocent-looking amendment is to prevent us from using these machines at all and from securing for the Government the econ-

omy and reduction of expenses which their use affords.

Now, why is that done? In order to answer that question you must go back to what is the real issue at stake. It is an issue between those on the one hand who believe in the invention and use of labor-saving machinery as better for the Government and in the long run better also for labor, and those men on the other hand who tend to the belief that wherever there is labor-saving machinery it should be put out of use, in order, as they say, that more manual labor may be employed.

An extension of the same principle would compel us to abolish the

use of labor-saving machinery in the erection of public buildings. It use of labor-saving machinery in the erection of public buildings. The would lead us to take from the Printing Office all labor-saving machines. The real question, therefore, at issue here is whether this House will, in the matter of its engraving, permit the extended use of labor-saving machinery for the benefit of the community and of labor itself, or go back to manual labor. That question is a fair one. It is a perfectly fair question. Those who hold one side or the other of it have a right to be heard on this floor. But the proper way, and the honest and square way, to raise it is to introduce a bill directly abolish-

ing the use of these steam plate-presses.

Mr. FARQUHAR. That has passed the House already.

Mr. LONG. Wait a moment. Such a bill as that was introduced at the last session.

Mr. FARQUHAR. It was thoroughly discussed on the floor. Mr. LONG. And passed the House, and is now pending in the Senate, and the Senate is now giving hearings respecting the abolition of the steam-presses. On that question one side has there been heardthose who were opposed to the use of the presses. The other side, which is the Government—the Secretary of the Treasury, the Superintendent of Printing and Engraving, and others-have not yet been

heard, but are awaiting a hearing.

In other words, that question is in the Senate, and there it ought to be settled, and we ought not to interfere with it in this way. ing these plate-presses, and having made a contract by which we have agreed to pay for their use, if we continue this use we ought to appropriate a sufficient sum for that purpose.

But is it well to give up the use of these steam-presses? That depends upon the question whether they save the Government anything and whether they do good work. Mr. Graves, one of the best officers of this Government, thoroughly unimpeached, says upon his official honor that the use of these steam plate-presses saves the Government \$102,000 a year. He says that he does reckon in this showing the cost of the repairs. He says the whole repairing of his establishment is done by five machinists, that those machinists work upon the steam platepresses and also upon the hand-presses, and that if you abolish the use of the steam plate-presses those five machinists will still have to be retained, so that there will be no saving in that respect. You have first a direct saving, as I have stated, of \$102,000 a year. Second, you have a very large saving in an indirect manner. For by means of these steam plate-presses we are enabled now to bid ourselves for the printing of postage-stamps, and by bidding we compel other persons, the printers

of these postage-stamps, to print them thousands of dollars less than they were doing before.

Then the next question is, is the work done as well? Of course par-

ties interested against the machines say the work is not done as well. But who is the party interested here for the Government? The Secre-But who is the party interested here to the dovernment of the treatury and the Superintendent of Engraving and Printing. The Superintendent of Engraving and Printing says officially upon his honor that the work done by the steam plate-presses is equal to that done by the hand-presses and is up to the highest standard. I to that done by the hand-presses and is up to the highest standard. I defy any man here to go into that bureau, as I have done, and examine the back of a bill printed on the hand-press and another printed on a steam-press and tell the difference between them. Letters have been read here from presidents of banks and other parties interested in this question, who give testimony to the same effect, that the work done upon the steam plate-presses is just as good as that done on the hand-presses, and that counterfeiting is not encouraged by the use of the steam plate-printing presses. There are 197 men now employed in the engraving of these bills. The building was crowded to excess when there were 230. Even then it was overcrowded. If you do away with there were 230. Even then it was overcrowded. If you do away with the use of the steam plate-printing presses you will require 286 men to do the work that is now done by 197. You will have no room for the increase and will have to build a new building to accommodate

I undertake to say that there was never a more absurd proposition made in an enlightened age before an enlightened House representing the American people than the proposition to abandon the use of these steam plate-presses. They are the result of the inventive genius of our people. The man who invented them died in poverty. He left a wife and children. He left creditors who had aided him in procuring money to carry on the work. Some large returns have been received from the use of these presses during the last few years, I think about \$45,000; but a large portion of that must have gone to repay the money which he had borrowed and which stood as a charge against his estate, how much I do not know. If the royalty for the use of these presses is too

large, reduce it.

When the proper time comes I will, in order to give an opportunity for debate as to the value of the use, move to substitute in place of 1 cent, 50 cents or 75 cents per thousand impressions. This can be done, for the contract is not for the life of the patent, but is of such a nature that the Secretary of the Treasury can at any time decline to use the presses at all and so pay no royalty, or can say he will use them if he can have them at a reduced royalty. It is, therefore, a perfectly fair question for us to consider whether we can save anything upon the present price of using these presses. In other words, is the price now paid too high? Mr. Graves, the Superintendent of the Bureau of Engraving and Printing, says that the use of these presses saves us \$5 for every dollar that we pay in the way of royalty. It saves us a hundred thousand dollars a year. I believe that the royalty we have hitherto paid, therefore, was not excessive at the time. But if it is now, let us reduce it. But do not put these people off by refusing to pay anything at all for the use of their property.

If we do not want their machines let us say so, and let the Senate pass the bill for their disuse. But, as long as we use the machines, let us not refuse to pay for using them. Mr. Chairman, eighteen of these presses are the property of the Government, and if the patentees refuse to let us use them for nothing they will lie idle on our hands, and you will have eighteen steam plate-presses, the product of the inventive genius of this age, lying useless while you will be compelled to put fifty additional men into your building in order to do the work, although it will not properly contain more than are employed there now. As I have already said, I will at the proper time move to substitute for 1 cent per thousand impressions either 50 cents or 75 cents, as shall be determined upon consultation. I append to my remarks the following statement by the Superintendent of Engraving and Printing, Mr. Graves. It answers concisely the question of economy and of

the character of the work done:

MEMORANDUM CONCERNING STEAM-POWER PLATE-PRINTING PRESSES,

MEMORANDUM CONCERNING STEAM-POWER PLATE-PRINTING PRESSES,

1. The printing done by the steam-power plate-printing presses now in use in the Bureau of Engraving and Printing is up to the highest standard, and is fully equal to that done on the hand-presses. All of the 2 and 4 ounce tobaccostamps have been printed on them for many years. They have for many months printed all of the backs of the \$1, \$2, \$5, and \$10 silver certificates and of the \$10 and \$20 United States notes and a portion of the 50-cigar stamps. This work has been done to the entire satisfaction of the Commissioner of Internal Revenue and the Treasurer of the United States, and not a word of complaint concerning it has been received from any public officer, banker, or private individual. (See last report of the Secretary of the Treasury, page xli, and report of the Chief of the Bureau of Engraving and Printing, page 7.)

On the contrary, letters have been received by the chief of the bureau from some of the most experienced and distinguished bank officers in New York testifying to the excellent quality of the work on the silver certificates as regards both the engraving and printing. Among these are George S. Coe, president of the American Exchange National Bank; George F. Baker, president of the First National Bank, and Edward D. Randolph, president of the Continental National Bank. Their letters are as follows:

The American Exchange National Bank, 128 Broadway,

Honal Bank. Their fewers are as John Mark, 128 Broadway,
THE AMERICAN EXCHANGE NATIONAL BANK, 128 BROADWAY,
New York, October 4, 1888,

DEAR SIR: In reply to your note of yesterday, asking my opinion of the design, engraving, and printing of the United States silver certificates of series 1886, especially of the backs, I take pleasure in saying that they seem to me to be of excellent quality in every respect. The backs of them all, which I have

carefully examined, are in printing, and in every particular, in the best style of the engraver's art, and I see nothing in them to condemn, but everything to commend their workmanship.

I have also seen a counterfeit of each of the one-dollar and five-dollar notes. They are such miserable imitations of the genuine that a glance at them by the least experienced observer would show them to be spurious. They have never caused us annoyance. The faces of them are bad and the backs are worse.

Yours, very respectfully,

GEORGE S. COE. President.

GEORGE S. COE, President,

E. O. GRAVES, Esq., Chief of Bureau, Washington, D. C.

FIRST NATIONAL BANK, New York, October 8, 1888.

DEAR SIE: In reply to yours of 3d instant, the silver certificates of series of 1886 seem to me an improvement over all other issues of notes since the original legal-tender greenbacks, and I see nothing in them to facilitate counterfeit-

We have seen in the bank very few counterfeits of the certificates, and did not regard those as more dangerous than others we have seen or had.

Trusting that this gives you all the information you desire, I am,
Yours truly,

GEORGE F. BAKER, President. E. O. GRAVES, Esq., Chief of Bureau Engraving and Printing, Washington, D. C.

CONTINENTAL NATIONAL BANK, 5 AND 7 NASSAU STREET, New York, October 5, 1888.

New York, October 5, 1888.

Dear Sir: Your favor of the 3d instant is received, asking for an opinion concerning the silver certificates of the series of 1886, as to the design, the engraving, and the printing—especially the printing of the backs. We have accordingly examined them anew critically, only to confirm the opinion we had already formed as to their excellent design and admirable work in every particular; and as far as there being any appearance of deterioration in any part of the work as compared with former issues, or anything which would in any way facilitate counterfeiting, we entertain quite the opposite opinion.

As to the counterfeits of the one-dollar and five-dollar certificates, those which have come under our notice have been of very poor quality, and we have been subjected to no loss by them.

Yery truly, yours,

EDW'D D. RANDOLPH, President,

EDW'D D. RANDOLPH, President.

E. O. GRAVES, Esq., Chief of Bureau of Engraving and Printing, Washington, D. C.

Chief of Bureau of Engraving and Printing, Washington, D. C.

2. The nineteen presses now in use effect a saving of \$102,147.30 a year. The cost of the printing done on them, including the amount paid for royalty, is \$79,316.69. To do the same work on the hand-presses would cost \$181,463.99 (House Report No. 3546, on sundry civil bill). The saving is therefore 56.3 per cent. These figures are not a matter of estimate, but of exact calculation from the records of the bureau, based on the work now being done. They do not include the cost of repairs, or of the spoiled work, for the reason that the difference between those two items on the two different classes of presses is inconsiderable. The principal item in the cost of repairs is the wages of the machinists. Only five machinists are now employed upon the general work of the bureau, including the repairs to steam-presses, and it would not be possible to reduce the number even if all of the steam-presses should be replaced by hand-presses. The following statement shows the cost per thousand impressions of printing by hand and by steam the securities now printed by steam, including labor, repairs, royalty, steam-power, and spoilage:

Character of work,	Hand.	Steam.	Saving.
Certificate and note backs	\$6.472 9.722 10.222 14.222	\$4.146 5.349 4.337 5.549	Per cent. 38.8 44.9 57.5 60.9

3. To print by hand the work now being printed by steam would require the services of 89 additional plate-printers, increasing the number from 197 to 296, The largest number of plate-printers ever employed in the building now occupied by the bureau was 230, and the bureau was then greatly overcrowded, many of the employés being compelled to work in rooms unfit for human occupancy. The number required to do the present work by hand is 56 larger than the highest number of printers ever employed in the bureau. It would be ulterly impossible to provide accommodations for this number of printers and their assistants in the building, and the bureau would be unable to execute the work required for carrying on the various departments of the Government.

4. The question of discontinuing the use of the steam-presses is now pending before the Senate Committee on Finance. Should the bill now under consideration by that committee become a law the use of the steam-presses will be discontinued without any further action by the House. The committee thus far have heard only the persons favoring the passage of the bill. The chief of the bureau, who is opposed to the passage of the bill. The chief of the bureau, who is opposed to the passage of the bill. The chief of the bureau, who is opposed to the passage of the bill, and the witnesses whom he expects to produce have not yet been heard. He is prepared to prove by the testimony of the experts of the bureau and of other experts in engraving and printing that the work printed on the steam-presses is equal, if not superior, to that printed on the hand-printed impressors that the steam-presses effect an economy of more than 50 per cent. in the cost of the printing executed by them, and that the witnesses summoned in support of the bill were utterly unable to distinguish between the hand-printed impressions and the steam-printed impressions when specimens impartially selected from the daily work of the bureau were submitted to them. In nearly every case the hand-printed impressions

spring. The stamps are now printed on steam-presses by a private company. If the bureau is forbidden to use the steam-presses, it will be unable to compete successfully with private companies for this important branch of the printing of public securities.

Mr. FORAN. I desire to say to my colleague on the Committee on Appropriations, in reference to what he says about the ownership of these machines, that the Government constructs the machines and pays for the construction \$1,250 for each machine. Then it pays the patentee a royalty of \$500 on each machine, and in addition to that \$400 for the use of the patterns while it is constructing the machine—the patterns to be returned as soon as the machine is constructed.

Mr. KILGORE. Does not the Government own the machines?
Mr. FORAN. Certainly it owns them.
Mr. KILGORE. They are Government property?
Mr. FORAN. Yes, sir.

Mr. FORAN. Yes, sir.

Mr. KILGORE. But it pays a royalty for the use of them?

Mr. FORAN. Yes. It pays \$900 for the right of building and using each machine. Another thing in response to my colleague. I think his statement as to this being a fight between people who desire that machinery shall not be used and those who desire to avail themselves of improved processes is somewhat misleading. Speaking for myself, I may say that I have always been in favor, and always will be in favor, of the use of labor-saving appliances and of the most perfect labor-saving machinery that can be produced, because I believe that the use of improved labor-saving appliances is going to solve the social problem of the future. But this is not a question of that kind. This is a question as to cheapness in the end. I do not think that Mr. Grave has dealt fairly with this House in regard to these matters. He has not dealt fairly with this House in regard to these matters. He has not put in or given the real items of expense. He has not put in the cost of repairing these machines, which amounts, so far, to \$8,000. He has not put in the wastage and destroyed and defective notes, and he has omitted various other items. Let me say to the gentleman from Massachusetts also that the American Bank Note Company of New York, which prints some of the best notes and checks in the world, does not use these machines. They are not used by England; they are not used by France; they are not used by Canada; they are not used by any country that desires and intends to put in circulation a first-class cir-

There are some things that machinery can not do. One of the things it can not do is to print a first-class steel engraving. Machinery has been tried in the setting of type, but it has not proved to be a success, and perhaps never will be. Wherever machinery can be used-successfully I am in favor of it; but in this instance I think the general consensus of opinion among those who are competent to judge is against it in printing Government securities. The work is so defective that it is easily counterfeited, and the people suffer in the end from bogus currency. Besides, the notes do not wear so well or last so long, and re-issues are therefore oftener. This machinery does not save. Its use

really entails a loss in the long run.

Mr. BUTTERWORTH obtained the floor.

Mr. LANDES. Before the gentleman from Ohio [Mr. BUTTER-WORTH] proceeds I would like to put a question to the gentleman from Ohio [Mr. FORAN].

Mr. BUTTERWORTH. I presume my colleague [Mr. FORAN] can take another occasion to answer the question, and it will not consume

any more time than now.

Mr. Chairman, the real question before this House is whether these machines perform the work as well as they ought to? Has good judgment been used in utilizing these presses as labor-saving machinery? Is the work they turn out of such character that it can be easily counterfeited? The friends on my left assert that the work is so poorly done that its bad character is palpable to even the casual observer who

has ordinary intelligence.

If that statement is true—if it approximates to being true—then the Secretary of the Treasury and the superintendent of this bureau have been guilty of gross dereliction of duty; they ought to be impeached; they ought to be removed from their offices. Their duty in those positions is to determine what the best interests of the Government require. If it is true that these machines do work of such a character as to encourage counterfeiting—if the work done by hand-presses is so greatly superior—then the machines ought to be put out, and that promptly. We have the evidence of the Secretary of the Treasury and the superintendent of this bureau and of experts that the work is good, and I will not do or say anything that tends to impeach the high integrity of those officials. I am myself in doubt about the merits of

But there is one phase of this question to which I wish to call the attention of the House and the country. One thing is clear—that the organization of hand plate-printing, a branch of the Knights of Labor, have declared war upon these machines and have determined that they shall "go," If the machines ought to "go" upon their merits, then amen; but if they ought not to "go" upon their merits, the fact that these gentlemen desire to have them "go" is not the least reason in

my mind for putting them out.

Now, I want to ask my friends whether, when they investigated this matter, they ascertained whether men employed in the bureau were free to come up and give their testimony touching the character of this

work? I am advised—and I spoke to a member of the committee who represents the Knights of Labor in this matter-that when men who work the steam-presses go to their work in that institution, when they go to attend these plate-printing presses, they are hissed and hooted; they are insulted upon the street and when they go to their meals because they work upon these presses and earn the salaries which the Government pays them. I do not know as to the truth of these charges except that men in the bureau tell me that they are true. charges are true, and there is no redress for these men, then the Secretary of the Treasury and the superintendent of that bureau ought to be removed for not vindicating the right of men in this country to earn bread where and as they can get a contract to earn it. [Applause.]

Mr. FORAN. May I ask my colleague a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. FORAN. Has not one member of the committee informed you distinctly and emphatically that that was not true?

Mr. BUTTERWORTH. I am coming to that. I shall state this

If this is true, and if I had been superintendent of that bureau, the man who hissed would not have come into the bureau again if I could have prevented it. Probably, as suggested by the gentleman from Massachusetts [Mr. Long], the superintendent did not know who the men were. But I insist that this is still America, and some of the rights of freemen linger with us still; and my boy has a right to work without asking the permission of any combination or association of men in this country; and when he can not, I am in favor of revolution.

[Applause.] I want to say to my friend that I have been assured by men who work in that establishment-constituents of minethey were hissed in the bureau and upon the street, and that the "Dead March" was whistled as they moved to their work. If that is true, it is an outrage, an unspeakable outrage. And that act is alleged to have taken place within the shadow of this Capitol, and no redress afforded!

A young man, a member of the committee, who seems to be a thoroughly fair man, called upon me, and I called his attention to this mat-ter. I said to him, "Do you gentlemen propose that we shall not use labor-saving machines in this country?" He replied, "No, sir; far from it; we are in favor of labor-saving machinery. We simply assert that in this case the labor-saving machinery does not meet the just re-quirements of the situation." "That is fair," said I. I may not give

the exact language, but I give the substance fairly.

[Here the hammer fell.]

Mr. LONG. I ask that the gentleman's time be extended. The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG]

The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG] will be recognized, and as the Chair understands he yields to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. I said to this young man, "I understand that when these men leave the hand-presses to go to work upon the machine-presses they are hissed; and if that is true," said I, "the men who hissed should be promptly put out of that building." To that he wordd. He said "That is no part of our purpose or policy." He told agreed. He said, "That is no part of our purpose or policy." He told me—and I want to be fair about this matter all the way through—that the hissing arose from this fact: that on the occasion of a meeting of the Knights of Labor of this union, one gentleman who was a hand plate-Anigns of Labor of this union, one gentleman who was a hand piate-printer was vociferous in denouncing every man who would go from a hand-press to a power-press—if I may use that expression—and that the first man to do this very thing was this brother who had been so vociferous in the meeting; and thereupon for the purpose of "guying" him some of the men indulged in this little demonstration, and which the young man speaking to me did not approve; and he stated that his brethren on the committee, and he believed a majority of the members of the union did not approve it. of the union, did not approve it.

Nevertheless it took place, and I am assured by others it is very un-comfortable over there for those who call in question the necessity and

comfortable over there for those who call in question the necessity and propriety of putting these power-presses out of that bureau.

I wish simply to put myself in the position before this House of one protesting against this body becoming the mere passive instrument for registering the will or the bidding of any society or combination of individuals, by whatever name they may be christened. [Applause.]

I believe in standing by the blacksmith, not because he is a blacksmith, but because he is a man. I believe in standing by the carpenter, not because he is a carpenter, but because he is a man. When we have anything but moral and intelless.

pass beyond that and begin to make anything but moral and intellectual worth, true manhood, the measure of the rights and obligations of a citizen, we are entering upon a most unfortunate period of our country's history, for we will not be extending, but abridging, the area of human freedom and the range of individual opportunity.

A committee was appointed to look into the character of this work, and I have been solicitous to know, and I ask the question in all can-dor, whether all the printers in the bureau felt absolutely free to testify over there, as they would have done had it not been for a reign of terror established, if there was a reign of terror, and I do not say

Mr. FORAN. By Mr. Graves or by the Knights of Labor, which?
Mr. BUTTERWORTH. Oh, my friend—
Mr. FORAN. Who has the right to discharge over there?

Mr. BUTTERWORTH. We have nearly reached a condition of

things in this country when nobody has the right to discharge and no individual the right to employ an American freeman without permis-

Mr. BUTTERWORTH. I recommend the Knights of Labor establish a whipping-post out in front of the Capitol and whip twenty-five members of this House on the last Saturday of each month. We would hardly become more utterly abject after that ordeal than we have been at other times since I have been a member of this body. [Great laughter and applause.] I hope in God's providence the time will come when our manhood will assert itself, and our own honest judgment be our guide in the discharge of public duty, and we will not sneak like poltroons, as we have done over and over again, at the dictation of some gentlemen in the galleries. [Applause.] I have in some measure sur-rendered my manhood once or twice, and I hope the next time I do it I will be paralyzed, as a fit punishment for such self-abasement and betrayal of duty.

I have witnessed enough and more than I hope to again in this country of the vassalage of the Senate and House, the vassalage of the officers of the Government, and I hope, in the interest of American manhood and American freedom, these humiliating spectacles will

I am not against organizations for the protocolon and promotion of the interests of all, not because they belong to this class or that or the other, but because they are American citizens, my countrymen, and entitled to the full and equal protection under the law. [Applause.]

The daily papers teem this morning with suggestions that men are

to be shot for being guilty of the offense of exercising the rights of American freemen in making a contract to work for a price that was

satisfactory to them.

Now, that practice has become common, too common, and as a citizen of the United States I protest against such a system of barbarism as being un-American, and for that reason I speak of it now, it being whispered that a trace of that spirit had cropped out here as a result of the well-grounded belief that whenever a thing is required of this body by certain organizations of this country we are to do it or suffer political decapitation.

In what position would we put the Secretary of the Treasury and the head of this bureau? If it is true this work is as bad as it is intimated it is, if it is true that this work is not economically done, then mated it is, if it is true that this work is not economically done, then these gentlemen are not fit to occupy the positions they hold. If this work is not fit, as the committee say it is not, then put these presses out. I agree with my friend here [Mr. Long], if we intend to abandon the use of these machines let us do it in a manly way and not offer one cent, a mere mockery. I do not say we should stop their use, but agree that if it be shown that the work is not good we should stop it at once. I asked one of the gentlemen of the committee of the Knights of Labor, who seemed as smart as a whip, "How is it you Knights of Labor, who seemed as smart as a whip, "How is it you gentlemen take such an exceptional interest in the public service in the matter of saving the public money as to devote your whole time to it away from your regular employment?"

He answered me frankly and candidly that he was pressing this matter because what is assumed here as a neafest advance in a certain art

ter because what is assumed here as a useful advance in a certain art is not in fact for the benefit of the Government, and is injurious to his craft. I said to him, "That is a frank and manly answer, and if it be true that this is not an advantage to the Government you are entitled to the relief you ask, not because you belong to any powerful organiza: i n,

or to any organization, but because you are American citizens struggling to feed your families by honest labor, honest effort."

Now, Mr. Chairman, my own plan would be as I have suggested, that the matter be referred to the Secretary of the Treasury, or that some lower rate of compensation be fixed for the present if this rate be too high; but at all events, the attention of the House and of the country having heavy all of the matter, we have resear to hone that there try having been called to the matter, we have reason to hope that there will be an investigation and determination upon which we can rely as to whether the work is, in fact, of a character which we can properly accept, or whether it is of that grade which we ought to reject. We certainly should insist upon it that the work be of high character. The Government wants and ought to have the best.

But while securing this I do want to still the apprehension that seems to fill the minds of some gentlemen that we will continue, for fear of threatened political consequences, like spaniels to put our tails be-tween our legs and run to cover whenever the order issues from those who have been assuming the right to issue it. Let us rehabilitate ourselves with a spirit of true manhood and decide upon the merits of the proposition that is before us, and not act on the high behest of any organization or any body of men, no matter who they are or the ostensible object of their creation or the dangers that threaten to cut short our

public career for a refusal to betray our duty to the whole people by becoming mere pawns on the political chess-board.

I agree with my friend from New York here, that if these presses are bad they should not be retained. We should strike out the 1 cent, because that is a mere mockery; it is unfair. But I am not satisfied that the work is not fairly good. Let us determine that fact first. Nor do I want to vote for its continuance without further investigation. The young men who waited upon me were, so far as I could see, candid and fair in their statements, and they were as earnest in their position

as any men could be. They went over the whole field; and I hope we will meet the question in a manner as dignified and courageous as was shown by the men who presented it, and not lurk behind any imaginary dangers or difficulties that may beset a full, fair, and honest consider-

ation of the subject. [Applause.]
Mr. McADOO. Mr. Chairman, I am sorry that the gentleman from Ohio, whether intentionally or not I do not know, has used language in the remarks he has just made which has a tendency to prejudice this case. Mr. Chairman, this is not a question as to a combination of labor against capital, nor the repression of individual freedom by the confederation of these powers. This is a practical question with which we are called to deal, and that is, as my friend has stated, whether these steam-presses now in use in the Bureau of Engraving and Printing are turning out as good work as the hand-presses, and if they are not whether they should be retained. The side issues interjected would lead to questions as old as humanity and as illimitable as the unbounded heavens; the relation of man to man, and man to God, and all men to the state; of capital to labor and labor to itself. Let us pause on the shores of this unbounded ocean and consider this case on its merits.

I will not attempt to follow my friend in his earnest exceriation of the combinations of labor and in behalf of the freedom of the individual for which I contend against the savagery of monopoly, but I would like to remind my friend and the committee that these powerful organizations of labor in the United States were unknown until the capital of the country was organized. It was an organization for self-defense. There was no such powerful organization known as the Knights of Labor until after the business men in the back rooms of commercial buildings in New York and other great cities got together and fixed a scale of prices upon the necessaries of life, the price of labor, and adopted rates of carriage. Cold, cruel, unchristian, savage, and merciless combinations are these. Labor under those conditions was compelled to organize as a defense against the selfish and unchristian power of capital. The heartless and soulless power of money is a harder master than the feudal lord or the savage chief.

Mr. BUTTERWORTH. My friend does not pretend to intimate that

I in the least degree have sympathized with organized capital or any

other organization that uses its powers for oppression?

Mr. McADOO. Not in the slightest degree; but I have simply called the attention of the House to the fact that the organization of labor was the logical result of the organization of capital.

Mr. BUTTERWORTH. I think so, too.

Mr. McADOO. But now, Mr. Chairman, let us get back to the ets. Let us return to the subject before us for consideration. I have serted, and I repeat, that the work done by these machines in the Bureau of Engraving and Printing is not of a character that should be found upon the bills and currency and revenue-stamps of a great country like the United States. Let me read a briefextract from the testimony given in connection with this matter.

The expert here states that the paper is dried and pressed out, and that four blankets have to be used instead of two to protect from the

violence of the steam-press as against the hand-machine.

Here is a delicately engraved plate. It is to be printed of necessity with the utmost nicety and delicacy of touch. If the impression is to be preserved and the paper of which the bill is composed is to present a neat appearance after the impression is made, it must go through the press with as little violence as possible; but when the bills have been subjected to the powerful pressure of the steam-presses, which work so much quicker than the hand-presses, you have burned the sap right out of the paper, rendered it dry and brittle, and, as is well known, it does not present an appearance after being in use but a brief time such as it should, but becomes ragged, defaced, and wrinkled. This is the testimony of those persons who have examined the matter and were qualified as experts to give testimeny. That is the difference between the work done by the steam-presses and the hand-presses.

The steam-presses can not give that nice delicacy of touch which can only be obtained through the agency of the human hand. This is so in innumerable branches of art. The exquisitely sensitive nerves of the mystical human organization have not yet been fully imitated in cold steel and iron and forceful steam. Man, even in an age of sham and counterfeit, has not yet quite successfully counterfeited himself. The divine secret of human intelligence and soul still rests in the bosom of God, and from the impenetrable depths of heaven makes mockery of invention and arrogating science. The highest and most cultured form of human knowledge still stands in the wave-line of an unknown ocean, questioning the dark waters and shouting its doubts or puny conclusions to the peaceful and unquestioning inhabitants of the inland.

It is the exquisite delicaey of touch and feeling centered in the human brain which no machine can give to this print. Now, my friend from Ohio touched upon the confines of a great and almost boundless subject. He says this was the battleof civilization and progress against a certain form of conservative and organized labor on the printing of these plates by steam machinery, if I understood him aright, and that

these organizations were opposed to this and kindred inventions.

Mr. BUTTERWORTH. Oh, no; they are not. They are very far

Mr. McADOO. Well, I misunderstood the gentleman, then. Well,

I say we are fighting for the cause of civilization and the cause of the

whole people—

Mr. BUTTERWORTH. I am not saying whether the organization was for it or not. I do not claim that it is or that it is not, but I am listening to the gentleman from New Jersey so as to be advised. If it is to be resolved against the machine because of the enlistment of a mere organization against it, without reference to the merits of the case, then it is conclusive. I am only listening to the gentleman for information.

Mr. McADOO. The intelligent laborers of the United States, as I understand it, are in favor of all these labor-saving machines, because they cheapen the cost of production and bring the fine things of life to every man's door; and as my other friend from Ohio [Mr. FORAN] suggested, they make a final solution of the labor problem. The cost of What are you proproduction is not so much a question in this case. ducing—bread, bricks, house-making material, clothing? No. You are producing the paper currency of the country; and its safety from counterfeiting, its stability and life depend upon the finest execution in the making of it. Therefore the great, broad principle which my friend interpolates into it respecting labor is not a fair one, and can not apply to this case. Here are the certificates of the indebtedness of our Gov-The safety in holding them depends largely on their not ernment. being counterfeited.

Here are your internal-revenue stamps. They should be respectable in appearance at least, and the fine work of the engraver should be preserved by the delicate and skillful printing of their impressions.

Therefore, that question does not come into this case.

Now, my friend from Alabama, who is to follow me, and who was chairman of the committee of investigation, will show that the testimony, instead of being one-sided on the part of steam plate-printing presses coming from bank presidents and other experts, is against them. The testimony of bank presidents and experts, and of the chief of the secret service, whose letter I have read, and the superintendent of the engraving in the bureau is against them. The superintendent of engraving said to me personally, and I assert it as a member of this House, that these machines did not do justice to the engraver's work. How could they? Is a chromo as good as an oil painting? Is a print as good as an etching? Is a carefully pressed steel engraving not su-perior to an ordinary cut run off a steam machine? Is art all centered in cold mechanism? Are our present wretched postage-stamps to continue with our bad money bills?

Now, the chief of the secret service and his predecessor and many experts testify that counterfeiting has increased largely beyond ques-

tion since these machines were introduced in the bureau.

Now, one word more. Gentlemen have stated that already you have expended a large sum on these machines in their purchase at a cost of \$30,000, and that this will be lost if we withdraw them, or if their use be not continued. Is not this proving too much? The gentleman from Illinois [Mr. LANDES], as gentlemen are aware, has stated that we are saving \$100,000 a year by the use of these machines. If he is right, and if \$100,000 a year have been saved, the Government has saved over and over again the amount of \$30,000 which was originally paid in the purchase of these presses. So that the Government, instead of losing by relegating these machines and sending them back,

will have made a large saving.

I read some time ago an extract from the contract of the party of the first part-the owners of these machines-that they are not bound by the price they were originally sold to the Government for; that if they proved a success they were not to be bound by that price. Whatdoes that mean? It means that they were to absorb the whole work of printing these plates, and after thus having taken control of the whole work of the Government the price of their machines was to be raised to an indefinite limit. After the Government shall have dispensed with its skilled hands, after having discharged its plate-printers and its whole skilled force and sent them back to the parts of the country whence they were brought to this city to execute your work, you are then at the mercy of this powerful company. If they demonstrate the fitness of these machines it would result in increasing the price of the machines to the United States and give to the company the large bounty of \$1 for each thousand impressions, and leave us at their mercy.

Mr. LONG. I will now offer an amendment, which I hope will be accepted. I will ask the gentleman from Illinois to withdraw his amendment, and I will move to strike out "1 cent" and substitute "50 cents"

'50 cents.'

The CHAIRMAN. Does the gentleman from Illinois withdraw his amendment?

Mr. LANDES. I do.

The Clerk read as follows:

On page 12, line 9, strike out the words "one cent" and insert in lieu thereof "fifty cents;" so that it will read:
"And for wages of printers' assistants at steam-presses, at \$1.50a day, each one employed, and for royalty at not exceeding 50 cents per thousand impressions."

Mr. TAULBEE. What are we paying now?
Mr. McADOO. One dollar.
Mr. WHEELER. Mr. Chairman, it seems to me that the matter under consideration merely involves a question of plain business meth-

ods. We are simply called upon to decide whether or not it is advisable that the Government shall continue to give a large royalty for the

use of certain machines for plate-printing.

After listening to the eloquent and patriotic appeal of the gentleman from Ohio [Mr. BUTTERWORTH] I began to think I had entirely mistaken the character of the bill under discussion. The gentleman soared so high that I can hardly expect the House to immediately get itself down to consider the subject in the light of a plain business proposi-

I suppose very few of us are well informed as to the method of printing the securities of the Government. I certainly was ignorant upon the subject until last April, when a bill was referred to the committee of which I am a member, which made it necessary for that committee to give the matter a very thorough investigation. In considering the bill all persons from whom we could hope to acquire information were

invited to appear before the committee.

Gentlemen say that the proposed reduction in royalty is due to arguments placed before Congress by plate-printers. But I believe that a plate-printer, or any other craftsman, has just as much right to a hearing before Congress as have the lawyers and agents of the sugar trust, the steel trust, and numerous other gigantic corporations and capitalistic combinations who throng this city, and whose arguments in behalf of the interests they represent are listened to with care and attention.

Mr. BUTTERWORTH. Who said they had not?

Mr. WHEELER. It has most certainly been intimated that plateprinters are in some degree responsible for the clause in the bill which as precipitated this discussion, and no doubt it is true that it has been through their efforts that some of the information we now possess regarding this question was laid before Congress.

Most probably one object these gentlemen had in view was the protection of the vocation of their fellow-craftsmen.

No doubt they looked with some degree of dissatisfaction upon the effort to substitute inferior machine-work for the superb artistic engravings produced by the skilled plate-printers from hand-roller presses, and they have contended that this inferior work ought not to be accepted and issued by the Government when the best results of the highest style of the printing art could easily have been attained.

While this was possibly their principal object, it is quite true that Congress is indebted to them for much information which will, I think, waterially assist us in determining what legislation is possess, at the side of the printing what legislation is possess, and the same property was a side of the printing what legislation is possess.

materially assist us in determining what legislation is necessary upon

this subject.

I think I am correct in saying that when the bill providing that Government securities should be printed in the highest style of art, by hand roller-presses, was first presented, the majority of the committee to which it was referred was impressed with the idea that the proposed to which it was referred was impressed with the idea that the proposed legislation was not advisable, and they felt that any legislation designed to prohibit the use of machinery was a movement in the wrong direction. But the further the investigation was carried the more fully they became convinced that to maintain the high standard of excellence and integrity of Government currency it was necessary that the execution of the notes, certificates, etc., should be in a higher style of art than had been accomplished by the steam-presses.

While we were here giving our best attention to this matter some

of the gentlemen who are foremost in advocating the continued use of steam-presses were off attending to campaign affairs.

So thoroughly were those who examined the subject impressed with the necessity of improving the character and quality of the Government notes and securities that the records of Congress show that when the question was voted upon 170 members were present and 167 voted

the question was voted upon 170 members were present and 167 voted in favor of the proposition, and only 3 are upon the record in the negative, while upon the final vote, I believe, the House was unanimous. If the gentlemen had been here, instead of in the excitement of a great political battle, and giving this matter their consideration, we probably would not have had the speeches of the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Massachusetts [Mr. LOVG].

Long].

We were in States where there were contests.

Mr. WHEELER. Now, Mr. Chairman, there has been some discussion regarding the relative expense of the two methods of printing the notes, certificates, and securities of the Government.

The advocates of the continued use of the steam-presses give us the

views of Mr. Graves, and I admit that the exhibit presented by him goes far to sustain the argument. But a careful investigation shows that there are many items of expense incident to steam plate-printing which are not included in Mr. Graves's estimate. The statements of Mr. Graves to which my attention has been called omit the following

First. The cost for privilege of construction is \$500. Second. The cost of patterns for the different presses is \$400 for each size, and it is stipulated in agreement said patterns must be returned to owners when

it is stipulated in agreement said patterns must be returned to owners when press is constructed.

Third, Twelve hundred and fifty dollars is paid for the construction of each press by the Government.

Fourth. A royalty of \$1 is paid on every 1,000 impressions printed on these presses while in use.

Fifth. An employé of the bureau made all the improvement that is on said presses, and claimed he was forced to surrender his drawings and plans to the patentees.

Sixth. Mr. Graves, in his testimony before Banking and Currency Committee, stated, "Among other things I have increased Mr. Harley's pay recently, simply on account of his services."

This is shown on page 84 of the stenographer's report of Mr. Graves's testimony before the Committee of the House on Banking and Currency. The Mr. Harley referred to by Mr. Graves is a machinist who has for many years been in the employ of the Bureau of Engraving and Print-

ing.

In addition to this, Mr. Little, in his testimony before the Committee on Banking and Currency, said:

The work done on these presses is inferior, and a lower standard has been adopted in the examination of steam-press work.

After the bill passed the House last session it was referred by the Senate to the Finance Committee of that House, who have taken testimony on the subject, which has been printed. I read from Mr. Ralston's statement to that committee, pages \$, 9, and 10:

Senate to the Finance Committee of that House, who have taken testimony on the subject, which has been printed. I read from Mr. Ralston's statement to that committee, pages 8, 9, and 10:

I started to speak on the subject of economy. There have been a great many tables submited by the Bureau of Engraving and Printing on this question of economy. I will venture to say without fear of contradiction by Mr. Graves or anybody else that no two sets of tables have agreed; that every showing submitted by them; that at one time Mr. Graves figured out a saving of \$9 for \$1 expended in royalty, another time he figured out a saving of \$9 for \$1 expended in royalty, another time he figured out a saving of \$4 for \$1, and if I mistake not, a third time \$2.65. I may be in error upon that point, but upon the \$9 and \$4 I am not in error. Never have there been any reports of economy submitted that agreed with any other reports. In every attempt made to show alleged superior economy of steam-press printing there have been from one to half a dozen different items of cost actually suppressed, that did not appear in Mr. Graves's figures. I make that statement in the broadest way, and I defy successful contradiction by Mr. Graves or any one else. To refer to the items—

Senator Harris. Do you mean suppressed items?

Mr. RALSTON. I mean the suppressed items that he has suppressed time and appressed that the has suppressed the suppressed items of the steam-press and the prime cost of the hand-press. The prime cost of a hand-press I believe is about \$1.25, possibly \$150. The prime cost of the steam-press and the prime cost of the hand-press. The prime cost of the steam-press and the prime cost of the hand-press. I has now risen to \$1,250. That difference has never been taken into consideration at all. In addition to that difference in the prime cost comes next this, the Government has paid the owners of these steam-presses \$500 for the privilege of constructing each press that they wanted to construct. That was a pure bonus.

Senator Har

same time probably \$600 in these two months had been expended in reconstructing a single press. The reasons why all these items have been suppressed are inexplicable to me.

Nor is this all. There have been machinists continually employed on those presses in keeping them in order; continually employed on the steam-presses; and although they were actively at work doing this very work, the repair of the steam-presses, to the extent of over \$100 a month to one man and something like the same figure, I think, to a second man, during the same month that this report was submitted, they are entirely ignored, and the money paid to those men is entirely ignored. So I say for all these and other reasons it is utterly impossible to place the first item of dependence on any figures submitted by Mr. Graves to Congress or to the Secretary of the Treasury.

Senator Hiscock. Before you pass that point I want to understand it. In Mr. Graves's letter to the chairman of the committee he uses the following language:

Graves's letter to the chairman of the chief of the bureau shows that while the number of sheets of securities printed increased from 28,217,706 in the fiscal year 1885 to 32,652,207 in 1887, the cost of maintaining the bureau ran down from \$965,195.47 to \$794,477.90."

There is a decrease of \$175,000 in running the bureau. It seems to me that you have got to show this, either that there was a large diminution in the other work which was done in the bureau in those years or else that that statement is not correct.

work which was done in the bureau in those years or else that that statement is not correct.

Mr. Ralston. I am perfectly willing to meet the statement on that point. The matter of economy, of course, it is well known, has been Mr. Graves's hobby for many years, and it is well worthy of investigation as to how this economy is effected. I think his bureau will stand investigation upon that point and the result will be not at least creditable from another point of view. The reasons for that, as I understand it, have nothing to do with this question of steamprinting. They have something to do with Mr. Graves's treatment of his employés. There are girls in that bureau who, I believe, formerly got from \$2 a day to \$3 a day that were reduced down to \$1.25 and \$1.50 per day, so that this grinding economy of Mr. Graves, who is a well-paid official, as he should be, has resulted simply to the detriment and the hardship of hundreds of employés in his bureau.

If a man deserves credit for grinding the face of the poor, Mr. Graves is entitled to it. The connection between that and the steam-press printing has not yet been demonstrated. I am prepared to admit that the bureau is conducted connenically. I am prepared to admit that the employés are paid less wages than they ever were before. I am prepared to admit that Mr. Graves has lengthened the hours of the plate-printers and of the girls. I am prepared to admit that he has put on an additional hour, or something of that sort, to the time of his employes, who certainly were wearied out with the work they had to do under the old system. I am prepared to admit all that. That is the way in which the economy has been effected. One thing more. He has effected this economy by constant deterioration of the materials employed in producing he results which he has attained. The ink which he has used in the plate-printing is not equal to what was used before. The rubber blankets which are used upon the hand-presses, as shown in the testimony taken before the Banking and Currency Committee of the House, have deteriorated in quality. There has been a deterioration in the quality of the paper used in the printing of Government securities. I am prepared to admit all that.

Senator Hiscock, Mr. Graves says in this letter:

"A just and orderly system of promotion has been followed, and the employés as a rule have had more constant employment and better wages."

Mr. Ralston, I am prepared to dispute that.

Mr. JORDAN, You might add that Mr. Graves wanted, according to his language to Congress in asking the change of the system from per diem to yearly, to have an opportunity, as he states in his reports for 1855 and 1886, to get extra work out of the employés without extra compensation. As the system is now he exacts at least four days a month out of every employé outside of the plate-printers with less wages.

Senator Hiscock. So that what you claim is that the decrease of \$175,000 a year, with a large increase of the work put out, is

This testimony goes far to justify the conclusion that the diminution in the cost of the present management of the bureau, as compared with its conduct in former years, is at least measurably due to lengthening the working hours of the employés of the bureau, while the pay of some of them has been decreased.

When I last addressed the House upon this question I said:

When I last addressed the House upon this question I said:

On this question of the relative cost of steam and hand work we can get some information from the report of the Third Assistant Postmaster-General of 1885. It appears that advertisements were made for bids to print postage-stamps for the year 1886. In the blank form of proposals furnished to bidders they were invited to bid upon five different classes of work.

The specifications in these five different classes were as I will read:

"Class No. 1: Price per thousand for stamps printed on hand-roller presses, Marked No. 1 in accompanying specifications.

"Class No. 2: Price per thousand for stamps printed on steam-power presses, with part hand-work. Marked No. 2 in accompanying specifications.

"Class No. 3: Price per thousand for stamps printed wholly by steam-power. Marked No. 3 in accompanying specifications.

"Class No. 4: Price per thousand for stamps printed by steam-power presses which require a portion of the work, such as wiping and polishing, to be done by hand, with the right reserved to the Postmaster-General to require the work to be done on hand-roller presses. Marked No. 4 in accompanying specifications.

which require a portion of the work, such as wiping and polishing, to be done by hand, with the right reserved to the Postmaster-General to require the work to be done on hand-roller presses. Marked No. 4 in accompanying specifications.

"Class No. 5: Price per thousand for stamps printed by presses upon which all the work is done by steam-power, with the right reserved to the Postmaster-General to require the work to be done on hand-roller presses. Marked No. 5 in accompanying specifications."

The report of the Third Assistant Postmaster-General then goes on to say:
"Upon opening the proposals, at the time appointed for the purpose, it was found that three bidders had competed for the contract, namely: The Secretary of the Treasury on behalf of the Bureau of Engraving and Printing of the Treasury Department, and the Franklin and American Bank Note Companies, both of New York. The bid of the Secretary of the Treasury, under class No. 1 (for printing on hand-roller presses), amounted to \$132,545.49; under class No. 2 (for printing partly by steam and partly by hand), to \$114,123.39; and under class No. 2 (for printing partly by steam and partly by hand), to \$114,123.39; and under class No. 1."

It will, I suppose, be admitted that the bid by the Secretary of the Treasury was made under the advice of the Superintendent of the Bureau of Engraving and Printing, or at least that the Secretary relied upon the judgment and experience of that official, and this bid shows that the then Chief of the Bureau of Engraving and Printing was thoroughly of the opinion that the postage-stamps executed by the steam-presses would not be satisfactory to the Department, and therefore that the successful bidder would be required to do the work by handpress. This result was so apparent to those who prepared the bid for the Treasury Department that the bid of the Secretary of the Treasury was \$132,545.49 (or testamps printed on hand-roller presses, and the bid was precisely the same, namely, \$132,545.49 (or the same work done on steam

Include the omitted items of expense and add the royalty of \$1 per thousand sheets, and the saving claimed for the steam-presses would be much reduced, if not, as is contended by some, wiped out altogether. More than one gentleman has insisted that the Secretary of the Treas-

ury advocates the use of the steam-presses. I think they are mistaken in this; but if he has said anything to justify such a conclusion it was no doubt owing to the fact that he had been misled by the Chief of the Bureau of Engraving and Printing.

That gentleman has been very strenuous in his efforts before the committee to present all the advantages of continuing the use of the

The Committee on Expenditures in the Treasury Department did not content itself with merely taking oral testimony. The commit-tee went in a body to the Bureau of Engraving and Printing and made a thorough examination of the presses and the work turned out by them.

We were escorted by the chief of the bureau and by other gentlemen

who seemed very earnest in their advocacy of the steam-presses.

I do not think the gentleman from Ohio [Mr. BUTTERWORTH] is correct in his suggestion that any advocates of steam-presses have been jeered, or that any terrorism has been exercised towards the advocates of steam plate-printing; but I can say that, unless reliable men have been very much in error, there is a system of terrorism in the bureau, but the terror is felt by the employes who, in their testimony, ventured to expose the comparative defects of steam-press printing.

Now, with regard to the object to be attained, we took the evidence of every gentleman who would come before us whether he was for or

against the use of the presses. We took the evidence of the officials of the Treasury Department, of Mr. Graves, of Mr. Bell, of Mr. Brooks, and those detectives testified that it was impossible to protect the people against counterfeiting if those steam-presses were allowed to remain in

operation.

Mr. LANDES. Have you reported that evidence to the House?
Mr. WHEELER. I reported the evidence in full. I made a report
of fifty-seven pages, with all the evidence and the deductions of the committee, but it appears that my friend [Mr. LANDES] who makes a speech here this morning, has not taken the trouble to read it.

Mr. LANDES. I ask the gentleman's pardon.
Mr. WHEELER. I do not suppose that one gentleman who has with which was spoken in favor of retaining these presses has read this evidence which we took during three months of hard labor. One by one the members of the committee gradually changed their views until they arrived at the unanimous opinion that these steam-presses ought not to be used

by the Government.

Mr. MACDONALD. Who does the gentleman say is responsible for this "reign of terror" in connection with this work?

Mr. WHEELER. I can not say positively; but I always observed that Mr. Graves seemed much more inclined to consider favorably lawyers, witnesses, and others who came before a Congressional committee to advocate use of steam-presses than those who came to urge opposite views

Mr. MACDONALD. Now, will you please state more clearly than you have done upon what ground you claim that this terrorism has

Mr. WHEELER. I can only state that men whom I regard as reliable say that it is difficult to get employés of the Bureau of Engraving and Printing to give testimony which is unfavorable to the use of the steam-presses, because they do not wish to incur the displeasure of Mr. Graves; and, without making any special inquiry, I have been forcibly impressed with the idea that the chief of the bureau is not favorable to those who do not sustain or share his views upon the subject.

I would like to ask the gentleman a question.

Mr. WHEELER. I will hear it.

Mr. BLOUNT. I wish to inquire whether the gentleman has any official information from the Treasury Department that there is now in circulation among the people an unusual number of counterfeit bills, and whether this fact grows out of the character of this printing?

Mr. WHEELER. I have here the evidence of Mr. Bell, chief of the

secret service division of the Treasury Department, who testifies that during the last year there was more counterfeit money placed upon the market than ever before, and that this was in a great measure due to the inferior printing caused by the work being done on steam-presses. I will read one paragraph from what he said:

I will read one paragraph from what he said:

The Chairman. You are of the opinion that the present style of printing of all of our securities that are printed with steam plate-presses can be easier counterfeited and the counterfeits are more difficult to detect?

Mr. Bell. I would like to say in answer to that, that the Government, with sixty millions of people and \$140,000,000 of surplus, a rich Government, ought not to use inferior means of work to make Government obligations. They ought to use the best paper that can be made, and they ought to have it engraved in the highest style of the art, and from my knowledge, and from seeing bills that have been printed by steam methods of printing and by hand, there is no question at all, to my mind, that every bill should be printed by hand. I do not think they can get the depth of printing on a bill by steam, not in any of those I have seen. When a person can sit 10 feet away and discover the difference between those printed by hand and those printed by steam, as I did awhile ago, I think there is quite a difference in the bills in regard to printing. Some of the gentlemen in charge of the Bureau of Engraving and Printing might hear my statement and perhaps make one of their best kind of steam bills and a poor kind by hand, and ask me to show the difference. In that case, I want to have the privilege of going to the bureau, in the printing division, and getting one of them as they usually come out.

He states that he has been in the secret service for three years, and has had occasion to compare genuine and counterfeit bills. He then continues:

Mr. Brooks has said there were no better counterfeit bills than those shown ere. It is hard to detect them for the reason that the genuine bills are so

Then he goes on for some two pages of this report explaining that

the very inferior character of the bills makes it impossible to detect counterfeits.

Mr. BLOUNT. Does Mr. Brooks hold the same view

Mr. WHEELER. Yes, sir. He preceded Mr. Bell in giving his idence. They both agreed that the work now done by the bureau evidence. was very inferior. Mr. Bell said that some two months ago one of his detectives, the most expert that he has, condemned nine bills in Pitts-burgh as counterfeit; that those bills were sent to the Treasury Department and were found to be good; in other words, the bills printed by the Government were so poor that the detective pronounced them counterfeit. In fact, he says that many of the counterfeits now printed by hand-presses are far superior to printing of the Government by

Gentlemen have said that they have examined these bills printed by hand-presses and find them inferior to those printed by steam-press I admit that Mr. Graves shows this in some cases, but it is done by comparing bills printed by hand in an inferior manner, and these bills were compared with some bills printed as finely as possible by the steam-press. I admit that if you run a bill through the steam-press with the same care and in the same slow manner as if you were operating a hand-press you may make it as good as a bill printed by the handpress; but I contend that printing these bills in the ordinary way, as they are actually furnished to the public, they are infinitely inferior to those printed by hand-presses.

In conclusion, I wish to express the hope that as the Committee on appropriations has investigated this matter so carefully this House will not override their report, and will not vote to give one cent beyond what the committee recommends for royalty on these presses

Mr. FARQUHAR. Mr. Chairman, this House has already settled the question whether the steam-presses shall remain in the Bureau of Engraving and Printing. By an act passed at the last session—passed almost unanimously—this House declared that all this Government

work in the future should be done by hand-presses.

Now, Mr. Chairman, after one of the committees of this House has sat for weeks and weeks, after all its members have gone in person to the Bureau of Engraving and Printing and practically examined all this work, and after the committee has come in here with a unanimous report against steam-presses and in favor of hand-presses, it is very remarkable that at this late day we find men on this floor resorting to special pleading on this question and bringing up arguments which have been settled for at least one whole year, which were turned

out of the doors of the committee-room one year ago.

Now, I call attention first to the fact that this House has already declared that the steam-press shall not stay; and next I wish to refer to the condition in which the United States Government is tied up under this contract with Steele & Milligan. You will notice all through the report of Mr. Graves (this matter has been partially brought to the attention of the House in a speech of the gentleman from New Jersey) there is not one favorable word from this bureau for the hand-press. For years that man has stood there in defense of this patent and as the champion of Steele & Milligan; and this firm (Steele & Milligan) have taken \$65,000 from the United States Treasury—for what? For having patterns of presses cast by the United States, assembled by the United States, repaired by the United States, and royalty paid by the Government at the rate of \$1 for every thousand impressions coming

Why, let the House only think for one minute of this fact. I believe, to the best of my knowledge, while we were investigating this matter we discovered that there had been at least twelve valuable improvements made on this Milligan press since it was put in the office in 1878, made during the employment by this national Government, paid out of the Treasury, by a man hired by Mr. Graves, and these improve-ments are now owned by whom? By Steele & Milligan. And according to my last and best knowledge of that transaction, Mr. Chairman, the poor man who made these improvements had not received one cent from Steele & Milligan, but his wages only from the Government.

Men talk here of independence, of people being hissed at for being independent. There is no man employed in that office who can go into court and get his own improvements, because of the fact that he would lose his place. That is what is held over his head. That is the class

of tyranny in use by the head of a department.

Now, Mr. Chairman, I never knew until to-day that organized labor in this country had to come into this House and make apology to the wisdom, the prudence, and the honesty of its members. Why, what would be the difference suppose they had held a "town meeting" in the Bureau of Engraving and Printing and these men had afterward come here, what is the difference whether they are Knights of Labor, or who they are? They are methodical they are skilled mechanics. come here, what is the difference whether they are Knights of Labor, or who they are? They are mechanics, they are skilled mechanics, and they speak for their rights. The committee of which the gentleman from Alabama [Mr. WHEELER] was chairman investigated the matter fairly and gave them the rights they sought for, whether they were Knights of Labor or "scabs" or "rats."

The gentleman from Ohio [Mr. BUTTERWORTH] spoke of the independence of dying in the last ditch for the rights of man. Why, sir, the worst things in the world can die in the ditch as well as the best. [Lapotter]

I wish to say to the gentleman from Ohio [Mr. BUTTERWORTH] in my knowledge of organized labor, reaching back over thirty years, I defy any man in this House or elsewhere to say otherwise than that the organized mechanics of this land have been the men who have kept up your wages and built up your industries. Why, if we were not organized we would be a mob subject to the caprice of capital and its ownership; but instead of that we level up in privileges as quickly as capital can and meet it face to face, as our existence depends on it.

Mr. Chairman, I say independently of this sophistry of steam machinery, this special plea put in here to save this monopoly, I say no skilled man in the Bureau of Engraving and Printing dare, under the solemnity of an oath, say the steam-press does work equal to the handpress. I put it fairly, I do not speak as an expert printer, I say you can go and ask the foremen (guarantying them their places, that they will not be turned out of employment), and from the engraver down to the wiper they will condemn these steam-presses

More than that, it only wanted the presence of that committee to go through that whole building to find out about it. I went and examined, sheet by sheet, what was turned out by the hand-press and what was turned out by the steam-press, and as a practical mechanic I con-demn the latter. I condemn it because I believe it is dangerous to put anything that is liable to be counterfeited in the hands of the poor

The CHAIRMAN. The gentleman's time has expired.

Mr. FARQUHAR. One word more. I have no interest one way or the other in this matter. I speak simply as one desiring to see the Government honestly served and fairly treated, and that its employés should not be badgered because they belong to organized labor.

Mr. SOWDEN. Mr. Chairman, I do not propose to enter into any discussion of the merits involved in this controversy, but simply rise to refute a single statement made by the distinguished and eloquent gentleman from Ohio [Mr. BUTTERWORTH] in the presentation of his manly and fearless argument. I regretted exceedingly to hear him say that the Knights of Labor or members of this honorable and worthy organization had hissed certain employés of the Bureau of Engraving and Printing engaged in operating the steam-presses as they went in and out from their work in that bureau. I would like him to point out a single instance of this kind that can be authenticated.

The methods of the Knights of Labor are beyond such low practices, and as an order they are not opposed to the introduction and use of labor-saving machinery. On the contrary, it is favored. They come here in the interest of an honest contention for hand-press work in prefcrence to steam. They contend that it has been established beyond controversy that the hand-printed Government securities and United States notes are far more excellent and durable and less capable of being simulated or counterfeited than steam-press work. As stated in the beginning, I do not propose to discuss this matter. I think the House fully understands it, and I feel certain that I can add nothing to what

has already been so ably said by others on this subject.

Mr. BUTTERWORTH. Mr. Chairman, there is nothing easier than to knock down a man of straw when you set him up with direct reference to doing that particular thing. There has been no intimation here on any behalf, so far as I have heard, that it was unwise for labor to organize. Exactly the reverse is true. I take a broader view, however, on the question of labor than some gentlemen seem to take in the discussion of this question. If I do not misapprehend my country and my countrymen, this is a nation of laborers. I not only do not oppose organization in the interest of labor in all its branches, of every craft and handiwork, but I heartily approve of it. I do not approve of all their methods. I do not approve of the exercise of force or anything akin to it for the purpose of either excluding any American cit-izen from any walk of life or any calling to which he may see fit to turn his attention. Very far from it.

So far as the statement was concerned which related to the hissing of certain employés in the Bureau of Engraving and Printing, I stated the facts as they came to me. The gentlemen of the committee who conferred with me here about it admitted that it was true and that the occurrence took place beyond any question. I merely stated the facts as they came to me, and they are undisputed.

But, Mr. Chairman, while recognizing the importance of labor organizations it is needless for members of this House to shut their eyes to the fact that one of these organizations in New York insisted upon starving a widow and her children into compliance with their behests. We are perfectly familiar with the facts, and while I do not in anywise object to the organization of labor in the interests of men, however or wherever they may be employed, I do protest against the utilization of these organizations for the purpose of compelling obedience zation of these organizations for the purpose of compelling obedience to their high behests, except by argument, by reason, to influence the understanding of men, or by moral suasion. And, sir, I ask the committee if they can ascertain whether, in point of fact, bureau employés were free to testify touching the excellence of the work now and here called in question; or would they, if so testifying, be placed under the condemnation of their fellow-workers and hissed upon the streets and in the building where they were employed? If it was true, as had been alleged, against that I did and do inveigh.

Now, one other matter. I did not suggest that the Knights of Labor, or that intelligent men anywhere in the ranks of labor, were opposed to the introduction of labor-saving machinery. I know to the contrary. I have investigated the influence of labor-saving machinery, trary. I have investigated the influence of labor-saving macninery, and I have found, so far as I have done so, that instead of taking bread out of the mouths of the wage-workers exactly the reverse was true. It has enlarged the field of employment and increased the number of employés. It has increased the number of laborers and enhanced their wages. But I know that sometimes misguided men, nanced their wages. But I know that sometimes misguided men, under the belief that it is against their interests, have fought, even to the extent of personal violence, against an introduction of labor-saving machinery. Jacquard, the inventor of the Jacquard loom, was driven from Lyons by the infuriated weavers, who thought that his invention was robbing them of the fruits of their labor; but he was welcomed back by the same weavers in after years, and a monument was erected to his memory by the laborers whom his invention had blessed. The inventor of the hobbinet machine was driven from his because his The inventor of the bobbinet machine was driven from his home, his machine destroyed, and yet the laboring men afterward recognized him as one of their great benefactors. The inventor of the sewingmachine was driven from the ranks of labor where he had moved in the city of Paris and was trying to perfect his invention; but the populace afterwards found that in point of fact his invention and similar inventions had multiplied the quantity of bread that they were able to earn for their children.

Now, touching the Knights of Labor, another word. It is well known that petitions have been prepared here and circulated broadcast throughout the country and again presented here in volumes when important matters were under consideration. The single individual who prepares these papers for the signers seemed to regard them as a sort of political shibboleth which is to be used in this House, not to persuade but to compel members to yote for that which their judgment may not approve. A certain gentleman affects to be able to touch a button and turn loose the pent-up wrath of a million Knights of Labor on the devoted head of the member of this body who presumes to say his soul is his own and votes as he will have to answer to his constituents, his country, and his God, but in disregard of the mandate issued by the

gentleman who controls all this bottled wrath.

It is well known to this House and to this committee that all I insist upon in this matter is that we should stand by our deliberate judgment, formed and founded upon the facts introduced here, and not yield to a suggestion that it will jeopardize our political lives if we do it. I called attention once before in this House to the fact that a circular was sent from this Hall to the country singling out those who were the friends of the people, and singling out those who were not; and the author of that circular proposed that he should fix for the voters the standard of American manhood, and decide what the duty of a citizen of the United States was, and that any man who dared question the honesty or soundness of his judgment was to be kicked out of the public service. Many men who were classed as enemies of the people were the worthy descendants of the men who fought the battles of the Revolution, who gave us a country and a free government and our grand Constitution, and whose children have kept and maintained them all until this hour, and are still the faithful and constant watchers on the walls of the temple of our freedom, and yet they were denounced as enemies of the people. And the man who thus denounced us has heretofore exercised a mightier influence in this body than the prayers of all the patriots that ever marched under our flag in defense of the Re-

Gentlemen, we can not shut our eyes to the fact that these influences are too potent in our midst. I say to my friend from New York that it is not in him, and the Almighty God can not put it in him, to be more the advocate of the sons of labor, wherever they are, than I am. I have three boys, to whom I can not leave much beyond the rich heritage of citizenship in the United States, and I deny the right of any association of men to say to my boys or to any one of them that they or he shall not learn the trade of his father, whatever that trade or calling may be. That is the right assumed. Against that I protest. Wise and just legislation is sure to result if we will listen to the dictates of reason and be guided by an enlightened conscience. But when we hoist our sails solely to catch the political trade winds which are controlled by organizations here and there, just so long are our free institutions in danger, not because we do not know better, but because we have not the courage to do better.

So far as these machines are concerned, I do not know whether they ought to go out or stay in. Touching that question I will pay my friend from Alabama whatever of compliment is implied in the suggestion tion that reports made from facts gathered in the midst of a wild political storm, where the report may be potent to turn the doubtful scale of a political contest, have no more weight with me than the deliberate judgment of the Secretary of the Treasury and the large number of experts whose testimony we have before us. It is this matter that leaves me a little in doubt as to whether we should utilize these ma-

chines or not.

Mr. WHEELER. Have you read the report made last August?

This that that makes Mr. BUTTERWORTH. I read part of it. It is that that makes me doubt what we ought to do. We had there a committee of honorable gentlemen of this House who could hardly wait with patience until we could put those machines out. The sworn officers of the Government assure us, after making an examination under their oath, being sworn

assure us, after making an examination under their oath, being sworn to protect the interests of the United States, and who are not subjected to outside influences, that they should not be taken out.

I was assured, as my friend from New Jersey suggested, that the use of these steam-presses entails a loss on the people; if counterfeiting could be in larger measure prevented or if we could better prevent it have reason of the better work of the hand-press our course would be by reason of the better work of the hand-press, our course would be clear. We have been so accustomed to witness our judgment being warped a little as we watched the political breeze arising here and there that I am very anxious to know the facts from officers who are independent of these political trade winds before I act finally in this

My friend from New York [Mr. FARQUHAR] has called attention to the fact that Government employés have invented certain improvements in this machine. I have always insisted here as a friend of the inventor, to whose genius we are indebted for our magnificent development, that we have no right to take from him the products of his genius, though in the line of his calling. I think my friend will find on the statute-book a law which I have considered unjust, that where an employé of the Government, in the line of his calling or in the line of his employment, invents any machine connected with that line of employment, it shall inure to the benefit of the Government to the extent that the United States may use it without paying royalty or other consideration for such use.

Mr. FARQUHAR. And that the royalty shall go to Steele & Milligan, as it would on this machine.

Mr. BUTTERWORTH. Ism talking of the interest in the inventor. I have insisted upon this floor that it is not just, in case an employé of the Government invents an improvement in the machinery he is using in the calling in which he is employed, that the Government should have the right to use it without compensation to the inventor. I have said that I deprecated that statute being in existence; but in this case it is not the fault of this House

The CHAIRMAN. The time of the gentleman has expired.
Mr. FARQUHAR. I would like to ask the gentleman from Ohio to what trade he refers when he says that his son can not be entered as

Mr. BUTTERWORTH. If the House will indulge me, I will an-Mr. BUTTERWORTH. If the House will indulge me, I will answer by giving a little experience, which is only one of many. One of my colleagues, who sat right by me, was approached by a carpenter of this city. He said, "I wish you would find employment for my two boys; they can not get anything to do, and I have nothing for them to do." The member said to him, "Why do not they learn the trade of their father?" The carpenter replied, "Because they can not under our rules." The member asked, "What are your rules?" The man replied, "We can not take apprentices against the rules of the union, which only allow a certain number, and the number is full." The member said, "Do you mean to say that your two boys can not go to the house you are building and hold one end of the plank while you The member said, "Do you mean to say that your two boys can not go to the house you are building and hold one end of the plank while you are nailing the other?" [Laughter.] "No," said the man, "they can not." "Well," said the member, "what would be the result if they did? The man replied, "They are not permitted to do anything in the trade of a carpenter in assisting me unless they are regularly entered apprentices; and the list is full. If I did permit them I would be dismissed from the union. If dismissed from the union I would be a 'scab' where I worked. If I was a 'scab' no one would employ me. If they did employ me they would be 'boycotted,' and if they were 'boycotted' they would be in a bad way." [Laughter.]

Beautiful spectacle, is it not? The father must deny his own children the right to help him earn bread. They may become tramps, but

dren the right to help him earn bread. They may become tramps, but they must not learn their father's trade or they will all be called scabs

and starved into obedience.

Hence it is that I say to my friend, against that policy I inveigh; that which prevents a carpenter or blacksmith or machinist from teaching his own boy the business or profession or calling of his father without the consent of these organizations. Must we have a law above the Constitution and above the statute, a law that robs every citizen of the most sacred right of a freeman, the right to earn an honest living in the

calling of his choice?

I do not want to follow the gentleman into the carpenter-shops; but I want to say this, that in two great departments here you can not put in an apprentice, the Government Printing Office and the Bureau of Engraving and Printing. Now, the reason for the action of every trades union in making an apprenticeship limit, whatever may be the quota allowed-seven journeymen to an apprentice, or five journeymen to an apprentice, or whatever it may beson of it rests upon the best judgment of the whole trade. I will give an illustration. This man, or any other man employing labor, can, in the course of four or five years, fill his establishment with twothirders, that is, men who are not full journeymen, and with appren-tices, and he can then hire one or two skilled men to control the labor of the establishment.

Now, I appeal to the gentleman from Onio himself. Suppose he was a journeyman in that shop and a member of the union, and the question was presented, "Shall we unlimitedly bring in these unin-

dentured apprentices?" And suppose he had his own family, his wife and four or five children, to take care of, I ask him whether he would allow either a scab proprietor, or a rat proprietor, or a two-thirds proprietor, or any other contemptible employer of such labor, to drive him from his bread and butter, and from the support of his wife and family? The gentleman appealed a while ago to my honor as a tradesman. I appeal now to his manhood to keep the man who is the head of the family at work, and let the apprentices find work elsewhere, and the two-thirders also.

Mr. BUTTERWORTH. That is just the point.
Mr. FARQUHAR. And that is the aim and object of the efforts of

organized labor for four hundred years.

Mr. BUTTERWORTH. But where are the three boys of the carpenter to find work? Are they to go with their father and learn his trade, or are they to go out on the highway as tramps?

Mr. FARQUHAR. No; but I do not suppose they would all want

to be carpenters.

Mr. BUTTERWORTH. No; but they have a right in a free country to be carpenters if they want to, and if they can not handle a jack-plane and saw to earn bread without the permission of some association, we have scant liberty left. Skill and pluck in this country win the goal.

Mr. FARQUHAR. Ah!

Mr. BUTTERWORTH. They do. But what is to become of the boys, I ask again, that this carpenter desired to have work with him? They go to the next shop and they find the list of apprentices full; they go to the next and it is full. What is to become of them? Shall the full-paid men keep them as paupers? Shall they become tramps? Shall they go out upon the highway as bandits?

Mr. FARQUHAR. And what is to become of your adult laborer who is walking the streets now without employment? I can show you in New Jersey and in other places establishments in which more than twothirds of the labor is made up of apprentices and two-thirders, while the heads of families walk the streets without means of getting bread

for themselves or those depending upon them.
Mr. BUTTERWORTH. Undoubtedly, and

Undoubtedly, and if this House would do its duty the children of the men who have kept the Republic would not be crowded out of their employment by ship-loads of the lazzaroni of Europe that land daily upon our shores. [Applause.]
Mr. FARQUHAR. That is just what the trades unions are doing,

shutting out the lazzaroni and your two-thirders.

Mr. BUTTERWORTH. I am with them if they do that; but the real trouble is here. The men and the boys from New England, from New York, from Pennsylvania, from Ohio, from Indiana, are pushed out upon the highways by reason, not of immigration-immigration brings energy, pluck, some money, the capital of labor, and what is equally important, they bring moral and intellectual worth and habits of indusry; but we are having thrown upon our shores every hour, and this House is afraid to interfere—I repeat it, afraid to interfere—beings who represent nothing on God's earth but an appetite, a stomach, and an alimentary canal. [Laughter and applause.] And yet fool philan-thropy, and, what is worse, demagogy, welcomes this voting pestilence to our shores. Who, of right, shall say that I shall not teach my boy my trade? How long has it been, how long will it continue to be, that I shall not teach him to be a blacksmith if I am a blacksmith? That he shall not learn the carpenter trade if his father is a carpenter, or that he shall not read law with his father if his father is a lawyer?

No man, no combination of men should say it. It is unjust, it is un-American, it is undemocratic, and is at war with the genius of our institutions. We all have a right to get bread. The country is broad and open, and I have a right, in defiance of the rule of any organization, to go to my friend [Mr. FARQUHAR] and say to him, "I want employment with my boy," and it is infamous if he is in fear compelled to answer, "I will hire you, but I cannot employ the boy that comes with you (although I need him and you require his help) because of the prohibition of some organization." That is un-American, and either that system of despotism will cease or the Republic itself must perish. [Applause.]

Mr. McADOO. Will the gentleman answer a question? Is it not unfortunately true that the average American boy is not inclined to learn a trade?

Mr. BUTTERWORTH. No no a thousand times no But he recom-No man, no combination of men should say it. It is unjust, it is

Mr. BUTTERWORTH. No, no; a thousand times no. But he recognizes that there was a time in this country when moral and intellectual worth were the measure of a man's social standing, and he has seen that standard changed and lowered by a system of immigration which has tended to dilute our moral organism, our social organism, our political organism, and degrade our business methods until the boys shun the association into which they may be thrown. not afraid of labor. They do not shun trades-far from it. have a right to shun the association of beings that are less than men. Labor is ennobling—it dignifies man—but we may bring to our shores to fill the places of worthy men those who, no matter why, are unfit to become citizens of the United States, but do none the less, and become mere voting animals. And we have refused to interfere until in

the land vice holds the balance of power and we play to catch its favor.

Mr. FARQUHAR. Where does Mr. Powderly, the head of the

Knights, stand on this very question you are discussing?
Mr. BUTTERWORTH. I do not know where he stands. I do know

that neither House of Congress up to this time has dared in the presence of political necessity to stand by the homes of my country. Congress has not done this; I hope it will do it before this session is over;

but I have no such expectation.

I protest again, as I always will, that no association in the world has a right to punish me and starve me to death because I hire this man or that. My friend from New York can not approve the course pursued or that. My friend from New York can not approve the course pursued in New York City in regard to the poor widow woman who kept a bakery, which she carried on for the support of herself and children. She hired a baker without the permission of this association, and these gentlemen who are supposed to have charge of the laboring classes of this country and their interests, tried to starve her to death; placed stalwart sentries before the door of this poor widow to starve her into starwart sentres before the door of this poor widow to starve her into surrendering the highest right an American free woman ever enjoyed, the right in an honest way to earn bread for herself and her children without the permission of the louts who masqueraded before her door. That is un-American; and against that I protest. It is in that line I

am talking here to-day.

The man who denies that every man upon this floor (with no exception so far as I know) is the friend of labor in this country is a dema-I stand in the presence of men who helped to preserve the Republic, whose fathers won it, who themselves upheld it, who know that the homes of my country are the source of its strength and power, that that prosperity is not worth having which does not reach to every home in the land where intelligence, virtue, and industry abide. And there

in the land where intelligence, virtue, and industry abide. And there is only one way to bring about that general prosperity—that is by means of the largest liberty to each individual to fight the battle of life as best he can, untrammeled by a system which prevents him from enjoying all the rights and privileges which ought to belong to free men.

But I beg pardon; I had not intended to go at such length into this question, though I can say that I am reasonably full of it. [Applause.]

Mr. CRAIN. Mr. Chairman, I have been very much edified by the discussion which has just taken place between two distinguished representatives of the laboring people of this country on the Republican side of the House. It would have been very advantageous, I doubt not, for the Democratic candidates in the late election if the gentleman from Ohio had delivered, prior to that election, the utterances to which he has given vent to-day.

he has given vent to-day.

Mr. HENDERSON, of Illinois. He did.

Mr. CRAIN. If it be true, as suggested by the gentleman from Illinois, that he did express them, I am perfectly satisfied that those utterances were not greeted with that enthusiastic applause with which

The Republican party, Mr. Chairman, has posed as the advocate and the champion of the rights of the laboring men of this country. In every speech that was made by the leader of the party on the other side and by every man who followed in his wake, it was charged that the mission of the Republican party to-day, slavery having been abolished, was to emancipate the laboring men of this country from that slavery which they predicted would necessarily result if the Democratic view upon the tariff question should obtain, and the pauper labor of Europe come in competition with the laborers of this country

Last night I received a letter from a representative Knight of Labor in the city of Galveston, in which he stated that the reason why so many of the Knights of Labor who had heretofore aligned themselves with the Democratic party had voted against its nominees in the last election was that it had been started from Washington that the Democratic party was the enemy of the laboring man, and that the Republican party was his friend. He cited instances. He called attention to the fact that the Democratic leaders had refused to allow certain bills to come up in which the laboring man of this country was in-terested, and that the reply to the question why it had been done was that the Democratic party was the enemy of the laboring man and the

Republican party was his friend.

And to-day what do we find? After an election in which the laboring men by casting the balance of power in behalf of the Republican candidates elected them to the high offices of President and Vice-President, we find one of the most distinguished representatives of that party on the floor of this House attacking the laboring men because, forsooth, they have done what capital has done-because they have organized themselves for their own protection. It has been asserted here repeatedly by the gentleman from Maine, by the gentleman from Ohio, and by other gentlemen who have spoken in behalf of the protective system, that the high wages in this country are attributable to that system. I venture to say that the reason the laboring men of this country have been able to maintain the rate of wages which they now receive is that they have organized themselves in trades unions and in Knights of Labor organizations, and in this way have compelled the corporations and other employers to pay them the rate of wages which they demand.

But, Mr. Chairman, when I arose it was not for the purpose of entering into this discussion. When the question of according to the Aping into this discussion. When the question of according to the Appropriations Committee the right of way for the consideration of this bill was before the House, it was stated by the chairman of that committee that any gentleman who desired to discuss, in connection with this bill, any question in which he was interested would be accorded

the right to do so at length. I am interested in one item of the billthat which affects the appropriation for the securing of the reservation upon which Fort Brown is situated; and I ask that I may be accorded the right, when that item comes up, to discuss it for one hour.

I ask the unanimous consent of the House for that purpose

The CHAIRMAN. The gentleman from Texas asks unanimous con-sent, when the item is reached for the Fort Brown reservation, he be allowed to address the committee for one hour. Is there objection?

[After a pause.] The Chair hears none, and it is so ordered.

Mr. BLOUNT. Mr. Chairman, I do not think the pending question

depends upon whether or not the Knights of Labor are in favor of steam-press printing or are against it. I do not think it is to be determined whether or not one party or the other favor this appropriation. It is a naked question of what is for the interests of the American people. It relates to the soundness of our circulating medium. If we can issue as good a bill by steam-press as by the hand-press, and we can do it at a less rate, of course, to my mind, there is nothing left in the way

of difficulty in reaching the right conclusion.

I do think it is of the highest importance to the people of this coun-I do think it is of the highest importance to the people of this country that our circulating medium should be made as difficult to counterfeit as possible. I do not think there should be any question of cost in the issue of the bills at all. I do not undertake to pass upon the steam-press or hand-press methods. I do not claim to be an expert on that matter. I can only resort to the opinion of those who are of authority on this question. I find in this report, in the testimony of Mr. James J. Brooks, who was for twelve years at the head of the secret service division, and was in special charge of guarding our currency against counterfeiting, testifying before that committee and currency against counterfeiting, testifying before that committee and using the following language:

The CHAIRMAN. Have you examined notes executed by hand and by steam

The CHAIRMAN. Have you examined notes executed by hand and by steam plate-printing?

Mr. Brooks. I have seen some that were said to be executed by steam plate-printing, but of course I had to take the hearsay; I did not know; but those I saw were in my judgment inferior to the work that I had seen prior to the introduction of those machines.

The CHAIRMAN. Were those which you understood were printed by steam plate-printing, bills which could be counterfeited easier than those printed by hand?

Mr. Brooks. Yes, they were because they did not seem to have that care

plate-printing, bills which could be counterfeited easier than those printed by hand?

Mr. Brooks. Yes, they were; because they did not seem to have that care taken with them. I have seen a number of blurred notes, but it may have been that these blurred notes were in consequence of the hurry of the demand for such a denomination, and the notes have gone out blurred and gone out on unsized paper. I remember during the administration of Mr. John Sherman there was a great deal of paper that was lying around. I think it was at the time they ceased printing fractional currency; and I understood the paper was cut up for various uses, for notes and for bonds, and this paper was localized fiber. I have seen notes on which, instead of the localized fiber running right across as it should, it ran the entire length of the note. About that period of time when this paper for economy's sake was being cut up, I have had a number of communications from around the country that a new counterfeit of the 20's and 50's was out, and when I sent for the notes I have found they had been printed on unsized paper and that they were genuine notes.

Now, in relation to these present issues, while I say I am not an expert, I do say I do not know where there is a greater temptation for counterfeiting than on these issues, from what cause I do not know—whether it is in the plates, whether it is lack of depth of engraving—but whatever it is, after a short season of use, the geometrical lathe-work is all blurred so that you can not tell whether they be genuine or not. There was a time when I would defy anybody to deceive me on a counterfeit note. I would look, for the difference between a counterfeit and a genuine, at the engraved work on the geometrical lathe, and if I found that perfect I should know it was genuine, for where it is done by hand I would find the lines broken and the crossing of them thick and I could readily tell it; but if you ask me to determine that now without a very close scrutiny of these notes I would respectfully dec

Again he says, referring to certain notes: At the first glance if I had given my judgment I would have been greatly deceived. If they were handed to me while new and crisp and had not suffered any extraordinary wear and tear, I should not be deceived in them. While in the Treasury on Thursday last I handled notes, genuine and counterfeit, and I tell you frankly I would not then hastily venture an opinion as to certain notes I handled, as to whether they were genuine or counterfeit.

So Mr. Brooks goes on in this way in his testimony to the effect that the present printing of these machines is more easily counterfeited.

Then Mr. Bell, who has been for some years at the head of the serv-

ice, says:

The Chairman. Was that the case with those bills that were printed years back by a hand-press in the highest style of art?

Mr. Bell. I think not, because since I have been in the secret service—three years—I have had occasion to examine the old-style genuine bills and the old counterfeit bills which we have in our office. We have them in a book in the office, where we exhibit them to the public, and I have often gone to look at these bills, almost every day. Well, Mr. Brooks has said there are no better counterfeit bills than those that are shown there. It is harder to detect them now, for the reason the genuine bills are so poor—I will say that. I want to be placed on record as saying in my judgment the Government does not give the same protection to the Government securities as they should give; and this is my candid opinion, that the Government should not look to economy; they should look to the highest style of art. It is much easier for the counterfeiter to deceive the public now, in my opinion, than ever before. It ought not to be that the Government should regard a few dollars in printing their bills by steam and with cheap paper. They should buy the best paper and use the highest style of art in printing, and get the best men for engravers. They should be printed by hand, and every other means should be adopted to protect the public from counterfeiters.

Mr. Bell. Yes; I mean to say that if the genuine bill was printed on the best of paper and the highest style of art now, it would be easier to detect than it would be with these silver certificates; that is what I mean to say. I have not said this yet, which I intended to say. Chief Brooks said something about it, He meant to have said it—I know he did, for we have talked it over together—

I mean to say now it is easier and less difficult to counterfeit now than ten or twelve years ago. They do not now have to engrave the plate entirely as they used to do. They now use a photographic process, and they can get a counterfeit nearer the genuine now than they could with that older issue; and in place of the Government increasing the difficulty to counterfeit the bill, to my mind they are just opening the doors to counterfeiters. If that is plain English I want that put down.

Here is an officer at the head of the secret service who is specially charged with the matter, and who reports to the Commissioner and the House as I have read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANSUR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Mc-Cook, its Secretary, announced that the Senate had passed the bill (S. 3794) granting to the Big Horn and Southern Railroad Company a right of way through part of the Crow Indian reservation in Montana Ter-

A concurrent resolution providing that the two Houses of Congress shall meet in the Hall of Representatives on Wednesday, the 13th day of February, 1889, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and the laws, to count the electoral votes; in which concurrence was requested.

Also, that the Senate disagreed to the amendments of the House to the bill (8. 3116) granting an increase of pension to Thomas Wynne, asked a conference with the House thereon, and had appointed Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE managers on the part of the Senate.

Also, that the Senate had passed without amendment the bill (H. R. 11785) to authorize the commissioners of the District of Columbia to permit the temporary occupation and crossing of certain streets in the city of Washington and District of Columbia by the tracks of the Baltimore and Ohio Railroad Company, to meet the demands of increased travel incident to the inaugural ceremonies on the 4th of March, 1889.

Also, that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape.

### SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BLOUNT. Now, Mr. Chairman—

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TRACEY was recognized, and yielded his time to Mr. BLOUNT. Mr. BLOUNT. I will not take the time, sir, of the committee further, although I could read various extracts from the testimony of the former chief of the secret service division of the Treasury Department, and also from the testimony of the present chief of that division, bearing upon this subject.

The gentleman making this report, and I have not had time to examine it thoroughly, uses the following language:

Mr. Graves admits that steam-printing is not equal to hand-printing.

Now, sir, if that be true, and I know of no better testimony to go to than the persons who have been selected by the Government for fifteen years to watch the currency, to watch counterfeiting, and to put offi-cers, where there is any allegation or suspicion of crime, upon the track of the wrong-doer-I say I know of no better persons to whom I can resort for testimony than these very persons to ascertain the exact character of the currency of the country and whether it be true that the work of the counterfeiter is rendered easier under one process than the

To my mind, if it is not conclusive testimony it is sufficient to put me on my guard and say that I will vote no more money on this question while the matter is in doubt.

Gentlemen say, "Why, this matter is under the Treasury Department, and under the head of the Chief of the Bureau of Engraving and Printing; let them correct it." If it shall appear from these high sources that I have quoted that this has not been done in the past, if there is a difference of opinion between the Treasury Department and the chief of that bureau and other officials, and there shall be raised a question of doubt about it, it behooves every member on this floor to stop the use of this process until the matter shall have been determined beyond all question of doubt. I have a high respect for the head of the Treasury Department and I have a high respect for the Chief of the Bureau of Engraving and Printing, but that personal respect has nothing to do with the matter presented here. Like the gentleman from Ohio, I am not here to do the bidding of the Knights of Labor or of any other person, but simply to follow out the mental processes dictated by an honest effort on my part to do what is right, and taking this testimony as it appears on the report of the committee of the House, I am unwilling that this process shall be continued, not because of any dictum from the Knights of Labor, but because I believe that the interests of the people of this country and of all the people of this country are very greatly involved in the soundness of the currency which is to circulate amongst them and to be utilized in the transaction of their business.

Mr. KERR. Will the gentleman yield for a question?

Mr. BEJOUNT. Certainly.
Mr. KERR. When did Mr. Graves, the Chief of the Bureau of Engraving and Printing, admit that steam-printing was inferior? At what time was that done?

Mr. BLOUNT. I have already stated to the gentleman that I have not had the opportunity to examine all the testimony in this connection. I quoted the testimony of Mr. Brooks, formerly at the head of the secret service division of the Treasury, and also Mr. Bell, and then I read from the report of the committee, made by the gentleman from Alabama [Mr. WHEELER] a quotation to the effect—

That Mr. Graves admits himself that steam-printing is not equal to hand-

More than that I have not undertaken to say.

Mr. KERR. Then why does he recommend the other?

Mr. BLOUNT. I do not know.

Mr. FARQUHAR. Because it is dirtier and cheaper.

Mr. BUCHANAN. Mr. Chairman, I fail to see the justice or the logic of this amendment. The bill provides the payment of 1 cent for a thousand impressions. The contract provides that while we use these machines we shall pay \$1 per thousand. The proposed amendment is that we shall use these machines in accordance with the contract, and pay only 50 cents per thousand in violation of the contract. And so, I repeat, I do not see the justice of the amendment. We should either pay that which we agreed to pay or stop using the machines. Shall we stop using the machines?

I personally know nothing of the quality of the work which they turn out, but I do know, as has been stated here so well by the gentleman from Georgia [Mr. BLOUNT], that we should be careful in the producfrom Georgia [Mr. Blount], that we should be careful in the production of our currency to take every possible precaution against its being counterfeited. I state further that a committee of this House investigated this subject, and that before them appeared, not gentlemen with eloquent speeches upon political and social economy, but men who were experts in the matter, to testify. They reported the testimony to this House and their conclusions of fact upon that testimony.

There the question of facts, from the testimony which was so taken before them, showed that these impressions made by these steam-presses were much more liable to be counterfeited than those made upon hand-presses. These are the conclusions of a committee of this House upon

presses. These are the conclusions of a committee of this House upon the sworn testimony taken before it. The House took these conclusions by an almost unanimous vote, and passed a bill suspending the operations of these steam-presses.

I read that report and every word of the testimony adduced by that committee carefully months ago, and I say here and now that if I had been a juror trying that case I should have been compelled upon my oath as a juror to find the same conclusions of fact upon that testimony which the committee did that took the testimony and made the report. So it seems to me that this House must act, not upon what some member saw when he was escorted through the bureau by the head of the bureau—a member who does not pretend to be an expert in these matters; not by the Secretary of the Treasury, who is not and does not pretend to be an expert in these matters; but it seems to me the judgment of the House ought to rest upon the testimony of experts examined before that committee, found true by that committee, and indorsed by the action of the House.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] asks unanimous consent to extend his remarks in the RECORD upon this subject. Is there objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. RANDALL. Iask unanimous consent that all debate shall close in twenty minutes upon this paragraph and all amendments offered or

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate upon this paragraph and amendments which have been offered or are to be offered be closed in twenty minutes. Is there objection?

Mr. FARQUHAR. I would like to know whether the amendment

offered is pending.
The CHAIRMAN. The amendment of the gentleman from New

York has not been read; but the gentleman can offer it.

Mr. RANDALL. Mr. Chairman, I am not going to cut off any amendment; but all I want is to close debate on this paragraph in twenty minutes

The CHAIRMAN. The amendment of the gentleman from New

ork is not pending, but it can be offered.

Mr. FARQUHAR. May I offer that amendment now?

The CHAIRMAN. The gentleman may offer it; but the The gentleman may offer it; but the request of the gentleman from Pennsylvania does not affect the presentation of amendments. The request is to close debate on this paragraph—on amendments that are offered or to be offered-in twenty minutes. Is there objection to that request?

Mr. FARQUHAR. I shall object unless I can be recognized to offer

The CHAIRMAN. The Chair has repeatedly stated that the gentleman may offer his amendment.

Mr. RANDALL. If the gentleman has any apprehension that his

amendment will be cut off, I will state to him that I am not going to cut off any amendment. I am only desirous of closing debate on the

pending paragraph.

Mr. FARQUHAR (to Mr. RANDALL). Can I be recognized to occupy

part of the twenty minutes?

Mr. RANDALL. It is a matter for the Chair to decide as to whom he will recognize.

The CHAIRMAN. The Chair has promised to recognize four gentlemen. Is there objection to the request of the gentleman from Pennsylvania that all debate on the pending paragraph shall close in twenty

Mr. ADAMS. What is the request?

The CHAIRMAN. The request is, that all debate on this paragraph and the amendments offered and to be offered be closed in twenty min-

Mr. FARQUHAR. I withdraw my objection.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. LAWLER. There has been a great deal said on this question both for and against. I do not understand that the friends of labor object to the introduction of machinery. We welcome machinery, because it is the brains and the handiwork of the mechanic. Capitalists were never known to introduce an idea, much less a piece of machinery.

[Laughter.] With the number of bills that we find upon the Calendar [Laughter.] With the number of bills that we find upon the Calendar here, carried over from session to session, and very many important matters now occupying the time and attention of Congress, and with an appeal made by the press, by business men, and by the working classes of the country for the consideration of, among other bills, that known as the Chace bill, and all the appeals that have been made, I say, to this Congress show that its members have failed to accomplish what was desired.

I say, in justice to the people of the country, that too much time is consumed in the consideration of questions of this class. It would not be so noticeable if this was the first occasion when this question was presented; but in fact we have had two or three reports upon it heretofore. The whole matter in a nutshell is that these steam-presses do not produce as good work as that which is done by hand. That fact has been clearly demonstrated by the committee representing the men who are producing these bills. They have shown the product of both kinds of presses to more than a hundred members of the Fortyninth and Fiftieth Congresses, and it is evident to every one who has seen the bills that the workmanship of the steam-presses is not equal to that of the others. Hence I say this is not a fight against the introduction of improved machinery. We welcome improved machinery; we dare not set ourselves up against it. But in this matter it has been demonstrated to the satisfaction of not less than two committees of this House that steam-presses do not do the work satisfactorily. However, my object in rising on this occasion was to suggest, as an hum-ble member of this House, that we should devise some way by which the business of Congress might be facilitated, and which would enable us to get more work done in a given time than we do now. Here, for instance, is a question which has occupied the whole of the working time of this day, when it might easily have been settled, and ought to have been settled, in an hour or less.

The CHAIRMAN. The time of the gentleman has expired.
Mr. OUTHWAITE. Mr. Chairman, I offer an amendment, which I now send to the desk, providing that hereafter the name of each person whose portraitshall be placed upon any bond, security, note, stamp, silver certificate, or fractional or postal currency of the United States shall be inscribed upon the plate under the portrait. The object of using such portraits in this way is not simply to adorn the currency, but to teach lessons of history and patriotism, to educate the people in those respects. We have thus spread abroad, and in daily circulation among the people, portraits of many of our illustrious dead. In some instances the name is below the portrait, but only in few. The name ought to accompany the likeness in every case, so that it would be shown what hero or statesman is thus honored.

Few, even of our most intelligent citizens, can tell the names of all the great men or women whose features appear upon our currency or our stamps, and to many people these portraits are meaningless pictures. The true purpose for which they are used is not subserved unless the names are there. The additional expense which would arise from the adoption of this amendment is so insignificant as to be unworthy of consideration.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio [Mr. OUTHWAITE], which will be considered as pending.

The Clerk read as follows:

After line 17, page 12, insert the following:

"And provided further, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, stamps, or fractional or postal currency of the United States shall be inscribed below such portrait."

Mr. FARQUHAR. I have an amendment at the desk which I hope will be read now

The CHAIRMAN. The Clerk will read the amendment.

The amendment was read, as follows:

On line 15, page 12, after the word "retired," amend as follows:
"Provided further, That no part of this appropriation shall be used for the repair or reconstruction of steam plate-printing presses."

Mr. FARQUHAR. I only want to call attention to the fact that when these Milligan presses were placed in the Bureau of Engraving and Printing under the original contract, one of the paragraphs of that contract read as follows:

The Bureau of Engraving and Printing will also furnish the power, heat, and other materials consumed in printing, and will charge you—

That is, the patenteewith the repairs to the machine.

Now, Mr. Chairman, I find in the other three contracts following that there is no mention made of the repairs, and I do know that the United States are now paying for all the repairs and for the reconstruc-tion of these machines. I also know that it was nominated in the bond that Steele & Milligan should pay for them, and I simply want to call the attention of the Committee on Appropriations to the fact that these parties ought either to be required to return the money which they have taken from the Government unjustly, or, if that can not be done,

that at least we should stop this expenditure.

Mr. CUMMINGS. Mr. Chairman, I congratulate the gentleman from Pennsylvania, the distinguished chairman of the Committee on Appropriations, upon his conversion to a system of legislation which I sought to apply when the appropriation for the expenses of the Civil Service Reform Commission was before the House. Bills for the repeal of the act creating that commission were buried in committee, and the only opportunity to reach the commission was by striking out the appropria-tion for its support. The gentleman gently chided me for this indirect method of trying to reach the commission.

My distinguished colleague from New York [Mr. Cox], who is con-fessedly responsible for the civil-service excrescence, while humbly ex-

pressing his contrition, kindly informed me that the manly way to reach the commission would be to bring forward a proposition for its repeal. He did not, however, out of the immensity of his kindness and the quarter-century of his parliamentary service, vouchsafe the informa-

tion how this was to be done.

The gentleman from Pennsylvania appears to be treading in my foot-

Mr. KERR. I rise to a question of order. Mr. RANDALL. I hope the gentleman will not raise any point of

Mr. KERR. I submit that the gentleman from New York [Mr. Cummings] ought to discuss the question before the House.

Mr. RANDALL. Oh, let him go ahead.

Mr. CUMMINGS. I am endeavoring to discuss the question before the House; and I am not responsible for the lack of appreciation and comprehension on the part of my friend from Iowa [Mr. Kerr]. [Laughter.]

Now, I say that the gentleman from Pennsylvania appears to be treading in my footsteps. He seems to be trying to accomplish by indirect legislation what has not been accomplished by direct legislation. I honor him therefor, although the necessity for his action is not so great as was mine. The House has already passed upon this question. It has already, after due and careful consideration, condemned these steam-presses

It has already condemned their work as inefficient, and, as the gentleman from New Jersey so aptly said, as "an invitation to the criminal ingenuity of the world." That bill, however, is upon exhibition in the United States Senate. It is hung up in one of its committeerooms. It has been left to the tender mercies of that convocation of millionaires who take such loving interest in measures for the industrial welfare of the workingman, and watch railroad legislation so carefully in the interests of the people. It is because there is no hope of the rescue of this bill from the clutches of these millionaires that this

clause was probably inserted in this appropriation bill.

The end justifies the means. I hope the House will stand by its action heretofore by standing by the Committee on Appropriations now.

Let the millionaire body crack its whip. We who come direct from the bosom of the people have it on the hip, and we can only secure an acknowledgment of our rights and of the rights of those we were chosen to represent by keeping it there and by standing by this committee.

[Applause.]
The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Long], which will be read.

The Clerk read as follows:

In line 9, page 12, strike out the words "one cent" and insert in lieu thereof the words "fifty cents."

Mr. WHITE, of New York. I move to amend the amendment by striking out "50 cents" and inserting "\$1;" making the clause read: For royalty at not exceeding \$1 per thousand impressions

Mr. Chairman, I desire to address the committee for a few moments upon this amendment, if I am now in order.

The CHAIRMAN. Debate has been limited by order of the com-

mittee.

Mr. WHITE, of New York. That, I understand, was simply upon the then pending question; not upon this.

The CHAIRMAN. Debate was limited on all amendments. Three

minutes of the time, however, remain.

Mr. RANDALL. I am perfectly willing that the gentleman from New York should occupy five minutes, if the House will consent.

Mr. WHITE, of New York. I think I can say all I desire to say in

the three minutes.

Mr. Chairman, I offer this amendment for the purpose simply of perfecting this bill. I do not understand that we are thereby to be committed in favor of voting for the continuance of these presses at all, or for the use of steam-presses. But we have had exhibited here, and But we have had exhibited here, and partly read, the contract which has been made between the patentees and the Secretary of the Treasury, acting for the Government. That contract provides for the building of certain steam-presses and permit-

ting them to be used by the Government as the property of the Government, and for paying for them.

It further provides, not that the Government shall continue to use them, but if it shall continue to do so, it shall pay for their use \$1 per thousand impressions, except in one contingency—that is to say, if the royalty shall be reduced to other parties the Government shall have the benefit of a similar reduction. That contract remains as a whole; and if you undertake to change it by making the rate of payment 99 cents per thousand impressions or 1 cent per thousand impressions, you violate the contract under which the Government has received this property from the patentees. In doing anything of that kind the Government would lay its strong hand upon these contractors and by force compel them to submit to that which as between two private individuals who had entered into a contract would not be permitted.

Mr. SOWDEN. Is it not optional on the part of the Government to

rescind the contract?

Mr. WHITE, of New York. I am not advocating the retention of these presses; but if the Government keeps them and undertakes to use them under the contract it must pay for such use according to the terms of the contract-\$1 for each thousand impressions; and we have

terms of the contract—\$1 for each thousand impressions; and we have no right, simply because we have the power of the Government back of us, to say that we will pay only one-half of the contract price.

Mr. FARQUHAR. How long does the contract continue?

Mr. WHITE, of New York. During the lifetime of the patent.

If any gentleman meets me with the proposition that this contract can not be enforced without the authority of Congress, which must make the necessary appropriation, he is simply begging the question. No part of this agreement can be enforced without an appropriation on the part of Congress. These machines can not be paid for without such an appropriation. I maintain simply that when the Government has an appropriation. I maintain simply that when the Government has bought and taken possession of these machines it has done so with the right to use them according to the terms of the contract under which it took them; and good faith on the part of the Government requires that Congress should carry out this contract under which the machines were taken. We have the right to reject these presses, to throw them back upon the hands of the contractors, if we do not think it wise to continue the use of them; but if we keep them we are bound to pay the price agreed upon, unless the contractors permit other persons to use the machines for a lower price.

Mr. LONG. Can not the Secretary of the Treasury in good faith

say "We can not use these machines any longer, and hereafter we will

pay you nothing?"

Mr. WHITE, of New York. Certainly.

Mr. LONG. May he not also say "We will not use these machines any longer unless you agree to a modification of the contract; if you will agree to accept 50 cents per thousand impressions, we will continue to use the machines; otherwise not?"

Mr. WHITE, of New York. Yes, that may be done without any

Mr. FARQUHAR. Can not the Government stop these machines being operated any day it chooses?

Mr. WHITE, of New York. Certainly.

Mr. FARQUHAR. And would the Government then be bound to y the royalty of \$1 per thousand impressions? Is it not the fact that if the Government discontinues the use of the machines it does not pay the royalty?

Mr. WHITE, of New York. I concede that.
Mr. FARQUHAR. That is just what I am contending should be done, that the Government should stop the use of these pres

Mr. WHITE, of New York. I am contending that the Government should keep its contracts with individuals, and should not, because it has the physical force, put itself in the position of extorting from an individual that which does not belong to it and that which is not right.

Mr. FARQUHAR. I thought the gentleman's proposition was that

the contract was for the life of the patent.

Mr. WHITE, of New York. Yes, it is; but the payment of the royalty is dependent upon the use of the machines. If the machines are not used, nothing is to be paid. If they are used, then under the contract the Government must pay for them at the rate of \$1 per thousand impressions.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker pro tempore, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. RANDALL (at 4 o'clock and 35 minutes

p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FINLEY: A bill (H. R. 12379) restoring Elizabeth Isabell to the pension-roll-to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 12380) granting a pension to Eliza-

beth Able—to the Committee on Invalid Pensions. By Mr. LANE: A bill (H. R. 12381) granting a pension to Mary K.

Allen—to the Committee on Invalid Pensions. By Mr. J. B. WHITE: A bill (H. R. 12382) for the relief of I. W.

Young-to the Committee on Claims.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk,

under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Memorial of the Loyal Legion of Des Moines, Iowa, praying for the publication of the naval records of the

Moines, Iowa, praying for the publication of the havai records of the late war—to the Committee on Printing.

By Mr. BAYNE: Petition of the Woman's Christian Temperance Union of Pennsylvania, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BOUTELLE: Petition of E. C. Small and 119 others (36 voters and 82 women), citizens of Cherryfield, Me., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, crnotation, transportation, and sale of all alcoholic liquors portation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CARUTH: Papers to accompany H. R. 12061, for the relief of Susan C. Ashcroft, formerly Susan C. Jackson—to the Committee on

the Judiciary

By Mr. CHIPMAN: Petition of August Behr, jr., and others, citi-

zens of Detroit, Mich., against the passage of the international copyright bill—to the Committee on the Judiciary.

By Mr. CASWELL: Petition of the Woman's Board of the Seventh-Day Baptist General Conference of the United States, against the passage of the Sunday-rest bill—to the Committee on the Judiciary.

By Mr. CUTCHEON: Petition of citizens of Manistee County, Michi-

gan, in regard to Sunday work-to the Committee on the District or Columbia.

By Mr. DINGLEY: Petition of H. A. Mosher and 21 others, of Auburn, Me., for a prohibitory constitutional amendment; also, of Warren Hill and 206 others, of Union, Me., for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Petition of A. C. Tyrrell and 242 others (92 voters and 151 women), citizens of Madison, Nebr., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Committee on the Judiciary.

By Mr. GEAR: Petition of Mary Ready, asking for a pension-to the

Committee on Invalid Pensions.

By Mr. GROUT: Memorial of A. P. Frick, acting assistant surgeon United States Army, for relief—to the Committee on Military Affairs.

Also, petition of Michigan Maimed Soldiers' League, asking for ad-

ditional pension by resolution—to the Committee on Invalid Pensions. By Mr. J. S. HENDERSON: Petition of W. F. McMahon, H. B. Howard, and 82 others, citizens of Davie County, North Carolina, in favor of the repeal of the internal-revenue taxes on tobacco—to the Committee on Ways and Means.

By Mr. S. T. HOPKINS: Petition of 130 members of the Grand Army of the Republic of the Twenty-seventh Congressional district of New York, in favor of the passage of a general pension law-to the Committee on Invalid Pensions.

By Mr. LEE (by request): Petition of James Farish, of Culpeper County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NORWOOD: Petition of heirs of Stephen Thormbale, of Bullock County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Petition of J. A. Miller and 70 others, of Wellington, Kans., for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. POST: Petition of the Peoria (Ill.) Turnverein, against the assage of the Blair Sunday bill—to the Committee on the District of Columbia.

By Mr. REED: Petition of O. L. Gile and 20 others, of Cape Eliza-

beth, Me., for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RICE: Petition of S. Whiting and 117 others, of Clear Water, Minn., for a prohibitory constitutional amendment-to the Select Com-

mittee on the Alcoholic Liquor Traffic.

By Mr. ROGERS: Petition of J. A. Nourse and 343 others, of Lamar, Ark., for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic. By Mr. J. E. RUSSELL: Petition of A. Foster and 112 others, of Ox-

ford, Mass., for a prohibitory constitutional amendment—to the Select Committee on the Alcoholic Liquor Traffic. By Mr. VOORHEES: Petition of a statehood convention, praying for

the immediate admission of Washington Territory into the Union-to the Committee on the Territories.

The following petition against the passage of the international copyright bill was received and referred to the Committee on Patents:

By Mr. BOOTHMAN: Of James Timmons, of Ohio.

# SENATE.

# THURSDAY, January 24, 1889.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following

prayer:

O Thou, who hast abolished death and hast brought life and immortality to light, the Prince of Life, our God and our Savior, we bow humbly, and thoughtfully, and soberly before Thee in the presence of death, and thank Thee that we may live this life with all its possibilities and hopes. We pray Thee, comfort the bereaved ones; sustain, and strengthen, and sanctify. Overrule for good all that is dark and trying and afflictive, and enable us so to live that we may serve our reperation faithfully in the foor and less a Co. 3. generation faithfully in the fear and love of God.

Grant that this great Government may be so imbued with the spirit of justice, and of truth, and of right, so baptized into the life of Him who came that He might minister to men, that it may be helpful to all who are in need, and that the interests of this great land of ours, under the guidance of these Thy servants thus exalted, may be ad-

vanced.

Guide us this day. Help us so to walk in Thy fear, conscious of Thy nearness. Teach us our frailties. Teach us our dependence upon Thee. And seeking Thee, O God, we know that Thou wilt be found of us, and that Thy peace, the peace of God which passeth all under-standing, shall keep our hearts and minds. Grant that as we have served our generation faithfully we may fall asleep and be gathered to our fathers. We ask it all in the name of Christ, our Redeemer.

### THE JOURNAL.

The Journal of yesterday's proceedings was read and approved. EXTENSION OF REMARKS.

Mr. CHANDLER. I rise to a question of privilege in connection with the report in the CONGRESSIONAL RECORD. I suppose this is the proper time, following the reading of the Journal.

The PRESIDENT pro tempore. Corrections in the official record can be made by applying to the Reporter.

Mr. CHANDLER. It is not a correction of my own remarks which I desire, but the remarks of some one else.

The PRESIDENT pro tempore. The Senator from New Hampshire

will proceed, if there be no objection.

Mr. CHANDLER. When I made allusion yesterday to my intention to call up the resolution for the investigation of the Louisiana election, the Senator from Louisiana replied in about half a dozen words. I find in the CONGRESSIONAL RECORD this morning his remarks extended so that they cover half a column.

Mr. EUSTIS. Which Senator from Louisiana does the Senator refer

to? He did not mention.

Mr. CHANDLER. I refer to the Senator from Louisiana who is not now present in the Senate, not the Senator who is addressing me.
Mr. EUSTIS. He should mention his name, I suggest.

Mr. CHANDLER. I refer to the Senator from Louisiana, Mr. Gibson. I find that there is half a column of a speech in the RECORD,

not ten words of which were uttered by the Senator.

I desire to enter a motion to strike out the speech as inserted, and to have inserted in the RECORD the speech as it appears upon the Reporter's notes. Having made this motion, I will wait until the Senator comes into the Senate Chamber before calling it up.

The PRESIDENT pro tempore. The Chair would suggest to the Sen-

ator from New Hampshire to submit his motion in writing

Mr. CHANDLER. I will do that.

The PRESIDENT pro tempore. The Chair understands the Senator to withhold the motion until the Senator from Louisiana comes in. Mr. CHANDLER. I do.

PUBLIC BUILDINGS AT KEY WEST, FLA.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting a report of the Supervising Architect of the Treasury Department recommending that an appropriation of \$3,000 be made for a sea-wall to protect public buildings at Key West, Fla., and concurring in the recommendation of that report; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the mayor and city council of Salt Lake City, Utah, praying for a grant of certain mountain lands adjoining the creek which supplies the city with water for culinary and other domestic purposes; which was referred to the Committee on Public Lands.

He also presented a petition of the officers of the Woman's Christian Temperance Union of Dakota Territory, representing 2,500 members, praying for prohibition in the District of Columbia; which was referred

to the Committee on the District of Columbia,

He also presented the petition of J. A. Miller and 70 others (32 voters and 39 women), citizens of Wellington, Kans., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors

as a beverage; which was ordered to lie on the table.

Mr. DAWES presented the petition of P. R. Stratton and 113 others (43 voters and 71 women), citizens of Oxford, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture and sale of spirituous liquors; which was ordered to lie on the table.

Mr. BLODGETT presented a petition of the Woman's Christian Temperance Union, of Salem N. J., praying for the proposal of a national prohibitory constitutional amendment; which was ordered to lie on the

He also presented a petition of citizens of Dennisville, N. J., and a petition of 600 citizens of Salem, N. J., praying for the enactment of a Sunday-rest law; which were referred to the Committee on Educa-

tion and Labor.

Mr. PASCO. I present the petition of Isaacs & Co., of New York City, E. J. Arapian, of Key West, Fla., and 71 others, merchants of New York City and fishermen of sponges residing in Florida, praying that sponges be not placed on the free-list in the bill now pending between the two Houses to reduce taxation. As this matter has not yet been disposed of by Congress, and the petition came into my hands after the passage of the bill by the Senate, I move that it lie on the

The motion was agreed to.

Mr. PADDOCK presented the petition of B. F. Fuller and 84 others (36 voters and 49 women), citizens of Du Bois, Nebr., praying for a constitutional prohibition amendment; which was ordered to lie on the

Mr. CAMERON presented a petition of 20 citizens of Johnstown, Pa.; a petition of Knights of Labor of Flemington, Pa.; a petition of the United Presbyterian Church of Laurel Hill, Pa.; a petition of the Baptist Church of Mountain Dale, Pa., and a petition of the Teachers' Institute of Mountain Dale, Pa., praying for the passage of a Sundayrest law; which were referred to the Committee on Education and

Mr. STOCKBRIDGE presented a petition of numerous citizens of Manistee County, Michigan, praying for the enactment of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the officers of the Woman's Christian Temperance Union of the State of Maine, representing 2,500 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

was referred to the Committee on the District of Columbia.

He also presented the petition of Isaac Winslow and 55 others (22 voters and 34 women), citizens of St. Albans, Me., and the petition of E. S. Nash and 100 others (36 voters and 65 women), citizens of Cherryfield, Me., praying for the proposal of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of 42 farmers, citizens of Richmond and Bowdoinham, in Sagadahoc County, and Litchfield, in Kennebec County, Maine, praying for protection to agriculture; which was referred to the Committee on Finance.

Mr. PLIME presented the petition of W. F. Means and 57 others.

Mr. PLUMB presented the petition of W. E. Means and 57 others (20 voters and 38 non-voters), citizens of Montgomery County, Kansas, praying for the proposal of a constitutional amendment prohibiting the

praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. HISCOCK presented a petition of citizens of New York, a petition of the Good Templar Lodge and citizens of Westfield, N. Y., a petition of the Woman's Christian Temperance Union and pastors of churches in Westfield, N. Y., a petition of members of eight churches of Broome County, New York, a petition of 150 citizens of Binghamton, N. Y., and the petition of James H. Kellogg and others, citizens of Troy, N. Y., praying for the passage of a Sunday-rest law: which were re-N. Y., praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a petition of farmers of East Bloomfield, Ontario

County, New York, praying for protection to agriculture; which was referred to the Committee on Finance.

Mr. HALE presented the petition of H. A. Dunn and 71 others (28 voters and 44 women), citizens of Presque Isle, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture and sale of alcoholic liquors; which was ordered to lie on the table.

Mr. DOLPH presented the petition of Thomas Miller Smith and 67 others (38 voters and 30 women), citizens of Bellevue, Idaho, praying for a prohibitory constitutional amendment; which was ordered to lie on the table.

#### RAILROAD BRIDGES IN TENNESSEE.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 11604) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee, to report it favorably with an amendment.

Mr. HARRIS. As to the bridge authorized to be constructed across the Cumberland and Caney Fork Rivers, I wish to state that the road leading up to the Caney Fork is now constructed, and I am informed that the road is in operation to that point. The company are exceedingly anxious to commence the work of constructing the bridge immediately, and I therefore ask the consent of the Senate to consider the bill at this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let us hear it read for information.

The PRESIDENT protempore. The bill will be read at length for information.

The Chief Clerk read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. There is no objection to its being considered subject to objection, as we do other bills.

The PRESIDENT pro tempore. Subject to objection the bill will be considered in Committee of the Whole and regarded as open to amend-

Mr. HARRIS. Let the amendment reported by the Committee on Commerce be read.

The PRESIDENT pro tempore. The amendment of the committee will be read.

The CHIEF CLERK. It is proposed to add at the end of the bill:

Provided also. That all railroad companies desiring to use the bridges aforesaid for the passage of their trains or cars over the same shall have that privilege upon such just and reasonable terms as may be agreed upon by the parties, and in event of their failure to agree, the matter shall be finally determined by the Secretary of War, whose determination shall be final. Equal rights and privileges shall also be granted all telegraph and telephone companies in the placing wires upon said bridges, and if the construction of said bridges shall not be commenced in two years and completed within two years from the approval of this act all the provisions of the same shall be void.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend the first section by adding at the end of it, on page 2, these words:

And Congress shall have the right to regulate the tolls and charges in respect of the use of said bridge.

Mr. HARRIS. I have no objection to that.

Mr. EDMUNDS. My point is, my friend evidently sees, that as this provides for a bridge for the people, wagons and horses and pas-sengers, and as the State Legislature would probably have no authority to deal with a United States corporation, or a corporation acting under an authority of this kind, I think it right that the legislative power should be reserved to prevent that bridge being turned into an instrument of excessive charge to the people there.

The PRESIDENT pro tempore. The amendment will be reported

from the desk.

Mr. VEST. I have not got a copy of the bill before me—
The PRESIDENT pro tempore. The amendment will first be read.
The CHIEF CLERK. At the end of the first section of the bill, on page 2, it is proposed to insert:

And Congress shall have the right to regulate the tolls and charges in respect of the use of said bridge.

Mr. VEST. This bill is an amendment to an act already in force, and in the original act, if I am not very much mistaken, there is the ordinary provision which we have in all the bridge bills, that the Secretary of War shall approve the rates of tolls and charges. That is the provision we always put in these bills, so as to get rid of the delay which would attend the enactment of an act of Congress

Mr. EDMUNDS. I should have no objection to its being so, but this would be a superadded provision reserving explicit legislative authority by law to make a regulation; but until that regulation of Congress should be made to supersede what the Secretary of War had

done or failed to do, this authority would continue.

Mr. VEST. I have not the slightest objection to it, although the other provision, the ordinary one, applies in these bills, because it is made somewhere

Mr. EDMUNDS. I do not want to get rid of that.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend—probably it is not necessary, but it is always safer to do it—by adding as a new section at the end of the bill:

The right to amend or repeal this act whenever Congress shall deem that the public good requires it is hereby reserved.

I presume there will be no objection to that.

Mr. VEST. I simply want to remark to the Senator from Vermont that the original act has that provision in it, and this amendatory bill is subject to all the provisions of the original act.

Mr. EDMUNDS. I should not agree with my friend about that. Mr. VEST. There is a special enactment that contains a provision that the provisions of the original act shall apply to these bridges.

Mr. EDMUNDS. That is all true; but as I have seen so many

struggles in court over that question, that might be held as not apply-ing to the repealing clause. Here is the last act which confers new ing to the repealing clause. Here is the last act which confers new rights, and I want to have the capacity preserved in Congress to repeal

this identical act if it wishes to do so.

The PRESIDENT protempore. The amendment of the Senator from Vermont [Mr. EDMUNDS] will be stated from the desk.

The CHIEF CLERK. It is proposed to add to the bill as a new sec-

The right to amend or repeal this act whenever Congress shall deem that the public good requires it is hereby reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist upon its amendments and ask a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. Vest, Mr. Sawyer, and Mr. Harris were appointed.

#### DEATH OF HON, JAMES N. BURNES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the intelligence of the death of Hon.

JAMES N. BURNES, late a Representative from the State of Missouri, and the resolutions of that body thereon.

Mr. COCKRELL. Mr. President, it becomes my most painful duty to announce to the Senate the very sudden and unexpected death of our distinguished colleague in the House of Representatives, the Hon. JAMES NELSON BURNES, Representative from the Fourth Congressional district of Missouri, who was stricken with paralysis at his post of duty, discharging his onerous labors in the House of Representatives, at 20'clock yesterday afternoon, and died at 12.45 o'clock this morning.

I offer a resolution, which I send to the desk, and ask its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read. The Chief Clerk read as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. James N. Burnes, late a member of the House of Representatives from the State of Missouri.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to unanimously.

Mr. COCKRELL. I now ask that the message from the House of Representatives may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, January 24, 1889.

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. James N. Burnes, late a Representative from the State of Missouri.

Resolved by the House of Representatives (the Senate concurring), That a select committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate, and that, as a further mark of respect to the memory of the deceased, the House do now adjourn.

Mr. COCKRELL, I offer a resolution which I send to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read as follows:

Resolved. That the Senate concur in the resolution of the House providing for the appointment of a select committee to take order for superintending the funeral and to escort the remains of the deceased to the place of burial, and that the committee on the part of the Senate be appointed by the President pro tem-

The PRESIDENT pro tempore. The question is on agreeing to the resolution offered by the Senator from Missouri.

The resolution was agreed to nem. con.

The PRESIDENT pro tempore. The Chair announces the members of the committee authorized by the resolution, on the part of the Senate, as follows: Messrs. Vest, Coke, and Teller.

Mr. VEST. I offer the following resolution:

Resolved, That as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 25, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

THURSDAY, January 24, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W.

H. MILBURN, D. D., as follows:

Almighty God, since last we gathered in this place, a representative of the people has fallen at his post, doing his duty manfully and faithfully, as though he had fallen in the charge at the cannon's mouth, or in the deadly breach, and therefore entitled to worthy and honorable recognition and commemoration.

As we look at the desk draped in black, and at the empty seat, and think of our friend who only yesterday was with us and to-day is beyond the stars, grant that the solemn meaning and mysteries of life may rest upon every heart, not to unnerve and appall, but to fix in every breast the high resolve to live nobly, truly, simply, for the country's interest and honor and for the welfare of our fellow-men; and that

we shall walk before Thee in all Thy commandments blameless.

Hear our devout petitions, we beseech Thee; in behalf of the wife who has been widowed, and the children orphaned, the fatherless children who have lost their best earthly friend and protector. Comfort and they there was besseen Thee; and may they find in the faith and in cheer them, we beseech Thee; and may they find in the faith and in the love and presence of Christ that only consolation which the broken heart can discover upon this earth.

We pray through His great name, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF HON. JAMES N. BURNES.

Mr. DOCKERY. Mr. Speaker, the sad duty has been devolved upon me by the Representatives in Congress from Missouri of announcing to the House the death of Hon. JAMES N. BURNES, late a Representa-tive of the Commonwealth of Missouri. His death occurred at Willard's Hotel, in this city, at 12.46 o'clock this morning, after an illness of less than ten hours.

At some time in the near future, Mr. Speaker, the Missouri delegation will ask the House to suspend its ordinary proceedings to pay a fitting tribute to the worth of the eminent gentleman who so recently was one of our esteemed colleagues, and whose death is a calamity not only to the great State he served so long and so ably but also to the nation.

Mr. Speaker, I offer for present consideration the resolutions I send to the desk.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. JAMES N. BURNES, late a Representative from the State of Missouri.

Resolved by the House of Representatives (the Senate concurring). That a select committee consisting of seven members of the House and three members of the Senate be appointed to take order for superintending the funeral, and to escort the remains of the deceased to their place of burial, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved. That the Clerk communicate the foregoing resolutions to the Senate; and that as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolutions were unanimously agreed to.

Pending the announcement of the result,

The SPEAKER said: The Chair will appoint during the day the members of the House provided for in the resolutions just adopted, and will communicate the same to the Sergeant-at-Arms.

The result of the vote was then announced.

And accordingly (at 12 o'clock and 7 minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk,

under the rule, and referred as follows:

By Mr. CAINE: Petition of the mayor and city council of Salt Lake
City, asking for a grant of certain mountain lands adjoining the creek
which supplies the city with water—to the Committee on the Public Lands.

By Mr. CHIPMAN: Petition of survivors of the Twenty-fourth Michigan Infantry, for a pension to Mrs. Emma Witherspoon—to the Committee on Invalid Pensions.

By Mr. POST: Resolutions of the Board of Trade of Peoria, Ill., in favor of an amendment to the interstate-commerce law—to the Com-

mittee on Commerce.

By Mr. WILKINSON: Petition of heirs of C. G. and Celeste Wright. of Orleans Parish, Louisiana, for reference of their claims to the Court of Claims—to the Committee on War Claims.

### SENATE.

# FRIDAY, January 25, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

EXTENSION OF REMARKS.

Mr. GIBSON. Mr. President, I find in the RECORD of the 24th instant, in the colloquy that I had with the Senator from New Hampshire [Mr. CHANDLER], some remarks that I did not make, and it was as much a surprise to me as to him perhaps that they appeared in the RECORD. In the colloquy between the Senator and myself I spoke in a very low tone of voice, having been out of my seat when he began his remarks. In going out of the Capitol I stopped at the Reporter's room for a moment and found one of the Reporters coming out with my remarks, saying he thought that he had not caught them accurately. I presumed they had no report of the remarks, and I sat down and wrote hastily what appears in the RECORD; but upon reflection I concluded not to put that in the RECORD, but something else which I supposed would reproduce as closely as possible the remarks I had actually made, finding that the remarks I had written out hastily were incorrect in several respects. I inadvertently, perhaps, handed the original paper that I wrote to the Reporter, and that appeared in the RECORD. I had assumed that the Reporters did not take down my remarks fully, as the gentleman stated to me, but I find that they have my remarks taken down more or less accurately, and I shall ask leave to insert them instead of the words that appeared in the RECORD. The remarks which appeared were manifestly incorrect, because I am made to say among other things that—

Here is a proposition to investigate the election of the Senators, their title to seat in this body.

Now, there is no proposition in the resolution offered by the Sena-tor from New Hampshire to investigate my election or the election of my colleague. The proposition, as I understand it, was to investigate the election of the members of the General Assembly before the people; that is, that the Senate should be the judge of the election, returns, and qualifications of members of the General Assembly of the State of Louisiana, and to ascertain whether the people of that State should vote for Presidential electors, and whether they had a republican form of government. That is all I desire to say.

Mr. CHANDLER. Mr. President, I had reduced to writing the

motion which I made yesterday in the absence of the Senator from Louisiana, doing this in accordance with the suggestion of the Chair. I shall not offer the resolution which I had prepared in view of the statement made by the Senator; but I desire to have read by the Secretary the report of the remarks of the Senator from Louisiana, as taken down by the Official Reporter, which I have just handed the Senator.

Mr. GIBSON. I have not looked at them.

The PRESIDENT pro tempore. The Secretary will read as requested,

there be no objection.

Mr. CHANDLER. I handed them to the Senator a few moments

Mr. GIBSON. Here they are. The Chief Clerk read as follows:

Mr. Girson. Mr. President, I have no objection to the Senator testing the sense of the Senate on that question whenever he desires to do so, provided I may be present. If there is any memorial here from any member of the Legislature of Louisiana or any citizen of Louisiana asking for an investigation, I should be glad, if that citizen feel aggrieved, to move that the investigation shall take place. But I am opposed to an investigation being made at the request of a citizen of New Hampshire against the wishes of the people of Louisiana.

Mr. GIBSON. I must say that is the first time I have read the paper or heard it read. I do not think that paper states accurately what I said. I forget precisely what I did state, but I intended to state, and I think I did state, that if there was any memorial here from the Legislature of the State asking for an investigation, or any body of people, I should not object to it.

Mr. CHANDLER. I believe the report as read from the Reporter's notes to be a correct report of what the Senator said. It conforms to my own recollection of the Senator's statement at the time. In an-

swer to the Senator's remark, as appears by the RECORD, I said:

The whole Republican party, I think, is ready for an investigation except the two colored men who, I see, were run out from Louisiana yesterday for undertaking to organize the Knights of Labor in that State.

I was willing to leave the subject with that remark as a reply to the

statement of the Senator. Much to my surprise, however, and to the surprise of other Senators, there appeared in the RECORD a speech of the Senator's which occupies nearly one-half of a column of the Con-GRESSIONAL RECORD and contains statements which certainly never would have been passed by me without comment. For instance, the following statement is made:

And the complaint is that we should investigate, not the recent elections in his own State, the State of New Hampshire, or his neighboring States of Rhode Island and New York, for Representatives or State officers or Presidential electors, when the newspapers of the country have teemed for months with charges that the elections in these States were characterized with wholesale fraud and the open purchase of votes. The Senator turns a deaf and unwilling car to these complaints, and proposes, against all precedents, against the wishes and interests of the people of Louisiana, Republicans and Democrats, to put their State, its good name, its public order, its State government, its henored public servants, on trial before the Senate and the country.

If the Senator had made that statement I should have characterized his aspersion upon the State of New Hampshire as unjustified by any facts whatever, and certainly an opportunity would have been given to the Senators from the State of Rhode Island and the State of New York to speak as they saw fit concerning the Senator's attack upon their States. But as those remarks were not uttered, of course suitable reply was not made to them.

The Senator now says that this speech was inserted inadvertently in the RECORD. I do not quite understand the position of the Senator. Does he mean to say that he did not write out this speech exactly as it appears in the RECORD, or how did it happen? Will the Senator state more explicitly how it happens that this speech, elaborately prepared, does appear in the RECORD instead of the simple remark of ten words which the Senator made at the time?

Mr. GIBSON. I have stated to the Senator and the Senate precisely how it occurred. It is not worth while for me to repeat it. The speech as it appears in the RECORD is a repetition, more or less, of what I have said twice on the floor of the Senate, except in the one paragraph that I referred to. I have told the Senator how I had in the haste of the moment written out some remarks, not intending that they should appear in the RECORD, and withdrew them and supposed I was handing to the Reporter other remarks that conformed, when I came to reflect upon the matter, more nearly to what I had really said in the Senate. I disavowed the purpose of having those remarks appear in the RECORD. I think that frank explanation ought to be satisfactory to every Senator.

Mr. CHANDLER. It may be satisfactory to the Senator; it may be satisfactory to others; but I think I have a right to ask the Senator how it happens that he had this prepared speech on this point ready to inadvertently get into the hands of the reporter when he had no knowledge that I intended to give notice that it was my purpose to call up the resolution. That is what I do not understand, Mr. President.

The Senator certainly wrote out the remarks, and they are printed in the RECORD precisely as they appear in the paper, in the handwrit-ing of the Senator, which he handed to the Official Reporter. He had no knowledge that this subject was to be taken up; and therefore it seems to me he must have prepared this speech after the colloquy had taken place between him and myself. If, having thus prepared it, the Senator says on his honor as a Senator that it inadvertently was inserted in the RECORD, I have nothing more to say.

### EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1888, a full statement of all purchases of bonds made by the Treasury Department during the period from March 4, 1885, to date; which, on motion of Mr. Plumb, was, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, stating, in response to a resolution of the 3d instant, that the records and files of his Department do not afford any information upon the subject relative to services of volunteers in Washington and Idaho Territories in the Indian war of 1887, commonly called the Nez Percé war; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of September 4, 1988 a report from the Quartermaster-General in reference to the claim of James Bridger, for value of improvements said to have been constructed by him at Fort Bridger and for loan of property for use of troops in 1857; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

### REPORT ON SCHOOLS IN UTAH.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with section 25 of the act of March 3, 1887, the first annual report of the commissioner of schools for Utah; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

### CREDENTIALS:

Mr. FARWELL presented the credentials of Shelby M. Cullom,

chosen by the Legislature of Illinois a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the Legislative Assembly of New Mexico, favoring the admission of that Territory into the Union of States; which was referred to the Committee on Territories

Mr. FARWELL presented a petition of 1,667 citizens of Illinois, mostly representing the churches of Aurora, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. HAMPTON presented a concurrent resolution of the General Assembly of South Carolina; which was read, and referred to the Committee on Commerce, as follows:

### Concurrent resolution.

THE STATE OF SOUTH CAROLINA, In the Senate, December 22, 1888.

In the Senate, December 22, 1888.

Resolved by the senate (the house of representatives concurring), That the members of the House of Representatives of the United States from South Carolina be requested, and the United States Senators from South Carolina be instructed, to use all efforts in their power to secure the passage by Congress, and the approval by the President, of such legislation or legislative acts as may be necessary to provide for the payment by the Government of the United States of the spoliation claims incurred by the French Government prior to the year 1891, commonly known as the French spoliation claims, or such thereof as have been adjudged valid by the Court of Claims of the United States.

Resolved, That a copy of these resolutions be sent by the clerks of the two houses to each of the United States Senators and Members of the United States Congress from South Carolina.

In the Senate December 22, 1888.

IN THE SENATE, December 22, 1888.

Resolved, That the senate do agree to the resolution.

Ordered, That it be sent to the house of representatives for concurrence.

By order:

H. A. GAILLARD, Clerk Senate.

IN THE HOUSE OF REPRESENTATIVES, December 22, 1888.

Resolved, That the house do concur in the resolution.

Ordered, That it be returned to the senate with concurrence.

By order:

JOHN T. SLOAN, Clerk House of Representatives.

Certified: A true copy from the journals of the two houses.

JOHN T. SLOAN,

Clerk of the House of Representatives.

Mr. SHERMAN presented the petition of George C. Jewell and 126 others (63 voters and 64 women), citizens of Cortland, Ohio, and the petition of William Hopkins and 67 others (34 voters and 34 women), citizens of Summit County, Ohio, praying for proposal of a constitu-tional amendment prohibiting the manufacture, importation, expor-tation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented the petition of 2,233 citizens of Longley, Ohio, traying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented the petition of H. A Way and 104 others (51 voters and 54 women), citizens of Spink County, Dakota Territory, and the petition of J. W. Hansher and 399 others (143 voters and 167 women), citizens of Rapid City, Dak., praying for the proposal of a constitutional amendment prohibiting the manufacture, sale, etc., of alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. HOAR presented the petition of Joseph H. Bird and 98 others (40 voters and 59 women), citizens of Norfolk and Rockville, Mass., praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

He also presented the petition of Rev. S. D. Hosmer and other citizens of East Brookfield, Mass., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HOAR. I present the petition of W. S. B. Hopkins, a citizen of Worcester, Mass., attorney for the committee of remonstrants of Worcester, Mass.

Worcester, Mass., against the proposed location of the public building of that city, praying for an investigation into the selection of the proposed site for such building by the committee directed by the Senate to investigate the affairs of the office of the Supervising Architect of the Treasury Department. I move that the petition be referred to the Committee on Public Buildings and Grounds. I should like to inquire of the acting chairman of that committee if any special order is required by the Senate to direct the investigation, or whether it is within the discretion of that committee to make the investigation under the pending order

Mr. MORRILL. It is fully comprehended.
Mr. HOAR. Then a motion will be unnecessary.
The PRESIDENT pro tempore. The petition will be referred to the Committee on Public Buildings and Grounds.

Mr. HISCOCK presented a petition of 21,356 citizens, largely representative, of the State of New York, praying for the enactment of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented petitions of citizens of Minneapolis, North-field, Dundas, Sleepy Eye, Cedar Mills, and West St. Paul, Minn., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented the petition of James Dalzell and 70 others (46 voters and 25 women), citizens of Carsonville. Minn., the petition of S. Whiting and 112 others (56 voters and 57 women), citizens of Clear S. Whiting and 112 others (56 voters and 57 women), citizens of Clear Water, Wright County, Minnesota, the petition of Robert Rae and 89 others (59 voters and 31 women), citizens of Sleepy Eye, Minn., the petition of H. P. Lewis and 107 others (54 voters and 54 women), citizens of Fulda, Murray County, Minnesota, and the petition of L. B. Vail and 25 others (11 voters and 15 women), citizens of Seward, Nobles County, Minnesota, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table. were ordered to lie on the table.

Mr. STOCKBRIDGE presented a petition of 56 citizens of Corinth, Mich., and a petition of citizens of Albion, Mich., praying for the enactment of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. MANDERSON presented the petition of Daniel Flanagan and 24 others (11 voters and 14 women), citizens of Wheatland, Dak., praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. FRYE presented the petition of A. F. March and 21 others (9 voters and 13 women), citizens of Cumberland Mills, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. DAWES presented the petition of John B. Baylies and 20 others (7 voters and 14 women), citizens of New Bedford, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic

liquors as a beverage; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of the South Dakota Educational Association, praying that the sixteenth and thirty-sixth sections of public lands in Dakota be set apart for school purposes; which was referred to the Committee on Public Lands.

Mr. DANIEL presented the petition of the Lynchburgh (Va.) Tobacco Association, praying for the immediate repeal of the tobacco tax; which was referred to the Committee on Finance.

Mr. CALL presented the petition of J. C. Brown and numerous other

citizens of South Florida, praying for the improvement of the Mosquito Inlet and the harbor of New Smyrna, on the coast of Florida; which was referred to the Committee on Commerce.

He also presented the petition of Margaret Kennedy, widow of John Kennedy, deceased, praying for the passage of a bill in settlement of her claim on account of wood and other property used by the Government at Fort Sedgwick, in the District of Columbia; which was referred to the Carriette. ferred to the Committee on Claims.

Mr. BLODGETT presented the petition of William S. Paterson and 48 others (26 voters and 23 women), citizens of Atlantic Highlands, N. J., praying for the proposal of a constitutional amendment pro-hibiting the manufacture and sale of all alcoholic liquors; which was ordered to lie on the table.

Mr. DOLPH presented the petition of R. W. Dayton and 129 others (53 voters and 77 women), citizens of Cheney, Wash., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, expertation, expertation, expertation, and calculated all clerks in the content of the content o

posal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. MORRILL. I present the petition of a considerable number of citizens of Milton, Vt., in relation to the protection required by the farmers of the country. The petitioners state that potatoes and cabbages are brought by the cargo from places where women work daily in the fields, coming hither as ballast, with eggs by the ship-load from Holland, cattle from Mexico, barley from Canada, and various other articles. As the tariff bill has been acted upon by the Senate, I move that the petition lie on the table. the petition lie on the table.

The motion was agreed to. Mr. REAGAN presented the petition of 54 citizens of Texas, praying for the passage of a national Sunday-rest law, prohibiting needless Sunday work in the Government's mail, military service, and inter-state commerce; which was referred to the Committee on Education

# REPORTS OF COMMITTEES.

and Labor.

Mr. HALE. From the Committee on Appropriations I report the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, with sundry amendments. I ask that it be printed as proposed to be amended, and give notice that I shall endeavor to call up the bill early next week.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7718) for the relief of Milo Mc-Crillis, reported it without amendment, and submitted a report

He also, from the Committee on Pensions, to whom were referred

the following bills, reported them severally without amendment, and A bill (H. R. 6532) to pension to Annie May Pifer; and bill (H. R. 765) granting a pension to Annie May Pifer; and

A bill (H. R. 7633) granting a pension to Capt. Michael Piggott. Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States, relating to the District of Columbia, reported it with amendments, and

submitted a report thereon. Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10025) for the relief of James T. Teeple;

A bill (H. R. 7858) granting a pension to Jennie Harris;
A bill (H. R. 11711) granting a pension to Nona J. Tillery, minor child of Wyatte L. Tillery;
A bill (H. R. 11177) granting a pension to Christian Sanders;
A bill (H. R. 10523) granting a pension to Mrs. Maria C. McPher-

bill (H. R. 11316) granting a pension to Charlotte Ayres

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2029) granting right of way to the Forest City and Watertown kailroad Company through the Sioux Indian reservation, reported it with amendments.

He also, from the same committee, to whom were referred the fol-

lowing bills, reported them severally without amendment:

A bill (S. 3858) in relation to dead and fallen timber on Indian lands; and

A bill (H. R. 4489) for the relief of J. M. Hogan.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 746) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. JONES, of Arkansas. I wish to state that I do not concur in the report just made by the Senator from Florida [Mr. PASCO], and I desire to reserve the right to present a minority report when I shall have it prepared.

The PRESIDENT pro tempore. The bill will be placed on the Calendar and leave will be granted to file the views of the minority here-

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4591) granting a pension to Maria Beiser; A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd,

A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd;
A bill (H. R. 10448) granting a pension to Squire Walter; and
A bill (H. R. 10289) granting a pension to Miss Emily Romine.
Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3112) for the relief of Phineas T. Richardson, reported it without amendment, and submitted a report thereon.
Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 766) for the relief of H. L. Newman, reported it without amendment.

it without amendment.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 2978) for the purchase of a portrait of Maj. Gen. Ward B. Burnett, etc., reported it with an amendment.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was recommitted the bill (S. 3754) to construct a road from the village of Plattsburgh, N. Y., through and along the Government military res ervation in said village, reported it with amendments.

Mr. ALLISON. I desire to make two reports this morning from the Committee on Appropriations, and it will greatly promote my own convenience if I can have unanimous consent for the consideration of these

two bills this morning after the routine business is over.

Mr. SHERMAN. I should like to have the trust bill acted upon this morning. I do not think it will take more than five minutes.

The PRESIDENT pro tempore. The titles of the bills reported by

the Senator from Iowa [Mr. ALLISON] will be read.

The Chief Clerk read as follows:

A bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes; and A bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890.

The PRESIDENT pro tempore. The bills will lie on the table subject to the call of the Senator from Iowa.

LIGHT-SHIPS AT SANDY HOOK AND NANTUCKET.

Mr. FRYE. I am instructed by the Committee on Commerce to re-

port back the bill (H. R. 11683) for the establishment of a light-ship with a fog-signal at Sandy Hook, New York Harbor, and to ask that it may receive present consideration from the fact that if it is to become a law, it is very important that it should do so before the sundry civil appropriation bill is passed.

The PRESIDENT protempore. The Senator from Maine asks unanimous consent that the bill this morning reported by him may be now considered, which can be done only by unanimous consent.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read the bill and amendment.

Mr. HISCOCK. Is that an amendment offered in the Senate to the bill that came from the House?

Mr. FRYE. It is.

Mr. EDMUNDS. I ask the Senator from Maine to explain it, subject to objection.

Mr. HISCOCK. Is it necessary to put on that amendment?
Mr. FRYE. Yes, it was deemed by the committee important.
The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Subject to objection there is not. I reserve the right to object. I dare say I shall not object when the Senator from

Maine has a chance to explain it.

Mr. HISCOCK. I should like to say a word. The House bill has once passed Congress. It passed at the first session both the House and Senate, but reached the President too late for his signature. It has now passed the House of Representatives by unanimous consent, and I dislike very much to have added to it any amendment which may result in its defeat.

Mr. FRYE. I will say to the Senator from New York that I have not the slightest idea that there is any danger of its defeat. The provision for the Nantucket light-ship also passed both branches of Congress at the former session, and by mistake was not signed by the President. Both measures have been reported unanimously by the committees of both the House and Senate and recommended by the Department.

Mr. EDMUNDS. May I ask the Senator whether these provisions

are recommended by the Light-House Board?

Mr. FRYE. They are. Mr. EDMUNDS. I have no objection to the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$60,000 to establish off Sandy Hook, entrance to New York Harbor, a new lightship with a steam fog-signal.

The PRESIDENT pro tempore. The amendment reported by the

Committee on Commerce will be read.

The CHIEF CLERK. It is proposed to add to the bill:

That there be constructed and established a first-class light-ship with a steam fog-signal off Great Round Shoal, seacoast of Massachusetts, near Nantucket, the cost of which shall not exceed the sum of \$60,000: Provided, That the construction of said light-ships shall be let to the highest responsible bidders after advertisement, and that they shall be built in American ship-yards.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the establishment of light-ships with fog-signals at Sandy Hook, New York Harbor, and off Great Round Shoal, seacoast of Massachusetts."

Mr. FRYE. I move that the Senate insist upon its amendment and

ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. Palmer, Mr. Cullom, and Mr. Gorman were appointed.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (S. 3775) for the establishment of a light-ship with a steam

fog-signal at Sandy Hook, New York Harbor; and
A bill (S. 3840) to establish a light-ship off Great Round Shoal, near Nantucket, Mass.

### INTERNATIONAL MONEY-ORDERS.

Mr. SAWYER. From the Committee on Post-Offices and Post-Roads I report favorably without amendment the bill (H. R. 12107) to increase the maximum amount of international money-orders from \$50 to \$100, and I ask unanimous consent, as it is a short bill, that it be passed at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4028 of the Revised Statutes so as to read:

SEC. 4028. The Postmaster-General may conclude arrangements with the post departments of foreign governments with which postal conventions have been or may be concluded for the exchange, by means of postal orders, of small

sums of money, not exceeding \$100 in amount, at such rates of exchange and compensation to postmasters and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such systems of exchange may be paid out of the proceeds of the money-order business.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COMMITTEE ON INDIAN AFFAIRS.

Mr. DAWES, from the Committee on Indian Affairs, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee as may be appointed by the chairman thereof, to continue during the recess of Congress the investigation authorized by the resolution of March 1, 1887, with the authority and in the manner and to the extent provided in said resolution, and also to visit any reservations, bands, or bodies of Indians under the jurisdiction of the United States to which, in the opinion of said committee, it may be necessary to extend their investigations.

#### BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3876) for the relief of John Little and Hobart Williams, of Omaha, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia

Mr. DOLPH introduced a bill (S. 3878) granting a pension to Sarah J. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3879) making an appropriation for the benefit of the estate of William Moss, deceased; which was read twice by its title, and referred to the Committee on

Mr. CALL (by request) introduced a joint resolution (S. R. 130) making appropriations to carry on investigations relating to yellow fever; which was read twice by its title, and referred to the Committee on Epidemic Disease

Mr. BLACKBURN introduced a bill (S. 3880) for the relief of Hardin County, Kentucky; which was read twice by its title, and referred to the Committee on Claims.

### AMENDMENTS TO BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce.

Mr. DOLPH submitted an amendment intended to be proposed by

him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GORMAN submitted two amendments intended to be proposed

by him to the consular and diplomatic appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

# INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. FRYE. I ask unanimous consent at this time for a reprint of Senate bill 3401 and the report. Mr. Smith informs me that the document-room is entirely out of both bills and reports.
Mr. EDMUNDS. What is the bill?
Mr. FRYE. The Pacific railroad funding bill.

The PRESIDENT pro tempore. The bill and report will be ordered printed if there be no objection.

### THE REVENUE LAWS.

Mr. ALLISON. I move that the Senate insist upon its amendment to the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and request a conference on the bill and amendment.

Mr. HARRIS. I did not hear the motion.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate insist on its amendment to House bill 9051, being the tariff bill, and ask for a conference with the House of Representatives upon the bill and amendment. Is there objection? The Chair hears none, and it is so ordered.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate.

# NAVAL OFFICERS' CLAIMS.

Mr. CHANDLER submitted the following resolution; which was

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay or allowances due such officers, known as the longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual

and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

Mr. CHANDLER. I ask that the resolution may go over under the

The PRESIDENT pro-tempore. It is so ordered.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I now ask consent to call up the two appropriation bills I named. I will say to the Senator from Ohio that I do not think it will interfere with his bill, as I believe these bills will occupy but a few moments.

Mr. SHERMAN. In view of the statement made by the Senator from Iowa I shall interpose no objection, although the trust bill is really the unfinished business of the morning hour.

Mr. ALLISON. I do not want to interfere with that bill. I will allow it to stand as unfinished business.

Mr. SHERMAN. Very well.

Mr. ALLISON. I ask unanimous consent to call up House bill 11658

The PRESIDENT pro tempore. If there be no further morning business that order is closed, and the Calendar under Rule VIII being in order, the Senator from Iowa asks that the Senate proceed to the consideration of the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. The committee recommend but one amendment to ne bill. I ask that it may be read. The PRESIDENT pro tempore. The Chief Clerk read the bill.

The bill will be read at length.

The amendment of the Committee on Appropriations was to add to

For rents, \$18,200; and hereafter the Secretary of the Treasury, where practicable, shall cause suitable rooms to be set apart in the public buildings under his control in cities where pension agencies are located, which shall be acceptable to the Secretary of the Interior, for the use and occupancy of the said agencies, respectively.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. I now ask that the Senate proceed to the consideration of the bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The amendments of the Committee on Appropriations will be acted upon as they are reached in their order in the reading of the bill, if there be no

The bill was read.

The first amendment of the Committee on Appropriations was, at the end of line 6, on page 1, after the word "ninety," to strike out the period and insert a comma, and to insert the word "namely" with a

The amendment was agreed to.

The next amendment was, on page 4, line 22, before the word "rubber," to insert "and" and after the word "bands," in the same line, to strike out the words "and so forth;" so as to make the clause read:

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, type-writing supplies, pen-holders, tape, desk-knives, blotting-pads, and rubber bands, \$600.

The amendment was agreed to.

The next amendment was, on page 7, lines 5 and 6, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For department of artillery, cavalry, and infantry tactics, namely: For tan-bark or other proper cover for riding-hall, to be immediately available, and to be purchased in open market on written order of the Superintendent, \$600.

The amendment was agreed to.

The next amendment was, on page 7, line 18, after the word "fencing," to strike out the comma and insert the word "and;" so as to read:

Foils, masks, belts; fencing and boxing gloves, etc.

The amendment was agreed to.

The next amendment was, on page 11, line 23, before "recitation-rooms," to strike out "cord" and insert "card;" so as to read:

Chalk, crayons, sponges, slate, rubbers, and card for recitation-rooms, \$300.

The amendment was agreed to.

The next amendment was, on page 13, to strike out lines 12, 13, and 14, as follows:

For a riding and training master for the more thorough instruction of officers and cadets, a sum not exceeding \$1,500.

The amendment was agreed to.

The next amendment was, on page 15, to strike out line 12, as follows:

After approval of this act.

The amendment was agreed to.

The next amendment was, on page 15, in line 15, after the words "retiring-house," to strike out the words "for summer visitors," and in line 16, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For one retiring-house, to be immediately available, \$3,000.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For one storehouse at north wharf for storage of supplies, to be immediately available, \$500.

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For maintaining and improving the grounds of the post cemetery, including the purchase of trees, plants, tools, and materials, to be immediately available, \$500.

The amendment was agreed to.

The next amendment was, on page 16, lines 3 and 4, after the word "available," to strike out "upon approval of this act;" so as make the clause read:

For new settees, to be immediately available, \$500.

The amendment was agreed to.

The next amendment was, on page 16, line 7, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For one hundred and twenty-two new tent floors, one hundred and twenty-two lockers, and eight sentry boxes, to be immediately available, \$1,800.

The amendment was agreed to.

The next amendment was, on page 16, line 13, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For resetting four horizontal tubular boilers, including all material and labor, used for heating with steam the academic building, cadet barracks, commandant's office, mess-hall, hospital and cadet sinks, to be immediately available, \$2,200.

The amendment was agreed to.

The next amendment was, on page 16, line 15, after the word "available," to strike out "upon approval of this act;" so as to make the clause read:

For repairing gas-holder, to be immediately available, \$2,000.

The amendment was agreed to.

Mr. ALLISON. The increase in this appropriation bill over the act of last year is accounted for almost wholly by the provisions for the construction of new buildings, one for the use of instructors and the other for a gymnasium, amounting together to \$590,000.

The bill was reported to the Senate as amended, and the amendments

were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATE NATIONAL BANK OF NEW ORLEANS.

Mr. SHERMAN. I move that the Senate now proceed to the consideration of Senate bill 3445, in relation to trusts and combinations. Mr. HOAR. I rise to a privileged motion. I desire to enter a mo-

tion to reconsider the vote by which the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank, was passed by the Senate on Wednesday.

The PRESIDING OFFICER. The Senator from Massachusetts en-

ters a motion to reconsider the vote by which the bill named by him was passed. The motion will be formally entered.

Mr. HOAR. I ask unanimous consent that the vote passing that bill be reconsidered, and that the bill be referred again to the Committee on Claims. Since the vote of the Senate, which I favored very earnestly, the chairman of the Committee on Claims, the Senator from Wisconsin [Mr. SPOONER], has made an examination at the Treasury Deportment and has learned some facts which, without stating them now, may not affect the result of the matter as it seems to me, but he thinks they ought to be examined and considered by the committee, and by the Senate before the bill finally passes.

The PRESIDING OFFICER. The Senator from Massachusetts en-

ters a motion to reconsider the vote by which the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank, was passed.

Mr. JONES, of Arkansas. The Senator from Indiana [Mr. Voor-HEES], who seemed to take considerable interest in this bill, is not

Mr. HOAR. The Senator from Indiana understands the motion and assents to it. I stated it to him.

Then I have no objection.

The PRESIDING OFFICER. The Senator moves that the action of the Senate in the passage of the bill be reconsidered. The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HARRIS. I want to enter a motion to reconsider the vote by which the pension appropriation bill was passed to-day. I simply want the motion entered.

The PRESIDING OFFICER. The Senator from Tennessee enters a motion to reconsider the vote by which the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, was passed. The motion will be entered.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. HARRIS. While I am on the floor I will make another motion, and that is, when the Senate adjourn to-day it be to meet on Monday

Mr. SHERMAN. In the absence of the Senator from Maine [Mr. HALE] I object to that motion being put, and hope the Senate will not allow that to be pressed because the Senator from Maine wishes to call up the diplomatic and consular appropriation bill to-day or to-morrow.

Mr. HARRIS. I withdraw the motion for the present.
The PRESIDING OFFICER. The motion is withdrawn.

TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I renew my motion.
The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of Senate bill 3445.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production, the pending question being on the amendment proposed by Mr. SHER-MAN, in lines 9 and 10 of the amendment reported by the Committee on Finance, to strike out the words "competes with any similar articles upon which a duty is levied by the United States, or which," and to insert in lieu thereof the words "in due course of trade;" so as to read:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another.

The amendment to the amendment was agreed to.

Mr. HOAR. I move to amend, in line 11 of the substitute, by inserting after the word "another," the words "or to the District of Columbia, or from the District of Columbia to any State or Territory." The District is omitted in the enumeration of the political bodies to or from which the transportation is to be made.

Mr. SHERMAN. I have no objection to that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated from the desk.

The CHIEF CLERK. In line 11, section 1, after the word "another," it is proposed to insert:

Or to the District of Columbia, or from the District of Columbia to any State or Territory.

So as to read:

Or which shall be transported from one State or Territory to another or to the District of Columbia, or from the District of Columbia to any State or Ter-

The amendment to the amendment was agreed to.

Mr. HOAR. I now move an amendment, to come in as a second section, not as a substitute for the present second section, but preceding that, making that present second section the third section.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

SEC. 2. If one of the purposes of any such arrangement, contract, agreement, trust, or combination shall be to compel any person, partnership, or corporation to become a party thereto, or to cease from doing any lawful business, or to sell and dispose of any lawful business, or if acts shall be done under any such arrangement, contract, agreement, trust, or combination which have for their purpose or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby of any person or corporation a party to any such arrangement, contract, agreement, trust, or combination, or of all or any number less than all of such parties, and if any purchaser of articles specified in the preceding section shall be put to additional cost by the advancing of the price of such articles by means or because of any such arrangement, contract, agreement, trust, or combination, he may in like manner sue for and recover the damages sustained, which shall in such case be estimated at the full consideration or sum paid by him for the articles so advanced in price as aforesaid.

Mr. HOAR. I think on reflection that the suggestion and they the

Mr. HOAR. I think, on reflection, that the suggestion made by the Senator from Ohio is a wise one, that this proposed section had better

come in after the second section as section 3.

The PRESIDING OFFICER. It will be considered as a proposed amendment to come in after section 2, and to be, if adopted, section 3.

Mr. PLATT. Let it be read once more.

Mr. SHERMAN. Before it is read I wish to say that I have read the section very carefully, and although I am not authorized, as a matter of course in recording this bill for the Course in recording the bill for the b

accept it, yet I believe it does amplify and make clearer and stronger the provisions of the second section. As far as I am concerned, I shall vote for it with pleasure. It has evidently been very carefully drawn by persons who understand the matter.

Mr. BUTLER. May I inquire it this bill has been reported by a

committee?

Mr. SHERMAN. It has been reported twice by the Committee on Finance with a substitute for the original bill.

Mr. BUTLER. This amendment, it seems to me from a casual reading of it, is a very important one.

Mr. SHERMAN. It has been very carefully considered.

Mr. BUTLER. I would suggest that it be printed, and that the

matter go over until we can examine it.

Mr. SHERMAN. The bill was introduced at the last session, and it has been printed two or three times. It has been up before, and, after being carefully considered, went over at the request of Senators. There is not a single thing, I am satisfied, but what the Senator will heartily approve. There are three sections of the measure as reported. The first declares the principle of the common law against combinations, trusts, etc., to affect the value of articles necessary to human life. The second section authorizes any person injured by such a combination to sue for the recovery of damages, etc. The section now offered simply emphasizes that by providing for cases where the combination extends to preventing a man from carrying on his business. The third section as reported, but which will be the fourth section now, is simply a penal clause declaring that any one who violates the preceding sections shall be guilty of a misdemeanor.

Mr. SAULSBURY. If I understood the reading of the section proposed by the Senator from Massachusetts aright, one of its provisions was that any persons compelling another to give up his business and join with them should be liable to the provisions of the act. I inquire whether that is sufficient, whether you ought not to go so far as to say "or shall induce by offers of stock?" The object, I suppose, is to break up these combinations, and if you limit the prohibition simply to cases of compelling persons to give up their business you do not cover proceedings by which persons are brought into combinations by being induced to give up their business. Why not after the word "compel" insert "or who shall induce?"

Mr. HOAR. It seems to me that language would apply not only to a harmful but to a meritorious arrangement. That was the difficulty with the bill of the Senator from Texas [Mr. REAGAN], which would prevent lawful partnerships from uniting for a proper purpose. there be a railroad from Wilmington toward Dover and a separate railroad leading from Dover southward, it could transact business for the public in Delaware more cheaply by having one president and one treasurer, one salaried officer instead of two. It would be for the public convenience that such companies should unite. So a mere agreement to induce them to unite, putting no constraint or compulsion on them,

should not be prohibited.

Mr. SAULSBURY. This applies to trusts, so that parties engaged in the same business shall not absorb the whole business by some means. Now, I understand that sometimes by use of force men are compelled by threats to give up their own business and become parts of the combination.

Mr. HOAR. That may be. The Senator, as I understand, asks why in my amendment—I do not undertake to speak for the Senator from Ohio in regard to the general bill—I did not put in the word "induce?" It was because I supposed the mere inducing such things as I suggested is strictly lawful and may be proper and meritorious.

Mr. SAULSBURY. But if they come to offer a share—
Mr. SHERMAN. If the Senator will read the first section he will find that it provides-

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed, or which tend, to advance the cost to the consumer of any of such articles, are hereby declared to be against public policy, unlawful, and void.

In other words, it sets out in the most specific language the rule of the common law which prevails in England and this country, especially declared by the supreme court of the State of New York in a very clear and able opinion, which I have here on my desk. That section makes such agreements and combinations unlawful, and it goes as far as the Constitution permits Congress to go, because it only deals with two classes of matters: contracts which affect the importation of goods into the United States, which is foreign commerce, and contracts which affect the transportation and passage of goods from one State to another. The Congress of the United States can go no farther than that. It is

not claimed by anybody it can. So that covers the whole thing.

The second section provides that any person or corporation injured Mr. SHERMAN. Before it is read I wish to say that I have read the section very carefully, and although I am not authorized, as a matter of course, in reporting this bill from the Committee on Finance to be made to strike down any particular person or corporation, if that



person or corporation should be injured by the combination, he or it can sue in the courts and recover according to the language of the bill.

Then the section now offered simply provides for cases where a corporation seeks to compel other corporations or persons to enter into combinations, etc. If they enter into them willingly by persuasion or inducement, as the Senator from Delaware suggests, the case is covered fully by the first section, and the section now offered simply aims to protect a weak person from being compelled by surrounding circumstances, by force or violence, or by threats or intimidation against being forced into a combination of this kind.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Massachusetts.

Mr. PLATT. I asked some little time ago that the amendment

might be again reported.

The PRESIDING OFFICER. The amendment will be again read. Mr. REAGAN. Is this an amendment to the amendment?

Mr. PLATT. A new section after section 2.
Mr. REAGAN. But as an amendment to the sections of the bill as reported by the committee. I have not heard the committee amend-

ment read yet.

The PRESIDING OFFICER. That was read a day or two ago, the Chair will inform the Senator. The amendment of the Senator from Massachusetts will be again reported.

The Secretary read the amendment of Mr. HOAR.
Mr. REAGAN. Mr. President, I do not wish to be out of order, but I desire to call attention, if it is in order, to the section. Was the amendment reported by the committee adopted as part of the bill? Is it incorporated, or is this an amendment preparatory to the incorporation of the amendment of the committee?

The PRESIDING OFFICER. The amendment reported by the Com-

mittee on Finance is now pending, being a substitute for the original bill, and this is an amendment to that amendment.

Mr. REAGAN. I wish to call the attention of the Senator from Ohio and the Senate to the language of the first section of the amendment reported by the committee.

Mr. SHERMAN. Will not the Senator wait until the pending

amendment is disposed of? That is a separate section.

Mr. REAGAN. I will wait until action is taken upon the amend-Mr. REAGAN. I will wait until action is taken upon the ment, and then I desire to call attention to the first section.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. HOAR].

Mr. HARRIS. I should like the attention of the Senator from Massachusetts.

sachusetts. I suppose the power that Congress has over the subject-matter of this bill is derived chiefly, if not entirely, from the power to regulate foreign and interstate commerce. On listening to the amendment as read, I do not see any provision in it that applies it especially to such commerce as either foreign or interstate.

Mr. HOAR. It does. It is there. Mr. HARRIS. I have only heard it read, and it may be that my ear did not catch the description; but if it is not there, it seems to me it ought to be there.

It refers to the arrangements, contracts, agree-Mr. SHERMAN.

ments, etc., described in the first section of the bill.

Mr. HARRIS. That may correct the defect which had occurred to

Mr. HOAR. "If one of the purposes of such arrangement"—the arrangement being an arrangement previously described in the foregoing section of the bill-

Mr. HARRIS. And that previous description applies to foreign and

interstate commerce?

Mr. HOAR. Yes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Finance.

The amendment to the amendment was agreed to.
The PRESIDING OFFICER. If there be no objection, section 3

will be changed to section 4.

Mr. EUSTIS. I would ask the Senater from Ohio whether this proposed law is to apply, as I understand it, only to future trusts, or whether he desires that it shall be applied to existing trusts? The reason I ask the question is this: A great many of these trusts are already in exist-ence. That is the evil which, as I understand, is to be reached by this new legislation. I do not think the provisions of the bill as it stands apply to existing trusts. They are combinations or agreements, it is true, but the first section says "made," of course meaning "made after the passage" of the act. I call the Senator's attention to the fact that the first section contains no sanction—that is, there is no penalty attached. It simply is a declaration that these trusts are void. In the other section, where a penalty is provided, that applies only to future trusts. Therefore in order that this proposed law shall cover existing trusts as well as future trusts, I shall offer the following amendment:

That any person who thirty days after the passage of this law shall act as a manager, officer, trustee, or agent of any trust or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

That is, the fourth section as it now stands.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana [Mr. Eustis].

Mr. SHERMAN. As far as I can perceive, I think that the continuing agreement, arrangement, combination, etc., such as described in the first section will become illegal on the passage of this act and not before. Our laws can not be made retroactive. But I do not see myself any objection to making the continuance of a combination like this after proper days' notice an offense. I think, however, thirty days' notice is too short because a law of this kind ought to have a broad circulation before it becomes operative.

Mr. EUSTIS. I will accept any reasonable change in regard to the

number of days

Mr. SHERMAN. I am not at liberty to accept any amendment on behalf of the committee, but I should be inclined to vote for it if the

Senator should say six months or a year.

Mr. EUSTIS. Say "ninety days."

Mr. SHERMAN. I would say six months or a year, because I do not think anybody ought to be charged with an offense of this kind with such severe consequences until he has had ample notice. A year would answer just as well.

Mr. HARRIS. Ninety days is certainly sufficient for every man to be informed as to the state of the law.

Mr. SHERMAN. Very well.

Mr. HARRIS. And the shorter the time that immunity is given to offenders such as these, the better.

The PRESIDING OFFICER. The question is on the amendment of

the Senator from Louisiana [Mr. Eustis] as modified.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. This amendment will be section 5, if there be no objection.

Mr. PLATT. Let the amendment which has just been agreed to be read again.

The Secretary read as follows:

SEC. 5. That any person who ninety days after the passage of this law shall act as manager, officer, trustee, or agent of any trust or combination as described in the first section, shall be liable to the penalties of the fourth section.

Mr. PLATT. I ask whether there is any distinction between these several words "arrangement," "contract," "agreement," "trust, or combination," and if there is, to suggest that section 2 only applies to what may be done under a combination and not to what may be done under an arrangement, agreement, or trust; and the amendment which has just been adopted only applies to what may be done under a combination or a trust, and has no reference to the other words which are used in section 1, "arrangement," "contract," "agreement," I do not know that there is anything in the suggestion, but if not, why are all those words used in the first section? The second section

is this:

SEC. 2. That any person or corporation injured or damnified by such arrangement, contract, agreement, trust, or combination may sue for and recover in any court of the United States of competent jurisdiction of any person or corporation a party to a combination described in the first section of this act, the full consideration or price paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

Mr. EUSTIS. That is not part of the section I offered.
Mr. PLATT. I know, but that uses only the word "combination."
The Senator's amendment uses one other word, "combination or trust."
Mr. EUSTIS. "As described in the first section," where there is a full description. Mr. PLATT.

The second section does not even refer to the first section.

Mr. EUSTIS. I have not referred to the second section at all.

Mr. PLATT. I merely make this suggestion: If there is any difference between the legal definition of those words as used in the first section, they ought all to be employed in the second section and also in the Senator's amendment.

Mr. EUSTIS. My amendment does not refer to the second section at all. It refers to the first section.

Mr. PLATT. Let it be again read.

The PRESIDING OFFICER. The amendment of the Senator from

Louisiana will be again read.

Mr. EUSTIS. It refers to the first section. I have no objection to the insertion of the words, but the first section defines specifically what this act prohibits. It was not necessary to insert the other words in my amendment. I am perfectly willing to have them inserted.

The PRESIDING OFFICER. The amendment last adopted will

The Secretary read the amendment of Mr. Eustis.
Mr. PLATT. Now let me say—
Mr. EUSTIS. I will amend the amendment, with the Senate's permission, by including the other words, "arrangement, contract, agreement, trust, or combination," as described.

Mr. PLATT. If there is any legal difference, the subsequent sections ought to include all the words in the first.

The PRESIDING OFFICER. Is there any objection to the modification suggested by the Senator from Louisiana? The amendment already voted on will be considered not agreed to, and the Senator from Louisiana modifies it as indicated, by the insertion of the words reported. His amendment will now be read as amended.

Mr. EUSTIS. Put in the words "arrangement, contract, agreement, trust, or combination."

The PRESIDING OFFICER. The amendment will be read as modi-

Mr. PLATT. While the change is being made, I want to make my point clear, if I can, to the Senator from Ohio, because it seems to me that the act ought to be perfected, and my suggestion applies as well to the second section as to the amendment offered by the Senator from Louisiana.

The first section describes several different things, I suppose—if it does not, then the superfluous words ought to be stricken out—"arrangement, contract, agreement, trust, or combination." If it means trust and combination simply, and is not intended to go any further, then the words "arrangement, contract, agreement" ought to be stricken out; but if it is intended to go further than reaching what are technically known as trusts and combinations, then those words, as it seems to me, ought to be inserted in line 5 and line 8 of section 2, which

SEC. 2. That any person or corporation injured or damnified by such arrangement, contract, agreement, trust, or combination may sue for and recover, in any court of the United States of competent jurisdiction, of any person or corporation a party to a combination described in the first section of this act, the full consideration or sum paid by him for any goods, wares, and merchandise included in or advanced in price by said combination.

If there is any technical distinction between these words, the second section does not permit a party injured to recover damages from anybody except a party to a combination. If he is a party to an agreement, an arrangement, a contract, or a trust which does not amount in legal definition as it shall be determined by the court to be a combination, then there is no liability.

The PRESIDING OFFICER. The amendment of the Senator from

Louisiana will now be read as modified.

The Secretary read as follows:

SEC. —. That any person who, ninety days after the passage of this law, shall not as a manager, officer, trustee, or agent of any arrangement, contract, agreement, trust, or combination as described in the first section, shall be liable to the penalties prescribed in the fourth section.

penalties prescribed in the fourth section.

The amendment was agreed to.
Mr. REAGAN. Mr. President—
Mr. HARRIS. If the Senator from Texas will yield to me a moment I simply want to renew a motion which I made half an hour ago and withdrew, and that is that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HOAR. I hope that will not be put now when there are so very few Senators present. Let us have the judgment of the Senate upon that matter and not the judgment of half a dozen.

Mr. SHERMAN. I think that will be better. There are some reasons why there ought to be a session to-morrow.

Mr. HARRIS. I do not know of any.
Mr. HOAR. There is a great deal of undisposed-of public business.
Mr. SHERMAN. I think we had better wait until the Senator from Maine [Mr. HALE] comes in.
Mr. HARRIS. I saw the Senator from Maine a moment since and he has no objection to, but he favors, the adjournment over.

he has no objection to, but he favors, the adjournment over.

Mr. SHERMAN. If I can convenience the Senator from Tennessee when I have an opportunity of seeing the Senator from Maine, I will agree to it. I shall leave it to him. agree to it.

Mr. HARRIS. I withdraw the motion on the suggestion of the

Senator from Ohio.

Mr. REAGAN. I think it is to be regretted that a measure of this reat importance should come up as an amendment to an appropriation bill. It is unquestionably a subject-matter that deserves the earliest and most careful consideration.

The PRESIDING OFFICER. Does the Chair understand the Senator to say it comes up on an appropriation bill?

Mr. REAGAN. I understand so.

The PRESIDING OFFICER. The Senator is mistaken. This is an independent bill reported by the Committee on Finance. It is the bill (S. 3445) to declare unlawful trusts and combinations in restraint

of trade and production.

Mr. REAGAN. Very well. I misunderstood it, then.

Mr. SHERMAN. If the Senator will look at the head of the bill

Mr. REAGAN. I see; but I was misled by our considering an appropriation bill, and I had not noticed that it was disposed of.
Mr. SHERMAN. This bill has been here now for almost a year.
Mr. REAGAN. I understand. I desire to call attention to the lan-

guage contained in the first section because it is a matter of very great moment. There are some things which we have the power to do and some things, I take it, that we have not the power to do. The first section provides—

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States—

That is all right; then it proceeds-

or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States.

tion over this question by virtue of the revenue policy of the United States, which it seems to me is a great mistake. If we have the power to deal with this subject, it seems to me it must be under the clause of the Constitution authorizing Congress to regulate commerce among the States and with foreign countries. If I am right as to that, then the language which I last read and which I will reread seems to me to be unwarranted and I fear it would be inoperative; that is:

Or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States.

That would extend the jurisdiction of Congress, if it could be made effective, to all such combinations, arrangements, agreements, or trusts made wholly within a State and made with reference to commerce wholly within a State. I do not think the courts would give effect to such a provision, nor do I think it would be safe for the Senate to attempt to do what it appears to me is clearly not within the power of Congress. If the language were changed so as to read (I do not know that this precise language is the proper phraseology, but I suggest it as an improvement):

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States—

Then these new words I would suggest-

Or for transportation from State to State, or to or from a foreign country, or within the District of Columbia, or any of the Territories of the United States.

And then I would proceed with the language of the bill: And all arrangements, contracts, agreements, trusts, or combinations.

The PRESIDING OFFICER. If the Senator from Texas will permit, the Chair will suggest that amendments have already been adopted probably covering the same ground about which he is speak-The Chair will have the amendments read for his information.

Mr. REAGAN. I shall be obliged to the Chair for having that

The PRESIDING OFFICER. The Secretary will read the amendments agreed to.

In section 1, line 9, after the word "that," the The SECRETARY. words "competes with any similar article upon which a duty is levied by the United States, or which" have been stricken out, and the words "in due course of trade" inserted; and after the word "another," in line 11, the words "or to the District of Columbia, or from the District of Columbia to any State or Territory" have been inserted; so as to make the section read:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another, or to the District of Columbia, or from the District of Columbia to any State or Territory, and all arrangements, contracts, agreements, trusts, or combinations between persons or corporations designed or which tend to advance the cost to the consumer of any of such articles, are hereby declared to be against public policy, unlawful, and void.

Mr. REAGAN. I think it likely that that covers the idea I had in view, but I am not entirely certain of it. Not having been present when that action was taken is my apology for presenting the amendment which I intended to suggest to cover the difficulty. If the Senator from Mississippi [Mr. George] thinks that covers the difficulty, I am satis-

Mr. GEORGE. The Senator is mistaken about my supposing that the amendment covers the difficulty. I called his attention to the amendment so that he might discuss the bill as it stood. I do not think

it removes the difficulty by any means.

Mr. REAGAN. I misunderstood the Senator, then. That would leave in the bill the words "or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material" that are transported. Ido not feel able to determine at this time whether the language there covers the idea that I have presented or not. I have not had an opportunity to consider the subject, was not present when it was up before, and did not know it would be up this morning, or I should have been prepared for it.

Mr. PLATT. I suppose at 2 o'clock another matter comes up, and if this bill is to go over I should like to suggest and have printed the following amendments to it: After the word "into," in line 1 of section 2.

tion 3

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the special order for

this hour, which will be stated.

The Secretary. A bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government and the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government and other purposes." approved the use of the same for postal, military, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to on which a duty is levied by the United States.

That language evidently rests upon the idea that we obtain jurisdictive of the Companies therein mentioned.

Mr. PLATT. I hope the Senate will allow me to suggest some amendments to the bill which has been under consideration, which I desire to have printed.

Mr. PLUMB. If the Senator will allow me to make my motion, I shall then take into account the convenience of himself and the Senator from Ohio. I move that the Senate proceed to the consideration of House bill 11651, being the District of Columbia appropriation bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other

Mr. PLUMB. Now, I want to say about the bill which was under consideration that I do not desire to interpose the appropriation bill so as to prevent that from being considered if the appropriation bill can be disposed of this afternoon; but I feel that it having been considered on a previous day and for reasons which occur to every Senator, it ought to be disposed of to-day without any doubt.

Mr. PLATT. What I was asking was that I might now submit some proposed amendments to the trust bill to be printed.

Mr. PLUMB. I will consent to the appropriation bill being temporarily laid aside in order to allow the Senator to propose his amend-

The PRESIDING OFFICER. The Senator from Connecticut proposes to amend the trust bill which has been under consideration.

Mr. PLATT. With the idea of having the amendments printed. In section 3, line 1, after the word "into," I move to insert "or engaged in the execution of," and after the word "under," in line 4, to insert "whether the principal is an inhabitant of or established in the United States, or is an inhabitant of or established in a foreign country."
I should like to have that printed if the bill is going over

Mr. STEWART. I should like to offer an amendment to be printed. The PRESIDING OFFICER. The Chair would suggest as the bill is going over that as it now stands it had better be reprinted and then the amendments be printed as proposals to be offered to it.

Mr. STEWART. I will read the amendment I propose. It is as

That any person may deposit at any mint or assay office of the United States either gold or silver bullion, or both, in quantities of not less than 5 ounces of gold or 80 ounces of silver, and demand and receive coin certificates therefor at the rate of \$1 in certificates for 25.8 grains Troy weight of standard gold, nine-tenths fine; and at the rate of \$1 in certificates for 412\frac{1}{2} grains Troy weight of standard gold, nine-tenths fine; and at the rate of \$1 in certificates for 412\frac{1}{2} grains Troy weight of standard silver, nine-tenths fine.

The coin certificates issued under the provisions of this section shall be of such denominations as the Secretary of the Treasury shall prescribe: Provided, That they shall not be of less denomination than \$1 or more than \$1,000, and that one-half of the amount issued shall be in denominations less than \$50, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portions of the bullion deposited under the provisions of this section as may be necessary to enable him to furnish coin for the redemption of such certificates.

The coin certificates issued under the provisions of this section shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made, and when such certificates shall be received for public dues they shall be reissued. And a sufficient sum to carry out the foregoing provisions of this section is hereby appropriated out of any money in the Treasury not otherwise appropriated. And the provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase at the market price thereof not less than \$2,000,000 worth of silver bullion per month, nor more than \$4,000,000 worth per month of such bullion, is

The PRESIDING OFFICER. The trust bill as it has now been agreed to will be reprinted, and the amendments will be printed as

proposed by the respective Senators who offered them.

Mr. SHERMAN. That being done, I wish to give notice that when
this bill is taken up the next time, I do not care whether it is against the Lord's Prayer or the Ten Commandments, I shall move and insist upon it that it shall only be displaced by the will of a majority of the Senate, and with all due deference not to be defeated by counter-propositions in no way relating to the subject-matter, but that it shall be fairly tested if possible. I do think this bill is absolutely necessary in the present condition of the business of this country, and I intend, if possible, to get a vote of the Senate upon it. I can not object, of course, to its going over now, as an appropriation bill is pending.

## DISTRICT APPROPRIATION BILL

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year end-

ing June 30, 1890, and for other purposes.

Mr. CULLOM. I wish to offer an amendment to the bill now, as I am a member of a conference committee which is waiting my presence in the committee room. I desire to offer the amendment so that it may be taken up at the proper time as an amendment to the bill. It is on page 8, line 25, to insert:

To pave C street northeast, from Eighth street eastward, \$5,000.

I should like to have that amendment inserted. I desire to state that the Senator from Colorado [Mr. TELLER], who is called away

upon a mournful occasion, left this with me and asked me to offer it as an amendment to the bill under consideration. I hope it will be adopted, although I shall not be able to remain here till it is considered, unless it is disposed of at this time.

#### NEBRASKA LAND DISTRICTS.

Mr. PADDOCK. I ask the Senator from Kansas to yield to me for about five minutes to call up a most important local bill for my State,

which I desire to have acted upon.

Mr. PLUMB. I will yield if it does not take over five minutes.

The PRESIDING OFFICER. The appropriation bill will be temporarily laid aside, if there be no objection.

Mr. EDMUNDS. Let us know what bill it is.
Mr. PADDOCK. I move that the Senate proceed to the consideration of Order of Business 2524, being the bill (S. 3810) to establish two additional land districts in the State of Nebraska.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be taken up subject to objection.

The PRESIDING OFFICER. Subject to objection, the bill will be

The bill was read, and, by unanimous consent, considered as in Committee of the Whole.

Mr. PADDOCK. In line 12, section 2, I move to strike out the word Territory " and insert "State."

The amendment was agreed to.
The PRESIDING OFFICER. The same amendment will be made in line 4 of the section.

Mr. PADDOCK. Yes, sir; that should be done.
The PRESIDING OFFICER. That amendment will be made.
Mr. EDMUNDS. I wish to ask the Senator from Nebraska if this scheme of these two land districts is recommended by the Department of the Interior?

Mr. PADDOCK. The bill was drawn in the Department of the Interior, and the boundaries fixed by the Commissioner of the General Land Office. There was a bill presented by myself, considered by the committee, and referred to the Land Office for its opinion, and it was reported back by the Land Office with the recommendation that the boundaries be fixed as described in this bill. To meet this view of the Department this bill was reported as a substitute for the original bill.

Mr. EDMUNDS. Then I understand the Interior Department think

that this legislation ought to occur?

Mr. PADDOCK. Yes, sir; I think so.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes,
Mr. PLUMB. The amendment pending is that offered by the Sen-

ator from Missouri [Mr. VEST].

The PRESIDING OFFICER. Shall the amendment of the Senator from Illinois [Mr. Cullom] be acted upon now?

Mr. PLUMB. It might as well be, I think.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of the amendment already adopted,

after line 25, on page 8, it is proposed to add:

To pave C street northeast, from Eighth street eastward, \$5,000.

The amendment was agreed to.

Mr. DAWES. I offer the following amendment to follow the one

To pave T street northwest, from Ninth to Vermont avenue, \$5,000.

The amendment was agreed to.

Mr. EDMUNDS. Is there any amendment pending?

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. Vest] is now pending, and will be read.

The Secretary. On page 12, line 2, after the word "dollars," it is

proposed to insert:

All street-railway companies or persons operating or having tracks or roadbeds on the streets of the city of Washington shall cause said rails and road-beds
to be relaid with the fiat grooved rail and made level with the surface of the
streets upon each side of said tracks or road-beds, so that no obstruction shall
be presented to vehicles passing over said tracks.

The cost of making the changes herein required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being
notified by the commissioners of the District of Columbia in writing to comply
with the terms of this act, the said corporations shall not within thirty days
thereafter begin the work required and complete the same within a reasonable
time, it shall be the duty of the commissioners to cause the necessary changes
in said rails and road-beds to be made, and the cost thereof shall be collected
from the corporations or persons, respectively, owning or operating said street
railroads, by suit in the name of the United States, to be instituted by the United
States attorney for the District of Columbia,

Mr. DAWES. One moment

Mr. DAWES. One moment-

Mr. EDMUNDS. While the Senator from Massachusetts is examining this amendment with a view to seeing whether an amendment he offered to it has or has not been adopted, I wish to say for my friend from Missouri [Mr. Vest] who is now absent that he asked me to look after this matter in his necessary absence, for him. He is of opinion, and I concur entirely, that the provision about collecting the cost of this change of rails and road-beds had better be changed to the provisions of the act creating the present government of the District of Columbia, the substance of which is that the commissioners may have such work done and issue certificates of indebtedness against the owners of the lines, which shall bear interest at the rate of 10 per cent., and if at the end of a year they are not paid the commissioners shall then cause the property to be sold to reimburse the people who did the work.

I think there would be a better way still, and that is as we do in the State of Vermont, to have the commissioners either issue a warrant of distress and sale for the collection of these assessments or apply in a summary way to the supreme court of the District, where the company, if it thought the matter was illegal or irregular, might resist and have the question passed upon at once, and then issue a court warrant for whatever ought to be paid. But as this matter will, of course, go into a conference, and as it is desirable to save time, I think it is just as well, after calling attention to it and the propriety of some change in the modus of reimbursement, to let the amendment be adopted as it stands, and then the Senate conferees can arrange with the House gentlemen, if the House agree to it at all, to make the machinery what it ought to be.

Mr. FAULKNER. Do I understand the Senator from Vermont to

offer the amendment he suggested?

Mr. EDMUNDS. No; I only suggested as a more convenient way of getting the phraseology as to the method of reimbursement correct for the information of the Senate, without having time to prepare it myself now, in the hope that the Senate conferees, if the House will agree to the proposition at all, will put the machinery into proper

shape for accomplishing the end.

Mr. FAULKNER. I was going to say that I had proposed to offer the same amendment, and have drawn it, taken from the organic act of the District. I have called upon the commissioners for any informathe District. I have called upon the commissioners for any informa-tion in reference to the operation of that original act, and I have learned from them that it has been perfectly satisfactory in its opera-tions and exceedingly effective, so much so that they have had occa-sion only in five instances to issue certificates, and in every instance they were paid at once by the company. If the Senator from Vermont has not prepared the amendment and that is the reason for his not offering it, I will offer an amendment as follows: Strike out all after the word "made," in the fifteenth line of the amendment of the Senator from Missouri [Mr. VEST], and insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "made," in line 15, it is proposed to strike out the remainder of the amendment, as follows:

And the cost thereof shall be collected from the corporations or persons, respectively, owning or operating said street railroads, by suit in the name of the United States, to be instituted by the United States attorney for the District of Columbia against said corporations or persons in the supreme court of the District of Columbia.

And in lieu thereof to insert:

And shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued to gether with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

Mr. EDMUNDS. That is right; that is according to the existing law

, The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. FAULKNER] to the amendment of the Senator from Missouri [Mr. VEST].

The amendment to the amendment was agreed to.

Mr. FAULKNER. I desire to offer another amendment to the amendment of the Senator from Missouri. After the word "tracks," in line 6, I move to insert:

To be approved by the commissioners of the District of Columbia.

There are five different patents now issued by the Government under which grooved rails are being made, and this amendment simply provides that grooved rails shall be laid level with the surface of the street, etc. It is just both to the companies and to the public that some one shall decide which patent shall be used in the laying of rails to correspond with the provisions of this amendment. One company may assume that one patent is all right and another company another, and the public of course will be benefited by either perhaps over the roads as at present constructed, although there should be a uniform rail laid upon all the streets of the city. I do not know in whom to vest the authority but in the commissioners of the District of Columbia.

Mr. DAWES. Has the Senator any personal knowledge of the difference in character of these five different styles?

Mr. FAULKNER. I have no personal knowledge on the subject, but have received two communications in reference to it in which the persons who are interested urge upon Congress or at least urge upon me to suggest to Congress to fix the particular rail under the patents that shall be used. That Congress can not do, but—

Mr. DAWES. My only apprehension is this: there may not be such a wide difference between them that some rail may approximate so closely to the present rail that we should not make much by a change.

If the Senator has any such knowledge of them as to form an opinion

of his own, I would take that rather than run any risk.

Mr. FAULKNER. I have no personal knowledge, but with the direction contained in this amendment to the commissioners as to the character of the rails, and the object and purpose of the action of Congress in the adoption of this amendment, certainly they will carry out

that view which is expressed by the language used.

Mr. DAWES. I have great confidence in the commissioners, and it is increasing daily, and so far as possible I would commit absolutely the interests of this District to the board of commissioners. But on the whole I have arrived at that state from experience that I would rather have some limitation upon these five patents, because I am afraid, not that the commissioners would intend any such result, but I am afraid that if there is any one of the five poorer than the rest, somehow, accidentally, and without the intention of the commissioners, we shall have

at one. That is all I can say about it. That is my apprehension.

Mr. PLUMB. Mr. President, I think the amendment of the Senator from West Virginia [Mr. FAULKNER] is on the whole right. The contingency which the Senator from Massachusetts [Mr. DAWES] suggests is one that constantly arises when we devolve duties on subordinates. There is, as I think, a fair consensus of opinion now to the effect that the street railways of Washington are a disgrace to the capital of the the street railways of Washington are a disgrace to the capital of the nation; a disgrace which is, of course, more to the discredit of the Government, perhaps, than it is to the discredit of the railway companies. The facilities are inadequate; they are antiquated, obstructive, offensive to health, to life, to sight. They ought to be removed at the earliest possible moment. This great and magnificent avenue, Pennsylvania avenue, which is said to be the finest street of its kind in the world, has down its center a gash which mars it, which is an eye-sore, and which contributes neither to the public comfort nor to the public welfare, and to nothing in fact except the profits of the railway company. When we come to consider the method of getting rid of this trouble we shall be confronted with different ideas about rails, motors, and so on. We have got to have in fact the co-operation of the Government and the railway companies. They have got to be made to see that it is to their

have got to have in fact the co-operation of the Government and the railway companies. They have got to be made to see that it is to their interest to do that which is fair and right.

The Senator from Vermont at a previous session spoke of the great success he had in getting a repair of their track out of them, when of course he had not any success in getting it out of the commissioners as a matter of right. That only illustrates what I said a moment ago, that course he had not any success in getting it out of the commissioners as a matter of right. That only illustrates what I said a moment ago, that we have got to have the co-operation of the railway companies. Whenever they have got to do something to take these rails out and put other rails in their place, I have no doubt they will, as a matter of wise financial prudence, agree to put in that which is best, so far as they believe it to be best for them at all events, upon the idea that that which is best will be most permanent, rather than to put in that which is indifferent and which will subject them to further adverse legislation on the part of Congress.

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Therefore I believe we shall find the railroad companies, when we have got to the point of doing something, co-operating with us in doing the best thing, and that then we may perhaps with safety leave the remainder of it, that supervision which somebody must have representing the public, to the commissioners themselves, whether they be the present commissioners or some other body of men—they are at all events the men whom the President of the United States appoints upon the theory that they are the proper representatives of the public-having no personal interests to subserve, but keenly alive to the public interests. In that view of it of course they are the persons who ought to be able to assist the railroad companies in conference with them, or as a matter of final authority in defiance of the railroad companies to require the placing upon the streets of the very best possible rails to accomplish the double purpose of securing the safe and speedy transmission of the public in the cars of the railroad companies and of conerving that other portion of the public who are obliged to travel on foot and those who travel in private vehicles, and at the same time to relieve the streets from that which is a blemish to the sight.

Of course it may happen, as the Senator from Vermont [Mr. ED-MUNDS] suggested a moment ago, that some details may be overlooked. There may be some very radical adjustment of this matter in fact to be made when we come to consider the subject in connection with the conferees of the House of Representatives. If we find them willing, then of course the question of language, of detail, and so on, will be very easily settled. In the mean time, as a suggestion at least, if nothing further, I think the amendment of the Senator from West Virginia [Mr. FAULKNER] is exceedingly timely. I have no doubt it will fur-

nish a very much better method, in the first place, of collecting the money which the Government may expend in carrying out this very necessary reform than that provided for in the original amendment of the Senator from Missouri [Mr. VEST]. It constitutes a lien under which the railroads may be sold, and there can not be the dilatory proceedings which would probably result from the operation of the original provision; and whether that be the best or not, or whether in connection with what remains of the original text the very best thing has been provided, it is at all events a valuable suggestion which will enable the conferees to take the subject up with a more intelligent consid-

ble the conferees to take the subject up with a more intelligent consideration than they could without it.

The PRESIDING OFFICER. The amendment proposed by the Senator from West Virginia will be read. The Chair suggests that the Senator place the amendment at the end of line 6, or after the word "road-beds," in line 5.

Mr. FAULKNER. I accept that suggestion.

The PRESIDING OFFICER. It will be so reported.

The Secretary. After the word "road-beds," in line 5, it is proposed to insert "to be approved by the commissioners of the District of Columbia."

of Columbia."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Before we depart from this railroad subject I think it right to say, first, on the point referred to by my friend from Kansas, that these changes necessarily involve a very considerable expense. They ought not the less to be done; but it may happen in regard to two or three of the weaker roads (none of whose agents, or attorneys, or officers, or stockholders, I am glad to say for their sake, and mine, too, as to my temper, have said a word to me on the subject) that they may not be able financially to do this thing immediately; and in the end the matter as it regards perhaps some of the roads, as compared with others who are strong and whose stock is far above par, ought to be given a longer time in regard to making these changes than the strong roads should be allowed. I merely make that suggestion for consideration when the matter comes into conference between the two Houses; and in the same connection, on the subject of the wretched condition of the tracks and road-beds, and particularly at crossings, to one of which I referred yesterday, I wish to read to the Senate the positive

When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner, etc.

Here is a positive law which is ten years old that at all these intersecting crossings and running across streets that are paved one way, etc., the pavement between the tracks and on the sides shall conform to the street pavement in order to make the passage across the tracks practical and uniform; and yet I venture to say from my own personal observation, without stopping to count them up, that there are scores of these intersections of railways as well as the railways crossing streets and avenues where the pavement of the railway is entirely different from the pavement of the street and is absolutely atrocious in respect of one's being able to get across it all. And yet for some reason or without any reason the executive authority of this District has failed to secure action (although in one very prominent instance their attention has been called to it for nearly a year and they have called upon the company to do it), and vast rocks still are there and everywhere else; and why it is I can not possibly understand.

Mr. DAWES. I wish to inquire of the Senator why they were re-

quired by law to make the points at the crossing uniform with the pavement of the street and to let the continuous line in the street be supplemented by Belgian blocks in an uncomfortable way, as on Penn-

sylvania avenue

Mr. EDMUNDS. I do not know, except that in the organic act for creating this government those who drew it may have thought—I am not defending it—that at the crossings and intersections there would be double if not four times the amount of traffic that there would be where the street and railway line were continuous and parallel.

Mr. DAWES. One of the most serious inconveniences to travel is

the fact that not only the space between the two tracks but the space between the tracks themselves and 18 inches on each side outside of the rail there is a different pavement, generally Belgian blocks, rising up above the rest of the street and making still more inconvenient the

use of wheel carriages.

Mr. EDMUNDS. That is perfectly true; but it might be said in favor of these horse-railway operations that in the long line following one street or avenue asphalt could not be used between the tracks, as the horses are subjected to a heavy strain every time the car has to be started again when it stops, as it is necessary to have something that the shoes can take hold of better than they can asphalt. That might

have suggested it.

Mr. DAWES. I suppose that is a good reason for having Belgian blocks between the two tracks on each continuous line, but that is no reason why 18 inches on the outside and all the space between two

separate tracks should be so constructed.

Mr. EDMUNDS. It is no reason at all, Mr. President. Probably

the object in doing that was to keep people from getting on there as far as they possibly could. But I think the matter is now in a condition where, if the House of Representatives shall be willing to enter upon it at all, the representatives of the Senate will be able to put it in practical and workable shape to do justice and to manage this im-

Mr. DAWES. I wish the Senator from West Virginia would consent to further improve the amendment so that the railroad companies shall find it necessary to follow out the spirit of the law which has just been read by the Senator from Vermont, and extend it to everything except the space between the tracks where the horses travel. It is very apparent that they could not travel upon an asphalt pavement, but as to all the rest of it there is no occasion for any Belgian pavement any

all the rest of it there is no occasion for any Belgian pavement any more than there is in the rest of the street.

Mr. FAULKNER. That may be done in the conference committee when the conferees come to consider the whole subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. Vest] as amended.

Mr. GORMAN. In line 12 of the amendment it is provided that within thirty days after notice by the commissioners this improvement shall be begun by the railroad companies. I suggest that that is not a sufficient time. It would be impossible for the companies to comply with that condition. I therefore move to strike out "thirty" and insert "ninety," so that they shall be required to commence the improvement within ninety days after notice by the commissioners.

Mr. EDMUNDS. I think that is fair.

Mr. GORMAN. It would be impossible for them to get the new rails in the time specified.

in the time specified.

Mr. EDMUNDS. They could not get the materials, probably, in

thirty days.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maryland to the amendment of the Senator from Missouri

The SECRETARY. At the beginning of line 12 in the amendment it is proposed to strike out "thirty" and insert "ninety;" so as to read: The said corporations shall not within ninety days thereafter begin the work,

The amendment to the amendment was agreed to.

Mr. GORMAN. In line 13 of the amendment I move to strike out the words "within a reasonable time" and to insert "on or before November 1, 1890," so as to require this work, after the notice has been given, to be completed by the 1st day of November, 1890. For one I am not prepared to put this power in the hands of the commissioners and let them determine when it shall be done. I think probably it never would be done unless we fixed the time for its completion.

The PRESIDING OFFICER. The amendment proposed by the Sen-

ator from Maryland to the amendment of the Senator from Missouri

will be stated.

The SECRETARY. In line 13 of the amendment it is proposed to strike out the words "within a reasonable time" and to insert "on or before November 1, 1890."

Mr. EDMUNDS. The trouble about that is that if the companies think they can have the same luck that they have had hitherto, they will not raise a hand or buy a rail until the 1st of November, 1890, and then they will see what they can do with Congress and the commission-

ers, and so on.

The suggestion of my friend from Maryland, that it gives too much power to the commissioners, I do not think is well founded, because the commissioners are not the persons to decide what is a reasonable time. If the commissioners after these ninety days, the companies having started within the ninety days to do this thing, think that they are not carrying it on with reasonable expedition they can then issue their certificates, and when those certificates come to be collected a court of law will have to determine whether the commissioners were acting within their authority in taking this work out of the hands of the company, and that will be for a court of law to determine upon the question whether the company had a reasonable time to complete the improvement. So I think it is better on principle to let the clause stand as it is.

There is only one argument that I can think of in favor of the suggestion of my friend, which fixes an absolute time, and that is, according to our previous experience in the last twenty years here, if the commissioners are to act in the first instance, when they think the company has been unreasonable in de'ay, they are likely never to act at all. I hope they will do better hereafter, and I am willing to trust

them on that as the better chance of the two.

Mr. GORMAN. My experience with all these corporations here (and I had some little experience while I was on the District of Columbia Committee) is that we have not accomplished anything in the way of reform with any of these railroad companies when the matter was left specially to the commissioners. I offered the amendment with a view of requiring this improvement to be made within some specified time. I know the Senator from Vermont is very anxious, as I am, to have this improvement made. After giving it some thought and conferring, not with anybody interested in these matters, but with practical men, it was thought that by November, 1890, they could procure these rails, which are all to be made and can only be made after the order is given; that it would give ample time to complete the work; and that probably to fix a less time would be a very great hardship upon the companies. Believing that and having that object in view, I offered the amend-

Mr. PLUMB. Might not the Senator carry out the very idea he has Mr. PLUMB. Might not the Senator carry out the very idea he has in mind in another way? He wants to give more time. A reasonable time may be more than the 1st day of November, 1890. It is a question of circumstance to be settled from time to time. They might not be able to get the rails. I want, so far as I am concerned, to give them all the time that is necessary, making it perfectly sure that they shall do not only the thing which we have generally in mind, but the very best thing. It may take two or three years to do it. I should feel reasonably well satisfied if I could see the work in process of being done upon the wisest suggestion that could be made. There might be a condition of thingsin which the railroad companies might have a few months before they determined as to what was best to be done, and then some delay growing out of a strike or something of that kind might occur. delay growing out of a strike or something of that kind might occur, and they might see no reason to do anything at all because they could not do it all by that time.

I rather think that the words "within a reasonable time" are more likely to be beneficial to them and at the same time perhaps more beneficial to the public than the limitation of a specific date, as the Senator

from Maryland proposes.

Mr. EDMUNDS. If we were to have a specific day in order to get this thing wound up, the 1st of November, 1890, would be two years, lacking three months, in round numbers. If the Senator from Maryland would modify his amendment so as to have the limitation on or before November 1, 1890, to come in after the word "made," at the end of what would be, if the figures went down, line 15, at the end of the print of this amendment, it would read in this way:

The said corporation shall not within ninety days thereafter begin the work required to complete the same within a reasonable time, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made on or before the 1st of November, 1890.

Mr. GORMAN. I have no doubt that will accomplish the purpose

Mr. EDMUNDS. That would put a terminus then. As the Senator from Kansas suggests, it might be found impracticable really to com-plete it all by that time. As there is no forfeiture it will be perfectly easy for Congress to be applied to to extend that time if it is found

Mr. PLUMB and Mr. GORMAN. No objection.

Mr. EDMUNDS. I think that will do, to transpose the clause and put it after "made."

Mr. GORMAN. I will so modify the amendment. The PRESIDENT pro tempore. The Secretary will state the amend-

Mr. EDMUNDS. Leave the "reasonable time" to stand and put in the limitation.

The SECRETARY. After the word "made," in line 15 of the amendment, it is proposed to insert:

On or before November 1, 1890.

So as to read:

The cost of making the changes herein required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made on or before November 1, 1890.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri [Mr. Vest] as amended.

The amendment as amended was agreed to.

Mr. EDMUNDS. I offer an amendment to come in as an additional section at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read. The SECRETARY. It is proposed to add to the bill:

The Secretary. It is proposed to add to the bill:

SEC. — For the establishment of a national park in the District of Columbia, \$1,300,000, to be expended under and in accordance with the provisions following, that is to say:

That, in order to establish a park in the District of Columbia, a commission shall be constituted, composed of three persons, namely, the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, which shall be known and designated as the commission for the establishment of a park. That the said commission is hereby authorized and directed to make an inspection of the country along Rock Creek, beginning at the point on that creek at Massachusetts avenue extended, and extending upward along its course to where said creek is crossed by the road leading west from Brightwood, and to select from that district of country such a tract of land, including said creek and not more than one-fourth of a mile on each side thereof, on an average, as said commission shall deem to be suitable and appropriate for a park.

That the said commission shall cause to be made a careful map of said park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed

thereon, and the said map shall be filed and recorded in the public records of the District of Columbia; and from and after that date the several tracts and parcels of land embraced in such park shall be held as condemned for public uses, subject to the payment of just compensation, to be determined by the said commission and approved by the President of the United States: Provided, That such compensation be accepted by the owner or owners of the several parcels of land.

commission and approved by the President of the United States: Provided, That such compensation be accepted by the owner or owners of the several parcels of land.

That if the said commission shall be unable to purchase any portion of the land so selected and condemned within thirty days after such condemnation, by agreement with the respective owners, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition, at a general or special term, for an assessment of the value of such land, and said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owners thereof, and his, her, or their residences, as far as the same can be ascertained, together with a copy of the recorded map of the park; and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of the land, and to ascertain and assess the value of the land as selected and condemned by appointing three commissioners to appraise the value or values thereof, and to return the appraisement to the court; and when the values of such land are thus ascertained, and the President shall deem the same reasonable, said values shall be paid to the owner or owners, and the United States shall be deemed to have a valid title to said lands.

That the said commission is hereby authorized to call upon the Superintendent of the Coast and Geodetic Survey, or the Director of the Geological Survey, to make such surveys as may be necessary to carry into effect the provisions of this section; and the said officers are hereby authorized and required to make such surveys under the direction of said commission.

Mr. HOAR. I desire to raise the question of order on that amend-

Mr. HOAR. I desire to raise the question of order on that amendment.

Mr. EDMUNDS. I will modify my amendment first, if the Senator will pardon me for a moment. Instead of "\$1,300,000" I wish it to read "\$500,000."

The PRESIDENT pro tempore. The Secretary will state the pro-

Mr. EDMUNDS. Everybody understands it. I propose to appropriate "\$500,000" instead of "\$1,300,000."

The Secretary. In line 2 of the amendment it is proposed to strike out "one million three" and to insert "five;" so as to read: "\$500,000."

Mr. SAULSBURY. I should like to ask the Senator from Vermont if there is any provision made for an appeal in case of condemnation?

Mr. EDMUNDS. The amendment provides that if this commission

of three heads of Departments can not agree upon the value of the land, they shall apply to the supreme court of the District, which proceeds judicially, and then, as in such cases, no appeal is provided for unless a question of law arises, and in that case an appeal is vested by general

Mr. HOAR. I desire to raise the question that the amendment is not competent under Rule XVI. Mr. EDMUNDS. It is, I think.

The PRESIDENT pro tempore. Will the Senator indicate the clause of the rule?

Mr. EDMUNDS. The amendment has been referred to the Committee on Appropriations, I think.

Mr. HOAR. I raise the question that the amendment is irrelevant

to the matter of the bill, and also the question that it proposes general

legislation.

I should like to inquire whether it has been reported by a standing committee and referred to the Committee on Appropriations more than twenty-four hours before being offered here?

Mr. MORRILL. I have reported from the Committee on Public Buildings and Grounds an amendment for a zoological park, not the amendment for a general park.

Mr. HOAR. This is a separate amendment, and has not been referred before being offered in the Senate.

Mr. EDMUNDS. Mr. President—

The PRESIDENT pro tempore. While the question of order is not strictly debatable, as an appeal would lie the Chair will hear the Senate.

ator from Vermont on the subject.

Mr. EDMUNDS. I was under the impression that my colleague had reported from the Committee on Public Buildings and Grounds the amendment for a general park, but he says he only reported the one for a zoological park at \$200,000. Therefore I think myself that the amendment would be subject to the point of order that it proposes a new item of appropriation which had not been referred to the Committee on Appropriations. think are well founded. The other parts of the point of order I do not

Mr. HOAR. If it would be out of order for any purpose, I suppose

it is not necessary to pass on the other points at present.

Mr. EDMUNDS. But the Chair may differ with my friend.

The PRESIDENT pro tempore. The Chair would be compelled to hold that under the second paragraph of Rule XVI, technically the amendment is open to the point of order suggested by the Senator from Massachusetts.

Mr. EDMUNDS. That ends that. Now, I offer an amendment which has been reported from the Committee on Public Buildings and Grounds and referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add to the bill the following addi-

SEC. —. For the establishment of a zoological park in the District of Columbia, \$200,000, to be expended under and in accordance with the provisions following, that is to say:

That, in order to establish a zoological park in the District of Columbia, for the advancement of science and the instruction and recreation of the people, a commission shall be constituted, composed of three persons, namely: The Secretary of the Interior, the president of the board of commissioners of the District of Columbia, and the Secretary of the Smithsonian Institution, which shall be known and designated as the commission for the establishment of a zoological park.

retary of the Interior, the president of the board of commissioners of the District of Columbia, and the Secretary of the Smithsonian Institution, which shall be known and designated as the commission for the establishment of a zoological park.

That the said commission is hereby authorized and directed to make an inspection of the country along Rock Creek, between Massachusetts are now extended and where said creek is crossed by the road leading west from Brightwood crosses said creek, and to select from that district of country such a tract of land, of not less than 100 acres, which shall include a section of the creek, as said commission shall deem to be suitable and appropriate for a zoological park. That the said commission shall cause to be made a careful map of said zoological park, showing the location, quantity, and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed thereon, and the said map shall be filed and recorded in the public records of the District of Columbia; and from and after that date the several tracts and parcels of land embraced in such zoological park shall be held as condemned for public uses, subject to the payment of just compensation, to be determined by the said commission and approved by the President of the United States, provided that such compensation be accepted by the owner or owners of the several parcels of land.

That if the said commission shall be unable to purchase any portion of the land so selected and condemned within thirty days after such condemnation, by agreement with the respective owners, at the price approved by the President of the United States, it shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, by petition at a general or special term, for an assessment of the value of such land, and said petition shall contain a particular description of the property selected and condemned, with the name of the owner or owner

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

Mr. HOAR. I raise the question of the relevancy of the amendment

to the bill to which it is proposed.

Mr. MORRILL. I hope the Senator from Massachusetts will allow

this amendment to go on the bill.

Mr. EDMUNDS. I trust the Chair will pass on the question of

Mr. MORRILL. It is a matter of very great importance, involving the question as to whether we shall preserve the animals that pecu-

liarly belong to this continent-Mr. HOAR. I rise to a question of order. I call the attention of

the Chair to the third clause of Rule XVI.

The PRESIDENT pro tempore. The Chair is familiar with the rule, but supposed there would be no objection to the Senator from Vermont [Mr. Morrill] proceeding. If the Senator from Massachusetts desires to prevent debate—

Mr. SPOONER. I ask unanimous consent that the Senator from Vermont [Mr. Morrill] may be allowed to proceed.

Mr. HOAR. Let the Chair submit the question for unanimous consent that the debate were proceed.

Mr. HOAR. Let the chair submit the question for unanimous consent that the debate may proceed.

Mr. EDMUNDS. I hope the Chair will rule on the question of order,
The PRESIDENT pro tempore. The point of order is well taken.
The question of relevancy must be submitted to the Senate without

Mr. HOAR. Mr. President—
The PRESIDENT pro tempore. The question recurs on the proposition submitted by the Senator from Massachusetts, is the amendment relevant?

Mr. HOAR. I ask unanimous consent-

The PRESIDENT pro tempore. The Chair can not entertain de-

Mr. HOAR. I do not propose to debate, but I ask unanimous consent that the Senator from Vermont [Mr. MORRILL] may proceed.

The PRESIDENT pro tempore. The Chair regards that as in the

nature of debate.

Mr. EDMUNDS. Let us take the question.

The PRESIDENT pro tempore. The question will be taken on the relevancy of the proposed amendment. Is the amendment relevant? [Putting the question.] By the sound the ayes have it.

Mr. HOAR. I call for a division.

There were, on a division—ayes 15, noes 4.

The PRESIDENT pro tempore. No quorum voting, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Bate,	Edmunds,	Ingalls,	Sherman,
Blair.	Eustis,	Jones of Arkar	sas,Spooner.
Brown,	Evarts.	Morrill,	Stanford,
Call,	Faulkner,	Paddock,	Stewart.
Chandler,	Frye,	Palmer.	Stockbridge,
Cockrell,	Gorman,	Pasco,	Turpie,
Cullom,	Hale,	Platt.	Voorhees.
Davis,	Hampton,	Plumb,	Walthall,
Dawes,	Harris,	Reagan,	Wilson of lows.
Dolph,	Hoar,	Saulsbury,	

The PRESIDENT pro tempore. Thirty-nine Senators have answered to their names. A quorum is present. The question recurs on the point of order raised by the Senator from Massachusetts [Mr. HOAR] upon the relevancy of the proposed amendment, which, under the

mr. EDMUNDS. I ask the Chair to read the rule.

The PRESIDENT pro tempore. The Chief Clerk will read the third paragraph of Rule XVI, omitting the last clause.

The Chief Clerk read as follows:

3. No amendment which proposes general legislation shall be received to any general-appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate, etc.

The PRESIDENT protempore. Is the proposed amendment relevant under the rule? [Putting the question.] By the sound the ayes have

Mr. HOAR. I will withdraw any further call for the yeas and nays, as the Senate seems to be decidedly of the opinion that the amendment

The PRESIDENT pro tempore. Does the Chair understand the question of relevancy to be withdrawn, or shall the decision stand in favor of the amendment?

Mr. HOAR. I withdraw the call for the yeas and nays.

The PRESIDENT pro tempore. The Chair holds that the Senate decides that the amendment is relevant. The question recurs upon agreeing to the amendment of the Senator from Vermont [Mr. ED-MUNDS

Mr. MORRILL. Mr. President, I was observing merely that it was important to have early action if it was intended to preserve the animals peculiar to this continent. I understand that the Smithsonian Institution have had quite a number already donated to them, and although they are not seeking the employment of taking care of this zoological park or of these animals, yet if the duty is devolved upon them by Congress they will undertake it.

So far as the park is concerned it is absolutely indispensable that action shall be taken at an early day if it is intended to have this park, which is said to be the most desirable spot perhaps in the whole countrp and which has already been surveyed. Unless it is taken hold of immediately it is very likely to be grabbed by a syndicate of speculators, and when it shall be undertaken to improve it with streets and with city lots it would be entirely ruined as a zoological park.

Therefore the earliest action possible is necessary if we would be sure to locate the park where it is supposed to be very desirable to have it

located.

Mr. HOAR. Mr. President, I had my attention called to this scheme some time since, and have always very earnestly favored it. I think the establishment of such a place of wholesome recreation and instruction for the youth, for the children, and for the poorer people of a large city is eminently wise, and that it is entirely fitting that it should be procured here at the national capital at the national expense.

The purpose in raising the question has not been to defeat or to attempt to defeat the proposition, but only to have the Senate decide as a precedent for other cases the question of order, which has been raised sometimes in like cases where I thought it could not be fairly sustained; and having accomplished that purpose I am content.

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). The question is on the adoption of the amendment offered by the Senator from Vermont [Mr. EDMUNDS]. Mr. HOAR. Mr. President, I had my attention called to this scheme

ator from Vermont [Mr. EDMUNDS].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill and request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. Plumb, Mr. Dawes, and Mr. Cockrell were appointed.

Mr. Plumb. I wish to have inserted as a part of the proceedings in connection with the bill a statement prepared by the clerk of the Committee on Appropriations, which shows the amount of the appropriations in connection with the estimates and the action of the House of Representatives.

District of Columbia, 1890.—Statement showing the appropriations for 1889, the estimates for 1890, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1890.

Object.	Appropriations, 1889.	Estimates, 1890.	House bill, 1890.	Senate committee, 1890.
SALARIES AND CONTINGENT EXPENSES.  Executive office	\$43,864.00 17,300.00	\$46,543.00 18,900.00	\$44,064.00 17,300.00	\$46,703.0 18,900.0
Expense of assessment of real property				
Collector's office		18,700.00 2,000.00	18, 200, 00 1, 000, 00	18,700.0 2,000.0
Auditor's office	16,500.00	16,500.00 12,600.00	16,500.00 11,600.00	16,500.00 12,600.00
Sinking-fund office	2,700.00	3, 300.00	2,700.00	2,700.0
Coroner's office	2, 800, 00 5, 000, 00	2,800,00 5,000,00	2,800.00 4,600.00	2, 800. 0 4, 600. 0
Engineer's office		60, 365, 00 4, 600, 00	40,050.00	42,750.0 5,100.0
Engineer's contingent expenses	1,000.00	500. CO		5,100.0
Board of examiners, steam engineers		1,000.00		
Total salaries and contingent	182, 814. 00	192, 808, 00	163, 614. 00	173, 353. 0
STREETS, AVENUES, ALLEYS, AND ROADS.		All Indet		
Work on sundry streets and avenues as per schedules		1,079,804.00	617,000.00	{1,079,804.00 130,000,00
Frading streets, alleys, and roads		15,000.00	15,000.00	15,000.0
Repairs to pavements Permit work	93,000.00	200,000.00	90, 000, 00 100, 000, 00	100,000.00 200,000.0
Repairs to streets, avenues, and alleys		50, 000. 00 60, 000. 00	30,000.00 45,000.00	50, 000. 0 60, 000. 0
Constructing county roads and suburban streets	88, 980. 00	198, 000, 00	99, 400, 00	146, 525.00
Condemnation of streets, roads, and alleys	10,000.00	20, 000, 00 5, 000, 00	10,000.00	5,000.0
Surveys on account of subdivisions of land		15, 900, 00	12 400 00	5,000.0
Care of bridges		7.00	13,400.00	13, 400.00
Total streets, avenues, alleys, and roads	1,020,980.00	1, 873, 704.00	1,029,800.00	1,814,729.00
SEWERS,	20,000,00	35, 000, 00	99 000 00	95 000 00
Cleaning and repairing sewers and basins	30,000.00		33,000.00	35,000.00
Report upon a system of sewerage Replacing obstructed sewers		20,000,00		15, 000, 00 20, 000, 00
Main and pipe sewers	70,000.00	150,000.00	75, 000.00	125, 000.00
Suburban sewers	35,000.00	70,000.00	40,000.00	60, 000.00
Total sewers	150,000.00	275, 900.00	160,000.00	255, 000.00
CURRENT EXPENSES, STREETS, AVENUES, AND ALLEYS.	STA STANDS		The second	
Sprinkling, sweeping, and cleaning		100,000.00 25,000.00	85, 000.00 18, 000.00	85, 000. 00 25, 000. 00
Lighting	135,000.00	160,000.00	150,000.00	160,000.00
Harbor and river front		2,500.00 250.00	2,500.00 250.00	2,500.00 250.00
Public pumps		4,000.00	4,000.00	4,000.00
Total current expenses, streets, sewers, and alleys	236, 750.00	291, 750.00	259, 750.00	276, 750.00
Washington Aqueduct.	20,000,00	20,000.00	20,000.00	20,000,00
PUBLIC SCHOOLS.				
For officers	7, 450.00	7,750.00	7,450.00	7,450.00
For teachers For night schools	5 500 00	510, 325.00 5, 500.00	495, 800.00 5, 500.00	506, 600, 00 5, 500, 00
For janitors and care of public buildings	37,711.00	42, 886.00 10, 000.00	41,311.00	41, 811, 00 10, 000, 00
For rent of school buildings For repairs and improvements to school buildings	35, 000.00	20,000.00	20,000.00	25,000.00
For sanitary improvements in old school buildings For contingent expenses	3,000.00 22,500.00	25,000.00	22,500.00	25,000.00
For fuel	22 000 00	25,000.00	24, 000.00	25, 000, 00
For tools, machinery, etc., for manual training	9,000.00	12,000.00 7,000.00	7,000.00	10,000.00 7,007.00
For new school buildings and sites therefor	327,000.00	299, 000.00	299,000.00	397, 985. 30
Total public schools	958, 971. 00	964, 461.00	942, 561.00	970, 346. 30
METROPOLITAN POLICE.				
For salaries	362, 340, 00	364, 160.00	362, 340.00	420, 420.00
Miscellaneous expenses	44, 200. 00	49,740.00	49, 140.00	49, 140.00
Total Metropolitan police	411,540,00	413,900.00	411, 480, 00	469, 560, 00
PIRE DEPARTMENT.				
For salaries	95, 500. 00	100, 140.00	100, 140, 00	100, 140, 00
Miscellaneous expenses	45, 700.00	36,750.00	28, 250.00	36,750.00
Total fire department	141, 200, 00	136, 890.00	128, 390.00	136, 890.00
TELEGRAPH AND TELEPHONE SERVICE.	The second secon	E		and the same of
For salaries. For general supplies	9, 800, 00	9,800.00 7,000.00	9,800.00	9,800.00
For examination as to removal of electric wires	1,000,00			5,000.00
For new fire-alarm boxes, ete	5,000.00	5,000.00		5,000.00
Total telegraph and telephone service		21, 800.00	16, 800, 00	21, 800.00
	22,000.00	21,000.00	10,000.00	21,000.0
For salaries and contingent expenses	43, 310, 00	48, 060, 00	48, 060, 00	49, 549, 00
COURTS.	====			
Police court	14,518.00	14, 918, 00	14,518.00	14,518.0
Defending suits in claims against the District	2,500.00 2,000.00	2,500.00 2,000.00	2,500.00 2,000.00	2,500,60 2,000.60
Expenses of writs of lunacy.  Special counsel in Samuel Strong case (deficiency act)	2,500.00	2,000,00	2,000.00	2,000.00
THE ST. LEWIS CO., LANSING MICH. 1997 (1997) 110 110 110 110 110 110 110 110 110 11	CONTRACTOR OF THE PARTY OF THE		-	
Total courts	21,518.00	19, 418.00	19,018.00	19, 018, 00

District of Columbia, 1890. - Statement showing the appropriations for 1889, the estimates for 1890, etc. - Continued.

Object.	Appropriations, 1889.	Estimates, 1890.	House bill, 1890.	Senate committee, 1890.
MISCELLANEOUS EXPENSES,			By Salmin	Moderation.
Rent of District offices	\$3,600.00	\$4,000.00	\$3,600.00	\$3,600.00
General advertising	3,000.00	3, 000.00	3,000.00	3,000.00
Contingent expenses of District offices		9, 200.00	8, 200.00	9, 200.00
Emergency fund	5,000.00	5, 000.00	5,000.00	5,000.00
Total miscellaneous expenses	19,800.00	21, 200.00	19, 800, 00	20, 800, 00
REFORMATORIES AND PRISONS.	Manager (167)	PHILIP STREET	SER TAYLOR	India Selevinis
Washington Asylum:	THE RESERVE		35 4 57	ATT THE STREET
Salaries	13, 415. 00	13, 415. 00	13, 415. 00	13, 415.00
Contingent expenses	40,000.00	40,000.00	40,000.00	40,000.00
Repairs, etc	3,400.00	2,500.00		
	56, 815, 00	55, 915, 00	53, 415, 00	53, 415, 00
[등문] 경우 전문 다른 살아보다. 그렇는 하고싶어요. 그런 사는 이 부터를 바꾸게 되었다는 사고에 모르는 것, 급	00, 310, 00	55, 515.00	30, 113.00	55, 415.00
Reform Chool:	Post under the	Town Posts and	85121-216	TO STATE OF THE ST
Salaries	12,596.00	12,596.00	12,596.00	12, 596, 00
Repairs and miscellaneous	31,650.00	35,000.00	27,600.00	27, 300, 00
		## F00 00	40 400 00	
사용하는 하게 되었다. 그는 사용하는 사람들은 사람들이 가능하는 사람들이 가능하는 것으로 살아가 되었다.	44, 246.00	47, 596. 00	40, 196, 00	39, 896.00
Industrial Home School	11,500.00	11,000.00	10,500.00	17, 200, 00
Transportation of paupers and prisoners	4,000.00	4,000.00	4,000.00	4,000.00
Total reformatories and prisons	The state of the state of	118,511.00	108, 111. 00	114, 511, 00
	110,001.00	110,011.00	100, 111.00	114, 511.00
For support of the insane	79, 185. 00	85,000.00	85,000.00	85, 000.00
FOR CHARITIES,			CONTRACE N	Target Carlo
For relief of the poor		15, 960.00	15,000.00	16,000,00
Temporary relief of indigent persons	2,500.00			6,000.00
Columbia Hospital for Women, support	15,000.00		15,000.00	15,000.00
Columbia Hospital building (sundry civil act).	11, 300.00			
Woman's Christian Association National Association for Destitute Colored Women and Children	4,000.00		4,000.00	4,000.00
On account of colored foundlings			9,000.00	9,700.00
Children's Hospital			5,000.00	5,000,00
St. Ann's Infant Asylum			6,000.00	6,000.00
Church Orphanage, Association St. John's Parish	5, 500, 00		1,500.00	1,500.00
Washington Hospital for Foundlings	12,600.00		7,000.00	6,000.00
St. Rose Industrial School	5,000.00		5,000.00	5,000.00
Association for Works of Mercy	5,000.00		5,000.00	5, 500.00
House of the Good Shepherd, building.	C FOO OO			15,000.00
National Homeopathic Hospital	6,500.00 2,500.00		5,000.00 2,500.00	5,000.00
Central Dispensary and Emergency Hospital	12, 250.00			2,500.00
Expenses of reports on charitable institutions	22,200.00			2,000.00
Total for charities	118, 150.00	15, 960, 00	81,500.00	105, 200. 00
WATER DEPARTMENT,	111036	SORD BUXOLE	distributency.	N THE ROLL OF
of three graphs and we have a referred that the state of	Dams with	Shattoout Be	an political only	
[Payable out of the revenues of the water department.]	production like	-use his roo	dhearthres	
For salaries and contingent.	17, 836.00	19,600.00	18, 336. 00	18, 336.00
Engineers, firemen, etc	130,000.00	86, 500.00	86,000.00	86, 000. 00
New water main from K street northwest to B southwest	31,000.00		***************************************	
Purchase of pump-house	2, 275. 00	42 010 00	44 610 60	44 010 00
Interest and sinking fund on water-stock bonds	44, 610. 00 34, 575. 39	44, 610. 00 33, 399. 91	44, 610, 00 33, 399, 91	44, 610, 00 33, 399, 91
Sinking fund on account of increase of water supply.	52, 386, 96	53, 015, 73	53,015.73	53, 015, 73
보면 있는데 그리고 있는데 그는 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은				00,010.70
Total water department	312, 683, 35	237, 125. 64	235, 361. 64	235, 361. 64
Grand total, District of Columbia	5, 070, 210, 32	5, 949, 535. 61	4, 943, 193, 61	5, 981, 806, 91

I wish to say very briefly that the committee in considering the bill proceeded upon the assumption, warranted as they think by their own observation and by the observation of all others who have given to this subject any consideration, that there should be appropriated for the expenses of the District of Columbia, including the improvement and maintenance of streets, country roads, and schools, all the money which has been levied upon the property of the District plus the amount which under the agreement made by law in 1878 the United States was to pay as its contribution towards those expenses.

In pursuance of this idea, the committee in nearly every case have appropriated an amount equal to the estimate made by the District

appropriated an amount equal to the estimate made by the District commissioners. In some cases those estimates have been exceeded. The total of the bill as finally passed, leaving out the Rock Creek park, is \$104,333 in excess of those estimates. Notwithstanding this excess there will be a surplus of exclusively District revenues in the Treasury of the United States at the close of the period covered by the appropriations of the bill equal to or exceeding half a million dollars.

So far as I am concerned, I only regret that the estimates were not

sufficient to warrant the committee in providing for the appropriation of this sum in addition to the sums already appropriated in the bill. Certainly during the next three or four years, while the streets of the city of Washington are in their present condition and while the schools are needing the ample appropriations called for by the increasing population, there should be a complete expenditure of all the money resulting from the present expenditure of all the money resulting from the present expenditure of all the money resulting from the present expenditure. ing from the present system of taxation. It is not only necessary be-cause it provides for improvements that are needed from the ordinary municipal standpoint, but because it distributes, in a comparatively equitable way, the benefits among the people who have borne the burdens of taxation.

For many years the people of the District who have had no benefit from these appropriations have paid taxes for the improvement of the streets opposite the property of their more fortunate neighbors, and have paid for school-houses for which they have had no use, and the time has come when the Government is under an obligation to these people which can only be met, and even then only inadequately, by the expenditure of all the sums of money which are the result of the present system of assessment and taxation.

In another sense these appropriations are desirable because they add to the gross amount of taxable valuation of the property of the District. There is no expenditure which has been so judicious with reference to future sources of revenue as the improvements of the streets, avenues, and alleys. Both within and without the boundary every street opened and alleys. Both within and without the boundary every street opened and improved doubles, quadruples, and sometimes increases in a still greater degree the taxable valuation of the property abutting upon it, and the sources of revenue are being constantly enlarged in such a way that these expenditures judiciously and economically carried on, as they are, will result in bringing increasing revenue into the Treasury of the United States. of the United States.

of the United States.

Within a very few years, if this system shall be judiciously carried on, by reason of the operations of the sinking fund, which is constantly diminishing the debt of the District, and by reason of the increase of the valuation of property of which I have spoken, I have no doubt that the rate of taxation may be reduced within the District, and therefore a reduction of the burdens upon the tax-payers of the District and the tax-payers of the United States will occur.

It is upon this principle and with these ideas in view that the committee have addressed themselves to the consideration of the bill, and have been induced to report it in the shape in which it came before the

Senate, and I think these considerations would have induced them to add to its appropriations if the estimates had warranted them in doing

#### ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

#### EXPENSES OF INAUGURATION.

Mr. PLUMB. I move that the Senate proceed to the consideration of Senate bill 3869, also an appropriation bill.

Mr. HOAR. What appropriation bill is it?

Mr. PLUMB. It is an appropriation for the expenses of the inauguration ceremonies.

Mr. JONES, of Arkansas. I ask the Senator from Kansas to yield to me for a moment to call up a bill which I think will not excite de-

Mr. PLUMB. If the Senator will pardon me for a moment, the bill of which I have spoken will not take more than a minute, and after that the Senator will have ample opportunity to call up his bill. This is a bill relating to expenses connected with the inauguration ceremonies to occur in March.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other It proposes to appropriate \$8,500 to enable the commissioners of the District of Columbia to maintain public order and to protect life and property from the 28th of February to the 9th of March, 1889, both

The bill was reported to the Senate without amendment.

Mr. GORMAN. I understand that there was an amendment of the committee to the bill.

Mr. PLUMB. No, there is no amendment to it. It was reported as an original bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INTERNATIONAL GEODETIC ASSOCIATION.

Mr. DOLPH. I ask unanimous consent to call up for present consideration the joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

## BLACK BOB INDIAN LANDS.

Mr. PLUMB. I ask the Senate to proceed to the consideration of the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Attorney-General of the United States shall be, and he is hereby, instructed to cause a suit in equity to be brought in the name of the United States, in the circuit court for the district of Kansas, to quiet and finally settle the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely to said titles.

All persons having any claims to said lands, or any part thereof, as well as said band of Indians, shall be made parties to said suit, either personally or by representation, as said court may deem convenient, consistently with justice to all the interests involved, and notice of the institution and pendency of said suit, and for the appearance of the parties thereto, shall be given, either by personal service or by such publication as the court shall order, or both.

It shall be the duty of the Attorney-General to cause the rights of said band of Indians, and the individual members thereof, to be duly presented and protected in said suit, and he shall employ counsel to aid in such protection; and any other claimants to said lands, or any part thereof, may appear in said cause personally or by counsel, to defend the same and assert their rights; and said court shall, upon proof and hearing, proceed to determine, according to the principles of law and equity, all questions arising in respect to said lands, or any part thereof, and decree accordingly, and cause such decree to be carried into execution, and the possession of the lands or parts thereof, respectively, to be delivered to the persons entitled thereto; and upon a final decision of said matters it shall be the duty of the Secretary of the Interior to approve deeds for said suit in respect to want or misjoinder of parties other than such as are required in this act, or for multifariousness or want of form. The right of appeal to the Supreme Court of the United States s

money paid, advanced, or deposited, and shal make such orders, judgments, or decrees in relation thereto as will protect the rights of innocent parties consistently with justice to all interests involved; and said circuit court shall, in all cases properly before it, hear, try, settle, and determine all controversies or disputes between occupants on said lands and the owners or holders of the titles to the same; and all other controversies or disputes in regard to the transfer of any of said lands, the said circuit court shall hear and determine, in every case, according to the principles of law and equity, and enter up judgments, orders, and decrees accordingly, and enforce the same, and on final hearing apportion the costs among the parties as the equity of the case may require.

That the joint resolution of March 3, 1879, entitled "Joint resolution instructing the Attorney-General of the United States to bring suit in the name of the United States, to quiet and settle the titles of the Black Bob band of Shawnee Indians," be, and the same is hereby, repealed: Provided, That this act shall not be so construed as to affect the validity of any decree heretofore rendered by the United States circuit court for the district of Kansas under the provisions of said joint resolution, or to impair the power of said court to set aside or amend or correct any such decree, or to divest any party in interest of his right to appeal to the United States Supreme Court within the time limited by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed. The title was amended so as to read: "An act to provide for the settlement of the titles to the lands claimed by or under the Black Bob

band of Shawnee Indians in Kansas, or adversely thereto, and for other

Mr. PLUMB. I move that the Senate insist upon its amendment and request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. Daniel, Mr. PLATT, and Mr. Bowen were appointed.

#### EXTENSION OF REMARKS.

Mr. CHANDLER. I rise to a privileged question.
The PRESIDENT pro tempore. The Senator from New Hampshire

rises to a question of privilege.

Mr. CHANDLER. I offer a resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the record of the proceedings of the Senate on the 23d of January contained in the CONGRESSIONAL RECORD of the 24th of January be amended by striking out the remarks of the Senator from Louisiana [Mr. Grison] concerning the resolution for the investigation of the Louisiana election, as they appear according to the report furnished by the Senator, and by inserting his remarks as they appear in the notes of the Official Reporter of the Senate.

Mr. CHANDLER. I understood the Senator from Louisiana [Mr. Mr. CHANDLER. I understood the Schaol from Louisian Land GIBSON] this morning to request that his remarks as they appeared in the RECORD yesterday be stricken out and that the remarks as re-ported by the Official Reporter be inserted. Under those circumstances I was willing that the subject should be dropped. However, I underthat he made that request; and therefore, recurring to my original motion, I have put it in writing, as suggested by the President of the Senate. I desire to say that I shall ask for its consideration whenever the Senator from Louisiana happens to be in the Chamber.

The PRESIDENT pro tempore. The resolution will lie on the table

to be called up hereafter.

#### FORLORN HOPE STORMING PARTY.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 1140) authorizing the Secretary of War to secure and present suitable medals to the survivors of the "forlorn hope storming party" of Port Hudson.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 9, after the word

mittee on Military Affairs with an amendment, in line 9, after the word "forty-nine," to insert "June 15, 1863;" so as to make the bill read: Be it enacted, etc., That the Secretary of War is hereby authorized and directed to procure a suitable medal to present to the survivors of the "forlorn hope storming party" against the works at Port Hudson, June 15, 1863, in fulfillment of the promises made by Major-General Banks, commanding the Department of the Gulf, and contained in General Orders No. 49, June 15, 1863. SEC. 2. That for the purposes of this act a sum sufficient is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# DEPOSIT OF SAVINGS OF SEAMEN.

There are two bills relating to the Navy to which I think there will be no objection. Both the bills have already been passed by the Senate in a preceding Congress. I ask the Senate first to proceed to the consideration of the bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOME FOR DISCHARGED SEAMEN.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I should like to have the next bill on the Calendar,

which is on the same subject, considered.

Mr. CULLOM. I think two bills in one day are enough for one Senator. The Senator had better let some of the rest of us have a chance.

Mr. HALE. I do not want to trespass upon the Senate, but it would only take a minute.

#### VIEGINIA THEOLOGICAL SEMINARY.

Mr. DANIEL. I beg leave to ask the Senate to consider the bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theolog-

ical Seminary and High School, in Virginia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out section 2, in the following words:

SEC. 2. That this act shall be in force from and after the passage thereof.

So as to make the bill read:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 to be paid to the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia, that amount having been found due them by the Court of Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT TO A BILL.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production; which was ordered to be printed and lie on the table.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following bills:

An act (8. 154) for the erection of a public building at Milwankee,

An act (S. 182) to provide for the purchase of a site and the erection of a public building thereon at Omaha, Nebr.; and

An act (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.

The message also announced that the President had on the 22d in-

stant approved and signed the following bills:

An act (S. 2726) granting an increase of pension to Margaret S.

Heintzelman; and

An act (S. 944) increasing the pension of Mrs. Elizabeth G. Scott. The message further announced that the President had on the 23d instant approved and signed the joint resolution (S. R. 104) to print additional copies of the United States map of the edition of 1887, prepared by the Commissioner of Public Lands.

## COURTS IN ALABAMA.

Mr. PUGH. I ask the Senate to proceed to the consideration of the bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of

Mr. WILSON, of Iowa. I desire that bill to go over for the present. The PRESIDENT pro tempore. The Senator from Iowa objects to the present consideration of the bill.

Mr. PUGH. The bill received the unanimous support of the Judiciary Committee, and I was authorized by that committee to report it. It is a local bill, and I should like to have it passed.

Mr. WILSON, of Iowa. I prefer not to have it considered to-day.

MISSISSIPPI RIVER BRIDGE AT LA CROSSE.

Mr. SAWYER. I ask the Senate to consider the bill (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 15, after the word "War" to insert "after an examination and report by a board of three United States engineers, and appointed by him;" so as to make the provise read:

Provided, That it shall not be lawful to construct said bridge or bridges until

the Secretary of War, after an examination and report by a board of three United States engineers, and appointed by him, shall certify that the same will not materially obstruct the navigation of said river.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURGEON-GENERAL OF MARINE-HOSPITAL SERVICE.

Mr. CULLOM. I ask the Senate to take up the joint resolution S. R. 124) relating to the salary of the Supervising Surgeon-General of the Marine-Hospital Service.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that hereafter the Supervising Surgeon-General of the Marine-Hospital Service shall receive the same salary and allowances as are now allowed by law to the Surgeon-General of the Army.

Mr. SHERMAN. I should like to know what the salary and al-

lowances of the Surgeon-General of the Army are.

Mr. CULLOM. The total would be about \$6,200 a year.
Mr. SHERMAN. I know the officer in charge of this service, Dr. Hamilton. He is a very worthy man, but I know this measure would create great confusion in the Treasury Department if this office should be put higher than the First Comptroller of the Treasury, or the Commissioner of Internal Revenue, or the Comptroller of the Currency. I simply suggest to the Senator that it would create trouble and a very great inequality. There is no similitude between the office of the Surgeon-General of the Army and the Surgeon-General of the Marine-Hospital Service. The Surgeon-General of the Marine-Hospital Service is at the head of a bureau in the Treasury Department, where there are nineteen or twenty bureaus, the heads of some of which are the most important officers of the Government. I think it would be better to fix the salary at what the Senator thinks is a reasonable rate, within the limit provided for these other officers.

Mr. CULLOM. My impression is that the actual service of the Surgeon-General of the Marine-Hospital Service is superior to that of almost any army officer. Everybody in this country knows the vast amount of work and of valuable service that this officer has rendered in trying to check and control the yellow fever and other diseases. It has become a very important office to this country, involving the safety of the lives of very many people. While it might be as well that the salary should be fixed specifically, so far as I am concerned I think the salary that he would receive under the proposed law is not too much. I have a statement from the Paymaster-General of the Army

himself as to exactly what the amount would be.

Mr. SHERMAN. What is the sum?

Mr. CULLOM. Five thousand five hundred dollars, with \$720 added

for commutation, which makes \$6,220.

Mr. SHERMAN. That is the pay of the Surgeon-General of the

Mr. CULLOM. It is the pay of the Surgeon-General of the Army. This statement is from General Rochester himself.

Mr. SHERMAN. But the Surgeon-General of the Marine-Hospital Service is not an officer of the Army. He is liable to be displaced at any time. The salary of the First Comptroller of the Treasury is \$6,000. The salary of the Comptroller of the Currency regulating the national banks is, I think, about \$5,000.

Mr. CULLOM. I am willing so far as I am concerned to insert

"\$6,000" instead of the salary proposed in the joint resolution.

Mr. SHERMAN. Then it would place him far beyond the rank of
the various Assistant Secretaries. There are two or three Assistant Secretaries of the Treasury. It will only create confusion. This officer reports to one of the Assistant Secretaries. It makes the subordinate officer much higher than his chief.

Mr. CULLOM. But this office is becoming more and more important to this country every year, as we have seen within the last two or three years; and this officer is recognized, I think, by everybody who knows

him in his profession, as one of the ablest men in the country.

Mr. SHERMAN. I know him very well, and I can speak very highly
of his position and his character and his qualifications; but I know the disturbance that such an increase of his salary would make. I do not object to the joint resolution on any other ground than that. It would

create very serious difficulties in the Treasury Department, I know.

The PRESIDENT pro tempore. Does the Senator from Ohio object to the further consideration of the joint resolution?

Mr. SHERMAN. I will not object to the consideration of the joint resolution. I shall vote against it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and

#### WILLIAM KNOWLAND.

Mr. EVARTS. I ask the Senate to proceed to the consideration of the bill (H. R. 2686) for the relief of William Knowland, reported without amendment from the Committee on Claims. It provides for the payment of only \$193. By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill. It proposes to pay to William Knowland, of New York City, \$193.17, being balance due for services as messenger to the Committee on Expenditures in the Department of Justice, in the Forty-eighth Congress.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

JUDICIAL DISTRICTS IN GEORGIA.

Mr. BROWN. I ask the Senate to proceed to the consideration of the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purpo

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the northeastern division of the southern Federal judicial district of Georgia is hereby established, to be composed of the counties of Warren, Glascock, McDuffle, Columbia, Richmond, Burke, Jefferson, Johnson, and Washington of the southern district, and of the counties of Lincoln, Wilkes, and Taliaferro of the northern district, which are hereby attached to the southern district.

SEC. 2. That there shall be held at the city of Angusta, in said northeastern division of one southern judicial district of Georgia, two terms of the district and circuit courts in each and every year, to wit, one term commencing on the first Monday in April and the other commencing the third Monday in November of each year, and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court is shall become necessary, a deputy clerk may be appointed; and as the judge of said district now holds court in Savannah and Macon, and Augusta would be the third place of holding, making his expense heavy, it shall be the duty of the marshal, and he is hereby authorized to pay, out of any money of the United States in his hands not otherwise disposed of, all hotel bills and other necessary expenses incurred by the judges of said district in holding said courts, said marshal taking and rendering proper vouchers for the same.

SEC. 3. That all civil suits not of a local nature must be brought in said northeastern division where the defendant resides in said northeastern division of the southern Federal judicial district of Georgia. But if there are two or more defendants, some residing in the northeastern division and hothers residing in any one of th

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to create the northeastern division of the southern Federal judicial district of Georgia, and to take certain counties from the northern district and add to the southern district, and to provide for holding courts in said northeastern division, and for other purposes.

Mr. BROWN. I move that the Senate insist on its amendment, and request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. Wilson of Iowa, Mr. Brown, and Mr. Frye were appointed.

#### W. W. WELCH.

Mr. WALTHALL. I ask the Senate to proceed to the consideration of the bill (H. R. 2557) for the relief of W. W. Welch.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to W. W. Welch, of Meridian, Miss., \$103.58 on account of services rendered from February 10, 1872, to April 12, 1872, both dates inclusive, as local mail-agent at Meridian, Mis

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ABSENTER SHAWNEE INDIAN LANDS.

Mr. PLUMB. I ask the Senate to proceed to the consideration of the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas.

By unanimous consent, the Senate, as is Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLUMB. There are one or two amendments to the preamble. The PRESIDENT pro tempore. The amendments will be stated.

The CHIEF CLERK. The Committee on Indian Affairs report to amend the preamble in the second line by striking out the word "northwest" before "quarter," and inserting "northeast;" and in line 11 by striking out "Whiteside" and inserting "Whitestone;" so as to make the preamble read:

make the preamble read:

Whereas the following-described tracts of land, namely, the east half of the northeast quarter, and the southwest quarter of the northeast quarter, of section 29, in township 12, range 23 east; and the south half of the southwest quarter of section 5, and the south half of the southwest quarter, and the north half of the southwest quarter, and the north half of the southwest quarter of section 8, in township 13, range 22 east, in Johnson County, Kansas, and known as Absentee Shawnee Indian lands, were erroneously set apart and patents therefor improperly issued to Nancy Whitestone, George Silcambus, and Lewis Hayes, Shawnee Indians, who had previously received by patent from the United States the quantity of lands to which they were lawfully entitled; and
Whereas the patents so erroneously issued have not been canceled: Therefore.

The amendments were agreed to.

The preamble as amended was agreed to.

#### JAMES R. BERRY.

Mr. STEWART. I ask the Senate to proceed to the consideration of the bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the word "the," to insert "sum of \$200 out of any money in the Treasury not otherwise appropriated, the same being for;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to James R. Berry, former auditor of the State of Arkansas, the sum of \$200 out of any money in the Treasury not otherwise appropriated, the same being for internal-revenue tax illegally collected on his salary as such officer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## WASHINGTON AND WESTERN MARYLAND RAILROAD.

Mr. SAWYER. I move that the Senate proceed to the considera-

tion of individual pension bills under Rule VIII.

Mr. GORMAN. I trust the Senator will let us go on for a few

minutes Mr. SAWYER. I will yield for the present. It will take but ten

minutes to dispose of the pension bills.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the bill (H. R. 9418) to incorporate the Washington and Western Mary-

land Railroad Company.

The Secretary read the bill.

Mr. EDMUNDS. That particular bill was called to my attention
by the Senator from South Carolina not now in his seat, who sits nearest me [Mr. BUTLER], with the suggestion of sundry amendments which he thought were indispensable, and I think it ought to go over until his return

The PRESIDENT pro tempore. The Senator from Vermont objects to the consideration of the bill.

Mr. EDMUNDS. I do not wish it to lose its place on the Calendar. The PRESIDENT pro tempore. It will retain its place on the Calendar.

Mr. GORMAN. Do I understand the Senator from Vermont to object to the bill?

Mr. EDMUNDS. I do for the time being, because the Senator from South Carolina, not now here, called my attention to sundry points in the bill that needed important amendments, and I think the papers will show that those amendments were already drawn out. I do not think the bill ought to be disposed of until the Senator from South

Carolina shall have the opportunity to be heard upon the subject.

Mr. GORMAN. Of course if the Senator from South Carolina desires to make any amendment, I have no objection to his having an opportunity of doing so, but I want to say to the Senator from Vermont that I understand this bill has been considered by the Committee on the District of Columbia and recommitted and then reported again. It has been twice considered by the District Committee.

Mr. EDMUNDS. I know, but still I think it fair to the Senator

from South Carolina that he should have an opportunity to be here when the bill is considered. The bill need not lose its place.

Mr. GORMAN. If the Senator from Vermont is aware of the fact that the Senator from South Carolina desires to amend the bill, of course I have no objection to its going over, but I do not wish it to lose its

#### PENSION BILLS.

Mr. EDMUNDS. I move that the Senate adjourn.
Mr. COCKRELL. I hope the Senator will allow us to have a short executive session.

Mr. SAWYER. I hope we shall be allowed to consider pension bills.

Mr. EDMUNDS. I yield for pension bills.

Mr. SAWYER. I move to proceed to the consideration of the pension bills on the Calendar favorably reported.

The motion was agreed to.

Mr. CALL. I ask the Senator from Wisconsin to yield to me for a

Mr. SAWYER. The Senator from Vermont will not yield for anything but pension bills. I understand the Senator from Florida merely wishes to move to recommit a bill. I give way for that purpose, but can not yield further.

#### RECOMMITMENT OF A BILL.

Mr. CALL. I move that the bill (S. 1661) making an appropriation for the establishment of a light or lights and other aids to navigation to guide into St. Andrew's Bay, Florida, be recommitted to the Committee on Commerce.

The motion was agreed to.

#### HEARING ON SUNDAY-REST BILL.

Mr. BLAIR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed of Senate Miscellaneous Document No. 43, being minutes of the hearing before the Committee on Education and Labor upon the Sunday-rest bill, 50,000 copies for the use of the Senate.

#### MRS. R. S. HORTON.

Mr. SAWYER. I now move that the Senate proceed to the consideration of the pension bills, beginning with Order of Business 2312, House bill No. 8.

The PRESIDENT pro tempore. It will be stated by its title.

The SECRETARY. A bill (H. R. 8) to restore Mrs. R. S. Horton The Secretary. A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-rolls,
Mr. SAWYER. That bill has been objected to, and it can be passed

over and we may come back to it. The Senator from Missouri [Mr. COCKRELL] objected to it before.

Mr. COCKRELL. It was only a question of an amendment. I

have the amendment now.

The PRESIDENT pro tempore. The bill will be read at length. The bill was read, and the Senate, as in Committee of the Whole,

proceeded to its consideration. It proposes to restore Mrs. R. S. Horton, widow of Capt. William H. Seaton, late of Company D, Twentysixth Ohio Volunteers, to the pension-rolls.

Mr. COCKRELL. The only question I raised was whether that would

Mr. COCKRELL. The committee said that was not the object, and I therefore move to amend by striking out the words "or restore," in line 4, and at the end of the bill to add "and pay her a pension from the passage of this act."

The PRESIDENT pro tempore. The amendment will be reported

from the desk.

The SECRETARY. In line 4 it is proposed to strike out "or restore;"

That the Secretary of the Interior be, and is hereby, empowered and directed to replace Mrs. R. S. Horton, etc.

And at the end of the bill to add:

And pay her a pension from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to replace Mrs. R. S.

Horton upon the pension-rolls."

Mr. COCKRELL. I move that the Senate insist on its amendment

and request a committee of conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE were appointed,

## LOUISA ROGERS.

The next pension bill on the Calendar was the bill (H. R. 8549) granting a pension to Louisa Rogers.

Mr. COCKRELL. We had better have that bill passed over.

Mr. SAWYER. It was passed over once before. I ask that it be passed over again.

The PRESIDENT pro tempore. It will be passed over under objec-

#### WIDOW OF COMMANDER S. H. BAKER.

The bill (S. 3724) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Navy," to insert "the same to be in lieu of any pension she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension-roll, at the rate of \$50 per month, the name of Margaret Baker, widow of the late Commander Samuel H. Baker, United States Navy, the same to be in lieu of any pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

#### ANNA W. SMITH.

The bill (S. 3611) granting a pension to Anna W. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna W. Smith, widow of Robert Smith, late ad-

ditional paymaster United States Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MERYAH WATTS.

The bill (S. 3618) granting a pension to Meryah Watts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Meryah Watts, mother of Robert Watts, late of Company G, One hundred and twenty-fifth New York Volunteer In-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARIA A. ROUSSEAU.

The bill (S. 3713) granting an increase of pension to Maria A. Rousseau was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria A. Rousseau, widow of Lovell H. Rousseau, late a brigadier-general in the United States Army, at the rate of \$100 per month.

The bill was reported to the Senate without amendment, ordered to

be engrossed for a third reading, read the third time, and passed.

## GEORGE A. GLOVER.

The bill (H. R. 11223) to increase the pension of George A. Glover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George A. Glover, late a private in Com-pany C, Thirteenth Regiment New Hampshire Volunteers, at \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LOTTIE R. HUNTER.

The bill (S. 3515) granting a pension to Lottie R. Hunter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lottie R. Hunter, widow of John E. Hunter, late of Company H, Sixth Regiment Ohio Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ELIJAH W. PENNY.

The bill (H. R. 2261) to increase the pension of Elijah W. Penny was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Volunteers," to strike out:

In lieu of the pension which he now receives, to the sum of \$12 per month for wound in side, and such additional amount per month as he may now, or may hereafter, be allowed by law for the loss of an arm near the shoulder, said increase to take effect from the passage of this act.

## And insert:

By paying him the sum of \$12 a month for wound in the side in addition to the amount to which he is entitled by law for loss of arm at the shoulder.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment of Indiana Volunteers, by paying him the sum of \$12 a month for wound in the side, in addition to the amount to which he is entitled by law for loss of arm at the shoulder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SAWYER. I move that the Senate insist on its amendments, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE were appointed.

#### JULIA TRIGGS.

The bill (H. R. 5752) for the relief of Julia Triggs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia Triggs, mother of William Triggs, deceased, formerly of Company D, Twenty-third Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to

ELI GARRETT.

# a third reading, read the third time, and passed.

The bill (H. R. 9163) granting a pension to Eli Garrett was considered as in Committee of the Whole. It proposes to place the name of Eli Garrett, formerly of the United States Navy, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES S. HARDEN.

The bill (H. R. 11378) granting a pension to James S. Harden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James S. Harden, of West Salem, Ill., late a private in Company D, One hundred and ninety-third Regiment Ohio Volunteers

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### REBECCA H. LYON.

The bill (H. R. 11757) granting a pension to Rebecca H. Lyon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca H. Lyon, a nurse in the late war, at \$25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THIRZA S. JENNER.

The bill (H. R. 12639) granting a pension to Thirza S. Jenner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thirza S. Jenner, the insane mother of Charles Henry Jenner, late private Company C, Twenty-second Regiment New York Cavalry Volunteers, and to pay her pension to her husband, Charles H. Jenner, for her use and benefit, and in case of his death to her legally-constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CLARA M. OWEN.

The bill (H. R. 11052) granting a pension to Clara M. Owen was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Clara M. Owen, widow of William H. Owen, late of Company C, Twentieth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# SUSAN P. MURDOCK.

The bill (S. 2758) granting a pension to Susan P. Murdock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan P. Murdock, mother of Washington Murdock, late a member of Company G, Thirtieth Regiment of Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ESTHER GOULD.

The bill (S. 3819) granting a pension to Esther Gould was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Esther Gould, late volunteer nurse during the war of

the rebellion, at \$25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## J. W. BOYD.

The bill (S. 3617) granting a pension to J. W. Boyd was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. W. Boyd, late of the Sixth Minnesota Volunteer

Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JONAS LEHMAN.

The bill (S. 3642) granting a pension to Jonas Lehman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jonas Lehman, late of Company H, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JACOB ROGERS.

The bill (H. R. 11624) to increase the pension of Jacob Rogers was considered as in Committee of the Whole. It proposes to increase the

pension of Jacob Rogers, late a private in Capt. J. McChesney's company, in the Sixteenth United States Infantry, war of 1812, to \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY JANE HARRIS.

The bill (H. R. 6755) granting a pension to Mary Jane Harris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Jane Harris, mother of George M. Harris, Company C, First Regiment New Hampshire Volunteer Cavalry. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELIZABETH CLOVER.

The bill (H. R. 11629) granting a pension to Elizabeth Clover was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Elizabeth Clover, widow of A. S. Clover, late a private in Company G, Forty-fourth Regiment New York State Volunteers, at the rate of \$12 a month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

#### ROWLAND WARD.

The bill (H. R. 11578) to increase the pension of Rowland Ward was considered as in Committee of the Whole. It proposes to increase the pension of Rowland Ward, late private of Company E, Fourth Regiment New York Heavy Artillery, to \$50 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

#### ERASMUS W. JONES.

The bill (H. R. 11459) granting a pension to Erasmus W. Jones was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Erasmus W. Jones, late chaplain of the Twentyfirst Regiment United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

#### SARAH J. ALEXANDER.

The bill (S. 3604) granting a pension to Sarah J. Alexander was considered as in the Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, before the word "dollars," to strike out "twenty-five," and insert "twelve;"

so as to make the bill read: Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Alexander, an army nurse in the late war, and pay her at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

Mr. COCKRELL. I move that the Senate proceed to the considera-

tion of executive business

Mr. SAWYER. I ask the Senator to give way for a few minutes. There were seven or eight pension bills reported to-day not yet reached. The PRESIDENT pro tempore. There are several yet remaining on the Calendar.

Mr. COCKRELL. There do not seem to be any more on the copy of the Calendar I have.

The PRESIDENT pro tempore. On page 24, Order of Business 2565. Mr. COCKRELL. The Calendar I have does not contain them.

The PRESIDENT pro tempore. There are eight additional pension bills yet upon the Calendar.

Mr. COCKRELL. Very well, then; I shall reserve my motion to proceed to the consideration of executive business.

## ELIZABETH HARPER

The bill (H. R. 11089) granting a pension to Elizabeth Harper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Harper, widow of William S. Harper, late a private in Company G, One hundred and twenty-third Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES MILLER.

The bill (H. R. 538) granting a pension to James Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Miller, of the city of Reading, Pa., late a private in Company B, Two hundred and fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MRS. SUE B. JOHNSON.

The bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson was considered as in Committee of the Whole. It proposes to increase

the pension of Mrs. Sue B. Johnson, widow of Gilbert M. L. Johnson, late colonel of the Thirteenth Regiment of Indiana Cavalry and briga-

dier-general by brevet, to the sum of \$50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bills yet remaining on the Calendar have not been sent from the Printer.

Mr. SAWYER. Then of course they can not be called up now.

#### EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senate resumes, as in Committee of the Whole, the consideration of the unfinished business, being Senate bill 3401, concerning the Pacific railroads. The Senator from Missouri moves that the Senate proceed to the consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, January 28, 1889, at 12 o'clock m.

#### NOMINATIONS.

Executive nominations received by the Senate the 25th day of January, 1889. UNITED STATES APPRAISER.

Russell D. Woodman, of Maine, to be appraiser of merchandise for the port of Portland, in the State of Maine, to succeed Edward R. Pierce, whose resignation has been accepted.

#### ASSISTANT APPRAISER

Benjamin F. Chadbourne, of Maine, to be assistant appraiser of mer-chandise for the port of Portland, in the State of Maine, to succeed Russell D. Woodman, who has been nominated to be appraiser.

#### POSTMASTER.

Robert M. Branch, to be postmaster at Florence, in the county or Hampshire and State of Massachusetts, in the place of Jesse F. Angell, resigned.

#### ASSISTANT SURGEON IN THE NAVY.

Charles Francis Stokes, a resident of New York, to be an assistant surgeon in the Navy, to fill an existing vacancy in that grade.

#### PROMOTIONS IN THE ARMY.

## Third Regiment of Artillery.

First Lieut. James O'Hara, to be captain, November 30, 1888, vice Mount, resigned.

Second Lieut. David J. Rumbough, to be first lieutenant, November 30, 1888, vice O'Hara, promoted.

# First Regiment of Cavalry.

First Lieut. Otto L. Hein, to be captain, January 16, 1889, vice Hunter, appointed major and judge-advocate.

Second Lieut. Samuel C. Robertson, to be first lieutenant, January

16, 1889, vice Hein, promoted.

## Fifth Regiment of Cavalry.

First Lieut. George H. Paddock, to be captain, January 16, 1889, vice Davis, appointed major and judge-advocate.

Second Lieut. Lester W. Cornish, to be first lieutenant, January 16,

1889, vice Paddock, promoted.

## Tenth Regiment of Cavalry.

Second Lieut. John B. McDonald, to be first lieutenant, January 15, 1889, vice Jouett, resigned.

## Second Regiment of Artillery.

First Lieut. Asher C. Taylor, to be captain, January 20, 1889, vice Graves, deceased.

Second Lieut. John T. Thompson, to be first lieutenant, January 20, 1889, vice Taylor, promoted.

## Fourth Regiment of Artillery.

Second Lieut. Ormond M. Lissak, to be first lieutenant, January 16, 1889, vice Craig, appointed captain and assistant quartermaster.

# First Regiment of Artillery.

Additional Second Lieut. Eugene T. Wilson, of the Fifth Artillery, to be second lieutenant, December 4, 1888, vice Harmon, promoted.

## Third Regiment of Artillery.

Additional Second Lieut. Peyton C. March, to be second lieutenant, November 30, 1888, vice Rumbough, promoted.

## CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 25, 1889.

#### COLLECTOR OF INTERNAL REVENUE.

George Washington Hensel, of Pennsylvania, to be collector of internal revenue for the ninth district of Pennsylvania.

#### UNITED STATES CONSULS.

John Tyler Campbell, of California, to be consul at Foo-Chow; John Darcey Connolly, of California, to be consul at Auckland.

#### POSTMASTER.

Robert S. Adkins, to be postmaster at Kansas City, in the county of Jackson and State of Missouri.

#### MARINE-HOSPITAL SURGEONS.

Preston H. Bailhache, of Illinois, to be a surgeon in the Marine-Hospital Service of the United States.

John Vansant, of Virginia, to be a surgeon in the Marine-Hospital Service of the United States.

William H. H. Hutton, of Illinois, to be a surgeon in the Marine-Hospital Service of the United States.

Walter Wyman, of Missouri, to be a surgeon in the Marine-Hospital Service of the United States.

William H. Long, of Kentucky, to be a surgeon in the Marine-Hospital Service of the United States.

Robert D. Murray, of Florida, to be a surgeon in the Marine-Hospital Service of the United States.

Charles S. D. Fessenden, of New York, to be a surgeon in the Marine-Hospital Service of the United States.

George Purviance, of Pennsylvania, to be a surgeon in the Marine-Hospital Service of the United States.

Henry W. Sawtelle, of Maine, to be a surgeon in the Marine-Hospital Service of the United States.

Hiram W. Austin, of Ohio, to be a surgeon in the Marine-Hospital Service of the United States

James M. Gassaway, of the District of Columbia, to be a surgeon in the Marine-Hospital Service of the United States.

George W. Stoner, of New York, to be a surgeon in the Marine-Hospital Service of the United States

John Godfrey, of Alabama, to be a surgeon in the Marine-Hospital Service of the United States.

Charles B. Goldsborough, of Pennsylvania, to be a surgeon in the Marine-Hospital Service of the United States.

Fairfax Irwin, of the District of Columbia, to be a surgeon in the Marine-Hospital Service of the United States.

Frank W. Mead, of New York, to be a passed assistant surgeon in

the Marine-Hospital Service of the United States. Henry R. Carter, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

John Guitéras, of Pennsylvania, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

William A Wheeler, of New York, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Charles E. Banks, of Maine, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Duncan A. Carmichael, of New York, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Samuel T. Armstrong, of Missouri, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Cyrus T. Peckham, of Massachusetts, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Robert P. M. Ames, of Massachusetts, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

geon in the Marine-Hospital Service of the United States.

Spencer C. Devan, of Missouri, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Francis M. Urquhart, of New York, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Parker C. Kalloch, of Pennsylvania, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Arthur H. Glennan, of the District of Columbia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Eugene Wasdin, of South Carolina, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Stephen D. Brooks, of Massachusetts, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

In the Marine-Hospital Service of the United States.

Joseph H. White, of Georgia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Paul M. Carrington, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

the Marine-Hospital Service of the United States.

Louis L. Williams, of South Carolina, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

William D. Bratton, of South Carolina, to be a passed assistant sur-

geon in the Marine-Hospital Service of the United States.

William P. McIntosh, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

Seaton Norman, of Maryland, to be an assistant surgeon in the Marine-

Hospital Service of the United States.

John B. Fattic, of Illinois, to be an assistant surgeon in the Marine-Hospital Service of the United States. William J. Pettus, of Virginia, to be an assistant surgeon in the Ma-

rine-Hospital Service of the United States.

Frederic C. Heath, of Maine, to be an assistant surgeon in the Ma-

rine-Hospital Service of the United States.

George M. Magruder, of New York, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Thomas B. Perry, of Georgia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Joseph J. Kinyoun, of Missouri, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Rell M. Woodward, of Indiana, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Henry T. Goodwin, of New York, to be an assistant surgeon in the Marine-Hospital Service of the United States.

George T. Vaughan, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Julius O. Cobb, of South Carolina, to be an assistant surgeon in the Marine-Hospital Service of the United States.

James B. Stoner, of Pennsylvania, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Arthur W. Condict, of New Jersey, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Gregorio M. Guitéras, of South Carolina, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Stephen H. Hussey, of Ohio, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Henry D. Geddings, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Charles P. Wertenbaker, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

# HOUSE OF REPRESENTATIVES.

FRIDAY, January 25, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of proceedings of yesterday was read and approved. FORT ELLIOTT, TEXAS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for the purchase of the site of Fort Elliott, Texas; which was referred to the Committee on Appropriations, and ordered to be printed.

ADMISSION OF A FOREIGN VESSEL FREE OF DUTY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers in response to the resolution of the House, the correspondence in relation to the admission, free of duty, of a foreign vessel for dredging the main ship-channel, New York Harbor; which was referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

MILITARY ACADEMY, WEST POINT.

The SPEAKER also laid before the House a letter from the Secre tary of War, transmitting the report of a board appointed to ascertain the value of a tract of land at West Point, proposed to be purchased for the use of the Military Academy; which was referred to the Committee on Military Affairs, and ordered to be printed.

PURCHASES UNDER THE TWO-HUNDRED-DOLLAR LIMIT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with accompanying correspondence, a letter from the Chief of Engineers in regard to the proposed modification of section 3709 in the case of purchases under the \$200 limit; which was referred to the Committee on Military Affairs, and ordered to be printed.

SHIP CHANNEL, JERSEY CITY AND ELLIS ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of surveys for a ship channel between Jersey City and Ellis Island, New York Harbor, and between deep water of the Hudson River and Ellis Island; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with the papers in each case, a schedule of Indian depredation claims determined between January 5, 1888, and January 1, 1889; which was referred to the Committee on Indian Depredation Claims, and ordered to be printed.

CONTINGENT FUND, INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a statement of expenditures from the contingent fund of that Department for the fiscal year 1888; which was referred to the Committee on Expenditures in the Interior Department.

CHEROKEE FREEDMEN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying papers, the draught,

and recommending the passage, of a joint resolution providing for ascertaining who are entitled to share in the appropriation made to secure to the Cherokee freedmen the proceeds of certain lands under the act of March 3, 1883.

Mr. PEEL. Mr. Speaker, if the gentleman from Illinois will not insist upon his objection I would like to have that considered now. Mr. RANDALL. Without knowing what it is I must demand the

regular order.

The SPEAKER. This is a resolution relating to the distribution of the amount of the appropriation of \$75,000 for the benefit of the Cherokee freedmen heretofore made by Congress, which was laid before the House a day or two ago when objection was made to its consideration. ation, and the gentleman from Arkansas asked that it be permitted to lie on the table.

Mr. PEEL. I renew the request that it continue to lie upon the

table for the present.

Mr. RANDALL. I have no objection to that, but demand the regular order against the consideration.

#### VARINA B. GAITHER.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of finding of facts by the court in the case of Varina B. Gaither against the United States; which was referred to the Committee on War Claims, and ordered to

REPORT OF BRIGHTWOOD RAILWAY COMPANY.

The SPEAKER also laid before the House a letter from the president of the board of commissioners of the District of Columbia, transmitting the report of the Brightwood Railway Company for the year 1888; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### THE BRIG FORTUNE.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, referring to amended findings by the court in the spoliation case of the brig Fortune; which was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF FACT IN COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact in certain cases; which was referred to the Committee on War Claims, and ordered to be printed.

BIG HORN AND SOUTHERN RAILWAY.

The SPEAKER also laid before the House the bill (S. 3794) granting to the Big Horn and Southern Railway Company the right of way through a part of the Crow Indian reservation in Montana Territory.

Mr. TOOLE. I ask unanimous consent to consider that now. The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has demanded the regular order.

Mr. TOOLE. Then I ask that it be allowed to remain on the Speaker's table.

There was no objection.

#### COUNTING THE ELECTORAL VOTE.

The SPEAKER also laid before the House the Senate resolution relating to the meeting of the two Houses to count the electoral vote; which was referred to the Committee on the Election of President, Vice-President, and Members of the House of Representatives.

## REPRINT OF RIVER AND HARBOR BILL.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] asks that the bill H. R. 11765, known as the river and harbor bill, be reprinted for the use of members. Is there objection? The Chair hears none, and it is so ordered.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. French, for five days, on account of important business. To Mr. Sherman, for two weeks, on account of business. To Mr. GROSVENOR, for three days, on account of important business.

FUNERAL OF HON. JAMES N. BURNES.

The SPEAKER. The Chair will announce the following as the committee appointed to attend the funeral of the late James N. Burnes; Mr. W. J. Stone, of Missouri; Mr. C. H. Mansur, of Missouri; Mr. W. H. Wade, of Missouri; Mr. D. B. Henderson, of Iowa; Mr. E. N. Morrill, of Kansas; Mr. J. D. Sayers, of Texas, and Mr. W. D. BYNUM, of Indiana.

#### THE MILITARY APPROPRIATION BILL.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I desire to reserve all points of order on that bill.

ORDER OF BUSINESS.

Mr. STRUBLE. Mr. Speaker, I desire to present a privileged mat-

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. I call up for present consideration the bill S. 681.

The SPEAKER. It is a motion to reconsider if the Chair understands correctly.

Mr. STRUBLE. It is a motion to reconsider a vote taken at the last session of Congres

Mr. RANDALL. Without knowing what it is, I raise the question of consideration against it.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett,

The SPEAKER. The House rejected the bill, and the gentleman desires to move to reconsider the vote by which the bill was rejected.

Mr. RANDALL. I would like to state to the gentleman from Iowa [Mr. STRUBLE] that I have been applied to on all sides to permit these requests for unanimous consent to be offered. It is my desire to move, some time between 4 and 5 o'clock, that the committee rise if the House will go on with the sundry civil appropriation bill, with a view of permitting these unanimous consents to be presented to-day. It would be a great personal comfort to me if I could be allowed to go on with the sundry civil bill at once.

Mr. STRUBLE. With that statement I withdraw the bill for the

present, if it can be considered to-day.

The bill was withdrawn.

Mr. BROWNE, of Indiana. On last Friday, as will be seen by the RECORD of Saturday, the bill (S. 2091) granting a pension to Frances H. Plummer was reported favorably to the House, and by unanimous consent it was agreed that the previous question should be considered as having been ordered, and that it should come up in its regular order this morning immediately after the reading of the Journal. The question I desire to ask of the Chair is, Would not that be in order now?

The SPEAKER. If the previous question was ordered on the pas-

sage of the bill, it is.

Mr. BROWNE, of Indiana. "The previous question was ordered on the passage of the bill."

The SPEAKER. The gentleman from Indiana, then, calls up the

bill the title of which he has named.

bill the title of which he has named.

Mr. RANDALL. Upon that I raise the question of consideration.

Mr. BROWNE, of Indiana. I do not care to interrupt the consideration of the appropriation bill this morning if this order can be continued until some early day in the future, and that a vote be taken.

The SPEAKER. It can be passed with the understanding that it shall not lose any privilege it now has.

Mr. O'NEILL, of Pennsylvania. Will that affect all the bills upon which the previous question has been ordered?

The SPEAKER. There are several bills on the Calendar which have been reported from the Committee of the Whole upon which the pre-

The SPEAKER. There are several bills on the Calendar which have been reported from the Committee of the Whole upon which the previous question has not been ordered. It will affect those upon which the previous question has been ordered.

Mr. BROWNE, of Indiana. I consent that the bill may be passed with the tunderstanding.

with that understanding.

The bill was so passed.

Mr. RANDALL. I move to dispense with the consideration of pri-

vate business to-day.

Mr. THOMPSON, of Ohio. I object unless leave is given to file re-

ports from committees.

The SPEAKER. This motion does not relate to that.

Mr. RANDALL. I propose to provide for that by a subsequent mo-

The motion of Mr. RANDALL was agreed to.
Mr. RANDALL. Now I ask unanimous consent that the morning hour be dispensed with, and that gentlemen having reports to make may have leave to file them with the Clerk. This being Friday, I do not know whether that will apply to private bills only
The SPEAKER. As stated by the Chair in putting the question, it

applies to all bills.

There was no objection, and it was so ordered.

## FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

#### JACOB WOLF.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3916) granting a pension to Jacob Wolf; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JOHN LIMERIC.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5390) granting a pension to John Limeric; which was referred to the Committee of the Whole ably the bill (H. R. 11777) granting the right of way to the Fort Smith,

House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JOHN A. MARTINDALE.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3960) granting a pension to John A. Martindale; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### HANNAH M'KEE.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6886) granting a pension to Hannah McKee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### SARAH JACKSON.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6411) granting a pension to Sarah Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### EMILY CROSS.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10301) for the relief of Emily Cross; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### NANCY B. BROWN.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 12282) granting a pension to Nancy B. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### GEORGE COLWELL.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 12047) granting an increase of pension to George Colwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### GERTRUDE NORTHROP.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11707) granting an increase of pension to Gertrude Northrop; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MARY A. KINSLOW.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8205) granting a pension to Mary A. Kinslow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ESTER GAVEN.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12303) granting a pension to Ester Gaven; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

## WILLIAM FORD.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2862) granting a pension to William Ford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# JULIA W. FREEMAN.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12205) granting a pension to Julia W. Freeman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, orderd to be printed.

#### W. W. WILSON.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8429) granting a pension to W. W. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### D. G. RUMMEL.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3109) granting a pension to D. G. Rummel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY. Mr. PEEL, from the Committee on Indian Affairs, reported back favorParis and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MILITARY AND NAVAL MUSEUM.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 12111) to establish a national military and naval museum in the city of Washington; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## BRIDGE ACROSS THE BAYOU BARTHOLOMEW, LOUISIANA.

Mr. CRISP also, from the Committee on Commerce, reported back favorably the bill (S. 3284) to authorize the construction of a bridge across the Bayou Bartholomew at or near Ward's Ferry, La.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### BRIDGE ACROSS COOSA RIVER, ALABAMA

Mr. CRISP also, from the Committee on Commerce, reported back with Senate amendment the bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden in the State of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# CHRIST CHURCH, WASHINGTON, D. C.

Mr. ATKINSON, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 11817) vesting in the vestry of Christ Church, Washington Parish, in the District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square one thousand and ninety-two in the city of Washington, District aforesaid; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CLAIMS ALLOWED BY ACCOUNTING OFFICERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY K. ALLEN.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12381) granting a pension to Mary K. Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ANNA HAARSTICK.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12016) granting a pension to Anna Haar-stick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JACOB E. GOUDY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8821) granting a pension to Jacob E. Goudy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

## CHARLES G. SANDERS.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11515) granting a persion to Charles G. Sanders; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# LAND DISTRICTS, NEBRASKA.

Mr. STOCKDALE, from the Committee on the Public Lands, reported back the bill (H. R. 11767) to establish two additional land districts

back the bill (H. R. 11/67) to establish two additional land districts in the State of Nebraska; which was laid on the table.

Mr. STOCKDALE also, from the Committee on the Public Lands, reported, as a substitute for the foregoing, a bill (H. R. 12385) to establish two additional land districts in the State of Nebraska; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. ordered to be printed.

#### IMPROVED STREET LETTER-BOXES, ETC.

Mr. ANDERSON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 12106) to authorize the Postmaster-General to advertise for and purchase improved street letter-boxes and locks and keys; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### LYDIA K. WHITE.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 1269) granting a pension to Lydia K. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. ROMEIS, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 11957) to amend an act entitled "An act to levy an assessment on real estate in the District of Columbia for the purpose of taxation;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## CALPHURNIA WILLSON.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 12227) to refer the claim against the United States of Calphurnia (Calfurny) Willson, widow of the late Stewart Willson, to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. SPRINGER. I ask unanimous consent to introduce a bill for reference

Mr. RANDALL. Regular order. If I yield to one gentleman I must yield to others. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of appropriation bills. The Clerk will report the unfinished business.

Mr. RANDALL. Let the Clerk read the pending paragraph as originally reported in the bill and then the pending amendments.

The Clerk read as follows:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, and for wages of printers' assistants at steam-presses, at \$1.50 a day each, when employed, and for royalty, at not exceeding 1 cent per thousand impressions for use of steam plate-printing machines, \$376,000, to be expended under the direction of the Secretary of the Treasury: Provided, That no portion of this sum shall be expended for printing United States notes of larger denominations than those that may be canceled or retired: Provided further, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

of the number of steam plate-printing machines in the Engraving and Printing Bureau.

To which the following amendment is proposed by the gentleman from Massachusetts [Mr. Long]:

Line 9, page 12, strike out the words "one cent" and insert "fifty cents."

To which the following amendment is proposed by the gentleman from New York [Mr. Whire]:

Amend the amendment by striking out "fifty cents" and inserting "one dollar," making the clause read: "and for royalty at not exceeding \$1 per thousand impressions."

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from New York [Mr. WHITE].

The amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Massachusetts [Mr. Long].

Mr. STEELE. Let us hear that amendment read.

The Clerk again read the amendment offered by Mr. Long.
Mr. SPRINGER. Is that amendment now subject to amendment?
The CHAIRMAN. It is.
Mr. SPRINGER. Then I move to strike out "fifty" and insert

twenty-five."

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Massachusetts [Mr. Long].

The question was taken, and the Chair declared that the noes seemed

to have it.

Mr. LONG. I ask for a division.

The committee divided; and there were-ayes 53, noes 56.

The committee divided; and there were—ayes 53, noes 56.

Mr. LONG. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Massachusetts [Mr. Long] and the gentleman from Alabama [Mr. WHEELEB]. The question is on the amendment of the gentleman from Massachusetts.

The committee proceeded to divide by tellers.

Mr. RANDALL (pending the division). Mr. Chairman, I wish to

make a suggestion by which I think time may be saved. I suggest that the proposition be considered as adopted and that we have a yeaand nay vote upon it in the House.

The CHAIRMAN. Of course no agreement can be made by the committee that will bind the House, but perhaps an understanding can be

arrived at.

Mr. RANDALL. If the amendment is adopted we shall have a right to have a yea-and-nay vote upon it in the House if demanded.

The tellers reported—ayes 81, noes 85.
So the amendment of Mr. Long was rejected. [Applause.] The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from New York [Mr. FARQUHAR].

Mr. RANDALL. Mr. Chairman—

The CHAIRMAN. There is an amendment pending which the

Clerk will report.

The Clerk read the amendment offered by Mr. FARQUHAR, as fol-

Line 15, page 12, after the word "retired," amend as follows: "Provided further, That no part of this appropriation shall be used for the repair or reconstruction of steam plate-printing presses."

Mr. RANDALL. I reserve a point of order on that proposition. would like to submit an amendment which was prepared by the late Mr. BURNES, and which, I think, the gentleman will accept, as it meets the contingency for which he wishes to provide.

The CHAIRMAN. Does the gentleman from New York [Mr. FAR-

QUHAE] withdraw his amendment?

Mr. RANDALL. No, he does not withdraw it; but I wish this proposition read for information, as I think it reaches the point con-

The CHAIRMAN. If there be no objection, the amendment will be read for information.

The Clerk read as follow:

Provided, That unless the patentees of said steam-presses shall accept the \$500 already paid as royalty on each press, and the rate per thousand sheets herein provided, the said presses shall not be used by the Government after the close of the present fiscal year.

I desire to reserve a point of order on that amendment. The CHAIRMAN. It has been simply read for information.

it is regularly offered a point of order may be made.

Mr. RANDALL. I will state the object of this amendment. If the paragraph as now fixed should become a law, this is designed to prevent the officers of the Government from putting such a construction on the contract as would extend it beyond a year. This is intended as a declaration by Congress that if the patentees do not accept the terms here provided no claim against the Government shall arise from the non-use of the machines.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FARQUHAR], which has been read.

The question being taken on the amendment, it was agreed to; there -ayes 46, noes 41.

The CHAIRMAN. The Clerk will now report the pending amendment offered by the gentleman from Ohio [Mr. OUTHWAITE].

Tht Clerk read as follows:

Insert, after line 17, on page 12, the following:
"And provided further, That hereafter the name of each person whose portrait
shall be placed on any of the plates for bonds, securities, notes, stamps, fractional or postal currency of the United States shall be inscribed below such
portraits."

Mr. OUTHWAITE. I desire to modify that amendment by inserting, after the word "notes," the words "silver certificates," and such certificates were intended to be comprehended in the amendment.

Mr. BLAND. Mr. Chairman, I rise to a parliamentary question. There is a proviso beginning on line 15 forbidding any increase of the number of steam plate-printing machines. I wish to know whether

that proviso has been read. I desire to raise a point of order on it.

The CHAIRMAN. The Clerk read the entire paragraph, beginning

with line 3 and concluding with line 17.

Mr. BLAND. I wish to raise a point of order upon the proviso beginning in line 15.

Several Members. Too late!
The CHAIRMAN. The Chair thinks that the point of order comes too late. That proviso was read when the bill was last under consid-

Mr. BLAND. The amendments offered have all had relation to

other portions of the paragraph.

The CHAIRMAN. The entire paragraph was read when the bill was last under consideration, and when its consideration was resumed to-day was read again at the request of the gentleman from Pennsylvania [Mr. RANDALL]. Therefore the Chair is of the opinion that the point of order comes too late.

Mr. BLAND. Well, I wish to move an amendment to strike out

that proviso.

The CHAIRMAN. The Chair will entertain that motion at the proper time. Is there any objection to permitting the gentleman from Ohio [Mr. Outhwaite] to modify his amendment by inserting after the word "notes" the words "silver certificates?" The Chair hears no objection, and the amendment will be so modified.

Mr. RANDALL. There is no objection to the amendment of the gentleman from Ohio so far as I am concerned. It merely provides, as I understand, that the names of persons whose portraits are printed on

notes, bonds, etc., shall be placed below such portraits.

Mr. OUTHWAITE. That is all; the amendment contains no other provision.

The question being taken on the amendment of Mr. OUTHWAITE as modified, it was agreed to.

Mr. RANDALL. I now effer the amendment which has already

been read for information.

The CHAIRMAN. The amendment will be again read.

The Clerk read as follows:

At the end of the paragraph add the following:

"Provided, That unless the patentees of said steam-presses shall accept the
\$500 already paid as royalty on each press, and the rate per thousand sheets
herein provided, the said presses shall not be used by the Government after the
close of the present fiscal year."

Mr. LONG. I raise a question of order on that amendment. The CHAIRMAN. The gentleman from Massachusetts [Mr. Long]

raises a question of order, which he will state.

Mr. LONG. I submit that this proposition is very clearly a change of existing law. Under the law as existing to-day, the Secretary of the Treasury has a right to contract with the owners of this patent for its use; and he has done so. If this amendment should be adopted the law will be so changed that the Secretary can not contract with the owners of this patent unless he contracts at the rate of 1 cent per thousand impressions. To-day under the law, or under some provision of

law, he has power to contract with the patentees at any price.

The CHAIRMAN. The Chair will ask the gentleman if there is any general law aside from that referred to by the gentleman from

Illinois [Mr. LANDES] covering this point?

Mr. LONG. I am not familiar with the law myself, but under the general law as it stands this contract may be made, and the very best evidence of the existence of the law is that the contract has been made and recognized.

Mr. FARQUHAR. That is no evidence; there may have been no

authority to make it.

Mr. LONG. And now you propose to pass a law forbidding the ex-

ecution of that contract.

The CHAIRMAN. Will the gentleman refer the Chair to the law? Mr. LONG. I have said that I am not familiar with the law, but that the best proof of its existence is that the contract has been made

and is recognized.

The CHAIRMAN. The Chair directed his inquiry to the point as to whether or not the law under which the gentleman from Massachusetts makes his point of order was that referred to by the gentle-man from Illinois [Mr. Landes], who submitted a point of order when this bill was last under consideration.

Mr. RANDALL. I submit that there is no law except the law of

the appropriation bill which authorizes the use of these steam-presses. There is no law authorizing the Secretary to make the contract.

Mr. FARQUHAR. None whatever.
Mr. RANDALL. And it is a matter that rests with Congress and arose out of an appropriation of money in an appropriation bill.

Mr. FARQUHAR. That is all.

Mr. LONG. But, Mr. Chairman, admit for the sake of argument that there is no law—you are now making a new law, one which restricts the Secretary of the Treasury. That is necessarily new legislation; and it is a familiar principle in the application of our rules here

that new legislation is not permitted upon appropriation bills.

Mr. BLOUNT. Mr. Chairman, I wish to call the attention of the

Chair to clause 3 of Rule XXI, which provides as follows:

That no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Now, sir, is it possible that with regard to the matter of printing the bonds, notes, and securities of the United States, a matter of such vital importance, that it is not competent for this House to say in an appropriation bill whether it shall be done by machines or how it shall be done? Why, sir, that exception was put into our rules for the very purpose of allowing some latitude to the Committee on Appropriations in the preparation of such bills and in providing for objects already in progress. This is an object already in progress. It is not questioned, I think, by any intelligent person that the printing of the notes and securities of the United States should be executed in the best manner. Why, suppose the use of the plate-printing presses was authorized by law, suppose there was authority of law for this contract, and we should understand that under that particular process we were having the bonds and the notes of the United States counterfeited in a most notorious manner, would it be held for an instant that under that condition of things we would be powerless here to help ourselves?

Mr. HOLMAN. Besides, this is simply a limitation on the expendi-

ture.

Mr. BLOUNT. And, as the gentleman from Indiana suggests further, it is simply a limitation upon the expenditure of the money. It has been done in this way over and over again under our rules; and the right to do it, it seems to me, can scarcely be questioned.

Mr. RANDALL. I want to call the attention of the gentleman from Georgia to the fact also that this contract was made under an appropriation bill, and an examination of that law shows that this was the

Provided, That any part of this sum may be used for the purchasing and operating of new and improved plate-printing presses.

Now, that applied of course to the appropriations contained in that particular bill, or that portion of the appropriation that might be expended for this purpose, and under that this payment was authorized.

Mr. BLOUNT. And it only related to that single appropriation

Mr. FARQUHAR. That is all.

Mr. RANDALL. Only to that particular case.

The CHAIRMAN. The Chair will ask the gentleman from Georgia whether or not the only law upon this question is that found on page 515 of the Statutes at Large, volume 24, in the sundry civil appropriation bill of the last fiscal year, in which it appears as a proviso, as fol-

That any part of this sum may be used for the purchasing and operating of new and improved plate-printing presses.

Is that the only law?

Mr. BLOUNT. That is the statement of the gentleman from Penn-

sylvania, to which he has just called attention.

Mr. RANDALL. That is the only law that I know of, and I do not think it sets out the power to make a contract such as has been suggested by the gentleman from Massachusetts.

The CHAIRMAN. The Chair thinks—

Mr. LANDES. In connection with the question submitted by the

Chair, I understand that since 1878 the appropriation bills have provided for the payment of royalty for the use of these steam printing-presses, and this has been embraced in each succeeding appropriation bill without any limitation. I understand further, Mr. Chairman, that a contract was made in 1878 between the patentees and the Government under which this royalty has been continuously paid from that time to this.

The law referred to by the gentleman from Pennsylvania in the appropriation bill was passed two years ago, I believe, and a contract was made between the Government and the patentees for the payment of \$1 per thousand perfect impressions made on these machines as a royalty. The original contract, I think, was made with regard to the first presses, and it has never been renewed, but has been recognized by the Congress as being in force year after year, and has been accepted as the law governing this particular payment of royalty. Therefore, I submit, in view of these circumstances, that the contract is a continuing one, and that it was so recognized by the Congress of the United States, an implied contract, and was accepted by Congress and is now in force. Otherwise it would become the duty of the Secretary of the Treasury to make a new contract every year for the use of the machines, which construction I insist would be ridiculous.

The CHAIRMAN. A question involving a contract under existing law is not a matter which the Chair feels called to pass upon. The Chair is unable to ascertain whether there is any other law than this provision in the sundry civil bill of last year. If that be true—and no gentleman has suggested that there is any general law—the Chair will be compelled to overrule the point of order; because it is in the power of the House, under the rules, to place a limit upon this appropriation unless there be a general law to the contrary.

Mr. RANDALL. I would not like the statement of the gentleman from Illinois [Mr. Landes] to go without any expression of difference of opinion as to binding of the Government by these contracts. The difference of opinion between that stated by the gentleman from Illinois and the one I conceive to be the condition of things is wide and radical. I would never consent to that construction without dissent as to the power which is claimed as resulting from the legislation of 1878, that it was a continuous contract. I maintain that the statute law does not provide for a continuous contract, and that it is not within the power of any Government officials to bind this Government in that way beyoud twelve months.

The amendment of Mr. RANDALL was agreed to.

The Clerk read as follows:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, \$174,000, to be expended under the direction of the Secretary of the Treasury.

Mr. FORAN. I move to strike out the last word. I rise, Mr. Chairman, more for the purpose of making a correction in the RECORD of last Wednesday's proceedings than for the purpose of addressing the committee on this proposition. I desire the Clerk to read what I send to the desk

The Clerk read as follows:

A committee was appointed to look into the character of this work, and I have been solicitous to know, and I ask the question in all candor, whether all the printers in the bureau felt absolutely free to testify over there, as they would have done had it not been for a reign of terror established, if there was a reign of terror, and I do not say there was?

Mr. FORAN. By Mr. Graves or by the Knights of Labor, which?

Mr. Butterworth. Oh, my friend—
Mr. Foran. Who has the right to discharge over there?
Mr. Butterworth. We have nearly reached a condition of things in this country when nobody has the right to discharge and no individual the right to employ an American freeman without permission of some society. [Applause.]
Mr. Foran. I am glad of it.

Mr. FORAN. I now ask that the Clerk read the transcript of the original official notes.

The Clerk read as follows:

Mr. FORAN. Who has the right to discharge over there?
Mr. BUTTERWORTH. We have reached nearly a condition of things in this country when nobody has the right to discharge.

Mr. FORAN. Now, Mr. Chairman, it will be noted that in this colloquy my colleague simply says this:

We have nearly reached a condition of things in this country where nobody has the right to discharge.

And to that I replied:

I am glad of it.

As this colloquy appears in the RECORD, however, there is this interpolation:

And no individual the right to employ an American freeman without the permission of some society.

Mr. JOSEPH D. TAYLOR. I will ask the gentleman from Ohio [Mr. FORAN] if he is aware of the fact that Mr. BUTTERWORTH is absent?

Mr. FORAN. I informed Mr. BUTTERWORTH yesterday that I intended to call attention to this matter.

Mr. JOSEPH D. TAYLOR. Would it not be better to wait until

he is present?

Mr. FORAN. I am not going to say anything derogatory of Mr. BUTTERWORTH. The interpolation was no doubt made inadvertently and without design to place me in a false position.

Mr. JOSEPH D. TAYLOR. Why not wait until this afternoon or

to-morrow?

Mr. FORAN. I desire to correct the RECORD now.
Mr. JOSEPH D. TAYLOR. Does the gentleman think he can succeed better now than if Mr. BUTTERWORTH were present? If he does,

then I would suggest that he can go on.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. FORAN. I decline to be interrupted. I desire to be placed right on the record.

Mr. JOSEPH D. TAYLOR. Iam informed that Mr. BUTTERWORTH is before the Supreme Court and unable to be here, and I think it is unfair to call it up at this time.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. JOSEPH D. TAYLOR. If the gentleman declines to be inter-

rupted I suppose he will have to go on.

Mr. FORAN. The only fault I find is, what is here stated, to wit, "and no individual the right to employ an American freeman without permission of some society" was not uttered by my colleague, and of course my reply could not apply to it. No such colloquy occurred, and all that I desire is that what my colleague did say shall appear. What I said was, that I was glad to see that we have nearly reached a condition of things in this country in which employers had almost lost the right to discharge men. What I had reference to was the fact, the notorious fact, well known everywhere, that employers do discharge men because they are American freemen, and because they exercise the rights of American freemen; because they belong to labor organizations, and because, frequently, they exercise the rights of American freemen as to how they shall vote. That is all I said. Of course I never meant to say that I was glad we had reached a condition in which no individual had the right to employ anybody except by permission of some society.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Repairs of light-houses: For repairing, rebuilding, and improving light-houses and buildings, for improvements to grounds connected therewith; for establishing and repairing pier-head lights; for illuminating apparatus and machinery to replace that already in use, and for incidental expenses relating to these various objects, \$300,000.

Mr. ADAMS. I offer the amendment which I send to the desk. The Clerk read the amendment, as follows:

Page 13, line 6, after the word "therewith," insert "including the erection of oil-houses and other inexpensive structures that may be required for the storage and care of public property at or near light-houses; and in line 9 strike out "\$300,000" and insert "\$400,000."

Mr. RANDALL. Upon that I make the point of order.
The CHAIRMAN. The gentleman will state his point of order.
Mr. RANDALL. That amendment proposes to authorize the con-

truction of oil-houses not now authorized by law. If any one will read the estimates, he will find that of the four hundred thousand there included, \$50,000 was intended to be used for the erection of oil-houses at light-houses.

Mr. ADAMS. That is not a point of order. I am perfectly willing to modify the amendment so as to reduce the amount to \$350,000, but

I hope the point of order will not be made.

Mr. RANDALL. I do not want to make the point of order against this proposition, because I wish to fairly consider what amount of money is really necessary for this purpose.

Mr. ADAMS. For oil-houses?

Mr. RANDALL. Both as to oil-houses and as to repairs to light-

Mr. ADAMS. I hope the gentleman will allow me to state my impression, which may perhaps bear upon the point of order. I understand that for several years last past we have been trusting to mineral oils in place of lard oil for our light-houses, and that these oil-houses are greatly needed because the mineral oil is more bulky and more dangerous than the other, and ought not to be kept in the lighthouses. Now, my information is that this plan of constructing these houses is not new; that about fifty such oil-houses have been already constructed, and that nearly five hundred of them will be needed in the course of years to complete the system.

Mr. RANDALL. In that connection I want to say that whatever houses of this kind may have been heretofore constructed have been constructed out of a general fund, if I am correctly advised. Last year, however, the appropriation bill contained a clause appropriating \$15,000 for the construction of oil-houses, at a cost not to exceed \$500

each.

The estimate was that the necessary structures would cost about \$1,200 each, but upon examination the committee determined that \$500 was adequate to erect a suitable building for this purpose. I am advised that the amount, \$15,000, so appropriated, would have constructed about thirty oil-houses, and also that none of that \$15,000 has been expended.

Mr. ADAMS. I will say to the gentleman that so far as the proper cost of these oil-houses is concerned, if the committee really think it ought not to exceed \$500, they may know better than I. That is a question, however, which relates to the merits of the proposition.

#### MESSAGE FROM THE SENATE.

The committee rose informally; and a message from the Senate, by Mr. McCook, its Secretary, announced the adoption of the following resolu-

Resolved. That the Senate has heard with deep sensibility the announcement of the death of Hon. James N. Burnes, late a member of the House of Representatives from the State of Missouri.

Resolved. That the Senate concur in the resolution of the House providing for the appointment of a select committee to take order for superintending the funeral and escort the remains of the deceased to the place of burial; and that the committee on the part of the Senate be appointed by the President pro tempore. pore.
The President pro tempore appointed Mr. Vest, Mr. Coke, and Mr. Teller.

The message also announced the passage of the bill (H. R. 11604) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee, with amendments; requested a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. Vest,

Mr. SAWYER, and Mr. HARRIS. The message further announced the passage of the bill (H. R. 9061) to reduce taxation and simplify the laws in relation to the collection of the revenue, with an amendment, and requested a conference on the

disagreeing votes of the two Houses.

# SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session, Mr. Dockery in the chair.

Mr. ADAMS. Mr. Chairman, I have here a copy of a letter from the Light-House Board to the Secretary of the Treasury, which, if I were to have it read now, would perhaps be regarded as discussion upon the merits of the proposition rather than upon the point of order.

Mr. RANDALL. Ido not object to its being read. I have received

Mr. KANDALL. I do not object to its being read. I have received so many communications from that board that I do not think the reading of one or two more will hurt. [Laughter.]

Mr. ADAMS. Does the gentleman withdraw the point of order?

Mr. RANDALL. No, sir, I do not withdraw it until I ascertain whether we can arrive at an harmonious arrangement. Perhaps that

is possible.

The Clerk read the letter, as follows:

The Clerk read the letter, as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 23, 1889.

Str.: The board desires to call your attention to the following item contained in H. R. bill No. 12008, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes:
"Repairs of light-houses: For repairing, rebuilding, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing pier-head lights; for illuminating apparatus and machinery to replace that already in use, and for incidental expenses relating to these various objects, \$300,000."

The amount asked by the board for this purpose (see Estimate Book, page 197) was \$400,000, but there was included among the detailed objects to which it was intended to apply these funds "the erection of oil-houses and other incrpensive structures." It is noticed that the bill as presented by the House Committee on Appropriations makes no provision of this kind, and it appears to have been the opinion of the framers of the bill that by removing this item they might reduce the amount asked for by one fourth. This is not by any means the case, and the amount that it is now proposed to appropriate is far below the actual needs of the service.

It should be remembered that the appropriations for this object have for several years past been inadequate. It has been with the greatest difficulty that the board has been able to get through the year without serious accidents and losses, because of the crippled condition in which important structures are left. It is true that repairs can be delayed, but this is invariably bad economy, as it leads to the rapid deterioration and destruction of the buildings. The amount asked for this purpose has constantly increased for several years past, not only because of the natural increase in the service (amounting to from twenty to

fifty new structures yearly), but also from the neglect which has been caused by the failure of Congress to make adequate appropriations.

It may be said that there has been stored up an annual deficiency of a considerable amount and of an alarming character, bearing compound interest.

The result of this policy has been that the board has found it necessary to ask for an appropriation of \$639,439.40 to complete the service for the present year. (See Estimates for Deficiencies, Ex. Doc. No. 71, Fiftieth Congress, second session, page 5.)

The situation at present is even more embarrassed than it was at the time the deficiency was asked for. There is now in the Treasury to the credit of this appropriation the sum of \$129,873.28, while against this are requisitions of officers still to be filled amounting to more than \$220,000. A deficiency appropriation is therefore urgently needed and should be made at the earliest possible moment. In case this is made the total appropriated for the present year will be \$88,-439.40. It is hoped that this will put the buildings and grounds of the Light-House Establishment in a fair condition, and that the amount then required for the service of the fiscal year ending June 30, 1890, can be reduced to \$350,000, exclusive of oil-houses and similar structures. Should Congress conclude to allow the building of these much-needed structures, the sum of \$400,0.0 originally asked by the board will be required.

The board earnestly requests that you will call the immediate attention of Congress to the importance not only of appropriating the sum of \$400,0.0 originally asked by the board will be required.

The constant expansion of the Light-House Establishment makes it necessary to increase year by year this appropriation, which is the sole means for keeping the buildings and grounds of an extensive service in order. Yet the sum which it is now proposed to appropriate is actually less than that appropriated five years ago.

years ago. Respectfully, yours,

S. C. ROWAN, Vice-Admiral United States Navy, Chairman.

The SECRETARY OF THE TREASURY.

Mr. ADAMS. Perhaps if this proposition was modified so as to limit the cost of each oil-house, the gentleman from Pennsylvania would withdraw his point of order. I understand that the normal cost of a structure of this kind is \$1,500; but if the Committee on Appropriations has a definite opinion on that point, I do no. know enough

about the matter to put my opinion against theirs.

Mr. RANDALL. The Senate and the House agree, I think, without any controversy whatever, that \$500 is fully sufficient for the construction of one of these oil-houses; in some cases the cost ought to be less, in no case greater. On behalf of the committee I make this point of order against entering upon any new structure, because the provision, when offered on a bill of this kind, comes in conflict with the rules of the House. It should properly emanate from some other committee than the Committee on Appropriations. There are already provided for by law thirty of these structures; and we are told that their erections in the committee than the committee of the structures of the committee of the structures of the committee of the c We have thought, therefore, it would be proper to see what the plan is before making any appropriation beyond the \$15,000 already appropriated. It seems to me there is reason in this view.

Now, I want to be understood that this is a separate and distinct matter from the question of repairs, which will be entered upon after-

ward.

I understand that. But although I think it perfectly competent for the gentleman, when we come to the merits of the proposition, to move to modify my amendment, yet if he says that provision was made last year for the construction of a number of these

Mr. RANDALL. Fifteen thousand dollars was appropriated for

thirty oil-houses. Mr. ADAMS. I am curious to know under what clause of the rules he now makes this point of order.

Mr. RANDALL. My point of order is that there is no law for entering upon the construction of these oil-houses.

Mr. REED. Did not the other bill so provide?

Mr. RANDALL. I do not remember whether the point of order was made in that case or not.

Mr. REED. Why should the gentleman from Pennsylvania make

the point of order now if he did not make it then?

Mr. RANDALL. I have said that I did not wish to make the point of order if I could avoid it. I only wish to have the position of the committee thoroughly understood—that we should not give \$65,000 for this purpose when \$15,000, already given for a similar purpose, is unexpended.

The CHAIRMAN. Does the gentleman from Pennsylvania insist

upon the point of order?
Mr. RANDALL. I do.

Mr. REED. I would like the gentleman from Pennsylvania to state what his point of order is.

Mr. RANDALL. That this amendment proposes in specific language to enter upon various structures not now authorized by law.

Mr. ADAMS. Let the gentleman point out the particular clause in the rules with which he thinks this proposition comes in conflict.

Mr. RANDALL. This is not a public work authorized by law.

Mr. ADAMS. Let the gentleman refer to the clause and the paragraph.

Mr. REED. If the construction of oil-houses is contrary to law, how have these others been built?

Mr. RANDALL. The others are specifically provided for. This is a proposition to make a general law which would permit any part of the sum of \$400,000 embraced in the gentleman's amendment to be expended in this way. These are entirely new structures.

The CHAIRMAN. If it is conceded that there is no law authorizing the construction of oil-houses the Chair must, of course, sustain the

point of order.

Mr. REED. I do not concede that by any means. A light-house is a public work, and requires certain appurtenances. Among other things it requires oil; and if for purposes of economy or superior efficiency the mode of furnishing oil and the kind of oil are at any time changed, surely the right to provide suitable receptacles for the use of the new substances employed would be included in the right to maintain the lighthouse in its highest state of efficiency. There can be no doubt about that. The gentleman from Pennsylvania admits that other oil houses have already been built; and if they have been built in defiance of law, it is very singular, because I have found that the Departments of this Government, instead of acting in defiance of law in the expenditure of money, are in most cases unwilling to go to the extent of the law in

Mr. RANDALL. These structures have not been built. If the Chair will permit me, I will illustrate just exactly what I mean.

The CHAIRMAN. The Chair understood the gentleman from Illinois to say that several oil structures had been constructed?

Mr. RANDALL. Specifically, the number and amount to be expended. It is true we have a Congressional Library, and suppose it is universally conceded further accommodations are necessary in that connection. It will not be pretended it is necessary to pass a separate act to allow that additional accommodation.

Mr. REED. I will take that same example. There could not be a better one. We have a Congressional Library, and a certain sum is apprepriated for that Library. Does he mean to say we could not have extra service if a more advantageous system of shelving was discovered, and if money was appropriated for it it could not be expended for

Here is the main thing, something plainly authorized by law—that is, a light-house, the object of which is to give the most efficient protection to sailors. Does he mean if a better light will do that more satisfactorily than a worse light where the light-house has been using a particular material, not by operation of the statute, but in the exercise of a wise discretion, if they purpose now to use a different material, in order to use that different material they have to build a different receptacle when this use of another material will increase efficiency? Surely that is not within the meaning of the rules of this House.

Mr. ADAMS rose.

Mr. RANDALL. I admit something might be added to and expended in that connection which would require additional accommodation in the Congressional Library. But here is a different structure proposed.

Mr. ADAMS. Not necessarily.
Mr. REED. And it becomes absolutely necessary to accomplish that result to authorize these oil structures

Mr. ADAMS. If the gentleman refers to my amendment he will

Mr. RANDALL. Now, Mr. Chairman, in order we may understand this matter I ask the Clerk to read the clause which provides for the erection of these thirty structures for which money was given, and it will be seen the law did not provide for any general system of structures

The Clerk read as follows:

Oil-houses for light-stations: For establishing isolated houses at light-stations for the storage of mineral oil, \$15,000; Provided, That no oil-house erected hereunder shall exceed \$500 in cost.

Mr. REED. That shows conclusively there is no law against this, otherwise the gentleman from Pennsylvania, in pursuance of that stern sense of duty which actuates him at this session, would have it put out

Mr. RANDALL. I say the language which the gentleman seeks to insert necessarily involves new legislation and the entering upon a new plan for the construction of these oil-houses, which should come from some other committee.

Mr. REED. It is impossible the Committee on Appropriations would have attempted to sanction in this way a proposition contrary to the rules of the House.

Does the gentleman make the point of order The CHAIRMAN. against the amount?

Mr. RANDALL. Against the language itself.
The CHAIRMAN. In what respect?
Mr. RANDALL. It is new and different from that for the current

The CHAIRMAN. The Chair will pass upon the question, unless the gentleman from Illinois wishes to be heard further.

Mr. ADAMS. I hope the Chair will not be misled by the use of the word "house." "Oil-house" is no more than the use of the word "house" with the word "powder" attached to it, for a powder-house is merely an appurtenance of a fortification. So it is with an oil-house, which is a necessity for a light-house, and just as necessary inside as outside of the light-house. It is simply a big building partly sunk in the ground for the storage of oil, and is a mere appurtenance to the main building.

Mr. REED. It is, in other words, a big oil-can.
Mr. RANDALL. Oh, no; but a large structure.
Mr. REED. Nothing but a big oil-can.
Mr. RANDALL. It is quite a different thing; it is a structure for

the storage of oil-cans.

Mr. DINGLEY. Mr. Chairman, every one of these light-houses was established by authority of law. A light-house establishment consists not only of the tower which contains the light itself, but also, and necessarily, a keeper's house and a boat-house at least. There is not a necessarily, a keeper's house and a boat-house at least. There is not a single light-house now in existence but which was when authorized by law simply authorized as a light-house, and there is not one of them which does not contain, as I have said, at least the keeper's house and the boat-house.

Now an oil-house is simply an appurtenance to a light-house estab-Now an oil-house is simply an appurtenance to a light-house establishment, and as much, certainly, a part of the light-house as the keeper's house and the boat-house; and it seems to me that by the decisions heretofore made under this rule this should be considered as a work already in progress under authority of law. It has been, for example, held here that the Committee on Naval Affairs could introduce in their appropriation bill under the rule a provision making an appropriation for the construction of a new payal vessel, and for the reason that there for the construction of a new naval vessel, and for the reason that there was authority of law for a naval establishment, the new vessel being a part of the naval establishment. This is a case of the same character.

The CHAIRMAN. As a matter of individual opinion, the Chair be-

lieves that the view presented by the gentleman from Maine [Mr. REED] and the gentleman from Maine [Mr. DINGLEY] is the correct view, and should be the practice of the House. But the Chair feels compelled under the practice of the House to sustain the point of order if insisted upon, although he does so with hesitation and doubt.

Mr. ADAMS. Now, with regard to the general features of the service, I have another letter to which I desire to call attention, and I ask

to have it read.

Mr. RANDALL. In this connection I wish to say that I make no point of order on the question of repairs. I want to come to a right view and action in this matter because of subsequent information that came to the committee, and I really would not have objected to the proposition for the oil-houses if any of the thirty heretofore ordered had been completed or commenced.

Mr. ADAMS. The gentleman can amend the provision by a proviso.

I have no objection.

Mr. RANDALL. Until we have begun work upon the thirty already authorized, I think such propositions as that suggested by the gentleman from Illinois should wait.

Mr. ADAMS. Well, of course

Mr. RANDALL. And I must insist upon the point of order. Mr. ADAMS. I understand the point of order is overruled.

The CHAIRMAN. The Chair stated that in accordance with the practice of the House the Chair would be compelled to sustain the point of order, although with hesitation and doubt.

Mr. REED. I understand that the Chair sustained the point of order, but with reluctance, which is a very good beginning in the right direction, and shows that the Chair's head is nearly as good as his

heart. [Laughter.]
Mr. RANDALL. I hope the gentleman will imitate the Chair.
Mr. REED. I shall imitate the Chair, of course, in all good re-

Mr. REED. I shall imitate the Chair, of course, in all good respects, which is in almost all respects. [Laughter.]

Mr. ADAMS. The point of order being sustained, it would therefore strike out the first part of the amendment.

The CHAIRMAN. The Chair understood the point of order to be directed only to the first clause of the amendment.

Mr. ADAMS. Then I will withdraw the amendment and offer another which I and to the deal.

other, which I send to the desk.
The Clerk read as follows:

Page 13, line 9, strike out "\$300,000" and insert "\$350,000."

Mr. ADAMS. Now, Mr. Chairman, I desire to have read a statement of expenses for the present year in this department, which I obtained a week ago from the Light-House Board.

The Clerk read as follows:

Statement of expenditures made from the appropriation for repairs of light-houses, 1889, with estimates of amounts required for the remainder of the year.

The appropriation was \$300,000, the same sum as that for next year in the sundry civil bill.

The board has asked for a deficiency appropriation this year, and, if no increase is made in the sum mentioned in the sundry civil bill, a still greater deficiency will be required next year.

From twenty-five to fifty new light-houses are added yearly, yet the appropriation allowed to keep them in order is actually less than was allowed six years ago.

Mr. ADAMS. It will be observed that there will be deficiencies this

year and also next year, and in fact for every year, as there has been

for several years past.

Mr. RANDALL. If the gentleman will allow a statement I think we can perhaps reach an understanding. When the amount was fixed at \$300,000 by the committee the fact was recognized that there never had been a deficiency applied for.

Mr. ADAMS. That there never had been?

Mr. RANDALL. No, sir; for several years, with a single exception, the amount has been \$300,000, and there has never been a deficiency

applied for or given.

Mr. ADAMS. Up to the present year?

Mr. RANDALL. This year we had, subsequent to reporting the bill, a deficiency asking for \$68,000. That, however, has never been considered by the Appropriations Committee at all, and it is not known that it is required, though the deficiency estimate was submitted. We were confronted with the fact that no deficiency had ever existed in the years past, but in view of the facts, part of which the gentleman has presented, and after a conversation with the individual members of the Committee on Appropriations, I feel authorized myself to propose an increase here to the amount of \$25,000, which is a large in-

crease over last year.

Mr. ADAMS. But the gentleman is aware that it has stood at \$300,-000 for several years, and that every year we add twenty or twenty-

five new light-houses.

Mr. RANDALL. I realize that fact, and the committee in view of

it have suggested this quite large increase.

Mr. ADAMS. That means a deficiency next year.

Mr. REED. If the evidence on which the gentleman from Pennsylvania has acted is so good as to warrant him in raising this amount \$25,000, it certainly ought to be good enough to induce the House to give \$25,000 more.

Mr. RANDALL. Simply because the gentleman wants to adopt

the rule of going a little better.

Mr. REED. There is a deficiency of \$68,000.

Mr. RANDALL. There is no deficiency in fact.
Mr. ADAMS. There will be.
Mr. RANDALL. No, sir. They want \$68,000 to spend.
Mr. REED. The gentleman says there was a deficiency asked for.
Mr. RANDALL. There is an additional amount asked.

Mr. REED. How could a deficiency be asked for if it does not

Mr. RANDALL. They want an additional \$68,000. They could make new contracts. Not a dollar beyond that has been embarked in any particular. They can not go beyond the amount appropriated for

the present year.

Mr. REED. What are the items?

Mr. RANDALL. That would have to go to a deficiency?

Mr. REED. I have a vague impression that a statement made to me by the gentleman from Pennsylvania shows that there ought to be a de-

cided increase this year.

Mr. RANDALL. Well, \$25,000 is a decided increase.

Mr. REED. Six years ago it was \$300,000. Since then this country has been erecting from twenty to fifty light-house buildings per annum, and a great many improvements are going on in the service.

Mr. RANDALL. The gentleman has been growing and yet he has

not required any more expenditure. [Laughter.]

Mr. REED. I will say to the gentleman from Pennsylvania that I do annually. And where they have asked for an increased expenditure of \$68,000 over six years ago the increase ought to be more than \$25,000 in all this time. The gentleman from Pennsylvania has been singularly unfortunate in his illustrations this morning. [Laughter.]

Mr. RANDALL. I was, I thought, quite at home this morning.

[Laughter.]

Mr. ADAMS. Whether the amount ought to be increased \$25,000 or \$50,000, I wish to show that the statement of the expenses here submitted is not unreasonable.

Mr. RANDALL. The expenditure of the \$68,000 has not been en-

Mr. ADAMS. Let me read these items of the estimate for the remainder of the year, and let the gentleman from Pennsylvania say which of the expenses is unnecessary:

For repairs urgent and needed, one hundred and three thousand and odd dollars; for repairs not urgent, but necessary, \$11,000; salaries, etc., \$52,000; maintenance of tenders employed in transporting materials, \$62,000.

Now, where is there anything that the gentleman can say is unrea-

Mr. RANDALL. I can not say what is unreasonable from the recital of the figures in that way. The subcommittee on deficiencies will hereafter investigate these necessities in connection with the work. I would not like to express an opinion now whether they are necessary

Mr. ADAMS. This is for the next fiscal year, which must necessarily be provided for. There will be an increase of \$25,000 in this year. I think that we ought to have \$350,000 at least for the next fiscal year. Mr. RANDALL. The expenditures for the first half of this year show that \$300,000 is adequate. There has been an expenditure of one-half of it. Now, for the second half of this year there is half of the

amount given, and yet they come in and ask for \$68,000 deficiency, that they have in no way entered upon the expenditure of, and the Government is in no way involved. If the gentleman desires us to make this appropriation exclusively on the estimates I want to say that we do not ever do that, because if we did this Light-House Establishment in its original estimates asks for \$2,200,000; and of the letters that are offered I may say that they would indicate a desire to persist in these expenditures.

Mr. DINGLEY. The gentleman is mistaken in saying that half of this appropriation was expended in the first six months. that he has before him is for five, not six months. One-half of this

amount has been expended in five months.

Mr. RANDALL. Up to the 7th of December, and that included the summer—from July 1 up to the fall, when frost begins—which is about the time they would be likely to expend more money. And the estimates made for the balance of the

Mr. DINGLEY.

year are \$229,000? Mr. RANDALL. They have no contracts in excess of the amount

appropriated.

Mr. ADAMS. The gentleman will remember that in the part of the country which I represent, which is the wintry part of the country, that work would cease from December until April. A part of the work of the winter months is to make contracts for the following year.

The CHAIRMAN. The question is on the amendment.

Mr. REED. I think a word ought to be said on this general sub-It is not what we ought to expend, but what has already been expended. During the time that I have been a member of this House here I have never at any time heard any complaint of extravagance

made against the Light-House Board.

It is a board entirely divorced from politics in every way. There is no method by which any prejudice can arise with regard to those who have charge of these affairs. Now, the expenditures which they have already made for five months are \$150,000, and at that rate they need at least \$350,000 per year. As they very properly say, there can be no worse policy in the world than refusal to make necessary repairs; yet that is a policy which the Committee on Appropriations, it seems to me, have allowed themselves to large into to too great an extent. The me, have allowed themselves to lapse into to too great an extent. The me, have allowed themselves to lapse into to too great an extent. The result has been a saving of money in appearance, which has not been a saving in reality, and it seems to me very much like what is known in common parlance as "skinning" a railroad; the dividends look well and the accounts look well, but the road looks bad. [Laughter.] So buildings like light-houses, like court-houses, and other property of the United States in many instances have been allowed to deteriorate, and that has been called "economy." But it is a great mistake.

The complaints that are made all over the United States on this subject are of such a character that they ought to be heeded by Congress. Attention ought to be paid to the actual and real situation. Now the gentleman from Pennsylvania [Mr. RANDALL] has himself stated certain facts which are directly in the line of the argument that I am making. He admits that this amount which he appropriates should have been

He admits that this amount which he appropriates should have been appropriated six years ago. During that period of six years at least two hundred light-houses must have been built, and a certain other number of light-houses must have fallen into a condition demanding repair, and we have the statement of the parties in charge that \$103,one is actually needed for repairs, and that \$11,000 more ought to be expended. Is there anything except the necessities and exigencies of the service which would have induced the Light-House Board to make this appeal to Congress over the head of the Committee on Appropria-Then again the gentleman from Pennsylvania, by offering \$25,-000, has declared, in a manner which must have impressed this House, the absolute necessity of increasing the appropriation, and if you are going to increase it, why not increase it in accordance with authentic igures instead of in accordance with the vague conjectures of the gentleman from Pennsylvania?

Mr. RANDALL. According to the figures which are presented by the Light-House Board, the result of the six years' accumulation of repairs is that \$68,000 is needed. That would show, according to my arithmetic, an average requirement of about \$10,000 each year in excess of the amount given. Now, although that statement shows that these accumulated repairs not heretofore provided for average only about \$10,000 or \$11,000 a year, I have suggested an increase for the

next fiscal year of \$25,000.

Mr. REED. The argument of the gentleman from Pennsylvania is an argument which is necessarily suicidal. If he believes that the \$68,000 deficiency is spread over six years, and that it indicates a need of only \$10,000 a year, this House knows him too well to suppose that he would propose an increase of \$25,000. Hence it is perfectly evident that his argument has not convinced himself.

Mr. RANDALL. I want to be protected to some little degree from this constant criticism about "illiberality" in giving away the money of the Government, as contradistinguished from giving away my own.

Mr. REED. And yet I am sure that the gentleman from Pennsylvania would not, for the purpose of getting himself a reputation for

liberality—
Mr. RANDALL. Oh, I lost that long ago and have never attempted to recover it. [Laughter.]
Mr. REED. I am sure, Mr. Chairman, that the gentleman from

Pennsylvania, even for that purpose, would not consent to appropriate \$25,000, or \$15,000, if he thought that only \$10,000 was needed; so it is perfectly evident that his argument has not convinced himself, and if it has not convinced him ought it to convince the House?

Mr. RANDALL. I think the \$25,000 is ample, and I have so ated. I say further that there has never been any illiberality on the part of this House in connection with the Light-House Service. contrary, there have been appropriations up to the point of making our light-houses, as far as human skill could make them, points of safety for the mariners of the world, and this Government, unlike most governments, has never adopted the system of making a charge for such service upon the shipping of the world. The very lake upon which the constituency of the gentleman from Illinois [Mr. ADAMS] is situated is the best-lighted sheet of water in the world, to the credit of the gentleman himself and of others who have preceded him here. So, too, the river upon which my own district is situated, is, I am advised, the best-lighted river in the world; and in proof of that I may mention that captains of vessels assert that it is safer at night than in the daytime. Therefore, I do not want this House to entertain for a moment the idea that there has ever been in the Congress of the United States or in any of the committees of this House the least illiberality towards the Light-House Establishment.

Mr. RYAN. I wish to say to my colleague [Mr. RANDALL]—
Mr. RANDALL. I yield to the gentleman from Kausas.
Mr. RYAN. I wish to say to my colleague on the committee, in conception with the remarkle he had all the colleague on the committee. nection with the remarks he has already made, that all this department asked for this service for 1887 in the estimate two years ago, was \$310,-

000. Now it is asking for \$400,000, an increase of nearly 33½ per cent.

Mr. REED. They are asking \$50,000 of that for oil-houses—a proposition which has been rejected by the House. The actual increase in the direction of which the gentleman speaks is only \$40,000.

Mr. RYAN. But that is a most remarkable increase in two years. Mr. DINGLEY. It should be remembered that from twenty to

forty new light-houses are established every year.

Mr. RYAN. I agree with my colleague on the committee that there ought to be an increase; and evidently, in view of the deficiency appropriations which are asked for, the amount as here reported should be enlarged. I am not certain that an increase of \$25,000 is sufficient; but I do say that an increase of \$50,000, making over \$300,000 in two years for this service in its ordinary expenditures, is a little exorbitant.

Mr. ADAMS. Why? Mr. REED. If the gentleman from Kansas concedes that \$25,000 is

not enough, will he consent to \$35,000?

Mr. RYAN. Yes; I will agree myself to \$35,000.
Mr. REED. I simply want the House to understand the situation The gentleman from Pennsylvania [Mr. RANDALL], yielding to the manifest weight of argument on this subject, has suggested that there should be an increase of \$25,000-

Mr. RANDALL. Oh, I was prepared to assent to that before I heard

the weighty arguments of the gentleman on that point.

Mr. REED. Upon being asked his reason for preferring \$25,000 rather than \$50,000, the gentleman announces that it is because the figures show that only \$10,000 should be given. Upon being further pressed, he announces that the reason why \$25,000 should be given is that he is a liberal-minded man.

Mr. RANDALL. I do not think I said that.

Mr. REED. On being pressed still further as to his reasons, the gentleman announces that he takes this position because the lake which the gentleman from Chicago represents is the best-lighted lake in the world. Being still further pressed, he states that his reason is because the Committee on Appropriations is generally liberal. Now, the result of all this, when you come to "simmer it down" to the exact proposition, is that he asks us to accept his idea that perhaps there ought to be \$25,000 additional appropriated; and he gives no figures to support this view as against the recommendation of the Light-House Board, which has given definite figures as to the amount of money it wants and the subject for which it wants it. The Light-House Board proposes a certain sum, and gives the figures in support of it; the gentleman from Pennsylvania proposes another amount; and upon the endeavor of the House to get his reasons, he has given reasons which I think the House will admit I have carefully and accurately and respectfully stated.

Mr. RANDALL. I do not at all agree that the gentleman's analysis

of my reasons is either fair, or (if the gentleman will not take offense),

I will say, truthful. [Laughter.]

Mr. REED. The House has heard both of us, and I must leave to

it the question of accuracy as between us.

Mr. RANDALL. I have in this matter, as in regard to appropriations for charities and for works of science, overstepped what I would myself be disposed to do in the way of expenditure of the public money. I am satisfied that the House will be quite safe in fixing \$25,000 as the amount of increase over the appropriations of the last five years for this item

Mr. REED. Suppose we should compromise on the amount sug-ested by the gentleman from Kansas [Mr. RYAN], your colleague on the committee-\$35,000.

Mr. RANDALL. I am not willing to compromise, because the gen-

tleman always wants the larger part of the compromise.

Mr. REED. Certainly; that is the position of the righteous man always; he wants the earth.

Mr. RANDALL. In this matter I would prefer to proclaim my righteousness in the closet rather than in public places.

Mr. REED. I did not hear the last remark of the gentleman. But the gentleman from Kansas suggests \$35,000; and he is a member of

the Committee on Appropriations.

Mr. RANDALL. I have no authority from the majority of the committee to assent to any amendment in excess of \$25,000; and I am here as the representative of the committee.

Mr. REED. Let us vote first on \$50,000; and if that should be voted down, we will afterwards vote on \$35,000. Perhaps we may compromise on that.

Mr. ADAMS addressed the Chair.
The CHAIRMAN. The Chair will state that debate on this proposition is exhausted.

Mr. ADAMS. I move to amend by striking out the last word. I wish to say that if the Northern lakes are the best-lighted waters in the world they ought to be, because—

Mr. RANDALL. I do not object to that. I have only cited the fact as proof that there has been no illiberality in this matter on the

part of Congress

Mr. ADAMS. I want to remind the gentleman that in this very bill his committee has proposed appropriations for certain new lights on those lakes

Mr. RANDALL. In obedience to law.

Mr. ADAMS. That is true; but it shows that the demands of the Light-House Service are constantly increasing; and I believe they are increasing in far greater ratio than intimated by the gentleman.

Mr. RANDALL. As the necessities of the service have presented themselves from time to time the number of light-houses has been in-

creased. If I remember aright, there are hardly 5 miles of coast on that lake that have not been lighted.

Mr. ADAMS. True; because a vessel navigating that lake must necessarily be near the shore; and there is greater danger of shipwreck. Mr. RANDALL. I only cite that as a contradiction of the assump-

tion that there has ever been any illiberality on the part of Congress in regard to this service.

Mr. ADAMS. The gentleman overlooks the fact that the needs of the service are constantly increasing; and, as I believe, are increasing in more than arithmetical ratio.

Mr. RYAN. I desire to move the amendment suggested by the gentheman from Maine, to make this increase \$35,000 instead of \$50,000.

Mr. DINGLEY. Mr. Chairman, I desire to submit a few remarks on the subject of repairs of light-houses, which may apply not only to this appropriation, but to appropriations in the future for such repairs.

It should be borne in mind that the expenditures for light-houses must inevitably increase in a small amount from year to year. There are added to our Light-House Establishment annually from thirty to forty light-houses. Three years ago, if not four years, and if not four years, certainly three years ago, we reached an appropriation of \$300,000 for light-houses. That was surely a sufficient amount at the time, but two years ago certainly the Light-House Board began to indicate in their report there were some repairs for the preservation of this establishment that ought to be made, and were being neglected, the appropriation notwithstanding for light-houses being put at the same figure.

In the last appropriation bill, notwithstanding the Light-House Board asked for \$350,000, I think, for repairs, yet the amount was kept down to \$300,000. And now the Light-House Board say in their reports they have neglected important repairs during the two years which are past because they had not sufficient means to do it with. During the last five months of the fiscal year they have expended \$150,000, or one-half of the appropriation made in the last bill, and they are neglecting important repairs which ought to be made in order to secure these estab-

It seems to me, Mr. Chairman, when they come in with such statements as this, and knowing the efficiency and economy of the Light-House Establishment, when they represent our light-houses are suffering in consequence of needed repairs, and in order to carry out these repairs in the remaining seven months of the present fiscal year they will need an appropriation of \$130,000, I think it ought to be given to them.

Mr. RANDALL. When was this report made?
Mr. DINGLEY. December 1, and there are seven months remaining. They say they will require \$120,000, and it ought to be given to them. We ought not under the circumstances to deprive the Light-House Board of the necessary funds to carry out the repairs necessary to the service.

If there had been made an appropriation of \$325,000 or \$350,000 it would have been sufficient. It is, of course, our duty in this matter to give what the House would deem fit after hearing all the facts, but it appears to me on a subject of this kind it is economy to give a sufficient amount to make the repairs necessary to the Light-House Establishment. I wish the amount could be made \$350,000, for from my examination of our light-houses along the coast, when there are many light-

houses needing repairs—

Mr. RANDALL. How many have you visited?

Mr. DINGLEY. I have visited twelve in the last year, and in answer to my inquiry why these repairs were not made the reply was that they had not sufficient funds for that purpose.

Mr. RYAN. That is what the deficiency is asked for.
Mr. DINGLEY. Certainly; that is why the deficiency is asked, for
the purposes of carrying on these repairs. From year to year there will be an increased amount needed because of the increase each year of the Light-House Establishment.

I am glad the committee raised the amount to \$325,000. I am certain if \$350,000 were appropriated it would be an economical expenditure of the public money. Less than that amount will result in increasing the expenses of the Government rather than in any economy.

[Here the hammer fell.]

The question recurred on Mr. RYAN'S amendment to Mr. ADAMS'S amendment.

amendment.

The question was put on Mr. RYAN's amendment to the amendment, and it was declared to be disagreed to.

Mr. DINGLEY. I move to amend the amendment of the gentleman from Kansas [Mr. RYAN] to make it \$325,000.

Mr. RYAN. There is some misapprehension in regard to the amendment offered by myself, and therefore I desire to have it submitted

again to the committee.

The CHAIRMAN. If there be no objection, that will be done.

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair understands the amendment of the gentleman from Kansas is to fix the amount at \$335,000 instead of \$325,000.

Mr. KANDALL. That was voted down.

The CHAIRMAN. It was, but there was some misapprehension, and

Mr. RANDALL. I ask for tellers, as there was no quorum on the

The CHAIRMAN. Will the gentleman from Pennsylvania indicate some gentleman to be appointed teller to act for him?

Mr. RANDALL. I ask the appointment of the gentleman from New Jersey, Mr. KEAN, sitting near me.

The CHAIRMAN appointed Mr. Kean and Mr. Ryan as tellers.
The committee again divided; and the tellers reported—ayes 79, noes 55

So (no further count being demanded) the amendment was adopted. Mr. HERMANN. Mr. Chairman, I ask the adoption of the amendment I send to the desk.

The Clerk read as follows:

After the paragraph insert:
"For connecting the Tillamook Rock (Oregon) light-station by telegraph cable and telegraph line with Fort Stevens (Point Adams), Oregon, the sum of \$6,000."

Mr. RANDALL. I must make the point of order that that is not in order at this place. If it is in order at all to be adopted, it must come in at another point.

Mr. HERMANN. If the gentleman from Pennsylvania will allow me, I desire, in further explanation of the amendment, to have read this communication from the Treasury Department, Light-House Board—Mr. RANDALL. But, Mr. Chairman, I make the point that this is not the place where the amendment should come in.

The CHAIRMAN. The Chair would prefer, if agreeable to gentlemen, that they should first address themselves to the point of order.

Mr. HERMANN. In answer to the last objection of the gentleman from Pennsylvania I will state that I have carefully examined the bill from the first to the last, and I could discover no better place than this to offer the amendment. If the gentleman from Pennsylvania can sug-

gest a better place—
Mr. RANDALL. A better place is under the head of "Light-house

beacons, fog-signals, etc."

Mr. HERMANN. I understand we have passed that now, however, and I will ask, as that is the proper place in the judgment of the gentleman from Pennsylvania, unanimous consent to recur to that part of the bill for the purpose of presenting this amendment.

Mr. RANDALL. Under the circumstances, as the gentleman was

under a misapprehension, I do not object.

The CHAIRMAN. Does the gentleman from Pennsylvania make

the point of order?

Mr. RANDALL. No; the gentleman supposed this was the proper place to insert the amendment, and as he states that he was under a misapprehension and that he had the amendment, as I understand it, ready to offer when we reached what seemed to be the proper place, I do not wish to prevent him from having the opportunity of submit-

Mr. HERMANN. But I prefer to have the amendment where it belongs, although we have passed from the consideration of the paragraph, and if the amendment is adopted I want it to relate back to the

proper place. I will ask unanimous consent to recur, then, to that part of the bill, which would be on page 8, line 11.

Mr. RANDALL. No, you can offer the amendment now, and if

adopted then I will ask consent to have it put where it belongs.

Mr. HERMANN. Very well. I desire to have read in connection with the amendment and to show its necessity the communications which I now send to the desk.

The CHAIRMAN. The Chair hears no objection to recurring to the

line and page suggested by the gentleman from Oregon.

The Clerk will read.

Mr. RANDALL. I ask the gentleman if this matter can not be printed? If all of these communications are to be read, I fear we will

not get through with the bill.

Mr. HERMANN. I desire to have this read, inasmuch as it bears upon the merits of the point of order, if the point should be made, as well as upon the importance of the amendment, so that the Chair may understand both, and because it is here presented in a much more accurate manner than I could present it, coming as it does officially from the proper Department.

The CHAIRMAN. The Chair understands the point of order is

made against the amendment.

Mr. RANDALL. No, sir.

The CHAIRMAN. The Clerk will read the communications referred to by the gentleman from Oregon. The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD, Washington, January 18, 1889,

Washington, January 18, 1889.

Sir: The Light-House Board has the honor to inform the Department that the board, at its session held on January 16, 1889, had under consideration the matter of connecting the Tillamook Rock (Oregon) light-station with Fort Stevens (Point Adams), Oregon, by telegraph cable and a land telegraph line, when it was ordered that the proper steps be taken to have an item of \$5,000 for this object included in the sundry civil bill now pending before Congress.

The Tillamook Rock light-station has no means of communication with the shore except by the light-house tender. At times there is no communication for six weeks or more. In case of accident at the station it might be days before any vessel came near enough to see a signal of distress.

The tender generally communicates with this station once a month. Much of her time is taken up in attending the station. Often the weather at Astoria seems favorable for making a landing at Tillamook Rock, but when the tender gets there it is too rough to land. The distance from Astoria is about 30 miles, so that in addition to the coal burned, going and coming, the day is lost for other work.

work.

It is believed that the saving in time of the tender and of coal usually burned would be in two years equal to the cost of the telegraph line.

Besides the service it would be to the Light-House Establishment, the line would be useful also to the general commerce passing the mouth of the Columbia River, as vessels sighted from the advance station on Tillamook Rock could be telegraphed to Astoria, which at times would be a great convenience to the pilot and tug service on the bar.

Request is therefore made that the Department ask that the following item be included in the sundry civil bill making appropriations for the next fiscal year:

year;
"For connecting the Tillamook Rock (Oregon) light-station by telegraph cable and a land telegraph line with Fort Stevens (Point Adams), Oregon, the sum of \$6,000." Respectfully, yours,

S. C. ROWAN, Vice-Admiral United States Navy, Chairman,

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 18, 1889.

My Dear Sir: I transmit herewith a copy of a letter dated January 18, 1889, addressed by the board to the honorable the Secretary of the Treasury, asking that the proper steps be taken to have an item of \$5,000 included in the sundry civil bill, for connecting the Tillamook Rock (Oregon) light-station by telegraph cable and a land telegraph line with Fort Stevens (Point Adams), Oregon.

The board would be much obliged if you would use your influence to have this item included in the sundry civil bill making appropriation for the next fiscal year.

Yours very truly,

R. D. EVANS.

Hon. Binger Hermann, M. C.,

House of Representatives, Washington, D. C.

Mr. RANDALL.

Mr. RANDALL. Now, I want to say to the gentleman from Oregon that we had no estimates for this before our committee. If there were any estimates they must have gone to the Commerce Committee, where they properly belong.

Mr. HERMANN. I ask the gentleman from Pennsylvania if that communication is not in itself a sufficient explanation as well as an estimate coming from the Light-House Board, and specific as to the

Mr. RANDALL. The committee was entirely uninformed about the matter.

Mr. HERMANN. Will the gentleman pardon me a moment? In view of the urgent necessity of the case, at least permit me to present view of the urgent necessity of the case, at least permit me to present a few facts, of which no doubt the gentleman has himself ample knowledge, with regard to this work. Tillamook Rock is well known as one of the most salient and isolated objects, standing far out as it does on the Oregon coast and near the Columbia River. In fact it is one of the most isolated points on the Atlantic or Pacific coasts. There is a lighthouse upon the rock, but the light-house crew remain there often half a year at a time without seeing the light-house tender referred to in the communication, or even the face of a white man. This light is a very important one for the great commerce that flows daily in and out very important one for the great commerce that flows daily in and out

of that river, and there is urgent necessity for the work proposed in this amendment, not only because of the health of the crew employed at this spot, but often in the interest of human life, and I appeal to the gentleman to allow the item to be inserted and that he forego the point of order, if he still seriously contemplates making it. I need not detain the House in illustrating how very valuable the telegraph service will prove to the commerce of the great Columbia region, and having a point of telegraphic observation so far out in the ocean where the passing sail or incoming ships can be advantageously observed and at once telegraphed inland. These benefits are officially adverted to in the communication addressed to me from the Treasury Department, and which is now before this Congress for examination.

Mr. RANDALL. I have not made the point of order against the

amendment

Mr. HERMANN. Then I trust the gentleman will not do so.
Mr. RANDALL. There may be the existing necessity, which the gentleman has so graphically described, for the work, but I submit that the Committee on Appropriations have no information on the subject, and that if there has been an estimate it went to the Committee on Commerce, where it belongs. Now, I strongly object to loading down this bill with every sort of extraneous matter in this manner.

Mr. HERMANN. I ask the gentleman if, in view of the explanation given of the necessity for this work, it is fair to speak of it in con-

nection with "every sort of extraneous matter?"

Mr. RANDALL. Well, I have spoken with great respect so far as I have reference to those engaged in defeading the amendment, and suppose if the Committee on Commerce should report favorably upon it, that the work should be entered upon, there would be no objection. But there is no more reason for undertaking this work than there is for the construction of every light-house suggested by the estimates which have come to the committee and which we have not been able to pass upon, there being no law for them.

Mr. HERMANN. The gentleman will concede that the facts which

are set forth make good ground for this request.

Mr. RANDALL. I think it proper to say that the Committee on Appropriations ought not to have the bill loaded down beyond their recommendation in this way from every quarter on the private letters from the Light-House Establishment for the increase of their houses throughout the country

Mr. HERMANN. But this is on the recommendation from the De-

Mr. HERMANN. But this is on the recommendation from the Department. The amount is given.

Mr. RANDALL. Then let it go to the Committee on Commerce.

Mr. HERMANN. The amount is set forth.

Mr. RANDALL. I have been quite willing to allow the gentleman to offer this amendment, but I do appeal to the House that they will not in this way permit additions to this bill; but let this matter go to the Committee on Commerce. Let that committee make an investigation with it and make a proportion and I amount to the committee and I amount to the committee on I amount the committee on I amount the committee of I amount the I amount th gation in connection with it and make a recommendation, and I assure the gentleman that the Committee on Appropriations will recom-

mend the appropriation of the money.

Mr. HERMANN. The gentleman will agree with me that at this late day in the session a remedy could not be obtained by sending this to

the Committee on Commerce now.

Mr. RANDALL. That is not the fault of the Committee on Approriations. If this great necessity existed why has the Light-House Board been so late in making the recommendation?

Mr. HERMANN. For the reason that these facts as to the urgency of the requirement have only recently come to the knowledge of the

Mr. RANDALL. How long has there been a light-house there?
Mr. HERMANN. I think not exceeding four years.
Mr. RANDALL. Then it has been there long enough for the board to have found out whether this necessity existed

Mr. HERMANN. Oh, no, sir. The necessity has long been known, but in view of the economy practiced by your committee I presume the Department hesitated to submit an estimate.

Mr. RANDALL. And to have provided for it in an estimate. Mr. HERMANN. The recent great increase of the volume of commerce now justifies this improvement more than ever, though humanity has appealed to us ever since this rock was lighted by the Government and became so important. In view of these facts I ask the gentleman to permit a vote to be taken by the House.

A MEMBER. He has agreed to permit a vote.

Mr. HERMANN. I hope so; and now I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

Mr. ROGERS. Let it be reported.

The amendment was again reported.

The question was taken, and the amendment agreed to.
Mr. RANDALL. I ask to have that put back under its proper heading on page 8, after line 8.

The CHAIRMAN. That will be done.

The Clerk read as follows:

For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of not exceeding one thousand one hundred light-house and fog-signal keepers, \$6,000.

Mr. ADAMS. I have an amendment to that paragraph.

The Clerk read as follows:

In lines 13 and 14 strike out "six hundred thousand dollars," and insert "six nundred and twenty-five thousand dollars."

Mr. ADAMS. That is the estimate of the board, and they say that that estimate does not represent the new light-houses which will be established according to law; and I ask to have read the letter which sent to the Clerk's desk on the subject.

The Clerk read as follows:

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 22, 1889.

SIR: The board desires to call your attention to the item contained in the sundry civil bill, page 13, making an appropriation of \$600,000 for salaries of keepers of light-houses.

The amount asked for by the board was \$625,000, and this is barely sufficient for the actual needs of the service. For the present fiscal year the appropriation was only \$585,000, and in consequence the board has been obliged to ask for a deficiency appropriation of \$33,520. The case is concisely stated in the remarks attached to the estimates for deficiencies (Executive Document No. 171, page 5), as follows:

"There are at present in the light-house service one thousand and twenty-four keepers who receive salaries amounting to \$554,970; allowances of fuel amounting to \$10,855; of rations, \$12,585; and rent of quarters, where necessary, and travel when changing stations, \$2,400.

"This number will be increased during the year ending June 30, 1889, by about thirty keepers for new lights, which, at the average of \$600 provided for by law, will require \$18,000. The salaries of employés of the Light-House Board, not provided for in the legislative bill, are payable from this appropriation, and amount to \$19,700. These sums together amount to \$618,520, which is \$33,520-more than was appropriated for these purposes at the last session of Congress."

The deficiency appropriation is actually necessary to carry on the force as at present constituted; hence, the expense for the present year will be \$618,520.

As the force for the year ending June 30, 1890, will be increased by thirty or more additional keepers for new lights, the sum of \$625,000 asked for by the board will all be required.

If this sum is not appropriated, it will be impossible to put the new lights in operation after they are erected for the want of keepers.

An amendment should be immediately made to the sundry civil bill increasing the amount to the original esti

S. C. ROWAN, Vice-Admiral United States Navy, Chairman.

The SECRETARY OF THE TREASURY.

Mr. ADAMS. The substance of that is that there will be an actual deficiency in the current year. The salaries being \$600 a man, they can not hire and maintain such as are actually now in operation; but under the law there will be twenty-five or thirty lights more, and there will be actually not enough men to attend these lights unless we allow

Mr. RANDALL. There has never until this year, that I remember, been any deficiency. The committee increased the amount over last year \$15,000—at least from \$585,000 to \$600,000; and it provides for other matters. As has been stated, it provides for fuel, rations, and various other matters, and incidental expenditures—that pernicious mode of expenditures. And now, after the Committee on Appropriations have made full examination, and after they have increased the amount for the number that they think to be adequate, shall they, in the absence of investigation by anybody, or of a committee of this House, on a deficiency clause, which has been alluded to, be asked to further increase the amounts?

Mr. ADAMS. It is the general belief that a number of lights will

be or ought to be in operation next year, but can not be put in opera-

Mr. RANDALL. The amount that we do increase it was the amount that was estimated for the additional lights.

Mr. ADAMS. This is the language of the letter— Mr. RANDALL. Oh, I know. I have read these letters before. Mr. RED. Is this not a mere matter of mathematical calculation?
Mr. RANDALL. It does not give it in express terms. It includes
these "incidental expenses."
Mr. DINGLEY. But does it not follow that as there are a certain

number of lights authorized by law specifically, it is a mere matter of mathematical calculation as to how much it will require?

Mr. ADAMS. Here is what is stated as to the number of men who are employed in the various departments:

There are at present in the Light-House Service one thousand and twenty-four keepers, who receive salaries amounting to \$554,970; allowances of fuel amounting to \$10,855; of rations, \$12,585; and rent of quarters where necessary, and travel when changing stations, \$2,400.

So that the great bulk of this sum makes up the \$600,000 a year.

Mr. DINGLEY. I move to strike out the last word. Mr. RANDALL. Let us have a vote.

Mr. DINGLEY. I think that if the statement in the estimate of deficiencies is correct the chairman of the committee must be mistaken

as to there being miscellaneous matters included.

Mr. RANDALL. The deficiency, if I remember right, is put at \$33,000, but that has not been investigated at all by the committee,

because the figures only recently came to them, and for that reason I can not say whether \$33,000 is right or not.

Mr. DINGLEY. According to the statement which I have here, which is presented by the Secretary of the Treasury, the salaries of these officers, with allowances, commutations, etc., provided for by law

as they exist to-day, amount to \$618,000, and certainly there will be additions during the next fiscal year.

Mr. RANDALL. I do not know, but I am afraid there has been 'pernicious activity" on the part of this Light-House Board in

on the part of this light reasons activity of the part of this light reasons.

Mr. REED. I wish that in the way of explanation there had been some activity not pernicious on the part of the Committee on Appropriations.

[Laughter.]

Mr. RANDALL. Well, any lack of activity on the part of the Committee of the Com

mittee on Appropriations has been fully compensated for by the activity of the gentleman from Maine, so that the country has not suffered.

Mr. REED. Mr. Chairman, that is true. To the extent of \$35,000 something is due to the activity of the gentleman from Maine and the activity of the gentleman from Illinois [Mr. ADAMS] and the activity of several other gentlemen. Now, to make that activity more effectual I should like to inquire of the gentleman from Pennsylvania what item of this \$635,000 he objects to. He has given us thus far only vague generalities which have not even the advantage of being "glittering."

Mr. RANDALL. I give you the fact that we recognize the necessity of an increase in this appropriation, and also the fact that there never has been until this year but \$585,000 appropriated for this purpose, nor has there been any deficiency presented. I have also stated that this deficiency, or alleged deficiency, has only come to the committee quite recently, so that they have not had time to ascertain whether it is essential or not. It may or may not be so.

Mr. REED. If it is not essential how can it be spent?

If it is not essential, how can it be spent?

Mr. RANDALL. Your experience must teach you that whenever

Congress gives the money it is expended.

Mr. REED. Here are definite items, and the great bulk of the amount is for salaries, the aggregate of which is a mere matter of

mathematical computation.

Mr. RANDALL. Well, \$585,000 is the amount that has been fixed heretofore for salaries, fuel, \$585,000 is the amount that has been the amount for the past five years. Now they come in this year, for the first time, with a deficiency of \$33,000 which is alleged—

Mr. REED. Precisely, and they come in here with the figures to show that last year there was paid \$585,000 for salaries, which is the

total amount that you propose to appropriate for salaries and incidentals

together.
Mr. RANDALL. In 1888 they spent the whole appropriation. In

1889 they spent about \$307,000 so far for half the year.

Mr. REED. But the rate already fixed by law for the officers that axis, and that we are bound to pay, on the figures established by law, aggregates \$618,000, and unquestionably there must be some increase in that amount during the coming year. Now, if the figures for the last year show conclusively that we have got to pay for proper and legal items \$618,000, does not the chairman of the Committee on Appropriations think that he ought to give us some definite reason as to each rectionlar item that he chiefts to and show us where the mistake each particular item that he objects to, and show us where the mistake is? I suggest to him that all he has stated to the House yet is not that the figures of the gentleman from Illinois [Mr. ADAMS] are incorrect, but simply that he, the chairman of the Committee on Appro-

priations, does not know.

Mr. RANDALL. I never speak positively about any matter, as some other gentlemen may or might do in this House, unless I think I do know, and I am not going to be drawn into a statement in regard to

this matter when I have not examined and do not know whether the \$33,000 deficiency is right or wrong. But I do say that we have increased this amount \$15,000, so as to come up to the point—

Mr. REED. But if \$15,000 is not enough, it does not come up to the point. Now, I suggest to the chairman that, after all, these appropriations are passed, in name at least, by the House of Representatives and that when the House sets a committee to investigate and tives, and that when the House sets a committee to investigate a matter it is for the purpose of getting at the actual facts. It seems, however, that the committee, in this instance, have not examined the deficiency in order to ascertain the facts, but simply come in here and ask us to vote with them blindly against the detailed estimates of the Department which are in accordance with law, and to do it simply upon the general statement that, on the whole, the chairman of the Committee on Appropriations thinks that possibly \$15,000 may be the proper sum. All this in the face and eyes of detailed figures which show that last year \$615,000 was appropriated, and we all know that next year the expenditure must be greater.

Mr. RANDALL. The Department can not expend the money if it

Mr. RANDALL. The Department can not expend the money if it does not receive it; and it does not attempt to do so.

Mr. REED. I am aware of that; but our object in making this appropriation is not simply to have certain figures in the law, but to pay for such services as are necessary. The only object in appropriating a single dollar for light-houses is to secure proper and efficient service. If the Light-House Service last year demanded \$618,000, and we all know that an increased expenditure amounting to \$635,000 for the coming year is a certain thing, why in the world should we not appropriate the money? This is not a question of what we can refuse to do priate the money? This is not a question of what we can refuse to do

or what work we can stop, but what work we can continue and pay

Mr. RANDALL. There is no interest which can suffer if the appro-

priation as proposed by the committee be made.

Mr. ADAMS. Mr. Chairman, there is not a word of evidence, so far as I can find, that if this additional amount were allowed a single dollar would be spent for any other purpose than the payment of additional light-house keepers at the rate of \$600 a year. The gentleman from Pennsylvania has said that this covers other items-

Mr. RANDALL. The paragraph so reads.

Mr. ADAMS. Certainly; there are other words here; there are provisions for salaries, fuel, rations, rent of quarters; but the note in the Book of Estimates itself shows that the difference between the committee and the board involves simply this question, whether we shall employ more or fewer men at \$600 a year; and if we employ fewer men than there are lights to be kept, some light-houses will have to stay dark in order that we may be economical.

The question being taken on the amendment of Mr. ADAMS, there

The CHAIRMAN. No quorum having voted, the Chair will order tellers, and will appoint the gentleman from Illinois [Mr. ADAMS] and the gentleman from Indiana [Mr. HOLMAN].

The committee again divided; and the tellers reported—ayes 89,

noes 76.

So the amendment of Mr. ADAMS was agreed to.

The Clerk, resuming the reading of the bill, read the following:

The Clerk, resuming the reading of the bill, read the following:
Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson and East Rivers, New York; the Delaware River, between Philadelphia and Bordentown, N. J.; Connecticut River, Connecticut; the Elk River, Maryland; Cape Fear River, North Carolina; Savannah River, Georgia; St. John's River, Florida; at the mouth of Red River, Louisiana; at Chicot Pass, and to mark navigable channel along Grand Lake, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha Rivers; on the Columbia and Willamette Rivers, Oregon; Sacramento and San Joaquin Rivers, California; St. Mary's River, Michigan; and on Puget Sound, Washington Territory; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, \$265,000.

Mr. RANDALL, The provision in this persegnent for St. Maryle

Mr. RANDALL. The provision in this paragraph for St. Mary's River, Michigan, is, in my judgment, subject to a point of order. I was not aware until after the bill had been reported that there was no law authorizing this provision. I shall ask at the proper time to have that clause ruled out on the point of order.

The CHAIRMAN. Does the gentleman submit the point of order

Mr. RANDALL. I reserve the point of order against that clause. There is no law providing for it, as I have found since the bill was re-

Mr. DAVIDSON, of Florida. I move to amend by inserting in line 11, after the words "St. John's River," the words "and Peace River," so as to read "St. John's River and Peace River, Florida."

Mr. RANDALL. I raise a point of order on that amendment.
Mr. DAVIDSON, of Florida. I hope the gentleman will not insist on the point of order. This amendment is offered in the interest of

commerce and for the protection of human life.

Mr. RANDALL. The gentleman has had it in his power to present this matter to the Committee on Commerce. It is a very disagreeable

duty to me to make a point of this kind—

Mr. DAVIDSON, of Florida. I appreciate the gentleman's feeling.

The CHAIRMAN. As the Chair understands, the point of order is that there is no law authorizing the establishment of lights for this

Mr. RANDALL. Originally there was an act passed in which certain rivers were specified, and from time to time other rivers have been added; for instance, last year the Illinois River was inserted by special

added; for instance, last year the Illinois River was inserted by special act, the Committee on Commerce having passed upon the subject.

The CHAIRMAN. But the Chair understands the gentleman from Pennsylvania [Mr. RANDALL] to submit that there is no law authorizing the lighting of Peace River.

Mr. RANDALL. I think not. If there is, I shall be glad to be informed of that fact; and in that case I will not object.

Mr. DAVIDSON, of Florida. The necessity for this provision has arisen very recently.

arisen very recently—
The CHAIRMAN. Will the gentleman from Florida refer the Chair

to the law authorizing this appropriation?

Mr. DAVIDSON, of Florida. There is no statute of that kind. I had hoped that the gentleman from Pennsylvania would not raise the point of order against the amendment.

Mr. RANDALL. I have a duty to perform which is very disagree-

able at times.

The CHAIRMAN. The Chair is compelled to sustain the point of

Mr. RANDALL. I want to make a point of order against the clause in regard to St. Mary's River, Wisconsin. Since the action of the Committee on Appropriations on this subject I have found that there is no law authorizing this provision. The committee has adopted a uniform

policy in this connection. I make this point of order as an individual

The CHAIRMAN. The Chair sustains the point of order. Mr. DOUGHERTY obtained the floor.

Mr. RANDALL. In order that the amount named at the end of the paragraph may harmonize with the action just taken by the Chair in sustaining the point of order, I move to amend by striking out, in line 21, the word "sixty-five" and inserting "fifty;" so as to make the amount \$250,000.

The CHAIRMAN. If there be no objection that change will be

made. The Chair hears no objection.

Mr. DOUGHERTY. I was about to offer an amendment as an amendment to that submitted by my colleague [Mr. DAVIDSON]. Of course the same point of order which has been made against his amend-

ment would lie against mine.

Mr. RANDALL. I wish to say that if gentlemen desiring provisions of this kind for rivers in which they are interested would go before the Committee on Commerce and obtain the proper action of that committee in providing a law authorizing the appropriation, our committee would have great gratification in recommending appropriations accordingly.

Mr. DOUGHERTY. In that connection I desire to state to the gentleman from Pennsylvania the reason such action has not been taken by the Florida delegation is that the urgency for these lights has recently arisen. That is the reason the matter was not brought before the Committee on Commerce.

Mr. RANDALL. I understood the delegation from Florida had com-

municated with the Committee on Commerce.

Mr. DAVIDSON, of Florida. As my colleague has just stated, this was only recently brought to our attention, and its urgency compels us to act in this way

The Clerk read as follows:

The Clerk read as follows:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson and East Rivers, New York; the Delaware River, between Philadelphia and Bordentown, N. J.; Connecticut River, Connecticut; the Elk River, Maryland; Cape Pear River, North Carolina; Savannah River, Georgia; St. John's River, Florida; at the mouth of Red River, Louislana; at Chicot Pass, and to mark navigable channel along Grand Lake, Louislana; on the Missispipi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha Rivers; on the Columbia and Willamette Rivers, Oregon; Sacramento and San Joaquin Rivers, California; St. Mary's River, Michigan; and on Puget Sound, Washington Territory; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use, or are used to point out changeable channels, and which in consequence can not be made permanent, \$265,000.

Mr. McADOO. I submit the following amendment. The Clerk read as follows:

Page 14, line 8, after the words "New Jersey," add "Raritan River, New Jersey, between the bay and the city of New Brunswick;" also, in same page, line 21, strike out the word "five" and insert "six;" so it will read "\$66,000" instead of "\$65,000."

Mr. RANDALL. I make the point of order against the Raritan River part of that amendment.

Mr. McADOO. The gentleman can not make the point of order successfully against that amendment. It is provided by law, and the Raritan River has been lighted for one hundred years.

Mr. RANDALL. This is a different proposition.
Mr. McADOO. I ask that the communication which I send to the Clerk's desk be read, as it will show just what this is for.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD, Washington, January 17, 1889.

Washington, January 17, 1889.

My Dear Sir: I beg to call your attention to that clause in the sundry givil bill now before the House making an appropriation for the lighting of rivers for the next fiscal year. The Raritan River, New Jersey, is not included in this clause, and in view of the amount of commerce passing through it the board has decided that it should be properly lighted, and especially that stake-lights should be established on the jetties, which are sometimes submerged at high tide. For this purpose an additional appropriation of \$1,000 will be needed.

The board would be much obliged if you would use your influence to have the clause of the sundry civil bill relating to lighting rivers amended so as to include the Raritan River, and to have the appropriation increased \$1,000, to cover the expense of lighting the river.

Yours, very truly,

R. D. EVANS, Commander, United States Navy, Naval Secretary.

Hon. WILLIAM McADOO, M. C., House of Representatives, Washington, D. C.

Mr. RANDALL. That is another one of the series from the same That letter concedes there is no law for this.

The CHAIRMAN. The gentleman from New Jersey will indicate the law under which he offers the amendment.

Mr. McADOO. I can not do that now, but I have no doubt the law exists, as the Raritan River has been lighted for a hundred years.

Mr. RANDALL. It is not on the statute-book.
Mr. McADOO. The river has been lighted ever since I have known it, and as I have already stated, it has been lighted for over a hundred Of course it was not expected that any particular law would years. be called for

Mr. RANDALL. There is no law authorizing this amendment for the Raritan River. I think that letter plainly admits that fact. The gentleman's remedy is with the Committee on Commerce.

Mr. McADOO. It seems to me, if there is any law authorizing the lighting of any of our rivers, it certainly authorizes the lighting of the Raritan. I ask by unanimous consent I may be allowed to go back and move this amendment when I shall find the law.

Mr. RANDALL. I must object to going back. The CHAIRMAN. The amendment is ruled out.

The Clerk read as follows:

For one accountant, at \$1,800.

Mr. RANDALL. I move, on page 23, to strike out lines 20 and 21 and insert "for two accountants, \$1,800 each, \$3,600."

The amendment was agreed to.

The Clerk read as follows:

For two computers, at \$1,850 each, \$3,700.

Mr. RANDALL. I move, on page 24, after line 25, to insert "for one title computer, at \$1,600." It was left out by mistake.

The amendment was agreed to.

The Clerk read as follows:

For three clerks, at \$1,200 each, \$3,600.

Mr. RANDALL. I submit the following amendment.

The Clerk read as follows:

On page 28, line 3, strike out "three" and insert "two," and in line 4, strike out "\$3,600" and insert "\$2,400."

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

For two messengers, at \$830 each, \$1,640.

For three messengers, at \$640 each, \$1,920.

For one packer and folder, at \$620.

For one packer and folder, at \$630.

For two laborers, at \$630 each, \$1,260.

For two laborers, at \$550 each, \$1,100.

For one laborer, at \$355.

For one laborer, at \$365.

For one laborer, at \$365.

For one janitor, at \$1,200.

For two watchmen, at \$380 each, \$1,760.

Total for pay of office force, \$129,785.

Mr. PANDALL Lephysit the followers.

Mr. RANDALL. I submit the following amendment. The Clerk read as follows:

On page 28, in line 20, strike out "two" and insert "three;" in line 21, strike out "\$1,640," and insert "\$2,460;" and on page 20, in lines 14 and 15, strike out \$129,785" and insert "\$132,705."

The amendment was agreed to. The Clerk read as follows:

Maintenance of vessels: For the maintenance of the vessels and steam-launches of the United States Fish Commission, and for boats, apparatus, ma-chinery, and the other facilities required for use with the same, including sala-ries or compensation of all necessary civilian employés, \$43,900.

Mr. RANDALL. On page 33, strike out all of lines 1, 2, and 3, and insert in lieu thereof the following:

The Clerk read as follows:

The Clerk read as follows:

For altering and fixing up the interior of the Armory building on the mall, in the city of Washington, now occupied as a hatching station, for the accommodation of the officers of the United States Fish Commission, for general repairs to said building, including heating apparatus, and for the repairing and extending the outbuilding, \$7,000, or so much thereof as may be necessary, the sum to be immediately available and to be expended under the direction of the Architect of the Capitol; and for the purpose above named the Secretary of the Smithsonian Institution is hereby required to move from the second and third stories of this building all properties except such as are connected with the workshops hereinafter named, under his control, and the workshops now in the second story of said building shall be transferred to and provided for in the third story thereof, and the Architect of the Capitol is hereby directed to examine and make report to Congress at its next regular session as to the practicability and cost of constructing a basement story under the National Museum building.

Mr. RANDALL. I apply want to extend to the committee that while

Mr. RANDALL. I only want to state to the committee that while this seems to be a large sum, yet it should be remembered in this connection that it saves an annual rental of \$2,500; and the committee will, therefore, see at once that this is not only in the line of convenience in the transaction of the business of the commission, but that it saves rent, and is also in harmony with the plan generally advocated and being largely entered upon of having our own buildings for the offices of the Government as far as practicable.

The amendment was adopted.

The Clerk read as follows:

Statistical inquiry: For the collection and compilation of the statistics of the fisheries of all portions of the United States, including persons employed, capital invested, and the quantity and value of the products, and for such general and miscellaneous expenditures as the Commissioner may find necessary in the prosecution of this work, including salaries or compensation of all necessary employés, \$10,000.

Mr. RANDALL. Under instructions of the committee, I submit the amendment I send to the desk, which is in obedience to existing

The Clerk read as follows:

That the sum of \$5,000 appropriated by the act approved October 2, 1888, for the maintenance of the fish-cultural station at Neosho, Mo., be, and the same is hereby, reappropriated and made available during the fiscal year 1890.

The amendment was adopted. The Clerk read as follows:

PREVENTION OF EPIDEMICS.

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated by the joint resolutions approved September 26 and Octo-

ber 2, 1888, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.

Mr. RANDALL. That is in accordance with the act of the last

Congress as to unexpended balances.

Mr. DOUGHERTY. I wish to ask the gentleman from Pennsylvania to state what balance of this epidemic fund is on hand unexpended?

Mr. RANDALL. The amount of the epidemic fund unexpended is \$167,508.96, and the amount of the appropriation in aid of the yellow-fever sufferers on hand, unexpended, is \$99,767.50. The committee believed that putting the two together made an adequate amount to

meet any contingencies likely to arise, such as the calamity that oc-curred in Florida during the past year.

Mr. DOUGHERTY. I would like to ask the gentleman a further question: if the Surgeon-General has expressed any opinion as to the sufficiency of the amount so remaining on hand?

Mr. RANDALL. The Surgeon-General, if I remember aright, and I think it appears in the records of the committee, asked that we should

reappropriate the unexpended moneys arising from the sources that I

Mr. DOUGHERTY. That is all right.

Mr. RANDALL. I ask that the Clerk continue the reading of the

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, \$460,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. OUTHWAITE. I offer the amendment I send to the desk. The Clerk read as follows

Page 38, line 14, strike out "460,000" and insert "600,000,"

Mr. OUTHWAITE. Mr. Chairman, by reference to the report of the Committee on Appropriations accompanying this bill, on page 6 of the report, there is a recapitulation of the items in the sundry civil bill for the year 1888, showing the estimates and the amount of the appropriations, etc., in which recapitulation I find the statement, under the head of "Assistant custodians and janitors for public buildings," that the appropriation for 1889 was \$460,000, and the estimates for 1890 are \$622,415.75. Now, it is to be presumed that the Department having the custody of the public buildings in its charge knows just about how much money is requisite to pay for the proper attendance and the necessary assistants in taking care of them. But notwithstanding the estimates we have the Committee on Appropriations making for the ensuing year the recommendation of the same appropriation as was provided for the last year, disregarding entirely the recommendation of the Treasury Department in that particular, and notwithstanding the further fact that a large number of new buildings have been completed, and that it has thereby been made necessary to supply them with a proper force to take charge of them, thus of necessity increasing the expenditure in that direction.

The public building in the capital city of the State of Ohio has been miserably taken care of, simply because the Treasury Department has been unable to supply the necessary janitors and custodians, by reason of the insufficiency of the appropriations for that purpose. We have a few men employed, but they are not sufficient to take care of the building, and certainly not sufficient to keep it properly cleaned, nor properly attend the elevator and take up the large number of citizens who go there on public business; besides which the work entailed upon the employés is so much that two or three men are compelled each day to put in twelve hours' labor, when they should be permitted at least to have the privilege of working not more than eight hours. It is certain that an additional amount should be appropriated over the amount given for 1889, and I have offered this amendment for \$600,000, which is still \$22,000, in round numbers, less than the amount required and estimated for by the Department. I hope the amendment will be

Mr. RANDALL. The gentleman will observe that we have not for many years followed the estimates when it came to the question of making the appropriations for this purpose. In 1888\$534,000 was asked and the appropriation made was only \$440,000. In 1889 the amount of the appropriation was \$460,000, and we have no information as to any deficiency on that account, and yet the estimates for that year came in, not for \$460,000, but for \$626,000. In other words, in the opinion of the committee the estimates have been extravagantly high, and the only way you can restrict the almost unlimited employment of persons in connection with our public buildings is by keeping the appropriations within narrow and reasonable limits.

There is no deficiency for the current year, and we give the same amount. I want to say that in my experience, taking my own city, there are fifty-odd men employed there—and it is the same in New York—for the care of these buildings. We have every reason to believe that a less number would have been entirely sufficient. I do not think any danger would come to public buildings in this connection.
We gave the same amount last year and there is no deficiency.
Mr. OUTHWAITE. The chairman of the Committee on Appro-

priations admits that his committee has attempted to determine the number of employés in this particular part of the Treasury Department instead of permitting the Treasury Department to determine for itself the necessary amount, and holding it accountable for employing no more than actually necessary. The Treasury Department is in actual communication with all these cities and buildings through the custodians. The custodians in the interior of the country are frequently not representatives of the Treasury Department, but generally are postmasters who are called upon to do the duties of custodian without pay, and have no connection with the Treasury Department. They make the statement of the amount which will be necessary to properly take care of their respective public buildings. Now, the chairman of the Committee on Appropriations says that no deficiency appropriation has been asked for. I can readily understand that no deficiency has been asked for, because in the bill enacted last year the same clause is to be found that is found in this: "That the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein." In other words, the Secretary of the Treasury has been given a certain amount; not that which he and his officers thought sufficient, but what the Committee on Appropriations thought sufficient. He has been told that he must not permit a deficiency to arise, and he has obeyed the law as a good officer should do; but it is no reason why there should not be an increase sufficient to enable him to conduct this part of his Department properly.

Mr. CANNON. I want to ask a question there. I believe the sum recommended in this bill is the same as the amount appropriated for the current year. I will ask the chairman of the committee how many new public buildings have come in this year, or are to come in next

year, over the number provided for this year?

Mr. RANDALL. I would not like to venture an answer to that as a certainty, but I could answer the question by saying that there has heretofore been an unnecessary number employed in this connection.

Mr. CANNON. I want to say in that connection that my understanding is that there is a considerable number of new buildings to come in next year and to be cared for more than are to be cared for this year. I am informed by the gentleman from Kansas [Mr. RYAN], who understands it, that there are probably twenty-five additional

Now, at the commencement of this Administration gentlemen will recollect that a very determined effort was made to cut down the expenses of these buildings, and considerable favorable comment was made thereon; but it was ascertained after experiment was made that the expense could not be cut much below that which had been expended theretofore. My recollection is that a few years ago the expenditure for this purpose was \$400,000 a year. From year to year many buildings have been added. I think it is entirely likely that the amendment offered by the gentleman from Ohio [Mr. OUTHWAITE], which covers the full estimate, is probably more than an economical administration would require; but I do think that there ought to be an increase in this item.

Mr. RANDALL. Let me say in all pleasantness that \$460,000 is entirely a sufficient amount in this clause. I think the force at some of the public buildings already is too large; but if the gentleman thinks that the public buildings are not properly cared for the next Congress will be able to find that out, and I shall not resist any increase in expenditures in that connection in the new Congress.

Mr. CANNON. My opinion is that in many of the public buildings the help has not been sufficient and that the public buildings have not

been properly cared for—
Mr. McMILLIN. Will the gentleman from Illinois tell which one

has not been properly cared for?

Mr. CANNON. If the gentleman will allow me to complete the sentence I will state that they have not been properly cleaned and cared for in many instances, and for the reason that the appropriation was short. No deficiency can be made and I want to say now, as the gentleman is facetious, that if \$460,000 was required this year under economic Democratic rule, that with an increase of twenty-five buildings to be cared for, \$460,000 is not enough for next year.

Mr. RANDALL. You and I agreed that it was enough for the cur-

Mr. CANNON. I think not. Mr. RANDALL. I think so.

Mr. RYAN. The amount appropriated the fiscal year before this was \$440,000. We increased it for the current year \$20,000, for the reason that new buildings were coming in to be cared for—I think in the neighborhood of seventeen. Now, I understand that in the next year there will be from twenty-five to twenty-seven new buildings; and yet we have made no increase whatever for these new buildings. I think that we ought to make some provision for those that are to come in.

Mr. CANNON. Does not my friend think that there ought to be

Mr. CANNON. Boes not an increase of about \$5,000?

Mr. RYAN. I believe there ought to be a sufficient increase to care the new buildings coming in. There is no provision made here for a proportion. for the new buildings coming in. There is no provision made he the increased number of buildings in the reported appropriation.

Mr. RANDALL. Because the force now employed is too large. Mr. RYAN. Whatever the cost of properly taking care of these new

buildings would be a necessary increase.

Mr. CANNON. If \$20,000 was added for seventeen new buildings for the current year, I take it that \$30,000 ought to be added for twenty-five new buildings during the coming year, and if the gentle-man from Ohio [Mr. OUTHWAITE] will accept a suggestion I shall be very glad if he will modify his amendment so as to increase the aggregate amount \$30,000, making it \$490,000 instead of \$460,000.

Mr. OUTHWAITE. Mr. Chairman, as the gentleman is a member of the Committee on Appropriations, I will accept his suggestion and

modify the amendment so as to make the amount \$490,000.

The amendment was agreed to.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of furniture and carpets for all public buildings under the control of the Treasury Department, including marine hospitals, and for furniture, carpets, chandeliers, and gas-fixtures for new buildings, exclusive of personal services, except for work done by contract, \$200,000. And all furniture now owned by the United States in other buildings shall be used, as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

Mr. REED. Mr. Chairman, I see that that amount is only about one-half what is estimated by the Department. If we have got twenty-five new buildings coming in, ought there not to be an increase there?

Mr. RYAN. Not necessarily.

Mr. RANDALL. I think not.

Mr. RANDALL. I think not.

Mr. REED. What was appropriated last year?

Mr. RANDALL. I think there has been in the past very great extravagance not only in the quantity of furniture purchased but also in the quality. Instead of these public buildings being fitted up as you or I would fit up our parlor, they have been furnished in a style of luxury altogether out of the range of economical administration.

Mr. REED. That must be in some other State than Maine. [Laugh-

ter.]. Mr. RANDALL. I do not know whether it is so there or not.

Mr. REED. What was the aggregate appropriation last year? Mr. RANDALL. Two hundred thousand dollars.

Mr. RYAN. I will say to my friend from Maine that this does not rest on the same basis as the preceding paragraph. Presumably the public buildings that we have are already provided for, and here we

are only providing for new ones.

Mr. REED. If we appropriated \$200,000 for seventeen new buildings last year, why should we not appropriate more for twenty-five new buildings this year? I think you had better add \$50,000 to that

Mr. RANDALL. They were put at about an average. There were seventeen buildings last year which required new furniture, and there are, say, twenty this year—
Mr. REED. Twenty-five this year.
Mr. RANDALL. That is a mere guess. I think there are only

eighteen. The same amount of money for furniture and for fresh purchases would average this year-

The committee seem to have appropriated considerably

less than what the Department have asked for.
Mr. RANDALL. Yes; but if this bill included all that is asked for by the Departments that it would carry in the aggregate about \$7,000,-000 more than it does now.

The Clerk read as follows:

Enforcement of alien contract-labor laws: For the purpose of carrying into effect the provisions of the alien contract-labor law approved February 26, 1885, as amended by the acts approved February 23, 1887, and October 19, 1888, and to defray the expenses which the Secretary of the Treasury is authorized to incur by the provisions of the last-named act, \$50,000, or so much thereof as may be

Mr. CANNON. I move to strike out the last word for the purpose of saying that this item carries, I believe, the full amount submitted in the estimates.

Mr. RANDALL. Yes. It is the same amount that was appropri-

ated last year, and the same amount that is in the estimate this year.

Mr. CANNON. So that if the alien contract-labor law is not enforced in the year to come, as it was not enforced last year and is not being enforced now, if we are correctly informed, the fault will lie with the Administration in not submitting proper estimates and not using the money after it is appropriated. My own belief and information not as thorough as it ought to be as to details—my own belief is, that this law has been allowed to take care of itself. It is a law of very great importance and the country is deeply interested in its enforcement, but if we can believe the evidence that has been submitted to a committee of this House, and universal public opinion in various portions of the country, the law has practically been a dead letter upon the statute-book.

Mr. RANDALL. No; I do not understand that it has been a dead letter at all, but I understand that it has been enforced by existing officers of the Government in some way. I direct the attention of the gentleman to a letter which appears on page 20 of the report of the Committee on Appropriations in relation to this subject. The Secretary of the Treasury, in reply to a telegram of inquiry which I sent to him,

transmitted the communication to the Committee on Appropriations which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, January 2, 1889.

TREASURY DEPARTMENT, January 2, 1889.

SIR: In reply to the telegram of the House Committee on Appropriations of this date, asking how much of the appropriation of \$50,000, appropriated for the enforcement of the alien contract-labor laws, made under the sundry vil act of October 2, 1888, to be paid out of the "immigrant fund," has been expended up to date, and whether it will be necessary to appropriate the same sum for the fiscal year 1890, I have the honor to state that no money has as yet been paid from the Treasury from the appropriation for this object already made, although inspectors have been appointed at the ports of New York and Boston, to be paid from this fund, and others will be appointed where it is found to be necessary to properly execute the law.

As the appropriation was only made in October last, the work of the service has not yet been fully organized, and therefore it is difficult to say just what sum will be required for this object.

The service is an important one, and it is desirable that adequate means should be placed at the disposal of the Secretary of the Treasury in order that he may fully enforce the provisions of the law upon the subject.

With reference to the appropriation already made, the attention of the committee is respectfully invited to the fact that it is made payable out of the immigrant fund in the sum of \$50,000, and it is suggested that, instead of making an appropriation of a specific sum, as in the appropriation of 1889, the Secretary of the Treasury be authorized to expend from the "immigrant fund" such sum as may be found necessary to properly execute the law in question.

Respectfully, yours,

C. S. FAIRCHILD, Secretary.

Hon. SAMUEL J. RANDALL, Chairman Committee on Appropriations, House of Representatives.

Mr. RANDALL. In the face of that statement, the committee while they were with unanimity anxious that this law should be thoroughly executed, did not think it necessary to make the appropriation of this year greater than the amount asked for, especially as the previous appropriation had not been expended.

Mr. CANNON. I agree with the gentleman, and my only object in calling attention to this item was to emphasize the fact that none of the money has been expended, and that it is notorious that this law has not been executed; and I hope that, by calling attention to it, per-chance either the present Administration or the incoming administra-

tion will be induced to expend the money and execute the law.

Mr. RANDALL. That is the idea which I understood to be implied in the remarks of the gentleman, and which I desired to controvert. He seemed to imply that this Administration had neglected the execution of this law. That I deny. I do not think the Administration has been neglectful in the execution of the law; on the contrary, believe the present incumbents have been as sincere and energetic in this direction as can be those who may follow them.

Mr. CANNON. Well, there is the statute; and they have not spent

one dollar of this appropriation.

Mr. RANDALL. Yes; but, as I understand, the gentleman is undertaking to go a little farther, and to reflect in some degree, upon the present officials of the Treasury Department in this connection. not think any such criticism is just; nor do I believe that the objects which Congress had in view in the passage of that act have been in

mr. CANNON. It does not so any any form the passage of that act have been in any way obstructed.

Mr. CANNON. Ido not know that they have been "obstructed"—

Mr. RANDALL. Well, I think that this Administration—and I am glad to be able to say it—has very fully met the emergency that was apprehended, and has done all that it could to prevent the incoming of this alien labor under contract.

Mr. CANNON It does not so account from the contract.

Mr. CANNON. It does not so appear from the report; and it is notorious that the contrary is the fact.

Mr. McMILLIN. Does my friend from Illinois [Mr. Cannon] know of instances of violations of the law which have not received the attention of the officers of this Administration? It is much easier to make

charges than to make specifications.

Mr. CANNON. I know it is. I was not present in New York City when these people were landed from the various steam-ships in defiance of law. The law not only permits but makes it the duty of the Treasury Department to call upon every officer in its employ if necessary in order to execute the law. Take the evidence before the "Ford committee" appointed by this House, and the report of that committee, which, as I understand, shows sufficiently that the law has been a dead letter on the statute-book. letter on the statute-book.

Mr. McMILLIN. The gentleman from Illinois knows that the committee to which he refers has proposed a change of the law on this sub-

ject. A great deal of their investigation and of their report was devoted to the changes necessary in the existing law.

Mr. CANNON. There is law enough provided it is executed.

Mr. ADAMS. Mr. Chairman, I move to strike out as many words as may be necessary in order to enable me to submit a few remarks on

this question. [Laughter.]

this question. [Laughter.]

There never was any state of the law which required much of an appropriation on this subject until the act passed in February, 1885, which contained an appropriation for the remainder of the fiscal year then running—the period from February till July, 1885. That, I believe, was the first appropriation ever made to enforce this law; and I think it fair to say that it was the first appropriation that was needed. There was a neglect on the part of the Department to ask for an appropriation for the succeeding fiscal year, and, if I reckon aright, for the year following. And from the time of the passage of the act of February,

1885, there never has been a word from the Department calling for any appropriation by Congress to enforce that law until last summer, and then the letter of the Secretary of the Treasury on this subject was sent to this House a few days after the special committee had been appointed and had got to work investigating the troubles at New York.

Now, all that I choose to say against the present Administration is that as a matter of fact it never did ask for an appropriation. Whether this was the fault of the Administration or the fault of the House matters little. Up to the time to which I have referred this work was done by employing officials connected with the office of the collector of the port, and no special appropriation was made. My colleague [Mr. Cannon] is certainly right to this extent, that no appropriation has ever been asked for except for the fragmentary portion of the year 1885, until a letter from the Secretary of the Treasury last summer, which was not sent to the Speaker of this House until after the special committee had been organized, and, I think, had begun its investigations at New York.

The CHAIRMAN (Mr. SPRINGER). If there be no objection, the formal amendment will be considered as withdrawn, and the Clerk will continue the reading of the bill.

The Clerk read as follows:

Enforcement of the Chinese exclusion act: That for the purpose of carrying into effect the provisions of the act approved October I, ISSS, entitled "An act a supplement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,'" approved the 6th day of May, ISS2, and to defray the expenses which may be incurred in the enforcement of said act by the Secretary of the Treasury, \$30,000.

Mr. CANNON. I move to amend by making the amount of this appropriation \$50,000, which I believe is the estimate. I think the full amount of the estimate should be given for the enforcement of the Chinese exclusion act.

Mr. RANDALL. The gentleman will find on page 20 of the report which accompanies this bill a letter from Mr. Hugh S. Thompson, Acting Secretary of the Treasury, in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasury in which appears the following landau stream of the treasure is the stream of the treasury in which appears the following landau stream of the treasury in the treasury i guage alluding to this Chinese exclusion act:

The average pay of these employes will be about \$5 per day, and it is be-lieved that an appropriation of \$30,000 will be adequate for the purpose for the fiscal year ending June 30, 1890.

Now, in accordance with this suggestion from the Treasury Department, the Committee on Appropriations, as the gentleman from Illinois will remember, reduced this appropriation from \$50,000 to \$30,-

000, regarding the latter amount as entirely adequate.

Mr. CANNON. I still think that my amendment proposing to give Mr. CANNON. I still think that my amendment proposing to give the original amount of the estimate, \$50,000, should prevail. Especially do I think this amount proper as there is no obligation upon the Admin-istration to expend in the enforcement of this law more than is neces-sary. When it is recollected that this immigration is not only to be guarded against at the Pacific ports, especially at San Francisco, but that we have a great border upon the north extending thousands of miles, and a great border also upon the south, I think it abundantly proper that the sum of \$50,000, as proposed in the original estimate, the later conditions. should be given for this service, notwithstanding the later qualifica-tion of that estimate made by the Acting Secretary cutting it down to \$30,000. For my part I would be perfectly willing to give \$100,000 for this purpose. Certainly it is wise to give the original estimate of \$50,000.

Mr. RANDALL. I do not believe there is a single member of the Committee on Appropriations who would not give what is essential for the proper execution of the law, but in the face of the statement of those who have to administer the law, that \$30,000 is enough, I suggest to the gentleman from Illinois, and others, we ought not to go deeper into the Treasury than we are advised is necessary.

Mr. MORROW. In reference to the suggestion made by the gentleman from Pennsylvania, that there is no evidence before the committee that this additional appropriation is necessary, I desire to say in support of the amendment of the gentleman from Illinois that the Legislature of California had under consideration a few days ago a memorial addressed to Congress, which I understand is on its way here, asking us to take more effectual measures in respect to this matter of Chinese immigration.

The fact is the immigration is now coming into this country by way of British Columbia, and it is larger from that direction than ever before. They take advantage of the long frontier on our northern border to come into the United States. I am informed the reason why they do come in such large numbers is because sufficient guards are not employed to prevent them crossing the line. It is a matter of complaint since the so-called Scott law went into operation that it has not been fully carried out so as to guard against the entrance of Chinese immigrants. The amount provided by the gentleman from Illinois is deemed to be requisite to execute the law effectually. If not necessary it will not be

expended.

Mr. RANDALL. If the gentleman from California will turn to the report to which I have already referred he will find that up to the 1st of September it had been found necessary only to expend \$800 out of the \$50,000 appropriated.

Mr. MORROW, The point I am trying to make is that the officers

have not executed the law. The Legislature of California has taken the matter under consideration and passed a resolution on the subject.

Mr. RANDALL. I appreciate the sensitiveness of the California Representatives in this connection. I have no doubt the amount of money appropriated in this bill will be sufficient successfully to keep out Chinese immigration.

Mr. MORROW. It is not sensitiveness. I am in earnest that some remedy is required.

The question recurred on Mr. CANNON's amendment, and it was disagreed to.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, including \$10,000 for survey of lands opened to settlement in the Territory of Montana under the act approved May 1, 1888, \$200,000, at rates not exceeding \$9 per linear mile for standard and meander lines, \$7 for township, and \$5 for section lines: Provided, That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers; and the surveys shall be confined to lands adapted to agriculture and lines of reservations: Provided further, That the Commissioner of the General Land Office may allow, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding \$13 per linear mile for standard and meander lines, \$11 for township, and \$7 for section lines, or if in cases of exceptional difficulties in the surveys, the work can not be contracted for at these rates, compensation for surveys and resurveys may be made by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding \$18 per linear mile for standard and meander lines, \$15 for township, and \$12 for section lines. And of the sum hereby appropriated not exceeding \$20,000 may be expended for the examination of public surveys in the several surveying districts in order to test the accuracy of work in the field, and to prevent payment for fraudulent and imperfectsurveys returned by deputy surveyors, and for examinations of surveys here-tofore made and reported to be defective or fraudulent; and inspecting mineral deposits, coal-fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. SMITH, of Arizona. I move the following amendment.

Mr. SMITH, of Arizona. I move the following amendment. The Clerk read as follows:

On page 45, in line 17, after the words "two hundred" and before the word "thousand," insert the words "and six "so as to read "\$205,000;" and after the word "lines," in line 20, insert the following: "including \$6,000 for survey of the west boundary of the line of White Mountain Indian reservation in Arizona."

I wish to call the attention of the gentleman from Arizona to the fact that we have doubled the amount for this purpose; in other words, we appropriate for the public surveys \$200,000 instead of \$100,000. Now, I have no objection that this shall be taken out of the \$200,000 if the gentleman will make his amendment conform to that idea. I do not think I would be authorized by the committee to object to it in that form, but I am unwilling to increase the amount of the appropriation.

Mr. SMITH, of Arizona. In other words, if the appropriation shall

be \$5,000 or \$6,000, or so much as may be necessary, that it shall be taken out of the \$200,000 appropriated for the surveys of the public lands?

Mr. RANDALL. Yes; if the gentleman will put his amendment in the form of a clause in the body of the paragraph providing that this Indian reservation shall be surveyed out of the amount appropriated for the general surveys, I will not object to it, so that it does not increase the total amount of the appropriation.

Mr. RYAN. Let me suggest to the gentleman that he might provide for surveying this reservation out of the general fund.

Mr. RANDALL. That is what I have suggested.

Mr. SMITH, of Arizona. But the difficulty is this, that there seems to be a settled policy against the surveying of the public lands in the Territories until a new public-land law is enacted. We have had no public survey in my Territory for years and years.

public survey in my Territory for years and years.

Now, what proportion will be allotted to Arizona I do not know; but the appropriation by adding five or six thousand dollars, a small amount, would survey this Indian reservation, running this boundary line, and accomplishing a work which is in all respects absolutely important. What amount of the general fund my Territory would receive under the act I do not know, I repeat. Our townships are entirely unsur-veyed, our public-school lands are being settled upon by innocent peo-ple, and we are absolutely in a state of chaos in regard to the public

Mr. RANDALL. I only look upon the gentleman's proposition as an intimation that this survey might be made out of the appropriation, and an intimation to the officials having direct charge of this matter that this survey shall take precedence to the extent of the \$5,000 over and above the amount allotted to the Territory.

Mr. SMITH, of Arizona. I comprehend the remarks of the chairman, but my reason for offering the amendment in its present form is this: I have no means of knowing what the Secretary or the Commissioner of the Land Office, or whoever has charge of the duty of distributing the fund, will give to the Territory of Arizona for these surveys. We may get five thousand or we may get one thousand. But if you appropriate \$6,000 for that survey that is a definite amount which must be used for the purpose of surveying the west boundary line of the San Carlos reservation, which is in a perfectly chaotic and clouded state, as I have already said.

Mr. RYAN. I should think it would answer the purpose of the gen-

tleman if he would add a proviso to the pending paragraph providing that \$5,000 or \$6,000 of the foregoing amount may be used for the pur-

Mr. SMITH, of Arizona. I will accept that in the absence of any-

thing better.

Mr. HOLMAN. Or so much as may be necessary.

Mr. SMITH, of Arizona. I am willing to accept that modification. I do not want, of course, any more than is necessary.

Mr. RANDALL. Then let the gentleman prepare an amendment in

that form, and he can present it hereafter.

The CHAIRMAN. It is understood, then, that this paragraph is to

be passed over for the present with the privilege of recurring to it?

Mr. RANDALL. With the privilege of recurring to it only for the purpose of the amendment to be offered to it by the gentleman from

The CHAIRMAN. That will be the understanding, then?
The Clerk concluded the reading of the items under the head of "United States Geological Survey."

Mr. RANDALL. By instruction of the committee I offer the amendment I send to the desk.

The Clerk read as follows:

Add after line 19, on page 49:

"Irrigation survey: For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and the segregation of irrigable lands in such arid region, and for the selections of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation, and the prevention of floods and overflows, and to make the necessary maps, including the pay of employes in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith the work to be performed by the Geological Survey under the direction of the Secretary of the Interior), \$150,000."

Mr. McMILLIN. I reserve for the present the point of order upon that amendment.

Mr. RANDALL. The gentleman from Colorado [Mr. SYMES] desires, as I understand it, to move an amendment to increase the amount \$100,000, so as to make the aggregate \$250,000 in place of \$150,000?

\$100,000, so as to make the aggregate \$250,000 in place of \$150,500 Mr. SYMES. Yes, sir.

Mr. RANDALL. It will be remembered that when we entered upon the consideration of this bill the general debate was cut off at my request with the understanding that where a reasonable request was made as to time for discussion on important matters in the bill I would yield. I think this is a subject which is entitled to consideration, and under the terms of my agreement, that there should be a reasonable time for discussion, noon it. I want now to know how much time gentlemen discussion upon it, I want now to know how much time gentlemen

Mr. SYMES. Mr. Chairman, speaking for myself, I would like about fifteen or twenty minutes to explain the matter. I will not enter into a general discussion of the subject. I understand there are several gentlemen on the floor who desire to speak upon this most important amendment to the bill, and I think we ought to have about an hour and a half on a side.

Mr. RANDALL. Gracious! I think there has been a pretty thor-Mr. RANDALL. Gracious: I think their all perfect already, and the ough examination amongst members into this subject already, and the time suggested by the gentleman seems entirely too long. I want to hasten the passage of the bill. I am willing to concede the fifteen minutes the gentleman suggested, and then he can proceed, and I will do the best I can for other gentlemen.

Mr. SYMES. I desire to follow somewhat the wishes of the gentleman, because I appreciate the time necessary to pass this long bill; but I do not myself feel like taking the responsibility of agreeing to much less time than an hour and a half on a side.

Mr. RANDALL. Well, I will cut this knot right here by yielding fifteen minutes to the gentleman from Colorado.

Mr. SYMES. Very well.

The CHAIRMAN. The Chair would suggest that if a point of order is to be submitted, it ought to be made before three hours' debate.

Mr. RANDALL. The point of order can be waived temporarily. The gentleman from Colorado desires to be heard, and I will not disoblige him.

The CHAIRMAN. If there be no objection, the gentleman will be allowed to proceed for fifteen minutes.

There was no objection.

Mr. SYMES. Mr. Chairman, I am satisfied the only reason there is any doubt about the propriety of appropriations for proceeding so fast as is practicable with these topographic and irrigation surveys for storage reservoirs is because the subject has not occupied the minds of the gentlemen who report the appropriation bills, and the members of the House, and that the specific objects for which the money is to be used are not entirely understood.

The gentlemen who opposed the appropriation of \$100,000 made at the last session based their objections upon the ground that the Government ought not to commence building dams, constructing reservoirs and irrigating ditches, and peddling out water to adjoining land-

I said then, and I say now, that is not the object or purpose of these

appropriations.

The object of these appropriations is to make such topographic and irrigation surveys as will enable the Government to select the natural sites for reservoirs on the public lands in the arid region, reserve such

reservoir sites from sale, and classify and reserve the irrigable lands. Let me refer to the statute making the appropriation at the last ses-

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of \$100,000, or so much thereof as may be necessary, and the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation, and all the lands which may hereafter be designated or selected by such United States survey for sites for reservoirs, ditches, or canals for irrigation purposes and all the lands which may hereafter be designated or selected by such United States survey for sites for reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject, after the passage of this act, to entry, settlement, or occupation until further provided by law.

There is nothing in this act authorizing any expenditure for the con-

There is nothing in this act authorizing any expenditure for the construction of ditches, canals, or reservoirs. There is nothing in the proposed appropriation for such purpose, as the proposed amendment shows.

Detailed objects of expenditure and explanations.	Total amount to be appro- priated under each head of appropria- tion.	Amount appropriated for the current fiscal year ending June 30, 1889.
Irrigation survey.—For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith; the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of \$350,000, or so much thereof as may be necessary, to be immediately available. (Act October 2, 1888, 25 Stat. L., p. 526, sec. 1)	\$350,000	\$100,000

The object and purpose of this appropriation is to add to the value

of the United States property, its public land.

I have made a careful estimate of the increase in value to be derived from storage reservoirs. I said in my remarks last session:

Irom storage reservoirs. I said in my remarks last session:

The arid region comprises about four-tenths of the whole area of the United States outside of Alaska. Hence, within the arid region of the United States there are approximately 500,000,000 acres of land—a tract of country larger in area than the greatest empire in Europe. It is estimated that 10 per cent, or 50,000,000 acres of that arid land can be brought under cultivation by irrigation with a proper system of storage reservoirs.

Without irrigation this desert or arid land is not worth more than 10 to 50 cents an acre. When this land is reclaimed from arid to arable land it will become worth from \$10 to \$50 to \$100 per acre. So these \$0,000,000 acres of the 500,000,000 acres of arid land by irrigation would be increased in value over \$2,000,000, more than sufficient to pay off the national debt. Most of this land is public domain, and it can never be thickly, nor much of it sparsely, settled without irrigation.

But this gives a small idea of the permanent wealth and accreting benefits to

without irrigation.

But this gives a small idea of the permanent wealth and accruing benefits to be derived from this system of irrigation by storage reservoirs. It will provide homes in the future for many millions of people. It will create large, populous, and wealthy communities in that part of our country heretofore marked upon the maps as the Great American Desert. Nature has given that country every kind of material wealth in profusion, except agriculture, without irrigation or without water. The storage of water for irrigation is the one thing needed.

Marvelous estimates are made of the number of acres that can be irrigated-Governor Ross says 60,000,000 acres in New Mexico. Colorado committee report 40,000,000 acres in that State alone. These are exaggerated estimates. Major Powell estimates that 15 per cent. of the whole arid region can be irrigated by a proper system of storage reservoirs. This would make about 75,000,000 acres.

Major Powell has made a careful estimate of the quantity of land that can be made irrigable in several of the States and Territories:

	Per cent.
New Mexico	74
Idaho	8
Montana	20
Colorado	. 20
Wyoming	18 to 20
Utah	18 to 20

This estimate is based on the assumption that all the waters that flow the year round are utilized.

Suppose the Government should charge \$2 an acre more for the land that shall be classified and reserved as susceptible of irrigation from the storage reservoirs. Selling it at \$3.25 per acre instead of \$1.25 per acre, 50,000,000 acres would bring into the Treasury \$100,000,000.

At the last session I pointed out on this large map where the topo-

graphic surveys of the United States had extended over the country.

I stated that this Government had expended about a million of dol-lars during the last ten years in the topographic branch of the Geological Survey for the purpose of making topographic surveys and classifying to a certain extent the public lands and other lands of the United States. Mr. Chairman, these topographic surveys point out only the general character of the country. They point out whether it is mountain, canon, valley, or plain. It describes its general features, characteristics and natural resources.

Mr. Chairman, Isoid at that time, and I reinted out on this leave.

acteristics, and natural resources.

Mr. Chairman, I said at that time—and I pointed out on this large map where the topographic surveys of the United States have extended, and that up to this time they had cost this Government over one million of money, without being utilized for any special practical purpose; and the sum appropriated of \$200,000 for the topographic branch of the Geological Survey is in the present sundry civil bill. Therefore I make the point, which is to introduce what I am to say about this new map, that the \$100,000 we then obtained and the \$250,000 we now ask for are in order that the \$1,000,000 may be utilized which has already been expended for the topographic survey. In other which has already been expended for the topographic survey. In other words, Mr. Chairman, the money that we are now asking for is merely incident to securing an additional topographic survey that may be called the irrigating branch of it, utilizing a great portion of the work which has before been accomplished by the topographic survey in dif-

ferent parts of the country.

Mr. Chairman, geological survey parties or the irrigating branch of Mr. Chairman, geological survey parties or the irrigating branch of that survey may go where the topographic survey has been extended over a portion of the country, as in the special map that I shall illustrate from in a moment, without having to commence anew. They commence with their field notes of the original topographic survey right where the topographic surveyors left off, and proceed to extend that topographic survey by drawing contour lines, establishing the sites for reservoirs, running lines for ditches, laying their levels, and marking off the lands suitable for irrigation from these reservoirs when the water shall be utilized in the future. That is what I desire the House to understand—that this sum which is tobe appropriated here may utilize and obtain for the public the benefit of the million dollars that has already been expended.

Mr. Chairman, to illustrate, this map before us represents an irrigating survey of an irrigating district on the Jemez River in New Mexico, about 100 miles from Albuquerque, which has been carried on since the appropriation was made last summer under the personal supervision of Major Powell, Director of the Survey. These blue patches

supervision of Major Powell, Director of the Survey. These blue patches on the map represent reservoir sites that have been surveyed on that on the map represent reservoir sites that have been surveyed on that river, or creek, up in the mountains, near where the stream has its source. Those represent sites for reservoirs that were surveyed during October and November last. That long, meandering, dotted black line represents the irrigating canal which will take the water from those reservoirs gradually during the irrigating season down to the foot-hills below, where the land which is segregated now and reserved under the provisions of the act of last September as irrigable land, made susceptible of irrigation from these reservoirs, is located.

Mark you gentlemen where those sites for reservoirs are located the

Mark you, gentlemen, where those sites for reservoirs are located the place where the irrigating canal commences is at such a high altitude that agriculture can not be carried on. It is from 7,000 to 10,000 feet above the sea. These lands away down here on the foot-hills [indicating on the map] and in the valleys, these townships the boundaries of which are marked by these red lines show the Government land that is, by the act of last summer, segregated from the public domain to be disposed of, under the proclamation of the President, or by direction of Congress, in such a way as future statesmanship shall determine.

Mr. RANDALL. Mr. Chairman, I agreed that the committee should rise at half past 4, and if the gentleman from Colorado [Mr. SYMES] will consent to interrupt his remarks at this point, I will now move that the committee rise.

Mr. SYMES. I do not object. The motion was agreed to.

The committee accordingly rose; and Mr. Cox having taken the chair as Speaker pro tempore, Mr. DOCKERY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government, etc., and had come to no resolution thereon.

LEGAL REPRESENTATIVES OF JAMES B. EADS.

Mr. RANDALL, by unanimous consent, reported from the Committee on Appropriations a joint resolution (H. Res. 257) making an ap-

propriation for payment of the legal representatives of James B. Eads.
Mr. RANDALL. This report was prepared by the late Mr. BURNES.
I ask unanimous consent that it be printed in the RECORD, so that
members may understand it, and I give notice that I will call it up to-

There was no objection, and it was so ordered. The report is as follows:

PAYMENT TO LEGAL REPRESENTATIVES OF JAMES B. EADS. Mr. RANDALL, from the Committee on Appropriations, submitted the follow-

The Committee on Appropriations having considered the estimate submitted by the Secretary of War on page 177 of the Book of Estimates for 1890, for the payment of \$500,000 to the legal representatives of James B, Eads for construct-

ing jettles and other works at South Pass, Mississippi River, report herewith the accompanying joint resolution to make the appropriation as estimated, and recommend its passage.

A full explanation of the subject will be found in Appendix V of the Book of Estimates for 1890, page 294, and in the following letter, with accompanying papers, from the Secretary of War:

Papers, from the Secretary of War:

WAR DEPARTMENT, Washington City, January 22, 1889,
SIR: Referring to the bill to provide for an appropriation of \$500,000 for payment to the legal representatives of James B. Eads of half the sum of \$1,000,000 retained by the United States under the act of March 3, 1875, as amended by the act of March 3, 1875, as amended by the act of March 3, 1879, to be paid on the expiration of ten years' maintenance of the channel as required by the said act of March 3, 1879, I have the honor to transmit herewith a report of the 19th instant, on the subject, from the Chief of Engineers, expressing the opinion that the act of March 3, 1879, amended the original jetty act of March 3, 1875, by advancing certain moneys to James B, Eads, and by reducing the widths of channel required by the original act to be secured.

Attention is invited to the opinion of the Action to

secured.

Attention is invited to the opinion of the Acting Attorney-General, dated June 27, 1881 (Senate Executive Document No. 130, Forty-seventh Congress, first session), in which he states that all questions betwirt the United States and Captain Eads in respect to the securing of the depth of water stipulated for under his contract having been happily ended, such as may arise in future will probably concern only the maintenance for a specified period of what has thus been secured.

secured.

It appears to have been understood by the War Department and by the Department of Justice that a channel of the width and depth required by the acof March 3, 1878, as amended by the act of March 3, 1878, has been secured, and consequently the \$1,000,000, one-half of which will be due in September, 1889, if the channel is maintained, had been earned.

I concur in these views and recommend an appropriation of \$500,000 in accordance with the estimate submitted to Congress (Book of Estimates, page 177).

Very respectfully,

WILLIAM C. ENDICOTT.

WILLIAM C. ENDICOTT, Secretary of War.

Hon. Samuel J. Randall, Chairman Committee on Appropriations, House of Representatives.

Office of the Chief of Engineers, United States Army, Washington, D. C., January 19, 1889.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY, Washington, D. C., January 19, 1889.

SIR: Referring to the inclosed bill "making an appropriation for payment to the legal representatives of James B. Eads," handed me at the rooms of the Committee on Appropriations of the House of Representatives during a personal interview with the committee on the morning of January 17, 1889, I have the honor to report that it is very evident that in the passage of the act of March 3, 1879, it was the intention of Congress to amend the original jetty act of March 3, 1879, by advancing certain moneys to James B. Eads and by reducing the widths of channel provided by the original act, These two objects having been accomplished the balance of the original act was left in full force.

It appears from a consideration of the act of March 3, 1879:

1. That the act was intended to cover and provide for all payments thereafter to be made by the Government to Mr. Eads on account of the construction of the works at the South Pass and for the securing and maintenance of the channel. The language of the act is that "in lieu of payments" provided by the act of 1875 the following payments should be made, etc.

There is no provision made in the act of 1879 for any other maximum channel than the channel 26 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to width.

2. The act of 1879 expressly declares that when a channel 26 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to be paid to Mr. Eads by the Government, "85,250,000," should be deemed as carned by Mr. Eads.

If it was the intention of Congress that any other maximum channel should be secured than the modified channel provided that the total compensation for the work should be deemed as earned until the maximum channel had been obtained.

The fact that by the terms of the act the total compensation for the entire work is declared to be earned when a channel 25 feet deep,

ment, should be paid as the small state of payment. It has no relation to the condition of the channel. The payments were to be made at the times—what times? At the expiration of ten and twenty years after the modified channel was secured, and in the manner—what manner? Upon warrants drawn by the Secretary of War upon the Secretary of the Treasury of the United States.

States.

The language means no more than this, and to hold that the word "manner" should be construed as referring to widths and depths of channel would seem to be a distortion of the language of the act and a clear violation of the intention of Congress.

to be a dissortion of the language of the act and a clear violation of the intention of Congress.

5. For nearly ten years the Government of the United States has been paying interest at the rate of 5 per cent, per annum to James B. Eads, and since his death to his legal representatives, by way of interest on the \$1,000,000 held as security for the maintenance of the channel, and the channel thus maintained has been the modified channel provided for in the act of 1379, to wit, a channel 26 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to width. To now place such a construction upon the acts as would prevent the payment of \$500,000 of the \$1,000,000 upon the maintaining of such channel for a period of ten years would necessarily involve the conclusion that large sums of money heretofore paid to Mr. Eads were improperly paid. All of these payments have been made upon the theory that Congress intended by the act of 1875. Several Attorneys-General of the United States have considered the question arising from the payments of installments of interest on this \$1,000,000, and in no case has it been questioned that Mr. Eads was entitled to receive this interest money upon the maintenance of the modified channel.

6. We have seen that the language of the act of 1879 in itself clearly indicates the intention of Congress. This intention, however, is further illustrated by the report of the Senate Committee on Transportation Routes to the Seaboard, which committee favorably reported the act of 1879. This report may be found in Senate Reports, volume 2, 1878-'79, Forty-fifth Congress, first session, report

in Senate Reports, volume 2, 1878-79, Forty-fifth Congress, first session, report No. 781.

In concluding the report the committee says:

"The provisions of the act of 1875, before adverted to, were oppressive in this: First, that they required so large an amount of work to be done before any payment by the Government; and, second, that they require unnecessary widths of channel. All that can be reasonably desired by the Government is that a channel shall be secured through the jetties of sufficient width and depth to accommodate present and prospective commerce. The committee is satisfied that a channel 26 feet in depth by 200 feet in width is entirely adequate, and they reach this conclusion from the testimony of experts of undoubted ability. The commission of 1874, in recommending the application of the jetty system to the South Pass, contemplated the securing of no greater depth of permanent channel than 25 or 26 feet, without regard to width; and General Wright, in his testimony before the committee, stated in substance that a channel 26 feet in depth by 200 feet in width was ample to accommodate the commerce of the river.

testimony before the committee, stated in substance that the commerce of the depth by 200 feet in width was ample to accommodate the commerce of the river.

"Mr. Eads does not propose nor does the committee recommend that a less depth than 30 feet be secured through the center of the jetty channel, but this great depth would have to be increased to 35 or 40 feet in order to produce the maximum channel required by the original act.

"In order to secure a channel of the width and depth required by the jetty act it would be necessary to largely increase the volume of water through the pass. This would cause a disturbance of the regimen of the three passes, and might involve serious danger to the works. Relying upon the testimony of Generals Barnard and Wright and upon the emphatic declaration of Mr. Eads, the committee is of opinion that it would be unwise for the Government to require a trial of this experiment.

"The Government should require nothing to be done which might involve destruction of the jetties.

"In view of the foregoing and other matters presented to it the committee is of opinion that Mr. Eads is entitled to and should receive relief at the hands of Congress, and that the decrease of widths from those required by the act of 1875 will be as much to the interest of the Government as to that of Mr. Eads.

"Wherefore it recommends that all of said bill No. 1422 after the enacting clause be stricken out and that the annexed amendment be inserted in lieu thereof, and that said bill, when so amended, do pass."

I append three opinions of the Attorney-General of the United States bearing upon the general questions involved, namely: Opinion of May 24, 1879; opinion of Juneary 20, 1880.

Very respectfully, your obedient servant,

Brigadier-General, Chief of Engineers.

Hon, William C. Endicorr,

Secretary of War.

Hon, WILLIAM C. ENDICOTT, Secretary of War.

[Opinion of May 24, 1879.]

DEPARTMENT OF JUSTICE, Washington, May 24, 1879.

[Opinion of May 24, 1879.]

DEPARTMENT OF JUSTICE, Washington, May 24, 1879.

Sie: In conversation yesterday you submitted to me an inquiry arising upon the following state of facts:

Assuming that it appeared to you that on the 7th day of April last Captain Eads had complied with all the conditions of the act so far as relates to maintaining a channel through the South Pass to the Gulf of Mexico a depth of 25 feet and a width of notless than 200 feet, is he now entitled to the payment of 25 feet and a width of notless than 200 feet, is he now entitled to the payment of 25 feet and a width of notless than 200 feet, is he now entitled to the payment of 25 feet and a width of notless than 200 feet in width at the bottom through the said jetties there shall be paid \$500,000."—the further fact now appearing that since the 7th of April the channel from the South Pass to the Gulf of Mexico has been reduced in width by the action of the current from over 200 feet (namely, 220 feet) to 140 feet in certain points, still retaining, however, through this width the depth of 25 feet?

The original act contained four provisions for payment on obtaining certain depths and widths of channel, which were to be accompanied by additional payments for mantaining such channels for a year; thus, upon obtaining channels of 24, 23, and 25 feet of the width required by the act, Mr. Eads was to receive the sum of \$500,000, and upon maintaining each of these depths for a year he was to receive the additional sum of \$250,000; on obtaining the depth of 30 feet, etc., he was to receive the sum of \$500,000, and on maintaining the depth of 50 feet, etc., he was to receive the sum of \$500,000, and on maintaining the depth of 50 feet, etc., he was to receive the sum of \$500,000, and on maintaining the depth of 50 feet, etc., he was to receive the sum of \$500,000, on the payment of \$500,000 provided by the herrinbefore receited act to be paid when a channel of 24 feet in depth, and the standard payment of \$200,000 to the payment of \$200,000 to th

\$500,000.

By these changes Mr. Eads was to receive the same sum that was provided for in the original act, but he was to receive it on different terms; and it will be observed that the deferred payments of the original act, which related to his maintaining the depths of 24, 26, 28, and 30 feet, respectively, were absorbed by the various payments directed to be made by the acts of June 19, 1878, and March 3, 1879. The deferred payments upon obtaining 24 feet having been otherwise provided for by the act of June 19, 1878, and the remaining three deferred payments, upon obtaining 26, 28, and 30 feet, respectively, being absorbed by the payments provided for by the act of March 3, 1879.

The act of March 3, 1879, is explicit in its statement that nothing therein contained is to affect or repeal in any way the provisions of the act of June 19, 1878. While it can not be doubted that Congress has constantly kept in view the intent expressed in the original act, namely, that of authorizing "Mr. Eads and his associates to create and permanently maintain a wide and deep channel between the South Pass and the Gulf," these alterations remove from the act the provisions for payments which were to be deferred in order to secure the maintenance of the channel at particular depths. They leave the security for the maintenance of the channel to other provisions of the act which it may be fairly deemed Congress considered sufficient for the purpose.

The original act contemplated that Mr. Eads was to receive the sum of \$5,250, 200 for his work. It provided for payments in the manner I have adverted to upon obtaining and maintaining specified depths and widths of channel; but these payments only cover \$4,250,000. The original act provided that when a channel 30 feet in depth and 350 feet in width (which was the original width contemplated) shall have been obtained by the effect of said jetties and auxilary works, the remaining \$1,000,000 shall have been deemed earned by the said Eads and his associates; and said amount shall remain as security in the possession of the United States for the purposes therein set forth. Those purposes were that when the channel at its full width and depth should have been maintained for ten years Eads should receive the sum of half of \$1,000,000, and when the same depth and width should have been maintained for the years Eads should are receive the sum of half of \$1,000,000, and when the same act contemplated that after the full completion in width and depth, Mr. Eads and his associates should also receive \$100,000 per nanum, in equal quarterly payments, so long as the channel should be maintained for a period of twenty years from that date at the ultimate depth and width.

In re

Hon. GEORGE W. McCrary, Secretary of War.

[Opinion of June 28, 1879.]

DEPARTMENT OF JUSTICE, Washington, June 28, 1879.

DEFARTMENT OF JUSTICE, Washington, June 28, 1879.

SIR: Yesterday you orally inquired of me whether Captain Eads is entitled to \$500,000, or only \$250,000, upon obtaining a channel 26 feet deep and 200 feet wide through the South Pass of the Mississippi River to the Gulf of Mexico (including the requisite depth in the pass and over the shoal at the head of the pass); or, to state your question in another form, whether the sum of \$250,000 heretofore advanced to him, being one-half of the sum to be paid under the act of March 3, 1876, for a channel 26 feet deep and 300 feet wide, is to be deducted from the payment for a channel 26 feet deep and 200 feet wide provided for by the act of March 3, 1879.

1875, for a channel 26 feet deep and 300 feet wide, is to be deducted from the payment for a channel 26 feet deep and 200 feet wide provided for by the act of March 3, 1879.

Your question assumes, of course, that in other respects Captain Eads has complied with his contract: that is, in maintaining the depth and width through the South Pass itself and the shoal at its head, which he is bound at this time to maintain, and relates only to the amount of payment now to be made upon his having obtained a channel 26 feet deep and 200 feet wide.

It is necessary for me to recapitulate briefly the provisions of the several acts bearing upon this subject, confining myself to them so far as they relate to payments to Mr. Eads. This I will do substantially in the terms of my letter to you of May 24, 1879.

The original act of March 3, 1875, contained six provisions for payments on obtaining certain depths and widths of channel, four of which were accompanied by additional payments for maintaining such channels for a year. Thus, on obtaining a channel of 20 feet in depth, of the prescribed width, Mr. Eads was to receive \$500,000; on obtaining a channel of 22 feet in depth, and the appropriate width, he was to receive \$500,000; upon obtaining channels of 24, 26, and 28 feet in depth, of the width required by the act, he was to receive the sum of \$500,000 for each, and upon maintaining them for a year he was to receive the additional sum of \$250,000 for each; and, on obtaining a depth of 30 feet, etc., he was to receive the sum of \$500,000, and \$500,000 additional for maintaining the same for a year. All the additional sums for maintaining depths, etc., were to be paid with interest.

The act of June 19, 1878, provided for the payment of \$500,000 provided by the hereinbefore-rectied act, to be paid when a channel of 24 feet in depth and not less than 250 feet in width shall have been obtained."

The third section of the same act authorized a further payment to Mr. Eads, in the aggregate not to exceed the sum of \$500,000, to

This being the state of the law, the act of March 3, 1879, provided for a system of payments to be made in lieu of the payments before provided for. From the nature of the case, this provision could only affect the payments under the laws of March 3, 1875, and June 19, 1878, when construed together, which were yet to be made. This act of March 3, 1878, when construed together, own the were yet to be made. This act of March 3, 1878, when construed together, own the were yet to be made. This act of March 3, 1878, when construed together, own the manned to the amendatory act of June 19, 1878, and that the whole of the act of March 3, 1875, shall be and remain in full force and effect, except so far as it is amended by this act or as previously amended by any other act. The first two payments of \$500,000 each contemplated by the original act of March 3, 1875, had been made. By the express terms of the act of March 3, 1879, the two payments of \$500,000 each contemplated by the act of June 19, 1878, were to be made if they had not already been made. Whether or not they had actually been made at the time of the passage of the act I am not informed, nor is it important.

This state of legislation shows clearly that the act of March 3, 1879, was intended to operate only upon those payments which were to follow the payments provided for by the act of June 19, 1878. Those payments are \$250,000 upon obtaining a channel 28 feet deep and 300 feet wide, and the additional sum of \$250,000 upon maintaining the same for a year; \$200,000 upon obtaining a depth of each and so width of 300 feet, and \$500,000 additional upon maintaining the same for a year; in all, \$2,250,000.

The new system of payments provided for by the act of March 3, 1879, cantemplated an immediate payment of \$550,000. Upon Mr. Eads obtaining a depth of 250 feet, and \$500,000. Upon Mr. Eads obtaining a depth of 26 feet and a width of 300 feet, \$300,000; in all \$2,250,000.

The important change made in favor of Mr. Eads by the passage of the act of March 3, 187

missible.

In direct answer, therefore, to your inquiry, I would reply that, assuming Mr. Eads to have obtained a channel of 26 feet in depth and 200 feet in width through the South Pass of the Mississippi River to the deep water of the Gulf of Mexico, including the requisite depth in the pass and over the shoal at the head of the pass, and to have complied in all other respects with his contract, I am of opinion that he is entitled to receive the sum of \$500,000.

On examining the papers handed to me by you I observe a letter from the Chief of Engineers, in which he withdraws the opinion heretofore expressed by him that Mr. Eads should receive only \$250,000.

Very respectfully, your obedient servant, CHAS, DEVENS, Attorney-General.

Hon. GEORGE W. McCBARY, Secretary of War.

[Opinion of January 20, 1880.]

DEPARTMENT OF JUSTICE, January 20, 1880.

Department of Justice, January 20, 1880.]

Department of Justice, January 20, 1880.

Sir: Your letter of the 13th instant submits to me an inquiry as to the proper construction of the act of Congress approved March 3, 1875 (18 Stat., 464), and amendatory acts, in reference to the time for which Capt. James B. Eads is entitled to interest on \$1,000,000, which amount remains "as security in the possession of the United States," the demand for payment of the first installment of interest having been made and the inquiry being whether interest is allowable to Captain Eads for all the time from July 8, 1879, continuously, according to the time of the calendar year; or, if not for that time, then for what time should it be paid?

Your letter does not state in terms that for a portion of the time subsequent to July 8, 1879, the channel constructed by Captain Eads was not in fact maintained; but I understand such to be the case, and your inquiry, therefore, to present the question whether Captain Eads is entitled to interest for such periods of time, if any, as shall occur after the original completion of the channel during which time it shall not be maintained by him.

It is a part of the contract of Captain Eads with the United States that the channel constructed shall, when completed, be maintained for the period of twenty years. To assure the performance of this part of his undertaking is the purpose of the above-mentioned security held by the United States. For this service he is entitled to receive annual compensation at the rate of \$100,000. But it is provided:

"If any failure to maintain said channel of 30 feet in depth and 350 feet in width shall occur, the date for releasing the said money held in pleage shall be postponed for an equal period of time, and the compensation for maintaining said channel shall cease until said depth and width shall be again restored, the maintannance of a channel of 30 feet in depth and 350 feet in width for twenty years, exclusive of all such periods of failure, being intended

States during such periods of failure, or whether these payments, like the payments of annual compensations, are to be postponed, so as to exclude such periods.

The provision for the payment of interest is to be found in the following clause

The provision for the payment of interest is to be found in the following clause of the original act:

"When a channel 30 feet in depth and 350 feet in width shall have been obtained by the effect of said jetties and auxiliary works aforesaid, the remaining \$1,000,000 shall be deemed as having been earned by said Eads and associates; but said amount shall remain as security in the possession of the United States for the purpose hereinafter set forth, interest at 5 per cent. per annum on the same being payable to said Eads, his assigns, and legal representatives, semi-annually, from the date when a channel of 30 feet in depth and 350 feet in width shall have been first secured, so long as said money, or any part thereof, is held by the United States."

The provisions for the payment of interest on the money held in pledge, and of the annual compensation, are found connected together in most of the sections of this statute. It seems not to be an unreasonable inference that Congress looked allike to the money received by Eads as interest and to what is termed "annual compensation," for the maintenance of the channel. The clause which provides for an expenditure from the sum of money held in pledge is as follows:

"annual compensation," for the maintenance of the channel. The clause which provides for an expenditure from the sum of money held in pledge is as follows:

"That in case said Eads and associates, in order to maintain a channel of 30 feet in depth and 350 feet in width, shall deem it necessary to expend on said works, during any one or more of said twenty years, any money in excess of the annual payments received by them during said year or years under this act, the Secretary of War shall, on satisfactory proof of such expenditures, authorize, as often as such extra expenditures may require, the payment of the same from the said money in pledge to said Eads or his legal representatives." Strictly speaking, there are no annual payments. The compensation, as distinguished from interest, is paid quarterly, and the interest is paid semi-annually. The words "annual payments," as used in this clause, may fairly be interpreted to mean the sums payable to Mr. Eads during a year.

The sum held in pledge is distinctly retained as security for the maintenance of the channel. How Mr. Eads could be fairly entitled to interest upon the same during the periods when the channel is not maintained it is not easy to perceive. It is contended, however, that this is the precise language of the statute, and that any other construction violates the language. But any construction which would give to Mr. Eads interest during the periods of failure would violate the whole spirit of the act, and would lead to a result, if the act itself as a whole is considered, so clearly at variance with it as to be inadmissible. According to this theory Mr. Eads, even if he failed to maintain the channel permanently, would still be entitled to these semi-annual payments, and a security given for the maintenance of the channel would result only in this, that the party would not at the end of the twenty years receive the principal sum, but would be entitled to a claim against the United States for the interest on that principal sum for an indefinite num

clauses, than by considering the necessity for it, and the cause which induced its enactment."

Applying these well-known rules of construction, it would therefore seem that a conclusion which would defeat the object of the Legislature in providing itself with security for the maintenance of the work, and give to the party falling the benefit of the security in what is ordinarily the most satisfactory form—that of a permanent claim for interest provided to be paid was the full rate which the United States was paying upon its public securities, and it can not be deemed that the United States was secured when it was compelled to pay this interest for the periods during which Mr. Eads failed to perform his contract. If Mr. Eads should abandon the maintenance of this channel, it certainly would not be unjust, nor would it be at variance with the fair intent of this act, to hold that the United States might, by proper legislation, devote the sum thus held in pledge to the maintenance of the channel, by an expenditure of it through its own officers, or by any new contractor that might be selected.

In direct answer to your inquiry, I am therefore of opinion that Mr. Eads is not entitled to payment of interest for all the time from July 8, 1879, continuously, according to the time of the calendar year, if during that time there have been periods when he has failed to maintain the channel; but that such periods of failure must be deducted, as such deduction is made in the matter of what is termed the "annual compensation."

Very respectfully, your obedient servant,

CHAS. DEVENS, Attorney-Geneval.

Hon. ALEXANDER RAMSEY, Secretary of War.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage, with amendments, of the bill (H. R. 11683) for the establishment of a light-ship with a fog-signal at Sandy Hook, New York Harbor, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. PALMER, Mr. CULLOM, and Mr. GORMAN.

It also announced the passage, with amendments in which concur-rence was requested, of the bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June

30, 1890.

It also announced that the Senate had passed without amendment joint resolution and bills of the following titles:
Joint resolution (H. Res. 181) accepting the invitation of the Impe-

rial German Government to the Government of the United States to

become a party to the International Geodetic Association;
A bill (H. R. 11207) to increase the maximum amount of international money-orders from \$50 to \$100;

A bill (H. R. 2686) for the relief of William Knowland;

A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy; and

A bill (H. R. 4353) to provide a temporary home for certain persons

discharged from the United States Navy

It also announced the passage of the bill (S. 3810) to establish two additional land districts in the State of Nebraska; in which concurrence was requested.

#### JAMES K. EDWARDS, DECEASED.

Mr. SHAW. I am instructed by the Committee on Accounts to submit a privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

Amend the original resolution so that it will read:

"Resolved, That the Clerk of the House of Representatives be authorized and directed to pay, out of the contingent fund of the House, to the widow of James K. Edwards, deceased (late one of the Official Reporters of the House), the expenses of his last illness and funeral, not to exceed \$500; and also to pay to the widow and only daughter of said Edwards, in equal amounts, a further sum equivalent to six months of the salary which said Edwards was receiving at the time of his death."

The SPEAKER pro tempore. The question is on agreeing to the

amendment proposed by the committee.

Mr. McMILLIN. How does that matter come before the House? The SPEAKER pro tempore. As a privileged report from the Committee on Accounts.

Mr. McMILLIN. I desire to ask the gentleman from Maryland, who presents the report, whether the sum of \$1,000 extra was not ap-

propriated last session for the benefit of this reporter.

Mr. SHAW. Yes; and a like sum was appropriated for each of the other Official Reporters of the House because of extra expenses incurred in transcribing the debate during the last long session; so that, in order to equalize matters entirely, it would be necessary for them all to die. [Laughter.] I ask for a vote.

The amendment of the committee was agreed to.

The resolution as amended was adopted.

Mr. SHAW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

I ask unanimous consent to report and have considered at the present time the bill which I send to the desk.

Mr. SOWDEN. I rise to present a privileged report.

The SPEAKER pro tempore. The Clerk will read the title of the

The SPEAKER pro tempore. The Clerk will read the title of the bill proposed to be reported by the gentleman from Massachusetts.

Mr. McMILLIN. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McMILLIN. When a gentleman states that he rises to present a privileged report, does not that take precedence of any other matter?

The SPEAKER pro tempore. It does, and the Chair will so decide; but the gentleman from Massachusetts has a right to have his request stated.

The Clerk read the title of the bill proposed to be reported by Mr. DAVIS, as follows:

 $\Lambda$  bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers.

#### INDEXING JOURNALS OF CONGRESS.

The SPEAKER pro tempore. Pending the request of the gentleman from Massachusetts [Mr. DAVIS] for unanimous consent, the gentleman from Pennsylvania [Mr. SOWDEN] desires to submit a privileged report, which will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, September 29, 1888.

IN THE HOUSE OF REPRESENTATIVES, September 29, 1888.

Mr. CARUTH submitted the following resolution; which was referred to the Committee on Accounts, and ordered to be printed:

"Resolved, That the Committee on Rules are hereby authorized to reappoint the person recently employed under the resolution of May 22, 1882, at the rate of compensation fixed by the said resolution, to assist in the preparation of a general index of the Journals of Congress under the resolution of June 18, 1878, to be paid out of the contingent fund of the House until an appropriation shall be made."

The Committee on Accounts to whom was referred the said resolution of the said resolution of the said resolution of the said resolution of June 18, 1878, to be made."

The Committee on Accounts, to whom was referred the foregoing resolution, authorizing the reappointment of the person recently employed in the preparation of a general index of the Journals of Congress, under resolution of May 22, 1882, have considered the same, and report it back with the following amend-

22, 1882, have considered the same, and report it back with the following amendments:

In line 3 strike out the words "compensation fixed by said resolution" and insert the words "twelve hundred dollars per annum;" and in the last line strike out the words "an appropriation shall be made" and insert the words "the 4th of March, 1889, and the Committee on Appropriations are hereby instructed to provide for the compensation of the said person after the said 4th of March in one of the appropriation bills at the rate of \$1,200 per annum."

As so amended the resolution will read:

"Resolved, That the Committee on Rules are hereby authorized to reappoint the person recently employed under the resolution of May 22, 1882, at the rate of \$1,200 per annum, to assist in the preparation of ageneral index of the Journals of Congress under the resolution of June 18, 1878, to be paid out of the contingent fund of the House until the 4th of March, 1889, and the Committee on Appropriations are hereby instructed to provide for the compensation of the said person after the said 4th of March in one of the appropriation bills at the rate of \$1,200 per annum."

And as so amended your committee recommend the resolution be adopted.

Mr. REECKINRIDGE, of Kentucky. I desire to inquire the name

Mr. BBECKINRIDGE, of Kentucky. I desire to inquire the name utes. [Laughter.]

of the person referred to in the resolution, so that I may move an amendment to strike out the phraseology describing that "person" and to in-

The person referred to is Mr. Charles Abert, of Maryland, who is the author of this personal index. He was appointed under resolution of May 22, 1882, by the Committee on Rules, at a salary of \$2,000 per annum. Subsequently the status of this matter was changed and an increased force provided for in the legislative, executive, and judiciary appropriation bill of July 11, 1888. This additional force was appointed by the Committee on Rules, and through some mistake Mr. Abert was not continued on the work.

Mr. BRECKINRIDGE, of Kentucky. Why not strike out the words describing this "person" and insert his name?

Mr. SOWDEN. I have no objection.

Mr. RANDALL. Ido not know that my colleague [Mr. Sowden] is correct in referring to this gentleman as the author of this publication. So far as I know, Alexander H. Stephens, of Georgia, was its

Mr. BRECKINRIDGE, of Kentucky. It is evident that the object of this resolution is to have a certain gentleman employed, and I am simply suggesting that he be named in the resolution instead of being

indicated by certain descriptive words.

A MEMBER. That would relieve everybody.

Mr. STRUBLE. I think this matter had better be brought up at another time. There seems to be some little mystery about it. We can not understand what it is, I for one object to its consideration now.

Mr. TOWNSHEND. Let us have the regular order, Mr. SOWDEN. This is the regular order. There is no "mystery" at all connected with this proposition. This gentleman was in the employ of the Government, and had charge of the preparation of this personal index until the resolution was adopted increasing the force with the view of facilitating the publication and preparation of the

Mr. STRUBLE. I think it is very mysterious that the person in-

tended to be employed is not named in the resolution.

Mr. TAULBEE. Mr. Speaker, I should like to inquire of the gentleman from Pennsylvania whether it is contemplated by this resolution to create a permanent office? How long is this thing to continue?

Mr. RANDALL. I will state this plan of indexing the Journals of Congress was originally introduced here by the Hon. Alexander H. Stephens. If I remember aright it was in 1882.

The gentleman who was appointed to do this work was General Ordway. Under General Ordway the work progressed so slowly that after seven years and more of labor in this connection we were advised it would take sixteen years more before it would be completed with the force General Ordway then had. Some of us thought we would like to see it finished.

Mr. SPRINGER. Yes, before we die. [Laughter.]
Mr. RANDALL. But we had no security under the then condition
of affairs as to when it would be finished. We increased the force so the work would be accomplished in four years.

Mr. HOLMAN. What was the increase of force?
Mr. RANDALL. Four times as many.
Mr. HOLMAN. This is another, in addition?
Mr. RANDALL. This Mr. Abert, of Maryland, was displaced; that is, he was not reappointed, because his office was practically done away with. He was employed by General Ordway at \$2,000 a year. There were fixed certain salaries, some at \$800, some at \$1,000, and some at \$1,200. This gentleman was legislated out of office. He received \$2,000, but his reappointment was not provided for; and he now asks to come in as additional, and it will have the effect to that extent to hasten the finishing this index. The salary is to be \$1,200.

Mr. BRECKINRIDGE, of Kentucky. Why not put in the name of

the person described in the resolution?

Mr. RANDALL. It will not in the end decrease the expense or increase it, but in the natural course of things will hasten the day when the work will be done.

Mr. TAULBEE. Isthisgoing to come out of my time? [Laughter.] The SPEAKER pro tempore. The gentleman from Pennsylvania

[Mr. SOWDEN] has the floor.

Mr. McMILLIN. Let me inquire of the gentleman from Pennsylvania whether it is not the fact that at the last session of Congress, provision in the appropriation bills, the number of men engaged in this work was doubled?

Mr. RANDALL. The number was quadrupled.
Mr. McMILLIN. We had two two years ago, and now we have eight; and by this resolution it is proposed to make it nine.

Mr. RANDALL. It was proposed to take sixteen years to finish this work and we made provision that it should be finished in four years.

Mr. TAULBEE. The more you put on it the longer it will take.

Mr. RANDALL. I hope not.

Mr. TAULBEE. Does the gentleman yield?

Mr. SOWDEN. How much time does the gentleman want? Mr. TAULBEE. I do not want more than fifteen or twent

I do not want more than fifteen or twenty min-

Mr. SOWDEN. I will give the gentleman five minutes.

Mr. RANDALL. You had better begin on that. [Laughter.]
Mr. TAULBEE. I will consume at least a portion of that five minutes in asking the gentleman from Pennsylvania if there is in this resolution any possibility of fixing in employment by the Government an officer beyond the control of the Committee on Rules, or anybody else, whether he performs any service or not for at least a period of four years more, or longer if this work shall take up more than four years?

Mr. RANDALL. So far as I know, General Ordway has the super-

intending of this work.

Mr. TAULBEE. I do not see the person to be employed under this resolution shall be under General Ordway or anybody else.

Mr. SOWDEN. The appointment is under the Committee on Rules.

Mr. TAULBEE. It provides for an appointment, but there is not appointment. general law, and this resolution does not say who shall be appointed to this position.

I have on two or three occasions found this condition of things to exist, where persons have been employed under the Government at a fixed salary, and designated to other work at a higher fixed salary, and have neglected the work for which their compensation was fixed by law. That has been especially the case with some of the architects employed, and we have been called upon to make additional appro-

priations for the salaries of more offices than one.

I do not know that this would occur under the resolution as now presented, or as to this party, but I am opposed to the principle embodied in the resolution. I prefer to leave the power of appointment and removal for cause in the hands of some responsible party. I know of no better party than the Committee on Rules of the House of Representatives, and if the resolution provided that the appointment of this party should be under the control of that committee and subject to removal for cause, I would not oppose it if the appointment was deemed necessary. But I think the resolution is estimated any excession and the second of the control of the control of the appointment was deemed necessary. essary. But I think the resolution is setting a dangerous precedent, and ought not to be adopted.

I now yield the remainder of my time to the gentleman from Penn-

sylvania. [Laughter.] Mr. SOWDEN. I demand the previous question on the report and amendment.

Mr. BUCHANAN. Pending that I move that the resolution be laid on the table.

The motion was agreed to, and the resolution was laid upon the table.

ORDER OF BUSINESS. The SPEAKER pro tempore, The pending request is that of the gentleman from Massachusetts [Mr. DAVIS]. Is there objection to the

present consideration?

Mr. SPRINGER. Let it be read.
Mr. DAVIS. I ask for the reading of a short report.
Mr. KILGORE. I demand the regular order.

The SPEAKER pro tempore. The demand for the regular order cuts

off requests for unanimous consent.

Mr. KILGORE. Now, I move that the House take a recess until

Mr. KILGORE. I will withdraw the demand for the regular order if gentlemen have reports to submit, but for no other purpose.

Mr. SOWDEN and others demanded the regular order.

Mr. BOUTELLE. The demand for the regular order was withdrawn

to let me make a report. The SPEAKER pro tempore. But the demand for the regular order has been renewed by several other gentlemen.

Mr. KILGORE. Then I renew my motion.

The motion was agreed to; and accordingly (at 4 o'clock and 47 minutes p. m.) the House took a recess until half past 7 p. m.

#### EVENING SESSION.

The recess having expired, the House at 7 o'clock and 30 minutes p. m. was called to order by Mr. McMillin, who directed the reading of the following communication:

Speaker's Room, House of Representatives, January 25, 1889.

Sir: Hon. Benton McMillin is designated to preside as Speaker pro tempore at the session of the House this evening.

JOHN G. CARLISLE, Speaker.

Hon. John B. Clark, Clerk House of Representatives.

## ORDER OF BUSINESS.

Mr. CHIPMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the Private Calendar, and ask unanimous consent, pending that motion, that the same rule prevail as heretofore; that is, that the names of the members be called in alphabetical order, beginning where we last ended, so that as each member's name is called he have leave to call up one bill.

The SPEAKER pro tempore. The Chair will state that this can probably be arranged in Committee of the Whole.

Mr. CHIPMAN. Generally it has been arranged before going into

The SPEAKER pro tempore. The Chair will submit the request of the gentleman from Michigan.

Is there objection to the request just stated?

There was no objection.

Mr. COX. Mr. Speaker, before the motion of the gentleman is put,

I would like to make a request for unanimous consent.

The SPEAKER pro tempore. Pending the motion of the gentleman from Michigan the gentleman from New York asks unanimous consent

to submit a request for unanimous consent.

Mr. COX. The bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll was sent Interior to place the name of Cara Curtis on the pension-roll was sent to the Committee on Invalid Pensions, and the report drawn and adopted. I understand my friend from Michigan, Judge Chipman, favorably reported this bill, but for some reason I do not find it on the Calendar. I know it was favorably considered. I wrote the report myself, and the committee adopted it and seemed to be content with it. I would ask unanimous consent, therefore, that the committee be discharged from the further consideration of this bill, and that it be now put upon its passage.

Mr. CHEADLE. What is the rate of pension?
Mr. COX. The rate of pension of the mother of this young lady was \$50 per month, but I propose to amend this bill by putting it at \$30 per month. I will state, Mr. Speaker, that this young lady is the daughter of General Samuel R. Curtis, who died just after the close of the late war from disease or wounds contracted in the service, I forget late war from disease or wounds contracted in the service, I forget which. He had been a general in the Mexican war and the late war, and afterwards was engaged as a civil engineer in Ohio and in St. Louis and on the Pacific railroads. He had been connected with Congress when the war broke out, but resigned to take part in the war and died poor. He served gallantly in two wars. His widow received a pension only a few years ago, and was left in destitute circumstances, while her daughter, the young lady in question, the beneficiary in this bill, is left to-day helpless and very poor.

Mr. GALLINGER. The widow received \$50 per month?

Mr. COX. Yes; and all I ask in this case is \$30 per month. It is rather a hard case that General Curtis, who had served with signal distinction and gallantry in two wars, with more distinction perhaps than any other man in the service, should, by the result of misfortunes.

any other man in the service, should, by the result of misfortunes, have left his family in that destitute condition.

Mr. CHEADLE. I do not object to the consideration of this bill,

but simply want to emphasize the statement made over and over again that I think it unwise legislation to give to the child of one soldier of the Republic a greater pension than is given to the child of another.

The SPEAKER pro tempore. The Chair has some doubts about the consideration of this bill and will cause the order to be read which

limits the consideration of bills to-night to those which have been reported from the Committees on Pensions and Invalid Pensions.

The Clerk read as follows:

Resolved, That, until further ordered, on each Friday, at 5 o'clock p.m., the House shall take a recess until 7.30 p.m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiclary removing political disabilities, shall be considered; and no other business shall be transacted at such evening sessions, and the House shall adjourn on each of said evenings not later than

The SPEAKER pro tempore. The Chair is in some doubt as to whether this matter can be disposed of at this time, it not having been reported by one of the committees mentioned in the special order, but will submit the question to the House and let it determine. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. COX. I move that the amendment be adopted making the pen-

sion \$30 per month.

Mr. KILGORE. What did the mother receive?

Mr. KILGORE. What did the mother receive?
Mr. COX. The mother received \$50, and I propose to cut the pension of the daughter down to \$30.
Mr. KILGORE. Cut it down to \$25.
Mr. COX. I do not think that would be enough to do honor to the record of her father. He was at Camargo, you know, at an early day.
Mr. KILGORE. I think \$25 would be sufficient.
Mr. COX. I will make it \$25, then.
Mr. DORSEY (to Mr. KILGORE). Saved the Government \$5 a month!

Mr. COX. I ask leave to file the report, so that it can appear of record that this was a meritorious case.

The SPEAKER pro tempore. The gentleman from New York asks leave that the report may be filed, and that it may hereafter be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Cara Curtis, daughter of Maj. Gen. Samuel R. Curtis, she to be paid at the same rate as was paid her mother, lately deceased, widow of Major-General Curtis, this to take effect from date of her mother's death, which shall be ascertained by the Commissioner of Pen-

Mr. STRUBLE. Does not that give arrears of pension?
Mr. COX. I do not know, but I will withdraw that portion, and will make it read, at the rate of \$25, to take effect from the date of the passage of the bill.

Mr. STRUBLE. Mr. STRUBLE. Let the bill be reported as amended. The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Cara Curtis, daughter of Maj. Gen. Samuel R. Curtis, she to be paid a pension of \$25 a month.

The SPEAKER pro tempore. If there be no objection, the amendment will be considered as adopted.

There was no objection, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to:

ORDER OF BUSINESS.

The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Michigan [Mr. CHIPMAN], that the House resolve itself in Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under

the special order, and the Clerk will call the first name.

JOHN M'COOL.

Mr. DORSEY called up for consideration the bill (H. R. 5807) granting a pension to John McCool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations of the pension laws, the name of John McCool, late sergeant Company B, Second Regiment of Iowa Infantry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The report (by Mr. Morrill) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5807) granting a pension to John McCool, submit the following report:

The claimant in this case made application for a pension March 19, 1883, alleging wound of right thumb, received at Bird's Point, Mo., August 10, 1861. The records in the Adjutant-General's Office furnish no evidence of the wound, and he offers no evidence whatever in support of the claim. The record shows that he served faithfully for four years and two months, and evidence has been furnished your committee that the soldier is now blind, that he has a family dependent upon him for support, and is without the means adequate to care for them; they would therefore recommend that a service pension of \$12 per month be granted him.

The passage of the bill is recommended with an amendment, adding, after volunteers, "and pay him a pension of \$12 per month."

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ZO. S. COOK.

Mr. DAVIDSON, of Alabama. I ask unanimous consent to call up the bill (S. 3249) for the relief of Zo. S. Cook. That gentleman is perfectly and entirely helpless. He can not move either hand or foot. I state upon my own responsibility as a member of Congress that it is so. I have visited him at his house and know it to be true.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the pension now paid, under certificate numbered 8308, to Zo. S. Cook, of Wilcox County, Alabama, a soldier in the war between the United States and Mexico, be, and is hereby, increased to the rate of \$25 per month,

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3249) granting an increase of pension to Zo. S. Cook, have considered the same, and report it back to the House, recommending its passage.

The facts are shown in the Senate report, as follows:

[Report S. 2056, Fiftieth Congress, first session.]

[Report S. 2056, Fiftieth Congress, first session.]

The beneficiary under the bill is a Mexican war pensioner, under the act of January 29, 1887, certificate No. 8308. He came out of the war greatly debilitated, and for years, according to the testimony filed with the committee, he has been a helpless invalid, requiring the attendance of from one to three persons, and by reason of his disabilities, and not on account of careless or dissolute habits, his property has been dissipated, and he is left in old age a charge upon charity.

The committee do not think it necessary to present the mass of this testimony, but select, in justification of their favorable report, a letter from Senator Morgoan, to the statements in which all the evidence is corroborative. The letter follows:

"United States Senate, Washington, D. C., July 20, 1888.

"United States Senate, Washington, D. C., July 20, 1888.

"Sire: Please find some statements relative to a bill (S. 3249) to increase the pension of Zo. S. Cook, Wilcox County, Alabama, inclosed.

"In addition, I wish to make the following statement:

"I have known him personally and well for more than thirty years. His statement on any question is entitled to full credit. He was judge of probate for Witcox County for several terms, covering, I think, a period of sixteen years. Since his return from the Mexican war his health has never been good, though he has been an active, self-sustaining man until his health failed utterly. His means of support have disappeared, but he has been fragal, temperate, and industrious. For several years past he has been a helpless man with great suffering, without the means of support, and dependent entirely on his friends. He say's he has rheumatism. I supposed that it was paralysis attended with acute nervous excitement.

"He is a most estimable man, and all who know him would be glad to see his last days cheered by the benevolence of the country. I am telling what I know about Judge Cook and his condition, and my statement can be used in support of his petition, if the committee desire so to use it.

"Very respectfully,

"JNO. T. MORGAN."

Mr. STRUBLE. How much pension does this bill grant? The CHAIRMAN. Twenty-five dollars per month. The bill was laid aside to be reported to the House with the recom-

mendation that it do pass The CHAIRMAN. Without objection the House bill 4914, for the

benefit of the same party, will be reported with the recommendation to lay it on the table.

Mr. HOPKINS, of Illinois. Does the House bill allow the same

The CHAIRMAN. The Chair is informed that it does.

LYMAN D. GREEN.

Mr. DAVENPORT. I ask unanimous consent to call up for consideration the bill (H. R. 6314) granting a pension to Lyman D. Green.
Mr. GALLINGER. I must demand the regular order in justice to

the committee. I have been here four nights without my name being called.

REBECCA D. VEDDER.

Mr. FARQUHAR called up for consideration the bill (H. R. 11737) granting a pension to Rebecca D. Vedder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca D. Vedder, step-mother of Edwin H. Vedder, late of Company A, Third Regiment New York Cavalry, and pay her a pension at the rate of \$12 per month.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R. 11737) granting a pension to Rebecca D. Vedder, have had the same under consideration and beg leave to submit the following report:

The proposed beneficiary is the step-mother of Edwin H. Vedder, who was killed on picket duty near New Berne, N.C., while serving as private of Company A, Third Regiment New York Volunteers. She was married to the father of the soldier when the latter was about four years of age, and had the care of him all through his tender years.

The soldier made his home with his father and step-mother until he enlisted, at the age of nineteen years, and aided much in their support. He died leaving neither wife nor child surviving him. The family was always in needy circumstances, depending upon their daily labor for support. The father of the soldier died May 9, 1885, leaving claimant at the age of sixty-five without means of subsistence or any person legally bound for her support.

Congress has always liberally responded to the call of this class of persons not provided for under the general law, and being satisfied from the evidence before us that the case is meritorious, your committee return the accompanying bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYMAN D. GREEN.

The CHAIRMAN. The Chair understands that the gentleman from New Hampshire [Mr. GALLINGER] withdraws objection to the consideration of the bill called up by the gentleman from New York [Mr. DAVENPORT

Mr. GALLINGER. I withdraw the objection.
The CHAIRMAN. Is there further objection? The Chair hears

Mr. DAVENPORT. I call up for consideration the bill (H. R. 6314) granting a pension to Lyman D. Green. The bill was read, as follows:

Be itenacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lyman D. Green, late of Company F, One hundred and forty-eighth Regiment New York Volunteers, at the rate of \$50 per month.

The CHAIRMAN. If there be no objection, the amendment offered by the committee will be considered as agreed to.
Mr. MACDONALD. Let us hear the report.
The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6314) granting a pension to Lyman D. Green, have considered the same and submit the following report:

The claimant is at present receiving a pension of \$24 per month for shell wound of left leg. He made application for increase, alleging "that the rating is disproportionately low, as it would be better off at the hip." At an examination made November 10, 1886, before the board of examiners at Bath, N. Y., the board gave the following conditions:

"The left leg is shortened 6 inches; walks on the toes by bending the right knee. A shell burst near him and he was struck in four places. The femur was fractured at juncture of upper and middle third. The lower end of upper fragment is protruding against skin in outer side. At this point is an adherent, ragged scar as large as the palm of the hand; just back is another adhering scar. About one-third of the distance below knee is another large, ragged, adherent scar 4 inches in length, and in inner side of dorsum of foot a fourth. The knee is anchylosed; the entire muscular structure of the leg much wasted. There are numerous scars where abscesses have opened, and while none are discharging now, the scar at the point of fracture exhibits a tendency to open. While he does use the limb in walking, an artificial one would be more useful, and he should be rated as for amputation above the knee."

Another examination by the same board, October 5, 1887, after describing the case, adds:

"There is total disability of left leg and should be rated at the legal rating."

case, adds:
"There is total disability of left leg, and should be rated at the legal rating provided for that disability."

In an affidavit made by Dr. O. W. Sutton he declares in relation to said case as follows:

"I have attended the said Lyman D. Green when he has been sick and suffering from the wound in his left hip, and do believe he would be better with the limb off, as the diseased bone is continually troubling him, and would be better able to get around if the limb was off above the knee; and he can never be any better, but is growing worse, in my opinion. From examination I have made I find quite a discharge from the diseased parts."

The claimant is rated as high by the Pension Bureau as he can be rated under existing laws. The committee believe, however, from an examination of the evidence and an inspection of photographs of the diseased leg, that the claimant would be in a better condition were his leg amputated at the hip-joint. We therefore submit a favorable report, and recommend the passage of the bill with the following amendments:

Amend the title so as to read: "A bill increasing the pension of Lyman D. Green."

In line 4, strike out all after the word "to" and insert "increase the pension." Strike out all of line 5. In line 7, after the word "Volunteers," insert "and pay him a pension." In line 8 strike out "fifty" and insert "forty-five." When so amended we recommend that the bill do pass.

Mr. MACDONALD (during the reading) said: I ask that the further

Mr. MACDONALD (during the reading) said: I ask that the further reading of the report be dispensed with.

Mr. KILGORE rose.

The CHAIRMAN. The Chair understands the gentleman from Texas to insist upon the reading of the report.

The reading was resumed and concluded.

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA J. WARREN.

Mr. FINLEY called up the bill (H. R. 9110) granting a pension to Martha J. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension-roll the name of Martha J. Warren, widow of the late Col. D. Warren, of Company H, Thirteenth Regiment Kentucky Infantry, and pay her at the rate of \$12 per month, subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. HUNTER) was read, as follows:

ment Kentucky Infantry, and pay her at the rate of \$12 per month, subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9110) granting a pension to Martha J. Warren, have had the same under consideration and report as follows:

Martha J. Warren is the widow of Col. D. Warren, who served in the United States Army from October 1, 1851, until March 11, 1865, three years and few months, Soldier was a sound, healthy man when he entered the service and continued so until some time in the year 1863, when, from hard marching and hard service, he contracted varicose veins of the left leg, which extended from the ankle-joint to the groin, of which he complained while in the service and of which he continued to complain to the time of his death, which occurred October 14, 1877, being, as is shown, unable to march and do hard duty while in the service, and of which he died, as is shown by the physician and other attendants, his neighbors and friends who attended soldier in his last sickness.

In the opinion of your committee this presents a great hardship. The soldier returned home unable to work for a living, having a wife and three children, and without any means of support other than manual labor. He continued to suffer and unable to labor, gradually growing worse until his death, which left a helpless wife and three minor children in poverty and destitution. The claimant gave birth to a posthumous child shortly after the death of her husband, and is now penniless and dependent upon the charity of her neighbors.

The soldier died while preparing to ask for a pension, but before any application was filed, and his explanation as to when, where, and under what circumstances he contracted or incurred the disease of which he died has been left to be obtained by claimaint, who seems to have had no regular attorney or other person to take an intelligent interest in the prepara

The bill was laid aside to be reported to the House with the recom-

mendation that it do pass.

Mr. O'NEILL, of Missouri. Mr. Chairman, the bill that I had intended to call up this evening is not printed, and as it is doubtful whether I shall have another opportunity during the present session, I ask unanimous consent that when my name is reached this evening it be passed over, so that I may not lose my place in the list, but may have leave to call up my bill at the next pension session.

There was no objection, and it was so ordered.

OTHO G. HENDRIX.

Mr. FULLER called up the bill (H. R. 10426) granting a pension to Otho G. Hendrix.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Otho G. Hendrix, late an artificer in Company A, United States Veteran Volunteer Engineers, and pay him a pension, subject to the provisions and limitations of the pension laws, from and after the passage of this act.

The report (by Mr. SPOONER) was read, as follows:

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10426) granting a pension to Otho G. Hendrix, have had the same under consideration, and beg leave to submit the following report:

The proposed beneficiary served as artificer in Company A, First United States Veteran Volunteer Engineers, from October 30, 1864, to September 26, 1865, when mustered out with the command. He alleges that shortly before discharge, while on detached service at a Government saw-mill at Nashville, Tenn., he received an injury in right side of abdomen by the slipping of a canthook while turning a stick of timber, which said injury has resulted in fistula in ano. The claim has been rejected by the Pension Office on the ground that claimant is unable to furnish the testimony of an officer or comrades to establish the origin of the disability in service and line of duty.

It appears from the sworn statements of the claimant that the only person known to him present at the time of the injury was Sergt. Henry Peeper of the company, now deceased. He was treated for the injury immediately after its incurrence by a civil physician, and subsequently admitted to the hospital, from which he was conveyed, after a few days' treatment, to his command to be mustered out.

be mustered out.

The report of the Adjutant-General shows that claimant was sent to hospital six days previous to his muster out, but no further information touching the case can be obtained from the records of the War Department.

Jacob Uptegraft, late private of Company M, Fourth Iowa Cavalry, who has been acquainted with the claimant since 1856, testifies that while on duty at Nashville, Tenn., some time during the month of September, he found the latter suffering from an injury said to have been received while at work at a saw-claimant since the war and lived near neighbor to him for twelve years, and knows that he is still suffering from the effects of the injury received in the service.

The physicians who treated claimant immediately upon his arrival home and for years subsequent thereto are dead. But there is abundant lay testimony establishing beyond a doubt the continuous disability from alleged cause ever since discharge, while medical examinations show the existence of a disability in a pensionable degree.

The fact that the soldier was absent from his company while injured under the circumstances heretofore stated as well as the further fact that but a few days intervened between the incurrence of the disability and the dispandment of the command, in the opinion of your committee afford ample and satisfactory explanation of the absence of that positive proof required under the rules of the Department. The showing made, however, is deemed sufficiently strong to warrant favorable action by Congress, and the bill is therefore returned, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MRS. ELVIRA PARISH.

Mr. FUNSTON. I call up the bill (H. R. 8482) granting a pension to Mrs. Elvira Parish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elvira Parish, mother of Cyrus O. Parish, late of Company H, Second United States Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The report (by Mr. Morrill.) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8482) granting a pension to Mrs. Elvira Parish, have had the same under consideration, and beg leave to submit the following report:

Elvira Parish is the mother of Cyrus O. Parish, who served in Companies H and E. Second Regiment United States Cavalry, from November 1, 1861, to June 29, 1855, when discharged for disability by reason of injury to spine incurred in line of duty near Mitchell's Station, Vâ., in February, 1884. He died at St. Louis, Mo., August 28, 1868, as alleged, from the effect of said injury.

The claim of the mother is not susceptible of proof, because the necessary proof as to the immediate cause of death can not be furnished, as the board of health records of that city afford no information and the attending physician can not be found. Mrs. Parish has furnished, however, a newspaper clipping of that date, announcing the death of the soldier after a protracted illness of three years and a half from the effects of a fall from his horse while bearing dispatches to his commanding officer. The soldier was a pensioner at the time of his death at the rate of \$20 per month, because of his inability to perform any manual labor. This pension was granted in pursuance of the certificate of the post surgeon at Fort Laramie, under date of September 16, 1866, as follows:

"I find the said C. O. Parish dangerously ill with general debility, his lower limbs completely paralyzed; a curvature of the spine caused by his old injury (without doubt), by the subsequent necrosis and absorption of the upper dorsal vertebra, and also with an issue near the lumbar vertebra coming from the diseased dorsal portion. He is still paralyzed in the legs and no change in the deformity, which will probably last for lifetime."

From this description of the disability there can be but little, if any, doubt remain as to the immediate cause of the soldier's death, following shortly upon this medical examinat

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MARY A. BEDEL.

Mr. GALLINGER called up the bill (H. R. 10691) to increase the pension of Mary A. Bedel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, an-

thorized and directed to increase the pension of Mary A. Bedel, widow of the late Brig. Gen. John Bedel, from thirty to fifty dollars per month.

The report (by Mr. GALLINGER) was read, as follows:

The report (by Mr. GALLINGER) was read, as follows:

The claimant in this case is the widow of Bvt. Brig. Gen. John Bedel, of New Hampshire, one of the bravest soldiers of the country, having served with distinction in both the Mexican war and the war of the rebellion.

General Bedel was a son of General Moody Bedel, a private in the Revolution ary war, and an officer in the United States Infantry in the war of 1812, and who, as lieutenant-colonel, led the sortic against the British at Fort Erie, in 1814. General John Bedel was well educated, and was a leading member of the New Hampshire bar. He enlisted as a private in Company H, Ninth United States Infantry, in the Mexican war, and rose to the rank of lieutenant, being discharged at Vera Cruz, August 8, 1817, for disability, but was subsequently reappointed, and discharged in August, 1848. Returning to New Hampshire, he practiced law for a time, and then accepted a responsible position in the Third Auditor's Office at Washington, from which he was transferred to the First Comptroller's Office, where, it is said, he superintended the revision and adjustment of all judiciary accounts arising from expenses of the United States courts. General Bedel was appointed major of the Third Regiment New Hampshire Volunteer Infantry August 6, 1864, and brevetted brigadier-general on the 18th day of March, 1865, being mustered out July 20, 1865. He died of disease contracted in the service February 25, 1875. General Bedel was wounded in the first attack on Fort Wagner, July 10, 1863, and in the second attack, July 18, 1863, was taken prisoner, and confined in the State penitentiary of South Carolina till December 9, 1864, five months of which time he was in solitary confinement, and which confinement seriously impaired his health.

At the close of the war General Bedel returned to New Hampshire, where he was twice elected to the State Legislature, and on two occasions was the Democratic candidate for governor of the State. General Bedel's widow, the claimant, is a daughter

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### JAMES PATTERSON.

Mr. GEAR called up the bill (S. 2623) granting an increase of pension to James Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to James Patterson, late a private in Company E, Third Missouri State Militia Cavalry, a pension at the rate of \$25 a month, in lieu of that which he now receives, to take effect from and after the passage of

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (5, 2623) granting an increase of pension to James Patterson, submit the following re-

port:
The report of the Senate Committee on Pensions sets forth fully and clearly the facts in this case and is herewith adopted, and the passage of the bill recommended.

[Senate Report No. 2253, Fiftieth Congress, first session.]

mended.

[Senate Report No. 2253, Fiftieth Congress, first session.]

The applicant for increase of pension under the bill was private of Company E. Third Regiment Missouri State Militia Volunteer Cavalry, and was pensioned on the ground of injury to right leg, which was granted under an application which alleged, in addition, catarrh in the head. Application for additional pension on the latter ground was rejected.

An examination of the record shows that the testimony of different witnesses to claimant's disability on account of injury to leg sustains also the alleged disability in respect of catarrh in the head. An instance of this is shown in an affidavit made the 22d October, 1886, by two comrades, Enoch Darrell and James B. Nelson, the substance of which follows:

"Some time in the month of February, 1863, when we were stationed at Pilot Knob, Mo., we were sent out on a soout, and while on said scout the claimant, James Patterson, was taken sick with ague and fever, and on his return from the scout he went into the hospital (regimental) at Ironton, near Pilot Knob, and remained there some six or seven weeks before he reported to the command for duty; and afterwards, some time in April, 1863, in the engagement at Stony Battery, near Patterson, Mo., the claimant had his horse killed, and in the fall of his horse he was badly crippled and had to lie out all night, being exposed in wading creeks, etc., and finally reached the command in bad condition, being crippled up and unable to do duty. The claimant was oftentimes complains with his head, suffering with catarrh of the head; and he continued to suffer with catarrh and other infirmities until he was discharged."

Dr. Joseph Lattimer was called on to treat claimant about six months after his discharge for catarrh of the head and general debility. He states in an affidavit that—

"It was to all appearance caused by exposure while in the service. Continued

"It was to all appearance caused by exposure while in the service. Continued to treat claimant at intervals to about May, 1871. About that time claimant moved to Kansas in hope of regaining his health. Part of the time he treated claimant he was unable to do any manual labor, and the other part he was able to do half labor."

or W. S. Wortman, in an affidavit, says that he treated claimant for catarrh of the head and nervous disease on or about June 15, 1867, and continued such treatment until the close of the year, when finding he could not effect a cure, advised him to a change of climate.

Dr. H. W. Miller, in an affidavit filed September 8, 1881, says in substance

Dr. H. W. Miller, in an amdavit med September e, how, says in translated that—
"He has been personally acquainted with claimant at least eight years, and has, at different times during that period, treated him for catarrh and general debility—disabilities of a chronic nature."

Dr. L. B. Paul testifies that in September, 1881, he examined claimant and found him suffering from the injury to leg for which he is pensioned, and also from chronic catarrh of the head, which has so injured his health that he is partially incapacitated from performing manual labor.

Five medical examinations, made at intervals from 1882 to 1887, by examining surgeons and boards under orders from the Pension Bureau, beginning with a quarter, close with a total rating for catarrh.

The Army record shows that claimant was confined in hospital, as stated in his applications; but this record fails to show the diseases for which he was under treatment. So far as it goes it is confirmatory of the claimant's statement; while the fact, as shown by the abstract of medical testimony herein given, that within six months after his discharge he was under medical treatment for catarrh, which treatment was continued for six years, showing it had already become chronic, and that the intervening space from that to the present is substantially covered by corroborative medical testimony, lay and official, forces the conclusion upon the committee that the disease which has been so obstinate and continuous was contracted in the service, and that the claimant is entitled to the relief sought in the bill under consideration. This, therefore, is hereby favorably reported, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### WILLIAM L. WILSON.

Mr. GEST called up the bill (H. R. 10976) granting a pension to William L. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of William L. Wilson, who was a private in Capt. Moses G. Wilson's company of mounted volunteers in Colonel Thompson's regiment in the Black Hawk war, and pay him a pension of \$12 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10976) granting a pension to William L. Wilson, have considered the same, and report as follows:

The departmental records show that the claimant was a soldier in the Black Hawk war of 1832, serving in Capt. Samuel Hollinsworth's company in Colonel Thompson's regiment of Illinois volunteers, and was honorably discharged therefrom.

He is now in the seventy-ninth year of his age, is disabled for performing any nanual labor, and is supported by his daughter, who makes their living at the

He is now in the seven, and is supported by his daughter, who makes their living as enwash-tub.

This old soldier will be a beneficiary under the bill to pension the survivors of the Indian wars prior to 1842, reported favorably by this committee to the House (H. R. 8594). Your committee are of the opinion that this is a very deserving case, and that the service pension should be granted as proposed by the bill. They therefore report the bill back and recommend its passage, amended, however, by striking out the words "Moses G. Wilson's," in lines 5 and 6, and inserting in lieu thereof the words "Moses G. Wilson's," in lines 5 and 6, and inserting in lieu thereof the words "Moses G. Wilson's," in lines 5 and 6, and inserting, after the word "regiment," line 7, the words "Illinois volunteers."

M. CEST I move to amend the bill by striking out "twelve" and

inserting "twenty;" so as to make the pension \$20 per month. I introduced the bill at \$12, understanding at the time that that was the highest rate, but now I know that it is not.

Mr. FARQUHAR. What is the nature of the case?

Mr. GEST. It is an old Black Hawk war case.

The amendment was agreed to.

The amendments recommended by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### SARAH J. FOY.

Mr. GROUT called up the bill (S. 2829) granting a pension to Sarah J. Foy.
The bill was read, as follows:

Beit enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$25 per month, subject to the provisions and limitations of the pension laws, the name of Sarah J. Foy, late a nurse in the Second Vermont Regiment Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (8. 2829) granting a pension to Sarah J. Foy, beg leave to report:

The committee have considered this case and adopt the report of the Senate herein as their report, and in view of the facts of the case recommend that this

[Senate Report No. 1149, Fiftieth Congress, first session.]

[Senate Report No. 1149, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the petition of Sarah J. Foy, praying Congress to grant her a pension for services as a nurse, have carefully examined the evidence contained in the papers submitted to them, and beg leave to report:

The petitioner in this case accompanied the Second Vermont Regiment Volunteers to the front in June, 1861, for the purpose of nursing the sick and wounded of that regiment. It appears from the evidence that one of the inducements that led her to enlist her energies during the most of the first two years of the war was the fact that her husband was a member of that regiment; and is further appears from the evidence that when she accompanied said regiment to the field she was a hale and hearty woman, but from the date of her return, by reason of the exposure to which she was submitted, her health has been seriously affected, and she is now in a very debilitated condition and in destitute circumstances.

Dr. B. W. Carpenter, Second Vermont Regiment, says:

"While she was with the Army she acted as hospital matron—that is to say, she did cooking and washing for the sick and wounded, and in cooking and washing for them and nursed them as bestshe could. I know that she did good and faithful service in caring for the sick and wounded, and in cooking and washing for them. I think her health was impaired while she was rendering this service in the Army."

General Geograp I Stanuard was selficant that he was lightenant-gologiel of

Army."

General George J. Stannard makes affidavit that he was lieutenant-colonel of the Second Vermont Regiment at the time the petitioner was connected with it, and that he became well acquainted with her. He says:

"She was with our regiment in camp and in the field as long as I remained with said regiment. While she remained she was connected with the surgeon's department and was at work in the hospital. I understand that she performed the work of a nurse while there."

Lieut, Col. Charles H. Joyce makes affidavit:

"I also know that she did duty to the soldiers, in the hospital and out, taking care of the sick and wounded as carefully and tenderly as a mother would take care of her children. I know, also, that she did washing for the sick and wounded, and in every way administered to their wants and necessities, by night and by day, to the utmost of her power. I know that she was doing duty as hospital nurse. My attention was often called to Mrs. Foy while she was with us in the field, to her self-sacrificing labors and bravery under fire. I remember particularly her behavior at Gollen's Farm, White Oak Swamp, and

Savage Station, where she was for hours under fire and refused to leave us as long as she could be of any service to the sick and wounded."

A. S. Tracy, colonel of the said regiment, also testifies to the faithful and efficient services rendered by the petitioner, as nurse and hospital matron, for the space of fifteen months, and to the hardships and peril that she passed through during that period of her service. The same testimony in favor of the petitioner is given by Lieut. A. H. Weed, of the same regiment.

The committee is of opinion that, under the evidence filed by the petitioner, she is entitled to relief at the hands of Congress, and that the prayer of the petitioner should be granted.

mendation that it do pass.

titioner should be granted.

The committee therefore accompany this report with a bill placing the name of Sarah J. Foy on the pension-roll. The bill was laid aside to be reported to the House with the recom-

## ELLEN EDWARDS.

Mr. GUENTHER called up the bill (H. R. 6893) granting a pension to Ellen Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Edwards, widow of Robert Edwards, late a private in Company D, Eighth Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6893) granting a pension to Ellen Edwards, have had the same under consideration, and beg leave to submit the following report:

The claimant is the widow of Robert Edwards, who served as private in Company D, Eighth Regiment Wisconsin Volunteers, from January 5, 1864, to September 5, 1865, and died February 21, 1865. Her claim for pension has been rejected by the Pension Bureau on the ground that, in the opinion of the medical referee, the death cause is not shown to be chargeable to the soldier's military service. Soldier was a pensioner on account of rheumatism and piles.

Drs. N. M. Dodson and J. S. Walbridge testify that they attended the soldier in his last illness. He suffered from rheumatism and disease of liver and lungs, which a post-mortem examination determined to have been of a tubercular character. The liver was greatly enlarged and filled with masses of tubercular matter in a softening condition, the lungs being also involved in the tubercular disease. As he had suffered from disease of lungs as well as the liver, and from rheumatism, affiants have no doubt that his death was the result of the disease contracted in the service.

The records of the War Department show two or three months' treatment for diarrhea. Rheumatism is established by the testimony of officers and others. Continuous and serious disability from rheumatism and piles from discharge to death has been clearly established in the invalid claim by medical and lay testimony.

Dr. Dodson, heretofore referred to, was an examining surgeon of the Pension

death has been clearly established in the invalid claim by medical and lay testimony.

Dr. Dodson, heretofore referred to, was an examining surgeon of the Pension Bureau, and in response to an inquiry addressed to him by that bureau, under date of January 17, 1887, says:

"I commenced treating him soon after his return from the Army for rheumatism and piles. He was a feeble, broken-down man. Prior to his last illness he was generally suffering from sciatica and articular rheumatism of knees and ankles. Fe had also a chronic cough for which I sometimes prescribed. His last illness, term nating in death about the 21st of February, 1885, was accompanied with sometpsculiar and unexplainable symptoms, to determine the nature of which a post-mortem examination was had, showing extensive tubercular deposits in every part of the liver, with some tubercle of lung. That this was not quite appreciated during his life, and that more stress was laid upon the rheumatic element is true. Nevertheless, I am fully of opinion that the broken health and subsequent development of this disease was the result of exposure during army life."

Your committee are of opinion that the conclusions reached by the family physician who treated soldier from discharge to death are entitled to consideration in determining the widow's right to pension, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## ELIZABETH B. SMITH.

Mr. HALL called up the bill (S. 2910) to increase the pension now paid to Elizabeth B. Smith, widow of Bvt. Maj. Gen. Thomas Kilby Smith, United States Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now paid to Elizabeth B. Smith, widow of Bvt. Maj. Gen. Thomas Kilby Smith, late United States Volunteers, to \$75 per month, to take effect from and after the passage of this act.

The report by (Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2910) to increase the pension of Elizabeth B. Smith, report:
That they concur in the Senate report, which is hereto annexed, and adopt the same as their own, and recommend the passage of the bill.

"General Thomas Kilby Smith entered the United States military service October 31, 1861, as colonel of the Fifty-fourth Ohio Volunteers, was promoted brigadier-general of volunteers August 11, 1863, and brevetted major-general of volunteers March 13, 1865.

"His military service was of the most brilliant character. As an evidence of the high esteem in which he was held for his personal worth and his military achievements by those who were best qualified to judge, it is a noteworthy fact that both Generals Sherman and Grant repeatedly recommended his promotion as a brigadier-general before it was finally accorded to him by President Lincoln in August, 1863. In February, 1863, General Sherman wrote of him:

"'His record is perfect, his habits excellent, his endurance wonderful, his bravery a little rash, his judgment good, and all he wants is a hard study of books and men; I mean of course military text-books and the men who compose large armies.'

books and men; I mean of course military text-books and the men who compose large armies."

"In March, 1883, General Grant said of him:

"His advancement has been won upon the field of battle and in camp in disciplining his men."

"General Smith was granted a pension of \$30 in 1880 for disabilities contracted during his service in the war. He died December 14, 1887, in the sixty-eighth year of his age, as the result of exhaustion following an attack of gastritis, complicated by chronic diarrhea. He suffered from the latter from the time of its inception during the war until his death, being thereby incapacitated for earning a livelihood for himself and family.

"The claimant is now receiving a pension of \$30 per month, being the same

amount received by General Smith during his life. The present bill increases this to \$75 per month. In view of the distinguished military services of claimant's husband; in view of the fact that her income is almost wholly derived from her pension and from allowances from four of her adult children; and in view of the further fact that she is compelled to support and maintain four children and one grandchild, your committee recommend the passage of the accompanying bill."

Mr. KILGORE. Mr. Chairman, I do not think that a bill making such an increase as that ought to pass under the present circumstances.

The CHAIRMAN. Does the gentleman from Texas object?

Mr. KILGORE. I understand from the reading of that report that this applicant is now receiving a pension of \$30 a month, and that the proposition is to jump from \$30 to \$75 a month; which is a pretty big leap.

The CHAIRMAN. Does the gentleman object?
Mr. KILGORE. I would like to enter into some sort of compromise with the gentleman from Pennsylvania [Mr. HALL], and if he will make the amount \$50, or somewhere along there, I will not object; but I do not think this is right.

Mr. CHEADLE. Mr. Chairman, I think this bill ought to go over to a full House.

Mr. KILGORE. I think it ought to be amended and the amount cut down a little, and that then it should go over to a full House; but if the gentleman will agree to cut down the amount to \$50 or \$60 a month I am willing that the bill shall be reported to the House.

Mr. CHEADLE. So far as I am concerned I am perfectly willing

that the previous question may be considered as ordered, and that the bill may go over to a full House for consideration at any time the gen-

tleman may see proper to call it up.

Mr. HALL. Well, Mr. Chairman, I ask unanimous consent to have printed in the RECORD a memorial on this subject from the Loyal Le-

gion of the United States. Mr. KILGORE. I do not know whether I am willing to assent to the proposition as stated by the gentleman from Indiana [Mr. CHEA-

LE]. I would be willing—
The CHAIRMAN. The gentleman from Pennsylvania [Mr. HALL]

asks unanimous consent to have printed in the RECORD-

Mr. KILGORE. Before that matter is determined, I think we ought to agree on some disposition of this bill. [A pause.] Well, I will make a motion to amend by inserting \$50; and I am willing that the bill go over with the previous question operating upon the bill and this amendment.

The CHAIRMAN. Is there objection to the proposition that the previous question be considered as ordered on the bill, with the amendment of the gentleman from Texas, and that it go over till-when?

A MEMBER. To-morrow.

Several MEMBERS. Oh, no.

A MEMBER. Next Friday.

The CHAIRMAN. Till next Friday morning, immediately after the reading of the Journal? The Chair hears no objection, and it is so Is there objection to the request of the gentleman from Pennsylvania [Mr. Hall] to print in the RECORD the paper indicated by him? The Chair hears no objection.

The memorial referred to is as follows:

MILITARY ORDER OF THE LOYAL LEGION OF THE UNITED STATES, HEADQUARTERS COMMANDERY OF THE STATE OF PENNSYLVANIA, Philadelphia, April 3, 1888.

Read at stated meeting of the board of officers, April 2, 1888.

Thomas Kilby Smith.—Lieutenant-colonel Fifty-fourth Ohio Infantry September 9, 1861; colonel October 31, 1861; discharged for promotion August 25,

Brigadier-general United States Volunteers August 11, 1863; honorably mus-

Brigadier-general United States Volunteers August 11, 1863; honorably mustered out January 15, 1866.

Brevetted major-general United States Volunteers March 13, 1865, "for gallant and meritorious services during the war."

Elected September 19, 1866. Class 1. Insignia 376.

Junior vice-commander of the commandery 1873-1877.

Born at Boston, Mass., September 23, 1820.

Died at New York City December 14, 1887.

No fairer illustration could be found of the volunteer citizen-soldier at his best, as developed in the experiences of our civil war, than is furnished in the character and record of Bvt. Maj. Gen. Thomas Kilby Smith. Born of a patriotic Puritan ancestry in the city of Boston, he was, by the removal of his parents while he was yet a child, brought up under the stimulating and broadening influences of that newer New England life in the earlier West, which has shown its potency in the men it has supplied as our nation's leaders and defenders.

In addition to other advantages in his education, he received the basal lessons

defenders.

In addition to other advantages in his education, he received the basal lessons of a military training in a preparatory school conducted by General Ormsby M. Mitchel; and again, after his graduation from Woodward College, he was a favored and a favorite law student of Hon. Salmon P. Chase. Honored with special appointments by the national administration and by the courts of his adopted State, he was at the outbreak of the civil war not in full political accord with the administration in power; but his absorbing patriotism and his profound loyalty to the fundamental principles of our nationality overbore all minor considerations, and he promptly proffered his services to the Government for any position in which he could be made available for its support; and he was assigned by Governor Dennison, of Ohio, to the command of a regiment of infantry.

he was assigned by Governor Dennison, of Unio, to the command of a regiment of infantry.

Reporting in February, 1862, to General William T. Sherman, at Paducah, Ky, he was at once under the best conceivable conditions for efficient training in his new profession, and for the intelligent recognition of his services by his superiors. During the important battle of Shiloh he was suddenly called to the command of his brigade by the wounding of its commander, and in that position he bore himself with conspicuous gallantry. General Sherman says of him in this emergency, "He was at that time very young very handsome, and unusually well posted in his profession." Referring to his return with his brigade under a heavy fire from the enemy, General Sherman adds, "As General Smith

rode at the head of his men I thought I never saw more bandsome conduct un-

rode at the head of his men I thought I never saw more natusome conduct under fire."

Steadily gaining in the knowledge of his profession and in the confidence of his superiors, he was much in severe service after this vigorous beginning at Shiloh. He was in the siege of Corinth, and he bore an active part in Sherman's co-operative movements at Vicksburg, having command of a brigade in the battle at Chickasaw Bayou, and participating in engagements at Arkansas Post, Rolling Fork, Haines's Bluff, Baker's Creek, Rig Black River, and in two direct assaults on Vicksburg before settling down to the siege of that strong-

Smion. He was in the seege of Corinit, and as bore an active part in Suberman's co-operative movements at Vicksburg, having command of a brigadesa
Post, Rolling Fork, Haines's Blinf, Baker's Creek, Rig Black River, and in two
direct assults on Vicksburg before settling down to the siege of that stronghold.

The provided assignment he was for some months on the staff of General Grant;
which are communications with the Confederate antivorties on the subject of
the treatment of colored soldiers. He was also at the head of an important
court of inquiry at Milliken's Bend, Louisiana, and again he had a part in the
active field service and soldiers. He was also at the head of an important
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court of inquiry at Milliken's Bend, Louisiana, and again he had a part in the
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the Tennessee, then commanded by General James B. McPherson. He was inactive field service and the service of the service of the comcative field service and the service of the servic

Bvt. Maj. Gen. D. McM. GREGG, U. S. V., Commander. JOHN P. NICHOLSON, Brevet Lieutenant-Colonel U. S. V., Recorder.

MICHAEL SHONG.

I ask the consideration of the bill (S. 2514) grant-Mr. HAUGEN. ing a pension to Michael Shong.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Shong, late of Company I, Fourteenth New York Volunteer Infantry.

The report (by Mr. SAWYER) was read, as follows:

From careful examination of the facts stated in the Senate report in this case, which is made a part hereof, the committee are of the opinion that this is a meritorious case, and thus report favorably thereon and recommend that the bill do

The claimant, Michael Shong, was a member of Company I, Fourteenth New York Volunteer Infantry. He alleges fever sores, resulting in amputation of right leg.

In support of the claim, Nicholas Metz, of Lincoln, Wis., testifies that he knew claimant from the time he was eight years old until he was enlisted and discharged, and to date of affidavit, November, 1881; that he was sound prior to enlistment; that immediately after discharge he complained of trouble with his right leg, and so continued until it was amputated, in February, 1865. In 1864 his leg broke and discharged; that he was treated by Dr. Schwartzmann.

August Schodscheuska, a comrade, testifies to his having fever sores in the Army; to his continuous marching and participation in the seven days' battle before Richmond. Other comrades testify to the same facts.

Dr. Schwartzmann testifies that he was intimately acquainted with claimant for over twenty years; he was called to see him immediately after his discharge; found him with a fever sore and bad swelling on his right leg below the knee; attended him some time; disease was incurable; amputation necessary to save life; is satisfied that he lost his leg by disease contracted in the service of the United States.

Dr. Bronson testifies to attending the claimant; found him suffering from embolism (obstruction of a vein or artery by a clot of coagulated blood), result of cold contracted by exposure about February 19; found it necessary to have his right leg amputated.

Dr. Spencer, who amputated the leg, testifies simply to that fact, and to the necessity for it, which was gangrene of the right foot and leg. The ground of rejection is that the gangrene was caused by his attending a dance, getting heated and cooling off suddenly; and it is furnished in a letter from Dr. Bronson, who says he attended a dance January 1, 1855, became overheated, was taken with a pain in the side; unstard was applied and relief obtained; next day nearly well, but soon after leg became painful and useless; that the chill cl

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY VON OLNHAUSEN.

Mr. HAYDEN. I call up for consideration the bill (H. R. 10951) granting a pension to Mary Von Olnhausen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Von Olnhausen, of Lexington, Mass., late a nurse in the Mansion House Hospital at Alexandria, Va., and at other hospitals, during the late war of the rebellion, and pay her a pension of \$25 per month.

The report (by Mr. FRENCH) was read, as follows:

The report (by Mr. FRENCH) was read, as follows:

The proposed beneficiary served for about three years as a nurse in the hospitals during the late war. The value of her services is fully set forth in the testimonials of surgeons, under whose instructions she served, as well as of soldiers whom she tenderly cared for while lying suffering from wounds and disease. Her education and linguistic knowledge enabled her to render especially valuable services. At the breaking out of the Franco-Prussian war she left her home, and under the indorsement of the president of the American branch of the international association for relief of misery of battle-fields tendered her services to the German Government. They were accepted, and at the close of that war the German Emperor conferred upon her the "Iron Cross" and the "Order of Merit." For her efficient and humane services during the war of the rebellion at the hospitals of Alexandria, Morehead City, Beaufort, and Smithville, N. C., the governor of Massachusetts presented her with a letter of thanks.

Mrs. Von Olnhausen is over sevently years of age, a widow, and without means of support. This is shown by the statement of Hon. E. D. Hayden, who has known her for many years.

Your committee are of opinion that the claim of this petitioner to the bounty of the Government is equally as meritorious as those of many others of her class who are now upon the pension-roll, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out the words "twenty-five," in line 8, and inserting therein instead the word "twelve."

The amendment recommended by the committee in the concluding paragraph of the report was read and agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELISHA KENNEDY.

Mr. DOCKERY (when Mr. HEARD'S name was called). league [Mr. Heard], as members know, came to the House to-night, but went home sick. I think under the circumstances there will be no objection to my calling up the bill which he would have called up if present, the bill (H. R. 3794) granting a pension to Elisha Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elisha Kennedy, in Capt. James H. Morgan's company of Iowa Mounted Volunteers in the war with Mexico.

The report (by Mr. BLISS) was read, as follows:

Elias J. Kenaday was a member of Capt. James H. Morgan's company of mounted Mexican war volunteers from January 1, 1848, to September 11, 1848, a period of nine months. He remained during his term of service at Fort Atkinson, Iowa, and was not allowed travel pay at discharge. He is now 69 years

The Mexican act of January 29, 887, gives this man no relief, he not having

been in Mexico, on the coast or frontier thereof, or en route during the war with that nation, and his claim was rejected by the Pension Bureau on that ground. The company was enlisted for the war, were retained at Fort Atkinson during the war by direction of the War Department, and were paid from the appropriation for the expenses of the war. About half of the company, who resided at a distance from Fort Atkinson, were allowed travel pay at discharge, and that portion of the company are held by the Pension Bureau to have title to pension under the said act of January 29, 1887.

Your committee are of the opinion that the claimant, by reason of his nearness of residence to the fort, ought not to be deprived of his pension. He exhibited his patriotism by his enlistment and service.

The bill is therefore returned with the recommendation that it do pass, with the following amendment: Strike out the name "Elisha Kennedy" wherever it appears in said bill, and insert in its place the name "Elisha J. Kennady."

The amendment recommended by the committee in the concluding

The amendment recommended by the committee in the concluding paragraph of the report was read and agreed to.

Mr. DOCKERY. I move to amend by adding at the end of the bill

these words, "and pay him a pension of \$8 per month."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. BROWN.

Mr. HENDERSON, of Illinois. I desire to call up the bill (H. R. 10977) granting a pension to John J. Brown. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to piace upon the pension-roll the name of John J. Brown, who was a private in Capt. Peter Vance's company of Colonel Fry's regiment of Mounted Riflemen in the Black Hawk war, and pay him a pension of \$12 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10977) grant-ag a pension to John J. Brown, have given the same consideration, and report

The Committee on Pensions, to whom was referred the bill (H. R. 10977) granting a pension to John J. Brown, have given the same consideration, and report as follows:

The claimant served in Capt. Thomas Clark's company of Iilinois Volunteers in the Indian disturbance of 1827, and again served as a corporal in Capt. Peter C. Vance's company, Illinois Volunteers, the regiment being commanded by Colonel Leib, upon the breaking out of the Black Hawk war. He was honorably discharged from both services. He was granted a bounty-hand warrant for his services.

He is now eighty-four years of age and in impaired health, unable to labor. In the opinion of your committee the applicant should have a service pension, and the bill is therefore reported back to the House with the recommendation that it do pass, amended, however, by striking out the word "Fry's," in line 6, and inserting the word "Leib's," and also by inserting before the word "mounted," in the same line, the word "Illinois."

The amendments recommended by the committee in the concluding

The amendments recommended by the committee in the concluding

paragraph of the report were read and agreed to.

Mr. HENDERSON, of Illinois. Mr. Chairman, this veteran, as apears in the report, served in two wars-in the Indian disturbance of 1827 and in the Black Hawk war of 1832. He is now eighty-four years of age. His health is impaired, and he is unable to work. I move to amend the bill by striking out "12" in the last line and inserting "20," so as to give him a pension of \$20 per month, which, I believe, is the rate of pension now uniformly granted to soldiers of his age.

The amendment of Mr. Henderson, of Illinois, was agreed to; and the bill as amended was laid aside to be reported to the House with

the recommendation that it do pass.

## JAMES WATERS.

Mr. HERMANN. I ask the consideration of the bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James Waters, formerly a member of Captain Weatherbye's company of Pennsylvania Militia, and who was in the military service in the war of 1812, to \$40 per month, in lieu of the pension he is now receiving.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as 10110Ws:

The Committee on Pensions, to whom was referred the bill (H. R. 11714) granting an increase of pension to James Waters, have considered the same, and report as follows:

The claimant had served in Capt. Jacob Campbell's company, Pennsylvania Militia, war of 1812. The commanding officer of claimant's company at one time also appears to have been Captain Weatherbye. He was granted a pension under the general law at \$8 per month, and his pension was increased by special act in 1885 to \$25 a month, he having been of great age and severely disabled by diseases, being also partially blind. Since that time he has become totally blind, and petitions for further increase of pension to afford him a competent living.

He is a resident of Oregon, and concerning his case Mr. Hermann, of that State, certifies as follows:

"House of Representatives United States.

"House of Representatives United States, "Washington, D. C., December 20, 1888.

"I desire to say that I know Colonel Waters, and have known him for twenty-five years. He is a resident of my home county, and I know he is blind and must be led around by an assistant, and can neither dress, undress, nor feed himself. I obtained an increase from \$8 to \$25 for him in the Forty-ninth Congress; but then he was not blind, although he was on the charity of neighbors; now he is blind and over ninety-two years of age, and has not a dollar of property except what he gets as pension, and has no relatives upon whom to depend for comfort. He was a colonel of a regiment of pioneers in our Oregon Indian wars; and is a sober, honest old man, and beloved by all who know him.

"BINGER HERMANN," Member of Congress."

There has been filed with your committee also the testimony of United States Examining Surgeon Thomas Graham, of Roseburgh, Oregon, and of ex-District Judge La Fayette Mosher, and of ex-Member of Congress La Fayette Lane, all of which establishes the absolute helplessness of the claimant.

The passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MRS. M. S. JEWELL.

Mr. HIRES. I desire to call up the bill (H. R. 11091) granting an increase of pension to Mrs. M. S. Jewell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. M. S. Jewell, widow of Marcus Jewell, a soldier in the war of 1812, and subsequently an officer in the regular Army, from \$12 per month to \$25 per month.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11091) granting an increase of pension to Mrs. Mary L. Jewell, have considered the same and report as follows:

The claimant's husband served as a soldier in the war of 1812 in Capt. Asa Eames's company of the Tenth Regiment New York Militia. He was subsequently an officer in the New York Militia. His widow, the claimant, is a pensioner under the general laws at the rate of \$12 per month. She applies for increase to \$25 per month.

The papers in the case show that she is now in her seventy-seventh year, that she is in poor financial circumstances, and that her pension does not afford her a competent support.

Your committee are of the opinion that relief should be granted in this case, and therefore report the bill, recommending its passage. Amend, however, by making the name of the claimant wherever it appears in the bill to read "Mrs. Mary L. Jewell," and strike out the words "and subsequently an officer in the regular Army," in lines 6 and 7 of the bill.

The amendments recommended by the committee in the concluding paragraph of the report were read and agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### IRVING W. COMBS.

Mr. HOLMES. I call up for consideration the bill (H. R. 12014) granting a pension to Irving W. Combs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Irving W. Combs, late of Company K, Seventy-fourth Regiment of Pennsylvania Volunteers, a resident of Des Moines, Iowa, and pay to his legally-constituted guardian a pension from and after the passage of this act.

The report (by Mr. SPOONER) was read, as follows:

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12014) granting a pension to Irving W. Combs, have had the same under consideration, and beg leave to submit the following report:

Irving W. Combs served as private in Company K, Seventy-fourth Regiment Pennsylvania Volunteers, from July 8, 1863, to August 29, 1865. It is alleged that about July 4, 1864, while on duty at Folly Island, South Carolina, he suffered from sunstroke, in consequence whereof his mind became affected, which affection continued until it developed into insanity about 1877.

The Pension Bureau admits that soldier suffered from sunstroke at the time and place alleged, but holds that the immediate cause of his insanity is due to intemperate habits.

The case has been thoroughly specially examined, and while it is shown that soldier, prior to the time of his actual insanity, did occasionally indulge in the use of strong drinks, it is also clearly shown that his mind was affected from date of discharge and prior to the time when he appears to have used liquor to excess.

use of strong drinks, it is also clearly snown that his mind was alrected from date of discharge and prior to the time when he appears to have used liquor to excess.

Dr. J. A. Knox testifies that he first commenced treating the soldier in May, 1866. Was then suffering from congestion of the brain and general nervous debility. Treatment was rendered at intervals until September, 1870. The lillness was not due to dissipation. Affiant understood at the time that soldier suffered from sunstroke in the Army. Is of the opinion that soldier used no stimulants whatever during that time.

Dr. J. F. Kennedy treated claimant from 1872 until admitted to the insane asylum in 1877 for nervous prostration and insomnia. Soldier was weak and vacillating mentally, lacking in energy, and was absent-minded. Heard that soldier received an injury while in service. Was a member of the Christian Church, and temperate. It is affiant's opinion that his use of strong drinks is directly attributable to the Army injury.

All the testimony goes to show that soldier prior to being drafted was a hardworking man, sober, and a good provider for his family, in fact drank no liquor of any kind. Upon his return from service he was absent-minded, irresolute, changeable of purpose, and made but little effort to support his family. He constantly complained of dizziness and pain in head, and became more and more irritable. Soldier and his family received their principal support since his discharge through the efforts of the wife.

Dr. Kennedy, who treated soldier from 1872 to 1877, as hereto stated, and was a member of same church which soldier attended after discharge, when cross-examined by the special examiner gives it as his professional opinion that the soldier's habit of drinking, which he acquired about 1875, was rather the result of a disordered mind than the cause thereof.

The board of examining surgeons at Des Moines, Iowa, under date of January 4, 1888, attribute the insanity to sunstroke, and state the soldier's attendant gives history o

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### JOHN H. STARR.

Mr. HOPKINS, of Illinois. I call up the bill (H. R. 10975) granting a pension to John H. Starr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension-roll the name of John H. Starr, who was a private in Capt. William C. Rull's company of Mounted Volunteers in Colonel Thompson's regiment, in the Black Hawk war, and pay him a pension of \$12 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10975) ranting a pension to John H. Starr, have considered the same, and report as

The committee on reasons, to have considered the same, and report as follows:

The claimant was a private in Capt. William C. Rall's company of Illinois Volunteers, Colonel Thompson's regiment, in the Black Hawk war of 1832, and was honorably discharged therefrom, as shown by the records of that service. He is now seventy-eight years of age, with no property of any kind, and not able to perform full labor. He has an aged wife depending on him, and applies to Congress to assist him in his old age.

Your committee are of opinion that a service pension should be issued to him, and therefore report back the bill to the House, recommending its passage, amended, however, by changing the word "Rull's," in line 6, to "Rall's," and in the same line inserting the word "Illinois" before the word "mounted."

The amendments recommended by the committee in the concluding

paragraph of the report were read and agreed to.

Mr. HOPKINS, of Illinois. I move to amend this bill by striking out in the last line the word "twelve" and inserting "twenty," so as to make this pension \$20 a month. The bill will thus conform to the action which we have taken in similar cases.

The amendment of Mr. Hopkins, of Illinois, was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### MARGARET M. NUGENT.

Mr. HOPKINS, of New York, called up for consideration the bill (H. R. 11736) granting a pension to Margaret M. Nugent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret M. Nugent, fostermother of Patrick J. Hayes, late of Company G, One hundred and fifty-first Regiment New York Volunteers, and pay her a pension at the rate of \$12 per

The report (by Mr. SAWYER) was read, as follows:

The report (by MI. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. II736) granting a pension to Margaret M. Nugent, have had the same under consideration and beg leave to submit the following report:

The proposed beneficiary asks a pension on account of the death of Patrick J. Hayes, who was killed in battle at Monocacy July 9, 1864, while serving as a private in Company G, One hundred and fifty-first Regiment New York Volunteers. It appears that the soldier was the son of claimant's sister, who died when he was about four years of age. Claimant was given the care and custody of the child, and provided for him as a mother. Upon her removal from Ireland to the United States, in 1850, she placed the boy temporarily in charge of relatives in that country, but sent money there for his support out of her earnings.

Claimant subsequently married, whereupon she sent money to Ireland to pay the expenses of bringing her adopted son to this country. He became a member of the family, and was sent to school and otherwise provided for. He continued with claimant, and as he became older contributed to her support out of the wages earned by him. He always recognized her as his mother, and after enlistment requested his comrades in case anything should happen to him to send his effects to claimant.

enlistment requested his comrades in case anything should happen to him to send his effects to claimant.

The claimant is now a widow, and almost left penniless. The little property left by her husband is encumbered and affords no income. The soldier left no wife or minor child surviving him. His father died shortly after he passed into the care of claimant.

Were she soldier's natural mother the case would come clearly within the provisions of the general pension laws, but being the foster-mother only claimant is debarred from its benefits. Congress, however, has in many instances granted relief to this class of persons, and being fully satisfied from the evidence before us that this claim is meritorious, your committee favor the granting of the request, and therefore return the accompanying bill with the recommendation that it do pass.

The bill was leid evidence to reprove the the Horse with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### DOROTHEA RUOFF.

Mr. HOWARD called up for consideration the bill (H. R. 4825) granting a pension to Dorothea Ruoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dorothea Ruoff, widow of John Ruoff, late of Company F, Thirty-eighth Indiana Infantry Volunteers, and pay her a pension from and after the passage of this act during widowhood.

The report (by Mr. MATSON) was read, as follows:

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4825) granting a pension to Dorothea Ruoff, have examined the papers on file and submit the following report:

Claimant is the widow of John Ruoff, late of Company F, Thirty-eighth Indiana Volunteers, who was a pensioner of the United States for wounds received at the battle of Stone River and Jonesborough, Ga. He died April 8, 1876, of enlargement and congestion of the liver. The widow filed her claim for pension May 20, 1879, which was rejected on the ground that the remote cause of death was not the result of his military service.

Your committee can not see any good reason for the rejection of this widow's claim. Accompanying the papers on file is the certificate of the attending physician at the time of soldier's death, as follows:

"In the case of John Ruoff, late private Company F, Thirty-eighth Indiana Volunteers, who died April 8, 1876, of enlargement and congestion of the liver, I am of the opinion that wounds received during his service in the war of the rebellion—gunshot wounds of arm, shoulder, back, hip, and foot—were clearly the predisposing cause. I was, after his discharge from the service, called to see him occasionally, and was one of his physicians during his last illness. He suffered almost constantly under hyperæsthesia, due from reflex trouble from wounds, sarcomatous condition of lower extremities, and a general leturous appearance of surface, and a gradual increase of nephritic trouble, which, toward the close of his life, amounted to almost total suppression of urine. All this is due to inability to take reasonable exercise by reason of his wounds."

In reply to second inquiry of the Pension Office for his reasons more clearly stated, in his affladavit he testifies that the soldier was of lymphatic temperament, disposed to fob. His wounds were of such a nature as to enforce a seden-

tary life; this impaired digestion, unhealthy action of the liver and kidneys, finally ending in biliary blood-poisoning, causing death.

Your committee are convinced that the death cause is clearly traceable to the soldier's wounds, and that the widow is entitled to a pension. We therefore report the bill favorably, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MARY SAEGER.

Mr. HUDD called up for consideration the bill (S. 3538) granting a pension to Mary Saeger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to place on the pension-roll the name of Mary Saeger, a nurse in the United States Army, for the sum of \$12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3538) granting a pension to Mary Saeger, submit the following report:

The report of the Senate Committee on Pensions is herewith adopted, and the passage of the bill recommended.

[Senate Report No. 2312, Fiftieth Congress, first session.]

Claimant was a nurse on the United States hospital steamer Charles McDon-

Claimant was a nurse on the United States hospital steamer Charles McDougal in 1864.

In an affidavit executed September 11, 1888, Dr. Rudolph Ravenburg, of Washington, D. C., testifies to claimant's arduous and meritorious service as hospital nurse in the malarial districts of the South during the war of the rebellion; that owing to hardships and exposure incident to such service she contracted malarial poisoning, which has continued to the present time, wholly disabling her for earning her living by physical labor.

In affidavit executed September 19, 1888, Dr. Mary E. Walker, of Washington, D. C., testifies that she has known claimant for a number of years; that the said claimant is now in the seventy-fifth year of her age, and will never be able to do anything to support herself.

Favorable action is warranted by the facts in the claim, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### WILLIAM HARPER.

Mr. HUNTER called up for consideration the bill (H. R. 10922) granting a pension to William Harper.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Harper, dependent father of Joseph T. Harper, late assistant surgeon of the Seventeenth Regiment of Kentucky Volunteer Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10922) granting a pension to William Harper, have had the same under consideration, and make the following report:

It appears from the records in the War Department that Joseph T. Harper was duly enrolled and mustered into the United States service as assistant surgeon of the Seventeenth Regiment of Kentucky Volunteer Cavalry during the late war of the rebellion, and served as such until the 26th day of July, 1855, when he died of typhoid fever at Russeliville, Ky.

Mahala Harper, mother of the deceased soldier, filed an application for pension on the 28th day of June, 1890, as a dependent parent; but the claim was rejected on the 26th day of May, 1884, on the ground of non-dependence.

It is shown by the testimony on file in the case that the rejection was based on claimant's husband being the owner of a small tract of land.

While it is true that William Harper, husband of claimant, did and now owns the property referred to, it is nevertheless a fact that the land is located on a ridge, quite poor, and incapable of rendering him a support.

Mahala Harper died since the claim was rejected, and William Harper, her husband, and father of Joseph T. Harper, the deceased soldier, now seeks relief by special act.

Claimant is a very poor man, in feeble health from advanced years, and incapacitated thereby for any kind of active manual labor whatever.

In view of the foregoing, your committee feel that this is a meritorious claim, and recommend the passage of the bill with the following amendment:

Add the word "assistant" after the word "late" and before the word "surgeon" in the seventh line.

Mr. KILGORE. So far as this report is concerned, Mr. Chairman,

Mr. KILGORE. So far as this report is concerned, Mr. Chairman, it does not anywhere state the date of this assistant surgeon's enlistment. It is said he was discharged in 1864 or 1865. He may not have The CHAIRMAN. The question is on the amendment.
Mr. KILGORE. What is it?

The CHAIRMAN. To add the word "assistant" after the word late" and before the word "surgeon" in the seventh line.

Mr. KILGORE. That is all right.

The amendment of the committee was agreed to.

Mr. KILGORE. I want to have some understanding of this matter. The report says he was discharged in 1864, but it does not say when he went into the service or whether he served a single day. If I could be satisfied on that point I would allow the bill to pass. If the party did serve and the case is meritorious in other respects I would not interpose an objection, but I do think in its present condition it should be allowed to go over for the present.

Mr. HUNTER. I do not know when he entered the service, but he

entered when the regiment was organized.

Mr. KILGORE. What was the regiment?

Mr. HUNTER. It was the Seventeenth Regiment of Kentucky Volunteer Cavalry.

Mr. KILGORE. I think the report should be more explicit. Mr. HUNTER. He entered the regiment when it was organized. Mr. KILGORE. The gentleman assures me that he entered the

regiment when it was organized, and from the number, Seventeenth Regiment of Kentucky Volunteer Cavalry, I judge it was organized early in the war. While I think the report should be more explicit, I will not object. I would ask the gentleman what pension is granted by the bill?

Mr. HUNTER. The pension for assistant surgeon, subject to the

provisions and limitations of the pension laws. Mr. KILGORE. Very well; let it go.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### JAMES H. TOLLY.

Mr. JOHNSTON, of North Carolina, called up for consideration the bill (H. R. 11861) to place the name of James H. Tollyon the pensionroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James H. Tolly, late private Company L. Twelfth Tennessee Cavalry, from the date of his discharge in July, 1885, subject to the provisions and limitations of the pension

The report (by Mr. MATSON) was read, as follows:

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11861) to place the name of James H. Tolly on the pension-roll, have had the same under consideration, and now report:

Claimant was mustered into the service of the United States at Nashville, Tenn., April 19, 1864, and was discharged at Fort Leavenworth, Kans., in July, 1865, on account of disabilities. In application for pension he alleges as the basis of his claim smothering or disease of heart contracted by his horse falling on him at the battle of Nashville, Tenn., on the 18th of December, 1864.

The claim was rejected on the ground that elaimant was unable to produce evidence from comrades or others that the disability occurred as alleged. There is abundance of circumstantial proof of comrades and neighbors, showing that there can be but little doubt that his injuries resulted from the fall of his horse, as stated. Believing that the claimant should have the benefit of the doubt, if any exists, we submit a favorable report, and recommend the passage of the bill with the following amendment: In lines 6 and 7 strike out "from the date of his discharge in July, 1885."

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass

#### JAMES A. GRIFFEY.

Mr. JOHNSTON, of North Carolina. Mr. Chairman, there is a bill upon the Calendar, a bill (H. R. 6783) for the relief of James A. Griffey, which has been returned from the Senate with an amendment, to insert after "of" where it first occurs the name of "James," instead of "John," so as to make it read, "James A. Griffey." I ask that it be taken up and reported to the House with the recommendation that the Senate amendment be agreed to.

There was no objection; and the bill was taken up and the Senate amendment ordered to be reported to the House with the recommenda-

tion that it be agreed to.

# W. B. GREEN.

Mr. JOSEPH called up the bill (H. R. 9179) granting a pension to W. B. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. B. Green, late assistant surgeon United States Volunteers.

The report (by Mr. Hunter) is as follows:

It appears from the records of the War Department that claimant served under contract as acting assistant surgeon United States Army from April 6, 1864, to May 19, 1865; he also appears to have been in charge of Hospital of Refugees and Freedmen's Home up to September 30, 1865, and to have received medical and hospital property October 18, 1865; and from a letter dated November 9, 1865, in order and letter book for Freedmen's Bureau it further appears that the "contract of Acting Asst. Surg. W. B. Green, United States Army, has been annulled;" date not given.

He filed an application for pension May 19, 1882, and alleges in his declaration that on or about September 20, 1865, he contracted rheumatism of the left arm, resulting in anchylosis of left elbow joint while on duty as an acting assistant surgeon United States Army at Pine Bluff, Ark., in general hospital.

Notwithstanding the proof hereinafter cited, the claim was, by the Commissioner of Pensions, rejected "on the ground that at the alleged date of incurrence of disability claimant was not connected with the military service, but was attached to the Bureau of Freedmen, Refugees, and Abandoned Lands."

The affidayit of James M. Crawford, of Clementville, Tenn., states:

"Knew claimant in the hospital at Madison, Ind., in 1864; affilant was a patient in said hospital and claimant was one of the hospital physicians, and apparently as sound a man as affiant ever saw at that time; affiant was a patient in said hospital and claimant was one of the hospital physicians, and apparently as sound a man as affiant ever saw at that time; affiant was a patient in was stiff."

Dr. D. C. Day, of Nashville, Tenn., states:

"That he was in charge of the menual best in the state of the surger of the menual best in the surfered from rheumatism, and his left arm was stiff."

his family physician; claimant at this time suffered from rheumatism, and his left arm was stiff."

Dr. D. C. Day, of Nashville, Tenn., states:

"That he was in charge of the general hospital at Pine Bluff, Ark., in 1865, and treated claimant for rheumatism of the left arm, caused by, as he believes, change of climate and exposure in the line of duty."

J. M. Farley states:

"That he has known the claimant for thirty-four years; prior to army life he was sound and healthy; lived within one-half mile of claimant from 1850 to 1865, and never knew him to be sick or have rheumatism."

George B. Page says:

"That he has been a near neighbor of claimant, who has been his family physician for the past seventeen years, or since 1867. Claimant has suffered from rheumatism and often not able to attend to his professional calls. His left arm is stiff, and he is not able to straighten it."

Joseph M. Thomas and W. H. Matheny state, in a joint affidavit:

"As to an acquaintance with claimant from 1857 to the present time. Claimant has been their family physician and has suffered from rheumatism and the left elbow-joint is stiff.

C. Myers states:
"That he has known claimant since 1868, or sixteen years, and has had a personal knowledge of his rheumatism for fourteen years, and that he has a stiff arm, and claimant would have to give up practice in consequence of his disa-

J.H. Horah, special examiner for the Pension Office, who was sent to Nashville, Tenn., by Commissioner of Pensions to examine into this case, states in his letter to the Commissioner of Pensions, accompanying his examination, as

"From all the testimony now before me I am of the opinion that the claim is meritorious and recommend that it be admitted."

Dr. John A. Pillow, United States examining surgeon at Gainesborough, Tenn.,

meritorious and recommend that it be admitted."

Dr. John A. Pillow, United States examining surgeon at Gainesborough, Tenn., says:

"From the condition and bistory of the claimant it is my opinion the disability was probably incurred in the service as claimed, and that it is not aggravated or protracted by vicious habits. I find the disability as above described to entitle him to two-thirds rating. Total three grades."

A board of United States examining surgeons, November 4, 1885, makes the same statement, except the rating, which is as follows: "Total + one-half."

It is thus established by the testimony referred to, which was corroborated by other testimony obtained by the special examiners, that the claimant incurred his disability while engaged as acting assistant surgeon United States Army in the summer and fall of 1865.

Both special examiners recommended the allowance of the claim, and its rejection was caused not by a failure of proof of the facts, but because claimant was not connected with the military service, but with the Freedmen's Bureau. He had served two previous terms of service as acting assistant surgeon United States Army, one from April 6, 1864, to December 5, 1864, and the other from December 10, 1864, to May 19, 1865, and was on duty at general hospitals.

Under section 4693, paragraph 4, an acting assistant surgeon or contract surgeon is pensionable only when his disability was contracted while performing duty with the military force in the field, or in transit, or in hospital.

This man's contract was entered into with the Freedmen's Bureau in July, 1865. His patients at the Freedmen's Hospital, Pine Bluff, Ark., where he was established, were soldiers in the Army or those who had become disabled while serving in the military or naval service. He is shown by the evidence to have worn an army uniform while so engaged. It is proved that he became disabled while there, and is now severely afflicted by rheumatism and heart disabled while there, and is now severely afflicted by rheumatism

The amendments recommended by the committee were adopted.

The question recurred on laying the bill aside.

Mr. KILGORE. I did not understand from the reading of the bill

how much was to be the rate of pension allowed here.

Mr. JOHNSTON, of North Carolina. The usual amount in such

Mr. HUNTER. It provides, "subject to the provisions and limita-

tions of the pension laws."

Mr. KILGORE. What does the law give an assistant surgeon?

Mr. HUNTER. Seventeen dollars.

Mr. KILGORE. I understand this disability was incurred in the

fall of 1865, which was after the close of the war.

Mr. GALLINGER. It would not carry arrears, I will say, if the language is "subject to the provisions and limitations of the pension

Mr. KILGORE. I understand that; but my objection was that the disability did not occur until after the close of the war, according to the report.

Mr. HUNTER. Let that part of the report be again read.

The Clerk read as follows:

He filed an application for pension May 19, 1882, and alleges in his declaration that on or before September 20, 1865, he contracted rheumatism of the left arm,

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### GEORGE W. DICKINSON.

Mr. KENNEDY called up the bill (H. R. 7827) granting a pension to George W. Dickinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George W. Dickinson, late a private of Company E, Thirteenth Regiment Ohio Volunteer Infantry, at the rate of \$20 per month, to be paid him from and after the passage of this act.

The report (by Mr. YODER) is as follows:

The report (by Mr. Yoder) is as follows:

George W. Dickinson, private in Company E, Thirteenth Regiment Ohio Volunteer Infantry, enlisted June, 1861, discharged December 11,1864, and filed this declaration for pension May 9, 1881, placing his claim on the ground that at Bowling Green, Ky., February 20, 1882, he contracted rheumatism, caused by exposure in the service. Claim was rejected on the ground that the evidence elicited upon special examination shows the alleged rheumatism prior to enlistment. The claimant has no hospital record.

Claimant alleges his inability to furnish the evidence of his family physician, proofs to his enlistment, except company and regiment, as to his being free from rheumatism, for the reason that said physician is dead. He states that he never had rheumatism at all till after his enlistment in the said company and regiment to which he belonged, except when a boy of about fifteen years of age he had pains in his bones or legs, but that he outgrew them. Four years previous to his enlistment he was perfectly free from rheumatism. This is corroborated substantially by his parents, neighbors, and acquaintances with the exception of one witness, who testifies of the evidence going to show that for years prior to his enlistment he was free from rheumatism.

George W. Swallow testifies that he well knew the said claimant before his enlistment in said company and regiment to be a sound, able-bodied man, free from any disease whatever, especially rheumatism, etc.

Jacob Seig, Ridgeway, Ohio, testifies that he has been acquainted with George W. Dickinson for the past twenty-four years; that previous to his enlistment he was actively engaged in farming.

German B. Milliner testifies:

"While at Bowling Green, Ky., there was a battle fought at the time afore-

said; said claimant was sent to help me drive a team to Green River for regimental baggage. The weather was so severe and cold, and from the exposure he contracted rheumatism."

Jacob Seig testifies that he was a private in said company and regiment with said George W. Dickinson. He was then detailed as teamster, for the reason, as affiant understood, that George W. Dickinson was unable to march and keep up with the regiment.

There is no question as to the disability of the claimant since the service. The one question is to the prior existence of the disease, rheumatism. The only evidence on record is the testimony of one man, with the exception of his own and parents' testimony that when a boy he had rheumatism, and that at the time of enlistment and for a number of years previous to his enlistment he had no symptoms of rheumatism.

Your committee is of opinion that the disease had not existed at the time of his enlistment; that if it had not been for the exposure and hardships of the service he would not have been subject to this disease, and therefore recommend the passage of this bill with an amendment striking out line 6, "at the rate of \$20 per month, to be paid from and after the passage of this enting "subject to the provisions and limitations of the pension laws."

The amendment recommended by the committee was adopted, and

The amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### FRANK D. WORCESTER.

Mr. KERR called up the bill (H. R. 3451) granting a pension to Frank D. Worcester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank D. Worcester, late a member of Company B, First Maine Battery of Heavy Artillery.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S, 3451) granting a pension to Frank D. Worcester, submit the following report:

The report of the Senate Committee on Pensions sets forth clearly the facts in this case, and is adopted, and the passage of the bill recommended.

[Senate Report No. 2407, Fiftieth Congress, second session.]

[Senate Report No. 2407, Fiftieth Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 3451) granting a pension to Frank D. Worcester, have examined the same, and report:
This case, which is quite voluminous, may be briefly stated as one in which discharge from the service occurred on account of insanity, which was alleged in the medical certificate to have had existence before enlistment, and which was rejected at the Pension Bureau on that ground. It involves a mass of testimony disproportionate to the settlement of the single point in question and which it would be useless to abstract in this report.

There is some evidence, but not of a high grade, which fixes upon the soldier before enlistment some eccentricities but no aberrations, while the bulk of testimony, including that of the family physician, members of the family, and old neighbors, shows that the soldier, while not over-bright in scholarly respects, was an honest, faithful boy, and, as many expressed it, "the mainstay of the family, so far as work was concerned." The committee, in estimating the value of such testimony as is conflicting, pay proper respect to character in giving the soldier the benefit of any doubt.

The soldier came out of the service insane, and has for many years been confined in an asylum as an incurable. If he had in him the elements of insanity before enlistment, they were latent and were first developed afterward in the service and have controlled him since.

The committee report favorably upon the bill, and recommend it for passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### E. C. PASCHAL.

Mr. KILGORE. I want to call up the bill (H. R. 11566) granting a pension to E. C. Paschal; and to say that I call it up for a friend of mine who is very anxious to have it passed. But it is a very good bill. The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of E. C. Paschal, who served in Captain Gunn's company, from the State of Alabama, Indian war, 1836, and to pay him a pension at the rate of \$12 per month.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11566) granting a pension to E. C. Paschal, have considered the same, and report as follows:

The claimant was, as shown by the records of the regiment on file in the office of the Second Auditor of the Treasury, a private in Captain Gunn's company, of Major Webb's regiment of volunteers from the State of Alabama, in the Florida Indian war of 1836. He served from June 1 to September 15 of that year, and was honorably discharged from the service.

He is now a very old man and in needy circumstances. Your committee are of the opinion that he should have a service pension, and therefore report the bill back to the House, recommending its passage, amended, however, by striking out the initial letter "E." in the title of the bill and in line 5, and inserting in lieu thereof the word "Elijah."

Mr. LAWLER. I move to increase the amount to \$24

Mr. LAWLER. I move to increase the amount to \$24.

Mr. KILGORE. Oh, no; we do not want that.
Mr. LAWLER. I make that motion. I would not do it for anybody [Laughter.] I hope the gentleman will accept it.

The amendment was rejected.

Mr. GALLINGER. I move to amend by making it \$20, the same as the other Black Hawk bills.

The amendment was adopted.

The CHAIRMAN. There is a committee amendment, striking out the initial "E." and inserting "Elijah."

Mr. KILGORE. That is an error, Mr. Chairman. The amendment is incorrect. It should be "Elisha," and I move to amend by making it "Elisha" in place of "Elijah."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. LA FOLLETTE called up the bill (S. 3283) granting a pension to Reuben Ash.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Ash, late first lieutenant of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$72a month, in lieu of the pension he is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3283) granting a pension to Reuben Ash, submitthe following report:

That from a careful examination of the papers in this case and the Senate report, which is made a part hereof, your committee think this to be a meritori-

(Senate Report No. 1967, Fiftieth Congress, first session.)

ous case.

(Senate Report No. 1967, Fiftieth Congress, first session.)

"This is a bill to increase the pension of Reuben Ash, late first lieutenant of Company E, Second Regiment Wisconsin Volunteers.

"The claimant was wounded at the battle of Bull Run, for which he was pensioned at the rate of \$4, \$6, and finally \$8 per month. The last increase was recently allowed, to date from October 19, 1887. The soldier is now helpless, requires the attendance of another person, and it is in consequence of the inadequacy of the pension to the disability that appeal is made to Congress.

"The original disability was a gunshot wound in the shoulder, which affected the spine. The effects have been progressive, and for some time past he has been quite unable to help himself.

"The last time he was examined by a medical board was at Chicago, on the 19th of October last. It was found that he was very deaf, his eye-sight impaired, and that he was partially paralyzed, and the surgeons say 'these conditions no doubt result from gunshot injury and are permanent."

"Dr. Russell, of Oshkosh, Wis., was assigned surgeon of this soldier's regiment. He is, moreover, known in all the Northwest as a gentleman eminent in his profession. He describes in an affidavit the incident and nature of the wound; says that he is and has been professionally familiar with the case; that his condition is what is known to the profession as progressive locomotor ataxia; that it is caused by the injury to his spinal cord by the gunshot wound; that he is from year to year growing worse; that he is now (April 16, 1888), and has been for the past two years, wholly unable to perform any manual labor, and is at the present time unable to dress or undress himself, and requires some one constantly to attend him.

"H. B. Harshaw, State treasurer of the State of Wisconsin, was a private in the company in which Ash enlisted; knew.him to be sound when he enlisted, and testifies to his personal knowledge of the incurrence of the wound.

"Dr. Parker, of Chicago, in 188

and testifies to his personal knowledge of the incurrence of the wound.

"Dr. Parker, of Chicago, in 1886, testifies to his condition, corroborating the above witnesses, and says he requires assistance to dress and undress himself and to attend to the calls of nature. Dr. Parker is his attending physician.

"All the witnesses agree as to the soldier's condition and the cause. The report of the board of examining surgeons furnishes a basis for allowance on the grade provided in this bill. The soldier was, before his enlistment and until about two years ago, a resident of Oshkosh, Wis. The Senator who makes this report had knowledge of his prior soundness, and of his progressive disability and suffering until he removed to Chicago for the benefit of the care he could obtain from triends residing there.

"Dr. Walter Kemster testifies that during eight years last past he has made several careful examinations of the claimant and found him suffering from a disease of the nervous system known as spinal sclerosis; that the disease is progressive, and has increased to such an extent that he is now, and has been for more than a year, entirely helpless and unable to help himself in any way, and requires the attendance of another person, being at this time unable to feed himself, to walk, to dress or undress himself; that his present condition is the result of his wound; that he is entirely dependent upon his friends for support and care.

"It is already shown by the evidence that this soldier is one of the class whose

result of his wound; that he is entirely dependent upon his friends for support and care.

"It is already shown by the evidence that this soldier is one of the class whose rating should be that provided in the bill, which the committee report with an amendment, striking out 'a private in 'in the sixth line, and inserting 'first lieutenant of,' and in the same line, after 'Company,' insert 'E' in the place of 'B;' and after the word 'month,' in line 8, insert 'in lieu of the pension he is now receiving,' and as thus amended recommend that the bill do pass."

Since the Senate report was made the pension has been increased to \$30, the office holding that claimant does not require "the constant aid and attendance of another person," but the evidence shows very clearly that the man is help-less and does require the almost constant aid of another, and your committee therefore recommend the passage of the bill with an amendment striking out "seventy-two" and inserting "forty-five."

The amendment recommended by the committee was adopted and

The amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## ORDER OF BUSINESS.

Mr. SAWYER (when the name of Mr. LAIDLAW was called). Mr. Chairman, there is a Senate bill on the Calendar in which Mr. LAIDLAW is much interested, and as he is necessarily absent, I will ask that his name be passed to-night, to be called at the next meeting of the committee

Several Members. Regular order.

The CHAIRMAN. Objection is made, and the Clerk will call the next name.

#### HENRY V. BASS.

Mr. LANDES called up the bill (H. R. 11803) granting a pension to Henry V. Bass.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry V. Bass, Company I, One hundred and thirtieth Regiment Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11803) granting a pension to Henry V. Bass, have had the same under consideration, and beg leave to submit the following report:

Henry V. Bass served as private in Company I, One hundred and thirtieth

Illinois Volunteers, from September 9, 1862, to August 15, 1865. His claim for pension on account of injury to right knee and ankle has been rejected by the Pension Bureau on the ground that the disability was not incurred in the line

Pension Bureau on the ground that the disability was not incurred in the line of duty.

It is shown by the testimony of comrades that claimant was sitting on the ground near his tent; two comrades near by were wrestling, and while so engaged they fell on him, knocking his right knee out of joint and injuring his ankle. Another comrade, named Bams, pulled the knee back into place. The affiants have been carefully examined by the special examiners, and declare that claimant was not in any way concerned or interested in the wrestle, and that the injury was received without any fault of his. By reason of these injuries claimant was detailed as driver of the hospital ambulance, in which capacity he served until discharged.

Your committee are clearly of opinion that the claim is meritorious, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY K. ALLEN.

Mr. LANE called up the bill (H. R. 12381) granting a pension to Mary K. Allen.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary K. Allen, dependent mother of Second Lieut, Jesse K. Allen, late of the Fifth Infantry of the United States Army, and who was killed in action by the Indians August 15, 1858.

The report (by Mr. LANE) was read, as follows:

The report (by Mr. LANE) was read, as follows:

The committee to whom was referred this bill beg leave to report that they have considered the same, and find from the evidence that the claimant is the mother of Second Lieut, Jesse K. Allen, late of the regular Army, and that he served about three years therein, and was an excellent soldier, and served faithfully; that he was a graduate of West Point, and rendered valuable services to the Government while in the Army, and that he was killed in action while successfully capturing a band of hostile Indians in Washington Territory, on the 18th of August, 1858. It appears further that his mother was a very hard-working woman, and by manual labor educated her son and qualified him to enter West Point; that the soldier, after he was in the Army, frequently sent his mother money, and was the chief means of her support while in the service and during his life; and that he died unmarried, leaving no child or children or descendant of such children. It appears further from the testimony that the mother is now past seventy-seven years of age, and is unable longer, because of age and other infirmities, to perform manual or other labor to support herself, and that she has no means whatever to support herself, and that her husband has been dead for more than twenty years; and the committee are of the opinion that this woman, having lost her son and means of support in the service of the country, it is but just that the country, in her old age, should make some provision for her support for the few short years that are left her to live. The committee therefore report the bill back with a recommendation that the same do pass.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATLENA LYMAN.

Mr. LAWLER called up for consideration the bill (S. 2626) granting a pension to Catlena Lyman. The bill was read, as follows:

Be il enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catlena Lyman, widow of William C. Lyman, late surgeon United States Navy, at the rate of \$50 per month, in lieu of the pension now allowed her.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (8, 2626) granting a pension to Catlena Lyman, beg leave to report that they have considered the same, and find that the following report was made to the Senate by its committee, which report this committee adopts as their own, and hereby report the bill back with a recommendation that the same do pass.

[Senate Report No. 1819, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was re-referred the bill (8, 2626) granting a pension to Catiena Lyman, widow of William C. Lyman, have examined the same, and report:

That the claimant is now a pensioner at the rate of \$25 per month, the rate allowed by law for her husband's rank, that of passed assistant surgeon in the Navy.

Since the recommitted of the light of the light of the rate and th

Navy.

Since the recommitted of the bill it is shown by additional evidence submitted to the committee that the husband, William C. Lyman, although having officially only the rank of passed assistant surgeon, did actually serve as surgeon in the Navy in the war of 1861 with marked ability. He took the place of surgeon at the United States naval rendezvous at Chicago. He had charge of several ships in quarantine outside of New Orleans; he was in the expedition against the forts and fleets of the enemy in the Lower Mississippi. In the discharge of his duties there he took the yellow fever, and only recovered after long suffering.

He served as surgeon on board the Portsmouth, the flag-ship of Admiral Farragut, and in recognition of the meritorious character of his services he received a testimonial from the admiral, being a box of surgical instruments, inscribed to him by that officer, which has been shown by the widow, in whose possession it is, to the committee.

The claimant lost all her property by the Chicago fire and is now without means of support save the pension. The sum now paid her is inadequate.

The committee therefore recommend the passage of the bill.

Mr. CHEADLE. I am willing that the previous question may be

Mr. CHEADLE. I am willing that the previous question may be considered as ordered and the bill go over to a full House.

Mr. KILGORE. Subject to amendment.
Mr. CHEADLE. If the gentleman is not willing to accept that, I will raise the question of no quorum.

Mr. LAWLER. I agree to the proposition of the gentleman from

Indiana [Mr. CHEADLE]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this bill be laid aside, that the previous question be considered as ordered, and the bill go over to a full House, subject to amendment and debate.

Mr. LAWLER. On next Friday.

The CHAIRMAN. Is there objection? The Chair hears none.

JULIANNA MULLER.

Mr. LEHLBACH called up for consideration the bill (H. R. 917) for the relief of Julianna Muller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julianna Muller, widow of Frederick Muller, late a member of Company I, Thirty-fifth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) is as follows:

The report (by Mr. PIDCOCK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 917) for the relief of Julianna Muller, have had the same under consideration, and beg leave to submit the following report:

The claimant is the widow of Frederick Muller or Mueller, who enlisted in Company I, Thirty-fifth Regiment of New Jersey Volunteers, October 2, 1863, and was discharged upon surgeon's certificate of disability October 8, 1864, on account of gunshot wound of right groin and scrotum received in battle of Dallas, Ga, May 27, 1864, causing the loss of right testicle and inguinal hernia of right side. He died February 23, 1884, at which date he was in receipt of pension for the said disabilities at the rate of \$12 per month.

The claim of the widow has been rejected upon the ground that the fatal disease, phthisis pulmonalis, as certified to by the last attending physician, is not shown to be due to the disabilities for which pensioned, or shown to be otherwise chargeable to his military service.

The immediate cause of death seems to have been ascertained through postmortem examination by Drs. Hewlett and Guenther. The former had no personal acquaintance with the soldier prior to his death, but gives it as his opinion that the pulmonary trouble was aggravated by debility and depression, caused by the injuries received while in service. Dr. Guenther testifies to a personal acquaintance with the soldier from about 1864, and that he first treated him for disease of lungs December 28, 1878. From his observations of the soldier during these years it is affiant's belief that the death cause was due to the injuries received in the service.

Soldier was treated prior to 1878 by one Dr. John F. Ward, but his death precludes the possibility of furnishing medical evidence covering the period of his treatment.

treatment.

A number of reliable citizens and neighbors of the claimant, including the pastor of the church at which soldier attended, testify to his debilitated condition and inability to perform manual labor, which condition they ascribe to the injuries received in the service. Their testimony is fully corroborated by the several medical examinations dating back to November, 1864.

Claimant was married to the soldier in 1837. Her two sons served likewise in the Army, and, being seriously disabled by reason of their services, are unable to aid their mother in her declining years.

The family has always been poor, and at the age of seventy-two years claimant is dependent upon charity.

The disabilities incurred by the soldier were of a serious character, and their effect upon his system is readily understood. As heretofore stated, additional medical evidence can not be furnished. The medical testimony on file, together with that of credible neighbors, clearly shows, however, that the fatal disease was of long standing, and in the opinion of your committee its connection with the Army injuries should be conceded in the absence of any evidence to the contrary.

ie contrary. The bill is therefore returned with the recommendation that it do pass.

Mr. KILGORE (during the reading of the report). Does that bill just ask that the party be placed on the pension-roll?

The Clerk read from the bill as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, etc.

Mr. KILGORE. Then I will ask unanimous consent to dispense with the reading of the report.

There was no objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH L. NOTT.

Mr. LONG called up for consideration the bill (H. R. 3167) granting a pension to Elizabeth L. Nott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth L. Nott, widow of Dawes S. Nott, deceased, late of Company K, Twelith Massachusetts Volunteers.

The report (by Mr. FRENCH) is as follows:

The report (by Mr. French) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3167) granting a pension to Elizabeth L. Nott, have had the same under consideration, and beg leave to submit the following report:

Elizabeth L. Nott is the widow of Dawes S. Nott, who was drafted July 17, 1863, and assigned to the Twelfth Regiment Massachusetts Volunteers. The record shows that he was admitted to Mansion House, Alexandria, Va., General Hospital, November 1, 1863, with contusion, and returned to duty January 13, 1864. He was discharged February 18, 1864, on surgeon's certificate of disability, by reason of incipienttuberculosis, and died June 1, 1871, of cirrhosis of the liver, as shown by the certificate of death.

The widow's claim has been rejected on the ground that the soldier's fatal disease is, in the opinion of the Pension Office, not shown to be due to his military service.

There is lay testimony on file in the case showing a continuous bad state of health from discharge to death. But the most important testimony is that of Dr. Fordyce Foster. He states that he was personally acquainted with the soldier and was his family physician from September 12, 1856, to April 11, 1867, and knew him to have been a sound and well man up to the time of his enlistment. Was called to attend him after his discharge for chronic rheumatism and diarrhea. Attended him in 1864, 1865, 1866, and up to April 11, 1867. Remembers the case very well, as it was very obstinate to cure. The rheumatism was severe, affecting the large joints and attended with swelling and severe pain. Was frequently called to see him at night. He had also a chronic diarrhea of an exhausting character; was reduced almost to skin and bones, with frequent watery discharges, passing blood and mucus. Could not do much if any kind of work during that period.

Dr.G. P. Pratt, the physician who attended the soldier in his lastillness, testifies that he died of cirrhosis of the liver, which existed prior to affiant's connection

chest, but whether it was cirrhosis or any other kind of disease of the liver or any other disease of the chest, in the absence of such examination must necessarily remain more or less in doubt.

The fact that the soldier was drafted must settle the question of prior soundness. It is clearly shown by competent and undisputed testimony that at discharge he was a sufferer from rheumatism and diarrhea, and that these diseases continued to increase in severity in spite of medical treatment until he became reduced to a skeleton. Rheumatism, as well as chronic diarrhea of long standing, necessarily affects the liver. Again, the most skillful physician often wrongly diagnoses a disease in its incipient state, and what appeared to the surgeon at date of soldier's discharge incipient tuberculosis may, in fact, have been a diseased condition of the liver.

Whatever view may be taken of the case under consideration, in the absence of any evidence adverse thereto it is the opinion of your committee that the fatal disease was due to causes shown to have originated subsequent to the soldier's entry into the service of the United States, and therefore report favorably on the accompanying bill and ask that it do pass.

Mr. MACDONALD (during the reading of the report). Lask unan-

Mr. MACDONALD (during the reading of the report). I ask unanimous consent to dispense with the further reading of the report.

There was no objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass

#### ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker pro tempore, Mr. Peters reported that the Committee of the Whole had had under consideration the special order, and had directed him to report to the House sundry bills with various recom-

#### HOUSE BILLS PASSED WITHOUT AMENDMENT.

House bills of the following titles without amendment were severally ordered to be engrossed and read a third time; and being engrossed,

ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 11757) granting a pension to Rebecca D. Vedder;
A bill (H. R. 9110) granting a pension to Martha J. Warren;
A bill (H. R. 10426) granting a pension to Otho G. Hendrix;
A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;
A bill (H. R. 10691) increasing the pension of Mary A. Bedel;
A bill (H. R. 6893) granting a pension to Ellen Edwards;
A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Cantain Weatherbye's company of Pennsylvania Militia. formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812;

A bill (H. R. 12014) granting a pension to Irving W. Combs;

A bill (H. R. 12014) granting a pension to Irving W. Combs; A bill (H. R. 11736) granting a pension to Margaret M. Nugent; A bill (H. R. 1803) granting a pension to Dorothea Ruoff; A bill (H. R. 11803) granting a pension to Henry V. Bass; A bill (H. R. 12381) granting a pension to Mary K. Allen; A bill (H. R. 917) for the relief of Julianna Muller; and A bill (H. R. 3167) granting a pension to Elizabeth L. Nott.

# HOUSE BILLS PASSED WITH AMENDMENTS.

Amendments reported to House bills of the following titles were severally agreed to, and the bills as amended were ordered to be en-grossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5807) granting a pension to John McCool; A bill (H. R. 10976) granting a pension to William L. Wilson; A bill (H. R. 10961) granting a pension to Mary Von Olnhauser;

bill (H. R. 10977) granting a pension to John J. Brown; bill (H. R. 10975) granting a pension to John H. Starr;

A bill (H. R. 10922) granting a pension to William Harper; A bill (H. R. 11861) to place the name of James H. Tolly on the

pension-roll;

A bill (H. R. 9179) granting a pension to W. B. Green

A bill (H. R. 7827) granting a pension to George W. Dickinson; A bill (H. R. 6314) granting a pension to Lyman D. Green;

A bill (H. R. 3794) granting a pension to Elisha Kennedy; A bill (H. R. 11091) granting an increase of pension to Mrs. M. S.

Jewell; and

A bill (H. R. 11566) granting a pension to E. C. Paschal.

## HOUSE BILL LAID ON TABLE.

The bill (H. R. 2914) granting a pension to Zo. C. Cook, in accordance with the recommendation of the Committee of the Whole, was laid on the table.

## JAMES A. GRIFFEY.

The amendment of the Senate to the bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll was concurred in.

#### SENATE BILLS PASSED WITHOUT AMENDMENT.

Senate bills of the following titles, reported favorably, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 3247) granting a pension to Zo. C. Cook;

A bill (S. 2623) granting an increase of pension to James Patterson;

A bill (S. 2829) granting a pension to Sarah J. Foy;

A bill (S. 2514) granting a pension to Michael Shong;

A bill (S. 3538) granting a pension to Mary Saeger; and

A bill (S. 3451) granting a pension to Frank D. Worcester.

#### SENATE BILLS PASSED WITH AMENDMENTS.

Amendments reported to Senate bills of the following titles were severally agreed to; and the bills as amended were ordered to a third

reading, read the third time, and passed:

A bill (S. 3283) granting a pension to Reuben Ash; and
A bill (S. 2910) to increase the pension now paid to Elizabeth B. Smith,
widow of Maj. Gen. Thomas Kilby Smith, United States Volunteers.

#### BILL POSTPONED.

In accordance with the recommendation of the Committee of the Whole, the bill (S. 2626) granting a pension to Catlena Lyman, was postponed till Friday next, and the previous question considered as ordered on its passage, with leave to amend and debate.

Mr. CHIPMAN moved to reconsider the several votes just taken, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (at 10 o'clock), in accordance with previous order, the House adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HARMER: A bill (H. R. 12386) for the relief of Edmund R. Calhoun—to the Committee on Naval Affairs.

By Mr. HATCH: A bill (H. R. 12387) granting a pension to Richard Green—to the Committee on Invalid Pensions.

By Mr. HEAD (by recent). A bill (H. R. 12389) to outbring the

By Mr. HEARD (by request): A bill (H. R. 12388) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri-to the Committee on Commerce.

Also (by request), a bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri—to the Committee on Com-

By Mr. NEWTON: A bill (H. R. 12390) for the relief of Eliza A. Cochran—to the Committee on Claims.

By Mr. CHARLES O'NEILL: A bill (H. R. 12391) for the relief of Nicholas Marshall—to the Committee on Ways and Means.

By Mr. PIDCOCK: A bill (H. R. 12392) restoring to the pension-rolls the name of Aaron H. Rake—to the Committee on Invalid Pensions.

By Mr. STONE of Verticales A bill (H. R. 12392) for the solice. By Mr. STONE, of Kentucky: A bill (H. R. 12393) for the relief of John M. P. Pool—to the Committee on War Claims.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. H. B. BROWNE: Memorial of the Lynchburgh (Va.) To-

bacco Association for the repeal of the tobacco tax-to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of farmers of Moorestown, N. J., for protection to agriculture—to the Committee on Ways and Means.

By Mr. CLARK: Resolution of the State Grange of Wisconsin to put lumber on the free-list-to the Committee on Ways and Means.

Also, resolution of the same for a law to prohibit gambling in the necessaries of life-to the Committee on the Judiciary.

Also, resolution of the same for a law providing for the election of

President, Vice-President, Senators, etc., by a direct vote of the peo-ple—to the Committee on the Election of President and Vice-Presi-

Also, resolution of the same for Cabinet officer for Agricultural De-

partment-to the Committee on Agriculture.

By Mr. CONGER: Petition of the Michigan Maimed Soldiers' League for the passage of House bills 4339 and 4356—to the Committee on Invalid Pensions

By Mr. DINGLEY: Petition of farmers of Sagadahoc County and Kennebec County, Maine, for protection to agriculture-to the Committee on Ways and Means.

By Mr. ENLOE: Petition of Merritt Johnson and others, and of T. P. Francis and others, of Madison County, Tennessee, for pure

food-to the Committee on Agriculture. By Mr. FISHER: Petition of B. Boutelle and 225 others, for increase

of duty on lumber—to the Committee on Ways and Means.

By Mr. GEAR: Petitions of 170 citizens of Burlington, Iowa, protesting against the Blair Sunday bill—to the Committee on the Judi-

By Mr. GIFFORD: Memorial of the South Dakota Educational Association, that sections 16 and 36 and other lands be set apart for school purposes—to the Committee on the Public Lands.

Also, petition of Woman's Christian Temperance Union of Dakota, for prohibition in the District of Columbia-to the Select Committee

on the Alcoholic Liquor Traffic.

By Mr. GUENTHER: Petition of the Wisconsin State Grange, for laws to prohibit gambling in the necessaries of life—to the Committee on the Judiciary.

Also, petition of the same for the election of President and Vice-President and Senators by popular vote-to the Select Committee on the Election of President, Vice-President, and Representatives in Con-

Also, petition of same, to place lumber on the free-list-to the Committee on Ways and Means.

Also, petition of the same, for a Cabinet position for the head of the Agricultural Department—to the Committee on Agriculture.

By Mr. HARMER: Memorial of the Philadelphia Board of Trade, in favor of the naval reserve bill-to the Committee on Naval Af-

By Mr. HATCH: Resolutions of the State Grange of Maine, favoring House bills 11027 and 11266—to the Committee on Agriculture.

By Mr. HITT: Petition and memorial of W. G. Walport, for the

examination and publication of certain papers concerning American, colonial, and Revolutionary history and foreign relations-to the Committee on Foreign Affairs.

By Mr. S. I. HOPKINS: Resolutions of the Lynchburgh (Va.) Tobacco Association, urging the immediate repeal of the tax on tobacco—to the

Committee on Ways and Means.

By Mr. HOUK: Petition of R. S. Kindrick Post, No. 63, Grand Army of the Republic, of Tennessee, for a general service pension—to the Committee on Invalid Pensions.

By Mr. LODGE: Petition of A. R. Rich & Co. and 28 other whole-

sale fresh-fish dealers of Boston and New York, asking that fresh fish remain on the free-list—to the Committee on Ways and Means.

By Mr. O'FERRALL: Memorial of the Tobacco Association of Lynchburgh, Va., for the repeal of the tobacco tax—to the Committee on Ways

and Means.

By Mr. OSBORNE: Petition of L. D. Woodfield and 22 others, of Fayette County, and of W. H. Baker and others, of Unityville, Pa., for pure lard and food-to the Committee on Agriculture.

By Mr. SENEY: Petition of George Belwoar and others, for relief-

to the Committee on the Post-Office and Post-Roads.

By Mr. J. D. STEWART: Petition of farmers of Milton, Vt., for the more effective protection of agriculture against foreign and Canadian

competition—to the Committee on Ways and Means.

By Mr. VANCE: Petition of the Woman's Christian Temperance
Union of Connecticut, for prohibition in the District of Columbia—to

the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WEBER: Petition of citizens of Erie County, New York, asking for drawback on tin-plate used for canning purposes—to the Commit-

tee on Ways and Means.

By Mr. YOST: Petition of the Lynchburgh (Va.) Tobacco Association, for the repeal of the tax on tobacco—to the Committee on Ways and Means.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor

By Mr. DAVIS: Of John B. Baylies and 20 others, of New Bedford,

By Mr. DORSEY: Of John Pierce and 112 others, of Aurora, Nebr. By Mr. GIFFORD: Of J. W. Hancher and 309 others, of Rapid City, Dak. By Mr. HIRES: Of S. F. Wheeler and 70 others, of Paulsborough,

By Mr. KEAN: Of Thomas Murray and 48 others, of Atlantic Highlands, N. J.

By Mr. LONG: Of James E. Brown, and 31 others, of Dedham, Mass. By Mr. PERKINS: Of W. E. Means, and 59 others, of Montgomery

County, Kansas.

By Mr. REED: Of John F. Jameson, and 129 others, of Cornish,

By Mr. ROCKWELL: Of J. H. Gaylord, and 87 others, of East Long Meadow, Mass.

# HOUSE OF REPRESENTATIVES.

# SATURDAY, January 26, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved. VOTE OF ELECTORS FOR PRESIDENT AND VICE-PRESIDENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State for printing the certified copies of the final ascertainment of the vote of the electors for President and Vice-President; which was referred to the Committee on Appropriations, and ordered to be printed.

VESSELS FOR FISH COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Fish and Fisheries, of an appropriation for maintenance of vessels

for the United States Fish Commission for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be

LIGHT-SHIP, SANDY HOOK.

The SPEAKER also laid before the House a bill (H. R. 11683) for the establishment of a light-ship with fog-signal at Sandy Hook, New York Harbor, returned from the Senate with amendments.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent that the Senate amendments to that bill be concurred in.

The amendments were read, as follows:

Page 1, after line 3, insert "that there be constructed and established a first-class light-ship with a steam fog-signal off Great Round Shoal, seacoast of Mas-sachusetts, near Nantucket, the cost of which shall not exceed the sum of \$00,-000; provided that the construction of said light-ships shall be let to the lowest responsible bidders after advertisement, and that they shall be built in American ship, wards."

Ship-yards."
Amend the title so as to read: "For the establishment of light-ships with fogsignals at Sandy Hook, New York Harbor, and off Great Round Shoal, seacoast of Massachusetts, near Nantucket."

There was no objection, and it was so ordered.

#### MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890; which was referred to the Committee on Military Affairs, with amendments of the Senate thereto, and the latter ordered to be printed.

#### TARIFF BILL.

The SPEAKER also laid before the House the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, with an amendment by the Senate in the nature of a substitute.

Mr. REED. Subject to a point of order with reference to the measure going to the Committee of the Whole, I desire to propose that the House concur in the Senate amendment. Or, if the House determines to non-concur, that a committee of conference be granted as the Senate has requested; and upon that I wish to submit some remarks.

Mr. McMILLIN. Mr. Speaker, I reserve the point of order that this bill must have its first consideration in the Committee of the

Whole.

Mr. MILLS. I reserve the point of order that the bill must first go to the Committee on Ways and Means.

The SPEAKER. The gentleman from Maine [Mr. REED], as the Chair understands, desires to be heard on the question whether he can or not, without unanimous consent of the House, move to concur or non-concur in the Senate amendment.

Mr. REED. It is apparent, Mr. Speaker, that the question which is now before the House is a question of very grave importance, admitted to be such by both sides of the House. In a speech delivered by the present occupant of the chair [Mr. CARLISLE] at the close of the last session this remark was made, which, among others, should be an inducement to us to have as speedy consideration and settlement of this question as is possible:

The actual situation which now confronts us, a situation which makes it the imperative duty of the Representatives of the people to reduce the revenues before this Congress shall adjourn.

It is not necessary to add to that the various arguments which have been presented in favor of a revision of the tariff. I only point to that, and to the other remarks that have been made on the subject, to show the substantial agreement on the part of all persons concerned and the general desire of the country that this question should be disposed of. The House has done its preliminary part, whether well or ill I have taken occasion to say already in many places as well as here; the matter has gone to the Senate, and the Senate also has performed its part of the public duty. Not to speak of other differences which exist be-tween the action of the House and the action of the Senate, there seems to be one difference on principle. The House of Representatives has very largely increased the ad valorem list of duties, and the Senate has increased somewhat the specific duties. And in that the Senate has followed the advice of every Secretary of the Treasury and of almost every person who has had in hand the actual administration of the law.

Differences of detail of course are always open, and ought always to be open, to the consideration of the two Houses. The Senate has very carefully considered all the items contained in this amendment; and I would be the last to say that the House ought not also to examine the amendment carefully; and the rules of the House, as they stand, provide for that, even if the House should agree to the request of the Senate that a conference committee be appointed at the proper time.

Now, we are all agreed that it is very important, very desirable, that this matter should be put in the way of passage, not only for the co-gent reason given by the Speaker, but also for other reasons known to everybody who listens to me. The Senate, anticipating, perhaps, some difficulty arising from the ordinary rules of the House, have proposed a committee of conference; in other words, have asked us to take the speediest method of disposing of this great question, the importance of the speedy disposal of which is admitted upon all hands. They have therefore asked for a conference upon the amendment wherein they disagree with the recorded judgment of the House. Now the House, by interposing no objection arising out of our rules, can come to a speedy conclusion upon the matter; and it is admitted that a speedy conclusion is very much to be desired.

I had always supposed, until the decision of the Chair in the case of the oleomargarine bill, that whenever the Senate asks for a committee of conference the matter constitutes a question of privilege—not a question of privilege depriving the House of a right to scrutinize the amendment, but a question of privilege calling for speedy action, or at least deliberate non-action—intentional non-action—on the part of the House. For instance, I had supposed—and such was the practice up to that time, I think—that the House could concur or non-concur if it saw fit, or could send the matter to the Committee of the Whole, wherein the question could be taken up and discussed; and when a disagreement was reached, if one was reached, then a committee of conference could be appointed and the measure furthered. This is of course in accord-

ance with the well-known principle of parliamentary law that it is the duty of each body possessing by moiety the legislative power to further in every way that is possible a bill that is farthest advanced in its stage of progress. This bill, having passed the House and having passed the Senate with amendment, had reached a stage in advance of a bill which had merely been introduced. Therefore, the Senate, a co-ordinate body possessed of one-half the power of legislation, having requested a committee of conference, the matter thereupon became a privileged question in the House. I hope, therefore, that no point of order—for I hardly expect the Speaker to overrule his decision made in the other case—I hope that no point of order may be raised except that of sending the bill to the Committee of the Whole; and then we can dispose of this question.

My object in making these remarks is to bring to the minds of gentlemen on the other side the urgency which they have been so loudly proclaiming for so long a time, of action on the part of Congress with regard to the surplus in the Treasury and with regard to the revision of the statutes, to the end that they may not interpose any objection to speedy action upon this point. I had also another motive which I am frank to avow—one of the motives which very often govern discussion in this House—a very proper and suitable motive; and that is not only to recall to the House the condition in which our rules are, but to show to the House and the country that this side at least has not been wanting in any respect in its duty to the country in urging in season, and, if this be an improper occasion, out of season also, the necessity and propriety of speedy action on the part of the House of Representa-

I hope, therefore, Mr. Speaker, that nothing will be interposed in the way of a point of order which will prevent us from discussing and disposing of this great question which is before the House again in a more advanced stage than it was. Should it go to the Committee on Ways and Means, we know by experience that any discussion between persons of different belief on that committee is not liable to take place, and that such a submission of this question will only provoke delay. The session is so short that if we mean to discuss this question and dispose of it, we ought at once to go to work. [Applause on the Republican side.]

Mr. Speaker, under the Constitution of the United Mr. MILLS. States each House has the power to make rules to govern its own proceedings, and each House, in the manner of disposing of its business, is independent of the other. This House, in pursuance of that constitutional authority, has made a rule which requires all bills of this nature to be considered in the Committee of the Whole House; and so jealous has the House been of the purse of the people and so regardful has it been of the people's rights that it has adopted a rule that whenever a bill dealing with these great rights comes from the Senate it shall receive its first consideration in the Committee of the Whole House

By the rules which we have adopted we have several Calendars, and before any bill can receive consideration in this House on those Calendars it must have been reported from some of the standing committees of this House. Suppose this bill had come from the Senate, without this House having sent to that body the bill which it did, to reduce taxation; suppose the Senate had been vested by the Constitution of the United States with authority to originate revenue bills, and suppose that body had, not as it has done to-day, originated in defiance of constitutional provisions a tariff bill and sent it to the House, but had in pursuance of constitutional power sent to the House of Representatives a bill increasing or reducing taxation, where would it have gone under the rules of this House? It would have gone to the Committee on Ways and Means; and before it could be considered by this House it would have had to come back with a report from that committee and would have had to go to the Committee of the Whole House, where it would be impossible for this House to vote on it until every member had had the right to offer amendments and to debate the bill by paragraphs.

Now, Mr. Speaker, we have sent to the Senate a bill to reduce taxation. They had originated in that Chamber, or were preparing before we sent this bill to them, in defiance of the Constitution, a bill increasing taxation on the people of this country, an act which they were pro-hibited by the great charter of our fathers from doing. They have

sent that bill so prepared here in defiance of the rules of this House, and it is now proposed that we accept their invitation to appoint a committee of conference and pass this most extraordinary measure, and that, too, at a time when the coffers of this Government are loaded with the excess of revenue, at a time when the people of this country are groaning with unnecessary taxation; a bill to reduce the revenues by destroying the commerce of the country and increasing the load of taxation upon the people for private purposes. [Applause on the Democratic side. ]

Mr. Speaker, I did not intend to go into a discussion of the merits of this bill on the question of order now pending; but I have been invited thereto by the remarks of my friend from Maine [Mr. REED]. He has criticised our bill because we have changed some of the specific taxes fixed by the existing law to ad valorem rates of duty, and he has also said that there has not been a Secretary of the Treasury from the foundation of this Government to the present time who has not favored and recommended the enactment of revenue laws providing for specific

Mr. Speaker, when the House comes to have this bill considered, and to have the differences between the two Houses discussed before this body, as well as the differences between the specific and ad valorem systems, the gentleman from Maine will find that there has been more than one Secretary of the Treasury who has advocated ad valorem duties, and he will also find that the most successful tariff that this country has ever had was the ad valorem tariff which we had in force from 1846 to 1860, under the old Democratic administrations of Polk, and Pierce,

and Buchanan. [Applause on the Democratic side.]
Mr. Speaker, I will not indulge in further comments on this measure at the present time. There is a time for all things, and there will be a time when this bill will come before this House, if the majority of this House are true to themselves and true to their constituents; it will come here, and it will come here to be discussed, it will come here to be criticised, it will come here to be exposed to the American people, and it will come in accordance with the rules of this House, from the committee to which it properly belongs. [Applause on the Demo-

cratic side.]

Mr. McKINLEY. Mr. Speaker, the question of whether we are to have any revenue legislation before the close of the present Congress will depend for its answer very much upon the action that is taken by the House of Representatives to-day upon the suggestion of my colleague on the Committee on Ways and Means, the gentleman from Maine [Mr. REED].

Everybody knows, Mr. Speaker, that if this bill with the Senate amendments goes to the Committee on Ways and Means, no practical legislation will be had at this session of Congress, and the great question of the reduction of the revenues of the Government, now so excessive, as claimed by the gentleman from Texas [Mr. MILLS], will continue unsettled, and nothing can be done for nearly eleven months, or until we assemble in regular session next December, and at best we can not hope for revenue legislation before the spring or summer of 1890. So that at this very point this House will determine whether we are to have any reduction of the revenues, and whether excessive collections are to continue for twelve or fourteen months in the future.

The Senate of the United States, a co-ordinate branch of Congress, has respectfully asked this House to agree to a committee of conference. Their purpose is manifest—it is to bring the two Houses closer together and make an agreement possible. I believe that but once in the history of our century of legislation has a similar request been refused, and refused, I believe, under a ruling of the present Speaker of the House of Representatives, because the request was not made at that stage of disagreement between the two. Houses when a conference was justified. We are contween the two Houses when a conference was justified. We are confronted this morning with this request for consultation and conference. It is not a question of high tariff; it is not a question of low tariff; but it is a question of whether the House of Representatives will meet the Senate of the United States in free and open conference and determine if their differences can be adjusted and their disagreements rec-

The House has given to the country one bill framed upon one prin-The House has given to the country one bill framed upon one principle and based upon the line of party policy with which the majority is in accord. The Senate has given to the country another bill resting upon an entirely different principle and following out an entirely different line of public and party policy. The Senate has asked the House to consent to a committee of conference to consider the disagreement so presented, that they may see if in some manner this great difference between the two Houses can not be reconciled.

Now, what do we want to do as practical men? What does the country expect of us? We want to reduce the public revenues, and we can reduce them without my friend from Texas being called upon to surrender one jot of his free-trade principles or this side surrendering one jot of its protection principles. If the House of Representatives meets the Senate in free and open conference and those provisions are adopted where the two bills meet on common ground, we can reduce the revenues from thirty-five to forty millions of dollars and still preserve for future settlement the general policy of taxation respectively adhered to by the two parties.

All we have to do, Mr. Speaker, is to take up these two bills and

look at the duties and changes in rates which are common to both. First, the abolition of the tax upon tobacco-\$30,000,000; that is common to both bills. Then you take the free-list; that is common to both Then you take the administrative features of both bills. Both seek the same purpose; both look to an honest collection of the revenue and an honest administration of the customs laws; and if a committee of conference that we might appoint here this morning would only occupy the common ground, common to both bills, not even enter the field of division or controversy, we would strike down from \$35,000,000 to \$40,000,000 of revenue that is being collected, and which the Administration has repeatedly declared if continued will put in peril the business of the country. This House has already spoken upon the subject and expressed its approval of one subject of reduction. It was only the other day that it manifested its desire to have the tax taken from tobacco when it refused to send a bill of that import to the Committee of Ways and Means, but sent it to another committee, because it believed that committee would give to the majority of this House an opportunity to vote its sentiments and register its will in public law.

[Applause on the Republican side.]
This administrative bill has nothing to do with politics; it has nothing to do with free trade; it has nothing to do with protection; it has nothing to do with party principles or policies. It is above politics and should be divorced from party. But it has everything to do with an honest administration of the customs laws, whether they are based upon the principle of protection or upon the principle of free trade.

Now, why not, as practical men, seeking to relieve the Treasury of the United States of its congestion, as described by the President of the United States, meet this condition and relieve the Treasury of its accumulating surplus and leave this vast sum of money with the people, where it belongs? "It is not a theory; it is a condition." Shall we where it belongs? run away from the condition which we can in part relieve, or waste our valuable time now upon theory? Shall we reduce the revenues of the Government? We have got an opportunity to do it, and to move in that direction this morning; but if this bill goes to the Committee on Ways and Means, mark my word, there will be no practical legislation reached at this session of Congress. And I beg the gentlemen on that side of the House and gentlemen on this side of the House to signalize the close of this Democratic Congress with some practicable, sensible,

patriotic legislation. [Loud applause on the Republican side.]
Mr. McMILLIN. Mr. Speaker, I have failed to find either in the argument of the gentleman from Maine or of the gentleman from Ohio that means of attaining the end that they claim can be attained under the rules. The gentleman from Ohio has delivered a speech that might be very fine as a stump speech, but he has wholly failed to address himself to the rules of the House on this subject.

Now, the gentleman said that the House has given the country one bill and the Senate has given the country another bill; that these bills are entirely different, and that they are framed on entirely different theories. His request of this House is, in the face of that declaration, more candid than I could have expected from any man, that it shall walk up and surrender its constitutional prerogative to frame revenue bills and give it over to the Senate. [Applause on the Democratic side.] Article I, section 7, of the Constitution of the United States pro-

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Here is a plain chart for the guidance of members of this Housechart they have sworn to follow, one from which we can not depart without the degradation of ourselves and the sacrifice of the principles and interests of those who have honored us by making us their ples and interests of those who have honored us by making us their representatives. The right to "originate bills for raising revenue" was wisely placed in the House of Representatives, because it comes more directly from the people, and has to return more frequently to them for indorsement. Yet it is proposed to throw away this safeguard of the people, to surrender this ancient right of the House, and to still further increase the power of the Senate.

The gentleman from Ohio [Mr. McKinley] has not even pretended that this Senate bill is an "amendment" to the House bill. He could not the is too intelligent to believe it and too candid to assert it. It

not. He is too intelligent to believe it and too candid to assert it. is, as he describes it, an entirely different bill; a distinct proposition framed on a different "theory." As a matter of fact the Senate does not assume to amend the House bill. The Senate struck out every section of our bill or threw it aside and framed one of their own. In doing so they violated the Constitution, and they now ask us to meet them in conference and concur in this demolition.

What I want to know of the members of this House is, are you ready to do this in the face of that declaration of the gentleman from Ohio that this is a different and new bill? Have you so far degenerated from those principles that your sires held of adherence to the Constitution as to be willing at the request of the gentleman from Ohio to give up the people's rights to frame a bill in accordance with the people's principles, and give it over to the Senate, not elected by the people directly, but by the States? Others may do as they please, but for me, I will never, never consent to such a cowardly and ignoble degradation of the rights of the people and the privileges of the House. [Applause on the Degrace right] on the Democratic side.

Now, the gentleman says that there may be selected out, by this extraordinary and cowardly process, thirty or forty million dollars of revenue that can be remitted to the people or repealed. I deny that assertion. Has he studied the Senate bill? Has he forgotten that it increases the tax on all the schedules save three? It increases the tax on wool and woolens alone between four and five million dollars. There are not thirty or forty millions in these bills in the repeal or reductions of which the two Houses concur. The internal-revenue feature is taken up in order that it may aid in this extraordinary surrender. If I may follow the example of the two gentlemen at all in this regard, it will not be inappropriate for me to say that four-fifths of the relief given by the House bill against the extraordinary powers of the Federal court by modification or repeal of internal-revenue laws are taken away by the Senate. All the oppressive machinery is retained by the Senate bill that was proposed to be dispensed with by the House bill. The repeal of certain retail-dealers' taxes is changed.

Now, Mr. Speaker, what are the rules of this House concerning the consideration of bills raising revenue, or, in other words, tax bills, for by the rules we propose to stand or fall, and there will be no surrender of every principle and prerogative of this House in violation of its rules and of the Constitution? Rule XX provides, Mr. Speaker, as

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, originating in the House, it would be subject to that point.

It will thus be seen that this bill must have its first consideration in Committee of the Whole, and not in a conference room.

Clause 3 of Rule XXIII provides:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Neither the gentleman from Maine [Mr. REED] nor the gentleman from Ohio [Mr. McKinley] has suggested any rule under which we are forced to go to conference merely because the Senate invites us to conference. Nor can they cite such a rule. I think, Mr. Speaker, that these two rules settle it that this bill should receive its first consideration in Committee of the Whole and not in conference. In the next place, there is no means by which it can get to the Committee of the Whole except through a committee of this House. Hence it must first go to the Committee on Ways and Means.

Sir, I made this point of order because I believed the Senate had attempted to override the Constitution and usurp the prerogatives of the House by originating a bill "raising revenue." I was not and am not willing to acquiesce in this assumption of right. Let it go where it belongs under the rules, to the Committee on Ways and Means. And above all and beyond all let us not abate one jot or tittle of our consti-

tutional right to originate bills for raising revenue. [Applause.]

The SPEAKER. Prior to the beginning of the Forty-ninth Con-

'Mr. REED. Mr. Speaker, from some remarks just made by the gentleman from Tennessee [Mr. McMILLIN] I fear that my position was not quite understood. The point which I make to the gentleman from Tennessee and to his colleagues is this: Last session of Congress the Speaker, voicing the opinion of his side of the House and greeted with their plaudits at the time, stated very forcibly the necessity for action, the necessity for a reduction of the revenue by the representa-tives of the people. I did not apprehend that the Speaker would now overrule the ruling which was made in the oleomargarine case, but I did hope that the representatives of the people, like the gentleman from Tennessee, in their anxiety to cause a reduction of the revenue and to dispose of this tariff question, would refuse to make any point of order, since by so refusing we should come to a more speedy conclusion; and I hope still that they will interpose no objection to a vote being taken upon concurrence or non-concurrence with the Senate, except that of requiring the matter to be first discussed in the Committee of the Whole. For I am sure that the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Texas [Mr. MILLs] will both agree with me that such action on their part would facilitate the termination of this question and the passage of the bill. I am quite sure they would both admit to me, and, with equal frankness, to the House, that they do not expect that reference to the Committee of Ways and Means, if insisted upon by them, will further the passage of the bill. It was with that intent that I begged the other side not to interpose any objection to the

speediness of a transaction in the speediness of which they have professed themselves hitherto to be so much interested.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, if I understand the gentleman from Maine [Mr. Reed], the position which he occupies is that he raised the point of order with the certainty that it would be overruled, without any expectation that you would overrule your former decision, and, therefore, simply for the purpose of giving himself and his colleauge on the Committee on Ways and Means [Mr. McKinley] an opportunity to make speeches to the country; not for the purpose of operating on your mind, but for the purpose, in this public way, of seeming to play for position and to put the Domocratic side of the House in a false attitude.

It will be borne in mind that on the 2d day of last April the Committee on Ways and Means reported to this House a tariff bill; that it was finally voted upon on the 21st of July; that in the interval no delay was interposed to its consideration by the Democratic side of the House, and that whatever time may have been wasted, if any was House, and that whatever time may have been wasted, if any was wasted, between the 2d day of April, when the bill was reported, and the 21st day of July, when it was voted upon, was by the interposition of gentlemen on the Republican side of the House. That bill went to the Senate on the 21st day of July. It went there under a provision of the Constitution which gives to the House of Representatives primarily not merely the duty but the exclusive right of originating

bills raising revenue. The business of the Senate, therefore, was only to amend that bill in accordance with its sense of public duty. It did not do that, as the gentleman from Ohio [Mr. McKinley] has frankly admitted. It framed a different bill, based upon different principles, and wholly unlike the bill sent to it by the House, and it is only and purely by a realismentary largerdensing if it he constitutional at all that the Senation of the constitution of the unlike the bill sent to it by the House, and it is only and party parliamentary legerdemain, if it be constitutional at all, that the Senate has constitutionally the power to frame such a bill by doing what is called making "an amendment in the nature of a substitute," That bill of the House having reached the Senate on the 21st day of July, now, on the 25th day of January, yesterday, we received the Senate bill, more than six months after the time when the House sent its bill to the Senate; and now suddenly the gentlemen on the other side, who have always denied that there was any necessity for revision some gentlemen on that side having elaborately shown that there would be no surplus and that the expenditures under Democratic administration would come within a very few millions of eating up the revenue— now suddenly they are found exceedingly anxious for a speedy set-

now suddenly they are found exceedingly anxious for a speedy settlement of this question.

The bill which the House passed altered the rates of duty on importations to the amount of \$179,000,000, in round numbers, on an aggregate importation of \$450,000,000 on which duty was paid. The Senate bill covers all the importations in the country. There are, therefore, importations to the amount of \$270,000,000 as to the rates on which this House has not expressed any opinion or taken any vote. In addition, this Senate bill has created new commissions; it has

added to the bill various provisions of what was known as the Senate undervaluation bill. On these questions this House has had no opportunity to express its opinion, and has expressed no opinion, has made no vote. The bill as it comes from the Senate changes largely the legislation of this House on questions of internal revenue, and upon those there has been no expression of the House

Now, the proposition of the gentleman from Maine [Mr. REED] is that the House, without an opportunity to pass upon these amendments or these additions to the present law, these creations of new commissions, these alterations of duties, shall at once send this bill to a conference committee, the report of which committee will be an entirety, the House being given no opportunity to instruct that conference committee, or to vote separately upon the various matters which that conference committee, nominally in the name of the House, will have to decide upon. It seems to me that this is simply a proposition that the House shall not only empty itself of its right in this matter, but that it shall abdicate its duty to consider the question of taxation, both as to external and internal taxation.

As to whether we shall have legislation or not, we must remember that largely the responsibility of failure, if there be failure, will be upon the Senate, which held this bill for six months. But the only road to practical legislation is for this House under its rules to have reported back to its Calendar such bill as may be presented for its consideration by whatever standing committee has by the rules jurisdiction or by

the vote of the House may acquire jurisdiction.

Speaking only for myself, if this bill goes to the committee of which I am a member, I shall try so far as I can to see that the bill comes back; that there is reported a bill in accordance with the principles of the bill adopted by the House at the last session; and whether practical legislation shall follow or not will depend largely upon the action of both sides of the House when that bill comes back and is put upon the Calendar.

But for one I am not willing while I am a member of the House to have the precedent made in 1853—I do not mean that part of the precedent that is connected with the change of the rules of the House, about which I have nothing to say—but I am not willing without protest to have the precedent repeated that the Senate of the United States has the right under the guise of a substitute to frame or originate a revenue bill, and practically to take out of the hands of the lower House—first, by the framing of the bill, and, secondly, by holding the bill until so late in the short session and then passing it through under the pretense of shortness of time—the constitutional privilege of the control of the great subject of taxation.

Of course if the gentleman from Ohio is correct, as undoubtedly he is, in saying that the bill of the Senate is an entirely different bill, framed upon different principles from the bill adopted by the House, it

is not improper for me to say that in so far as this is true I dis with those changes. In so far as the principles upon which the Mills bill was founded, which were substantially that the revenues of the Government should be decreased and the incidental burdens upon the citizen should also be decreased, have been departed from by the Sencitizen should also be decreased, have been departed from by the Senate and the reverse principle adopted, by which the revenues of the Government are to be decreased that the private aggrandizement and income of those interested in legislation shall be increased, I am heartily opposed to it; and I judge that my Democratic colleagues on this floor agree with that sentiment. [Applause on the Democratic side.]

The SPEAKER. The Chair decided the same question now presented not only in the case of the oleomargarine bill but upon several other occasions; yet it may not be inappropriate to restate briefly the grounds of those decisions.

Prior to the beginning of the Forty-ninth Congress all hills remine.

Prior to the beginning of the Forty-ninth Congress all bills coming from the Senate, and Senate amendments to House bills, went upon what was called the Speaker's table, which was one of the Calendars of The business on the Speaker's table was reached precisely the House. in the same way as the business upon any other Calendar—by a motion to proceed to its consideration; and when that motion was agreed to by the House the bills and amendments in their regular order were laid before the House, not for reference to a committee, but for immediate consideration, subject, of course, in the case of Senate bills or Senate amendments to House bills making appropriations or creating liabilities on the part of the Government, to the point of order that they must first have consideration in the Committee of the Whole on the state of the Union. So long as that practice continued it was in order for any gentleman, when a Senate amendment was taken up from the Speaker's table, to move to concur or non-concur, as the case might be, subject, as the Chair has stated, to the point of order that the proposition should go to the Committee of the Whole on the state of the Union, if it was a proposition which the rules of the House required to go there.

But at the beginning of the Forty-ninth Congress the Speaker's table, as one of the Calendars of the House, was abolished; and in lieu of that proceeding the House adopted a rule which made it the duty of the Speaker every morning, immediately after the reading of the Journal, except on Monday mornings, to lay before the House for reference all bills, amendments, and other communications from the Senate and communications from the heads of Departments; and under that rule the invariable practice has been to send Senate amendments to House bills to the appropriate standing committee of the House, unless unanimous consent was given to concur or non-concur. So the Chair thinks that under that rule this Senate amendment must go to the Committee on Ways and Means, and can not, except by unanimous consent, go to the Committee of the Whole on the state of the Union, which is one of the House Calendars, until it has been reported back.

On the other point, as to the effect of a request by the Senate for the appointment of a committee of conference before there has been su actual disagreement between the two Houses, the Chair has repeatedly ruled that until there has been an actual vote of disagreement the two Houses the privileged stage of the bill has not been reached, and it can not be taken up for consideration, under the other rule to which the Chair has referred, but must go to the committee.

The Chair has re-examined this rule, and re-examined the practice

of the House, and is constrained to adhere to the rulings heretofore made, because the Chair believes it is the only proper practice under the rules which the House itself has established, and which has been the uniform practice ever since they were adopted.

Mr. REED. If no point of order intervened, would the motion to consider this be in order?

The SPEAKER. The Chair thinks it requires unanimous consent, as in another case of the same character this morning, and as it is done

almost every morning.

Mr. REED. I ask by unanimous consent to consider the Senate amendment at this time.

Mr. MILLS. I have made the point of order.

The SPEAKER. Is there objection?
Mr. BRECKINRIDGE, of Kentucky. Yes; I object.
Mr. McKINLEY. If it is not referred to the Committee on Ways and Means, does it go back to the table?

Mr. ROGERS. There is so much confusion in the House we can

not hear what is going on.

The SPEAKER. The gentleman from Ohio [Mr. McKinley] rises

to a parliamentary inquiry.

Mr. McKINLEY. In the event of a division on the motion to refer

the bill and amendment to the Committee on Ways and Means, in the event the House should vote against sending it to that committee, I inquire what the status would be—whether it would lie on the table or be before the House for consideration?

The SPEAKER. The Chair has said in response that it requires no motion under the ruling of the Chair to send the bill to the Committee

on Ways and Means; that it goes there under the rules of the House. The only way the House can prevent it from going there is by a vote to send it to another committee. The Chair will read the second

clause of Rule XIII. The Chair has already stated that the Committee of the Whole on the state of the Union is one of the Calendars of the House under the rules.

Clause 2 of Rule XIII provides:

2. The question of reference of any proposition other than that reported from a committee—

This is not reported from a committee-

shall be decided without debate, in the following order, namely: a standing committee, a select committee;—

Those are the only committees to which the proposition can be referred under the rules of the House when not reported by a committee to the House

but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without debate, in the following order, namely: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

So it will be seen that under the rules of the House no proposition can be referred to one of these Calendars until it has been reported by a committee; and if the House simply refuses to send this proposition to the Committee on Ways and Means, it would remain where it now is and would not go on the Calendar.

Mr. DINGLEY. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. DINGLEY. Is there not a distinction between matters which are privileged and matters which are not privileged on coming up? It has been frequently held by the Chair when a bill has reached the stage where there is a difference between the two Houses, although it is presented in connection with other bills coming from the Senate, it is privileged and may be taken up for action. Here is a bill presented under a rule of the House, and my inquiry is whether or not, being a privileged bill, it does not take the same position as a bill reported from the Senate where there is a difference between the two Houses.

The SPEAKER. This bill is not privileged under any rule of the

House

Mr. DINGLEY. It is a revenue bill.

The SPEAKER. But it has no privilege except that the Committee on Ways and Means has the privilege to report at any time; and after it has been reported and gone to the Committee of the Whole House on the state of the Union it has precedence under the rules over other bills.

Mr. DINGLEY. But it has been held that the right to report in-

cludes the right to consider.

The SPEAKER. It has not been reported.

Mr. DINGLEY. It has been once reported from the Committee on Tays and Means. [Cries of "Regular order!"]
Mr. SPRINGER. Has the bill gone to the Committee on Ways and Ways and Means.

Means? The SPEAKER. The Chair desires to dispose of this matter. Chair thinks under the rule the bill and amendment go to the Committee on Ways and Means, and so decides

Mr. McKINLEY. I desire to offer the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means be discharged from the further consideration of bill H. R. 9051, with a Senate amendment, and that said bill and amendment be made a special order to be considered in the House immediately after the reading of the Journal on Tuesday, February 5, 1889; that after twelve hours' debate the previous question shall be considered as ordered on the question of concurring in the Senate amendment; and that if said amendment shall be non-concurred in, a conference on the disagreeing votes of the two Houses shall be considered as having been ordered.

Mr. MILLS. I make the point of order that that resolution must go to the Committee on Rules; and the further point that the bill is not yet in committee

Mr. BRECKINRIDGE, of Kentucky. And I make the point of or-der that it is not in order, except by unanimous consent, even to offer the resolution.

Mr. McKINLEY. Then I ask unanimous consent for the present

consideration of the resolution. Mr. MILLS. Regular order.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the resolution.

The regular order, Mr. Speaker, has been demanded Mr. MILLS. several times.

Mr. McKINLEY. Then I ask unanimous consent to offer the resolution for reference to the Committee on Rules.

Mr. ROGERS. Regular order.
Mr. MILLS. Let it go there.
The SPEAKER. Does the Chair understand the gentleman from Arkansas as objecting to the request of the gentleman from Ohio?

Mr. ROGERS. I demand the regular order.

Mr. SCOTT. I object.

Mr. MILLS. Mr. Speaker, I ask that this bill with the Senate sub-

stitute be ordered to be printed.

The SPEAKER. That order will be made.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LAWLER, for ten days, on account of a death in his family. To Mr. COTHRAN, for one day, on account of important business. To Mr. Perry, for three days, on account of important business. To Mr. Wilkins, for eight days, on account of important business.

REPORT OF SELECT COMMITTEE ON IMMIGRATION, ETC.

The SPEAKER. The gentleman from Michigan [Mr. FORD], chairman of the select committee to inquire into the importation of contract laborers, paupers, etc., asks unanimous consent that the bill H. R. 12291, reported from that committee, as well as the report of the committee on the same, be recommitted to the select committee with leave to report at any time.

Mr. McMILLIN. What is this bill?

The SPEAKER. It is the bill reported from the select committee

on the importation of pauper labor, etc.

Is there objection to the request of the gentleman from Michigan?

The Chair hears none.

Mr. DINGLEY. I wish to make a parliamentary inquiry before that consent is given. Do I understand that leave is asked to report at any time?

The SPEAKER. That is the request.

Mr. DINGLEY. And that will carry with it the right of considera-

tion at any time? The SPEAKER. It will.

Mr. DINGLEY. I do not object.

#### LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. McRAE to print remarks on the bill H. R. 3288, authorizing the settlement of the debt due the United States by the State of Arkansas.

#### ORDER OF BUSINESS.

Mr. RANDALL. I now demand the regular order.

Mr. BROWNE, of Indiana. Mr. Speaker, in pursuance of the regular order, I ask a vote upon Senate bill No. 2091. So far as I am personally concerned I have no desire to discuss the merits of this bill for sonary concerned I have no desire to discuss the merits of this birlior a moment. I am entirely willing to refer gentlemen to the report of the Committee on Invalid Pensions, found on page 997 of the RECORD of last Saturday. [Cries of "Vote!" "Vote!" "Vote!" Mr. RANDALL. I hope the gentleman from Indiana will defer his

request for the present.

Mr. TIMOTHY J. CAMPBELL. What is the bill the gentleman from Indiana wants to call up? Mr. BROWNE, of Indiana. The bill (S. 2091) granting a pension to

Frances H. Plummer.

Mr. RANDALL. I hope the gentleman will withdraw that until after the sundry civil bill is disposed of.

Mr. SPRINGER. That is right. Mr. BROWNE, of Indiana. Mr. Speaker, on yesterday I very cheerfully gave way for the consideration of the appropriation bill, and I would not interrupt its consideration this morning but for the fact that I expect to be away from the House early in the coming week. I do not now desire to consume the attention of the House but for a moment. I am entirely willing that the vote shall be taken without discussion. It is merely a question as to whether the widow of a deceased officer, who performed gallant service for twenty-one years and died in the service, shall have her pension increased from \$50 to \$75 per month. This officer received complimentary reports from Rosecrans, Pope, and Schofield. That is all there is of the bill. [Cries of "Vote!"]

Mr. RANDALL. Mr. Speaker, there are a number of bills occupying the same parliamentary status in this House that the one I suppose the gentleman from Indiana desires to call up occupies; and I have no doubt when these bills come to be considered that so far as my vote no doubt when these bills come to be considered that so far as my vote goes it will be found in the affirmative upon some, perhaps all of them; but what I want is that the sundry civil appropriation bill shall have precedence of every other character of legislation at this time.

Mr. BROWNE, of Indiana. Will the gentleman from Pennsylvania promise me this, that after the consideration of the appropriation bill, if I shall be absent from the House, which is probable, he will call up

this bill for a vote?

Mr. RANDALL. I can not make a promise of that kind, because I am not certain what bill the gentleman wants called up, and whenever I am at liberty I think I am wedded to call up another bill of like character. [Laughter.]

Mr. SPRINGER. I would also like to call up a bill of like char-

Mr. BROWNE, of Indiana. Now, I think we might have disposed of this bill before this time if this controversy had not risen between the gentleman from Pennsylvania and myself.

The SPEAKER. The Chair does not understand whether the ques-

Mr. RANDALL. I raise it.

Mr. BROWNE, of Indiana. We may as well settle it now and here.

The SPEAKER. The question is, Will the House consider the bill the title of which the Clerk will read?

Mr. SPENINGER. Mr. Speaker is it in order to lear the bill on the

Mr. SPRINGER. Mr. Speaker, is it in order to lay the bill on the table now?

The SPEAKER. Not until the House determines whether it will consider the bill or not.

The Clerk read the title of the bill, as follows:

A bill (S. 2091) granting a pension to Frances H. Plummer.

The SPEAKER. The question is, Will the House now proceed to the consideration of this bill?

The question was taken, and the Speaker announced that the noes seemed to have it.

seemed to have it.

Mr. BROWNE, of Indiana. Division.

The House divided; and there were—ayes 64, noes 85.

Mr. BROWNE, of Indiana. I have never been an obstructionist, and I hope I never may be. I have served here for nearly twelve years, and I have never filibustered on a single proposition. I do not intend to do it now. [Applause on the Democratic side.] And inasmuch as the gentleman from Missouri [Mr. Dockery] has promised to call this case up in case I shall be absent, I will not demand the yeas and nays, but will depend upon the generosity of the other side. [Applause on but will depend upon the generosity of the other side. [Applause on the Democratic side.]

SPRINGER. You will always win, then.

Mr. SPRINGER. You will always win, then.
The SPEAKER. Then the noes have it, and the House refuses to

consider the bill.

The gentleman from Pennsylvania [Mr. RANDALL] moves to dispense with the morning hour, and asks unanimous consent that gentlemen having reports to file may be permitted to hand them in to the Clerk. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

## REPORTS FILED.

The following reports were filed by being handed in at the Clerk's

#### HARRIET C. HUNTER.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 12033) to refer the claim against the United States of Mrs. Harriet C. Hunter to the Court of Claims; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

## BRIDGES ACROSS THE KENTUCKY RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be

# PUBLIC PARK IN THE DISTRICT.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 12136) authorizing and establishing a public park in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

# PAY AND RETIREMENT OF MATES, UNITED STATES NAVY.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 1646) relating to the pay and retirement of mates in the Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

# EUROPEAN GOVERNMENTS AND INTEROCEANIC CANALS.

Mr. McCREARY. I desire to report favorably from the Committee on Foreign Affairs Senate joint resolution 122, and ask that it be printed and recommitted, with leave to report at any time.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

Senate joint resolution 122, declaring the sense of the Government of the United States in respect of the connection of European governments with interoceanic canals at the Isthmus of Darien and in Central America.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky to make this report, have it printed, and recommit it to the Committee on Foreign Affairs, with leave to report at any time?

Mr. KILGORE. I want to make an inquiry.

The SPEAKER. Is there objection?

Mr. KILGORE. I want to make an inquiry first. Does the right

The SPEAKER. When the report is made it will come up for immediate consideration, subject to the right of any member to raise the question of consideration and the power of the House to determine whether or not it will consider the resolution. Is there objection?

Mr. OUTHWAITE. I object.

Mr. RANDALL. I hope the gentleman from Ohio will withdraw his objection. It is due to the country, the Senate having spoken in this connection, that the House should likewise be heard.

Mr. McADOO. No member of this House can afford to make objections.

tion to the consideration of this resolution.

Mr. OUTHWAITE. I was under a misapprehension as to what it

was, and I withdraw the objection.

The SPEAKER. Is there further objection?

Mr. KILGORE. If I knew what it was—

Mr. RANDALL. It is a reassertion of the Monroe doctrine.
Mr. KILGORE. Not the Nicaragua Canal bill?
Mr. McCREARY. No, sir.

Mr. COX. I do not make any objection, but I would like to hear from the gentleman from Kentucky at what time he will call this bill

up for consideration.

Mr. McCREARY. This is the joint resolution which has passed the Senate almost unanimously, was referred to the Committee on Foreign Affairs, was considered by that committee, and has been reported to this House favorably with but one objecting vote; and it should be considered at an early day. It involves important questions that this House ought to consider at an early day; and my object is to get early consideration.

Mr. COX. The sooner the better.

Mr. RANDALL. There ought to be a prompt, firm utterance on the part of this House.

Mr. OUTHWAITE. I would ask how long it will take to consider this resolution?

Mr. McCREARY. There is no reason why it should occupy the

House exceeding two hours.

Mr. BUCHANAN. Mr. Speaker, what is the question before the We can not hear on this side of the House because of the tur-House?

The SPEAKER. The gentleman from Kentucky asks unanimous consent to make a report from the Committee on Foreign Affairs, have it printed and recommitted to the Committee on Foreign Affairs with

leave to report at any time. Is there objection?

Mr. OUTHWAITE. Unless the time for consideration be limited to two hours I shall object. If the gentleman having in charge the measure will say that it shall be limited to two hours, I will not object. I regard it as an important matter; but I do not regard it as necessary to talk about it at any great length. This House ought to pass it unanimously, without any hesitation. Therefore discussion to any great length of time is unnecessary.

Mr. McCREARY. It is not our purpose to have a prolonged de-

Mr. BRECKINRIDGE, of Kentucky. I think it is of more importance than the gentleman seems to think it is now. It is a new departure in public policy, so far as I understand that policy, and is not a reaffirmation of the Monroe doctrine.

Mr. McMILLIN. Is it the Edmunds resolution?
Mr. McCREARY. It is the Senate resolution originally introduced by Senator EDMUNDS, which passed the Senate with only three dissenting votes.

Mr. McMILLIN. Reported back favorably?

Mr. McCREARY. Reported back favorably by the Committee on

Foreign Affairs

Mr. BRECKINRIDGE, of Kentucky. I do not intend to object, but I will object if debate is limited on a question here in the House of Representatives that would commit the American Government to a policy

of this kind without any real consideration at all.

Mr. McCREARY. It is the desire of the committee to have as full debate as members wish on this important question. I think that when the gentleman from Kentucky [Mr. Breckinride] comes to examine it carefully he will find that this is not a departure from the Monroe doctrine, but the resolution reaffirms the Monroe doctrine as applied to existing conditions, and certainly the great importance of this subject is such that there ought to be a time fixed for its consideration.

Mr. DUNN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN. Will it not be in the power of any member of the House to call the previous question upon the resolution when he gets the floor?

The SPEAKER. It will be in his power to demand the previous question, but the House alone can order it. Is there objection to the

question, but the House alone can order it. Is there objection to the request made by the gentleman from Kentucky [Mr. McCreary]?

Mr. HOOKER. I would suggest to the gentleman from Ohio that it is impossible to now limit the time for this discussion. There are several members of the Committee on Foreign Affairs who desire to be heard upon the question, and also several other members of the House, and it is not possible to specifically limit the debate at this time.

Mr. McCREARY. The time can be fixed when the resolution comes

up.
Mr. BROWNE, of Indiana. Mr. Speaker, in view of the great urgency of the appropriation bills, I demand the regular order. [Laugh-

The SPEAKER. The regular order is demanded.

## ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolu-tion of the following titles; when the Speaker signed the same:

A bill (H. R. 12107) to increase the maximum amount of interna-tional money-orders from fifty to one hundred dollars; A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (H. R. 4353) to provide a home for certain persons discharged from the United States Navy;
A bill (H. R. 6783) to place the name of John A. Griffey on the

pension-roll;

A bill (H. R. 2686) for the relief of William Knowland; A bill (H. R. 11785) to authorize the commissioners of the District of Columbia to permit the temporary occupation and crossing of certain streets in the city of Washington and District of Columbia by the tracks of the Baltimore and Ohio Railroad Company, to meet the demands of increased travel incident to the inaugural ceremonies on the

4th of March, 1889; A bill (H. R. 5870) to punish as a felony the carnal and unlawful

knowing of any female under the age of sixteen years; and

Joint resolution (H. Res. 181) accepting the invitation of the Imerial German Government to the Government of the United States to become a party to the International Geodetic Association.

#### ORDER OF BUSINESS.

Mr. HITT. Mr. Speaker—
The SPEAKER. The regular order is demanded and insisted upon.
Mr. HITT. The demand for the regular order is withdrawn.

Mr. BROWNE, of Indiana. Gentlemen have assured me that they will come to an agreement on this question in a moment, and, in view of that statement, I withdraw the demand for the regular order.

The SPEAKER. Is there objection to the request of the gentleman

from Kentucky [Mr. McCreary]?
Mr. OUTHWAITE. Unless the time is limited I shall object.
A MEMBER. Limit the time to five hours.

Mr. OUTHWAITE. No.
Mr. McCREARY. Let it be limited to one day.
Mr. OUTHWAITE. No; three hours is the utmost to which I will consent. There are other matters of importance before this House which are entitled to some consideration.

The SPEAKER. Is there objection to the modification which the gentleman from Ohio [Mr. OUTHWAITE] suggests, that the debate upon these resolutions be limited to three hours?

Mr. SPRINGER. There is no objection to that. I think three hours

will be satisfactory.

The SPEAKER. The Chair hears no objection, and the order is made. Mr. BRECKINRIDGE, of Kentucky. No objection to what, Mr. Speaker?

The SPEAKER. To limiting the debate to three hours.

Mr. RUSSELL, of Massachusetts. I object to that, Mr. Speaker. Laughter. If there is to be any limitation of the debate I shall object.

Mr. BROWNE, of Indiana. I demand the regular order. Mr. EZRA B. TAYLOR. Mr. Speaker, who objected?

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] objected, unless there could be an agreement to limit the debate. He suggested that it should be limited to three hours, but the gentleman from Massachusetts [Mr. Russell] objected, and thereupon the regular order was demanded. The regular order is the hour for the consideration of bills.

Mr. SPRINGER. I move to dispense with that.
Mr. RANDALL. Prior to that I move that the House resolve itself into Committee of the Whole on the state of the Union. Before that motion is put, I desire to ask consent to have a matter considered when we go into Committee of the Whole on the state of the Union, a joint resolution relating to a payment due to the heirs of Capt. James The consideration of it will take but a little while. I reported the joint resolution yesterday, the report having been prepared by our late associate, Mr. BURNES, and I would like to have consent of the House to dispose of it at this time. It will take but a few minutes.

The SPEAKER. The Chair will state to the gentleman from Penn-

sylvania [Mr. RANDALL] that the joint resolution to which he refers is not in the Committee of the Whole on the state of the Union, but in Committee of the Whole on the Private Calendar, and if he desires to have it considered he had better move to discharge that Calendar of

the joint resolution.

Mr. RANDALL. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the joint resolution.

Mr. DINGLEY. Had we not better go on with the appropriation

This will take only a few minutes, and it is a Mr. RANDALL. measure which will effect a saving to the Government.

The SPEAKER. Does the gentleman from Maine object? Mr. DINGLEY. I object.

Mr. DINGLEY. I object. Mr. BLOUNT. Mr. Speaker, I would like to know the character of this claim.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] has

Mr. CANNON. I think that if the gentleman from Maine understood the nature of the measure he would not object. It is a joint resolution which will effect a saving to the Government of \$125,000. Mr. DINGLEY. Then I withdraw the objection.

The SPEAKER. The objection is withdrawn and the Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads.

Resolved by the Senate and House of Representatives, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 to enable the Secretary of War to pay to the legal representatives of James B. Eads half the sum of \$1,000,000 retained by the United States under the act of March 3, 1875, to be paid on the expiration of ten years' maintenance of the channel the maximum depth and width as required by said act of March 3, 1875, and subsequent acts.

Mr. RANDALL. Mr. Speaker, when I reported this joint resolution yesterday I secured consent to have printed in the RECORD the accompanying report, so that members might have an opportunity to examine it, and that the time of the House need not be occupied in lengthy discussion of the facts and the law. I now ask to have read-and I ask silence as far as practicable on the part of members-a portion of that report which I think fully sets forth the necessity for this legisla-I will say that while this resolution makes an appropriation of money it does not relieve the heirs of the contractor from responsibil-Payment is not to be made unless in the opinion of the executive officers of the Government the contract on which the appropriation is based has been executed.

Mr. HOLMAN. Is this the last installment?
Mr. RANDALL. This is the first of two installments of half a million each which it was provided by the terms of the law should be held in reserve, the first for a period of ten years as a guaranty that the terms of the contract as to the width and depth of the channel to be secured should be fully executed. There will be half a million more of money to be paid at the end of twenty years, if the executive officers of the Government should find that the terms of the contract have been fully complied with.

I now ask that the extract to which I have referred, from the report of the committee, be read; and I hope members will give attention.

The Clerk read as follows:

The Clerk read as follows:

It appears from the consideration of the act of March 3, 1879:

1. That the act was intended to cover and provide for all payments thereafter to be made by the Government to Mr. Eads on account of the construction of the works at the South Pass and for the securing and maintenance of the channel. The language of the act is that "in lieu of payments" provided by the act of 1875 the following payments should be made, etc.

There is no provision made in the act of 1879 for any other maximum channel than the channel of 26 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to width.

2. The act of 1879 expressly declares that when a channel 26 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to width shall have been secured, the whole of the contract price agreed to be paid to Mr. Eads by the Government, "\$5,250,000," should be deemed as earned by Mr. Eads.

If it was the intention of Congress that any other maximum channel should be secured than the modified channel provided by the act of 1879, the amendatory act would certainly not have provided that the total compensation for the work should be deemed as earned until the maximum channel had been obtained.

The fact that by the terms of the act the total compensation for the entire work is declared to be carred when a channel 26 feet deep. 200 feet wide at the volt is the contract of the act that by the terms of the act the total compensation for the entire work is declared to be carred when a channel 26 feet deep. 200 feet wide at the obtained.

the work should be deemed as earned until the maximum channel had been obtained.

The fact that by the terms of the act the total compensation for the entire work is declared to be earned when a channel 25 feet deep, 200 feet wide at the bottom, and having a central depth of 30 feet without regard to width had been secured conclusively shows that that was the maximum channel that Congress intended should be secured.

3. The \$1,000,000 held in reserve by the Government was, under the terms of the act of 1875, distinctly to be held as security for maintenance of the maximum channel. Upon the securing of such maximum channel the money was earned, and interest was payable semi-annually to Mr. Eads or his representatives. The act of 1879 contains an express provision that \$100,000 a year for a period of twenty years shall be paid to said Eads or his legal representatives in equal quarterly installments to cover the expense of maintaining a channel 25 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to width. Can it be possible, in view of this expressed provision defining the character of channel to be maintained, that payment of the \$1,000,000 can be held to be conditional upon the maintenance of another and different channel?

4. The act of 1879 expressly provides that when Mr. Eads secured a channel

4. The act of 1879 expressly provides that when Mr. Eads secured a channel 30 feet in depth without regard to width the sum of \$500,000 should be paid, and that the remaining \$1,000,000, held in pledge as security by the Government, should be paid "at the time and in the manner" provided by the act of

This provision applies only to the matter of payment. It has no relation to the condition of the channel. The payments were to be made at the times—what times? At the expiration of ten and twenty years after the modified channel was secured, and in the manner—what manner? Upon warrants drawn by the Secretary of War upon the Secretary of the Treasury of the United States.

states.

The language means no more than this, and to hold that the word "manner" should be construed as referring to widths and depths of channel would seem to be a distortion of the language of the act and a clear violation of the intention of Congress.

5. For nearly ten years the Government of the United States has been paying interest at the rate of 5 per cent. per annum to James B. Eads, and since his death to his legal representatives, by way of interest on the \$1,000,000 held as security for the maintenance of the channel, and the channel thus maintained has been the modified channel provided for in the act of 1879, to wit, a channel 26 feet deep, 200 feet wide at the bottom, and having through it a central depth of 30 feet without regard to width. To now place such a construction upon the acts as would prevent the payment of \$500,000 of the \$1,000,000 upon the maintaining of such channel for a period of ten years would necessarily involve the conclusion that large sums of money heretofore paid to Mr. Eads were improperly paid. All of these payments have been made upon the theory that Congress intended by the act of 1879 to reduce the maximum channel required to be secured by the act of 1875. Several Attorneys-General of the United States have considered the question arising from the payments of installments of interest on this \$1,000,000, and in no case has it been questioned that Mr. Eads was entitled to receive this interest money upon the maintenance of the modified channel.

Mr. RANDALL. I desire to state that under one section of the statute the Government is obligated, in case the contract is complied with, to either make payment in money, or in default of that, the Government is compelled to issue ten-year bonds bearing 5 per cent. interest. If the Government were driven to the necessity of issuing such bonds, it would incur a loss of somewhere between \$125,000 and \$150,-000, according as the premium on such bonds might be from 25 per cent. to 30 per cent., which I think a fair estimate.

Mr. LONG. In other words, if we pay in eash, the Government

gets off \$125,000 cheaper than if we pay by bonds.

Mr. RANDALL. If we pay in cash we pay \$500,000; if we pay in bonds, having ten years to run and bearing 5 per cent. interest, we pay what is equivalent to \$625,000 or \$650,000.

Mr. LONG. That is to say, we save \$125,000 by passing this bill

Mr. RANDALL. At least that amount.

Mr. LONG. Then it would hardly seem worth while to read anything more in demonstration of the propriety of passing the bill.

Mr. BLOUNT. I desire to inquire of the gentleman from Pennsylvania whether by the failure of Congress on a former occasion to make an appropriation Mr. Eads did not actually receive bonds which were

above par?

Mr. RANDALL. That is the fact, if I remember correctly.

Mr. RANDALL. That is the fact, if I remember correctly. The gentleman from Georgia himself had charge of that matter, and he endeavored to pass a bill here—

Mr. BLOUNT. The bill did pass in this House.

Mr. RANDALL. Well, the gentleman endeavored to pass here and succeeded in getting passed a bill providing for the payment of money instead of bonds. Somehow or other the Senate failed to act upon the gentleman's proposition; and the actual result was, as the gentleman, I suppose, remembers, that bonds were issued instead of money in part payment of the amount due under this contract; and the Government was thereby subjected if I remember aright to an additional exment was thereby subjected, if I remember aright, to an additional expense of \$80,000 or \$90,000. I presume the gentleman recollects the circumstances, as he had a closer connection with the matter than I had at that time

Mr. BLOUNT. I only desired to call attention to it, as I thought the facts in that case illustrated the force of the proposition which the gentle-

man from Pennsylvania now makes.

Mr. RANDALL. They do; and the case now presented is precisely similar—"on all fours" with the case referred to by the gentleman from Georgia.

Mr. BROWNE, of Indiana. Will the gentleman from Pennsylvania

answer me a question?

Mr. RANDALL. Certainly I will, if I can.

Mr. BROWNE, of Indiana. Personally I know nothing about this matter, though much has been said about it in the newspapers. I desire to inquire whether it is certain that this contract has been so completely complied with that there can be no question as to the liability of the Government for the payment of this money?

Mr. RANDALL. In answer to that I want to say that this bill if it becomes a law only makes the money available, and that the duty and responsibility still rest with the War and the Treasury Departments in that connection to see that the contract has been faithfully

executed.

Mr. FORNEY. Up to date,
Mr. RANDALL. Yes, up to date; and I want to say and make public here, in order that the executive officers of the Government may know that in passing a bill making this money available neither the House nor Congress takes any responsibility in any manner of seeing that the contract has been executed. That must be left and is left absolutely with the Departments.

But I wish to add somewhat for the general information of the House that under the act of 1879 the original contract for a width of 350 feet of channel was changed to a width of 200 feet with 26 to 30 feet depth. That change was made, I think, by the act of 1879, so that the bill has been so drawn, and the fact so stated in the report, that the Departments of this Government having the payment of this money shall not conclude by this act of ours that they are released from the least degree of responsibility incumbent upon them in connection with the matter.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask further if, from the information in the possession of the Committee on Appropriations, the committee have any doubt of the fulfillment of the

Mr. RANDALL. I do not want to commit myself or the committee in that regard or in any respect beyond the mere placing of the money, making it available to execute the governmental side of that arrange-As to the fulfillment of the contract, that question is left to the parties who disburse the money. Because I do not want to have the executive officers of this Government to lean back, when they come to pay out the money, on Congress, and say in any manner that Congress has determined that this contract had been complied with.

Mr. LONG. . If I may be permitted to state this, the bonds will be available at any rate, and the gentleman from Pennsylvania now de-

sires that the cash may be ready.

Mr. RANDALL. The bonds will be available without further action. The law provides:

SEC. —. That the option of discharging the obligations herein assumed by the United States, either in money or bonds, is expressly reserved, and the Secretary of the Treasury is hereby directed to issue the bonds of the United States, bearing 5 per cent. interest, of the character and description set out in the act entitled "An act to authorize the refunding of the public debt," approved July 14, 1870, to said Eads, or his legal representatives, in payment, at par, of the aforesaid warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriations of money.

I now read the law under which these bonds would be issued if the

money was not paid:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate \$200,000,000, coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of \$50, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable semi-annually in such coin, at the rate of 5 per cent, per annum.

Mr. WEAVER. But they can not pay in bonds if we make the cash

available.

Mr. LONG. No; they must pay in cash; and the object of appropriating the money now is to save the difference, which will be about \$100,000.

Mr. RYAN. We want the cash available so that the Department

may pay in cash instead of bonds.

Mr. RANDALL. I desire to yield such time as he may desire to the gentleman from Louisiana [Mr. BLANCHARD], who is familiar with

Mr. KERR. Is there not a report in existence to the effect that only

Mr. RERR. Is there not a report in existence of the effect that \$250,000 was due this party?
Mr. RANDALL. No. Under the terms of the original contract \$500,000 was held back for ten years, and there is another \$500,000 for twenty years, so that the channel and the width of channel prescribed shall be retained in width and depth for that time.

No. DVAN. That is the reserve or indemnity fund.

Mr. RYAN. That is the Mr. RANDALL. Yes. That is the reserve or indemnity fund.

Mr. BLANCHARD. Mr. Speaker, in 1875 the Government of the United States, by legal enactment, made a contract with James B. Eads by which he undertook to secure, for the stipulated compensation of \$5,250,000, a maximum depth of 30 feet depth of water at the South Pass of the Mississippi River, with a width of 350 feet. After pursuing the work of the construction of the jetties for several years and attaining various depths which he had undertaken in his contract to obtain, Captain Eads came to Congress in 1879 and asked a modification of the law of 1875. The matter underwent at that time a thorough examination and investigation in both Houses of Congress, and the result was that the modification asked by Eads was granted by the passage of an act amending the act of 1875.

The modification was this, that instead being obliged to attain a channel 30 feet deep by 350 feet in width, Eads was to attain a channel 26 feet in depth by 200 feet in width with a central depth of 30 feet with-

out regard to width.

Now, from the time of the completion of the jetties to the present time, say ten years, or it will be ten years in September of this year, this channel of 26 feet depth and 200 feet width, with a central depth of 30 feet without regard to width, has been maintained. How has it been ascertained that it has been maintained? Mr. Speaker, the War Department has had for ten years and has now at the jetties, near the mouth of the river, an engineer officer whose duty it is to report monthly to the Secretary of War the depth of water in the jetty channel and as to whether or not Mr. Eads and his associates are maintaining the channel according to the requirements of his contract with The monthly reports of this engineer officer show the Government. that a channel of the requisite depth and width has been maintained constantly, and upon these reports there has been paid Mr. Eads by the Secretary of the Treasury upon the warrant of the Secretary of War the annual compensation of \$100,000, stipulated for in the contract, for maintaining the channel at the width and depth named.

Also, Mr. Speaker, based upon these monthly reports, there has been paid to Mr. Eads the 5 per cent. interest which the contract provides shall be paid to him annually upon the \$1,000,000 reserved as security for the maintenance of the channel during the period of twenty years. So that the executive department of the Government has for years acted upon the conviction that the Eads contract has been completed in full by him, and the \$1,000,000 held in reserve as aforesaid earned. That \$1,000,000 was to be paid, one half in ten years and the other half

in twenty years.

The first installment of half a million dollars will be due in September, and it is stipulated in the contract with Eads that in the event this million dollars, maturing in two installments, payable in ten and twenty years, is not paid, the Secretary of the Treasury shall thereupon issue the 5 per cent. bonds of the United States to Mr. Eads and his associates at par for the amount of the defaulted payment. We all know that the 5 per cent, bonds of the Government of the United States are worth from 25 to 30 per cent, premium.

So that if there be default on the part of Congress in making this appropriation all that the representatives of Mr. Eads would have to do

would be to go to the Secretary of the Treasury and demand the bonds, and there is no discretion on the part of the Secretary of the Treasury to refuse to issue them.

Mr. BLOUNT. And he has done that once.

Mr. BLANCHARD. Yes, as I am reminded by the gentleman from Georgia [Mr. BLOUNT], Congress did once default in making the necsary appropriation to meet a portion of the indebtedness due Mr. Eads, and the latter demanded and received from the then Secretary of the Treasury the bonds of the United States covering the amount due him. The law on that subject, which I have here, is as follows:

And the Secretary of the Treasury is hereby directed to issue the bonds of the United States bearing 5 per cent, interest, of the character and description set out in the act entitled "An act to authorize the refunding of the public debt," approved July 14, 1870, to said Eads or his legal representatives, in payment of the various warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriation of money.

Mr. Speaker, this is simply a business proposition. Will Congress provide the money, or default and thereby enable the legal representatives of Mr. Eads to demand the bonds?

It will really be of great advantage to the legal representatives of Mr. Eads if this money be not appropriated, as the bonds are worth probably from 25 to 30 per cent. premium; and by their issuance a bonus of about \$150,000 will be received by the Eads interest. Common business sagacity and prudence suggest that the money be provided and the issuance of the bonds obviated.

Mr. RANDALL. I demand the previous question.

Mr. KERR. I want to call attention to a provision. I see that there has been a former report of the Chief of Engineers to the effect that Eads was only entitled to \$250,000.

Mr. RANDALL. I do not know that there is any such report in this connection; but if there is, the officers of the Government have no au-

thority to pay beyond what will be due.

Mr. KERR. But the officers have already committed themselves and put themselves on record, because they say it is due. So that is in effect no safeguard at all.

The question was then taken upon ordering the previous question, and on the engrossment and third reading of the joint resolution.

The previous question was ordered, and under the operation thereof the joint resolution was engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the joint resolution had been passed; and also moved to lay the motion to re-

consider on the table.

The latter motion was agreed to.

# ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

The motion was agreed to.

Mr. RANDALL. Now, before going into Committee of the Whole on the state of the Union I move to limit debate on the irrigation amendment to one hour, not to include the time given to the gentleman from Colorado [Mr. SYMES].

The motion was agreed to.

## SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union, and the gentleman from Colorado is recognized.

Mr. SYMES. I believe, Mr. Chairman, that I control the time in

favor of the measure.

Mr. RANDALL. Mr. Chairman, I do not know that I am a fair representative for the distribution of the time in this connection. I have the right to say individually that I did not favor this amendment in the committee in the absence of any mature plans being made by the Committee on Public Lands; but I think that the House can safely rely upon the Chair to make distribution of the time fairly be-tween the two sides. I represent the committee, and shall do it with

the two sides. I represent the committee, and shart do it with fidelity.

The CHAIRMAN. The Chair would desire to divide the time equally between the friends and opponents of the amendment.

Mr. SYMES. I shall want about fifteen minutes.

Mr. RANDALL. I would prefer that the Chair would see that the time is properly divided between the friends and the opponents of the

measure, if it has any opponents. I may want a little time myself.

The CHAIRMAN. The Chair will endeavor to see that the time is

divided equally.

Mr. SYMES. Mr. Chairman, when the committee rose last evening, I was proceeding to explain the map before us, which represents a topographic survey and an irrigation survey made during the months of October and November last, under the personal supervision of Professor Powell. It represents the survey of the irrigation district on the Jemez River or Creek, in the Territory of New Mexico. As I said yesterday, the blue patches upon this map or plat represent the reservoirs. The

black meandering line represents the proposed irrigating canal. The red lines below represent and surround the different townships of land, including 155,000 acres, which can be irrigated from these reservoirs.

Mr. Chairman, we have here a practical illustration of what we said could be done last summer if the House would pass the irrigation-survey bill which we asked at that time, namely: We have here the waters of this creek utilized by this survey made in last October and November; we have the sites of these reservoirs reserved from public sale; we have 155,000 acres of land which has been classified as irrigable land and made susceptible of irrigation by that survey. In that connection let me say, Mr. Chairman, that we have here utilized a great many thousand dollars of expenditures heretofore made which would have been practically thrown away but for the passage of the act which we insisted upon last summer.

Mr. McMILLIN. Will the gentleman permit me to make a sug-

gestion at that point?

Mr. SYMES. I can not; I have so little time. Mr. Chairman, there had been a topographic survey extended over the country on the headwaters of this stream in New Mexico, so that the Government engineers, in making this irrigation survey, commenced with their field-notes where the topographic surveyors left off surveying some years ago, and they only had to run the contour lines and lay their levels,

and locate these natural sites for reservoirs.

In addition to that they only had to run the line of the proposed irrigating canal and then go below and locate the lands which were made susceptible of irrigation. So we have presented here a practical illustration of the large irrigating district surveyed, as I have said, during the months of October and November last, made irrigable by utilizing a great many thousand dollars' worth of the topographic survey which was made before but was of no especial practical benefit until it was followed by the additional irrigation survey. This Jemez River, from the point on the map where my cane now rests, at Silla, down to the Rio Grande River, is lost in the sand and is nothing but a dry ravine during the dry or irrigating season; so that the waters in these reservoirs, which gather all the waters of this stream in the mountains and make susceptible of irrigation 150,000 acres of land, could never be utilized otherwise for any purpose upon earth, because they are lost in the sand during the irrigating season.

Mr. Chairman, there was a settlement found upon the Jemez River, Mr. Chairman, there was a settlement found upon the Jemez River, where the Pueblo Indians irrigated in 1530, when the Spaniards first marched through that country. A settlement of Spaniards was made on this river in 1710, and they utilized all the waters of the stream that they could practically use for irrigation purposes without having storage reservoirs, and were able to irrigate from the waters of that stream only 2,700 acres of land. Now this irrigation survey, by the creation of the storage reservoirs, reclaims and makes irrigable 155,000 acres. The waters of the Jemez River or Creek in New Mexico are utilized by this survey for the reclamation of 155,000 acres of land, and the inby this survey for the reclamation of 155,000 acres of land, and the industry of man for two centuries previous had been able to irrigate from

that stream only 2,700 acres.

Mr. Chairman, the inquiry may be made, how are the irrigating engineers able to report that there can be irrigated from these reservoirs by the utilization of this water 155,000 acres of land? Let me explain that. Major Powell has invented a unit for the measurement of water in reservoirs for irrigation. He has reduced it to what is called an "acre foot" of irrigating water. An "acre foot" of irrigating water means a body or sheet of water 1 acre in area and 12 inches in depth; or it represents a body or sheet of water 12 inches in thickness and containing 160 square rods in area; or, if you want to figure it as the hydraulic engineers have figured it heretofore, it represents 43,560 cubic feet of water. This acre, or this foot of irrigating water, will irrigate annually 1 acre of land. The average number of inches of water in depth required for irrigation on ordinary lands in an ordinary arid region is 12 inches. In some places, on account of the dryness and the character of the soil, it requires from 16 to 18 inches. In some places, on account of the dampness of the soil and the partial humidity of the

climate, it requires only 6 inches.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SYMES. Well, I think I am entitled to further time in order

to finish my remarks. The CHAIRMAN. If there be no objection, the gentleman will be recognized further.

There was no objection. Mr. SYMES. This, Mr. Chairman, presents a practical illustration. A storage reservoir that is 5 acres in area and 20 feet deep holds water enough to irrigate 100 acres of land. Of course certain allowance must be made for evaporation. In the latitude where these reservoirs are located the evaporation is very little. When the water reaches reservoirs way down upon the plains at lower altitudes the evaporation is

much greater.

Mr. Chairman, it is not for me to criticise appropriations which have been for many years reported by the distinguished gentleman, the chairman of the Committee on Appropriations, and his colleagues on that committee; yet as there is objection to appropriating the sum of \$250,000 for this valuable work to utilize the public domain of the Government, to reserve from the hands of grasping monopoly the sites

for irrigating reservoirs, and to prevent extortion being practiced upon the millions of people who will in the future settle that country, I may be permitted to compare the appropriations in this bill for the Geological Survey, as respects their utility, with the appropriation asked for

this particular purpose.

We find in this bill, as we have found in previous years, an appropriation of \$40,000 for ethnological researches among the North American Indians. Now, as a branch of pure science, it is an interesting question to ascertain whether the mound-builders of the Middle and Western States are related in affinity, consanguinity, or in some other way to the ancient cave-dwellers of New Mexico; but I submit when we take into consideration the utilitarian value of that appropriation, the \$250,000 here asked will be of more benefit to the people of the great West and the teeming millions who in the future will inhabit the arid regions of the United States than many millions expended to determine whether the mound-builder is the relative of a cave-dweller in the mountains.

There is also appropriated in this bill \$40,000 for paleontologic researches carried on by Professor Marsh, the great comparative anatomist, who, as illustrated by the gentleman from Alabama [Mr. HER-BERT], has attempted to determine whether a certain fossil bird had one or two teeth in the cycle of centuries passed, when he was alive on the surface of this globe, before the days of Adam. While I am not criticising those appropriations, while I think this great Government can afford to carry on these interesting researches, yet certainly if I should take my choice between the two propositions I would wipe out the appropriation of \$80,000 for pure theoretical science and I would expend the amount in making irrigation surveys that shall add to the value of the Government domain and shall conduce to the comfort and prosperity of the millions that will hereafter settle this great country. We can afford to appropriate for both.

Again, Mr. Chairman, we have \$6,000,000 appropriated or to be appropriated for a Library building out here in front of the Capitol that is to rival buildings of that character in the Old World. I would have a good Library building; but at the same time, if we have not money enough for all these appropriations, I would certainly survey the public domain; I would segregate these reservoir sites and reserve them; I would classify and reserve this public domain for the benefit of our

people in the future.

This appropriation is indorsed by the President. He says on page 26 of his last annual message:

Nor should our vast tracts of so-called desert lands be yielded up to the monopoly of corporations or grasping individuals, as appears to be much the tendency under the existing statute. These lands require but the supply of water to become fertile and productive. It is a problem of great moment how most wisely for the public good that factor shall be furnished. I can not but think it perilous to suffer either these lands or the sources of their irrigation to fall into the hands of monopolies, which by such means may exercise lordship over the areas dependent on their treatment for productiveness. Already steps have been taken to secure accurate and scientific information of the conditions, which is the prime basis of intelligent action. Until this shall be gained the course of wisdom appears clearly to lie in a suspension of further disposal which only promises to create rights antagonistic to the common interest. No harm can follow this cautionary conduct. The land will remain, and the public good presents no demand for hasty dispossession of national ownership and control.

The Secretary of the Interior specially recommends it. He says:

In the last annual report of this Department to the President, which has already been laid before the Congress, I had the honor to submit briefly the expression of my opinion of the desirability and importance of prosecuting the investigating surveys begun under the appropriation in the act referred to, and I think the facts exhibited by the report now presented lend additional sanction to the suggestions then made. I beg leave to earnestly recommend favorable action, with a view to the early development of a scientific system of irrigation and wise legislation for the utilization of the desert lands.

The Director of the Geological Survey reports as follows upon the field-work done since the passage of the act of last session:

field-work done since the passage of the act of last session:

In obedience to the provisions of the above statute, steps were immediately taken to commence the work of an irrigation survey of the arid region of the United States. Before the passage of the act Congress had called upon the honorable Secretary of the Interior for general plans and estimates, and under the instruction of the Secretary the Director of the Geological Survey had outlined the scope of the work and delineated in brief the results that might be expected to follow. He further made an estimate of the total cost and of the amount which it was thought could be wisely expended during the first year's operations. These reports were published by Congress, and constitute Senate Executive Documents Nos. 13 and 163, Fiftieth Congress, first session.

#### TOPOGRAPHIC WORK.

The necessary topographic work was placed under the charge of A. H. Thompson. A number of topographers already employed in the Geological Survey were selected as his chief assistants, and the force was largely increased by the employment of temporary field assistants, but no increase of the permanent corps was made. Under the direction of Professor Thompson the following-described work has been done:

WORK IN MONTANA.

Work was commenced on the continental divide at the headwaters of the Columbia and Missouri Rivers early in October, one party surveying on the Columbin River side and another on the Missouri River side.

The whole was under the immediate charge of Mr. E. M. Douglas. An area of 2,200 square miles has been surveyed. The topographic features of this country were delineated, the courses of the streams and the sites of all considerable bodies of water were ascertained, and the altitude, position, and general character of irrigable lands were determined. This is a region of abundant perennial streams, and many sites favorable for the establishment of storage reservoirs have been discovered.

WORK IN NEVADA.

WORK IN NEVADA Early in November Mr. H. M. Wilson, with the parties under his immediate charge, previously engaged on topographic work in the gold-belt region of Central California, was transferred to Nevada, near the headwaters of the Truckee,

Carson, and Walker Rivers, and immediately began the work of an irrigation survey. This is a region where mountain waters are in great abundance, but where lands to which they can be economically conveyed are limited in extent, Up to the present time the survey of an area of about 800 square miles has been completed. Work will be continued as late into the winter as the season will permit and resumed early in the spring of 1889.

WORK IN COLORADO.

WORK IN COLORADO.

In the latter part of October, and immediately on the passage of the act, a party in charge of Mr. Anton Karl commenced work on the South Platte River. The season was too far advanced to enter the mountain region, so the survey was confined to the foot-hills and the plains extending eastward, embracing the city of Denver and a portion of the great agricultural district of Colorado. About 1,400 square miles have been surveyed.

In this region the waters of the South Platte are already employed in the irrigation of many districts, and the entire volume of the river during the irrigating season is utilized in serving the lands for agricultural purposes. The future development of agriculture in this country is dependent partly upon such an improved construction of irrigating works as will prevent waste and loss, but chiefly upon the construction of reservoirs to hold the waters which through the remainder of the year now flow to the sea without performing their duty to agriculture. The topographic work in this region is now suspended, as it can not be economically carried on in winter, but it will be resumed in the spring.

Early in October a large party, under charge of Mr. W. D. Johnson, was sent to Colorado to operate in the valley of the Arkansas, and work is being prosecuted with vigor. An area of about 1,500 square miles has been surveyed. It embraces some regions which have already been redeemed by irrigation, but which can be further developed by better utilization of the great flow of the Upper Arkansas and by the storage of waters in the higher mountains and the foot-hills. The upper portion of the Arkansas, unlike that of the South Platte is well adapted to this purpose, as there are many valleys, morainal lakes, and basins that can be economically utilized for storage basins. On the South Platte much of the stored waters must be held in lakes created in the foot-hills and on the plains, while the waters of the diverse created in the foot-hills and on the plains, while the waters of th

WORK IN NEW MEXICO.

WORK IN NEW MEXICO.

At the time of the passage of the act above mentioned parties under Mr. A. P. Davis were at work in New Mexico making topographic surveys of certain mountain regions. These surveys were on methods adapted to the purposes of the irrigation investigation, and it was therefore only necessary to enlarge the scale and extend the work into districts of irrigable lands. The entire work of the season is therefore available. The region embraced is that drained by the Jemez River and other tributaries of the Rio Grande rising in the Tewan group of mountains. The most northern river of this series is the Chama, which has its confluence with the Rio Grande above Santa Fé. The most southern is the Puerco, having its confluence with the Rio Grande below Albuquerque, and between these rivers the Jemez and other streams join the Rio Grande. At the writing of this report an area in this region has been surveyed topographically having an extent of about 6,000 square miles.

From the above it will be seen that, although the act for the irrigation survey was not signed until October, and the season favorable for surveys in middle latitude was almost past, yet the work was immediately pushed with vigor, so that at the close of the calendar year five considerable tracts of country have been surveyed—one in Montana, another in Nevada, a third in the Platte Valley of Colorado, a fourth in the Arkansas Valley of Colorado, and the fifth in the drainage basin of the Rio Grande, in New Mexico.

Mr. Chairman, it would be interesting to discuss this subject of irri-

Mr. Chairman, it would be interesting to discuss this subject of irrigation for the next few hours, but time, which seems always to be the most valuable thing in the House of Representatives when an important measure is up, admonishes me that I must close. I do not think that the distinguished chairman of the Appropriations Committee will object to this increase of \$100,000, which makes the aggregate appropriation at this time \$250,000, when the President of the United States has indorsed the measure, when the Secretary of the Interior has made an estimate and asks for \$350,000. We are asking for \$100,000 less than the Secretary of the Interior insists should be appropriated.

Mr. Chairman, the land-grabbers are still abroad in the West. song that has been sung by the distinguished gentleman from Indiana [Mr. HOLMAN] and the distinguished gentleman from Illinois [Mr. PAYSON] for ten years in this Hall against the land-grabbers still leaves them at large, to use the pre-emption law to secure for corporations these natural reservoir sites, which ought to be reserved for the benefit of the people at large. The gentlemen have not been able, it seems—I do not say they are to blame for it, but suffice it to say they have not been able to bring about legislation to prevent these sites for reservoirs and these irrigable lands from being land-grabbed in the future. I ask, Mr. Chairman, that \$100,000 additional, making the appropriation \$250,-

000, be granted for this great and beneficent purpose.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I have a right to say that as a member of the Committee on Appropriations, I did not favor the insertion of this item, because I did not believe I was sufficiently informed, nor, in my judgment, was the committee sufficiently informed, to justify us in entering upon further expenditure in this direction. The Senate at the last session of Congress inserted a paragraph looking to the prosecution of this work, and in that paragraph made provision for the expenditure of \$100,000. It came to the House and was concurred in.

The proposition that comes now from the Chief of the Geological Bu-

reau is a request for \$350,000 to be used in this direction. mittee, by a vote, directed me to report this amendment, which provides for \$150,000. This paragraph, in my judgment, contains no restraint whatever upon the officer as to the manner of the expenditure,

or as to when, where, or how it shall be expended.

Mr. SYMES. Will the gentleman pardon me a moment?

Mr. RANDALL. Certainly.

Mr. SYMES. In the act passed last summer, on the amendment adopted here in the House, offered by the gentleman from Kentucky

[Mr. Breckinkings] and prepared by myself, it does require—and a very wise provision in fact, and one that should have been in all the acts heretofore providing for the Geological Survey—a report of how much of this money is used, the manner in which it is used in the field, and what proportion of it is thus used, and what for office purposes. So that I think the gentleman's criticism in that respect is not entirely accurate, and this fund can not be eaten up here in Washington.

Mr. RANDALL. Still that is not a restraint of such character as I think ought to rest on an expenditure of the public money confided to

an officer of the Government.

Now, it may be-I do not want to be understood as arbitrarily committed against this work-it may be a very wise provision, but I do think that its friends should recognize the fact that before entering upon the expenditure of hundreds of thousands of dollars

Mr. McMILLIN. Millions of dollars.

Mr. RANDALL. My friend from Tennessee says millions of dollars.

Mr. McMILLIN. They say so themselves.
Mr. RANDALL. That before entering upon such an expenditure, whatever it may be, we should have some foundation or basis of law covering the subject. I quite sympathize with those gentlemen representing the arid region of this western country in their efforts to secure irrigation; but I do not know that anything is very pressing in that direction, especially in view of the fact that all of the public lands that are arable have not yet been taken up, and that there are many hundreds of thousands of acres of good land still available.

Mr. SYMES. Not of arable lands. They are nearly all exhausted, and the organization of the Territory of Oklahoma will open up the

only arable lands that are available.

Mr. RANDALL. I heard it asserted in committee, but there were no facts or records to substantiate it or make the statement good.

Mr. SYMES. The records could not do it. It would have to be done by some gentleman familiar with the matter and the land laws.

Mr. RANDALL. Yes; by the ipse dixit of some one, I presume.
Mr. SYMES. No; but by the Land Office records.
Mr. RANDALL. That, Mr. Chairman, is all I desired to say. I wanted to act in good faith, and yet I wanted to have myself understood, which is not perhaps a matter of very great importance to others, but is to myself.

Will the gentleman allow a further interrogatory, Mr. SYMES.

which I think will throw some light upon the question?

Mr. RANDALL. Certainly.

Mr. SYMES. I desire to ask the gentleman from Pennsylvania whether or not any report has been made or required upon the \$200,000 annually appropriated for the topographic survey; and whether they have not been at liberty to expend it wherever they saw fit, for any survey they thought fit, and that we did not know when we made the appropriation to what purpose they were going to apply it, so far as the particulars of the survey were concerned? Mr. RANDALL. In answer to the gentleman I will state that I have uniformly complained of that feature myself.

Mr. SYMES. I am glad to hear it, for I think it is a matter susceptible of complaint.

Mr. RANDALL. But because we have been guilty of laches in one particular it does not operate as an excuse or a reason for entering into another impropriety.

Mr. SYMES. I quite agree with the gentleman, and I have been complaining of not having the provisions covering the Geological Survey and the amount of work in the field more clearly defined.

Mr. RYAN. Mr. Chairman, I was pleased to hear my colleague who has charge of this bill speak so strongly of his fidelity to his committee in this matter, and yet I think the House will hardly gather from his remarks anything whatever in favor of the proposition which is reported in the bill.

Mr. RANDALL. Do you not think it is the privilege of those who favor a measure in committee to speak in its behalf on the floor of the

House?

Mr. RYAN. I think that fidelity to his committee would require him to represent his committee and not his own individual views and opinions

Mr. RANDALL. Well, I never heard that doctrine enunciated be-If it had been applied to me, I should certainly kick. [Laughfore. ter.

Mr. REED. I have never seen it carried into practice, I will say to my friend from Pennsylvania.

I did not understand the claim that my friend made of fidelity to his committee, unless he intended to advocate, as the rep-

resentative of his committee, the proposition as reported in the bill.

Mr. RANDALL. I am able to say that in the committee, on a yeaand-nay vote, my vote is there recorded against this proposition, as the
gentleman knows; and to say that I should come in here simply because
I happened to be on the floor in charge of a general bill. I happened to be on the floor in charge of a general bill which contains two thousand subjects, and advocate on the floor what I have voted against in the committee, would be an incongruity that I do not expect to be guilty of.

Mr. RYAN. I do not expect the gentleman to be guilty of any incongruity. I was only curious to know where fidelity to his committee appears in his remarks on this proposition.

Mr. RANDALL. I hope to be able to say what I am in favor of. Mr. REED. You favor those you want and are against those you

Mr. RANDALL. That is very ungenerous and very untrue.
Mr. RYAN. As reference has been made to the action of the committee, I will state that while-

Mr. HERBERT. Will the gentleman permit me there

Mr. RYAN. I have only a short time.

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. HERBERT. I understood the time was given between the ad-ocates and those who were opposed to the amendment. I ask whether the gentleman is occupying time as an opponent of the measure?

Mr. RYAN. No, sir; I am in favor of the measure.

Mr. HERBERT. That is all I wanted to ask.

Mr. RYAN. In speaking of the committee I will say it is true that my colleague recorded himself against it in committee. It is equally true that the committee was overwhelmingly for it. Now, Mr. Chairman, I regard this as one of the most important propositions that have come before Congress; one that involves the welfare of the people of this country for all time to come. Four-tenths of the area of the United States and Territories, exclusive of Alaska, are dependent wholly upon artificial irrigation. After careful calculation by those best informed it has been determined that 15 per cent. of that can be irrigated and utilized for the purposes of agriculture; that by that means ten hundred millions of acres which to-day in their present condition can not

be utilized for the good of mankind for any purpose can be opened for Mr. SMITH, of Arizona. But they will fall a prey to the monopo-

lists who supply the water.

Mr. RYAN. To utilize these lands and to make them suitable for homes for the increasing millions of our population seems to me among the higher duties of statesmanship; and it is high time that Congress inaugurated a system that shall take that land and place it in a position where it shall be absolutely safe and absolutely secure for homes for our own people in the future, and not allow it to drift along until it shall finally fall into the hands of speculators.

Mr. Chairman, I can not discuss the merits of this question in five minutes, but I may add that lands cultivated under artificial irrigation are always the most desirable and the most valuable. Sometimes they produce a double crop, but always a certain crop, and consequently when these lands are placed in a condition where they can be utilized for the purposes of agriculture they become the most valuable and the most desirable in the United States. I therefore believe it to be the duty, and a solemn one, incumbent upon the membership of this body here and now to make such an appropriation as may be necessary to carry on this great work in the interest of our people.

The CHAIRMAN. The time of the gentleman from Kansas has ex-

pired.

Mr. HERBERT. Mr. Chairman, I shall only occupy a few moments in this debate. When this scheme was first put forward, at the last session of the present Congress, it was discussed somewhat fully. It was then contended by those of us who opposed it, and I think it will appear more and more clearly from year to year as we progress in this matter, that the appropriation of \$100,000 then made was simply the inauguration of a vast scheme of expenditure, the like of which has nowhere yet appeared in all the past history of this Government, although we have in many things been very extravagant.

It was said at the time by the advocates of the measure that the purpose was simply to make a survey and map out sites in order to put it in the power of private enterprise to reclaim these arid lands. I contended then, as other gentlemen did, that the real purpose of those who are advocating this scheme was that the Government should undertake this scheme. I opposed it, not because irrigation was useless,

but because of its extravagance and of its injustice.

I know, and no man can successfully deny, that wonderful results have followed irrigation in many of the countries of the world. There can be no doubt that in our arid regions millions of acres of land can be redeemed, but it will require the expenditure of tens and hundreds of millions of dollars. We can add vastly to the products of that portion of the country; but are we ready to tax the people living in the Eastern States and in the Southern States for the benefit of this great scheme of reclaiming, or rather of improving by irrigation, that vast western domain?

I am opposed to the principle which lies at the foundation of this heme. To tax one for the benefit of another is radically wrong, and that is just exactly what this scheme means if the Government is to improve these lands. It is not a public improvement. It is not for the benefit of all. It is not to create something for the public use. It is to tax the people of the East to fertilize the lands in the West. Many of these lands are now private property. All of them will become pri-vate in the future and that without any compensation to the Government for its expenditure upon them. In fact, the amendment applies alike to public and private lands. What right, sir, has this Government to tax me to ditch the water off of or to ditch it on to the lands of another? We began last year with an appropriation of \$100,000. Now the proposition is \$150,000, as reported by the committee, and I believe the gentleman from Colorado [Mr. SYMES] proposes to amend that so as to

make the amount \$250,000.

It was precisely in this way that the Geological Survey began. When all the surveys in the western country, four in number, were consolidated and wiped out of existence and one new survey erected upon their ruin, with Major Powell (the gentleman who is back of this their ruin, with Major Fowell (the gentleman who is back of this scheme) at its head, the appropriation for the first year was \$100,000 or \$125,000. That was about twelve or fifteen years ago (I speak from memory, not having lately referred to the figures); but the appropriations ran on from year to year, jumping up from \$100,000 to \$200,000 and \$300,000, until now well-nigh three-quarters of a million of dollars are expended every year by the Geological Survey.

The expenditure embraces reseaches in paleontology, as the gentleman from Colorado says, and it embraces general discussions of geology.

from Colorado says, and it embraces general discussions of geology. The whole of that scheme is built upon a few simple words contained in an appropriation bill. It all rests upon the words "the construc-tion of a geological map of the United States." Upon this little phrase this vast bureau has been built up, and it has gone on, as I have said, until now it costs nearly \$700,000 a year. So big has that bureau come to be that its chief is here asking for a public building to hold it. Here he is, too, having gotten \$100,000 last session, demanding an appropriation of \$350,000 for the present year.

Where is this thing to stop? How much will it all cost? I think that any gentleman who will take the figures that have been furnished

here in the last debate and look them over and see how much of this land there is and how difficult it is to irrigate, and who will remember that Major Powell said before the committee that many of these waters would have to be carried as far as 40, 50, or a greater number of miles before they could be utilized—I think that any gentleman who will consider these facts will be appalled at the prospect which this scheme presents. Remember that for years the people in this arid region have been using all of this water that was convenient. irrigated every foot of land that they could afford to put the water on. Now, the Government is asked to step in and do what private individuals can not do-enter upon a scheme of carrying water hundreds of miles to irrigate millions of acres of land. Why, sir, I estimate that this scheme, if carried out, will cost more than \$1,000,000,000.

Mr. SYMES. Will the gentleman pardon me there? Mr. HERBERT. Yes, for a question.

Mr. SYMES. Does any act that is proposed to be passed, or that has been passed, commit the Government to conveying this water, or digging irrigating canals or building dams? Not at all. It is committed

only to a survey of the public domain.

Mr. HERBERT. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has occupied five minutes, but as all the time has not been appropriated the Chair will recognize the

gentleman for two minutes longer.

Mr. HERBERT. In reply to the gentleman from Colorado I say in the first place that the language of this act is very much broader than the language of the act under which Major Powell has already expended upon the geological survey seven or eight million dollars; and it can be much more rationally construed to cover this whole scheme than the words which were put into that legislation can be construed to justify paleontological discussions or geological discussions or the erection of such a bureau as we now have here; and the amendment proposes to leave the Chief of the Geological Survey just as the appropriations in the other case left him, to construe the act for himself and spend the money as he pleases.

But, Mr. Chairman, the argument made in behalf of this measure, the speech of the gentleman from Colorado himself who asked me this question, the speech of the gentleman from Kansas—in fact every argument that is made in favor of this proposition proceeds upon the idea that private enterprise can not and will not do this thing, and therefore the Government must. I ask the gentleman from Colorado himself to answer me this question yes or no: Does he believe that if we make this appropriation the Government will never do anything else

than conduct the survey?

Mr. SYMES. It never would, if I could control the matter. On my theory of what the Government ought to do, this matter will be turned over by force of circumstances to the States where there are irrigating bureaus, and the work the Government may now do will be hereafter utilized by those States. I am simply asking the Government to add to the value of its own property by surveying it and preventing it from being "land-grabbed." That is all there is in this proposition.

Mr. HERBERT. Mr. Chairman, there is back of this proposition the idea, which nearly every gentleman who has advocated this scheme has admitted squarely on this floor, although the gentleman from Colorado himself does not, that the Government is to do this work because

private enterprise will not.

There are to-day millions and millions of capital in this country seeking investment. If this enterprise promised to be a paying investment for private capital, that capital would be invested in its prosecution. From the nature of things there are questions arising out of the prosecution of a work like this which it would be absolutely impossible for private corporations to deal with. The different riparian rights of dif-

ferent proprietors, the conflicting claims of the State of Nevada, the State of Nebraska, and the State of Colorado, which were argued here before this Committee of the Whole at the last session—all these things when they come to be considered show that the Government must do this work if it is to be done, and that private enterprise never will do anything more in this direction than it has already done. It was not until private enterprise had invested all the money that promised a remunerative return to private individuals and private corporations that the demand was made here for the Government to undertake it.
[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I have only a minute and a half in which to say a few words before I yield the floor to my colleague [Mr.

SPRINGER

Mr. Chairman, substantially one-half of the land embraced in our Territories is an arid region. If the water supply can be utilized, a very considerable percentage of that Territory can be irrigated. Congress has provided by legislation that all the reservoir sites, as they shall be ascertained by surveys, and the lands that can be irrigated shall be reserved. Having thus legislated, we appropriated \$100,000 to commence the work of surveying all the reservoir sites and the lands which could be irrigated. The proposition embraced in this bill appropriates \$150,000 more to that end. The pending amendment proposes to add \$100,000. I believe the amendment should be adopted; so that when these reservoir sites are located, and the lands which can be irrigated by utilizing the water supply are designated, the Government will then be in a condition by legislation to devise a proper method to dispose of these water-rights and of these lands, our present land system not be-ing adapted to that condition. And I believe it is the duty of Congress to move vigorously in this direction—in the selection of these sites and of these lands, so that a system can be devised—not for the Government to make these improvements, but to provide by law how the sites and the lands shall be disposed of. There is the whole proposition. I would appropriate \$350,000 to be expended for these surveys next year, if I had the power; but as the committee recommends an appropriation of only \$150,000 and the amendment increases that by the addition of only \$100,000, I shall vote for this amendment, making the amount \$250,000 instead of \$150,000.

I yield the remainder of my time to my colleague from Illinois [Mr.

SPRINGER

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER]

has three minutes

Mr. SPRINGER. Mr. Chairman, the remarks of the distinguished gentleman from Alabama [Mr. Herbert] are misleading, so far as this proposition is concerned. The text of this bill and the amendments do not contemplate the building of reservoirs, or any other expenditure by the Government, except for the purpose of investigating the extent to which the arid regions of the United States can be redeemed by irrigation and the segregation of the irrigable lands in such arid The importance of this survey to the Government and to the people is this: The Government will send topographical engineers to the arid regions for the purpose of ascertaining prospective sites for reservoirs and the lands which can be reclaimed by the aid of such reservoirs; and it will withdraw from settlement under the laws of the United States all such lands. The Government is already engaged in a topographical survey of all this region, making appropriations year after year for that purpose. This proposition will simply make year after year for that purpose. This proposition will simply make these investigations of the irrigable capacity of our arid lands the first question to be considered by the Geological Survey, instead of allowing the bureau, as heretofore, to make a general topographical survey of the whole region.

Mr. Chairman, the importance of this subject can not be overesti-If gentlemen will look at the map now before the House they will see in the center of it, or near the center, a red line extending from the Russian possessions to the Gulf of Mexico. That line is near the one hundredth longitude west of Greenwich, and between that and a line near the coast, 150 miles off, is what is called the arid region. That land will not produce anything except by irrigation. It is a vast area. The object of this amendment is to reserve the arable lands there from public entry, and lands which may be necessary for the construction of reservoirs; to reserve these lands until the Government can establish a system hereafter for the construction of such reservoirs whether through governmental means or by private hands. I was informed, and it was so stated to the Committee on Territories, that the lands embracing 150,000 or 200,000 acres would be worth \$140 to \$150 an acre when irrigated by a proper system, and in that event would thus materially add to the wealth of the country.

[Here the hammer fell.]

Mr. BLAND. Mr. Chairman, when this subject was before the House before I made some remarks favoring the general object. While I am still in favor of some legislation for the purpose of reserving the lands necessary for the purpose of constructing reservoirs, and for a survey of this arid region with that view, so as to prevent these valuable water rights and facilities falling into the hands of monopolists, still I am constrained to say at the present time I think these appropriations should wait until we have matured some general legislation and established some general system on the subject. I am not satisfied, Mr. Chairman, with the system now being carried on. It seems to me it is a little loose, and too much discretion is given to the officer

in charge of the work.
Mr. SYMES. Will
Mr. BLAND. I wo Will the gentleman allow me to interrupt him?
I would rather not, but I will before I get through.

Mr. Bland. I would rather not, but I will before I get through.

Mr. Chairman, there is no great necessity at this time for urgency in the matter regarding further entry of public lands for settlement, because we have now large areas in the West which are open to public entry by homestead and pre-emption. In other words, sir, there is no such crowding as would indicate any necessity upon the part of the General Government to enter into the business of opening up these lands and making them fit for cultivation. Of course I can see the necessity on the part of the Government to reserve all the lands necessary for the purpose of constructing these reservoirs and to preserve the great privilege of water rights, without which these arid lands would be worthless

Now, I understand the Committee on Public Lands has under consideration a general land system which ought to be matured and adopted, and in that system there ought to be some provision made under certain regulations and restrictions for these surveys. I do not know whether the lands as fast as surveyed are being opened up to settlement or not. I understand at the last session of Congress that was the provision inserted in the sundry civil appropriation bill at that

Mr. SYMES. It was the provision, and those lands are reserved. Mr. BLAND. I think there should be an act passed, and before we enter into this subject so extensively there ought to be a law by which these lands in the arid region should be reserved from public entry. I am in accord with the sentiment that it would not be good policy to permit these lands to be entered by private parties, and these great water rights monopolized by individuals and corporations.

Mr. SYMES. Then why does my friend object to this?
Mr. BLAND. I object to this because it is a loose way to legislate. It does seem to me the money appropriated should be better guarded. I am opposed to appropriating large sums of money at the mere discretion of an officer without any restriction or safeguard thrown around it. Hence I shall not only oppose the amendments of the gentleman from Colorado, but move a further restriction on this appropriation until some general legislation on the subject shall be had.

Mr. SMITH, of Arizona, withholds his remarks for revision. [See

Appendix.

Mr. SYMES. Mr. Chairman, in behalf of a number of gentlemen I would like to ask that they have the privilege of printing remarks in

the RECORD on this question.

The CHAIRMAN. While the Chair thinks that should properly be done in the House, yet if there be no objection the request will be complied with.

There was no objection.

Mr. VANDEVER. Mr. Chairman, at the present time the great bulk of the public domain lies west of the one hundredth meridian; that is, the portion of it yet undisposed of, and it remains undisposed of—the majority of that public domain—to-day, from the fact that it is arid and famished, and its improvement by irrigation is not within the compass of private enterprise. In order to put water upon it, large ex-

penditures are necessary.

Now, we have a desert-land act which allows a man 640 acres of land if he will put water upon it. It does not give it to him for having made the improvements, but he is required to pay 25 cents an acre immediately upon entering and subsequently to pay the balance of \$1.25 an acre, and that is all the advantage now offered under the land laws of this Government to private enterprise to induce men to go upon these arid lands and undertake their reclamation. There is another fact, too, arid lands and undertake their reclamation. There is another fact, too, to be considered, and that is the amount of our public domain suitable for cultivation is diminishing year by year, while the demand is constantly increasing. It is not within the power of the individual to restore these arid lands. In the arid region lying west of the one hundredth meridian there are accumulations of water and moisture in these mountain ranges, and if the Government restricts the individual to the right of 640 acres for carrying water upon lands, why does not the obligation rest upon the Government, if the land is to be restored, to make this land suitable for settlement; and why should not the Government expend some portion of the public funds in making the neces-

sary improvements?

And it is a matter of economy; not only a matter of great public utility and necessity, but it is a matter of very great interest to the Government. No speculation that can be suggested to-day offers such inducements as this speculation does. It is a speculation for the Government to take this immense body of public lands that are now lying arid and waste and which will not bring 1 cent an acre, and by the expenditure of these moderate sums of money in collecting the water in the mountains to provide irrigation, by which they can be brought into demand, and they will furnish homes for hundreds of thousands, and will ultimately make this great desert "blossom as the rose."

Now, this is not a new experiment. I have been over that region, north, south, east, and west, in all of these Territories clear to the Pacific coast; I know by actual observation what has been done, and that

long before a European had set his foot upon this country. You go down to some portions of the Territory represented by the gentleman who has just taken his seat [Mr. SMITH, of Arizona], and all over this who has just taken his seat [air. Shirth, of Arizona], and are over the broad area of arid region you find the broken pottery of a former civilization upon every hand. To-day that land is arid and waste, and no white man lives on it, but you will find there the remnants of irrigating ditches running in every direction that had been used by a former civilization.

[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman from lifornia has

expired.

Mr. VANDEVER. 1 would like to have about two minutes more. The CHAIRMAN. The gentleman from California asks an extension of his time two minutes, not to come out of the hour. Is there obiection?

There was no objection.

Mr. VANDEVER. I will drop the consideration of the subject as to what has been done heretofore, but would like to say what has been done in my own district within the last few years. Private enterprise there by an incorporated company has made reservoirs up in the mountains, and by the construction of a flume some 35 or 40 miles in length has brought water down to the vicinity of San Diego, and to-day they can deliver 5,000 inches of water (miners' inches) upon an arid area of 100,000 acres of land 600 feet above the level of the sea, and, I may also state, supply the entire city with water.

Mr. McMILLIN. Did it require an expenditure by the Govern-

ment to do this?

Mr. VANDEVER. They did it by private enterprise.

If this thing were done as a matter of speculation it would encourage other great aggregations of capital to go and appropriate these sites for reservoirs in the mountains, and when they have secured the water they have secured the land; and what is desired to be done is that the Government shall protect people against these great speculators and against the system of appropriating land for the few. They must step in for the relief of the people. must step in for the relief of the people.

Mr. HERBERT. As I understand the gentleman from California, he contends that the Government must do the whole work.

Mr. VANDEVER. The Government is under the same obligation

to do this for the benefit of the people that it is to improve the rivers

and harbors of the country.

Mr. HERBERT. That is exactly what I have been arguing was the position of gentlemen in favor of this scheme.

Mr. VANDEVER. It is better for the people to fall into the hands of the Government and be protected by it than to be left to the tender mercies of speculators, who, if these sites for reservoirs are not reserved now, will in no distant time become wholly dependent upon great companies for supplies of water for irrigation.

Mr. HOLMAN and Mr. REED rose. The CHAIRMAN. The Chair will recognize the gentleman from Indiana

Indiana.

Mr. HOLMAN. I can not be classed as opposed to this measure; yet I fear I am occupying time allowed to gentlemen opposing the entire proposition. My opposition extends entirely to the amendment proposed by the gentleman from Colorado [Mr. Symes]. I think that for the present the sum named by the Committee on Appropriations, \$150,000, is sufficient. I wish to call the attention of the committee to a few facts. This subject in its present proposed magnitude has never been considered by a committee of the House; nor has any bill been before any committee of the House embracing a plan of such an improvement except the joint resolution which was approved on the improvement except the joint resolution which was approved on the

20th of March, 1888.

But that, in fact, in its terms did not contemplate any general plan such as is now contemplated. It contemplated, as was understood, simply a report based upon the information in possession of Major Powell, the Director of the Geological Survey, as to what extent reservoirs of water in the arid region could be made available for irrigation purposes. That joint resolution was considered by the Senate Committee on Public Lands, as I understand, and by the House Committee on Public Lands. A few days since Major Powell, the Director of the Geological Survey, submitted to the House Committee on Public Lands a very interesting statement of surveys made in New Mexico, but that committee has not taken any action on the subject. This subject has never been fully considered. We are not informed to what extent the Commissioner of the General Land Office has felt authorized to withdraw from public sale the desert lands that would ultimately be bene-

fited by the expenditure now proposed to be made.

The language of the provision in the sundry civil act of last session on this subject is certainly ambiguous, and we have not been able to ascertain to what extent the Secretary of the Interior is willing to assume responsibility in withdrawing from sale desert lands which are to be affected by the proposed expenditures. That provision that I wish to call attention to is the amendment prepared by the gentleman from Colorado and offered by the gentleman from Kentucky [Mr. Breckin-

RIDGE], as was then understood:

All the land which may hereafter be designated or selected by said United States surveys for sites for reservoirs, ditches, or canals for irrigating purposes,

and all the lands susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforward hereby reserved from sale as the property of the United States.

The only way in which that provision can be made effectual, or at least the best way to accomplish that object, is by repealing the desertland law of 1877; for my friend from Colorado will undoubtedly concede that under the present very liberal desert-land law, which authorizes the entry of a whole section of land by any person, the motive to seize upon these lands in anticipation of this Government improvement is very great. I think that ought to be avoided. There are at least two things to be considered: First, the vast area of country which will be affected by this legislation which is already owned by corporations under grants heretofore made, especially in New Mexico, Arizona, California, and in Montana. There are millions of acres already granted to railroad corporations which, in some form or other, will be affected by our legislation, and most beneficially affected, and, I think, increased in value far beyond the expectations of the House. This ought to be considered. These expenditures for surveys, and the ultimate expenditures likely to follow to reclaim desert lands, ought to be confined to public lands and not for the benefit of private parties.

Mr. SYMES. If the gentleman will permit me, I do not see how railroad lands can be beneficially affected. On the contrary I think they will be damaged by this legislation, for the reason that if the act which the gentleman has read is properly followed up by appropriations for this survey, Government lands will be selected for irrigation and the water will be devoted to them, and there will be no water left

to irrigate the railroad lands.

Mr. HOLMAN. That is a very good speech of my friend, perhaps, but he does not ask a question. But, Mr. Chairman, the suggestion that the large grants heretofore made by Congress to corporations will not be benefited by this legislation and the expenditures contemplated is hardly, I think, open to question. Under the liberal policy of allowing the entry of a whole section of land under the desert-land law by any person, which has been in operation for several years, vast areas of land have been taken up by speculators. They paid but 25 cents per acre, and could hold the land three years before paying the additional dollar per acre. I think that an appropriation of \$150,000 this year for this purpose is quite enough, until we more fully understand this matter and see the effect of these expenditures. Let some proper committee consider the whole subject and devise a general system. If the Senate had passed the general land bill which passed the House early last summer, that would have relieved us somewhat of the difficulty, because that bill makes a very great and a very beneficial change in the present law in regard to desert lands.

Mr. SYMES. I concede that.

Mr. HOLMAN. But the Senate will not act upon the bill.
Mr. SYMES. There is the trouble.
Mr. HOLMAN. But let me call the attention of my friend from Colorado to the fact that 12,000,000 acres of these desert lands have already been reclaimed by private enterprise, 9,000,000, we are told, in the single Territory of Utah, and let me inquire of him what is to be done with these great private enterprises that are already organized for irrigating purposes where they conflict with the plan of the Government? All over the arid country the gentleman will find flumes and canals conveying water for many miles for irrigation, and these works are being constantly enlarged and extended.

Now, how can we safely proceed in this matter without more careful legislation and a more satisfactory basis for legislation than we have at present? The only legislation that we have up to this time is the very indefinite joint resolution to which I have referred, and which passed the House last year without consideration, and the provision in the sundry civil act for this year, which appropriated the \$100,000 to commence those surveys. The former measure passed the House with the understanding that it contemplated a report from Major Powell on the basis of information already acquired in the surveys made by his

While I am in favor of reclaiming these lands, and believe that an inexhaustible source of agricultural wealth exists in those arid regions, I do not wish to see Congress precipitately rush into a movement which may be found full of embarrassment, unless proper legislation can be had in advance. We appropriated \$100,000 for the present year, and if we follow the recommendations of the Committee on Appropriations and appropriate now \$150,000 for the coming year, that will certainly be a large enough sum until we have legislation that will obviate the embarrassments that might otherwise arise.

Besides this, Major Powell could in the mean time, with this beginning, organize his force for the new work, and fully consider the fields in which the work may go on without a Government system being involved with individual enterprise.

Mr. REED. Mr. Chairman, the question of internal improvements made by the whole nation for the benefit of the whole nation has had, during our history, such frequent and conclusive discussion that I am always amazed when I hear some of the reasoning upon that subject that is brought up here in modern times. The question whether one part of the country shall be taxed for the benefit of another part, whether one section shall pay in order that another may have an ad-

vantage, has been so thoroughly discussed and the proposition that that should never be done has been so thoroughly answered that I am always amazed to find it brought forward. The population of this The population of this country is interchangeable. The citizens of Maine are to be found from one end of the country to the other, and I have no doubt that, as in the present and in the past, so in the future, we shall have that free circulation of population which nationality implies. If that is the case, then whatever is for the benefit of one section of the country is for the benefit of all. The annual river and harbor bill which we pass, or attempt to pass, can be justified upon no other ground. There are many States which receive no benefit from it, there are many localities which reap no advantage from it, but it is justified and justifiable upon the ground that the whole nation is benefited thereby.

Now, there lies beyond the Mississippi an enormous area of country a very large part of which is owned by the United States and almost all the balance of it by citizens of the United States. That land can be rendered cultivable only by irrigation. Experiments already made show that that land, which upon its face appears to be nothing but desert, can be made to blossom like a garden. In order to make it do that it is necessary for us to substitute for the rainfall that never comes the flowage of the rivers and streams. As the country becomes settled the difficulty of obtaining reservoirs increases day by day. The proposition which we are now discussing proposes that a reasonable sum of money shall be appropriated for the purpose of securing at this early day the reservoirs which we now know must be had in order to make that re-

gion valuable.

And whenever that country is made valuable the United States is made valuable by just so much and the citizens of the United States are to just that extent enriched. Is there any reason that we should

The question, then, of principle being disposed of—and it seems to me that no man can stand up against the reasoning which I have suggested-the matter is one of detail, of what sum should be appropriated by the people of the United States for this great work. mittee on Appropriations propose an expenditure of \$150,000. The gentleman from Pennsylvania [Mr. RANDALL], faithful after the manner which I have described to his committee, thinks there should be no appropriation. The Secretary of the Interior believes that there should be \$350,000 appropriated. The recommendation of the Secretary of the Interior is certainly entitled to the respectful consideration of the House; and when we bear in mind the vast extent of territory to be affected by this measure and the smallness of the appropriation proposed by the committee, I do not see how any member of this House can hesitate to vote in favor of granting the sum asked for by the gentleman from Colorado. It does not go to the full extent of the demands of the Secretary of the Interior, but it is a fair and reasonable compromise. To my mind this sum is too small; but rather than take 150,000 I would be glad to take \$250,000, if I can not get \$350,000.

[Here the hammer fell.] The CHAIRMAN. There are four bate in opposition to the proposition. There are four minutes of the time left for de-

Mr. BUCKALEW. I desire to inquire whether the time to be occupied in support of the proposition has all expired.

The CHAIRMAN. It has.

Mr. HERBERT. Mr. Chairman, the gentleman from California [Mr.

VANDEVER] and the gentleman from Arizona [Mr. SMITH], who perhaps know more practically about this question than any other gentle-men on this floor, who understand the difficulties which beset an un-dertaking of this kind by private individuals, admit that ultimately this work must be done either by the State government or by the Federal Government

Mr. VANDEVER. I stated that I preferred the Government should make the improvement rather than that this valuable property should

fall into the hands of speculators.

Mr. HERBERT. I understand that was the drift of the gentleman's argument, and I think I have not misrepresented him. The difficulties are so great, the conflict of rights which will arise are so numerous, that it is absolutely impossible for private individuals properly to do this thing. Speaking in a general way, whatever private enterprise could accomplish profitably has been done. What remains to be done must be done, then, by the State governments or by the Federal Government. States can not do it, for streams run from one State into an-Conflicts have already arisen between citizens of the State of Nebraska and the State of Colorado. The governor of Nebraska complains that the waters of the river Platte have been ditched off by citizens of Colorado and prevented from running down into Nebraska. If any government at all is to do it, the Federal Government must undertake this scheme. I have not time in four minutes to discuss the

question of right or power. But just a word as to expense.

Now, sir, what is to be the cost? In the debate we had here last session it was stated, and it is undeniably true, that every acre of land reclaimed by irrigation is worth from \$40 to \$50 an acre. This system of irrigation has been carried on for fifteen or twenty years. When land can be made worth \$40 an acre by irrigation, does not every gentle-man here know that the enterprise of the American capitalist has already utilized all the land that can be irrigated for \$10 an acre?

is a plain, practical proposition—that all the lands which can be irrigated for \$10 an acre have been improved, because improving them makes them worth \$40 an acre. Then we are asked to enter upon a scheme which contemplates the improvement of over one hundred million acres of land. At \$10 an acre, that would be \$1,000,000,000 to carry out this scheme. And who can do it, who can furnish the money for such a vast undertaking, except the Government of the United States? I warn gentlemen to pause now in the beginning, and not to embark the tax-payers of the country in a scheme as gigantic as this.

[Here the hammer fell.]

#### MESSAGE FROM THE SENATE.

The committee informally rose, Mr. SYMES taking the chair as Speaker pro tempore, and a message was received from the Senate, by Mr. McCook, its Secretary, announcing the passage of bills of the following titles, with amendments, asking conference on the disagreeing votes of the two Houses, and appointing conferees on its part, as indi-

A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll conferees, Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE

A bill (H. R. 2261) to increase the pension of Elijah W. Penny—conferees, Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE.

A bill (H. R. 3312) to transfer certain counties from the southern ju-

dicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes conferees, Mr. Wilson of Iowa, Mr. Brown, and Mr. Frye.

A bill (H. R. 6364) to provide for the sale of land allotted and pat-

ented to certain members of the Black Bob band of Shawnee Indians, and for other purposes-conferees, Mr. DANIEL, Mr. PLATT, and Mr.

The message also announced the passage without amendment of bills of the following titles:

f the following titles:

A bill (H. R. 538) granting a pension to James Miller;
A bill (H. R. 2557) for the relief of W. W. Welch;
A bill (H. R. 5752) for the relief of Julia Triggs;
A bill (H. R. 5752) granting a pension to Mary Jane Harris;
A bill (H. R. 9163) granting a pension to Eli Garrett;
A bill (H. R. 11052) granting a pension to Clara M. Owen;
A bill (H. R. 11089) granting a pension to Elizabeth Harper;
A bill (H. R. 11223) to increase the pension of George A. Glover;
A bill (H. R. 11378) granting a pension to James S. Harden;
A bill (H. R. 11459) granting a pension to Erasmus W. Jones;
A bill (H. R. 11578) to increase the pension of Rowland Ward;
A bill (H. R. 11624) to increase the pension of Jacob Rogers;
A bill (H. R. 11629) granting a pension to Elizabeth Clover;
A bill (H. R. 11777) granting a pension to Rebecca H. Lyon; and
A bill (H. R. 12039) granting a pension to Thirza S. Jenner.
It further announced the passage of joint resolution and bills of the billowing titles, in which concurrence was requested:

It further announced the passage of joint resolution and bills of the following titles, in which concurrence was requested:

Joint resolution (S. R. 124) relating to the salary of the Supervising Surgeon-General of the Marine-Hospital Service;

A bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia;

A bill (S. 1140) authorizing the Secretary of War to procure and present suitable medals to the survivors of the "forlorn hope storming party" of Port Hudson;

A bill (S. 2407) to authorize the conveyance of certain Absente.

A bill (S. 2407) to authorize the conveyance of certain Absentee

Shawnee Indian lands in Kansas;

A bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas;
A bill (S. 3734) to authorize the construction of a bridge or bridges

across the Mississippi River at La Crosse, Wis.

A bill (S. 2758) granting a pension to Susan P. Murdock;

A bill (S. 3515) granting a pension to Lottie R. Hunter;

A bill (S. 3611) granting a pension to Anna W. Smith; A bill (S. 3617) granting a pension to J. W. Boyd; A bill (S. 3618) granting a pension to Meryah Watts; A bill (S. 3604) granting a pension to Sarah J. Alexander;

A bill (S. 3642) granting a pension to Jonas Lehman;

A bill (S. 3713) granting an increase of pension to Maria A. Rous-

A bill (S. 3724) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy;

A bill (S. 3819) granting a pension to Esther Gould; A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson; and A bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes.

#### SUNDRY CIVIL BILL.

The committee resumed is session, Mr. Dockery in the chair.

The CHAIRMAN. The question recurs on the amendment of the centleman from Colorado [Mr. SYMES] to the amendment of the gen-

tleman from Pennsylvania [Mr. RANDALL].

Mr. NELSON. Is not the amendment of the gentleman from Colorado open to amendment?

The CHAIRMAN. Not now, and will not be until the amendment to the amendment is disposed of.

Mr. NELSON. I think the amendment which I wish to propose will be in order. His amendment is an amendment to the amount of the appropriation, while mine is an amendment for the purpose of controlling the appropriation.

The CHAIRMAN. If there be no objection, the amendment will be

Mr. RANDALL. Does the gentleman want to perfect the text? Mr. NELSON. I do.

The CHAIRMAN. Does the gentleman from Colorado withdraw his amendment to the amendment at present?

Mr. SYMES. I will do so.
Mr. NELSON. I ask my amendment to the amendment be read.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended in or about any other lands than those of the United States; and none of the lands on which any part of this appropriation is expended shall be sold or otherwise disposed of until due provision has been made by law to charge such lands in their disposal with their pro rata share of the money herein and heretofore appropriated for such purpose.

Mr. RYAN. There is nothing for that provision to operate upon

The CHAIRMAN. Does the gentleman offer that as a proviso?

Mr. NELSON. I offer it as a proviso.

Mr. RANDALL. Before the amount of the appropriation is fixed? Mr. NELSON. I wish it to come in at the end of the amount, what-

ever that may be.

Mr. RYAN. Why not offer it when the amount has been determined?

The CHAIRMAN. The gentleman from Minnesota had better with-

draw his amendment to the amendment at present.

Mr. NELSON. I will if it is to be considered as pending.

Mr. RYAN. There will be no difficulty about it.

Mr. SYMES. I understand that my amendment to the amendment is before the committee.

is before the committee.

The CHAIRMAN. It is.
Mr. RANDALL. I wish to call the attention of the gentleman—
The CHAIRMAN. The amendment to the amendment of the gentleman from Minnesota [Mr. Nelson] is withdrawn.

The question recurred on Mr. Symes's amendment to the amend-

The committee divided; and there were—ayes 88, noes 41

So Mr. Symes's amendment to the amendment was agreed to. The CHAIRMAN. The gentleman from Minnesota [Mr. Nelson] can now offer his amendment to the amendment.

Mr. NELSON. Very well; I propose to add the proviso which has

already been read. The amendment of Mr. Nelson to the amendment was again read.

Mr. RANDALL. I beg the attention of the gentleman from Minnesota to the last act which seems to me would relieve the doubt the gentleman from Kansas [Mr. RYAN] submits that this is inappropriate

Mr. RYAN. My colleague misunderstood me. I did not mean it was inappropriate here, but I spoke in reference to the amendment of the gentleman from Minnesota, that he should withhold it until the amount had been determined.

Mr. RANDALL. I did not catch the real meaning of the proviso moved by the gentleman from Minnesota. As it was read it seemed to me to interfere with the provision in the last clause.

Mr. RYAN. I think it is a change of existing law, and I make that

point of order against it.

Mr. NELSON. Is my amendment to the amendment pending?

The CHAIRMAN. It is; and the gentleman from Kansas makes the point of order against it.

Mr. McMILLIN. It comes too late. The CHAIRMAN. The Chair thinks it comes too late. Mr. RYAN. I insist on it.

Mr. McMILLIN. So far as I can see the amendment is a proper

one. The point of order comes too late.

Mr. RYAN. It provides where there is ownership of lands in the vicinity of lands of the United States, then there shall be no surveys carried on. Its effect will be to stop all survey.

carried on. Its effect will be to stop all survey.

Mr. NELSON. Can I be heard on the amendment?

The CHAIRMAN. Debate has been closed on the pending paragraph and the amendments thereto. The Chair is of the opinion the point of order comes too late. The amendment to the amendment was withdrawn by the request of the Chair and again offered, and it could hardly be considered the point of order was in time.

Mr. BREWER. I ask for the reading of the proviso again as but few seem to have understood it.

The proviso was again read.

Mr. HOLMAN. I believe there is no debate permitted under the order of the House.

The CHAIRMAN. The debate has been closed.

Mr. HOLMAN. I ask one minute to make a statement.

Mr. DUNN, Mr. RYAN, and others demanded the regular order. Mr. HOLMAN. Then I offer the amendment I send to the desk.

The CHAIRMAN. The Chair will state that there is an amendment ending, and an amendment to the amendment. As soon as the question is taken on the amendment of the gentleman from Minnesota, the Chair will entertain the amendment of the gentleman from Indiana.

The question was taken on the amendment to the amendment submitted by Mr. NELSON.

The committee divided; and there were—ayes 54, noes 62.
Mr. NELSON. Mr. Chairman, for the purpose of having tellers I

make the point that no quorum has voted.

Mr. NELSON and Mr. RYAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 52, noes 74.

So the amendment was rejected. The CHAIRMAN. The Clerk will now read the amendment submitted by the gentleman from Indiana.

The Clerk read as follows:

And the act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877, is hereby repealed.

Mr. RYAN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. I did not understand who submitted the point of

The CHAIRMAN. The gentleman from Kansas, Mr. RYAN. Mr. HOLMAN. I hope my friend has considered this matter. are fast disposing of these lands, and this provision will make it more than ever an object to get them.

Mr. RYAN. While I might be in favor of the gentleman's proposi-

tion, I certainly do not want to load this bill down with a great deal

of public-land legislation.

Mr. HOLMAN. I know; but this is directly germane to the pending proposition, and is certainly necessary for the preservation of these lands which are capable of irrigation. The desert lands are only being sold in large quantities, and if we are going to protect any of them which are susceptible of irrigation we must make some provision re-pealing that old law.

pealing that old law.

Mr. SMITH, of Arizona. If a man can irrigate his land by a little stream from a mountain spring, or by a little branch running from some cafion, are you going to reserve that?

Mr. HOLMAN. These lands are being reserved every day in view of such improvements as are here contemplated being made ultimately by the Government. The provision which I proposed to incorporate, and which has been ruled out on the point of order, is obviously necessary to protect the lands. to protect the lands.

Mr. ROGERS. Regular order.

The CHAIRMAN. The regular order is the question on the amendment of the gentleman from Pennsylvania as amended.

The question was taken.

The committee divided, and there were-ayes 72, noes 31.

Mr. HOLMAN. No quorum, I believe, Mr. Chairman.

To avoid the interruption of the bill, I ask unanimous consent—
Mr. FARQUHAR Regular order. We have just voted on this prop-

Mr. RANDALL. Yes; but if the gentleman will yield for a moment to permit the gentleman from Indiana to make a suggestion it may facilitate the bill.

Mr. FARQUHAR. I have no objection to that. Mr. HOLMAN. I was asking, Mr. Chairman, unanimous consent, in order to avoid interrupting the progress of this bill, that the pending proposition stand adopted with the right to a vote in the House.

Mr. RANDALL. I can say now, in answer to the gentleman's re-

quest, that that can be had.

Mr. HOLMAN. My desire is to have a vote in regard to this repeal of the desert-land law.

Mr. RYAN. I think the gentleman is asking something now that is quite unfair. If he wants a vote on this proposition, I do not know that there is any objection to that; but the other matter is certainly not in order on this bill.

The CHAIRMAN. The Chair understands the gentleman from In-

diana to make the point of order that no quorum has voted.

Mr. HOLMAN. I did; and I was endeavoring to ask unanimous consent to get a vote in the House on the proposition I have suggested.

Mr. STEELE. Regular order.
Mr. RANDALL. I would like to reach, if possible, an arrangement which would induce the gentleman from Indiana not to insist on the

point of order.

Mr. HOLMAN. I want to say that my only object is this: You are allowing the desert lands to be sold in vast quantities to speculators, and with this provision, if it be adopted, some further protection must be thrown around those lands. You allow now a man to take four quarter-sections.

Mr. SYMES. But by the act passed last summer we reserved the reservoir sites.

Mr. ROGERS. Regular order.

The CHAIRMAN. The point of order that no quorum has voted being made, the Chair will appoint tellers.

Mr. HOLMAN and Mr. RYAN were appointed tellers.

Mr. RYAN (one of the tellers). So far as I am personally concerned I care nothing about the gentleman's proposition particularly. I have said that I did not desire this bill loaded down with that sort of legissaid that I did not desire this bill loaded down with that sort of legislation, but I am perfectly willing myself to agree that he can have a vote on his proposition in the House.

Mr. HOLMAN. That is all I have asked.

Mr. STEELE. Let us have a vote here.

Mr. FARQUHAR. And finish it now. Regular order.

The CHAIRMAN. The regular order is the question on the amendance of myself.

ment as am nded.

The committee divided; and the tellers reported—ayes 93, noes 46.

Mr. HOLMAN. No quorum.

Mr. Chairman, to save time I wish to submit a single remark. It is that the gentleman from Colorado and the gentleman from Kansas do not object to a vote in the House on the proposition, and in view of that fact I trust there will be no objection to permitting such an arrangement to be made.

Mr. EZRA B. TAYLOR. I call for the regular order. The CHAIRMAN. The regular order is the further count by tell-

Mr. KILGORE. I want to make a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. KILGORE. I would like to inquire if it is not the case, when
the Committee of the Whole finds itself without a quorum, that the committee shall rise without a motion and report the fact to the

Mr. RANDALL. If the gentleman from Texas will pardon me a moment, I will make a motion that the roll be called, and the object is to let it appear who are the absentees.

Mr. DUNHAM. Is a motion that the committee rise in order pend-

ing this call?

The CHAIRMAN. The rule provides that when the committee finds itself without a quorum the Chairman shall cause the roll to be called. and then that the committee shall rise and report the absentees to the

Mr. DUNHAM. Can not the motion be now made that the committee rise?

The CHAIRMAN. The Chair has doubts as to whether the motion can be entertained at this time. Under clause 2 of Rule XXIII the Clerk will now proceed to call the roll.

The roll was called, and the following members failed to answer to

Abbott,	Cox,	Hudd,	Plumb,
Allen, Mass.	Cummings,	Johnston, Ind.	Rayner,
Allen, Miss.	Dargan,	Jones,	Richardson,
Anderson, Miss.	Davenport,	Kelley,	Rusk,
Anderson, Kans.	Davidson, Fla.	Laffoon,	Sayers,
Arnold,	Dibble,	La Follette,	Seney.
Baker, N. Y.	Dougherty,	Lagan,	Seymour,
Bankhead,	Ermentrout.	Laidlaw.	Shaw,
Barry,	Felton,	Laird.	Sherman,
Bayne,	Finley,	Lawler.	Shively,
Biggs,	Fisher,	Lind,	Snyder,
Bingham,	Fitch,	Lodge,	Spinola,
Blanchard,	Flood,	Lyman,	Spooner,
Bliss,	French.	Lynch,	Stahlnecker.
Boothman,	Gaines.	Macdonald.	Steele,
Bound,	Gear,	Maffett,	Stewart, Ga.
Bowen,	Gibson,	Mahoney,	Stewart, Vt.
Breckinridge, Ky.	Glover,	Maish,	Stone, Mo.
Brower.	Goff.	Mansur,	Struble,
Browne, Ind.	Granger,	Mason,	Taulbee.
Brown, Ohio	Greenman,	Matson,	Taylor, J. D., Ohio
Brown, J. R., Va.	Grosvenor.	McAdoo.	Thomas, Ill.
Brumm,	Grout,	McCullogh,	Tillman,
Bryce,	Guenther.	McKinney,	Townshend.
Bunnell,	Hare,	McShane.	Wade,
Burnett.	Harmer,	Merriman,	Warner,
Bynum.	Hatch.	Mills,	Wheeler.
Campbell, F., N. Y.		Morrill,	White, Ind.
Campbell, Ohio	Hayes,	Morse,	White, N. Y.
Campbell, T.J., N.Y		Norwood,	Whiting, Mich.
Cannon,	Henderson, Iowa	Nutting,	Whitthorne,
Carlton.	Hermann,	Oates,	Wilber,
Clardy,	Hiestand,	O'Neill, Pa.	Wilkins.
Coekran,	Hogg,	O'Neill, Mo.	Wilkinson,
Collins,	Holmes,	Payson,	Wilson, W. Va.
Cooper,	Hopkins, N. Y.	Perry,	Wise,
Cothran,	Howard,	Pideock,	Yost.
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During the roll-call.

The CHAIRMAN said: If there be no objection the roll of absentees will again be called.

Mr. RANDALL. I only want the RECORD to show who are absent. The roll was again called.

The CHAIRMAN. The committee will rise.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker pro tempore, Mr. DOCKERY reported that the committee having found itself without a quorum, had caused the roll to be called and now reported the names of the absentees to be spread on the Journal.

Mr. DUNHAM. I move that the House adjourn.

The SPEAKER pro tempore. The call discloses 173 members present, and the committee will resume its session.

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. McCook, its Secretary, announced the passage of the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, with amendments, requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. Plumb, Mr. Dawes, and Mr. Cock-rell conferees on its part.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The tellers will resume their places.

Mr. RANDALL. I move that the committee rise, there being but a bare quorum present.

The motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker pro tempore, Mr. DOCKERY reported that the Committee of the Whole had had under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and had come to no resolution thereon.

#### EUROPEAN GOVERNMENTS AND INTEROCEANIC CANALS.

Mr. McCREARY. This morning when I asked leave to report the joint resolution S. 122, and have it printed and recommitted to the Committee on Foreign Affairs with leave to report at any time, the gentleman from Massachusetts [Mr. Russell] and the gentleman from Ohio [Mr. Outhware] objected. These gentlemen now withdraw their objection, and I ask leave to report favorably from the Committee on Foreign Affairs the resolution (S. 122) entitled "Joint resolution declaring the sense of Congress in respect of the connection of European governments with interoceanic canals at the Isthmus of Darien and in Central America," and I also ask that it be printed and recommitted to the Committee on Foreign Affairs with the right to report at any to the Committee on Foreign Affairs with the right to report at any time; and I make the further agreement that when it is so reported for consideration only three hours shall be occupied in the discussion or consideration of the resolution without further permission.

The Clerk reported the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the

Mr. OUTHWAITE. So that it is ordered that debate be limited to three hours, there is no objection on my part.

Mr. McCREARY. We agree to that.

The SPEAKER pro tempore. Is there objection? [After a pause.]

The Chair hears none, and it is so ordered.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CLEMENTS. I ask to have the bill just received from the Senate, making appropriations for the District of Columbia, referred to the Committee on Appropriations, and that the Senate amendments be numbered and ordered to be printed.

There was no objection, and it was so ordered.

#### SENATE TARIFF BILL

Mr. REED. I desire to ask unanimous consent that the tariff bill as amended by the Senate be ordered to be printed.

Mr. RANDALL. That has already been ordered, on the motion of

the chairman of the committee to whom the bill was referred.

# INDEXING JOURNALS OF CONGRESS.

Mr. SOWDEN. I move to reconsider the vote by which the resolution I reported yesterday from the Committee on Accounts was laid on the table. I merely want to enter the motion at this time.

The SPEAKER pro tempore. The Clerk will report the resolution and let the House see what it is.

The Clerk read as follows:

Resolution in relation to the preparation of the general index of the Journals of Congress.

The SPEAKER pro tempore. The motion will be entered.

#### MEMORIAL OF MAINE FORESTRY CONVENTION.

Mr. DINGLEY. I ask unanimous consent to present a memorial of the committee of Maine forestry convention for the ascertainment in taking the next census of the acreage of land in the United States devoted to tillage, forest growth, meadow, pasturage, etc., and I ask unanimous consent that it be printed in the RECORD. It is short and will take but a small space.

Mr. RANDALL. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Maine has asked that a memorial be printed in the RECORD.

Mr. RANDALL. I withdraw the motion to adjourn for the present.

The title of the memorial was read.

Mr. DINGLEY. I ask unanimous consent that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The memorial is as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

The undersigned, appointed by a convention of citizens of the State of Maine interested in the preservation and enlargement of the forests, held at Bangor,

in the said State, on the 18th and 19th of December last, a committee on that behalf, respectfully memorialize your honorable body to the effect and for the purposes as follows, to wit:

That in the act that may be passed regulating the taking of the next general census of the United States, among other statistics that may be required to be collected and reported, the officers to whom the taking of said census shall be committed shall be required, as to every town, precinct, and census district, to ascertain as accurately as possible and report:

First. The area in acres therein of the land occupied for tillage, meadows, pasturage, streets, buildings, and their appurtenances.

Second. The area of acres therein of land covered with growing timber and wood.

wood.

Third. The area in acres therein of waste, swampy, burnt, mountainous, and rocky land and of land otherwise unfit for agricultural uses or buildings, on which timber or wood might be advantageously grown.

So that a general estimate might be made of the present forest growth of the United States and of every State, county, and census district therein, and of the extent to which said forest growth has been wasted or exhausted, with a view to such national and State legislation as may be deemed necessary and proper to preserve and protect from depredation natural resources so essential to the welfare and prosperity of the people.

GEORGE F. TALBOT,

GEORGE F. TALBOT,
M. C. FERNALD,
AUG. C. HAMHIS,
Committee of the Maine Forestry Convention.

REPORT OF THE COMMITTEE ON IMMIGRATION, ETC.

Mr. RICHARDSON. I ask leave to make a privileged report.
Mr. CULBERSON. I move that the House adjourn.
Mr. RICHARDSON (to Mr. CULBERSON). I hope the gentleman will not insist upon the motion. I desire to have this privileged report considered at this time. It will take but a moment.
Mr. CULBERSON. I withdraw the motion to adjourn.
The Clerk read as follows:

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, January 21, 1889.

Resolved by the House of Representatives (the Senate concurring), That in addition to the usual number there shall be printed 10,500 copies of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc., and also the same number of copies of the bill and report of said committee, of which 3,500 copies shall be for the use of the Senate and 7,000 for the use of the House.

Mr. RANDALL. Let us have the accompanying report read. The report (by Mr. RICHARDSON) was read, as follows:

The committee have considered the House concurrent resolution to print, in addition to the usual number, 10,500 copies of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc., and also the same number of copies of the bill and report of said committee, of which 3,500 copies shall be for the use of the Senate and 7,000 copies for the use of the House, and report the same with a recommendation that it do pass.

The estimated cost of printing and binding in cloth, in two volumes, 10,500 copies of the same is \$7,158,70.

The report was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### UNDER-GROUND PASSAGE TO THE CAPITOL.

Mr. BOUTELLE, by unanimous consent, offered the following resolution; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD:

Resolved. That the Committee on Public Buildings and Grounds be directed to report to the House the practicability and probable cost of constructing an under-ground passage from the areade of the terrace of the Capitol on the line of the Marshall statue, running therefrom to one of the court-yards at the side corridor leading from the Rotunda to the Library, and for constructing an elevator in connection therewith, to land at the different stories of the building and at the lower stage of the Dome.

# ORDER OF BUSINESS.

Mr. BELDEN. Iask unanimous consent to call up the bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory.

Mr. BLAND. I renew the motion that the House adjourn.

The question was taken on the motion to adjourn, and the Speaker o tempore stated that the ayes seemed to have it. Mr. BELDEN. I ask for a division.

The House divided; and there were—ayes 57, noes 23.
So the motion was agreed to; and the House accordingly (at 4 o'clock and 25 minutes p. m.) adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 12394) to increase the pension of Green H. Maxey-to the Committee on Pensions.

By Mr. CHIPMAN: A bill (H. R. 12395) to refund certain moneys to captains, pilots, engineers, and mates of steam-vessels—to the Committee on Commerce.

By Mr. GUENTHER: A bill (H. R. 12396) for the relief of A. A.

Kelly—to the Committee on Claims. By Mr. HEARD: A bill (H. R. 12397) for the relief of Joseph Engle-

to the Committee on War Claims. By Mr. HIESTAND: A bill (H. R. 12398) to authorize the payment to Margaret Kennedy for the wood used in the erection of Fort Sedgwick—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 12309) to increase the pension of Christian Painter—to the Committee on Pensions.

By Mr. LAWLER: A bill (H. R. 12400) granting a pension to Fran-

cis M. Wilkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12401) granting a pension to James McCusker—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 12402) for the relief of Francis M. Leach—to the Committee on Military Affairs.

By Mr. McRAE: A bill (H. R. 12403) granting a pension to Bennett Converted to the Committee on Pensions.

Cooper—to the Committee on Pensions.

Also, a bill (H. R. 12404) granting a pension to Robert W. Anders-

to the Committee on Pensions.

By Mr. REED: A bill (H. R. 12405) granting a pension to Humphrey S. Edwards—to the Committee on Invalid Pensions,

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Petition of heirs of William Hoard, of Butts County, Georgia, for reference of their claim to the Court of Claims-to the Committee on War Claims.

By Mr. CHEADLE: Petition of the Woman's Christian Temperance Union of Indiana, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CLARDY: Petition of G. W. Dodge, for relicf—to the Com-

mittee on Pensions.

By Mr. PHELPS: Petition of the Woman's Christian Temperance Union of New Jersey, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RICE: Resolution of the Chamber of Commerce of St. Paul, Minn., in regard to the opening of the Sioux reservation to white setto the Committee on Indian Affairs.

By Mr. ROCKWELL: Petition of General F. F. Miller, asking for protection of American interests in Venezuela against British encroach-

ments—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Petition of W. H. Sawyer and others, of Worcester, Mass., for change of tariff on lumber in case of export taxes being laid by the Dominion of Canada—to the Committee on Ways and Means.

By Mr. SPOONER: Petition of the Woman's Christian Temperance

Union of Rhode Island, for prohibition in the District of Columbia—to

the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WEBER: Petition of citizens of Tonawanda, N. Y., in relation to duty on lumber-to the Committee on Ways and Means.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. PERKINS: Of W. F. Wade and 60 others, of Sedan, Kans.

By Mr. PHELPS: Of R. D. Jacobus and 145 others, of Little Falls,

## SENATE.

# MONDAY, January 28, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of the proceedings of Friday last was read and approved.

#### EXTENSION OF REMARKS.

Mr. CHANDLER. In consequence of some directions given by the senior Senator from Louisiana [Mr. Gibson] to the Official Reporter, I desire to withdraw the resolution offered by me for the correction of the RECORD of January 24, 1889.

The PRESIDENT protempore. The resolution referred to by the Senster from New Hampshire will be withdrawn, if there be no objection. The Chair hears none, and it is so ordered.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Treasury Department, transmitting, in response to a resolution of the 17th instant, the report of special agent George R. Tingle, in charge of the Seal Islands in Alaska, for the current year; which, with the accompanying papers, was ordered to lie on the table and be printed. He also laid before the Senate a communication from the Secretary of

the Interior, transmitting, in pursuance of the eighth section of the act of Congress approved July 22, 1854, the report of the United States surveyor-general for New Mexico on a certain private land claim, in the name of Josefa Baca, for the Pajarito tract, No. 157, in that Territory; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 22d instant, reports of the Fourth Auditor and Second Comptroller concerning claims for extra allowances to officers and men of the Navy based on sea service on receiving-ships; which, with the accompanying papers, was ordered to lie on the table and be printed.

#### COURT OF CLAIMS REPORT.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the clerk of the Court of Claims, transmitting, pursuant to the provisions of the act of January 20, 1885, the conclusions of fact and law by the Court of Claims in certain French spoliation claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON presented the credentials of M. C. BUTLER, chosen by the Legislature of South Carolina a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions of the house of representatives of the Legislature of Kansas, favoring legislation upon the relations between labor and capital; which were referred to the Committee on Education and Labor.

He also presented resolutions of the house of representatives of the Legislature of Kansas, favoring certain legislation relating to the rights of settlers under the homestead and pre-emption laws; which were referred to the Committee on Public Lands.

The PRESIDENT pro tempore. The Chair also presents a memorial of citizens of New Mexico, remonstrating against the admission of that Territory into the Union of States.

Mr. MANDERSON. I move that the memorial be printed as a document, and referred to the Committee on Territories.

The motion was agreed to.

The PRESIDENT pro tempore presented a petition of the officers of the Woman's Christian Temperance Union of East Washington Terri-

the Woman's Christian Temperance Union of East Washington Territory, representing 450 members, and a petition of the officers of the Woman's Christian Temperance Union of New Mexico, representing 222 members, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SHERMAN. I present what purports to be a petition of 271 citizens of Alliance, Stark County, Ohio, praying for the passage of the Sunday-rest bill. I find, however, that like some other petitions of the same character, it is signed by one person claiming to represent the number named, 271. I have no doubt that it is done in good faith. I move that the petition be referred to the Committee on Education and Labor. Labor.

The motion was agreed to.

Mr. SHERMAN presented the petition of E. J. Carter and 68 others (56 voters and 13 women), citizens of Akron, Ohio, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

He also presented the petition of the officers of the Woman's Christian Temperance Union of Christian Union Unio

He also presented the petition of the officers of the Woman's Christian Temperance Union of Ohio, representing the members of State unions, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CHACE presented the petition of Mrs. E. S. Burlingame, president, and other officers of the Woman's Christian Temperance Union, representing 2,026 members, citizens of Rhode Island, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DOLDH presented the petition of Ide S. Wright vice president

Mr. DOLPH presented the petition of Ida S. Wright, vice-president of the Woman's Suffrage Association of Tacoma, Wash., and a petition of Addie G. Barlow, of Tacoma, Wash., praying that in enabling acts for the admission of Dakota, Montana, New Mexico, and Washington Territories there shall be incorporated a clause allowing women to vote for delegates to conventions to form State constitutions; which were referred to the Committee on Territories

He also presented the petition of R. Banett and 71 others (33 voters and 39 women), citizens of Asotin, Wash., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a bev-

exportation, transportation, and safe of all alcohole liquors as a beverage; which was ordered to lie on the table.

Mr. DOLPH. I present a petition of the Bar Association of Washington Territory to the Congress of the United States, praying that an appropriation be made for the purpose of providing a library for the supreme court of the Territory, and that such appropriation be made in the legislative, executive, and judicial appropriation bill at the present secret. ent session.

I have already introduced an amendment to that bill for this purpose, which I have had referred to the Committee on the Judiciary, and I ask that the petition be referred to the same committee, and I call the attention of the committee to the reference and ask their atten-tion to it. The petition sets forth the fact that such an appropriation is necessar

The PRESIDENT pro tempore. The petition will be referred to the

Committee on the Judiciary if there be no objection.

Mr. PADDOCK presented the petition of Thomas M. Murphy and 65 others (45 voters and 21 women), citizens of Sanborn, Dak., praying for a submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. FARWELL presented the petition of 157 citizens of Illinois; a

petition of 35 citizens of Crescent City, Ill.; a petition of 365 members of Embury Methodist Church of Freeport, Ill.; and a petition of the Turnverein of Peeria, Ill., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. EVARTS presented a petition of 1,056 citizens of New York, praying for the passage of the Sunday-rest bill; which was referred to

the Committee on Education and Labor.

Mr. STOCKBRIDGE presented the petition of 720 citizens of Langely, Mich., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented the petition of Hans Johnson and 68 others (41 voters and 28 women), citizens of Hillsboro, Dak., the petition of H. H. Shedd and 300 others (115 voters and 186 women), citizens of Ashland, Nebr., and the petition of E. H. Pierce and 114 others (99 voters and 16 women), citizens of Grafton, Dak., praying for the proposal of a constitutional amendment prohibiting the manufacture, etc., of alcoholic liquors; which were ordered to lie on the table.

Mr. HOAR presented the petition of Edmund C. Ingalls and 122 others (113 voters and 10 women), citizens of Brookfield, Mass., the petition of the Woman's Christian Temperance Union of Brookfield, Mass., the petition of Samuel Beedle and 48 others (15 voters and 34 women), citizens of Hull, Mass., the petition of L. B. Walkley and 122 others (38 voters and 85 women), citizens of Westfield, Mass., the petition of Josiah Cushman and 72 others (23 voters and 50 women), citizens of Abington, Mass., the petition of Nelson W. Gardner and 141 others (66 voters and 76 women), citizens of East Weymouth, Mass., and the petition of J. H. Gaylord and 87 others (30 voters and 58 women), citizens of East Long Meadow, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. PAYNE presented a petition of 35 citizens of the State of Ohio, a petition of 130 citizens of Elmore, Ohio, and a petition of 40 citizens of Chardon, Ohio, praying for the enactment of a Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a petition of 208 citizens of Toledo, Ohio, and three petitions from citizens of Ironton, Bluffton, and Mount Gilead, in the State of Ohio, praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. WALTHALL presented a petition of the officers of the Woman's Christian Temperance Union of Mississippi, representing 2,008 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLUMB presented a petition of the officers of the Woman's Christian Temperance Union of Kansas, representing 3,000 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of John M. Bloss and 193 others (94 voters and 100 women), citizens of Topeka, Kans., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

He also presented a petition of citizens of Woodbine, Kans., and a petition of citizens of Lyon County, Kansas, praying for the enactment of a Sunday-rest law; which were referred to the Committee on Educa-

He also presented a petition of the Legislature of Kansas, praying to have incorporated in the law providing for the census of 1890 a provision providing for the enumeration of all surviving soldiers and sailors, etc.; which was ordered to lie on the table.

Mr. PLUMB. I present a petition of the house of representatives of the Kansas Legislature, praying for legislation by act of Congress to prevent and punish combinations of capital known as trusts. subject-matter is now before the Senate, I move that the petition lie

The motion was agreed to.

Mr. TURPIE presented the petition of Rev. S. R. Lyons, pastor, representing 250 members of the United Presbyterian congregation of Bloomington, Ind., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented resolutions adopted by the Commercial Exchange of Philadelphia, praying for the passage of Senate bill 2851, amendatory of the act regulating interstate commerce, now pending before the conference committee having that bill in charge; which were ordered to lie on the table.

Mr. REAGAN presented a petition of the officers of the Woman's Christian Temperance Union of the State of Texas, representing 1,000 members, praying for prohibition in the District of Columbia; which

was referred to the Committee on the District of Columbia.

Mr. BLAIR presented a petition of citizens of Washington, D. C., and a petition of citizens of Plumville, Pa., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Educa-

Mr. COCKRELL presented a memorial of the National Woman's Christian Temperance Union, department of Sabbath observance, remonstrating against the running of interstate Sunday trains, mail trains, and against military drills on the Sabbath, signed by 100 citizens of Missouri; which was referred to the Committee on Education and Labor.

Mr. COCKRELL. I present resolutions from the Tiff City Farmers' Alliance, No. 190, passed by the McDonald County Farmers' Alliance while in session at Pineville, McDonald County, Missouri, January 10, 1889, urging Congress to legislate more in favor of the farmers and laborers and less in favor of the moneyed powers, and urging their representatives in Congress to vote for all bills that will kill all trusts and moneyed combinations. As the bill relating to this subject is now before the Senate, I move that the resolutions lie on the table; and I trust the Senator from Ohio will press that bill to a final conclusion.

The motion was agreed to.

Mr. BLACKBURN presented a petition of 87 citizens of Kentucky, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. DAWES presented petitions of citizens of Boston, Worcester, Dedham, Blackstone, and Falmouth, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 325) for the relief of Mrs. Mary T. Duncan, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (H. R. 550) for the relief of William R. Blakeslee, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 66) authorizing appointment of a commission to establish the boundary line between Northern Minnesota and the Canadian provinces, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 855) for the relief of the heirs of Jacob Cramer, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 3483) for the relief of David R. Gregg and William P. Gregg, reported adversely thereon; and the bill was postponed in-

definitely.

Mr. PLUMB. I make the same report on the bill (S. 2965) for the reason that the appropriation therein called for was embodied in the Indian appropriation bill at the last session.

The bill was postponed indefinitely.

Mr. PLUMB. I also make the same report on the bill (S. 3318) to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes, for the reason that the provisions of the bill have all been embedded in a bill which has passed the Senate.

The bill was postponed indefinitely.

# INDIAN WAR VOLUNTEERS.

Mr. MITCHELL. I find on my table this morning Senate Executive Document 82, second session Fiftieth Congress, being a letter from the Secretary of War, transmitting, in response to a Senate resolution of January 3, 1889, information relative to the service of volunteers in the Nez Percé Indian war. This document states that on January 22 it was referred to the Committee on Foreign Relations. Being unable to imagine why it should go to the Committee on Foreign Relations, I looked up the RECORD and I find that it was referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The mistake was probably made by

the printers.

Mr. MITCHELL. The reference to the Committee on Appropriations is equally inappropriate, and I desire to call the matter to the attention of the Committee on Appropriations. The communication should go to the Committee on Military Affairs, to which it properly belongs

The PRESIDENT pro tempore. If there be no objection, the Committee on Appropriations can be discharged from the further consideration of the report, and it will be referred to the Committee on Military Affairs.

Mr. MITCHELL. I ask that that order be made.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

## HEARING ON SUNDAY-REST BILL.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably, with an amendment, the Senate resolution providing for printing the minutes of the hearing before the Committee on Education and Labor on the Sunday-rest bill, and I ask for its present consideration.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. BLAIR January 25, 1889:

Resolved, That there be printed of Senate Miscellaneous Document No. 43, being minutes of the hearing before the Committee on Education and Labor upon the Sunday-rest bill, 50,000 copies for the use of the Senate.

The amendment reported by the Committee on Printing was, before the word copies, to strike out "50,000" and insert "8,300."

The amendment was agreed to.

Mr. MANDERSON. I wish to state, with reference to the amendment just agreed to, that that is the limit of the power of the Senate under the law to print under the resolution. The cost of reprinting the therefore, will be \$60 per thousand, and the extent of the \$500 limit, therefore, will be 8,300 copies.

I understand there is an immense demand from many quarters for

the publication of this document, but if a greater number is needed it must be done by the concurrent act of the two Houses of Congress un-

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

#### GEORGIA NORTHERN JUDICIAL DISTRICT.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia, to report it favorably without amendment, and as I presume there will be no objection to the bill I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that hereafter the regular terms of the district court for the northern district of Georgia, now held on the first Monday in March, shall commence on the second Monday

on the first Monday in March, shall committee of the second in March of each year.

Mr. BROWN. Is that reported by the committee?

The PRESIDENT pro tempore. It is reported favorably from the Committee on the Judiciary this morning.

Mr. BROWN. It is all right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT TO PENSION APPROPRIATION BILL

Mr. DOLPH. I offer an amendment intended to be proposed to the pension appropriation bill. I understand that the bill has passed the Senate, but that a motion to reconsider is pending.

The PRESIDENT pro tempore. That is correct.

Mr. DOLPH. Upon the supposition that the motion to reconsider will prevail, I present an amendment which I ask to have read, as it is very brief, and lie on the table. I do not ask to have it printed at this time for fear that it may not be here when the bill is considered.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. It is proposed to insert the following addi-

tional proviso:

And provided further, That a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section 4765 of the Revised Statutes.

The PRESIDENT pro tempore. The proposed amendment will lie

Mr. HARRIS. I made a motion to reconsider the vote by which the pension appropriation bill was passed, for the purpose of offering, I think, precisely the same amendment that the Senator from Oregon has suggested, and when we reach concurrent and other resolutions I shall briefly explain what I conceive to be the necessity for it.

#### BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3881) for the relief of Susannah P. Swope; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 3882) to grant to the State of Arkansas the coal underlying the bed of the Arkansas River within said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB introduced a joint resolution (S. R. 131) giving consent of the United States to the erection of a bridge across the Kansas River, at Topeka, Kans.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAMERON introduced a joint resolution (S. R. 132) authorizing the Secretary of War to purchase a suitable site for testing heavy ordnance and making experiments in gunnery; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO BILLS.

Mr. REAGAN submitted an amendment intended to be proposed by him to the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production; which was ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and, with the accompanying papers, ordered to be printed.

## JOHN A. DOYLE.

Mr. CAMERON. Some time since the Senator from West Virginia [Mr. FAULKNER] reported adversely the bill (S. 2596) to increase the pension of John A. Doyle, and it was indefinitely postponed. I move

that the vote be reconsidered, and that the bill be recommitted to the Committee on Pensions with the additional papers I now present.

The PRESIDENT pro tempore. If there be no objection (the period within which a reconsideration can be moved having passed), the vote by which the bill was indefinitely postponed will be reconsidered, and the bill will be committed with the accompanying testimony to the Com-mittee on Pensions. The Chair hears no objection, and it is so ordered.

## JUDICIAL DISTRICTS IN GEORGIA.

Mr. SHERMAN. I desire to move to reconsider the vote by which the Senate passed the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes. I wish simply to enter a motion to reconsider so that the allegations in certain telegrams received by me may be examined. I have sent the telegrams to the Senator from Vermont [Mr. EDMUNDS], and I simply want the bill held here so that the allegations may be first examined.

The PRESIDENT pro tempore. The Senator from Ohio moves to reconsider the vote by which House bill 3312 was passed by the Senate.

Mr. WILSON, of Iowa. I have no objection to the motion being entered, of course, but it will have to be supplemented by a request to
have the bill returned from the House of Representatives inasmuch as
it has been communicated to the other House. it has been communicated to the other House

I will state further that I have no doubt the parties who have communicated with the Senator from Ohio are under a misapprehension as to the action of the Senate. I think the Senate has done precisely what those parties desired to have done, but they have been misled what those parties desired to have done, but they have been misled doubtless by the announcement in the press telegrams of House bill 3312 having been passed without being aware that the Senate substituted its own bill for the text of the House bill.

Mr. SHERMAN. I know nothing about the merits. Certain telegrams came to me which I referred to the Senator from Vermont as chairman of the Judiciary Committee. All I desire is to have the bill held here until the matter can be looked into.

Mr. BROWN. Will the Senator state from whom the telegrams are,

or are they private?

Mr. SHERMAN. Not at all. I sent the telegrams to the Senator from Vermont, and I do not have them before me. I know they are from lawyers and others

Mr. BROWN. I will state that I know of no opposition whatever to the bill in the shape in which it was passed by the Senate. There was opposition to it in the shape in which it passed the House of Representatives, but as amended and passed by the Senate as far as I know the index and officers of the court and the people of the district to be the judge and officers of the court and the people of the district to be affected by it, together with all the representatives here, are satisfied with it.

Mr. SHERMAN. It may be all right.
Mr. HOAR. If the Senator will pardon me, that matter was very carefully considered by the Judiciary Committee. Of course any suggestion as to a change of the political relations of certain districts is gestion as to a change of the political relations of certain districts is one which they would be very careful to scrutinize. They were satisfied, I believe unanimously, with the bill as it has passed. I saw the telegrams sent to the Senator from Ohio, and I think it is proper that the matter should be looked at again, though I agree with the Senator from Georgia that probably there is no objection now to the bill.

Mr. BROWN. I have no doubt that the telegrams were sent under

misapprehension.

Mr. SHERMAN. Having entered a motion to reconsider, I wish to superadd the ordinary motion requesting the House of Representatives to return the bill to the Senate.

The PRESIDENT pro tempore. A conference with the House of Repsentatives was asked on the bill and amendment. If there be no obiection, the order for a conference will be reconsidered, and the order appointing the conferees will be reconsidered, and the motion will be accompanied by a request to the House of Representatives to return the bill.

Mr. SHERMAN. I have no doubt it will prove satisfactory, and probably an explanation will show that the amendment of the Senate

will answer the purpose.

Mr. BROWN. I do not think there is any serious misapprehension about this matter, though it may be a misapprehension controlling for the time. There are only three counties taken from one of the districts and put in the other by the bill, and I am satisfied that the bill gives general satisfaction there as it now stands. However, I can not resist the motion under the circumstances.

# PRINTING OF SENATE TARIFF BILL.

Mr. TURPIE. I offer the following resolution:

Resolved, That 1,000 copies additional of House bill 9051, with the amendment as the same passed the Senate, be published for the use of the Senate.

There are a great many inquiries for what is commonly known as the Senate tariff bill. The copy of the bill which was originally reported by the committee and laid on our desks is very inaccurate, and it is very unsatisfactory to annotate upon it the numerous amendments which have been passed. Some of the amendments embrace entire sec-

tions of the bill and others are important ones. I think the country ought to have the ordinary method of being acquainted with the ultimate provisions of the bill as passed by this body.

Mr. DAWES. How many copies is it proposed to print?
The PRESIDENT pro tempore. Motions to print additional copies under the rule must be referred to the Committee on Printing.

Mr. TURPIE. Very well.

The PRESIDENT pro tempore. The resolution is so referred.

PENSION APPROPRIATION BILL.

Mr. HARRIS. On Friday last I entered a motion to reconsider the vote by which the pension appropriation bill was passed on that day.

I will state my reason for entering the motion.

A few days ago a constituent of mine sent me the following draft,

dated at Knoxville, Tenn., March 12, 1888, upon the assistant treas-

urer at New York:

Pay to the order of Joseph Cooper \$36.

This draft was mailed to the pensioner at his address in Carroll County, Tennessee, was received by him and held by him until his death, some weeks afterwards, leaving the draft without indorsement,

not having been paid or negotiated.

My correspondent requested me to see the Third Auditor of the Treasury and ascertain why the draft could not be paid. On calling upon the Third Auditor I learned that the general law was so construed by the accounting officers of the Treasury as that drafts issued for accrued pension and mailed to the pensioner, if not indorsed and negotiated before his death, can not be paid unless it can be shown by affidavit that the pensioner had died destitute of the means to take care of him in his last sickness and to bury him. No such affidavit can be made in this case. I also understand, in conference with the chairman of the Committee on Pensions, that in a number of similar cases private bills have been introduced and passed through both Houses of Congress, as they certainly ought to have been, unless the construction of the general law or the general law itself can be so changed that drafts like these shall be paid when presented at the Treasury.

The Third Auditor of the Treasury furnished me the form of an

amendment to come in on page 2 of the pension appropriation bill. I, therefore, ask that the vote by which the bill was passed, and the vote by which it was ordered to a third reading, be reconsidered, and I shall then offer the amendment that I send to the desk.

The PRESIDENT pro tempore. The vote by which the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, was passed, and the vote by which it was ordered to a third reading, will be reconsidered, if there be no objection. The Chair hears none. The bill is now in the Senate and open to amendment. The Senator from Tennessee proposes an amendment, which will be read.

the bill should go over until to-morrow that it might be examined, and I thought it entirely appropriate, inasmuch as this memorandum contains decisions made by the Secretary of the Interior and by the Secretary of the Navy on the same subject, and by the Department of Justice, that it should be printed so that it might be before the Senate to-mort

The PRESIDENT pro tempore. Is there objection?
Mr. HARRIS. It is a very unnecessary incumbrance of the RECORD, as I think, but I shall not interpose an absolute objection. I suggest to the Senator that it is wholly unnecessary to print it in the RECORD.

Mr. DOLPH. It may be in the opinion of the Senator. I, however,

think it is a very proper thing to do.

The PRESIDENT pro tempore. The paper will be ordered printed in the RECORD if there be no objection. The Chair hears none.

The paper referred to is as follows:

WHAT CONSTITUTES PAYMENT OF A PENSION CHECK-MEMORANDUM.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
August 22, 1888.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,

August 22, 1888.

Section 4765 of the Revised Statutes provides that upon the receipt of the proper voucher of a pensioner and upon his identification, the pension agent receiving such voucher "shall immediately draw his check on the proper assistant treasurer or designated depositary of the United States for the amount due such pensioner, payable to his order, and transmit the same by mail directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the Commissioner of Pensions, to appear personally and receive his pension."

Comptroller Maynard held, on April 5, 1887, (1) that if the pensioner dies before the agent has executed and mailed to him a check for its payment, there has been no payment of the accrued pension; (2) but where the check has been transmitted by the agent to the pensioner and received by him in his lifetime, the payment has become complete, and the subsequent death of the pensioner, either before or after indorsing the check, will not defeat such payment; (3) where the check has been mailed by the agent to the pensioner in his lifetime, but was not received by him, there has been no payment to the pensioner.

On April 16, 1887, the Attorney-General, at the request of the Secretary of the Interior of date April 12, 1887, gave an opinion on the same point. The conclusion of the Department of Justice is "that the receipt of a check by a pensioner, which he has only indorsed, but which has not been transferred by him in his lifetime, is not a payment, but is only one step in the process of payment."

The importance and bearing of this question are shown in the communication of the Commissioner of Pensions of April 11, 1887, upon which the inquiry of the Secretary of the Interior of April 12 is based, namely: "Whether or not, under the provisions of section 4718 of the Revised Statutes of the United States, where a check has been transferred by a pension, payment is so completed, and title

there to it think pears mone. The bill is now in the Senate and open to amendment. The Senator from Tennessee proposes an amendment, which will be read.

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The SECRETARY. In line 3 of page 2, after the word "separately," it is proposed to add:

And provided further. In line 3 of page 2, after the word "separately," it is proposed to add:

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Mr. PLUMB. Would it not be still further in the line of the purpose of the Senator from Tennessee to say that whatever pension remains due and unpaid according to the terms of the certificate of pensions again to the second of the pensioner?

Mr. HARRIS. Up to the death of the pensioner?

Mr. HARRIS. Up to the death of the pensioner; that it shall also be paid.

Mr. HARRIS. I to once know whether this amendment would go hat far or not, but I see no impropriety in carrying it to that extent.

Mr. HARRIS. I have no impropriety in carrying it to that extent.

Mr. HARRIS. I have no objection to its lying over until the Senator from lovar flum.

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Some form of receipt to show that the proper person has received the check mailed by the pension agent is, however, necessary and proper, and the simplest that can be conceived is the indorsement of his name upon the check by the pensioner. Following the ordinary rules governing negotiable instruments, such indorsement may be in blank or limited. Under those rules a blank indorsement authorizes payment to any holder of the instrument, such being equivalent to the holding of a check made payable to bearer, which "may be transferred like currency by mere delivery." Once the blank indorsement is affixed the instrument is perfected and may pass from hand to hand without further indorsement.

There are about 450,000 pensioners, to whom 1,800,000 pension checks are issued in the course of a year. It would seem a hardship upon the pensioners if the Government were to surround these pension checks with all the formalities of the check known to the law of negotiable instruments, and this appears when we consider what are some of these formalities. For a clearer differentiation I will use the terms "business checks" and "pension checks." Business checks only purport to be drawn upon a deposit. "It is not the fact that the order is actually drawn on a deposit, but the fact that it purports to be so drawn, which constitutes it a check; and it is more accurate to say that it is upon its face a draft upon a deposit. To hold otherwise would authorize the construction of a written contract by the light of an extraneous fact of which the holder had no notice." (2 Dan'l Neg'ble Inst., 2d ed., sec. 1569; Champion es. Gorman, 70 Penn. St., 474.)

The payee of a business check is bound to see that it is drawn on funds: he is tied down by the with the fact.

constitutes it a check; and it is more accurate to say that it is upon its face a draft upon a deposit. To hold otherwise would authorize the construction of a written contract by the light of an extraneous fact of which the holder had no notice." (2 Dan'l Neg'ble Inst., 2d ed., sec. 1569; Champion vs. Gorman, 70 Penn. St., 474.)

The payee of a business check is bound to see that it is drawn on funds; he is tied down by the rule of diligence that, to preserve recourse against the drawer he must present the check for payment at any time before the close of banking hours on the next day. (2 Dan'l, sec. 1590.)

As against the drawer the indorse or assignee of a business check has no extension of time within which to present his check: and the opportunity of rendering the drawer's liability absolute in the event of the failure of the bank ended when the payee failed to present for payment before the closing of banking hours on the next day. (2 Dan'l, sec. 1595.)

When in the hands of either the payee or the indorsee an unpaid check can not be used as evidence of the drawer's debt until payment has been refused by the bank. (2 Dan'l, sec. 1646.)

One reason for these stringent rules for presentment is that the custom of the sess tringent rules for presentment is that the custom of the sessence of the contract that is embodied in the check itself and of the various contracts incidental to the transfer by indorsement. But the Government gains nothing by establishing strict rules of time limiting the general efficiency of the pension check and rendering ignorant pensioners liable to all-sorts of annoyance.

The principal object or purpose of checks is to enable the holder to demand and receive immediately the amount called for. Negotiability in its full sense is, therefore, not for their essence, but an optional quality. (2 Dan'l, sec. 1651; Mohawk Bank zs. Broderick, 10 Wend, 394.)

Should the "optional quality" existin the pension check? Is it not most desirable that its negotiable qualities should be of the most ex

ntes is intended to prevent by regulations of the Secretary of the Treasury the use of Government drafts as a paper currency; but there is nothing in the section or in the regulations thereunder that materially qualifies the limit of time set by section 306.

The only reason for not paying these pensions in Treasury notes or by pension checks payable to bearer is the natural fear that others than the pensioner might get hold of the remittance, to the pensioner's great detriment. Were these pension checks payable "to bearer," would there be any question of payment upon their receipt by the payee? But an indorsement in blank by the payee makes the instrument transferable by delivery as though the instrument were payable to bearer, and the assignment by mere delivery accords with the custom of merchants. Should there be any question of the completeness of the payment? The payee has received the check, and appropriated it to his use by affixing his signature, thus—and until he crases his signature—making the check forthwith negotiable, with no other formality than that of transfer.

The nature of these Government instruments has received few interpretations by the Supreme Court.

In First National Bank of Washington vs. Whitman (94 U.S., 343), action was brought against the bank to recover the amount of a check drawn by Mr. Spinner, the Treasurer of the United States, on the bank as a designated depositary, payable to Mrs. E. S. Kimbro, being a draft on a war warrant issued on the requisition of a head of Department. Mrs. Kimbro's name was indorsed without her authority. The court begins by stating that Government funds deposited by the Treasurer in a national bank are treated by the Government funds deposited by the Treasurer in a national bank are treated by the Government funds deposited by the Treasurer in a national bank are treated by the Government funds deposited by the Treasurer in a national bank are treated by the Government, for the purpose of keeping accounts, as in the Treasurer's own charge and custo

drawee.

At the outset I find a clear distinction between the case cited and the case at bar. The case cited involves the payment by the Treasurer, an officer in whom is reposed the power to pay demands upon the Treasurer in eash, if he so pleases, but who for his own convenience chooses to deposit some of the money

intrusted to him in some banking institution, and draws against it by check. His relations with the bank are, therefore, purely personal, and the United States is eliminated from consideration, as the court says. The Government gives the Treasurer so much money with which to pay certain claims, and so long as he pays them it is immaterial to the Government whether he pays in cash over the counter of his office, or by check against a deposit of some of that cash in an outside bank, the latter proceeding being authorized.

But the case of the pension agent is different. No money is intrusted to his care. He can not pay in cash, howsoever much he might desire so to do. He is informed that a certain amount of money is deposited to his order at a subtreasury or some designated depository, against which he may draw pension checks. The funds are with the assistant treasurer or the designated depositary, and to make the principle of the case in the 94 U. S. apply to the present case, we must imagine the pension check to be presented to the assistant treasurer, who, instead of cashing it, gives the pensioner his check on some designated depositary. But the statutes clearly do not contemplate such a course; the pensioner is to "receive his pension" by means of the pension check, and not by orders or requisitions upon the assistant treasurer calling for further checks.

The Attorney-General in his opinion cites, in addition to the case of First Nature.

not by orders or requisitions upon the assistant treasurer calling for further checks.

The Attorney-General in his opinion cites, in addition to the case of First National Bank vs. Whitman, various other decisions of the United States Supreme Court in support of his position that there can be no payment by a pension check until it has been cashed. The Attorney-General states:

"A check, then, until presented, accepted, or marked good by the drawee, is only a personal obligation of the drawer. 'When the United States by its authorized officer becomes a party to negotiable paper, they have all the rights and incur all the responsibility of individuals who are parties to such instruments. I know of no difference, except that the United States vs. Stato Bank, 96 U. S., 30.)"

But the Attorney-General does not state the qualifications and restrictions in this statement of law made by the court in the later case of the Floyd acceptances (7 Wall., 666, at page 679). In explaining the Bank of the Metropolis case, Mr. Justice Miller says:

"The opinion of the court, after stating the facts, opens with the declaration that when the United States, by its authorized officer, becomes a party to negotiable paper, they have all the rights and incur all the responsibilities of individuals who are parties to such instrument." And further on it is said that 'an unconditional acceptance was tendered to it (the bank) for discount, \* \* \* all it had to look to was the genuineness of the acceptance and the authority of the officer, like the genuineness of the signature, is always to be inquired into at the peril of the party taking an acceptance purporting to bind the Government."

Clearly the Supreme Court in this latter case intended to limit the rule laid down in the Bank of the Metropolis case. Further, it is to be seen that both

the officer logic like the gennineness of the signature, is always to be inquired into at the peril of the party taking an acceptance purporting to bind the Government."

Clearly the Supreme Court in this latter case intended to limit the rule laid down in the Bank of the Metropolis case. Further, it is to be seen that both cases treat of the liability of the Government, and the nature of the instrument itself, when Government officers undertake to bind the Government by Government paper, the nature of which is known to the law merchant, but is not authorized by the statutes of the United States, a point in no way involved in the present case.

In the case of Bank of the Republic vs. Millard (10 Wall., 182), Millard, an officer in the military service of the United States, was, on leaving the service, paid his arrears of pay by an Army paymaster's check, issued upon the Bank of the Republic, a depositary of public moneys. The bank paid the check one on a forgery of Millard's name. Afterwards Millard obtained the check can demanded payment. The court held that the bank was justified in refusing payment in the absence of proof that the check was accepted by the bank or charged against the drawer.

It is plain that the court could not have held otherwise. Whatever the nature of the check, it was paid through a fraud on the bank, for which the bank was in no way responsible. The ruling of the court in the Floyd Acceptances might have been repeated, that all that was necessary for the bank to inquire into wasthe authority of the officer to draw the check and the genuineness of his signature, both of which were clearly proved in this case.

The latest case cited by the Attorney-General is United States vs. State Bank (96 U. S., 30), which holds, in the words of the court:

"But surely it ought to require neither argument nor authority to support the proposition that, where the money or property of an innocent person has gone into the coffers of the nation by means of fraud to which its agent was a party, such money o

At the trial of this case in the court below (10 Blatchford, 280) Blatchford, J., had expressed the same view, relying upon the solidity of the Government's credit:

"With the known usage of the Government to pay its obligations at maturity, and the loss of interest, and the rejection of the privilege of conversion, all of which facts were apparent to Vermilye & Co. by inspection of the notes, there is every reason for holding them to the rule that they took nothing but the actual right and title of their vendor."

I am therefore of the opinion that upon the receipt and indorsement in blank by a pensioner, payment by the Government is consummated, and that such check, with its blank indorsement, may pass freely from hand to hand. Furthermore, if the pensioner, after having made a limited indorsement of this check to some individual, but without assignment thereof to the indorsee, retains it in his possession and dies, the indorsee has no title in the instrument, because never delivered to him, and the representatives of the decedent have the same right to strike the name of the indorsee from the back of the check, and leave

the blank indorsement, as had the pensioner in his lifetime, for so long as the check remains in his possession he may do with it as he pleases; and if upon his death it be found either with a blank indorsement or an indorsement to some other person, the payment to the pensioner has been completed, he having done all to the check that was necessary to make it negotiable anywhere. (1 Dan'l, sec. 265; Cahoon vs. Adams, 11 Vt., 604.)

My conclusion, therefore, is:

With all due respect, I feel obliged to dissent from—

1. The ruling of the Secretary of the Interior, that mailing of the check is enough.

1. The ruling of the Secretary of the Interior, that making of the check is enough.

2. The ruling of Comptroller Maynard, that mailing and receipt of the check are enough, in that one more act—an indorsement by the pensioner—is requisite to make the instrument negotiable.

3. The opinion of the Attorney-General that only the actual cashing of the check constitutes payment, for the reason above stated, that once all the formalities of mailing, receiving, and indorsing a pension check have been completed, the instrument must stand, so long as the credit of the United States stands, on a different plane from the ordinary check known to the law of negotiable instruments.

a different plane from the ordinary check known to the law of legislate instruments.

In the future, in the settlement of the accounts of pension agents, rules 1 and 3 of Comptroller Maynard's memorandum of April 5, 1887, will be followed, and rule 2, as he laid it down, will be so far modified as my views above stated demand.

SIGOURNEY BUTLER, Comptroller.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 917) for the relief of Julianna Muller;

A bill (H. R. 3167) granting a pension to Elizabeth L. Nott;

A bill (H. R. 3167) granting a pension to Elizabeth L. Nott;
A bill (H. R. 3794) granting a pension to Eliza J. Kenaday;
À bill (H. R. 4825) granting a pension to Dorothea Ruoff;
A bill (H. R. 5807) granting a pension to John McCool;
A bill (H. R. 6814) increasing the pension of Lyman D. Green;
A bill (H. R. 6893) granting a pension to Ellen Edwards;
A bill (H. R. 7827) granting a pension to George W. Dickinson;
A bill (H. R. 8406) to authorize the Secretary of the Interior to place to pame of Cara Curtis on the pension-roll. A bill (H. R. 8406) to authorize the Secretary of the Interior to plathe name of Cara Curtis on the pension-roll;

A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;

A bill (H. R. 9110) granting a pension to Martha J. Warren;

A bill (H. R. 9179) granting a pension to W. B. Green;

A bill (H. R. 10426) granting a pension to Otho G. Hendrix;

A bill (H. R. 10691) to increase the pension of Mary A. Bedel;

A bill (H. R. 10951) granting a pension to William Harper;

A bill (H. R. 10975) granting a pension to John H. Starr;

A bill (H. R. 10976) granting a pension to William L. Wilson;

A bill (H. R. 10976) granting a pension to John H. Statt; A bill (H. R. 10977) granting a pension to John J. Brown; A bill (H. R. 11091) granting an increase of pension to Mrs. Mary

S. Jewell;

A bill (H. R. 11566) granting a pension to Elisha C. Paschal; A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812;

A bill (H. R. 11736) granting a pension to Margaret M. Nugent; A bill (H. R. 11737) granting a pension to Rebecca D. Vedder;

A bill (H. R. 11803) granting a pension to Henry V. Bass; A bill (H. R. 11861) to place the name of James H. Tolly on the

pension roll;
A bill (H. R. 12014) granting a pension to Irving W. Combs;
A bill (H. R. 12381) granting a pension to Mary K. Allen; and
Joint resolution (H. Res. 257) making an appropriation for pay
ment to the legal representatives of James B. Eads.

The message also announced that the House had passed the follow-

ing bills:

A bill (S. 2514) granting a pension to Michael Shong;

A bill (S. 2623) granting an increase of pension to James Patterson; A bill (S. 2829) granting a pension to Sarah J. Foy;

A bill (S. 3249) granting a pension to Zo. S. Cook; A bill (S. 3451) granting a pension to Frank D. Worcester; and

A bill (S. 3538) granting a pension to Mary Saeger.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 6783) to place the name of John A. Griffey on the pen-

sion-roll; and
A bill (H. R. 11683) for the establishment of a light-ship with a fog-signal at Sandy Hook, New York Harbor.
The message also announced that the Heuse had passed the follow-

ing bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension; and

A bill (8. 3283) granting a pension to Reuben Ash.

The message further announced that the House had passed a concurrent resolution for the printing of 10,500 copies of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc.; in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed 1

the following enrolled bills and joint resolution; and they were there-

upon signed by the President pro tempore:

A bill (H. R. 2686) for the relief of William Knowland;

A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (H. R. 4353) to provide a home for certain persons discharged from the United States Navy;

A bill (H. R. 5870) to punish as a felony the carnal and unlawful knowing of any female under the age of sixteen years;
A bill (H. R. 6783) to place the name of John A. Griffey on the pen-

sion-roll;

A bill (H. R. 11785) to authorize the commissioners of the District of Columbia to permit the temporary occupation and crossing of certain streets in the city of Washington and District of Columbia by the tracks of the Baltimore and Ohio Railroad Company, to meet the demands of increased travel incident to the inaugural ceremonies on the 4th of March, 1889;

A bill (H. R. 12107) to increase the maximum amount of interna-

tional money-orders from fifty to one hundred dollars; and

Joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

#### NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution offered by the Senator from New Hampshire [Mr. CHAND-

LER] coming over from a previous day, which will be read.

The Chief Clerk read the following resolution, submitted by Mr.

CHANDLER on the 25th instant:

CHANDLER on the 25th instant:

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay or allowances due such officers, known as the longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

The PRESIDENT pro tempore. The Senator from New Hampshire not being in his seat, the resolution will lie over informally until he comes in, retaining its place.

#### PRINTING OF SUNDAY-REST HEARING.

Mr. MANDERSON. I offer the following concurrent resolution and ask that it be referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed for the use of Congress 32,000 extra copies of Senate Miscellaneous Document No. 43, Fiftieth Congress, second session, being the hearing before the Committee on Education and Labor on Senate bill 2983, known as the Sunday-rest bill, of which 10,000 copies shall be for the use of the Senate, 20,000 copies for the use of the House of Representatives, and 2,000 for the use of the Committee on Education and Labor of the Senate.

The resolution was referred to the Committee on Printing.

# CONSULAR AND DIPLOMATIC APPROPRIATIONS.

Mr. HALE. I move that the Senate proceed to the consideration of

the consular and diplomatic appropriation bill.

The PRESIDENT pro tempore. Is there further morning business?

If there be none, the Calendar under Rule VIII being in order, the Senator from Maine moves that the Senate proceed to the consideration of House bill 11879.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890.

# BRIDGES ACROSS THE MISSOURI RIVER.

Mr. PLUMB. I ask the Senator from Maine to yield to me for a moment that I may ask the Senate to consider a bill for a bridge across the Missouri River, which it is important should be passed as soon as possible and which will cause no debate; if it does I shall not press it. It is Senate bill No. 3663.

Mr. HALE. If it will occasion no debate I shall yield.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the pending order may be informally laid aside and the bill (S. 3663) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri, taken up.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

Mr. EDMUNDS. I think there is one word that ought to be changed. On page 5 of the bill, line 17, after the word "be," I move to insert the words "commenced or;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, etc.

I presume there will be no objection to that.

Mr. PLUMB. That is entirely satisfactory.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 5, line 17, after the word "be," it is proposed to insert "commenced or;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL rose.

Mr. HALE. Let us go on with the regular order.

Mr. COCKRELL. I must beg the indulgence of the Senator from Maine for a moment. Order of Business 2116, Senate bill 3146, is a bill precisely similar to the one just passed for the erection of a bridge near Kansas City, and it is very important that it should be passed in order that the House of Representatives may have time to act upon it. It will consume no time. It is the same kind of a bill and reported from the committee favorably. I hope the Senator will consent to let that be passed, and then he can proceed with his bill.

Mr. HALE. I am very desirous of going on with the appropriation bill and getting it out of the way. But I will once more yield.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Is there

objection to the present consideration of the bill moved by the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.

The bill was reported from the Committee on Commerce with amend-

ments.

The first amendment was, in section 1, line 11, after the words "county of," to strike out "Platt" and insert "Platte;" so as to read:

And a point in the county of Platte, Missouri.

The amendment was agreed to.

The next amendment was, in line 1, section 3, before the word "said," to strike out "if" and insert "the;" so as to read:

SEC. 3. That the said bridge shall be made with unbroken and continuous spans, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 17, before the word

"built," to insert "commenced or;" so as to read:

And until the said plan and location of the bridge and approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.
The PRESIDING OFFICER. The Chair calls the attention of the Senator from Missouri to the word "and" in line 16, page 4. It should evidently be "are," and will be so corrected to read

And until said plan and location of the bridge are approved.

Instead of "and approved." The correction will be made if there be no objection.

The next amendment of the Committee on Commerce was to insert as a new section.

SEC.6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

The next amendment was to change the number of section 6 to 7.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# PENSIONS TO ARMY NURSES.

Mr. BLAIR. Mr. President, the army nurses bill was reported almost a year ago, and has been a matter of frequent conference between the Senator from Missouri [Mr. COCKRELL] and myself. He has prepared a substitute which, with some trifling alterations that I have suggested, I think is quite as good as the original bill. I wish to ask the Senator from Maine to give way for its consideration, it being the understanding that if any debate shall arise it may be laid aside.

The PRESIDING OFFICER. Does the Senator from Maine yield

to the Senator from New Hampshire?

Mr. HALE. On the agreement that it shall take no time, and then I shall try to go on with the appropriation bill.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill (S. 373) for the relief of women enrolled as army nurses, etc.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The bill will be read.

Mr. COCKRELL. The bill has already been read.

Mr. EDMUNDS. It ought to be read again for information.

Mr. BLAIR. The bill has been read, and I desire to offer a substitute for it, moving it as an amendment.

Mr. EDMUNDS. I should like to hear the original bill. It may be better than the substitute.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

The PRESIDING OFFICER. The proposed substitute will now be

The Secretary read as follows:

The Secretary read as follows:

That all women nurses during the late war and prior to August 4, 1895, who were approved by Miss D. L. Dix, "superintendent of women nurses," or her authorized agents, or specially appointed by the Surgeon-General or other proper United States authority, and who rendered six months' service as such, or who, prior to the completion of such term of service, were disabled in such service and honorably discharged by reason of such disability, shall be granted a pension during life at the rate of \$25 per month from the passage of this act, according to such rules and regulations as may be prescribed by the Secretary of the Interior.

SEC. 2. That such women nurses as are now receiving pensions under special or general laws at a less rate than \$25 per month, and may be entitled to the benefits of this act, may, on proper application to the Commissioner of Pensions, receive the said sum of \$25 per month.

SEC. 3. No fee, compensation, or allowance shall be paid to, received, or accepted by any agent, attorney, or other person instrumental in the prosecution of any claim for pension under this act. And it shall be the duty of the Interior and War Departments to render all proper aid to applicants.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment

was concurred in

Mr. EDMUNDS. I should be glad to have my friend from New Hampshire explain to the Senate the principle on which this bill rests, making a distinction in favor of female nurses as against male nurses, and as it respects the putting of these lady nurses on the pension-roll. Some of them, I have no doubt, are just as well entitled to pensions as are thousands of soldiers who fought all the time or who came home

and have as yet no pensions. I dare say there may be some good ground for it, but I confess I do not quite understand it.

Mr. BLAIR. Mr. President, I am not in a situation to debate this bill, because I only have the opportunity of thus getting it before the Senate; but the Senate will remember a great many efforts during the previous session, and I am sure the Senate understands the general ground on which these few old women are to be pensioned. There are scarcely any of them, and I do not know of any, who are not really dependent, and all of them are getting to be quite old. The Senator from Missouri [Mr. Cockrell] is not apt to err in the line of improperly loading up the pension-roll of the United States with cases which are not meritorious, and after considerable conference this substitute for the bill has been agreed to by him, and I am exceedingly anxious to have it disposed of now if possible. Otherwise we shall get no action during the present Congress. It covers not many cases, as I understand only a few hundred, and they are cases of great need. I do not know of any who are able to get along without this aid. They are required to have rendered six months' service and to have been honorably discharged (and many of them rendered several years' service), or they must have been disabled during the period of their service in order to get a pension at all.

Mr. COCKRELL. If the Senator will permit I will read a letter addressed to me by Mrs. Kate B. Sherwood, who is the chairman of the Woman's Relief Corps, dated Toledo, Ohio, January 13, 1889, in

which she says:

which she says:

Dear Sir: Last winter when our bill to pension women who served as army nurses was brought up by General Blair it met with serious opposition on the grounds that it was an indiscriminate measure, and the War Department could not (or did not) furnish a list of the women properly commissioned.

To meet this objection the Woman's Relief Corps have undertaken to ascertain the real condition of the women who held commissions through Miss Dix, Mr. Yeatman, or others of the United States Sanitary Service, by sending out the blank herewith attached. Upwards of one hundred well-authenticated cases are now before us, and I am satisfied that the total number who would be benefited under the act would be but a few hundred.

Of the number before us over eighty are women old and destitute, the most having become enrolled when women under thirty were not received. Their ages run from sixty to eighty-six. Some of them have had no assistance this winter save a small sum from the Relief Corps. These women were the healers on the ghastly fields where their brothers were the smiters. Their service was to humanity. May we ask your co-operation when General Blair brings up this bill?

Yours, very truly,

KATE B. SHERWOOD.

It was in order to relieve the class referred to in this communication

that the substitute was prepared.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

The title was amended so as to read: "A bill for the relief of women enrolled as army nurses.1

#### ADMISSION OF DAKOTA.

Mr. VOORHEES. I offer an amendment to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota. I ask that the amendment be printed and referred to the Committee on Territories, and also the accompanying paper printed in the form that it is for ref-

The PRESIDENT pro tempore. The amendment with the accompanying paper will be received, referred to the Committee on Territories, and printed.

#### AMERICAN SHIPPING AND INDUSTRIAL LEAGUE.

Mr. BROWN. I present resolutions passed at the Augusta National Exposition by the Southern Manufacturers' Association and by the Exhibitors' Association, indorsing the American Shipping and Industrial League and indorsing specially what is known as the tonuage act, now pending before the Congress of the United States. There is but a single page of it and it is mostly in coarse print. The petitioners respectfully ask that the paper be filed and published in the RECORD, as it is so short. I ask that leave.

The PRESIDENT protempore. The Senator from Georgia asks unanimous consent that the petition which he has presented may be printed

in the RECORD.

Mr. HARRIS. I did not hear the nature of the petition. Mr. BROWN. Resolutions passed by the Southern Manufacturers' Association.

Mr. HARRIS. I object to the paper going into the RECORD. The statement of it is already full enough.

The PRESIDENT pro tempore. Does the Senator from Georgia desire to have it printed as a document?

Mr. BROWN. Yes; I will ask that it be printed as a document.

The PRESIDENT pro tempore. It is so ordered if there be no objection.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois.

The message also announced that the House had passed the concurrent resolution of the Senate concerning the counting of the electoral

vote for President and Vice-President.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I now ask that the Senate proceed with the considera-tion of the consular and diplomatic appropriation bill, omitting the first formal reading and considering the committee amendments as they are reached in the reading of the bill.

The PRESIDING OFFICER (Mr. Dolph in the chair). Unless there be objection that course will be pursued.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30,

The Secretary began the reading of the bill and read to line 13.

Mr. GIBSON. I offer an amendment, which I hope the Senator in charge of the bill will accept.

Mr. HALE. The order of the Senate is that the committee amendments shall be first proceeded with. When we get through with those to the end of the bill, then the Senator can come in with other amend-

Mr. GIBSON. Then I give notice of the amendment.
Mr. HALE. What is the amendment of the Senator?
Mr. GIBSON. I give notice that at the proper time, after the words "salaries of," in line 10, I shall move to insert the words "ambassadors and" before "ministers." Mr. HALE. That can be offered after the committee amendments are disposed of.

Mr. GIBSON. Then I give notice that I shall also move to strike out the words "envoys extraordinary and ministers plenipotentiary," in line 11, and insert in place of them the word "ambassadors;" so that the schedule shall read:

# SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500, etc. The PRESIDING OFFICER. The reading will proceed.

The Secretary resumed the reading of the bill.

The PRESIDING OFFICER. The Chair suggests to the Senator from Maine whether a comma should not be inserted after the word "Hayti," in line 36.

Mr. HALE. The clerks can regulate that.

The reading of the bill was resumed. The first amendment reported by the Committee on Appropriations was in "Schedule A," in the appropriations for "Miscellaneous expenses foreign intercourse," after line 165, to insert:

To enable the President to cause to be paid to the Government of Japan, to be by it distributed among the families of the Japanese subjects accidentally killed or injured by the explosion of shells from the United States steamer Omaha while engaged in target practice near the Island of Ikesima, on the 4th of March, 1887, \$15,000, the same to be received as full indemnity for the loss and injuries caused as aforesaid, said sum to be immediately available.

The amendment was agreed to.

Mr. HALE. I ask that the next two amendments, which will give rise to debate, may be passed over until the remainder of the bill is

The PRESIDING OFFICER. That will be the order, if there is no

objection.

The Secretary resumed the reading of the bill at line 188. The next amendment of the Committee on Appropriations was, in "Schedule

B," in the appropriations for "Salaries consular service," in line 203, before the word "Rome," to insert "Ottawa;" and in line 204, before the word "thousand," to strike out "eighteen" and insert "twentyone;" so as to make the clause read:

Consuls-general at Constantinople, Ecuador, Frankfort, Ottawa, Rome, St. Petersburg, and Vienna, at \$3,000 each, \$21,000.

The amendment was agreed to.

The next amendment was, after line 206, to insert:

Consul-general at Apia (Samoan and Friendly Islands), \$2,500.

Mr. HALE. I move to make the sum \$3,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 210, before the word "thousand," to strike out "seventy-six" and insert "seventy-eight;" so as to read:

For salaries of consuls, vice-consuls, and commercial agents, \$378,500, etc.

The amendment was agreed to.

Mr. HALE. That should be "79,500" instead of "78,500," to make the totals correct

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 210, before the word "thousand" in the amendment of the committee, it is proposed to strike out "seventy-eight" and insert "seventy-nine;" so as to read:

For salaries of consuls, vice-consuls, and commercial agents, \$379,500, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Salaries consular service, Class III," after line 232, to insert:

Germany: Consul at Barmen.

The amendment was agreed to.

The next amendment was, in line 237, after the word "Manchester," to strike out "Ottawa;" so as to read:

Great Britain and British dominions: Consuls at Belfast, Bradford, Demerara, lasgow, Manchester, and Singapore.

The amendment was agreed to.

The next amendment was, in the appropriations for "Salaries consular service, Class IV," after line 263, to insert:

Mexico: Consuls at Nuevo Laredo and Paso del Norte.

The amendment was agreed to.

The next amendment was, in the appropriations for "Salaries consular service, Class V," to strike out lines 286 and 287, as follows:

Friendly and Navigator's Islands: Consul at Apia.

The amendment was agreed to.
The next amendment was, in line 289, before "Chemnitz," to strike out "Barmen;" so as to read:

Germany: Consuls at Chemnitz, Cologne, Crefeld, Dusseldorf, Leipsic, Nuremberg, and Sonneberg.

The amendment was agreed to.

The next amendment was, in line 304, after the words "Acapulco and," to strike out "Nuevo Laredo" and insert "Piedras Negras;" so as to read:

Mexico: Consuls at Acapulco and Piedras Negras.

The amendment was agreed to.

The next amendment was, in the appropriations for "Salaries conSular service, Class VI," after line 329, to insert:

Caroline Islands: Consul at Ponape.

The amendment was agreed to.

The next amendment was, in line 356, after the words "Consuls at," to strike out "Paso del Norte" and insert "Matamoras, Nogales;" so as to read:

Mexico: Consuls at Matamoras, Nogales, and Tampico.

The amendment was agreed to.

The next amendment was, in Schedule C, Class VII, in the appropriations for "Salaries consular service," in line 399, before the words "at Guaymas," to strike out "consuls" and insert "consul;" and after the word "Guaymas," to strike out "Matamoras and Piedras Negras;" so as to read:

Mexico: Consul at Guaymas.

The amendment was agreed to.

The next amendment was, in the appropriations for "Allowance for clerks at consular offices," in line 430, after the word "consulates," to strike out "fifty-two thousand four" and insert "fifty-three thousand two;" so as to read:

For allowance for clerks at consulates-general and consulates, \$53,280, the sum to be allowed at each not to exceed the rate herein specified, etc.

The amendment was agreed to.

The next amendment was, in line 446, after the word "Nuremberg," to insert "Ottawa;" and in line 448, after the word "each," to strike out "thirteen thousand six" and insert "fourteen thousand four;" so as to make the clause read:

Antwerp, Bordeaux, Calcutta, Colon, Dresden, Glasgow, Leipsic, Melbourne, Nuremberg, Ottawa, Panama, Port au Prince, Sheffield, Singapore, Sonneberg, Tunstall, Toronto, and Brussels, at \$800 each, \$14,400.

The amendment was agreed to.
The reading of the bill was concluded.

Mr. HALE. Going back to page 9, on line 197, I move to strike out the word "Montreal."

The PRESIDING OFFICER. The amendment will be stated.
The SECRETARY. In line 197, after "Kanagawa," it is proposed to strike out "Montreal;" so as to read:

Consuls-general at Berlin, Honolulu, Kanagawa, and Panama, at \$4,000 each, \$20,000.

The amendment was agreed to.

Mr. HALE. On page 7, line 138, I move to strike out "50" and insert "80" in the clause relative to unforeseen emergencies.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. At the beginning of line 138, page 7, it is proposed to strike out "50" and insert "80;" so as to read:

Eighty thousand dollars, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. GIBSON. I now offer my amendment and ask for its adoption. The PRESIDING OFFICER. The committee amendments are not all disposed of yet. There are two amendments remaining on pages 8

Mr. HALE. I propose that those amendments be passed over until

the consideration of the bill is otherwise completed.

The PRESIDING OFFICER. If there be no objection, the amendment of the Senator from Louisiana [Mr. Gibson] will be received and

The Secretary. After the word "of," in line 10, it is proposed to insert the words "ambassadors and;" and in line 11 to strike out "envoys extraordinary and ministers plenipotentiary" and insert "ambassadors;" so as to read:

Salaries of ambassadors and ministers:
Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500 each, \$70,000.

Mr. GIBSON. Mr. President, the Constitution of the United States Article II, section 2, provides the President of the United States, 'shall nominate and, by and with the advice and consent of the Senate, shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls." It is true that he never has yet appointed any one to be the ambassador of the United States to any foreign country, but this is owing to the fact that at the congresses held by the crowned heads of Europe it was agreed on, I think at Vienna in 1814, confirmed afterwards at the conference of Aix-la-Chapelle, that there should be established four grades of public ministers, namely, ambassadors, envoys extraordinary and ministers plenipotentiary, ministers resident, and chargés d'affaires.

It was agreed at this conference that the ambassadors should be the

personal representatives of the sovereigns. But since that time great changes have taken place in the relation between the nations of Europe and in the development of popular government and popular right. The publicists of the world to-day agree that political and religious liberty are inherent in man, not privileges which are granted by gov-And in the development of free thought and free institutions, ambassadors have practically become not the representatives of the crowned head or sovereign of their country, but the representatives of the nation whose citizens they are.

Not only have the general ideas of the relations of the European nations advanced in this regard very much indeed, but the developments of free institutions and the advancement of the United States in population and power and influence have given to them a very important and conspicuous position in the family of nations. We have large external interests of all kinds. Our people go abroad more than they did formerly, and our commerce is extending more widely than at any previous time in the history of our country. We touch foreign nations at every

point in the world.

It seems to me now, sir, in view of these facts, that the time has come when we ought to give to our public servants who represent the power of our country and the rights and interests of our people such a position near those foreign governments as will enable them to render better service to our fellow-countrymen. It is not the title or the rank that I suggest as a reason why these public servants should be entitled to be called ampassadors, but because I believe ever Senate. entitled to be called ambassadors, but because I believe every Senator who has been abroad, and every Senator who has given consideration to this question, knows that our interests will be promoted abroad, our public agents will be able to render more efficient service, if we

institutions not only by his distinguished services as a historian but for the great service he has rendered this country at critical periods of its history, and especially as our minister plenipotentiary to the court of Berlin, while attending the court was compelled to give precedence to the minister from Great Britain, and, after waiting until his patience was exhausted, secured an audience only by giving notice that the public business with which he was charged would permit no further

Now, why should this be? Why should it be that the ministers and public servants of this great country at foreign courts should be com-pelled to wait upon the pleasure of the ministers and public servants of other nations? This nation is entitled to as much consideration as any other. The people of foreign countries form their estimate of the manners and customs and power and influence of our country, not merely through consular reports and not merely by their commercial relations with the people of the United States, but by the qualifications, the personal bearing, and the surroundings and attentions paid to our min-

personal bearing, and the surroundings and attentions paid to our ministers by their governments.

Mr. President, I know that there is a sentiment in this country, perhaps represented in this Chamber, which says, "Why, this is merely giving rank, gewgaws, and tinsel to our foreign ministers." That argument would apply just as well to the rank we bestow upon public servants whom we call into the Army or into the Navy. Why should we confer the rank of general and lieutenant-general and major-general and brigadier-general and colonel upon the officers of the Army, or admiral and commodors and centain in the Navy? Do major-general and brigadier-general and colonel upon the officers of the Army, or admiral and commodore and captain in the Navy? Do these words give offense to the ear of any gentleman? Why do we confer these titles? Not because they give a star more, or a button more to the coat, or because they give some insignia, but because we believe it essential to the organization of the Army and the Navy, and promotes the public welfare and the public service. For like reasons we bestow the titles of bailiffs, sheriffs, mayors, governors, judges, Senators, Presidents. They indicate the office, its honors and responsibilities and duties. So it is with our foreign officers. We do not have, it is true, an organized diplomatic corps, as foreign governments do.

We do not train men from their boyhood to become the public agents of our country any more than we train men from their boyhood to become members of the House of Representatives or the Senate or for the Supreme Court. Nor do we train them for any public position. But if we intend to establish a diplomatic corps to carry on negotiations with the leading diplomatists and publicists of Europe, it seems to me that every gentleman will feel the importance not only of selecting the best men, the truest and firmest Americans, the wisest and most sagacious, but also the importance of conferring upon them rank and position that are commensurate with the power and dignity and influence of the United States. There will be no innovation upon the existing system. We already have titles and grades, envoys, ministers, chargés d'affaires. The system is already established. Ambassador is only more significant than envoy. He speaks for a nation in the first rank in power.

Bearing upon this point, I would like to ask, if I do not violate the rules of the Senate, that some remarks of Mr. Cox in the House of Representatives, in the discussion of the last diplomatic and consular bill, may be read. They are very brief. I have marked them.

The PRESIDING OFFICER. If there be no objection, the re-

marks will be read.

The Secretary read as follows:

The Secretary read as follows:

If we are to have our ministers respected, and in order to give them their proper status and dignity corresponding with our country's position among the powers of the earth, we ought to strike out the words "envoy extraordinary," etc., and insert "ambassador." If the great powers do not like it let them do their worst. It is not such a great loss to be unrepresented abroad as we may surmise. Then our ministers abroad representing our growing interests, if we must have them, will have precedence of the little powers, which generally have ministers of a lower grade, and be the equals of those who are of a higher rank without representing grander nations.

Why, sir, the representative of Servia, Roumania, Greece, Sweden, Belgium, or Holland, or of any of these smaller nations, can at any time, by calling their diplomats "ambassador," do as little Persia did at the Porte—step in, although arriving late, ahead of our envoy "extra-ordinary." Why should we, because a Republic, be bound to make our salsam before Russia, Germany, or England, by the ridiculous rules of the Holy Alliance, to which we never consented and as to which we were never consulted? Although when minister to Turkey I used to be on time and in advance of others. I was compelled to wait and to wait in an ante-room of the Porte the pleasure of these excellencies, of the monarchies and empires, with the thermometer going up beyond the nineties, from 12 o'clock to sunset. -Congressional Record, May 21, 1888, page 4484.

Mr. PLIUMB. The motion of the Senator from Louisiana, I under-

Mr. PLUMB. The motion of the Senator from Louisiana, I understand, is to strike out the words "envoys extraordinary and ministers

stand, is to strike out the words "envoys extraordinary and ministers plenipotentiary" and insert "ambassadors."

Mr. GIBSON. In line 11, as to the appointments of ambassadors to France, Germany, Great Britain, and Russia.

Mr. PLUMB. Mr. President, my proposition to counter that would be to strike out the entire paragraph. It seems to me that the Senator from Louisiana proceeds upon an entirely artificial basis. He assumes confer upon them such a position as will give them dignity and influence and power at the foreign courts to which they are accredited.

I believe it to be true, Mr. President, that some years ago, when we were carrying on a very important negotiation with the German Government—I heard it stated; I am not sure of the fact—our minister at that time, George Bancroft, whom we all revere as an ornament to our

countered a condition of things not natural but artificial. It is because we have encountered things social and not practical. It is because the cut of a man's jib or of his coat, his form of speech, the fashionableness of his attire, transcends the importance of his representative

capacity.
Upon the field of battle where things are settled by might no general on one side would refuse to treat with a colonel on the other side if the colonel was the commander of the opposite forces. But we are asked to conform, to bow down before a state of things in which the relations of nations in international questions are settled by mere accidental

questions of fashion; and that is all.

It may be, as stated by the Senator from Louisiana, and I have heard it stated elsewhere and otherwise, that our minister to England has to wait until the ministers from Corea and from Pumpernickel, who are denominated ambassadors or endowed with some other designation which suits the delicate sensibilities of the court at which he serves, have passed in procession into the imperial presence and is thereby humiliated.

No, Mr. President, I can not say that a person of that kind would be humiliated at anything. If he had been a truly American citizen, if he had been of the belief that he represented the most powerful nation in the world, he would have taken his credentials and his person away from the precincts of the court where he was thus slighted-if such

discrimination constitutes a slight.

Mr. President, so long as we are content to have our relations with foreign people based upon these artificial distinctions, we shall be humiliated, because by acceding to the proposition of the Senator from Louisiana we are agreeing that the consideration which shall be given to those whom we send to represent us abroad shall be settled by the

nations to whom we send them.

The court etiquette of Great Britain may change and the ambassador of to-day may be of less dignity than the consul of to-morrow, and we have got to follow these mutations and these changes and we have got to keep our ambassadors or our representatives, by whatever title they may be known, cooling their heels in the ante-rooms of the sovereigns of other countries according to the caprice which may put one designa-It is not upon this basis that nations ought to confer. It is not for

purposes of that kind that they ought to confer. If there is not the basis of respect, of consideration for power and prestige, there ought to

be no conference at all.

Mr. President, I intend to move to strike out this entire section, and I would no more consent at any time hereafter that any person should go to Great Britain or to Berlin or to Vienna or elsewhere bearing this title and subject to the conditions of which the Senator has spoken as liable at any time to be imposed. Whoever represents the American people is entitled to consideration not because of his personal character, of which these courts can know nothing, not because of his bearing, for that counts for nothing, but because of his representative character, and whether we call him consul or vice-consul or commercial agent or envoy extraordinary or minister or ambassador, or what not, is of no consequence to those courts in the proper sense of the term.

Mr. President, we have no political relations with the outside world that are settled nearly or remotely by the persons who represent us in our foreign service. The minister in London, the envoy extraordinary our foreign service. The minister in London, the envoy extraordinary we send there, is of the slightest possible consequence to the American Republic on account of anything he can do. He may hurt us, but he can not help us. We have been, as I think, very materially damaged by the representation we have had at that place during the past eight years—damaged not perhaps in a technical way, but damaging to the self-respect of our people and to the just respect they are entitled to be held in abroad; damaged by a subordination which did not comport with the dignity and the nower of the American people, nor with the rethe dignity and the power of the American people, nor with the responsibilities we ought to exact from the representatives of that power

everywhere.

We have been damaged because we have sent men there who conformed themselves to the dilettanti who surrounded them, and who found in that the proper way of earning the compensation which they were paid, who have nowhere, and on no occasion, and at no time, and under no circumstances asserted the power and dignity of the American Republic. They have not represented free institutions as contrasted with monarchical institutions; they have not asserted the dignity, the simplicity of American citizenship, and they never will so long as we consent to follow by designation, and in fact, the example set by monarchical governments as to the functions of our diplomatic servicebase it upon social requirements, artificial distinctions, such as are peculiar to monarchical governments. This is where the true humilia-

I admit if we were to send the right kind of men abroad it would make less difference what we called them. If we would send men like Samuel F. Miller, of the Supreme Court, or Allen G. Thurman, of Ohio, they would represent the people of the United States and republican institutions in spite of ceremonial and precedent, and would not wait on occasions of importance while representatives of minor Kansas suggests, to have upon his breast some decoration. That does powers went forward. They would not be "cabined, cribbed, con- not necessarily follow. None of our public servants, citizens in public

fined" by artificial conditions of any sort. As it is, we send there men who become slavish followers of a condition of things in which international diplomacy, in which matters affecting the interest or character of the people cut no figure whatever. They are simply the bubble on the wave, the froth on the surface of the stream, the mere idlers and loungers and wall-flowers at receptions.

Now, Mr. President, the thing to do is for us to strike out this entire mass, this superincumbent mass of antiquated designation and title, and put some plain designation upon the persons whom we send abroad, to indicate in the first place that we are a people apart so far at least as this question of ceremonial is concerned, and whatever special functions we may endow them with, have it understood that first and foremost and all the time, day and night, in and out of season they shall represent the American Republic in its plainness of speech, in its simpleness of manner, in its overwhelming interests, and in the abiding consequences which we believe are to come from the maintenance of free government upon this continent. If we have no men

of that kind, then let us have no representatives abroad.

We know by experience repeated over and over again and emphasized during the past twelve months, that whenever it comes to impor-tant things, to what is called diplomacy, which is said to be only an aggravated form of lying, that is done at headquarters, and the minister at London is not even consulted to-day as to what the cable has conveyed to him from his superiors at Washington. Negotiations are carried on at the capitals of the respective countries by special commissioners appointed for that purpose, and the cable conveys the instructions even in the most minor affairs to be carried out by the minister. The substance has been modernized, why not modernize the form? Why cling to a condition of things which is antiquated, useless, offensive? No government worthy of our consideration will seriously object to any respectable means of communication we may desire. It is the nation back of the cablegram, back of the minister or the consul, to which they will look.

If we are to understand from the speech of the Senator from Louisiana that the American Republic is nothing unless it sends a man to Berlin attired in a particular way and bearing on his breast his particular designation in print plain and unmistakable, then I take it the intercourse between these two governments is of no possible conseintercourse between these two governments is of no possible consequence. Words are not things in that sense and in that domain. The only principle in that domain is one of power, and the only morals that of self-interest. If the self-interest of the German people or of the British people or of the Austrian people, or whatever other people we communicate with, is not concerned in the matter of association with the American Republic, then that association had better stop.

Mr. CLESON. Mr. President the remarks of the Secretar from Kan

Mr. GIBSON. Mr. President, the remarks of the Senator from Kansas are like everything which emanates from him, strong and vigorous. I concur with him, that it would be better either to abolish our diplomatic corps entirely, or give them proper rank and position at foreign

The Senator objects to the word "ambassador." I can not see the foundation upon which his objection rests. That is not a foreign word, it is an American word, the word that our forefathers used to designate our public agents on foreign duty, for we find it in the Constitution; it was put there by them, whereas the other phrase, "envoys extraordinary and ministers plenipotentiary," is a much more imposing and high-sounding phrase. That is not to be found in the Constitution of the United States. That is not the title which the framers of the Constitution declared should be conferred upon the ministers of the United States to foreign courts and nations.

Now, will not the Senatoragree that if we keep up this service at all, it is necessary to give our public servants some title, some designation by which they may be known to foreign courts and foreign nations? And if we give them any, I submit to the Senator we should give them that title which we find in the Constitution of the United States, the

title selected by the framers of the Constitution.

I do not intend to defend the eminent gentlemen who have been our envoys extraordinary and ministers plenipotentiary to the court of St. James. We all know that Mr. Lowell, who represented this country there, was highly esteemed by the British people, not only as a minister, but as a man of letters and as an orator who on many occasions gave force and luster to the principles of republican institutions by able and luminous expositions of them. I know of no interest of the United States which was committed to his keeping that suffered in any respect while he was in England; nor do I know of any interest that has suffered while the distinguished citizen of Vermont, Mr. Phelps, has been our envoy at that court. It is true they both probably dressed like gentlemen; they had their coats brushed and their shoes blacked; and they went to entertainments and made themselves welcome everywhere in England by their good manners and high intelligence. ceived honors from the lord mayor of London and other public func-tionaries of Great Britain, and they demeaned themselves like gentlemen and scholars and patriotic Americans.

I know of no reason why if we should confer the title of ambassador upon the American minister, he should be required, as the Senator from Kansas suggests, to have upon his breast some decoration. That does life, either at home or abroad, wear stars or garters. We value men by their character and ability, not by their clothes, whether in fashion or out of fashion. The men who made this Constitution knew very well that the day would come when this country would necessarily have extensive relations with foreign nations. Many of them had been witnesses of the contumely and the contempt with which foreign nations had treated our ambassadors, or rather our commissioners as they were styled then, when they went abroad suing for alliances and for recognition for our infant nation.

They sent then the most illustrious citizens, who gained credit for our country and who did decorate themselves with stars and garters in foreign countries to which they were commissioned, and no man more than that great philosopher, Benjamin Franklin. He felt it necessary to make himself a persona grata to the people to whom he was commissioned, and to accommodate himself to their manners and their customs without sacrificing his own robust common sense, his own representative character, his own devotion to popular government and popular rights; and if we had more Benjamin Franklins among us, I for one would consent that he and such as he might wear knee-breeches and stars and garters at any court in Europe.

But, sir, we live in simpler times. We are more republican to-day than we were even when this Constitution was made; and of course the example and influence of this nation have made European nations more republican. Forty years ago we could not have named an ambassador to any court in Europe. He would not have been received, because it had been agreed upon by the allied sovereigns at Vienna that ambassadors were the personal representatives of their sovereigns. But the interests of nations have superseded the interests of reigning dynasties, of ruling families. Ambassadors now represent nations, not crowned heads. Owing to the development of popular government on the continent of Europe, France and Switzerland send and receive ambassadors.

Why should we not do the bidding of the framers of the Constitution of the United States and give the simple title that they originated? What will be the effect of it? It will not turn the head of any common-sense American. Would he become less robust in his republicanism? Would he any the less represent the power and greatness of the United States if we confer this simple title upon him? Surely not, unless he was already very weak-minded before he was appointed to this office.

This designation of our public servants in foreign employment would probably not be particularly agreeable to the courts of Europe. It would seem to indicate the growth of popular liberty and reveal to the crowned heads of Europe and to their subjects the prestige and power of the great Republic. By receiving an ambassador from the United States they would themselves pay deference and respect to the wonderful advancement which has been made in the last forty years by the people towards self-government. But the strongest reason I can assign for this amendment is founded in the practical benefits to accrue to our citizens and

Mr. HALE. Mr. President, the two propositions presented by the Senator from Louisiana and the Senator from Kansas embody the extreme ground on this subject. The Senator from Louisiana moves to amend the report of the committee by substituting "ambassadors" as a designation in the foreign service for ministers plenipotentiary, and the Senator from Kansas, who will have none of either, desires to strike out the ministers plenipotentiary entirely, thus abolishing the higher grade of missions to foreign powers, whatever that grade may be termed. The committee, in considering the bill before directing me to report it, concluded to leave the law and the practice as they are. It is an old question. It has been up repeatedly in Congress before this, and the practice that was early originated has been maintained and our highest rank in ministers abroad, as everybody knows, is that of envoy extraordinary and minister plenipotentiary.

dinary and minister plenipotentiary.

Mr. PLUMB. Is there any higher rank, and if so, what makes that rank?

Mr. HALE. I will come to that in a moment. So far as the committee is concerned, it has taken no action and is content with the bill as it is; it has proposed neither to advance the title nor to destroy the ministers. Speaking only for myself and not as the organ of the committee, I shall with pleasure and with satisfaction vote for the amendment offered by the Senator from Louisiana for the reasons that have been given by him.

If we are to maintain diplomatic relations with the great powers of the world, we must needs maintain those relations after the manner and the fashion in which those relations are maintained throughout the civilized world. We may abolish all this, as the Senator from Kansas proposes, and may deal with this subject by the consular service and by special embassies and by negotiations set on foot at a foreign capital or at our capital, and thereby dispense with the whole corps of foreign ministers, but I assume that that will not be done, that what would be revolutionary in this respect—not using the word in a harsh phrase, but as destroying what has long been maintained and recognized—will not now be adopted by the Senate; and assuming that I am earnestly and decidedly in favor of giving to the eminent citizens, whom the Administration from time to time sends abroad to represent

us in the great courts of the world, the designations that are given by those great powers when they send agents one to another, and which, if we adopt these designations, they will adopt in sending their representatives here.

And, Mr. President, the title of "ambassador," as operating in actual diplomatic service, is something more than titular. It carries with it something more than designation. There is as much rank in diplomacy as there is in military life. An ambassador at a court has as clear a designation and as clear a meaning and carries with it privileges and powers of representation as clearly as the title of field-marshal, or lieutenant-general, or general, or admiral of the fleet, or any other well-known and accepted designation of office. It is not pleasant, and more than that it is not useful, that the United States in its intercourse with foreign powers should be put aside and its ministers classified with the ministers of small and insignificant powers. The business that our minister at the court of St. James transacts with the British Government, and the business that the ministers at Paris and at Berlin and at St. Petersburg transact with the great powers of which these cities are the capitals represent the American people; and when this business is transacted, for one I desire to see the minister from the Republic of the United States of America clothed with every power, with every rank, and with every attribute that belongs to the representatives of the other great powers.

It is not fashionable, as represented by the Senator from Kansas, to linger in the ante-rooms to wait until a higher class is disposed of. To sit at all proceedings and upon all occasions with the ministers of small powers is not only not a pleasant thing for our minister, but it is in itself humiliating to the people that the minister represents. And as I began by saying, without taking up more time of the Senate, if we are to send these representatives abroad, clothing them with the power that goes with their great place, let them stand before all the nations of the earth equal with the ministers from other great powers, or keep them at home and try the experiment suggested by the Senator from Kansas. That I am not in favor of.

Mr. President, for one, without claiming to represent the committee,
I shall vote for the amendment offered by the Senator from Louisiana.

Mr. REAGAN Lide not propose to discuss the question as to the

Mr. REAGAN. I do not propose to discuss the question as to the title which shall be given to our representatives at foreign courts, but I simply take the floor for the purpose of stating that if my views could prevail we would abolish the entire diplomatic service. It originated in an age of the world so entirely different from the present age and for purposes and uses so entirely different from what now exist that the world has outgrown this service as it was originally instituted, has gone by it. In times far back ambassadors and ministers were sent from court to court when there was but little intercommunication between the nations of the earth and when they were generally holding hostile attitudes towards each other, and their mission as a general rule in those early ages was to obtain such court secrets as they could by the employment of money or any other agency which their government placed in their power, by the corruption of public ministers and otherwise.

The progress of civilization and of society and government has entirely changed since those times. The agency of steam, of railroads, of steam-ships, of telegraphs, has come into play. Great daily newspapers, collecting information from all parts of the world, distributed by the telegraph to every part of the world every morning, give the information now without the expense of official dignitaries to all governments that care to know what the current information of the times

Our public ministers, by whatever title you choose to call them, rarely now are permitted to settle questions of diplomacy. They go to formally represent this Government, but when any serious question arises, so far as our Government is concerned, it is submitted to the consideration of the State Department and the President, and generally when any course of action is to be taken, notwithstanding we have ministers at those courts, we send special agents to transact that business. I need not go through the list of times and circumstances in which we have employed special agencies to settle such questions when we had ministers at the courts where they were to be settled.

Now, then, whatever governments are doing that they would com-

Now, then, whatever governments are doing that they would communicate to a public minister or an ambassador, they communicate to the gatherers of news, and it is transmitted throughout the world, so that each government knows what is going on in every other government so far as those governments are willing to let their action be

It may be said that we need these officials to protect the rights, the interests, and the property of American citizens.

Public ministers have very little to do with questions of commerce and property. I recognize the great necessity of commercial agencies, consuls, and other commercial agents, whose duty it is to protect the commercial interests and the rights and property of American citizens in the countries to which they are accredited. They answer all the purposes that are useful that a public minister can now subserve. While I would preserve our consular system, our system of commercial agents in its fullest vigor, I would abolish the antiquated idea of ministers

plenipotentiary or ministers by whatever title we may choose to designate them, simply because they seem to be useless, and the world through

its progress has outgrown the system.

I do not propose to engage extensively in this discussion. I have no expectation that the view which I express will be adopted now, and therefore I do not choose to prolong the discussion of the subject. simply rose to express my own view, one which I have long entertained, that we have outgrown the necessity for public ministers, and that we ought to abolish the system and save the money expended in keeping

Mr. HAWLEY. Mr. President, the State of Texas has had a very large body of public land. In case it desired to dispose of 20,000 acres of that land to some corporation in New York City or to some syndicate undertaking to build a state-house down there, why would it not be just as well to do all this business by telegraph and by letter and by public newspapers, as the Senator suggests? On the other hand, however, I think the governor of Texas would do a very wise thing to have a long talk with the Senator from Texas and ask him to go to New York to represent Texas and meet the president of this corporation, and settle the thing in an evening's conversation far more satisfactorily than they could by letter. That is all there is to the foreign minister, and there is not a business man in the world who does not know that it is a great deal better for two representatives of contending interests, corporations, nations, or whatever they are, to get together and have a friendly evening's talk over the subject than it is to write. And moreover it is still quite possible that things may happen to an American citizen abroad that may be disagreeable.

I should be very glad if I were in that condition, if I happened to be one of those unfortunate men in a foreign country, to know that the Senator from Texas was there the representative of my great nation, and that it would not be me, a poor stranger, but he, a man who spoke and that it would not be me, a poor stranger, but he, a man who spoke with sixty millions of people behind him, who had to represent the case. I should appeal to him to go to the chief men of that nation and vindicate my wrong. Would the Senator think he was useless under those circumstances? No, sir. We are not going back beyond barbarism to dispense with representatives abroad, and while we have them a certain precedence among them is inevitable.

The Senator from Kansas thought if we had distinguished men like Justice Miller or Judge Thurman abroad they would speak for themselves; they would not need any name. Certainly they would not in the consideration and respect of their communities; and yet an endeavor to hear men first or march them first according to their own moral and mental merit would give far more offense than obedience to any code, however artificial it might be. If a minister abroad, in giving a great public entertainment or attending to public business, should say, "Why, here is the eminent Judge Thurman; he has got more in his venerable old head than forty men like this fellowfrom Spain, and we will hear him first"-that would not answer. It would make more quarreling than the other, and there would be a great deal more non-sense in it, and a great deal more liability to the commission of errors. Now, sir, I suppose we shall have what the military and naval men

call quite a function here in a few days-the inauguration of a Presi-It is necessary that we should come into this room and go out of this room in some sort of order. Shall we endeavor to do it according to the dignity and elegance and mental and moral ability of the several men in their own respective States, or shall we obey a certain artificial code in regard to their official positions? The latter is a good deal the more convenient way. The Senator from Kansas and myself would dislike it very much if we were asked to wait until all the doorkeepers and messengers of the Senate should have gone out on the platform. It is simply a matter of convenience; that is all.

In the construction of our committees also, if the Senator should happen to be second in rank upon one of the strong committees and happen to be second in rank upon one of the strong committees and his chief should die or resign, he would think it quite an unfair thing for those who choose chiefs of committees to go down to the foot of the committee and say, "Mr. A who came here yesterday is a better man than the Senator from Kansas; we do not care anything about his twenty years of service or anything of that sort." It is a great deal easier to observe some of these artificial laws of precedence than it is

to violate them.

So I have no difficulty whatever in voting for the motion of the Senator from Louisiana. I think it is simply common sense. I think that to say that the minister from the United States shall not be required to wear any particular uniform is all well enough, but to say that he will absolutely disregard or will vainly endeavor to induce all nations to disregard the established laws of consequence is an impossibility and quite a useless attempt. Indeed, sir, there is a certain aping of humility about it that is prouder than pride itself. The simplest and easiest thing is to agree with the rest of the world about these non-essentials.

I speak of these things because it has been my fortune to hear gentlemen-and I am glad to say we have had some of our most charming gentlemen and ablest men in the diplomatic service, from Benjamin Franklin down, and under this Administration, for I make no dis-tinction of administrations or parties—I have heard those gentlemen on more than one occasion say that it was very annoying; they did not

say they were insulted; they did not say they felt that their country was degraded or that they themselves thought any the less of themselves; but it was exceedingly inconvenient to see gentlemen representing some unknown nation going in half an hour ahead and occupying the afternoon, while the representative of the United States of America, because his country only called him an envoy, had to wait until the other man's business was done, or he was the last man to dinner, or the last man to go here or there, I do not care what it is.

These things are not of extraordinary importance; but to pretend to disregard them and to go around with an apron on your shoulder and say, "I am only an envoy; I might be an ambassador, but my country will only call me an envoy," is a false humility in my judgment.

Mr. PLUMB. Mr. President, on the 27th day of March, 1867, the

Congress of the United States passed the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons in the diplomatic service of the United States are prohibited from wearing any uniform or official costume not previously authorized by Congress.

That was designed, as the Senator from Connecticut well knows, to meet a condition of things to the effect that the persons whom we sent abroad were or assumed to be under constraint to don special attire suited to court custom. The Senator from Connecticut wants now to turn entirely back, and he wants to have the persons whom we send abroad entitled to credit, not because of the people whom they represent, but of the costume they wear and the designation we give them.

Mr. HAWLEY. I beg pardon. The rule about costume is right.

Mr. PLUMB. If he had been a brigadier-general commanding a brigade on the coast of North Carolina in 1863, engaged in conflict with a colonel commanding a brigade of the Confederate army and had constrained his opponent to succumb, he would not have declined to treat with him because he was below him in rank. In other words, he would have recognized that the fact of actually commanding was the significant question, not the fact of rank inferior or superior. Now we are asked to go back to an order of things which has disappeared in every other quarter, and put our intercouse with foreign peoples on a purely artificial, antiquated basis, which remains as a relic of the doctrine of divine right, and this in the name and behalf of sixty millions of American people.

I do not know that I care whether our minister comes in ahead or behind when he goes in procession to sniff the incense that surrounds the persons of the monarchs into whose presence he is ushered. not know but that perhaps after that incense has been tainted by exhalations from the nostrils of forty or fifty of the representatives of

other powers it might be better adapted to republican respiration.

The Senator from Connecticut says that if I were denied, as a representative of the State of Kansas, admission into this Chamber, except in a certain order, I would be offended. Not at all. If I were wholly denied admission then I should complain on behalf of my State, but if, owing to some purely arbitrary regulation, continuing from time to time, and affecting all persons alike, I should come in at the tail of the procession, I should accommodate myself to that, and not feel myself humiliated at all, and I would not ask the State of Kansas to give me a designation other than a Senator in order that I might come in at the head of it. I would consider that in so doing I was insulting the State of Kansas, because I was putting names before things. The question of order in a procession is nothing. The question of primacy involved in a representative capacity is another thing, and an entirely different

I think before this bill is passed I will propose an amendment something after this fashion:

And if the persons who may be appointed to office according to the designa-tions and with the rank hereinbefore specified shall not be received or treated with the respect accorded to representatives of first-class powers at the capitals or places where such persons are accredited, then the persons so accredited from the United States shall withdraw and return to their own country.

Mr. President, it is worth something to determine the question of the substance of our relations with foreign governments. impose upon the representatives of foreign governments here distinctions which affect the substance of their intercourse with our people. The dean of the diplomatic representation at the capital of the United States, by an arbitrary rule which is desirable to be established, happens to be the minister from Hayti.

Mr. SHERMAN. Will the Senator allow me to interrupt him? Mr. PLUMB. Yes, sir. Mr. SHERMAN. The rule of precedence in the United States is just as arbitrary as in France, England, Germany, or anywhere else. Every country in the world has its usages, a departure from which would be regarded as improper and wrong, and something in the nature of an insult. We have the very rule to which the Senator alludes, that the oldest in appointment shall take the precedence in all the formal meetings that occur in social or official life. He sits at the head of the table. That rule is just as absolute in this country, not by law, but by universal custom. From the time of Washington to this hour they take their order of precedence according to the time they stay here. Suppose that Great Britain or Germany or Russia or any great power should say, "We are not to be put aside by the minister of Hayti, or of Costa Rica, or of any of these small countries; we are a great people and represent a magnificent empire, boundless in its extent, and therefore we will not travel down to the foot of the line," should we not

consider that a piece of impertinence?

Mr. PLUMB. The Senator is making my own argument much better than I; so I might as well sit down and let him go on.

Mr. SHERMAN. In Europe, let me say, they prescribe a different rule. There are certain grades of rank defined in all the customs of civilized life from Greece and Rome to this time. civilized life from Greece and Rome to this time. There are distinct ranks, and by common consent the ambassador is at the head; then the minister plenipotentiary, and so on down, and they are graded by etiquette—recognized, you may say, in international law in all European countries by the custom of the countries.

I say that when we send our ministers to those countries, our minis-I say that when we send our ministers to those countries, our ministers must conform to their rules just as their ministers must do when they are sent here. We do not stop to ask whether it is reasonable or not. We claim to be a great people, with vast interests all over the world, and we say that we will in those countries where we have important business to transact give to our ministers such a rank, such a title, such pay and emoluments as will enable them with propriety and in accordance with the customs of those countries at all times to see the head of the Government, whether it be king or queen, emperor or

That is all there is about it; and the only reason why I shall vote for the amendment of the Senator from Louisiana is because I know it will advance the interests of the people of the United States. It is not to add a feather to the man who is sent abroad, but simply because it will enable him directly to approach the leading man or the controlling figure in the country to which he is accredited. In that view of it, I think the Senator from Kansas, as a practical man, will see the advantage of giving a man such surroundings and such titles, such a position, not according to our rules, for ours are much more democratic or republican, but according to their rules, as will enable our minister in Great Britain to see the prime minister at any moment without waiting for any one, or as will enable our minister in Germany to see Prince Bismarck or the Emperor promptly, and transact his business on a footing of equality with the highest representatives of other nations.

Mr. PLUMB. The Senator I think is quite apart from the essential fact. There is no doubt that, notwithstanding this precedence, the man who sits at the foot of the table can eat just as much as the man who sits at the head of it. "Where McGregor sits is always the head of the table." If it is designed simply to enable our representatives to sit at the head of the table and to get into the presence of the Queen first, then we are accommodating ourselves to that artificial condition

to which I object.

As I was proceeding to say, the dean of the diplomatic corps here is now the minister from Hayti, and the one who preceded him was minister from the Sandwich Islands, and yet the minister from Great Britain is not offended at that, I take it. He is a sensible man. He does not want the British Government to designate him something else in order that he may sit above the minister from Hayti, because he knows that the power of the British Government which is back of him and which he represents in this capital will enable him to see the President of the United States or the Secretary of State whenever impor-tant measures require that he shall see them. We are providing here for the precedence of our ministers on occasions when the power and the prestige and the consequence of the American Republic is not at e and can not be. We are assuming that the cut of the garb, the fashion of the knee-buckle, and the particular point to the swallow-tail coat, and all that sort of thing, is something that concerns our people in the important relations which they shall have with nations. That is what we are doing, and that is all there is about it.

Did any one ever complain that the envoy extraordinary of the American Republic could not get audience on important occasions with

the princes and potentates of another country?

Mr. HAWLEY. Yes. Mr. SHERMAN. Le Mr. SHERMAN. Let me say to the Senator from Kansas that no country in the world that I know of undertakes to prescribe the dress

of any foreign representative at its court.

Mr. PLUMB. They did do it.

Mr. SHERMAN. I think not.

Mr. PLUMB. That is to say, not the dress at the court, but the dress in which the foreign representative was to be received on certain occasions

Mr. SHERMAN. I think not.
Mr. PLUMB. Then why was the statute passed?

Mr. SHERMAN. Let me say that in the courts of Europe every representative of any foreign nation is presented in the clothing prescribed by the usual customs of his own country; and so in our own country every person who is sent here has a right to wear that dress which, according to his rank and standing at home, he is entitled to

I remember very distinctly that General Dix wore his uniform as a major-general in the Army of the United States when he was minister to France. Mr. Buchanan, who was a civilian, always insisted, and there was no question about it (it was acceded to and not denied) that the American representative at London had a right to wear the

same dress that he would appear in before the President of the United States. He insisted upon it, and there never was any objection to it. Some gentlemen with more vanity, I think, than brains, somebody behind me says, sometimes secured a title, it was said, in order to enable them to appear in uniform. That was a mere personal vanity of the particular individual, but in every country it is usual for the representative of a foreign country to wear the dress which he wears at

Mr. PLUMB. How did it happen that the Senator from Ohio, then a Senator from the State of Ohio, as now, consented to the passage of

the law of 1867

Mr. SHERMAN. I can tell the Senator. I shall not mention names, but I can say it was because some gentleman, it is said, did procure some kind of a military title and rank, probably a nominal rank in the Army, in order to enable him to wear a military uniform, and that resolution was passed merely to put a black eye upon that kind of nonsense.

Mr. PLUMB. Very well; that is the kind of nonsense that the Senator is now proposing himself to subscribe to. That is to say, some representative from the United States proposed to commend himself specially to the society in which he wanted to move on the other side by the character of his clothing—not as a representative of the United

States; he was willing to merge that in his clothing.

Mr. SHERMAN. It was personal vanity.

Mr. PLUMB. Exactly; and the Senator from Ohio wants to put it now in the statute. We shall have more of that personal vanity and all that sort of thing, and more of that concession to the social usages of the place where the ambassador goes. I do not object to our representative conforming to those usages in a reasonable way, but I object to giving him a name by statute in order that he may be more of a social figure than he otherwise would be.

Mr. HALE. If the Senator will allow me, nobody sees the point of controversy more clearly than the Senator from Kansas. Why does the Senator insist and keep insisting that this is a question of clothes, of decorations, of gewgaws? The question whether our minister to a great power shall be termed an ambassador, received and accredited as an ambassador, with the privileges in a business line and in negotia-tions that go with that title, has nothing whatever to do with the question of clothes, the question of gewgaw. A chargé d'affaires, who is the lowest in grade, is just as likely to get upset and lose his head and become ridiculous and bedizen himself and appear like a fool as an envoy extraordinary or ambassador. It has nothing whatever to do with the question of clothes.

LUMB. That is true; the ambassador may wear the same But it is the parallel; it is the same line of argument exactly. Mr. PLUMB. We had an important controversy a few years ago, in which the British Government and the French Government were involved, and we had envoys extraordinary in both places. We had more concern about the relations of those governments and their people to the American Republic than we will ever have again. Did Charles Francis Adams or Mr. Bigelowor Mr. Dayton ever complain that they could not be heard by the courts to which they were accredited because they were not de-

nominated ambassadors?

Mr. HALE. Let me say that I do not suppose in the last twentyfive years there has been one minister to those great courts who has not complained and gravely set forth the infirmity he found himself under in transacting business. If the Senator will talk with the ministers as he sees them here as they return to America and give an account of what they have been doing, he will find that every one of them er ters formal complaint, not personally, but in the interest of the peo-ple whom he represents. Each minister I have known anything about for twenty-five years has made this complaint, not in a querulous way, not in a small way, but has said that it was a serious inconvenience.

When the gentleman who represents us at the court of Great Britain was here not many months ago he spoke of this same thing. He said, "It will not affect me; I shall not remain there long;" but he narrated It will not affect me; I shall not remain there long;" but he narrated instances where he was seriously, as the representative of this nation, incommoded and put off because of that fact; and he said, "I should feel, not for myself but for my country and my successors, that a sensible and an important thing had been done if our ministers there could be accredited as those of other great powers."

Mr. PLUMB. The Senator actually quotes the present minister to Great Britain as authority on that subject!

Mr. HALE. As authority to a certain extent

Great Britain as authority on that subject!

Mr. HALE. As authority to a certain extent.

Mr. PLUMB. To a very uncertain extent, I should say.

Mr. HALE. I do not think what he said was in any way a matter of privacy, but he talked plainly, and I only mentioned that instance. All of them do the same thing, and have done so for twenty-five years.

Mr. HOAR. Will the Senator from Kansas allow me to make one suggestion, partly supplementing that of the Senator from Maine, before he proceeds? We have this thing thoroughly established in our diplomatic legislation. We recognize all these grades ourselves.

Mr. PLUMB. For social purposes.

Mr. HOAR. No, for all purposes.

Mr. PLUMB. Does the Senator mean to say right there—

Mr. HOAR. Let me make the idea plain.

Mr. PLUMB. No, I want to interrupt the Senator just as he interrupts everybody else. I want to interrupt him to ask a question. Does the Senator mean to say that we settle the question of the relative importance of Hayti and Great Britain or the precedence which

the ministers occupy at the social table?

What I mean to say is that we have established in our Mr. HOAR. diplomatic legislation the distinction between an envoy extraordinary and minister plenipotentiary and a chargé d'affaires and a minister resident, according to the importance of the office. To some courts we send an envoy extraordinary and minister plenipotentiary, at others we have a minister resident, and at others we have a chargé d'affaires. Therefore, it is not a question whether this whole distinction is reasonable or not-whether we should not send plain Mr. A B, and call him an agent. We have conformed to and recognized all these foreign distinctions of rank. They are thoroughly imbedded, and they are in this bill which the Senator, I suppose, is going to vote for.

Mr. PLUMB. Not at all.

Mr. HOAR. At any rate his committee reported it.

The question now raised by the honorable Senator from Louisianais, if we are going to have distinctions of rank in ambassadors established by our legislation and our customs, where we are a nation entitled to take the highest rank, whether we should not take the highest. It is not a question of preserving republican equality in these things; it is a question whether, if you make the distinction between men, we are not entitled to claim to be as highly distinguished as any other.

Mr. PLUMB. If the distinction could be brought about by statute, then we ought not to name these persons ambassadors, but we ought to call them something still higher. Why stop until we have reached the limit of the English language? Why not put the persons whom we send abroad clear above everybody else, because of our fecundity of language being the greatest? The salute the American naval commander gets is not because the pennant flying over his vessel indicates that he is admiral or commodore, but it is the command he has. In the contention which means power it is the power and not the name which

I should like to make an inquiry of the Senator from Kansas. Will he ask some of those who advocate the other view of this matter what the minister to England can do after he is called an

ambassador that he can not do now?

Mr. PLUMB. I am very much obliged to the Senator for the sugestion, although I was coming to that in a moment. I admit that in the law we have heretofore followed in a certain slavish way after the diplomatic customs and designations of the countries of the Old World, and I admit that because of such designations largely being selected it serves to lower us abroad, to some extent at least. We have had some serves to lower us abroad, to some extent at least. conspicuous instances of that in late years. By just as much as we pile up these foreign titles, or these titles which accommodate themselves to foreign customs, social customs, and so on, by just that much we shall select the men who are conspicuous upon this side of the water, not for their high character, not for the ruggedness of their Americanism, but as representatives of metropolitan society. I hope that the incoming administration will do better in that respect than the preceding ones have done, and that we shall contribute to some extent by law to get rid of the temptation to send abroad the class of people who least represent the American people.

As the Senator from New Hampshire well suggested, an ambassador can not do anything that a minister can not do, and when it comes to that, an envoy extraordinary can not do anything that a chargé d'affaires can not do, and a chargé d'affaires can not do anything that a consul can not do. Whoever we send abroad as our representative, if he is the right kind of man, will look after those interests and have all needful intercourse with foreign ministers and people to that end, what-

ever we may call him.

Mr. GEORGE. I should like to ask the Senator from Kansas a question for information.

Mr. PLUMB. Certainly.
Mr. GEORGE. Have we ever had an ambassador?
Mr. PLUMB. We never have. In that line I will read to the Sen-

Mr. BLAIR. What are we going to do about it?

Mr. PLUMB. The Senator from New Hampshire asks what we are going to do. The proposition of the Senator from Maine and of our sudden convert to this aristocratic idea, the Senator from Ohio, is that we shall have an ambassador, and of course, if, following the customs of courts abroad, it is found that we must have something else, then we shall have something else, making haste to change our laws accordingly.

Mr. Cox, who was quoted here sometime ago, in a speech made in the House of Representatives when the diplomatic and consular bill

was under consideration last year, said:

The reason why the United States has never created an ambassador, except, perhaps, for special embassies, is this: By the treaty of the Holy Alliance in the conspiracy against democratic republicanism they agreed among themselves that no popular government should ever be recognized at their imperial courts and foreign offices if they came by and through an ambassador. An ambassador—oh, he represents a sovereign. He was vicariously in the place of one anointed of the Lord.

of the Senator from Louisiana; that is, the representative of "one anointed of the Lord,"

He was specially dedicated to monarchy and absolutism

That is the office now proposed to be created, according to the amendment of the Senator from Louisiana, supported by the Senator from

Republics should uncover their heads and stand outside with their chargés, ministers resident, and envoys, however extraordinary, until the Lord's anointed passed through the swelling scene.

Mr. HOAR. What authority is that?

Mr. PLUMB. The authority of Hon. S. S. Cox, formerly from the State of Ohio, but now, I regret to say, from the State of New York. Mr. DAWES. I should like to inquire of the Senator from Kansas,

that is the reason why the change is to be made?

Mr. PLUMB. That is the reason, I understand, why the change is In other words, we are to be drawn within the circle to be made now. of the anointed. We have been kept out because of the somewhat odorous character of our republicanism, because we represented what was supposed to be the mass of the people and not the elect, and now we are to get within this charmed circle, the Senator from Ohio, the Senator from Louisiana, and the Senator from Maine being the highpriests officiating for the occasion.

Mr. HALE. How old is the speech which the Senator has just quoted from, made by the distinguished Representative from New York?

Mr. PLUMB. It was made on the 21st day of May, 1888.

Mr. SHERMAN. Does not the Senator from Kansas know that this is under the law as it stands? The diplomatic and consular bill is founded on the law of 1856. That is the law under which these appropriations are made, and it provides-

That ambassadors, envoys extraordinary and ministers plenipotenfiary, ministers resident, commissioners, charges d'affaires, and secretaries of legations, appointed to the countries hereinafter named in Schedule A, shall be entitled to compensation for their services, etc.

So the title of ambassador and the rank of ambassador have been recognized in all the laws organizing our service; and it is in the Constitu-

Mr. PLUMB. This country has changed materially since the date of the passage of that law.

Mr. GEORGE. Will the Senator from Kansas allow me to ask a question of the Senator from Ohio? In fact, was an ambassador ever appointed by the United States?

Mr. SHERMAN. I think not. They were formerly called commis-

May I ask the Senator a question? If we have never had an ambassador, I should like to inquire whether, in his opinion, the treaty of peace by which our independence was secured is invalid, or whether it is binding if it was not inaugurated by ambassadors? has struck me that this is a covert attack upon the independence of the

Mr. SHERMAN. I do not think it has much effect upon the validity of the treaty. It does not rise to that dignity. I think a treaty made by a consul, if ratified by the Senate of the United States, would be all

Mr. BLAIR. It struck me that independence, sovereignty, and nationality must be one of the very highest efforts of diplomacy. never have had an ambassador, the only man who can do this highest form of diplomatic business, and the probability is that we are still in subjection to the Kingdom of Great Britain, and this is not an independent power. It struck me that this is a question attacking our national integrity and independence!

Mr. PLUMB. The Senator from Ohio quotes the law of 1856. This Government has gained something in republicanism since that date. He might exactly as well quote the fugitive-slave law as to quote the law of 1856. That was at a time when the Republic was under aris-

tocratic conditions.

Mr. SHERMAN. The House of Representatives was Republican at that time, and this measure was framed by a Republican committee, and I was a member of it.

Mr. PLUMB. There were a great many Republicans in those days

who were not conscious of the fact.

Mr. HAWLEY. The Senator will pardon me. That is the language of the Constitution. That is what is the matter with it. There is no envoy extraordinary mentioned in the Constitution. It mentions "ambassadors and other public ministers." It does not say a word about envoys extraordinary."

Mr. PLUMB. The Constitution of the United States is a fearfully

and wonderfully made concern.

Mr. HAWLEY. Antiquated?

Mr. PLUMB. No, not antiquated. Every one uses it according to his own purposes; that is all. Everybody favors it when he finds anything in it to his own account. A friend of mine who is advocating a universal language said he did not think it would be adopted in this country, because the Republicans would say that under its operations some Democrats, even, might become sufficiently proficient to occupy minor positions in the Post-Office Department, and that the Democrats That is the person we now provide for according to the amendment | themselves would be against it because it was unconstitutional—an instrument he said which few of them read, but which all of them were in favor of when they were in the minority. In other words, we are in favor of the Constitution when it goes our way, and when it is against

us we are against it.

Mr. President, we have survived under this title of envoy extraordinary for a long time. We may be coming upon the Augustan era of the American Republic. We never shall go through conditions more the American Repulsion. We lever shall go another to the from 1861 to 1865, and even in the years that followed. If we could get along with an envoy extraordinary during those times when our relations with Great Britain were carried on through the means of a minister communicated with by mails in the absence of cable communications,

etc., I think we can get along with him now.

But, Mr. President, I go further than that. I say this whole system should be wiped out. Our relations with foreign people are commercial, not political. Our political relations with them, at all events so far as they exist, are settled, not by communications made through the minister, but by communication made between the powers themselves by means of telegrams and by means of special commissioners, as in the recent case of the Canadian treaty which had so auspicious a beginning

and so tragical an ending. So it will be in the future, only more so.

What we want is trade, commerce. We do not need to demonstrate to the people of the world the fact that our Republic will protect itself against internal commotion. We do not need to demonstrate that it can protect itself against foreign foes. We need only to demonstrate that it can protect itself, and maintain itself, and perpetuate itself, and grow and prosper and increase as a commercial power. We need to send wise men of trade to represent us abroad. We do not want to send men who are given to gilded lying. We do not want to keep up and perpetuate the carrying on of the insincerities and the gewgaws of diplomatic intercourse. We should make the compensation sufficient to maintain, at the places where our trade can be affected, men who can aid in extending our trade intercourse and open up new fields to our merchants, manufacturers, and farmers.

The more we do of this kind and the less we do of the other the more we shall serve ourselves and the more we shall commend republican institutions to those who would sit in darkness. A republican government, for the purpose of example, has got to be something separate and apart from other governments, and it has got to discard in a very large measure the instrumentalities that have governed the intercourse be-tween nations for the maintenance of the balance of power, for the settlement of boundaries, and things of that kind which do not concern us and never will. We have no part nor lot in all that character of

We want commercial agents instead.

While I do not know that I would go back to the days of the French Republic and give as the highest designation to the men who are appointed to represent us abroad the title of "citizen," I certainly would not accommodate myself to the artificial distinctions which have grown up through this contention in which we have no part or lot and never can have; but instead of that I would send men abroad for the accomplishment of practical purposes, giving to them such designation as we see fit, and leaving the question of their social prominence, of their precedence at feasts and in the processions of people who are "presented to the Queen," to be determined by circumstances to arise from time to time.

So, while I object to going one step in the wrong direction, as I think it would be to give the title of ambassador to our ministers to Great Britain, Germany, France, and so on, the object I have in view is to strike out the whole provision. I have nothing to substitute in its place, I admit, but I have in mind an instance which indicates that on the whole the world will move in its orbit and the Republic will continue to grow apace notwithstanding we are lacking a minister at

London and at Berlin.

London and at Berlin.

The President of the United States appointed a gentleman from Richmond to be minister to Austria, and the Austrian Government objected to him because he was married to a lady objectionable by reason of her nationality to the virtuous society of Vienna, and he was withdrawn. They had a right to say they would not receive him. He was no less an American citizen because of his marriage according to his own ideas rather than those of Vienna society. It did not in any way depreciate his character as a man or a citizen. For months there was no minister at Vienna. I never heard that there was any interruption of the ordinary course of affairs because of it. So I would be willing to take the chances of having no minister at London or Ber-

The exigencies of the Democratic party required us to disfranchise Great Britain at this capital. Great Britain has had no representative here for months. It was not because the person who was here to represent that country did not wear coat-tails of the proper length, it was not because he had not a sufficiently high-sounding title, but it was because he was too free with his pen. He wrote a letter, which I thought a model of conciseness and caution. I could not have done better myself. Yet the proud-spirited Democratic party would not stand it, and Great Britain has been disfranchised in the American capital ever since, and Mr. Phelps is coming home on account of it. Think of the good food that Mr. Phelps will be deprived of between

now and the 4th day of March. [Laughter.] Think of the incense that he might have had at the hands of his friends at the British capital. Oh, I tell you they make much of a man over there in propor-

tion as he is lacking in Americanism.

All these things have occurred, and yet nations go on in their appointed ways. We are having no trouble; we are not likely to have any; and if that condition of absence and disfranchisement should continue for two years more, or four years more, no one of us will know anything about it in any way affecting him, his neighbors, or his country, excepting, the Senator from Massachusetts [Mr. Dawes] who sits in front of me and is practical to the last degree says, excepting—a very important exception—the fellow who hoped to draw the salary.

Mr. GIBSON. I wish to make a suggestion to the Senator from Kan-

sas, because I know he would not do an injustice. I believe the gentleman who was appointed minister to Austria was objected to, not on account of any domestic irregularities, but on account of race. He was a

Jew, I think

Mr. GORMAN. His wife was a Jewess. Mr. PLUMB. I understand it. In no sense did I undertake to say anything that would reflect on Mr. Keily as a man or as a citizen. As I said before, there was something about his domestic regulations which was not in accordance with that Puritanic idea which prevails in the Austrian capital, and for that reason he was rejected. If this whole fabric of our intercourse with foreign governments is dependent upon conditions like these, see what an escape we had there, that the whole thing did not collapse! There is not a single interest in which the American people are concerned that is in any wise at stake in the entire range of diplomatic representation.

The consul at Liverpool is of more account to the people of the United States than any minister to Great Britain ever has been since the day that the Atlantic cable was established, and he will continue to be so. We are keeping this thing up for the exaltation and the delectation, and convenience, and comfort, and social standing of a lot of people who might be better engaged, I think, in some productive capacity at

Let us take up this entire question with a view to promoting the interests of the American people as they have been shown to be in the last few years. Let us consider that we have nothing to do or say concerning the balance of power, nothing to do about boundaries; that we do not touch upon the interests of foreign people practically anywhere except in a commercial way, and that wherever we do we resort to first principles and we bring the two interested powers directly together by

agencies appointed especially for the purpose

Having got thus far along, then let us put keen-eyed men of traffic into all foreign places, men who know the A B C's of trade, and how to promote it; men who know how to make a good bargain for themselves, and knowing how to make it for themselves will make one for the people whom they represent, and thus strengthen the American people and republican institutions in the only way they need to be strengthened. Republicanism is strong as a sentiment. strengthen it by showing that the sentiment of republicanism has con-centrated itself in a way that makes consequence, profit, and that power for the people, and there will be no occasion to spread republicanism by argument or by proclamation, but the example of the American Republic will some day create a vortex into which every monarchical government of the world will fall as by the law of gravita-

Mr. EVARTS. Mr. President, I shall support the amendment of the Senator from Louisiana, though I had not anticipated that at this

time any such question would arise.

I agree with the Senator from Kansas that all our relations should be governed by the dignity and the interest of the United States in reference to their practical representations abroad. It is for that reason that I shall support this amendment, because it is as practical a measure as was ever brought into debate upon a question of the relation of this country to foreign nations. It has as little to do as possible with the question of the dignity or pride or reputation of any individual. It has nothing to do with court etiquette, nothing to do with court dress, nothing to do with the question whether fit ministers are selected and whether they are good representatives of honest American sentiments, or whether they misrepresent us, and are swallowed up in the flattery and the fashions of foreign courts. This question has nothing whatever to do with any of those topics.

If any question could be presented as of this nation taking its place

in its representation as a nation with other nations that were to repre-sent themselves as nations toward us in that assemblage and fraternity, this is the question. It may not be a wise measure, but it is a measure wholly of public interest, and of public dignity, and of practical

service to this country abroad.

The relations established either by custom or by agreement in reference to the condition of various representations at foreign courts or with this Government here are of the simplest nature, and they have nothing to do with personal pride or with personal favor. The nations are not equal in power, in importance, in inter-relations of magnitude. They are not equal in population, in wealth, in their revenues, or in their opportunities or duties or interests in their representation abroad.

Nothing can be simpler than the arrangements made by the congress at Vienna, and which are followed here in every respect just as much as they are in any foreign country. They are purely matters of convenience and arrangement, and each nation is allowed to fix for itself its own relative importance in the common representation at foreign courts. It is to choose for itself whether at this or that stage of its growth and its power it claims to be ranked among the first of the earth or is humbler and feebler; whether it will afford the expense of this or that form of representation, or whether it will be satisfied with an humbler title and with humbler resources for its support.

There is neither dictation nor influence among the nations on this subject; but as the nations all choose for themselves, and different ranks are selected by themselves, not for the glory or the embellishment of a minister, but for the representation of the nation itself, it is observed as a mere matter of necessary adjustment of the course of intercourse that the first grade is in the mere rank of age in representation. Without comparing at all the different nations that come under this class of representation or that, in the class that each has chosen for itself the representation at each court shall have preference given in the age in representation there of that grade, and when that grade is exhausted then the next grade, and then the next.

Our arrangement here is precisely the same. We have no other distinctions between the different nations that are represented here in our respect for them than what they fix for themselves in the grade of their own representation, and then we have the rule of the congress at Vienna that the first in rank shall furnish this preference among them by the one minister represented at the court or at the government.

by the one minister represented at the court or at the government.

The highest rank in this arrangement, which is of etiquette and of comfort, that the nations sending representatives here have chosen to figure to themselves as properly to be counted among nations, is that of minister plenipotentiary and minister resident. Our rule is that among the nations thus selecting themselves for that representation, whether it be England, France, Hayti, or the Sandwich Islands, the seniority is given to the head, and of late, after Sir Edward Thornton left, that head, by seniority of representation here, was the dean of the diplomatic corps, Mr. Preston, representing Hayti. Was that a question of pride personally, or of etiquette, or of dress? No; we take each nation at its own valuation in these gradations, and as there is no grade above that of minister plenipotentiary, or minister resident, all nations, however great their value in their own views and in our views, stand upon that grade.

But abroad there is a grade of representation above that which is the highest here, and that is the place of ambassador. Ambassador in its natural meaning and in its natural service is nothing but the designation of the messenger that one state sends to another upon its occasion, having to hold this intercourse. It may be special and critical, or it may be general in the value to the two nations thus to be gained.

Our Government at the outset recognized in the Constitution that the term "ambassador" in a certain sense included the whole range of representation, and by naming only the phrase and description of other ministers recognized the fact that the ambassador was nothing but a minister.

What then are we now to do? We chose at the outset that we would send ministers of this grade which now remains as the highest grade of this country. It is not necessary for us to recall the fact that at that time we were a young nation, a poor nation, not a populous nation, and that we had of all things perhaps the least occasion for intercourse with the European courts or European governments except what might guaranty us our being left to pursue our own career and open to us as far as might be the intercourse of trade.

This is a question wholly of our nation and of the relation of other nations to us. No man has less interest than I have, or less respect than I have, for questions of court dress and etiquette; but this relation is established between nations in their whole assemblage and fraternity. While we treat all nations as equal in a certain sense, yet they must determine it for themselves, coming into these circles, not of dinners, nor of preference, but of relations in our importance to them and theirs to us. If we do not desire that we should be represented as a great nation in this highest form of a nation's representation, it would be impolite in the sense of a reflection upon us if the great nations should volunteer to send an ambassador to us. Yet every great power in Europe with whom we have these important relations regrets that it can not send an ambassador here, because we are unwilling to send ambassadors to them.

In their diplomatic career there is a practical and important relation to these grades of representation, as we all know that diplomatic service has its grades of employment, of promotion, of salaries, and of retiring pensions. We have no right to find any fault with arrangements of that kind. Therefore it has been a matter of mortification in foreign powers of the highest rank, that value us as among the greatest, and in some sense towards them the greatest nation of the world, the nation with which they wish above all others to stand well, that every degree of courtesy and of respect in every form should be shown to us. We have no disposition to repudiate or reject this natural and necessary and useful attitude towards us that has grown out of our strength, our institutions, our freedom, and our democracy.

There is not a nation in Europe that ever bandies for a moment these epithets of democracy as disparaging to this country. None of these idle and, I perhaps might be justified in saying, frivolous considerations that have been brought into this debate are ever thought of in the courts of Europe. The only question is, why can we not receive and why can we not return ministers who shall represent that mutual, that reciprocal appreciation and admiration for this great nation?

This idle notion about trappings and dinner places and all that may have been interesting to this or that minister, though I think there has been more disparagement in that regard than was very suitable; but the question is, why, when there is an established arrangement that has nothing to do with degradation, but yet of arrangements in the representation among nations, why should not the nation that now is abreast of the greatest nation enter into this representation when the greatest nations look on us as abreast of them and with a future that is far to overtop them? There is not a great nation in Europe that does not contemplate the future of this country as a wonder and a power that they can neither gainsay nor check nor retard.

that they can neither gainsay nor check nor retard.

Though I am not disposed to turn the growth and grandeur of this country into a vortex that is to whelm all the world, as the Senator from Kansas seems to think would befit our dignity and power, yet there is no disguising the fact that if we choose to measure ourselves under this or that trivial consideration, under this or that element of phrase or rhetoric, we shall retain only the same position and thus must part with excellent ministers. This country suffered a considerable loss, as I think, in so straightforward and bright and admirable a minister as Sir Edward Thornton, and he would have remained here except for the fact that the exigencies and proprieties of his own elevation needed that he should be made an ambassador. He would rather have remained here. Any one who knew him, I think, felt that in heart, in head, in sobriety of temper, and in firmness in the interest of his government, no man ever stood in personal esteem or in the regard of this Government higher than this distinguished Englishman.

Whatever we decide about this matter, let us discard all the flippery part of the argument, for that is not the question. There is another question, if you please, a great one, but it is a great one only to talk of, to talk of annually, if you please, and that is, that we should not have any representation abroad. If we have no representation abroad, then we have no representation from abroad here. Then because a keen, speculative, and far-sighted business man is adequate for all that kind of representation in the interest of himself and of our trade, somehow or other we are to dispense with any representation that speaks by authority for the United States of America and to a nation in its capacity as a nation

in its capacity as a nation.

If the Senator from Kansas desires to press the matter, he would have us cut aloof from Europe and have only the intercourse that belongs to trade, travel, newspaper exchanges, and the telegraph. We can understand the magnitude and value of all those relations. Nobody has reduced them; nobody but should recognize the fact that the intermingled pulses of great nations are now more powerful than treaties and courtesies; but, nevertheless, as all these abundant resources of society within ourselves make us the great nation that we are, we must submit to have a President and Senators and Congressmen and heads of Departments to conduct in the name of the nation and upon its delegated authority its business in these dispersed representations and interests through the collective power of the nation

gated authority its business in these dispersed representations and interests through the collective power of the nation.

So is it abroad. Let it be that trade is of more importance. Let it be that the exchange of ideas, that civilization, that learning, that humanity, and all these developments of the communities themselves are greater than the others; nevertheless, this must be preserved; and that being so, there remained but one question for us. It is purely a practical question, and a question not of men, not of agents, but of this country itself. If we have ambassadors and do not send good representatives, they will be all the same a failure if they are sent as ministers resident, or ministers plenipotentiary, or what not. This is purely a question of practical importance.

It is said that no practical injury may come from our representation abroad in a critical case by a minister of this grade, because he is of the highest grade that is known here. We do not take into account the fact that there is a very large representation of ambassadors from other countries, some of them rivals of ours; and as is the etiquette during the hour of reception by a foreign minister, as with ours here, if the time is exhausted because those who have conference accorded to them in advance have occupied the hours of interview, then our country or other countries are cut out for that day.

It is easy to see that you can have a sort of transcendental representation of the power and dignity of the United States of America, and find a transcendental representation with the great powers of Europe with which you have intercourse; but after all, with these immense glories of our civilization, we yet must deal by word of mouth or pen through the agencies of individual men, and the situation which brings us together habitually in these associations is a question to be determined only for this country and our relations to foreign countries.

mined only for this country and our relations to foreign countries.

Therefore, without the least notion that this question touches either the expense or the self-importance of any minister that we shall send, or a question of court dress, or of etiquette, or of the order at dinner-

tables, I put it upon the point that now, among the associated nations in which we move as one, this stage and this step has been reached which this country should take.

Mr. HOAR. Mr. President, I wish to utter but a sentence or two upon this question and to state the way in which it appears to me.

Men communicate to each other their ideas and thoughts by lan-

guage; and certain phrases, whatever may be the logic as to their logical acquisition of any particular meaning, have a certain meaning or sense. In the diplomatic language of the world there is a phrase by which a nation says to other nations, "I regard myself as a first-class power, equal in dignity and importance to any first-class power on the face of the earth," and that word is the word "ambassador."

As the Senator from New York has said, it is not a question of any

importance in regard to the mere courtesies of life, dinners, or precedence, but in giving audience. All nations give audience to the first-class powers of the world before they do to the second-class powers, and class powers of the world before they do to the second-class powers, and to the second-class powers before they do to the third-class powers. When a nation says, "I send to Great Britain an ambassador," she says, "I am a first-class power communicating with you, a first-class power." That is what it means, and that is all it means. When she sends to some small island in the Pacific, if there be one with an autonomy of its own, a chargé or a consul-general, she says, "I am deal-mount is third class power and I and the programment of the same and ing now with a third-class power, and I send the proper messenger for that;" and that is all the thing means.

that;" and that is all the thing means.

We can not communicate with other nations without diplomatic language and without diplomatic forms. Nobody denies that Great Britain, France, and Germany are first-class powers—that is admitted—whose business is business of the first importance, and that their interest is an interest of the first importance among the nations of the earth. If the United States sends an envoy, or a minister resident, or a chargé to those powers, not denying that they are first-class powers, she says, "I only affect and claim to be a second-class power, and I come to you rating myself at that rate."

Mr. PLUMB. Mr. President——

Mr. HOAR. Let me conclude the sentence and then I shall have finished my speech. There was a time unquestionably when the United States was a second-class power.

States was a second-class power. Mr. BLAIR. When?

Mr. HOAR. In the year 1790, in the estimation of mankind.
Mr. BLAIR. I do not think we ever admitted it.
Mr. HOAR. That period has long since gone by; and I vote to call our representative an ambassador and not an envoy or a charge, not because he will dress any differently, not because he will go out to dinner in any different time, but because by the word he claims to be treated as an equal to the highest, and not merely an equal to the second or third or fourth rate nation.

or third or fourth rate nation.

Mr. BLAIR. May I ask the Senator a question?

Mr. HOAR. Let me finish the sentence, and then I will answer the question, if I can. Let me say further, I do not believe, in intercourse among nations any more than in intercourse among gentlemen, in the notion of the Senator from Kansas, that the United States is to go around the world with pantaloons stuffed in boots, with coat and waistcoat off, and with ragged trousers held up by one suspender.

Mr. PLUMB. That kind of a costume, Mr. President, would be a

decoration in Massachusetts, but that extreme is just as much to be avoided as the other. It is not, as the Senator from New York [Mr. EVARTS] well said—although he misconceived, I think, the force of his own argument—the aristocratic intercourse which settles the course of association; it is the international pulse, the pulses of the nations beating in unison and harmony; and when, during the great struggle for the maintenance of the American Republic, it became necessary to appeal from the crown to the people of England, from the aristocracy to the masses, it was not done through Charles Francis Adams, expert and alert as he was in diplomatic phrase and diplomatic ability, but the American Republic sent to appeal to the British people Thurlow Weed, Henry Ward Beecher, and Archbishop Hughes. We appealed from the aristocracy to the public opinion of Great Britain, and it is

public opinion to-day that rules the course of empires.

Congress under the Constitution may make war, and yet no man here would vote for a war with any power in the world unless that war was foreordained by the public sentiment of the American people, and Queen Victoria would not dare to make war against the views and wishes expressed of her own people. We are building up here the figment of an aristocratic intercourse which ignores these great sentiments which control the destinies of nations, and the sentiments which are not reached by ambassadors or envoys extraordinary at all, and the intercourse between whom counts for nothing in that great court of years in which patient take a part

court of years in which nations take a part.

So we are simply building up something which we must ultimately break down, a card-board house, an arbitrary, ephemeral, and effeminate condition of things, following slowly, after all these years, during which

one to represent us having that title, we were asserting our own inferiority; and yet the man who represents, or did represent until Democratic exigencies sent him away, the British empire at Washington was not an ambassador. Did Great Britain advertise her own want of superiority by sending an envoy here? He represented just as much the plenitude and power of the British empire as though he had been named ambassador or any other name to convey a greater idea of con-

Whoever goes abroad anywhere bearing the commission of the President of the United States, deputed to do work that is to be done in the name of the American Republic, whether you call him agent or attorney, represents that power just as fully, and the moment that fact is understood his consequence in regard to all the things that are material to the American people is just as great as if he were given any other title and blazing all over with decorations. It is only a question whether we will set up names or set up things. That is the point.

I turn from my friend from New York, comparatively fresh from the fields of diplomacy in which he cut an admirable figure, not as an am-

bassador in decorations of this kind, but in all those things which go to constitute the dignity and the sincerity of human intercourse.

Mr. STEWART. Mr. President— Mr. GEORGE. I ask the Senator if he will give way to enable me to put a question to the Senator from Kansas for information?

Mr. STEWART. I shall be through in a few minutes The PRESIDENT pro tempore. Does the Senator from to the Senator from Mississippi? Does the Senator from Nevada yield

Mr. GEORGE. I simply wish to ask a question of the Senator from

Mr. STEWART. I yield. Mr. GEORGE. Something has been said in this debate about the precedence accorded to the various ranks of ministers, the precedence being given to ambassadors. I should like to know, if the Senator from Kansas can answer the question, when several ambassadors from the various courts of Europe are present at once and some of these ambassadors are princes, some are dukes, and some of the lower order of nobility, whether amongst them the precedence is not given to those having the highest rank in the nobility?

Mr. PLUMB. I understand that it is just as in the American Army; the rank of a major-general over another major-general bearing a commission of the same date is fixed by the preceding rank in the military service; and so with these ambassadors, those persons who have these artificial distinctions known as dukes, etc., rank ambassadors from republics, where the highest rank is that of citizen.

Mr. GEORGE. So that if we desire to have our ambassadors to take equal rank with the ambassadors of other countries we shall have to create an order of nobility-create dukes and all that sort of thing.

Mr. HOAR. Oh, no.
Mr. HALE. The Senator from Mississippi is entirely mistaken.
Mr. PLUMB. I do not think so.

I have here the law, and there is no distinct Mr. SHERMAN. I have here the law, and there is no distinction made in any form in any foreign country between dukes and others holding the rank of ambassador. Mr. HALE. They take rank according to the date of their service

in the grade, the oldest ambassador being first.

Mr. SHERMAN. The precedence is according to the commission.

Mr. HALE. Their precedence has nothing to do with titles. Great Britain is frequently represented, as she has been for years, at the court of Germany, by a plain Mister Edward Malet, who ranks in the order of the seniority of his appointment—

Mr. PLUMB. Among British diplomatists.
Mr. HALE. Among all. He ranks the ambassador from Russia, from France, or from Austria in the seniority of his appointment; and he is just as high, as plain Mr. Malet, as though he were the Duke of Cambridge, or the Duke of Marlborough, or as if he were an Italian The rank is according to seniority.

Mr. PLUMB. The point is, then, that if there happened to be an ambassador from Pumpernickel at Great Britain, as long as he remained there he would rank the American minister. It does not seem to me there can be anything more conclusive than that against this proposition.

Mr. HALE. There are no ambassadors from small powers.

Mr. PLUMB. From any of the powers that might be pleased to send one. Corea, for instance, might send one.

Mr. HALE. They will never do it.
Mr. PLUMB. They may never do it, but they may. This thing is catching.

Mr. HALE. There is no danger of it being catching, that a small nation will become a first-class power.

Mr. PLUMB. No, that is not catching, but the foolishness of this

proceeding is very catching.

Mr. STEWART. Mr. President, I think this is a question for more we have come to our power and our pride, the course of European diplomacy, of European designation, upon the puerile idea that unless we do so we shall not be considered a first-class power.

The Senator from Massachusetts [Mr. Hoar] said that unless we sent ourselves and had an ambassador in the field, or unless we start in the we are witnessing every day that I think more than counterbalance

For the last twenty-five years that I have been observing matters relating to our foreign ministers, it has been about this way: They become at once so absorbed in foreign aristocracy that they ape them, they lose sight of their mission, they become British or German or French, as the case may be, and they are anxious to have rank among them, and so become foreign to their own people. It seems to me that to give them higher rank, higher position, only intensifies that desire and gives them greater opportunity to lose sight of their own country and a greater liability to become entirely foreigners. That is the diffi-

and a greater liability to become energy are culty.

I believe now it is generally conceded that our foreign ministers in Europe may be useful in some respects, but nearly everything now is done directly between the state departments of the various governments by telegraph and otherwise, and the ministers do little more than simply convey messages between their governments. To decorate them or give them place in society will make them less useful and less American. The aping of the manners of European society is being felt seriously in this country. There is a breed of young men growing up which we call dudes. After being in England for awhile they lose command of the English language. They grunt and become unintelligible, use one eyeglass, perform all sorts of uncomfortable antics, are a disgrace to their country, and cease to be Americans.

unintelligible, use one eyegiass, perform all sorts of uncomfortable antics, are a disgrace to their country, and cease to be Americans. I do not believe that we should pass any law which will give any national countenance or encouragement to the breeding of dudes. If you have a minister abroad who is decorated, or if he has high grade, every American boy that is born rich and who is without the capacity to support himself or make a living will age the manner of the country of the support himself or make a living will age the manner of the country of the support himself or make a living will age the manner of the manner of the country of the support himself or make a living will age the manner of the country of the country of the country of the manner of the country of the co to support himself or make a living will ape the manners of the aristo support himself or make a living will ape the manners of the aristocracy, and he will come back here entirely ruined and useless. There are thousands of young men who have been hanging around the courts of Europe until they are not Americans; they are not good citizens. They are only fit to spend the patrimony that has been earned by their fathers. They are only fit to waste. I think we shall be better off it we abolish the office of anybody that gives such people access to foreign society. If foreign governments will not accept our people as Americans, then let them reject us and we shall have some Americans are rate in foreign.

I am opposed to the idea of giving our ministers any rank in foreign I am opposed to the idea of giving our ministers any rank in foreign courts beyond what is necessary to properly transact our business. To give them the rank necessary for etiquette, necessary for society and place at the table, is giving the Government's indorsement to aping foreign manners, which is fast making the young men of this country who have wealth enough to go abroad worthless when they get home. I think we can afford to let our ministers wait their turn, as we have done for a hundred years, and confer no additional rank upon them, and thus show that the American Congress is not seeking after rank for invlody, and that it is not American to seek after rank anybody, and that it is not American to seek after rank.

If there is business to be done, no matter what title a representative of the United States may have, if he is authorized by this Government to transact that business he will command the respect and he will get a hearing and all the hearing that is necessary at any court in the world. That is all we want.

The consuls, the commercial agents that this country sends out, are highly important. They are officers that the people doing business with those countries constantly consult. They come in contact with the business of this country and it is transacted through them. They are badly paid, very poorly paid in this bill. The compensation paid is not sufficient to secure business men suitable for the offices and the responsibilities devolving upon them.

To give a minister rank simply to let him get into the royal palace first or so as to fix the order he shall go to dinner, so that he can make a greater display, where he should sit at the table, and so on, is an acknowledgment that we recognize such things as titles as important; it is an indorsement of titles, and I think that we had better go along

If the Senator from Kansas does not feel disposed to make a motion to strike out from the bill entirely all ministers and rely solely upon our commercial agents, I think we should not take a step forward towards aristocracy if we are not prepared to go back to simple democra

Mr. EVARTS. Mr. President, the Senator from Mississippi [Mr. George] asks a question which admits of a very ready answer.

The representation by persons has nothing to do with the personal dignity of the ambassador or the minister. All relations of personal dignity are swallowed up in the fact that the man is nothing but a representative of his nation, and there is no gradation among nations except this in the matter of arrangement and convenience and of the importance of the nation, not the importance of the men. The great diplomatists of England and of France and of Germany and of Russia have had their social distinctions and rank earned by their representations of their respective countries, and not been put forward as gaining

dignity for their countries by their personal rank.

Mr. PLUMB. Let me ask the Senator a question. Where is the business with England transacted, in the drawing-room or at the foreign office?

Mr. EVARTS. At the foreign office.
Mr. PLUMB. At that foreign office has it ever happened within the Senator's knowledge that any American citizen acting as minister has

been prevented from having access to the foreign office for what he had

to say because his title was not greater?

Mr. EVARTS. I have no doubt that is a matter of mere routine, as ambassadors are first introduced into the foreign secretary's chamber on business, and if the time is exhausted before the ministers are heard the American or other minister is left out.

Mr. HOAR. The ministers have to wait until the ambassadors get through.

Mr. PLIIMR Has the Senator ever known of any business affecting the interest of this country which was neglected on account of the person we sent there not having the title of ambassador?

Mr. EVARTS. Well, Mr. President, I can not certainly say.
Mr. PLUMB. The Senator says he does not know anything of the

kind, as I understand. Mr. HALE. Let me answer the question. The minister of this Republic to one of the most important courts in Europe, to a people with whom we have more close relations of business and importance, not of etiquette, than any other, told me that so great had been the inconvenience, not at palaces, not on occasions of state, not in mere ceremonials, but at the foreign office, that he, after waiting to transact business which had been committed to him by the Secretary of State, and seeing the day wane and pass, and trying it again and seeing the same thing, had been obliged to gain access by requesting that the minister of foreign affairs of that great power should accord him a personal interview in order that he might attend to the business of this country.

That was not ceremonial, it was not gewgaw, it was not frills, it was not dinners, it was nothing fanciful, but it was because the United States of America does not assert herself as a first-class power, as the Senator from Massachusetts so well, tersely, and epigrammatically stated the whole thing in the speech he made. There is where the whole trouble is; and this is not a question of sentiment or of fancy, as it is attempted to be made here. It is a pure business proposition. It is what deals with the business between us and other powers. Aristocracy has nothing to do with its demograph has not him to be not a successful to the control of the contro with the business between us and other powers. Aristocracy has nothing to do with it; democracy has nothing to do with it; status in life has nothing to do with it. The men whom we send abroad are plain American citizens, Mr. So-and-So, and they always will be Mr. So-and-So; but they represent a people of sixty-five millions, who have passed beyond the swaddling-clothes period, and it ought to assert itself as a people equal to Russia or France or Germany or England and wheth to we the term to designate its representatives the has been

self as a people equal to Russia or France or Germany or England and ought to use the term to designate its representatives that has been coined and accepted as a measure of that greatness, as has been said by the Senator from Massachusetts.

Mr. MORGAN. Mr. President, this debate has occupied a great deal of time and gone over a great deal of ground, I think a great part of it quite unnecessarily. I would not detain the Senate a moment to express my opinion upon the subject at all, but that I have at all times since I have been a member of the Committee on Foreign Relations advocated the establishment in our laws of the foreign minister of the rank and title of ambassador. I am very much surprised to-day to find that that word has produced a very great degree of excitement in the minds of some of our brethren here, and it has led me to inquire why it was that our fathers in framing the Constitution of the United States put in the word "ambassador," as defining the only office that they chose exactly to define, unless they expected that we would put that office in the statute-book and make provision for the exercise of all its duties and functions in our diplomatic intercourse.

Mr. PLUMB. Why did not they do it?
Mr. MORGAN. I presume they did not do it because at that time the American Government had no use for officers of that very high rank I judge that was the historical fact; but, inasmuch as our fathers found no difficulty in the use of that word in designating the officer to represent the American Government in some of the foreign courts of the world at least, I find no difficulty in putting it in the statute-book, and I shall find no difficulty, if it is necessary to do so, in voting whatever of appropriations may be necessary to give to that rank a becoming dignity or a becoming reward, so that the incumbents may maintain the duties and dignities, social and otherwise, of that office creditably among the nations of the earth.

Mr. SHERMAN. The Senator will allow me to say that the word ambassador" is used in the existing diplomatic law of 1856, the gen-

mr. MORGAN. Mr. President, I believe in democracy; I believe in that principle which puts the powers of government in the hands of the people of the United States or of any other republic; I believe in a constitutional democracy; but I do not think because a man is a democrat that there is any occasion for his being outlandish, or regarding himself as being inferior, or as taking upon himself the airs of a large and licentious sort of liberty and going where he pleases and "cutting up" just as much as he wants to

I think the Government of the United States of all the governments in this world is entitled to be represented in the most dignified, elegant, and thorough manner that any other government is. I regard the centralization of power, of sovereignty in this country in the hands of our people as by far the highest reach of human endeavor in government. I regard the sovereignty of the people of the United States as being superior to that of any other sovereignty in the world, because it rests in the body of the people and is informed by their conscience and quick-

ened by their energies and strengthened by their power; and I have not any doubt at all that the principles of government laid down in our Constitution will prevail in the world sooner or later, and that we shall become in every possible particular the highest and grandest power that

ever was known to civilization.

We have not quite yet worked out our destinies. We have not yet quite accomplished our internal structure. We have bills before us now to mature some five or six States in the American Union, and I suppose we shall have as many as ten to create before our own Government is complete; but when it is complete and has become thoroughly matured, and its resources and powers are entirely developed; taken in connection with the grand basis upon which this structure rests, it must be admitted by all who have respect for mankind as well as for the Christian religion that the Government of the United States is the model government of the world, and the sovereignty it presents is the highest and the most dignified that ever entered into the conception of

I am in favor of having that sovereignty represented according to the views of other nations, in the very highest dignities that they esteem necessary and proper for its recognition. I wish the American Government, when it presents itself to foreign countries, to be the equal of any other government in the world, and to be able to conform to what are their tastes and wishes about matters of this kind, so that when it comes into any form of diplomatic recognition, whether socially or whether in the foreign offices, or however it may be, the American Government will be considered par excellence the government of man-

kind, the government of the nations.

So, I think, instead of trying to bring down the character of our Government to what I might call a vulgar democracy, we had better try to elevate the growing democracy of this country, whether found in the Republican or Democratic party, to a true and just conception of the dignity and honor that belongs to this great country of ours.

That is the view that I desire to express in regard to this matter, and hence it is that I have always been in favor of putting this rank of

ambassador into our diplomatic corps.

ambassador into our diplomatic corps.

Mr. CALL. Mr. President, there is public sentiment in this country which is beginning to be very apparent, and is having an effect on the country and its future. It ignores all distinctions of public service, of distinguished merit of those who have nothing but merit, and exalts the power of money, the distinction of money, the distinction that comes from fortune, from large accumulations. There is nothing republican and nothing democratic in this sentiment. True democracy and true republicanism exalt the public service as well as the citizen, however poor, who shall have attained high and meritorious position in the discharge of public duty and by the contribution of valuable services to the people.

Now, let us examine this question. We are discussing here as if it were a degradation to be a republican, a citizen of this Republic, as if to call a man by a title, a designation known to public service and diplomatic intercourse, would be some kind of a stigma upon his republican character and upon the principle of government by the people. Why shall not a citizen, however poor and humble, who in ability, in integrity, in public service, shall stand first amongst the diplomats of the world, have that position, that appellation, that name in diplomatic intercourse which the highest representative of a sovereign Is it because it will produce some bad effect upon power can have? our own country thus to reward distinguished merit? There is noth-

ing in that idea.

We even hear it suggested here that that method of intercourse which has existed from the commencement of time, diplomatic intercourse through accredited agents selected by a people, shall be done away with. Why? Because this is a commercial age, not an age of boundaries or of questions concerning political relations. Why is it not an age of political questions? No reasons are given. Political questions relating to the autonomy of states, the policy which shall govern their relations with other states, and the effect of their laws are now as important and liable to occur as in any past period of the history of the

The reason for having a minister, an ambassador, is plain and apparent. What is it? Why, as suggested by the distinguished Senator from New York [Mr. EVARTS], there are Americans in every foreign country. Shall each man appeal to the Government and assert the power and dignity and right of an American citizen in the name and by the authority of his Government? Shall every man be a judge in his own case and apply the power of this nation to his own personal interest? It is necessary that there shall be some accredited head of the Government, and the question whether you shall call him a citizen, or a constable, or a sheriff, or a major-general, or shall use that phrase, as said by the Senator from Massachusetts, which is known to diplomacy and accepted amongst all the peoples of the world, is a very

Shall we say, without reason, that we defy the common custom of mankind, that we assert for ourselves in a swaggering spirit of right to adopt a phraseology of our own, and that we will disregard the customs and the usages and the rules of intercourse which have governed all other peoples? What dignity, what sense, what propriety is there in the assertion that because we are a republic and a government of

the people, we shall say when we go to England, or to France, or to Germany, or to Russia that "we will not abide by the rules which you have seen fit to agree to with all other nations for our diplomatic intercourse; we will insist that you shall give precedence to the man whom we call a constable, while you have said 'he shall be designated an ambassador, or we shall not give him equality with others who are known and sent here by that title?''' With what propriety shall we say to those nations, of whom we are but one, that we are the sovereigns of the earth, the hope of all future ages, the American people defy every body and everything, and the American eagle shall scream in mid-air in defiance of all? That is not the language of dignity, of wisdom, or of any kind of useful relationship or useful assertion of the power of

Mr. President, the Constitution of the United States-I do not know whether it is to be regarded now or not—but, if so, its language is imperative. It says "the President of the United States shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors"—not "may" but "shall" appoint ambassadors. Why was that language used? Because from the days antecedent to old Rome ambassadors have been the class of persons appointed on important occasions to negotiate questions of peace or war, settlements in reference to trade and to commerce, and all other questions concerning the intercourse of nations. That is the title selected by our own Constitu-

tion and our own Government.

Now, why shall we wish to embarrass an American citizen because when he is sent abroad and there are other people who have adopted this rule that persons of the title of ambassador shall have certain peculiar rights, shall be regarded as having a larger degree of confidence from their government than those of other designations—what sense is there in saying that we shall embarrass that useful public servant by saying to him, "We will not give to you the full confidence and power that is given by other people and is understood by the use of this phrase?" There is nothing in that.

There is nothing in the idea that we are making dudes by rewarding the distinguished merit of the American citizen and the confidence the people have in him, for he would not be designated to that place unless he were a man who had made his impression upon the public opinion of his country, unless they had proved him as a true republican, a loyal and faithful citizen of distinguished capacity and usefulness. If he

were not such a man it would be the exceptional case.

Our theory of government assumes that being designated for that high place he has the *imprimatur* of the confidence of the sovereign people of the United States; and shall we then say that, having that confidence and the sanction of this public opinion, to reward him with a designation for your public service equal to that which is given to others is a discouragement of American patriotism and American virtue, and that we are educating dudes by giving this reward when the people before the office is given have designated the recipient of it?

Mr. President, there is nothing in this suggestion. This is a simple question whether or not we shall comply with the usages which exist between all nations in the designation of the agents of our intercourse with them. I shall vote for it, and vote for it with pleasure. Mr. BLAIR. Mr. President, I take it that it is so late in the day

that the Senator from Ohio [Mr. SHERMAN] will not care to enter upon the discussion of the clauses with reference to Samoa after such a profound and agitating debate as this has been and so long drawn out. Therefore I will express a few of the ideas that occur to me in reference

It seems to me when you come to examine the bill and reflect a lit-tle upon the subject, that it is quite idle for the Senator from New York [Mr. EVARTS] with his splendid rhetoric, which is the ornament of this Chamber and has so long been the pride of American public life, or for any other Senator who may in this debate think it worth while, rather late in thought perhaps, to undertake to dignify the God-forsaken citizenship of America, to claim that there is not after all in this proposition a little of anti-republican catering to the sentiment of aris-

tocratic domination, rank, and power.

The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint am-bassadors and other public ministers and consuls." That word "ministers'' is a general term, embracing all agents, the messengers of one country entering upon the performance of diplomatic duty, to transact that form of business with another. So it is a term including ambassadors as well as envoys extraordinary, ministers plenipotentiary, charges d'affaires, consuls-general, the ministers resident, and the like. It is a general term; and if you observe the structure of this bill you will find that in Schedule A, under the heading of "Salaries of ministers," there are five clauses in which the term "envoys extraordinary and ministers plenipotentiary" is employed.

The first clause in which that expression is employed to designate a minister relates to France, Germany, Great Britian, and Russia. The ministers to those countries are classed by themselves because they have an annual salary of \$17,500 each, making a total of \$70,000. They are classed together because their salaries are the highest and because of the greater responsibilities and extent of the duties which have to be performed. But in the very next clause, under the same heading, we have "envoys extraordinary and ministers plenipotentiary to Austria,

Biazil, China, Italy, Japan, Spain, and Mexico," and they receive salaries at the rate of \$12,000 each, making \$84,000 in all.

Then the same class, "envoys extraordinary and ministers plenipotentiary to Chili and Peru at \$10,000 each;" the same class of ministers "to Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador," and they are to receive \$10,000 each. Then, to "the Argentine Republic, the United States of Colombia, Turkey, Belgium, Netherlands, Sweden and Norway, and Venezuela, who are the same class of ministers, "envoys extraordinary and ministers plenipotentiary," and are to receive \$7,500 each.

Then follows a classification of ministers called ministers resident. There is a minister resident to the Hawaiian Islands; then ministers resident and consuls-generals in Corea, Greece, Roumania, Servia, Bolivia, Denmark, Hayti, Persia, Portugal, Siam, Switzerland, and one or two other foreign countries.

Now the Senator from Louisiana [Mr. GIBSON] rises in the Senate and moves to strike out this classification of our foreign servants who have been, or who are to be, sent to the Republic of France and to England, Germany, and Russia, and insert instead of that classification a new order of diplomatic nobility, that is to say ambassadors, and Sen-ators tell us that these ambassadors are a certain more fully developed species of the diplomatic servant, the highest of all, in fact the only gradation which can be sent from one first-class power to another firstclass power without there being a contention or an implication that the party sending that agent is a second, third, or fourth, or fifth rate power, as the case may be.

The Senator proposes to give this elevation, to create this new rank with reference to these four great powers, and to no others. I turned to him sometime since and asked him why not make this classification general? Why not let it apply to all our foreign ministers? Why not employ the simple term "minister," which is to be found in the Constitution, and which is all-embracing, unless there is a design here to establish a classification with greater ornament, greater distinction, a sort of diplomatic nobility, if you please, to be created by ourselves— not an order of nobility such as is established in the old country, but an order of nobility in the diplomatic service or in the service of the United States? Unless there be some such idea as that, what argument is there for this proposition? If the Senator will make his proposition general, and strike out this clause "envoys extraordinary and ministers plenipotentiary" totally from the entire bill, and say "ministers," which includes everybody and raises no distinction of rank whaters he implies the entire bill, and say are the services by the same strike as a service of the services are serviced. ever by implication or in express terms, I could very readily vote for that amendment. That would be employing the language of the Constitution. That would leave everybody upon an exact level of equality in the public service.

But when you select these four great powers, towards all of which we are inclined to conduct ourselves with the utmost ceremony, different from what we do towards Mexico or Chili or Hayti—when you have picked out these four great powers and say "We will send you an ambassador," and to all the rest "We will send you simply an envoy extraordinary," a lower grade, or merely a minister resident—when we undertake to do that we do an unrepublican thing; we do a discreditable and a disgraceful thing (begging the pardon of the Senate), as it looks to my mind looks to my mind.

Mr. President, it is said to us that not to send an ambassador abroad is to confess our own lack of dignity, as though for the last one hundred years we had not been properly represented abroad, just as though there was anything which an ambassador could do, which mortal man as the minister or agent of the United States could do which has not been done in the past. We achieved our independence, we contrived in some way to conduct the negotiations necessary to it, we made treaties after the war with Great Britain, and we have made them repeatedly all the way through, and we have had permanent ministers abroad to all the great powers of the world, at least to the powers of Europe, during the entire period of our national existence. during all this time we have been making our obeisance to these powers abroad as their inferior seems to me to be utterly preposterous. There can be nothing of the kind seriously true.

The real difficulty I find is what the Senator from New York suggested, and the only one that he did suggest, or at least which he did illustrate by any instance that occurred to him, and when he was questioned for other instances he did not give them, and I assume for that reason that he was not able to call illustrations to his mind. But he did say that one British minister here was obliged to quit diplomatic service in the United States in order to attain higher rank in the dip-

lomatic service of his own country elsewhere.

That may be so, but was that the fault of the United States? If the empire or kingdom of Great Britain, as you please, does not consider that in sending a representative of hers to the United States, she is sending a minister to a first-class power, we must endeavor to endure it. We have endured it for a long time, and the Stars and Stripes are flying yet, and are liable to be flying for many years to come and to spread their power over a considerably more extensive geographical area to the north of us in the course of time than they have hitherto, and we can get along very well if Great Britain does not

consider when she sends a minister to the United States that she is accrediting one of her subjects to a first-class power. There is nothing in the proposition so far as that is concerned.

To claim that when we send an envoy extraordinary and a minister plenipotentiary, which means with full power—I think the dictionary is good authority for that—when we send a minister abroad with full powers, what more can we do? We may not use precisely the same term that they employ in the diplomatic language of Europe, but we send our agent to every one of these four great select pre-eminent pow-ers whose consideration we are to beg by reason of this amendment. When we send an American abroad with a commission which describes him as our minister plenipotentiary, we have given to him all the power that it is possible to plant in any messenger that we may send, however he may be constituted or however he may be described.

Now, Mr. President, if I were to undertake to criticise this bill, if I were to try to fall back upon the Constitution and to do a good thing for my country, I would strike out the words "envoys extraordinary and" and the word "plenipotentiary," leaving simply all the way through the bill the word "ministers." That would give simplicity and give equality; it would save us the national snobbery of asking special consideration of these four powers by an act which at the same time is a notification to all the rest of the powers of the world that we do not look upon them as occupying the same high status as these four great powers of the world, and while we take the privilege of changing our laws so as to send an ambassador to these four great powers, we are still consistent with ourselves and our own lack of dignity in continuing to insult them, or rather to proffer anew an insult to them, which we never have done before, for we have classed them alike by sending to them an inferior order of representation, which will be the condition in which we shall leave ourselves when we make the amendment the Senator from Louisiana proposes, because then we shall send ambassadors to these four great powers who are liable to whip us any time they conclude to do so, but we shall have left our bill reading just as it does now with reference to the rest of the world.

I do not think that if we are to touch the subject at all, we ought to leave it in this imperfect way for the sake of that respect which we certainly ought to show to our weaker neighbors, who are, nevertheless, as respectable as we are ourselves.

as respectable as we are ourselves.

If we are to adopt the amendment and appoint ambassadors to these four great powers, I shall take the liberty of moving subsequently to strike out the words "envoys extraordinary and" and the word "plen-ipotentiary" wherever they occur, so that the whole bill may be consistent with itself, consistent with our own dignity, and not a legislative insult to any portion of mankind, and then employ the term "ministers," which seems to me a very proper one, and which will relieve us of all these suggested difficulties.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, January 29, 1889, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

# MONDAY, January 28, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

# SOLDIERS' HOMES.

The SPEAKER laid before the House a letter from General W. B. Franklin, president of the Board of Managers of the National Home, transmitting report of the inspection of State homes for disabled sol-diers and sailors of the United States; which was referred to the Com-mittee on Military Affairs, and ordered to be printed.

Mr. TOWNSHEND. I ask unanimous consent that a thousand extra copies of that report be printed for the use of the members of the board for distribution by them.

What is it?

The SPEAKER. It is the report of the Board of Managers of the Soldiers' Home of the inspection of State homes for disabled soldiers and sailors to which aid has been given by the act of Congress passed

There was no objection, and it was so ordered.

## LEAVE OF ABSENCE.

Mr. Washington, by unanimous consent, obtained leave of absence for one day on account of sickness in his family.

## ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call States and Territories for the introduction of bills and resolutions.

Mr. HEMPHILL. I ask unanimous consent that the regular call be dispensed with, and that permission be given to members to file bills and resolutions with the Clerk for reference to appropriate committees. There was no objection, and it was so ordered.

#### FILING OF BILLS.

The following bills and resolutions were filed by being handed in at

## ANACOSTIA BRIDGE, DISTRICT OF COLUMBIA.

Mr. HEMPHILL introduced a bill (H. R. 12406) to authorize the strengthening, widening, and raising of the Anacostia bridge, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

#### STREETS AND AVENUES OF WASHINGTON.

Mr. HEMPHILL also (by request) introduced a bill (H. R. 12407) to extend the streets and avenues of the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

## JUDICIAL DISTRICTS, ETC., KANSAS.

Mr. FUNSTON introduced a bill (H. R. 12408) to divide the State of Kansas into two judicial districts, fixing terms of court, and for the appointment of judges and other officers therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### REVISED STATUTES.

Mr. MORROW introduced a bill (H. R. 12409) to amend section 4547 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### WATERVLIET ARSENAL.

Mr. TRACEY introduced a bill (H. R. 12410) providing for the purchase of land adjacent to the Watervliet arsenal; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### ADMISSION OF TERRITORIES.

Mr. SPRINGER introduced a bill (H. R. 12411) to enable the people of Arizona, Idaho, and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

## IRRIGATION OF TAOS VALLEY, NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 12412) to aid the irrigation of the Taos Valley, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Agriculture, and ordered

## FORT RANDALL MILITARY RESERVATION, DAKOTA.

Mr. GIFFORD introduced a bill (H. R. 12413) opening to settlement a portion of the Fort Randall military reservation, in Dakota; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### ONE HUNDREDTH ANNIVERSARY OF CONSTITUTIONAL GOVERNMENT.

Mr. STONE, of Kentucky, submitted the following resolution; which was referred to the Committee on the Judiciary, and ordered to be

whereas the Fiftieth Congress of the United States, now in session, closes the one hundredth anniversary of constitutional government as organized and established in the city and State of New York on the 30th day of April, A. D. 1789, when George Washington, elected by the people, did, in their presence in said city, take the solemn oath of office and organized the Government; and Whereas the day has become historic in the annals of our country and arrangements have not been made for an appropriate centennial celebration to commemorate that important event; and Whereas it would seem a fitting manifestation of respect and gratitude to the memories of the first President, his Cabinet, the Senators and Representatives of the First Congress, that this the Fiftieth Congress, closing the first century of our national existence, should be present in New York City on the centennial day, April 30, A. D. 1889: Therefore,

Be it resolved, That it is the pleasure of the Congress to assemble in the city of New York on the day named and participate in the ceremonies of the occasion.

### EXPENDITURES IN TREASURY DEPARTMENT.

Mr. WHEELER submitted the following resolution; which was referred to the Committee on Rules, and ordered to be printed:

Whereas the Committee on Expenditures of the Treasury Department has not during either session of the Fiftieth Congress had any time set apart for the consideration of the bills reported by said committee: Therefore,

Be it resolved. That it is the sense of this House that a day or a night should be set apart for the consideration of bills now on the Calendar reported favorably by the Committee on Expenditures of the Treasury Department.

## BRIDGE ACROSS KANSAS RIVER.

Mr. RYAN submitted a joint resolution of the Legislature of Kansas in favor of the construction of a bridge across the Kansas River within the corporate limits of the city of Topeka, Kans.; which was referred to the Committee on Commerce, and ordered to be printed.

## CENSUS OF 1890.

Mr. RYAN also submitted a concurrent resolution of the Legislature of Kansas in relation to the census of 1890; which was referred to the Committee on the Eleventh Census, and ordered to be printed.

#### SAMOA.

Mr. FORD submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

to the Committee on Foreign Affairs, and ordered to be printed:

Whereas recent dispatches from Vice-Consul Blacklock, at Apia, Samoa, to the Secretary of State, and accounts in the public press, have conveyed the intelligence of great indignities offered by the representatives of Germany to American citizens and American interests in Samoa; and

Whereas in the correspondence by the President to Congress on April 2, 1888, touching our rights in Samoa, there appears a letter from the Secretary of State to the British and German ministers, asking permission of their governments to make public the joint protocols of the Samoa conference held between said Secretary and said ministers in the summer of 1887, which permission was refused; and

Whereas it is alleged that the publication of these protocols would show that Germany has violated her treaty rights and obligations solemnly entered into with the United States: Therefore,

Be it resolved by the House of Representatives, That the Secretary of State be requested to transmit to this House copies of all such joint protocols and memoranda of the proceedings of said conference, if not incompatible with the public interest.

#### RIGHTS OF SETTLERS.

Mr. PETERS submitted a concurrent resolution of the Legislature of the State of Kansas favoring the passage of the bill (H. R. 11697) relating to the rights of settlers on Government lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

#### TRUSTS AND COMBINES.

Mr. PETERS also submitted a resolution of the house of representatives of the State of Kansas, requesting legislation against trusts and combines; which was referred to the Committee on Manufactures, and ordered to be printed.

Mr. RYAN submitted a resolution of the house of representatives

of the State of Kansas, requesting legislation against trusts and com-bines; which was referred to the Committee on Manufactures, and ordered to be printed.

#### CONTESTED ELECTIONS.

Mr. CRISP submitted the following resolution; which was referred to the Committee on Elections, and ordered to be printed:

Resolved, That provision be made to pay to John B. Clark, Clerk of the House of Representatives, for services in compiling and arranging for the printer, and indexing testimony used in contested election cases, as authorized by the act entitled "An act relating to contested elections," approved March 2, 1887, the sum of \$1,000, and an additional sum of \$1,000 to such employée in the office of the Clerk of the House of Representatives as the Clerk may designate and in such proportion as he may deem just, for assistance rendered in this work.

#### EULOGIES.

Mr. BLANCHARD submitted a joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

### REVISED STATUTES.

Mr. STEWART, of Texas, introduced a bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States; which was referred to the Committee on Commerce, and ordered to be printed.

# ORDER OF BUSINESS.

Mr. LONG. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of Senate

The SPEAKER. The regular order is demanded.

Mr. LONG. By whom?
The SPEAKER. By the gentleman from Pennsylvania [Mr. Ran-DALL], as the Chair understands.

Mr. RANDALL. I think the demand is made by the gentleman

from South Carolina [Mr. HEMPHILL].

Mr. LONG. Does the gentleman from South Carolina [Mr. HEMP-HILL] insist upon the demand for the regular order? This bill is one which was reported unanimously by the Committee on Invalid Pensions. It is a bill which I introduced and the committee have asked me to ask unanimous consent to put it upon its passage at this time. It is a bill relating to the twenty-one veterans who have no arms, raising their pensions from \$72 to \$100 per month.

Mr. HEMPHILL. I will not object to that.

Mr. HEMPHILL. I will not object to that.
The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, or the use of both hands, shall be entitled to a pension of \$100 per month.

The committee recommended an amendment striking out the words or the use of both hands."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was ac-

cordingly read the third-time, and passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOUNT CARMEL DEVELOPMENT COMPANY.

Mr. LANDES. Mr. Speaker, I desire to ask unanimous consent to

put upon its passage House bill 4496, to authorize and empower the Mount Carmel Development Company to draw water from the Wabash

The SPEAKER. Does the gentleman from South Carolina [Mr. HEMPHILL] yield to the gentleman from Illinois?
Mr. HEMPHILL. Yes, sir. There ought to be

Yes, sir. There ought to be an opportunity for one bill on each side.

The bill was read, as follows:

Be it enacted, etc., That the Mount Carmel Development Company, a corporation created and existing under the laws of the State of Illinois, be, and the same is hereby, authorized and empowered to construct and operate during its corporate existence, a hydraulic canal from any point on the Wabash River above the lock and dam now in process of construction at the Grand Rapids of said Wabash River, or from any tributary of said river within the county of Wabash and State of Illinois, to any point on said river within the corporate limits of the city of Mount Carmel, Ill.; and to draw from said. Wabash River or tributary thereof such supply of water as may be required for the purposes of such corporation. of such corporation.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. LANDES] that this bill be now considered?

Mr. HOLMAN. I hope there will be a word of explanation of this bill, as I see that my colleague [Mr. O'NEALL] is not in his seat. the report be read.

The report (by Mr. JONES) was read as follows:

The report (by Mr. Jones) was read as follows:

The city of Mount Carmel is situated on the Wabash River, about 2 miles below the Grand Rapids in said river. The Mount Carmel Development Company has been organized to utilize such water-power as the situation provides, and the purpose of the bill is to grant said company the privilege of drawing through a canal, to be cut from Mount Carmel into the river or its tributary about said rapids, such quantity of water as will answer its purpose.

The Wabash River at Mount Carmel is about 1,000 feet wide at low water, and carries all the year a great volume of water.

In order to provide against the possibility of injuring the navigation of said river by favorable action on said bill, your committee recommend thefollowing amendment, which is suggested by the communications appended from the War Department on this subject. Add at the end of line 14 the following:

"Provided, That such withdrawal be not detrimental to the interests of navigation, and be subject to the direction and control of the Secretary of War."

With the adoption of this amendment we recommend the passage of the bill.

WAR DEPARTMENT, Washington City, June 16, 1888.

Sm: In reply to your request of the 12th instant, for the views of this Department upon House bill 4496, Fiftieth Congress, first session, to authorize the Mount Carmel Development Company to draw water from the Wabash River or its tributaries, I have the honor to invite attention to the inclosed report of the 14th instant, on the subject, from the Chief of Engineers.

Very respectfully,

WILLIAM C. ENDICOTT, Secretary of War.

Hon. N. C. Blanchard, Chairman Committee on Rivers and Harbors, House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY, Washington, D. C., June 14, 1888.

Washington, D. C., June 14, 1888.

Sir: I have the honor to acknowledge the reference to this office, for report, of the letter from the Committee on Rivers and Harbors of the House of Representatives dated the 12th inst., with inclosed resolution of that committee and H. R. 4496, a bill "to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River or its tributaries, in the county of Wabash and State of Illinois;" and in reply thereto to state that no objection is seen to the passage of the bill, provided that no injury shall ensue to the interests of navigation by the proposed withdrawal of water, and to secure this it is recommended that the following amendment be made to the bill, to come in after the word "corporation," in line 14: "Provided, That such withdrawal be not detrimental to the interests of navigation, and be subject to the direction and control of the Secretary of War."

The letter from the Committee on Rivers and Harbors and inclosures are herewith returned.

herewith returned

Very respectfully, your obedient servant,

J. C. DUANE, Brigadier-General, Chief of Engineers,

Hon. WILLIAM C. ENDICOTT, Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that this bill be now put upon its passage?

Mr. OATES. I would like to hear a word of explanation, reserving

the right to object.

A corporation has been formed to construct water-Mr. LANDES. works to furnish the city of Mount Carmel with water, and the object of this bill is to enable them to draw the water from the Wabash River, subject to the control of the Secretary of War. That is all there is in the bill.

Mr. OATES. I have no objection to that. The SPEAKER. Is there further objection?

There was no further objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANDES moved to reconsider the vote by which the bill was assed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

COUNTING OF THE ELECTORAL VOTE.

Mr. ERMENTROUT. I rise to present a privileged report. I am directed by the Committee on the Election of President, Vice-President, and Members of the House of Representatives to submit the report which I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

The said committee to whom was referred Senate resolution relating to the counting of the vote for President and Vice-President of the United States, which resolution is as follows—

"Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 13th day of February, 1889, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States; and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled, as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States; and, together with a list of the votes, be entered on the Journals of the two Houses?"—

report that having found the said resolution to be in conformity with law, they report the same back to the House with the recommendation that it be agreed to.

The question being taken, the resolution of the Senate was con-

The question being taken, the resolution of the Senate was concurred in.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate requested the House to return to the Senate the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern judicial district, in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The message further announced that the Senate had passed bills of the following titles, in which it asked concurrence:

A bill (S. 375) for the relief of women enrolled as army nurses; A bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.; and

A bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of con-

sidering general appropriation bills.

Mr. HEMPHILL. Mr. Speaker, is that motion in order?

The SPEAKER. It is, unless some motion having precedence over it be made.

Mr. HEMPHILL. I move to take up House bill No. 12292, reported from the Committee on the District of Columbia.

The SPEAKER. That has priority, this day being set apart under the rules for the consideration of business reported from the Committee on the District of Columbia.

Mr. RANDALL. Is that bill in the House or the Committee of the Whole?

The SPEAKER. The Chair will ascertain.

Mr. HEMPHILL. It is on the House Calendar.

Then I raise the question of consideration. Mr. RANDALL.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows

A bill (H. R. 12292) to amend sections 851, 856, 857, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia.

The SPEAKER. Is the reading of the bill demanded?

Mr. BLOUNT. I should like to know to what subject the bill re-

Mr. HEMPHILL. It relates to the terms of court in this District, growing out of the fact that sometimes the judges are ill and thus lose a term; and it also relates to the term of service of jurors, reducing their terms from three months to one month.

Mr RANDALL. I raise the question of consideration; and I desire to state that my object is to go on with the sundry civil appropriation

bill, which is a great public necessity.

The SPEAKER. The gentleman from Pennsylvania raises the question of consideration. The question is, Will the House now proceed to consider the bill the title of which has been read?

The question was taken; and there were—ayes 22, noes 107.
Mr. HEMPHILL. Mr. Speaker, as is known by members of the
House this day is set apart for the consideration of business reported from the Committee on the District of Columbia. We have a number of measures which are, we think, of very considerable importance to the people of this District, who are largely interested in their passage. But it is not the desire of the committee to consume the time of the House unnecessarily. If the House is unwilling to transact the business of this committee we do not desire to press it improperly. If the sundry civil bill is so urgent now, requiring to be passed promptly in order that it may be sent to the other end of the Capitol, I would like to inquire whether the House would not give us a day for the consideration of our business-say next Saturday-instead of to-day? The sundry civil bill will then be out of the way, and we can proceed with our business.

Mr. DUNHAM. Why not have an evening session?

Mr. HEMPHILL. The difficulty about an evening session is that

we can not get a quorum here.

The SPEAKER. The gentleman from South Carolina [Mr. HEMP-HILL ] asks unanimous consent that next Saturday be set apart, in lieu of to-day, for the consideration of business reported from the District

Mr. BLOUNT. I object. There are several other appropriation

bills to follow this.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] ob-

Mr. HEMPHILL. Well, we shall have to call up some more of our

bills, I presume. Mr. RANDALL. I desire to make an appeal to the gentleman from South Carolina. The sentiment of the House was so strongly against him on the division just taken that I hope he will not consume time in this way, time which would be taken from the consideration of the sundry civil bill, and not utilized by the Committee on the District of Columbia, unless the House has suddenly changed its mind. If the gentleman desires to try the sense of the House in regard to one or two more District measures, I have no objection; but I really hope he will not press the matter any further than that.

Mr. HEMPHILL. I think, Mr. Speaker, that this matter could be

arranged by the Committee on Appropriations taking a night session some time for the consideration of their business. There are other appropriation bills which will go through here with less obstruction than some of these measures from the District Committee. One of the troubles about District business is that every man here understands, or thinks that he understands, all about it; and with the appropriation bills we are apt to leave the question in a great measure to the Appro-

The SPEAKER. Does the gentleman from South Carolina [Mr.

HEMPHILL] call up any other bill?

Mr. RANDALL. Why not submit my motion to go into Committee of the Whole?

The SPEAKER. The Chair will do so, unless the gentleman from

South Carolina calls up another bill, Mr. HEMPHILL. I call up the bill (H. R. 11701) for the relief of

the building and mutual loan associations of the District of Columbia. Mr. RANDALL. Is that bill in the House or in Committee of the

Mr. HEMPHILL. It is on the Private Calendar.

The SPEAKER. This bill is in Committee of the Whole on the Private Calendar.

Mr. RANDALL Then the gentleman's motion should be to go into Committee of the Whole for the consideration of the bill.

The SPEAKER. That would be the proper motion. The title of

the bill will be read.

The Clerk read the title of the bill.

Mr. BLOUNT. I want to ask the gentleman from South Carolina, rather than demand the reading of the bill in full, what sort of relief

the building and loan associations want?

Mr. RANDALL. I do not want to open up debate on this question, and must object to discussion until the question of consideration is

determined.

Mr. BLOUNT. The gentleman from Pennsylvania misapprehends me. I simply want the object of the bill brought out; not discussion. The SPEAKER. This bill is in Committee of the Whole.

Mr. HEMPHILL. I can state in a moment the purport of the bill. Mr. RANDALL. Regular order.

Mr. HEMPHILL. Then I move that the House resolve itself into

Committee of the Whole for the consideration of the bill the title of which has just been read.

Mr. RANDALL. I hope the House will vote that down and let us go on with the sundry civil appropriation bill. Mr. HEMPHILL. I would like to make a brief statement to the

Mr. RANDALL. I object. Let us determine the matter without

delay, and not consume time. The SPEAKER. Questions relating to the order of business are not

debatable. The question was taken on the motion of Mr. HEMPHILL, and it was

rejected.

Mr. ROGERS. Regular order.

Mr. RANDALL. I have a motion pending.

The SPEAKER. The gentleman's motion is pending, but under the rules of the House the gentleman from South Carolina has this day if he chooses to call up any bills from the District Committee

Mr. HEMPHILL. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the purpose of considering the bill H. R. 11817. This is for the relief of Christ Church, and that will appeal, I am sure, to every man who has any Christianity in his heart.

The SPEAKER. The title of the bill will be reported.

The Clerk read as follows:

A bill (H. R. 11817) vesting in the vestry of Christ Church, Washington Parish, state of the Union for the purpose of considering this bill.

in the District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092 in the city of Washington, District aforesaid.

The question was taken; and on a division there were-ayes 31.

So the motion of Mr. HEMPHILL was rejected.

Mr. HEMPHILL. I hope the gentleman from Georgia will with-draw his objection to Saturday. Can I ask him to do that?

Mr. BLOUNT. I can not withdraw the objection. I have great respect for my friend from South Carolina and the work his committee have in hand, but there are a number of appropriation bills which must

be acted upon and which demand prior consideration.

Mr. COX (to Mr. HEMPHILL). Why not take a night session?

Mr. HEMPHILL. Then I ask that we be allowed a night session, and I would suggest next Wednesday night, at half past 7.

The SPEAKER. At what hour will the House take recess? Mr. HEMPHILL. Take a recess at 5 o'clock to meet at 7.30.

Mr. ROGERS. Not unless the session be limited.
Mr. BLOUNT. I would like to ask the gentleman if he expects to bring up at that time the trust bills or the Rock Creek park bills?

Mr. HEMPHILL. Well, sir, I can not state to the gentleman. We shall bring up such bills as the committee may direct.

Mr. BLOUNT. Because I think there should be no night sessions

on bills of that character.

Mr. HEMPHILL. There are other important bills before the committee. I will state that there are a number of measures to which I think there will be no objection; but, at the same time, let me say that I think these trust bills have not exactly received fair treatment from the House. They ought to be acted on one way or the other. But I will say to the gentleman from Georgia that if it is his wish to prevent proper legislative consideration of those measures, it can be prevented at any time at a night session by calling a quorum if a quo-

rum is not present.

Mr. BLOUNT. I wish to say, in respense to what the gentleman has said, that there are objections to these bills which should manifest

themselves in debate rather than by filibustering.

Mr. HEMPHILL. Very well, then; give us an opportunity to debate them. We may vote against them ourselves after hearing the discussion. [Laughter.]

Mr. BLOUNT. Very likely.

Mr. RANDALL. Regular order. Let us proceed, if we can, to busi-

ness in some shape.

The SPEAKER. The Chair understands that objection is made to

the request of the gentleman from South Carolina.

Mr. HEMPHILL. Was there objection to my proposition?

The SPEAKER. The Chair understands the gentleman from Georgia as objecting; but the Chair will submit the request again.

Mr. BLOUNT. I will save time by objecting at once.

Mr. HEMPHILL. Then I ask unanimous consent for Tuesday night, that the House take a recess at the hour named-

Mr. BLOUNT. I make the same objection. No agreement can be reached unless the gentleman excepts the bills that I have named. Mr. ROGERS. And also limit the session to half past 10.

Mr. HEMPHILL. I have no objection whatever to limiting the

Mr. RANDALL. Regular order.

Mr. HEMPHILL. I call up for present consideration the bill H. R. 12154, on the House Calendar.

Mr. RANDALL. Let us have the title.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

bill (H. R. 12154) to regulate and license pawnbrokers in the District of

Mr. RANDALL. I raise the question of consideration. The SPEAKER. This bill is on the House Calendar.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. HEMPHILL. Division.

The House divided; and there were-ayes 26, noes 81.

Mr. HEMPHILL. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman. from South Carolina [Mr. HEMPHILL] and the gentleman from Georgia [Mr. BLOUNT].

The House again divided; and the tellers reported-ayes 36, noes

So the House refused to consider the bill.

Mr. RANDALL. I now renew my motion to go into Committee of

the Whole on the sundry civil appropriation bill.

Mr. HEMPHILL. There is a bill here of very general importance, and I move that the House go into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 12136) relating to the establishment of a public park in the District of Columbia.

The title of the bill was read.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to go into Committee of the Whole House on the

Mr. RANDALL. I hope that it will be voted down.

The question was taken; and the Speaker announced that the noes seemed to have it

Mr. HEMPHILL. Division.

The House divided; and there were—ayes 43, noes 90.

Mr. HEMPHILL. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from South Carolina [Mr. HEMPHILL] and the gentleman from New

Jersey [Mr. McAdoo].

Mr. ENLOE. I want to make a suggestion in reference to that matter, and that is, if the gentleman from Georgia [Mr. BLOUNT] will withdraw his objection to fixing a night for the consideration of this business [cries of "Regular order!"], I will guaranty that they do not pass either of these bills without a quorum. If the gentleman from Texas [Mr. KILGORE] is not here I will be. [Laughter.]

Mr. BLOUNT. I will take the word of the gentleman from Ten-

The House again divided; and pending the count,
Mr. HEMPHILL said: I withdraw the question of no quorum.
The SPEAKER. The noes have it, and the motion is not agreed to. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. HEMPHILL. I would like to make a statement.

The SPEAKER. Is there objection? The Chair hears none.

Mr. HEMPHILL. It is evident, Mr. Speaker, that the sentiment

of the House is not in favor of taking up the business of the District of Columbia to-day. I do not want to consume the time and punish other people as well as myself. I will not press this further to-day, but I would like to come to the members of this House with as favorable a plea as I can, hoping that when we come up with our business at a future day they will be more considerate of it and of the people of this District and let the business go through.

The question recurred on the motion of Mr. RANDALL to go into

Committee of the Whole House, and the motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Dockery in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills; and the question is on the amendment of the gentleman from Pennsylvania to the sundry civil bill as amended by the amendment of the gentleman from Colorado [Mr. Symes], and on this amendment the gentleman from Indiana [Mr. HOLMAN] made the point of no quorum.

Mr. RANDALL. I suggest that a new vote be taken.
The CHAIRMAN. If there be no objection, the Chair will again take

Mr. KILGORE. I think the amendment ought to be read

Mr. RANDALL. I can state the amendment briefly. The amendment as now proposed is to appropriate \$250,000 for irrigation instead of \$150,000 as reported by the committee.

Mr. KILGORE. For the survey of sites for reservoirs for irrigation?

Mr. RANDALL. Yes, sir.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. KILGORE. Division.

The committee divided; and there were—ayes 85, noes 45.

Mr. KILGORE. I think, Mr. Chairman, that in an important mat-ter like this it ought to be carried by a quorum. I dislike to obstruct this matter, and hate to delay the gentleman from Pennsylvania in the consideration of the appropriation bill—

Mr. RANDALL. I make the suggestion to the gentleman from

Texas that there can be a yea-and-nay vote in the House upon this proposition if one-fifth, as provided under the Constitution, so demand.

Mr. HOLMAN. But you can not separate the two propositions.
Mr. KILGORE. Can we not agree that there shall be a yea-and-nay

vote when the bill is reported to the House?

Mr. BLOUNT. The House would not be bound by that.

Mr. KILGORE. But we could agree to report to the House a proposition of that kind.

Mr. RANDALL. That proposition as coming from the Committee of the Whole would not bind the House.

Mr. RYAN. The gentleman would be entitled to a yea-and-nay vote

on the proposition in the House

Mr. REED. You see how tender he is of the spirit of our rules, for he wants even less than a constitutional one-fifth to call the yeas and

nays.

The CHAIRMAN. Does the gentleman from Texas make the point

of no quorum?
Mr. KILGORE. Will there be opportunity to discuss this matter in the House?

Mr. RANDALL. There will not if I can prevent discussion.

KILGORE. Can we not talk about it a good deal in the

Mr. RANDALL. There was talk all day Saturday on this para-

Mr. RYAN. Nearly the entire day.
Mr. BLOUNT. The only suggestion I have to make to the gentleman is, to get a quorum here and keep it here.

Mr. RYAN. Well, if you are going to do that, you will find a great

deal of trouble in passing your appropriation bill.

Mr. KILGORE. I insist upon the point of no quorum for the pres-

The CHAIRMAN. The gentleman from Texas insists upon the point of no quorum, and the Chair will appoint as tellers the gentleman from Kansas [Mr. RYAN] and the gentleman from Texas [Mr. KILGORE].

The committee divided; and the tellers reported—ayes 118, noes 50.

So the amendment was agreed to.

The Clerk read as follows:

Current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, and for general repairs and improvements, \$52,500: Provided, That no more than \$25,000 shall be expended for salaries and wages in the institution during the fiscal year 1890: Provided further, That one-half of all expenses attending the instruction of deaf and dumb persons admitted to said institution from the District of Columbia, under section 4864 of the Revised Statutes, shall be paid from the revenues of the District of Columbia and one-half out of the Treasury of the United States, and hereafter estimates for such expenses shall each year be submitted in the regular estimates for the expenses of the government of the District of Columbia: And provided further. That deaf-mutes hereafter admitted to this institution from the several States and Territories, as provided in section 4865 of the Revised Statutes, shall only have the expenses of their instruction in the collegiate department, exclusive of support, paid from appropriations made for the support of the institution.

Mr. ROGERS. I move to strike out the last word, for the purpose of getting some information. I wish to ask the chairman of the Committee on Appropriations what alterations are proposed to be made in the existing law by the paragraph that has just been read with reference to the Columbia Institution for the Deaf and Dumb?

Mr. RANDALL. On that point I yield to the gentleman from Georgia [Mr. CLEMENTS], who will answer the question.

Mr. ROGERS. In advance of the gentleman's explanation I wish to reserve all points of order on this part of the bill until I can get the information I desire.

Mr. CLEMENTS. In answer to the gentleman's inquiry, I would state that the changes proposed in the current law are, first, to limit the entire expenditure for salaries in this institution to \$25,000.

Mr. ROGERS. What was the law on that point last year? Mr. CLEMENTS. The law limited the amount to \$25,000 from this appropriation. The institution, however, has in practice made that application of the \$25,000 appropriated, and, in addition to that, has applied in that way \$5,000 or \$6,000 more, derived from other contributions to the institution; making the total expenditure for salaries over \$30,000. This bill proposes to limit the salaries in the aggregate amount to \$25,000, from whatever source the money may come.

Mr. ROGERS. Is there any change with reference to the second

Mr. CLEMENTS. There is a change with reference to the support of the institution. It is provided that one-half of the expenses of the beneficiaries from the District of Columbia shall be paid out of the revenues of the District.

Mr. ROGERS. What has been the law on that subject heretofore? Mr. CLEMENTS. Heretofore the National Government has paid it all. This bill proposes to make the District bear one-half the expense of the students from the District. In addition to that, it proposes to remedy what we consider an abuse in another direction. The law provides that the institution may receive from the several States and Territories of the Union forty students free of charge so far as tuition is concerned; their other expenses apart from tuition not to be borne by the General Government.

The practice of the institution has been to receive none from some States and a large number from others, in one instance, I believe, as many as thirteen from one State, Pennsylvania, and perhaps eleven from another; so that more than one-half of the States of the Union have no students in the institution under this provision, while others have quite a number. The amendment introduced here proposes to equalize that, so as to give an equal distribution of these scholarships to the different States of the Union; and it provides also that the entire expenses of these beneficiaries, aside from tuition, shall be borne by the States or by the friends of the students. That is really the provision of the existing law. It requires only that the Government shall provide tuition free; but, under the practice of the institution, as is admitted, they have a way of charging a mere nominal amount to the account of board and expenses, and taxing the balance on the public appropriation and the contributions made to the institution from other sources. This bill provides that the States from which the beneficiaries come, or the friends of the beneficiaries, shall pay their expense outside of tuition, or at least that it shall come from some other source than the Federal Government. These are the only changes from the current law

Mr. ROGERS. Mr. Chairman, I am not very familiar with this mat-ter, but for the edification of the House I desire to have read the letter which I send to the desk. It is a letter which I received this morning from a gentleman connected with the education of deaf-mutes in my

own State. I have not his personal acquaintance, but I believe that he is at the head of the deaf and dumb institution in my State.

LITTLE ROCK, ARK., January 24, 1889.

DEAR SIR: If it is not too late I most earnestly beg you to do what you can for the National Deaf-Mute College of Washington, D. C. An amendment has been proposed to their usual bill that I am told will drive away all of their students who are poor, as it requires them to pay their board. It seems to me that the policy of the Government should be to encourage the poor, and if some plan could be carried through that would entitle each State to a certain number of students free of charge it would be a great thing for all the brighter pupils in our Southern institutes. I have been wishing for a long time to introduce something of the sort, but the college has been doing such good work and has been so very liberal to Southern students that I did not think it wise to meddle with it. Hoping you will do something for them, I am,
Yours, most respectfully,

Hon. J. H. ROGERS, United States Congress,

Mr. ROGERS. This letter reached me since I came to the House this morning, and I do not know that, even with the explanation just made by the gentleman from Georgia, I understand sufficient of the law on this subject as it now is, or of the changes that are proposed, to be able at this time to throw any light upon the real questions involved. I desire, therefore, to reserve the point of order I have made, if I may do so, until the gentleman from Illinois [Mr. HITT], who, I understand, is familiar with this subject, shall have an opportunity to be heard, so that I may determine whether or not I desire to press the point of order.

Mr. Chairman-Mr. HITT.

The CHAIRMAN. Does the gentleman from Illinois [Mr. HITT]

wish to speak to the point of order?

Mr. HITT. Before we get to that there is another matter which I wish to bring up, which comes in order first. I would be glad, Mr. Chairman, to offer an amendment to the second line on the page—the provision in regard to the amount of the appropriation \$52,500, which I desire to have amended to \$57,500; and then when we come to the point of order which affects the proviso in the clause further on-

Mr. ROGERS. If the gentleman from Illinois will yield a moment, I wish to say that I would like to expedite as much as I can the work of the committee; and if the gentleman from Pennsylvania will consent, I would like to have this matter passed over for the present so that we may return to it.

Mr. RANDALL. I will consent to anything that is reasonable.
Mr. ROGERS. I simply desire this matter passed over until I can have an opportunity to examine it.
Mr. HEMPHILL. When shall we take it up again?
Mr. ROGERS. At any time during the day, I presume, or during

Mr. ROCERS. At any the during the day,
the progress of the bill.
Mr. RANDALL. During the day.
The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS]
asks unanimous consent that this paragraph be passed over infor-

Mr. HEMPHILL. I suggest that the gentleman from Arkansas will gather what information he may desire in reference to this matter dur-

ing the discussion, if it proceeds now.

Mr. ROGERS. Then I have no objection.

Mr. RANDALL. As the Chair understands, the point of order is against the paragraph. Now, if the paragraph is to go out on the point of order, all the time that may be consumed in discussion of the merits before the point of order is decided will be wasted; and that waste of time I wish to avoid.

Mr. HEMPHILL. If the gentleman from Illinois is going to submit a point of order upon the paragraph, we may as well take it up

Mr. HITT. I would like first to make a motion to amend as to the amount of the appropriation; and then, going on a little further, we shall reach the proviso limiting and cutting off wholly the giving of aid or partial support to the institution; and upon that I would like to raise a point of order. It is to that, I understand, the gentleman from Arkansas thinks the point of order would apply.

Mr. RANDALL. Upon such a statement as that I should have to

ask that the point of order be raised and decided at once.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois to the fact that the gentleman from Arkansas has already made a point of order against the entire paragraph, and it occurs to the Chair that the mode of procedure suggested by the gentleman from Pennsylvania [Mr. RANDALL] would expedite business; that

is, to dispose of the point of order first.

Mr. RANDALL. We might discuss the merits of this question for an hour and then the paragraph might go out on a point of order.

Mr. HITT. Do I understand the gentleman from Arkansas [Mr. ROGERS] to have made a point of order against the whole paragraph?

Mr. ROGERS. No, sir; I was going to correct the Chair in regard to that. I desire to make my point of order against such portions of the paragraph separately as are new legislation.

Mr. RANDALL. I hope the gentleman from Arkansas will be kind

enough to make his points of order now.

Mr. ROGERS. If I am to make the points of order I would prefer that the paragraph should go over, because I have not examined the question as fully as I desire.

Mr. RANDALL. I have already consented to that course, but some gentleman objected.

Mr. HEMPHILL. The point of order can be first raised and after-

ward the question of amount.

Mr. HITT. If the gentleman from Arkansas will permit me, I will narrow the point of order and make it to that part of the paragraph

which I believe is a departure from existing law.

Mr. ROGERS. The gentleman from Illinois can not be prevented from making any additional point of order, for I have reserved points of order upon the whole paragraph. I am willing the discussion should go on, and will endeavor to gather the information I desire as the debate proceeds.

Mr. HITT. Mr. Chairman-

The CHAIRMAN. The Chair would beg to offer a suggestion. this paragraph involves several propositions, the Chair suggests that the point of order be made against each proviso as it is reached in regu-

Mr. RANDALL. There are three provisos.

The CHAIRMAN. The suggestion of the Chair is that the point of order be first considered, as it has been made against the first proviso.

Mr. HITT. Mr. Chairman, on the first proviso I make the point of order that the limitation contained in the provision in lines 3, 4, and 5, on page 51, "that no more than \$25,000 shall be expended for salaries and wages in the institution during the fiscal year 1890" is a departure from existing law, which has the further words "of said sum." That limitation of the amount to be expended upon salaries and wages, as it has existed in the law heretofore, applied only to the amount appropriated by Congress. The managers could only apply \$25,000 of the appropriation for salaries and wages, but they had funds from other sources, and as \$25,000 was not enough, they added about \$6,000 to it and thus have been able to pay about \$31,000 for salaries and wages and kept the institution up in efficiency. By the omission of the words "of said sum" this incidental mention in an appropriation bill became a new and sweeping general provision, which invades and changes the fundamental law of the institution, which alters the general act dating thirty-two years ago, an enactment which is embraced in the Revised Statutes, and which conferred on the directors the management of the institution, the employment of teachers, and fixing salaries. These salaries have been paid out of the appropriations and the other funds of the institution. Heretofore there has been put sometimes in the appropriation bill a limitation on the amount to be applied to salaries and wages from the money appropriated, but never on the amount to be applied to salaries and wages. At one time it was \$22,000; at another time \$25,000; never before has a committee of Congress proposed to say to the managers of that institution that they shall not so spend more than \$25,000, piccing out the appropriation from the resources of the institution received from the charities of large-hearted men, from the tuition fees, and from various sources,

with which to eke out the appropriations of Congress.

The omission of the words "of said sum," to wit, of the sum appropriated here, makes this bill a departure from existing law. And unless the gentleman will consent to insert the words "of said sum," I make the point of order that this provision is a departure from existing law, is in conflict with the spirit of the fundamental law upon which the institution is founded as it is set down to-day in the Revised Stat-

ntes of the United States

The CHAIRMAN. The gentleman from Illinois will please send up the law which this first proviso changes.

Mr. HITT. I make the point of order against lines 3, 4, and 5 to the

word "ninety," as being a change of existing law.

The CHAIRMAN. The Chair desires to examine the statute which this proviso is said to change. Is the existing law to which the gentleman from Illinois refers a general statute, or is it a proviso of an ap-

propriation bill of former years?

Mr. HITT. I will send to the Chair the statute of last year, and I call attention to sections 4859 and 4862 of chapter 5 of the Revised

Statutes of the United States.

The CHAIRMAN. Is it incorporated in the appropriation bill of last year?

Mr. HITT. Yes; the appropriation bill of last year, with the words of said sum." The CHAIRMAN.

The Chair is of the opinion the point of order can not be sustained if this is merely a limitation of the appropriation and not in violation of any law.

Mr. HEMPHILL. If the gentleman from Illinois will yield to me I will make a statement.

Mr. HITT. I will yield for that purpose.

The CHAIRMAN. The Chair will be glad to hear the gentleman from South Carolina [Mr. HEMPHILL], chairman of the Committee on the District of Columbia, in reference to the point of order.

Mr. HEMPHILL. Mr. Chairman, I have the rules for the second session of the Forty-ninth Congress, and they are, I apprehend, the rules for the Fiftieth Congress. Rule XXI provides:

Nor shall any provision changing any existing law be in order in any appro-priation bill or any amendment thereto.

The point I make is, this is a corporation established by law with all

the rights which belong to such institutions. It is found in chapter 5

of the Revised Statutes, beginning the section 4862.

If it is a corporation it has existence under United States statutes, and there must be some law for the regulation of such an institution. That law says the Columbia Institution for the Instruction of the Deaf and Dumb shall be managed as provided in its present constitution and such additional regulations as from time to time may be found necessary. Now there are certain directors provided for, whose business it is to fix the salaries of these officers, and this bill undertakes to say how much those officers shall receive.

Mr. RANDALL. Does the gentleman mean to state that the bill should provide that the president shall receive so much, the vice-presi-

dent so much, and to fix the other salaries?

Mr. HEMPHILL. No, sir; I think what the House of Representa-tives can do is to put the limitation on the money it appropriates itself. It has the right to do that.

Mr. McMILLIN. That is exactly what is done here.

Mr. HEMPHILL. Notatall. If the gentleman was better informed he would not have made such a rash statement.

Mr. McMILLIN. I am glad to sit at the feet of the modern Gama-

Mr. HEMPHILL. I am glad to have one scholar.
Mr. McMILLIN. I am sorry I am the gentleman's first.
Mr. HEMPHILL. It says:

Provided, That no more than \$25,000 shall be expended for salaries and wages in the institution during the fiscal year 1890.

It does not say "more than \$25,000 of the sum hereby appropriated." If it said that that is all right, as Congress has the right to direct how its own funds shall be expended; but it has no right in an appropriation bill to take away from the directors of this institution the management of the funds not received from Congress, but, as stated by the gentleman from Illinois [Mr. HITT], which came to this institution from those who founded it before Congress made any appropriation.

Mr. CLEMENTS. Does not the gentleman think Congress has the same right to limit the application of funds received under the law

passed by Congress as it has to limit direct appropriations?

Mr. HEMPHILL. I do not think it has in an appropriation bill. has some power in an appropriation bill. In an appropriation bill all it can do is to make provision in reference to the appropriation contained in it. The rules provide in an appropriation bill there shall be no general legislation. Whenever you undertake to legislate in an appropriation bill except to make an appropriation it is general legisla-tion. Hence money donated to this institution by large-hearted men interested in the education of these people, money received from tuition and other sources, is not a sum that can be regulated here. Congress can put in any regulation as to the money it is appropriating, but it has no right to refer to anything else. When it undertakes to say there shall be paid \$25,000 for salary, and no more, it is clearly wrong. Supposing some one should leave \$1,000 or \$10,000 to endow a professor, or to pay a certain portion of the professors' salaries, what right has Congress to say it shall not be done?

Mr. CLEMENTS. Does the gentleman from South Carolina say that any such state of facts as he has suggested exists in relation to this in-

Mr. HEMPHILL. I say it is as reasonable as that the money they get for tuition and fees can be taken cognizance of and regulated, as far as its distribution is concerned, in an appropriation bill. It is clear that the committee can put in this provise as to the regular expenditure of money they appropriate in the bill; but the money which is outside, which comes to this institution from other sources, they have nothing in the world to do with. This bill does not say that the \$25,000 thereby appropriated may be used for this purpose, but it provides that the salaries shall not exceed \$25,000, no matter how they get the money to pay the salaries.

Mr. RANDALL. Mr. Chairman, it might as well be stated now that the proviso originated in the Forty-seventh Congress as it appears in existing law, and was reported here by Mr. HISCOCK, then chairman of the Committee on Appropriations, after an investigation by that committee, in which it was developed that of the amount of money given by the Federal Government to the support of this institution \$30,000 or thereabouts was consumed in the payment of salaries. That is to say, of the amount appropriated by the Government \$30,000 was paid for salaries, wages, and living expenses of the officials and employes in charge of the institution.

The effort was made at that time to change the law in some other particulars, but it failed, and this restriction or limitation was finally admitted and put upon the appropriation after the point of order had been made against it. The very next year, as I have here the facts to show, while the managers at that time were able and careful men—and we have two able managers of that institution on the floor of the House now in the person of the gentleman from Illinois [Mr. HITT], and the gentleman from South Carolina [Mr. HEMPHILL]—the very next year the report came that the amount of money expended—
Mr. HEMPHILL. Is the gentleman reading now from the last an-

nual report?

Mr. RANDALL. No; for the year 1883, after the legislation was had upon this subject.

That report shows that there was about \$22,000 expended for salaries under the terms of the act of 1882, which provided that not more than \$22,000 should be expended for salaries out of the Federal funds. But the very next item of that report shows that they did not live up to the intention of Congress in making the appropriation in that form, but instead of that they expended almost the entire amount of the receipts from outside sources, which was about \$6,100, and transferred it all to the salary account, so that if the Congress of the United States intended, by the restriction adopted in the Forty-seventh Congress, to limit the salaries to the exact sum specified in the appropriation bill, that intention was circumvented by the authorities of that institution paying out the sum received from Congress in the annual appropriation bill, and in addition thereto the total amount received for tuition fees, etc., so that the salaries that year aggregated nearly \$30,000.

The salaries in fact now, including the support of those at the institution, run up to nearly \$34,000. There is not a member in the Committee on Appropriations but who has great sympathy with the desire to promote the best interests of the institution as they understand With that view, the committee have put in a proviso there which does not change the features of the organic law in regard to this insti-

tution, but is merely a restriction upon the appropriation.

The CHAIRMAN. Will the gentleman from Pennsylvania permit the Chair to interrupt him to ask a question? Does the gentleman from Pennsylvania understand that this first proviso simply limits the appropriation?

Mr. RANDALL. That is the object of it, to limit the appropriation for salary and wages of those connected as teachers and helpers at the

institution to \$25,000.

The CHAIRMAN. But does the gentleman from Pennsylvania understand that it limits the salaries of the institution to the amount appropriated here?

Mr. RANDALL. The effect would be to say that the \$34,000 expended heretofore should not be permitted; and this would bring the expenditures down to \$25,000; so that the difference between the amounts heretofore paid and that which would be paid under this bill could be used for the purpose of either increasing the number of inmates in the institution or giving additional benefits to those who are already there.

Mr. HITT. As the words of the gentleman from Pennsylvania go

on record, I hope he will permit me to call his attention to the fact that the annual report just printed of this institution shows that the amount paid for salaries was in accordance with the limitation of the last act, \$25,000 out of the appropriation, and after that \$5,951 re-

last act, \$25,000 out of the appropriation, and after that \$5,951 received from various other sources, making about \$31,000 in all.

Mr. RANDALL. I am able to show that \$25,000, up to the amount of limitation, was paid in salaries and wages, and they took then in addition the entire receipts from outside sources, \$6,000 or more, and in addition to that, five of these gentlemen have their homes, and twenty-five additional employes are provided for and supported out of the fund, which is outside of salaries and wages, being an additional expenditure to that extent. So that I think a fair statement of the administration there would show about \$34,000 expended practically in salaries and wages out of the amounts received there, and which sum goes to the pay and support of the professors, teachers, and the em-

ployés, for wages, living, etc.

Mr. HITT. That is not in accordance with the report. This, however, being on the point of order, I will not go into the details of it

Mr. RANDALL. I will show the gentleman these facts, which are found on page 41 of the report of the committee.

Mr. HITT. I am taking the report of the institution itself. Mr. RANDALL. But I called for information as chairman of the committee, and that information is embodied in page 41 of the report, where it will be found that five of these officers have houses, most of them very comfortable, and twenty-five of the employés, in addition to the wages, are supported at the institution; that is to say, that an addi-tional portion of the fund is expended for the purchase of the necessary groceries, vegetables, etc., for them; so that in fact there is \$34,000 out of the aggregate of sixty-three or sixty-four thousand dollars which goes to the support of the teachers and employés of this institution. The desire of the committee is to limit the salaries and to permit the fund derived from other sources to be used for the support of the inmates exclusively, so that the uses and benefits of the institution may

be increased rather than diminished.

Mr. ROGERS. Mr. Chairman, the question just put by the Chair is the real question involved in this controversy, and the gentleman from Pennsylvania, if he will read the text of his bill, must admit that this first proviso limits the salaries to be paid in the institution to \$25,000. Now, whether or not the college has power of its own to use other funds not given by Congress or not I must leave to the discretion of those gentlemen familiar with the facts, for I am not advised. But that this proviso limits the expenditure for salaries to \$25,000 there can not be any misunderstanding if the English language means anything at all:

For support of the institution, including salaries and incidental expenses, and for-books and illustrative apparatus, and for-general repairs and improvements, \$52,500: Provided. That no more than \$25,000 shall be expended for salaries and wages in the institution during the fiscal year 1890.

So that if the Committee on Appropriations had intended to put a limit upon the sum to be used for salaries in the amount appropriated by this bill, they have not done so. They should have said that "not more than \$25,000 of the amount hereby appropriated "shall be expended for salaries; but they did not say that, but said that for the support of this institution, including salaries and incidental expenses, it shall be limited to \$25,000, whether appropriated by this bill or not. If the managers of the institution have the right to use the funds of the institution for that purpose, and this becomes a law, I submit it is an infringement of the law as it now applies to the honest regulation of that institution.

Mr. CLEMENTS. In response to what the gentleman from Arkansas has said in relation to the inquiry put by the Chair, I desire to say that the whole matter falls clearly within the universal practice of this House in limiting the appropriations for public purposes. As stated by the chairman of the Committee on Appropriations a moment ago, in the Forty-seventh Congress it was ascertained and believed by that Congress that for the payment of salaries or wages in that institution more than 50 per cent. of the entire amount appropriated was

expended.

The CHAIRMAN. Will the gentleman from Georgia permit the Chair to make an inquiry at this point for information? Under what authority is the salary account of the institution fixed?

Mr. ROGERS. If the Chair will turn to the statute which lies be-

fore him he will find that it is alluded to in section 4859 of the Revised Statutes, this being an incorporation chartered by Congress

Mr. CLEMENTS. I want to say now, Mr. Chairman, that Congress has appropriated a large sum of money for the support of this institution, for a public purpose, but believed that too great a sum was being consumed in salaries that were fixed by the corporation. Thereupon there was inserted in an appropriation bill a proviso that there should not be appropriated more than \$25,000 of this sum for that purpose. So it has been continued in the appropriation bills from that time to this. But the evil that was intended to be stopped has been continued by the managers, who have used the entire sum received from tuition and supplemented the amount of \$25,000 appropriated by Congress. The intention is to put a limit upon the entire amount to be used for salaries at \$25,000, from whatever source received. By that means we meet the question fairly and squarely, and limit the entire amount to be expended.

The CHAIRMAN. This limitation is not simply a limitation upon the appropriation carried in this bill?

Mr. CLEMENTS. It is a conditional appropriation. We make this appropriation of \$52,500 with the condition that the officers of that institution may use \$25,000 for salaries, from whatever source they please; and with this condition this appropriation is available; otherwise it is not.

Now, it seems to me that it is quite competent for Congress to do that. Congress has the power to withhold this appropriation entirely. It sees proper to give it with this condition: that the institution may use \$25,000, either from that or from any other sum. It may use \$25,000 for salaries, but no more. Has not Congress the power to appropriate with a limit, and to say that they shall comply with those terms? It is clearly within the universal practice of this House, and it is clearly competent for this House to say how this appropriation shall be used. Here are five or six thousand dollars received as tuition. The gentleman from South Carolina has spoken of instances of donation. There is no question of donation. The entire sum that is re-ceived by this institution, as shown by their last report, aside from the public appropriation, is from tuition. They use the entire sum received from tuition, and supplement the \$25,000 allowed for salary, and thereby make about \$31,000 for salaries, making the salaries nearly 50 per cent. of the entire amount received by appropriation and from

Now, has not Congress the power, under the Constitution and by law of Congress, where the corporation has the right to receive tuition, and where it has received tuition in connection with a public appropria-tion, to say, "You have received this appropriation of \$52,500, and you receive it upon the condition that you will consume \$25,000 and no more for salaries; you can take it all from this sum, or part from this sum and part from the tuition, it makes no difference which?"

think this condition is clearly under the rule.

Mr. PETERS. The law chartered this institution, and the law granting the charter provided that the board of managers should fix the salaries of the officers of the institution. Consequently, when the board fixed the salaries that action of the board becomes the law in relation to the salaries of these officers. Now comes a proposition from the Committee on Appropriations, as confessed by the gentleman from the Committee on Appropriations, as confessed by the gentleman from Georgia [Mr. CLEMENTS] and the gentleman from Pennsylvania [Mr. RANDALL], to decrease the salaries allowed by the board of managers. Therefore the proposition does change the existing law as to salaries, and is undoubtedly open to the point of order. So far as these outside donations that are spoken of are concerned, they have nothing to do with the Government; the Government does not take them into consideration. The Government chartered this institution and author-

ized the board of directors to fix the salaries of the officers, and the board have fixed those salaries. If by outside contributions those officers are enabled to get larger salaries, that is something with which the Government has nothing to do. But the question on the point of order is, does the provision in this bill change the existing law? and the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Georgia [Mr. CLEMENTS] both admit that the effect of it will be to reduce the salaries of these officers, and consequently to change ex-

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. I will submit a further amendment in lieu of that

The amendment was read, as follows:

Provided, That of the above sum no more shall be expended for salaries and wages in this institution during the fiscal year 1890 than shall, with the payments from other sources, make a total for such salaries and wages for said year of \$25,000 in all.

Mr. HITT. I make the same point of order upon that. It is the same provision.

Mr. RANDALL. The effect of this amendment is that if the salaries paid from other sources are, say, \$6,000, then there shall be only \$19,000 taken out of this fund. I want to make its meaning plain, and the proposition is clearly in order.

Mr. FARQUHAR. I desire to ask the chairman of the Committee

on Appropriations whether the whole matter might not be settled by a simple amendment providing that "no more than \$25,000 of said sum shall be expended for salaries." That would remedy the whole diffi-

Mr. RANDALL. That is the existing law, and it does not remedy the difficulty. They evaded that provision last year and the year before.

The CHAIRMAN. The Chair will suggest that the amount could

be very readily reduced. Mr. RANDALL. No No; because the amount from outside sources

Mr. HITT.

Mr. Chairman, that amendment is the same as the

original proposition.

original proposition.

Mr. KEKR. Mr. Chairman, I think the amendment submitted by the gentleman from Pennsylvania [Mr. RANDALL] obviates the objection made by the Chair and puts the amendment in a form to which there can be no objection. We have a right to say here that certain conditions shall be attached to the appropriation of this sum.

The CHAIRMAN. The Chair will admit this amendment, though

with some doubt upon the question.

Mr. HEMPHILL. I would like to hear that amendment read again. The Clerk again read the amendment.

Mr. McMILLIN. Mr. Chairman—
The CHAIRMAN. The Chair has admitted the amendment.
Mr. McMILLIN. If the House entertained the doubt which the Chair expressed, I desire to be heard.

The CHAIRMAN. The Chair was simply expressing the doubts in his own mind, and not presuming to voice the sentiments of others.

Mr. HITT. Will the Chair hear further remark?

The CHAIRMAN. The gentleman can address himself to the merits

of the proposition.

Mr. HITT. Mr. Chairman, that is evidently a proposition to change existing law by a provision in an appropriation bill. It is an interference by Congress with the chartered rights of the managers of this institution. It is a limitation upon the number of teachers that shall be employed in this institution-

The CHAIRMAN. The Chair has admitted the amendment.

Mr. HITT. The Chair invited further remark.

Several MEMBERS. On the merits of the proposition.

The CHAIRMAN. Only on the merits of the proposition.

Mr. HEMPHILL. Do I understand the Chair to rule that amendment in without hearing any objection to it?

The CHAIRMAN. The Chair had heard some objections before he

assed upon it. [Laughter.]
Mr. HEMPHILL. Well, Mr. Chairman, that amendment is not a proper limitation. It seems to me that it is the same thing as the original proposition in the bill, except that it is a little more verbose; but if the Chair has ruled upon it, of course I shall not address myself to the point of order.

The CHAIRMAN. The Chair has passed upon the point of order. Then does the amendment come up on its merit? Mr. HEMPHILL.

The CHAIRMAN. It does

Mr. HEMPHILL. Then I desire to submit some remarks upon the merits of the amendment.

The CHAIRMAN. The gentleman from South Carolina will be rec-

Mr. HEMPHILL. Mr. Chairman, this proposition, as I understand it, has for its object the limitation of the salaries which are to be paid this institution to an aggregate amount of \$25,000 per annum. So far as I have heard from the committee, they have no information upon which to base their recommendation, except the general statement that there has been too much paid for salaries.

Mr. RANDALL. Oh, we have full information, I think.
Mr. HEMPHILL. You have only what is stated in the report, have you not?

Mr. RANDALL. Well, the president of the institution was before

the committee and was heard.

Mr. HEMPHILL. I understand that the president of the institution sabmitted in writing what he had to say, and that this statement is embodied in the report.

Mr. RANDALL. The gentleman is mistaken; the president was

heard at length before the committee.

Mr. HEMPHILL. Not at very great length, if I understand the matter correctly. I will ask the gentleman whether he has anything in the shape of a comparison showing the percentage of income paid for salaries in this institution, as compared with similar expenditures in other institutions.

Mr. RANDALL. I have heard that matter brought up before, and I have inquired into it to some extent. These gentlemen desired to draw a parallel between the salaries paid at their institution and those paid at Yale, Harvard, Princeton, West Point, and the Naval Acad-

emv.

Mr. HEMPHILL. My friend from Pennsylvania did not get hold of the right data. There are other institutions in this country where persons who are so unfortunate as to be deaf and dumb are taught, but there is no other institution in the United States, and, so far as my in-formation goes—and I have made some inquiry—there is no other institution in the world which undertakes to instruct these unfortunate fellow-beings of ours to the same degree that is undertaken in this institution. In other words, the other institutions of this character in this country are what may be called common schools, while this is a college, bringing up pupils to a higher degree of knowledge than does any other institution of the sort in this or any other country.

Mr. FARQUHAR. This institution has the character of a normal

school for the education of teachers.

Mr. HEMPHILL. More than that, it is a college; and some students educated there are as well educated as those who go from the best

institutions of learning in this country.

But in order that we might have some information upon which to hase a judgment as to the proper allowance for salaries in this institution, I have obtained and have now before me a statement showing the percentage of salaries paid at this institution as compared with its total income, and similar percentages paid to other deaf and dumb institu-In Massachusetts the current expenses of the institution are \$29,718, and \$14,952 is paid for salaries of professors and wages of employés, making about 50 per cent. of the total income of the institution. In the State of Connecticut, whose institution for the deaf and dumb is one of the oldest, if not the oldest, in the country, the total income is \$51,877, and \$26,757 is paid for salaries, etc., being 60 per cent. of the total income. In the New York institution the total income is something more than \$36,000, and over \$20,000, or 60 per cent. is paid for salaries, etc.

for salaries, etc.

In the institution at Philadelphia, of which my distinguished friend from that city [Mr. RANDALL] ought to know something, and which, judging from its reputation, is, I suppose, one of the most economically conducted institutions in this country, 50 per cent. of the income is paid in salaries and wages. In the Columbia College, the one we have now under discussion, less than 48 per cent. is paid in this way. In other words, the proportion of salaries and wages to income ranges in other institutions from 50 per cent. to 60 per cent., while in this institution less than 48 per cent. is paid.

institution less than 48 per cent. is paid.

Mr. HITT. The gentleman will permit me to call his attention at this point to the institution in my State, the largest in the world, where more in proportion to the whole expenditure is paid for teaching the primary studies than the amount paid for higher tuition in this col-

Mr. HEMPHILL. Yes; in Illinois they have the largest institution of this kind in the world. Its total income is \$107,950, and there is

paid in salaries and wages \$53,875.

Of course the patronage varies in these different institutions. We all know that in institutions where the lower branches of education are taught the number of pupils is greater than in colleges or institutions where the higher branches of knowledge are taught. The number of pupils ranges from ninety-eight in Massachusetts, which pays 50 per cent. of the income in salaries and wages, to four hundred and thirty-three pupils in Philadelphia, where over 50 per cent. of the income is paid for salaries, etc. At Jacksonville, Ill., there are five hundred students and thirty-three professors. Here we have one hundred and thirty-coren students and clause and clau thirty-seven students and eleven professors. Of course in institutions where the number of pupils in the primary department is large it is easy to classify them, because a large number learning the rudiments of education can be put into one class; but in an institution where the higher branches are taught it is impossible to put a large number of students under the instruction of one teacher.

Mr. Chairman, of course I have no interest whatever in this institution further than that which every other gentleman upon this floor ought to have, except that the gentleman from Illinois [Mr. HITT] and myself were appointed by the Speaker during the present Congress as

trustees or directors to represent the House of Representatives upon the board of directors. I am satisfied that there is not a man on this floor who would not want to see this institution conducted in a proper and who would not want to see this institution conducted in a proper and becoming manner. It is one that appeals strongly to the kindest sympathy of every member here; and I say that when we come to compare it with other institutions in this country it is apparent from the figures I have furnished that we have not paid in larger proportion than other institutions are paying; and we are giving better instruction than is given in any other institution of the same character on the globe. I trust therefore that we shall not act hastily in this matter, and thereby do injustice to this institution.

[Here the hammer fell.]
Mr. RANDALL. Mr. Chairman, this institution is fortunate in having on this floor two so able representatives as the gentleman from Illinois [Mr. HITT] and the gentleman from South Carolina [Mr. HEMP-HILL], who are concerned in the management of the institution. I feel on this question just as the gentleman from South Carolina does. I have never at any time failed to defend this institution. On the contrary, I have always given the most hearty support in my power to the object involved. In 1882 a restriction was made that it should not be over \$22,000, which was subsequently increased to \$25,000. Immediately thereupon the entire sum received outside was handed over to the salary account coming from tuition.

Mr. Chairman, there are two sides to the question of sentiment involved in this matter. One side is a sentiment for salaries; the other is really a sentiment which should guide the House in respect to an increase of the number of inmates in this institution. Of course the number of inmates, in carrying out the sentiment upon which the Government has entered here as it has nowhere else, must necessarily be reduced if a large part, say \$34,000, of the \$64,000 is devoted to paying salaries and wages. The president of this college gets \$4,000 a year. He also gets a house, which is equivalent to about \$1,000 more. It is a comfortable one; I have been in it and know whereof I speak. In addition, if I am not misinformed, and as the debate when this matter was up before shows that the support of the president and his family, as well as that of his servants, is paid out of this fund.

Now, sir, I say that the position of the Committee on Appropriations is in behalf of the inmates of this institution and in order that all the States may have an equal opportunity to send inmates to be educated in this institution in the higher branches of study.

It has been suggested the inmates are not fairly divided among the States. I do not know how that happened. I find thirteen in number

States. I do not know how that happened. I find thirteen in number from my own State. I find, also, ten from Iowa. I find nearly one-half of the States without any immates there at all.

Now, the District of Columbia Committee, which the gentleman from South Carolina [Mr. HEMPHILL] so ably represents, ought to bring in some law governing this institution in some way, so that the inmates may be divided, where applications are made, fairly among the States.

Mr. HEMPHILL. That is proper.

Mr. RANDALL. The very moment the Committee on Appropriations looks to the correction of these matters an effort is made here—I do not say by members of the House, but an impression is sought to be made upon the House—that the Committee on Appropriations are adbe made upon the House—that the Committee on Appropriations are adverse to this institution. I will say for myself that I never voted against a reasonable charity appropriation, and when I stand here and ask the adoption of this provise I am asking it in the interest of the poor people who have been deprived of ability to hear or speak. I know it is needed, and I am not willing to have my record in behalf of charity suspected, nor do I mean to do anything in that direction. If these gentlemen would do with less salary there would be more to be given to these unfortunates. No one would do more than I would to make these poor people happy. I consider education happiness to every man, and in a tenfold degree to these poor people to be educated in this way.

I can not for one moment suppose any one here would consider the

Committee on Appropriations were aiming a blow at the usefulness of committee on Appropriations were aiming a blow at the userulness of this institution, when we give \$4,000 a year to the president with a house and his expenses paid, and houses for four other professors, with living and wages of twenty-five employés, which amount is taken from the general fund, and which would increase the number of inmates or make them more comfortable. I can not believe this House will consider for a moment that we wish to interfere with this humanitarian institution by what is here proposed in this bill. We do only what the Forty-seventh Congress did, and what every Congress has done since, in respect to an institution which draws nine-tenths of its income from the Fed-

eral Treasury

Mr. McMILLIN. Mr. Chairman, I appreciate most certainly what the gentleman from Pennsylvania [Mr. RANDALL] has said, that the point of order I was inclined to insist on a few minutes since, when I was read a lecture by my distinguished friend from South Carolina [Mr. Hemphill], should not be taken as in antagonism to these poor people. I wish to state that in taking the step I did then, and in casting the vote I shall now on the amendment offered by the gentleman from Pennsylvania, I do it in order there shall be less salaries paid to people and more consideration given to the deaf and dumb for whom this in-stitution was established. If that is an offense, then I am an offend er

My distinguished friend from South Carolina was not himself as well

posted as it seems he thought he was, for he spoke of a "donation" or "donations" being made to this institution.

Mr. HEMPHILL. I beg the gentleman's pardon; I did not say any-

thing of the kind.

Mr. McMILLIN. Why, the gentleman spoke of the donations to this institution

Mr. HEMPHILL. No, sir.

Mr. McMILLIN. There are no such donations, and any such stateent is misleading. I do not mean, of course, that the gentleman ment is misleading. would intentionally mislead the House.

Mr. HEMPHILL. I did not say that there were any donations to this institution. I said that some money had been received by the in-stitution, with which the Committee on Appropriations had nothing whatever to do.

Mr. McMILLIN. And to regulate the donations was the only inference that could have been drawn by the House from the remarks of the gentleman. But, if I misunderstood my friend from South Carolina, I am very glad to be able to make the correction. I wanted the House to understand that there were no donations here at all, and hence whatever remarks may have been made about donations in any way were misleading, or were at least calculated to mislead the House.

Now, Mr. Chairman, we see here in the case of this institution that one man gets one-tenth of the entire expenses of the institution; and yet we are told that it is wrong to limit the amount paid in salaries. Sixty-four thousand and some odd hundred dollars or thereabouts are expended in the maintenance of the establishment, and \$34,000 of that

expended in the maintenance of the establishment, and \$34,000 of that sum go for salaries and expenses. It is all wrong. I am in favor of restricting the salaried expenses, and thereby increasing the fund that goes for the education of these poor, helpless people.

I think also that the amendment suggested by my friend from Pennsylvania [Mr. RANDALL] should be adopted, and that there ought to be some regulation by which people admitted there shall come from the States impartially, so far as these people come from the States at all; and that there should not be a dozen States without any representation when the expenditure is paid out of the public funds alike

tion when the expenditure is paid out of the public funds alike.

Mr. HEMPHILL. I would like to ask the gentleman from Tennessee if he knows as a matter of fact whether there have been any applications from those States which have no students in that institu-

Mr. McMILLIN. I have no information on that question.
Mr. HEMPHILL. I thought so.
Mr. McMILLIN. I am taking the facts as they appear of record and as they have been stated here.

Mr. HEMPHILL. Yes, you are making a point against the insti-

tation without any information.

Mr. McMILLIN. I have this information—

Mr. RANDALL. Let me say to the gentleman from South Carolina

that, judging from my own knowledge, there are applications.
Mr. HEMPHILL. From States that have no students?
Mr. RANDALL. Yes. There have been some I know from Penn-

Mr. HEMPHILL. Mr. Chairman, it is not fair to give this institution or try to give it a black eye on mere supposition and without

I ask for facts. Mr. McMILLIN. I do not want to give it a black eye, but simply

to give education to these poor, unfortunate people.

Mr. HEMPHILL. Then the gentleman should try a different di-

He is certainly not aiding them now.

Mr. McMILLIN. And I do not want the entire fund to be absorbed in the support of those who can already hear and see, and who are edu-

Mr. HEMPHILL. The gentleman is now talking from "informa-

tion," I suppose?

Mr. McMILLIN. I know that of the amount appropriated this proportion of the sum has been expended in the payment of people who are educated and who can hear and see.

Mr. HEMPHILL. Has the gentleman ever been there in his life?

Mr. McMILLIN. What has that got to do with it? Mr. HEMPHILL.

Has the gentleman ever been there?

Mr. McMILLIN. No. I never was. [Laughter.]
Mr. HEMPHILL. The gentleman has never been there. So I supposed. Do you know whether these men can hear or not?

Mr. McMILLIN. I know this, that there are applications made there for entrance which can not be filled, and the gentleman knows it. Mr. HEMPHILL. I do not know any such thing.

Mr. McMILLIN. You do not?

Mr. HEMPHILL. No, sir; I do not.
Mr. McMILLIN. Well, then, you ought to know. If the gentleman knew more about it he could give more valuable information to the committee. Have you ever been there? [Laughter.]
Mr. HEMPHILL. Yes, I have.

Mr. McMILLIN. Then you ought to be better posted.

Mr. HEMPHILL. The gentleman evidently thinks he is posted.

Mr. McMILLIN. I know the facts as they exist.
Mr. HEMPHILL. If the gentleman knows the facts I hope he will give us the benefit of them.

Mr. McMILLIN. The gentleman evidently thinks he knows all the facts

Mr. HEMPHILL. I certainly know a great deal more than you do about it.

about it.

Mr. McMILLIN. Oh, I know there are some gentlemen who think they know more than all the rest of the world.

Mr. HEMPHILL (pointing to Mr. McMILLIN). Yes, sir; and there is one I see before me now. [Laughter and applause.]

Mr. McMILLIN. I know my friend from South Carolina is a very wise man—very wise indeed; but I hope he will not take offense because some member here on the floor may entertain a doubt that he does not possess all the wisdom in the world. [Laughter.]

[Here the hammer fell.]

Mr. CUTCHEON. Mr. Chairman, I sincerely hope that the amendment will not prevail. There is but one college for the education of deaf and dumb people in the United States, or in the world, and I am glad to say that one is under the auspices of this Government and in this District. It is a very unusual thing to find anywhere persons who are thoroughly competent to instruct the inmates of a college for deaf and dumb. deaf and dumb.

It is a very rare thing to find anywhere persons competent to instruct in a college for the deaf and dumb. The demand is small and the supply is small also; and I suppose that we shall all agree that there is supply is small also; and I suppose that we shall all agree that there is no more unfortunate class of people in the world than those who are shut up in perpetual silence and everlasting speechlessness. At the present time, as we find from the report of the committee, there are paid in salaries and expenses \$30,840. I find in this same report that there are at present five persons receiving salaries in this institution in excess of \$1,600 a year—a president, vice-president, two professors at \$2,400 each, and one principal of school at \$2,000. Now, it is proposed to reduce this sum by nearly \$6,000. I submit to every candid gentleman that the sum already paid, considering the character of the service rendered, its unusual nature, the rareness with which these individuals can be found that the sums already paid are not excessive. dividuals can be found, that the sums already paid are not excessive, and ought not to be diminished. Certainly none ought to be diminished so as to receive less than \$1,600. To reduce this sum by nearly \$6,000 will be to reduce the salaries of the five who are now receiving in excess of \$1,500 or \$1,600 by nearly a thousand, or else it will result in a reduction all along the line of salaries that are already barely sufficient for the living of the people who receive them. I say, Mr. Chairman, that I am proud that the only deaf and dumb college in the world is under the auspices of this Government, but I would not be proud to see this great Government, with its overflowing Treasury, niggardly in the payment of salaries to those people who teach these deaf and dumb people.

The gentleman from Tennessee [Mr. McMILLIN] with very great emphasis and eloquence said that he desired to save off the salaries of these professors in order to increase the amount for the instruction of these unfortunates; but unfortunately the only people to instruct them are the very ones whose salaries it is proposed to reduce, and if reduced as proposed it endangers the loss of those individuals and would lead to inefficiency in the instruction.

Mr. Chairman, I do not desire unnecessarily to consume time, and if

I have any time remaining yield it back.

Mr. CANNON. I simply want to say this, Mr. Chairman, that some years ago I took part in this House in a movement along the line of the committee's bill. After the fight was over, never having been to this institution, I went to see what there was of it, and I did see it.

After I looked through the institution, I saw something of the course of instruction there, ascertained that it was the highest of any institution in this country, and, probably, any in the world. I ascertained that there were many students from the States, and although upon the first reading of the law it looked as though they could not receive any support; but I learned that in fact they received partial support where they were needy. So that when I looked all through I found that I had not comprehended the uses and usefulness of the institution, and I was converted.

And I want to say to gentlemen here now that if they propose to change the law curtailing the salaries or curtailing the support so far as it is given to needy persons that come into that institution from the States, they had better keep away from the institution, for I am satisfied a visit will convert them.

Mr. RANDALL. My amendment does not do anything of the sort. It only touches the salaries.

Mr. CANNON. I think that a provision here does do something of that sort

Mr. RANDALL. We have modified it, if the gentleman— Mr. CANNON. Does the subsequent provision "that mutes here-after admitted to this institution from the several States and Territo-

Mr. RANDALL. That is not up now at all.
Mr. CANNON. Well, if the gentleman thinks that that provision will be stricken out I will stop that part of the discussion—
Mr. RANDALL. I have no right to state whether it will or will

Mr. CANNON. But I think we had better leave the law in that

respect untouched. Upon the whole, I think it would be wiser, as this institution has been here in operation a number of years, has been doing good work, and does as good or better work than this class of institutions can elsewhere, and these instructors being, as I am reliably informed, the most competent in this country, if not in the world, it would be the better part of wisdom to let the appropriation and the

law remain as now, and for that reason I shall so vote.

Mr. JACKSON. Mr. Chairman, I do not claim to be able to give very full information about this institution, for I confess I have not had time to examine its management and work as fully as I would otherwise have liked to do. But during the first Congress in which I served here I succeeded in having a student from my district admitted to it. He is a bright young man so far as intellect is concerned, but can neither hear nor speak. His family are reputable people, but unfortunately not able to pay for his education in an institution like this. In making an application for this young man's admission to the institute I learned. however, enough of its plans and management to make me now feel

very friendly to it.

We have in Pennsylvania an institution for the support, maintenance, and primary education of the deaf and dumb of which we feel proud. But the very best instruction in that institution, in which the young man I speak of had been educated, I found barely fitted him for admis-

sion to the Columbia Institution, now under consideration.

All our State institutions give but a primary training, one that is very useful indeed, one that enables the unfortunates deprived of hearing and speech to have some little of the enjoyments of association with their fellow-men. But this, I believe, is the only institution that goes further and undertakes to fit them for usefulness. This gives them not only a higher education, but, impossible as it might seem, actually enables many of its students to become useful members of society.

Some gentlemen who favor the proposed amendment seem to regard this as an institution simply for the support and maintenance of these unfortunate persons. So far as the District of Columbia is concerned, that is to some extent true. But as to its principal object, and so far as the United States in general is concerned, such is not the purpose of the institution, as I understand. It has a higher, broader, and grander work, and it has performed and is performing that work well.

Mr. RANDALL. There are two branches of the institution, the pri-

mary and the collegiate. The collegiate branch of education is something that I think the Government of the United States has not entered upon anywhere else than in this particular institution.

Mr. JACKSON. Mr. Chairman, that is one of the facts I desire to have known. I want to press home upon the committee the idea that only advanced pupils are admitted to this institution. I believe that it is only part of the States that so train their deaf and dumb that they are fit to be admitted. If you reduce the amount that is to be paid for instruction you take from the papils that which they need most. They are not brought here for support and maintenance, but they come to obtain the aid and assistance of educated, skilled, and long-trained to obtain the aid and assistance of educated, skilled, and long-trained teachers and professors that they can get no place else. If you interfere with the teachers and professors, if you give the institution less experienced men in these places, you greatly lessen its usefulness. In fact, I have no doubt you at once lessen the number of students that can be trained there to any great advantage. Hence I think that to maintain an efficient corps of teachers is the very life of the institution. Some of the things which it is alleged these professors receive at this institution in the way of compensation, such as house-room for themselves and families, are just such things as are generally given to pro-

selves and families, are just such things as are generally given to pro-fessors in educational institutions all over the country. This I underfessors in educational institutions all over the country. This I understand is universally the case in the several State institutions for the deaf and dumb. It should be borne in mind that the men who are fitted to be teachers in a college of this kind are men of very special and exceptional training, and that their experience in fitting themselves for that in a measure unfits them for anything else. To say the least, it does not fit or improve them for any other calling. I am opposed to this amendment; am in favor of keeping the salaries at least up to the present standard. In fact I regard these as the class of men up to the present standard. In fact I regard these as the class of men who ought to have larger salaries than they have now. It is a calling but few men are willing to engage in. They devote their lives to the most unfortunate of our race; they serve humanity in its broadest sense. They ought to have such remuneration as would offer at least some inducement to other men to fit themselves for service in such institutions.

If this amendment, as seems now to be largely conceded, would be an injury to the institution, or lessen its efficiency, it ought to be voted down. Most of us, I think, are at least not able to say that it will not do harm, and the gentlemen selected to represent the House upon the board of management, who have given the subject most attention, say that it will, and I trust that it will be voted down. The institution is a worthy one, and is doing good work.

We are told that it is regarded by the most humane and intelligent nations of the world as a model of its kind, and that it is visited from abroad by those who desire to learn from it how to improve their own institutions

The amount of money involved is a small matter to the Government, and we should not, to save a few dollars, run any risk of crippling or injuring this institution, which is worthy of our best care and support.

Mr. HITT. Mr. Chairman, if the House is not entirely wearied I will say an additional word. This amendment is a proposition to cut down the payment to be made to teachers in this institution from about \$31,000 per annum, which it has been for several years, to \$25,000; this, too, is proposed to be done when the number of students taught, in whose behalf the gentleman from Pennsylvania [Mr. RANDALL] feels such a pathetic interest, and who require this instruction more than all things else, has been steadily increasing, and is still growing greater. all things else, has been steadily increasing, and is still growing greater. This corps of teachers was thought necessary by the board of managers in 1883, when the pupils numbered only 106, but since that time the number has greatly increased. The next year there were 126 students; the next year, 1885, there were 127; the next year there were 126; the next year 138; the next year, last year, 137, and now there are over 150. The essential, the all-important service given to these unfortunates is higher instruction, not raiment, not food, not shelter, not even primary instruction: these things they might get elsewhere, and the in-

mary instruction; these things they might get elsewhere, and the in-struction is to them valueless unless it be collegiate in its character, for they come from the State institutions, where they have been taught the elements, and teaching for them must be instruction of a high order. It is a college, the only one in the world for deaf-mutes, and they must get this advanced education there or nowhere. Through many years of care and effort on the part of its friends, and of great solicitude on the part of those who in Congress have watched over the institution, it has now a body of teachers who stand, in comparison with those elsewhere in this country and in other countries, as the masters, the leaders, the great authorities in a literature and in a movement that is one of the furthest advanced steps in the civilization and the humanity of the age. And if gentlemen think they are paid too high salaries because they are teachers in a college which is out of the common, and as to which, therefore, there is no standard of measure-ment or comparison with other institutions for deaf-mutes, let them compare the salaries paid to the professors in this great institution, the only one of its kind, with the salaries paid at West Point, at Annapolis, at Harvard, to men of equal celebrity in literature and in the history of education, and I think they will find that the managers of this institution have not allowed to the teachers any extravagant or unusual rate of compensation.

As I have gone through that institution, seeing its efficient, fruitful work and the good it was doing in so rapidly and wonderfully changing imbecility and helplessly silent creatures into intelligent thinkers and writers, prosperous artisans and chemists and teachers, I have thought it an honor and true glory of a nation that its enlightened Congress supported such a noble, beneficent enterprise, the only one on the globe of its high grade—an institution which no other can compete with, which nothing else can replace. There are colleges and universities by hundreds for all the rest of us, but not for these unfortunates; its students are excluded from all the other colleges in the world. But this discussion has been so full, and the subject being one which my friend from South Carolina and myself have had to deal with personally, representing this House, I feel that we are liable to suppose that others would feel the same interest we do, and thus talk too long, and I will not go further into details lest I should weary the House. I feel content to leave it to be dealt with in that liberal spirit which I

know will animate the representatives of the people.

Mr. PETERS. Just a word, Mr. Chairman. I think the difficulty with this institution is similar to the difficulty with our Army and Navy. Our Army is top-heavy with officers. Our Navy is top-heavy with officers. We have a large number of officers in the Army that are drawing large salaries, and very few privates. We have a large number of officers in the Navy who draw large salaries, and very few seamen. I think, from what has been stated here, that that is one of the troubles of this institution; it is top-heavy with professors. According to the statements made here, there are one hundred and fifty students in the institution and there are eleven professors, or one professor to every thirteen students. Now, any one having any experience in collegiate institutions must see that that is too large a corps of teachers for such a body of students, and I believe that instead of making an attack upon the salaries the attack should be upon the number of professors employed. I know that this method of teaching is a specialty, so far as these professors are concerned, and that they require a certain special education to fit them for it; but surely one professor is not required for

werey thirteen students.

Mr. CUTCHEON. Does the gentleman consider that you can not have a college without having all the different courses of study?

Mr. PETERS. I understand that we can not have a college without

having all the different branches of education taught there, but I understand also that no man is fit to be a professor in a college unless he is able to teach all the branches that are taught in the institution.

Mr. HITT. I call the attention of the gentleman from Kansas to the statement submitted a few moments ago by the gentleman from South Carolina showing that the proportion of students to teachers is smaller all along the line in other institutions in the United States than it is in this.

Mr. PETERS. I am aware of the statement made in regard to the percentage

Mr. HEMPHILL. But the statement applied also to the number of teachers as compared with the number of scholars. In Northhamp-

ton, Mass., there is one professor to seven students; in Hartford, one professor to nine students; in New York and Philadelphia, one professor to eleven students; in Jacksonville, Ill., one professor to fifteen students, and in this District, one professor to twelve students. We have here a larger proportion of students to professors than in any other institution of this kind in the world, except that at Jacksonville, Ill., where the proportion is, as I have stated, one professor to fifteen students; and there they have five hundred students, all of whom are being instructed in the lower branches, so that it is easy to classify them.

Mr. PETERS. I simply mention this point so that Representatives here may give attention to it. I do not claim to have any accurate knowledge of the question; I make the suggestion so that if we have a top-heavy corps of professors in that institution the remedy may be

applied.

The question being taken on the amendment of Mr. RANDALL, there

were-ayes 63, noes 61.

Mr. JACKSON. No quorum has voted. I call for tellers.

Tellers were ordered; and Mr. JACKSON and Mr. CLEMENTS were appointed.

The committee again divided; and the tellers reported—ayes 80,

noes 72.

The CHAIRMAN. Is the point of order insisted upon?

Mr. JACKSON. I withdraw the point of no quorum.

The CHAIRMAN. The ayes have it; and the amendment is agreed

Mr. HOLMES. I renew the point of order.

The CHAIRMAN. The point comes too late. The Chair had announced the result. A point of order is pending, as the Chair understands, against the second proviso.

Mr. RANDALL. I do not know that there is any objection to the

second proviso.

Mr. HITT. I desire to make a point of order against the proviso.

Mr. RANDALL. I thought the point of order applied only to the

first and third provisos.

Mr. HITT. I desire to make a point of order upon the third proviso.

Mr. RANDALL. I do not think there is any objection to the second proviso.

The CHAIRMAN. Is the point waived as to the second proviso? Mr. RANDALL. It is not raised at all.

Mr. HITT. I do not raise it.

The CHAIRMAN. The point of order, then, as the Chair understands, is raised against the third proviso. The gentleman will state his point of order.

Mr. HITT. I make the point of order that the third proviso, in lines

14 to 19, changes existing law. The proviso is-

That deaf-mutes hereafter admitted to this institution from the several States and Territories, as provided in section 4865, Revised Statutes, shall only have the expenses of their instruction in the collegiate department, exclusive of support, paid from appropriations made for the support of the institution.

The law will be found in the Revised Statutes, section 4865. law as it now stands is that "no student coming from either of the States shall be supported by the United States;" whereas by this proviso, in lines 14 to 19, the limitation is much more strict, preventing any aid whatever to the very indigent who are now helped, but not "supported." It is very different and far more harsh in effect than the language of the existing statute-the general law. Under the general law the regulation adopted by the managers of the institution,

which has been in operation for many years, provides that—

To students from the States and Territories who have not the means of defraying all the expenses of the college course, the board of directors may render such assistance as circumstances seem to require, as far as the means at its disposal for this object will allow.

Then follows the further provision requiring the students from the States to bring with them clothing and all the means of sustenance they But unfortunately the pupils are usually very poor-some of them utterly without means—poverty and infirmity; and the board of directors has heretofore allotted to them under this general law from the appropriation and resources of the institution some help proportionate to their wants. Those students who have abundant means-and there are such-receive no assistance. There are students now in the college who receive nothing whatever in this way for their support, because

their parents are wealthy.

The word "support," which I understand was inserted in the law in the days of Thaddeus Stevens, the gentleman who introduced this pro-vision in regard to admitting students from the States, was meant to refer to paying all the expenditures incident to the life of the student in the college, as is done at Annapolis and West Point; but it was not meant to exclude discreet aid, sometimes small, sometimes more, a contribution wherever requisite. But the language of this proviso, as the Chair will see, would totally prevent this board from giving any aid of any kind to any student coming from a State, however poor, however any kind to any student coming from a State, nowever poor, nowever worthy, and it would keep the very poor out altogether. It is legislation against poverty added to affliction. It is a grave and substantial change in the existing law. I will not weary the Chair by arguing further the point of order, which seems so plainly well taken as the objection to this proviso, which, by the rules of the House, is not admissible in an appropriation bill when it changes existing law.

Mr. CLEMENTS. I send to the Clerk's desk to be read section 4865 of the Revised Statutes, which is the law governing this matter. The CHAIRMAN. The Chair has the statute before him.

gentleman state what his point is and-

Mr. CLEMENTS. My point is that the provision in the bill is in exact accordance with the language of the statute, the existing law governing the admission of students into this institution from the States and Territories. I ask the attention of the Chair to the exact language of the statute as compared with the language in this bill.

The Clerk read as follows:

SEC. 4865. Deaf-mutes, not exceeding forty in number, residing in the several States and Territories, applying for admission to the collegiate department of the Columbia Institution for the Instruction of the Deaf and Dumb, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president of the institution; but no student coming from either of the States shall be supported by the United States during any portion of the time he remains therein.

Mr. CLEMENTS. I ask the Clerk to read the section preceding that, to show how students from the District of Columbia are admitted there.

The Clerk read as follows:

SEC. 4864. Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of the Columbia Institution for the Instruction of the Deaf and Dumb, that any deaf and dumb person of teachable age, properly belonging to the District of Columbia, is in indigent circumstances and can not command the means to secure an education, it shall be his duty to authorize such person to enter the institution for instruction.

Mr. CLEMENTS. Mr. Chairman, the point is simply this: It is provided there that forty students from the States and Territories may be admitted at the discretion of the management of that institution on the same terms as students from the-District of Columbia, which is free of tuition. The language of the first section just read expressly limits it to be free of expense for tuition. We have simply provided this clause in the appropriation bill to give tuition free, but not support, which is in exact accordance with the statute just read.

Mr. ROGERS. I would inquire of the gentleman from Georgia [Mr. CLEMENTS] why he wants to pass this if it is like the other two

Mr. CLEMENTS. For the reason that the institution does not conform to the law as it is.

Mr. ROGERS. Does the gentleman think they will conform to this

any better than to the other provision?

Mr. CLEMENTS. We hope so.

The CHAIRMAN. The Chair thinks in an appropriation bill you

"hereafter" makes it obnoxious to the rule.

Mr. CLEMENTS. That was put in to save those already in the institution, so that no inmates there now in violation of law would be turned out. It was put in to save them from being disturbed, they having already entered the institution and now there.

Mr. HITT. I make the point of order against the whole proviso that it is in violation of law.

The CHAIRMAN. The Chair is compelled to sustain the point of

Mr. CLEMENTS. I move to strike out the word "hereafter," which was merely included for the purpose I have stated.

The CHAIRMAN. The Chair will admit the paragraph without the

word "hereafter."

Mr. McRAE. I move an amendment, which I hope will be accepted.
The Clerk read as follows:

Strike out all after the word "shall," in the seventeenth line, down to and including the word "institution," in the nineteenth line, and insert the following: "be apportioned among the said States and Territories according to the number of deaf-mutes therein as shown by the Federal census."

Mr. RANDALL. I do not object to that, provided it does not disturb any inmate of the institution at this time.

Mr. McRAE. Such is not my intention.

Mr. RANDALL. Let the paragraph be read as it will be when amended.

The paragraph was read.

Mr. HITT. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. McRAE. That amendment is in the interest of these poor

Mr. HITT. I insist on my point of order.

The CHAIRMAN. The amendment is ruled out.

Mr. RANDALL. The Committee on Appropriations does not oppose the proposition that in the future the States should get their fair proportion of inmates in this institution, but they do not wish those who are there now to be disturbed.

Mr. RYAN. Before any provision of this character should be intro-duced into this bill it ought to be properly considered and carefully for-There are States from which no applications come. mulated.

Mr. RANDALL. The trouble is with some of the States, they do

not know they have the right.

Mr. HITT. I made the point of order, not in the spirit of factious opposition, but in behalf of the institution; to prevent any change that

is not fully considered. I am not sure that I heard all of the amendment amid the noise in the Hall.

Mr. RANDALL. We represent those who want to get in the institution. Gentlemen may represent the institution, but we represent those who wish to get in there.

Mr. HITT. No one is excluded.

Mr. RANDALL. I have an application myself, but in the face of thirteen from my State already there I have hesitated. I have one

from my own district.

Mr. HITT. The gentleman is hardly in a position to complain.

Mr. McRAE. There are people from my State who would like to get into the institution, but that State can not be represented because

get into the institution, but that State can not be represented because of the arrangements which have been made with regard to admissions there, the whole number of pupils being already provided for.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to insist upon the point of order?

Mr. HITT. I must insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HITT. The points of order now having been disposed of, I would like, in accordance to what was agreed upon, to move to amend in line 2 of this paragraph—

Mr. O'NEILL, of Missouri. Before passing from this paragraph, I want to be heard for a moment.

The CHAIRMAN. The Chair will recognize the gentleman hereafter if he desires to offer an amendment.

after if he desires to offer an amendment.

Mr. HITT. I offer the amendment I now send to the desk, changing the amount.

The Clerk read as follows:

Change the amount of the appropriation from \$52,500 to \$57,000.

Mr. RANDALL. That is not necessary at all in view of the limitation just put upon the appropriation by the House.

Mr. HITT. This motion I make in view of the fact that this appro-Mr. HITT. This motion I make in view of the fact that this appropriation is less than the general one heretofore; and to appropriate it now will be simply to avoid waiting for the deficiency bill to provide for it hereafter.

Mr. RANDALL. fact, however, that the amount has been \$52,500, if I remember, for some two or three years past. Last year there was a deficiency of \$2,500. This year I understand it will be about \$5,000.

Mr. HITT. But the gentleman from Pennsylvania is also aware of I want to call the gentleman's attention to the

the fact that this appropriation has been \$55,000, since and including 1883 down to 1887, and \$2,500 deficiency was appropriated in 1887. Last year we appropriated that sum, and in addition to that two ap-

propriations of \$2,500 each.

Mr. RANDALL. And there is a deficiency now of \$5,000.

Mr. HITT. That will be the total deficiency. There is \$2,500 now

Mr. HIII. That will be the total deficiency. There is \$2,500 how pending, as I understand.

Mr. RANDALL. No, sir; the last deficiency bill contained a clause appropriating \$2,500, which made the aggregate for the year \$55,000, if I am correct. Now, this year the deficiency, if I recollect aright, is \$5,000, so that it will make \$57,500 in all.

Mr. HITT. Does the gentleman from Pennsylvania accept the

amendment to make it \$57,500? .

Mr. RANDALL. No, sir; I'do not. The committee think they have given the amount that is needed in view of the limitation which we put upon the appropriation, giving an increased amount for an increased number of inmates.

Mr. HITT. If the gentleman objects on the point of order I will not make any further statement as to the facts, but the point of order.

Does the gentleman make the point of order upon it?

Mr. RANDALL. I do not quite understand what the amendment is.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

In line 2, page 51, strike out "\$52,500" and insert "\$57,500."

Mr. RANDALL. I can not make the point of order upon that, for it is in order. But I want to say to the House that the amendment ought not to be adopted, because the proviso which we have put in loosens \$6,000 to the additional number of inmates.

Mr. HITT. I send to the desk a letter which I ask to have read in

this connection, and which was transmitted by the Secretary of the Treasury from the Secretary of the Interior, it being a statement from

the chief of this institution.

Mr. RANDALL. The gentleman from Illinois is aware of the fact that by the limitation fixed upon the salaries, \$25,000 in place of \$34,-000, there is an additional amount available for the care of the inmates?

Mr. HITT. I am aware of the action taken to-day; but I can not consent to the adoption of a theory which, in my judgment, will restrict the beneficial effects of this institution. Mr. RANDALL. We have not cut down its usefulness. On the

contrary, we have endeavored to increase it.

Mr. HITT. I ask for the reading of this communication. It will show what the institution has required, what has been allowed, and what is now needed.

The Clerk read as follows:

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUME, Kendall Green, near Washington, D.C., December 31, 1888,

SIR: My attention has been called very recently to the fact that the estimate of \$57,500 for the current expenses of this institution during the year ending June 30, 1890, submitted to you some months ago by order of our board of directors, was transmitted to Congress diminished in amount to \$52,500.

I beg leave to lay before you certain considerations which may, I trust, make it seem just that Congress should be asked to appropriate the larger sum for the purpose indicated.

For the year ended June 30, 1886, as for several years previously, the amount appropriated by Congress for the current expenses of this institution was \$55,000.

During the following year the widest.

appropriated by Congress for the current expenses of this institution was \$50,000.

During the following year, the subject of providing for the care and education of the feeble-minded children of the District of Columbia being before Congress, an appropriation of \$2,500 for the purpose was made, this sum being taken out of the amount allowed this institution for that year.

A similar appropriation and a similar deduction were made for the year ended June 30, 1888.

The attention of your Department and of Congress having been called to the evident injustice of this action, Congress at its last session made two appropriations of \$2,500 each, thus restoring the amount allowed this institution for each of the years 1887 and 1888 to \$55,000.

In submitting an estimate for the year ending June 30, 1890, our directors were compelled to take notice of the fact that a steady increase in the number of pupils to be provided for was going on.

In 1886 we had 126 immates. In 1887 we had 138. There was a certainty of more than this number in 1888, with a strong probability that there would be upwards of 155 in 1889-'90.

In view of this certain increase of burden and expense the directors felt themselves justified in asking the small addition of \$2,500 to the amount allowed for several years.

An increase of pupils from 126 to 185 is equal to nearly 23 per cent., while an increase of expense from \$55,000 to \$57,000 is less than 5 per cent., while an increase of expense from \$55,000 to \$57,000 is less than 5 per cent., from which it may be inferred that the amount asked by the directors is based upon a policy of the most rigid economy.

This is indeed the fact, and the directors urge, respectfully but earnestly, that with less than the amount asked for, namely, \$57,500, it will be impossible to maintain the institution without serious detriment and loss in some branch of its service.

its service.

Very respectfully, your obedient servant,

E. M. GALLAUDET, President.

Hon. WM. F. VILAS, Secretary of the Interior.

Mr. HITT. I also ask that the table appended may be printed. There was no objection.

It is as follows:

Statement of appropriations for current expenses since 1002.	
For 1883. Number of pupils, 106 For 1884. Number of pupils, 126 For 1885. Number of pupils, 127 For 1886. Number of pupils, 127	\$55,000 55,000 55,000 55,000
For 1887. Number of pupils, 138: First appropriated Deficiency	52,500 2,500
	55, 000
For 1889. Number of pupils, 137: First appropriated Deficiency	52,500 2,500
	55,000
For 1889, Number of pupils (estimated), 145	52,500 57,500

Mr. RANDALL. Now, I want to say that the next paragraph provides for the feeble-minded \$2,500.

Mr. HITT. Yes; I understand that.

Mr. ROGERS. Mr. Chairman, I have one or two observations to make in connection with this institution, and for that purpose move to strike out the last word.

Mr. RANDALL. How much time does the gentleman want?
Mr. ROGERS. Oh, only three or four minutes.
Mr. RANDALL. I beg the gentleman's pardon. I thought he wanted to ask some time in debate beyond the five-minute rule.
Mr. ROGERS. I want to call the attention of the House to two aspects of this matter, as much for the purpose of bringing it to the attention of the Appropriations Committee and the honorable gentlemen who are trustees of this institution on the part of the House as

anything else.

We all know that an ordinary institution of learning with a corps of professors is just as capable of teaching 400 students as of teaching 137 students, which I understand is the full number now in the institution. We ought not therefore, it seems to me, in fixing the number to be apportioned to the States to limit it to 40. The number ought to be increased and distributed among the States either upon the basis of population or on the number of deaf-mutes in each State, so that these poor, unfortunate people, in whose behalf this corps of professors is employed and paid, may in as large numbers as possible get the benefits of this institution.

We all know that in very many of the States these institutions are in embryo as it were, and that the grade of studies is far below that in this college. They do not even attain a standard in some of the States that would enable students to enter upon the collegiate course at this institution, so that young men who have taken the full course of studies

in the State institutions when they come to this institution are compelled to go into the primary department in order to gain access to the

collegiate course.

It is of the utmost importance for the education of these people who live in the States that they should have this collegiate education, so that they can go back to their homes and be enabled to teach the unfortunate that are found in the State institutions. Then, again, Mr. Chairman, we all doubtless are aware of the fact that there are a large number of these persons, perhaps the larger part of them, who are in the most indigent circumstances. They are utterly incapable of supporting themselves in the States, much less in this institution. I had hoped that while the Government supports this college, one that is the superior of any similar institution on earth—because other retires have superior of any similar institution on earth-because other nations have even sent deputations here to visit it to learn something of the methods pursued in it-that while we are maintaining such an institution, that we would so govern it as to make it accomplish the greatest possible amount of good.

These two things ought to have the attention of the House and the country, namely, that this corps of professors, paid by the Government, should be compelled to teach as many applicants who apply to this institution as they can without increasing its force, and where a man is shown to be indigent, and shown to be capable of instruction and possessed of talent that would enable him to become a valuable professor in the State institutions of our country, we ought not to prevent him from coming here, and from enjoying this institution; but, on the contrary, the Government ought to give this opportunity to such applicants to the fullest extent.

Moreover, if they should not have information sufficient to enable them to enter the collegiate course after going through the course of studies at State institutions, they should not be denied access to the primary department of this institution, but, on the contrary, the primary department should be made the bridge from these State institu-

tions to this collegiate institution.

Having said this much by way of calling attention to the condition of things, I regret that I am not prepared to present an amendment that will reach the end I desire on the spur of the moment. Indeed, I do not pretend that I am sufficiently advised about the management and conduct of this institution to justify me in asking the committee to follow my suggestions; but I do think the matter of great importance, worthy of a kindly interest, and as such I commend it to the con-

tance, worthy of a kindly interest, and as such I commend it to the consideration of those who are charged with the management of this school.

A single visit to it impressed me with the conviction that the United States had not engaged in any nobler or more philanthropic work in this District than the maintenance of this institution.

Mr. O'NEILL, of Missouri. I desire, Mr. Chairman, to call attention to what I understand will result from the adoption of this proviso, the

proviso beginning on line 14.

Mr. RANDALL. We have passed from that.

Mr. O'NEILL, of Missouri. I said, Mr. Chairman, before we passed that point that I desired to speak upon it.

Mr. RANDALL. We have passed it.
Mr. O'NEILL, of Missouri. I move to strike it out. I only want to

The CHAIRMAN. The Chair will entertain the amendment of the

The CHAIRMAN. The Chair will entertain the amendment of the gentleman, but there is an amendment pending, and as soon as that is disposed of the Chair will recognize the gentleman.

Mr. RANDALL. I concur very fully in all that the gentleman from Arkansas has said. This law, which assumes to govern this institution, does not govern it, and it is confessedly inapplicable to the existing condition of things. There is no doubt in my mind but that as the money comes from the Federal Government all the States ought to have an could participation in the hencits of that institution if it is have an equal participation in the benefits of that institution if it is possible, but just now we can not do that unless we disturb some of those who are now there. We can not make that fair and equal distribution in the States. In addition to that I would much prefer to give the indigent an opportunity to receive this instruction rather than those who are able to pay, because there are other institutions, that are conducted by private enterprise and donation, where those persons who are able to pay can get in. There ought to be some place where those who are not able to pay can get instruction. But it does not belong to the Committee on Appropriations, but to some other committee of the House, to offer a change of this law which governs this institution. And they ought to look closely to the institution itself in its present wants, and in the attempt by the managers to live up to a law which is impracticable.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was disagreed to.

Mr. O'NEILL, of Missouri. Mr. Chairman, the word "hereafter" having been ruled out of order, under the statement of the chairman of the committee, the rule of absolute exclusion from all benefits other than instruction will apply to all the inmates of that institution. I am informed that there are sixty inmates from the various States and Territories who are now supported in the institution, in addition to receiving instruction. This rule, in its application, would necessarily exclude them from that benefit, and if that is the intention we should land [Mr. McComas].

know it. In the next place, if the rule is to be arbitrary that those inknow it. In the next place, if the rule is to be arbitrary that those inmates of the institution who come from the States and Territories shall get only the benefit of instruction, then, in line 17, after the word "from," should be added the words "the District of Columbia," so as to make the same rule apply to inmates from the District which applies to inmates from the States and Territories.

Mr. RANDALL. In the one case the money would come out of the District treasury and in the other it would come out of the Eederal

District treasury, and in the other it would come out of the Federal Treasury. I suppose the gentleman does not object to that so long as the money is not required to be paid by those who are not able to

pay it.

Mr. O'NEILL, of Missouri. That is all right; but there are now about sixty inmates from the States and Territories and about eighty about sixty inmates from the States and Territories and about eighty from the District of Columbia, and while the District pays only onehalf the cost of the support of its inmates, the General Government pays one-half for the support of the inmates from the District, and yet it has only the privilege of obtaining instruction for those that are sent

from the different States and Territories.

Now, my judgment is that the rule should be broader in the matter of extending aid to the absolutely indigent deaf-mutes. We can afford to be generous in this matter, and whenever it is known that a pupil from any State is absolutely indigent and unable to obtain the benefits of this special education himself, I am in favor of incorporating a provision here which will enable the institution to extend those benefits to such a person. I propose, therefore, that the words "except when absolutely indigent" be inserted, so as to give to such persons the benefits of this institution. As I have already said, we can afford to be generous when it comes to acts of humanity, when it comes to extending aid to this unfortunate mass of people, and, instead of drawing a rigid line, I think we should relax the rule so that the benefits of this institution may be still more widely extended. I move to amend by adding, in line 17, after the word "statutes," the words "except when absolutely indigent." That will leave a broad discretion in the managers of the institution which they can exercise in a spirit of charity, so that when persons come there seeking admission who are absolutely indigent they can receive both instruction and support, while on the other hand in the cases of those who can afford to pay their own expenses the benefits of the institution can be limited to instruction.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "statutes," in line 17, insert the words "except when absolutely indigent."

Mr. HITT. Why not strike out the whole proviso?

Mr. RANDALL. I do not object to the indigent having a prefer-

The amendment was agreed to.

Mr. HITT moved to strike out the whole proviso, but subsequently withdrew the motion.

The Clerk read as follows:

The Clerk read as follows:
Inquiry concerning Alaska: That a committee consisting of seven membersclect to the House of Representatives of the Fifty-first Congress, to be appointed
by the Speaker of the House of Representatives of the Fiftieth Congress, shall,
prior to the first Monday in December next, inquire into and investigate the
expenditure of appropriations which have been made for the support of the
government and for educational purposes in the Territory of Alaska, and for
the preliminary survey of the frontier line between the Territory and British
Columbia; and they shall make full inquiry and report concerning the resources of Alaska, and what changes, if any, should be made in the laws of the
United States governing and having reference to said Territory. That said
committee shall have power to appoint subcommittees and visit Alaska; and
in so doing they are authorized to use Government conveyances and means of
transportation. Said committee or any subcommittee thereof shall have power
to send for persons and papers and to appoint a clerk and a stenographer; and
the committee may report, by bill or otherwise, to the Fifty-first Congress. A
sum sufficient, not exceeding \$7,500, to pay the expenses of said committee
hereby authorized, and of witnesses that may be summoned before it, is hereby
appropriated, out of any money in the Treasury not otherwise appropriated,
which shall be immediately available and payable on the draft of the chairman
of said committee in sums not exceeding \$1,000 at any one time.

Mr. KILGORE. I make the point of order on that paragraph.

Mr. KILGORE. I make the point of order on that paragraph.
Mr. CUTCHEON. Mr. Chairman—
Mr. DINGLEY. I reserve the point of order.
Mr. RANDALL. Do not reserve it. Let us have the point of order decided now

Mr. KILGORE. I make the point of order that it is for an expenditure not authorized by law.

Mr. CUTCHEON. I desire to offer an amendment at this point.

Mr. RANDALL. I desire to have the point of order decided first. The CHAIRMAN. The Chair has no doubt that the point of order

is well taken. The present occupant of the chair makes this ruling with reluctance, first, because he is in hearty sympathy with the proposition, and secondly, because it was prepared by his late colleague, Mr.

Mr. McCOMAS. Mr. Chairman, we would like to hear what is going a. What was the point of order made against this paragraph?

Mr. RANDALL. Mr. McCOMAS. The point was that there is no law authorizing it. I have been trying to hear the point of order. How about having the regular order, Mr. Chair-Mr. KILGORE. an? [Laughter.] The CHAIRMAN.

The Chair will hear the gentleman from Mary-

Mr. McCOMAS. The regular order is the right of a member to hear the proceedings of the House, and I have been trying to hear and to catch the eye of the Chair for some time back.

The CHAIRMAN. The Chair will state that the gentleman from Texas [Mr. KILGORE] submitted a point of order against this paragraph

upon the ground it proposed to change existing law.

Mr. McCOMAS. And did the Chair rule at once upon that point?

The CHAIRMAN. The Chair ruled at once upon that point, at the request of the chairman of the Committee on Appropriations [Mr. RAN-DALL], the gentleman having in charge this bill.

Mr. RANDALL. No; I insisted upon the point of order being determined before amendments were offered to the paragraph. I did not

wish to cut off debate on the point of order.

The CHAIRMAN. The Chair did not understand the gentleman as desiring to cut off debate on the point of order. But the Chair did not observe any gentleman rise to discuss the point of order.

Mr. McCOMAS, And the Chair has decided it.

The CHAIRMAN. The Chair has decided it; but will hear the gen-

the Charland. The Charland is the insists upon it.

Mr. McComas] if he insists upon it.

Mr. McComas. I appreciate the courtesy of the Chair; but as the point of order has been decided I will not occupy time in discussing it, but will offer an amendment to be inserted in lieu of the paragraph stricken out.

The Clerk read as follows:

Education in Alaska: For industrial and primary education of the children of school age in the Territory of Alaska without reference to race, \$50,000.

Mr. KILGORE. I make a point of order on that amendment.
Mr. McCOMAS. I will ask the chairman of the Committee on Appropriations whether he will not consent to this amendment providing

for education in Alaska?

Mr. RANDALL. I think the sum proposed is too large. Last year we appropriated \$40,000, and I believe a good deal of that was wasted. Mr. KILGORE. I desire to make a point of order on the amendment.

The CHATRMAN. The Chair will hear the gentleman.

Mr. KILGORE. I do not wish to be put in the attitude of waiving

the point of order.

Mr. RANDALL. So far as I can prevent it, I will not allow the gentleman from Texas to lose his rights. I have so often sympathized with the efforts of the gentleman.

The CHAIRMAN. The gentleman from Texas will state his point

of order.

Mr. KILGORE. I do not know what the law is on the subject of education in Alaska [laughter]; but I will submit, at a venture, the point of order that this amendment does not come in at the proper place, and that the expenditure proposed is not authorized by previous legislation.

Mr. McCOMAS. That point of order, Mr. Chairman, scarcely requires any serious answer. This appropriation is authorized by existing law, is enjoined by the act of 1884, and promised by the treaty under which we acquired Alaska. These ought to be recognized as good reasons to establish the position that the amendment is in pursuance of existing law.

Mr. KILGORE. Is there not an appropriation in this bill for this

Mr. McCOMAS. There has been such an appropriation every year for a number of years until now; in this bill there is none.

Mr. RANDALL. The gentleman knows the reason?

Mr. McCOMAS. Of course I understand it.

Several MEMBERS. What is the reason?

Mr. KILGORE. I would like to hear the reason.

Mr. McCOMAS. In view of the general inquiry which was proposed into the institutions of Alaska, the condition of the Territory, its educational facilities, the surveys, the fisheries, and the like, the Committee on Appropriations thought it proper to omit this provision until this general proposition for an inquiry had been considered and passed upon. The Chair has ruled out that provision; and now we have schools to provide for. Mr. Chairman, I presume the point of order is dismissed without further discussion. Now, upon the merits of this question I

desire to say The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order? If not, the Chair is ready to rule upon the

question

Mr. RANDALL. I desire to say a word in this connection. I did not favor this clause in committee, although I can see that great good would result from this proposed inquiry. Just as great good resulted from a similar inquiry in reference to Indian affairs, which brought about the adopting of a policy by Congress in regard to that matter. This proposed inquiry was based upon the fact that there had been grave charges made in the public press as to the manner in which the money heretofore appropriated had been expended. It was thought that if this inquiry should be undertaken there need be no money given this year for purposes of education. But if the inquiry is not to be undertaken, then the question is presented in another form and may suggest the propriety of the amendment which the gentleman

The CHAIRMAN. The Chair is ready to rule on the point of order. The point is overruled.

Mr. McCOMAS. Mr. Chairman, upon this proposition I desire to

occupy some time.

Mr. RANDALL. I believe there was an agreement on that point.

How much time does the gentleman desire?

Mr. McCOMAS. Fifteen minutes.

Mr. RANDALL. It was the understanding when general debate was cut off that the gentleman from Maryland should be allowed some time at this stage of the bill. He would have taken time then, but I wanted to enter upon consideration of the bill by paragraphs at once; and I assented to an understanding that the gentleman should be al-The CHAIRMAN. Unarimous consent is asked that the gentleman

from Maryland be allowed to speak fifteen minutes on his amendment,

Is there objection? The Chair hears none.

Mr. CUTCHEON. I desire to offer and have read an amendment to

the amendment of the gentleman from Maryland.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Michigan [Mr. CUTCHEON] will be read, after which the Chairwill recognize the gentleman from Maryland [Mr. McComas].

The Clerk read the amendment of Mr. CUTCHEON, as follows:

The Clerk read the amendment of Mr. CUTCHEON, as follows:

Add the following:

"Provided, That the land, not exceeding \$40 acres at any station, occupied at the date of the passage of this act as a missionary station among the native tribes in the Territory of Alaska, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations belong, as provided in the act of May 17, 1834, entitled "An act providing a civil government for Alaska;" and such tracts of 640 acres are hereby confirmed to such religious societies, to be used for such missionary and educational purposes connected therewith. (The lands occupied by the Metlakatla Indians on Annette Island, in Alexander Archipelago, shall be permanently reserved for the homes of said Indians, and it shall be the duty of the register and ex officin surveyor-general to survey, fix, and mark the boundaries of the several tracts and bodies of land mentioned in this section, subject to the approval of the Secretary of the Interior, and in like manner, as soon as may be, to survey, fix, and mark the boundaries of any lands occupied by other Indian tribes. The native inhabitants of the country shall not be disturbed in their town, village, or community settlements, nor in the possession of lands actually in their occupation, not to exceed 160 acres to each, nor shall other persons now resident in said Territory be disturbed in the possession of any lands, not being timber lands, which are actually in their own use and occupation for purposes of residence, trade, or business, until such time as they shall have had opportunity to acquire title thereto under laws of the United States enacted for that purpose."

Mr. ROGERS. I desire to reserve points of order on that amend-

Mr. ROGERS. I desire to reserve points of order on that amendment

Mr. CUTCHEON. I would like to have a few minutes, Mr. Chairman, in which to explain the amendment.

Mr. RYAN. I reserve the right to make the point of order.

Mr. CUTCHEON. Shall I make my explanation before that is

Mr. McCOMAS. A little later, I suggest to my friend from Michigan [Mr. CUTCHEON], as I have the floor now and wish to proceed with my remarks.

Mr. CUTCHEON. Go on. Mr. McCOMAS. Mr. Chairman, I have observed for years the neglect of the Territory of Alaska by Congress. It has not any votes to bestow. It has not to-day any political influence, although it comprises an area equal to one-sixth of the extent of the whole Union.

This American Congress has, in the last few years, been too indifferent to our colonial and fishery rights. We have been entirely too tame in respect of the fisheries off the coast of Newfoundland. We

are now too dilatory with respect to the Samoan Islands, in the track of our commerce with Australia, and in the new track which this country will soon have by way of the Panama Canal from Europe to China, Japan, and India. Here, off our own coast, by a lucky purchase, we have another, a vast, dependency. Without contention with Great Britain or Germany we can take care of Alaska. It is our duty to take care of this empire.

Alaska has 581,000 square miles and 45,000 people, a climate equitable, mild, and salubrious; resources unexplored, yet of immeasurable value. Her fisheries last year were worth \$3,000,000. Canning and packing establishments are increasing. Two years ago fourteen of these produced nearly \$2,000,000 worth of canned salmon. Her whale fisheries and halibut and oil herring yield nearly a million gallons of oil. There is every reason to believe that the cod-fisheries rival those of Newfoundland, while the fisheries in value vastly exceed those of the

Eastern coast.

In Alaska we have 25,000 miles of sea frontage where the mainland and islands border one great reservoir of fish, while the creeks and rivers literally swarm with salmon, and if the Government prevents the wholesale and wanton destruction now going on of the spawn, Alaska can supply the whole world with salmon. The codfish banks alone are worth far more than the whole amount of money we paid for the Territory, and yet these are only two out of seventy-five food-fishes found in Alaskan waters.

The commerce of Alaska last year amounted to over \$4,000,000, in

spite of every effort of this Congress to prevent there being any commerce in that Territory at all.

The people there can not acquire land. They are building a town,

the city of Juneau, and all the houses, all the stores and shops, all the dwellings there are built upon land to which the people can not ac-

They have discovered coal in this Territory, enough to warm the whole Arctic region, enough to melt the north pole if you had furnace and flue with which to do it. [Laughter.] But there is little chance

to develop it.

Neglected as the Territory has been, commerce has grown in spite of neglect. The fur-seals during the past eighteen years have probably yielded the Government in rent and royalty alone \$5,700,000, and the annual fur trade is worth two millions and a half, but if we do not soon claim Behring's Sea to be an inland sea the rookeries or breeding grounds of the seal will be desolated and this industry destroyed. Gold dust and bullion amounted last year to \$1,350,000, while lumber and ivory are beginning to yield. Interminable forests of pine, spruce, and hemlock are there uncared for, while grazing lands are extensive and valuable.

In this sundry civil appropriation bill we have appropriations of \$50,000 for the revenue-cutter service, \$20,000 for Alaska's boundary survey, \$13,000 for coast survey, and \$22,500 for Territorial salaries Repress as we may by neglect the vast undeveloped resources of this empire, embracing one-sixth of the territory of the Union, this population of 45,000 must steadily increase, and we should now give them schools commensurate with their population. Secretary of the Interior asks only for a common school in every settlement where there are children in sufficient number, and one school in every tribe of Indians or native settlement. This would require \$75,000, and the very least sum, to include the pay of teachers

and provide comfortable school-houses, is \$50,000.

In the last year we had but sixteen public schools in Alaska, with a total attendance of 1,299 pupils, a couple of hundred of these being in the Sitka Industrial School. It would be far better if the mass of them It would be far better if the mass of them were supplied with industrial training. My amendment provides \$50,-000 for industrial and primary education of the children of school age in the Territory of Alaska, without reference to race; and the statement I have made is conclusive, that out of the millions of revenue we have received from that Territory we ought to vote back to these people

this pittance for industrial and primary education.

The opponents of education in Alaska reply that we ought not to give these children schooling on account of the immorality of the natives. The 6,500 white people are entitled to some consideration. The creole whites, the Aleuts, and civilized natives, in the aggregate 13,000 people, ought not to be deprived of schools because the uncivilized natives are immoral.

Russia gives annually to the people of our Territory \$45,000 to support seventeen public schools, while we only maintain sixteen out of Government funds, and the Commissioner of Education reports that he is exceedingly embarrassed for want of funds to sustain thes

It seems that the native women and girls of Indian tribes in Alaska do not regard chastity as a virtue. The difference between those who attend the schools and those who do not is, that with the temptation increased by the presence of white miners and sailors, all those untaught yield, while many of those taught in the schools have become virtuous women, and just as far and as fast as these natives are brought under the influence of the schools, supplemented by the powerful influence of the various denominational missions, just so far and fast are increasing numbers rescued from the prevailing immorality

To deny schools to a whole Territory because some of the native population are heathens who do not regard chastity as a virtue, and because our neglect has allowed them to sink back to ignorance and barbarism from which the Russian Government, priests, and school-masters were saving these people, is not statesmanship; it is not hu-mane; it is a disgrace to this Christian nation.

We as Americans feel guilty when we see the seventeen schools in Alaska established and maintained by the Russian Government, giving a gratuity of \$45,000 to educate our citizens, as a matter of humanity and Christianity, out of the treasury of Russia, while we ourselves gave last year only \$40,000.

It can not be this Congress will refuse to give back a pittance of \$50,000 to the Alaskans for education and to betaken out of their own revenue. I have the last report of the governor of Alaska, from which it appears there has been paid to our Government, for rent and royalty since 1870 from the seal fisheries alone, \$5,700,000; and that, too, in spite of our neglect of this great Territory and its great future. Out of that \$5,700,000 you ought at least to give \$50,000 for the purpo of education of a people who live in a climate where not only school-

masters are necessary, but where school-houses are required.

The superintendent of education says he wants \$25,000 to build school-houses. There is one for each settlement in Alaska, and there is only one for each tribe of Indians. And yet of five thousand children of school age all save twelve hundred are still without schools. of school age all save twelve fundred are still without schools. And why is it? Not that we have not the money, because we have their money, as I have shown, and a great deal of it; not that we ought not to give them the schools, because by our treaty stipulations under which we acquired possession of Alaska we agreed to do so, and when we took that country we solemnly promised to keep them up; but that we are schooling girls to be debauched by the sailors and miners of Alaska.

Now, sir, we certainly would fail to reach a statesmanlike conclu-Now, sir, we certainly would fall to reach a statesmanlike concussion, it seems to me, simply because of the allegation that immorality is found among the aboriginal population, if, therefore, we will not have anything to do with the Alaskans as far as their education is concerned. Education does not make people moral, but it tends to help all the inducements to morality; and certainly it is not statesmanlike on account of the immorality of the Indians that we deprive one-third of their population, now civilized, of the right of common and industrial school training. It is neither right nor humane nor Christian like to refuse this aid. tian-like to refuse this aid

But, sir, there is something to be said about the amount I ask for in my amendment. If we are going to educate these people, enduring a climate rigorous in the extreme in the winter season, we can not possibly get along without proper school structures and with less than the sum of \$50,000 that is asked here. The Commissioner of Education has visited Alaska, and has come back, and in his report states explicitly that he ought to have \$75,000 for this purpose. My amendment appropriates but \$50,000, not because I did not think the sum ought to be \$75,000, but because I feared we might not be able to get more, and I did not want to jeopardize the possibility of getting even that much. The effect of the meager appropriations heretofore made is developed in the fact that in some parts of the country with a population of one hundred school children they have been unable to get a single school. It did not afford money enough to build a school-house, and Alaska is a cold country in which to keep school in the open air, especially in the

Why higgle between the sum of \$40,000 and \$50,000 of the money that actually belongs to these people for the education of their children? It is not your money; it belongs to them. You deserve no credit for it; it is here in your hands partly because you have disgraced the civiliza-tion of the century by depriving them of their schools because of the alleged immorality among some of the aborigines. You have dishonored the country by breaking your treaty stipulations in regard to this It is no answer to these allegations to say that you have school officials, that you have school superintendents, and that you have a governor for the Territory, in whom you do not confide, and that these officials come back here too often to the capital and report from time to time. It seems to me that somebody ought to come back here and hold up this picture to you, so that you could see and the country could see what it is. It is time that steps should be taken by somebody who knows the facts to lay them before you in proper form; not that these officials ought to come, for they should stay there and attend to their duties. Let the true state of affairs be known out there. In conclusion, Mr. Chairman, my friend on the right says this amend-

ment comes in after the Alaska junketing expedition is stricken out on the point of order. I want to say that it requires not much courage and less wisdom to say that a committee of the American Congress should not inquire into the condition of things there, to enable us here to take the steps that are necessary to be taken, and which we are to a certain extent obligated to take, and which ought not to be longer delayed.

In the very worst days of the older civilization, the most corrupt of the Eastern emperors in the Roman Empire, between wine and lust, would have found time enough to have sent a proconsul, or sent some sort of commission, and even the basest Roman senate would have sent somebody to investigate an empire like this. And is it not time for the American Congress to do it? But since the Congressional inquiry proposed has gone out on a point of order, we at least can give back to these people this part of their revenue. I think that the least we can do is to put in a provision for \$50,000 for the education of the children of both races, and for teachers and schools for the Territory.

Mr. CUTCHEON. I desire the attention of the committee but for a moment while I explain the amendment offered by myself. It is section 6 of House bill 8878, reported from the Committee on Territories at the last session of this Congress. It was reported by the gentleman now occupying the chair, who is familiar with it. It expresses substantially the principle of the bill which I had the honor to intro-

duce, and therefore I feel this interest in it.

It embraces three subjects: First, the mission stations; second, the reservation to the Metlakatla Indians; and, thirdly, the occupation of land already in the possession of Indians and other persons in the Territory. The first part of this amendment is already provided for under the organic act of Alaska, approved May 17, 1884, so far as these mission stations existed at that time; but quite a number of them have been established since then, and it extends to these newer missionary stations the same religious and educational privileges and opportunities sed by those that existed at the time of the organization of the The provision will be found on page 26 of the Statutes at Large of the Forty-eighth Congres

In regard to the second important point in the amendment, the Metlakatla Indians, I would like to have the attention of the committee for a moment. The story of the Metlakatla Indians is one that reads like a romance. Some thirfy years ago they were residing in the northern portion of the British dominions, where they were found by a missionary named William Duncan, an Englishman. They have all been converted to Christianity, or nearly all of them. Nearly all of them have become thoroughly civilized. They have a regular municipal government, with a mayor and town-council; have extensive manufac-

tories, and a very large salmon cannery, where they can hundreds of thousands of dollars' worth of salmon annually. In fact, there has not been a people who have been reclaimed from barbarism that have made

more progress in thirty years than have the Metlakatla Indians.

Two years ago they got into some trouble with the government of British Columbia in regard to their land titles and other matters. At that time the Rev. William Duncan, the man who has charge of them, came here to Washington and visited the President, the Secretary of the Interior, and the Commissioner of Indian Affairs in reference to their removal to the territory of the United States. The result was that fully two thousand of them left their former home in British Columbia and moved to a little island called Annette, in the southwest-ern extremity of Alaska, known as the Alexander Archipelago. Annette is a little island about a mile wide and 6 or 8 miles long; and those people are the only inhabitants. It lies off there by itself, and its these people are the only inhabitants. It lies off there by itself, and its progress and the facts relating to these Indians were drawn up by the present governor of Alaska, Hon. A. P. Swineford, and its acquisition was provided for in the Alaska bill. They are a peaceable and industrious people, well adapted to our people, well disposed, without some one disturbs them, and we simply ask to set aside this little island for their occupancy. I hope that the point of order will not be insisted upon, as it takes not a dollar out of the Treasury, but is a trivial matter, and to let these people have this little island.

and to let these people have this little island.

Mr. ROGERS. I made the point of order, Mr. Chairman. The experience that we have had in dealing with the Indian tribes admonishes us that whatever policy we enter upon with reference to Alaska ought to be thoroughly well considered by the House of Representatives, and I can not consent to withdraw the point of order.

Mr. CUTCHEON. This has been considered by the Committee on It is a paragraph reported in their Territorial bill.

The CHAIRMAN. The Chair is reluctantly compelled to sustain

the point of order.

Mr. CUTCHEON. I would like to be heard a little farther in regard to the other provision of the amendment, the one in relation to reserving the lands now occupied by the natives and others. This is provided for in the organic act in a little different language from that in the amendment, but the amendment is not new legislation. On the contrary, it is in furtherance of the existing law. The existing law will be found on page 26 of the Statutes at Large, Forty-eighth Congress,

Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation, or now claimed by them; but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

The language of the Territorial bill is not identical, but it is in furtherance of that law, and I think it is not amenable to the point of order.

Mr. CANNON. If it does not change the law, and if they hold

under the law, what is the use of the gentleman's provision?
The CHAIRMAN (Mr. SPRINGER). The portion of this amendment in reference to the Metlakatla Indians is subject to the point of or-

Mr. DUNN. And that carries with it the whole amendment.

The CHAIRMAN. The other portions of the amendment are substantially in accordance with the present law, but a portion of the amendment being subject to the point of order, of course the point ap-

plies to the whole of it.

Mr. RANDALL. I only want to say that sooner or later there must be an inquiry as to the condition of things in Alaska. If the allegations in connection with what is going on there are even but partially tions in connection with what is going on there are even but partially true it is a disgrace to humanity and to the Government of the United States. I am entirely willing that an appropriation of the same amount as last year shall be continued, but I do want the Department to find out in some way whether these inhuman things that are alleged to have taken place there have actually taken place. If they have, it will require a strong arm to break them up, and they can only be broken up after finding out the exact truth. If the statements are not true, it is due to the people there to have the facts known.

Mr. REED. Do they not need an appropriation for education whether those statements are true or not?

those statements are true or not?

Mr. RANDALL. I have just said that the appropriation ought to be about the same as last year, \$40,000.

Mr. REED. Is it in the bill as presented by the committee?

Mr. RANDALL. It was not put in the bill, for the reason that the inquiry was there provided for, and we believed that if the inquiry was to take place the appropriation should be based upon the results of that inquiry.

Mr. REED. That it should be suspended until we could ascertain

the facts?

Mr. RANDALL. Yes; until we could know whether the Congress of the United States wanted to make an inquiry. If they did not, then the gentleman from Maryland [Mr. McCoMAS] was authorized by the committee to offer the amendment.

Mr. ROGERS. Mr. Chairman, it does not make any difference whether the charges that have been rehearsed here by the gentleman from Maryland [Mr. McComas] are true or not true, the fact is that

our whole country is enveloped in ignorance about Alaska. Very few of our public men know anything about it, and I can not refrain from saving, notwithstanding the fact that the provision in the bill which looked to a visit to that Territory by a committee of Congress has been ruled out, that it was a wise proposition on the part of the Committee on Appropriations. I believe there ought to be an investigation; and an appropriation of five or ten or even twenty thousand dollars does not amount to a row of pins when compared to the importance to the whole country of understanding the real facts. Alaska is a dependency of ours, and it deserves humane, considerate treatment, encouragement, and development, and I think that in some way there ought to be a commission devised, a commission of public men engaged in legislation, for the purpose of investigating the condition of affairs in that Territory. I am again compelled to again express my regret that we can not have a committee of Congress to go there and look into matters in detail, look into all these charges that have been made, and ascertain the facts, because, if those charges are true, the condition of things in Alaska is a disgrace to our country.

Mr. DOCKERY. I ask unanimous consent to offer, in order, the provision of the bill which has just been stricken out relating to Alaska,

the provision which is found on page 53.

The CHAIRMAN (Mr. Springer). The gentleman from Missouri [Mr. Dockery] asks unanimous consent to offer as now in order the proposition which was stricken from the bill on the point of order. Is there objection?

Mr. DUNHAM. I object.

Mr. CANNON. I move to amend by striking out the last word.
Mr. CUTCHEON. I rise to a parliamentary inquiry. I do not understand whether the Chair ruled out the entire amendment offered by

The CHAIRMAN. The Chair did.

Mr. CANNON withholds his remarks for revision. [See Appendix.]

Mr. JACKSON obtained the floor.

Mr. RANDALL. I would like to fix a limit upon this debate-say

Mr. FARQUHAR. The gentleman from Illinois [Mr. CANNON] has possibly overlooked one fact, that one of the committees of this House has sat for months, and, without visiting Alaska, has taken hundreds of pages of testimony on this subject, which is now in print.

Mr. RYAN. This committee has sat in Washington

Mr. FARQUHAR. In Washington.
Mr. RYAN. And has obtained valuable information, I doubt not!
Mr. FARQUHAR. The best information that could possibly be obtained without going away from home.

Mr. RANDALL. I desire to make a proposition for the limitation

of debate

The CHAIRMAN. The Chair has recognized the gentleman from

Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I heartily favor the amendment proposed by the gentleman from Maryland making an increased appropriation for the aid of schools in Alaska. At the last session I took occasion to express my views in this direction; and much as we all admit we need more information, I still wish to say that I think it very likely this Congress knows more now than it is willing to put in practice in regard to the needs of Alaska. Within an hour, gentlemen, you have voted down a proposition to send a committee of Congress to obtain information, and now you excuse yourselves from acting on the ground of want of knowledge. Somehow or other when anything good is proposed here, it happens too often that gentlemen want to lay it over until they can learn to do some still greater good.

Why, sir, we seem to act here as if we regarded Alaska as a far-off, barren, icy region, inhabited only by a few Indian tribes not quite so intelligent as our blanket Indians, when in fact there are eight or ten thousand civilized people there who for generations have had Christian thousand civilized people there who for generations have had Christian churches, and have tried to have schools of their own. We have had over twenty years' possession of this vast Territory, and if we do not know something definite of its needs and condition it is our own fault. When we acquired this Territory the laws of Russia ceased to be operative. We expect to make it a part of the United States forever, and we ought to give it our laws and institutions.

To-day there is not in any part of that great Territory any law under which its inhabitants, citizens of the United States, can appoint and pay a police officer of any kind, elect a constable or justice of peace, or levy or collect a single dollar of tax to carry on their schools. It is fearful to think of a community of human beings anywhere without

fearful to think of a community of human beings anywhere without law officers or government of any kind to preserve the peace, but it is a shame and disgrace to our nation that this state of affairs exists in a

a shame and disgrace to our nation that this state of affairs exists in a part of the land over which floats the flag of our own country.

Mr. Chairman, we are greatly in fault in neglecting these people. There is no law there to day under which title to a single acre of that vast domain of land can be obtained. We tax their fisheries to bring millions into our Treasury, but they have no representative in this body which governs them, or rather I should say the body that should

think that proper and necessary, but they are so deficient in all local government that I consider some other things now of more importance. All our other Territories have had Legislatures that provided for them

Alaska has no legislative body at all; no means of providing the simplest regulation of government. They have a very considerable immigration of miners, prospectors, lumbermen, and permanent settlers, yet they have no means of creating a single corporation in their midst for the purpose of carrying on the simplest business, and particularly no means to preserve the peace, punish crime, or protect life or property. Ten thousand civilized citizens of the United States in that Territory who owe allegiance to its Government have the natural rights of citizens to be properly governed and protected, and are to-day with-out any law whatever. We have owned the Territory for more than twenty years; we bound ourselves by solemn treaty when we acquired it to give it a good government, and here, almost at the close of Congress, no proposition has been made for any kind of legislation which they need. And yet gentlemen tell us to wait until we know more about it. We know enough about it now, Mr. Chairman, to know that something should be done. We know now more about it than we provide for by legislation in this Congress.

The appropriation asked for the purpose of education in Alaska is needed, and I hope it will be made. We know there are schools there now under the control of the Interior Department of this Government that need this money. I give the Government credit for what it has done in this direction, although it is but a small part of what it should have done. But do not forget that others are entitled to credit for these schools. The teacher and missionary have gone there from Christian homes in the interest of humanity, charity, and civilization of our race. They need this money. It goes to build school-houses in which they may carry on their good works. I hope, therefore, that this proposition will receive an affirmative vote. It is the very least we can do. We ought to do far more than this for a people who have no means of

legislating for themselves.

This Congress before it finally adjourns, by some appropriate system of laws, ought to assist the people of Alaska by giving them an opportunity to acquire and protect property, both real and personal, and some reasonable means to preserve the peace. It should be furnished with some kind of a legislature to attend to their local affairs. The home rule and home government we talk so much about should be given these far-off citizens of ours. They have now, as I have already said, no means whatever of local government. They have nothing, in fact, except the meager provisions which were contained in the act organiz-

ing this Territory. Those are merely nominal, as we all know.

Congress by constitutional provisions governs all the Territories of
the United States and the District of Columbia. But Congress has never tried to govern any other Territory without giving it a local legislature for its local affairs. How much neglected the District of Columbia is by Congress, although here in view of every member, we all know. How much worse Alaska must suffer we can well under-

[Here the hammer fell.]
Mr. DUNN. Mr. Chairman, it became my duty as chairman of the Mr. DUNN. Mr. Chairman, it became my duty as chairman of the Committee on Merchant Marine and Fisheries to report a resolution asking authority to investigate the fur-seal resources of Alaska, which come under the jurisdiction of that committee. That committee has diligently prosecuted that investigation from April up to this time, and will be able to report this week. If gentlemen will read the report they will gain some information.

After I introduced the resolution I was notified by the distinguished gentleman from Indiana [Mr. HOLMAN] he would object to any visit to Alaska, but would consent to investigation if it were made here.

felt apprehensive then as to whether the committee could do itself justice and do justice to the public service. I am gratified to be able to say to the House now that the committee is quite satisfied with the investigation it was able to make. It has got information of a reliable character which the committee believes is thorough and complete, and will place the House and the country in possession of the real bottom

facts of the subject under consideration.

If gentlemen who are ignorant altogether of Alaska will read the debates when it was ceded to this country, will read the monograph in the Tenth Census on the resources of Alaska, will read the explorations made by Schwatka and Allen and other naval and marine officers, the examination made by Jackson of education in Alaska and the reports made by the governor of Alaska, which are able, full, and complete, they will know more about Alaska than they do now, and will know more than they would after going there and coming back without getting those books.

I have no doubt whatever that an able and well-selected committee from the two Houses of Congress could on going there obtain valuable information; but I want to say to you that that committee would never get beyond the Aleutian Islands. It is perfectly practicable to go there and investigate the condition of Southeast Alaska, a little strip of country extending from the peninsula down to the British possessions, less than 100 miles in length and 30 in width, which contains just about all there is of the civilized population there is in Alaska at the

present time, except the few people trading and doing business with the natives at other points. No committee of this House will ever push a voyage into Behring Sea nor on the mainland, and which constitutes that great empire in area of which the gentleman from Maryland [Mr. McComas] so eloquently spoke.

If you will read the observations and experience of the officers who have been there under military orders you will never want to go over the same ground and investigate the same country, and if you ever do get there it is doubtful whether you will get back alive. [Laughter.] And I want to say to this committee that that part of Alaska does not and never will have any use for the general land laws of the United States, for the land is covered with one eternal sheet of snow and ice.

I read an extract from a diary kept by a priest of the Greek Church at one of the stations on this inhospitable shore, which exhibits the fact that there were but fifty-five fair days within a period of seven years. It is a most inhospitable climate. It is a cold country, bleak, bare, desolate, and will be a hard country to explore and investigate.

Southeast Alaska, of which I have spoken, the little narrow running southward on the extreme western shore from Mount St. Elias to the British possessions, can be investigated to your heart's content. But you will see little and find little beyond what has been written about

it before.

The conditions in that country, to which allusion has been made by the gentleman from Maryland, I have satisfied myself are not so bad as has been represented in newspapers and in recent publications. There is not a worse set of public morals existing among the natives in that far-off Territory than among other Indian tribes; nor, indeed, is it so bad. Moral conditions that would compare unfavorably with those existing in that Territory can be found much nearer home; and I can assure gentlemen of the truth of that statement, unless everybody who has been there and who has written about it lied as to the facts. I investigated the matter-the Committee on Merchant Marine and Fisheries carefully investigated it-with regard to so much of the recent publications as referred to the localities and the subjects under investigation by that committee, and we found no confirmation of the statement at all; none whatever.

I have no doubt that legislation might be had, by a judicious observation which could be made there, which would be beneficial; but gentelemen can inform themselves quite as well about the exact condition of the state of the resources of the country, which are great and valuable and which Congress can not too early hasten to preserve and better protect, by the observations of others as well as from their own. It is well and proper to vote this allowance for education, for it can be advantageously applied there; but so far as any one imagining that a total and complete exploration of the whole of Alaska can be made, I wish to state that it is a delusion. It can not be done by Congress.

Mr. DINGLEY. Will my colleague on the committee permit me to ask him to state what measures have been taken in reference to educa-

tion upon the Seal Islands?

Mr. DUNN. The measures taken upon the Seal Islands and upon some of the other islands where trading stations are maintained have kept in operation schools, four or five I have in mind now, for a period of eight months in the year, in which the children are educated in both the English and their netive to greek a pertion of the time, the chief of eight months in the year, in which the children are educated in both the English and their native tongues; a portion of the time, the chief time, being devoted to educating them in the English tongue and some part of it to educating them in their native tongue, and which is insisted upon by the priests of the Greek Church, all of the natives of that country belonging to the Greek Church, and they are very devout in their religious observances and attentive to the requirements and demands of their teachers.

Mr. RYAN. Are the schools on the Seal Islands maintained by the

Alaska Fur Company?

Mr. DUNN. They are maintained by the lessees of the islands. Alaska Commercial Company is the name of that association. schools cost the Government nothing, nor do they cost the Russian Empire anything. They cost nothing to anybody except to the lessees of the islands. The report which will be submitted by the Committee on Merchant Marine and Fisheries will be found to contain four or five hundred pages of good, valuable, and reliable evidence, the evidence of about twenty witnesses, Government officers, naval officers, officials of the revenue marine, and civilians at the various trading stations, as well as of the officers and employés of the Commercial Company.

Here the hammer fell.]

Mr. RANDALL. I would like, if we can possibly do so, to limit debate on this question. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentle-

man from Maryland.

Mr. DINGLEY rose.
Mr. RANDALL. I supposed the vote was to be taken, or I would have moved to limit debate. I do not want to be discourteous, but I move to limit debate to six minutes, five of which I will give to the gentleman from Maine.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania to limit debate to six minutes? The Chair

Mr. DINGLEY. Mr. Chairman, I wish to submit a single observa-

tion upon another branch of this subject, and which I did not make when amendment was made to this bill, in reference to the protection of the seal fisheries. I desire to call attention to the fact, not directly upon this paragraph, that unless seal life shall be protected in Behring a and the other Alaskan waters as provided by the amendment which I offered but a few days ago, the time is not far distant when the large revenue we are receiving from the seal fisheries upon the Seal Islands will be entirely lost.

I noticed in a dispatch from Ottawa only a few days ago that there are a hundred sail of vessels now being fitted out for sealing in Behring Sea in the approaching season from the British coast and also from our coast. Unfortunately in the last fishing season no protection was afforded in Behring Sea to the seal life which there exists. For some reason yet to be explained our revenue-cutter sent to the Behring Sea had not proven able to approach the vessels engaging in illegal use of that sea. Now, unless that fishery shall be protected and protected thoroughly in the seasons which are to come, there will be no seal-fishery problem to be settled in Alaskan waters. I desire merely to call attention at this time to the proposed amendment for the purpose of showing the House the importance of providing here or elsewhere every possible measure for the protection of seal life in Behring Sea. I want to call attention especially to the fact that at the present time these seal fisheries are threatened as they never have been before. As has been said by the chairman of the committee, who has been investigating this subject, we are receiving a very large revenue, amounting in the last twenty years to nearly \$6,000,000 from these seal fisheries, and that protection is indispensable in Behring Sea and other

Alaskan waters if this seal life is to be continued.

Mr. DUNN. The direct receipts paid into the Treasury by the Alaska Fur Company would reach nearly \$6,000,000, and the indirect receipts which the Government receives from seal-skins reimported is between three and four millions. Thus far there have come through these seal fisheries during these twenty years receipts amounting to nearly \$9,000,

Mr. McCOMAS. Is it not true that the rockeries or sealing grounds are not within the 3-mile limit, and unless they come under the 3mile limit they can not be protected?

Mr. DINGLEY. Of course that is true; but that is upon the open a. Now, under this cession that we have received from Russia, it has been held that Behring Sea is a closed sea

Mr. RANDALL. In the Alaska bill we allow \$20,000 for the settling of the line.

Mr. DINGLEY. Appropriation has also been made in this bill for revenue-cutters for the protection of seals in Alaskan waters.
[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from Pennsylvania desire to use the minute remaining to him?

Mr. RANDALL. I want to save it and say nothing. [Laughter.] The amendment was agreed to.

The Clerk read as follows:

### ARMORIES AND ARSENALS.

For the Rock Island arsenal, Rock Island, Ill., as follows:
For completing store-house K, \$30,000.
For machinery and shop-fixtures, \$10,000.
For general care, preservation, and improvements; for building new roads; for care and preservation of the water-power; for painting and care and preservation et permanent buildings, bridges, and shores of the island; for building fences and sewers, and grading grounds, \$10,000.

Mr. GEAR. I desire to offer an amendment by inserting after line 22 the following: "For necessary repairs of the arsenal railroad, \$7,-000.11

Mr. CANNON. I will say to the gentleman from Pennsylvania having charge of the bill, if he will allow me, that that amendment of \$7,000, and one for \$1,086 that my colleague will offer, were not considered by the committee, but come in under a supplemental estimate. I have examined them, and I think if the gentleman examines them

he will be satisfied that they are proper.

Mr. RANDALL. I have no doubt the gentleman thinks so, and

probably I would on examination, but I have never, nor have the committee, made any investigation of it; but I will hear the gentleman.

Mr. GEAR. This road was built by the Government many years ago. It leads from the west end of the island, from the Chicago and Rock Island Railroad, which crosses the island at its western end, up into the center of the island. The arsenal itself was established in 1862, and I think this road has been built and in use ever since. It reaches from Rock Island up to the center of the island, a little over a mile and a half. The island is 3 miles long. Over this road all the stone and other material for the building of the arsenal have been conveyed. It is worn out. It is substantially useless. Works are still in process of construction on the island. At the last session provision was made for the reconstruction of the great dam, which was swept out by the freshets of the spring, and all the material for the repair of that dam must go over this road or else be transported by wagons from the city of Rockland or from Moline, near the island. This road must either be renewed, and it must be done now, or the work will have to be done at a large expense, which is just so much money sunk because of the heavy loads cutting the land roads.

As I have said, all the material for the rebuilding of that dam must be transported over this road. In the letter of the Secretary of the Treasury this item is recommended, and the commandant states in plain and emphatic terms that the road is substantially worn out. I live right at that place, and I have some personal knowledge on this subject, and I wish that some of the members of this Committee on Appropriations could find it possible at some time or other to visit the locality, because I do not think they would then be so niggardly in their appropriations. [Laughter.] It is a question of simple business whether this road shall be rebuilt or not; a matter of the saving of money by keeping the road in fit condition for the work which it has

Mr. RANDALL. I have not been able to hear the gentleman's re-

marks, but I have read the estimates.

Mr. GEST. I am unfortunate enough to sit over in this corner, and I never hear anything that takes place over where the gentleman is.

[Langhter.]
Mr. RANDALL. The estimate, as I read it, shows that there is a necessity for this appropriation, and as it receives the indorsement of the appropriation of the appropriate that the gentleman who offers the amendment and the representative of that district, I have no objection to it.

The amendment was agreed to. The Clerk read as follows:

For the Rock Island bridge as follows: For care, preservation, and expense of maintaining and operating the draw, \$9,000.

Mr. GEST. I offer the amendment which I send to the desk, The Clerk read the amendment, as follows:

In line 25, page 54, strike out the words "nine thousand" and insert "fifteen thousand five hundred and fifty-six."

Mr. RANDALL. I can not consent to that. That is in excess of

the estimate, which is only \$12,000.

Mr. GEST. This item is "for the care, preservation, and expense of maintaining and operating a draw." At the last session they asked for this purpose \$12,000, and the committee allowed \$9,000. Again \$12,000 is asked and the committee allow \$9,000. This appropriation, as stated in the Book of Estimates, is for the preservation of bridges between Davenport, Iowa, Rock Island, Ill., and the island. There is a main bridge across the principal stream from the island to Davenport. Then there is a small bridge from the island of Rock Island to the city of Rock Island. There is a long causeway between the main bridge and the small bridge. There is a draw of the bridge for which mainly this appropriation is asked. Some time ago Congress passed a law which was called the eight-hour law. The Secretary of War applied the provisions of that eight-hour law to the men that were employed in operating that draw, to the guards and watchmen upon the causeway and upon the bridges, and to the engineers and the firemen and the others there employed.

That has brought about, or will bring about, a deficit in the appropriation, and in his minute with reference to that the Secretary of the Treasury asked a further sum of \$2,556, which is included in the amendment which I have offered, making the aggregate \$15,556.

Mr. LONG. Then there is an estimate covering this additional sum?

Mr. GEST. Yes, sir; in the letter of the Secretary of the Treasury an estimate for an additional amount of \$2,556. That is found in the letter of the Secretary of the Treasury which went to the Committee on Appropriations last month, I suppose, asking for this amount to pay the men employed on the bridge as watchmen, firemen, guards, engineers, and the like on both bridges. Then there is an item of \$1,086 neers, and the like on both bridges. Then there is an item of \$1,086 for the cost of pointing up and preserving the ether piers in these two bridges, and the officer in charge says that that must be done or elso the piers will rot down. They have been there for a great many years. You have appropriated in your bill \$32,000 for the purpose of rebuilding your draw-pier, but what is the use of your draw-pier if you let the other piers drop out? [Laughter.] Economy and good business management require that the money shall be appropriated.

Mr. RANDALL. The original estimate as to the draw was \$12,000, I believe.

I believe.

Mr. GEST.

Mr. GEST. Yes, sir.
Mr. RANDALL. And the committee gave what has been given for many years, \$9,000. It then came to the knowledge of the committee that, owing to the passage of the eight-hour law and its application there, it was necessary to appropriate \$2,250 additional. That, added to the \$9,000, makes a total of \$11,550, which is adequate for all purposes. The \$2,250 additional is because of the eight hour law, and not because of any increase of force except that which may have resulted from persons who had previously worked twelve hours a day, having had their services reduced to eight hours. As to the piers, if I remember right, that is a distinct item or estimate of \$1,080 and has no connection with the draw.

Mr. CANNON. On the basis upon which we have been appropriating, I think \$2,250 will be sufficient, on account of the shortening of the

working day to eight hours.

Mr. RANDALL. The item of \$1,080 appears to be a different mat-

Mr. GEST. Mr. Chairman, by the Book of Estimates it is apparent

that this item of appropriation is for the maintenance of the two bridges and the causeway between the bridges, and is not intended simply to cover the expense of the draw; but the draw is the chief item in it.

Mr. RANDALL. Well, if the gentleman will consent that \$2,550

be added instead of the amount he has named, I have no objection.

Make it \$12,000, according to the estimate.

Mr. RANDALL. There is no need of giving more than is asked.

Mr. GEST. That amount is needed.

Mr. RANDALL. No doubt if appropriated it will all be expended. Mr. GEST. Come out there and look at this work, and if you do not say that this appropriation is needed I will pay the expense of

your trip out of my own pocket. Mr. RANDALL. I would like very much to go there, for I know that about \$7,000,000 has been expended upon that great enterprise, and I would like to see what are the results of this great aggregate of

appropriation.

Yes, there has been \$7,000,000 expended there; and for Mr. GEST. this expenditure you have the greatest arsenal in the country, perhaps in the world.

The CHAIRMAN. Does the gentleman from Illinois withdraw the amendment?

Mr. GEST. No, sir.

Mr. RANDALL. I hope, then, it will be voted down.

The CHAIRMAN. Does the gentleman from Illinois desire to move on amendment making the amount \$12,000?

Mr. GEST. Yes, sir.

Mr. RANDALL. Then I move to amend the amendment so as to make it \$11,550. That is exactly what has been asked.

The question being taken on Mr. RANDALL's amendment to the amendment, it was agreed to; and the amendment as amended was agreed to.

Mr. CANNON. I desire to call the attention of my colleague [Mr. GEST] to a matter which I think he has overlooked. I believe he intended to move an amendment to insert:

For replacing the cement in the joints of the stones forming the piers of the Rock Island railroad and wagon bridge, \$1,096.

Mr. RANDALL. Is that a part of the structure?

Mr. CANNON. It is not a part of the superstructure, but it is a part of the piers.

Mr. RANDALL. I would prefer to have that amendment offered to the subsequent paragraph, where provision is made for the adjustment

of this controversy.

Mr. CANNON. I will state to my friend from Pennsylvania that under the provision of the law this amendment will be safe beyond any question, it being the duty of the officer under the law to charge onehalf the expense of the maintenance of this work to the Government.

Mr. RANDALL. If the gentleman gives me the assurance that this sum of \$1,080 is in the same relation as the matter embraced in the subsequent paragraph, where we propose to test the question whether the Government shall pay one-half of the expense and the railroad company one-balf-

Mr. CANNON. In my opinion it is in precisely the same relation. Mr. RANDALL. Why not withhold the amendment and offer it in connection with the other paragraph, which will be read in a few mo-

Mr. CANNON. So far as I am concerned, I have no objection. my colleague [Mr. GEST] is willing, the amendment might be withdrawn now and offered at a later point in the bill.

The CHAIRMAN. If there be no objection, the amendment will be regarded as withdrawn for the present.

The Clerk read as follows:

For repairs to draw-pier of the Rock Island bridge, \$36,522; and the Secretary of War shall require of the Chicago, Rock Island and Pacific Railroad Company the reimbursement of one-half of all the expenses incurred in the repairs of said draw-pier under this and the appropriation of \$50,000 made for this object in the sundry civil appropriation act for 1839, as provided in their guaranty excepted to the United States under the acts of Congress providing for the construction of said bridge.

Mr. DUNHAM. I make the point of order on this provision that it embraces new legislation.

Mr. RANDALL. Oh, let it go in. It is all right, I believe. Surely the gentleman would not place himself against the Government and for the railroad company on this issue.

Mr. DUNHAM. I would like to hear some explanation of the matter. I am willing to reserve the point of order.

Mr. RANDALL. There is a controversy between the Government and the railroad company as to the obligations of the original contract; and we do not wish anything in this bill to operate to the injury of the

Government in that controversy. Mr. DUNHAM. Has there been any arrangement between the Government and the railroad company in regard to this matter?

Mr. RANDALL. The controversy involves the legal question, what

is the "superstructure" of the bridge? The gentleman's colleague [Mr. CANNON] can probably explain the matter better than I can.

Mr. CANNON. In my opinion, while the Government is primarily chargeable with the maintenance of the superstructure of the Rock Island bridge, and I think also of the piers, the contract, as well as the

act of Congress, requires that the railwoad company, after the Government has expended the money, shall refund one half of the amount; and the company has executed a guaranty to the Government to that

Now, there is somewhere a suggestion that as to the repairs upon the piers of the bridge the railroad company may not perhaps be bound to refund one-half of the expenditure. But there is no doubt about the company being bound to refund one-half of the cost of repairs to the

superstructure resting upon the piers.

I think I have spent, first and last, at least twenty-four hours in reading the history of this matter, including the acts of Congress bearing upon the subject and the guaranty of the company, and I have no doubt in my own mind that under the guaranty, after the Government makes the repairs to either the superstructure or the piers, the railroad company is bound to pay at least one-half of such expense. But out of an abundance of caution, and more especially perhaps to satisfy the chairman of the committee, as well as other members of the committee, the language to which the gentleman calls attention has been framed.

Mr. DUNHAM. Under the explanation of my colleague I will withdraw the point of order. I simply wished to understand the matter.

The Clerk read as follows:

After the word "bridge," in line 3, insert "and for replacing the cement in the joints of the stones forming the piers of the Rock Island railroad and wagon bridge, \$1,086."

The amendment was agreed to.

The Clerk read as follows:

Springfield arsenal, Springfield, Mass.: For repairs and preservation of grounds, buildings, and machinery not used for manufacturing purposes, \$5,000.

Mr. RANDALL. I have an amendment to offer there.

The Clerk read as follows:

Page 55, line 15, strike out "five" and insert "fifteen."

The amendment was agreed to.

The Clerk read as follows:

Sandy Hook proving ground, New Jersey: For cleaning, leveling, and grading grounds, building and repairing roads, \$2,000.

Mr. STEELE. I would like to inquire what provision has been made at Sandy Hook for an additional range. Has the 10-mile range at that point been considered?

Mr. RANDALL. No, it has not come to the Committee on Appropriations, and if it had the rules of the House would not allow it to e put on this bill.

Mr. TOWNSHEND. My friend from Indiana is mistaken as to the range to which he refers. It is some distance from Sandy Hook. That has gone to the Committee on Military Affairs.

Mr. STEELE. It is all right, then?

Mr. TOWNSHEND. It has nothing to do with this.

The Clerk read as follows:

Watervliet arsenal, West Troy, N. Y.: For direct sewerage to river, \$2,500.

Mr. TRACEY. I move after line 12, page 56, to insert as follows. The Clerk read as follows:

For paving Broadway with granite blocks to the extent of the arsenal frontage, \$32,769.

Mr. TRACEY. This amount was estimated for at the last session of Mr. TRACEY. This amount was estimated for at the last session of Congress and perhaps at prior sessions. At the last session I appeared before the committee and urged them to insert it in the sundry civil bill. At that time the committee thought it was unnecessary. Water-vliet arsenal was not then designated as the gun factory of the United States. It becomes important, when vessels arrive in front of this arsenal, bearing these large forgings, they should be transported to the arsenal grounds.

This street is nothing more than a country road and is in a condition almost impassable in wet weather. The commandant of the arsenal has written me a letter in which he urges me to endeavor to have this inserted in the sundry civil bill. It was my expectation to appear before the Committee on Appropriations, but I did not succeed in getting time before the committee. It seems, in view of the great work carried on there, that there should be no objection to this being done.

Mr. RANDALL. Mr. Chairman, I am quite free to admit that sooner or later there will have to be some strong pavement put there which will bear heavy loads. Part of this property was acquired by the Government in 1813 and another portion in 1828. Subsequently, I do not know in what year-the gentleman perhaps can tell meact of the Legislature of New York and by permission of Congress, a horse railroad was allowed to go through there. I think if a horse railroad is to go through there and receive the benefit of this Federal expenditure it ought to bear part of the expenses, as all such railroads going through streets of cities do-that is, half the expense provided for by this amendment. I move, therefore, to amend as follows.

The Clerk read as follows: .

Provided. That so much of said pavement as lies between the exterior rails of the track of the street railroad occupying said street for a distance of 2 feet from and exterior to such track on each side thereof shall be paid for by said street-railway company, together with the expense of keeping the same in repair.

Mr. TRACEY. I hope the amendment to the amendment will not

prevail. This horse railway has tracks which pass through the arsenal grounds and in front of the arsenal. This private corporation, created some years ago, has been unable to make any money for several years past by reason of the Delaware and Hudson and New York Central Railroads running a belt line between Albany and Troy.

I would have no objection to the road paying its share of this bill if there was any possibility of their doing it. If the amendment is added I fear it will result in preventing us from securing this improvement. I therefore hope the distinguished gentleman from Pennsylvania will

not press it.

Mr. RANDALL. I have had correspondence with Mr. GREENMAN, a member of the House, on this subject, and have had one or two conferences with the gentleman from the Albany district. The real objection to compelling the railroad company paying it is not that it is not right and proper that it should pay it, but it is that the railroad company is bankrupt. I should like the Government put in the attitude of being able to collect one half of the expense whenever it can collect it.

Mr. KILGORE. Are not both of these obnoxious to the point of order?

The CHAIRMAN. They might have been if the point of order had been made in time, but it is now too late.

Mr. RANDALL. I think the gentleman from New York had better let this amendment come in.

Mr. KILGORE. I thought the point of order could be made at any time before a vote is taken.

The CHAIRMAN. Not after the committee have received the amendment and discussed it.

The question is on agreeing to the amendment to the amendment proposed by the gentleman from Pennsylvania.

The question was taken; and the Chair decided that the amendment was adopted.

Mr. TRACEY. I ask for a division.

The committee proceeded to divide.

Mr. TRACEY. Mr. Chairman, if I may do so, I will accept the amendment to the amendment without further count.

The CHAIRMAN. The question, then, will be on the amendment of the gentleman from New York as amended.

The amendment as amended was adopted.

Mr. TRACEY. I now offer the further amendment I send to the desk.

The Clerk read as follows:

Add to page 56, to come in after the amendment last adopted: "For general repairs to buildings and approaches, including the walls, fences, roads, grounds, etc., \$5,000."

Mr. RANDALL. I have no objection to that.

The amendment was adopted.

The Clerk read as follows:

Telegraph to connect the Capitol with the Departments and Government Printing Office: For care and repair of existing lines, \$1,250.

Mr. DUNHAM. I would like to ask the chairman of the committee why it is that there is no telegraph line connecting the Capitol and the Agricultural Department?

Mr. RANDALL. For the reason that there is no law, I presume,

authorizing it.

Mr. DUNHAM. Is there any objection to an amendment here au-

thorizing the construction of one?

Mr. RANDALL. The District Committee are now examining as to a general system of telegraphs and electric lights in this city, so as to determine the question of under-ground or surface wires; and I think the construction of additional telegraph lines had better be left until after that is determined by the District commissioners.

Mr. DUNHAM. All right. The Clerk read as follows:

The Clerk read as follows:

Washington Monument: For the care and maintenance of the Washington Monument and the operation of the elevator and machinery connected therewith, namely: For one custodian, at \$100 per month; one steam engineer, at \$50 per month; one assistant steam engineer, at \$60 per month; one conductor of elevator car, at \$75 per month: one assistant fireman, at \$45 per month; one conductor of elevator car, at \$75 per month; one attendant on floor, at \$45 per month; one attendant at top, at \$45 per month; three night and day watchmen, at \$60 each per month; in all, \$8,160.

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floor, repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the monument and machinery, and purchase of all necessary articles for maintaining the monument, machinery, elevator, and electric-light plant in good order, \$2,340, to be expended under the direction of the Secretary of War.

Mr. LEE. I offer the amendment I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

Insert on page 6, after line 6:

"That the Secretary of War be, and he is hereby, authorized and directed to detail one or more engineer officers of the Army to make the necessary survey for a national road from a point in Alexandria County, Virginia, at or near the Virginia end of the Aqueduct Bridge, and thence through the counties of Alexandria and Fairfax, in said State, to Mount Vernon, who shall report the same, together with the estimated cost of building such road, to the Secretary of War, who shall transmit the same to Congress.

"SEC. 2. That the sum of \$10,000,000 or so much thereof as may be necessary, to be expended under the direction of the War Department be, and the same is hereby

appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States in carrying out the provisions of this

Mr. KILGORE. I make the point of order against that amendment. The CHAIRMAN. The gentleman will state it. Mr. KILGORE. That it is new legislation, and provides for an expenditure not previously authorized by law.

Mr. RANDALL. Mr. Chairman—

The CHAIRMAN. The Chair is ready to rule on the question. Mr. RANDALL. Very well.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Clerk read as follows:

#### BUILDING FOR THE LIBRARY OF CONGRESS.

For the building for the Library of Congress, as authorized by the sundry civil appropriation act approved October 2, 1888, and for each and every purpose connected therewith, \$500,000: Provided, That contracts may be entered into for all the stone required for the exterior walls of said building, to be paid for as appropriations may from time to time be made by law.

Mr. REED. I suppose that is open to the point of order?
Mr. RANDALL. I suppose so. Does the gentleman make it?

Mr. REED. I shall reserve it for the present.

Mr. RANDALL. Then, in accordance with the wishes of many members, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Rogers having taken the chair as Speaker pro tempore, Mr. Dockery reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution

And then, on motion of Mr. RANDALL (at 5 o'clock and 2 minutes p. m.), the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. FORAN: A bill (H. R. 12415) to remove the charge of desertion from the military record of George W. Edwards-to the Com-

mittee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 12416) granting an increase of pension to Alonzo C. Kimble—to the Committee on Invalid Pensions.

By Mr. GROUT (by request): A bill (H. R. 12417) for the relief of Richard Berry—to the Committee on Claims.

By Mr. LAFFOON: A bill (H. R. 12418) for the relief of J. B. Elder—to the Committee on War Claims.

Also, a bill (H. R. 12419) for the relief of Joshua G. Witty-to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-peck-wah-ken-zah or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from the effects of wounds received therein-to the Committee on Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 12421) granting a pension to Miss Frances Thatcher—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 12422) granting a pension to Nicholas Nagle-to the Committee on Invalid Pensions. Also, a bill (H. R. 12423) granting an increase of pension to James

H. McBurney—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 12424) increasing the pension of

Luther H. Girten—to the Committee on Invalid Pensions Also, a bill (H. R. 12425) increasing a pension to William Sult-

to the Committee on Invalid Pensions By Mr. STONE, of Kentucky: A bill (H. R. 12426) for the relief of

David G. Rose—to the Committee on War Claims.

By Mr. WEAVER: A bill (H. R. 12427) for the relief of Daniel

Brown-to the Committee on Pensions.

Also, a bill (H. R. 12428) for the relief of Martha Rhodes—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 12429) to pension Emil von Langendorff-to the Committee on Invalid Pensions.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition of John N. Jewett and others, of Chicago, Ill., in favor of the Chace copyright bill-to the Committee on Pat-

Also, petition of Freedenke Reimann, for a widow's pension-to the Committee on Pensions.

Also, petition of Freedenke Reimann, for money lost and property destroyed in Indian war—to the Committee on War Claims,
By Mr. BLAND: Papers in the claim of James Barrister—to the

Committee on War Claims.

By Mr. BUCHANAN; Petition of the Maritime Association of New York, for harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

By Mr. R. H. M. DAVIDSON: Petition of sponge fishermen of Florida, praying that sponges be not placed on the free-list—to the Committee on Ways and Means.

By Mr. DINGLEY: Memorial of committee of Maine forestry convention, for certain information to be furnished by the next census—to the Select Committee on the Eleventh Census.

By Mr. GEAR: Petition of B. F. Brown and 16 others, citizens of Washington County, Iowa, asking for the passage of the Sunday-rest bill—to the Committee on the Judiciary.

By Mr. J. S. HENDERSON: Petition of J. F. Rogers and 18 dealers in tobacco, of Oxford; of N. E. Wagstaff and 61 citizens of Person County; of G. L. Smithson and 27 citizens and firms, of Henderson; of A. E. Conrad, of Forsythe County; of J. M. Bennett and 54 others, citizens of North Carolina; of C. F. Cline and 26 others, citizens of New Hill; of D. M. Miller and 11 firms, of Salisbury; and of Thomas B. Fleming and others, citizens of North Carolina, asking for the repeal of the internal-revenue taxes on tobacco—to the Committee on Ways and Means

By Mr. LIND: Memorial of the St. Paul (Minn.) Chamber of Com-merce, asking for the opening of the Sioux Indian reservation in Da--to the Committee on Indian Affairs.

By Mr. MACDONALD: Petition of citizens of Willmar, Minn., against

By Mr. MACDONALD: Pettion of citizens of Willmar, Minn., against Sunday work—to the Committee on the Judiciary.

By Mr. McMILLIN: Petition of estate of Sarah C. Smith, late of Wilson County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Resolutions of the Grape-Growers and Wine-Makers' Association of California, in favor of legislation permitting the use of free grape spirits in the fortification of sweet wines—to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., for an appropriation for the publication of a monthly pilot chart of the

Also, memorial of the Chamber of Commerce of San Francisco, Cal., for an appropriation for the publication of a monthly pilot chart of the Pacific Ocean—to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., in favor of a relief station in the Arctic—to the Committee on Com-

merce.

Also, resolutions of George H. Thomas Post No. 2, Grand Army of the Republic, of California, in favor of the appointment of James A. Waymire as a member of the Board of Managers of the National Home for Disabled Soldiers—to the Committee on Military Affairs.

Also, resolutions of the Veteran Home Association of California, for

Also, resolutions of the vector in rolls association of Camerina, for the same—to the Committee on Military Affairs.

By Mr. O'DONNELL: Petition of 119 citizens of Branch County, Michigan, in favor of a law prohibiting Sunday work in certain departments of the Government—to the Committee on the Judiciary.

By Mr. PENINGTON: Petition of citizens of Sussex County, Delaware, in relation to the appropriation for an inland water way from Assawoman Bay to the Delaware Bay—to the Committee on Rivers and Harbors.

By Mr. PERKINS: House concurrent resolution of the Legislature of Kansas, asking for legislation to prohibit the formation of trusts to control the market supplies of the country—to the Committee on Man-

Also, house concurrent resolution of the Legislature of Kansas, asking for the passage of House bill No. 11697, for the relief of settlers on certain public lands—to the Committee on the Public Lands.

By Mr. VOORHEES: Memorial of the Bar Association of Washington Territory, for an appropriation for the purchase of text-books and reports for the use of the supreme court of the Territory—to the Com-

reports for the use of the supreme court of the Territory—to the Committee on Appropriations.

Also, petition of sundry citizens of Chattoroy, of Satsop, of Skamokawa, of Samish, of Elma, of Orting, of Seattle, of Utsaladdy, of Hoquiam, of Hot Springs, of Mount Vernon, of Cosmopolis, of Vancouver, of Brookfield, of La Camas, of Marysville, of Woodland, of Neah Bay, of Ainslie, of Elberton, of Chehalis, of Snohomish, and of Melrose, Washington Territory—to the Committee on the Territories.

By Mr. WHEELER: Petition of George W. Stutts and of Charles Passey of Landerdale County, Alabama, for reference of their claims

Posey, of Lauderdale County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of Emil von Langendorff, Company G, Fifty-eighth Regiment Ohio Infantry Volunteers, for an original pension-to the Committee on Invalid Pensions.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUTELLE: Of Alden Chandler and 76 others, of Presque Isle, Me.

By Mr. CROUSE: Of Levi Marshall and 66 others, of Akron, Ohio. By Mr. DORSEY: Of C. A. Mills and 84 others, and the Woman's Christian Temperance Union, of Diller, and of E. F. Stephens and 50

others, of Crete, Nebr.

By Mr. GIFFORD: Of E. H. Pierce and 115 others, of Grafton; of George P. Lilleberg and 67 others, of Hillsborough; of William Halli-

day and 64 others, of Sanborn, and of J. M. Gardner and 34 others, of Postville, Dak

By Mr. LONG: Of Henry B. Raymond and 147 others, of East Weymouth; of John Reed and 48 others, of Hull, and of Josiah Cushman and 69 others, of Abington, Mass.

By Mr. MACDONALD: Of citizens of Wilmar, Minn.

By Mr. MORSE: Of John W. Ballentine and 144 others, of Boston, Mass

By Mr. NELSON: Of H. F. Witler and 64 others, of Carsonville, and

of James A. Morris and 101 others, of Sauk Centre, Minn. By Mr. ROCKWELL: Of R. F. Parker and 112 others, of Westfield,

By Mr. RYAN: Of John M. Bloss and 193 others, of Topeka, Kans.

Also, of A. Dieush and 226 others, of Topeka, Kans. By Mr. J. E. RUSSELL: Of John Goldbraith and 596 others, of Worcester; and of E. C. Ingalls and 122 others; and the Woman's Christian

Temperance Union, of Brookfield, Mass.

By Mr. T. L. THOMPSON: Of R. W. Williamson and 7 others, of

Freestone, Cal.

By Mr. VANDEVER: Of John Kelshaw and 42 others, of Paso Robles, Cal.

By Mr. VOORHEES: Of John Reese and 44 others, of Ewartsville, Wash.

The following petition against the passage of the international copyright bill was received and referred to the Committee on Patents:

By Mr. WILLIAMS: Of W. F. Albright & Sons and others, of Easton, Ohio.

## SENATE.

# TUESDAY, January 29, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved. SOLDIERS' HOME AND ECKINGTON RAILROAD.

The PRESIDENT pro tempore laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of January 23, 1889, certain information in regard to the Soldiers' Home and Eckington Railroad Company, and stating that the records of the District of Columbia show that that company is in no way indebted to the District of Columbia; which was ordered to lie on the table, and be printed.

## ELECTRIC LIGHTING OF SENATE WING.

The PRESIDENT pro tempore laid before the Senate the following communication from the Architect of the Capitol; which was read, referred to the Committee on Appropriations, and ordered to be printed:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., January 28, 1889.

SIE: In obedience to the law approved February J, 1888, I have the bonor to state that I have caused an estimate to be made for the probable cost of extending and completing the electric-lighting plant in the Senate wing of the Capitol.

I find that this may be furnished, including the fixtures, for the additional sum of \$80.000

sum of \$30,009. Very respectfully, your obedient servant,

EDWARD CLARK, Architect United States Capilol.

Hon. John J. Ingalls,
President pro tempore United States Senate.

## HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representa-tives, were severally read twice by their titles, and referred to the Committee on Pensions:

ommittee on Pensions:

A bill (H. R. 917) for the relief of Julianna Muller;

A bill (H. R. 3167) granting a pension to Elizabeth L. Nott;

A bill (H. R. 3794) granting a pension to Elias J. Kenaday;

A bill (H. R. 4825) granting a pension to Dorothea Ruoff;

A bill (H. R. 5807) granting a pension to John McCool;

A bill (H. R. 6314) increasing the pension of Lyman D. Green;

A bill (H. R. 6893) granting a pension to Ellen Edwards;

A bill (H. R. 6893) granting a pension to Ellen Edwards;

A bill (H. R. 7827) granting a pension to George W. Dickinson; A bill (H. R. 8406) to authorize the Secretary of the Interior to

place the name of Cara Curtis on the pension-roll;

lace the name of Cara Curtis on the pension-roll;

A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;

A bill (H. R. 9110) granting a pension to Martha J. Warren;

A bill (H. R. 9179) granting a pension to W. R. Green;

A bill (H. R. 10426) granting a pension to Otho G. Hendrix;

A bill (H. R. 10691) to increase the pension of Mary A. Bedel;

A bill (H. R. 10922) granting a pension to William Harper;

A bill (H. R. 10951) granting a pension to Mary Van Olnhausen;

A bill (H. R. 10975) granting a pension to John H. Starr;

A bill (H. R. 10976) granting a pension to William L. Wilson;

A bill (H. R. 10977) granting a pension to John J. Brown;

A bill (H. R. 10977) granting a pension to John J. Brown;

A bill (H. R. 10991) granting an increase of pension to Mrs. Mary

Jewell;

S. Jewell;

A bill (H. R. 11566) granting a pension to Elisha C. Paschal; A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812;

A bill (H. R. 11736) granting a pension to Margaret M. Nugent; A bill (H. R. 11737) granting a pension to Rebecca D. Vedder; A bill (H. R. 11803) granting a pension to Henry V. Bass; A bill (H. R. 11861) to place the name of James H. Tolly on the pension-roll:

A bill (H. R. 12014) granting a pension to Irving W. Combs; and A bill (H. R. 12381) granting a pension to Mary K. Allen.

The bill (H. R. 4496) to authorize and empower the Mount Carmel

Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads was read twice by its title, and referred to the Committee on Appropriations.

#### PENSION FOR LOSS OF BOTH HANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension; which were referred to the Committee on Pensions.

#### IMPORTATION OF CONTRACT LABOR.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That in addition to the usual number there shall be printed 10,500 copies of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc., and also the same number of copies of the bill and report of said committee, of which 3,500 copies shall be for the use of the Senate and 7,000 for the use of the House.

#### REUBEN ASH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3283) granting a pension to Reuben Ash; which was, in line 6, before the word "dollars," to strike out "seventy-two" and insert "forty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Ash, late first lieutenant of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$45 a month, in lieu of the pension he is now receiving.

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives

The amendment was concurred in.

## ELLEN WHITE DOWLING.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1481) granting a pension to Ellen White Dowling; which was, in line 6, before the word "dollars," to strike out "25" and insert "12;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen White Dowling, a volunteer nurse in the Army during the war of the rebellion, and pay her a pension of \$12 a month, during life, from and after the passage of this act.

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution of the Kansas Legislature, urging the incorporation in the law providing for the census of 1890 of a provision directing the enumeration of all the surviving soldiers and sailors, showing their age, with name of company and regiment and length of term of service; which was ordered to lie on the table.

He also presented a resolution of the Ohio Commandery of the Loyal Legion, urging the speedy publication of the Official Records of the War of the Rebellion; which was referred to the Committee on Military Af-

He also presented the petition of A. B. Quinton and 145 others (81 voters and 65 wemen), citizens of Topeka; the petition of A. Dieust and 226 others (53 voters and 174 women), citizens of Topeka; the petition of Horace Kelsey and 42 others (22 voters and 21 women), citizens of Ottawa; the petition of Joseph Denisson and 11 others (2 voters and 10 women), citizens of Manhattan and Tecumseh Counties; the petition of D. C. Frazer and 86 others (37 voters and 50 women), citizens of Clifton; and the petition of H. S. Heath and 61 others (25 voters and 37 women), citizens of Muscotah, all in the State of Kansas, praying for submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. FRYE presented the petition of Joseph D. Emery and 146 others (70 voters and 77 women), citizens of Caribou, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. FRYE. I present the memorial of Francis Frederick Millen, a citizen of the United States, with interests in Venezuela, remonstrating against the aggressions of Great Britain in thet country to the insecurity of American interests by reason thereof, with a prayer that Congress shall take without delay such powerful and efficient action as in their judgment will remove the particular and oppressive grievances complained of. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BUTLER presented a concurrent resolution of the Legislature of South Carolina, urging that an appropriation be made for the payment of French spoliation claims; which was referred to the Committee on

Appropriations.

He also presented a petition of the National Woman's Christian Temperance Union, department of Sabbath observance, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and forbidding military drills on the Sabbath, signed by 75 citizens of South Carolina; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented the petition of W. J. Musgrove and 163 others (101 voters and 63 women), citizens of Drayton, Dak.; and the petition of James Thompson and 68 others (40 voters and 29 women), citizens of Neche, Dak., praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on

Mr. PALMER presented petitions collected by the National Woman's Christian Temperance Union, department of Sabbath observance, the Illinois Sabbath Association, the American Sabbath Union, etc., containing 153 individual signatures of citizens of Michigan, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented the petition of A. Richardson and 19 others (10 voters and 10 women), citizens of Ramsey, Minn., and petitions of citizens of Minneapolis, Sherburne, Crookston, Sauk Center, Freeborn, Lynn Moss, Cannon Falls, Dover, Le Seur, and Stanton, all in the State of Minnesota, praying for a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of 665 citizens of Minnesota, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SPOONER presented the petition of Elijah Farill and 56 others (22 voters and 35 women), citizens of Lake Mills, Wis., and the petition of Wilhelm Fritz and 116 others (60 voters and 57 women), citizens of Cass and Ransom Counties, Dakota, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. HALE presented a petition of 188 citizens of Maine, praying for the passage of the Sunday-rest bill; which was referred to the Com-

mittee on Education and Labor.

Mr. CAMERON presented a petition of officers of the Woman's Christian Temperance Union of the State of Pennsylvania, representing 20,000 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Philadelphia Board of Trade, praying for the passage of what is known as the naval-reserve bill; which were referred to the Committee on Naval Affairs.

Mr. SAULSBURY presented a petition of the officers of the Woman's Christian Temperance Union of Delaware, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILSON, of Iowa, presented a resolution adopted by 12 citizens of Iowa, indorsed by the Cedar Township Temperance Union of 70 members, in favor of the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CHANDLER. I present the petition of of Randy Jenckins and 513 other citizens, residents of the county of Orangeburgh, South Carolina, and the voting precinct of Orangeburgh, stating that they were deprived of their right to vote for Presidential electors and member of Congress on the 6th day of November, 1888, at that election precinct. They state that they made every reasonable effort to become qualified to vote according to the registration laws of the State, but have been denied an equal chance and the same opportunity to register as are accorded to others of their fellow-citizens. Wherefore the petitioners pray Congress to investigate the facts and the practical workings of the registration and election laws of the State of South Carolina and devise some means to secure to them the free exercise of the right guarantied to them by the constitution of the State of South Carolina and the laws and Constitution of the United States. I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. DAWES presented a resolution adopted by the Military Historical Society of Massachusetts, relative to the publication of naval records of the war of the rebellion; which was referred to the Committee on Appropriations.

He also presented the petition of farmers in the township of Ashland, Middlesex County, Massachusetts, praying for more effective

protection to the agricultural interests of the country; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of William Leonard and 92 others, voters of Salem, Mass., praying for a submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the

Mr. PLUMB presented the petition of C. H. Strong and 167 others (84 voters and 84 women), citizens of Garnett, Kans.; and the petition of Ira Weaver and 132 others (82 voters and 51 women), citizens of Downs, Kans., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. PAYNE presented petitions of citizens of Marietta, Lower Salem, Waverly, and Hicksville, in the State of Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. MANDERSON presented a memorial of citizens of Luce, Nebr., remonstrating against the passage of House bill 4982, in relation to pension fees; which was referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3634) granting a pension to Mrs. Fancy Smith, reported it

with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6018) for the relief of George Campbell, submitted an adverse report thereon, which was agreed to; and the

bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3785) to authorize the Secretary of War to cause to be mustered William P. Atwell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### CANNON FOR SOLDIERS' HOMES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 6105) donating two 6-pound brass cannons to the Illinois Soldiers and Sailors' Home, has instructed me to report it back recommending its passage with an amendment, in the nature of a substitute, providing for furnishing obsolete serviceable cannon to soldiers' homes, both national and State. I ask that present action may be had upon the bill. It will only take a moment, and it is important that it should get through.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the bill reported by him may be now considered. It will be read at length for information.

Mr. COCKRELL. It will only take a moment.

Mr. HALE. If it leads to no debate, I shall not object.

Mr. COCKRELL. It will not lead to debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and

That the Secretary of War be, and hereby is, authorized and directed, subject to such regulations as he may prescribe, to deliver to any of the National Homes for Disabled Volunteer Soldiers already established or hereafter established, and to any of the State homes for soldiers and sailors either now or hereafter duly established and maintained under State authority, such obsoite service-able cannon, bronze or iron, suitable for firing salutes, as may be on hand undisposed of, not exceeding two to any one home.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the furnishing of obsolete serviceable cannon to soldiers' homes."

Mr. COCKRELL. I move that the Senate insist upon its amendment and ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. Cockrell were appointed.

## RAILWAY THROUGH INDIAN TERRITORY.

Mr. JONES, of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888, to report it favorably without amendment. The bill proposes to amend an existing law, and I ask the indulgence of the Senate to have it put on its passage at this

Mr. HALE. I desire to go on with the diplomatic and consular ap-

propriation bill, which consumed all of yesterday, and I must object to the consideration of any other bill that will take any time.

This bill is not more than a page in Mr. JONES, of Arkansas. length, and I presume it will not provoke any discussion. If it does I shall withdraw the request.

The PRESIDENT pro tempore. The bill will be read at length, subject to objection.

The Chief Clerk read the bill, as follows:

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888, be, and hereby is, amended to read as follows:

"That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately continuous to the west boundary line of the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a westerly or northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company, in Tobucksey County, Choctaw Nation, and thence by the most feasible and practicable route to an intersection with the Atchison, Topeka and Santa Fé Railway at the most convenient point between Halifax Station and Ear Creek, otherwise known as the north fork of the Canadian River; with the right to construct, use, and maintain such tracks, turn-outs, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for."

By unanimous consent, the Senate, as in Committee of the Whole,

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 3883) granting a pension to Louisa Rickard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3884) to establish an additional land district in the Territory of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DAVIS introduced a bill (S. 3885) to increase pensions in certain cases; which was read twice by its title, and, with the accompany-

ing papers, referred to the Committee on Pensions.

Mr. CALL introduced a joint resolution (S. R. 133) directing a survey of the St. John's River at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

## AMENDMENTS TO BILLS.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

## LOUISA ROGERS.

Mr. TURPIE. I move that the bill (H. R. 8549) granting a pension to Louisa Rogers be recommitted to the Committee on Pensions for the purpose of correcting a mistake in the company and regiment of the soldier named therein.

The motion was agreed to.

## HALL'S OREGON VOLUNTEERS.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of War be, and he is hereby, directed to cause an investigation to be made into the organization and service of what has been commonly known in Oregon as "Capt. Lawrence Hall's Company of Oregon Volunteers," which, it is alleged, was organized in the early part of the year 1848 for service, and which served in the Indian war in Oregon known as the "Cayuse war;" and to report to the Senate, at his earliest convenience, all the fects relating to such alleged organization, whether of record or otherwise, together with the names of the officers and privates constituting such company.

## NAVY-YARD LABOR EXPENDITURES.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Navy be directed to furnish the Senate with a statement of the expenditures for labor in navy-yards for each of the first six months of the present fiscal year from the appropriation for the construction and repair of vessels and from the appropriation for steam-machinery, together with a statement of the unexpended balances of each of the above appropriations on the 1st day of January, 1889.

### CRUISER BALTIMORE.

Mr. CHANDLER submitted the following resolution; which was

Resolved. That the Secretary of the Navy be directed to transmit to the Senate a statement of the nature and extent of the recent accident to the stern of the cruiser Baltimore, describing the damaged parts and any method that has been adopted for repairing the same, together with an account of the cause of the accident.

### NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution offered by the Senator from New Hampshire [Mr. CHAND-LER] coming over from a previous day, which will be read.

The resolution submitted by Mr. CHANDLER January 25, 1889, was

read, as follows:

Resolved. That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay or allowances due such officers, known as the longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any legislation is advisable in order to prevent any legislation and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

Mr. CHANDLER. I desire that the resolution go over another day, in order that I may examine the communication sent in yesterday from the Secretary of the Treasury in relation to the receiving-ship

The PRESIDENT pro tempore. The resolution will be passed over, if there be no objection, retaining its place as morning business.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by

the President pro tempore:

A bill (S. 332) granting a pension to Harrison Wagner;

A bill (S. 2765) granting a pension to Adeline A. Smyth;

A bill (H. R. 538) granting a pension to James Miller; and

A bill (H. R. 11683) for the establishment of light-ships with fogsignals at Sandy Hook, New York Harbor, and off Great Round Shoal, seacoast of Massachusetts, near Nantucket.

### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June

The motion was agreed to.

### DISTRICT JURORS.

Mr. HARRIS. I wish to ask the Senator from Maine if he will allow me to obtain the unanimous consent of the Senate to consider at this time a bill very important to the people of the District of Columbia, changing the jury law of the District. If it leads to debate or to any consumption of time beyond the necessity of reading it and read-ing a report of one-third of a page in length, I shall not ask further in-dulgence; but it is important that the bill should go to the other

House as early as possible.

Mr. HALE. I will give way for a very short time.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the pending business may be informally laid aside. The Chair hears no objection.

Mr. HARRIS. I ask that Senate bill 3640, Order of Business 2584, be now considered.

The PRESIDENT pro tempore. The bill will be stated.

The CHIEF CLERK. A bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I believe I shall ask the Senate to allow the report to be read in advance of the bill, because it is explanatory, so that the Senate may understand it.

The PRESIDENT pro tempore. If there be no objection, the report will be first read.

The Chief Clerk read the following report, submitted by Mr. HAR-RIS January 25, 1889:

The Committee on the District of Columbia, to whom was referred the bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia, have favorably constitutes ame, and report it with an ameadment in the nature of a substitute. The committee adopts the following report made in the House of Representatives on a bill of like character:

[House Report No. 3794, Fiftieth Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12292) to amend certain sections of the Revised Statutes relating to the jury law in the District of Columbia, submit the following report:

According to existing law, jurors in the District of Columbia serve for a term

of three months. This local provision is unusual and oppressive and results in the excusing of the better class of men from jury service. The bill in question is designed to remedy this evil. It was referred by this committee to the commissioners of the District, who in turn referred it to the supreme court of the District of Columbia. The chief-justice of this court says:

"Inclosed find a copy of the bill relating to the jury system of the District. We invited the attention of the Bar Association to the matter, and its committee, after examination, has prepared a substitute, of which I inclose a copy. The judges of this court, or all who are able to do so, have examined the substitute and, I am instructed to say, indorse it, and recommend its adoption and enactment into a law."

This substitute reduces the term of service to one month and is recommended, as has been seen, by the bench, the bar, and the District commissioners. The committee offer this substitute in lieu of the bill, with the recommendation that it pass.

The PRESIDENT pro tempore. The bill will be read.

Mr. HARRIS. I ask that the substitute reported by the Committee on the District of Columbia be read without reading the original bill.

The PRESIDENT pro tempore. It will be so ordered.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

The Chief Clerk. It is proposed to strike out all after the enacting clause and insert:

That sections 788 and 759 of the Revised Statutes of the United States relating to the District of Columbia be, and they are hereby, repealed.

Sec. 2. That section 755 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so that it shall read as follows: The supreme court in general term shall have power by rule of court to regulate the period of holding its terms, as also the periods of all the special terms, and to fix the number of such terms, and to alter the same from time to time as public convenience may require.

Sec. 3. That section 872 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so as to read as follows: No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, a tax-payer, overtwenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude. And the commissioners of the District of Columbia shall furnish to the officers or persons who are authorized to make the list of jurors for service in the supreme court of the District of Columbia, within twenty days after this act shall take effect, and thereafter at least once a year, a list containing the names of the male tax-payers of said District.

Sec. 4. That sections 855, 856, and 858 of the Revised Statutes of the United States relating to the District of Columbia be, and they are hereby, amended so as to read as follows: The term of service of jurors drawn for service in the supreme court of the District of Columbia holding a special term as a circuit court, or to serve as petit jurors in the special term as a criminal court, shall be had and (subject to the provisions of section 807) shall terminate on the Monday preceding the first Tuesday in each and every month in which ju

by law, to notify each person drawn by serving on him a notice in writing of his selection as a juror, of the court he is to attend, and of the day and hour he is to appear.

SEC.6. That any person who shall have been regularly drawn as a juror, and shall thereupon have served as a juror for the period of twenty days or more, shall be exempt from further service as a juror in the District of Columbia for the period of one year from the beginning of his said term of service, but nothing herein contained shall render such juror ineligible to serve as a juror during said year: Provided, however, That no person shall be competent to serve as a juror for two consecutive terms.

SEC. 7. That section 851 of the Revised Statutes of the United States relating to the District of Columbia be, and the same is hereby, amended by striking out therein the words "until otherwise provided by the legislative assembly."

SEC. 8. That section 852 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so as to read as follows: If any persons selected as jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the clerk, under direction of the court, shall draw from the box the names of other persons to take their places. And if after the organization of the jury any vacancies occur therein, they shall be filled in like manner.

SEC. 9. That section 863 of the Revised Statutes of the United States relating to the District of Columbia be, and it hereby is, amended so as to read as follows: If at any time during the impaneling of a jury in any other than a capital case the regular panel, by reason of challenge or otherwise, shall be exhausted before the jury is complete, the court may in its discretion direct the clerk to draw from the box the names of other persons to serve as jurors and cause them to be summoned, or order the marshal to summon as many talesmen as may be necessary to complete the jury.

SEC. 10. That this act sha

Mr. HOAR. It occurred to me on glancing at the bill, and the impression is confirmed by hearing it read, that it is defective in one particular. The fourth section provides that the term of service of jurors drawn, etc., shall terminate on the Monday preceding the first Tuesday of the following month, intending to limit the obligation to jury service to a month or thereabouts. It makes no provision for the case where a jury have been impaneled and a cause has been committed to them which is undisposed of, and they would cease to be lawful jurymen according to the strict letter of this proposed law, although they might be in the middle of a trial.

It happens sometimes that a single cause lasts several months, like the Tichborne case in England and like the Guiteau trial here. I have forgotten how long the trial of Guiteau lasted, but a good many weeks at any rate.

I dare say if the bill become a law as it was reported, the court would, by construction, hold lawful the action of a jury who should complete their dealing with a particular cause committed to them after the month had expired; but it would certainly give rise to a very grave question, and a question upon which the validity of a very important verdict might depend.

I therefore suggest to the Senator who has charge of the bill to accept the proviso at the end of the fourth section which I have drawn.

Mr. HARRIS. I do not think the bill as reported from the commit-MR. HARRIS. I do not think the bill as reported from the committee could be susceptible of the construction suggested by the Senator from Massachusetts, but if there is even a doubt about it, I shall be glad to hear the proviso that the Senator has prepared, because the question ought to be put beyond the possibility of doubt.

The PRESIDENT pro tempore. The proposed proviso will be read.

The CHIEF CLERK. It is proposed to add to section 4 the following

Provided, That when any jury shall have been actually impaneled for the trial of any cause the jurymen composing the same shall be liable to continue in service until they have been lawfully discharged from said cause.

Mr. HARRIS. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be agreed to, if there be no objection.

Mr. SPOONER. My recollection is that in the parenthesis in the fourth section there is a provision making this change subject to the provision of section 807 of the District Revised Statutes, which covers that subject. I think that is taken care of.

Mr. HOAR. I did not find it.

Mr. HOAR. I did not find it.
Mr. HARRIS. The proviso could not be hurtful in any point of

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

The title was amended so as to read: "A bill to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia.

Mr. HOAR. There is another serious question connected with the bill which ought to be dealt with by the Senate with some reflection, and that is whether it be a sound public policy to provide that nobody and that is whether it be a sound public policy to provide that nobody but tax-payers shall be summoned as jurors even where there are other persons not possessed of property who are competent in the way of intelligence and patriotism. The effect of that provision would be to put the jury trials in the District of Columbia very largely in the hands of the citizens of one way of thinking. I should like to test the sense of the Senate by moving to strike out that provision of the

Mr. HALE. The bill is evidently going to give rise to debate.

Mr. HARRIS. If it is going to give rise to debate I can not further ask the indulgence of the Senator from Maine.

The PRESIDENT pro tempore. The Chair had announced the passage of the bill, and an amendment of the title was agreed to.

Mr. HOAR. Then I should like to move to reconsider. I think the

Senate will reconsider it. I did not understand that the Chair had made the formal announcement.

The PRESIDENT pro tempore. The Senator from Massachusetts

moves to reconsider the vote by which the bill was passed.

Mr. HARRIS. I do not object to a reconsideration; I do not want to take any possible advantage of the Senator from Massachusetts; but if we are to consume any time in discussing the matter I can not ask the further indulgence of the Senator from Maine.

Mr. HOAR. It may be that on reflection I shall conclude that I do not desire to press the objection, but I should like to have an opportu-

nity to consider it.

Mr. HALE. Let the matter stand over until to-morrow on the mo-

Mr. HARRIS. Let it go over.

The PRESIDENT pro tempore. It will be so ordered.

Mr. SPOONER. In the mean time I should like to commend to the consideration of the Senator from Massachusetts section 807 of the Revised Statutes relating to the District of Columbia, which I think he will find takes care of the point, to cover which he offered his amendment to section 4.

Mr. HOAR. Unless that is repealed.
Mr. SPOONER. It is not repealed. Section 4 is expressly declared to be subject to the provisions of section 807 of the Revised Statutes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, the pending question being on the amendment proposed by Mr. Gibson, in line 10, after the word "of," to insert "ambassadors and;" and in line 11, to strike out "envoys extraordinary

and ministers plenipotentiary," and insert "ambassadors;" so as to

\* Salaries of ambassadors and ministers: Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500 each, \$70,000.

Mr. STEWART. I should like to inquire of the Senator from Maine having charge of this bill if he knows what are the ordinary salaries and allowances made by Great Britain, France, Germany, and nations of that grade to their ambassadors, and if he proposes to offer a further amendment, in case this amendment should be adopted, increasing the compensation of the ambassadors of the United States so as to give

them a corresponding capacity to perform their functions?

Mr. HALE. I can answer the Senator from Nevada very plainly. This is not my amendment, nor the committee's amendment, although I favor it personally. I do not propose to follow it up, if adopted, by any amendment increasing the pay of ministers. I do not think that that follows, as a matter of course, the raising of the rank.

To the question of the Senator in relation to allowances made by foreign nations to their ministers, I answer that that matter does not depend upon the grade of ambassador. Great Britain, Russia, and Germany, indeed all the great powers send nothing but an envoy extraordinary and minister plenipotentiary to the United States, the same rank that our ministers bear accredited to those countries, but they make large allowances to those ministers that we do not make to ours. Each furnishes its minister with a house here to begin with, and some of the best houses in Washington are thus occupied; and they have other allowances in the nature of general funds here and elsewhere, which the United States have never made and perhaps never will make. So the question of pay does not connect itself necessarily with this

amendment. The same men who perform the duties of minister pleni-potentiary now would find their duties and their representation of our interests very much accelerated and advanced, as I believe, by conferring the title of ambassador upon them, and there would be no neces-

ring the title of ambassador upon them, and there would be no necessary connection between that and increased expenditures.

There is chance enough, as everybody knows, in foreign capitals to spend a great deal of money. It a man who is minister resident, chargé d'affaires, or minister plenipotentiary has a fortune, he can spend as much money as he pleases. If he does not he can get along comfortably on what the Government gives him; and it will be the same if he is ambassador.

Mr. SPOONER. Mr. President, the proposition of the Senator from Maine that the title of the representatives of this Government at the four courts designated in this clause of the bill has no relation to the question of compensation has not been the view taken by some of the gentlemen who have as Secretary of State considered the subject. I find in Wharton's International Law Digest a statement from Mr. Frelinghuysen bearing upon the subject, as follows:

The Department can not, under present circumstances, "in justice to its ministers abroad, ask Congress to give them higher rank with their present salaries; neither could it with propriety appeal to Congress for an allowance commensurate with the necessary mode of life of an ambassador."

Further, upon the same subject, Mr. Bayard says:

The question of sending and receiving ambassadors, under the existing authorization of the Constitution and the statutes, has on several occasions had more or less formal consideration, but I can not find that at any time the benefits attending a higher grade of ceremonial treatment have been deemed to outweigh the inconveniences which, in our simple social democracy, might attend the reception in this country of an extraordinarily foreign privileged class.

I was disposed yesterday to vote for the amendment proposed by the Senator from Louisiana, but on reflection I have some doubt about its propriety, though not for the reason suggested by the Senator from Kansas, that it is not in harmony with the simplicity of our democratic form of government. I think this is the greatest Government on the earth, and I believe that next to patriotism there is no more pronounced earth, and I believe that next to patriotism there is no more pronounced characteristic of this people than national pride. I believe the American people are entirely willing and anxious that their representatives abroad should be clothed with appropriate official dignity, and I think they are willing, too, that the appropriation made from the Treasury for their support should be adequate to enable them to support and maintain that dignity. The present appropriation seems to me to be inadequate even for the present grade of our ministers. I, when in England a year ago, examined the matter somewhat, and I looked at the houses afforded there by other governments for their diplomatic representatives, and they were far superior in every respect to that which sentatives, and they were far superior in every respect to that which was occupied by the representative of the United States. The comparison was not calculated to inflame the American citizen with much

pride, and was not to our advantage.

I should be quite willing myself to vote to make our representatives at each of the courts named, of the highest grade known to the law of nations—an ambassador; but I think coupled with that there should be such an increase in the appropriation as will enable them to maintain within fair and reasonable limits the line of expenditure befitting that grade in the public service. To make our minister an ambassador and leave him with the pay of the subordinate grade, it seems to me would only intensify his humiliation on many occasions. It would charge him with a different scale of social expenditure, reference being had somewhat to the custom prevailing among others of the same grade,

without at the same time affording him the means of meeting that ex-

It appears to me if we adopt this amendment, putting an American minister in the highest grade, without making an increase in the appropriation for his support, that the inevitable inference abroad will be one of two: either that we do not understand the grade of expenditure in official and social life that would thereby be made necessary, or that understanding it this nation, which is the richest in the world, is not willing to make the necessary appropriation. As the matter stands even now, and it will be intensified by this amendment, I think no man can afford to accept the position of ambassador to either of these great courts unless he is possessed of a private fortune sufficient, in addition to the salary, to enable him to maintain himself decently, as sed of a private fortune sufficient, in other officials of that grade do; and the result of that will be (and it is too much so now) that the foreign service in the higher grades will be closed except to men of great wealth, so that no matter how able a man may be, how completely he may possess the genius of diplomacy, how exalted may be his patriotism, how fit he may be in every respect to represent this Government creditably abroad, he will be practically ineligible unless he is a rich man. I have myself been unable to come to the conclusion announced by the Senator from Maine, that the question of pay is a matter of no consequence in this connection.

Mr. HALE. I did not say that it was not a matter of consequence.

Mr. SPOONER. Not a matter of especial consequence.

Mr. HALE. I said that it was not by any means inseparably connected with this amendment in my judgment. I do not think the conferring of this other designation upon these ministers would necessarily result in an unanswerable demand for more salary. Whether they have salaries enough now or not is a question on which I might not disagree with the Senator from Wisconsin, but I do not think this des-

ignation will necessarily add anything to their expenses.

Mr. SPOONER. Perhaps it will not, but it ought to. At any rate it seems to have been the opinion of Mr. Frelinghuysen and others that the grade of ambassador calls for a somewhat different expenditure than that of minister resident, and the reluctance which the Secretary aunounced to urging upon Congress the amendment proposed by the Senator from Louisiana was that it would necessitate an increase in the expenditures, which he did not feel at liberty to press upon Congress. I am very willing myself, as I have said, to vote for an additional appropriation and to put these ministers in the highest grade, because there is a clear distinction between them in point of dignity. Ido not know that practically there is so great a difference; but I am not willing to vote to designate the minister an ambassador and yet leave his salary and the appropriation for his support as it is to-day, inadequate, in my

opinion, for the support of a minister even of the present grade.

Bearing upon one phase of the discussion of yesterday, if the Senate will permit me, I will read a few words more from this work:

In 1871, when Mr. George Bancroft was minister of the United States at Berlin, the question of his yielding the pasat the foreign office in every-day intercourse to representatives of higher grade or longer residence came up for consideration—

Mr. GEORGE. I should like to say to the Senator from Wisconsin that we did not hear his reading over here, and I should be glad if he would enable us to hear the authority.

The PRESIDENT pro tempore. The Chair appeals to Senators to be in order

Mr. SPOONER. I was reading an extract from Wharton's Digest for the purpose of affording the Senate some information of an authentic kind upon the practical question whether an ambassador to these four courts is entitled to greater precedence in obtaining an audience than a minister of the present grade.

In 1871, when Mr. George Bancroft was minister of the United States at Berlin, the question of his yielding the pas at the foreign office in every-day intercourse to representatives of higher grade or longer residence came up for consideration. I inclose transcript of a dispatch from Mr. Bancroft, reporting the rule then adopted by Prince von Bismarck. (Mr. Bayard, Secretary of S. ate, to Mr. Phelps., July 2, 1885. MSS, Inst., Gr. Brit.)

The rule adopted by Prince von Bismarck, as reported in Mr. Bancroft's dispatch of January 20, 1872. Is as follows:

"The chief of a mission who arrives first (at the foreign office) is first admitted, be his rank that of ambassador, minister, or charge."

That is the rule in Germany, in Russia, and, I think, it is the rule to-day in England.

I will also, although not bearing upon the specific question which I rose to debate only for a moment, which was the propriety of changing this grade without any change in the appropriation for the support of the representative, read this extract from Schuyler's American Diplo-

Macy:

At very many foreign offices the rule "first come first served" is not observed; but an envoy or a minister, though he may have been waiting hours in the ante-room for an important affair, must give place to an ambassador who has come in at the moment: and at Constantinople it is even expected that, should a minister be in conversation with the minister of foreign affairs or the grand vizier, he should withdraw and wait whenever an ambassador may be announced. In some countries a different rule is observed. In Russia it has been for many years the custom for the minister to receive the foreign representatives in the order in which they arrive at his office, without regard to their rank. This rule was brought into force at Berlin, owing to a personal dispute between Mr. Bancroft, our minister, and the British ambassador. Mr. Bancroft, after having waited a long time for an audience, was on one occasion obliged to yield to the British ambassador, who had that moment arrived. As the ambassador was personally disagreeable to the chancellor, and Mr. Bancroft was a friend of

his, a representation of the injustice done to the United States and its represent-ative brought about a change of rule.

I find here also an answer to the question put yesterday by the Senator from Mississippi [Mr. George], which was differently answered by two Senators on this side of the Chamber, which I will read from the articles adopted at Vienna and at Aix-la-Chapelle.

Mr. DAWES. What is the book?
Mr. SPOONER. I am reading from an excellent work, Wharton's International Law Digest, and these rules, the Secretary of State declares, have been observed by this Government, although this Government was not a party to the convention named:

ART. IV. Diplomatic agents shall take precedence in their respective classes according to the date of the official notification of their arrival.

That is without any regard to the personal rank of the official.

Mr. HALE. That is seniority. Mr. SPOONER. That is seniority. That is if there are four am-bassadors, one a prince, one a duke, another of a different grade of nobility and another a commoner, the order of precedence is not determined by the matter of individual rank, but by the date of official

notification of their arrival. Article VI also relates to the subject:

ART, VI. Relations of consanguinity or of family alliance between courts confer no precedence on their diplomatic agents.

But the point to which I rose to speak, as to which I do not desire to take longer time, is this: It seems to me no remedy of any existing evil, if there be one, to adopt an amendment putting the representa-tive of this Government into the highest grade known to diplomacy, that of an ambassador, and at the same time to limit the appropriation as it is limited in the present bill. I shall vote against the amendment in view of the information just given to the Senator from Nevada
[Mr. STEWART] by the Senator from Maine, that there is to be no change in the appropriation.

Mr. DAWES. Mr. President, this question which seemed at one time yesterday to so convulse the Senate, is not a new one, although it appears upon its face simple, whether we shall settle by an enactment

That which we call a rose, By any other name would smell as sweet.

It is an old question. My memory is not very good, but I do not recollect now a consular and diplomatic bill in the other body while I was a member of it or in this that has not raised this very question whether we shall call a man with a distinct official duty by one name or another. I confess that I never could make up my mind to have much sympathy with the movement, and hitherto I have always voted against it. I was a good deal overwhelmed yesterday with the importance of it and at one time I was ready to go back on my record in this matter; but after all, sleeping on it over night, I have come back to the feeling that, however inconvenient it may be for a minister to take a lower seat at the table or stand in a line in the drawing-room farther from the front than his idea of his importance or that of the country he represents may lead him to think he is entitled to, that consideration in my mind does not weigh half so much as the throwing away of the distinctive character of our American institutions. I think more of that consideration wherever it appears, whether at home or abroad, than I do of all these inconveniences, because they are only in-

They may at the foreign office put off a man for an hour or so, but I have never heard in the record of our diplomacy that we suffered because of it. I do not know why the representative of a little and comparatively insignificant state who has a matter of great importance to present, whether it be involving individual rights or state rights so far as he is concerned, may not have a matter of more importance than our minister, although he does not represent half so big a country. That is a matter of small importance compared to the question whether we are to surrender our individuality, if I may so express it, and mold ourselves little by little into the old-fashioned and hoary ways of institutions that we take pride in having cast behind us forever. Ours has been an effort to start out anew for ourselves in a career of insti-tutions and of power that the Old World never knew of and is incapable of so long as it is hide-bound and compelled to walk in the steps of

the centuries that have gone and are buried.

When Benjamin Franklin insisted upon appearing at the prondest and most fashionable court of Europe in the style of the country he represented he was a power, and that power came somewhat from that determination of his to be respected as an individual and not according to the garb in which he appeared, or in the name which this infant giant he represented for the first time had chosen to put upon his

There is to my mind—it may not be to others—something repugnant in this idea of going abroad and losing our individual character, our character as a nation, when we get there, just as it is excessively repugnant to me to see people bring back from the old countries the ways of those people and bang their horses' tails and wear their eye-glasses as was described by my friend from Kansas [Mr. Plumb] yesterday. I take no pleasure in repeating those things. I have nothing to say about those who desire to do them; but I have a lot and a share in the

responsibility when we enact a thing like this in the laws of this country for the purpose of getting ourselves in the category of those who think that the chief end of man is the position he is assigned by

royalty in royal processions.

I do not want to deal in clap-trap, and I am not in the habit of doing it, and it is not to me clap-trap when I see an American citizen going out from this country and insisting upon being an American citizen in his ways and in his talk and in his actions, just as much when he is 3,000 miles away from here, with the ocean between him and the country which requires that of him, just as much. I have a respect for him which I do not have for the man who comes back with his knee-buckles and all that sort of paraphernalia. That is why up to this time I have been unwilling to cast my lot in with this growing disposition to put ourselves on an equality, with whom?

Mr. EDMUNDS. Not with a Papal nuncio, who precedes your am-

bassador, after all.

Mr. DAWES. By and by this will go on so, if we begin to yield to it, it will grow upon that on which it feeds. When the Pope says that nobody shall be admitted into his presence unless he conforms to certain ceremonies, it may be proper enough for him and those who believe in them, in order that they shall not wait an hour or two. If we shall be required to do that, by and by when we go to Turkey we shall be obliged to array ourselves in the costume of the country. What inspired the statute that said our ministers should appear in foreign courts in citizens' dress but the desire to impress upon our ministers abroad that they were citizens of the United States there as much For one I desire to hold on to it.

I am old-fashioned, I confess, and I confess that I stand in need of that molding influence which men get who travel abroad. I do not know that I shall ever have the benefit of it. But I wanted to explain my vote to-day; and on the whole I am going to maintain my record, to keep so can upon this question the individuality of the diplomacy of the United States, and the less it is like that of other countries the better I am suited with it, in the outside of it as much as the inside of it. I have no desire to have men sent abroad as secret spies upon governments abroad to communicate secretly to our State Department the plans and designs of the nations of the earth so that we can either spring a trap upon them or catch them, as is the custom of all those nations abroad even to

this day.

I would carry out the diplomacy of this country abroad and at home in its outward appearance and in its essence in the same open, frank manner that a gentleman meets a gentleman; and when a minister, an official in the diplomatic service of this country abroad, by whatever name he is called, will insist upon it that he is to be met on the plane that gentlemen meet gentlemen, that is all I will ask of him, and it is quite as much, I am atraid, as we shall be able to get unless we stop this paltering about how far we can go and make believe that we belong to that set and that kind of institutions without actually throwing up what we have here at home of which we ought to be proud, proud in its unlikeness-if you will allow me to use that word-to

anything else on the face of the earth.

Mr. MORRILL. Mr. President, whather the name of our ministers abroad is changed or not, I think it would be well for us to make an appropriation for several of our missions sufficient to pay for the rentals of the apartments that they have to obtain and which are much dearer abroad than they are in this city. I know that the minister to the court of London has in several instances paid \$10,000 a year for a house that could be obtained here for three or four or five thousand dollars, and could be obtained here for three or four or nve thousand dollars, and it does seem to me that at several foreign courts they ought to have a sufficient sum in addition to their salary to pay for their rental. If a man is to go abroad and take his family and have rooms for his secretaries and clerks, he should have a sufficient amount of money to pay for them, otherwise these high positions will be only occupied by men of wealth.

I know also that several of our ministers who have been abroad, on their return have been very much poorer in purse than they were when they went. The minister from Great Britain here has a salary of \$25,-000 and a magnificent house free of rent in addition.

It seems to me that at some of the more important courts, whatever may be done in relation to the designation of our ministers there, some compensation for the rental they have to pay ought to be made to them.

Mr. GEORGE. Mr. President, this seems to be a very important question, I might say a very tremendous question, one in which I suppose the thirty or forty gentlemen who are expecting to be appointed as ministers to represent the United States to the European courts within the next sixty days are taking a very lively interest, and yet one of which, I suppose, the great mass of the American people up to this time have never thought, for I presume that the great mass of the American people, like myself up to the revelations which were made yesterdayrevelations to me, certainly-of the superior dignity of ambassadors as compared to ministers plenipotentiary, were entirely ignorant of that

I had noticed somewhat in the diplomatic history of this country how we had been represented in foreign courts and on the most interesting occasions when the very highest interests of the American peo-ple were committed to the hands of our foreign representatives. I had

noticed that our forefathers and even the rulers of the present generation had thought that the interests and the welfare of the American people were entirely safe in the hands of commissioners or representatives who, as I understand now, are entirely inferior in grade to this grade of ambassador. Looking back at the history of our country, at the very first diplomatic act ever performed by the United States of America, which had the effect of securing our existence as a nation, to wit, the treaty between the United States and France, concluded in 1778, by which France guarantied our independence, I find that the very delicate and responsible duties, the very momentous duties which had been reposed by the old Congress in the men who represented the United States, were committed to men who are designated in that treaty in about this way: "On the part of United States, Benjamin Franklin," not ambassador, but "deputy to the general Congress from the State of Pennsylvania, and president of the convention of the same; Silas Deane, heretofore deputy from the State of Connecticut, and Arthur Lee," simply "counselor at law."

I have not read or heard that any set of representatives of the United States from that day to this have ever performed a more important service to the people of this country than the three gentlemen whose names I have read. That was the act of our forefathers, the old-fashioned act to which the Senator from Massachusetts [Mr. DAWES] alluded and to whose expressions upon that subject I fully subscribe.

Let us go on a little further and see how those old-fashioned ances tors of ours acted on important occasions. I have alluded to the agreement we made with France to guaranty our independence. we had an arrangement with Great Britain by which that independence was acknowledged, and I find instead of having these high-sounding and new-fangled names, that that treaty was negotiated by-

John Adams, Benjamin Franklin, John Jay, Henry Laurens, four of the commissioners of the said States for treating of peace, with the commissioner of his said Majesty, on their behalf and on their part.

There in the great act of the provisional articles which recognized our independence and which were afterwards to be in due form incorporated—as I believe they were—verbatim in the permanent treaty of peace, we find that we did not need ambassadors; we needed simply commissioners. And when we came to make the definitive treaty of commissioners. And when we came to make the definitive treaty of peace with Great Britain, which took place in the subsequent year, 1783, we find that we were represented on the part of the United States by "John Adams, esquire," plain, simple John Adams, esquire, who is also described to be "late commissioner of the United States to the court of Versailles, and late a Delegate in Congress from the State of Massachusetts and chief-justice of said State," and referring to another character which he had, but in which he was not then acting, "minister plenipotentiary of the said United States to their Highnesses the States-General of the United Netherlands," "Benjamin Franklin, esquire," and so on and so on.

So in the great act which resulted in the acknowledgment of our independence as a nation our fathers thought that the United States were sufficiently represented by men who were simply commissioners, simply men to whom had been committed by the United States the duty of negotiating the treaty; and from that day to this the plain republican people of the United States have been satisfied to be represented in European courts by honest, faithful, intelligent, and skillful men, without their having the additional label written upon them, the great name of "ambassador."

Washington had the power to appoint foreign ministers, including ambassadors, and yet, plain republican that he was, he never thought it was necessary either for the interests of the United States or for the comfort and social convenience of those ministers whom he appointed to appoint ambassadors. So with Jefferson, and so with John Adams, and so with all the old men, the old fathers of the Republic.

And, sir, who have been content in the old times to accept this humble, this inferior position, as Senators advocating this amendment claim it to be, this position inferior to ambassador? Who are these men? Among them you will find Henry Clay, you will find John Quincy Adams, you will find old John Adams, you will find Chief-Justice Jay, you will find Albert Gallatin, and many other names the mention of which in any group of American citizens would be received with pride. These men, because they were men and not mere things, represented with honor, with credit all the great interests of the American people in foreign courts in the inferior grade of commissioners and ministers, and so far as I know, and as I believe, not one of them ever complained that the label by which the Government of the United States named

him was not of sufficient dignity and honor.

It was asked yesterday, I believe, of the Senator from New York

[Mr. EVARTS] if he had ever known an instance in which the interests
of the United States had suffered by reason of the fact that our foreign minister was not labeled or named an ambassador, and the Senator answered that he had not. So if there be any motive of advancing the interests of the United States by the change of title, that motive is without sufficient foundation. But, sir, it is said that in the courts of Europe there are questions of precedence and in the settlement of those questions the ambassadors have the advantage of our plain republican ministers, they take a higher seat at the table, they go ahead in pro-cessions before royalty, and all that sort of thing. Well, Mr. Presi-

dent, I do not feel much interest in matters of that sort, and I think the historical student, when he casts his eye over all the follies and flummeries which have characterized the settlement of questions of precedence between one minister and another, will find there is nothing in all that which should induce the American people to embark in such a matter.

Like my friend from Massachusetts [Mr. DAWES] who addressed us this morning in a speech which I hope he will allow me to indorse in its every word and syllable-I hope he will have no objection to that, because in a matter of that sort a bad indorser can not make bad a good thing-when this great light burst upon my benighted mind yesterday as it did for the first time, that the gentlemen whom we send to Europe in the subordinate and inferior position of simple ministers plenipotentiary were incapacitated to do us all the service that they might do if they had a higher title, I am somewhat surprised at the present situation. Like the Senator from Massachusetts, I see no necessity that we would deliberately by law enact that-the rose should be called by some other name. I believe so far there is no proposition to change the character, the function, or the power of the minister, but simply to change the name to give him greater dignity to keep his tender sensibilities from being wounded on state occasions, and especially to keep his democratic—not in its party sense—and his republican sensibilities from being wounded when he is brought in contact with the stars and garters and decorations and all that sort of grand thing, which I do not know much about, which he encounters in the courts of Europe. When I heard all this, I commenced recalling to my mind what little of historic knowledge I had upon this subject, and particularly did I remember, though rather indefinitely, the description by Macaulay of a celebrated diplomatic conference which took place in Europe in the year 1697.

Europe had been agitated, had been harassed by war for years gowing out of and fomented by the unrighteous and unhallowed ambition of Louis XIV of France, the Grand Monarque who aimed at autocratic power not only in his own country but in all the states of Europe.

Battle after battle had been fought, fortress after fortress had been besieged, some had fallen and some had resisted successfully. There was a combination against this Grand Monarque, of which the leading spirit was that king of England—and I want to call attention to that—who owed his title to the crown, not to inheritance, not because he was the Lord's anointed, but because he was selected by the people of who owed his title to the crown, not to inheritance, not because he was the Lord's anointed, but because he was selected by the people of England for that place, William III. Thus deriving his title to the crown against the old monarchical principle of the indefeasible title of the Lord's anointed, William had somewhat of democratic and republican instincts. He was the head of the coalition. Louis began to be weary of war, and preliminaries were being arranged for a treaty of

Now for the benefit of those gentlemen who insist so much upon etiquette-I believe that is what they call it, etiquette-so much upon the American people observing the forms and conforming to the ridiculous and absurd rules of kingly governments—I propose to read from Macaulay a history of that conference, so that we may see how things are carried on in Europe, and how utterly contemptible they ought to be to republicans, and how utterly inefficient they are to the countries which indulge in them.

This question of precedence was a very large one then, and not only applied to ambassadors and other ministers, but it applied to even the place at which the conference should be had. The French wanted one place and the allies wanted another. Neither would yield the question of precedence, the question of whose wishes were to be consulted about the momentous subject of the place at which a conference should be had. Finally, not being able to agree that the French place should be named or that the allies' place should be named, they made a compromise, and so the French stopped at the Hague and the allies stopped at a little town called Delft. They were five miles apart, and there could be no conference at the distance of five miles. They had no phonographs then, they had no telephones then, they had no telegraph then; and so after having got within five miles of each other the interests, the peace, the happiness, and the welfare of Europe which had been imperiled by this long and disastrous war were about to be sacrificed because on the question of precedence these diplomats could not be got together; and so finally they agreed to meet just exactly half way be-tween the Hague and Delft at a little village called Ryswick. Hence the name of the treaty of Ryswick. Well, that was got over. What was the next thing done? I must read now, because I can not

express the idea so briefly and so perfectly as it is expressed by Macaulay.

I might say, however, that one set of diplomats came in at one gate and another set came in at an opposite gate, and the mediator—they seem to have had a mediator there who was the ambassador of the King of Sweden—came in at a middle gate. They got together at last.

At the first meeting-

Says Macaulay-

the full powers of the representatives of the belligerent governments were de-livered to the mediator. At the second meeting, forty-eight hours later, the mediator performed the ceremony of exchanging these full powers.

It took forty-eight hours on a question of dignity and precedence to I and to dress themselves in the garb of sorrow,

exchange papers which might have been exchanged in five minutes. Macaulay continues:

Then several meetings were spent in settling-

The grave-I put that in-and the momentous question which then agitated that select body of men-

how many carriages, how many horses, how many lacqueys, how many pages each minister should be entitled to bring to Ryswick; whether the serving men should carry canes; whether they should wear swords; whether they should have pistols in their holsters; who should take the upper hand in the public walks, and whose carriage should break the way in the streets,

so that there should not be a collision between the carriages of these distinguished ambassadors. They were all ambassadors—every one of them. There was not a diplomat there who was not labeled "ambassador."

It soon appeared that the mediator would have to mediate not only between the coalition—

That was England and the Netherlands and the Austrian Emperor and the King of Spain on the one side, against Louis XIV on the

It soon appeared that the mediator would have to mediate not only between the coalition and the French, but also between the different members of the coalition. The imperial ambassadors "—

Yes, "imperial ambassadors"—

claimed a right to sit at the head of the table. The Spanish ambassador would not admit this pretension, and tried to thrust himself in between two of them. The imperial ambassadors refused to call the ambassadors of electors and commonwealths by the title of excellency. "If I am not called excellency," said the minister of the elector of Bradenburg, "my master will withdraw his troops from Hungary."

Proper name for an ambassador to apply to his sovereign, "my mas-

The imperial ambassadors insisted on having a room to themselves in the building, and on having a special place assigned to their carriages in the court. All the other ministers of the confederacy pronounced this a most unjustifiable demand, and a whole sitting was wasted in this childish dispute. It may easily be supposed that allies who were so punctilious in their dealings with each other were not likely to be very easy in their intercourse with the common enemy.

Now comes a very remarkable question, to which I desire to call the especial attention of Senators who take such deep interest in this matter of precedence:

The chief business of Harlay and Kaunitz was to watch each other's legs.

They were ambassadors and their chief business was to watch each other's legs.

Neither of them thought it consistent with the dignity of the crown which he cred to advance towards the other faster than the other advanced towards him.

He did not want to show that he was eager to get in the presence of the other man. Their dignity was so great, their notions of precedence were so stringent, that both of them in walking towards each other were very particular each that he should not advance any faster than his distinguished opponent. Now let us see what happened:

If therefore one of them perceived that he had inadvertently stepped forward too quick, he went back to the door, and the stately minuet began again.

That is the dignity, that is the custom of Europe which it seems that Senators who are dissatisfied with the plain old-fashioned way we have in sending ministers to Europe want to introduce us to.

Then they had to quarrel about the language in which they should draw up the treaty. One man wanted it drawn up in French, another insisted "no, French shall not have precedence in this matter." Finally

they hired a poor scholar, who drew it up in bad Latin, a dead language, and then they could all agree.

Then here is another remarkable part of the proceeding I want to call to the attention of the Senators who desire to bind us, plain re-

publicans as we are, to the customs of Europe:

In the middle of April it was known to everybody at the Hague that Charles XI, King of Sweden, was dead, and had been succeeded by his son; but it was contrary to etiquette that any of the assembled envoys should appear to be acquainted with this fact till Lilienroth—

Who was the Swedish minister-

had made a formal announcement; it was not less contrary to etiquette that Lilienroth should make such an announcement till his equipage and his household had been put into mourning, and some weeks etapsed before his coachmakers and tailors had completed their task. At length, on the 12th of June

Having heard, everybody knowing that the man was dead in the early part of April, here was April all gone, and May all gone, and nobody daring to admit that he had the slightest knowledge of the death of the king, and if he had it would be a violation of that stringent etiquette which governs on occasions of that sort to mention it!

At length, on the 12th of June-

Nearly the middle of June-

The Swedish minister-

came to Ryswick in a carriage lined with black and attended by servants in black liveries, and there in full congress proclaimed that it had pleased God to take to himself the most puissant King Charles XI. All the ambassadors then condoled with him on the sad and unexpected news—

Which they had all heard two months before-

and went home to put off their embroidery

Their court dresses, their stars and their garters, and their decorations

Then, Macaulay adds:

In such solemn trifling week after week passed away.

William was a practical statesman. He had, as I remarked before, got his title to the British crown by the free choice of the British people. He got tired of all this solemn trifling—no peace, no treaty made. The great minds, the trained minds of this congregation of trained diplomats had solemnly trifled month after month in settling questions of etiquette, in settling questions of precedence, and had not taken one step towards the business upon which they had been sent. So William, being a practical man, concluded that he would make a treaty by another agency while these fellows were all engaged in this solemn trifling.

William

Says Macaulay-

with the judgment and decision of a true statesman, determined to open a communication with Louis through one of the French marshals who commanded in the Netherlands.

Disregarding all these great diplomats who were thus engaged in settling all these momentous questions to which I have just alluded.

Of those marshals, Villeroy was the highest in rank.

But he would not take him. It seems to our friends here that high rank is everything, but not so to the practical mind of William, who, Macaulay says, acted "with the judgment and decision of a true states-

Of those marshals, Villeroy was the highest in rank. But Villeroy was weak, rash, haughty, irritable. Such a negotiator was far more likely to embroil matters than to bring them to an amicable settlement. Boufflers was a man of sense and temper.

And, I suppose, taking the history of his conduct in this matter, he would remain still a man of sense and good temper, though not a diplomat at all, even though he was not labeled "ambassador."

Boufflers and Portland had known each other. Portland was one of William's men, one of his generals, and I will state here what Macaulay says about him. Macaulay shows that in matters of diplomacy, as well as in everything else, straightforward plain comprosers must be really and the straightforward plain comprosers must be really as the straightforward plain comprosers and straightforward plain comprosers are straightforward plain comprosers. as in everything else, straightforward, plain common sense must prevail against all the chicane, the trickery, and the high training of what is called diplomacy. Macaulay says:

It is a remarkable fact that this man, who in the drawing-rooms and coffee-houses of London was described as an awkward, stupid Hogan Mogan—such was the phrase of that time—was considered at Versailles as an eminently pol-ished courtier and an eminently expert negotiator.

Now, we shall see how that turned out. Macaulay says, as I say in reference to any representative we send to a foreign country, not that he shall be called ambassador or this thing or that thing, but—

His chief recommendation, however, was his incorruptible integrity. It was certain that the interests which were committed to his care would be as dear to him as his own life, and that every report which he made to his master would be literally exact.

We had better, in order to subserve the interests of the American people, be sure in selecting a representative of this country to a foreign government that we get a man like Portland, who, though awkward in the drawing-rooms and coffee-houses, was yet a man of incorruptible

integrity.

Now, let us see how this singular arrangement turned out. These grand ambassadors, these great diplomats, who had been for months and months engaged in what Macaulay calls "such solemn trifling," had not proceeded one step towards making a treaty. Now, let us see how this new move turned out. Portland got an interview with the French marshal, Boufflers. Boufflers corresponded with Louis, and the men

On the 28th of June, according to the old style, the meeting took place, in the neighborhood of Hal, a town which lies about 10 miles from Brussels, on the road to Mons. After the first civilities had been exchanged, Boufflers and Portland dismounted, their attendants retired, and the two negotiators were left alone in an orchard. Here they walked up and down during two hours, and in that time did much more business than the plenipotentiaries at Ryswick were able to dispatch in as many months.

No question of precedence, no question of how in advancing towards each other each should take exactly the same gait, with the same swiftness as the other, and if they had made a mistake about that then going back and doing it all over again, but talking together in an orchard without ceremony, talking together as friends and as business men, they did more in two hours than the grand conclave of ambassadors had been enabled to accomplish in two months.

Macaulay proceeds:

The negotiation between Boufflers and Portland proceeded as fast as the necessity of frequent reference to Versailles would permit. Their first five conferences were held in the open air; but at their sixth meeting they retired into asmall house, in which Portland had ordered tables, pens, ink, and paper to be placed; and here the result of their labors was reduced to writing.

And the treaty was formed by these two men without any official character and then submitted to the conclave to which I have called attention. Macaulay says:

Before the end of July everything was settled as far as France and England were concerned. Meanwhile it was known to the ministers assembled at Ryswick that Boufflers and Portland had repeatedly met in Brabant, and that they were negotiating in a most irregular and indecorous manner, without credentials or mediation or notes or protocols, without counting each other's steps, and without calling each other excellency. So barbarously ignorant were they of the rudiments of the noble science of diplomacy that they had very nearly ac-

complished the work of restoring peace to Christendom while walking up and down an alley under some apple-trees. The English and Dutch loudly applauded William's prudence and decision. He had cut the knot which the congress had only twisted and tangled. He had done in a month what all the formalists and pedants assembled at the Hague would not have done in ten years. Nor were the French plenipotentiaries ill-pleased. "It is curious," said Harlay, a man of wit and sense, "that while the ambassadors are making waf, the generals should be making peace."

I give that incident, that historical incident to the Senate to show how utterly unmeaning, how utterly without force is the suggestion that the interests, the welfare of the American people demand that a change should be made in the rank of our representatives in Europe, The PRESIDENT pro tempore. The question is on the amendment of the Senator from Louisiana [Mr. GIBSON].

Mr. HALE. I hope that unless some Senator desires further to delete this proposition.

bate this proposition we may have a vote upon it and dispose of the

The PRESIDENT protempore. The amendment will be again stated. The Chief Clerk read the amendment of Mr. Gibson.

Mr. PLUMB. Before the vote is taken I wish to make a slight contribution to this debate by proxy. There is an article in a New York paper this morning in the shape of a dispatch from Washington which deserves a somewhat larger circulation than it will get by reason of its publication in that paper and which I therefore desire to son of its publication in that paper, and which I therefore desire to have inserted in the widely circulated and widely read CONGRESSIONAL have inserted in the widely circulated and widely read CONGRESSIONAL RECORD for two reasons: First, a reason personal to myself because of a reference to me which I think ought to be somewhat more widely read than it will be if the publication is limited to the paper in which it was originally published, and second, because of the fact that it was intended to advance the interests of a gentleman, an intimate friend of mine, who has for many years desired to represent and who still desires to represent the United States at the court of Queen Victoria, and who with natural and very proper American pride, at least proper and who, with natural and very proper American pride, at least proper from the standpoint of those who favor this amendment, does not want to go as minister extraordinary, but wants to bear the more pre-

tentious label of ambassador.

I will therefore ask the Secretary to read the paragraph which I have marked, and I wish to say that the authenticity of the article can not be questioned, because it is the result of eavesdropping which has been carried on in the Senate Chamber by a person who claims the right to be upon this floor as the private secretary of a Senator, to the exclusion or at all events the inconvenience of Senators.

The Chief Clerk read as follows:

MINISTERS OR AMBASSADORS—WHICH?—THE SENATE ARRIVES AT NO DECISION ON THE QUESTION—PLUMB DOESN'T WANT ANY DIPLOMATS.

WASHINGTON, January 28.

ON THE QUESTION—PLUMB DOESN'T WANT ANY DIFLOMATS.

WASHINGTON, January 28.

The Senate spent the entire day practically upon a discussion of the question whether the present envoys extraordinary and ministers plenipotentiary to the court of St. James, Germany, and Russia, and to the French Republic should be raised to the rank of ambassadors or not, and after devoting five hours to the discussion it was not even then able to reach a decision. It gave a fine opportunity, however, for a display of cheap demagogism.

The amendment to the diplomatic and consular appropriation bill, which would have raised the rank of the four ministers to ambassadors, was offered by Mr. Girsson, of Louisiana, who, in a sensible, straightforward manner, presented the reasons why such a change was desirable and the advantages that were likely to accrue from it.

The opposition was led by Mr. Plume, of Kansas. He delivered a speech which might have electrified a cross-roads meeting and impressed listeners with the heroic simplicity and sturdy republicanism of the speaker, but in an assembly of thoughtful men like the Senate it fell flat and only excited laughter.

Mr. Plume himself was hardly in earnest when he asserted that ministers were of no use to the country any way, that they were paid a big salary for the simple purpose of having an opportunity of eating good dinners, moving in society, and dancing attendance upon court circles, and that the business they attempted to do could better be dispatched by consular agents. In fact, the Kansas Senator asserted that the extension of our commerce was the only business which would require the intervention of an agent in our dealings with foreign nations.

Mr. Reagan followed in his old manner, rehashing his favorite mournful tale of the creation of privileged classes and class legislation. It was in vain that such men as Senators Evarts, Hoar, Sherman, Hawley, Halle, Morgan, Gipson, and others tried to convince Messrs, Plume and Reagan, who in the mean time had been supported by Stewarr

Mr. PLUMB. I think that will suffice as a final contribution to the debate on this important subject; and I have no doubt we shall now

be able to get a vote.

Mr. HALE. I hope we shall have a vote.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Louisiana [Mr. GIBSON].

Mr. PLUMB. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARWELL (when his name was called). I am paired with the

Senator from Florida [Mr. PASCO].

Mr. PLUMB (when his name was called). I am paired generally on all questions which divide the Senate with the Senator from Arkansas [Mr. Berry], but I am assured by his colleague that he would vote 'nay'' if present, and I therefore vote "nay."

The roll-call was concluded.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. Vance]. He is confined to his house by sickness. If he were here I should vote "yea."

Mr. WILSON, of Iowa. I desire to announce that my colleague Mr. Allison is paired with the Senator from New Jersey [Mr. Mc-PHERSON

Mr. PADDOCK. I desire to announce the pair of my colleague [Mr. MANDERSON] with the Senator from Kentucky [Mr. Black-BURN].

The result was announced-yeas 26, nays 24; as follows:

	YE	AS-26.	
Brown, Call, Cameron, Chace, Chandler, Colquitt, Davis,	Dolph, Evarts, Frye, Gibson, Gorman, Gray, Hale,	Hampton, Hawley, Hiscock, Hoar, Morgan, Morrill, Paddock,	Payne, Platt, Sherman, Stockbridge, Wilson of Md.
After the State of	NA.	YS-24.	
Bate, Blair, Cockrell, Daniel, Dawes, Edmunds,	Eustis, Faulkner, George, Harris, Ingalls, Jones of Arkansas	Mitchell, Plumb, Pugh, Ransom, Reagan, s, Saulsbury,	Spooner, Stewart, Turpie, Voorhees, Walthall, Wilson of Iowa.
	ABSI	ENT-26.	
Aldrich, Allison, Beck, Berry, Blackburn, Blodgett, Bowen,	Butler, Coke, Cullom, Farwell, Hearst, Jones of Nevada, Kenna,	McPherson, Manderson, Palmer, Pasco, Quay, Riddleberger, Sabin,	Sawyer, Stanford, Teller, Vance, Vest.

So the amendment was agreed to.

Mr. PLUMB. I move to strike out the entire paragraph from line 11 to line 13, and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.
The CHIEF CLERK. On page 1 of the bill it is proposed to strike out lines 11, 12, and 13, as follows:
Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500 each,

And in lieu thereof insert:

For the purpose of enabling the President to premote friendly and commercial intercourse with Great Britain, \$20,000.

Mr. PLUMB. I shall follow that, if it should be adopted (I suppose it will not be) by a similar amendment in regard to the other powers named in the paragraph.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas [Mr. Plums].

The amendment was rejected.

Mr. HALE. There are a few formal amendments that I wish to make to perfect the bill before going to the other amendments which have been reserved.

On page 2, line 25, "Columbia" should be "Colombia;" so as to read: "the United States of Colombia."

The PRESIDENT pro tempore. That correction of spelling will be

Mr. HALE. On page 18, line 418, I move to strike out "1888" and insert "1889;" so as to read: "for the fiscal year ending June 30,

The amendment was agreed to.

Mr. HALE. On page 10, after line 218, I move to insert:

Great Britain: Consul at Montreal.

The amendment was agreed to.

Mr. HALE. On the same page, line 210, to correct the total, I move to strike out "seventy-nine" and insert "eighty-two;" so as to read \$382,000,"

The amendment was agreed to.

Mr. HALE. On page 9, line 198, I move to correct the total by striking out "\$20,000" and inserting "\$16,000."

The amendment was agreed to.

Mr. HALE. Now, if there are no further amendments to be of-

Mr. GORMAN. Will the Senator from Maine permit me to offer an amendment?

Mr. HALE. Yes, if the Senator has an amendment. The PRESIDENT protempore. The Chair understands that there is

an amendment pending.

Mr. SHERMAN. There is an amendment of the committee pending. The PRESIDENT pro tempore. What is known as the Samoan

amendment is pending.

Mr. HALE. But I desire to postpone the Samoan amendments until the completion of other amendments and the discussion of the bill. If any Senator has any other amendment I would prefer that he should

The PRESIDENT pro tempore. The Chair will, then, recognize the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. I offer the amendment which I send to the desk, to come in as new sections.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill new sections, as follows:

SEC.—. That for the purpose of making adequate preparation for an appropriate celebration of this great historic event, a commission of nine members, to be known as the constitutional centennial commission, is hereby authorized, and the President of the United States shall, and he is hereby authorized and empowered, to appoint said commission ers, subject to the confirmation of the United States Senate, and said commission shall have charge of the preparations for and the ceremonies of said celebration.

SEC.—. That the President of the United States is hereby authorized and requested to invite the chief executive and chief judicial officers of Mexico, Guatemala, Nicaragua, Costa Rica, Salvador, Honduras, United States of Colombia, Venezuela, Bolivia, Peru, Chili, Uruguay, Paraguay, Ecuador, the Argentine Republic, the Empire of Brazil, the Dominion of Canada, Hayti, San Domingo, and such other civil and military officers of said governments as the commission hereinbefore provided for shall designate, to visit Washington in the spring of ISS9 and join with the President of the United States, and the Congress of the United States, the justices of the Supreme Court, the governors of the forty-six States and Territories, and others who may be invited, in suitable ceremonies in honor of said event. And the President shall have authority to entertain, in a suitable manner and for a suitable time, in his discretion, the foreign guests attending said celebration; and the sum of \$300,000, out of any money in the Treasury not otherwise appropriated, is hereby appropriated, or so much thereof as may be necessary, to defray the expenses incident to said celebration and said entertainment, the same to be paid and disbursed upon proper vonchers approved by the president of said commission.

SEC.—. That said commission shall, from time to time, report directly to the President of the United States.

Mr. HALE. That amendment finds no proper place upon the dip-lomatic and consular appropriation bill, which is for the annual ex-penses of our diplomatic and consular intercourse. It will naturally be considered by the Committee on Appropriations upon the sundry civil appropriation bill, where all such matters properly come. Therefore

appropriation bill, where an such matters properly come. Therefore I am constrained to make the point of order against the amendment. The PRESIDENT pro tempore. Will the Senator state the ground upon which the point of order is preferred?

Mr. HALE. I do not understand that the amendment comes here by the sanction of any committee. It is a new matter increasing the

appropriations.

The PRESIDENT pro tempore. The Chair is not advised upon that point and will hear the Senator from Maine.

Mr. HALE. I state that fact. Nobody disputes it.

Mr. GORMAN. If the Senator from Maine will permit me, I desire to say that this proposition in the form of a bill was reported to the Senate by a special committee that has had the matter under consideration, and the bill passed this body, I think, unanimously. It is now pending elsewhere. Within the last few days, probably within a week, It is now pending eisewhere. Within the last lew days, probably within a week, I presented the bill which passed the Senate as an amendment to this bill, and I had it referred to the Committee on Appropriations. It has therefore been considered by a special committee and passed, I think, by a unanimous vote of this body, and was again referred to the Committee on Appropriations. Of course the committee has not acted upon it.

As to the relevancy of the amendment to this bill I take issue with the As to the relevancy of the amendment to this bill I take issue with the Senator from Maine. The provision of the amendment is that we shall invite representatives from all the republics south of us to this great celebration of the one hundredth anniversary of the Constitution. Fifteen of those republics have modeled their organic law after the Constitution of the United States. It would seem to me that this is a proper bill for the consideration of the matter.

Technically I suppose the Senator may be right that in the form of an amendment it has not been recommended by any committee; but I trust that in view of the importance of the matter the Senator from

Maine will not insist upon the point of order.

Mr. HALE. If it were not that the other appropriation bill will be taken up in two or three weeks, where the amendment properly belongs, I should not insist on the point of order. But it clearly belongs songs, I should not insist on the point of order. But it clearly belongs to the other bill, and I think should go there, when the Committee on Appropriations can have the opportunity of considering the subject, which it has not done, as the Senator knows, upon this bill. The amendment has never been considered or passed upon by that committee. I do not in any way seek to shirk the responsibility of considering it in committee on the other appropriation bill, and I do not say, for one, that I shall oppose it there, but it clearly does not belong to the pending bill.

The PRESIDENT are ferrors. If the Senator from Main instance.

The PRESIDENT pro tempore. If the Senator from Maine insists upon the point of order, the Chair holds that the amendment can not

be received to the bill.

Mr. SHERMAN. I must insist that the rule shall be observed in regard to the Samoan amendments, as they were reported from the

committee and are now pending.

The PRESIDENT pro lempore. The Senator from Maine expressed a desire that some formal amendments should be acted upon from the

Mr. SHERMAN. I have no objection to mere formal amendments, but other amendments will be offered to the bill which will lead to debate, and I think it is important to act on the Samoan amendments

The PRESIDENT pro tempore. The pending amendment will be stated

Mr. HALE. I do not know that there are any more amendments except those.

Mr. REAGAN. I inquire if the amendment beginning at line 175 and ending at line 181 has been acted upon?

Mr. HALE. The Senate is just coming to those amendments. It

has just reached them.

Mr. SHERMAN. When they are reached I should like to have them read.

Mr. REAGAN. I desire when we have reached that point to enter a motion.

The PRESIDENT pro tempore. The Chair has directed the Chief Clerk to report the pending amendment.

The CHIEF CLERK. After line 174 the Committee on Appropriations report to insert:

For the execution of the obligations and the protection of the interests of the United States, existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

The PRESIDENT pro tempore. The other amendment will be

The CHIEF CLERK. After line 181, the committee report to insert:

For the survey, improvement, and occupation of the bay and harbor of Pago Pago in the Island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

Mr. HALE. As these amendments involve the construction of a treaty and will necessarily give rise to a discussion of what may be perhaps very delicate relations between the United States and another foreign power, I move that the galleries be cleared and that the Senate proceed to consider them with closed doors.

The PRESIDENT pro tempore. Is there a second?
Mr. EUSTIS. On that I call for the yeas and nays.
Mr. SHERMAN. The question must be taken with closed doors.

Mr. HALE. Undoubtedly.

The PRESIDENT pro tempore. The Chair as to the motion made by the Senator from Maine. Mr. HALE. It has been seconded. The Chair asks if there is a second

The PRESIDENT pro tempore. The Chair did not hear it.

Mr. FRYE and Mr. MORGAN. I second the motion.

The PRESIDENT pro tempore. The Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

After one hour and five minutes the doors were reopened. The PRESIDING OFFICER (Mr. DOLPH in the chair). tion recurs on agreeing to the amendment reported from the Committee on Appropriations.

Mr. SHERMAN. I ask that the two amendments be again read. I take it that both may be considered together.

The PRESIDING OFFICER. What is the suggestion of the Senator from Ohio?

I ask that the amendments be again read.

The PRESIDING OFFICER. The Chief Clerk will read the amend-

The CHIEF CLERK. The Committee on Appropriations report to insert after line 174:

For the execution of the obligations and the protection of the interests of the United States, existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

For the survey, improvement, and occupation of the hay and harbor of Pagopago in the Island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a conling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

ately available.

I should like to submit a proposition, that by unani-Mr. HALE. mous consent the vote may be taken now upon these amendments.

The PRESIDING OFFICER. The Senator from Maine asks unani-

mous consent that the vote be now taken upon the amendments.

Mr. SHERMAN. I desire to make some statements in regard to the condition of affairs in Samoa. I will promise not to be very long about

it and not to go beyond a reasonable time.

Mr. HALE. I hope I may be able at the close of the Senator's remarks to get unanimous consent for an immediate vote on the amend-

Mr. SHERMAN. Mr. President, the time has arrived when Congress, and especially the Senate, must give intelligent attention to the questions involved in the occupation and settlement of the Samoan These questions are now exciting profound attention, not only in this country, but in Great Britain and Germany. While supporting the amendments proposed by the Committee on Foreign Relations, reported now from the Committee on Appropriations, I think it is due to the Senate and the people of the United States that I should state in a skeleton form the chief facts in regard to this matter, and that, too, without any feeling whatever, without any desire to interfere with our diplomatic negotiations or to disturb the harmony of our relations with Germany or Great Britain. I hope that the action of the Senate will be unanimous upon the adoption of these amendments, and that a frank and open debate will tend to this result.

situated in the South Sea, almost midway between San Francisco and Australia, on the direct line of commercial intercourse from every part of America to the Australian or Polynesian Islands and settlements. Their locality commands the natural interest of many nations. In extent they are comparatively insignificant, containing but about a thousand and forty-eight square miles composed of eight or ten different islands, the chief of which are Savaii, Upolu, and Tutuila, separated from each other by short distances. They are peopled by 32,500 innocent, harmless, tractable, and good-humored natives, of the Polynesian race, about 1,000 blacks taken there as laborers, and about 300 foreigners, nearly all of whom are either Germans, Americans, or English, occupying various commercial establishments there.

These islands were first explored and surveyed in a scientific way by Admiral Wilkes in his famous exploration in 1840. The best maps of those islands within our reach are still the maps furnished by that expedition, and they are contained in the book of maps I have here before me. Admiral Wilkes was so impressed with the importance of those islands that he made surveys of the harbors and bays connected with them. The chief harbor, that of Pago Pago, in the island of Tutuila, is mapped with the soundings, etc., and is contained in the charts

before me.

Samoa has been since that time visited by many people. said, it is in the line of communication from San Francisco to Australia. It has been in a measure settled and occupied since 1860 by Germans, English, and Americans. The attention of the Government of the United States was early called to it by the rather chivalric or adventurous experience of Colonel Steinberger, a citizen of the United States, who was sent there in 1873 as a special agent to ascertain all he could about this group of islands, and he made to the State Department an interesting report of his observations and intercourse with the Samoan

During this visit he made something in the nature of an agreement or an arrangement with the King of the Samoan Islands, but it did not assume the form of a treaty, and was not brought before the Senate. He afterwards became prime minister to the king, but was involved in one of the innumerable revolutions of the country, and was arrested,

and deported in an American vessel.

So matters proceeded until in 1878 a treaty was made between the United States and the King of the Samoan Islands. I will read one or two articles of that treaty. It was signed by Mr. Evarts when Secretary of State, now a member of the Senate, and by Mamea, the minister of the king. The second article of the treaty, and the most important one so far as it affects our interests, provides that-

Maval vessels of the United States shall have the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States, or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those islands. All such traffic, in whatever articles of trade or barter, shall be free, except that the trade in fire-arms and munitions of war in the islands shall be subject to regulations by that government.

The fifth article provides that-

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

This treaty is the basis of our right to occupy and hold and establish in the Bay of Pago Pago and on the adjacent shores of the island of Tutuila a station for coal and other naval supplies.

Mr. SPOONER. What does the Senator read from?

Mr. SHERMAN. It is a compilation of papers sent to us from the State Department. I find the treaty here in a convenient form.

The Bay of Pago Pago is one of the most remarkable features of the Samoan Islands. It is said that it is probably the best harbor in the whole of the Polynesian Islands. The island of Tutuila, containing but 50 square miles, being 15 or 20 miles long and from 1 mile to 5 miles wide, is indented by the Bay of Pago Pago a mile wide, within several miles, with deep water ranging from 30 to 50 feet deep, within several miles, with deep water ranging from prevailing winds. Vessels miles wide, is indented by the Bay of Pago Pago a mile wide, extending can enter the bay easily under all conditions and circumstances and there be protected from all possible storms. It is described as one of the most valuable harbors in all the world, and the charts seem to bear out that description of it.

Shortly after the treaty made by the United States a treaty was made by Germany with Samoa, which I find in this same document on page 126. Articles V and XI are the only ones which I need read:

ART. V. German ships of war shall be at liberty to enter into the harbor of (called) Saluafata to anchor, and remain there to take in supplies and to repair, and the German Government shall furthermore be at liberty to make there at its own pleasure all such contrivances or arrangements that may be useful for German ships of war and their officers and crews. The Samoan Government also agrees that the German Government may erect buildings on the shores of the said harbor for storing therein coal or any other supplies for the German ships of war and their officers and crews.

This treaty secures to the German Empire the right to enter into the The Samoan Islands, formerly called the Navigator's Islands, are particular harbor named, a harbor or bay in Upolu, one of the larger islands of the group-substantially the same rights and powers as to a coaling station that are conferred by the American treaty upon the United States. The other article of the treaty of Germany with Samoa, which I will read, is as follows:

ART. XI. The Government of Samoa promises to grant the German Government as many rights as the most favored nation, as well in respect to all matters alluded to in the preceding articles of this treaty as also generally and as may be granted to any other nation in future.

This much-discussed "most-favored-nation" clause is inserted in all the Samoan treaties, and secures to the three treaty powers reciprocal

In the next year I find in this same codification, on page 131-

What is the number of the document?

Mr. SHERMAN. It is House Executive Document No. 238. find that Samoa entered into a treaty with Great Britain, and that treaty was separated from the preceding treaty by a year, the eighth article only of which I need read:

ART. VIII. Her Majesty the Queen of Great Britain may, if she think fit, establish on the shores of a Samoan harbor, to be hereafter designated by Her Majesty, a naval station and coaling depot; but this article shall not apply to the harbors of Apia or Saluafata, or to that part of the harbor of Pago Pago which may be hereafter selected by the Government of the United States as a station under the provisions of the treaty concluded between the United States of America and the Samoan Government on the 17th day of January, in the

So it appears that each of these three great commercial nations secured by treaties following each other rapidly grants and privileges somewhat similar in character, but separate and distinct, applying to different localities, securing to each a separate coaling station and har-bor, it being the expectation and design evidently of these treaties that the Samoan Islands should be made a kind of stopping place, a way-station for all the great lines of commercial travel, and that each of these three great commercial nations should be supplied with a separate coaling station which would be under its exclusive control, subject, however, to the jurisdiction of the Government of Samoa. So these three great nations gained a property interest fixed and tangible in different ports in those islands with stipulations that secured to each of them reciprocal and equal rights conceded to the most favored na-They were to be upon the same footing, and the separate coaling stations were to be occupied by each in severalty, distinct from the others.

There was a further arrangement made shortly afterwards, shown in this same compilation, which is very important. It was entered into by Great Britain and the King and Government of Samoa, with privi-leges, however, granted to the Government of the United States and to the German Government of an equivalent character. Articles first and second of this treaty provide-

ART. I. The space comprised within the following limits, that is to say, commencing at Valloa, passing thence along the coast to the mouth of the Fulnasa River, thence up the course of the river Fulnasa to the point at which the Alafuala road crosses such river, thence along the said road to the point where it reaches the river Valsigo, and thence, in a straight line, to the point of commencement at Vailoa, shall constitute and be known as the town and district of Apia. The waters of the harbor of Apia are also comprehended within the district.

ART. II. Such town and district shall be placed under the government of a municipal board, consisting of those foreign consuls resident in Apia whose nations have entered into treaty relations with Samoa. Representatives of every such nation, having a consul in Samoa, shall, at a future period, be added to the said board, and shall be chosen in such manner and exercise such functions as may be provided by regulations to be hereafter agreed upon and published by the said board.

Whis treatments are a local and here of the court of the court

This treaty was signed only by Great Britain and Samoa, but was subsequently signed (although their countries were not parties to the treaty) by T. Weber, the imperial German consul, and R. Chandler, captain United States Navy, commanding the United States ship Lackawanna. So, although this treaty was never submitted to the Senate of the United States and therefore never assumed the form of a treaty, yet it is in the nature of an agreement between these three great powers, by which, in connection with the King of Samoa, they were to set aside a particular region, a neutral territory, declared to be a neutral terrias a place where each of these commercial nations might establish their store-houses, their workshops, and any other buildings necessary to the carrying on of their traffic in those islands.

This particular place, Apia, now known as the capital of the Samoan Islands, was therefore a region set aside for commercial purposes. But the Government and the King of Samoa were not excluded from this region. The flag of that king was to be always raised over the public region. The flag of that king was to be always raised over the public buildings, and those in the occupation of the German consul, the British consul, and the American consul. There are many provisions in this treaty not necessary for me to read. It provides for something in the nature of a municipal government. It requires that all offenses against the regulations of the municipal board, by whomsoever committed, shall be tried by a magistrate to be appointed by the board of

The eighth and ninth articles are specially important:

ART. VIII. The foregoing articles shall in no way prejudice the territorial integrity of Samoa, and the Samoan flag shall be hoisted at such place of meeting of the municipal board as may be permanently adopted.

ART. IX. In case of civil war, the town and district of Apia, and the adjacent districts comprised between the boundaries of the town and district of Apia and Letogo, Tiapepe Point, and Siusega shall be considered as neutral territory,

and the municipal board may frame and issue such regulations as may be considered necessary for the support and maintenance of such neutrality.

Mr. HOAR. I should like to have the Senator state the significance

of this agreement to the United States.

Mr. SHERMAN. It was never sent here for approval by the President; it was not considered as being in the nature of a treaty; but it has been recognized by our Government and all the other governments as being something in the nature of a local arrangement for the convenience of these three great powers. The character of it is stated very clearly by Mr. Bayard in one or two of his documents. The municipal board consisted of the consul of each nation having treaty relations with Samoa, or the American, English, and German consuls. Our consul, with the full knowledge and under instruction from our Government, acted as a member of this board.

Mr. MORGAN. What was the date of that convention?

Mr. SHERMAN. I will read the heading of it, and the Senator will

Convention between Great Britain (Germany, the United States) and the King and Government of Samoa, for the government of the town and district of Apia. Signed at Apia, September 2, 1879. Ratifications exchanged at Mulinuu, August 27, 1880.

Mr. MORGAN. Was that convention ever sent in to the Senate of the United States for ratification?

Mr. SHERMAN. I have said not. I have said that it was never

Mr. Shekman. I have said not. I have said that it was never sent by the President of the United States to the Senate.

Mr. MORGAN. It was never sent here?

Mr. SHERMAN. No; but it has been acted upon by all the nations as in the nature of an arrangement or agreement for the possession and occupancy of this neutral territory. Mr. Bayard, in his communica-tions scattered through this book and the other documents I have here, points out very clearly the nature and character of that municipality,

and its nature and character may be important hereafter. and its nature and character may be important hereafter.

There is one other document bearing upon the title or right of the three commercial nations in Samoa. An arrangement or a treaty was entered into between Germany and Great Britain April 6, 1886, which I have before me. It is called "A declaration concerning the boundaries of the German and English dominions in the West Pacific Ocean. Signed at Berlin, April 6, 1886." In this agreement or declaration or treaty these two governments parcel out the various islands and possessions of the Pacific Ocean. West of a certain line German occupancy was to prevail; each of a certain line English occupancy was to prevail. was to prevail; east of a certain line English occupancy was to prevail; but it contains this significant and important exception, this declara-

Mr. GRAY. What page does the Senator read from?
Mr. SHERMAN. Page 136.
Mr. DAWES. Which document?
Mr. SHERMAN. Executive Document No. 238. I am reading all from the same document.

The third and fourth articles contain the terms of this imperial partition-a striking example of the tendency of these powers to divide the world between them:

III. Germany pledges herself not to make any acquisitions of territory, not to establish any protectorates, not to oppose the extension of British influence, and to relinquish all territories heretofore acquired by her or over which she has established a protectorate in that part of the West Pacific Ocean lying to the east, southeast, or south of the aforesaid dividing line.

IV. Great Britain pledges herself not to make any acquisitions of territory, not to establish any protectorates, not to oppose the extension of German influence, and to relinquish all territories heretofore acquired by her or over which she has established a protectorate in that part of the West Pacific Ocean lying to the west, northwest, or north of the aforesaid dividing line.

The sixth article, however, contains important exceptions from this division of empire:

VI. This declaration shall not apply to the Navigator's (Samoan) Islands, with which Germany, Great Britain, and the United States have concluded treaties, nor to the Friendly (Tonga) Islands, with which Germany and Great Britain have concluded treaties, nor to Niné Island (Savage Island), which groups shall in future, as heretofore, form a neutral territory, nor to any islands or places in the West Pacific Ocean that are now under the sovereignty or protection of any civilized power other than Germany or Great Britain.

The declaration commences with a disclaimer, that this partition be-

tween these two great powers shall not apply to the Samoan Islands. So it appears from these five distinct formal arrangements or agreements that these three great commercial powers looked upon Samoa as a country important to all of them, in which each of them should have separate and distinct places where they might repair vessels and store coal and do all that was necessary to be done for the maintenance of the commercial marine in that region, and that that country was to be in the nature of a neutral territory under the protection of these respective powers; and the United States stipulated that it would render its friendly offices in any controversy that might then exist or that might thereafter arise between Samoa and any other country whatever. That was the position in which these islands then stood, and that is the legal status to day, for no other arrangement, no other agreement, has ever been made in a formal way to affect in any degree the rights of the several powers to these agreements. By these treaties the rights of the respective parties must be determined. No one of the powers can change them without the consent of the others. All of them are strong enough, and I hope Christian enough, to stand by and insist upon a fair

and full adherence to these treaties, arrangements, and stipulations. The United States is bound, both for the interests of its people and for

the honor of its promise to Samoa, to insist upon the rights of both.

Mr. President, I do not intend to go into the details that are furnished by the documents that I have before me in regard to the history of events in Samoa. It is sufficient, in a summary way, to say that there has been, is now, and always will be a quasi state of war existing in these islands between the different tribes or families of the people there. It was, and is, a strange government, peculiar in its character, governed largely by family ties, somewhat aristocratic, and always with contentions innumerable between the various chiefs of that country.

Mr. MORGAN. Will the Senator allow me to ask him a question

as he proceeds?

Mr. SHERMAN. Certainly.
Mr. MORGAN. We are appropriating money to be immediately available for the purpose of building a naval station in the harbor of Pago Pago. I notice under Article II of the treaty with Samoa that that Government entered into an arrangement with the United States

Mr. SHERMAN. I read that article or a part of it.
Mr. MORGAN. I want to read a particular part of it, to call the attention of the Senator to it:

Naval vessels of the United States shall have the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States, or restrictive theoref

I wish to ask the Senator from Ohio if he 's informed and can inform the Senate whether the Samoan Government has parted with the title of the land surrounding the harbor of Pago Pago up to the water's

edge to the German people, a German land company.

Mr. SHERMAN. Mr. President, undoubtedly not the Samoan Government, but individuals and families have sold lands adjacent to the harbor of Pago Pago. The truth is that these poor people have sold nearly all the lands that are valuable in the islands to Germans and English and Americans, not only along the borders of Pago Pago, but in all the islands; but that does not affect in the slightest degree our

rights under the treaty, and no one has ever claimed that it did.

Mr. MORGAN. The titles to those lands, I understand, are titles that come of mere occupancy, and have no validity to pass the title at all, except with the consent of the Samoan Government.

Mr. SHERMAN. It is sulcient to say that our title there to the

adjacent lands, such as we wish for our purposes and on that bay, is clear and unquestionable; and in all the controversies that have existed in diplomatic correspondence no one has ever called in question our exclusive right to that bay.

Mr. MORGAN. That is a point about which I should like to be

Mr. MORGAN. That is a point about which I should like to be better satisfied than I am at present.

Mr. SHERMAN. If the Senator will point out to me any contention on that point, I would like to know it. I have not seen it.

Mr. MORGAN. The contention will arise hereafter.

Mr. SHERMAN. It is sufficient to say that we have the grant from

King Malietoa in the first treaty ever made by these islands with any foreign power, and that each of the treaties, the English and the German, recognizes our right to that island, and they stipulate for themselves for a different portion of the country where they may exercise the same power. So I do not think there is any question about that.

Mr. HAWLEY. If the Senator will permit me, before he passes from that I wish he would say whether in his opinion we can acquire a valid

title to lands in a foreign country by an agreement in the nature of a

treaty that has not been submitted to the Senate?

Mr. SHERMAN. The treaty to which I refer was submitted to the Senate and ratified and approved, the first one made with Samoa by

any foreign power. Mr. HAWLEY. What was it?

Mr. SHERMAN. An express cession of the Bay of Pago Pago and adjacent shores for a coaling station. The arrangement made for the occupation of Apia by the consuls was quite a different affair. It was a provision for municipal occupation of offices, stores, and warehouses by our merchants, consuls, and citizens. Our consul occupies a house; whether it belongs to him or not I do not know. Apia is a neutral port for business. Pago Pago is our exclusive possession, subject to commercial rights.

Mr. FRYE. One of our commodores obtained an earlier concession in Pago Pago, but that never was ratified.

Mr. SHERMAN. There was a concession once before that I did not deem it necessary to refer to; but the concession I have referred to was made by treaty, and no one has ever called it in question so far as I know, and I can find nothing in these voluminous papers that calls

in question our right to that harbor.

Mr. President, I need not dwell upon the painful features of the civil

wars that have prevailed there, nor upon the general judgment expressed by all the consular agents there, and by the gentlemen who were afterwards sent there to examine into the nature of the government and the nature of those people, that from their character, from their peculiarities, they seemed to be totally unfit to conduct a regularities.

lar form of government. Upon this question there is an almost uniform expression of opinion. I will read what is said by Mr. Bates, the agent sent there in 1886, and he expresses only that which is stated by the British agent. He says:

INCAPACITY OF NATIVES FOR GOVERNMENT UNASSISTED.

Such being the elements of society, with due regard to which any government in Samoa must be constituted, I must report, as the result of my intercourse with and observations of the Samoans, my thorough conviction that they are unable now, unassisted, either to construct or maintain a government which will enforce authority or command respect. A system of government of their own they undoubtedly had, and, to a limited extent, still maintain, but it has been so interrupted and interfered with by the foreigners who have settled among them that it is doubtful, even if all disturbing influences were removed, whether they could now restore it. They have never had a government which was worthy of the name as we understand it. They have no conception of the modern idea of government. That any system of laws should bear equally on all men is to them a thing impossible of comprehension. Probably no better evidence of the truth of these statements could be had than the history of the country for twenty years past.

As a matter of course these papers disclose that all the time since the

As a matter of course these papers disclose that all the time since the country has been known, since the first treaty was made with America, there have been civil wars there, civil contentions, rivalries between chieftains, two families, each claiming the right to rule. There are many peculiar features of the government which we can scarcely comprehend. They have no idea of a permanent government. While one side is uppermost to-day, the other may be to-morrow. That state of civil war continued from 1873 until, in 1883, by the aid of the consuls of the three great powers, they finally agreed to settle their dif-ferences and agreed that Malietoa should be king and that Tamasese should be vice-king, without very distinct ideas as to the definite tenure or nature of their respective offices. One was king and the other was vice-king. That arrangement seems to have been brought about by the friendly co-operation of the consuls of these three governments, and was probably the first and most formal establishment of a government in the Samoan Islands; and such would always be the cesult of the co-operation of the three consuls acting harmoniously together.

But soon after that difficulties arose between the citizens, traders, and consuls of the three powers of a different character. Movements were made in Australia and in New Zealand to annex the Samoan Islwere made in Australia and in New Zealand to annex the Samoan Islands to the British colonies. Perhaps I ought to read to the Senate one or two items showing what steps had been taken and what progress made in that direction. Malietoa himself was in that movement, and though acknowledged to be king, himself applied to the Queen of England and to the authorities in New Zealand for permission to be annexed to Great Britain—a manifest violation of the treaty not only with Germany but with the United States.

I read from Mr. Rates's report, page 158:

I read from Mr. Bates's report, page 158:

The subject of the annexation of Samoa to Great Britain or New Zealand has been agitated from time to time with great persistence, and has undoubtedly been one of the disturbing influences in the group.

In August, 1879, the treaty was signed by which Great Britain recognized the independence of Samoa; and it was not until 1883 that the subject of British colonial annexation began to be actively discussed in Australia and New Zealand. The basis upon which the agitation rested is well stated in a letter from Governor Jervos, of New Zealand, to the secretary of state, inclosing a bill proposing a general scheme of permissive annexation of the Pacific islands then under consideration in the colonies.

Then follows the language of the governor of New Zealand-

That the British Government should, under existing circumstances, take steps for the establishment of its rule over such islands in the Pacific as are not already occupied by or under the protection of a foreign power, and the occupation of which by any foreign power would be detrimental to the interests of Australasia.

It was said at that time that the German traders were willing for this annexation. In November, 1883, Malietoa made a direct application to Great Britain for the annexation of Samoa, and said:

I and three-fourths of the chiefs and people of Samca wish to see put up the flag of Great Britain at once,

It is also stated by Captain Ackland-

That German traders would not object to annexation to Great Britain, but merely as a matter of sentiment would rather see the German flag flying, for they feel that this colony would thrive much better under the British flag than under the German or Samoan.

That was in 1883. In the year following the king addressed the most piteous appeals to the Queen of Great Britain directly begging the queen to annex these islands to New Zealand. Here is the letter,

which is dated a year after the first movement.

Mr. MORGAN. The Senator will allow me to inquire whether it is the duty of the United States Government to hold Malietoa in his kingdom and royal anthority in the Samoan Islands after he has made a proposition of that kind and supplicated the Queen of Great Britain to allow him to throw off his allegiance and abdicate in favor of the Queen of Great Britain, and thereby violate the treaty with the United

Mr. SHERMAN. If the Senator from Alabama will only be a little patient I will come to that in due time.

Mr. MORGAN. Very well; I shall be patient, then.
Mr. SHERMAN. Here is the letter. I will ask the Secretary to
read the letter so that it may go upon the record.
The PRESIDENT pro tempore. It will be read, if there be no objec-

The Secretary read as follows:

[Inclosure D 2.-Translation.]

MULINUU, November 12, 1884.

MULINUU, November 12, 1884.

Your Majesty: This is to make known to your Majesty that the King of Samoa and the chiefs of these islands have sent a petition to your Majesty, praying that you would set up your government in Samoa.

We have sent that petition to the government in Samoa.

We have sent that petition to the government in Samoa.

We have informed your Majesty that painful anxiety has taken possession of our minds, because we are much afraid of Germany lest she should take our islands against our will.

Your Majesty, we are in distress on account of the Government of Germany lest they should take our islands; therefore we have accepted another treaty with Germany. I wish to make clear to your Majesty, in consequence, that I have accepted the treaty against my will, likewise against the will of my government, but I have accepted it on account of my fear, for I have thought that if your Government should be set up in these islands then that treaty will be of no effect.

I have entreated the English consul here to make clear to your Majesty all the reasons of our fear which have led us to accept this treaty and to make clear to your Majesty the meaning of that treaty, and to inform your Majesty of the great regard of myself and Government for your Majesty and the Government of England, and our great desire to give our islands to the Government of your Majesty.

I respect extremely the Government of your Majesty, and I trust that speedily you will receive favorably our petition.

I am,

MALIETOA, King of Samoa,

MALIETOA, King of Samoa. Her Majesty the QUEEN OF GREAT BRITAIN AND IRELAND.

Mr. SHERMAN. There are other papers connected with this offer which I will not read, but may possibly hand to the Reporter

These negotiations or offers extended during the whole of the year, and from the close of 1883 to November 5, 1884, the German Government remonstrated in the most vigorous manner against this proposed annexation. I read now an extract from Mr. Bates's statement:

During December the German Government communicated, through Sir E. Malet at Berlin and Count Munster at London, the information received by it of efforts on the part of the King of Samoa to obtain a British protectorate, and that private individuals had been working in the islands of Samoa and Tonga for British annexation, and requesting an assurance on that subject, and that the Government of Samoa should be informed that such a movement was disapproved by Her Majesty's Government.

Thereupon the German Government remonstrated vigorously against this proposed annexation and insisted upon it that it would be a viola-

tion of the treaty.

Mr. HALE. Let me ask the Senator right here, if it will not disturb him-

Mr. SHERMAN. Not at all.

Mr. HALE. Is there anything in any of the proceedings that took place in Samoa after the date of the treaty which the Senator has had read, indicating that any authority there, however set up, whether King Malietoa or the pretender set up by the Germans, has admitted the title of the United States to this property?

Mr. SHERMAN. Why, Mr. President, it is admitted distinctly and

expressly in the treaty between Germany and Samoa

Mr. HALE. I am not speaking about an outside power; but are there any such declarations? I am asking because I desire information; I have not been able to find them. I do find declarations repeatedly made by King Malietoa which conflict with the idea that he acknowledged that the United States had any territorial rights there. Now I have not been able to find, as perhaps the Senator has, declarations by

any authority of Samoa indicating that they consider that because of that treaty the United States has any actual right there.

Mr. SHERMAN. I think it is sufficient to say that it is expressly granted by treaty, recognized subsequently by the German and English treaties, and by description, and I have seen nothing in these papers that cells it in operation.

papers that calls it in question.

Mr. HALE. Take it right here. As late as November 16, 1888, what does the king mean in saying:

The land we are on is Samoan and British, and I wish expressly to inform you that there is no treaty which has been made between Samoa and either Germany, British, or America, or France that reads thus: "If the Samoans are at war with one another they must keep away from their (foreigners') lands."

For this reason we can not go away to another place to carry on our war, because the Samoans are fighting on Samoan soil, and we shall have to please ourselves how and where we fight in Samoa, because we still retain our sovereignty.

There is an express declaration as late as 1888 that the then king of Samoa—not the one set up by the Germans, but the one we are supposed to sympathize with—declared that everything there was Samoan and British, and repudiated the idea that by any treaty anything had been granted to us.

Mr. SHERMAN. I remember very well that complaint was recently made by Mataafa, not Malietoa, of the refusal to allow his troops to pass over German soil in Apia, but there is nothing at all in this that is the slightest denial of our right to the Bay of Pago Pago. The king is not so good a scholar and does not know so much about territorial jurisdiction as my friend from Maine, and therefore does not distinguish between the land and the water between Apia and Pago Pago; but the right to the bay is unquestioned.

Mr. REAGAN. The previous arrangement recognized the sovereignty

of Samoa over the bay, over the very ground they had ceded.

Mr. SHERMAN. King Mataafa, not Malietoa, was there only con-

tending for what was his right if he was the king. He wanted to pass his troops over German land in the principal island to attack Tamasese, and he insisted that the dominion and sovereignty of that island had never been surrendered. He was right. That land was in one of the villages forming the district of Apia, and therefore has no connection with this Pago Pago.

with this Pago Pago.

Mr. President, this brings me to another very strange proceeding, and that is a treaty made by Germany on the 10th of November, 1884, only two days before King Malietoa had piteously begged the Queen of England to take Samoa into her embraces. The German Government, or the German consul, rather, because he seems to be supreme there, entered into a treaty on the 10th of November, 1884, which is bitterly complained of by Malietoa, bitterly complained of by the authorities, and released to by him in his letter to the oneen. The German consul. and referred to by him in his letter to the queen. The German consul, with military force, as he charges, compelled him to sign a treaty and then refused to give him a copy of it or to read it to him. Whether that be so or not I do not know, because I think there must be a good many statements in these documents that can not be relied upon as absolute verities. But the fact is that the treaty of November 10, 1884, was ratified or approved in the first instance by the Berlin Government and was communicated by it to our Government. An appeal was made by the German Government to the American Government to acquiesce in that treaty of November 10, 1884, which practically made German power supreme over Samoa. It established a German council to rule and govern the country, and superseded the municipal board of consuls. A copy of that treaty is contained on pages 5 and 6 of the document I now hold in my hand.

Mr. FRYE. And Malictoa repudiated that treaty.
Mr. SHERMAN. Undoubtedly. But not with standing Malictoa said it was done under duress, and they refused to give him a copy of it, and he did not know what was in it, it was sent to Germany and treated by the Germans as a valid treaty, and here is a long document communicating it to Mr. Frelinghuysen, then Secretary of State, February 24, 1885

Mr. MORGAN. I ask the Senator from Ohio if the United States

Government ever became a party to that convention?

Mr. SHERMAN. Never. It was finally abandoned by all. Mr. Alvensleben said:

The Imperial Government intends to ratify this convention in consonance with Article VIII, and to see to it that the provisions of the same are carried

out.

While informing the Government of the United States hereof, the Imperial Government expresses the hope that its efforts to introduce order into Samoa and to obtain guaranties for a peaceful development of this group of islands will meet with that appreciation and assistance on the part of the American Government which the intercommunion of our interests in the islands and the friendly relations between the German Empire and the United States lead us to expect.

Mr. Frelinghuysen, in acknowledging the receipt of that paper, which he does in a formal way, adds:

The interesting points presented in this communication will doubtless receive full consideration at the hands of my successor in office, to whom I take pleasure in leaving it, inasmuch as it is deemed inopportune to prejudge the future course of events in this relation during the brief remaining term of the present administration.

This was of the date of February 24, 1885, and he naturally turned it over to his successor.

One provision of the alleged treaty of November 10, 1884, is as follows:

A German-Samoan council of state shall be formed. To it shall belong the German consul or his representative, two Samoans, one of whom shall be appointed by the king, the other by the vice-king, with the advice and consent of the Taimua and Faipule, and two Germans, who shall be appointed by the German consul.

In other words, they provide for an exclusive German board of control, with almost absolute power over Apia, the region which had been specially set aside as neutral territory by the three nations, open to all the vessels of these three nations, and to be governed by the consuls of all nations that might become parties to the arrangement. This agreement of November 10, 1884, was at once denounced and repudiated by the British Government. It was communicated to us, and Mr. Bayard in due time stated the objections to it; but even before this occurred and before Mr. Bayard had come into office the German Government itself, on the remonstrance of Great Britain, repudiated it and it fell still-born.

I bring forward these facts to show that dependencies of Great Britain endeavored through colonial agents—not through the Government of Great Britain, but by its colonial agents—to bring about the annexation of these islands to New Zealand. Germany also, on November 10, 1884, entered into an agreement by which they would have established an absolute German government in these islands, and, as I will show you after a while, the United States, not to be behindhand, at one time by Mr. Greenebaum, its consul, asserted the power of the United States and raised the flag of the United States in Apia over that of Samoa, and thus in effect asserted a protectorate over Apia. I will come to that in a moment.

Mr. President, after this treaty had become abortive, then the German consul took a different tack in respect to this matter. He issued a proclamation of the date of January 23, 1885, practically taking possession of Apia. Here is the proclamation, on page 212.

The German consul wrote this letter of the same date, directed to His Majesty, King Malietoa:

On the 6th of November of last year your Highness and your Government appeared before the German consulate to humble themselves.
You acknowledged thereby that you had for a long time disregarded German treaty rights.

I do not think it necessary to read all of it.

In a letter which your Highness wrote to me on the 20th of November you say that it is generally known that Samoa wasto be taken by force by the German Government.

Since then the followers of your Highness have not ceased to malign Ger-

many.

Seumanu and Lauati have repeatedly, in meetings, designated Germany as a robber land, as a country of slavery, and as a country without religion. Under these circumstances it was impossible to fulfill the articles of the agreement of the 10th November.

So he repudiates those articles.

Germany can no longer look upon this state of affairs with equanimity, and I, as representative of the Imperial German Government in Samoa, had to concert measures which were likely to secure the rights and interests of German subjects in Samoa.

subjects in Samoa.

For this purpose I shall, in the name of the Imperial German Government, and subject to the approval of the same, take possession, as security, of all the land which now constitutes all the municipality of Apia, as far as your Highness and your government's sovereign rights are concerned, and the Imperial Government will so long assume these sovereign rights until an understanding has been successfully arrived at with the Government of Samoa which will make German interests secure in Samoa, and will make difficulties such as heretofore have arisen impossible in future.

As a public manifestation of this taking possession, there will be landed in Mulimu, this morning at 9 o' clock, a detachment of imperial officers and seamen, and the imperial fing will be hoisted there.

At the same time I give your Highness the assurance that no hostile action toward Samoa is connected therewith. No one will be molested, and no house or property of Samoans will be injured. I expect, however, that the Samoans themselves will commit no hostile action. Only misfortune would be the result to your Highness and Samoa.

May it prosper with your Highness.

STUEBEL,

STUEBEL, Imperial German Consul pro ten

What was threatened was done. So, practically, Apia was taken under German control. I do not now refer to the controversy to express an opinion on its merits, for the American consul and the British consul protested against the acts of the German consul and often refer to it. It is not necessary that I should do so. I wish simply to emphasize the action of the local officers of these two great powers, acts not denied but justified by the party committing them.

These acts however having in december 1.

These acts, however, having in due course of time reached Germany, were disclaimed by that power, although the consul was still retained in office. A formal communication was made to Mr. Kasson by the direction of Prince Bismarck and reported to Mr. Frelinghuysen on the 9th of February, 1885, in which the German minister communicated to Mr. Veges at the communication of the february to th cated to Mr. Kasson a telegram from the German consul, dated Samoa, January 28, setting out in substance what I have already read, this proclamation and notification and what he had done under it, and then disclaimed the act of the consul-general. He said:

They had no intention to violate the understanding with the United States and England, but, on the contrary, would maintain it. They neither intended to take possession nor to establish a protectorate there, but would adhere to the status quo. He desired my Government to know promptly that if the consular not signified either, it was unauthorized, and would be disavowed.

The same communication passed from the German Government to the English Government.

It was about this time that some question was made as to American rights in the municipality of Apia, and they are thus stated by Mr.

The municipality convention, although signed by our representative, has never been ratified by this Government, and, consequently, ratifications have not been exchanged by us, as they have been between Great Britain and Germany. It may, therefore, be an open question whether our tacit acceptance of that convention and the entrance de facto of our consul into the municipal council of Apia give us any right to resent supposed German interference therewith. Great Britain, to judge from the tenor of correspondence, does actively oppose the German movement as seeming to tend toward a more or less complete German protectorate.

We have received from the German Government positive assurances, voluntarily given, that it has no desire or intention to interfere with the autonomy of the group, or with the relations which the other powers bear thereto in common with Germany. The English Government has publicly expressed its reprobation of any native unovement looking toward the annexation of Samoa to the Fiji system under the British figs. It seems hardly necessary for this Government to make any such formal disclaimer.

Up to this time, although these nations had severally assumed and asserted a jurisdiction and power over Apia, and the German Government had gone further, yet they were constantly disclaiming any pur-pose to affect the joint occupation and arrangement made between these powers and Samoa as to Apia.

Mr. President, soon after the act of the German consul, disavowed by the German Government, it became manifest that the German con-sul and German traders organized the rebellion of Tamasese, headed by a gentleman by the name of Weber, who is at the head of the German trading firm in Samoa and was formerly consul. I wish to say here that nearly all the acts inconsistent with our treaty stipulations were done either by German consuls or by German and English traders,

and perhaps American traders interested in the commerce of that country are not free from blame. All the acts complained of came from the struggle or business strife of local authorities or traders for power and influence over the people of Samoa. That is shown all through these papers.

On pages 172 and 173, in the statement of Mr. Bates, he says:

On pages 172 and 173, in the statement of Mr. Sates, he says:

In spite of that fact, it remains true that immediately after the raising of the imperial flag a partial disruption of the existing Samoan Government occurred; that the vice-king, therefore, acting in harmony and co-operation with the government, departed from Mulinuu, after stating just before doing so that he was going to leave; that the Germans were now going to support him, and that he was going to set up a government at Lulumoega. With this man, who thus became the head of a rebellion, the relations of Dr. Stubel, so long as he remained in Samoa, were close and intimate; so much so that in last June, during the efforts to promote peace among the natives, he conducted negotiations between the consuls and Tamesese; and although his government recognized, and still recognizes officially, the government of Malietoa, he was the agent through whom all communications with those in rebellion were made, and at whose instance they disbanded their armed forces.

In addition to this, Mr. Weber, the head of the large German company in which are centered the principal German interests of the islands, at the time of the outbreak was openly active in promoting schemes for bringing about a revolution, and from that time to the present was, almost without attempt at concealment, largely engaged in the supplying of arms to the insurgents.

This sale of arms to the natives was considered both by the English

This sale of arms to the natives was considered both by the English and Americans as a grave offense. The Governments of Great Britain and the United States had provided not only by their laws but in their treaty arrangements that fire-arms should not be furnished to the native inhabitants there, while the Germans did supply them, according to the statement of Mr. Bates and according to other admitted statements here on record.

The German fleet made anchor at Apia some time in May, 1886, with several vessels. A communication was addressed by the secretary, Selu, as he signs himself, of His Majesty Malietoa, King of Samoa, to Admiral Knorr, commander of the fleet, as follows:

Sir: I am commanded by His Majesty Malietos, King of Samos, to express his sorrow at the strange and remarkable treatment to which His Majesty has been subjected by the officers and servants of His Imperial Majesty the Emperor of Germany.

Then he goes on:

His Majesty the King of Samoa has for years humbled himself to Germany, or rather to its unworthy representatives here, Dr. Stuebel and Mr. Weber, in order to maintain peace, but is now determined to appeal direct to the people and Government of America and England for sympathy and assistance upon a full statement of the whole matter.

His Majesty being bewildered and alarmed by your conduct, and not knowing to what extent the violence of Dr. Steubel and Mr. Weber may yet lead you, has, after consultation with his ministers, felt compelled to invoke the assistance of the United States consul, under whose guardianship he has placed the Samoan flag, and to whose charge he has intrusted the safety of his people.

To that very humble and almost abject letter from a king one would think this a strange reply of the vice-admiral and chief of the cruising squadron, Admiral Knorr:

CRUISING FLEET, APIA, May 9, 1886.

The Head Chief MALIETOA, Apia:-

He no longer calls him king-

Your letter received, and the following is my answer:

I have not been sent here, as you say in your letter, to settle any difficulties between the Government of Germany and the Government of Samoa.

This is the business of the imperial political representative at Samoa, Consul-General Dr. Stuebel, whose official actions to investigate I have no right to. And also it is not possible for me to treat with a party government which in a rough and unthankful manner opposes the treaty not only, but also offers the rightful German influence most objectionable opposition.

Then there is a further communication more insulting in its character and detail, signed by von Holzendorff, captain-lieutenant and flag-lieutenant, which is also addressed to the head chief, Malietoa, no longer king, according to their idea. Mr. GRAY. I am listening to the Senator with great interest. He

said awhile ago that these acts of the German admiral and the German people in Samoa which he has been recounting were inconsistent with our treaty stipulations. Will he be kind enough to state what those stipulations were?

Mr. SHERMAN. I read them. I think the Senator was not in. I read them in the earlier part of my remarks. I may allude to them again before I conclude. I would rather keep up the chain of events so as to show the history and give a statement of facts.

Mr. GRAY. I beg the Senator's pardon for interrupting him, but I have read the treaty carefully and I can find no treaty stipulation which bore on the act which the Senator is recounting.

Mr. SHERMAN. It was after the arrival of the German fleet, it was after these insults to the king, after the organization of the rebellion of Tamasese and the sale of arms to him and while the German flag was still flying over Samoa, that Berthold Greenebaum, United States consul, on the 13th of May, 1886, raised the United States flag at the request of Malietoa over the public buildings. For a time that had a very happy effect. The immediate result of this act, unauthorized as it was, checked the actions of the German local authorities. The act of the consul was done 6,000 miles away from Washington, and, whether authorized or not, checked the course of the German consul. Soon after Greenebaum raised the American flag the three consuls again joined in a declaration that Tamasese had never been recognized

by either of them as king, but that Malietoa was king. I insert this proclamation:

PROCLAMATION.

We, the consuls of Germany, Great Britain, and the United States of America hereby give notice that we and our Governments do not, and never have, in any way, ever recognized Tamasses as King of Samoa, and order all Samoans to return to their homes, and remain quiet and peaceable.

And we further demand the continued enforcement of the convention, especially with regard to the neutral territory of Apia.

DR. STUEBEL.

In. STUEBEL,
Imperial German Consul.
WILFRED POWELL,
Her Britannic Mojesty's Consul.
B. GREENEBAUM,
United Stat's Consul.

The act of our consul was held to be without authority. As soon as the Government of the United States was informed of the act of Consul Greenebaum it was disavowed, and I think properly disavowed, because he had no more right to raise his flag or to assert a protectorate over that region of country than either the German or English consul; but it shows that what was done there by the consuls—the real rulers, leading high-priests you may call them—was done under the pressure of the circumstances, the excitement of the moment, and by each in turn, one after the other, asserting power, not neutrality, in plain violation of the treaty.

I wish to place on record the statement made by the English commissioner, Mr. Thurston, who was sent there at the same time with

On the 13th, however, Malietoa, alarmed by the support he believed was being given by the German authorities to the opposition chief, Tamasese, had applied to the consul for the United States for assistance and protection.

The application was acceded to by Mr. Greenebaum, the United States consul, who on the 14th wrote out a notification, which, in consequence of delay in printing, or for some other unexplained cause, does not seem to have been published until the 16th.

Upon the 16th, after the German squadron had left the port of Apia, the United States consul hoisted the Samoan flag under the American colors, as an indication that he had, on behalf of his Government, assumed a protectorate over Samoa.

On the same day that the German fleet left, Her Majesty's ship Diamond ar-

On the same day that the German fleet left, Her Majesty's ship Diamond arrived, and on the 20th the United States ship of war Mohican also anchored at Apia.

Such was the state of things in the spring of 1886. Practically the German power had been established in Apia, and practically King Malietoa had been deposed. He was excluded from Apia, and Tamasese was recognized by the German authorities. There was no pretense of an election of Tamasese. There was no claim that Malietoa had done anything, except that he did not conform to the wishes of the German consul. At this stage, while both the German and American flags were flying in Apia and the hostile forces were facing each other, the consuls happily agreed to the proclamation already quoted. Then, as stated by Mr. Thurston—

The German flag was then lowered, the attachment upon the municipality of Apia removed, and a joint proclamation issued that neither the consuls nor the respective Governments did, or ever had, "in any way recognized Tamasses as King of Samoa."

This shows that an agreement of the consuls was peace in Samoa,

and a disagreement was war between Malietoa and Tamasese.

That was the state of things on the 1st of June, 1886. Then it was that Mr. Bayard undertook to bring about a conference of the three great powers in order to establish peace and a solid government in that country. The telegrams and the correspondence are contained in this document. Germany promptly acceded to the proposition that the German minister here should meet with Mr. Bayard and the English minister in conference, and the three were freely to confer about these matters. When they got together they had not the information upon which they could act, and they then agreed that each should send a confidential agent of its own to Samoa to report separately to each government and thus furnish a foundation for an agreement, or at least the facts of the situation. This proposition was agreed to, and Mr. Bates was selected as the American commissioner and was sent there. Mr. Travers was the German commissioner, and Mr. Thurston was sent from England. These gentlemen met there, but it was found that there was a radical difference among them as to their instructions and as to the objects that they had to accomplish. It is stated here by Mr. Bates in his elaborate report of his mission, extracts from which I shall have occasion to read:

Which I shall have occasion to read:

In our joint conference two points were developed upon which Mr. Travers differed essentially from Mr. Thurston and myself. The first related to the end to be accomplished. Mr. Thurston and I understood clearly that the object in view was to compass the establishment and maintenance of an autonomous native government, to be supported so far as necessary by the joint influence and action of the three powers. Mr. Travers did not communicate to us the precise nature of his instructions on this point. He was, however, very clear and explicit at that time in the statement of his own conviction that no autonomous native government was at all practicable.

Now comes a feature of this negotiation that I can not explain from a documents before us. These agents were sent out. Their reports the documents before us. These agents were sent out. Their reports in due time came back. The conference at Washington adjourned from time to time to await this information from Samoa. The information desired is stated at great length in the reports I hold in my hand. Each report was communicated to the other governments. Yet, after they had been made, before the conference could act upon the matter and ever resulting the investigation of the conference could act upon the matter and even pending the investigation, the German consul deposed Mali- | deal with. The Senator may, perhaps, see that I do not care to enter

etoa, set up Tamasese, brought him with an armed force into Apia, and there installed him in office as king. Malietoa, who seems to have been a kind man, wishing to avoid bloodshed, was persuaded to preserve the peace by the American consul, Mr. Sewall, acting under instructions. He is evidently an intelligent man, of education and culture, who conscientiously performed to him a disagreeable duty. Under the order of the Senate he has been examined under oath and gives a full and no depth a very accurate statement of the whole proceed. a full and, no doubt, a very accurate statement of the whole proceeding in his testimony. He, under instructions from the State Department, persuaded Malietoa to preserve the peace under every circum-

It was perfectly manifest upon the face of the papers and in the opinion of our naval officers then present that Malietoa could in a single day have beaten down the rebellion of Tamasese, for, strange to say, the opposing forces were not very far apart in hostile camps or villages and had been for a long time. Malietoa was ready to attack Tamasese; he wanted to do it; but he was persuaded by the American consul, and by the English consul as well, under no circumstances whatever to make the attack.

While this state of things was existing the German fleet came into the port of Apia and there set up Tamasese, proclaimed the deposition of King Malietoa, and sought to capture him. The king, knowing how feeble was his power against the armed forces of the German Empire then present, surrendered, went on board of a German ship, and is now a prisoner in the custody of the Germans.

Mr. President, this is the worst feature of the case, because at the very time this thing was done there were negotiations going on at Washington between the high functionaries of the three powers to secure upon a sound and good and honest basis the restoration of the status quo, the maintenance of the local government in Samoa, and the joint protectorate of these three commercial powers in harmony with existing treaties.

But Malietoa was a prisoner. The Senator from Alabama asked me awhile ago if I would ask to restore him. I do not say anything about that; I leave that to the powers that are negotiating; but it would seem to me that if exact justice was done between these parties Malietoa ought to be restored; that the status quo ought to be secured; and that these several powers ought to act in harmony together, like great Christian nations, to preserve the peace there, if possible, and to provide a local government in a lawful way in harmony with the rights of the different nations. That would seem to me to be the natural course

I am not stating these facts and circumstances for the purpose of saying who is wrong or who is right, or whether the Germans were justified in the course they pursued in regard to Malietoa. I can only say that in these papers I do not find that justification. If you turn to the diplomatic papers you will find that Prince Bismarck, whose strong mind and imperial will are shown in all the papers contained in this book, emanating from him, always from beginning to end in every instance asserts the rights of each of the three powers to equal rule, but insists as a matter of policy that it would be better to place the government of these islands under the control of one of the powers, and as Germany, as he claims, has the largest interest there, the largest property interest at least, it had better be placed under German control and power, providing, however, treaty stipulations to protect Englishmen and Americans in their rights there.

That is now the point of controversy between these two nations. do not intend to detail the events that followed, the continued civil war, the setting up of another king. Malietoa having gone, being a prisoner, his adherents, instead of yielding, set up Mataafa as king under the name of Malietoa Mataafa. The word "Malietoa" meaning king, he announced his name as Malietoa Mataafa. Henow claims to be king, he announced his name as Malletoa Mataala. He now claims to be king, and he seems to have the popular will, the popular feeling, and the military strength on his side. He has been fighting the battles that have been recently fought. They have not been fought in the name of the former Malietoa. He is a prisoner, God knows where, no doubt in safe custody, but Mataafa has been set up by the chiefs according to their local law, and Tamasese is treated by them as a rebel. They have been willing at any time to fight him, but were held back. been willing at any time to fight him, but were held back. According to all the testimony in all the papers that are laid before us it would

seem that if all European power was withdrawn from those islands Mataafa would promptly become king. There is no doubt about that.

Mr. MORGAN. If it would not interrupt the Senator, I should like to ask him a question. The Senator refers to the pending conference between the German Government, the British Government, and the Government of the United States in regard to Samoan affairs, and, as I understand him coverts that the Asthenius of Maliaton and the interview. understand him, asserts that the dethroning of Malietoa and the introduction of Tamasese into the royal authority there was the worst feature of the whole case. Does the Senator think that that act on the part of the German Government violated the original treaty that we had ith Samoa?

Mr. SHERMAN. I do not intend to discuss the question of treaty I leave that to the diplomatic powers for the present. I am merely giving a statement of facts to show the situation of affairs there the present President, Mr. Cleveland, and his successor must have to upon the question of the construction of a treaty in the open Senate, nor the duty imposed upon the President of the United States.

Mr. MORGAN. The Senator from Ohio, I suppose, would admit, or

state perhaps to the Senate and to the public, that there was nothing in the conference between the three powers that was at all obligatory on any one of them that they should remain in conference. There was no treaty engagement or convention engagement by which they agreed

that they would go into conference?

Mr. SHERMAN. There was no treaty engagement, but there was that understanding which grows out of an agreement of three great powers to have high officers of each meet together to confer on the subject. It is not in the nature of an agreement-

Mr. MORGAN. But it is in the nature of a discourtesy, taking this

strong action pending the conference.

Mr. SHERMAN. I think so, but then I do not care now to discuss or criticise the conduct of the German Government. They give their own reasons, and Prince Bismarck is able to defend himself. I do not go into that discussion, but I may say that it seems to me that pending the conference in Washington, while Bates and his comrades were gathering the facts, and before those facts could be acted upon by the respective governments, these three conferees being in this city, that no action should have been taken by either of the powers to change the status, and especially that no such action should have been taken at Samoa as the deposition of one king and the setting up another.

Prince Bismarck in one of the letters excuses the German minister because he was absent in Europe on his regular leave, and says he will no doubt return in due season. All of the parties seem to treat this conference as an existing thing, and it is still open. In the very last communication from Prince Bismarck printed here, he speaks of it as

being a matter that can yet be arranged, and I trust it will be arranged.

Mr. GEORGE. I desire to ask the Senator from Ohio a question right there. Was any notice given by the German Government at all that they regarded this pending conference to be terminated, that is, prior to the time when they deposed Malietoa?

Mr. SHERMAN. Oh, no. The deposition of Malietoa was during the time of these events, shortly after Bates had gone there.

Mr. GEORGE. Was any notice given by the German Government of the intended proceedings to depose him?

Mr. SHERMAN. They generally gave notice after the proceedings were had.

Mr. GEORGE. Not before?

Mr. DOLPH. Notice was given six days prior to the actual fact.
Mr. GEORGE. How was that?

Mr. GEORGE. How was that? Mr. DOLPH. Notice was given to our Government in Washington six days before the thing was done in Samoa

Mr. SHERMAN. I think you will find that diplomatic forms have been observed throughout, with a polite request that our Government

will accede or agree to them, etc.

Mr. FRYE. The diplomatic forms were all observed, do I understand the Senator to say?

Mr. SHERMAN. Yes, the forms were observed.

Mr. FRYE. What! In giving a notice when the Germans knew that it was an absolute impossibility for the United States to receive the

Mr. SHERMAN. That was in form all right, but the substance was not observed. The notice did not allow time for this Government to act or to advise our authorities in Samoa what to do.

Mr. MORGAN. What notice does the Senator from Maine refer to?
Mr. SHERMAN. Since then, only the other day, I have here a very interesting account from there. It seems that one of our newspaper correspondents, Mr. Klein, is becoming a knight-errant out there. I have his account here.

Mr. MORGAN. I should like to inquire of the Senator from Ohio, as this feature of the matter he is discussing now is new to me, what notice does he refer to as having been given by the German Government in respect of this conference?

Mr. SHERMAN. The Senator from Oregon [Mr. DOLPH] inter-

rupted with a statement about the notice of six days. That did not

apply to the conference at all.

Mr. MORGAN. Not at all.

Mr. SHERMAN. That applied to the movements in deposing the

Mr. MORGAN. Yes. Mr. SHERMAN. And setting up Tamasese. Mr. MORGAN. And a demand of \$13,000.

Mr. DOLPH. If the Senator will permit me, I will state that it was a notice from the German minister here to our Secretary of State six days before the actual deposition and deportation of King Malietoa from Samoa that the German Government intended to make war upon Malietoa.

Mr. FRYE. But that notice was given here in the city of Washington six days before the deposition, when it was perfectly understood that it would take thirty days to get any word from our Government to the islands, and therefore perfectly understood that the notice was

Mr. SHERMAN. The Senator from Alabama is talking of a notice I

about the conference at Washington, to which he gives no doubt great attention. The other Senators are talking about the notice to our Government about the proposed deposition of the king.

Mr. MORGAN. The question put by the Senator from Mississippi

[Mr. GEORGE], as I understand it, was whether any notice had been given by Germany of her intention to abandon the conference.

Mr. SHERMAN. I do not think there was.

Mr. MORGAN. The notice given, however, as I understand it, was this: That the German Government had occasion to make war or to prosecute hostilities against Malietoa and the party that followed him as individuals, separating them from the Samoan Government and regarding them as a faction in the Samoan Government that deserved punishment for certain trespasses alleged to have been committed upon the German plantations. That is what I understood was the notification that was given six days before the troops were landed for the purpose of executing that purpose on the part of Germany; but no notice was given of the termination of the conference, and so far as I have ever heard about it, that conference is on now.

Mr. GEORGE. Does the Senator from Alabama say the conference

is still on?

Mr. MORGAN. It has never been determined. There has been no end put to it

Mr. SHERMAN. When I get a chance, I will go on.
The PRESIDENT pro tempore. The Senator from Ohio is entitled

Mr. SHERMAN. Two interesting statements were made by Prince Bismarck. One is communicated by Mr. Pendleton to Mr. Bayard of the date of October 13, 1887.

Mr. HOAR. Give the page. Mr. SHERMAN. It is on page 85. He there refers to the conference that had been held, and makes some statements in regard to the reason why the German minister could not be there at the time. But the more formal and much the longer statement of Prince Bismarck to Baron von Zedtwitz, which was communicated to our Government, is contained on page 96 of this document. He goes over the whole ground, complaining of the American consuls, of their unfriendly acts to the German power, setting out his views as to the best mode of government in the Samoan Islands, the substance of which is that the power having the largest interest, which was Germany, should have practically the executive control, with proper stipulations protecting the existing rights of both the United States and Great Britain.

He goes into the subject at full length. It is rather in the nature of an attack upon the course adopted by our various consuls. Mr. Bayard replied at great length, and I must confess that the reply of Mr. Bayard, while able and containing a fair résumé of the whole matter, does not present in a vigorous way the repeated, continuous, and cruel conduct of the German consuls and traders in violation of the treaty rights of the United States and those of Samoa, for whom we

had pledged our friendly offices.

Prince Bismarck with great acuteness attacks Consul Greenebaum for what was afterwards disavowed by the Government, and also our present consul, Mr. Sewall, and he complains of them. Mr. Bayard, instead of answering these complaints easily as he might have done, does not review and state in an energetic way the wrongs committed by Dr. Stuebel and Weber. Mr. Bayard might have retorted upon Prince Bismarck a full statement of the facts that I have stated here imperfectly, of the disregard of the German Government of the rights of the several powers and also its conduct toward the king. It seems to me that the time was opportune for him to present the argument of our side. But I make this mild criticism with no desire to find fault.

Mr. GEORGE. On what page is Mr. Bayard's dispatch to Bismarck? Mr. MORGAN. Will the Senator be kind enough to state what dis-Mr. MORGAN.

patch it is to which he has referred?

Mr. SHERMAN. It is a very long dispatch, covering, I think, nearly

twenty pages.

Mr. GEORGE. Is it the one commencing on page 107?

Mr. SHERMAN. It commences on page 107 and terminates at page 121. I do not wish to be regarded as criticising the ability of this paper, but it seems to me that Prince Bismarck has never had from the American Government its views of the various acts that I have repeated here as to the harsh conduct of the German consuls and traders to the king and people of Samoa. It is more like the grasping rapacity of a trading company than the treatment by a great government of a weak and humble people. I would rather see Prince Bismarck's reply to such an arraignment than a reply by our Government to a charge of unfriendly feeling of certain American consuls, excited no doubt by the harsh treatment of the people to whom they were accredited. So far as I can see, Mr. Sewall, in his conduct at Samoa, was wise, for-bearing, and just. Certainly in his correspondence and testimony, which is full of information, he appears as a man of ability good heart. which is full of information, he appears as a man of ability, good heart, and of education, who, so far as I can see, has done nothing deserving criticism. All that he feels now is the self-reproach that in obeying his instructions he prevailed upon the king not to put down the rebell-ion of Tamesese. I gather, if I can read his testimony aright, that this is the feeling with Mr. Sewall, that he was compelled by his in-structions to prevent any blood being shed by Malietoa, and in that way, while actually persuading and succeeding in persuading him to desist and not to shed blood, he exposed Malietoa to the deposition and the imprisonment which followed.

Mr. MORGAN. To what paper of Mr. Sewall's does the Senator

Mr. GEORGE. I understand that the British consul joined in that persuasion with Mr. Greenebaum, that Malietoa should not have blood

Mr. SHERMAN. He did. Both consuls joined in prevailing on Malietoa not to exercise any force.

Mr. MORGAN. I should like to be informed as to what paper the Senator from Ohio refers.

Mr. SHERMAN. Of Mr. Bayard's?
Mr. MORGAN. Of Mr. Sewall's.
Mr. SHERMAN. I refer to his testimony here. I could not refer to it in detail. Mr. Sewall states in his testimony, if I remember

aright, something like this: He was instructed-

Mr. MORGAN. I beg to interrupt the Senator from Ohio by stating, if he is not aware of it, that no statement of Mr. Sewall has ever been made public on this question except what letters may be found from him in the documents communicated by the President of the United States to the Senate. If there is any outside testimony or statement, that is not up for consideration now.

Mr. SHERMAN. I think I am justified in referring to the testi-mony of Mr. Sewall, even if it is not made public. In debating this question in the Senate I have felt a little embarrassed. I would have quoted largely from Mr. Sewall's testimony, but as it has not yet been made public I think I am justified in stating the general result. Some time or other, no doubt, it will be made public.

me or other, no doubt, it will be made public.

Mr. GEORGE. It is testimony taken before whom?

Mr. SHERMAN. Before the Committee on Foreign Relations.

Mr. MORGAN. In executive session?

Mr. SHERMAN. In executive session.

Mr. MORGAN. Here is the difficulty, if the Senator will allow me.

Mr. Morodan. Here is the dimentally, it the Schator will allow me.

We are forced here to discuss the Samoan question in open session—

Mr. SHERMAN. Then make it public.

Mr. MORGAN. Upon testimony to which we dare not allude.

Mr. SHERMAN. I have scarcely alluded to it except for this one reason, and I think it ought to have been made public. It should have

been made public before this time.

Mr. MORGAN. It is not complete.

Mr. SHERMAN. I do not know anything about its completeness.

It looks pretty complete. It is very full.

Mr. MORGAN. It is not complete, however.

Mr. DOLPH. It was taken under a resolution introduced in open

Mr. SHERMAN. The testimony, I may say, was taken under a resolution introduced in open session, and this gentleman was called back from San Francisco to give this testimony. While I have not quoted from it, I have felt justified in stating its general results.

Mr. GEORGE. Has the testimony been printed?

Mr. SHERMAN. It is in print, and a resolution of the Senate can

at any time make it public.

Mr. HOAR. It has not been printed for the use of the Senate? Mr. SHERMAN. It was printed for the use of the committee.

There is another important fact that I wish to bring out here as clearly as I can. In the recent communication submitted to us by the President of the United States it would appear from a debate that oc-curred in the British Parliament inferentially, I admit, that the British Government will probably acquiesce in German occupation, or in the views taken by Prince Bismarck as to the best mode of occupying for the benefit of the treaty powers the municipality of Apia. I gather that from the document sent to us by the President of the United States on the 16th of January, 1889, on pages 16 and 17, which gives an extract from the London Times of November 18, 1888, in which it appears that a member of Parliament had put the question to the government, calling for information in regard to Samoa, and asking specifically whether the British Government would acquiesce in the claim made by Germany of having practically controlling power in Samoa. I will not read this answer, but I refer to it as a public document that anybody may look at.

Mr. GEORGE. What is the number of the document? Mr. SHERMAN. It is Senate Executive Document No. 68, under

date of January 16, 1889, the last document we have. From this it would appear inferentially, at least, that the Government of Great Brit-ain, now represented as it is by Lord Salisbury as foreign minister, will acquiesce in substantial German supremacy in that country. Whether my inference is right or not, I leave it for every one to judge without reading it all through.

I said a moment ago that I wished to call attention to another feature of this contest. I refer to one of our American citizens—I suppose him to be, although it is not certain whether Mr. Klein is an American citizen or not. At any rate, it seems he has been playing the knighterrant there in Samoa. The Government of the United States is in no way responsible for it, and in no way can it control his action. He is a newspaper reporter for one of the San Francisco papers. I have here

his statement, covering over a page of the San Francisco Examiner, giving his account of the recent troubles in Samoa, giving an account of a fight which resulted in a loss of twenty killed to the Germans and

a large number of wounded.

I also have here in another slip taken from a London paper an article giving the German account, in which they charge that Mr. Klein was the commander-in-chief of the party of Mataafa; that he fired the first gun; that he was the leader of the hosts on that side, which seems to have inflicted a severe loss upon the Germans. In the statement of this man, somewhat vain glavious is his stale, he don't have inflicted to the comman the statement of this man, somewhat vain glavious is his stale, he don't have the comman that the comman that the statement of the comman that the commandation that the commandati this man, somewhat vain-glorious in his style, he denies that, and shows that he had nothing to do with it though he went along. He sympathized no doubt with them. He went along as a newspaper man and took note of the fight. You can not tell from his account that he took part in it. The account is given in detail, and the Government of the United States is in no sense responsible. But this recent attack shows clearly that Mataafa, at present assuming to be king, has the power there over public opinion, and if Tamasese was not supported by foreign influence and held there under the guns of the German fleet, if he was not protected and defended in that way, there would soon be an end of the trouble by the success of Mataafa over his competitor. Such is the state of things existing there. I have carefully avoided making—
Mr. HOAR. I wish to ask the Senator a question for information at

some convenient time to him. I see he is near ending his narrative, and I will ask him now. I see that Sir J. Ferguson, in his colloquy, in answer to a question in the House of Commons December 18, 1888, says:

His honorable friend-

That is, the person putting the question-

His honorable friend was aware that some time ago an arrangement was made with other governments by which our influence in the Pacific was to a great extent limited, the object being to place each group of islands under one European power, to whom the traders might look for the maintenance of law. He hoped it would not be long before the troubles at Samoa were healed.

Taking that sentence in connection with the disavowal of any inconsistent action, with the action of Great Britain in the conference, it would seem to imply that there had been previously some arrangement between Great Britain and Germany looking to the establishment of German control in Samoa.

Mr. SHERMAN. The Senator misapprehends me. I read the treaty in the beginning between Germany and Great Britain, in which they

Is that the treaty to which this refers?

Mr. SHERMAN. It is, and that expressly reserves the Samoan Islands from the operation of that division, and consequently he did not

know, and, questioning the minister hastily, he did not understand it.

Mr. President, the conclusions to which I have come, without wearying the Senate any further, are that the first thing to be done is to assert our power and occupancy and possession of the Bay of Pago Pago, and so much of the shores of the island of Tutuila as is necessary for a coaling station. This is a mere rocky island, comparatively, of a few square miles, but it possesses this magnificent harbor, and one of the amendments to this bill proposes that we shall take possession of it, occupy it erect a coaling station there and such other buildings as may be necessary. That ought to be done immediately, because it is manifest that whatever may happen in regard to controversies in the South Sea Islands, having secured by law and by treaty a foothold there, we ought to secure that, and not treat it as we have done our privileges in the Hawaiian Islands. The Government of the United States undertook, or started to do it some time ago, but without saying anything in respect to the mode in which it was defeated it was finally dropped out of the appropriation bill on the score of economy. If we had had a foothold in this bay as firmly and as strongly as the Germans have theirs in their bay, I believe American interests would not be so endangered as they are to-day.

It needs no war to protect the nation's rights. The mere assertion of those rights, a due regard for them, the expenditure of money there, the storing of coal there, the landing of vessels there—all these are an assertion of power far more powerful, far more influential than protocols or diplomatic correspondence. That we ought to do.

Mr. GEORGE. I desire to ask the Senator a question right there,

if he will yield.

Mr. SHERMAN. Certainly.

Mr. GEORGE. Do the German Government controvert or deny our rights in the island and harbor to which the Senator has alluded?
Mr. SHERMAN. Not at all. They are expressly set out in the

treaty between Samoa and Germany, and so far as I see in all this correspondence there is no question about it. There is this referred to by some one, that the Germans and English and others have bought land around the bay, but there is no objection to that.

Mr. GEORGE. On the same island?

Mr. SHERMAN. On the same island. There is no objection to that. The Samoans own a good deal, and no doubt plenty of Americans own land there on the shore.

The next thing we should do is what we agreed to do by our treaty with Samoa, to use our friendly offices, and when I say that I mean more than a mere diplomatic representation. We should urge and use that moral power, I will say, of a great nation like ours, interested in this question, in aid of some autonomy, some local government for the people of that island.

Mr. GEORGE. Not threatening war? Mr. SHERMAN. I do not believe in war growing out of this mat-

Mr. GEORGE. I say in our influence not threatening war; not men-

acing.

Mr. SHERMAN. I do not think it necessary to menace anybody. So far as I can see from the statements made by Prince Bismarck and the statements made by the English diplomatists, nowhere do they

the statements made by the English diplomatists, nowhere do they deny our rights and interests there, and although we were not a party to the treaty that set aside Apia, they have freely yielded us equal rights and privileges in Apia, the capital of these islands.

Mr. GEORGE. That is on a different island.

Mr. SHERMAN. There are two large islands, Upolu and Savaii. Tutuila, where our harbor is, is a very small island, but far the most valuable for transit purposes. It is right on the line of the transocean navigation from San Francisco to New Zealand.

Mr. GEORGE. What treaty rights have we on that large island?

Mr. SHERMAN. None, except those which grow out of the agreement as to Apia and the consular municipality there.

ment as to Apia and the consular municipality there.

Mr. GEORGE. Signed by the consul?

Mr. SHERMAN. The American consul is one of the governors of that island. There are three, but they are subject to the superior power of the German forces just now, as the king set up by them is a mere puppet under the control of the German consul.

We can do all the proper with a three puppers.

We can do all I propose without endangering the peace of this country. I believe this contention can be settled by a straightforward, manly negotiation entered into between these three great Christian powers, to either of whom these little islands must appear to be a mere mote on the ocean; and it would be a shame and a disgrace to our civilization and to our Christianity if these three powerful nations can not agree upon some mode of autonomy, some mode of government for this far-distant region of islands, where we all have equal interests and equal power.

Therefore I do not doubt that in some way or other, by the election of a new king or by some mode of agreement, probably improving their form of government, with the hearty assent of the people of that country, if they are prepared really to assent to anything, a government of that kind may be set up for local purposes there among the islanders, while the great powers may provide for themselves in Apia all the security necessary for their commercial enterprises. That I

hope will be done.

Whatever the newspapers may say, there is nothing in the situation that would justify on the part of either nation a breach of the peace until every effort is exhausted to bring about a peaceful and quiet settlement of this controversy. To me it seems the smallest controversy in which the United States could be or has ever been engaged. It does not seem to me that Germany, whose people are like our own, and Great Britain, with their boundless empire, will ever allow the disgrace to be inflicted upon our civilization of having a single man of either of these nations killed in war or contest over this puerile controversy.

That is the way it looks to me.

Now, sir, I say therefore, first, we want to assert our rights and maintain and uphold them, and nobody will call them in question. Next, we want to do what we ought to do to these poor people there who first treated with us, who have leaned upon us, and who have reminded us over and over again that we promised them our good offices, and they understand by that something more than a diplomatic note. This we can accomplish. Therefore, Mr. President, I am willing to vote any sum of money to enable the President either to coning to vote any sum of money to enable the President either to conduct negotiations, to make surveys of the harbors, or to get better information in regard to the country there. I am willing to vote the sum named here and place it at the discretion of Mr. Cleveland or of General Harrison, and I have no doubt with the powers thus given to them to send agents there or to send ships there they will bring about a prompt solution of this small controversy.

Mr. DOLPH. Mr. President—
Mr. HALE. If the Senator—
Mr. DOLPH. I simply wish to take the floor upon the amendment, and then I will yield to the Senator from Maine.

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Maine?

Mr. DOLPH. I do. Mr. HALE. I wish to make a suggestion as to the order of business. If it is impossible to come to a vote now upon these amendments, if Senators desire to debate them further, I will not seek to keep the Senate here any longer, but I will, before moving to adjourn, ask unanimous consent, or put it in the form of a motion, that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock, simply saying that if the debate is to go on upon this bill indefinitely Senators will see the importance of either meeting earlier or having night sessions to dispose of it, in view of the other important matters that are pressing and in view of the short time that remains for the present session of Congress. Now I will move that when the Senate adjourn to-day it be to meet to-morrow at 11 o'cleck.

The PRESIDENT pro tempore. The Senator from Maine moves that when the Senate adjourn to-day it be to meet to-morrow at 11 o'clock. The motion was agreed to.

Mr. HALE. Now I move that the Senate adjourn.

Mr. EVARTS. Will the Senator yield to me a moment to offer an amendment?

Mr. HALE.

I yield for that purpose.

I have been instructed by the Committee on the Mr. EVARTS. Library to present an amendment to this bill now under consideration providing for the removal of the remains of Joel Barlow, who was minister to France and was buried there, the removal and the expense being regulated by the State Department, and I will ask the member of the Appropriations Committee having the bill in charge whether in his judgment this amendment should be proposed to this bill or to the sundry civil bill when it comes up?

Mr. HALE. In answer to the Senator from New York I will say that such matters have been generally placed upon the sundry civil appropriation bill. I think it would be better to refer the proposed amendment to the Committee on Appropriations, and I assure the Senator it shall receive the consideration of the committee.

Mr. EVARTS. That will be the disposition I shall make of it,

The PRESIDENT pro tempore. The Senator from New York reports an amendment from the Committee on the Library to the sundry civil appropriation bill, which will be received, referred to the Committee on Appropriations, and printed.

# REPORT OF A COMMITTEE.

Mr. TURPIE, from the Committee on Pensions, to whom was recommitted the bill (H. R. 8549) granting a pension to Louisa Rogers, reported it with an amendment, and submitted a report thereon.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL

The PRESIDENT pro tempore. The Senator from Oregon [Mr. Dolph] is entitled to the floor on the pending amendment.

The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being Senate bill 3401, in relation to the Pacific railroads.

Mr. HALE. I now renew my motion.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 30, 1889, at 11 o'clock a. m.

# HOUSE OF REPRESENTATIVES.

# TUESDAY, January 29, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

### DEFICIENCY IN NAVY DEPARTMENT PRINTING AND BINDING.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting an estimate of deficiency in appropriations for printing and binding for the Navy Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

# DISTRICT DEFICIENCIES.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates by the commissioners of the District of Columbia of deficiency in appropriations for the support of the government of the District for 1889 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

### COLLECTION OF REVENUE FROM CUSTOMS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations to defray the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

# REPORT OF SURVEYOR-GENERAL ON PAJARITO TRACT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with a letter from the General Land Office, a report of the surveyor-general for New Mexico on private land claim (Pajarito land tract) No. 157; which was referred to the Committee on Private Land Claims, and ordered to be printed.

### CONCLUSIONS OF FACT IN SPOLIATION CLAIMS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting conclusions of fact and of law in certain spoliation claims; which was referred to the Committee on Claims, and ordered to be printed.

SALE OF LAND OF BLACK BOB INDIANS.

The SPEAKER also laid before the House the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, with Senate amendment.

Mr. PERKINS. I ask unanimous consent that the Senate amendment to the House bill be non-concurred in, and that the conference

asked by the Senate be agreed to.

Mr. McMILLIN and Mr. PEEL. What is the bill?

Mr. PERKINS. It is a little bill referring to about 140 acres of land in Kansas.

Mr. RANDALL. If it takes any time I shall object.

The SPEAKER. The title of the bill will be read again.

The title was again reported.

The SPEAKER. The Chair will state that the amendment of the

Senate is quite long.

Mr. PERKINS. I ask that the Senate amendment be non-concurred in, and that the conference asked for be agreed to.

The SPEAKER. Is the reading of the Senate amendment re-

quired?

Mr. HOLMAN. What is the title of the bill? The title of the bill was again reported.

Mr. McMILLIN. I think the amendment ought to be read, so that we may know upon what we are acting.

Mr. RANDALL. If it is to be read it will take a long time, and I will have to object. I have agreed with the friends of the Oklahoma bill not to allow any delay.

The SPEAKER. The Chair will withhold the bill.

Mr. McMILLIN. I have no objection to that.

MRS. R. S. HORTON.

The SPEAKER also laid before the House the bill (H. R. 8) restoring Mrs. R. S. Horton upon the pension-rolls, with Senate amendments; which was referred to the Committee on Invalid Pensions.

The SPEAKER also laid before the House the bill (H. R. 2261) to increase the pension of Elijah W. Penny, with Senate amendment; which was referred to the Committee on Invalid Pensions.

### DIVISION OF JUDICIAL DISTRICTS IN GEORGIA.

The SPEAKER also laid before the House the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The SPEAKER. The Chair will withhold that bill. There is a request here from the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, January 28, 1889.

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State in two, to be known as the western and eastern divisions of said district, and for other purposes.

The SPEAKER. If there be no objection, the Clerk will be directed to return the bill in accordance with the request of the Senate.

There was no objection, and it was so ordered.

DISTRICT COURT OF NORTHERN DISTRICT OF GEORGIA.

The SPEAKER also laid before the House the bill (S. 3786) to change the date for the commencement of the March term of the district court of the northern district of Georgia; which was referred to the Committee on the Judiciary.

BRIDGE ACROSS MISSOURI RIVER NEAR KANSAS CITY, MO.

The SPEAKER also laid before the House the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Ransas City, Kans., not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.

Mr. WARNER. Mr. Speaker, I ask that the bill, the title of which has just been read, be permitted to lie on the Speaker's table for the

present.

The SPEAKER. If there be no objection, that will be done. There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER AT LA CROSSE, WIS.

The SPEAKER also laid before the House the bill (S. 3734) authorizing the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.

Mr. THOMAS, of Wisconsin. I ask that this bill be considered at

this time.

The SPEAKER. The gentleman from Pennsylvania [Mr. RAN-DALL] objects to the consideration of any bill; but the Chair will withhold this bill for the present on the Speaker's table, if there is no ob-

There was no objection.

PROTESTANT EPISCOPAL THEOLOGICAL SEMINARY, ETC., VIRGINIA.

The SPEAKER also laid before the House the bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia.

Mr. LEE. I ask that that bill remain on the Speaker's table for the

present

There was no objection.

MEDALS TO FORLORN HOPE STORMING PARTY OF PORT HUDSON.

The SPEAKER also laid before the House the bill (S. 1140) authorizing the Secretary of War to procure and present suitable medals to the survivors of the "forlorn hope storming party," of Port Hudson; which was referred to the Committee on Military Affairs.

CONVEYANCE OF ABSENTEE SHAWNEE INDIAN LANDS.

The SPEAKER also laid before the House the bill (S. 2407) authorizing the conveyance of certain Absentee Shawnee Indian lands in Kansas; which was referred to the Committee on Indian Affairs.

#### JAMES R. BEARD.

The SPEAKER also laid before the House the bill (S. 2441) refunding certain internal-revenue taxes collected off James R. Beard, late auditor of the State of Arkansas,

Mr. PEEL. I ask that the bill lie on the table. I will not ask to

take it up now.

There was no objection.

#### PENSION BILLS REFERRED.

The SPEAKER also laid before the House bills of the following titles; which were severally read twice, and referred to the Committee on Invalid Pensions:

n Invalid Pensions:

A bill (S. 2758) granting a pension to Susan P. Murdock;

A bill (S. 3515) granting a pension to Lottie R. Hunter;

A bill (S. 3611) granting a pension to Annie W. Smith;

A bill (S. 3617) granting a pension to J. W. Boyd;

A bill (S. 3618) granting a pension to Meryah Watts;

A bill (S. 3604) granting a pension to Sarah J. Alexander;

A bill (S. 3642) granting a pension to Jonas Lehman;

A bill (S. 3713) granting an increase of pension to Maria A. Rousseau:

A bill (S. 3819) granting a pension to Esther Gould;
A bill (S. 3724) granting a pension to the widow of the late Commander Samuel H. Baker, United States Navy; and
A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

# INAUGURATION CEREMONIES, 1889.

The SPEAKER also laid before the House a bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes; which was referred to the Committee on the District of Columbia.

### ARMY NURSES.

The SPEAKER also laid before the House a bill (S. 373) for the relief of women enrolled as army nurses; which was referred to the Committee on Invalid Pensions.

# SURGEON-GENERAL MARINE-HOSPITAL SERVICE.

The SPEAKER also laid before the House a joint resolution (S. R. 124) relating to the salary of the Supervising Surgeon-General of the Marine-Hospital Service; which, on motion of Mr. WHITE, of New York, was referred to the Committee on Commerce.

### ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 11683) for the establishment of light-ships with fog-signals at Sandy Hook, New York Harbor, and off Great Round Shoal,

seacoast of Massachusetts, near Nantucket;
A bill (S. 2765) granting a pension to Adaline A. Smith;
A bill (S. 332) granting a pension to Harrison Wagner; and
A bill (H. R. 538) granting a pension to James Miller.

# LEAVE OF ABSENCE.

Mr. WILBER, by unanimous consent, obtained leave of absence, on account of sickness.

Mr. Hutton, on motion of Mr. Dockery, by unanimous consent, obtained leave of absence for to-day, on account of sickness.

## CHANGE OF REFERENCE.

On motion of Mr. DIBBLE, by unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the resolution (Miscellaneous Document No. 79) in relation to the awarding of a contract for the erection of a public building known as the appraiser's warehouse in the city of Chicago, and it was referred to the Committee on Expenditures on Public Buildings.

## PROTEST AGAINST THE ADMISSION OF UTAH.

Mr. BURROWS. I ask unanimous consent to have printed in the RECORD a brief protest, signed by 13,000 citizens of Utah, protesting against the admission of that Territory as a State, with the letter ascompanying the same.

Mr. DOCKERY. The protest without the names? Mr. BURROWS. Without the names.

There was no objection, and it was so ordered.

The letter and protest are as follows:

To the honorable the Congress of the United States:

The letter and protest are as follows:

To the honorable the Congress of the United States:

The Liberal Territorial committee of Utah, representing Democrats and Republicans, respectfully present the protest of citizens of the Territory against the proposal to admit Utah as a State. We are the servants of about 55,000 gentiles, composing the entire gentile population, and this large body of citizens unanimously oppose the scheme which is being so vigorously pushed by the Mormon Church.

Our constituents are an industrious, loyal, and law-abiding people. They are faithful to the laws and traditions of their country. They are equal in intelligence, courage, and energy to those of any community. They have made their homes here, invested their money here, and are fully informed as to the conditions which surround us. Although they are in a minority they have a right to be heard, and the fact that they are unanimous in opposition to the admission of Utah is an unanswerable argument against the proposition. Although they compose but one-fourth of the population of the Territory they pay nearly one-half the taxes. They have opened large and valuable mines and have produced therefrom over \$108,000,000. Quite half this sum has been paid to Mormons for labor and supplies. The gentiles have churches of the value of a half million dollars. They support one hundred schools independent of the Territorial school system. They have established hospitals and libraries and enterprising newspapers. They have built magnificent business blocks, and during the past year have expended in building and improvements in Salt Lake City alone upwards of \$1,000,000. These people are not mere adventurers; they are not "carpet-baggers." They are American citizens who pay their own way and who bear aloft the banner of progress.

They oppose the admission of Utah as a State because it would be under the tyrannical domination and control of a secret organization commonly called the Mormon Church, with its twenty-cight thousand office-holders.

B

Because the whole scheme has been engineered by the Mormon priesthood, n order that they might intrench themselves behind the barriers of State

in order that they might intrench themselves behind the barriers of State rights.

Because it would be a crime against American institutions to clothe a Territory which is un-American in all its tendencies with the powers of a State, and where the iron will of one man dictates what the laws shall be, and who shall make and enforce them.

The statement that has been made upon the floor of Congress that polygamy is dead is false. It is taught and practiced throughout Utah, and if Utah becomes a State, the polygamous practices will be openly and brazenly flaunted in the face of the world, and the American people will be asked, "What are you going to do about it?"

We respectfully submit herewith protests signed by about thirteen thousand people.

O. W. POWERS, Chairman, C. E. ALLEN, Secretary, Liberal Territorial Committee for Utah.

SALT LAKE CITY, UTAH, January 3, 1889.

# NO STATEHOOD FOR UTAH.

The gentiles of Utah, although they represent a minority of the people of the Territory, are loyal to the institutions, laws, and traditions of their country, and believe that they have a right to be heard upon the question whether Utah shall become a State, polygamy perpetuated, and a Commonwealth surrendered to a priesthood. Polygamy is not dead. The treasonable features of Mormonism have not been eliminated, and to give Utah statehood would be a crime.

A COMMON PERIL UNITES US, and therefore without a dissenting voice the gentile Republicans and Democrats of Utah protest against the admission of Utah as a State,

### ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for re-

Mr. RANDALL. I move to dispense with the call of committees. I will state that if that motion be agreed to, I shall ask leave for gentlemen who desire to present reports to file them with the Clerk.

Mr. TAULBEE. Pending that, I ask unanimous consent that mem-

bers desiring to present reports may have leave to file them with the Clerk.

Mr. BLOUNT. I desire to propound an inquiry to the Chair. I have a report to make from the Committee on the Post-Office and Post-Roads upon House bill 12109, relating to the railway mail service. The gentleman from New York [Mr. WHITE] wishes to submit the views of a minority of the committee. I desire to know whether, if this request

The SPEAKER. This proposition would not cover the presentation of the views of a minority, unless the House should give special permission for that purpose. If there be no objection, leave will be granted to the minority of the Committee on the Post-Office and Post-Roads to present their views in writing on the bill referred to and have them printed with the report of the majority. The Chair hears no objection. The gentleman will send his report to the desk. Is there objection. tion to the request that if the morning hour for the presentation of reports be dispensed with members be permitted to file their reports at the desk? The Chair hears no objection. The question is now on the motion to dispense with the morning hour.

The motion was agreed to.

### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

LIGHT AND FOG-SIGNAL, ETC.

Mr. CLARDY, from the Committee on Commerce, reported as a sub-

stitute for bill H. R. 1226, a bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### STEAM-TENDER FOR GREAT LAKES.

Mr. CLARDY also, from the Committee on Commerce, reported as a substitute for bills H. R. 12114 and 12119, a bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### INSPECTION OF STEAM-VESSELS.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (S. 447) to amend the laws relating to inspection of steam-vessels; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### LIGHTS ON CONEY ISLAND.

Mr. BRYCE, from the Committee on Commerce, reported back favorably the bill (H. R. 11527) to establish lights on the western end of Coney Island, New York; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

# PAY OF ENSIGNS, UNITED STATES NAVY.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably the bill (S. 881) to regulate the pay of ensigns of the United States Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### MAURICE G. GRIFFITH.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, re-ported back favorably the bill (H. R. 2038) for the relief of Maurice G. Griffith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

# RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 12314) to grant a right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## NATIONAL CEMETERY ROAD, DOVER, TENN.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 11694) to construct a road to the national cemetery at Dover, Tenn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## CHICAGO, KANSAS AND WESTERN RAILWAY.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (8, 1903) granting the right of way through the Fort Riley military reservation, Kansas, to the Chicago, Kansas and Western Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# VENEZUELA STEAM TRANSPORTATION COMPANY.

Mr. COTHRAN, from the Committee on Foreign Affairs, reported as a substitute for H. Res. 175, a joint resolution (H. Res. 259) for the relief of the Venezuela Steam Transportation Company; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ST. CATHARINE ISLAND, GEORGIA.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 12324) for the establishment of a lighthouse station on St. Catharine Island, State of Georgia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

### OMAHA, DODGE CITY AND SOUTHERN RAILWAY COMPANY.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 11698) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MORROW introduced a joint resolution (H. Res. 260) relating to the government of Samoa; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair), and resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other pur-

The CHAIRMAN. The Clerk will read the clause of this bill which was last under consideration.

The Clerk read as follows:

BUILDING FOR THE LIBRARY OF CONGRESS.

For the building for the Library of Congress, as authorized by the sundry civil appropriation act approved October 2, 1888, and for each and every purpose connected therewith, \$500,000: Provided, That contracts may be entered into for all the stone required for the exterior walls of said building, to be paid for as appropriations may from time to time be made by law.

Mr. REED. Mr. Chairman, in making a point of order with reference to this paragraph, I will state that I do so for the purpose of obtaining a ruling from the Chair upon a question which I think is of some importance. The provision of the law of October 2, 1888, was introduced into the sundry civil bill in defiance of the rules of the House, though it seems to have been consented to by the House itself. In that law, at the end of the paragraph relating to this subject, there is a provision that the cost of the building shall be limited to \$4,000,-000, in addition to what has already been appropriated. We have a letter from the Chief of Engineers, in whose charge this matter was placed, dated December 1, 1888, and addressed to the Speaker of the House. He makes an estimate of a building which will cost \$4,000,000, the plan of which is to be subject to the approval of certain officials of the Government. This estimate is a very close one, as the Chair will see by looking at page 4 of this letter, for it leaves a margin of only \$200. Hence it is to be taken as a whole; and accordingly the Chief of Engineers states:

The estimate of cost is based, among other things, upon the assumption, of course, that the work is to be prosecuted vigorously and steadily on a large scale, so as to secure all the advantages and economy of large contracts and a minimum of contingent cost.

This estimate, then, is based upon a sufficient appropriation from year to year to enable him to work to the greatest advantage. Now, he himself makes an estimate of the amount which is needed in order he himself makes an estimate of the amount which is needed in order to come within his estimate; which amount is \$1,000,000. The committee have seen fit to report an appropriation of only \$500,000, which everybody can see will not bring it within that limit. Now, if the Chair decides that it is absolutely essential that this should come within the limit, to the apprehension of the Chair, then my point of order is good; but if the Chair should decide that the question whether this comes within the limit as mentioned by the Chief of Engineers, or rather, to speak more exactly, as comprehended in the terms of the law, is a matter which rests within the judgment of the Committee of the Whole, then of course my point of order is not good.

Mr. RANDALL. The gentleman has not stated his point of order distinctly. What is the point? Is it against the entire paragraph? The CHAIRMAN. The Chair was about to make the inquiry whether the point of order was directed against the entire paragraph. Mr. REED. My first point of order is against the first part of the

paragraph down to the proviso. I will deal with the other afterward.

Mr. RANDALL. I have only to say that I do not think the point of order made by the gentleman is valid. This appropriation of \$500,000 is in accordance with law; and the law to which it conforms is referred to. If the gentleman objects to the language, "as authorized by the sundry appropriation act approved October 2, 1888"

Mr. REED. The gentleman will permit me to call his attention to a sentence which I accidentally omitted to read in this letter of the

Chief of Engineers:

There should be no interruption or delay for lack of seasonable and sufficient appropriation; otherwise the cost may be increased.

That is my point.

Mr. RANDALL. That is a matter for the judgment of Congress not for the Chair.

The CHAIRMAN. In the opinion of the Chair the question whether this amount comes within the limit of \$4,000,000 should be left to the judgment of the Committee of the Whole; therefore the Chair does not feel at liberty to rule out the provision.

Mr. REED. Then the Chair holds that this is left to the Committee of the Whole. I desire, in view of that decision, to offer an amend-

Mr. RANDALL. I understand the gentleman wishes to offer an amendment

Mr. REED. Yes; the Chair has ruled upon the point of order. The CHAIRMAN. The gentleman from Maine offers the amendment which will be read.

Mr. RANDALL. I want to understand this matter. We are now entering on the consideration of the paragraph. Are all the points of order disposed of?

Mr. REED. Down to the proviso.

The CHAIRMAN. The Chair understands that the gentleman from

Maine has reserved a point of order upon the proviso.

Mr. RANDALL. I submit that we can not take a paragraph in this

way, piecemeal. Mr. REED.

We certainly can take the paragraph down to the proviso.

Mr. RANDALL. The paragraph must be taken as a whole.
Mr. REED. I desire to amend it.
Mr. RANDALL. It will be open to amendment when the questions

of order are disposed of.

The CHAIRMAN. The Chair is of opinion that the points of order should be decided before the consideration of amendments to the paragraph is entered upon.

Mr. RANDALL. I am perfectly willing that the House may settle

the amount-

Mr. REED. I desire, however, to offer a particular amendment. Mr. RANDALL. Before that I wish to have the point of order definitely settled. I am opposed to entering upon amendments until that is settled in the proper order.

The CHAIRMAN. The Chair is ready to rule on the proviso if the

point of order is made against it.

Mr. REED. I would rather reserve the point of order for the present, for I might prefer that the proviso should remain in under certain circumstances

cumstances.

Mr. KANDALL. Just there let me say that the whole paragraph as printed was prepared by the Chief of Engineers, in charge of the matter, and I have it here in his own handwriting.

Mr. REED. As to the amount?

Mr. RANDALL. Let me correct myself, however; I should have said that the whole proviso was in his handwriting. That the para-

said that the whole proviso was in his nandwriting. That the paragraph as reported meets his approval.

Mr. RYAN. I will say to my friend from Maine that General Casey, in charge of this building, says that with this proviso in he only requires the amount named in the bill.

Mr. REED. Very well; then I have no point about the proviso, and now offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "Congress," in line 8, down to and including the word "eight," in line 10, and insert the words "according to plans described by the Chief of Engineers on page 6 of his letter of December 1, 1888, to the Speaker of the House, as printed in Miscellaneous Document No. 12, when approved according to law."

Mr. HOLMAN. That is subject to the point of order.

Mr. REED. How?

Mr. McMILLIN. I reserve the point of order against it.
Mr. RANDALL. Let me ask the gentleman from Maine whether
that proposes to complete this building under the schedule or plan
marked "D?"

Mr. REED. That is it.

Mr. HOLMAN. I make the point of order against it.

Mr. REED. What is the point of order? Mr. HOLMAN. That it is new legislation.

Mr. REED. But the chairman of the Committee on Appropriations does not make any point of order.

Mr. HOLMAN. But I make the point of order.

Mr. REED. On what ground?

Mr. HOLMAN. On the ground I have just stated.
Mr. RANDALL. I did not make the point of order, but I suppose
the point of order suggested rests upon this ground, that the act of October 2

Mr. REED. There is no point of order against that.
Mr. RANDALL. I will state the position exactly. The act of October 2 proposed that the building should be erected for four millions of money, and delegated the whole power, in connection with the care of its construction, to the Chief of Engineers of the Army. It was further provided that his plans for the \$4,000,000 build ng should be subject to the approval of the Secretary of War and the Secretary of the Interior. The actual facts, then, are these, that the officer in charge of the building has made a new report or statement, based upon schedule or plan A, which provides for a \$4,000,000 building, and the two officers who are to approve his plans have not yet acted, the consequence of which is that no building has been entered upon since the transier of the control of the work from the commission to the Chief of Engineers.

Mr. REED. Now, I would like to ask whether there is any further

point of order, as I would like to answer them scriatim.

Mr. HOLMAN. The only point of order I make is that the amendment changes existing law and is new legislation.

Mr. REED. Will the gentleman kindly point out where the new

legislation is, and wherein it changes existing law?

Mr. HOLMAN. Why, the entire proposition contained in the gen-

tleman's amendment is new legislation.

Mr. REED. Where?

Mr. HOLMAN. It is entirely new; the whole provision is new. It is directly in conflict with the proviso of the paragraph.

Mr. REED. Then you rest your point of order on the ground that

this is liable to cost more?

Mr. HOLMAN. I rest it on the ground that the proposition is new

Mr. REED. Well, will the gentleman kindly point out in what re-

spect?

Mr. HOLMAN. I say that it is new legislation.

Mr. REED. But in what respect?

Mr. REED. But in what respect?

Mr. HOLMAN. In respect that it is new legislation. [Laughter.]

Mr. REED. Ah!

Mr. HOLMAN. Entirely new legislation.

Mr. REED. That is the way that the gentleman from Indiana does sometimes when he does not desire to deploy his full force, and his argument becomes less definite the further he goes. Now, if there is nothing further I should like to present my views, and I ask the attention of the House, because I think the whole matter is one of very grave importance. The Chair, it must be borne in mind, with the approbation of the gentleman from Pennsylvania, has already decided that the question is one of facts which is within the discretion of the committee, and to be decided by them and not by the Chair. Hence there can by no possibility be anything in the proposition of the gentleman from Indiana so far as he has undertaken to specify. In fact it appears he felt it necessary to withdraw the specifications. In that condition of affairs

The CHAIRMAN. The Chair will call the attention of the gentleman from Maine to the fact that the amendment must come within

the limit fixed by the law.

Mr. REED. But the Chair decided very promptly and very properly that the question of whether it was limited was a question of fact that belonged to the committee and not to the Chair; and to that decision I hope the Chair will adhere, because it will lead to righteousness and justice.

Mr. CANNON. If the gentleman from Maine will permit me, I can perhaps show that the point of order was well taken, that the law of last October or last session limited us to four millions for the construc-Now, then, the amendment, as I understand it, adopts a plan of six millions, and therefore is in conflict with existing law.

Mr. REED. I am arguing on the merits of the decision of the

Chair.

Mr. CANNON. If the gentleman's amendment was adopted— Mr. REED. Probably; but if the gentleman will wait until I make

my point— Mr. CANNON. I will wait with great pleasure. I always listen

to the gentleman with pleasure.

Mr. REED. Now, Mr. Chairman, this is a point of grave importance to the people and to the Treasury of the United States. The Chief of Engineers, under the authority given by law and recognized as an authority in this House and out of it, has seen fit under the law of 1886 to make a report.

He has made that report, of course, in accordance with law, and he has provided two plans. Of course he would not have provided a second plan unless in his apprehension it was one which he was called upon to prepare, and the House will see under that state of facts why it was that he was obliged, as a faithful officer of the Government, to

make the second set of plans.

The first set of plans, which are called plans "A," are made for a library under certain restrictions and calculations made by the Chief of Engineers, so definitely that if we adopt the plan and build that building, then at the present increase annually that building will be filled with books from roof to basement in fifty-four years. Inasmuch as we shall naturally accelerate that increase, the probabilities are that in forty-five years from the time that building is finished it will be filled from basement to ceiling with books, and it will have ceased to be an increasing national library such as an increasing nation wants and demands. Therefore the Chief of Engineers, under authority which is presumed to be within the scope of the law, has provided a second series of plans which seem to bear in mind what some gentle-

men never have in mind, and that is the growth of this country.

Now, that second series of plans provides that by an increase of expenditures amounting to about \$2,000,000, the capacity of the Library will not merely be doubled but will be trebled, so that by an increase of 50 per cent. in expenditure we shall have an increase of 300 per cent. in book-holding capacity. Therefore there can be no question that a lively sense of what was due to the Treasury of the United States, and what was due to the United States itself, actuated the Chief

of Engineers in the presentation of this second plan.

Now, then, if the Chair, by following its last decision, can enable us to reach that matter, I have no doubt that the good sense of the House will dispose of it satisfactorily, not only in the interests of the country, which is of the greatest importance, but also in the interest of the Treasury, which is of some importance. This amendment which I present has been very carefully drawn.

The CHAIRMAN. The time of the gentleman has expired. [After

a pause.] The Chair begs pardon of the gentleman, as for the moment

a pause.] The Chair begs parton of the general as a for the month he overlooked the fact that a point of order was under discussion.

Mr. REED. I was addressing myself to the point of order. It was necessary to make this preliminary statement of facts in order that the Chair might apprehend the exact situation of affairs.

Now, the amendment has been drawn in reference to the provision of the statute of 1888, no section of which has escaped my attention, and the point which I make is this: That there has not been an approval by the proper authorities up to date, and consequently the new plan is left for decision by the proper authorities; and consequently I am violating no law when I propose that this building shall be made according to the second plan, when approved by the proper authorities according to law.

I, therefore, cover all this matter, and as the gentleman from Illi-nois will show from the argument of the gentleman from Indiana, at the time the act of October 2, 1888, was discussed, that I am entirely within the statute. I will refrain from making a quotation which I

think he will make.

The only point, therefore, which remains is the question whether this is within the limit of \$4,000,000. I expected that that would be a question as to the merits to be determined by the House. But even if the Chief of Engineers thinks this plan will cost \$6,000,000—and that will be brought out, and very properly brought out—it will be within the discretion of the House to pass upon that question. The Chair has already decided that it is a matter in the cognizance of the Committee of the Whole, and that has received the high approval of the chairman of the Committee on Ways and Means. Therefore, I apprehend that the only point about which there seemed to be any difficulty has been cleared up by the wise and discriminating decision already made by the Chair.

Mr. HOLMAN. The provisions of the law of last year have not been read. Perhaps the attention of the Chair has not been called to it, and I will ask the Clerk to read the proviso at the top of page 524.

The Clerk read as follows:

Provided, That before any further contracts are let for the construction of said building general plans for the entire construction thereof shall be prepared by or under the direction of the Chief of Engineers of the Army, which plan shall be subject to the inspection and approval of the Secretary of War and the Secretary of the Interior: And provided further, That the total cost of said buildings shall not exceed \$4,000,000, exclusive of appropriations heretofore made.

Mr. HOLMAN. I wish to but add that the question of the limitation on the cost of this building does not necessarily enter into the question of order. The law prescribes what shall be done, that the plan shall be prepared by the Chief of Engineers subject to the approval of the Secretary of War and Secretary of the Interior, and that is the provision that is especially assailed by the amendment submitted. That amendment proposes a different mode; that is to say, it proposes that the particular plan referred to, when approved by the Secretary of War and the Secretary of the Interior, shall be the plan on which this building shall be constructed. It is therefore a clear and palpable

change of existing law.

Mr. ADAMS. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] when called on to specify what his point of order was declared that it was that the amendment of the gentleman from Maine [Mr. REED] was new legislation, and when he was called upon to specify wherein it was new legislation he said that it was new legislation in respect of its being new legislation. The gentleman from Indiana, who is an experienced member of this House and familiar with its rules, ought never to have confined himself to that phrase. He ought to have cited, as I propose to cite, the words of the rules of this House. There has been much confusion in the last two Congresses under Rule XXI, clause 3, simply because gentlemen have not seen fit to recite the exact words of the rule, and I now ask the attention of the Chair to clause 3 of that rule:

The Chair is aware that that clause has several objects. One of those objects is to provide against appropriations for purposes for which in the judgment of the House, as expressed by the rules, appropriations ought not to be made in general appropriation bills. The other, and an entirely different object, is to prevent the insertion of general stat-utes in appropriation bills. If the amendment of the gentleman from Maine is not in order, it is because it changes existing law, or because it is an appropriation for a purpose or object which the rules do not permit to be provided for in general appropriation bills. I believe it is not subject to either objection. It does not change any existing law. If the gentlemen say it does, they ought to point out what the law will be without this amendment, and what it will be with the amendment, so as to point out that a change will be made in the statutes of the United States if the amendment is adopted. I challenge them to do so. I submit that they can not do it. They can not show that any statute will be changed by the mere adoption of the amendment and its enactment into law. Accordingly if the proposed amendment of the gentleman from Maine, which is an appropriation and not a statute, is not in order under the rules, it is because it violates the following words of clause 3, of Rule XXI:

No appropriation shall be in order, etc., for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

Now, my purpose is to quote from the eminent authority of the gentleman from Indiana [Mr. HOLMAN] himself to show that notwithstanding the legislation which has been had on this subject within the last two years, an appropriation for that Library building, like the appropriation proposed by the gentleman from Maine, is an appropria-

tion which is in order under the rules. The Chair will perhaps remember that the provision for a Congressional Library which p this House was not the provision originally reported from the committee. It was an amendment proposed by the gentleman from Kansas [Mr. RYAN]. The committee originally proposed that we should go on with this building according to the plans of 1886. The provision of the gentleman from Kansas was—and I think the Chair will see that I have a logical purpose in calling attention to the exact terms of that amendment—the provision proposed by the gentleman from Kansas, which was known as the House amendment, was, in substance, that the Committees on Public Buildings and Grounds of the Senate and of the House, acting conjointly, should invite proposals from eminent architects and should report progress to Congress before December, 1888. It provided that the work then in progress should be suspended, and that the property already purchased should be turned over to the Interior Department.

That, in substance, was the provision which passed the House. The Senate inserted a different proposition, and the bill came back to the House with those two propositions pending. It came up on a question whether we should agree to a conference report. I had some apprehension at the time whether, if that conference report was agreed to, the state of things would arise which the gentleman from Indiana [Mr. Houwell providence agreement of the correction of the state of things would arise which the gentleman from Indiana [Mr. HOLMAN ] now claims has arisen. On that occasion I said:

If the committee should present the appropriation for the new Library building it would not have the privilege of an appropriation committee, and therefore it would not be in order on a general appropriation bill.

My apprehension was that if that legislation took place, then an amendment like the amendment of the gentleman from Maine [Mr. Reed] would not be in order, because it would not be an appropriation for a public work or object already in progress. I said further:

While I do not object to the proper way of erecting the building, yet I regret to see the House take such action in reference to the new Library building, so much desired, as to putus back exactly where we were before the Library building law was passed; for every one admits something should be done.

Now, Mr. Chairman, on that occasion I was reassured by the gentleman from Indiana [Mr. Holman], and I ask the particular attention of the Chair to the language which that gentleman then used.

Mr. Holman. I think the gentleman from Illinois [Mr. Adams] labors under a mistake. The amendment of the House does not provide that the law providing for the building of the new Library building shall be repealed, but merely provides for doing away with the commission provided in that law. The law in all other respects will remain in force and the property will be turned over to the Department of the Interior for the time being. If the building is ultimately constructed the indications are that Congress will place it under that accomplished gentleman, General Casey.

This gives me occasion, Mr. Chairman, to consider what part of the law of 1886 has been repealed. The law still stands in force authorizing the construction of a Library building; the law still stands in force authorizing it to be constructed on this particular place where we propose to erect it. The law has provided for the condemnation of the ground; and the only change made is a change in the administrative machinery by which the building shall be erected.

Now, Mr. Chairman, if that amendment of the gentleman from Kansas [Mr. RYAN], which was the House amendment, and which provided for an utter suspension of work upon the building and for a commission of inquiry to take the views of eminent architects—if that amendment did not prevent this from being, in the words of the rule.

commission of inquiry to take the views of eminent architects—if that amendment did not prevent this from being, in the words of the rule, "a public work or object previously authorized by law," then no legislation that has been had since that time can possibly have that effect; and I have the eminent authority of the gentleman from Indiana [Mr. Holman] himself, that even that amendment could not have had that effect. If the gentleman from Indiana, instead of indulging in that much abused and vague phrase "new legislation" had recited the words of the rule, and pointed out wherein this is not an appropriation for a public work or object previously authorized by law, he would have done what an experienced member like himself ought to have done, though I think he would have done it without much effect.

Again I ask the Chair to distinguish between that part of clause 3

Again I ask the Chair to distinguish between that part clause 3 of Rule XXI which prevents the insertion of general legislation in appropriation bills and the other and only pertinent phrase of that clause of the rule which limits the objects of appropriation. If the amendment of the gentleman from Maine is for a public work or object previously authorized by law and now in progress, then it is in order under the rules of the House; and that it is for such a work and object I have the authority of the gentleman from Indiana [Mr. Hol-

As to the question of cost, Mr. Chairman, I do not admit that the effect of adopting this amendment would necessarily be the erection of a effect of adopting this amendment would necessarily be the erection of a \$6,000,000 building instead of a \$4,000,000 building. The letter of the Chief of Engineers (General Casey) speaks of a more elaborate style of ornamenting the interior of this so-called \$6,000,000 building. If we were to take out that interior decoration, it may be that the cost would be reduced even to \$4,000,000; and upon the fairest possible statement of the comparison between these two plans, the difference can not be at the outside more than \$1,000,000. Therefore if the question of cost or probable cost is to enter into the decision of a point of order, I still ask the Chair on this consideration as well as the others I have submitted to sustain the point of order. I have submitted to sustain the point of order.

Mr. RANDALL. The point presented by the gentleman from Illinois [Mr. Adams] in support of the admission of this amendment, that the words of the rule make a distinction in regard to public buildings in course of erection, would seem to present a new aspect of the question; but in fact such is not the case. The gentleman does not state the whole effect of that rule. Its effect as regards public improvements is subject at all times, as has been held over and over again, to the limitations prescribed by law. For instance, the law may authorize the erection of a public building the cost of which is not to exceed a million and a half of dollars. Now, it has been held that in such a case the Committee on Appropriations may recommend and the House pass appropriations up to a million and a half of dollars, but that we can not on an appropriation bill go beyond the limit prescribed by law without subjecting the provision to a point of order if it be made.

Mr. ADAMS. We do not propose to go beyond the prescribed limit. Mr. RANDALL. I only wanted to answer that branch of the argu-

ment as presented by the gentleman from Illinois.

Mr. McMILLIN. Mr. Chairman, I shall not go into a discussion of the merits of the Library building.

Mr. REED. I would not.
Mr. McMILLIN. I will heed the admonition of the gentleman from Maine [Mr. REED] instead of following his example on this

The law under which the Library building is proceeding has this

proviso:

Provided, That before any further contracts are let for the construction of said building, general plans for the entire construction thereof shall be prepared by or under the direction of the Chief of Engineers of the Army, which plans shall be subject to the inspection and approval of the Secretary of War and the Secretary of the Interior—

Mr. REED. My amendment embraces the language "when approved according to law."
Mr. McMILLIN (reading):

And provided further, That the total cost of said building-Here is where the gentleman varies from the law-

That the total cost of said building shall not exceed \$4,000,000, exclusive of appropriations heretofore made.

Here is a limitation similar to that placed on the construction of other public buildings; and as has been properly stated by the gentleman from Pennsylvania, you may within that limit at all times make an appropriation on an appropriation bill, and the provision is not subject to a point of order. But when you propose to go beyond that limit

Mr. REED. But I do not propose to go beyond it.
Mr. McMILLIN. But when you propose to go beyond the limit you do make yourself obnoxious to the point of order. What is the proposition of the gentleman from Maine? He comes in and provides—if the Chair will kindly send me the amendment I will use the words of the gentleman from Maine in his amendment. The gentleman from Maine [Mr. Reed] now proposes to put on the statute-book an appropriation according to the plan described by the Chief of Engineers on page 6 of his letter of December 8, 1889, to the Speaker of the House, as printed in Miscellaneous Document No. 12, when approved according to law. Mr. REED.

Mr. REED. When approved according to law.

Mr. McMILLIN. But according to the present law that can not be approved, because it provides for a building of \$6,000,000. It is an arapproved, because it provides for a building of \$6,000,000. It is an argument that is conclusive that the plan the gentleman proposes itself would not be in order to be adopted by the House, as it proposes an expenditure of \$6,000,000, when the limit of existing law is only \$4,000,000. The existing law provides the building shall cost only \$4,000,000, and the gentleman from Maine will not insist the plan on page 6 can be carried out for \$4,000,000. In fact, he argued it could not be, and went into the merits of this controversy, arguing the four-million building would be full of books within a short period after the building was completed.

Now, Mr. Chairman, I want to ask, where is there a statute existing which confines this building to the plan on page 6 which did not exist when the limitation of \$4,000,000 was made? Whenever the gentleman proposes to adopt a certain plan which has not yet been approved by the officers-

Mr. REED. I say when approved.
Mr. McMILLIN. But the gentleman's plan can not be approved.
Mr. REED. If it can not, then this legislation is not effective.

Mr. McMILLIN. It is an attempt to violate the existing law
Mr. REED. Oh, it is only an attempt, then?
Mr. McMILLIN. Where is there a law, where is there a plan, where
is there a statute which fixes this to any particular plan? When gentleis there a statute which fixes this to any particular plan? When gentlemen on an appropriation bill propose to fix it on a particular plan not approved by officers, and whether approved or not goes beyond the limit fixed by the law, it violates existing law.

Mr. REED. I propose to fix it according to that plan when approved.

proved.

Mr. McMILLIN. It is not the plan the gentleman approves.

Mr. REED. In the opinion of the Chief of Engineers it does, but whether in the opinion of the committee is another thing.

Mr. McMILLIN. The Chief of Engineers recommends a plan which he says costs \$6,000,000. The House has said the limitation shall be \$4,000,000. Then to tack a plan on an appropriation bill for \$6,000,000 is a violation of existing law, which fixes the limit at \$4,000,090.

Mr. RANDALL. I ask for a decision.

I ask the House to hear me. I wish to put this point distinctly, and I ask the attention of the Chair. It is a sound proposition I am arguing, and if I can get the Chair to understand the point I wish to make, I have no fear of the result; none at all. I admit if my amendment proposes that we should adopt a plan limiting it to \$6,000,000 instead of \$4,000,000 I would have no right to make that provision in regard to a public building on which existed a limit of the amount of appropriation. That would be within the rule; I concede it for the purpose of this argument only.

But this is not an amendment which touches the question of appropriation at all. It leaves the amount of appropriation precisely where the committee left it. It simply proposes a certain plan, and in order that that plan may not be considered as in conflict with the law, I expressly provide in my amendment that it shall be approved according

to law.

Therefore there is no objection on the ground this increases the amount, and there is no objection on the ground it changes the law. If it be a question whether this law ultimately results in a larger expenditure than the law calls for, that is a question of argument to be decided by the committee and not to be decided by the Chair. In other words, if my amendment specifies an amount which is contrary to existing statute, then it would be ruled out; but if my amendment proposes only a line of conduct which may result in increased expendiproposes only a line of conduct which may result in increased expenditure, that is a matter for the judgment of the committee. That point,

it seems to me, is entirely clear and unanswerable.

it seems to me, is entirely clear and unanswerable.

Now, the gentleman from Iowa [Mr. Kerr] has asked me whether Ithink this building will cost \$6,000,000 or not under this amendment. I answer that my individual opinion has nothing whatever to do with the question. It is the opinion of the committee which is to govern. Nor has the fact anything to do with it, for that is a matter of argument to be addressed to those who decide questions of fact. The Chair wists on this accession salely to decide points of law, and the language of ment to be addressed to those who decide questions of fact. The Chair exists on this occasion solely to decide points of law, and the language of the gentleman from Indiana [Mr. Holman] read by the gentleman from Illinois [Mr. Adams] with the able argument which he has addressed to the Chair on the subject, must be entirely convincing so far as the parliamentary status of the question is concerned, unless the Chair falls into the error into which the gentleman from Tennessee has been desirous of leading him, namely, that because a man argues that this will exceed the limit fixed by the law, therefore that it is the business of the Chair to interfere. That is a good argument to address to the committee, but I submit it does not follow out any principle of law when addressed to the Chair. It has no relevancy. addressed to the Chair. It has no relevancy.

But the Chair has already passed upon the question, and has decided that if it be a question of argument whether the amendment would raise the limit or not, it is an argument to be addressed to the committee and not to him; and all I ask now is an adherence by the Chair to the plain principle of parliamentary law which the Chair has already so clearly enunciated, and which the Chair would as readily enunciate to-day and now, if it was not made an 'effort here on the part of the other side to accomplish something which they ought to be able to accomplish by relying upon the merits of their case, and not by indi-

Mr. RANDALL. Well, now, that is exactly what you are trying to be guilty of. Mr. REED.

Mr. REED. What?

Mr. RANDALL. You are trying by indirection to change the law so as to make this a \$6,000,000 building instead of a \$4,000,000 build-

ing. This side is doing what it can to emore the ann.
Mr. REED. I am trying to save the money of the people, and to save

money for the country.

Mr. RANDALL. By spending more.

Mr. REED. No; but I am trying to obtain a Library building that will be worthy of the country. I am trying to obtain a Library building that will result in usefulness to the country for a period of one hundred and thirty four years and not to waste the money of the people dred and thirty-four years, and not to waste the money of the people in a building which will shortly be unsuitable. That is what I am trying to do; and if the gentleman from Pennsylvania was so anxious to preserve the integrity of the law why did he introduce the original bill of 1888, which was a violation of existing law and of the rules of

Mr. RANDALL. That was done in conference, if I remember aright. Mr. REED. No, sir; it was done in the House, and was introduced by the chairman of the same committee, who has been very sedulous, in season and out of season, in insisting upon a strict adhesion to the rules of the House.

Mr. RANDALL. My recollection is that it was introduced either in

conference or on the floor of the House.

Mr. REED. I think the gentleman will find himself mistaken. Mr. RANDALL. And the object of it was to save six millions of money, which was likely to be squandered in the erection of this building.

Mr. REED. And now they want to save the country from a Library building which would be suitable for the wants of the country by giving them one which is neither fit nor suitable. It is but a waste of \$4,000,000 putting up a building that in forty-five years' time will be utterly obsolete and useless for the purpose contemplated; and yet they call that "economy!"

Mr. RANDALL. That is not the point. The Committee on Appropriations has inserted the paragraph which is applicable to the construction of this building, whether the plan adopted shall be the four-million or six-million plan. The object of the language used is with a view, if possible, to saving unnecessary expenditure.

Mr. REED. And as to the declaration of the gentleman from Pennsylvania that I am endeavoring to raise the cost of this building, I wish to say to him that if I am engaged in that endeavor, I can only succeed by consent of the House of Representatives of the United States f America, an authority which under our laws has the right to do it.

Mr. RANDALL. Yes, and you have got to do it under the rules of

this House

Mr. REED. That is exactly what I want, and what I will succeed in accomplishing if the Chairman of this Committee of the Whole will rule as he has done heretofore upon the same question.

Mr. RANDALL. The Chair can not but be clear on this subject, be-

cause it is so plain that none can misunderstand it.

Mr. REED. I hope so.
Mr. KERR. Mr. Chairman, I think the remarks of the gentleman from Maine on this occasion would have been more proper during the last summer, when we were considering the building of this same Li-They seem to be rather late now.

Mr. REED. The reason why they come a little late is because at the time of which the gentleman speaks I was at home trying to save the

time of which the gentleman speaks I was at home trying to save the country. [Laughter.]

The CHAIRMAN. The amount that might be carried by any plan will not be considered in this decision; but the Chair is compelled to sustain the point of order made by the gentleman from Indiana on the ground that the law now authorizes the Secretary of War and the Secretary of the Interior to approve plans that may be presented by the Chief Engineer of the Army. This amendment is a change of that law and is new legislation in that it provides for the approval of only one plan. Therefore the Chair thinks that is a change of existing law.

Mr. REED. But there was only one plan to be approved.

The CHAIRMAN. That is true. But the law now says:

Provided. That before any further contracts are let for the construction of

Provided. That before any further contracts are let for the construction of said building general plans for the entire construction thereof shall be prepared by and under the direction of the Chief of Engineers of the Army, which plans shall be subject to the approval of the Secretary of War and the Secretary of the

There is a discretion allowed there to the Chief of Engineers, Secretary of War, and the Secretary of the Interior, which is limited to one plan in the amendment proposed by the gentleman from Maine.

Mr. REED. Will the Chair permit me to suggest that there is a misapprehension here caused by the use of a plural? It simply refers

misapprehension here caused by the use of a plural? It simply refers to a set of plans.

The CHAIRMAN. Admit that it is but one plan, the discretion is given the Chief of Engineers, subject to the approval of the Secretary of War and the Secretary of the Interior, to approve any "set of plans," whilst the amendment offered by the gentleman from Maine limits that discretion to the plan specified in a certain report—

Mr. REED. It only limits the appropriation.

The CHAIRMAN. "According to plans described by the Chief of Engineers, on page 6 of his letter of December 1, 1888, to the Speaker, as printed in Miscellaneous Document No. 12, when approved according to law."

ing to law."
Mr. REED.

Mr. REED. Yes.

The CHAIRMAN. From that it would appear that the approval is limited to one plan; whereas the law as it now exists would permit these officers to select any plan or "set of plans."

Mr. HOLMAN. That is clear.

The CHAIRMAN. The Chair, therefore, feels constrained to sustain the point of order, but would be glad if the gentleman from Maine

would take the opinion of the committee.

Mr. REED. I will not do that.
Mr. COMPTON. I offer the following amendment.

The Clerk read as follows:

That the United States marshal for the District of Columbia be, and he is hereby, authorized to pay to each of the jurors summoned in the proceedings in condemnation for a site for a building for the accommodation of the Congressional Library, as provided by the act approved April 15, 1886, \$10 for each and every day of actual attendance, to be received as full compensation for such service, \$2,140.

Mr. RANDALL. I make a point of order that that is a proposition

Mr. RANDALL. I make a point of order that that is a proposition to give to these jurors an increase of compensation over what they are now by law entitled to receive.

The CHAIRMAN. What are they now entitled to receive?

Mr. RANDALL and Mr. McMILLIN. Two dollars.

The CHAIRMAN. The Chair is ready to rule on the point of order, Mr. COMPTON. Whether the point of order may be well taken or not, I offer this amendment on its merits. It is for the Chair to say whether it is in order.

Mr. RANDALL. Does the gentleman from Maryland want any time

Mr. COMPTON. I do not desire to discuss the point of order.

The CHAIRMAN. The Chair feels constrained to sustain the point

Mr. REED. We are still on the section providing for the Library

The CHAIRMAN. Yes.

Mr. REED. I desire to offer an amendment. Mr. RANDALL. Read.

The CHAIRMAN. The gentleman from Maine desires to offer an amendment.

The Clerk read as follows:

Strike out all after the word "Congress," in line 8, down to and including the word "eight," in line 10, and insert:

"According to plans described by the Chief of Engineers, on page 6 and elsewhere, of his letter of December 1, 1888, to the Speaker of the House, as printed in Miscellaneous Document No. 12, when approved according to law."

Mr. REED. That obviates the objection.
Mr. HOLMAN. It leaves the objection the same as it was.
The CHAIRMAN. The Chair sustains the point of order.
Mr. REED. Then I do not understand the ruling of the Chair, which was that the approving officers were not allowed any discretion.
The discretion there granted is the same as that granted under the

Mr. RANDALL. It is a change of existing law.
Mr. REED. That was the point which the Chair made on the sub-

Mr. RANDALL. But the existing statute provides that discretion shall be within four millions.

Mr. REED. That provides the same that the original statute pro-

vides

The CHAIRMAN. The Chair sustains the point of order.
Mr. CRAIN. Mr. Chairman, I desire to offer an amendment to come in at this point, although on another subject. I offer the amendment to come in after the head "Military posts," in line 16.
The CHAIRMAN. That paragraph has not yet been read.
The Clerk read the proposed amendment, as follows:

After the heading "Military posts," in line 16, insert:
"For the construction of additional quarters at Fort McIntosh, Texas, \$50,000."

Mr. RANDALL. There is no estimate for that, and, so far as I know, there is no law authorizing it. I reserve the point of order upon the amendment.

Mr. CRAIN. I desire to call attention to the fact that the assistant adjutant-general of General Stanley, who commands the Department of Texas, has written a letter to certain gentlemen in Laredo, Tex., which

Headquarters Department of Texas,
San Antonio, January 14, 1889.

Gentlemen: General D. S. Stanley, commanding Department of Texas, desires me to acknowledge the receipt of your petition for the retention of Chaplain G. W. Simpson, United States Army, at Fort Melntosh.

The general greatly regrets that he can not, with due regard to the interests of the military service, favorably consider your request. The scarcity of quarters at Fort Melntosh made it necessary to transfer to other posts not only Chaplain Simpson but two other officers besides.

Very respectfully,

J. P. MARTIN, Assistant Adjutant-General.

Rev. C. J. Oxley, T. A. Moore, W. W. Killough, and others, Laredo, Tex.

My attention was called to this by a letter from Mr. Nicholson, a gentleman of Laredo, in which he writes:

gentleman of Laredo, in which he writes:

LAREDO, TEX., January 17,1889.

DEAR SIR: Inclosed herewith I hand you a clipping from the columns of his morning's Laredo Times in relation to the retention of Chaplain Simpson at the military post here, and which explains why he can not be retained here, namely, because there are not sufficient quarters. It does seem to me that the Government should do something more for us here than has so far been done, in view of the donation by the city of the military grounds, comprising about 208 acres, and which if surveyed into lots and blocks would to-day be worth at least \$100,000. I know that Mayor Atlee had some correspondence with you last year in regard to the matter of getting an appropriation for the erection of more quarters here but do not know the purport of said correspondence, but presume that you did not meet with success in the matter, and while another trial will possibly meet with a like failure, yet I feel that the matter should not be allowed to rest until we succeed; and I beg to call your attention to the plan suggested by Colonel Barnard when here, namely, to present a bill in Congress making an appropriation of say \$50,000 or \$100,000 for the erection of quarters, etc., and try and get the same passed, and then the Secretary of War would be obliged to expend the sum so appropriated and for the purpose for which it was appropriated.

obliged to expend the sum so appropriated and for the purpose for which it was appropriated.

I understand that the War Department will not only not recommend such a bill, but will oppose it; yet might it not be possible to pass it through over such objections? I do not know, but I wrote to you upon this very subject once before, and trust that you will not deem me over zealous on the subject, and I do not know that you will be able to do anything more than you have already done; neither do I wish you to think that I am under the impression that you have not done all that was possible. I only desire to call your attention again to the subject, and then that you exercise your own judgment thereon. I shall be glad to hear from you at your convenience.

Very respectfully, yours,

J. O. NICHOLSON.

J. O. NICHOLSON.

Hon. W. H. CRAIN, Washington, D. C.

Mr. Chairman, I understand that the gentleman from Pennsylvania [Mr. RANDALL] makes the point of order—

Mr. RANDALL. I only reserved the point of order.

Mr. CRAIN. I understand the gentleman to make the point of order, if he does make it, upon the ground that this expenditure is not contemplated or provided for by existing law. Is that correct?

Mr. RANDALL. I have only reserved the point of order.

Mr. CRAIN. Well, that will necessarily be the point of order.

Mr. RANDALL. I do not know that there is any point of order

against the amendment.

Mr. CRAIN. Well, I will simply say to the gentleman that if the point of order lies against this amendment it certainly will lie against

the whole paragraph, and I serve notice upon him that if he makes the point of order on this amendment I will make it on the paragraph.

Mr. RANDALL. Never mind "serving notice." Mr. Chairman, the amendment is before the House. This House receives estimates from the Treasury Department, as the law requires, and not from General Stanley or any adjutant-general. In addition to that, we have given \$332,000 under this head, an amount which is thought to be sufficient for these purposes; and I think I may say that the Quarter-

sufficient for these purposes; and I think I may say that the Quarter-master-General coincides in the opinion that it is sufficient for the necessary expenses of the current year. Therefore I hope that the House will not adopt this amendment, but will adhere to the estimate.

Mr. CRAIN. Will the gentleman tell me whether any provision for additional quarters at Fort McIntosh is included in that item?

Mr. RANDALL. I do not think it is. I have never heard of Fort McIntosh before in connection with this subject. But the appropriation is not limited as to its application, and the Secretary of War can expend that \$332,000 at Fort McIntosh if his judgment so directs.

Mr. CRAIN. Yes, but if this amount was made up from reports, the gentleman can tell us whether Fort McIntosh is included.

the gentleman can tell us whether Fort McIntosh is included. Mr. RANDALL. The appropriation is based on the estimates, and

I have already told the gentleman that Fort McIntosh is not included.

Mr. CRAIN. Then, Mr. Chairman, in view of the facts stated in these communications, in view of the fact which they establish, namely, that a chaplain has had to be sent away from one of the most important posts on the Mexican border, a national gateway, a place where the river is crossed by a bridge and by a railway, an important strategic point, and in view of, further, the fact that Laredo has donated 200 acres of land for this post, which, if cut up into blocks and lots, would be worth \$100,000 to-day, according to the statement of my correspondent, who is a reputable and reliable man—in view of all these facts I ask this committee to enlarge this amount and to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. CULBERSON. Let the amendment be again read. The Clerk again read the amendment.

The question being taken on the amendment, it was disagreed to: there being-ayes 22, noes 61.

The Clerk read as follows:

MILITARY POSTS.

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, \$332,000.

Mr. DORSEY. I move to amend by striking out in the paragraph just read, "\$332,000" and inserting "\$382,000." The object of this just read, "\$332,000" and inserting "\$382,000." The object of this amendment is to enable the Secretary of War to apportion this additional sum of \$50,000 for the completion of Forts Robinson and Niobrara, Nebraska. These forts are on the flanks of the great Sioux reservation. They are important posts; and it is the policy of the War Department to break up the smaller posts in the surrounding country and concentrate the military forces at these points. These two posts, under the orders of the Secretary of War, are both to be made ten-company posts. There are now quartered at each fort six companies, and the other soldiers stationed there are obliged to take shelter in brildings through which the wind, whistles and where they shelter in buildings through which the wind whistles and where they are subjected to the storms of that country. Consequently there is sickness and desertion there.

The Senate has passed a bill appropriating \$100,000 to complete those two posts. The Committee on Military Affairs of the House has reported that bill favorably, and it is on the Calendar. I am willing to abandon that bill if the House will consent to make this appropriation of \$50,000 to be expended under the direction of the Secretary of War.

Mr. RANDALL. Mr. Chairman, this is the same matter over again which we have already disposed of. We have given an amount which, in the judgment of the Quartermaster-General, is sufficient; and to increase it would not effect the very object which the gentleman has in view.

Mr. DORSEY. I will take the chances on that; and the Secretary of War-

Mr. RANDALL. The gentleman may be willing to "take the chances" as to those two points where he wishes money to be expended; but I submit that neither of them is embraced in the estimates

Mr. DORSEY. But the Senate and a committee of this House have passed upon the question. The estimates on this subject were not received in time. The Secretary of War, as I understand, asks for \$999,000. The Committee on Appropriations have divided this sum by three, and propose to give one-third of that amount, which is \$66,000 less than was appropriated last year.

Mr. RANDALL. I do not think this paragraph is objected to either as to amount or in any other particular by the Quartermaster-General.

Mr. DORSEY. I ask this committee to give this additional sum of \$50,000 for the completion of those two posts.

Mr. RYAN. I wish to ask my friend from Nebraska [Mr. DORSEY] whether he simply asks an increase in the amount of the appropriation.

Mr. DORSEY. Yes, sir—simply that the amount be increased.

Then the Secretary of War can expend it at Forts Robinson and Nio-Inen the Secretary of War can expend it at Fors Robinson and Riobrara, or at Atlanta, Ga., represented by my friend from Georgia [Mr. STEWART]. We are willing to take the chances.

Mr. STEWART, of Georgia. I wish to ask the gentleman from Pennsylvania whether, in the general sum for the construction of army posts,

\$75,000 for Atlanta was included.

Mr. RANDALL. It would be impossible for the Committee on Appropriations to make recommendations as to where this money should e expended. A better plan, and one which has been in operation in the past, is to appropriate a gross sum, leaving the Secretary of War

to make the distribution in his discretion.

Mr. DORSEY. That is right; we are satisfied with that arrangement. Mr. BORSEY. That is right; we are satisfied with that arrangement.
Mr. RANDALL. A word in answer to the gentleman from Georgia
[Mr. STEWART]. In the appropriation bill of last year there was
supposed to be \$75,000 for Atlanta, Ga.; but, as I am informed, an
exigency arose which compelled the War Department to expend the
amount elsewhere, so that the \$75,000 which it was expected would go
to Atlanta was never expended there. The reason given is that the money did go to points where there were troops in barracks, while at Atlanta there are no troops. That is the ground on which the Department acted

Mr. DORSEY. There are troops at Forts Robinson and Niobrara— ten companies at each post.

Mr. RANDALL. We have contemplated in this bill that \$75,000 of the \$332,000 should go to Atlanta, if such be the judgment of the Quartermaster-General; and there is in the estimate an appropriation of \$75,-000, intended to take the place of what should have gone last year to Atlanta. It is desired by the Department that such appropriation be made in the deficiency bill.

The question being taken on the amendment of Mr. Dorsey, there ere—ayes 73, noes 70.

Mr. RANDALL. No quorum. I demand tellers.

Tellers were ordered, and Mr. Dorsey and Mr. O'FERBALL were appointed.

The committee again divided; and the tellers reported-ayes 83, noes 84.

So the amendment of Mr. Dorsey was disagreed to.

The Clerk read as follows:

That so much of the sundry civil appropriation act for the fiscal year 1886, approved March 3, 1885, as appropriates \$160,000 to enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown military reservation. Texas, and to pay and extinguish all claims for the use and occupancy of said reservation by the United States, be, and the same is hereby, suspended, except as to \$50,000 of said sum, until otherwise ordered by Congress.

Mr. CRAIN. I make a point of order against this paragraph on the ground that it is obnoxious to that provision of clause 3, Rule XXI, which reads as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The CHAIRMAN. Does the gentleman from Texas desire to be

heard on the point of order?

Mr. CRAIN. I do, unless the Chair is prepared to decide in my favor without hearing me. I do not want to consume time uselessly.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr.

RANDALL] desire to be heard?

Mr. RANDALL. I do not know that I have anything to say. order to save time I am quite willing to leave this matter to the decis-

ion of the Chair.

Mr. HOLMAN. Mr. Chairman, there are two matters, it seems to me, to be considered on this point of order. One is that this being a miscellaneous appropriation bill, it is not subject as a general proposition to the same strict rule of order as other bills are where the appropriations are made more in conformity to existing law. But there is another consideration, and I will have to enter into a brief history in order to make myself clear to the Chair.

In the Forty-eighth Congress an appropriation of \$160,000 was made. Mr. CRAIN. I desire to interrupt the gentleman from Indiana for

a moment to ask him whether under the guise of discussing the point of order he proposes to go into the merits of the proposition.

Mr. HOLMAN. I am simply stating a matter of history to present clearly my point to the Chair. It will be brief, and the Chair will

perceive it is strictly on the point of order.

The House appropriated \$160,000 for the purpose indicated in the paragraph. That money, if I understand the law, is covered back into the Treasury

Mr. CRAIN. No; if the gentleman will permit me, I will answer m. I have a letter from the Secretary of the Treasury in which he says it is not covered back into the Treasury.

Mr. HOLMAN. I will state the law covering money into the Treasury. I am glad to read the statute on that subject:

ury. 1 am glad to read the statute on that subject:

SEC, 2691. All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.

According to the principle there announced, after the period of two years all balances are to be covered into the Treasury, except as to outyears all balances are to be covered into the Treasury, except as to outstanding settlements and contracts made under the law making the appropriation. In that view of the matter, assuming this \$160,000 was covered into the Treasury by reason of the lapse of two years under the operation of law, then I submit the effect of this proposition is the appropriation of \$160,000 to carry out the purpose of that original provision of law in the Forty-eighth Congress. In that view it seems this is not necessarily subject to the point of order, and the question would be whether the appropriation of \$160,000 is in conformity with existing law or not. I understand it is in conformity to existing law in appropriation of part of the \$160,000 accordlaw inasmuch as it is an appropriation of part of the \$160,000 according to the law making the appropriation covered into the Treasury.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Protection and improvement of the Yellowstone National Park: For the construction and improvement of suitable roads and bridges within the Park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, \$25,000.

Mr. CRAIN. I desire to offer an amendment to come in at the end

of this paragraph on page 62. The Clerk read as follows:

The Clerk read as follows:

That the Secretary of War be, and is hereby, authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination of the northwest coast of the Gulf of Mexico west of 93 degrees and 30 minutes west longitude, excepting therefrom the mouth of the Brazos River in Texas, and select the most eligible point for a deep-water harbor, to be of ample depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, which can be secured and maintained in the shortest time and at the least cost. And the said board of engineers shall report through the Secretary of War to the next Congress the point selected and the estimated cost of securing such port. The sum of \$2,000, or so much thereof as may be necessary to pay the expenses of said board, is hereby appropriated out of any money in the Treasury not otherwise appropriated. And it is provided that nothing contained herein shall prevent Congress from appropriating money for the continued improvement of other ports in Texas than the one which may be selected by the board of engineers herein mentioned.

Mr. RANDALL. I raise the point of order that makes a new law.

Mr. RANDALL. I raise the point of order that makes a new law. It does not belong in here at any rate, it belongs in the river and har-

bor bill, if it is in order.

Mr. CRAIN. If it is in order, it certainly belongs in here.
Mr. HOLMAN. It creates a board, a commission.
Mr. CRAIN. Before the Chair decides I should like to say a word on the point of order.
The CHAIRMAN. The gentleman will proceed.

Mr. CRAIN. Mr. Chairman, the object and scope of the proposed amendment may be summed up in a few words. It directs the Secretary of War to appoint a Board of Engineers whose duty it shall be to make a critical and thorough examination of the northwest coast of the Gulf of Mexico for the purpose of determining the most eligible point at which a deep-water harbor can be obtained of sufficient capacity, depth, and width to admit the largest ocean-going vessels. It is carrying out the provisions of existing law. There are now on the statutebooks laws providing for the improvement of our rivers and harbors throughout the country. There is no question of that, and this simply contemplates the carrying out of the objects and provisions of that law by the appointment of a Board of Engineers to determine how the money shall be expended which is annually appropriated in the river and har-bor appropriation bill. The object of the amendment, therefore, and its effect, will be to save money to the Government, and looking at it from that standpoint, the Chairman, with his well-known views on such questions, I think will be constrained to overrule the point of order.

The CHAIRMAN. While the Chair is inclined to sympathize with the objects of the resolution, under the rules of the House he must

sustain the point of order. The Clerk read as follows:

For expenses of storm, cautionary, off-shore, cold-wave, and other signals on the sea, Lake, and Gulf coasts of the United States, and in the interior, announcing the probable approach and force of storms, including the pay of observers, services of operators, lanterns, and flags, \$10,000.

Mr. RYAN. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 19, page 63, insert:
"For expenses of keeping and maintaining meteorological stations in the West Indies and contiguous points, in connection with the announcement of hurricanes on the Atlantic and Gulf coasts of the United States, \$1,000."

The amendment was adopted.

The Clerk read as follows:

For pay for one brigadier-general and fourteen second lieutenants, mounted,

\$26,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, \$5,100; for pay of not exceeding one hundred and twenty-five sergeants, twenty corporals, and one hundred and seventy-five privates, including payment due on discharge, to men now in the service, \$121,595.60: Provided, That no part of this money shall be used in payment of enlisted men of the Signal Corps on clerical or messenger duty at the office of the Chief Signal Officer; for mileage to officers when traveling on Signal Service duty under orders, \$2,500: Provided further, That this amount shall be disbursed under the same limitations prescribed for payment of mileage to officers in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1889: And provided further, That no part of this appropriation shall be used to pay the expense of travel performed on strictly military duty; for commutation of quarters to commissioned officers at places where there are no public quarters, \$4,752; in all, \$160,447.60. And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed five commissioned officers of the regular Army, to be exclusive of the second lieutenants of the Signal Corps authorized by law; and the regular Army officers herein authorized to be detailed for the Signal Corps shall receive their pay and allowances from the appropriation for the support of the Army; and no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps, under the provision of the act approved June 20, 1878, in excess of the number of fourteen, or for the pay and allowances of exceeding three hundred and twenty enlisted men of the Signal Corps.

Mr. RYAN. I move to strike out in lines 21 and 22 the words "to

Mr. RYAN. I move to strike out in lines 21 and 22 the words "to men now in the service." That clause is not applicable to this bill. It was copied from the current law and was applicable there, but is not

The motion was agreed to.

Mr. HERMANN. Before passing from this provision, Mr. Chairman, I would like to ask the gentleman from Kansas a question, and for that purpose I move a formal amendment.

I do not know whether it will be necessary to offer an amendment to the clause or not; but with the object of doing so if it shall be necessary, I desire to inquire of my friend whether the estimates of the Chief of the Signal Service have been observed in making up this provision of the bill, and whether the full amount of the estimate has been appropriated?

Mr. RYAN. The full amount asked by the Department has been

given, I will state to my friend from Oregon.

Mr. HERMANN. I wish to say that requests have frequently been made by citizens of the eastern portion of the State of Oregon, a very large portion of that State, for signal stations, and that these requests have heretofore been absolutely ignored and no provision has been made for signal stations there. I have personally called and entreated the Chief Signal Officer to establish a signal station at Baker City, in Eastern Oregon. The reply has been unfailingly made to such requests that the appropriations are insufficient to allow the establishment of additional signal stations; and yet, Mr. Chairman, that portion of the State of Oregon exceeds in area the whole State of New York. There is not a signal station in its borders, I mean Eastern Oregon proper, a section, I will state to the committee, which exports in wheat of the very finest grade that goes out of this country, an amount exceeding 10,-000,000 bushels per annum. Notwithstanding the fact that it is of great importance as an agricultural region, there has been little attention paid to it, and not a signal station has been established there to observe the temperature or to give warning of approaching storms or study the characteristics and effects of the Chinook winds. As I understand it, the Signal Service is established largely in the interest of agriculture, and as agriculture forms so large an element of the wealth of that portion of the State which has heretofore been so much neglected, I thought it proper to call the attention of the committee and of the House to the fact, so that ample provision could be made for this service in the future, and that we would not be met with the same response which has always been heretofore given, that the money was not sufficient. Baker City, the point at which a station is so much needed, is in the midst of not only a rich farming section, but is the center of a great mining region. It is on a high plateau. I now understand my friend from Kansas to state that the entire amount of the estimates asked by the Signal Bureau have been given, and I hope therefore that a sufficient appropriation is made to enable a suitable and satisfactory response to be made to this request in the future.

Mr. RYAN. Mr. Chairman, the Appropriations Committee appropriated in this bill every dollar that was asked for by the Department. We could do nothing more, I will state to my friend from Oregon, than to make an appropriation for the needs of the service as indicated by

the Chief of the Signal Bureau.

Mr. HERMANN. In view of the statement of the gentleman from Kansas, I will not detain the committee by offering amendments, but will hold the Signal Service responsible for any failure which may occur in this direction hereafter. I shall make another attempt to accomplish the wishes of my constituents through the Department, and if this shall again prove fruitless I shall seek relief by a specific amendment to the next appropriation bill and submit the necessary data to convince Congress that my State has not been fairly dealt with in this

The Clerk read as follows:

Medical department: For medical attendance and medicines for officers and enlisted men of the Signal Corps, \$2,600: Provided further, That all medical accounts of the Signal Service shall go for examination and audit to the same Auditor and Comptroller by whom the other accounts of the Signal Service are examined and audited.

Mr. RANDALL. There is a misprint in that proviso, and I move to strike out the word "further" where it occurs after "Provided."

The motion was agreed to.

The Clerk read as follows:

For interment of officers and men, \$25.
Subsistence: For commutation of rations of not exceeding three hundred and twenty enlisted men of the Signal Corps, at 90 cents per day per man, and for sales of subsistence stores to officers and enlisted men of said corps, as authorized by section 1144 of the Revised Statutes and paragraph 2199 of the Army Regulations, 1881, \$103,477.50.

Mr. RANDALL. I offer an amendment at this point.

The Clerk read as follows:

On page 67, line 15, strike out the words "at 90 cents per day per man."

The amendment was adopted.

The Clerk read as follows:

Barracks and quarters: For commutation of quarters for not exceeding three hundred and twenty enlisted men of the Signal Corps, being one hundred and thirty men at \$20 per month per man, and one hundred and ninety men at \$15 per month per man, \$65,400.

Mr. RANDALL. I offer a further amendment to this provision.

The Clerk read as follows:

On page 67, line 24, strike out all after the word "corps" to and including line 2, on page 68, and insert "\$58,500,"

Mr. RYAN. That is correct.

The amendment was adopted.

The Clerk read as follows:

# NATIONAL CEMETERIES.

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employés, purchase of tools and materials, \$100,000.

For superintendents of national cemeteries: For pay of seventy-three superintendents of national cemeteries:

Mr. ANDERSON, of Illinois. I offer the amendment which I send up to the Clerk's desk

The Clerk read as follows

Amend by striking out the word "three," in line 12, and inserting the word "four;" and by striking out, in lines 12 and 13, the words "sixty thousand four hundred and forty" and inserting the words "sixty-one thousand one hundred and sixty."

Mr. RANDALL. That is in exact harmony with existing law, and think the omission in the number was a mistake in the rendering of the estimates; therefore I favor this proposition.

The CHAIRMAN (Mr. BLAND). Does the gentleman make the point of order on this amendment?

Mr. RANDALL. It is not subject to a point of order; on the con-

trary, I think it ought to be adopted.

Mr. WARNER. I want to ask the chairman of the Committee on Appropriations whether the number herein provided is that now asked for by the Quartermaster-General?

Mr. RANDALL. It is an excess of one.

Mr. WARNER. I know requests have been made, and that the

Quartermaster-General has stated when such requests were made that he number was now in excess of the amount appropriated for.

Mr. RANDALL. The bill presented from the committee is not in excess as to number as estimated for. The amendment offered by the gentleman from Illinois increases it one. That is in harmony with the aw of last year.

The amendment was agreed to.

The Clerk read as follows:

Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress, \$15,000.

Mr. BOWDEN. I desire to offer the following amendment.

The Clerk read as follows:

On page 70, after line 7, insert:
"For repairing and draining roadway to the national cemetery at Hampton, Va., \$2,000."

Mr. RANDALL. I have no disposition to interfere with anything that enables the living relatives of a deceased soldier to reach the grave of such soldier, and therefore have nothing to say against the proposi-

Mr. BOWDEN. The gentleman will find that there has been previous legislation for this purpose.

Mr. RANDALL. Whether there has or not, I am in favor of allowing people to reach the national cemeteries.

The amendment was agreed to.

The Clerk read as follows:

Survey of northern and northwestern lakes: For printing and issuing charts or use of navigators, and electrotyping plates for chart-printing, \$2,000.

Mr. ADAMS. In line 18 I move to strike out "two" and insert "three." I would ask the attention of the gentleman from Pennsylvania to this item, "For survey of northern and northwestern lakes." I find in the Book of Estimates for surveying, "additions to and correcting engraved plates, \$10,000." That has been omitted from the bill. This provision for printing and issuing charts for the use of navigators has been reduced from \$3,000 to \$2,000. I do not pretend to have any

has been reduced from \$5,000 to \$2,000. The not pretent to have any knowledge on the subject.

Mr. RANDALL. This is the same amount as was given a year ago and for many years. I know of no new surveys that have been made.

Mr. ADAMS. Has the estimate been the same other years?

Mr. RYAN. Yes, sir.

Mr. RANDALL. Three years ago it was two thousand, next three thousand, next three thousand, and this year three thousand.

Mr. RYAN. The estimate for 1886 was two thousand; for 1887, three thousand; for 1888, three thousand, and for this year three thou-

sand, and we gave two thousand.

Mr. RANDALL. That is the case.

Mr. ADAMS. The gentleman is aware that new lights are being given each year; that this is for the purpose of protecting the navigators of the lakes. These new lights are not laid down in the old charts. Mr. RANDALL. It is for charts on surveys which have already

been finished.

Mr. ADAMS. That have been completed?

Mr. RANDALL. I so understand it.
Mr. ADAMS. This is a simple item for the benefit of the people who navigate the lakes.

Mr. RYAN. I do not think there is any difficulty about the matter.

Mr. ADAMS. I withdraw the amendment.

Mr. RYAN. I do not think there is any difficulty about the amend-

There have been no complaints made.

Mr. FARQUHAR. In this connection when you say there are no complaints, I want to say on behalf of the masters of vessels on the Great Lakes that there have been repeated complaints that they have never been able to get any larger appropriation than that proposed now.

Mr. ADAMS. I will renew my amendment.

Mr. FARQUHAR. I want to state that under this contracted appropriation many of the masters of vessels are now carrying charts that are almost illegible. I know that of my own knowledge. And I know that complaints have been made by the carrying companies on the Lakes in this respect. I asked two years ago to have that appropriation extended, and it was not done. So that now captains on the Lakes just take whatever they can get.

Mr. RYAN. What I said was, that there was no complaint from the

Department.

Mr. RANDALL. Anybody who wants to do so can get as many

charts as he wants.

Mr. FARQUHAR. I made several applications for these charts, and I was put down to the stringent rule of the Department as to the num-

ber that were given out.

Mr. RANDALL. I can not speak as to the rule of the Department.

Mr. FARQUHAR. There was even an application made from my own city. They have taken the captains of two or three great lines of steamers to school them and their mates in the navigation of the Lakes, and they have family \$400 of their own funds to swapply these classes. and they have furnished \$400 of their own funds to supply these classes with charts

Mr. RANDALL. The amendment has been withdrawn. Mr. ADAMS. I withdrew it, and have renewed it.

The amendment was disagreed to. The Clerk read as follows:

The Clerk read as follows:

Publication of the Official Records of the War of the Rebellion, both of the Union and Confederate armies, as follows:

For continuing the publication of the Official Records of the War of the Rebellion, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and Confederate, so far as the same may be ready for publication during the fiscal year, to be distributed as required by act of March 3, 1885, 383,000: Provided, That hereafter, before publication of any volume of said records, the manuscript copy shall be submitted to the Secretary of War, and revised by him, or under his supervision, by a committee to be selected by him for that purpose, from such clerks in the office of the Adjutant-General as have an expert knowledge of the war records, and shall not be published until he shall certify that it only contains the contemporaneous official records of the war of the rebellion, as provided for by the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," approved July 31, 1886. And from and after the passage of this act the records which have been, or which may hereafter be, selected for publication shall be accessible to the public, under such regulations as the Secretary of War may prescribe, but in no case shall such regulations permit the removal of the original records from the Department building.

Mr. RANDALL. I desire to offer an amendment to that paragraph.

Mr. RANDALL. I desire to offer an amendment to that paragraph. The bill as reported was not satisfactory to the officer in charge of this matter at the War Department, but we have now adopted language which will be acceptable to everybody concerned.

The amendment was read, as follows:

On page 72, strike out all after the word "supervision," in line 12, down to and including the word "records," in line 14, and insert "by a board of officers other than those attached to the War Records office."

The amendment was agreed to.

Mr. RANDALL. By instruction of the committee I desire to offer, on page 73, after line 8, the amendment which I send to the Clerk.

The amendment was read, as follows:

Page 73, after line 8, insert:
"Harbor of New York: For expenses in preventing obstructive and injurious deposits in the harbor and adjacent waters of New York City, etc., including \$60,000 for the purchase or construction of a vessel, \$94,070."

Mr. RANDALL. I wish to say that that amendment is in pursuance of law.

The CHAIRMAN. The question is on the amendment offered by

the gentleman from Pennsylvania.

Mr. GROSVENOR. I should like to hear the gentleman state what law this is offered under.

Mr. COX. I will state to the gentleman that there was a law passed on the 29th of June, 1888, to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by drawning or otherwise, and to punish and prevent such offenses. This dumping or otherwise, and to punish and prevent such offenses.

amendment is offered in pursuance of that law. Before I sit down I will ask that the report of the officer in charge of the improvements of the harbor may be printed in the RECORD in order to justify this ap-

propriation.

Mr. GROSVENOR. Mr. Chairman, a law making a certain act a penal offense lacks very much, in my judgment, of being a law which would authorize an appropriation of \$60,000 or \$90,000, not merely to prevent the commission of the offense, but also to provide a vessel for the purpose of carrying into effect police regulations in regard to the subject-matter of the law. This is a subject that properly belongs to the Committee on Rivers and Harbors, if it belongs anywhere. It has been constantly brought before that committee, and I make the point of order that the entire amendment, being characterized by the appropriation for a steam-vessel, is not in order on this appropriation bill. It belongs by all means to the Committee on Rivers and Harbors, if it belongs anywhere; but in this connection I deny that the Government of the United States ought to dredge New York Harbor of the deposits put there by the citizens of New York, or allowed to be put there by the municipality of New York. I would rather vote for the improvement of a creek somewhere than to turn the General Government into a general scavenger for the purpose of making away with the refuse and debris of the city of New York. At this time, however, I make the point of order that this amendment is not authorized by any existing law. To illustrate, there is a statute against the counterfeiting of the currency of the country, but would it be proper under the rules of the House, because of the existence of that criminal statute, to put upon an appropriation bill a provision for the building of a house somewhere to harbor the police who were to pursue the criminals engaged in the violation of that statute against counterfeiting? To my mind there is nothing clearer than that this amendment is subject to the point of

Mr. COX. Would the Chair like to see the law under which this provision is offered? As I said before, it is an act to prevent obstructive and injurious deposits in the harbor of New York. That law was passed, and this amendment is for the purpose of providing an inorigin of the law for the purpose of illustrating what this amendment means. The object of the law was, if possible, to reconcile the jurisdiction of New Jersey and the jurisdiction of New York over that hardened bor and the adjacent waters. After years of experiment, it was found that there was no protection possible except by establishing Federal jurisdiction, and in June, 1888, an act was passed authorizing the Secretary of War to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of war to select an officer of the Navy as supervisor of the hardstanding the secretary of t bor of New York, who should take charge and prevent these injurious deposits. This amendment is to enable that officer, with the aid of a deposits. This amendment is to enable that omeer, with the aid of a vessel and other necessary appliances, to prevent the scavengers from ruining this great harbor, which is a harbor not merely for the city of New York, but a harbor for the whole country. The jurisdiction of this supervisor extends up into Connecticut, and he says, in his report, that it is utterly impossible for him to execute the law without these additional aids which it is here proposed to provide. It was supposed that the law as passed last year had provisions sufficient to avert the destruction of the harbor, but experience has shown that its provisions are not sufficient for the complete carrying out of the law, and thereare not sufficient for the complete carrying out of the law, and therefore this appropriation is properly offered as an amendment to the sun-

dry civil bill.
The CHAIRMAN (Mr. BLAND). Will the gentleman from New

York kindly furnish the Chair a copy of the law to which he refers?

Mr. BUCHANAN. In addition to what the gentleman from New
York [Mr. Cox] has said, I call the attention of the Chair to the fact that this is in effect a continuance of an existing work. Under the operation of the existing law, this harbor in the past year has been policed in this manner. This proposition is simply to provide for the continuance of that much-needed policing, a necessity which the gentleman from Ohio [Mr. Grosvenor] himself admits, and a necessity which is becoming greater as week follows week. Only last week I read a report in the newspapers concerning the trial of the Zalinsky gun, in which it was stated that, as the result of some of those experiments, several shells containing such enormous potentialities for injury law. several shells containing such enormous potentialities for injury, lay unexploded in the bottom of this harbor. It is absolutely necessary that this policing be carried on—not commenced, for it has been com-menced—but carried on.

Mr. BELDEN. I desire to state to the gentleman from Ohio that in seven weeks permits have been issued by the lieutenant in charge for the deposit of 3,000,000 cubic yards of earth and garbage. There is already provision made for protecting the harbor as far as the Narrows. An officer is stationed there to stamp the permits of vessels passing that point; but this officer can not exercise control out at sea so as to prevent the dumping of matter in the channel. It is necessary that a vessel should lie out there, so that every boat carrying this gar-bage may have its permit marked, to show that it has gone out to sea the required distance. The object can not be accomplished in any other

way.

The CHAIRMAN (Mr. BLOUNT). The Chair overrules the point of order. The amendment appears to contemplate carrying out provisions of existing law with respect to this subject.

Mr. DINGLEY. I desire to ask the gentleman from Pennsylvania

who has charge of this bill, which Department will have control of this

Mr. RANDALL. The War Department.
Mr. DINGLEY. Will the Secretary of War have charge of the construction of this vessel?

Mr. RANDALL. The general subject is under the control of the War Department, and I should think the Secretary of War would have charge of the construction of the vessel. The provision may be made

more explicit if it is thought desirable.

Mr. DINGLEY. I suggest that it be made more specific.

Mr. COX. I will state that in order to reconcile any possible conflict of authority between the two Departments, this officer was selected from the Navy by the War Department. The law provides, as the gentleman from Pennsylvania has stated, that the matter shall be under the control of the War Department.

Mr. BELDEN. It is now under the War Department. The lieu-

tenant in charge acts under the orders of that Department.

Mr. COX. There is no doubt about that.

Mr. COX. There is no doubt about that.
Mr. RANDALL. It will be observed that the amendment provides for the "construction or purchase" of a vessel. Some gentleman can, if it be thought desirable, move to insert the words "by the Secretary

Mr. DINGLEY. I only made a suggestion.
Mr. BELDEN. The matter is now fully under the control of the War Department.

Mr. DINGLEY. If there is any doubt, the amendment might be modified.

Mr. BELDEN. There is no doubt on the subject.

The question being taken on the amendment, it was agreed to.

Mr. COX. I desire to have printed in the RECORD the report which

I hold in my hand.

There being no objection, leave was granted.

The document is as follows:

Office of the Supervisor of the Port of New York, Room 4, United States Barge Office, New York, January 8, 1889.

OFFICE OF THE SUPERFINOR OF THE PORT OF NEW YORK, ROOM 4, UNITED STATES BARGE OFFICE, STATES BARGE OFFICE, Againary 8, 1899.

Site: I have the honor to submit the following report of the operations of this office since its opening on the 19th of November last. As stated in my report made to the Department on September 25, 1888, I have adopted the following system as the most feasible with the funds available: Permits for the removal of all materials enumerated in the act are issued from this office. All the material which is to be towed to sea, passing through the Narrowa, moves with a permit authorizing the deposit at either the "mud" or "refuse" buoys, which are two white spar-buoya, located about 3 miles from Coney Island and south of the entrance to Rockaway Inlet. As these tows pass the Narrows they are boarded by an inspector mation of the tow, to million, N. IV. This officer stamps boarded by an inspector mation of the tow, to million, N. IV. This officer stamps boarded by an inspector mation of the tow, to million, N. IV. This officer stamps to be seen to be supported to the control of th

merged mooring buoy, placed there without authority, and which is a dangerous obstruction. This matter has been placed in the hands of the United States attorney for the eastern district of New York.

For the information of the Department I inclose herewith copies of the various blanks now in use.

The force employed at this time for the enforcement of the act numbers eleven people, including a junior naval officer as assistant, one inspector, five deputies, three boatmen, and one type-writer.

In order to keep thoroughly informed concerning the removal of material coming within the jurisdiction of this office, it is necessary to continually patrol the river front and harbor to learn where dredging is being done and where material is being handled. This work is being performed by the inspector and deputies, and requires their attendance at points on the rivers and bay night and day.

The services of a small steamer are absolutely essential to note progress of work, in patrolling the rivers, watching the movements of tows, and in making visits to various points in the harbor. Great interest is manifested here in the proper enforcement of this law, and I have received considerable encouragement in my efforts to compel a compliance with it. In reviewing the law with one of the United States district judges, and with the United States attorneys for the southern and eastern districts of New York, the act was pronounced very incomplete, and in certain particulars unskillfully drawn. In order to correct these mistakes it will be necessary to have some additional legislation.

I find that both the means and appliances at my disposition are inadequate to a thorough supervision of the large jurisdiction of this office. I have the honor to submit below an estimate to provide for a more complete supervision of this over, including the purchase of a vessel to be moored at the place of deposit, south of Coney Island, for her maintenance and the support of this office for the coming year:

The purchase or construction of vessel (referred to)	1,000
Outfit of supplies	2,000
Pay-rolls of vessel	8,000
Ship-chandlery	400
Mushroom anchors and bridle chains	65
Maintenance of patrol-steamer (wages and stores)	5,800
Maintenance of steam-launch (wages)	1,800
Salaries of inspectors, deputies, and boatmen	11, 440
For hire of boats and launches	600
One clerk (type-writer and stenographer)	600
One messenger Printing and stationery.	48

I have the honor to be, very respectfully,

JACOB J. HUNKER, Lieutenant, United States Navy, and Supervisor.

Hon. WILLIAM C. ENDICOTT, Secretary of War, Washington, D. C.

Mr. FORD. I offer the amendment which I send to the desk. The Clerk read as follows:

Total ...

On page 73, after line 8, insert:
"For the construction of an iron bridge over Mill Creek, between the military eservation of Fortress Monroe and Elizabeth City County, Virginia, \$20,000; be expended under the direction of the Secretary of War."

to be expended under the direction of the Secretary of War."

Mr. RANDALL. I want to reserve a point of order on that amendment until I hear the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, under the deed of cession by which the State of Virginia ceded to the United States the reservation known as Fortress Monroe and Old Point Comfort, Va., it was stipulated that the United States should keep a bridge over what is known as Mill Creek, a small stream separating the reservation from the mainland—Elizabeth City County, Virginia. In pursuance of that stipulation of the deed of cession, Congress has from time to time made appropriations for the construction of a wooden bridge. As gentlemen are aware, there is in salt water an insect or worm known as the teredo, which is very destructive to wooden structures, so much so that this bridge has to be is in salt water an insect or worm known as the teredo, which is very destructive to wooden structures, so much so that this bridge has to be almost completely reconstructed every year. In consequence of this the Engineer Department has recommended, as a matter of economy, that an iron bridge be built there. The proposition has been considered by the Committee on Military Affairs, and an appropriation of \$20,000 recommended for the purpose of constructing such a bridge, which will dispense with the necessity of annual appropriations for keeping these wooden bridges in repair. And I would like the Clerk to read a letter from General Duane, Chief of Engineers, on this point.

Mr. RANDALL. I wish to ask a question on one or two matters. This is entirely within a reservation; that is, the land at both ends of the bridge is owned by the United States.

the bridge is owned by the United States.

Mr. FORD. No; the north end was owned by the State of Virginia, and, as I said before, in the deed of cession from the State of Virginia conveying this to the United States it was stipulated that the Government of the United States should keep up this bridge. The bridge was owned at that time by the Hampton Bridge Company, and I have in my hand the appropriation bill for 1838, which was passed after the cession of this land to the General Government by Virginia, by which \$4,000 was appropriated to purchase this bridge from the Hampton Bridge Company. That was appropriated, the bridge was purchased, and since then we have appropriated something almost every year to keep that bridge in repair. I ask the Clerk to read the letter of General Duane.

The Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY, Washington, D. C., May 22, 1888, Sir: I have the honor to return herewith House bill 9067, Fiftieth Congress, first session, a bill "for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia," which was referred to Lieut. Col. Peter C. Hains, Corps of Engineers, who reports as follows:
"A wooden bridge is now maintained by the United States across Mill Creek,

This bridge frequently needs repairs on account of the perishable nature of the material used in its construction and the destructive nature of the teredo. The Gövernment, I understand, is compelled, under the deed of cession to the United States of the site of Fort Monroe, to maintain a bridge across this stream. It would ultimately be more economical to the United States to maintain a more substantial structure than the existing one, and it would be a greater convenience that the rubble. ience to the public.

ience to the public.
"A more substantial bridge than the existing one can be built for \$20,000, but a still better can be built for \$25,000, and I would suggest that the latter amount be appropriated."

I concur in the foregoing report of Lieutenant-Colonel Hains, and recommend that the word "twenty" be stricken from line 7 of the bill and the word "twenty-five" be inserted in lieu thereof.

Very respectfully, your obedient servant,

J. C. DUANE.

J. C. DUANE, Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT, Secretary of War.

Mr. FORD. The amendment does not appropriate \$25,000, as the Chief of Engineers states \$20,000 would build a good iron bridge.

The CHAIRMAN. Does the gentleman make the point of order? Mr. RANDALL. I do not know that the point of order could be raised against it.

The amendment was agreed to.

The Clerk read as follows:

For payment of the fees and expenses of United States marshals and deputies, \$675,000: Provided. That not exceeding \$300,000 of this appropriation may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes: Provided further, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals and their deputies within sixty days next after the same are presented for allowance.

Mr. ROGERS. I want to suggest to the gentleman from Pennsylvania, I think we should strike out in line 17 the word "three" and insert "four," and if he will look at the bill I will explain to him the reason why. After the sundry civil appropriation bill was prepared, and was in print, I sent a copy of it to the Attorney-General inviting his attention to that passage, and asking for any criticism he might have to make. In reply he addressed this letter to me. I will read it without caption or ad-

In answer to your letter of the 9th instant, transmitting a copy of the proposed sundry civil bill for the fiscal year 1890, and referring particularly to the last paragraph on page 37, it is respectfully suggested that in line 17 the word "three" should be stricken out and the word "four" inserted, for the reason that on the 1st day of January, 1889, \$200,000 of this appropriation had been advanced for the current fiscal year, and that in the deficiency submitted to the Department \$100,000 more is asked for the current fiscal year. It is also respectfully suggested that in line 24, page 87, and line 1, page 88, the words "and their deputies" be stricken out and there be substituted the words "under this appropriation."

Very respectfully,

A. H. GARLAND. Attorney-General.

A. H. GARLAND, Attorney-General.

It is quite apparent now, I think, before the end of the current fiscal year this entire appropriation will be exhausted and some criminal courts, where the internal-revenue laws prevail and in the Indian Territory, will have to stop, because the marshals will be unable to retain deputies to issue process under existing statutes. I think it is proper, therefore, for the purpose of making trial of this law this amendment should be made.

Mr. RANDALL. I would hesitate to controvert the gentleman's proposition, because he is so much more familiar with the details of the duties of these marshals and the condition of things generally in that regard than I am; I attach a great deal of weight to his judgment. Therefore, while I have no authority from the committee to accept this amendment, I am free to say if it is offered I would feel myself inclined to vote in favor of it on the statement of the Attorney-General, which has been given by the gentleman from Arkansas.

Mr. ROGERS. I have offered the amendment.

The amendment was adopted.

Mr. ROGERS. Now, one further observation. In line 24, on page 37 of the bill, it is provided—

That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals and their deputies, etc.

The words "and their deputies" are manifestly in there by some error or accident.

Mr. RYAN. They ought to be stricken out.
Mr. ROGERS. For the Department does not settle the deputies' accounts at all. I move, therefore, to strike these words out.
The motion was agreed to.

The Clerk read as follows:

The Clerk read as follows:

For fees of United States commissioners, and justices of the peace acting as United States commissioners, \$100,000. And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon sworn complaint by a collector or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and approved either before or after such arrest by a circuit or district judge or the attorney of the United States in the district where the offense is alleged to have been committed or the prosecution is by indictment.

Mr. ROGERS.—I move to strike out in line 9 the words "prosecu-

Mr. ROGERS. I move to strike out in line 9 the words "prosecution is by" and insert after the word "indictment" the words "is found;" so that it will read "where the offense is alleged to have been committed or the indictment is found."

I favor this section of the bill, and think that makes plain the object of the committee.

The amendment was adopted.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

FORLIG PRINTING AND EINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2.013,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely.

Mr. FAROUHAR Loffer the amendment I send to the desk

Mr. FARQUHAR. I offer the amendment I send to the desk.

The Clerk read as follows:

In line 15, page 91, strike out the words "and thirteen" and insert "three hundred and sixty-three;" so that it will read, "\$2,363,000."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

Mr. FARQUHAR. Mr. Chairman, I offer that amendment because I find in the present appropriation bill the amount is \$2,218,000, while

for the work of the preceding year Congress appropriated \$2,281,000.

Now, in connection with asking for this additional \$350,000, I desire to call the attention of the committee to an extract from the report of the investigation of the Government Printing Office, and I ask the Clerk to read the paragraphs which I have marked.

The Clerk read as follows:

The Clerk read as follows:

Now let us see what that involves in the matter of delayed work, and what becomes of the bombastic claim of Benedict that the work of the office is further along than it was under his predecessor. The reserve of the second session of the Forty-ninth Congress makes 51 volumes of over 1,200 pages each, according to Captain Brian's testimony on page 205.

Taking Benedict's statement that there has been an increase of 38 per cent, in the Congressional work of the first session of the Fiftieth Congress over that of the first session of the Forty-ninth Congress, the reserve work of the first session of the Fiftieth Congress will make 147 volumes of 1,200 pages each. This makes a total of 237,600 pages, or 14,550 signatures of 16 pages each remaining to be printed, with an average of over 1,000 copies on each signature, giving, in round numbers, with the usual percentage for waste added, a total of 15,295,500 impressions to be made on this delayed work. This will, according to the average shown by a statement of a day's work of the press-room, submitted by Captain Brian, on page 216 of the testimony, require 16 presses one year of continuous work to complete. Then all these 15,295,500 sheets will have to go through the folding-room to be folded and hydraulic pressed before they are ready for Mr. White in the bindery.

The foregoing represents an alarming amount of work on hand to be done, which, under former administrations of the Government Printing Office, was never allowed to accumulate. Add to this the cost of the paper necessary to print this immense amount of work, and a faint idea can be formed of the condition of the office at this time. It is within bounds to say that if not another order for printing should go into the office, and the whole time of the presses adapted to this class of work was employed on the reserve alone, it would require three months' time and an expenditure for labor and paper of over \$100.000 to print the reserve work up to the condition it was left by Benedi

[Here the hammer fell.] The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FARQUHAR. Oh, I hope not, Mr. Chairman. Time has been given to other gentlemen in discussion.

Mr. STEELE. If I can be recognized, I will yield to the gentleman

from New York. Mr. FARQUHAR. I want additional time. I do not think I shall

ask over ten minutes. Mr. RICHARDSON. If the gentleman consumes ten minutes on

that side, we shall ask the same on this.

Mr. FARQUHAR. I have no captious reason for discussing this question. I only ask the time, and if the gentleman from Tennessee

wants time to reply I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. RICHARDSON. I object unless time is accorded to this side. Mr. RANDALL. I do not think there is any "side" about this. The CHAIRMAN. Does the gentleman from Tennessee ask for the same length of time?

Mr. RICHARDSON. I do if it is consumed on the other side. Mr. RANDALL. I will ask unanimous consent that twenty minutes be allowed for debate on this question, and then that the vote shall be taken upon the paragraph and all amendments without further debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from New York for ten minutes.

Mr. FARQUHAR. I want, first of all, to call the attention of the committee to the fact that for the year 1890 there is a less estimate than there was for the past year, and I had the extract read for the purpose of calling the attention of the committee to the condition of things prevailing at the Government Printing Office at this time, and to show that a new system has prevailed in that office for the last two years. Heretofore it has been customary to work up the usual num-

ber of 1,900 copies when the type was put on the press. If advantageous, it was entirely worked up; and, when there was an opportunity, the reserve work was brought forward, and heretofore the Public Printers have kept the reserve work close up with the work at the end of each year. The present Public Printer, however, has a plan of electrotyping or stereotyping, in which, after working up his first 900 from the type, he stereotypes it and sets aside the plates, and lets the reserve work on the 1,000 lie by.

The extract just read shows the condition of things. That committee say there that it would take sixteen presses one whole year to work up the reserve work that is now in the Government Printing Office. Now, the condition is that this appropriation does not cover such an

expense, neither for the press-work, for the binding, nor for the paper. Furthermore, we are confronted now with a strong probability of an extra session of Congress. We are also confronted with the condition that after the first quarter another deficiency bill will come in. We are confronted, too, with a condition which has existed now for four years in the appropriation bills of this House—that of the Public Printer being forced to come in here with a deficiency bill begging for

enough money to run his office.

Now, that is the condition. There is no politics in this. It is simply that the Congress of the United States has, by the passage of bills for printing and by the subdivision of printing for the Departments, imposed upon the present Public Printer and his successor more work than the money appropriated will cover. Now, why should we run into a deficiency? I am not criticising the present Public Printer. I have no desire to do that, because reports have been presented fairly by the majority and minority of the committee, and I am willing that the matter should rest there. But I am not willing to stand here as we have done in the past. I have questioned this committee before especially two years ago—to know why the House, knowing that the work must be done, does not provide the money to do it. There is no economy in that.

I also desire to call the attention of the chairman of the committee and the House to the fact that the estimates made by the Public Printer for this year are \$2,779,751, and he is only allowed in this bill \$2,218,-000—over half a million cut out of the estimates. This is for what purpose? It does not seem to me that there is any justification for it.

Now, devoid of all feeling that I might have as to the way in which

this Printing Office has been run since Mr. Benedict has been Public Printer, I simply submit to the House that unless there are good reasons given by this committee why the appropriation should be half a million dollars less than the estimates, this House ought to take the remedy into its own hands. I hope there were sufficient reasons. But I want to say now that in my experience of that office in the last four years, if you vote this \$2,218,000 now, in less than six months you will have to meet a deficiency or disable the whole working force in that establishment.

Two years ago I asked the chairman of this committee if the two millions proposed to be appropriated would run the office. He said, "Yes." And I find that the first deficiency that came in was for \$231,000. In 1887 the deficiency was \$85,000; in 1888 it was \$108,000, and in 1889 it was \$83,000.

Now, I question whether there is any other branch in which provision is made of so much money only as will meet the exact working needs of the Department. I think it seems to be the rule that deficiency bill after deficiency bill is to come into this House, and seemingly we have not either the sense or the courage to provide a proper

amount at the proper time.

Mr. BLOUNT. I wish to ask the gentleman a question, if he will

Mr. FARQUHAR. I yield, certainly.

Mr. BLOUNT. I wish to ask the gentleman if he means to say that this matter of deficiencies for the public printing began with the administration of Mr. Benedict?

Mr. FARQUHAR. The deficiency of Mr. Benedict commenced in 1886. That deficiency extended partly into one administration and partly into the other. That was for \$231,000. The whole of the next deficiency of \$85,000, and of the next of \$108,000, and of the last of \$83,000, is his own.

# MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. CUMMINGS having taken the chair as Speaker pro tempore a message was received from the Senate by Mr. McCook, its Secretary, which announced agreement to the amendments of the House to the bill (S. 1481) granting a pension to Allen White Dowling; and also to the bill (S. 3233) granting a pension to Penken Ash. sion to Reuben Ash.

It further announced the passage of bills of the following titles; in

which concurrence was requested:

A bill (S. 3663) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri; and

A bill (S. 3830) to amend an act entitled "An act to authorize the

Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888.

It also announced that the Senate had passed with amendment the bill (H. R. 6105) donating two 6-pound brass cannon to the Illinois Soldiers' and Sailors' Home, asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. HAWLEY, Mr. MAN-DERSON, and Mr. COCKRELL as conferees on its part.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. FARQUHAR. I say that from the official figures furnished me Mr. FARQUHAR. I say that from the olicial figures furnished me by the Committee on Appropriations. I pretend to say, and I do say, that that is all as far as I have any official information. I reserve the balance of my time. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has about three minutes left. Mr. FARQUHAR. That is enough.

Mr. RANDALL. Mr. Chairman, the deficiencies did not begin under the present intervalent of the Correspond Pointing Office.

der the present incumbent of the Government Printing Office. deficiency clearly chargeable to his predecessor, Mr. Rounds, in 1886, was \$231,000. Since Mr. Benedict's term began the deficiencies clearly chargeable against him are as follows: In 1887, \$85,000; in 1888, \$108,-000; in 1889, the current year, \$63,000. It will be seen, therefore, that Mr. Benedict's deficiencies for three years do not aggregate much more than the single deficiency of the last year of Mr. Rounds. much for Mr. Benedict's administration as compared with that of his

Mr. FARQUHAR. Was the whole of that \$231,000 a real deficiency in Mr. Rounds's administration?

Mr. RANDALL. I do not know whether it was real or fancy, but I

know it was a deficiency.

Mr. FARQUHAR. 1 know that when I was on the Committee on

Printing there was \$95,000 of that deficiency to be properly chargeable to that administration.

Mr. RANDALL. No, sir. If the gentleman alludes to the leaves of absence for fifteen days which began in 1887 and was made thirty days in 1888, that will show Mr. Benedict to still greater advantage in comparison with his predecessor, because in 1887 the change of law in that respect involved a charge of some \$95,000 against the Public Printer, and when you come to 1888 the amount for the thirty days' leave is \$190,000 leave is \$190,000.

Mr. RYAN. Was not the deficiency of 1886 expended in part under the present incumbent of the Public Printing Office?

Mr. RANDALL. No; the deficiency of 1886 is clearly chargeable to Mr. Rounds, and not to Mr. Benedict.

Mr. FARQUHAR. I beg the gentleman's pardon. I was not discussing that question at all. I was simply calling attention to the fact that the appropriation bills for years have not carried sufficient money to do the public printing.

Mr. RANDALL. Well, you seemed to impress several other gentle-men, as you did me, with the idea that you meant that the deficiencies under Mr. Benedict were attributable either to insufficient appropria-

inder Mr. Benedict were attributable either to insufficient appropriations or to a lack of business capacity on his part.

Mr. FARQUHAR. I was not discussing that at all.

Mr. RANDALL. Now, I have shown that the aggregate of Mr. Benedict's deficiencies for three years was only about equal to the deficiency of Mr. Rounds for his last year, and I have shown further, to the advantage of Mr. Benedict, that those deficiencies included an item of \$95,000 in 1887 for the fifteen days' leaves and \$190,000 in the next year for the thirty days' leaves.

Mr. FARQUHAR. In what way is the money for the leaves of ab-

sence provided?

Mr. RANDALL. It was originally provided in the law which granted the leaves of absence.

Mr. FARQUHAR. So that the money was provided otherwise than

in this appropriation bill?

Mr. RANDALL. All these items are embraced in these figures of which the gentleman has a copy. The figures include the expense of the fifteen days' leaves and also of the thirty days' leaves. I have shown that Mr. Benedict's deficiencies for three years are not equal, or not much more than equal, to Mr. Rounds's deficiency in 1886. I have shown also that in 1887 there was an appropriation of \$95,000 required and in 1888 an appropriation of \$190,000 for leaves of absence. Now, I want to show further that the amount which we give this year is about the same that Mr. Benedict has been spending every year for the last three years. In 1887 the amount was \$2,180,000, including the deficiency of that year of \$85,000. In 1888 it was \$2,230,000, including the deficiency of \$108,000. In 1889 it will be \$2,281,000, including the deficiency which was passed just before Christmas. We recommend the appropriation of \$2,218,000, including the pay for leaves of absence, which is about the average sum for the last three years. The amount therefore is entirely adequate in my judgment, estimating upon the same basis upon which the business of the Printing Office has been done for the past three years, and these figures show further that the proposition to increase the amount \$350,000 for the probable new incumbent of the office is not reasonable or necessary.

Mr. BLOUNT. I would like to ask the gentleman from Pennsylvania before he takes his seat whether it has not appeared from exami-

nations which have been made for eight or ten years past that the Pub-

lie Printer has generally been two or three years behind in the matter of printing documents'

Mr. RANDALL. Oh, yes. He is better up in that part of the busi-

mess than he has been for many years.

Mr. RICHARDSON. Much nearer up. Mr. Chairman, I do not care to discuss the question of the deficiencies to which the gentleman from New York [Mr. FARQUHAR] and the gentleman from Pennsylvania [Mr. RANDALL] have referred, but one question which the gentleman from New York [Mr. FARQUHAR] has introduced, in regard to the policy pursued by the present Public Printer, as compared with previous occupants of that office in regard to printing the "reserve" copies of ous occupants of that office, in regard to printing the "reserve" copies of public documents, I do desire to address myself to. I insist that the present policy is the economical one. The special committee of this House charged with the investigation of the Government Printing Office examined carefully into this question in the progress of that investigation made during last session.

Now, I do not wish to set up my opinion as against that of the gentleman from New York [Mr. FARQUHAR], who is an old printer and probably an expert in these matters; but I do not concede that he has given closer attention to the workings and internal operations of the Government Printing Office than I have, and which I was forced to do in the conduct of that investigation. I base the statement I make, not upon my own knowledge of printing, but upon the testimony adduced before the special committee charged during the first session of the Fiftieth Congress with the investigation of the Government Printing Office. I had the honor to prepare the report of that committee and submit it to this House. I beg leave to quote from that report upon this point the following a beginning on page 47 this point the following, beginning on page 47, as a complete answer to the complaint the gentleman from New York makes in the printing and handling of the "reserve" work of the office:

and handling of the "reserve" work of the office:

It was the custom under former Public Printers, including Mr. Rounds, to print all the "reserve," which is 1,900 copies, of documents and books ordered by law when the "up-number"—that is, the number of documents sent to Congress—was published. This number is the same in every publication. In such cases, when the up-number—those delivered immediately to Congress—were bound, the remainder of the edition, known as "the reserve," was held in an unbound condition. The rule was to print the whole edition at one time. The type was then distributed. Upon the delivery of the up-numbers to Congress, the remainder, known as "the reserve," was tied up in unbound packages. The various signatures (16 or 32 pages) were placed in packages by themselves and stowed away in store-houses rented for that purpose. This reserve of printed matter remained there sometimes for months, and even for years, before the office was ready to bind it. When ready for binding, the number of signatures necessary to fill out the number of documents ordered by law should have been found in each package. This would have been the case if the count had been accurate and a proper number of signatures printed before they were stored away.

had been accurate and a proper number of signatures printed before they were stored away.

The committee found that in the administration of Mr. Rounds there was frequently no proper count. In very many instances there was a large excess of signatures, and, again, the signatures were short as to number. When the signatures were found to be excessive they were thrown out as waste paper. When they were short, too few in number, it was necessary to reset the type and print a sufficient number to supply the deficit. The records of the office show the quantity of printed matter, known as excessive signatures, thrown aside as waste paper in binding this reserve. A careful statement was furnished the committee of its amount for seventeen months preceding the retiring of Mr. Rounds from office. This statement appears in the testimony of W. E. Scudder, on page 587 (of printed testimony), and is as follows:

Imperfect signatures sold as waste from May, 1885, to September, 1886, inclusive (seventeen months).

Month.	Number.	Month.	Number.
1885.  May	24, 714 26, 793 22, 413 18, 420 25, 504 33, 810 9, 640 19, 610	1886.  January February March April May June July August September	13, 856 10, 852 12, 692 14, 618 12, 284 30, 002 22, 604 8, 666 12, 069
Server Towns I was to be			318, 547

A similar statement for the first seventeen months following the incumbency of the present Public Printer is inserted, and is as follows:

Imperfect signatures sold as waste from October, 1886, to February, 1888, inclusive (seventeen months).

Month.	Number.	Month.	Number.
1886, October November December 1887. January February March April May June July	56, 320 32, 556 30, 121 25, 957 9, 234 48, 765 52, 072 12, 019 17, 511 19, 887	1887. August	11, 753 9, 541 22, 146 47, 147 12, 201 14, 440 10, 195 431, 865

<sup>\* 43,921</sup> pounds of this amount came from the Globe building.

These statements cover thirty-four months. The first is altogether the work of Mr. Rounds, and of the latter over 80 per cent, was his work. (See W. E. Scudder's testimony, page 597.) Thus in thirty-four months there accumulated 750,412 pounds of these imperfect or excessive signatures—nearly 400 tons! This was all printed matter. The paper, outside of the composition, press-work, ink, etc., alone cost at least \$15,000 or \$20,000. This waste was due to the grossest negligence in a failure to print the proper number of signatures in the beginning.

This, however, does not show the real loss to the Government. It only shows the loss where too large a number of signatures were printed. In a like number of cases, by reason of the inaccuracy in the count when the press-work was being done, there was a failure to print a sufficient number of signatures in a given work. When the work went to the bindery, after oftentimes a delay of months and of years, if there was not a sufficient number of signatures to fill out the full edition ordered the type had to be reset and a number sufficient to make up the deficiency had to be printed. This involved almost as much expense as the printing of the whole edition in the first instance. To illustrate the magnitude of this reckless waste and extravagance, the committee insert a statement of signatures and copies reprinted during 1855-86-87 to make up the required sheets to fill the deficiency under Mr. Rounds's administration. It appears in the printed testimony at page 1097 and following:

Statement of signatures and copies reprinted during 1855-86-87 to make up the

Statement of signatures and copies reprinted during 1885-'86-'87-'88 to make up the required sheets for work originally printed short under Mr. Rounds's administration.

nsus:
Part 4, Transportation (printed October 29, 1885), 37 signatures, 5,105 copies,
Part 7, 40 signatures, 9,369 copies.
Part 9, Forestry (printed August 15), 25 signatures, 3,495 copies.
Volume 8, 22 signatures, 4,519 copies.
Part 13, Precious Metals, 32 signatures, 15,521 copies.
Volume 11, part 1 (July 7), 23 signatures, 4,242 copies.
Parts 1 and 5, 42 signatures, 8,335 copies.
Parts 6 and 2, 34 signatures, 6,592 copies.
Order for printing signatures to complete Census, volume 6, parts 1 and 2, and volume 7.
Order to print 70 copies of signature 1, and 74 copies of signature 44 (August 14, 1885).
Order to print accompanying sheets to complete order on volume 10 (June 3).

Order to print accompanying sheets to complete order on volume 10 (June 3), Order on signature 33, Mortality Census.

Part 1, Population, 48 signatures, 24,777 copies (September 24),

Volume 8 (December 4, 1884), 64 signatures, 19,379 copies.

Agriculture (August 19, 1885), 61 signatures, 35,992 copies.

National Museum Proceedings;
7 signatures, 861 copies.
4 signatures, 2,015 copies.
5 signatures, 2,015 copies (March 31, 1885).
2 signatures, 775 copies.
2 signatures, 775 copies (September 16, 1884).
Order for 250 copies on pages 193 and 208, and 100 copies on accompanying list.

list.
4 signatures, 1,503 copies (October 10).
4 signatures, 1,705 copies (July 10).
3 signatures, 1,890 copies (May 22, 1885).
5 signatures, 1,085 copies (September 5, 1884).
3 signatures, 620 copies (October 5, 1886).
Order to print 150 copies on accompanying pages, 221 to 224 inclusive.
Order to print 155 copies of pages 199 to 210, inclusive (April 4).
9 signatures, 1,705 copies.
7 signatures, 2,500 copies.
4 signatures, 930 copies.
2 signatures, 1,265 copies (January 5).
cords of Rebellion.

2 signatures, 1,200 copies (valuary 5).

Records of Rebellion:
39 signatures, 11,867 copies (July 18, 1885),
38 signatures, 8,280 copies (October 3, 1885),
46 signatures, 7,540 copies (volume 13),
49 signatures, 13,315 copies (volume 11, part 2),
29 signatures, 5,666 copies, volume 12, part 1 (May 9, 1885),
28 signatures, 5,685 copies, volume 9, part 2 (May 8, 1885).

Congressional Record:

ngressional Record:
Index to Congressional Record, 36 signatures, 5,983 copies.
Volume 15, part 6, 45 signatures, 12,217 copies.
Appendix, 32 signatures, 5,983 copies.
60 signatures, 7,659 copies.
Parts 1, 2, 3, and 4, 55 signatures, 11,154 copies.
Volume 17 (September 8), 2 signatures, 220 copies.
Record book.
Volume 16, part 1, 19 signatures, 7,199 copies.
Order for 2,600 copies of March 2, 1885.
Order for Land Laws and Congressional Record (November 10),
necressional Directory.

Congressional Directory: 9 signatures, 2,664 copies.

Land Laws: Volume 3, 3 signatures, 375 copies.

Signature 26, 25 copies. 5 signatures, 435 copies.

Educational Circulars:
12 signatures, 4,007 copies.
Order for signatures 2, 3, and 6 of Circular No. 4.
Circular No. 7, 4 signatures, 7,458 copies.
Circular No. 6 (April 9, 1885), order for signatures 1, 3, 4, 5.
Circular No. 2 (July 30), signatures 2 to 13, inclusive.

Report of Chief Signal Officer:
27 signatures, 6,198 copies (October 17 and December 26).
31 signatures, 7,377 copies (printed March 2, 1885).
Signature 48, 6,638 copies.
H. Mis. Doc. No. 69 (September 10), 47 signatures, 15,436 copies.

International Code of Signals: 2 signatures, 32 copies.

Engineer's Report: 19 signatures, 4, 368 copies (sample sheets attached).

Baird's Food Fishes: Order to print 250 copies on plates 83 and 84 and title page (February 17).

Precious Metals: Order to print 29 copies of pages 286 and 295.

Mineral Resources: 18 signatures, 1,845 copies (January 8, 1885).

Louisiana Cases: Order to print 26 copies.

Trade Guilds of Europe:
Order to print title (August 31).

Interior Department: Circular No. 4, 4 signatures, 2,405 copies,

Revised Statutes: Volume 23 (October 28), 3 signatures, 260 copies.

Marshall Eulogies: 2 signatures, 156 copies.

Agriculture:

Order to print 10,000 sheets of signature 9.

Forestry: 2 signatures, 7,589 copies.

House Report: 25 signatures, 3,329 copies (April 23, 1885).

Labor in Europe: Order on April 28. Powell's Fifth Annual: 6 signatures, 945 copies.
Digest of Pension Laws:
2 signatures, 88 copies.

Court of Claims: Inquiry about jackets.

\*Geological Survey: Volume 7, monograph; 2 signatures, 344 copies.

Fishery Industry: 57 signatures, 43,914 copies.

\*Statutes at Large: Volume 23; 7 signatures, 426 copies.

Report of Secretary of the Treasury: 52 copies on title.

Report of Secretary of War: H. R. Ex. Doc. 1, part 2 (48-2), 3,000 copies.

Surgeon-General's Office: Index Catalogue of Library; 62 signatures, 2,469 copies.

Private Laws:
Passed first session of the Forty-eighth Congress; 3 signatures, 705 copies.

\*Chronological Notes (1884): Order for 52 copies on signature 27.

Plates: Department of the Interior (Tenth Census, etc.).

Miscellaneous: Containing miscellaneous orders.

Title.	First printed.	Reprinted shortage.	Signa- tures.	Copies.
Senate Reports: Vol.1, Forty-ninth Con-	July, 1886	June 1, 1888	3	740
gress, first session.				10000
Vol. 2, Forty-ninth Con- gress, first session.	do	June 2, 1888	5	900
Vol. 3, Forty-ninth Con- gress, first session,	January, 1886	Apr. 11,1888	4	540
Senate Ex. Doc., vol.7, Forty- ninth Congress, first ses- sion.	May and June, 1886		1	94
Report Commissioner of Education, 1883 and 1884, Record Rebellion:	February, 1886		68	9,944
Vol. 15	May, 1886		80	16,000
Vol. 16, part 1	June, 1886		19	2,531 1,725
Vol. 16, part 2 Vol. 17, part 1	July, 1886	May 27, 1888	3	168
Interstate Commerce, parts	January, 1886		7	319
1 and 2. Powell's Fifth Annual Re-	July, 1886	Apr. 18, 1888	6	1,601
port. House Report, vol. 10, Forty- ninth Congress, first ses- sion.	June, 1886		1	80
Senate Report, vol. 4, Forty- ninth Congress, first ses- sion.	February, 1886	Mar. 7, 1888	2	86
Bulletin United States Fish Commission, House Mis. Doc. No. 34, Forty-ninth	March, 1886		17	1,571
Congress, first session. Report Chief of Engineers,	do		11	2,290
1885, part 3. Senate Mis. Doc. No. 33,	do		26	4,600
Smithsonian Report. Senate Mis. Doc. No. 67, United States Fish Com-	March, 1885	April, 1887	85	7,875
mission, 1883. Senate Mis. Doc. No. 68, United States Fish Com- mission, 1884.	do	do	40	7,400
Total signatures and copies			346	58, 464

Signatures.	Copies.
1,325 346	401, 009 58, 464
1,671	459, 473

This statement shows 1,671 signatures and 459,473 copies, equal to 7,561,568 pages of printed matter, and represents a waste of public money which is simply frightful. It is further developed in the proof that in very many instances where the signatures were supposed to be short by reason of imperfect count orders were given to have such deficit supplied by reprinting the required number. Afterwards it would be discovered that the proper number had really been printed at first, but had been mislaid or stored at some place with no mark or distinction, and that the reprinting of the supposed deficit was wholly unnecessary. Attention is called to the list, which shows the number unnecessarily reprinted, being already in print in the office. They are marked thus \*. This old matter, when found, was useless. There was no law for binding it, and it was thrown into the waste. It shows a carcless and reackless disregard of duty which can not be excused. The committee invite attention to the proof upon these points in the printed testimony.

The course pursued by the present Public Printer in regard to binding the reserve on all work ordered is different from that of his predecessor. He has changed the methods of the office, and he now electrotypes nearly all publications provided by law. The plates are preserved in vaults. A much larger proportion of the work is either stereotyped or electrotyped than formerly. The up-number for Congress is at first printed from electrotype plates, and the plates are put away until the reserve number is needed. When the bindery is ready for the reserve, the plates are brought from the vaults, and the reserve number is printed. Not a sheet is printed until the office is ready to take it up and bind the volumes.

The advantages of this method are manifold. All the witnesses examined on this point agree. The committee copy from the testimony of the foreman of printing (H. T. Brian). Hessys (page 183), that the plan of stereotyping or electrotyping all forms, and not printing the reserve on Congressional documents until the bindery is ready for it, has been of vast benefit, convenience, and saving. He also states that without the facilities of the foundry the present volume of work on hand could not be satisfactorily met, and that the stereotype foundry "Q. Is the change from letter-press to electrotype of great benefit?"

"A. That is a great benefit. It is the best thing that Mr. Benedict has done, to have these forms electrotyped."

This is the testimony of Mr. Brian, the foreman of printing, who has

This is the testimony of Mr. Brian, the foreman of printing, who has been about twenty years in the office, nearly all the time as such foreman. He is very intelligent and knows all about the office. He says in his annual report to the Public Printer at the beginning of this Congress thatthe plan of stereotyping or electrotyping all forms, and not printing the reserve on Congressional documents until the bindery is ready for it, has been of vast benefit and convenience and saving. It prevents a blockade of type; it saves the wear of the type; it prevents filling the store-rooms with an immense amount of printed matter months before it can be used, and saves many handlings of the same and much cost of hauling and storage. Besides, it relieves the pressroom at a season when the demands upon it are the heaviest, and it gives work when otherwise it would be slack. The substitution of electrotyping for stereotyping in many cases has also resulted in much benefit, especially in job forms.

Such is the testimony of this witness, this expert, this old employé

Such is the testimony of this witness, this expert, this old employé of the Printing Office, and, by the way, who is a Republican.

I set this evidence, given under oath, over against the speech on this floor of the gentleman from New York. A number of other witnesses testified substantially as did Mr. Brian on this subject.

In conclusion let me say, Mr. Chairman, that there has been no economy adopted by the present Public Printer which has proved to be of more value, according to the testimony of witnesses before the investigating committee, than this one of not printing the reserve until it is ready to be bound. I thank the committee for extending my time and permitting me to print the foregoing tables, and for the privilege of extending my remarks.

of extending my remarks.

Mr. FARQUHAR. I wish to make one remark as to what may ap Mr. FARQUHAR. I wish to make one remark as to what may appear in the testimony taken before the investigating committee as to printing this "reserve." Now, whatever Mr. Brian or any one else in that Printing Office may say that this is economical, that it is better done, that it is right in the conduct of a printing office to print half the number and hold up the other half, any man who will say that does not know his business. I do not know of a single printing office in America which ever did State printing or otherwise that ever was guilty of such a piece of nonsense in printing.

Mr. RICHARDSON rose.

Mr. FARQUHAR. I do not yield to the gentleman. He has had his own time, and I am now speaking in my time. Here is one question on this point put to John G. Judd, of the firm of Judd & Detweiler (the most extensive printing house in the city), a man who has had fifty years' experience in the business, and he testifies as follows:

had fifty years' experience in the business, and he testines as ionows:

Q. The regular number on Congressional documents is about 1,900. On many of the forms in the Government Printing Office they work from the type what is called the up-number, which is in the vicinity of 900, and then lift and stereotype the form and put the plates back to press at some subsequent time, and print a thousand remaining copies for the reserve. What is your idea in regard to that plan as an economical proposition?

A. A man would be a fool to do it.
Q. How much longer would it take to print the full 1,900 than simply the upnumber, 900?

A. It would be about three-quarters of an hour if everything was working properly.

properly.

Q. When the plates are put back to press, would it not take about that much time to start the press?

A. It would take three times that much.

I have run printing offices as long as Mr. Brian, and I would regard myself as most incompetent to take charge of any office, to run a press even, let alone taking charge of a printing office, if I should do any

The gentleman from Tennessee makes an apology for the Printing ffice. But what are you going to do where they "reserve" half unprinted for three years, and the plates are left in the vault with not a tool put on them, not a sheet of paper provided to print them with, and the Departments looking for books and can not get them?

<sup>\*</sup>These signatures and copies were found in the storage-room in the fall of 1887, and their reprinting was unnecessary.

Mr. RICHARDSON rose.
Mr. FARQUHAR. Wait one minute. You found the whole "reserve" under Mr. Rounds printed up, according to your own testimony taken before your own committee.

Mr. RICHARDSON. If the gentleman will read the testimony he will find it does not bear him out.

Captain White, the efficient foreman of binding, stated when he was on the stand last that the office was 87,255 volumes nearer up with its work when he testified in May, 1888, than when the present Public Printer, Benedict, took charge of the office.

Mr. FARQUHAR. If the gentleman will examine the testimony he will find out that Mr. White backed out of his own testimony. It shows it was Rounds's printing, and that Benedict claimed to have done the All we want now is to provide for "reserve" work. It would be unfair to put a million of work over to Benedict's successor.

The gentleman's time has expired.

Mr. FARQUHAR. I ask to add the following table to my remarks:

Public printing and binding.

Years.		Amount.	Total appropria- tion.	Total estimates.
1884 1885 1886	Appropriation do do Deficiency	\$2,250,000 231,500	\$2,500,000 2,250,000	\$2,961,949.36 3,014,658.71 2,676,107.62
1887	Appropriation	2,095,000 85,000	2, 481, 500	2, 434, 653, 68
1888	Appropriation	2, 122, 000 108, 000		2, 427, 017. 41
1889	Appropriation	2, 218, 000 63, 000	2, 230, 000	2, 489, 621. 33
1890	In the bill		2, 281, 000 2, 218, 000	2, 779, 751. 54

The question recurred on Mr. FARQUHAR's amendment.

The committee divided; and there were—ayes 63, noes 65.

Mr. FARQUHAR. No quorum.

The CHAIRMAN appointed as tellers Mr. FARQUHAR and Mr. O'FER-

The committee again divided; and the tellers reported-ayes 70, noes 89

So the amendment was disagreed to.

The reading of the bill was then concluded.

Mr. RANDALL. The Delegate from Arizona [Mr. SMITH] was permitted to pass over an amendment which I now call up.

The Clerk read as follows:

After the word "eighty-eight," in line 17, on page 45, insert "including \$5,000, or so much thereof as may be necessary, for survey of the west boundary line of the White Mountain or San Carlos Indian reservation, in the Territory of

The amendment was agreed to.

Mr. RANDALL. I move, on page 5, line 14, after the word "build-gs," to insert "other than for life-saving stations and pier-head lights."

This is necessary because the Government does not need that the original provision should apply to sites for life-saving stations, for the reason that the life-saving stations do not need the title in fee but only for use and occupation.

The amendment was agreed to.

I now offer this amendment.

Mr. RANDALL. It was understood that the gentleman should have the right to submit an amendment to a preceding part of the bill.

The Clerk read as follows:

In line 21, page 40, before the word "persons," insert "dealers or pretended dealers in counterfeit money and other fraudulent devices for using the United States mails and."

Mr. ENLOE. Mr. Chairman, the amendment which I have offered relates to that portion of the bill which appropriates a fund for the employment of secret-service agents for the Government. This secretservice force is employed under the direction of the Secretary of the Treasury, and is restricted in its employment by the language used in the appropriation bill which makes provision for the force

Now, sir, the object of this amendment is to direct the attention of the Department and to direct this force to be employed, when not engaged upon other work for the Treasury Department, in the detection of certain classes of persons in our large cities who are engaged in the business of advertising for sale counterfeit money. We see frequent reports in newspapers about persons who have gone to our large cities

and been victimized by these sharpers.

It is purely a confidence game, punishable under the laws of the State, and is a matter for police regulation by the States. Nevertheless there is a provision in existing law, section 5480 of the Revised Statutes, which provides for the punishment of persons who send out letters through the mails with the intent to defraud, and in fact there has been one conviction under this section of the statutes before Judge Blatchford of persons indicted for this offense.

I received a letter from a constituent during the first session of the Fiftieth Congress, and have received others since then, calling attention to the fact that letters advertising for sale or offering to sell counterfeit money were being sent broadcast throughout the country, and asking to have the secret-service force of the Government set upon the track of these parties to detect them and bring them to justice.

When in response to those requests I went to the Secretary of the Treasury, or in his absence to the Assistant Secretary, and presented the matter to him, I was informed that there was no law authorizing the employment of the force for such purposes, and that additional legislation was needed. I went to the chief of the secret service, at that time Mr. James J. Brooks, and told him the facts. He informed me that his force of detectives was stationed in the large cities; that they were under constant pay from the Government, but were not constantly employed, and that if we could put some such provision as I have offered in the appropriation bill authorizing the employment of the force for this purpose it could be used to bring these parties to justhe force for this purpose it could be used to bring these parties to justice and secure their punishment. He informed me that there would be no difficulty in detecting them, and in fact stated that he knew of several persons himself who had been driven by the force out of the counterfeiting business, and who subsequently engaged in this occupation, known in the commercial parlance of the day as the "green-goods" husiness

He mentioned the names of some who had made fortunes in the business, and among others named one Barney McGuire, of New York, as constituent, no doubt, of my friend who sits in front of me [Mr. Cum-[Laughter.] MINGS].

Mr. CUMMINGS. Has the gentleman been operating in Tennessee? And this man boasted to the detectives that he had Mr. ENLOE. gone out of a business where the secret service could interfere with him and had gone into a respectable business where they could not

It may be worth while to call attention to the thoroughly systematic methods of these swindlers. They take the commercial reports from Dunn's and Bradstreet's agencies and watch the ebb and flow of individual fortunes in the commercial world. They scan the leading newspapers of the country for notices of fires and other individual mis-When misfortune befalls a merchant and his credit is impaired, when fire has destroyed the property of the citizen, or he is known from any cause to be in financial trouble, a letter, admirably framed to tempt him to dishonor, is mailed to him. A variety of such letters, adapted to every possible condition of financial distress, is kept in stock ready to be mailed immediately to those whose misfortunes might tempt them to resort to desperate and dishonest expedients in their effort to retrieve their fortunes

These letters are frequently sent to country merchants, to country postmasters, and to farmers, always in the strictest confidence, and with strong protestations of the good faith of the writer, and the absolute security with which the addressee can deal with him. There are various terms used to avoid the use of the ugly words "counterfeit money," the most common one being "green goods," but the purpose to offer for sale counterfeits is always made plain enough. The assurance is generally given that the money is printed on plates stolen from the Government, and that it is so well executed that the experts can

not tell it from genuine money.

If the "sucker" seems disposed to bite, and responds, they often make assurance doubly sure by sending one-half of a genuine bill as a sample to be submitted by the would-be purchaser, to bankers or other experts as a test. Of course it stands the tests, and frequently an order accompanied by the cash goes forward by mail, and the fool who sent it looks in vain for the tenfold or greater return which he has been promised. A criminal in intent and in conscience, he reflects in silence upon the experience he has purchased, and the "green-goods" dealer drops him from the list. This is the method of disposing of the small fry who have only a few dollars to invest. The larger " always invited to visit the city, where the business can be conducted on a much more satisfactory basis, and with the assurance of greater bargains for the buyer. How often they find larger prey may be esti-

mated from the number of exposures in the city press.

Since I began to investigate this matter about one year ago I have seen numerous notices in the daily papers of the more important vic-tims of these men. The man who goes to the city to meet them is at their mercy and in their power. He is shown genuine bills, he buys them and gives his money in exchange, and the moment the trade is made they begin to operate on his fears of detection, arrest, and punishment, and in that way induce him to trust them to go with him to an express office so he can send it home and relieve himself of all dan-If he consents, a trick of changing the bag on him that contains the package is played, and he goes home to find a package exactly similar in size and appearance containing only waste paper. That com-

If the purchaser has not lost all courage through his sense of guilt, and insists on keeping his hands on what he has bought, forcible methods are used, and he is either robbed on the spot or followed and robbed before he can get to his hotel, and Mr. Brooks assured me that he had reason to believe that men who resisted had been murdered to recover the money.

In August, 1885, I believe it was, James T. Holland, of Abileue, Tex., who had been decoyed to New York to buy "green goods," attempted to hold the money he had bought, and in the struggle over its possession he shot and killed Tom Davis, one of the men who had sold it to him. Hundreds of victims who had been robbed, says Mr. Brooks, had applied to the secret-service force in the Government employ for relief only to find that they had no authority to interfere, it being no violation of the Federal law and none of the business of the United States detectives to interfere. Where one makes complaint fifty will submit in silence rather than face exposure and disgrace.

Plain as this fraud is, the men engaged in it, through the use of the United States mail, are reaping a golden harvest from our 60,000,000 of people. Acting upon the best information I could get as to the remedy for this evil, I drew up a bill intended to cover this case, which passed the House and is now in the Senate, and while under the provisions of the law previously mentioned many convictions may be had, yet if that bill passes the Senate, as I am quite certain it will pass, there will be a great many more convictions, and we may reasonably hope

that this business will ultimately be entirely suppressed.

Here is the full text of the bill as it passed the House:

Here is the full text of the bill as it passed the House:

An act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

Be it enacted, etc., That any person who shall knowingly deposit, or cause to be deposited, in any post-office, letter-box, or other receptacle for the United States mail, any letter, circular, or other communication addressed to any other person, offering, or proposing to sell, give, deliver, or transfer, to any person, any imitation of any coin, bill, note, bond, or other security of the United States, or bank notes, shall be deemed guilty of a felony, and upon conviction thereof shall be punishable by a fine of not more than \$1,000, and by imprisonment at hard labor for not more than three years.

I am not disposed, sir, to sympathize with the more intelligent victims of the men who are connected with this business, but the only way to break it up is to take some such vigorous steps as I have indicated, for while I think, as a matter of fact, these parties ought to be punished by the local tribunals, yet this is not often done because the victimized parties are afraid to invoke the aid and protection of the law which they have themselves violated. I hope the amendment will be adopted.

Mr. CUMMINGS. May I ask the gentleman a question before he takes his seat?

Mr. ENLOE. Certainly.

Mr. CUMMINGS. I would like to ask if the gentleman has ever

been victimized by Barney McGuire. [Laughter.]
Mr. ENLOE. I will state that I have not been; but the day after I introduced a bill on this subject I received a proposition from an enterprising constituent of my friend offering to make me the agent of the concern in Congress. [Laughter.] I have a letter here from him which contains the usual flattering inducements.

Mr. CUMMINGS. I think it was offered probably because he knew

who he was dealing with. [Laughter.]
Mr. ENLOE. No, he probably knew my immediate associates. [Renewed laughter.]
The amendment of Mr. ENLOE was adopted.

Mr. RYAN. Mr. Chairman, in connection with the provision for the Signal Office, I desire to have a letter printed in the RECORD which relates to an item in the bill for that bureau.

There was no objection.

The letter referred to is as follows:

WASHINGTON CITY, January 24, 1889.

Washington City, January 24, 1889.

Sir: I have the honor to suggest that an item be inserted in the sundry civil bill, now pending, to read as follows:

"For expenses of equipping and maintaining meteorological stations in the West Indies or contiguous points, in connection with the announcement of hurricanes on the Atlantic and Gulf coasts of the United States, \$1,000." In connection with this item, I have the honor to say that the very great value and necessity for such stations are obvious to every one who has examined the question of West India hurricanes.

If the announcement of advancing hurricanes could be made several days in advance, it would prevent coasting vessels sailing from Boston, New York, Baltimore, and New Orleans southward or for the West Indies until the danger had passed.

I inclose charts showing the passage of the violent hurricane of November 23-28, 1888, from which you will see that the center of this very violent storm was over the Windward Isles on November 23, just six days before it reached the southern coast of New England.

The West India hurricane stations enabled this office in 1882 to give warning several days in advance of the violent hurricanes of September 3-12 and of October 6-12.

The violent storms of these two months did an enormous amount of damage, but it was estimated that the value of the search of the sea

tober 6-12.

The violent storms of these two months did an enormous amount of damage, but it was estimated that the value of vessels and property detained in port by the warning issued by this office averaged many millions of dollars in each case, being variously estimated at from \$15,000,000 to \$23,000,000 in the aggregate.

The present inclosures relative to the late severe hurricanes emphasize the importance of this class of observations.

I have said in the draught submitted "West Indies and contiguous points" for the reason that the British Government strongly talks of laying a submarine cable from Bermuda to Halifax, and when the contemplated telegraphic communication is had with Merida, Yucatan, reports therefrom will greatly benefit the shipping interests of the cities of New Orleans, Mobile, Galveston, and other ports on the Gulf coast of the United States.

The amount formerly spent for this service was \$4,000, but it was refused and the whole work abandoned when Congress required this office to submit itemized estimates for appropriations.

I am, very respectfully, your obedient servant,

A. W. GREELY, Chief Signal Officer.

Hon. Thomas Ryan, Chairman Subcommittee on Appropriations, House of Representatives.

Mr. CANNON. I wish to offer the amendment I send to the desk as new section.

The Clerk read as follows:

Customs service; expenses of collecting the revenue from customs: To defray the expense of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year 1800, \$250,000, or so much thereof as may be necessary.

The CHAIRMAN. Where does the gentleman want this to come in?
Mr. CANNON. At the end of the bill.
Mr. RANDALL (to Mr. CANNON). Do you want to be heard?
Mr. CANNON. Unless you will admit it.
Mr. RANDALL. I can not do that.
Mr. CANNON. Then I send this telegram to the desk to be read. The Clerk read as follows:

TREASURY DEPARTMENT, January 29, 1889.

Hon. Samuel J. Randall, Chairman of the Committee on Appropriations:

In reply to your telegram of yesterday I have to state that upon the basis of receipts and expenditures of the customs service for the current fiscal year it is estimated that an additional appropriation of \$250,000 will be required to defray the expense of collecting the revenue from customs for the fiscal year ending June 30, 1890.

C. S. FAIRCHILD, Secretary.

Mr. CANNON. Now, Mr. Chairman, why wait for a deficiency? The appropriation for collecting the customs revenues is five or five and a half million, I believe.

Mr. RANDALL. Five and a half million.
Mr. CANNON. Now, then, for several years it has been necessary to make an appropriation in addition to the permanent appropriation. In 1885 there was appropriated \$277,000; in 1886, \$230,000, and in 1888, \$450,000. For the current year of 1889 the estimate formally transmitted and carried by this bill and appropriated was \$450,000. By some oversight there was no estimate transmitted in the regular Book of Estimates for this additional amount. It was called to the attention of the Secretary of the Treasury through the committee by the gentleman from Pennsylvania, and the Secretary very promptly telegraphs and says, as I have just read, that it would take \$250,000 to pay the expense of collecting the revenues for the coming year, in his opinion, over and above the permanent appropriation, and then that will be \$200,000 less than was spent last year, and less than was ap-

propriated for this year.

Mr. RANDALL. Mr. Chairman, a telegram was sent to the Secretary by me as chairman of the Committee on Appropriations on the request of the gentleman from Illinois, who properly sought for information; but the Secretary has never transmitted any formal estimate to this House. Therefore the Committee on Appropriations were without any estimate; and of course should they have anticipated this matter it would have been a violation of the rule and a violation of the law perhaps. But now that the Secretary has ascertained that this amount is necessary, why, I take it for granted that he will send in a formal estimate to this House, and then it can be considered in connection with the deficiency bill. Really the committee have had no opportunity whatever to examine as to the amount; but, on the contrary, we have gone along in that committee as though there was to be no deficiency for the year ending June 30, 1890. When the committee shall have had an opportunity upon a formal estimate—not upon a telegram exactly—it can be considered by the committee in connection with the bill providing for deficiencies, and the gentleman from Illinois is a member of that subcommittee.

Mr. CANNON. If the gentleman will allow me, it is not a defi-

Mr. RANDALL. I know it is not now a deficiency.
Mr. CANNON. On the contrary, we appropriated \$450,000 for the current year.

Mr. RANDALL. There is no deficiency, but there was no estimate at all. It is true we have a telegram from the Secretary to that effect, but where does that show that there will be a deficiency?

Mr. LONG. It is not a deficiency.

Mr. RANDALL. It would be a deficiency next year.
Mr. CANNON, Oh, no.
Mr. RANDALL. It is to make an appropriation for an amount
greater than the permanent law gives, and the matter ought to be ex-

Mr. LONG. How can you have a more formal estimate than the telegram gives?

Mr. RANDALL. We have never had a single opportunity to examine anything about it in the committee. This telegram came yester-

day evening, did it not?

Mr. CANNON. I received it this morning. An inquiry was made several days ago. The reason the telegram was sent, as I stated before, was that in the last year there was a deficiency, or rather an additional appropriation, of \$450,000. It was not made in this bill or one similar to it. "For the services of the current year, \$440,000"—

Mr. RANDALL rose.

Mr. CANNON. Now, if the gentleman will allow me to complete right there. This is for \$250,000. If that be given, we have \$200,000 less than the amount spent last year, and \$200,000 less than is appropriate the second se priated for this year. I am perfectly confident that the amount will be required for the service for the next year, and I think it is proper

and right now to step in and appropriate according to the estimate as

furnished by the telegram.

Mr. RANDALL. I want to correct a statement that I made in connection with this matter. I said that no estimate had been received. I have since been advised by the Speaker of the House that he received one this morning, and that in due course it will come to the Commit-

tee on Appropriations.

Mr. CANNON. But it belongs upon this bill, and I want to put the whole amount in the sundry civil bill.

Mr. RANDALL. I have not had any opportunity to examine it.

Mr. LONG. If that be the case, we can not know any more about it than we do on that telegram. The fact is, there is a permanent appropriation of \$5,500,000 for collecting the customs revenue. For the last four years that has not been enough, and every year we have the last four years that has not been enough, and every year we have been requested to appropriate an additional amount of two hundred or three hundred thousand dollars in the deficiency bill, and last year it was \$450,000. Thus we know, not only from our former experience, but from the telegram that we have received from the Secretary of the Treasury, as well as from the estimate which he has sent, and which the Speaker received this morning, that the \$5,500,000 will not be enough. He has informed us that \$250,000 are necessary, and it is mere child's

play not to make the appropriation.

The CHAIRMAN. The question is on the amendment offered by

the gentleman from Illinois.

The question was taken; and there were—ayes 63, noes 72.

Mr. RANDALL (to Mr. CANNON). It can come in as an independent proposition hereafter.

Mr. CANNON. It will come in on the deficiency next year.

Mr. RANDALL. I move that the committee now rise and report

the bill with the amendments favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. RANDALL. I demand the previous question upon the amend-ments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon these amendments?

Mr. RANDALL. I had intended to ask separate votes on several of the amendments, but as they are quite numerous and as the hour is so late, I am willing that the vote shall be taken upon them in gross.

The SPEAKER. If no separate vote is demanded on any amendment, the question is on agreeing to the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

Mr. McADOO. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole—

Mr. DUNN. Mr. Speaker, I desire to present a report. I ask the gentleman to yield to me.
Mr. McADOO. Being recognized, I will yield to the gentleman from

Arkansas

Mr. TOWNSHEND. Mr. Speaker, I desire to present a privileged

The SPEAKER. The gentleman from New Jersey [Mr. McAdoo] has yielded to the gentleman from Arkansas [Mr. DUNN] to present a report which he desires to have recommitted.

ALASKA SEAL AND SALMON FISHERIES.

Mr. DUNN. Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to submit a report on the investigation heretofore ordered by the House in relation to the fur-seal and other fisheries of Alaska, accompanied by a bill (H. R. 12432), and to ask unanimous consent that the bill, the report, and the evidence be printed and recommitted to the Committee on the Merchant Marine and Fishwithout the evidence, be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. HOLMAN. How much time is that likely to occupy in the

House ?

Mr. DUNN. That is impossible to tell.

The bill and report are as follows:

A bill to amend section 1963 of the Revised Statutes and to provide for the better protection of the fur-seals and salmon fisheries of Alaska, and for other

Be tt enacted, etc., That section 1963 of the Revised Statutes of the United States be amended so as to read as follows:

SEC. 1963. Within one year prior to the time when the lease heretofore made

by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of St. Paul and St. George, pursuant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary of the Treasury shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than \$5,000, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and the additional sum of not less than \$5,50 for each fur-seal skin taken and shipped from the islands of St. Paul and St. George, during the continuance of any lease, to be paid into the Treasury of the United States, and every such lease shall be duly executed in duplicate, and shall not be transferable; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed. And he shall give at least sixty days' notice of the letting of said lease by publication in at least one daily paper published in the cities of Boston, New York, Philadelphia, Baltimore, Washington, Chicago, New Orleans, St. Louis, and San Francisco, inviting bids for the same.

SEC. 2. That section 1866 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of the Beh

Mr. Dunn, from the Committee on the Merchant Marine and Fisheries, submitted the following report:

The committee was directed to "investigate the fur-seal fisheries of Alaska, and all contracts or leases made by the Government with any person or companies for the taking of fur-seals or other fur-bearing animals in Alaska; the character, duration, and condition of such contracts or leases; and whether and to what extent the same have been enforced and compiled with or violated; the receipts therefrom, and the expenses incurred by the Government on account of any such contract or leases; and to fully investigate and report upon the nature and extent of the rights and interests of the United States in the fur-seal and other fisheries in the Behring Sea in Alaska; whether and to what extent the same have been violated, and by whom; and what, if any, legislation is necessary for the better protection and preservation of the same."

FIRST. AS TO THE SEAL FISHERIES.

The fur-seal rookeries of Alaska are located on the Pribylov group of islands, situate near the center of that part of Behring Sea lying within the boundary of the territory ceded by the Emperor of Russia to the United States.

The island of St. Paul has an area of 33 square miles, and St. George 27 square miles.

Lieutenant Maynerd United States Navy, who was detailed by the Secretary.

Lieutenant Maynard, United States Navy, who was detailed by the Secretary pursuant to the act of April 22, 1874, to inquire into the condition of the seal fisheries in Alaska, in his report says (Executive Document No. 43, first session Party with Converse)

Leucenant Maynard, United States Navy, who was detailed by the Secretary pursuant to the act of April 22, 1874, to inquire into the condition of the seal fisheries in Alaska, in his report says (Executive Document No. 43, first session Forty-ninth Congress):

"They (the seal islands) are enveloped in summer by dense fogs through which the sun rarely makes its way, and are surrounded in winter by fields of ice, driven down from the Arctic by northern gales. They have no sheltered harbors, but slight indentations in the shore-line afford a lee for vessels and a tolerable landing-place for boats in certain winds. The shores are bold and rocky, with strips of sand-beach and slopes covered with broken rocks at intervals between the cliffs, and the interior of both is broken and hilly; neither tree nor shrub grows upon them, but they are covered with grass, moss, and wild flowers. For nearly one hundred years fur-seals have been known to visit them annually in great numbers for the purpose of bringing forth and rearing their young, which circumstance gives them no inconsiderable commercial importance. The seals occupy the islands from the breaking away of the ice in the spring until it surrounds them again in the early winter; that is, from about the middle of May until December."

It is further shown by the testimony before the committee that on their return to the islands after their temporary absence during the winter these animals generally select the locations on the rookeries which they had formerly occupied. It appears, too, that all the Alaska fur-seals are born on these islands, that they are distinct animals, and have none of the characteristics of fish, and will drown in the water until they are taught to swim by their elders.

In former years fur-seals were found in great numbers on various islands of the South Pacific Ocean; but after a comparatively short period of indiscriminate slaughter the rookeries were deserted, the animals having been killed or driven from their haunts; so that now the only exist

or sex.

The law prohibits the killing of fur-seals in the Territory of Alaska or the waters thereof, except by the lessee of the seal islands, and the lessee is permitted to kill during the months of June, July, September, and October only;

and is forbidden to kill any scal less than one year old, or any female scal; "or to kill such scals at any time by the use of fire-arms, or by other means tending to drive the scals away from those islands." (Rev. Stat., sec. 1960.)
Governor Simpson, of the Hudson Bay Company, in his "Overland Journey Round the World," 1841-42, page 130, says:

"Some twenty or thirty years ago there was a most wasteful destruction of the scal, when young and old, male and female, were indiscriminately knocked in the head. This imprudence, as any one might have expected, proved detrimental in two ways. The race was almost extirpated; and the market was glutted to such a degree, at the rate for some time of 200,000 skins a year, that the prices did not even pay the expenses of carriage. The Russians, however, have now adopted nearly the same plan which the Hudson Bay Company pursues, in recruiting any of its exhausted districts, killing only a limited number of such males as have attained their full growth, a plan peculiarly applicable to the fur-scal, inasmuch as its habits render a system of husbanding the stock as easy and certain as that of destroying it."

In the year 1800 the rookeries of the Georgian Islands produced 112,000 fur-scals. From 1806 to 1823, says the Encyclopædia Britannica, "the Georgian Islands produced 1,200,000 scals, and the island of Desolation has been equally productive." Over 1,000,000 were taken from the island of Mas-5-fuers and shipped to China in 1793-99.—Fanning's Voyages to the South Sea, page 299.

In 1820 and 1821 over 200,000 fur-scals were taken at the South Shetland Islands, and Captain Weddell states that at the end of the second year the species had there become almost exterminated. In addition to the number killed for their furs, he estimates that "not less than 100,000 newly-born young died in consequence of the destruction of their mothers,"—See Elliott's Report, 1884, page 118.

In 1830 the supply of fur-scals in the South Seas had so greatly decreased that he vessels engaged in this

At Antipodes Island, off the coast of New South Wales, 400,000 skins were obtained in the years 1814 and 1815.

Referring to these facts, Professor Elliott, of the Smithsonian Institution, in his able report on the seal islands, published by the Interior Department in 1884, says:

"This gives a very fair idea of the manner in which the business was conducted in the South Pacific. How long would our scaling interests in Berhing Sea withstand the attacks of sixty vessels carrying from twenty to thirty men each? Not over two seasons. The fact that these great southern rookeries withstood and paid for attacks of this extensive character during a period of more than twenty years, speaks eloquently of the millions upon millions that must have existed in the waters now almost descreted by them."

Mr. R. H. Chapel, of New London, Conn., whose vessels had visited all the rookeries of the South Pacific, in his written statement before the Committee on Commerce of the House of Representatives, said:

"As showing the progress of this trade in fur-seal skins and the abuses of its prosecution, resulting in almost total annihilation of the animals in some localities, it is stated on good authority that from about 1770 to 1800 Kergueler's Land, in the Indian Ocean, yielded to the English traders over one million skins; but open competition swept off the herds that resorted there, and since the latter year hardly one hundred per annum could be obtained on all its long coasts. Afterward Mas-4-fuera Island, near Juan Fernandez, was visited, and fifty thousand a year were obtained; but, as every one that desired was free to go and kill, the usual result followed—the seals were exterminated at that Island, and also at the Galapagos group, near by.

"Falkhand and Shettland Islands, and South American coasts, near Cape Horn, came next in order; here the seals were very abundant. It is stated that at the Shetlands alone one hundred thousand per annum might have been obtained and the rookeries preserved, if taken under proper restricti

maintenance of the peace and the protection of the animals from indiscriminate slaughter.

"The preservation of these animals by the observance of strict regulations in hunting them is not only a matter of the highest importance in an economical view, but a matter of life or death to the natives. Hitherto seals have been hunted under the supervision of the Russian company, and exclusively by the natives, who are trained from children to that occupation, and derive from it their clothing and subsistence. They have been governed by exact and stringent rules as to the time of hunting and the number and kind of seals to be taken. \* \* The United States can not, of course, administer such a trade as a Government monopoly, and the only alternative seems to be to grant the exclusive privilege of taking these animals to a responsible company for a series of years, limiting the number of skins to be taken annually by stringent provisions. A royalty or tax might be imposed upon each skin taken, and a revenue be thus secured sufficient to pay a large part of the expense of the Territory."

nue be thus secured sufficient to pay a large part of the expension tory."

Hon. C. A. Williams, of New London, Conn., one of the principal shareholders in the Alaska Commercial Company, who has been engaged in the business of whaling and seal-hunting as the successor of his father and grandfather in that pursuit, was called before the committee and testified to facts from his own experience and that of his house. He said:

"The history of sealing goes back to about 1790, and from that to the early part of this century.

"In the earlier period of which I speak there were no seals known in the North Pacific Ocean. Their particular haunt was the South Atlantic. They were discovered by Cook in his voyages, on the island of Desolation, by Weddell, in his voyages to the South Pole, on the island of South Georgia and Sandwichland, and by the later voyagers, whose names escape me, in the islands of

the South Pacific Genari. When the number of seals on those islands were first brought to the notice of British merchanis they pursued the hunting of these animals on the island of Decolation. The most authentic authority we have about the matter is derived from reports made by these voyagers as to the number of seals taken from those places, and although they are not entirely accurate, I think they are fully as accurate the property of the p

DANGER OF THE EXTERMINATION OF THE ALASKA ROOKERIES.

We have already mentioned that the present number of seals on St. Paul and St. George Islands has materially diminished during the last two or three years. The testimony discloses the fact that a large number of British and American vessels, manned by expert Indian seal-hunters, have frequented Berling Sea and destroyed hundreds of thousands of fur-seals by shooting them in the water and securing as many of the carcasses for their skins as they were able to take on board. The testimony of the Government agents shows that of the number of seals killed in the water not more than one in seven, on an average, is secured, for the reason that a wounded seal will sink in the sea. So that for every thousand seal-skins secured in this manner there is a diminution of seal life at these rookeries of at least seven thousand. Added to this is the fact that the abooting of a female seal with young causes the death of both. If the shooting is before delivery that, of course, is the end of both; if after, the young seal dies for want of sustenance.

of sustenance.

During the season of 1885 the number of contraband seal-skins placed on the market was over 13,000; and in 1886, 25,000; in 1887, 34,000; and in 1885 the number of illicit skins secured by British cruisers was less than 25,600, which number would have been largely increased had not the season been very stormy and boisterous. American citizens respected the law and the published notice of the Secretary of the Treasury, and made no attempt to take seals.

From this it appears that, during the last three years, the number of contraband seal-skins placed on the market amounted to over 97,000, and which, according to the testimony, destroyed nearly three-quarters of a million of furs, causing a loss of revenue amounting to over \$2,000,000 at the rate of tax and rental paid by the lessee of the seal islands.

SECOND. AS TO THE CONTRACT OR LEASE.

The only contract or lease made by the Government with any persons or companies for the taking of fur-seals or other fur-bearing animals in Alaska

was a lease of the right to take fur-seals for their skins for a period of twenty years from May I, 1870, on the islands of St. Paul and St. George, to the Alaska Commercial Company of San Francisco; for which privilege said company agreed to pay to the United States a rental of \$55,000 per annum, and a revenue tax or duty of \$2.62\(\frac{1}{2}\) per skin taken and shipped from the islands; to furnish to the inhabitants of said islands free of charge 2,500 dried salmon annually, 60 cords of fire-wood, a sufficient quantity of salt, and a sufficient number of barrels for preserving the necessary supply of meat; to maintain a school on each island for the education of the natives for a period of not less than eight months in each year.

island for the education of the natives for a period of newless than the cane year.

To secure the payment of the rental a deposit of \$50,000 in United States bonds is required, and for the complete performance of the covenants of the lease by the lessee a bond in the sum of \$500,000 is exacted.

The lessee is permitted to kill 100,000 fur-seals on St. Paul and St. George Islands and no more; and is prohibited from killing any female seal or any seal less than one year old, and from killing any fur-seal at any time except during the months of June, July, September, and October, and from killing such seals by the use of fire-arms or other means tending to drive the seals from said islands; and from killing any seal in the water adjacent to said islands, or on the beaches, cliffs, or rocks, where they haul up from the sea to remain.

# THIRD, THE AWARD AND EXECUTION OF THE LEASE.

THIRD, THE AWARD AND EXECUTION OF THE LEASE.

In reference to the letting of this contract your committee have carefully examined the evidence submitted to the House of Representatives by the Committee on Ways and Means at the first session of the Forty-fourth Congress, accompanying the report of said committee made thereon, pursuant to direction of the House—

"To examine into and report whether said lease was made and executed in pursuance of law; and whether said lease as made was to the best advantage of the United States, according to the offers of the bidders."

As the result of that investigation the Committee on Ways and Means reported that—

As the result of that investigation the committee on the that—
"The correspondence between the Secretary of the Treasury and the bidders and the Treasury Department, together with the contract as made, may be found in Executive Document, first session Forty-first Congress, No. 108. The committee in considering the question whether the award to the Alaska Commercial Company was made to the best advantage of the United States, have been obliged to consider, first, whether, admitting that a more favorable offer in money had been made by others, the Treasury Department could have omitted to respect the clear and palpable discrimination in favor of that company by the act of Congress.

to consider, first, whether, admitting that a more favorable offer in money had been made by others, the Treasury Department could have omitted to respect the clear and palpable discrimination in favor of that company by the act of Congress.

"The action of the Secretary, based upon opinions of his official legal advisers, appears to conclude this question in the negative. It is very evident that no new and inexperienced parties in the business, unprovided with the necessary capital, implements, and knowledge, could have compiled with the requirements of the law, which had to be incorporated into the contract itself. In order to preserve the fur-scals from total annihilation, as has been done in the South Pacific Ocean, and indeed everywhere except on a small island belonging to Peru and two small islands belonging to Russia, none but experienced, judicious, and cautious parties should have been intrusted with the privilege of killing them. The old fur-scal fisheries have been destroyed by the foolish avarice of those who had access to the scals, who, in their thirst for large immediate gains, have killed in excess of the proper number each scason, which led to the eventual extermination of the scals at these points.

"It does not appear that either of the parties who put in bids for this lease had had any experience of the business or were provided with the necessary facilities for the faithful execution of the lease had it been awarded to them, except the Alaska Commercial Company, who were the successors of Hutchinson, Kohl & Co., and in possession of the business at that time, with persons in its employment of skill and experience, and which was composed of capitalists of conceded strength and high character. If the lease had been made with any firm or company who had falled in its execution, or who had proved faithless to the obligations incurred, the loss to the Treasury might have proved very serious in the extermination of the seals and the loss of the law; that it was made in the interest of the Junite

# FOURTH, THE PERFORMANCE OF THE CONTRACT BY THE LESSEE

FOURTH. THE PERFORMANCE OF THE CONTRACT BY THE LESSEE.

All the witnesses concur in the statement that the Alaska Commercial Company has fully performed the covenants and stipulations of said contract, and observed the law and regulations prescribed by the Secretary of the Treasury relating thereto.

It further appears from the testimony that in addition to the requirements of the lease, the lessee has contributed liberally to the welfare, comfort, and prosperity of the native inhabitants of the islands; it has built a comfortable house for each family on both islands, for which it charges no rent; provided stoves free of charge, and maintains a physician on each island all the year at its own cost, and provides medical attendance and medicines to the natives without charge, and maintains and supports the native widows and orphans.

The native laborers receive 40 cents for removing each seal-skin, or \$40,000 for the catch of 100,000 seals, and are paid \$1 per day while engaged at other labor. In 1887 they had on deposit to their credit in San Francisco, drawing interest, the sum of \$64,732.11, and other natives of the Aleutian chain have been induced to accumulate savings amounting to \$29,396.17.

Goods and merchandise are supplied by the company at an advance of 25 per cent, above San Francisco wholesale prices.

Their chief article of food is seal-meat, which costs them nothing; dried salmon are furnished by the company under its contract, and as they pay no rent and their fuel is free, their living expenses are but little. (See further Appendix A hereto.)

FIFTH. THE RECEIPTS AND EXPENSES OF THE GOVERNMENT ON ACCOUNT OF SAID CONTRACT.

The total amount paid by the lessee on account of said contract up to June 30, 1883, inclusive, was \$5,597,100. The total amount expended by the Government during the same period was about \$200,000 for salaries and traveling expenses of agents of the Treasury Department at the seal islands, and about \$150,000 for the revenue-outers cruising Alaskan waters.

To the amount already received direct from the company should be added the sum received by the United States from customs duties on Alaska dressed seal-skins imported from Europe, amounting to \$3,425,000, to which should be added the sum of \$502,000 customs duties on imported seal-skins taken by said company under its contract with Russia, making an aggregate amount received by the Government on account of this industry of \$9,525,283, being \$2,325,283 in excess of the amount paid to Russia for the Territory.

SIXTH. THE NATURE AND EXTENT OF THE RIGHTS AND INTERESTS OF THE UNITED STATES IN THE FUR-SEAL AND OTHER PISHERIES IN DEHRING SEA.

UNITED STATES IN THE FUR-SEAL AND OTHER FISHERIES IN DEHERING SEA.

The rights and interests of the Government in the fur-seal and other fisheries in Alaska were acquired by purchase from Russia and conveyed to it by the treaty of cession.

The fur-seal rookeries were discovered in 1786, by Pribylov, a Russian subject, and in 1799 the right to take fur-seals was granted to the Russian American Company by the Russian Emperor. From the date of discovery down to the date of the transfer of Alaska to the United States, Russia claimed and exercised exclusive jurisdiction over those islands and asserted her ownership of these fur-bearing animals and disposed of them accordingly. No one ever questioned her right or asserted an adverse claim. No foreign vessel was permitted to touch at either of said islands during the entire period of Russia's occupation. Seal life was protected by her navy, both on the islands and in Behring Sea. By the treaty of cession this right was transferred to the United States. It includes the right to protect seal life on the islands, and in that part of Behring Sea included within the boundary of the territory conveyed.

The right of Russia to patrol the waters of Behring Sea and protect seal life was asserted and exercised for nearly a century, undisputed and unquestioned, and the United States having acquired that right by purchase from Russia has maintained it from the beginning. To illustrate: The killing of fur-seals by unauthorized persons was prohibited by act of Congress; the right to take a specified number each year for a period of twenty years at a fixed rate of tax and rental was authorized, with direction to the Secretary of the Treasury, for the time being, to renew the privilege to proper and responsible parties at the expiration of each period of twenty years.

The penalty affixed to the violation of the statute prohibiting seal killing is fine and imprisonment and confiscation of vessels, their tackle, apparel, and furniture.

The penalty affixed to the violation of the statute prohibiting seal killing is fine and imprisonment and confiscation of vessels, their tackle, apparel, and furniture.

The object of this law was, first, to protect this valuable industry, upon which the entire population of the islands depend for subsistence, and second, to secure the United States a perpetual revenue therefrom.

It is clear to your committee, from the proof submitted, that to prohibit seal killing on the seal islands and permit the killing in Behring Sea would be no protection; for it is not on the islands where the destruction of seal life is threatened, or seals are unlawfully killed, but it is in that part of Behring Sea lying between the "eastern and western limits" of Alaska as described in the treaty of cession, through which the seals pass and repass in going to and from their feeding grounds, some 50 miles southeast of the rookeries, and in their annual migrations to and from the islands.

This was known to Congress when the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska" was passed, for in that act, as well as the preceding and subsequent acts in reference to Alaska, Congress expressly asserted our jurisdiction over the marine territory acquired by the purchase as well as over the land, and extended the laws of the United States over the entire territory embraced within the boundary specified in the treaty, as will appear from the following enactments:

1. The first legislative action in reference to Alaska was the act of July 27, 1868, appropriating \$7,200,000 in payment of the price stipulated in the treaty with Russia of certain territory "therein described" and ceded to the United States. In other words, the appropriation was to pay for the territory described in the treaty of cession.

2. By the act also approved July 27, 1868, it is provided: "The laws of the United States relating to customs, commerce, and navigation are extended to and over all the mainland, islands, and waters of the terri

5. By the act approved July 27, 1888 (Revised Statutes, section 1956), it is provided that "no person shall kill \* \* any fur-seal or other fur-bearing animals within the limits of Alaska Territory or in the waters thereof.

The "limits" of Alaska Territory are defined by the treaty of eession as fol-

lows:
"The eastern limit is the line of demarkation between the Russian and Brit-

"The eastern limit is the line of demarkation between the Russian and British possessions in North America, etc.

"The western limit, within which the territories and dominion conveyed are contained, passes through a point in Behring Strait on the parallel of 65° 30' north latitude, at its intersection by the meridian which passes midway between the island of Krusenstern or Ignalook and the island of Ratmanoff or Noonarbook, and proceeds due north without limitation into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Behring Strait and Behring Sea, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski complet or group in the North Pacific Ocean to the meridian of 193° west longitude, so as to include the whole of the Aleutian Islands east of that meridian."

(See treaty of cession by Russia to the United States March 30, 1867, for com-

west longitude, so as to include the whole of the Aleutian Islands east of that meridian."

(See treaty of cession by Russia to the United States March 30, 1867, for complete description of boundary.)

In other words, the eastern limit of the territory ceded to the United States is the boundary between the British and Russian possessions; and the western limit, a line running in a southwesterly direction from the Frozen Ocean through Behring Strait and Behring Sea to the North Pacific Ocean, thus dividing Behring Sea into two distinct and separate parts.

The northern boundary is the Frozen Ocean, and the southern the southern coast of the Aleutian chain of islands.

These are "the limits of Alaska Territory," as laid down in the treaty—our title deed; the boundary of the territory referred to in the act appropriating the purchase-money; and repeated in section 1956, Revised Statutes, which prohibits the killing of fur-seals "within the limits of Alaska Territory."

It seems clear to the committee that the act prohibiting the killing of fur-seals "within the limits of Alaska Territory." was intended to apply to the acquired territory, land and water, embraced within "the limits" specified in the treaty of cession; just as the laws relating to customs, commerce, and navigation and to trade and commerce with the Indian tribes were, by the acts just referred to, extended over "all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia."

The Territory of Alaska consists of land and water. Exclusive of its lakes, rivers, harbors, and inlets there is a large area of marine territory which lies outside of the 3-mile limit from the shore, but is within the boundary lines of the territory transferred by Russia to the United States.

The rivers, lakes, harbors, and inlets, as well as the 3-mile belt of water contiguous to the shore, are part of the territory of the United States, and come under the operation of their laws without being specially named; and if the statutes

3-mile belt would have been included as part of the territory of the United

3-mile belt would have been included as part of the territory of the United States.

While it is true that an act of Congress relating to Alaska or any other Territory applies to its entire area, yet, in this case, out of abundant caution, and in order that there might be no room for doubt or question, the law-makers used the words "all the mainland, islands, and waters," having direct reference to the large area of marine territory on the west, which Mr. Summer, speaking for the treaty, told the Senate was "our part of Behring Sea."

"National territory consists of water as well as land."—Halleck's International Law, section 13.

The object of the act of July 1, 1870, was (as expressed in the title), "to prevent the extermination of fur-bearing animals in Alaska," and the title would be a misnomer if its operation were restricted to the mainland, islands, and the 3-mile belt of water.

When this act was passed it was known to Congress that the Pribylov group

Smile belt of water.

When this act was passed it was known to Congress that the Pribylov group of islands were the only seal islands in Alaska; and that there were not only no other seal rookeries in Alaska, but that there was no other place in the Territory on the mainland or on any other island, where fur-seals haul up, or are ever to be found, except in the waters of Behring Sea. Therefore the only places where they could be killed in Alaska were on the seal islands and in the waters of Behring Sea; and the prohibition necessarily applies to those two localities, for it would be idle to prohibition necessarily applies to those two localities, for it would be idle to prohibition at killing in localities where these animals are never to be found. By the same act the Secretary of the Treasury was directed to lease the privilege of taking fur-seals for their skins on said islands at a fixed tax and rental for a period of twenty years, thereby removing the prohibition as to one of the localities frequented by these animals, namely, the islands of St. Paul and St. George, and leaving the prohibition to apply exclusively to the waters of Behring Sea, the only other place where fur-seals are to be found in Alaska.

#### SEVENTII. THE OPERATION OF THESE STATUTES

Congress having made provision for the protection of seal life in Alaska, and appropriated money to equip the vessels of the Revenue Marine for that service, the Secretary of the Treasury dispatched revenue-cutters to Alaska with instructions to seize all vessels found engaged in killing fur-seals in Alaskan

waters.

Pursuant to these instructions, a number of British and American vessels were seized, their cargoes of contraband seal-skins confiscated, and the vessels condemned by decree of the United States district court.

As early as 1831, it having been reported to the Treasury Department that unauthorized persons were killing seals in Alaskan waters, the Secretary caused a notice to be published in the newspapers printed at all the Pacific ports in this country stating that the law prohibiting seal killing in Alaskan waters would be enforced against all comers, and the penalties inflicted. Since then this notice has been published every year up to and including the present year, 1888.

In 1881, one D. A. D'Ancona, of San Francisco, addressed a letter to the Secretary of the Treasury, making inquiry as to the extent of jurisdiction claimed by the United States over Behring Sea. In reply the Secretary informed him, under date of March 12, 1881, as follows:

"The law prohibits the killing of any fur-bearing animals, except as otherwise therein provided, within the limits of Alaska Territory, or the waters thereof, and also prohibits the killing of any fur-seals on the islands of St. Paul and St. George, or in the waters adjacent thereto, except during certain

months.

"You inquire in regard to the interpretation of the terms 'waters thereof' and 'waters adjacent thereto,' as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

"Presuming your inquiry to relate more especially to the waters of Western Alaska, you are informed that the treaty with Russia of March 30, 1867, by which the Territory of Alaska was ceded to the United States, defines the boundary of the territory so ceded. This treaty is found on pages 671 to 673 of the volume of treaties of the Revised Statutes. It will be seen, therefore, that the limit of the cession extends from a line starting from the Arctic Ocean and running through Behring Strait to the north of St. Lawrence Islands.

"The line runs thence in a southwesterly direction, so as to pass midway between the island of Attou and Copper Island of the Kormandorski couplet or group in the North Pacific Ocean to meridian of 193° west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.

"All the penalties prescribed by law against the killing of fur-bearing animals would therefore attach against any violation of law within the limits before described.
"Very respectfully,

"H. F. FRENCH, Acting Secretary."

"H. F. FRENCH, Acting Secretary."

This decision was repeated by the Department April 4,1881, and on the 16th of March, 1886, the late distinguished Secretary of the Treasury, Hon. Daniel Manning, sent the following letter to the collector of customs at San Francisco:

"TREASURY DEPARTMENT, March 16,1886.

"Sir: I transmit herewith for your information a copy of a letter addressed by the Department on March 12, 1881, to D.A. D'Ancona, concerning the jurisdiction of the United States in the waters of the Territory of Alaska and the prevention of the killing of fur-seals and other fur-bearing animals within such areas, as prescribed by chapter 3, Title XXIII of the Revised Statutes. The attention of your predecessor in office was called to this subject on April 4, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters in order that such parties may be informed of the construction placed by this Department upon the provisions of law referred to.

"Respectfully yours,"

"D. MANNING, Secretary."

"D. MANNING, Secretary.

"COLLECTOR OF CUSTOMS, San Francisco."

It having been claimed by the Canadian authorities in their brief relating to the seizure of Canadian vessels in Behring Sea by our revenue-cutters, that ex-Secretary Boutwell had decided that the United States had no jurisdiction over Behring Sea outside of the smile limit, the attention of Mr. Boutwell was called to the matter by Hon. W. W. Eaton, late chairman of the Foreign Relations Committee, United States Senate, to which Mr. Boutwell made the following

"WASHINGTON, January 18, 1888.

"Sin: Since the receipt of your letter of the 16th instant, I have examined with care the letter addressed to me as Secretary of the Treasury by T. G. Phelps, esq., then collector of customs at the port of San Francisco, dated March 25, 1872, and also my official reply thereto, dated April 19, 1872, in relation to the purpose of certain parties to capture fur-seal on their annual migration to the islands of St. Paul and St. George through the Ounimak Pass and through the neighboring approaches to the islands. Upon the examination of the correspondence my recollection is in a degree refreshed and my knowledge of the circumstances revived.

"The fourth sentence of Mr. Phelps's letter appears to proceed upon the idea that it was the purpose of the hunters, as their purpose was then understood by

him, to take the seals upon the Pacific Ocean side of the Aleutian range of islands and near the passes mentioned and through which the animals were destined to move; and such was the view taken by me and on which my reply was based.

"Nor can I now see that there is ground for any other reasonable construction of the correspondence.

"Mr. Phelps appeared to have apprehended a diversion of the seals from the Ounimak Pass and the narrow straits near that pass, and his suggestion of a remedy was limited to the same field. Therefore, neither upon my recollection of facts as they were understood by me in 1872, nor upon the present reading of the correspondence, do I admit the claim of Great Britain that my letter is an admission of any right adverse to the claims of the United States in the waters known as Behring Sea. My letter had reference solely to the waters of the Pacific Ocean south of the Aleutian Islands.

"Very respectfully,

"GEORGE S. BOUTWELL.

"GEORGE S. BOUTWELL.

"W. W. EATON, Washington, D. C."

"W. W. EATON, Washington, D. C."

On the 12th day of October, 1870, Secretary Boutwell wrote to the collector of customs at San Francisco, as follows:

"Your communication of the 27th ultimo is received in relation to the illegal killing of the fur-seals at places in Alaska other than the islands of St. Paul and St. George. In reply I transmit herewith a letter, addressed to the collector at Sitka, instructing him to issue strict orders to his subordinates for the prevention of such illegal killing and traffic, and for the bringing of the offenders to punishment; and also for the seizure of all such seal-skin illegally taken as aforesaid, and for their transmittal to your port for forfeiture." \* \* (See Executive Document No. 83, first session Forty-fourth Congress.)

In October of last year the question as to the right of the United States to exclusive dominion and jurisdiction over our part of Behring Sea came before the United State district court in Alaska, in the cases of The United States w. The British schooners Dolphin, Anna Beck, Grace, and Ada, charged with violating the law prohibiting the killing of fur-seals in Alaskan waters.

A stipulation signed by the Queen's counsel, Mr. N. W. T. Drake, on the part of the British owners, and Mr. A. K. Delany upon the part of the United States, was filed, in which it was agreed and conceded that the masters of the vessels named were taking fur-seals in that portion of Behring Sea which is claimed by the United States under the treaty with Russia of March, 1867. To the libel of information the Queen's counsel of British Columbia filed a demurrer alleging that the district court of Alaska had no jurisdiction over the subject-matter of the action, for the reason that the schooner was more than 1 marine league from the shore when seized, and that the act of Congress of July 27, 1868, is unconstitutional in that it restricts free navigation of the Behring Sea for sealing purposes.

In overruling the demurrer the court said:

constitutional in that it restricts free navigation of the Behring Sea for sealing purposes.

In overruling the demurrer the court said:

"The question of the constitutionality of the act of Congress of July 27, 1868, scarcely deserves notice, since it has been sustained by this court. (See United States vs. Nelson, 29 Federal Reporter, page 202. See same case, affirmed by the United States circuit court for Oregon, Weekly Federal Reporter of April 19, page 112. See also The Louisa Simpson, 2 Sawyer,)"

Here was a concession by counsel for British Columbia that the act of Congress extending the laws relating to customs, commerce, and navigation over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia, extended said laws over all that portion of Behring Sea lying east of the sea-boundary line designated in the treaty.

In its decision the district court said (Dawson, judge):

"The conclusion I have reached is that the demurrer must be overruled, and it is so ordered; and that the judgment of forfeiture to the United States be entered against each of the vessels separately, together with their tackle, apparel, furniture, and cargoes, saving to the masters and mates their private property, such as nautical instruments and the like, and that a stay of proceedings of ninety days be granted as per stipulation filed."

No appeal was taken from this decision. Our exclusive jurisdiction over these waters having thus been asserted and exercised by the legislative and executive branches of the Government, and their action affirmed by the United States district court, is there now any reason why that jurisdiction should be relinquished?

The reasoning that would justify this Government in reversing its attitude on this guestion must be sufficient to convince the common understanding that

quished?

The reasoning that would justify this Government in reversing its attitude on this question must be sufficient to convince the common understanding that justice and honesty demand it. The relinquishment of a vested right, repeatedly asserted and exercised by a great power jealous of its honor and dignity, coupled with a surrender of national territory, acquired in good faith from a neighboring state, whose honor would be questioned if we admit our title is defective, can only be justified by the adverse claimant assuming the burden of proof and establishing beyond question his own perfect title, the United States being in possession and claiming ownership. Until it is demonstrated that Russia, our grantor, had no title to these waters, or that she did not assert or exercise dominion over them, our right must be conceded; for it is admitted on all hands that whatever title Russia had at the date of the transfer of the territory we acquired and still possess.

The sixth article of the treaty of cession provides that—
"The cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion and appurtenances thereto,"

For the period of one hundred and forty years, dating from their discovery, these Alaskan waters were under the exclusive jurisdiction of Russia, and headominion over the reserved half of Behring Sea is still asserted and exercised; and the same is acknowledged by the United States and other nations.

Treasury Department Circular No. 13, of January, 1882, contained the published notice of the Russian consul at Yokohama, warning foreign vessels as follows:

"NOTICE." The reasoning that would justify this Government in reversing its attitude on

"At the request of the local authorities of Behring and other islands, the undersigned hereby notifies that the Russian Imperial Government publishes, for general knowledge, the following:

"I. Without a specialipermit or license from the governor-general of Eastern Siberia, foreign vessels are not allowed to carry on trading, hunting, fishing, etc., on the Russian coast or islands in the Okhotsk and Behring Seas, or on the northeast coast of Asia, or within their sea-boundary line.

"2. For such permits or licenses foreign vessels should apply to Vladivostock evolusively."

"2. For such permits or licenses foreign vessels should apply to value of exclusively.

"3. In the port of Petropaulovsk, though being the only port of entry in Kamschatka, such permits or licenses shall not be issued.

"4. No permits or licenses whatever shall be issued for hunting, fishing, or trading at or on the Commodore or Robben Islands.

"5. Foreign vessels found trading, fishing, hunting, etc., in Russian waters without a license or permit from the governor-general, and also those possessing a license or permit who may infringe the existing by-laws on hunting, shall be confiscated, both vessels and cargoes, for the benefit of the government. This enactment shall be enforced henceforth, commencing with A. D. 1882.

"6. The enforcement of the above will be intrusted to Russian men-of-war, and also Russian merchant vessels, which, for that purpose, will carry military detachments and be provided with proper instructions.

"A, PELIKAN, H. I. R. M. Consul.

"YOKOHAMA, November 15, 1881.".

This warning was published fifteen years after the transfer of the eastern half of Behring Sea to the United States, and gives notice to all concerned that Russia will enforce her jurisdiction over the western half within her "sea-boundary line."

#### RUSSIA'S TITLE TO BEHRING SEA.

The Sea of Kamschatka, as it was formerly called, was discovered by Vitus Behring, a Russian subject, in 1725. From the date of discovery until the purchase of Alaska its waters were surrounded by Russian territory, except the narrow straits leading to the Frozen Ocean and the southwestern outlet to the North Pacific. Within a few years from its discovery trading companies were formed and trading stations established on its coasts and islands by Siberian merchants and traders, and on the northwest coast of the North Pacific. The glowing accounts of the rich products of the new possessions stimulated Russian enterprises; companies were formed, ships were built, and factories established at different points on the coasts and islands.

In 1745 the Aleutian Islands were discovered, and in 1768 the whole archipelago and the peninsula of Alaska were explored by an expedition ordered by the Empress Catharine. The coast of British Columbia was discovered by Vancouver in 1790, and in the same year Gray entered the Columbia River, so that the title of Russia is the earliest on the Northwestern coast. Subsequently there were four other Russian expeditions: The first, under Commodore Billings, in 1785; the second, under Krusenstern, of the Russian navy, in 1893; the third, under Lieutenant Kotzebue, in 1815, and the fourth, under Admiral Lütke, in 1826.

As early as 1761 the Russian Government granted to certain merchants the ex-

under Lleutenant Kotzebue, in 1815, and the fourth, under Admiral Lütke, in 1826.

As early as 1764 the Russian Government granted to certain merchants the exclusive right to trade upon the Aleutian Islands, reserving to itself a tithe of the profits; and in 1783 a trading company, which was originally formed at Okhotsk, established its headquarters at Kadiak, with branches at Algonak and Unalaska Island, and on Kenayan and Tshugatshain Bays. Numerous other companies were subsequently formed, but in 1797 the different interests were consolidated and a new company formed, with headquarters at Irkutsk, which made application to the Czar for an imperial charter. The imperial commission to whom the application was referred said: "Having received information from all sides of disorders, outrages, and oppressions of the natives caused in the colonies by parties of Russian hunters, as well as groundless claims advanced by foreign navigators to lands discovered by Russians, it had reason to hope that placing the business of that distant region in the hands of one strong company would serve on the one hand to perpetuate Russian supremacy there, and on the other would prevent many disorders and preserve the fur trade, the principal wealth of the country, affording protection to the natives against violence and abuse, and tending toward general improvement of their condition." (Bancroft's Hist. Alaska, 378.)

In accordance with this recommendation, an imperial ukase was issued December 27, 1799, as follows:

"By the grace of a merciful God, we, Paul the First, Emperor and Autocrat

"By the grace of a merciful God, we, Paul the First, Emperor and Autocrat of all the Russias, etc., to the Russian American Company under our highest

"By the grace of a merciful God, we, Fair the First, Supported of all the Russias, etc., to the Russian American Company under our highest protection.

"The benefits and advantages resulting to our Empire from the hunting and trading carried on by our loyal subjects in the northeastern seas and along the coasts of America have attracted our royal attention and consideration; therefore having taken under our immediate protection a company organized for the above-named purpose of carrying on hunting and trading, we allow it to assume the appellation of 'Russian American Company under our highest protection;' and for the purpose of aiding the company in its enterprise, we allow the commanders of our land and sea forces to employ said forces in the company's aid if occasion requires it, while for further relief and assistance of said company, and having examined their rules and regulations, we hereby declare it to be our highest imperial will to grant to this company for a period of twenty years the following rights and privileges:

"I. By the right of discovery in past times, by Russian navigators, of the northeastern (western) part of America, beginning from the fifty-fifth degree of north latitude and of the chain of falands extending from Kamschatka to the north to America and southward to Japan, and by right of possession of the same by Russia, we most graciously permit the company to have the use of all hunting grounds and establishments now existing on the northeastern (western) coast of America, from the above-mentioned fifty-fifth degree to Behring Strait, and on the same also on the Aleutian, Kurile, and other islands situated on the Northeastern Ocean.

"II. To make new discoveries not only north of the fifty-fifth degree of north

Strait, and on the same also on the Aleutian, Kurile, and other islands situated on the Northeastern Ocean.

"II. To make new discoveries not only north of the fifty-fifth degree of north latitude, but further to the south, and to occupy the new lands discovered, as Russian possessions, according to prescribed rules, if they have not been previously occupied by any other nation, or been dependent on another nation.

"III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the bosom of the earth, without any competition by others.

"IV. We most graciously permit this company to establish settlements in future times, wherever they are wanted, according to their best knowledge and belief, and fortify them to insure the safety of the inhabitants, and to send ships to those shores with goods and hunters, without any obstacles on the part of the government.

to those shores with goods and nunters, without any obstacles on the part of the government.

"V. To extend their navigation to all adjoining nations and hold business intercourse with all surrounding powers upon obtaining their free consent for the purpose, and under our highest protection, to enable them to prosecute their enterprises with greater force and advantage.

"VI. To employ for navigation, hunting, and all other business, free and unsuspected people having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities, passports for seven years. Serfs and house servants will only be employed by the company with the consent of their landholders, and government taxes will be paid for all serfs thus employed.

"VII. Though it is forbidden by our highest order to cut government timber anywhere without the permission of the college of admiralty, this company is hereby permitted on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required."

"The remaining paragraphs are not pertinent to the subject we are considered.

The remaining paragraphs are not pertinent to the subject we are considering. We quote only the last one:

"In conclusion of this our most gracious order for the benefit of the Russian American Company under (highest protection), we enjoin all our military and civil authorities in the above-mentioned localities not only not to prevent them from enjoying to the fullest extent the privileges granted by us, but in case of need to protect them with all their power from loss or injury, and to render them, upon application of the company's authorities, all necessary aid, assistance, and protection. To give effect to this our most gracious order, we subscribe it with our own hand and give orders to confirm it with our imperial seal. Given at St. Petersburg, in the year after the birth of Christ 1799, the 27th day of December, in the fourth year of our reign.

"PAUL."

This assertion of dominion was not disputed or questioned by any of the powers; the right of the Autocrat of Russia to control and dispose of these pos-

sessions was conceded, tacitly at least, by all the nations. His title rested upon (1) discovery; (2) first occupation; (3) peaceful and undisputed possession for more than half a century. By virtue of this imperial decree, the Russian American Company as early as 1799, without protest or objection from any quarter, were invested with absolute control of all the territory embraced in its charter, from Behring Straits to the fifty-fifth parallel on the American coast, and as far south as Japan on the continent of Asia, subject only to the ultimate sovereignty of the Czar.

Twenty-two years later, upon the complaint of the company that foreign traders were interfering with the rights conferred by its charter, the Emperor Alexander issued the celebrated ordinance extending his dominion to the fifty-first parallel on the North American coast, and prohibiting foreign vessels to approach within 100 miles of the shore. We quote the first three sections:

"Whereas it appears from reports submitted to us that the commerce of our subjects on the Aleutian Islands and along that part of the coast of Northwestern America belonging to the Russian dominion is exposed to injury and various molestations owing to the existence of secret, illicit trade; and whereas it appears that the principal cause of such molestations is to be found in the want of regulations establishing the limits of navigation along these shores and prescribing the order of procedure in maritime matters along said shores, as in general on the eastern coast of Siberia and the Kurlle Islands, we have resolved to regulate these matters by a special ordinance herewith appended.

"Transmitting said ordinance to the administrative senate, we order that it be published for general information and the proper steps be taken to carry it into execution:

"Ordinance concerning the restriction of navigation and regulating the coast."

Ordinance concerning the restriction of navigation and regulating the coast-ing traffic along the coasts of Eastern Siberia, Northwestern America, the Aleu-tian and Kurile Islands, etc.

tian and Kurile Islands, etc.

"'SECTION I. The transaction of commerce and the pursuit of whaling and fishing, or any other industry, on the islands, in the harbors and inlets, and, in general, all along the northwestern coast of America from Behring Strait to the fifty-first parallel of northern latitude, and likewise on the Aleutian Islands, and along the eastern coast of Siberia, and on the Kurile Islands, that is, from Behring Strait to the southern promontory of the island of Urup, namely, as far south as latitude 45° 50′ north, are exclusively reserved to subjects of the Russian Empire.

"'SEC. 2. Accordingly, no foreign vessel shall be allowed either to put to shore at any of the coasts and islands under Russian dominion as specified in the preceding section, or even to approach the same to within a distance of less than 100 Italian miles. Any vessel contravening this provision shall be subject to confiscation, with her whole cargo.

"'SEC. 3. Exempt from this prohibition are: Vessels cast away in a storm, or compelled to put to shore on account of complete want of food provisions, provided they are unable to land anywhere else except at a coast belonging to Russia. In such cases the vessels are required to furnish proof of the real existence of causes necessitating the exemption. Ships sent out by friendly powers for merely scientific purposes are also exempted from the preceding regulation (section 2). Such ships must, however, be provided beforehand with passports issued by the Russian ministry of marine.'"

With reference to those portions of this ordinance which extended Russian dominion four degrees farther south and prohibited foreign vessels from approaching to within a distance of less than 100 miles from the shore, the Governments of Great Britain and the United States entered protests.

Mr. Adams, then Secretary of State, conceded the boundary named in the charter of the Russian American Company, namely, the fifty-fifth parallel on the coast of the North Pacific Ocean, but resisted what he designates as "a new pretension," the claim of Russia to the coast between latitude 51 and 55. He also repelled the exclusion of American ships from the coast of the North Pacific Ocean, stating that "with the Russian settlements at Kadlak or at New Archangel (Sitka), they, the United States, may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been, and would continue to be, as advantageous at least to those settlements as to them."

The committee cite these extracts to show that the contention had reference to a section of the coast of the North Pacific Ocean and entirely remote from Behring Sea.

The committee cite these extracts to snow that the contention has recleared to a section of the coast of the North Pacific Ocean and entirely remote from Behring Sea.

In reply to the suggestions of Mr. Politica that "the extent of sea, of which these possessions form the limits, comprehends all the conditions which are ordinarily attached to shut seas (mers fermes)." Mr. Adams replied: "Itmay suffice to say that the distance from shore to shore on this sea, in latitude 519 north, is not less than 90° of longitude, or 4,000 miles." (Having direct reference to the Pacific Ocean.)

The committee have carefully examined the protests and the correspondence in reference to the matters in controversy, as well as the treaties of 1824 and 1825, which settled them, and find that they all had reference to that section of the coast and waters of the North Pacific Ocean between the fifty-first parallel of north latitude and Mount St. Elias, and east of the one hundred and forty-first meridian.

In all the correspondence, projects, and treaties there is no allusion to Behring Sea or to any region of country within 1,000 miles of its eastern border; so that the dominion asserted and exercised by Russia over that sea, from its discovery in 1725 to its partition by the treaty of cession in 1867, had never been denied or questioned. (See treaty between Russia and the United States, April 5,1824, and the treaty of the Walle of the Marine Terrettory Acquired by The Treaty

EIGHTH. THE VALUE OF THE MARINE TERRITORY ACQUIRED BY THE TREATY

By referring to the debate on the purchase of Alaska, and the contemporaneous discussion of the subject by the periodicals and newspapers of this country, it will be noticed that the acquisition of the products of Behring Se, its furbearing animals and fisheries, was regarded as an important, if not its chief, consideration for the purchase.

Mr. Sumner, speaking for the treaty, said in the Senate, after enumerating the land furs of Alaska:

"The seal amphibiage volves and the seal amphibiage volves are set of the seal amphibiage.

Mr. Sumner, speaking for the treaty, said in the Senate, after enumerating the land furs of Alaska:

"The seal, amphibious, polygamous, and intelligent as the beaver, has always supplied the largest multitude of furs to the Russian company."

Speaking of the walrus, he says these animals are found in these waters in great multitudes, and are of great value for their ivory. He then adds:
"I mention the sea-otter last, but in beauty and value it is the first. In these respects it far surpasses the river and land otter, etc. \* \* I come now to the fisheries, the last head of this inquiry and not inferior to any other in importance—perhaps the most important of all. What even are sea-otter skins by the side of that product of the sea, incalculable in amount, which contributes to the sustenance of the human family? \* \* Salmon exist in unequaled numbers, so that this fish, so aristocratic elsewhere, becomes common enough. \* \* Herring seem to be not less multitudinous than the salmon; their name, derived from the German heer, signifying an army, is amply verified. The cod is perhaps the most generally diffused and abundant of all, for it swims in all the waters of this coast from the Frozen Ocean to the southern limit, and in some places it is in immense numbers. Behind all these is the whale, whose corporal dimensions strictly represent the space which he occupies in the fisheries of the world, hardly diminished by petroleum or gas." \* \* \*

Speaking of fishing banks or soundings, he adds:

"The sea and straits of Behring as far as the Frozen Ocean have been surveyed by a naval expedition of the United States under Commander John Rodgers.

"From one of his charts now before me, it appears that, beginning at the Frozen Ocean and descending through Behring Straits and Behring Sea, embracing Kotzpue Sound, Norton Bay, and Bristol Bay to the peninsula of Alaska, a distance of more than 12 degrees, there are constant uninterrupted soundings from 20 to 50 fathoms, thus presenting an immense extent proper in this respect for fisher.

a distance of more than 12 degrees, there are constant uninterrupted soundlings from 20 to 50 fathoms, thus presenting an immense extent proper in this respect for fishery.

"Our own fisheries, now so considerable, were small in the beginning; they were small even when they inspired the eloquence of Burke in that most splendid page never equaled even by himself. But the Continental Congress, in its original instructions to its commissioners for the negotiation of peace with Great Britain, required, as a fundamental condition next to independence, that these fisheries should be preserved unimpaired. While this proposition was under discussion Elbridge Gerry, who had grown up among the fishermen of Massachusetts, repelled the attacks upon their pursuit in words which are not out of place here. It is not so much fishing; he said, 'as enterprise, industry, employment. It is not so much fishir; it is gold, the produce of that avocation. It is the employment of those who would otherwise be idle, the food of those who would otherwise be hungry, the wealth of those who would otherwise be poor.' After debate it was resolved by Congress that 'the common right of taking fish should in no case be given up.'

"For this principle the eldest Adams contended with ability and constancy until it was fixed in the treaty where it stands side by side with the acknowledgment of independence."

The acquisition of this wealth of marine products was presented to the Senate by the chairman of the Committee on Foreign Relations as the most important achievement of the treaty, and no one questioned the right of Russia to sell and transfer it to this country, and no suggestion was made in the Senate or elsewhere that this valuable marine territory was not included in the proposed purchase.

purchase.

On the 17th of February, 1868, the President transmitted to the House of Representatives a message in relation to Russian America, accompanied by documents from the Department of State and the Secretary of the Treasury, all of which are printed in Executive Document No. 177, Fortieth Congress, second session. From these documents we make the following extracts. Under date of May 10, 1867, the American minister, Mr. Clay, writes from St. Petersburg to Secretary Seward as follows:

"Sir: Your dispatch No. 241, April 1, 1867, inclosing the treaty between Russia and America ceding us all Russian America, was duly received. I awaited the expression of European and Russian sentiments in reference thereto before answering you.

"I congratulate you upon this brilliant achievement, which adds so vast a territory to our Union; whose ports, whose mines, whose waters, whose furs, whose fisheries are of untold value, and whose fields will produce many grains, even wheat, and become hereafter, in time, the seat of a hearty white population."

On the 4th of July, 1867, Quartermaster-General Meigs wrote to Mr. Seward

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On the 4th of July, 1867, Quartermaster-teneral Meigs wrote to Mr. Seward as follows:

"My Dear Sir: I am surprised to find it stated that objections are made to the acquisition of Russian America. I can conceive of no greater boon to the Pacific States, and I can not suppose that Atlantic Senators will deny to the people of those States the fisheries depending upon Russian America now within their group. We need such a nursery of seamen, such a commerce, as the fisheries will produce. They will feed the coasts and islands of the Pacific, and the vigorous climate will breed a race of hardy adventurers to repeat on the Pacific, softened by Christian civilization, the deeds of the old Norse sea-kings on the

softened by Christian civilization, the deeds of the old Norse sea-kings on the Atlantic.

"As a lover of my country, anxious for the growth, and prosperity, and strength, and virtue of the nation, I should value Russian America, its fisheries and mines, beyond the hot plains of Mexico or the fertile plantations of Cuba.

"I trust that no effort needed to secure this great acquisition will be omitted. The execution of the treaty will crown our generation with the praises and thanks of future ages."

In "A memorandum description of the Russian imperial system of Russian America," transmitted to Secretary Seward by the American minister at St. Petersburg, November 21, 1867, it is stated as follows:

"The Alcutian Islands may attract transient traders, but no permanent settlers; to inhabit them one must be an Alcut; and if it were not for the sea surrounding the islands, this country, owing to its unfavorable climatic conditions and the sterility of its ground, would have never been inhabited at all."

In the summary of the products of Alaska furnished the State Department by Professor Baird, of the Smithsonian Institution, he says:

"Animals: Furred animals, such as sea otter, river otter, sable-furred seal, mink, foxes, black, silver, red, etc., abound in great numbers. Red deer are on the south and reindeer on the north side.

"Fish: Herring, salmon, hallbut, and codfish abound in exhaustless numbers. In Behring Sea great whales are very numerous."

On the 2d day of September, 1867, Mr. W. W. Miller wrote as follows:

"I have watched anxiously for the proceedings of the House to appropriate the purchase money to carry into execution that treaty. The sum our Government is to pay is a mere pittance for that vast region and its many substantial benefits which must accure from its acquisition.

"The privilege of fishing on those banks, with Sika as a free port of perpetuity, is of itself worth the price we are paying for the whole territory with all its incidents."

Mr. Charles Brewer, who was during the years 1826

all its incidents."

Mr. Charles Brewer, who was during the years 1826, 1827, 1828 first officer of the American brig Chinchella, trading between the Sandwich Islands, Sitka, and China, writes under the date of December 16, 1867, as follows:

"The coast of Alaska abounds with fish of various kinds, such as salmon, halibut, and codfish, and I think the fisheries of that Territory are of more value to our possessions of California and Oregon than those of Newfoundland to New England.

"The the years 1826 to 1828 we sold our cargoes direct to the Possion Country."

England. \* \* \* \* " In the years 1826 to 1828 we sold our cargoes direct to the Russian Government and received our pay entirely in fur-seal skins, which skins were all taken upon the northern part of that coast and the adjacent islands, as also large quantities of ivory (walrus teeth), and walrus skins, and brought into the port of Sitka in the vessels of the Russian American Company."

The committee cite these documents because they were transmitted to the House of Representatives, with many others of a like character, by the President under a resolution of the House, December 19, 1867, "calling for correspondence and information in relation to Russian America," to enable the House to take proper action on the pending bill appropriating the purchase money; but chiefly because it seems to the committee to have been taken for granted that by the purchase of Alaska the United States would acquire exclusive ownership of and jurisdiction over Behring Sea, including its products, the fur-seal, sea-otter, walrus, whale, codfish, salmon, and other fisheries; for it is on account of these valuable products that the appropriation of the purchase money was urged.

The extracts above quoted, in reference to these products, are emphasized by the fact that the fur-seal fisheries alone have already yielded to the Government a revenue greater than the entire cost of the Territory.

It seems clear to the committee that, if the waters of Behring Sea were the "high seas," these products were as free to our fishermen and seal-hunters as

the Russians, and there was, therefore, no reason on that account for the purchase. But it was well understood that Russia controlled those waters; that her ships of war patrolled them and seized and confiscated foreign vessels which had violated the regulations she had prescribed concerning them; and the argument in favor of the purchase was that by the transfer of the mainland, islands, and waters of Alaska we would acquire these valuable products and the right to protect them. This protection can only be effective by the employment of means similar to those adopted by Russia. Armed vessels should patrol Alaskan waters and enforce the laws of the United States.

It must be remembered that only a small number, comparatively speaking, of the fur-seals remain on the islands the entire season, and that millions of them traverse Behring Sea for miles in quest of food, and cover large areas of water. Now, if the protection only embraced the islands and the 3-mile belt of water surrounding them, a vast number of seals would be left to the mercy of the seal-hunters, and the destruction of the rookeries would be swift and certain.

them traverse Behring Sea for miles in quest of food, and cover large areas of water. Surrounding them, a vast number of seals would be left to the mercy of the seal-hunters, and the destruction of the rookeries would be swift and certain.

In settling the policy of the Government in connection with the future disposition of the Priblytov Islands, the present and prospective condition of the inhabitants of the Aleutian chain of islands, from Ounalaska to Attou, inclusive, should not be neglected. There are to-day about one thousand persons inhabiting these islands who mainly derive their means of subsistence from the sale of sea-otter skins taken by them; they also take some fish about the shores, possibly in quantities sufficient to sustain life, but this catch is not available for sale or barter so as to in any way increase their income or enable them through it to better their material condition. The pursuit of the sea-otter is now so eager and persistent that the animal can not hold its own against the hunters, and in a few years doubtless will be exterminated from its haunts in the localities above referred to.

Had the Government in the past prohibited the hunting of the sea-otter by any but Aleuts, and not permitted white men married to Aleutian women to rank as native hunters, and also confined the Aleut in his hunting to the use of spear and arrow (not allowing direarms), it is possible that the animals might placed, but even the rules made have been disregarded, and the estimation is given to their case. As it is to-day, the people of Attou, the westermost island, would hardly have been able to maintain existence for the past three years had not the present lessees of the seal islands annually sent a vessel with supplies and necessaries from Ounalaska to their island, a distance of about 700 miles, to aid this improvershed community, getting a return in skins (the only trade of the people) insufficient at their retail value to compensate or the coal consumed in making the trip.

Before suggesting meth

make his lot very desirable in the eyes of his fellow-men of the Aleutian chain.

The "inhabitant" is equally sensible of his advantages and is naturally unwilling to have the population of his islands increased and his undivided share thus diminished. So long as there were laborers sufficient to do the sealing, and so long as the Aleuts of the chain had the sea-otter to look to as a source of support, the state of affairs was well enough, but now that the time has come when the population of the seal islands is insufficient to properly do the work of killing, skinning, and salting, and the assured speedy extinction of the sea otter will leave the Aleuts from Ounalaska to Altou in a state of destitution, the question of what to do in the premises becomes urgent and demands attention.

the question of what to do in the premises becomes urgent and demands attention.

The Pribylov Islands when discovered by the Russians in 1790 were uninhabited, and people from the Aleutian Islands were transferred to them to carry on the required work. Under Russian rule life there was deemed a hardship, from which the people desired escape. Under American rule the conditions are all changed, and the desire of the Aleuts now is to have a settlement on these islands. The people being all of one race or tribe, and their distribution being an enforced one originally, it is but just that the resources of the islands occupied should contribute towards the support of all the people. The people are docile and childlike, devout in their religious services, and with kind and judicious treatment can be guided, preserved, and elevated, provided a comfortable material condition can be assured for them. To accomplish this the action of the Government and that of the lessees must be in unison and the requirements of the situation be freely comprehended.

As now represented there seem to be indications that more laborers are imperatively needed on the seal islands, and that to meet this demand the lessees should be permitted under regulations to transfer a part or all of the destibilish them there under the conditions that now govern the natives resident on those islands; that, as sources of support now available to the inhabitants of Ounalaska and the other islands to the westward diminish, means should be taken to insure a proper supply of food and shelter to the people, and sufficient occupation to preserve and develop a sense of self-respect, and prevent a feeling that they were to be sustained without efforts on their own part.

These ends can, it is believed, be accomplished by utilizing the seal meat now

necessarily wasted on the Pribylov Islands either by the process of canning, or by means of cold storage, and from this supply furnishing the chief food of the natives. In this labor of preparing and distributing, the services of a considerable number of natives could be made available. The details of such plan would need much consideration, but could without difficulty be worked out. The main objection of the canning process would be that which manifested itself when the effort was made to derive income from the oil obtainable from the seal blubber, namely, the smoke and smell proved offensive and disturbing to the breeding seals on the rookeries, and the Government decided that it was unwise to further pursue the effort. But possibly improved methods could now be applied, or the meat preserved in some other manner. The women could be instructed and encouraged to further develop the little industries they now practice, such as weaving grass baskets, making nets, etc., and thus contribute in a minor way to the general well-being.

It is possible also that about Atka a fishery could be established for taking and salking some of the fish products about that island. It is not supposed that these endeavors would be pursued with the expectation of realizing a pecuniary profit from them, but in the hope of sustaining and improving the natives, and it is believed that if the Government, the lessees, and the people work in accord the desired end could be attained. In this matter all interests are identical. The Government has its obligations to the people, and desires also to continue its present revenue from the seal islands. The lessees need the help of the natives to properly prosecute their work according to their contract.

The people need watchful care and guidance to strengthen them to resist the temptations that assail a people just emerging from an inferior state. Their only grievance now put forth is that the Government. Not only in the seal islands, but also and with more importance in the limits of Behring

#### CONCLUSION.

CONCLUSION.

The committee have examined numerous witnesses who are familiar with this industry and the nature and habits of the fur-seal, with reference to the best method or system to be adopted by the Government to secure the greatest amount of revenue, preserve the seal rookeries, and provide for the welfare of the native inhabitants of the islands. All these witnesses concur in testifying to the wisdom of the existing law on the subject, and favor the retention of the present system. All other existing rookeries are managed substantially in the same way by the different governments to which they belong, all following the lead of Russia, who managed and protected our rookeries by a similar method from their discovery until their transfer to the United States.

It did not require the testimony of witnesses to convince the committee that the Government itself could not successfully manage this business, or that it would be wisdom on its part to repeal the laws which protect seal life in Alaska, and open these waters to all comers, and invite the speedy destruction of this valuable industry.

It is conclusively established by the testimony that this business must be controlled by one direction—by proper and responsible parties as required by the statute, with direct and single responsibility to the Government.

Your committee therefore recommend that the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and amended as recommended by the committee, be continued in force; believing that not only the system it adopts, but the method of carrying it into effect, is well adapted for the purpose intended.

In conclusion, your committee find the following facts:

First, That if the law protecting seal life is enforced, the preservation of the seal rookeries will be assured, the revenue continued and increased, and the native inhabitants of the seal islands maintained without cost to the Government.

ment.

Second. That the Alaska Commercial Company has fully performed its contract with the Government and has contributed liberally to the support, maintenance, comfort, and civilization of the inhabitants of not only the seal islands, but also to those of the Aleutian Islands, Kodiak, and the mainland.

Third. That the fur-seal industry will have paid into the Treasury over nine millions of dollars during the period of the present lease.

Fourth. That the chief object of the purchase of Alaska was the acquisition of the valuable products of Behring Sea.

Fifth. That at the date of the cession of Alaska to the United States Russia's title to Behring Sea was perfect and undisputed.

Sixth. That by virtue of the treaty of cession the United States acquired complete title to all that portion of Behring Sea situate within the limits prescribed by the treaty.

plete title to all that portion of bearing Gos and the portion of bearing by the treaty.

The committee herewith report a bill making necessary amendments of the existing law relating to these subjects and recommend its passage.

Section 1 of the bill amends section 1963 of the Revised Statutes in two materials.

existing law relating to these subjects and recommend its passage.

Section 1 of the bill amends section 1963 of the Revised Statutes in two material respects.

As the statute now reads the Secretary of the Treasury does not think he is authorized to advertise for bids and make another lease of the seal islands until after the present lease expires. The amendment requires him to do so within one year prior to the expiration of the existing lease, so that there will be no cessation of responsibility. Section 1959 of the Revised Statutes imposes "a revenue tax or duty of \$2 per skin upon each fur-seal-skin taken and shipped away from the islands of \$1. Paul and \$2. George."

The amendment repeals that section, and requires "the sum of not less than \$3.50 per skin for each fur-seal-skin taken and shipped away from these islands," to be paid by the lease in addition to the \$50,000 per annum as a consideration for the lease.

The amendment also declares the true meaning and intent of section 1956 of the Revised Statutes, which prohibits the killing of fur-seals, etc., in the waters of Alaska, and requires the President to issue an annual proclamation and cause one or more Government vessels to cruise said waters, in order to prohibit the unlawful killing of fur-seals therein.

The amendment increases the revenue of the Government from this source by at least \$150,000 per annum.

Sections 4 and 5 provide for the temporary protection and preservation of our valuable salmon fisheries in Alaska, and require the Commissioner of Fish and Fisheries to diligently prosecute his exploration and investigation of the salmon and other food-fishes of Alaska, and report to Congress in order to secure such additional legislation as may appear necessary to place the salmon fisheries of Alaska under permanent and regular conditions of production and preservation.

## APPENDIX A.

Subsequent to the closing of the testimony in this investigation, the governor

of Alaska submitted to Congress a special report in reference to the operations of the Alaska Commercial Company under its contract with the United States. In that report the governor asserts that he visited the Pribylov Islands and personally investigated the operations of the company and the condition of the native inhabitants.

As a result of his observation and examination he is convinced that the company and the company a

personally investigated the operations of the company and the condition of the native inhabitants.

As a result of his observation and examination he is convinced that the company has not only strictly complied with its contract, but has largely contributed to the welfare, comfort, and education of the natives of the islands, in addition to the requirements of the lease; and, while adhering to his former criticism of the operations of the company in other parts of Alaska, he strongly approves and commends the conduct of the company and its agents in the performance of the stipulations of the lease and the treatment of the natives. He also states that in his intercourse with the native inhabitants he "heard no complaints concerning their treatment either by the agent or any one else connected with the company."

Inasmuch as the law makes it the duty of the governor of Alaska "from time to time to inquire into the operations of the Alaska Seal and Fur Company, and annually report to Congress the result of such inquiries and any and all violations by said company of the agreement existing between the United States and said company," the committee deem it proper to include in its report all that portion of Governor Swineford's report which has reference to that subject.

REFORT OF GOVERNOR SWINEFORD AS TO THE SEAL ISLANDS.

and multi-replication to conserve the research for such that could be an additionally said company of the agreement existing between the United States and said company, "the committee deem it proper to include in its report all that portion of Governor Swineford's report which has reference to that subject.

REFORT OF GOVERNOR SWINEFORD AS TO THE SEAL ISLATIS.

Section 5 of the act providing a civil government for Alaska provides that the seal and Tur Company, and shall annually, report to Congress the result of such inquiries, and any and all violations by said company of the agreement existing between the United States and said company." In view of this provision, I have considered it my duty be inquire into the operations of that company, as inquiries merely to the question of whether or not it had violated its agreement with the Government. The result of my inquiries into the operations of the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how in the company, aside from its sealing business, together with my views as to how the company, aside from its sealing business, together with my views as to how the company, aside from its sealing business, together with my views as to how the company its sealing the company in the foregoing pages. In doing so I have been governed by in other my views as to how the company its sealing the company in the foregoing pages. In doing so I have been governed by a disposession in the provider of the company in the company in the company in the company in the company in

to any other corporation or individual, I think a much more liberal provision for a free supply of fuel to the natives should be made.

From the stores at St. Paul and St. George—I assume that the conditions at St. George are the same as at St. Paul, the same general agent being in control—the natives are furnished goods and provisions, if, indeed, not as the company claims, at only 25 per cent. advance on San Francisco wholesale prices, most assuredly at very much lower figures than have yet obtained anywhere else in Alaska.

From the afores at St. Paul and St. George—I assume that the conditions at St. George are the same as at St. Paul, the same general agent being in control-the natives are furnished goods and provisions, if, indeed, not as the company states are furnished goods and provisions, if, indeed, not as the company shall are yet to their part of the provisions of the provisions of the company and the provisions of the provisions of

A. P. SWINEFORD, Governor of Alaska.

While the scope of the resolution directing this inquiry by the committee did not embrace the investigation of affairs in Alaska, except as to the Government reservation of St. Paul and St. George Islands, the committee admitted evidence showing the condition of the natives of the seal islands, as compared with that of the native inhabitants of other parts of Alaska, and particularly as to those parts of the Territory in which said company had trading stations and came in

contact with these inhabitants, as well as to their present condition compared with their condition under the Russian Government. On these points numerous witnesses were examined, all of whom testified that the condition of the native inhabitants, not only of the seal islands, but in all other parts of the Territory to which the operations of the company extend, had materially improved since the transfer of the Territory to the United States; and that these people who inhabit localities at or near which the company have trading stations are better cared for, more civilized and prosperous than those inhabiting other sections of the Territory beyond the limits of the company's operations.

The following extracts from the testimony on this subject are herewith submitted:

WASHINGTON, D. C., September 24, 1888.

George R. Tingle sworn and examined.

By the CHAIRMAN:
Q. Please state your official position.
A. I am the United States Treasury agent in charge of the fur-seal islands of Alaska at the present time.

Q. Have you had occasion to observe and judge of the general effect that this lease has on the natives, and whether this lease enables the Alaska Commercial Company to exercise over the business interests and general prosperity of the natives any influence?

A. Yes, sir; it enables them to exercise a very large influence throughout

Alaska.
Q. Is it injurious?
A. The basis of their business is the fur-seal industry. Without this contract it would not be there. This contract enables the company to maintain stations in other portions of the Territory where there are natives congregated, and where they collect more or less land furs. This business they could not maintain without the fur-seal contract, because a number of these stations are non-

tain without the fur-scal contract, because a number of these stations are non-paying.

Q. You mean unprofitable, maintained at an actual cash loss annually. Most of their stations pay something. The most valuable fur that they have heretofore gotten has been the sea otter, but of late years the sea otter has been hunted so vigorously by white hunters and others that the supply of that fur is very largely reduced.

O. By competition?

reduced.

Q. By competition?

A. Yes; by competition. Their business in Alaska is principally on the furseal islands, and their business elsewhere has no connection with that and does not keep people out of the Territory at all. Since I have been there their vessels have been at the service of any person wishing to travel up to Alaska. It carried missionaries, traders and their families, miners, and others who happen to be at the stations. Such always got passage. I have never known an instance where they fefused passage to any one who undertook the establishment of a store or trading-post at any point in Alaska. The company has its stations at all points where it is at all probable they will have a profit, and it does all the business it can, but it is in competition with many others.

Q. Is their influence in any respect, in your opinion, deleterious to the public interest?

lic interest?

A. Not to the natives. If it were not for this company I believe the natives in many portions of Alaska would be in a starving condition. If this company did not go there and carry provisions to them and take what few furs they have the natives would have to go some place else, for they would be in a half-starved condition, and no better than they were under Russian rule, which was certainly deplorable. The presence of the Alaska Commercial Company in Alaska has been of more benefit to them than all the Rev. Sheldon Jackson's crowd of missionaries has ever been.

# [Testimony of W. B. Taylor, ex-Treasury agent.]

Q. The fur trade there was open to free competition throughout the Terri-

Q. The fur trade there was open to free competition throughout the Territory?

A. So far as I know. I know of no reason why, if they conform to the general law which is applicable to fur trading, that is, the employment of natives, that any other company has not the same right that the Alaska Commercial Company has to carry on business, but so far as I have been able to ascertain in regard to that, the business has not been a profitable one for more than one company, and in fact I think the Alaska Commercial Company could not carry on the business were it not that they have had the fur-seal island business, which made it necessary for them to own two vessels, and they could use them in the same trade to carry on business. And that is one reason why they have been able to carry on the other business and to extend the trade in the interior and through the Territory, and I look upon that trading business as a Godsend to those people. Without it the Government would be obliged to make provision to care for them—I mean for the natives throughout the Territory; of course the same thing is adapted to the seal islands, but it is the general trade I am speaking of now, because if you refer to revenue reports which have been made from time to time, you will find there a large number of small settlements that have been found in a starving condition almost every year that they have been visited, and large numbers of these people have died of starvation, and they have given them supplies over and over again.

Q. Do you mean the company?

A. No; the Government has. These supplies have been dealt out by the revenue-cutters to keep these people from starving in localities where there is no trading, and in localities where they have trading and collecting furs, ivory, and whalebone, and such things as that, and trade them to traders—the Alaska Commercial Company, I suppose, do the bulk of the business in that way—they can get provisions, money, food, clothing, and all that which is necessary, and can exist. Just how many people

WASHINGTON, D. C., September 17, 1888,

Dr. H. H. McIntyre called and examined.

By Mr. JEFFRIES:

Q. Please state your name and occupation. A. H. H. McIntyre. I am superintendent of the seal fisheries of Alaska for the Q. How long have you been in the employ of the Alaska Commercial Com-

pany? A. Since June, 1870.

Q. Does the company build any houses?

A. We have built a large number of houses at Ounalaska and several in other parts of the Territory. The sea-otter business was formerly profitable, but during the last three years in the entire Aleutian Archipelago it is non-paying.

Q. It is open to competition?
A Yes, sir; and in the portion west of Athka we get almost nothing. I think in the country west of and including Athka we have during the last year spent not less than \$4,000 or \$5,000 to obtain \$500 worth of furs.
Q. For what purpose?
A. To keep up stations and to keep the people from starving. At Attou Island there are about one hundred people now. From there we get absolutely nothing except a dozen or two of fox-skins. Now it is proposed to take the people from that island and carry them to Conalaska, and thence to the seal islands, if they can be induced to go and if the Government gives us permission.
Q. Are you supporting them without remuneration?
A. Yes, sir.
Q. Are the sea-otters diminishing in numbers?
A. Yes, sir; because white hunters, who have better facilities for killing them than the natives, follow them long distances from the coast and kill old and young indiscriminately. The native hunter can not compete with white hunters without assistance, and under most favorable circumstances are beaten by them.
Q. Would it seem that that may soon result in their extermination?
A. I think it will.
Q. Who are engaged in the extermination of these sea-otters?
A. White hunters entirely, independent of the company and in competition with each other.
Q. Do traders from San Francisco and other places go there?
A. Yes, sir; six or seven vessels are on the sea-otter grounds from some of these places this season, while the company has but one, and this one is manned wholly by native hunters, with their skin boats and otter spears.
Q. They get the trade while you feed the natives?
A. Yes, sir.
Q. What would be the condition of these people if the Alaska Commercial Company should fail to provide for them?
A. They would be left in a very deplorable condition. I do not think they could get the means of subsistence. I think they would starve.

George Wardman sworn and examined. \* \* \*

George Wardman sworn and examined. \* \* \*

Cross-examination by Mr. Jeffers:
Q. You are editor of the Pittsburgh Press, are you not?
A. Yes, sir.
Q. How long did you say you had been on St. George Island?
A. I was stationed there four years; that was my station.
Q. Subsequent to that you had been over the entire Territory of Alaska?
A. Previous to that, in 1879.
Q. You have written a book on Alaska?
A. Yes, sir.
Q. I want to ask you now how the natives of St. George Island compare with the other natives of Alaska-I mean the different parts of Alaska?
A. Well, the natives of St. Paul and St. George rank about alike, and they are considered the native aristocracy of the Territory. There is one of the St. George girls, Natalia Merculiff, who had several offers of marriage from Ounalaska men; but she would not marry them. She said she would rather live single all her life than marry them. She could not marry anybody on St. George or St. Paul because she was connected by ties of consanguinity, some remote to the forty-seventh idegree, with about everybody on the two islands. The Russian church does not permit the marriage of such relations. She had the reputation of being a very nice and decent girl—the best of the lot, the general report went. The real facts in the case I do not know.
Q. You have been on the Aleutian Islands?
A. Yes, sir.
Q. I want to ask you now, from your own observation, what do you say as to the condition of the natives of Alaska before and since the transfer of the Territory to the United States, whether it has been improved or not?
A. You mean natives generally?
Q. Yes, sir.
A. When I made that cruise in the Rush, in 1879, down about Fort Wrangel and Sitka they had some mission schools, and the general reputation of the native women there was exceedingly bad; that is, they would send girls to the mission schools until they learned to wash and clean themselves and then sell them to the Miners. That was common report, but I never knew anything like that on the Aleutian Islands.
Q. What do you sa

A. They built houses. They does houses.

Q. That you know has nothing to do with the lease?

A. Nothing whatever. The Alaska Commercial Company has no monopoly at Ounalaska. Anybody that wants to can go there and do business.

Q. That is so anywhere in the Territory except on the seal islands?

A. Yes, sir. As I stated when I was here last summer, there was competition for the fur trade at various points—Kadiak, Unga, Ounalaska, St. Michael's, and other trading points.

Capt. L. G. Shepard sworn and examined.

The Charran. The subject under investigation by this committee is the contract and lease made by the United States Government with the Alaska Commercial Company for the purpose of taking fur-seals in Alaska, and the extent to which this has been enforced or complied with, etc., by that company at any

cial Company for the purpose of taking fur-seals in Alaska, and the extent to which this has been enforced or complied with, etc., by that company at any time.

Q. State what position you occupy.

A. I am captain of the United States revenue-cutter Richard Rush, and made two cruises to Alaska in the summers of 1887 and 1888, \* \* \*

Q. Did you observe the condition of the natives in other parts of Alaska to any great extent?

A. Yes, sir; along the Aleutian Islands.

Q. How did the natives of St. Paul and St. George compare with those of other parts of Alaska?

A. They are better clothed and better cared for on those islands, have much better houses to live in than those living in other settlements, excepting at Ounalaska. In a number of other places the houses are partly under-ground. In Ounalaska the company has made about the same provisions a have been made on the islands; has built at least forty houses, which they allow the natives to occupy free of rent.

Q. The condition of the natives on St. Paul and St. George is better than the natives elsewhere in that Territory?

A. Yes, sir. I understand the natives of those islands consider themselves the aristocracy of Western Alaska; it is looked upon as a privilege to be allowed to live there.

Jacob H. Moulton recalled and examined.

Jacob H. Moulton recalled and examined.

By the Chairman: Q. Will you please state if at any time you have occupied an official position

under the Government in connection with the administration of the lease of the seal islands of Alaska, and at what time?

A. I was special agent of the Treasury Department at the seal islands from 1877 until 1885, eight years.
Q. State what your duties were there.
A. My duties were to see that the law in regard to the killing of seals was complied with and to take general charge of the native population of the island.

Cross-examined by Mr. Jeffres:

Q. What do you say, Mr. Moulton, as to the condition of the natives who have come in contact with the Alaska Commercial Company as compared with the other people of Alaska who have not come in contact with that company or with its agents?

A. I know the people very well in Ounalaska, as we always visited there going and coming. That is the only point of Alaska I ever visited except one spring I went to Kadiak. The condition of the natives of St. Paul is much superior to the natives of Ounalaska, while the condition of the natives of Ounalaska is much superior to the natives of Kadiak. That is as far as I observed. I know of nothing outside of those three points—the seal islands, Ounalaska, and Kadiak.

Q. Do you know whether the company has done. and Kadiak.
Q. Do you know whether the company has done anything in regard to ameliorating the condition of the people of Ounalaska?
A. Yes, sir.
Q. What have they done?
A. They have built houses there.
Q. Have they furnished a doctor?
A. Yes; a doctor and a school-house.
Q. Is that included in the contract with the seal islands?
A. No, sir.

Joseph B. Johnston sworn and examined.

By the CHAIRMAN:
Q. State to the reporter your name and place of residence, and the official position that you occupy, if any.
A. My name is Joseph B. Johnston, United States commissioner, stationed at Ounalaska. I reside there, and I have resided there for the last two years.
Q. Have you occupied that official position during those two years?
A. Yes, sir.

Q. From your observation during your official residence there, is it your opinion that the lease of the seal islands and their administration by the Government under the present policy exercises a deleterious influence to public interests in Alaska generally?

A. I think not; I know to the contrary.

Q. Do you know anything in their operations there which leads you to conclude that their influence is unfavorable to immigration and the settlement of the country?

clude that their influence is unfavorable to immigration and the settlement of the country?

A. Iknow nothing of that kind.

Q. Do you know of any act of the company or its agents which would tend to prevent and discourage other people from engaging in trade and commerce in that Territory?

A. I do not, and I never heard of any.

Q. I will be glad if you will state to the committee in a general way the result of your observation as relating to the administration of that interest there and the interests of the company in the Territory.

A. In the Territory in general or simply in regard to those islands?

Q. Their general influence and conduct.

A. I think the influence is good. I have traveled considerably over the Aleutian Islands; in fact, everywhere except at Attou and Athka. I have always found the company exerted a very good influence amongst the natives.

Q. Do they treat them humanely and kindly?

A. Yes, sir.

Cross-examination by Mr. JEFFEIES:

Q. How long have you been a United States commissioner of Alaska?

A. Since the 13th of September, 1886.
Q. Are you the son of ex-Senator Johnston, of Virginia?

A. Yes, sir.
Q. Where do you make your headquarters?

A. At Oonalaska.
Q. How many other commissioners are there for Alaska?

A. Three.
Q. Where are they?

A. One is at Sitka, one at Juneau, and the third at Fort Wrangel.
Q. Have you traveled pretty extensively over Alaska?

A. Then you have some idea of the comparative condition of the natives on the seal islands with the other parts of Alaska which you have visited?

A. Yes, sir.
Q. What do you say as to their condition?

A. It is much superior to any other part of Alaska that I have been in.
Q. What do you say as to the conditions of the natives of Ounalaska since the Alaska Commercial Company commenced business there compared to what it was formerly?

A. I this high it has improved wonderfully.

All states compared company continenced business these compared to what was formerly?

A. I think it has improved wonderfully.
Q. What have they done for them?
A. They have given them houses to live in free of rent, and have furnished them a doctor and medical attendance free of charge.
Q. You are familiar with the law governing the lease of the seal islands generally?

Q. You are familiar with the law governing the lease of the seal islands generally?
 A. Yes, sir.
 Q. Are they required to do anything for the people of Oonalaska under their

eontract? A. No, sir.

Have the company built any houses on any of the other Aleutian Islands?

Q. Have the company built any houses on any of the other Aleutian Islands?
A. Yes, sir.
Q. Where?
A. At Belkovski, at Unga, at Wozensinski, Mozuvia, and at other places.
Q. At these points the company have trading stations?
A. Yes, sir.
Q. Isit wherever the company have trading stations that they make accommodations for the natives in regard to houses and furnish them medicines and dress? Is that the rule of the company?
A. That is the rule.
Q. Now, what do you say as to whether or not the condition of the natives of Alaska—I am speaking now outside of the seal islands—is improved wherever they have come in contact with the Alaska Commercial Company?
A. I believe their condition has been very much improved.
Q. Do you know Mr. Webster? But I believe you have testified to that,
By Mr. FELTON:

By Mr. FELTON:
Q. Do I understand they are better clothed and better housed than they were before?

A. Yes, sir.
Q. And a restraint is kept upon the selling of intoxicating liquors?
A. There is no sale of intoxicating liquors.
Q. Because these things are for the advantage of the company as well as for the natives of the islands?
A. Yes, sir.

Louis Kimmel sworn and examined.

Q. What is your residence?
A. My residence is La Fayette, Ind.
Q. Have you at any time been an official of the Government, and if so, in what capacity and where?
A. Yes, sir; I was assistant Treasury agent at the seal islands, stationed on St. George Island.

Q. Do you think the company exercises an influence on that Territory that prevents the occupation and settlement by emigrants?

A. I do not think they interfere with that in the least.
Q. You do not think their influence has interfered with anything of that sort?
A. No, sir.
Q. Has their influence on the natives been deleterious or beneficial?
A. Beneficial.
Q. You are satisfied the influence has been beneficial to the natives generally?
A. Their condition has improved considerably.
Charles A Lutz sworn and examined

Charles A. Lutz sworn and examined.

By Mr. JEFFRIES: What is your profession?

A. Physician.

A. Physician.
Q. Are you a graduate of medicine?
A. I am a graduate of the University of Pennsylvania.
Q. Where have you practiced in former times?
A. I have been mostly connected with the St. Luke's Hospital, South Bethleem. Pa., and Mercy Hospital, in Pittsburgh. I also practiced a short time in
white Alphic.

Philadelphia.
Q. Have you been stationed in Alaska recently?
A. Since 1884.
Q. Whereabouts in Alaska?
A. I was most of the time on St. George Island, and during the summer I visited some of the other stations.

Q. Have you been around to other portions of Alaska?

A. I visited St. Michaels and two or three other places.
Q. St. Michaels is up on Behring Sea 700 or 800 miles north. How do the natives of St. Michael's compare with the natives of St. George?

A. I think the natives of St. George are very much superior.
Q. What do you say as to the influence of the Alaska Commercial Company upon the natives of the section of the country where it is brought in contact with the people? Is it good or bad?

A. It is very beneficial to them.

Thomas Wilkinson sworn and examined,

bomas Wilkinson sworn and examined.

By Mr. JEFFRIES:
Where do you live?
San Francisco.
How long have you been living there?
I have lived at San Francisco two years; at Oakland ten years,
What is your present business?
Mining business in Alaska.
What pat?
Unga Island.
Where is that?
East from Ounalaska about 250 miles.
That is one of the Aleutian Islands?
Yes, sir.

Q. Have you visited many parts of Alaska?
A. Most of it, I think, sir.
Q. Been pretty nearly all over the whole Territory?
A. Yes, sir.
Q. Have you been on the seal islands?
A. On St. Paul only.
Q. I would like for you to state with regard to the condition of the natives of St. Paul Island as compared to the natives in the other parts of Alaska that you have visited.
A. I think they are much more improved on St. Paul Island than in some other parts of Alaska.
Q. What do you know as to what the company has done for the natives in Oonalaska?
A. Well, they have built houses and given them free of rent, built schoolhouses and churches.
Q. What do you say as to the different natives at such points as they come in contact with the Alaska Commercial Company as compared with the natives of other parts of the Territory where they do not come in contact with the company?

of other parts of the Ferritory
pany?

A. I think they are much further advanced than in the Territory where they
are not reached by the company.

Q. Then you would say that the influence of the company has wrought good
for the natives of Alaska; is that your judgment?

A. Yes, sir; decidedly.

Q. What portion of Alaska is it that the most densely populated with white
people?

Q. What portion of Alaska is it that the most densely populated with white people?

A. Unga Island, Juneau, and Douglas Island, and up the Yukon, to which immigration tends, and mining to the business portion. There are many miners at the Yukon River, more than at any other part of the Territory.

Q. How about Southeastern Alaska?

A. I have not traveled a great deal through there.

Q. Sitka?

A. I stopped there and was in Sitka about a week. Ounalaska is far ahead of Sitka in regard to the natives there.

Q. How about Kadiak?

A. I was there twice. They all looked contented there, about the same as in Oonalaska.

Q. Has the company a station there?

onalaska. Q. Has the company a station there? A. Yes, sir; schools and churches; and they seem to be well contented.

## APPENDIX B.

WASHINGTON, D. C., January 28, 1889.

Siz: I have the honor to transmit herewith for the information of your committee a copy of certain statements in regard to the conditions under which the salmon fisheries of Alaska are now being prosecuted, the same having been transmitted to me by Mr. Redding, commissioner of fisheries for California.

I beg to suggest to your honorable committee that prompt measures are necessary upon the part of the Government to place the salmon fisheries of the Alaskan region under such conditions as will insure their permanence. To prevent the ascent of the salmon to their spawning grounds will certainly result in a few years in the destruction of this valuable fishery. The crection of dams or barricades across the rivers and the use of fixed contrivances for the capture of salmon in the rivers, should be prohibited by law, under sufficient penalties actively and stringently enforced.

I respectfully transmit herewith memorandum of such legislation as appears necessary to provide for present emergencies, and will lay the foundation for such additional legislation as may be necessary to place the salmon fisheries of Alaska under permanent and regular conditions of production.

I have the honor to be, very respectfully,

MARSHALL McDONALD,

Commissioner,

Hon. Phindexter Dunn, Chairman Committee on Fisheries, House of Representatives.

Hon. Phindexter Dunn,
Chairman Committee on Fisheries, House of Representatives.

The streams on the eastern shore of the Alaska Peninsula and the large islands, especially Kadiak and Afognak, are all small, running from lakes which are the objective point of the salmon for spawning purposes. These streams are in some cases mere rivulets where they empty into the ocean at low tide, and the largest two to three hundred feet in width, with but one to three feet of water when the tide is out. We are told the salmon returns to the place where he has spawned, and having arrived at maturity at sea, seeks his native water, there to spawn and die.

This past season parties on the Karluk River, on Kadiak Island, conceived the idea of putting up a tight dam, merely using stakes and wire-netting, intending, no doubt, to take what fish they required and allowing the remainder to pass up to the lake; but no less than four other canneries started for the same place, consequently to supply all the river was closed from in May to October, the fish surging back and forward with the tide. The result was one company packed over 100,000 cases of salmon, and all the rest filled all their cans and made a perfect success. No care was taken of the surplus fish, and tens of thousands rotted on the banks. The remarkable success of those canneries was such and the wide publicity given as to the pack has so excited both those engaged in this industry and more who know nothing of the business to organize expeditions, and all on this grand scale, to pack salmon in Alaska, until something over twenty-five new parties will be in the field, and all old canners doubling up on their present plant.

Now the point is, let this number of people locate on these small streams, shut the fish off from their spawning grounds, and in five years there will not be a fish left. To-day there is not a location east of the Peninsular and Aleutian Islands but is taken up, and it is a mistaken idea that the fish of commerce abound in every stream. Many of them h

WASHINGTON, D. C., January 26, 1889.

Six: In response to your request for information concerning the salt-water fisheries of Alaska, I have the honor to make the following report:

## THE FOOD-FISHES.

Cod and halibut are the principal salt-water food-fishes of the Northern Pacific as they are of the Northern Atlantic coast. The species are identical in the two oceans. In the Pacific Ocean both species have practically the same distribution and the same center of abundance. Cod have been recorded, doubtfully, from as far south as the Farallone Islands, off San Francisco. They occur on Heccat Bank, off the coast of Oregon, in the vicinity of the Straits of Fuca, and on the coast of British Columbia. From this point they range continuously northward along the Alaskan coast of St. Lawrence Island and Norton Sound, in the northern part of Behring Sea. They are most abundant in the Alaskan region, between Sitka and probably the central part of Behring Sea, becoming scarce in the northern part of that sea, and affording the most extensive fisheries along the coasts and islands and upon the off-shore banks south of Kenai and Alaska Peninsulas, along the line of the Aleutian Islands, as far to the westward as Atka, and in the southern part of Behring Sea.

The halibut also ranges from the Farallone Islands to Behring Straits, and is exceedingly abundant along the central Alaskan coast, associated with the cod. Salmon of several species, for which the Alaskan rivers are justly noted, are also sometimes captured in salt water, but only in the bays and harbors, respecting which no question of ownership can arise. These and the remaining food and bait fishes of Alaska are briefly discussed as to the distribution, abundance, and uses, in the inclosed report by Dr. T. H. Bean, the ichthyologist of this commission.

THE FISHING GROUNDS.

The fishing grounds.

The natives are greatly dependent upon the catch of halibut for supplying their own wants, but the only important commercial fishery conducted at present in salt water is directed toward the cod. Cod and halibut banks are found among the islands of Southeastern Alaska, and a very limited fishery is carried on in that region, and also along the coast to the northward of Sitka, as far as the Kenai Peninsula. The principal grounds resorted to are, however, located on the submerged continental plateau south of the Kenai and Alaska Peninsulas, and in the vicinity of Unimak and Unalashka Islands. That portion of the submerged plateau situated between Middleton Island, south of Prince William's Sound, and the island of Unalashka is covered with a succession of banks and island groups, which afford almost continuous fishing grounds, whose richness in marine products is only comparable with that of the great fishing banks of eastern North America.

Parts of this region have been resorted to for the capture of cod during nearly thirty years, but, of course, only to a very limited extent compared with the fishing grounds of the eastern coast. The fishing has been carried on mostly within easy reach of the land in the vicinity of the Shumagin Islands, Unalashka,

and Kadiak. The existence of well-defined banks in this region has been known

and Kadiak. The existence of well-defined banks in this region has been known for a long time, their positions and characteristics having been determined in a general way from information obtained from the fishermen and from the occasional soundings of exploring vessels. The extent and contours of these banks and their exceeding richness in all parts have, however, only been ascertained during the past year, through the researches of the Fish Commission steamer Albatross, which spent about two months in making a preliminary survey of the region.

Five of these banks were developed by the steamer Albatross, and several others partly explored. They are located, as a whole, much nearer the coast line than the off-shore banks of New England and the British provinces, the most of them being within easy reach of secure harbors. They are limited on the outer side by the steep slope bordering the continental plateau, which varies in width from about 80 miles at the eastern end to about 40 miles at the western end, many of the banks reaching from this slope to the mainland, or to the shores of the adjacent islands. The entire length of the plateau, so far as it has been explored, is over 600 miles, and the extent of the fishing grounds examined, about 23,400 square geographical miles. All of this area abounds in cod and halibut, but some localities afford much better fishing and a better grade of fish than others, as is the case in all fishing regions. Good fishing occurs among the islands, and in the bays and harbors which indent the mainland coasts, especially at the mouth of Cock's Inlet and in Prince William's Sound, but the largest and best fish are taken off shore in the deeper waters.

The banks examined by the steamer Albatross during the summer of 1888 are as follows:

Portlock Bank.—This bank lies to the northward and eastward of Kadiak Island, and extends from near the island to about latitude 149° west. It covers an area of about 5,800 square miles.

Albatross Bank lies to the southeastward of Kadiak Island.

Shumagin Bank lies south and east of the Shumagin Islands, between which and the 10-fathom line it has an area of about 1,800 square miles. This is one of the best known of the Alaskan grounds, and has been much resorted to by the fishermen.

the fishermen.

Between the Shumagins and the Sanakh Bank about 1,800 square miles of excellent fishing grounds have been partly explored.

Sanakh Bank lies south and east of the Sanakh Islands, and covers an area of about 1,300 square miles. Good fishing grounds are also reported from the region lying to north of the Sanakh Islands and west of the Sandman Reefs. It has not, however, been explored.

Davidson Bank extends from the region of Ugomok eastward to the vicinity of the Sanakhs, and contains an area of 1,600 square miles inside of the 100-fathom curve.

of the Sanakis, and contains an area of 1,000 square miles insuce of the 100-fathom curve.

Between Unimak Pass and the western end of Unalashka Island an area of 2,000 square miles has been partly explored. Goodfishing was found wherever trials were made.

The Aleutian Islands: Codare abundant along the line of the Aleutian chain,

The Aleutian Islands: Cod are abundant along the line of the Aleutian chain, as far as the island of Atka, and perhaps farther west, but as these islands, to the westward of Unalashka, are closely bounded by very deep water on both the northern and the southern sides, the fish are found only in the immediate vicinity of the islands. Good fishing occurs about Unalashka and between there and Unimak Island, exceptionally rich groundsfor large fish being said to exist off the northern and southern entrances to Unimak Pass.

Behring Sea: Very little cod-fishing has yet been done in Behring Sea, and not much can positively be said of its resources in that respect except with reference to a few localities.

Captain Bryant wrote of this region that "Behring Sea is a mighty reservoir of cod and halibut, so that he never threw over his lines without bringing up fish in whatever part of the sea he might happen."

Professor Davidson, of the United States Coast Survey, has described its principal characteristics in the following brief manner: "The soundings of this sea and of the Arctic Ocean north of Behring's Strait indicate it as the most remarkable submarine plateau of such great extent yet known. On the eastern half of this sea soundings of less than 50 fathoms are found over an extent of 18,000 square miles."

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Behring Sea has been surveyed only in its eastern and northern portions and adjacent to the Aleutian chain of islands. The depths increase very gradually from the shores of the Alaskan mainland, on the eastern side, and from the vicinity of Behring Strait in the north toward the central and southern portions of the sea the greatest known depths—excepting along the Aleutian Islands, 100 fathoms—occurring to the southeast of St. Matthew's Island and to the east of the Pribyloff group. The soundings of the United States steamer Tuscarora, in 1874, indicate a deep trough of 600 to 1,681 fathoms bordering the northern side of the Aleutian Islands from Unalaschka to Tanaga.

Cod and halibut have been taken as far up as St. Lawrenge Island and Narton Sound, but are said to be scarce in the northern part of the sea. These fish are also a favorite food of seals and sea lions, and are therefore not to be found in abundance around the rookeries of those animals. Vessels from San Francisco occasionally visit the southern and eastern parts of the sea, and have reported good fares, but the grounds about Unalashka, the Shumagins, and Kadiak are given the preference, as being located nearer the markets and having good harbors close at hand.

The Albatross entered Behring Sea through Unimak Pass but did not extend her investigations beyond the immediate vicinity of the islands adjacent to the pass, the work upon the southern grounds being considered the most important which she could undertake on the first cruise. The following information respecting the Behring Sea grounds was, however, obtained at Shumagin Islands. While at Humboldt Harbor, Popoff Island, the 1st of August, the schooner Arago, owned by Lynde & Hough, of San Francisco, arrived in port from a trip to Behring Sea,

and is occasionally resorted to by the fishermen. Only one vessel besides the Arago, the Dashing Wave, was engaged in fishing in Behring Sea during 1888. Only a single trip is usually made by a vessel in the course of one season; this year the Dashing Wave intended making a second trip, but the attempt was subsequently abandoned.

THE OKHOTSK SEA.

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The shallow waters of the Okhotsk Sea were noted for their cod-fisheries before the Alaskan grounds were opened to American enterprise, and they are still visited to a limited extent by American fishing vessels from San Francisco. The grounds mostly resorted to at present are said to lie about 30 or 40 miles north of Saghalin Island, on the western side of the sea. Other good grounds are located on the eastern side of the sea, off the coast of Kamschatka, and in the Kurile Straits. In 1866 about fifteen American vessels visited the Okhotsk Sea, but in recent years, and especially since the Alaskan grounds have become better known, the number has been much less.

#### GENERAL NOTES.

GENERAL NOTES.

Cod are present on the Alaskan grounds during the entire year, but cold weather tends to drive them off from the shallow grounds into deeper water. The best seasons for fishing occur at different localities. A part of the shore-fish approach the islands in separate schools, as is also the case on the Atlantic coast. These schools are classed as follows, in the order of their appearance, which continues from about May I in to September, namely: The herring school, the lant school, the capelin school, and the squid school. The last-mentioned school is composed of the largest fish, averaging about 12 pounds each, but the bank fish are still larger.

The majority of the Alaskan cod sent to market are, in size, below the average of the George's Bank fish, but it is to be remembered that the Alaskan fishery has so far been chiefly limited to the immediate vicinity of the islands, where the fish are much smaller than upon the banks. A length of 28 inches is generally regarded as the standard for the eastern fish. In the trials made by the steamer Albatross the average size of the fish in each each varied from about 25 to about 31 inches. These were, however, all short trials with hand-lines, and the fact is recognized among fishermen that the smaller fish take the bait first, the larger ones being finally "tolled" up to the hooks. The visit of the Albatross to this region was also not made at the best season for obtaining large cod. The fish generally took the hook rapidly, both cod and halibut being secured at most of the trials.

The bait question will give no concern for many years. There is everywhere an abundance of fishes squid and clams suited to the supersex and the

at most of the trials.

The bait question will give no concern for many years. There is everywhere an abundance of fishes, squid, and clams, suited to this purpose, and it is now the custom to start out with only a sufficient amount of cured bait to begin fishing. The hooks quickly supply live bate, which appears never to be lacking. Halibut, yellow-fish, herring, sculpins, pollock, lant, and even salmon are among the fishes used.

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out, yellow-used, shes used.

I have the honor to be, very respectfully, MARSHALL McDONALD, United States Commissioner of Fisheries.

Hon. Poindexten Dunn,

House of Representatives, Washington, D. C.

THE FOOD-FISHES OF ALASKA. [By Dr. T. H. Bean.]

There are at present known from the Territory of Alaska one hundred and thirty-five species of fishes, nearly all of which inhabit either the fresh waters, the shallow waters along the shore, or the moderate depths of the ocean. Only two species of deep-sea fishes are recorded. No exploration of the deep waters had been attempted until the cruise of the Albatross in the Gulf of Alaska in

two species of deep-sea fishes are recorded. No exploration of the deep waters had been attempted until the cruise of the Albatross in the Gulf of Alaska in 1888. The collections made during this cruise are in Washington, but have not yet been studied.

Of the 135 species known to exist in Alaska, 108 are marine, and the remainder either fresh water or anadromous. Sixty-two of the species are valuable for food, not including some other fishes which are extensively eaten by natives, but are not usually classed as food fishes.

The food fishes, as a rule, are abundant, and most of them are excessively common. Seventeen of the species grow to a very large size, particularly the halibut, the cod, the burbot, the cultus cod, the beshowe, the pike, Richardson's white fish, the nelma, or inconu, the lake trout, the Dolly Varden, Clark's trout, Gardner's trout, and the five species of Pacific salmon. Most of the useful species are very widely distributed in the waters of the Territory.

Flounders exist everywhere, but the larger kinds are limited to the Gulf of Alaska and Behring Sea. In the far north, while the number of individuals is very great, there are no large species. There are as many specimens of flounders and flat-fishes in the seas of Alaska as in the corresponding Intitudes of the Western Atlantic. The whole number of edible kinds in this family is nine; one of these, the stellate flounder, has perhaps the most extensive distribution in latitude of any species of the family, ranging as it does from the southern part of California to Mackenzie's River, or through about 37° of latitude. The halibut, which is identical with the well-known species of the Atlantic fishing banks, is very abundant in the Gulf of Alaska and in Behring Sea, except in localities where it is destroyed by fur-seals and other fish-eating mammals.

In Behring Sea the halibut is usually found up to the fee line. Its northern limit in summer appears to be in Norton Sound (latitude 64° north, longitude 163° west from Greenwich), where it o

Inshed that Behring Sea furnishes suitable grounds for the permanent residence and reproduction of the halibut.

The cod family numbers six species of food-fishes, one of which, the burbot, inhabits fresh waters. This burbot is identical with the eastern species of the same name. In some of the Alaskan rivers, notably the Yukon, it reaches the enormous length of 5 feet, and specimens weighing 60 pounds have been recorded by Dall and Turner. This would make it a rival of the cod in size. Most of the members of this family in Northern Alaska are small, but the individuals of the species are excessively abundant in the Arctic portion of the Territory. The polar cod, which is the same as the species of that name in the North Atlantic, is one of the most important and valued of the food-fishes. The Signal Service party at Point Barrow, in 1831 to 1833, found them quite plenty at most seasons of the year. Murdock mentions this fish as one of the most important to the natives. It is found at St, Michael's in winter only. In Plover Bay, Siberia, we found plenty of them in August and September. The species grows to about I foot in length.

The wachna, so called by the Russian-speaking population, has received the name of tomcod from the white traders; the Eskimo call it ekathloouk. This is an Arctic species, but was not obtained by the Point Barrow party during their stay. At St, Michael's it is a constant resident and always abundant. It is an extremely valuable fish both for men and dogs. The species abounds in Behring Sea, and we found it very common in Cook's Inite. It does not reach a greater length than 15 inches, and the maximum weight is a little more than a pound.

The little tomcod, which belongs to the same genus as the tomcod of New England, has not yet been obtained around the shores of Behring Sea; but in the Gulf of Alaska it is extremely plentiful, and is an excellent food-fish. Its size is small, scarcely reaching I foot in length.

The pollock of Alaska is a much smaller species than our pollock and very differently marked. It has dark longitudinal bands along the sides, and is a very slender fish. Although not used for food, it is one of the best known baits for cod. At the Shumagins and on the banks in the vicinity of Kadiak it is very common and extensively used for bait. This species is abundant also in Behring Sea, and extends to the Okhotsk. It reaches a length of about 2 feet and a weight of 5 or 6 pounds.

The Alaskan cod is one of the most valuable fishes in the Territory and one of the most plentiful. It grows as large as the Eastern cod, from which it does not differ specifically. It congregates in schools and is distinguished by the fishermen according to the kind of food upon which it may be feeding. The schools of cod are known by the same names as in the East; for example, the shore fish about the Shumagins and Kadiak, named in the order of their appearance, are the herring school, the lant school, the capelin school, the squid school, and the winter school. Besides these there is an abundance of bank fish made up of larger individuals than the shore fish. The favorite food species, as indicated by the names of the schools, are excessively abundant. There is reliable information to the effect that schools of herring many miles in extent appear frequently about the fishing shores.

Thave taken forty good sized capelin from the stomach of a rather small cod on Marmot Island bank. In fact bait is so plentiful that fishermen can get their supplies upon the grounds with the greatest ease. In Behring Sea the cod is just as abundant as in the Gulf of Alaska, but the banks are less clearly marked out. Cod have been caught on the American shores as far nort

small fish called cusk, which is not closely related to the cusk of New England, but belongs to the family of Trachinidae. This fish seldom exceeds a foot in length and is not used for food, but at the Shumagin Islands it is one of the most valuable of all the baits for cod.

The sculpins are among the most numerous of fishes in Alaska, constituting nearly one-fifth of the entire known fauna. Probably the largest sculpins in the world are found in that country. I have seen specimens measuring 30 inches. Two of the species are excellent for food and many of the others furnish food for fishes and other aquatic animals. The species which I have personally tasted and found to be acceptable food are distinguished by strips of scales along the sides.

The family of Scorpusnidae, which in New England waters is represented by the well-known red fish, Norway haddock, or brim, includes seven species in Alaska. These are among the choice food fishes of the Territory. They appear to the Gulf of Alaska. The name usually applied to this fish is rock bass. The red rock bass grows to a length of 18 inches; the black-banded rock bass, 15 inches; the black rock bass nearly 2 feet, and the other species about 15 inches. All of them take the hook very freely, and are found usually in moderate depths.

The so-called rock cods, members of the family Chiridae, are, also, very abundant and highly prized as food. They belong to the genera Hezagrammus, with the species of small or moderate size; Pleurogrammus, also of moderate size; Ophiodon, which is one of the largest fishes in the Territory, and Anoplopoma, another very large species. The species of Hezagrammus are styled rock cod, although they have no relation to the cod family. Another name for some of the species is green fish, because of the green color of the fiesh before cooking. Among the Russians they are known as torpoog, One of the species extends as far north as Port Clarence. All of them are found in Behring Sea. The largest species grows to a length of 18 inches.

The P

The smelt of Alaska resembles our own; it is a very important food-fish, both in the fresh and the dried condition. It is most abundant in Behring Sea and

in the fresh and the dried condition. It is most abundant in Behring Sea and northward.

The capelin occurs around the entire coast of Alaska, and furnishes food for the cod, halibut, salmon, and other commercial fishes.

The surf smelt of Southern Alaska is also a valuable species of food and bait. The eulachon is a very important food-fish both fresh and dried, and it is very attractive to other fishes. The fat or oil made from this fish is used as a substitute for butter, and, to some extent, to take the place of cod-liver oil. Salted eulachon are prepared on the west shores of Shellikoff Strait, and are said to be excellent for the table.

excellent for the table.

In the fresh waters there is a great wealth of whitefish, seven species being known in the Territory. One of these, Richardson's whitefish, reaches a weight

known in the Territory. One of these, Richardson's whitefish, reaches a weight of over 30 pounds.
Related to the whitefish is the inconnu, a very excellent food-fish, which grows to a length of 4 feet and sometimes weighs 50 pounds.
The grayling is very common in Alaska in the spring. It is a very handsome fish and much valued for food.
The trout of Alaska are very large and excessively numerous. The lake trout, so well and favorably known in our Great Lakes and elsewhere, is very abundant and grows very large in Alaska. Dr. Dawson found specimens measuring 30 inches in length.
The Dolly Varden trout is found everywhere, being known from the Colville and from various points throughout the limits of the Territory. It reaches a very large size and in the sea-run condition is extensively salted in Kadiak under the name of salmon trout.

Clark's trout attains to a weight of 20 pounds. It is very abundant at Sitka, Kadiak, and as far north as the Bristol Bay region.

Gardner's trout, also called the steel-head, is known from Southern Alaska and probably extends northward at least to Bristol Bay. It sometimes exceeds 20 pounds in weight.

The great salmon of the west coast are all found in Alaska. The Quinnat salmon, which is the largest of the five species, abounds even as far north as the Yukon. Specimens weighing over 80 pounds are found. Canneries using this and other species are located in various parts of the Territory, Sitka, Kadiak, and Cook's Inlet, and the fish is salted as far north as the Yukon. The abundance of salmon in Alaskan waters is marvelous. In the summer season every village along the coast is reddened with the drying-frames containing ukali in course of preparation for winter use.

The herring of Alaska resemble our own sea-herring very closely. They occur in countless multitudes, are fat and of excellent quality, and supply a notable amount of food for large fishes, and food and balt for fishermen. We have taken them all around the coast as far north as Port Clarence, and they are said to occur as far north as the Colville River.

The spined dog-fish is very common in the Gulf of Alaska and it is a great nuisance to the fishermen. Its liver might be utilized for oil, as they are on the New England coast, and the remainder as a fertilizer.

The sleeper shark is sufficiently common at Kadiak appearing during the salmon run in schools of thirty to fifty. Turner has seen specimens weighing 340 pounds. The natives drain the oil out of the livers and use them as food.

A fresh-water lamprey is particularly abundant in the Yukon, and furnishes a vast amount of food, which is highly relished by the natives. It is caught in enormous numbers through the ice and left to freeze where it falls. Turner says that a native, provided with a stick having left upon it several prongs, can easily pull out a wagon-load by a couple hours' labor.

#### APPENDIX C.

RUSSIA, 1824.—CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE EMPEROR OF RUSSIA, RELATIVE TO NAVIGATION, FISHING, ETC., IN THE PACIFIC OCEAN, CONCLUDED AT ST. PETERSBURG APRIL 5 (17), 1824; RATIFICATION ADVISED BY SENATE JANUARY 5, 1825; RATIFIED BY PRESIDENT JANUARY 7, 1825; RATIFICATIONS EXCHANGED AT WASHINGTON JANUARY 11, 1825; PROCLAIMED JANUARY 12, 1825.

[Convention between the United States of America and Russia. Translation from the original, which is in the French language.]

[Convention between the United States of America and Russia. Translation from the original, which is in the French language.]

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord by means of the present convention, have named as their plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their envoy extraordinary and minister plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual privy counselor, member of the council of state, secretary of state, directing the administration of foreign affairs, actual chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Amnunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Würtemberg, of the Guelphs of Hanover, of the Belgic Lion, or Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual counselor of state, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations:

Arr. I. It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subj

not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

Aft. II. With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

Aft. III. It is moreoveragreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54 degrees and 40 minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

Aft. IV. It is nevertheless understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hinderance whatever, the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

Aft. V. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind are always excepted from this same commerce permitted by the preceding article; and the two powers engage reciprocally neither to sell nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext nor be

Russia, 1867.—convention between the united states of America and his majesty the emperor of russia, for the cession of the russian possessions in north america to the united states, concluded at washington march 30, 1867; ratification advised by senate april 9, 1867; ratified by president may 28, 1867; ratifications exchanged at washington june 20, 1867; proclaimed june 20, 1867.

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries, the President of the United States, William H. Seward, Secretary of State, and His Majesty the Emperor of all the Russias, the Privy Counselor Edward de Stockel, his envoy extraordinary and minister plenipotentiary to the United

And the said plenipotentiaries, having exchanged their full powers, which ere found to be in due form, have agreed upon and signed the following

His Majesty the Emperor of all the Russias, the Privy Counselor Edward de Stoeck!, his envoy extraordinary and minister plenipotentiary to the United States;

And the said plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

Art. I. His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said majesty on the states of the property of the property of the training of February 28 (16), 1825, and described in Articles III and IV of said convention between the Russian and the British possessions in North America, as established by the convention between Russias and Great Britain of February 28 (16), 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of \$4° 40' north latitude, and between the one hundred and thirty-dirst and one hundred and thirty-third degree of west longitude (meridian of Greenwich), the said line shall secent to north along the channel called Portland Channel, as far as the point of the contentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and finally, from the said point of intersection, the said meridian line of the one hundred and forty-first degree in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—"1. That the Island called Prince of Wales Island shall belong wholly to Russia." (now, by this consent, on the United States).

"2. That whenever the summit of the mountains which extend in a direction proved to the one hundred a

and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

Arr. IV. His Majesty the Emperor of all the Russias shall appoint, with convenient dispatch, an agent or agents for the purpose of formally delivering to a similar agent or agents, appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

Arr. V. Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

Arr. V. I. In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, \$7,200,000 in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory of ominion, and appurtenances thereto.

Art. VII. When this convention shall have been duly ratified by the President of the United States, by and with the advice a

In faith whereof the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington the 30th day of March, in the year of our Lord 1877.

WILLIAM H. SEWARD. [L.S.]

EDOUARD DE STOECKL. [L.S.]

RUSSIA.—CONVENTION BETWEEN GREAT BRITAIN AND RUSSIA, SIGNED AT ST.
PETERSBURG, FEBRUARY 28, 1825.

#### [Translation.]

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of drawing still closer the ties of good understanding and friendship which unite them, by means of an agreement which may settle, upon the basis of reciprocal convenience, different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean as well as the limits of their respective possessions on the northwest coast of America, have named plenipotentiaries to conclude a convention for this purpose, that is to say: His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Hon. Stratford Canning, a member of His said Majesty's most honorable privy council of the empire, secretary of state for the department of foreign affairs, etc., and Sleur Pierre de Poletica, His Imperial Majesty's privy councilor, a member of the council of the empire, secretary of state for the department of foreign affairs, etc., and Sleur Pierre de Poletica, His Imperial Majesty's councilor of state, etc., who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

Arr. I. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the respective full powers, for in the following articles.

Arr. II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high contracting parties from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment without he per

northwest.

Aut. IV. With reference to the line of demarkation laid down in the preceding article it is understood:

First. That the island called Prince of Wales Island shall belong wholly to

ART. IV. With reference to the line of demarkation laid down in the preceding article it is understood:

First. That the island called Prince of Wales Island shall belong wholly to Russia.

Second. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the long to Russia, as above mentioned, shall be formed by a line parallel to the leagues therefrom.

ART. V. It is moreover agreed that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other, consequently British subjects shall not form any establishment either upon the coast or upon the border of the continent comprised within the limits of the Russian possessions as designated in the two preceding articles; and in like manner no establishment shall be formed by Russian subjects beyond the said limits.

ART. VI. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean or from the interior of the continent, shall forever enjoy the right of navigating freely and without any hinderance whatever all the rivers and streams which in their course towards the Pacific Ocean may cross the line of demarkation upon the line of coast described in Article III of the present convention.

ART. VII. It is also understood that for the space of ten years from the signature of the present convention the vessels of the two powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the island seas, the gulfs, havens, and creeks on the coast mentioned

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at St. Petersburg the 28 (16) day of February, in the year of our Lord 1825.

STRATFORD CANNING. [SDAL.]

SEAL. SEAL. COMTE DE NESSELRODE. PIERRE DE POLETICA.

#### ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2557) for the relief of W. W. Welch; A bill (H. R. 5752) for the relief of Julia Triggs;

A bill (H. R. 6755) granting a pension to Mary Jane Harris;
A bill (H. R. 9163) granting a pension to Eli Garrett;
A bill (H. R. 11052) granting a pension to Clara M. Owen;
A bill (H. R. 11223) to increase the pension of George A. Glover;
A bill (H. R. 11378) granting a pension to James S. Harden;
A bill (H. R. 11378) A bill (H. R. 11459) granting a pension to Erasmus W. Jones

A bill (H. R. 11578) to increase the pension of Rowland Ward; A bill (H. R. 11624) to increase the pension of Jacob Rogers; A bill (H. R. 11629) granting a pension to Elizabeth Clover; A bill (H. R. 11757) granting a pension to Rebecca H. Lyon; and

A bill (H. R. 12039) granting a pension to Thirza S. Jenner.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I am authorized by the Committee on Military Affairs to report back the bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890, and to ask concurrence in the Senate amendments thereto. The amendments are all merely verbal with one exception. We ingrafted upon the bill as it passed the House an appropriation of \$1,500 for a riding master, which the Senate has stricken out. The Committee on Military Affairs have concluded to recommend concurrence in all of the Senate amendments, and I now ask that those amendments be concurred in.

Mr. HOLMAN. I hope the gentleman will state the substance of

the most important of the amendments.

Mr. TOWNSHEND. I have just stated that with the exception of some verbal amendments which are entirely unimportant in their character the only amendment of the Senate is one striking out the sum of \$1,500, reducing by that amount the appropriations embraced in the

The SPEAKER. If there be no objection, the amendments will be

There being no objection, it was ordered accordingly.

Mr. TOWNSHEND moved to reconsider the vote by which the amendments were concurred in, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

## HOMESTEAD ENTRY OF PUBLIC LANDS.

Mr. McADOO. I yield for a moment to the gentleman from Indiana

[Mr. HOLMAN].

Mr. HOLMAN, by unanimous consent, reported back with amendments, from the Committee on the Public Lands, the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead lawsonly; which, with the amendments, was ordered to be printed and recommitted.

# ORDER OF BUSINESS.

Mr. STRUBLE. I rise to call up a privileged question-a motion to reconsider.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] calls up a privileged question, the motion to reconsider a vote heretofore taken in the House.

Mr. ROGERS. I ask the gentleman from Iowa to allow me to make a report from the Committee on the Judiciary.

Mr. STRUBLE. Very well; I do not object.
Mr. ROGERS. The Committee on the Judiciary this morning by a unanimous vote instructed me to report back a resolution of investigation referred to the committee some days since, and to ask that it lie on the table. The committee also instructed me to report back Senate biii No. 3865 and to ask that it be printed and recommitted, with leave to report at any time.

## JURISDICTION OF CIRCUIT COURTS.

The SPEAKER. The resolution reported back from the Committee on the Judiciary by the gentleman from Arkansas [Mr. ROGERS] will be read.

The Clerk read as follows:

Resolved. That the Committee on the Judiciary be instructed to inquire into the propriety of amending the existing laws regulating the jurisdiction of the circuit courts of the United States, in order to correct the practice reported to exist in some of said courts of allowing suits to be maintained therein by assignees of choses in action, not made by a corporation, which could not have been maintained therein if no assignment had been made, and that said committee report by bill or otherwise.

The SPEAKER. If there is no objection, this resolution will lie on the table, as proposed by the Committee on the Judiciary.

There was no objection, and it was ordered accordingly.

WRITS OF ERROR, ETC., TO THE SUPREME COURT.

The SPEAKER. The gentleman from Arkansas [Mr. Rogers] now desires leave to report back from the Committee on the Judiciary the bill the title of which will be read; and he asks that the same be re-committed to the Committee on the Judiciary, with leave to report at any time.

The Clerk read the title of the bill, as follows:

A bill (S. 12433) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

The SPEAKER. Is there objection to the request of the gentleman

Mr. HOPKINS, of Illinois. Let the bill be read. Mr. ROGERS. Let me explain this matter in a sentence. This bill has been unanimously reported by the Senate committee as well as by the House committee; and it is designed simply to correct an error of practice in some of the courts below.

Mr. HOPKINS, of Illinois. Let us have the bill read.

The bill was read.

Mr. BUCHANAN. I desire to make a parliamentary inquiry. Does the right to report at any time carry with it the right also of consid-

The SPEAKER. It does.

Mr. BUCHANAN. Then I object.

The SPEAKER. Objection is made to the request for leave to report at any time. If there be no objection, the bill will be ordered to be printed and recommitted.

There was no objection, and it was ordered accordingly.

#### ORDER OF RUSINESS.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] now

calls up a privileged question.

Mr. McADOO. I rise to a question of order. I was recognized by the Speaker for the purpose of calling up the business of the morning hour, my object being to have the House go into Committee of the Whole to take up a bill from the Committee on the Militia, which is now on the Calendar of unfinished business. I had not yielded the floor. I did yield temporarily to the gentleman from Arkansas [Mr. ROGERS] and the gentleman from Indiana [Mr. Holman] in order that they might submit their reports, but I understood I was still in possession of the floor when the gentleman from Iowa rose and claimed the attention of the Chair.

The SPEAKER. For what purpose could the gentleman hold the floor? The gentleman made a motion, and of course when that motion was made he did not continue to hold the floor. Pending that proposition the gentleman from Iowa called up a privileged question. The gentleman from New Jersey can raise the question of consideration against the proposition of the gentleman from Iowa.

Mr. STRUBLE. I hope the gentleman from New Jersey will not do not. This matter will take but a short time.

## MRS. GENERAL WARD B. BURNETT.

The SPEAKER. The motion which the gentleman from Iowa now calls up is to reconsider the vote by which the House rejected the bill the title of which will be read.

The Clerk read as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

Mr. McADOO. Against that I raise the question of consideration.
Mr. STRUBLE. I would be glad to say one word before that question is put.

The SPEAKER. The question is, will the House proceed to the consideration of the motion to reconsider called up by the gentleman from Iowa [Mr. STRUBLE]?

Mr. STRUBLE. I ask for a division.

The House divided; and there were—ayes 62, noes 63. Mr. STRUBLE. Tellers.

The SPEAKER appointed as tellers Mr. STRUBLE and Mr. McADOO. The House again divided; and the tellers reported—ayes 74, noes 76.
The SPEAKER. No quorum has yet voted.

Mr. STRUBLE. Under the circumstances I do not make the point of no quorum.

So the House refused to consider the question.

## ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at

twenty minutes past 4 o'clock.

Mr. ROGERS. I ask for a moment to state that the gentleman from New Jersey [Mr. Buchanan], on the opposite side, withdraws his objection to the request I made.

The SPEAKER. Does the gentleman from New Jersey withdraw

his objection?

Mr. BUCHANAN. I made objection not because I had objection to the bill so much as I had to the new plan of getting right of way in I withdraw my objection.

Mr. GROSVENOR. I renew the objection.

#### DISTRICT MILITIA.

The SPEAKER. The call rests with the Committee on the Militia. Mr. McADOO. I move to go into the Committee of the Whole House on the state of the Union for the purpose of considering the unfinished business on the Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Commite e of the Whole House on the state of the Union, Mr.

McMillin in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 4961) to amend the act entitled "Anact more effectually to provide for the organization of the militia of the District of Colum-

a," passed March 3, 1803. Mr. McADOO. When this bill was last under consideration the committee was dividing on the motion to rise and report the bill to the House with the recommendation that it do pass. I ask by unanimous consent to go back and amend the bill in several particulars. I do this after full discussion with those opposed to it and with their These amendments will take away the objection they had to the bill.

The CHAIRMAN. The amendments will be read in their order.

Mr. McADOO. In the first place, I will say I have reduced the infantry companies from thirty-six to twenty-eight. I have struck out the portion referring to a calvary company; and also the section precluding independent military companies parading.

Mr. BLOUNT. Send up the amendments.
Mr. McADOO. Certainly. I move, in section 5, page 11, to strike out "thirty-six" and in lieu thereof to insert "twenty-eight;" so it will read.

SEC. 11. That in time of peace the National Guard shall consist of not more than twenty-eight companies of infantry, which shall be arranged by the commanding general into such regiments, battalions, and unattached companies as he may deem expedient, etc.

The amendment was agreed to.

Mr. McADOO. In the same section I move to strike out "one troop of cavalry."

The amendment was agreed to.

Mr. McADOO. I move to strike out section 15, which is as follows:

SEC. 15. That to the troop of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two trumpeters, and not more than eighty-three privates; and the minimum number of enlisted men shall be forty.

The motion was agreed to.

Mr. McADOO. I move to strike out section 58, as follows:

SEC. 58. That during the annual encampment, and on every duty or parade ordered by the commanding general, there may be employed such number of horses as the commanding general may authorize for the use of the battery of light artillery, the troop of cavalry, the ambulance corps, the signal corps, and the non-commissioned general staff, the cost of which shall be paid in the manner provided in section 60.

The CHAIRMAN. Is there objection to recurring to this part of the bill to offer the amendment just read?

There was no objection.

The amendment was adopted.

Mr. McADOO. The next amendment is, on page 25, to strike out section 66.

The CHAIRMAN. The Chair is informed by the Clerk that the section was stricken out when the bill was under consideration before.

Mr. McADOO. I suggest that it be read for the purpose of showing

to the House what was stricken out.

The Clerk read as follows

SEC. 66. That it shall be a misdemeanor for any body of men, other than the regularly organized militia and the troops of the United States, except such independent military organizations as are now in existence, to associate themselves together as a military company or organization, or meet for drill with arms, or parade in public with arms, without the permission of the commanding general; and whoever belongs to or parades with any such unauthorized body of men with arms shall be punished by imprisonment for not exceeding six months, or by a fine not exceeding \$50, or by both; and the police court of the District of Columbia shall have jurisdiction of misdemeanors under the provisions of this section.

Mr. McADOO. That has already been stricken out. If nobody now wishes to discuss the bill, and as we have had a very full discussion of it heretofore, I move that the committee rise and report it favorably to

Mr. BREWER. I would like to ask the gentleman from New Jersey how much of the bill is left after all of this is stricken out?

Mr. McADOO. Twenty-eight companies of infantry, amply sufficient to take care of the German war when it comes along.

Mr. BREWER. Any cavalry?
Mr. McADOO. No, sir; they have disappeared; they were lost in the legislative charge when the bill was last up. [Laughter.] I move the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McCreary having taken the chair as Speaker pro tempore, Mr. McMillin reported that the Committee of the Whole House on the state of the Union, having un-

der consideration the bill (H. R. 4961), had instructed him to report the same to the House favorably with amendments.

Mr. McADOO. I ask the previous question on the amendments and

the third reading of the bill.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded upon any amendment? If not the vote will be taken in gross.

The amendments were adopted.

The bill as amended was ordered to be engressed and read a third time; and, being engrossed, it was accordingly read the third time, and

Mr. McADOO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### REPRINT OF OKLAHOMA BILL.

Mr. McMILLIN. I move that the House do now adjourn,
Mr. STRUBLE. I wish to submit a privileged motion.
Mr. McMILLIN. I understand the gentleman from Illinois desires to make a request, and I will withdraw the motion to permit him to do so. [Cries of "Regular order!"]

Mr. SPRINGER. I only desire to have a reprint ordered of the bill for the organization of the Territory of Oklahoma, for the use of the House to-morrow.

Mr. STRUBLE. I have a privileged matter I wish to call up.

Mr. SPRINGER. I hope gentlemen will not object to ordering a reprint of this bill. [Cries of "Regular order!"]

Mr. McMILLIN. I withdraw the motion for the purpose of allow-

ing the gentleman to make his request, and if there is objection I will renew it

Mr. SPRINGER. The Doorkeeper informs me that the Oklahoma bill is out of print. A number of gentlemen have called for it and

failed to procure copies.

Mr. BUCHANAN. Do you ask to have it reprinted as it stands now

amended?

Mr. SPRINGER, No; as it stands in the Committee of the Whole.

When reported to the House the amendments will be printed.

Mr. BUCHANAN. Let the amendments so far as agreed upon in committee be printed with the bill.

Mr. SPRINGER. I have no objection to that; and I ask that the amendments be printed in italics, and that the bill H. R. 10614, with the amendments as agreed upon in committee, be reprinted for the use of the House.

There was no objection, and it was so ordered.

And then, on motion of Mr. McMillin (at 4 o'clock and 40 minutes p. m.), the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DINGLEY: A bill (H. R. 12434) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine-to the Committee on Commerce.

Maine—to the Committee on Commerce.

By Mr. DUNN (by request): A bill (H. R. 12435) for the relief of the heirs of Richard Higgins, deceased—to the Committee on War Claims.

By Mr. GALLINGER: A bill (H. R. 12436) to amend the military record of William Allen—to the Committee on Military Affairs.

By Mr. GIFFORD: A bill (H. R. 12437) granting the right of way to the Sturgis and Fort Meade Motor Line across the Fort Meade military reservation in Dakota—to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 12438) for the relief of A. H. Dunlap—

By Mr. GLASS: A bill (H. R. 12438) for the relief of A. H. Dunlap—to the Committee on War Claims.

By Mr. GUENTHER: A bill (H. R. 12439) granting a pension to John Lanbenheimer—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 12440) granting a pension to Simon Burris—to the Committee on Invalid Pensions.

By Mr. HENRY SMITH: A bill (H. R. 12441) granting a pension to Laughlin Cameron—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 12442) to increase the pension of Edward P. Oninn—to the Committee on Invalid Pensions.

Edward P. Quinn-to the Committee on Invalid Pensions.

Change in the reference of a bill improperly referred was made in the

following case, namely:
A bill (H. R. 10958) for the relief of Alanson V. Brooks—from the Committee on Military Affairs to the Committee on Invalid Pensions.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Petition of William Donovan, of Jefferson County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Memorial of Philip Noonan, of Louisiana,

for an appropriation to test his patent for utilizing wave motions on railway tracks-to the Committee on Railways and Canals.

By Mr. BROWER: Petition of J. G. Greer, administrator of Maria Pippin, of Livingston County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. BROWN: Petition of the Tobacco Association of Lynchburgh, Va., asking immediate repeal of the tobacco tax-to the

Committee on Appropriations.

By Mr. BURNETT: Petition of farmers of Ashland Grange, Massachusetts, for protection to agriculture-to the Committee on Agricult-

By Mr. BURROWS: Protest of 13,000 citizens of Utah Territory, against its admission to the Union as a State-to the Committee on the Territories

By Mr. DOUGHERTY: Petition of B. Southwick, heir of Emily Southwick, of St. John's County, Florida, for reference of his claim to the Court of Claims-to the Committee on War Claims.

By Mr. FORNEY: Petition of estate of James Bundren, of De Kalb County, Alabama, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. McKINLEY: Petition of citizens of Alliance County. Ohio, in favor of the Sunday-rest bill-to the Committee on the Judiciary.

Also, petition of M. D. Harter, of Mansfield, Ohio, for a reduction of tariff taxes to a revenue basis-to the Committee on Ways and

By Mr. J. J. O'NEILL: Resolutions of South St. Louis Turnverein, protesting against the passage of Blair educational bill—to the Committee on Education

By Mr. PETERS: Concurrent resolution of the Legislature of Kansas favoring the enrollment in the next census of all ex-soldiers and sailors—to the Committee on the Eleventh Census.

By Mr. PHELAN: Petition of W. H. Moncrief, of Fayette County, Tennessee, for reference of his claim to the Court of Claims-to the Committee on War Claims.

Also, petition of Charles F. Tising, for a pension—to the Committee on Invalid Pensions.

By Mr. SHAW: Petition of manufacturers, dealers, and consumers of canned goods, of Harford County, Maryland, for a drawback on tin-plate—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Joint resolution to quiet title in the United

States to certain lands in Miller County, Arkansas—to the Committee

on the Public Lands.

By Mr. T. L. THOMPSON: Petition for the admission of Washington Territory as a State-to the Committee on the Territories.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BIGGS: Of C. S. Todman and 89 others, of Stockton, Cal. By Mr. BOOTHMAN: Of J. W. Lilley and 213 others, of Hicksville, Ohio.

By Mr. BOUTELLE: Of Joseph D. Emery and 146 others, of Caribou, Me.

By Mr. BURNETT: Of E. W. Porter and 64 others, of Blackstone, Mass.

By Mr. J. E. CAMPBELL: Of Luther Townsley and 198 others, of Cedarville, Ohio.

By Mr. CASWELL: Of Elijah Favill and 49 others, of Lake Mills,

By Mr. COGSWELL: Of James T. Almy and 90 others, of Salem, Mass

By Mr. COOPER: Of W. W. Vaughan and 28 others, of Mount Gilead, Ohio.

By Mr. DAVIS: Of John W. Bowles and 100 others, of Falmouth,

By Mr. GIFFORD: Of W. J. Musgrove and 165 others, of Drayton; of Alex. Cameron and 57 others of Tyner, and of Wilhelm Fritz and 116 others, of Cass and Ransom Counties, Dakota.

By Mr. GROSVENOR: Of M. C. True and 58 others, of Lower Salem, and of F. P. Ames and 128 others, of Marietta, Ohio.

By Mr. LODGE: Of William D. Pool and 52 others, of Lynn, Mass. By Mr. MACDONALD: Of D. W. Ackerman and 48 others, of Stanton, and of Henry H. Tomlin and 6 others, of Jefferson, N. J. By Mr. PETERS: Of J. B. Pulliam and 206 others, of Ulysses, Kans.

By Mr. PHELPS: Of John Whiteley and 365 others, of Paterson, N. J.

By Mr. PUGSLEY: Of A. L. Hartshorn and 177 others, of Waverly,

By Mr. RICE: Of A. J. Smith and 19 others, of Ramsey, Minn. By Mr. E. J. TURNER: Of G. Lytle and 133 others, of Downs, Kans.

By Mr. WILLIAMS: Of B. Judy and 142 others, of Troy, Ohio. By Mr. YODER: Of Enoch Westerfield and 168 others, of Greenville, and of E. S. Dunham and 46 others, of Bluffton, Ohio.

## SENATE.

# WEDNESDAY, January 30, 1889.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

CREDENTIALS The PRESIDENT pro tempore presented to the Senate the credentials of PRESTON B. PLUMB, chosen by the Legislature of Kansas a Senator from that State for the term beginning March 4, 1889; which were read,

and ordered to be filed.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a concurrent resolution of the Legislature of Kansas, favoring the opening of the Indian Territory to settlement; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 7, by Senator Murdock.

Senate concurrent resolution No. 7, by Senator Murdock.

Resolved by the senate (the house of representatives concurring therein), That we deem it for the best interests of the country that the Indian Territory be immediately opened for settlement.

That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to secure legislation in accordance with the sentiment herein expressed.

The secretary of state is hereby directed to transmit a certified copy of this resolution to each Senator and Member of the House of Representatives of this State in Congress.

State of Kansas Office of Secretary of State.

STATE OF KANSAS, OFFICE OF SECRETARY OF STATE I, William Higgins, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original concurrent resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 26th day of January, A. D. 1889.

[SEAL.]

WM. HIGGINS, Secretary of State.

The PRESIDENT pro tempore presented a petition of citizens of Kansas, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented a concurrent resolution of the house of representatives of the Legislature of Kansas, favoring a reduction of the price of lands to pre-emptors within railroad limits; which was referred to the Committee on Public Lands.

Mr. PLUMB. I also present a concurrent resolution of the Legislature of Kansas, to the same effect as the one just laid before the Senate by the Presiding Officer, favoring the opening of the Indian Territory to settlement. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BUTLER presented a petition of 14 citizens of Charleston, S. C., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLODGETT presented a petition of members of the First Presbyterian Church of Stanhope, N. J., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Job S. Haines and 105 others (46 voters and 60 women), citizens of East Greenwich Township, New Jersey, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

# PRINTING OF SUNDAY-REST HEARING.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution to print the hearing before the Committee on Education and Labor on the Sunday-rest bill, to report it favorably without amendment. I ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read. The Chief Clerk read the concurrent resolution submitted by Mr. MANDERSON, January 28, 1889, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed for the use of Congress 32,000 extra copies of Senate Miscellaneous Document No. 43, Fiftieth Congress, second session, being the hearing before the Committee on Education and Labor on Senate bill 2983, known as the Sunday-rest bill, of which 10,000 copies shall be for the use of the Senate, 20,000 copies for the use of the House of Representatives, and 2,000 for the use of the Committee on Education and Labor of the Senate.

The resolution was considered by unanimous consent, and agreed to. SINKING FUND OF UNION AND CENTRAL PACIFIC RAILROADS.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

sidered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as to the amounts, respectively, in the sinking fund to the credit of the Union Pacific and Central Pacific Railroad Companies, respectively, on the 1st day of February, 1889, under the operation of what is commonly known as the "Thurman sinking-fund act," stating the amounts of each invested in bonds, the character of bonds, and the amounts in cash to the credit of each company on said date, together with a statement of the market value in cash of the bonds to the credit of each of such companies on said date, and the difference in amount, if any, between such present cash value, including the cash on hand and the amount of cash that would have been in such fund to the credit of each of such companies on February 1, 1889, provided no investments whatever in bonds had been made of any portion of such funds.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 6105) donating two 6-pound brass cannons to the Illinois Soldiers' and Sailors' Home; and
A bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890.

# ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the

the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2557) for the relief of W. W. Welch;
A bill (H. R. 5752) for the relief of Julia Triggs;
A bill (H. R. 6755) granting a pension to Mary Jane Harris;
A bill (H. R. 9163) granting a pension to Eli Garrett;
A bill (H. R. 11052) granting a pension to Clara M. Owen;
A bill (H. R. 11223) to increase the pension of George A. Glover;
A bill (H. R. 11378) granting a pension to James E. Harden;
A bill (H. R. 11459) granting a pension to Erasmus W. Jones;
A bill (H. R. 11757) to increase the pension of Rowland Ward;
A bill (H. R. 11757) granting a pension to Relecca H. Lyon:

A bill (H. R. 11757) granting a pension to Rebecca H. Lyon; A bill (H. R. 11624) to increase the pension of Jacob Rogers; A bill (H. R. 11629) granting a pension to Elizabeth Clover; and A bill (H. R. 12039) granting a pension to Thirza S. Jenner.

# NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution offered by the Senator from New Hampshire [Mr. CHAND-LER], coming over from a previous day.

Mr. HALE. I hope the Senator from New Hampshire [Mr. CHAND-LEE] will let that resolution go over for another day.

Mr. CHANDLER. The document to which I referred has not yet been printed, and therefore I ask that the resolution may go over

another day, retaining its place.

The PRESIDENT pro tempore. The resolution will go over without prejudice, retaining its place as current morning business until to-morrow, if there be no objection. The Chair hears none.

# DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 11879.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, the pending question being on the amendments reported from the Committee on Appropriations, after line 174, to insert:

For the execution of the obligations and the protection of the interests of the United States existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

For the survey, improvement, and occupation of the bay and harbor of Pago Pago, in the island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

Mr. DOLPH. Mr. President, I appreciate the anxiety of the Senator having charge of this bill to have an early vote on the pending amendments, but there are involved, directly or indirectly, in the pending question considerations of great import to this country and of a special and local interest to the people of the Pacific coast. Whatever might have been thought before the debate commenced yesterday as to the propriety of a general discussion of the subject of our rights and interests in the Samoan Islands and our relations to the German Government, the matter has now proceeded so far as in my judgment

to render further discussion desirable. Interested as the people of the Pacific coast are in everything pertaining to the commerce of the Pacific and the control of the islands of that ocean, which in the not distant future will be the centers of an extensive commerce, I do not feel disposed to let the opportunity pass without submitting some observations of my own. It has seemed to me that the occasion calls for reference to those larger questions of national policy and principles which enter into the question of the control of the islands of the Pacific, and in the discussion our rights should not be based alone on the existing treaty between the United States and the Samoan Government. If my views are incorrect, coming from so humble a member of the Committee on Foreign Relations and of the Senate, they will be understood to be my individual views and will therefore neither compromise the Government nor receive undue attention elsewhere.

The Samoan Islands or Navigator's Islands are of considerable commercial and strategic importance to the United States. They are situated between parallels 13° 30' and 14° 20' south latitude and meridians 169° and 173° west longitude. The group is composed of nine islands; some writers have said thirteen, but they include the Manua group, lying 60 miles west of the Samoan group. Only three of the islands are

of any considerable geographical or commercial importance. These

three are Savaii, Upolu, and Tutuila

Savaii, the largest, is about 40 miles in length by 20 miles in breadth, and contains 700 square miles. It is occupied mainly by two mountain ranges of volcanic origin, one extending from east to west along the south coast, the other being more centrally located, and the two coming together near the north end of the island. There is but one harbor in this island where large vessels can anchor, and even that is not safe from November until February. It is of very little importance. The interior of the island is composed of mountains and lava-beds, is a wilderness destitute of animal life, and of no value. Wherever the mountains amproach the coast the shore line is above to and rocky. mountains approach the coast the shore line is abrupt and rocky, but where they recede from the shore there is a narrow strip of alluvial soil always covered with luxuriant vegetation and dotted over with Indian villages

The second island in size, but the most important one so far as population and resources are concerned, is Upolu. It is 37 miles long and 11 miles broad, and contains 550 square miles. Upon this island is the harbor of Apia, situated between Malaatua and Mulinuu at the head of an oval bay. It is the place where the seat of government for the islands is located, and where the principal residences of foreigners are. The center of this island is composed of mountains, and on a mountain near Apia is a celebrated lake 120 feet from the edge of a cruet, the top of a requirities 60 feet deep without any visible inlet or out.

at the top of a mountain, 60 feet deep, without any visible inlet or outlet, and supplied by the annual rainfall.

The harbor of Apia, the principal harbor in this island, is a very good one, probably the best in the islands for sailing vessels, and yet at cer-

tain portions of the year is dangerous.

Skirting portions of the island are strips of rich alluvial soil covered with luxuriant vegetation, and the hills themselves are covered to their summits with groves of trees, among which are the cocoanut, the tree fern, and various hard-wood trees which take a high polish and are suitable for manufacturing into furniture. Beneath these groves of trees tropical fruits, such as bananas, oranges, limes, and bread-fruit, grow. Cotton is indigenous, at least there is a species of wild cotton growing there. Undoubtedly the islands are adapted to the production of coffee and the sugar-cane.

The next in order of size is the island of Tutuila, and it is the island in which the United States, by reason of our treaty rights in the harbor of Pago Pago, probably have the greatest interests.

This island is 17 miles in length and 5 miles in width. The harbor

of Pago Pago, situated on the south side of the island, is a deep indentation some 3 miles in length, nearly cutting the island in two, narrow at its mouth, being a little over a mile in width, surrounded by hills from 2,000 to 3,000 feet high, with a narrow fringe or strip of alluvial soil surrounding the bay at the foot of the mountain where the Indian villages are built, and which, as stated by the Senator from Ohio yesterday, would be suitable ground for the erection of wharves and other necessary structures for the full enjoyment by the United States of their treaty privileges. This island is of volcanic origin, and in the center is a chain of mountains like those in Upolu. The hills are wooded to their summits, the trees being of the same character as the groves of Upolu.

The population of these islands is 35,000 natives, but there are about 350 foreign residents, of which about 100 are citizens of the United States and something exceeding that number subjects of Germany, and the rest are mainly British subjects. The trade of the islands is about in proportion to the citizenship of the foreign residents. It is stated that in 1885 the annual amount of trade with Germany was \$281,612, that with the United States \$146,000, and with Great Britain \$115,000. Our commerce is small, but it is worth protecting. The natives are, of the same race as the Kanakas of the Sandwich Islands. They belong to the so-called light race of the Southern Pacific islands, and are superior to any other native race now in the Pacific. They are well developed physically, of fair mental ability, and are susceptible

of a great degree of improvement.

They are said to be easily led by foreign influences, have been at least nominally converted to Christianity, and Mr. Sewall, our conleast nominally converted to Christianity, and Mr. Sewall, our consul-general there, states that morning and evening in every house there is Christian worship. It seems to be conceded by all who have examined the question that what was stated yesterday by the Senator from Ohio in regard to the capacity of these natives for self-government is substantially correct, that they are not now prepared to establish or maintain a government which can enforce its authority and protect the interests of the natives and of the foreign residents in the islands. The question of the independence and autonomy of the Samoan Government is complicated by the presence of foreign residents and by the ment is complicated by the presence of foreign residents and by the effort which has been made to cultivate the islands and to create a commerce between them and foreign nations.

I think it will conduce to a better understanding of the recent occurrences in these islands which have involved the United States in some controversy with Germany, to take at least a hasty glance at the events which have occurred in Samoa from the time the United States first became connected with the islands up to the time when the course of Germany was commenced which has led to the present complications

Our attention was first called to the Samoan Islands in 1872 by Captain Webb, a ship-owner, and who was, I believe, a part owner of the line of steam-ships plying between San Francisco and Australia. His communication to our Government was based upon the report of the captain of one of his ships. He called the attention of the Government to the commercial importance to the United States of the harbor of Pago Pago. In the same year Commodore Meade, of the Navy, entered into a convention with the principal chiefs of the island of Tutuila for a cession of the harbor of Pago Pago to the United States. That convention was sent to our Government, and submitted by President Grant to the Senate, but was not ratified. The same year the principal chiefs of the islands sent a petition to the United States praying for the annexation of the islands to the United States. It is to be presumed that it was in pursuance of this invitation of the Samoan Government to the United States to annex the islands, or for a protectorate over them, that Colonel Steinberger, a citizen of San Francisco, was sent as special commissioner to the islands, to examine into Samoan affairs and report to the Government.

He went to the islands under the "mantle of authority," and when he returned made an elaborate report to this Government; and, in accordance with the request of the natives to have him returned, he was sent back by our Government. He brought with him when he first returned to the United States another petition from the chiefs of Samoa for annexation, and letters from the chiefs and people, among others a letter from Malietoa, the principal chief, from the tenor of which it is evident that the people of the islands then believed that annexation was already complete, or at least that our Government had

extended its protection over them.

Colonel Steinberger was returned to the islands with presents from the Government of the United States to the Samoan Government consisting of a hundred muskets and ammunition, some larger guns, musical instruments, clothing, etc., and with a letter from President Grant in which he expressed the most lively interest in the people of the islands, and the hope that their independence and autonomy would be

preserved.

When Colonel Steinberger reached the Samoan Islands the first time he found the government to be a government of chiefs called the Taimua and Pule or Faipule. The Taimua consisted, I think, as stated by him, of seven chiefs, not of the highest order, representing seven different districts. In some subsequent correspondence I have seen, it is stated that this body was composed afterwards of two chiefs from each district, making the number fourteen. The Faipule consisted of four chiefs of a higher order. There were besides in theislands other chiefs,

village chiefs, who were not taken into this government.

During the first visit of Colonel Steinberger to the islands a written constitution and laws were adopted, probably the first that they had. After the return of Steinberger to the Samoan Islands his connection with the United States Government was discontinued, and in 1875 he reorganized the Samoan Government under a new constitution medeled after the Constitution of the United States, the Taimua and Faipule being legislative bodies somewhat similar to the House of Representatives and Senate of the United States; but the important feature of his government was that there was a premier who virtually had control of the government, and Steinberger himself was that premier. The government which he established, in form an autonomous government, was, in fact, I suppose, the individual government of Steinberger, who ruled the people at his will, but all agree that it was the first stable government which had existed in Samoa since foreigners had become residents in the islands.

During the time that Steinberger was absent in the United States between his first visit to the Samoan Islands and his return, the Samoan people had determined that they would have a king, and finding that they were embarrassed in the choice of a king they determined on having two kings and elected Malietoa Laupepa, the now deported king of the Samean Islands, deported by the German Government, and another, who was the principal chief of the opposing or rival family. Upon Steinberger's return he persuaded them that a government of two kings was impracticable, and an election was had or a choice of king was

made, and Malietoa Laupepa was chosen.

An explanation is necessary in regard to the name or title of Malietoa which is taken by the kings of the Samoan Islands. It is a title that was given by the Samoans to a famous chief several hundred years ago who had driven the Tongans from the islands—a title which belongs to the Malietoa family. Upon the death of the father of Malietoa Laupepa, who was Malietoa Moli, in 1865, a dispute arose in the Malietoa family as to who was entitled to the title of Malietoa. The father had signified a desire just previous to his death that his son Malietoa Laupepa, who was then twenty years of age, should succeed him. He, how-ever, left a half-brother, Malietoa Talavou, who was a great warrior, a man of great influence, and certain influential members of the family believed that he should take the title, and in consequence both the son and uncle assumed the name of Malietoa; but they lived in harmony together in the same house until 1869, neither assuming the title of king.

could to secure his preference, and in 1869 a missionary by the name of Williams is said to have taken the younger Malietoa from the house of his uncle in Mulinuu, where they were living together, and brought him to Apia and crowned him king. Immediately after this the adherents of the older Malietoa crowned him king, and a war ensued which resulted in a compromise, by which the government was established which Colonel Steinberger found when he went to the island; that is the government of the chiefs, the Taimua and Faipule.

Steinberger's government continued until February 2, 1876, when he was arrested by the officers and men of a British man-of-war and was carried on board the vessel, kept prisoner for a time, deported from the islands and taken to the British colony of Fiji and there released. To secure this, Malietoa, who was then king, had been induced to sign a request for his arrest. The result was that these legislative bodies, this government of the chiefs, the Taimua and Faipule, immediately after his arrest, the same night, held a meeting and deposed the king and drove him out from the seat of government. The next day he was found on a neighboring island, Savaii, and was taken from there by a British man-of-war and brought back.

Civil war resulted from the deposition of King Malietoa. The Taimua and Faipule became alarmed and sent a delegation of chiefs to the Fiji Islands to request British protection. The chiefs returned on the 23d of May, 1877, and our commercial agent in the islands, in order, as was supposed, to prevent British intervention and protection, and at the request and with the consent of the German consul, Mr. Weber, raised

the American flag over the Samoan flag.
On February 22, 1878, our flag was again raised by our commercial The occasion for this was as follows: A high commissioner had been sent by Great Britain to negotiate a treaty with the Samoan Government, but in the mean time the latter Government had sent an envoy to the United States to ask the protection of our Government over the isl-The Samoan Government refused to enter into a treaty with Great Britain until they could hear the result of the mission of their envoy to the United States. This offended the high commissioner, who was there with a British man-of-war, or perhaps more than one. He was much annoyed at the prospective failure of his negotiations, and landed a force of marines at Apia, and it was supposed he intended to force upon Samoa the signing of the treaty at the point of the bayonet. At this juncture our commercial agent again hoisted the American flag, which interfered with the operation, and the treaty was not signed.

In the mean time the envoy to the United States returned to the

islands, bringing the existing treaty with the United States, which, after being published, was on the 29th and 30th days of July considered in a meeting of the chiefs and ratified. The next year, 1879, the German Government secured a treaty with the Samoan Government, which, although severely criticised, was also ratified. The English obtained

their treaty in 1879.

Although the government of the chiefs subdued the rebellion, they Although the government of the chiefs should the rependent, and became weaker and weaker, and in January, 1879, the elder Malietoa quiety returned to the seat of government and continued to reside there. On May 3, the younger Malietoa standing aside for him, he was anointed king. On May 28 his adherents notified the government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, to leave the seat of government of the chiefs, the Taimua and Faipule, the seat of government of the chiefs, the Taimua and Faipule, the seat of government of the chiefs, the Taimua and Faipule, the seat of government of the chiefs, the Taimua and Faipule, the seat of government of the chiefs, the Taimua and ment, which they did. War being now inevitable, the American and British and German consuls negotiated with both parties for a neutral territory, comprising the district of Apia, and within which most of the foreigners reside.

A battle followed, and the king was successful. In August, 1879—that is the date of the British treaty—Sir Arthur Gordon, the British high commissioner, returned to the Samoan Islands and consulted with the consuls of the various governments represented there as to what power in Samoa he should recognize, that is, with whom he should treat, and they all agreed that he should treat with King Malietoa the

elder, then in power.

This was accordingly done, and on the next day all the consuls joined in a proclamation to the effect that they had resumed relations with the Government of the Samoan Islands and recognized the then king, Malietoa Talavou. At the same time they entered into a convention with Malietoa for a municipal government for the neutral district, the district of Apia, by which certain judicial powers were conferred upon the consuls, and not only the power to make regulations, but to enforce them.

This took effect on the 2d day of September, 1879, and having expired September 3, 1883, was renewed indefinitely by the consuls.

November 16, 1879, a decisive battle having been fought, a treaty of

peace was secured by the intervention of Captain Deinhardt, of a German war ship then at Apia, by which Malietoa Talavou was to be king and Malietoa Laupepe vice-king, and was to be king at the death of Malietoa Talavou. In 1880 an agreement was entered into between the consuls and the Malietoa government for the support of the existing government and for the appointment of foreign advisers to the king by each of the three treaty powers, who were to participate in the government of Samoa. Three foreign advisers, one German, one British subject, and one American, were appointed, and certain laws were enacted with The missionaries, on account of the education of young Malietoa and their assistance, among them laws to prevent the sale of arms and amhis mild disposition, preferred him to his uncle, and did everything they munition to natives, to prevent Chinese immigration, and to provide

quarantine regulations. In July, however, they suspended their operations to wait for delegates, it was said, from all Samoa, and never

again resumed power.

November 9,1880, news was received of the death of the elder Malietoa, who was at the time of his death in the island of Savaii. The younger Malietoa, who was then vice-king, assumed the head of the govern-ment and was afterwards anointed king. Shortly afterwards the opposition anointed Tamasese king. War ensued; preparations at least were made for war. In June, 1881, Captain Gillis, of our naval vessel Lackawanna, being at Apia, undertook to secure peace. He visited the camps of the respective parties, made a speech to each of them, arranged for a meeting on board the Lackawanna, which was held and adjourned from time to time, submitted to them certain articles which he had prepared, and the result was that a peace was agreed upon by which Malietoa was to be king and Tamasese vice-king.

The agreement was signed on the 12th day of July, 1881, and from that time up to January, 1885, that government was recognized by all the treaty powers by repeated acts. It was the most stable government the islands had ever had. Its authority was enforced. Its laws were executed to the extent of capital punishment. The rights of person and property of the foreign residents were safe. It was while this government was proceeding with so much order, stability, and vigor that the course of Germany towards the islands was commenced which has

led to the present complications.

Through the instrumentality of a German fleet at Apia the German consul-general secured the signature of the king and vice-king to the convention of November 10, 1884, which was referred to by the Senator

from Ohio yesterday, which virtually—
Mr. GEORGE. I desire to ask the Senator a question. Has the German Government distinctly, in any note or authorized expression to this Government or to the English Government, acknowledged that

treaty as no longer in force?

Mr. DOLPH. I think not. Although I have an impression that the Senator from Ohio stated that yesterday, the information we have in regard to these islands is scattered through many documents, is very voluminous, and I should not be surprised if either the Senator from Ohio or myself were mistaken in regard to any particular fact; but I do not understand that Germany has ever notified this Government that it did not insist that the treaty was binding upon the Samoan Government, and I understand that the repudiation of that treaty by Malietoa was, in fact, the cause for the personal war against himself and for recent acts of the German Government in Samoa

Mr. MORGAN. To which treaty does the Senator refer?
Mr. DOLPH. I refer to the treaty of November 10, 1884, signed by
the king and vice-king and by the consul-general of Germany, and witnessed by Mr. Weber, the head of the commercial interests of Germany in the Samoan Islands.

Mr. MORGAN. The first municipal engagement they entered into?
Mr. DOLPH. No; it is not the municipal treaty at all. I will refer to the treaty. The Senator will find the treaty on pages 5, 6, and 7 of Executive Document 238, being a message from the President of the United States, with inclosures, in response to the resolution of the House of Representatives of February last. Article 1 of this treaty pro-

A German-Samoan council of state shall be formed. To it shall belong the German consul or his representative, two Samoans, one of whom shall be appointed by the king, the other by the vice-king, with the advice and consent of the Taimua and Faipule, and two Germans, who shall be appointed by the German consul.

That is, three Germans and two Samoans. Article 2 provides:

The German-Samoan council of state shall deliberate and decide concerning all laws and arrangements whose introduction may be desirable for the common interest of the Samoan Government and of the German residents of Samoa. Especially shall it establish legal provisions which shall be enforced in the case of criminal acts committed by Samoans, when a German, or a citizen or subject of another state in the German service, or a colored laborer in the German service, or the property of such persons has been thereby injured. The same provisions shall be enforced in the case of offenses committed by colored laborers in the German service. in the German service.

Article 3 provides that the laws and regulations which are to be made by this German-Samoan council of state shall be promulgated by the king and vice-king over their own signatures as laws of the kingdom.

It is then provided in Article IV:

The king shall appoint, with the advice and consent of the German consul, a German officer (as a member) of the Samoan Government. This officer shall be the secretary and the adviser of the king in all matters in which German residents of Samoa are concerned. He shall perform the functions of a German judge in criminal cases in which German residents of Samoa are interested.

It then provides what sentences may be pronounced and in what manner.

Mr. MORGAN. That is the treaty I had in my mind. I think that that is a municipal treaty, a treaty for the conduct of municipal affairs of the Samoan Government, not a treaty of commerce or of amity, or any other thing except for the internal government of Samoa. I think if that treaty had been ratified between Germany and the Samoan Government it would have been a clear violation of our treaty

Mr. DOLPH. Of course the word "municipal" is susceptible of

various definitions. Every local law of a nation may be said to be a municipal law. I thought when the Senator first asked me concerning the treaty that he meant a treaty for the government by the consuls of the municipality of the district of Apia.

Mr. MORGAN. Oh, no.
Mr. DOLPH. This appears to be a treaty which justifies what was stated by the Senator from Ohio yesterday; that is, that if it had been executed it would have secured substantially the entire control of the Samoan Government by the German Empire.

But I was proceeding to say that Article V provides:

A prison shall be erected for the custody of offenders in criminal cases in which German residents of Samoa are interested. Persons sentenced to imprisonment at hard labor shall be required to perform suitable work, such as can be made available for defraying the cost of the management of the institution. The German member of the Samoan Government shall be charged with the surveillance of the management of the prison.

Then Article VI.

The king, together with the German consul, shall appoint policemen, who shall perform the prison service and shall see that good order is maintained on German plantations. These policemen shall be subject to the control of the German member of the Samoan Government.

Mr. MORGAN. If the Senator will allow me, I wish to call his attention to the fact that the treaty or convention of which he is now speaking, and a part of which he has read, is subsequent in date, being November 10, 1884, to the treaty or convention of September 2, 1879, between Samoa and Great Britain and the United States, which, however, was not ratified by the Senate; in fact, our Government never sent it to the Senate for ratification; and I concur with him, and I think it is a very important question, that it was the determination of the German Government, as evinced in this later transaction, to seek to supersede entirely the convention of September 2, 1879, and to get a very much firmer and stronger hold upon the local government of Samoa than it could have had under the former convention.

Mr. DOLPH. However, it was not until some time after the negotiation of the treaty of November 10, 1884, that the German Government attempted to withdraw from that municipal convention. That withdrawal was not had until 1887, after our present consul-general arrived there. That is to say, the three powers acted under that convention for the municipal government of the district of Apia from the time it was executed and took effect on the 2d of September, 1879, up to some time in the summer of 1887, notwithstanding the execution of

the treaty of November 10, 1884.

Mr. MORGAN. I think I agree with the Senator from Oregon that the treaty of 1884, to which he has been referring, contains evidence that is absolutely convincing of the determination of Germany to acquire supreme jurisdiction and power in Samoa, and I agree that Germany would not have withdrawn from that treaty, would not have abandoned it, but for the pressure that was brought to bear, I suppose, by other powers interested.

Mr. DOLPH. I do not understand that the treaty of November 10, 1884, which was afterwards repudiated by the Samoan king, referred particularly to the municipality or district of Apia. It covered the entire islands wherever there were German residents, and that was, I think, the portion of the islands capable of cultivation-their planta-

ions were in different portions of the islands.

Mr. MORGAN. Of all the islands?

Mr. DOLPH. Of all the islands, yes; and the extensive provisions of this treaty, the powers therein conferred on the German Government, it appears to me, are entirely incompatible with the independence and autonomy of the native government—the Samoan Government—and are inconsistent with our treaty rights there.

As soon as the German fleet sailed away Malietoa repudiated the treaty, alleged that it had been signed under duress, and applied to the British Government for protection.

I will ask the Senate to indulge me in having read a letter dated

Mulinuu, December 29, 1884. Mulinuu is a town in the district of Apia, and situated on the promontory of that name at the entrance of the bay on which Apia is situated. I will ask the Secretary to read the letter which I send to the desk.

The Secretary read as follows:

[Inclosure E 9.]

MULINUU, CAPITAL OF SAMOA, December 29, 1884.

MULINUI, CAPITAL OF SANDA, December 29, 1884.

YOUR MAJESTY: I write to inform your Majesty that I am deeply distressed on account of the troublesome acts done by subjects of your country in Samoa. I humbly beseech your Majesty to listen to my complaint.

The first matter of complaint of which I have to inform your Majesty is the agreement which was made on the 10th of November between the Government of Germany and the Government of Samoa.

The method in which it was brought about was very improper, for we did not desire to make it because we were not allowed to see the documents so that we could consult about it and consider it.

I wrote to the German consult to ask him to give me a copy of the agreement, in order that we should thoroughly understand its meaning. He replied that he refused to give me or my government a copy of the agreement until after we had accepted (signed) it.

I assented to the agreement and our names, Malietoa and Tupua, were signed to it on account of our intimidation by threats. I also inform your Majesty of our withdrawal from the agreement on account of its containing many impraeticable clauses.

I therefore beg your Majesty will not assent to that agreement.
I also appeal to your Majesty will not assent to that agreement.
I also appeal to your Majesty will not assent to that the toublesome acts of Mr. Weber, a subject of your country.

He is continually trying to cause divisions among my people, in order to bring

about disturbances and war in Samoa. I have received much information respecting his working for the purpose of causing troubles to arise in Samoa again.

He is continually scheming and offering bribes to some Samoan chiefs to induce them to comply with his wishes and thus cause a rebellion in my country. I complain to your Majesty on account of this improper conduct of Mr. Weber, so that he may be compelled to desist from acts by which the blood of the people of my country may be shed.

I hope and pray that God will bless your Majesty and your Government.

I am, your Majesty,

MALIETOA, King of Samoa.

To His Imperial Majesty the EMPEROR OF GERMANY.

Mr. DOLPH. In January following the German consul-general made reprisal, as he called it, of the sovereignty of the king within the municipality of Apia, and raised the imperial flag there, and later the king was compelled to leave the capital. Upon Malietoa raising the Samoan flag, a detachment of marines was sent from a German vessel in the harbor, and it was pulled down. Simultaneously with this action Tamasese, the vice-king, under the agreement made on board the Lackawanna, on July 12, 1881, was induced by Mr. Weber, the head of the German trading firm at Apia, to rebel. The object was apparent, and no doubt was to secure control of the islands through the fiction of a native government.

Despite the assurance of the German minister of state and the agreement for a conference of the treaty powers afterwards made concerning Samoan affairs, the encouragement and active aid of the Tamasese party by Mr. Weber, the head of the German trading firm, and Dr. Stuebel, the German consul-general, continued and was open and unconcealed. Mr. Weber erected a house among them from which he distributed arms and ammunition in exchange for lands at ruinous prices to the Samoans, in spite of the remonstrance of Malietoa and the British and American consuls, and in violation of a law which had been passed by the active co-operation of the German consul, a law which had been passed with the assistance of the foreign advisers to the Samoan Government, the advisers appointed, one by each treaty power, who, as I have stated, participated with the legislative bodies in the enactment of certain laws. The rebels were constantly assured that the German fleet would return to put them in power and to drive out their enemies; that they would have German protection. In 1886 the German fleet did come, and everything that was done by it had a tendency to induce the Tamasese party

thing that was done by it had a tendency to induce the lambases party to believe that the promises to them were about to be carried out.

The admiral of the fleet, instead of calling upon the king, sailed down to the rebel camp, went on shore and addressed Tamasese and his forces, telling them to be patient; that they would be protected; that the protection of Germany had been resolved upon; and everything indicated that Germany was then about to take possession of the islands and put Tamasese in power, and this was only frustrated by the action of our consul at Samoa, Mr. Greenebaum, who, at the request of Malietoa, hoisted the American flag at the seat of government over

has the Samoan flag, and the fleet sailed away.

As was stated yesterday by the Senator from Ohio, this action of our consul was promptly repudiated by Mr. Bayard, and the English and German ministers and our ministers abroad were notified of that repudiation. At the same time the German Government was informed that the United States desired no separate protectorate, and it was suggested, if my recollection serves me correctly, that whatever was done there for the protection of foreign interests should be done by the three

treaty powers.

Mr. MORGAN. I do not understand that it was to be done as a Mr. MORGAN. I do not understand that it was to be done as a joint protectorate at all, or a separate protectorate by either one of the powers, but that the conclusion they were to come to was that which is expressed positively in our treaty, and apparently, if not positively, in all the succeeding treaties between Germany, Great Britain, and Samoa, that the autonomy of that kingdom should be preserved, and that its commercial neutrality should also be preserved. I think Mr. Bayard has never at all committed this Government to the proposition that there was to be either a separate protectorate by one Government or a joint protectorate by all three. He did not believe that a protect-orate was entirely consistent with the recognized autonomy of that

kingdom as a kingdom in the family of nations.

Mr. DOLPH. The dispatch of Mr. Bayard to Mr. Pendleton contained the following:

No separate protectorate by any nation desired. Suggest that German minister here be authorized to confer with British minister and me, and arrange that order be established. A competent and acceptable chief to be chosen by natives and upheld by three powers.

That comes pretty near a protectorate upheld by three powers.

Three new consuls to be appointed, and continued presence of a war vessel for two years provided for by three powers. Joint declaration to be made against annexation or protectorate by any of the three powers.

These being the words of Mr. Bayard, they will qualify anything I

may have said previously in regard to the dispatch.

This proposition for a conference was acceded to by the British Government. It was when first presented taken under advisement by the German Government, but afterwards acceded to, and our Government was assured by the minister of state of Germany then and on numerous subsequent occasions that the status quo should be maintained in the islands. To have maintained the status quo would have been to have maintained the authority of the then King Malietoa.

Preliminary to the assembling of this conference and at the suggestion of the German Government commissioners were sent out by each of the three treaty powers, Germany, Great Britain, and the United States, to examine into the affairs of Samoa and to report. Our commissioner sent out by Mr. Bayard was a Mr. Bates, of Delaware, an able lawyer and an intelligent man, who made a very able and interesting report.

The conference assembled in the city of Washington, and was in session here in July, 1887. It had several sessions, and discussed this question, as will appear by the dispatch of Mr. Bayard to Mr. Pendleton, which was referred to yesterday by the Senator from Ohio. Propositions made by the German Government were objected to by this and by the British Government, and propositions emanating from our Government were objected to by the German Government, and the conference adjourned, as stated in Mr. Bayard's dispatch, from July until autumn of 1887, all the while under the assurance of the German Government that the status quo in the Samoan Islands should be preserved. In the spring of 1887 the present consul-general, Mr. Sewall, was appointed, and arrived in the islands on the 17th day of July.

Mr. MORGAN. Will the Senator pardon me for asking him the authority for saying that the German Government agreed that the

status quo should be preserved pending that conference?

Mr. DOLPH. I do not know that I stated it so broadly. Every official communication from the German Government from the time when the attention of that Government was first called to the matter and the conduct of Germany complained of by our Government and a conference requested contained the assurance that the status quo should be preserved. I do not say that there was any special agreement that during the conference it should be preserved, but that was necessarily

Mr. MORGAN. I have no doubt it was necessarily implied between the governments that while they were engaged in negotiating a new arrangement for the government of Samoa or for the protection of the people of Samoa or the non-residents who were in those islands, there should be no interference with the government and no attempt to remove one of the claimants from the exercise of his royal author-ity and supplant him with another. I was asking the Senator from Oregon merely for information, because while it has been stated several times in a positive way that there was an understanding between the two governments that there was to be no interruption of the status quo, I have not seen any official announcement of the fact, or at least I have not seen any agreement of Germany which seemed to recognize that that was an engagement between the United States and that

Mr. DOLPH. As I said before, the dispatches, reports, and other documents relating to this question are very voluminous, and I would not undertake to state positively that any particular fact is not shown by the correspondence. I will say that I do not remember to have seen it anywhere expressly declared in so many words that the status quo was to be maintained during this conference, but my statement, as agreed to by the Senator, I understand, is that it was necessarily implied.

Mr. MORGAN. If the Senator will pardon me one moment more, I think it was of necessity implied in any such conference as was being held between these three great powers that there should be no interruption of the status quo pending that conference. But if that agreement was not reduced to writing, was not made a matter of positive understanding between the governments concerned, then it would probably be a discourtesy to our Government and not a breach of faith if the German Government pending the conference should have gone forward to declare war, for that is what it did, against Malietoa. That is the precise point I wanted to get at, whether we have some duty resting upon us to vindicate the rights and character of this Government for an act of discourtesy, or whether the duty comes out of a positive understanding between the two Governments that there should not be any such intervention in Samoa.

Mr. DOLPH. Our interests and our rights and our duty as a nation in regard to the Samoan Islands, in my judgment, rest upon broader foundations than any question arising out of the conference of the treaty powers, or our treaty with the Samoan Islands, or the treaty of other European Governments with them. As I proceed I think I shall develop to the Senator the grounds upon which I believe the United States Government should interest itself in Samoan affairs.

Mr. MORGAN. I expect I shall be entirely in agreement with the Senator on that.

Mr. DOLPH. I do not propose at this time to criticise to any extent the action of the German Government. It is in accordance with the policy of Europe, the policy of the acquisition of territory, the policy which has prevailed until almost all the islands of the Pacific Ocean have been partitioned out between European powers. I do not know that we can complain, unless we are going to apply a principle that lies deeper than the question of our mere treaty rights with Samoa, to prevent the acquisition of those islands by a European power.

But to continue with the statement, in the spring of 1887 a Mr. Brandeis, lately connected with the German consulate at Apia, and comnected with a trading firm there, a German citizen, was sent to Tamasese under pay and with the title of general, to drill his forces. He took charge of the rebel forces. He organized them. He countersigned the proclamations that were issued by Tamasese. He acted as judge and levied fines and arrested chiefs and deported them, and in fact controlled the government of Tamasese, if we may call it such. During all this time Malietoa, the king, was amply able to subdue the rebellion. He was ready to do so. He insisted on doing so, but was held back and induced not to do so by our consul-general and the consul-general of the British Government, in order to prevent bloodshed. Before Mr. Sewall reached there he received a telegram from the Secretary of State virtually instructing him to advise Malietoa to

shed. Before Mr. Sewall reached there he received a telegram from the Secretary of State virtually instructing him to advise Malietoa to desist from attempting to subdue the rebellion, based upon what must have been understood by the consul-general and by Malietoa to be the fact that the three treaty powers would not allow the Samoan Government to pass under the control of the German Government, and would, during the pendency of the conference, maintain the status quo. Induced by our consul, Malietoa desisted upon the eve of an attempt to subdue the subdue, which he could have succeeded in doing at to subdue the rebellion, which he could have succeeded in doing at any time from the day when it was started unless prevented by the interference of the Germans.

In the mean time, after the conference in Washington had adjourned from July until the autumn, the German fleet again appeared at Apia, this time with the evident purpose of taking up the cause of Tama of sustaining him as king, and of securing the control of the islands. We were notified about this time by the German minister (I said yesterday six days before; I find now, after looking at my memorandum, that it was six days after the event) that Germany intended to declare a personal war against King Malietoa. Upon the arrival of the fleet there the German consul-general sent a demand to Malietoa to comply with certain conditions or war would be declared against him. There had been a fracas in Apia at the time of the birthday of the emperor. Some German citizens were celebrating the birthday in a saloon and had given beer to the natives. A drunken row followed. The nose of a Ger-

man was broken, which fact he ascertained the next morning, but could not tell who had done it.

Mr. MORGAN. Was that in Apia?

Mr. DOLPH. It was in Apia.

Mr. MORGAN. Within the municipality?

Mr. DOLPH. Within the municipality, and that municipal government was still recognized. Some natives had been arrested and brought before the Samoan judge, but he discharged them for want of evidence, and they were then at large on a motion pending a new trial. The deand they were then at large on a motion pending a new trial. The demand of the German consul was that Malietoa should make an abject mand of the German consul was that Malietoa snould make an abject apology, using a native word which means "crawling on the belly;" that he should punish the Samoans charged with the offense of breaking the nose of the German, and that he should pay immediately to the injured man a thousand dollars, and pay \$12,000 for fruit which it was alleged had been stolen from plantations during the previous four years.

Mr. MORGAN. Does the Senator remember at what precise place

the Government of Samoa, represented by Malietoa, resided at that time?
Mr. DOLPH. I think Malietoa was then at Apia. As the Senator

knows, Apia is at the head of the bay. Mulinuu is at one point of the bay and there are native villages surrounding the bay. The native government was previously held, and I think generally held, at

Mr. MORGAN. But it was all within the municipality.
Mr. DOLPH. It was all within the municipality; the municipality

embraced several native villages.

Mr. MORGAN. Then the question would naturally arise, I think, if this convention for the government of the municipal district of Apia was then in force or recognized as being in force, whether the authorities concerned in the administration of that system were not themselves the proper persons to apply a corrective, if necessary, for any breach of the recognized.

breach of the peace.

Mr. DOLPH. That is what I think. I think Malietoa might have Mr. DOLPH. That is what I think. I think manietoa might have well said in regard to the surrender or punishment of these persons that they were within the municipality and subject to the consular government of the municipality, and that he could not punish them. This demand was made on the 23d of August, 1887, and at 7 o'clock on the morning of the 24th of August he replied, saying in substance that he had not control of these men to punish them without trial; that he had not control of these men to pulsar them without trial; that the demand was a large one and he had not the means to comply with it, and asking time that he might consult with his chiefs and his government. Within half an hour after this reply was received war was declared against him, marines were landed, and his flag was

Mr. MORGAN. I should like to ask the Senator also whether in connection with that demand of a thousand dollars for the redress of these grievances growing out of this alleged riot the claim of the German people for trespasses upon the plantations, running back, I think, for four years, and estimated at \$3,000 a year, was incorporated with that claim for a thousand dollars and both claims presented at the

Mr. DOLPH. That I understand to be the case. The total amount of money demanded was \$13,000. It was all one demand.

Mr. MORGAN. Is there any evidence that the Senator's eye has fallen upon to show that prior to this sudden demand for \$13,000 there had been during those four years any notification to the Samoan Government that it would be held responsible for the trespasses of Samoans or private citizens upon the private property of the cocoa plantations on the islands?

Mr. DOLPH. I have no recollection of seeing any such demand. I have a strong impression that this demand was made, going back over four years, antedating the time when this Government had been assured that the status quo should be maintained, as a pretense for what was intended to follow, the deportation of Malietoa and the setting up of

Tamasese as king.

As I have said, war was immediately declared against Malietoa.

The marines from the German ship landed and Tamasese was brought to the seat of government by a German ship and saluted. A meeting of chiefs was called by Tamasese and Brandeis. All hope of protection from the United States, all hope of any solution of the question by the conference having failed, Malietoa urged the chiefs to come in and see if they could not make some arrangement with the German admiral, and while the guns of the five German ships were trained upon the seat of government this meeting was held. The agreement which they were required to sign in the interest of Tamasese was held out to them by the consular clerk and they had no alternative. Brandeis made a speech to them which I will read:

Great are my thanks that the chiefs and Faipule of the whole of Samoa are assembled here this day. It is strictly forbidden that any discussion should take place relating to the question as to whether it is good or not that Tamasese is King of Samoa, both at this fono (gathering) or at any future fonos. I place for your signature the following:

We inform all people of all Samoa of what follows:

1. The Government of Samoa has been assumed by King Tuiaana Tamasese.

2. By order (command) of the king it was directed that a fono take place today composed of the Taimua and Faipule, and we have obeyed the summons. We have signed our names under this 15th September, 1887.

We, the Taimua and Faipule, chiefs and heads of families of Samoa.

Germany now claims that this proceeding was an election of Tamasese, who is recognized as king by that country, but has never been recognized by the United States, and I believe not by Great Britain.

Mr. FRYE. Let me ask the Senator if in the diplomatic correspond-

ence between Prince Bismarck and Secretary Bayard this is not alluded to as having solved all doubts and been a strict compliance with the requirements of the United States as a free and fair election by the native amoans?

Mr. DOLPH. Yes; in subsequent correspondence or conversation with our minister in Germany, Prince Bismarck expressed himself as greatly pleased that the suggestion of Mr. Bayard of the election of a chief in Samoa had been anticipated by the election of Tamasese under the circumstances here described. He felicitated our minister on that

Malietoa surrendered to prevent bloodshed and was deported, but his people took up his cause. War followed. Tamasese is supported his people took up his cause. War followed. Tamasese is supported by the Germans, and without their support could not withstand the Malietoa government an hour. The Malietoa party, under the lead of a new chief, Malietoa Mataafa, is reported to have recently defeated the Tamasese party and the Germans. In the struggle the lives of our citizens have been endangered, their property destroyed; they have been subjected to personal indignities by the German authorities at

Apia.

But I will not dwell upon the recent events, many of which were referred to by the Senator from Ohio yesterday. I have not undertaken to cover all the ground or to give recent events in their chronological order. over all the ground or to give recent events in their chronological order. Our Government brought misfortune upon Malietoa and his government by its advice and attitude of protection. It should now, insisting as it does, and as does Great Britain, that Malietoa is the rightful king, and not recognizing the Tamasese government, insist on the restoration of the status quo in Samoa, and should not quietly acquiesce in the acquisition by Germany of such a control of the islands as will be entirely inconsistent with our treaty rights and injurious to our commerce. There should be a positive declaration of policy by the United States in regard to Samoa.

Mr. FRYE. Will the Senator pardon me for a moment?

Mr. DOLPH. Certainly.

Mr. FRYE. I should like to have him put into his speech right at the point where the surrender of Malietoa is described, just these few words that Malietoa said.

Mr. DOLPH. I shall be glad to have them inserted, and I ask the Senator to read them.

Mr. FRYE. Malietoa said:

To all Samoa :

On account of my great love to my country and my great affection to all Samoa this is the reason that I deliver up my body to the German Government. That Government may do as they wish to me. The reason of this is because I do not desire that again the blood of Samoa shall be spilt for me. But I do not know what is my offense which has caused their anger to me and my country. Tuamasaya, farewell; Manono and family, farewell; so also Salafal, Tutula, Aana, and Alua, farewell.

If we do not again see one another in this world, pray that we may be again together above. May you be blessed.

MALIETOA, King.

Mr. MORGAN. I will ask the Senator from Maine if Prince Bis-marck does not attribute the authorship of that proclamation to some

American citizen, and if he remembers his name?

Mr. FRYE. The German authorities attribute the authorship of everything which interferes with German aggressions in Apia or Samoa, to American citizens or the friends of and sympathizers with American citizens

Mr. MORGAN. This included?
Mr. FRYE. This included.
Mr. DOLPH. After these statements concerning the conduct of the German Government in Samoa since 1884, which appears to be in strik-ing contrast with the assurances of that Government to our minister and Secretary of State, and apparently discloses a settled purpose on the part of that Government to secure such a control of those islands as would be incompatible with our treaty rights and obligations with the Samoan Government and with the independence and autonomy of that samoan Government and with the independence and autonomy of that Government, I desire to put on record as part of my remarks the statement of the Secretary of State, contained in a dispatch to our minister at Berlin, which, though couched in diplomatic language and showing more moderation than the facts would seem to warrant, fully justifies me in what I have said concerning the apparent purposes of Germany and her disregard of her understanding with the United States. He

me in what I have said concerning the apparent purposes of Germany and her disregard of her understanding with the United States. He says:

This statement of recent occurrences should suffice to exhibit the earnest efforts of this Government to effect a peaceable settlement of Samoan affairs, honorable to all concerned, and just and equitable not only as between the treaty powers, but also as between them and the natives; and, further, to show that if those efforts have, after acceptance, been suddenly disregarded and defeated, the fact is one for which this Government can not be regarded as in any degree responsible.

Being solicitous, however, still to accomplish in the direction indicated all that the altered situation in Samoa would admit of, I sent identical telegraphic instructions on the 11th of October last to yourself and the United States minister at London stating that the United States consul-general at Apia reported most distressing condition of affairs, which continued war would only make worse; that the consul had been instructed to observe strict neutrality, but this Government was anxious, pursuant to its treaty with Samoa, to urge a peaceful adjustment and considerate treatment of Samoans.

You were further instructed to propose to the governments to which you were respectively accredited the immediate election of a king and a vice-king as agreed on in conference, and the issuance by the treaty powers of identical instructions to their representatives in the islands to promote such an election, leaving other measures which had been discussed, but not agreed upon, to be hereafter arranged.

Two days later I received from you a report that it was not understood at Berlin that a new election had been agreed on in conference, but that a new election had actually taken place.

Subsequently, I was informed by the United States minister at London that he had submitted my proposal to the British Government, but had withdrawn it, before receiving a reply thereto from Lord Salisbury, upon a report from

led me to conclude, is still upheld and controlled by those who brought it into existence.

In Samoa, on the contrary, the action of the German representatives, especially during the last three years, has been such as to raise grave doubts in regard to the future relations of the treaty powers respecting the islands, and these doubts have only been relieved by expected assurances from Berlin of the absence of any intention on the part of Germany to unsettle former understandings and take control of the native government and assume a protectorate. As an example of this may be cited the signing on the 10th of November, 1884, by Dr. Stuebel, then German consul-general at Apia, with Mr. Theo. Weber, whose connections in the islands have been above described, as witness, and by Malietoa as King of Samoa, of a treaty under which substantially the entire control of Samoan affairs was to be handed over to the Germans.

It has never been maintained, so far as I am aware, that the Samoan king's signature of this treaty was a voluntary act. On the contrary, I am informed that it was executed by him under duress; that it was read to him only once by an interpreter; that the German consular representative refused to give him a copy for consideration; and that on the day following the signature of the instrument Malletoa secretly renewed an urgent petition to the Government of Great Britain for annexation. Against this convention the British Government of Germany has not insisted upon its execution.

In January, 1885, less than three months after the incident above narrated, Dr. Strabel under the form of correct processes and the covernment of the processes of the processes

tion.

In January, 1885, less than three months after the incident above narrated, Dr. Stuebel, under the form of reprisal for certain acts of the native government, among which was its refusal to execute the instrument of the 10th of the preceding November, seized or attached the sovereign rights of the king in the municipality of Apia, and raised the German flag on Mulinuu Point, the seat of

the native government. Coincidently, the flag of the native faction hostile to the then existing government was displayed a flow miles down the coast, and the then existing government was displayed a flow miles down the coast, and then covered the severnment of Maileton to put himself at the head of the movement.

This action of the German consul was not sustained by his Government; but shead of the movement.

This action of the German consul was not sustained by his Government; but shead of the movement of the severnment of the United States to perpetuate the neces by remediate of the Government of the United States to perpetuate the neces have desired of the Government of the United States to perpetuate the neces that the state of the state of the United States to perpetuate the neces that the state of the state of the United States to perpetuate the neces that the state of the state of the state of the United States to perpetuate the formal state of the state of

said:

"If, M. I'Ambassadeur, this agreement had been confined to the establishment of a court, and of the procedure to be observed in civil and criminal cases, and the punishment of offenses in which German subjects are concerned, for which alone Article VII of the German treaty in 1879 provides, its provisions would not, in the opinion of Her Majesty's Government, have been open to criticism; but the creation of a state council, the appointment of a German officer of the Samoan Government, and the enrollment of a German police to protect the plantations of German subjects, appear to place Her Majesty's subjects at a disadvantage, and will prevent the Samoan Government from acting independently in matters which affect the whole community. The arrangement seems in fact to give to Germany alone much of the influence with which in 1880 it was proposed to invest an executive council, to be composed of one English, one Germany

man, and one United States member. To this arrangement Her Majesty's Government declined to accede on the ground that it involved too great an interference with the government of the island(s) to allow of its being assumed by the representatives of Great Britain, Germany, and the United States conjointly.

"It will not be possible for Her Majesty's Government to accept a position of less influence and consideration than is given to Germany by the agreement under discussion."

It is not necessary further to discuss the plans of settlement proposed in the conference, as I am informed that the German Government, while declining the plan proposed by me, does not insist upon its own, and I am therefore not without hope that a satisfactory solution may yet be found.

I have already stated that when the concernence wassuspended in July last until the autumn it was done with the concurrence of all the members, and solely for the purpose of enabling the representatives of Germany and Great Britain to consult their respective Governments. No intimation was then given that the slatus quo would be changed, or that any acts of hostility against the Samoan Government, or King Malletoa personally, were in contemplation.

With this understanding, which had not changed from the moment the proposal for a conference was made and accepted, at the suggestion of the British and German ministers, I renewed, on the very eve of the formal opening of the conference, the instructions already given theretofore to the consul of the United States at Apia to use his influence to prevent violence between the native factions. The text of these instructions, which were telegraphic, and bore date the 20th of June last, was as follows:

"Treaty powers endeavoring to secure permanent native government for Samoa. Strongly advise natives to avoid resort to force, which would endanger Samoa's best interests."

That the Government of Her Britannic Majesty fully concurred in the importance of a careful maintenance of the status quo, and in the understa

of king seemed to be "imperatively called for," and that Her Majesty's Government expressed "no opinion, favorably or adversely, to the election of Malietoa."

On the same subject the German minister said:

"King Malietoa having notoriously violated his treaty obligations towards Germany, and having even among the natives comparatively but few partisans, while a completely organized counter government has been formed under Tamasses, a new election of king will have to take place according to the customs of the country. This election is to be freely made by the chiefs and the people of Samoa."

It is unnecessary to cite other statements, equally pertinent, to show the apparently complete concurrence of view as to the peaceful and benevolent purpose of the conference.

It is not strange, therefore, that I was taken wholly by surprise when the German minister called at this Department on the 29th of August last, and left with me a memorandum stating that his Government proposed to independently protect its own interests and rights in Samoa and obtain the satisfaction and reparation deemed to be due to its national honor, and, in case Mailetoa was either not willing or not powerful enough to give the necessary satisfaction for the past and sufficient guaranties for the future, to declare war against him and refuse to recognize his government.

In its general features it appears to be far more objectionable than the plan of government proposed by the German minister at the conference in this city. For, although that plan was one of foreign control of the islands, yet it carried with it the guaranties of the Imperial Government. But the Government of Tamasese can be regarded as nothing cise than the government of the islands by the local German commercial and landed interests, through Herr Brandles, Tamasese's sole minister.

On the lat of November last, Baron von Zedtwitz, the German chargé d'affaires, called at this Department and made complaint that the American consul at Apia gave active expression to an anti-Ger

Apia, and the statement that the municipal institutions were not recognized by the United States.

Less than a month previously complaint had been made to me by the German chargé d'affaires that the consul of the United States, in his capacity as member of this municipal board, had claimed jurisdiction for that body in a suit not properly belonging to it, but to the German consul independently; and I telegraphed instructions to the American consul not to assume control in that case, the jurisdiction of the municipal court over it being questionable.

While it is true that the United States had not become formally a party to the municipality convention, with the advice and consent of the Senate, yet, although this Government was not bound by treaty obligation in the matter, it had always given the municipal organization the fullest practical support and recognition, as an existent local government; and the American consul, being clothed by the laws of the United States and our original treaty with Samoa with judicial powers, had discharged through that organization, from its commencement eight years ago, judicial functions for the common advantage of all the treaty power, and with their full assent and co-operation. And Americans, as well as the members of other foreign nationalities represented in Apla, had paid taxes to support the municipal government.

It is therefore difficult to understand why complaint against the American consul should have taken the form or been placed upon the grounds above stated.

At the present time the municipal government has been declared in abevance

At the present time the municipal government has been declared in abeyance by the German consul. It does not, however, appear to be disputed that the only reason avowed for the consul's action was the fact that the American consul, Mr. Sewall, was fifteen or twenty minutes late at a special meeting of the board, which was called for the hour of 10 o'clock in the morning instead of the customary hour in the afternoon, and that when the government was so declared to be in abeyance for the alleged refusal of Mr. Sewall to attend he was on his way to and already near the place of meeting. It is admitted that the British consul stated to His Imperial Majesty's consul his "impression" that Mr. Sewall was coming to the meeting, and I have reason to believe that Her Majesty's consul might authoritatively have stated from Mr. Sewall himself a positive assurance that he was coming.

Immediately upon the municipal government being so declared in abeyance by the German consul, the German wayl forcest took possession of Apia upon the German consul, the German wayl forcest took possession of Apia upon the German consul, the German wayl forcest took possession of Apia upon which the consultation of the municipality.

The conclusion at which I am forced to arrive from this review of recent even in Smooth of the regular form of government of the annicipality.

The conclusion at which I am forced to arrive from this review of recent even in Smooth of the Proper state of the United States, but to the German interests to the Conclusion by interested foreigners of native dissensions, and to the desire exhibited in a marked degree by those in charge of local German interests to mention by interested foreigners of native dissensions, and to the desire exhibited in a marked degree by those in charge of local German interests to the control of the property in the control of the control of

consul, and was taken on board of the Bismarck, the flag-ship of the German squadron.

It is not my purpose to comment upon the grounds of the recent German action in Samoa, as they have been above stated, although I regret that the powerful Government of Germany did not find it possible to take a more liberal view of the conditions of Samoan life and civilization, and the unfortunate situation of the native king, who, in regarding himself as the rightful ruler of the islands, could point, in confirmation of his title, to a long series of acknowledgments of his authority by all three treaty powers.

But it is impossible to ignore the fact that all the grounds for hostile action on the part of Germany above stated existed long prior to the meeting of the conference in this city, and some of them even anterior to its proposal, the acceptance of which was followed, as I was informed, by appropriate action to maintain the status quo in the islands. During all the sessions of the conference nothing was said to disturb this impression, nor was intimation given of any other course being contemplated when the conference was temporarily adjourned. The first intimation of belligerent intent on the part of German minister on the 29th of August last, five days after war was actually declared

against him, and necessarily several weeks after it was determined upon; and my first notification that war had been declared and that Germany intended to depose Malietoa was also post factum, being given to me by the German minister on the 23d of September last, six days after the Samoan king was taken on board of the Bismarck.

It seems hardly necessary to explain the pacific character of the pending amendments, and still, inasmuch as our treaty rights in the harbor of Pago Pago are only coextensive with the existence of the treaty with the Samoan Government, I can not conceive why we should expend \$100,000 or any sum there unless we are going to insist that these rights shall continue although a so-called autonomous government of the Samoan Islands set up and controlled by Germany should undertake to terminate that treaty.

One of the proposed amendments authorizes, and provides the means necessary for, the improvement of the harbor of Pago Pago, in which we have under existing treaty with the Samoan Government harbor privileges, and to which no one can raise any valid objection. The other purports to provide the Administration with the necessary means to protect our rights and interests and discharge our obligations under the treaty of 1878 between this Government and the Government of Samoa.

The questions which have arisen between the United States and Germany are questions which should be settled diplomatically. If Conmany are questions which should be settled diplomatically. If congress were to interfere and to give direction in the matter, something very different from these proposed amendments would be required. If I were asked what that would be, I would say a direction to the President to insist to the German Government upon a restoration of the status quo at the time in 1886 when the conference of the three treaty powers with Samoa was agreed upon by Germany, when our Government was assured that the status quo should be maintained; that Malietoa should be restored as the King of Samoa; and to notify the Germany. man Government that we would not permit the Samoan Islands to pass under the control of any foreign nation, but that their independence and autonomy must be maintained; or, at least, that any interference with it found necessary for the protection of foreign interests must be made the inite argument of the transfer or the protection of foreign interests must be made under the joint agreement of the treaty powers.

The commercial interests of the United States, as well as the dignity

of the Government, demand that this should be done, and it would be entirely consistent with the declared policy of the Government for over

sixty years.

On the 5th of January, 1888, in some remarks in the Senate on the subject of a naval station on the North Pacific coast, I called attention in a general way to the present and prospective commerce of the Pacific Ocean, and to the efforts being made by the British Government to control it, and of the Canadian Pacific Railroad Company to secure the trans-continental trade of the Pacific coast and thus divert it from our own trans-continental railroad lines.

The Pacific coast States have an area of 800,000 square miles and a coast line of over 1,600 miles not including Puget Sound. Alaska contains 480,000 square miles, with a coast line of 25,000 miles, including indentations, and is 1,200 miles from north to south and 2,200 miles from east to west. The ocean current formed off the coasts of Japan and which strikes the Pacific coast at about 50° north latitude modifies the climate both in summer and winter to such an extent that the isothermal line passing through Northern Virginia after it crosses the Rocky Mountains bears north and strikes the Pacific Ocean 200 miles north of the northern boundary of Washington Territory.

With almost every variety of climate and productions, with a soil of great fertility, with extensive forests and valuable mines of the precious and useful metals, with extensive fisheries, and other great resources, the commerce of the coast, already great, will rapidly increase until it will equal that of the Atlantic coast. China, Japan, Australia, the Sandwich and the other islands of the Pacific are our commercial neighbors, and their valuable trade must eventually be largely carried on with the Pacific coast States. It is difficult now to conceive of the vast fleet of merchant vessels which will be required for the extensive commerce which will spring up in the near future when these islands are peopled by the Caucasian race, the soil cultivated, and their resources developed.

All their manufactures and many of their food products will be imported, while the native products will be exported in return. Other nations have seen the great possibilities of this commerce and are making great effects to account the little products of the commerce and are making great effects to account the little products of the commerce and are making great effects to account the little products of the commerce and are making great effects to account the little products will be exported in the little products will b nations have seen the great possibilities of this commerce and are making great efforts to secure it, while we stand idly by, if not indifferent, afraid to do what our own interests as a great commercial nation demand. Great Britain and the Dominion of Canada, at an expense to the Government of from \$120,000,000 to \$140,000,000, secured the construction of the Intercolonial Railroad connecting the maritime provinces of Canada with Montreal and Quebec, and of the Canadian Pacific Railroad connecting Montreal and Quebec, with Puret Sound

These railroads were built for political reasons, as the construction of neither was justified by the business which they could command. The Canadian Pacific is now competing at San Francisco, at Portland, and on Puget Sound and all along the coast for the trans-continental traffic of the Pacific coast, which should be carried on by our own trans-continental lines.

Mr. SAULSBURY. Will the Senator allow me there to ask him a

Mr. DOLPH. Certainly.

Mr. SAULSBURY. I inquire whether it was not an express agreement with the Province of New Brunswick that the Canadian Pacific Railroad should be constructed as a condition of her becoming one of the states of the Dominion Government. I understand it was expressly provided that that road should be built as one of the conditions on her part to enter in the Dominion Government,

Mr. DOLPH. I am not entirely familiar with the facts, but I know that it was built, and the aid extended by Great Britain was extended for the purpose of securing the confederation of the Canadian provinces.

Mr. SAULSBURY. I want to say that in a personal conversation with the governor of New Brunswick some years ago he said to me that one of the conditions on which they would become a member of the Dominion Government was an agreement given that that road should be built. I do not know whether that is true or not, but I was so informed.

Mr. DOLPH. I have no doubt that was so, and that that was the inducement for British Columbia to enter into the convention for confederation.

Mr. SAULSBURY. I do not know how the agreement was made between the Province of New Brunswick and the Dominion Government, but the governor assured me that that was the condition, and that they should have a certain amount of representation in the Dominion Government, and they then consented to become a part of that

Mr. DOLPH. Not only that, but the Dominion Government and the Government of Great Britain are aiding by large subsidies the line of steam-ships which are to ply between the terminus of the Canadian Pacific Railroad on Puget Sound with Australia, China, and Japan. More than that, government aid has been given to a British company which has projected and, I think, is already engaged in constructing a cable telegraph line from Vancouver, on Puget Sound, to the Sandwick Lender. wich Islands.

The numerous island groups of the Pacific have one by one passed under the control of European powers. Recently the remaining islands not already subject to foreign control, excepting the Sandwich Islands, the Samoan Islands, and perhaps one other group, were partitioned be-tween Germany and Great Britain, and now it seems evident that Germany is pursuing a plan to secure control of the Samoan Islands with the acquiescence of Great Britain. When that is accomplished Germany and Great Britain will be ready for fresh operations and further acquisitions of territory in the Hawaiian Islands, and we, feebly remonstrating, allow our treaty rights to be disregarded, the lives of our citizens to be jeopardized, their property destroyed, the Monroe doctrine to sink into innocuous desuetude.

The manner in which the islands of the Pacific have been partitioned out among the European powers is thus stated by Secretary Bayard in a dispatch to Mr. Pendleton of January 17, 1888, in reply to a communication of Prince Bismarck to the German minister at Washington, complaining of the anti-German attitude assumed by the American consul-general at Apia, Mr. Sewall:

Should the opinion which has been expressed as to the part taken by the United States in seeking to preserve the independence of the Samoan Islands seem in any degree extravagant, it will no longer appear to be so when what has taken place in the last three years in regard to other island groups in the Pacific is considered.

Prior to that period Spain was holding the Ladrone or Marianne and the Philippine Islands, and had also laid the basis of a claim of title to the Caroline Islands, although she did not maintain an active government there.

Between the years 1842 and 1847 France established a protectorate over the Marquesas, Society, and Paumota groups, and in 1853 occupied New Caledonia. In 1864 she formally assumed control of the Loyalty Islands, and in 1889 added Tahiti to the list of her colonies in the Pacific.

In addition to the continent of Australia, to which Great Britain holds a comparatively ancient title, that Government had also acquired the Fiji Islands and New Zealand, the sovereignty of the latter being ceded in 1840 and that of the former on the 10th of October, 1874.

Germany had not then entered upon her present active policy of colonization in the Pacific, although her subjects had carried on a considerable commerce there, and had established places of trade on various islands, including the Samoan.

Such was the condition of affairs at the beginning of the present decade, not

there, and had established places of trade on various islands, including the Samoan.

Such was the condition of affairs at the beginning of the present decade, nos was there observable at that time any marked evidence of the desire for new territorial acquisitions; but, beginning in 1884, numerous island groups have, in rapid succession, passed in whole or in part under the control of various European powers, until almost the last vestige of native autonomy in the islands of the Pacific has been obliterated.

The year 1884 witnessed the occupation by Germany of the northern side of New Guinea, from Cape King William to Astrolabe Bay, the imperial flag being hoisted at twelve different points. Almost coincidently Great Britain occupied the south coast of the island, and in the months of November and December, in the same year, seized and occupied the Louisiade group, Woodlark Island, and Long and Rook Islands.

In the following year arose the dispute between Germany and Spain over the Carolines, which was terminated by the protocol signed at Rome on the 17th of December, 1885, under which Germany acknowledged the sovereignty of Spain over these islands and the Pelew group; and they have now passed finally under Spanish control.

But these events were merely the precursors of others, of which the seizure by France in 1886 of the New Hebrides was not the most significant. On the 6th of April of that year a joint declaration was made by Germany and Great Britain, which contemplated the absorption by those two powers of almost all the independent territory in that part of the Pacific Ocean called the West Pacific, lying between the fifteenth degree of north and the thirtieth degree of south latitude and between the one hundred and sixty-fifth degree of longitude west and the one hundred and thirtieth degree of longitude as of Greenwich, which had not already been occupied by some foreign power. Through that part of the Pacific included in those bounds of latitude and longitude as line of division was drawn to mark t

annexation; and each joint declarant agreed not to make any acquisitions of territory, nor to establish protectorates, nor to oppose the operations of the other in the sphere of action respectively assigned to it.

Under this declaration and agreement, from which Samoa, Tonga, and Niné Island were excepted, and by the line of division drawn as above stated, New Ireland, New Britain, and the adjacent western half of the Solomon group passed under the dominion of Germany, and certain islands west of the line to Great Britain.

On the 1st of August, in the same year, the latter Government took possession of the Kermadee Islands, and by the imperial decree of the 13th of the ensuing month the Marshall, Brown, and Providence Islands and groups were occupied by Germany.

As the result of what has been above detailed, of the vast aggregate of territory in the Pacific Ocean, but a few island groups, containing a few thousand square miles, remain to-day as independent and autonomous.

Long anterior the United States had acquired, by discovery and occupation, the uninhabited island, or ocean reef, of Midway, as a possible coaling station.

In view of these facts, it is unnecessary to emphasize the importance attached by this Government to the maintenance of the rights to which the United States has become entitled in any of the few remaining regions now under independent and autonomous native governments in the Pacific Ocean.

Prince Bismarck has referred to this Government's treaty with Hawaii, of the 30th of January, 1875, which has lately been renewed, and which is said by him to give the United States commercial advantages in those islands superior to those possessed by any other foreign power. In respect to this it needs only to be observed that that treaty was one of special reciprocity which both the contracting parties were alone competent to make, and that the United States has at no time, since the convention was concluded, sought to use it to control the native government of the islands or to regulate their in

As I have said, there would be nothing inconsistent with our established policy, in the United States interfering to preserve the independence and autonomy of the Samoan Islands as against the encroachments of a European power, or even of assuming a protectorate over them, if necessary to secure peace, order, and the protection of our interests there. A protectorate assumed upon the invitation and with the consent of the native government for the purpose of preventing the forcible inter-ference of other nations would be a very different thing from interven-

tion as practiced by European powers on the continent of Europe.

Pacific intervention which seeks the settlement of differences between nations, and if successful, results in a treaty, a congress, or international conference, is justifiable and may be commendable; but armed intervention by one or more nations with the internal affairs of another nation can not, in my judgment, be defended upon principles of right or justice. Among nations, as among individuals, equality is equity. Forcible intervention is inconsistent with the equality and the independence of nations. On the continent of Europe, whenever a pretext has been wanted for war with a weaker nation and the acquisition of its territory, it has been found in the doctrine of interven-

It has more than once served as the pretext for the spoliation of the weak by the strong. By the forcible intervention of the monarchies of Europe revolutions have been crushed, the progress of nations prevented, tottering thrones and kingly power sustained, the map of Europe changed, governments destroyed and their territory partitioned among neighboring nations, and what was created one day destroyed the next. The exercise of it is defined by no law, regulated by no precedents, and is governed only by the interests of the hour. The right denied at one time by a nation is asserted under precisely similar circumstances when self-interest demands it.

The claim and frequent everyies of this specialled right of intervent.

The claim and frequent exercise of this so-called right of interven-The claim and frequent exercise of this so-called right of intervention tends to keep Europe in a constant state of alarm and preparation for war and to make the great military and naval establishments maintained by the principal European powers necessary. Disguise it as we may, it is nothing but the old doctrine of the right of force. From an early period of our history it has been the settled policy of the Government to avoid entangling alliances with foreign nations and becoming involved in the controversies of foreign powers. We have not beheld unmoved instances of oppression and injustice, but our sympathies have found expression only in words of protest.

After the overthrow of the empire of the first Napoleon the rulers of Russia, Austria, France, and Prussia formed an alliance for mutual protection against revolutionary movements in their own states. a congress held by these powers in 1820, at which a representative of Great Britain was present, but not participating, it was agreed that the main purpose of the alliance should be to maintain the principle of the legitimacy of the existing dynasties, and that if these were threatened in any country in Europe the allied powers should preserve it by active and armed interference. In accordance with this agreement insurrecand armed interference. In accordance with this agreement insurrections in Piedmont and Naples were put down by the armies of Austria, and the revolution in Spain against Ferdinand VII by the French armies.

The Spanish colonies on this continent had revolted in 1810, had maintained their independence, and their independence had been recognized by the United States.

It was believed that the allied powers would extend their policy of intervention to this continent and would aid Spain in her attempt to

through our minister, Mr. Rush, the co-operation of the United States in endeavoring to prevent the intervention of the allied powers with the affairs of the Spanish colonies on this continent.

The matter was the subject of long and careful consideration by President Monroe and his Cabinet, and resulted in the incorporation in President Monroe's annual message of 1823 of those famous passages which contain the declarations which have since been known as the Monroe doctrine, and which have since been reiterated by many of his

I will ask the Secretary to read the passages. I would have them printed in the RECORD without reading, except that I want to make some suggestions about them.

The Secretary read as follows:

The Secretary read as follows:

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do.

It is only when our rights are invaded or seriously menaced that we resent injuriesor make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and all impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and w

Mr. DOLPH. During the time I have been speaking I have received a telegram in regard to the importance of the Samoan Islands, which I have not had time to read, but which has been read by the Senator from Maine [Mr. FBYE] at my request, and contains nothing that can not go into the RECORD. I will ask now to have it read, and I will incorporate it in an appropriate place in my remarks.

The Secretary read as follows:

enator JOSEPH N. DOLPH:

NEW YORK, January 30, 1889.

Senator Joseph N. Dolph:

It is very important to the defense of the entire Pacific coast of the American continent against hostile naval attacks that the Samoan Islands should be controlled entirely by the United States. In case of war, Germany, tifu control of the Samoan Islands, would have an impregnable for the United States. Strategically the United States would have an impregnable for the United States. Strategically the United States would have to go to great expense in perpetually maintaining fleets and erecting coast defenses and in other ways, and the whole Pacific coast might be thrown into excitement and thus suffer greatly financially if the United States had difficulty with Germany and a German fleet should assemble at the Samoan Islands and simply make a demonstration against the Pacific coast, or watch the Pacific coast from the Samoan Islands. These islands are to a certain extent as important to the coast defenses of the Pacific as the West India Islands might be to the Atlantic coast.

The Samoan Islands are strategically of vast importance to the United States in controlling an interoceanic canal. The United States can not afford to let European military powers own every strategic position commanding the interoceanic canal. As to trade of the United States with Samoan Islands see in reply to Bismarck's assertion Appleton's Annual Encyclopedia for 1887, article Samoan Islands. Even commercially the Samoan Islands must soon be of far more importance owing to their geographic position than they can be to Germany. It would be a great calamity to the United States to permit Germany to fortify a single position in those islands. It would be sowing the seeds of much trouble to the United States in years to come.

JOHN C. HENDERSON.

108 West Fortieth Street, New York.

Mr. DOLPH. Mr. President— Mr. GRAY. Did the Senator give the author of that telegram?

Mr. DOLPH. Nothing except what appears. I stated that the teleram had been received while I was speaking, and I submitted it to the Senator from Maine [Mr. FRYE], who read it for me while I was talk-ing and informed me that there was no reason why it should not go into the RECORD.

Mr. GRAY. What is the name?

Mr. DOLPH. John C. Henderson, of New York, and he gives his

Mr. GRAY. I am glad of that, Mr. DOLPH. The Monroe doctrine, as originally announced, was in substance that the United States would not submit to an extension subdue her colonies. At this juncture Mr. Canning, the minister of state of Great Britain, probably actuated in part by a desire to secure some public pledge on the part of the United States against the acquisition of any part of the Spanish possessions on this continent, sought dangerous to our peace and safety. There is a popular impression that the Monroe doctrine is intended to apply only to the acquisition of

territory upon this continent by foreign powers.

But neither the declaration of President Monroe nor the subsequent action of this Government justifies such a construction. The word used is "hemisphere," which is broad enough to embrace all the islands of either ocean, the independence and autonomy of which are necessary to our safety and peace. This construction of the Monroe doctrine will be found to be justified by our diplomatic correspondence with other countries. It was declared more than sixty years ago by Mr. Clay in regard to Cuba and Porto Rico. It has been frequently since, in substance, declared by successive Secretaries of State when they have said we would not permit the conquest and occupation of the Sandwich

We would not permit the conquest and occupation of the Salatwich Islands by any one of the European powers.

Mr. GRAY. Will it interrupt the Senator if I ask him a question?

Mr. DOLPH. Allow me to finish this statement and I will yield.

The reasons for a similar declaration by our Government concerning

the Samoan Islands are cogent.

The only difference between the case of the Samoan Islands and of the Hawaiian Islands is, in my judgment, the greater importance of the latter. The reasons for applying the Monroe doctrine are the same in both cases. With this view of the Monroe doctrine I hope that in any arrangement which may be made with European powers concerning Samoan affairs, the United States will in no manner become a party to the arrangement between Great Britain and Germany for the partition between them of the islands of the Pacific, or be too free to enter into stipulations concerning our future course in regard to the Pacific islands which have not yet passed under the control of the European powers, which may be in the way of such action by the United States concerning islands located near our territory as may be found necessary to secure our peace and safety.

I will now listen to what the Senator from Delaware wishes to say.

Mr. GRAY. I merely intended to inquire of the Senator from Oregon whether he seriously contended that the setting up of a half-civilized monarch and anointing with oil a half-clothed and half-civilized native of Samoa—that the setting up of such a man as king was in his

opinion an assertion of the Monroe doctrine.

Mr. DOLPH. In answer to the question of the Senator from Delaware I say no. I am not asking that the United States shall do that. I do not understand that the United States has proposed to do that. That is what has been done by Germany. That is interference, forcible interference with the internal affairs of the Samoan Islands by a foreign power. It is that which was declared against by President Monroe, and I say that the Monroe doctrine should be asserted in regard to the Samoan Islands as they come within the terms of that doctrine as it was originally announced and as it has been since construed by our Gov-

Mr. BLAIR. May I ask the Senator a question?

Mr. DOLPH. Certainly.
Mr. BLAIR. I have been informed to that effect, and I wish to know whether it is correct, that these people are Presbyterian savages. I have understood that they were Presbyterians, the whole of them, and that they were adherents to the Christian religion and to some extent educated, but so far as the formalities and observances and realities of the Christian religion are concerned they were Presbyterians and quite as exemplary as the average of the people of the United States.

should like to inquire how that is.

Mr. DOLPH. I stated in the opening of my remarks that they are all nominally converted to Christianity, and it has been stated by our consul-general that in every house in Samoa, morning and evening, the incense of Christian worship arises. But I do not understand that they are all Presbyterians. I think the Presbyterian and some other denominations have missions there, and even the Church of England,

as I understand.

The following quotations from the messages of the Presidents of the United States and official correspondence of our Secretaries of State will show how this question of the acquisition of territory by European powers in proximity to our shores has been regarded.

President Tyler, in his annual message of December, 1842, Mr. Webster being Secretary of State, said, concerning the Sandwich Islands:

ster being Secretary of State, said, concerning the Sandwich Islands:

Just emerging from a state of barbarism, the government of the islands is as yet feeble, but its dispositions appear to be just and pacific, and itseems anxious to improve the condition of its people by the introduction of religious and moral institutions, means of education, and the arts of civilized life. It can not but be in conformity with the wishes of the Government and the people of the United States, that the community thus existing, in the midst of a vast expanse of ocean, should be respected, and all its rights strictly and conscientiously regarded. And this must also be the true interest of all other commercial states.

Far remote from the dominions of European powers, its growth and prosperity, as an independent state, may yet be in a high degree useful to all whose trade is extended to those regions; while its nearer approach to this continent and the intercourse which American vessels have with it—such vessels constituting five-sixths of all which annually visit it—could not but create dissatisfaction on the part of the United States at any attempt by another power, should such an attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native government. Considering, therefore, that the United States possess so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no exclusive control over the Hawaiian Government, but is content with its independent existence, and auxiously wishes for its security and prosperity. Its forbearance in this respect, under the circumstances of the very

large intercourse of their citizens with the islands, would justify this Government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power.

President Taylor, in his message of December 4, 1849, said:

The position of the Sandwich Islands with reference to the territory of the United States on the Pacific, the success of our persevering and benevolent citizens who have repaired to that remote quarter in Christianizing the natives and inducing them to adopt a system of government and laws suited to their capacity and wants, and the use made by our numerous whale-ships of the harbors of the islands as places of resort for obtaining refreshment and repairs, all combine to render their destiny peculiarly interesting to us.

It is our duty to encourage the authorities of these islands in their efforts to improve and elevate the moral and political condition of the inhabitants; and we should make reasonable allowances for the difficulties inseparable from this task. We desire that the islands may maintain their independence, and that other nations should concur with us in this sentiment.

We could in no event be indifferent to their passing under the dominion of any other power.

other power.

The principal commercial states have in this a common interest, and it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

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President Johnson, in his message of December 9, 1868, said:

It is known and felt by the Hawaiian Government and people that their government and institutions are feeble and precarious; that the United States, being so near a neighbor, would be unwilling to see the islands pass under foreign

I now ask the Secretary to read the portion which I have marked from a dispatch of Mr. Clay, when Secretary of State, to Mr. Brown, envoy extraordinary of the United States to France, dated Washington, October 25, 1825.

The Secretary read as follows:

Mr. Clay to Mr. Brown.

DEPARTMENT OF STATE, Washington, October 25, 1825.

Department of State, Washington, October 25, 1825.

Sir: During the last summer a large French fleet visited the American seas and the coast of the United States. Its object naturally gave rise to much speculation. Neither here nor through you at Paris was the Government of the United States made acquainted with the views of that of France in sending out so considerable an armament. The President conceives it due to the friendly relations which happily subsist between the two nations, and to the frankness by which he wishes all their intercourse to be characterized, that the purpose of any similar movement hereafter, made in a season of peace, should be communicated to this Government.

You will therefore inform the French Government of his expectation that such a communication will in future be accordingly made. The reasonableness of it in a time of peace, of which France shall enjoy the blessings, must be quite apparent. The United States having at the present period constantly to maintain in the Gulf of Mexico and on the coasts of Cuba and Porto Rico a naval force on a service beneficial to all commercial nations, it would appear to be quite reasonable that if the commanders of any American squadron charged with the duty of suppressing piracy should meet with those of a French squadron, the respective objects of both should be known to each.

Another consideration to which you will advert, in a friendly manner, is the present condition of the islands of Cuba and Porto Rico. The views of the Exaceutive of the United States in regard to them have been already disclosed to France by you on the occasion of inviting its co-operation to bring about peace between Spain and her former colonies, in a spirit of great frankness. It was stated to the French Government that the United States could not see with indifference those islands passing from Spain to any other European power, and that for ourselves no change was desired in their present political and commercial condition nor in the possession which Spain has of t

Mr. DOLPH. It will thus be seen that at that early day, in 1825, Mr. Clay, speaking for our Government as Secretary of State, announced that this Government would not permit any European power to secure the centrol of the islands of Cuba or Porto Rico. So the Monroe doctrine is not confined to the continent of America.

Secretary Blaine, in a dispatch of November 19, 1881, to the American minister, said:

But if negotiations such as you describe are really in progress-

Negotiations to induce the Hawaiian Government to withdraw from the reciprocity treaty with us—

you will ask for an interview with the secretary for foreign affairs and make the following representation of the views of the United States:

The Government of the United States has with unvarying consistency manifested respect for the Hawaiian Kingdom and an earnest desire for the welfare of its people.

The Government of the United States has always avowed, and now repeats, that under no circumstances will it permit the transfer of the territory or sovereignty of these islands to any of the great European powers. It is needless to restate the reasons upon which that determination rests. It is too obvious for argument that the possession of these islands by a great maritime power would not only be a dangerous diminution of the just and necessary influence of the United States in the waters of the Pacific, but in case of international difficulty it would be a positive threat to interests too large and important to be lightly risked.

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And again in a dispatch of December 1, 1882, he said:

The United States was one of the first among the great nations of the world to take active interest in upbuilding Hawatian independence and the creation of political life for its people. It has consistently endeavored, and with success, to enlarge the material prosperity of Hawati. On such an independent basis it proposes to be equally unremitting in its efforts hereafter to maintain and develop the advantages which accrued to Hawati, and draw closer the ties which imperatively unite her to the great body of the American commonwealth. In this line of action the United States does its simple duty both to Hawati and tiself, and it can not permit such obvious neglect of national interest as would be involved by silent acquiescence in any movement looking to a lessening of

those amenities and the substitution of alien and hostile interests. It firmly believes the position of the Hawaiian Islands, as a key to the dominion of the American Pacific, demands neutrality, to which end it will earnestly co-operate with the native government, and if through any cause the maintenance of such position, neutrality, should be found by Hawaii impracticable, this Government would then unhesitatingly meet the altered situation by seeking avowedly an American solution of the grave issues presented.

I also submit and will have printed as part of my remarks an extract from the report of Mr. Secretary Fish, accompanying President Grant's message to the Senate July 14, 1870, which is quite as emphatic on this subject.

Mr. GRAY.

Mr. GRAY. On what page is that? Mr. DOLPH. It is found on pages 307 and 308 of correspondence in relation to the proposed interoceanic canal. It is a reprint of Senate Executive Document 112, Forty-sixth Congress.

relation to the proposed interoceanic canal. It is a reprint of Senate Executive Document 112, Forty-sixth Congress.

It was at the period of the congress of Aix-la-Chapelle and of Laybach, when the "Holy Alliance" was combined to arrest all political changes in Europe in the sense of liberty, when they were intervening in Southern Europe for the re-establishment of absolutism, and when they were meditating interference to check the progress of free government in America, that Mr. Monroe, in his annual message of December, 1823, declared that the United States would consider any attempt to extend the European system to any portion of this hemisphere as dangerous to our peace and safety. "With the existing colonies or dependencies of any European power," he said, "we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly feeling toward the United States."

This declaration resolved the solution of the immediate question of the independence of the Spanish-American colonies, and is supposed to have exercised some influence upon the course of the British cabinet in regard to the absolutist schemes in Europe as well as in America.

It has also exercised a permanent influence on this continent. It was at once invoked in consequence of the supposed peril of Cuba on the side of Europe; it was applied to a similar danger threatening Yucatan; it was embodied in the treaty of the United States and Great Britain as to Central America; it produced the successful opposition of the United States to the attempt of Great Britain to exercise dominion in Nicaragua under the cover of the Mosquito Indians; and it operated in like manner to prevent the establishment o

self-control in the determination of their number condition and other powers."
This policy is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European Governments from this continent and the adjacent islands, American that the adjacent islands, American.

wholly American.

It does not contemplate forcible intervention in any legitimate contest; but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this Government, as in the late contest between the South American Republics and Spain, to interpose its good offices to secure an honorable peace.

I also submit to be incorporated in my remarks an extract from a dispatch of Mr. Bayard, Secretary of State, dated July 12, 1887, on this subject of the Hawaiian Islands:

Subject of the Hawaiian Islands:

Whilst we abstain from interference with the domestic affairs of Hawaii, in accordance with the polley and practice of this Government, yet obstruction to the channels of legitimate commerce under existing treaty must not be allowed, and American citizens in Hawaii must be protected in their persons and property by the representatives of their country's law and power, and no internal discord must be suffered to impair them. Your own aid and counsel, as well as the assistance of the officers of our Government vessels, if found nocessary, will therefore be promptly afforded to promote the reign of law and respect for orderly government in Hawaii.

As is well known, no intent is cherished or policy entertained by the United States which is otherwise than friendly to the autonomical control and independence of Hawaii, and no other member of the family of nations has so great and immediate an interest in the welfare and prosperity of Hawaii on such a basis as this Republic.

Mr. President, I have already occupied more time than I intended, for which I beg the pardon of the Senate. The extracts which I have read I think will show that what I have claimed in regard to the application of the Monroe doctrine to those islands of either ocean which are so near our shores as to require, in order to preserve the peace and safety of this nation, an autonomous and independent government, is

justified by the highest authority.

Mr. REAGAN. Mr. President—

Mr. EUSTIS. Will the Senator from Texas allow me to ask the Senator from Oregon a question?

Mr. REAGAN. Certainly.
Mr. EUSTIS. I should like to ask the Senator from Oregon whether he knows of any reason existing, either in the difference between treaties or from some other cause, why the same American doctrine or the same American policy should not be extended in regard to the Samoan Islands as has been in regard to the Hawaiian Islands?

Mr. DOLPH. I stated during my remarks that the reasons for the extension of the Monroe doctrine to the Samoan Islands are the same in principle and character as those which exist for extending that doctrine to the Sandwich Islands. There can be no distinction made between them. The only question that can arise is whether our commercial and other interests in the Samoan Islands are great enough to require us to assert the same doctrine in regard to those islands that we have maintained in regard to the Sandwich Islands.

The Samoan Islands bear the same relation to Lower California and the coast of Central America and the Isthmian canal-if one should ever be constructed-and to American rights there, that the Sandwich Islands do to the North Pacific coast. They are about 2,000 miles distant from the Sandwich Islands. The Sandwich Islands are about 2,000 miles distant from San Francisco, and they lie a little west and south of the Sandwich Islands. They are a greater distance from the coast of the continent by reason of the fact that our southern coast does not extend so far west as the northern portion.

Mr. EUSTIS. What I want to get at particularly is that there is no

difference in regard to treaty rights.

Mr. DOLPH. No. We were the first power that entered into a treaty with the Samoan Islands, and that treaty is still existing. co-operated with the German Government, and some of the acts of our consuls which were unauthorized were advised by the German consul there. Up to the time when it became apparent that Germany had determined to secure control of these islands, and not being able to hoist with impunity her flag and take possession by conquest, she attempted by means of a treaty—the treaty of November 10, 1884—to secure control; and subsequently, the treaty having been repudiated, renewed the attempt by means of the fiction of a native government, induced the vice-king to rebel, and supported him in his rebellion, and afterwards declared him king of the islands—I say that up to that time our rights were regarded, and even unauthorized acts of our consul appeared to be taken with the assent of the German Government.

Mr. REAGAN. Mr. President, as preface to what I have to say I will read two of the amendments proposed to the bill by the Commit-

tee on Appropriations:

For the execution of the obligations and the protection of the interests of the United States, existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

For the survey, improvement, and occupation of the bay and harbor of Pago Pago, in the island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

I suppose we shall hardly have discussion as to the last of these two clauses, as it would seem, from all the facts which have been developed, that it was not only the interest, but the duty of the United States Government to avail itself of the privileges secured by the treaty with the Government of the Samoan Islands to establish a coaling station, etc., at the place designated.

I call attention to the first paragraph of this amendment, which seems to have met both the approval of the Committee on Foreign Relations and the approval of the Committee on Appropriations, for the purpose of pointing out the feebleness, if I may use that word, of the provision proposed to enable the President of the United States to secure respect for American interests in the Samoan Islands.

Preliminarily to this I propose to read some extracts from documents, not extensively, but to a sufficient extent to see exactly as nearly as we can what the attitude of the Government of the United States is towards these islands and that people, and what reason there is, if any, why the Government of the United States should interpose for the execution of its obligations and for the protection of its rights there. I will first read two or three articles of the treaty of 1878 between the United States and the Government of the Samoan Islands. The second article of that treaty provides:

ART. II. Naval vessels of the United States shall have the privilege of entering and using the port of Pago Pago and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind and to sell the same to any of the inhabitants of those islands, whether natives or foreigners, or to barter them for the products of the islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire-arms and munitions of war in the islands shall be subject to regulations by that government.

The fifth article of the treaty-which perhaps had better be read-

ART. V. If, unhapply, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foun-

The sixth article of the treaty provides:

ART. VI. The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privileges that may have been or may hereafter be granted to the government, citizens, or subjects of any other nation.

I wish to read now an extract from the annual message of President Hayes of 1880, sent to Congress shortly after the making of the treaty referred to, in which he says:

In Samoa, the government of King Malistoa, under the support and recognition of the consular representatives of the United States, Great Britain, and Germany, seems to have given peace and tranquillity to the islands. While it does not appear desirable to adopt as a whole the scheme of tripartite local government which has been proposed, the common interests of the three great treaty powers require harmony in their relations to the native frame of govern-

ment, and this may be best secured by a simple diplomatic agreement between them. It would be wel lif the consular jurisdiction of our representative at Apia were increased in extent and importance so as to guard American interests in the surrounding and outlying islands of Oceanica.

And by an act of Congress that consular jurisdiction was increased. I will also read an extract from a message of President Hayes in 1880. He says:

The United States, the same as Germany and Great Britain, does not desire The United States, the same as Germany and Great Britain, does not desire the triumph of any particular party, but the restoration of peace and order; and this Government further desires that peace and order be restored by the establishment of a firm, stable, independent native government that will command the respect and support of natives and foreigners. There is nothing in any of the instructions of the Department to our consul at Apia to warrant any one party on the islands more than another to believe that this Government was favorable to their cause; and the Department would regret to have such an impression newail pression prevail.

I read this to show that the purpose of our Government was not to usurp power or to make conquests there, but to preserve the autonomy and rights of that people, while securing and preserving the rights of American citizens and the Government of the United States. I will read an extract from a communication by Mr. Evarts, then Secretary of State, now a member of the Senate, to Mr. von Thielmann, of June 15, 1877:

A naval station having in 1872 been established in the harbor of the Bay of Pango Pango, under an agreement with the great chief of the bay, and the attention of the Government drawn by highly respectable commercial persons to the importance of the growing trade and commerce of the United States with the islands in the South Pacific Ocean, and to the opportunities of increasing our commercial relations in that quarter of the globe, it was determined, as the Samoan or Navigator Islands lay in the track of such trade, and were reputed to abound in good harbors and to be very fertile and their inhabitants friendly towards this Government, to send a special agent thither, for the purpose of making a thorough examination and report in regard to all the points on which it was desirable that this Government should be informed.

In pursuance to that suggestion the treaty from which I have read was

Passing to a much later date, at this point I desire to read an extract from the letter of Mr. Bayard, Secretary of State, to Mr. Pendleton, our minister at Berlin, of September 7, 1885:

In reply I have the honor to inform you that we have no treaty relations with the Gilbert and Marshall Islands, or any knowledge of the intention of Germany with respect thereto, except the reports which reach us, with more or less authenticity, that Great Britain and Germany have agreed upon lines of division in the Pacific Ocean by which determinate areas will be open to the exclusive settlement and control of the respective Governments. The case is different in Samoa, with which country we have established treaty relations. The German Government has repeatedly disclaimed any intention to interfere with these treaty relations in any way.

I will not go through an examination of the correspondence with relation to this Samoan affair. The Senator from Ohio [Mr. SHERMAN] has gone very fully through that, with a very lucid explanation of what has occurred there, and that has been supplemented by the able statements of the Senator from Oregon [Mr. DOLPH]. It is sufficient for the purpose which I have in view to state that if we can rely upon the truthfulness of our consular agents and naval officers, Germany, while professing not to intend to disregard her treaty relations and stipulations and understandings with the United States, is assuming the absolute control of the government of Samoa.

I need not call attention again to the documents that have been heretofore referred to, which show that what is denominated the rebellion of Tamasese was brought about by the management and in-trigues of the German officers. I need not refer again to the docu-ments before us to show that but for German interference Malietoa, the true king there, would have put down that rebellion and have re stored order upon those islands. I need not refer to the documents to show that the German officers went into the camps of Tamasese and encouraged him in his revolt, and that they forbade Malietoa to make war upon him. I need not refer to the documents to show that they have substantially set up a German government there in the face of all that has occurred between that country and Great Britain, and that country and Germany, and that country and the United States. I do not pause here to call attention to other facts which illustrate

the policy and purposes of Germany; but in view of those which I have stated it is clear that the neutrality of the island has been violated by Germany unquestionably; that it is alleged the rights of American citizens have been interfered with, the American flag insulted, and the office of our consul there in performing the duties of his position in behalf of this Government was also interfered with.

I do not choose to delay to look to these documents only to call attention to what appears in the published documents on this subjecct and to call attention to the message of the President of the United States transmitted to Congress on the 15th day of this month, from which I will read one or two extracts. The President says:

Acting within the restraints which our Constitution and laws have placed upon executive power, I have insisted that the autonomy and independence of Samoa should be scrupulously preserved according to the treaties made with Samoa by the powers named and their agreement and understanding with each other. I have protested against every act apparently tending in an opposite direction, and during the existence of internal disturbance one or more vessels of war have been kept in Samoan waters to protect American citizens and prop-

important commerce between Australia and the United States, have found expression in the correspondence and documents which have thus been fully communicated to the Congress, and the subject in its present stage is submitted to the wider discretion conferred by the Constitution upon the legislative branch of the Government.

It seems the President understands that he has exhausted the authority with which he is clothed in extending the good offices of this Government for the purpose of preserving the autonomy of the Samoans, securing of treaty stipulations as to them and preserving the rights of American citizens; and he feels that he must now ask Congress what further steps shall be taken under the power which the Constitution

confers upon Congress for the protection of these rights.

In response to this we have the proposition to appropriate \$500,000, and to make that sum immediately available, to enable the President to execute the obligations and for the protection of the interests of the United States in the Samoan Islands. What authority is here indicated, or what power is here given that the President has not already, and has not already endeavored to exercise? What obligations are referred to? What can the President understand by this language? surely can not mean that we will give the semblance of vigor to the action of the Government without advising the President what our purpose is, only to advise the world that we have given him \$500,000, with no power to use it beyond what he already has.

This amendment says:

For the execution of the obligations and the protection of the interests of the United States

Are those obligations to the people of Samoa to protect their autonomy and preserve their right of self-government? If they are, is it not necessary that we should say so by this act to the President? Are those obligations to protect the rights of American citizens and their property and their persons? If so, is it not appropriate we should say so by this act to the President so that he may know what we mean by the appropriation of this money?

In the telegram from Mr. Bayard to Mr. Hager of January 11, 1889,

Send by steamer leaving to-morrow following to William Blacklock, consul, Samoa, and advise me by telegraph if duly sent.

This is the telegram to our consul, Mr. Blacklock:

Your telegram sent by Hawley from New Zealand received. Proper measures have been adopted for protection of American interests in Samoa and to preserve Samoan independence. Admiral Kimberly, with frigate Trenton, starts at once. You will consult freely with him.

It is apparent that one of the things which the executive department of the Government thinks should be protected is the independence of Samoa; but the amendment making this appropriation makes no reference to the protection of the independence of Samoa, as contemplated by the treaties between that country and the United States, that country try and Germany, and that country and Great Britain. In a dispatch by Mr. Bayard to Count Arco dated the 12th of this month among other things he says:

The instructions given to officials of this Government at Samoa have never deviated from those made public, and which were well known to Germany and Great Britain, and in effect were scrupulously to maintain neutrality in Samoan affairs and confine their action to good offices in the maintenance of peace and order in those regions and securing protection for American citizens and their interests under treaty stipulations and the comity of civilized nations.

Further on Mr. Bayard says:

I received also with expressed satisfaction your assurance of the intentions of your government to maintain and carefully respect the treaty rights of this Government under all circumstances, and this, as I stated to you, necessarily included respect for the existence of Samoan autonomy and independence, which is the basis of the three treaties made with the United States, Germany, and Great Britain, the first-named being earliest in date.

If the Secretary of State is right in stating this, and I think no one can doubt it, why is it that we shall not authorize by this appropriation the President to execute the policy thus indicated of securing respect for the existence of Samoan autonomy and independence, which the Secretary of State says was the basis of the three treaties made between the United States, Germany, and Great Britain with that coun-

try?

The only remark I have to make upon this is that while the German minister manifests a purpose to carry out the understanding between the United States and Great Britain and Samoa the German consul and the German commanders of their ships of war are paying no respect whatever to such an understanding, but are steadily taking steps to secure the absolute control of Samoa by Germany, having fomented a rebellion against the real king and declared war against him because he sought to vindicate his authority as the sovereign of that country; and Germany has made war on the natives. No one can read some of the pitiable appeals made by the king of that country without feeling that however much we may be influenced by matters of interest and of policy to acquire territory and possessions, some of the feelings of common honesty and of Christian civilization ought to have warmed the hearts to which such appeals were made.

In the letter of the Secretary of the Navy, Mr. Whitney, to Admiral

Kimberly, of January 11, among other things, this is stated:

Further on the President says:

The United States Government is willing to co-operate in restoring order in Samoa on the basis of the full preservation of American treaty rights and Samoan autonomy, as recognized and agreed to by Germany, Great Britain, and the United States, and has so informed the German Government.

Further on Secretary Whitney says to Admiral Kimberly, the officer to whom this communication is addressed:

Protest against the subjugation and displacement of native government of Samoa by Germany as in violation of positive agreement and understanding between treaty powers, but inform the representatives of the German and British Governments of your readiness to co-operate in causing all treaty rights to be respected and in restoring peace and order on the basis of a recognition of Samoan rights to independence.

So, preceding the preparation of these amendments, we have the position of the Government of the United States clearly and distinctly stated by the President, by the Secretary of State, and by the Secretary of the Navy, in their official communications. It seems to me that the appropriation of money and the action of Congress ought to respond to this condition of things, and not simply to appropriate the money and leave the power and authority of the Government exactly where they are now, which the President feels is insufficient to enable him to deal with the particular circumstances of this case.

him to deal with the particular circumstances of this case.

In looking at this subject we can not fail to see that the consular officers of the United States, the naval officers of the United States, with whom the naval officers of Germany refused to correspond, with reference to the condition of those people, and the American citizens who are there must feel humiliated and humbled by the condition in which they are placed. I take it that no American critizen can take up this correspondence and go through it without a feeling of humiliation, in view of what is presented as the clear rights of the American people and Government, to see them brutally overridden and trodden down by subalterns of Germany while their minister professes friendship and a desire to preserve proper relations with the Government of the United States on this subject. It is strong language to use, Mr. President, but I take it that no one can examine these papers and not feel that the language I have used is justified.

Reference is made here to the fact that Great Britain and Germany had parceled out the islands of the South Pacific between themselves. Well, as between themselves they may make any arrangement they choose to make and we can not complain, but they can make no such arrangement that will bind the United States or any other power with reference to those islands. The Secretary of State distinctly informs us in his letter to Mr. Pendleton that, whatever may have been determined upon between them as to the other islands and groups of islands in the Southern Pacific, that arrangement did not apply to the Samoan Islands, with whom we have our proper treaty relations and with whom the United States was the first great civilized power to make a treaty. In looking at this question it is very appropriate that those who look

In looking at this question it is very appropriate that those who look to the welfare of this country, present and future, should not only endeavor to secure respect for the flag of the United States, respect for the Government of the United States, respect for the citizens of the United States, but we should also look to what our future interests and policy may be upon the subject. Great efforts are now being made to pierce the Isthmus of Central America with ship-canals—three or four hundred millions of dollars expended on one and active preparations being made to construct another—a thing which the civilized governments of Europe and America have been seeking to do for the last two or three hundred years. That the skill and the resources of modern civilization will accomplish that great purpose in the near future I have no doubt, and when accomplished it will have a more important effect upon the commerce of the world than did the construction of the Suez Canal. It would turn the transportation between Western Europe and Asia by our doors through the canals of the Isthmus. It would bring the people of the islands of the Pacific into closer relations with both the people of the United States and the governments of Europe.

Our relations to them commercially and geographically make it to our interest that the control of the islands of the Pacific should not be absolutely absorbed by the powers of Europe to the exclusion of the interests of the American Government. Hence no American citizen can but feel pride in the repeated declarations made by our Government that we can not permit the Hawaiian Islands to pass into the possession of any of the great powers of Europe. While we do not claim to take possession of them ourselves, we can not permit them to come into the possession of the governments of Europe. The very reason that applies to those, inasmuch as the Samoan Islands lie upon the track of commerce to New South Wales, the islands of the Pacific, and to India, passing through these proposed canals, and from the Pacific coast to Australia, makes it equally important to us that the valuable harbors and coaling stations which may be established in Samoa shall not pass under the control of any European power independently of our rights and interests there.

Mr. President, the purpose which I had was not a general discussion of this question, but it was to call attention to the fact that the provision put in this bill is too feeble to answer the purposes. It is too feeble to vindicate the honor of the American Government and the rights of the American people and the interest of the Samoan Islands. I was sorry to hear the distinguished Senator from Ohio yesterday, in stating what he would propose to do, limit his statement to the fact that this Government would extend its good offices to the people of Samoa—good offices to a people already conquered and subju-

gated by Germany. What are the good offices for? Our Government has already been extending its good offices through its executive department and endeavoring to protect the autonomy, the independence, the rights of the Samoan people against the aggressions of Germany, and has failed.

We propose now to appropriate \$500,000 to enable the Government to extend its good offices to the Samoan Islands. If we mean anything let us signify it by our action. I am not much of a diplomat; that is, I am not much for saying things that are not meant and for meaning things that are not said. That, I believe, is generally considered a part of diplomacy. It seems to me that we should determine whether we have rights in Samoa, whether our citizens have rights in Samoa, and whether those rights have been violated, both the rights of our own citizens and of the citizens of Samoa; and if we believe they have been violated we should assert those rights as it becomes a great and powerful nation to assert them. We should not seem to apologize for the fact that we have assumed relations to Samoa.

When the Senator from Ohio said yesterday that he hardly fully agreed with the response made by the Secretary of State to the communication of Prince Bismarck, I most heartily agree with him. If we had in Congress Bismarck's will, Bismarck's firmness, this trouble would be very quickly settled, and that without war; but if we hesitate, if we vacillate, if we show we have rights and have not the manhood to vindicate them, we are certain to lose what rights we have, and any interest we may have in Samoa, and with it we must see our own consular representatives and commanders of our ships humiliated, the American Government dishonored, and her people humiliated by a sacrifice of what we announce to be our rights.

I do not want to see this country engaged in war with Germany or with any other government. I trust it will never be my misfortune to witness again the calamities of war; but, sir, there is something worse than the calamities of war, and that is the sacrifice of the honor of a great nation. The sacrifice of the rights of its citizens, the humiliation of its officers in the face of an arrogant power, is worse than war; and I would not submit to it. I would give the President power to insist on our rights under the treaty stipulations and correspondence between these governments, and the power to assert our rights in such a way that there could be no mistake about what his meaning and his powers are.

When we do this we may expect to maintain our rights. If we do this we may secure the restoration of the status quo of Samoa, as suggested by the Senator from Oregon. We may secure the autonomy and the independence of Samoa; we may secure the rights of American citizens; and in securing them I would be careful to do nothing that would interfere with the rights of the German Government, or the English Government, or any other, or of their citizens. I simply mean that I would insist upon the rights of the Government of the United States and of citizens of the United States being protected according to the treaty stipulations and the understandings between these governments, and I trust that we shall have the consent of the Senate to amendment of this provision for this purpose. If I were to suggest an amendment briefly, I would say:

For the execution of the obligations and the protection of the interests of the United States existing under the treaty between the United States and the Government of the Samoan Islands.

There I would insert:

And for the protection of the rights of American citizens residing in said islands, and to preserve their neutrality and independence, \$500,000, etc.

When we do that we have done something. We have said something to arm the President with the means of carrying out our purpose. If we do not put some such declaration in the bill, we leave the President when we have passed the act exactly where he is now, in which position he regards himself as powerless to vindicate the rights of American citizens or to discharge the duties of the American Government to the people and Government of Samoa.

## EXECUTIVE SESSION.

Mr. RIDDLEBERGER. Mr. President, I do not like executive sessions, but for the accomplishment of a great purpose, I move that the doors of the Senate be now closed and that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes in executive session the doors were reopened.

# VENEZUELAN CLAIMS CONVENTION.

On motion of Mr. EDMUNDS, it was

Ordered. That the order of the 22d instant to print the message of the President of the United States in regard to the exchange of ratifications of the claims convention of December 5, 1885, between the United States and Venezuela, and to the suspension by Venezuela of the monthly quotas of indebtedness under the convention of April 25, 1866, with accompanying papers, be rescinded.

# INDEBTEDNESS OF PACIFIC RAILROADS.

The PRESIDENT pro tempore. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being Senate bill 3401, in relation to the Pacific railroads.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 31, 1889, at 12 o'clock m.

### CONFIRMATION.

Executive nominations confirmed by the Senate January 30, 1889.

NAVY ASSISTANT SURGEONS.

George Brinton Wilson, a resident of Maine, to be assistant surgeon in the Navy.

Charles Francis Stokes, a resident of New York, to be an assistant surgeon in the Navy.

# HOUSE OF REPRESENTATIVES.

# WEDNESDAY, January 30, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

Mr. WEAVER. I demand the regular order.

ADDITIONAL APPROPRIATION FOR CUSTOMS SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, recommending an appropriation, in addition to the permanent appropriation, for the expense of the customs service for the fiscal year 1890; which was referred to the Committee on Appropriations, and ordered to be printed.

#### RENT OF WASHINGTON CITY POST-OFFICE.

The SPEAKER also laid before the House a letter from the Postmaster-General in relation to the claim of the owners of the premises occupied by the Washington city post-office, on account of the occupancy by the Government since July 1, 1888; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### BLACK BOB BAND OF SHAWNEE INDIANS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6364) to provide for the sale of lands allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes; which were referred to the Committee on Indian Affairs, and ordered to be printed.

# DONATION OF CONDEMNED CANNON, ETC.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6105) donating two 6-pound brass cannon to the Illinois Soldiers' and Sailors' Home.

Mr. TOWNSHEND. Mr. Speaker, the Senate amendments to this bill are brief, and I ask unanimous consent to concur in them.

The SPEAKER. But the regular order has been demanded. Mr. TOWNSHEND. I think my friend who demanded the regular order will not object to the request, as it will take but a very few min-

Mr. WEAVER. If it takes no time I will not object. The SPEAKER. What is the request of the gentleman from Illi-

Mr. TOWNSHEND. My request is to concur in the Senate amendments.

The SPEAKER. The amendments had better be read.

The Senate amendments were read at length.

There being no objection, the Senate amendments were concurred in. Mr. TOWNSHEND moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. NELSON, by unanimous consent, introduced a bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation in the State of Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# COAST-SURVEY REPORT.

Mr. RICHARDSON, by unanimous consent, submitted the following concurrent resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary progress sketches and illustrations showing the progress made in said survey during the year ending June 30, 1888, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by said Superintendent.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT LA CROSSE, WIS.

The SPEAKER also laid before the House the bill (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi

River at La Crosse, Wis.; which was referred to the Committee on Com-

Mr. THOMAS, of Wisconsin. I would ask to have that retained on the Speaker's table for the present.

AMENDMENT OF SECTION 683 OF THE REVISED STATUTES.

Mr. CASWELL. I desire to report back the bill H. R. 1860, to move non-concurrence in the Senate amendment, and agree to the con-

The SPEAKER. The Clerk will read the title of the bill. The Clerk read as follows:

A bill (H. R. 1860) to amend section 683 of the Revised Statutes

The SPEAKER. The gentleman from Wisconsin [Mr. CASWELL] asks leave to report the bill back, to non-concur in the Senate amendment, and to agree to the conference requested. Is there objection? The Chair hears none. It is so ordered, and the Chair will announce during the day the conferees on the part of the House.

### TERRITORY OF OKLAHOMA.

Mr. SPRINGER. I now move that the House resolve itself into Committee of the Whole for the purpose of considering the bill (H. R. 10614) organizing the Territory of Oklahoma, and for other purposes. The SPEAKER announced that the ayes seemed to have it.

A division was demanded.

The House divided; and there were-ayes 65, noes 12.

Mr. FINLEY. No quorum.
Mr. SPRINGER. If the point of no quorum is insisted upon, which will simply secure the delay which the opponents of the bill desire, I shall be compelled to demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmativeyeas 134, nays 53, not voting 134; as follows:

Allen, Mich.	Fisher,	McCreary,	Sayers,
Allen, Miss.	Ford,	McKinley,	Scott.
Anderson, Iowa	Fuller,	McKinney,	Scull,
Anderson, Ill.	Funston,	McMillin,	Seney,
Baker, Ill.	Gallinger,	McRae,	Seymour,
Barry,	Gear,	Merriman,	Shively,
Biggs,	Glass,	Milliken,	Smith,
Bland,	Grout,	Moffitt,	Sowden.
Boothman,	Hare,	Montgomery,	Springer,
Breckinridge, Ky.	Harmer,	Morgan,	Stephenson,
Brewer,	Hatch.	Nelson,	Stockdale,
Browne, T.H.B., Va		Newton,	
Brown, J. R., Va.	Herbert,	Nichols,	Stone, Ky.
Burnett,	Hitt.	Oates,	Struble,
Burrows.		OlDanna!!	Symes,
	Hogg,	O'Donnell,	Taulbee,
Campbell, F., N. Y.	Holmes,	O'Neill, Pa.	Tracey,
Campbell, Ohio	Hopkins, Va.	Osborne,	Townshend,
Cannon,	Howard,	Outhwaite,	Vance,
Caruth,	Hudd,	Parker,	Vandever,
Caswell,	Hutton,	Patton,	Walker,
Chipman,	Johnston, Ind.	Payson,	Warner,
Clardy,	Jones,	Peel,	Washington,
Clark,	Kean,	Penington,	Weaver,
Cogswell,	Kilgore,	Perkins,	Wheeler,
Collins,	Landes,	Peters,	Whiting, Mich.
Conger,	Lane,	Plumb,	Williams,
Cowles,	Lanham,	Rice,	Wilson, Minn,
Crouse,	Lee,	Richardson.	Wilson, W. Va.
Cummings,	Lind,	Rockwell.	Woodburn.
Darlington,	Lynch,	Rogers,	Yardley,
Dockery,	Martin,	Romeis,	Yoder,
Dorsey,	Matson,	Rowell,	Yost.
Elliott,	McAdoo.	Russell, Mass.	
Farquhar,	McCormick,	Ryan,	

NAYS-58.							
Arnold, Baker, N. Y. Barnes, Belden, Boutelle, Barlton, Cobb, Cooper, Cothran, Cox, Crain, Crisp, Culberson,	Dargan, Davidson, Ala. Davidson, Fla. Dibble, Dunham, Flood, Forney, Granger, Grimes, Guenther, Hall, Haugen, Hemphill,	Hires, Holman, Hooker, Hopkins, N. Y. Houk, Jackson, Johnston, N. C. Kelley, La Follette, Latham, Lehlbach, Mason, McClammy,	Perry, Rowland, Sawyer, Spooner, Spooner, Stewart, Ga. Stewart, Vt. Thomas, Wis. Turner, Kans. Turner, Ga. Weber,				

	NOT VO	TING-134.	
oott, ms, en, Mass. derson, Miss. lerson, Kans, inson, on,	Brown, Ohio Brumm, Bryce, Buchanan, Buckalew, Bunnell, Butler.	De Lano, Dingley, Dougherty, Dunn, Enloe, Ermentrout, Felton,	Hayes, Heard, Henderson, Iowa Henderson, III, Hermann, Hopkins, III,
khead, ne, gham,	Bynum, Campbell, T.J., N.Y.		Hunter, Kennedy, Kerr,
nehard, ss, unt, und,	Cheadle,	French, Gaines, Gay, Gest,	Ketcham, Laffoon, Lagan, Laidlaw,
vden, ven, ckinridge, Ark.	Cockran, Compton,	Gibson, Glover, Goff,	Laird, Lawler, Lodge,
ower, owne, Ind.	Davenport, Davis,	Greenman, Grosvenor,	Long, Lyman,

Ada Alle And And Atk

Blot

Bree

Macdonald, Maffett, Norwood, Nutting, O'Ferrall, O'Neall, Ind. O'Neill, Mo. Phelan, Thompson, Cal. Thompson, Cal.
Tillman,
Wade,
West,
White, Ind.
White, N. Y.
Whiting, Mass.
Whitthorne,
Wickham,
Wilber,
Wilkins,
Wilkins, Shaw, Sherman, Simmons, Snyder, Spinola, Mahoney, Maish, Mansur, McComas, McCullogh, Phelps, Pideoek, Post, Pugsley, Randall, Stahlnecker, McKenna, McShane, Mills, Steele, Stewart, Tex. Stone, Mo. Tarsney,
Taylor, E. B., Ohio
Taylor, J. D., Ohio
Thomas, Ill.
Thompson, Ohio Moore Morrill, Morrow, Morse, Neal, Rayner, Reed, Robertson, Russell, Conn. Wilkinson, Wise. So the motion was agreed to.

During the call.

Mr. SPRINGER said: I ask unanimous consent to dispense with the reading of the names.

Mr. GROSVENOR. I object to waiving the recapitulation of the

The following pairs were announced on all political questions until further notice:

Mr. DUNN with Mr. DINGLEY.

Mr. STONE, of Missouri, with Mr. MORRILL. Mr. HAYES with Mr. LYMAN.

Mr. MANSUR with Mr. WADE. Mr. LAWLER with Mr. Goff. Mr. BACON with Mr. BRUMM. Mr. WISE with Mr. ADAMS.

Mr. BYNUM with Mr. McKENNA. Mr. SNYDER with Mr. Bowen. Mr. McShane with Mr. Laird.

Mr. WHITTHORNE with Mr. BUTLER. Mr. Biggs with Mr. Morrow. Mr. Simmons with Mr. McCullogh.

Mr. MAHONEY with Mr. McComas. Mr. GREENMAN with Mr. SHERMAN. Mr. Cockran with Mr. Dalzell.

Mr. ENLOE with Mr. LAFFOON.

For this day:

Mr. NEAL with Mr. EZRA B. TAYLOR.

Mr. CLEMENTS with Mr. DAVIS. Mr. STAHLNECKER with Mr. WEST. Mr. MILLS with Mr. BUTTERWORTH. Mr. BLOUNT with Mr. BINGHAM.

Mr. ABBOTT with Mr. NUTTING.

On this vote:

Mr. BANKHEAD with Mr. ATKINSON.

Mr. STEWART, of Texas, with Mr. WILKINSON. Mr. WILKINS with Mr. HENDERSON, of Iowa. Mr. Anderson, of Mississippi, with Mr. WILBER.

Mr. Moore with Mr. DAVENPORT.

Mr. BIGGS. I am paired with Mr. Morrow. If he did not vote, I desire to withdraw my vote.

Mr. MORROW. Mr. Speaker, I was not in the Hall when my name was called, but my colleague can vote.

The vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the special order. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes.

The CHAIRMAN. There was an amendment pending, which the Clerk will read.

The Clerk read as follows:

It is proposed to add by the gentleman from Illinois [Mr. Payson] the following amendment to section 7:

"It is expressly provided that the rights of honorably discharged Union soldiers and sailors in the late civil war to make homes on the public lands under the existing homestead laws shall not in any degree be impaired by the passage of this bill, and the right of all such honorably discharged Union soldiers or sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all land which shall be opened to any settlement by the provisions of this bill."

Mr. ROGERS. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Who offers that amendment and where does it come

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] offered it when the committee was last in session, to come in after section 7.

Mr. ROGERS. Have we passed over the bill to that point? The CHAIRMAN. We have. The committee in considering the bill had reached section 7, and this amendment was pending.

Mr. ROGERS. I hope that the amendment will be read again. Mr. SPRINGER. I was going to call attention to the fact that

under the special order there is to be a yea-and-nay vote on this amendment in the House

Mr. PAYSON. That does not preclude an opportunity to vote for it in committee.

it in committee.

Mr. SPRINGER. Oh, no; but in view of the fact that it is to go to the House it is in order that it should be adopted now pro forma, and that the test vote be taken by a yea-and-nay vote in the House, but not to interfere with the question being debated.

Mr. GROSVENOR. I would suggest to the gentleman from Illinois, the chairman of the Committee on Territories [Mr. SPRINGER],

that his proposition to agree to this amendment pro forma, with the understanding that we are to have a yea-and-nay vote upon it in the House will be satisfactory, provided that upon the consideration of his amendment in the House a very brief time may be given to explain its

Mr. SPRINGER. You can have that time now, in the committee.
Mr. GROSVENOR. I know; but why take up the time in the committee if the vote here is to be merely pro forma? We do not care to occupy more than thirty minutes, and that will be the only debate we shall ask for in the House.

Mr. SPRINGER. I was going to suggest that we pass this amendment over now informally and consider those amendments that will not provoke any discussion, and then, when we have gone through the bill and disposed of those, we can return to the amendments that will provoke discussion and divide the time so that all the propositions that will excite discussion may have an equal opportunity.

Mr. BAKER, of New York. I desire to ask a question for informa-

The Chair will state the proposition. gentleman from Illinois [Mr. Springer] asks unanimous consent that this amendment be passed over informally, to be returned to hereafter when the committee shall have acted upon such amendments as will not provoke discussion. Is there objection?

Mr. GROSVENOR. I want to get the attention of the chairman of

the Committee on Territories for a moment. If the Committee of the Whole will unanimously agree that this amendment shall come up at least thirty minutes before the previous question is ordered, and that we can be heard upon the amendment, we will consent to his proposition, at least so far as I am concerned.

Mr. PERKINS. I would suggest to the chairman of the Committee on Territories that those who are in favor of the amendment want thirty minutes, and of course it would be well to agree upon more time than that, because they ought to be answered.

Mr. SPRINGER. I suggest, Mr. Chairman, that at 3 o'clock we

begin the discussion upon this amendment.

Mr. GROSVENOR. I have no objection to that.
Mr. PERKINS. The time to be equally divided between the friends and the opponents of the amendment.

and the opponents of the amendment.

Mr. GROSVENOR. Yes.

The CHAIRMAN. The Chair will state the question.

Mr. HOOKER. Before the Chair puts the question I want to make one suggestion. There are other amendments that will be proposed in Committee of the Whole, and we want time to discuss them. I have amendments myself which I want to offer. Particularly I want to offer an amendment striking out the thirteenth section of the bill, and I want time to discuss it, either in the committee or in the House, and I can not sit by silent and hear an agreement made with reference to the division of time upon other propositions which do not include what I consider to be the very gravamen of the bill before the House.

The CHAIRMAN. The Chair was about to request the gentleman

from Illinois [Mr. Springer] to state his proposition, so that it could be submitted to the committee.

Mr. WARNER. Mr. Chairman, may I have the attention of the chairman of the Committee on Territories for a moment?

Mr. SPRINGER. If I can hear the gentleman.

Mr. SPRINGER. If I can hear the gentleman.

Mr. ANDERSON, of Iowa. Mr. Chairman—

Mr. WARNER. If I can have the attention of the committee—

The CHAIRMAN. The gentleman from Missouri will suspend until order is restored. The Chair will entertain no proposition until

to give every gentleman an opportunity to be heard.

Mr. WARNER. Mr. Chairman, I wish to make a suggestion. The friends of this bill have prepared certain amendments which I apprehend will provoke no discussion, and it might save time if they should be submitted and adopted formally, and that, I apprehend, would leave abundance of time to accommodate my friend from Mississippi [Mr. HOOKER] and the gentleman from Illinois [Mr. PAYSON] in the

discussion of these other amendments.

Mr. LANHAM. I hope that will be done.

Mr. SPRINGER. I think the amendments to be proposed by the gentleman from Missouri [Mr. WARNER], with the consent of the Committee on Territories, will occupy but a few minutes, and will remove certain objections which have been made to the bill.

Mr. BREWER. Mr. Chairman, I must object to anything but proceeding in the regular order with this bill. We may spend all day in trying to make this arrangement.

Mr. SPRINGER. I hope the gentleman will let us have as much time as possible to debate propositions about which there is a differ-

ence of opinion.

The CHAIRMAN. The gentleman from Michigan has demanded

the regular order.

Mr. BAKER, of New York. I rise to a parliamentary inquiry. As I understand it, we are about to consider House bill 10614. On a former occasion when a motion was made on suspension day the gentleman from Missouri [Mr. WARNER] offered a substitute for this bill. I desire to inquire now whether it is his purpose to bring forward that substitute to-day, or whether it is the purpose of the advo-cates of this bill to go on with the consideration of this bill without taking up the substitute.

Mr. SPRINGER. The friends of the bill desire to ask the committee

to adopt certain amendments which the gentleman from Missouri [Mr. WARNER] will offer, and when those amendments are adopted

Mr. BAKER, of New York. That does not answer my question.
Mr. WARNER. The only bill we can take up is the bill named in
the order, which is the bill No. 10614, not the substitute.
Mr. BAKER, of New York. The question is whether my friend

proposes to offer his bill as a substitute.

Mr. WARNER. I will say to the gentleman, no. I propose if I can get the opportunity to offer the amendments which were made to this substitute as amendments to the pending bill. [Cries of "Regular order!"

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Illinois [Mr. PAYSON] to the seventh section of the bill.

Mr. HOOKER. I rise to a parliamentary inquiry. Would it now be in order to submit the amendment which I have just indicated my purpose to offer, and to have it regarded as a pending amendment to be considered in the Committee of the Whole? I hope there will be ho objection to this proposition.

The CHAIRMAN. The Chair did not hear the gentleman from

Mississippi.

Mr. HOOKER. I desire to offer an amendment to strike out the thirteenth section of the bill; and I wish to offer it now, that it may be considered as pending before the Committee of the Whole.

The CHAIRMAN. That can only be done by unanimous consent. Mr. HOOKER. I ask unanimous consent to make that motion.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to offer an amendment to strike out the thirteenth section of the bill, and that it be now considered as pending.

Mr. HOOKER. I hope there will be no objection to that mild prop-

Mr. SPRINGER. The friends of this bill desire to make amendments to that section before the motion is made to strike it out.

Mr. HOOKER. I do not think the section is susceptible of amendment; but there will be nothing to prevent your offering amendments.

Mr. SPRINGER. I desire to object for the present to the gentleman's proposition.

Mr. HOOKER. Very well; then you will have objection through-

Mr. SPRINGER. I want to have it understood that I have no ob-

jection to the amendment being considered right now.

The CHAIRMAN. The gentleman from Michigan [Mr. BREWER] has called for the regular order. The regular order is the amendment offered by the gentleman from Lainois [Mr. Payson], which the Clerk

Mr. SPRINGER. One moment. [Cries of "Regular order!"] withdraw my objection to the request of the gentleman from Missis-

sippi.

Several members renewed the objection.

Mr. HOOKER. Do I understand that my amendment is considered

as pending?
Mr. PAYSON and others called for the regular order.

The CHAIRMAN. The gentleman from Illinois [Mr. PAYSON] demands the regular order, which is the amendment offered by him to the seventh section of the bill.

Mr. PAYSON obtained the floor.

Mr. BAKER, of New York. I desire to ask a question for informa-

The CHAIRMAN. The gentleman from New York rises to a parlia-

mentary inquiry.
Mr. PAYSON. I raise the question of order whether I am not entitled to the floor and whether I can be taken from the floor by a "par-

liamentary inquiry." Mr. BAKER, of New York. I submit that I am entitled to have my question answered. It is whether it will be in order in this connection to offer an additional substitute to come in at the end of the bill.

The CHAIRMAN. No substitute is now in order. The Clerk will report the amendment offered by the gentleman from Illinois.
The amendment of Mr. PAYSON was again read.

Mr. PAYSON. Mr. Chairman, when this bill was last under consideration before the Committee of the Whole I then said everything that I desired to say in its support. I should not consume any time

now but for the fact that several gentlemen sitting about me here have stated this morning that it is represented to them by friends of the bill in its present position that the right of the honorably discharged Union soldier to make entry upon the public lands is fully protected in this bill. Gentlemen have stated that to me within the last ten or fifteen minutes. I venture the assertion that no gentleman can stand here in the presence of the committee and make that assertion. Either it is known to be untrue or gentlemen have proceeded under a misunderstanding. To correct any such impression I desire to state briefly but accurately what the law is with reference to this state of the case and what this bill proposes.

First, under the homestead law as it stands to-day an honorably discharged Union soldier has the right to make homestead entry on the public land, and at the end of the term of five years, less the term he shall have been in the service, or the entire term of his enlistment if he is discharged by reason of wounds received in the service—at the end of such limited period he receives title to land upon which he has made his home without cost to himself, except the fees of the local land office, provided he must live at least one year on the public land. That is the law as it stands to-day—without cost to him, except the fees to be

paid at the local land office where he may have his home.

This bill provides he shall pay \$1.25 per acre, as anybody else shall pay, and to that provision I am opposed. I insist, sir, as I have always insisted, that the homestead provision ought to be extended to the entire body of the public lands. I insist as a matter of national policy, as a matter of general national legislation, there ought not to be an acre of agricultural land upon which a landless citizen of the United States should be prohibited from making a homestead under existing law. But that provision has been voted down in this committee, and for the still greater reason of the duty the Government owes to the Union soldier, the obligation which rests on this Govern-ment not to impair the rights he now has, the public land ought to be preserved, and can not be preserved except by the adoption of some such amendment as that I have proposed to this bill.

The argument made against it, Mr. Chairman, in the prior days of

this Congress when this was considered has been the argument of economy. It has been insisted by my colleague from Illinois [Mr. Springer] that this land is going to cost the Government something, no one pretends to say how much, but it is assumed not exceeding \$1.25 per acre. The title of the Indians to this land outside of the Public Land Strip embraced in this bill is of a shadowy character. one attempts to venture the assertion as to how much or how little it will take to extinguish it, but it is insisted against the claim of the Union soldier to make homestead entry on this land it may cost the Treasury a few cents more or less per acre, and therefore the Union soldier, like everybody else, should be compelled to pay for that land.

If I have made myself understood in reference to this, it is all I desire. I do not care to indulge in any flight of rhetoric as to the duty the Government owes to the Union soldier. Every representative of the people understands that as well as I do, and how any one can stand here and say he is prepared to give his vote against the amendment to this bill, which provides only the rights of the Union soldier as now under existing law shall not be impaired, passes my comprehension.

I would be glad to hear from some of the Union soldiers on both

sides of the House, or from those not in the Union Army, as to how they

feel in regard to this matter. Here the hammer fell.

Mr. SYMES. Mr. Chairman, as a member of the Grand Army of the Republic I rise to oppose the amendment. Gentlemen who support this amendment must excuse me when I say their action in the past and in the present seems to show they are more anxious to defeat the passage of this bill than to grant a special benefit to a few Grand Army soldiers.

These gentlemen, Mr. Chairman, have had many good opportunities during the past eight or ten years to establish precedents for this amend-

ment in this House, but have never even attempted to do so.

There is no precedent for this legislation, and the gentleman from Illinois [Mr. Payson] and the gentleman from Indiana [Mr. HOLMAN] are the men who are to blame, if there be any blame, on account of there being no precedent for the present amendment. These gentlemen have exercised a general, I might say a particular, supervision over all the legislation concerning the sale and disposal of the public and Indian lands for many years in this House. Many bills have passed this House during that time for the disposal sale and cattle and the public and Indian lands for many years in this House. this House during that time for the disposal, sale, and settlement of land obtained from the Indian, and they have never offered or attempted to pass such a measure for the benefit of the soldier.

Mr. PAYSON. Will the gentleman permit me to make an inquiry there—or rather an interruption, because I suppose he desires to be accurate?

curate?

Certainly I wish to be correct.

Mr. PAYSON. I wish to remark that I speak for myself as well as the gentleman from Indiana [Mr. HOLMAN] when I say that under our direction there passed in this House in three different Congresses a provision which restricted the entry of public land to the homestead feature of the law, and that alone. Three different Congresses under our direction that bill has passed this body. Mr. PERKINS. That applies only to public land. Mr. PAYSON. It applies to all public lands.

Mr. SYMES. Yes, but not to Indian lands—not to lands which are not public lands and not owned by the United States.

Why has this long-pent-up love for the Grand Army soldiers so sud-denly come to the surface, like the outbursting of a fountain from the earth?

Mr. PAYSON. Because this is the first time the attack has been made.

Mr. SYMES. Mr. Chairman, we will look at a part of the record these gentlemen have made on this question and see why it is.

Many bills have passed this House during the last ten years where such an amendment would have been more appropriate than here and no such measure was offered.

# PAYSON'S SOLDIER AMENDMENT.

In 1879 an agreement was made with the confederate bands of Ute Indians for the sale of their very large reservation in Colorado and their removal to their present reservation in Utah.

June 15, 1880, this agreement was ratified by Congress with some modifications. Section 3, page 20, 21 Statutes, provides that the land shall only be disposed of by cash entry, under the homestead law.

The money was to be paid into the Treasury as a trust fund for the

Indians, after certain deductions were made for money advanced to them and expenses and payment for outrages committed, agreed upon in the treaty.

This large and valuable tract of country in Western Colorado has been settled up remarkably fast since that time. Why did not the distinguished gentlemen from Illinois and Indiana, who have always had such an overwhelming love for the Grand Army soldier, avail themselves of this opportunity to allow the Grand Army soldiers, many of whom are now settlers upon that land, to acquire their title under the homestead laws without the payment of \$1.25 per acre, as provided in the gentleman's amendment to the Oklahoma bill?

If any gentleman had offered such an amendment to that bill they would no doubt have answered it by saying that the money did not belong to the United States, the land did not belong to the United States, and the United States could not give the land or the proceeds of it to the soldiers because it belonged to the Indians. So it is with the Cherokee Strip and other Indian lands in Oklahoma and the proceeds of the sales of it. The Government negotiates with the Indians as provided in this bill to allow the land to be settled upon and included in the territory. It proposes to require the settlers to pay the Indians \$1.25 per acre for their equitable rights in that land. The United States has no right to give this land to avoid for our to give the second of the control o no right to give this land to ex-soldiers or to give the proceeds of it to ex-soldiers, because it belongs to the Cherokees and other Indians, How can these dear friends of the Indians who have been filibuster-

ing against this bill, as they say, to protect their rights consent to illegally taking these lands from the Indians, or the proceeds of the sale

thereof, and give it to the ex-soldiers

The gentlemen from Indiana and Illinois were both members of this House at the time, and were no doubt then, as they have been ever since, noted for their special supervision of all acts affecting the public lands, and, as now shown, also specially noted for their love for the Grand Army soldiers. Why did they not offer the same amendment to the bill opening the Ute reservation to settlement?

The act of July 28, 1882, 23 Statutes, page 178, supplementary to the foregoing, declares that it shall be public domain only to be dis-

posed of by cash entry for \$1.25 per acre.

Twenty-third Statutes, 177, provides for the sale of the lands of the Kickapoos, or, more correctly speaking, it provides for opening them to settlement and requires the settlers to pay the Indians for the lands they settle upon, as does the act opening the Ute reservation.

The gentlemen from Indiana and Illinois were members of the House when this act passed, and the records do not show that any amendment was offered giving Grand Army soldiers the right to acquire title without paying \$1.25 to the Indians or requiring the United States to pay \$1.25 to the Indians for the soldiers, which would be the only practicable way of enforcing the gentleman's amendment.

April 30, 1888, an act passed this Congress to divide the Sioux reservation in Dakota and to open to settlement a portion thereof. It provides that settlers upon lands shall acquire title only under the homestead laws, except such homesteads can not be commuted under section 2301, Revised Statutes, and each settler must pay 50 cents per acre to the United States to be used as a trust fund for the Indians

Section 21 of the act provides that the rights of the soldiers, under sections 2304 and 2305, Revised Statutes, shall not be abridged, except as to the payment of 50 cents per acre. This is the same as the Oklahoma bill. The soldiers have to pay \$1.25 per acre because the land belongs to the Indians and not to the United States.

Why did not the gentleman from Illinois or the gentleman from Indiana move an amendment to this bill exempting soldiers from the pay ment of 50 cents per acre, and provide either that the Indians should not receive pay for the land settled upon by soldiers or that the United

States should pay the money for the soldiers?

March 8, 1888, a bill passed this House for the relief of the Chippewa Indians in Minnesota, and the act passed at this session of Congress

opening to settlement certain pine and agricultural lands in the Chipewa Indian reservation.

Section 6 of this act provides that settlers may locate the land in accordance with the homestead laws, except that they shall pay \$1.25 per acre in five equal annual installments, and shall receive their patents at the end of five years.

at the end of five years.

All the money received for this land is to be paid into the Treasury as a trust fund for the Chippewa Indians.

Quite a debate arose on the conference report regarding the details of this bill, as to the sale of pine lands, etc. The gentleman from Illinois vigorously opposed the adoption of the conference report because he thought the pine lands were being sold too cheap.

Why did he not think of the rights of the poor homestead soldiers at that time? Why did he not propose an amendment at least which

that time? Why did he not propose an amendment at least which would make that act as liberal as the Oklahoma bill by giving the soldiers a rebate of the time they served in the Army, even if he did not attempt to provide that they should not pay \$1.25 an acre for the land, as he is attempting to do by this amendment?

The amendment in its present form could not be executed and would be void for want of any provision to give it force. It simply attempts to apply the soldier homestead law to lands which the United States Government does not propose to buy, pay for, or acquire the title to. The bill only provides for negotiating with the Indians for the settlement on this land and for including it within Okla oma, and it provides that the settlers shall pay the Indians \$1.25 per acre for it. Unless other provisions are added to the bill authorizing agreements to be made with the Indians which should exclude the payment of \$1.25 per acre for such lands as might be settled upon by ex-soldiers, or a provision made that the United States should pay into the Indian trust fund \$1.25 per acre for all lands settled upon by soldiers, this amendment will have no force.

Section 25 of the act of April 30, 1888, for opening portions of the Sioux reservation to settlement expressly requires the United States to pay the Indians 50 cents per acre for the land included in the sixteenth and thirty-sixth sections reserved from settlement for school purposes

That is, the United States provides for reserving the school sections from settlement, and to do that it pays into the trust fund for the Indians the amount per acre which the treaty provides the Indians shall receive for their land.

This amendment will be void and answer only demagogue purposes unless it provides the United States shall pay \$1.25 per acre into the Indian trust fund, or the Indians should agree to receive nothing for that portion of the land settled upon by ex-soldiers.

I will not say I speak for the Grand Army soldiers, although I served with them over four years, and most of the first year of the war I carried a musket in the ranks. But of late years the ex-soldiers seem to have found so much more ardent and loving friends in the persons of gentlemen who did not appreciate their sacrifices until long after the war that I forbear to presume to speak as a comrade in their behalf.

I will say that these comrades are not beggars. All they ask is justice to all their comrades and special privileges to none. They do not ask that a few hundred at most of their comrades shall receive a special grant of 200 acres of land in Oklahoma and a half million of their comrades receive nothing. They do not ask the Government to give a few hundred of the most healthy and strong of their comrades, who may be able to emigrate to Oklahoma, a gratuity of \$200 to \$500, while nothing is given to thousands of suffering invalids and the dependent-pension bill remains unpassed.

Mr. Chairman, such unjust and discriminating legislation may be proposed for demagogue purposes, and may catch the ear of the unthinking, but it will not deceive our Grand Army comrades. Mr. Chairman, while I do not assume to speak for the Grand Army soldiers, I do speak as one of their friends. They are the only class of men on the earfh that I feel under special and lasting obligations to. It was through their partial and persistent recommendations from the field that I was promoted to higher command than I expected.

At that time I was a captain, and the gentleman from Missouri, the Grand Commander of the Grand Army of the Republic, was also a captain and an acting assistant adjutant-general.

The Forty-fourth Wisconsin Infantry was organized; I was commissioned its colonel and the gentleman from Missouri was commissioned its major. Impartial justice would have made him the colonel and I the major, for he was a better soldier than I.

He has been as good and true a friend of the Grand Army soldiers since the war as lives. And opposing this amendment, offered not in the real interest of the soldiers, but to defeat this bill, can not and will not deceive any one.

During the delivery of the foregoing remarks the hammer fell. Mr. SYMES asked and obtained leave to occupy further time, and

resumed and concluded his remarks as above.

Mr. GROSVENOR withholds his remarks for revision. [See Ap-

Mr. PETERS. I ask unanimous consent that I may be allowed to proceed for ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. LANHAM. Mr. Chairman, I should like very much to hear the gentleman for ten minutes because I always enjoy listening to him, but it seems to me that good faith on the part of the friends of this bill requires that those of us who have amendments to offer should have an opportunity to present them. I have two amendments which provoke no antagonism on the part of the committee having the bill in charge, and I desire an opportunity to introduce those amendments and have them voted upon. If we can come to an understanding that those of us who have amendments to offer to this bill shall have an opportunity, I have no objection; otherwise I must object.

The CHAIRMAN. Does the gentleman object to the request of the

gentleman from Kansas?

Mr. LANHAM. I do not object at present, but I want to see

whether we can not arrive at an understanding.

Mr. HOLMAN. I will not object, Mr. Chairman, to the gentleman from Kansas proceeding for ten minutes, but, inasmuch as there is so little time remaining, I insist that hereafter five minutes shall be the

The CHAIRMAN. The gentleman from Kansas [Mr. Peters] will

be recognized for ten minutes.

Mr. WARNER. Mr. Chairman, can we not come to an understand-

ing now as to the length of the debate upon this amendment?

Mr. PAYSON. I think it had better run and let gentlemen have an opportunity to say what they have to say.

Mr. HOLMAN. I ask unanimous consent that all debate upon this

Mr. HOLMAN. I ask unanimous consent that all debate upon this amendment be limited to twenty minutes.

Mr. ANDERSON, of Iowa. I object.

Mr. PETERS. Mr. Chairman, the proposition before the House has ingeniousness, but is absolutely lacking in ingenuousness. The amendment is one which proposes to take from the Government Treasury about \$20,000,000, apparently in the interest of the ex-soldiers of the country. I say "apparently," and I speak advisedly. You need only to look at those who propose this amendment and those who are ardently supporting it to ascertain what is the motive that actuated its presensupporting it to ascertain what is the motive that actuated its presentation and that now actuates its support. The proposition has been introduced by a member of this House who has from the beginning opposed this bill. It has been supported upon this floor by those who from the beginning of this Oklahoma legislation have opposed every step toward making it a law. Is it not somewhat remarkable that the advocates of this proposition are the men who have placed every obstacle in the way of the passage of this Oklahoma bill and of the opening up of this Territory

Mr. PAYSON. Will the gentleman permit an interruption for a

moment?

Mr. PAYSON. Well, I insist that the gentleman ought to be accurate

Mr. PETERS. I am accurate.

Mr. PAYSON. On the contrary, I have never interposed a single obstacle in the way of consideration of this measure, and that it is being considered to day is owing to the fact that I consented.

Mr. PETERS. Mr. Chairman, I suppose it is understood that this does not come out of my time; I have not yielded.

Mr. PAYSON. The gentleman ought to be accurate.

Mr. PETERS. I will appeal to the RECORD to show that during the first session of this Congress, whenever the motion was made to go into Committee of the Whole for the consideration of this bill the point of no quorum" was made by the very parties who are now advocating this amendment.

Does the gentleman mean me?

Mr. PAYSON. Mr. PETERS. I decline to be interrupted.

Mr. PAYSON. Mr. Chairman, I insist that the gentleman ought to be accurate.

Mr. PETERS. The gentleman will have to take the RECORD and my language together to understand what I mean.

Mr. PAYSON. The gentleman is utterly mistaken.
Mr. PETERS. I simply state that the RECORD will disclose the fact that the men who have opposed the Oklahoma bill and who have been always ready to call a quorum, and thereby to prevent legislation upon this subject, are the very men who are now ardently supporting the amendment of the gentleman from Illinois. And now I appeal to all who were ex-soldiers and I ask them what benefit would it be to the soldiers of the country to place this amendment upon this bill if by placing it there you defeat the opening up of that Territory to the soldiers as well as to all the other citizens of this country?

Mr. BAKER, of New York. Why should it defeat it?
Mr. PETERS. Why defeat it? You know, and every man knows
who is conversant with the legislation in this House and in the Senate, and with the veto messages that have come from the Executive Mansion, that with this provision on the Oklahoma bill it would

gress knows that with this amendment upon the bill it would never ecome a law this Congres

Mr. DUNHAM. Then let it be tied up until we get another Presi-

Mr. PETERS. That is why I say that no man who favors this amendment is a friend to the Oklahoma bill.

Mr. FINLEY. Do you want to bribe the President to sign the bill? Mr. PETERS. I do not want to say a word about the motives of the President or about what he would do, but I say to the gentleman from Kentucky [Mr. FINLEY] that he knows that this bill with this

amendment upon it would never become a law.

Mr. BAKER, of New York. Does the gentleman from Kansas know

that it would become a law without this amendment?

Mr. PETERS. He knows that it is more likely to become a law without this provision.

Several MEMBERS. Tell us why.

Mr. PETERS. Now, Mr. Chairman, I want to say-

Mr. CONGER rose.

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. PETERS. Yes, sir, for a question.
Mr. CONGER. Would the gentleman oppose any pension legislation because he feared that it would be vetoed at the other end of the avenue?

Mr. PETERS. I would not oppose any legislation because I believed it would be vetoed; but I would oppose an amendment to a pension bill which I believed would accomplish something for the soldier, if that amendment had a tendency to defeat the passage of the pension bill itself. I am one of those ardent friends of the soldier in this House who believe in taking for the soldier what I can get; and that is what I want to do here.

Several members rose.

Mr. PETERS. Mr. Chairman, I decline to yield further. I want to say in this connection that it would be an injustice to the Union soldier to put this amendment upon the bill. There is nothing besoldier to put this amendment upon the bill. There is nothing between my district and this Territory but a geographical, imaginary line. On one side of that line are the soldiers who fought for four years during the war, who went into that country and took up claims, paying \$1.25 an acre for them, who have improved them and made them "bloom and blossom as the rose," and who stand there ready and willing to perform their duty as citizens to this Government. This bill proposes to place side by side with them a soldier who shall not be required to pay one dollar for the very same kind of land that this brother soldier has obtained in the manner I have just stated. The soldiers of this country do not ask of this Congress to be placed on any plane which is not absolutely equal. The soldiers of this country do not ask that they shall have any advantage over their comrades who stood shoulder to shoulder with them.

I oppose this amendment, first, because it is absolutely unjust to these soldiers to have located upon the Indian lands adjoining this Territory; that it discriminates against them; that it places them in such a posi-tion that they and their comrades can not meet upon an equality around

the Grand Army camp-fire.

I say further, speaking for a constituency of soldiers, that I have had but one letter and not a single resolution from either a soldier or a Grand Army post in favor of the amendment of the gentleman from The soldiers of my district understand that this amendment has been proposed, not in the interest of the soldier, but for the purpose of keeping all soldiers out of the Indian Territory, for the purpose of defeating this bill, for the purpose of placing it in such position that it can not become a law.

Mr. CUTCHEON. Will the gentleman from Kansas be kind enough to explain how the adoption of this amendment will keep the soldiers

out of the Oklahoma Territory?

Mr. PETERS. I have explained that already by saying that it will tend to defeat the bill.

Several MEMBERS. Why? Mr. PETERS. It will at least jeopardize the passage of the bill. And that is the secret power behind all this opposition to the Oklahoma bill; that is the secret power which forces forward the supporters of the amendment. They believe it will defeat the bill; and when the soldiers of the United States understand, as they do in my district, that this proposition is brought forward by the enemies of the bill, that it is brought forward for the purpose of defeating the opening of that Terlitory, there is not a soldier throughout the length and breadth of this land who will stand up and support the measure proposed by the gentleman from Illinois.

Mr. JACKSON. Are there are any members here who are the friends of this bill who will not vote for it if the amendment is put

Mr. PETERS. I do not know any one opponent now who will vote mever stand the shadow of a chance of becoming a law during this Congress. There is no use in denying or in ignoring that fact.

A Member. Why?

Mr. PETERS. It do not know any one opponent now who will vote against the stress of the soldiers has been vetoed at the other end of the avenue, and every man who has followed the course of legislation in this Congress.

Mr. PETERS. It do not know any one opponent now who will vote against the bill if the amendment is put in, but I know there are men on this floor who will vote against the bill if the amendment is put in, but I know there are men on this floor who will vote against the bill if the amendment is put in, but I know there are men on this floor who will vote against the bill if the amendment is put in, but I know there are men on this floor who will vote against the bill if the amendment be inserted.

Mr. JACKSON. I again ask whether any member who is a friend of this bill will vote against it if the amendment be adopted.

Mr. PETERS. I do not know any one opponent now who will vote against the bill if this amendment be inserted.

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Mr. JACKSON. I again ask whether any member who is a friend of this bill will vote against it if the amendment be adopted.

Mr. PETERS. I do not know any one opponent now who will vote against the bill if this amendment be inserted.

floor who will vote against the bill if this provision be inserted; that it jeopardizes the passage of the bill and jeopardizes the opening of this Territory. It is strange to me that members can not see that they are acting against the interest of the soldier and working in the interest of the cattle syndicates in advocating such a proposition.

[Here the hammer fell.]

Mr. BOOTHMAN. Mr. Chairman, I do not believe that any man on the floor of this House is authorized to speak for the Grand Army or to speak as a Grand Army man. I have seen no resolution of that organization appointing any man as a representative on this floor for that purpose. I am a member of that organization myself; and I will offset my declaration against that of the gentleman from Colorado, and they may weigh against each other. Whatever I have received as an expression from the soldiers of my district on this subject is in favor of the Payson amendment and against the Oklahoma bill if that amendment be not adopted.

Now, I would inquire of gentlemen who are in favor of the Oklahoma bill as it stands before this House what there is in that measure as it is proposed here which makes the proceeds of it so sacred that they can not be given to the soldiers of this nation as other lands are proposed to be given by the general land laws? Certainly there is not such good conscience and equity in the manner in which we propose to acquire this land that it should be taken out of the public domain or be accorded any higher standing than any other portion of the public

Gentlemen say that this money is to be held in trust for the purpose of paying the Indians for the land. Well, I wonder whether it is not true that all the public lands we have ever bought have been bought from somebody and a price of some kind paid. Then, why should this land, because we are buying it from the Indians, be of any more value or be of any higher or more sacred character than any other piece of land we

have ever acquired?

Now, I feel this land is not coming to us under such auspices that we can look our consciences fair in the face and say we are not violatwe can look our consciences fair in the face and say we are not violating treaty obligations in getting it, and the only way I can excuse my conscience by voting for the bill, if I can do so at all, is by putting in some palliative like this to enable me to do so. And then I say the reason I can vote for it is because I believe the time is coming when the people from whom we propose to take this land must go out of existence as tribes, their tribal relations must be taken away from them, and it is a step in the development of that people, which may or may not result in their advantage; but whatever results may come of this for them when we come to dispose of what we get under that arrangement, it seems to me we ought to follow the rule of conscience and equity heretofore applied in the disposal of the public land.

And gentlemen, it seems to me, are standing in the light of their

And gentlemen, it seems to me, are standing in the light of their own consciences when they call in question the motives of the men who support this amendment. I feel there is no public land which should be exempt from the burden, if it is a burden, which is placed

on them in favor of the Union soldiers.

on them in favor of the Union soldiers.

But they say that this is but a small patch. Look at it. It is proposed by this bill to erect a Territorial government over something like 23,000,000 acres of land in the end. They are about to begin with the strip called "No Man's Land," where there are three or three and a half millions of acres. But the bill proposes, as soon as the assent of the tribes can be obtained, to erect a Territorial government over the whole land sought to be acquired in this way. In other words, there are about 20,000,000 acres to be disposed of. You have about 900,000 of these old soldiers left living, and by the time, we get the con-000 of these old soldiers left living, and by the time we get the consent of the Indian tribes we may expect that number will be greatly reduced. Then here is an opportunity to help to bear the burdens put upon these men by their services in the cause of this Union, an opportunity to give them a chance to catch up in the race of life, and when it is presented I say give it to them, and it is wrong to withhold it from them.

[Here the hammer fell.]

Mr. NELSON. Mr. Chairman, before I proceed I will ask by unanimous consent of the committee to be allowed to proceed for ten minutes.

Mr. HOLMAN. Regular order.

Mr. NELSON. Mr. Chairman, I trust it may be safe for me to oppose this amendment. I was a soldier in the late war, but happened to belong to that unfortunate class which can not enter into that

sanctum sanctorum, the Loyal Legion.

If the House will indulge me I will try to show that the amendment now offered is in direct contravention of what has been the policy and practice of the House for the last dozen or more years. I will show further that the adoption of the amendment will be a matter of gross further that the adoption of the amendment will be a matter of gross injustice to the great body of the rank and file who served in the late war. Prior to 1862—the date of the passage of the homestead law—we had acquired in various ways, and at nominal figures, a large body of public lands, a part by conquest from Mexico, a part by the so-called Louisiana purchase from France, and a part by the transfer from Virginia of that great territory northwest of the Ohio River. The remnants of this conquest, this purchase, and this cession constituted the great unsold body of our public land—acquired, if the area be taken into account, at a mere nominal price. And as to this great ocean of land we adopted the homestead policy.

Now, what was that homestead policy? In what respect did the rights of the Union soldier as to that ocean of land differ from the rights of the rest of our people? Out of this body of lands we gave a homestead of 160 acres free to every one, citizen and soldier alike, without money and without price, except the mere land-office fees. only preference, the only advantage the soldier got over other entry-men, over the citizens, was this, that the period of his army service should be credited up against the five years' residence and settlement required before final proof and entry could be made; provided, however, that he should in all cases reside at least a year on the land be-fore making final proof and entry under the law. To illustrate, a fore making final proof and entry under the law. To illustrate, a civilian would have to reside five years on the land before final proof and entry, while a soldier who had served three years in the war could make final proof and entry after a two years' residence upon the land. That was the only distinction. To speak mathematically, all get the land without money, but on a probationary period of residence and settlement. With the civilian this period is five years; with the soldier, five years less his term of service in the war.

We have within recent years been opening up for settlement many

Indian reservations and thus adding largely to our public lands. We have adopted the policy as to these reservations of extinguishing the Indian title at a fair price to be paid the Indians by the settlers who obtained the lands. Provision has been made in every instance in recent years that I can remember but one—that of the big reservation in Northern Montana—that the settlers who obtained these lands, either under the homestead or pre-emption law, be they civilians or soldiers, must in every instance pay for the land the price that is paid the Indians, so as to save the United States Government from any expense and outlay in the premises; for it is conceived that it is no longer necessary nor good policy for the Government to buy land for the mere

purpose of giving it away,

Mr. PAYSON. The gentleman does not mean that. Mr. NELSON. I do mean that; I mean exactly that.

Mr. PAYSON. Is that the case as regards the Blackfoot reservation? Mr. NELSON. No; that is the one exception I have referred to. There has been that one exception to the rule. This House during the last Congress passed a bill opening the Great Sioux reservation in Dakota, involving a matter of over 11,000,000 acres of land, and in that case everybody, both civilians and soldiers, stood upon the same foot-They were all to pay their 50 cents an acre, but the soldier was to get the benefit or credit for his term of service in the Army, just as now under the general law. And so, with the single exception of the Blackfoot reservation in Montana, every Indian reservation which has been opened for settlement since I have been a member of this House has been opened under that same invariable rule and practice, that whatever we paid to the Indians we have required the settlers to pay for the land; but we always in all cases gave to the soldiers the same right that they have under the existing homestead law to obtain credit

for their term of service in the Army.

Mr. WEAVER. And this bill does that?

Mr. NELSON. Yes, that is duly provided for in this bill. The distinction that I have called your attention to between the policy adopted as to our ancient and general mass of public lands and these recent Indian acquisitions is duly recognized and preserved in this bill. I ask you to turn to section 4 of the bill and examine it. A part of the proposed Oklahoma is what is known as the Public Land Strip—some of that vast ocean of land of which I have been telling you. As to that Public Land Strip, soldiers and civilians alike get it free, as under the general law. This is the language of section 4:

SEC. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the Public Land Strip, is hereby declared to bese part of the public domain of the United States, and shall be open to settlement under the operation of the homestead laws only; but the provisions of section numbered 2301 of the Revised Statutes shall not apply to any entry of any of said lands except as otherwise provided in this act: Provided, That the sixteenth and thirty-sixth sections of land in each township shall be reserved for school purposes.

school purpos

But with reference to the remainder of Oklahoma-that which we propose to buy from the Indians at \$1.25 per acre-for that soldiers and civilians alike must pay just what we pay the Indians for it; but the soldier is to have credit for his Army service to the same extent and

exactly as under the general homestead law.

The proposition, mathematically, may be put something like this: The Public Land Strip, like the great body of our public lands, is free to all, civilian and soldier alike, but the soldier is credited on the residence term, his term of service in the Army, but as to the lands we propose to buy from the Indians at \$1.25 per acre, we require the settlers, whether soldiers or civilians, to pay \$1.25 per acre, just the amount that we pay the Indians, but we say to the soldier that he shall obtain credit as in other cases for his term of service in the Army, thus relatively giving him just the same preference in one case as the

It is manifest, therefore, Mr. Chairman, that when you consider the propositions relatively by comparing the status of the soldier and civilian as to each class of land the soldier gets precisely the same advantage and preference over the civilian in the one case as the other under this bill.

Mr. McKINLEY. Under this bill? Mr. NELSON. Under this bill.

Mr. Chairman, I have no pride of opinion in regard to this matter. I aim only to state the law and facts truly as I understand them. Oklahoma includes two classes of lands. One part is what is known as the Public Land Strip, which is now and has long been owned by the Government. As to that we propose to leave the general homestead law operative for soldiers and civilians alike; but there is another portion of the land which we propose to buy from the Indians at \$1.25 an As to this price we propose that the soldiers and citizens alike shall save the Government harmless and free from outlay, but the soldier shall receive due credit for his army service.

That is the plan that has been followed and carried out . this House, as I have said, with regard to every Indian reservation opened in recent years, except the Blackfoot reservation, and as to that we got the land for 25 cents an acre and paid for it only simply the amount we had been in the habit of paying these Indians in the way of subsistence; so that really we got the land for a mere song. And the most of that is of the arid lands of which we have heard so much lately, which need irrigation, a character of land to which you can not apply the same principle as in this case.

The gentleman from Kansas [Mr. Peters] was asked the question why in his judgment this amendment would tend to jeopardize the bill or defeat its passage. The gentleman did not answer the question, but I will undertake to do so. The reason is, that the day is gone by and past, I think, in this country for buying lands at \$1.25 an acre and giving them away. The proposition of the gentleman from Illinois involves this: That we are to buy six or seven millions of acres of land at \$1.25 an acre and give it away to certain Union soldiers who may be able to avail themselves of our generosity. Now, much has been said about the injury to the soldier which will result from the non-adoption of the amendment. But there is another important fact to be remembered, Mr. Chairman. But few of the soldiers can get there before all this land will be taken up. Somebody has got to pay the Indians for these lands. All those who do not go, who can not get them, must

these lands. All those who do not go, who can not get them, must help to pay for them.

Again, what does this proposition involve? A soldier who can go there and take up a quarter-section of land, if this amendment is adopted, without paying anything for it, gets a bounty of \$200. A quarter-section of this land at the price specified to be paid the Indians will be \$200. By this amendment you are simply saying to a few soldiers, "We will give to such of you as may be able to rush down into the Territory of Oklahoma as soon as this bill passes a quarter-section of land for which we pay \$200 a bounty to you of \$200 while the of land for which we pay \$200, a bounty to you of \$200, while the thousands of other Union soldiers, all those who can not get onto these lands, and they are a host, get no such bounty at all."

Common justice and fairness require that if you give a \$200 land

bounty to a few soldiers you ought to give it to all.

I am willing to do as much for the soldier as anybody else; I was only a poor private soldier myself; but when it comes to giving him \$200 worth of land, be fair and just and give it to every soldier, and not only to the few who can rush down here into Oklahoma.

Mr. Chairman, I am in favor of this bill because the cattle-men are opposed to it. I ask to have read an extract from the last report of the Secretary of the Interior. It illustrates to what use this land is now put. It needs no explanation, and I think it is the milk in the cocoanut of some of the opposition to this bill.

The Clerk read as follows:

The Clerk read as follows:

This tract, embracing as now existing 6,024,239 acres of land, has been heretofore leased by the Cherokee Nation to a corporation known as the "Cherokee Strip Live-Stock Association," at an annual rental of \$100,000 a year. This lease expired with the end of October, 1888, and steps have been taken by the Cherokee Nation looking to its renewal or the making of some new lease with other parties. In view of the pendency in Congress of a bill to embrace this region with Oklahoma and other tracts in a new Territory, and in view of certain at least undeniable rights of the United States in reference to it, and of previous action by the Department, it was deemed advisable that notice should be served upon the principal chief of the nation and all parties who might negotiate any such agreement that if any such should be made it would be without the authority or consent of this Government thereto, and will be subject to cancellation, and any use or occupation by any lessee to termination, by the Department whenever such action should be regarded proper by the President or the Department, and would be subject to any legislation whatever, general or special, which Congress may enact affecting that portion of the Cherokee country or the occupancy of any Indian lands for any purpose whatever, whether for grazing, pasturage, or otherwise. Such notice was accordingly given by a letter to the principal chief, and by instructions to the Indian agent, to advise, in proper manner, all parties who might attempt to negotiate any such lease.

It should be, however, clearly understood, and so the principal chief was subsequently informed, that by this notice no determination is made or assumed in reference to what may be the rights of the Government as distinguished from the rights of the Cherokee Nation in this strip; the only purpose of the notice being to proteet fully the rights of the United States, whatever they may eventually be decided to be.

Mr. NELSON. Now, here are over 6,000,000 acres of land

Mr. NELSON. Now, here are over 6,000,000 acres of land that have been leased to this cattle company for the bagatelle of \$100,000, or 13 cents per acre per year. These poor settlers, that you hear so much damned and cursed—called Boomers and what not—wonder why they can not go into Oklahoma and open farms as well as these cattle-men. Why should these lands be sacred to these settlers and not to the cattle kings?

[Here the hammer fell.]
Mr. NELSON. I have a computation here that I desire to present, and I hope that I may have the time allowed me to do it in.

The CHAIRMAN. If there be no objection, the time of the gentle-nan will be extended one minute.

Mr. NELSON. The computation I have made shows that these 6,024,239 acres of land would make 37,652 farms of 160 acres each, and, counting five souls to each family, it would afford homes to a popula-tion of 188,260 people. I do not know, Mr. Chairman, how many cat-tle there are to-day on this tract of land belonging to this company; but I trust we can get people there instead of cattle. [Laughter and

Mr. CUTCHEON. Will the gentleman explain what this has to do with the amendment?

Mr. NELSON. If the gentleman had listened he would have heard my explanation long ago.

Mr. SPRINGER. I now ask unanimous consent to limit debate on

this amendment to twenty minutes. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SPRINGER. Then after ten minutes I will move that the committee rise to close debate.

Mr. ANDERSON, of Iowa. Mr. Chairman, on a former occasion in this House I offered an amendment to the pending bill something in the nature of the one now pending, yet more liberal to the soldier than this. At that time there was developed in the discussion of the amendment a spirit on the part of certain members to the effect that whoever

nent a spirit on the part of certain members to the effect that whoever supported that amendment was unfriendly the Oklahoma bill.

Now, I desire to enter my solemn protest against an assumption like that, which, in my judgment, is unwarranted. I may be permitted further to say that I am not as friendly to this measure as I was at the beginning. Here is a Territory sought to be organized with a view to statehood, and people in pursuance of that are invited from all sections of the country to occupy it. Here is a proposition simply to apply on of the country to occupy it. Here is a proposition simply to apply existing homestead laws to the ex-Union soldiers of the country. Under ordinary circumstances there is not a man on this floor, in view of the land policy of this Government, that would say that this amendment is wrong; and yet under the peculiar circumstances surrounding this measure, we find men who ordinarily are warm and enthusiastic friends of the soldier inveighing against this amendment as one not to be tol-

erated, for the reason that it will put the bill in jeopardy.

I undertake to say, speaking for myself, that if this bill is such an one that it can not bear a virtuous and meritorious amendment, such as has been proposed by the gentleman from Illinois, it ought to be defeated; and it was this that first set me to thinking. I can not for myself see a substantial reason why this amendment should not prevail, or any possible ground for valid objection to it if the measure is what it purports to be on its face. Why, we are told that it would meet with defeat at the other end of the avenue. Is that to be the measure of gentlemen for any legislation in reference to the soldier-what will be approved at the other end of the avenue? If it is, that would be a poor way of meeting the pledges that have been made to the ex-soldiers of the Union. For my part, I think this idea that the Government is a mere trustee is a mere clever dodge.

I observe that the advocates of this bill unwittingly speak of it as a

purchase or extinguishment of the Indian title by the Government, that the Government acquires the title from the Indians, and it is entirely competent it seems for the Government to apply the existing homestead law as to Union soldiers within that Territory. The fact that this has not been the policy of the Government with reference to Indian lands heretofore is neither here nor there so far as this measure is concerned; for it is never too late to do good, and it is never too late to perfect legislation that will inure to the benefit of the men who enabled the flag of this Government to fly unspotted in the sky.

Why, the fact that this has not been done before is one of the very reasons why it ought to be done now. The discrimination that gentlemen refer to between this and former legislation and that will inhere and be involved in this measure if it prevails is nothing more nor here and be involved in this measure if it prevails is nothing more nor less in degree than the discrimination that already exists in reference to the pension laws and their execution in this country. And replying to the charge that this amendment is not in good faith, but offered simply to eath the soldier's ear, I desire to say that no man can rightfully say in reference to me that I have been working what they contemptuously call "the soldier dodge." I do not belong to the Grand Army of the Republic, yet I feel that it is but an act of simple justice to the soldiers and to their families that they should be allowed this privilege in this Tarritors. privilege in this Territory.

Mr. LANHAM. I rise to ask unanimous consent to offer two amend-

ments, and that they may be considered as pending.

Mr. PAYSON. I object. I have no objection to limiting debate, but I do not want this complicated with any number of amendments.

Mr. LANHAM. I simply ask that they be introduced now, and be considered as pending.

Mr. PAYSON. I do not object to that. Mr. BAKER, of New York. I make the same request as to an amend-

ment which I propose to offer.

Mr. LANHAM. Let mine get in first.

Mr. BAKER, of New York. All right,

Mr. FINLEY. I object.

The CHAIRMAN. The Chair will now recognize some gentleman

who is opposed to the amendment.

Mr. PERKINS. Mr. Chairman, I desire to be heard briefly in opposition to the amendment. The zeal manifested by some gentlemen upon the floor of this House in the interest of the ex-soldiers of the Union is somewhat remarkable when considered in connection with the history of this proposed legislation. Those who are opposed to this amendment are not opposed to it because they are inimical to the interests of the ex-Union soldiers, but because they are in favor of the passage of this bill and in favor of legislation that will open this great Territory to settlement to Union soldiers and to the other citizens of the country alike. We are not opposing this amendment, as I have said, because we are unfriendly to the ex-Union soldiers, but because we because we are unimently to the ex-Union soldiers, but because we fear that if this bill should be so amended that by its provisions it will take from the Treasury \$16,000,000 to be paid to the Indians for these lands, and then give them away as a gratuity to the ex-soldiers, we thereby defeat the proposed legislation, as in our judgment such a measure would not secure the necessary executive approval nor the indorsement of a majority of this House.

Let us look briefly at this proposition in connection with the history of the legislation of Congress upon like subjects. As suggested by my friend from Minnesota [Mr. Nelson], we passed in the last Congress what is known as the Sioux bill, a bill providing for the purchase of one-half of that great reservation in Dakota and for the allotment of the remaining lands to the Indians. If the provisions of the bill had been accepted by the Sioux Indians it would have opened to white settlement 11,000,000 acres of land. But the gentleman from Illinois [Mr. Payson] and the gentleman from Indiana [Mr. Holman] sat silent in their seats and did not offer or suggest such an amendment as they advocate to-day. Nor have any of the advocates of this amendment at any time upon the floor of this House advocated a like proposition when we were proposing legislation that would extinguish Indian titles and open Indian lands to settlement. Hence, we wonder at

this new-born zeal.

These gentlemen seem to forget the distinction between public lands and Indian lands. When my own State was admitted into the Union almost one-half of it was Indian reservations occupied at the time by Indians and owned by them. Since that time almost all of the Indian titles have been extinguished, but not a foot of those lands has been opened to settlement under the homestead law. The people who have gone upon those lands have been required to pay for them, and the money paid by them has gone into the Treasury of the United States and has been used to satisfy the Indians for the title or rights possessed by them. That has been the history of the legislation of Congress almost from the first act passed touching Indian lands, and we who oppose this amendment stand here to insist that Congress shall be consistent and that this important legislation shall not be strangled by false pretenses. If I had the time I could mention a number of measures pertaining to Indian lands that have been passed since the gentleman from Ohio [Mr. Grosvenor] and the gentleman from Illinois [Mr. Payson] have occupied seats upon this floor, yet never did they offer an amendment such as they are now advocating. Ilive upon a great strip of land, 50 miles wide and 300 miles long, that belonged to the Osage Indians when Kansas was admitted into the Union, The Indian title was extinguished by treaties in 1867 and 1868, and all that great body of land, almost 10,000,000 corces, was settled upon and paid for under receiving of large generations of These gentlemen seem to forget the distinction between public lands and Indian lands. When my own State was admitted into the Union of land, almost 10,000,000 acres, was settled upon and paid for under provisions of law substantially like those that we are now considering in this bill, but not a foot of those lands was given to the ex-soldiers

as a gratuity.

Mr. GROSVENOR. The gentleman speaks of the extinguishment of the Indian title to lands in Kansas. Did the Government buy that title as provided in this bill, or did it administer upon the lands as trustee for the benefit of the Indians who held the legal title to the

lands until they were sold to actual settlers?

Mr. PERKINS. The Government conducted negotiations with the Indians, just as is proposed in this bill, and extinguished the Indian title, and under the treaty the lands were opened to white settlement, and the Indians were paid for the land.

Mr. GROSVENOR. Did the Government buy the lands?

Mr. PERKINS. It bought them, just as it is proposed by this bill to buy these lands.

Mr. GROSVENOR. The gentleman is mistaken.
Mr. PERKINS. I am not mistaken. I know the history of these
different transactions, and during my brief service in this House I have
had the honor to report from the Committee on Indian Affairs more than a dozen bills of this character for the extinguishment of Indian titles, and, with but one exception, they have never provided that any part of the lands should be given to soldiers as a gratuity. This amendment proposes to make a distinction which the general land law does

The gentleman from Illinois [Mr. PAYSON] advocates the proposition that the public lands of the country shall be opened to settlement under the homestead law, opened to all alike. The general land laws do not discriminate in favor of soldiers, as the gentleman is now proposing that this bill shall do. Under the general land laws ex-Union

soldiers and citizens alike are permitted to acquire homes upon the public lands if they but comply with the provisions of the homestead law, and the only advantage that is given to the ex-Union soldier is the advantage in the period of time he is required to live upon his land before he can acquire a title from the Government of the United States, and under the provisions of this bill the same advantage is carefully guarded and preserved to him. If the amendment of the gentleman from Illinois [Mr. PAYSON] is accepted, a distinction is made between the ex-Union soldiers and the other citizens of the United States not found in the general land laws, and one that threatens with peril this important bill that more than five hundred thousand people, ex-Union soldiers and citizens alike, have petitioned us to pass.
[Here the hammer fell.]

Mr. BAKER, of New York. Mr. Chairman, there is in my opinion danger that the House may overlook the real motives which underlie this bill and that the scope and purpose of it may not be understood. I want, therefore, to call the attention of the committee for a few moments to the underlying motives of this measure.

It is not contended, Mr. Chairman, that we are short of public lands, for the public record shows that we have 250,000,000 acres of surveyed lands to-day, and that of unsurveyed land we have over 550,000,000 acres which are susceptible of survey and open to settlement under the homestead and pre-emption laws. But the purpose of this bill is to organize a Territory in the Indian Territory, where to-day there is not lawfully a single white man, and to import into that Territory a complete outfit of officials-to organize a Territory in disregard, as I have

contended, of existing treaty rights and stipulations.

It is proposed under one section of the bill to provide for the appointment of a commission. I have contended and I desire most earnestly to impress upon this House that it is our duty as legislators, dealing with great questions which involve the welfare of millions of people, as well as the rights of fifty, sixty, or seventy thousand of civilized Indians possessing this great Territory of 40,000,000 acres under solemn treaty with the Government of the United States—that it is our duty to deal with these people with due regard for their rights. It is proposed here to create a Territorial government over them in direct violation of the treaty rights and stipulations under which they hold; because we have covenanted as a nation that there shall be thrown around them no form of Territorial or State government without their consent previously had and obtained. And it is a breach of faith for us to legislate as is proposed in the bill now before the House. I have therefore prepared, Mr. Chairman, and propose at the proper time to offer, an amendment to cover this very point. It will provide-

That the Territorial government hereby established shall not extend to or exercise any jurisdiction over any part of said Territory of Oklahoma except what is known as the Public Land Strip until the President shall issue his proclamation as provided in section 6 of this act; and in no event shall any part or portion of the Indian Territory be embraced or included in any State or Territorial organization except in accordance with the terms and conditions of existing treaties.

I ask, Mr. Chairman and gentlemen of this House, can there be any objection to a covenant in this act providing that good faith shall be kept with the five civilized tribes? It has been contended that the kept with the five civilized tribes? It has been contended that the proposed amendment now pending is in the interest of justice to the soldiers of the late war. I believe it may be. I think that with the amendment proposed by the gentleman from Illinois [Mr. PAYSON] the bill is less objectionable. But I am bound to say, in justice and honor, that with that amendment the bill even then ought not to receive the favor of this House and ought not to receive Executive approval; and I believe that unless the President has greatly changed his views as expressed in his first annual message to Congress he will never favor a proposition like that contained in the pending bill, for the reason that it ignores, overrides, and breaks down all the obliga-tions under which we rest to these five civilized tribes. More than that, it is directly contrary to the recommendation contained in his first annual message, in which he advised just exactly what has been proposed by a bill now pending, introduced by the gentleman from Indiana [Mr. Holman]—the creation of a commission to bring for-Indiana [Mr. Holman]—the creation of a commission to bring forward this whole subject, to discuss it, to treat with these people in regard to their rights.

[Here the hammer fell.]
Mr. BAKER, of New York. I thought I had ten minutes.
The CHAIRMAN. Under the rule the gentlemen is limited to five

Mr. BAKER, of New York. Then I ask that I may have three or four minutes more.

The CHAIRMAN. The gentleman from New York [Mr. BAKER], a member of the Committee on Territories, asks unanimous consent to speak for five minutes longer. Is there objection?

Mr. SPRINGER. At the end of the gentleman's additional five min-utes I shall ask that this amendment be agreed to pro forma and that

we pass to other parts of the bill.

The CHAIRMAN. Is there objection to extending the time of the gentleman from New York for five minutes? The Chair hears none.

The gentleman will proceed.

Mr. SYMES. I suppose the gentleman from New York [Mr. BAKER]

speaks advisedly as to the President's policy in regard to this question. Mr. BAKER, of New York. I always speak advisedly as to the policy of the present Administration.

Mr. SYMES. I supposed so.

Mr. BAKER, of New York. I yield to my friend from Oregon [Mr.

HERMANN], who desires to ask me a question.

Mr. HERMANN. For the purpose of information, I desire to put to the gentleman this inquiry: In the event that the Indians should fail or refuse to relinquish their title to these lands described in the bill, what will then be the area of the Territory which will come under this Territorial government proper?

Mr. BAKER, of New York. If there shall be no extinguishment of the rights of the Indians to these lands, this bill will apply simply to the Public Land Strip. 130 miles long by 30 miles wide. That is all. the Public Land Strip, 130 miles long by 30 miles wide. That is all. This whole proposition, it seems to me, Mr. Chairman, is wrong end

Mr. WARNER. The gentleman will pardon me a single ques-on. Is there any pretense of title on the part of the Indians to that portion of this Territory which was bought by the Government from the Chickasaws and Choctaws, and ceded to the Government uncondition-

Mr. BAKER, of New York. Mr. Chairman, I understand and be-lieve, as it is asserted, that they have rights in these lands in the Indian Certainly they have rights, and if, as alleged, they have not such rights that can be established under the substitute which my colleague from Georgia [Mr. BAENES] on the Committee on the Territories has already introduced and will urge on the House.

It is not my desire, Mr. Chairman, to stand in the way of opening these lands to settlement in a proper manner. When they are opened it should be done as becomes the people of this great Republic.

I think my friend from Kansas [Mr. Peters] has impugned the mo-

tives of gentlemen who have taken ground upon the floor in opposition to this amendment. I agree that the able-bodied soldiers of the Union Army ask no odds of anybody. The Government has not and never can do equal and exact justice to all the soldiers who served in the war against the rebellion.

Mr. PETERS. Does not this ask them to lean over to discrimi-

Mr. BAKER, of New York. No; but we would be satisfied if the Government could stand up erect in favor of justice to all of them.

[Applause.]

The point urged with great force on Congress at the present time is not a new one. It has been discussed over and over again. It has been before Congress in various forms for more than twelve years. The honorable gentleman from Maine [Mr. Reed] was one of the committee which reported adversely to the proposition contained in a similar bill eight or ten years ago.

Twelve years ago. Mr. Chairman, a report was made, a copy of which I hold in my hand, made in the Forty-fourth Congress, first session, which I will ask to have incorporated in my remarks.

The CHAIRMAN. Is there objection?
There was no objection, and it was so ordered.
Mr. BAKER, of New York. That report was made by Mr. Wilshire, at that time a Representative from the State of Arkansas, and is as fol-

at that time a Representative from the State of Arkansas, and is as follows:

The subcommittee to which was referred the bill for establishing a government for the Territory of Oklahoma, having carefully considered the same, present the accompanying substitute therefor, and thereupon report as follows:

What is known as the Indian Territory, which the bill herewith reported proposes to erect into a province, is all that region of country lying between the State of Kansas on the north and that of Texas on the south, and the States of Missouri and Arkansas on the east and the State of Texas and the Territory of New Mexico on the west; in extent about equal to the State of Georgia, and chiefly between 34° and 37° north latitude and 94° 30° and 100° west longitude; a land in part of forest, in larger part of prairie, of vast mineral wealth and great fertility of soil, intersected by five rivers, and capable of becoming a great and prosperous State.

The eastern part of this country, somewhat more than half of the whole, is owned and occupied chiefly by dependent civilized nations, the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws. A small portion of the north-eastern part is owned and occupied by the Quapaws, Senecas, Shawnees, and other fragments of decayed tribes. West of the Choctaws and Chickasaws are settled lands of the uncivilized tribes, the Peneteghka band of the nation known to us as Comanches, the Ta-wai-hash or Wichitas, the Cadohadachos or Caddos, the Toncawes, Ciawis, Kishais, Huecos, Ta-wa-ka-ros; and the western part of the Territory is the hunting-ground of the Comanches and Cai-a-was, The Wa-sa-chis or Osages have also been settled in the Cherokee country. There are also among the other tribes small bands of the Sha-wa-nos, the O-po-nagh-ke or Delawares, and the Shack-a-po, known to us as Kickapoos, and several wild tribes, besides these named, range and hunt through the tree-less regions between the Upper Arkansas and Red River.

The Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws

ier.

The men of these five tribes are agriculturists, having comfortable homes and farms and largely engaged in raising cattle. The Cherokees, Choctaws, and Chickasaws have written constitutions of government. Laws printed in their own and the English language. Legislatures each composed of an upper and lower house, and county, circuit, and supreme courts of justice. The Creeks and

Seminoles have departed less from their ancient forms of government, but they are well and wisely governed by law-makers and elective chiefs.

The most striking characteristics of these peoples are truthfulness, strict fidelity to their promises, and singular honesty. They never betray a trust or break a promise. They have never, in even the slightest matter, violated a treaty; it needs no oath to make it sure that their testimony shall be true; and they have not yet learned how to cheat their creditors by fraudulent devices.

and they have not yet learned how to cheat their creditors by fraudulent devices.

By the report of the board of Indian commissioners for 1872, and the tables of comparative statistics therein given, it was shown that in population, number of acres cultivated, products, wealth, valuation, and school statistics, the Indian Territory was equal to any of the organized Territories of the United States, and far ahead of most of them. It had a smaller area than any other, and a larger population than any excepting Utah and New Mexico. It had more acres of land under cultivation than Washington, over one-third more than Utah, and more than wice as many as Colorado or Montana; and the number of bushels of wheat, corn, and other farm products raised in the Indian Territory was more than six times greater than was raised in either Utah, New Mexico, or Colorado.

It is sufficient for the purposes of this report to append the following tabular statement, from the report of the same commissioners, which is much less favorable to the civilized tribes than one for 1875 would be, because they are still slowly recovering from the exhaustion and impoverishment consequent upon four years of war.

These tables, corrected only as to numbers of the tribes and with the addition of the colored population, show, as the board of commissioners stated, that "the partially civilized tribes, numbering about 50,000 (55,000) have, in proportion to population, more schools, and with a larger average attendance, more churches, church members, and ministers, and expend far more of their own money for education than the people of any Territory of the United States, and the number of schools and academies is much smaller now than before the war.

Statistics of the Indian Territory.

Statistics of the Indian Territory.

Nations and tribes.	Mumbos	6,000 1,1 18,000 4,1 12,295 3, 2,398 3		vidual property.	Acres of land.		Acres culti-	Bushels of grain, etc., raised.	
Choctaws. Chickasaws. Cherokees. Creeks. Seminoles. Others.	6, 18, 12, 2,			000 1,5 000 4,9 295 3,1 398 3	\$4,746,000 1,582,000 4,995,055 3,113,200 379,155 2,172,408	6, 688, 000 4, 877, 600 3, 844, 712 3, 250, 560 200, 000 8, 969, 721		27, 082 14,500 120, 000 28, 600 7,500 6,995	2,116,596 380,000 3,200,000 727,100 153,075 162,564
Total	73,	216	16,5	987, 818	27	, 330, 593	204, 677		6, 739, 335
Nations and tribes.		Value of grain, etc., raised.		No. of horses, cattle, sheep, swine, etc.		Value of horses, cattle, sheep, swine, etc.	No. of church members.	No. of schools.	No. of teachers.
Chectaws Chickasaws Cherokees Creeks Seminoles Others	\$1,801,500 329,000 1,703,155 602,100 153,150 83,705		329,000 44, ,703,155 200, 602,100 113, 153,150 34,	29, 940 44, 500 200, 000 113, 400 84, 525 42, 100	394,000 1,457,000 933,200 133,025	} 2,500 2,500 2,050 Nodata Nodata	86 14 62 32 4 16	4 17 12 62 12 32 4 4	
Total	4,6	, 663, 610		464, 465	4, 947, 121			16	4 188
Nations and tribes.		Cost of schools.		No. of scholars.		Citizens of United States intermar- ried.	Negroes.		Citizens of United States resident by permit and otherwise.
Choctaws. Chickasaws. Cherokees. Creeks. Seminoles. Others.		\$36,000 33,000 25,000 14,258 2,475 16,675		2,0	900 139 033 860 207 554		3,00 2,00 3,00 3,00	00	
Total		127, 408		5,0	93	3,000	11,50	0	3,000

In 1825, President Monroe, in his message to Congress, urged the acquisition from the native tribes of "a sufficient tract of country west of the State of Missouri and the Territory of Arkansas, in order to establish permanent settlements in that quarter of tribes which were proposed to be removed "from the country east of the Mississippi; and the Secretary of War, in his report of that year, recommended that "the strongest and most solemn assurances" should be given "that the country given them should be theirs as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens."

President Jackson, in his message of December, 1829, recommended the removal of the Choctaws and other Indians to the country west of the river Mississippi, and said: "As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district, west of the Mississippi, and without the limits of any State or Territory now formed, to be guarantied to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designed for its use. There they may be secured in governments of their own choice, subject to no other control from the United

States than such as may be necessary to preserve peace on the frontier and be-tween the different tribes,"

States than such as may be necessary to preserve peace on the frontier and beforem the different tribes."

On the 20th of May, 1839, an act of Congress was accordingly passed, providing for an exchange of lands with the Indians residing in any of the States or Territories, and their removal west of the Mississippi. This act provided that "in the making of any such exchange or exchanges, it is hall and may be lawful for the President solemnly to assure the tribes or nation with which the exchange is made, that the United States will forever secure and guaranty to them, their heirs or successors, the country so exchanged with them; and, if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same: \*Provided always\*, That such lands shall revert to the United States if the Indians become extinct or abandon the same."

Under and by virtue of this act of Congress, treaties with the Cherokees, them west of the Mississippi, and patents in due form were signed by the President and given to each. The Seminoles hold under the Creeks; and the Chickassavs purchased a joint interest with the Chockaws.

The United States solemnly covenanted with these nations that no Territory or State should ever have a right to pass laws for their government; and that no part of the land; granted them should ever be embraced in any Territory or State should ever have a right to pass laws for their government; and that no part of the land; granted them should ever be embraced in any Territory or State; but in the year 1866 they consented, by treaty, to the convening annually of a council of delegates from each nation and tribs and the surface of the catablishment of a court or courts of the United States therein; and that the superintendent of Indian affairs should be the executive of the Territory, with the citile of governor, with only such powers as would properly belong to an executive officer charged with the execution of the laws which the council should be authorized to enact.

Of thi

Ilmits.

But by the treaties the local judiciaries of the nations can not be interfered with; nor can the legislative power that may be created enact any law inconsistent with treaty stipulations, "or legislate upon matters pertaining to the legislative, judicial, or other organizations, laws or customs of the several tribes or nations," except as provided for by the treaties.

It is the part of a wise statesman to respect the prejudices even of intelligent communities, which ought to have none. The idea most cherished by each of these nations is its nationality. It is chiefly their unconquerable aversion to surrender this which stands most in the way of their acceptance of a Territorial government. It is, in effect, not a prejudice, but a just pride of race and blood, more potent with them than any other incentive to action; a pride which they have a just right to cherish, and of which who can truly say that it is not praise-worthy?

a just right to therish, and or worthly?

This just pride, this high and noble sentiment, is respected by the bill which we submit, and its provisions in no degree diminish or affect the nationality of the civilized tribes, and, respecting even their prejudices against the word "Territory," which seems to them to contain a menace, and against incorporation whereunto they deem themselves guarantied by treaties, we propose to call the political organism contemplated by the bill, as the Romans called Gaul and Britain province.

miory," which seems to them to contain a menace, and against incorporation whereunto they deem themselves guarantied by treaties, we propose to call the political organism contemplated by the bill, as the Romans called Gaul and Britain, province.

The United States have, by acts of Congress, undertaken to give to certain raliway corporations large grants of the lands belonging in fee-simple to these nations, contingent upon the extinguishment of their title. They fear that if they are made a Territory, they will be held to have become extinct as nations within the meaning of treaties and patents, and that thereupon these grants will be held to take effect.

It is due to simple honesty and good faith that they should have ample guaranties against apprehended danger. Nor are their apprehensions wholly unfounded when so little is thought of their fee-simple title that the Secretary of the Interior can, with a stroke of the pen, grant to a railroad corporation, whose road runs across their whole country from north to south, a strip of land a hundred feet in width on each side of the road, under simple grants by treaty of the right of way, to inure upon the making of due compensation; for which right of way no compensation has ever been made or even offered.

The treaties and patents convey the lands in fee-simple to the individuals of each nation, their heirs and successors, or descendants. The lands of the Choctaws and Chickasaws are forever secured and guarantied "to the members of the Choctaw and Chickasaws are forever secured and guarantied "to the members of the Choctaw and Chickasaws tribes, their heirs and successors, to be held in common." So that each member of either tribe, then or afterward in being, should have an equal undivided interest in the whole.

The provision that the land should revert to the United States if the Indians should become extinct or abandon the same, is simply the declaration of a right of escheat. The Supreme Court, in Holden es. Joy, declared that it "enterfained strong doubts wh

The United States have, at the best, only a possibility of a reverter; and that possibility is not the subject of a grant. Moreover, it is very doubtful whether a state or nation can, in anticipation of such a contingency, grant a right of escheat that may arise in the future, and it is absolutely certain that the United States can not create the contingency, to their own profit, by extinguishing the nationality of the Indians. In Holden vs. Joy the Supreme Court said that the sale in trust by the Cherokees to the United States did not constitute such an abandonment as was contemplated by the condition in the patent.

And, as to the Choctaws and Chickasaws, the treaty of 1866 provides that they may subscribe to the stock of each road running through their country, at a price to be agreed on between them and the company, alternate sections of the unoccupied lands for a space of 6 miles on each side of the road, for which the company should be entitled to patents; and these provisions are totally inconsistent with the improvident conditional grant of lands in which the United States had nothing to grant, contained in the acts of Congress on which the railway companies rely.

As the lands of these nations belong in fee-simple in common to the individuals of each, the mere extinction of their nationality could not work a reverter. There will be necessary for that, the extinction of the very last individuals of each nation respectively. If the supposed right, which is a mere possibility of reverter, lessened the quantity of the fee, and made the estate granted inferior to a fee, it would be idle to talk of the division of the lands in severalty and sale of portions by individuals to those desiring to settle in the country.

Finally, by the treaties of 1886, when the Indians consent to the survey and

granted interior to a fee, it would be idle to talk of the division of the lands in severality and sale of portions by individuals to those desiring to settle in the country.

Finally, by the treaties of 1886, when the Indians consent to the survey and partition in severality of their lands, each is to hold in fee-simple absolute, and any right of reverter to the United States will cease as of the date of the treaty; so that it was not in the power of the United States after making the treaty to grant to others the possibility of a reverter.

It is very clear that the contingent grants to the railroad companies were calculated to produce very mischievous effects upon the minds of the Indians, insecure as they had been made to feel themselves in the possession of rights guarantied by treaties, especially since the decision of the Supreme Court that the internal-revenue laws are in force in their country by virtue of a clause in an act of Congress, in direct violation of the treaty of 1885 with the Cherokees.

The committee think that the contingent grant in question was utterly indefensible, without consideration, gravely injurious to the Indians, a perpetual menace, a worthless pretense of a grant in reality, which can only be made of value and substantial by the most shameless ill-faith, and that it ought to be repealed, as also all laws or provisions of law should be which annul or violate provisions of treaties securing rights to the tribes with which they have been made; and they have therefore, by the bills submitted, relinquished all right and possibility of reverter, and repealed such provisions of law contrary to treaties.

By a provision of law for which it is impossible to offer excuse or apology, the

pealed, as also all laws or provisions of laws should be which annul or violate provisions of treaties securing rights to the tribes with which they have been made; and they have therefore, by the bills submitted, relinquished all right and possibility of reverler, and repealed such provisions of law contrary to the doors of the Court of Claims of the United States are shut against any claim under an Indian treaty. These nations are bodies politic and corporate, with whom we treat, bargain, and contract, to whom we sell, from whom we buy, whom we can owe, and to whom we can make the most stolemn promises and become bound by the most stringent obligations. But if we become their debtors, in what solemn manner soever, we tell them that they shall not come into our own court to ask for justice and pay ment of the debt. This is very unworthy of a just or great nation, and it has subjected us, and justly so, to the humiliast of the court of these nations, these terrible words: "It is not a good nor a wise government which denies to the humblest human creature whom it governs all remedy to enforce his rights; for when it denies the remedy it annuls the right for rather paralyzes it, for no human power can annul a right, if even God can), and so does that which is unjust, dishonorable, and dishonest. " It is not agone to a wise government which denies to the humblest human creature whom it governs all remedy to their subjects. Even the Saxon swine-herd was not entirely without the protection of their subjects. Even the Saxon swine-herd was not entirely without the protection of the systems of the systems of their subjects. Even the Saxon swine-herd was not entirely without the protection of the systems of the systems of their subjects. Even the Saxon swine-herd was not entirely without the protection of the systems of the systems of their subjects. Even the Saxon swine-herd was not entirely without the protection of the systems o

owe us nothing; all the balances on the ledger are against us. Thrust out into the wilderness when it was worthless to us, they have civilized themselves and made themselves fit to be our fellow-citizens. We shall be just to ourselves only by being just to them. We therefore recommend the adoption of the accompanying bill as a substitute for House bill No. 1923.

The facts contained in that report should be brought to the knowledge of the members of this House before voting on this proposition. I believe we should approach this subject as honest men. I do not mean to impugn the honesty or integrity of any man who comes here and supports this amendment, but we should be deliberate in dealing with vested rights of these Indians under treaty stipulations. We should not treat the rights of these civilized Indians with less respect than any other rights vested by treaty stipulations.

Let us not forget, Mr. Chairman, that we have 250,000,000 and more acres of surveyed land outside of the Indian Territory, outside of Alaska, outside of other unsurveyed lands which amount to over 500,-000,000 acres.

Here the hammer fell. ]

Mr. SPRINGER. I ask the amendment be agreed to pro forma.
Mr. BAKER, of New York. I desire to offer an amendment if

amendments are now in order.

Mr. PETERS. We have an amendment to section 7, and I would like to know whether that should not come in before any other.

The CHAIRMAN. Amendments are now being offered by unanimous consent.

Mr. PAYSON. Oh, no; let us proceed in the regular order.

Mr. BAKER, of New York. I desire to offer an amendment at this

Mr. LANHAM. I ask to offer an amendment as an amendment to come in line 9, section 13, so as to strike out the word "immediately" and insert "within a reasonable time;" also, after the word "county," in line 3, section 16, to insert "nor shall said Greer County be subject to the jurisdiction of the Territory of Oklahoma."

The CHAIRMAN. Is there consent to adoping this amendment?

Mr. REED. I object.
Mr. LANHAM. I ask, then, the amendment be considered as pend-

ing.
Mr. REED. I object to it, at any rate. You want another confession of judgment.

Mr. LANHAM. No; it is not a confession of jud

Mr. PETERS. I offer the following amendment.

No; it is not a confession of judgment,

The Clerk read as follows:

Amend section 7 by striking out the word "and" where it first occurs in line 19, and insert after line 20 the following: "And to break up and plow not less than 40 acres filed upon."

Mr. LANHAM. Unless my amendment is received I must object.
The CHAIRMAN. This amendment is moved to the section under consideration, and is in order.

Mr. HOOKER. I ask the section be read as it will be amended if

the amendment be agreed to.

Mr. FINDLEY. This is not in accordance with the arrangement

made the other day.

Mr. PETERS. The amendment is moved to the pending section.

The CHAIRMAN. The Chair will cause to be read the section as it will be amended.

The Clerk read as follows:

The Clerk read as follows:

SEC. 7. That the President may, at such time as he may deem it necessary, direct land offices to be opened in the Territory of Oklahoma not to exceed four in number, and may nominate and, by and with the advice and consent of the Senate, appoint the usual officers to conduct the business of said land offices; and the Commissioner of the General Land Office shall, when directed by the President, cause the various portions of said lands to be properly surveyed and subdivided where the same has not already been done. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant; the entryman shall be required to make full proofs, and unless it shall appear that the claim was taken in good faith and that there has been full performance of all the terms and requirements under this act he shall refuse a patent and declare all prior proceedings before had in such case to be null and void. All persons settling on lands under the provisions of this act shall be required to select the same in square form as near as may be, and to break up and plow not less than 40 acres filed upon, and to maintain a continuous personal residence of three years on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws before obtaining title thereto, etc.

Mr. PETERS. This amendment requires that 40 acres of the case of the continuous personal residence of the case of the case of the case of the case of the continuous personal residence of the case o

Mr. PETERS. This amendment requires that 40 acres of the 160 acres shall be broken up and cultivated before title can be acquired. The CHAIRMAN. The Chair thinks this is clearly in order. The amendment of Mr. PETERS was adopted.

Mr. BAKER, of New York. I now offer this amendment, to come in at the end of section 7.

The Clerk read as follows:

Add at end of section 7:

"Provided further, That the Territorial government hereby established shall not extend to or exercise any jurisdiction over any part of said Territory of Oklahoma except as to what is known as the Public Land Strip until the President shall issue his proclamation as provided in section 6 of this act. And in no event shall any part or portion of the Indian Territory be embraced or included in any State or Territorial organization except in accordance with the terms and conditions of existing treaties."

Mr. BAKER, of New York. I think there can be no objection to that.

Mr. SPRINGER. The gentleman from Missouri [Mr. WARNER]

has an amendment to come in at the proper place, practically to the same effect or the same in substance.

Mr. BAKER, of New York. Then let this come in. This is a

proper place for it. Mr. SPRINGER. It has no reference whatever to this part; and I hope it will be withdrawn for the present.

Mr. BAKER, of New York. I did not propose the amendment for

the purpose of withdrawing it.

the purpose of withdrawing it.

Mr. WARNER. Permit me to say to the gentleman from New York that this amendment does not properly belong to this section. An amendment was adopted to section 6, I think on the suggestion of the gentleman from New York, by inserting in line 6 of that section the words "as agreed to be," and then by striking out, after the word "ceded," the words "to the United States by the said tribe of Indians by" and adding "according to the provisions of;" so that it will read:

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied portion of the lands west of the ninety-sixth degree of west longitude, as agreed to be ceded according to the provisions of the treaty concluded July 19, 1856, etc.

Mr. BAKER, of New York. I do not think that covers the point of the present amendment. The amendment that I now offer ought to be incorporated here in section 7.

Mr. WARNER. It certainly is improper as an amendment to section and the amendment suggested by the gentleman to section 6 has already been incorporated in the bill as printed.
 Mr. BAKER, of New York. I think the amendment made to sec-

The CHAIRMAN. The question is on agreeing to the amendments.

Mr. KERR. If I understand the amendment of the gentleman from

New York it virtually defeats the objects of the bill except with reference to the Public Land Strip.

Mr. PETERS. That is exactly the effect of it.

Mr. SPRINGER. And that is what is intended.

Mr. BAKER, of New York. Oh, not at all. I want to perfect the

Mr. BAKER, of New York. Oh, not at all. I want to perfect the bill. It is a very important matter.

Mr. KERR. That virtually kills the bill; and I think it was gone over in the very full discussion had upon the bill last summer in committee with regard to these same lands.

Mr. HOLMAN. I demand the regular order.

The CHAIRMAN. This is the regular order. The amendment of the gentleman from New York is pending.

Mr. BAKER, of New York. The suggestion that my friend now makes would amount to an argument that the very object of the bill was to override existing treaties. I have simply provided in this amendment that it shall not be construed to override or abrogate any existing treaty, and that it shall not apply to the lands of the five civilized tribes until it may be so applied lawfully.

Mr. WEAVER. The bill does that now.

Mr. BAKER, of New York. Then why does my friend say that this

Mr. BAKER, of New York. Then why does my friend say that this would kill the bill if it be adopted?

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was rejected.

Mr. HOLMAN. I offer the following amendment, to come in immediately after this section.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

The Clerk read as follows:

Add to section 7:

"That no provision of this act shall be construed to authorize the extinguishment of the Indian title to any lands in said Indian Territory which by virtue of any existing law would inure to the benefit of any railroad corporation or the title to which would vest in any such corporation on the extinguishment of the Indian title thereto or on the same beings part of the public lands of the United States; but all such lands shall be held by said Indians as tribes or in severalty, or shall be held by the United States in trust for the benefit of the Indians interested therein in pursuance with such agreement with such tribes in said Territory as shall be entered into consistent with this provision and in conformity with the several provisions of this act; but said lands shall not become a part of the public lands of the United States or inure to the benefit of or vest in any such railroad corporation or any assignee or mortgagee thereof. Any act done by any officer or agent of the United States or treaty, contract, or agreement entered into by any such officer or agent with any Indian tribe, in conflict with the foregoing provision, or which shall validate or give effect to any grant of land in said Indian Territory made to any railroad corporation, or shall tend to validate or give effect to any such land, shall be null and void, and this provision shall be construed as controlling any provision of this act that may be in conflict therewith."

Mr. HOLMAN. I ask the adoption of the amendment.

Mr. HOLMAN. I ask the adoption of the amendment.
Mr. SPRINGER. I have examined this amendment carefully and have no objection to its insertion in the bill. I think it ought to be

adopted. Mr. McRAE. I have a further amendment I wish to offer.

Mr. McKAE. I have a further amendment I wish to offer.

Mr. BAKER, of New York. Let us dispose of this amendment first.

Mr. REED. I would like to ask the gentleman from Indiana what
would be the effect of the adoption of his amendment?

Mr. HOLMAN. The effect will be, I think, that certain grants of
land in the Indian Territory, three in number, which have heretofore
been made by Congress to railroad corporations on certain conditions
will not vest in those corporations if this bill shall become a law.
Otherwise if this bill becomes a law it seems that the title to these Otherwise, if this bill becomes a law, it seems that the title to these

lands may vest in the respective railroad corporations, and it is claimed

Mr. RYAN. You do not mean to concede that title would pass to the railroad company?

Mr. REED. That must be the reason for the amendment.

Mr. HOLMAN. I do not think it necessary at this time to express an opinion on that point. I say for the present simply this, that that claim is asserted and this amendment has been prepared and submitted to a number of good lawyers, who have carefully examined it, and have suggested some of its provisions with a view to avoiding such a result. And it is the opinion of those who have examined the subject that the effect of this provision will prevent, if this bill becomes a law, the title of any of this land vesting in either of the three railroad corporations, for under this amendment the lands would not become lands of the United States, and the Government is under no obligation to acquire title to

these lands for the benefit of these corporations.

Mr. REED. What effect is it going to have? Does it keep them out of the rights they have there? In whose hands is it going to leave

the land?

Mr. HOLMAN. Either in the hands of the tribes as tribes or in severalty by the Indians or in the United States in trust for them; the United States being simply a trustee without an interest in the land, a naked trust.

Mr. REED. How much land does this cover?

Mr. HOLMAN. Under the general provisions of this bill the title might pass to the railroad corporations, but under the amendment it would be otherwise, for the corporations are not entitled to the land in any event, without it having vested in the United States and become "lands of the United States."

Mr. RYAN. I want to say to my friend I do not think it ought to be conceded that this land would, in the absence of such provision, pass

to the railroad company.

Mr. HOLMAN. I am not making that concession. It is not necessary that I should for the purpose of this argument. But the claim that the title would or might vest in these corporations to the extent of several million acres of the most valuable of these lands justifies the

amendment, and indeed demands it.

Mr. REED. I think there ought to be a way out of the difficulty, and I want to call the attention of the House to the matter. I live so far off that I have not much interest in it, but it is a matter that I think may be of considerable importance to the future settlers of Oklahoma. If there is anything that is a curse to the people in a growing country it is complicated and disputed land titles. You want to go no further than Iowa to convince yourselves of the fact whenever you remember the name of Des Moines Valley. If we are going to transfer a large tract of land in this new Territory with bad title, disputed title, doubtful title, we are inflicting upon those inhabitants a wrong compared with which the possession of land by the railway company is nothing, even in the mind of the most prejudiced anti-railroad man. It would be a very great curse to the future inhabitants of that country.

Now, the only excuse or reason for such an amendment must be from Information the gentleman from Indiana has, that the railroad company is either entitled to these lands, and that it will get them under the law as it now exists, or a suspicion to that effect, at least.

Now, if that be true that the railroad company will have a right, upon which I am not expressing an opinion, as I have no information on that point, will not the effect of this amendment be to put on this land settlers in this disputed condition of affairs? Settlers will go there and it will result in wretchedness to hundreds and hundreds of families, and the Territory should be settled in such a manner that it

may be utilized for the benefit of all the people.

Now, if the railroad company have rights, of course they ought not to be taken away from them; but upon that point I have very little care and very little interest, but upon settling a large portion of this Territory with disputed title, as a citizen of the United States, looking to the future interests of future citizens of the United States, I do feel an interest, and sincerely hope no such complication will be allowed to be put on the bill by the committee which has investigated this subject, and unless they are entirely sure that it is a good amendment that they oppose it.
Mr. MCRAE. I desire

I desire to offer an amendment.

The CHAIRMAN. The Chair would suggest to the gentleman from Arkansas to allow the gentleman from Indiana [Mr. HOLMAN] to be

Mr. McRAE. I offer this as a substitute for the pending amend-

The Clerk read as follows:

That all lands and rights granted to the Atlantic and Pacific Railroad Company by an act approved July 27, 1866, for the construction of a branch road from the point at which the line of said road strikes the Canadian River, easterly to a point in the western boundary line of Arkansas, at or near the town of Van Buren, be, and the same are hereby, declared forfeited for the failure of said company to perform the conditions of said grant.

Mr. NELSON. I want to make the point of order againt that amend-

Mr. HOLMAN. I make the point of order against the amendment. The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. I make the point of order that it is not germane to the proposition before the committee.

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that he can not offer this as as a substitute for an amend-Under the rule an amendment can be offered to an amend-

The Chair wants to hear again the point of order submitted by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. That this can not be offered as a substitute.

Mr. NELSON. I rise to a point of order.

Mr. McRAE. I believe I have the floor, Mr. Chairman.

Mr. NELSON. I desire to suggest one matter to the gentleman

from Indiana by way of a question without taking the floor.

The CHAIRMAN. The Chair understood the gentleman from Minnesota to say he desired to submit a point of order.

Mr. NELSON. The point of order was submitted awhile ago by the gentleman from Indiana and ruled out.

The CHAIRMAN. If the gentleman has no point of order to submit, the Chair will be compelled to recognize the gentleman from Ar-

Mr. McRAE. I am strongly in favor of opening the Indian country to settlement and as far as possible and as soon as possible breaking up the tribal relations of the Indians. If I could have my own way I would pass an enabling act for the whole of the Territory, including the five civilized tribes; make them citizens, and, subject to proper restrictions, give them the right to dispose of their patented lands to actual settlers. I believe this the best way to deal with the Indian question as far as these tribes are concerned; but there appears no chance for any such legislation now, and so I am for this bill as the next best thing. The bill is by no means what I would like to see it, even in the details, but I shall vote for it unless it is loaded down with objectionable amendments, like the one proposed by the gentleman from Illinois [Mr. PAYSON]. I am opposed to that, and hardly think I can support the bill if it is adopted. If I had time I would like to discuss the bill and particularly this amendment, but within the five minutes allowed me I shall not more than have time to discuss the amendment that I have proposed to the section under considera-

Mr. Chairman, I do not believe that the railroad companies took any lands in the Indian Territory, the grants referred to, because the Government had nothing there to grant, and besides attempted to make no such grants. The Interior Department has all the time held that the roads took nothing in this Indian country. No company except the Atlantic and Pacific ever claimed any such rights, and it not until ten years after the grant had been made and when none of the conditions were performed on its part. This is the only land-grant railroad where the line of definite location runs through the Oklahoma lands. The main line of this road has been forfeited by the act passed by the last Congress on the 6th of July, 1886. This forfeiture can be found on page 123 of 24 Statutes at Large. It ought to have covered the branch as well as the main line, but as the whole of the branch was to be in the Territory, and the majority of the Committee on Public Lands was so well satisfied that no lands would pass to it for the construction through the Indian country, I suppose it was thought unnecessary. At that time I proposed a substitute that would have covered both the main line and branch, but it was not adopted.

It appears to me about all that is necessary for us to do now is to for-feit the rights and lands, if any were granted to the company for this branch. No part of this road was ever built through the lands embraced in the proposed Territory of Oklahoma. The main line was constructed as far as Red Fork at the time of the passage of the forfeiture act. Nothing has ever been done on the branch at all. It is entirely unearned and ought to be forfeited at once. My amendment will ac-

complish that and nothing more.

Mr. WEAVER. And that is the only part that has not been for-

Mr. McRAE. That is the only part that has not already been forfeited, and we clearly have the right to forfeit it, because no work has been done on it and the time fixed for its completion expired ten years

The map in front of me will show the lines of the land-grant roads through the Territory as well as the boundary of the proposed Terri-It can clearly be seen that Red Fork, the terminus of the eastern division, the only part in the Indian country, is in the Cherokee Nation, more than 100 miles from the eastern line of Oklahoma. The gentleman from Indiana [Mr. HOLMAN] expresses some alarm about the grant to the Kansas and Neosho Company, to which the Missouri, Kansas and Texas succeeded.

There is no ground for such fears whatever. This road was built within the time fixed in the granting act, but a glance at the map before us will show that it does not run within 50 miles of the Oklahoma country. See the line [pointing to the map]. It enters the Cherokee Nation at the northeast corner and runs through it and south to Denison, Tex., at no point nearer the proposed Territory than 50 miles. It will be time enough to adopt such precautionary measures when there is presented a proposition to extinguish the title of the five

civilized tribes. The statements of the gentleman to-day and on the 21st instant, as printed, have led many members to believe that this road was across the proposed new Territory. If the amendment will accomplish what it proposes, I have no objection. The motive of the gentleman is good, and I hope the suggestion will not be hurtful in future:

Mr. BAKER, of New York. But my friend will admit that it is a

part of the Indian Territory?

Mr. McRAE. It runs through a part of the territory of the five civilized tribes, but this land will no more be affected by the pending bill than will the Indian lands in Dakota and Montana

Mr. BAKER, of New York. But it is a part of the Indian Territory.
Mr. McRAE. Certainly it is a part of the Indian Territory, but no
part of Oklahoma. My friend must understand that the bill does not propose to take in all of the Indian Territory by a good deal.

Mr. BAKER, of New York. Oh, certainly I do. Mr. McRAE. I fear, Mr. Chairman, that amendments like the one proposed, and supported by such speeches as that of the gentleman from Indiana [Mr. HOLMAN], will not only suggest such a claim to the railroads, but may aid them in maintaining it. If the roads have vested rights we can not interfere with them. To some extent I share in the opinion expressed by the gentleman from Maine that the legislation as proposed by the gentleman from Indiana [Mr. HOLMAN] and the suggestion to these railroad companies that they have rights here may do harm instead of good to those who may acquire the title after the Indian title is extinguished, if ever, in the future. The bill provides for the repeal of these laws. The grants themselves provide that they may be repealed, altered, or amended. The lands have been forfeited except as to this branch, and when we declare that forfeited we have done all that we can do to retrieve the error committed when the grants were originally made.

Mr. HOLMAN withholds his remarks for revision. [See Appendix.] Mr. SCOTT. Mr. Chairman, I am extremely anxious to be correctly informed on the point now under discussion, because I desire to vote intelligently upon it when the opportunity is offered. I am frank to say I fail to apprehend the true point in discussion. I rise simply to put an interrogatory in order to clear aside the ambiguity which

to put an interrogatory in order to clear aside the ambiguity which evidently surrounds the question, and to see if I can get at the milk in the cocoanut without fooling with the shell. [Laughter.]

Now, sir, if it has been adjudicated upon at all, and I think indirectly it has, it is a settled question that where any land-grant railroad has completed its line of road either before or after the expiration of the time limited in the grant, and the Government has not taken any proceedings prior to such completion to declare the grant for any proceedings prior to such completion to declare the grant for-feited, the Government can not now legally raise this question of forfeiture, not having raised it until after the road was constructed, and that the road is entitled to its grant. I believe, sir, that the decisions of the Supreme Court of the United States have virtually determined this, and certainly the decision of Mr. Justice Field in the Oregon case last October clearly points in this direction.

Mr. HOLMAN ros

Mr. SCOTT. I do not propose to be interrupted by the gentleman. Perhaps I may be carrying this construction too far when I say the Supreme Court of the United States has so decided. If we take the decision of Mr. Justice Field in the Oregon case last October, it did point in this direction if it did not judicially determine it. Whether the land covered by this amendment is the land of the United States or whether it is land belonging to the Indian reservation can not possi-bly affect this question here as it now presents itself to this House. If the United States has no title to this land through which this branch road is proposed to be extended, then it necessarily follows the United States could not convey to that road any title or right to this land without violating the obligations of this Government so far as the Indian reservation is concerned.

Mr. BAKER, of New York. Reserving all that.
Mr. SCOTT. Why not give them the land? That is another ques-

tion entirely.

Mr. Chairman, I am in favor of forfeiting every acre of land which has been granted to any railroad company where there is the slightest chance of our putting it back into the public domain, in conformity to the law as we understand it to-day. I do not believe the best interests of the settlers or the interests of the country are to be promoted should we deliberately in this body pursue the policy of declaring forfeit-ures when we know the land can not be recovered, thereby forcing litigation and lawsuits between the settlers and the land-grant railroads by which titles to these lands will be questioned for a long series of years, and which will unquestionably be determined in favor of the railroads in the end.

I ask now whether the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Arkansas [Mr. MCRAE] propose to forfeit lands upon a branch line of road which has been constructed, or whether they propose to declare a forfeiture on a land grant to a branch road which has not been constructed?

Mr. HOLMAN. On condition.

I therefore understand that this branch railroad is not constructed to-day, and the amendment proposes to declare the land

grant forfeited, and in this, sir, I am heartily in accord and shall vote for the amendment. But if the branch road had been constructed, and the Government's title to the land covered by the grant was undisputed whether the road was constructed before or after the time specified in the grant, I should vote against the amendment; and I believe, sir, that this House will eventually determine, or at least I hope they will, that where a land-grant railroad has completed its line of road, either before or after the expiration of the time limited in the grant, and the Government has taken no action to forfeit the land prior to the construction of the road, even though the time had expired provided in the grant, that the title of the road to the land grant, although constructed after the time specified, is a good title. And I come to this conclusion, as I have stated, simply from the fact that I so understand the courts have construed the law in land-grant cases.

[Here the hammer fell.]
Mr. WEAVER. Mr. Chairman, it seems that there is a great deal of confusion in the minds of some gentlemen on the question involved in this amendment. Now, the M., K. and T. R. R., as it is called—the Missouri, Kansas and Texas road—runs north and south through the lands of the five civilized tribes, but it does not touch at any part the Territory proposed to be organized by this bill at all. Hence it has nothing whatever to do with the bill, and that is the only road built there through the Indian Territory except one that has no grant at all.

Then the Atlantic and Pacific road, running east and west, has been built to Vinita, or perhaps some 4 or 5 miles further west, which does not come within 40 miles of the proposed Territory of Oklahoma at all. They had the right of way through the Territory, but they never constructed the road, and that franchise was abrogated and the grant annulled by act of Congress in 1886.

The gentleman from Indiana has said that this road mortgaged its lands and franchises. I think I can show the gentleman that he is mistaken in that. I hold in my hand the report of the Senate committee made to the Forty-sixth Congress, and refer to a speech of the gentleman from Mississippi [Mr. HOOKER] in which he copies an extract from the report and embodies it in his speech, wherein I find this

The Atlantic and Pacific road has been constructed only some 35 miles from the Missouri line to Vinita, in the Territory, and has mortgaged the lands con-ditionally granted for that distance.

That is all the mortgage covered—the 35 miles. Mr. HOOKER. No, sir.

Mr. WILSON, of Minnesota. Let me ask the gentleman a question.
Mr. WEAVER. That shows the mortgage was but for the 35 miles.
Mr. HOLMAN. Oh! the mortgage covered it all over.
Mr. WEAVER. Not at all; here is the report.

Mr. HOOKER. I have the mortgage here, and will show it to the gentleman. It shows that it does cover the entire line.

Mr. WEAVER. Well, the gentleman can also be a simple of the state of

do not yield now.

My information is that derived from the official report made by the committee organized by the Senate of the United States, and that is their report to the Senate. They say that they mortgaged the lands only conterminous with the constructed portions of the road.

Mr. WILSON, of Minnesota. Will the gentleman now yield for a

question?

Mr. WEAVER. Certainly.
Mr. WILSON, of Minnesota. It is generally the case in these landgrant roads that you can take up indemnity lands away ahead of construction. Was not that the case here, and is it not true that that was

Mr. WEAVER. No, sir; not 40 miles beyond the terminus of the road and a land grant that has been forfeited by act of Congress, a grant that was conditional, an act the conditions of which were not complied

with, and it was repealed.

Mr. PAYSON. Let me ask the gentleman from Iowa if he understands that no mortgage has been given on the line of the Atlantic and Pacific road on that part running through the Indian Territory?

Mr. WEAVER. Yes, sir.

Mr. PAYSON. Let me correct him.

Mr. WEAVER. Well, do not take it out of my time.

Mr. WEAVER. Well, do not take it out of my time.
Mr. PAYSON. But the gentleman certainly does not want to lead the committee into an error.

Mr. WEAVER. No; but you can correct it in your own time. Mr. PAYSON. In the report made by the chairman of the Public Lands Committee in regard to that road in the Forty-eighth Congress the fact is recited in reference to the incumbrances on the 1st of March, 1882, that a mortgage was executed for \$25,000 a mile on the entire line between the west line of the State of Missouri and the town of

Albuquerque, in New Mexico, and here is the description of the mortgage, for I hold in my hand an abstract of the papers.

Mr. WEAVER. That was subsequent to this report, and the land
grant itself has been forfeited. Does the gentleman claim that Congress has no power to forfeit a land grant where the granting act itself
provides that Congress may alter, amend, or repeal?

Mr. PAYSON. Certainly not.

Mr. WEAVER. And in this case where the road has never been

built, where there was no compliance with the grant, does the gentleman complain that there is a scrap of title in the railroad company ex-

isting because of the original grant?

Mr. PAYSON. I agree that the grant may be forfeited, but I am correcting the gentleman as to the amount of the incumbrances on the

franchise of the company.

Mr. WEAVER. But the road can no more encumber the land without title to it than I could. They never built the road; they had no Mr. WEAVER. Certainly.

Mr. McRAE. I wish to suggest that the Atlantic and Pacific Railroad Company never, for ten years after its mortgage was executed, claimed it had any right to the lands in the Indian Territory at all.

Mr. SPRINGER. And they never had. Mr. McRAE. And when they did make the claim, Commissioner Williamson, who afterwards became the attorney of the company, decided that they had no grant, and the Interior Department since that time has sustained that same opinion over and over again. The chairman of the Committee on the Public Lands who made the report from which the gentleman from Illinois read, in the Forty-ninth Congress,

himself stated that the company had no grant.

Mr. WEAVER. Moreover, Mr. Chairman, I want to say that, while Mr. WEAVER. Moreover, are charman, I want to say that, while it is clear from the law and from the fact that there is no shadow of title to that land in the railroad company and can not be, I am willing and anxious that the amendment offered by the gentleman from Indiana shall be adopted, so that by no possibility can the railroads in that manner acquire an acre of that land.

Mr. Springer and Mr. Baker, of New York, rose.
The CHAIRMAN. The Chair will recognize the gentleman from

New York

Mr. BAKER, of New York. I think there is some misunderstanding, Mr. Chairman, as to the situation of this matter of the railroad's grant. In the first place, on the 27th of July, 1866—if gentlemen of the committee will give me their attention—before the act of Congresgranting a charter to the Atlantic and Pacific Railroad Company, and also to the Missouri, Kansas and Texas Railway Company, a right of way through the Indian Territory was granted to those roads, provids ing in their charters that if at any time the Indian Territory should become a Territory of the United States, or in case the lands of that Territory shall become public lands of the United States, or the Indian title to said lands should be extinguished by the tribes owning the same abandoning them, or becoming extinct, that in such case said railroad companies would become entitled to alternate sections of lands on each side of their lines of road in that Territory in a strip 40 miles wide, measuring 20 miles each way from the track.

Subsequently, Mr. Chairman and gentlemen, these roads, or one of them, mortgaged the line and the land acquired under these charters, and a large number of the bonds are held in Europe, as my friend from

Mississippi, in his able argument on this bill, has stated.

Mr. HOOKER. Fourteen millions of them are held in Amsterdam. Mr. BAKER, of New York. Fourteen millions of them are held in

None of them on this land in the Territory.

Mr. PETERS. None of them on this land in the Territory.
The CHAIRMAN. Does the gentleman yield?
Mr. BAKER, of New York. I can not yield. I want to have this understood fairly and squarely, that under section 14 of the act it is proposed to repeal these land grants. Now, that is to say, Mr. Chairman, that the courts are going to be loaded down with litigation involving great issues between the parties concerned. Is it not inevitable that if the title to these lands is to be determined by a suit in the courts a great wrong will be done to these people who acquired title to these land grants? The result is inevitable. Of course the equities of the holders of these bonds, who are innocent owners for value, must be and will be protected by all the courts.
Mr. HEARD. Will the gentleman yield to a question?
Mr. BAKER, of New York. Very well.
Mr. HEARD. I want to ask the gentleman, what will these Amster-

Mr. BAKER, of New York. Very well.
Mr. HEARD. I want to ask the gentleman, what will these Amsterdam bonds rest upon?

Mr. BAKER, of New York. They will rest upon the land of these railroad companies and upon these land grants. That is expressly stated in the mortgage

Mr. HEARD. Let me ask you further-

Mr. BAKER, of New York. I have not time to yield.

Mr. HEARD. I will give you time.
Mr. BAKER, of New York. Have you got it to give?
Mr. HEARD. I will get it to give.

Now, Mr. Chairman, if I understand the gentleman these bonds about which they are so apprehensive are supposed to be issued upon the franchises and upon conditional rights which these roads are thereafter to acquire. Now, Mr. Chairman, before the condition under which these lands were to be given to the roads had obtained Congress forfeited

these grants. Now, on what will the bonds rest?

Mr. BAKER, of New York. Now, I want to say to my friend from Missouri that it may be a question where the bonds will rest. I have

no doubt that these people invested their money in these bonds with the understanding that the good faith of the Government would be maintained, that they would be protected in their legal rights, and their vested rights not be disturbed by any unfriendly legislation. object, Mr. Chairman and gentlemen, to the Congress of the United States being a party to a transaction through which a great wrong shall be done to any of the creditors of this company or any of these railway corporations.

Mr. HOLMAN. Will my friend permit me to say that both of these questions rest upon this provision, and that it does no injustice of that kind, for the agreement of the Government was that this land should not become the land of the corporation unless title vested in the

United States?

Mr. BAKER, of New York. Now, that vesting of title in the United States is at most a question of a brief time. If this act should pass and we create a Territory, of course these railroads will succeed to it, and they will have a right to title. But I want to call attention to the peculiar wording of section 14. It goes on to say, in providing for the repealing of these land grants:

And all or any rights to said lands are hereby forfeited to the United States, and no railroad company now organized, or hereafter to be organized, shall ever acquire any lands to aid in the construction of its road, or in consequence of any railroad already constructed, either from the United States, or from any Indian tribe, or from any Territorial government, within the limits of the Territory organized by this act.

Now, the gentleman from Arkansas says that this act does not affect any territory within 200 miles of these railroads, but that this land acquired by future treaty or by future legislation will be affected; and that under the provisions of the law they intend to make them part

of the railroad lands. I think it is a very serious question.

Mr. SPRINGER. Mr. Chairman, this matter has been debated at great length, and I think the committee have substantially agreed as to what shall be done. I hope, therefore, that the amendment offered by the gentleman from Arkansas [Mr. McRAE] as an additional part of the amendment of the gentleman from Indiana [Mr. HOLMAN] will be accepted by the gentleman from Indiana and will be agreed to. have but an hour remaining, and I hope that we shall save some time

for other discussion.

The amendment of Mr. McRae to the amendment of Mr. Holman

The CHAIRMAN. The question now is on the amendment of the gentleman from Indiana as amended by the amendment of the gentleman from Arkansas.

The amendment of Mr. HOLMAN as amended was agreed to. Mr. McRAE. I ask to have the two amendments separated. Mr. HOLMAN. They belong together.

The Clerk proceeded to read section 8.

Mr. BARNES. Mr. Chairman, before we pass from this section I want it distinctly understood that we shall have a vote upon the proposed substitute, which I understand is to be considered as pending.

Mr. SPRINGER. I am willing to divide the time now so as to have vote upon that and the gentleman's amendment, and devote the rest

The CHAIRMAN. There is so much confusion the Chair is unable

to hear the gentleman from Illinois.

Mr. SPRINGER. I ask unanimous consent that amendments not objected to be now read and agreed to, and that the remainder of the time be given to the gentleman from Georgia [Mr. BARNES] and the gentleman from Mississippi [Mr. Hooker] to offer their two important amendments, so as to have a fair division of time.

Mr. PAYSON. How can we tell what amendments are objected

Mr. BUCHANAN. I demand the regular order. Mr. SPRINGER. I simply propose this, in the interest of giving very body a fair opportunity to be heard.

Mr. BUCHANAN. We do not know what amendments are objected

to and what are not.

The CHAIRMAN. The Chair will state the proposition of the gentleman from Illinois, as the Chair understands it. The gentleman asks unanimous consent that amendments to which no objection is made be now submitted. By that the Chair understands that when an amendment is read and some one objects to it that amendment is not to be considered in order.

Mr. LANHAM. Does that mean amendments that are not objected

to by the Committee on Territories?

The CHAIRMAN. Amendments that are not objected to by one gentleman on the floor. The Chair was about to state fully the proposition of the gentleman from Illinois as the Chair understands it. is that amendments to which there is no objection be now submitted, and that they be considered as agreed to, and that then the gentleman from Mississippi [Mr. HOOKER] be permitted to submit his amendment to strike out section 13 of the bill—

Mr. LANHAM. I desire to offer an amendment. Mr. PAYSON. I rise to a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. If that consent shall be given, will it not preclude the considering of an amendment if a single objection be interposed,

and then if the time shall have arrived at which the previous question

The CHAIRMAN. It will preclude the submission of an amend ment if one objection is made; unless, after the amendments to which there is no objection are disposed of, the bill is continued to be read-

Mr. PAYSON. I object to the arrangement.

Mr. SPRINGER. It is intended for the purpose of reaching a vote

as soon as possible.

Mr. PAYSON. Yes; but if a single objection is made to an amendment the amendment will be postponed until these other sections have been amended and discussed by the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Georgia [Mr. BARNES], and other gentlemen in the mean time will be warming their toes waiting to have

their amendments reached. I demand the regular order.

The CHAIRMAN. The regular order is demanded by the gentleman from Illinois [Mr. PAYSON].

The Clerk read as follows:

The Clerk read as follows:

Sec. 8. That the procedure in applications, entries, contests, and adjudications under this act shall be in the form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act, shall be applicable to all entries made hereunder, and no patent shall be issued to any person who is not a citizen of the United States at the time he makes final proof and payment. Final proof and payment, except in cases of contest, shall be made within three months after the expiration of three years from the date of entry, and in default thereof, or in default of the payment of any installment of the purchase-money when due, the entry shall be liable to cancellation, and the money paid thereon shall be forfeited to the United States. Lands entered under the provisions of this act shall be liable to taxation after the first installment of the purchase-money shall have been paid; but the same shall not be subject to any judgment or lien obtained upon indebtedness contracted or obligation incurred prior to the issue of patents therefor, nor shall such lands be sold or contracted to be sold, leased or contracted to be leased, conveyed, mortgaged, or in any manner encumbered prior to final proof or payment and the record thereof made in the office of the register and receiver of the district where the land is located; and any sale, lease, conveyance, or mortgage made, executed, or contracted for prior to such final proof, payment, and record shall be absolutely null and void: and all assignments, transfers, and mortgages of unpatented land entries shall be at the risk of the assignees, transferrees, and mortgages, who shall have no recourse against the United States for any failure of claimant's title before issue of patent: Provided, That the provisions of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall not be modified or changed by anything in thi

Mr. WARNER. Mr. Chairman, I offer the amendment which I send to the desk, and which has been agreed to by the Committee on Territories

The Clerk read as follows:

Line 34, section 8, strike out the words "not be modified or changed by anything" and insert in lieu thereof the following: "apply to the provisions of."

The CHAIRMAN. If there be no objection, the amendment will be

considered as agreed to.

Mr. FINLEY. I object.

The CHAIRMAN. The Clerk will report the proviso as it would stand if amended.

The Clerk read as follows:

That the provisions of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall apply to the provisions of this act.

Mr. SPRINGER. That is all right.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri

The amendment was agreed to.

Mr. McRAE. I offer the amendment which I send to the Clerk's

The Clerk read the amendment, as follows:

In lines 15, 16, and 17, strike out the words "be liable to taxation after the first installment of the purchase-money shall have been paid; but the same shall; "so that the provision will read: "Lands entered under the provisions of this act shall not be subject to any judgment or lien obtained upon indebtedness contracted," etc.

Mr. SPRINGER. I have no objection to that.

The CHAIRMAN. If there be no objection, the amendment will be

Mr. BUCHANAN. I object. These lands ought to be taxed.
Mr. McRAE. We certainly ought not to tax the lands of the United States. It is not done under the homestead law, and it will complicate the titles by permitting people to acquire tax titles prior to the patents that may finally be issued for these lands.

The amendment was agreed to.

Mr. PAYSON. I offer the amendment which I ask the Clerk to read

The Clerk read as follows:

The Clerk read as follows:

At the end of section 8 add the following:

"No entry shall be allowed of any homestead under this act except to actual settlers thereon; and no preferred right of entry shall be given to any person by reason of claim of occupancy prior to the application to enter the land, except in cases of actual occupancy and continued residence upon the land to the date of the application to enter. And no right of an alleged settler as such shall attach to any land in the Territory until the date of his actual bona fide and continuous residence upon the tract he proposes to enter; and his declaratory statement shall contain a true and full statement of the date and facts of residence on the land and last place of residence prior thereto, and detailed description of improvements, all verified by the oath of the applicant and at least one credible witness, made before the register or receiver of the proper land office as to all facts except that proof of the applicant's place of residence may be made before any officer authorized by law to administer oaths; but the use of such affidavit in the Territory shall, in case of false swearing thereto, subject the party

to the same penalty as though sworn to before the register or receiver of the proper office."

Mr. SPRINGER. I have no objection to that amendment. Let it be agreed to.

The question being taken, the amendment was agreed to. The Clerk, resuming the reading of the bill, read as follows:

The Clerk, resuming the reading of the bill, read as follows:

SEC. 9. That whenever any portion of the lands opened to settlement by the provisions of this act shall be occupied for town-site purposes, and the Secretary of the Interior is satisfied that they are occupied in good faith and are necessary for such purposes, the said Secretary is hereby authorized and directed to cause patents to be issued therefor, under such rules and regulations as he may prescribe, to any legally organized company occupying and entitled to the same, upon the payment in cash of \$20 per acre for the lands so occupied. The money so received for each town site, except such amount as may be required to be paid to the Indian tribes, as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior as a separate school fund for the benefit of the people of such town, and shall be expended under his direction for the erection of school buildings and the support of schools therein: Provided, That town sites actually occupied on the Public Land Strip at the date of the approval of this act by not less than one hundred bona fide inhabitants, said sites to embrace the amount of land provided by law: Provided further, That all patents issued for town sites in the Territory of Oklahoma shall contain reservations for parks and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town sites as provided in this section; and patents for such reservations shall be issued to the towns respectively when organized as municipalities.

Mr. SPRINGER. My friend from Illinois [Mr. PAyson] desires to

Mr. SPRINGER. My friend from Illinois [Mr. PAYSON] desires to offer an amendment which I ask may be agreed to pro forma with the understanding that a yea-and-nay vote may be taken upon it in the

Mr. HOOKER. I would like to hear the amendment. Mr. PAYSON. I offer as a substitute for the section just read the provision which I send to the desk.

Mr. WARNER. I desire to inquire whether this is the same amend-

Mr. PAYSON. This is the amendment which has been submitted during the day to the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Iowa [Mr. WEAVER].

The Clerk read as follows:

the gentleman from Iowa [Mr. WEAVER].

The Clerk read as follows:

Strike out section 9 and insert the following as a new section:

"SEC, 9. The Secretary of the Interior is hereby authorized to reserve on any public land in said Territory town sites for any existing or prospective town, city, or village, in area not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may be wholly or in part occupied as a town, city, or village site; and no application to enter any land shall be allowed until approved by the Secretary of the Interior of any tract of land, first, where any exterior line of the land is within one-half mile of the line of any railroad which is constructed or of the line of any railroad on the is constructed or of the line of any railroad on the is constructed but where its map of location shall be filed with the Secretary of the Interior at the date of the application to enter; or second, of any tract of land upon which at the date of the application to enter is a town or village settlement; and no settlement in advance of survey by proper authority shall give any right as against the power to reserve town sites hereby given; it being the object of this provision to secure to the inhabitants of all towns, cities, and villages in said Territory, the provisions of chapter 8, Title XXXII, Revised Statutes, entitled "Reservation and sale of town sites shall be located upon any public lands in said Territory, the provisions of chapter 8, Title XXXII, Revised Statutes, entitled "Reservation and sale of town sites on the public lands," shall apply except as otherwise provided herein. The Secretary of the Interior shall cause the lots in any site now existing or to be located to be offered, sold, and conveyed as provided in sections 2382 and 2383 of the Revised Statutes. The money so received from the sale of lots in each town site, less such amount as shall be required to be paid to the Indians as provided in sections 5 and 6 of this act, shall be held by t

Mr. SPRINGER. I now ask that this amendment be regarded as agreed to pro forma, with the understanding that a yea-and-nay vote be taken upon it in the House.

Mr. PAYSON. If there is any substantial objection to this amend-

ment, I would like to have the question debated now. If my colleague

will say that he thinks the amendment ought to be adopted—
Mr. SPRINGER. I can not say that.
Mr. PAYSON. Then let us debate it, and have a vote upon it in regular form.

Mr. SPRINGER. If the gentleman from Mississippi [Mr. Hooker] and the gentleman from Georgia [Mr. BARNES], who have substantial amendments to propose, be allowed now to offer them and to be heard

in their support, I agree that this amendment be considered as adopted pro forma, and that the yeas and nays be taken upon it in the House.

Mr. PAYSON. I would like to have the Committee of the Whole understand the difference between this amendment and the section for which it is proposed as a substitute. I do not desire, if I can prevent it, that a vote be taken blindly upon what I regard as one of the most important propositions connected with this bill. The gentleman from Illinois knows whether this is satisfactory to the friends of the bill or I am violating no confidence when I say it has been so stated

Mr. WEAVER. I will say to the gentleman that, so far as I am concerned, I do not care what may be put in there in regard to town

Mr. PERKINS. Does not this amendment reserve from actual settlement a strip of land 200 miles long and 1 mile wide through that Territory? Mr. PAYSON.

Not at all.

The CHAIRMAN. The gentleman from Illinois [Mr. Springer] asks unanimous consent that the amendment offered by his colleague [Mr. PAYSON] be considered as agreed to pro forma, and that a vote be taken upon it in the House.

Mr. PAYSON. I would rather have a vote on it now. Mr. SPRINGER. You can have the yeas and nays on it in the House. My object is to enable the gentleman from Mississippi [Mr. Hooker] and the gentleman from Georgia [Mr. BARNES] to submit their propositions and have them voted upon.

Mr. LANHAM. I also have a substantial amendment to submit. Mr. SPRINGER. Yes; and the gentleman from Texas [Mr. Lan-

The CHAIRMAN. Does the gentleman from Illinois [Mr. PAYSON] object to the arrangement proposed with reference to his amendment?

Mr. PAYSON. No, I do not. Mr. SPRINGER. I ask unanimous consent that amendments to which there is no objection be now submitted and adopted, so that the remainder of the time may be given to the gentlemen whom I have mentioned

Mr. HOOKER. In answer to the request of the gentleman from Illinois I beg to state that that gentleman is well aware of the fact that only one-half hour of the original time remains. It is impossible that the gentleman from Georgia, Judge BARNES, can present his substi-tute for the entire measure in that time, or that I can present the radical objections I have to the whole proposition, as well as the reason for moving to strike out the thirteenth section. I hope, therefore, the hour will be extended to 5 o'clock for taking the vote, so that we may have sufficient time to discuss the matter as it should be discussed.

Mr. SPRINGER. I will state to the gentleman that if he has not time when the hour of 4 o'clock comes, I will myself ask for a reasonable extension of the time. [Cries of "Regular order!"]

Mr. HOOKER. Very well; I move to strike out the last word, for I am well satisfied that if I wait until we reach the consideration of

the thirteenth section of the bill, to which the amendment applies, in all probability I will be denied the privilege of saying anything in opposition to the general features of the bill or in favor of the amend-

Mr. Chairman, my opposition to the bill is not based upon its terms as embodied either in one section or in another, nor upon its phraseology, nor upon the question as to whether the railroads are to be the grabbers of the lands of the Indians or not, or whether what you call the "settlers" are to be the grabbers. My objection is fundamental to the measure itself. I believe that you are endeavoring to take possession of lands and create over them a Territory of the United States the title to which is not in you and to which you have no right.

I assert, and I am willing to take a jury of twelve good and true men and try it as a lawyer before them—I assert that to the Cherokee Outlet the Cherokee Nation has a title undisputed by anybody, recognized by the current authorities, and which title stretches through half a century of your history, while this bill, if it becomes a law, proposes to take from them that which you yourself have conveyed by the most solemn forms of conveyances which the Government of the United States can give, namely, the patent of the Government. You have made that patent in accordance with the series of treaties which stretches back almost for a century, sir, and to pass this law would not only be petty larceny but grand larceny, for it proposes to steal an empire in area under the forms of law.

It proposes to take from the Indians that to which the Government of the United States has no more right than it has to the lands belonging to the gentleman from Indiana or the gentleman from Missouri, and if I do not demonstrate that to the satisfaction of every fair and honorable minded man who sits in this committee, then I shall be willing to see this bill pass, for such I take to be the true attitude of the

It proposes to take these lands and make a Territory of the United States over them, and there is not one rood of the lands so taken except the Public Land Strip which belongs to the United States or to

which the United States has one particle of title. I confine myself, however, sir, in the discussion of this question to that portion of the land which is known as the Cherokee Outlet, and I propose to demonstrate that these Indians have a title to these lands recognized by every adjudication of the courts from the earliest decisions down to the latest one by Judge Parker, in that Territory; and the first fact in evidence to which I desire to point your attention is the patent of the Government of the United States, which was made ment.

under the Presidency of Mr. Van Buren, and provides, among other things, as follows:

things, as follows:

Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described, containing in the whole 18,374,-135.14 acres, to have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get sait on the sait plain, on the western prairie referred to in the second article of the treaty of the 28th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article, and subject, also, to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved, and subject also to the conditions provided by the act of Congress of the 28th of May, 1830, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same.

Intestimony whereof, I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of December, in the year of our Lord, 1838, and of the Independence of the United States the sixty-third.

[L. s.]

M. VAN BUREN.

By the President:

[L. s.] By the President:

M. VAN BUREN.

H. M. GARLAND, Recorder of the General Land Office.

There is the patent, absolute and complete, vesting title, and subject only to the right of the United States to use the salt lakes that were found to exist in this proposed Territory of Oklahoma, and with the further reservation, which has been adjudicated in the courts, that if the lands shall be abandoned by the Indians or the title extinguished the said title shall revert to the Government of the United States. This is the only reservation against their absolute right to this property.

I will not weary the committee by reading the recital embodied in the patent, but content myself by saying that it embraces both the Cherokee Outlet and the lands upon which they now live.

If, Mr. Chairman, you have thus divested the United States of title and invested that title in the Indians, where then do you get your right to make a Territory of these lands for the United States? Sir, every single particle of the lands ceded for the settlement of friendly tribes has been conveyed by the Cherokees; and when you passed the law authorizing the settlement of these friendly Indians there with the consent of the Cherokees, who made the title to the lands? Government of the United States, but the Government of the United States clothed the Cherokee Nation with the power to make the title; and I hold in my hand one of the six cessions made by these Cherokee Indians to the Poncas, as a sample of those lying in the records of the Interior Department, conveying to these Indians lands which they now occupy in that Territory, showing that the Government of the United States, the Secretary of the Interior, and all of the authorities of the Government conceded that the fee-simple title was vested in the Cherokees, and that there was no possibility of getting the title to these friendly or semi-savage tribes except through the Cherokees.

There are six of these tribes. It was done for the benefit of the Pawnees, the Poncas, the Nez Percés, the Ottawas, the Missourias, and the Osages. Every one of them got title. Where? Not from the Government of the United States, because the Government of the United States has not got it. They got it from the Cherokee Nation. That question was settled in the celebrated case of Joy against Holden, where the Supreme Court of the United States says that the Cherokee Nation the Supreme Court of the United States says that the Cherokee Nation took by the grant a fee-simple title; and they assert that the fact of a mere contingent reservation that it shall revert to the Government of the United States if the Indians should abandon it or they should become extinguished was a contingency so remote that it did not, and could not, in law, justice, or equity, affect the right of the Cherokee

The CHAIRMAN. The time of the gentleman from Mississippi has

expired.

Mr. BAKER, of New York. I ask unanimous consent that the time of the gentleman from Mississippi be extended ten minutes.

Mr. WEAVER. Make it five.

Mr. SPRINGER. I will agree that the time be extended ten minutes.

utes if the time under the special order be extended to ten minutes

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. LANHAM. Mr. Chairman, I desire to say that there are some amendments that it is desired shall be introduced, and unless the time be extended beyond that indicated they will not be reached in the

Mr. BAKER, of New York. We will extend the time for you.

Mr. LANHAM. I ask unanimous consent that the time be extended until 5 o'clock.

Mr. REED. I object.

The CHAIRMAN. The gentleman from Texas asks that the time e extended until all the amendments shall be reached.

Mr. REED. I object. Mr. LANHAM. The gentleman knows I desire to offer an amend-

Mr. REED. Well, as the gentleman from Texas knows, I desire not;

The CHAIRMAN. Is there objection that the gentleman from Mississippi [Mr. HOOKER] be allowed to proceed for ten minutes?

Mr. SPRINGER. And that the ten minutes be extended beyond 4

o'clock, not to be taken out of the time under the special order.

Mr. REED. What is the request?

The CHAIRMAN. The request is that the gentleman from Mississippi [Mr. HOOKER] be allowed to proceed for ten minutes, and the time under the special order be extended beyond 4 o'clock for a corre-

Mr. REED. I have no objection to that.
The CHAIRMAN. Is there objection?
Mr. WARNER. I desire to make a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.

Mr. WARNER. Has the committee power to change an order of the House? I do not want any question of that kind to come up hereafter. Mr. SPRINGER. It can be done by unanimous consent. The CHAIRMAN. By unanimous consent that can be done.

Mr. WARNER. If that is so understood, I make no objection.
The CHAIRMAN. Is there objection?
Mr. DOUGHERTY. I object.
The CHAIRMAN. The Chair will then submit the request of the gentleman from New York [Mr. BAKER] alone, that the gentleman from Mississippi [Mr. HOOKER] be allowed to proceed for ten min-Is that objected to?

Mr. SPRINGER. Make it five, and I will not object.
Mr. HOOKER. I am indebted to the committee for its courtesy. I have referred to some decisions of the Supreme Court which have been made as to the character of this title, to which I beg to call the attention of the committee, in order to show before creating this Territory what you gentlemen propose. I have characterized this effort to take this property under the forms of law as a grand larceny of a mighty kingdom and territory. It would be, if we pass this bill, a fitting climax to the "century of dishonor" which is about to close upon our Government in reference to these people, whom you have called our Government in reference to these people, whom you have called our wards. It would be a wrong perpetrated under the forms of law that could find no sanction in any just tribunal in all the land, and could find no excuse before any court or tribunal before which there was any and no excuse before any court or tribunal before which there was any final responsibility for our Government. Neither in law nor in equity nor in good conscience could such taking of the property of others be justified. This is evidenced by the court's solemn affirmation. You have renounced not only by the patent you gave them and confirmed by the treaty; but you have renounced all title by the sixteenth section of the treaty of 1886, under which these lands could be ceded to friendly the court of the treaty of the treaty of the treaty of the treaty of the sixteenth section of the treaty of the t tribes, and the title was given them by the Cherokees under the in-denture which I send to the reporters to be embodied in my remarks. It can be seen from this that there is not one iota of title in the Government of the United States to any part of the Cherokee Outlet, but that it is absolutely the land of the Indians.

The deed of conveyance is as follows:

The deed of conveyance is as follows:

This indenture, made and entered into this 14th day of June, A. D. 1883, between the Cherokee Nation, by Dennis W. Bushyhead, principal chief, Richard M. Wolfe, and Robert B. Ross, delegates of said Cherokee Nation, for and in behalf of said nation, of the first part, and the United States of America, in trust for the use and benefit of the Ponca tribe of Indians of the second part, witnesseth that:

Whereas by the sixteenth article of the treaty concluded July 19, A. D. 1886, between said Cherokee Nation and the United States, he said United States acquired the right "to settle friendly Indians on any part of the Cherokee country west of the ninety-sixth degree" of west longitude under certain limitation therein mentioned; and

Whereas by an act of Congress approved March 3, 1883, \$300,000 was appropriated, "to be paid into the treasury of the Cherokee Nation out of the funds due under appraisement for Cherokee lands west of the Arkansas River," provided "that the Cherokee Nation, through its proper authorities, shall execute conveyances satisfactory to the Secretary of the Interior to the United States in trust only for the benefit of the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages now occupying said tract, as they respectively occupy the same before the payment of said sum of money:" Now, therefore,

By authority of an act of the national council of the Cherokee Nation, are hereby authorized and empowered, in the name of the Cherokee Nation, are hereby authorized and empowered, in the name of the Cherokee Nation, are hereby authorized and empowered, in the name of the Cherokee Nation, to execute deeds of conveyance as required by said act (March 3, 1883) for the tracts of Cherokee land for the benefit of the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages, as they respectively occupy the same; said party of the first part, by the aforesaid principal chief and delegates, and in consideration of the payment of the sum of money mentioned in

the interest and the said premises as above described with the appurtenances, unto the said party of the second part, for the use and purposes aforesaid.

In witness whereof the party of the first part hath subscribed this conveyance

by the said principal chie and delegates aforesaid, who have also hereunto set their hands and seals this 14th day of June, A. D. 1883.

[L. s.] THE CHEROKEE NATION,

By DENNIS W. BUSHYHEAD,

RICHARD M. WOLFE, ROBERT B. ROSS, Delegates of the said Cherokes Nation. [L.S.] [L.S.]

Signed, sealed, and delivered in the presence of-

JOS. K. McCAMMON. N. P. LOVERIDGE. W. A. PHILLIPS.

DISTRICT OF COLUMBIA, County of Washington, ss:

On this lith day of June, A. D. 1883, before me, a notary public in and for the District aforesaid, personally came Dennis W. Bushyhead, Richard M. Wolfe, and Robert B. Ross, to me known to be the persons who executed the foregoing instrument, and acknowledged the same to be their free act and deed for the purposes and under the authority therein.

[SEAL.]

GEO. M. LOCKWOOD, Notary Public.

It has been said, sir, that these lands are theirs only for the purpose of being used in a particular way. They did agree to sell the lands to the Government of the United States for settlement by friendly Indians, and they received at one time \$300,000 and at another time \$300,000 more. I will publish the patents and I will publish the deeds made by the Cherokee Nation to the lands now occupied by the savage tribes who are settled there by their consent, under their agreement with the Government, which they have kept at all times in good

Something has been said to the effect that they own no title to these lands, and that the lands are being leased to cattle syndicates. Sir, the lands are more valuable for grazing purposes than for any other; and, as I understand it, they are now leased for \$200,000 per annum, \$80,000 of which the Indians expect to devote to the erection of a great university of a character higher than that of any educational institution that they have hitherto had, and \$40,000 of which they propose to devote to their common-school system. But, Mr. Chairman, the land is theirs usque ad ceclum, in the language of the old Latin law-books—they compile to the beavers. they own it to the heavens. They own the mines of iron, the mines of coal (if there be coal there), the mines of gypsum, and of all other metals. They own it all. It is theirs as absolutely as any man owns property who traces back his title to the patent of the Government of the United States. They have a right, therefore, to use it for whatever purposes they will, to use it in the most profitable manner they can. They get a fair rental for it and it is theirs.

ever purposes they will, to use it in the most profitable manner they can. They get a fair rental for it, and it is theirs.

By what authority, then, can the Congress of the United States, composed of honorable gentlemen who are willing to deal fairly with this question—by what authority can you take the lands of these Indians, whose title is derived from yourselves by the most solemn form of conveyance, and create a Territory out of it against their will and their wish? It is theirs and you have no title to it, and you can convey none. I do not pause, sir, to dispute about the question as to whether these lands will go to the vast railroad corporations that have mortgaged them already to the extent of from \$17,000,000 to \$20,000,000. mortgaged them already to the extent of from \$17,000,000 to \$20,000,000. In Amsterdam \$14,000,000 of these bonds are held, and they are a cautious, prudent set of people in that city of banks and bankers and not likely to make investments unless there is something in them. A large portion of those bonds, too, are held in our own country. I say I do not stop to argue the question whether these lands will go to the railroads or whether they will go to the settlers, 300,000 of whom you say are now on the borders of Oklahoma waiting for the passage of this bill. You call them "settlers;" you say they are landless and home-less; but you must change the refrain of your song, for landless and homeless as they may be they do not expect you to commit a larceny

upon other people in order to give them homes.

Sixteen hundred millions of acres of the public domain lie unoccupied to-day, open to settlement. Why, then, do you fix your greedy eyes upon the land which you once owned, but which by voluntary act eyes upon the land which you once owned, but which by voluntary act you conveyed to the Cherokees, and say that those must be the lands for the landless? You will have to change the refrain of your song since the exposition of the gentleman from Illinois [Mr. PAYSON], and instead of winding up your appeals with "land for the landless and homes for the homeless," you had better say "sites for the siteless," because that is the milk in the cocoanut. [Laughter.] But, Mr. Chairman, the thirteenth section of the bill, which I propose to strike out, commits the fraud—I say the fraud, because it declares upon its face that the moment that you pass this bill all title to the Cherokee Outlet ceases and passes away.

open its face that the homeir that you pass and cherokee Outlet ceases and passes away.

By the very passage of this bill ipso facto you strike down the title. You put it in your bill that you must get the consent of the Indians to the creation of this Territory, but you do not put in it the proposition of the indians to the creation of this territory. tion that you are to get their consent to part with the very lands which you yourselves have heretofore conveyed to them by the most solemn forms of conveyance which the Government of the United States can use. As I had occasion to say when speaking before upon this subject, there was once a little nation in Europe which was regarded as desirable by the allied powers, and they assembled their armies and they tore its limbs from their sockets; they used their knives to carve the body into parts, and divided it up among them, and that magnificent country

which gave to the world a Sobieski and a Pulaski ceased to exist upon the map of the world.

You propose now, not by the strong arm of power, because you have already, and very properly, had your army there to protect these Indians in the possession of their lands—you propose now, under the guise of law, by a form of legislation, to tear from these Indians, who have relied upon their treaties with you, who have relied upon your solemn patents, who have relied upon their long possession, which in most of the States of the Union would have given them ample title to the lands without a scrap of paper back of it, for in many of the States it requires only ten years? possession to acquire title—you now propose. I say to only ten years' possession to acquire title—you now propose, I say, to tear from these Indians the lands which are theirs. These Indians hold by their patents; they hold by long possession; they hold by a series of treaties and decisions of your own courts, running through half a cent-ury; and to do away with all this and seize their land under the form of law and say that you will make it into a Territory is, as I have before said, simply committing an act of larceny in the name of the Government of the United States. [Applause.]

[Hear the hammer fell.]
Mr. WARNER. Mr. Chairman, I, in common, I take it, with other members, am in possession of a petition to the Congress of the United States, signed by D. W. Bushyhead and C. J. Harris, claiming to be the duly accredited delegates from the Cherokee Nation of Indians. this petition these delegates protest, as they claim in behalf of the Chero-kee Nation, against the passage of the Oklahoma bill. This so-called petition, from its contents, would be taken as a plea in behalf of the cattle syndicate, which without warrant of law occupies 6,000,000 acres of land in what is known as the Cherokee Outlet, rather than a peti-

tion in behalf of the Cherokees

The measure against which these delegates protest, and certain members of this House use every method known to parliamentary law to obstruct, seeks to open to actual settlers, to men who will go upon it for the purpose of making homes, an area of rich land, almost in the for the purpose of making homes, an area of rich land, almost in the center of the Union, containing 23,278,719 acres. In this is included the Public Land Strip, commonly called No Man's Land, containing 3,672,640 acres. About 12,000,000 acres of the proposed Territory of Oklahoma are occupied, Indian fashion, by roaming bands of Indians, who, Oklahoma are occupied, Indian fashion, by roaming bands of Indians, who, as I have heretofore stated, "have neither the energy of the chase nor the genius of the fisherman." They add nothing to the wealth of the nation. "They toil not, neither do they spin," yet live upon the bounty of the Government. The boundaries of the proposed Territory of Oklahoma include 6,022,244 acres of the Cherokee Outlet, now and since 1883 occupied by a cattle syndicate, not for the purpose of cultivating the soil, but as an immense baronial pasturage for the herds of a favored few.

The committee—that is, a majority of it—believed that such holdings were un-American. In accordance with their views the thirteenth section of the bill declares these leases "void and contrary to public policy." It is the including of these lands in the bill and the heroic treatment proposed against the monopoly that has aroused much opposition to the bill under consideration in certain quarters.

Even the Cherokee delegates are compelled to admit the methods proposed in the bill for treating with the Indians for any interest they have in any of the lands in the proposed Territory of Oklahoma are fair

and reasonable.

This is their language:

This is their language:

The bill, however, contains a proviso that all territory occupied by any Indian tribe, to which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law, Executive order, right of occupancy, or treaty, shall be excepted out of the boundaries and constitute no part of the proposed Territory until such tribe shall signify its assent to the President of the United States to be included therein, in manner thereinafter provided, namely, as to the Oreeks and Seminoles and the Cherokees, through a commission to be appointed by the President to negotiate with them for the purpose of procuring their consent.

They then add:

This provision, on its face, appears fair and reasonable.

Of this there can be no two opinions. It is not only "fair and rea-

onable" in appearance, but in letter and spirit.

What objection is there to the bill? The gentleman from Mississippi denounces the thirteenth section; the delegates denounce the thirteenth section; the cattle syndicate denounce the thirteenth section. The grazing leases must be upheld. In whose interest, I ask? The gentleman from Mississippi [Mr. HOOKER] pays this fervid and eloquent tribute to the leases held by the cattle syndicate:

Sir, the lands are more valuable for grazing purposes than for any other; and, as I understand it, they are now leased for \$200,000 per annum, \$30,000 of which the Indians expect to devote to the erection of a great university of a character higher than that of any educational institution that they have hitherto had, and \$40,000 of which they propose to devote to their common-school system.

Then follows the following opinion as to the Cherokee title to the lands in the outlet and leased to the syndicate at the nominal rent of 31 cents an acre, with an exemption from taxation of the vast herds that roam thereon. He says:

But, Mr. Chairman, the land is theirs usque ad colum, in the language of the old Latin law-books—they own it to the heavens. They own the mines of iron, the mines of coal (if there be coal there), the mines of gypsum, and of all other metals. They own it all. It is theirs as absolutely as any man own property who traces back his title to the patent of the Government of the United States.

They have a right, therefore, to use it for whatever purposes they will, to use it in the most profitable manner they can. They get a fair rental for it, and it is theirs.

This opinion is as inaccurate as it is eloquent. It was never the intent or purpose to give the Cherokees an interest in the soil of this outlet. They were given 7,000,000 acres as a home. In the language of Justice Clifford in speaking for the Supreme Court of the United

Treaties of the kind were concluded with that nation (Cherokee) of Indians on the 6th of May, 1828, and on the 14th of February, 1833, in both of which the United States agreed to possess the Cherokees of 7,000,000 acres of land west of the Mississippi River, bounded as therein described, and to guaranty it to them forever upon the terms and conditions therein stipulated and agreed. (Holden es. Joy, 17 Wall., 237; 7 Stat. at Large, 311; 10., 414.)

After designating by metes and bounds the future home of the Cherokees, the treaty provides that-

In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Indians a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 acres as far west as the sovereignty of the United States and their right of soil extend. (7 Stat., 415.)

The language is "outlet;" it was granted as such. The Indians wanted a passage-way from their home to the then apparently boundless and unoccupied West, abounding in game. They were given the outlet, the passage-way, to enable them to pursue their favored avocation—hunting. Aside from this easement they were to acquire "no right to the soil."

This is plain from the reading of the treaties. It was also the understanding between the Government on one side and the Cherokees on the other. In evidence of this I cite a letter from Hon. J. C. Calhoun, Secretary of War, dated War Department, October 8, 1821, regarding the demands of the Cherokees that certain parties be removed from a portion of the outlet. He wrote:

It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the west, you acquire thereby no rights to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country.

J. C. CALHOUN.

Teke-e-toke, John Jolly, Black Fox, W. Webber, Thomas Graves, Chiefs of Arkansas Cherokees.

In an able opinion delivered by Judge Brewer in 1887, that distinguished jurist used this language:

Manifestly Congress set apart the 7,000,000 acres as a home, and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west. But while the exclusive right to this outlet was guarantied, while patent was issued conveying this outlet, it was described and intended obviously as an outlet and not as a home. (U. S. vs. Soule et al., 30 Fed. R., page 918)

The language of Mr. Calhoun with reference to the Cherokee title in and to the outlet was:

Vou-

The Cherokees-

acquire thereby no rights to the soil, but merely an outlet.

The language of Judge Brewer in the opinion just quoted says of the outlet and the intent of Congress:

Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west.

With these opinions the distinguished gentleman from Mississippi [Mr. HOOKER] differs. He says:

They own it-

The outlet-

to the heavens. They own the mines of iron, the mines of coal. \* \* \* They own it all. It is theirs as absolutely as any man owns property who traces back his title to the patent of the Government of the United States.

Without any reflection upon the legal attainments of the distinguished gentleman [Mr. HOOKER], I will be pardoned in following the deliberate opinions of Mr. Calhoun and Judge Brewer rather than his given in the heat of debate. There is nothing in the case of Holden vs. Joy (17 Wall.) in conflict with the position taken by the Secretary of War in 1821 or the opinion of the learned jurist, Judge Brewer, rendered in 1887, the case of Holden vs. Joy having been decided in 1872. The Supreme Court passed on the title which the Cherokees acquired in and to the "Cherokee neutral lands" under the treaty of December 29, 1835 (7 Statutes at Large, 479). None of these lands are or ever were embraced in what is known as the Cherokee Outlet. There were 800,000 acres of these neutral lands. For them the Cherokees paid \$50,000; by the terms of the treaty of 1835 they were to be conveyed to the Cherokees "by patent in fee-simple."

But, sir, it is proposed by the terms of this bill to treat with the Cherokees for whatever interest they may have in the outlet. It is but repeating the past legislation in treating with these Indians. In the language of the court in Eastern Band Cherokees vs. United States et al. (20 C. of C., 467):

To carry out that policy immense sums of money, millions of dollars not promised by treaties, have been appropriated by Congress and paid in the

spirit of unbounded liberality, yielding to the demands of the Indians in almost every case, perhaps in every case, without exception, and paying in one way and another to an extent more than twice as much as they agreed to pay by the terms of the treaties, as is shown by the numerous appropriation acts scattered through the Statutes at Large.

The proposed legislation is in the same spirit.

The question of title in the outlet is only important, as it would He question of the life of the Cherokee delegates—Bushyhead and Harris—as it affects the lease held by the cattle syndicate. As I have before stated, those who claim to be the duly accredited delegates of the Cherokees admit the fairness of the provisions of the bill for treating with the Indians, and it would seem would be silent were it not for the thirteenth section that declares void the cattle leases.

In their petition they say:

Section 13 of the bill declares voidand contrary to public policy "all leases of lands belonging to the United States or held in common by any of the Indian tribes within the Territory of Oklahoma, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of enlitvating the soil strictly for farming purposes," and makes it the duty of the President, "immediately after the passage of this act, to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands," thereby placing the Cherokee lands west of 96° in the same divested and unoccupied condition as the Oklahoma tract proper, in which the Creeks and Seminoles alone are interested.

The words "including the Cherokee Strip west of the ninety-sixth degree of west longitude" are italicised in the petition, and have italicised the opposition to this bill.

The gentleman [Mr. HOOKER] says:

But, Mr. Chairman, the thirteenth section of the bill which I propose to strike out commits the fraud—I say the fraud, because it declares upon its face that the moment that you pass this bill all title to the Cherokee Outlet ceases and passes away.

Then in the same connection, speaking of the thirteenth section and his motion to strike it out, he says:

By the very passage of this bill ipso facto you strike down the title.

This section is only declaratory of the law as it now exists. The leases are void. Neither the President nor the Secretary of the Interior can validate them. By inaction-the do-nothing policy-the Administration can in the future as in the past permit a favored few to absolutely control this outlet, 6,000,000 acres, and obstruct the opening of this Territory, and protect them in this by the use of the Army of the United States. It is a contest between a monopoly on one side and the people on the other.

The gentleman from Mississippi [Mr. Hooker] tells us that of the \$200,000 annual lease money paid the Cherokees \$80,000 is expected to be expended in the erection of a university, "\$40,000 to the common-school system." Therefore the inference is that no action must be taken to open this Territory to actual settlement. Had it occurred to the gentleman that, should the Cherokees sell their interest in the outlet for \$1.25 per acre, as provided in this bill, it would give them a fund of over \$7,000,000, after deducting the amount heretofore paid them? This, at 4 per cent. interest, would render them \$280,000 a ear-\$80,000 more than they now receive and \$180,000 a year more than was paid by the syndicate for five years, from 1883. All of this would be to the credit and for the benefit of the whole tribe. Under this bill the Cherokees would be the richest people in land and money in the world.

The Cherokees may well ask to be delivered from pretended friends. These lands are no longer needed as an outlet; the game has long since disappeared. The unoccupied West of 1835 has become the occupied in 1889. The Cherokees have neither the right nor have they the dis-

position to use an acre of these six millions for cultivation. Why, then, should they be withheld from the hands of sturdy husbandmen?

Now, sir, as to the validity of these leases, let me here say that no court has decided that they are valid, but it is true that the law officers of the Government have decided that they are illegal.

I here quote in full the opinion of the present Attorney-General:

DEPARTMENT OF JUSTICE, Washington, July 21, 1885.

These questions are propounded with reference to certain Indian reservations.

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of the ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.

2. The Cheyenne and Arapaho reservation in the Indian Territory.

3. The Kiowa and Comanche reservation in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher vs. Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus, in 1783 the Congress of the Confederation, by a proclamation, prohib-

ited "all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and direction of the United States in Congress sessembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section d' "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section's of the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section's of the same shall be made and duly executed at some public treaty, held under the authority of the United States." The provision was further extended by section 12 of the act of May 19, 1786, chapter 39, so as to embrace any "purchases, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 2, 1799, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 2, 1799, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of indo, or of any title or claim thereto, from any Indian nation or tribe of Indians," and the provision of the act of 1545, just referred to, has been reproduced in section 2116.

The last-named section of the act of 1545, just referred to, has been reproduced in section 2116, its s

The SECRETARY OF THE INTERIOR.

It will be seen that the first question upon which the opinion of the Attorney-General was asked by the Secretary of the Interior was the lease of-

First. Cherokee lands in the Indian Territory west of the ninety-sixth degree of longitude, etc.

This is the Cherokee Outlet now occupied by the cattle syndicate under a pretended lease. The Attorney-General says that such a lease is in "violation of the statute," and that the party claiming to occupy this outlet or any part of it under such a lease for grazing purpose

Is an intruder and may be removed therefrom as such not with standing his entry is with consent of the tribe.

"They may be removed," says the Attorney-General. "They should be removed," says the bill under consideration. It is in the section the gentleman [Mr. HOOKER] moves to strike out.

It is not strange, in view of the law, that people wonder why the Army is employed to keep men out of this Territory who desire to occupy it for homes, and to protect those who are there under their pretended leases, as intruders. These leases have been renewed in the last few months with a full knowledge of the ruling of the Department. They not only had before them the opinion of the Attorney-General, but also ample warning from the Secretary of the Interior. That officer in September last, learning that it was the purpose of certain parties calling themselves the Cherokee Live-Stock Association to secure a lease for the Cherokee Outlet, he wrote the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 28, 1883.
Siz: In view of the information of this Department that some steps have been taken by you, or by the council or other authorities of the Cherokes Nation,

with a purpose either to renew the lease which was heretofore made with certain parties, calling themselves the Cherokee Strip Live-Stock Association, or with an association or corporation of that name, and which it is understood is about to expire or has expired, or to execute some other lease or agreement for the use or occupancy of the lands of the Cherokee Outlet or some part thereof, and that a session of the Cherokee council is about to convene with a view to the enactment of measures to that end, I have the honor to advise and inform you, and through you the Cherokee council and authorities of the Cherokee Nation, that the United States Government will recognize no lease or agreement for the possession, occupancy, or use of any of the lands of the Cherokee Outlet as of any legal effect or validity upon the rights of the United States or as conferring any right or authority or privilege over said lands upon any lessee, but that any such lease or agreement, if any should be made, will be without the authority or consent of this Government thereto, will be subject to cancellation, and any use or occupation by any lessee, or any person under such lessee, subject to instant termination by this Department at any time whenever any such action shall be for any reason deemed proper by the President or this Department, and will be subject to any legislation whatever, general or special, which Congress may enact affecting that portion of the Cherokee country or affecting the occupancy of any Indian lands for any purpose whatever, whether for grazing, pasturage, or otherwise.

I desire that this notice of the views and rights of this Government shall be communicated to the council and to any persons who may be in or contemplating negotiation, or may enter into negotiation, with the authorities of the Cherokee Nation for any such use or occupancy, in order that there may be no misconception or misunderstanding upon the subject.

Very respectfully, yours,

WM. F. VILAS, Secretary,

Hon. J. B. MAYS, Principal Chief, Cherokee Nation, Tahlequah, Indian Territory. (Through the Commissioner of Indian Affairs.)

Here they are told:

That any such leases or agreements, if any should be made, will be without the authority or consent of this Government thereto, will be subject to cancellation, and any use or occupation by any lessee, or any person under such lessee, subject to instant termination by this Department.

Mr. Chairman, what is there in section 13 of this bill that such a persistent fight should be made against it; that it should be denounced as a fraud? It is simply this, that it declares void and contrary to public

All leases \* \* \* in the Territory of Oklahoms, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes.

This in the interest of the actual resident and cultivator of the soil against the syndicate; in the interest of the family against the herds of the cattle king. In the interest of the people this section (13) goes further; it provides that—

It is hereby made the duty of the President, immediately after the passage of this act, to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands.

Why should this not be done? The lands now occupied by this cattle syndicate with its herds is capable of furnishing homes to nearly two hundred thousand people, giving to each family of five persons 160 acres of land, almost in the heart of the Union; a mild, delightful climate, and soil unsurpassed in fertility. Therefore, if the Executive neglects to use the power he now has in the interest of the people it should be made his duty to act as herein provided.

In 1880 Attorney-General Devens held that the Cherokees had no

right to settle those of their own nation on the lands in this outlet, and

No person attempting a settlement on these lands can justify under any authority given by the Cherokee Nation. (16 Attorney-Generals' Opinions, 470.)

Mr. Chairman, I have done. It is my hope, my trust in the intelligence of the members of this House, that this bill will pass this body, and that the Senate may soon send it to the Executive for his approval.

Mr. SPRINGER. I ask the time before the committee rise be ex-

Mr. SPRINGER. I ask the time before the committee rise be extended for ten minutes; that is, until ten minutes after 4.

Mr. REED. I do not object, if it is to be taken out in speeches.

Mr. OWEN. I object, unless the time is to be divided, and the gentleman from Georgia [Mr. BARNES] can get an opportunity to be heard.

Mr. LANHAM. Let the time be taken up in offering amendments.

Mr. REED. I shall object to that.

Mr. OWEN. I shall object to extending the time for debate unless the gentleman from Georgia [Mr. BARNES] has a chance.

Mr. BARNES. I want a portion of that time.

Mr. BARNES. I want a portion of that time.

Mr. SPRINGER. I ask by unanimous consent that all gentlemen desiring to print remarks on this bill shall have the right to do so.

There was no objection, and it was ordered accordingly.

Mr. HOOKER. I ask only for one moment to reply to the gentleman from Missouri.

Mr. WARNER. I had only five minutes in which to reply to your twenty minutes' speech.

Mr. HOOKER. I wish to call attention to this decision:

Mr. HOOKER. I wish to call attention to this decision:
The United States Supreme Court, December term, 1872, in the case of Holden es. Joy (17 Pat., 250), in referring to the clause in the patent issued the Cherokees which provides that the lands conveyed thereby shall revert to the United States if the Indians become extinct or abandon the same, said:
"Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple, and it may well be held that, if that condition reduces the estate to less than a fee, it is void." \* \* \*
This Indian title being a base, qualified or determinable fee, with only the possibility of reversion, and not the right of reversion in the United States, all the estate is in the Cherokee Nation of Indians.

The effect of the conveyance by the United States to the Cherokee Nation of this tract of land upon the purchase made by them under the treaty of 1835 was to vest in the tribe a fee-simple to the said tract (Holden vs. Joy, 17 Wall., 211). This tribe did not hold this tract by the ordinary Indian title, which is one of occupancy only, which may be continued indefinitely. In such a case the fee-simple to the land is in the United States. The effect of this sale (to the Cherokees) was to separate distinctly the tract from the public lands of the United States and vest it in private ownership.

The sixteenth article of the treaty of 1866 (14 Stat., 804) provides that "the United States may settle friendly Indians in any part of the Cherokee country west of the ninety-sixth degree, to be taken in a compact form, in quantity not exceeding 160 acres for each member of said tribes thus to be selected; the boundary of each of said districts to be distinctly marked, and the land to be conveyed in fee-simple to each of said tribes, to be held in common or by their members in severally, as the United States may decide. \* \* \* The Cherokee Nation to retain the right of possession and jurisdiction over all of said country west of the ninety-sixth degree of longitude until thus sold and occupied."

This article does not change or modify the title of the Cherokees or vest any title in the United States to the lands west of 96°. It simply gives the United States the right, with certain conditions to follow, to settle friendly Indians in that country. This is the country which is supposed to have been leased.

The Department has not considered it the duty of the Commissioner of Indian Affairs or the Secretary of the Interior to interfere with the affairs of the Cherokee Nation, except in cases especially provided for by the treaty with that nation.

[Cries of "Regular order!"]
Mr. SPRINGER. I ask the amendments to the bill be read in regu-

Mr. ROGERS. I call for the regular order.

The CHAIRMAN. The hour of 4 o'clock having arrived, under the order of the House the committee will rise and report the bill and amendments to the House.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker pro tempore, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10614) to organize the Territory of Oklahoma and for other purposes, and had directed him to report the same back to the House with sundry amendments.

#### MESSAGES FROM THE PRESIDENT.

Several messages in writing were received from the President, by Mr. PRUDEN, one of his secretaries, who also announced the approval

of bills of the following titles:
An act (H. R. 9211) for the relief of Jesse Durnell;
An act (H. R. 5985) to increase the pensions of Mrs. Mary Ann Cross,
Mrs. Minnie L. Gardiner, and Mrs. Lilla May Pavy to \$30 per month;

An act (H. R. 5349) for the relief of Richard Trabue, executor of James Trabue, deceased, Thornton Thatcher, Michael Callaban, and the widow of John Waters.

Also, that the following bills, having been presented to the President on the 7th instant and not returned to the House of Congress in which they originated within the ten days prescribed by the Consti-tution, had become laws without his signature:

An act (H. R. 7305) granting a pension to Aaron R. Gilkerson; An act (H. R. 9176) granting a pension to Charlotte Taylor; An act (H. R. 9668) granting a pension to Joseph Rozier; An act (H. R. 10253) granting a pension to Emmanuel P. Steed; and

An act (H. R. 10647) granting a pension to Samuel J. Wright.

# OKLAHOMA.

The SPEAKER pro tempore. The Clerk will read the order of the House.

The Clerk read as follows:

Tho Clerk read as follows:

Ordered, That Thursday, January 24, 1889, immediately after the reading of the Journal, be, and is hereby, set apart for the consideration of House bill 10614, entitled "A bill to organize the Territory of Oklahoma, and for other purposes," now in Committee of the Whole on the state of the Union; and at 4 o'clock on said day the said bill shall be reported to the House with such amendments as may have been agreed upon in the committee, and the previous question shall then be considered as ordered upon all such amendments and upon ordering said bill to be read a third time and upon the passage of the same, and the votes thereon shall then be taken in the House; and in case said bill shall not be taken up on said day, then this shall be a continuing order until one day shall be taken in the House on the pending amendment relating to Union soldiers' homesteads and an amendment to be offered by Mr. Payson to the town-site section of said bill.

Mr. HOOKER. Is it in order now to move to recommit this bill? If so, I make that motion.

The SPEAKER pro tempore. It is not at this stage, but it will be when the vote comes to be taken on the passage of the bill.

The first amendment was read, as follows:

In line 8, section 2, after the words "United States," insert the following pro-

viso:
"Provided, That all such officers appointed and selected for said Territory after the said Territory has been organized for a period of five years shall be appointed and selected from the bona fide residents therein."

The amendment was agreed to.

The next amendment was read, as follows:

In the fourth line, section 4, after the word "only," insert the following:
"But the provisions of section numbered 2301 of the Revised Statutes shall not apply to any entry of any of said lands,"

The amendment was agreed to.

The next amendment was read, as follows:

In line 15, section 5, after the words "United States or," strike out the following:
"Have resided in the United States for two years, and."

The next amendment was read, as follows:

In line 6, section 6, after the word "longitude," insert "as agreed to be," and in line 7 strike out "to the United States by the said tribe of Indians by" and insert in lieu thereof "according to the provisions of."

The amendment was agreed to.

The next amendment was read, as follows:

In lines 17 and 18, section 6, strike out "have resided in the United States two years, and."

The amendment was agreed to.

The next amendment was read, as follows:

In lines 13 and 14, section 7, strike out "and if it shall appear that said claim was not made in good faith" and insert in lieu thereof the following:

"The entryman shall be required to make full proofs, and unless it shall appear that the claim was taken in good faith, and that there has been full performance of all the terms and."

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was read, as follows:
In section 7, line 19, after the word "land," strike out the word "and," and in line 20 insert "and to break up and plow not less than 40 acres of the land filled upon."

The amendment was agreed to.

The next amendment was read, as follows:

After section 7 insert the following:

"But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey."

The amendment was agreed to.

The next amendment was read, as follows:

It is expressly provided that the rights of honorably discharged Union soldiers and sailors in the late civil war to make homes on the public lands under the existing homestead law shall not in any degree be impaired by the passage of this bill, and the right of such honorably discharged Union soldiers and sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all lands which shall be opened to any settlement by the provisions of this bill.

The SPEAKER pro tempore. Under the special order a yea-and-nay vote is to be taken upon this provision, and the Clerk will call the roll.

Mr. PAYSON. But, Mr. Speaker, I am content with a division, reserving, however, the right of a yea-and-nay vote in case the amendment is rejected.

The SPEAKER pro tempore. The Chair does not think that under the terms of the order a yea-and-nay vote can be dispensed with except by unanimous consent.

Mr. PAYSON. Then I ask unanimous consent that a division may be taken first, reserving the right to take a yea-and-nay vote if neces-

sary.

Mr. CHEADLE. I object.

Mr. SPRINGER. Do not object. We may save time.

Mr. BLAND. I demand the regular order. We will save time by proceeding in the regular way.

The SPEAKER pro tempore. The Clerk will call the roll.

The question was taken; and it was decided in the affirmative—

114 pays 111, not voting 96; as follows:

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Anderson, Miss.	Blount,	Catching	
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Bacon.	Breckinridge, Ky	Cobb,	
Barnes,	Browne, T.H.B., Va	. Cothran,	
Barry,	Candler,	Cowles.	
Biggs.	Cannon,	Crisp,	

Cummings, Dalzell, Darlington, Davidson, Ala, Dibble, Dockery.

Downer
Dorsey,
Elliott,
Enloe,
Fisher,
Forney,
Gibson,
Glass,
Hall,
Hare.
Hatch.
Hayden,
Heard,
Henderson, N.C.
Herbert,
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Hopkins, Va.
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Abbott, Adams, Anderson, Kans. Bankhead, Blanchard, Bliss, Bowen, Browne, Ind. Brumm, Bryce, Buckalew, Bunnell, Burnett, Buther, Campbell, T.J., Noruth, Clements, Cockran, Coollins, Compton, Crain, Dargan,	Davenport, Davidson, Fla.	Lyman, Macdonald, Maffett, Mahoney, Mansur, Matson, McCormick, McShane, Milliken, Milliken, Milliken, Mills, Morrill, Morse, Neal, Norwood, Nutting, O'Neall, Ind. O'Neill, Pa. O'Neill, Mo. Phelps, Pugsley, Rayner, Robertson, Rusk, Sawyer,	Sherman, Snyder, Sowden, Spinola. Stahlnecker, Steele, Stewart, Tex. Stone, Mo. Tarsney, Taylor, E.B., Ohi Thomas, III. Thompson, Cal. Tillman, Townshend, Wade, West, White, Ind. Whiting, Mass. Whitthorne, Wilkins, Wilkinson, Wise, Yost.

So the amendment was adopted. During the roll-call the following additional pairs were announced for the day on all political questions:

Mr. Sowden with Mr. Thomas, of Illinois,

Mr. Grimes with Mr. MILLIKEN.

Mr. TOWNSHEND with Mr. WILBER,

Mr. CRAIN with Mr. DAVENPORT. Mr. CARUTH with Mr. JACKSON.

Mr. Rusk with Mr. Houk. Mr. HEMPHILL with Mr. Yost.

Mr. DAVIDSON, of Florida, with Mr. O'NEILL, of Pennsylvania.
Mr. SAWYEB with Mr. WADE, on this vote.
Mr. Lodge with Mr. Compton on the passage of the Oklahoma bill.
Mr. Lodge would vote for the bill and Mr. Compton against it.

Mr. BURNETT with Mr. GRANGER, on the Oklahoma bill. Mr. BUR-NETT would vote for the bill, Mr. GRANGER against it.

Mr. Hopkins, of New York, with Mr. McCormick.
Mick would vote for and Mr. Hopkins against the bill.

MICK would vote for and Mr. HOPKINS against the bill.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, not considering this a political question, I will cast my vote.

Mr. SPRINGER. Was the gentleman in the Hall?

Mr. O'NEILL, of Pennsylvania. I was in my seat during both roll-calls. I am paired for the day on political questions; but as this is not a political question, I wish to vote in the affirmative.

Mr. McRAE. With whom was the gentleman paired?

Mr. BUTLER. I am paired with Mr. Whitthorne. If he were here, I presume he would vote "no." I would vote in the affirmative.

Mr. BLAND. I make the point of order that the gentleman from Pennsylvania was in his seat and heard his name called twice and did

Pennsylvania was in his seat and heard his name called twice and did

not respond, and that he is not now entitled to vote.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, perhaps I had better

withdraw my vote, as Mr. DAVIDSON may object.

The SPEAKER pro tempore. The Chair would have been compelled to sustain the point of order, as the Chair thinks that except by unanimous consent the gentleman could not vote.

The result of the vote was then announced as above recorded.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that it had passed a resolution providing for the printing of 32,000 additional copies of Miscellaneous Document No. 43, Fiftieth Congress, second session, being meetings before the Committee on Education and Labor on the bill (S. 2983) known as the "Sunday-rest bill;" in which concurrence was requested.

# AFFAIRS AT SAMOA.

The SPEAKER pro tempore. The Chair will lay before the House certain executive communications received from the President of the United States.

The Clerk read as follows:

To the Congress:

I had the honor on the 15th instant to communicate to your honorable body certain correspondence and documents in relation to affairs in the Samoan Islands, and having since that date received further dispatches from the vice-consulat Apia and the commander of the United States naval vessel Nipsic in those waters, I lose no time in laying them before you.

I also transmit herewith the full text of an instruction from Prince von Bismarck to the German minister at this capital, which was communicated to the Secretary of State on the afternoon of the 28th instant.

This appears to be an amplification of a prior telegraphic instruction on the same subject communicated through the same channel, and being set forth in the note of the Secretary of State to Count von Arco-Valley, the German minister, of the 12th instant, was duly laid before Congress with my last message in relation to Samoan affairs.

It is also proper to inform you that on Monday, the 28th instant, the occasion of the communication of the note of the Prince Chancellor, the Secretary of State was given to understand by the German minister that a proposition from his Government to that of the United States for a conference on the Samoan subject was on its way by mail, having left Berlin on the 20th instant, so that its arrival here in due course of mail could be looked for in a very short time.

In reply to an inquiry from the Secretary of State whether the proposition referred to was for a renewal of the joint conference between the United States, Germany, and Great Britain, which was suspended in July, 1887, or for a consideration of Samoan affairs ab novo, the German minister stated his inability to answer until the proposition, which left Berlin on the 20th instant, should have been received.

I shall hereafter communicate to the Congress all information received by me in relation to the Samoan status.

EXECUTIVE MANSION, January 30, 1889.

The accompanying papers are as follows:

No. 1 (b). Mr. Blacklock to Mr. Rives.

[Extracts.]

No. 168.]

Consulate-General United States of America, Apia, Samoa, December 31, 1888.

(Received January 26, 1889).

Sir: I have the honor to transmit my "record of current events" and inclosures of letters, etc., mentioned in said record.

The political state of affairs, you will notice, is gradually reaching the crisis, and American lives and property are in the greatest danger. Things have become so serious that I found it necessary, in conjunction with Captain Mullan, United States steam-ship Nipsic, to send a special messenger to Auckland to cable the Department and answer any questions that the Department might wish to ask.

I have, etc.,

W. BLACKLOCK, United States Vice-Consul,

GROVER CLEVELAND.

[Inclosure No. 1 in dispatch No. 168.] RECORD OF CURRENT EVENTS

December 4 .- H. B. M. Royalist arrives from Australia and the West Coast of

Africa.

As the Lizard has to leave at once, the hospital tents which belong to her will have to be taken down. The wounded who can stand moving are being brought into the Apia native church, where the members of the London Missionary Society are going to attend to their wounds.

December 5.—The tents are being taken down; the wounded, too bad to be moved, are laid on the veranda of the British consulate; it is a pitable sight to see these noble fellows lying around with all imaginable wounds, many minus limbs, and most of them sure to die if good care is not given them.

H. B. M. Lizard leaves for Fiji and New Zealand.

December 6.—No news from the "front;" everything apparently quiet; a good many natives about town.

December 7.—A great number of natives still in town. The Adams is flying her homeward-bound pennant. She intends to leave for "Frisco" to-day via Tutulla and Honolulu. A report just come that Suatele has been killed by the Mataafa men. I can hardly credit it.

The United States steamer Adams leaves for home.

December 8.—No fighting to speak of to-day, only scattered firing from the forts. The Tamasese loss since the engagement on the 7th of November has been over eighty. The Mataafa people from their elevated position can fire down into the Tamasese forts. A Mataafa woman just brought in wounded. December 9.—Nothing of importance to-day; a number of Mataafa people in town.

December 9.—Nothing of importance to-day; a number of Mataafa people in town.

December 10.—The Mataafa people, I hear, have imported twenty thousand cartridges, and have taken them to the "front." A firm here has also received some guns and cartridges which the Mataafa people are purchasing.

December 11.—It is reported that three large villages of the Tamasese party on Upolu refuse to fight any more for Tamasese or Brandels, and are now at their respective homes.

The Tamasese natives say that they have bought guns from the German manof-war Eher. These are no idoubt some that were taken away by said vessel from some of the Line islanders spoken of in Mr. Morgan's (consular agent) report, Inclosure 0, dispatch 164, December 3, 1885, W. Blacklock to Department of State. Three woundedmen have just come in, shot from the Tamasese forts. December 12.—Great numbers of natives going to the "front" all day to-day, armed and carrying food. It looks like the eve of another, battle. It is said another attack will be made by the Malietoa party on the remaining Tamasese forts this week. Then we can expect more dead and wounded.

December 13.—Another man just arrived mortally wounded. The Mataafa natives report having captured a portion of Tamasese's large fort last night.

December 14.—The German man-of-war Ogla just arrived from Aden (where she took Malietoa off the German mail steamer), via the Marshall Islands, where she left Malietoa.

If the Germans undertake to capture Mataafa and his chiefs there is going to be very serious trouble here and all white residents are going to be placed in the greatest danger, as I am positive the natives will retailate on the German property, and this can not be done (injured) without that of the British, American, etc., sharing the same fate if fire is used, as I have no doubt it will be.

December 15.—The captain of the Olga calls on the British and American menofewar.

This evening a young baker, a Swede, is stabbed in the arm by a German offi-

Observed the Community of the arm by a German officer. After the stabbing the officer offered the baker \$25 to say nothing of the affair to the German consul, but the baker told him that he intended to report the matter to the German consul in the morning.

December 16.—The baker stabbed last night reports the affair to the German consul, who would not listen to him at all.

This afternoon about one hundred and fifty sailors came on shore from the

German men-of-war. They get very drunk and disorderly and then commence to raid the native houses, beating, maltreating the women in a shameful style. An old woman about fifty has her arm broken, her head cut, and her body all marked up with clubs.

The marshal of this office had his house entered by these drunken fellows, and afterwards on the street was beaten and stabbed several times by them; several others are cut and bruised, and are now in the native hospital being treated by the doctor of the United States steamer Nipsic.

Several street-lamps are broken by the Germans; also the glass of a light-tower creeted by the Tamasese-Brandeis party. There are only old Samoan men, women, and children in town, all able-bodied men being at the "front." It was with difficulty that I managed to prevent a squad of armed natives being brought in and attacking the Germans. I knew that it would only complicate matters still more, and endanger the lives and property of Americans and others.

men, women, and children in town, all abic-bodied men being at the "front." It was with difficulty that I managed to prevent a squad of armed natives beplicate matters still more, and endanger the lives and property of American and others.

December 17.—The German man-of-war Olga, with the German consul on board, goes up to the "front" this morning. She returns again this afternoon. To-night Mamea, who is kept prisoner in Tamassee's camp by Brandeis, writes a letter to his wife in Apia, telling her to let Mataafa know that the Germans have told the Tamassee people that there is now non-cutral territory, and that an attack would be made before morning on Mataafa.

December 18.—The Germans have now commenced war on the Samoans in entering the control of the contr

etc.

The Olga has gone out and now the shelling is going on about 2 miles from here. Natives have just come in to warn British and Americans to put a black band on their arms so that they will be known from Germans, as they intend to retaliate on them if they attack the Samoans again.

The village of Matafagele is now in flames. This town is in a terrible state of excitement; women and children are rushing on board the ships in the harbor for safety. Matafafa's sister, who is married to a Tamasese chief, arrives in Matafafa's camp, bringing the news that three districts of Atua, namely, Aliafata, Lefa, and Falealile, have left Tamasese and refuse to fight any more; that he has nothing to fear from Tamasese, as the war is no longer a civil strife.

No one has been killed to-day and no property destroyed except by the Germans.

No one has been killed to-day and no property destroyed except by the Germans.

A native boat is attacked and fired into by a German boat about 100 yards from this consulate, and people crossing the Vaisigano River are in danger of being shot, several bullets passing close to them. Captain Hand, H. B. M. S. Royalist, is nearly shot while crossing over the stream in a boat. He at once sends off to the German man-of-war, and the captain apologizes and promises it will not happen again.

December 22.—Capt. E. L. Hamilton, late United States vice-consul here, brings in the remains of the flag which was flying on his property at Matafagatele, and which the German men-of-war's men burned yesterday.

A meeting is held this afternoon at the British consulate between the three consuls and the three representative captains in harbor to try and arrange so that the inhabitants within the neutral boundary established by Admiral Fairfax would be more secure.

The German consul would agree to nothing, but wanted the assistance of the other two against Mataafa's people, so that he could do as he pleased with the natives and native property within the neutral limits, and we were to help hold the natives back and prevent them from defending their own.

Of course the British consul and myself could not comply with his request.

We fear nothing from the natives within the neutral limits if left alone. Our danger is from the Germans, and they are exasperating the natives to such an extent that we can hardly blame them whatever they may do.

December 23.—Everything comparatively quiet to-day. The German guard at the German firm shot one of their own black boys, thinking him a Samoan. December 24.—The American schooner Orion arrives, thirty-eight days from San Francisco. The German consul hears she has some ammunition on board and wants me to seize it, and I tell him I can not lawfully do any such thing. Then he says he'd be willing to purchase it, and I tell him that of course that is a matter between him and the owner.

December 25.—Nothing exciting to-day. The German consul sends an agreement reneutral territory for signature, which I decline to sign.

December 26.—The cutter Emelina (German) arrives from Manua, bringing the shipwrecked crew of the American ship John Brice, 1,968 tons, built at Thomaston, Me., by Ed. O. Brian, 1869, master Timothy Murphy; sailed from Port Townsend, Puget Sound, on the 9th of October for Melbourne, with 1,462,000 feet of rough lumber, valued at \$17,45.25; struck by a gale on the 7th of December, which increased to a hurricane, and she was abandoned on the 8th in latitude 20° south, longitude 165° 50′ west. One man was lost overboard, Martin Nillson, seaman, on the night of the 7th; boat with twenty-three men all told made Manua on Sunday, 16th December; captain and all hands left there is the above-named cutter for Apia on the 2th of December.

The British brigantiñe Marshall S. arrives here with two hundred odd tons of coal for the United States war vessels, from Newcastle, New South Wales. Said coal was ordered some time ago by Commander R. P. Leary, United States steamer Adams.

December 23.—An American in his boat in Apia harbor, flying the American flag, is seized by an armed German crew and taken in his boat alongside and on board the German man-of-war Adler, and after some talk is sent on shore to the German consul, and after more talk is allowed to go and get his boat back, minus one oar, however. I report the matter to Captain Mullan. The Adler and Nipsle leave for Tuituila to intercept the mail steamer,

# [Inclosure A.-Translation]

APIA, December 18, 1888.

I have to inform you that the German men-of-war will leave this harbor to-day, in order to put an end to the present state of war on behalf of an effective protection of the German interests in Samoa and to disarm both the rebels and the army of King Tamasese.

I have the honor to be, etc.,

Dr. KNAPPE.

To W. BLACKLOCK, Esq., United States Vice-Consul.

# [Inclosure B.—Translation.]

IMPERIAL GERMAN CONSULATE FOR THE SOUTH SEA ISLANDS, Apia, December 21, 1888.

Sin: I have the honor to most respectfully transmit you the inclosed proclamation issued by me for the purpose of disarming the Samoans, and which will inform you of the intended measures of the German men-of-war.

I have the honor to be, etc.,

Dr. KNAPPE, Imperial German Consul,

W. BLACKLOCK, Esq., United States Vice-Consul, Apia.

## [Inclosure C 1.—Translation.]

PROCLAMATION.

My opinion of the way by which Samoa will get happy again is as follows:
The difficulties and misfortunes have arisen in Samoa because there are so
many fire-arms on the islands.
Therefore I order:
The warriors in Tanumamanouo, and Apia, and Matuata, and Telepa, and
Matafagatele have to bring their arms to-day on board the German man-of-war
in the harbor of Matafagatele. When a red flag will be hoisted in the top of the
foremast of the man-of-war this will be the sign that you have to bring your
arms on board the man-of-war in your boats, which may hoist a white flag.
When the arms will be delivered Samoa will live and prosper. But when one
hour has passed after the red flag being hoisted and you have not begun with
bringing the arms on board the man-of-war, the latter will fire into the village
of Matafagatele.

I hope you will obey my orders.

Dr. KNAPPE,

Dr. KNAPPE, Imperial German Consul.

APIA, December 21, 1888.

# [Inclosure C 2.]

[Inclosure C 2.]

CONSULATE-GENERAL OF THE UNITED STATES,

Apia, Samoa, December 21, 1888.

Sire: I have the honor to acknowledge the receipt of your communication inclosing a proclamation issued by yourself to a small portion of Mataafa's people, stating that if a certain demand is not obeyed the German man-of-war will fire into the village of Matafagatele.

I would respectfully call to your notice that in that village there is considerable American property, and that I shall hold you responsible for all damage done to said property.

As I have before mentioned, I consider you are making a very grave mistake in the manner of procedure and are putting the lives and property of Americans as well as Germans and all other foreigners in Apia in the greatest danger.

I hereby again in the name of the United States protest against your action.

I have the honor, etc.,

W. BLACKLOCK.

Dr. KNAPPE, Imperial German Consul, Apia, Samoa.

W. BLACKLOCK, United States Vice-Consul.

[Inclosure D 1.]

It is hereby mutually agreed between the undersigned representatives of the three treaty powers in Samoa that in regard to the neutral territory of Apia, as arranged by regulations issued in October last by Tamasese and Mataafa and surveyed by instructions emanating from the three consuls, the following regulations shall be strictly adhered to:

ulations shall be strictly adhered to:
That is to say:
First. That the aforesaid arrangements in terms of the proclamation issued by
Tamasese and Mataafa shall be enforced in their entirety.
Second. That should it be found on official inquiry by the three consuls that
Mataafa's forces are occupying military positions within the boundaries of the
said neutral territory he, the said Mataafa, shall be required to remove such without loss of time outside the lines of such limit.
Third. That should the Imperial German consul require to operate within the
aforesaid neutral territory he shall except the case of an attack by the natives,
give notice to the consular representatives of Her Majesty Queen Victoria and
the United States of America:
First. Forty-eight hours in case of desire to bombard Mataafa's position immediately in the vicinity of the boundaries of the aforesaid neutral territory.
Second. Ninety-six hours in case of desire to bombard any position within the
neutral lines.

# [Inclosure D 2.—Translation.]

IMPERIAL GERMAN CONSULATE FOR THE SOUTH SEA ISLANDS, Apia, December 25, 1888,

Sir: With reference to our consular meeting of Saturday last I beg to forward to you a copy of draught of an agreement and to respectfully request you to kindly inform me if you would be disposed to sign the said agreement, which is in conformity with our verbal declarations.

I have the honor to be, etc.,

Dr. KNAPPE, Imperial German Consul,

W. BLACKLOCK, Esq., United States Vice-Consul, Apia.

#### [Inclosure E.]

CONSULATE-GENERAL OF THE UNITED STATES, Apia, Samoa, December 26, 1888.

Apia, Samoa, December 26, 1888,

Sir: I have the honor to acknowledge the receipt of your communication of yesterday's date, inclosing a draught of agreement you wish me to sign.

I beg to differ with your opinion as regards said agreement being in conformity with our verbal declarations.

I do not deem it necessary for the benefit of Americans that such an agreement need be signed by me.

The two belligerent parties in Samoa, Mataafa and Tamasese, made a certain agreement at the request of the foreign representatives in Samoa to lay out a certain tract within which boundaries there should be no hostilities whatever. During all the native fights since the agreement was made the citizens of Apia have felt perfectly safe, believing that the natives would keep it; and they have done so. The danger we are in now is from the German men-of-war and their men firing their guns indiscriminately into our midst and about the harbor.

I beg to inform you most respectfully that I am not disposed to sign your document.

With regard to the ammunition that you have speken to me about we have

With regard to the ammunition that you have spoken to me about purchasing, I have seen the owner and beg to refer you to him, Mr. H. J. Moors.

I have the honor to be, etc.,

W. BLACKLOCK, United States Vice-Consul,

Dr. KNAPPE, Imperial German Consul, Apia.

No. 2 (c). Mr. Blacklock to Mr. Rives.

[Extracts.]

No. 170.1

CONSULATE-GENERAL, UNITED STATES OF AMERICA, Apia, Samoa, January 4, 1889. (Received January 26.)

Sir: I have the honor to inclose herewith my record of current events for the few extra days since the time for closing the regular mail.

Owing to the quarter and year closing so close to the departure of this mail, and the busy times I have had, it has been absolutely impossible for me to make

out my returns.

They will go forward by the mail leaving here on the 28th instant.

I have, etc.,

W. BLACKLOCK, United States Vice-Consul,

## [Inclosure.]

# RECORD OF CURRENT EVENTS.

January 1, 1839.—Nipsic and Adler arrive back from Tutuila with the mails. Captain Mulan having written to the captain of the German vessel which seized the American boat the other day, received a reply to the effect that there was no flag flying in the boat. This is not true, as the boat was seen from this office, also by others in other parts of town, plainly flying the American flag. This is the usual way the Germans adopt for straightening out the outrages they commit

This is the usual way the Germans adopt for straightening out the Castelland commit.

January 2.—Everything quiet to-day; it may be just a lull before a storm.

The German firm did not send the regular mail cutter out yesterday, but it is said the German man-o-war Adler will go on Friday.

January 3.—Captain Mullan and I have decided that it is necessary to have the Nipsic go over to Tutuila on Friday to meet the mail steamer to insure our dispatches getting on board; it will not do to take any chances these times.

January 4.—A reliable native has just informed me that the German consul sent word to Mataafa yesterday by the wife (a Samoan) of the clerk of the German consulate, that he would like to see him anywhere he would name; that he wanted to shake hands and be friends. Mataafa sent him back word that he did not want to see him.

The United States steam-ship Nipsic will leave at 6 o'clock p. m. for Tutuila.

W. BLACKLOCK,

United States Vice-Consul,

No. 3 (d).

Commander Mullan to Mr. Whitney.

UNITED STATES STEAMSHIP NIPSIC (THIRD RATE),
Apia, Samoa, December 26, 1888. (Received January 30, 1889.)
Sir: I have the honor to report that the United States steam-ship Adams, under the command of Commander R. P. Leary, left this port on December 7, 1888; and, upon the course of events since his departure, I have to report as

follows:
On the night of December 17, 1888, a number of German sailors (said to have been about eighty), were landed at Matuata from the German man-of-war Olge

(which vessel arrived at Apia on December 14, 1888, from the Marshall Islands where she lauded the deposed King Malietoa), and forty more were sent in boats along the coast. The eighty sailors marched inland to meet Mataafa. When this shore party arrived in the vicinity of a German plantation called the Vaiele it is reported they were joined by all the imported laborers (New Britain men) on this said plantation.

It has been currently reported that the Olga brought down about two hundred men of the Tamasese party to this, German plantation, and on Mataafa's party seeing the German sailors and Tamasese men armed and coming towards them, and knowing the great danger of interfering with German men-of-war's men, they retired inland. The sailors of the Olga followed them and, according to good information, fired into Mataafa's party, killing first the son of a chief and afterwards the chief himself, after which the fight became general. The loss of the Germans was eighteen killed and thirty-four wounded, including in the former a lieutenant of the German warship Olga. The loss on the Mataafa's side was ten killed. The Tamasese party fled and the laborates on the Mataafa's side was ten killed. The Tamasese party fled and the laborates. This plantation is situated to the eastward of Apia about 3 miles, and is superintended by a Mr. Hufnagel, a German subject.

After this action the followers of Mataafa who were in this fight came towards Apia and intrenched themselves back of the neutral ground surrounding Apia. On the following morning, December 18, 1888, I received a communication from the United States vice-consul here, informing me that he had that morning received a letter from the German consul, Dr. Knappe, to the effect that the German warships would leave the harbor of Apia that day in order "to put an end to the present state of war on behalf of an effective protection of the German interests in Samoa, and to disarm both the rebels and the army of King Tamasese." Upon receiving this communication I immediatel

one-half hour, after which she landed armed boat's crews and burned the village and then returned to Apia. A copy of my protest to the commanding officer is herewith inclosed.

Early on the morning of December 21, 1883, the German consul at Apia issued publicly a proclamation (a copy of which he sent to me) to the effect that his opinion was that, in order to stop the war in Samoa, the warriors in Tanumamanou, Apia, Matuata, Telepa, and Matafagatele should bring their arms on board the German man-of-war in Matafagatele harbor, and if they did not, at a certain time and at a certain signal, do so, the village of Matafagatele would be bombarded. A copy of this proclamation I also inclose. Within three hours after the receipt of this proclamation the guns of the German man-of-war Olga were heard bombarding the village of Matafagatele. Certainly no sufficient notice was given to the warriors and their followers to obey the injunctions of this proclamation issued by the German consul, even if they had been so disposed as to conform to the terms of his proclamation, and had any foreigners been living in this said village, sufficient time was not given for the representatives at Apia to give them timely warning to have removed their families, effects, etc. Happily, I do not think any lives were lost, either in the bombardment of the village of Laulii or that of Matafagatele. Two or three native houses, said to have been the property of an American citizen—Mr. E. L. Hamilton, of Apia—were destroyed at Matafagatele.

On the afternoon of this same day, December 21, 1883, an armed boat's crew from one of the German men-of-war attacked a boat containing natives and fired several shots among them in this harbor, near the Vaisagano River. Three shots came very near the persons of Captain Hand and Lieutenant Plumer, of Her Majesty's ship Royalist. The Germans commanding officer apologized and has promised that no such demonstration would again occur in the harbor. During the past five or six days great excitement has prevaile

orward on the 24th instant from San Francisco with pay master arrived on the 24th instant from San Francisco with pay master and its such that I deem it necessary, after consultation with our vice-consul-general here, Mr. W. Blacklock, to send an officer to Auckland, New Zealand, for the purpose of telegraphing the Navy Department the present state of affairs here and the latestaccounts. This officer, Lieut, John M. Hawley, United States Navy, will take passage in the mail steamer from San Francisco which passes Tutuila Island about December 29. I am of the opinion that our Government should have at this point more vessels, especially at this time. I have caused to be posted in the town of Apia a notice, to wit, that the lives of all American citizens will find protection on board this vessel under my command, and, at the first intimation or outburst of hostilities in Apia, I shall land my force for the protection of their property.

Very respectfully, your obedient servant,

D. W. MULLAN, Commander, Commanding.

D. W. MULLAN, Commander, Commanding

UNITED STATES STEAM-SHIP NIPSIC (THIRD RATE), Apia, Samoa, December 24, 1888. SIR: I have the honor to acknowledge the receipt of a copy of your proclama tion, dated December 21, 1888, which copy was delivered on board the United States steam-ship Nipsic at 6.10 o'clock on the morning of that date. I am surprised, sir, that you, as the representative of one of the three great powers in Samoa, should have seen fit to arrogate to yourself, without any consultation whatever with the consular authorities of the other powers, or with the chiefs of the contending forces in Samoa, the right to issue a proclamation couched in language so authoritative and peremptory. Nor was I less surprised to hear within three hours after the receipt of the above-mentioned copy the guns of the Olga bombarding the village of Matafagatele, in fulfillment of the threat expressed in the proclamation, an act for which I fail to find the slightest justification in the acknowledged principles of international law.

Against that assumption of authority in Samoan affairs which the issuing of such a proclamation, as well as its wording, evinces, to the entire disregard of the Samoan nation and the inviolability of its sovereignty, as assured its yreaty and the mutual consent of the powers; against the unprovoked and therefore unjustifiable act of bombarding the village of Matafagatele because of the non-compliance of the natives with the requirements of a proclamation issued by a power having no recognized authority over them; against the disregard of the rights of humanity and the privileges of an independent national existence, I enter my emphatic protest, in the name of my Government and of humanity at large.

Very respectfully, your obedient servant,

Very respectfully, your obedient servant,

D. W. MULLAN, Commander U. S. Navy, Commanding U. S. S. Nipsic.

Dr. KNAPPE, His Imperial German Majesty's Consul, Apia, Samoa.

CONSULATE-GENERAL OF THE UNITED STATES, Apia, Samoa, December 26, 1888.

SIR: Affairs have become so serious here now that I find it necessary to cable to the State Department and ask for instructions and an increased naval force. The Department will likely want to ask some questions, and I would respectfully urge upon you the necessity of your going over to Tutuila, to intercept the mail steamer, and request you to send an officer to Auckland to forward dispatches and answer questions.

I would also ask that you allow all marines at this consulate to remain during your absence.

I have the honor to be, sir, your obedient servant,
W. BLACKLOCK,
United States Vice-Consul.

D. W. MULLAN, Esq., Commanding United States Steam-ship Nipsic, Apia Harbor,

United States Steam-ship Nipsic (third rate), Apia, Samoa, December 29, 1888.

United States Steam-ship Nipsic (Thied rate),

Apia, Samoa, December 29, 1888.

Sir: You will take passage for Auckland, New Zealand, in the mail steamer from San Francisco, which passes Tutuia Island on about December 29, 1888. Upon your arrival in Auckland, you will please send the inclosed cablegrams to "Secretary of Navy, Washington, D. C.," and will answer, to the best of your ability, all cablegrams from the honorable Secretary which may come to Auckland relating to the condition of affairs in Samoa. Your stay in Samoa has allowed you to have very good information as to the state of affairs, and I inclose you herewith copies of all my correspondence had with the honorable Secretary of the Navy and others touching upon the condition of affairs here; also, copies of letters and proclamation of the German consul. Call upon our consul in Auckland and inform upon what duty you are [sent], and request his assistance in anything you may wish. It may be well to consult him in all matters. Sign your name to all cablegrams saying "per order Commander Mullan." Just prior to leaving Auckland cable if any answers to your messages.

After remaining in Auckland a sufficient length of time—leaving it to your judgment and discretion—you will return to the Nipsic at this place by the first favorable opportunity. Passed Assistant Paymaster Corwine has been instructed to secure you a passage to Auckland, and will advance you sufficient funds for all Government expenses connected with the duty assigned you. You will keep a strict and accurate account of all your necessary expenses, and obtain the necessary receipts and vouchers for such moneys as you may expend, and make the necessary return upon your rejoining the Nipsic. The paymaster will furnish you with the necessary blanks and vouchers. Your duty will be more of a confidential nature than otherwise. I would not inform any one on board the steamer what your mission is, nor any one in Auckland, except the United States consul. Request the consul, please, to forward, after

D. W. MULLAN, Commander, Commanding, and Senior Officer present. Lieut. John M. Hawley, U. S. N., United States Steam-ship Nipsic.

Consulate-General of the United States,
Apia, Samoa, December 28, 1888.

Sir: I have the honor to inform you that an armed German boat seized today and took alongside the Adler an American in his boat flying the American
flag in Apia harbor. After a good deal of talk the American was taken to the
German consul, and after more talk he was allowed to go and get his boat back.
The Germans also broke one of his oars. I have no doubt you will inquire into
this matter, get satisfaction, and prevent a recurrence of such outrages.

I have the honor to be, sir, your obedient servant.

W. BLACKLOCK,
United States Vice-Consul.

Commander MULLAN, Commanding U. S. S. Nipsic, Apia Harbor,

United States Steam-ship Nipsic (third rate), Off Tutuila, Samoa, December 31, 1888.

SIR: I have the honor to inclose herewith a copy of a letter which I received on December 28, 1888, from Mr. W. Blacklock, the United States consul at Apia. I would respectfully request to be informed why this American citizen, in a boat flying the American flag, was taken on board the Adler by an armed German boat, and all the circumstances under which this unparalleled proceeding took place. I will thank you for an immediate reply, in order that I may acquaint my Government with all the attending facts and transmit a copy of your reply.

Very respectfully, your obedient servant,

D. W. MULLAN, Commander U. S. Navy, Commanding U. S. S. Nipsic.

Captain FRITZE, Commanding H. I. G. M. S. Adler,

SOUTH SEA, December 31, 1888.

RIGHT HONORABLE SIR: I have the honor, in answer to your honor's letter, dated the 31st of December current, respecting the communication of the United

States vice-consul, Mr. Blacklock, to say that the boat in question, which, on the 28th of this month, was brought alongside H. I. M. cruiser Adler by a boat, showed no colors. After the correctness of the deposition of the man in question had been ascertained at the imperial consulate, he was let go without further trouble. As to outrages—as that an oar had been broken—absolutely nothing is known about it, and against this I must enter my protest.

Your honor, very respectfully,

FRITZE, Corvette Captain and Commander,

Captain MULLAN, Commander of the United States Corvette Nipsic.

United States Steam-ship Nipsic (Third rate),
Apia, Samoa, December 15, 1888.

Sir: I have to inform you that on November 27, 1888, Commander R. P. Leary,
United States Navy, commanding the United States steam-ship Adams, addressed
a letter to the commanding officer of the German man-of-war Eber—then at
Saluafata harbor—inquiring into the hoisting of German mercantile flags over
certain works and fortifications erected by the Tamasses forces at Eva, in said
harbor; also inquiring into a report said to have been delivered to the Matafa
forces to the effect that said forces should not fight on German property in Samoa, nor erect forts thereon; and, if said forts were erected, that they would be
taken by force.
Commander Leary saw with his own area the Commander Leary saw with his own area the Commander.

moa, nor erect forts thereon; and, if said forts were erected, that they would be taken by force.

Commander Leary saw with his own eyes the German mercantile flags over these fortifications and it also came to his knowledge that word had been sent to the Mataafa forces not to fight on German property nor to erect forts thereupon. This letter of Commander Leary's was, I understand, referred to you as the political agent in Samoa of the German Government. When Commander Leary left this port on December 7th, 1888, he had not received a reply to his letter. Having now relieved him here, and being the senior United States naval officer in Samoan waters and having waited for one week (since his departure) for a reply, I would now respectfully request a reply to his letter and beg to be informed if one of the belligerents has been informed that he must not erect forts upon German property nor fight thereon, etc. I will say that I hardly believe such instructions emanated from the consul representing the German Government in Samoa; for certainly I must believe he is too well versed in the laws of nations to have promulgated such an order.

But as to the German mercantile flags floating over the fortifications of one of the belligerents, both Commander Leary and myself saw them. For what purpose they do so I am now unable to say, but wish to be informed, as I consider it a duty to so inform myself in order that my Government may be informed of all that is transpiring in Samoa. I hardly need bring to your notice that, in reference to the hoisting of flags in Samoa, they can only protect your consulate; if they should fly elsewhere, with a view to protect the property of your countrymen, or property in which they may be interested, it is done at the risk of having that emblem disregarded by the belligerents of Samoa. Undoubtedly the authority of Samoa within its own territory is absolute and exclusive, and no restriction whatever can, by any nation, be placed upon it.

I now have the honor to request an answer to Command

D. W. MULLAN, Commander U. S. Navy, Commanding U. S. S. Nipsic.

Dr. KNAPPE, H. I. G. M. Consul, Apia, Samoa.

APIA, December 16, 1888.

Sin: I have the honor to acknowledge receipt of your favor of yesterday's

date.

I am sorry to be obliged to inform you that the letter mentioned therein, addressed by Commander R. P. Leary, United States Navy, commanding the United States steam-ship Adams, to the commander of His Majesty's gun-boat Eber, and dated November 27, 1888, has not been referred to me, and therefore I was not in the condition to answer the same.

As much as I learn, Captain Wallis has given a reply to that effect, that according to instructions being in force for German officers the correspondence in political affairs is reserved to the political agents.

I regret it very much that by the same reason I can not enter in a dispute about the questions started in your letter of yesterday's date, as Mr. Blacklock is appointed political representative of the United States in Samoa.

I have the honor to be, sir, your obedient servant,

Dr. KNAPPE,

Dr. KNAPPE, Imperial German Consul.

Capt. D. W. MULLAN, Commander United States Navy, Commanding United States Steam-ship Nipsic.

APIA, December 18, 1888,

I have the honor to inform you that the German men-of-war will leave this harbor to-day, in order to put an end to the present state of war, on behalf of an effective protection of the German interests in Samoa, and to disarm both the rebels and the army of King Tamasese.

I have the honor to be, sir, your obedient servant,

Dr. KNAPPE.

W. BLACKLOCK, Esq., United States Vice-Consul.

United States Steam-ship Nipsic (Third Rate), Laulii, Samoa, December 18, 1888.

Laulii, Samoa, December 18, 1888.

Sir.: I have just been informed by an officer of the Adler that it is your intention this afternoon to bombard the village of Laulii, the headquarters of King Mataafa. I have the honor to inform you that Laulii now contains a large number of women and children, besides wounded persons. In the name of my Government, the laws of nations, and the laws of humanity, I most emphatically protest against such action on your part until the proper declaration of war has been made in accordance with the laws of nations and the customary notice sent to King Mataafa, in order that he may have ample opportunity to remove the sick, wounded, and other non-combatants.

Unless you give this notice you will place yourself beyond the pale of the laws of civilized nations.

I deem it unnecessary to state that any damage done to American citizens of

laws of civilized nations.

I deem it unnecessary to state that any damage done to American citizens or their property in that vicinity will meet with prompt redress. I trust that no unfriendly act of yours in this respect will disturb the amicable relations now existing between the United States and Germany.

Very respectfully, your obedient servant,

D. W. MULLAN.

D. W. MULLAN, Commander U.S. Navy, Commanding U.S.S. Nipsic.

The COMMANDING OFFICER H. I. G. M. S. ADLER.

PROCLAMATION.

My opinion of the way by which Samoa will get happy again is as follows: The difficulties and misfortunes have arisen in Samoa because there are many fire-arms on the islands.

Therefore I order:

The warriors in Tanumamanaouo, and Apia, and Matuata, and Telepa, and Matafagatele have to bring their arms to-day on board the German man-of-war in the harbor of Matafagatele. When a red flag will be hoisted in the top of the foremast of the man-of-war this will be the sign that you have to bring your arms on board the man-of-war in your boats, which may hoist a white flag. When the arms will be delivered Samoa will live and prosper. But when one hour has passed after the red flag being hoisted and you have not begun with bringing the arms on board the man-of-war, the latter will fire into the village of Matafagatele.

I hope you will obey my orders.

Dr. KNAPPE.

Dr. KNAPPE, Imperial German Consul.

APIA. December 21, 1888.

United States Steam-ship Nipsic (third rate), Apia, Samoa, December 23, 1888.

Apia, Samoa, December 23, 1888.

Sin: I have to inform you that on the 21st instant I received a copy of the proclamation issued by the Imperial German consul at Apia, to the effect that it was his opinion that in order to stop the war nowgoing on in Samoa, his plan was to have the warriors in Tanumamanouo, and Apia, and Matuata, and Telepa and Matafagatele bring in their arms on board of the German men-of-war in the harbor of Matafagatele, and in case they did not that the village of Matafagatele would be bombarded.

Immediately after receiving said proclamation your vessel got under way and proceeded off the village of Matafagatele and began bombarding, and hence I was not sufficiently notified so I could send a communication to you, but I now, upon your return, protest, in the name of my Government, against your said action, as American property at that place was destroyed.

The American consul at Apia has notified Dr. Knappe, the Imperial German consul here, of this latter fact.

Very respectfully, your obedient servant,

D. W. MULLAN.

D. W. MULLAN, Commander United States Navy, Commanding.

Captain FRITZE, Commanding H. I. G. M. S. Adler.

No. 4 (e).

Prince Bismarck to Count von Arco-Valley.\*

[Translation.]

MINISTRY OF FOREIGN AFFAIRS, Berlin, January 13, 1889.

MINISTEY OF FOREIGN AFFAIRS, Berlin, January 13, 1889.

I have already notified your excellency that, according to telegraphic communications from Apia on the 18th December of last year, a detachment of German naval forces which had landed at the requisition of the imperial consul for the protection of the German settlements which were endangered by the conflicts between the native parties there, was attacked by armed Samoans belonging to the party of Chief Mataafa. This unprovoked attack is said to have taken place under the leadership of an American named Klein. On this occasion more than fifty German soldiers and officers were killed and wounded.

In consequence of this we have been transplanted from the territory of mediatorial negotiations, by which the imperial consul in Apia was trying to reconcile the contending parties, and for which he had sought the co-operation of his English and American colleagues, into a state of war with the assailants, to our regret.

onle the contentary of the contest which has been forced upon us by Mataafa and his followers, with the utmost consideration for English and American interests. Our military measures have in view only the punishment of the murderers of German soldiers and the protection of our countrymen and their property. As they, on their part, are at war with Tamasese, our interference will necessarily assume the character of assistance to Tamasese.

In the endeavor for the just punishment of a murderous crime we hope for the co-operation of the treaty powers in Samoa in friendship with us, and we ask the Government of the United States to be good enough to furnish the consuls and the commanders of its ships of war in Samoa with suitable instructions. Our armed forces there are instructed to avoid and to prevent all injury to neutral commerce and property, and to adopt measures of reprisal and destruction only against the followers of the party which initiated the contest against our troops by a murderous attack.

We shall, of course, abide by the agreements with America and England with respect to Samoa, and pay due regard under all circumstances to the rights of those powers as established by treaty.

I beg your excellency to bring this communication to Mr. Bayard's knowledge by reading it to him, and to leave a copy of it with him, if he requests it.

During the reading, Mr. SPRINGER said: How does this come up at this time?

The SPEAKER pro tempore. It is an executive document that the Chair desires to lay before the House before adjournment.

Mr. SPRINGER. I have no objection to it being printed in the

Mr. McCREARY. I hope it will be read. [Cries of "Regular order!"

The SPEAKER pro tempore. The reading of the communication would have been completed had there not been interruption.

The reading was resumed and concluded; and the message and accompanying documents were referred to the Committee on Foreign

Affairs, and ordered to be printed.

Mr. TAULBEE. Let us have the regular order.

The SPEAKER pro tempore. This is the regular order, the Chair will state to the gentleman from Kentucky. [Laughter.]

FOREIGN SETTLEMENT AT CHEMULPO.

The SPEAKER pro tempore also laid before the House the follow-

To the Senate and the House of Representatives :

For the information of Congress I herewith transmit a report of the Secretary of State, with accompanying correspondence, relating to the execution of an agreement made between the representatives of certain foreign powers and the Corean Government in 1884 in respect to a foreign settlement at Chemulpo.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, January 30, 1889.

\*Copy and translation left at the Department of State, January 28, 1889, by Count von Arco-Valley.

Mr. TAULBEE said: I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAULBEE. My point of order order is that this reading of this document is not in order, as we are now proceeding under a special order.

The SPEAKER pro tempore. It has been the universal practice of the House when an important communication is received from the executive department to see that it is promptly referred, even if it be necessary to stop a roll-call.

Mr. TAULBEE. I would like to know who is to determine the im-

portance of the documents and say that it is to interrupt business.

The SPEAKER pro tempore. In this instance the Chair will determine that on this occasion at any rate. [Applause.]

The reading was resumed and concluded; and the message and accompanying documents were referred to the Committee on Foreign Affairs and ordered to be printed. Affairs, and ordered to be printed.

#### TERRITORY OF OKLAHOMA.

The SPEAKER pro tempore. The Clerk will now report the next amendment to the bill under consideration.

The Clerk read as follows:

The Clerk read as follows:

That no provision of this act shall be construed to authorize the extinguishment of the Indian title to any of the lands in said Indian Territory which by virtue of any existing law would inure to the benefit of any railroad corporation, or the title to which would vest in any such corporation for the extinguishment of the Indian title thereof, or on the same becoming part of the public lands of the United States; but all such lands shall be held by said Indians as tribes or in severalty, or shall be held by the United States in trust for the benefit of the Indians interested therein, in pursuance of such agreement with such tribes in said Territory as shall be entered into consistent with this provision and in conformity with the several provisions of this act; but such lands shall not become a part of the public lands of the United States or inure to the benefit of or vest in any such railroad corporation or any assignee or mortgages thereof. No act hereafter done by any officer or agent of the United States, or treaty, contract, or agreement entered into by any such officer or agent or any Indian tribe in conflict with the foregoing provisions, or which shall validate or give effect to any grant of land in said Indian Territory made by any railroad corporation, or shall tend to validate or give effect to any such grant or to any assignment or mortgage of any such land, shall be null and void; and this provision shall be constructed as controlling any other provision of this act that may be in conflict therewith; that all lands and rights granted to the Atlantic and Pacific Railroad Company by an act approved January 27, A. D. 1866, for the construction of a branch road from the point at which the line of said road strikes the Canadian River eastwardly to a point in the western boundary line of Arkansas, at or near the town of Van Buren, be, and the same are hereby, declared forfeited for the failure of said company to perform the conditions of said grant.

Mr. SPRINGER. There is no objection to that amendment. It was agreed to unanimously in committee.

The amendment was agreed to.

The next amendment was read, as follows:

Page 9, lines 15, 16, and 17, strike out the words "be liable to taxation after the first installment of the purchase-money shall have been paid; but the same shall."

The question was taken on the amendment; and the Speaker pro-tempore declared that the noes seemed to have it.

Mr. HOOKER. I call for a division.
Mr. SPRINGER. What is the amendment, Mr. Speaker?

The SPEAKER pro tempore. The Clerk has read the amendment and the House has voted upon it.

Mr. SPRINGER. I would like to have it read again.

The amendment was again read.

Mr. SPRINGER. There is no objection to that. Mr. BUCHANAN. There is objection to that.

Mr. HOOKER. I call for a division.
Mr. CUTCHEON. I make the point of order that the vote had been taken and duly declared by the Chair, and that the call for a division is

The SPEAKER pro tempore. The vote had been taken, but there was much confusion in the Hall. The gentleman from Mississippi demands a division, and the Chair is always disposed to give the greatest latitude to the exercise of the right of a member to demand a division.

The House divided on the amendment; and there were-ayes 44, noes

Mr. HOOKER. No quorum.

The SPEAKER pro tempore. The point being made that no quorum has voted, the Chair will appoint the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Illinois [Mr. SPRINGER] to act as

Mr. SPRINGER. I desire to make a parliamentary inquiry. There seems to be a disposition on the part of some gentlemen to adjourn, and I desire to ask whether, if the House should now adjourn, it would be in order to resume this business at the point where we now are immediately after the reading of the Journal to-morrow.

The SPEAKER pro tempore. It would.

Mr. HOLMAN. Is the motion to adjourn in order?
Mr. BLOUNT. I move that the House do now adjourn.

The SPEAKER pro tempore. To settle the question raised by the gentleman from Indiana, the Chair will have read the decision of the Speaker of the House upon a similar order, when a like question arose upon what is known as the "direct-tax bill." The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Mr. Johnston, of North Carolina. Mr. Speaker, I want to make a motion to recommit the bill with instructions.

The Speaker. That is not in order. The Clerk will read the latter portion of the order made by the House.

The Clerk read as follows:

"And at 4 o'clock p. m. on Tuesday the same shall be reported to the House with such amendments as may have been agreed upon in the committee, and the previous question shall then be considered as ordered upon all such amendments and upon ordering the said bill to be read a third time and upon the passage of the same, and the votes thereon shall then be taken in the House."

The Speaker. It will be observed that under the terms of this order, after the Committee of the Whole has risen and reported the bill, nothing is in order except to take the votes upon those questions on which the previous question has been ordered. The language is, "the votes thereon shall then be taken in the House;" and the Chair thinks the word "thereon" relates to all the questions on which the previous question has been ordered. The question is now upon ordering the bill to be read a third time.

The bill was ordered to a third reading; and it was accordingly read the third time.

me.
The question being on the passage of the bill,
Several Members. Yeas and nays.
Mr. OATES. On the passage of this bill I ask for the yeas and nays.
The yeas and nays were ordered.
Mr. Johnston, of North Carolina. I would like to make a motion to recom-

mit.

The SPEAKER. The Chair has decided that under the order of the House that motion is not in order. The Clerk will call the roll on the passage of the bill.

The SPEAKER pro tempore. The House will observe that the Speaker of the House ruled on that occasion (the language of the order being identically the same as that of the order in this case) that no motion was in order which was not embraced in the order itself.

Mr. BLOUNT. But the motion to adjourn is not involved, not relating to the disposition of the subject before the House.

The SPEAKER pro tempore. It is true that there was not a motion to adjourn pending, but the motion to adjourn, being always in order, is no more in order than a motion to recommit a bill after the previous question has been ordered upon it.

Mr. WILLIAMS. I call for the regular order.
Mr. BLOUNT. The question is so important that I prefer to take an appeal and have the House determine it.
The SPEAKER pro tempore. The Chair will be glad to submit the question to the House. The Chair decides that under the present order

order no motion except those embraced in the order is in order.

Mr. DOCKERY. Mr. Speaker, there seems to be some doubt as to the right to make this motion at this time, yet I know that gentlemen do not desire to overrule the decision of the Chair—

Mr. WILLIAMS. I call for the regular order. The decision has

already been made.

already been made.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Missouri [Mr. DOCKERY] is in order, because there is an appeal pending.

The SPEAKER pro tempore. There is an appeal pending, and the Chair has recognized the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. As I have said, there seems to be some doubt about this question, yet I am sure that gentlemen do not desire to overrule the decision of the Chair. I suggest, therefore, with deference both to the Chair and to the House, that the Chair submit the question to the House for decision without an appeal being taken. Members to the House for decision without an appeal being taken. Members are in doubt, but if the Chair will submit the question the House can determine it for itself.

Mr. HOOKER. With all due respect to the present occupant of the chair, I desire to submit that his decision in this case is not in conformity with the uniform rulings on this point as made by the permanent Speaker and by other gentlemen who have occupied the chair. Clause 5 of Rule XVI provides—

A motion to fix the date to which the House shall adjourn, a motion to adjourn and to take a recess shall always be in order.

So that I take it for granted the special order does not deprive the House of a power without which we might be compelled to remain perpetually in session for the consideration of this strange bill.

The SPEAKER pro tempore. The Chair fully appreciates the importance of the proposition submitted as well as the argument of the remain of

tance of the proposition submitted, as well as the argument of the gentleman from Mississippi. But while a motion to adjourn is always in order, a motion to recommit after the previous question has been ordered is likewise, under the rules of the House, always in order. The Speaker, as will be observed, did not confine himself in his ruling to the simple proposition then submitted to the House, but stated broadly that no motion was in order except those specified in the special order, which would of course exclude the motion to adjourn. But if the genwhich would of course excitate the motion to adjourn. But it the gentle-man from Georgia [Mr. BLOUNT], after the statement of the gentle-man from Missouri [Mr. DOCKERY], will withdraw his appeal, the Chair will submit to the House the motion to adjourn, so that the House by its vote may determine the question as to the right to adjourn now under this order.

Mr. BLOUNT. I will withdraw the appeal so that the sense of the

House may be taken on this question.

Mr. TAULBEE. I move to reconsider the vote by which the amend-

ment of the gentleman from Illinois [Mr. PAYSON] was adopted.
Mr. BLOUNT. Let us get through with this matter first.
The SPEAKER pro tempore. The gentleman of Kentucky [Mr. TAULBEE] has the right to make the motion to reconsider, provided he voted in the affirmative.

Mr. TAULBEE. I voted against the proposition, and I want the opportunity to do so again.

The SPEAKER pro tempore. Under the rules the gentleman has not the right to make the motion to reconsider, if he did not vote in the affirmative.

Mr. BLOUNT. I withdraw my appeal, so that the House may be

free to decide this matter.

The SPEAKER pro tempore. The Chair will then submit the motion of the gentleman from Georgia that the House do now adjourn, so that the House may determine by its vote as to its right under the order to adjourn at this time.

The question was put; and the Speaker protempore said: The ayes seem to have it.

Mr. GROSVENOR. I call for a division.

The question being again taken, there were-ayes 134, noes 37. So the motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below

By Mr. ARNOLD: A bill (H. R. 12444) granting a pension to Hannah Bedford—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 12445) granting a pension to Lucy A. Cole-to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman-to the Committee on Invalid Pensions

By Mr. ROBERTSON: A bill (H. R. 12447) for the relief of Louis Cabrol-to the Committee on War Claims.

Also, a bill (H. R. 12448) for the relief of Alexis Lague—to the Committee on War Claims.

Also, a bill (H. R. 12449) for the relief of Napoleon L. Pitre—to the Committee on War Claims.

Also, a bill (H. R. 12450) for the relief of Paul Blanchard-to the Committee on War Claims

Also, a bill (H. R. 12451) for the relief of Aglae Wartell-to the Committee on War Claims.

Also, a bill (H. R. 12452) for the relief of Jesse Bihm-to the Committee on War Claims.

Also, a bill (H. R. 12453) for the relief of the heirs, etc., of Edgar Vanhille—to the Committee on War Claims.

Also, a bill (H. R. 12454) for the relief of Adolphe Stagg—to the Committee on War Claims.

Also, a bill (H. R. 12455) for the relief of the heirs of Joseph Young-

Also, a bill (H. R. 12455) for the relief of the heirs of Joseph Young—to the Committee on War Claims.

Also, a bill (H. R. 12456) for the relief of Hypolite Fontenot, administrator, etc.—to the Committee on War Claims.

Also, a bill (H. R. 12457) for the relief of Jules C. Gouguet—to the Committee on War Claims.

Also, a bill (H. R. 12458) for the relief of the heirs of Leon Bonnecage—to the Committee on War Claims.

Also, a bill (H. R. 12459) for the relief of Jacob Lyons—to the Committee on War Claims.

Also, a bill (H. R. 12469) for the relief of Jacob Lyons—to the Committee on War Claims.

Also, a bill (H. R. 12460) for the relief of Louis Guidry, administrator, etc.—to the Committee on War Claims.

Also, a bill (H. R. 12461) for the relief of Dorsin P. Lafleur—to the Committee on War Claims.

Also, a bill (H. R. 12462) for the relief of William G. Knox—to the Committee on War Claims.

Also, a bill (H. R. 12463) for the relief of Charles Bertrand—to the Committee on War Claims.

Also, a bill (H. R. 12464) for the relief of Henry Young, sr.—to the Committee on War Claims.

Also, a bill (H. R. 12465) for the relief of John B. Ardoin—to the

Committee on War Claims.

Also, a bill (H. R. 12466) for the relief of Etienne Daigle—to the Committee on War Claims.

Also, a bill (H. R. 12467) for the relief of Andrew Meche—to the Committee on War Claims.

Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 12468) granting a pension to Henry C. Norton—to the Committee on Invalid Pensions.

By Mr. SAWYER: A bill (H. R. 12469) granting an increase of pension to Sarah E. Norton—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 12470) for the relief of Mrs. Catherine Lemaire—to the Committee on Claims.

By Mr. YODER: A bill (H. R. 12471) for the relief of Abraham O. Wancon—to the Committee on Military Affairs.

Wancop-to the Committee on Military Affairs.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of citizens of Northumberland County,

Pennsylvania, praying that a copy of the CONGRESSIONAL RECORD be sent to each school district in the country—to the Committee on Print-

By Mr. CANNON: Memorial of Avis Hockey, asking additional leg-islation for his benefit—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Memorial of the county commissioners of Benson County, of Wells County, and Ransom County, Dakota, for an amendment to the law restricting special legislation in the Territories-to the

Committee on the Territories.

By Mr. HARE: Petition of sundry citizens of Montague County, Texas, asking the establishment of a Federal court at Henrietta, Tex.-

to the Committee on the Judiciary.

By Mr. HARMER: Statement to accompany bill H. R. 12222, for the relief of Edward Y. McCauley—to the Committee on Naval Affairs.

By Mr. HOUK: Petition for the reference of the claim of Susan R. Leper and of Morry Creek College to the Court of Claims-to the Com-

mittee on War Claims.

By Mr. PENINGTON: Petition of the Woman's Christian Temperance Union of Delaware, for prohibition in the District of Columbia—

to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. ROWLAND: Petition of certain citizens of North Carolina, asking for an amendment to the interstate-commerce act-to the Committee on Commerce.

By Mr. WHITTHORNE: Petition of J. B. Chaffin, of Maury County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. FELTON (by request): Of C. F. Ross and 148 others, of Santa Cruz, Cal.

By Mr. FUNSTON: Of C. H. Strong and 157 others, of Garnett, and

of Horace Kelsey and 42 others, of Ottawa, Kans.

By Mr. RICE: Of A. H. Wenchell and 1,180 others, of Minneapolis,

By Mr. RYAN: Of A. B. Quinton and 145 others, of Topeka, Kans.

The following petition against the passage of the international copyright bill was received, and referred to the Committee on Patents:

By Mr. ROCKWELL: Of printers and others, of Lee, Mass.

# REGULATION OF IMMIGRATION.

Mr. GUENTHER, from the Select Committee to Inquire into the Importation of Contract Laborers, Convicts, Paupers, etc., submitted the following as the views of the minority:

# [To accompany bill H. R. 12291.]

The undersigned, member of the Select Committee to Inquire into the Importation of Contract Laborers, Convicts, Paupers, etc., agrees with the majority of the committee in reaching the conclusion that some law should be enacted which would, more effectually than the present laws, restrict and if possible stop entirely the influx into the United States of all such persons who, instead of benefiting our country, as the large majority of immigrants undoubtedly do, are a direct source of evil in many ways.

The undersigned thinks that a large number of people who now fill our poorhouses, insane asylums, hospitals, and other charitable institutions, as well as the hordes of the most ignorant, most wrethed, and least desirable people of certain parts of Europe, who now crowd some of our largest cities, and whose presence enables selfish employers of labor to force and keep down the wages of American laborers, both native and adopted, should never have been admitted to land in the United States. He is, however, of the opinion that no law should be passed to lessen the immigration of industrious, law-abiding people, who come here in good faith with the intention of making this country their permanent home, who bring their families with them, and who in due course of time become useful and valuable citizens of the Republic, especially when every unprejudiced mind must admit that that class of immigrants for the last fifty years has been one of the main causes of our unexampled progress in every field of industry and enterprise.

The undersigned opposes any measure that would unnecessarily annoy the desirable immigrant, but he is in favor of all such measures as would most likely result in excluding all such foreign elements whose coming is not a benefit to our country, but rather the opposite. He is of the opinion that exemption from the contract-labor law should apply to professors in universities.

The penalty for any violation of the provisions of this act should apply to all persons, citizens of the United States in

The undersigned is also in favor of paying the head-tax, which he would fix at \$1, into a separate fund, out of which the expense to carry out this law and similar ones should be met, and whatever surplus accumulates should be used for the benefit, comfort, and protection of immigrants.

He does not believe that the consular inspection, as provided for in section 5, affords the best and most practical method for the purpose of regulating immi-

affords the best and most practical method for the purpose of regulating immigration.

The additional duties that would be imposed upon our consuls and consular agents would be such as to require a considerable increase of their clerical force. The immigration into our country during the fiscal year 1887 was 546,889. In 1882 it reached 788,992.

Under the proposed law it would become necessary for about eighty of our diplomatic representatives, consuls, and consular agents to make inquiries into the previous and present physical and moral condition of from 500,000 to 800,000 records resumment.

people per annum.

How they will be able to obtain reliable information does not clearly appear. The foreign authorities might or might not furnish the same; they might suppress what they would see fit. They might pay no attention whatever to inquiries made by our diplomatic or consular officers. What then? The said officers would be obliged to send special messengers to the places where applicants for consular certificates had resided, which might be hundreds of miles

away.

It is evident that if the spirit and intent of the proposed legislation were carried out so as to make it of any practical use, it would imposes a large amount of work and very great expense.

The undersigned has therefore substituted a different method, which he believes to be more simple and practical. (See substitute proposed, sections 4 and 5 of amended bill.) He believes that the provisions contained therein would effectually exclude just those foreign elements that do not readily assimilate with the American people.

The undersigned has proposed some other amendments which he believes would perfect the bill, so that the same as amended would read as follows:

# [Words to be stricken out are inclosed in brackets.]

into with the American people.

Some other amendments which he believes would perfect the bill, so that the same as amended would read as follows: would perfect the bill, so that the same as amended would read as follows: would perfect the bill, so that the same as amended would read as follows: would perfect the bill, so that the same as amended would read as follows: would perfect the bill, so that the same as amended would read as follows: would be a supported to a fellow, the same as a mended would read as follows: American the same as a support of the same asu

a synopsis of the provisions of this law and a schedule of questions, which must be a correct translation of the set of questions prepared by the Secretary of the Treasury, as provided for in section 5, which questions the insmigrant shall be required to read and answer and subscribe, in his or her own handwriting, if he or she be over fifteen years of age: Provided, however, That if the immigrant be the father or mother of children, and unable to either read or write, the child or children accompanying him, her, or them, shall be competent to answer these questions in his or her own handwriting for them, or the husband for the wife, or the wife for the husband. This declaration shall be attested to by the agent duly authorized to do so, as provided for in section 5, of the transportation company or firm, whether by land or by water, who sold the immigrant the ticket for transportation over the line of said transportation company or firm for the purpose of emigrating to the United States, and shall also state that to his best knowledge and belief the answers were written by the emigrant or a person entitled to answer them for him or her, according to the emigrant or a person entitled to answer them for him or her, according to the emigrant or a person entitled to answer them for him or her, according to the emigrant or a person entitled to answer them for him or her, according to the constant of the purpose of the United States, and that the questions contained in the declaration were answered by him or hersin by those exercary of the Treasury, and at the same time make oath that the questions contained in the declaration were answered by him or hersin his or her own handwriting, except when otherwise provided for in this section, and that the answers are true. It shall be the duty of any district attorney of the United States, upon information which he believes to be true or well founded, that the answers in this declaration were not made by the immigrant in good faith, and in violation of any of the provision

State, whose duty it shall be to order an investigation into the character and standing of such agent of any transportation company by the consul or consular agent in whose district said agent of a transportation company does business, and he shall communicate the result of his investigation to the Secretary of the Treasury.

"If, in the judgment of the Secretary of the Treasury, said agent has knowingly attested a fraudulent certificate, he shall order his name stricken from the list or register of agents of transportation companies or firms authorized to attending such investigation shall be paid by the transportation company or firm for whom said agent was doing business, and if that can not be done, then by the United States.

"There shall be a lien in favor of the United States on the vessels, trains, and property of the said transportation company or firm for the payment of the expenses of such investigation.

"Sec. 6. That upon the arrival at any port of entry or other place within the United States of any citizens or subjects of any foreign government it shall be the duty of all commanders, officers, and agents of the particular vessel, railroad train, or other vehicle of transportation to report the name, number, nationality, and condition of every such passenger, before any of them are landed, to the collector of the port or his deputy, assistant, or agent having authority, who shall thereupon go or send a competent assistant or agent, or where inspectors of immigration have been appointed they shall go on board such vessel, car, or train and there inspect all such passengers, examine and compare their certificates; or the collector of the port may order the temporary landing of such passengers until a thorough inspection is made, and the said inspectors or persons acting under the authority of the collector shall have power to administer oaths and to take and consider testimony touching the right of any or such passengers to come to or land in the United States, all of which shall be entered of recor

shall be furnished to vessels engaged in carrying passengers, to be posted in said vessels, for the information of such passengers.

"SEC. 9. The circuit and district courts of the United States are hereby invested with full jurisdiction of all causes, will and criminal, arising under any of the provisions of this act, and no other law of the United States on the subject of immigration not in conflict is repealed by this act, and this act shall go into effect on the 1st day of October, 1889."

All of which is respectfully submitted.

RICHARD GUENTHER,

# SENATE.

# THURSDAY, January 31, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved. CREDENTIALS

The PRESIDENT pro tempore presented the credentials of ANTHONY HIGGINS, chosen by the Legislature of Delaware a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

Mr. BOWEN presented the credentials of EDWARD O. WOLCOTT, chosen by the Legislature of Colorado a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

#### AFFAIRS AT SAMOA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. SHERMAN, was, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be

To the Congress:

To the Congress:

I had the honor on the 15th instant to communicate to your honorable body certain correspondence and documents in relation to affairs in the Samoan Islands, and having since that date received further dispatches from the vice-consul at Apis, and the commander of the United States naval vessel Nipsic in those waters, I lose no time in laying them before you.

I also transmit herewith the full text of an instruction from Prince von Bismarck to the German minister at this capital, which was communicated to the Secretary of State on the afternoon of the 28th instant.

This appears to be an amplification of a prior telegraphic instruction on the same subject communicated through the same channel, and being set forth in the note of the Secretary of State to Count von Arco-Valley, the German minister, of the 12th instant, was duly laid before Congress with my last message in relation to Samoan affairs.

It is also proper to inform you that on Monday, the 28th instant, the occasion of the communication of the note of the Prince Chancellor, the Secretary of State was given to understand by the German minister that a proposition from his Government to that of the United States for a conference on the Samoan subject was on its way by mail, having left Berlin on the 20th instant, so that its arrival here in due course of mail could be looked for in a very short time.

In reply to an inquiry from the Secretary of State whether the proposition referred to was for a renewal of the joint conference between the United States, Germany, and Great Britain, which was suspended in July, 1887, or for a consideration of Samoan affairs ab now, the German minister stated his inability to answer until the proposition, which left Berlin on the 20th instant, should have been received.

I shall hereafter communicate to the Congress all information received by me in relation to the Samoan status.

EXECUTIVE MANSION, January 30, 1889.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 30, 1889.

## COREAN AFFAIRS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States: which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and the House of Representatives

For the information of Congress I herewith transmit a report of the Secretary of State, with accompanying correspondence, relating to the execution of an agreement made between the representatives of certain foreign powers and the Corean Government in 1884 in respect to a foreign settlement at Chemulpo.

GROVER CLEVELAND,

EXECUTIVE MANSION, Washington, January 30, 1889.

# REPORT OF COMMISSIONER OF PATENTS.

port of the Commissioner of Patents; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

# COURT OF CLAIMS REPORT.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Court of Claims, transmitting, pursuant to the act of Con-gress approved January 20, 1885, the conclusions of fact and of law found by the Court of Claims in certain French spoliation claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

# PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of J. Collins and 100 others (83 voters and 18 women), citizens of Clay Centre, Kans., the petition of J. S. McClury and 306 others (90 voters and 217 women), citizens of Wilson County, Kansas, and the petition of L. J. Sprengh and 142 others (93 voters and 50 women), citizens of Washington, Kans., praying for the proposal of a constitutional amendment prohibiting the

manufacture, importation, exportation, transportation, and sale of all

alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. DAWES presented three petitions of citizens of Spencer, Holliston, and Huntington, in the State of Massachusetts, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of citizens of Orange, Mass., praying for the passage of the Sunday-rest bill; which was referred to the Com-mittee on Education and Labor.

Mr. PALMER presented the petition of Mrs. Mary T. Lathrop, president, and other officers of the Woman's Christian Temperance Union of Michigan, representing 7,739 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of N. B. Donley and 107 others (59 voters and 49 women), citizens of Missoula, Mont., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic fiquors

as a beverage; which was ordered to lie on the table.

He also presented the petition of the National Woman's Christian Temperance Union, department of Sabbath observance, praying for legislation prohibiting the running of interstate Sunday trains, mail trains, and against military drills on the Sabbath, signed by 118 citizens of Michigan; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented four petitions of citizens of Garrison, Davenport, Table Rock, and Superior, in the State of Nebraska, and a petition of citizens of Eckelson, Dakota Territory, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. EVARTS presented petitions of citizens of New York City, Alma, Bloomingburgh, Gardiner, West Chester, and Utica, in the State of New York, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented a petition of 829 citizens of Iowa, praying for the passage of a national Sunday-rest law, against needless Sunday work in the Government's mail and military service and interstate commerce; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented a petition of 288 citizens of Illinois, and a petition of one Methodist church in Rogers Park and two Methodist churches in Park Ridge, in the State of Illinois, praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. SPOONER presented a petition of the officers of the Woman's Christian Temperance Union of Wisconsin, representing 3,500 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented the petition of Calvin R. Rutherford, late second lieutenant Company F, Second Regiment Arkansas Infantry, United States Army, praying for the passage of a special act granting him certains arrears of compensation; which was referred to the Com-

mittee on Military Affairs.

He also presented the petition of the National Woman's Christian Temperance Union, department of Sabbath observance, praying for the passage of the Sunday-rest bill, signed by 484 citizens of Ohio; which

was referred to the Committee on Education and Labor.

He also presented the petition of B. Judy and 140 others (79 voters and 62 women), citizens of Troy, Ohio; the petition of Robert Gray and 174 others (86 voters and 89 women), of Cedarville, Ohio, and the petition of A. N. Brewer and 121 others (54 voters and 68 women), citizens of Greenville, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. PLATT. I present a petition of 15 pastors of churches in the city of Washington, together with other prominent citizens of the District, praying the Senate to take early action on Senate bill No. 927, to prohibit the manufacture and sale of alcoholic beverages in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PASCO presented a resolution of the Board of Trade of Jackson-ville, Fla., in the nature of a petition, praying for the improvement of St. John's River between Jacksonville and the ocean; which was referred to the Committee on Commerce.

Mr. TURPIE presented the petition of E. W. Cohee, of Cyclone, Ind., praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

He also presented a petition of Martin Hanback and others, of Jeffersonville, Ind., praying for the passage of House bill 4339, in relation to pensions; which was referred to the Committee on Pensions.

Mr. COLQUITT presented the petition of the officers of the Woman's

Christian Temperance Union of the State of Georgia, representing 1,000 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Henry H. Tucker, editor of the

Christian Index, Atlanta, and the petition of 7 citizens of Augusta, Ga., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. VEST presented a petition of the pastor and members of the Reformed Presbyterian Church of Blanchard, Atchison County, Missouri, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLACKBURN presented a petition of 7 members of the Brother-hood of Locomotive Engineers, citizens of Paducah, Ky., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. COKE presented a petition of 645 citizens of Texas, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLAIR. I find upon my desk a bundle of memorials. Ido not Mr. Blair. I find upon my desk a bundle of memorials. I do not know how they came to be transmitted to me, but they have evidently been among my papers for some time. They must have come during my absence. They are memorials numerously signed and evidently with a great deal of care, for they are the original signatures throughout of men who respectfully protest against the passage of Senate bill 650, introduced by the Senator from Massachusetts [Mr. DAWES], "to suppress cotton-seed oil as a substitute for hog's land." The memorialists set out their reasons at considerable length, and subscribe themselves as cotton-plantars of the South. I believe, or as largely interested. selves as cotton-planters of the South, I believe, or as largely interested in the cotton-seed-oil business.

I do not know how long these memorials may have been here. They have never been called to my attention before. I find them among my papers and I now present them. I think there has been no action upon the bill. There is nothing on the memorials to indicate from what States they come, or I would give them to the Senators representing the States where the memorialists reside.

The PRESIDENT pro tempore. The memorials will be received and referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I have not seen those memorials. I have no recollection of introducing any bill making war on cotton-seed oil. If I have done so I have been made the innocent instrument of somebody.

Mr. BLAIR. The memorials were evidently prepared with a great deal of care, and the signatures indicate that they are gentlemen who

are in earnest. That is all I can say about it.

Mr. DAWES. I wish they were prepared with as much regard to the actual facts as they seem to have been prepared as indicated by

Mr. BLAIR. I present the petition of Evaline R. Clarke, a native-born citizen of the United States and of the State of New York, wherein she resides, most earnestly petitioning Congress for the removal of her political disabilities, and that she may be invested with the right of suffrage and of holding office, and also inclosing a form of a bill. I move that both the petition and draught of a bill be referred to the Committee on Woman Suffrage.

The motion was acreed to

The motion was agreed to.

Mr. DAVIS presented five petitions of citizens of St. Paul, Janesville, Redwood, Minnesota City, and Vernon Centre, in the State of Minnesota, praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table. He also presented a petition of 53 citizens of Minnesota, praying for

the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented the petition of D. C. Milner and 162 others (104 voters and 59 women), citizens of Manhattan, Kans., and the petition of George H. Cheney and 39 others (20 voters and 20 women), zens of Jamestown, Kans., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

were ordered to lie on the table.

He also presented a petition of 628 citizens of Sterling, Rice County, Kansas, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. RIDDLEBERGER presented the petition of the Woman's Christian Temperance Union, department of Sabbath observance, the Illinois Sabbath Association, the American Sabbath Association, etc., praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor. the Committee on Education and Labor.

Mr. PAYNE presented a petition of citizens of Canton, Ohio, and a petition of citizens of Findlay, Ohio, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and

He also presented a petition of citizens of Sherwood, Ohio, praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

Mr. EDMUNDS presented the petition of Hon. Franklin Fairbanks, lately governor of the State of Vermont, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education

Mr. MITCHELL presented the petition of A. T. Bennett and 162 others (66 voters and 97 women), citizens of Boisé; the petition of Franeis Coulson and 23 others (9 voters and 15 women), citizens of Idaho as public as was the charge.

City; and the petition of John Merrill and 5 others (3 voters and 3 women), citizens of Graham, all in Idaho Territory, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liq-

Importation, exportation, transportation, and safe of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. COCKRELL. I present a petition on the usual printed form, headed "[For a national law.] Sign, for a Sunday-rest bill." The petition is from the State of Missouri, county of Adair, town of Kirksville. The instructions are to sign it, and this is the indorsement: "Indorsed by Local Assembly No. 2772, Knights of Labor, Alfred N. Gardner, secretary." I move that the petition be referred to the Committee on Education and Labor. mittee on Education and Labor.

The motion was agreed to.

Mr. COCKRELL. I also hold in my hand an envelope addressed to me personally, headed "Please present the inclosed petition for Sunday-rest law from Brotherhood of Locomotive Engineers in Knights of Labor Assembly "—that is in print. I suppose there was a mistake probably made in it, as this petition is from the Congregational Church in Windsor, Mo. This petition is of the same kind, and is signed "Congregational Church, Windsor, Mo., Frank Wilfield Hullinger, pastor; P. D. McAvery, clerk; 88 adult members." I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. HOAR presented petitions of citizens of North Abington, Palmer, and Athol, in the State of Massachusetts, praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

ordered to lie on the table.

He also presented the petition of William Ware and 30 others, citizens of Massachusetts, praying that a pension be allowed to Miss Anna Ella Carroll for special and important services rendered during the late war; which was referred to the Committee on Military Affairs.

Mr. HOAR. I present a resolution of the Home-Market Club of Boston, Mass., an association composed of a large number of persons of New England engaged extensively in commercial, manufacturing, and other business. It is in the nature of a petition. It is difficult to compress the sense of it, and I ask that it may be read and referred to the Committee on Finance. the Committee on Finance.

The PRESIDENT pro tempore. The paper will be read.

The paper was read, and referred to the Committee on Finance, as fol-

At a meeting of the board of directors of the Home-Market Club, Boston, Mass., held on Tuesday, January 29, at headquarters, No. 55 Bedford street, the following resolution was unanimously passed:
Whereas it is important that the evil of undervaluations of imports and maladministration of the customs laws should be remedied as quickly as possible, and the Senate bill in its administrative features provides legislation in the main desirable, which, if at once enacted, would place in the hands of the incoming administration the proper machinery wherewith this great reform could be eammenced: We respectfully urge upon our representatives in Congress that they exert their influence to secure the passage of a tariff measure which shall embody the best features of the Senate bill. We also appeal to all members of Congress, regardless of party, to unite upon this much-needed measure to protect the Government against fraud, and place all ports and all importers upon an equality.

Mr. MANDERSON presented resolutions adopted by the National Grange, Patrons of Husbandry, favoring the passage of House bills 11027 and 11266, in relation to the adulteration of food, etc.; which

were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Private Dalzell, of Ohio, praying for commutation of rations to soldiers of the war of the rebellion while on furlough; which was referred to the Committee on Military Affairs.

# ALLEGED UNDERVALUATION OF IMPORTED CUTLERY.

Mr. VEST. During the debate on the tariff bill I had occasion to refer to the testimony of Mr. Saxton, of the firm of Alfred Field & Co., and the Senator from Connecticut [Mr. PLATT] then stated that an affidavit was on file in the Treasury Department by Mr. Taussig, who was also a witness before the Senator from North Carolina [Mr. who was also a witness before the Senator from North Carolina [Mr. VANCE] and myself in regard to the cutlery items of that bill, to the effect that Alfred Field & Co. had been guilty of undervaluation of imported cutlery goods to the extent of 46 per cent. As I was to some extent responsible for having brought the name of Mr. Saxton, of the firm of Alfred Field & Co., before the Senate, I want to present an affidavit, which I find upon my return to the Senate this morning, signed by this Mr. Taussig, which is as follows:

CITY AND COUNTY OF NEW YORK, SS:

CITY AND COUNTY OF NEW YORK, 88:

Walter M. Taussig, being duly sworn, says:
It having been stated by Senator Platt, of Connecticut, in the debate on the cutlery schedule January 19, and published in the Record of January 20, that I have made an affidavit, and that such affidavit is on file in the Treasury Department, charging that the house of Alfred Field & Co. had undervalued cutlery 46 per cent., I hereby swear that I have never made any such affidavit, and I also swear that I believe I am the man referred to by Senator Platt as being one of the witnesses before Senators Vest and Vance.

W. M. TAUSSIG.

Sworn to before me this 23d day of January, 1880 THORNLEY DICKSON, Notary Public, Kings County.

(Certificate filed in New York County.)

As a matter of justice to these gentlemen, I have made this affidavit

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#### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10922) granting a pension to William Harper;

A bill (H. R. 11566) granting a pension to Elisha C. Paschal;

A bill (H. R. 3794) granting a pension to Elias J. Kenaday; and

A bill (H. R. 11861) to place the name of James H. Tolly on the

pension-roll.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10977) granting a pension to John J. Brown;
A bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll; and
A bill (H. R. 3167) granting a pension to Elizabeth L. Nott.
Mr. TURPIE, from the Committee on Pensions, to whom was re-

ferred the bill (H. R. 4825) granting a pension to Dorothea Ruoff, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6314) increasing the pension to Lyman D. Green;

A bill (H. R. 11737) granting a pension to Rebecca D. Vedder; A bill (H. R. 10951) granting a pension to Mary Van Olnhausen;

A bill (H. R. 6893) granting a pension to Ellen Edwards;

A bill (H. R. 10426) granting a pension to Otto G. Hendrix; and A bill (H. R. 12014) granting a pension to Irving W. Combs.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment,

and submitted reports thereon:

A bill (H. R. 9179) granting a pension to W. B. Green; A bill (H. R. 10976) granting a pension to William L. Wilson; A bill (H. R. 5807) granting a pension to John McCool;

A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;

A bill (H. R. 11091) granting an increase of pension to Mrs. Mary L. Jewell; and

A bill (H. R. 11803) granting a pension to Henry V. Bass.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12381) granting a pension to Mary K. Allen;

A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812; and

A bill (H. R. 10691) to increase the pension of Mary A. Bedel.
Mr. BLAIR. I also report back adversely the bill (S. 3489) to increase the pension of Mary A. Bedel. This is a Senate bill identical with the House bill which has passed the other House, and that bill being reported favorably, the Senate bill should be indefinitely post-

The bill was postponed indefinitely.

# PENSION FOR LOSS OF BOTH HANDS.

Mr. DAVIS. I am directed by the Committee on Pensions to report back the bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension, with the recommendation that the Senate concur in the amendments thereto of the House of Representatives.

The PRESIDENT pro tempore. The bill having passed the Senate, and having been amended in the House of Representatives and reand having been amended in the House of Representatives and returned with the amendments, the Committee on Pensions recommend that the Senate agree to the amendments made by the House of Representatives. The amendments of the House will be stated.

The CHIEF CLERK. In line 5, after the word "hands," strike out the words "or the use of both hands;" so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, shall be entitled to a pension of \$100 per month.

And amend the title of the bill so as to read: "A bill to increase pensions in certain cases."

The PRESIDENT pro tempore. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

# CERTIFICATES OF ELECTORAL VOTES.

Mr. EVARTS. I am instructed by the Committee on Privileges and Elections to report back certain papers referred to that committee, that they may be preserved in the archives of the Senate, with a written report, which I ask may be read and printed.

The report was read, as follows:

The Committee on Privileges and Elections, to which were referred the copies of the certificate of the ascertainment of the vote of the State of Kansas, and of similar certificates from other States, for electors for President and Vice-President, transmitted to the two Houses by the Secretary of State, reports:

That the purpose and effect of the provisions of section 3 of the act of February 3, 1887, under and in pursuance of which the certificate of the ascertain-

ment of the electors appointed in these several States has been communicated to the Secretary of State, and of which copies have been transmitted to the two Houses of Congress by the Secretary of State, have been completely satisfied by

Houses of Congress by the Secretary of State, have been completely sausued by this proceeding.

The promptitude and authenticity and publicity of the ascertainment of the appointment of electors in the several States, provided by the statute, have been thus secured, and these documents form no part of those that are by law provided for in respect of the transaction of the count of the votes for President and Vice-President.

The committee therefore reports back the papers referred to the committee for their preservation in the archives of the Senate.

The PRESIDENT pro tempore. The report will be printed, and the certificates will be placed on the files of the Senate.

#### PRINTING OF REVENUE BILL

Mr. MORRILL, from the Committee on Finance, reported the following order; which was referred to the Committee on Printing:

Ordered, That 5,000 copies of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue be printed with the amendments of the Senate, in pamphlet form, for the use of the Senate.

#### BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 3886) to provide for an additional associate justice of the supreme court of the Territory of Arizona; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3887) to amend an act entitled "An act He also introduced a bill (S. 3887) to amend an act entitled "An act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes,' approved March 3, 1875," approved August 13, 1888; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EVARTS introduced a bill (S. 3888) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money expenses.

with the United States, and to pay said Willbur such sum of money as may be found due to him thereon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3889) for the relief of W. P. Wilson, administrator of Eliza M. Dawson, deceased, of Marshall County, Mississippi; which was read twice by its title, and referred to the Committee on Claims.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. REAGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, providing for the purchase of the site of Fort Elliott, Texas; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed

by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Com-

mittee on Appropriations.

Mr. HAMPTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

# PROCEEDS OF CAPTURED AND ABANDONED COTTON.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Treasury be directed to furnish to the Senate a statement showing the total gross amount of the proceeds in money of cotton and other property which were received into the Treasury or by Treasury officials under the so-called captured and abandoned property acts: and the total gross amount of such proceeds which have been restored to claimants or otherwise paid out from the Treasury under authority of the Secretary of the Treasury or upon judgments of the Court of Claims; together with an estimate, if it be practicable to make one, of the total gross amount of claims now pending for the recovery of portions of the proceeds aforesaid.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia; and

A bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The message also announced that the House had passed the follow-

A bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry as late auditor of the State of Arkansas; and

A bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation, in Montana Territory.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1860) to amend section 83 of the Revised Statutes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CASWELL, Mr. HENDERSON of North Carolina, and Mr. LANHAM managers at the conference on the part of the House.

# ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the

President protempore:
A bill (H. R. 6105) to authorize the furnishing of obsolete service-

able cannon to soldiers' homes;

A bill (S. 1481) granting a pension to Ellen White Dowling;

A bill (S. 2514) granting a pension to Michael Shong; A bill (S. 2623) granting an increase of pension to James Patterson;

A bill (S. 2829) granting a pension to Sarah J. Foy; A bill (S. 3249) for the relief of Zo. S. Cook;

A bill (S. 3283) granting a pension to Reuben Ash; A bill (S. 3451) granting a pension to Frank D. Worcester; and

A bill (S. 3538) granting a pension to Mary Saeger.

LOAN OF FLAGS TO INAUGURAL COMMITTEE.

Mr. COCKRELL. Some days ago I made a motion to reconsider the passage of the joint resolution in regard to the use of flags during the inaugural ceremonies. I ask that that joint resolution may be laid before the Senate now so that we may dispose of it. It will only take

The PRESIDENT pro tempore. The joint resolution will be stated. The CHIEF CLERK. A joint resolution (H. Res. 246) authorizing the Secretary of War to loan to the committee on inaugural ceremonies

flags, etc.
Mr. COCKRELL. We have examined that matter very carefully, and the Senator from Connecticut [Mr. HAWLEY], the chairman of the Committee on Military Affairs, and myself have agreed upon a substitute which we think will avoid any trouble at the present time or in the future. Iask that the joint resolution may now be reconsidered

and that the substitute may be adopted for it.

The PRESIDENT pro tempore. The joint resolution having passed the Senate and been transmitted to the House of Representatives, and upon a motion to reconsider being entered having been recalled, if there be no objection, the vote by which the joint resolution was passed is reconsidered, and also the vote by which it was ordered to a third reading. It is so ordered. The joint resolution is before the Senate and open to amendment. The amendment proposed by the Senator from Missouri will be read.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause and to insert:

That the Secretary of Wan is hereby authorized to loan to the committee on inaugural ceremonies the worn flags on hand in the cities of Philadelphia and Washington, and the Secretary of the Navy is hereby authorized to loan to said committee such flags on hand in the navy-yards at Washington, Norfolk, League Island, New York, Portsmouth, and Boston as may be suitable and proper for decoration and may be spared without detriment to the public service, such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries or either of them in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: Provided, That the said committee shall indemnify the said Departments or either of them for any loss or damage to such flags not necessarily incident to such use.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretaries of War and the Navy to loan to the committee on inaugural ceremonies flags," etc.

Mr. COCKRELL. I have here some data in regard to the number of flags and their cost, etc., and what can be spared, which I wish to have inserted in the RECORD, so that they may be used, together with the two acts that have heretofore been passed, to show the reason why we made this change

The first joint resolution of this kind was approved January 28, 1881, and is as follows:

Joint resolution authorizing the loan of certain flags and bunting to the committee on inaugural ceremonies.

mittee on inaugural eeremonies.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of War and the Secretary of the Navy are hereby authorized and empowered to loan to the committee on inaugural eeremonies the flags and bunting in the Government depots, for use in decorating the city of Washington on the 4th March next: Provided, That the said committee shall indemnify the Departments against any loss or damage resulting from the use of said flags and bunting.

Approved, January 28, 1881.

The second joint resolution on this subject was approved February 28, 1885, andisas follows:

Joint resolution authorizing the loan of certain flags and bunting to the committee on inauguration ceremonics.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inauguration ceremonies the flags and bunting in the Government depots, for use in decorating the city of Washington on the 4th day of March next: Provided, That the said committee shall indemnify the Departmentsagainst any loss or damage resulting from the loan of such flags and bunting, except such damage as is necessarily incident to such use.

Approved, February 28, 1885.

The Quartermaster-General of the Army submits the following mem-

JANUARY 15, 1889.

Number of worn flags on hand, set aside by the Secretary of War for decorating certain public buildings.

Description.	Philade phia,l-	Washing- ton.	Total.
Garrison flags  Post flags  Storm and recruiting flags  Designating flags	10 20	114 30 50 144	124 50 50 144

Number of new flags on hand December 31 1888

At-	Garrison.	Post.	Storm.
Philadelphia	39 15 29	122 1 43	140
Total	83	166	226
Purchased during present fiscal year Annual allowance for the whole Army Contingencies.	33 10	150 268 20	400 574 20
Cost price	\$29,50	\$9,95	\$2,80

At the Garfield inauguration in 1881 the cost of flags was as follows:

Garrison flags, \$67.87. Post flags, \$15.65. Storm flags, \$4.30.

At that time the Department turned over to the committee the following flags, all of which could not be issued and since have been used for decoration alone: 850 storm and recruiting flags, \$4.30; 202 garrifor decoration alone: Sol storm and recruiting hags, \$4.50; 202 garrison flags, \$67.87; 333 post flags, \$15.65; 194 designating flags; 174 national colors (old ones), damaged; 501 regimental colors (old ones), war; 487 standards, old cavalry regimental stock; 606 guidons, old.

The board of survey assessed the damage and loss at \$684.08. Congress relieved from responsibility by act of Congress, approved August

At the Cleveland inauguration in 1885 the cost of flags was:

Garrison flags, \$37. Post flags, \$12. Storm flags, \$3.45.

At that time the Department turned over 44 garrison flags; 56 post flags; 136 storm flags; 50 national colors; 63 regimental colors, 150 guidons, 53 standards, 100 designating, old war stock.

Some old stock. Nothing reported as lost.

I also present the following telegram from Commodore Walker:

NAVY DEPARTMENT, January 29, 1889.

Hon, F. M. COCKRELL:

In answer to your telegram of yesterday: In 1831 condemned flags mainly were loaned, invoiced at 10 cents a pound. In 1885, 3,017 flags, serviceable and unserviceable, were furnished. Total value, \$18,697.65. Fifty-two flags, mostly small ones, were not returned, for which Dorsey Clagett, for committee, deposited in Treasury \$257.96. Thirty-four hundred and thirty-five flags of all kinds may now be furnished from the navy-yards—Washington, Norfolk, League Island, New York, Boston, and Portsmouth. Bunting can not be used for decorating without damage.

J. G. WALKER, Chief of Bureau,

# DISTRICT JURORS.

Mr. HARRIS. A few days since the Senate passed the bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia, and the Senator from Massachusetts [Mr. HOAR] entered a motion to reconsider the vote by which the bill was passed. If the Senator desires it, I have no objection to the reconsideration, so that he may now submit the amendment he wishes to offer.

Mr. HOAR. I desire to strike out so much of the bill—
Mr. HARRIS. Let the bill be regarded as reconsidered and open to amendment.

The PRESIDENT pro tempore. If there be no objection, the votes by which the bill was passed and ordered to a third reading will be reconsidered, and it is now before the Senate and open to amendment. Mr. HOAR. I desire to strike out so much of the bill as requires

Mr. HARRIS. On line 6, page 5, the Senator will find the language that he desires to strike out, the words "a tax-payer."

Mr. HOAR. I desire to strike out the words "a tax-payer," in line

6 of section 3.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The CHIEF CLERK. On page 5, line 6, of section 3, it is proposed,

after the words "District of Columbia," to strike out the words "a tax-payer;" so as to read:

No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, and a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude.

Mr. HOAR. In the District of Columbia there is a very considerable number of persons who have large personal property, but the bulk of the taxes of the District, I believe, is still raised upon real estate. I think that is the case. At any rate, however that may be, there is a special condition of things here by reason of the fact that there is so large a number of colored persons who constitute to some extent still a separate class in the community and who are, very few of them comparatively, tax-payers, still fewer real-estate owners.

Mr. SHERMAN. Will the Senator let me superadd to that one peculiar feature of the District of Columbia?

Mr. HARRIS. I can not hear the Senator from Ohio.
The PRESIDENT pro tempore. The Senator from Ohio will suspend until order is restored.

Mr. SHERMAN. I will wait until the Senator from Massachusetts is through

The PRESIDENT pro tempore. Senators will please resume their seats and refrain from audible conversation.

Mr. HOAR. I merely desire to say that none of us can be blind to Mr. HOAR. I merely desire to say that none of us can be blind to the fact that there are still likely to come up in the courts, in the criminal courts and in the civil courts as well, many questions where the special interests or rights of that class of persons are involved, and many others where they will be supposed by them to be involved. It is important not only that the juries should be constituted so as to be intelligent and impartial, but they should be so understood to be constituted by the entire community; and the extending to the District of Columbia a provision, otherwise healthy and wholesome in itself, which should make any class feel that they are almost wholly excluded from jury duty, it seems to me, in the special circumstances of this District, would be unwise. Perhaps when, as we all hope, this class of people have passed everywhere into the general community and persons are distinguished from each other in all civil and social mat-ters by their personal worth and character and not by their complexion or race, this policy may hereafter be adopted; but I trust that without any extended discussion and without any special difference of opinion the Senate will strike out this provision.

Mr. SHERMAN. There is another reason equally potent, which the Senator from Tennessee will appreciate when I state it, why the confinement of jurymen to tax-payers is not a provision at all applicable to this District even if it was just in any State. In this District there are but very few tax-payers—fewer in proportion than in any of the States. For instance, householders, persons of pretty liberal means who have households and conduct their houses, do not pay taxes. The taxes are paid by the landlords. Not one-third of the white people of this District are tax-payers in the literal sense. We have no road-taxes here and no poll-taxes. There is no tax on anything except upon property.

It is therefore manifest that the confinement of the duty of jurors to tax-payers would be not only onerous to a comparatively few tax-payers, but would be unjust both to the blacks and to the whites, for I have no doubt that not one-third of the white voters of this District are taxand doubt that not one-third of the white voters of this District are taxpayers. In the States, as a matter of course, there is a great variety of
taxes which are not imposed here. Nobody here is taxed except the
select few, comparatively, who own real estate. The tax on personal
property does not apply unless the amount is over \$500, I believe.
There is some limitation; I do not know exactly what it is. At any
rate, very few pay a tax on personal property unless they are holders of
real property also. I think, therefore, the provision ought to be stricken
out. out

Mr. HARRIS. I think retaining the qualification of tax-payer would secure more substantial and more intelligent juries in this District than will be secured without that qualification; but I do not think it a matter of sufficient consequence to delay the passage of this bill. I am perfectly willing for the Senate to take a vote upon it, and retain it, as I shall hope to do, or strike it out, as the majority may determine.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR]. The amendment was agreed to.

Mr. HARRIS. Then in section 3, line 9, as the consequence of the amendment agreed to, I move to strike out after the word "turpitude"

all down to and including the word "District," in line 14.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. In line 9, of section 3, after the word "turpitude," it is proposed to strike out all down to and including the word "District" in line 14, as follows:

And the commissioners of the District of Columbia shall furnish to the officers or persons who are authorized to make the list of jurors for service in the supreme court of the District of Columbia, within twenty days after this act shall take effect, and thereafter at least once a year, a list containing the names of the male tax-payers of said District.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. The title should be amended so as to read: "A bill to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia."

The PRESIDENT pro tempore. That amendment of the title has been made.

HOUSE BILLS REFERRED.

The bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia was read twice by its title, and referred to the

Committee on Military Affairs.

The bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution offered by the Senator from New Hampshire [Mr. CHAND-LER], coming over from a previous day, in relation to naval officers'

Mr. CHANDLER. I desire that that may go over another day. The PRESIDENT pro tempore. It will lie over, retaining its place on the Calendar as morning business, if there be no objection.

· INTERNATIONAL COPYRIGHT BILL.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the resolution authorizing the printing of a thousand additional copies of Senate bill 554, known as the international copyright bill, and I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to,

as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of the bill (S. 554) to amend Title LX, chapter 3, of the Revised Statutes of the United

PRINTING OF SENATE TARIFF BILL.

Mr. MANDERSON. I am also directed by the Committee on Printing to report back the resolution authorizing the printing of a thousand additional copies of what is known as the tariff bill as passed by the

The resolution was read, as follows:

Resolved, That 1,000 copies additional of House bill 9051, with the amendment as the same passed the Senate, be published for the use of the Senate.

Mr. HAWLEY. I was going to suggest that that would only give us some ten copies apiece, and I am sure Senators would like to have more than that. I would rather make the number 3,000 as the differmove to strike out "1,000" and insert "3,000."

Mr. MANDERSON. The cost is trifling.

Mr. DAWES. It is hardly worth while to print a thousand.

The PRESIDENT pro tempore. The Chair would call the attention of the chairman of the Committee on Printing to the fact that the Senator from Vermont [Mr. Morrill], from the Committee on Finance, reported a resolution providing for the printing of 5,000 copies, and the resolution was referred to the Committee on Printing this morning.

Mr. MANDERSON. Then I will move to amend this resolution by striking out "1,000" and inserting "3,000." Mr. HAWLEY. Make it 5,000.

Mr. MANDERSON. I will make it 5,000, and in pamphlet form. The PRESIDENT pro tempore. The Senator from Nebraska moves that the resolution be so amended as to provide for the printing of 5,000 copies in pamphlet form. Will the Senate agree to the amend-

The amendment was agreed to.

The resolution as amended was agreed to.

# HARRIET YOUNG.

The PRESIDENT protempore. Is there further morning business? If there be none, that order is closed. The Calendar under Rule VIII is in order.

Mr. TELLER. I move to take up Senate bill 3765, Order of Busi-

ness 2546. It will only take a moment.

The PRESIDENT pro tempore. The Calendar under Rule VIII being in order, the Senator from Colorado moves to proceed to the consideration of the bill (S. 3765) for the relief of Harriet Young. It will be read at length for information subject to objection.

The bill was read; and, by unanimous consent, the Senate, as in

Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 13, after "seventy-seven," to strike out "be enlarged and extended;" so as to read:

That the time to irrigate, improve, and prepare the land to make final proof for that part (it being \$20 acres) of section numbered 34, township numbered 21 north, range 4 east, lying south of the Missouri River, except 80 acres covered by Sioux half-breed scrip, in Cascade County, Montana Territory, and claimed by Harriet Young by and under desert-land entry numbered 1551, made by said Harriet Young at the Helena (Montana) land office on July 12, 1886, under desert-land act of March 3, 1877.

The amendment was agreed to.

The next amendment was, in section 1, line 17, after the word "act," to insert:

This extension shall not be held to determine the character of the land nor to affect any contest now pending, or which may be hereafter initiated, or as in any wise affecting any right or claim adverse to the claim or entry of said Harriet Young, nor to affect the character of proof required by existing law, except as to the time of making improvements required by law and final proof.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the Secretary of the Interior shall take such steps as are necessary to protect said Harriet Young in all her lawful rights that she may have to said land under and by virtue of said act of March 3, 1877.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES ALBERT BONSACK.

The PRESIDENT pro tempore. The first bill on the Calendar under Rule VIII will be stated.

The CHIEF CLERK. A bill (H. R. 593) for the relief of James Albert Bonsack

Mr. COCKRELL. I call the attention of the Senator from Colorado [Mr. TELLER] to the bill.

Mr. TELLER. I object to the consideration of that bill.

The PRESIDENT pro tempore. It will go over under Rule IX.
Mr. JONES, of Arkansas. I hope there will be no objection to its

going over under Rule VIII, and retaining its place on the Calendar.

The PRESIDENT pro tempore. It can retain its place on the Calendar under Rule VIII by unanimous consent.

Mr. TELLER. It might as well go over. It can never be considered under the five-minute rule. I shall object to its being considered under that rule.

The PRESIDENT pro tempore. The bill will go over, then, to the Calendar under Rule IX.

Mr. JONES, of Arkansas. In the absence of the Senator from Virginia [Mr. Daniel], who is interested in this matter, I hope this course will not be insisted on now. The Senator would like to have the bill considered whenever it is reached, and he would make a motion to proceed to its consideration if he were present. He is not in the Senate Chamber, and I hope no advantage will be taken of his absence.

Mr. TELLER. He can do that at any time.

The PRESIDENT pro tempore. The bill being objected to, goes over under Rule IX. The next bill in order will be stated.

# P. GOUGH EDELIN.

The CHIEF CLERK. A bill (H. R. 6753) for the relief of P. Gough Edelin.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with an amendment, to add the following proviso:

Provided, That said check, now in the hands of Messrs. Dudley & Carpenter, be delivered to the Secretary of the Treasury.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to P. Gough Edelin, of Maryland, the sum of \$42.96, this amount having been advanced by him to Niey Taliaferro upon revenue check No. 16966, for \$2.205.06, presented to him by her, payment of said check having since been refused at the United States subtreasury in Baltimore, upon the ground that the said Taliaferro was erroneously pensioned, under certificate 3094 (Navy): Provided, That said check, now in the hands of Messrs. Dudley & Carpenter, be delivered to the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# ELMORE S. STROUP.

The bill (H. R. 6217) to relinquish the interest of the United States in certain Kansas lands was considered as in Committee of the Whole. It proposes to relinquish to Elmore S. Stroup all the interest of the United States in and to the south half of the northeast quarter and the north half of the southeast quarter of section 6, township 6 south, of range 18 west of the sixth principal meridian, in Rooks County, Kansas

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HUGH FOSTER.

The bill (H. R. 9040) to confirm the homestead entry of Hugh Foster was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. PLATT. I should like to inquire of the Senator from Maine,

who has charge of the consular and diplomatic appropriation bill [Mr.

HALE], whether he does not propose to take it up at this time? I supposed we were to go on with that to-day so as to get it out of the way.

Mr. HALE. I am very desirous of doing so. I tried to get the recognition of the Chair a moment ago. I should be glad to go on with the bill. I move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, the pending question being on the amendments reported from the Committee on Appropriations, after line 174, to insert:

For the execution of the obligations and the protection of the interests of the United States existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

For the survey, improvement, and occupation of the bay and harbor of Pago Pago, in the island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available.

Mr. HAMPTON. May I ask the Senator from Maine if he will allow the Senate to take action on a bill which is the next on the Calendar, reported by the Senator from Maryland [Mr. Wilson]. I think it will meet with no opposition, and it is a matter of some consequence to some of my constituents.

Mr. HALE. Let us get this bill before the Senate.

The PRESIDENT pro tempore. It is before the Senate as in Committee of the Whole. The question recurs upon the amendments of the Committee on Appropriations relative to the affairs of Samoa.

Mr. HAMPTON. I think the bill I refer to will lead to no debate.

Mr. HAMPTON. It is the title of the bill?

Mr. HAMPTON. It is Order of Business 2020, a bill (S. 508) to em-

power Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them. The Senator from Maryland has made a report on it. Mr. PLATT.

Mr. PLATT. We have not got to that yet.
Mr. HAMPTON. There is but one bill intervening between that and the call.

Mr. HALE. There is evidently some objection to proceeding with that now, and therefore I think we had better go on with the pending Mr. HALE. bill.

The PRESIDENT protempore. The pending amendments have been read.

Mr. HALE. I hope we can have a vote on these amendments, and when we vote on them we shall have practically disposed of the bill.

The PRESIDENT pro tempore. The two paragraphs will be treated as one amendment, if there be no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. REAGAN. Have we passed on the provision making the appropriation in relation to Samoa?

The PRESIDENT pro tempore. That has been agreed to Mr. REAGAN. I desire to offer an amendment to that. That has been agreed to.

The PRESIDENT pro tempore. The bill is open to amendment in the Senate

Mr. REAGAN. I propose to insert after the word "Islands," in line 178, the words:

And for the protection of the rights of American citizens residing in said islands, and to preserve the neutrality and independence of the people thereof.

Mr. HALE. If the Senator will confine his amendment to the first clause, relating to the protection of American citizens, I shall make no objection to it, but I do not think that the other part should be inserted. Everything that is necessary is implied in the amendment which was drawn by the Committee on Foreign Relations, and can be safely left to the Executive. But for the Senate to affirmatively declare, in making an appropriation, in terms that it is to preserve the neutrality or to maintain the independence of any other people is going farther than I am willing to go. I hope the Senator will be content with the first part of his amendment, which clearly relates to what is contained in the general amendment and only embodies particulars.

The PRESIDENT pro tempore. The proposed amendment will be stated from the delt.

stated from the desk.

The CHIEF CLERK. In line 178, after the word "Islands," it is proposed to insert:

And for the protection of the rights of American citizens residing in said islands, and to preserve the neutrality and independence of the people thereof

Mr. PLATT. I ask that the whole paragraph be read as it will stand if the amendment be adopted.

The PRESIDENT pro tempore. It will be read. The Chief Clerk read as follows:

For the execution of the obligations and the protection of the interests of the United States existing under the treaty between the United States and the Government of the Samoan Islands, and for the protection of the rights of American citizens residing in said islands, and to preserve the neutrality and independent

ence of the people thereof, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

Mr. SHERMAN. Mr. President, the Committee on Foreign Relations unanimously agreed that we would simply do what we could and make the proper provisions to carry into execution the treaties which are formal documents referred to. Now, the words proposed to be inserted by the Senator from Texas, if they have any meaning at all, only tend to weaken the force of the language used by the committee.

If we are to speak about the protection of American citizens, let me ask what act of cruelty has been done to any American citizen? No American citizen has been killed over there.

This clause does say that suitable measures shall be taken to carry out, to observe and secure the rights granted by these treaties and to carry out the guaranties for our commerce contained in the treaties. Now, when mere Fourth-of-July language is added to a document of this kind, defining the purposes and the objects and motives which should influence the President of the United States in maintaining and enforcing a treaty obligation, it only weakens the proposition, and I trust that as the Democratic side was strongly represented upon the Committee on Foreign Relations by such distinguished gentlemen as the Senator from Alabama [Mr. Morgan], the Senator from Delaware [Mr. SAULSBURY], the Senator from Georgia [Mr. Brown], and my colleague [Mr. Payne], the Senator from Texas will allow the clause to stand with the assurance that it covers every ground necesclause to stand with the assurance that it covers every ground necessary and has been carefully considered. I hope, therefore, that the

amendment will not prevail.

Mr. FRYE. Mr. President, I do not agree to the statement made by the Senator from Ohio [Mr. Sherman] that no wrongs have been

committed upon American citizens in Samoa.

Mr. SHERMAN. I did not say that.
Mr. FRYE. I think the evidence already furnished is conclusive that wrongs have been committed on our citizens in Samoa. But that

is not at issue here.

Mr. SHERMAN. This is for the protection of our people in Samoa. Mr. FRYE. I hope that the Senator from Texas [Mr. REAGAN] will not insist upon his amendment now. From the remarks the Senator made yesterday, he and I are in entire accord on this matter of Samoa. The two amendments which have been reported to the appropriation bill from the Committee on Foreign Relations are not, in my judgment, all that committee is called upon to do, nor do they comprise what Congress ought to insist upon. The remarks of the Senator from Texas come very much nearer the requirements of the occasion than the report of the Committee on Foreign Relations; but the two amendments, so far as they go, are, in my judgment, right, and ought to be sustained and with great unanimity in the Senate.

Let me call the attention of Senators to the one of \$100,000 for Pago Pago. In the treaty which gives us rights in Pago Pago, Article II pro-

AET. II. Naval vessels of the United States shall have the privilege of entering and using the port of Pago Pago and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, etc.

Now, clearly, while Article II is in life the United States has a right to establish coaling stations and stations for naval supplies, to purchase land, erect buildings, and practically take possession of Pago Pago.

The United States took advantage of this article shortly after the treaty was ratified and leased a lot of land on the shore of Pago Pago, sent a vessel load of coal and dumped it on the leased land. In two or three

years it was all used up, and no coal has been sent there since, and the United States gave up its lease of the land. To-day and for the last four years it has had absolutely nothing there indicating that the United States had any possession of Pago Pago. In the mean time what have the Germans done by their very peculiar system of levying taxes on the Samoan natives? Here let me say that they levied \$100,000 of taxes in one single year on these poor confiding people who have not \$500 altogether-\$100,000 in one year-and then their process is to give them notice that it must be paid, and the poor chiefs come in without any money to pay it. "Where shall we get our money?" They are told, "Of the German trading firm." They apply to the trading firm. That firm charges them outrageous premiums for bills of exchange, lets them have the money, takes mortgages on their lands; and in that way the Germans have possession probably of two-thirds of all the cultivable lands of these islands. There is no

justice in it, no right, no humanity.

The Germans since that time by this peculiar process have obtained all the lands around Pago Pago, and I suppose to-day own them. But this article in this treaty is in force, and under it as a matter of course we can go there, take land for stations for naval supplies and for coaling, and our right is paramount to the title of anybody obtained since that article appeared in this treaty. So we are in a condition to-day to do what we could have done eight years ago. Suppose we neglect to do it one year longer or two years longer. The Senate understands about this German trading firm; it is not Germany by any manner of means; it is not Bismarck; it is nothing but a German trading firm

sent there from Germany receives its orders from the consul, and of course from the same firm. It is the power of Germany in the islands; it is not Germany, and I doubt exceedingly if Germany itself has had any understanding of what has been really going on in those islands for the last two or three years. If it has, I do not see how these diplomatic dispatches from Bismarck can be accounted for.

In this same treaty there is this provision:

ART. VII. The present treaty shall remain in force for ten years from its date.

It has remained in force for ten years now from its date.

If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other force intention.

Mr. President, for years we have had as King of the Samoan Islands a friend of the United States, with nine chiefs out of ten of the same friendly disposition, and the enmity of the German trading firm against Malietoa and against these chiefs comes entirely from the fact that they were friends of the United States. The Germans, without any authority, and committing one of the gravest insults against the United States of America that she was ever subjected to, have deliberately elevated into power and made king, Tamasese, a rebel. Tamasese has not a Samoan chief behind him—not one. Tamasese is nothing but a puppet in the hands of the German trading firm. He knows to-day that his life is forfeit if he goes to his own people. He knows his only hope is in the German trading firm. Now, if he is permitted to be established in power and authority and is recognized as King of the Samoan Islands, what will he do first under their instructions? Why, it will be to give the necessary notice for the abrogation of this treaty. Suppose he gives the notice. At the end of twelve months the treaty is gone as if it had never been in existence. Suppose the United States's condition in Pago Pago in twelve months from the time that notice is given is precisely as it is to-day, then I ask the Senate what rights the United States will have in Pago Pago? To me it is entirely clear none whatever.

Mr. SAULSBURY. The Senator will allow me to ask him a question. So far as he knows, has Tamasese ever been recognized as the

rightful sovereign of those islands?

Mr. FRYE. That brings up a serious question as to what recognition of Tamasese's authority there has been.

Mr. SHERMAN. The Senator ought to state in that connection that in the opinion of a majority of the committee the treaty itself was a grant in præsenti and operated immediately so far as our rights in Pago Pago were concerned. That was our property just as much as if deeded to us, and a notice to terminate the treaty would not affect a vested right. At all events it is an argument in favor of our immediately taking possession and asserting our power. We agreed upon that. But I do not think that even a notice given by the lawful king would divest us of that vested right in the Bay of Pago Pago. That is the opinion of the committee.

Mr. FRYE. I do not remember that the committee passed upon that, but I do not believe that is the correct doctrine under this treaty, by any manner of means. We received under Article II of this treaty certain rights in Pago Pago, the right to occupy it for stations for naval supplies, for coaling stations, etc. Suppose the ten years run and we never occupy it for these purposes, we never avail ourselves of our rights, and then notice is given and the treaty is terminated, we being in that condition of never having availed ourselves of those rights; it seems to me entirely clear that the moment the treaty is terminated those rights to do certain things cease, and I see no escape from it in any direction. At any rate it looks exceedingly probable that they would so contend on the other side.

Now, in my judgment the committee did just exactly right in recommending an appropriation of \$100,000, to be immediately available, for the purpose of establishing a coaling station and a station for naval supplies in Pago Pago, and that appropriation ought to pass Connavai supplies in Pago Pago, and that appropriation ought to pass Congress promptly and with great unanimity, and the Secretary of the Navy the moment it has become a law ought, as I believe he will, to avail himself of its provisions, send his vessels out to Pago Pago, take possession of the necessary land for the purposes of a station for coal and a station for naval supplies, erect the necessary wharves and the necessary buildings, and then, if the treaty is terminated, we have vested rights that we acquired under the treaty, and no subsequent action of the Samoan Government can deprive us of those rights; but if we do not avail ourselves of the privileges granted by the treaty. I do not see not avail ourselves of the privileges granted by the treaty, I do not see for the life of me how we can complain when the treaty is ended by proper notice.

Mr. President, I have taken a good deal of interest in this Samoan matter, and have investigated it with a great deal of care, and yet I have taken no part in this discussion, although the honorable Senator from Ohio [Mr. SHERMAN], the chairman of the Committee on Foreign Relations, did me the honor to invite me to open the debate on the general Samoan question. I declined, and I did so because in my judgment these two appropriation items do not bring up the real questions

at issue between us and Germany.

The real question at issue to-day between these two countries is not which has absolute and supreme power in the Samoan Islands to-day.

The consul of Germany receives all his orders from it; a ship of war appropriation, nor in my judgment is the Senate ready at this moment necessarily before the Senate for discussion under these two items of for such discussion. I expect to see the day come, and ere long, too, when there will be a proposition pending before the Senate, reported, I hope, from the Committee on Foreign Relations, which shall bring the whole question of the difficulties and the issues between the United States and Germany before us. Then I shall be very happy indeed to enter into the discussion. Until that time I do not propose to enter

Let me tell Senators that to-day we have in committee the testimony of Consul-General Sewall, and, while he is a Democrat, without political sympathy with me or I with him, I will say he has acted his part in Samoa with an intelligence that is seldom exhibited by American consuls abroad, and with a fidelity to his country and to his people, and to the obligations of his country to these confiding native Samoans, worthy of the very highest praise. I will say further for Consul-General Sewall that he is a gentleman of unusual acquirements, that he is a graduate of Harvard College and of Harvard Law School, spending seven years in his studies in that institution. I know of no man in the United States to-day to whom I would intrust the interest of the United States in Samoa with more confidence than I would to Consul-General Sewall, and I hope when the administration changes, if he is still in office, the new administration will permit him to remain

Consul-General Sewall's testimony, which is intelligent, complete, and necessary to an understanding of the case, is not open to discussion in the Senate. It is an executive document. Until yesterday knowledge of it never has been extended beyond the members of the committee. Yesterday it was extended to the members of the United States Senate, but was not to the world. How, then, when this is the very foundation of all the action which I desire on the Samoan question, and we

are deprived entirely of its use, can any proper discussion take place?

Then, again, in the documents which have been sent in reply to requests from the Senate and from the House of Representatives, with great propriety I have no doubt, large numbers of dispatches have been left out, because, in the opinion of the Secretary of State, they ought not to be made public. There were nine dispatches left out from the consul-general at Samoa. Take the statements of Mr. Bates, an intelligent gentleman, who was sent as commissioner to Samoa by Secretary Bayard. There is no complete copy of his report before the Senate. There is a partial report in the document which has been made public; but at my request Secretary Bayard sent me the entire report, marked "strictly confidential." It is not open for use in the Senate in this discussion. So the Senate is not prepared to discuss the Samoan question in its most important aspects, and I think I am fully justified in declining now to enter upon it.

Mr. STEWART. Will the Senator state what he thinks ought to be done in behalf of the deposed king, or if the United States ought

to take any action with regard to that matter? Mr. FRYE. I will simply say that there is not a fourth-rate power in Europe that would not have risked its political life without hesitation if it had been a party to a conference with Germany in its own courts about the autonomy of Samoa and its independence, and Germany pending that conference, without any notice to such European power, had deliberately ordered her ships to take possession and violate the autonomy and the independence of those islands—I say there is not a fourth-rate power that would not have risked its national life on a demand, made at once, that the status quo existing at the time when that conference was in session should be forthwith restored.

I am not saying what, in my opinion, ought to be done by us now. I prefer that the Committee on Foreign Relations shall report to the United States Senate in due form and after deliberation what ought to be done. I am no diplomatist and never was charged with being one. I generally know what I desire, and I generally go just as straightforward to what I desire as it is possible for me to, no matter who is

in the way or what country may be concerned.

Mr. President, when the proper time comes I shall be very glad to discuss, with such knowledge and ability as I have, the Samoan question, and the complications between the United States and Germany resulting from that question. I am not prepared and do not desire to discuss it now. I hope, then, that these two appropriations, which are certainly a great step in advance, will be unanimously adopted by the United States Senate and sent to the House of Representatives.

Mr. REAGAN. Mr. President, I agree with the expression of the hope just made by the Senator from Maine [Mr. FRYE], that these two appropriations may be made. I had a reason for offering the amendment which I have offered to the first paragraph. To the second, as I stated yesterday, I suppose we shall all agree. That reason was based on the statement of the President substantially that he had exercised what he regarded as the powers confided to him by the Constitution in extending the good offices of the executive department of the Government to the Samoans in their trouble with the Germans.

The amendment was based further upon some things which seemed to me to have escaped the distinguished Senator from Ohio [Mr. Sher-MAN]. In addition to the rights conferred upon this Government by the second article of the treaty with Samoa, the fifth article of that treaty requires something of this country. It says:

ART. V. If, unhappily, any differences should have arisen, or shall hereafter

arise, between the Samoan Government and any other government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foun-

That commits this Government to exert its friendly good offices in the matter, no further. The sixth article of the treaty provides:

ART. VI. The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privileges that may have been or may hereafter be granted to the government, citizens, or subjects of any other nation.

I do not propose to go through these documents, nor is it necessary; but does the Senator from Ohio assume that under this treaty, and in the face of the fact that American citizens have acquired in Samoa what they regard as their titles to 37,500 acres of land, and engaged in trade and commerce there, that they did it under the authority of the lawful government and king, and that the German officials stimulated a rebellion and brought it about, took the rebel chief under their protection and forbade the lawful king to defend his rights and restore order in his kingdom, as no encroachment on the rights of American citizens? And it further appears—and I shall not attempt to go into the details, as it is not necessary, for the Senator understands them much better than I do—that the Germans have now substantially the military control there, that American interests have ceased to be protected there, and are under German domination and power.

In addition to all these facts, Mr. Bayard, in his dispatch of January 11 to Mr. Blacklock, says:

Your telegram sent by Hawley from New Zealand received. Proper measures have been adopted for protection of American interests in Samoa and to preserve Samoan independence. Admiral Kimberly, with frigate Trenton, starts at once. You will consult freely with him.

That shows that the Secretary of State recognizes the injustice that has been done in depriving Samoa of her independence, in stimulating a revolt, in forbidding the lawful king to assert the authority of that government, and that he thought something ought to be done in that respect. The Secretary of State in his dispatch to Count Arco, dated the 12th of this month, among other things, says:

The instructions given to officials of this Government at Samoa have never deviated from those made public, and which were well known to Germany and Great Britain, and in effect were scrupulously to maintain neutrality in Samoan affairs, and confine their action to good offices in the maintenance of peace and order in those regions, and securing protection for American citizens and their interests under treaty stipulations and the comity of civilized nations.

Further on Mr. Bayard says:

I received also with expressed satisfaction your assurance of the intentions of your Government to maintain and carefully respect the treaty rights of this Government under all circumstances, and this, as I stated to you, necessarily included respect for the existence of Samoan autonomy and independence, which is the basis of the three treaties made with the United States, Germany, and Great Britain, the first-named being earliest in date.

Going further, Secretary Whitney, in his instructions to Admiral Kimberly on the 11th of this month, says:

The United States Government is willing to co-operate in restoring order in Samoa on the basis of the full preservation of American treaty rights and Samoan autonomy, as recognized and agreed to by Germany, Great Britain, and the United States, and has so informed the German Government.

Protest against the subjugation and displacement of native government of Samoa by Germany as in violation of positive agreement and understanding between treaty powers, but inform the representatives of the German and British Governments of your readiness to co-operate in causing all treaty rights to be respected and in restoring peace and order on the basis of a recognition of Samoan rights to independence.

Based upon all this, the committee come in with a recommendation to appropriate \$500,000, to be immediately available, for the execution of the obligations and the protection of the interests of the United States existing under the treaty between the United States and the Government of the Samoan Islands. It seems to me that while this money is given to the President, who has stated to us in substance that he has exhausted his constitutional authority and asks Congress for further direction in the matter, we are either shirking responsibility ourselves or intending to place the President in a false position by appropriating money for him to do something with and refusing to tell him what to do with it. This proposed action does not enlarge the President's power. It does not indicate the policy of Congress on this subject. It simply leaves the whole question open and throws the President upon his own discretion, which he says he has already exhausted. What is he or his successor to do with this money without Congressional direction?

It seems to me it would be proper to go further than the wording of this amendment and say to the President that we desire him to em-ploy the powers of the Government and the appropriation made "for the protection of the rights of American citizens residing in said islands and to preserve the autonomy and independence of the people thereof."

Mr. HALE. Let me ask the Senator from Texas precisely what he

means by our preserving the neutrality of the Samoan Government?
Mr. REAGAN. That is not the wording of the amendment.
Mr. HALE. What is it?
Mr. REAGAN. It is the preservation of neutrality, which applies to all governments attempting to interfere there.
Mr. HALE. Will the Senator please read the amendment again?
Mr. PEAGAN. Let the Senator read it.

Mr. REAGAN. Let the Secretary read it.

The SECRETARY. After the word "Islands," in line 178, it is pro-

And for the protection of the rights of American citizens residing in said islands, and to preserve the neutrality and independence of the people thereof.

Mr. HALE. "Neutrality and independence thereof." Now, what

does the Senator mean by that phrase? He refers to the Samoan Islands and then desires to preserve "the neutrality and the independence

Mr. REAGAN. The Senator insists upon the word "the" going in

there. It is not there.

Mr. HALE. I do not insist on the word "the." What does the

Senator mean by preserving neutrality?

Mr. REAGAN. I mean that this Government should prevent encroachments on the rights of the people of the United States or a violation of the rights of Samoa as stipulated in the treaties between the three great governments and Samoa.

Mr. HALE. Does the Senator mean neutrality as to other powers?

Mr. REAGAN. What I mean is to protect those people.

Mr. HALE. What I am trying to get at is whether the Senator

wishes to go so far.

Mr. REAGAN. I will leave the Senate to determine what the language means. I have but a few more words to say and I prefer to proceed

Mr. HALE. Let me ask another question. Does the Senator be-lieve that the Government of the United States, with the power of the United States behind it, should guaranty the government, the autonomy, the existence of the Government of the Samoan Islands?

Mr. REAGAN. The Secretary of State has insisted that under the arrangement between these powers, the autonomy and independence of Samoa shall be preserved. I propose to carry out what he says, and he is familiar with the correspondence.

Mr. HALE. And that the United States shall guaranty that?

Mr. REAGAN. It shall prevent other people from interfering with the rights reserved by these treaties to the residents of Samoa and the citizens of the United States.

Mr. HALE. Which amounts to the same thing, and which is a

guaranty on our part.

Mr. REAGAN. The Senator will put his own construction upon it.

I ventured to move this amendment and to make the remarks which I made vesterday in support of it because it seemed to me-possibly I am mistaken-that as the President had indicated that he had exhausted his authority, and asked of Congress with its larger constitutional powers over the question to indicate a course of policy to be pursued, it was our duty to do it. It did not seem to me becoming in the Congress of the United States to shrink, in the face of all the facts before it, from taking a position on this subject.

The Senator from Ohio assumes to characterize this amendment and my remarks as a Fourth-of-July speech, and to administer to me a rebuke for proposing to have an opinion and to express it in the Senate of the United States upon a great question like this, assuming that inasmuch as the Democratic side of the Senate was represented on the Committee on Foreign Relations, others than the members of the committee ought to close their mouths and bow their heads in silence to whatever recommendation was made. That is not my understanding of the duty of an American Senator.

Mr. SHERMAN. If the Senator will allow me-

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Does the Senator from Texas yield to the Senator from Ohio?

Mr. REAGAN. Yes, sir. Mr. SHERMAN. If the Senator has got such an impression as that, he is greatly mistaken. I intended no such thing. I intended no reproach or unkindness to the Senator. He has a perfect right to make any remarks he sees proper, or to offer any amendment.

Mr. REAGAN. If the Senator will read his remarks in the RECORD

Mr. REAGAN. If the Senator will read his remarks in the RECORD in the morning he will find that I am not mistaken in what he said.

Mr. SHERMAN. I will read them, and I think the Senator will find that they are not very bad. What I said was that on a proposition of this kind affecting our foreign relations, dealing with other powers, on the whole the Senator from Texas might safely rely upon that which was carefully prepared, not by this side, but by his fellow-associates on that side, gentlemen of distinction, who have a fuller knowledge of all the facts in the matter than can be obtained in a hurried debte like this, and that we ought therefore to be guided by it. ried debate like this, and that we ought therefore to be guided by it, as I am a thousand times. The Senator will have perceived that when a committee has carefully gone over a subject-matter, I very rarely offer amendments or speak against propositions of that kind. As to the right of the Senator to offer his amendment, and his duty to do so if he thinks it proper, that is quite another thing. I did not in any

way mean to deny it.

Mr. REAGAN. Mr. President, I recognize as to the Committee on Foreign Relations that they are apt to be in possession of information that others not on that committee may not be in possession of, but I recognize the further fact that the information on this subject, or at

the opinions which I entertain upon this subject, but upon the papers and the documents which the President has sent to the Senate.

I agree with the Senator from Maine [Mr. FRYE] that there is hardly a fourth-class power in Europe that would have stood the insult that this Government has stood from Germany, and I am sorry to see in various ways a disposition to shrink from meeting what seems to me to be the duty of this Government in relation to such a matter.

I stated yesterday, and I repeat to-day, that the consular agents of the United States at Samoa, the commanders of our vessels at Samoa, the citizens of the United States residing upon these islands, can not fail to be humbled and humiliated and to feel degraded by the fact that their Government has permitted Germany to trample upon their rights and upon the rights of Samoa in view of the treaty stipulations and other understandings, as has been done; and instead of trying to cover this up, I think wisdom, prudence, and the interest of the people of this country is that we should meet the facts.

If the Government of the United States has assumed obligations to Samoa, whatever they are, it should avow and execute them. If it owes a duty to its own citizens it should perform that duty. flag of the United States has been insulted, if the property of citizens of the United States is placed at the mercy of German traders through the action of the Government of Germany, we ought to recognize those facts to be as these papers show them, and do one of two things. If we mean abjectly to abandon our rights we ought to call home our consular agent and the commanders of our vessels and not subject them to insult and degradation, and admit that whatever rights we have there, or whatever duties we owe, we abandon; or if we do not do this, then we ought squarely and manfully to assert the rights which belong to this country and discharge the duties we may owe to Samoa.

I will not assume that the amendments reported by the Senate Committee on Foreign Delations do not meet the exigencies of the case; but I simply say that, as I understand the question, the President having said in substance that he had exhausted his authority on this subject and appealed to the larger constitutional authority of Congress to advise him further about it, this first amendment does no such thing. It simply proposes to appropriate money without enlarging the duties of the President, without telling him what the policy or the purposes of Congress are; and so, with all respect to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations, I feel constrained to leave the amendment offered

by me subject to the action of the Senate.

Mr. President, when I addressed the Senate a few mo-Mr. FRYE. ments since it was with the intention of saying but a very few words; but I wish to add something to what I stated as to Pago Pago. the best harbor in the Pacific Ocean, right in the hurricane latitude, and it is absolutely necessary if we have vessels in that ocean that they can have the right of harborage in Pago Pago—absolutely nec-

Again, if the Nicaraguan Canal is built, or any Isthmian canal, Samoa is of infinitely greater importance to our interests than the Sandwich Islands are. The Sandwich Islands are not en route from the Isthmus to China, or Japan, or Australia, or the East Indies; they are away out of the route; but the Samoan Islands are exactly in line. We have to-day in the whole Pacific Ocean but two resting places, the Sandwich Islands and Samoa. Nothing else is left. If Samoa is taken, only the Sandwich Islands remain, and they off the track.

It is known to Senators that our steam commerce of to-day is on the Pacific and not on the Atlantic. All of our great lines but one, I believe, are on the Pacific; and the importance of Pago Pago as a harbor can not be overestimated to us in our future. This dispatch has just

come over the wires:

AUCKLAND, January 31.

Advices from Samoa state that the German officials have given notice that all essels arriving there will be searched for articles contraband of war.

So that the right of search of American vessels, if this dispatch is correct, is asserted by Germany.

They have suppressed the Samoan Times.

If that is true, then free speech is stopped in Samoa.

A passenger on the British steamer Wainne, who visited Mataafa's camp, was placed under arrest, but was subsequently released in compliance with a demand of the British consul.

If he had been an American, I suppose, it would not have done for an American consul to have demanded his release.

A proclamation has been issued placing the Apia police force under German control. Mataafa's followers number 6,000. They are strongly intrenched, and other Samoans are rapidly joining them. Upon the arrival of the steamer Richmond she was boarded and searched by the Germans.

Mr. GRAY. What nationality is that?
Mr. FRYE. I do not know. It came by the Associated Press from Anekland.

Mr. GRAY. English, I suppose.
Mr. FRYE. Very likely. I, of course, do not know whether the statements in this dispatch are true or not, but if they are, then three assertions are made by Germany in Samoa—first, the right of search of least a great deal of information upon this subject, has been communicated by the President of the United States to the Senate, and I rely not upon an unexplained report or clause of a bill for the formation of in treaty relations; second, the suppression of free speech; and third, American vessels going into the harbor of a nation with whom we are the assuming control of the police in Apia. Apia is the municipality which by agreement between Germany, England, the United States, and the Samoan chief or king was made neutral ground, in which these nations had equal rights.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived, which is Senate bill 3401, in relation to the Pacific railroads.

Mr. HALE. I ask that that bill be informally laid aside.

The PRESIDING OFFICER. The regular order will be laid aside informally in order to proceed with the appropriation bill now pending. Is there objection to the request of the Senator from Maine? The Chair hears none, and the regular order is informally laid aside and the diplomatic and consular appropriation bill remains before the Senate, and the question is on the amendment of the Senator from Texas.

Mr. REAGAN. In view of the suggestion of the Senator from Maine who has just spoken [Mr. FRYE], and who is a member of the Committee on Foreign Relations, and who takes substantially the same view of this question that I do, it is perhaps better to let the items pass as reported by the committee. In view of the fact that matters are assuming shape so rapidly as that it is probable we shall have the question before us in another form very soon, I withdraw the amendment

which I have proposed.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. COCKRELL. I desire to reserve one of the amendments made as in Committee of the Whole. I did not observe at the time when

the amendments were concurred in.

The PRESIDENT pro tempore. The amendments made as in Committee of the Whole have been reported to the Senate and adopted by the Senate.

Mr. COCKRELL. I understand that, but I ask consent of the Senstor from Maine and of the Senste to have the amendment making certain ministers plenipotentiary ambassadors reserved for a separate

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the amendment to which he has referred may have a separate vote in the Senate. Is there objection? The Chair hears none.

Mr. HALE. It is very desirable that this bill should go through the Senate speedily and be sent to the House of Representatives. I do not propose to take the time of this body in debating the two amendments that have been submitted by the Committee on Foreign Relations and reported in the bill, because I agree with my colleague that the time has not come to fully discuss this most important subject. It is in my judgment better that it should be left to a future time when the Senate can more deliberately consider the grave importance of this subject. In the mean time I am willing to leave the disposition of these amendments, if they be adopted and the money carried with them, with the executive department, which has charge of the negotiations and the conduct of all proceedings relating to the relations between this country and the Samoan Islands. Whatever rights we have there should be firmly protected and insisted upon and not given up.

I do not share, for one, in the feeling which has been expressed here that this matter only involves the performances of a private trading company of German citizens in these islands. I am led to believe that the subject is greater and carries with it more gravity and importance than would be the case if this was only dealing with a foreign power that had not committed itself to the acts of its citizens in these islands. But in view of the letter of Prince Bismarck to the German envoy at Washington, answered by the Secretary of State no later than last February, I am constrained to believe that whatever has been done in the islands of Samoa in the direction of German interference and German intervention there has been done with deliberation; that while openly and apparently it may be of a German company, it is the act of the German Government and in pursuance of a policy on the part of the German Government; and I expect that when the executive power of German Government; and I expect that when the executive power of this Government, which is to deal with this important subject by negotiation, is confronted with the issue it will find itself confronted with the German authority and the policy of the German Empire. Out of that I hope a wise course will be pursued, and that we shall not be unnecessarily involved in important steps that will lead to grave and it may be deplorable results unless it is clear that the rights of American citizens have been interfered with and that everything is necessary to protect those rights protect those rights.

With this, for one, not having the extreme views that have been presented upon this case on the part of some Senators, I am willing to leave it, being desirous of taking no more time, but that the bill shall be put upon its passage.

The PRESIDENT pro tempore. The reserved amendment will be

stated.

The Secretary. In the heading on page 1, line 10, after the word "of," insert "ambassadors and;" and in line 11, strike out "envoys extraordinary and ministers plenipotentiary" and insert "ambassadors; " so as to read:

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors to France, Germany, Great Britain, and Russia, at \$17,500 each, \$70,000.

Mr. HALE. Have the amendments of the Committee on Foreign

Relations been adopted?

The PRESIDENT pro tempore. All the amendments have been adopted except the one which has just been read. The Senator from Missouri [Mr. Cockrell] asked that a separate vote might be taken in the Senate on this amendment made as in Committee of the Whole.

All the amendments that the Committee of the Whole put in the bill have been adopted except the one in relation to ambas-

The PRESIDENT pro tempore. All except the one just read.
Mr. CALL. Mr. President—
Mr. SPOONER. I ask the Senator from Florida to yield to allow me to make an inquiry of the Chair.

The PRESIDENT pro tempore. Does the Senator from Florida yield?

Mr. CALL. Yes, sir.

Mr. SPOONER. I simply desire to inquire whether the amendment offered by the Senator from Texas [Mr. REAGAN] has been withdrawn.

The PRESIDENT pro tempore. It has been withdrawn.

Mr. CALL. Mr. President, I only desire to say that this amendment which was proposed by the Senator from Texas and has now been withdrawn is a matter which, in my opinion, should receive the present consideration of this body.

on the 10th of November, 1884, there appears, in the message of the President of the United States submitted to us, a treaty between the King of the islands of Samoa and the German consul in the shape of a form of government absolutely conferring the power over this island and all its inhabitants, whether Americans or of any other nation, upon

the German authorities under the title of the Samoan-German council.

This was in 1884. The dispatch of Mr. Kasson calls the attention of our Government to this as a violation of the understanding and the agreement between Germany and the United States. The response of Prince Bismarck, representing the German Government, agrees to it that it would be a violation of the status quo and the agreement between the United States and Germany. But still following that for a period up to the year 1889 this violation of faith which has been period up to the year 1889 this violation of faith which has been pledged to this Government as represented by the minister of Germany has continued, and the question now is after the lapse of five years whether or not the pledged faith of the Government of the United States to protect and preserve the autonomy and the neutrality, as the Senator from Texas [Mr. REAGAN] properly expresses it, the same word that is used in our dispatches, shall be kept. The neutrality of the state of the same word that is used in our dispatches, shall be kept. trality of those islands in respect to all other governments has been violated. The question is, shall we preserve the pledge of the public faith of the Government of the United States to the specific proposition or not? Is five years of violated faith and neglected duty a sufficient time to have expired before the Government and this body as one of the co-ordinate members of the Government shall express a decided and positive opinion upon that subject.

Mr. President, I wish to say for myself that my vote shall be given to the preservation of the public faith, the pledged faith of the Government of the United States, to preserve the neutrality of those islands and for the protection of the rights of American citizens; but above and beyond that the public interests of this country require that when it has pledged its faith as a Government to a proposition affecting foreign governments, that faith shall be preserved at whatever cost.

If the Senator from Texas had retained his amendment, I should have voted for it with pleasure.

The PRESIDENT pro tempore. The question is on concurring in the Senate with the amendment made in the Committee of the Whole. Mr. COCKRELL. On that I call for the yeas and nays,

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be again reported so that the Senate may understand it.

Mr. GIBSON. I make no objection to the demand of the Senator from Missouri, but I observe that several Senators who voted for this amendment are absent from the Chamber.

Mr. COCKRELL. I do not know who are absent or who are present, far as that is concerned.

The PRESIDENT pro tempore. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. PAYNE (when his name was called). I agreed to pair with the Senator from Oregon [Mr. MITCHELL], who is detained in the Supreme Court. I understand he voted in committee against this amendment.

Court. I understand he voted in committee against this amendment, and I therefore withhold my vote.

Mr. TELLER (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. WILSON, of Iowa. I desire to announce that my colleague
[Mr. Allison] is paired with the Senator from New Jersey [Mr. Mc-

PHERSON]. Mr. PAYNE. Mr. PAYNE. At the suggestion of a Senator near me that the Senator from South Carolina [Mr. BUTLER] is absent, I transfer my pair with the Senator from Oregon [Mr. MITCHELL] to the Senator from

South Carolina, and I will vote.

Mr. MORRILL (after having voted in the affirmative). I observe at the Senator from Tennessee [Mr. HARRIS] is absent. I am genthat the Senator from Tennessee [Mr. HARRIS] is absent. I am generally paired with him, and though I do not know how he would vote on this particular question, I withdraw my vote.

The result was announced—yeas 25, nays 26; as follows:

	YEA	S-25.	
Call, Chace, Chandler, Colquitt, Davis, Evarts, Farwell,	Frye, Gibson, Gorman, Gray, Hale, Hampton, Hawley,	Hiscock, Hoar, Manderson, Morgan, Paddock, Payne, Platt,	Riddleberger, Sawyer, Sherman, Wilson of Md.
	NAT	7S-26.	
Bate, Blackburn, Blair, Cockrell, Coke, Dawes, Edmunds,	Eustis, Faulkner, George, Ingalls, Jones of Arkansas, Pasco, Plumb,	Pugh, Ransom, Reagan, Saulsbury, Spooner, Stanford, Stewart,	Turpie, Vest, Voorhees, Walthall, Wilson of Iowa.
	ABSI	CNT-25.	
Aldrich, Allison, Beck, Berry, Blodgett, Bowen, Brown,	Butler, Cameron, Cullom, Daniel, Dolph, Harris, Hearst,	Jones of Nevada, Kenna, McPherson, Mitchell, Morrill, Palmer, Quay,	Sabin, Stockbridge, Teller, Vance,

So the amendment was non-concurred in.

The PRESIDENT pro tempore. The bill is still open to amendment in the Senate.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

# PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on

tne st	ita insi	ant a	proved and signed the following acts:
An	act (S.	2333)	granting a pension to George W. Fogle;
An	act (S.	2646)	granting a pension to Danville A. Ricker;
An	act (S.	2981)	granting a pension to Walter N. Smith;
An	act (S.	3042)	granting a pension to Mrs. Philena T. Carpenter;
			granting a pension to Isaac N. Hawkins;
			granting a pension to Kate C. Van Arnum;
			for the relief of Sarah R. Fisher;
			to increase the pension of Seth F. Myers;
1000			

An act (S. 3112) granting an increase of pension to William H. Mars-

An act (S. 3782) to amend an act entitled "An act declaring that certain water-reserve lands in the State of Wisconsin are and have been subject to the provisions of the act of Congress entitled 'An act granting to railroads the right of way through the public lands of the United States,' approved March 3, 1875," approved September 10, 1888.

# EXECUTIVE SESSION.

The PRESIDENT pro tempore. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being Senate bill 3401, relative to the Pacific railroads.

Mr. RIDDLEBERGER. I move that the doors of the Senate be now closed, and that the Senate proceed to the consideration of executive busines

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consid-After three hours and forty-five mineration of executive business. utes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 1, 1889, at 12 o'clock m.

# NOMINATIONS.

Executive nominations received by the Senate the 31st day of January, 1889.

# POSTMASTERS.

Herman Goldner, to be postmaster at Jackson, in the county of Amador and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

Horatio E. Harvey, to be postmaster at Alameda, in the county of Alameda and State of California, in the place of A. S. Barber, whose commission expires February 11, 1889.

Louis Jacobson, to be postmaster at Redwood City, in the county of San Mateo and State of California, the appointment of a postmaster for

the said office having, by law, become vested in the President on and after January 1, 1889.

Isadore S. Loventhal, to be postmaster at Modesto, in the county of

Stanislaus and State of California, in the place of Charles H. Finley,

John J. Renaker, to be postmaster at Monrovia, in the county of Los Angeles and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

William E. Sloan, to be postmaster at Elsinore, in the county of San Diego and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after

October 1, 1888.

Harry K. Weitzel, to be postmaster at Oceanside, in the county of San Diego and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

Herman Snyder, to be postmaster at South Norwalk, in the county of Fairfield and State of Connecticut, in the place of Joseph S. Dunning,

whose commission expired December 11, 1888.

James V. Squier, to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut, in place of Edward F. Whiton, whose commission expires February 9, 1889.

John H. Davis, to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

Charles H. Manning, to be postmaster at Grand Crossing, in the county of Cook and State of Illinois, in the place of Henry C. Robinson, whose

commission expired January 7, 1889.

commission expired January 7, 1889.

Celestine Gibbons, to be postmaster at Keokuk, in the county of Lee and State of Iowa, in the place of Patrick Gibbons, deceased.

Mollie G. Moffit, to be postmaster at Tipton, in the county of Cedar and State of Iowa, in the place of Ettie L. Peet, whose commission expires February 6, 1889.

Henry C. Miller, to be postmaster at Horton, in the county of Brown and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1888. ber 1, 1888

Albert Holle, to be postmaster at Frostburgh, in the county of Allegany and State of Maryland, in the place of Charles H. Walker, whose commission expired January 26, 1889.

commission expired January 26, 1889.

Frank K. Bonney, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

Samuel McQuaid, to be postmaster at Holyoke, in the county of Hampden and State of Massachusetts, in the place of Charles B. President of the place of Charles B. President of the place of Charles B.

cott, whose commission expired December 19, 1888.

Frank McMahon, to be postmaster at Au Sable, in the county of Iosco and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after

said office having, by law, become vested in the President on and after January 1, 1889.

R. G. Williams, to be postmaster at Alliance, in the county of Stark and State of Ohio, in the place of Joseph K. Allen, whose commission expired January 22, 1889.

Mrs. Jennie R. Livingston, to be postmaster at South Pittsburgh, in the county of Marion and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889.

George G. Moore, to be postmaster at Flatonia, in the county of Fayette and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after Jan-

uary 1, 1889.

Florine A. Hines, to be postmaster at Suffolk, in the county of Nansemond and State of Virginia, in the place of Florine A. Hines, whose

commission expired January 13, 1889.

William P. Hiddleson, to be postmaster at Vancouver, in the county of Clarke, in the Territory of Washington, in the place of Hattie Den-

nison, whose commission expires February 6, 1889.

John M. Hibbard, to be postmaster at Stoughton, in the county of Dane and State of Wisconsin, in the place of John M. Hibbard, whose commission expired December 20, 1888.

# PROMOTIONS IN THE ARMY.

# First Regiment of Cavalry.

First Lieut. Thomas T. Knox, to be captain, January 23, 1989, vice Jackson, promoted to the Second Cavalry.

Second Lieut. Albert L. Mills, to be first lieutenant, January 23,

1889, vice Knox, promoted.

# Second Regiment of Cavalry.

Capt. James Jackson, of the First Cavalry, to be major, January 23, 1889, vice Bennett, retired from active service.

# First Regiment of Artillery.

Lieut, Col. Loomis L. Langdon, of the Second Artillery, to be colonel, January 25, 1889, vice Tidball, retired from active service. Capt. John Egan, of the Fourth Artillery, to be major, January 25,

1889, vice Frank, promoted to the Second Artillery.

Second Regiment of Artillery.

Maj. Royal T. Frank, of the First Artillery, to be lieutenant-colonel, January 25, 1889, vice Langdon, promoted to the First Artillery.

Fourth Regiment of Artillery.

First Lieut. Richard P. Strong, to be captain, January 25, 1889, vice Egau, promoted to the First Artillery.

Second Lieut. Adelbert Cronkhite, to be first lieutenant, January 25,

1889, vice Strong, promoted.

PROMOTIONS IN THE NAVY.

Surg. Thomas N. Penrose, a resident of Pennsylvania, to be a med-

ical inspector in the Navy, from the 25th January, 1889, vice Medical Inspector A. S. Oberly, retired.

Passed Asst. Surg. Walter A. McClurg, a resident of Pennsylvania, to be surgeon in the Navy, from the 25th January, 1889, vice Surg. T. N. Penrose, promoted.

# CONFIRMATION.

Executive nomination confirmed by the Senate January 31, 1889.

POSTMASTER.

Richard H. Dearborn, to be postmaster at Salem, Marion County,

# HOUSE OF REPRESENTATIVES.

THURSDAY, January 31, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H.

The Journal of the proceedings of yesterday was read and approved.

VIADUCT AT ROCK ISLAND ARSENAL, ILLINOIS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with accompanying maps and papers, a letter from the Chief of Ordnance recommending an appropriation for the con-struction of a viaduct over railroad tracks at Rock Island arsenal, Illinois; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF WINYAW BAY, SOUTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of a board of engineers upon the proposed plan for the improvement of Winyaw Bay, South Carolina; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER also laid before the House the annual report of the Commissioner of Patents; which was referred to the Committeee on Patents, and ordered to be printed.

CLAIM OF S. T. MARSHALL.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, requesting that the papers relating to the claim of S. T. Marshall, filed in the file-room of the House, be transmitted to that Department,

The SPEAKER. If there be no objection, the Clerk will be directed to transmit these papers to the Department of the Interior.

There was no objection, and it was ordered accordingly.

WAR CLAIMS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting the findings of fact in the cases of William H. Halliburton, administrator of James Furlong, deceased, vs. The United States; John W. McKnight vs. The United States, and William N. Potts vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

REFERENCE OF SENATE BILLS, ETC.

The SPEAKER also laid before the House the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.; which was read twice, and referred to the Committee on Commerce.

Also, a concurrent resolution of the Senate providing for the printing of 32,000 extra copies of the Sunday-rest bill—to the Committee

on Printing.

BIG HORN SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in Montana Territory

Mr. TOOLE. Mr. Speaker, I ask unanimous consent for the present consideration of that bill; and I desire to say it is identical in substance and form with the bill reported by the House Committee and now on the Calendar.

The SPEAKER. The bill will be read, subject to the right of ob-

The bill was read, as follows:

The bill was read, as follows:

Be the enacted, etc., That a right of way is hereby granted, as hereinafter set forth, to the Big Horn Southern Railroad Company, a corporation duly organized and existing under the laws of the Territory of Montana, for the construction, operation, and maintenance of its railroad, telegraph, and telephone line through the lands set apart for the use of the Crow Indians, and commonly known as the Crow Indian reservation, beginning at a point on the Northern Pacific Railroad, in the vicinity of the mouth of the Big Horn River, in Yellowstone County, Montana Territory; thence by the most practicable route up said Big Horn River to or near the mouth of the Little Big Horn River; thence up said creek to and across the southern boundary line of said reservation.

Sec. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad, as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber, necessary for the construction of said railroad; also ground adjacent to said right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road, except at the terminus of said road at a point on the Northern Pacific Railroad in the vicinity of the mouth of the Big Horn River, Yellowstone County, Montana, and at such point not to exceed 160 acres, or so much thereof as the Secretary of the Interior shall decide to be reasonably necessary for terminal facilities.

Sec. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of way shall vest in said railroad company in or to any of the right of way he

manner as he may prescribe, before any right under this act shall accrue to said company.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed through that part of said reservation through which it shall be constructed: Provided, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: And provided further. That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation on said line within two years from the passage of this act, or if the consent of the Indians is required under the terms of the proviso to section 3 of this act, then within two years from the date when such consent shall be obtained as provided in section 3 of this act.

quired under the terms of the proviso to section 3 of this act, seen when the years from the date when such consent shall be obtained as provided in section 3 of this act.

SEC. 5. That the said railroad company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereimbefore provided: Provided, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railroad company under this act.

SEC. 6. That said railroad company shall have the right to survey and locate its road immediately after the passage of this act.

SEC. 7. That Congress may at any time amend, add to, alter, or repeal this act.

There being no objection, the bill was considered, and was ordered to

third reading; and being read the third time, was passed. Mr. SPRINGER moved to reconsider the vote by which the bill was ssed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

# ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

then the Speaker signed the same:

A bill (S. 1481) granting a pension to Ellen White Dowling;

A bill (S. 2829) granting a pension to Sarah J. Foy;

A bill (S. 3283) granting a pension to Reuben Ash;

A bill (S. 3283) granting a pension to Mary Saeger;

A bill (S. 3538) granting a pension to Mary Saeger;

A bill (S. 2514) granting a pension to Michael Shong;

A bill (S. 2623) granting an increase of pension to James Patterson;

A bill (S. 3451) granting a pension to Frank J. Worcester; and

A bill (H. R. 6105) to authorize the furnishing of obsolete serviceable upon to soldiers' homes.

cannon to soldiers' homes.

# JAMES R. BERRY.

The SPEAKER also laid before the House the bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry as late auditor of the State of Arkansas.

Mr. PEEL. Mr. Speaker, that bill contains but a few lines, and has been unanimously reported by the House committee. I ask unanimous consent for its present consideration.

The SPEAKER. The bill will be read, subject to the right of ob-

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to James R. Berry, former auditor of the State

of Arkansas, the sum of \$200 out of any money in the Treasury not otherwise appropriated, the same being for internal-revenue tax illegally collected on his salary as such officer.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

# LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Buch-ANAN after 2 p. m. to-day, for the remainder of the week, to attend the meetings of the New Jersey State Agricultural Society.

#### APPOINTMENT OF CONFEREES.

The SPEAKER appointed as managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 1860) to amend section 683 of the Revised Statutes, Mr. Cas-WELL, Mr. HENDERSON of North Carolina, and Mr. LANHAM.

#### EULOGIES ON THE LATE JAMES N. BURNES.

Mr. HATCH. Mr. Speaker, I ask unanimous consent that Saturday, the 23d day of February, at 2 o'clock p. m., be set apart by the House in order that we may present suitable resolutions upon the death of our late colleague, Hon. James N. Burnes, late a member of this House.

The SPEAKER. Is there objection to the unanimous consent re-

quested by the gentleman from Missouri?

There was no objection, and it was so ordered.

NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to discharge the Calendar from the further consideration of the bill (S. 779) for the relief of the New York, Lake Erie and Western Railroad Company, and put it upon its passage.

The SPEAKER. The bill will be read, subject to the right of ob-

jection.

The Clerk proceeded to read the bill.

Mr. BLAND. I demand the regular order.

Mr. KEAN. I hope the gentleman will not insist upon that, as this has been recommended by the Postmaster-General.

The SPEAKER. The gentleman from Missouri demands the regu-

lar order.

#### CONSIDERATION OF NAVY APPROPRIATION BILL.

Mr. HERBERT. Mr. Speaker, I desire to give notice that on Saturday next I will ask the House to take up and consider the naval appropriation bill.

# NIGHT SESSION FOR DISTRICT BUSINESS.

Mr. HEMPHILL. The gentleman from Missouri [Mr. BLAND] has agreed to withdraw in my favor, in order that I may submit a request for a night session for the District of Columbia.

The SPEAKER. What is the suggestion of the gentleman?
Mr. HEMPHILL. I desire to ask unanimous consent that or I desire to ask unanimous consent that on Tues day next, at 5 o'clock, the House will take a recess until 7.30 for the consideration of business from the Committee on the District of Columbia, not including the national park bill or the trust bills.

Mr. DORSEY. The session to extend how long?

Mr. HEMPHILL. The session to terminate not later than 10.30 p. m. that evening.

Mr. BUTTERWORTH. What business does the gentleman propose

The SPEAKER. The Chair will submit the request of the gentle-

man from South Carolina as stated. Is there objection?

Mr. BUTTERWORTH. I would like to know the character of busi-

ness to be introduced.

Mr. HEMPHILL. I will state that there are a number of bills relating to the terms of court, the length of service of jurors, and the number of directors in insurance companies, and matters of that kind, which I am sure will not attract any special attention, but which should be acted upon for the convenience of the citizens of this District. Mr. RICHARDSON. I would ask if the gentleman means to exclude

bills which may be reported by the committee prior to that date?

Mr. HEMPHILL. The only bills that have created any public in-

Mr. HEMPHILL. The only bills that have created any public interest are the ones which I have excepted.

Mr. SPRINGER. I call up the unfinished business of yesterday.

The SPEAKER. Is there objection to the request made by the gentleman from South Carolina? The Chair hears none, and the order is made. The regular order has been demanded by the gentleman from Missouri.

Mr. COX. The gentleman withdraws it for a moment.

Mr. BLAND. I withdraw the regular order if the gentleman from

Illinois does not want to insist on his bill.

The SPEAKER. If the regular order be withdrawn, there is a bill before the House called up by the gentleman from New Jersey [Mr.

KEAN].
Mr. KILGORE. I demand the regular order.

Mr. SPRINGER. I call up the unfinished business of yesterday. Mr. GROSVENOR. Mr. Speaker, I make the point of order against

lost its privilege by reason of the close of the legislative day of yester-day and by reason of the adjournment of the House. I will assume that were it not for the presence of the special order, the previous question having been demanded, the bill would have come over in the legislative day of to-day clothed with its character of unfinished business; but my point is that the order itself under which the House considered the bill operated to terminate or to put an end to the operation of the rule to which I have already referred. The order of the House under which this action was taken must be construed, I take it, strictly; and I insist it must be construed as though it was the only rule of the House under which the House either acted on yesterday or under which it could act to-day so far as this bill is concerned. This order, which of the rules of the House was clearly abrogated by the provisions of this rule; and if one rule was thus affected, why, clearly all of them were affected in the same way. There was no vote taken on a demand for the previous question. Proceedings which under the rules would have been necessary and indispensable were neither necessary nor indispensable as the House acted on yesterday.

In other words, what I want to call the attention of the Chair to is

In other words, what I want to call the attention of the Chair to is the fact that the House acted on yesterday at all times independently of the rules of the House, and under an order of the House which was made by unanimous consent. That rule will be construed by the Chair as if there never were any other rules of the House that are independent of this order. Now, then, what does this order say? I need not read the whole of it for the purpose of my point. After providing that the bill shall be the special order for the 24th day of Jan-

uary, it proceeds:

And in case such bill shall not be taken up on said day; then this shall be a continuing order until one day shall be occupied as herein specified.

Now, what is specified? It was specified that January 24 should be "the day," but failing in taking it up on that day some other day should become in order, and then that at 4 o'clock on that day the previous question should be considered as having been ordered upon the pending amendments and the third reading and passage of the

the pending amendments and the third reading and passage of the bill, and that thereupon a vote should be taken.

Now, the rights of the bill are fixed by that rule, and by no other rule of this body. It had one day. This rule is limited in its operation to one day. If the Chair is governed by the legislative intent manifested in this rule, why, there can be no question on my point of order. The House had just as much right to limit it to one day as it had the right to extend its time under the rule. The House menufectly in the right to extend its time under the rule. The House manifestly in-tended to give to this bill this character for only a single day. Surely, Mr. Speaker, the House of Representatives by unanimous consent may limit the right of a bill just as much as it may give a right to a bill. Now, the question under consideration is the manifest legislative intent, which was that the Oklahoma bill should be disposed of in one day, and that its character of privilege, so far as the question of consideration was concerned, should be limited to a single day. The assumption in the ruling of the Speaker (the gentleman then occupying the chair) had that effect, the ruling of the Chair being distinct, following, as it was claimed, a ruling of the present occupant of the chair on a former occasion, that a motion to adjourn was not in order. But by unanimous consent the House waived the question of appeal from the decision of the Chair and voluntarily, by unanimous consent, entertained a motion to adjourn and did adjourn; and when the House did adjourn last evening there was an end to the operation of this rule. This rule had become inoperative; it had accomplished exactly the legislative intent. It had given a single day to the consideration of this bill. It had fixed an hour when a vote should be taken. The House had the right to dispense with the vote and abandon the consideration of the bill, and the House did do that. The privilege was exhausted under the rule when a single day had been given to the consideration of the bill.

The House could have continued its day, and construction and force must be given by the Chair to the non-action of the House as well as to its action. The House, with its eyes wide open, must be understood to have acted with the knowledge of the effect of this rule, and when the day had expired it was within the purview of the power of the House to have extended the day for the consideration of this bill over into another legislative day; but the House did not do that, and the effect of its non-action in that respect is, in my judgment, that the operation of the order is at an end. And not only so, but it certainly, in my judgment, excludes the operation of another rule which had already been suspended for the purpose of giving to this bill a single day. M Speaker, will it do to say that when the House assigns a limited timefor this was a limit of the time for the consideration of this bill-will it do to say, when the House has assigned a limited time for the consideration of a bill, that then, by some sort of operation of a rule which had been suspended and which had not operated to give the day, the bill shall have unlimited time, because, forsooth, it had a limited time under a former order of the House?

Here is a peremptory provision in this order which supports my view that it was the legislative purpose of the House to limit the operation of the privilege of this bill to a single day. The order fixed the hour the consideration of the bill known as the Oklahoma bill that it has at which the vote was to be taken. Nothing else was in order. There

could have been no dilatory motion. The Speaker had ruled on a former occasion in a similar case that a motion to recommit was not in order because the House had ordered that a vote should be taken on certain things, to wit, the engrossment and third reading of the bill with the pending amendments, and had ordered that the vote should be taken pending amendments, and had ordered that the vote should be taken at a given hour and minute. The Speaker did not, perhaps, rule upon the question that was raised yesterday and ruled upon by the then occupant of the chair, but the principle in both cases is exactly the same. Nothing else was in order. Now, can it be possible that by the operation of silence, by a motion to adjourn being sustained, the House has done a thing which it was forbidden to do under its rules? It would not have been in order yesterday at the hour of 4 o'clock to have made a motion that this bill should have a special privilege to-day. No other motion was in order but the motion provided for in the special order of the House, and yet it is said that because the House proceeded to abandon this order or refrained from acting upon it, the order is transmuted over into the general provision of a rule which was not in force

Mr. HOOKER. Mr. Speaker, I have not been able to hear fully everything that has been said by the gentleman from Ohio [Mr. Gros-VENOR ]. It may be possible, therefore, that I may repeat something that he has said in endeavoring to sustain the point of order which he has made—that the bill under consideration yesterday under a special order of the House fixing a designated day for its consideration, has lost its privileged character and is not now properly the subject of consideration by the House under the order which was adopted. That special order, Mr. Speaker, differed from a continuing order, which usually reads that such a day shall be set apart for the consideration of the bill or the resolution specified, and that, with one or two exceptions, namely, measures from the Ways and Means Committee and measures from the Appropriations Committee, it shall continue from

day to day until disposed of.

The order in this case is a special order fixing a specific legislative day for the consideration of this particular measure, which, I might incidentally remark, has received more indulgence and consideration and favor in this House than any other measure pending before it, though vastly insignificant in importance. I say that this was a specific order, fixing a specific day for the consideration of this bill, an order drawn by the friends cific day for the consideration of this bill, an order drawn by the friends of the measure. It was passed, as the Speaker will remember, under a suspension of the rules, and the 24th day of January was fixed for the consideration of this bill. A clause in the special order provided that in the event anything shall interrupt the consideration of this particular measure on the 24th day of January, then another legislative day shall be appointed for its consideration. I call the Speaker's attention especially to the language of the special order providing that another day shall be appointed for the consideration of this measure, "until one day shall be occupied as herein specified." How occupied? Occupied in the consideration of this measure. Here was an order designating a particular day for the consideration of the matter on that designating a particular day for the consideration of the matter on that day, coupled with the condition that if anything interfered with its consideration on that day, then another legislative day should be set apart for its consideration.

Another legislative day was set apart, and yesterday was taken up by its consideration. The hour of 4 o'clock arrived and the committee rose and reported the bill to the House, and then-I believe on the motion of the chairman of the Committee on Territories-the House adjourned. Now, Mr. Speaker, I hold that under the rules of the House that is the termination of the special order, and I call the attention of the Chair to the provision which is to be found under the head "Special Orders," on pages 264, 265, and 266 of the Manual, and more especially to that clause which I shall now proceed to read, which will be found

about the middle of page 265:

Sometimes the words "Fridays and Saturdays excepted" are inserted; in which case the consideration of private bills may be proceeded with on those days; but it is otherwise where these words are omitted. Since that period Fridays alone are set apart for the consideration of private bills. And sometimes the words "and from day to day until disposed of" are omitted—

Those words are omitted in this case; the resolution contains no such language

sometimes the words "and from day to day until disposed of" are omitted, in which case-

Now I call the attention of the Speaker especially to the ruling to which I am about to refer-

That is, in a case where the words "and from day to day until disposed of" are omitted—

it is a special order for the day named only-

Observe the language, "only"-

and if the matter made a special order is not taken up, or if taken up is left undisposed of on the day named, thereafter it loses its specialty.

This ruling is express, emphatic, decisive. And I refer the Chair to the Journal of the Forty-eighth Congress, when the ruling of the Speaker on a similar proposition was precisely in accordance with the ruling which I insist is the correct one in this case.

second session of the Forty-eighth Congress the following proceedings will be found:

Will be 10 Und:

Mr. Tucker, as a privileged question, called up, and the House proceeded to the consideration of, business under the following special order, adopted on the 7th instant, namely:

Resolved, That Tuesday, January 13, be assigned to the Committee on the Judiciary for the consideration of such business as may be presented by said committee; this order not to interfere with the consideration of general appropriation and revenue bills and the special order adopted January 21 last, relating to reports from the Committee on the Public Lands; and in case this order shall be interfered with on that day, it shall be continued in force until one day thereafter has been occupied by the Committee on the Judiciary.

As the Chair will observe, the special order in that case expressly rovided that if the business designated should be interfered with on the day named, the order should continue in force until one day thereafter had been given to the consideration of this specific business. Now, what was the ruling of the Speaker in that case?

Now, what was the ruling of the Speaker in that case?

Mr. William H. Hatch made the point of order that the first business in order under the said special order was the further consideration of the bill of the House (H. R. 3949) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western divisions thereof into divisions, and to prescribe the times and places for holding courts therein, and for other purposes, reported from the Committee on the Judiciary on the 23d of January last, and referred to the House Calendar and considered by the House on the 17th of May last, the pending question being on the amendment of Mr. McCold to section 2, on which amendment the demand for the previous question was pending when the House adjourned on that day.

The Speaker overruled the said point of order on the ground that the said bill was brought before the House on said day under the terms of a special order similar to the pending special order authorizing the consideration of such business "as may be presented by the Committee on the Judiciary." and that in accordance with the practice of the House all business undisposed of on such assignment fell with that day's adjournment.

The SPEAKER. The Chair thinks there is no doubt about the cor-

The SPEAKER. The Chair thinks there is no doubt about the correctness of the ruling which the gentleman now cities, but he will permit the Chair to call his attention to the fact that in the case cited there was simply a demand pending for the previous question on an amend-ment, while in this case the previous question has actually been ordered on all the amendments, on ordering the bill to be engrossed and read a

third time, and on its passage.

Mr. HOOKER. I was coming to that point, Mr. Speaker. Having satisfied the mind of the Chair that this special order has exhausted itself, unless it is saved by the ordering of the previous question—

The SPEAKER. That is the only point.

Mr. HOOKER. Unless, I say, this order has more significance than special order ever has when a legislative body fixes a particular time for the consideration of a subject, you can not save it from the fact that it has lost its specialty. It loses its precedence, it loses its preference, if the legislative day is permitted to expire. By the adoption of the motion of the chairman of the Committee on Territories, this bill has lost its right of further consideration under the order in any regard, without reference to the question whether the previous question was ordered or not. Under the ruling to which I have referred, if the legislative day terminates, the special order fixing a specific day for the consideration of the business is exhausted; the specialty of that business is lost; its right of precedence is lost, and can not be again acquired except by another order of the House giving it the status it formerly occupied.

I submit, therefore, if the Speaker please, that when the order simply requires that one legislative day shall be devoted to a specific question, and that day has not been occupied, but another day has been, you can not save the special order from the operation of the restrictions which the gentleman who drew it himself put into it; you can not save it by any motion you can make, or give it again special preference except in the same manner in which the order was originally adopted.

Mr. Speaker, the only question with reference to

Mr. SPRINGER. Mr. Speaker, the only question with reference to this point of order is whether the previous question was ordered on the final passage of this bill. If, under the special order adopted by the House, the previous question on the final passage of the bill was ordered yesterday, there is no question that the order places the bill in such a position that it is the first business in order when the House meets again. This is true, under all the precedents and rulings heretofore made on this subject.

There is an additional point. This point was ruled upon last even-g by the Speaker protempore. When the question was asked whether ing by the Speaker protempore. this would come up for consideration the Speaker pro tempore decided that it would. He then made a decision on this question, from which

no appeal was taken. It is therefore an adjudication of that fact.

Mr. GROSVENOR. There was no question pending. The opinion
of the Chair was an obiter dictum. It was a mere expression of opinion

which can bind nobody. There was nothing pending upon which he could make a decision. [Cries of "Vote!"]

The SPEAKER. In the present case the rules were suspended and the special order to which the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Mississippi [Mr. HOOKEE] refer was made; and by the terms of that order, at 4 o'clock, on whatever day this matter should come up for consideration, the previous question was to be considered as ordered on all pending amendments, on ordering the bill peaker on a similar proposition was precisely in accordance with the ling which I insist is the correct one in this case.

On page 248 of the Journal of the House of Representatives for the

simply whether or not the action of the House in ordering the previous question, not only on the amendments but on ordering the bill to be engrossed and read a third time and on its passage, brings the bill within the practice which for a number of years has prevailed in the House. That practice, as stated in the Digest, is as follows:

Under the established practice of the House the effect of the previous question ordered before an adjournment is to bring the proposition up for consideration immediately after the reading of the Journal the following morning, even on Friday, though it be a public bill.

Various decisions are cited, some of which were made by the present

occupant of the chair.

In the case of pension bills, for instance, which are taken up under a rule of the House setting apart Friday evening for their consideration, several instances have occurred, and some are now on the Calendar, upon which the House at those evening sessions has, by agreement, ordered the previous question on the third reading and on their passage; and the Chair has ruled in every such case that those bills would come up the next morning immediately after the reading of the Journal, though a public-bill day, and only a few mornings since the gentleman from Indiana called up one, and it was considered by the House.

Unless the Chair has been wrong in its rulings on all those pension bills, it is constrained to hold in this instance that the action of the bills, it is constrained to hold in this instance that the action of the House, in ordering the previous question on the passage of the bill, places it in that condition in which it may be called up the next morning after the adjournment; and the Chair thinks the clause in the special order providing the previous question should be considered as ordered on the passage of the bill was inserted for the express purpose of bringing up the bill the next morning in case the vote could not be completed on the first day. The Committee of the Whole on the state of the Union might have reported so many amendments to this bill that it would have required the House a week to dispose of them, and it could not be supposed the House could be compelled to remain in session until all such amendments were disposed of in order to prein session until all such amendments were disposed of in order to preserve the special order and continue the operation of the previous ques-

The Chair overrules the point of order, and holds the bill can be called up under the practice.

Mr. YODER. I rise to a privileged question. I move to reconsider

Mr. YODER. I rise to a privileged question. I move to reconsider the vote by which the House agreed to the Payson amendment.
Mr. PAYSON. Did the gentleman vote in the affirmative?
Mr. YODER, I did.
Mr. PAYSON. I move to lay the motion to reconsider upon the table; and on that motion demand the yeas and nays.
Mr. HOOKER. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. HOOKER. The point of order I make, Mr. Speaker, is that under the special order a certain line of procedure was designated and marked out for the House to pursue in reference to this bill, and it was any origing the order to pursue it was limited to a single legislative my opinion the order to pursue it was limited to a single legislative day. The Chair has ruled otherwise, and I acquiesce in the decision of day. The Chair has ruled the Chair on that subject.

But I make the point that under the previous question, which has been ordered, the House is limited in its action to the specific matters mentioned in the order itself, and they must be voted on in the order

there specified. It requires that-

At 4 o'clock on said day the said bill shall be reported to the House with such amendments as may have been agreed upon in the committee, and the previous question shall then be considered as ordered upon all such amendments and upon ordering said bill to be read a third time and upon the passage of the same, and the votes thereon shall then be taken in the House.

This describes what is to be done, and in it is no provision for the reconsideration of any measure that may be pending before the House.

It might be said, Mr. Speaker, that under the general parliamentary rules the right to reconsider exists, and that that motion can be made in the House. I admit that that would be the case if we were not considering this under a special order. But this method designates the process or method of action, and we must conform to the order, must vote upon the amendments, and upon the bill itself, under the order, in

the manner specified.

The SPEAKER. Under the rules of the House the motion to reconsider is one of very high privilege, and it is a motion which relates directly to the proposition pending and on which a vote of the House has been taken. In other words, the vote of the House upon a proposition is not final and conclusive upon the House itself until there has been an opportunity to reconsider it, and therefore the motion to reconsider and lay on the table is in fact a vote upon the amendment itself.

The Chair thinks the point of order is not well taken.

The question is on the motion of the gentleman from Illinois to lay

the motion to reconsider on the table.

Mr. PAYSON. And on that I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative-yeas 119, nays 131, not voting 71; as follows:

VEAS-119

Anderson, Iowa Anderson, Kans. Arnold, Atkinson, Bacon, Baker, N. Y. Adams, Allen, Mass. Allen, Mich,

Baker, Ill. Barnes, Belden,

Bingham. Boothman, Boutelle, Boutelle, Gest, Grovenor, Brower, Grovenor, Grout, Brower, Grout, Guenther, Burnows, Hall, Haugen, Campbell, Ohio Campbell, T.J., N. Y. Henderson, Ill. Candler, Hiestand, Cheadle, Hires, Conger, Hitt, Cooper, Cox, Holman, Cummings, Cutcheon, Hoker, Davis, Hopkins, N. Y. Dunham, Farquhar, Finley, Johnston, Ind. Kean, Kelley. Farquhar, Finley, Fitch, Fuller.

Ketcham, La Follette, Laidlaw, Lehlbach, Funston. Gallinger, Gear, Gest, Grosvenor, Kean, Kelley, Kennedy, Dockery,

Lodge, Macdonald, Mason, McAdoo, McComas, McKinley, Milliken, Moffitt, Newton, Nichols, O'Donnell, O'Neill, Pa. Osborne, Owen, Patton, Payson, Perry, Pideock, Plumb, Post, Randall, Rayner, Robertson,

Rockwell, Romeis, Rowell, Russell, Conn. Sawyer, Scull, Seney, Seney,
Seymour,
Sowden,
Spinola,
Spooner,
Steele,
Stephenson,
Stewart, Ga.
Stewart, Vt.
Taylor, J. D., Ohio
Thomas, Ill.
Thomas, Ill.
Thomas, Wis.
Thompson, Ohio
Turner, Kans.
Vandever,
Weber,
Williams,
Woodburn, Woodburn. Yardley.

NAYS-131.

Abbott, Allen, Miss, Anderson, Miss, Anderson, III, Bankhead, Biggs, Blanchard, Bland, Blount, Blount, Gibson,
Breckinridge, Ark. Granger,
Breckinridge, Ky. Grimes,
Brown, J.R., Va. Hatch,
Burnett Hayden,
Canton, Heard,
Carlton, Hemphill,
Caruth, Catchings,
Chipman, Clardy, Howard,
Clardy, Hudd, Clardy, Clardy, Cobb, Cogswell, Collins, Compton, Cothran, Cowles, Culberson, Dalzell, Dargan, Darlington, Davidson, Ala, Davidson, Fla. Dibble.

Dorsey, Dunn, Enloe, Fisher, Foran, Forney, Gay, Gibson, Howard, Hudd, Hutton, Johnston, N. C. Jones, Kerr, Kilgore, Laffoon, Lagan, Landes, Lane, Lanham, Latham, Lind, Long,

Lynch, Maish, Mansur, Martin, McClammy, McCreary, McKenna, McKinney, McMillin, McRae, Merriman, Montromery Merriman,
Montgomery,
Moore,
Morgan,
Morrow,
Morse,
Neal,
Nelson,
Oates,
O'Ferrall,
O'Neall, Ind.
O'Neill, Mo.
Outhwaite,
Parker, Parker, Peel, Penington, Perkins, Peters, Phelan, Reed, Rice, Richardson, Rogers,

Rowland, Russell, Mass. Ryan, Sayers, Scott, Shaw, Shively, Simmons, Smith, Springer, Stockdale, Stockdale,
Stone, Ky.
Struble,
Symes,
Tarsney,
Taulbee,
Thompson, Cal.
Tracey,
Townshend,
Turner, Ga.
Vance,
Wadker,
Walker,
Warner,
Warner,
Warner,
Waver. Washington, Wcaver, Wheeler, White, N. Y. Whiting, Mich. Wilson, Minn. Wilson, W. Va. Yoder.

NOT VOTING-71.

Crisp, Crouse, Davenport, Barry, Bayne, Bound, Bowden, Bowen, Browne, Ind. Dingley, Dougherty, Elliott, Ermentrout, Brumm, Bryce, Buckalew Felton, Ford, French, Gaines, Bunnell, Butler, Butterworth, Glass, Glover, Bynum, Caswell, Clark, Clements, Goff, Greenman, Harmer,

TING-71.

Hunter,
Laird,
Lawler,
Lee,
Lyman,
Maffett,
Mahoney,
Matson,
McCormick,
McCullogh,
McShane,
Mills,
Norwood,
Nutting,
Phelps, Phelps, Pugsley, Rusk, Hayes, Henderson, N. C.

Sherman, Snyder, Stahlnecker, Stahlnecker,
Stewart, Tex.
Stone, Mo.
Taylor, E. B., Ohio
Tillman,
West,
White, Ind.
Whiting, Mass.
Whitthorne,
Wickham,
Wiber,
Wilkins,
Wilkins,
Wilkinson,
Wise. Yost.

So the motion to lay on the table was disagreed to.

The following pairs were announced on political questions until further notice:

Mr. HAYES with Mr. LYMAN.

Mr. STONE, of Missouri, with Mr. MORRILL. Mr. LAWLER with Mr. GOFF.

Mr. BYNUM with Mr. McKenna. Mr. Snyder with Mr. Bowen.

Mr. McShane with Mr. Laird. Mr. Whitthorne with Mr. Butler.

Mr. Biggs with Mr. Morrow. Mr. Mahoney with Mr. McComas.

Mr. GREENMAN with Mr. SHERMAN.

The following were announced as paired for this day:

Mr. MILLS with Mr. BUTTERWORTH.

Mr. CLEMENTS with Mr. EZRA B. TAYLOR.

Mr. Cockran with Mr. McCormick. Mr. Stahlnecker with Mr. Nutting.

Mr. Wise with Mr. DINGLEY.
Mr. FORD with Mr. YOST.
Mr. STEWART, of Texas, with Mr. WILKINSON, on the Oklahoma

Mr. CRAIN with Mr. HARMER, on this vote.

Mr. WILKINS with Mr. WILBER.

Mr. HENDERSON, of North Carolina, with Mr. DAVENPORT, on this vote

Mr. ERMENTROUT with Mr. WEST, on this vote.

Mr. RUSK with Mr. BROWNE, of Indiana, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is, Will the House now reconsider the vote by which the amendment was adopted?

Mr. PAYSON. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative-yeas 135, nays 117, not voting 69; as follows:

#### YEAS-135.

Addott,	Davidson, Fia.	Long,	Rowland,
Allen, Miss.	Dibble,	Maish,	Russell, Mass.
Anderson, Miss.	Dockery,	Mansur.	Ryan,
Anderson, Ill.	Dorsey,	Martin,	Sayers,
Bankhead,	Dunn,	McClammy,	Scott,
Barnes.	Enloe,	McCreary,	Shaw.
Biggs,	Fisher,	McKenna,	Shively,
Blanchard,	Foran,	McKinney,	Simmons,
Bland,	Forney,	McMillin,	Smith,
Blount,	French,	McRae,	Springer,
Breckinridge, Ark	. Gav.	Merriman.	Stockdale,
Breckinridge, Ky.	Glass,	Montgomery,	Stone, Ky.
Browne, T.H.B., Va		Moore,	Struble,
Brown, J. R., Va.	Grimes,	Morgan,	Symes,
Burnett,	Hare,	Morse,	Tarsney,
Cannon,	Hatch,	Neal,	Taulbee,
Carlton,	Hayden,	Nelson,	Thompson, Cal.
Caruth,	Heard,	Newton,	Tracey,
Catchings,	Hemphill,	Norwood,	Townshend,
Chipman,	Henderson, N. C.	Oates,	Turner, Ga.
Clardy,	Herbert,	O'Ferrall,	Vance,
Clark,	Hopkins, Va.	O'Neall, Ind.	Wade,
Cobb,	Howard,	O'Neill, Mo.	Walker.
Cogswell,	Hudd,	Outhwaite,	Warner,
Collins,	Hutton,	Parker,	Washington,
Compton,	Johnston, N.C.	Peel.	Weaver, .
Cothran,	Kerr,	Penington,	Wheeler,
Cowles,	Kilgore,	Perkins,	White, N. Y.
Crisp,	Laffoon,	Peters,	Whiting, Mich.
Culberson,	Lagan,	Phelan,	Wilson, Minn.
Dalzell,	Landes,	Reed,	Wilson, W. Va.
Dargan,	Lane,	Rice,	Woodburn,
Darlington.	Lanham,	Richardson,	Yoder.
Davidson, Ala.	Latham,	Rogers,	

#### NAYS-117.

Adams,	Cutcheon,	Hunter,	Randall,
Allen, Mass.	Davis.	Jackson,	Rayner,
Allen, Mich.	De Lano,	Johnston, Ind.	Robertson,
Anderson, Iowa	Dunham,	Jones.	Rockwell,
Anderson, Kans.	Farquhar.	Kean.	Romeis,
Arnold,	Finley,	Kelley,	Rowell,
Atkinson,	Fitch,	Kennedy,	Russell, Conn.
Bacon,	Flood,	Ketcham,	Sawyer,
Baker, N. Y.	Fuller,	La Follette,	Scull,
Baker, Ill.	Funston,	Laidlaw.	Seney,
Bayne,	Gallinger,	Lehlbach.	Seymour,
Belden,	Gear,	Lodge,	Sowden,
Bingham,	Gest,	Macdonald.	Spinola,
Boothman,	Grosvenor,	Mason,	Spooner,
Bound,	Grout,	McAdoo,	Steele,
Boutelle,	Hall,	McComas,	Stephenson,
Brewer,	Haugen,	McKinley,	Stewart, Vt.
Brower,	Henderson, Iowa	Milliken,	Taylor, J. D., Ohi
Brown, Ohio	Henderson, Ill.	Moffitt,	Thomas, Ky.
Bryce,	Hermann,	Morrow,	Thomas, Ill.
Buchanan,	Hiestand,	Nichols,	Thomas, Wis.
Burrows,	Hires,	O'Donnell,	Thompson, Ohio
Campbell, F., N. Y.	Hitt,	O Neill, Pa.	Vandever,
Campbell, Ohio	Hogg,	Osborne,	Weber,
Campbell, T.J., N.Y	.Holman.	Patton,	Wickham,
Cheadle,	Holmes,	Payson,	Williams,
Conger,	Hooker,	Perry,	Yardley.
Cooper,	Hopkins, Ill.	Pidcock,	Transfer (1) (1) (1)
Cox,	Hopkins, N. Y.	Plumb,	
Cummings,	Houk,	Post,	

# NOT VOTING-69.

Barry.	Dingley,	Lyman,	Stewart, Tex.	
Bliss.	Dougherty,	Lynch.	Stewart, Ga.	
Bowden.	Elliott.	Maffett.	Stone, Mo.	
Bowen.	Ermentrout.	Mahoney,	Taylor, E. B., Oh	
Browne, Ind.	Felton,	Matson.	Tillman,	
	Ford.	McCormick,	Turner, Kans.	
Brumm,		McCorinics,		
Buckalew,	Gaines,	McCullogh,	West,	
Bunnell,	Gibson,	McShane,	White, Ind.	
Butler,	Glover,	Mills,	Whiting, Mass.	
Butterworth,	Goff,	Morrill,	Whitthorne,	
Bynum.	Greenman,	Nutting,	Wilber.	
Candler.	Guenther.	Owen.	Wilkins.	
Caswell,	Harmer,	Phelps,	Wilkinson,	
Clements,	Hayes,	Pugsley,	Wise,	
Cockran,	Laird,	Rusk,	Yost.	
Crain,	Lawler,	Sherman,		
Crouse,	Lee.	Snyder.		
Davenport,	Lind,	Stahlnecker,		

So the motion to reconsider was agreed to. The following additional pairs were announced: Mr. WILKINS with Mr. WILBER, on this vote.

Mr. CRAIN with Mr. HARMER, on this vote. Mr. ERMENTROUT with Mr. WEST, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The vote is reconsidered, and the question is now upon agreeing to the amendment.

Mr. SPRINGER. Upon that I demand the previous question. Mr. PAYSON. Is not debate in order?

The SPEAKER. When the previous question has been ordered by the House it has always been held-or for a number of years, at least that when a vote has been reconsidered the original proposition is debatable, although the previous question had been ordered upon it.

The gentleman demands the previous question on the amendment.

Mr. KERR. I desire to ask, for information, whether this question

is not capable of division. The first part of this proposition seems to me to be proper enough, but the latter part of it is a difficult question.

The SPEAKER. The Chair will determine that when this matter

is disposed of.

The question was taken on the demand for the previous question;

and it was ordered. The SPEAKER. The Chair will now recognize the gentleman from

Mr. KERR. The first part of that proposition is correct. This proposition under consideration in one way changes the law so far as settling upon public land is concerned, and the proposition as it is drawn up would seem to convey the impression that there is some desire to change the present policy in regard to settling the public lands. The latter

part of the proposition is objectionable.

The SPEAKER. At what point does the gentleman suggest a division of the question? [After a pause.] The Chair thinks there are two propositions contained in this amendment. The Clerk will read the amendment.

The Clerk read as follows:

It is expressly provided that the rights of honorably discharged Union soldiers and sailors in the late civil war to make homes on the public lands under the existing homestead laws shall not in any degree be impaired by the passage of this bill—

The SPEAKER. That seems to be a distinct proposition. The Clerk will now read on.

The Clerk read as follows:

and the right of all such honorably discharged Union soldiers or sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all land which shall be opened to any settlement by the provisions of this bill—

The SPEAKER. The first proposition relates to the public land generally, and the last relates to the lands mentioned in this bill.

Mr. O'NEILL, of Missouri. The first proposition is all right, and

ought to be adopted.

Mr. SPRINGER. I have no objection to agreeing to the first part

of the proposition.

Mr. KERR. That is what I thought. Now I ask the adoption of that first portion of it.

The question was taken; and the first part of the amendment read was adopted.

The SPEAKER. The question now is upon agreeing to the re-

mainder of the amendment.

Mr. KERR. Now, upon that I demand the previous question and

the yeas and nays.

Mr. PAYSON. Under the rules of the House, as this matter comes up de novo on ordering the previous question, is it not open to debate for thirty minutes?

for thirty minutes?

The SPEAKER. That question has never been ruled upon.

Mr. PAYSON. Then I make the point that it is subject to debate.

The SPEAKER. The Chair is very much inclined to think that where it is necessary to order the previous question upon a proposition which has not been debated, the rule allowing thirty minutes for debate would apply. This proposition has not been debated in the House—

Mr. PAYSON. Nor in its present form.

The SPEAKER. Nor in its present form, and therefore the Chair would be inclined to think that in the interest of careful legislation there should be thirty minutes allowed for debate on a proposition which has not been before debated either in the House or in the Committee of the Whole on the state of the Union.

mittee of the Whole on the state of the Union.

Mr. CUTCHEON. I ask that the proposition be again stated.

The SPEAKER. It will be read.

Mr. PAYSON. I desire to know whether I am to be recognized to

control the time in support of the amendment.

The SPEAKER. The Chair will recognize the gentleman from Illinois to control the time in support of the amendment.

The Clerk read as follows:

And the right of all such honorably discharged Union soldiers or sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all land which shall be opened to any settlement by the provisions of this bill.

Mr. PAYSON. I desire to reserve the time that is coming to me until I shall hear from the other side.

Mr. SPRINGER. I desire that the time in opposition to this proposition be controlled by the gentleman from Missouri [Mr. WARNER].

Mr. WARNER. If the gentleman from Illinois [Mr. PAYSON] does

not desire to argue we are willing to take a vote. [Cries of "Vote!" "Vote!"]

Mr. PAYSON. I do. I hope, Mr. Speaker, that the attention of the House will not be diverted from the precise point which is pre-

sented by this amendment. I do not intend, so far as I am concerned, to allow the opportunity to pass to enter a protest against any vote on this side or the other being influenced by such statements as were made by the distinguished gentleman from Kansas [Mr. Peters], whom I do not now see in his seat, or by the gentleman from Missouri [Mr. WARNER], to the effect, first, that the adoption of this amendment will defeat this bill, or second, that those who favor this amendment are gentlemen who are opposed to the bill as a general proposition.

Mr. WARNER. Will the gentleman pardon me? Does he refer to

the remarks made by me?

Mr. PAYSON. Remarks made among you, that those who favor conspicuously the adoption of this amendment are those who are opposed to this bill in any form. Nothing of that kind is true in substance or fact. The amendment offers itself to the consideration of the representatives of the American people, presenting solely one proposition, which is this:

And the right of all such honorably discharged Union soldiers or sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all land which shall be opened to any settlement by the provisions of this bill.

Mr. SYMES. Will the gentleman yield for a question? Mr. PAYSON. I will, if the gentleman will make it a question.

Mr. SYMES. Do you think the amendment you have offered will enable a soldier to acquire title to an acre of land in Oklahoma unless there is an additional enactment providing that the Indians shall not require any pay for the particular portion of land which the soldiers shall settle upon, or else requiring the United States to pay into this trust fund the \$1.25 per acre which is to be paid to the Indians?

Mr. PAYSON. I agree that the land has to be paid for. I have said that over and over again, and the intellect is too dense to comprehend anything which can not understand that under the provisions of hend anything which can not understand that under the provisions of this bill the unextinguished Indian title must be paid for out of the Treasury of the United States. I agree that that is so. The amount that is to be paid is undetermined. The character of the Indian title is a matter about which lawyers everywhere differ. The distinguished gentleman from Mississippi [Mr. Hooker], who is as good a lawyer as anybody in this House, insists that the title is absolute in the Indians. On the other hand, the distinguished gentleman from Missouri [Mr. WARNER] insists that their title is of the most shadowy character. Again, my colleague from Illinois [Mr. Springer] insists that the Indians have no rights whatever. He made a trip a thousand miles the Indians have no rights whatever. He made a trip a thousand miles down into Kansas to address a multitude at Wichita. I have a copy of his speech before me, in which he says to that great audience that whatever rights the Indians may have had in these lands heretofore whatever rights the indians may have had in these lands heretofre has been absolutely forfeited, and that the lands now belong to the Government. [Laughter.] Among all these diverse views an agreement has to be arrived at. The estimates of the value of the Indian title range all along from nothing to \$1.25 an acre.

But, Mr. Speaker, I do not care whether it is 5 cents an acre or \$1.25

an acre that the Government has to pay. What I am clamoring here for, to the extent of my ability, is that the right of the honorably discharged Union soldier to make a homestead settlement as a free gift from the Government to him in recognition of his services shall be recognized, and to that end that this amendment shall be adopted. [Applause.] It is not a question of dollars and cents; it is a question of the exercise of patriotism. It is not a question of whether the soldier comes here as a claimant for bounty and stands as a suppliant for favors from the Government to himself. It is another and a higher and a broader question. What is it? It is that a man who stands as an honorably discharged soldier, with a certificate of discharge in his pocket as a testimonial of his patriotic services to the country, may make a home for himself and his children upon the public lands of the country, that he may add to its grandeur, that he may add to the glory of the country by owning the home that covers him as a free gift from the Government which he helped to save. That is the question. There is no question of pauperism in it, and when the gentleman from Minnesota [Mr. Nelson] declaims and protests here against the exercise of this right on the part of the Union soldier and against the Government giving it to him it is no violation of confidence for me to say that the gentleman himself lives upon a homestead which the Government gave him. [Laughter.] He deserves it; he ought to have it.

Mr. NELSON. Will the gentleman permit me to explain?

Mr. PAYSON. No, sir, I will not. But, Mr. Speaker, the same gra-

tuity, the same gift which this Government made to the gentleman from Minnesota, and made to him so deservedly, I claim on behalf of the wounded and invalid soldiers of the Ninth Congressional district of the State of Illinois who may desire to go down into that Southland, fertile as it is, with the climate that it has, when they can not endure the rigors of the northern part of the Union and are precluded by natu-

Tal causes from going there.

Why should this House fear or hesitate in putting itself on record in favor of a proposition that the rights which the Union soldier now has shall not be impaired; that the right he now has to go to Dakota to make a homestead shall be given to him in the Territory of Okla-

There is nothing, sir, in the argument that something is to be paid out of the Treasury for this land. I assert here, and it will not be disputed by anybody, that there is not to-day nor has there ever been an acre of public land upon which homestead settlement has been made that has not been bought and paid for out of the Treasury of the United States. The very homestead upon which the gentleman from Minnesota now lives was bought from an Indian tribe and paid for from the public Treasury. The great State of Illinois embraces land which was at one time part of the possessions of the Pottawatomie Indians. Thirty million acres were bought of that great tribe; and every acre of it has been subject to the homestead law since 1861. When gentlemen here say I answer so it has as to individual reservations here and there, but never as to a great area of country equal to two-thirds of the area of the great State in which I live-never.

The case cited by the gentleman from Kansas [Mr. Peters] is a familiar one to the members of the Public Lands Committee. In that case the Osage Indians occupied a piece of territory as to which the fee-simple title was in them by treaty; and a subsequent treaty was made by which the General Government took, not the title to that land as public lands, but took the land simply as trustee and sold it as agents for the Indians; and the money was paid into the Treasury for their benefit. The people of this country never had a dollar of interest in the proceeds of that land; and nobody knows that better than the gentleman from Kansas before me and the gentleman from Kansas behind me [Mr. RYAN]. They know that a bill is pending before the Committee on Public Lands to-day asking this Government, notwithstanding this trust character of the transaction, to pay the State of Kansas 5 per cent. of the net proceeds of the sale of that reservation. Besides the language of the treaty, the Supreme Court of the United States, in the case of the Leavenworth, Lawrence and Galveston Railroad, passed upon the title to that land, and held that it had never gone out of the Indians until it went to the purchaser under the General Government, which conveyed it merely as trustee.

In individual cases there have been reservations which have been sold, and upon which settlers have never been allowed to go without making payment for the land. And during this session of Congress several bills coming from the Indian Committee were passed in which several bills coming from the Indian Committee were passed in which this same principle was retained, of compelling payment. Gentlemen ask with an air of triumph why was it that the gentleman from Indiana [Mr. Holman] and I did not interpose objection? The answer is a simple one—because those measures were brought up here at a night session which the Committee on Indian Affairs obtained, and many members, including myself, never knew anything about those bills until they had been passed. I never have been present when any of those bills have been considered except one, which came from the Senter and I allowed it to go through so far as I was concerned. The ate, and I allowed it to go through, so far as I was concerned. The great Blackfoot reservation, embracing 11,000,000 acres, was opened up in the last Congress without compelling payment by anybody, soldier

or civilian.

But, Mr. Speaker, let not the attention of the House be diverted from the point in this case. Here is an area of land the like of which has never been opened up by legislative enactment in one body. You are proposing, for the first time in the history of this country, to organize a Territory where there is to-day no law, so far as the General Government is concerned, and to add to the public domain every acre of land embraced within the territorial limits of what is hoped to be later on a great State of this Union. And when we come to dispose of land in this way, embracing an area of twenty-odd million acres, shall it be said by this House, with the sentiment which ought to underlie the consideration of this question, that the comparatively few soldiers who would desire to go down there to make homes shall not be permitted to set their feet on this Territory which their valor saved, rendering this legislation possible; that they shall be shut out from the right to make a homestead there for themselves and their children? If

gentlemen here are prepared to take that responsibility, let it be so.

Mr. HENDERSON, of Illinois. Will my colleague allow me to call
his attention to the first part of his amendment, which has been accepted by the friends of the bill? I would like him to explain to the House whether that portion of the amendment amounts to anything

or not.

Several MEMBERS. Of course it does.

Mr. HENDERSON, of Illinois. It seems to me there is simply nothing in that part of the proposition. I would like my colleague to ex-

plain his view of the matter.

Mr. PAYSON. I will answer my colleague by saying that it may be the paragraph to which he calls my attention may not be construed to embrace lands in this Territory, for the reason that these lands are not public lands until after this commission shall have reported, and therefore I added the second clause, which is the amendment now under consideration, to make absolutely certain the intention of the House by the adoption of this amendment to save to the Union soldiers of this country the right they now have in the public land. I trust I make myself understood.

Mr. Speaker, I reserve the remainder of my time. The SPEAKER protempore. The gentleman from Illinois [Mr. PAYson] has two and a half minutes remaining.

Mr. WARNER. I will take the floor and yield for five minutes to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN withholds his remarks for revision. [See Appendix.] Mr. WARNER. I will yield now for five minutes to the gentleman

from Iowa [Mr. STRUBLE].

Mr. STRUBLE. I do not know, Mr. Speaker, that any gentleman acquainted with me on looking at me would suspect I held a high place in the Union Army. [Laughter.] But the fact is I did hold an exalted position for three years, and it was that of high private in the

rear rank. [Laughter.]

But while I do not claim by virtue of that exalted position to speak for the private soldiers of this country, I do wish to speak for myself on this proposition. Now, sir, let us see what are some of the material facts presented here. We have in this proposed Territory the finest climate in the United States, and a body of the richest land to be found in the Union; lands surrounded by civilization of a high develop-ment on the east and on the north, and to a considerable of it on the south. Everybody understands if this land is opened to settlement that within sixty days this Territory will be filled with people. The result will be that these lands will rapidly advance in value until they will be worth ten, fifteen, and twenty dollars an acre. Now, the condition of things is manifestly exceptional in this regard.

The same conditions have not prevailed heretofore in opening up to

settlement our public lands.

What is the fact in regard to town sites? Let us examine that for a moment, because my friend from Illinois recognizes the condition by proposing very exceptional legislation as compared with that existing in the present law respecting the town sites. The committee fixed \$20 an acre, while I believe the current price in the Territories is only \$1.25 an acre for town sites. Why this unusual price? It was made because there are unusual conditions prevailing there which must be recognized. It was made and recognized only by reason of the exceptional character of this Territory, and the fact that it will be filled

speedily and town sites will be of great value.

Mr. Speaker, the great mass of the soldiers who have gone out under the homestead laws and who availed themselves of its provisions went into the States of Iowa, Kansas, Nebraska, Minnesota, and the Terri-tory of Dakota, and when the conditions were very exceedingly unfavor-able compared with those which now exist and will exist in the Indian

Territory after it is opened to settlement.

The other homesteaders to whom I have alluded, when they sought land, went far out upon the frontier, many miles distant from thickly settled portions of the country. They faced storms in summer and winter, and in my part of the country—and indeed all over that great West from Dakota and Minnesota to Iowa, Nebraska, and Kansas—for seven years they faced a more dreadful foe than storm and wind. For these years in vast portions of the West the destructive grasshoppers by the million made their annual visitations, and as a rule they literally cleared the fields of all kinds of grain, leaving in thousands of cases nothing but the tough, wiry grass they could not destroy. Untold hardships were endured, and hundreds of poor fellows unable to sustain themselves were compelled to sell their homes for what they

could get and go elsewhere.

These soldiers who went into this far West took what they could get, because they felt they must avail themselves of the homestead laws, while the others staid at home in comfortable and well-settled communities, as in District No. 9 in Illinois, which my friend, Mr. PAYSON, so ably represents. And now, after the many thousands of these sol-diers and their families have with others peopled these Territories and States of the West and established there a prosperous condition of things, we find gentlemen of this House all rent asunder with patriotism over the idea of a proposition from the Committee on the Territories in respect of the opening of these magnificent lands in the center of the continent, spread out as they are under most friendly and congenial skies-lands every quarter-section of which will within two years be placed under an admirable state of cultivation, and hence whose value must immediately be greatly augmented. And what is this monstrous proposition? Simply that the soldier homesteader in the Indian Territory shall, as the citizen homeseeker, pay to the Government one dollar and a quarter an acre for his land, just the sum the Government will have to pay the Indians for it. Let me briefly, though at the expense of repeating, urge that the conditions will be altogether exceptional; that by reason of the climate, soil, water, and surrounding civilization and development these lands possess a value unequaled

by any ever opened elsewhere to homeseekers.

Now, I submit that, this being true, it is not imposing a hardship upon the soldiers who have remained far away from scenes and experiences that were in hundreds of cases sterner than war, following their avocations and generally averaging fairly well with others of like age, health, and financial circumstances, to ask them to pay to the Government what the Government pays for the land upon easy terms—\$50 within six months, \$50 within one year, and so on, on easy terms, for three years, to obtain lands worth from ten to twenty dollars an acre. It is no hardship to require that; and while I speak for myself as a private soldier, I feel that I am not doing violence to that proper regard for my comrades when I say that I regard this as a magnificent opportunity

for them to possess valuable lands, certain of rapid and large increase in value, by simply going and living upon the land for one year and paying the small pittance of \$200 for it on easy terms.

Let it be borne in mind that the same favorable distinction now ex-

isting in favor of the soldier homesteader as compared with citizen homesteaders is involved in this law; that the soldier is to have credit for time spent in the Army, or at least as to the whole extent of residence above one year, and that after having resided one year on the land he may go when and where he pleases, only so he completes his small payment to Government.

Mr. CUTCHEON. Will the gentleman allow me to ask him a ques-

tion?

Mr. STRUBLE. Certainly.
Mr. CUTCHEON. Do I understand you to say that these lands will e worth from \$10 to \$20 an acre?

Mr. STRUBLE. Yes, sir. Mr. SPRINGER. In a very short time.

Mr. WEAVER. As soon as they are settled upon.
Mr. CUTCHEON. It is proposed to sell these lands to the ordinary settler at \$1.25 an acre. Now, what I want to ask my friend from Iowa is, would it not be worth while to throw in the \$1.25 an acre, so as to give to the patriotic Union soldiers a little advantage in that

regard? [Applause on the Republican side.]
Mr. STRUBLE. I hope my time is not exhausted, or that time sufficient will be given to me, because I want to answer the gentleman's question. I say to him that he and other gentlemen propose here to alter the relative position or relation between the soldiers as the law now exists and as it has existed for years past. As my friend from Minnesota said, and as the gentleman from Kansas said, you have maintained for years the same relations with respect to the soldiers taking homesteads as we propose to continue them with respect to this Territory. But now you are proposing by this amendment to single out a few from the great mass of soldiers that you have held to the law for twenty-five years past, and propose to throw special conditions and privileges in their behalf over the general policy which has been ad-

hered to for a quarter of a century, privileges which can only be realized and attained by a very small fraction of the soldiers now living.

And right here let me make another point briefly, and one which will serve as an answer to the gentleman's question. No one proposes to guaranty that a single acre of this land shall be reserved for the soldiers. He simply takes his chance among the thousands of active, vigorous, and pushing men, young, middle-aged, and old, in the grand scramble for the allowance of land to each, and the number of soldiers who succeed in acquiring a quarter-section each will, in comparison to the whole number in the United States who have not had homesteads,

be small indeed.

But the point I wish and intended to make is this: Gentlemen talk about adopting the so-much-talked-of general policy of granting a quarter-section of land to each honorably discharged soldier. That has been the talk for a quarter of a century. Is this the way to inaugurate such general policy when only a few, comparatively, of those you pretend to desire to benefit can be benefited, and these few less needy than thousands who can not avail themselves certainly of this law as you would have it? Sir, I maintain this, to be brief: Pass this amendment, let it become law, and you have what may well be termed class legislation among soldiers, and which will forever make impossible accomplishing that larger and more just measure of equity and fairness about which we talk when we say we favor a more general and generous land policy toward the soldiers.

No, sir; hold this question until it can be administered for the benefit of all the remaining honorably discharged soldiers of the Republic who have not had homes and who should all be treated alike.

Mr. JACKSON. May I ask the gentleman a question?

Mr. ANDERSON, of Iowa. Then my colleague's objection to giving the soldiers there homesteads in this Territory under this bill is founded on the fact that it is a better thing than the Government has heretofore granted under the law to the Union soldiers?

Mr. STRUBLE. I yield to the gentleman from Pennsylvania for a

question if I have time.

Mr. JACKSON. Does not the amendment make it open for any and all soldiers to go and take homesteads?

Mr. STRUBLE. Oh, my friend must know that this "open to all" can not but result in a comparatively few receiving the benefits by reason of the great scramble for these lands, as I have already described.

It is open to all who choose to go and settle there and pay the \$200 for a quarter-section; and the soldier is credited with the time he spent

in the Army as under the present law, but the soldier only has his chance with any other citizen capable of entering the race.

Mr. JACKSON. Does not the gentleman think that more soldiers would get homes if this land was open to homestead entries than if they

are compelled to buy it?

Mr. STRUBLE. I think this, that the soldier who can not afford to pay on the most reasonable terms \$200 for 160 acres of valuable land will turn up too late in that mighty rush of able-bodied men who will be found crowding for entries.

[Here the hammer fell.]

Mr. WARNER. I now yield five minutes to the gentleman from

Mr. WARNER. I how yield live influtes to the general from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, I do not yield in my loyalty to the Union soldiers of the late war to any man upon this floor, not even to my distinguished friend from the State of Illinois who offers this amendment. For four years I stepped to the music of the Union, and for almost two years of that time I carried a musket and marched in the ranks as an enlisted man.

I know what the services and sacrifices of the soldiers were, and I appreciate the debt of honor and gratitude this Union owes them, and at all times I shall stand by their interests, but I am here looking at this question as a practical one. I want briefly to suggest that in the general law providing for the pre-emption of land no favors are granted to the Union soldiers over those granted to the people generally. In the timber-culture act no favor is granted over that granted to the peo-ple generally. In the desert-land act no favors are granted to the Union soldiers except those which are granted to the people in general, and in the homestead laws no favors are granted to the Union soldiers more than are granted to the people generally, except as to the time they are required to live upon their lands, and that advantage and benefit is given the Union soldier by the provisions of this bill. If my friend from Illinois is so anxious to serve the Union soldier, why is it that during the eight years he has had the honor to speak for this House upon the Public Lands Committee he has never offered a proposition favorable to the Union soldier in regard to the pre-emption laws, the desert-land act, the timber-culture act, and the other public-land laws? [Applause.]
Mr. PAYSON. Because under those three laws—the pre-emption

law, the timber-culture act, and the desert-land-entry law-it was impossible to give the Union soldier any advantage. The pre-emption law and the timber-culture law required the performance of certain conditions. Under the timber-culture act there were conditions in the way of raising trees, and the desert-land laws required reclamation of the arid lands; and therefore no advantage can be given to the Union soldier as to any of these lands over the ordinary civilian.

Mr. PERKINS. Why is it that the gentleman from Illinois comes here to-day with the enemies of this bill, and proposes that this peculiar provision of law shall be attached to a proposition which proposes to buy and to open for settlement some Indian lands? [Applause.] Lands that should be opened to settlement and made the home of a thrifty, intelligent, and patriotic people—

The SPEAKER pro tempore. The time of the gentleman has ex-

pired.

Mr. WARNER. I reserve the balance of my time until we hear

from the other side.

Mr. PAYSON. I yield the balance of my time to the gentleman from Michigan [Mr. ALLEN].

Mr. ALLEN, of Michigan. This amendment proposes to give to the Union soldier an advantage over the civilian. For that reason I shall Union soldier an advantage over the civilian. For that reason I shall vote for it; and in doing so we will be but carrying out the pledges of both the great parties in this country. Because it has not heretofore been done is no reason why it should not now be done; and, sir, if this advantage results in settling every foot of that vast territory by ex-Union soldiers, so much the better. [Applause.] We will have a liberty-loving commonwealth planted in a section of country where it is needed; whose patriotism will always be unquestioned, because the men who go there will, by their future as by their past lives, demonstrate that they stand for the Union; and it will bring no harm to the Republic to have one commonwealth situated in the most favored portion of the country composed for the most part of ex-Union soldiers

Mr. Speaker, one argument made here is that it gives the Union soldier an advantage. He is entitled to it.

A MEMBER. We give it to them in the offices.

Mr. ALLEN, of Michigan. We have agreed time and again to give

it to him, and I appeal to the men upon the other side of the House who fought against him, in their magnanimity and present regard for this Republic, to aid us in doing this act of justice to the soldier; and let the neuralgic, the asthmatic, the rheumatic, and consumptive and weak soldiers of the North leave their rigorous climate, go into this favored land and find homes in their old age, and give them that fair land because they were Union soldiers. [Applause.]

The SPEAKER. The time of the gentleman has expired. The gen-

tleman from Missouri has three minutes of his time remaining.

Mr. WARNER. Objection seems to have been made, and some gentleman's feelings seem to have been wounded because it has been stated that gentlemen who favor this proposition are against the Oklahoma bill. I concede, sir, that that is stating the proposition too broadly, but I do say that the men who are most active in pressing this amendment are the men who have fought this bill from the commencement. The gentleman, after the amendment was ingrafted upon this bill, raised the question of order to prevent the further consideration and the possible passage of the bill at this session—

Mr. GROSVENOR. Will the gentleman permit me to ask him a

question there?

Mr. WARNER. I have only three minutes.

Mr. GROSVENOR. You would not lose that time. The motion was entered last night-

Mr. WARNER. I am simply stating what has taken place upon this floor. If any gentleman feels aggrieved by it, then he is aggrieved by the record and by the facts.

Mr. GROSVENOR. And from misrepresentation.

Mr. WARNER. No, sir. The gentleman may have made misrepresentation when he stated yesterday that he was for this bill—

Mr. GROSVENOR. You have misrepresented me.

Mr. WARNER. When we put on the amendment; and to-day he

says I am misrepresenting him. It is time for it to stop. My friend knows that back of this he has fought this bill at every inch. I am not here to speak for anybody but myself and my district.

When the gentleman from Ohio [Mr. GROSVENOR] yesterday said that he was opposed to this bill because it discriminated against the Union soldier he showed his entire ignorance of the provisions of the bill. There is no discrimination against the Union soldier.

Mr. GROSVENOR. I say there is.

Mr. WARNER. There is everything in his favor in this bill that is found in the homestead law. I yield to no man in my devotion to the Union soldier. I indorse to the widest and broadest extent that sentence of an eminent citizen of this country, that this is no time to use the apothecary's scale to weigh the rewards of the men who saved this

[Here the hammer fell.]

Mr. WARNER. I want general legislation. I do not want legislation such as my friend from Illinois says

Mr. GROSVENOR. Regular order, Mr. Speaker. The SPEAKER. The regular order is demanded. The question is on agreeing to the amendment.

Mr. GROSVENOR. I ask unanimous consent to have one minute to make a personal explanation to the House. Mr. KERR and others. I object.

Mr. GROSVENOR. A man who would object under such circumstances does not deal fairly. I rise to a question of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] states that he rises to a question of personal privilege. The gentleman will

Mr. GROSVENOR. The gentleman from Missouri [Mr. WARNER] has made a statement to the House in reference to an utterance of mine on this floor yesterday which reflects upon my character and my integrity as a member of this House. He states that, in view of the state-ment which I made on yesterday that if this amendment was placed in the bill I would vote for the bill, my insincerity was manifested by m the bill I would vote for the bill, my insincerity was manifested by my making a point of order this morning that the bill was not properly before the House as a matter of privilege. That is an attack upon the good faith of my statement made here yesterday, and that is my question of privilege. I do not want to take any advantage or violate any of the proprieties of this occasion, and I now submit to the Speaker the question whether I am entitled under these circumstances to explain the research why I have done what I have the reason why I have done what I have.

The SPEAKER. The ninth rule of the House defines questions of privilege. The rule provides that-

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence, etc.

Mr. GROSVENOR. Now, I submit, Mr. Speaker, that when a member of the House makes a statement of what he will do in a certain event, and when thereafter he is charged with duplicity and insincerity upon the floor in his representative capacity, that presents a question personal privilege.
The SPEAKER. The Chair thinks it is somewhat doubtful. The

language of the rule is "rights, reputation, and conduct."

Mr. GROSVENOR. This is conduct.

The SPEAKER. The Chair is inclined to hold that the gentleman

would have a right under the rule to make a statement.

Mr. GROSVENOR. Now, Mr. Speaker, never while I am a member of this House, upon a great question of legislation, will I be found losing my temper to such an extent as that in the closing moments of a debate I will charge a brother member with insincerity, and, practically, with dishonesty, and then refuse him a moment of explanation and demand the regular order upon him when he is seeking to avail himself of an opportunity to say one word in defense against an attack like that.

Mr. WARNER. Will the gentleman yield for a moment? Mr. GROSVENOR. I will not.

Mr. WARNER. No, because you make a misstatement. I never

demanded the regular order.

Mr. GROSVENOR. It was equivalent to it.

Mr. WARNER. Well, that is an equivocation.

Mr. GROSVENOR. The charge was made in the closing moments of the debate by a gentleman holding a position which he is seeking to wield in the interest of a piece of legislation about which some day or other the House will know more than it does now. Not happening to live quite so near to the famous Oklahoma convention held last fall at Kansas City as some other members, I am not quite able to formulate my views upon that subject.

But, Mr. Speaker, I wish to say this: I stated yesterday that if this amendment was put into this bill I should vote for the bill. I made that statement in absolute good faith, and those associated with me upon this floor know it. They understand it perfectly well. There are numbers of them that have come to me since that statement was made and asked me the question, and I have steadily insisted that if this amendment was put into the bill I would vote for it, and I repeat

In the first place, I may be allowed to say that the motion to adjourn last evening was understood by everybody to be for the purpose of organizing a reconsideration of this vote; and no man had more to do with it than the gentleman who has attacked me here. Yesterday the attempt was made to enter the motion to reconsider, but the member making it was ruled out of order because he had not voted on the prevailing side of the question. During the evening it was understood throughout the whole city that this motion was to be made. It was announced this morning in the public press that the motion was to be made. Communication was brought to the author of the amendment on the floor this morning that the motion was to be made. Telegrams had come from a distant portion of the Union demanding that a certain gentleman here should change his vote; and he came to me and told me of these telegrams, and told me exactly what the situation So I had a right to assume that just what has taken place was going to take place, and what has taken place justifies me also. The desperation with which this battle has been fought warned me, espedesperation with which this battle has been lought warned me, especially in view of the utterances which were made all about me here, that the introduction of this "soldier amendment" into this bill made the bill "worthless to us," as one of its promoters said—"worthless to us!" I understood perfectly well who were here, who were in the galleries, who were in the city; and I knew that this thing would be done; I knew that the member from Missouri would press the matter as he has done and a large under a soldierition word or the thereign. has done. And so I was under no obligation, moral or otherwise, to be determit the opportunity to go by to raise the question of order which did raise. That is my answer to the allegation of insincerity.

Now, Mr. Speaker, retain this amendment, let it stand in this bill has done. I did raise.

as it stands at this moment, and I will vote for it. Much as I hesitate to believe that the purposes of this bill are what is claimed, yet under the circumstances I will vote for it. I will vote for it with that amendment and not without, Mr. Speaker, because from one end of the counment and not without, Mr. Speaker, because from one end of the country to the other the soldiers of the Union understand, and for months have understood, that this bill is to perpetuate their rights under the homestead laws of this country in this land. And I will contrast my position upon this subject one year from to-day with the position of the gentleman who has assailed me on this floor; and I will submit to the whole country, in the light of his future connection with Oklahoma Territory, whether or not he is the disinterested passes who has a right Territory, whether or not he is the disinterested person who has a right to arraign other people here for "insincerity" on this occasion. [Ap-

plause.]

Mr. WARNER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WARNER. The gentleman who has just taken his seat has made two charges, which were, as I understood him, one that he knew who were in the galleries yesterday, and that he therefore knew that the "gentleman from Missouri" would press this matter as he has done; second, that my future connection in the next year with Oklahoma will show the reason for my zeal and my purpose in advocating this will show the reason for my zeal and my purpose in advocating this

Let me say to the gentleman that he certainly is as reckless in the statement he makes when he says I knew who were in the galleries

Mr. GROSVENOR. I have not said so; I said I knew. Mr. WARNER. And your inference was that I did. Mr. GROSVENOR. Not at all.

Mr. WARNER. Let the gentleman not be quite so disingenuous. The gentleman said he knew who were in the galleries yesterday, and therefore knew that I would press this matter as I did. I submit it to the gentleman himself whether the direct inference, whether the assertion and charge is not made-not possibly as boldly as some men would have made it, but made covertly, as some men like to make charges, that I had been consulting with these gentlemen in the gallery, or women, whatever they may be, the gentleman did not say—

Mr. SPINOLA. What part of the gallery do you refer to? [Laugh-

Mr. WARNER. And that therefore it had an influence upon me. I will say to the gentleman, for whatever my assertion may be worth, that I did not know any one that was in the gallery yesterday, except when I went home last night my wife told me she was there, and she

Now, if the gentleman has kept his eye upon the galleries, his long experience in legislative matters may make him look around and be suspicious, because the gentleman is above reproach; but take a comparatively unknown member, a man who has not the national reputa-tion for integrity and straightforward dealing of the gentleman from Ohio, and a charge of this kind, going out unanswered, when it reached his neighbors in Kansas City might perchance injure his reputation with some—possibly it might; I doubt it.

Now, as to the other point, as to my future connection with Oklahoma.

do not know with what gift of prophecy the gentleman is endowed. I know, Mr. Speaker, that he has many wondrous qualities. I know that he can see things—I will not say that have no existence save in his imagination, but I will say that at times he may look "through a glass darkly" and may see "by the eye of faith" things that never have occurred and never will occur. Let me say to the gentleman now, if by his remark he meant to intimate that I have ever thought of going to Oklahoma, that I have a relative, that I have a friend living, who ever has spoken to me or whom I have ever advised to go to Oklahoma, that I have ever expected, directly or indirectly, one cent of pecuniary benefit, that I ever expect a political favor there, or that I ever expect a social courtesy from its inhabitants, the gentleman speaks of that of which he knows nothing and has no foundation for.

I know that a cattle syndicate occupies 6,000,000 acres of land in this proposed Territory. I know the law officers of the Government have said those leases are null and void. I know those law officers have said these cattle-men were there as trespassers. I do know they are occupying those lands to the exclusion of men who want to settle on them. I do know my city and the district I represent on this floor in my feeble way are interested not in Oklahoma as Oklahoma, but interested in the building up of the West. They are interested in driving out intruders. They are interested in making that land a land for the homeless, where there will be American citizens who will produce something, where they will buy something, where they will add to the great channels of commerce of this country, instead of standing, as this territory does now, in the language of General Miles, "a blot on the map of the United States." Instead of having those lands occupied by halfbreeds, blanketed Indians, who have neither the energy of the chase nor the genius of the fisherman, I would have them opened as homes for families, that they may be made to blossom like the rose under the tender care of the husbandman. [Applause.]
The SPEAKER. The question recurs on the amendment.
Mr. PAYSON. I ask for the yeas and nays.

The yeas and nays were ordered. The SPEAKER. The amendment will be read.

The Clerk read as follows:

And the right of all such honorably discharged soldiers and sailors to make homestead entry and perfect the same by occupancy under the existing homestead laws shall extend to any and all land which shall be opened to any settlement by the provisions of this bill.

The question was taken; and it was decided in the negative-yeas 110, nays 140, not voting 71; as follows:

Adams,	Dunham,	Houk,	Post,
Allen, Mass.	Farquhar,	Hunter,	Randall.
Allen, Mich.	Felton.	Jackson,	Rockwell,
Anderson, Iowa	Finley,	Johnston, Ind.	Romeis,
Anderson, Kans.	Fitch,	Kean.	Russell, Conn.
Arnold.	Flood,	Kennedy,	Sawyer.
Atkinson,	Fuller,	Ketcham.	Scull,
Baker, N.Y.	Funston,	La Follette.	Seney,
Baker, Ill.	Gallinger,	Laidlaw.	Seymour,
Bayne,	Gear,	Lehlbach,	Sowden,
Belden,	Gest,	Lodge,	Spinola,
Bingham,	Grosvenor,	Lynch,	Spooner,
Boothman,	Grout,	Macdonald,	Steele,
Bound,	Hall,	Mason,	Stephenson,
Boutelle,	Harmer,	McComas,	Stewart, Vt.
Brewer,	Haugen,	McKinley,	Taylor, J. D., Ohio
Brower,	Henderson, Iowa	Milliken,	Thomas, Ky.
Brown, Ohio	Henderson, Ill.	Moffitt,	Thomas, Ili.
Burrows,	Hermann,	Morrow,	Thomas, Wis.
Campbell, F., N. Y.	Hiestand,	O'Donnell,	Thompson, Ohio
Campbell, Ohio	Hires,	O'Neill, Pa.	Vandever,
Cheadle,	Hitt,	Osborne,	Weber,
Conger,	Hogg,	Owen,	Wickham,
Cooper,	Holman,	Patton,	Wilkins,
Cox,	Holmes,	Payson,	Williams,
Cutcheon,	Hooker,	Perry,	Yardley,
Davis,	Hopkins, Ill.	Pideock,	
De Lano,	Hopkins, N. Y.	Plumb,	

Cheadle,	Hitt,	Osborne,	Weber,
Conger,	Hogg,	Owen,	Wickham,
Cooper,	Holman,	Patton,	Wilkins,
Cox,	Holmes,	Payson,	Williams,
Cutcheon,	Hooker.	Perry,	Yardley.
Davis,	Hopkins, Ill.	Pidcock,	
De Lano,	Hopkins, N. Y.	Plumb,	
	NA	YS-140.	tenien eniene d
Abbott.	Cogswell,	Grimes,	McClammy,
Allen, Miss.	Collins.	Hare.	McCreary,
Anderson, Miss.	Compton,	Hatch,	McKenna,
Anderson, Ill.	Cothran.	Hayden,	McKinney,
Bankhead,	Cowles,	Heard,	McMillin,
Barnes,	Crisp,	Henderson, N. C.	McRae,
Biggs,	Culberson,	Herbert,	Merriman,
Blanchard,	Cummings,	Hopkins, Va.	Montgomery,
Bland,	Dalzell,	Howard,	Moore,
Blount,	Dargan,	Hudd,	Morgan,
Breckinridge, Ark.	Darlington,	Hutton,	Morse,
Breckinridge, Ky.	Davidson, Ala.	Johnston, N. C.	Neal,
Browne, T.H.B., Va.	Davidson, Fla.	Jones,	Nelson,
Brown, J. R., Va.	Dibble,	Kelley,	Newton,
Bryce,	Dockery,	Kerr,	Norwood,
Buckalew,	Dorsey,	Kilgore,	Oates,
Burnett,	Dunn,	Laffoon,	O'Ferrall,
Candler,	Elliott,	Landes,	O'Neall, Ind.
Cannon,	Enloe,	Lane,	O'Neill, Mo.
Carlton,	Fisher.	Lanham,	Outhwaite,
Caruth,	Foran,	Latham.	Peel,
Catchings,	Forney,	Lind,	Penington,
Chipman,	French,	Long,	Perkins,
Clardy,	Gay,	Maish,	Peters,
Clark,	Gibson,	Mansur,	Phelan,
Cobb,	Glass,	Martin,	Reed,

Shaw, Shively Rice, Richardson, Robertson, Rogers, Rowland, Russell, Mass, Ryan, Sayers, Scott,

Tarsney,
Taulbee,
Tracey,
Turner, Ga.
Vance, Simmons, Smith, Springer, Stewart, Ga. Stoekdale, Stone, Ky. Struble, Wade, Walker, Warner,

Washington, Washington, Weaver, Wheeler, White, N. Y. Whiting, Mich, Wilson, Minn. Wilson, W. Va. Woodburn, Yoder.

NOT VOTING-71.

Nichols.

Nutting, Parker, Phelps, Pugsley, Rayner, Rowell, Rusk, Sherman

Sherman,

Bacon. Davenport. Barry, Bliss, Bowden, Dingley, Dougherty, Ermentrout, denaman, Goff, Granger, Greenman, Guenther, Butterworth, Bynum, Campbell, T. J., N. Y. Hemphill, Caswell, Clements, Laird, Crouse, Crouse,

Snyder,
Stahlnecker,
Stewart, Tex.
Stone, Mo.
Taylor, E. B., Ohio
Thompson, Cal.
Tillman,
Townshend,
Turner, Kans.
West,
White, Ind.
Whiting, Mass,
Whitthorne,
Wilber, TING—71.

Maffett,
Mahoney,
Matson,
McAdoo,
McCormick,
McCullogh,
McShane,
Mills,
Morrill,
Nichols. Wilber, Wilkinson,

So the amendment was rejected.

The following additional pairs were announced for the rest of the

Mr. HEMPHILL with Mr. BUCHANAN.

Mr. HEMPHILL WITH Mr. BUCHANAN.
Mr. McAddo with Mr. WILBER.
Mr. Crain with Mr. Davenport.
Mr. Ermentrout with Mr. West.
Mr. Townshend with Mr. Pugsley, on this vote.
The result of the vote was then announced as above recorded.
The SPEAKER. The Clerk will now report the next amendment reported from the Committee of the Whole.
The Clerk read as follows:

The Clerk read as follows:

In lines 15, 16, 17, strike out the words "be liable to taxation after the first installment of purchase money shall have been paid, but the same shall."

The amendment was adopted.

The next amendment was read, as follows:

In line 34, of section 8, strike out the words "not be modified or changed by anything in," and insert "apply to the provisions of."

The amendment was adopted.

The next amendment was read, as follows:

The next amendment was read, as follows:

At the end of section 8 add the following:

"No entry shall be allowed of any homestead under this act except to actual settlers thereon; and no preferred right of entry shall be given to any person by reason of claim of occupancy prior to the application to enter the land, except in cases of actual occupancy and continued residence upon the land to the date of the application to enter. And no right of an alleged settler as such shall attach to any land in the Territory until the date of his actual bons fide and continuous residence upon the tract he proposes to enter; and his declaratory statement shall contain a true and full statement of the date and facts of residence on the land and last place of residence prior thereto, and detailed description of improvements, all verified by the oath of the applicant and at least one credible witness, made before the register or receiver of the proper land office, as to all facts except that proof of the applicant's place of residence may be made before any officer authorized by law to administer oaths; but the use of such affidavit in the Territory shall, in case of false swearing thereto, subject the party to the same penalty as though sworn to before the register or receiver of the proper office."

The amendment was adonted

The amendment was adopted.

The next amendment was read, as follows:

The next amendment was read, as follows:

Strike out section 9 and insert the following as a new section:

"Sec. 9. The Secretary of the Interior is hereby authorized to reserve on any public land in said Territory town sites for any existing or prospective town, city, or village, in area not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may be wholly or in part occupied as a town, city, or village site; and no application to enter any land shall be allowed until approved by the Secretary of the Interior of any tract of land, first, where any exterior line of the land is within one-half mile of the line of any railroad which is constructed or of the line of any railroad not constructed but where its map of location shall be filed with the Secretary of the Interior at the date of the application to enter is a town or village settlement; and no settlement in advance of survey by proper authority shall give any right as against the power to reserve town sites hereby given; it being the object of this provision to secure to the inhabitants of all towns, cities, and villages in said Territory the benefits and profits arising from the sales of lots therein; and to that end where town sites shall be located upon any public lands in said Territory, the provisions of chapter 8, Title XXXII, Revised Statutes, entitled 'Reservation and sale of town sites on the public lands,' shall apply except as otherwise provided herein. The Secretary of the Interior shall cause the lots in any site now existing or to be located to be offered, sold, and conveyed as provided in sections 2382 and 2383 of the Revised Statutes. The money so received from the sale of lots in each town site, less such amount as shall be required to be paid to the Indians as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior as a separate school fund for the benefit of the inhabitants of such towns and shall be expended under his direction for the erection of school bui

in this section; and patents for such reservations to be maintained for such public purposes shall be issued to the towns respectively, when organized as municipalities."

The amendment was adopted.

The SPEAKER. This concludes the amendments; but it appears from the RECORD that when the House adjourned on yesterday afternoon an amendment was pending, which the Clerk will now read.

Mr. SPRINGER. That was agreed to this morning.
The SPEAKER. The amendment in relation to taxation?

Mr. SPRINGER. Yes, sir.

The SPEAKER. Then it was agreed to during the temporary absence of the present occupant of the chair.

The question is on ordering the bill as amended to be engrossed and read a third time.

Mr. HOOKER. Mr. Speaker, there is an amendment which I had

offered, to strike out the thirteenth section of the bill.

Mr. SPRINGER. But that was not agreed to in committee, and was

not reported to the House. Mr. HOOKER. But the gentleman from Illinois agreed that this

amendment was understood as having been offered in the committee. Mr. SPRINGER. It was offered in the committee, but owing to

the expiration of the time fixed for the consideration of the bill the amendment was not reached.

Mr. HOOKER. But it was a pending amendment, and I think is embraced in the order or agreement by which this bill is now before the House

The SPEAKER. The special order provides that the amendments which are reported from the Committee of the Whole shall be voted upon, and two others, which are specially provided for in the order. The amendment to which the gentleman from Mississippi refers does not seem to have been reported.

Mr. HOOKER. But there were a number of amendments, Mr. Speaker, I will suggest, which were not reached by the committee.

The SPEAKER. Then of course they are excluded under the order.
Mr. HOOKER. But this was offered in the Committee of the Whole,

and the gentleman from Illinois said he would regard it as a pending amendment. There were a number of amendments offered—for instance, the substitute of my friend from Georgia, which is certainly a pending amendment.

The SPEAKER. If the amendments are not reported from the Committee of the Whole they are not embraced in the order.

Mr. HOOKER. But the report of the Chairman of the Committee of the Whole shows that there was no resolution upon the subject at all, and it was understood in committee that the motion to strike out this thirteenth section would be entertained and regarded as pending.

The SPEAKER. Of course the Chair knows nothing about what agreement was made in the committee.

Mr. HOOKER. And I think the House in fairness will allow a vote

on this amendment.

Mr. SPRINGER. I will state that I have no objection to a vote upon the amendment, although the Speaker has ruled correctly that only those amendments agreed to in committee and reported to the House were to be voted upon. But I will ask unanimous consent that the gentleman may have the right to offer his amendment.

Mr. REED. What is it?

Mr. SPRINGER. It is the section in relation to the cattle lands. Mr. HOOKER. It is the section which proposes to strike down the title of these people upon their lands.

Mr. SPRINGER. That is not the effect of the section by any means.

Mr. SPRINGER. That is not the effect of the section by any means.
Mr. WHITE, of New York. Mr. Speaker, I have heretofore in this
discussion, by my voice and vote, supported this measure in its general
purposes to secure some form of government for this Territory.
But I have been and am opposed to the third section, which declares
void leases made with Indians upon these lands. I oppose it, as I opposed the bill in respect to the Des Moines River land, in which this posed the bill in respect to the Des Moines River land, in which this House sought to quiet the title to certain settlers' land, because it is not within the province of the legislative branch of the Government to make a judicial decree. I am fully advised as to the decisions of the Attorney-General, which have already declared such leases void under existing laws and treaties. If such be the law (and my own convictions are in accord with it), then this legislation is unnecessary. If it is not the law, there is no constitutional power in this House to annul said leases

In either event the section is, in my judgment, improper legislation, and it should be stricken out.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that a vote may be taken upon the amendment proposed by the gentleman from Mississippi to strike out the section named?

There was no objection.

The SPEAKER. The Clerk will report the section proposed to be stricken out.

The Clerk read as follows:

SEC. 13. That all leases of lands belonging to the United States or held in common by any of the Indian tribes within the Territory of Oklahoma, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are hereby declared void and contrary to public policy; and it is hereby

made the duty of the President, immediately after the passage of this act, to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands.

Mr. SPRINGER. Now, Mr. Speaker, the motion is to strike out this I have no objection to a vote being taken without debate.

Mr. HOOKER. On that I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the negative-yeas

53, nays 187, not voting 81; as follows:

Abbott, Adams, Adlen, Mass, Anderson, Iowa Anderson, Miss. Baker, III. Barnes, Bayne, Bryce, Caruth, Catchings, Cheadle,	Cowles, Cox, Cox, Cummings, Dibble, Dougherty, Elliott, Felton, Finley, Gest, Grimes, Grout, Hall,	Hooker, Hunter, Jones, Kean, Lanham, Lynch, Morgan, Newton, Oates, O'Neill, Pa. Owen, Perry,	Rayner, Rogers, Sayers, Sowden, Spinola, Stewart, Vt. Thomas, Ky. Vandever, White, N.Y. Wickham, Wilkinson.
Cobb,	Hare,	Pidcock,	

Cheadle,	Hall,	Perry,	
Cobb,	Hare,	Pidcock,	
Compton,	Harmer,	Randall,	
	NA.	YS-187.	
Allen, Mich.	Dunn,	Lane.	Romeis,
Allen, Miss.	Enloe,	Latham,	Rowland,
Anderson, Ill.	Farquhar,	Lehlbach,	Russell, Conn.
Anderson, Kans.	Fisher,	Lind,	Russell, Mass.
Arnold,	Fitch.	Lodge,	Ryan,
Atkinson,	Flood,	Long,	Sawyer,
Baker, N. Y.	Foran,	Macdonald,	Scott,
Bankhead,	Forney,	Mansur,	Scull,
Belden,	French,	Martin,	Seney,
Biggs,	Fuller,	Mason,	Seymour,
Bingham,	Funston,	McAdoo,	Shaw,
Blanchard,	Gallinger,	McClammy,	Shively,
Bland,	Gay,	McCreary,	Smith,
Blount,	Gear,	McKenna,	Spooner,
Boothman,	Gibson,	McKinley,	Springer,
Bound,	Glass,	McKinney,	Steele,
Boutelle,	Grosvenor,	McMillin,	Stephenson,
Breekinridge, Arl	c. Guenther.	McRae,	Stewart, Ga.
Breckinridge, Ky	Hatch.	Merriman,	Stockdale,
Brewer,	Haugen,	Milliken,	Stone, Ky.
Browne, T.H.B., V	a Hayden.	Moffitt,	Struble,
Brown, Ohio	Heard,	Montgomery,	Symes,
Brown, J. R., Va.		Moore,	Tarsney,
Buckalew,	Henderson, N.C.	Morrow,	Taylor, J. D., Ohio
Burnett,	Herbert,	Morse,	Thomas, Ill.
Burrows,	Hermann,	Nelson,	Thomas, Wis.
Campbell, F., N.		Norwood,	Thompson, Cal.
Campbell, Ohio	Hitt,	O'Donnell,	Tracey,
Campbell, T.J., N.	V. Hogg	O'Ferrall,	Townshend,
Candler,	Holman,	O'Neall, Ind.	Turner, Ga.
Cannon,	Holmes,	O'Neill, Mo.	Vance,
Carlton,	Hopkins, Ill.	Osborne,	Wade,
Caswell,	Hopkins, Va.	Outhwaite,	Walker,
Chipman,	Hopkins, N. Y.	Parker,	Warner,
Clardy,	Howard,	Patton,	Washington,
Clark,	Hutton,	Payson,	Weaver,
Cogswell,	Johnston, Ind.	Peel,	Weber,
Collins,	Johnston, N. C.	Penington,	Wheeler,
Conger,	Kelley,	Perkins,	Whiting, Mich.
Cothran,	Kennedy,	Peters,	Wilkins,
Calberson,	Kerr,	Phelan,	Williams,
Dalzell,	Ketcham.	Plumb,	Wilson, Minn.
Dargan,	Kilgore,	Post,	Wilson, Minn. Wilson, W. Va.
Darlington,	Laffoon,	Reed,	Woodburn.
Davidson, Ala.	La Follette,	Rice,	Yardley,
Dockery,	Laidlaw,	Richardson,	Yoder.
Dorsey,	Landes,	Rockwell,	

NOT	VOTING	01
TIOT	LOTTING	-01.

Bacon,	Davidson, Fla.	Lawler,	Sherman,
Barry,	Davis,	Lee.	Simmons,
Bliss.	De Lano.	Lyman,	Snyder.
Bowden,	Dingley,	Maffett.	Stahlnecker.
Bowen,	Dunham.	Mahoney,	Stewart, Tex.
Brower,	Ermentrout,	Maish.	Stone, Mo.
Browne, Ind.	Ford.	Matson,	Taulbee.
Brumm,	Gaines,	McComas,	Taylor, E. B., Ohio
Buchanan,	Glover,	McCormick,	Thompson, Ohio
Bunnell,	Goff.	McCullogh,	Tillman.
Butler,	Granger,	McShane,	Turner, Kans.
		Mille	West
	Hamphill		Whiting Man
			Whitthowns
	Times		William,
			Wilber,
			1 OSL,
Butter, worth, Bynum, Clements, Cockran, Cooper, Crain, Crisp, Crouse, Cutcheon,	Granger, Greenman, Hayes, Hemphill, Henderson, Ill. Hires, Houk, Hudd, Jackson, Lagan,	Mills, Morrill, Neal, Nichols, Nutting, Phelps, Pugsley, Robertson, Rowell,	West, White, Ind. Whiting, Mass. Whitthorne, Wilber, Wise, Yost.

So the motion to strike out the section was disagreed to. On motion of Mr. WEAVER, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. Houk with Mr. Neal, for the balance of this day.

Mr. Davidson, of Florida, with Mr. Pugsley, for the rest of the

The result of the vote was then announced as above recorded.

Mr. BARNES. It was understood that a certain amendment, which is a substitute for the whole matter, should be voted upon. amendment has been considered pending all the time, and the friends

of the bill gave us an assurance that there should be a vote upon the amendment. I do not propose to detain the committee or the House by a full explanation of it, but would like to have it read; and I will simply make the statement that it is in conformity with the recommendation of the Commissioner of Indian Affairs, Mr. Atkins, in three different reports.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized and directed to appoint three commissioners, whose duty it shall be to negotiate and make treaties with the Choctaw, Chick-asaw, Seminole, Creek, and Cherokee Indians, for the purpose of securing homes and reservations east of the ninety-eighth degree of longitude for the Kiowa, Comanche, Apache, Cheyenne, and Arapaho Indians, and the Wichita and affiliated bands living with them.

Sec. 2. That in order to open up the country for occupancy by citizens of the United States west of the ninety-eighth degree of longitude, now occupied by the Comanches, Kiowas, and Apaches, and the country occupied by the Cheyennes and Arapahoes, and by the Wichita and affiliated bands, said commissioners shall treat with said Indians for an exchange of the lands now occupied by them for permanent homes and reservations east of said ninety-eighth degree of longitude.

Sec. 3. That in treating with the Choctaw, Chickasaw, Seminole, Creek, and Cherokee Indians for the occupancy by American citizens of the country west of the ninety-eighth degree of longitude leased, sold, ceded, or agreed to be ceded by them to the United States for the settlement of Indians and freedmen thereon, it shall be stipulated that the lands so to be occupied by citizens of the United States shall not be paid for at a greater rate than \$1.25 per acre, and that any and all sums of money heretofore received by any of said Indians as a payment thereon shall be deducted from the amounts agreed to be paid.

Sec. 4. That negotiations with the tribes and bands of Indians now living west of the ninety-eighth degree of longitude shall proceed upon the basis of securing to them homes and reservations east of said degree of longitude in perpetuity, and compensation for their removal and settlement in a new country, and pay for their improvements.

Sec. 5. That in treating with any and all of said Indians, consideration shall be give

SEC.7. That the President direct the speediest accomplishment of the requirements of this act; and the sum of \$15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to carry the same into effect.

Mr. SPRINGER. I ask unanimous consent that a vote be taken upon this, not by yeas and nays, and that the point of no quorum shall not be made.

Mr. BAKER, of New York. Let us have the yeas and nays. Mr. SPRINGER. I will give you a vote. I will agree to that. You

can take a standing vote or by tellers.

Mr. BARNES. This substitute was prepared by the minority of the committee, and it was made in conformity with the recommendation of the Commissioner of Indian Affairs in three different reports.

Mr. SPRINGER. I deny all of that; but I will simply go to the

question as to whether they are willing to take a vote without the yeas and nays and not to make the point of no quorum. This House has indicated time and again that it is in favor of this bill, and we want to get a vote on it.

Mr. OWEN. That is not in accordance with the understanding heretofore.

Mr. ALLEN, of Mississippi. Regular order.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that he may now offer an amendment, which is the substitute that has been reported by the Clerk. Is there objection?

Mr. DUNHAM. I object to save time. Mr. ALLEN, of Mississippi. I object.
Mr. DUNHAM. I withdraw the objection.

The SPEAKER pro tempore. The question, then, is on the engross-ment and third reading of the bill.

Mr. OWEN. That is a violation of the understanding with the

Mr. WEAVER. Oh, no, it is not. Mr. STEELE. I move that the House do now adjourn.

The question was put, and the Speaker announced that the noes seemed to have it.

Mr. STEELE. Division. The House again divided.

Mr. STEELE. I demand the yeas and nays.
Mr. SPRINGER. I ask that the result of the vote be announced, as I want to make a statement.

The SPEAKER. On this question the ayes are 46, the nays 97.

Mr. STEELE. I demand the yeas and nays.

Mr. SPRINGER. I ask now that the vote be taken on the amend-

ment of the gentleman from Georgia by yeas and nays.

Mr. DUNHAM. Regular order.

Mr. SYMES. There was an understanding that there should be a vote upon this substitute. We are now agreeing to it if gentlemen will keep still a moment. Mr. STEELE. I with

Mr. STEELE. I withdraw the demand for the yeas and nays. The SPEAKER. Then the noes have it, and the House refuses to

adjourn. Mr. BARNES. I now renew the motion to substitute the amendment which I have sent to the Clerk's desk for the bill, and on that I ask a vote by yeas and nays.

Mr. SPRINGER. That is all right. That is agreed to.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative-yeas 119, nays 124, not voting 78; as follows:

	YI	EAS-119.	
Abbott,	Compton,	Henderson, Ill.	Owen,
Adams,	Cooper,	Herbert,	Parker,
Allen, Mass.	Cothran,	Hermann,	Payson,
Allen, Mich.	Cowles,	Hiestand,	Perry,
Anderson, Iowa	Cox,	Hires,	Pidcock.
Anderson, Miss.	Crain,	Holman,	Plumb,
Atkinson,	Cr.sp,	Hooker,	Post,
Baker, N.Y.	Culberson.	Hunter.	Randall,
Baker, Ill.	Cammings,	Hutton,	Robertson,
Bankhead,	Cutcheon,	Jackson,	Rowland,
Barnes,	Dalzell,	Johnston, N.C.	Sawyer,
Bayne,	Dargan,	Jones,	Sayers,
Belden,	Davidson, Ala.	Kean,	Scull,
Bingham,	Davis,	Kelley,	Sowden,
Blount,	Dibble,	Ketcham,	Spinola,
Boothman,	Dunham,	La Follette,	Spooner,
Bound,	Elliott,	Laidlaw,	Steele,
Boutelle,	Farquhar,	Latham,	Stewart, Ga.
Brewer,	Felton,	Lehlbach,	Stewart, Vt.
Brower,	Finley,	Lynch,	Stone, Ky.
Brown, Ohio	Flood,	Maish,	Thomas, Ky.
Bryce,	Forney,	McAdoo,	Thomas, Ill.
Campbell, F., N. Y.		McClammy,	Thomas, Wis.
Campbell, T.J., N.Y	.Gest,	Moffitt,	Thompson, Ohio
Candler,	Grimes,	Moore,	Turner, Kans.
Carlton,	Grosvenor,	Morgan,	Turner, Ga.
Caruth,	Hall,	Newton,	Weber,
Catchings,	Harmer,	Norwood,	Wickham,
Cheadle,	Haugen,	O'Neill, Pa.	Yardley.
Cobb,	Hemphill,	Osborne,	
	200	ALERS AND	

#### NAYS-124.

Allen, Miss.	Fuller,	Mansur,	Ryan,
Anderson, Ill.	Funston,	Martin,	Scott,
Anderson, Kans.	Gay,	Mason,	Seney,
Biggs,	Gear,	McComas,	Seymour,
Bland,	Gibson,	McKinley,	Shaw,
Breckinridge, Ark.		McKinney,	Shively,
Breckinridge, Ky.	Grout,	McMillin,	Simmons,
Browne, T.H.B., Va	Hare,	McRae.	Smith,
Brown, J. R., Va.	Hatch.	Merriman,	Springer,
Buckalew,	Hayden,	Montgomery,	. Stephenson,
Burnett,	Heard,	Morse,	Stockdale
Campbell, Ohio	Henderson, Iowa	Nelson,	Struble,
Cannon,	Henderson, N. C.	O'Donnell,	Symes,
Caswell,	Hitt,	O'Ferrall,	Tarsney,
Chipman,	Hogg,	O'Neall, Ind.	Tracey,
Clardy,	Holmes,	O'Neill, Mo.	Townshend,
Clark,	Hopkins, Ill.	Patton,	Vance,
Cogswell,	Hopkins, Va.	Peel,	Vandever,
Collins,	Howard,	Penington,	Wade,
Conger,	Johnston, Ind.	Perkins,	Walker,
Crouse,	Kennedy,	Peters,	Warner,
Darlington,	Kerr,	Phelan,	Washington,
De Lano,	Kilgore,	Phelps,	Weaver,
Dockery,	Laffoon,	Rayner.	Wheeler,
Dorsey,	Landes,	Reed,	White, N.Y.
Dunn,	Lane,	Rice,	Whiting, Mich.
Enloe,	Lanham,	Richardson,	Williams,
Fisher,	Lind,	Rockwell,	Wilson, Minn.
Fitch,	Lodge,	Romeis,	Wilson, W. Va.
Foran,	Long,	Russell, Conn.	Woodburn,
French,	Macdonald,	Russell, Mass.	Yoder.

	NOT	OTING-78.	He start that There were the
Arnold,	Dougherty,	Matson,	Snyder,
Bacon,	Ermentrout,	McCormick,	Stahlnecker,
Barry,	Ford,	McCreary,	Stewart, Tex.
Blanchard,	Gaines,	McCullogh,	Stone, Mo.
Bliss,	Glover,	McKenna,	Taulbee,
Bowden,	Goff,	McShane,	Taylor, E. B., Oh
Bowen,	Granger,	Milliken,	Taylor, J. D., Ohi
Browne, Ind.	Greenman,	Mills,	Thompson, Cal.
Brumm,	Guenther.	Morrill,	
Buchanan,	Hayes,	Morrow,	West,
Bunnell,	Hopkins, N. Y.	Neal.	White, Ind.
Burrows,	Houk,	Nichols,	Whiting, Mass.
Butler,	Hudd,	Nutting,	Whitthorne,
Butterworth,	Lagan,	Oates,	Wilber,
Bynum,	Laird,	Outhwaite,	Wilkins, Wilkinson,
Clements,	Lawler,	Pugsley,	Wise,
Coekran,	Lee.	Rogers,	
Davenport,	Lyman, Maffett,	Rowell, Rusk,	Yost.
Davidson, Fla. Dingley,	Mahoney,	Sherman,	ion IS A THE REAL PROPERTY.

The Clerk proceeded to read the names of members not voting. Mr. SOWDEN objected, but afterwards withdrew his objection.
Mr. TAULBEE. Mr. Speaker, I am paired. If I were not, I would

The SPEAKER. Unanimous consent is asked that the reading of The SPEAKER. Unanimous consent is asked that the reading of the names of members voting be dispensed with. Is there objection? Mr. CHEADLE. I object.

The Clerk completed the reading of the names.

The following additional pairs were announced:

Mr. TILLMAN with Mr. BUCHANAN, for the rest of the day.

Mr. WILKINS with Mr. JOSEPH D. TAYLOR, for the rest of the day.

Mr. THOMPSON, of California, with Mr. MORROW, for the rest of the day.

Mr. OATES with Mr. ROGERS, on this vote.
Mr. OUTHWAITE with Mr. DAVENPORT, on this vote.
Mr. HOPKINS, of New York, with Mr. McCormick, on this bill.
Mr. McCormick if present would vote for it, and Mr. HOPKINS, of New York, against it.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed bills and a joint resolution of the House of the following titles, with amendments in which the concurrence of the

A bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30,

A bill (H. R. 6753) for the relief of P. Gough Edelin; and Joint resolution (H. Res. 246) authorizing the Secretary of War to loan to the committee on inaugural ceremonies flags, etc.

The message also announced that the Senate had passed without

amendment bills of the House of the following titles:

A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster; and

A bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3765) for the relief of Harriet Young; and A bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia.

The message further announced that the Senate had agreed to the amendments of the House to the bill (S. 379) to allow soldiers and sailors in the United States service who have lost hands an increased

#### OKLAHOMA BILL

The result of the vote was then announced as above recorded. Mr. O'FERRALL. I move to reconsider the vote by which the substitute was rejected.

Mr. SPRINGER. I move to lay that motion on the table. Mr. O'FERRALL. Upon that I call for the yeas and nays. Mr. HOOKER. I move that the House do now adjourn.

The question was taken on the motion to adjourn, and it was agreed to—ayes 124, noes 57; and the House accordingly (at 4 o'clock and 30 minutes p. m.) adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced

By Mr. CRAIN: A bill (H. R. 12472) for the relief of Cornelius Phetzing—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 12473) granting a pension to Peter Rowe—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 12474) for the relief of Mary E. Binns—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 12475) for the relief of J. C. Church, administrator of J. D. Jones, deceased—to the Committee on War Claims.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. S. BAKER: Petition of J. E. Breedle and others, of Brock-

port Grange, New York—to the Committee on Agriculture.
Also, petition of Rev. H. W. Fish and others, in favor of free sugar—to the Committee on Ways and Means.
By Mr. BIGGS: Petition of James H. Richey and 61 others, of Amador County, California, in favor of pure lard—to the Committee

on Agriculture By Mr. CAINE: Petition of James E. Forcher and 38 others, citizens of Piute County, Utah Territory, for protection of certain grazing lands in Utah—to the Committee on the Public Lands.

Also, petition of Nathaniel Hanchett and 62 others, of Sevier and Piute Counties; of P. Gallagher and 31 others, of Sevier County, and of Thomas E. Smith and 77 others, of Piute County, Utah Territory, for protection of certain grazing lands in Utah—to the Committee on the Public Lands.

By Mr. CARUTH: Papers to accompany the bill (H. R. 12044) granting an increase of pension to Margaret Jane Lowell—to the Committee on Invalid Pensions

By Mr. COX: Petition of the underwriters of Boston, Philadelphia, and New York, for the maintenance of hydrographic offices, and for an appropriation—to the Committee on Appropriations.

and New Total, and New July appropriations.

By Mr. FITCH: Papers to accompany House bill for the relief of Henry Moore—to the Committee on Military Affairs.

Persentions of Knights of Labor of Junction By Mr. HERMANN: Resolutions of Knights of Labor of Junction City, Oregon, for redemption of outstanding bonded indebtedness of the United States, etc.—to the Committee on Ways and Means.

By Mr. HUNTER: Petition of Isaac T. Johnson, for a pension-to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Petition of the professors of the University of Virginia, for the passage of the international copyright law—to the

Committee on Patents.

By Mr. PENINGTON: Petition of sundry citizens of Seaford, Del. in relation to drawback on tin-plate-to the Committee on Ways and

By Mr. SPOONER: Memorial of the board of directors of the American Institute of Instruction, for a more vigorous support of the United States Bureau of Education—to the Committee on Education.

By Mr. STEELE: Petition of citizens of California, asking an investigation into the management of soldiers' home in California—to the

Committee on Military Affairs.

By Mr. TAULBEE: Petition of citizens of Indian Territory, in favor of the Sunday-rest bill—to the Committee on the Judiciary.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor: By Mr. ADAMS: Of 718 citizens of Illinois.

- By Mr. BREWER: Of 1,366 citizens of Michigan. By Mr. BURROWS: Of citizens of Michigan.
- By Mr. BUTTERWORTH: Of citizens of Ohio. By Mr. CANNON: Of 3,882 citizens of Illinois. By Mr. CHEADLE: Of 1,196 citizens of Indiana. By Mr. CLARK: Of 467 citizens of Wisconsin.
- By Mr. COWLES: Of 56 citizens of North Carolina.
- By Mr. DARGAN (by request): Of 190 citizens of South Carolina. By Mr. DORSEY: Of citizens of Nebraska.

- By Mr. FARQUHAR: Of 1,372 citizens of New York. By Mr. GEST: Of 1,129 citizens of Illinois. By Mr. GIBSON: Of citizens of Maryland.
- By Mr. GIFFORD: Of 489 citizens of Dakota, and of 658 citizens.
- By Mr. GOFF: Of 1,478 citizens of West Virginia. By Mr. GRANGER: Of citizens of the fourth district of Connecticut. By Mr. GROUT: Of 952 citizens of Vermont.
- By Mr. HEARD: Of 2,684 citizens of Missouri.
- By Mr. T. J. HENDERSON: Of 2,217 citizens of Illinois.
- By Mr. S. I. HOPKINS (by request): Of 66 citizens of Virginia. By Mr. KEAN: Of 1,031 citizens of New Jersey.
  By Mr. LONG: Of 2,864 citizens of Massachusetts.
  By Mr. McKINNEY: Of 65,382 citizens of New Hampshire.

- By Mr. McRAE: Of 609 citizens of Arkansas,
- By Mr. J. J. O'NEILL: Of citizens of Missouri. By Mr. OSBORNE: Of 1,292 citizens of Pennsylvania, By Mr. OUTHWAITE: Of 2,441 citizens of Minnesota.
- By Mr. POST: Of 1,600 citizens of Illinois. By Mr. RICHARDSON: Of 2,101 citizens of Tennessee.
- By Mr. ROGERS: Of 101 citizens of Arkansas.
  By Mr. ROWLAND: Of 1,446 citizens of North Carolina.
  By Mr. SAWYER: Of 3,542 citizens of New York.
  By Mr. J. D. STEWART (by 19quest): Of citizens of Painville, Ga.
  By Mr. VANDEVER: Of 451 citizens of California, and of 1,322 citi-

By Mr. WILLIAM WHITING: Of 2,095 citizens of Massachusetts.

The following petitions, praying for a constitutional amendment pro-hibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of Dr. E. J. Potter and 66 others, of Sherwood, Ohio.

By Mr. BUCHANAN: Of A. A. Kerr and 83 others, of Bordentown,

Also, of C. S. Lawrence and 307 others, of Hammonton, N. J. By Mr. BURNETT: Of George M. Adams and 182 others, of Hol-

liston, Mass By Mr. DORSEY: Of Thomas Vogal and 28 others, of Garrison; of W. A. Hall and 67 others, of Davenport; and of M. L. Fogel and 54

others, of Superior, Nebr.

By Mr. HIRES: Of E. O. Lee and 19 others, of Malaga; of E. H.

Jones and 176 others, of Woodbury; of J. S. Haines and 103 others, of
East Greenwich, and of John R. Mason and 77 others, of Mullica Hill,

By Mr. LONG: Of Jesse H. Jones and 181 others, of North Abington, Mass

By Mr. NELSON: Of Alfred Bradshard and 22 others, of Pelican,

By Mr. ROCKWELL: Of William C. Dewey and 32 others, of Palmer, Mass.

By Mr. J. E. RUSSELL: Of C. A. Hanaford and others, of Spencer,

By Mr. A. C. THOMPSON: Of Joseph Harps and 150 others, of Jackson, Ohio.

## SENATE.

## FRIDAY, February 1, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

## CREDENTIALS.

Mr. PUGH presented the credentials of JOHN T. MORGAN, chosen by the Legislature of Alabama a Senator from that State for the term beginning March 4, 1989; which were read, and ordered to be filed.
Mr. MITCHELL presented the credentials of JOSEPH N. DOLPH, chosen

by the Legislature of Oregon a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

## MRS. ELLEN HAND-VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 3264, entitled "An act granting a pension to Mrs. Ellen Hand."

The husband of the beneficiary named in this bill enlisted August 22, 1862, and was mustered out with his company July 10, 1865.

He filed a claim for pension in 1881, sixteen years after his discharge, alleging that he contracted rheumatism about December, 1862.

He died in February, 1883, the cause of death being, as therein certified, typhoid fever.

His claim for pension on account of rheumatism seems to have been favorably determined after his death, for it was made payable to his widow, and was allowed from the time of filing his petition to February 25, 1883, the day of his death.

The facts of the case as now were the contract of the facts of the case as now were the contract of the case as now were the contract of the case as now were the contract of the case as now were the case as now were

The facts of the case as now presented appear to me to lead in the most satisfactory manner to the conclusion that the soldier's death was in no way related to any incident of his military service. GROVER CLEVELAND.

XECUTIVE MANSION, January 31, 1889.

The PRESIDENT pro tempore. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

Mr. PLATT. If it is entirely agreeable to the Senator from Minnesota I should like to have the message lie on the table for a day or two until I can examine the report of the committee, and possibly I may wish to make some remarks upon it.

Mr. DAVIS. I have no objection to that course.

The PRESIDENT pro tempore. The message will lie on the table and be printed.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect recommending a further appropriation of \$3,000 for providing an elevator in the public building at Syracuse, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance submitting a report from the commanding officer of the Rock Island arsenal, inclosing copies of resolutions of the city council of Rock Island and of the Citizens' Improvement Association, in favor of an appropriation for the construction of a viaduct over the railroad tracks on the approach to the wagon-bridge to the island, at an estimated cost of \$35,234.65; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of George J. Roberts and 65 others (26 voters and 40 women), citizens of Galena, Ohio; the petition of L. M. Harvey and 129 others (99 voters and 31 women), citizens of Jackson, Ohio; the petition of William Redding and 177 others (44 voters and 134 women), of Jamestown, Ohio, and the petition of John Beall and 303 others (130 voters and 174 women), citizens of Cadiz, Ohio, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all

manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table. Mr. PALMER presented the petition of Mrs. May Rood and 8 others, citizens of Gaylord, Mich.; the petition of R. P. Tuten and 43 others (20 voters and 24 women), citizens of Iron Mountain, Mich., and the petition of C. Ray Beach and 64 others (32 voters and 33 women), citizens of Wellington, Mich., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

were ordered to lie on the table.

Mr. CALL presented a petition of several hundred citizens of Florida, praying for the establishment of a soldiers' home at St. Andrew's Bay, in the State of Florida; which was referred to the Committee on Mili-

tary Affairs Mr. GEORGE presented the petition of G. U. Butler and 21 others (11 voters and 11 women), colored citizens of Anguilla, Miss., and the petition of J. M. Harmon and 43 others (30 voters and 14 women), citizens of Anguilla, Miss., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which

were ordered to lie on the table.

Mr. MANDERSON presented the petition of M. H. Barber and 143 others (91 voters and 53 women), citizens of Fullerton, Nebr., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. VOORHEES presented the petition of the officers of the Woman's Christian Temperance Union of Indiana, representing 3,600 members, praying for prohibition in the District of Columbia; which

was referred to the Committee on the District of Columbia.

He also presented the petition of James Shannon and 161 others (96 voters and 66 women), citizens of Union City, Ind., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liq-uors as a beverage; which was ordered to lie on the table. He also presented a petition of the National Woman's Christian Tem-

perance Union, department of Sabbath observance, signed by 38 citizens of Indiana, praying for legislation prohibiting the running of in-terstate Sunday trains, mail trains, and against military drills on the Sabbath; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of 105 citizens of Macomb, Ill., praying for the passage of Senate bill 3399, granting a pension to John L. Russell, a soldier of the Black Hawk Indian war; which was re-

ferred to the Committee on Pensions.

Mr. CHACE presented a petition of the board of directors of the American Institute of Instruction, favoring legislation in support of the Bureau of Education; which was referred to the Committee on Education and Labor.

Mr. HISCOCK presented a petition of farmers of Brockport Grange, New York, praying for legislation affording protection to agriculture; which was referred to the Committee on Finance.

He also presented a petition of 208 citizens of the State of New York, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. HALE presented the petition of J. R. Clifford and 48 others (19 voters and 30 women), citizens of Dexter, Me., and the petition of Frederick Ellis and 98 others (39 voters and 60 women), citizens of Fort Fairfield, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. ALLISON presented a petition of citizens of Springdale, Iowa, and petitions of citizens of Mahaska and Marshall Counties, in the State of Iowa, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to

lie on the table.

He also presented petitions of members of the Baptist, Methodist, and Presbyterian Churches of Guthrie Centre, a petition of 6 citizens of Dallas; a petition of 15 members of the Brotherhood of Locomotive Engineers, in Clayton; a petition of 30 citizens of Iowa; a petition of 34 citizens of Iowa; and a petition of citizens of Hopkinton, all in the State of Iowa, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. FRYE presented the petition of Daniel Willey and 7 others (2 voters and 6 women), citizens of Cherryfield, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors

as a beverage; which was ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 948) for the relief of William H. Tabarrah, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11165) for the relief of John Gray, reported it with amendments,

and submitted a report thereon.

He also, from the same committee, who were instructed by a reso-Intion of the Senate of May 22, 1888, to consider and report whether some amendment to the laws ought not to be made prohibiting the enlistment in the Army of the United States, in time of peace, of men with wives or families dependent on them for support, without notice to or consent of their wives, submitted a report thereon, and moved that the committee be discharged from the further consideration of the resolution and that the report be printed; which was agreed to.

Mr. COKE, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered

to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3560) for the relief of William S. Rosecrans, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 128) appointing James A. Waymire, of California, a

manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, reported it without amend-

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3312) to authorize the appointment of a sanitary engineer in the District of Columbia, and for other purposes, reported it with amendments.

poses, reported it with amendments.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 9110) granting a pension to Martha J. Warren, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Additional Accommodations for the Library of Congress, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE, from the Committee on Commerce to whom was referred.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3824) to provide for an American register for the steamyacht Nautilus, of New York, N. Y., reported it without amendment.
Mr. BATE, from the Committee on Military Affairs, to whom was

referred the bill (H. R. 8557) for the relief of Dr. David Bell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2608) for the relief of Harrison Flora, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Interstate Commerce, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### ADMISSION OF DAKOTA.

Mr. PLATT. On the 19th of January the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota, which had been previously passed by the Senate and amended in the House of Representatives, was referred to the Committee on Territories, and the amendment of the House ordered to be printed. I am directed by the Committee on Territories to report back the bill with the recommendation that the amendment of the House be non-concurred in, and that the Senate ask for a conference on the disagreeing votes of the two Houses.

The PRESIDENT pro tempore. The Senator from Connecticut reports back the bill named by him with the amendment of the House of Representatives, with a recommendation that the Senate do not agree to the amendment of the House, and ask for a conference thereon. It will be so ordered, if there be no objection.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. Platt, Mr.

CULLOM, and Mr. BUTLER were appointed.

## REPORT OF DISTRICT HEALTH OFFICER.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the joint resolution (S. R. 121) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

Mr. MANDERSON. I am directed by the Committee on Printing, in lieu of the joint resolution reported adversely, to report a concurrent resolution having the same object in view, and I ask for its present consideration.

consideration.

The PRESIDENT pro tempore. The concurrent resolution will be

The Chief Clerk read as follows:

Resolved by the Senate (the House of Expresentatives concurring), That the Public Printer be, and is hereby, authorized to print 2,500 extra copies of the report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District.

The concurrent resolution was considered by unanimous consent, and agreed to.

## THE POTOMAC RIVER

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 12009) to provide for keeping open the Potomac River, to report it favorably without amendment. If there should happen to be a cold snap, as I understand there is likely to be, this provision is very important for the interests of the District, and I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read at length for information.

information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purpose of keeping open the Potomac River during the winters of 1889 and 1890, the same to be expended under the direction of the commissioners of the District of Columbia, one half to be charged to the United States and the other half to the District of Columbia, and to be immediately available.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISTRICT IMPROVEMENT ASSESSMENTS.

Mr. CHACE. I am instructed by the Committee on the District of Columbia to report back the bill (S. 1092) for the relief of certain property in the District of Columbia, returned from the House of Representatives with an amendment, with the recommendation that the Senate concur in the amendment, and I ask for its present considera-

The PRESIDENT pro tempore. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. In line 17 strike out "1887" and insert "1888;" so as to read:

All such drawback certificates shall be receivable for arrears of general taxes due the District of Columbia and unpaid June 30, 1888.

The PRESIDENT pro tempore. The question is on concurring in the amendment made by the House of Representatives.

The amendment was concurred in.

## THE YACHT NAUTILUS.

Mr. HISCOCK. There was a report made by the Senator from Maine [Mr. Frye], the chairman of the Committee on Commerce, in reference to giving a registry to the yacht Nautilus, which is a little yacht of 15 tons burden and can not be inspected. I ask if there is any reason why it should not be taken up now for immediate passage. make that request

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill (S. 3824) to provide for an American register for the steam-yacht

Mautilus, of New York, N. Y.

Mr. SHERMAN. I should like to hear it read at length.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill, as follows:

The Chief Clerk read the bill, as follows:

Be itenacted, etc., That the Commissioner of Navigation is hereby authorized to license as a vessel of the United States the Canadian steam-yacht Nautilus, owned by Isaac J. Maccabe, of New York, an American citizen.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boller, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate, if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. FRYE. I will simply say that this is a little vector of the terminate of the states.

Mr. FRYE. I will simply say that this is a little yacht of 15 tons. It was purchased in Montreal by a gentleman of New Haven, Conn., and subsequently purchased from him by the present owner in New York. He did not know that there was any particular trouble about it until he called for the inspection of the boilers, when the steam-boat inspectors declined to inspect them on the ground that the yacht had not been admitted to American registry. There is evidence in the papers showing that the original importer paid between \$300 and \$400 duties on the little vessel when he bought it.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 3890) granting a pension to Adelaide E. Spurgeon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3891) for the relief of W. H. Huson; which was read twice by its title, and referred to the Com-

mittee on Claims.

He also introduced a bill (S. 3892) providing for the completion of certain works connected with the Light-House Establishment; which was read twice by its title, and referred to the Committee on Com-

Mr. BOWEN introduced a bill (S. 3893) for the relief of Samuel Ferguson Beach, executor of Anthony R. Fraser, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3894) to ratify and confirm an agree-

ment with the Southern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

## AMENDMENTS TO BILLS.

Mr. HAMPTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## DISTRICT STEAM-RAILROAD HEARINGS

Mr. FAULKNER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia be, and it is hereby,

authorized and empowered to employ a stenographer to report hearings before said committee on the subject of steam railroads in the District of Columbia, the expenses therefor to be paid out of the contingent fund of the Senate.

## SAMOAN AFFAIRS.

Mr. SAULSBURY submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved. That the Committee on Foreign Relations:

Resolved. That the Committee on Foreign Relations is instructed to inquire into the condition of affairs in the Samoan Islands and report at an early day what measures are necessary and proper to protect the interests of American citizens residing therein, and to discharge any obligations of the United States to the people of those islands in the maintenance of their own local government free from the exclusive interference of any foreign power and to secure the just rights and interests of the United States in the future control and government of said islands.

## CONDITION OF MARINI'S BUILDING.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the District commissioners be, and they are hereby, directed to examine into the condition, sanitary and otherwise, of Marini's building, now occupied by the Sixth Auditor of the Treasury, and the officials, clerks, and employes under him, and report to the Senate whether such building is safe in respect to the life, health, and physical comfort of those occupying the

#### SUNDAY-REST HEARING.

Mr. JONES, of Arkansas. I desire to make an inquiry of the chairman of the Committee on Printing.

I have received recently a considerable number of applications for copies of "the hearing on the Sunday-rest bill before Senator BLAIR'S committee in December, 1888," as it is styled. Upon inquiry I find that I am entitled to two copies only. Yesterday I received from a correspondent an application for a number of copies of this document, and inclosed was the following printed slip which explained the reason of the applications:

#### THE AMERICAN SABBATH UNION.

THE AMERICAN SABBATH UNION.

The Senate Committee on Education and Labor recently gave to the friends and the opponents of the Sabbath a hearing on the "Sunday-rest bill" now pending in the Senate of the United States.

The opponents of the bill were from the Seventh Day Baptists, the Seventh Day Adventists, the Personal Liberty League Party, or infidel element.

This historic and valuable collection of arguments, which presented both sides of this all-important subject, forms a valuable addition to our Sabbath literature that should be in every household.

Copies of it can be had free of charge by writing promptly to the Senator from your State, asking for "the hearing on the "Sunday-rest bill" before Senator BLAIR's committee in December, 1888."

Rev. WILBUR F. CRAFTS.

Rev. WILBUR F. CRAFTS, Field Secretary, 74 East Nineticth Street, New York City.

G. P. LORD, Recording Secretary, Elgin, Ill.

At the bottom of the slip is printed the following:

Please put one of these slips in each pew in your church, and publish in your local paper.

When each Senator has but two copies of this document it seems to me a little bit unfair to members of the Senate that these reverend gen-tlemen should advise our constituents all over the United States that copies of the document can be had free of charge, and, as it would seem, copies of the document can be not free of charge, and, as it would seem, in almost an unlimited number, by simply applying to Senators. I have had a number of applications and have been to the trouble of writing to very excellent people from my State that I had no copies and could not get any.

I wish to ask the chairman of the Committee on Printing whether we are to have this document in very large numbers and how many

we are to have.

I wish to call public attention to the fact that we have but a limited number, to the end that we may not be censured for not sending out in great numbers this document upon application, especially after this printed slip has been distributed in the pews of all the churches of the

ountry.

Mr. MANDERSON. I will take pleasure in giving to the Senator from Arkansas all the information I have upon this subject-matter.

The hearing before the Committee on Education and Labor, whether because of the great merit of the arguments that were had there, or because, it may be, of the circular which has been read by the Senator because, it may be, of the circular which has been read by the Senator from Arkansas, has excited not only a great deal of comment through the country but an enormous demand upon members of the Senate, and particularly upon members of the Printing Committee, for the printing of a large number of this document. From some of those who have been officially connected with the matter, representing associations, there has come the suggestion that at least a half million copies of the hearing should be printed. The Committee on Printing in considering the matter felt that that number was hardly needed, but that in view of the importance of the subject metter the demand but that in view of the importance of the subject-matter, the demand, whether it was forced or natural, would be sufficiently met by the action already had by the Senate.

Under a Senate resolution introduced by the chairman of the Com-

mittee on Education and Labor and adopted by the Senate a few days ago, 8,300 copies were printed, that being the limit which could be printed under the \$500 law that governs us in the matter of Senate printed the decorate has governs as in the matter of Schale printing. Yesterday the Senate passed a concurrent resolution ordering printed 10,000 more copies of the hearing for the use of the Senate, 20,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Committee on Education and Labor. This will give, in addition to the two copies the Senator speaks of that come from the usual number that was ordered printed, 240 copies to each member of the Senate, 60 copies to each member of the House, and 200 copies to each member of the Committee on Education and Labor.

That is the present status of the matter, and if the consurrant reconstruction.

That is the present status of the matter, and if the concurrent resolution passed by the Senate shall be adopted by the House of Representatives that will be the result.

PAINTING OF ABRAHAM LINCOLN.

Mr. VOORHEES. Is there anything before the Senate?

The PRESIDENT pro tempore. The Chair lays before the Senate as morning business the resolution offered by the Senator from New Hampshire [Mr. CHANDLER] in relation to naval officers' claims, com-

ing over from a previous day.

Mr. VOORHEES. I ask the Senator from New Hampshire to allow me to call up the bill for the purchase of an oil painting of Mr. Lincoln, which comes from the Committee on the Library with its full approbation. It will not take any time nor excite any discussion. It is the bill (S. 3384) to purchase a painting of Abraham Lincoln. The PRESIDENT pro tempore. Does the Senator from New Hamp-

shire yield?

Mr. CHANDLER. Will it not be just as convenient for the Senator to wait?

Mr. VOORHEES. It will not take five minutes.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. CHANDLER. I give way.

The PRESIDENT pro tempore. The resolution offered by the Senator from New Hampshire is morning business. The Senator from New Hampshire yields to the Senator from Indiana for the purpose of asking the consideration of the bill (S. 3384) to purchase a painting of Abraham Lincoln. Is there objection to the present consideration of

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Library Committee of the Senate to purchase of its owner the life-size oil painting of the late Abraham Lincoln (painted by G. W. F. Travis), to be hung in the United States Capitol, for a sum not to exceed \$15,000.

Mr. SHERMAN. I think the Senator from Indiana, who I know is very liberal, should explain this matter. If he is able to assure us that there is a painting of Mr. Lincoln worth \$15,000, I shall be very glad to pay it, but if this is a mere gift to some one—
Mr. VOORHEES. Oh, no.
Mr. SHERMAN. If it is not for the work of art, but because the

subject-matter is good, I should not like to see it done.

Mr. VOORHEES. The Senate has the assurance of the Senator from New York [Mr. EVARTS], who is present, the chairman of that committee, and the Senator from Massachusetts [Mr. HOAR], who is the

other member, that this is an extraordinary painting.

Mr. SHERMAN. Whom by?

Mr. VOORHEES. The name is given in the bill. There is a printed If the Senator from Ohio desires to hear it read, there is a printed report in regard to this painting; but I would say that it having been my good fortune to be closely associated with Mr. Lincoln in my early days in a circuit of the West practicing law, I never saw an oil painting of him that seemed to me worthy of purchase except this one; and that is the opinion of the committee. It is a superb painting, of life size. The matter has had very full consideration. There is a written report, which has been printed, accompanying the bill. I thought I would not take up the time of the Senate, unless compelled to do so, by asking for the reading of the report.

Mr. HALE. Will the Senator let me ask a question?

Mr. VOORHEES. Oh, certainly.
Mr. HALE. Is this the portrait of Abraham Lincoln that for some

time has hung in the room of the Committee on Naval Affairs?

Mr. VOORHEES. I think it is. I think it is there. That is the same painting. I will say to the Senator from Maine that it hung at first for a while in the reading-room of the Riggs House. He may have seen it there, under a very favorable light. If Senators desire it, I

shall have the report read.

Mr. HALE. The Senator is quite confident that it is the same picture that has been lately hanging in the room of the Committee on Naval Affairs?

val Affairs?

Mr. VOORHEES. I think it is.

Mr. CULLOM. Will the Senator allow the bill to go over until tomorrow morning, so that we can look at it?

Mr. VOORHEES. I would rather have it passed now if I can. I have got the Senator's own opinion in the report, the Senator from Illinois himself, certifying that it is a work of great merit. His own statement is here in the report, I think.

Mr. SHERMAN. The Senator from Indiana will allow me to say that I know that portraits in the highest style of art, by the most eminent American painters. in full life size are painted at from \$2,500 to

nent American painters, in full life size are painted at from \$2,500 to \$5,000. I am perfectly willing to pay whatever an intelligent artist who is competing in this business would say this painting is worth; but I know of no portrait painter in this country who pretends to charge any such price as \$15,000 for a full life-size painting.

Mr. HAWLEY. And in no other country, either.
Mr. SHERMAN. And in no other country, the Senator from Connecticut says; but I do not know that. However, I know that \$2,500

method says; but I do not know that. However, I know that \$2,000 will buy a full-length life-size portrait by the best artist in America.

Mr. VOORHEES. It might buy a portrait of some people.

Mr. SHERMAN. The mere fact that it is a portrait of Mr. Lincoln, while it gives additional interest to us, is not the question. When we are purchasing his portrait we ought not to pay a large sum merely because Mr. Lincoln was a great man and highly esteemed and beloved by every American citizen. That is not the measure of value. The measure of value is the cost of producing a like article.

Mr. CHANDLER. Will the Senator from Indiana be kind enough

to state the name of the artist?

Mr. VOORHEES. Mr. Travis. Mr. HAWLEY. Where does he live?

Mr. VOORHEES. I think this is a good price, but it is an admirable picture of a very great man. I thought in committee, and so did the committee, that we should not belittle the subject by trying to get it for a small price. I really think that we should be doing ourselyes injustice as well as the subject of this great painting by haggling about the price to be paid.

Mr. PALMER. Mr. President, I dislike to say anything obstructive of any measure that the Senator from Indiana may propose, because he is always generous and liberal with all of us on this floor; but I have never heard of a modern portrait being charged for at a price of \$15,000. I think the Senate should have a chance for inspection and a chance for inquiry before they are committed to any such amount. It seems to me that probably the portrait may be worth \$2,500 if this artist has a very high reputation; otherwise not, because reputation is very often

what determines the price.

Mr. HAWLEY. The reputation of the artist?

Mr. PALMER. The reputation of the artist. We should have a chance to look at the painting before we commit ourselves to its purchase. I think that Mr. Eastman Johnson, who is the most eminent portrait painter in America, as I understand, never charges over \$5,-

Mr. MORRILL and Mr. HAWLEY. Not over \$2,500. Mr. PALMER. I understand he does not charge over \$2,500 for a portrait.

Mr. EVARTS. Mr. President, the question is not what would be the rate by which an eminent artist would now produce a portrait of Mr. Lincoln. This portrait was produced by a portraiture from life. It is not, therefore, a question of what price artists could now be found to make a portrait to dignify and adorn any of the halls of Government; it is a question whether we should buy this portrait. The owner of the portrait has affixed this as the price at which he will part with it to the Government. The committee were desirous that the Government should possess it, and we have laid before the Senate our proposition, that the Government shall buy it at the price which the artist has affixed.

We can not go beyond that. The committee have no fund committed to them, because that was denied us in the act of last year. We shall endeavor again to have placed in the hands of the committee a certain fund by which they can make transactions to acquire valuable paintings for the United States. There is no mode for the committee but to pass upon the question whether a painting of Lincoln of the dimensions and the lineaments and the approval given by those familiar with his

and the lineaments and the approval given by those laminar with his countenance, shall be acquired or not; and we propose it to the Senate. Now, Senators say, and certainly so far as I am concerned I have no objection to make to it, that they desire to have some opportunity to pass their own judgment upon the value and interest of this portrait. The committee have examined it; the committee have heard testimony concerning it. All the members of the committee were, I believe, quite familiar with the person and traits of Mr. Lincoln's figure and countenance. If it is only desired that the bill may lie over in order that Senators may look at the portrait, which I suppose is still in the room of the Naval Committee

Mr. CHANDLER. It is not now in the Naval Committee room.
Mr. HAWLEY. Where is it?
Mr. EVARTS. I do not know where it is. It was for several years in the Naval Committee room.

Mr. CHANDLER. Does the Senator from Indiana know where it now is?

Mr. VOORHEES. It is in the Naval Committee room, I understand.

Mr. CHANDLER. It is not there now.
Mr. VOORHEES. I have not seen it in the last six weeks, but it certainly was there the last time I saw it.

Mr. CULLOM. If the Senator from Indiana is not very desirous of pressing the bill to a vote to-day I shall be obliged to him if he will let

go over until to-morrow.

Mr. VOORHEES. Oh, I always yield to an appeal of that kind; it is wise to do so; and I hope, in parting from the subject now until to-morrow, that Senators will interest themselves and see the portrait.

Mr. CULLOM. In the first place, I have not a very definite recollection of the picture, although I remember receiving letters from Chi-

cago asking that it be sent out to the exposition there, or something of that kind. I may have seen the picture at that time, but not with a view of inspecting it very definitely. I have an impression, too, that \$15,000 is a pretty large price to be paid for an ordinary painting.

This may be an extraordinary painting.

Mr. VOORHEES. If it was not extraordinary we would not offer

such a price for it.

Mr. CULLOM. I have no opinion, however, upon that point for the present, and I should like to have the bill go over until to-morrow. Mr. VOORHEES. The matter may go over subject to call to-morrow,

or the first day we are in session.

The PRESIDENT pro tempore. The Chair understands the from New York to desire to speak further on the subject.

Mr. EVARTS. I wish to say a word further on the subject. The Chair understands the Senator

Mr. EVARTS. I wish to say a word further on the subject.

Mr. VOORHEES. I beg pardon; I thought the Senator from New York had taken his seat, or I would not have said what I did.

Mr. EVARTS. I find that Senators about me have regarded this proposition as rather relating to the amount that should be paid to an artist for producing as a work of art a portraiture of the late President. That is understood now to be entirely different. The artist had it for disposition at this price, and if it is not sold to this Government then it may be disposed of in other directions.

Mr. PLATT. I have just been looking at the printed report, and I

Mr. PLATT. I have just been looking at the printed report, and I think the Senator from New York must be mistaken in saying that the artist has the painting for disposition at this price. The report states think the Senator from New York must be mistaken in saying that the artist has the painting for disposition at this price. The report states that it was purchased by Consul Webster, at Sheffield, England, and was sent by him to the Centennial Exposition, where it was exhibited, and it is now the property of the gentleman who was formerly consul at Sheffield, England, and not the property of the artist.

The PRESIDENT pro tempore. The bill having been read in the Committee of the Whole will resume its place on the Calendar if there he no objection.

be no objection.

Mr. VOORHEES. I ask the Senator from Illinois if he will not be

Mr. VOORHEES. I ask the Senator from Illinois if he will not be willing to let the bill pass this morning and be done with it?

Mr. HAWLEY. If it is really necessary I should dislike to object for this reason: Mr. Travis is wholly unknown to me, and it would not be right to say an unkind thing of him; it is my misfortune, perhaps, that I do not know of him. I, however, do happen to know the names of some great American painters—that is, I know their reputations; I know very little of them personally, I am sorry to say. If it was Mr. Huntington's picture I should be willing to give a good deal—\$2,500 or \$5,000. There are some marvelous paintings by the head of the American Academy, a man of established standing, and I have no idea that he would ever think of getting \$15,000 for any painting of his, or \$10,000, or more than \$5,000. Fifteeen thousand dollars will more than command, if I am not greatly mistaken, the highest art in Europe.

This is simply a portrait of Lincoln taken in his lifetime by, to us, an unknown artist; and we are captivated, of course, by anything that an unknown artist; and we are captivated, of course, by anything that mentions the name of Lincoln, and people will be for centuries to come; but I am obliged to say, not trifling with the subject, that we are acting somewhat as if it was a portrait by Lincoln. I would not care then to talk about price. I have not seen this portrait, nor has the reputation of it spread all over the United States like the reputation of the famous engraving by Marshall. If it is necessary, in order to have a chance to look at this, to object, please enter me as objecting.

The PRESIDENT pro tempore. The bill will resume its place on the Calendar

the Calendar.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture, and agreed to the same.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 246) authorizing the Secretary of War to loan to the committee on inaugural ceremonies

## NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The resolution offered by the Senator from New Hampshire [Mr. CHANDLER] will be read.

The Secretary read the following resolution, submitted by Mr.

CHANDLER on the 25th of January:

CHANDLER on the 25th of January:

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay or allowances due such officers, known as the longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

letter from the Secretary of the Treasury, contained in Executive Document No. 91, received on January 28, 1889, transmitting to the Senate statements made by the Fourth Auditor and the Second Comptroller on the subject of the receiving-ship claims.

An examination of these replies shows that the Fourth Auditor and the Second Comptroller are of the opinion that no lists of claims have been given out from their offices, and that no access to any such lists pre-pared in their offices has been allowed to any claimants or counsel for

claimants. The exact statement of the Fourth Auditor concerning the preparation of lists is as follows:

No such lists have been prepared. But immediately after the decision of the Supreme Court allowing sea pay to officers serving on receiving-ships a very large number of claims of this character was filed. In order to settle these cases it was necessary to examine the roll of the receiving-ship on which the officer served. I instructed the clerks whose business it was to trace these rolls to take a memorandum of all the officers on said roll. This was done for the purpose of saving time and labor in going over the roll in each individual case.

And the Auditor then proceeds to say that after careful investigation he is satisfied that no access has been allowed to any lists by attorneys

or claim agents.

Nevertheless, I hope the Committee on Appropriations will be instructed to make the inquiry proposed, for I believe from information which has come to me that access has been obtained to these lists and that the proceedings of some of the attorneys and claim agents have been based upon information derived from the office of the Fourth Auditor; and I can conceive of no injury that will be done by proceed-

ing with the inquiry.

The resolution instructs the committee to report "whether any legislation is advisable in order to prevent any further allowances of such claims." I have indicated in an amendment which I have proposed, and which has gone to the Committee on Appropriations, to be made to the general deficiency appropriation bill, my own idea of a remedy which ought to be applied to correct what I believe to be a very serious

public evil. My remedy is to provide as follows:

The jurisdiction of the Court of Claims shall not extend to suits brought by officers of the Army and Navy for arrears of pay, of milage, of traveling expenses, or of personal allowances of any kind. This prohibition shall extend to all suits now pending.

The accounting officers of the Treasury Department shall not, without express authority of law hereafter enacted, settle or allow any claim of any officer of the Army or Navy for arrears of pay, mileage, traveling expenses, or personal allowances of any kind where such claim covers any period of time more than three years before the presentation of such claim. This prohibition shall extend to all claims now pending.

In justification of the action which I propose I wish to call the attention of the Senate to the fact that in the deficiency appropriation act of October 19, 1888, under the head of "Claims allowed by the Fourth Auditor and Second Comptroller, for pay of the Navy prior to July 1, 1885," there was appropriated the sum of \$154,594.03; also by the same act, under the head of "Navy Department claims allowed by the Fourth act, under the head of "Navy Department claims allowed by the Fourth Auditor and Second Comptroller, for pay of Navy prior to July 1, 1886," the sum of \$369,463.64. I find in one of the documents printed for the use of the Senate a list of these two classes of claims, and upon referring to the items that make up the sum of \$154,594.03 I find such allowances to naval officers for arrears as \$7,296.43 to one officer to cover the period from 1860 to 1885; that is, twenty-five years; an allowance to another officer of \$2,266.05 from 1870 to 1885, covering a period of fifteen years. of fifteen years.

Mr. HALE. Will the Senator allow me to ask if he is now reading from the estimates of the present year or the estimates for bills that

have already passed? Mr. CHANDLER. I am now reading from the list of claims which have already been paid, the amounts contained in the deficiency appropriation bill of last year.

Here is the amount of \$7,068.36 to cover the service of a naval officer from 1860 to 1867. I find the sum of \$6,073.30 allowed an officer to cover the period from 1861 to 1881; the sum of \$9,346.56 to cover the period from 1861 to 1881; the sum of \$9,458.86 to cover the period from 1861 to 1881; the sum of \$10,466.72 to cover the period from 1860 to 1885, twenty-five years.

Mr. HALE. Is that a single case?

Mr. CHANDLER. This last is an allowance to the heirs of a deceased officer. I will in this case give the name, "John Thornley, deceased, heirs of, 1860 to 1885, \$10,466.72." All these sums are among the items which make up the amount of \$154,594.03.

Turning now to the larger sum for pay of the Navy prior to July 1, 1886, \$369, 463.64, I find similar extraordinary payments in a long list; for instance, \$7,788.37 allowed to a naval officer now living for the period from 1861 to 1881. I will read a few of the larger sums: \$8,209.76 to cover the period from 1870 to 1885; \$8,969.20 to cover the period from 1862 to 1880. These are all allowances for "pay of the Navy prior to July 1, 1886." I will make some statements shortly showing why the allowances are made. Here is another item: \$6,991.50 to a chief engineer of the Navy from 1861 to 1881.

Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

Mr. CHANDLER. This resolution has been laid over for two or three days in order to afford an opportunity for the examination of the

accounting officers of the Treasury Department for which the balances of appropriation are exhausted, aggregating \$1,200,559.05. A large portion of the allowed claims making up this sum are Army claims, concerning which at this time I say nothing because I am not so well informed about them as I am in reference to the Navy claims.

There are included in this sum of \$1,200,559.05, naval claims, to which I shall call the attention of the Senate, amounting to \$282,790.41, and in this list of naval claims there are several of these same enormous amounts which I have been noting, a few which I will recite and which yet remain to be paid: \$3,809.56 to cover period from 1867 to 1886; \$4,493.36 allowed a naval officer during the period from 1870 to 1886; \$3,117.33 to cover the period from 1859 to 1878; \$3,145.36 to cover the period from 1864 to 1884, and so on until the sum of \$282,790.41 is reached.

Mr. President, all these claims which I have described, although they have been paid or are being presented for payment according to the form of law, are in my judgment destitute of real merit. It is my opinion that the naval officers in whose favor they have been allowed have no equitable right to these sums of money.

The classes of cases to which I am inviting the attention of the Sen-

ate are three in number:

First. There are what are known as the claims for longevity pay according to the decisions in the cases of Mullan, Rockwell, Baker, and Cook, and the approximate amount expended, including judgments in the Court of Claims, is \$500,000.

Secondly. There are what are known as the mileage claims for the differences between actual traveling expenses of officers and mileage allowed under the decision in the cases of Temple and Graham, the ap-

proximate amount already expended being \$385,000.

Thirdly. There are those cases especially referred to in this resolution of instructions to the Committee on Appropriations, which are for the difference between shore and sea pay on training and receiving ships, under the decisions in the cases of Symonds and Strong, the approximate amount of which to date is \$500,000. In the communication of the Secretary of the Treasury, from which I have just read, the letter of the Auditor of January 24, 1889, states as follows:

The total amount of all receiving-ship cases allowed since the decision of Supreme Court in the Strong case is about \$450,000 up to date.

The resolution of the Senate made inquiry concerning "the total amount of such claims now pending." The answer of the Auditor is:

There are about four hundred and forty-one claims pending, but it is impossible to state what amount will be required to pay them until each claim has been settled.

All these claims have grown up in this way: Some one has discovered, either some naval officer or some attorney for some naval officer, that under some construction which may possibly be given to the various statutes allowing pay to naval officers, those officers in the past have not received all the pay or allowances to which they have been legally entitled, and the first step has generally been to have a suit brought in the Court of Claims by an officer for a small amount of money. case has gone into the court and has been defended by an Assistant Attorney-General, and a finding of facts and a decision of law have been made by the Court of Claims

There has then ordinarily been an appeal to the Supreme Court of the United States, and inasmuch as the Supreme Court has been bound by the findings of the Court of Claims upon questions of fact, the judgments of the Court of Claims have usually been affirmed by the Supreme Court, and the small judgment in the particular case has been

Thereupon the accounting officers of the Treasury have commenced the allowance to all naval officers or to the heirs of such officers of the sums to which they would have been entitled if the rule of allowance established by this decision of the court had been in force during the whole period of their service in the Navy; and the great wrong which has grown up in such cases has been that there has been no statute of limitation applied by the accounting officers of the Treasury Depart-

ment. They have gone back, as I have already shown, in cases of this sort twenty years, and in some cases forty years.

Advertisements have been inserted in the newspapers by claim agents, calling upon the heirs of naval officers who died forty years ago to come forward and learn something which will be to their advantage; and their claims have been presented to the accounting officers of the Treasury Department, they have been allowed by these are allowed by these mry Department; they have been allowed by them, and they have come as settled and allowed claims to the Senate Committee on Appropriations, which, I am sorry to say, has inserted items for the payment of such claims in many cases where I think payments should not have

been made.

Sometimes in this kind of quest it has been necessary in order to successfully found the claim against the United States to procure new legislation by Congress, and I wish to bring before the Senate, in reference to the longevity claims especially, certain legislation which took place in February, 1883, and as I see the Senator from Indiana [Mr. VOORHEES] kindly listening to me, I desire to ask his attention to the clauses which were inserted in the naval appropriation bill under which these longevity claims have grown up.

The account of the debate is to be found in volume 14 of the Con-GRESSIONAL RECORD, pages 3091 and 3092. There had been inserted in the naval appropriation act of August 5, 1882, the following clause:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer army or navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy: Provided, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers.

When the next subsequent naval appropriation bill, which became a law March 3, 1883, was before the Senate, there finally found its way into that act the above clause with amendments and additions, the whole of which I will read:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer army or navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since his last entering the service: Provided, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers: Provided further, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy.

I will not take the time of the Senate to go much at large into this debate; but the point was that a suspicion was entertained by the mem-bers of the Committee on Appropriations that there might be a claim founded upon this second clause, if it should become a law, for arrears of pay, and that point was distinctly announced in the debate, and assurances were given that under no circumstances could there be founded upon the clause any claim for arrears of pay.

The clause has been forwarded to the Navy Department for the opinion of the Secretary of the Navy, and a letter was written, dated "Navy Department, Washington, December 10, 1883," to the Senator from Maine now in his seat [Mr. Hale], signed by myself, and which I

will ask leave, without reading it, to put in the RECORD:

NAVY DEPARTMENT, Washington, D. C., December 10, 1883.

SIR: In response to your request, I have to state that the words in lines 121 and 122 of the naval appropriation bill as reported February 19, 1883, "in the lowest grade having graduated pay held by such officer since last entering the service," which the Senate committee propose to strike out, were undoubtedly intended to lay the foundation for claims that an officer who at some previous time had served in a grade below the lowest grade in which he served upon last entering the service shall receive additional back pay for the whole period of such previous service at the same rate as if his service had been continuous in the superior grade.

such previous service at the same rate as if his service had been continuous in the superior grade.

It will also be noticed that by the prior clause an officer of the Navy is to be credited as an officer with the actual time which he may have previously served as an enlisted man. Therefore the effect of the clause which the committee propose to strike out would, if kept in, give him additional back pay for all the time of his service as an enlisted man equal to the pay which he received when first an officer.

Last year this clause about crediting officers with all their actual time of service was first placed in the bill without the proviso that it should not authorize any change in dates of commission or in rank of officers. The proviso was added during the pendency of the bill, and the clause and proviso became a part of the law of August 5, 1882, and are to-day in force. There is no occasion for now re-enacting them, except to make a cover for the insertion of the words which the committee propose to strike out, and to invite unjust claims against the Treasury.

which the committee propose to the the Treasury.

Unless this result is desired those words should be stricken out, as proposed; or, what is better, the whole clause, beginning on line 115 with the words "and all officers of the Navy," etc., should be stricken out.

Very respectfully,

WM. E. CHANDLER,

WM. E. CHANDLER, Secretary of the Navy.

Hon. Eugene Hale, Senate Committee on Appropriations.

The Senator was then Secretary of the Navy

Mr. CHANDLER. I was Secretary of the Navy. The objection of the letter was that in the opinion of the Navy Department the clause would give back pay to officers and men who might come within the purview of the clause. The letter was read in the debate, and the Senator from Indiana [Mr. Voorhees] disclaimed such a purpose in the following language:

Mr. Voorhees. Now, Mr. President, I had not the remotest thought or idea or purpose of legislating to accomplish what the Secretary seems to think is to be accomplished by this clause.

Mr. Hale. I know the Senator had not.

Mr. Voorhees. I never thought of such a thing.

Then the Senator from Indiana proceeded to explain that the object of this clause was to give credit in reference to the future longevity pay; but the Senator repeated that there was no thought, so far as he knew, on the part of any one, that back pay would result from the adoption of this clause. The Senator from Indiana said:

The Senator from Maine is so well versed in naval affairs that it is not worth while to explain to him the value of this credit as to time. It puts a man forward as if he had served longer in his present place. It is a credit as to time, not a credit as to money. It amounts to something to him on his pay as he goes along, but not as back pay.

This disclaimer was reiterated several times in the debate. The Senator from Michigan, Mr. Conger, made inquiry:

Mr. Conger. It does not pay them anything?
Mr. Voorhers. Not at all. The Senator is right.
Mr. Conger. The object of the amendment is to allow men to have the benefit of their services, although there was an interval between their service in the

volunteer force and the time when they came to the regular Navy? They are to be credited with actual service in making up what you call longevity pay? Mr. VOORHEES. That is it. The Senator understands it. Mr. CONGER. It is an increase of pay allowed for length of service? Mr. VOORHEES. That is as I understand it. Mr. CONGER. It does not give any back pay for anything? Mr. VOORHEES. Not at all. It gives a man credit for the time he served his country, so that in going from one grade to another now in the service he has the credit for the time he served his country in the volunteer force. It closes a the credit for the time he served his country in the volunteer force. It closes a little gap.

Mr. Conger. It credits it so as to bring him to that time when he has the benefit of fifteen or twenty years' service?

Mr. HALE. That is it.

Mr. VOORHEES. That is my object.

The Senator from Maine [Mr. HALE], in order to cover this point and make it absolutely certain that under no circumstances could back pay be derived from this act, moved to add an amendment, which was adopted, in the following language:

Or to give any officer in the regular Navy any additional pay or amount of money for the time when he served in the volunteer army or navy.

"So that it shall not be retroactive" the Senator from Maine said: Mr. VOORHEES. Nobody wants that at all.

There was some division of opinion upon this subject, and the clause was considered by the conference committee and reported from that committee as appears in this same volume, volume 14, part 4, page 3573, where the language was finally agreed upon which found its way into the act. The amendment as proposed by the Senator from Maine, which had been adopted by the Senate, was as follows:

Or to give to any officer of the regular Navy any additional pay or amount of money for the time when he served in the volunteer army or navy.

The clause as it was adopted by the committee of conference and went into the act read as follows:

And provided further. That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy.

I am not now prepared to say whether any result which has followed has come from this change of language; but at all events this was the clause on account of the passage of which there has been paid from the Treasury of the United States I think three or four hundred thousand dollars already, while I have been unable to ascertain how many more claims there are or what will be their amount which are likely to be presented hereafter.

Mr. HALE. I ask the Senator whether he has been able to form any estimate of what will be the future drafts upon the Treasury by

reason of this provision? Mr. CHANDLER. I have not been able to form any idea on the subject. I have not been able to learn that the Committee on Appropriations, when, notwithstanding the express disclaimers in the debate, they were led to put some of these payments into the appropriation bill, formed any idea as to the extent to which they would be obliged

to go.

Mr. President, this is all I desire to say in reference to these longevity claims.

Mr. VOORHEES. Allow me to say simply this-

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. CHANDLER. I would rather finish my remarks, unless the

Senator wishes to make a very brief statement.

Mr. VOORHEES. All I want to say is that the statements read from the RECORD made by me in 1883 I recall very distinctly, and they contain my opinion at that time. But the Supreme Court has decided differently, construed the law differently, and it is not the first time that I have had my legal opinion overruled by the highest tribunals of the country. That is all I can say on that subject. I very sincerely believed that the law bore the constrution I put upon it, or I should not have stated it so positively. That is all I desire to say.

Mr. CHANDLER. I have given the history of what are known as

the longevity claims. Without undertaking to criticise the circumthe longevity claims. Without undertaking to criticise the circumstances under which the clause which gave rise to these claims was originally placed in the act, although it was placed there against my earnest protest and my assertion of my belief that it would result in taking large sums of money from the Treasury, I do feel at liberty to make this distinct point, that these claims having been allowed by the accounting officers of the Treasury going back to the beginning of time, the Committee on Appropriations do not seem to have understood that it was their privilege and duty to apply to such claims the statute of limitations.

It does seem to me that when they found that this clause, contrary to the understanding of the Senator from Indiana, contrary to their own un-derstanding, and contrary to so many assurances, had been so construed by the courts as to give large sums of back pay to officers, they might have applied the statute of limitations, which would have been most justly applied, because, as I have said, these claims are destitute of any real equity whatever.

Now I come to the mileage cases, which have already amounted to half a million dollars, and of which there is no end—the arrears of mileage. The facts are simply these: Under the construction of the Navy Department put upon the statutes of Congress, the Department held that mileage, 10 cents or whatever the amount was per mile,

could not be allowed to naval officers traveling abroad on foreign waters—traveling on the ocean—but that mileage allowances were to be confined to traveling on land within the limits of the United States. Many naval officers traveled abroad and on the ocean, and they received under this decision of the Department in every case their actual traveling expenses. Every dollar which they paid out for their traveling expenses was refunded to them. Yet after a decision of the Supreme Court that by a strict construction of the law they were entitled to mileage, these allowances for mileage are being made, going back forty years or more, and giving these naval officers so much bonus, to which, as I say, and say deliberately, they are not in equity entitled upon any principle whatever. Those are the mileage claims.

Next are the receiving-ship claims. A few years ago some naval officer or some claim agent conceived that naval officers serving on receiving-ships were entitled to sea pay. Prior to the setting up of this claim the Secretary of the Navy had supposed that he had a right to determine what ships were in commission for sea service, and he had declined to put receiving-ships in commission for sea service for the very simple reason that the receiving-ships never go to sea. They are simply unseaworthy vessels of the Navy which lie at the docks in the navy-yards where enlisted men of the Navy are received and kept until they

are needed for service upon sea-going vessels.

Inasmuch as these officers were living on the receiving-ships with their families, at home to all intents and purposes, it was not thought by the Navy Department that they were at sea within the meaning of the statutes of the United States which allow increased pay to officers who are on sea duty over the allowances to officers who are on shore duty.

But this question was taken to the Court of Claims on a suit brought by some officer for a small sum of money. The facts were put in in some sort of shape; the case was decided by the Court of Claims, and it came to the conclusion that an officer on a receiving-ship, never moving and incapable of moving from the navy-yard wharf, was at sea within the meaning of the statute; and therefore it gave judgment in favor of the officer for the small sum demanded by him. An appeal was taken from the decision of the Court of Claims, and it went up to the Supreme Court of the United States, which court made its decision, bound down of course by the facts as they appeared in the record sent up from the Court of Claims; and the Supreme Court, in these receiving-ship claims, and also in a similar claim for sea pay for service on the training-ships, sustained the decision of the Court of Claims. These decisions in the receiving-ship cases are The United States vs. Symonds, 120 United States Reports, page 46, January 10, 1887; The United States vs. Bishop, 120 United States Reports, page 51; and The United States vs. Strong, 125 United States Reports, page 656, decided April 16, 1888.

These claims having been thus fastened by the decisions of the Supreme Court, there immediately began a raid upon the Treasury for arrears of pay to officers who at any time during the preceding half century had been serving upon receiving ships, and the Committee on Appropriations will be confronted with a large number of these claims, amounting I do not know to what sum of money, but the statement is made by the Auditor in the letter which I have read that \$450,000 have been allowed up to date and that there are 441 claims pending, and the Committee on Appropriations will be called upon to determine whether they will allow this kind of claim to be presented in this way, thus worked up through decisions of the courts, and then will pay the amounts found due without setting up any statute of limitations what-

Mr. President, I believe that the attorneys who are presenting these claims are able to obtain the data upon which to base them from information derived in some way from the Fourth Auditor's Office. I know that attorneys are advertising over this country for the heirs of naval officers who died ten, twenty, thirty years ago to come forward and make contracts with them for the recovery of the pay to which those officers would be entitled according to these recent decisionspay while serving at the dock in a navy-yard on board a receiving-ship.

I have in my hand a long advertisement containing the names, I think, of a thousand officers. I will not give the names of the attorneys, as I should not care to thus bring them to the public notice without their consent, but the advertisement in the Boston Herald of De-

cember 12, 1888, is headed as follows:

The following officers of the United States Navy (or their heirs) will learn something to their advantage by addressing the undersigned.

And I find in this list the names of officers as follows:

Lieut. John Q. Adams, died 1854; Lieut. L. B. Avery, left service 1855; Surg. S. R. Addison, died 1860; and so on.

There are officers named whose deaths, it appears, took place in 1856, There are omcers named whose deaths, it appears, took place in 1856, 1857, and 1859. Here is a clause calling upon the heirs of Surg. Elisha K. Kane to come forward, who died in 1857—the Arctic explorer—and Surg. J. Vanghn Smith, who died in 1848. It is my belief that claims thus worked up are being rushed into the Fourth Auditor's Office in great numbers, and that the Congress of the United States is to be confronted with a million dollars of such demands.

Mr. President it has severed to me that it was that it was the formal to myself, have

Mr. President, it has seemed to me that it was due to myself, hav-

ing fought this class of claims always, that I should bring the facts I have narrated to the attention of the Senate, that I should ask that they might be investigated by the Senate Committee on Appropriations, and that I should urge that in some way the Government should be protected from this kind of foray upon its Treasury in behalf of claims which, although they may by this style of prosecution be brought within the forms of law, have no real, substantial, equitable merit of

any kind.
Mr. HALE. Mr. President, the fact that the Senator from New Hampshire [Mr. CHANDLER] has in some degree reflected upon the Committee on Appropriations does not in any way prevent me from thanking him for having brought this important subject to the attention of the Senate. In what he is doing and in what he has said he has contributed invalnable aid to the Committee on Appropriations in the work in which it has been engaged for years of resisting the flood of claims which are poured in upon it through the auditing offices of the Treasury Department.

I do not think I am overstating in any way the action of that committee when I say that it has steadily resisted this flood of claims and has endeavored to see that proper scrutiny should be given to all of them when presented to the committee. But the Senator from New Hampshire will bear in mind, as other Senators will, that it is literally impossible for the Committee on Appropriations in considering the provisions of appropriation bills, thousands upon thousands in number as those provisions are, to investigate the facts in each personal case. Committee on Appropriations in making up these large appropriation bills, notably the deficiency appropriation bill upon which such items as have been referred to by the Senator from New Hampshire are always placed, finds itself in this condition, that the general law which has been enacted by Congress and become the settled rule fixes the duties and powers of the auditing and controlling officers, and the committee has felt itself constrained heretofore, when through the Secretary of the Treasury there have been presented lists of claims which are certified to have been duly examined and reported as due according to law and sent in by the Secretary of the Treasury with the request that an appropriation be made therefor, to receive those claims and embody them in the appropriation bills.

I do not say that in every case heretofore the Committee on Appropriations has been entirely free from blame in not having followed up the significant and pertinent and in this case vital question whether or not the Treasury Department, through its head and through its auditing officers, had literally complied with the law as laid down in the Revised Statutes and in other statutes that have been imposed thereon; and the notice that has been served by the Senator from New Hampshire and the facts he has adduced here to-day will be valuable to the Committee on Appropriations in putting its members upon notice that when these estimates come from the Secretary of the Treasury certified to as having been examined and reported under the general law, the committee will inquire first, and without perhaps being obliged to go into the circumstances and details of each case will see to it that the Treasury Department, through its auditing officers, has observed the general law.

In that regard the Committee on Appropriations, I may say—and I feel constrained to say this because I have had the honor of reporting and conducting all the deficiency appropriation bills here for several years past—returns thanks to the Senator from New Hampshire for having called its attention to these things.

Mr. CHANDLER. Will the Senator allow me to ask him a ques-

tion right here?
Mr. HALE. Certainly.
Mr. CHANDLER. I ask whether the Committee on Appropriations has ever undertaken to enforce any statute of limitations on these

Mr. HALE. That is a point I am coming to.

The Committee on Appropriations for years has felt impatient at this condition of things. As the Senator from New Hampshire has said, a condition of things. As the Senator from New Hampshire has said, a clause in some cases without notice, escaping attention, will become embodied in the provisions of an appropriation bill, put on in the House of Representatives, put on by an amendment moved in the Senate, that for the time being discloses no danger. The human mind is fallible; human attention is not always at its best; human scrutiny can not always be invoked at a moment's notice, and amendments to appropriation bills steal upon them in the other House and in this body and mass and no one person can be blamed but it is discovered by the Compass and no one person can be blamed, but it is discovered by the Compass and no one person can be blamed, but it is discovered by the Committee on Appropriations soon afterwards, and too late to remedy unless some provision is made that shall apply strict limitations to these cases—the Committee on Appropriations discovers that in the mind of somebody the clause that was put on in that way, apparently so simple and harmless, carries with it the seeds of future claims upon the Government, resulting in decisions of the courts that take hundreds of thousands of dellars from the Transmy. But the committee has felt thousands of dollars from the Treasury. But the committee has felt that in such cases where the courts had construed these provisions the responsibility was largely taken from its hands.

In the case that has been referred to and described somewhat at length in regard to the longevity pay of naval officers, the provision placed upon the appropriation bill of 1882, I have a distinct recollection when

it was proposed to add the provision, which in itself was proper and correct, that naval officers who had served in the volunteer navy should have the credit in the longevity consideration of their grade of the service that they had rendered in the volunteer navy the same as if it had been in the regular Navy, it appealed to the sense of justice of every Senator. It did to mine. It was proper. If a gallant officer of the Navy found four years of his service in actual war in the volunteer navy, he had been subjected to peril and to privation and hardship as much as if those four years had been in the regular Navy, and he was entitled in making up his longevity record to the credit of that service.

But when it was proposed to add that provision it excited the atten-

tion of the Committee on Appropriations, and my attention was especially called to it, and I wrote a letter to the Secretary of the Navy. the place then held by the Senator from New Hampshire, and so well held, as we all know, asking him for his view, and the letter he has read was the reply to my request for the opinion of the Department. He stated clearly in that letter that the clause as proposed would not only give the officer the credit of his service, but would give back pay; and then the Committee on Appropriations, acting through me as its organ in charge of the bill, proposed the amendments that have been read by the Senator from New Hampshire; these two: First—

That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers.

And additionally:

Or to give any officer in the regular Navy any additional pay or amount of money for the time when he served in the volunteer army or navy.

I find on examination that so great was my own care in that matter and the desire to shut out back pay, that after receiving the letter from the Secretary of the Navy that the Senator has read, I consulted him as to what provision would be necessary in order to cut off this back pay, and the provision that was proposed by me was a provision drawn by him as effectually protecting the Department and the Treasury from any raid that might be afterwards made upon it by reason of that provision, and that provision, with the single exception of the word "during" which was substituted for the word "for"—and I do not think that changed the construction of it at all—was embodied in the bill.

When it was discussed here the Senator from Indiana [Mr. Voor-HEES], who was the foremost advocate of the claim, declared in terms that there was no intention to come upon the Government for back pay. The clause had been drawn by the Secretary of the Navy and myself for the purpose of shutting off that, and when that bill passed and became a law I felt as certain that we had done two things as that I live here. The first was that we had given to these gallant men the record of their service in the volunteer navy; and, second, that we had also shut off any claim of theirs for back pay; and so content, the Committee on Appropriations allowed the bill to pass.

Now, the Senator from Indiana says that he remembers distinctly his repudiation, and that he had no idea that that clause, so scrutinized and so carefully drawn, would be the foundation of this raid upon the Treasury, and I have no doubt the Senator speaks frankly and correctly as to his recollection and as to his attitude upon the matter. But there was somebody behind that clause, there was somebody behind the intense interest and earnestness that were displayed at the time why the clause should be added, who knew what was in it afterwards or who had reason to believe what would be construed from it; there was some cunning lawyer, some claim agent here in Washington with more time to devote to this subject than either the Secretary of the Navy or I or the Committee on Appropriations or the Senate, who knew that out of that would be evolved such a construction that the whole object and aim of Congress would be crossed and thwarted and destroyed. And so it followed when a single case was taken up to the Court of Claims it passed in favor of the claimant, went to the United States Supreme Court, and was there passed upon and became the foundation for all these claims.

I do not take to myself or to the Committee on Appropriations any reproach as to its course in that matter. It framed in a bill, at the suggestion of the then Secretary of the Navy, now the Senator from New Hampshire, a clause that apparently cut off everything in the nature of back pay; we believed that it would; it did not; and the court decided rather in favor of the claimant; and so this has gone.

I am not here going into discussion of the other amendments to an

I am not here going into discussion of the other amendments to appropriation bills under which decisions have been rendered out of which there is this constant demand and claim upon the United States Treasury that Congress never intended should be enforced. I only say it is high time that they were stopped. I only say that in the work that the Senator from New Hampshire has blocked out for the Committee

on Appropriations he has my cordial co-operation, and again I say that the committee thanks him for having called attention to these subjects.

The committee dealt at one time with a class of cases like this, and the Senator from Missouri [Mr. COCKRELL], who was associated with me upon the bill, will remember, upon what were called the old Spalding claims upon the Treasury through the Post-Office Department, where, under a forced construction, the whole compensation of postmasters for years back, who were content with what they had received, and who only became claimants when they were urged thereto by claim agents in Washington, was sought to be reopened. The whole process

and system of allowance of postmasters' pay was revolutionized and old claims brought in against the Treasury Department and allowed; and the committee found itself confronted with a condition that was endless, where from year to year it would be called upon to appropriate hundreds of thousands of dollars to different claimants throughout the United States, 25 per cent. of which the committee found invariably went into the hands of one single man, who boasted in his advertisement that he had procured from Congress what was called the Spalding act. The committee took that subject by the throat, and with the valuable assistance—and I am glad to bear testimony to the valuable assistance that that officer rendered at that time—of the then Postmaster-General, now the Secretary of the Interior, the committee framed a provision by which it enacted a specific limitation and declared that every claim that was not presented within a certain time after the date of the passage of the act containing the provision should be shut off entirely, and that no classification or correction of the pay of old postmasters should be made other than what had been settled by the Department, aside from the Spalding act.

Mr. CHANDLER. I should like to ask the Senator right there

Mr. CHANDLER. I should like to ask the Senator right there whether the committee allowed claims extending back over six years.
Mr. HALE. Some of those claims ran back not as far as these the Senator has called attention to, but some of them ran back eight and ten and twelve years.

Mr. CHANDLER. I should like to call the attention of the Senator right here—

Mr. HALE. I hope the Senator will not interrupt me at present. I am coming to what the Senator refers to in the statute. I have it here before me

The committee put that provision on an appropriation bill, and the Senate and Congress gladly adopted it; and so intense was the feeling of the claim agent, so bitter at the result, that he set himself in the way, in the path of Congress, and brought suit against the Postmaster-General for his course under the direction of Congress, endeavoring in that way to obstruct the policy that had been laid out by Congress, which the Postmaster-General after that strictly followed. I am glad to say that the agent did not succeed. Now I come to what is—

to say that the agent did not succeed. Now I come to what is—
Mr. COCKRELL. The Senator will permit me to interject here that
that matter has not been permitted to rest where we placed it by law
and where the Supreme Court of the United States placed it. If I am
not mistaken there have been at this session of Congress, at this Congress certainly, two or three different resolutions introduced in the
House of Representatives, at the instance of some claim agents, in regard to the salaries of these postmasters, and each one of them has been
reported adversely. One of these resolutions was introduced in this
body on the 16th day of August last, and after some delay was referred to the Committee on Post-Offices and Post-Roads, and reported adversely on the 17th day of December, 1888, with a long report setting
out all the facts. And in the face of that report another resolution
has been introduced here calling upon the Postmaster-General for certain statistics referring to the same matter, intending, when the statistics come in, to base a claim upon them and ask new legislation, and
that resolution is now before the Committee on Post-Offices and PostRoads.

Mr. HALE. The Senator from Missouri is correct. Men may come and men may go, but the Washington claim agent lives on forever. Beaten, baffled, overthrown, exposed, he still comes up smiling with a little innocent resolution that some Senator, knowing nothing about its purpose or end, when requested, introduces, properly enough, as he says "by request," and if nobody's attention is called to it nobody can tell what will be the result. In the case of Spalding, after the exposure and overthrow of his claim, even then he had got \$1,089,000 out of the Treasury, of which he pocketed 25 per cent.; and not content with that he is at the door of Congress to-day and every session beating his feet there for the purpose of opening the door again.

Now I come to what is a remedy and what ought to be enforced, what

Now I come to what is a remedy and what ought to be enforced, what the Committee on Appropriations ought to enforce, and that is a statute of limitation. There is already upon the statute-book a provision which, if enforced and regarded, would dispose of nine-tenths of these claims. There is no general statute of limitations applicable to all claims against the United States. In all other respects, between citizens, between corporations, between citizens and corporations, between States, there is a statute of limitations based upon the theory that there should be repose, not that a claim is outlawed, but that there should be repose and rest for old claims. There is, however, no general statute of that kind applying to all claims against the United States. There are specific statutes when courts are created, when a tribunal is set up, when an act is passed, but no general statute. In the law creating the Court of Claims there is this provision, which is found in section 1069 of the Revised Statutes:

Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues.

The Court of Claims can not consider and pass upon a claim against the United States unless it comes within that six years' provision, and

the Court of Claims has in no case that I know in the instances furnished by the Senator from New Hampshire gone beyond this and has only decided cases within the six years and rendered judgments for the amount, and the Supreme Court has certified and approved those judgments. The auditing officers of the Treasury, the Secretary of the Treasury transmitting estimates and asking for appropriations, had no more right to ransack the archives of the Department to bring up old cases that are beyond the six years' time provided for the Court of Claims than they had to go outside and bring in claims against other governments. That ought to have been the strict rule in the Treasury Department. When claim agents come in and ask that the Department hunt up old claims under the longevity acts or the mileage acts or the receiving-ship acts, the Secretary of the Treasury and his subordinates should have said, "Whatever there is here that would be a claim for six years that the Court of Claims can consider can be presented to Congress for its discretion in passing upon it."

And here, Mr. President, I am free to say that the scrutiny of the Committee on Appropriations in the future will be closer and sharper and keener than it has been heretofore to see to it that the officers in the Treasury Department do not submit, or if they do that they shall be cut off, all claims beyond the time when the Court of Claims might consider them. That is the farthest it will go. But I will go farther. I would in all this class of cases, which are not in themselves meritorious, apply a specific statute; and I hope when the next deficiency appropriation bill is reported to the Senate we shall put upon it a provision that in all such cases as these there shall be a limitation of three years or two years or whatever the committee and the Senate may agree upon, because there is no merit in these claims.

The cases that have been cited by the Senator from New Hampshire go to destroy the equalization of the pay of the Navy. There is no reason why one officer who has served on his regular pay in the years past on his service as dictated to him by the orders of the Department and has received that pay and been content with it, should find that another man under a technical decision gets \$10,000 that he does not get. That is a hardship to the Navy, and every one of these claims that has been paid to the parties who have presented them to the Treasury and that the Committee on Appropriations has permitted to go through, has inflicted a hardship upon the other officers who have rendered like service and who do not come within the decision; and it is time this thing should be stopped. And I say in closing that I join heartily with the Senator from New Hampshire in the work to which he has set his hand.

The PRESIDING OFFICER (Mr. PLATT in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being Senate bill 3401 in relation to the Pacific railroads.

ished business, being Senate bill 3401 in relation to the Pacific railroads.

Mr. RIDDLEBERGER. I move that the doors of the Senate be closed and that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. Pending that motion I ask unanimous consent to present a paper for publication. I have a letter from the Secretary of the Treasury—

The PRESIDING OFFICER. Does the Senator from Virginia yield for that purpose?

Mr. RIDDLEBERGER. Yes, sir.

Mr. HALE. I hope the resolution of the Senator from New Hampshire may be passed before we go into executive session.

Mr. CHANDLER. I ask the Senator from Virginia to yield to allow

Mr. CHANDLER. I ask the Senator from Virginia to yield to allow the vote to be taken on the resolution I offered, if no one desires to debate it further.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the resolution which was pending at the time the morning hour expired may now be acted upon. Is there objection?

Mr. PUGH. I was unable to hear a good deal that was said by the Senator from New Hampshire at the beginning of his remarks, and I prefer that the resolution go over until to-morrow morning. I have not the slightest objection to an investigation, but I desire to see if anything was said in reference to the Fourth Auditor that requires any reply. I prefer that the vote on the resolution be taken to-morrow in the morning hour.

The PRESIDING OFFICER. The resolution, then, will lie over until to-morrow, when by unanimous consent it will be subject to consideration in the morning hour.

## AFFAIRS IN SAMOA.

Mr. SHERMAN. I present a letter from the Secretary of State addressed to the chairman of the Committee on Foreign Relations, inclosing a copy of a formal concession made by the Government of Samoa in pursuance of the treaty existing between the United States and Samoa to what is called the Bay of Pago Pago, and also the adjoining shores, so much as may be necessary. I ask that it may be printed so that we may have the benefit of it in debate.

The PRESIDING OFFICER. The document presented by the Senator from Ohio will be received and printed, and referred to the Committee on Foreign Relations, if there be no objection.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas;

A bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture;
A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster;

and

-Joint resolution (H. Res. 246) authorizing the Secretaries of War and the Navy to loan to the committee on inaugural ceremonies flags,

#### AFFAIRS IN SAMOA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

As supplementary to my previous messages on the subject, I have now the honor to transmit a report from the Secretary of State relating to affairs in

GROVER CLEVELAND. EXECUTIVE MANSION, Washington, February 1, 1889.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of W. H. Schock and 26 others, residents of Sevier County, Utah; the petition of A. Nilsson and 50 others, residents of Sevier County, Utah, and the petition of Orson Johnson and 89 others, residents of Piute County, Utah, praying, in the interest of the cattle and horse breeders, that the range on Government lands in Southeastern Utah be protected from destruction by the grazing of sheep thereon, and that that range be leased to occupants; which were referred to the Committee on Public Lands.

Mr. HOAR presented the petition of J. S. McIntosh and 32 other citizens of Massachusetts, praying for the passage of a bill granting a

citizens of Massachusetts, praying for the passage of a bill granting a pension to Miss Anna Ella Carroll; which was referred to the Committee on Military Affairs.

He also presented the petition of Moses H. Grogg and 91 others (42 voters and 50 women), citizens of Melrose, Mass., praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

Healso presented a petition of citizens of Worcester, Worcester County, Massachusetts, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

ADJOURNMENT TO MONDAY.

On motion of Mr. VOORHEES, it was

Ordered. That when the Senate adjourn to-day it be to meet on Monday next. EXECUTIVE SESSION.

Mr. RIDDLEBERGER. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and forty-three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, February 4, 1889, at 12 o'clock m.

## NOMINATIONS.

Executive nominations received by the Senate the 1st day of February, 1889.

FOR APPOINTMENT IN THE ARMY.

Inspector-General's Department.

Col. Joseph C. Breckinridge, inspector-general, to be Inspector-General with the rank of brigadier-general, January 30, 1889, vice Jones, deceased.

## TERRITORIAL CHIEF-JUSTICE.

Decius S. Wade, of Montana, to be chief-justice of the supreme court of the Territory of Montana, vice Newton W. McConnell, resigned.

COMPTROLLER OF CURRENCY.

Jesse D. Abrahams, of Virginia, now deputy comptroller of the currency, to be Comptroller of the Currency, vice William M. Trenholm,

PENSION AGENT.

Sidney L. Willson, of New York, to be pension agent at Washington, District of Columbia, his term of office having expired.

POSTMASTERS.

Miss Mary S. Thompson, to be postmaster at Williamston, Ingham

County, Michigan.

Miss Mary R. Dusenbery, to be postmaster at Concord, Cabarrus County, North Carolina.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 1, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CLAIMS OF PACIFIC RAILROADS AGAINST THE UNITED STATES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a schedule of claims certified by accounting officers to be due the several Pacific railroads for services to the Government to December 31, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, with amendments of the Senate thereto; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

#### FLAGS FOR INAUGURAL CEREMONIES.

The SPEAKER also laid before the House the joint resolution (H. Res. 246) authorizing the Secretary of War to loan to the committee on the inaugural ceremonies certain flags, etc., with amendments of the Senate thereto.

Mr. TOWNSHEND. I ask unanimous consent that the amendments

of the Senate be concurred in.

The SPEAKER. The amendments will be read, after which the Chair will ask for objections.

The amendments were read, as follows

The amendments were read, as follows:

Strike out all after the resolving clause and insert:

"That the Secretary of War is hereby authorized to loan to the committee on inaugural ceremonies the worn flags on hand in the cities of Philadelphia and Washington, and the Secretary of the Navy is hereby authorized to loan to said committee such flags on hand in the navy-yards at Washington, Norfolk, League Island, New York, Portsmouth, and Boston as may be suitable and proper for decoration and may be spared without detriment to the public service, such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries or either of them in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: Provided, That the said committee shall indemnify the said Departments or either of them for any loss or damage to such flags not necessarily incident to such use."

Also amend the title as follows: After the word "War" insert "and Navy."

The amendments of the Senate were concurred in

The amendments of the Senate were concurred in.

P. GOUGH EDELIN.

The SPEAKER also laid before the House the bill (H. R. 6753) for the relief of P. Gough Edelin, said bill having been returned from the Senate with amendments.

The bill with the amendments was referred to the Committee on

## HARRIET YOUNG.

The SPEAKER also laid before the House the bill (S. 3765) for the relief of Harriet Young; which was read a first and second time.

Mr. GIFFORD. I ask unanimous consent that this bill be now

considered by the House. A precisely similar bill has been reported from the House committee.

The SPEAKER. The bill will be read, after which there will be opportunity for objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the time to irrigate, improve, and prepare the land to make final proof for that part (it being \$20 acres) of section numbered \$4\$, township numbered 21 north, range 4 east, lying south of the Missouri River, except 80 acres covered by Sioux half-breed scrip, in Cascade County, Montana Territory, and claimed by Harriet Young, by and under desert-land entry numbered 1551, made by said Harriet Young at the Helena (Mont.) land office on July 12, 1886, under desert-land act of March 3, 1877, and the time to make said improvements to enable final proof to be made upon said land is hereby enlarged and extended for three years from the date of the approval of this act. This extension shall not be held to determine the character of the land nor to affect any contest now pending, or which may be hereafter initiated, or as in any wise affecting any right or claim adverse to the claim or entry of said Harriet Young, nor to affect the character of proof required by existing law, except as to the time of making improvements required by law and final proof.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYSON. Who makes this request?

The SPEAKER. The gentleman from Dakota [Mr. GIFFORD], who states that a bill precisely similar in terms has been reported from the House committee.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time,

and passed.

The SPEAKER. If there be no objection, the House bill similar in terms to this will be laid on the table.

There was no objection.

Mr. McRAE. The bill reported from the House committee on this subject was, I believe, reported with amendments.

The SPEAKER. The bill just passed was a Senate bill.

Mr. McRAE. I think the House committee reported amendments. This bill had better remain on the Speaker's table until it can be ex-

The SPEAKER. The bill has passed, but a motion to reconsider can be made.

I presume this bill is all right, but to avoid any Mr. HOLMAN. mistake I think it had better lie over for the present.

Mr. McRAE. I move to reconsider the vote by which the bill was passed.

Mr. HOLMAN. Let the matter be reconsidered that it may be examined.

Mr. McRAE. If I can be assured that the amendments of the House committee have been incorporated in this bill, I have no objection to it. I know that the committee agreed to certain amendments.

Mr. ROGERS. Let the motion to reconsider be regarded as pending, and meanwhile the bill can be examined.

The SPEAKER. If there be no objection, the motion to reconsider will be entered, and the bill will remain in that position until gentlemen have had an opportunity to examine the matter.

There was no objection, and it was ordered accordingly.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Whiting, of Michigan, for one week, on account of important business

To Mr. Fisher, for one week, on account of important business. To Mr. Pugsley, indefinitely, on account of sickness.

## DEPARTMENT OF AGRICULTURE.

Mr. HATCH. I rise to a privileged report. I am instructed by the managers on the part of the House upon House bill No. 8191 to make the report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. Sigh) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and concur in the same.

W. H. HATCH,
JUSTIN R. WHITING,
E. H. FUNSTON,
Managers on the part of the House,
T. W. PALMER,
H. W. BLAIR,
WILLIAM B. BATE,
Managers on the part of the Senate,

The following statement of the House conferees, submitted in accordance with the rule, was read:

Report in writing to accompany conference report on H. R. 8191, entitled "An act to enlarge the powers and duties of the Department of Agriculture, and to create an Executive Department to be known as the Department of Agriculture."

create an Executive Department to be known as the Department of Agriculture."

There was but one material amendment involved in the conference, the others being verbal and readily concurred in.

The managers on the part of the House endeavored most zealously to induce the managers on the part of the Senate to recede from the Senate amendment, striking out the fifth section of the bill, transferring the Weather Bureau to the Department of Agriculture.

In this we were unsuccessful, the decisive vote in the Senate on this proposition being interpreted by the managers on the part of the Senate as peremptory instructions which they felt compelled to respect.

The managers on the part of the House then endeavored to bring about an agreement by offering an amendment to the Senate amendment, transferring to the Department of Agriculture the Geological Survey and the Fish Commission.

After earnest and patient examination of this proposition it was disagreed to by the managers on the part of the Senate on the grounds that it would open up discussion of new subjects not embraced in the original bill, cause delay, and perhaps defeat the final passage of the bill this session.

To avoid the strong probability of delay in its proper consideration, and the possibility presented that in the short time remaining the final passage of this important measure might be again defeated, your conferees unanimously agreed to submit the accompanying conference report concurring in the Senate amendments, and respectfully recommend its adoption by the House.

Mr. HATCH. I will not detain the House by any further explana-

Mr. HATCH. I will not detain the House by any further explanation of this report than is embodied in the written statement submitted by the managers on the part of the House. We have endeavored very earnestly for a month to bring about such a conditiin of things as would add to the Department of Agriculture either the Weather Bureau, or, in lieu of that, the Geological Survey and the Fish Commission. Being satisfied that any further conference would involve delay which might result in the defeat of this important measure for this session, the managers on the part of the House have agreed to recommend concurrence in the Senate amendment. I demand the previous question upon the adoption of the report.

The previous question was ordered; and under the operation thereof

the report was adopted.

Mr. HATCH moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SENATE BILLS ON PRIVATE CALENDAR.

Mr. CANNON. Mr. Speaker, I am directed by the Committee on Rules to report back a resolution that the 11th and 18th days of January, 1889, after the morning hour, be set apart for the consideration of Senate bills on the Private Calendar of the House, except pension bills, the consideration of which is already provided for at the Friday evening sessions, together with the following substitute therefor:

Resolved, That when the House shall again proceed under the rules to consider bills on the Private Calendar, Senate bills shall have precedence, in their order, for two legislative days, not to interfere with the order of the House assigning evening sessions for the consideration of pension bills and bills removing political disabilities.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry. How does this come before the House?

The SPEAKER. The gentleman from Texas [Mr. LANHAM] introduced a resolution which was referred to the Committee on Rules, and this is reported back in lieu of the resolution sent to the committee.

Mr. CANNON. I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate. [Cries of "Vote!" "Vote!"]

Mr. LANHAM. I demand the regular order.

The SPEAKER. This is the regular order.

Mr. PARKER. Mr. Speaker, I wish to be heard briefly upon the report of the Committee or Pulse, which as I understand it is many

report of the Committee on Rules, which, as I understand it, is mani-

festly and viciously unfair.

The course pursued by this Congress at its former session permitted members of this House who were present upon the call of the Private Calendar, as their names were reached on the list, to ask the consideration of one bill and have it passed upon in the absence of a certain number of objections. Under that call the House reached, I think, the letter "M" on the roll. Those on the alphabet, therefore, prior to where the roll was suspended, have had their opportunity to call up one bill from this Calendar, a House or Senate bill as they saw fit, and have it passed upon. Common fairness, Mr. Speaker, would require, it seems to me, that before other bills upon that Calendar are considered, this list should be called through, and that those upon the roll further down, and not so fortunate as to have had their names called further down, and not so fortunate as to have had their names called in the lower part, shall each have an opportunity of asking consideration of a bill, thereby preventing the manifest injustice which would be done by permitting two-thirds of the House to have their opportunity to call up one bill and the remainder to be cut off from that privilege by a side movement like this.

This resolution seems to be in the interest of giving those who have already had an opportunity a chance to repeat that opportunity, and excluding those who have had no chance from any opportunity in the future. Therefore I say the proposition seems to me to be a vicious one, which I hope will not be adopted.

Mr. HERMANN. Would the gentleman propose to limit the arrangement he suggests to Senate bills?

Mr. PARKER. I should propose to call the list of names through, as originally agreed upon, so that every man on the roll may have had at least a chance of calling up a bill, before the adoption of any new rule which would interfere with that arrangement.

Mr. HERMANN. And without regard to whether they were Senate

Mr. HERMANN. And without regard to whether they were Senate or House bills so called up?

Mr. PARKER. Certainly.
Mr. LANHAM. Mr. Speaker, it is true, as stated by the gentleman from New York, that by unanimous consent we did proceed under an order which permitted gentlemen when their names were called on the roll to ask consideration of one bill on the Private Calendar, which request brought the bill before the House unless a certain number of members objected to its consideration. I attempted earnestly to revive that rule at the beginning of this session of Congress, but I was utterly unable to procure an agreement to proceed in that order, and as we can not, except by unanimous consent, take up bills in that order, the next best thing to be done was to perfect such legislation as had been passed by the Senate by giving precedence to bills upon the Calendar already passed by that body. I recognize the fact that under the order previously made those names on the list which have already been called have some advantage, but it is practically impossible to make any other arrangement, and this plan now suggested is the next best thing that can be done

Mr. CUTCHEON. I would like to ask the gentleman who submits this report a question: Whether under the resolution the Senate bills on the Calendar will have to be called in their regular order, or can the Committee of the Whole, when in session, establish a rule which will allow these bills to be called up in such order as the House may then determine?

The SPEAKER. By unanimous consent, of course, that can be done

as in the other case.

Mr. CANNON. There are about three hundred Senate bills on the Calendar, and this will give two days to their consideration. I believe it is pretty generally favored by the members on both sides, and I ask a vote upon it.

Br Br Br Br Bt

BuBy

The question was taken on the adoption of the report; and on a di-

vision there were—ayes 91, noes 23.

Mr. MACDONALD. I make the point that no quorum has voted. Mr. MACDONALD and Mr. CANNON were appointed tellers.

The House proceeded to divide. Before the result was announced,

Mr. MACDONALD. I withdraw the point of no quorum. So (no further count being demanded) the resolution was adopted. Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

#### ELIZA J. ALEXANDER.

Mr. BUTLER. I wish to submit a conference report.

The SPEAKER. It will be read.

Mr. McRAE. Before that I ask leave to withdraw the motion entered a few moments ago to reconsider the vote by which the Senate bill No. 3765 was passed.

Mr. HOLMAN. I think that had better stand until to-morrow morning.

The SPEAKER. It can only be withdrawn by unanimous consent,

and objection is made.

The report was read.

The question was put on the adoption of the report; the House di-

vided, and there were—ayes 42, noes 31.

Mr. CHEADLE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Tennessee [Mr. BUTLER].

Pending the count,

Mr. BUTLER. I will withdraw the report for a time.

#### ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order. The SPEAKER. The regular order has been demanded by the gentleman from Illinois.

Mr. LANHAM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. Is it in order now to proceed with the business on the Private Calendar under the rule which has just been adopted?

The SPEAKER. The Chair thinks not. That resolution has not

changed any rule of the House, and relates only to the order that the House shall proceed in under its rules when the House proceeds to the

consideration of private business.

Mr. LANHAM. We can still make a motion under the general rule,

can we not?

The SPEAKER. The gentleman from Illinois calls up the unfinished business under consideration at the time of adjournment yesterday; and although this is Friday, and set apart by the rules for the consideration of private business, the practice of the House has been long settled. The Chair caused the Digest to be read yesterday, showing that bills coming over from an adjournment with the previous question ordered on other days come up even on Friday morning for consideration.

Mr. LANHAM. If we can get to the consideration of private busi-

Mr. SPRINGER. But you can not get to the consideration of private business unless the House refuses to proceed with the consideration of this bill.

Mr. LANHAM. Mr. Speaker, inasmuch as there are only four or five Fridays remaining of this session, I desire to antagonize consideration of this matter in order that we may proceed to the consideration of private business

Mr. SPRINGER. No question of consideration can be raised upon

that bill.

The SPEAKER. It can be raised.

Mr. SPRINGER. The rule provided that the vote shall then be

The SPEAKER. But that was on that day. The Chair will state that the situation of the Oklahoma bill is this: The bill, if it comes up this morning, comes up, not because of the special order assigning a day for its consideration, but simply because the previous question has

been ordered upon its passage.
On the day set apart for the consideration of the bill under the special order made by the House, after the Committee of the Whole House on the state of the Union had reported the bill back to the House, the question of consideration could not have been made. But on another, subsequent day, the Chair will repeat, if the bill comes up at all, it comes up not by reason of the fact of the special order, but solely by reason of the fact that the previous question was ordered upon it; and the question of consideration can be raised against it.

Mr. LANHAM. Then, I desire to raise the question of consideration, it being my object to proceed with the Senate bills under the rule which

has been adopted.

Mr. SPRINGER. It will only take a few minutes to dispose of this matter, and I hope we will go on and finish the Oklahoma bill.

Mr. BAKER, of New York. On that I demand the yeas and nays. Mr. SPRINGER (to Mr. BAKER, of New York). Do not do that. Mr. BAKER, of New York. I withdraw the demand for the yeas

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. SPRINGER. Division.

The House divided on the question of proceeding to the consideration of the Oklahoma bill; and there were—ayes 103, noes 23.

Mr. GROSVENOR. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman

from Ohio [Mr. GROSVENOR] and the gentleman from Illinois [Mr. SPRINGER].

The House again divided; and the tellers reported—ayes 135, noes 3.

Mr. GROSVENOR. I withdraw the point of no quorum.

The SPEAKER. Then the ayes have it, and the House determines to proceed with the consideration of the Oklahoma bill.

The question is on the motion made by the gentleman from Illinois

[Mr. SPRINGER] to lay the motion to reconsider on the table.

Mr. SPRINGER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 132, nays 114, not voting 75; as follows:

#### YEAS-132.

Allen, Miss.	Gear,	McComas,	Ryan,
Anderson, Ill.	Glass,	McCormick,	Scott,
Anderson, Kans.	Granger,	McCreary,	Seney,
Bacon,	Grout,	McKinley,	Seymour,
Biggs,	Harmer,	McKinney,	Shively,
Bland,	Hatch,	MeMillin,	Simmons,
Bliss,	Hayden,	McRae,	Smith.
Bowden,	Hayes,	Merriman,	Spinola,
Breckinridge, Ark	Heard.	Montgomery,	Springer,
Browne T. H.B. V	a. Henderson, Iowa	Morrow,	Stephenson,
Brown, J. R., Va.	Henderson, N. C.	Nelson,	Stockdale,
Bryce,	Hitt.	Oates,	Stone, Ky.
Buckalew,	Hogg,	O'Neall, Ind.	Stone, Mo.
Butler,	Holmes,	Osborne,	Struble,
Campbell, Ohio	Hopkins, Ill.	Outhwaite,	Symes,
Cannon,	Hopkins, Va.	Patton,	Tarsney,
Caswell,	Howard,	Peel,	Taulbee,
hipman,	Hudd,	Penington,	Thomas, Wis.
lardy,	Johnston, Ind.	Perkins,	Thompson, Cal.
llark,	Kelley,	Peters,	Tracey,
logswell,	Kennedy,	Phelan,	Townshend,
Collins,	Kerr,	Phelps,	Vance,
Conger,	Kilgore,	Rayner,	Vandever,
rouse,	Laffoon,	Reed.	Wade,
De Lano,	Lagan,	Rice,	Walker.
Dockery,	Landes,	Richardson,	Warner,
Dorsey,	Lane,	Rockwell,	Washington,
Dunn,	Lanham,	Rogers,	Weaver,
Inloe,	Lodge,	Romeis,	Wheeler,
itch,	Long,	Rowell,	White, N. Y.
rench,	Macdonald,	Russell, Conn.	Williams,
fuller,	Mansur,	Russell, Mass.	Wilson, Minn.
cunston	Martin	Rusk	Voder

- unotoni		7
	NA	YS114.
Abbott,	Clements,	Hall,
Adams,	Cobb,	Haugen,
Allen, Mass.	Cooper,	Hemphill,
Allen, Mich.	Cothran,	Henderson, Ill.
Anderson, Iowa	Cowles,	Herbert,
Anderson, Miss.	Cox.	Hermann,
Atkinson,	Crain.	Hiestand,
Baker, N. Y.	Crisp,	Holman,
Baker, Ill.	Culberson,	Hooker,
Bankhead,	Cummings,	Jackson,
Barnes,	Cutcheon,	Johnston, N. C.
Barry,	Dalzell,	Jones,
Bayne,	Dargan,	Ketcham,
Belden,	Davenport,	La Follette,
Bingham,	Davidson, Ala.	Laidlaw,
Blanchard,	Davidson, Fla.	Latham,
Blount,	Davis,	Lehlbach,
Boothman,	Dibble,	Lynch,
Bound,	Dunham,	Maish,
Boutelle,	Elliott,	McClammy,
Breckinridge, Ky.	Farquhar,	McKenna,
Brewer,	Felton,	Milliken,
Butterworth,	Finley,	Mills,
Campbell, F., N. Y.	Forney,	Moffitt,
Candler,	Gallinger,	Moore,
Carlton,	Gest,	Morgan,
Caruth,	Grimes,	Newton,
Catchings,	Grosvenor,	Nichols,
Cheadle,	Guenther,	Norwood,

# Norwood.

McAdoo,

N. Y.

	NOT	VOTING-75.
rnold, owen, ower, owne, Ind. own, Ohio	Dingley, Dougherty, Ermentrout, Fisher, Flood,	Hopkins, Houk, Hunter, Hutton, Kean, Laird,
umm, ichanan, innell,	Foran, Ford, Gaines,	Lawler, Lee,
irnett, irrows,	Gay, Gibson, Glover,	Lind, Lyman, Maffett,
mpbell,T.J.,N.Y	Glover, Goff, Greenman,	Mahoney, Mason,

McCullogh, McShane, Morrill, Morse, Neal, Nutting, O'Donnell, O'Neill, Mo. Plumb, Pugsley, Shaw, Sherman, Snyder, Spooner, Stahlnecker,

O'Ferrall, O'Neill, Pa.

Owen, Parker, Payson, Perry, Pidcock,

Post, Randall, Robertson,

Rowland, Sawyer, Sayers, Seull, Sowden, Steele, Stewart, Ga. Stewart, Vt. Thomas, III.

Thomas, III.
Tillman,
Turner, Kans.
Turner, Ga.
Weber,
Whiting, Mass.
Wickham,
Yardley.

Rowland.

Stewart, Tex. West,
Taylor, E. B., Ohio White, Ind.
Taylor, J. D., Ohio Whiting, Mich.
Thompson, Ohio Whitthorne,

Wilber, Wilkins, Wilkinson, Wilson, W. Va.

Wise, Woodburn, Yost,

So the motion to reconsider was laid on the table.

Mr. PERKINS. I ask unanimous consent that the recapitulation of the names of members voting be dispensed with.

Mr. SOWDEN. I object.

The following-named members were announced as paired on all political questions until further notice:

Mr. Wise with Mr. Goff.
Mr. Neal with Mr. Houk.
Mr. Neal with Mr. Houk.
Mr. Mahoney with Mr. Ezra B. Taylor.
Mr. Whiting, of Michigan, with Mr. Pugsley.
Mr. Lawler with Mr. Joseph D. Taylor.
Mr. Cockran with Mr. West.
Mr. Wilson, of West Virginia, with Mr. Buchanan.
Mr. McShane with Mr. Laird.
Mr. Syvder with Mr. Rowen.

Mr. SNYDER with Mr. Bowen. Mr. Greenman with Mr. Sherman.

The following were announced as paired for this day:
Mr. WHITTHORNE with Mr. BURROWS.
Mr. ERMENTROUT with Mr. WILBER.
Mr. WILKINS with Mr. BROWNE, of Indiana.

Mr. Stahlnecker with Mr. Dingley.
The following were announced as paired on the Oklahoma bill:
Mr. Stewart, of Texas, with Mr. Wilkinson.
Mr. Compton with Mr. Foran.

Mr. Flood with Mr. Yost. Mr. Glover with Mr. Spooner, Mr. HUTTON with Mr. MORRILL.

Mr. Darlington with Mr. Thompson, of Ohio. If Mr. Darlington were present, he would vote "ay" and Mr. Thompson "no." Mr. Hopkins, of New York, with Mr. Lyman. Mr. Lyman, if pres-

ent, would vote for the bill, and Mr. HOPKINS, of New York, against it.
Mr. THOMPSON, of Ohio. Mr. Speaker, I have voted, but, finding that I am paired, I withdraw my vote.

The result of the vote was then announced as above recorded.

Mr. LANHAM. I ask unanimous consent to offer an amendment to

section 13, to which I think there will be no objection. Mr. SPRINGER. I hope this amendment will be agreed to.

The amendment was read, as follows:

In line 9, section 13, strike out the word "immediately" and insert the words "within a reasonable time;" so that it will read: "And it is hereby made the duty of the President, within a reasonable time after the passage of this act, to cause the lessees of said land and any other persons illegally occupying the same to be removed from said lands."

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. LANHAM]?

Mr. FINLEY. I object.
Mr. SPRINGER. I call for the regular order.
The SPEAKER. The regular order is upon ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. SPRINGER. On that I demand the yeas and nays.

Mr. HOOKER. Pending that I move that the House do now adjourn, and pending that I desire to move that the House take a recess partial Monday. until Monday.

The SPEAKER. The question is on the motion to adjourn. [Putting the question.] The noes seem to have it.

Mr. HOOKER. I call for a division.

Mr. HOOKER. I can for a division.

The House divided; and there were—ayes 19, noes 77.

Mr. HOOKER. No quorum. The Chair did not hear my motion that the House take a recess pending the motion to adjourn.

The SPEAKER. That motion could not be made pending the motion to adjourn. A motion to adjourn has priority over a motion to

Mr. HOOKER. Well, I move now that the House take a recess until Monday.

Mr. HATCH. I make the point of order on that motion that, under the special order under which the House is now proceeding, it is not

The SPEAKER. The gentleman's motion is that the House take a recess until Monday, but the Chair does not know to what hour on

Mr. HOOKER. Twelve o'clock.
The SPEAKER. That would be an adjournment. That is the motion just put by the Chair.

Mr. HOOKER. Then I move that the House take a recess till 10

Mr. HOOKER, Then I move that the House take a recess thil 10 o'clock on Monday next.

Mr. HATCH. I make the point of order against that motion.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] makes a point of order against this motion under the special order of the House. The opinion of the Chair is that the spirit of that special order was to prevent dilatory motions, but the Chair is not prepared to say that one motion for an adjournment and one motion to take a recess should be construed as a dilatory proceeding.

Mr. HATCH. But, Mr. Speaker, the language of that order under which the House is now proceeding is that the votes specified in the order shall then be taken, and there is no chance for any interpretation of it except to carry out that order that the votes therein specified shall be taken in the order named, and they can not be interrupted by motions to adjourn or motions to take a reces

Mr. STEELE. But we have adjourned three or four times since we

began the consideration of this bill.

The SPEAKER. A literal construction of the terms of the special order would prevent the House from adjourning at all until the final vote was taken on the bill, and would also prevent it from taking a recess. Therefore the Chair has not placed upon the order such a strict construction; but the Chair thinks that it is his duty to carry out the spirit and purpose of the order, and whenever it becomes clear that

spirit and purpose of the order, and whenever it becomes clear that motions are made for dilatory purposes alone the Chair will interpose.

Mr. HATCH. I do not suppose, Mr. Speaker, that even the gentleman from Mississippi himself [Mr. HOOKER] will assert that his motion is made in good faith. It is made for the purpose of killing this bill.

Mr. STEELE. Regular order.

Mr. HOOKER. The motion made yesterday for an adjournment was entertained and voted upon; and if that motion was in order at that time, this corresponding motion is in order now.

time, this corresponding motion is in order now.

The SPEAKER. The Chair has decided that this proceeding has not yet reached the point where the Chair would feel it his duty to de-

clare the motion dilatory in its nature.

The question being taken on the motion for a recess till Monday morning at 10 o'clock, it was not agreed to, there being—ayes 7, noes

Mr. SPRINGER. Regular order.
Mr. CHEADLE. I rise to a parliamentary inquiry. Is it in order to demand the reading of the engrossed bill before it is put upon its

The SPEAKER. The Chair thinks it is. Mr. CHEADLE.

Then I make that demand.

The Chair will see whether the bill has been en-The SPEAKER. grossed or not.

Mr. SPRINGER. If this demand is insisted upon I shall have to move that the House take a recess for thirty minutes in order that the bill may be engrossed. I hope, however, that the gentleman from Indiana [Mr. CHEADLE] will not delay the consideration of private busi-

ness to-day by insisting upon the demand.

Mr. PETERS. I make the point of order that this is a dilatory mo-

The SPEAKER. The Chair thinks that every legislative body has a right to see written out, or at least printed in connected form, attested by the proper officer of the house, the proposition upon which it is called to vote. What constitutes the "engrossment" of a bill in it is called to vote. What constitutes the "engrossment" of a bill in recent times is another question. Originally it was, in contemplation of parliamentary law, a writing out of the bill in a "fair, round hand." Mr. SPRINGER. I inquire of the Chair whether the Clerk now present in the House can not attest this bill as now perfected?

The SPEAKER. The Chair is advised by the Clerk that the amendments which have been agreed to have not been incorporated in the bill,

but are simply attached to it on separate pieces of paper. [Cries of "Regular order!"]
The SPEAKER. This is the regular order.
Mr. SPRINGER. I move that the House take a recess for thirty

minutes. In that time this bill can be engrossed so as to be ready for the final action of the House. I appeal, however, to the gentleman from Indiana not to delay in this way the business of the Private Calendar, which can be entered upon immediately after this bill has been disposed of and which gentlemen here are anxious to reach. to the gentleman from Indiana not to interfere with private-bill day in this way. [A pause.] If the gentleman insists on the demand, I move that the House take a recess for thirty minutes; and on that motion I demand the yeas and nays.

The SPEAKER. The Chair is advised by the Clerk that it will be

impossible to engross this bill in thirty minutes.

Mr. SPRINGER. I move that the House take a recess for one hour; and on that motion I demand the yeas and nays.

Mr. HOOKER. I rise to a parliamentary inquiry: Is it now in order to move to recommit this bill?

The SPEAKER. It is not. The Chair ruled in the case of the discovered the

The SPEAKER. It is not. The Chair ruled, in the case of the direct-tax bill, that where the House had made an order similar in its terms to that made in this case, it was not in order to move to recommit the bill, because the effect of that motion, if adopted, would be to prevent the House from voting on the passage of the bill.

Mr. HOOKER. May not the House refuse to vote on the final pas-

sage, and may it not so refuse by adopting a motion to recommit, as well

as in any other way?

The SPEAKER. If the House refuses to vote, it must refuse in some way in accordance with its rules and orders.

Mr. WARNER. I ask unanimous consent that we proceed with other business until 3 o'clock, and that then we vote on this bill.

Mr. SPRINGER. I withdraw my motion for a recess and ask that the House remain in session until the Clerk has engrossed this bill, if the gentleman from Indiana insists upon his demand.

The SPEAKER. The gentleman from Missouri [Mr. WARNER] asks unanimous consent that the House proceed to the consideration of private business until 3 o'clock.

Mr. BLAND. I object.
Mr. CLARDY. I rise to a privileged question, and submit a report from a committee of conference

Mr. CHEADLE. I will withdraw my demand for the reading of the engrossed bill.

The SPEAKER. In the mean time the gentleman from Missouri has

presented a conference report, which is a privileged question.

Mr. CLARDY. I will withhold the submission of that report at

The SPEAKER. The gentleman from Missouri withdraws the conference report, and the question—

Mr. CHEADLE. I withdraw my demand for the reading of the en-

grossed bill.

Mr. SPRINGER. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 147, nays 102, not voting 72; as follows:

	YE	AS-147.	
Allen, Miss.	Funston,	McCormick,	Ryan,
Anderson, Ill.	Gallinger,	McCreary,	Scott,
Anderson, Kans.	Gay,	McKenna,	Seney,
Bland,	Gear,	McKinley,	Seymour,
Boutelle,	Gibson,	McKinney,	Shaw,
Bowden,	Grout,	McMillin,	Shively,
Breckinridge, Ark.		McRae,	Simmons,
Breckinridge, Ky.		Merriman,	Smith,
Brewer,	Hayes,	Milliken,	Spinola,
Browne, T. H.B., Va		Moffitt,	Springer,
Brown, J. R., Va.	Henderson, Iowa	Montgomery,	Stephenson,
Burnett,	Hermann,	Morrow,	Stewart, Vt.
Butler,	Hitt,	Nelson,	Stockdale,
Bynum,	Hogg,	Oates,	Stone, Ky.
Campbell, Ohio	Holmes,	O'Donnell,	Stone, Mo.
Campbell, T.J., N.Y.	.Hopkins, Ill.	O'Ferrall,	Struble,
Cannon,	Hopkins, Va.	O'Neall, Ind.	Symes,
Caswell,	Howard,	O'Neill, Mo.	Tarsney,
Chipman,	Hudd,	Outhwaite,	Taulbee,
Clardy,	Johnston, Ind.	Patton,	Thomas, Ill.
Clark,	Kelley,	Peel,	Thompson, Cal.
Cogswell,	Kennedy,	Penington,	Tillman,
Collins,	Kerr,	Perkins,	Tracey
Conger,	Kilgore,	Peters,	Townshend,
Cowles,	Laffoon,	Phelan,	Vance,
Crouse,	Lagan,	Phelps,	Vandever,
Dalzell,	Landes,	Post,	Wade,
Davenport,	Lane,	Rayner,	Walker,
De Lano,	Lind,	Reed,	Warner,
Dockery,	Lodge,	Rice,	Washington,
Dorsey,	Long,	Richardson,	Weaver,
Dunham,	Maedonald,	Rockwell,	Weber,
Enloe,	Maish,	Rogers,	Wheeler,
Fitch,	Mansur,	Rowell,	White, N. Y.
Ford,	Martin,	Russell, Conn.	Wilson, Minn.
French,	Mason,	Russell, Mass.	Yoder.
Fuller,	McComas,	Rusk,	

Fuller,	McComas,	Rusk,	
	NA	YS-102.	
Abbott, Adams, Allen, Mass. Allen, Mich. Anderson, Iowa Anderson, Miss. Bacon, Baker, N. Y. Baker, Ill. Bankhead, Barnes, Barry, Bayne, Belden, Bingham, Blanchard, Blount, Boothman, Boothman, Bound, Brown, Ohio Bryce, Buckalew, Campbell, F., N. Y.	Catchings, Cheadle, Clements, Cobb, Cothran, Cox, Crain, Crisp, Culberson, Cummings, Cutcheon, Dargan, Davidson, Ala, Davidson, Fla, Davidson, Fla, Dibble, Elliott, Farquhar, Finley, Forney, Gest, Glass, Granger,	Hall, Hare, Harmer, Haugen, Hemphill, Henderson, Ill. Herbert, Hiestand, Holman, Hooker, Hopkins, N. Y. Hunter, Jackson, Johnston, N. C. Jones, Ketcham, La Follette, Laidlaw, Lanham, Latham, Lehlbach, Lynch, McClammy,	Newton, O'Neill, Pa, Osborne, Owen, Parker, Payson, Perry, Pideock, Randall, Robertson, Rowland, Sawyer, Sayers, Soull, Sowden, Sicele, Stewart, Ga, Thomas, Wis, Turner, Kans, Turner, Kans, Turner, Kans, Whiting, Mass, Wickham, Yardley.
Carlton,	Grimes, Grosvenor, Guenther,	Mills, Moore, Morgan,	Tardiey.
Caruth,	Guentaer,	Morgan,	

	NOT VO	OTING-72.	
arnold, atkinson, siggs, silgss, slowen, srower, Browne, Ind. Brumm, suchanan, sunnell, surrows, surrows, cockran, cockran, cooper, compton, cooper, configure, connigton,	Dunn, Ermentrout, Felton, Fisher, Flood, Foran, Gaines, Glover, Goff, Greenman, Henderson, N. C. Hires, Houk, Hutton, Kean, Laird, Lawler,	Lyman, Maffett, Mahoney, Matson, McAdoo, McCullogh, McShane, Morrill, Morse, Neal, Nichols, Norwood, Nutting, Plumb, Pugsley, Romeis, Sherman, Snyder,	Spooner, Stahlneeker, Stewart, Tex. Taylor, E. B., Oh Taylor, J. D., Oh Thompson, Ohio West, White, Ind. Whiting, Mich. Whitthorne, Wilker, Wilkinso, Wilkinson, Williams, Wilson, W. Va. Wise, Woodburn, Yost.
Dougherty,	Lee,	many many	

So the bill was passed.

During the vote

On motion of Mr. SPRINGER, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. HENDERSON, of North Carolina, with Mr. BUTTERWORTH, for the rest of the day.

Mr. BIGGS with Mr. FELTON. Mr. BIGGS would vote for the bill and Mr. FELTON against it.

Mr. McADOO with Mr. NUTTING, for the rest of the day, and also on the Oklahoma bill.

The vote was then announced as above recorded.

Mr. SPRINGER demanded the previous question on the adoption of the title to the bill.

The previous question was ordered, and under the operation thereof the title was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### ELIZA J. ALEXANDER.

Mr. BUTLER. I wish to submit a conference report, The SPEAKER. It will be read. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3135) granting an increase of pension to Eliza J. Alexander, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

A. M. BLISS, R. R. BUTLER, MILTON DE LANO, Managers on the part of the House, PHILETUS SAWYER, C. K. DAVIS, D. TURPIE, Managers on the part of the Senate.

Mr. HOLMAN. Let the statement accompanying the conference report be read.

The SPEAKER. There seems to be no accompanying statement as required by the rules of the House. Is the consideration of the report objected to on that account?

Mr. LANHAM. I object, if there is no accompanying statement.
The SPEAKER. The rules of the House require the managers on the part of the House to submit a statement to accompany the report showing the effect of agreement between the conferees of the two Houses. Mr. LANHAM. I object, and demand the regular order.

## ORDER OF BUSINESS.

Mr. LANHAM. I ask by unanimous consent that gentlemen having reports to submit be allowed to file them with the Clerk.

The SPEAKER. The regular order is the call of committees for

reports

Mr. LANHAM. I move to dispense with the morning hour, and ask by unanimous consent to allow members to file their reports with the Clerk.

Mr. GALLINGER. Will that include reports on public as well as private case

Mr. BUTLER. I object, and demand the regular order.

## MARITIME CANAL OF NICARAGUA.

Mr. CLARDY. Mr. Speaker, I submit now a privileged report.

The SPEAKER. The report will be read.

Mr. LANHAM. I desire to antagonize the consideration of this report. Every Friday for the last half-dozen the private business has been defeated by the consideration of matters which could come in on any other day just as well.

Mr. HERMANN. Was an objection made to the request that mem-

bers having reports to make might file them?

The SPEAKER. The gentleman from Tennessee [Mr. BUTLER] objected. The gentleman from Texas raises the question of consideration against the report submitted by the gentleman from Missouri, the title of which will be read.

The Clerk read as follows.

Report of committee of conference on the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

The SPEAKER. Is the reading of the entire report demanded before the question of consideration is submitted?

Mr. HÖLMAN. In consequence of the importance of that report, I trust that the gentleman from Missouri will consent to let it go over, and allow it to be printed in the RECORD, to be called up to-morrow

Mr. HERBERT. Not to-morrow morning, because I propose to call up the naval appropriation bill to-morrow.

Mr. HOLMAN. Well, on Monday, then. I hope the Chair will submit the request. The SPEAKER. Pending the question of consideration the gentleman from Indiana asks the gentleman from Missouri to allow this report to be printed in the RECORD, and lie over until to-morrow morning.

Mr. CLARDY. I would have no objection to that but for the fact that the gentleman from Alabama has already given notice that he proposes to call up the naval appropriation bill.

Mr. HOLMAN. I have suggested Monday.
Mr. CLARDY. Monday is suspension day, and I have endeavored to avoid antagonizing other measures before the House, but find it impossible to do so.

Mr. HOLMAN. Then say Tuesday.
Mr. SPINOLA. This is a matter of a great deal of importance, and will keep two or three days, especially as it is privileged.
Mr. HOLMAN. It ought to be printed.

Mr. SCOTT. Mr. Speaker, in case this bill is not acted upon now, when would it come up in its regular order?

The SPEAKER. Being a privileged matter, it can be called up at any time, subject, of course, to the right of the House to determine whether or not it will consider it.

The Chair will submit the question of consideration raised by the gentleman from Texas.

The question was taken; and on a division there were-ayes 66.

Before the negative was announced,

Mr. BLOUNT. I move that the House do now adjourn. This is a very important matter, and the gentleman has been appealed to to allow it to go over and be printed.

The SPEAKER. The House is now dividing.

Mr. BLOUNT. I will withdraw the motion temporarily.

Mr. COX. I think we can obviate the position by a remark, if the

Chair will permit me.

Mr. DUNHAM. I demand the regular order.

Mr. SPINOLA. This is such an important matter that the report ought to be printed in the RECORD.

The SPEAKER. The Chair will announce the vote on the divisionayes 66, noes 39.

Mr. HOLMAN. No quorum; and now I renew my request that

this be printed in the RECORD, and lie over.

Mr. COX. If the gentleman will allow me a moment, I will ask the gentleman from Missouri to withdraw the report for the present and bring it up to-morrow, meanwhile allowing it to be printed in the RECORD, and thereby acquiescing in the request of the gentleman from Indiana.

Mr. HOLMAN. I hope that request will be granted.
Mr. CLARDY. Mr. Speaker, it seems to be the wish of the House
that this should be printed in the RECORD, and to that request I certainly have no objection. I only insisted upon taking it up to-day because I did not wish to interfere with the gentleman from Alabama to-morrow, who wants to call up the appropriation bill. But I will state now that this is a matter of such importance that I will call it up for consideration immediately after the reading of the Journal tomorrow

Mr. HERBERT. I hope the gentleman will not do that. The appropriation bills certainly ought to be passed. I shall endeavor to proceed to the consideration of the naval appropriation bill to-morrow.

The SPEAKER. Does the gentleman from Missouri agree to the arrangement suggested by the gentleman from Indiana, and that this report be printed in the RECORD?

Mr. CLARDY. I do.
Mr. HERBERT. But that is as far as the agreement extends.
The SPEAKER. That is as far as the agreement extends; but the gentleman gives notice that he will call it up to-morrow.

Mr. CLARDY. To-morrow after the reading of the Journal.
Mr. HERBERT. And I shall ask the House to consider at that time

the naval appropriation bill.

The report of the committee of conference is as follows:

The report of the committee of conference is as follows:

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Substitute for the words proposed to be stricken out and the words proposed to be inserted the following: "May issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendments as follows:

In line 2, after the word "any," insert the word "pecuniary."

In line 9, 10, and 11 strike out all after the words "United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof the following:

"All shares, stocks, bonds, certificates, or other securities which the company may issue to raise the corporate capital shall be executed and issued at the principal office in the city of New York."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same.

shall be issued till at least 10 per cent. of the par value thereof shall be fully paid for in money, and such money deposited in the treasury of said company; and there shall be at least \$1,000,000 in money paid on such subscriptions into the treasury of said company within one year from the passage of this act; and said company is hereby prohibited from returning or repaying any part of the money op paid. No part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders, or in any manner diverted from the proper uses of the corporation. Any violation of the provisions of this section shall subject the charter to forfeiture."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Substituting for the words proposed to be stricken out and the words proposed to be inserted the following:

"And the majority of whom shall be citizens and residents of the United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 7 and 8.

That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with amendments as follows: Line 3, after the word "verified," insert the words "on oath;" line 5, after the word "any," insert the word "willfully;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 10, 11, 12, and 13.

That the Senate recede from its disagreement to the amendments of the House numbered 10, 11, 12, and 13.

That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof the following:

"This act shall expire and be of no force or effect at the end of three years unless the construction of said canal shall be commenced and prosecuted in good faith within that time."

And the House agree to the same.

MARTIN L. CLARDY, ISIDOR PAYNER

MARTIN L. CLARDY, ISIDOR RAYNER, CHAS. O'NEILL, Managers on the part of the House. JOHN SHERMAN, GEO. F. EDMUNDS, JNO. T. MORGAN, Managers on the part of the Senate.

The statement accompanying the report is as follows:

STATEMENT OF THE HOUSE CONFEREES.

The conferees on the part of the House beg leave to submit the following

The Senate conferees recede from their disagreement to the House amendment numbered 1, and agree to the same with an amendment striking out that part of the House amendment providing that stock, bonds, and other securities shall be issued at the principal office in the city of New York, and further, that the stocks and bonds or other securities shall be issued for cash only, and substituting therefor the words:

"May issue stock to the amount of the just value of such estate, property and rights and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments."

shall be deemed paid-up stock and shall not be liable to any further calls or assessments."

The effect of this amendment as proposed is to authorize the issuance of stock to the just value of property necessary in the construction of the canal and for work and labor done in connection therewith as well as for the concessions acquired from Nicaragua and Costa Rica.

From their disagreement to amendment numbered 2, which provides that nothing in this act contained shall be so construed as to commit the United States to any liability whatever for or on account of said company, etc., the Senate conferces also recede, with the following amendments: Before the word "liability," in line 71 of the printed bill, insert the word "pecuniary;" and after the word "act," in line 77, strike out the words "or otherwise;" and strike out the provise in lines 79 to 81, inclusive.

The first two verbal amendments proposed by the Senate conferces, and agreed to by the conferces on the part of the House, do not change in any wise the meaning of the amendment as adopted, but express perhaps the intention of the House more clearly than it is expressed in the original. The words stricken out in the latter part of the amendment relieve the company of the necessity of printing on every bond, on every contract, and on every certificate of stock, and on any other obligation the words of the amendment.

The Senate conferces recede from their disagreement to amendment numbered 3, on page 6 of the printed bill, with an amendment striking out that part of the House amendment that requires all bonds, stocks, and other securities issued by the company to be paid for in cash only, and substituting for the first clause of that amendment the words "all shares, stocks, bonds, certificates, or other securities which the company may issue to raise the corporate capital shall be executed and issued at the principal office in the city of New York."

From their disagreement to the fourth amendment the Senate conferces recede, with an amendment striking

From their disagreement to the fourth amendment the Senate conferees recede, with an amendment striking out section 3 and inserting in lieu thereof the following:

"SEC, 3. That no certificates for stock, except as otherwise provided in this act, shall be issued till at least 10 per cent, of the par value thereof shall be fully paid for in money and such money deposited in the treasury of said company; and there shall be at least \$1,000,000 in money paid on such subscriptions into the treasury of said company within one year from the passage of this act; and said company is hereby prohibited from returning or repaying any part of the money so paid. No part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation. Any violation of the provisions of this section shall subject this charter to forfeiture."

The effect of this is to require 10 per cent, of all certificates of stock issued for cash to be deposited in the treasury of said company, and to leave it in the power of the owners of the stock so issued to assign the same; and further to require at least the sum of \$1,000,000 to be deposited within twelve months in the treasury of the company.

Amendment numbered 5 is merely a change in the numbering of the sections, to which the Senate agrees.

The Senate conferees recede from their disagreement to the amendment of the House numbered 6, with an amendment striking out the words "the directors shall be citizens and residents of the United States," and inserting in lieu thereof the words "a majority of whom shall be citizens and residents of the United States."

The Senate conferees recede from their disagreement to amendment numbered 7, which requires the vice-president to be a citizen and residents of the United States.

The conferees on the part of the House recede from the House amendment numbered 8, which provides that no change of concessions heretofore or here

The conferees on the part of the House recede from the House amendment numbered 8, which provides that no change of concessions heretofore or here-after granted by the Nicaraguan and Costa Rican Governments shall be made

until the consent of the Government of the United States shall be first given

The Senate conferees recede from their disagreement to amendment numbered 9, with two amendments, one inserting in line 3 of the printed bill, after the word "verified," the words "on oath," the effect of which is to require the verification of the annual report to be made to the Secretary of the Interior to be under oath; the second, inserting in line 6 of the bill, before the word "false," the word "willfully," which is descriptive of the offense created by the House amendment.

Amendment numbered in the content of the cont

the word "willfully," which is descriptive of the offense created by the House amendment.

Amendment numbered 10 relates to a change in the numbering of the sections. From the eleventh amendment, which declares that the United States shall not be held pecuniarily liable for the acts or contracts of the company, the House conferees recede, the substance of such amendment being embodied in amendment numbered 2.

The House conferees recede from amendment numbered 12, which provides "that nothing herein shall be construed to estop this Government from asserting at any time any rights or powers that may now exist by virtue of the laws of nations, or that may be acquired through treaty stipulations, with respect to the rights of transportation of the citizens of the United States, or their property, over this canal or the country through which the same may be constructed, or to transport troops or munitions of war in time of peace or war."

The House conferees recede from amendment numbered 13, which provides "that Congress reserves the right to alter, amend, or repeal this act and to regulate the tolls or tariff rates for the transportation of persons or property by this company or its assigns," leaving in the words "that Congress shall at all times have the power to alter, amend, or repeal this act, when in its judgment the public good may so require."

From their disagreement to the fourteenth amendment, which provides that the construction of said ship-canal shall be commenced in good faith within three years, the Senate conferees recede, with an amendment providing that said canal shall be commenced in good faith within default thereof this act shall be null and void.

MARTIN L. CLARDY, ISDOE RAYNER.

MARTIN L. CLARDY, ISIDOR RAYNER, CHAS, O'NEILL.

#### ORDER OF BUSINESS.

Mr. LANHAM. Regular order.

The SPEAKER. The regular order is the call of committees for re-

Mr. LANHAM. I renew my request that unanimous consent be given to file reports. [Cries of "Regular order!"]

#### INTERSTATE COMMERCE.

I submit a privileged report.

The SPEAKER. The gentleman from Georgia submits a privileged report, which will be read.

Mr. LANHAM. I raise the question of consideration.

The SPEAKER. The title of the bill on which the conference report is submitted will be read.

The Clerk read as follows:

A bill (S.2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. LANHAM. Against that I raise the question of consideration. I do not think it necessary to read the report.

The SPEAKER. Does any gentleman require the reading of the report in full before the question of consideration is submitted?

Mr. McCREARY. I would like to hear the entire report read, so

that we may know on what we are acting.

The Clerk read as follows:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce." approved February 4, 1887, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered S.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And the commission is hereby authorized and required to execute and enforce the provisions of this act; and, upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and to prosecute, under the direction of the Attorney-General of the United States, all necessary proceedings for the enforcement of the provisions of this act, and for the punishment of all violations thereof; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And the House agree to the same with an amendment insert the following:

"And the House agree to the same with an amendment insert the following:

"And the House agree to the same.

That as to amendments numbered 3 and 7 the committee of conference are unable to agree.

A. R. ANDERSON, CHAS, O'NEILL, Managers on the part of the House. S. M. CULLOM,
O. H. PLATT,
ISHAM G. HARRIS,
Managers on the part of the Senale.

STATEMENT OF HOUSE CONFEREES.

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill (8, 2851) to amend an act entled "An act to regulate commerce," approved February 4, 1887, submit the following in explanation of their report herewith submitted:

Amendments 1 and 2 relate to publicity of rates; and the Senate agree to the same as they passed the House.

Amendment 4 relates to false representation of contents of package of freight.

The Senate agrees to the amendment of the House.

Amendment 6 relates to the free transportation of soldiers, sailors, and or-

phans to homes provided for their reception. The Senate agrees to the House amendment with an amendment, the effect of which is to allow the carriers to transport free persons about to enter and returning from such home

amendment with an amendment, the and returning from such homes after discharge.

The House recedes from amendment numbered 5, the effect of which is to strike that amendment from the bill. That amendment requires the commission to prescribe for the use of common carriers in making their schedule of rates and charges for transportation of persons and property one uniform classification.

The substance of amendment numbered 3 is agreed to by the Senate, and we have inserted the same in lieu of amendment numbered 5 in order that it may appear in the proper place in the bill. This amendment relates to the enforcement of the act by the commission, and the effect of it is to require the commission to apply to the district attorney of the United States of the proper court, the court having jurisdiction, to prosecute any carrier subject to the provisions of the act who violates the terms thereof, and requires such district attorney so to do.

The conferees have failed to agree as to House amendments numbered 3 and 7. No. 3 relates to conferring concurrent jurisdiction upon the State courts to hear and determine questions arising under the act.

CHARLES F. CRISP,

ALBERT R. ANDERSON,

CHAS. O'NEILL,

Managers on the part of the House.

Mr. NELSON. This is a very important matter, and I ask unanimous consent that all these matters be printed, with the bill, in the RECORD, and that consideration may go over until to-morrow. It in-

volves changes of the interstate-commerce act.

Mr. CRISP. It is very important that it should be considered. It is an open secret what the report is. It has been known for a week to anybody who wanted to know, and the only reason why it is important that there should be no further delay is because to-morrow it is desired to go on with an appropriation bill. This is not an agreement; it is a disagreement as to two important points. There will necessarily have to be another conference, and it is certainly necessary that something should be done in the direction of getting the assent of the two Houses to an amendment of the interstate-commerce act.

Mr. LANHAM. I think it is important that we should go on with

the private busines

Mr. CRISP. I think it is wholly unimportant whether we should go on with the private business. This is a great question, and one which should be considered; and it is unimportant whether Brown's

or Smith's bill is passed as compared with this.

Mr. LANHAM. I demand the regular order.

The SPEAKER. The question is on proceeding to the consideration of the report.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BACON and Mr. MAISH. Division.

The House divided; and there were-ayes 36, noes 50.

So the House refused to consider the report.

Mr. NELSON. I ask unanimous consent that the report be printed

in the RECORD, with the bill, with the amendments in italics.

Mr. CRISP. The bill with the amendments has been printed and reprinted; but I have no objection to the conference report being printed in the RECORD without the bill.

Mr. NELSON. Has the bill been printed as it is now?

Mr. CRISP. It has. The bill is twenty-three pages long.

Mr. NELSON. Then I will not ask that the bill be printed, but ask unanimous consent that the report of the committee of conference be printed.

There was no objection, and it was so ordered.

## ORDER OF BUSINESS.

The SPEAKER. The gentleman from Texas [Mr. LANHAM] renews his request to dispense with the hour for the call of committees, with leave to gentlemen to present reports on both public and private bills to the Clerk. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

## FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

## LIGHTS ON COAST OF MISSISSIPPI.

Mr. DAVIS, from the Committee on Commerce, reported back favorably the bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## LIGHT-HOUSE ON SIUSLAW RIVER, OREGON.

Mr. DAVIS also, from the Committee on Commerce, reported back favorably the bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of \$80,000; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## GEORGE KOONCE.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12476) for the relief of George Koonce; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### R. C. OGLESBY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12477) for the relief of R. C. Oglesby; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### DAVID M. LINDSAY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12478) for the relief of David M. Lindsay, administrator of James Lindsay; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JOSEPH M. PILKINGTON.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12479) for the relief of Joseph M. Pilkington; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### VARINA B. GAITHER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12480) for the relief of Varina B. Gaither; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM O. WOODRUFF.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11897) granting a pension to William O. Woodruff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARGARET A. BURKETT.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11874) granting a pension to Margaret A. Burkett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM BITTINGER.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3047) granting increase of pension to William Bittinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ABBY 1. SLOCUM.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 169) granting an increase of pension to Abby J. Slocum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WOMEN ENROLLED AS ARMY NURSES.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 373) for the relief of women enrolled as army nurses; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JOHN W. SMITH.

Mr. BLISS, from the Committee on Pensions reported back favorably the bill (H. R. 12275) to increase the pension of John W. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WILLIAM HAWKINS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11884) to grant a pension to William Hawkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## STERNE H. FOWLER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 2924) to increase the pension of Sterne H. Fowler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

## CHARLES GALLAGHER.

Mr. BLISS also, from the Committee on War Claims, reported back favorably the bill (H. R. 10626) for the relief of Charles Gallagher and to refer his claims to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JAMES A. TERRELL.

rell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ROAD TO MOUNT VERNON.

Mr. LEE, from the Committee on the District of Columbia, reported back favorably the bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon and making an appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

### ORDER OF BUSINESS.

Mr. LANHAM. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole,

Mr. McMillin in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar under the rule which was adopted this morning, and the Clerk will report the first Senate bill.

Mr. LANHAM. Mr. Chairman, I would like to have the attention of the House for just one moment. We have adopted a resolution this morning giving preference to Senate bills on the Private Calendar in the order in which they appear on the Private Calendar.

The CHAIRMAN. The Chair has announced that the House was in

Committee of the Whole on the Private Calendar under the special order, and has instructed the Clerk to report the first Senate bill.

Mr. LANHAM. I was going to make a request for unanimous consent that we proceed in the order we have heretofore, namely, that the

names of members may be called alphabetically; that gentlemen when their names are reached may call up a bill, either Senate bill or House bill, and that it may be considered unless five members shall object to its consideration.

The CHAIRMAN. The Chair thinks the rule that has been adopted instructs the committee as to what bills shall be considered; and the Chair thinks the gentleman's request is in conflict with that rule.

Mr. LANHAM. Can we by unanimous consent adopt this rule?
The CHAIRMAN. The Chair thinks that in this matter the House has given an instruction to the committee.

Mr. LANHAM. Then I call up the first Senate bill on the Calendar. HENRY H. SIBLEY.

# The Clerk read as follows:

A bill (S. 518) for the relief of the legal personal representatives of Henry H. Sibley, deceased.

The CHAIRMAN. The Clerk will report the bill.

Mr. KERR. Mr. Chairman, I shall ask that the report upon that

Mr. O'FERRALL. I suggest to the gentleman from Iowa that he withdraw his demand for the reading of the report, as it is quite long,

and allow a statement to be made, in order to save time.

The CHAIRMAN. The Clerk will report the bill, after which the Chair will recognize the gentleman from Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims is authorized to adjudicate the claim of the legal personal representatives of Henry H. Sibley, deceased, growing out of a contract made by Henry H. Sibley, in his lifetime, with the Goyennment of the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent, and for this purpose the Court of Claims shall have jurisdiction, notwithstanding any bar of the statute of limitations.

SEC. 2. That either party to any suit that may be brought under the provisions of this act shall have the right of appeal to the Supreme Court of the United States from any final judgment the Court of Claims may render.

Mr. KERR. I ask for the reading of the minority report.
The CHAIRMAN. The Chair will state that the gentleman can de-

KERR] furnish it?

Mr. OATES. I suggest to the gentleman from Iowa that the minority report accompanies the House bill.

Mr. KERR. I filed a minority report with the House bill.

The CHAIRMAN. The Chair will state that no minority report accompanies this bill, and the gentleman's remedy will be to get the report to which he refers and have it sent to the desk.

Mr. KERR. Mr. Chairman, this is a bill for the relief of the heirs of Henry H. Sibley. The facts in regard to the case are these: In the year 1858 Henry H. Sibley was in the service of the United States Government in the Indian wars, and he then invented what is called the "Sibley tent," which is very like a wigwam. It did not require any inventive genius to get up a tent of that kind. Any man who has ever seen a wigwam knows what the Sibley tent is. But, having got his patent by some means, he obtained from the Secretary of War, John B. Floyd, Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (S. 1278) for the relief of James A. TerSouthern Confederacy and was engaged in trying to advance the interests of that side during the entire war, and he now seeks, or rather his representatives seek, to obtain a royalty of \$5 apiece not only upon the tents used up to the beginning of the war but also upon all tents used during the entire progress of the war, while he was on the other side fighting to destroy the Government and helping to create the necessity for the use of the tents upon which he now demands \$5 apiece royalty. [Laughter.]

Mr. BOOTHMAN. Perhaps it was a matter of business with him.

[Laughter.]

Mr. KERR. Now, Mr. Chairman, there was filed in favor of this bill a long argument, which I will also say is a very able one, one of the most closely presented arguments I have ever seen, in which Mr. KERR. many fine-spun theories are set forth to show why the heirs of this man should be allowed this large sum of money. I have not yet been able to first the minority report, and therefore I ask the Clerk to read now, in my time and as part of my remarks, the portion of the minority report on the Senate bill which I have marked.

Mr. LANHAM. Will the gentleman from Iowa yield to me a mo-

ment?

Mr. KERR. Yes, sir.
Mr. LANHAM. I suggest that as the report in this case is quite lengthy we had better not consume time in reading it. The object of this bill is simply to refer the claim to the Court of Claims with a right of appeal on the part of the Government.

Mr. KERR. I forgot, Mr. Chairman, to state that the House bill in this identical case was laid on the table.

Mr. LANHAM. I think that we might very well pass the Senate bill without further discussion, as it merely refers the whole matter to

the Court of Claims.

Mr. KERR. Mr. Chairman, I am certainly opposed to burdening the Court of Claims with a proposition which involves a question which we can dispose of right here. The question in the case is simply whether the United States is under any obligation to pay to this man Sibley, or to the heirs of Sibley, who was all the time engaged in the rebellion, the sum of two or three hundred thousand dollars as a royalty upon a tent for which a patent ought never to have been allowed in the first place, and for which, certainly, compensation ought not to have extended longer than the two years on which the inventor had the benefit of it before he went into the rebellion. He has been paid for that period, and now his heirs are asking for additional compensation extending over the entire period of the rebellion. There are plenty of valid claims requiring investigation to be referred to the Court of Claims without burdening the court with cases of this kind. I reserve the balance of my time.

Mr. KILGORE. Mr. Chairman, I think the report in this case

ought to be read.

Mr. O'FERRALL. If the gentleman from Texas will yield to me for a moment, I wish to state that, as I understand this case, it is simply this: In 1856 Henry H. Sibley, who at this time was a Federal soldier, as has been stated by the gentleman from Iowa [Mr. Kere], invented what is known as the Sibley tent. He made a contract with the United States Government, under which it was to pay him a royalty upon every tent that was used for the Government purposes.

That contract with him and with his partner, a man by the name of Burns, to whom he had sold a half interest in the patent, was carried out by the Government up to some time in 1861—a short time, I think, after the commencement of the war. This Federal officer, Sibley, reafter the commencement of the war. This Federal officer, Sibley, resigned his commission, as stated by the gentleman from Iowa [Mr. Kerr], and went into the Confederate army. During all the war, however, his wife was loyal. His children were then young, one only fifteen years of age, the other still younger. The evidence in the case shows that during the entire war the wife of this man was protesting against his participation in the Confederacy and objecting at all times to the position which he held in the Confederate army. A suit was instituted, I believe, after the war by Mr. Burns, who, as I have said, held a helf interest in the rotent, and a indement was recovered in his held a half interest in the patent, and a judgment was recovered in his favor.

Mr. KILGORE. For how much?

Mr. O'FERRALL. For \$101,000, I think.

Now, all that is asked in this case is that this claim may be referred to the Court of Claims; that, so far as it affects this claim, the statute of limitations may be wiped out and that the widow, this loyal woman, and her children may have the same opportunity to be before the Court of Claims as had Mr. Burns, who held the other half interest in this patent. That is the whole of this case.

Mr. BREWER. When did Mr. Sibley die?
Mr. O'FERRALL. I do not remember; and I do not think the re-My impression, however, is that he died some time since

A MEMBER. In 1886.

Mr. BREWER. Then he died quite recently.

Mr. O'FERRALL. I do not know that I can state as to that.

Mr. BREWER. Why did he fail to prosecute his claim from 1861

up to the time of his death?

Mr. O'FERRALL. My understanding is that during his lifetime he was knocking at the doors of Congress seeking relief.

Mr. BREWER. Has his case ever been reported upon before in this

Mr. O'FERRALL. I can not answer that question. I know that this bill—at least such is my information—passed the Senate without a

dissenting voice.

Mr. KERR. There was a minority report filed by the gentleman from Illinois [Mr. Springer] in this case in the Forty-ninth Congress.

Mr. O'FERRALL. I do not think it necessary that the report on this bill be read. I have endeavored to state the substance of the claim

and to give all the points involved.

Mr. KILGORE. I would like to inquire how much money is involved in this transaction?

Mr. O'FERRALL. I can not say; that is a matter for the Court of

Claims to determine.

Mr. KILGORE. How much has been heretofore claimed?
Mr. O'FERRALL. I suppose that the claim under the contract which Mr. Sibley made with the Government was for a royalty of \$5 for every tent used. How far Mr. Sibley may have debarred himself from recovering that royalty by his participation in the Confederacy, or what may be the liability of the Government for tents used after the commencement of the war, will be matters for the court to determine, not for me.

Mr. KILGORE. How much did the partner receive?
Mr. O'FERRALL. One hundred and one thousand dollars I think Mr. Burns brought suit against the United States the report states. in the Court of Claims for his share of the royalty and recovered a judgment, which was affirmed by the Supreme Court in 1871. That judgment has been paid in full.

Mr. KILGORE. How much interest did he have in the patent?

Mr. O'FERRALL. He had a half interest.

Mr. KILGORE. And that judgment has been paid? Mr. O'FERRALL. That judgment has been paid in full. The amount recovered was \$101,242.50.

Mr. KILGORE. Would not the question arise whether the other party was estopped from setting up any further claim, if there should be no legislation on the subject?

Mr. O'FERRALL. I do not understand, Mr. Chairman, that this House is undertaking to sit as a court to determine these legal questions. They are questions which will properly come before the Court of Claims for consideration. All that this bill asks is that Congress wipe out the statute of limitations so far as it affects this case, and allow the Court of Claims to hear and determine the matter.

Mr. KILGORE. I should like to state my objection to this proposition, as I understand it. The Court of Claims ordinarily, I believe, inquires first into the loyalty of the claimant, and secondly, determines the amount involved in the controversy; but it never determines the question of the liability of the Government for the claim, unless that is provided for in the act referring the matter to the court. I do not know what the provision in this bill is, but under the reference usually made of these questions the Court of Claims does not go any further than what I have just stated.

Now, when a question of this kind comes up here it is usually said, "This is only to refer the matter to the Court of Claims and let them determine the loyalty of the claimant and the amount involved in the controversy." Then, when the case is reported back to Congress, the argument is that the Court of Claims has passed upon it, and Congress, therefore, is in a measure estopped from objecting to payment—that Congress ought to make the appropriation because "the Court of Claims has passed upon the matter." In this ingenious, roundabout way Congress is induced to appropriate money to pay claims as to which the court has only ascertained the amount, without reference to the question of the liability of the Government for the claim.

Now, the Government is not liable in this case, and this legislation is intended to make it liable. It is the settlement of questions of law by Congress itself. The only inquiry which can be made by the Court of Claims is as to the amount, and the Government has the poor privilege of appealing to the Supreme Court of the United States to determine whether the Court of Claims has ascertained the facts as they are.

The difficulty here is to ascertain how many of these tents have been

used by the Government.

Mr. HOOKER. You say the Court of Claims have two functions: one is to ascertain the person's loyalty, and the second the amount. Does not that come to the Congress of the United States in the finding of the Court of Claims upon the evidence as to whether the property belonged to the party or not and whether the party was not entitled to compenstation therefor? That is a finding and not a judgment of the court.

Mr. HOLMAN. Oh, no; this is not a finding.
Mr. HOOKER. I do not speak of this; I speak generally. It is a finding of the court as to the amount between the Government and the litigant. If that was not the case the finding of the court would amount to nothing.

Mr. KILGORE. It never determines the question of liability, never

determines the question of law; it finds the amount due and whether the party was loyal or not. Mr. HOOKER. Wheth

Whether the Government owes so much or not. Mr. HOLMAN. The gentleman states the law as to claims referred

under the Bowman act.

Mr. O'FERRALL. Mr. Chairman, this is not to refer this case under the Bowman act to the Court of Claims. It is a bill to refer this case to the Court of Claims for final adjudication, giving the Government the right to take an appeal to the Supreme Court of the The Court of Claims unquestionably never renders a final judgment under the Bowman act. All those cases, I know, come back for consideration to this House. The court finds the facts in the case and ascertains whether the party was loyal or not, in case there is any question of loyalty, and the amount involved between the Government and the claimant

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McADoo having taken the chair as Speaker pro tempore, a message was received from the Senate, by Mr. McCook, its Secretary, announcing the passage without amendment of the bill (H. R. 12009) to provide for keeping open the Potomac

It also announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 3824) to provide for an American register for the steam-yacht Nautilus, of New York; and A bill (S. 1092) for the relief of certain property in the District of

Columbia

It further announced the adoption of a concurrent resolution authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; in which concurrence was re-

It also announced that the Senate had disagreed to the House amendment to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota, and requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. PLATT, Mr. CULLOM, and Mr. BUTLER as conferees on its part.

## HENRY H. SIBLEY.

The committee resumed its session, Mr. McADoo in the chair.

Mr. O'FERRALL. These facts are reported to this House and the House passes upon them. The House sits in judgment upon the decision of the Court of Claims. It is not intended, however, by this bill that this case shall be referred under the provisions of the Bowman act, but that it shall be referred where judgment shall be rendered for or against the party, with the right on the part of the Government to appeal to the Supreme Court of the United States.

Now, sir, if Henry H. Sibley were here asking relief in person there might be some question as to his right to recover. Henry H. Sibley,

however, was pardoned—
Mr. KERR. Will the gentleman permit me to interrupt him to ask
whether his wife or children can obtain any better standing before this

body than he himself could have obtained?

Mr. O'FERRALL. I think in a great Government like this, where loyalty seems to be at a premium, that his widow, who was loyal, ought to stand before this body in a higher position than he would have occupied had he been present in person making the application. The evidence shows beyond a question that she was loyal, and her two children, one fifteen years old and one less, were too young to be disloyal. Her loyalty is proven beyond a question by the affidavits on file, and which are printed with the report of the committee.

I yield five minutes to the gentleman from Kansas [Mr. PERKINS],

reserving the remainder of my time.

Mr. PERKINS. Mr. Chairman, I do not profess a familiarity with
the merits of this claim, but I do think as a member of this body that if the claim is an honest one, or has a prima facie standing, that it ought to be investigated, and if found to be a just claim, that it should I believe that this Government is strong enough and great enough to pay all of its honest debts, and that it should furnish facilities to parties having just claims to present them for consideration. I do not believe, sir, that the statute of limitation should be interposed by the Government as a defense against any honest claim. I never favored that position during my term of service here, and hope I never will favor it. All claims that are meritorious as against the Government of the United States should be given a fair hearing, and if the Government is found owing an honest debt, then I think it should be paid, and that the statute of limitation should not be pleaded. Notwithstanding the lapse of time since the origin of a claim against the Government, all honest claimants should have the opportunity of presenting them, and if it is an obligation against the Government, without regard to time, it should be discharged. So, Mr. Chairman, with regard to the pending claim, and not pretending to know anything as to whether it is based on merit or not, whether something is due to the heirs of this man or not, but believing that if anything is due to his heirs that it should be paid by the Government, I favor the bill, and, as I understand, that is all the bill does. It is simply to re-

move the statute of limitation and enable an investigation of the matter, and if there is an honest claim due that the Government should discharge it. I think it is only fair and just and commends itself to the conscience of all.

Mr. O'FERRALL. I yield five minutes to the gentleman from Ken-

tucky [Mr. TAULBEE].
Mr. TAULBEE. Mr. Chairman, the bill now under consideration was referred to the committee of which I have the honor to be a member and to the subcommittee of which I am chairman. The subcommittee of which I am chairman examined the case very carefully, and the full committee indorsed and favorably reported and recommended the passage of the bill.

I think if gentlemen will take pains to read this bill they will find that the observations of the gentleman from Texas [Mr. KILGORE] in

regard to it are calculated to make an erroneous impression.

Mr. KERR. Let me interrupt the gentleman to ask if the full committee recommended and favorably reported this bill? I understood him to intimate that it was the unanimous report of the committee. Mr. LANHAM. He said that the subcommittee's report was favor-

ably acted upon.

Mr. TAULBEE. The Committee on Claims is that to which I refer. From that committee I filed in the House a favorable report, which was done by the authority of the committee.

Mr. KERR. But there was also a minority report.
Mr. TAULBEE. Certainly. I did not say anything about that, nor did I say anything that might be construed as meaning that there had

not been a report.

But if you read the bill carefully, you will find that you can not vest any rights in the claimants whatever, except such right as was had before the statute of limitations barred their action in law. It does not authorize the Government to ascertain the ground of the claim, but it authorizes the Court of Claims to ascertain the amount due, without regard to the statute of limitation. No other question, then, but that of the limitation which now bars the action in court is determined by the bill. Jurisdiction is only given to the court which they would have had but for the statute of limitations.

Mr. JOHNSTON, of Indiana. Let me ask the gentleman a ques-

Mr. TAULBEE. Certainly.
Mr. JOHNSTON, of Indiana. I would like to ask for information.
I understand this claim, if allowed, goes to the heirs, and that the original claimant, or father of these parties, is dead. Does the evidence show that he prosecuted or attempted to prosecute the claim in his lifetime?

Mr. TAULBEE. This claim was not prosecuted until after the statute of limitations had run.

Mr. JOHNSTON, of Indiana. Now, one further question. What excuse is there for not having prosecuted it?

Mr. OATES. If the gentleman from Kentucky will allow me, I will state that he did prosecute the claim.

Mr. JOHNSTON, of Indiana. Why was it not acted upon?

Mr. OATES. There was a technical objection raised then just as

now; that is, as to the question of loyalty. Although he was the inventor and the Government had used his invention, and the Supreme Court had decided in the suit brought by Burns for the half interest assigned to him by Sibley that the Government was liable, yet the objection was raised against Sibley's claim because of disloyalty, and that only.

Mr. BOWDEN. The fact is that this claimant could and would have prosecuted his claim but for the fact that he was required to make oath as to his loyalty before he could claim recompense from the United States. That had been settled in the case of Armstrong vs. The United

Mr. JOHNSTON, of Indiana. And he could not do it.
Mr. TAULBEE. Now, the fact is that the statute of limitations has
run against this claim before the claimant, Sibley, could have a status
in court. The question of his loyalty had theretofore prevented its prosecution. On the general merits of this claim it is only right to state that the payment of this claim would be merely a fulfillment of the contract between the Secretary of War and Mr. Sibley, the propriety of which contract and the force and effect of which contract have never yet been questioned by any officers of the Government. It simply means, if you pass this bill, that you give the Court of Claims the right to determine whether a contract made between the Government and one of its citizens shall be carried out by which the Government procured advantage of a patented invention and derived great benefits from it. This bill simply looks to reimbursing the claimant for the benefits derived from that contract.

The CHAIRMAN. The time of the gentleman from Kentucky has

expired.

Mr. O'FERRALL. I now yield five minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. In answer to the point made by my friend from Texas [Mr. Kilgore] I desire to call his attention to the wording of the bill as it comes to us from the Senate. It is:

That the Court of Claims is authorized to adjudicate the claim of the legal personal representatives of Henry H. Sibley.

These are the words:

Adjudicate the claim.

What does that mean? That means to decide whether the claim is just; whether it is legal. It is not, as the gentleman said, a mere question of how much is the claim; but the question is, in the first place, whether anything at all is due or not under the law and the facts of the case.

Then having ascertained, if the court shall so find, that something is due, the next question will be, how much? It seems to me that that is a sufficient answer to the point made by the gentleman from Texas. That is the whole proposition—to waive nothing except the mere plea of the statute of limitations which the Government might set up.

As to this case the Senate report says on this question of loyalty: As to this case the Senate report says on this question of loyalty:

But we think, on an appeal to the sense of equity and to the indulgence of Congress, the case of Mrs. Sibley and her children stands differently. She was unquestionably loyal to the Government, as were all her kindred. She endeavored to induce her husband to remain loyal. As he is dead, one-third of his property would become hers, either by his will or by the policy of most of the States in spite of his will if he undertook to convert it from her. If he had a clear and unquestionable claim against the Government, nothing in his own misconduct or in any other fact which has occurred has ever impaired or extinguished it. It is a mere question of consenting to waive the statute of limitations.

That is the only question in the passage of this bill. It is still left for the court to say under all the circumstances and from the facts and the law, is anything due; if so, how much? And a court like this, or any other court, would be governed by the law just as it was in any other case; and that is all there is of this case.

Mr. O'FERRALL. I reserve the balance of my time unless gentlemen desire to speak on the other side. [Cries of "Vote!"]

Mr. KERR. I yield ten minutes of my time to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. There is such great difficulty in honest claimants

obtaining pay justly due them from the Government of the United States that I would be very loath to oppose any claim that I thought had merit in and of itself. I would be one of the last that would oppose a claim upon the ground of limitation alone. I believe I have never urged that as a reason against any claim that has been considered since I have been a member on this floor; but it strikes me from the investigation I have been able to give this claim that it has no merit in itself. If I understand the history of General Sibley correctly, he was educated at the expense of the Government, at West Point, and was an officer of the United States, in service in the Army at the time he is alleged to have invented a form of tent for which he obtained a patent, by reason of which royalty from the Government is now claimed. I think it ought to be against public policy for any officer of the Government, who is receiving pay for all of his services, to obtain patents in the line of his professional duty in inventions discovered when he ought to have been giving all his services to the Government.

It scarcely seems as if this form of a tent is novel or ought to be the subject of a patent by any one, still less by an officer educated and paid by the Government. This is not like the case between employer and employé. In such case it is very justly held that the employé is entitled to a patent on anything novel he may invent. But it is much like the case where the Government appropriated several hundred thousand dollars to be expended by Government officials in experimenting on different processes for making beet-sugar. On discovering an improved process, the officials undertook to patent it, which is universally denounced as wrong. This claim purports to be based upon a contract with the Government, but I observe that by the terms of that contract it had expired before the time when these services were rendered; or rather, that when these tents were used there could be no claim for the royalty, except under a provision of that contract that it was not to te:minate unless the Government gave notice to Sibley. Shortly after obtaining the patent, and securing from a Government official a contract that the Government should pay him \$5 royalty on each tent that the Government should use, Sibley abandoned the flag he had been educated and sworn to support, and entered into rebellion against the Government; helped organize and carry on a rebellion, to suppress which required the Government to organize large armies and use great numbers of these tents. He had a contract that continued to run unless the Government should notify him that it desired it to cease. The

terms of the contract required the Government to give him notice.

But how? Sibley himself, by abandoning the flag that he had been educated to defend and going outside of the control of the Government, made it impossible to give him notice that the Government no longer desired to operate under the control. desired to operate under the contract. Hence it was by his own fault that he received no such notice. He made it impossible that the Govthat he received no such notice. He made it impossible that the covernment should give him that notice. And now he claims pay from the Government for using his form of tent to shelter its soldiers in whipping him and his associates back into obedience.

Mr. TAULBEE. Did that proviso extend to the use of the tent? Or was it not the proviso in the contract that the Government might

or was it not the proviso in the contract that the Government might refuse to use the tent by serving notice upon Sibley?

Mr. JACKSON. I do not know that I can answer that question, but either provision would apply to the argument I make. The Government is under no legal obligations to pay royalty for use of any patented article. Where it is equitable and just its practice is to pay.

Mr. TAULBEE, Did the Government continue to use the tents?

Mr. JACKSON. I think it did to some extent. It had paid Sibley Mr. JACKSON. I think it did to some extent. It had paid Sibley before he joined the rebellion some \$16,000 royalty for this tent, which I think was all wrong. The contract was unjust to the Government. It ought not to pay anything for the use of these tents, because whatever Sibley could do for the Government in the way of military service he was receiving pay for. He ought never to have had his patent in the first place. Even assuming that this contract was made with Sibley by an honest officer, in good faith, it was made only with the expectation that, at most, a few hundred of these tents would be used per annum and any one can see at once that when it became processary to annum, and any one can see at once that when it became necessary to use thousands of them, if Sibley had been within reach the Govern-ment would have notified him that it did not want to proceed further under the contract.

Mr. TAULBEE. Was any such proceeding taken in the case of

Burns?

Mr. JACKSON. Not so far as I know of. And the Burns payment was all wrong. It ought never to have been made, and it is no reason was all wrong. It ought never to have been made, and it is no reason why we should authorize other wrong payments. Burns was an assignee. He could have no higher right than Sibley, and must claim through him. So the widow and heirs of Sibley in this bill can have no higher right than Sibley had. If Sibley ever had any rights under his patent and contract he forfeited all rights to the use of the United States courts to enforce them by engaging in rebellion. That is the plain provision of the statute. I know that in its great and unexampled leniency this Government pardoned this man, who proved false to the flag after being educated to defend it, and that the courts did eventually decide that the effect of a pardon was such that he might sue in court.

It is said that the bill is only for the purpose of removing the bar of the statute of limitations. But before the time arrived at which the courts held that the pardon would allow him to sue, the statute had already prevented his suing. So we see that there never was a time when Sibley could have maintained a suit on his contract in the Court of Claims. Hence, this bill is giving the wife and heirs rights under

this contract Sibley never did have.

The payment of royalty on a patent by the Government is always a matter of favor; hence, we see that for two distinct reasons this bill is asked as a favor. To be granted, it should be as a matter of equity and justice. In my judgment, it has neither character to commend it. I venture to say that before no other civilized government than ours

would a citizen presume to make a claim such as this.

This bill goes further than bills we usually pass for the most honest and deserving of claimants. It is not simply to authorize the court to hear, inquire, and determine whether the applicants have a just or equitable claim against the Government, and directing the court to report its conclusions to Congress for further action as is the usual way; but it repeals for the benefit of this shadowy claim the statute of limitations; in effect, recognizes the validity of the continuing contract on which it is based and makes the simple finding of the court as to amount a judgment against the United States

I will say no more on the subject at this time. The bill ought to be

defeated.

Mr. TAULBEE. But Burns got his pay.
Mr. JACKSON. Well, perhaps he got what he ought not to have I am not advised as to that. Mr. JOHNSTON, of Indiana. Mr. Chairman, I rise to parliament-

ary inquiry.

The CHAIRMAN. Will the gentleman state it?

Mr. JOHNSTON, of Indiana. Will it be in order to offer an amendment to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing that on the trial of this case the Government to this bill providing the trial of the case the Government to the trial of the case the Government to the trial of this case the Government to the trial of the case the Government to the trial of the case the Government to the Government to the Government to the case the Government to the Government t ment shall have the right to set off against this claim the value of the tents that Sibley destroyed while he was in the Confederate service? [Laughter.]

Mr. BURROWS. The injury he did his own tents.
Mr. JOHNSTON, of Indiana. Yes.
Mr. OATES. It is not a subject of set-off as it sounds in damages. The gentleman would perhaps like to put his plea in legal shape, which would be that of recoupment. [Laughter.]

The CHAIRMAN. The gentleman from Indiana will have a right to offer any amendment he desires that is in order.

The committee rose informally to receive a

## MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval of House bills of the following titles:

An act (H. R. 2686) for the relief of William Knowland; and
An act (H. R. 12107) to increase the maximum amount of international money-orders from \$50 to \$100.

## HENRY H. SIBLEY.

The committee resumed its session.

Mr. KERR. Now, Mr. Chairman, I ask to have read, as a part of my remarks, the minority report of the House committee. The Clerk read as follows:

VIEWS OF THE MINORITY.

The minority of your committee, to whom was referred House bill 3007, by leave of the committee submit the following reasons why the recommendation

of the committee should not be concurred in. The claimants make their claim as the heirs of Henry H. Sibley. An equity does not of necessity exist in favor of an heir, even if it existed in favor of the ancestor. The rights of an heir to the property of his ancestor are merely statutory, and are not shown to exist in this case. The deceased, Henry H. Sibley, a general of the United States Army, presumably observed in his service in the Indian wars the form of the Indian wigwam, and patented a tent after its form in 1856. In 1858 he made a contract with the Government, through John B. Floyd, in which the Government agreed to pay him \$5 royalty for every tent manufactured or used until 1859, or until Sibley gave notice to the contrary. It does not appear that John B. Floyd had any legal authority to make this contract. The contract itself was not produced. We submit the question whether the patent was not fraudulent against the Government in its inception; and whether there are not strong presumptions of fraud in the contract, even if the then Secretary of War, John B. Floyd, had authority to make it; and, if so, there could be no equities existing in favor of the original claimant. Concerning these questions, the minority of the committee in the last House used the following language, which we make a part of this report:

We submit the question whether the patent was not fraudulent against the Government in its inception; and whether there are not sivrong presumptional conventions in its inception; and whether there are not sivrong presumptions authority to make it; and, if so, there could be no equities existing in favor of the original claimant. Concerning these questions, the minority of the committee in the last House used the following language, which we make a part of the royalty, and recovered the amount. Sibley took no steps to collect his. How we had not also the convention of the royalty, and recovered the amount. Sibley took no steps to collect his. How we had not not do so under the law. We are willing to believe that he then felt that he had now calams that his failure to do so was owing to the belief that he could not do so under the law. We are willing to believe that he then felt that he had now had not been conventionally the convention of further legislation? The rejoinder is, the statute of the convention of further legislation? The rejoinder is, the statute of the convention of further legislation? The rejoinder is, the statute of the convention of the decrease of further legislation? The rejoinder is, the statute of the convention of the convention of the statute of the convention of

How much time have I remaining, Mr. Chairman? The CHAIRMAN. The gentleman has twenty minutes remaining.

Mr. KERR. I yield five minutes to the gentleman from New York [Mr. PARKER]

Mr. PARKER. Mr. Chairman, by the rule adopted by the House this morning seventeen bills acted upon by the committees of the House are passed over without note or comment for the purpose of reaching this bill. I believe that most of the time which has been spent upon the Private Calendar during this Congress has been for claims

which were semi-Confederate in their character, and this is one more.

Now, to call attention to the bill, if the gentlemen had proposed to Now, to call attention to the bill, if the gentlemen had proposed to refer this case under the Bowman act it would be very different, but they ask for an absolute final judgment, except that there is to be a right of appeal to the Supreme Court. Therefore, whatever Congress can do or may do, it must do now. Otherwise it passes its full and final power over to the Court of Claims. Now this is a very singular claim. We find that the man whose representatives make this claim was a major in the service of the United States. He was in the service of the United States at the time he made this invention. He was in the service of the Covernment at the time he made this contract. ice of the Government at the time he made this contract. He resigned from the Army of the United States in May, 1861, and accepted a command in a rebel service, and continued in that service during the war of the rebellion; thus acting directly in contravention of the interests of the Government which had given him his education, which intellectually and morally created him, and gave him the skill to invent this tent, thus placing himself in direct antagonism to the Government against which his heirs now make this claim.

Further than this, the success of Sibley after he went into the Confederate service tended to increase the destruction of the Government property. Therefore, the more successful Sibley was against the Union atmy the more tents he destroyed, the more armies it was necessary to raise, the more men there were needed, the more successful was he in drawing his royalty from the Government which he was trying to de-

It seems to me that the position of the claim before the House is far different from what gentlemen have stated. They tell us that the proposition is merely to remove the disability resulting from the move the disability consequent upon rebellious service; it is to enter-tain a claim which shall contradict the rules that have been adopted in this House and to change the whole action of the House in relation to questions of this sort. When a claim comes here from one who was in the Confederate service, or from those who represent one who was in that service, and who was himself a party to the increase of the use and the destruction of the subject on account of which he seeks to draw royalty and pay from the Government to the amount of a quarter of a million of dollars, it seems to me intolerable that in such a case the Government should now allow to him or to those who represent him that amount.

Mr. KERR. I will now yield five minutes to the gentleman from Minnesota [Mr. Wilson], or to the gentleman from Pennsylvania [Mr.

BUCKALEW

Mr. BUCKALEW. Mr. Chairman, I intended to submit some remarks upon this bill, but the reading of the report of the minority of the committee presents the case in opposition to the bill, I think, with sufficient fullness; and it is quite unnecessary that the negative should be discussed at length upon the floor. If gentlemen are not con-vinced from the facts set forth in the report that this is not a case to be sent to the chances and accidents of a hearing in the Court of Claims if they are not convinced that the representatives of this deceased man can have no greater right than he had while living—it would be impossible to convince them "though one rose from the dead." So far as am concerned, therefore, without entering into the general debate on this subject, I shall content myself with saying that, with clear mind and untroubled judgment, I shall vote against this bill.

Mr. KERR. Does the gentleman from Minnesota [Mr. WILSON]

desire any time?

Mr. WILSON, of Minnesota. I believe I do not wish to occupy any

Mr. LANHAM. I hope, then, we may now have a vote on the proposition.

Mr. O'FERRALL. I believe I had some time remaining. I yield to the gentleman from Alabama [Mr. OATES] five minutes, or what-

ever more of my time he may desire.

Mr. OATES. Mr. Chairman, the questions involved in this bill are not difficult. As to the legal rights of the claimants there can be no doubt, but for the bar of the statute of limitations, or in other words, the absence of a law authorizing the claimant to go into the Court of Claims; that court can proceed only by virtue of a statute, and the statute which would have allowed such proceeding has expired by its own limitation. This bill proposes to allow the heirs at law of General Sibley to go before the Court of Claims and enforce whatever rights may exist in them, and which can not be enforced in that court in the absence of some such act.

As to the legal status of General Sibley, it has been adjudged by the Supreme Court of the United States in several well-considered cases that his pardon fully restored him to all his civil rights. However much he or any one else may have engaged in the rebellion, such con-

duct, once pardoned by the President, is completely wiped out; and the standing of such a person in law is just as though he had never

the standing of such a person in law is just as though he had never participated in the war against the Union.

I concede that whether Congress will pass this bill and give the heirs at law of General Sibley a right to go into the Court of Claims and have this claim considered, is a matter of grace. It strikes me, sir, that inasmuch as the war has been over a quarter of a century, and it is to be presumed that the Executive never exercises the right of pardon except in proper cases, General Sibley's participation in the war against the Union ought to cut no figure whatever in this case.

Now, as to the fact of his having been an officer in the Federal Army at the time he made this invention, having been educated at the West Point Military Academy, it is insisted by some gentlemen on the other side of this question that he was not entitled to any compensation for his invention. That proposition would have been a very correct rule to have established in the first instance. But, sir, it has not been the practice of the Government. Just the reverse has been the practice. Therefore that argument is entitled to no weight. The reverse has been considered right and proper through the whole history of the Govern-

Ment.

Now, the single question is presented to gentlemen here, this man having been once disloyal but pardoned by the President of the United States and restored to his civil rights, whether the fact of his disloyalty ought to be brought into consideration here in bar of the rights of his heirs at law to prosecute this claim? I do not understand that there is any controversy as to the right of recovery against the Government in the first instance. That was adjudged by the Supreme Court in the case of the assignee. Burns, and the Government was hald to be lighted. case of the assignee, Burns, and the Government was held to be liable. Now, if this is a case where the Government ought to pay, it matters not whether the sum involved is ten dollars or a million. If the principle be correct upon which the claim is to be considered, if these claimants ought to be allowed to go before the court, the amount they may recover should cut no figure whatever in our consideration of this

I believe, sir, that is not the fact. The disloyalty of General Sibley ought not to prevent the passage of this bill, because he was, by the constitutional authorities of the Government, relieved of all that he had incurred and was fully restored to the rights of an American citi-

I do not care to say anything more.

Mr. KERR. I will yield now for five minutes to the gentleman from Minnesota [Mr. Wilson].

Mr. O'FERRALL. I thought I had the floor.

Mr. KERR. No; I reserved all of my time, and yield now to the

gentleman from Minnesota [Mr. WILSON].

The CHAIRMAN (Mr. ENLOE in the chair). Did the gentleman re-

serve the remainder of his time?

Mr. KERR. I certainly did. I only yielded five minutes to the gentleman from Pennsylvania [Mr. Jackson]. I now yield for five minutes to the gentleman from Minnesota [Mr. Wilson].

Mr. WILSON, of Minnesota. I only wish to make a few remarks in answer to the gentleman from Alabama [Mr. OATES]. strained to vote against this bill, and I wish to state briefly the grounds upon which I do so. It is not because General Sibley was disloyal or because his heirs are disloyal. I vote against it on other and entirely different grounds. I think this bill is intolerable in any view in which we look at it.

It will be observed, Mr. Chairman, that this claim is not for rights accruing to him or his heirs under a given patent, but it is for certain

rights accruing under a given contract.

In 1856 General Sibley, having obtained a patent on the form of a tent known as the Sibley tent, entered into a contract with the Secretary of War in 1858 by which it was agreed that a royalty of \$5 should be paid him on each of such tents manufactured by the United States. This was to continue till January, 1859, and thereafter till notice was given of its termination. The number of tents manufactured by the United States after the making of this contract until August, 1861, was 3,583, and the royalty of \$5 was paid on 3,377 of that number. So it will be seen that the royalty was paid up until about the beginning of the war of the rebellion. General Sibley went into the rebellion, and thereafter it does not appear that any royalty was claimed or paid.

The statute of limitations having long since run against the claim and General Sibley being dead, this bill is introduced to remove the bar of the statute and to give to his heirs the sum which would be due on the theory that the contract referred to has continued to be in force, and

that the Government owes \$5 royalty for each of these tents used.

I deny that this claim is supported by either law or equity. That there is no legal claim is conceded, otherwise there would be no need of this act. It is for that reason we are asked to remove the bar of

the statute and to validate the claim.

This should never be done unless the claim that is barred and which it is sought to revive and validate is an equitable one, for it would be neither reasonable nor just to breathe life into a claim that is not founded in equity. Now I shall attempt to show that this claim is not equitable.

It was a very singular claim to begin with, a very singular contract, royalty of \$5 on every tent!

Mr. OATES. The question involved in the suit by the assignee of a half interest and settled by the Supreme Court of the United States

is against that position assumed by the gentleman.

Mr. WILSON, of Minnesota. No, it could not be involved in that Mr. WILSON, of Minnesota. No, it could not be involved in that suit very well, for when the Government made a contract to pay \$5 per tent for every tent manufactured the question did not arise whether \$5 was too much or too little. It was simply a question of contract.

Mr. O'FERRALL. Do I understand the gentleman to raise a question of contract.

Mr. O'FERRALL. Do't inderstant the gentleman to raise a question as to the legality of the contract?

Mr. WILSON, of Minnesota. Not at all.

Mr. O'FERRALL. How if the Government made a bad contract?

Mr. WILSON, of Minnesota. I will come to that in a minute and will show that the Government made a bad contract; but I believe in living up to a bad contract as well as to a good one. I wish to show that we do not owe in law or in equity one dollar or one farthing to these parties, and that by this bill we propose to legislate into their pockets between one and two hundred thousand dollars. Here is a contract which was to last up to the year 1859, with the right then or thereafter to give notice to terminate it.

The war of the rebellion began in 1861, and the patentee, whose heirs here make this claim, placed himself beyond the reach of notice and therefore made service upon him impossible, and now his heirs claim that because such notice was not formally served on him the Government is liable. I deny that he could take advantage of his own wrong, and they merely stand in his shoes. They can by no possibility have a better claim or greater rights than he had.

Mr. BOWDEN. Will the gentleman permit me to ask him a ques-

Mr. WILSON, of Minnesota. I will permit you or any other to ask me a question if you will give me more time to answer. Mr. BOWDEN. On that point would not that apply to Burns's one-

half interest?

Mr. WILSON, of Minnesota. Yes; and I say the fact that Mr. Burns got judgment in the Court of Claims for over \$100,000 for the buths got Judgment in the Court of Claims for over \$100,000 for the half interest in this contract assigned him by General Sibley shows us what will be gotten in this case if we give the power here proposed to the Court of Claims. Because we have done wrong in the Burns case is no reason why we should do the same thing in this case.

Mr. HERBERT. And the Supreme Court affirmed the decision. Mr. WILSON. Now, Mr. Chairman, I would like to go a little fur-

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'FERRALL. I will yield to the gentleman five minutes of my time, as he has been a great deal interrupted.

Mr. KERR. I believe I have twenty-seven minutes remaining, and if the gentleman desires it I will yield him seven minutes of that time.

Mr. WILSON, of Minnesota. Mr. Chairman, in this case we might just as well by this act resolve that we will pay to the heirs of General Sibley from one hundred to two hundred thousand dollars ourselvesfor we can compute the amount just as well as the Court of Claims as to pass this bill in its present form. That is what it will amount There is no question of law for the courts in this case. This bill makes it incumbent on the courts to award that sum.

Mr. LEE. Ob, no. Mr. WILSON, of Minnesota. When we remove the bar of the statute of limitations this contract by its terms will require the Government to pay this sum. As I have attempted to show, this would be inequitable, for it is clear that it was never contemplated by the parties that this contract should be kept alive during the war of the rebellion. That this Government should pay to him and his heirs and assigns nearly a quarter of a million of dollars for the right to use this tent during that war, when it might legally have used it without the payment of a dollar, is not for a moment to be admitted.

That the parties to the contract contemplated such a result is incredible. Had the Government thought such a notice necessary, and had General Sibley not put it out of the power of the officers of the Government to serve it, we must suppose that it would have been re-

ceived.

Mr. LEE. Would it?

Mr. WILSON, of Minnesota. Would it? Why certainly. Do you believe that the Government of the United States since 1858 would have gone on for thirty-one years paying \$5 royalty on every tent that was manufactured by the United States Government for the use of the

Mr. COBB. Which year does the gentleman refer to as the date when the contract was to terminate on notice, 1859 or 1869?

Mr. WILSON, of Minnesota. Eighteen hundred and fifty-nine or

Mr. WILSON, of Minnesota. Eighteen hundred and hity-nine or any year thereafter.
Mr. COBB. Why did it not terminate in 1859?
Mr. WILSON, of Minnesota. Because of the failure on the part of the Government to give the required notice; but no person was making a claim on it after 1859, or I should say after 1861. We were engaged in a gigantic war which took up public attention at that time.

Mr. DIBBLE. Not in 1859.

Mr. WILSON, of Minnesota. I should have said in 1861. For some time after 1859 the royalty was demanded and paid.

Mr. BOWEN. And two years after the time the gentleman mentions, during which time Mr. Burns was always present to have received that notice.

Mr. WILSON, of Minnesota. And Burns came with exactly the same argument you are making to-day, that we simply give to the Court of Claims jurisdiction, etc. And the act which we are asked to pass allows the enforcement of a contract which was wrong from the beginning and that is already dead by reason of the statute of limitations. There is no foundation in equity for the demand that is made here to-day, and I am opposed to the enactment of a law that will work inequity

Mr. O'FERRALL. Do I understand the position of the gentleman to be this: That the decision of the Supreme Court of the United States affirming the judgment of the Court of Claims was erroneous and wrong?

[Laughter.]
Mr. WILSON, of Minnesota. Not at all. When you galvanize that contract into life, the court is bound by its letter, and can not consider the equities of the case. There was not a strict compliance with the letter of the statute through inadvertence and inability to comply.

Mr. LEE. In 1859?

Mr. WILSON, of Minnesota. Since 1859, or rather, I should say, 1861. There is a contract under which neither General Sibley nor any one else had the right to one cent after that time. The bar of the statute of limitations has forever set at rest any legal claim on the contract. Now you propose to remove that bar and give life to the contract, which was permitted to run only by inadvertence, or rather by the illegal act of the person whose heirs now claim the benefit of it, and it would be against both law and equity to permit them to take advantage of this wrong.

Mr. COBB. Will the gentleman allow me a question?

Mr. WILSON, of Minnesota. Certainly.
Mr. COBB. You talk of inadvertence. How can you make that appear from 1859 to 1861? There was no war then.

Mr. WILSON, of Minnesota. My friend will see by the report that the royalty was paid up until August, 1861, within about \$1,000, and

there was a great deal of confusion prevailing in public matters then.

Mr. COBB. Was it not an error on the part of the Government itself that there was a failure to give notice after 1859 of the termination of the contract? No notice was given at all. Is it not therefore true that because of the failure to give notice when the time came for the termination of the original contract that that failure was a substantial renewal of the contract? Is it not true that a failure to give that notice when it should have been given was, in fact, a renewal of the contract?

Mr. WILSON, of Minnesota. I would rather say this, and it is a position that would appeal, it seems to me, to the mind of every reasonable man, that the patent expired in 1870 or in 1871, and that there was no pretext or reason whatever for giving to any person one dollar or one cent after that time. And my learned friend will see by refer-ence to the report that notice could be given any time after January, 1859, and the failure to give it at any particular time did not renew or expand the contract.

Mr. O'FERRALL. And there has not been a dollar or a cent given since then, nor has there been a claim for a dollar after the expiration of the patent. It expired in 1873, and General Holabird, the Quartermaster-General, certifies that there has not been a solitary tent used by the Government since the close of the rebellion. It was only during

the rebellion that they were used.

Mr. WILSON, of Minnesota. As I understand the claim set up here it is in effect compelling the Government to pay a royalty of \$5 a tent on account of a patent that had expired five years before.

Mr. COBB. Oh, no; the rebellion terminated in 1865 and the patent

in 1870 or 1871

Mr. WILSON, of Minnesota. That is true. I correct myself in that

respect.

Mr. LEE. The gentleman says that this contract expired in 1859, and that from 1859 to 1861 this contract was allowed to run by inadvertence. But has the gentleman forgotten that the United States troops were then making war in Utah, and that the United States Army was using these tents? I had the honor to follow the flag in

that war myself and slept under a Sibley tent.

Mr. LEE (to Mr. WILSON, of Minnesota). You said that notice ought to have been given in 1859. I infer it was a mere inadvertence.

Mr. WILSON, of Minnesota. After the war commenced—

Mr. LEE. You said in 1859.

Mr. WILSON of Minnesota. I said often the war had commenced.

Mr. WILSON, of Minnesota. I said after the war had commenced this man had gone beyond the reach of any notice that could be served on him, and that the Government failed to give this notice. But if you come in here to-day and succeed in getting this bill through you will make the Government liable for the failure to do an act which his

wrong made impossible.

Mr. LEE. Why should not the Government have given notice in

1859 if it did not want to continue the contract?

Mr. WILSON, of Minnesota. It had the right to keep using the tents if it wanted to, and he was paid his royalty up until about the time the war broke out.

Mr. LEE. It continued to use the tents. Mr. WILSON, of Minnesota. It had the right; but very soon thereafter, or as soon as the war broke out, he went beyond the reach of no-

Here the hammer fell.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr.

WILSON] has expired.

Mr. KERR. I yield five minutes to the gentleman from Indiana [Mr.

Mr. JOHNSTON, of Indiana. Mr. Chairman, it does appear to me that there is enough in this report as made by the gentleman from Kentucky [Mr. TAULBEE] to convince every man upon this floor that this bill The report starts out by stating that General Sibley, should not pass. the person through whom these heirs are to claim, was educated at the expense of the General Government; that he became the owner of a patent while he was in the service of the Government and while he was a Government officer. Then he makes a contract with the General Government to pay him a royalty upon tents. While that contract was in existence he resigned, violated his oath to the Government, and forsook the Government that had educated him and prepared him for the service. While he was in the Confederate service, destroying public property, and possibly destroying these very tents manufactured by the Government, this report says the Government manufactured 43,000 of them. This bill proposes to go back and let the heirs recover a royalty for the tents manufactured during the war that the father may have burned up and destroyed.

Mr. WASHINGTON. Will the gentleman yield for a question? Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. WASHINGTON. What has that to do with the justice of the claim?

Several MEMBERS. Oh! Oh!

Mr. JOHNSTON, of Indiana. If the father had no right to recover he could give none to the heirs. The heirs could have no greater

right than the father.

Mr. BOWDEN. Then the gentleman would go beyond the Constitution and let attainder go beyond death.

Mr. JOHNSTON, of Indiana. No, sir. The father in his lifetime could not recover, and he dared not prosecute his claim in Congress, because he would not have gained it. No man would have dared to vote for it. The statute of limitation had run, and now I am opposed to giving it back to the heirs.

I do not want to follow it and take property, but I do not believe that the heirs of a man should be permitted to come in here and recover when he could not have recovered himself. I am willing to give to the men who are upon the other side all the rights they can claim—the right to vote, the right to hold office, the right of property, and the right to every contract that they have made with the Government which they have not forfeited; but when the father forfeits his right, then I insist that the children have no greater right than he had.

insist that the children have no greater right than he had.

Mr. COBB. Will the gentleman allow a question?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. COBB. Do you understand that this bill would give a greater right than Sibley would have had?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. COBB. Well, then, you have misunderstood it.

Mr. JOHNSTON, of Indiana. This bill gives to his heirs the right to go back and collect for 43,000 tents manufactured while Sibley himself was in the Confederate service; and he could not have recovered. self was in the Confederate service; and he could not have recovered against the Government for a previous contract existing between him and the Government while he was in rebellion.

Mr. McCULLOGH (to Mr. Johnston, of Indiana). You did not

Mr. JOHNSTON, of Indiana. Yes, I did. These tents were manufactured while he was in the Confederate service.

Mr. COBB. Will the gentleman allow me a question there?

Mr. JOHNSTON, of Indiana. Certainly. Mr. COBB. Is it not true that if this bill simply gives to Sibley's children a standing in the court as heirs every right which they can establish in that court must be established as representatives and heirs of Sibley himself, and that they could have no higher standing than he would have had if he were living?

Mr. JOHNSTON, of Indiana. But then it removes the statute of limitation. Now, then, if he had any rights, when his rights were in existence the statute of limitation ran against him and he was barred. Now you propose to take away the bar which the Government has got interposed between itself and this claim.

Mr. COBB. Well, that is the question at issue, and it is not a question as to whether we will give to the heirs greater rights than the ancestor had.

Mr. JOHNSTON, of Indiana. I say that no man who was in the Confederate service would have dared to stand up in the halls of Congress and advocate the payment of this claim to Sibley himself, because while these tents were being manufactured and used by the Government he was in the Confederate service, engaged in destroying the very tents that this bill gives his heirs the right to recover for.

Mr. KERR. I now yield three minutes to the gentleman from Pennsylvania [Mr. McCullogh].

Mr. McCULLOGH withholds his remarks for revision. [See Ap-

pendix.]
Mr. KERR. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining. Mr. KERR. The question whether this claimant will have any standing anywhere will depend upon the action of Congress. man Sibley had no legal right in this matter, and that is why his heirs ask for assistance. Now, here is the broad question: Is it right, is it equitable, to give a legal standing to a man in the courts of the United States to recover a royalty upon tents used during the time he was engaged in the rebellion and in destroying those very tents? I am surprised that the gentleman from Tennessee [Mr. WASHINGTON] should rise here and ask if there was no distinction between these men. I believe this man had no equitable right in this matter. There is not a court in Christendom that would say that there was any equity there, and I do not think that in such a case as this we ought to give a legal standing to a man who has no legal standing.

Now, in regard to whether he was a traitor or not, I have not used that language, but I notice that gentlemen on the other side seem to be very uneasy because my colleague has used a word that we are not in the habit of using here. But what does the Constitution say upon that subject? It says that treason shall consist in levying war against

the United States and giving aid and comfort to its enemies.

Mr. O'FERRALL. Is that original?

Mr. KERR. I believe that is constitutional, and I do not suppose that any of the gentlemen who were upon the other side will deny that he did that.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that all debate upon this bill be limited to ten minutes. [Cries of "Vote!" "Vote!"]

Mr. O'FERRALL. Then let it be understood that there shall be five minutes in favor of the bill and five in opposition.

The CHAIRMAN. It will be so understood.

Mr. HOLMAN. Mr. Chairman, the communication sent by the Quartermaster-General to the Senate has not yet been read, and I request that it be now read by the Clerk.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE, Washington, D. C., February 13, 1888.

Washington, D. C., February 13, 1888.

SIR: I have the honor to return herewith the communication from Hon. J.
C. Spooner, chairman of the Senate Claims Committee, dated the 8th instant, calling for certain information regarding the use of the patented Sibley tent by the Army of the United States.

In reply to the several interrogatories, I beg to state—
1. That the tetal number of Sibley tents manufactured by the Quartermaster's Department from March I, 1858, to August 31, 1861, inclusive, was 3,583, upon 3,377 of which royalty has been paid to both owners of the patent (Burns and Sibley) at the rate of \$5 for each tent. Royalty upon 206 tents, at \$2.50 each, has been paid to Mr. Burns only.

2. No Sibley tents were used by the United States since the termination of the rebellion and prior to the expiration of the patent in 1873. Since 1873 the total number purchased and manufactured was 935.

3. The number of Sibley tents used by the United States during the rebellion was 43,958.

4. As stated in answer 1, the total number of Sibley tents manufactured prior to the war of the rebellion was 3,583, as follows:

to the war of the rebellion was 3,583, as follows:	
1858	1,449
1859	1,184
1861	206
Total	3.583

Note.—The number of tents manufactured from September 1 to 3, both dates inclusive, can not be given owing to the fact that returns of articles manufactured were rendered only at the end of each month.

The total number of tents manufactured during the month of September, 1861, can not be ascertained. The number manufactured at the Schuylkill arsenal, Philadelphia, Pa., during the month of September, 1861, was twenty-four.

Mr. HOLMAN. I have but a single suggestion to make based upon that statement. It is obvious that if this bill becomes a law, and a recovery is had, the amount recovered will be a little rising \$104,000. It seems that no Sibley tents were manufactured after the war for the use of the Army, so it may be assumed that it was chiefly during the four years of the war that this tent was used. During the preceding four years the whole number of such tents used for the Army was 3,583, and there was a payment made to the parties owning the patent of the royalty on that number, amounting to some \$16,000 or \$17,000. Now it is obvious taking the most conitable view of this matter, that inceit is obvious, taking the most equitable view of this matter, that inasmuch as General Sibley was connected with the great movement, the late rebellion, which resulted in the increased demand for the use of

these tents by the Army, he should be entitled to recover only upon the state of things which would have existed had not that rebellion occurred.

So that in fairness and equity, under any circumstances, the recovery, instead of being for the sum of \$104,000, should not exceed one-half of the sum paid during the preceding four years, which would make the amount a little more than \$8,000.

Mr. WILLIAMS. In other words, you do not think that this man ought to be paid for taking steps to enlarge his business? [Laughter.]
Mr. HOLMAN. No, sir. I think that the bill as it now stands

ought not to pass.

Mr. SHAW. Does not this bill provide only for a reference of the matter to the Court of Claims?

Mr. LANHAM. Let us have a vote.
Mr. O'FERRALL. I believe I have five minutes remaining, and I ield that time to the gentleman from Alabama [Mr. Cobb]. [A pause.] The gentleman from Alabama does not desire to occupy the time-Mr. LANHAM. Let us have a vote; there are other bills on the

The CHAIRMAN. The question is on the motion of the gentleman from Virginia [Mr. O'FERRALL], that this bill be laid aside to be reported to the House with a favorable recommendation.

The question having been taken,

The CHAIRMAN said: The Chair is in doubt.

Mr. HOLMAN. I move that the bill be reported to the House with

the recommendation that it lie on the table.

The CHAIRMAN. The Chair thinks the motion of the gentleman from Indiana [Mr. HOLMAN] is not now in order, as the question is being taken on another motion.

The question being again taken on the motion of Mr. O'FERRALL, that the bill be laid aside to be reported to the House with a favorable

recommendation, there were—ayes 46, noes 58.

Mr. O'FERRALL. I make the point that no quorum has voted.

Tellers were ordered; and Mr. O'FERRALL and Mr. KERR were appointed.

The tellers proceeded to count. Before the result was announced,
Mr. LANHAM said: Mr. Chairman, I do not think there is a quorum in the House. I ask unanimous consent that this bill may be withdrawn for the present, not to lose its place on the Calendar, and that we may proceed with other business.

Mr. O'FERRALL. If any arrangement can be made by which there may be a vote some time on the bill, either in the committee or in the

House, I shall be perfectly satisfied.

Mr. KERR. I have no desire to prevent a yea-and-nay vote when-

ever it may come.

Mr. TAULBEE. I suggest it be agreed that the previous question be ordered on the third reading and the passage of the bill, and

that then the bill go over.

Mr. KERR. What does the gentleman propose?

Mr. TAULBEE. Let us order the previous question on the bill.

Mr. TAULBEE. Let us order the previous question on the bill.
Mr. KERR and others. Oh, no.
Mr. LANHAM. I renew my request.
The CHAIRMAN. The gentleman from Texas asks unanimous consent that this bill be laid aside, not to lose its place on the Calendar.
Mr. O'FERRALL. I shall object to that.
Mr. CUTCHEON. We did not hear the proposition submitted by

the Chair.

The CHAIRMAN. The gentleman from Texas requests that this bill be passed over, not to lose its place on the Calendar. Is there objection to that request?

Several members objected. Mr. LANHAM. I have made the proposition in the interest of other business on the Private Calendar.

Mr. KERR. I do not object to the bill being laid aside. The gentleman from Virginia insists on the point of no quorum. I have no objection to the bill being passed over.

Mr. LANHAM. I think the result of the count by the tellers ought to be announced.

Mr. O'FERRALL. As I understand, the laying aside of the bill under the circumstances means its total defeat, and I can not consent to that.

The CHAIRMAN. Debate is not in order while the committee is Mr. KERR. How does the vote stand?

The CHAIRMAN. No quorum has yet voted.
Mr. HOLMAN. Has the result been announced?
The CHAIRMAN. It has not been. Unless there is a quorum, the Chair sees no necessity for making the announcement. The Chair will, however, state for the information of the committee that the ayes are 56, and the noes 68.

Mr. KILGORE. Now, Mr. Chairman, I want to make a parlia-

mentary suggestion. [Laughter.]
The CHAIRMAN. The Chair will hear a parliamentary inquiry.
Mr. KILGORE. I submit that when the Committee of the Wholo finds itself without a quorum, it must proceed to call the roll.

Mr. DOCKERY. I move that the committee rise, my object being to avoid a roll-call, which, if a quorum should not appear, would prevent a session this evening.

Mr. KILGORE. I make the point of order that the motion of the

gentleman from Missouri [Mr. DOCKERY] is not in order.

The CHAIRMAN. In the opinion of the Chair, the point of order

is not well taken.

Mr. KILGORE. I would like to call attention to some authorities

on that subject.

The CHAIRMAN. In the opinion of the Chair, the motion submitted by the gentleman from Missouri, that the committee rise, is in

Mr. ALLEN, of Mississippi. Under what rule of the House is that motion in order

The CHAIRMAN. A motion that the committee rise is always in order, just as a motion to adjourn is always in order in the House.

Mr. ALLEN, of Mississippi. Under what rule?
The CHAIRMAN. The Chair will have the rule read, if the gentleman desires.

Mr. KILGORE. The point I make is this—
The CHAIRMAN. The Chair has decided the point of order. The question is on the motion of the gentleman from Missouri, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. Enloe reported that the Committee of the Whole had had under consideration the bill (S. 518) for the relief of the legal and personal representatives of Henry H. Sibley, deceased, and had come to no resolution thereon.

#### SAMOA.

The SPEAKER laid before the House the following message from the President of the United States,

The Clerk read as follows:

To the Senate and House of Representatives:

As supplementary to my previous messages on the subject, I have now the honor to transmit a report from the Secretary of State relating to affairs in GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, February 1, 1889.

To the President:

As the question of German action and American rights in Samoa is under consideration by the Congress, I beg leave to transmit herewith, with the view of their being laid before Congress, copies of certain correspondence touching affairs in Samoa, which has taken place since January 30, the date of your last message to Congress on the subject.

These consist of a telegram to this Department from Mr. Blacklock, the vice-consul of the United States at Apia, dated January 31, and the paraphrase of my telegraphic instruction of the same date to our minister at Berlin, of which a copy was also sent to the chargé d'affaires of the United States at London, and my note of the same date to Count Arco-Valley.

To-day I was waited upon by the German minister at this capital, who read me a note from his Government, which I transcribed from his dictation, and now inclose a copy of its text.

Respectfully submitted.

T. F. BAYARD.

T. F. BAYARD.

Washington, February 1, 1889. BAYARD, Secretary, Washington:

AUCKLAND, January 31, 1889.

German consul declares Germany at war with Mataafa, and Samoa under martial law. BLACKLOCK.

JANUARY 31, 1889.

Mr. Bayard instructed the minister of the United States at Berlin to inform the German Government that advices from Apia stated that the German consul had declared Germany to be at war with Mataafa and Samoa to be under martial law.

Mr. Bayard informed Mr. Pendleton that the German minister at this capital, under instructions of Prince Bismarck, had already acquainted this Government of the declaration of war by Germany against Mataafa, and had accompanied the notification with the statement that Germany would of course abide by the agreements with America and England touching Samoa, and observe, under all circumstances, the rights of those Governments established by treaty. But in view of the advices from Apia Mr. Bayard instructed Mr. Pendleton to say that this Government assumed that the German officials in Samoa would be instructed carefully to refrain from interference with American citizens and property there, since no declaration of martial law could extend German jurisdiction so as to include control of American citizens in Samoa. Such a pretension could not be recognized or conceded by this Government.

[Communication by Count Arco-Valley to Secretary of State, under instruction of the Prince Chancellor.]

When the state of war was declared against Mataafa, the commander of the German squadron issued a proclamation by which the foreigners established in Samoa were subjected to martial law. International law would to a certain extent not prevent such a measure, but as Frince Bismarck is of the opinion that our military authority has gone too far in this instance, the military commander has received telegraphic orders to withdraw the part of his proclamation concerning foreigners.

In negotiation with Mataafa our consul at Samoa has asked that the administration of the islands of Samoa might be temporarily handed over to him, which demand, not being in conformity to our previous promises regarding the neutrality and independence of Samoa, Mr. Knappe has been ordered by telegram to withdraw immediately his command.

DEPARTMENT OF STATE, Washington, January 31, 1889.

SIR: I have the honor to inform you that this morning I received a telegram dated this day at Auckland, from Mr. Blacklock, the United States vice-consulat Apia, as follows:

"AUCKLAND, January 31, 1889.

"BAYARD, Washington:

"German consul declares Germany at war with Mataafa, and Samoa under martial law.

And not knowing what construction might be given to his authority by the German consul at Samoa under such proclamation of martial law, I deemed it expedient at once to communicate with our minister at Berlin, informing him of the precise language of the telegram from Mr. Blacklock, and stating that a declaration of a state of war by the German Empire against Mataafa and his party in Samoa had been previously communicated through you, and that Prince Bismarck in his instruction to you also stated that the German Government would "of course abide by the agreement with America and England with respect to Samoa, and pay due regard under all circumstances to the rights of those powers as established by treaty."

Our minister at Berlin was therefore instructed to make it known at the German foreign office that the United States assumes that German officials in Samoa would in this sense be instructed scrupulously to abstain from all interference with American citizens and their property in Samoa, and that no increase or expansion of German jurisdiction over American citizens or their property would be caused by the German declaration of martial law, nor would such jurisdiction be recognized or conceded by the United States.

Accept, sir, the renewed assurances of my highest consideration.

BAYARD.

Count Arco-Valley, etc.

The SPEAKER. The message and accompanying papers will be re-ferred to the Committee on Foreign Affairs and ordered to be printed; and, together with the accompanying papers, which are brief, will be printed in the RECORD.

There was no objection, and it was ordered accordingly.

## ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 6217) to relinquish the interest of the United States in

certain lands in Kansas;

A bill (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture;
A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster;

Joint resolution (H. Res. 246) authorizing the Secretaries of War and the Navy to loan to the committee on inaugural ceremonies flags, etc.
Mr. KILGORE. I rise to a question of order.
The SPEAKER. The gentleman will state it.

## QUESTION OF ORDER.

Mr. KILGORE. When the House was in Committee of the Whole House a division showed there was no quorum present, when, instead of complying with the rule which required the committee to rise necessarily and go into the House and have the roll called and the absentees noted, instead of complying with that rule of the House in calling the

roll, the committee rose on motion—

The SPEAKER. This is not a question for the present occupant of the chair to decide. The Speaker does not preside in the Committee of the Whole House. The rules require him to call some other gentle-

man to the chair.

## JOHN W. ROBINSON.

Mr. STONE, of Kentucky. I ask, by unanimous consent, to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 317) for the relief of John W. Robinson and to put the same upon its passage at this time.

Mr. HOLMAN. Let the bill and report be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on the said rolls and records against John W. Robinson, late of Company A, One hundred and tenth Regiment Illinois Volunteer Infantry; and, when so restored, that the said John W. Robinson be restored to all rights suspended or lost by said record.

The Clerk proceeded to read the report.

Mr. STEELE. I should like to have a statement from the gentle-

man from Kentucky, as I see the report is quite lengthy.

Mr. STONE, of Kentucky. The report shows all the facts. I know
Mr. Robinson well. I know he is a worthy citizen. He did valuable service.

Mr. COBB. I ask that the report be read.

The report (by Mr. LAIRD) was read, as follows:

The report (by Mr. LAIRD) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 317) for the relief of John W. Robinson, submit the following report:

The committee find from the evidence that John W. Robinson was enrolled August 12, 1862, to serve three years in Company A, One hundred and tenth Illinois Infantry Volunteers. On December 31, 1862, he was reported "Absent without leave; supposed to be captured October 8, 1862." In February, 1863, he is borne as "Deserted near Perryville, Ky., October 8, 1852." Prisoners-of-war records show him "Absent from Camp Wallace, Ohio, without leave," and no date is given. A parole on file in the Pension Office shows this soldier to have been captured and paroled October 16, 1862.

It is further shown by the testimony in this case that as soon as the claimant was physically able he made his way home and there remained. He says he

was never exchanged, and he has filed his affidavit to that effect. It appears that the War Department regarded the soldiers captured in Kentucky during October, 1852, as exchanged without specific act on the part of the individual men after January, 1853; but it would be a severe construction of the ruling to assume that every enlisted man who went home after the release by parole should know that he and his fellow-captives had been exchanged constructively and in a body without any of them being present.

This charge of desertion should be removed.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, January 31, 1888.

Washington, January 31, 1883.

SIR: I have the honor to return House bill 317, Fiftieth Congress, first session, authorizing the removal of the charge of desertion against John W. Robinson, Company A, One hundred and tenth Illinois Volunteer Infantry, transmitted by the chairman of the House Committee on Military Affairs, and in compliance with instructions to report as follows:

John W. Roberson (or Robinson) was enrolled August 12, 1862, to serve three years, in Company A, One hundred and tenth Illinois Volunteers, and on muster-roll of company, dated December 31, 1862, is reported "Absent without leave, supposed to be captured October 8, 1862." on roll for January and February, 1863, he is borne as "Deserted near Perryville, Ky., October 8, 1862," and his name is dropped from all subsequent rolls of the company, which was retained in service until June 8, 1865.

On records of prisoners of war on file in this office his name appears with remark, "Absent from Camp Wallace (Ohio) without leave;" but the date of such absence or the date and place of his capture and parole is not stated.

In May, 1883, certain papers were presented to this office by the Commissioner of Pensions in the case of this soldier, of which papers the following is a synopsis, the originals having been returned to the Pension Office, with decision that the "charge of desertion can not be removed," to wit:

1. An original parole, dated Headquarters Sixteenth Georgia Battalion, Barboursville, Ky., October 16, 1862, to the effect that Robinson had that day been captured and paroled.

2. A receipt dated Barracks No. 1, Louisville, Ky., November 4, 1862, signed by D. S. Tallerday, captain Thirty-eighth Ohio Volunteers, commanding Barracks No. 1, "for an old sorrel horse and an old saddle and bridle."

3. A statement by Robinson to the effect that the horse turned over by him was purchased by him after his parole to aid him in reaching his home: that he was never exchanged or released from said parole; that he returned to his home in Illinois as

The SECRETARY OF WAR.

War Department, Adjutant-General's Office,
Washington, February 20, 1888.

Sir: I have the honor to return House bill 317, Fiftieth Congress, first session,
entitled "A bill for the relief of John W. Robinson," late of Company A, One hundred and tenth Illinois Volunteers, which was left in the Department by Hon.
James Laird, of the House Committee on Military Affairs, and to state that on
January 31, 1888, a report of this bill was furnished you by this office, upon the
request of the chairman of that committee, dated January 14, 1888, and transmitted by you to the Committee on Military Affairs, House of Representatives,
on February 2, 1888. on February 2,1888.
I am, sir, very respectfully, your obedient servant,
R. C. DRUM, Adjutant-General.

There was no objection, and the Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it

was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be

laid on the table.

The latter motion was agreed to.

PORT OF SAULT STE. MARIE, MICH.

Mr. SEYMOUR. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (S. 2318) to extend to the port of Sault Ste. Marie, Mich., the privileges of inland transportation in bond, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Bo it enacted, etc., That the privileges of immediate transportation of dutiable merchandise conferred by the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes." be, and the same are hereby, extended to the port of Sault Stc. Marie, in the State of Michigan.

There being no objection, the bill was considered and ordered to a

third reading, and, being read the third time, was passed.

Mr. SEYMOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## J. HARRY ADAMS.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent to discharge the Private Calendar from the further consideration of the bill (H. R. 11779) for the relief of J. Harry Adams, and put the same upon

The SPEAKER. It will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to J. Harry Adams, of Davidson County, Tennessee, the sum of \$180, the said sum being the amount in full compensation

for certain internal-revenue stamps bought and paid for by said J. Harry Adams, to be affixed to certain packages of spirits, which packages were destroyed by fire in a Government bonded warehouse before the stamps were affixed thereto.

The SPEAKER. Is there objection to the present consideration of

There was no objection.

Mr. WASHINGTON. There is an amendment recommended by the committee

The SPEAKER. The amendment will be read.

The amendment was read, as follows:

The committee recommend that the bill be amended, in line 7, after the word "eighty," by inserting "\$8,10," so as to read "\$188,10," and that when so amended the bill do pass.

The amendment was adopted.

The bill as amended was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the

third time, and passed.

Mr. WASHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

the table.

The latter motion was agreed to.

#### MARGARET KENNEDY.

Mr. HIESTAND. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (H. R. 12398) to authorize the payment of Margaret Kennedy for wood used in the erection of Fort Sedgwick.

The SPEAKER. The bill will be read, subject to the right of ob-

jection.

The bill was read at length.

Mr. CUTCHEON. I would like to hear the report in that case read.
Mr. HIESTAND. There is no report.
The SPEAKER. This bill appears to be still in the hands of the

committee of the House.

Mr. LANHAM. Regular order.

#### ORDER OF BUSINESS.

The SPEAKER. The regular order is the consideration of unfinished reports from the Committee of the Whole.

Mr. LANHAM. I will test the sense of the House on a motion to take a recess until 7.30, under the special order.

Mr. TROMAS, of Illinois. Pending that I ask unanimous consent to introduce a resolution for reference.

Mr. HOLMAN, Mr. GALLINGER, and others demanded the regular order.

The question was taken on the motion of Mr. Lanham; and there were, on a division—ayes 57, noes 22.

So the motion was agreed to; and accordingly (at 4 o'clock and 5

minutes p. m.) the House took a recess until 7.30 p. m.

## EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) was called to order by Mr. McMillin, who directed the reading of the following communication:

Speaker's Room, House of Representatives, February 1, 1889. Hon. BENTON MCMILLIN is designated to preside as Speaker pro tempore at the session of the House this evening. JOHN G. CARLISLE, Speaker.

Hon. John B. Clark, Clerk House of Representatives.

## ORDER OF BUSINESS.

Mr. DOCKERY. I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. If there be no objection, the order heretofore pursued with regard to the business to-night will be pursued.

There was no objection.

GEORGE W. DURFEE.

The CHAIRMAN. The Chair is advised that the name of the gentleman from New York [Mr. LAIDLAW] was called at the last session of the committee, and a request was made that his name be passed over, retaining his right to call up a bill, to which request the gentleman from Minnesota [Mr. MACDONALD] objected, and afterward withdrew

the objection.

Mr. MACDONALD. That is correct.

Mr. LAIDLAW. I now ask consideration of the bill (S. 3052) granting an increase of pension to George W. Durfee.

The bill is as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$50 per month, subject to the provisions and limitations of the pension laws, the name of George W. Durfee, late private of Company I, First Regiment New York Volunteer Dragoons; this act to take effect from its passage, and the pension hereby granted to be in lieu of that which he is now receiving.

## The report (by Mr. SAWYER) was read, as follows:

It very clearly appears from the Senate report in this case, which is hereto annexed and made a part hereof, that the soldier, after a long and dangerous service, received a gunshot wound, the ball passing through the upper and outer portion of his left lung, so injuring the axillary nerves as to render his left arm almost entirely useless, and that also a disease of the head resulted from such wound; that he is wholly disabled for manual labor. He is now receiving a pension of \$30 per month.

While the soldier does not now require the constant attendance of an assistant, the committee believe that he is fairly entitled to receive a larger sum than that he is now receiving; and they therefore recommend that the bill do pass with an amendment, striking out the word "fifty," in the fifth line, and inserting the words "forty-five" in place thereof.

SENATE REPORT.

#### SENATE REPORT.

Claimant enlisted in Company I, First New York Volunteer Dragoons, July 31, 1862, and was mustered out of service June 30, 1865. His company participated in forty-two engagements, and claimant was wounded at Newtown, Va., August II, 1864. He was granted a pension of \$8 per month from July 1, 1865; \$18 per month from April 2, 1873; \$24 per month from March 3, 1833, and \$39 per month from May 26, 1887.

The present claim is for an increase of pension to \$72 per month, on account of gunshot wound of left lung and resulting disease of heart, disabilities for which he is already pensioned.

In affidavit filed May 8, 1867, Dr. Benjamin F. Kneeland, late a surgeon of the Nineteenth New York Volunteer Cavalry and One hundred and thirtieth New York Volunteer Infantry, testifies that while in the line of his duty near Newtown, Va., claimant received a wound by a ball passing through the upper and outer portion of his left lung, so injuring the axillary nerves as render his arm almost entirely useless.

town, Va., claimant received a wound by a ball passing through the upper and outer portion of his left lung, so injuring the axillary nerves as render his arm almost entirely useless.

In affidavit filed July 10, 1876, Dr. Kneeland testifies that owing to general debility arising from injuries received in the service, claimant is wholly disabled for manual labor.

In affidavit filed July 10, 1876, R. A. Britton, late a captain of Company H. First New York Volunteer Dragoons, testifies that claimant is in bad health, and entirely disabled for manual labor by reason of a gunshot wound of his left lung, received in the service.

In affidavit filed March 5, 1887, Dr. D. E. Blackman, of Chautanqua County, New York, testifies that claimant has a gunshot wound in the left lung between the spine and left shoulder, causing the upper portion of both lungs to become solidified, and that he is also suffering from disease of heart.

In affidavit filed March 5, 1887, Erastus Brown, of Chautanqua County, New York, testifies that claimant is not able to work at his trade as a watch-maker in consequence of a gunshot wound of his lungs, and that he is wholly incapacitated for the performance of manual labor.

In affidavit filed March 5, 1887, C. H. Martin, of Chautanqua County, New York, testifies that claimant is not able to work at his trade as a watch-maker in consequence of a gunshot wound of his lungs, and that he is wholly incapacitated for the performance of manual labor.

In affidavit filed March 5, 1887, Dr. J. E. Caneen, of Chautanqua County, New York, testifies that claimant is suffering from a gunshot wound through the left lung, causing the upper portion of said lungs to be solidified, and that he also has atrophy of the heart, with feeble circulation of blood, and that he is totally disabled for manual labor.

Rufus Scott, late lieutenant-colonel, and James Lemon, late captain of claimant's company, testify to the origin of gunshot wound in the service and to the meritorious character of claimant as a soldier.

Cla

The amendment recommended by the committee was adopted. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## CHARLES WAGEMANN.

Mr. MANSUR called up for consideration the bill (S. 1153) for the relief of Charles Wagemann.

## The bill is as follows:

Be it enacted, etc., that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Wagemann, late a private in Company E, Seventh Missouri Cavalry, at the rate of \$24 per month; said pension to be in lieu of that which he now receives.

## The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1153) for the relief of Charles Wagemann, have considered the same, and now report:

We adopt the Senate report, and recommend the passage of the bill.

We adopt the Senate report, and recommend the passage of the bill.

The claimant, Charles Wagemann, while private of Company E, Seventh Regiment Missouri Cavalry, was thrown from his horse on a bridge near Lexington, Mo., the 14th July, 1862, and was run over by several horses of his company before a halt could be ordered, in consequence of which he suffered injuries in his head, back, and body, for which he was pensioned at \$4 per month from November 7, 1862, which was increased to \$8 per month from September 3, 1879. His pension was afterward reduced to its original amount. The claimant now asks the passage of a bill granting him a pension of \$24 per month, alleging a disability equivalent to the loss of a hand or foot.

The claimant alleges that at the medical examination which resulted in reducing his pension he was not examined as to his serious disabilities—the injuries to his spine, and rupture—but only as to his hearing and eyesight; the board assuming that he had recovered from his spinal trouble, and so reporting. In support of his claim to continued disability, testimony is given by a number of physicians of his section, who have treated and examined him. One of these, Dr. Wesley Humphrey, deposes under date of June 23, 1887;

"I resided in Moberly, Mo., from the fall of 1878 till February, 1886, and know Charles Wagemann well, being his family physician, and know all about his physical condition. I also thoroughly examined him two or three times for pension, I being at the time president and member of the board of medical examiners at Moberly, Mo. My record is on file at Washington in his case, to which I refer you.

"As I knew Mr. Wagemann, he was myopic, and had a permanent injury to back, and my opinion is, and has been, that the hernia, both scrotal and inguinal, was caused at the time of injury to back, for which he was pensionable, and that it is permanent. I have not examined Mr. Wagemann since February,

Drs. George W. Weems and G. W. Fairgrieve, practicing physicians of Moberly, Mo., on the 24th of June, 1887, testify:

"We have this day thoroughly examined the said Charles Wagemann, and find him as regards vision myopic, resulting from concussion and compression of skull occurring many years ago, also evidence of trephining having been done some time ago. On the right side we find a scrotal hernia, and on the left a direct inguinal. We find great inability to retain urine, also inability to control the evacuation from rectum. We find greattenderness along the spine, particularly about the region from third lumbar to fifth dorsal vertebra. We find memory and hearing very deficient, resulting in our opinion from injuries received to head. In conclusion, will state that his disabled condition is permanent as to injury of head and back, and hernia."

Testimony in the same direction is also given by Drs. S. W. Holt and W. S. Austin, physicians of claimant's home, all showing a case of serious disability, and that the flippant judgment of Medical Examiner Morgan, "Claimant is probably suffering in a slight degree from lumbago, consequent upon the injury of back, for which he is pensioned; rate should be reduced to one-half for injury of back and head," and on which the reduction of pension was made, was not justified by the facts of the case.

In addition to the medical testimony herein given, a large number of the citizens of Moberly protest against the apparent injustice was done in reducing his pension, and that his condition, as sworn to by reputable physicians, justifies the committee in reporting favorably upon the bill and recommending its passage, which is hereby done.

The bill was laid aside to be reported favorably to the House.

## CATHERINE M. LEE.

Mr. MACDONALD called up for consideration the bill (S. 1320) granting a pension to Catherine M. Lee.

## The bill is as follows:

Be it enacted, etc., That the Scoretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catherine M. Lee, a volunteer nurse in the late war, giving her, during life, the sum of \$25 a month from and after the passage of this act.

The report (by Mr. LYNCH) was read, as follows:

The report (by Mr. Lynch) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.1320) granting a pension to Catherine M. Lee, have had the same under consideration, and respectfully report:

That the applicant was an army nurse in the hospital at the Jarvis Military Hospital, in Baltimore, Md. She served from July, 1864, until July 25, 1865, when she was honorably discharged from the service, the war being over and the hospital being then discontinued. She is now over sixty years old, feeble, and unable to work for a living. She is also without means.

The case was once before referred to the committee of the Senate and a report was made thereon by Senator BLAIR, now and then a member of that committee, recommending the passage of a similar bill for her relief. This reports hereby adopted and approved in this case, and passage of the present bill is accordingly recommended, amended, in line 6, so as to read "\$12" instead of "\$25."

The amendment recommended by the committee was adopted.

The amendment recommended by the committee was adopted. The bill as amended was laid aside to be reported to the House with

the recommendation that it do pass.

## WILLIAM H. KOCH.

Mr. McCOMAS called up for consideration the bill (H. R. 2428) granting a pension to William H. Koch.

## The bill is as follows:

Be it enacted, etc., That the pension of William H. Koch, late a sergeant of Company E, One hundred and twenty-eighth Pennsylvania Volunteers, be, and the same is hereby, increased to \$72 per month, on account of wounds received in the line of duty while a volunteer in said war.

## The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2428) granting an increase of pension to William H. Koch, submit the following

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2428) granting an increase of pension to William H. Koch, submit the following report:

William H. Koch was sergeant of Company E, One hundred and twenty-eighth Pennsylvania Volunteers. At the battle of Antietam received injuries very similar to those of General John C. Black. While aiming and getting ready to fire, a bull passed through both his arms. Several members of the committee inspected the injured arms.

Dr. J. M. Porter, his physician, says:

"That during the past seventeen years he has frequently inspected the lesions, which have enabled me to watch and estimate the increasing amount of failure in the use of his upper limbs. A portion of the ulm of left forearm was shot away and otherwise so much shattered as to oblige the surgeon to excise other fragments of the same bone, leaving that forearm for near half its length with only one bone. The same missile so tore and lacerated important muscles and nerves as to cause great waste of tissue.

"This hand and wrist are much wasted and shrunken up for want of nerve and food supply. Flexion and extension in the left arm are much limited. A ball also passed through the elbow-joint of the right arm, and some way the use of this arm and hand has gradually become very much impaired from atrophy of the interphalangeal muscles, and the consequent loss of grip. Apart from the maiming, destruction, and loss of important parts of his organism or body, his disability in the use of his upper extremities is mainly due to traumatic lesions of the nerve, and which before the wounding supplied these parts with most important functions, motion, sensation, and natrition, all of these offices being now poorly performed."

We have every reason to believe from inspection of the maimed arms that this injury is progressive, and can readily believe, as we are emphatically told by many competent witnesses, that William H. Koch has no use of his arms, and therefore request that the bill be reported back with t

The amendment recommended by the committee was adopted. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## CHARLES J. ESTY.

Mr. McKINNEY called up for consideration the bill (S. 2665) granting a pension to Charles J. Esty. The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Esty, late a private in Company H, Tenth New Hampshire Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2865, having considered the same, report as follows:

This bill passed the Senate in the Forty-ninth Congress, and has again passed the Senate, the report being as follows:

"The claimant, Charles J. Esty late a private in Company H, Tenth New Hampshire Volunteers, made application for a pension to the Pension Office, but such application was rejected on the ground that the claimant has not been disabled in a pensionable degree by alleged crysipelas since date of filing his claim.

"It appears, however, from the reports of the board of examining surgeons, June 27, 1883, that they rated him at one-fourth total for crysipelas, and for deafness one-eighth. Another board, on August 5, 1885, rated him for loss of second finger and forefinger; had crysipelas of both feet, and was obliged to use crutches.

"The affidavit of James M. Brown. M. D. who treated the claimant is also

"The affidavit of James M. Brown, M. D., who treated the claimant, is also filed with the papers, under date of January 5, 1886. He states that he has frequently treated him, and that his erysipelations condition almost disables him from his occupation as a farmer, and that he certainly deserves aid from the

from his occupation as a farmer, and that he certainly deserves aid from the Government.

"Your committee are disposed to give the claimant the benefit of any doubt there may be in tracing the present crysipelas and its effects to the service, and therefore report the present bill, which simply places him on the pension-roll, subject to future examination, with a recommendation that it do pass."

The bill was likewise favorably reported to the House in the Forty-ninth Congress, the report being much fuller than that of the Senate committee. It appears conclusively from that report that in the fall of 1862 soldier had a very severe attack of erysipelas, resulting in blood poisoning, at Falmouth, Va. It is also shown by medical and other testimony that he has been troubled, more or less, with an erysipelatous condition since discharge, the most serious disability being in the feet and legs, although the hands are affected.

While the case is not one without some degree of doubt, yet the equities are largely with the soldier, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. McMILLIN (when his name was called), Mr. Chairman, I have a bill that has been favorably reported, but the report has not yet been sent up. I would request, therefore, permission to call it up on the next meeting of the committee, and will forego the right to call up a bill at this session. I ask that my name be passed over informally, not to lose its place.

There was no objection.

#### I. T. HOUZE.

Mr. McRAE called up for consideration the bill (H. R. 11571) granting a pension to I. T. Houze.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of I. T. Houze, who served in Captain Gunn's company, from the State of Alabama, Indian war, 1836, and to pay him a pension at the rate of \$12 per month.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11571) granting a pension to Isaac T. Houze, have considered the same, and report as follows:

The claimant served in a company of Alabama Volunteers in the Florida Indian war of 1836. His company was commanded by Captain Gunn, and he served in said war from June 1 to September 1, 1836, and was honorably discharged at the latter date.

He is now an aged and infirm man, and in need of relief, and your committee believe he should have a service pension for his honorable services rendered more than fifty years ago.

The passage of the bill is recommended, amended, however, by striking out the name "I.T. Houze" in the caption and in line 5 of the bill, and inserting in lieu thereof the words "Isaac T. Howze."

The amendments recommended by the committee were adopted.

Mr. McRAE. Mr. Chairman, I introduced this bill and another like it for E. C. Paschal, the comrade of this applicant, for \$12 a month. The bill for Mr. Paschal was called up for me by the present occupant of the chair [Mr. KILGORE], and at the suggestion and motion of a member of the Invalid Pensions Committee the rate was increased to \$20 per month. These men, alike deserving, ought to They are about the same age and circumstanced alike These men, alike deserving, ought to be treated alike.

I therefore move an increase in this case to twenty. The name should

be Isham instead of Isaac.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## WILLIAM FOWLER.

Mr. MERRIMAN called up the bill (H. R. 10216) granting a pension to William Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Fowler, at the rate of \$20 per month.

The report (by Mr. CHIPMAN) was read, as follows:

The report (by Mr. CHIPMAN) was read, as follows:
William Fowler was a captain in Company C, Twelfth New York Volunteers, and at the battle of Bull Run was wounded in the shin of left leg, and had the big toe of the left foot shot away and two next toes broken. Afterwards he resultsted and was mustered in as captain of the same regiment.

By reason of incapacity to march, on account of injury to his foot and leg, he was made chief of ambulances, and during service as such incurred, while riding on horseback, as his duty required, a partial hernia, which he did not know to be serious until about a month after his discharge in 1863. Since that time he has been greatly troubled with it and with the wounds in his foot, especially during the last fifteen years, in which time he has grown to be very large, rendering his weight on his foot a cause of pain, and any exertion liable to cause his intestine to protrude through the hernia.

He was pensioned at the rate of \$5 per month for the wound in the leg, but his claim for the foot and hernia was rejected on the ground that at date of rejectien, February 5, 1884, no pensionable disability of foot and hernia had existed until April 1, 1881, the day after the filing of his application. September 20, 1887, the case was reopened, but finally rejected: nine affidavits from as many reputable physicians and surgeons, all of whom testified to his disability from wounded foot and hernia and his incapacity to follow his trade as a builder, were filed when the case was reopened. Some of these physicians and surgeons have frequently fitted him with trusses; others have attended him personally; all of them have known him well for years and have examined his physical condition. If their testimony is true, he is in a very bad way and should have the relief provided in the bill, which ought to pass.

The hill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### JAMES METCALF.

Mr. MOFFITT called up for consideration the bill (H. R. 11311) granting a pension to James Metcalf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James Metcalf, father of James A. Metcalf, late of Company E, Second New York Cavalry Volunteers, said pension to date from January 13, 1865, and at the rates per month as is established by and pursuant to the pension laws and the several amendments thereto, and the provisions of the same.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

James Metcalf is the father of James A. Metcalf, who died in the service January 13, 1865, while serving as private in Company E, Second Regiment New York Cavalry. The mother of the soldier applied for pension, but her claim has been rejected on the ground that she was not dependent upon the soldier at the time of his death. This action was based upon the report of a special examiner, from which it appears that at the time of the son's death the father was possessed of a farm, probably worth \$1,200, and had an income from two 2-horse teams employed in hauling. The farm was not very productive, and only partly paid for at that time. In fact, the son's bounty aided in the payment on the farm.

The father has been a sufferer from asthma and other disabilities for many years. He, being uneducated, was compelled to rely much on the son in the business of teaming. Ill health, and consequent inability to attend to the business properly, gradually reduced the income from all sources, and finally the property had to be disposed of. For years mother and father have been dependent upon others not legally bound to aid in their support. The mother died July 4, 1888, whereupon the father applied for pension. His claim, although not yet formally rejected, must be rejected upon the ground of non-dependence upon the son at the time of his death.

Present dependence of the claimant being fully shown, your committee, in view of the many precedents in this class of cases, report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out all after the word "volunteers," in line 6.

Mr. McMILLIN. Let the bill be reported again, so that the effect

Mr. McMILLIN. Let the bill be reported again, so that the effect of the amendment will be seen.

The bill was again reported.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do

## MARY REYNOLDS.

Mr. FINLEY called up for consideration the bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reynolds, to the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore and place on the pension-roll the name of Mary Reynolds, widow of Lewis Reynolds, late of Company D, Seventh Kentucky Volunteer Infantry, and pay her a pension of \$12 per month, subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. HUNTER) was read, as follows:

The soldier, Lewis Reynolds, was a private in Company I, Seventh Kentucky Volunteers, from the 3d of September, 1861, to the 14th day of September, 1863, when discharged for disability. He applied at once for pension, and his name was placed on the pension-roll at the rate of \$3 per month from the date of dis-

was placed on the pension-roll at the rate of \$3 per month from the date of discharge.

He died March 6, 1875, and upon application his widow, the claimant, was pensioned at the rate of \$3 per month from the date of his death. In 1880 her name was dropped from the rolls upon evidence obtained through a special examination, which showed that the soldier's death was due to an acute attack of pneumonia and not to a chronic disease of the lungs, as had been shown by the testimony upon which the pension had been granted to the widow.

The claim was again specially examined in 1885, and from a careful reading of the report of that examination, as well as of other evidence in the case, your committee are of the opinion that the physician, Dr. Green, who attended the soldier during his last sickness, was too ignorant to discriminate between hectic fever and pneumonia. The former always accompanies consumption in its last stage, and this the physician denominated pneumonia.

The certificate of Surgeon A. B. Corant, dated September 14, 1863, upon which soldier was discharged from the military service, states:

"I certify that I have carefully examined the said Lewis Reynolds, of Captain Wilson's company, and find him incapable of performing the duties of a soldier because of chronic diarrhea and debility resulting from intermittent fever, and also loss of the right eye from small-pox. He is unfit for the Invalid Corps."

fever, and also loss of the right eye from small-pox. He is united to Corps."

The certificates of the examining surgeons of the Pension Bureau and the testimony obtained by that office, as well as that filed by the claimant, clearly establish the fact that from the date of the soldier's discharge to that of his death he was a diseased man, affected by a paralysis of his right side and arm, particularly affecting his right chest, and disabling him for labor.

Dr. James W. Jackson, who treated the soldier in his last illness, testified before Special Examiner Hopkins that when he was first called to treat soldier he found him with pneumonia of both lungs; that he was in general appearance a man of delicate health, thin-visaged, rather thin in flesh, and minus the ordinary vigor of robust manhood to throw off or withstand the attack of pneumonia. Special Examiner Hopkins, in his report to the office, stated:

"T believe the widow is entitled to be restored to the rolls, and I accordingly recommend the case for admission."

Your committee recommend the passage of the bill.

Mr. McMILLIN. Let us have the bill read again. I am not sure

Mr. McMILLIN. Let us have the bill read again. I am not sure that it does not give arrears.

The bill was again read.

Mr. STRUBLE. I would like to inquire whether that bill would not draw arrears?

Mr. DOCKERY. the pension laws." It is "subject to the provisions and limitations of

Mr. STRUBLE. If the proposition is to restore her name to the pension-rolls, as I understand the law, when the names are restored to the rolls, the parties draw pensions from the time they were dropped.

Mr. McMILLIN. That was the reason why I made the inquiry. I

had the same impression that the gentleman from Iowa has.

Mr. STRUBLE. I think that bill had better be amended so as to make it clear.

The CHAIRMAN. Does the gentleman offer such an amendment? Mr. STRUBLE. I would suggest that it be made "from and after the passage of the same."

Mr. CHEADLE. I hope the amendment will not be adopted. Certainly there can be no good reason for its adoption. If the name was improperly dropped from the roll and is restored, if it carries with it

any arrearage, it ought to carry it.

Mr. McMILLIN. But the gentleman from Indiana will remember that the universal practice of the House for many years, where relief has been given by the intervention of Congress, has been to make the rate from the date of passage, whatever it was. I will move an amendment to strike out the words "to restore and," and let it read "place upon the pension-roll."

Mr. STRUBLE. I will withdraw the amendment I offered if the gentleman from Tennessee intends to make one of like import.

The Clerk read the amendment, as follows:

Strike out the words "subject to the provisions and limitations of the pension laws of the United States" and insert "from and after the passage of this act."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do

#### ORDER OF BUSINESS.

Mr. DOCKERY (when Mr. MORRILL's name was called) said: The gentleman from Kansas [Mr. Morrill] is absent in the performance of a duty well understood by the House, and I ask that his name be passed without prejudice to his right to call up a bill.

MRS. LOU GOBRIGHT M'FALLS.

Mr. NELSON called up for consideration the bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls.

The bill was read, as follows:

Be it enacted, etc., That the pension of \$20 per month heretofore granted and now allowed to Mrs. Lou Gobright McFalls, widow of Capt. Thaddeus B. McFalls, be, and the same hereby is, increased to the sum of \$40 per month; and that the Secretary of the Interior be, and he hereby is, directed to pay to her the sum last mentioned per month from and after the passage of this act.

The report (by Mr. LYNCH) was read, as follows:

The report (by Mr. LYNCH) was read, as follows:

This bill proposes to increase the pension of the claimant from \$20 per month, the amount she is now receiving, to \$40 per month. The bill was favorably reported upon and passed the Senate at the Forty-ninth Congress, and has also been favorably reported and has passed the Senate at the present session. The Senate report accompanying the bill says:

"Mrs. McFalls is the widow of Thaddeus B. McFalls, late a chaplain of the United States Army, with the rank of captain. She is now receiving a pension of \$20, according to the rank of her husband when he died in the service. During the war he not only discharged the duties of chaplain, but was very efficient as a nurse in the different hospitals of Washington, where by contact with discase and the hardships of the duties he performed the disease commenced which terminated his life.

"Captain McFalls, in addition to his regular duties as chaplain, did faithful service as nurse in various hospitals and was, at different times, in fact, in charge of three hospitals in the city of Washington.

"The efficient service performed by Captain McFalls in this way, outside of his regular duties, seems to make this case an exception, and your committee reaffirm their former action and recommend the passage of the bill."

It is shown by evidence before your committee that at the beginning of Mr. McFalls's services he was a strong, hardy man, weighing from 180 to 200 pounds, but by constant contact with sick, wounded, and dying soldiers for so long a time he was reduced to a mere shadow, which terminated in death.

The committee report adversely on the bill, and recommend that it do lie on the table.

Mr. DOCKERY. I understand that this is an adverse report. Mr. NEISON. The committee go on and state all the facts of the case, showing a clear case where the party is entitled to an increase, and then afterwards say it is an adverse report. It is the most singular report I have ever seen. Everything in it except the last line is favorable. [Laughter.]

Mr. OWEN. Let us have the report read again.

The report was again read.

Mr. NELSON. I can not account for that last sentence. The committee have as favorable a report as it is possible of the case, and then I think by some kind of an accident these words, that it is an adverse report, are added at the close. I move that the bill be favorably reported.

Mr. CHEADLE. Mr. Chairman, I would state that unless there is a constitutional quorum the bill will not pass to-night.

Mr. STRUBLE. Suppose there is a quorum without the constitu-

Mr. CHEADLE. Here is the action of our committee. The Committee on Invalid Pensions, after a careful hearing of all the facts, state what the report of the Senate committee had said and then report to

this House adversely and that the bill lie upon the table. I think there is good reason, Mr. Chairman, why it should lie on the table, because the report itself shows that the claimant is now receiving pension at

the highest rate known to the general law.

Mr. NELSON. Oh, no.

Mr. CHEADLE. It is the highest pension known for the widow of a captain.

Mr. NELSON. Oh, for the widow of a captain. That is true.
Mr. CHEADLE. And I want to take just a few moments' time to say that you can not find, nor can any other living human being find, any reason in law why the widow of one soldier of the Union should receive a higher rating than should the widow of another soldier of the

Mr. NELSON. Will the gentleman allow me? Mr. CHEADLE. I want to make one single I want to make one single statement further. There is nothing in that report to show why they should give an amount over and above the general law; not a single reason. More than that, I think all that the report has stated is true.

Mr. NELSON. Will the gentleman allow me?

Mr. STRUBLE (to Mr. CHEADLE). Is not this the same objection that you have raised to all reports favoring an increase of pension above the legal rate?

Mr. CHEADLE. I am only dealing with the case under considera-

Mr. NELSON. Will the gentleman yield to me for a moment?
Mr. CHEADLE. Yes, sir.
Mr. NELSON. I am unwilling to have the time of the committee taken up with this bill unnecessarily, and I am always willing to meet a gentleman more than half way. I suggest, therefore, that we amend this bill, for the sake of compromise and harmony, and let it go at \$30 per month.

Mr. CHEADLE. So far as I am concerned I shall not consent to

Mr. CUTCHEON. Will the gentleman from Minnesota tell us what reason there is for giving this widow more than we give to the widow of a captain who fell in battle in the line of his duty?

Mr. NELSON. The reason, if the gentleman will allow me, is this: This officer was a chaplain in the Army. As such it was not incumbent on him to perform any other duty than that pertaining to his office; but he went outside of the sphere of his regular duty and took charge of three hospitals, and in addition to his duties as chaplain devoted his time and attention to the care of the sick—a very unusual thing in a chaplain; they generally confine themselves to things spiritual; but here was a chaplain who did what I wish to God more chaplains in the Army had done, a chaplain who looked after the temporal affairs of the soldiers. I remember very well (if the House will pardon a reminiscence of my army experience) that in the Fourth Wisconsin Regiment, of which I was an honored member [laughter], we had a chaplain who was a Universalist, and while some chaplains carried Bibles, that chaplain, A. Constantine Barry (the first superintendent of schools in the State of Wisconsin), carried a canteen of whisky, and when a poor soldier fell down he went to him and gave him a drink of

that instead of a missionary tract.

Mr. STRUBLE. That is if he had any left. [Laughter.]

Mr. NELSON. Now I imagine that a chaplain who has such qualities is surely entitled to more consideration than an ordinary chap-

lain, and this report indicates that the chaplain in question here had something in him of the spirit of old Constantine Barry, of the Fourth Wisconsin-peace to his memory! Now, Mr. Chairman, by way of compromise, and to show our good will to chaplains of this kind, I suggest that we amend this bill and make the pension \$30 a month instead of

Mr. MACDONALD. I suggest an additional amendment by way of compromise, that we strike out this man's name and insert Constan-

omprofiles, that we strike out this man's hame and insert Constantine Barry's. [Laughter.]

Mr. NELSON. Oh, Constantine Barry has gone up where they pay better pensions than they do in this world.

Mr. MACDONALD. But has not he left a widow?

Mr. CHEADLE. Mr. Chairman, granting all that the distinguished gentleman from Minnesota has said, I ask him now in all candor what is that for increasing the payering of the widow in this case? reason is that for increasing the pension of the widow in this case? Because her husband as a chaplain went outside of his particular duty and performed other duties, shall we therefore give his widow a larger pension than is given to the widow of a man who died in the war in order that the Union might not perish?

Mr. NELSON. There is no occasion to argue the question if the gen-

tleman will agree to the compromise I have suggested.

Mr. CHEADLE. This is only a companion piece to another case that was before this House a few evenings ago, in which it was sought to increase a pension from \$50 to \$100 a month; and I want to say to this House to-night in reference to that particular case, that at that time a member of this Congress was negotiating with that widow to rent her house at \$150 a month, she to retain the piano; and she has a daughter who is a clerk in one of the Departments and is receiving a salary of not less than \$1,000 a year. I say, Mr. Chairman, that so far as my influence is concerned this particular class legislation shall cease. Mr. NELSON. But the gentleman does not think I have any such

Mr. CHEADLE (continuing). Especially so when my position is backed up by the unanimous report of the Committee on Invalid Pensions of this House.

Mr. NELSON. If the gentleman insists on making the point of no quorum, I will withdraw the bill. Does he do that?

Mr. CHEADLE. I do, most assuredly.

Mr. NELSON. Then I will withdraw the bill and ask to substitute

another.

Mr. CHEADLE. I will say to the gentleman that if he desires to have this bill go over to a full House I shall enter no objection.

Mr. NELSON. Can not it be reported to the House?

Mr. CHEADLE. Yes; with the order made that in the House the previous question shall be considered as ordered.

Mr. NELSON. Then let us have the bill reported back to the House with the previous question ordered upon the engrossment, third reading, and passage of the bill, and with the understanding that it shall

be called up only in a full House. Mr. McMILLIN. I will ask the gentleman from Minnesota [Mr.

NELSON] whether it is his purpose to call up this bill to-morrow?

Mr. NELSON. Oh, no; I do not want to interrupt the proceedings of the House. I merely desire to call up the bill on some favorable opportunity when it will not interfere with the general business of the House.

Mr. OWEN. Regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will resume the call of the roll.

Mr. NELSON. Well, Mr. Chairman, I understand this arrangement is consented to.

The CHAIRMAN. The order as agreed upon between the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Minnesota [Mr. NELSON] will be entered, unless there is objection.

Mr. NELSON. And that means \$30 a month instead of \$40.

Several MEMBERS. Oh, no.

Mr. NELSON. All right.
The CHAIRMAN. The Chair hears no objection, and the order will

#### PERMELIA SMITH.

Mr. NICHOLS. I call up the bill (H. R. 10879) increasing the pension of Permelia Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Permelia Smith, widow of William M. Smith, a private in T. W. Armstrong's company, Twenty-fourth Regiment United States Infantry, in the war of 1812, a pension of \$25 per month, in lieu of the pension of \$12 per month as now allowed her by law.

The report (by Mr. BLISS) was read, as follows:

The claimant is now in receipt of a pension at the rate of \$12 per month. She is the widow of William M. Smith, who was a private in Maj. T. W. Armstrong's regiment, Twenty-fourth United States Infantry, in the war of IS12.

She is now nearly sixty years of age, in infirm health, and unable to labor for a support, and without means of any kind. These facts are certified to by prominent citizens of Liberty, Ky.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MARY WHITNEY.

Mr. O'DONNELL. I ask the consideration of the bill (H. R. 5790) granting a pension to Mary Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Whitney, widow of William E. Whitney, late a private in Company I, Twenty-first Michigan Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

The report (by Mr. CHIPMAN) was read, as follows:

The husband of the claimant, William E. Whitney, was mustered into the service as a private of Company I, Veteran Michigan Infantry, July 29, 1864, and was discharged June 16, 1865. He was wounded in the line of duty at the siege of Savannah, Ga., December 13, 1854, in the knee-joint, which necessitated amputation. For this he was pensioned September 16, 1865, which pension was paid up to the time of his death, September 17, 1833.

The widow lived with her husband for over thirty years, is now over sixty years old, and has reared a family of children. She is now poor, and has no support save her labor, and her age should exempt her from work. The soldier was astrong and healthy man when he entered the service. His woundtroubled him from the time received until his end, and it is fair to presume that it shortened his life and was the cause of his death. As this is the case of an aged widow, who is very poor, it ought to receive the most favorable consideration. Her application for pension was rejected because it did not appear that death resulted directly from the amputation. Her husband left her to serve his country in the vigor of years and health. He returned to her with the loss of one leg, and health permanently impaired.

So far as she is concerned it is of no consequence whether the death was the direct or indirect result of his wounds. If amputated limbs and broken health enable a man to resist disease as if he was in health and not dismembered, also ought to have no relief. If, on the contrary, they tend to lower the tone of the constitution and impair the power to resist and to overcome disease, then she ought to have no relief. If, on the contrary, they tend to lower the tone of the constitution and impair the power to resist and to overcome disease, then she ought to have in. We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. O'NEILL, of Pennsylvania. I call up the bill (S. 3628) granting an increase of pension to Emma Biddle.

The bill was read, as follows:

Be it enacted, etc., That the pension of Emma Biddle, widow of Charles J. Biddle, late captain of United States Infantry, transferred to a captaincy in the United States Regiment of Voltigeurs, Mexican war, and colonel of First Rifigs, Bucktails, of Pennsylvania, in the rebellion, and acting brigadier-general, be, and the same is hereby, increased from \$20 to \$45 per month.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. Bhiss) was read, as follows:

The Committee on Pensions, to whom was referred the bill (8. 3628) granting an increase of pension to Emma Biddle, have considered the same, and report it back to the House, recommending its passage.

This committee, at the last session of the present Congress, reported favorably a bill increasing the pension of this claimant to \$50 per month (H. R. 4074), which is now on the Calendar of the House. The facts in the case, and which warrant the increase of pension, are fully stated in the report accompanying said House bill, which report (No. 3030) is referred to and made a part hereof.

[House Report No. 3030, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 4074) granting an increase of pension to Emma Biddle, have considered the same, and re-

port as follows:

The claimant is the widow of Charles J. Biddle, who was a brave and distinguished officer both in the war with Mexico and in the war of the rebellion. His military history is given in the following communication from the Adjutant-General, United States Army:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, July 17, 1888.

Washington, July 17, 1888.

Sir: I have the honor to submit herewith a letter from the Committee on Pensions, House of Representatives, dated the 10th instant, requesting for use of the committee a full military history of Charles J. Biddle, and report as follows:

The records of this office show that Charles J. Biddle was appointed eaptain of infantry February 16, 1847, assigned to Voltigeurs April 9, 1847, and received the brevet of major September 13, 1847, for gallant and meritorious conduct in the battle of Chapultepec, Mexico.

He served with his regiment in Mexico to June, 1848, and as aid-de-camp to General Kearny, until honorably discharged, August 29, 1848.

Charles J. Biddle was mustered into service as colonel Thirteenth Pennsylvania Reserves, to date June 21, 1861, to serve three years.

Roll of field and staff, dated October 2, 1861 (first on file), reports him "colonel, present;" and roll dated October 31, 1861, "colonel, present, commanding first brigade, General Banks's division, till September 25, 1861, from August 28, 1861.

first brigade, General Banks's division, till September 25, 1861, from August 28, 1861."

Regimental return for September, 1861, reports him "colonel, present, commanding regiment," with remark: "Commanding first brigade, Banks's division, till September 24, when relieved in order to join General McCall's division; "for October, 1861, "colonel, present, commanding regiment," and for November, 1861, "colonel, absent on furlough since November 23."

He was honorably discharged on tender of resignation December 11, 1861, in special orders, Army of the Potomac.

His tender of resignation is as follows:

"Major-General McClellan,"

"Commanding Army of the Potomac and United States Army:

"General McClellan,"

"General in the Potomac and United States Army:

"General in the Potomac and United States army:

"In July last I was elected to tender to you my resignation as colonel of the First Rifle Regiment, Pennsylvania Reserve Volunteer Corps. In conformity with the Army Regulations (par. 1647) I state my reasons for so doing.

"In July last I was elected to the present Congress of the United States as the Representative of the Second Congressional district, Pennsylvania. At that time I was in command of two regiments of the reserve corps, which were first stationed on the southern border of Pennsylvania and afterwards occupied Cumberland, Md., and New Creek and Piedmont, Va.

"These places being within the limits of your command at that time, I had the honor to be twice thanked by you, once in your telegraphic order of July 18, and again in your order of July 19, for promptitude in the execution of your orders.

"The performance of these military duties prevented me from attending the

"The performance of these military duties prevented me from attending the extra session of Congress, and I have never since absented myself, even for a day, from my command, till I received last week, from your headquarters, leave of absence for seven days to enable me to visit my family and friends at Philadelphia.

Philadelphia.

"I have found myself strongly, indeed irresistibly, urged as a duty to my constituents to take my seat in Congress on the first Monday in December. Not without extreme reluctance, permit me to say, I now withdraw myself from your command, but I hold [Note,—This line missing in original from top of page] of the legislator and representative and those of the soldier are incompatible. For these reasons I now resign the commission of colonel which I hold from the Commonwealth of Pennsylvania.

"I have the honor to be, general, with the highest respect, your obedient servent."

"CHARLES J. BIDDLE,
"Colonel First Rifles, P. R. V. C.

"PHILADELPHIA, November 27, 1861."

Colonel Biddle declined an appointment as brigadier-general of volunteers in August, 1861, evidently for the same reason he subsequently tendered his resignation as colonel, his election as a member of Congress.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM, Adjutant-General.

The SECRETARY OF WAR.

Colonel Biddle died September 28, 1873, at Philadelphia, of disease which had its origin in the Mexican war service. His widow, the claimant, is now pensioned at the rate of \$20 per month. She is represented to the committee to be in needy circumstances, and her present pension is totally inadequate for her

support.

The following statement concerning the services of Colonel Biddle during the rebellion is taken from a memoir of his life by Hon. John Cadwalader, read before the Historical Society of Pennsylvania, and published in book form in

before the Historical Society of Pennsylvania, and published.

1874, namely:

"When the civil war broke out, in the spring of 1861, Major Biddle wrote to General Scott, then commander-in-chief, that he was ready to be again among his followers. He was one of the committee of public safety of Philadelphia, etc., and acted as prize commissioner in cases of naval capture, until he joined the army in the field on the first organization of the Pennsylvania volunteers. He was at first lieutenant-colonel, but soon became the colonel of a regiment which he brought in a very short time to a state of serviceable discipline. On the 29th of June, 1861, while in the field, he received intelligence of his nomination as a candidate for Congress at a special election to be held on July 2, only three days distant. three days distant.
"This was entirely unexpected. To the chairman of the local executive com-

mittee of his party he wrote at once that he was thankful for the nomination, an unsolicited honor, which had taken him wholly by surprise; that his presidit position was most congenial to him, but that he would not place his own interescence in opposition to the people's wish. He added, 'If elected I will greve as soon as I can quit the field without dishonor. Philadelphia would not expect me sconer. I will give no partisan pledges. I will try to do my duty in whatever sphere it may please God to place me.' He was elected by asmall majority. He then held a separate and important command, and did not feel at likerty to relinquish it in order to attend the special session of Congress, which began on July 4 and continued until the 6th of August, 1861. He remained in the field with the Army during the whole of that year's campaign. "On the 31st of August the President appointed him brigadier-general of volunteers. This appointment Colonel Biddle declined, as his continuance in fiftilitary service would be limited by his engagements to his constituents. He wrote, however, that he would continue to hold his colonelcy until the next meeting of Congress, and would not then quit the field if he found himself at the scene of active operations.

"He had been for some time before this offer of promotion in acting command of a brigade, of which he retained the command until it was decided, in the latter part of November, 1861, that the Army, including his regiment, should go into winter quarters. He then resigned his millitary commission, and in the month of December took his seat in Congress.

"On resigning the colonelcy he made an arrangement with his friend, General Andrew Porter, to go as a volunteer on his staff in case of an action. His friends knew that he gave up his commission with regret. The tendered commission of brigadier-general would have borne the same date with that of Meade, the companion of his boyhood."

In view of the valuable services of Colonel Biddle, as given above, your committee are of the opinio

During the reading of the report, Mr. PERKINS said: I ask unanimous consent that the reading of he evidence embodied in this report be dispensed with, and that only the concluding recommendation of the committee be read.

Mr. KILGORE. Oh, no; let the entire report be read.

The Clerk resumed and concluded the reading of the report.

Mr. COBB. I desire to inquire whether this lady is now receiving a

pension of \$30 a month.

Mr. O'NEILL, of Pennsylvania. She is receiving a pension of \$20 a month. Her husband was an acting brigadier-general during a portion of the war of the rebellion, having been an officer of the regular Army in the Mexican war. In view of the circumstances of the widow, the Senate passed a bill fixing the amount of this increased pension at \$45 a month. The House committee reported a bill naming \$50 as the amount; but because it was thought by some gentlemen that this widow should not receive more than \$45 per month, I have asked that the Senate bill be passed.

Now, Mr. Chairman, without detaining the committee more than a few moments, I wish to say a word in reference to this bill. Charles J. Biddle and I were companions from our youth until the time of his J. Biddle and I were companions from our youth until the time of his death. As a member of the Philadelphia bar he was an associate of mine. He was a most gallant man, who could not keep out of a war. He went into the Mexican war, and subsequently into the Union Army during the rebellion. After the war had begun, he was, to my very great disappointment, elected to Congress; for he was elected over me, he being a candidate on the Democratic ticket. At the time of his election he was at the head of his regiment in the Army. The consequence of his election was that, instead of my coming here to be with my present colleague, Judge Kelley, at the called session of 1861, my friend Charles J. Biddle was chosen.

Mr. COBB. Was this soldier, now deceased, elected to Congress as a Democrat?

a Democrat?

Mr. O'NEILL, of Pennsylvania. Yes, sir.
Mr. COBB. Then I have nothing more to say. [Laughter.]
Mr. KILGORE. I would like to inquire of the gentleman from Pennsylvania whether it is not a fact that the husband of this claimant resigned from the Army in 1861, was elected to Congress, and remained

Mr. O'NEILL, of Pennsylvania. No, sir. He did not resign to come to the extra session of Congress. The Army was moving, and he held his place. He did not resign until the Army had gone into winter quarters. He never came to the extra session.

Mr. KILGORE. Is it not a fact that he resigned in 1861, in time for the meeting of the regular session of Congress in that year—

Mr. O'NEILL, of Pennsylvania. Yes, sir.
Mr. KILGORE. And that he never went into the Army afterward?
Mr. O'NEILL, of Pennsylvania. He did not go into the Army again.
Mr. KILGORE. Did he serve in Congress during all the remainder of the war

of the war?

Mr. O'NEILL, of Pennsylvania. No, sir. He came hereand served his term; but, fortunately for myself, I was elected over him to the Thirty-eighth Congress, very much to my satisfaction.

Mr. KILGORE. Ah! And he never went into the Army any more. Mr. O'NEILL, of Pennsylvania. No, sir; but he had been through the Mexican war, in which he was distinguished beyond almost any other officer of his rank. He was named in the special orders of the great generals in that war. The seeds of disease, which finally resulted in his death, were implanted in his system at that time. He lingered on, a delicate man; but as I have said, he was so gallant that he could not keep out of a war for his country. not keep out of a war for his country. Mr. KILGORE. When did he die?

Mr. O'NEILL, of Pennsylvania. He died about fifteen or sixteen years ago.

Mr. KILGORE. What was the matter with him? Mr. O'NEILL, of Pennsylvania. He died in Philadelphia of diseas contracted during his service in the Mexican war originally. He died of lung disease, a lingering death; he died a hero.
Mr. COBB. Was he a Democrat when he died?

Mr. O'NEILL, of Pennsylvania. Yes, a Democrat when he died. Mr. KILGORE. How much is this? Mr. O'NEILL, of Pennsylvania. It has been reduced from \$50 to

Mr. KILGORE. That is a small reduction. How much does his

Mr. O'NEILL, of Pennsylvania. Twenty dollars.
Mr. KILGORE. How will it do to make it \$30 and quit?
Mr. O'NEILL, of Pennsylvania. Oh, no.
Mr. KILGORE. Oh, yes. If he had served during the war instead

of quitting the Army and going into politics—

Mr. O'NEILL, of Pennsylvania. He was nominated without his knowing about it. He did not resign his commission to come to Congress at the extra session, but staid while the Army was moving, and

until the first regular session of the Thirty-seventh Congress.

Mr. KILGORE. Was he under fire during the war?

Mr. O'NEILL, of Pennsylvania. Oh, yes, many times.

Mr. KILGORE. The report does not say that, according to my recollection, and I read the report the other day.

Mr. O'NEILL, of Pennsylvania. I state the facts. Let the bill go through as it is

through as it is.

Mr. KILGORE. I think an amendment putting this at \$30 would

be a salutary arrangement.

Mr. O'NEILL, of Pennsylvania. Oh, no.

Mr. KILGORE. Make it \$40.

Mr. O'NEILL, of Pennsylvania. Well, put it at \$40.

The amendment of the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### CHARLES G. SANDERS.

Mr. O'NEILL, of Missouri, called up for consideration the bill (H. R. 11515) granting a pension to Charles G. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place upon the pension-roll, subject to the rules and regulations of the Pension Department, the name of Charles G. Sanders, late private in Company H, Twenty-second Illinois Infantry.

The report (by Mr. WALKER) was read, as follows:

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11515) granting a pension to Charles G. Sanders, have had the same under consideration, and beg leave to submit the following report:

Charles G. Sanders, while serving as private in Company H., Twenty-second Regiment Illinois Volunteers, lost the sight of the left eye by the explosion of a cap which soldier was snapping on a pistol used by some of the members of the company while on target practice in camp near Caseyville, Ill.

The fact of the injury is established by the records of the War Department. The claim has been rejected by the Pension Bureau on the ground that the disability was not incurred in line of duty.

There were no orders issued in camp prohibiting the use of pistols or revolvers. The command was only partially furnished with muskets, the pistol in question being frequently used by different members of the company. It is not clearly shown by the evidence whether claimant had been furnished with a gun, but one thing is certain, and that is, he was engaged in target practice with others under the command of a commissioned officer when injured.

While the rejection of the claim may have been proper under the strict rules of the Department, yet your committee are of the opinion that, in the absence of any order against the use of pistols in target practice, the claimant should receive a pension for his disability contracted while perfecting himself in the duties required of a soldier, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## MARY H. STACY.

Mr. OSBORNE called up for consideration the bill (H. R. 3888) granting a pension to Mary H. Stacy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary H. Staey, widow of Bvt. Lieut. Col. M. H. Staey, late a captain in the Twelfth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month from and after the passage of this act.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R. 3888) granting a pension to Mary H. Stacy, submit the following report:

That the bill granting a pension to the beneficiary named herein was referred to the Committee on Pensions; that committee made a favorable report, which is hereto annexed and made part hereof. This committee, after carefully examining the papers, believe this to be a meritorious case, and they therefore recommend that the bill do pass, with an amendment striking out the word "fifty" in the seventh line, and inserting the word "thirty."

[House Report No. 3694, Forty-ninth Congress, second session.]

[House Report No. 3694, Forty-ninth Congress, second session.]
The record in the civil, naval, and military service of the United States of
Byt. Lieut. Col. H. M. Stacy, late United States Army, the husband of Mary H.
Stacy, is specially meritorious.
At nineteen years of age he accompanied General Beale on his United States
survey across the continent to California, returning by ship via Calcutta and
Cape of Good Hope. He then joined the United States steam-ship Crusader as
master's mate, and subsequently served in the Coast Survey. Upon the out-

break of the rebellion he was appointed first lieutenant Twelfth United States Infantry, May 14, 1861, and assisted in the organization of the first battalion at Fort Hamilton, accompanying it to the Peninsula. At Gaines's Mill he received a severe wound, carrying the bullet in his side until, and causing, his death. As adjutant of his battalion he served at second Bull Run, Antietam, and Fredericksburgh. Being temporarily disabled from field service by a severe fall from his horse he was on duty at Fort Hamilton in 1863, and assisted, with his company, in quelling the draft riots in New York in July of that year.

Returning to the field, he participated in the Wilderness campaign, and was present in all the battles of the Fifth Corps from the Rappahannock to the James. As aid-de-camp to General Ayres he served in front of Petersburgh and at the Weldon Road, winning two brevets for special gallantry in battle.

Promoted captain Twelfith Infantry August 19, 1864, he was appointed commissary of musters, Second Army Corps, and saw hard service as aid-de-camp under Generals Hancock and Humphreys at Boydton Plank Road, Hatcher's Run, etc., and throughout the closing campaign, and was again brevetted for distinguished services.

From 1864 to 1869 he served on the staffs of Generals Canby and Emory as aid-de-camp, and then was ordered with his regiment to the Pacific coast, where he served for fourteen vears in California, Nevada, and Arizona. After that he was stationed at Plattsburgh and Fort Ontario.

Brevet Lieutenant-Colonel Stacy died at Fort Ontario, N. Y., February 12, 1886, from paralysis, caused by the wounds he received in the service of the Government while on duty, leaving his wife and three children in needy circumstances. They are at present dependent upon the small pension allowed under existing laws for support.

The committee recommend that the bill do pass. They append the official record of his millitary services.

The committee recommend that the bill do pass. They append the official record of his military services.

Stacy, M. H. Born in Pennsylvania; appointed from Pennsylvania first lieutenant Twelfth United States Infantry May 14, 1861; at Fort Hamilton, New York Harbor, to March 5, 1862; at the siege of Yorktown and operations around Richmond, to battle of Gaines's Mill, Va., June 27, 1862 (wounded); acting adjutant first battalion Twelfth Infantry; adjutant first battalion Twelfth Infantry, August; with battalion as adjutant at second battle of Bull Run August 20, 1862; Maryland campaign, ending with battle of Antietam; Virginia campaign, ending with battle of Fredericksburgh, December 11, 12, and 13; seriously injured by a fall from his horse on December 25, 1862; on temporary light duty in Washington, D. C., from latter part of January, 1863, until February, 1863; appointed battalion quartermaster third battalion Twelfth Infantry, February, 1863; on duty at Fort Hamilton, New York Harbor; sent temporarily to fort at Sandy Hook with Company F, second battalion Twelfth Infantry, June, 1863; on duty with that company during the draft riots in July, 1863; post adjutant, Fort Hamilton, New York Harbor, 1863; relieved as quartermaster third battalion and appointed quartermaster rists battalion Twelfth Infantry in the field early in December, 1863; relieved as quartermaster third battalion and appointed quartermaster first battalion Twelfth Infantry, August 19,1864; engaged in the Wilderness campaign and with battalion until June 8, 1864, engaged in the Wilderness campaign and with battalion until June 8, 1864, engaged in the Wilderness campaign and with battalion until June 8, 1864, appointed earling aid-de-camp to Brig. Gen. R. B. Ayres, commanding second division, Fifth Corps; promoted captain Twelfth Infantry, August 19,1864; with General Ayres at explosion of the mine July 30, 1864; also operations around Petersburgh, including battless on Weldon Railroad, Virginia; on receiving service from July, 1864; appointed c

The amendment was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

## JOHN EBERT.

Mr. OUTHWAITE called up for consideration the bill (H. R. 10337) granting a pension to John Ebert.

The bill was read, as follows:

Be it enacted. etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Ebert, late a private in Company A, One hundred and fourteenth Regiment Ohio Volunteers.

The report (by Mr. Thompson, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10337) granting a pension to John Ebert, have had the same under consideration, and beg leave to submit the following report:

The claimant served as private in Company A, One hundred and fourteenth Ohio Volunteers, from August 15, 1862, to July 31, 1865. He alleges that he became disabled from varicose veins of left leg while marching in different parts of the States of Mississippi, Tennessee, Florida, Arkansas, Texas, and Louisiana. His claim has been rejected on the ground that the disability existed prior to enlistment.

His claim has been rejected on the ground that the disability existed prior to enlistment.

There is no adverse evidence in the case except the claimant's honest and voluntary admission that about three years prior to his enlistment he discovered a slight eruption of the large vein on the side of the left foot and extending to the ankle.

The disability for which pension is claimed is located, however, above the original trouble. The certificate of examination shows enlarged veins from the ankle to 6 inches above the knee-joint.

Claimant endured many hard marches before he became in any way disabled. The record shows that he suffered from malarial fever after nearly a year's service, and also later on. Enlarged veins are often caused from such fever, although such is not claimed in this case,

The service is charged with the varicosed condition of the leg above the ankle, and even admitting that there may be a connection between the acknowledged enlargement of the large vein on the side of the left foot below the ankle and the now existing varicose veins of leg from ankle to above the knee-joint, it is equally clear that the service is responsible for the aggravation of the original trouble and the resulting disability therefrom.

Taking this view of the case, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### GEORGE W. LLOYD.

Mr. OWEN called up for consideration the bill (H. R. 7566) granting a pension to George W. Lloyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George W. Lloyd on the pension-roll, subject to the pension laws of the United States, he being a soldier in the late war, in Company D, Tenth Missouri Cavalry.

The report (by Mr. MATSON) was read, as follows:

morized and areceded to pace his mane of decope w. Loyd on the pension oil, subject to the pension laws of the United States, he being a soldier in the late war, in Company D. Tenth Missouri Cavalry.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7566) granting a pension to George W. Lloyd, have had the same under consideration, and now report:

The claimant enlisted September 25, 1861, as a private in Company D. Tenth Missouri Cavalry, and was discharged October II, 1864. In application for pension filed July 14, 1881, he alleges that at Batesville, Ark., April 1, 1862, he received a rupture in the lower part of the bowels while charging the enemy's lines at the battle of Pea Ridge, Ark., and also that he incurred left scrotal hernia (inguinal) by the fall of his horse at the battle of Pea Ridge, Ark., March 8, 1862. The case was rejected upon the ground that there is no record of the alleged hernia of left side, no testimony as to origin or treatment in service, and that claimant has declared his inability to furnish any evidence as to origin or treatment in service, and the obtained a furlough and went home. He afterwards returned to his company and regiment, and was able to perform camp and detached duty until he was mustered out in 1864. Prior soundness is fully proved.

Orin J. Thompson testifies that he saw him immediately on his return home from the Army, in October, 1861:

"He then had a very bad rupture of left side. It troubled him so at this time that he called my attention to it and showed me the rupture. It was as large as my fist, and I can well remember said circumstance. Further, he has had this same rupture continuously since he came onto for the Army; I have seen it many times; have worked with him, and he can not do any lifting that strains him in the lensi.

Whilmson T. Scutchfuld testifies as follows:

"His was worked with him, and he can not do any lifting that strains him in the lensi."

"He has how worked with h

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MINOR CHILDREN OF JOSEPH SAWYER, DECEASED.

Mr. PARKER called up for consideration the bill (H. R. 461) for the relief of the minor children of Joseph Sawyer, deceased.

The bill was read, as follows:

Be it enacted, ets., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mary A. Sawyer, Frank D. Sawyer, Frederick C. Sawyer, William F. Sawyer, and Edmond I. Sawyer, infant children of Joseph Sawyer, deceased, late superintendent of the Life-Saving Service in the tenth district of the United States, and who was drowned while serving in the line of his official duty, October 20, 1880, a pension at the rate of \$10 per month each, from and after the passage of this act, until they shall become of the age of twenty-one years, respectively.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10126) granting a pension to the minor children of Joseph Sawyer, deceased, have considered the same, and report as follows:

The following letters from the honorable Secretary of the Interior and from the General Superintendent of the Life-Saving Service indicate the length of the officer's service and the manner of his death, with other important information pertinent to the matter of the bill, namely:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, "Washington, D. C., February 24, 1888.

"Sir: I have the honor to inclose herewith a letter of the General Superintendent of the Life-Saving Service in response to your communication of the 25th ultimo, transmitting a copy of bill H. R. 461, 'for the relief of the minor

children of Joseph Sawyer, deceased,' and requesting that the Committee on Pensions be furnished with such information and suggestions as he might think it desirable for the committee to have before them in connection with the consideration of said bill.

"Very respectfully,

"C. S. FAIRCHILD, Secretary.

"Hon, A. M. BLISS,
"Chairman of the Committee on Pensions,
"House of Representatives, Washington, D. C."

"Treasury Department,
"Office of General Superintendent U. S. Life-Saving Service,
"Washington, D. C., February 23, 1888.

"SIR: I have the honor to state that I have received from the chairman of the Committee on Pensions of the House of Representatives bill H. R. 461, 'for the relief of the minor children of Joseph Sawyer, deceased,' with the request that the committee be furnished with such information and suggestions as I may think desirable for them to have in connection with the consideration of

the relief of the minor children of Joseph Sawyer, deceased, with the request that the committee be furnished with such information and sugastions as I may think desirable for them to have in connection with the consideration of said bill.

"In response I herewith submit for transmission to the committee a copy of the annual report of the Life-Saving Service for the fiscal year ending June 30, 1881, on pages 59 to 64 of which is given a circumstantial account of the manner in which Mr. Sawyer lost his life and a brief statement of his connection with the service, which also shows the estimation in which he was held by the officers in charge.

"He assumed the duties of his office January 12, 1875, and died October 20, 1880, making the term of his service four years nine months and eight days. His salary during this time was at the rate of \$1,000 per annum. The district which he supervised was a large and important one, and the compensation of his successor was increased about a year and a half after his death to \$1,800 per annum by the act of May 4, 1882.

"There is no statute making provision for the widows and children of the district officers of the Life-Saving Service in the event of their death in the line of duty, section 8 of the act of May 4, 1882, being applicable only in the case of keepers of stations and their crews.

"Mr. Sawyer is the second district superintendent who has lost his life by drowning in the discharge of his official duty, the other being John J. Guthrie, late superintendent of the sixth district, who perished in an attempt to render assistance at the wreck of the United States ship of war Huron, on the coast of North Carolina, on November 24, 1877. In his case Congress authorized a pension to be paid his widow at the rate provided for a deceased captain of the Navy (see act of May 25, 1878, Statutes at Large, volume 20, chapter 130, page 533).

"Respectfully, yours. 533).

"Respectfully, yours,

"S. I. KIMBALL,
"General Superintendent,

"The SECRETARY OF THE TREASURY."

Pages 59, 60, and 61 of the annual report of the Life-Saving Service for 1881 are devoted to a circumstantial account of the brave and courageous manner in which Captain Sawyer met his death by drowning, while in the performance of his official duty.

The widows and children of keepers and members of crews of the Life-Saving Service are provided for for the period of two years at the full pay of the husband or father. No such provision exists for the relief of the relatives of a superintendent. Congress has, in the case of Superintendent Guthrie, deceased, granted a pension to his surviving widow.

It is shown by evidence before the committee that the wife of Captain Sawyer died seven months prior to his lamentable death, and that by his death his five children were left destitute; the eldest is now cared for by a maternal uncle, but the four youngest, all under sixteen years of age, are supported by a maiden sister of Captain Sawyer, whose chief support is obtained by the use of her needle.

needle. His children are bright and intelligent, and your committee believe they are justly entitled to the aid of the Federal Government in providing for their support and education.

Captain Sawyer, it may be proper to state, had also an honorable service in the Navy, as an officer, from December 7, 1863, until November 22, 1865. He was a brave and devoted officer in both of his services.

Your committee recommend the passage of the bill.

Mr. CHEADLE. There is objection to that bill. I ask it be again

The bill was again read.

Mr. CHEADLE. The bill under consideration is in direct violation of the well-established principle upon which all pensions are granted. The general law only grants \$2 a month until the children reach sixteen years of age, while this bill proposes to increase the rate to \$10 a month and to give the pension until they arrive at twenty-one years of

Again, this is the beginning of legislation in which we shall have a large civil pension-list, and it does seem to me the bill ought not to

pass in its present shape.

I am told that the Commissioner of Pensions has advocated in possibly more than one annual report the increase of rating from \$2 to \$5 a month of the infant children, and, so far as I am concerned, I think that if you will make the rating in this case \$5 and reduce the period

to sixteen years the bill might pass.

Mr. PARKER. Why do you not move that, then?

Mr. CHEADLE. Then I move to strike out the word "ten" and insert "five," and strike out "twenty-one" and insert "sixteen."

Mr. RUSSELL, of Massachusetts. I will state to the gentleman that that is equally an extension of the pension law to the civil-service list. I object to the bill altogether, and I think the gentleman ought to do so, too, if he means to be consistent with his record.

Mr. CHEADLE. So far as I am concerned I have no doubt-for it seems to be the policy to increase pensions-I have no doubt that the pensions awarded to the minor children in a short time will be increased to \$5 a month; and for that reason, individually, if the bill is to become a law at all, I think it should only do so with the rate fixed at that sum. In my judgment, however, the bill ought not to pass

Mr. RUSSELL, of Massachusetts. Then stick to that,

Mr. SAWYER. Why do you not stick to it if you want to? Mr. RUSSELL, of Massachusetts. Well, his business is in that di-

Mr. RUSSELL, of Massachusetts. Well, his business is in that direction; I am merely reminding him of consistency. [Laughter.]
Mr. McMILLIN. Mr. Chairman, I agree in what the gentleman from Indiana has said with regard to this pension. I think it is a question involving more than dollars and cents, or more than hundreds of dollars to the children of a deceased official. It goes far beyond that. If it were simply a proposition that a few dollars more or less should be read to these shiften who are the contraction. be paid to these children, who are undoubtedly deserving, and they certainly have my sympathy for the condition I understand they are placed in, that would be a question that would appeal to our sympathy for the condition I was a proper to the condition I was a great that according to the condition I was a great that according to the condition I was a great that according to the condition I was a great that according to the condition I was a great that according to the condition I was a great that according to the condition I was a great that according to the condition I was a great that a a thies and meet a fitting response on that score. But there is a great principle of legislation involved here that we must bear in mind. We have drawn the line heretofore and should draw it now and hereafter

upon military services.

I do not believe it is wise to enter upon the pension-list others than those engaged in the military service, because if you do you will never be able to draw a distinction between the classes of civil employés themselves; and I hope the gentleman in charge of the bill will not

press its consideration to-night.

Mr. PARKER. Mr. Chairman, I suppose we have heard all that can be said against this bill. It is due now to the bill and to these children who are interested in its passage to give a statement of facts on which the bill is based, as well as to meet the question of precedent which has been raised here,

Gentlemen are mistaken in saying that this is a new movement or principle of legislation. They are mistaken in saying there is no civil pension-list; they are mistaken in saying that this is a new departure, a new proceeding in regard to the granting of pensions.

None of these things are true; it is not a new departure; it is not establishing a new principle; it is simply following precedents now in

This, Mr. Chairman, is the case of the children of Captain Sawyer. The mother died before Captain Sawyer did. There are now five children, the eldest being nineteen years of age, the second seventeen, the third fourteen, the next twelve, and the other nine. I will say here that Captain Sawyer did not leave any property, and these chil-dren are without parents, without means, and all four of the younger children are supported by the needle of a maiden sister. Sawyer served for four years and nine months at a salary of \$1,000 a Within a year and a half after his death his successor filling the same position was paid \$1,800 a year. This is one of the equities for remembering these children.

Again, the service in which he died was a service in the line of his duty, he being drowned while engaged in the Life-Saving Service off the coast in his district. Again, the cases to which I have referred and which are precedents, are these: In the cases of the keepers and crews which are precedents, are these: In the cases of the keepers and crews of the Life-Saving Service, the widows and children are paid pensions of \$2 per month. In a case almost precisely like this, the case of John J. Guthrie, superintendent of the Life-Saving Service off the coast of North Carolina, who was drowned while aiding the survivors in the wreck of the United States ship of war Huron in 1877, Congress authorized a pension to the widow at the rate given to the widow of a carotini in the Navy and that pagein I present at the first at the case of the widow of a carotini in the Navy and that pagein I were at the saving at the case of the keepers and crews of captain in the Navy, and that pension I presume is still being paid, at least the law was never repealed, and hence gentlemen are mistaken in saying that this is a new departure in legislation.

Mr. RUSSELL, of Massachusetts. Let me ask the gentleman if that

pension was given to a man in the service of the United States or given to a man who lost his life in volunteering in saving human life?

Mr. PARKER. He was the superintendent of the sixth district. Mr. RUSSELL, of Massachusetts. The man of whom you spoke just now ?

Mr. PARKER. Yes; the man of whom I spoke, John J. Guthrie. The case is a well-known one, and the pension was granted to his widow under the act of May 25, 1878, which will be found in the Statutes at Large, volume 20, chapter 130.

Therefore, in these cases of the keepers and crews of the Life-Saving Service and in the case of a superintendent of the Life-Saving Service pensions have been paid. But there is no general law for the payment

of superintendents, and hence I ask to have this bill passed.

Mr. McMILLIN. Let me ask the gentleman, was not there a bill introduced, and Congress refused to make a law, pensioning these

Mr. PARKER. I am informed-I do not know of my own knowledge—that a bill has been introduced and presented to the Committee on Pensions for general pensions in these cases, which has been favorably reported.

Mr. McMILLIN. But does the gentleman know that a prior Congress refused such action?

Mr. PARKER. I am not aware of it.
Mr. McMILLIN. My memory is such, however; I speak only from Mr. PARKER. I am not aware of it.

In this case, however, Mr. Chairman, I rest upon the precedents. I am of course aware that if gentlemen insist upon the objection that there is no quorum, I am powerless, as no quorum is present; but it seems to me, in view of the former action in similar cases, this bill ought to be

Mr. KILGORE. · I move that this bill be reported to the House with the recommendation that it lie on the table.

Mr. PARKER rose

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

Mr. PERKINS (to Mr. KILGORE). Let the committee adopt the amendment.

Mr. KILGORE.

Mr. KILGORE. Very well.

The CHAIRMAN. The question is on striking out "ten" and inserting "five," and striking out "twenty-one" and inserting "sixteen.

The question was taken, and the amendment was agreed to.
Mr. PARKER. Now, I ask that the same disposition be made of this bill that was made in the case presented by Mr. NELSON—that it be reported to the House with the previous question ordered.

Mr. KILGORE. The objection to that is that these bills reported y these night sessions are always in the way of the regular business. by these night sessions are always in the way of the regular business. They are called up sometimes and interfere with the regular business. I think that we have plenty of those bills now upon the Calendar upon which a special order has been made that they be taken up by a full House; and I do not think this bill ought to pass.

The CHAIRMAN. The gentleman from New York [Mr. PARKER] requests that this bill be reported to the House, the previous question

requests that this bill be reported to the House, the previous question ordered, and that it go over to a full House. Is there objection?

Mr. WASHINGTON. I object.

The CHAIRMAN. The question, then, is on the motion submitted by the gentleman from Texas that the bill be reported to the House with the recommendation that it lie on the table.

Mr. PARKER. Is it in order to move that its passage be recommended?

Mr. DOCKERY. A negative vote would indicate that.

The CHAIRMAN. The Chair is informed by the Clerk that the bill which has been read was not the bill which was reported by the committee. The Chair will direct the Clerk to read the bill reported by the committee.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Joseph Sawyer, deceased, late superintendent of the Life-Saving Service in the tenth district of the United States, and who was drowned while serving in the line of his official duty, and to pay them a pension from and after the passage of this act as now provided by law for the minors of a deceased captain of the Navy.

Mr. SAWYER. This bill puts it at \$2 a month until the age of sixteen.

Mr. STRUBLE. Let this bill pass.
Mr. PARKER. I think it is proper to state that I thought the bill which I sent up was the bill of the committee.
The CHAIRMAN. The bill which was read first was the bill as originally introduced, but the committee have reported a substitute for that bill, which the Clerk has now read.

Mr. PARKER. That being so I think it is fair to request that it

be accepted.

Mr. KILGORE. That is not the question involved. Now, the speeches of the gentleman from Indiana [Mr. CHEADDE] and the gentleman from Tennessee [Mr. MCMILLIN] convince me that this ought not to pass; and I would be inclined to antagonize it all the way

through, but I will concede to the gentleman from New York the right to withdraw it. [Laughter.]

Mr. WASHINGTON. I will state that I will not only feel inclined to antagonize this bill, but that I will antagonize it here and everywhere else, and if it is pressed I will make the point of no quorum. It is establishing a bad precedent. It will be followed by a bill pensioning men in the railway mail service, and there is no knowing in how many other branches of the civil service in which this will be a precedent for asking for pension. I will call for a quorum unless the motion of the gentleman from Texas is put to the House, that the bill be reported to the House with a recommendation that it lie on the table.

Mr. DOCKERY. It is perfectly manifest that the bill can not pass. I think it is only taking valuable time from gentlemen who want to pass bills that will not be objected to, and I hope the gentleman will

withdraw it.

The CHAIRMAN. Does the gentleman from New York insist upon

action on the bill?

Mr. PARKER. It is myduty to these children to do that, and I ask that the House at a full session shall be allowed to pass upon it. If

others direct differently, that is their business.

Mr. O'NEILL, of Missouri. Is this question debatable? If it is, I desire to occupy the time of the House for a few moments. The question has been raised in regard to whether or not it was a proper precedent to establish. In my humble judgment the sooner we establish a precedent of that kind, and the sooner we pay pensions to the families of those men in the Life-Saving Service who lose their lives in their efforts to save others, the sooner we will establish a precedent in the

line of increasing the efficiency of that service. It is considerable of a sacrifice for any man to make when he goes to rescue lives on a vessel

He can raise the issue there that it is too venturesome for him to go out, because he will be thinking of his wife and children. The matter of bravery is a very grand and a very noble one, but it would look a little nobler on the part of a great government to recognize that spirit of bravery, and to say to these men that if they lose their lives in the discharge of these dangerous duties it will care for their widows and their ornans. For my part I am willing to vote for this, even as a precedent. Mr. GUENTHER. So am I.

The question was taken on the motion of Mr. KILGORE, and the Chairman declared that the ayes seemed to have it.

Mr. PARKER. I call for a division.

Mr. PARKER. I call for a division.

The committee divided; and there were—ayes 17, noes 21.

Mr. WASHINGTON. No quorum.

Mr. COOPER (to Mr. WASHINGTON). Why do you object to having the House pass on this matter? Is that not fair?

Mr. WASHINGTON. I intend to kill it right here and now. It is

either going to be killed, or it is going to be withdrawn.

Mr. PARKER. Mr. Chairman, upon the remark just made by the gentleman from Tennessee [Mr. WASHINGTON], which seems to me to be entirely uncalled for-acting entirely upon that remark, I beg to withdraw the bill

Mr. WASHINGTON. All right.

### THEODORE RAUTHE.

Mr. PERKINS (when his name was reached). I call up the bill (S. 2460) granting arrears of penson to Theodore Rauthe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Theodore Rauthe, late Company K, Thirteenth New York Cavalry, arrears of pension, at the rate of \$31.25 per month, from the 12th day of September, 1878, to the 22d day of July, 1882.

The report (by Mr. MORRILL) was read, as follows:

The report of the Committee on Pensions in the Senate sets forth the facts in this case, and is hereby adopted, with the recommendation that the bill pass.

It appears that the claimant was deprived of his pension for the time stated in the bill reported herewith by the action of the Pension Bureau, which summarily dropped his name from the rolls upon information furnished by a letter, which was subsequently abundantly proven to have been a forgery.

Applying to this case the well-settled principle of law that a party against whose interest a forgery has been committed, by which he is deprived of any right or property, shall have restitution, not only from the wrong-loer, but even from a person who has innocently been misled by the transaction, your committee have no hesitation in coming to the conclusion that the claimant is entitled to the relief granted by the accompanying bill, the passage of which is recommended.

Mr. PERKINS. I will state to the committee that this is the case of a man who has lost both limbs. He was pensioned and drew a pension at the rate stated in this bill; but upon a false letter or communision at the rate stated in this bill; but upon a false letter or communication which was sent to the Pension Office his pension was suspended during the period covered by this bill. Upon the fact being brought to the attention of the office that this letter was a forgery, he was of course reinstated, and is now drawing a pension of \$72 a month; but the rate of pension during the period of suspension in this case was but \$32 a month, and the committee recommend that he be allowed at that

Mr. KILGORE.

That goes back to 1878. Yes; it covers from 1878 to 1882, the period during Mr. PERKINS. which his pension was suspended.

Mr. KILGORE. How was it that they did not discover the fraud

during those four years?

Mr. PERKINS. As I have suggested, in 1878 a forged letter was sent to the Pension Office, and upon that this man's pension was suspended. In 1882 the Pension Office became satisfied that the communication was a forgery, and they of course reinstated him; but they did not pay him the pension to which he would have been entitled during the four years.

Mr. KLIGORE. How much are you asking for in this bill?
Mr. PERKINS. Simply what he was deprived of during those four rears. He had been pensioned theretofore, but during these four years his pension was suspended, and this bill simply proposes to give him what was unjustly withheld from him during that time.

Mr. KILGORE. What were the allegations in the forged letter? Mr. PERKINS. I can not answer that. The committee do not

Mr. KILGORE. Well, I would be inclined, without some further information upon the subject, to kick upon the passage of that bill. It

is against the policy of the committee.

Mr. PERKINS. No, this is not a case of arrears. It is true the bill is so entitled, but it is not a bill for arrears. It simply gives him the pension that he was entitled to during those four years.

Mr. KILGORE. I think the gentleman from Kansas [Mr. Per-Kins] had better let this bill go over; and, so far as I am concerned, I shall be perfectly willing to let him call it up at another time after we shall have had some opportunity for investigation.

Mr. PERKINS. I will state to the gentleman that under the present practice of the Pension Office when a man has been unjustly de-

prived of his pension in this way and is reinstated, the pension to which he was entitled during the period of suspension is allowed; but that was not the rule eight years ago. This bill was passed by the Senate

Mr. CHEADLE. I will state to the gentleman from Texas [Mr. KILGORE] that recently I have had a similar experience in regard to a case in the district that I represent. The man was dropped from the roll and it took about fourteen months to get him reinstated, but when he was reinstated they paid him what was due him for the period during which he was suspended.

A MEMBER. That is the law.

Mr. CHEADLE. That is the law now.

Mr. PERKINS. At the time this man was dropped he was getting only \$32 a month, and that is the rate at which this bill proposes to pay him.

Mr. KILGORE. But for four years.
Mr. PERKINS. Yes; for the period of the suspension.
The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. LOCKREY.

Mr. PETERS (when his name was reached). I call up the bill (H. R. 220) granting a pension to John J. Lockrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John J. Lockrey, late a private in Company C, Thirty-fourth New Jersey Volunteer Infantry, and also a sailor on board the United States ship

The report (by Mr. MORRILL) was read, as follows:

The applicant enlisted as a private in Company C, Thirty-fourth New Jersey Volunteers, on April 11, 1865, and was discharged August 16, 1865, because of chronic iritis with conjunctivitis, as stated on the face of his discharge papers. The following is also found on face of discharge: "Disability total at present." The record also shows that soldier served in the United States Navy from September, 1863, to October, 1864, when he was discharged by reason of expiration of term of service.

of term of service.

He applied for a pension March 28, 1867, and August 23, 1881; claim was rejected because it was claimed that the loss of sight was the result of gonorrheal

He applied for a pension March 28, 1867, and August 23, 1881; claim was rejected because it was claimed that the loss of sight was the result of gonorrheal ophthalmia.

The only ground for this charge is the hospital record. The records of the Surgeon-General's Office show:

"Private John J. Lockrey, Thirty-fourth New Jersey Volunteers, was admitted on transport Northern Light, at Mobile, Ala., May 21, 1865. No diagnosis given, and transferred May 23, 1865. Was admitted to Sedgwick general hospital, Greenville, La., May 23, 1865 (as John Lockrey), with gonorrheal ophthalmia and chronic diarrhea, and transferred May 28, 1865. Was admitted on transport Northern Light May 28, 1865, with ophthalmia, and transferred June 6, 1865, as convalescent, and transferred July 7, 1865. Was admitted to Ward general hospital, Newark, N. J., July 7, 1865, with chronic conjunctivities and discharged the service August 16, 1865 (as of Company C); cause, chronic iritis with conjunctivitie; disability, total."

There is no evidence outside of this record showing this disease, and conceding the record to be correct, there is no evidence of any kind showing that it was the result of his own vicious habits. Aside from this, the record is inconsistent.

was the result of his own vicious habits. Aside from this, the record is inconsistent.

The record shows that May 23, 1865, he was admitted to hospital with gonor-rheal ophthalmia and chronic diarrhea. May 28, five days later, he was transferred and admitted to another hospital with ophthalmia, and nine days later was admitted to another hospital as convalescent. Gonorrheal ophthalmia is a virulent disease, and it is hardly to be supposed that if a soldier was afflicted with this disease, a few days would so change its symptoms that it would escape attention or that he would have been reported convalescent so soon.

On the other hand, the evidence of two of his comrades shows that he caught a severe cold in his eye, and that this was the cause of the loss of the sight of the left eye, and Dr. A. D. Hall testifies that he treated him from April to June, 1866, for iridocyclitis. J. Blackelee, examining surgeon at Neodesha, Kans., June 30, 1881, reports:

"Entire loss of left eye from iritis. I find no traces of gonorrhea. There is no stricture; rate, one-half."

The medical reviewer in the Pension Department says:

"There are some facts in his case, chiefly the frequent mention of iritis in connection with his eye trouble, that leadme to think that perhaps the disease and loss of eyes did not result from gonorrhea."

This was approved by Medical Referee Dr. Campbell.

After a careful examination of all the evidence and circumstances in the case, your committee have come to the conclusion that the soldier is entitled to the relief sought, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### FLORIDA G. CASEY.

Mr. GALLINGER (when the name of Mr. RANDALL was called). I ask unanimous consent to be permitted to call up a bill for the gentleman from Pennsylvania [Mr. RANDALL], who made this request, saying that he was too ill to be here at evening sessions. I hope there will be no objection to extending this courtesy.

Many MEMBERS. That is right. The CHAIRMAN. The Chair he

The CHAIRMAN. The Chair hears no objection.

Mr. GALLINGER. I call up the bill (S. 1843) granting increase of pension to Florida G. Casey.

The bill was read.

Mr. GALLINGER. While personally I should be very glad to have this bill pass to-night, I understand that certain gentlemen here will object to it, because it proposes to increase the pension of an officer's widow. I therefore ask unanimous consent that the bill be laid aside to be reported to the House with the recommendation that the previous question be ordered upon it and that the bill be acted on next Friday morning after the reading of the Journal.

Will there be any debate allowed?

Mr. WASHINGTON. Will there be amend.
The CHAIRMAN The CHAIRMAN. Under the arrangement proposed there would be thirty minutes for debate.

Mr. KILGORE. As it is proposed that this bill shall come up on a Friday morning, ought there not to be some order as to when business on the Private Calendar shall be taken up so that there may be no conflict with that business?

Mr. GALLINGER. This bill will not necessarily be called up at that time. It will not be allowed to interrupt the ordinary business of the House. The gentleman from Pennsylvania [Mr. RANDALL] will take care of it at the proper time.

Mr. KILGORE. But the bill can be called up at any time; it will be privileged if the previous question is to be considered as ordered by

the House

Mr. GALLINGER. It will take the same course as a great many other bills have taken, and we have had very little trouble with them. I think this will make no trouble.

The CHAIRMAN. If there be no objection, the order proposed will

be made.

There was no objection, and it was ordered accordingly.

#### JAMES M'GOWAN.

Mr. REED. I call up the bill (S. 2764) granting an increase of pension to James McGowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McGowan, late a private of Company H, Twentieth Regiment Maine Volunteers, and to pay him during life a pension of \$72 per month, in lieu of the one now received by him.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2764) granting an increase of pension to James McGowan, having considered the same, report as follows:

The report of the Senate Committee on Pensions gives the following facts in this contract.

same, report as follows:

The report of the Senate Committee on Pensions gives the following facts in this case:

"James McGowan was a private in Company H, Twentieth Regiment Maine Volunteers. He came out of the service disabled and his disabilities have progressed continuously. He was first pensioned at the rate of \$2 per month, increased to \$3, \$24, and \$50, his present rate. His condition is described thus: Ho weighs 95 pounds, has paralysis of the lower extremities, with great wasting; anchylosis of hip and knee joints; the hand can be carried to the mouth, but it can not be raised to the top of his head; he can not stand, walk, or dress himself; he is permanently helpless, and requires the constant aid and attendance of another person. There is no contest between the claimant and the Pension Office as to the extent of his disabilities nor the manner in which they were incurred. The Commissioner's letter of transmission says:

"'He is receiving \$50 a month, which is the highest rate that can be granted him under existing laws. The law providing the rate of \$72 a month for persons so permanently disabled as to require the attendance of another person, is only applicable to those who are receiving \$50 a month at the time of its passage.'

"The physicians regularly appointed as an examining board at Portland, Me, certify that he is perfectly helpless, and requires the constant attendance of another person. On the authority of this very positive statement, verified by the Pension Office medical authority, the committee are of the opinion that the existing law, fixing the rate of \$72 per month, should apply to just such conditions as this man exhibitist, in view of which the bill was reported."

There seems to be no controversy as to the utterly helpless condition of this claimant, and your committee therefore report the bill back favorably and recommendation that if do needs.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

### MARY C. THOMPSON.

Mr. ROCKWELL. I desire to call up the bill (S. 3428) granting a pension to Mary C. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Thompson, widew of the late Dr. Fillmore Thompson, of Hot Springs, Ark., who was chief guide to the expedition of General Frederick Steele, during the spring of the year 1864, undertaken for the purpose of co-operating with General Banks, and who lost his life by reason of exposure in said service, and to pay her a pension corresponding with the grade of captain.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3428) granting a pension to Mary C. Thompson, have had the same under consideration, and beg leave to submit the following report:

The facts in the case appear fully in the report of the Committee on Pensions, United States Senate, which is as follows:

"The petitioner is the widow of the late Dr. Fillmore Thompson, of Hot Springs, Ark., where, at the breaking out of the rebellion, he resided. He was a thorough and intense Unionist, and rendered valuable assistance to many of the persecuted loyal people of that section, and by reason of which he endangered his own safety so that he was obliged to seek protection within the Union lines at Little Rock, then occupied by General Fred, Steele. He was employed by General Steele as chief guide and scout in his expedition to Camden in the spring of 1864, for the purpose of co-operating with General Banks in his Louisiana campaign, and continued to act as such until the final return of said expedition to Little Rock.

"Professor J. B. Wheeler, of the United States Military Academy at West Point, thus testifies by affidavit in regard to Dr. Thompson:

"That as the chief engineer officer he accompanied the march of the expedition under Maj. Gen. Fred. Steele, which moved south in March, 1864, to co-operate with and, if possible, to effect a junction with the United States forces under command of Maj. Gen. N. P. Banks, then moving toward Shreveport, on the Red River, in Louisiana.

"That during this march and the return he was daily thrown in contact with the principal guide, one Dr. F. Thompson, a former resident of Hot Springs,

Ark., who had sought protection within the United States lines against violence from the inhabitants of that part of the State with which he was threatened by reason of his well-known Union feelings.

"That from his personal knowledge he knows of the peculiar fitness of the said Thompson for the place of principal guide, and attributes largely the successful progress of the expedition, as far south as it proceeded, to said Thompson's thorough knowledge of the roads, the crossing of streams, and the sentiments and opinions of the inhabitants of that part of the country.

"That the return march of the expedition, followed as it was by a victorious enemy, who received a severe check at Jenkin's Ferry, was greatly aided by the said Thompson's intimate acquaintance with the roads and character of the country used and crossed by the Army in its retreat.

"That during this retreat all the members were more or less sufferers from fatigue and exposure.

"That shortly after the return of the expedition Dr. Thompson was taken sick and very soon thereafter died.

"That the deponent understood at the time of said Thompson's death that it, as well as the sickness, was largely, if not entirely, caused by the fatigues and exposures that said Thompson had undergone during the time he accompanied the expedition as its principal guide.

"J. B. WHEELER.'

"'J. B. WHEELER."

"Dr. Thompson, upon his return to Little Rock, was attended by several physicians, all of whom certify that the disease of which he died was, in their opinion, the result of fatigue, exposure, and injuries received in this service. He left a widow and several children without means of support. There is no general law under which services of this character can be recognized; but there are precedents for allowing pensions to guides or scouts for disabilities, and to their widows in case of death.

"The bill is reported with an amendment striking out all after the word 'pension,' in the twelfth line, and inserting 'corresponding with the grade of captain,' and a recommendation that it do pass."

Your committee believe the case to be a meritorious one, and to come within established precedents, but respectfully decline to concur in the rate of pension fixed in the bill, and therefore return the same with the recommendation that it do pass, amended, however, by striking out all after the word "service," in line 9, and inserting therein instead the words "at the rate of \$12 per month."

The amendment reported by the committee was read, as follows: Strike out all after the word "service," in line 9, and insert "at the rate of \$12 per month."

Mr. OUTHWAITE. From what committee does this report come? The CHAIRMAN. From the Committee on Invalid Pensions. Mr. OUTHWAITE. I merely wish to call attention to the fact that

the Committe on Invalid Pension in other cases has positively refused to report in favor of granting pensions to persons who were not mus-tered into service. This Dr. Thompson seems never to have been mustered into the service, or to have been enrolled, or to have been in the service in any way whatever. I have no particular objection to the action proposed in this instance, if the case is meritorious, but I have had one or two measures rejected by the same committee on the ground simply that the parties had never been mustered in or enrolled; therefore I thought proper to call the attention of the Committee of the Whole to the matter.

The CHAIRMAN (Mr. DOCKERY). The Chair understands the rule to have been that where a wound has been received or disability in-

curred in battle, it was considered equivalent to a muster.

Mr. GALLINGER. That is the universal rule of our committee. If the soldier, even though he may not have been mustered in, has actually participated in battle and been wounded, we have reported in

favor of granting him a pension.

Mr. WASHINGTON. From the reading of this report I do not understand that this man was ever wounded anywhere. It seems that he died, according to the statement of the report, as the result of fa-tigue after a long and arduous march. There is not a word in that report about any wound. I shall have to call a quorum on this bill.

Mr. STRUBLE. Let the report be read again.

The Clerk again read the report.

Mr. WASHINGTON. The report has been read all over again, and I can not find a word or line indicating that that man was ever in the service of the United States or was ever wounded. He was a sort of a guide through the woods in Arkansas. While I am not opposed to pay pensions to men deserving of them and who are entitled to them under the law, still I believe it to be my duty to object to the passage of this bill, and I am inclined to call a quorum upon it.

Mr. SAWYER. It is idle after the gentleman's statement for me to say anything in behalf of the bill.

say anything in behalf of the bill.

Mr. WASHINGTON. I merely want to save time.

Mr. SAWYER. Oh, I know you are very patriotic, and you only want to save time. In this case the civilian was employed by the officer in command of the army, because he was familiar with the country through which it was proposed to operate. He was employed as a guide and a scout. I believe no guide or scout ever became mustered into the Army.

Mr. WASHINGTON. Scouts were mustered into the Army.

Mr. SAWYER. Not all of them, as I understand.

Mr. SAWYER. Not all of them, as I understand.
Mr. WASHINGTON. All except bushwhackers.
Mr. SAWYER. Were you there?
Mr. WASHINGTON. No, I was not there.
Mr. SAWYEB. You spoke so positively, I thought you were.
Mr. GALLINGER. Let the bill go over for the present, and let us rise so we may pass the bills which have been laid aside to be reported to the House with the recommendation that they do pass.
Mr. YODER. I move that the committee rise.

Mr. YODER. I move that the committee rise. The motion was agreed to.

The committee accordingly rose; and Mr. McMillin having taken the chair as Speaker pro tempore, Mr. Dockery reported that the Com-

mittee of the Whole had had the special order under consideration, and had directed him to report back sundry bills to the House with various recommendations.

#### HOUSE BILLS PASSED WITHOUT AMENDMENT.

House bills of the following titles without amendment were severally A bill (H. R. 1037) granting a pension to Charles G. Sanders;
A bill (H. R. 10316) granting a pension to Charles G. Sanders;
A bill (H. R. 10579) increasing the pension of Permelia Smith;
A bill (H. R. 10579) granting a pension to Mary Whitney;
A bill (H. R. 10579) granting a pension to Charles G. Sanders;
A bill (H. R. 10579) granting a pension to Charles G. Sanders;
A bill (H. R. 10579) granting a pension to John Ebert;
A bill (H. R. 1057966) granting a pension to George W. Lloyd; and

A bill (H. R. 7566) granting a pension to George W. Lloyd; and A bill (H. R. 220) granting a pension to John J. Lockrey.

#### HOUSE BILLS PASSED WITH AMENDMENTS

Amendments reported to House bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2428) granting an increase of pension to William H.

A bill (H. R. 11311) granting a pension to James Metcalf;
A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reynolds, to the pension-roll;
A bill (H. R. 3888) granting a pension to Mary H. Stacy; and
A bill (H. R. 11571) granting a pension to I. T. Howze. (The title

was amended to correspond.)

#### SENATE BILLS PASSED WITHOUT AMENDMENT.

Senate bills of the following titles, favorably reported from the Committee of the Whole, were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1153) for the relief of Charles Wagemann;

A bill (8. 2460) granting a pension to Theodore Rauth;
A bill (8. 2665) granting a pension to Charles J. Esty; and
A bill (8. 2764) granting a pension to James McGowan.

## SENATE BILLS PASSED WITH AMENDMENTS.

Amendments reported to Senate bills of the following titles were severally agreed to; and the bills as amended were ordered to a third

reading, and accordingly read the third time, and were passed:

A bill (S. 1320) granting a pension to Catherine M. Lee; and
A bill (S. 3052) granting an increase of pension to George W. Durfee.

#### EMMA BIDDLE.

The bill (S. 3628) granting an increase of pension to Emma Biddle was reported from the Committee of the Whole House with an amend-

was reported from the Committee of the whole House with an amendment reducing the pension from \$45 a month to \$40.

Mr. O'NEILL, of Pennsylvania. The gentleman from Texas, on whose motion this pension was reduced from \$45 to \$40, now consents to let it remain at \$45, and I therefore hope the amendment will be voted down.

The amendment was disagreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

#### BILLS TO BE VOTED ON UNDER THE PREVIOUS QUESTION.

In accordance with the recommendation of the Committee of the Whole House, the previous question was ordered on bills of the following titles, thirty minutes allowed for debate, and the right to amend:

A bill (S. 1843) granting an increase of pension to Florida G. Casey; and

A bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright MoFalls

Mr. YODER moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, the hour of 10 o'clock p. m. having arrived, in accordance with previous order, the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. TRACEY: A bill (H. R. 12481) for the relief of Daniel V.

O'Leary-to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell—to the Committee on Pensions.

By Mr. McKENNA: A bill (H. R. 12483) for the relief of James Q. Shirley and the estate of Francis De Long—to the Committee on Claims.

By Mr. PIDCOCK: A bill (H. R. 12484) granting an increase of pensions.

sion to James Foran-to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Certificate of Dr. J. B. Bailey in the case of

John J. Gorham for a pension-to the Committee on Invalid Pensions.

By Mr. C. L. ANDERSON: Memorial of J. H. Wallace and 39 other citizens of Attala County, Mississippi, in favor of pure food and pure lard-to the Committee on Agriculture.

gan, for protection to agriculture—to the Committee on Ways and Means.

By Mr. COGSWELL: Petition of Daniel W. Bartlett and others, of Essex, Mass., for a survey of Essex River-to the Committee on Rivers and Harbors.

By Mr. DAVENPORT: Petition of farmers of East Bloomfield, N. Y., for protection to agriculture—to the Committee on Agriculture. By Mr. GUENTHER: Petition of Katharina Supple for a pension-

to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of farmers of Thorndike, Me., to protect agriculture—to the Committee on Ways and Means.

By Mr. NELSON: Memorial of the Board of Trade of Duluth, Minn.,

relative to the opening of the Sioux reservation-to the Committee on Indian Affairs.

By Mr. PETERS: Resolutions of the Legislature of Kansas, favoring the opening of the Indian Territory—to the Committee on the Territories.

Also, resolutions of the Farmers' Alliance of Bluff, Kans., for the opening of the Indian Territory to all, or the exclusion of cattle syndicates—to the Committee on the Territories.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor: By Mr. BRYCE: Of 2,020 citizens of New York.

By Mr. FORD: Of 238 citizens of Michigan. By Mr. HAYES (by request): Of 10,747 citizens of Iowa. By Mr. PERKINS: Of 2,349 citizens of Kansas.

By Mr. HENRY SMITH: Of G. Tarbell and 45 others, of Wisconsin.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. J. E. CAMPBELL: Of W. A. Robb and 53 others, citizens

of Jamestown, Ohio.

By Mr. CATCHINGS: Of G. W. Butler and 21 others, citizens of Anguilla, Miss.

By Mr. GIFFORD: Of John Kelley and 14 others, citizens of Eck-

elson, Dak.
By Mr. GRANGER (by request): Of W. Peck and 51 others, citizens of Stafford, Conn.

By Mr. LONG: Of E. N. Pratt and 57 others, citizens of Marshfield,

By Mr. RICE: Of George H. Gamble and 26 others, citizens of St.

Paul, Minn.
By Mr. J. E. RUSSELL: Of Alfred S. Roe and 21 others, citizens of

Worcester, Mass.
By Mr. SEYMOUR: Of R. P. Luther and 43 others, citizens of Iron

Mountain, Mich.

By Mr. J. W. STEWART: Of Elbert E. Brown and 235 others, citizens of Manchester, Vt.

# HOUSE OF REPRESENTATIVES.

SATURDAY, February 2, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF COMMISSIONER OF SCHOOLS, UTAH.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting the first annual report of the commissioner of schools for the Territory of Utah; which was referred to the Committee on the Territories.

LOSS OF POST-OFFICE FUNDS, INDIANAPOLIS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting papers in the claim of Aquilla Jones on account of the larceny of funds of the post-office at Indianapolis, Ind., and recommending the passage of a bill authorizing the Postmaster-General to credit the postmaster for the amount lost; which was referred to the Committee on Claims.

### S. H. SENTENNE AND PAUL BOILEAU.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting correspondence relative to the claim of S. H. Sentenne and Paul Boileau, on account of work as engineer and fireman, Department of Justice; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, YORKTOWN, VA.

The SPEAKER also laid before the House a bill (S. 1365) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Yorktown, Virginia, and making an appropriation therefor; which was read twice, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMERICAN REGISTER FOR STEAM-YACHT NAUTILUS.

The SPEAKER also laid before the House a bill (S. 3824) to provide an American register for the steam-yacht Nautilus, of New York, N. Y.; which was read a first and second time.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the

present consideration of that bill.

The SPEAKER. It will be read subject to objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized to license as a vessel of the United States the Canadian steam-yacht Nautilus, owned by Isaac J. Maccabe, of New York, an American citizen.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate, if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. HERBERT. Is this likely to lead to any discussion? If so I

Mr. HERBERT. Is this likely to lead to any discussion? If so I will be compelled to object.

Mr. CUMMINGS. I do not think there will be any objection to the

passage of the bill.

There being no objection, the bill was considered, ordered to a third reading, and accordingly read the third time, and passed.

Mr. CUMMINGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHOCTAW COAL AND RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888; which was read a first and second time.

Mr. ALLEN, of Mississippi. Mr. Speaker, I ask unanimous consent to consider that bill now. It has been considered by the Committee on Indian Affairs. It is only a short bill. The charter in this case has

already been granted.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888, be, and hereby is, amended to read as follows:

"That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on the said main line for obtaining a feasible and practicable route in a westerly or northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company, in Tobucksey County, Choctaw Nation, and thence by the most feasible and practicable route to an intersection with the Atchison, Topeka and Santa Fé Railway at the most convenient point between Halifax Station and Ear Creek, otherwise known as the north fork of the Canadian River; with the right to construct, use, and maintain such tracks, turn-outs, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for."

The SPEAKER. Is there objection to the present consideration of

The SPEAKER. Is there objection to the present consideration of

There being no objection, the bill was considered, ordered to a third reading, and accordingly read the third time, and passed.

Mr. ALLEN, of Mississippi, moved to reconsider the vote by which

the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JURORS IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 3640) to amend the laws in relation to the selection and service of jurors in the supreme court of the District of Columbia; which was read twice, referred to the Committee on the District of Columbia, and ordered to be printed.

ADMISSION OF SOUTH DAKOTA, ETC.

The SPEAKER also laid before the House the bill (S. 185) to pro-

yide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota, with House amendments disagreed to by the Senate.

Mr. SPRINGER. Mr. Speaker, I move that the House insist upon

its amendments, and agree to the conference asked by the Senate on this bill.

Mr. HERBERT. Is this likely to lead to any discussion?
Mr. SPRINGER. It will not.
The SPEAKER. The bill has reached a stage where it is privileged under the rules of the House.

The motion of Mr. SPRINGER was agreed to.

The SPEAKER appointed as conferees on part of the House, Mr. SPRINGER, Mr. BARNES, and Mr. BAKER of New York.

REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a concurrent resolution of the Senate authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

Mr. RICHARDSON. Mr. Speaker, this is the usual resolution for

printing the report of the health officer, and has been favorably re-ported by the House committee. I ask that the resolution be put upon its passage.

The SPEAKER. The resolution will be read.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and is hereby, authorized to print 2,500 extra capies of the report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House, and 2,050 for the use of the said health officer of the District of Columbia.

There being no objection, the resolution was considered and adopted. Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF MOTION TO RECONSIDER.

The SPEAKER. On yesterday morning the House, on request of the gentleman from Dakota, passed the bill (S. 3755) for the relief of Harriet Young, and the gentleman from Arkansas [Mr. McRAE] entered a motion to reconsider the vote by which the bill passed. The gentleman desired to withdraw the motion, but objection was made by the gentleman from Indiana [Mr. HOLMAN]. The gentleman from Arkansas now asks consent to withdraw the motion, the gentleman from Indiana having withdrawn his objection; and if there be no further objection, the motion will be withdrawn.

There was no objection, and it was so ordered.

EVENING SESSION FOR BUSINESS OF INDIAN COMMITTEE.

The SPEAKER. The gentleman from Arkansas [Mr. Peel], from the Committee on Indian Affairs, asks unanimous consent that the order heretofore made, setting apart a day for the consideration of reports from that committee, be vacated, and that in lieu thereof Monday evening next and Wednesday evening next, from 7.30 o'clock until 10.30, be assigned to business from that committee, and that on the days named the House shall take a recess at 5 o'clock for that purpose.

Mr. DUNN. Does that mean on Monday at 5 o'clock to take a recess until half past 7? I will object to that, as on that day important legislation will be under consideration.

Mr. PEEL. I am willing to say 6 o'clock, if the House does not

sooner adjourn.

Mr. DUNN. Do not state the hour at which the recess shall take place.

Mr. PEEL. I have no objection to that. Let it be that when the House take a recess on Monday it be until 7.30.

I have no objection to that. Mr. DUNN.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH, from the Committee on Agriculture, reported a bill Mr. HATCH, from the Committee on Agriculture, reported a bin (H. R. 12485) making an appropriation for the Department of Agri-culture for the fiscal year ending June 30, 1890, and for other pur-poses; which was read a first and second time, referred to the Commit-tee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS. On that bill I reserve all points of order.

GEORGE TURNER.

I desire to suspend the rules and discharge the Committee of the Whole from the consideration of the bill which I send to

the Clerk's desk and put it upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

A bill (H.R. 4089) for the relief of George Turner.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Turner, of Union County, Tennessee, the sum of \$2,000, in full satisfaction for services rendered and money expended by him in the military service of the United States during the war of the rebellion.

Mr. KILGORE. Regular order.

Mr. HOUK. I hope the gentleman will withdraw that objection. If there ever was a meritorious case in this House this is one, and there will be no unanimous consent given on the other side if this bill is not

#### WITHDRAWAL OF PAPERS.

The SPEAKER. The gentleman from Iowa [Mr. GEAR], from the Committee on Military Affairs, asks unanimous consent to withdraw from the files of the House certain papers and maps in relation to Rock Island bridge for the purpose of having them transmitted to the Sene. If there be no objection, that order will be made. There was no objection, and it was so ordered.

#### ORDER OF BUSINESS.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the naval appropriation bill.

The SPEAKER. That motion is not in order at this time.

Mr. HERBERT. I move to dispense with the morning hour.

#### NICARAGUA MARITIME CANAL.

Mr. CLARDY. On yesterday it was ordered by the House that the conference report on what is known as the Nicaragua Canal bill should be printed in the RECORD. I find upon examining it and comparing it with the manuscript which is presented to the House that there are several mistakes in it, and I ask leave that it be reprinted in to-morrow's RECORD.

The SPEAKER. If there be no objection the corrected report will

be printed in the RECORD.

There was no objection, and it was so ordered.

The report and accompanying statement are as follows:

There was no objection, and it was so ordered.

The report and accompanying statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered I, and agree to the same with an amendment as follows: Substitute for the words proposed to be stricken out and the words proposed to be inserted the following: "May issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendments as follows:

In line 2, after the word "any," insert the word "peumiary."

In lines 3, 10, and 11 strike out all after the words "United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof the following:

"All shares, stocks, bonds, certificates, or other securities which the company may issue to raise the corporate capital shall be executed and issued at the principal office in the city of New York."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof:

"Sec. 3. That no certificates for stock

That the Senate recede from its disagreement to the amendment of the House numbered 7.

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with amendments as follows: Line 3, after the word "verified," insert the words "on oath;" line 5, after the word "any," insert the word "willfully;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House agreed 10.

That the Senate recede from its disagreement of the II, 12, and 13.

That the House recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof the following: "This act shall expire and be of no force or effect at the end of three years unless the construction of said canal shall be commenced and prosecuted in good faith within that time."

And the House agree to the same,

MARTIN L. CLARDY, ISIDOR RAYNER,

MARTIN L. CLARDY, ISIDOR RAYNER, CHAS. O'NEILL, Managers on the part of the House.

JOHN SHERMAN, GEO. F. EDMUNDS, JNO. T. MORGAN, Managers on the part of the Senate,

STATEMENT OF THE HOUSE CONFEREES

The conferees on the part of the House beg leave to submit the following

The conferees on the part of the House beg leave to submit the following statement:

The Scnate conferees recede from their disagreement to the House amendment numbered 1, and agree to the same with an amendment striking out that part of the House amendment providing that stock, bonds, and other securities shall be issued at the principal office in the city of New York, and further, that the stocks and bonds or other securities shall be issued for eash only, and substituting therefor the words:

"May issue stock to the amount of the just value of such estate, property, and rights and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments."

The effect of this amendment as proposed is to authorize the issuance of stock to the just value of property necessary in the construction of the canal and for work and labor done in connection therewith as well as for the concessions acquired from Nicaragua and Costa Rica.

From their disagreement to amendment numbered 2, which provides that nothing in this act contained shall be so construed as to commit the United States to any liability whatever for or on account of said company, etc., the Senate conferees also recede, with the following amendments: Before the word "liability," in line 71 of the printed bill, insert the word "pecuniary;" and after the word "act," in line 71 of the printed bill, insert the word "pecuniary;" and after the word "act," in line 71 of the printed bill, insert the word "pecuniary;" and strike out the proviso in lines 79 to 81, inclusive.

The first two verbal amendments proposed by the Senate conferees, and agreed to by the conferees on the part of the House, do not change in any wise the meaning of the amendment as adopted, but express, perhaps, the intention of the House more clearly than it is expressed in the original. The striking out of the words in the latte

From their disagreement to the fourth amendment the Senate conferees recede, with an amendment striking out section 3 and inserting in lieu thereof the following:

"SEC, 3. That no certificates for stock, except as otherwise provided in this act, shall be issued till at least 10 per cent. of the par value thereof shall be fully paid for in money and such money deposited in the treasury of said company; and there shall be at least \$1,000,000 in money paid on such subscriptions into the treasury of said company within one year from the passage of this act; and said company is hereby prohibited from returning or repaying any part of the money so paid. No part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation. Any violation of the provisions of this section shall subject this charter to forfeiture."

The effect of this is to require 10 per cent. of all certificates of stock issued for cash to be deposited in the treasury of said company, and to leave it in the power of the owners of the stock so issued to assign the same; and further to require at least the sum of \$1,000,000 to be deposited within twelve months in the treasury of the company.

Amendment numbered 5 is merely a change in the numbering of the sections, to which the Senate agrees.

The Senate conferees recede from their disagreement to the amendment of the House numbered 6, with an amendment striking out the words "the directors shall be citizens and residents of the United States."

The Senate conferees recede from their disagreement to amendment numbered 7, which requires the vice-president to be a citizen and resident of the United States.

The conferees on the part of the House recede from the House amendment numbered 8, which provides that no change of concessions hereofore or hereafter granted by the Nicaraguan and Costa Riean Government shall be first given thereto.

The Senate conferees recede from their disagreement to amendment numbered

The Senate conferees recede from their disagreement to amendment numbered 9, with two amendments, one inserting in line 3 of the printed bill, after the word "verified," the words "on oath," the effect of which is to require the verification of the annual report to be made to the Secretary of the Interior to be under eath; the second, inserting in line 5 of the bill, before the word "false," the word "willfully," which is descriptive of the offense created by the House reconders.

the word "willfully," which is descriptive of the offense created by the House amendment.

Amendment numbered 10 relates to a change in the numbering of the sections. From the eleventh amendment, which declares that the United States shall not be held pecuniarily liable for the acts or contracts of the company, the House conferees recede, the substance of such amendment being embodied in amendment numbered 2.

The House conferees recede from amendment numbered 12, which provides "that nothing herein shall be construed to estop this Government from asserting at any time any rights or powers that may now exist by virtue of the laws of nations, or that may be acquired through treaty stipulations, with respect to the rights of transpertation of the citizens of the United States, or their property, over this canal or the country through which the same may be constructed, or to transport troops or munitions of war in time of peace or war."

The House conferees recede from amendment numbered 13, which provides "that Congress reserves the right to alter, amend, or repeal this act and to regulate the tolls or tariff rates for the transportation of persons or property by this company or its assigns," leaving in the words "that Congress shall at all times have the power to alter, amend, or repeal this act, when in its judgment the public good may so require."

From their disagreement to the fourteenth amendment, which provides that the construction of said ship-canal shall be commenced in good faith within three years, the Senate conferees recede, with an amendment providing that said canal shall be commenced in good faith within three years, and that in default thereof this act shall be null and yold.

MARTIN L. CLARDY, ISLDER RAYNER.

MARTIN L. CLARDY. ISIDOR RAYNER. CHAS. O'NEILL.

#### ELIZABETH A. ALEXANDER.

The SPEAKER. The gentleman from Tennessee [Mr. BUTLER], pending the motion of the gentleman from Alabama, rises to present a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on

the amendment of the House of Representatives to the bill (S. 3135) granting an increase of pension to Elizabeth J. Alexander, have met, and after full and free conference have agreed to recommend and do recommend to their respective ouses as follows: That the House recede from its amendment,

A. M. BLISS, R. R. BUTLER, MILTON DE LANO, Managers on the part of the House, PHILETUS SAWYER, C. K. DAVIS, D. TURPIE, on the part of the Senate.

The accompanying statement is as follows:

The House by its amendment to this bill reduced the amount of pension from \$50 to \$40 a month, to which the Senate disagreed. The effect of the conference report is to recede from the amendment.

R. R. BUTLER, A. M. BLISS, MILTON DE LANO.

The report of the committee of conference was agreed to.

Mr. BUTLER moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] moves to dispense with the hour for the call of committees for reports, and pending the motion asks that unanimous consent be given to all gentlemen having reports of committees to file to present them to the Clerk. Is there objection to the request? The Chair hears none, and it is so ordered. The question, then, is on dispensing with the hour for reports.

The question was taken; and the motion was agreed to.

#### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

BRIDGE BETWEEN LOUISVILLE, KY., AND JEFFERSONVILLE, IND.

Mr. CRISP, from the Committee on Commerce, reported back favorably joint resolution (H. Res. 256) concerning the construction of a bridge between Louisville, Ky., and Jeffersonville, Ind.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TERMS OF COURT, SOUTHERN DISTRICT OF GEORGIA.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported back favorably the bill (S. 3786) to change the date of the commencement of the March terms of the district court for the southern district of Georgia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### ZOOLOGICAL PARK IN DISTRICT OF COLUMBIA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 11810) for the establishment of a zoological park in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### PURCHASE OF LOT IN DISTRICT OF COLUMBIA.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 2539) to authorize and direct the purchase of part of a lot adjoining the Senate stables for their ventilation, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### MARGARET KENNEDY.

Mr. HIESTAND, from the Committee on War Claims, reported back favorably the bill (H. R. 12398) to authorize the payment to Margaret Kennedy for wood used in the erection of Fort Sedgwick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CHARLES W. KRIDLER.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9217) to increase the pension of Charles W. Kridler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to to be printed.

### FEDOLIN BUCKWELLER.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11790) granting a pension to Fedelin Buckweller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### PUBLIC BUILDING, ALTOONA, PA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (S. 1318) for the erection of a public building at Altoona, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1794 for the same purpose was reported back with a

recommendation that it be laid on the table.

### PUBLIC BUILDING, PAWTUCKET, R. I.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 164) for the erection of a public building in the city of Pawtucket, R. I.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 8654 for the same purpose was reported back with a recommendation that it be laid on the table.

#### WILLIAM N. POTTS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12486) for the relief of William N. Potts; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM HALLIBURTON.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12487) for the relief of William Halliburton, administrator of James Furlong, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JOHN W. M'KNIGHT.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12488) for the relief of John W. McKnight, surviving partner of Marcus Cook & Co.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### POLICE COURT, DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with amendment the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

### PUBLIC ORDER DURING INAUGURATION, 1889.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back favorably the bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### DISTRICT OF COLUMBIA.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 11693) to amend section 555, Revised Statutes relating to the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ENROLLED BILLS.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 12009) to provide for keeping open the Potomac River;

A bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890.

#### ORDER OF BUSINESS.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considwith the naval appropriation bill.

Mr. OUTHWAITE. Does the motion dispense with the morning hour for the consideration of bills reported by committees?

The SPEAKER. The motion has not been made, and it can not be

made under the rules; but under the rules it is in order before that hour to move to go into Committee of the Whole to consider general appropriation bills. If that motion is not agreed to, the hour for the consideration of bills will follow.

The question was taken; and the motion was agreed to.

#### NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. McCreary in the chair.

The CHAIRMAN. The House is now in Committee of the Whole

for the purpose of considering general appropriation bills. will report the first bill.

The Clerk read as follows: The Clerk

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

Mr. HERBERT. I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. HERBERT. Mr. Chairman, in explaining the provisions of the pending bill I deem it proper to go back somewhat and speak of the appropriations that have been made for the last four years, of the purposes the Committee on Naval Affairs and the Congress have had in view, and of what has been accomplished, and I shall endeavor at the same and of what has been accomplished, and I shall endeavor at the same time to give the committee some information, which I am sure is desired at the present time, as to the condition of the Navy. The committee will remember that four years ago a change was made in the rules by which jurisdiction over these appropriations was for the first time given to the Committee on Naval Affairs. This is the fourth bill appropriating money for the naval service reported by your committee.

The estimates sent in by the Department for the present year for the purposes embraced in this bill aggregate, in round numbers, \$27,767,-000. This bill, as it is reported, contains appropriations amounting to \$19,903,000. The amount appropriated for the current year was \$19,-942,000. The appropriations for the naval service all together, including public works and increase of the Navy, for the four years preceding this have averaged little less than \$20,000,000, and this bill carries about the same amount. It will be remembered that up to the time when jurisdiction over this bill was conferred upon the Committee on Naval Affairs, all appropriations for public works for the use of the Navy Department were contained in the sundry civil bill, just as at the present time appropriations for public works for the use of other De-

partments are carried in that bill.

But in 1886 this committee took charge under the new rules of appropriations for all public works necessary for the use of the Navy; that is to say, for public buildings and other works in the navy-yards, docks, the Naval Observatory, and all such matters. The sums needed for these purposes from that time to this we have included in the bill making annual appropriations for the naval service. To make any comparison, therefore, of the annual appropriations for the naval service during the four years since the Naval Committee took jurisdiction with those made for the four preceding years we must omit public works. We must also exclude from both periods all sums voted for increase of the Navy, as these are admittedly much larger during the latter four years. Excluding all items of both these classes and estimating that this bill as reported is to become law, the appropriations for the ordinary current expenses of the naval service will be as follows:

1883	\$14, 761, 566, 43 13, 993, 260, 50 12, 981, 030, 12 13, 310, 299, 70	1888	\$12,655,039.44 13,006,121.79 12,780,726.00 13,186,000.00
Total	55 046 156 75	Total	51 697 897 92

Showing an average for the former period of \$13,761,539.18; for the

latter of \$12,906,971.80. After your committee had had time to thoroughly investigate the After your committee had had time to thoroughly investigate the question we found that our navy-yards were in a bad condition. They were much in need of repairs; many buildings were leaky, needed paint and repairs generally; so that we thought it necessary, in order to properly preserve and put in good condition the large amount of property owned by the Government in the several navy-yards, to considerably increase the appropriation coming under the head of "Repairs and preservation that are also as a serious property of the second bill reported by your some the appropriation coming under the head of "Repairs and preservation at navy-yards." Accordingly, in the second bill reported by your committee (containing the appropriations for the year expiring June 30, 1888), although only \$125,000 had been appropriated for the preceding year, we recommended an apropriation of \$450,000 for that purpose. For the next year we appropriated \$300,000. The expenditure of these sums has very much improved the condition of the navy-yards generally, so that now, in the opinion of the committee, \$225,000, the amount carried in the present bill for this purpose, will be amply sufficient when taken in connection with other special appropriations carried in the bill.

We have a large number of navy-yards, perhaps more on the Atlantic coast and adjacent to it than are really needed by the Government, cer-

tainly more than are necessary in ordinary times.

There are extensive yards at Portsmouth, Boston, Brooklyn, League Island, and Norfolk, not counting New London, Conn., yet nowhere had the Government, in 1886, a single dock that could accommodate had the Government, in 1886, a single dock that could accommodate a modern first-class vessel of war, except an uncompleted stone dock at Mare Island. The bill contains \$80,000 to finish that dock, the amount estimated to be necessary. We have heretofore (in the laws for 1888 and 1889) provided for three other docks, appropriating in full the money required. Perhaps I can best give to the gentlemen who are interested at all in this question an idea of what has been accomplished by taking up these navy-yards one by one as we come to them.

In the navy-yard at Portsmouth, N. H., not very much has been done besides general repairs, but we recommend in this bill \$35,000 to complete sick-quarters there. Two years ago we made an appropriation of \$50,000 for a naval hospital on Widows Island off the coast of Maine. That hospital has been completed within the amount of the appropriation. It was much needed, especially for quarantine purposes, and we are informed that it is now in very admirable condition and will be of great use.

Coming down to the Boston navy-yard, we include in this bill some \$28,000 for officers' quarters there. Heretofore we have appropriated for minor improvements at that navy-yard, but, on the whole, not a

great deal has been accomplished or attempted there. The yard has been put in charge of, and is occupied now solely by, the Bureau of Equipment and Recruiting. All the business of this bureau, such as the manufacture and repair of cables, chains, galleys, ropes, sails, etc., is done in that navy-yard, and, except the Bureau of Yards and Docks, which exercises a sort of general superintendence over all the yards,

no other bureau is doing anything to-day at Boston.

We next come to the Brooklyn navy-yard. That has always been considered in the past as, and always must be, one of our most important We have appropriated all the money necessary to put that yard in condition to build first-class modern vessels. In previous bills we gave the full amount estimated by the Bureau of Construction and Repair to be necessary for that purpose. But it appears that the amount was not sufficient; and we put in this bill an additional sum of \$50,000 tfor that purpose. Then we have authorized the construction there of a dock, first class in every respect. All the money for it has been heretofore appropriated, and the dock is now well on the way towards completion.

We have also authorized and appropriated for a railroad throughout that yard; for the repair of barracks specially; for the improvement of Whitney basin, the cob-dock there, and for electric lights, and other purposes. The Maine, an armored vessel of 6,648 tons displacement, purposes. The Maine, an armored vessel of 6,648 tons displacement, is being built at this yard, and very considerable progress has been made

in its construction.

Coming down to League Island navy-yard at Philadelphia, we have appropriated for a dock there the full amount necessary to complete it. There has heretofore been considerable question whether anything at all ought to be done with that League Island navy-yard. The committee has considered this question very carefully; and we are unanimous in recommending the appropriation of the very considerable sum carried in this bill for further improvement in that yard. One great desideratum for a modern vessel is fresh water. At the Philadelphia navy-yard we have fresh water; and in that iron or steel vessels will last nobody can tell how long. The Michigan, the first iron ship, I believe, ever built, was constructed in 1846, forty-three years ago. That vessel is upon the Lakes to-day; and I am told by an officer, a reliable gentleman, who examined this vessel a few years ago, that it is as good to-day as when first built

Coming down next to Norfolk we have also put that navy-yard in condition to build first-class modern ships; I mean the hulls of ships. We have appropriated for a railroad throughout that yard and for electric lights, as we have at the Brooklyn yard. We have also appropriations there for building new marine barracks. Fifteen thousand dollars is included in this bill, which, together with the amount heretofore appropriated, will complete those barracks. The building of the Texas, an armored vessel of 6,300 tons, has been commenced at this yard. The construction of the shops and other ship-building plant is pro-

gressing favorably, and to complete this plant the pending bill carries an additional \$50,000 estimated to be necessary.

I do not stop to go into minor details, but am simply seeking to give to those who do me the honor to listen an idea of the present condition of our navy-yards. We need-and the committee is unanimous on this subject-a first-class yard somewhere on the Gulf. At the last session of Congress an appropriation was made for a commission to investigate that question—whether the navy-yard at Pensacola ought to be improved, whether it ought to be moved farther up the bay, or whether a yard for the Gulf region ought to be somewhere else. Full power to examine this whole question is given to the commission, but they are to give simply their opinion as to what is the most eligible site, under all the circumstances, for a navy-yard.

Then, upon the Pacific coast, we have put in condition to complete the hull of modern vessels, the navy-yard at Mare Island; that is to say we have appropriated all the money necessary, and satisfactory prog-

ress is being made in erecting the plant.

Mr. ADAMS. Before the gentleman passes from the proposed new navy-yard on the Gulf, I wish to ask him whether the report of that commission is to be made to Congress?

Mr. HERBERT. It is to be made to the Secretary of the Navy, according to my recollection.

Mr. ADAMS. And will the Secretary thereupon have authority to establish that yard?

Mr. HERBERT. No sir.
Mr. ADAMS. Only Congress can do that?
Mr. HERBERT. Only Congress.
Mr. ADAMS. And therefore you do not now make an appropria-

Mr. HERBERT. That is the reason.

Mr. ADAMS. I would like to have the gentleman state when it it is probable that the commission will report-whether during the next fiscal year? Mr. HERBERT.

I think they will report during the current fiscal year. The commission has been appointed, but has not yet proceeded to the Gulf. In consequence of the prevalence of yellow fever in that locality last fall, the commission was not appointed earlier.

Mr. ADAMS. Of course the propriety of appropriating or not ap-

propriating in this bill for that navy-yard might depend upon whether the commission has authority to determine the location.

Mr. HERBERT. The commission has no authority to determine that question finally; that will rest with Congress.

Mr. DAVIDSON, of Florida. Can the gentleman state when that

commission will probably go to the Gulf?

Mr. HERBERT. They will go very soon. The members of the commission have been appointed and will go to their field of investigation during the present month, according to my information.

Now, I was speaking of the navy-yard at Mare Island. That is one of the best yards we have—one of the best situated—in a safe position, or at least relatively safe, being situated several miles back from the bay of San Francisco, and it can be easily defended. We have heretofore appropriated all the money necessary for the plant to enable the hulls of first-class ships of war to be constructed there. We have also in this bill quite a sum for extending the sea-wall, and there are a great many other minor appropriations to which I will not stop to allude. The stone dock there, as I stated in the outset, is a first-class dock, and all the money necessary to complete it is carried in this

Now, it will be observed from what I have stated that the committee has not heretofore recommended, and does not now recommend, any appropriation for the purpose of erecting the plant necessary to build modern steam-engines and machinery, outright and complete, in the

navy-yards of the Government.

When the committee began to examine this question in 1886, I believe we reached the conclusion unanimously that we ought not to construct our engines in Government workshops. There is in this country quite a number of engine-builders. The Americans have shown great ingenuity and skill in this direction; their railroad engines especially are noted throughout the world; and, as the committee anticipated, there has been quite a great deal of competition among bidders for the construction of engines for our new vessels. So far results have amply vindicated, as I will attempt to show further on in my remarks, the wisdom of the conclusion arrived at by the committee that the engines ought generally to be built by contract and not by the Government, because it can be done better and cheaper.

At the same time it is necessary always to keep a sufficient plant at our navy-yards to do our own repairing. It has been found absolutely impracticable to have repairing done by contract outside. It is always difficult—in fact, it is frequently impossible—to estimate the amount and value of work of this kind that may be found necessary to be done when a vessel is overhauled and the machinery is to be repaired. Government therefore, for this and many other reasons, must have

sufficient plant to do its own repairs in its own yards.

I have given to the committee a brief statement of the general condition of our navy-yards. I have said it appears we have more yards on the Atlantic coast than was absolutely necessary to put and keep the Navy in a first-class condition all the time. That is especially the case because of the peculiar system under which our Navy Department is organized. We have eight bureaus, with authority distributed amongst all these bureaus, and each one of them is independent of the others, with no superior authority except the Secretary of the Navy.

Out of this condition of affairs have arisen evils which have attracted the attention of nearly everybody who has considered this question. Admiral Porter, in his naval history of the late war, began by saying that one of the difficulties under which the Government was laboring when that war commenced was this complex system existing in the Navy Department itself; and in the report he made to the Secretary of the Navy in 1885 he strongly recommends the abolition of some of these bureaus. He also stated, in effect, what I believe to be true, that practically all the line officers of the Navy favored the reorganization of the Navy De-partment and the consolidation under one head of all power over the construction of ships, their engines and machinery, and their equip-

Secretary Chandler, who preceded Secretary Whitney, saw this same difficulty, and in order to decide what ought to be done in that matter appointed a board consisting of two officers and one civilian, which was called the Luce board. This board made a thorough examination of all the navy-yards of the United States and of the systems under which they were operating, and reported very strongly in favor of some re-organization. I will send to the Clerk's desk and ask to have read some extracts from that report, made by that board, at the head of which was that distinguished and accomplished officer, Admiral Luce.

The Clerk read as follows:

To a proper understanding of the subject, it should be stated that the present wasteful extravagance in employing so great an excess of non-producers, and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, are but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties and a large patchiefs.

Thus each department has been gradually building itself.

chiefs.

Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam-generators, and its own peculiar method of doing business. As an illustration, we take from official "schedule of wages" (Form 9) of civil engineer's office the following ratings: Boiler-makers, boiler-makers' helpers, calkers, coopers, cabinet-makers, core-makers, ship-joiners, ship-car-

penters, machinists, machinists' helpers, molders, oakum-pickers, and pattern-makers—a little ship-yard in itself.

Mr. HERBERT. Now, Mr. Chairman, after that report Secretary Chandler himself recommended such a reorganization of the Navy Department as would place the construction of the hull of a vessel, its engines, machinery, and its equipments, under one supervision. The present Secretary of the Navy (Mr. Whitney) recommended strongly to the Forty-ninth Congress a bill effectuating this purpose. That was one of the principal objects of the bill he sent in to the House Committee on Naval Affairs. It met with violent opposition in the committee, as every bill is apt to do, however necessary as a public measure, if it proposes to remove any official personage of importance. Some modifications of the bill which did not defeat its main purposes were suggested by the debate and the evidence before the committee. They were intended to remove some of the objections that were urged. The Secretary assented to the changes, and in its modified form the bill was reported by a large majority of the committee.

We were not upon party lines when it was reported. All the Democrats but one, and two Republicans, of the committee favored the bill. But, unfortunately, as I think, at least, when that bill came before the House we did divide almost on party lines, and so fierce was the opposition to the passage of the bill that no further attempt was made to effect that legislation in either the Forty-ninth or in this the Fiftieth Congress. Secretary Whitney, however, set to work to accomplish without legislation what he could in that direction, and so he consoliall of the locale, the work of two of the Department bureaus. In nearly all of the navy-yards of the country in which any work of any consequence had been done each of the eight bureaus, as shown by this report of Admiral Luce, had its own separate establishment, its own

employés and workshops.

In order to remedy that as far as possible the Secretary concentrated all the work of the Equipment Bureau in one navy-yard, which, as I have said, was established at Boston. He then concentrated all the work of the Ordnance Department. Instead of having it scattered throughout the several different yards he put it all in one yard, and located it at Washington. It was not necessary to appropriate any very large amount to give a plant to the Bureau of Equipment and Recruiting, but the construction of modern guns is a very expensive process, and so it became necessary to make very considerable appropriations to enable the Secretary of the Navy to establish at Washington, and in the navy-yard here, a plant for the construction of first-class modern guns. At first we appropriated \$1,000,000 for this plant, the amount estimated for. That has proven insufficient, and now this bill carries \$625,000 more. The intention is to have a plant here equal, if not superior, to the works of Snyder at Creusot, in France, or Krupp at Essen, in Germany. The first bids for some of the tools were all deemed by the Department as extravagant, and so the Secretary rejected them.

the Department as extravagant, and so the Secretary rejected them. Other offerings are being made. The work of preparing for the new plant at the yard is progressing satisfactorily.

It will be remembered, Mr. Chairman, by those who read the report at that time, that the Secretary of the Navy stated in his report, transmitted by the President to us at the first session of the Forty-ninth Congress, that there was one of two plans which might be adopted in the attempt then being made to rehabilitate the Navy. One was to buy abroad such things as were not manufactured here, and the adoption of that course would enable us much more rapidly to build up the Navy. The other plan was to domesticate in this country the industries nec-The other plan was to domesticate in this country the industries necessary to make us independent of the world in that regard. If the latter course should be the one adopted, he said it would delay greatly the construction of the Navy, but his estimate was that at the end of five years we would find ourselves absolutely independent of the whole years we would find ourselves absolutely independent of the whole world. Congress after a very full and thorough discussion of the whole subject chose to adopt the latter course, and so the reconstruction of our Navy has been thereby somewhat delayed, especially in this matter of heavy ordnance. In the spring of 1885 and up to 1886 we had no plant in this country anywhere, whether private or governmental, that could furnish the forgings for heavy guns; but the Midvale Works near Philadelphia were furnishing forgings for 6-inch guns, and finally produced material for 8-inch guns, but have gone no further.

Armor then could not be manufactured in this country. To produce first-class armor and forgings for heavy guns, equal to the best that can be made in those great establishments that have grown up abroad year by year in answer to the heavy demands made upon them, is an expens-

by year in answer to the heavy demands made upon them, is an expensby year in answer to the heavy demands made upon them, is an expensive undertaking. It requires a costly plant, so that after the passage of the first bill, appropriating three and a half million of dollars toward the construction of the new Navy, and only that amount, the Secretary was unable to establish in this country—to "domesticate" here, to use his own language—the industries necessary to furnish the armor plates and manufacture the forgings, and it was only after we passed the second bill for the increase of the Navy, the law of March 3, 1887, containing very large appropriations, that he was enabled to make a contract, as he did on June 1, 1887, with the Bethlehem Works, of Pennsylvania, for manufacturing first-class gun-steel and armor.

The Secretary proceeded with great care and commendable caption.

The Secretary proceeded with great care and commendable caution. He had, it is true, the investigations theretofore made as a guide. There had been the reports of two committees, one of the House, the

Randall report, and one of the Senate, the Hawley report, on the subject; there had also been made a report upon fortifications by a joint board composed of army and naval officers. In addition he had the information furnished by the accomplished naval officers who are attachés at Paris and London, of those who conduct our intelligence office here, and of others who had made a special study of the subject; and the Secretary utilized every source of information he had. When we made the large appropriation in 1887 this enabled him to make the contracts under which the Bethlehem Company agreed to furnish forge ings for seventy-nine large guns. The contract specifies that these are to go all the way from 6 inches up to 12 inches, and the plant is to be sufficient hereafter to furnish even 16-inch guns, about as large as are made anywhere in the world. Deliveries under this contract are to begin February 1, 1891, and are to be completed November 1, 1891.

There was also a contract for all the armor of the Puritan, Amphitrite, Monadnock, Terror, Maine, and Texas, deliveries beginning on the 1st of February, 1891, and running along at the rate of 300 tons per month, till December 1, 1891, when the last delivery is to be made. In its preparations to fulfill this contract the Bethlehem Company is making good progress; in fact, it will probably anticipate both, certainly one, of the contracts as to the time of delivery. In the next

month, March, it will commence delivering the forgings.

Mr. ADAMS. Forgings for what?

Mr. HERBERT. Forgings for the guns. The armor and armor plates they will not be enabled to deliver so soon.

Mr. ADAMS. At what rate are these forgings to be delivered for the guns? How rapidly, and how much of an appropriation is embodied in the bill for that purpose?

Mr. HERBERT. It is expected that they will be able to deliver the

forgings in accordance with the terms of the contract, and it is stated in the report which the gentleman now holds in his hands

Mr. ADAMS. But how rapidly after they begin to deliver these gun forgings will they be delivered; how much per month, or during the next fiscal year?
Mr. HERBERT. I do not remember.

Mr. ADAMS. How much during the next fiscal year?

Mr. HERBERT. I do not remember the exact number during the fiscal year, but deliveries are to be scattered along through that period of time, running from the 1st of February next down to the 1st of November, 1891, and they will all be anticipated by several months.

Mr. ADAMS. And the appropriations were put in the last bill?

Mr. ADAMS. And the appropriations were put in the last bill?
Mr. HERBERT. The appropriations were made heretofore.
Mr. ADAMS. And none in this bill?
Mr. HERBERT. Yes, sir. There is a further appropriation here for ordnance, but for the forgings for these seventy-nine guns already

for ordnance, but for the longings of contracted for no more money is needed.

There is now, I will state to the gentleman, unexpended of the approximation of the second state of the sec addition to that we appropriate in the present bill \$1,600,000 for armor and armament, and the \$625,000 more for the completion of the ordnance shop at the Washington navy-yard. This is all the Department desires.

Mr. ADAMS.

Mr. ADAMS. Yes, sir.
Mr. HERBERT. At the time I was interrupted I was about to say we are making rather slow progress in the manufacture of guns. We have already manufactured several guns at the Washington navy-yard which are first class in every respect—6-inch, 8-inch, and 10-inch guns.

Mr. ADAMS. Does the gentleman object to a question?

Mr. HERBERT. No.
Mr. ADAMS. I see that the Department estimates \$4,000,000 for the next fiscal year for this very purpose. How do they come to ask so much during the next fiscal year if they have so large an amount

unexpended?

Mr. HERBERT. I will state to the gentleman that if he is, as I believe he is, somewhat familiar with appropriation bills, he must know that all the officers of this Government, civil as well as military, generally make the estimates very much larger than is really necessary. We have not appropriated heretofore in any year as much as was called for; and now I have this letter from the Secretary of the Navy, dated January 12, summing up the situation of previous votes for armor and armament, in which he says:

I find there is now unexpended of appropriations heretofore made \$6,726,440. If this Congress should appropriate an additional million and a half for armor and armament and the \$625,000 increase for the completion of the ordance shop at the Washington navy-yard it would be all the Department desire.

We have put in the bill for armor and armament a million six hundred thousand, and in addition to that \$625,000 for ordnance plant.

Mr. ADAMS. Yes, sir.
Mr. HERBERT. I was saying when interrupted by this question, about which I do not complain, for I desire to answer questions if gentlemen will confine them to the subject-matter about which I am speak-

ing at the time—at that time I was saying, or about to say, we are making rather slow progress in the manufacture of guns.

There have been assembled and finished at the Washington navyyard three 10-inch, eight 8-inch, nineteen 6-inch, and two 5-inch guns. Now, Mr. Chairman, these guns on trial have demonstrated by their

initial velocity that they are equal at least to any guns anywhere in

As to vessels we are making better progress. In fact, it seems generally to be the case throughout the world that it is more difficult, or rather that it takes more time to manufacture modern ordnance than to build modern vessels, at least that contractors oftener fail to come to time. Complaint is frequently made in England of these delays, as I observe in the discussion of this question in the British Parliament. In the manufacture of ordnance they have several private firms there engaged in helping the government, yet they are often behind with ordinance and ships are frequently kept waiting for their guns. We now not only have this plant established in the Washington navy-yard, but we are manufacturing 6-inch guns at the South Boston works and also at the West Point foundry. It has been found heretofore, accord-ing to the calculations furnished us by the Ordnance Department, that the guns made by the Government are rather cheaper than those we get by contract, which, gentlemen will admit, is an anomaly, but so the case is as I get it. But we ought to have guns manufactured not only by the Government but also by private individuals or private firms—first, that there may be competition between Government and private work, and secondly, that we may have more sources of supply to look to in case war should threaten.

Now, when we come to the construction of ships, we have in our new Navy of unarmored vessels twenty-one. This count includes the Roach cruisers, the cruisers laid down by Secretary Whitney, and those authorized in the act of September 7, 1888, which latter have not yet been planned, making twenty-one in all, but it does not include the two ships proposed in this bill. Our armored vessels, comprising part of the new Navy, consist of the five monitors, the Puritan, Amphitrite, Terror, Monadnock, and Miantonomoh, the Maine, the Texas, the 7,500-ton battle-ship carried in the act of September, 1888, and the coast-defense vessel devised under the direction of Secretary Whitney. Adding these nine to the twenty-one unarmored vessels, the new Navy as provided for now will comprise, when these ships are completed, thirty vessels. If the bill passes as the committee have reported it we shall have provided for thirty-two vessels. Besides these we have one torpedo-boat, the Stiletto, purchased complete, another under construction, and a third is authorized, and the Secretary has for this invited plans and bids.

The Baltimore, the Newark, the Vesuvius, the Charleston, and the Petrel have all been launched. These vessels, so far as they have been tried, have given the most satisfactory results.

I have here a table furnished me by Lieutenant Rodgers, at the head of the intelligence office at the Navy Department, comparing the vessels we have authorized with vessels of the same class built and building by foreign pations. I shall append the statement to my speech. ing by foreign nations. I shall append the statement to my speech, and in the mean time will be glad to hand the table to any gentleman who desires to examine it now. On the first page the Baltimore, the Philadelphia, and the San Francisco are compared with the Mersey the Philadelphia, and the San Francisco are compared with the Mersey type of vessels in England, the Jean Bart in France, the Sfax in France, the Irene of Germany, and the Reina Regente, built for the Spanish Government by the Thompsons on the Clyde, in Scotland.

Every particular in regard to these vessels is shown here, their batteries, their protection, their coal capacity, weight of machinery, horsepower, and speed. The Committee on Naval Affairs in studying this

question, which I may say we have done rather carefully-whether successfully or not is another matter-came to the same conclusion the Secretary had arrived at, that speed is a very essential thing in a modern vessel; so five of these cruisers which we have already laid down are to be very fast vessels indeed. All the others subsequently authorized we intend shall be very fast. Of those already begun the Philadelphia and the San Francisco, are guarantied to make 19 knots an hour.

Baltimore is estimated to make that speed also.

Comparing these vessels with other ships of the same class, we find that there is but one vessel, the Reina Regente, of Spain, that is faster than these three are expected to be. That Spanish vessel, however, is very much larger than ours. It has 4,900 tons displacement, while the largest of ours I have named has only 4,413 tons displacement. We have every reason to believe that each of the three vessels will considerably exceed 19 knots. The committee will understand, of course, that in order to get very great speed it is necessary to have size to ac-commodate machinery enough to drive the vessel rapidly. Speed can be obtained by either a sacrifice of endurance, a sacrifice of coal capacity, or a sacrifice of armament and of weight generally, but a proper adjustment of all the requisites for speed, the requisites for protection, and the requisites for endurance requires a very exact calculation, and it is believed that when these vessels are examined they will be found to be at least equal, if not superior, to any other in the world, taking into consideration all the elements which I have mentioned.

We have had so far an official return as to speed of only one of these new vessels, the Vesuvius. She is compared here with other vessels of her type, with the Tripoli, Italian; with the Sharpshooter, English; with the Rattlesnake, English; with the Destructor, Spanish; with the Bombe, French, and with the Iljin; and it appears that the Vesuvius is faster than any of these vessels with the exception of the little Spanish. ish vessel called the Destructor, which has made 22.68 knots an hour,

whereas the Vesuvius has made but 21.64. The Vesuvius, however, s a much better sea-going vessel; has a better armament, and, taken

all together, we think she compares favorably with any vessel of her class, and is, in fact, superior to any.

The Yorktown has also been launched, but there has been no official trial. She is estimated to make 16 knots an hour. At the unofficial trial in shallow water she made 16.80 knots. When tried in the same trial in shallow water she made 16.80 knots. When tried in the same water the Vesuvius was two knots and a half short of the speed which she made in deep water, where the official trial of the Yorktown is shortly to take place. If the Yorktown shall exceed in deep water her speed in shallow water as much as the Vesuvius exceeded hers, she will certainly be superior to any other vessel of her class in the world. She has only 1,704 tons displacement. At any rate, she will very greatly exceed the estimate of 16 knots an hour.

Gentlemen who will examine carefully these tables and see what the estimates are, and take into consideration the fact that the Vesuvius, which was guarantied to make only 20 knots, has exceeded that speed by 1.64 knots, and that the Yorktown has already, in shallow water, exceeded it by .80 of a knot and will probably go up to 18 knots, will I think, justify me in coming to the conclusion that all the vessels we have recently laid down will be at least equal to, if not better than,

any other vessels of a similar type in the world.

The Chicago, the Boston, the Atlanta, and the Dolphin, all were well under way when this administration came in. They all have been practically completed during the last four years, and are in commission. The Chicago is waiting for one of her 8-inch guns and will then go to That gun has been completed and it is now at the proving ground near Annapolis, and that vessel, if necessary, can be got to sea very soon, perhaps within two weeks, certainly within three weeks from the

present time.

Now, Mr. Chairman, in addition to these vessels we recommend in the present bill appropriations for the construction of two other ves-Nothing has been done with the vessels provided for in the last bill. The Secretary of the Navy came to the conclusion that inasmuch as he would be unable to get them under contract and have them properly under way by the time the new administration came in, it would be the part of wisdom, in order to prevent any conflict of opinion, that the administration which was to have practically the construction and finishing of these ships should also have the responsibility and the privilege of laying them down. So he has done nothing with them. The plans, however, are being considered in the Department, some of which will be recommended to the incoming administration.

Believing we could safely venture so far by appropriating for a new navy the same amount carried in previous bills, namely, a little less than \$6,000,000 per annum, and intending to treat alike the outgoing and incoming administrations, we have recommended the construction of

and incoming administrations, we have recommended the construction of two additional vessels. One of these is to be of the type of the Vesuvius; but that appropriation is only conditional. The power to construct this vessel is given to the Secretary of the Navy only upon the condition that he shall find upon actual trial of the armament of the Vesuvius that the guns are efficient when fired from the vessel. These

guns have been tried, and they are undoubtedly very efficient on land.

I think the latest experiments show that this dynamite gun is not as complete and perfect as it can be made. The inventors and owners themselves admit this. Still, enough has been done to demonstrate that this is to be a very efficient weapon, especially upon land. Whether it is to be efficient when fired from a vessel is another question. These guns, it will be remembered, have no carriage upon which they can be trained to the right or the left, or elevated or depressed; they are fixtures in the vessel. In these three dynamite guns which the Vesuvius will carry the charge can be regulated, the amount of pressure measured with very considerable accuracy; and the purpose of the inventor is to regulate the distance the projectile is to traverse by the amount of pressure applied.

Generally heretofore the elevation has been 18 degrees, but whatever may be the degree of elevation fixed in the vessel, the gun will remain a fixture, and the distance the bomb is to be thrown will depend upon the air-charge, the pressure that is brought to bear upon the missile. This gun can throw 500 pounds of dynamite, and from that quantity down to a hundred, by the use of a subcaliber projectile. The proper direction of the gun is to be attained by means of the rudder of the The committee are anxious to see the gun tried on shipboard. There is no doubt that it excels anything yet invented in propelling to a great distance large masses of high explosives. It will be a terribly destructive naval weapon if from a ship it can hit the mark aimed at.

The other vessel we have recommended is to be an armored cruising monitor constructed after designs which were furnished by our colleague on the committee, the gentleman from Illinois [Mr. Thomas]. The plans were transmitted by a subcommittee to the Navy Department for examination and report, and such recommendations as the Depart-

ment might see fit to make in the premises

By order of the Secretary of the Navy a board was appointed, consisting of Commodore M. Sicard, Chief of the Bureau of Ordnance; Commodore W. S. Schley, Chief of the Bureau of Equipment and Recruiting; Commodore Theodore D. Wilson, Chief of the Bureau of Construction, and Commodore George W. Melville, Chief of the Bureau of Steam Engineering. This board examined them carefully and

exhaustively, and they all united in a favorable report, recommending the building of a vessel according thereto. The finding of the board was approved by the Department, and the recommendations concurred in, as the following letter of the Secretary will show:

NAVY DEPARTMENT, Washington, January 9, 1889.

Sir: I have the honor to transmit herewith, in accordance with the request of the committee, a copy of the report of the officers appointed by me to examine the plans and drawings of the 3,000-ton vessel of wardesigned by the Hon. John R. Thomas, which report has received the approval of the Department.

Very respectfully,

W. C. WHITNEY, Secretary of the Navy.

Hon. H. A. HERBEET, Chairman Committee on Naval Affairs, House of Representatives.

The board submitted with their report the following description of the vessel as shown by the plans and specifications:

The aim in the design of this vessel has been to combine, on a limited displacement, large powers of affense and defense; recognizing that the efficiency of an armored vessel intended for ocean or coast purposes is to be measured by the disposition and character of her armament, the ability to use it in all reasonable weather, the protection afforded by the armor, the rate of speed both going ahead and turning, her cruising capacity without recoaling, and her habita-

ahead and turning, her cruising capacity without recoaling, and her habitability.

First. The battery has been disposed with a special reference to fighting ahead, and of being able to do this in all kinds of fighting weather.

The character of the armament is as follows: Two 10-inch B. L. R. for long range, and capacity for throwing shell charged with high explosive compounds. These guns are mounted in a turret armored with 10-inch solid steel plates, the axis of the guns when level being 11 feet above the fighting load line, with a range of fire from direct ahead to 65 degrees abaft the beam on either side, and by removing the deek-house increasing the range to a practically all-around fire. For close quarters she has a 15-inch Zalinski dynamite gun capable of throwing 800 pounds of high explosive compound, and two under-water bow torpedo-tubes, also a 6-inch rapid-firing B. L. R. located aft. The secondary battery consists of three 3-pounder rapid-firing and one 37-millimeter revolving gun.

bow torpedo-tubes, also a 6-inch rapid-firing B. L. R. located aft. The secondary battery consists of three 3-pounder rapid-firing and one 37-millimeter revolving gun.

Second. To give as great an armor protection as possible on a very limited displacement the armor has been disposed in the form of an arc of a circle turning downwards at the sides to 4 feet below the fighting line; the armor on the crown is 3 inches in thickness, increasing to 5 inches at the sides. In order that the target presented to an enemy may be as small as possible, ballast tanks have been provided capable of holding enough water to lessen the cruising freeboard 3 feet, so that the hull target exposed, in still water, will be represented by a segment of a circle, rising from zero at the water line to 4 feet above at the center of the vessel. A novel feature connected with this armor is the method of supporting it, which is done by a system of longitudinal and transverse girders Is inches deep. On the inner side of these girders is worked a water-tight skin, serving the double purpose of, in the event of any portion of the deck armor being dislodged, arresting any rush of water and forming with the longitudinal support the upper flange of the ship's girder. The transverse girders will be solid every 12 feet, thus localizing any inflow of water. Great care has been taken to further subdivide the ship in numerous water-tight compartments, all of which connect both with the circulating pumps of the engines and powerful wrecking pumps, so that any compartment may be readily freed from water.

On the top of this armor-deck have been worked light false-works, increasing the cruising freeboard to 7 feet 8 inches amidships and giving a comfortable working-deck. In order that these false works may not endanger the stability of the vessel in the case of their being riddled by a machine-gun fire in action, the sides are double with a space of 6 feet between them; this space is filled in with cellulose for the entire length of vessel.

In order that

Principal dimension:	
Length on load line	235
Breadth extremedo	55
Cruising draught of waterdo	141
Displacement at cruising draught	
J. H. P. forced draught	7,500
Speed knots.	
Coal supplytons	550

Armament: Two 10-inch B. L. R., one 15-inch dynamite gun, one 6-inch B. L. R. rapid-fire, three 3-pounders, rapid-fire, one 37<sup>mm</sup>. R. C., two bow torpedo tubes. Complement of officers and men, 119.

These plans are not fully completed in all respects, but throughout they are to be approved by the Navy Department, and the vessel is not to be built except upon such approval.

This, I believe, disposes in a general way of the appropriations embraced in this bill, except I had forgotten to mention the fact that in this bill, following previous appropriations, we appropriate all the money necessary to complete the Naval Observatory upon the ground purchased some years ago by the Navy Department and situated in the northwestern portion of this city. We have also put in all the money necessary for the purchase or construction by contract of four new iron

Mr. ADAMS. Will the gentleman yield to me for a question?
Mr. HERBERT. Certainly, sir.
Mr. ADAMS. Has the gentleman a recent letter from the Navy
Department in regard to this item of construction of steam machinery,
saying the estimates in the Book of Estimates are excessive? I will
remind the gentleman this estimate authorized the committee to put two new cruisers into this bill, and the sum appropriated here is much less than the Department say they need to carry on this work.

Mr. HERBERT. In answer to the gentleman's inquiry I will read

an extract from the letter of January 12, and I will insert the whole letter in my remarks:

NAVY DEPARTMENT, Washington, January 12, 1889.

NAVY DEPARTMENT, Washington, January 12, 1889.

SIR: I have examined the condition of the appropriations heretofore made for the "new Navy," as requested by you.

The appropriations from the act of March 3, 1885, to the act of September 7, 1888, amount altogether, for "construction and steam machinery," to \$12,815,000.

There has been expended of that amount up to the present time \$4,221,718.69, leaving a balance of about eight and a half millions to the credit of construction and steam machinery" for new ships. Contracts for new ships now outstanding will require the payment of about four and a half millions, leaving about four millions to the credit of the appropriation for the prosecution of the work on the Maine, Texas, and double-turreted monitors and ships not yet contracted.

work on the Maine, Texas, and double-turreted monitors and snips not yet contracted.

If this Congress should appropriate an additional sum of three millions for "construction and steam machinery, new Navy," it will be more money than the Department will require for those purposes up to July, 1890; in fact it would result in a large balance at that date without doubt.

In ordnance I find there is now unexpended of appropriations heretofore made for armor and armament \$6,726,440, four millions of which was appropriated by the act of March 3, 1887, for armor and gun-steel.

If this Congress should appropriate an additional sum of a million and a half for armor and armament, and the \$625,000 requested for the completion of the ordnance shops at the Washington navy-yard, it would be all that the Department would need up to July, 1890, and in fact large balances will then remain, in my judgment, to the credit of the appropriation.

Very respectfully,

W. C. WHITNEY,

Secretary of the Navy,

Secretary of the Navy.

Hon. H. A. Herbert, Chairman House Naval Committee, House of Representatives, Washington, D. C.

We appropriated for construction three and a half instead of three millions of dollars in this bill in view of the fact that we did authorize other ships to be constructed. I wish to call the attention of the gentheman from Illinois [Mr. ADAMS] and the Committee of the Whole to another fact. In scarcely any of these ships, in none of them, I believe, have the contractors been able to work up to the conditions of their contracts. In nearly all they have required or will have to ask

indulgence.

Mr. HAYDEN. Time.

Mr. HERBERT. Yes, to ask for time. As I said before, in the construction of the new Navy there were many difficulties to be encountered. There was no plant in this country which had ever constructed castings for such engines as are required for these very fast vessels. Other parts of the machinery had heretofore been imported from abroad. All these difficulties our ship-builders had to contend with. They have been finally successful; but there has been delay, unavoidable delay, in all these ship-building contracts. The Secretary considered this whole question, and came to the conclusion this appropriation was ample. Gentlemen must take also into consideration that under a Gentlemen must take also into consideration that under a change of administration there is likely to be still further cause of delay.

The new Secretary, whoever he may be, will have to lay down—
The CHAIRMAN. The gentleman's time has expired.
Mr. THOMAS, of Illinois. I will take the floor and yield part of

my time to the gentleman from Alabama.

The CHAIRMAN. How much time does the gentleman yield?

Mr. THOMAS, of Illinois. As much as he wants.

Mr. HERBERT. I thank my colleague for his courtesy.

Now, Mr. Chairman, I was about to say that when the new Secretary comes in he must familiarize himself with the duties imposed upon him in his new office, with ship-building, with the officials under him. How much time will be required will depend altogether on who he may be, and how familiar he may be with such questions. It will necessarily take a long time to put out these new vessels to contract, and it will be found, I am certain, that three and a half millions in addition to the vast sums now on hand will be ample to meet all expenditures for the next fiscal year. It certainly will be unless some raordinary emergency not now foreseen shall arise during the year.

In conclusion, Mr. Chairman, there is one other subject on which I desire to say a few words. It seems to me there ought to be a change in our general policy as to the revenue-marine service, the Coast Survey service, and the Fish Commission. We have 40 vessels in the revenue marine with 7,468 tonnage with 212 officers and 791 men. Now, this revenue marine is under the control of the Secretary of the Treasury. I would not take this control away from him, but what I would do would be to construct all these vessels hereafter on plans approved by the Secretary of the Navy. The revenue-marine vessels are not now efficient fighting ships. They have no protection at all, even for their machinery. Their engines are all vertical, exposed to an enemy's fire. They are not fit for service in case of war.

I hope this question will be taken up and Congress will enact hereafter that every vessel provided for the revenue marine shall be adapted, when built, for service in case of war. The officers hereafter mustered into this service ought to be all taken from the surplus graduates of the Naval Academy at Annapolis. We educate men there every year—educate them thoroughly—for the naval service, and then send them to their homes when they would make efficient officers for the revenue marine. If these revenue-marine vessels were all commanded by naval officers it would enable them to acquire knowledge that would be simply invaluable. They would thus familiarize themselves with every bay and inlet and every possible landing on our shores. I throw this out as a suggestion for consideration in the future. The sailors, too,

on board those vessels ought every one of them to be mustered into the naval service—sworn in for military duty.

Mr. PETERS. Will the gentleman from Alabama permit me to ask

him a question?

Mr. HERBERT. Certainly.

Mr. PETERS. Have we not enough naval officers now in the service,

who are doing nothing, to officer the marine service?

Mr. HERBERT. No, sir; I think not. Until I looked into the matter I was myself under the impression, and it is quite a common one, that we have many naval officers who are idle and ought to be put to work. These officers labor under a great deal of opprobrium because the public does not know what they are doing; but the fact is that great numbers of them are detailed on duty in or about the construction of the new vessels and the building of new guns, and many in the performance of other duties which can not be and will not be done as faithfully and well by any other class of officials.

Every piece of steel that goes into the make-up of a ship, every plate, every shape, every angle; and every jacket, every tube, every breech-block, every pin that goes into a gun is carefully inspected by some naval officer. This is an immense work and requires many officers, and where is the official that can in this work be trusted as implicitly as those thoroughly educated men who must sail these ships and fight

these guns?

But passing from that, Mr. Chairman, the Coast Survey is already under the Navy to this extent, that the Navy furnishes the officers, but the men are not regularly mustered into the service of the Navy, as I think they should be. The tonnage of the 22 vessels employed in the Coast Survey is 2,659, and all of them could be adapted to naval service. The size of these vessels is sufficient to make them useful as dispatch or torpedo boats. There is no economy, no wisdom, no foresight, in having vessels continually on the seas, belonging to the Government, commanded by naval officers, and yet wholly unfitted for naval service if the country were at war. Coast-Survey vessels, revenue-marine vessels, light-house tenders—none of these would be less fitted for the duties they now perform if better adapted for service in fitted for the duties they now perform if better adapted for service in defending the country. But passing from that suggestion, which I propose to take some opportunity in the future to elaborate, there is one other amendment which we propose to offer to the bill, and that is this, to insert between lines 21 and 22, on page 13 of the bill, these words:

For the purchase in fee and the occupation, survey, and erection of the necessary buildings thereon, of the lands upon and near the bay and harbor of Pago Pago, in the island of Tutuila, Samoa, for a coaling station, \$100,000.

Mr. DINGLEY. Before the gentleman passes from the Coast Survey I would like to ask him whether I understand him as stating that the committee will offer an amendment relating to the revenue marine and Coast Survey in the direction he has named?

Mr. HERBERT. No, sir; I do not so state. I was simply offering, for consideration hereafter, suggestions which have occurred to myself. I do not think that such an amendment would be in order upon this bill. I merely throw out suggestions now, and hope that they will be

acted upon in the future.

It will be remembered, Mr. Chairman, that the Senate has sent back a House bill containing an appropriation of a somewhat similar character to this, but is not the same in terms. This proposed amendment provides for the purchase in fee and the occupation, survey, and erection of the necessary buildings for a coaling station at the point named in Samoa. No such words appeared in the Senate amendment to the diplomatic bill. I do not think it is necessary in this connec-tion to enter into any elaborate discussion of the Samoan troubles. Suffice it to say that an examination of the correspondence between the diplomatic representatives of the Government of the United States and of Germany shows that there is and has been all along an understanding and agreement, which was as plain as words could make it, between these parties that the autonomy of the native government of the Samoan Islands was to be respected by the three powers, Germany, England, and the United States.

It has seemed from recent occurrences that there was an intention on the part of Germany to do what it appears this morning the German Government has expressly disavowed, to interfere with the autonomy of the Samoan Government and to make a conquest of those islands. Certainly many things which have transpired, especially the action taken by the representatives of the German Government there, would give color to that idea; and yet we find this morning the newspapers of the day containing an express disavowal on the part of Germany of any intention to make a conquest of those islands or to interfere with

the rights there of the United States or Great Britain.

Mr. PETERS. That is only a diplomatic disavowal, is it not?

Mr. HERBERT. I do not know in what other way it could come except in a diplomatic manner. All I have to say now is this: The deed and the treaty under which we have heretofore occupied lands for a coaling station possibly may be taken to imply that we have only a case; we propose here to make a sufficient appropriation to enable the Secretary of the Navy to purchase in fee—these are the words used, and I call the attention of gentlemen to them because they are significant of the purpose of Congress if it passes the amendment—to purchase and

hold perpetually the lands there upon which we now have a coaling We wish to remove all doubt about our intention to permanently occupy.

I do not think, Mr. Chairman, that it is necessary to discuss that question any further. I shall offer that amendment by instruction of the committee during the day when we reach that portion of the bill

to which it is applicable.

Mr. MORROW. Will the gentleman permit me to interrupt him in that connection, to ask if he does not understand from the papers submitted on yesterday that Mr. Goward, who acted as the agent of the Government of the United States in reference to the securing of the lands in this harbor of Pago Pago, did obtain them in fee-simple on the shores of that island? Does he not mention the fact that, in connection with and involving the right of the Government to lands in that harbor, there was the signature of the four persons who owned the real estate on the shores of the harbor, and the transaction was understood as conferring a title in fee?

Mr. HERBERT. I do not so understand it, although I confess that I have not had an opportunity of examining the papers very fully or

carefully. But here is what Mr. Goward stated himself:

In my opinion this instrument might be regarded as transferring to the United States title to the land. At the time I was not authorized or prepared to accept an absolute title in fee-simple, not knowing how far the United States Government desired to proceed in the matter. For that reason the phraseology employed was that used in the treaty, leaving thereby the interpretation of the same to the Department.

Mr. ADAMS. Before we leave that part of the bill, I would suggest to the gentleman whether it would not be better for the committee to consider whether the adoption of the phrase as suggested by him might not be construed as a concession away of rights which we possibly have already, and that a more general phrase making an appropriation to acquire whatever lands are necessary in this harbor for the use of the Government as a coaling station would accomplish the same purpose as well as secure for us whatever privileges we may now pos-

To adopt this amendment would be a statement by this House that we have not a fee-simple; but to take another form you need not give away any right, and yet at the same time secure all the advantages which the committee desire to secure.

Mr. MORROW. I would like the gentleman from Alabama to read the other portion of that letter.

Mr. HERBERT (reading):

Goat Island was the place selected as the place for raising the flag commemorating this event in consideration of the fact that it commanded a view of the whole harbor, with the intention of not confining the United States Government in the selection of any particular part of the shore for use as a coaling station during the period covered by the language of the treaty, namely, ten years

Mr. ADAMS. All Mr. Goward meant was that he did not mean to

Mr. ADAMS. All Mr. Goward meant was that he did not mean to put a legal construction on the treaty.

Mr. HERBERT. I will state in view of the suggestion made by the gentleman from Illinois [Mr. ADAMS] that the wording of that amendment has not been considered by the committee, though the substance was. It was drawn up by myself, and the form has not been considered by the other members of the committee, but it will be considered in the Committee of the Whole, and any suggestion can be made as to the language to be used. Speaking for myself, I certainly desire in this language to be used. Speaking for myself, I certainly desire in this amendment not to surrender but rather to insist on whatever rights we may have in this island. In my opinion, it is not capable of misconstruction, but I am quite ready for suggestions.

Mr. ADAMS. I thought that was what the gentleman intended.

Before we arrive at the consideration of that part of the bill, I wanted it to be in the mind of the chairman of the committe, and I have no

doubt as to what his desire is.

Mr. HERBERT. There is one other bit of information I think I ought to give to the committee in view of the present attitude of affairs. It relates to the condition of our fleet in the waters accessible to Samoa. In case anything as deplorable as a war between the two countries should occur this committee ought to fully understand the situation. The distance between San Francisco and Samoa is 4,230 miles, and to traverse it at 10 knots an hour would require eighteen days. The distance from the German ports by way of the Suez Canal is 13,880 miles, and it would require to traverse that distance at 10 knots an hour fifty eight days, giving us an advantage of forty days. In case of necessity we could assemble at San Francisco in ten days twelve merchant steamers for transportation with a capacity of 5,300 infantry and 592 artillery. In thirty days we could assemble there eleven other steamers with a capacity of 3,778 infantry and 448 artillery with their guns.

Mr. STOCKDALE. Are they over there?
Mr. HERBERT. We have not got the troops there. I am simply giving what we could do if we had the troops there. But there would be no trouble about getting readily all the troops we could transport. These vessels that I have spoken of are not naval vessels, but could, in case of necessity, be engaged for the transportation of infantry and artillery. Our squadron in the Pacific Ocean consists of the Adams, six guns; the Alert, four guns; the Nipsic, six guns; the Trenton, ten guns; the Vandalia, eightguns; and the Mohican, eightguns; in all forty-two guns, with a total of 11,678 tonnage displacement. Besides this there is our Asiatic squadron. Of these vessels the Nipsic is already there, the Trenton and Vandalia are on their way there, and others can rapidly be sent there.

Mr. THOMAS, of Illinois. The Dolphin is on her way there.
Mr. HERBERT. The Asiatic squadron consists of the Marion, the Omaha, the Dolphin (now on her way), the Pinto, and Palos, altogether of 6,570 tons displacement and thirty-two guns.

Germany has in the Pacific Ocean three vessels, the Olga, ten guns, of 2,169 tonnage; the Adler, four guns, of 884 tons; and the Eber, three guns, with 570 tons displacement. In China she has the Wolf, four guns, and the Iltis, four guns, each of 489 tons displacement, altogether making twenty-five guns, with a total tonnage of 4,651. Besides these, Germany has in the Indian Ocean the Leipsig, the Sophia, the Carola, the Mowe, the Schwalbe, and the Pfeil, with a total tonnage of 11,613, with forty-four guns.

I do not know, Mr. Chairman, of anything else that I desire to say, unless some gentleman desires to ask a question.

Mr. MORROW. I desire to call the attention of the gentleman from Alabama to what is found in the communication made to the Senate yesterday by the Secretary of State in a letter which he transmitted. I call attention to this part of a letter from Mr. Goward to Assistant Secretary Rives, dated January 31, 1889, which is evidently a mistake.

The four persons signing this instrument were appointed as commissioners on behalf of the Samoan authorities in view of the fact that they were individual owners of property along the shore of the harbor of Pago Pago,

Continuing, the letter says:

In my opinion, this instrument might be regarded as transferring to the United States title to the land,

I will also give the deed here:

To whom it may concern: Be it known that we, the undersigned, being duly authorized and empowered by the Taimua and Faipule of the Samoan Government, do hereby, on this 5th day of August, 1878, transfer to the Government of the United States the privilege of using the port of Pago Pago, and the shores thereof, in accordance with the provisions of a treaty of friendship and commerce concluded at Washington, in the United States of America, between the United States and Samoa, on the 17th day of January, 1878.

LAVEA.

LEIATO X.

TUILAGI.

TAIMUA MA FAIPULE.

Loto. Witness: Gustavus Goward.

Mr. HERBERT. I concede there seems to be some doubt as to whether we have a fee-simple title to the land. The purpose of the amendment is to remove this doubt. If gentlemen desire it we can revise the amendment in Committee of the Whole. We want to make an appropriation in language that will make our meaning exceedingly That appropriation should be under the control of the Secretary clear. of the Navy

Mr. KERR. Will the gentleman state to the House the reason why

he doubts our ownership?

Mr. HERBERT. The words that I have just read used by Mr. Goward who negotiated this matter. He said he did not feel that he had any authority from the Government to accept the concession. He certainly leaves the matter in doubt. I have just read his words. If they do not convey any doubt to the mind of the gentleman from Iowa [Mr. Kerr] they certainly do to mine, and I think the doubt ought to be removed so that it can not exist in the mind of anybody.

Mr. MORROW. I merely wished to call attention to this by way of supplement to what the gentleman from Illinois [Mr. ADAMS] said as to the propriety of so modifying the language as not to admit that there

is any doubt about our rights there.

Mr. HERBERT. I am very much obliged to the committee for its

Mr. HERBERT appends the following letter and tables to his re-

NAVY DEPARTMENT, Washington, D. C., January 25, 1889.

Washington, D. C., January 25, 1889.

Dear Sir: I send you herewith tables comparing the cruisers now under construction with those of similar type and class in foreign navies; also showing the present ship-building programmes of foreign navies.

I have delayed sending these to you in order to get some data concerning the Yorktown's trials; but I am now informed by the contractors that the trials thus far held were merely preliminary and for their own instruction, so that I am only able to state that the Yorktown has not yet been officially tried.

The weight of machinery of the Vesuvius appears greater, than that of other vessels of a similar class; but it is believed that her boilers are of a much more durable and consequently heavier type.

Very respectfully,

R. P. RODGERS

R. P. RODGERS, Licutenant, U. S. N., Chief Intelligence Officer.

Hon. H. A. HERBERT, Chairman of the Naval Committee, House of Representatives, Washington.

United States cruiser Ballimore and type or class.

Name,	Date of launch.	Normal dis- placement.	Main battery,	Protection.	Coal capacity.	Weight of machinery.	I, H, P.	Speed.	Remarks.
Baltimore	Oct. 6,1888	4,413	Four 8" B. L.; six 6" B. L.	Deek, complete, 2.5" to 3.5"	400 normal, 850 max.		10,500	19	Guarantied by contract.
Philadelphia	1889	4,324	Twelve 6" B, L	Deck, complete, 2.5" to 3.5"			10,500	19	Do.
San Francisco	1889	4,083	Twelve 6" B. L	Deck, complete, 2" to 3"			10,500	19	Do.
Mersey, 3 of type (England).	1885-1886	3,550- 4,050	Two8"B. L.; ten 6"B. L.	Deck, complete, 2" to 3"		560	5,871- 6,626	18	Four hours' trial,
Jean Bart, 3 of type (France).	1889	4,160	Four 6,3" B.L.; six 5.5" B.L.;	Deck, complete, 4"; cellu- lose water-line belt.			8,000	19.0	Estimated.
Sfax (France)	1884	4,400	Six 6.3" B. L.; ten 5.5" B. L.	Deck, complete, 1.5"; cel- lulose water-line belt.	606	970	6, 400	17.5	Speed at sea when in commis- sion.
Irene, 8 of type (Germany).	1887-1894	4,400	Twelve 6" B. L	Deck, complete, 0.8" to 2.2"; belts of coal and cork.	600 normal, 900 max.		8,000 {	18.0 19.0	First of class, Estimated speed of others.
Reina Regente, 3 of type (Spain).	1887-1890	4, 900	Four 9.45" B. L.; six 4.72" B. L.	Deck, complete, 2" to 4.75"; cellulose belt at water- line,	500 normal, 1,200 max.		11,500	20.6	Mean speed of four runs over measured mile.

United States cruiser Yorktown and type or class.

Name,	Date of launch.	Normal dis- placement.	Main battery.	Protection.	Coal capacity.	Weight of machinery.	I.H.P	. Speed.	Displace- ment on trial,	Character of trial, etc.
Yorktown Archer, 6 of type (England), compound engine.	Apr. 18, 1888 1885-1886	1,703 1,810	Six 6" B. L	Deck complete #" coal belt by machinery and boilersdo	200 normal, 393 max. 325-360	340 350	3,755- 4,000	17.58 17.90	*1,630	No official trial, January, 1889. Mean of several 4-hour runs. Mean of several
Raccoon and Serpent (England), 3 pl. exp. engines.	1887	1,770	Six 6" B. L	do	250 to ?	380	4,369	16.87	1,770 1,272	measured mile runs. Mean of 4-hour runs. Over a measured mile.
Condor, 5 of type (France.)	1885-1889	1, 280	Five 3.94" B. L	Deck, complete, 1.5" to 2" cellular belt complete, coal below it, at machin- ery, etc.	142	356	3,600	16,5	1, 280 1, 280	Mean speed, 4 hours' run. Mean speed, 24- mile run.
Schwalbe, 7 of type (Germany.)	1887-1893	1,120- 1,300	Eight 4.13 B. L	ery, erc.	250-300		1,500	13.5- 14.5	Load	Several hours.

### United States cruiser Charleston and type or class.

Name.	Date of launch.	Normal dis- placement.	Main battery.	Protection.	Coal capacity.	Weight of machinery.	I.H.P.	Speed.	Remarks.
Charleston	July 19,1888	3,730	Two 8" B. L.; six 6" B.L.;	Deck, complete, 2" to 3"	328 normal, 800 max.	Tons.	7,000	18.0	I. H. P. requirement of contract; will probably be exceeded; also speed,
			Court de die				7,650	18.9	I.H. P. and speed as re- ported, but comes from
Naniwa-Kan, Japan (2 of type).	Mar., 1885	3,650	Two 10" B. L.; six 6" B.L.	Deck, complete, 2" to 3"	328 normal, 800 max.	710	159,245	17.885	not very reliable sources. Result of four runs over measured mile by the sister ship Takachilo, in service and drawing
Vesuvio, Italy (5 of type).	1886-1889	3,540	Two 10" B. L.: six 6" B. L.	Deck, complete, 2"	600 normal, 900 max.		7,500	17.4 *19.0	2" more than designed. First of type; later vessels estimated to reach 19 knots.

# United States gun-vessel Petrel, and type or class.

Name.	Date of launch.	Normal dis- placement.	Main battery,	Protection.	Coal capac-	I. H. P.	Speed.	Remarks.
Petrel	Oct. 13,1888	890	Four 6" B, L		100	1,100	13	Estimated I. H. P. and speed.
Magpie,9 of type (England).	1889-1890	805	Four 4" B. L	machinery space.	105	1,200	13	Do.
Inconstant, 3 of type (France).	1886-1887	810	Three 5.51"B.L.; one 4"B.L.	do	145		12-14	Do.

# Vesuvius and type or class.

Name.	Date of launch.	Normal dis- placement.	Armament,	Protection.	Coal capac- ity.	Weight of machinery.	I.H.P.	Speed.	Displace- ment on trial.	Character of trial.
Vesuvius	Apr. 28, 1888	800-900	Three 15" pneumatic guns;	Deck, forward part, light	140	256, 51	4,366	21.6447	810	Two runs over a 2.54 knots course.
Tripoli, 5 of type (Italy).	1886-1889	860	three 6-pound R. F. G. Four 57mm R. F. G.; four 37mm R. F. G.; three 37mm R. G.; five torpedo tubes.	Deck, over machinery and boilers, 1.5" steel; coal.	160	-		19.8 21.0	881	Measured mile.  Maximum speed reported.
Sharpshooter, 11 of type (England).	1888-1890	735	Two 36-pdr. R. F. G.; four 3-pdr. R. F. G.; four tor- pedo tubes.	Deck, complete, light	100	165	4,500	21.0*		
Rattlesnake, 4 of type (England).	1886-1887	550	One 4" B. L.; six 3-pdr. R. F. G.; four torpedo tubes.	Skin abreast engines 4" thick. Coal protection for boilers.	80	110	2,860	19.5	525	Mean of several runs over meas ured mile.
Destructor (Spain)	July 29, 1886	458	One 4" B. L.; four 6-pdr. R. F. G.; two 47mm R. G.; five torpedo tubes.	Steel bulkheads forward of magazine, and boilers 1½" thick. Coal with 4" bunker. Bulkhead abreast engine and boil- ers.	110	153	3, 829	22,68	385	Mean speed on 3 hours' continu- ous run.
Bombe, 10 of type (France).	1885-1891	320	Two 4" B. L.; two torpedo tubes.	Cellulose and coal. Steel coal bunker; bulkhead by machinery and boil- ers.	46	78	2,000	19.5		Measured mile speed.
Iljin	July, 1886	600	Seven 3-pdr. R. F.; eight 37mm R. C.; four 47mm R. C.; seven torpedo tubes.	Deck complete; light; coal.	97	155	3,550	20, 1	627	Maximum speed at tained.

# Ship-building programmes—vessels building or ordered January, 1889.

Country.	No.	Class.	Type.	Displace- ment.	Speed.	Remarks.
	121			Tons.		
	4	Battle-ships	Victoria and Nile	{ 10,470 11,940 12,000 5,600	17.25 *16.5	Speed made Completing
supplied to Land	0		Enlarged Nile	12 000	(?)	To be ordered in 1889.
X POLICE OF	9	Armored cruisers	Orlando	5 600	18.5	Completing.
The Park of the Land	-	Aridored cruisers	OTHER CO.	0,000	*20.0	Sea speed.
	2	Protected cruisers	Blake	9,000	*22.0	Measured-mile speed.
				2,800 2,930 2,575 1,800	*20.0	Unsheathed.
	5	do	Medea	2,950	*19‡	Sheathed.
	5	do	Pandora	2,575	19.0	
and	2	Part protected cruisers	Barham	1,800	19.5	
	100			44.000	15.0	Sea speed.
	4	do	Blanche	1,580	16.5	Measured-mile speed.
	4	do	Improved Buzzard		14.5	
	9	Gun-vessels	Magpie	805	13.0	
		m	V-1	0.000	18.0	Sea speed.
	11	Torpedo transport and depot	Vulcan	6,620 735 70 12	20.0 21.0	Measured-mile speed.
	6	Torpedo-boats, first class	No. 79	70	22.5	
	10	Torpedo-boats, second class	No. 50	12	17.0	A A SHILL SHAPE A SHAP
	1	Training brig.	Martin or Pilot	500 to 600		

Ship-building programmes-vessels building or ordered January, 1889-Continued.

Country.	No.	Class.	Tpye.	Displace- ment.	Speed.	Remarks.
France	5 2 2 3 2	Battle-ships	Dupuy de Lôme	3,025	18.0 15.0 18.0 20.0 19.0 20.0 }	} Completing.
rance	1 2 4 52 1 2	Torpedo-vessel Torpedo-boat scouts Torpedo-boats, first-class Submarine boat Transports	Improved Condor Improved Bombe Ouragon No. 75	1,280 320 147 55	*17.8 *19.5 *20.5 (?) *9.0	
expedient shad for	10	Battle-ships	New type Improved Wespe	7,000- 8,000	(?)	es entencione del collection de la colle
Jermany	8 5	Protected cruisers		4,400 f 1,120	18, 0 19, 0 13, 5	Control series delicity Constantina del par conjunt
Tarical, the or as upon made in Tabup what then in Yali in and the second	4 1 2 19	Dispatch vessels	Wacht Mine steamer	1,240 (?) 350 83	14.5 19.8 20.0 (?) 22.0 22.0	Street to observe all or the control of the control
For this bis of the second of	6 2 1	Armored cruisers. Protected cruisers. Part protected cruisers.	Reina Regente	4,900 1,046	19.0 20.6 16.0 16.0	Contract speed,
pain	6 20	Unprotected cruisers			17.5 10.0 14.5	inflatoria con soften a minima
plical glatule age	6	Torpedo vessels	New type	600	(?)	into unimalparana a tond

Mr. McADOO. Mr. Chairman, I desire to address the committee, unless some gentleman on the other side wishes to be heard first. understand that my colleague on the committee, the gentleman from Maine [Mr. BOUTELLE], intends to speak upon this bill, and if he does I shall be glad to wait until after he has addressed the committee.

Mr. BOUTELLE intimated that he did not wish to speak at that

Mr. McADOO. I do not propose, Mr. Chairman, to go into details on the various items of the bill, because I take it that there is substanon the various items of the bill, because I take it that there is substantially no objection to its passage. However, we are engaged in a very grave, responsible, and patriotic task. We are upbuilding the American Navy, and the thanks of the people of the United States are due largely to the present excellent official head of the Navy Department and to the two or three Congresses which have preceded this one for the very substantial appropriations they have made for this very good and laudable work. The American people are proud of their Navy; they are proud of its history, and in a republican form of government like ours it does not meet with any of the jealousy which surrounds the regular Army. The fathers of the Republic, the men who laid down the foundations on which our liberties rest, always favored the naval establishment as against a standing army. The power of the navi is directed against the enemies of the nation on the outside, and hence defends rather than threatens the liberty of the citizen, and it is to the fends rather than threatens the liberty of the citizen, and it is to the credit of the naval establishments of the world that in all history there has never been an instance where a navy has turned its guns against the liberties of its country.

If time permitted and the committee was not weary of a long discus-

sion, I would be very glad to do what I did in a former Congress, cite a few instances from the state papers showing the high regard and respect and veneration in which the naval establishment was held by the fathers of the Republic. The history of the United States Navy, as I have already stated, is a very glorious one and is the proud inheritance of Americans for all time. The story of its victories and achievements reads like a romance when one reflects on the power of the foes it overcame and the difficulties that it encountered. The history of naval architecture in the United States is also interesting. From 1840 to architecture in the United States is also interesting. From 1840 to 1860 we were one of the greatest naval powers on the globe. Our ships were the admiration of the peoples in every port into which they sailed. The American clipper ship was queen of the ocean and basked in the sunshine of universal praise. The old frigate Congress led the van of naval progress and power. The infant Republic, feeling its way through unknown forests into the heart of a continent on the one hand, boldly on the other hand distanced its maturer rivals for supremacy on

Our ships, as I have said, were the models upon which other nations built their navies, and up to 1860 we were probably the leading naval power of the world. The transitions of American naval architecture may be briefly summed up as follows: First came the great sailing frigates, cruisers, and sloops—wooden vessels. From that the first step, when steam became the factor in civilization, was the side-wheeler, and from that came the propeller. The first war vessel with a propeller was the

Princeton, and it is to the honor of that celebrated, patriotic, and progressive family in my own State, the Stevenses, that through their efforts that vessel was built. From the wooden propeller we advanced during the war, and were the first nation to make the advance to the Monitor type of war vessel. We led the world in that. We advanced to the armored iron and steel vessels.

to the armored iron and steel vessels.

It is very interesting, and it will take but a moment for me to remind gentlemen of the fact, that to the citizens of the Southern States, to those who managed the naval affairs of the Confederacy, is due to a large extent the credit of that tremendous advance in naval architecture, and if time permitted it would be entertaining to recount the manner in which, with the few facilities they had at command, and with their lack of ship-building resources, they developed the naval skill by which they took the old hulk of the Merrimack and transformed it into the Confederate ram Virginia. We built to meet this powerful adversary the Monitor. We built also what was called the New Ironsides, the first armored vessel of our Navy. The war pro-New Ironsides, the first armored vessel of our Navy. The war progressed, and we met every emergency as to the Navy with wondrous skill and energy. At the close of the war, however, our commerce had, unfortunately, disappeared. American ship-building was on the decline. We ceased to progress as a naval power. By the genius of our people, both North and South, we had given the stimulus, the impetus which has since produced the powerful navies of Europe, the iron and steel and armored vessels, and the whole advance in naval architecture; but we stopped ourselves. We were the schoolmaster; they were the ready pupils; but we did not profit by our own lesson.

After the war a very unwise policy was pursued. We brought out

After the war a very unwise policy was pursued. We brought out of that war a large number of the old wooden vessels. We brought out of it our smooth-bore Dahlgren gun. We were proud of those vessels and proud of the memories which clustered around them, and we kept our naval establishment wholly made up of wooden cruisers. We expended very large sums of money, aggregating \$400,000,000 of taxes of the people of the United States, upon this obsolete type of vessel, and we made no advance. We made no advance in our vessels; we made no advance in our engines; we made no advance in the armament of our vessels; and, so far as the Navy is concerned, this money ment of our vessels; and, so far as the Navy is concerned, this money was absolutely lost to the people from whom it was taken in the shape of taxation. It gave us scandals, but no ships. As I have already said, one of the reasons of this failure was, in all probability, at least let us so charitably suppose, the decline of American ship-building. Why American ship-building declined is too broad and general a question for me to discuss on this bill.

The first advance which the new navy took was in June, 1881, when the advisory board proposed for the building of the steel cruisers—the Chicago, the Atlanta, the Dolphin, and the Boston—now all in commission, except the Chicago. These vessels were authorized to be built by the act of March 30, 1883. We then began to build the modeln unarmored steel cruisers. Europe had long preceded us in the building of these vessels, which are swift-moving, powerful gun-carrying commerce destroyers. When the present Administration came into power we continued this policy on a broader and more general scale.

And I think I may say, without attempting any eulogy of my colleagues of the Naval Committee, of which I have the honor to be a member, that we have endeavored very wisely, as we think, to second the efforts of the present very able, patriotic, and efficient head of the Navy Department—than whom there has never been from the foundation of the Government until this moment a better administrator of naval affairs-to build up the American Navy on a modern and proge

That committee has labored with this object in view: The American people having to support the excellent personnel of the Navy, having an efficient corps of officers upon the lists whose salaries they must pay whose education they have given to them, we thought it our duty not to ask the time of this House upon questions of personnel, important in themselves, upon questions relating even to the administration of the Department itself, but that it was our duty to meet the demand of the American people by giving a substantial matériel in the shape of a modern navy to the people of the United States, who pay for it. Hence the committee has subordinated all minor questions to the main questions. tion—the only question—which was to get good ships with the least possible expense, honestly built, guns of modern type to protect our commerce and to free us from the dangerous cupidity and selfishness of the powerful nations of the real dangerous cupidity and selfishness of the poorer but powerful nations of the world who view with envious eyes the prosperity of this great Republic. And the members on this side of the House are proud of the record which has been made by the present Administration in dealing with naval affairs.

As the distinguished chairman of our committee [Mr. Herbert] has so well said, giving the minute details in support of his statement, we have laid the foundation for an adequate not a resplendent navy; we are not endeavoring to compete with the great nations of Europe in fitting up these powerful ships; we have no desire to enter the lists for resplendent military establishments either on the land or on the sea, to burden our people with unnecessary taxation and threaten their lib-erties with the machinery of their own creation. But we believe that the great mass of the American people, whether on the exposed sea-board of 12,000 miles in extent or in the interior of this vast Republic, are overwhelmingly in favor of the upbuilding of an efficient navy to protect the domestic security, the rights, the commerce, the dignity, the self-respect of sixty-five million of the most powerful and the most prosperous people on the earth. The great difficulty which the late Secretary of the Navy, Mr. Chandler, which the advisory board, and which the present Administration have met, was this: No country can be a naval power unless it can build its own ships in all their details

That country which depends upon bought ships made in other lands by other people-that country which has not resources to build up even by other people—that country which has not resources to build up even the waste in its navy, is not a naval power. Chili might possess a hundred of the best cruisers the world has seen; Brazil, China, Japan, and all of these nations that are dependent upon Great Britain, France, and Italy for the building of their ships—no matter how powerful their existing navies may be—as a matter of fact are not and can not be rated as naval powers. That nation alone is a naval power which not only has a navy, has guns and ships, but has the capability within its own domain of building modern ships and guns with its own plant or that of its citizens by skilled mechanics and has the inventive gening to conits citizens, by skilled mechanics, and has the inventive genius to construct ships to replace those which may be lost in battle or may become unserviceable from other causes. Lord Brassey, in the English Commons, and M. Ménard Dorian, in the French Deputies, have well spoken on this subject.

The true standard by which we may gauge our own strength and that of possible enemies was laid down in the statesmanlike speech made by M. Ménard Dorian, in the discussion on the French navy estimates, in the Chamber of Deputies, on the 20th of January, 1887:

estimates, in the Chamber of Deputies, on the 20th of January, 1887:

Picture to yourself the results of the first encounter between hostile fleets!

Most terrible assuredly they must be, with the means of destruction which science has placed at the command of the navy. It is probable that both sides will be but ill-prepared to renew the engagement. The survivors from the first struggle will be too few to resume the combat. With whom, then, will the supremacy over the seas remain? With the nation possessing the largest industrial resources; with that power which shall be the first to replace the fleet destroyed by the rapid construction of a new fleet. Therefore it is that the real strength of England lies, not in her dock-yards, not in her public establishments, but in the combined creative resources of her private ship-building yards.

Hore was the great disfinalty, then for yours as a country. The world

Here was the great difficulty, then, for us as a country. The world had advanced from the age of wood to the age of iron, and from the age had advanced from the age of wood to the age of iron, and from the age of iron to the age of steel, and from steel to compound armor, from the cast gun to the made-up gun, not the old gun which was cast in a mold, but the new gun which is made up from its foundation, the parts being assembled together in rings or bands, which are made of steel subjected to hydraulic pressure or pounded under a steam hammer to a hardness which is almost incredible. We had no private establishment which had made even the ordinary steel plates for framing ships, and was capable of handing over to the Government these tremendous ingots of steel, for either armor or guns. Even the steel plates had to be imsteel, for either armor or guns. Even the steel plates had to be imported. It takes nearly \$1,000,000 to set up a private plant for hydraulic pressure that will give you a mass of steel fit to make a piece of armor or suitable for constructing one of these made-up guns.

The present Secretary of the Navy, in the light of official and Congressional investigation, as soon as Congress had made sufficient appro-

priations to present proper inducements to private enterprise, advertised for bids throughout the country to stimulate the steel manufacturers of the United States, and as a result what four years ago I heard a commodore of the United States Navy say was a "dream of the future" is a reality of the present. The Bethlehem Iron Works of the State of Pennsylvania responded, and to-day there is being erected in that State and within eighteen months there will be as a matter of fact in actual operation machinery for subjecting masses of steel to hydraulic pressure; so that we shall not be dependent upon any nation of the world, but we shall arm our own ships with steel guns made in our own country of unlimited resources. The armor on their sides to repel the hostile projectile will be made of the steel from our native hills, made by American hands in American manufactories by American machinery.

Now, this was not alone the great difficulty. It was not to be supposed that American mechanics had kept pace with the tremendous strides in naval architecture. Our ship-building, as I have already said, had declined. Our ship-yards were closed. We had built no steel vessels. We had built no modern ironclads. But, sir, in the short space of four years, to the eternal credit of the genius of the American mechanic, to his wonderful adaptability to the demands of the hour, to his quick intelligence and marvelous energy, we are turning out guns, as I could show you from the book of Sir Edward J. Reed, the best auas I could show you from the book of Sir Edward 3. Rece, the best authority on the English navy, guns not surpassed anywhere in Europe, turning them out at the gun-foundry at the navy-yard here in Washington, and at the South Boston and West Point private establishments. The steel forgings for these guns are all the work of private enterprise, and have shown avecllent results. Levella read to you from authority and have shown excellent results. I could read to you from authority showing the steel vessels built by us to-day in tensile strength of the metal of which they are composed and in their speed are not surpassed anywhere. All this in a few years.

We have already far distanced the Esmeralda type of ship built in England and sold to Chili. For all this credit is to be given to the Secretary of the Navy and his official advisers, to the Congress of the United States, to the Administration, and to the former Secretary of the Navy; but most of the credit after all belongs to the private enter-

prise, the genius and push of Americans.

When once the field was open, when once inducements were held out for the investment of private capital, we have advanced, until to-day, as I have said, we are on the high road to be independent of every mercantile, every ship-building, and every naval power on earth so far as naval resources are concerned.

Mr. Chairman, but a few weeks ago our people become aware of what was the first of a series of frictions on the Southern Pacific and Atlantic. We were in these cases made painfully aware of the needs of a naval service, reminded sorrowfully of the \$400,000,000 wasted upon wooden ships and smooth-bore guns, made humiliatingly aware of our inferiority in ships and guns to the least of the great naval powers of

The rights of American citizens, we were told by the cable, had been disregarded by a foreign nation, our treaty-secured privileges infringed, and our flag, which was the symbol of our nationality, and which appeals to the noblest sentiment and the most sacred memories, had en ruthlessly insulted by an invading European force on a far-off island, and that, offensively or defensively, our guns, which were obsolete, and which had been kept up at this immense expense of money taken from the people, were confronted by steel sides of armor and rifle-cannon of modern type, and our men, as brave as men can be, as able, daring, efficient, and patriotic as those of any navy in the world, had scarcely anything but their naked valor to present to the cold defiance of modern ships and guns of a very moderate naval power. Prince Bismarck has paid more attention to his great army than to the navy,

and Germany is much behind the other great nations as a naval power.

Now, what I wish to impress on this House is this: First, the necessity of an adequate naval establishment; and, secondly, that it takes time to get one. You must not suppose because we are a wealthy nation with an immense surplus in the Treasury we can get a navy as a man gets a pair of shoes or a suit of ready-made clothing.

ann gets a pair of shoes or a suit of ready-made clothing.

It takes time to build one of these powerful vessels. It takes time to assemble one of these great rifle-guns. We have sought the advice of the present chief of the bureau, an efficient officer, to tell us how we can facilitate the making of these guns; whether there was any way in which it could be done faster, and he told us no; that he is using all his endeavors, and notwithstanding all the power of private enterprise in the United States; notwithstanding we have advanced so far in this direction, yet we can not get guns for the vessels as far as they have been built. We are building a few partially armored vessels. One is called Maine, which is being built in New York, and the other Texas, which is being built in the Norfolk navy-yard. They are large vessels, but not so large as some of the same general type in Europe—such as the Inflexible, of the British navy, or the Duilio, of the Italian navy, both large and powerful armored vessels. But with all the resources of the British navy, with all its dock-yards, with a number of private ship-building establishments on the Clyde and other rivers, it would take four or five years to plan and construct one of those vessels. We can build them, we feel sure, as fast as the British

Government can, but it will take a few years before these vessels are ready for commission. One of these tremendous modern war vessels is the result of all practical science to date.

Why, sir, the modern war vessel of the type of the Maine or the Texas is the net result and the product of the whole science of mechanics, and is the acme and high-water mark of the science of the age as displayed in mechanical arts. It embodies, taking its armor and guns, the science of their construction, the adaptation of modern skill and ingenuity in the utilization of the electric light, and in the use of powerful explosives and combinations in these, the whole sum of human knowlexplosives and combinations in these, the whole sum of human knowledge in the practical sciences. To construct, therefore, one of these huge monsters of naval war, one of these splendidly equipped vessels, powerful enough to withstand the projectile launched by a gun capable of sending a shot 7 miles with power sufficient to penetrate 15 inches of compound solid armor which has been subjected to hydraulic pressure, and capable of carrying 10-inch guns, which will be equally destructive against an enemy's ship, as well as to protect, by ingenious regard to space without loss of power, its vitals, the powerful engines capable of propelling the huge monster at a speed of from 17 to 19 or even 22 knots an hour, calls forth all of the intellect, thought, research, investigation, and cunning and available resources now known to sci-

even 22 knots an hour, calls forth all of the intellect, thought, research, investigation, and cunning and available resources now known to science and the mechanical arts of the day.

And in regard to the construction of these vessels, Mr. Chairman, we will build them as fast as any country; but at best it takes no little time. You can not build a great war vessel as speedily as a merchantman. We are turning out cruisers faster and faster; we are building them better and better as we go on, and every time a private ship-yard in Philadelphia, in Baltimore, or in San Francisco builds a war vessel of the type of these new ships now being constructed, each one will be an improvement upon the last, because in building them we are educating the mechanical ability of America up to the point where it will go far beyond that of the nations of Europe.

It has been said, sir, as a criticism upon the present Administration, not on the floor of the House, but I have seen it in the press of the country, that we have been obliged to go abroad for some of the plans of our modern vessels. Admit it to be true, Mr. Chairman; but was not that a wise thing to do? Our officers, brilliant and able as they are, had gotten into a rut or groove from lack of practical experience that handicapped them in either building or planning new engines and ships, and our ship-building interest had sadly declined. Your engines in the Trenton were at that time the highest type known in the United States, and they were capable of making but nine or maybe ten knots an hour. The Atlantic lines are crossing in less than seven days. Noah built a good ark, but could he build the ship City of New York? We were obliged, having fallen so far behind the rest of the world, to advise ourselves as to what progress was being made in this direction; but now that we have put our hand to the plow and gained that experience the time is near when we will invent and build such vessels that Europe will in turn seek to copy from us. A notable illustration of that may be found in the pending bill.

Here is a proposition from a gentleman, a member of this House and of the Naval Committee, for the construction of a vessel which I believe is a most excellent type of war ship. I believe the gentleman does not claim that there is anything novel or striking or sensational in the plans he has submitted, but that it is merely a combination of the best features of naval architecture as now understood. It is a gunthe best features of naval architecture as now understood. It is a gunboat type with a great deal of speed, and I venture to say that if this ship is a success, as the gentleman and his friends claim it will be and as the officials of the Navy Department certify, we will find the European nations copying the models presented by a civilian member of this House instead of by a naval expert.

Now, Mr. Chairman, so far as this bill is concerned, the distinguished chairman of the committee [Mr. Herbert] has gone over the details of it fully and carefully. He has done so with such accuracy and pleasures as to rander it unprecessary to proceed in that line and

and clearness as to render it unnecessary to proceed in that line, and has shown clearly as to why we are expending every dollar that the bill carries; so that I need not repeat what has been so well said. But there is one feature in respect to the naval establishment of which I want to speak here on the outgoing of the present Administration, and as the party of which I have the honor to be a member goes out of power in the House. The chairman of the committee has well said that the present Secretary of the Navy, who is without a superior in the whole history of the Government as a naval director and administrator, tried to inaugurate reforms in the Department. We are spending \$20,000,000 a year on our naval establishment. That money, as I have already said, is drawn by taxation from the people of the coun-They have the right to know that every dollar of that money is try. They have wisely expended.

I have spoken before in this House of the defects of the present bureau system and the duplication of official heads and the unnecessary clerical and other forces engaged in the administration of the naval department. The present Secretary of the Navy has endeavored to secure a reform of that feature, and he is on record now in the reports in this House upon it, and I trust sincerely as one member of this body, without regard to partisan considerations, anxious only for the upbuilding of the Navy by wise administration, that the administration which is to

come in, whoever may be called to that Department—and the reporters tell us that everybody is to be called—that whoever may be called by the President-elect to administer naval affairs in this country will follow in the footsteps of his predecessor, and endeavor to reform the administrative features of our naval institution. It is sadly in need of reform. We have had bureau after bureau duplicating their purchases, and fighting for the subject of caste until, as I said in the last Congress, the only illustration which I can give of the system now prevailing in the Department is that of the Brahmins of India, where they have so many castes that if one man lays down a pot, it is against the religion of another to take it up, and some other Brahmin of a different caste must be employed to remove it; and then it may be against the religion of another to put it upon the stove, and a man must be employed for that purpose, and so on ad infinitum. [Laughter.] Here let me read briefly from the testimony of Secretary Whitney given before the Committee on Naval Affairs in 1886. Among other things he said:

for that purpose, and so on ad infinitum. [Laughter.] Here let me read briefly from the testimony of Secretary Whitney given before the Committee on Naval Affairs in 1886. Among other things he said:

\* \* Each bureau carries its independent organization right down through the yards, and all the yards have duplicate shops that are doing the same general class of work. For instance, the Bureau of Construction and the Bureau of Steam Engineering, but the Bureau of Construction has a good deal of machine work. Of course this work is the specia province of the Bureau of Steam Engineering, but the Bureau of Construction has a good deal of it also. As I say, each of them has its machine-shop in the yard, with its separate foreman, its separate writers, and so on, the bureau superintending its own work.

Now, the effort to simplify this arrangement and to get rid of superfluous shops is a very difficult matter under the present organization, because when we take work from one independent bureau and transfer it to another and say, "When you want a certain class of work done you must go there for it," objection is raised to the transfer. The same state of things exists with regard to stores and store-houses. Each bureau has its separate stores and store-houses and its separate organization to look out for them. It struck me that this was the reason that the general expenses of the navy-yards were so heavy. So it occurred to me—and I found that the same defect had been pointed out before and more or less similar plans suggested to remedy it; it is nothing new with me—it occurred to me, it say, that the organization might be simplified a good deal by the natural division of the work of the Department into three parts as we have it here in this bill. This is the inevitable division. There are three separate things that the Navy Department deals with—the military part of the work, the constructing part, and the supplies and account part.

It seemed to me that it would be well to make this the first step in reorganization—to

By Mr. SAYERS:

be a very large saving in the organization expenses.

By Mr. Savers:

Q. Do I understand that you would leave the inspection of the articles to the different Departments they were purchased for?

A. Yes, sir.

Q. I understand you to say that while you propose to have a Bureau of Supplies and Accounts, which is to make all purchases, etc., yet, after these supplies were bought—if they were bought for the Bureau of Material, Construction and Repair, it would be inspected by that bureau?

A. Yes, sir; the inspection as to character and quality shall be done by the bureau requiring it, which has the technical knowledge with regard to the particular article. Then we should have a business organization. And, so far as this question is a question at all, it comes down to this—and I think Mr. BOUTELLE will really agree with me about it, because it is so in private yards, I am sure—it is simply a question whether there ought not to be some one who is responsible for the whole ship. I am sure no private yard would allow four different sets of people to work at a ship with their different branches, without some man somewhere in the yard who was responsible for the reconciling of their different plans and responsible for the whole ship. Now, I think there is no partisanship about this, and there ought to be no politics. My only desire is to do the very best that can be done, and if this is a good thing, let us have it. I have no desire except to improve the service. What I say is, let the Secretary have somebody over these bureaus of various branches of construction who shall be responsible for the whole ship.

As it is now, the only man above these people is the Secretary of the Navy, who has not the technical knowledge or time to sit down and confer with the different bureaus to determine what the characteristics of a ship shall be, or to decide when they bring up a technical question of repairs. A question may arise, for instance, as to whether new boilers shall be built for a ship that is in China. The ship is there, a

hull; some one man, in short, above the bureaus other than the Secretary of the Navy, to tie them up together, and to be responsible for the whole ship.

I say, in the first place, give me a man at the head of all the work of construction, then give me this board, the heads of these bureaus being represented in the council, and put the board where it is not all the time occupied with the details of executive work, so that its members can inform themselves as to what other countries are doing in the way of building ships, and to make them, as it were, a reservation of information where the Secretary can go when he requires it. We have very smart men in the naval service; there are no smarter men anywhere than our young men of the Navy, who have made a study of ordnance and are thoroughly acquainted with the subject; and I would make it the business of these smart men to keep themselves informed with regard to the subject of the construction of ships and the characteristics of the best modern vessels.

It is so with the United States Navy. We have the bureaus duplicated until there is too much division of responsibility. Reform the Navy by making a direct responsibility and by centralizing all these bureaus on the lines suggested by Secretary Whitney. I hope the opposition will take that up; and if they do, let them have the glory of it. Let military men attend to military affairs. You educate a man Let military men attend to military affairs. You educate a man now to fight a ship and then set him to buying groceries or superintending sewer-building, or engage him to watch another man doing these

The chairman of the committee has adverted to the fact that we have in this bill an appropriation to take advantage of an offer made to us by the Samoan authorities at Pago Pago. Now, the chiefs of these islands made to the United States a right to a harbor for coaling and

other purposes in the island.

The islands are located, as gentlemen know, in the Pacific Ocean, on the ocean route between San Francisco and Australia. They are in the course of commercial travel. They are of infinite advantage for a coaling station on the very long voyage from New Zealand, from Auckland, and from Melbourne and Sydney to San Francisco. They have besides, of course, much commercial importance, much greater than many gentlemen are aware of. Their exports are quite large. The United States has secured in an honorable way the right of making the harbor of Pago Pago a coaling depot, which would be of great use to us in case of war, because the modern war vessel is propelled by steam, the steam is made by coal, and when the coal gives out the vessel is like a dead whale. It drifts along, a helpless thing, on the ocean; it is a thing of death, and not a thing of life; and therefore all the greatest nations of the world are trying to secure for themselves places where they can get supplies of coal in emergencies so as to steam from point to point with facility, and in case of emergency where they can get, in remote regions especially, their supplies. This harbor is of very great advantage to us. We have gotten it in an honorable way. We have made no trade or dicker with any foreign nation about it, and we have got it to ourselves, and it is for this Congress by this bill to take advantage of the fact.

tage of that fact.

Mr. Chairman, so far as the Samoan question is concerned—and it is germane to the naval question—I simply desire to say that the first thing in my opinion which Congress should do is to ascertain all the facts in the case. We have been taunted in Europe as a people that vaunt ourselves in boasting of our prowess. It is unnecessary for us to do that. Every living being on this globe knows we are the most wealthy and the most powerful of nations in resources, with a population of the control of the lation of 65,000,000 of as brave a people as ever lived. Our free institutions have purged the many streams of racial blood that make the cosmopolite American until we largely represent the valor and virtues of the best type of man. And if Prince Bismarck and Mr. Bull really want to know the greatness of our physical geography let them read the recent speeches of the Territorial Delegates, and then step aside

and weep for their littleness

It is unnecessary for any American to talk in any flamboyant way, with any rattle of jingoism, about our interference in foreign affairs; but as to what we should do and what we should not do, the world knows what we can do. The world knows that we will do whatever sary, and the world ought to know that we will not do that which is not necessary; that we have strong sense as well as strong

Right here a brief statement of our relations to Samoa:

Right here a brief statement of our relations to Samoa:

The concern of the United States in Samoa arises in part from the duty of protecting the interests of its citizens engaged in commerce there, in part from the duty of enforcing obligations toward us which other nations have laid themselves under in joint treaties and in part from the necessity of providing and maintaining an American coaling station in the South Pacific. The history of our connection with the affairs of the islands begins in 1840, when an unofficial code was agreed to between a Government exploring expedition to the South Seas, under the command of Captain Charles Wilkes and the native chieftains, for the purpose of regulating commercial intercourse between Samoa, Fiji, and other nations. At that time and for many subsequent years the harbor of Apia was a favorite resort for American whalers, and the relations between the Samoans and their American visitors have always been of the most friendly character.

acter.

In 1872 negotiations between Commander Meade, of the United States Navy, and the reigning chief of Tutuila preceded the formal treaty of 1878, by which the harbor of Pango Pango or Pago Pago, on that island, was ceded to our Government for a coaling station. Germany has a small coaling station a few miles east of Apia, in no way comparable in importance to that of Pange Pango. This latter is a large, commodious anchorage, easily entered and easily defensible. By the treaty of 1873 the American Government bound itself to "use its good offices for the purpose of adjusting differences" which might arise "between the Samoan Government and any other government in amity with the United States." This treaty was signed for the United States by William M. Evarts, and for the Samoan Government by M. K. Le Mernea.

The three great nations, the United States, Germany, and England,

agreed to preserve the neutrality of these islands. With us it was not question of the Monroe doctrine, because the islands are not in the a question of the Monroe doctrine, because the islands are not in the latitude or contiguous to the Americas, but our commerce and naval power demanded their neutrality. Wading through the great mass of official correspondence, it may be concluded that, wisely or unwisely, we have pledged our honor as a nation to the Samoans that we would use our good offices to preserve their autonomy. This is well expressed by the President of the United States in his message of the 15th of January last to Congress. The President says:

Acting within the restraints which our Constitution and laws have placed upon executive power, I have insisted that the autonomy and independence of Samoa should be serupulously preserved according to the treaties made with Samoa by the powers named and their agreement and understanding with each other. I have protested against every act apparently tending in an opposite direction, and during the existence of internal disturbance one or more vessels of war have been kept in Samoan waters to protect American citizens and property.

Further on the President says:

The views of the Executive in respect of the just policy to be pursued with regard to this group of islands, which lie in the direct highway of a growing and important commerce between Australia and the United States, have found expression in the correspondence and documents which have thus been fully communicated to the Congress, and the subject in its present stage is submitted to the wider discretion conferred by the Constitution upon the legislative branch of the Government.

If this were a question as to what policy we should enter upon de novo with the Samoans, and we had not already pledged our solemn faith by treaty, I should hesitate, speaking for myself, to advocate an extension of our foreign relations so far as to becoming surety for the autonomy of any country—especially outside of the Americas. Our people, thank God, are neither colonizers nor emigrants; our own great land is sufficient for our giant energies, and unnecessary foreign entanglements are contrary to our traditions and policy. But here in Samoa we have secured rights and assumed duties. It is idle now to discuss the wisdom of this course. The situation as to the neutrality of these islands is strongly stated by Secretary Bayard, as follows:

these islands is strongly stated by Secretary Bayard, as follows:

Prince Bismarck has referred in his note, as the German minister did in the conference, to "guaranties" to be demanded and obtained from the Samoan Government. Whenever these guaranties have been explained they have been found virtually to involve the foreign control of that government, as was proposed in the German-Samoan convention of the 10th of November, 1884, and also in the plan presented by the German minister in the conference.

The ground upon which such control has been deemed essential is the weakness of the native government. And it can not be doubted that if the Government of Samoa were now administered by any one of the treaty powers, the islands would be governed more nearly in accordance with the forms and usages of civilized states and order be better assured.

But, for the very reason that the native government of Samoa is weak, it has seemed all the more clear to the United States that the control of the islands by any strong foreign power, or its representatives, would defeat the great object of securing native independence and autonomy, and the practical neutralization of the group. Under such control a native government would necessarily cease to have more than a nominal existence; the native element in the islands, deprived of voice and influence in the management of their affairs, would quickly succumb to the aggressive and exclusive tendencies of the foreign residents; and, under these circumstances, the islands would inevitably become a colony of the foreign power by which, or by whose representatives, the government was actually administered.

Also in the letter of the Secretary of the Navy, Mr. Whitney, to Ad-

Also in the letter of the Secretary of the Navy, Mr. Whitney, to Admiral Kimberly, of January 11, among other things, this is stated:

The United States Government is willing to co-operate in restoring order in Samoa on the basis of the full preservation of American treaty rights and Samoan autonomy, as recognized and agreed to by Germany, Great Britain, and the United States, and has so informed the German Government.

Further on Secretary Whitney says to Admiral Kimberly, the officer to whom this communication is addressed:

Protest against the subjugation and displacement of native government of Samoa by Germany as in violation of positive agreement and understanding between treaty powers, but inform the representatives of the German and British Governments of your readiness to co-operate in causing all treaty rights to be respected and in restoring peace and order on the basis of a recognition of Samoan rights to independence.

Aside from all this, have we not assumed duties of a like nature in the Hawaiian Islands? As the Isthmus canal comes into being the neutrality of these Pacific groups will become of world-wide importance.

There is now no retreat for us; our honor, our rights, and our material interests make our policy clear. We demand the neutrality and autonomy of these islands and the security of our treaty privileges.

Now, Mr. Chairman, let us approach this in the conservative spirit of understanding of what our rights are and what the facts of the case are. If any American citizen has been outraged; if any treaty right of ours has been intringed, if any data assumed by a demand of ours. of ours has been infringed; if any duty assumed by us demands our immediate action as a matter of high honor; if any American's property has been ruthlessly destroyed; if any American's right has been disregarded, then it is the duty of this Government, in the name of our people, their dignity, and their strength, resolutely and calmly, but stubbornly, to assert that right, perform that duty, and to resurrect that privilege which has been taken away from us, even if we have to

Now, Mr. Chairman, as I understand it, the whole trouble in these islands began from a slight fracas, which is the acute cause of the

present trouble on the Samoan Islands.

I must say that I very deeply regret that Prince Bismarck, who has been distinguished for blunt honesty, should have seen fit to adopt the colonizing policy of other nations of Europe. He said in his last speech in the Reichstag that he was not in favor of the colonizing policy, that

he did not believe in making Germany a colonizing nation, the same, I suppose, as Great Britain, but he said that he had been driven to it, and that the great mass of the German people are now in favor of Germany

becoming a colonizer.

Mr. Chairman, I hope that the great and powerful German nation, under the leadership of Prince Bismarck, will not adopt that policy of colonization under systems which prevail with the other nations of Europe. The colonization system adopted by the other nations of Europe is very simple; to seek out a weak nation, to divide the people of that nation in civil or religious strife, to set up one chieftain against another, and then, when a bloody feud has broken out among the population, under cover of protecting her interests, to step in and steal the land which God has given to the natives of that country. The whole history of seven hundred years of one of the leading nations of Europe exhibits this colonizing policy in full operation. The cruel, envious eye watching for territory, the land-greedy adventurer going to places where he is not invited, fomenting civil discord among the natives, and then stepping in, in the interest of so-called "civilization" and "religion" and the "advancement of mankind," and taking from those people with barbarous cruelty, without law and without justice, that which the Almighty has given to them as a vested inheritance

If it were given me to do I could scarce recount in the years of man the stories of the weak nations and peoples robbed by the more powerful; the chief of yesterday made vassal of to-day; the native population driven from their land and homes to fling themselves in despair on the sword of the invaders or rush to perish in the sea, or, still worse, to linger for centuries in soul and body destroying serfdom; the leveled homestead, the desecrated grave, the ruined shrine, the feeble groans of age, the smothered curses of revenge, and the wail of the sick child perishing by the wayside—all these mark the path of the land-grabbing colonizer in every land and clime where his foot has trod, and all this in the name of "civilization" and "religion." Sleek hypocrisy masking savage greed, stop mouthing your word-spinning diplomacy and for once be honest! Man of blood and iron, blunt and frank, refuse such colonizing policy and mankind will bless you!

Whatever the finesse of diplomatic correspondence may say, Prince Bismarck seems to me to have made up his mind that it would be to the advantage of Germany to take these islands and make them Gerthe advantage of Germany to take these islands and make them derman territory. If that were all, and we had neither rights nor duties in the premises, we would have nothing to say, because the United States, although it is a Republic loving liberty, is not a knight-errant going about all over the world to find cases of injustice and righting them. We could not do that, and we do not want to do that. But we had a treaty with these people. There was a tripartite agreement between Germany, France, and the United States, if the correspondence does not mislead me, by which the neutrality of these islands was to be preserved. The German Government, of course, did not make its

advances by saying, "We want the islands, and we will take them," but they followed the old colonizing plan.

What a simple thing begat this difficulty! There was a celebration of the German Emperor's birthday; there was some drinking; some Germans gave beer, or wine, or other stimulating drink to the natives; a row ensued, and a German was said to have had his nose broken by a native. Some natives, under the influence of drink, were said to have broken a German's nose, and within twenty-four hours the German war ship demanded \$1,000 for the broken nose and \$12,000 for depredations alleged to have been committed on German plantations during a period of four years. "Civilization" and "religion" could not stand broken noses and fruit pilfering. The king said he did not have the money, and that he wanted to try to find out the facts, to find out whether some German did really have his nose broken; and he insisted that the native should have a trial before he was adjudged by the great German Empire to have ruined the symmetry of this par-ticular nose! But the Germans did not have time to wait. "Civili-zation" and "religion" are always buried on these occasions. The heathen get speedy trials and swift execution. Although the depredations on the plantations had been going on for years, according to their own story, they had not time to wait. Touch "civilization" and this kind of "religion" on the nose, and speedy trial without any red tape ensues. Somebody ought to write a book on the sanctity of the civilized nose. In the row which occurred it was probably a very difficult matter—it would have been a very difficult matter even in our own country under the procedure of a court of justice—to ascertain the exact man who did break the nose, or, maybe, to conclude that the nose was broken at all. But the Germans would not brook delay. Within twenty-four hours they had deposed and deported one king and set up another king, and had taken the field!

That is what is called, under the colonizing policy of the European ations, "advancing the cause of civilization and of the Christian renations, "advancing the cause of civilization and of the children ligion." I do not wonder when I read of occurrences like this at the wasted pannies of the Sunday-school children that are carted out to convert the heathen of the far-away places. Under some circumstances I think I would prefer being a heathen in preference to a sham Christian. When I see the Christian flags of Christian nations over the leveled homes of these simple-minded people I am not astonished that the adherents of the Christian religion have not been augmented in those barbarous countries, for I am afraid they see little of genuine

Christianity and rarely witness the practice of its sublime precepts. In the name of Heaven hasten the day of genuine Christian civilization! Of course I do not claim and I do not advocate that we are to interfere in every wrong that takes place, and that Uncle Sam has to go all around the world as a sort of missionary to find out where somebody is wronged in order that he may bring the power of our people to bear upon right-ing it. We can not do that. The age of chivalry and knight-errantry

has passed, among nations as among individuals.

But we had duties there and rights there, we had citizens there, we had commerce there; and when the German consul, usurping even the powers of his own Government, declared himself the dictator of the island, when the German war ship opened fire on the island, then, I say, it was the duty of our Government, wherever there had been an infringement of our rights, or duty called us by our treaties, or an insult had been offered to the dignity of the American nation, to protect them by the power of our people. I see by the dispatches which my friend, the chairman of the committee, has read here that Prince Bismarck is very wisely retreating from his first position. I am not a hired adviser of Prince Bismarck, but if he might take advice from so humble an individual as myself, I would suggest to his august and imperial highness that if he will study the game of diplomacy—and he knows a great deal more about it than I can tell him—that if he will study that game closely he may find that he is being misled in a shrewd game by other nations in Europe.

It may be that my view of foreign political affairs is sometimes jaundiced by jealous distrust of our rivals, but I can easily see, Mr. Chairman, why certain other powers in Europe might be glad to say to Bismarck, "Go in and take the islands if you want them, and if the Yankees threaten to fight you for it, do not mind, they will not fight. Tankees threaten to light you for it, do not mind, they will not light. They are always boasting. They will make spread-eagle speeches and Fourth-of-July orations, but when it comes to resenting an insult they will be namby-pamby about it; they will orate in Congress and on the stump, they will write flaming editorials, but the whole thing will end there." If I represented a powerful colonizing nation in Europe, I would ask no better means of checking the advance of Prince Bismarck as a colonizer than to get him involved in a war with the United States.

Prince Bismarck is evidently seeing that he can not afford to get into a quarrel with our people, and that he can not afford to be used for or by other nations in Europe who desire to foment war between Germany and the United States in order that we may check the commerce and influence and power at home and abroad of the German Empire. Prince Bismarck is an astute man, and as such I beg leave to call his atten-tion to this significant paragraph in the instructions issued by Secretary Bayard to Minister Pendleton. I think it bears out the suggestion I have made. From Earl Granville to Salisbury there has evidently been a change of front. Secretary Bayard says:

have made. From Earl Granville to Salisbury there has evidently been a change of front. Secretary Bayard says:

My objection to the plan was based upon the opinion, which was confirmed as the scheme was unfolded and discussed in the conference, that it was inherently defective and objectionable in that it involved the union of complete political control with commercial preponderance in the same hands, and, by supplanting instead of aiding the native government, tended to diminish rather than to develop the capacity of the native inhabitants of the island for the management of their affairs.

This objection was not supported by the British representative, but in view of the desire so often previously expressed by Great Britain to uphold an actual native government in Samoa, I am utterly unable to account for her instructing her representative in the conference to advocate a plan which gave to the representative of a single foreign power much greater control over the native government than was contemplated by the German-Samoan treaty of the 10th of November, 1884, to which Great Britain so strenuously objected. In a note of the 16th of February, 1885, to the ambassador of His Imperial Majesty the Emperor of Germany at London, Earl Granville, thea Her Britannio Majesty's principal secretary of state for foreign affairs, referring to that convention, said: "If, M. Pambassadeur, this agreement had been confined to the establishment of a court, and of the procedure to be observed in civil and criminal cases, and the punishment of offenses in which German subjects are concerned, for which alone Article VII of the German treaty in 1879 provides, its provisions would not, in the opinion of Her Majesty's Government, have been open to criticism; but the creation of a state council, the appointment of a German nofficer of the Samoan Government, and the enrollment of a German police to protect the plantations of German subjects, appear to place Her Majesty's subjects at a disadvantage, and will prevent the Samoan Government

under discussion."

It is not necessary further to discuss the plans of settlement proposed in the conference, as I am informed that the German Government, while declining the plan proposed by me, does not insist upon its own, and I am therefore not without hope that a satisfactory solution may yet be found.

There will be no war. The German chancellor, this man of blood and iron, who has cemented that powerful confederation, who is an astute man, a bold man, and a blunt, positive man, will not quarrel with us. Unless we lie down and let him walk upon us he will not injure a hair on the head of a single American citizen, however humble he may be. At any rate we will not permit him to infringe our rights in the slightest. We will meet him, I trust, with unyielding firmness, not seeking a quarrel, but not running away from any responsibility or duty. We love peace, but are not afraid of war. or duty.

But the lesson of it all is this—and I end where I began—give us sufficient naval power to protect us from these insults. If the United States were a naval power-if the United States had powerful ships-Bismarck would never have allowed the landing of a single German soldier on the Samoan Islands. Now where are we drifting in that soldier on the Samoan Islands. Now where are we drifting in that country? We must become adequately protected by a navy on the high seas. In the coming years we are going to have friction. We may have trouble if we do not have the power; if we have the naval power, we shall have peace. But we are going to have friction on the Isthmus, at Hayti, and in these islands of the Pacific Ocean, as well as up here on the northeast Atlantic coast.

I repeat what I said when the Nicaragua Canal bill was up in this -the nations of Europe are land hungry. They have taxed their people for armaments and armies and for the support of titled personages and civil pension lists, and all the gaudy, grinding incidentals of monarchical rule in Europe. And these people must find an outlet. Money must be gotten, honestly or dishonestly. These nations must get their taxes somewhere else than at home. They must find an outlet for this discontented surplus population. They must obtain an outlet of this discontented surplus population. for this commerce which they are building up by bounties and subsidies, each competing with the other in the destructive race of vesselones, each competing with the other in the destructive race of vessel-building. France is giving tonnage bounties and carriage bounties; England is giving a postal bounty and Germany a bounty. Here they are, all building vessels for commerce. Here they are, all shut up in their small countries, land-bound. They are looking at this continent; they are looking at South America; they are looking to the north of us and to the south of us; and they will break your Monroe doctrine as you might break a rotten straw, unless they know that the Western Republic has the power on the sea and the power in its harbors to renel

as you might break a rotten straw, unless they know have a Republic has the power on the sea and the power in its harbors to repel any infringement of our right or of our domestic security.

We want no interference in foreign affairs. I deprecate jingoism. I believe the true policy of our Government is to make our people happy, well educated, and prosperous here in the United States. That happy, well educated, and prosperous here in the United States. That is our policy. We want no entanglements with those people abroad, but they must stend off from us. They must not interfere with us. We will not interfere with them. We can not permit the growth of we will not interfere with them. We can not permit the growth of monarchical institutions to the south of us. Our safety and our greatness depend on the perpetuity and stability of the small republics of South America. We can not permit a canal to be constructed there under the control of a foreign government. We can not permit wholesale, unjustifiable, and unjustified acquisitions of territory by force from weaker nations, Venezuela and others; and we can not permit the wholesale absorption of advantageous naval depots by foreign governments against the wishes of those people and against our treaty rights

All this will be secured simply by holding fast to our traditional policy and at the same time providing for ourselves an adequate and sufficient navy and coast protection. In regard to coast protection, I have very little faith in forts. Your coast must be protected by a nahave very little faith in forts. Your coast must be protected by a naval power. Such is the history of the world. Forts never stopped a fleet of vessels yet, and they will not. Torpedoes have never been tried successfully. When they were tried in the Turkish war they were afterwards picked up by dozens on the beach; none of them struck the hostile fleet. In that direction everything is a problem; it is all guess-work; it is a jump in the dark. But we do know that the swift-going vessel, that the strong gun and the gunboat are the real protection to the exposed harbors of the United States. And here a word for gunboats from Sir George Elliot of the British nave: for gunboats from Sir George Elliot of the British navy:

So far as I can judge I am unable to perceive that the modern gunboat has been supplanted by any of these novel features, or has lost any of its effective power of warding off attacks by bombardment at long ranges, whether by sin-

gle ships or small squadrons, and, in fact, that whatever advantages have been obtained on the one side are equally applicable to the other with respect to those innovations. Indeed, so far as I can foresee what will be the result of future encounters between gunboats and ships, it would appear that, owing to the reduced number of guns which modern ships now carry, and the long ranges at which the stoutest ships are now penetrable by guns which can be mounted in gunboats, and with the introduction of the latest invention in shell projectiles, the gunboat of the future has rather gained than lost in its offensive and defensive properties.

The ironclad is doubtless less vulnerable than the old liner, but so also will be the shield-protected gunboat fighting end-on, and the superiority of riflegens will apply equally to both cases, and the smaller object will still retain its distinct advantage.

As regards the services which can be rendered by shore batteries and submarine mines, and by torpedo-boats, I desire to be clearly understood as in no way disparaging the essential value of these elements of defense, which fulfill their respective requirements quite apart from the gunboat question which I have raised; but I do venture to say that the combined action of the three former provisions will prove inoperative in the absence of any assistance from gunboats to prevent hostile vessels from bombarding many of our seaport towns with impunity from a distance of, say, 4 or 5 miles. On this point I fully expect to be challenged by torpedoists, but I venture to assert that whilst an attack by torpedo-boats could be repulsed by gun-fire from ships under weigh in the offing, gunboats would successfully harass an enemy into keeping at a respectful distance from the shore, and if I am correct in this opinion, it follows that defense by torpedo-boats alone can not be relied upon except under certain favorable local configurations of sea and land to prevent the bombardment of open places.

As the Indian disappears your Army ought to decrease. Your Army as a police to keep down the Indian; that is all it is. The Indian is dying off; he is going. What will you do with this Army? Take it and quarter it in your large cities, Europeanize your streets, accustom and quarter it in your large cities, Europeanize your streets, accustom your people to armed men in uniform every day? The American will not have that; the masses of your people will object. Your Army will go, to a certain extent. Your naval establishment is your main establishment, to which you should direct your money and your energy. This nation of ours could not be invaded, so far as regards landing armed men on its soil, by the whole world combined. You will never be invaded on land; that is simply preposterous. If Germany, France, and England should combine their whole armies, they could not invade the United States of America. Those armies would be swallowed up in the heart of this continent; they would never be permitted to land. This was the opinion of that illustrious soldier, General Sheridan: This was the opinion of that illustrious soldier, General Sheridan:

Excepting for our ocean commerce and for our seaboard cities I do not think we should be much alarmed about the probability of wars with foreign powers, since it would require more than a million and a half of men to make a campaign upon land against us. To transport from beyond the ocean that number of soldiers, with all their munitions of war, their cavalry, artillery, and infantry, even if not molested by us while in transit, would demand a large part of the shipping of all Europe.

It is true Napoleon landed 25,000 troops in Ireland and 40,000 in Egypt, but those were the days of slow, wind-driven vessels and no telegraphs. Both armies, if landed here, would never get beyond the shore-line.

But your danger is in having your coast shelled, in having your cities destroyed and tribute levied upon them. Against this you must provide a naval power. And, as I have said, the naval power is popular because it is the power of your Government exercised toward foreigners and foreign nations and not against the people themselves.

Therefore let us continue this good work of advancing about \$6,000,-000 or more a year for a new navy, for the increase of armament, for the building up of a system which makes us independent of the world so far as our own ships are concerned, and gives security to your com-merce and gives respect for your flag. And then you will have de-served and will receive the thanks of the whole American people for a

wise, just, and firm policy with regard to your Navy. [Applause.]
Mr. McAdoo appends to his remarks the following from the very able report of Mr. HERBERT, of the Committee on Naval Affairs, showing the present condition of our new Navy:

The new Navy.

ARMORED VESSELS.

[Note,-Engine-weight of the following vessels does not include engine stores.]

	sen perpen-	eme.			H. P.		machinery.	Ar	mor.	В	attery.	A CONTRACT OF THE PARTY OF THE
	Length between perp	Breadth, extr	Mean draught	Displacement	Maximum I.	Type of engine.	Weight of m	Side.	Turret and barbette.	Main.	Secondary.	Condition.
Maine		Ft. In. 57 0	Ft. In. 21 6		I. H. P. *9, 000	Twin screw, vertical, triple expansion,	Tons. 890	Ins. 11	Ins. 101	Four 10-inch B. L. R. Six 6-inch B, L. R.	Four 6-pdr. R. F Eight 3-pdr. R. F. Two 1-pdr. R. E. Four 37mm R. C. Four Gatlings.	Building at navy-yard, New York, Flat and vertical keel-plates nearly all in line on keel-blocks. Frames about one-half bent and ready to be riveted to floor-plate and erected.

<sup>\*</sup> Estimated.

### The new Navy-Continued.

ARMORED VESSELS Continued.

[Note.—Engine-weight of the following vessels does not include engine stores.]

	between perpen-		reme.	0	ıt.	t.	н.Р.		achinery.	Aı	mor.	В	attery.	
Name.	Length betw		Breadth, extreme.		Mean draught.	Displacement.	Maximum I.	Type of engine.	Weight of machinery.	Side.	Turret and barbette.	Main.	Secondary.	Condition,
Texas		F 6	7. In. i 1		. In. 6	Tons. 6, 300	I. H. P. *8,600	Twin screw, vertical, triple expansion.	Tons. 816	Ins. 12	Ins. 12	Two 12-inch B. L. R. Six 6-inch B, L. R.	Four 6-pdr, R. F Eight 3-pdr, R. F. Four 1-pdr, R. F. Four 37*** R. C.	Partially laid down on mold-loft floor at navy-yard, Norfolk, Va.
Coast defense	250	59	9 0	14	6	4,000	*5,400	Twin screw, vertical, inverted, triple ex- pansion.	431	16	16-14	115-ton B.L. R. One 12-inch 48-ton B.L.R. One 15-inch dynamite	Two Gatlings, Six 33-pdr. R. F Three 9-pdr. R. F. Two 6-pdr. R. F. Four 3-pdr. R. F.	Ready for immediate advertise- ment for contracts. Plans and specifications now in Bureau of Construction and Repair, com- pleted and ready for inspection of bidders. Plans of machinery will be completed in thirty days.
Puritan	280	6	0 11	18	2	6,060	13,058	Twin screw horizon- tal, compound.	‡1,260	12	111	gun. Four 10-inch B. L. R.	Two 6-pdr. R. F Two 3-pdr. R. F. Two 37mm R. C. Two Gatlings,	Awaiting completion, navy-yard, Norfolk, Va. Hull, except tur- rets, side armor-plates, and joiner-work, complete. Steam machinery creed on board.
Terror	250	50	5 61	14	12	3,815	†838	Twin screw, inclined, compound.	546	7	111	Four 10-inch B, L, R.	Two 6-pdr. R. F Two 3-pdr. R. F. Two 37mm R. C. Two Gatlings.	Undergoing alterations, navy- yard, New York, for the recep- tion of pneumatic gear for oper- ating turrets, steerer, etc.
Miantonomoh	250	50	5 64	14	11	3,815	§1, 030	do	569	7	111	Four 10-inch B. L. R.	Two 6-pdr. R. F Two 3-pdr. R. F. Two 37mm R. C.	To be completed in four months navy-yard, New York.
Amphitrite	250	50	5 64	14	14	3, 815	[*1, 000	do	1560	7	114	Four 10-inch B. L. R.	Two Gatlings. Two 6-pdr. R. F Two 3-pdr. R. F. Two 37 <sup>mm</sup> R. C.	and joiner-work, nearly com- pleted. Steam machinery erect
Monaduoek	250	58	5 61	1	4 11	3, 815	*3,000	Twin screw, horizon- tal, triple expansion.	351	7	111	Four 10-inch B. L. R.	Two Gatlings. Two 6-pdr. R. F., Two 3-pdr. R. F. Two 37mm R. C. Two Gatlings.	ed on board. Wilmington, Del. Hull, except turrets, side armor and joiner-work, nearly com- plete. Navy-yard, Mare Island, Cal.
Armored cruiser						7,500							Two Gattings,	TO 12 21

<sup>\*</sup>Estimated. †Dock trial. ‡According to lines (draught taken before and after machinery placed on board); weight, 1,290 tons, including engine and boiler foundations. Foundation will weigh not more than 30 tons. 

§Free route trial. 

[According to lines; weight furnished by Bureau of Steam Engineering, 546 tons.

### UNARMORED VESSELS,

			Dir	nension	5.		io.	es av min militare esta que a el esta	Ä	
Name.	Туре.	Keel laid. Length between perpendiculars. Breadth, extreme.		Breadth, extreme.	Mean draught. Displacement.		Collective horse-pow or speed.	Type of engine.		
Dolphin Boston Atlanta Chicago Charleston Baltimore Yorktown Petrel Newark Philadelphia San Francisco Concord Bennington Vesuvius First-class torpedo-boat Cruisers Nos. 7 and 8   c Cruisers Nos. 7 and 8   c Cruisers Nos. 7 and 8   c Cruisers Nos. 9, 10, and 11   d Practice vessel   e	Protected cruiser	1883 1883 1887 1887 1887 1887 1887 1888 1888				Tons. 1,485 3,189 3,189 4,590 4,790 4,083 4,413 1,700 1,700 1,700 725 99 5,300 3,000 2,000 800	*2, 240 *3, 780 *3, 356 *5, 084 †7, 000 9, 000 †1, 100 8, 500 †19 knots †3, 400 †20 knots. § 23 knots. § 20 knots. § 19 knots.	Single screw, vertical, compound Single screw, horizontal, compound  do Twin screw, compound, overhead beam Twin-screw, horizontal, compound Twin-screw, horizontal, triple expansion  do Single screw, horizontal, triple expansion  do do do Twin-screw, vertical, triple expansion  Twin-screw, horizontal, triple expansion  Twin-screw, horizontal, triple expansion  Twin screw, vertical, triple expansion  Twin screw, vertical, triple expansion  Twin screw, vertical, quadruple expansion	Tons, 411 690 690 1, 007, 87 710 900 130 850 900 900 340 247 47	

<sup>\*</sup>Indicated horse-power on trial. † Guarantied indicated horse-power. ‡ Guarantied speed. § Estimated speed by bidder. ¶ Authorized by act approved September 7, 1888. † Required by the statute. a Speed to be fixed by the Secretary of the Navy. b Cost, exclusive of armament and speed premiums, not to exceed \$1,100,000. d Cost, exclusive of armament and speed premiums, not to exceed \$700,000. To be built by contract in accordance with terms of act approved August 3, 1886.

The new Navy-Continued.

Name.	Battery.		t cost	ng.	uted.	ed to		
	Main.	Secondary.	Total contract of hull and chinery.	Date of actauthor- izing building.	Contract executed	Months allowed complete.	Where built or building.	Condition.
Dolphin	One 6-inch B, L, R,	Two 6-pdr. R. F. Four 47mm R. C.	\$315,000	1883. Mar. 3	1883. July 23		Roach, Chester, Pa.	Commissioned,
Boston	Two 8-inch B. L. R Six 6-inch B. L. R.	Two Gatlings. Two 6-pdr. R. F. Two 3-pdr. R. F. Two 1-pdr. R. F. Two 47mm R. C. Two 37mm R. C.	619,000	do	do		do	Do.
Atlanta	Two 8-inch B. L. R	Two Gatlings. Same as Boston	617,000	do,	do		do	Do.
Chicago	Six 6-inch B. L. R. Four 8-inch B. L. R. Eight 6-inch B. L. R. Two 5-inch B. L. R.	Two 6-pdr. R. F Two 1-pdr. R. F. Four 47mm R. C.	889,000	do.,	July 26		do	Do.
Charleston	Two 8-inch B. L. R. Six 6-inch B. L. R.	Two 37mm R. C. Two Gatlings. Four 6-pdr. R. F. Two 3-pdr. R. F. Two 1-pdr. B. F. Four 37mm R. C.	1,017,000	1885. Mar. 3	1886, Dec. 28	18	Union Iron Works, San Francisco, Cal.	Launched.
Baltimore	Four 8-inch B. L. RSix 6-inch B. L. R.	Two Gatlings. Same as Charleston	1, 325, 000	1886. Aug. 3 1885.	Dec. 17 1887.	18	Cramp's, Philadel- phia, Pa,	Do.
Yorktown	Six 6-inch B, L. R	Two 6-pdr. R. F. Two 3-pdr. R. F. One 1-pdr. R. F. Two 37mm R. C.	455,000	Mar. 3		12	dó	Do.
Petrel	Four 6-inch B. L. R	Two Gatlings, Two 3-pdr. R. F. One 1-pdr. R. F. Two 37 <sup>mm</sup> R. C.	247,000	do		12	Columbian Iron Works, Baltimore, Md.	Do.
Newark	Twelve 6-inch B. L. R	Two Gatlings. Four 6-pdr. R. F. Four 3-pdr. R. F. Two 1-pdr. R. F. Three 37mm R. C.	1,248,000	1886, Mar. 3	1887. Oct. 27	24	Cramp's, Philadel- phia, Pa.	Building.
Philadelphia	Twelve 6-inch B. L. R	Four Gatlings, Four 6-pdr. R. F. Four 3-pdr. R. F. Two 1-pdr. R. F. Three 37mm R. C.	1,350,000	1887. Mar. 3	do	24	do	Do.
San Francisco	Twelve 6-inch B, L, R	Four Gatlings. Same as Philadelphia	1,428,000	do,	Oct. 26	24	Union Iron Works, San Francisco, Cal.	Do.
Concord	Six 6-inch B. L. R	Same as Yorktown	490,000	do	Nov. 15	18	Palmer & Co., Chester. Pa.	Do.
Bennington	Six 6-inch B. L. R	Same as Yorktown	490,000	do 1886.	do	18	do	Do.
Vesuvius	Three 15-inch dynamite guns.	Two 3-pdr. R. F One 1-pdr. R. F. Two 37 <sup>mm</sup> R. C.	350,000	Aug. 3	Feb. 11	12	Cramp's, Philadel- phia, Pa.	Ready for trial.
First-class torpedo-boat	Eight automobile torpe- does.	Two Gatlings. Two 6-pdr. R. F.	82,750	do	1888. Mar. 1		Herreshoff Com- pany, Bristol, R. I.	Building.

The Secretary in his report also says:

"COAST AND HARBOR DEFENSE VESSELS.

"By act approved March 3, 1887, the following appropriation was made:
"For floating batteries or rams or other naval structures to be used for coast and harbor defenses, \$1,000,000. The final cost of said floating batteries, rams, or other naval structures, exclusive of armament, shall not exceed \$2,000,000."
"In the last annual report of the Department the considerations were stated leading to the conclusion that it would be unwise for the Department to follow the course of the European powers in building unprotected torpedo-boats; and in the present uncertainty regarding the practicability of submarine boats, and while waiting the practical trial of the dynamite gunboat, it has been deemed wise for the Department to build one light-draught, heavy-armored, harbordefense floating battery or ram, for which designs have been prepared by the Bureaus of Construction and Steam Engineering, in consultation with the Chief of the Bureau of Ordnance. The advertisements for this vess-1 call for the submission of bilds in the month of February next. The characteristics will be found stated in the table of armored vessels before mentioned."

The progress made in building new vessels is shown by the following statement:

"VESSELS IN COURSE OF CONSTRUCTION UNDER CONSTRUCTION UNDE

"VESSELS IN COURSE OF CONSTRUCTION UNDER CONTRACT WITH W. CRAMP & SONS, PHILADELPHIA, PA.

"(Cruisers Newark, Philadelphia, and Baltimore; gunboat Yorktown; dynamite gunboat Vesuvius.)

mite gunboat Vesuvius.)

"The Newark has flat keel completed, vertical keel and longitudinals ninetenths completed, transverse frames six-tenths worked and secured in place, protective deck beams six-tenths completed, outer skin plating below protective deck beams six-tenths completed, and treatment of the completed, inner bottom six-tenths completed, protective deck plating two-tenths worked and in place; that is, the vessel is more than three-tenths completed. The contract price was \$1,245,000, of which \$335,900 has been paid. The vessel is to be completed, as per contract, October 27, 1889.

"The Philadelphia has the stem, stern-post, transverse frames, inner bottom plating, and deck beams completed, outside plating eight-tenths completed, main-deck and berth-deck stringers and plating nearly all in place, protective deck plating all in place and riveted, magazine floors five-tenths completed, platform deck plating, longitudinal and transverse bulkheads, coffer-dam casings, air ports, hatch coamings, cementing and painting iron-work, one-tenth completed; that is, the vessel is more than four-tenths completed. The con-

tract price was \$1,350,000, of which \$486,000 has been paid. The vessel is to be completed, as per contract, October 27, 1889.

"The Baltimore is launched and hull nearly completed, joiner work and hull-fitting nine-tenths completed. The contract price was \$1,325,000, of which \$954,000 has been paid. The vessel was to be completed, as per contract, June 17, 1887; time was extended to November 20, 1888.

"The gunboat Yorktown is nearly completed and ready for speed trial. The contract price was \$455,000, of which \$364,600 has been paid. The vessel was to be completed, as per contract, January 31, 1883; time was extended to May 20, 1888.

be completed, as per contract, January 31, 1995, time was extended to Jany 24, 1888.

"The dynamite gunboat Vesuvius has had a very successful speed trial and is now nearly ready to be delivered to the Government. The contract price was \$350,000, of which \$218,350 has been paid. The vessel was to be completed, as per contract, February 11, 1883; time was extended to May 20, 1888.

"VESSELS IN COURSE OF CONSTRUCTION UNDER CONTRACT WITH UNION IRON WORKS, SAN FRANCISCO, CAL.

"(Cruisers Charleston and San Francisco.)

"(Cruisers Charleston and San Francisco.)
"The Charleston is completed, except a few hull fittings, and nearly ready for speed trial. The contract price was \$1,017,500, of which \$824,175 has been paid. The vessel was to be completed, as per contract, June 28,1888; time was extended to November 20,1888.
"The San Francisco has keels, longitudinals, transverse frames below protective deck with their beams completed, lower pieces of stem and stern post in place, protective deck plating five-tenths completed, inner bottom plating eightenths completed, transverse bulkheads four-tenths completed, drainage in double bottom five-tenths completed, gun-deck beams four-tenths completed, berth-deck beams, upper pieces of stem and stern posts ready to go in place, water-tight doors and sluice-valves four-tenths completed; that is, the vessel is about three-tenths completed. The contract price was \$1,428,000, of which \$257,-040 has been paid. The vessel is to be completed, as per contract, October 26, 1889.

"VESSELS IN COURSE OF CONSTRUCTION UNDER CONTRACT WITH DELAWARE RIVER IRON WORKS, CHESTER, PA.

"(Gunboats Concord and Benningion.)

"The Concord has the transverse frames eight-tenths worked and erected in place; bulkhead frames four-tenths completed; longitudinals five-tenths worked; center keelson and engine foundations completed; hull plating seven-tenths

in place; deck beams four-tenths in place; water-tight deck plating and deck plank seven-tenths completed; joiner work four-tenths completed; hull fittings six-tenths completed; that is, the vessel is about six-tenths completed. The contract price was \$490,000, of which \$220,500 has been paid. The vessel is to be completed, as per contract, May 15, 1889.

"The Bennington has the transverse frames seven-tenths worked and erected; bulkhead frames, two-tenths completed; center keelson and engine foundations completed; outside plating, eight-tenths in place; deck beams and water-tight deck plating, sixteenths completed; deck plank, five-tenths completed; joiner work, two-tenths completed; hull fittings, four-tenths completed; that is, the vessel is five-tenths completed. The contract price was \$400,000, of which \$220,500 has been paid. The vessel is to be completed, as per contract, May 15, 1889.

" YESSEL IN COURSE OF CONSTRUCTION UNDER CONTRACT WITH COLUMBIAN IRON WORKS, BALTIMORE, MD.

"(Gunboat Petrel.)

"The Petrel has been launched and is about eight-tenths completed,
"The contract price was \$247,000, of which \$144,435 has been paid. The vessel
was to have been completed, according to contract, December 22, 1887.

"YESSEL IN COURSE OF CONSTRUCTION AT THE NEW YORK NAVY-YARD. "(Armored cruiser Maine.)

"The Maine has vertical and flat keels erected in place; transverse frames, one-tenth erected in place; transverse frames below protective deck, seventenths worked and ready to be erected; longitudinals, six-tenths completed; floor-plates, eight-tenths completed; beams, three-tenths completed; that is, the vessel is about one-tenth completed. The cost of the vessel is to be \$2,500,000.

"VESSEL TO BE BUILT AT THE NAVY-YARD, NORFOLK, VA. "(Armored battle-ship Texas.)

"The keel blocks of the Texas have been laid, and the outer body has been laid off on the mold-loft floor; the patterns for the stem and stern post castings are being prepared, and the material for the keel-plates has been ordered. The cost of the vessel completed is to be \$2,500,000."

The following letter shows the condition of the monitors:

"Sir: Replying to your telegram of this date, relative to information regarding certain vessels, I have to state that the condition of the work on the double-turreted monitors is as follows:

"The Puritan is at the navy-yard, Norfolk. The structural part of the hull is nearly completed. The propelling machinery is erected on board. The bureau is unable to state when the armor will be ready to be secured in place. All the outfits of the hull, including joiner-work, wooden decks, boats, blocks, furniture, are to be completed, and the backing put on ready to receive the armor.

furniture, are to be completed, and the backing put on ready to receive the armor.

"The Miantonomoh is at the navy-yard, New York, and will be completed and ready for sea in four months.

"The Terror is at the navy-yard, New York, having alterations in the hull made for the new turrets. The contract for part of the material has just been approved by the Department. Her propelling machinery is erected on board. Most of the outfits of the hull, including joiner-work, wooden decks, boats, blocks, and furniture, are to be completed; facing for armor put in place and armor when received; turrets to build.

"The Amphitrite is at the works of Harlan & Hollingsworth, Wilmington, Del. The structural part of the hull is nearly complete. Her propelling machinery is erected on board. The armor is to be secured in place when delivered. All of the outfits of the hull, including joiner work, wooden decks, boats, blocks, and furniture, are to be completed, and armor backing put in place and turrets built.

built.

"The Monadnock is at the navy-yard, Mare Island, Cal. The structural part of the hull is nearly completed. The propelling machinery is now being constructed. All of the outfits of the hull, including joiner work, wooden decks, boats, blocks, and furniture, are to be completed; turrets to be built, armor backing put in place, and armor secured when received.

"Very respectfully,"

"T. D. WILSON"

Y,
"T. D. WILSON,
"Chief Constructor, United States Navy, Chief of Bureau.

"Hon. H. A. HERBERT,
"Chairman Committee on Naval Affairs,
"Chairman Committee of Representatives, Washington."
"House of Representatives, Washington."

The contract made by the Navy Department in June, 1987, with the Bethlehem Iron Company was for forgings for fifty 6-inch, six 8-inch, twenty-one 10-inch, and two 12-inch guns. These will complete the great gun batteries for the Miantonomoh, Charleston, Baltimore, Bennington, Philadelphia, Newark, San Francisco, Maine, Monadnock, Terror, Amphitrite, Puritan, Texas.

The delivery of these forgings is by contract to begin February 1, 1890, and to be completed November 1, 1891, but the company has made such satisfactory progress that it is expected deliveries will be commenced in March of the present

There are also on hand, finished at the Washington part the Washington at the Name are also on hand, finished at the Washington to their size, first class in every particular. The Boston, Chicago, Atlanta, and Dolphin carry altogether nineteen 6-inch modern breech-loading rifled guns and eight of 8 inches. Of these, six of the former and four of the latter class were made at the Washington navy-yard.

these, six of the former and four of the latter class were made at the Washington navy-yard.

There are also on hand, finished at the Washington yard, six 6-inch guns and three 10-inch guns, besides eight 6-inch guns about seven-eighths complete. When the works at that yard shall be completed the average time of assembling there a 6-inch gun will be, say, one hundred days, and for 12-inch gun two hundred days, etc. The annual capacity of the yard, it is estimated will be at the rate of twenty-five 6-inch and twelve 12-inch guns. The plant is to be fitted to manufacture as high as 16-inch guns. We are also constructing guns by contract at South Boston Iron Works and West Point Foundry—at present six at each place, to be completed in July and August of the present year. The guns made at the navy-yard have so far been some what cheaper than those furnished by contract. The tests to which our new guns have been submitted show them to be equal to any made at the long-established workshops in Europe.

We have at the proving-ground one 10-inch gun-carriage, manufactured at the Washington navy-yard, and three others will be completed within two months; also two 6-inch carriages completed and thirty-one others more than half finished—all manufactured at the Washington navy-yard.

The contract with the Hotchkiss Arms Company is for ninety-four rapid fireguns, consisting of thirty 6-pounders, twenty-two 3-pounders, ten 1-pounders, and thirty-two 37-millimeter guns.

The Bethlehem Company also has the contract for the armor, complete, of the Puritan, Amphitrite, Monadnock, Terror, Maine, and Texas, to be delivered at the rate of 300 tons per month, from Febraary 1, 1890, to December 1, 1891, inclusive.

The vessels provided for in the act of September 7, 1888, have none of them

clusive.

The vessels provided for in the act of September 7, 1888, have none of them been let out to contract. The present Secretary has deemed it advisable to leave their construction entirely to his successor.

Notwithstanding this fact, the committee have thought proper to recommend the construction of two additional vessels. This work may be begun with the

money carried in the bill, which is somewhat less than was borne in the last act, and no other work need be neglected.

One of the ships we recommend is to be of the type of the Vesuvius; but it will be seen we provide for its construction only conditionally.

The Vesuvius, as a vessel, is a remarkable success. The dynamite guns with which she is armed have iproven successful in trials on land. But it is yet a question whether when fired from the vessel accuracy can be obtained. The guns are affixed to the ship with no carriage upon which they can be trained to the right or left, or elevated, or depressed.

The dynamite company and the inventors claim that by regulation of the charge and training with the rudder of the ship sufficient accuracy can be attained to make efficient the heavy charge of terrible explosives the guns can carry, ranging from 100 to 500 pounds of nitro-gelatine or dynamite. The bill provides for the building of a new vessel of the type of the Vesuvius upon the condition that the Secretary of the Navy shall be satisfied, after experiment with that vessel and her guns, of the efficiency of her armament.

The other vessel recommended is a sea-going monitor of high speed combining features which, all together, make a novel and, in the opinion of the experts of the Navy Department, will render it a very useful vessel.

The general designs were furnished by Hon, John R. Thomas, of Illinois, who has had an experience of ten consecutive years in the consideration of naval anteres as a member of your Committee on Naval Affairs.

Mr. BOUTELLE. Mr. Chairman, addressing the House briefly in

Mr. BOUTELLE. Mr. Chairman, addressing the House briefly in respect to the pending appropriation for our naval establishment, I will not wander off into that other sphere which our committee seems to have undertaken to occupy in the regulation of the foreign affairs of the country. I will leave that to the able chairman of the committee [Mr. Herbert] and to my eloquent colleague from New Jersey [Mr. McADoo].

It ought to be a cause of congratulation to the people of the country and to the House that during the past four years one of the great political parties of the country has made the very useful discovery that one of the prime features in the creation of a United States navy is the appropriation of money by Congress for that purpose. And so far as we have made progress toward the rehabilitation of our naval establishment in the past few years it is due to the fact that the Congress of the United States, and I might be more specific and say the House of Representatives, has within that period pursued a different policy in regard to the appropriation of money for the increase of the Navy from that which had been pursued by the representatives of a different political party

in previous years.

The fact we have built ships and are now engaged in constructing The fact we have built snips and are now engaged in constructing additional vessels is due primarily to the fact that the Republicans in the House of Representatives have pursued an entirely different course toward the Navy from that of the Democrats of the House when the Republican party was in control of the national executive. And while I join with my friend the chairman, and my colleague from New Jersey, in congratulating the country upon the progress which has been made, perhaps it would be unjust to omit to call attention to the fact that so far as numerical contribution by votes toward this result is conthat so far as numerical contribution by votes toward this result is con-

that so far as numerical contribution by votes toward this result is concerned the gratitude of the country may be largely claimed by the minority in the House of Representatives during the past four years.

I believe that the record of appropriation bills for the Navy will show that the political party of which I have the honor to be a member has on every occasion favored the most liberal provision for these purposes, and on important occasions has sought to go beyond the lead of the Democratic majority. I find in the report of the Secretary of the Navy for the current year a gratulation of the country upon what he regards and what I conceive to be the most important achievement he regards and what I conceive to be the most important achievement thus far toward the restoration of our naval supremacy, and that is the establishment in this country of the great machinery plant necessary to furnish all the material required for the construction of our war ships. In his report the Secretary says, after referring to the measures by which American manufacturers were induced to enter this field:

As a second step, the wants of the Department for armor and gun steel were sllowed to accumulate until contracts of some magnitude could be offered to the competition of domestic manufacturers, one condition of the bidding to be the erection of a plant in this country adequate to the manufacture of both armor and gun steel up to the highest standard of European requirements.

This was deemed an experiment by the Department at the time, and was accompanied with great individual effort towards enlisting the steel manufacturers in the undertaking, but resulted successfully, and upon the 1st day of June, 1887, contracts were entered into with the Bethlehem Iron Company of Bethlehem, Pa., one of the largest and most enterprising of American steel manufactories, under which the United States was guarantied that within two and one-half years from the date of the contract this country would have within its borders a plant equal to and probably the superior of any in the world for the production of armor and the forgings for high-powered guns. This, in the judgment of the Department, must be deemed to have been the first important step towards the creation of a navy modern in character.

Light with the Secretary in his congratulation of the country upon

I join with the Secretary in his congratulation of the country upon securing this result. And it is with considerable satisfaction that I am enabled to refer to the debates which occurred in this House nearly three years ago in which I made a somewhat persistent struggle for the accomplishment of this precise end. It will be found in the CONGRESSIONAL RECORD of July 24, 1886, when the naval appropriation bill was under consideration, that when the clause was reached providing for the purchase of the material for the armor of our vessels the following proceedings occurred:

Mr. BOUTELLE, I move to amend by striking out in the section just read all after the word "manufacture," in line 3, down to and including the words "import it," in line 8. The clause which I propose to strike out is in these words: "Provided contracts for furnishing the same in a reasonable time at a reasonable price and of the required quality can be made with responsible parties; otherwise the Secretary of the Navy is hereby authorized to purchase the same orany portion thereof and import it."

Mr. Findlay. Will the gentleman allow me to make a suggestion in the same line which I see he is pursuing?

Mr. BOUTELLE. Certainly.

Mr. Findlay. The object of the gentleman is evidently to require that the armor which is to be used for the purpose contemplated shall be manufactured in this country and powhere else.

this country and nowhere else.

Mr. BOUTELLE. My amendment will secure that object. The first portion of the section will then read:

"That the armor used in constructing said armored vessel, and for completing said monitors, shall be of the best obtainable quality and of domestic manifesters."

Ing said monitors, seems of the unfacture."

Mr. Findlay. I understood the gentleman's object that the armor shall be made in this country.

Mr. BOUTELLE. My amendment provides for that.

Mr. BOUTELLE. My object in offering this amendment has been to encourage if possible what I regard as one of the primarily important features of the re-establishment and maintenance of a navy, and that is the establishment in this country of the machinery, the plant, and the hammers that are necessary to furnish the materials out of which the navy can be constructed. The establishment of a navy for a nation like ours is not accomplished when we have simply obtained ships. We want to have the ability here to construct ships. That is of infinitely more importance than the question whether we shall have a few ships at this time.

ships at this time.

I am told by manufacturers that the only difficulty in the way of manufacturing this armor is as to the size of the hammer and the weight of certain machinery, which is too expensive to be put up in this country unless there is some encouragement that there would be use for it. These immense masses of iron and steel are not used in business operations in civil life. They are only used in the military operations of the Government. I want the Government of the United States to offer an inducement and encouragement for setting up this plant.

A little further on in the discussion, in which the majority of the Naval Committee were inclined to adhere to the text of their bill, the chairman [Mr. HERBERT] said:

Mr. HERBERT. And this contemplates that he shall make those contracts with persons who will enter into an agreement to furnish the armor, but in order not to put himself at the mercy of combinations who might charge him whatever they chose, this provision is inserted, that the contracts shall be made on condition that the contractors shall agree to furnish the armor in a reasonable time and at a reasonable price. These provisos are put in here simply for the purpose of protecting the Government against combinations.

A little further on the gentleman from New York, who has since gone to the other branch of Congress, Mr. HISCOCK, said:

gone to the other branch of Congress, Mr. HISCOCK, said:

Mr. HISCOCK. As I understand, we are not prepared and can not be for some little time to build the armor for these turrets. I am willing, nevertheless, to accept the amendment of the gentleman from Maine and force the preparation. We may as well get ready now to do the work as at any other time.

Mr. BOUTELLE. Mr. Chairman, the best information which I have been able to obtain—and it is information which I believe to be entirely reliable—is to the effect that the manufacturing establishments of this country can within six months put themselves in condition to produce this armor which is required—Mr. HISCOCK. No.

Mr. BOUTELLE. Well, I am making this statement on what I believe to be enflicient authority. The gentleman can contradict it afterwards if he wishes to do so. I say the best information I have—and I have had reassurance on this subject very recently—is that if we will offer simply the inducement provided in this amendment that American manufacturers shall have the opportunity to produce the armor for these vessels, they will within six months be ready to respond. Certainly this is a very small inducement.

I am also informed and know that to-day there is at one of the hotels in this city the agent of a French manufactory of armor who is here ready to make these contracts. Furthermore, I am informed that two or three officers of the United States Government in the city of Washington to-day are the representatives of an English manufactory of armor.

Mr. McAddoo. Is it not the fact that the last administration contracted with the English firm of Cammell & Brown for compound armor for the Miantonomoh? Mr. BOUTELLE. I think it likely it did.

Mr. McAddoo. And the plates are now on the dock at Brooklyn, being put on the turrets.

Mr. BOUTELLE. But I tell you, no other administration, with my consent or

Mr. BOUTELLE. But I tell you, no other administration, with my consent or by my vote, will be permitted to make these contracts abroad, refusing to our people the inducement which I believe is all that is necessary to make us inde-pendent in this matter.

On the vote taken on the amendment in the Committee of the Whole there was a majority of 101 to 61; so that the amendment was there adopted. But when we got back into the House, under the lead of the majority of the Naval Committee, a sufficient number of votes were rallied to change the result, and that amendment, which had been adopted, with various others, in the Committee of the Whole, was defeated by a vote of 111 nays to 108 yeas. Nevertheless, Mr. Chairman, the result of that debate, of the persistent attempt, and of the strong expression made in the House of Representatives in behalf of an effort to domesticate the manufacture of materials necessary for our war ships has since borne fruit, and the Secretary himself, in his latest report, in giving credit to various distinguished officers and officials and to members of the committee of the two branches of Congress, also goes on to

But for the thorough elucidation of the subject which had thus previously been made, and through which the conditions of the problem had been thoroughly made known, it is not likely that the efforts of the Navy Department would have been attended with success.

I have adverted to this simply as a matter of historic justice and to enable me to congratulate with all frankness and candor the Secretary of the Navy, who has been alert, as I believe, in seizing upon the best ideas that have been presented, and to whose efforts in bringing about the administrative measures that have been requisite to produce this result the country is indebted. I reiterate here what I said before on the floor of Congress, that I regard it as of vastly more consequence than that we should have at a given time a given number of fully equipped ships of war, one-half of the materials for which, or one-quarter of the materials for which, must necessarily be procured from other

nations; that we should have beneath our own flag, upon our own continent, establishments under our own jurisdiction capable of furnishing at the command of the Government every material required for the construction and armament of the most formidable ships of war.

In other words, Mr. Chairman, I regard it of vastly more importance that the United States of America should be independent of every other people and of every other nation on the globe for the construction of the enginery and the ships of war, than that we should simply obtain partly at home and partly from abroad a certain number of ships or a certain number of guns. Therefore the country is to be congratulated that we have established one great plant, to be succeeded by others, as I believe, in different parts of the country, including the State from which my honored colleague, the chairman of the committee comes as which my honored colleague, the chairman of the committee, comes as a Representative, and which will be able to furnish at the call of the Government everything that is required to assert the rights and uphold the honor of the American people upon the high seas. This will mark, Mr. Chairman, an emancipation as well as an advance that may be placed side by side with that other great industrial triumph, when by the operation of wise and patriotic American legislation we domesticated the steel-rail industry in the United States, thereby rendering the transportation of this country free from dependence upon the labor or the caprice of other manufacturing nations of the earth.

The chairman of the committee in his opening speech has stated to the House the details of what has been accomplished in the way of construction of new ships. I do not know that I have anything of particular interest to add to his statement. I may suggest, however, in view of his remark that in a few years from now no other nation on earth will have vessels of the high rate of speed which our vessels under construction are expected to attain, that it is drawing upon the future somewhat, and that we had better, perhaps, devote ourselves to perfecting the business we have in hand, getting our ships afloat and demonstrating their capacity by actual performance, rather than to indulge in speculations and in boasting as to what they will accom-

plish when they are completed.

But I have no doubt, sir, that improvements will be demonstrated in the construction of our ships of war. There ought to be, for this is the age of progress and advancement; and if the vessels that are now under contract, if the ships that have been designed and placed in construction during the last three years shall prove as great an advance as was made by their immediate predecessors, the first steel war ships constructed in this country—the vessels from the yard of John Roach—over the old wooden ships of the preceding era, the country will have reason to congratulate itself and the Administration now going out of power. I believe that these ships will show a gratifying degree of progress. But, Mr. Chairman, I am bound in candor to say that the indications are not altogether conclusive that the powers that be at present are inclined to apply quite as rigid tests to the vessels conceived under their own designs as they applied to those other ships

which were designed by their predecessors.

The new vessel recently built at Philadelphia, for whose success certainly no one is more anxious than myself, and in whose achievements in regard to speed and prowess no one can be more gratified than I, has certainly, so far as I can judge, been treated in a very different manner from that accorded to the first experiments of the American people in constructing war ships from steel. I think if an unprejudiced man will constructing war ships from steel. I think if an unprejudiced man will but make a comparison between the methods employed in the testing and trial of the Dolphin and of the Vesuvius, which has recently been accepted by the Department, he will not fail to be impressed by the remarkable contrast, not only in the tests applied, but in the treatment accorded. I find in the case of the Dolphin, for instance, that after she had been subjected to a number of tests and trials, and an additional that the state of the Sthot May 1885 this for tional one had been required, that on the 28th of May, 1885, this favorable report was sent by telegraph to the Secretary of the Navy:

NEW YORK, May 28, 1885.

Hon. SECRETARY OF THE NAVY, Washington, D. C.:

Dolphin ran six consecutive hours to-day without mishap of any sort, averaging from 72 to 76 turns per minute; all conditions favorable; steam pressure, 84 to 89 pounds; average speed, 154 knots; speed for two hours, 15.9 knots per hour; approximate mean collective horse-power, 2,240. As ship was aground on reef on Wednesday she ought to be docked before sea trials.

G.E. BELKNAP,

President of Board, Astor House.

Here was the report of a naval officer upon the trial of a vessel, the contract for which only called for 15 knots speed, and he states that she made an average, upon a trial of six consecutive hours, of more than the contract called for; and yet we do not find the Secretary of the Navy sending a jubilatory dispatch to Commander Belknap upon the achievement of the Dolphin; but, on the contrary, an additional trial and severer tests were required. She was subjected to a most extraordinary trial at sea, the record of which shows that after subjecting that vessel to every ordeal which the ingenuity of man could devise, she was finally driven at 11 knots an hourinto a head sea off the Atlantic coast, and yet she failed to develop the structural weakness that seemed to be so diligently sought.

We all know about that. How differ-But that is ancient history. We all know about that. How different—what a contrast we find in the method of conducting the trial of this new vessel, designed under the auspices of the present Administration, and upon whose success the administration of the Navy De-

Now, I have no purpose, Mr. Chairman, in the few remarks I shall submit, to depreciate the value of this new addition to our naval service. I was one of the original advocates of the experiment. I favored the appropriation. I am glad the ship has been built, and I am inclined to believe that she will prove, in many respects, a success; but when we contrast with the harsh treatment of the Dolphin, the haste, the alacrity with which the Secretary of the Navy sent by telegraph his greeting to the constructor of the Vesuvius, congratulating him that he had set the world an example in speed, and made the greatest success in that regard that had ever been accomplished in naval architecture, it is, perhaps, proper to look a little at the different conditions under which these trials were made.

I have not accurate data in regard to these trials, but I learn by I have not accurate data in regard to these trials, but I learn by such inquiries as I have been able to make, in the paucity of official intelligence, that the Vesuvius, originally designed to be of 700 tons, with a draught of 8 feet (I obtain this from the "General Information, Series 6," of the Naval Intelligence Office), subsequently grew by changes to 805 tons, with a draught of 9 feet 3 inches, as shown by "Series 7," page 300.

On the trial her draught was 9 feet 6 inches, and this, I am told, was with about 100 tons of coal short. With a full coal equipment and with the requisite stores, etc., I am informed that at least 150 tons will be added to her displacement, bringing her down to nearly 11 feet

be added to her displacement, bringing her down to nearly 11 feet draught. As her guns have been increased from 10\(\frac{1}{2}\) to 15-inch caliber, this will add still more to her draught. So that we find the Department, which so severely criticised the changes and modifications and altera-tions of the Roach ships, made a departure in this vessel from 700 tons with 8 feet draught, as originally intended, to nearly one-sixth larger with probably 11 feet draught when finally completed and ready for service

It is also to be recollected, Mr. Chairman, that when the Dolphin was tried it was one of the conditions of trial that she should be weighted down to a load-line which would equal her draught when she should have her crew, stores, and armament on board. She was to be compelled to make her trial as if equipped for sea and for battle. On the contrary, this new ship upon her trial, as I am informed, was not only a hundred tons of coal short, but she had no weights on board to represent what she will be required to carry in stores, etc., when she is fitted for actual service. It will be remembered also that one of the serious criticisms against the design of the Dolphin was that a portion of her vertical engine was above her water-line, and therefore unpro-

tected.

It is a fact, as I am informed, that at least half of the machinery of the Vesuvius is equally unprotected and above the water-line; yet we have heard no criticism of that fact, and I do not offer it as a criticism at this time, but simply to mark the contrast in the treatment of the two vessels. I have heard it suggested, I do not know with what justice, that the designs of the engine and the hull of this vessel may have been made more with a view to the trial trip than to endurance. I trust that may not prove to be the fact; but my information is that the specifications of the contract made between the Department and the builders of this ship contrast in a most marked and conspicuous manner with the specifications of the contracts required of the builders It has been stated to me by persons upon whose judgof other vessels. ment I place great reliance that the machinery for this vessel is entirely too light. I hope that may not be found to be so. I am told that on her first preliminary trial she broke the valves of her air-pump. We had no report of that made for the public. I am told that on her second preliminary trial she broke her main valve-gear. I have heard no public statement as to that. I am told that on her first official trial she broke one of her fire-room blowers so completely after the first run over the course that the second run was made with that fire under natural draught. I am told that on her second official trial she broke her air-pump beam. Now, these may not be radical defects; I hope they are not; but when we call to mind the serious manner in which gentlemen criticised the Dolphin because, when forced to her utmost speed, a glass of water filled even to the rim would vibrate enough to spill a drop or two, this circumstance being cited as an evidence of "structural weakness," we certainly may deem it strange that no comment is made upon defects such as those I have cited.

The reason for it is an obvious one; the explanation is clear. It is found in the fact that the Republican press of the country, Republican members of Congress, and Republicans generally have not been disposed to use the carping and hypercritical method which was employed by the other political party to find fault with and break down the reputation of the vessels built under a Republican administration in the ship-yard of that great naval constructor and sturdy American, John

I am told that on the first trial of the Vesuvius she was tested over a 4-mile course and failed. I have never heard any official report of that kind; I do not know that it is the fact; but that is my information. I am told that on the second official trial the course was cut down to 2 miles, and that the vessel again failed. I have had no official report of that; but it is my information; and if correct I trust that

the facts may be given.

I am told that the contractors then claimed that the water of the course was not deep enough for this 800 or 900 ton vessel; and so by their request the last trial was made in deep water; and as a trial of speed made in deep water is generally a trial of speed made farther away from shore, it may possibly be that a trial of speed farther away from the shore furnishes more latitude for variation in estimates of the progress of the vessel than would be furnished if she were run close to the landmarks along shore. I do not know how that may be. But as compared with these repeated and extraordinary trials to which the Dolphin was subjected, I am informed that the speed test applied to this new ship, upon which the claim to her extraordinary speed is based, did not exceed from six to twelve minutes-just as you might take the speed of a horse as he went past the judge's stand without regard to the speed he could hold for a quarter or a half or the entire mile.

The test of the Roach ship was a six-hours trial. The test of the Vesuvius was, as I am informed, from six to twelve minutes when the vessel was at the very acme of her speed. And while in the trial of the Dolphin it was made a special subject of comment and criticism, which was repeated upon this floor, that they actually had to put water upon some of the journals because they became heated—a very common occurrence—I am informed by a witness of good authority that when the Vesuvius emerged from her trial her fire-room was, as he ex-

pressed it, like a Turkish bath.

Now, as I have said, Mr. Chairman, I have not made these remarks for the purpose of manifesting hostility either to this vessel or to her contractors or builders, because there is no doubt whatever that the ship has developed a high degree of speed; she was built to do it, to do nothing else. But when gentlemen on this floor or in the newspapers or elsewhere undertake to institute a comparison of the speed of this vessel as a "cruiser" with the speed of other "cruisers" heretofore built, they ignore utterly the fact that this is a vessel designed to do but just two things—to carry those dynamite guns, which are not of great weight, while all the rest of the ship is devoted to machinery enough to force her at the highest rate of speed. So that you have eliminated at the outset some of most difficult factors of the problem which enter into the construction of a fully-equipped cruiser—the providing of quarters for the men, stores for the crew, ponderous armament, and a coal capacity for a voyage across the ocean.

It is provided in this bill that the President shall build another vessel of this type. If succeeding trial shall demonstrate that the vessel is a success, I hope that she will be repeated in an improved form. do not believe, however, that the Department should be compelled to build a vessel precisely like another vessel which has been built; al-though the observations I have made do not apply to the offensive powers of this ship or to the efficiency of the dynamite guns, from which I hope great things, and in whose success I have a very great degree of confidence. But I think that a wise consideration of the future should lead us to leave to the President and the Secretary of the Navy some discretion as to the form and size and character of the ships upon which

in future these dynamite guns are to be mounted.

A gentleman who has given much attention to such matters insists that before a vessel is accepted she should be tested with her full weights on board, under conditions that she will be required to meet and fulfill in actual service, and he expresses the opinion that there is not another government on the face of the earth that would accept a ship after such a trial as has been had in the case of the Vesuvius.

Mr. Chairman, I have adverted to this striking contrast in the treatment accorded to vessels of different political paternity. I do not believe that the incoming administration will mete out to the builders and designers of the ships now under construction the kind of treatment which has been meted out to vessels designed under Republican auspices in the past. I believe that the new administration will be glad to recognize every improvement that has been made, every advance that has been achieved; and that within the next four years, if our Democratic friends will give to the Republican majority in the House of Representatives but one-half the zeal of support that the Republican minority has given to them during the four years of Democratic control of the Executive Departments, we shall make a still greater and grander stride toward the rehabilitation of the American Navy. I hope the suggestion may be realized. If I have any doubt as to the result, it is born of a sad and discouraging experience of the past.

I do not know that I have any further observations to make at this time except perhaps to allude in a casual way to the difference be-tween the criticism that was applied to the Atlanta, for instance, when on the trial of her great guns the brass tracks that were fastened to the deck were found insecure, a mere matter of detail, with no possible connection with the structure of the ship itself; and yet the Democratic press in full cry broke out in chorus against the weakness and useless ness of that ship; and the manner in which other people have treated the accident that befell the new cruiser Baltimore so shortly after she was launched. I do not think it furnishes occasion for criticism on

her builders that a canal-boat or a ferry-boat in running into the stern of the ship knocked off a lug upon the stern-post so as to make a hole through the steel casting. I know that it was an accidental thing, but I am afraid that if such an accident as that had happened to one of the ships that were launched from the yard of John Roach we should have heard some wild Democratic alarms going up about a sea-going vessel put hors de combat by the first canal-boat that came along. [Laughter.] We should have had a repetition of the eloquent speeches [Laughter.] We should have had a repetition of the eloquent speeches that we heard in the House only a few years ago when the Republican party was held responsible for being unable to build a wooden side-wheel gunboat strong enough to stand up against a fifteen-hundred-ton wooden schooner running at the rate of 12 to 15 knots an hour.

Mr. DINGLEY. And loaded with coal.

Mr. BOUTELLE. And loaded with coal, as my colleague suggests. The country recognizes the treatment which has been accorded to the New by the two political parties of the country and gentlemen the

Navy by the two political parties of the country, and, gentlemen, the country is going to hold political parties on both sides of this Chamber responsible for carrying on the good work not only of putting ships affoat to carry the American flag and American guns to protect the honor and interests of the nation, but for so carrying on that good work as to enable the people of America to supply on our own soil from our own mines, from our own forests, from our own workshops, upon designs fresh from the brains of our own naval architects, every portion of the ships of the American Navy from the keel beneath the wave to the truck where the emblem of the great Republic shall proudly float. [Ap-

Mr. HERBERT. Mr. Chairman, I would like to bring this debate to a close, and would suggest, if it meet the approval of the committee, that all general debate be closed in ten minutes, which time I would like to use answering some of the suggestions of my colleague on the

committee [Mr. BOUTELLE].

Mr. BOUTELLE. If my colleague is going to occupy that time I may need to respond to him, and I shall therefore ask to reserve the remainder of my time.

The CHAIRMAN. The gentleman has five minutes of his time re-

maining.

Mr. HERBERT. Then I will ask that after fifteen minutes, ten minutes of which I will consume, the other five to be reserved for the gentleman from Maine, all general debate on this bill may be closed.

There was no objection, and it was so ordered.

Mr. HERBERT. Mr. Chairman, the gentleman from Maine says he opposed a provision in the bill of 1886 authorizing the Secretary of the Navy to make contracts for certain articles abroad in case they could not be furnished within a reasonable time at home and at a reasonable price, and in that connection quotes remarks which I made upon the passage of the bill, as follows:

These provisions are put here simply to protect the Government from combinations.

The majority of the committee certainly did desire and expect at that time that everything pertaining to the building of a navy should be produced in America. These provisions to which the gentleman alludes were simply put in to protect the Government, as I stated at the time, from possible combinations among bidders. The provision was

stricken out in the Senate.

The protection to the Government desired by the majority of the committee was omitted. Now, what happens? Sir, if that provision had been left in the bill the result would have been that the plant at the navy-yard in Washington to-day would have been much further advanced than it is. There was a combination between bidders for certain portions, the most important parts, too, of the plant required to construct first-class guns in the Washington navy-yard; at least the Secretary of the Navy so thought. He deemed that there was no reasonable bid, and so he rejected all of the bids and has made other offers. Even to this day there has been no contract for some of the machinery, and this delay is the direct result, as I think, of putting the Govern-

ment so patriotically in the hands of manufacturers.

If this provision had been inserted there is no sort of doubt that the Secretary would have been able to secure in the first instance reasonable bids for the construction of that plant required at this navy-yady. and we would have been much further advanced than we are to-day. There was no thought on the part of the Secretary or of the majority of the committee that anything should have been bought abroad. The provision was put there, as I stated, in the words quoted by the gentleman from Maine, simply as a precaution to protect the Government against combinations among bidders, and subsequent events have jus-

tified the wisdom of the committee.

Mr. BOUTELLE. Do I understand that it was not intended that

any of this material should be bought abroad?

Mr. HERBERT. It was intended that it should all be procured in America; and, well knowing as the gentleman does the opinion of the Secretary of the Navy, I think he is bound to conclude that the Secretary, would, although that provision had remained in the bill, have succeeded in obtaining in America everything necessary for the construc-tion of that plant in the Washington navy-yard.

The gentleman complains the same tests were not made of the Vesu-vius as of the Dolphin. The difference between the results shown in

the trials of the two vessels was a very wide one and the distinction very great. When the Dolphin was tried there were very serious defects reported by the board which tested that ship in the first instance, going, not to the question of speed, but to defects in many other regards Among other defects structural weakness in the Dolphin was reported by the board, which was composed of as good and efficient officers as this Government had. There was no way, as they reported, of ascertaining whether this criticism was correct except by testing the ship at sea—that is, by a six hours' trial at sea. The board in the case of the Vesuvius found no difficulty of that kind whatever. My under-

Mr. BOUTELLE. What tests did they apply?

Mr. HERBERT. They applied the test, in the first place, of a run of 4 miles—I think it was 4 miles—above the Delaware Breakwater. There were one or two trials above Delaware Breakwater, in which the Vesuvius failed to come up to the speed required. The Dolphin had westvitts failed to come up to the speed required. The Dolphin may three tests also; and there were defects in some of the machinery.

Mr. BOUTELLE. In the Vesuvius?

Mr. HERBERT. There were some breakages.

Mr. BOUTELLE. Were they not of a more serious character than

mr. BOUTELLE. Were they not of a more serious character than any that were reported on the Dolphin?

Mr. HERBERT. No, they were not.

Mr. BOUTELLE. I beg to differ with you.

Mr. HERBERT. That is exactly where we do differ. In the Dolphin

the defect reported was structural weakness that was supposed to render her unseaworthy.

Mr. BOUTELLE. But it never was developed, in point of fact.
Mr. HERBERT. She had another trial. She went to sea, and after that trial she was accepted, although there were still serious defects on account of which the assignees of Mr. Roach allowed a deduction of

Mr. BOUTELLE. But did not this vessel develop structural weak-

ness in several important parts? Mr. HERBERT. Which vessel? Mr. BOUTELLE. The Vesuvius. Mr. HERBERT. Not at all.

Mr. BOUTELLE. Oh.

Mr. HERBERT. On the contrary, the record shows that she had great strength, great steadiness, and she did not succeed in making the full 20 knots speed at first simply because some bolt broke, or some little piece of machinery was defective. She was afterwards tried outside of Delaware Breakwater at sea, and the gentleman, in order to found a criticism there upon her, says—and he gets it, as I think, entirely from his imagination—that she was tried at sea, in deep water, because that furnished more latitude to the board of naval officers in charge to deceive the Government than they would have had if that vessel had been tried upon a canal. I do not know that that is the language of the gentleman, but I think that I am stating his proposi-

mr. BOUTELLE. I do not think you state it as well as I do.
Mr. HERBERT. I think I am stating it fairly. It is an imputation, I think, without any foundation of fact so far as I know, that the board of officers trying this vessel had and exercised a better opportunity to cheat the Government in a trial out at sea and in deep water

than they would have had if she had been tried upon a canal. [Mr. BOUTELLE shook his head.] The gentleman did not say so?

Mr. BOUTELLE. No; I did not.

Mr. HERBERT. That is the imputation.

Mr. BOUTELLE. I did not say so.

Mr. HERBERT. I know you did not say so; but I can not understand the force of the criticism unless it carries with it an imputation upon the board of officers who reported on the trial.

upon the board of officers who reported on the trial.

Mr. BOUTELLE. Will the gentleman give the House the benefit

Mr. BOUTELLE. I would like to hear it.
Mr. HERBERT. Simply because any vessel can make more speed

Mr. HERBERT. Simply because any vessel can make more speed in deep than in shallow water. All experts know that to be a fact.

Mr. BOUTELLE. Know what to be a fact?

Mr. HERBERT. That a vessel can make better speed in deep water than it can in shallow water, where the bottom is nearer to the pro-

peller of the steamer. Then I pass on to the other-Mr. BOUTELLE. Where was the first trial?

Mr. HERBERT. Above the breakwater in Delaware Bay.

Mr. BOUTELLE. Where was the Dolphin tried?
Mr. HERBERT. The gentleman knows that I have but ten minutes.
Mr. BOUTELLE. I know it is hard for you to be quite fair for ten minutes

Mr. HERBERT. In relation to the other criticism on the Vesuvius. She was built at a contract price of \$350,000. She was increased in length from 220 to 242 feet. She was increased in beam from 24 to 26½ feet, and there was an increase in her depth, and an increased displacement; and altogether she was built better and larger than the contract called for—all this by the contractors without any increase of compensation. The contract called for guns that would throw a hundred pounds of dynamite; she was built with guns that

would throw 500 pounds. And then as to her machinery being light, I have here a table prepared by Lieutenant Rodgers, chief of the Intelligence Bureau, comparing the Vesuvius with other vessels of her class. This table shows that her machinery, instead of being lighter than that of other such vessels, is heavier, and the remark is made that the explanation of this fact is that her engines are more durable and better.

[Here the hammer fell.]
Mr. BOUTELLE. I ask unanimous consent that the chairman of the committee be allowed to continue his remarks for five or ten min-

There was no objection, and it was so ordered.

Mr. HERBERT. I shall not take five minutes. I simply want to ay that the Vesuvius is heavier, is larger, is stronger, is in every way a better ship, both as to the vessel and the guns, than was contracted for. Yet the gentleman from Maine, who voted to make the contract, criticises the vessel that is better than the contract called for. Here is the comparison spoken of between the Vesuvius, the Tripoli; the Sharp-shooter, English; the Rattlesnake, another English vessel; the Destructor, a Spanish vessel; the Bombe, a French vessel; here are the figures in each case, showing the horse-power, the speed, the weight of the machinery; and these figures show that the machinery of the Vesuvius is heavier, justifying the remark of the chief of the Intelligence Office that it will be more durable and better than that of the other vessels of her class. Now, I think I have answered everything that the gentleman of Maine has said in relation to this ship, and I will

not trespass further upon the indulgence of the committee.

Mr. BOUTELLE. I do not know that I have anything that I desire to say in reply to what the chairman of the committee has said except to disciaim entirely the remarks which he has endeavored to make for me. When I see fit to make any reflection upon anybody, in or out of official life, I have ample opportunity to make it in my own time, in my own way, and in my own language, and I have not generally been credited with a lack of frankness in that regard. It occurs to me that instead of charging that I had imputed to some persons, whom I never named and whom I had not in mind, a purpose to de ceive somebody, it might have been just as easy for the chairman, and quite as charitable towards others, if he had supposed that I had in mind the possibility that taking a vessel out to sea would furnish more liability that somebody might be deceived. I made no imputation of the kind suggested by the chairman. I simply stated a fact which will be recognized by everybody who knows anything at all about the trial of the speed of vessels, who knows anything about geography, who knows anything about the admeasurement of distances, namely, that it is very much more difficult to make an accurate test of the speed of a vessel upon a movable element like water far away from the land than when you are close alongside of the fixed landmarks. If a man is trying the speed of a vessel on a canal, he is not likely to make a mistake of a quarter of a mile if his vessel stops directly alongside of the mile-post which tells the story, but if he is out upon the sea, he is subject to variations of current, he is subject to the error of his instruments; he has rendered accuracy of alignm nt more difficult by the very distance that intervenes between the vessel and the objects by which the measurement is made. I made no imputation; I desired to make none. I only emphasized my criticism by calling attention to the fact that the Vesuvius, after two failures, as the chairman states, was given a third trial in deep water, while, as I understand it, the first two trials were made under substantially similar conditions to the first two trials of the Dolphin, a vessel of equal or greater draught. Mr. Chairman, I had no intention to assail the Vesuvius. I have not done so.

The chairman of the Committee on Naval Affairs-and he is a high authority in naval matters and his judgment ought to be respected— the chairman tells us that the successive breakages of machinery upon every trial which this vessel made were of no importance whatever and would bear no comparison in importance with the mere suggestion, the mere imputation, the mere suspicion of a structural weakness on the part of the Dolphin that never has been developed! In closing I want to say that year before last I had the fortune to go on board that much-abused and depreciated ship, the Dolphin, at Bar Harbor. I came in from the bay and saw her lying at anchor. I thought she was a yacht, so trim and beautiful did she appear, and when I went upon her deck and had walked through the ship and made such examination as I could, I said to the captain, "I don't know much about your steel ships, but I have looked all through your vessel in the places where I would look in an old-time vessel for signs of weakness or strain, and I do not discern any." "Why," said he, "she is strong enough for two do not discern any."

Then I asked him about her speed, and he told me she had made  $15\frac{1}{2}$ 

knots easily, and that before they got through with her they proposed to add another knot to that. Since then she has been sent around to the Pacific coast, and while some of the famous English-built cruisers, like the Naniwa-Kan, have fallen off from their jockeyed trial-trip speed of 17 knots to about 14 in actual service, the little dispatch boat Dolphin, which has survived all the heroic tests applied to her, is able

to show better speed after two years of active service than was claimed by her builders on her trial trips.

[Here the hammer fell.]

The CHAIRMAN (Mr. McCreary). The time allowed for general debate has expired. The Clerk will now proceed to read the bill by paragraphs for amendment and discussion under the five-minute rule. The Clerk read the following:

Pay, miscellaneous

Pay, miscellaneous:

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners, and prisons and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; ferriage, toils, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports, professional investigation, cost of special instruction, at home or abroad, in maintenance of students and attaches, and information from abroad, and the collection and classification thereof, and other necessary incidental expenses; in all, \$225,000.

Mr. HERBERT. I move to amend by inserting after, the word

Mr. HERBERT. I move to amend by inserting after, the word "library," in line 1 of page 3, the words "including purchase of books, prints, manuscripts, and periodicals." Those words have uniformly been in this bill, and they were intended by the committee to be included in this instance; but by a misprint they were struck out.

The amendment of Mr. Herbert was agreed to.

The Clerk read as follows:

Naval Torpedo Station and War College: For labor, material, freight, and express charges; general care of and repairs to grounds, buildings, wharves; boats; instruction; instruments, tools, furniture, experiments, general torpedo outits, and maintenance of the Navai Torpedo Station and War College on Goat Island

Mr. WHEELER withholds his remarks for revision. [See Appen-

The CHAIRMAN. By unanimous consent, pro forma amendments are withdrawn.

The Clerk read as follows:

Electric lighting of navy-yards: For the establishment of plant and the inauguration of electric lighting in the navy-yards at New York, Norfolk, Va., Washington, D. C., and Mare Island, Cal., \$60,000.

Mr. HERBERT. I move, on page 13, line 17, after the word "California," to add "to be immediately available."

The amendment was agreed to.

Mr. HERBERT. I move the following amendment, of which I have given notice, and I will say that it has been so amended as to be generally acceptable.

The Clerk read as follows:

For the purpose of permanently establishing a station for coal and other supplies for the naval and commercial marine of the United States on the shores of the bay of the harbor of Pago Pago, in the island of Tutuila, Samoa, for the erection of the necessary building and structures thereon, and for such other purposes as may, in the judgment of the President, be necessary to confirm the rights of the United States under Article II of the trenty of 1878 between the United States and the King of the Samoan Islands and the deed of transfer made in accordance therewith, \$100,000.

Mr. ADAMS. Should not the appropriation be made immediately

Mr. HERBERT. Yes, I will modify my amendment by adding the words "to be immediately available."

The amendment as modified was agreed to.

The Clerk read as follows:

The amendment as modified was agreed to.

The Clerk read as follows:

Increase of the Navy:

To enable the President to further increase the naval establishment of the United States, he is hereby authorized to have constructed by contract one armored steel cruising monitor, of not less than 3,000 tons displacement, at a cost not exceeding \$1,500,000, exclusive of armament, and of any premium which may be paid for increased speed, of the type and to be constructed according to plans and specifications to be furnished to the Navy Department by Hon. Jonx R. Thomas, of Illinois, to be approved by the Secretary of the Navy.

The contract for the construction of said cruising monitor, her boliers, engines, and machinery, shall contain provisions to the effect that, under conditions to be prescribed by the Navy Department, the contractor shall guaranty that the collective horse-power developed by the engines of said vessel shall equal 7,500 indicated horse-power, and that said vessel when completed and tested for speed, under conditions to be prescribed by the Navy Department, shall exhibit a maximum speed of not less than 17 knots per hour; and the contract for said vessel shall contain a further provision that for every quarter of knot of speed so exhibited above said guaranty of 17 knots the contractor shall receive a premium, over and above the contract price, of \$50,000, and for every quarter knot that said vessel fails of reaching said guarantied speed there shall be deducted from the contract price the sum of \$50,000. The material, boilers, engines, and machinery shall be of domestic manufacture and of the latest and most approved quality and type.

The act of August 3, 1886, entitled "An act to increase the naval establishment," so far as applicable, shall govern the construction of said vessel.

And the President is also hereby further authorized to contract with the Pneumatic Dynamite Gun Company for the construction of one additional cruiser of the Vesuvius type, of not less dimensions than that vessel, and

mite guns of 15-inch caliber, and to be fitted for such other armament as the Secretary of the Navy may prescribe: Provided, That the contractors shall guaranty a speed of 20 knots an hour, and that there shall be deducted from the contract price the sum of \$10,000 for every quarter knot that said vessel falls of reaching the further speed of 21 knots per hour: And provided further, That the Secretary of the Navy shall be satisfied, after official tests made with the Vesuvius and her guns, as to the efficiency of the armament of that vessel; and the cost of said vessel shall not exceed the sum of \$450,000.

Mr. BOUTELLE. Mr. Chairman, my attention was momentarily diverted from the reading of the bill, and I ask unanimous consent that we go back to the preceding clause, under the head of "Increase of the Navy;" I refer to the first clause. I had proposed offering an amendment, but my attention was for the moment withdrawn.

Mr. HERBERT. I have no objection.
Mr. BOUTELLE. I ask, then, that we go back to the first clause

for an increase of the Navy.

The CHAIRMAN. Without objection the gentleman will have leave to return to this clause for the purpose of offering an amendment.

There was no objection.

Mr. BOUTELLE. I desire to offer an amendment to this section, and I do it with a great deal of hesitation and delicacy, as well as with regret that I may seem to in any way antagonize a measure in which a committee colleague may feel a particular interest. But it seems to me that a proper performance of my duty here, and a just regard to the rights of the incoming administration, which will have to deal with the construction and designing of these ships, will not permit me to sanction the proposition that the House shall lay down a specific plan upon which a ship must be constructed by the Navy Department. think that has never been done before, and in this age of constant change and rapid modifications and improvements it does not seem to me to be either safe or judicious.

We authorized a contract to be made with the Dynamite Gun Company for the construction of a vessel to carry dynamite guns upon plans to be approved by the Secretary of the Navy, but Congress did not at-tempt by legislative instructions to require the Navy Department to build a ship of an absolutely specific type or design, or that it should build it upon plans, specifications, or drawings of a particular character.

Now, I have understood, sir, that this particular vessel, which is provided for in this paragraph of the bill, has been recommended by some officers of distinction in the service, and I would like to ask if I am correct in that statement.

Mr. HERBERT. Yes, sir.
Mr. BOUTELLE. I have no personal knowledge of the matter.
My information extends only to the amendment as it appears in this
bill. But if that is the case, if it be true that these plans have been approved by officers of distinction, and if this is a vessel such as ought to be and can be advantageously constructed as an addition to our Navy, there can be but little doubt, I take it, that the administration of the Navy Department which is to act on this matter will see the advantages of this vessel and adopt the plans. But it seems to me that we ought to permit the Secretary of the Navy at least to have the option of building this particular vessel according to these specifications and plans, if he shall deem it advisable, or of having them modified, or of substituting others, as he may deem for the best interests of the country, when the time comes for the construction of the ship.

Therefore I shall propose an amendment, Mr. Chairman, by making this appropriation a general one, which will provide for the construc-tion of a steel cruiser of the cost and size mentioned "of the most approved type;" and if it shall prove that the design of my colleague and friend shall be regarded by the Administration as providing a vesand friend shall be regarded by the Administration as providing a vessel of such type and character as shall be desirable to build, of course that will be the ship built, and no one will be more pleased than myself if that shall prove to be the case. I do not feel justified, though, in handicapping, as it were, the next administration of that Department by an attempt on the part of Congress to dictate to the Department the precise type and character and detail of the ship that shall be constructed. For one I do not feel competent to give that kind of instruction to the Department. I do not know enough about the details of the construction of a modern steel cruising war ship to feel instruction to the Department. I do not know enough about the details of the construction of a modern steel cruising war ship to feel competent to lay down specific plans or designs by which the Navy Department shall be bound. But I am quite willing to appropriate this amount for a vessel of approved type and design to be built upon such specifications and plans as the administration of the Navy Department when they come to deal with the matter may deem to be for the best interests of the public.

I move, therefore, to amend by striking out the world to make the striking out the striking out the striking the striking out the striking the striking

I move, therefore, to amend by striking out the words "cruising monitor," in lines 6 and 7; also the words "type and to be constructed," in lines 10 and 11; and the words "to be furnished to the Navy Department by Hon. JOHN R. THOMAS, of Illinois," in lines 11 and 12; and the words "cruising monitor," in lines 14 and 15; and inserting the word "cruiser" in line 6 and line 14, and the words "most approved

type" in line 10; so as to read:

Increase of the Navy:
To enable the President to further increase the naval establishment of the United States, he is hereby authorized to have constructed by contract one armored steel cruiser, of not less than 3,000 tons displacement, at a cost not exceeding \$1,500,000, exclusive of armament, and of any premium which may be

paid for increased speed, of the most approved type, according to plans and specifications to be approved by the Secretary of the Navy.

The contract for the construction of said cruiser, her boilers, engines, and machinery, shall contain, etc.

I think, sir, that saves the rights of all, that it leaves a proper discretion for the Department, and can in no way interfere with the right-

ful interests of anybody.

Mr. HERBERT. I will respond very briefly to what the gentleman from Maine has said. What was done when we passed the appropriation for the pneumatic dynamite cruiser was very much what is proposed here, except that then we went a great deal further than we propose in this There we provided for the cruiser, its length, breadth, draught, speed, horse-power, equipment, and everything connected with it with great particularity. The provision in this bill is to build a vessel the plans of which have been already furnished and already approved as far as they go, and they are nearly completed, by the Department. I hold here a certificate signed by Commodore Sicard, Commodore Schley, Commodore Wilson, Chief of Construction, and Commodore Melville, Chief of the Bureau of Steam Engineering, all of them approving the

A board of higher authority can not be found anywhere. They have already approved the plan, and it is also to be approved by the incommr. Wanamaker or any other.

Mr. BOUTELLE. But it does not read so.

Mr. HERBERT (reading). "To be approved" (line 13, page 39)

"by the Secretary of the Navy."

Mr. BOUTELLE. Who is the Secretary of the Navy?

Mr. HERBERT. The Secretary of the Navy, whoever he may be, when the contract is made. It will be the incoming Secretary who will make this contract.

Mr. BOUTELLE. I understood you to say that the Secretary of

Mr. BOUTELLE. I understood you to say that the Secretary of the Navy had already approved these plans.

Mr. HERBERT. The plans at present prepared have already been approved. I state, however, that they are to be perfected in some respects, and they are to be approved by the Secretary of the Navy when perfected. That will be the incoming Secretary.

Mr. BOUTELLE. It does not say so. [Cries of "Vote! Vote!"]

Mr. KERR. It seems to me the objection to that is this: Unless the person named here shall furnish a plan which may be approved by the Secretary of the Navy, there will be no provision at all for the building of a ship. Unless the plan proposed by the individual named shall have the approval of the Secretary of the Navy there will be no provision in the bill for the building of a ship. Now, I understand this Congress desires to build a ship, and desires to build a ship that will be approved by the Secretary of the Navy; and to put in the limitation which the gentleman from Maine moves to strike out would be in effect to say that unless the Secretary of the Navy shall approve that plan to say that unless the Secretary of the Navy shall approve that plan there will be no ship built. Therefore, I am in favor of the proposi-tion of the gentleman from Maine. [Cries of "Vote! Vote!"]

Mr. ADAMS. I understood the chairman of the committee to say that the plans have been furnished. I see by this proviso as it stands, "plans and specifications to be furnished." I believe in trying this experiment which has been approved by the Secretary of the Navy; but why it does not refer to a particular type I do not see. I suppose I know the type referred to, and I think it is a highly valuable experiment. The criticism I make is that it is not definite enough. I do not think it ties down the Navy Department, as the gentleman from

Maine thinks.

Mr. BOUTELLE. It prevents the Department building a ship ex-

ept upon plans to be supplied by a particular individual.

Mr. ADAMS. The committee ask for a million and a half or thereabout for the purpose of building a certain kind of vessel, to wit, an armored cruiser of a varying water line or draught; that is, with power to use water ballast so that the draught of the vessel can be increased

or diminished at will.

Mr. HERBERT. I stated that the plans have been approved as far as they have been perfected. The fact, as I understand it, is that the plans for the hull, the principal part of the vessel, are about complete, and also the general plan of the machinery. Still there are some details that are not yet completed. These are to be perfected, and they must and will be perfected to the satisfaction of the Secretary of the Navy, whoever he may be. He will be entitled, when these plans are completed, within a little while, to give his approval to them before the ship can be built; and he will be the incoming Secretary, so that there can be no harm in adopting this provision. The committee, so there can be no harm in adopting this provision. The committee, so far as they were present when this matter was considered, were unanimous in the recommendation of this scheme, and the recommendation by the board is very pointed. I hope, Mr. Chairman, that we may have a vote upon this question. [Cries of "Vote!" "Vote!"]

Mr. BOUTELLE. Do I understand the chairman of the committee

Mr. HERBERT. Yes, sir.
Mr. BOUTELLE. Is there anything to prevent the Navy Department from authorizing the construction of a ship of this kind without any legislation whatever?

Mr. HERBERT. Nothing that I know of.
Mr. BOUTELLE. Is there any necessity for this compulsory legislation to enable the Department to build a vessel of this precise type if it chooses to do so?

Mr. HERBERT. Certainly not. This simply gives the Department authority to do what it has already approved.

Mr. BOUTELLE. I simply desire to add to what I have said already, that I have reluctantly performed what I conceived to be my duty in calling attention to a proposition appropriating a million and a half dollars, and in appropriating it compelling the next administration to build a specified vessel upon plans which are to be furnished by a particular person. That is something which certainly has not been done since I have been a member of Congress, and it is something which seems to me to be unnecessary in any aspect of the case. If this vessel is such a one as the next Department will want, under the amendment I have offered they will be enabled to build it. If it shall not prove to be such a vessel as the next Navy Department deems it wise or expedient to build, then it ought not to be compelled to construct it. With this proviso, as it now stands, it seems to me that if the next administration should disapprove this plan, then this appropriation would fail, as there is no authority to build any vessel except the one described. [Cries of "Yote!" "Yote!"]

The question was taken: and the Chairman announced that the noes

seemed to have it.

Mr. BOUTELLE. Division.

The committee divided; and there were-ayes 15, noes 50.

Mr. BOUTELLE. I have no disposition to raise the point of no quorum. As the other side of the House evidently favors retaining this provision I am perfectly willing to let the matter be disposed of by the committee.

The CHAIRMAN. Then the noes have it, and the amendment is

not agreed to.

Mr. HERBERT. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKEBY having taken the chair as Speaker pro tempore, Mr. McCreary, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, and had directed him to report the same to the House with various amendments.

Mr. HERBERT. I demand the previous question on the amend-ments and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on the amendments? If not, the vote will be taken upon them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. BLOUNT. I ask the gentleman to withdraw that for a moment.
Mr. McMILLIN. I will withhold the motion for the present.

### POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ORDER OF BUSINESS.

Mr. HOUK. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 4089) for the relief of George Turner. The bill was read this morning

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Tennessee?

Mr. KILGORE. I object. I move that the House do now adjourn. Mr. PAYSON. Mr. Speaker, is it in order to move to adjourn to a day certain?

The SPEAKER pro tempore. It is.

Mr. PAYSON. Pending the motion of the gentleman from Texas I move that when the House adjourn it be to meet on Tuesday next. Several MEMBERS. Oh, no.

### FLAGSTAFF, ARIZ.

Mr. PAYSON. I ask unanimous consent to make a brief statement with reference to a bill that I hold in my hand.

There was no objection.

Mr. RANDALL. What has become of the motion of the gentleman from Illinois?

Mr. PAYSON. That is pending. I hold in my hand a bill to which desire to ask the attention of members. It is a Senate bill which has been reported from the Committee on Public Lands for the relief of the inhabitants of the town of Flagstaff, in Arizona. The settlement of that town was made in advance of survey, and it is now a town of some 4,000 inhabitants. When the surveys were extended so far, it was found that about three-quarters of the town was located on section No. 16, which, as every gentleman knows, is a school section, and under the law is not open to settlement. The town is now a town of about 4,000 inhabitants; it has a costly system of water-works, and is growing, and this bill simply provides for entering the section for the benefit of the town and indemnifying the Territory by locating the same amount of land elsewhere.

Mr. WEAVER. Has that bill passed the Committee on the Public

Lands unanimously?

Mr. PAYSON. It has. This is the fourth time the bill has been recommended, and there can not be a shadow of objection to it in the

Mr. WEAVER. Let it be read subject to objection.
Mr. KILGORE. I hope that bill will be passed.

The bill was read, as follows:

Be il enacted, etc., That the probate judge of Yavapai County, Territory of Arizona, be, and is hereby, authorized to enter, in trust for the occupants and inhabitants of the town of Flagstaff, for town-site purposes, the south half of section 16, township 20 north, range 7 east, Gila and Salt River meridian, in the Territory of Arizona, subject to the provisions of sections 2387, 2388, and 2389, of chapter 8, of the Revised Statutes of the United States, relating to town sites. Sec. 2. That upon the passage of this act the Territory of Arizona, through its proper officer, shall be, and is hereby, authorized to select as indemnity for said land, and in full satisfaction thereof, and for the purpose stated in section 1946 of the Revised Statutes, one half-section, or 320 acres of public lands, at any office in said Territory, said selection to be made according to legal subdivisions and contiguous.

and contiguous

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. PAYSON] that this bill be now considered? Mr. SPRINGER. I desire to ask my colleague one question. Are these lots to be sold for the benefit of the town?

these lots to be sold for the benefit of the town?

Mr. PAYSON. Solely for the benefit of the town.

Mr. SPRINGER. Can the ex-Union soldiers go upon these lots and get them for nothing? [Laughter.]

Mr. PAYSON. No, sir; they can not.

Mr. SPRINGER. Then I amopposed to the bill. [Renewed laughter.] I can not allow anything of that kind to pass. I do not object to the consideration of the bill, but of course I must oppose it.

Mr. McMILLIN. I suppose the gentleman from Illinois [Mr. PAYSON] withdraws his processition to adjourn to a day certain.

SON] withdraws his proposition to adjourn to a day certain.

Mr. PAYSON. Oh, yes.
Mr. HOUK. Mr. Speaker, I rise to a parliamentary inquiry. I understand that the gentleman from Texas [Mr. KILGORE] has objected to the consideration of the bill which I asked to call up.

The SPEAKER pro tempore. The gentleman from Texas did object. Is there objection to the request of the gentleman from Illinois [Mr. PAYSON] that the bill which has just been read be now considered?

There was no objection.

The bill was ordered to a third reading, and it was accordingly read

the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

BRIDGE ACROSS POTEAU RIVER NEAR FORT SMITH.

Mr. ROGERS. I ask unanimous consent to take up and pass the bill which I send to the desk. It is a mere amendment to a bridge

The SPEAKER pro tempore. The Clerk will report the bill, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H.R.11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River in the Choctaw Nation, near Fort Smith, Ark."

Mr. HOUK. Mr. Speaker, to save time, I will state now that I intend to object to that bill. I intend to object to every one until mine is considered.

### THE OKLAHOMA BILL.

Mr. SPRINGER. I ask unanimous consent that the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, be printed in the RECORD as it passed the House.

There was no objection, and it was so ordered.

The bill is as follows:

[The Oklahoma bill (H. R. 10614) as it passed the House February 1, 1889.]

A bill to organize the Territory of Oklahoma, and for other purposes. Be it enacted, etc., That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Bounded on the west by the State of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the

east by the reservation occupied by the Cherokee tribe of Indians east of the ninety-sixth meridian of west longitude, and by the Creek, Seminole, and Chickasaw reservations; and on the south by the Creek, Seminole, and Chickasaw reservations, and by the State of Texas, comprising what is known as the Public Land Strip, and all that part of the Indian Territory not actually occupied by the five civilized tribes, is created in the contract of the contr is created into a temporary government by the name of the Territory of Oklahoma: Provided, That nothing in this act shall be construed to impair the rights of person or property, or to impair any patent to or right of occupancy of lands now pertaining to the Indians in said Territory under the laws and treaties of the United States, Executive order, or otherwise, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law, Exceptive order right of occupancy or treaty without the consent of ecutive order, right of occupancy, or treaty, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until said tribe shall signify its assent to the President of the United States to be included in the said Territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

SEC. 2. That there shall be a governor, secretary, Legislative Assembly, supreme court, attorney, and marshal for said Territory, who shall be appointed and selected under the provisions of Title XXIII, chapter of the Revised Statutes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in other Territories of the United States: Provided, That all such officers appointed and selected for said Territory after the said Territory has been organized for a period of five years shall be appointed and selected from the bone fide residents therein. Presided That the Levisletive Assembly bona fide residents therein: Provided, That the Legislative Assembly and Delegate to the House of Representatives shall not be elected until the President shall order: Provided further, That no person shall be entitled to vote at the first election or to be elected to any office who has not been a bona fide resident of said Territory for sixty days previous to said election: And provided further, That the council in said Territory shall consist of thirteen members and the house of representations. sentatives shall consist of twenty-six members, which may be increased

to thirty-nine.

SEC. 3. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect in said Territory of Oklahoma as elsewhere in the United States: Provided, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be pro-ritory are hereby repealed; but cases now pending shall be prosecuted to their final disposition therein the same as if this act had not been

Sec. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the Public Land Strip, is hereby declared to be a part of the public domain of the United States, and shall be open to settlement under the operation of the homestead laws only, but the provisions of section numbered 2301 of the Revised Statutes shall not apply to any entry of any of said lands, except as otherwise provided in this act: *Provided*, That the sixteenth and thirty-sixth sections of land in each township shall be reserved for

school purposes.

SEC. 5. That whenever the Creek and Seminole tribes of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as provided herein, the unoccupied lands ceded to the United States by said tribes under the treaties of June 14, 1866, and March 21, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections in each township, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres in square form, to each settler, at the price of \$1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of such lands. The commission hereinafter created by this act is hereby authorized to confer with the Creeks and Seminoles to ascertain whether said Indians are entitled to any further compensation than that heretofore paid for said unoccupied lands. If said commission shall find that further compen-

sation should be paid said Indians, they may, by negotiation with said Indians, fix the amount of such additional compensation, not to exceed the sum of \$1.25 per acre, less the cost of sale and the amounts here-tofore paid said tribes in the purchase of said lands; and any additional sum agreed upon by said commission to be paid said tribes for said lands as provided herein shall be placed to the credit of said tribes in the

Treasury of the United States.

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied por-tion of the lands west of the ninety-sixth degree of west longitude, as agreed to be ceded according to the provisions of the treaty concluded July 19, 1866, shall be open to settlement, except the sixteenth and thirty-sixth sections of said land, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of \$1.25 per acre. All persons who are heads of families or over twentyone years of age, and who are citizens of the United States, or have declared their intention to become citizens thereof, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of said lands, and said money shall be placed to the credit of the Cherokee Indian tribe in the Treasury of the United States, after deducting the cost of the sale by the United States and the amount heretofore appropriated and paid to the Cherokee tribe as part compensation for said unoccupied lands: Provided, That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the said Indian tribes and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized and required to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken. Any person who may enter upon any part of said lands contrary to the provisions of this act, and prior to the time fixed by the President's proclamation, shall not be permitted to make entry upon any lands or lay any claim thereto in said Territory.

SEC. 7. That the President may, at such times as he may deem it necessary, direct land offices to be opened in the Territory of Oklahoma, not to exceed four in number, and may nominate and, by and with the advice and consent of the Senate, appoint the usual officers to conduct the business of said land offices; and the Commissioner of the General Land Office shall, when directed by the President, cause the various postions of said lands to be received and subdivided various portions of said lands to be properly surveyed and subdivided, where the same has not already been done. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the algiment. ne each claim taken under the provisions of this act before issuing a patent to the claimant; the entry man shall be required to make full proofs, and unless it shall appear that the claim was taken in good faith, and that there has been full performance of all the terms and requirements under this act, he shall refuse a patent and declare all prior proceedings before had in such case to be null and void; and all persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a continuous personal residence of three years on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws and to break up and plow not less than 40 acres of the land filed upon before obtaining title thereto; but payments for lands, where payment is required to be made by this act, shall be made in four equal installments, under such rules and regulations as may be prescribed by the Secretary of the Interior, as follows: The first payment shall be made within six months from the time of entry, the second at the expiration of one year from date of entry, the third at the expiration of two years from date of entry, and the final payment shall be made at the expiration of three years from the date of entry: Provided, That there shall be reserved public highways 4 rods wide around every section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made in the amount to be of said highways; but no deduction shall be made in the amount to be paid for each quarter-section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey. It is expressly provided that the rights of honorably discharged Union soldiers and sailors in the late civil war to make homes on the public lands under the existing homestead law shall not in any degree be impaired by the passage of this bill. That no provision of this act shall be construed to authorize the extinguishment of the Indian title to be construed to authorize the extinguishment of the Indian title to any of the lands in the said Indian Territory which by virtue of any existing law would inure to the benefit of any railroad corporation, or the title to which would vest in any such corporation on the extin-guishment of the Indian title thereof, or on the same becoming part of the public lands of the United States; but all such lands shall be held by said Indians as tribes or in severalty, or shall be held by the United States in trust for the benefit of the Indians interested therein, in pur-

suance of such agreement with such tribes in said Territory as shall be entered into consistent with this provision and in conformity with the several provisions of this act; but such lands shall not become a part of the public lands of the United States or inure to the benefit of or vest in any such railroad corporation or any assignee or mortgagee thereof. Any act hereafter done by any officer or agent of the United States, or treaty, contract, or agreement entered into by any such officer or agent with any Indian tribe in conflict with the foregoing provision, or which shall validate or give effect to any grant of land in said Indian Territory made to any railroad corporation, or shall tend to validate or give effect to any such grant or to any assignment or mort-gage of any such land, shall be null and void; and this provision shall be construed as controlling any other provision of this act that may be in conflict therewith; that all lands and rights granted to the Atlantic and Pacific Railroad Company by an act approved January 27, A. D. 1866, for the construction of a branch road from the point at which the line of said road strikes the Canadian River eastwardly to a point in the western boundary line of Arkansas, at or near the town of Van Bu-

the western boundary line of Arkansas, at or near the town of Van Buren, be, and the same are hereby, declared forfeited for the failure of said company to perform the conditions of said grant.

Sec. 8. That the procedure in applications, entries, contests, and adjudications under this act shall be in the form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act, shall be applicable to all entries made hereunder, and no patent shall be issued to any person who is not a citizen of the United States at the time he makes final proof and payment. Final proof and payment, except in cases of contest, shall be made within three months after the expiration of three years from the date of entry, and in default thereof, or in default of the payment of any installment of the purchase-money when due, the entry shall be liable to cancellation, and the money paid thereon shall be forfeited to the United States. Lands entered under the provisions of this act shall not be subject to any judgment or lien obtained upon indebtedness contracted or obligation incurred prior to the issue of patents therefor, nor shall such lands be sold, or contracted to be sold, leased, or contracted to be leased, conveyed, mortgaged, or in any manner encumbered prior to leased, conveyed, mortgaged, or in any manner encumbered prior to final proof or payment and the record thereof made in the office of the register and receiver of the district where the land is located; and any sale, lease, conveyance, or mortgage made, executed, or contracted for sate, lease, conveyance, or mortgage made, executed, or contracted for prior to such final proof, payment, and record shall be absolutely null and void; and all assignments, transfers, and mortgages of unpatented land entries shall be at the risk of the assignees, transferrees, and mortgages, who shall have no recourse against the United States for any gagees, who shall have no recourse against the United States for any failure of claimant's title before issue of patent: *Provided*, That the provisions of section 2305 of the Revised Statutes of the United States, entitled "Homesteads," shall apply to the provisions of this act. No entry shall be allowed of any homestead under this act except to actual settlers thereon; and no preferred right of entry shall be given to any person by reason of claim of occupancy prior to the application to enter the land, except in cases of actual occupancy and continued residence upon the land to the date of the application to enter. And no right of an alleged settler as such shall attach to any land in the Territory until the date of his actual bona fide and continuous residence upon the tract he proposes to enter; and his declaratory statement shall contain a true and full statement of the date and facts of residence shall contain a true and full statement of the date and facts of residence on the land and last place of residence prior thereto, and detailed description of improvements, all verified by the oath of the applicant and at least one credible witness, made before the register or receiver of the proper land office, as to all facts except that proof of the applicant's place of residence may be made before any officer authorized by law to administer oaths; but the use of such affidavit in the Territory shall, in case of false swearing thereto, subject the party to the same penalty as though sworn to before the register or receiver of the proper office.

SEC. 9. The Secretary of the Interior is hereby authorized to reserve on any public land in said Territory town sites for any existing or

on any public land in said Territory town sites for any existing or prospective town, city, or village, in area not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may be wholly or in part occupied as a town, city, or village site; and no application to enter any land shall be allowed until approved by the Secretary of the Interior of any tract of land, first, where any exterior line of the land is within one-half mile of the line of any railroad which is constructed or of the line of any railroad not constructed but where its map of location shall be filed with the Secretary of the Interior at the date of the application to enter; or second, of any tract of land upon which at the date of the application to enter is a town or village settlement; and no settlement in advance of survey by proper village settlement; and no settlement in advance of survey by proper authority shall give any right as against the power to reserve town sites hereby given; it being the object of this provision to secure to the inhabitants of all towns, cities, and villages in said Territory the benefits and profits arising from the sales of lots therein; and to that end where town sites shall be located upon any public lands in said Territory, the provisions of chapter 8, Title XXXII, Revised Statutes, entitled "Reservation and sale of town sites on the public lands," shall apply except as otherwise provided herein. The Secretary of the Interior shall cause the lots in any site now existing or to be located

to be offered, sold, and conveyed as provided in sections 2382 and 2383 of the Revised Statutes. The money so received from the sale of lots in each town site, less such amount as shall be required to be paid to the Indians as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior as a separate school fund for the benefit of the inhabitants of such town and shall be expended under his efit of the inhabitants of such town and snail be expended under his direction for the erection of school buildings on any lot not sold and the support of public schools therein. This control of sites and proceeds of sales shall continue only until the legal incorporation of the respective towns, cities, or villages, when the title to the unsold portion of such sites shall vest in the municipality and the proceeds thereof, as well as any balance in the hands of the Secretary of the Interior, shall be paid over to the local authorities, all to be devoted to public purposes within the corporate limits. All needed regulations to carry out the details hereof not provided to be provided by the Secretary of the Interior: *Provided*, That all surveys of town sites in the Territory shall contain reservations for parks of substantially equal area, if more than one park, and other public purposes, embracing in the aggregate not less that 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town sites as

lowed on this account in the amount to be paid for said town sites as provided in this section; and patents for such reservations to be maintained for such public purposes shall be issued to the towns respectively, when organized as municipalities.

SEC. 10. That all lands in the Territory of Oklahoma not embraced in the provisions of sections 4, 5, and 6 of this act, which are not required by law, treaty stipulations, Executive orders, or right of occupancy for the use of any Indian tribe, or which may be relinquished as an Indian reservation, shall be opened to settlement under the provisions of this act: Provided, That whenever Indian lands are purchased by the United States with the consent of the Indians, and opened to settlement in said Territory, the President of the United States may fix the price to be paid therefor by actual settlers, which price shall in no case exceed \$1.25 per acre, and the proceeds shall be held for the benefit of the Indians concerned, as provided in sections 5 and 6 of this act.

SEC. 11. That the President of the United States is hereby authorized and directed to appoint a commission to be composed of five persons, not more than three of whom shall be members of one political party, whose duty it shall be to open negotiations with the Creeks, Seminoles, and Cherokees, for the purpose of securing the consent of said Indians, so far as it may be necessary, to the provisions of section 5 and section 6 of this act. The commission is authorized to enter into such agreements with said Indian tribes as it may deem necessary to accomplish the purposes of this act, and shall submit the same to the President for his approval or rejection. The compensation of the members of said commission shall be at the rate of \$10 per day; and they shall of said commission shall be at the rate of \$10 per day; and they shall also be allowed, in addition thereto, their actual necessary traveling expenses, stationery, and postage. They shall have power to appoint a secretary, who shall receive a compensation of \$6 per day, and such allowances for traveling expenses as he may actually incur.

SEC. 12. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure

any person to settle upon any lands opened to settlement by this act with a view to their afterward acquiring title to said lands from said occupants; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished, upon indictment, by imprisonment not exceeding twelve months, or by fine not exceeding \$1,000, or by both such fine and imprisonment, in the discretion of the

SEC. 13. That all leases of lands belonging to the United States or held in common by any of the Indian tribes within the Territory of Oklahoma, as organized by this act, including the Cherokee Strip west of the ninety-sixth degree of west longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are hereby declared void and contrary to public policy; and it is hereby made the duty of the President, immediately after the passage of this act, to cause the leases of said lands, and any other persons illegally occurry. cause the lessess of said lands, and any other persons illegally occupying the same, to be removed from said lands.

SEC. 14. That the act of Congress approved July 25, 1866, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River, and an act of Congress granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific Railway, and a struction of the southern branch of the Union Pacific Kallway, and a telegraph from Fort Riley, Kans., to Fort Smith, Ark., approved July 26, 1866, or any other acts of Congress so far as they relate to lands granted in said Indian Territory and the Public Land Strip, except for the right of way and necessary stations as now provided for by law, are hereby repealed; and all or any rights to said lands are hereby forfeited to the United States, and no railroad company now organized, or hereafter to be organized, shall ever acquire any lands to aid in the construction of its road, or in consequence of any railroad already constructed, either from the United States, or from any Indian tribe, or from any Territorial government, within the limits of the Territory organized by this act.

SEC. 15. That neither the Legislative Assembly of said Territory, nor

any county, township, town, or city therein, shall have power to create or contract any indebtedness for any work of public improvement, or in aid of any railroad constructed or to be constructed, nor to subscribe for or purchase any shares of stock in any railroad company or corpo-

SEC. 16. That the provisions of this act shall not be applicable to lands lying within the limits of what is known as Greer County until the question of title thereto between the United States and the State of Texas shall have been finally determined in favor of the United States.

Mr. McMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HAYES: A bill (H. R. 12489) to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa—to the Committee on Commerce.

By Mr. G. A. ANDERSON: A bill (H. R. 12491) granting a pension to Lucinda Mewman—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 12492) granting a pension to Peter Devlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12493) granting a pension to Hannah English—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 12494) granting a pension to John R. Goble—to the Committee on Invalid Pensions.

Goble—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 12495) for the relief of Burks Fitzgerald-to the Committee on Claims.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BIGGS: Petition of Stephen Cooper, for increase of pen-

sion—1 the Committee on Pensions.

By Mr. BOUND: Resolutions of the Tobacco Exchange of Richmond, Va., favoring a repeal of all taxes upon manufactured tobacco—to the Committee on Ways and Means.

By Mr. J. R. BROWN: Petition of the Tobacco Exchange of Richmond, Va., asking the immediate repeal of the tobacco tax-to the

Committee on Appropriations.

By Mr. HAYES: Petition of citizens of Dakota, for admission, but against the Sioux Falls constitution-to the Committee on the Territories

By Mr. HITT: Memorial and resolutions of the directors of the Chicago Live-Stock Exchange, against the inspection of animals and meatsto the Committee on Commerce.

By Mr. S. I. HOPKINS: Petition of the Richmond (Va.) Tobacco Exchange, asking the repeal of the internal-revenue tax on tobacco-to the Committee on Ways and Means.

By Mr. HOUK: Petition of Samuel L. Gibson and Mrs. C. J. Gibson, of Knox County, Tennessee, for reference of their claims to the Court

of Claims-to the Committee on War Claims. By Mr. LEE (by request): Petition of M. Ringgold Brooke and of Adelaide Greenlaw, of Stafford County, Virginia, for reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Petition in favor of abolishing internal revenue tax on tobacco—to the Committee on Appropriations.

By Mr. RICE: Resolution of the Board of Trade of Duluth, Minn.,

favoring the opening of the Sioux reservation-to the Committee on Indian Affairs

By Mr. STAHLNECKER: Communication of Hon. J. S. Coleman, commissioner department street cleaning of New York City, urging the passage of House bill 11527-to the Committee on Commerce

By Mr. SYMES: Petition of citizens of Colorado, in favor of the bill to confirm the treaty with the Ute Indians—to the Committee on Indian Affairs.

Also, memorial against unlimited immigration—to the Committee on Foreign Affairs

By Mr. WALKER: Petition of Matthias A. Bollinger, for reference of his claim to the Court of Claims-to the Committee on War Claims.

The following petitions for a national Sunday-rest law were received and referred to the Committee on Labor:

By Mr. DINGLEY: Of the Woman's Christian Temperance Union of

Maine, and of the American Sabbath Union.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of J. S. Trowbridge and 270 others, of Delta,

By Mr. COOPER: Of George J. Roberts and 88 others, of Galena,

By Mr. DORSEY: Of E. G. Cook and 130 others, of Fullerton, Nebr. By Mr. FRENCH (by request): Of J. D. Tucker and 166 others, of Orange, Conn.

By Mr. GIFFORD: Of David Grover and 25 others, of Wesley, and

of John Fleming and 32 others, of Wolsey, Dak.

By Mr. HAYES (by request): Of John Lewis and 101 others, of

West Liberty, Iowa.

By Mr. LODGE: Of Henry Leonard and 136 others, of Melrose, Mass.

By Mr. LONG: Of John Oldham and 113 others, of Stoughton, and

of William Clark, jr., and 162 others, of North Attleborough, Mass. By Mr. NELSON: Of citizens of Grant County, Minnesota. By Mr. PERKINS: Of J. S. McClung and 306 others, of Wilson

County, Kansas.

By Mr. YODER: Of Charles Buxton and 110 others, of St. Mary's, Ohio.

### SENATE.

### MONDAY, February 4, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of the proceedings of Friday last was read and approved. CREDENTIALS.

Mr. PADDOCK. Mr. President, I take great pleasure in presenting the credentials of my colleague, Charles F. Manderson, chosen by the Legislature of Nebraska a Senator from that State for the further term of six years from the 4th of March next.

The credentials were read and ordered to be filed.

# EXECUTIVE COMMUNICATIONS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 29th ultimo, a report from the Adjutant-General's Office, together with a copy of Senate Executive Document No. 36, Fiftieth Congress, first session, containing a former report of the Adjutant-General's Office dated December 22, 1887, embracing all matters found of record in that office relative to the company called "Captain Lawrence Hall's Company of Oregon Volunteers;" which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary

of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia force of the United States, organized and unorganized, according to the latest returns received at the office of the Adjutant-General of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, calling attention to the condition of the custom-house and post-office building at Fort Scott, Kans.; which was referred to the Committee on Appropriations, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the Tobacco Exchange of Richmond, Va., favoring the speedy removal of the internal-revenue tax on tobacco; which were ordered to lie on the

He also presented the petition of J. G. Wilkinson and 8 others (4 voters and 5 women), citizens of Dodge City, Kans., and the petition of John S. Sutherland and 84 others (41 voters and 44 women), citizens of Solomon City, Kans., praying for the proposal of a constitu-tional amendment prohibiting the manufacture, importation, exporta-tion, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented the petition of John Smith, a citizen of Washington Territory, praying for the passage of the bill empowering the commissioners of Whitman County, Washington Territory, to issue bonds to build a court-house and jail in the town of Colfax; which was referred to the Committee on Territories.

Mr. McPHERSON. I present the petition of R. D. Jacobus and 118 others (56 voters and 63 women), citizens of Little Falls, N. J., praying for a constitutional amendment prohibiting the traffic in and manufacture of alcoholic liquors. I also present sundry other petitions, some ten or twelve in number, of like character, for like objects. I move that the petitions lie on the table.

The motion was agreed to.

Mr. McPHERSON presented petitions of citizens of Salem and Vineland, in the State of New Jersey, and a petition of the Evangelical Revival Association held at Hamburgh, Sussex County, New Jersey, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a petition of Moorestown Grange No. 8, Patrons of Husbandry, of Moorestown, N. J., and a petition of farmers of Hunterdon County, New Jersey, praying for legislation affording protection to agriculture; which were ordered to lie on the table.

He also presented the petition of Fredericka Raff, widow of Theodore Raff, late of Company A, Second Regiment United States Artillery, praying to be allowed an increase of pension; which was referred

to the Committee on Pensions.

Mr. DOLPH presented the petition of Henry Ekelsey and 49 others (26 voters and 14 women), citizens of Seattle, Wash., praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

He also presented a petition of citizens of Washington Territory, praying for the admission of that Territory as a State into the Union;

which was referred to the Committee on Territories

Mr. STOCKBRIDGE presented the petition of George A. Hunt and 47 others (20 voters and 28 women), citizens of Paw Paw, Mich., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all

alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. STOCKBRIDGE. I also present a letter addressed to me by H.

B. Ledyard, president of the Michigan Central Railroad Company, of Detroit, Mich., in the nature of a memorial, remonstrating against the provisions of section 4 of the river and harbor bill proposing to give to the Secretary of War absolute power to prevent the construction of any bridge over any navigable stream within the limits of a State unless his approval is first obtained to the plans of the bridge, etc. I move the reference of the paper to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON presented a petition of citizens of Garrett, Somerset County, Pennsylvania, and a petition of the Methodist Episcopal Preachers' meeting, of Philadelphia, Pa., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education

Mr. MORRILL. I present the petition of a number of farmers and stock-raisers of the township of Middlesex, Washington County, Vermont, whose post-office is Montpelier, Vt., praying that the industries of the farmer shall be protected, and stating various facts in relation to the present importation of agricultural products from foreign countries free of duty, and praying the imposition of an import duty on such articles. As the bill in relation to the tariff has been reported and passed, I move that the petition lie on the table.

The motion was agreed to.

Mr. PLATT presented the petition of C. B. Botsford and 68 others Mr. PLATT presented the petition of C. B. Botsford and 68 others (29 voters and 40 women), citizens of Newton, Conn.; the petition of C. B. Everett and 20 others (8 voters and 13 women), citizens of Sharon, Ellsworth Society, Connecticut; the petition of Frederick Sedgwick and 62 others (25 voters and 38 women), citizens of Stratford, Conn.; the petition of Robert Walker and 24 others (20 voters and 5 women), citizens of Stamford, Conn., and the petition of O. G. Thayer and 155 others (80 voters and 76 women), citizens of Shoshone, Idaho, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table table

Mr. PAYNE presented the petition of W. C. Farrah and 128 others (68 voters and 61 women), citizens of New London, Ohio, and the petition of W. M. Golbrath and 162 voters of the Twelfth Congressional district of Ohio, praying for the submission to the States of a constitu-

tional prohibitory amendment; which were ordered to lie on the table.

Mr. FRYE presented the petition of William S. Gilbert and 47 others
(27 voters and 21 women), citizens of Kingfield, Me., praying for the
submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented a petition of farmers of Princeton, Me., praying for legislation affording protection to agriculture; which was ordered

to lie on the table.

Mr. COKE presented a petition of citizens of Navarro County, Texas, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. GORMAN presented a petition of citizens of Annapolis, Md., and a petition of members of the Lutheran Church in Baltimore, Md., praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented the petition of D. McKinlay and 68 others (29 voters and 40 women), citizens of Medford, Minn., the petition of Willis Clay and 26 others (12 voters and 15 women), citizens of Renville, Minn., the petition of J. N. Liscomb and 15 others (9 voters and 7 women), citizens of Albert Lea, Minn., the petition of Hollis Pearce and 15 others (8 voters and 8 women), citizens of Pelican, Minn., and a petition of citizens of Faribault County, Minnesota, praying for the proposal of a constitutional amendment probabiling the manufacture importation, exportation, transportation, and sale of the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the

mission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. HOAR. I present the petition of Oliver Ames, governor of Massachusetts, William E. Barrett, speaker of the house of representatives, Mrs. Mary Hemenway, who has been eminent as a benefactress to many institutions of education, William Claffin, Francis Parkman, Dr. Edward Everett Hale, Oliver Wendell Holmes, John Fiske, and William T. Herritten and the petition of the petition of the house of representatives, Mrs. Mrs. Parkman, Dr. Edward Everett Hale, Oliver Wendell Holmes, John Fiske, and William T. Harris, and the petition is also supported by an autograph letter from John G. Whittier, calling the attention of Congress to the ancient and celebrated ruin of Casa Grande, an ancient temple of the prehistoric age, of the greatest ethnological and scientific interest, situate in Pinal County, near Florence, Ariz., upon section 16 of township 5 south, range 8 east, and otherwise describing the site.

The petitioners state that this ruin, which is one of the most interesting monuments of antiquity in the world, a temple of great beauty and architectural importance, which was a ruin when Columbus discovered America, is specially worthy of the care of the Government; that it is in danger of being destroyed by visitors and also by the letting in of water on the adjacent land for the purposes of irrigation. Mrs. Hemenway has already been at large expense for the preservation of this ruin, and the investigation of the traces of the prehistoric races in that neighborhood; and the desire of the petitioners is that the Government will take proper measures to have the ruin protected from injury by visitors or by land-owners in the neighborhood. They ask no outlay of money from the Government for the purpose; that will be assumed, and they are willing that all the scientific discovery there shall go to the benefit of the Smithsonian or other Government institution.

I desire that this petition may be referred to the Committee on Public

Lands, and I ask their special consideration of it. The Senator from Colorado [Mr. Teller] has had sufficient experience to tell them ex-

actly what to do.

The PRESIDENT pro tempore. What disposition does the Senator desire to have made of the petition?

Mr. HOAR. I move that it be referred to the Committee on Public

ands, and that it be printed as a document.

The motion was agreed to.

Mr. MITCHELL presented a petition of citizens and residents of Washington Territory, praying that a special appropriation be made by Congress for the improvement of the Okanogan River at Cabinet, Rock Island, and other intermediate points, where float bowlders obstruct the channel of that river; which was referred to the Committee on Commerce.

He also presented a petition of citizens of the Territory of Washington, praying for the admission of that Territory into the Union in accordance with the action of a convention assembled in that Territory at Ellensburgh, January 3, 1889; which was referred to the Committee on Territories

Mr. PLUMB presented petitions of citizens of Olathe and Sterling, in the State of Kansas, and a petition of citizens of Jewell County, Kansas, praying for the submission to the States of a constitutional

Kansas, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. HALE presented the petition of Herbert Tilden and 100 others (56 voters and 45 women), citizens of Farrington, Me.; the petition of D. H. Sawyer and 65 others (26 voters and 40 women), citizens of Hampden, Me.; the petition of J. M. Chase and 35 others (12 voters and 24 women), citizens of Orono, Me., and the petition of Newton Cough and 170 others (89 voters and 82 women), citizens of Oxford County, Maine, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liguous as a beverage; which were ordered to and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. HOAR presented the petition of John Oldham and 109 others (48 voters and 62 women), citizens of Stoughton, Mass., and the petition of William Clamp and 160 others (78 voters and 83 women), citizens of North Attleborough, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. ALLISON. I am instructed by the Committee on Appropriaan appropriation, to whom was referred the joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads, to report it favorably without amendment. I give notice that to-morrow I shall call up the resolution for consideration.

The PRESIDENT pro tempore. Meanwhile the resolution will be placed on the Calandar.

placed on the Calendar.

Mr. ALLISON. I am also directed by the Committee on Appropriations, to whom was referred the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, to report it with sundry amendments. I give notice that tomorrow I shall ask the consideration of the bill by the Senate.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. HAWLEY presented the petition of J. D. Tucker and 169 others (84 voters and 86 women), citizens of Orange, Conn., praying for the sub-

bill: which was referred to the Committee on Appropriations, and or-

dered to be printed.

Mr. TELLER, from the Committee on Patents, to whom was referred the amendment submitted by Mr. HOAR on the 9th instant, intended to be proposed to the sundry civil appropriation bill, providing for compensation and expenses of a delegate and two assistants to rep-resent the United States at the convention of the International Union for the Protection of Industrial Property, etc., reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was

Mr. PLUMB, from the committee on Public Lands, to whom was referred the bill (H. R. 8740) to authorize the Secretary of the Interior to sell to the Methodist College Association of Southwestern Kansas certain lands in Kansas, reported it with an amendment.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Railway Company, reported it with amendments, and submitted a report thereon.

MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sun-dry civil appropriation bill; which was referred to the Committee on Appropriations

### ALLEGED ELECTION OUTRAGES IN TEXAS.

Mr. EVARTS. I am instructed by the Committee on Privileges and Elections to present a report on alleged election outrages in Washington County, Texas, with the evidence taken. I ask that the report and evidence may be printed and lie upon the table, and I will take an early occasion to call the matter up.

The PRESIDENT pro tempore. The report and accompanying testimony will be printed and lie upon the table. The report is accompanied by a resolution, which will be read and placed on the Calendar. The Chief Clerk read the resolution, as follows:

\*\*Resolved\*\*. That the Committee on Privileges and Elections be directed earest.

Resolved. That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress, with a view of providing for a more complete protection of the exercise of the elective franchise, and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

Mr. EVARTS. The resolution will take its place on the Calendar. The PRESIDENT pro tempore. The resolution will be placed on the Calendar of General Orders.

#### MINING OPERATIONS IN NEVADA.

Mr. STEWART, from the Committee on Mines and Mining, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the Committee on Mines and Mining, which was instructed by resolution of the Senate of January 7, 1839, to ascertain all the facts and circumstances connected with certain suits brought by the United States against persons for cutting timber for mining and domestic purposes in the State of Nevada, and to inquire if such suits had occasioned any interruption in mining operations in that State, or any subcommittee thereof, be authorized to sit during the sessions of the Senate and employ a stenographer. The expenses of the investigation shall be paid out of the contingent fund of the Senate.

## BILLS INTRODUCED.

Mr. McPHERSON introduced a bill (S. 3895) providing for the establishment of certain lights and fog-signals in the State of New Jersey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 3896) for the relief of Americus

V. Warr, administrator of Nicholas H. Isbell, deceased, late of Fayette County, Tennessee; which was read twice by its title, and referred to

the Committee on Claims.

Mr. FRYE introduced a bill (S. 3897) to establish a life-saving station on the Atlantic coast, at or near the mouth of St. George River, Maine; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLACKBURN introduced a bill (S. 3898) for the relief of Thomas Force, administrator of the estate of Peter Force, late of Henry County, Kentucky; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WALTHALL (by request) introduced a bill (S. 3899) for the re-

lief of Henry Bazinskey, administrator of Abraham Bazinskey, de-ceased; which was read twice by its title, and referred to the Commit-

tee on Claims.

Mr. FAULKNER introduced a bill (S. 3900) to authorize the Secre-Mr. FAULKNER introduced a bill (S. 3900) to authorize the Secretary of War to make a survey and plans and estimate of the cost of constructing a bridge across the Eastern Branch of the Potomac River in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GIBSON (by request) introduced a bill (S. 3901) to authorize the construction of a bridge across the Mississippi River at New Orleans, La.; which was read twice by its title, and referred to the Committee on Commerce.

mittee on Commerce.

He also (by request) introduced a bill (8, 3902) for the relief of Simon Witkowski, of West Carroll Parish, Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Hattie E. Winn; which was read twice by its title, and referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 3904) for the relief of John R.

Harrington; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. CAMERON introduced a bill (8. 3905) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (8. 3906) for the relief of citizens of the States of Committee on Military Affairs.

of the State of Oregon, and Territories of Washington and Idaho, who served with the United States troops in the war with the Nez Percé Indians, and for the relief of the heirs of such as were killed in such

service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 3907) to provide for the better enforcement of the quarantine laws and regulations of the United States to prevent the introduction of contagious or infectious diseases into the United States from foreign countries or from one State into another, and to establish within the Treasury Department a national board of health; which was read twice by its title, and referred to the Commit-

Mr. DOLPH introduced a joint resolution (S. R. 134) for the observance of treaty stipulations, and to aid the administration of justice; which was read the first time by its title.

Mr. DOLPH. I ask to have the joint resolution read at length.
The joint resolution was read the second time at length, as follows:

which was read the first time by its title.

Mr. DOLPH. I ask to have the joint resolution read at length.

The joint resolution was read the second time at length, as follows:

Whereas the Choclaw Nation of Indians are by virtue of treaty stipulations entitled to the protection of the United States, and it being shown that after the Congress of the United States had by the act approved June 29, 1888, appropriated the money necessary to satisfy the judgments of the United States Supreme Court and the Court of Claims against the United States in favor of the said Choctaw Nation, the Choclaw Nation being desirous of satisfying and discharging all the contracts and obligations made and entered into by and for it for services rendered, and in order to accomplish that result did, under and by virtue of the acts of the National Council of the 25th day of February, A. D. 1888, cause the Treasurer of the United States to deliver certain portions of the money so appropriated by the Congress of the United States to certain individuals, one of whom was Henry E. McKee, to whom was delivered 5783,783.22; the fifth section of one of said acts of the Choclaw National Council expressly reciting in respect to the portions of delivered to McKee, "that the payments directed to be made shall, when made, either under this act or said other two acts hereinbefore referred to, be taken and accepted as full and complete payment and final discharge and satisfaction of all the contracts and obligations of the Choctaw Nation to any and all attorneys for services rendered by them, as was intended by the Choctaw Nation he should do, and so discharge the trust conferred upon and accepted by him, but that, on the contracts and obligations of the Choctaw Nation to said claim against the United States;"

And it being further shown that said Henry E. McKee has not distributed the S783,763.32 to attorneys for such services rendered by them, as was intended by the Choctaw Nation he should do, and so discharge the trust conferred upon and accepted

Mr. DOLPH. I ask that the joint resolution be referred to the Committee on the Judiciary with the accompanying papers, and, as it appears to be an important matter and the papers cover the whole ground of the joint resolution, I ask that the accompanying papers be printed as a document.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Judiciary with the accompanying papers, and the accompanying papers will be printed as a document, if there be no

objection. The Chair hears no objection, and it is so ordered.

Mr. DAWES (by request) introduced a joint resolution (S. R. 135) providing a method by which the Secretary of the Interior shall determine who are the persons entitled to share in the per capita payment of the funds appropriated by act of Congress approved October 19, 1888, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

# AMENDMENTS TO BILLS.

Mr. GORMAN submitted an amendment intended to be proposed by He also (by request) introduced a bill (S. 3903) for the relief of him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by

him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE submitted an amendment intended to be proposed by

mr. Halls submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. COLQUITT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the regular expressions will which was referred to the Committee of the proposed by him to the regular expression will which was referred.

him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Ap-

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to

the Committee on Commerce, and ordered to be printed.

Mr. RANSOM submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, it was

Ordered, That the administrator of the estate of the late W. S. Kimball, deceased, whose property is alleged to have been destroyed by hostile Indians at the time of the Whitman massacre at Whitman Mission, Washington Territory, in 1847, be permitted to withdraw said petition and papers from the files of the Senate.

#### BIERSTADT'S PAINTINGS.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on the Library:

Resolved. That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing the paintings of "The Yellowstone Park," "The Giant Geyser," and "The Yosemite in Winter," by Bierstadt, now temporarily at the Executive Mansion, Washington, D. C.

### NAVAL OFFICERS' CLAIMS,

The PRESIDENT pro tempore. Pursuant to the agreement of Friday last, the Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. CHANDLER] in relation to naval officers' claims.

Mr. DAWES. I ask the Senator from New Hampshire to allow me to put upon passage a bill which I am confident will take but a minute or two, for a reason which I will state.

or two, for a reason which I will state.

Mr. CHANDLER. I desire to ask the Senator from Indiana [Mr. VOORHEES] whether he still desires that the resolution shall go over?

Mr. VOORHEES. I should be very much obliged to the Senator from New Hampshire if he would let the resolution lie over for a day. There are some matters that I desire to look into, not for the purpose of antagonizing the resolution, but in order to say something perhaps when the resolution comes up.

Mr. CHANDLER. Then I request that the resolution may be al-

lowed to go over, retaining its place as morning business.

The PRESIDENT pro tempore. It is so ordered if there be no objection. The resolution will lie on the table to be considered as morning business to-morrow.

### TRUSTS AND COMBINATIONS.

Mr. SHERMAN. If the morning business is over I desire to submit

a motion.

The PRESIDENT pro tempore. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order.

Mr. DAWES. Mr. President—

Mr. SHERMAN. I desire to submit a motion.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. SHERMAN. I will give way to the Senator from Massachusetts after the matter is taken up if it will occupy no time. I move that the Senate proceed to the consideration of the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production.

The motion was agreed to.

The motion was agreed to.

# TIMBER ON INDIAN LANDS.

Mr. DAWES. There is a very short Senate bill upon the Calendar, the bill (S. 3858) in relation to dead and fallen timber on Indian lands, which is of very great importance to the Indians, and it can not be

acted upon elsewhere in all probability unless it be acted upon here now. I ask that it may be acted upon by the Senate now. It is of great importance

The PRESIDENT pro tempore. If there be no objection the bill called up by the Senator from Massachusetts is before the Senate as in

Committee of the Whole.

Mr. FRYE. Was the bill known as the trust bill taken up? The PRESIDENT pro tempore. It was taken up and has been in-

formally laid aside.

Mr. FRYE. I desire to give notice, especially to the Senator from Ohio, that at 2 o'clock I shall insist upon the right of the Pacific rail-

road funding bill to be considered.

The PRESIDENT pro tempore. That will be the unfinished busi-

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3858) in relation to dead and fallen timber on Indian lands. It provides that dead timber, standing or fallen, on Indian reservations or allotments the fee to which remains in the United States, may be felled, cut, removed, sold, or otherwise disposed of by the Indians residing on such reservation or allotment for their benefit, under such regulations as the President of the United States may pre-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SMITHLAND (KY.) BAPTIST CHURCH.

Mr. BLACKBURN. By the courtesy of the Senator from Ohio I ask unanimous consent that the Senate may consider at this time the bill (H. R. 300) for the relief of the trustees of the First Baptist Church at Smithland, Ky. Mr. SHERMAN.

Will it lead to any debate?

Mr. SHERMAN. Will it lead to any debate?
Mr. BLACKBURN. It will not; not a minute.
Mr. SHERMAN. After this I will yield no further.
Mr. BLACKBURN. The bill was reported unanimously from the Committee on Claims by the Senator from Oregon [Mr. MITCHELL].
By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 300) for the relief of the trustees of the First Baptist Church, at Smithland, Ky. It proposes to pay to the trustees of the First Baptist Church, at Smithland, Ky., \$500 for the use and occupation of their church building by the Army of the United States during the late wer

States during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BRITISH EXTRADITION TREATY.

Mr. FRYE. Mr. President, I wish to take a moment on a question of privilege

The PRESIDENT pro tempore. The Senator from Maine will pro-

Mr. FRYE. Some one has handed me a special to the New York World, dated January 31. I admit that it is ancient history, but I would like to call attention to something in it. The dispatch says, speaking of the extradition treaty:

As framed by the diplomatic representatives of the two Governments and submitted to the Senate it failed to provide for either the extradition of United States boodlers who seek an asylum in Canada or the extradition—which was much desired by England—of that class of offenders who are called Irish dynamiters, and who seek in the United States a refuge from British vengeaned. The boodlers may still go free, so far as any of the provisions of the treaty are concerned, but on the motion of Senator FRYE the Senate committee have provided for the extradition of the Irish dynamiters. This is in conflict with the provision inserted by Secretary Bayard that political offenders should be free from extradition, and the clause in favor of political offenders is so loosely drawn that it is generally believed that it would be useless with the Frye amendment in force.

I am not permitted to say what took place in an executive session, but I am permitted to say, Mr. President, that there is not a word of truth in that statement'so far as I am concerned, and if the correspondent of the New York World had exercised the utmost ingenuity to have gone as far from the shadow of truth as it was possible for him to get, he could not have succeeded any better than he did in this statement, as every Senator who was present in the executive session knows.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 220) granting a pension to John J. Lockrey;

A bill (H. R. 317) for the relief of John W. Robinson;

A bill (H. R. 2428) granting an increase of pension to William H. Kech;

A bill (H. R. 3888) granting a pension to Mary H. Stacy;

A bill (H. R. 3888) granting a pension to Mary H. Stacy;
A bill (H. R. 5790) granting a pension to Mary Whitney;
A bill (H. R. 7566) granting a pension to George W. Lloyd;
A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reynolds, to the pension-roll;
A bill (H. R. 10216) granting a pension to William Fowler;
A bill (H. R. 10337) granting a pension to John Ebert;
A bill (H. R. 10879) increasing the pension of Permelia Smith;

A bill (H. R. 11311) granting a pension to James Metcalf; A bill (H. R. 11515) granting a pension to Charles G. Sanders; A bill (H. R. 11571) granting a pension to Isham T. Howze; and A bill (H. R. 11779) for the relief of J. Harry Adams. The message also announced that the House had passed the follow-

A bill (S. 1153) for the relief of Charles Wagemann; A bill (S. 2318) to extend to the port of Sault Ste. Marie, Mich., the privileges of inland transportation in bond;

A bill (S. 2460) granting arrears of pension to Theodore Rauthe;

A bill (S. 2665) granting a pension to Charles J. Esty; A bill (S. 2764) granting an increase of pension to James McGowan; A bill (S. 3628) granting an increase of pension to Emma Biddle; A bill (S. 3765) for the relief of Harriet Young;

A bill (S. 3804) for the relief of the occupants of the town of Flagstaff, county of Yavapai, Territory of Arizona;

A bill (S. 3824) to provide for an American register for the steam-yacht Nautilus, of New York, N. Y.; and

A bill (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved Feb-

The message further announced that the House had passed the following bills, each with an amendment, in which it requested the con-

currence of the Senate:

A bill (S. 1320) granting a pension to Catherine M. Lee; and A bill (S. 3052) granting an increase of pension to George W. Dur-

The message also announced that the House had receded from its amendment to the bill (S. 3135) granting an increase of pension to Eliza J. Alexander.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

The message also announced that the House insisted upon its amendments to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota, agreed to the conference asked by the Senate on the disagree-ing votes of the two Houses thereon, and had appointed Mr. Springer, Mr. Barnes, and Mr. Baker of New York the conferees on the part of the House.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by

the President pro tempore:

A bill (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1890; and

A bill (H. R. 12009) to provide for keeping open the Potomac River.

### TRUSTS AND COMBINATIONS.

Mr. SHERMAN. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. 3445) to declare unlawful trusts and combinations

in restraint of trade and production.

Mr. JONES, of Arkansas. Mr. President, when the framers of the Constitution of the United States conferred upon Congress the power "to regulate commerce among the several States" they had no conception of what those words would import within a century. merce among the several States' then meant an interchange by slow and laborious methods of a few scattered products, insignificant in quantity and value. Steam was then practically unknown; ships, such as were then in existence, were sailing vessels, while the boats upon the few known navigable rivers were propelled either by the current or by human labor.

Overland transportation of commodities was confined to a few miles from the point of production. Judging at that time by the history of the "commerce among the States" except this primitive, inconsequential, and slow method of exchanging commodities. "Commerce among the States" as we know it, it had not "entered into the heart of man to conceive." human race for six thousand years it looked as if there was never to be any

Man had not learned to harness "that wayward daughter of fire and water, steam." The marvel of vessels driven by this power with the speed of the wind against the current and against the wind was yet to be unfolded to the human mind, while carriages carrying tons of freight overland with the rapidity, smoothness, and ease of our time, and at a cost of less than 1 cent per ton per mile, had never been thought of.

These things have now, however, come to be so common that it seems strange, incredible almost, that the time ever was when they were not. The products of the most remote sections of our Union find their way so easily and so inexpensively into the homes of all classes that the fruits and fish of the Pacific have become to be necessaries of life to even such citizens of the Atlantic seaboard as make no pretensions to wealth. The tropical fruits of the far South are at home in the streets of the cities of the North, while the products of the North

are laid at the doors of our Southern homes almost as cheaply as to the neighbors of the producers

Steam and electricity have well-nigh abolished time and distance, until every citizen of the great Republic is, if not actually present, at

least at home in every part of our great country.

Every village in the broad land is the recipient of the blessings that a beneficent Providence has showered upon the varied and diverse soils,

climate, characteristics, in endless variety in our wonderful country.

Whether, if this vast and intricate system of "commerce among the States" had been comprehended in all its immensity by the framers of the Constitution, this power of control, unlimited save by the discretion of Congress, would have been conferred upon us we may well doubt; and, doubting this, we should proceed with caution in the exercise of this great power.

For myself, I confess frankly that I have always regarded the exercise of the powers conveyed by this section of the Constitution as full of danger; for if we exercise all the power that we may under this clause, we practically assume control of everything. The details of "commerce among the States" have become so vast and complicated that there is not a home, a business, or a human being who is not more or less affected by it; and the exercise of all the power conferred by this section upon Congress might be made to absorb almost everything else.

No one can deny that there is great danger in centralization, and it becomes every patriotic citizen to watch with jealous care the en-croachments of Federal power and to check and restrain them by every legitimate means. Powers once assumed and exercised are rarely, it ever, relinquished, and we should be sure that we never enter upon the exercise of a new power or an old power in a new way except upon the clearest evidence that such exercise is absolutely demanded by the best interests of the nation.

I hesitated long before fully making up my mind that a law regulating interstate commerce should pass, but mature reflection convinced me of the utter inability of the States to deal with the class of evils me of the utter machinty of the States to deal with the class of evils that it was intended to remedy, and after judicial decisions had settled this as true, there was absolutely nothing left except the exercise of power by the Federal Government. I believe the exercise of that power has already brought great good to the general public, and I hope that the intelligence and patriotism of the people will prevent the evils that might quite naturally grow up out of it.

The enactment of the bill under consideration into a law will be another and a most important exercise of authority conferred by this clause of the Constitution; and for myself, while I am because the constitution is the constitution.

another and a most important exercise of authority conferred by this clause of the Constitution; and for myself, while I am keenly alive to the dangers to flow from it, the demand for some such action is so great that I am most heartily in favor of some such bill. The details of the bill and its construction I leave to the committee having the matter in charge. I simply mean to declare myself in favor of legislation to suppress a gross wrong. The dangers to come from this exercise of power are in the future and may never come, while the wrongs which it is intended to remedy are here present and pressing upon us and demanding attention.

The growth of these commercial monsters called trusts in the last few years has become appalling. For a long while they were limited in numbers and applied to but a few articles, and while even then they excited the detestation of good men, they did not exist in such numbers and power as to cause apprehensions for the public safety.

Now, however, having been allowed to grow and fatten upon the public, their success is an example of evil that has excited the greed and conscienceless rapacity of commercial sharks until in schools they are to be found now in every branch of trade, preying upon every industry, and by their unholy combinations robbing their victims, the general public, in defiance of every principle of law or morals.

The iron hand of the law must be laid heavily upon this system, or the boasted liberty of the citizen is a myth. If the proceeds of the

labor of our men and women are not to be their own we have no liberty

and our Government is a farce and a fraud.

The interstate-commerce law was aimed at a tendency to combination in railroading. This was wise; but it will be utterly useless if combinations in restraint of competition in all other branches of trade should be allowed. We are advised by the newspapers that a monster salt trust intended to control the salt market of the world, and which is to pay an annual dividend of 25 per cent., is now in process of organi-

The steel trust has with a mailed hand laid the entire country under tribute for years; its profits, if the "swag" it has pocketed may be called by so respectable a name, has reached fabulous sums; and now we are regaled by assurances that a pig-iron trust is to come in and con-

trol the trade and the price in that article.

The iniquities of the Standard Oil Company have been enumerated and recounted until some of them are familiar to every one, and the colossal fortunes which have grown from it, which in all their vastness do not represent one dollar of honest toil or one trace of benefit to man-

the pockets of the rich. But why name them? There is scarcely an article of commerce which is not now or soon to be controlled by some

combination of plunderers.

When Robin Hood undertook to rob his fellow-citizens he took his life in his hand and with at least some sort of courage took the consequences of his crimes, but these modern foot-pads have not the grace of his courage, but commit their robberies by stealth. I am in favor of so changing the laws that their robberies can not be committed in safety any longer, and so that even planning them will make the offenders amena-

ble to punishment.

This bill is a step in the right direction, and if it shall prove the beginning of the end of this system of conspiracies and combinations it will be hailed as the dawn of genuine freedom, and if it is not so constructed as to accomplish this purpose, I hope the Senate will so amend it as to make it effective. I hope it may serve to set people to thinking of the wrong of either permitting people or authorizing people to combine to plunder the public. If it does this there will not be a repetition in this Chamber of what has recently passed here. Proposed financial legislation, which has received the sanction of the majority here, will, if it ever becomes law, promote and build up just such conspiracies, combinations, trusts, "sympathetic movements," as we propose in this bill to condemn. We have been actually paving the way for such things for weeks-making the way for them easy-practically making the Government of the United States particeps criminis in those that are to grow

If, however, this bill shall become a law, and I hope it will, it may prove a great educator, and people may come to believe after awhile that no class of persons in this country has any right to be enriched by indirect means at the expense of the many, and if this shall come to be fully accepted as correct and just by the whole people, your system of protection—that system of "concealed bounties," to use the express-

ive words of the honorable Senator from Iowa—will, like many another pirate that has gone before, have to "walk the plank."

Mr. GEORGE. Mr. President, this is a very important subject. The bill undertakes to deal with very great evils which in the last few years have done great injury to the people of the United States. I am in favor of legislation to prevent trusts and combinations, but I want effective legislation—legislation that will crush out these combinations and trusts. The trouble is in finding the constitutional power to do exactly what ought to be done, and if we exceed our constitutional power, our action, however well meant, will be of no value; it will be utterly void. The bill before us seeks to get under the commercial clause of the Constitution jurisdiction to pass a criminal law in relation to trusts, agreements, and combinations as described in the bill. This power is simply the power to regulate interstate and foreign commerce.

I have given some thought and some reflection to this matter, and I am extremely anxious that some bill shall receive the assent of this Congress which will put an end forever to the practice, now becoming too common, of large corporations, and of single persons, too, of large wealth, so arranging that they dictate to the people of this country what they shall pay when they purchase, and what they shall receive

when they sell.

I have considered with some care the provisions of this bill. I do not believe that the effect of its provisions is accurately understood by members of this body. I propose, therefore, to make an analysis of its provisions to see, if we can, what it means, what evils it undertakes to remedy, and what remedy it provides, and how efficacious

this remedy may prove to be.

In the beginning, I desire to call the attention of the Senate to the fact that the provisions of this bill are not confined to trusts, to combinations, to arrangements and agreements made between parties who are engaged in business; or, in other words, taking the language of the bill in its plain meaning, it refers to and brings within the punitory provisions of the fourth section not only arrangements and agreements. between manufacturers, between sellers, between transporters, but it brings within its grasp arrangements made by any persons, though merely for moral and for defensive purposes. The bill provides—

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States shall be unlawful.

That would apply to an arrangement, to an agreement, to a combination, not of a business character, but, as I before remarked, to such as is purely moral and defensive. It does not say that all arrangements, contracts, etc., made between persons and corporations engaged in selling, transporting, importing, manufacturing, or producing the articles described in the bill shall be unlawful; but it applies to all persons whether so engaged or not. So if this bill passes as it now stands, the farmers and laborers of this country who are sending up their voices to the Congress of the United States, asking, pleading, imploring us to take action to put down trusts, these farmers and these laborers will find that they themselves in their most innocent and necessary arrangements, made solely for defensive purposes against the operations of these trusts, will be brought within the punitory provisions of this bill.

It will strike the Senate probably with some astonishment if it be ascertained that under this bill the arrangements made by the Southern

farmers during the last season to prevent the consummation of the robbery of them by the jute-bagging trust are made highly criminal. Under it the farmers of the South who combine to prevent and defeat that most iniquitous and unjust combination will find that they themselves rather than the jute-bagging trust will be the subjects of severe

The bill declares that any arrangement, any agreement, any combination made by any person, whether engaged in trade or not, which tends to prevent full and free competition in the importation, transportation, or sale of the articles described in the bill, shall be subject to indictment, and, on conviction, to punishment by fine of \$5,000 or imprisonment in the penitentiary not exceeding five years, or to both

such fine and imprisonment.

Upon the formation of this bagging trust the cotton farmers of the South, many of them in their granges and in their alliances, agreed that they would not purchase jute bagging, and by that agreement to a very large extent the rich rewards anticipated by the men who formed that trust were defeated. These combinations tended to prevent full and free competition in the sale of this article. But if that is not very clear, if Senators think these arrangements of the farmers did not have the effect of preventing this full and free competition, I call their attention to another provision contained in the third section of the bill, which reads in this way:

If acts shall be done under any such arrangement, contract, agreement, trust, or combination, which have for their purpose, or which shall tend to compel the giving up or sale of any lawful business, the person, partnership, or corporation injured thereby may sue for and recover in any court of the United States of competent jurisdiction the damages sustained thereby.

The very object of this combination of Southern farmers was to break down the trust in jute bagging, to compel the men who had seized and got control of the bagging manufacture of this country to give up their business-to loose their grip upon the business of the farmers. very clearly violated the other provision of the bill to which I have just called attention. The fact that the bill does not restrict these combinations, these agreements, to persons engaged in trade, engaged in transportation, engaged in importation, engaged in selling—the fact that it applies to all arrangements, all agreements, all combinations, by whomsoever made, would bring within its reach all defensive agreements made by farmers for the purpose of enhancing the price of their products. This bill, instead of preventing trusts, would have the ef-fect of crushing out all efforts of the people to rid themselves of their injurious effects.
Mr. SHERMAN.

Mr. SHERMAN. Mr. President—
The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. GEORGE. I do. Mr. SHERMAN. Do I understand my friend from Mississippi to claim that under this bill an agreement made by farmers not to buy

claim that under this bill an agreement made by larmers not to buy cotton-bagging or not to buy anything else is a combination within the meaning of the act?

Mr. GEORGE. Yes, sir; directly within the meaning of the act.

Mr. SHERMAN. That is a very extraordinary proposition. There is nothing in the bill to prevent a refusal by anybody to buy anything. All that it says is that the people producing or selling a particular article shall not make combinations to advance the price of the necessaries of

fe. However, I simply wished to get the answer of the Senator.

Mr. GEORGE. That is the true construction of this bill which I

put on it

Mr. SHERMAN. I desire to say distinctly that that is not my idea or the idea of any one of the committee.

Mr. GEORGE. I presume it is not.

Mr. SHERMAN. Nor do I believe it is a fair construction of the

Mr. GEORGE. But yet that is the legal meaning and force of the bill; and I will state to the Senate and to the Senator from Ohio that it is directly within the terms of this bill to forbid any number of persons belonging to or joining a temperance society whose object is to compel retailers of intoxicating liquors to give up their business.

Mr. SHERMAN. Where men agree that they will not drink at all,

does the Senator think that is a combination in restraint of the trade

of liquor-sellers?

Mr. GEORGE. What is it?

Mr. SHERMAN. The Senator, as I understand, now claims that an agreement among several people not to drink whisky or brandy is in restraint of the trade of selling whisky or brandy and is therefore a combination within the meaning of this bill?

Mr. GEORGE. I insist that a society, making an agreement or a combination between citizens of a town anywhere in the Union not to combination between citizens of a town anywhere in the Union not to drink, not to use in any way vinous or spirituous liquors, and to persuade others to a similar abstention, does, in the language of this bill, tend to compel persons engaged in retailing liquor in that community to give up their business, and the doing of that is expressly condemned by the third section of this bill.

Mr. STEWART. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. GEORGE. Certainly.

Mr. GEORGE. Certainly.

Mr. STEWART. If an organization for the purpose of having laws passed creating high license is formed, would not that enhance the

value of the things prohibited in this bill?

Mr. GEORGE. I have considered that question. I have thought possibly that the courts might say that the right of political organization to bring about political results by legislation was not embraced within the provisions of the bill.

But this bill not only prevents combinations between farmers to raise the price of their products, but it would (though not so intended by the framers) embrace combinations among workingmen to increase the amount of their wages. For an increase in their wages would tend to increase the price of the product to the consumer, and thus the combination would come within the express terms of the bill.

But the bill is futile; it amounts to nothing. In the first place there are two subjects, as named in the first section, concerning which these arrangements or agreements are to be made. The first subject is imarrangements or agreements are to be made. The first subject is imports. Now, if there is anything settled in the constitutional law of this country, commencing with the decision of Chief-Justice Marshall in the case of Brown vs. Maryland, in 12 Wheaton's Reports, and coming down to the present time, it is that the jurisdiction of the Government of the United States under the commercial clause of the Constitution over imports ceases at the moment the import passes out of the hands of the importer, or, remaining in his hands, the package in which

it was imported is broken up.

So, then, the first clause of the first section can have no effect beyond an agreement with reference to imports whilst they are still in the hands of the importer and before the package is broken up. Will any Senator say that there has ever been a trust, a combination, or an agreement within the United States between importers before the package had been broken up and before sale in reference to the sale of the imported goods? In all the long list of trusts, of combinations, of arrangements, and of agreements which have been made within the United States for the purpose of fleecing the people I have not as yet heard of a single combination between importers made with reference to the sale of the goods imported by them in the original package. So, then, the first clause of this bill is aimed at a phantom, is aimed at an evil which does not exist and which can not exist.

As soon as the article passes out of the hands of the importer, or, remaining in his hands, as soon as the package in which it was imported is broken, it passes beyond the jurisdiction of the United States and is subject to State authority alone, and therefore combinations with reference to these imports in that condition are not reached by this bill, because they are without the jurisdiction of Congress.

We will next go to the other provision in the first section and see how that is. It is as follows:

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations made with a view, or which tend, to prevent full and free competition \* \* \* in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another—

Shall be unlawful.

By this provision is drawn within the punitive provisions of this bill every agreement made by farmers not to sell any particular article of their production unless they receive a certain price for it, for that would be an agreement which, under the clause of the first section, which is under consideration, would tend to advance the cost to the consumer of any such articles, and is therefore condemned by the bill. This is another phantom at which this bill is aimed. There is no complaint, there have been no complaints that the farmers of this country have combined for the purpose of raising the price of agricultural products. There have been combinations of that sort, lawful in their character, meritorious in their aims, which have tended to prevent the farmers of this country from being fleeced by these great trusts; and yet under this bill they are condemned and punished. Under its plain provisions, if any grange in the United States, if any agricultural club, if any society called a farmers' alliance, if any number of farmers not embraced in these organizations should agree that they would withhold their products from sale until they could receive a certain price for them, every one of them would be liable to be fined \$5,000 and put in the penitentiary for five years. The same is true, as I have shown, of combinations and arrangements made by laborers to increase their wages. I am not prepared to sustain a bill of that sort merely because it is entitled "A bill to declare trusts and combinations unlawful." It seems that the bill however beneatly intended for good has its effectivel aim.

that the bill, however honestly intended for good, has its effectual aim at phantoms, and not at the real grievances of the people, nor at the real culprits who have combined to plunder the great mass of the people.

I have shown how little can be done under the import clause to relieve the people of trusts; now let us see how much can be done under the interstate-transportation clause. Let me read that so that we may understand it:

That all arrangements, contracts, etc., made with a view-

I am reading from the first section-

or which tend, to prevent full and free competition \* \* \* in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or

Are prohibited.

How much can be done under that? And herenote that in the first section of the bill there is not a single provision against the unlawful acts themselves done under these agreements. The first section of the bill is aimed at the agreement alone. If the agreement be made, whether or not it does in fact increase the price or does in fact prevent full and free competition, if it be made with that purpose or with that view, or if it have that tendency, whether these evil results follow or not, then it is liable to the condemnation of the bill. No act however injurious done in pursuance of it is made criminal. The country may be robbed to the amount of millions, and, so far as these acts of pillage and plunder are concerned, they are not condemned by the bill. It is only agreements that are condemned. Here we find another trouble upon that subject. If the agreement be not made within the jurisdiction of the United States, as if it be made in Canada, it is not within the terms of the bill. So that under this bill an agreement may be made at Montreal or on the other side of Niagara Falls or at any other place outside of the jurisdiction of the United States, and then the wrongful acts may be done within the United States, and then the wrongful acts may be done within the United States and there is no punishment, no redress. You can not punish the agreement, because it was made outside of the jurisdiction of the United States; you can not punish the acts done under the agreement, because there is no provision in the bill which makes these acts subject to its punitory provisions. Scrutinize the bill, read it, study it, and you will find that is its legal effect. is its legal effect.

But here is another anomaly about this second clause of the first section. Suppose the agreement be made within the United States. Then whether it shall be held lawful or unlawful, whether it shall come whether it shall be field lawliff or unlawlar, whether it shall come within the provisions of this bill or not, depends upon an act to take place after the agreement js made. So far as this bill is concerned, the agreement may be perfectly lawful at the time it is made and it will become unlawful by a matter which may take place months afterwards, and by an act—and I desire to call the especial attention of the Senator from Ohio to that—and by an act to which the parties to the agreement were in no way privy, and for which they are in no way responsible. For instance, A and B combine to raise the price of domestic products. If the thing stops there they can not be punished under this bill, al-though that agreement be made within the city of New York; but if C, months afterwards, having acquired some of the goods, some of the articles of merchandise with reference to which this original agreement was made, transports them from one State to another, then the crime

is consummated.

What a remarkable anomaly is that in legislation! The agreement when made is lawful, it only becomes unlawful by the subsequent act of men, not parties to it, not privies to it, and, what is more remarkable, it becomes unlawful by the lawful act of these subsequent parties, for it must be noted there is nothing in this bill which makes it unlawful to transport from one State to another goods, merchandise, or articles which are the subject-matter of the prohibited agreement. The original agreement is and so remains lawful because the fact has not transpired and may never transpire, or if it transpires at all it may not transpire for months after the agreement is made, and when that fact does transpire it is a thing which is perfectly lawful in itself. is not only lawful, but it is meritorious, and yet this subsequent inno-cent, lawful, and meritorious act relates back to the agreement, and makes it criminal without bringing on itself any criminality whatever. So, then, we have this remarkable anomaly, that two acts both of which are perfectly lawful, done by separate and distinct persons without any privity or connection between the two, just simply by the mere sequence in time of one to the other are compounded into a high crime, and punished by a heavy fine and imprisonment in the penitentiary

Mr. President, I make that statement deliberately. Senators who have not studied this bill will be astonished to find it so, but it is so nevertheless. The original agreement is not made unlawful until the subsequent transportation takes place. The transportation is not unlawful, nor is it made so by this bill, but it is a meritorious act, being commerce between the States; and yet these two acts done by two sepa rate and distinct persons without the slightest privity, without the slightest concert between them, both being innocent and lawful when they are performed, are by this bill compounded into a high misdemeanor punished by a fine of \$5,000 and imprisonment in the penitentiary for

Mr. President, a bill of that sort will not do. You can not make a Mr. President, a bill of that sort will not do. You can not make a crime out of a lawful act by matter ex post facto done by a person without connection with the original actor. It is lawful to make a gun, but it is unlawful to kill a person with it. In that case when one of the acts was manifestly unlawful, the mind and the conscience would be shocked if by the subsequent unlawful act of the man who committed murder with the gun you should provide that the maker of the gun should be guilty of a crime. In that case one of the acts would be unlawful, but in the case made by this bill both are lawful, and yet a crime results; results, too, from the performance of the subsequent act, which under no circumstance does the bill condemn, but seeks to

promote and encourage.

I am asked by a Senator who sits near me to give a specific illustration of the argument which I am making. I will do so. There is a combination made in relation to jute bagging, for instance, produced in this country, not imported. That combination, under the terms of

this bill, is not unlawful until there shall be a transportation of the article from one State to another. I will again read the clause under consideration:

That all arrangements, contracts, \* \* \* to prevent full and free competition in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that in due course of trade shall be transported from one State or Territory to another, etc., shall be unlawful.

So that the Senator will clearly see that it is not the agreement or combination per se that is made unlawful, nor is the subsequent transportation unlawful; but if the lawful agreement be followed, however distant in time, by the subsequent transportation, then by this sequence alone a crime is made of the agreement.

This provision about transportation is inserted to draw this subject within the commercial power of Congress. Without the subject of transportation or without some provision with reference to transportation from one State to another, the bill would be manifestly unconstitutional, and therefore its framers were compelled to put in a subsequent act of transportation from one State to another, so that up to the time that transportation takes place the agreement, the trust, the combination is perfectly lawful, not only by the terms of the bill, but for want of constitutional power in us to make it anything else.

Mr. EUSTIS. In regard to the constitutional point, if the Senator

will allow me

Mr. GEORGE. I will discuss that question hereafter.
The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Mississippi yield?

Mr. GEORGE. Yes, sir; I am glad to do it.

Mr. EUSTIS. If I understand the difficulty which is presented by
the argument of the Senator from Mississippi, it is that the jurisdiction, the power of Congress is derived from the fact of transportation from one State to another, in order to exercise that power under the commercial clause. I would ask the Senator whether the power of Congress would exist if the language were "shall or may be transported," etc.? In other words, I ask whether the power of Congress is conferred by the Constitution, dependent on the act of actual transportation and is confined to that, or whether the power of Congress may be applied to the transportable merchandise; so that if this bill were to read "shall or may be transported," would that correct the defect which has been pointed out by the Senator from Mississippi?

Mr. GEORGE. Upon that point in the latter part of my remarks I expect to be full and explicit. At this stage I will merely state to the Senator in answer to his question that "shall or may be" would make no difference; that the power of Congress exists only over the subject so far as it comes from transportation, while the transportation is being carried on; that the power of Congress does not begin as to the subject until transportation begins, and it ends when transportation is completed. Upon that point I expect to make some remarks before I get

The trouble about this bill is that it is an attempt to do the impossible. It is an attempt to draw within the commercial power of Congress jurisdiction over this subject by the provision about transporta-

tion. That is the trouble.

There is another serious defect in the bill. It relates only to agreements, combinations, arrangements between two or more. It leaves wholly out of view acts of oppression and plunder when done by a single individual. If he be a great capitalist, so that by his own unaided means he can so provide to increase prices to the consumer or reduce prices to the producer, he is not touched by this bill. For, as I have shown, it is the agreements, combinations, between two or more, and the like which are punished, and not the wrongful acts which these agreements and combinations were designed to promote.

Mr. President, I believe that I have said about all I desire to say in the way of analysis and comment upon the bill, and I will go now to the point to which my attention was directed by the question of the

Senator from Louisiana.

It is not denied anywhere by the friends and supporters of this bill that the power to pass it is claimed under the commerce clause of the Constitution. Certainly under no other clause can there be the slight-

est pretense for the claim of this power.

Now, let us see what is the extent of that power under the commercial clause of the Constitution. It is a power to "regulate commerce," foreign and interstate, not a police power to regulate the general business of the people. That power is reserved to the States. The Supreme Court said in Railroad Company vs. Husen, 95 United States Reports, page 465, that this police power of the States extends—

to the protection of all property within the State. \* \* \* By it persons and property are subject to all kinds of restraint and burdens in order to secure the general comfort, health, and prosperity of the State.

And Judge McLean, in the License Cases, 5 Howard, page 588, said:

The States, resting upon their original basis of sovereignty, \* \* exercise their powers over everything connected with their social and internal condition. A State regulates domestic commerce, contracts, the transmission of estates, real and personal, and acts upon all internal matters which relate to its moral and political welfare. Over these subjects the Federal Government has

These combinations and trusts, therefore, are clearly within the police power of the States. I ask the Senator from Louisiana, would it be law-

ful or constitutional for the State of Louisiana, or any other State, to pass a law punishing persons entering into these combinations and trusts within their respective limits, whether or not the subjects about which the trusts were made should afterwards become subjects of foreign or of interstate commerce?

Mr. EUSTIS. I think the States have the power.

Mr. GEORGE. You think they have, and I agree with you. If
they have Congress has not, because there is a dividing line plainly
marked by the decisions of the Supreme Court of the United States,
upon one side of which rests the police power of the State, and on the
other the commercial power of Congress. That power is granted in these
other the Congress shall have never to regulate commerce with foreign other the commercial power of Congress. That power is granted in the words: "Congress shall have power to regulate commerce with foreign nations and among the several States." It is a power of regulation, and a regulation only of commerce, not a regulation of something which may in the near or remote future become a subject of foreign or interstate commerce. The regulation must be of the act or the transaction of commerce itself.

Mr. EUSTIS. Will the Senator from Mississippi allow me right here to ask him a question?

Mr. GEORGE. Yes, sir.

Mr. GEORGE. Yes, sir.
Mr. EUSTIS. In a case where the State of Kansas or the State of Iowa prohibits the sale of intoxicating liquors, I should like to ask the Senator whether, in his opinion, Congress has the constitutional power to prohibit the transportation of liquors into those States?
Mr. GEORGE. The States have no such power. That has been

settled.

settled.

Mr. EUSTIS. I ask if Congress has.

Mr. GEORGE. Congress would have the power to prevent anything from being transported into the States.

Mr. EUSTIS. Very well. Now the argument of the Senator from Mississippi has been that the actual fact of transportation is what gives Congress power and jurisdiction under the commercial clause. Now Congress power and jurisdiction under the commercial clause. Now he admits that in the absence of any act of transportation Congress can

exercise that power.

Mr. GEORGE. Why, Mr. President, the regulation of commercation.

Mr. GEORGE. It is no transportation.

Mr. GEORGE. It is a prohibition of transportation. It regulates the transportation. This is done in a prohibition of transportation, and this is a regulation of commerce as was decided with reference to the same consistent product the administration of Jefferson. the embargo enacted under the administration of Jefferson.

Mr. EUSTIS. Therefore I do not understand how the Senator reconciles the argument he has made with the position he now takes, that the fact of actual transportation is what confers the jurisdiction upon Congress, and yet he admits that Congress has the power to prohibit the transportation of goods and exercises that power in a case where

there is no actual transportation.

Mr. GEORGE. The answer to that is this: Congress has the power to regulate interstate transportation; it may either prohibit it altogether, or when it takes place may regulate the means and methods of carrying it on. But because Congress may prohibit the transportation of an article in interstate or in foreign commerce, it does not follow, as would seem to be the view of the Senator from Louisiana, that Congress may assume jurisdiction over matters entirely within the jurisdiction of the States merely because they may become the subject of interstate commerce, transportation being one of the means of inter-

Mr. EUSTIS. That is exactly the case that I stated, where Congress prohibits the transportation of liquors, for instance, to the State of Kansas. The power conferred upon Congress is not to prohibit, it is to regulate, and that power of regulation is exercised in the absence of any actual transportation; and the Senator from Mississippi informs us that in his opinion that power is rightfully exercised. Therefore I ask him if that be so how can it be necessary that the actual transportation should be the jurisdictional fact with reference to this bill?

Mr. GEORGE. Whenever Congress undertakes to regulate interstate transportation, as it does in this bill, then there must be transportation to regulate; but where Congress in the exercise of its power, as it has the undoubted power, in regulating interstate commerce, to prohibit the transportation of certain articles, they may do that. The power of Congress, says Chief-Justice Marshall, is to regulate commerce, which includes intercourse.

It is regulated by prescribing rules for carrying on that intercourse.

Not prescribing rules for subjects, as I will show hereafter by the decisions of the Supreme Court, which are within the jurisdiction of the States, merely because those subjects may afterwards become the subjects of interstate commerce. Chief-Justice Marshall's language is, "to make rules for carrying on that intercourse." It is not "carrying on that intercourse "until there is actual commerce or the beginning of commerce between the commerce of the beginning of the commerce between the commerce of the beginning of the commerce of the comm ning of commerce between two or more States.

I am now trying to ascertain the limits of the power of Congress on the subject. I now quote from Chief-Justice Taney in the License Cases, in 5 Howard's Reports:

That imports ceased to be such when sold by the importer, or the original package was broken. This—

Chief-Justice Taney understands-

to be substantially the line between foreign commerce, which is subject to the

regulation of Congress, and internal and domestic commerce, which belongs to the States, and over which Congress can exercise no control.

McLean, justice, in the same case, after adopting the rule as to imports ceasing to be such when this happens, says of the imported article.

The imported article becomes mingled with the other property of the State and is subject to its laws.

This power is claimed here, as I understand it, not because there is any actual commerce between States or citizens of States, but because the subjects to which this bill relates may afterwards become the subjects of interstate commerce. Now, let us see how that stands in consti-

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 3401, in relation to the Pacific railroads.

Mr. FRYE. How much more time does the Senator from Mississippi desire to complete his remarks?

Mr. GEORGE. Oh, not very long, say half an hour, or perhaps an our. Probably not more than a half hour will do.

Mr. FRYE. The bill which is the regular order has been laid aside

now every day for a fortnight.

Mr. GEORGE. In that case I shall not occupy a great while. I am very nearly through.

Mr. FRYE. I consent that the bill may be temporarily laid aside for half an hour.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the unfinished business be informally laid aside for half an hour, or until the Senator from Mississippi concludes his re-

Mr. FRYE. Until the conclusion of his remarks.

Mr. EDMUNDS. He ought to be allowed to conclude.

The PRESIDING OFFICER. If there be no objection the bill will be informally laid aside until the Senator from Mississippi concludes his remarks

Mr. GEORGE. I have shown as to imports that the power of Congress ceased when they passed out of the hands of the importer or when the original package was broken up. That is the end of the power of Congress. Now, I desire to call the attention of the Senate to some decisions of the Supreme Court of the United States which fix the time when the power begins, and especially I desire to call the attention of the Senator from Louisiana to that subject. This bill is framed on the idea that Congress may take jurisdiction of the subject, because at some time hereafter this subject may become a matter of interstate commerce; and on that point the decisions of the Supreme Court of the United States are uniform without one single break. I propose now to read some extracts from the decisions of the Supreme Court on that point point.

In the case of Veazie vs. Moore, 14 Howard, 568, the court say:

Commerce with foreign nations must signify commerce which is necessarily connected with these nations, transactions which either immediately or at some stage of their progress must be extraterritorial.

Not "may be," but "must be extraterritorial." This bill is framed on the idea that "may be" will do. This is expressly overruled in the language I have read.

The phrase can never be applied to transactions wholly internal between citizens of the same community, or to a polity and laws whose end and purposes and operations are restricted to the territory and soil and jurisdiction of such community.

Nor can it be properly concluded that because the products of domestic enterprise in agriculture, or manufactures, or in the arts, may ultimately become subjects of foreign commerce, that the control of the means or the encouragements by which enterprise is fostered is legitimately within the import of the phrase "foreign commerce," or fairly implied in any investiture of the power to regulate such commerce.

That decision overthrows the theory of this bill that these products of agriculture, of manufactures, and of the mines may ultimately become the subjects of foreign or interstate commerce, and therefore before they do actually become such the United States Congress will interpose and regulate them. The court go on to say:

A pretension as far-reaching as this would extend to contracts between citizen and citizen of the same State, and would control the pursuits of the planter, the grazier, the mechanic, the immense operations of the collieries and mines and furnaces of the country, for there is not one of these avocations the results of which may not become the subjects of foreign commerce.

And afterwards this same language is applied to interstate commerce. This case is exactly in point, and establishes the unconstitutionality of this bill. Though an old case it never has been overruled nor its doctrines departed from. In a very recent case, to wit, Lord vs. Steam-ship Company, 102 United States Reports, it was cited and confirmed. But there is another case, and a very recent one, which defines this matter with some care and precision. I read now from the case of Coe vs. Errol, volume 116 United States Reports, page 525:

There must be a point of time when they-

That is, articles of merchandise-

cease to be governed exclusively by the domestic law and begin to be governed and protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose, in which they commence

their final movement for transportation from the State of their origin to that of their destination. When the products of the farm or the forest are collected and brought in from the surrounding country to a town or station serving as an entrepôt for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is exportation begun until they are committed to the common carrier for transportation out of the State to the State of their destination, or have started on their ultimate passage to that State. Until then it is reasonable to regard them as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction.

Here is another sentence a little more explicit answering the argument that they were intended for exportation, and when they were thus intended they become the subjects of the power of Congress. The court say on that subject:

Though intended for exportation, they may never be exported; the owner has a perfect right to change his mind; and until actually put in motion, for some place out of the State, or committed to the custody of a carrier for transportation to such place, why may they not be regarded as still remaining a part of the general mass of property in the State?

The court proceeds on page 528 thus:

Some of the Western States produce very little except wheat and corn, most of which is intended for export; and so of cotton in the Southern States. Certainly as long as these articles are on the land which produced them they are a part of the general property of the State, and so we think they continue to be until they have entered upon their final journey for leaving the State and going into another State. \* \* \* This movement does not begin until the articles have been shipped or started for transportation from one State to another.

Until actually launched on its way to another State or committed to a common carrier for transportation to such State, its destination is not fixed and certain. It may be sold or otherwise disposed of within the State, and never put in course of transportation out of the State. \* \* Until shipped or started on its final journey out of the State, its exportation is matter in fieri, and not at all a fixed and certain thing.

So that if anything is settled in the constitutional law of this country it is that an article of commerce, an article of merchandise, does not become the subject of Congressional jurisdiction under the commercial clause of the Constitution until it has actually become the subject of interstate or foreign commerce, and that this does not begin, though it may be intended for that purpose, until transportation has actually commenced. That was the decision in Veazie vs. Moore, made many years ago, and also in the case to which I have just called the attention of the Senate.

My attention is called by my colleague [Mr. WALTHALL] to a still more recent case decided at the October term, 1888, the case of Kidd vs. Pearson, in which the court say:

This court has already decided that the fact that an article was manufactured for export to another State does not of itself make it an article of interstate commerce within the meaning of section 8, Article I, of the Constitution, and that the intent of the manufacturer—

The intent of the manufacturer-

does not determine the time when the article or product passes from the control of the State and belongs to commerce.

Then the court refer to the case which I have just read and approve.

That was the view of the Senator from Ohio himself in the beginning of this controversy, as shown by the RECORD. I do not state this for the purpose of convicting the Senator from Ohio of any inconsistency, but as a support and a strong support of the views which I entertain. On August 14, 1888, the Senator from Texas [Mr. Reagan] introduced a bill on the subject of trusts, which will be found printed on page 7512 of volume 19, part 8, of the Congressional Record, and is as follows:

on page 7512 of volume 19, part 8, of the CONGRESSIONAL RECORD, and is as follows:

Mr. Reagan infroduced a bill (8. 3440) to define trusts and to provide for the punishment of persons connected with them or carrying them on; which was read the first time by its title.

Mr. Beck. Let that bill be read in full.

The Prissident pro tempore. The bill will be read the second time at length, if there be no objection.

The bill was read the second time at length, as follows:

"Be it enacted, etc., That a trust is the combination of capital or skill by two or more persons for the following purposes:

"First. To create or carry out restrictions on trade.

"Second. To limit, to reduce, or to increase the production or prices of merchandise or commodities.

"Third. To prevant competition in the manufacture, making, sale, or purchase of merchandise or commodities.

"Fourth. To create a monopoly.

"Sec. 2. That any person who may be or may become a member of any such trust, or who may be or may become engaged in the business of any such trust in any trade or business carried on with foreign countries, or between the States or between any State or Territory and the District of Columbia, or between the District of Columbia and any Territory, or between the United States and the waters adjacent to any foreign country, shall be gulliy of a high misdemeanor, and on conviction thereof in any district or circuit court of the United States, after indictment shall be fined in a sum of not more than \$10,000 nor less than \$1,000, and may be imprisoned in the penitentiary for a period of not more than five years and not less than one year.

"Sec. 3. That the purchase by any trust, or by the agent of any trust, of merchandise or commodities in a foreign country for sale in this country; or the manufacture, making, or purchase of any merchandise or commodity in one State for sale in another; or in any State or Territory; or in any Territory for sale in any State or Territory; or in any Territory for sale in any State or Territory; or in

On the motion to refer that bill to the Committee on the Judiciary the Senator from Ohio said this:

Mr. Sherman. I wish to say that the Committee on Finance has already een charged with the consideration of this subject. I have myself given some

attention to it, to see how far it is within the constitutional power of Congress to prohibit trusts and combinations in restraint of trade. It is very clear there is no such power unless it is derived from the power of levying taxes—

Not from the power to regulate commerce, but from the power of

that it is a power which must be exercised by each State for itself. Similar laws have been passed in England and in other countries. Indeed, in Blackstone's Commentaries there are declarations and denunciations of trusts, monopolies, etc., as strong as can be written in the English language. Whether such legislation can be ingrafted in our peculiar system of government by the national authority there is some doubt. If it can be done at all, it must be done upon a tariff bill or upon a revenue bill. If do not see in what other way it can be done.

So at that time the Senator who is the author of this bill concurred in the views which I have expressed upon that subject; and on July 10 of the same year—I read from the CONGRESSIONAL RECORD, volume 19, part 7-the Senator introduced the following resolution:

19, part 7—the Senator introduced the following resolution:

Resolved, That the Committee on Finance be directed to inquire into and report, in connection with any bill raising or reducing revenue that may be referred to it, such measures as it may deem expedient to set aside, control, restrain, or prohibit all arrangements, contracts, agreements, trusts, or combinations between persons or corporations, made with a view, or which tend to prevent free and full competition in the production, manufacture, or sale of articles of domestic growth or production, or of the sale of articles imported into the United States, or which, against public policy, are designed or tend to foster monopoly or to artificially advance the cost to the consumer of necessary articles of human life, with such penalties and provisions, and as to corporations, with such forfeitures, as will tend to preserve freedom of trade and production, the natural competition of increasing production, the lowering of prices by such competition, and the full benefit designed by and hitherto conferred by the policy of the Government to protect and encourage American industries by levying duties on imported goods.

The referring of the matter to the Committee on Finance would have

The referring of the matter to the Committee on Finance would have

The referring of the matter to the Committee on Finance would have been inappropriate, unless it was designed that legislation on this subject should be a part of the revenue system of this country.

So that the Senator who is the author of this bill, with his great learning and his great experience and his well-trained mind, in the beginning of our consideration of this subject took the same view of it that I do. To show what he meant by taking jurisdiction of it in connection with the tariff and the power to levy taxes, I will read from a speech made by that Senator on January 4, 1888, in which he commented upon the President's message, quoting from the President as follows:

But it is notorious that this competition is too often strangled by combinations quite prevalent at this time, and frequently called trusts, which have for their object the regulation of the supply and price of commodities made and sold by members of the combination.

That was a quotation from the President. Now here is the reply of the Senator from Ohio:

When such combinations to prevent a reduction of price by fair competition exist, I agree that they may and ought to be met by a reduction of duty.

That is what was meant by the Senator from Ohio in restricting the power of Congress over the subject of trusts to legislation in connection with the revenue laws of the country.

Mr. President, I have said about all I desire to say on this subject at present. I shall offer some amendments to the bill at a later stage

of these proceedings, based upon the ideas announced by the Senator from Ohio, amendments which look to a suspension or a reduction of the duties on imports where combinations and trusts have been formed in this country with reference to similar and competing articles.

I will also offer amendments which look to outlawing these trusts by preventing their admission into the courts of the United States to collect any debt due them or to redress any wrong done them; and also declaring the products and manufactures of all such trusts shall not be lawful subjects of interstate commerce.

For the present I desire simply to say in addition to what I have already said that the bill as now framed is ineffectual to carry out the objects and purposes for which it was introduced, and for which it was designed by its framer; that it is without constitutional authority, as settled by the Supreme Court of the United States in a long line of decisions coming down even to the present term of the court, and that in response to the demand of the people of this country, coming from every part of it, if we now pass this bill and nothing more we shall do nothing effectual in respect to the suppression of trusts. If the bill be constitutional it does not contain the provisions which are nece to make it effective, and it does contain provisions which bring within the force and operation of the law numerous arrangements and agree ments made by the producers of raw material in this country which have hitherto been regarded as a perfectly innocent exercise of the power of combination, and which have never been brought into operation to the extent of injuring a single human being, and which have been used solely for the purpose of defensive measures against the trusts which this bill vainly attempts to put down.

### HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 220) granting a pension to John J. Lockrey; A bill (H. R. 2428) granting an increase of pension to William H.

Koch;
A bill (H. R. 3888) granting a pension to Mary H. Stacy;

A bill (H. R. 5790) granting a pension to Mary Whitney;

A bill (H. R. 7566) granting a pension to George W. Lloyd; A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Rey-

nolds, to the pension-roll;

A bill (H. R. 10216) granting a pension to William Fowler;

A bill (H. R. 10337) granting a pension to John Ebert;

A bill (H. R. 10879) increasing the pension of Permelia Smith;

A bill (H. R. 11311) granting a pension to James Metcalf; A bill (H. R. 11515) granting a pension to Charles G. Sanders; and

A bill (H. R. 11571) granting a pension to Isham T. Howze. The bill (H. R. 11779) for the relief of J. Harry Adams was read

twice by its title, and referred to the Committee on Finance. The bill (H. R. 317) for the relief of John W. Robinson was read twice by its title, and referred to the Committee on Military Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; and A bill (H. R. 10614) to organize the Territory of Oklahoma, and for

other purposes.

#### ELIZABETH J. ALEXANDER.

Mr. SAWYER. I wish to submit a conference report. The House of Representatives has receded from its disagreement and no action is required by the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3135) granting an increase of pension to Elizabeth J. Alexander, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

PHILETUS SAWYER, C. K. DAVIS, D. TURPIE, Managers on the part of the Senate. A. M. BLISS,
R. R. BUTLER,
MILTON DE LANO,
Managers on the part of the House.

#### DR. JOHN B. READ.

Mr. EDMUNDS. I move that the proceedings of the board of Army officers—and I ask the attention of my friend of Alabama to it—convened at Washington under orders of the Secretary of War on the 18th of April, 1888, their report, and their proceedings under a recommitment in the War Department of their report, which are official papers, and which by a letter of the Secretary of War now in possession of the Senate in obedience to a resolution of the Senate of the last session were transpetted, and which have not been printed. were transmitted, and which have not been printed, may be printed, as the case of Dr. John B. Read is in the course of a few days about to come up, and these papers are very important in regard to its consideration. I ask an order that they may be printed. They are official

The PRESIDENT pro tempore. The papers will be printed if there be no objection. The Chair hears none,

# PERSONAL EXPLANATION.

Mr. SAULSBURY. I should like to make a little personal explanation.

During a speech on the 30th of January by the Senator from Oregon [Mr. Dolph], wherein he was referring to the construction of the Canadian Pacific Railroad, I made the inquiry whether he was not informed that that railroad was built by an express condition, I meant to say with British Columbia, the condition being that that colony should become a part of the Dominion government. I inadvertently used the words "New Brunswick" and said that in a personal conversation with the governor of that province he had so informed me, that that was the condition upon which the railroad was built. I inadvertently used the words "New Brunswick" instead of "British Columbia."

I desire to make that correction because the conversation was with the governor of British Columbia and not with the governor of New

Mr. DOLPH. I simply wish to say that what followed by myself was necessarily based on what was said by the Senator from Delaware. I understood the condition had been made by British Columbia, but I had not heard that it had been made by New Brunswick.

Mr. SAULSBURY. I was reported as saying "New Brunswick" and undoubtedly I was correctly reported. It was a mere slip of the tongue, however, and I wanted to make this explanation because the conversation I had was with the governor of British Columbia and not with the governor of New Brunswick.

### PETITIONS AND MEMORIALS.

Mr. PAYNE presented petitions of citizens of St. Mary's, Pagetown, and Morrow, in the State of Ohio, praying for the submission of a constitutional prohibitory amendment; which were ordered to lie on the Mr. TURPIE presented a petition of citizens of Dublin, Ind., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and de-

partments, reported it with amendments.

He also, from the Committee on the Library, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered

to be printed.

He also, from the Committee on the Library, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropria-

tions, and ordered to be printed.

Mr. EDMUNDS. I report from the Committee on the Judiciary an amendment we intend to propose to the sundry civil appropriation bill, which I ask may be printed and referred to the Committee on Appropriations. I ask that it be read.

The PRESIDENT pro tempore. The proposed amendment will be

The Secretary read as follows:

For the payment to Mrs. Amelia C. Waite, widow of the late Chief-Justice of the United States, the balance of one year's salary of the Chief-Justice, \$8,745.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Appropriations and printed, if there be no objection.

Mr. HARRIS, from the Committee on Epidemic Diseases, reported

an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, asked a conference with the Senate on the disagreeing yours of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the two Houses thereon and had consisted Management of the United States for the fiscal years and the same of the United States for the fiscal years and the same of the United States for the fiscal years and the same of the United States for the fiscal years and the same of the United States for the fiscal years and the same of the United States for the fiscal years and the same of the United States for the fiscal years and the same of the United States for the United States for the fiscal years and the same of the United States for the Un disagreeing votes of the two Houses thereon, and had appointed Mr. McCreary, Mr. Hooker, and Mr. Hitt managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved Feb-

ruary 4, 1887.

The message further announced that the House further insisted upon its amendments to the said bill, numbered 3 and 7; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Crisp, Mr. Anderson of Iowa, and Mr. O'NEILL of Pennsylvania managers at the further conference on the part of the House.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted amendments intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HISCOCK, Mr. PADDOCK, and Mr. TELLER submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, and asking a conference with the Senate on the disagreeing votes thereon.

On motion of Mr. HALE, it was

Resolved. That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President pro tempore.

The PRESIDENT pro tempore appointed Mr. Hale, Mr. Allison, and Mr. Cockrell.

# INDEBTEDNESS OF PACIFIC RAILROADS.

The PRESIDENT pro tempore. The Senate resumes the consideration of the unfinished business, being Senate bill 3401.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Patrice of t cific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to

amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The PRESIDENT pro tempore. The bill will be read at length.

Mr. FRYE. I ask unanimous consent that as the bill is read section by section certain amendments, merely of form, may be made.

The PRESIDENT pro tempore. The Chair hears no objection to that course. The reading will proceed.

The Chief Clerk read section 1.

Mr. FRYE. I move in section 1, line 10, to strike out "eight" and insert "nine;" in line 28, to strike out "eight" and insert "nine;" in line 32, to strike out "eight" and insert "nine;" in line 35, to strike out "eight" and insert "nine;" and in line 45, to strike out "eight" and insert "nine."

The PRESIDENT pro tempore. The section as proposed to be

amended will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amounts of the respective indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Central Branch Union Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches as of the 1st day of July, 1859, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofore repaid by credits on account thereof, were to be paid to the United States in cash on said day. And the said sum shall be computed and ascertained as follows:

First. To the whole of the principal of said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity, if no payments or reimbursements had been made thereon by the companies.

Second, From said amounts so ascertained shall be deducted any payments or reimbursements made by any of said companies upon their indebtedness at any time before the 1st day of July, 1889, as shall appear in the bond and interest accounts of the said companies, respectively, with the United States.

Third, Compute the present worths of the amounts so found as of the 1st day of July, 1889. From the sums so ascertained there shall be deducted the amounts in the sinking fund applicable to the said companies, respectively, computing the value of any bonds in said sinking fund at their market value at the time of such computation as estimated by the Secretary of the Treasury, and said sinking fund shall thereupon be applied as a payment upon the debt of such company to the United States.

The Chief Clerk read section 2.

The amendments were agreed to. The Chief Clerk read section 2.

Mr. FRYE. I move, in section 2, line 9, to strike out "eight" and insert "nine;" in line 1, to strike out the word "said" before "Union;" in line 2, before the word "Union," to insert "said;" in line 33, after the word "Government," to insert:

Nor to prevent said company from selling and conveying for valuable consideration any lands legally included in the land grant and applying the proceeds thereof as required by the provisions of any mortgages or liens thereon prior to the mortgage given under this act.

And in line 39, after the words "so disposed of shall," to insert except as hereinbefore provided."

The PRESIDENT pro tempore. The Secretary will report the section as proposed to be amended.

The Chief Clerk read as follows:

as proposed to be amended.

The Chief Clerk read as follows:

SEC. 2. That the Union Pacific Railway Company, successor to the said Union Pacific Railroad Company, and the Kansas Pacific Railway Company, and the said Central Branch Union Pacific Railroad Company be, and they hereby are, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, each its certain indenture of mortgage, which shall bear date the 1st of July, 1859, covering and embracing the entire property of such company, real, personal, and mixed, including all the right, title, and interest of such company in any stocks, bonds, or securities or lands of any branch lines or auxiliary companies in which such company now has any interest; and all railroads now owned or hereafter acquired or constructed by such company, and all the franchises, telegraph lines, rolling stock, fixtures, and property of every kind and description, as well as that which it, its successors, or assigns may hereafter acquire, subject to any bona fide, lawfully prior, and parameunt lien, claim, or mortgage upon any railroads now owned by such company, or upon any railroad which such company may acquire. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which, when approved by him, shall be filed in his office, and such mortgages and the property therein described shall be held as security for the payment of the principal and interest of the bonds issued thereunder and authorized by this act. But this section or such mortgage shall not be construed to prevent said company from using and disposing of any of its property or assets in the ordinary, proper, and lawful course of its current business in good faith and for valuable consideration, and not in violation or diminution of the security and lien of the Government, nor to prevent said company from selling and conveying for valuable cons

The amendments were agreed to.

Mr. FRYE. In section 3, line 7, I move to strike out "eight" and insert "nine."

The PRESIDENT pro tempore. The section as proposed to be amended will be reported.

The Chief Clerk read as follows:

The Cinet Clerk read as follows:

SEC. 3. That each of said companies is hereby authorized to make, execute, and issue under its mortgage aforesaid, its bonds in an amount equal to the present worth of its debt to the United States ascertained as above provided, each of which bonds shall be for the principal sum of \$1,000, and shall be payable within fifty years after the 1st day of July, 1889, and as hereinafter provided; said bonds shall bear interest at the rate of 3 per cent. per annum, payable semi-annually on the 1st days of January and July of each year, and shall, at the time of execution and delivery of the said mortgage, be delivered to the Secretary of the Treasury, and shall be received by and on behalf of the United States in provisional payment of the bonds issued by the United States to said companies as mentioned in section 1 of this act.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of sec

Mr. FRYE. In lines 4 and 5 of section 4, where it is provided that the Union Pacific Railway Company shall execute and deliver its mort-Mr. FRYE. gage and bonds for the debts of the Union Pacific Railroad Company to the United States and the debt of the Kansas Pacific Railway Company, there should be a comma after the word "company," in line 4.

The PRESIDENT pro tempore. The comma will be inserted.

Mr. FRYE. Then I move to amend, in line 14, by striking out "1889" and inserting "1890;" in line 19, by striking out the word "four," after "ninety" and inserting "five;" in line 25, by striking out "1899" and inserting "1900;" in line 31, by striking out "1909" and inserting "1910," and in line 37, by striking out "1929" and inserting "1930."

The PRESIDENT pro tempore. The section will be read as proposed to be amended.

The Chief Clerk read the section as proposed to be amended, as fol-

The Chief Clerk read the section as proposed to be amcaded, as follows:

Sec. 4. That the Union Pacific Railway Company shall execute and deliver its mortgage and bonds for the debts of the Union Pacific Railway Company to the United States, and the debt of the Kansas Pacific Railway Company, and the Central Branch Union Pacific Railwad Company shall execute and deliver its mortgage and bonds for its debt to the United States; and the said bonds of each company shall be numbered consecutively from one to a number which will include the whole amount thereof, and shall be payable in lawful money of the United States. So long as any of said bonds belong to the Government each of said companies shall semi-annually, on the 1st days of January and July of each year for a period of five years, commencing on the 1st day of January, 1890, pay to the Secretary of the Treasury of the United States, in addition to the interest which shall then be due on its indebtedness, one-tenth of 1 per cent. of the whole sum for which it gave its bonds and mortgage as herein provided; and for a period of five years, commencing on the 1st day of January, 1895, each of said companies shall semi-annually pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, one-half of 1 per cent. of the whole sum for which it gave its bonds and mortgage as herein provided; and for a period of ten years, commencing on the 1st day of January, 1900, each of said companies shall semi-annually pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, one-half of 1 per cent. of the whole sum for which it gave its bonds and mortgage as herein provided; and for a period of twenty years, commencing on the 1st day of January, 1910, each of said companies shall semi-annually pay to the Secretary of the Treasury, in addition to the interest which shall then be due on its indebtedness, 2 per cent. of the whole sum for which it gave its bonds and mortgage as h

The amendments were agreed to. The Chief Clerk read as follows:

The amendments were agreed to.

The Chief Clerk read as follows:

SEC. 5. That the mortgage aforesaid shall contain a covenant, providing that in the event of any default continuing for ninety days in the regular payment of interest on the said bonds, or of the payments of principal required by this act, the entire debt due to the United States shall immediately mature at the option of the President of the United States, and shall also contain such other terms and stipulations in conformity with the provisions of this act as may be deemed necessary to efficiently secure the said bonds and as may be approved by the Secretary of the Treasury of the United States. The said mortgage shall be delivered to the Secretary of the Treasury, and upon the delivery thereof it shall be a valid and subsisting mortgage of all the property of said company, real, personal, and mixed, embraced, covered, or required by the terms of this act; and such delivery shall have all the effect of recording the same in any place. Said mortgage, or a copy thereof, certified by the Secretary, shall at all times be open to public inspection under such rules and regulations as the Secretary may prescribe. And for the greater publicity of the contents of said mortgage, a copy thereof, certified by the Secretary of the Treasury, shall, as soon as may be after its delivery, be deposited with and recorded by each of the clerks of the circuit court of the United States in the States, and the clerks of the supreme courts of the Territories of the United States in which the roadbed, or any part thereof, of said company is situated, which copies and records shall at all times be open to public inspection. All such copies and the recording thereof shall be at the expense of said company.

Sec. 6. That the statutory lien created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds, and the interest thereon, as set forth in said

fed, and discharged of record. That whenever, in the opinion of the President of the United States it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect to its lien, mortgage, or other interest in any of the property of the several companies named in the first section of this act, upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable president, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made: Provided, That whenever it shall so become necessary for the United States hall therefore or other incumbrance in respect of which such payment shall have been made: Provided, That whenever it shall so become necessary for the United States shall therefore or the Treasury may such paramount incumbrance as aforesaid, the Secretary of the Treasury may such paramount incumbrance as foresaid, the Secretary of the Treasury may such paramount incumbrance as foresaid, the Secretary of the Treasury may such paramount incumbrance as foresaid, the Secretary of the Treasury may such paramount incumbrance as foresaid, the Secretary of the Treasury may such paramount incumbrance as aforesaid, the Secretary of the Treasury may such paramount incumbrance as aforesaid, the Secretary of the Treasury in the such payment shall have been made to make such repayment, with all costs, expenses, and interest thereon within six months after being notified so to do, the whole indebtedness of all companies and the payment of or refund any of its indebtedness and the rights of the United States, become due and

Section 10 was read.

Mr. FRYE. In line 25, section 10, I move to strike out "8" and and insert "9;" so as to read "1889."

The amendment was agreed to.
The section as amended reads as follows:

The section as amended reads as follows:

SEC. 10. That this act shall take effect as to the said companies and their branches, respectively, as hereinbefore described, upon the acceptance of its terms by their boards of directors in writing, over their corporate seals, signed by their presidents and attested by their secretaries, respectively, being filed or deposited with the Secretary of the Treasury within one month after the passage of this act, subject, however, to the completion of the settlement and adjustment in this act proposed and provided; but any company which shall not so file its acceptance shall take no benefit from this act. Upon the filing of said acceptance, and the execution and delivery of the mortgage and bonds referred to in the second and third sections of this act to the Secretary of the Treasury, he is authorized and directed to sell any securities held in the sinking fund for said company so accepting and pay the proceeds of such sale to the amount of their value, as estimated under the first section of this act, into the Treasury of the United States. Any excess realized from such ale above the value of such securities, as estimated under the first section of this act, shall be paid to the said company; any deficiency below such value shall be paid by the said company upon demand made by the Secretary of the Treasury after such sale. The adjustment provided for by this act and the delivery of the said bonds and mortgages shall be completed on or before the 1st day of November, 1889. November, 1889

The Chief Clerk read as follows:

The Chief Clerk read as follows:

SEC. 11. That either of said companies may, at any time after the execution and delivery of their said bonds, but only so long as said bonds are held and owned by the United States, pay any portion of said bonds by paying the amount thereof together with the accrued interest thereon to the Secretary of the Treasury, who shall thereupon cancel the bonds so paid and deliver the bonds so canceled to the said company. No bonds so canceled shall be reissued, nor shall other bonds in lieu thereof be issued by the said company. But the Secretary of the Treasury may, by direction of the President of the United States, sell said bonds (but not less than the whole amount thereof) which may be unpaid at any time, for not less than their full face value and accrued interest thereon, and the purchase price shall be paid in lawful money of the United States; and such sale shall in no way bind the Government for the fulfillment of any of the obligations of said company with regard to the payment of said bonds, or in any other manner whatever.

SEC. 12. That the acceptance of the provisions of this act by said companies,

respectively, shall operate as a continuing authority from said company to the Altonopy-fale sheared of the United States, and each of this moscoscops in office, to proceed in the name of the said companies, respectively, by appropriate process of alwo or in equity, or both at law and in equity, against any and all persons who are or may be answerable to said corporation or to the United States as tockholders, subscribers to stock, discress, agents, or employés [past of duty to said corporation or violation of the criminal law or for or by reason of any misappropriation of assets or of property of said corporations, respectively, or for any other cause properly remediable at the instance of said corporations, respectively, or at the instance of the United States. Should any he placed to the credit of the proper company as payment on account on its highest numbered bond or bonds outstanding under the provisions of this set. Upon the acceptance of the provisions of this act, the Attorney-General of the United States shall forthwith proceed to institute, and so long as the United States thus to proper proceedings at law or in equity, or both at law and in equity, as shall be necessary to determine whether any stockholder or stockholders of said companies or either of them, officers, agents, or employes, past or present, or other parties have been guilty of any crime punishable by respond to said company by reason of any violation of duty therete, misappropriation of assets, or other wrong properly remediable at the instance of said corporation, and said Attorney-General for the time-being, and his successor of successors in office, sail prosecute said proceeding or proceedings is final judge provisions of the act, of slid to complete the settlement and adjustment and the violation of said successor of the act, of slid to complete the settlement and adjustment and the violation of said states and the united States under the corporation of said states and the said and company shall, on said day in each year, pay int

ness and accounts of the said road to the Secretary of the Interior, who shall transmit the same to Congress.

SEC 14. That as to such companies as shall accept the provisions of this act and in the manner and within the time herein provided, from and after the completion of the said adjustment and settlement, all provisions of law relating to the appointment of Government directors shall be, and the same are hereby, repealed, and the said office hereby abolished, and all provisions of law relating to the collection of any porcentage of net earnings, and to the withholding or application of any moneys due or to become due from the United States for any services rendered by the said company or any of its branches or auxiliaries or leased lines other than as herein provided, are hereby repealed, and all such amounts shall (provided the said company shall not be in default in the payment of the interest on the bonds or in the payments required by this act) be paid to the said company as soon as such amounts shall have been ascertained and audited. And all provisions of law forbidding the said company from mortagging or pledging its property shall be repealed, and the company shall, after the acceptance of the terms of this act as herein before provided, have and possess all the usual powers of borrowing money on its credit or or security of any of its assets, or of constructing or extending its railway, or of acquiring for such purpose title to land by condemnation proceedings, and such other powers as are or may be granted to and exercised by railway corporations in the respective States and Territories in which the said railway is or may be situated.

Section 15 was read.

Section 15 was read. Mr. FRYE. In line 10 of section 15, I move to strike out "8" and insert "9;" so as to read, "1889."

The amendment was agreed to.

The section as amended reads as follows:

SEC. 15. That it shall be the duty of the Attorney-General to cause the pro-

visions of this act to be enforced, and he shall take all steps needful to that end, and shall make report to the President each year, or oftener, thereon, which report shall be laid before Congress. And until the settlement and the execution and delivery of the bonds and mortgage in this act provided for shall be completed, all existing provisions of law relating to said companies, respectively, shall remain in force; and on and after the said ist day of July, 1889, section 13 of this act shall, if said settlement fail to be completed, take effect.

Section 16 was read, as follows:

Sec. 16. That this act and each and every provision thereof shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862, and of said act of 1878, respectively, and of all of said acts; nor shall anything in this act be construed or taken in any wise to affect or impair the right of Congress, at any time hereafter, further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States. This act shall be published and printed as a public act, and in all proceedings may be cited as such.

Mr. MITCHELL. I believe there is a report in this case. Is there

There is.

Mr. MITCHELL. I should like to hear it read.
The PRESIDENT pro tempore. The report will be read.
Mr. FRYE. Before the report is read I wish to say just a word or

The special committee on the Pacific railroads and the funding of their debt to the United States was appointed by the Presiding Officer of the Senate early in the last session of Congress, and it entered immediately upon the performance of the duty assigned to it. We had quite a number of hearings early in the session. At those hearings all parties in interest were notified to be present, and I think at all of them the Government directors, or some of them, also the United States Railroad Commissioner, also the commissioners appointed by the President to consider this subject and report, and also the attorneys for the Pacific Railroad companies were present. Two of the commissioners appointed by the President gave their views at length before the committee. I think the Railroad Commissioner of the United States was mittee. I think the Railroad Commissioner of the United States was present at every hearing. Mr. Adams, in behalf of the Union Pacific Railway, gave his views. So did one or two attorneys for the Union Pacific Railway Company; so also did one or two attorneys for the Central Pacific Railroad Company,

The committee gave a full and careful hearing and came to an entirely unanimous conclusion. They regarded the matter submitted to them as one purely of business in which there was no sentiment whatever. They looked upon these Pacific railroads as debtors to the United States in very large sums of money which they could not pay at many

States in very large sums of money which they could not pay at maturity, and the question practically submitted was, what under the circumstances should be done to make the ultimate payment of the debt to the United States certain, and also to make the payment of that debt more secure, if possible, than it is at present? These matters the committee considered with care, and they came to a unanimous conclusion in relation to these.

I could not in a speech by any possibility state the facts in this case so concisely as they are stated in the report made by the committee, and therefore I should like Senators who are present to listen to the report, as it gives facts that are very important in the consideration of this exceedingly important matter, and until I get tired of it, if the Presiding Officer will permit me, I will read the report.

Mr. MITCHELL. Before the Senator proceeds to read the report in

this case, I desire to submit a motion, or rather give notice of an intended motion. I ask that it may be read and lie over, and I give notice that at the proper time I shall move the resolution, it being a motion to recommit the bill with instructions.

The PRESIDENT pro tempore. The resolution will be read.

Mr. FRYE. Is this the amendment which was offered by the Senator

from Oregon?

Mr. MITCHELL. No, sir; it is not an amendment, I will state to the Senator from Maine, the chairman of the committee. It is a mo-tion proposing to recommit the bill to the select committee with instructions to include such proposed legislation as in their judgment they think is proper, covering the whole controversy of all the Pacific rail-roads involved. I simply present it now for the information of the Senate, and give notice that at the proper time I shall move it and ask for a vote on it.

Mr. FRYE. Does the Senator desire to have it read?

Mr. MITCHELL. I should like to have it read now in order that

may appear in the RECORD at this point.

The PRESIDENT pro tempore. The proposed resolution will be

The Chief Clerk read as follows:

Resolved, That the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, with the accompanying report, No. 1950, first session Fiftieth Congress, be, and the same is hereby, recommitted to the select committee on the President's message transmitting the report of the Pa-

cific Railway Commission, with instructions to include in said bill such proposed legislation as in the judgment of such committee is proper, providing for the ascertainment of the amount of the indebtedness to the Government justly payable, due and to become due, by the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, in respect of the bonds of the United States heretofore issued to aid in the construction of the Central Pacific and the Western Pacific Railroads, and for the proper security and funding of the same.

The PRESIDENT mental property of the proper security and funding of the same.

The PRESIDENT pro tempore. Shall the report be read?

Mr. FRYE. Mr. President, one word before the report is read. The Mr. FRYE. Mr. President, one word before the report is read. The Central Pacific Railroad Company is not included in the bill reported by the committee. The attorneys for that road appeared early during the hearings the committee were holding, and they did not seem to manifest any great desire for a settlement with the United States.

NOTICES OF BUSINESS.

Mr. CHANDLER. If the Senator from Maine will allow me, I desire to give notice that to-morrow at the close of the morning business I shall move that the Senate proceed to the consideration of the resolution for the investigation of the Louisiana election.

Mr. FRYE. I was saying—
Mr. HOAR. I should like to understand the notice that was given

by the Senator from New Hampshire.

Mr. CHANDLER. That to-morrow upon the close of the morning business I shall move that the Senate proceed to the consideration of the resolution for the investigation of the Louisiana election, now upon the Calendar.

Mr. HOAR. The report which was made this morning on the case in Washington County, Texas, by the Committee on Privileges and Elections, was made by the Senator from New York [Mr. EVARTS]. I have not had an opportunity to confer with him on this particular point, but it was the understanding that that Senator would call up the resolution reported by him at the earliest convenient day, and I supposed many of the considerations that would apply to the resolution of the Senator from New Hampshire so far as regards considerations of a general character would apply also to this resolution, which is the result of an investigation by the Committee on Privileges and Elections of a transaction of the same general character, being what I suppose to be a series of crimes instituted for the sake of preserving the ascendency of the Democratic party in that State and region. If the Senator from New Hampshire brings up his resolution to-morrow morning I shall probably desire to move that that be taken up for ac-

tion at the same time to save repetition in the argument.

Mr. CHANDLER. If the Senator from Maine will allow me a word further, I have no objection, of course, to have the resolution which the Senator from Massachusetts speaks of taken up at the same time, or directly after the resolution for the investigation of the Louisiana

election is disposed of.

I also take occasion to suggest that after the resolution for the investigation of the Louisiana election is disposed of, I shall ask the Senate to take some action upon the resolution submitted by the Senator from Louisiana [Mr. GIBSON] on the 20th day of December, 1888, for the appointment of a select committee to inquire into the state of suffrage throughout the United States, which I think ought to be disposed of at that time.

Mr. SPOONER. I desire to say to the Senator from New Hamp-shire, if I may be permitted, that to-morrow, when this subject is laid before the Senate, I shall move to refer the resolution offered by the Senator from Louisiana [Mr. GIBSON] to the Committee on Privileges

and Elections

Mr. DAWES. I desire to give notice that immediately after the morning business to-morrow, or as soon thereafter as I can obtain the consent of the Senate, I shall call up for action the House bill establishing a court for the consideration of Indian depredation claims. It is a bill in which very many Senators are interested, and the commit-tee who have reported it have been pressed to call it up at the earliest time. It will be for the Senate, of course, to decide between that bill and the action suggested by the Senator from New Hampshire. It seems to me to be of so much importance that I am justified in asking the Senate to determine between the two measures.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. Allison], who is not now present, gave notice that to-morrow he would call up the legislative, executive, and judicial appropriation bill.

INDEBTEDNESS OF PACIFIC RAILROADS.

Several SENATORS. Regular order.

The PRESIDENT pro tempore. Senate bill No. 3401 is the regular

Mr. FRYE. Mr. President, after hearing the attorneys for the Cen-Mr. FRYE. Mr. President, after hearing the attorneys for the Central Pacific Railroad Company it was entirely apparent to the committee that there was no parallelism between the cases of the two roads; that one, the Union Pacific, was entirely solvent, and could make a settlement with the United States by which the payment of the debt should be made absolutely certain, just as certain at any rate as anything human can be, and not only that, but could secure by a very large increase of security the new promises to be made by that company; and the Union Pacific could do this in fifty years. It was apparent that the Central Pacific Railroad Company could not submit to

a settlement which should be demanded within that time of fifty years, nor could it give any such security as the Union Pacific Company could. Therefore the committee determined to proceed from that point forward with the consideration of the Union Pacific alone, and did so, and

made a report accordingly, and reported a bill carrying out their views.

At the present session of Congress, about a month since, the question of the Central Pacific Railroad settlement was again raised by Mr. Huntington, the president of that company. A meeting of the committee was called, and he appeared and presented at that time the bill which was offered by the Senator from Oregon [Mr. MITCHELL] as a substitute for this bill, which added to the present bill under consideration some ten or twelve sections providing for a settlement with the Central Pacific Railroad Company. Since that time Mr. Huntington has appeared again, and day before yesterday I received from him another amendment changing considerably the character of the one which the Senator from Oregon offered, and I have called a meeting of the committee for to-morrow morning to consider that matter.

Mr. MITCHELL. I will state right there that the amendment I offered was a House bill that had been introduced in the other House

some time ago.

Mr. FRYE. But not considered by a committee,

Mr. MITCHELL. It was not acted upon.

Mr. FRYE. I am not speaking for the committee now. It seems to me that these matters can be settled in separate bills a great deal better than they can by any one bill uniting the two roads. nize that there is an immense difference between the situation of the Central Pacific and the Union Pacific, and that very much more lenity must inevitably be granted to the Central Pacific than to the Union Pacific; that if the Government ever expects to get its debt from the Central Pacific it must give a very long time in which the payments shall be made.

Mr. MITCHELL. I suppose the chairman of the committee will agree that the condition of affairs with reference to the Central Pacific, so far as the rights of the Government are concerned, is much worse than it was ten years ago, and he will also concede, I have no doubt, that it will be getting worse from day to day the longer the question is put off.

Mr. FRYE. I do not know about that. I think they are in a worse condition to-day than they were ten years ago. Whether they will be

still worse ten years from now or not I do not know.

Now I will have the report read. I intended to have read it my Now I will have the report read. I intended to have read it myself, but as a very large number of Senators have taken a recess I will let the Chief Clerk, if he will be kind enough, read it in my stead.

The PRESIDENT pro tempore. The reading will proceed.

The Chief Clerk read the report submitted by Mr. Frye July 31,

1888, to accompany bill S. 3401, as follows:

The PRESIDENT pro tempore. The reading will proceed.

The Chief Clerk read the report submitted by Mr. FRYE July 31, 1888, to accompany bill S. 3401, as follows:

The select committee to which was referred the message of the President of the United States transmitting the reports of the commissioners appointed by the President to examine into the affairs of the Pacific railways, with the accompanying reports and documents, have had the same under consideration and beg leave to submit the following report:

The relations between the Government and the Pacific railways which received aid from the United States have engaged the attention of Congress for many years, and a brief recapitulation of legislative history may make the present position of the question clearer to the Senate.

The original acts of Congress under which the subsidy bonds were issued to the Pacific railways (act of July 1, 1862, secs. 5, 6, U. S. Stat., vol. 12, pp. 492, 493; act of July 1, 1864, sec. 10, U. S. Stat., vol. 13, p. 360) made the grant expressly "upon condition that said company shall pay said bonds at maturity," and required no payment before that time except such as should be made by the application of one-half of the compensation for services rendered for the Government by the companies and the annual payment of 5 per cent. of the net earnings of the roads.

This requirement was undoubtedly considered sufficient in the light of the facts then before Congress. According to the report of the Secretary of War made under date of March, 1852, the average cost to the Government for the five years previous of transporting the mails, troops, and munitions of war between the Atlantic and Pacific coasts and intermediate points was on an average \$7,300,-311, a year. Half this sum would have more than paid the amnual interest on the subsidy loan, leaving the 5 per cent, of net earnings to be applied in extinguishment of the principal debt. The expectations of Congress ware the Atlantic and Pacific constanting the administration of the Unio

every year. The phrase "net earnings" in this connection did not mean "net profits," but was used arbitrarily to describe the balance left after deducting certain specified expenses from the gross earnings. Other large expenses, such as the interest on all their indebtedness except their first-mortgage bonds, were not deducted in determining this balance, and the act did not apply to the Kansas Pacific, Central Branch Union Pacific, or Sioux City and Pacific Companies.

Companies.

The Thurman act took effect June 30, 1878. Its framers based their calculations upon the assumption that the fund would increase at the rate of 6 per cent. annually through the compounding of interest, but the reduction in the rate of interest which followed the refunding measures of 1879, and the rise in the price of United States bonds, in which alone the sinking fund could be invested, defeated these expectations, and the result is that the sinking fund today would be almost as large if the money paid in by the companies had remained uninvested and earning no interest.

The premium on bonds called and bonds remaining in the sinking fund December 31, 1887, exceeded the interest received from such bonds by the sum of \$715,282.09, as appears by the following statement:

Bonds in sinking fund, at par	\$6, 273, 650, 00 7, 816, 273, 07
Premiums	1,542,623.07 827,340.98
Excess premiums	715, 282. 09

If the securities are now sold the loss of premiums, except that which has already occurred on bonds which have been called (about \$58,000), will be avoided. If they are held a large loss is inevitable.

The fact that the act would fail to produce the results desired was discovered almost at once, and under date of February 21, 1879, the Secretary of the Treasury, in a letter to the Speaker of the House of Representatives, suggested the importance of amending the act by allowing greater discretion in the investment of the fund. This recommendation was repeated by him on December 8, 1879, in a letter submitting a draught of a joint resolution giving such authority, and again on June 14, 1880. The auditor of railroad accounts, in his report for 1879, made the same recommendation and repeated it in his report for 1880. In 1881 and 1882 the Commissioner of Railroads urged the necessity for such an amendment and argued from the figures in support of his suggestions, going so far, in 1882, as to say:

far, in 1882, as to say:
"The fund has evidently not accomplished the result anticipated, and since
April, 1881, may be regarded as having practically failed for want of suitable
investment."

amendment and argued from the figures in support of his suggestions, going so far, in 1882, as to say;

"The fund has evidently not accomplished the result anticipated, and since April, 1881, may be regarded as having practically failed for want of suitable investment."

In this last-mentioned report the Commissioner urged the advisability of entirely abandoning the method adopted by the Thurman act, and substituting a system of the method adopted by the Thurman act, and substituting a system of the method adopted by the Thurman act, and substituting a system of the method adopted by the Thurman act, and substituting a system of the method adopted by the Thurman act, and substituting a system of the company to give one hundred interest-bearing bonds for the amount found due July 1, 1833, one bond maturing at the end of each six months. The reasons for the recommendation are given by him at great length. In his reports for 1883 and 1881 he renewed this recommendation, and again supported it by argument.

At the first session of the Forty-eighth Congress it became apparent that some change in the law was necessary, and the House of Representatives passed a bill, reported by a majority of the Committee on Pacific Railroads, amending the Thurman into the sincing fund.

In the Senate a bill was reported by Mr. Garland from the Judiciary Committee, which is mustance provided for the payment of the debt due from the Central Pacific Railroad Company in one hundred and twenty semi-annual installments. At the second session of the Forty-eighth Congress this bill was referred back to the Judiciary Committee and amended so as to embrace all the aided railroads. In substance this bill fixed the sum which, if paid in eash on April 1, 1855, allowing interest at 3 per cent, payable at maturity, one of these bonds to be payable at the end of each six months thereafter. Under this scheme the semi-annual payment gradually increased. This bill was amended so as to make the entire summan payment gradually increased. This bill was a

Z-100 O B ZHE B SO (A)	Union Pacific and Kansas Pacific,	Central Branch Union Pacific.
Principal to be paid at maturity	\$33, 539, 512, 00 59, 304, 778, 94	\$1,600,000.00 2,826,608.26
Total principal and interest at maturity	92, 844, 290. 94	4, 426, 608. 26
Bond and interest account, November 1, 1887, i. e., payments made by one-half transportation and 5 per cent. net earnings Estimated addition to July 1, 1888 Remainder at maturity	15, 440, 891, 94 335, 400, 00 77, 067, 999, 00	316, 124, 12 6, 900, 00 4, 103, 584, 14
There was in the sinking fund belonging to the Railway Company on November 1, 1887, taking their then market value.  (Report of Commission, page 16.)  The estimated addition to the fund between and July 1, 1888, is, say	November 1, 18	at \$7,784,084.32
So that if no further payments were to be made either on bond and interest account or into and no interest were to accrue on the latter	the sinking fur , the Governme	nd,
would have a claim against the Union Paci pany at the maturity of the subsidy debt amo The present worth of this debt, ascertained in the	ounting to ne manner point	68, 837, 914. 68
out in the bill herewith reported, is about		

Mileage of subsidized and unsubsidized railroad of the Union Pacific Railway Com-

Mileage of Union Pacific Railway Company, excluding branch lines and Omaha bridge (see Report of Commission, page 4)	1,815.57
(see Report of Commission, pages 5, 194, and 185), Omaha bridge included	*1,430.11
Milegge of unsubsidized line free from the lies of the United States	

Omaha bridge included ...... Estimated value of security now held by the United States as protection for debt due it.

resent value of debt due the United States, as fixed by the committee's bill, secured by lien on 1,430,11 miles of subsidized rail-

Amount of bonds secured by first mortgage on 1,430.11 miles of subsidized rallroad

86, 482, 000, 00

Balance: Excess of indebtedness over present security .....

Balance: Excess of indebtedness over present security...... 29,282,000.00

This security does not include the branch lines nor the valuable terminals at Omaha, Ogden, Kausas City, and elsewhere.

To quote the language of Commissioner Anderson in his statement before the committee:

"The present security of the United States consists, as was stated to you last Saturday, of about 1,420 or 1,430 miles of railroad, beginning some 3 miles west of the Missouri River, and extending on that line (as you will see by the map before you, the upper line of the Union Pacific Railway Company) to a point 5 miles west of Ogden, and supplemented by a line on what was formerly known as the Kansas Pacific, commencing about half a mile west of Kansas City and extending to the point indicated by the cessation of the red line, the red line being the color on that map used to indicate the subsidized portion, and the point where the red line terminates being 333 miles and a fraction from Kansas City. \* \* \*

\*1,426 for subsidized mileage is incorrect.
See Report of Commission, page 195. The table there given is incorrect.
† The Omaha bridge bonds are not included here, the 1,430.11 miles not including the mileage of the bridge.
† The report of the minority commissioner variously estimates the value of the security as \$102,385,496 and \$41,657,500. (See Commissioners' Report, pages 195 and 196.) The engineer appointed by the commission estimates the value of the entire system, including branches, at \$150,000,000. (See Commissioners' Report, page 11.) This shows that the larger of the estimates of the minority commissioner must be rejected, as Governor Pattison readily concedes. (See Commissioners' Report, pages 196 to 199, inclusive.)

thing except the obligation of the company to which it can look for a payment of its debt.

thing except the obligation of the company to which it can look for a payment of its debt.

"The road I have described measures about 1,400 miles, and, " " according to the statement of the officers of the company, they consider that 1,400 miles of road, with its sidings and station-houses, its equipment and the advantage gained by the integration and adaptation of twenty years of ballasting and growth, and establishment for business purposes, as worth \$40,000 a mile, and they state its approximate value at \$80,000,000, and that the mortgage debt precedes the lien of the United States and is \$33,000,000, the United States has as its present security a statutory equity of \$28,000,000."

In short, the subsidized part of the Union Pacific Railroad proper begins west of the terminals at Manasa City and ends in a prairie 394 miles west. The Government lien covers a part of the Irunit, but not the whole, and it covers none comment lien evers a part of the Irunit, but not the whole, and it covers none comment lien evers a part of the Irunit, but not the whole, and it covers none comment lien evers a part of the Irunit, but not the whole, and it covers none comment lien evers a part of the Irunit, but not the whole, and it covers none comment in the statutory lien were held by individuals it is clear that its security would be almost valueless. The inability of such holders, on foreelosure, to control the adjoining connections, or to control the branches, would render it remement has the advantage of unlimited power and could, under a forcelosure of its lien, take and hold so much of the railway as is subject thereto. But for many reasons this is a result which can not be desired by any intelligent legislator. There are to be found advocates of governmental operation of the railway system of the whole country, but we think we may assume that it would way system of the whole, and the substance of carrying passengers and freight in competition with numerous and well-way as the substance of the railway country is consider

our committee think that the bill fully protects the interests of the United States.

If this settlement is adopted the following advantages are secured:

First. All controversies between the United States and the companies, such as have occurred under existing laws, are terminated.

Second. All questions as to the investment of the sinking fund are ended, as the United States at once receives this large sum on account of the subsidy debt, and is relieved from all trust obligations to the company.

Third. The United States will receive before the debt matures, in addition to the sinking fund, which at the valuation of November 1, 1887, was \$7,734,083, not less than \$2,647,500, making a total payment of principal before maturity of \$10,381,583, and will also receive interest on the entire debt every six months, the total payment of interest during the same period amounting to \$12,255,767.

Fourth. The United States will receive a very large amount of additional security, which insures the ultimate payment of the whole debt.

The following tables will show of what this security consists. The values which appear therein are those given by the officers of the company and coincide with the valuations made by the experts employed by the Pacific Railway Commission to the extent indicated by the references to the commissioners reports. These valuations would make the value of the new security which the United States will receive about \$70,000,000.

Mr. Anderson, one of the commissioners, in his statement before the committee, estimated the additional security as worth about \$55,000,000, and somewhere between these estimates perhaps lies the truth; but your committee have not considered it necessary to decide which is more nearly correct, as in any event the United States will receive everything that the company has, and whatever the value, nothing more can be had. The United States will have a mortgage on a whole system with all its equipments and property, and there will be no alternative hereafter for the stockholder

it clear that the United States can not institute proceedings in its own name to recover what the company has lost, and that the company alone can bring the

recover what the company has lost, and that the company alone can bring the necessary suits.

The bill therefore adopts the only possible course when it compels the company, as a condition of settlement, to allow the use of its name, and directs the Attorney-General to bring whatever suits he may think proper to recover anything that belongs to it. He has control of the suits, and the Government is to receive as payment on account whatever may be recovered. In this way alone can the legal obstacle to proceedings be removed, and while your committee do not undertake to say that these suits can be prosecuted successfully, they are satisfied that Congress can go no further than to direct the commencement of legal proceedings, as is done in this bill.

Believing, therefore, that the bill secures the payment of the debts due from the companies to which it relates, and that it makes all the provision possible for the punishment of those who are charged with having illegally enriched themselves at the expense of those companies, they recommend its adoption by the Senate.

WM. P. FRYE. H. L. DAWES. FRANK HISCOCK. C. K. DAVIS. JNO. T. MORGAN, M. C. BUTLER. GEORGE HEARST.

15, 300, 000, 00 2, 000, 000, 00

69,000,000.00 158, 900, 000, 00

32, 600, 000, 00

10,000,000.00

201, 500, 000.00

106, 846, 927.00

95, 153, 073, 00 52, 950, 000, 00

71, 485, 073, 00

15, 400, 000, 00 15, 300, 000, 00 2, 000, 000, 00 32, 600, 000, 00

65, 300, 000, 00

Mr. FRYE. I should like to have the two pages of the appendix which give the additional security the United States will receive read. The PRESIDENT pro tempore. The portion of the appendix designated by the Senator from Maine will be read.

The Chief Clerk read as follows:

APPENDIX.—THE UNION PACIFIC RAILWAY COMPANY.—ADDITIONAL SECURITY WHICH THE UNITED FTATES WILL RECEIVE IF ITS LIEN IS EXTENDED ACCORDING TO THE BILL REPORTED BY THE HOUSE COMMITTEE.

Value of the railroads in the Union Pacific system and of certain investments; additional security which the United States will receive, and security in lieu of the debt due to it.

due to tt.
The subsidized line, 1,430.11 miles, at a low valuation is worth \$40,000 per mile\* (railroad, equipment, stations, buildings, yards, sidings, bridges, culverts, etc., included). The total value is therefore 1,430.11 × \$40,000 = \$57,204.400, or about (Table A)...
The unsubsidized line, 385.46 miles, excluding, the Omaha bridge (3.97 miles) and terminals at Kansas City, Omaha, and Ogden, is worth at a low valuation \$40,000 per mile. The total value is therefore 385.46 × \$40,000 = \$15,418,400, or about (Table A). The terminals † at Omaha, Ogden, and Kansas City, which will hereafter increase largely in value, are now worth at a conservative estimate.

The Omaha bridge† on the same basis is worth
The branch lines of the system, 2,761.95 miles, are worth not less than \$25,000 per mile (railroad, equipment, stations, etc., included). The total value is therefore 2,761.95 × \$25,000 = \$69,-048,750, or about (Table B). \$57, 200, 000, 00 15, 400, 000, 00

The above is the property which the engineer of the commission values at \$150,000,000.

ion values at \$100,000,000. 1

Land assets, \(\beta\) including value of unsold lands and land contracts (Table C).

Various outside investments \(\beta\) as enumerated in Table D, amounting at par to about \(\beta 0,000,000\). It is confidently believed that their actual value is not less than \(\beta 1,000\), odo, but estimating them for present purposes, very conservatively, at 50 per cent. of their face value, they are worth

Total value of Union Pacific system and investments... The lien of the United States is to be extended over the entire system and its investments. Prior to the lien of the United States there will then be certain mortgage liens as follows:

Bonds of the Union Pacific Railroad Company afloat, including \$4,423,000 collateral trust bonds secured by deposit of first-mortgage bonds of branch lines.

Bonds of the Kansas Pacific Railway
Company 2 \$27,536,127,00 .. \$49, 575, 000, 00

26, 813, 927, 00

4, 858, 000, 00

Balance = value of security applicable to debt due the United States according to committee's bill...

Present value of debt due United States as ascertained by committee's bill ......

Additional security to be received by the United States ...

Additional security to be received by the United States. 

\*See Commissioners' Report, pages 195 and 196, † Ibid., page 195, † Ibid., page 11. † See Annual Report for 1886, pages 83, 89, and 145, † See Commissioners' Report, page 168, † See Annual Report for 1886, page 92,

Mr. FRYE. It seems to me it is unnecessary to read the tables, but I ask unanimous consent that they be printed in the RECORD as if read.

The PRESIDENT pro tempore. It will be so ordered, if there be no objection.

The tables referred to are as follows:

Table A.—Subsidized and unsubsidized portions of the Union Pacific Railway Company's lines on the basis set forth in the report of the United States Pac'fic Railway Commissioners, pages 4 and 5.

Name of road.	Subsidized location.	Miles.	Unsubsidized location.	Miles.	Total mile-age.
Union Pacific Railroad.	Junct.Switch Omaha, to a point 5 miles west of Ogden 1,034.49 Junct.Switch Omaha, to junction with Chicago, St. Paul, Min- neapolis and Omaha Railway 1.68	1, 036. 17	Spur tracks ( Union de- pot, Kan-	2,18	1,038.35
Kansas Pa- cific Rail- way.	Missouri-Kansas State Line, near Kansas City, westerly.	393.94	sas City, to State line		
Leavenworth Branch, Denver Pa- cific Rail- way and Telegraph,			Leavenworth to Lawrence. Denver to Chey- enne.	245, 38 31, 90 106, 00 385, 46	31.90
Total		1, 430. 11	A STATE OF THE PARTY OF THE PAR	125	

Table B.—Funded debt of branch line companies in the Union Pacific system, showing amounts held by the Union Pacific Railway Company and the public, respecively, December 31, 1886.

	Funded debt.		
Name of branch.	Actual mileage.	Held by Union Pacific Rail- way Company.	Held by the public.
Colorado Central	327.17	\$4,719,000,00	\$69,000,00
Denver, South Park and Pacific	322, 25	2, 797, 000, 00	1, 928, 000.00
Denver and Boulder Valley	27.00	211011000100	2,020,000.00
Denver and Middle Park	3.92		
Denver, Marshall and Boulder	26.70	516, 000, 00	
Echo and Park City	31.78	480, 000, 00	
Georgetown, Breckenridge and	01.70	200,000.00	
Leadville	8.47	127,000.00	
Golden, Boulder and Caribou	0.11		
Greeley, Salt Lake and Pacific	53, 39	60,000.00	
		808, 000, 00	
Junction City and Fort Kearney	87.60	1,141,000.00	
Kansas Central	166.14	1,162,000.00	186,000.00
Lawrence and Emporia	31.00	465,000.00	
Laramie, North Park and Pacific	13.51		
Manhattan and Blue Valley	54. 95		
Marysville and Blue Valley	12.86	128,000.00	
Omaha and Republican Valley	276.00	2, 255, 000.00	2,000.00
Omaha, Niobrara and Black Hills	114.97	977, 000, 00	
Oregon Short Line	610.62		14, 931, 000.00
Salt Lake and Western	57, 60	1,080,000.00	
Salina and Southwestern	35, 43	540, 000, 00	
Salina, Lincoln and Western	34, 60	519,000.00	
Solomon	57.04	575, 000, 00	
Utah and Northern	408, 45	4, 968, 000.00	575,000.00
Total	2,761.95	*23, 017, 000, 00	17, 691, 000, 00

<sup>\*</sup>During the year 1887 this amount has been increased by about \$5,000,000.

TABLE C .- Land assets of the Union Pacific Railway Company, December 31, 1886.

Assets.	Union Division.	Kansas Division.	Total.
Unsold lands (see Annual Report for 1886, pages 83 and 146) Land notes outstanding (see An-	\$2,395,507.00	\$11,608,763.00	\$14,004,270,00
ual Report for 1886, pages 83 and 146)	9,095,340.60	4, 110, 375. 58	13, 205, 716, 18
tees (see Annual Report for 1886, page 89)	4, 912, 906. 39	480, 896, 10	5, 393, 802. 49
Total	16, 403, 753. 99	16, 200, 034. 68	*32, 603, 788. 67

\* During the year 1887 this amount has been reduced by about \$400,000.

Table D.—Investment accounts of the Union Pacific Railway Company payable in bonds and stocks; bonds and stocks of railroad companies owned by the Union Pacific Railway Company, but not included in the system; miscellaneous bonds and stocks owned; and miscellaneous investments.

	Investment accounts payable in bonds and stocks	\$5,697,670.44
3	Atchison, Colorado and Pacific Railroad Company stock	124, 400, 00
	Central Branch Union Pacific Railroad Company stock	
	Colorado Western Railroad Company stock	9, 100, 00
	Colorado Western Railroad Company stock	
	stock	6,000,00
	Leavenworth, Topeka and Southwestern Railway Company	
	stock	550, 900.00
	Loveland Pass Mining and Railroad Tunnel Company bonds	400,000.00
3	Loveland Pass Mining and Railroad Tunnel Company stock	
2	Manhattan, Alma and Burlingame Railroad Company bonds	339, 000. 00
3	Manhattan, Alma and Burlingame Railroad Company stock	418, 650.00
	Montana Union Railway Company stock	500.00
	Nevada Central Railway Company bonds	250, 000.00
	Nevada Central Railway Company stock	959, 500.00
	St. Joseph and Grand Island Railroad Company stock	2, 301, 500.00
	South Park and Leadville Short Line Railroad Company stock	
H	Utah and Nevada Railway Company stock	555, 000.00
	Utah Central Railway Company stock	1,886,900.00
	Utah Southern Railroad Company Extension bonds	A DESIGNATION OF
•	Council Bluffs Street Railway Company bonds	16,000.00
	Council Bluffs Street Railway Company stock	45, 625, 00
	St. Louis, Council Bluffs and Omaha Railroad Company bonds.	
	Bozeman Coal Company stock	96,000.00
	Occidental and Oriental Steam-ship Company stock	150,000.00
1000	Pacific Express Company stock	2, 400, 000.00
	stock	116,000.00
	Union Coal Company stock	138, 500.00
	Union Depot Company (Kansas City) stock	21,000.00
	Union Elevator Company (Council Bluffs) stock	
,	Union Elevator Company (Omaha) stock	81,000.00
	Miscellaneous investments:	
,	Pullman palace cars	423, 000. 00
	Coal and other lands	198, 686. 98
	Laramie Soda Works and soda deposits	64, 062, 95
	Pacific Express Company reserve fund	70,000.00
	Total	*20, 230, 695, 37

\*During 1887 this amount has been increased by about \$2,000,000.

TABLE E.—Capital stock of branch line companies in the system, showing amounts owned by the Union Pacific Railway Company and the public, respectively, December 31, 1886.

		Capital	stock.
Name of branch.	Actual mileage.	Held by Union Pacific.	Held by the public.
Colorado Central	327.17	\$6, 359, 000. 00	\$1,300.00
Denver, South Park and Pacific	322. 25	6, 135, 100.00	100, 300.00
Denver and Boulder Valley	27.00		
Denver and Middle Park	3.92		
Denver, Marshall and Boulder	26.70	1,000,000.00	
Echo and Park City	31.78	480,000.00	
Georgetown, Breckenridge and Lead-	The second	a filtrance see	
ville	8.47	127, 700.00	
Golden, Boulder and Caribou		60,000.00	
Greeley, Salt Lake and Pacific	53.39	808, 500.00	
Junction City and Fort Kearney	87.60	764,000.00	292, 100, 00
Kansas Central	166.14	1, 313, 400, 00	34,600.00
Lawrence and Emporia	31,00	465, 000.00	
Laramie, North Park and Pacific	13.51	64, 400, 00	
Manhattan and Blue Valley	54.95	1 000 104 00	
Marysville and Blue Valley	12.86	322, 124.00	19, 376.00
Montana		420, 000, 00	
Omaha and Republican Valley	276,00	1, 866, 900, 00	
Omaha, Niobrara and Black Hills	114.97		
Oregon Short Line	610, 62	8,015,600.00	6,058,000.00
Salt Lake and Western	57, 60	1,080,000,00	
Salina and Southwestern	35, 43	231, 700, 00	56, 700, 00
Salina, Lincoln and Western	34, 60	1, 050, 000, 00	80,000,00
Solomon	57.04	1,000,500.00	108, 350, 00
Utah and Northern	408.45	4, 816, 400.00	726, 600. 00
Total	2,761.95	*36, 380, 324. 00	*7, 477, 326.00

<sup>\*</sup>These amounts were approximately the same December 31, 1887.

The PRESIDENT pro tempore. Are there amendments to the bill

as in Committee of the Whole?

Mr. MITCHELL. I desire to submit to the chairman of the committee that inasmuch as he has offered and the Senate has adopted a great many amendments to the bill to-day, and it is now almost 4 o'clock, the matter go over with a view of having the bill printed in order that we may know just how it looks now and what it is.

Mr. FRYE. All the amendments are merely formal. They do not

require any consideration at all. All but one were rendered necessary by reason of the lapse of time since the report was made.

Mr. DAWES. Just moving it forward one year.
Mr. FRYE. Yes, as the Senator from Massachusetts suggests, sim-Mr. FRYE. Yes, as the Senator from Massachusetts suggests, simply moving it forward one year. This bill has been awaiting action for a long while. The committee have been exceedingly patient, it seems to me, to have allowed legislation to go on when this was really a pressing matter. I hope it will not be postponed. I understand that there are Senators who desire to oppose the bill, and there are Senators who have amendments. I think there was one amendment offered by the Senator from Kansas [Mr. PLUMB] which has been printed. He

does not seem to be present now.

The PRESIDENT pro tempore. The bill is open to amendment as in Committee of the Whole.

Mr. MITCHELL. I submit the motion I offered some time since to recommit the bill with instructions.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Resolved, That the bill (S. 3401) to amend an act entitled "An an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, with the accompanying report, No. 1850, first session Fittieth Congress, be, and the same is hereby, recommitted to the Select Committee on the President's Message transmitting the report of the Pacific Railway Commission, with instructions to include in said bill such proposed legislation as in the judgment of such committee is proper, providing for the ascertainment of the amount of the indebtedness to the Government justly payable, due and to become due by the Central Pacific Railway Company as the successor to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, in respect of bonds of the United States heretofore issued to aid in the construction of the Central Pacific and the Western Pacific Railroad, and for the proper security and funding of the same.

The PRESIDENT pro tempore. Is the Senate ready for the question

The PRESIDENT pro tempore. Is the Senate ready for the question on the motion to recommit with instructions?

Mr. MITCHELL. Mr. President, as I have no disposition to delay action upon any proposition looking to the funding of the Pacific railroad indebtedness, I propose now (inasmuch as the chairman of the committee declines to yield for the purpose of having the bill printed that we might know what it is), to offer some reasons why the motion I have just submitted should prevail. My motion is to recommit the bill to the select committee specially raised by the order of the Senate for the purpose of reporting some legislation looking to a settlement of the Pacific railroad indebtedness, with instructions to incorporate in it provisions for the funding of the indebtedness of the Central Pacific Com-

According to the report of the Pacific Railway Commission, and summarized and repeated in the message of the President of the United States to Congress on the 17th of January, 1888, the sum total of this debt, principal and interest, to November 1, 1887, was \$140,047,718.58; the principal of the bonds which had been advanced to the companies being \$64,023,512. The interest to November 1, 1887, according to the authority just quoted, was \$76,024,206.58, while the interest calculated to the maturity of the bonds, some nine years hence, added to the principal, will at that date (1897), that being the average date of maturity of all bonds issued, make the aggregate of the debt then due, principal and interest, less payments heretofore made and which may be hereafter made to that date, \$178,884,759.50.

guished from a public debt, or a debt owing by a government, must be

garded as of the very utmost importance.

It is not my purpose at this time to discuss the merits or demerits of the pending bill; that will be done later on. It is my purpose, however, to attract the attention of the Senate to the general situation, and to inaugurate an inquiry as to the propriety and justice under all the existing circumstances and the past history of legislation in reference to this important subject of proceeding to the consideration of the pending bill, which only in part undertakes or professes to deal with this question, and which omits to include within its provisions matters relating to nearly one-half of the whole controversy

In other words, I propose to inquire whether it is not a fact that it is the duty of Congress, if it acts at all, to proceed at once and without any unnecessary delay, and in one piece of legislation, and not by duplicates or triplicates, to consider this whole subject and to provide at the earliest possible moment such legislation as will, in so far as possible under all the existing circumstances, secure to the Government the ultimate payment of this entire debt, together with such reasonable interest as may be proper, all the circumstances considered, to be paid semi-annually to the Government on all deferred payments. What I shall have to say, therefore, at this time shall have a bearing upon this question rather than upon the merits or demerits of the bill reported by the select committee, which only professes to deal with one portion of this great subject.

By the act of Congress approved March 3, 1887, entitled "An act

authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes," the Congress of the United States, once more, after many failures in the past, entered upon the work with an evident determina-

tion to accomplish it, of doing two things:

First. To ascertain, after a most rigid investigation, the present indebtedness to the Government of the United States of all railroads that have received aid from the Government in bonds; and,

Second. To enact such legislation in the shape of a funding measure as would in so far as possible, under all the circumstances of the respective cases, secure ultimate payment to the Government of the whole of such indebtedness, including such reasonable interest on all deferred payments as might seem to be reasonable and proper in each individual case, all the circumstances considered.

Never before had Congress manifested such determination and never before in all the many previous attempts made to accomplish this purpose had such unanimity of sentiment and action characterized the proceedings, as it will be remembered that the act just referred to received the vote of every member present of the two Houses of Congress.

This legislation was intended to include within its grasp, and did in

plain and unequivocal terms include within its provisions, not merely one or more but all of the Pacific railroads which had previous to that time received aid from the Government in bonds. It did not, however, include any railroad, however much aided in grants of land or other-

wise, that did not receive any aid in bonds,

By the first section of that act the President of the United States was By the first section of that act the President of the United States was authorized to appoint three commissioners, and the character of the commissioners whom Congress evidently expected to be appointed was plainly indicated by the fact that by the provisions of such act each should receive compensation at the rate of \$750 per month and all necessary traveling expenses and board bills; that they should have a stenographer and the right to fix his compensation; that these commissions are the second commissions of the property of the present and methods. sioners should have the power to examine all books, papers, and methods of all such railroad companies, employ experts, if necessary, and they should at all times be under the immediate direction and control of the President of the United States.

Section 2 of the act prescribed in detail, with much exactness, the duties of such commission. This section reads as follows:

culated to the maturity of the bonds, some nine years hence, added to the principal, will at that date (1897), that being the average date of maturity of all bonds issued, make the aggregate of the debt then due, principal and interest, less payments heretofore made and which may be hereafter made to that date, \$178,884,759.50.

Mr. PLATT. Is that by both companies?

Mr. MITCHELL. It is by both companies. That is the amount that will be due when the bonds mature, less payments that have here tofore been made and which would probably be made under existing law.

Against this enormous amount there has been repaid by the companies, according to the authority quoted, down to November 1, 1887, the sum of \$30,955,039,61; so that, not counting any payments that have been made—and they can not be very considerable in amount—since November 1, 1887, to the present date, and conceding that no further payments will be made by these companies until 1897, the date of the average maturity of the bonds, when the whole debt, principal and interest, will become due and payable, there would then be due and payable as such interest and principal, according to the Pacific Railway Commission. This section reads as follows:

Szc. 2. That the duty of said commission shall be to examine into the working and financial management of all the railroads that have received aid from the Government in bonds; to ascend such a did remained in the sum of said commission. This section reads as follows:

Szc. 2. That the duty of said commission shall be to examine into the working and financial management of all the railroads that have received aid from the Government in bonds; to ascertain whether they have observed all the railroads that have been a figure and which have been a figure and which have been a fide roads of earlings of aided roads of earlings of aided roads to less productive branches, through the result of earlings of aided roads to less productive branches, through the aided roads of earlings of roads, or otherwise, and also whethe

directors or paid to the stockholders of said companies, and, if so, to what extent, and whether the amount thereof may not be recovered from the directors unlawfully declaring the same or persons who have unlawfully received the same; whether the proceeds of any trust funds or lands loaned, advanced, or granted have been diverted from their lawful use; whether any new stock or bonds have been issued or any guaranties or pledges made contrary to or without authority of law; whether any of the directors, officers, or employés of said companies, respectively, have been or are now directly or indirectly interested, and to what amount or extent, in any other railroad, steam-ship, telegraph, express, mining, construction, or other business company or corporation, and with which any agreements, undertakings, or leases have been made or entered into; what amounts of money or credit have been or are now loaned by any of said companies to any person or corporation; what amounts of money or credit have been or are now required; what amounts of money or other valuable consideration, such as stocks, bonds, passes, etc., have been expended or paid out by said companies, whether for lawful or unlawful purposes, but for which sufficient and detailed vouchers have not been given or filed with the records of said companies; and further, to inquire and report whether said companies, or either of them, or their officers or agents, have paid any money or other valuable consideration, or done any other act or thing, for the purpose of influencing legislation; and to investigate and report all the facts relating to an alleged consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, and alt be ore consideration, or done any other act or thing, for the purpose of influencing legislation; and to investigate and report all the facts relating to an alleged consolidation of the Union Pacific Railroad Company, and all the circumstances and particulars pertaining to said alleged sale, and whether any of the

panies or corporations, or of other railroad corporations; and if any such expenditures or investments have been made, the extent and character thereof made by each of said corporations shall be inquired into, and also the present interest of any of said corporations in the railroads auxiliary to their respective and so the said companies, from its organization to the date of the investigation herein provided for, as they appear on the books of said companies at the date of its annual meeting in each year; the amount of stock held by each; what consideration, if any, was paid by each stockholder to said company for his stock, and when and in what property such payment was made; the date when each stockholder so appearing on the books became such; and consideration of the stock in each company, and the dates and amount of the stock, and the reason for such increase; and the amount of the annual salaries or compensation that are now or at any prior time have been paid to any officer or employed of said company, when such salary or compensation amount to \$3,000 or more per annum, and the names of the persons; and all payments made under the head of legal expenses, to whom made, and the amounts to \$3,000 or more per annum, and the names of the persons and all payments made under the head of legal expenses, to whom made, and the amount paid to each, and for what specific services such payments were made.

Said commission shall also inquire into and report upon the relations of said understoned the amount paid to each, and for what specific services such payments were made.

Said commission shall also inquire into and report upon the relations of said understoned the interests of the communities through which they pass; to all questions concerning the payment of taxes, especially upon lands granted by Congress, and the day of said companies in taking out pateris for such lands; the rates of fare and freight charged, discriminations, differentials, pools, and their report shall embrace a consideration of the interests

struction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 2, 1864, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act," commonly known as the Thurman act, and, if not, in what particulars they have failed to comply; also to inquire what sums the Pacific railroads and their branches can severally pay annually on account of their indebtedness to the United States without imposing such burdens upon the people, and particularly upon the localities through which the roads pass, as to retard the development of the country.

That the commissioners hereby created, or either of them, shall have power to require the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, and documents relating to the matter under investigation, and to administer oaths; and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section. Any of the circuit or district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpona issued to any person, issue an order requiring any such person to appear before said commissioners, or either of them, as the case may be, and produce books and papers if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

of any criminal proceeding.

By the third section of the act an appropriation from the Treasury of the United States of \$100,000, or so much thereof as might be necessary, was made for the purposes of the "investigation provided for in the act."

Section 4 conferred upon the Secretary of the Treasury under the direction of the President the power to redeem or otherwise clear off any paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury of the United States whenever in the opinion of the President it might be deemed necessary whenever in the opinion of the President It might be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States in the same property or any part of the same might exist or be then lawfully liable to be enforced, while section 5 of the act, which is the only remaining section, provided for the manner of investment of the sinking funds accumulated in the

Treasury under the Thurman act.

In pursuance of this act the commission was appointed and the investigation made, and on the 17th of January, 1888, the President of the United States in a message to Congress of that date transmitted the report of this commission and also the report of the minority commissioner, the three commissioners having been unable to agree as to the manner in which these railroads should be treated respecting their indebtedness to the United States, or to unite upon the plan best cal-culated to secure the payment of such indebtedness. These two re-ports—that of the commission, and of the minority commissioner are to be found in Senate Executive Document No. 51, first session Fiftieth Congress.

These two reports, and the accompanying message of the President, in which sundry suggestions were made to Congress, became the bases of further action by Congress looking to the accomplishment of the great purpose indicated, namely, the ascertainment of the present value of the indebtedness of these companies severally included in this legislation and in these reports, the funding of the same, and the creation of such means as would result in its security and ultimate payment. The initiatory step in this proceeding was taken in the Senate on the 17th day of January, 1888, by the raising of a select committee of this body, composed of five Senators, and which, on January 23, 1888, was increased to seven.

In pursuance of this order of the Senate, the following-named Senators were designated: Messrs. FRYE (chairman), DAWES, HISCOCK, DAVIS, MORGAN, BUTLEE, and HEARST, and to which select committee the message of the President and accompanying reports were com-

This committee, it will be observed, was not raised for the purpose of considering simply the indebtedness of the Union Pacific Railroad Company, was not raised for the purpose simply of considering the in-debtedness of the Union Pacific Railroad Company and of its branches, but it was raised, as the RECORD shows, for the purpose of considering this whole subject and reporting upon it.

This special committee subsequently entered upon their work, and on the 31st day of July, 1888, to the surprise of many, reported to the Senate a bill with an accompanying report, which bill provided for the ascertainment of the value of the present indebtedness of the Union Pacific and its branches, the Kansas Pacific Railway Company, and the Central Branch Union Pacific Railroad Company only, but did not in-

clude or make any reference to the Central Pacific.

That was omitted entirely. The company representing the company That was omitted entirely. The company representing the company and its branches that is indebted to the Government in a sum nearly equal in amount to that of the company that the committee has dealt with has been silently, for some reason, ignored; and not only that, but seven long months have transpired, over half of a year has gone by, since this select committee made its report with reference to the Union Pacific and its branches, and yet they make no sign whatever in reference to the other great controversy in which the Government of

the United States is so largely interested-interested, as I said a moment ago, to an extent much more, if I am correct in my understanding of the case, than is the Government of the United States interested in the companies with which the select committee has seen proper to deal.

Mr. CULLOM. What amount of bonds were originally issued to the

two companies

Mr. MITCHELL. About \$64,000,000 was the sum total of the bonds issued to both companies. The bonds issued to the Central Pacific were somewhat, not very much, in excess of the bonds issued originally to the Union Pacific—about twenty-seven million and some odd thousand dollars to each company, I believe, as I now remember it.

The exact statement is this:

To Central Pacific. The Western Pacific.	\$25, 885, 120 1, 970, 560
Total Central Pacific and Western Pacific	27, 855, 680
Union Pacific proper	27, 236, 512 6, 303, 000 1, 600, 000
	35, 139, 512

So, then, if there were anything in the suggestion made by my friend, the Senator from Maine [Mr. FRYE], the chairman of the committee, that the circumstances then surrounding the two cases were so different as so require the application of different remedies, then why is it that after having reported a bill seven long months ago, which only dealt with one branch of the case, the committee has not since then, with all this lapse of time, taken up the other branch of the case to which it is claimed a different remedy should be applied, or at least a remedy containing different terms, and report that to the Senate?

Mr. FRYE. Will the Senator allow me?

Mr. MITCHELL. Certainly.
Mr. FRYE. I stated that in presenting the case of the Central Pacific in the early days of our hearings, the very manner of presentation indicated to the committee that there was not then a disposition on the part of the Central Pacific Railroad Company to settle.

Mr. MITCHELL. What difference does it make whether the Central Pacific Railroad Company or the managers of the Central Pacific Railroad Company hesitate? Is it not the duty of the Government to

make an effort to try to secure that debt?

Mr. FRYE. It makes all the difference in the world from the fact that there is not a dollar of this debt due and payable for ten years yet, and there is no power on the part of Congress to compel the direct-

ors of any railroad company to make a settlement now.

Mr. MITCHELL. The same thing can be said of the Union Pacific; and, again, that is begging the whole question, because the Supreme Court of the United States decided several years ago that Congress had the power to deal with this matter now in so far as providing for the creation of a sinking fund, and impressing a lien upon whatever

property was in sight.

Mr. FRYE. I wish to add further to what I have said, in justice to the Central Pacific Railroad Company, that in the last month they have shown a disposition and a very great desire to make some settlement and adjustment of this debt with the United States, and that there is now pending before the committee an amended bill which the commit-

tee is called to consider to-morrow morning.

Mr. MITCHELL. That is all right, Mr. President. That shows some disposition on the part of the committee to take up that which has been omitted by them in the past, and which is a part and parcel of one great controversy in which this Government is interested, and it

shows a beginning.

But this whole investigation started in the first place, as I have already said, upon the theory that it was one great controversy, and that there should be a thorough investigation of the whole business. One act of Congress covered the whole business when the commission was appointed with instructions to investigate the whole matter. That commission made a report in which they accompanied what they had to say by way of report with two bills, one looking to the funding and the security and ultimate payment of the debt of the Union Pacific and its branches, and another bill in the same book and as part of the same report suggesting legislation looking to the funding of the debt of the Central Pacific, with security so far as security could be obtained, and its ultimate reports when it became due.

payment when it became due.

Therefore I insist that it is not wise now to have the roads fork at this stage of the game, to proceed with one part of the controversy in each branch of Congress and permit the other part of the controversy to remain untouched, unconsidered, until we find out what the outcome may be of the bill which has been reported.

may be of the bill which has been reported.

Mr. President, the reason assigned a half hour ago by the chairman of the select committee why one part of the controversy should be dealt with and the other not is a reason to my mind why, if any portion of this matter is to be considered first and any portion of it postponed, then it is the indebtedness of the Central Pacific that should have been considered first, because the chairman of the committee has stated, and stated in his report, if I have read it correctly, in substance, that the Union Pacific is a solvent company, that it is able to

pay its debts, that there is no particular question about the ability of the Union Pacific to pay the United States on reasonable terms and within a reasonable time the whole debt that it is owing to the Government of the United States, and which will become due in about nine years from now, while upon the other hand it is suggested by the chairman of the committee that the Central Pacific is insolvent, that it is impossible to collect the whole debt perhaps, except on very easy terms, and it must be admitted, and was admitted a few moments ago by the chairman of the committee, that the condition of the Central Pacific's affairs is much worse with respect to the rights of the Government in the premises now than it was ten years ago when the Thurman bill became a law; and it must also be admitted that every day that Congress postpones the consideration of providing some proper measure by which the indebtedness of the Central Pacific can be funded the condition is becoming worse and will continue to grow worse from day to day and from year to year just as it has grown infinitely worse from the passage of the Thurman act down to the present time.

Therefore I say every reason exists why Congress, if it only proposes to take up one part of the controversy, should take up the subject of the Central Pacific indebtedness and not that of the Union Pacific, that is declared to be solvent. If that should wait, the Government would

lose nothing.

Now, then, the question arises, why is it, after all the steps indicated by me have been taken—the passage of the act of March 3, 1887, unanimously by Congress, without a dissenting vote in either House, the appointment of the commission, the investigation, the report, the suggestions of the President of the United States, the order of the Senate creating the select committee, the lapse of over six months before submitting any measure whatever—that such committee should then in their report and in the bill submitted by them deal with one road only, the Union Pacific and its two branches, the Kansas Pacific Railway Company and the Central Branch of the Union Pacific Railroad Company, and entirely omit from the provisions of the bill all the other Pacific railroads; or rather, the Central Pacific Railroad Company, as the successor of the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, which was included in every step taken prior to the report of this committee, including the very order of the Senate that breathed the breath of life into it and caused it to live and act?

In 1878, when what is known as the Thurman funding act was under discussion in the Senate, I opposed it with all the power I could command and for reasons which I then gave on this floor; and for the reasons then given, the validity and absolute soundness of which, although not received as such at the time, have been vindicated beyond all question by the history of the operations of that act, I shall now, and always oppose any further legislation, so long as it is possible to obtain something better relating to this all-important subject, which has for its basis the underlying principle upon which the Thurman act

is predicated.

But I must not be misunderstood or misrepresented. I was never opposed to some suitable, proper, and effective legislation looking to the funding of the Pacific railroad indebtedness. On the contrary, I was then, am now, and always have been, and always expect to be, earnestly in favor of such legislation. Not only so; I was, when the Thurman funding act was passed, as was a large minority of this Senate, in favor of a certain, specific measure, agreed upon in committee after a most thorough and careful consideration of the whole subject, and which looked to a final and complete settlement of this whole controversy on a basis of mutuality of agreement between the Government and the companies, and the reimbursement, on fair and reasonable terms, of the United States of the vast sums included in the principal and interest of bonds issued to the aided roads.

I refer to these things as bearing upon the propriety of an effort on the part of this honorable committee, selected, as we all agree, from among the ablest men of the Senate, to take in this whole subject and present it as one subject and have it decided as one controversy.

Nor am I unmindful, Mr. President, of the fact that it was quite fashionable eleven years ago, when the Thurman funding bill was under discussion, for certain men, some of them then and now Senators, to denounce all who opposed it and who favored another measure for the settlement of this great question, as working in the interest of corporations and in opposition to the true interests of the United States.

Time, however, sets all things even; the imperishable records of history sometimes come to the rescue and vindicate the integrity and tory sometimes come to the rescue and vindicate the integrity and judgment of men as well. And in reviewing this subject and its history the past few years, we may correctly conclude not only as to the motives, but the relative judgments of men as well. We may not infrequently glean instruction by consulting the records of the past. And I propose at this time, as bearing materially and directly on the subject under discussion, to review the history of the controversy in this Chamber in the spring of 1878, which resulted in the passage of the Thurman bill. I propose to compare the Thurman act and its practical operations with the bill, and its probable operations, had it been adopted in its stead as reported from the Railroad Committee of the Senate, March 11, 1878, of which committee I had the honor at that time to be chairman. This bill was reported from that committee, however, not by myself, although it had my earnest and unqualified support, as well as the earnest and unqualified support of every member of that committee, then composed of the following-named Senators: Henry L. Dawes of Massachusetts, H. M. Teller of Colorado, Alvin Saunders of Nebraska, William Windom of Minnesota. Stanley Matthews of Ohio, S. W. Dorsey of Arkansas, MATT. W. RANSOM of North Carolina, W. H. Barnum of Connecticut, L. Q. C. Lamar of Mississippi, David H. Armstrong of Missouri, and myself as chairman.

That bill was prepared and reported by one whose personal integrity.

That bill was prepared and reported by one whose personal integrity, whose transcendent ability as a jurist, will be questioned by none. I refer to the then Senator Matthews of Ohio, now a distinguished and honored justice of the Supreme Court of the United States from that State. The contest in the Senate at that time was not one of a funding bill or no funding bill. On the contrary, every member of the Senate realized the importance, the imperative necessity of some legislation looking to a funding of the Pacific railroad indebtedness; all without a solitary exception were in favor of one or the other of these two bills. The contest was between the bill reported by Judge Thurman, of the Judiciary Committee, and which finally became the law, and the bill reported from the Committee on Railroads by Senator Matthews. Each member of the Senate supported one or the other of these two bills. The Senators who supported the Matthews bill were then, as it is the custom with many and delight of some in certain quarters now, de-nounced as railroad Senators, laboring in the interest of the railroads and in opposition to the best interests of the Government.

I propose, therefore, to compare these two bills, and, in the calcium light of the history of the past, I shall leave the unprejudiced tax-payer, the honest journalist, the impartial judge, and the fair-minded throughout the realm to judge as to which of these two bills was the better calculated to protect the national Treasury and to secure to the United States, on proper terms and at a proper time, the complete reimbursement of every dollar owing to the United States, or which was to become due from the aided Pacific railroad companies. And that there may be no misunderstanding or mistake in regard to the real character of these two bills, I propose to incorporate in my remarks and place in juxtaposition the Thurman act and the Matthews bill in extenso. I ask that they be read.

The PRESIDENT pro tempore. They will be read, if there be no objection.

The Secretary read as follows:

### THE THURMAN FUNDING ACT.

The Secretary read as follows:

THE THURMAN FUNDING ACT.

An act to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864, in amendment of said first-named act.

Whereas, on the 1st day of July, A. D. 1862, Congress passed an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the other when the was of the same for postal, military, and other purposes;" and overnment the use of the same for postal, military, and other purposes; "on the same for postal, military, and other purposes;" and whereas afterward, on the 2d day of July, A. D. 1864, Congress passed an act in amendment of said first-mentioned act; and

Whereas afterward, on the 2d day of July, A. D. 1864, Congress passed an act in amendment of said first-mentioned act; and

Whereas the Union Pacific Railroad Company, named in said acts, and under the authority thereof, undertook to construct a railway, after the passage thereof, over some part of the line mentioned in said acts; and

Whereas, under the authority of the said two acts, the Central Pacific Railroad Company of California, a corporation cristing under the laws of the State of California, undertook to construct a railway, after the passage of said acts, over some part of the line mentioned in said acts; and

Whereas the United States, upon demand of said Central Pacific Railroad Company, have heretofore issued, by way of loan and as provided in said acts, to and for the benefit of said company; in aid of the purposes named in said acts, to be one of the said central Pacific Company has issued and disposed of an amount of \$25,887,120, which said bonds have been soid in the market or otherwise disposed of by said company; and

Whereas the said Central Pacific Company has issued and disposed of an amount

thereof, with interest at 6 per cent, per annum, payable half-yearly, the principal sums of which amount to \$77,285,512; on which the United States have paid over \$10,000,000 interest over and above all reimbursements; which said bonds have been sold in the market or other wise disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, and Whereas said corporation has issued and disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, posed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and Whereas the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, as stated, and secured thereby; and whereas the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, in view of the indebtedness and operations of said several railroad companies respectively, and of the disposition of their respective incomes, are not and can not, without further legislation, be secure in their via incomes, are not and can not, without further legislation, be secure in their as mentioned in said acts or otherwise; and Whereas a due regard to the rights of said several companies respectively, as mentioned in said acts or otherwise; and "Whereas a due regard to the rights of said several companies respectively, as mentioned in said act of 1862, as well as just security to the United States in the premises, and in respect of all the matters set forth in said act, require that separate the properties, and it is a security of the United States in the premises, and it is a security of the United States in the premises, and it is a security of the United States in the premises, and it is a security of the United States in the premises, and it is a security of the United States of the United States and excluding the security of the United States of Papear, and also the sum

whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding.

Sec. 5. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury by either of the said companies that 75 per cent. of its net earnings as hereinbefore defined for any current year are or were insufficient to pay the interest for such year upon the obligations of such company in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the 25 per cent, of net earnings required to be paid into the sinking fund, as aforesaid, as may have been thus applied and used in the payment of interest as aforesaid.

Sec. 6. That no dividend shall be voted, made, or paid for or to any tock-holder or stockholders in either of said companies respectively at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking fund, or in respect of the payment of the said 5 per cent. of the net earnings, or in respect of the sums required as aforesaid to be paid into said sinking fund, or in respect of the payment of the said 5 per cent. of the net earnings, or in respect of the same of the said of payment of the debt on which it may accrue, is paramount to that of the United States; and any officer or person who shall vote, declare, make, or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking fund. And every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a mi

SEC. 8. That said sinking fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies, respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking fund according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking fund may be entitled thereto in due order; but the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively, nor to excuse any of said companies respectively, nor to excuse any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon the estate and property, real, personal, and mixed, assets, and income of the several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies, respectively, or jointly, or against the said several railroad companies, respectively or jointly, or against the said several railroad companies, and in any suit or proceeding against the said several railroad companies, and in any suit or proceedi

THE MATTHEWS BILL OR THE RALLEOAD COMMITTEE'S BILL.

A bill to create a sinking fund for the liquidation of the Government bonds advanced to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, and the Union Pacific Railroad Company, under and in pursuance of the act of Congress entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the acts amending the same or supplemental thereto, and for the settlement of the claims of the Government on account of said bonds.

military, and other purposes." approved July 1, 1882, and the acts amending the same or supplemental thereto, and for the settlement of the claims of the Government on account of said bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That in order to establish a sinking fund for the purpose of liquidating the claims of the Government on account of the bonds advanced under said act of July 1, 1882, and the actsamending the same or supplemental thereto, to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, and to the Union Pacific Railroad Company, the Secretary of the Treasury of the United States is hereby authorized to carry to the credit of a sinking fund for the Central Pacific Railroad Company, the Secretary of the Union Pacific Railroad Company, or California and the Western Pacific Railroad Company, and to the eredit of a sinking fund for the Union Pacific Railroad Company, and to the eredit of a sinking fund for the Union Pacific Railroad Company, the amount due, or which may be due, the said companies, respectively, for the carriage and transportation of the mails, troops, munitions of, war, supplies, and public stores for the Government, under the acts aforesaid, up to and including the 31st day of March, 1878, which, if not amounting at said date to the sum of \$1,000,000, shall be made up by the respective companies to that sum each.

Sec. 2. That the said Central Pacific Railroad Company and the Union Pacific Railroad Company shall each pay into the Treasury of the United States, to the credit of said sinking fund, either in lawful money or in any bends or securities of the United States Government, at par, annually, the sum of \$1,000,000, shall be made up by the respective companies to that sum each.

Sec. 2. That the said Central Pacific Railroad Company and the Union Pacific Railroad Company shall each pay into the Treasury of the United States, to the credit of said sinking fund shall

on account of the carriage and transportation of the mails, troops, munitions of war, supplies, and public stores until said default is removed.

SEC. 3. That the payments so to be made by said companies shall be in lieu of all payments required from said companies under said act, and the amendments thereto, in relation to the reimbursement to the Government of the bonds so issued to said corporations: Provided, however. That said companies shall not in any manner be released from their present liabilities to keep the said railroads and telegraph lines, constructed under the acts of Congress aforesaid, in repair and use, and to transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, supplies, and public stores, upon said railroads for the Government, whenever required to do so by any Department thereof, at fair and reasonable rates of compensation (said rates to exceed the amounts paid by private parties for the same kind of service), the whole amount of which shall be paid by the Government to said companies on the adjustment of the accounts therefor, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid.

SEC. 4. That the mortgage of the Government created by the fifth section of the act of July 1, 1862, amended by the act of July 2, 1864, shall not be in any way impaired or released by the operations of this act until the whole amount of the principal of said bonds, with the interest thereon paid by the United States as aforesaid, shall be fully paid; but said mortgage shall remain in full force and virtue, and, upon the failure of either of said companies to perform the obligations imposed upon them by this act, said mortgage may also be enforced against such defaulting company for any such default; the Government, however, duly crediting and allowing to the company upon said mortgage all payments which may have been made in part execution of this act, and interest thereon to be credited and added thereto se

vided.

SEC. 5. That this act shall take effect upon its acceptance by said railroad companies, or if accepted by only one of said companies, then as to the company so accepting the same, which acceptance shall be filed with the Secretary of the Treasury within four months from the passage of this act, and shall show that said company or said companies have agreed to the same at a meeting of stock-holders; and if said companies shall make punctual payment of the sum herein provided for, and perform all the conditions hereof, this act shall be deemed and construed to be a final settlement between the Government and the company or companies so performing the same in reference to all matters relating to a reimbursement to the Government by said companies; but in case of failure so to do Congress may at any time alter, amend, or repeal this act as to such company so making default.

SEC. 6. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. EDMUNDS. If my friend from Oregon will give way, I move that the Senate adjourn.

Mr. MITCHELL. I yield for that purpose.
The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 5, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

Monday, February 4, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W.

H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and ap-

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. CLARK, for ten days, on account of important business. To Mr. BOWDEN, indefinitely, on account of important business.

MARITIME CANAL COMPANY OF NICARAGUA.

The SPEAKER. The gentleman from Missouri [Mr. CLARDY] asks that the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua be reprinted, the supply having been exhausted. If there be no objection, the bill will be reprinted with the House amendments. There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills, resolutions, etc.

COURT OF APPEALS.

Mr. PAYSON introduced a bill (H. R. 12496) to establish a court of appeals; which was read a first and second time (the first reading being at length on the demand of Mr. PAYSON), referred to the Committee on the Judiciary, and ordered to be printed.

BANKRUPTCY.

Mr. PAYSON also introduced a bill to establish a uniform system of

bankruptcy throughout the United States.

Mr. PAYSON called for the reading of the bill, and the Clerk proceeded to read it.

INTERSTATE COMMERCE.

Before the reading of the bill was concluded, Mr. CRISP said: Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. CRISP. I am reluctant to interfere with the business of suspension day; but it does not seem that anything is likely to be done under that order. I therefore call up for present consideration the conference report on the bill (S. 2851) to amend an act entitled "An act to regulate commerce." This report was presented the other day and has been printed in the RECORD.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] calls up a conference report. This is a matter of the highest privilege.

Mr. PAYSON. I rise to a parliamentary inquiry. When the order of business which is now progressing shall be resumed, will not the reading of the bill introduced by me be again in order?

The SPEAKER. The conference report simply interrupts the pending order of business; that is all. The Clerk will read the conference report.

The Clerk read as follows:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Heuse recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And the commission is hereby authorized and required to execute and ence the provisions of this act; and, upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and to prosecute, under the direction of the Attorney-General of the United States, all necessary proceedings for the enforcement of the provisions of this act, and for the punishment of all violations thereof; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And of soldiers and sailors' orphan homes, including those about to enter and those returning home after discharge."

And the House agree to the same.

That as to amendments numbered 3 and 7 the committee of conference are unable to agree.

unable to agree.

CHARLES F. CRISP,
A. R. ANDERSON,
CHAS. O'NEILL,
Managers on the part of the House,
S. M. CULLOM,
O. H. PLATT,
ISHAM G. HARRIS,
Managers on the part of the Senate,

Mr. CRISP. Mr. Speaker, the report of the committee of conference and the accompanying explanation were published in the RECORD of last Saturday; and perhaps most of the members of the House are familiar with the effect of the agreement and disagreement on the part of the House and Senate conferees. I will state, Mr. Speaker, that this is only a partial agreement. As to the first and second amendments of the House there is an agreement. Those amendments relate simply to the question of publicity of rates. The Senate bill provided that the railroad companies should be required to keep in their offices schedules of rates; the House amendments require that these schedules shall be posted in conspicuous places. This is the only effect of those two amendments of the House, and to those the Senate conferees have agreed.

The third amendment of the House relates to the transportation of petroleum in tank cars and in barrels. As to this amendment the Senate conferees and the House conferees have been unable to agree; and we now report to the House a disagreement.

The fourth amendment is agreed upon by the conference commit-

Mr. STEWART, of Vermont. Will the gentleman allow me a question?

Mr. CRISP. Certainly.

Mr. STEWART, of Vermont. As to the third amendment, does not the difference between the two Houses relate simply to the charge for freight on the barrels in which petroleum is transported?

Mr. CRISP. The House amendment, Mr. Speaker, sought to require, as suggested by my friend from Vermont, that the rates of freight should be the same as to car-load lots, whether carried in barrels or in tank-cars. The language of that amendment, I believe, provides that the barrels shall be transported free as the tank-car is transported.

Mr. STEWART, of Vermont. Did not the Interstate Commerce Commission decide in a case, between the Louisville and Nashville Rail-

road Company and Mr. Rice, that the railroad companies should be entitled to charge freight on the barrels; that this would be just as between the different manufacturers or dealers, some of whom transport the oil in tank-cars and some in barrels?

Mr. CRISP. There were several decisions of the Interstate Commerce Commission upon this question. One of those decisions is, I think,

substantially as stated by the gentleman from Vermont.

Mr. STEWART, of Vermont. The point is, Mr. Speaker, whether the Interstate Commerce Commission, upon a full hearing of the whole subject as to the relative cost to the railroad companies of transporting oil in tank-cars and in barrels, did not decide it to be just that the railroad company should be permitted to charge full weight, just as they do for sugar or anything else?

Mr. CRISP. I think that was substantially the ruling of the commission under the law as it is.

Mr. GROSVENOR. Mr. Speaker, I wish to make a point of order here, that the amendment which I understand is being discussed by gentleman from Vermont and the gentleman from Georgia is one that

I introduced, and an amendment in which I have much interest; and that I have not been able to hear a word of the discussion owing to the

confusion prevailing in the Hall.

The SPEAKER pro tempore (Mr. McCreary). The Chair will suspend public business until order is restored upon the floor of the House.

Mr. CRISP. I will state, Mr. Speaker, to the gentleman from Vermont and to the gentleman from Ohio that this report is a disagreement as to two of the House amendments, and any question as to the propriety of the House either insisting upon or receding from those amendments would come up after the adoption of the report and when amendments would come up after the adoption of the report, and when a further conference is asked. As I understand the rule, at that time it will be in order, that is when we ask a further conference and after the adoption of the report, for any member of the House to move that the House recede from its disagreement or recede from its amendment, as the case may be, and in that way and at that time the question as to the propriety of any amendment which was before the committee of conference would properly be before the House for such action as the House might see proper to take, and in such shape that members might record their votes one way or the other.

We have agreed upon everything but the oil amendment and one other relating to the jurisdiction of State courts.

The next amendment is number 4, which was an amendment of the House to the Senate bill, in which we provide a penalty upon shippers for false representation of the contents of the package about to be shipped, and to that amendment the Senate have agreed. The fifth amendment-

Mr. BAYNE. Before the gentleman passes from this question I wish to ask if the fourth amendment is the one in reference to shippers mak-

ing false representations.

Mr. CRISP. Yes, sir; and the gentleman will find on page 9 of the bill the amendment to which I refer. It relates to false representation of the contents of a package.

Mr. STEWART, of Vermont. And that has been agreed upon. Mr. CRISP. That has been agreed upon, and so reported by the con-It is in connection with a part of the Senate amendment which seeks to impose a penalty upon the shipper as well as the carrier for any misconduct, and the House enlarged it by providing a penalty upon the shipper for false representation as to the contents of a package

Mr. DALZELL. Its effect is to make two parties enforce the law

when only one was required before.

Mr. CRISP. The next amendment is that numbered 5, and to this amendment there is an agreement upon the part of the conferees that the House recede from its position. This is the amendment authorizing and requiring the Interstate Commerce Commission to prescribe for the use and guidance of common carriers, in making schedules, rates, and charges, one uniform classification; and as to that amendment the report of the committee recommends that the House recede.

I am very frank to say, sir, that I was most anxious, and I believe the House conferees were most anxious, to do something that might aid in obtaining the enforcement of a uniform classification as to schedules and rates on the part of railroads; but I became satisfied, sir, upon such examination as I was able to give, and from the very able argument made by the Interstate Commerce Commission in their last report upon that subject, that it is wiser and better at this time to make port upon that subject, that it is wiser and better at this time to make no change in the present law in that regard. If gentlemen will read the summing up of the commission in that report, I think they will conclude that the wiser thing for us to do now is to wait, for a time at least, and see how nearly the railroad companies of their own accord will respond to the popular demand for uniformity in the classification of their freights. The House, therefore, as well as the Senate conferees, agreed upon that subject, and by the terms of the agreement this amendment is stricken from the bill.

There are two other amendments, numbered 7 and 8. Amendment No. 8 requires the Interstate Commission to enforce the provisions No. 8 requires the Interstate Commission to emote the problem of the act, and upon the request of the commission the Attorney-General of the United States shall put in force the necessary proceedings in the proper court to compel the enforcement of the act. The Senate and the House conferees have agreed upon a provision which is substantially this amendment, but is put in a little different form. Instead of casting this duty upon the Attorney-General, the amendment which is agreed upon and now reported to the House requires the com-mission to call the attention of the district attorney of the particular court having jurisdiction of the particular carrier involved to any vio-lation of the law on the part of the carrier, and makes it the duty of that district attorney to prosecute the carrier for such offense. substantially the amendment of my friend, Mr. ANDERSON.

The other amendment is the seventh. This amendment confers upon the State courts concurrent jurisdiction with the United States courts to hear and determine causes arising under the provision of the act. The House conferees, Mr. Speaker, have felt that it would be improper on their part in view of the past history of this subject in this House to recede from that amendment. Ever since the first agitation of the question of the regulation of interstate commerce by Congress, the House of Representatives has, I believe, in every bill or almost every bill that was reported to it, incorporated a provision that the State courts should have concurrent jurisdiction with the Federal courts of all questions arising under the act. In the Forty-ninth Congress the bill passed by the House contained a provision of that character. The Senate bill contained no such provision. The conferees on the part of the two Houses, I state, because I was a member of that conference—

Will the gentleman permit me to ask him a question Mr. OATES.

there?

Mr. CRISP. As soon as I have finished this statement

The conferees on the part of the House had a very considerable struggle on this question at that time, and finally the conferees on the part of the House, in order that there might be some legislation, in order that there might be at least an assertion by Congress in the form of a law of the right and power to regulate commerce, receded or recommended to the House that it should recede from that amendment, and that report was adopted at the last session of the Forty-ninth Congress. Now I will answer the question of my friend from Alabama.

Mr. OATES. Is it recommended now that that proviso shall be adopted conferring on the State courts jurisdiction under this act?

Mr. CRISP. The conferees on the part of the House insist upon that

amendment adopted by the House.

Mr. OATES. Does not my friend think that that is rather a novel kind of legislation for Congress to undertake to confer jurisdiction on

State tribunals?

Mr. CRISP. I do not, Mr. Speaker. I say to my friend from Alabama that this is not a new question. The Congress of the United States has conferred upon State courts authority to hear and to determine questions arising under the postal laws; to hear and determine suits arising against the national banks incorporated by the United States; to hear and determine questions in which-

Mr. OATES. Is not my friend mistaken respecting the right to

bring suit against national banks in State courts?

Mr. CRISP. I think not, sir. I think if my friend will examine the question he will find the State courts have that jurisdiction expressly given by act of Congress, which has been reviewed and cited in the Supreme Court, and that the Supreme Court has given as a rea-

son why the State court-

Mr. OATES. The act of Congress gives the same jurisdiction to the Federal courts as the State courts in all litigation to which national banks are a party; but in the Forty-eighth Congress that was amended so that the national banks may not go into the Federal courts except in such cases as State banks and State corporations can. That amendment was made upon the motion of the gentleman's colleague, Mr. Hammond,

Mr. CRISP. I think, Mr. Speaker, that a reference to the authorities which my friend, Mr. Anderson, of Iowa, has, but which I have not before me, will satisfy my friend from Alabama that this is not a novel proposition; and so far as I am concerned, if it was I am in favor of giving the citizens the right to sue and be sued in a tribunal of the vicinage where he lives, the right that he has at common law.

Mr. OATES. Is it not a fact that has been decided by the Supreme Court, that when Congress attempts to confer jurisdiction upon a State tribunal State courts may exercise that jurisdiction or not as they

Mr. CRISP. Mr. Speaker, it is quite possible and highly probable that it is not in the power of Congress by an act to require a State court to do a particular thing; but it is also quite possible and highly probable that where Congress says a State court may exercise jurisdiction, and the exercise thereof would be a great convenience to the people, that the Legislature of any State in the Union will confer the power and will make it the duty of the State court to exercise the jurisdiction. It certainly is not a novel proposition that a person may go into a State court to obtain a right secured to him by a Federal statute. The foreigner who comes to this country for a home obtains the right of citizenship in the State court; he becomes a citizen by the judgment of a State court, and he is enabled to do this because an act of Congress

says he may go there and obtain the right of citizenship.

Mr. STEWART, of Vermont. Will my friend permit me to ask him

a question?

Mr. CRISP.

Mr. CRISP. With pleasure. Mr. STEWART, of Vermont. If the State courts assume jurisdiction hereafter under this United States statute in all the different States of this country, I would ask my friend if he thinks that is likely to secure uniformity of interpretation and administration of the law?

Mr. CRISP. Why, Mr. Speaker, every one of the corporations affected by the interstate-commerce act, as to very many causes of action which naturally arise in the business of a railroad, are amenable to the State courts where the railroad runs. If my friend or myself should unfortunately be injured in a railroad accident, we are not driven to a United States court for redress.

Mr. STEWART, of Vermont. That question does not arise under the interstate-commerce law; that is by common law.

Mr. CRISP. The point I am trying to make is this: As to a great many matters the carrier is governed and controlled by the State law and the construction of the State courts, and no trouble arises from diversity of construction. Has it ever occurred to gentlemen who object to this provision that the effect of this law as it now stands is really to

deprive the citizen of a forum that is given him at common law and force him to one that the statute directs him to?

Why, gentlemen at all familiar with the interstate-commerce act know that it forbids the common carriers to do scarcely anything which was not forbidden by the common law. It is a statutory enactment of the provisions of the common law.

Now, in every one of these cases before the passage of this law the citizen had the right to go into the State courts to obtain redress, so that the effect of this law conferring jurisdiction upon the United States courts alone to hear and determine these cases is really to take

away from the citizen a right which existed at the common law.

Mr. ROWELL. Does the gentleman intend to say that any common-law right of the citizen to go into court was taken away by the

interstate-commerce act?

Mr. CRISP. Well, perhaps that was not correctly stated.
Mr. STEWART, of Vermont. I think not.
Mr. CRISP. What I mean to say is that before the enactment of this law the citizen had the right to go into court to seek an enforcement of the common law; now, in order to enable the citizen more easily to obtain redress, we have put into statutory form what was before the common law, and in doing so we have said to the citizen, "You shall not go into any but the United States courts under this act to have the law enforced."

Mr. ROWELL. Before the enactment of this law could you go into common-law court to enforce your right in relation to a matter of

interstate commerce?

Mr. CRISP. Perhaps you could in the absence of any legislation by

Congress on the subject. I am not, however, positive about that.

Mr. STEWART, of Vermont. Would not this be the result of this legislation? In the State of New York, for example, a question arises as to the construction of a United States statute and the State court there holds one way. The State court of Georgia in a similar case holds another way, and the State court of Iowa holds another way. Do you not, therefore, introduce an element of confusion into the construction of a United States statute if you give jurisdiction to the State

Mr. CRISP. Of course the gentleman well understands that where a Federal statute is at issue you can always reach the court which finally determines the proper construction of such statutes. You can reach that court from the supreme court of a State wherever there is a question of Federal law involved. I think, therefore, there is nothing in that point. If you get uniformity in the Federal courts, why can not you get the same uniformity in the State courts when you have a final review by the Supreme Court of the United States?

Mr. OATES. Will the gentleman permit another question?

Mr. CRISP. Yes, sir.

Mr. OATES Granting the power of Congress to confer jurisdiction on the State courts (which of course they can exercise or not as they see proper), it you should extend the principle and, in all cases where Congress has jurisdiction, confer upon the State courts jurisdiction to adjudge causes under any and all laws that may be passed by Congress, would not that be bad policy, and would it not lead to inextricable con-

Mr. CRISP. I think that no policy can be called bad which enables the citizen conveniently to apply to the courts for redress. that in some of the States it is quite easy to apply to a United States court for redress, but there are States in this Union where the citizen must go, and must take his witnesses, two or three hundred miles to a Federal court in order to have his cause tried. Now, I have always be-lieved that the most certain way to secure from individuals and corpo-rations a strict compliance with law is to put it in the power of the persons who are injured by their failure to comply with the law to reach, with as little trouble and expense as possible, a court which can compel obedience. I have always believed, and I believe the rule prevails in every State in this Union—I have always believed in the policy of having a court within easy access so that the citizen without great expense or great trouble may have an opportunity to have his cause heard. To say to a man that he must go two or three hundred miles with his witnesses to reach a court where his case may be tried amounts in many instances to an absolute denial of justice. Upon that principle this House has always acted when dealing with this question. The House has always, in such statutes, inserted a provision that the State courts shall have concurrent jurisdiction with the United States courts. There is no reason, I would say to my friend, why the State courts should not have this jurisdiction. The same jurors are to be found in the one court as in the other, and it is no reflection upon the judicial integrity or capacity of the judges of the United States court to say that the judges of the State courts are in all respects their peers.

Why should there be any fear or dread that the tribunals in the

States, which pass upon questions involving the life, the liberty, and States, which pass upon questions involving the life, the liberty, and the property of the citizen, will do injustice when it comes to a matter between an individual and a corporation? I confess, sir, I have no sympathy with that fear. I have no anxiety on that score. Justice is meted out there as it is elsewhere. Taking the great body of judges throughout this whole country, State and Federal, I have no sort of doubt that they are men of exalted character and great learning, and either in the State or the Federal courts the citizen and the corporation can confidently expect to obtain justice, and no more than that should be asked by any one.

I have said more on this point just now than I expected to say. We have a brief which, at the proper time, will be furnished, and which may relieve the minds of those gentlemen who seem to think

that this is a novel proceeding.

We have disagreed as to this amendment. If the House should adopt this conference report the motion will then be made that the House insist upon this amendment and ask a further conference; and at that time any member who wishes to take the sense of the House on either of these two propositions can do so by simply moving-a motion that has precedence of the other-that the House recede from this or that amendment. At that stage of the case the question will be directly before the House; it will be debatable, and the House can then intelligently express its opinion as to either of these amendments. stage the House must either adopt or reject the report. The adoption of the report will not in any way preclude the House from taking a vote as to whether it will or will not insist upon either of these two amendments. The adoption of the report means this and only this: that the House approves and agrees to the action of the conference committee so far as the conferees have agreed with each other. As to those matters the adoption of this report is a ratification and adoption on the part of the House of the action of the conferees. As to these two matters about which no agreement has been had, the time to test the sense of the House will be after the adoption of this report. the motion which will immediately follow the adoption of the report is made, that the House further insist and ask a conference, then any gentleman can move to recede, and in that way the sense of the House

If no gentleman desires to ask any further question in relation to this report, I would be glad to have it adopted; and then the question can be raised, if any member desires to raise it, on the two amendments

upon which there has not been an agreement.

Mr. STEWART, of Vermont. I would like to ask the gentleman a single question-whether this amendment is among those which have been recommended to Congress by the Interstate Commerce Commission?

Mr. CRISP. It is not.
Mr. BAYNE. Mr. Speaker, I should like to ask a question with reference to the provision in this bill which requires the shipper to make classification-to designate when he offers his goods to the carrier for shipment the class to which they belong.

Mr. CRISP. What page of the bill is that?
Mr. BAYNE. Page 9.
Mr. CRISP. What line?
Mr. BAYNE. The House amendment, I believe, is in line 50.

Mr. BAYNE. The House amendment, I believe, is in line 50. Mr. CRISP. That is not the House amendment; that is the Senate bill; we have inserted the italicized words; that is all.

Mr. BAYNE. The proposition embraced in that paragraph is the

Senate proposition, I understand.

Mr. CRISP. Yes, sir; that is the bill as passed in the Senate and agreed to in the House, with the amendment inserted in italics. The other words are not in conference at all; they have been agreed to by both Houses

Mr. BAYNE. I would like to ask the gentleman wherein the provision of this paragraph on page 9 differs from the existing interstate-

commerce act?

Mr. CRISP. This amendment, I will state to the gentleman, was recommended by the Interstate Commerce Commission, and seeks to extend to the shipper, as I understand, in cases of misrepresentation, penalties corresponding with those which the present law extends to the carrier.

Mr. DALZELL. The object was to prevent collusive arrangements between the agents of the railroad company and shippers whereby dis-crimination might be made to the advantage of some shippers as against

Mr. CRISP. In the mind of some of us there was an apprehension that the insertion of that provision might make it somewhat more diffi-cult to obtain knowledge of violations of law. Still the House agreed to that amendment; and we have not considered that matter at all in the conference.

Mr. BAYNE. I would like to say a word or two on this question.

Mr. CRISP. How much time does the gentleman desire?
Mr. BAYNE. I think I can say all I wish to say in five or six min-

Mr. CRISP. I yield the gentleman that time.
Mr. BAYNE. Mr. Speaker, in the regulation of interstate commerce
by Congress we began with a law which I very strongly and heartily favored-a law which was intended to reach the railroad corporations of the country and prevent discrimination against shippers.

We have in the course of a short time reached a stage when we propose to regulate the shippers of the country. This provision, on page 9 of the original Senate bill, makes it a penal offense with \$5,000 fine and imprisonment in the penitentiary not exceeding two years for any person, any shipper or consignor of goods to willfully by false billing,

false weighing, false report of contents of a package, or false report of weight or by any other device put goods into the hands of a common

It attaches that penalty outside of the original intention of the interstate-commerce law altogether. This proposition is not in the interest of the shippers of the country. It is a scheme in the interest of the railroad corporations. Why should not the shippers be permitted to make their own contracts with the carriers? This measure will affect the carriage of large amounts of freight. If it becomes the law, the corporations will classify freight, and upon particular classes they will put higher tariff, and upon other classes a lower tariff. They will require the shipper to discriminate when he brings his packages in for shipment as to what classes those packages come under, and they will charge him according to the classes to which they belong, whereas now the shipper can put his freight into such class as he may choose, only he shall take his own measure of compensation in case of loss, unless he puts it too high. In no court could he recover more, because that was his own valuation of his property when presented for shipment. But if this bill becomes a law there will be a classification made of the freight, and a particular quality or class of freight will be required to pay so much, and an inferior quality or class so much less, and a still inferior quality less still, and the shipper will be compelled to state to the railroad corporation, under penalty of a fine of \$5,000 and an imprisonment not exceeding two years, exactly to what class of freight the package which he presents for shipment belongs. I think if this becomes the law it will complicate the shipment of freight all over the country, and I can conceive of no better method of rendering the interstate-commerce law odious than by the adoption of the propositions contained in this bill.

The scheme was never suggested by the shippers of the country. came from the common carriers. It is they who want that embodied in the law as a part of the interstate-commerce act. I think this House should hesitate, and especially hesitate before it has taken testimony of the shippers as to the effect of that provision on their line of business. I do not know whether the Committee on Commerce has taken

any such testimony or not.

Mr. CRISP. No. Mr. BAYNE. W Mr. BAYNE. Well, I will say, Mr. Speaker, there are bitter com-plaints against this on the part of shippers, and they do say it will interfere largely with their business in transporting their freight from one State to another. I hope this measure will be put in such shape these persons may be heard from in order that we may arrive at such conclusion as that this will not return to plague us, as in my judgment it certainly will unless it is modified before it becomes a part of existing law.

[Here the hammer fell.]

Mr. CRISP. Mr. Speaker, the language to which the gentleman from Pennsylvania refers is not a part of the House amendment. whole bill, the gentleman understands, is one which originated in the Senate as an amendment to the existing interstate-commerce law. The House amended this bill, the Senate disagreed to the House amendments, and the conference report deals only with those matters that are in issue between the Houses. The portion of the bill to which the gentleman refers has been agreed to by both Houses.

A part of the provision to which the gentleman has referred is the

language of the original act.

Mr. ADAMS. The original Senate bill.

Mr. CRISP. The original bill now existing law. The change or addition made by the Senate bill is to extend to the shipper for false representations or deceitful practices the penalties that are now im-

posed upon the carrier under existing law.

The argument for it, and I am frank to say that I did not like the provision very much, but the argument for it is this, that here you put a penalty upon the railroad company for violating certain provisions of the law, and perhaps they might violate it through ignorance, being misled by the false representation of the shipper. The argument was that inasmuch as you compelled the railroad company to equality and uniformity in their rates you should give them the benefit of requiring the shipper to tell them honestly what it was he was shipping. It was not conceived that would be any hardship upon the shipper. I take it for granted that the case cited by my friend from Pennsylvania, while I know it is practiced generally, is hardly fair dealing. If the carrier puts in a certain classification one article and charges a certain rate of freight for it, and puts another article in another classification and charges a different rate of freight for that, it is hardly fair either to the railroad company or to the public to allow the shipper by falsely representing the contents of a package toget the lower rates of freight which are fixed by the carrier for another kind of freight.

Mr. BAYNE. If the gentleman will permit me just there, I want

glass puts in a box 100 feet of window-glass, say worth \$2.50 or \$3 a box, whatever it may be, and puts into another box, of identically the same size and the same weight, a quantity of glass worth \$20. Now, he is willing to bill them both as common window-glass at the value of \$3 a box. The railroad company takes the freight, and in the course of the shipment an accident happens by the preligence of the course. of the shipment an accident happens by the negligence of the corporation, which becomes responsible for the full value of the goods shipped, and is liable for any damage to the shipper for the value of the shipment placed upon it by the shipper. He is willing, in view of the reduced rate at which he ships his merchandise, to take the \$2.50 or \$3 for the box of glass, being himself willing to run the risk of accident because of the reduced rate at which he gets his freight.

Mr. CRISP. But how does that affect the other gentleman in Pittsburgh who is not willing to ship on those terms, but who is willing to ship his goods in the classification to which they properly belong, and

to pay the freight on them which that classification calls for?
Mr. BAYNE. Why, he can do that now. There is nothing in this provision or in the law to prevent it, and the shipper can put such value upon his goods as he chooses and hold the railroad company responsible for the loss in case of negligence. He can value his glass at \$20 per box if he chooses, or at \$3 per box, and ship it at that rate and hold the company responsible at the rate shipped. It is a matter of no consequence to the railroad company if he is willing to ship his goods at that rate, because the weight is the same, the compensation is the same, and the railroad company is only liable for the lower value fixed upon the goods. But now to require the shipper to declare to what class his goods shall belong is an invasion of the rights of the shipper and not in accordance with the original intent of the interstate law

Mr. CLARDY. Let me suggest to the gentleman from Pennsylvania

that that feature is not in dispute now.

Mr. BAYNE. Certainly it is. Mr. WILSON, of Minnesota. If what you argue should be done, does it not permit the dishonest man to classify his goods and get them carried at a third or a quarter or a half of what the honest man who classifies his goods at their proper value is compelled to pay?

Mr. BAYNE. No, I think not; but when you make this law in this form I believe that will be the effect of it.

Mr. WILSON, of Minnesota. But I mean now, under the present circumstances, does not that follow?

Mr. BAYNE. No, sir; not necessarily.
Mr. WILSON, of Minnesota. And that is precisely what this provision is intended to prevent, so that the honest man may not be forced to pay more than the dishonest man for the same service.

Mr. BAYNE. But you are quite mistaken, I think, in that. The effect of this provision is just the reverse.

Mr. CRISP. Mr. Speaker, I think the House understands this ques-

tion now. The gentleman from Pennsylvania bases his whole argument upon this idea—and, of course, I see the force of the position he assumes—that if the shipper is willing to accept, in case of loss, the value of the cheaper article, he ought to be allowed to ship at the rate established by the transportation company for the cheaper article.

Mr. BAYNE. Provided he is willing to take the same pay in case

of loss or damage.

Mr. CRISP. That is precisely what I have said—that if the shipper is willing to accept, in case of loss, the value of the inferior article, then the carrier ought to carry the superior article at the same rate as the inferior.

Mr. BAYNE.

Mr. CRISP. And that is absolutely ignoring the great object had in view by the passage of this law.

Mr. BAYNE. Oh, no.

Mr. CRISP. It was just such questions between particular shippers

and the railroad companies that created the demand for the law, a demand for uniformity and equality in classifications, and a demand that no man should have an undue advantage over the other in such shipments. But the gentleman contends that if the shipper is willing to take the risk of loss and accept the reduced price, he may ship at

the same rate as if he was shipping a low-priced commodity.

Mr. BAYNE. Permit me just there to illustrate my idea. It is this:
If you take a 2-foot square box and fill it with glass weighing 50 pounds, and worth \$20, and then take a box of the same size filled with common glass weighing also 50 pounds, and worth but \$3, and the shipper is willing to take his compensation at the inferior rate in the event of loss, if permitted to ship the better grade at the lower rate, then you have secured uniformity if the carrier will take that freight at the same rate as the lower grade of freight. But if you undertake to graduate the rate of freight according to the value placed upon the article by the shipper, then you have a complication which enters into the matter, you have a variable rate, and Congress is taking steps to do that in the interest of the carriers, willingly but not know-

ingly, that makes the interstate-commerce law odious.

Mr. CRISP. I know that the value of the article must more or less enter into the price of transportation, because the question of loss enters into it. They may lose the article and have to pay for it.

Mr. THOMPSON, of Ohio. That is not in issue.

Mr. BAYNE. It is in issue. I am going to move to non-concur in

that amendment.

Mr. THOMPSON, of Ohio. The two Houses have agreed to that.
Mr. DALZELL. Both Houses have agreed to that.

Mr. CRISP. If the gentleman has read the report and the bill he will see that its practical effect is to put a penalty upon the shipper for false representation as to the contents of the package. It positively

forbids anything of that sort, and gives the common carrier the opportunity to know what he is carrying.

Mr. GROSVENOR. This was in the Senate bill, and we have passed

Mr. BAYNE. Oh, no; it was not in the Senate bill, and we have not

agreed to it yet. Mr. CRISP. The italicized words are in conference. These italicized words represent the points of difference. That is all there is in

Mr. ADAMS. Will the gentleman from Georgia permit one sugges-

Mr. CRISP. Yes, sir.
Mr. ADAMS. We have been arguing about this on the merits; and I am inclined to think that my friend from Georgia [Mr. CRISP] is right, and my friend from Pennsylvania [Mr. BAYNE] is wrong. This matter is no longer in dispute between the two Houses. makes a proposition to amend section 10 which you have not agreed to, and therefore that proposition is still in dispute between the Houses. The differences there are now on a certain line, and everything else excepting that has been agreed to.

Mr. CRISP. The gentleman did not get the idea I wanted to convey. I do not mean to say that it is not in the power of the conferees, but say that as the Senate have got what it wanted, and the House got what it wanted in that language, the conferees did not consider it an issue-that there is no difference between the two Houses on that question.

Mr. ADAMS. But there is a parliamentary motion to strike this out. Mr. CRISP. I have no question about that. But whether there is a parliamentary way or not there is a way in which the matter could be changed or altered. You know, Mr. Speaker, that sometimes conference committees have made entirely new bills. But what I meant But what I meant to say was that by a vote in each of the Houses this language has been approved, except that italicized. Now, Mr. Speaker, I would like to have a vote upon this report. As to the language referred to by the gentleman from Pennsylvania, I should understand the adoption of this report as a further instruction that the House approves it as it stands; and I am frank to say that if that question is raised the matter should be determined before the adoption of the report.

Mr. BUCHANAN. Will the gentleman permit me to ask him an-

other question?

Mr. CRISP. Certainly.

Mr. BUCHANAN. The question I desire to ask is whether that is the item in reference to the transportation of oil and turpentine in tanks? Mr. CRISP. There is a disagreement as to this

Mr. BUCHANAN. There is no issue now as to that?

Mr. CRISP. None whatever. The question is as to agreeing to this report. We ask that the House agree to this and ask for a further con-

ference on these two points.

Mr. BUCHANAN. You simply report action upon what you have agreed to and ask for a continuance of the conference as to the others.

Mr. CRISP. Yes. We merely report what has been done—the differences as to which we have agreed, and the two to which we continue to disagree. That is as far as the report goes. If this report shall be adopted, then I shall move that the House further insist upon these two amendments and ask for a further conference. Then it will be in order for the House to recede.

Mr. BUCHANAN. In view of that statement, which I had supposed the gentleman would make, I would ask whether that motion will be made in any other manner except as a pro forma motion?

Mr. CRISP. I am very frank to say that I would be very glad if the House would consider these two propositions.

Mr. BUCHANAN. On their merits.

Mr. CRISP. I believe that my friend from Pennsylvania [Mr. O'NEILL], one of the conferees on the part of the House, is going to move that the House recede.

Mr. O'NEILL, of Pennsylvania. I supposed it would come with more propriety from me, because I am that one of the conferees on the part of the House who disagreed with the other members of the conference as to this matter.

Mr. CRISP. I should be glad to get a vote upon this report. How much time have I left? [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore. The Chair thinks the gentleman has

fifteen minutes.

Mr. CRISP. I demand the previous question on the adoption of the report.

Mr. O'NEILL, of Pennsylvania. I would like simply to state to the House what has been stated by the gentleman from Georgia, that these conferees are attempting to come to an agreement; that they have agreed in many respects, and I presume the proposition would be between the two Houses that there shall be an agreement on the points which have been agreed upon by the conferees, and that in another conference we may come to an agreement upon certain points in the bill which are in conference now.

Mr. CRISP. Mr. Speaker, of course my idea was just this: The conferees are divided on the part of the House; two of us favor these amendments, one is opposed to them; but I supposed the gentleman would test the sense of the House, which is his right to do in a parliamentary

way, so that we might know when we get back into conference again whether you want us to agree or disagree to these amendments.

Mr. O'NEILL, of Pennsylvania. The only idea is this: That the

conferees, when they are appointed again, shall go into conference; they may come to an agreement; or that gentlemen may move to recede or not to recede just now.

Mr. CRISP. That of course rests entirely with the gentleman him-

self, or with any other member of the House.

Mr. O'NEILL, of Pennsylvania. Any member of the House can make that motion, but it appears to me that we have not reached the stage when it is proper to move to recede or not to recede.

Mr. BAYNE. I want concurrence. I hope this re

I want concurrence. I hope this report will be

voted down

Mr. CRISP. I demand the previous question.

The previous question was ordered.

The question was taken on agreeing to the conference report; and the Speaker pro tempore declared that the ayes seemed to have it.

Mr. BAYNE. I call for a division.

The House divided; and there were-ayes 123, noes 4.

So the conference report was agreed to.

Mr. CLARDY. I move that the House insist on the remaining amendments and ask a further conference.

Mr. LODGE. Mr. Speaker, can not those recommendations be separated? I should like a separate vote on the one relating to the State

The SPEAKER pro tempore. A separate vote can be demanded on the amendment. The gentleman from Missouri [Mr. CLARDY] moves that the House insist upon its disagreement and ask for a conference on the first amendment.

Mr. GROSVENOR. We shall have to ascertain which amendment

comes first.

Mr. CRISP. Number 3, on page 7 of the printed bill.

Mr. STEWART, of Vermont. I would like to have the chairman of the committee state precisely the question involved in that amendment, so that members can understand it fully.

Mr. CRISP. Nothaving expected to call this up, I have not here the decision of the Interest of Commission is relation to the

decision of the Interstate Commerce Commission in relation to the matter of the transportation of oil.

Mr. ADAMS. Is the amendment the proviso on page 7? My copy has not the italicized words, and the copies with the italicized words

appear to be exhausted.

Mr. CRISP. That is it; number 3, on page 7.

Mr. STEWART, of Vermont. I asked the chairman of the committee that question because it seems to me that the text of this proposed amendment does not present the question, or rather that it is calculated to mislead as to what is the question before the House, and if the chairman will explain how the question arises, as I understand it was explained by the decision of the Interstate Commerce Commission in the case of Rice against the Louisville and Nashville Railroad Company, members can then understand precisely what bearing this amendment has.

Mr. CRISP. The language is very plain. The gentleman has it before him. That is the amendment adopted by the House. tive which actuated the House or the mover of the amendment the gentleman can judge of as well as I can.

Mr. STEWART, of Vermont. Yes.
The SPEAKER pro tempore. The Clerk will report the amendment.
The Clerk read the amendment, as follows:

Provided, however, That it shall be unlawful for any common carrier subject to the provisions of this act to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Missouri [Mr. CLARDY], which is that the House insist upon its amendment and ask for a further conference.

Mr. CRISP. I ought, perhaps, to state to the House that the House conferees have not insisted upon adhering to this amendment in exactly the form in which it now is. The amendment was adopted by the House perhaps without giving so much consideration to the form of it as ought to have been given. Under its terms the amendment fails, I think, to accomplish what the House wanted to accomplish; and the conferees on the part of the House have suggested that, if the Senate would agree to it, line 144 should be stricken out entirely and that the word "or" should be substituted for the word "and" in line 143, so as to make the amendment do what we understand the House intended it to do, namely, fix the same rates for the transportation of petroleum in barrels in car-load lots as in tank-cars. I have no wish about the matter myself.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. CRISP. With pleasure.

Mr. BUCHANAN. Does the gentleman believe that the House at

to give credit to a shipper of oil or turpentine in cars for the use of

those cars, the shipper owning the cars?

Mr. CRISP. As to that, of course I can have no better information upon which to form an opinion than the gentleman from New Jersey

Mr. BUCHANAN. I ask the question because you spoke of what the conferees understood the House to mean.

Mr. CRISP. Yes. Mr. BUCHANAN. And, since the minds of the conferees have been to some extent opened to the House, permit this other question: Do the conferees think it proper to insist upon legislation which would deprive the owner of cars, he being also the shipper of oil, of the benefit

of the ownership of those cars?

Mr. CRISP. I am trying to say that so far as I am concerned I would like to divorce, so to speak, the business of the shipper from that of the carrier. I would like to have the law in such a shape that the carrier must furnish everything upon which the material transported is carried; that for the transaction of his own business, the transportation of such freight as the country through which he runs may offer, the carrier should furnish whatever vehicles may be necessary, so as to do away with the idea of favors to any shipper.

The gentleman will see at once how this demand for legislation, if

there be a demand, has arisen. Here may be two refineries upon the line of the same road; one of them has sufficient means to carry on the oil business proper; the other has sufficient means to carry on the oil business and also a part of the business of a railroad; that is, is able to buy cars, cars which can be used only on a railroad, cars for which there is no use except as vehicles for railroad transportation. Now, this demand, if it exists, has arisen from this state of facts, that the shipper who owns the cars gets reduced rates-

Mr. BUCHANAN. But in consideration of furnishing the cars.
Mr. CRISP. Exactly. I say there is where the trouble has arisen. It
has arisen from the fact that one shipper, by reason of his larger means,
is enabled to have the use of a public highway on more favorable conditions than a man who has not so large means.

Mr. BUCHANAN. But that runs through all business.
Mr. STEWART, of Vermont. The shipper owning cars does not have the free use of those cars; he pays for them.
Mr. CRISP. But as gentlemen understand, the common-law rule is that the common carrier must transport everybody on equal terms; he can not give in one case facilities of transportation which he withholds in another; he must give equal transportation to all for the same money.

Now, I do not want gentlemen to understand that I am specially wedded to this amendment. It was not reported by the Commerce Committee; it is an amendment put on by the House. I merely want in the conference to represent the wishes of the House; but I am stating what I understand to be the occasion of the demand for such legislation. It arises, I say, from the fact that here is one man who is partly a refiner and partly a carrier—

Mr. BUCHANAN. I will say to the gentleman that I have no more

sympathy than he has with an attempt to secure lower rates because of an alleged ownership of cars. I am just as much in favor of equal rates to all under equal circumstances as the gentleman himself can be. But I am trying to ascertain whether the conferees are, using the expression of the gentleman, "wedded" to this particular amendment, or whether they would take into consideration the propriety of framing an amendment which would secure equal rates under equal conditions.

I am very sure, speaking for myself, that they would. Mr. BUCHANAN. This certainly does not secure equal rates under

equal conditions, or anything like that.

Mr. CRISP. There is where the trouble has arisen. the decision of the Interstate Commerce Commission—the last decision on this subject, I think-the companies must charge the same by the hundred pounds for oil in barrels, in car-load lots, as they charge for oil in tank-cars, and they may allow the owner of the car a reasonable price for the use of his car.

Mr. ROWELL. Is not that a good rule—an honest rule?

Mr. CRISP. Here is the point which is made: Under that decision the shipper in barrels is paying freight by the hundred pounds for his barrels, while the shipper in tank-cars, which it is claimed are but another form of barrel, is paying nothing for the weight of the tank-

Mr. STEWART, of Vermont. But he has paid for the car.

Mr. CRISP. The practical effect of this, according to the evidence, is that, for instance, from here to Atlanta, Ga., there is probably 20 or 30 cents difference on a barrel of oil, enough to give the shipper in the tank-car the command of the market.

A MEMBER. And to drive the others Mr. CRISP. To drive the others out. And to drive the others out.

Mr. WILSON, of Minnesota. May I ask the gentleman a question?
Mr. CRISP. Certainly.
Mr. WILSON, of Minnesota. I misunderstand this case, if the state-

ment of my associate on the Committee on Commerce is correct. any time intended to enact a law under which it would be impossible | persons were before the committee urging this amendment, which was

not adopted by our committee, but was afterwards inserted by the House, I asked this question: Is a tank-car with the tank on it any heavier than a box-car into which you load your barrels would be without the barrels? It was admitted that perhaps it was not. Therefore this amendment is compelling you to carry the barrels in the tank-car with the addition of not being dearer than the box-car without the barrels.

There is another question which enters into it, and that is, the danger of carrying oil in barrels is immense. In case of fire or collision or accident the danger is fearful. The great safety of carrying in tank-cars is a great consideration. This compels us to pay higher rate for the carriage of oil in tank-cars and for its carriage in barrels.

Mr. BUCHANAN. And therefore take advantage of the equitable principles of the interstate-commerce act for purely private purposes.

Mr. WILSON, of Minnesota. That is as I understand it.

Mr. DOUGHERTY. The question I wish to ask, Mr. Speaker, is

this: Why is this amendment made applicable to the transportation of petroleum or other oil? Why is it not made also applicable to the

petroleum or other oil? Why is it not made also applicable to the Pullman Company?

Mr. CRISP. I will state that this amendment is not from the Committee on Commerce of the House. This amendment was adopted in the House on motion of the gentleman from Ohio [Mr. GROSVENOR].

Mr. ANDERSON, of Kansas. By whom? Mr. CRISP. On motion of the gentleman from Ohio [Mr. Gros-VENOR]. This amendment, the House will understand, was never reported by the Committee on Commerce, but put in by the House on motion of the gentleman from Ohio [Mr. GROSVENOB].

Mr. STEWART, of Vermont. But what action was recommended

by the committee in reference to it?

Mr. CRISP. I asked the House or the Committee of the Whole,

when the amendment was offered, not to adopt it.

Mr. STEWART, of Georgia. I beg the House to recede from that amendment.

Mr. CRISP. This is the amendment offered by the gentleman from

Mr. CRISP. This is the Children of the floor ever since this amendment was up, and have failed to do so.

Mr. CRISP. I would like to hear from the gentleman from Ohio many control who moved the amendment.

[Mr. GROSVENOR], who moved the amendment.

Mr. GROSVENOR. I would be glad to get a word in here, but there

have been so many gentlemen occupying the floor so far I have not had a chance.

Mr. CRISP. I am glad to see the gentleman from Ohio on the floor. Mr. GROSVENOR. Ever since this conference began I have tried to get the floor.

Mr. CRISP. I did not see the gentleman and supposed he was re-serving himself on this question. How much time does the gentleman

Mr. GROSVENOR. I do not want more than ten minutes.
Mr. CRISP. I will yield that much time to the gentleman from

Mr. GROSVENOR. Mr. Speaker, I am surprised there should be a question about adhering to the amendment proposed by the House in Committee of the Whole at the time of the consideration of this bill. The bill would never have passed the House of Representatives if this amendment had not gone into it. The RECORD will show I served that notice at the time, and that provision met the objection I had to the interstate-commerce bill at the time it was on its passage. I pointed out to the House of Representatives they had put a bulwark of strength to the Standard Oil Company in the provision of the interstate-commerce law. I knew where that provision came from. I knew who its author was. I knew the effect it was expected to have, and I have lived to see the effect it did have.

The language of the act under substantially similar circumstances and conditions had the effect to exclude from the operations of the general provisions of the law and tariff of rates the shippers in a tank-car. The conditions were different, and therefore it was rates were made by the barrel in tank-cars-as in the case cited of Atlanta at rates that drove out of the Atlanta market every man who could not ship a tankcar. So that throughout the length and breadth of the country there is no man who can sell a gallon of oil who does not ship it to market in a tank-car. I have the proof of this in the decision of the Interstate Commerce Commission in the case of George Rice against the Louisville and Nashville Railroad Company. They procured this to be excepted out of the law, and in barrels at one rate and in tank-cars at another rate. The result is that the interstate-commerce law, which was made for the purpose of equality of rates, has destroyed this industry in the hands of every man in the United States except the Standard

That is the fact; it is not denied; and when Mr. Rice went into the Interstate Commerce Commission, under the argument which I hold in my hand, of Mr. Gowan, formerly president of one of these great railroad lines, the Interstate Commerce Commission made a judgment, conferring a partial relief only, and then specially requested Congress to wipe out the discrimination by legislation.

This amendment was brought here, framed at the suggestion and as

a result of the Interstate Commerce Commission using this language in closing their decision upon the Rice case, that-

This matter is a matter which requires the intervention of the legislative department of the Government.

Now, Mr. Speaker, the language of the amendment is immaterial: that may be changed, so that it meets the idea suggested, and I recognize the propriety of the suggestion made by the gentleman from Georgia, the chairman of the committee. It is not important that this language should be adhered to. If the House will only stand by the amendment and send it back to the conference committee, I hope and that that something will some of it which will give relief in the direct that trust that something will come of it which will give relief in the direction indicated. I have no feeling about the matter myself, but I saw, or thought I saw, exactly where that language in the interstate-commerce bill was going to strike the interest of which I am speaking, and the facts developed by the operation of the law have been exactly as I supposed.

I have in my hand a table of the rates charged to-day by the tankcar and by the barrel, in car-loads, on oil, which table shows a dis-tinction or discrimination which can not be reached under the law, and which amounts to an absolute destruction of the business of the men, excepting those who are willing and able to ship in tank-cars. Further than that, I have here a statement showing that where certain individuals have been able to raise the money to buy a few tankcars they have not been allowed to do so, and that the monopoly has extended itself beyond the mere shipment of oil and even to the control of the manufacture of the tank-cars. Fortified behind this law, they have extended their monopoly in that way; and it seems to me that the argument of the gentleman from Georgia that it has not been fully considered in the House justifies me in asking this committee of conference to further consider it, and to come back with a further report upon a question of so much importance.

Mr. CANNON. Will the gentleman allow me to ask him a question, as he is a member of this conference?

Mr. GROSVENOR. I am not a member of it.
Mr. CANNON. I thought the gentleman was, but I would like to ask a question for information to find out what is my own duty in the matter. I do not know of the facts which have been stated here. Does the gentleman from Ohio understand that oil can be shipped cheaper in fact in tank-cars than in barrels?

Mr. GROSVENOR. Does the gentleman mean whether the rates of

freight are less:

Mr. CANNON. I mean can the work be done for less in that way? Mr. GROSVENOR. That depends upon a number of circumstances which enter into it. In certain directions I should say it could be done cheaper in the tank-cars. If these cars are returned empty it may not be so. But the return of the tank-cars, if they come back loaded with linseed oil or turpentine—

Mr. BUCHANAN. Or cotton-seed oil.

Mr. GROSVENOR. Yes, or cotton-seed oil, it may be that it would

be much cheaper in the tank-cars. But as I have said, there are many considerations which enter into it. I suppose, however, as a rule it can be done cheaper in the tank-cars.

Mr. CANNON. If that be true, I want to know if the gentleman from Ohio thinks it proper that the law should be so amended as to prohibit that method of cheap shipment to the consumer? I want to

get at it from a practical standpoint.

Mr. GROSVENOR. I will answer the gentleman in this way: You can ship twenty car-loads of fresh beef from Chicago to New York at a less rate to the shipper than you can ship one, but I am in favor of legislation that will enable the shipment of one car-load at the same rate that we ship twenty, and the whole object of the law is to prevent discrimination against the man who ships in small quantities as

against the large shipper.

Mr. CANNON. But if a man who ships twenty car-loads of beef in refrigerator-car owned by himself ships at a cheaper rate than another man can ship only a car-load, does the gentleman say that he should not be allowed credit for the car?

Mr. GROSVENOR. But that question does not enter here.
Mr. CANNON. I think the same principle is involved.
Mr. GROSVENOR. I am not talking of that now, but whenever Congress decides that a man who ships one car-load shall pay in the same proportion by the car-load that a man who ships twenty car-loads pays, then you have equality; whenever you say that a company may make a contract to ship twenty car-loads at a rate per car-load less than the shipper of one car-load is allowed, then you have broken down your equality and the object of the law utterly fails.

Mr. ROWELL. Do I understand you to say that the Standard Oil

Company controlled the building of these cars?

Mr. GROSVENOR. I say that to a large extent they do. Mr. WHITE, of New York. Is there a patent upon them? Mr. ROWELL. If that is true it makes a very different phase in

this question. Mr. WHITE, of New York (to Mr. GROSVENOR). Is there a patent

Mr. GROSVENOR. I think there was, and I think it has expired.

Mr. WHITE, of New York. If there ever was it expired long ago. Mr. GROSVENOR. While on the floor I will read a little on this subject which seems to reflect upon that point. I do not make any statement without my authority. I read from a letter from Murray, Dougal & Co., limited, of Milton, Pa. The letter speaks for itself:

MILTON, PA., December 6, 1887.

My Dear Sir: We have just wired you as follows: "Our financial friends decline to advance the money. We can not build them except for cash," which

My Dear Sir: We have just decline to advance the money. We can not build them except for cash, which we confirm.

Our Mr. Dickerman returned this morning, and after using every exertion failed to negotiate the deferred payments on your cars. Our financial friends state that they have declined to do this mainly on account of some supposed controversy which they claim you have had with the Standard Oil Company and various railroads in the West. They feared you could not use these cars to advantage if the railroads should be hostile to your interests.

We regret this very much, as we have been to considerable trouble and expense in making arrangements to build the cars, and are now seriously disappointed at the refusal of the parties to take the deferred payments, as they had partially promised to do.

We should be very much pleased to build these cars for you if you can negotiate the notes with your friends and pay us the cash.

Please let us hear from you at your earliest convenience concerning your ability to raise the money.

Yours, very respectfully,

MURRAY, DOUGAL & CO., Limited.

GEORGE RICE, Esq., Marietta, Ohio.

Mr. ROWELL. That affects their getting the cars built on credit. Mr. GROSVENOR. They had agreed to build them, but afterwards refused because the Standard Oil Company refused to allow them.

Mr. CRISP. I now yield to the gentleman from Vermont [Mr. STEWART] for five minutes.

Mr. STEWART, of Vermont. This looks very much like an attempt to settle by Congress a controversy between George Rice and the Standard Oil Company. Now, I have no interest in either of them and no relation to either of them. All the information I have on this subject is derived from the report of the Interstate Commerce Commission of a controversy between George H. Rice and the Louisville and Nashville Railroad Company. It is stated there that there was some discrimination against the carrying of oil in barrels, and the Interstate Commerce Commission decided in that case that the railroad company should give Mr. Rice the same rate per hundred pounds that it gave to the Standard Oil Company in the tank-cars. They, however, held, and in that I think they were right, that while the rate should be the same per hundred pounds, that it would be just and fair that the railroad company, all things taken into account, should charge Mr. Rice for the weight of the barrels.

Mr. CRISP. Treating the tank as part of the car?

Mr. STEWART, of Vermont. Treating the tank as part of the car.

Other considerations entered into the decision. It appeared that the commission, as I understand it, thought it was advantageous to the carrier to take this freight in a tank-car rather than in barrels, because if they took the oil and went to the South, for example, with petroleum in a tank-car, when they returned they could bring turpentine or cotton-seed oil, so that they had the advantage of carrying both ways, whereas if they transported in barrels they had no return freight.

Therefore the commission stated it would be unjust to the railroads,

while they gave these competing companies the same right per hundred pounds, that they should not be permitted to charge the weight of the barrel. Now, then, we find these amendments; and here is where Mr. George Rice appears, I suppose, although I do not know anything about it. Having failed in the commission to get all he desires, he comes here through his representative and asks Congress to intervene and settle this private controvers. It is special logical to intervene and settle this private controversy. It is special legislation which I think Congress ought not to be called upon to grant.

Mr. KERR. Would the car weigh any more with the tank than

otherwise?

Mr. STEWART, of Vermont. I understand the tank is considered as part of the car. I do not know of any reason, and I do not think as part of the car. I do not know of any reason, and I do not think any gentleman can give any reason why, in the interest of the great mass of consumers of oil, a controversy between these people should be settled by Congress. This does not interest the general public. What they are interested in is the price of the oil, and what they want, so far as the administration of the interstate-commerce law is concerned, is that all parties shall be treated alike.

Now, the Interstate Commerce Commission have declared that these parties in controversy shall be treated alike, provided that the railroad company is permitted to charge for the gross weight. I think that is right, Mr. Speaker; and I will move, if that motion is not pending,

that the House recede from this disagreement.

Mr. GROSVENOR. I would like to ask the permission of the House to incorporate in my remarks a number of letters which I have received from the smaller oil-refiners in Pennsylvania advocating this amendment, and stating that they will have to close up business if some such provision is not made.

Mr. CRISP. I have no objection to that.

Mr. GROSVENOR. I want to make but one more statement, and I will ask but a moment. I am surprised that the gentleman from Vermont should seek to prejudice this matter by referring to Mr. Rice as having some controversy with the Standard Oil Company, etc. Mr.

Rice is only the man who happens to be put forward by the smaller refiners to bring this litigation; and he speaks as one of the men who are opposing that giant monopoly which the gentleman from Vermont so eloquently defends on this floor—the Standard Oil Company of Pennsylvania.

The SPEAKER pro tempore. Is there objection to the request of the gentle man from Ohio, to print certain letters with his remarks? The Chair hears none, and it is so ordered.

The letters are as follows:

TITUSVILLE, PA., January 29, 1889.

The letters are as follows:

Titusyille, Pa., January 29, 1889.

Dear Sir: We understand that you are a member of the conference committee on amendments to the interstate-commerce law, and that the proposed amendment relative to tank and barreled oil rates is still unsettled. There seems to be considerable difference of opinion as to result of such a law among those most interested, but to our minds, after considerable experience and reflection, it would certainly result only in injury to those expected to be benefited, namely, "outside" oil-refiners and the public consumers. If the rates were made the same, the barrel rate would not come down, but the bulk rate would go up; any shipper with the slightest knowledge of railroad matters knows this, and further that the Standard Oil Company are better off on high railroad freights than on low ones, as it is notorious that rebates, by other names in other ways, are and will be still paid to them by the railroads, and the higher the rate the greater advantage against the small refiner, who without any intimate acquaintance among railroad officials has little chance against those who make a business of railroad matters and "keeping in" with railroad men. It is useless to say such things are "against the law," but they are done nevertheless, and the surest preventive is the lowest possible open rates.

The movement of oil in bulk is undoubtedly the most economical for both shippers and railroads, and our "export oil" will no doubt very soon have to be transported in this way to the seaboard and thence in tank-steamers to Europe. If this is not generally done, American oil can not compete with the Russian oil, and we can not compete with the Standard Oil Company's seaboard pipe lines. To imperil a low tank-car rate bylegislation making it everywhere the same as barreled oil would, in our opinion, be extremely fill advised, and would probably be ruinous to the independent refiners engaged in the "export" trade and who are considerably the largest in number in the refini remain, Yours respectfully,

NATIONAL OIL COMPANY, LIMITED

Hon, C. H. GROSVENOR, M. C., Washington, D. C.

BUFFALO, N. Y., January 30, 1889.

DEAR SIR: The newspapers say that the conference committee report adversely on the inclosed amendment to the interstate-commerce law. Many shippers that I have talked with regret this adverse report and wish the committee would reconsider this matter. This amendment is surely right, if the interstate-commerce law is right. There can be no commercial liberty to shippers and manufacturers outside the Standard trust as long as the railroads are permitted to discriminate against goods in barrels. Discrimination against the public by the roads has built up the Standard monopoly and they can be relied on every time to oppose legislation tending to make the roads common carriers in fact. My experience as manufacturer and shipper makes me very anxious for the success of the proposed amendment.

Yours, truly, for the success of the Yours, truly,

C. B. MATTHEWS.

Hon. C. H. GROSVENOR.

PITTSBURGH, January 29, 1889.

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SIR: We heard with great regret from Mr. Rice that the conference committee had rejected the amendment to the interstate-commerce bill equalizing freight charges on oil in tanks and in barrels, which passed the House of Representatives September 14, 1888.

We write to ask you if there is any possibility in any way that this action may be reconsidered. The amendment is alike an act of justice to the railroads, the independent refiners, jobbers, and consumers.

The advantage to the railroad of transporting oil in barrels, both in the way of increased safety and economy, are most clearly set forth by Mr. John T. Wilson, late general traffic agent of the Pennsylvania Railroad, and by Mr. W. J. Brundred, general agent of the tank line belonging to the same company, in their testimony in a case brought by Nicolai & Brady against the Pennsylvania Railroad before the Interstate Commission.

The same facts are also stated in a memorandum published by the interstate commissioners, contradicting the assertion that the advance in freight on barrels was authorized by them.

To the independent refiner, the jobber, and the consumer, the amendment is of great value, as it tends to hinder the Standard Oil Company in their efforts to obtain a monopoly of the oil business.

Prior to the use of the tank-cars every wholesale merchant or wholesale druggist in every town of any size purchased oil by the car-load, buying where they could buy the best oil at the cheapest rate, and a wholesome competition between themselves insured to the consumer good oil at fair prices. Now that the Standard Oil Company have established tank stations in all such towns, paying less freight, and buying cheap, second-hand packages, they are enabled to sell so low as to inflict certain loss on any dealer who is bold enough to draw his supplies elsewhere than from them. This may be said to give the consumer cheaper oil, but the opposite is the result in fact. As soon as the competition is broken down the Standard advance thei

By R. P. CRAWFORD, Treasurer.

Hon. C. H. GROSVENOR, House of Representatives.

Mr. CRISP. I now yield five minutes to the gentleman from New

York [Mr. WHITE]

Mr. WHITE, of New York. Mr. Speaker, it was a significant admission on the part of the gentleman from Ohio who spoke last [Mr. GROSVENOR ] that this bill would not have been permitted to pass without the amendment which the gentleman presented when it was reported by the Commerce Committee. I congratulate the House that we have now a quorum; that this matter, being in conference, is privileged, and that what could not have been done, as the gentleman states, at the time when we had no quorum and it was not privileged may now be done, so that a fair expression of the sense of the House can be had, and that there is now no possibility of any gentleman from any part of the country holding any kind of club over the House in the interest of any one competitor or in the interest of many competitors as against one.

The question in this case is, is it right, is it fair, to compel the rail-roads to carry the weight of the barrels free and to load and unload them without charge, when the tank-cars empty themselves from the them without charge, when the tank-cars empty themselves from the application of the laws of gravity? Are these things right in regulating the transportation of oil, and shall they be granted to the competitors of the Standard Oil Company, which has been held up before the House as the great hobgoblin that should frighten every man (who looks to his constituency for a return) into voting here for what may be supposed to be opposition to the interests of that company?

Now I want to call the attention of the House for a minute to the

contradiction which is involved in the positions assumed here. A great hue and cry is raised against the Standard Oil Company, and the gentleman from Ohio [Mr. GROSVENOR] tells us that unless his proposed legislation shall go through, the other competitors in the oil business will have to go out of business. Why? Because the Standard Oil Company is furnishing to the people of this country, of whom we are the representatives, the product of manufacture of oil at rates so cheap that other parties can not compete with them in the market. And we, as the representatives of the people who are the consumers of the oil, stand here crying "Monopoly! monopoly!" because that company is able to do business so cheap and to sell the manufactured product so cheap to our constituents that other people can not compete with them.

For one, I am opposed to legislation for the purpose of affecting com-

petitors in business. I believe that if the Standard Oil Company can manufacture their products for a less price and can sell them for a less price than others, then, on the principle of fair play to all, they are entitled to have the benefit of what they are capable of doing. And I believe that it is not in the interest of the people, but in the interest of higher prices for manufactured oil for us to step in here and say that the railroad companies shall carry the oil in barrels, without counting the weight of the barrels, at the same price at which they carry the oil in tanks, not charging for anything except for the weight of the oil. That is not fair. All this talk about monopoly is not proper, it seems

to me, in legislation.

Mr. Speaker, what is monopoly and who are monopolists? According to the talk we hear upon this floor a monopolist, Mr. Speaker, according to this standard, is a man who, having built a house for him-self and his family, fails to build one for everybody else and everybody else's family. [Laughter.] That is all. A monopolist in the com-mon-carrier business is a man who builds himself a railroad and then does not parallel it with another railroad and make somebody else a present of it. [Laughter.] A monopolist is a man who, having devised or obtained the means of furnishing an article for consumption by the people at a price cheaper than anybody else, does not put into the hands of everybody else the opportunity to do it a little cheaper than he can. Now, principle is principle, and fair play is fair play, even if the Standard Oil Company is a party on the one hand and all the world is on the other.

The Standard Oil Company since it has come into prominence as a great factor in this country, has by its competition lowered the price of refined oil from 20 cents a gallon to 8 cents a gallon, and while it has it has enriched its members. But while it has enriched its stockholders it has at the same time enriched the constituents of every man on this floor to the extent to which it has reduced the price of oil to the consumer; and that is the real history of this competition. So, Mr. Speaker, I ask that this question shall be taken with reference to the interests of our own constituents, the consumers of oil, instead of with reference to the interests of the constituents of the gentleman from Ohio [Mr. Grosvenor], whose credit was so bad that they could not obtain oil-tank cars without paying "spot cash." And that is the entire extent to which there is a patent right on tank-cars.

In any event, Mr. Speaker, if these prices are to be brought upon the

same level it will not be at the expense of the railroads but at the expense of the people by raising freight in the tank-cars to the price nec-

essary to pay for transporting and handling the freight in barrels.

We will have "got in our work" as against the Standard Oil Company, but we will have done it by raising the price of oil for our constituents, the people; and we will have benefited the manufacturers in that district in Ohio represented by my friend, Judge Grosvenor, by raising the price of refined petroleum to a point where those manufacturers can produce it at a profit, which at present it appears they can not

Mr. CRISP. Mr. Speaker, I want to call attention for a moment to the decision of the Interstate Commerce Commission so that the House may fully understand it, and then so far as I am concerned I shall be ready for a vote.

The decision is as follows:

The decision is as follows:

When for a special traffic, e. g., the transportation of petroleum oils, a carrier provides rolling stock for one method, but does not provide it for another for which it publishes rates, but the shippers are expected to provide the same, the terms on which such rolling stock is to be provided should be uniform and be published with the rate-sheets, and can not lawfully be left to be the subject of bargain and of different terms in the case of different shippers.

It is properly the business of a carrier by railroad to supply the rolling stock for the freights he offers or proposes to carry; and if the diversities and peculiarities of traffic are such that this is not always practicable and consignors are allowed to supply it for themselves the carrier must not allow its own deficiencies in this particular to be made the means of putting at unreasonable disadvantage those who make use in the same traffic of the facilities it supplies.

When two methods for the transportation of an article of merchandise are nominally offered by the carrier, for only one of which it offers rolling stock and for the other of which the shipper must supply his own rolling stock and erable expense, it can not be said that the resort to the latter by the shipper is so far a matter of choice that he has no concern with the charges for transportation in the other mode.

tion in the other mode.

The man of small means being compelled to make this choice by reases of the carrier's failure to supply rolling stock for the other mode, has a right to insist that the charges by transportation in the two modes shall be relatively just and equal.

Mr. ADAMS. "Relatively."
Mr. CRISP. I am going on to show what they mean by "relatively."

When oil is transported in tanks permanently affixed to car bodies-

Here is the trouble in the way-

the tank is to be considered as part of the car; and for oil transported therein the charge for transportation should be the same by the hundred pounds—

Not by the barrel, by the hundred pounds-

that the carrier charges for transportation between the same points of barrels filled with like oil and taken in car-load lots. The carrier is guilty of unjust discrimination if the shipper in barrels is charged a higher rate.

Neither the fact that the shipper in the one case supplies the rolling stock, nor the alleged fact, which is not found sustained, that for the tanks there is a greater probability of return loads, nor the further alleged fact that with barrel shipments there are greater risks to the carrier's property and that which it carries, can justify imposing upon the barrel shipments the greater burden.

Under this rule the carrier will be at liberty and will be expected to make to the owner of tank-cars a reasonable allowance for their use.

Mr. ADAMS. Will the gentleman be kind enough to read that last sentence again?
Mr. CRISP (reading):

Under this rule the carrier will be at liberty and will be expected to make to the owner of tank-cars a reasonable allowance for their use.

Mr. ADAMS. The gentleman will observe that this amendment forbids that.

Mr. CRISP. Of course the amendment is meant to change the law as now interpreted by the commission. My object in calling attention to this matter is that the House may act intelligently and with a full understanding of what the commission has decided in regard to the interpretation of the present law. Here is another case:

terpretation of the present law. Here is another case:

It is a common-law and charter duty of every railway carrier, subject to the act to regulate commerce, to furnish a proper and adequate car equipment for all the reasonable needs of the business it advertises and undertakes to do, and if the carrier fails to do this, to the wrongful injury of the shipper, it is liable in damages therefor; but the statute has not clothed the Interstate Commerce Commission with the jurisdiction to order the carrier to furnish any particular equipment of ears, or in fact any cars at all. It is the duty of such carrier to select and furnish its own equipment of cars, under all the responsibility which the law requires of it in so vital and important a matter, for the public has not undertaken to divide responsibility with the carrier in this respect.

The law does not forbid a carrier from obtaining cars for the transportation of freight over its line from other carriers or car-furnishing companies, but in every such instance the rates of freight must be exactly the same, and none other, as they would be if such cars were owned by the carrier so using them.

The law does not forbid a carrier from obtaining cars from a shipper for the transportation of such shipper's freight over its line; but in every such instance, after deducting a reasonable rent published in the tariff as part of the rate and paid by the carrier to the shipper for the use of such cars, the rates must be exactly the same, and none other, as upon freight transported in the same service in the carrier's own cars; and in every such transaction the carrier, at his peril, must see to it that a shipper furnishing his own cars receives no other or different rates than other shippers who use the cars of the carrier for a similar service.

Now, as I understand the rule as it exists to-day under the inter-pretation of the commission, it is just this: The carriers must charge for car-load lots the same rates per hundred pounds for petroleum transported in a tank-car as for petroleum transported in barrels. The trouble arises from the fact that the tank is treated as part of the car and the barrel as part of the freight. There is the distinction from

which this trouble arises.

Mr. WHITE, of New York. Is there any doubt on the proposition that the tank-car, including the tank, does not weigh more than the box-car, including the box?

Mr. CRISP. I am not informed about that.
Mr. WHITE, of New York. Well, it is a fact that it does not.
Mr. CRISP. That is where the whole complaint comes in; and the practical effect is just that suggested by my friend from Ohio-that the Standard Oil Company has an absolute monopoly of the oil trade in almost all parts of the country by reason of their possession of means to enable them to build these tank-cars.

Now, I think the proper rule would be-of course I am not offering an amendment now-but the proper rule in my judgment would be that suggested in one of these decisions by the commission; that is, that a common carrier should be required to furnish suitable and proper cars for the transportation of every commodity which he advertises he will carry, so that he may be enabled to afford equal facilities to all individuals who may choose to transport in that way. It strikes me that would be a reasonable and proper rule.

Mr. GROSVENOR. If the House should adhere to the amendment,

will there not be entire power in the committee of conference to put

in such a provision as the gentleman suggests?

Mr. CRISP. I think so; and I am in favor of that kind of a provision. Of course I see some objections, as other gentlemen do, to singling out one particular article like oil when there may be trouble in many other respects. But one of the great difficulties in this country which created the demand for the passage of the interstate-commerce law was the fact, amongst other things, that railroad companies engaged in other business than that of transportation. They might be pro-

in other business than that of transportation. They might be producers of coal at a particular place, and owning the highway also would have the advantage of everybody else.

Now, if a railroad company occupied with reference to oil the same position which it does with reference to the transportation of passengers there would be no complaint. While one gentleman may obtain from a railroad company a special car in which his family may be transported, every other gentleman can go to the company and obtain the same accommodation, if he is willing to pay for it. That is not true about this oil business. The railroad company advertises rates for the transportation of oil in tank-cars; and when you go to them and say, "I desire to ship so many gallons of oil in a tank-car," they say, "We have no tank-cars."

have no tank-cars."

Right at the same station where you live it may be they have a tank-car they have rented from the Standard Oil Company, but they will not accord its use to anybody else. It is renting a car for the exclusive use of the person from whom it is rented. There is where the trouble comes The complaint is made that no transportation company should be allowed to do that. It is not in harmony with the old common-law rule in respect to common carriers. The common law is fair and founded in equity and justice. It requires equal facilities for the same money to every one who seeks the service of the carrier.

Mr. BUCHANAN. If this is not agreed to and the matter is left in the hands of the conference committee, is it not within their power to report a substitute which will give us a provision of precisely that char-

acter?

I think so. That is what I want to do. what I ask to do. It is the position I assumed before the committee; that is, not to single out any article, but to require all common carriers engaged in the transportation of people and property to give equal facilities to all.

Mr. ADAMS. Would not the effect be to prohibit the railroad company from transporting vehicles not owned by itself; for instance, grain-cars owned by private individuals, or some other patent here-

after invented?

Mr. CRISP. I know there are many troubles about it. I hope the provision before it becomes a law will be framed properly. I do not want to stop the common carrier from carrying such a car as that suggested by the gentleman from Illinois. It is a difficult problem just what to do. If the carrier owned the tank-cars it could not hire their exclusive use to any one shipper, but under the law as it now is the carrier rents from an oil-shipper tank-cars and allows that shipper alone to use them, thus practically granting the use of its cars to one party and refusing their use to another. It enables a common carrier to discriminate among shippers. It enables the common carrier to supply something to one and to refuse it to another dealer, so as to render the latter unable to compete with the former in the same line

Mr. ADAMS. Is it not possible to compel the common carrier to charge for the use of its car reasonable rates, and if so, why is there not adopted some provision requiring equality and uniformity in this

Mr. CRISP. That seems to be reasonable, with this qualification: The common carrier is a public corporation which must not discriminate. Here it rents its car from one individual and allows no one else to ship in it except the person from whom it is rented.

Mr. ADAMS. That is not reasonable.

Mr. ADAMS. That is not reasonable.
Mr. CRISP. The commission say they have the right to do so if

they charge a reasonable price for the use of the car.

Mr. ADAMS. No railroad ought to refuse to take goods for transportation so far as the vehicle in which they are transported is con-

Mr. CRISP. This is a troublesome question. What I want is to put the common carriers in the position where they can charge a reasonable rate for any service they undertake to perform. But when they undertake to perform a service they must perform it for everybody who wants it; that is, that they shall use a public charter for the interests of all and not for the benefit of a few. But I am not wedded to this particularly. I would like to have a vote on it. [Cries of "Yote!"]

I believe the pending vote is on the motion of the gentleman from Vermont [Mr. STEWART] to recede from this amendment.

The SPEAKER. The question recurs on the motion of the gentleman from Vermont [Mr. STEWART], that the House recede from its third amendment.

The motion was disagreed to.

Mr. CRISP. I move the House further insist on its amendments and ask for another conference on the disagreeing votes of the two

Mr. LODGE. I want to move to recede from amendment No. 7. Mr. CRISP. Let it be read.

The Clerk read as follows:

(7) SEC. 11. That in all civil actions and proceedings of whatever nature arising under an act entitled "An act to regulate commerce," approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction.

(8) SEC. 12. That the commission is hereby authorized, empowered, and re-

quired to execute and enforce the provisions of this act; and upon the request of said commission the Attorney-General of the United States shall institute and prosecute all necessary proceedings in the proper court for the enforcement of this act and for the punishment of all violations thereof.

The SPEAKER. The motion of the gentleman from Massachusetts would involve the striking out of both sections as the two are inserted as one amendment.

Mr. CRISP. That is a mistake, Mr. Speaker; there are two amendments, numbered 7 and 8, and they so appear in the printed bill.

The SPEAKER. The Clerk will report the action of the House,

which shows that the two are embodied in one amendment.

The Clerk read as follows:

Add at the end of the bill the following additional sections, 11 and 12.

Mr. CRISP. This provision was treated in the conference committee as two amendments, and were numbered 7 and 8. On one of these there was a disagreement.

The SPEAKER. The Chair will so treat them, but as a matter of fact there are two amendments; and the Chair thinks the gentleman from Georgia is mistaken in stating that it was but one amendment.

Mr. CRISP. But the latter part of that is numbered 8 in the printed

The SPEAKER. What does the report do with No. 8?
Mr. CRISP. They disagreed as to No. 8, and put it substantially in another part of the bill.

The SPEAKER. It does not seem to be so stated in the report.

Mr. CRISP. I think the Speaker is mistaken.

The SPEAKER. The Clerk will read that part of the conference re-

The Clerk read as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4. That the House recede from its amendment numbered 8.

Mr. CRISP. That is the last one in the printed bill.

The SPEAKER. The Clerk will read that part of the amendment on which the gentleman from Massachusetts moves that the House recede.

The Clerk read as follows:

SEC. 11. That in all civil actions and proceedings of whatever nature arising under an act entitled "An act to regulate commerce," approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction.

Mr. SCOTT. Before the question is taken may I be permitted to ask the gentleman from Georgia a question? I would like to know whether under the law as it now exists an individual has a right to bring his suit in a State court; and if the right of appeal to a Federal court ex-

Mr. CRISP. Not under this act.

Mr. SCOTT. Not under the act as it stands to-day?

Mr. CRISP. No, sir. Mr. SCOTT. The o

The object of the amendment here, then, is to give concurrent jurisdiction to the State courts, and the Senate amendment proposes to confine it practically where it is now; that is, in the Federal courts?

Mr. CRISP. The Senate have said nothing about it; but the House proposes an amendment to which the Senate disagree.

Mr. SCOTT. But does not the conference committee report upon it? Mr. CRISP. Yes; they report a disagreement between the two Yes; they report a disagreement between the two

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts, that the House recede from its amendment numbered 7.

Mr. LODGE. Mr. Speaker, I have no desire to detain the House on the motion which I have submitted further than to state that the interstate-commerce law, affecting every carrier and shipper in the country, certainly demands uniformity of judicial decision more than almost any act that can be imagined. It is proposed to take that jurisdiction and give it to the varying decisions of the various State courts. It seems to me that such is a very dangerous movement for the business interests of the country; and further than that I think it a blow at the jurisdiction of the Federal courts in a matter which is peculiarly their own,

and which should be left in their hands, because they can give to all this far-reaching legislation the uniformity and steadiness of character so important to the business interests of the entire country.

Mr. ANDERSON, of Iowa. Mr. Speaker, a few words with refer-

ence to this amendment.

Mr. OATES. Before the gentleman from Iowa proceeds will he yield to me for a moment to make a correction?

Mr. ANDERSON, of Iowa. Certainly.

Mr. OATES. Mr. Speaker, a few moments ago, when the gentle-man from Georgia and myself were discussing a question as to the jurisdiction conferred on the State courts, I, speaking from memory, denied that the national banking act conferred jurisdiction upon the State courts; but I find in that statement I was in error. Section 57 of the act referred to confers such juirsdiction, and the act to which I referred, amendatory of the national banking act, was a limitation only upon the right of national banks to sue in the Federal courts. Up to that time they could sue in the Federal courts in all cases, but that act limited their right to those cases in which a State bank or banking association could sue.

I merely wanted to correct the error into which I had fallen.

Mr. ANDERSON, of Iowa. Mr. Speaker, it is only a few years ago that there was a contention on the part of the railroad interests of the country that they were not subject to legislative control, and those cases, known as the "Granger cases," which came from Iowa and Illinois, proceeded upon the theory that there was no power in the State to regulate them. That question was settled definitely, and settled definitely against the railroad companies' contention. These companies went on in the exercise of the tremendous power they have of discriminating, which enables them to make of the commerce of the country a football, until it was manifest that the power which the Supreme Court said existed must be exercised in the control of these corpora-tions and in the interest of the people at large. In view of that pub-lic demand the act to regulate interstate commerce was enacted and

approved on the 4th day of February, 1887.

Yet, notwithstanding the enactment of that law, we find that there is a great deal of difficulty yet throughout the entire country arising out of the matter of the unjust discrimination that these railway companies make in the transportation of persons and property. We are told by the very highest authority in railway circles that the "difficulty" is not so much in the law as it is in the refusal on the part of

the railway companies to obey and observe the law.

The Interstate Commerce Commission concede gross violation of the interstate-commerce act, and the railway managers themselves confess that the law is practically a dead letter and assume that the authorities are powerless to enforce it unless they, the law-breakers, will condescend to take the matter of its enforcement into their own hands.

This is insolence without parallel in a country of law and order, and is born of the fact that there is no tribunal provided for the enforcement of this act that is within the reach of the common people whose rights are invaded, and who would seek redress of their grievances and the enforcement of the law in good earnest had they an opportunity to do so.

So this brings me to the conclusion that the difficulty which to-day

confronts this country with reference to the control and management of these railway companies is an executive one rather than a legislative one. And for that reason, that the fault is not so much one of the law as of the executive in fulfillment of the law, I am emphatically in favor of the adoption of this amendment that sends these corporations, like all other commercial corporations and all other industries and all other citizens of this country, to the common courts of the country. The same parties who said some years ago that railroad companies were not subject to legislative control are here seeking virtually the same end by a contention that it is unconstitutional to give the State courts jurisdiction.

It has been stoutly affirmed on this floor and elsewhere that there was no power under the Constitution to confer jurisdiction on the State was no power under the Constitution to confer jurisdiction on the State courts. But when routed by overwhelming authority from the constitutional position they take refuge behind one of policy. This position will be found as untenable as the others which they have been compelled to abandon; and the suggestion by my learned friend from Massachusetts, that State court jurisdiction will lead to difficulties because of the great difference and diversity of the railroad interests, is but another means of compassing the original purpose of defeating all

real efforts in the direction of practical railway control.

Now, I want to say in this connection, Mr. Speaker, that the diversity here alluded to is, in my judgment, just that kind of diversity which is indispensable in the administration of public justice throughout the country, and is as applicable and as necessary to legislation growing out of the business of railway companies as to any other line

of business out of which litigation arises.

When we were contending for the adoption of this proviso for a uniform classification throughout the country we were confronted with an objection that seemed somewhat plausible, that there was such diversity in climate and in product, such varying conditions in the different sections of the country, that the railroad companies could not afford at the present time to make a uniform classification that would be uniform, coextensive with the system.

Now, their argument, whatever it is worth, against the uniform classification of property intended to prevent discrimination is a strong argument in favor of this diversity of jurisdiction of the courts that will be adapted to the different and varying conditions through the country. Something has been said with reference to the fact that it has not been the practice of the Congress heretofore to pursue the line of policy indicated in the amendment under consideration. Speaker, it has been the uniform policy from the formation of the Government for the Congress of the United States to confer jurisdiction upon State courts and State tribunals in similar cases to the one we are considering, and that it has never been broken or interrupted nor objection raised until that objection was raised in the interest of the railroad corporations of this country. I desire briefly to allude to some of the cases in which the Congress of the United States has conferred jurisdiction upon State tribunals.

I have given this matter some attention, and I find that in the matter of remedy for the deprivation of Federal office the State courts are granted the same jurisdiction as the Federal courts, in section 2010, page 353, of the Revised Statutes. Again, in section 2177, page 381, United States marshals may qualify before the State as well as Federal judges. Again, I find that in suits and prosecutions in State courts under the postal laws where the trial of claims and demands of as great value and of prosecutions where punishments are as great in extent as under the State laws in like cases, jurisdiction is given to the State courts, as will be found in section 3833, page 750, of the Revised Statutes. Again, in section 4522 of the Revised Statutes, penalties for omitting to begin a voyage by seamen, the jurisdiction is conferred on State courts; and again, in section 4599, for the arrest of seamen for desertion without warrant, and under section 4063 jurisdiction is conferred as to process against foreign ministers and their domestic servants upon State courts.

Then we come to the national-bank act, which, in plain language, provides-

That suits, actions, and proceedings against any association under this act may be had in any circuit, district, or Territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases.

And, Mr. Speaker, under that provision there have been decisions by the United States Supreme Court sustaining the power of Congress to thus confer jurisdiction on State courts, one of which I shall refer It is the case of National Pahquioque Bank vs. The First National Bank of Bethel, Conn., reported at page 383, 14 Wallace. I read from that case the statement of facts:

I read from that case the statement of facts:

The First National Bank, of Bethel, in Connecticut, on the 21st of February, 1888, failed to redeem some of its circulating notes. They were protested, and on the 26th of February a receiver was appointed under the above-quoted fiftieth section of the currency act, who immediately entered on the duties of his office, The National Pahquioque Bank, of Danbury, Fairfield County, in the same State, asserted that it was a creditor of the Bethel bank and presented its claim to the receiver. The receiver, however, disallowed it.

The Pahquioque Bank thereupon, on the 30th day of May, 1863, brought assumpsit in the superior court of Fairfield County, a court of Connecticut having jurisdiction in similar cases, against the Bethel bank. The Bank of Bethel defended itself against the claim on these, in substance, among other grounds:

I. That the courts of the United States alone had jurisdiction after the appointment and acceptance of the receiver.

Mr. Justice Clifford, in delivering the opinion of the court, upon this point says:

Mr. Justice Clifford, in delivering the opinion of the court, upon this point says:

Support to the first proposition is supposed to be derived from the conceded fact that such associations are created by an act of Congress and that they are instruments of the National Government intrusted with the power of carrying on the business of banking and of employing and circulating Treasury notes as a national currency, subject to the supervision and direction of the Comptroller of the Currency and of the Secretary of the Treasury. Banking associations, it is said, were established as instruments by which the Government may perform the trust of furnishing and regulating the national paper currency; and the argument is that inasmuch as they are instruments of the Government to carry into effect a national purpose they can not be impleaded in a State court. Confirmation of that view is also attempted to be drawn from the fact that such associations are controlled by the Treasury Department; that all the notes which they circulate as money are received from the Comptroller of the Currency, and that they can not issue any instrument for circulation or use as money except the notes intrusted to them by the Comptroller of the Currency, as authorized by the act of Congress.

Beyond all doubt such associations are created by an act of Congress and for the purposes assumed by the defendants, but the conclusion attempted to be drawn from those facts can not be sustained, as express provision is made by the fifty-seventh section of the act that suits, actions, and proceedings against any such association may be had "in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases." Commenced, as the action was, in the proper court of the State where the association is located, and in a court having jurisdiction in such suits is unquestionably vested in any circuit, district, or Territorial court of the United States held within the district in which such ass

Mr. Speaker, I might go further and cite still other authorities sustaining Congress in conferring jurisdiction upon the local courts of the States that are within the reach of the people, but it is idle to do so, as no honest lawyer questions seriously this power. As I said before, in my humble judgment the difficulty is not so much in what the law is, or that it requires amendment, as that there should be some tribunal provided, somewhere within the reach of the plain, common people, where they can enforce and defend their rights. A good deal has here asid short requires the residual to the reach of the plain. pie, where they can enforce and defend their rights. A good deal has been said about providing them with means to prosecute their suits in United States courts that are beyond their reach. It seems to me that that is altogether too kind. With reference to these questions, give the people the same right to go into their home, domestic courts that they now exercise under the interstate-commerce act, under the postal laws, and the national-bank act, and, in my opinion, we will find that we have entered upon a solution of this whole difficulty, and that it will be soon settled, as other questions like it have been settled in the same way heretofore.

will be soon settled, as tener questions are way heretofore.

This idea that the railroad system of this country is an institution that is not subject to the law, that it is sui generis, that it is a law unto itself, seems to me to be a most erroneous idea and one that is dangerous to the rights of the people. It is within the knowledge of almost every member of this House that, as a rule, the United States courts are the reach of the ordinary litigant, and that to compel him are beyond the reach of the ordinary litigant, and that to compel him under this act to go to those courts or to the United States commission is well-nigh to deprive him of his constitutional right to have his day in court. Then, Mr. Speaker, as there is no constitutional objection to this amendment, and as there is no sound reason in policy why this

this amendment, and as there is no sound reason in policy why this amendment should not prevail, I hope the House will sustain the committee in its action and will not recede. [Cries of "Vote!" "Vote!" Mr. ROWELL. Mr. Speaker, I do not wish to detain the House more than a moment. I am opposed to this amendment to the bill and hope that the House will recede. The power to regulate interstate commerce is in the National Government and not in the State government. ment. The power to regulate railroads doing business within a State is a State power and not national. I do not think it wise policy to put the business of interpreting national laws into the hands of any other than national courts. It would not be wise for the States to confer jurisdiction upon the United States courts to enforce their laws with reference to the railroads, and to me it seems wise policy to keep separate State commerce and interstate commerce.

In that way we will procure the real enforcement of the law. In no other way can we have suitable and legitimate State laws and suitable and legitimate national laws. There is a broad distinction be-tween State commerce and interstate commerce. If this law is to be successful, if we are to go on and, through experience, make it better, and if we are eventually to have a body of laws and rules which the railroads and everybody else will be constrained to obey, we must have those rules established by courts created to interpret and enforce the laws of the national Congress. That is the only philosophical way, and to depart from it is to depart from what ought to be the rule with reference to all such matters of Congressional legislation. This is not a matter of ordinary commercial transactions. It is a new departure; not a new law, because from the time railroads were first built every court before whom the question came has held those corporations to be quasi public and subject to public control; but it is a new departure for the national Congress to enact laws with reference to interstate commerce. We have started on the road, and if we keep the interpretation and enforcement of the laws of Congress within the control of courts created under the Constitution of the United States, courts

courts created under the Constitution of the United States, courts which are amply competent to interpret the laws, we shall sooner reach a definite system of rules and a definite interpretation of law, so that the railroads will be compelled to obey. That is why I am opposed to this proposed mixing of State jurisdiction with national jurisdiction. That is all I desire to say. [Cries of "Vote!" "Vote!"] Mr. ROGERS. Mr. Speaker, if I understood the colloquy between the gentleman from Alabama [Mr. OATES] and the gentleman from Georgia [Mr. CRISP] in regard to the national-banking act, I rather think my friend, Colonel OATES, will have to explain again, because Congress did, by an act passed in the Forty-ninth Congress, renounce jurisdiction of all controversies in relation to national banks. That act will be found in the acts of the last session, chapter 866, an act entitled "An act to correct the eurollment of an act approved March 3, 1887, entitled act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of act to determine the jurisdiction of the circuit courts of the United States to regulate the re-

March 3, 1875." The fourth section of that act provides that—
All national-banking associations established under the laws of the United
States, shall, for the purposes of all actions by or against them, real, personal,
or mixed, and all suits in equity, be deemed citizens of States in which they are
respectively located, and in such cases the circuit and district courts shall not
have jurisdiction other than such as they would have in cases between individual citizens of the same State.

Moreover, by the second section it is provided:

SEC. 2. That whenever in any cause pending in any court of the United States there shall be a receiver or manager in possession of any property, such receiver or manager shall manage and operate such property, according to the requirements of the valid laws of the State in which such property shall be situated, in the same manner that the owner or possessor thereof would be bound

to do if in possession thereof. Any receiver or manager who shall willfully violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding \$3,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

And the section following provides that these receivers of railroad companies appointed by Federal courts may be sued in State tribunals, whose judgments shall be recognized in the administration of the assets of these corporations by the Federal courts. Moreover, the first section of this act, I am very much inclined to think, makes the discussion which we have just now had altogether unnecessary, because it provides that-

The circuit courts of the United States shall have original jurisdiction, concurrent with the courts of the several States—

Observe the language-"concurrent with the courts of the several States"-

of all suits of a civil nature at common law or in equity where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of \$2,000, and arising under the Constitution or laws of the United States or treaties made or which shall be made under their authority, etc.

Under this provision, unless there is something in the interstate-commerce act about which I am not advised which confers exclusive jurisdiction upon the Federal courts in cases involving sums less than \$2,000, the jurisdiction is already in the Federal courts.

Allow me to make a single further observation upon this subject. The whole tendency of modern legislation in both Houses of Congress

is to give the suitor an opportunity to go into the most convenient court having jurisdiction of the subject-matter.

Mr. OATES. I did not quite understand the remark which the gentleman from Arkansas [Mr. ROGERS] made a few moments ago in

egard to myself.

regard to myself.

Mr. ROGERS. I remarked that, if I correctly understood the colloquy between the gentleman from Alabama [Mr. OATES] and the gentleman from Georgia [Mr. CRISP], the gentleman from Alabama would have to make another correction, because by this act, from which I have just been reading, the Congress of the United States renounces jurisdiction in all cases with reference to national banks, except where the parties may come into the Federal courts by virtue of their citizenship, as provided in the Constitution. ship, as provided in the Constitution.

Mr. OATES. That was not in controversy at all between the gen-

tleman from Georgia and myself.

Mr. ROGERS. I understood you to say that originally the Congress of the United States had conferred jurisdiction in national-bank cases upon the State courts and afterwards withdrew it; that such jurisdiction is the state courts and afterwards withdrew it; that such jurisdictions is the state courts and afterwards withdrew it; that such jurisdictions is the state of the st tion was conferred in the original act concurrent with the jurisdiction of the Federal courts, but that subsequently the Federal jurisdiction

Mr. OATES. The gentleman did not quite understand what was

the point in controversy nor my explanation.

Mr. ROGERS. Then all I have said on that subject is inapplicable, Mr. OATES. The point was that the original act providing for the establishment of national banks did confer jurisdiction on the State courts; but when we had a controversy on that point I at first denied that proposition, speaking from memory. Afterward I found I had been in error, that the act did confer such jurisdiction: that I had confounded that act with the act passed in the Forty-eighth Congress, which limited the right of national-banking associations to sue in Federal courts to cases in which like associations of the States could sue in such courts.

Mr. ROGERS. It occurred to me that my friend was inadvertently in error. I see that my remarks, so far as that colloquy is concerned,

were inappropriate.
Mr. WEAVER. If the gentleman from Arkansas [Mr. Rogers] will examine carefully the interstate-commerce act he will find that it strictly confines all suits to the Federal courts without regard to amount.

Mr. ROGERS. Then it ought to be modified; and I hope the com-

mittee will not adopt the suggestion of my friend from Massachusetts—
Mr. WEAVER. I hope so, too.
Mr. ROGERS. For, permit me to say in this connection, so far from that provision of the bill being an attack on Federal jurisdiction, the Federal judges of the United States, by orders entered of record in cases where they were administering the assets of bankrupt railroad cor-porations through a receiver, have permitted suits against the receivers to be brought in the State courts and have uniformly—at least in some jurisdictions—recognized these judgments rendered against the receivers in the administration of the assets in the Federal courts. Following the precedent set by the Federal judges, the Congress of the United States, in the act to which I have alluded, gave authority in all jurisdictions for these suits to be brought in State courts and for their judgments to be propried in the administration of the preceding of the state courts and for their judgments to be recognized in the administration of the preceding of the state courts. ments to be recognized in the administration of the assets of these corporations by the Federal judges

So that I say the modern tendency of legislation upon this subject of jurisdiction is to open the nearest court and make it accessible to the people. And why should one of these corporations, transacting business within the jurisdiction of a State and with citizens of the State, be unwilling to submit itself to the jurisdiction of that State? There can be but one reason. No gentleman will rise in his place and say that the judges of our State courts are not generally as honest and as capable of transacting the ordinary public business confided to their

charge as the Federal judges. The Federal judges as a class may be regarded perhaps as men of superior ability; but the State courts being capable, to say the least, of transacting the public business of the citizens of the State, why should not these corporations which seek to transact business with those citizens be willing to submit to the jurisdiction of the State? After they have thus submitted their controversies to State jurisdiction, if there is any Federal question involved and the sum is sufficiently large, they can take out their writ of error from the supreme court of the State to the Supreme Court of the United

Mr. WILSON, of Minnesota. What sum does the gentleman say would be required for that?

Mr. ROGERS. Five thousand dollars, I presume.

Mr. WILSON, of Minnesota. Nothing at all.

Mr. ROGERS. Ah, perhaps that is so.
Mr. WILSON, of Minnesota. The suit can go into the Supreme Court of the United States every time at the instance of the corporation.

You are merely making the route circuitous and lengthy.

Mr. ROGERS. I submit that it should be the policy of the House to adhere to the principle I have stated. There is nothing whatever in the objection that we shall have one class of decisions in one State and another class in another. That objection would apply as well to matters of commercial law and other branches of the law. And at last the State courts are always governed in matters of this kind by the decisions rendered by the Supreme Court of the United States; I do not mean in all matters of commercial law, but in all national questions. So that I conceive there is nothing in that objection whatever.

But there is something in it to the citizen who does not want to be dragged two or three hundred miles to a Federal court when the amount involved would not justify any such expense. His personal expenses would amount to more, in many cases, in getting into court than was involved in the suit, and the litigation far more expensive in every way. Hence to the citizen this is a most important matter. I hope the House

will adhere to its former action.

Mr. WILSON, of Minnesota. Mr. Speaker, I am opposed to this amendment. I concede that Congress has the power to confer this jurisdiction on the State courts. About that I think there is not the least question. The only question is whether the interests of the people, not the interests of the corporations, will be subserved by conferring this jurisdiction.

It has been found that the States can not successfully control the railroads or regulate their tolls and tariffs—that if that is to be successfully done it must be by the Federal Government. Hence the interstate-

commerce law, so called.

Some of the lines of road reach through many States; and as State laws can have no extra-territorial operation or effect it was found necessary for Congress to exercise its power. So, too, contracts for carrying freights and passengers may be made in New York to be completed in San Francisco or San Antonio or St. Paul; and it is important that the same construction should be given to such contracts in the different

States through which they have to be performed.

Indeed, it seems to me clear that if this law is to have the beneficial effect that it is hoped it may have it must have a uniform interpreta-tion throughout the country. That it can not have this uniform in-terpretation is beyond a doubt if jurisdiction to interpret it is to be given to the numerous courts of the several States throughout the Union.

The principal objection made to conferring exclusive jurisdiction on the Federal courts in this class of cases is stated by the gentleman from Iowa [Mr. Anderson]. He says that we should give the plain, common people a tribunal in which they can attend to their rights speedily. This sounds very well, but on examination it will not be found that the people will very well, but on examination it will not be found that

the people will get justice either more speedily or cheaply in this class of cases by giving this jurisdiction to the State courts. This is not like of cases by giving this jurisdiction to the State courts. the case of suits against national banks referred to. In that class of cases a Federal question could rarely arise. In cases arising under this act it would be rare that a Federal question would not arise. question arises either party has right of appeal to the Supreme Court of the United States. So that the commencement of suit in the State court would protract rather than shorten the litigation.

If the suit is begun in the State court it would go on appeal to the supreme court of the State, and from that either on writ of error or appeal to the Supreme Court of the United States; whereas if it is commenced in the United States circuit court it would go directly from that court to the Supreme Court of the United States; and in whichever court it is commenced the same legal assistance would be required. If a suit is begun under this act, it is idle to suppose that it will not be carried to the court of last resort. The giving of the State courts jurisdiction would not therefore shorten or cheapen the litigation, but the contrary, while as I believe it would tend to greatly embarrass the administration of the law.

Mr. ADAMS. Suppose a contract called for transportation from Chicago, in Illinois, to New York, this amendment provides that jurisdiction is conferred on the proper courts. Then what courts would have jurisdiction over a contract of that kind? How many different courts?

Mr. WILSON, of Minnesota. I admit that more than one court

might have jurisdiction, and I am opposed to making such a state of

things possible.
Mr. WEAVER.

Mr. WEAVER. You could plead that pendency. Mr. WILSON, of Minnesota. I do not think you could plead the pendency of an action in the Federal courts in abatement of an action in the State courts, or vice versa.

Mr. WEAVER. You could if the law conferred jurisdiction.

Mr. WILSON, of Minnesota. But I pass from that. further than I in favor of limiting the jurisdiction of the Federal courts to Federal questions. But this is peculiarly a Federal question. It is just such a question as it is appropriate and proper to submit to the Federal courts. As I above said, it is only by so doing that the law can be made to work out the best results.

In view, therefore, of the fact that an appeal will go to the Supreme Court of the United States any way, and that nobody is benefited by commencing the action first in the State courts, and that this is simply opening the door for a diversity of decisions as well as a multiplicity

of legislation, I hope the course proposed by the gentleman from Georgia will not be adopted. [Cries of "Vote!" "Vote!"]

Mr. CRISP. After one word of reply, Mr. Speaker, I shall ask the House to vote upon this question. It seems to be conceded now by gentlemen who oppose the amendment that there is no constitutional objection to it, and that there is no question but that there are numerous precedents for this kind of legislation; so that the matter resolves itself at last into this: As a matter of policy is it wise to confer concurrent jurisdiction upon the State courts to hear and determine causes arising under this act?

When gentlemen talk of uniformity of decisions let them ask themselves if they are any more likely to have uniformity of decisions in the various district courts of the United States than in the highest courts of general jurisdiction in the several States of the Union? of a district judge in Maine is no more binding upon a district judge in New York than a decision of a State court in Maine would be upon a State court in New York. There is no more uniformity attained by leaving it to the United States courts, I respectfully submit to any man at all acquainted with the practice of the courts, than there is of leaving it to the State courts. What binds a district judge in Minne-

sota to observe the rulings made by a district judge in Massachusetts?

Mr. WILSON, of Minnesota. Will the gentleman yield for a question? Does he not know, as a rule of decisions in the Federal courts, that when one or two circuit courts have passed upon a question giving a different ruling the others follow as a matter of course and adopt

it as the settled practice?

Mr. CRISP. Let me say to my friend, if he does not already know it as a fact, that the courts in every State in the Union conform to the rulings of the Supreme Court of the United States.

Mr. WILSON, of Minnesota. The Supreme Court of the United

Mr. CRISP. Yes; and if the gentleman does not know it, I say to him that the decisions of the Supreme Court of the United States on

Federal questions must be followed by the State courts.

So on the question of uniformity there is nothing, Mr. Speaker.

Wherever there is a Federal statute involved, the suitor can go to the Supreme Court of the United States, and the question before us resolves itself simply to this: Shall individuals who are wronged or conceive themselves to be wronged by a corporation be allowed to appeal for redress to a court in that county where they live, or shall they be driven to go to the Federal court, which may be inaccessible and hard to reach?

The gentleman from Minnesota says whether the case is large or small the parties litigant have their lawyers. Certainly the gentleman knows there is some other question to be considered besides that of the lawyer employed with the cases. There is the matter of the suitor's personal expenses, the expenses of his witnesses, and all those questions that have induced the people of every State in the Union to establish tribunals of easy access in which they could have their contentions heard and determined. Why should a gentleman in Minnesota who conceives himself to be injured by a corporation running within 50 feet of his door be required to go 150 or 200 miles to a Federal court to try his case, when perhaps in sight of his very door there is a State court of general jurisdiction with a learned judge upon the bench and competent jurors of his neighbors who may by act of Congress be authorized to hear and determine his case?

It is no inconvenience to the company or corporation to appear in the courts of the State. It has an agent wherever the line runs, and the State courts will have no jurisdiction except in counties through which their lines run. Their agent is there, their land, their line, their property is there, and they can go into the courts of the State and have the question adjudicated as between them and the shipper. But the citizen must be inconvenienced to go 150 miles to try his case in a Federal court in order, as the gentleman says, "to secure uniformity." I do not say that the gentleman has no confidence in the State courts. suppose he has, and so supposing I can see no reason why he should wish to force a citizen to go away from home for justice when it is conceded that he can there get a fair and speedy trial. Uniformity will be attained by the decisions of the Supreme Court of the United States, for when once that court decides a question the rule established will be observed everywhere. Now, the House has voted already four or five times on this question and always in favor of the proposition. There has never been a vote at the other end of the Capitol upon it, and I appeal to those gentlemen who believe that it is the right of the citizen to have a court of easy access, to stand by the amendment put upon the bill by the House, and vote down the proposition of the gen-tleman from Massachusetts to recede; and upon that I demand the previous question.

Mr. WILSON, of Minnesota. I hope the gentleman will permit me

one moment.

Mr. CRISP. I withdraw it.
Mr. WILSON, of Minnesota. Mr. Speaker, the gentleman from Georgia must have overlooked or misunderstood what I said, but the gentleman from Georgia knows that my contention in this House, and my contention many years before I came to this House, has been in favor in all proper cases of giving to the State courts jurisdiction, and limiting the jurisdiction of the Federal courts. But what I did say, and what the gentleman did not answer, and that can not be answered, is that to give the State courts jurisdiction in these cases is simply to lengthen the litigation rather than to shorten it, and to multiply the litigation rather than to lessen it. He answered another question which is not in the case, and did not answer that which I put.

Mr. CRISP. I think the gentleman's question has been answered,

and I demand the previous question. The previous question was ordered.

The SPEAKER. The question now is upon the motion made by the gentleman from Massachusetts, that the House recede from its amendment numbered 7.

The House divided; and there were—ayes 49, noes 78.

So the motion was not agreed to.

The SPEAKER. The gentleman from Georgia moves that the House

further insist and request another conference.

The motion was agreed to; and the conferees announced on the part of the House were, Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. O'NEILL of Pennsylvania.

ORDER OF BUSINESS.

Mr. CLARDY. I call up the conference report on the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. McCREARY. Before the House takes any action upon that motion I hope the gentleman from Missouri will yield to me a single moment in order that I may ask the House to disagree to the amendments of the Senate on the diplomatic and consular appropriation bill, and ask for a conference.

Mr. CLARDY. I will withhold the motion for that purpose. The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 11879) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1890, and for other purposes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to non-concur in the Senate amendments and request a conference.

Mr. BUCHANAN. Let them be read. Mr. McCREARY. I will make an explanation to the gentleman from New Jersey about some of the amendments. There is one amendment in the bill which proposes to appropriate \$100,000 for the matter of the occupation of Pago Pago. There was an amendment added to the naval appropriation bill on Saturday covering that amendment. There are a number of other small amendments.

Mr. BUCHANAN. That is all I wanted to know.

Mr. McCREARY. There are a number of other matters.

The question was taken; and the House non-concurred in the Senate amendments, and agreed to the conference asked.

The SPEAKER announced as conferees on the part of the House, Mr. McCreary, Mr. Hooker, and Mr. Hitt.

### REPORTS FROM COMMITTEES.

Mr. HATCH. I ask, by unanimous consent, gentlemen having reports from committees may be permitted to file them by handing them in to the Clerk.

There was no objection, and it was so ordered.

# FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

FOREST CITY AND WATERTOWN BAILWAY COMPANY.

Mr. GIFFORD, from the Committee on Indian Affairs, reported as a substitute for the bill H. R. 6700, a bill (H. R. 12497) granting the right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation; which was read a first and second time, referred to the Committee of the Whole House on the Pri-

vate Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6700 was reported back with a recommendation that

it be laid on the table.

YANKTON AND MISSOURI VALLEY RAILWAY COMPANY.

Mr. GIFFORD also, from the Committee on Indian Affairs, reported back favorably the bill (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reservation, in Dakota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### FREDERICK S. JENNINGS.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (H. R. 6958) for the relief of Frederick S. Jennings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### JUDAH TOURO ROBERTSON.

Mr. VANCE also, from the Committee on Patents, reported back favorably the bill (H. R. 12031) for the relief of Judah Touro Robertson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM CARROLL.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3483) for the relief of William Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## DANIEL M. MAULDING.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### LOTTIE R. HUNTER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3515) granting a pension to Lottie R. Hun-ter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IMPROVEMENT OF GOVERNMENT BUILDING, GREENSBOROUGH, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 12132) appropriating the sum of \$20,000 for the enlargement and improvement of the United States Government building at Greensborough, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed. printed.

# INSURANCE COMPANIES.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 12137) relating to the deposit of securities by insurance companies; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

### PRACTICE OF PHARMACY, DISTRICT OF COLUMBIA.

Mr. ATKINSON, from the Committee on the District of Columbia, reported as a substitute for bill H. R. 10844, a bill (H. R. 12498) to regulate the practice of pharmacy in the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 10844 was reported with a recommendation that it lie

on the table.

## LANDS IN NEW MEXICO.

Mr. HATCH, from the Committee on Agriculture, reported back with amendment the bill (H. R. 8058) to promote the interests of agriculture by irrigation, and to encourage the settlement of the arid lands in the Territory of New Mexico; which was referred to the Committee of the Whole House on the state of the Union, and, with the accommission of the committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

### MATTIE W. HOUSE.

Mr. DE LANO, from the Committee on Pensions, reported back with amendment the bill (H. R. 10664) granting an increase of pension to Mattie W. House; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### LANDS FOR MILITARY PURPOSES.

Mr. PAYSON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 11898) to amend an act to enable the city of Denver to purchase certain lands for military purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### JAMES S. FERIN.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11171) granting a pension to James S. Ferin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MRS. SUE B. JOHNSON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 379) to increase pensions in certain cases;

A bill (S. 1092) for the relief of certain property in the District of

Columbia

Columbia;
A bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas; and
A bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation, in Montana Territory;

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of the bill (H. R. 300) for the relief of the trustees of the First Baptist Church of Smithland, Ky.

It also announced the passage of the bill (S. 3858) in relation to dead

and fallen timber on Indian lands; in which concurrence was requested.

### NICARAGUA GANAL.

The SPEAKER. The gentleman from Missouri has called up the conference report on the bill (H. R. 1305) to incorporate the Maritime

conference report on the bill (H. R. 1305) to incorporate the Random Canal Company of Nicaragua.

During the reading of the conference report,
Mr. COBB said: I desire to raise the question of consideration.
Mr. CLARDY. The report of the committee of conference has already been printed in the RECORD, and I ask by unanimous consent that its reading be now dispensed with.

Mr. DUNHAM. I object.

The Clark read the report in full.

The Clerk read the report in full.

The SPEAKER. Is the reading of the statement demanded?

Mr. CLARDY. Mr. Speaker, the statement has been read once and printed twice. I ask unanimous consent that the reading of it be waived.

Mr. COBB. Mr. Speaker, I raise the question of consideration against the report. My purpose, however, is not exactly to raise the question of consideration, but rather to raise a question for the Chair as to whether or not this conference committee have made such a statement whether or not this conference committee have made such a statement accompanying their report as is required under Rule XXIX of the House. I insist that the statement made by the committee to accompany their report is not such a statement as the rule requires; that therefore there is no statement accompanying the report, and consequently that the report is not now in a condition to be considered by the House. That is the point that I desire to make if the Chair will That is the point that I desire to make if the Chair will the House. hear me.

The SPEAKER. The Chair has not read the statement submitted by the managers of the conference on the part of the House, and for the purpose of deciding this question it is not necessary for the Chair to do so, because it is not the province of the Chair to decide whether the statement is sufficient or not. The Rules of the House require every committee when it reports a bill or a resolution to accompany it with a written report, and Rule XXIX, to which the gentleman from Alabama refers, requires the managers of a conference on the part of the House to accompany their conference report with a statement sufficiently explicit to inform the House as to the effect of the agreement which the conferees have reached. Now, it is not for the Chair to say whether a report made by a committee is a sufficient report or not, or whether a statement submitted by the conferees is sufficient or not. That is a matter for the House, and the House may refuse to consider a measure because it is not satisfied with the report or the statement that has been submitted.

Mr. COBB. Is it not the province of the Chair to decide whether

or not the rule of the House has been obeyed in the matter of making the statement required by the rule?

The SPEAKER. That would compel the Chair to decide upon the contents and the merits of the report or statement. The Chair might think it was wholly insufficient, while other members might think it was entirely sufficient, and vice versa. In other words, if the managers of the conference upon the part of the House actually submit a

statement which purports to be in accordance with the rule, then it is for the House itself to say whether that statement is sufficient or not.

Mr. COBB. I rise to a parliamentary inquiry. Is it not required under Rule XXIX that a conference committee shall make a statement sufficiently explicit to inform the House of the effect of every individual proposition or amendment embraced in the conference report?

The SPEAKER. It is.
Mr. COBB. Now, if that be true, and if the statement made by the conferees conveys no information as to the effect of any one of the propositions embraced in the conference report, is not that a violation of the rule, such a violation of the rule as amounts to no statement upon that particular item of the conference report? Now, I submit to the Chair that this statement contains absolutely no information in regard to the effect of the individual propositions contained in the conference report, and inasmuch as it gives no information as to the effect of the individual propositions, this report is in effect presented to the House without any accompanying statement at all from the committee of conference. I submit, therefore, whether the Chair is not called upon to pass upon that, and say whether or not the "statement" of the committee of conference contains what the rule requires as to each and every separate individual proposition contained in a conference re-

The SPEAKER. The gentleman can see where his argument would lead. It would become the duty of the Chair in every case to examine the measure under consideration, to examine the report made upon it, and to decide upon the contents and merits of the report. The Chair might think that the report in any given case stated exactly the effect of every amendment, and the gentleman from Alabama [Mr. Cobb] might think that it did not. The gentleman might think that it stated just the contrary of what would be the true effect. So there would be no end to the controversy. The House itself must decide whether or not the statement presented by the conferees affords the House sufficient information to act upon the conference report, and the only way to reach that decision as the Chair has held frequently heretofore is to reach that decision, as the Chair has held frequently heretofore, is to raise the question of consideration; that is to say, when any statement at all is presented it is for the House to determine whether it is a sufficient statement or not. If there is no statement presented, then the Chair will hold that the rule has not been complied with.

Mr. COBB. My point is that in reference to certain individual propositions there is nothing embraced in this statement.

The SPEAKER. The gentleman will pardon the Chair for a mo-

The SPEAKER. The gentleman will pardon the Chair for a moment. Suppose the managers should report that the effect of a certain amendment would be so and so, when in fact its effect would be entirely contrary. Could the Chair on that ground rule out the statement?

Mr. COBB. No, sir; not if the committee discussed the effect of the amendment at all. But when the committee says absolutely nothing in regard to individual propositions the case is different. I raise the question of consideration on this report.

Mr. CLARDY. I want to say a word—
The SPEAKER. The question of consideration is not debatable.
Mr. CLARDY. Then I will ask to have the statement of the House conferees read. It embraces a specific statement of all the facts, and has not yet been read to the House.

The SPEAKER. The Clerk will read the statement.

Mr. COBB. I would be glad to call attention to those points which think have not been met.

The Clerk proceeded to read the statement of the House conferees as already published in the RECORD. Before the reading was concluded, Mr. COBB said: Mr. Speaker, I did not make this objection in any

captious spirit or to delay the proceedings of the House, but in the ut-most good faith. I would have been glad to have an opportunity to state the point I intended to make. But I do not care to obstruct the

The SPEAKER. The gentleman from Missouri [Mr. CLARDY] asks

to have the statement read.

Mr. COBB. He insisted I asked it; but I did not.

Mr. CLARDY. It had to be submitted to the House, and the House had to pass upon it.

The SPEAKER. Is the further reading demanded?

Mr. COBB. I could readily have called attention to one simple point which I desired to present. I withdraw the question of consideration.

Mr. Nelson addressed the Chair.

The SPEAKER. The gentleman from Missouri [Mr. CLARDY], having presented the conference report, is, according to the practice, entitled to the floor.

Mr. CLARDY. Mr. Speaker, I ought perhaps to call the attention of the House to the changes in the House amendments, as proposed by the report, and to state briefly the reasons which have influenced the managers in assenting to them. I wish to say in the outset that, regarding the action of the House in adopting the amendments (on which the votes were taken by yeas and nays) in the nature of an instruction, we endeavored to retain, and I think we have succeeded in retaining, the essential features of the more important ones.

From their disagreement to the first amendment striking out the

clause authorizing the company to pay stock for property and concessionary rights, and inserting a provision requiring all stocks, bonds, and other securities to be issued from the company's office in New York, and declaring that such stocks, bonds, and securities should be disposed of only for cash, the Senate conferees recede, with an amendment, which I will ask the Clerk to read.

The Clerk read as follows:

The Clerk read as follows:
That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Substitute for the words proposed to be stricken out and the words proposed to be inserted, the following:
"May issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and stock issued for these purposes shall be deemed paid-up stock, and shall not be liable to any further calls or assessments."

Mr. CLARDY. This amendment, Mr. Speaker, makes it clear that the company may issue stock for work and labor done and materials used in the construction of the canal as well as for the concessionary rights acquired from Nicaragua and Costa Rica. Taken in connection with the second and third sections of the bill, it is a reasonable guard against the issue of stock except for value; and it carries out the view I expressed in the consideration of the measure, that stock should only be issued in the consideration of the measure, that stock should only be issued for property, rights of property, concessionary rights, and for money actually paid in. The effect of the House amendment would have been to restrict the issuance of stock to purchasers for cash only. It occurred to your committee that this was, perhaps, an unreasonable restriction, and that there was no good reason why the company should be precluded from paying stock for property used to construct the canal, or from issuing bonds to persons undertaking to build it, provided that the persons furnishing the material and proposing to do the work were willing to precive their new in stocks and bonds. It can work were willing to receive their pay in stocks and bonds. It can not be objected, Mr. Speaker, that a fabulous amount of stock may be issued; for if the projectors of this great enterprise are to derive any benefits from it, such benefits must come from the stock, every increase of which will lessen its value.

The stock will represent the value of the canal company's property with the bonded indebtedness upon it. The smaller the bonded in-debtedness the more valuable will be the stock. The smaller the amount of stock passing from the control of the incorporators the more valuable will be that which remains in their possession.

It was suggested, and, as we thought, with reason, that this right, which belongs to all corporations of this character, to pay stock for property necessary to carry out the purposes of their creation should not be denied this company.

From their disagreement to the second amendment of the House the Senate conferees also recede with the following amendments: Inserting, before the word "liabilities," in line 71, the word "pecuniary," and striking out, in line 77, the words "or otherwise," and the proviso at the end of the section which requires that the amendment shall be printed on the stock, bonds, and other obligations of the company. The propriety of the two verbal amendments will, I think, be readily seen. I do not suppose, Mr. Speaker, it was the purpose of the House to do more than to protect the Government against pecuniary liability; but it has been suggested that it was the object of the House to go further and, in effect, after incorporating the company, to denationalize the incorporators.

The Panama Railroad Company was organized under the laws of New Granada, but because that road was planned by American engineers and built by Americans with American money we have on more occasions than one dispatched a fleet to the Isthmus to protect our citizens in the enjoyment of their franchise and property. And I trust, sir, the time may never come when the United States will be willing to withhold their protection from an American citizen wherever he may Once an American, always an American!

I think, too, the propriety of our action in agreeing to strike out the proviso will on reflection become equally obvious. Men are presumed to understand the law governing the contracts they make, and this presumption is not a violent one when applied to persons who have money to lend or to invest in corporate stocks. Without the amendment negativing the liability of the United States the Government would not be liable, as no government by the simple act of incorporation becomes responsible for the debts, default, or miscarriage of the cor-

poration it creates.

poration it creates.

No man lends money to one person expecting another, not a party to the contract, to pay it. No man lends money to a corporation and takes a bond for its payment expecting the Government creating the corporation to pay the bond. But to make assurance doubly sure, and for the purpose of preventing, or at least, I suspect, for the purpose of preventing, so far as it could be done, the company from applying to some future Congress for relief from financial embarrassment, the House adorted the amendment of the centleman from Indiana, which in antesome future Congress for relief from financial embarrassment, the House adopted the amendment of the gentleman from Indiana, which in apt, exact, and explicit language declares that the United States are not directly or indirectly, expressly or by implication, liable for any of the debts or contracts which may be made or entered into by this company.

Then follows the proviso requiring the law to be printed on every share of stock or every bond, and on every contract the company may make or enter into.

make or enter into.

It occurs to us, Mr. Speaker, this proviso might be construed to mean more than it does mean. It is an unusual one. I think I can say it is a unique one; and if this bill passes with the proviso in it the charter will stand alone in the library as a monument to the superior caution of the American Congress.

I have said, Mr. Speaker, that it might be construed to mean even more than it does mean. A person who should apply to purchase stock, and, after examining the face of the certificate, should read on the reverse side thereof, "Caveat emptor" ("Let the purchaser beware"), would be very apt to beware, and would be most likely to go elsewhere in quest of stock to invest his money in. And then I submit, Mr. Speaker, that it is sufficient if we exclude the possibility of the Government's liability, without advertising on every share of stock, on every bond, on every contract, on every piece of paper issued by the company, our belief that this magnificent commercial enterprise will fail, and that the investors in stocks and bonds will lose every dollar they put into

From their disagreement to the third amendment the conferees on the part of the Senate recede with an amendment which consists in reproducing from page 3 of the printed bill the amendment offered by the gentleman from Illinois [Mr. PAYSON], requiring all stocks, bonds, and other securities to be issued from the office of the company in the

city of New York.

The fourth amendment is a very important one, and one to which we gave considerable attention in the committee. From that amendment the conferees on the part of the Senate recede with an amendment striking out the amendment which constitutes now a section of the bill and inserting a new section in its stead. I call the attention of the House to the parts of the amendment which appear modified in the amendment agreed on in conference and to the clauses which are omitted The first clause of this amendment provides that-

No certificates for stock shall be issued till at least 10 per cent, of the same shall be fully paid for in money at the par value of said stock and the money deposited in the treasury of said company.

According to the terms of the concession the company is required to pay to the Republic of Nicaragua 6 per cent. of all the bonds and stocks issued by it. Six per cent. of \$100,000,000, the amount of the capital issued by it. Six per cent. of \$100,000,000, the amount of the capital stock, would be \$6,000,000; and 10 per cent. of the latter sum would be \$600,000 that this company would be compellable to pay to Nicaragua under this amendment before it could avail itself of the concession. I am sure that neither the gentleman who offered the amendment nor the House intended to impose this additional burden upon the company

Mr. WILSON, of Minnesota. Let me ask the gentleman a question. I want to understand this. Do you mean to say that of all the money paid in on the stock, whether it be 10 per cent. or 100 per cent., it would be necessary to pay so much more over, of the money paid in,

to Nicaragua?

Mr. CLARDY. I mean this: The amendment provides that no certificate shall be issued unless 10 per cent. be paid in cash. The contificate shall be issued unless 10 per cent. be paid in cash. The contract between Nicaragua and the company can be discharged by paying the whole amount in certificates of stock. Under the amendment, however, the company can not avail itself of that concession without Nicaragua paying \$600,000 in cash on the capital stock of one hundred millions, and as it is not probable that Nicaragua would pay that sum in addition to making the concession of lands, the incorporators would be obliged to pay it into the company's treasury.

Mr. WILSON, of Minnesota. Without paying that much in money?

Mr. CLARDY. In money. How could they issue certificates of stock unless they paid the money? We declare that they shall issue no certificates of stock unless they are paid for in cash. The contract between Nicaragua and the company enables the company to discharge

between Nicaragua and the company enables the company to discharge its obligation by paying Nicaraguain the company's stock. This amendment would prohibit that.

Mr. BRECKINRIDGE, of Kentucky. What is the obligation of the company to Nicaragua?

Mr. CLARDY. To pay 6 per cent. of all stock and bonds issued by

the company.

Mr. WILSON, of Minnesota. Let me ask another question. Under the amendment proposed, and that you are now criticising, it is stated that no stock shall be issued until 10 per cent. is paid. Is it not true under the amendment as you have amended it that you require 10 per cent. to be paid in cash?

Mr. CLARDY. The amendment to which the gentleman refers, and which was agreed on in conference, provides "that no certificates for stock, except as otherwise provided, shall be issued till at least 10 per cent. of the par value thereof be paid, etc.;" that is to say, full-paid stock may be issued as provided in the first amendment, but upon stock sold for money 10 per cent. at least shall be paid into the company's treasury, and thus enable the company to carry out its contract with Nicaragua by paying the whole amount in stock. The difference is that in one case you require a partial payment in cash and in the other that in one case you require a partial payment in cash and in the other the stock can liquidate the indebtedness.

Mr. BRECKINRIDGE, of Kentucky. Can the company discharge that obligation under the concession by payment in the shape of cer-

tificates of stock, or does the concession require it to be paid in

Mr. CLARDY. The concession requires it to be paid in stock, but the House amendment requires that no certificates of stock shall be issued until 10 per cent. of it shall be paid in money.

Mr. SPINOLA. As I understand it, before any stock can be is-

sued 6 per cent must be paid in cash, which would be on a hundred millions of capital \$6,000,000, and it would require the payment of \$600,000 of this to Nicaragua to secure the concession.

Mr. HOPKINS, of Illinois. Could they not obviate that by issuing

stock receipts until the money is paid in?

Mr. CLARDY. But no certificate can be issued unless 10 per cent. is paid. The debt to Nicaragua is due on December 1 of this year, and the stock must be paid by that time to meet that obligation.

Mr. WILSON, of Minnesota. Issue your stock to them.
Mr. CLARDY. You can not issue stock under your amendment. Mr. ANDERSON, of Kansas. They can if they pay 10 per cent. of it in cash.

Mr. CLARDY. If the incorporators will pay as a bonus to the Nicaraguan Government \$600,000 to be paid back into the company's treasury, they can carry out the contract. But who wants to impose that

burden or hardship upon them?

Mr. ANDERSON, of Kansas. Am I correct in understanding that the amendment of the Senate will enable the company, instead of pay-

the amendment of the Senate will enable the company, instead of paying to Nicaragua stock for which cash had been received, and which represented cash, to pay only water? Is that correct?

Mr. CLARDY. That is not correct; but if the House amendment were adopted there might hereafter be some complaint of watered stock. There is another clause in the amendment which goes further and declares that no payment on account of the capital of said company shall be made except in money and this I fear wight received the declares that no payment on account of the capital of said company shall be made except in money, and this, I fear, might prevent the company from availing itself of the concession at all. It has been decided in Missouri and in other States, and it is the law, that the lands acquired by a railroad company by virtue of the right of eminent domain constitute a part of the capital of such railway company. It might, I apprehend, be held that the lands mentioned in the concession, after they shall have been surveyed and allotted to the company, constitute part of the canal company's capital. They are not money, and I apprehend there is some doubt whether the company could accept any part of the concessionary rights from the Governments of cept any part of the concessionary rights from the Governments of Nicaragua and Costa Rica. It may be that the clause is susceptible of some other construction, but it is fairly susceptible of the one I give it.

Mr. SCOTT. Will the gentleman yield to me for a question?
Mr. SCOTT. Will the gentleman yield to me for a question?
Mr. SCOTT. I will ask the gentleman this question: Does not the
Government of Nicaragua concede to this company somewhere about one million acres of land?

Mr. CLARDY. It does.
Mr. SCOTT. Does it not give to it also the exclusive right to build this canal under this charter, and is not this 6 per cent. which this canal company is to pay to Nicaragua the consideration of value for which the million acres of land, and the franchise that they get from Nicaragua, and the right of going through there are given, and in the place of this being water, as some gentleman said on my right, does it not simply take the place of money? Are not the million acres of land and the franchise which are purchased or which the company proposes to pay

for well worth the amount they are going to pay for them?

Mr. CLARDY. Yes, sir; that is well stated. The next clause of the amendment offered by my friend from Minnesota prohibits the assignment of any certificates of stock until the shares are fully paid for. We are told in the law-books that dominion over a thing implies the right to dispose of it at pleasure, and the right to dispose of corporate stock or of any other species of property is incident of common right to the ownership of it. Who can be injuriously affected if the owners of stock partially paid for are allowed to dispose of it? Certainly not the stockholders, the corporation, or the creditors of the latter. The stock proper never passes out of the custody of the corporation, but remains in the possession and under the control of the company, and when stock is purchased a certificate is issued, which is evidence of the ownership of the stock; and when a purchaser wishes to dispose of the stock he assigns such certificate, in writing on the back of it, accompanying it with the power of attorney authorizing the transfer on the books of the company. When the originate up and a new certificate issued. When the original certificate is presented it is

If at the time of the assignment the assignee is insolvent, or if there has been any fraud or collusion between the assignee and the assignor, the latter does not escape his liability to pay the unpaid balance on the stock, but he is answerable individually for whatever remains unpaid, and the stock may, at the suit of a creditor of the corporaanpaid, and the stock may, at the suit of a creditor of the corpora-tion, be sequestered in a court of equity, constituting as it does a trust fund for the payment of the corporation's debts. Is there any reason why a man who has twenty shares of stock, upon which he has paid 75, 50, 25, or even 10 per cent., should not be permitted to sell ten of his shares in order that he may meet the demand of the corporation for the payment of the other ten?

I would like to inquire, too, if it would be just or fair or proper for

us to give to the corporation representing the strong stockholders the power to confiscate the stock of the weaker ones because they might be unable to meet the demands made by the corporation upon them?

Mr. WILSON, of Minnesota. Where is any such authority given? Mr. CLARDY. That is an authority which belongs as an incident to all corporations.

Mr. WILSON, of Minnesota. That authority would exist under your amendment just as much as it does here, would it not?

Mr. CLARDY. Yes, sir; but under our amendment the owner of the stock, if unable to meet the demands of the company, could sell it; under yours he can not.

Mr. WILSON, of Minnesota. Why not? Mr. CLARDY. This amendment prohi Mr. CLARDY. This amendment prohibits the transfer of stock until it is fully paid for. Now, I say that by this provision prohibiting an assignment you put it in the power of the corporation, when the stock has not been fully paid for, to make demands upon the stockholders, and in the event of the failure of any of them to meet those demands, the stock of those who can not respond may be sold. It is in that way that you give the superior advantage to the corporation and to the strong stockholders. I wish the Clerk to read now the fourth amendment as agreed to by the committee of conference.

Mr. HOPKINS, of Illinois. Is not your argument based on the idea that the subscriber subscribes knowing that he will not be able to pay for his stock, and would not this amendment prevent subscriptions of

parties who knew they would not be able to pay?

Mr. CLARDY. I do not know about that, but I do know that no one can tell what a day may bring forth, and that men who are able to meet their obligations to-day may not be able to meet them to-morrow. I say, therefore, that it would be an extraordinary thing to deny to the holders of this stock the right to dispose of it at pleasure.

Mr. HEARD. If this amendment should remain in the bill, and if the proposition of the gentleman from Minnesota should obtain, then if a man who subscribed for the stock and paid upon it, say, 50 cents on the dollar, or any other sum, should die before paying the balance, would not his administrator be obliged to pay up the stock in full before he could dispose of it?

Mr. CLARDY. Of course he would, and if he could not pay it up

in full he could not get the benefit of it.

Mr. SCOTT. Under this amendment if I should subscribe for a thousand shares of that stock, and should pay \$50,000 upon it, and should become insolvent after I had paid that money, my \$50,000 would be forfeited and would be valueless to my creditors, because under this amendment there is absolutely no power to transfer the stock to anybody until it is full paid; and that would be so even though other parties might be willing to pay \$75,000 for my stock.

Mr. CHIPMAN. You would not get the benefit of it, nor your heirs

Mr. SCOTT. No. I will repeat that again, Mr. Speaker. I say that if I had subscribed for \$100,000 of this stock and had paid \$50,-000 upon it, and subsequently had become bankrupt and made an assignment, then, although that stock might have appreciated in value to \$75,000, yet not one dollar of it could go to the benefit of my creditors to relieve me from my liabilities, because, under the provision as adopted in the House, it could not be assigned legally to any one. Would any sane man subscribe for the stock or invest his money in it with such a condition as that attached to it?

Mr. CLARDY. No; of course nobody would buy such stock. Mr. Speaker, I ask now to have read amendment No. 4 as the conference

committee propose to modify it.

The Clerk read as follows:

The Clerk read as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof:

"SEO.3. That no certificates for stock, except as otherwise provided in this act, shall be issued till at least 10 per cent. of the par value thereof shall be fully paid for in money, and such money deposited in the treasury of said company; and there shall be at least \$1,000,000 in money paid on said subscriptions into the treasury of said company within one year from the passage of this act; and said company is hereby prohibited from returning or repaying any part of the money so paid. No part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders, or in any manner diverted from the proper uses of the corporation, Any violation of the provisions of this section shall subject the charter to forfeiture."

Mr. SPINOLA. That I understond is the amendment agreed upon?

Mr. SPINOLA. That, I understand, is the amendment agreed upon? Mr. CLARDY. That is the amendment agreed upon.

Mr. PEEL. I ask the gentleman from Missouri to yield to me to make a motion now to take a recess until 7.30 this evening, when there is to be a session under the special order.

Mr. PAYSON. What is the motion of the gentleman?

The SPEAKER pro tempore. It is to take a recess until 7.30 p. m.

The SPEAKER pro tempore. It is to take a recess until 7.30 p. m. under the special order.

Mr. PAYSON. That is all right.

Mr. CLARDY. I do not yield the floor, Mr. Speaker, but will resume it to-morrow. How much time have I left?

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Missouri to the fact that he has twenty-eight minutes of his time remaining.

of his time remaining.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PAYSON. If the House should now take a recess in accordance with the motion of the gentleman from Arkansas, will the evening session be devoted to the consideration of reports from the Committee on Indian Affairs?

The SPEAKER pro tempore. It will.

#### JOHN R. BROWN.

Mr. GEAR. I am instructed by the Committee on Military Affairs to ask unanimous consent that the bill (H. R. 2724) for the relief of John R. Brown be recommitted with the accompanying report to that committee.

There being no objection, it was ordered accordingly.

The SPEAKER pro tempore. The question is now on the motion of the gentleman from Arkansas that the House take a recess—

Mr. SPINOLA. The gentleman, as I understand, yields the floor

for a moment-

ra moment— [Cries of "Regular order!"]
The SPEAKER protempore. The regular order is demanded, which

cuts off all requests for unanimous consent.

The question being taken on the motion of Mr. Peel, it was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until half past 7 o'clock.

### EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. DOCKERY as Speaker pro tempore.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 4, 1889. Hon, A. M. Dockery is designated to preside as Speaker pro tempore at this JOHN G. CARLISLE, Speaker

Hon, John B. Clark, Clerk of the House of Representatives.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the special order under which the House meets this evening.

The Clerk read as follows:

Resolved. That on Monday next when the House takes a recess and Wednesday the House take a recess at 5 o'clock p.m. until 7.30 p.m. (on each of said evenings the House shall adjourn not later than 10.30 p.m.) for the consideration of business reported by the Committee on Indian Affairs.

RIGHT OF WAY TO ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL. I am directed by the Committee on Indian Affairs to report back the amendments of the Senate to the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, and to ask that the amendments of the Senate be non-concurred in, and the conference requested by the Senate agreed to.

The SPEAKER pro tempore. If there be no objection, the amendments of the Senate will be non-concurred in and the conference re-

quested granted.

Mr. HOOKER. I would like to have these amendments read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, September 25, 1888.

In the Senate of the United States, September 25, 1888.

Resolved, That the bill (H. R. 6512) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, do pass with the following amendments:

Page 3, line 2, strike out "granted" and insert "provided for."

Page 3, strike out lines 3 to 21 inclusive; and after line 21 insert:

"Sec. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: Provided, That no more than said addition of land shall be taken for any one station: Provided further, That no part of the lands herein anthorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

In section 3, line 10, after the word "referces," strike out "to be appointed by the President" and insert "one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company," so as to read:

"In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referces, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said ra

Page 8, strike out lines 20 and 21, and after line 21 insert:
"Sec. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof."

Mr. HOOKER. I wish to inquire whether in this bill, either as passed by the House or as amended by the Senate, there is any provision requiring the consent of the Indians to this right of way.

Mr. PEEL. There is not. In that respect the bill is like all the other bills providing for a right of way through the Indian country. I presume the gentleman understands that we simply ask a non-concurrence in these amendments and a conference with the Senate.

Mr. HOOKER. I understand that; but while it is true that the Government of the United States or a State government possesses the right of eminent domain and may determine questions in regard to the condemnation of land, yet as to the Indian reservations, it is provided in all the treaties, as I understand, that these roads shall not be built through those reservations without the consent of the Indians. If this bill contains nothing requiring such consent to this right of way, I think the conference committee ought to be instructed to see that such a provision is inserted.

Mr. PEEL. Mr. Speaker, I will say to my friend from Mississippi that there never has been a bill reported from the Committee on Indian Affairs since I have been a member of the House providing for the consent of the Indians to a right of way through that country, because it proceeds upon a different theory. There is nothing but the treaties of 1866 which would seem to warrant that idea, but the theory upon which Congress proceeded in the Forty-eighth, Forty-ninth, and in this Congress is that the right of eminent domain resided in Congress. There is a clause paying them so much for the land, and if they are not satis fied with the award that is made, they can object to the damages awarded them, which are to be assessed by a board of arbitration, and they can go to the court just as any citizen owning lands would have the right to go under similar circumstances.

It gives them an opportunity to get full value for all the damages growing out of this right of way, and that is all that any citizen could receive through whose lands the right of way is granted; and I do not see, therefore, why Congress should hesitate to apply as rigid a rule here as it would where commerce is facilitated by a right of way over the lands of individuals in a State. I have never known a bill to pass through Congress with such a clause as that suggested by the gentleman from Mississippi, and I hope at this late hour it will not be the theory upon which we are to act. It will simply be the cause of a great deal of trouble without resulting in any good.

Mr. ANDERSON, of Kansas. I would like to ask the gentleman how many miles this road runs through the Territory?

Mr. PEEL. I am not able to answer exactly that question. I will state, however, that it contemplates leaving a point called Rogers, in my own county, 6 miles east of the county seat of Benton County, passes through the western border of the country and into the Terri-Mr. ANDERSON, of Kansas. Is it as much as 200 miles?

Mr. PEEL. I think not; but I am not positive as to the distance.
Mr. ANDERSON, of Kansas. The reason I ask is that I notice this
bill makes a grant to this company of a strip 200 feet in width and
3,000 feet in length every 10 miles for station-houses, etc. I would like to know the reason that has been done?

Mr. PEEL. It has been considered, in the judgment of the committee, no more than is really necessary, because the other provisions in the bill specify that none of this land can be used for other than railroad purposes; and therefore it can only be used for station-houses, side-tracks, etc. It is the exact amount, I think, which has been granted in every right-of-way bill which has been passed in the last three Congresses, and besides that the company has to pay for the land that they get.

Mr. O'NEILL, of Missouri. It only gives the right of way for station-houses and for outlets.

Mr. PEEL. That is all.

Mr. O'NEILL, of Missouri. And not to be used for any other pur-

Mr. PEEL. That is correct.

Mr. ANDERSON, of Kansas. It amounts to this, that under the guise of an extra amount of land to be used for depot purposes they get a strip of land 200 feet in width and 3,000 feet in length in addition to the 100 feet granted for the right of way.

Mr. PEEL. No, not in addition to it. The right of way is 100 feet except at these points, distant from each other 10 miles, for station purposes. This width is increased to 300 feet for a distance of 3,000 feet at these points.

Mr. ANDERSON, of Kansas. Do I understand the 100 feet right-ofway proper is included in the 200 feet?

Mr. PEEL. Certainly.

Mr. ANDERSON, of Kansas. And only 200 feet wide? Mr. PEEL. That is all. Mr. HOOKER. For how great a distance?

Mr. ANDERSON, of Kansas. More than half a mile.

Mr. PEEL. Two hundred feet in width for 3,000 feet in length where the stations are to be established.

The SPEAKER pro tempore. If there be no objection, the amendments of the Senate will be non-concurred in and a conference committee agreed to.

There was no objection, and it was so ordered.

The SPEAKER pro tempore announced the appointment of Mr. PEEL, Mr. HARE, and Mr. PERKINS as the conferees on the part of the House.

LEAVENWORTH AND RIO GRANDE RAILROAD COMPANY.

The SPEAKER pro tempore. The bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes, is in the same condition as to the Senate amendments; and if there be no objection the same order will be made as in the preceding bill.

Mr. HOOKER. I ask for the reading of the amendments. The amendments of the Senate were read at length.

Mr. PEEL. I ask the House to non-concur in the amendments and agree to the conference asked.

The motion was agreed to.

The SPEAKER pro tempore appointed Mr. PEEL, Mr. HARE, and Mr. PERKINS as conferees on the part of the House.

SIOUX RESERVATION, DAKOTA.

Mr. PEEL. I now call up for consideration the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

The SPEAKER pro tempore. This bill is on the House Calendar.

Mr. PEEL. Iask unanimous consent to dispense with the first formal

reading of the bill and proceed to consider it.

Mr. HOOKER. I object to that, and ask for the reading of the bill in full.

During the reading of the bill, Mr. HOLMES said: I ask unanimous consent to dispense with the further reading of the bill.

Mr. PAYSON. Oh, no. It is being read, Mr. Speaker, for the purpose of amendment, now, is it not? If this is the first reading of the bill, then I do not object, and hope that it may be done.

The SPEAKER pro tempore. The gentleman from Iowa asks that the further reading of the bill be dispensed with.

Mr. HOOKER. I think the bill had better be read.

Mr. HOOKER. I think the bill had better be read.

Mr. ALLEN, of Michigan. I desire to make a parliamentary inquiry. Is it in order for a gentleman to make any motion whatever when he is outside the bar of the House?

The SPEAKER pro tempore. The gentleman has submitted no motion. The reading of the bill was resumed and concluded.

Mr. CUTCHEON. I rise to a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.
Mr. CUTCHEON. Are we now proceeding in the House as in Committee of the Whole?
The SPEAKER pro tempore. We are not.
Mr. CUTCHEON. I suppose this bill should have its first consideration in committee.

eration in committee.

The SPEAKER pro tempore. It is on the House Calendar; but it is evident from the reading of its provisions that if the point of order is made that it shall receive its first consideration in Committee of the Whole, the point of order, if insisted upon, must be sustained.

Mr. PEEL. I ask unanimous consent to consider the bill as in Committee of the Whole.

Mr. HOOKER. I think we had better have it considered in Com-

mittee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the centleman from Arkansas to consider the bill as in Committee of the Whole House

Mr. HOOKER. I object. Mr. PEEL. I move the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ROGERS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the

The CHARMAN. The House is in Committee of the whole for the purpose of considering this bill.

The Clerk read the first section.

Mr. CUTCHEON. As the first six sections seem simply to fix the boundary of the reservation, I think that they may be considered as

The CHAIRMAN. Without objection general debate will be considered as closed, and the bill will be read for amendment.

Mr. CUTCHEON. I was simply going to ask unanimous consent that the first six sections, which define the boundaries, be considered as read.

Mr. MORRILL. I have an amendment to offer.
Mr. HOOKER. I think the gentleman in charge of this bill ought to explain it.

Mr. PEEL. I was about to explain some of the features of the bill. It is well remembered, I presume, by the members of the committee

that during the last session of this Congress a bill for the same pur-

pose as this was passed by both Houses, and received the approval of the President, but failed to receive the approval of the Indians.

The material difference between that bill and the one under consideration is the point that I will speak of now. The other bill provided that for the lands to be taken under the homestead law the settler was to pay 50 cents an acre in addition to the fees of the office. That sum went to the funds of the Indians. This bill requires that for all lands taken under the homestead law in the first three years after the lands are open to settlement the settlers shall pay, in addition to the fees, \$1.25 an acre. For all taken in the next two years thereafter, after the three years, 75 cents an acre, and for all from five years up to ten years at 50 cents an acre; and at the end of ten years, all that are not then taken the Government accepts at 50 cents an acre. So that there can be none of the land, which is said to be 11,000,000 acres, left upon the hands of the Indians. That was one of the material objections they made to the other bill; that under it the best of the lands would be taken at 50 cents an acre and the bad lands left unsold. From the best estimate that can be made, the sale of these lands will produce between

eight and eleven million dollars.

The other bill also required the expense of the sale and survey to ome out of the proceeds of the land. Under this bill the Government pays that. So that under this bill they get the entire proceeds of the sale of every acre that is sold. As I have stated, if after ten years any is left the Government takes it at 50 cents per acre; so that they get it

Mr. PAYSON. Does this require the consent of the Indians?

Mr. PATSON. Does this require the consens of the Mr. PEEL. It does not.
Mr. PATSON. The other bill did.
Mr. PEEL. This brings the matter pretty well up to the demand made by the Indians. Last year they conferred with the Land Commissioner, and afterwards there were about sixty chiefs who were brought to Washington to confer with the Secretary of the Interior. The understanding was when they came here they would not ask more than 50 cents an acre, and by that means receive about five or six million dollars, but when they came here a portion of them demanded \$1.25. This bill came as near up to their wishes in that respect as we felt warranted in going. I am free to say that I think it makes but little difference to the Government whether we pay a dollar or a dollar and a half an acre, or whether we pay ten or twenty millions. We have already expended over \$30,000,000 since the treaty of 1868, in twenty years, for the purpose of making them self-sustaining, but there is not an Indian out of the 23,000 who is not drawing rations from the Government.

Therefore, under the policy heretofore pursued there is no telling how Therefore, under the policy heretofore pursued there is no telling how much money it will take. In fact, in my judgment, under the old theory it will never be accomplished, or at least it will take \$40,000,-000 under any policy that can be adopted to make them self-sustaining, put them upon their feet, and make them part and parcel of the community. Therefore I do not think the amount of the consideration is a material question. If any gentlemen desire to make it greater I will not object, so far as I am concerned, or feel that the Government has lost anything.

Now, in regard to the submission clause, the committee have given

Now, in regard to the submission clause, the committee have given in the report their reason for leaving that clause out. The twelfth clause of the treaty of 1868 requires that none of these lands shall be ceded unless three-fourths of the male adults assent to it. It fixes no age, but says "male adults." From the report of the commission that went out there, and from the best information that we could obtain, we found that inclosed of archaettriant that we could obtain, we found that instead of submitting the matter to the Indians we would really be submitting it to "powers behind the throne," to powers much greater than the Indians themselves.

According to the report of the commission, they never could get to the rank and file of the Indians. Certain chiefs who hold position amongst them got between the members of the commission and the rank and file, so that the great body of the Indians could not be reached, and no measure will reach them until the chiefs are settled with according to the old rule of adjusting these matters, because they will hold the Indians off and keep them down and not let them even consider the matter. One reason that has operated against this proposition, as we have been told—I have heard this denied and I do not astion, as we have been told—I have heard this defiled and I do not assert it as a fact—one of the reasons, as we have been told, is that the Northern Pacific Railroad Company has a large amount of land acquired under a railroad grant, which land is now opened up for sale, and, as a matter of course, as business men they want to get all they can for their lands, and they know that if this bill should become a law and should open up 11,000,000 of acres in Southern Dakota, in a more favorable location than that of the railroad lands, then their lands would be kent out of the market for several years to come. Whether would be kept out of the market for several years to come. Whether

that is a fact or not I do not know, but we have been so informed.

Mr. CUTCHEON. Will the gentleman permit a question at this

point?

Mr. PEEL. Yes, sir. Mr. CUTCHEON. Did the Northern Pacific Railroad Company or any other party appear before the committee, by attorney or otherwise, to oppose this bill?

Mr. PEEL. They did not. I only state that as an impression which we obtained, I think, from the commission who went out there. But there is another railroad there, I believe, which ends at Pierre. Under this bill if the grant which they have obtained from the Indians is ratified they will have to extend their road to the Black Hills. As I understand it, that company does not now want to extend its line to the Black Hills, because it makes connection with another railroad that reaches the Hills through Nebraska, and so it gets the trade anyway. But if this bill shall pass they will be compelled to extend the line within twelve months. Therefore, of course, they are not in favor of this bill or of any measure opening up this reservation.

But the greatest obstacle is found in certain squaw-men and certain chiefs who own large herds of cattle and are reaping large fortunes by raising those cattle on the common property. As a matter of course they do not want this bill to pass or to have the reservation opened, because that will destroy their monopoly, and by force of circumstances they are able to control the Indians. For these reasons we do not believe that any bill that can be prepared will receive the sanction of three-fourths of the rank and file of the Indians, unless resort is had to bribery of the men who control them. If that is true, then the question presented seriously to our committee is this: Dealing with these people as the wards of the country—and the Supreme Court in

three or four different decisions has given them that status—what is the duty of the guardian who has in charge the property of his ward?

I understand the rule to be that the guardian has the right to enlarge or increase the estate of the ward, but not to diminish it. Now, if our treaty with these wards contains a clause the execution of which would be to their detriment, shall we insist on doing them this damage? In our report we state our belief that where the execution of a clause of a treaty with these people would operate to their benefit we ought to adhere to it; but if such a course would be injurious to these uneducated and almost savage people who find it impossible to comprehend their own condition and the future that awaits them—if they are controlled or influenced by others, and are not acting under their own free will, and we find that carrying out that clause literally would continue these people in a state of savagery the question is should a continue these people in a state of savagery, the question is, should a government like ours adhere to the execution of such a provision? Or do we not take a more proper view of the question when we look to their interests?

their interests?

Are we simply to dicker with them and seek to continue them in their present condition, or are we to try to improve their condition, looking towards individualizing them and making them citizens, so that the Indian question will disappear from the governmental machinery of this country, the Indians becoming citizens like the rest of our people? When the Government finds itself in such a position as this I understand it to be our policy to treat the property of these wards of the nation as the property of a ward would be treated by a guardian or by a court having control of its administration—to treat it in such a manner as will conduce to the best interests of the ward. a manner as will conduce to the best interests of the ward.

These are the main points of difference. They are practically all the differences which it is worth talking about. The other bill proposed to set apart a million dollars as a fund, out of which to start improvements, to organize schools, etc. This bill sets apart \$2,000,000, which sum is to be refunded out of the sale of the lands.

Now, I simply want to make this proposition—and I do it in all sincerity and candor. I know we are here to-night without a quorum. If any gentleman has any serious objection to any part of this bill and amendments are desired, all I ask is that if after proper consideration and discussion of such amendments for a reasonable time gentlemen are not willing to be governed by the sentiment of those who are present here this evening, they will consent that the measure be passed over till to morrow, to be acted on by a full House, when a vote can be taken fairly and squarely; because, Mr. Chairman, if the judgment of this House is not in accord with that of the committee, we are ready

to yield gracefully and accept its judgment instead of our own.

Mr. CUTCHEON. I see that the order under which we meet tonight provides also for a session on Wednesday night. Was it the purpose of the chairman of the committee to complete the consideration of

this bill to-night?

Mr. PEEL. If possible we would like to do so, as there are several other bills which the committee desire to have considered after getting through with this measure. This bill is of very great importance to that whole western country. This large body of waste land now cuts off the entire commerce between that western country and Eastern Dakota, Missouri, Kansas, etc. No one, I presume, who knows anything about this matter believes that this large tract of waste land is

of any value to the Indians at all.

Mr. HOLMAN. I notice that on pages 25 and 26 of this bill it is provided that these three islands in the Missouri River shall be donated to the towns of Chamberlain, Pierre, and Niobrara—to be used, I be-lieve, as public parks. If I remember correctly the eastern line of the Sioux reservation is on the eastern side of the river-

Mr. PEEL. I understand so.
Mr. HOLMAN. So that all the islands are inside the Sioux reservation. Now, I do not notice in this bill any provision for compensating the Indians for those islands. Is there any?

Mr. PEEL. This bill, I will say to the gentleman, is in that respect exactly like the bill which was passed before. There is provision for the payment of the Indians for the improvements.

Mr. HOLMAN. I notice that. If these islands are small and of little consequence, it is of course hardly necessary to take this matter

into account; but one of them, I believe, is—
Mr. PEEL. I do not know exactly the size of those islands; but I will say to my friend that when we reach that part of the bill, if he desires to offer an amendment-

Mr. HOLMAN. My object was simply to inquire—
Mr. NELSON. In a report which I made to a former Congress there was a letter of the Commissioner of Indian Affairs giving approximately the area of these islands. As this letter is very short I will read it:

Department of the Interior, Office of Indian Affairs,

Washington, March 19, 1886.

Sir: In reply to your informal request for information as to the area of certain islands in the Missouri and Niobrara Rivers belonging to the Great Sioux reservation, Dakota, namely, American Island, Farm Island, and Niobrara Island, I have to say that the first named, American Island, has an area of 545.88 acres; the second, Farm Island, is estimated to be 3 miles in length by from one-quarter to three-quarters of a mile in width.

I can give you no information in respect to the last named, Niobrara Island. It has never been surveyed, nor has Farm Island.

Very respectfully,

J. D. C. ATKINS, Commissioner.

J. D. C. ATKINS, Commissioner.

Niobrara Island is not a large island—perhaps 400 or 500 acres. Mr. HOOKER. We are informed by the gentleman from Arkansas Mr. HOOKER. We are informed by the gentleman from Arkansas [Mr. PEEL], chairman of the Committee on Indian Affairs, that this bill has been introduced in consequence of the failure of the bill of the last session of Congress. That bill provided for a commission in conformity with the treaty of 1868, made by a commission constituted on the part of the United States of Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, and of certain chiefs and headmen of the different tribes of Sioux Indians on the other part.

That bill at the last session of Congress provided for a commission

That bill at the last session of Congress provided for a commission, and that commission went to Dakota to treat with these Sioux Indians in order to get their consent. The treaty provided that the consent of the Indians should be obtained.

What, Mr. Chairman, is the changed condition of affairs which makes it necessary now to pass a bill without a provision requiring the consent of these Indians? It may be said this is done in order to obtain the consent of the Indians. They certainly failed to obtain it under the bill of the last session of Congress. What are the conditions at the second session of the Fiftieth Congress which did not exist at the first session? That bill received the sanction of the Committee on Indian Affairs in both Houses of Congress from the fact it contained that provision in conformity to the treaty with these Indians. Is there any reason why we should now have a bill introduced here which proposes

I ask again, Mr. Chairman, what is the changed condition of affairs which makes this necessary? Nothing apparently. It is a fact notorious that the commission was appointed to obtain the consent of the Indians in conformity to the treaty we made with these Indians twenty years ago, that they should retain possession of what remained to them of their immense territory, that it should never be taken away from them except under the form prescribed in that treaty of 1868. Now, them except under the form prescribed in that treaty of 1868. Now, the bill of the last session of Congress complied with that provision of the treaty and required as a prerequisite the consent of the Indians themselves. A commission was sent out, and it failed to obtain the consent of the Indians. The gentleman from Arkansas [Mr. Peel], chairman of the Committee on Indian Affairs, says that it failed because a certain chief stood in advance of the Indians and would not allow the commission to obtain their consent. We understand these Indians transact all their business through their chiefs, that their chiefs speak for them, that they assume to know the sentiment of the Indians better than anybody else.

better than anybody else.

Certainly it comes with bad grace from a government which conceded this question of ownership to ask that that stipulation of the treaty should be departed from; that now, driven by stress of weather, being unable to obtain the consent of the Indians by means of a commission, you propose to do it without their consent. I say that is in violation of the treaty, and I can see no reason why the bill should be introduced again in the second session of the Fiftieth Congress, when as late as the first session of this Congress a bill introduced from this same Committee on Indian Affairs conceded it to be necessary to get the consent of the Indians before we could make any acquisition of territory sent of the Indians before we could make any acquisition of territory from them.

That commission failed, and another resort is necessary by the Gov-That commission failed, and another resort is necessary by the Government to obtain the consent of those Indians. A large number of the chiefs of the various Sioux tribes were brought to the city of Washington at heavy expense to consult with the Secretary of the Interior. My honorable friend says it would make no difference to him whether you paid a few millions for this. It is well known that the Secretary of the Interior treated with these Indians, but was unable to make any agreement with them. They wanted a certain price for their lands. The original bill provided an amount which I do not now remember. What was it? Fifty cents an acre.

Mr. HOOKER. It provided a price of 50 cents an acre. That was the amount provided in the original bill. I thought so, but did not recollect it exactly. The Indians declined to take that. The commission failed to persuade them to give their consent to it. The delegation brought here, after conference with the officers of the Government, the Secretary of the Interior and the Commissioner of Indian Affairs again failed to make any arrangement with them. It was understood they disagreed mainly on the price offered. The Indians insisted on the price offered in the first bill

That commission failed, and now we have introduced a bill here which proposes a violation in so many words, an absolute disregard of the very treaty which General Sherman and others in 1868 made with these Indians. I send to the Clerk's desk for the purpose of having read the twelfth article of that treaty to see what it was they agreed to

with these Indians.

The Clerk read as follows:

ART. 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying and interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article 6 of this treaty.

Mr. HOOKER. Now turn to Article 6 and see what it says. The Clerk read as follows:

ART. 6. If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding 320 acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person ever elections record over the high continue to cultivate it.

mon, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding 80 acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected, a certificate, containing a description thereof and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book, to be kept in his office, subject to inspection, which said book shall be known as the "Sloux Land-Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of \$200 or more, shall be entitled to receive from the United States a patent for 160 acres of land including his said improvements thereon of the tract of othe legal subdivisions of the surveys of the public lands.

Mr. HOOKER. It will be observed, Mr. Chairman, by the provisions of the twelfth section of the treaty just read by the Clerk, that it requires the assent of three-fourths of the adult Sioux Indians before these lands can be taken. I presume the intelligent chairman of the committee, and the committee itself, understood that any bill which was introduced in the Congress of the United States which would expect to receive the approbation of both branches of Congress and the approval of the Executive should contain provisions in conformity to approval of the Executive should contain provisions in contentity to the treaty, and that it could not possibly succeed unless that provision was respected in the treaty by which these Indians were to hold the land not at the option of the Government alone, but in their own right, and by a title of which they could not be divested except by their own consent.

I say I presume it was in compliance with the provisions of the treaty and in respect thereto that the bill of the last session of Congress was introduced and passed, but failing to obtain the assent of the Indians this new proposition to take their lands without their consent is brought forward, and my chief objection to the bill is the sweeping provision of section 21, which provides—

provision of section 21, which provides—

That all the lands in the Great Sioux reservation, outside of the separate reservations herein described, are hereby restored to the public domain, except American Island, Farm Island, and Niobrara Island, and shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section 2301 thereof) and under the law relating to town sites: Provided, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands

disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums, etc.

So that this section of the bill proposes an absolute violation of the treaty of 1868, and yet it requires the settler to pay for these lands the same amount that you would not pay the Indians for the lands when they were here to treat with you recently and made an offer of sale, as I am informed, at a certain price which the Government declined.

Now, the honorable chairman of the committee says that the question of a few dollars or a few million dollars paid by the Government for the land is a matter of little moment. Mr. Chairman, it is a matter of very material moment when you come to consider the question of keeping the faith of the Government of the United States as expressed by the plain and solemn terms of this treaty with the Indians.

But surely, sir, if we are to have any regard at all for the compact entered into by the Government, and which your intelligent commission, with General Sherman at its head, succeeded in negotiating, as a great acquisition on the part of the Government; if we are, I say, to pay any respect to the plighted faith with the Indians under our pledges with them, we must get the consent of the Indians themselves before undertaking to get possession of their lands, and which they hold by the very terms of the treaty of 1868. That fact this committee knew at the first session of this Congress, or else they would not have provided for it in their bill framed at that session. What change, then, I ask again, what change has there been in the condition of affairs which makes it possible to do in this second session of the Fiftieth Congress that which the good faith we owed to the Indians under our treaty stipulations prohibited us from doing in the first session of this Congress? And why bring in arbitrary legislation now, which, in the last session of Congress, you did not think you could enact under your compacts and treaties with these tribes?

There may be difficulties about obtaining the assent of the Indians; but the chief difficulty seemed to be the fact that the Indians by some means or other have become apprised of the value of their lands and put a stipulated value upon them which the Government was unwilling to grant. The Government declined to take the lands at the price they affixed to them; but now it is proposed, in the face of the report of the two commissioners sent into the Territory to treat with the Indians at the agencies and endeavor to negotiate respecting their rights, to take more arbitrary steps and fix this price upon the land without their consent. You failed to negotiate with them by the commission, although they were, as we find by reference to the report of the committee, "blanket Indians," without the claim of civilization which enlightens the balance of the world, although they seem at least to un-derstand what their interests are sufficiently well to decline an inade-quate compensation for the lands which the Government of the United States wanted to obtain.

If now the amount of payment to be given for the lands is, as we are told, a mere bagatelle, and amounts to nothing, why not obtain the consent of the Indians if the lands are as valuable to the United States and desirable for settlement as we are led to suppose them to be? Let us pay the Indians for them the price which they fix upon them, which price, I understand, they have expressed their willingness to take, and that is the price which you have proposed to charge the actual settlers for them after divesting the Indian title.

Mr. Chairman, I say therefore that this bill is directly in the teeth of the treaty, directly in the face of the solemn provisions of the agreement made with the Indians, and that the committee well understood at the first session of this Congress, or else they would not have made provision as they did in the then pending bill.

These constitute, in my opinion, insuperable objections to the bill

in its present shape

Mr. VANDEVER. Mr. Chairman, I will submit a few brief observations to the committee on this question. There was a treaty with these same Sioux Indians in the fall of 1876 by a distinguished commission, of which George W. Manypenny, of Ohio, and Bishop Whip-ple, of Minnesota, were members. Under that treaty they relinquished a portion of the lands embraced in this reservation by the treaty of 1868. I do not know, but it occurs to me that there may be something in the agreement of 1876 bearing upon this question, and that the Indians at that time may have consented to some extent to waive the rights they possessed under the terms of the treaty of 1868

In 1875 a commission was sent in pursuance of the act of Congress to treat with the Indians, and Mr. Allison, of Iowa, a member of the Senate then, as he is now, was chairman of the commission. They endeavored to get the consent of the Sioux to the relinquishment of the Black Hills territory then recently discovered to be rich in gold. They then assumed about the same position as the body of chiefs who so recently appeared here at the capital, and could not agree upon terms and war ensued, a desolating war, in 1876, which cost the Government millions of money and many valuable lives, and that was supplemented by this agreement of the Indians of 1876, which seems to be left out of the account altogether; and it is well that this body, that this committee and this Congress should understand the terms of that agreement of 1876, which I do not recall, to know to what extent it varied the provisions

of the treaty of 1868.

I recollect one of the provisions of the treaty of 1868, and if I am not mistaken it is contained in the sixteenth section of that treaty, in which the Government at that time transferred to these Indians titles to the lands lying west of the Missouri River clear to the Black Hills and gave them the right to roam over all the lands west of that clear to the Big Horn Mountains. It was provided in that treaty that the roads then in use that were traversed to the mountains of Montana should be closed and that three military posts located out there—I think at Fetterman, Smith, and some other post—should be abandoned and dismantled, and they were. It remained in that condition until gold was discovered in the Black Hills and the miners poured in there in such a way that they could not be kept out. Then we endeavored to make terms with the Indians and they would not consent to the proposed terms. This was followed by the war of 1876, which was followed lowed by the treaty of 1876, a treaty which has not been referred to here to-night. The facts pertaining to that treaty, I have no doubt, are well known to the committee, and I have no doubt they have inquired into it. It would be of interest to know if that treaty has been taken into consideration in this matter, and therefore I ask the question.

Mr. PEEL. I will say to my friend from California that when we reach the amendments to be offered as to submitting it to the Indians we can answer all of these questions better. There are some reasons which could be given, but, as I said before, I am perfectly willing, if this committee should so determine, to settle this question in full House when an amendment is offered to submit this question of consent to the Indians. If the majority of the House wants it done, all

Mr. CUTCHEON. Will the chairman of the committee please inform us whether the treaty of 1876 had a bearing upon this matter of

I do not know that it has. I understand that in treating for the Black Hills the Government took the signatures of two hundred and forty of the chiefs as representing the balance of the people. The Government accepted it and has been using it ever since that treaty was made. I do not know that it has any particular bearing

upon this except as a precedent.

Mr. GIFFORD. One of the reasons why it is proposed to pass this bill and open this land without the consent of the Indians is this: The conditions of the treaty of 1868 have been disregarded, broken, and violated by both the contracting parties from that date to this. The condition of the treaty provided for the maintenance of these Indians for four years. The Government has maintained them for about twenty years. It provided for the establishment of two agencies. ernment has established six agencies. It provided that the Indians should not go upon the war-path; that they should not scalp whites. All the conditions of that treaty have been violated. They were not to rob the stages, nor to attack whites in any manner; but as a matter of fact, and a historical fact, there were bands of these Indians during the whole period from the making of this treaty until the Black Hills treaty was made, and I think up to 1880 or 1881, continually on the war-path, violating the conditions of this treaty.

The Government, upon the other hand, was continually extending the terms of this treaty by issuing rations to these Indians and by establishing agencies among them and providing them with clothes This treaty of 1876 which was referred to does not continue the twelfth article of the treaty of 1868 except by inference. The treaty of 1876 was based upon the signatures, as was said by the gentleman from Arkansas [Mr. PEEL], of two hundred and forty of these Indians, and was at that time regarded by both Houses of Congress and by the President of the United States as binding and obligatory upon both the contracting parties. The Government then regarded this matter of treaty-making with the Indians—I mean this matter of securing three-fourths of the signatures of these Indians—as a farce. It is a farce. The only persons who are treated with or considered at all in making these treaties are a few of the chiefs and a few of the squaw-men. If the same means had been adopted by this commission that had been adopted theretofore in securing the consent of these In-

dians there would have been no trouble in it.

Mr. HENDERSON, of Iowa. What was the good old way?

Mr. McKENNA. What was the old way?

Mr. McKENNA. What was the old way?
Mr. GIFFORD. By giving them a few trinkets.
Mr. PAYSON. The "ordinary modern methods."
Mr. GIFFORD. No; the method that has prevailed ever since the

Mr. GIFFORD. No; the method that has prevaled or in the first landing at Plymouth Rock.

Mr. O'NEILL, of Missouri. Since the landing of Columbus.

Mr. ALLEN, of Michigan. Was itnot the same as prevailed in dealing with the Indians in Mississippi and Arkansas?

Mr. GIFFORD. The proposition in this bill is based on the idea that it is better to deal justly with the Indians without their consent. than to deal with them unjustly with their consent. Gentlemen who are to-day insisting upon conformity to the twelfth article of the treaty of 1868 were willing in the past to give these Indians only 50 cents an acre if they would give their consent to these terms and to that consideration. The proposition now is to treat these Indians pre-

cisely as the gentleman from Arkansas described as relates to the Government and give them a fair price. I think by dealing justly with them we will secure their title to the land.

Mr. PERKINS. I want to see, Mr. Chairman, whether we can not agree that amendments offered may be voted upon here to-night, and then, if there is any disposition to demand a vote upon them in a full House, can we not agree that the vote may be taken to-morrow?

Mr. PEEL. I will say to my colleague that that proposition has

already been made.

Mr. PERKINS. But it has not been acted upon.

Mr. PEEL. No; it has not been acted upon, but I thought that when we got to the amendments we might come to an agreement.

Mr. PERKINS. Mr. Chairman, this bill has been read, and I ask unanimous consent that the amendments be considered and voted upon here, and that then if anybody desires to insist on a vote upon them in a full House, we agree now that the bill go over, and that a vote be had upon the amendments in the House to-morrow, with thirty minutes' debate.

Mr. HOOKER. Thirty minutes upon each side.

Mr. PERKINS. Well, thirty minutes upon each side. The reason I make that request is that if we can not come to some understanding of this kind, I do not see the propriety of spending the evening in considering this bill when we might occupy the time with something

The CHAIRMAN. The committee can make no agreement that will bind the House, but it can, by unanimous consent, recommend that that course be taken in the House. Is there objection to the request

of the gentleman from Kansas?

Mr. HOOKER. I think, Mr. Chairman, we had better go on and

consider the bill in the regular way. [Laughter.]
Mr. CUTCHEON. Mr. Chairman, I shall detain the committee
but for a few moments. I agree fully with the chairman that this is one of the most important measures that have come before this Congress, or before any Congress of which I have been a member. It is proposed here to open up this great reservation, to restore to the public domain 11,000,000 acres of land. The gentleman from Mississippi [Mr. HOOKER] asks the question, what are the changed conditions between the time when the treaty of 1868 was made and the present

Mr. HOOKER. No; between the first session of this Congress and

the present time.

Mr. CUTCHEON. I will consider both points together. The changed condition between the making of the treaty of 1868, or even the making of the treaty of 1876, and the present time is this, that within that limited period we have witnessed the miracle of the birth, the growth, the maturity of a magnificent commonwealth right around this Indian reservation, and that this Indian reservation lies directly in the path of the march of empire from the East to the West. I take up this bill and I find it provided in the first six sections of it that a certain part of this Great Sioux reservation is to be set apart for a permanent reservation. Mr. Chairman, I think we had better strike out the word permanent" from each one of these sections. It does not mean anything. There is not any such thing as a permanent Indian reservation upon this continent.

Mr. PERKINS. There should not be, any more.

Mr. CUTCHEON. There is not, there never was, and there never will be; the white race propose to take possession of this land; it does not make any difference whether we call it the Sioux reservation of Dakota, or Oklahoma in the Indian Territory. The avidity of the white race for land is absolutely insatiable. We made a treaty in 1868 by which we gave to the Sioux Indians, the great tribe of the North, all that vast domain described by the gentleman from California, and guarantied it to them, agreed never to take it from them unless with their free consent; yet in 1876, by the signatures of two hundred and forty of their so-called headmen, we took a vast empire away from them. Why? Simply because the white men had discovered that there were rich gold mines in the Black Hills and they wanted them. They wanted them, and they did not wait for any treaty or for any they went there and took the land, and then General Sherman and his colleagues made such an agreement as they could—the only agreement that they could.

But thousands upon thousands of whites were already there. were there by the right of might, not by the right of law, and there they remained; and a poor, miserable apology for an agreement was patched up and called a treaty, and the Indians drew out and the whites have remained there ever since. Now, here is this great reservation which stands in the path of empire, and I say to you, gentlemen, that it is utterly futile to suppose that these twenty-eight thousand or thirty-two thousand Indians are going to hold possession of that reservation. The white man has laid his rapacious eye upon it, and

the white man is going to have it.

Mr. CANNON. And is not the gentleman glad of it?

Mr. CUTCHEON. I am simply talking now about what is going to be, not about what ought to be. [Laughter.]

Mr. O'NEILL, of Missouri. What objection have you to the black

man going out there?

Mr. CUTCHEON. I have not any, if he can get a good homestead

Mr. PETERS. Instead of the white man's rapacity, is it not Chris-

Mr. CUTCHEON. Now, Mr. Chairman, there is not any doubt that we ought to have the consent of these people; but these Sioux Indians have now got their eyes open. They understand the value of 160 acres of land in the market in Dakota almost as well as a white man does, and they want to get all they can for their land. There is a good deal of the white man in the Indian.

Mr. O'NEILL, of Missouri. In some of them. [Laughter.]

Mr. CUTCHEON. They want to get the best price possible for their lands.

Mr. NELSON. Who is it that has helped to make that land valuable?

Mr. CUTCHEON. I am just going to talk about that. Twenty-one years ago when the treaty of 1868 was made that whole territory was one vast wilderness and desert. Dakota was then beyond the border of civilization; it was away beyond the frontier, but to-day there is one of the most intelligent, thriving, progressive, go-ahead communities on the American continent right around this reservation. That is the

changed condition.

Now, Mr. Chairman, the question is, shall we apply to this case the old maxim, "Let him take who can," or shall we abide by the treaty? That is about the only question there is in this case. For my part I want to see this reservation opened up, not less for the sake of the Indian than for the sake of the white man. I believe that the interest dian than for the sake of the white man. I believe that the interest of civilization, the Christianization of the American Indian, demands that these great compact masses of ignorance and barbarism should be crushed to pieces. I want to see railroads go through that reservation; I want to see school-houses built there to which white children shall go; I want the people there to hear in the morning the school-bell, which shall summon the children of the neighborhood just as we hear ti in Michigan, Wisconsin, and Minnesota; I want to see these lands taken in severalty. But I want first to ascertain whether there is not some method of accomplishing this result conformably to our treaties? Have we exhausted all reasonable and honorable means to accomplish this object in accordance with our treaty obligations?

Mr. NELSON. Will the gentleman allow me a remark?

Mr. CUTCHEON. With pleasure.

Mr. NELSON. I can conceive of but one method to get the consent of the Indians. If we would put into this bill or into some other bill a large corruption fund for the purpose of bribing the leading chiefs, giving them a large bonus, we should no doubt secure a formal approval of this treaty

Mr. CUTCHEON. Very likely.
Mr. NELSON. That is the only way.
Mr. PERKINS. That is the only barrier now; and it was the only

barrier to success last summer.

Mr. CUTCHEON. That shows the truth of what I have said, that

I do not complain that this bill does not give the Indians.

I do not know but that it gives them too much—

too much for their own good.

The gentleman from Minnesota [Mr. Nelson] asked a little while ago, what has made this land so valuable? Now, we must all candidly admit that it is not the red man; it is the white man; it is the men who have gone from the great Northwest—from Illinois, Iowa, Nebraska, Michigan, Wisconsin—who have gone there and built homes; it is they who have given new value to this land.

The great question that stands in my way in regard to the support.

The great question that stands in my way in regard to the support of this measure is the question raised by the gentleman from Mississippi [Mr. Hooker]. It is not the question whether the Indian is getting money enough per acre for the land, but it is the question of

the honor of the Government of the United States.

Mr. PEEL. If the gentleman from Michigan will allow me a minute, I want to make a proposition. If the Committee of the Whole is not willing to allow a vote on this matter in the House after submitting the question to reasonable debate there is no use in consuming further

time upon this bill.

Mr. CUTCHEON. So far as I am concerned I have never yet made factious opposition to any bill during the six years I have been a member of this House, and I do not intend to do so in this case. I am willing to abide by the decision of the majority of the House, but I want it to be the decision of the House. So far as I am concerned I shall be content with that; but I wanted to present clearly on the mind of this Committee of the Whole—

Mr. HOOKER (to Mr. PEEL). I hope the gentleman from Michigan [Mr. CUTCHEON] will be permitted to conclude his remarks, because we are all interested in knowing what result he is coming to.

Mr. PEEL. I was going to ask my friend from Michigan whether he would yield to allow me to make the proposition I have indicated.

Mr. CUTCHEON. I will finish in a moment what I have to say.

The gentleman from Mississippi desires to know to what result I am

coming. It is simply this: This bill attempts to do a right thing in a wrong way. It attempts to do that which I most earnestly desire to see done—that is to secure the opening up of this great reservation, to let in civilization through and around these Indian tribes; but it seems to me it attempts to do this in a wrong way, a way opposite to that which was proposed in the last session of this Congress. That is the way I feel about it. Such being my sentiment, I do not propose to offer any factious opposition to this bill; but I wanted to call the attention of this committee to the situation and to invoke its candid consideration of the question whether or not, before taking this land by force, we ought not to make one more attempt to secure the consent of the Indians according to the agreement which we made.

Now I will yield to the chairman of the Committee on Indian Af-

Mr. PEEL. I want to make a proposition to the gentleman from Mississippi [Mr. Hooker] and to all members who are present here to-night. I do this in all candor. I do it in justice to other members of the committee who are interested in other bills which they desire to Mr. PEEL. have considered. If gentlemen who desire to have this question submitted to a vote of the Indians will agree that this amendment (after being voted upon here to-night or not, as gentlemen may prefer) shall go over till to-morrow to be voted upon in a full House after thirty or fifteen minutes' debate on each side—if such an understanding can be reached, there may be some reason in going on with this bill now. I hope gentlemen who are in favor of submitting this matter to the Indians will be as frank as I am and will say whether they assent to this proposition or not.

Mr. Chairman, I will submit it to the committee. I move the amendment which will be offered for submitting this bill back to the Indians for their consent be voted on after debate, say, of twenty or thirty min-

utes on each side in a full House.

The CHAIRMAN. The Chair does not know whether he understands just what the gentleman from Arkansas proposes. He will state it and if he is not correct the gentleman from Arkansas can correct him. It is that this bill shall be reported back to the House with amendments agreed upon to be voted on to-morrow in a full House. Is there ob-

jection?

Mr. HOOKER. I regard this as a bill of very great importance. is one which has been sprung on us for the first time this evening. But few members have read it, and that is the reason why I called for the reading of the bill, because I wanted the members who are present to understand just exactly what it is. Several of them told me they did not understand it. It is an important measure, which should be con-sidered well and carefully and deliberated upon. With my present views I should be inclined to object to it.

Mr. ANDERSON, of Kansas. Do you object? Mr. HOOKER. I do.

Mr. PEEL. Are we to understand that my friend is not willing to have these amendments voted on in a full House?

Mr. HOOKER. Oh, yes; when they get there in the proper course

of procedure I am ready to have a vote on them.

Mr. PEEL. We understand your conscience is very tender.

Mr. HOOKER. It is very necessary on such important matters we should proceed in accordance with the rules.

Mr. NELSON. If the gentleman will yield to me, I think I might persuade the gentleman from Mississippi to withdraw his objection.

Mr. HENDERSON, of Iowa. Let the gentleman from Minnesota

Mr. NELSON. If I could be allowed to make a statement, I think he could be persuaded to withdraw his objection.

Mr. PEEL. I ask leave to withdraw the bill.

There was no objection.

## ONEIDA RESERVATION, WISCONSIN.

I call up for consideration the bill (H. R. 9909) to provide for the allotment of lands in severalty to the Indians upon the Oneida reservation, in Wisconsin, and granting patents thereto, and for

other purposes.

The CHAIRMAN. The bill will be read a first time for information, Mr. HUDD. I ask the first reading of the bill for information be dispensed with, and the Clerk proceed to read it by sections for amend-

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause lands to be allotted to those who are entitled to allotment under the act of February 8, 1887, of the Oneida Indians residing upon the tract of land near Green Bay, in the State of Wisconsin, reserved for said Indians by the second article of the treaty between the United States and first Christian and Orchard parties of the Oneida Indians, concluded at Washington February 3, 1838, as follows:

To each head of a family, 90 acres.

To each single person over eighteen years of age, and each orphan under eighteen, 44 acres.

To each single person under eighteen years, 24 acres.

SEC. 2. That all allotments made under the provisions of this act shall be according to the legal surveys, and in such manner as to embrace the improvements of the Indians receiving the allotment. When the improvements of two or more Indians have been made on the same legal subdivision of land, timbas

they shall otherwise agree, a provisional line may be run, dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under

between then, and the send the said to which they are entitled under the saignment of the remainder of the land to which they are entitled under this act.

Sec. 3. That the allotments provided for in this act shall be made under the supervision of the agent in charge of the Indians located upon the said Oneida reservation, or other person duly authorized by the Department of the Interior under such rules and regulations as the Secretary of the Interior may prescribe, and shall be made so as to secure, as far as practicable, an equal division of the agricultural lands embraced in the reservation.

Sec. 4. That upon the approval of the allotments by the Secretary of the Interior, he shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of legal effect, and declare that the United States does and will hold the land thus allotted for the period of five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs, according to the laws of the State of Wisconsin, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs aforesaid, in fee discharged of said trust and free of all charge or incumbrance whatsoever, and no contract by any such Indian allottee or any lease, conveyance, or mortgage of the fee or lesser estate in and to such lands prior to the time fixed in this section for the issuance of a patent to such allottee shall be valid.

Mr. HUDD. I move to amend section 4, line 5, by striking out the

Mr. HUDD. I move to amend section 4, line 5, by striking out the word "five" and inserting the word "fifteen" in lieu thereof

Mr. HOLMAN. I suggest to the gentleman to add the following words: "But the time may be extended to twenty-five years, in the discretion of the President of the United States."

Mr. HUDD. If the gentleman thinks that is necessary I will ac-

cept it as a modification of my amendment.

Mr. HOLMAN. That is the time usually provided, and I think it should be adopted in this case.

Mr. HUDD. This is a special case. These Indians have lived for forty years near my city of Green Bay, in the State of Wisconsin.

Mr. HOLMAN. I see these divisions of 90 acres and 40 acres divide the entire tract up among these Indians,
Mr. HUDD. There are only 63,000 acres in the reservation alto-

Mr. HOLMAN. Have these lands been surveyed on the basis of 90

and 40 acre subdivisions?

Mr. HUDD. Yes, the survey has been made upon the recommendation of the Commissioner of Indian Affairs.

Mr. HOLMAN. I ask the gentleman to extend the time beyond fif-

teen years, for five years longer.

Mr. HUDD. My amendment proposes to make the time fifteen years, and I think that is long enough. However, as I have already stated, I have no objection to accept the modification of the gentleman from Indiana to leave it to the discretion of the President to extend the period if it shall be found necessary.

Mr. HOLMAN. These Indians are not highly civilized.

Mr. HUDD. Does the gentleman insist upon his amendment?

Mr. HOLMAN. I do not.

Mr. HUDD. Let the vote, then, be taken on my amendment increasing the period from five to fifteen years.

The amendment was agreed to. The Clerk read as follows:

SEC. 5. That any Indian to whom a certificate has been issued, as provided for in the preceding section, and who shall appear in open court in the district court of the United States for the eastern district of Wisconsin, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that he is of legal age and sufficiently intelligent and prudent to control his own affairs, shall thereupon cease to be a member of said tribe of Oneida Indians, and shall become a citizen of the United States.

Mr. HUDD. I move, in line 4, to add after the word "Wisconsin" the words "or any State circuit court for Brown or Outagamie Counties, in said State of Wisconsin."

I will state, Mr. Chairman, that the object of the amendment is to allow them to go before the State as well as the United States courts to take out their naturalization papers, in order to avoid the expense of travel.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## SISSETON AND WAHPETON SIOUX INDIANS.

Mr. PEEL. I now call up the bill (H. R. 9676) for the relief of certain Sisseton and Wahpeton Sieux Indians who served in the armies of the United States against their own people when at war with the United States, and of their families, descendants, and legal representatives, and of certain other Indians of said bands who served as soldiers in the armies of the United States during the civil war, from the operation of certain acts of Congress passed to punish the hostile Indians, and yield to my colleague from Minnesota.

Mr. NELSON. Mr. Chairman, I ask unanimous consent to dispense with the first formal reading of the bill, and that it be read by sections

for amendment.

Mr. ANDERSON, of Kansas. Will the gentleman from Minnesota please tell us what this bill is about?

Mr. NELSON. I can do that very briefly. The report is quite lengthy,

but I can explain in a very few words the purpose of the bill.

There were many of the Sioux Indians, indeed most of those in Dakota, who had large annuities due to them from the Government,

I think amounting in the aggregate to a million and a half of dollars and upwards. In 1862 there was an Indian outbreak in Minnesota, as you all probably know, and the Indians committed extensive depredations upon the whites right in the midst of the late war. The outbreak was finally suppressed, and after it was suppressed Congress went to work and confiscated all of the annuities due to the whole of these Indians. I can not give the exact amount of the annuities, but, as I have said, the sum was quite large. The Government, however, confiscated the annuities belonging to all of these different bands of Sioux Indians. Among them were certain bands known as the Sisseton and Wahpeton bands, and of these bands of Indians there were certain Indian scouts, and part of these aided us in Minnesota against their own people in the suppression of the outbreak, and a part of them were in the Army of the Union down South.

The annuity confiscated included the share of these Indians as well as those who were actually engaged in the outbreak, and the object of this bill is to restore to that portion of the Sioux Indians who were in our Army either as scouts aiding us against their own people, or in the Army of the Union during the war down South—to restore to them the share of the annuities to which they were properly entitled. That is the whole object of the bill, and I want to say, Mr. Chairman, that this is about the only bill that I know of involving an appropriation for annuities due to the Indians in which there is no attorney. Two of the leading men of these bands, Chief Renville and Sam Johnson, came here during the last session of Congress and went before the Indian Office, and there is a voluminous report from the Department, embodied in the report of the committee, setting forth in detail their just dues and making a computation which the committee adopted in framing this bill as the amount belonging to these Indians.

Mr. ANDERSON, of Kansas. You say there were no attorneys em-

ployed in the case?

Mr. NELSON. None whatever.
Mr. ANDERSON, of Kansas. This money, then, goes directly to the

Mr. NELSON. Yes, directly to the Indians. I know not a single person nor do I believe the committee knows of a single person acting as the agent or attorney of these Indians in this connection. As I said, two of them came to this city, presented their claim before the Department in person, their account was stated by the Department, was set forth in a communication addressed to the chairman of the Committee on Indian Affairs of the House, is embodied in the report of the committee, and affords the data on which the bill is framed.

The CHAIRMAN. Without objection the general debate will be considered as closed and the bill be read by sections for amendment

and debate.

There was no objection, and it was so ordered.

The Clerk proceeded to read the bill.

Mr. HOOKER. I would ask the gentleman from Minnesota in charge of this bill by what process of calculation he arrives at the conclusion which seems to be embodied in section 2 of the bill, in lines 6 and 7 and following lines, where the amount to which they are entitled is specified, and the bill goes on to provide:

The number of Indians who enlisted as scouts and soldiers in the United States Army and their families shall be considered as one-fourth of the whole number of Sisseton and Wahpeton Indians; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of \$342,-738.37, etc.

By what means do you arrive at that result?

Mr. NELSON. I want to say to the gentleman that this bill just as it reads was prepared at the Indian Office. In their report, if we had time to read it, the whole matter is set forth exactly in detail, how that calculation is made, how the result is reached, and I can give no better explanation of it than that. It is sufficient to say that the Indian Office has an account of the annuities due to these bands, and they know from the records in the office what proportion of adults were in our employ as scouts, and they have estimated in the usual manner the number of women and children who go with the adults, and in that manner reached the conclusion embodied in the bill. It is their computation and not that of the committee. My friend and colleague [Mr. RICE] is entirely familiar with all the facts of the case, he being one of the older settlers in Minnesota. For myself, I am a mere "carpet-bagger," having been there only since 1871. But my friend and colleague [Mr. RICE] can tell you all about the Indian out-

Mr. HOLMAN. Let me ask the gentleman if in the computation any interest is included?

Mr. NELSON. No, sir; I think not. Simply the annuities, the back annuities for the number of years specified, and I think no in-

terest is figured in that calculation.

Mr. HOLMAN. The whole amount, as appears by a communication embodied in the report, is \$305,978.37.

The CHAIRMAN. The Chair is informed by the Clerk that the

amount covered by the bill is \$342,738.37.

Mr. HOLMAN. I have in my hand the statement of the Commismissioner of Indian Affairs as embodied in the report, and to avoid mistake as to the amount I would like to call attention to one or two paragraphs of this report.

Mr. NELSON. On what page?

Mr. HOLMAN.

On page 6 of the report.

LD. If the gentleman will allow me, I will call at-Mr. MACDONALD. tention to a matter which will probably better come in now than after-I wish to obtain the attention of my colleague [Mr. Nelson] and ask him why the Medawakanton band have not been included in

Mr. NELSON. We have not included any full band.

Mr. MACDONALD. I mean the scouts and soldiers belonging to that band as well as to the Sisseton and Wahpeton Indians.

Mr. NELSON. I was not aware of the fact that they have not been provided for. If any of that band were in the condition of the scouts and soldiers of these other bands, and entitled to any share, it has not been computed. So they have not been taken into consideration.

Mr. MACDONALD. They ought to be added.

Mr. MACDONALD. They ought to be added.
Mr. NELSON. I ask the attention of the gentleman from Indiana to the last two paragraphs of the report.

Mr. HOLMAN. I wish to have these paragraphs read.

Mr. MACDONALD. I call my colleague's attention to the further fact that that band was included in the treaty he has mentioned. act of confiscation, on account of the outbreak, applies and cuts them out, as well as the Sisseton and Wahpeton Indians.

Mr. NELSON. It may be that they are entitled to some relief.
Mr. MACDONALD. I know they are. I was there myself.
Mr. RICE. They are included in the life.

Mr. RICE. They are included in the bill.

Mr. MACDONALD. I do not see that they are. They are not included in the title.

Mr. HOLMAN. I ask that the three paragraphs which I have marked in the report be read.

The Clerk read as follows:

It would be impossible at this late day to separate their accounts, but I think he following proposition will satisfy those for whose benefit legislation is

the following proposition will satisfy those for whose benefit legislation is sought.

Let us agree to class all these bands as hostile at the time of the outbreak, concede that their lands and funds were justly confiscated, but those who were in the service in the Army as scouts, as appears from the records of the War Department, should be classed as our friends, and should be exempted from the act of confiscation. If we multiply the amount of their annuities (\$73,600) by the number of years that have clapsed (twenty-five), we have the gross sum of \$1.840,000. From this subtract the amount which has been appropriated for the whole number after the confiscation act, amounting to \$816,088.52, which leaves \$1,223,913.48. The scouts and their families constitute one-fourth of those who would have received this, and their share, therefore, would be \$305,978.37.

I recommend that a bill be passed appropriating this sum of money to be paid to those whose names appear on the rolls of the Army as scouts, their families and descendants, or their legal representatives; and that these bands be relieved from the stigma which has been unjustly put upon them as being hostile because a few of their young men joined the hostiles, and that they shall be so far restored to their rights under the treaties and agreements which were abrogated that they shall receive during the remaining thirteen years during which they are entitled to it the full one-fourth of the amount of their annuities.

Mr. PEEL. I would say to the gentlemen who are interested in

Mr. PEEL. I would say to the gentlemen who are interested in this bill, as there is some complication arising, that I will ask to withdraw it so as to permit members who are interested to look into it by Wednesday night, when we may all know it better. It is a matter of There are other measures with which we considerable importance.

can go along smoothly.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas to withdraw this bill? The Chair hears none, and

it is so ordered.

UNITED PEORIAS AND MIAMI INDIANS.

Mr. PERKINS. I will call up the bill (H. R. 11634) to provide for allotment of land in severalty to the United Peorias and Miamies in

Indian Territory.

Mr. PEEL. This bill passed during the last session of Congress, but did not get to the President in time to be signed.

The CHAIRMAN. The bill will be read.

Mr. PERKINS. I ask unanimous consent to dispense with the first

reading of the bill, and that it be read as amended by the committee.

The CHAIRMAN. The bill is in Committee of the Whole, and the gentleman from Kansas asks unanimous consent to dispense with its first reading for information, and that it be read as amended by the com-Without objection, general debate will be considered as closed.

The bill as proposed to be amended by the committee was read, as follows:

A bill to provide for allotment of land in severalty to United Peorias and Mi-amies in Indian Territory.

amies in Indian Territory.

Be it enacted, etc., That the provisions of chapter 119 of the acts of 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," are hereby declared to extend to and are made applicable to the Confederated Wea, Peoria, Kaskaskia, and Plankeshaw tribes of Indians, and the Western Miami tribe of Indians, now located in the northeastern part of the Indian Territory and to their reservation, in the same manner and to the same extent as if said tribes had not been excepted from the provisions of said act, except as to section 6 of said act, and as otherwise hereinafter provided.

That the Secretary of the Interior is hereby authorized and directed, within ninety days from and after the passage of this act, to cause to be allotted to each and every member of the said Confederated Wea. Peoria, Kaskaskia, and

Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, upon lists to be furnished him by the chiefs of said tribes, duly approved by them, and subject to the approval of the Secretary of the Interior, an allotment of land not to exceed 200 acres, out of their common reserve, to each person entitled thereto by reason of their being members of said tribes by birth or adoption; and the chiefs of their said tribes by birth or adoption; and the chiefs of their said tribes in making said allotments healt be settled by the chiefs of their said tribes, in making said allotments herein provided for shall be made, there shall be settled by the chiefs of their ments herein provided for shall be made, there shall be set apart, not to exceed 20 acres in all, for school, church, and cemetery purposes; the location of the Secretary of the Interior; in such quantities and at such points as they shall deem best, which, together with all improvements now existing or that may hereafter be made by the tribes thereon, shall be held as common property of the respective tribes. If, in making the selections as herein provided for, the stress of present school buildings should not be retained, then all improvements thereon may be removed. If not removed, then they shall be sold after appressent school buildings should not be retained, then all improvements thereon may be removed. If not removed, then they shall be sold after appressent school burled or such a strength of the proper tribe. If any religious denomination, with the consent of either or both of said tribes, should recet any building for church or school purposes upon any of the land selected for church use, the said building, together with the land, shall be held the property of such religious denomination so long as they shall occupy the same foreity of such religious denomination so long as they shall occupy the same foreity of such and the such and the such and supon which said house is situate, and apply the proceeds to their new building. The land so all

manner and form satisfactory to the Fresident of the United States.

SEC, 3. That any act or part of acts of Congress heretofore passed that may conflict with the provisions of this act, either as to land or money, are hereby repealed.

SEC, 4. That full jurisdiction is hereby conferred upon the Court of Claims to hear and determine what are the just rights at law, or in equity, of those Wea, Peoria, Kaskaskia, and Piankeshaw Indians, and of their children, or heirs at law, or legal representatives, who became citizens of the United States under the provisions of Article XXVIII of the treaty of February 23, 1867, made with the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws in the invested funds and other common property of the said confederated tribes, And the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be impaired by any ruling or determination upon such rights heretofore made. Suit may be instituted against the United States in said Court of Claims within twelve months after the passage of this act, but no later, on behalf of said Indians who so became citizens of the United States, their heirs and legal representatives, in the name and style of "The Citizen, Wea, Peoria, Kaskaskia, and Piankeshaw Indians," in accordance with the practice of said court, for the hearing and determination of such rights at law and in equity as are claimed for said citizen Indians, or any of them, in such suit, which rights or equities arise out of the provisions of said treaty, or any law of the United States relating to the invested funds and common property of said confederated tribes. Said "confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws" may be made a party defendant in said suit, on petition in that name to be made such party defendant, to be filed within three months from the date of the bringing of such suit, but the United States, through its proper officers, shall defend said suit, on behalf of said Indians,

federate tribes to represent the tribes on such examination, not to exceed 10 per cent. of the aggregate sum actually in controversy, and the Secretary of the Interior shall cause to be paid to said counsel so much of the sum so ascertained as in equity and justice he may consider to be due them for such services, out of any money in the Treasury of the United States now due to such tribes arising from the sale of lands of said tribes in Kansas.

Sec. 5. That the Secretary of the Interior shall transmit to said Court of Claims, upon its request, certified copies of any records, documents, or papers that relate to the rights of any of said Indians involved in such suit.

Amend the title so as to read: "A bill to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes."

Mr. KILGORE. I want to make an inquiry about this bill. I understand that it passed both Houses and went to the President at the

Mr. PERKINS. It was passed at the last session.

Mr. KILGORE. Do you know what day it went to the President? Mr. PERKINS. I do not. Perhaps the gentleman from Arkansas knows. It was within the last three or four days; and the President had not time to give it consideration.

Mr. KILGORE. I think you are

I think you are mistaken about that. .

Mr. PERKINS.

That is my information.

I had charge of the Committee on Enrolled Bills Mr. KILGORE. at that time. The bill passed, if I am not mistaken, a day or two before Congress adjourned. It went to the President on the 18th or 19th of October, I think. Congress adjourned on the 20th. Now, I have pretty direct information—very direct information, in fact—that he examined this bill and expressed himself as not being satisfied with it.

Mr. PERKINS. I know it went through towards the close of the

session.

Mr. KILGORE. My understanding was that there was objection to it.

Mr. PERKINS. The land is in the Indian Territory, the proceeds all go to the Indians, and it is just what the Indians themselves have requested and sent a delegation here to ask for.

Mr. KILGORE. Is there any difference between this bill and that which was passed at the last session?

Mr. PERKINS. It is substantially as it was passed at the last session of Congress. Mr. Peel, chairman of the committee, during the vacation visited these Indians personally on the reservation, and he

vacation visited these Indians personally on the reservation, and he found that they desired this legislation.

Mr. KILGORE. It would be unfortunate to go through and then

have to be vetoed.

Mr. PEEL. I do not think there is any danger of that.

Mr. KILGORE. I think it is the same that there was objection to.

Mr. PEEL. I have never heard of any such objection. Mr. PERKINS. I have not heard of objection.

Mr. KILGORE. It is the same bill, I think, that there was objection to.

Mr. PEEL. I know it is the same substantially as that which passed during the last session, but I have never heard of such objection to it. Was there a bill to allot lands in severalty to the Mr. KILGORE.

Seneca Indians?

Mr. PERKINS. There was a bill of that character pending.
Mr. KILGORE. Did it pass last session? One or the other of these bills was objected to.

Mr. PERKINS. I think the gentleman must be mistaken as to this bill, because the Indians themselves were here asking for it.

The CHAIRMAN. Without objection the amendments offered by the committee will be considered as adopted.

The amendments offered by the committee were agreed to, and the bill as amended was laid aside to be reported to the House with the rec-

ommendation that it do pass.

Mr. PEEL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Dockery having taken the chair as Speaker pro tempore, Mr. ROGERS reported that the Committee of the Whole had had under consideration various bills, and had ordered him to report the same back with sundry recommendations.

# ONEIDA INDIAN RESERVATION, WISCONSIN.

The bill H. R. 9909, reported from the Committee of the Whole with amendments was taken up, the amendments agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUDD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ONEIDA, PEORIA, AND MIAMI INDIANS, INDIAN TERRITORY.

The bill (H. R. 11634) reported from the Committee of the Whole with amendments was taken up, the amendments agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

table.

The latter motion was agreed to.

#### LANDS OF BLACK BOB INDIANS.

Mr. PERKINS. I ask unanimous consent that the House non-concur in the amendments of the Senate to the bill (H. R. 6364) to provide for the sale of lands allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Kansas?

Mr. HOLMAN. If the amendments are short they had better be

Mr. PERKINS. They are quite long.

The SPEAKER pro tempore. They can not be read in the time re-

maining this evening.

Mr. PERKINS. I will say to the gentleman from Indiana [Mr. HOLMAN] that this bill relates to the land of the few Black Bob Indians in the State of Kansas. There is a controversy between certain men who have bought the lands from the Indians which this bill is intended to settle. As we passed the bill in the House, it provided for the appraisement and sale of the lands, but I understand that the parties have since come together and agreed to have the controversy settled by the circuit court of the United States. The bill as amended in the Senate makes that provision, and is, I am told, satisfactory to the par-

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Kansas?

There was no objection, and it was so ordered.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. Peel, Mr. Allen of Mississippi, and Mr. Perkins.

And then, on motion of Mr. PEEL (at 10 o'clock and 30 minutes p. m.), the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below

By Mr. ADAMS: A bill (H. R. 12499) granting a pension to John Moynahan—to the Committee on Invalid Pensions.

By Mr. BIGGS: A bill (H. R. 12500) granting a pension to Stephen Cooper—to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 12501) granting a pension to Jesse

C. Taylor—to the Committee on Invalid Pensions.
By Mr. NEWTON: A bill (H. R. 12502) for the relief of Trinity

Church, of Trinity, La.—to the Committee on Commerce.

By Mr. SHIVELY: A bill (H. R. 12503) granting a pension to Margaret Pratt—to the Committee on Invalid Pensions.

By Mr. STRUBLE: A bill (H. R. 12504) granting a pension to Amanda Beishline—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition of the heirs of Aug. W. Riemann, for re-

lief—to the Committee on War Claims.

By Mr. JEHU BAKER: Petition of John F. Cahill, with accompanying papers, relative to the proposed Lucas double-hulled, movable-keel ship—to the Committee on Naval Affairs.

By Mr. BARNES: Petition of heirs of Heanas W. Freeman, of Rich-

mond County, Georgia, for relief—to the Committee on War Claims.

By Mr. J. R. BROWN: Petition of the Tobacco Association of Clarks-

ville, Va., for repeal of the tobacco tax-to the Committee on Appropriations.

Also, petition of Tobacco Board of Trade of Martinsville, Va., for the immediate repeal of the tobacco tax-to the Committee on Appropriations.

By Mr. T. H. B. BROWNE: Memorial of the Tobacco Exchange of

Richmond, Va., for the removal of the tax on tobacco—to the Committee on Appropriations.

By Mr. BUCHANAN: Petition of the Tobacco Exchange of Richmond, Va., for repeal of tax on tobacco—to the Committee on Ways

and Means. Also, petition of Chicago Live-Stock Exchange, for national inspec-

tion of meats—to the Committee on Agriculture.

By Mr. CHIPMAN: Petition of Eber Ward and others, against

bridge over the Detroit River—to the Committee on Commerce.

Also, petition of Mary Higgins, sister of Charles W. Higgins, late of Company D, Fifth Regiment, Michigan Cavalry, for a pension—to the

Committee on Invalid Pensions. By Mr. CLEMENTS: Petition of heirs of Larkin Barnett, of Floyd County, and of Allen Umphrey, of Paulding County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War

By Mr. CONGER: Resolutions of the Chicago Live-Stock Exchange,

urging legislation for the inspection of all animals slaughtered for foodto the Committee on Agriculture.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Apalachicola, Fla., in reference to the duty on tin-plates-to the Committee on Ways and Means

By Mr. ERMENTROUT: Memorial of the Knights of Labor of Washington, D. C., in favor of the House land-forfeiture bill—to the Committee on the Public Lands.

By Mr. FUNSTON: Petition of the students of Baldwin College, Kansas, for prohibition in the District of Columbia-to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GIFFORD: Petition of citizens of Jerauld County, Dakota, in favor of free sugar—to the Committee on Ways and Means

By Mr. GROUT: Resolutions of the Tobacco Exchange of Richmond, Va., for repeal of tobacco tax—to the Committee on Ways and Means.

Va., for repeal of tobacco tax—to the Committee on Ways and Means. By Mr. HARE: Petition of sundry citizens of Jack County, Texas, and of Fort Sill, Ind. T., for the establishment of a Federal court at Henrietta, Tex.—to the Committee on the Judiciary.
Also, petition of Mary A. Redwine, of Cook County, Texas, for reference of her claim to the Court of Claims—to the Committee on Claims. By Mr. HAYES: Joint resolution of the Legislative Assembly of

Dakota relative to a division of the Territory, and admission of each as a State—to the Committee on the Territories.

Also, petition of citizens of Dakota for admission, but protesting against the Sioux Falls constitution—to the Committee on the Territories.

By Mr. LYMAN: Letter of Hon. J. H. Kentley, United States judge of Alaska, in support of House bill 11808-to the Committee on the Judiciary

By Mr. McMILLIN: Petition of Stephen H. Emmins-to the Com-

mittee on Military Affairs.

By Mr. MILLS: Petition of Horatio N. Roberts for a pension—to

the Committee on Invalid Pensions.

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, in relation to trusts-to the Committee off Ways and Means.

Also, concurrent resolutions of the same, in relation to lands granted to railroads—to the Committee on the Public Lands.

By Mr. O'FERRALL: Memorial of the Tobacco Association of Clarksville, Va., for repeal of the tobacco tax-to the Committee on Ways and Means.

By Mr. RICE: Resolution of the St. Paul Jobbers' Union, favoring the opening of the Sioux reservation-to the Committee on Indian Af-

By Mr. ROBERTSON: Petition of heirs of Maria D. Clark, of West

By Mr. ROBERTSON: Petition of heirs of Maria D. Clark, of West Baton Rouge Parish, Louisiana, for reference of his claim to the Court of Claims—to the Committee on War Claims. By Mr. RUSK: Petition of the heirs of Maria L. Stewart, of Anne Arundel County, Maryland, for reference of her claim to the Court of Claims—to the Committee on War Claims. By Mr. THOMAS WILSON: Petition of the Duluth Board of Trade

and of the St. Paul Jobbers' Union, for opening of the Sioux reserva-tion—to the Committee on the Public Lands.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. HAYES: Of the First Presbyterian Church and others, of Oskaloosa, Iowa

By Mr. MOFFITT: Of citizens of Plattsburgh, N. Y. By Mr. MORRILL: Of J. B. Sayle and 183 others, of Kansas, By Mr. STAHLNECKER: Of citizens of Fordham, N. Y.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUTELLE: Of Fred Arnold and 126 others, of Patten; of Charles S. Estes and 122 others, of Houlton; of J. R. Clifford and 52 others, of Dexter; of Fred Ellis and 104 others, of Fort Fairfield; of D. H. Sawyer and 65 others, of Hampden; of Daniel Milley and 6 others, and of J. M. Chase and 35 others, of Orona, Me.

By Mr. BURROWS: Of George H. Hunt and 46 others, of Paw Paw,

Mich.

By Mr. COOPER: Of Judson Fleming and 78 others, of Morrow and Delaware Counties, and of R. N. Leonard and 100 others, of Pagetown, Ohio.

By Mr. DINGLEY: Of William S. Gilbert and 74 others, of Kings-

field, and of Newton Clough and 170 others, of Oxford County, Maine. By Mr. FUNSTON: Of G. F. Mead and 107 others, of Olathe, Kans. By Mr. GIBSON: Of A. T. Turlley and 197 others, of Kent County, Maryland.

By Mr. GROUT: Of T. P. Moore and 98 others, of Chelsea, Vt.

By Mr. D. B. HENDERSON: Of A. W. Whitman and 303 others, of Shell Rock, Iowa.

By Mr. PETERS: Of E. D. Webb and 10 others, of Dodge City,

By Mr. THOMAS WILSON: Of D. McKinlay and 68 others, of Medford, and of J. E. Skinner and 17 others, of Albert Lea, Minn

The following petitions against the passage of the international copyright bill were received, and severally referred to the Committee on Patents:

By Mr. FORAN: Of John C. Keffler, of Cleveland, Ohio. Also, of W. M. Day, of Cleveland, Ohio.

## SENATE.

## TUESDAY, February 5, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of A. C. Barnard and 186 others (77 voters and 111 women), citizens of Glen Elder, Kans., and the petition of F. S. McCabe and 173 others (62 voters and 112 women), citizens of Topeka, Kans., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. EDMUNDS presented the petition of T. P. Moore and 100 others (41 voters and 60 women), citizens of Chelsea, Vt., and the petition of George A. Kerr and 239 others (91 voters and 149 women), citizens of Manchester, Vt., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. HOAR presented the petition of Samuel Moody, jr., and 177 others (76 voters and 102 women), citizens of Harwich, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of F. F. Mark and 44 others (27 voters and 18 women), citizens of Greenfield; the petition of S. O. Royal and 741 others (338 voters and 404 women), citizens of Urbana, and the petition of William Lewis and 285 others (85 voters and 201 women), citizens of Delta and vicinity, all in the State of Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. FAULKNER presented the petition of L. P. Lisson and 60 others (29 voters and 32 women), citizens of Roney's Point, W. Va., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alco-

holic liquors as a beverage; which was ordered to lie on the table.

Mr. ALLISON presented the petition of J. P. Leter and 93 others
(49 voters and 45 women), citizens of Oskaloosa, Iowa, and the petition
of D. B. Thurston and 83 others (51 voters and 33 women), citizens of Red Oak, Iowa, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. DAWES presented the petition of Samuel May and 29 others (13 voters and 17 women), citizens of Leicester, Mass., and the petition of D. H. Stoddard and 27 others (12 voters and 16 women), citizens of Worcester, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on

Mr. MORRILL presented the petition of L. L. Beeman and 153 others (99 voters and 55 women), citizens of Barre County, Vermont, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented a petition of 266 members of the Congregational Church of Muskegon, Mich., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

## REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3749) granting a pension to Orrin F. Waller, reported it without amendment, and submitted a report thereon.

## BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3908) granting a pension to Margaret Myers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3909) granting a pension to Ada Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions

He also introduced a bill (S. 3910) granting a pension to Margaret Stauffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3911) granting a pension to Lucy I. Bissell; which was read twice by its title, and, with the accompanying

papers, referred to the Committee on Pensions.

He also introduced a bill (8. 3912) granting a pension to Mary Kinney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3913) granting a pension to Mariah L. Pool; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3914) granting a pension to Mary J. Eadie; which was read twice by its title, and referred to the Committee on Pensions.

#### HOUSE BILL REFERRED.

The bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

# TERRITORY OF OKLAHOMA.

The bill (H. R. 10614) organizing the Territory of Oklahoma, and for other purposes, was read twice by its title.

Mr. PLATT. I move that the bill be referred to the Committee on

The PRESIDENT pro tempore. The Senator from Connecticut moves that the bill be referred to the Committee on Territories.

Mr. DAWES. I ask the Senator to let the bill be referred to the Committee on Indian Affairs.

Mr. EDMUNDS. Why so?

Mr. PLATT. I think the bill should go to the Committee on Territories. It is a bill for the establishment of a Territorial government over that portion of the public domain described, and I understand such bills have always been referred in the Senate to the Committee on Territories, as also in the House of Representatives, if it is permissible to speak of what has been done in the other House at past sessions. I presume there is no impropriety in saying that the CONGRES-SIONAL RECORD shows that this bill was reported in the other House from the Committee on Territories. If a bill for the organization of a Territory does not go properly to the Committee on Territories, I can not see what is the use of having a Committee on Territories.

Mr. DAWES. I was in hopes the Senator would see that the whole matter for consideration in this bill so affected the Indians that it would be better that the bill should go to the Committee on Indian Affairs. The title of the bill, it is true, is a bill to organize a Territory, but the real substance of the bill and everything that it pertains to is the treatment of the Indians in that Territory and their relations to the General Government.

With the exception of the little strip called "No Man's Land," 30 miles wide and 200 long, all the rest of the Territory, every particle of it, is now held by the Indians under different titles, more or less exclusive, a fee, it may be, as to some of it, and a qualified title as to other portions of it. The relation of the Indians in that Territory to the United States has been a difficult question for many years. It has occupied the attention of the Senate for every year since I have been a member of it.

My first service that had anything to do with the Indians, all unsought and unexpected, was when the Senate ordered a committee, of which I was a member, to go down into that Territory for the very purpose of ascertaining what was the present condition and what ought to be in the future proper legislation in relation to those Indians. Every matter pertaining to the territory to be embraced in this bill except No Man's Land from that day to this has been referred to the Committee on Indian Affairs. Except two that were referred in 1878 to the Committee on Territories, all the bills for the erection of a Territory in this Indian country have been referred to the Indian Committee. The Senator from Connecticut shakes his head. I do not know that I am absolutely correct. I supposed that I was until the Senator shook his head. I shall surrender my memory to his at any

Mr. PLATT. I am not aware that any bill organizing the Territory of Oklahoma has ever been referred to the Indian Committee. I think it has not been. I know that in 1882 a bill introduced by the Senator from New Hampshire, Mr. Rollins, organizing the Territory of Oklahoma, was referred to the Committee on Territories, because that was since I came into the Senate.

Mr. DAWES. I believe I have here on my desk every paper that has been referred since I came into the Senate, so far as the diligence of the man in charge of the document-room has been able to produce

The Senator understands very well that it is from no lack of courtesy to his committee or of confidence in the ability of the committee to consider this question that I find myself compelled to oppose the reference of the bill to his committee. It is rather an ungracious thing to do to oppose the reference of a bill to a standing committee of the Senate. It is only because the whole subject-matter so intimately concerns the future of the Indian and the proper relations of the Government to the Indians in that Territory that I am compelled to oppose the reference to the Committee on Territories and to ask that the bill may be referred to the Committee on Indian Affairs.

The latter committee has no desire to gather to itself any new work, I can assure the Senator. It has had, as I have said, this matter before it from the beginning. Ever since the idea of establishing a Territorial government in that Territory has been broached it has been commissioned by the Senate in various ways to consider the matter. I

have now before me all the petitions that have been introduced in the Fiftieth Congress, so far as I know, upon the subject, and they have been referred to this committee. This committee has been considering them in connection with this proposed measure. It has, under the direction of the Senate, visited the Territory for the purpose of considering the proper legislation in reference to a Territorial government down there, and whether it should include this proposed boundary line or take the entire territory into one Territorial government.

There was a bill, which I have here before me, referred in the Fortyninth Congress to the Committee on Indian Affairs, "to provide for the organization of all that part of the territory of the United States known as the Indian Territory and the Public Land Strip into a Territory to be known as the Territory of Oklahoma," etc.

Mr. PLATT. What bill is that?

Mr. DAWES. That is Senate bill No. 717 of the Forty-ninth Con-A bill was referred in the same Congress to open to homestead settlement a certain portion of the Indian Territory, and for other purposes, which looked to the same result. As long ago as 1884 the Indian Committee were commissioned by the Senate to investigate and report concerning the title by which Oklahoma was held by the Indians and what right white people had to go and settle there, and a member of the committee made to the Senate on the 22d of January of that year a very elaborate report upon the subject. It is true that in 1878 two or three bills for the very purpose of organizing a Territory among the Indian tribes were referred to the Committee on Territories without any action on the part of that committee, so far as I know.

My friend shows me a bill introduced by Mr. Rollins, of New Hamp shire, in 1882. Mr. Rollins, of New Hampshire, introduced three bills for the purpose of erecting a Territory there, each one of which on his motion was referred without question to the Committee on Territories, which took no action in the matter, so far as I know. With the exception of the bills introduced by Mr. Rollins, I am not able to find any which was committed to the Committee on Territories. All the other matters, beginning with the examination into that question by the Committee on Indian Affairs in 1884 down to the present time, have been referred to the Committee on Indian Affairs.

I have no desire, sir, to take away from the Committee on Territories anything that justly belongs to them. If the Indian question were eliminated from this bill it would be simply a question of writing a bill out upon white paper. There would be no question involved for consideration by the Senate if it were not for the relation in which the Indian stands to this Territory and to us; and that is why the Commit-tee on Indian Affairs ought to consider this question. Eliminate that from this measure and nobody would be troubling himself a great while about the passage of a bill erecting a Territorial government there.

But, as I have said, the whole of this Territory has been committed to the Indians, a large share of it under a patent, and those Indians have a qualified agreement with the United States upon what terms they would sell it to the United States for the use of other friendly Indians. Some of them have a portion of it by a treaty title more or less exclusive in which we have covenanted that they shall have the exclusive use of it. What kind of a title that may be it is not necessary for us to discuss. Some of them have it by a statute title, and some of them have it by a mere executive order; but every foot of the Territory, excepting No Man's Land, is under such a holding as that by these Indians.

If that holding could be settled properly, as I have said, there would be a Territorial government erected there as soon as it could be written out on white paper; but the only difficulties involved and to be considered by a committee are Indian questions; and that is only why I suggest to the Senate that the bill should be considered by the Indian Committee. All the labor it has expended or that it is expending at this moment in considering these questions will be utilized if the bill

On its face there are considerations which properly go to the Committee on Territories, but underneath it, and the real question, is a question which ought to be considered by the Committee on Indian

question which ought to be considered by the Committee on Indian Affairs. Therefore I did hope that the Senator from Connecticut himself would see his way clear to let the bill pass to the Committee on Indian Affairs, and I hope that the Senator will do so.

Mr. VEST. Mr. President, during my term of service in the Senate I have had the honor of serving both upon the Committee on Indian Affairs and the Committee on Territories, but I am not now a member of either of those committees. I can not therefore be suspected of any personal feeling in regard to the reference of this bill.

When the Senator from Massachusetts says that the overruling question in regard to this bill is as to the effect it will have upon the rights of the Indians. I rather think, with great respect that he overstates that

of the Indians, I rather think, with great respect, that he overstates that question. The great point to be determined after all is whether a Territorial government shall be established in what is known as Oklahoma. That Territorial government, as a matter of course, is preliminary to the creation of a State and its admission into the Union, because under the autonomy of our Government the holding of any considerable portion of the public domain in the shape of a Territory for an indefinite time is not to be at all supposed hereafter to exist.

It is a question affecting the white people of the whole United States

and of every State in the Union whether this Territorial government shall be established. It is an open secret that year after year for the last ten years the authority of the United States has been invoked to prevent lawless incursions into this territory. It is equally well known that this territory has been used as a harbor for lawless persons and for debtors escaping the payment of their just liabilities. The people of Missouri, Texas, Arkansas, and Kansas are vitally interested in this question. I therefore think, with great respect, that my friend from Massachusetts overstates the Indian part of the question when he says that that should override or be considered of paramount importance.

As to any precedent created by the reference of bills upon this subject-matter heretofore, the records of the Senate will show that bills have been referred upon this question to both the Committee on Indian Affairs and the Committee on Territories; but an examination of this bill even superficially will show that it is a bill to organize a Territorial government, and it should go to the Committee on Territories. If that committee has not jurisdiction—and I say this with the greatest respect and the greatest confidence in the personnel of the Committee on Indian Affairs—if the Committee on Territories has not jurisdiction to consider this question, what sort of question was that committee organized to consider? Here is a plain proposition to organize a Territorial government, and the Committee on Territories, as its name implies, as the very nature of its organization shows, was created a committee of the Senate for the purpose of considering that identical question in every instance.

As a friend of this bill I have one single thing to say, and this is of more importance to me than any question of reference. Yesterday I was assured by the chairman of the Committee on Territories and the chairman of the Committee on Indian Affairs-for I saw them boththat if this bill was referred to either committee it would receive immediate consideration and be brought back to the Senate with some sort of a report upon it. Without anticipating what that report will be, my anxiety in this whole matter is to secure action at this session It is a matter of the greatest importance to the people of the Western States, those who are contiguous to this territory, and all I want is the assurance from the chairman of the Committee on Territories or the chairman of the Committee on Indian Affairs, as the Senate may choose to settle this matter between those committees, that there will be immediate consideration of the bill and an immediate report of the bill back to the Senate for its action.

Mr. PLATT. Mr. President, I do not wish to detain the Senate in this matter. Personally, of course, I would not care to have the consideration of a question which seems to have engendered some difference of opinion, but I have a little feeling that it is scarcely decorous to take from the Territorial Committee a bill providing for the organization of a new Territory. I think I may say without any fear of being contradicted that it has never been done in the history of this Government, either in the Senate or in the other House; that no Territory has ever been organized except upon a bill referred to the Committee on Territories. As I remarked, and as was very pertinently remarked by the Senator from Missouri, if bills to organize Territories are not to go to the Committee on Territories why should there be any Territorial Committee at all?

I have remarked before in the Senate that it seems to me the Committee on Territories had been, by the practice of the Senate, shorn of a good deal of the jurisdiction it ought to have. Questions affecting the public lands are claimed by the Public Lands Committee. Questions relating to courts in the Territories are claimed by the Judiciary Questions relating to Indians are claimed, and have been Committee largely conceded, to the Indian Committee; and now it is claimed that when a bill comes to organize a Territory that shall be taken away from the Territorial Committee.

I confess to some degree of astonishment that this suggestion should have been made. It is true that the question of what shall be done, in case a Territory is organized, with the claims of the Indians over some portion of the land of that Territory is a matter which enters into the consideration of this bill; but there is quite a portion of the Territory, and so far as the rights of people already there are concerned, the most important part of the Territory, in which there is no Indian question at all. The Public Land Strip, as it is called, or No Man's Land, is 150 miles long by 15 miles wide, an unorganized portion of the territory of the United States which has been largely entered upon; which has flourishing, large towns, and, I think, some with city governments. But whether that be so or not, every Territory that has been organized in the United States has been organized with Indians in it. When the Territory of Dakota, which we are talking about so much now, was organized as a Territory a very large proportion of that immense area was covered by Indian reservations, and to-day there is an Indian reservation in it larger than a good many States.

I can not understand the objection which is made to my motion. It

might just as well be put in another form, and that is to abolish the Committee on Territories.

With regard to the Indian question there, I might retort that if the Indian Committee has had this matter under consideration since 1878 and been diligently considering it, and nothing has come of it, it

might possibly be a question for the Senate whether it was not worth while to let some other committee see what it could do with the Indian question. But I do not wish to discuss this matter in that spirit. I am on the Indian Committee with my friend, the chairman of that committee, who makes this objection. There ought to be comity be-tween committees, and I think there is, and there will be; and in those matters in which the members of the Territorial Committee are not instructed by experience or by investigation as to what it is best to do with the Indians, we shall very cheerfully sit at the feet of the Indian Committee and gather knowledge from them.

As I said in the beginning, it seems to me that every consideration of propriety and the due order of business in the Senate requires that

this bill should go to the Territorial Committee. Mr DAWES Mr. President, the Senator from Connecticut claims good deal of forbearance in not retorting upon the Committee on Indian Affairs that they had that matter under consideration since 1884 and had done nothing about it. He will find some other committee had it. That is not the reason he did not retort. It is because he handed me a few minutes before a bill referred to the Committee on Territories in 1882, and they have not done anything about it, and so he thought he would not retort. I presume that is the reason he did not retort on me.

But the Senator ought not to put this on the question of courtesy to his committee. He knows very well that I would not be guilty of standing by and urging anything upon the Senate that was possibly a discourtesy to any committee, certainly any committee the relations to which on the part of the Committee on Indian Affairs were so pleasant and agreeable as they are to the committee over which he presides. He knows that; he must know, I think, that this does not arise from any desire to have the Senate take a course that could possibly be so construed. It is because the Committee on Indian Affairs really think that although the name of this bill is such as would entitle it to go to his committee, the real substance and purpose of the bill is a disposi-tion of the Indians in that Territory. That is the purpose of it, and it is how best to deal with treaties, with statute titles, with titles under agreements, and the future policy of the Government towards those Indians; and because it is really that alone, the committee are of the feeling and the belief that they should consider it.

As I have said before, if it were not for that question there would be nothing troubling either branch of Congress with regard to this mat-

ter, but that is the only reason. It is not any desire to gather under the control of that committee anything that does not belong to it, or take anything away from the Committee on Territories, and I regret that the Senator should insist on being sensitive about it. I am here solely for what I think is the duty of the Committee on Indian Affairs, to ask the Senate to let them consider questions that pertain to the Indians, and if there is any other question about this Territory of Oklahoma I do not know what it is.

The Senator talks about a little strip of land, just like the handle to a dipper, 15 miles wide and 150 long, stuck onto these 62,000 square miles, as a matter that ought to control the reference of a bill that shall dispose of the 62,000 square miles and let the tail carry the rest. I do not so consider it. If the Senate shall so consider it, I shall, I hope, feel differently for it from what I am afraid the Senator from Connecticut feels in his talk, but I insist upon it that he shall not put me in the attitude of trying to trench upon his committee, and I trust if he will not forbear any suggestions that the Committee on Indian Affairs have been so derelict that the Committee on Territories should have had it a good while before, that committee may take it now.

The PRESIDENT pro tempore. The question is on the motion to

Mr. COCKRELL. What is the motion?

The PRESIDENT pro tempore. The pending motion is the motion of the Senator from Connecticut [Mr. PLATT] to refer the bill to the Committee on Territories.

Mr. COCKRELL. I think that there might be a very reasonable doubt as to which of these committees this bill should go. In fact, I think it might be appropriate to refer it to either one. On general principles, without having closely scrutinized all the provisions of the bill, I should think it ought to go to the Committee on Territories; and yet there are doubtless many provisions in it which ought to be considered by the Committee on Indian Affairs. Whichever committee it may go to, I hope they will take very early and favorable action in reporting it back to the Senate. Under the circumstances I shall vote to refer it to the Committee on Territories without any disrespect to the Committee on Indian Affairs.

Mr. CHACE. For information I would like to ask the chairman of the Committee on Territories how many white inhabitants there are rightfully settled within Oklahoma which it is proposed to set up as a Territory?

There are supposed to be none upon that portion of it over which Indians claim title or right, but there are railroads running through it. In the No Man's Land or Strip I suppose there are thirty or forty thousand—the Senator from Missouri knows perhaps better than I—perhaps fifty thousand.

Mr. CHACE. There are about 2,200 square miles in that strip.

Mr. PLATT. That has been pretty well settled upon. There are large towns that have 10,000 population in them.

Mr. VEST. In addition to that there are leases. Mr. PLATT. I was going to speak of them.

Mr. VEST. And there is what is called the Cherokee Outlet.
Mr. PLATT. Let me answer the question fully. The Cherokee Outlet has been leased to cattle-men by the Cherokee Indians, so that all over that there are more or less men engaged in herding cattle. In addition, there are two railroads running through the lands there from which white people have been kept off, and at the stations upon these roads there are white persons in the employ of the railroad companies who are necessarily employed in doing the business of the railroad companies; but upon the lands generally, in that portion of the territory which is called familiarly Oklahoma, there are no settlers.

Mr. CHACE. Mr. President, I do not get any new information in regard to this subject from the Senator from Connecticut. He reports the case to be as I supposed it was. As I understand, the principle has been well settled that there is no justifiable reason for setting up a Terbeen well settled that there is no justifiable reason for setting up a Territorial government unless there are white people within the location proposed to be established as a Territory, for whose benefit the government is to be established. The evidence is patent upon the face of this whole case that this is a well-laid scheme to encroach upon and rob the Indians of their rights in this territory. Those are rich and fertile lands, well adapted, undoubtedly, to grazing, and many people look with longing eyes upon the property which belongs to the Indians. Much of it, I understand, is held by treaty in such a manner that it can not be encroached upon in this way, even, without breaking that it can not be encroached upon in this way, even, without breaking solemn obligations of the Government of the United States towards the

I have no interest as a member of either of these committees, for I am not a member of either of them, and in that respect I believe I am able to maintain somewhat a judicial frame of mind in regard to this question; but it seems to me that the question which should rule the reference should be as to what rights are to be affected by the enactment of this bill into a law. By the admission of the chairman of the Committee on Territories white men have no rights there. He says railroads have been built through this land. Those railroads were allowed to be built because it was claimed that they wished to approach some other territory, some other part of the country. The rights of the Indians were to a certain extent infringed, and this is only another

illustration of the danger of taking a wrong step.

I hold that the only real rights involved in this case are the rights The question for the Senate to settle is, will you take away from the Committee on Indian Affairs the consideration of a question which involves their rights, and their rights alone, and give it to the Committee on Territories, who have by the rules of the Senate no fair title to the consideration of this question? This claim that No Man's Land rises to the dignity of a Territory is too fallacious, it seems to me, to deserve consideration. Is the whole question here about a

little strip of land?

Mr. COCKRELL. It is larger than the State of Rhode Island.

Mr. CHACE. Not larger in the number of its inhabitants nor in the interests involved; and not only so, but I beg to call the attention of the Senator from Missouri to the fact that the State of Rhode Island had rights in the compact under the Constitution of the United States before the State of Missouri was dreamed of; and in all the elements of civilization, of intelligence, of enterprise, and of everything which goes to make a great commonwealth, she stands to-day in advance of that benighted State. [Laughter.] enighted State. [Laughter.] Mr. COCKRELL. I am glad the Senator thinks so, but he is the

only man in the country who does

Mr. CHACE. The Senator should remember that good merchandise

very often comes in small packages.

Mr. COCKRELL. Precious small when they come from Rhode Island.

Mr. CHACE. Mr. President, this rises to the dignity of a great moral question. I hope that Senators will approach it in that light. I know well that the chairman of the Committee on Territories does not propose to do a wrong thing in this matter, but I hope also, inasmuch as he has in time past avowed himself the friend of fair dealing with the Indians, that he will see that the Indian Committee has the real claim to the consideration of this bill.

Mr. MANDERSON. I should like to ask the Senator from Rhode Island before he takes his seat whether he is ready to take the position as a friend of the Indian that the condition of Indian residents in that Territory will not be improved if they take their lands in severalty and have a Territorial organization. It does not necessarily follow because the population of this Territory is confined to Indians that those steps in their civilization and progress should not be taken.

Mr. CHACE. The best answer I can make to that question is by asking a question of the Senator. Would he attempt to form the Indians into a Territorial government before they have become civilized?

Mr. MANDERSON. I think the two could very well go hand in

hand. I see no objection to either proposition.

Mr. HOAR. Mr. President, it is in perfect conformity with the cus toms of the Senate in many important cases to refer matters of this

kind to two of its committees. Many cases have been referred to the Judiciary Committee which have come from other committees; and when some special constitutional or legal question has been disclosed, they have been reported back and referred to another committee.

By one of the standing rules every question which involves the expenditure of money first comes from the committee specially interested and then goes to the Committee on Contingent Expenses by another standing rule. A great variety of matters are referred to standing committees of the Senate, and amendments to appropriation bills coming from committees then go to the Committee on Appropriations.

Now, it seems to me clear that this is primarily an Indian question, a question of the public faith, of the civilization of the Indians and their rights. The policy to be pursued with reference to them under our system of legislation for the Indians has to be submitted to the Committee on Indian Affairs. When they report, if the bill or the legislation they should propose or the action or non-action they should advise relates to something which requires the additional experience of the Committee on Territories for a further consideration, it will be entirely proper for the Senate to refer it to that committee also when the bill comes in; but the thing which ought to be done in the first instance, it seems to me, is to refer this question, which involves the rights and interests of the Indians, to the committee which is the special guardian of those rights and interests.

Mr. CULLOM. Mr. President, I think the Senator from Massachu-

setts [Mr. HOAR] puts the case exactly wrong. If the subject should go to two committees at all, it seems to me that it should first go to the Committee on Territories. The proposition before the Senate is a bill to organize a Territorial government, and it seems to me that if the Committee on Territories, as has been said over and over again, has any right to existence at all, it ought to have the control of the question of forming that Territorial government in such manner in the first instance as its judgment may dictate. If the bill should be referred to the Committee on Territories and should come back here with a favorable recommendation for a Territorial government, if the rights of the people of that Territory, whether they be Indians or white men, are not properly cared for it will be entirely proper for the chairman of the Committee on Indian Affairs to say that that committee should have something to say about it.

But this discussion seems to run upon the idea that if the bill is referred to the Committee on Territories we are therefore going to report a bill organizing a Territorial government and probably disregard the rights of the Indians entirely. So far as I am concerned, as one of the humble members of the Committee on Territories, if the bill should go to it, I should give the bill proper consideration so far as I might be able to do so, taking into view the exact facts with relation to the Indians and everybody else in the Territory. I think it is not fair to assume that the Committee on Territories is going to report a Territorial organization without regard to whether under all the laws and facts

and treaties that exist it ought to do so.

I must suppose that the Committee on Territories will investigate the subject, and if after investigation all the facts would seem to warrant a Territorial government for this Territory I should be in favor of it; if not, I should not be. But it does seem to me that in the first instance the bill should go to the Committee on Territories, which its title would indicate should have control of it. I hope it will be so or-

Mr. BUTLER. I am a little surprised, Mr. President, that there should be a proposition here to take this bill to the Committee on Indian Affairs. Whilst I have the greatest confidence in the members of that committee, and the greatest respect for their judgment, I am not prepared to admit that the Committee on Territories is not equally well qualified to deal with all the questions which will arise in considering this or any other bill which proposes to organize a Territorial government. As the chairman of that committee very properly said, there has not been a Territory organized, certainly within the last twenty-five or thirty years, in this country where there was not a very large number of Indians, and the Senate must recall the fact that when the proposition was made to organize a Territorial government for Alaska I heard no question about the propriety of that proposition being sent to the Committee on Territories, when perhaps there were not over three hundred white men in the whole Territory, the entire population consisting of Indians. I heard no suggestion then that the members of that committee in considing the propriety of making a Territorial government did not have entire regard to the rights and interests of the Indians as well as of the few white people who were And I think it is not assuming too much now to say on behalf of that committee that when this committee comes before it it will of course have regard to the rights of the Indians and the whites and all the other kinds and characters of population within the proposed limits.

I shall not now in this preliminary discussion express any opinion as to the wisdom or unwisdom of organizing a Territorial government over the land covered by this Oklahoma bill; but I will say this much—I shall never consent in any form to injustice and wrong being done to the Indians within the limits of the proposed Territory. They have rights under this Government by treaty and otherwise that, I think, we can not safely violate and deprive them of. It requires the assent

of two parties to make an agreement of this kind, and until I am satisfied that the Indians themselves who are living under treaty stipulations with this Government assent cordially and willingly of their own free will to this change, I shall never give my consent to it.

That, however, is perhaps aside from what I rose to say. I think the Committee on Territories can settle this matter as well as the Committee on Indian Affairs. It is purely and simply a question as to whether or not we shall organize and form a Territorial government out of certain of the lands within the jurisdiction of this Government. The Committee on Territories have always had jurisdiction of that subject, and I can see no good reason now why it should be taken away from them.

Mr. COCKRELL. Mr. President, whatever grave doubts honest, conservative men may have in regard to the sincerity of death-bed repentance and the motives which inspire it, I confess I am always glad to see repentance come even at so late an hour, and I am only astonished that the Senator from Rhode Island [Mr. Chack] and the good people of Rhode Island did not at an earlier day realize some pangs of conscience upon the Indian question, when history, if I am not mistaken, informs us that remorselessly and murderously every foot of Rhode Island soil, however small the feet may be, was obtained by murder and robbery of the Indians who inhabited it.

Mr. President, it seems to be the delight of Rhode Islanders ever since they robbed and murdered and drove the Indians from that sparse little piece of land to try to make the country and the world believe that everybody else was trying to follow in their footsteps, and in like manner as they had done to rob and cheat and swindle Indians.

If the manner as they had done to for and cheat and swindle Indians. I do not pretend to compare Missouri with Rhode Island. I would be ashamed to represent a State and a people that I would place upon an equality under such circumstances. The Senator can talk of benighted Missouri just as much as he pleases. It is no slur considering the source from which it comes. The people of Missouri have a regard for the Indians. They did not obtain title to their soil by robbing and driving the Indians from it. It was obtained by legitimate purchase. They are not trying now to rob the Indians in the Indian Territory. No man in Missouri wants to see any injustice done to They are not trying now to rob the Indians in the Indian Territory. No man in Missouri wants to see any injustice done to a solitary Indian in the Indian Territory. We want to see the rights of these Indians preserved and protected and defended. We are not seeking to drive them by murder and force from their homes as they were driven from Rhode Island. We are seeking to do them exact justice, and we think this bill does it.

I prefer that the bill should go to the Committee on Territories, because it is for the organization of a Territorial government there; and while there are questions which might belong justly to the Committee on Indian Affairs, the preponderance of the rights and duties involved in the consideration of this bill belongs to the Committee on Territories. For that reason, and, as I said, without any reflection upon or disrespect to the Committee on Indian Affairs, I shall vote to refer the bill to the Committee on Territories.

Mr. CHACE. Mr. President, I am sorry that the little playful allusion I made to the State of Missouri has disturbed my friend, the Senator from Missouri [Mr. COCKRELL], so much, and I am especially sorry—because I really have a personal regard for the Senator—I am especially sorry that it should have induced him to make such a sad mistake, as he seems to have made, in regard to the history of the treatment of the Indians by the colonists who settled up what is now the State of Rhode Island, and by that little Commonwealth ever since.

Never was a greater mistake made than the one by the Senator when he made those statements in regard to the Indians having been murdered, wronged, and driven out of Rhode Island and despoiled of their land. It is one of the glories of that little Commonwealth that she possesses what she does possess, having acquired the title from the In-dians by purchase, and that neither the colony of Rhode Island nor the State of Rhode Island ever made any war upon any Indian, nor was there ever any murder of any Indian by the people of Rhode Island. What warfare was made upon the Indians on the territory of Rhode Island was by incursions from other States and against the earnest re-

monstrance of Roger Williams and his compatriots.

Mr. COCKRELL. From Massachusetts, was it?

Mr. CHACE. Roger Williams purchased the land from the Indians, and when Miantonomah, the great chief of the Narragansetts, found that by the settlement of the lands and improvements by the whites they had increased in value they were dissatisfied, and Roger Williams paid a second time for those lands. Ay, he paid a third time for those lands, until the chief was entirely satisfied, Roger Williams dealing with him not upon the principles of ordinary commercial transactions, but upon that Christian doctrine that a man should have what was his right without regard to the might or the law in the case. Nor was there ever without regard to the might or the law in the case. Nor was there ever any trouble, any disagreement, any robbing or bloodshed between the Indians and the people of Rhode Island. The Narragansett Indians have been cared for through all these years, every right guarded and respected, until finally their lands were divided amongst them in severalty and they made citizens of the State; and they number amongst them many very useful members of the Commonwealth.

When the Senator makes the charge he makes against the people of Rhode Island he betrays an ignorance of the facts in the case that is most astonishing to me.

most astonishing to me.

Mr. MORGAN. Mr. President, it is entirely obvious that every foot of land in the United States not embraced in the District of Columbia must be included sooner or later within the boundaries of some State, and until that is done our political system will not be complete. It is therefore a duty of the Government of the United States with all reasonable diligence to seek to include within its civil jurisdiction every foot of land in the United States not now included in some governmental organization. The United States in recognizing the title of the Cherokee Indians, the Creeks, the Seminoles, and the Choctaws and Chickasaws, has never surrendered two very important rights and pow-The one is the right of eminent domain, which the Senate and the House have frequently exercised in granting railroads the privileges of going through these respective Indian nations, and the other is the right of supreme political control.

These Indians, from the time that we first declared our independence

of Great Britain and spread our borders around so as to include the different tribes, have always been members of the American population in that sense that they are subject to the political control of the United States Government. That right has not been surrendered and can not be surrendered unless we choose to admit some independent sovereignty to exist within the limits of the United States.

In pursuance of this obvious necessity and this high purpose of government, this purpose of perfecting and completing our own political system, the House of Representatives has sent a bill here which contains a provision for the organization of a Territorial government. We resort of course to this form of legislation as the initial proceeding for the purpose of ripening communities and peoples into that shape where

they will be qualified for statehood.

The first section of this bill contains a provision for the establishment of a Territorial government over No Man's Land absolutely and without qualification, because we find no intervening rights or privileges of occupancy to interrupt the full and unobstructed exercise of our political and civil authority within No Man's Land, just as we would in any other part of the unoccupied territory of the United States. That far this bill is without question as to the jurisdictional power of Congress there to establish civil government; and it makes no difference whether the area of territory within those limits is large or small. It may be that the honorable Senator from Missouri [Mr. COCKRELL] wants to establish another Rhode Island out West for his own convenience. I do not know how that may be. It may be that after awhile we shall be bound to establish another Rhode Island, so far as the limits of the territory are concerned, in the West in order to include No Man's Land within the civil power and government of the United States and to give it, if you please, statehood. Still that is an unreasonable expectation and one that I do not want to promote in any sense.

But now look at the question in the view that I take of it, if that be correct, and it is in regard to the extension of the civil polity of the United States by the powers of Government over these Indian countries. If this bill had gone on and included all of the five civilized tribes within its purview, I can not discern any reason why the Government of the United States should be obstructed in the slightest degree in the exercise of that power even over these civilized tribes; for you may search the patents and the treaties and whatever else there is in the engagements of the United States Government with these five tribes in vain to find that there is in any of them an exclusion either of the right of eminent domain or of the right of civil government on

the part of the United States.

Mr. COKE. I will state to the Senator from Alabama that I think the title was reserved to the Government, the ultimate fee in the land.

Mr. MORGAN. The Government not only reserved the ultimate fee in the lands, but it made a provision that in the event that the Indians should abandon these lands they should revert to the Govern-The original disposal of them was on those terms and condi-If it had become the policy of the United States Government to banish these tribes, as they have done frequently, to some other distant territory, the ultimate fee would then have come to the United It would have been a question not of legal power and legal right, but a question of conscience how far and where and under what circumstances we would exert this supreme political power over land within the domain of the United States.

So I insist that if this bill had gone to the extent even of including within the political domain of the United States, within the jurisdiction of Congress so far as it saw proper to exercise it, all the five civilized tribes, there would have been no violation of treaty, or of patent,

or of anything else in that exercise of power.

This bill provides, as I have observed, in respect of No Man's Land that that shall be a Territorial government and therein shall be established all the forms of a Territorial government, including the appointment of a governor and the creation of a legislative tribunal and the establishment of judicial courts and all else. Then it proceeds to provide that this Territorial government shall expand and include the country known as Oklahoma, which has a distinct geographical boundary line, as fast as the consent of the Indians shall be obtained thereto by the relinquishment on their part of their remaining interest in the lands in Oklahoma. That is making a concession to the Indians in that part of the country, to their rights of whatever kind or character

they may be, that is extremely liberal. It is the recognition on their part of such a title of occupancy, such a right of possession as that we will not intrude a civil government over them, no matter how necessary that civil government may be, until they have agreed with us through commissioners to be appointed on either hand that they will cede what remaining interest they have got in the lands to the United States Government.

I say that is a very liberal concession, and it is particularly liberal in view of the fact that the United States by an engagement with the Cherokees and with the Creeks and the Seminoles have already acquired an interest in those lands of a very positive character, an interest at least connected with the exercise of its governmental power in its own way to the extent of carrying into that territory friendly Indians—not Indians that the other tribes may approve of, but friendly Indians, friendly to the United States, and of course friendly to the other Indians, not at war with them. We paid for that different prices. My present recollection is that we paid the Creeks and Seminoles about 30 cents an acre for all of that outlying area, and we have paid the Cherokees perhaps 47 cents an acre

In regard to the Cherokees, however, there is an unfortunate want of accuracy in the situation that they hold to us in respect of their outlet lands, as they are called. We claim, and I think justly, too, that we have advanced to them whatever the sum is—47 cents an acre, I think, is about the amount of it—to cover the whole area of the outlet. let. The remaining part of whatever sum we think would be due to-them in the event that we should settle friendly Indians upon it is a matter left for future adjustment between the United States and the

Cherokee tribe of Indians.

Then, after that arrangement had been perfected, we advanced \$300,-000 and paid the money to the Cherokee Nation in respect of these out-000 and paid the money to the Cherokee Nation in respect of these outlet lands. There the misfortune was still greater that the application of that particular sum of \$300,000 was not definitely made in the agreement with the Cherokee Indians. They contend on their part that that was to be a final payment for the lands upon which various fragmentary tribes had been settled within this domain, and that the price would go up, I think, to about a dollar and a quarter an acre, and would be paid and satisfied from the \$300,000. There is the dispute, there is the trouble, and the difficulty which has to be settled in some way or other, possibly by adjudication—I do not know how, exactly—between the Cherokee Nation and the people of the United States as to the application of the \$300,000. tion of the \$300,000.

But, sir, it is true that the United States Government by actual pur-

But, sir, it is true that the United States Government by actual purchase from the Cherokees, the Creeks, and the Seminoles has acquired the right to control that part of the country, even as to the ownership of the title, to the extent of locating other friendly Indians thereupon; how many or how few, there is nothing said about. We can take every Indian in the United States who is at peace with the Government of the United States and carry him to that territory under the contract with these three tribes and locate him there and they can not say a word, except that they can say this: "You have paid us but 30 or 40 cents an acre for this land and it is really worth a great deal more than that, and you cucht to pay us the balance." Suppose we

30 or 40 cents an acre for this land and it is really worth a great deal more than that, and you ought to pay us the balance." Suppose we say, "Yes, we ought to pay you, and we will." What is the primary question in this bill? What is the great leading question in it? The establishment of a Territorial government. What is the next question? After you have established it there, will you expand it over the territory of these tribes? That is the second question. The bill provides that the Territorial government shall not expand its invisdiction so as to include these disputed lands until an expand its jurisdiction so as to include these disputed lands until an agreement has been arrived at with the Indians. Non constat that we could very easily have passed this bill, perhaps not with justice and equity, but with a due degree of forbearance, so as to have included all these lands within the Territorial government without any respect to the question of the extinguishment ultimately of the Indian title. But that evidently is a secondary question.

The great first question in this matter is, shall we establish a Terri-

torial government there? I say that we are obliged to do it. How can we leave a Territory like that a place of resort for thieves and vagabonds and marauders of all kinds, right in the heart of that wonderful country lying between Texas and Kansas? How can we content ourselves to defer the organization and establishment of a fair, just, civil government in that Territory to the minor consideration of the settlement of the question of the remaining title between these three tribes

and the United States Government?

I believe it may not be days, it may not be hours, until we shall have been notified of the extinguishment of the title of the Indians to some large bodies of this land, and perhaps before we get this bill passed the boundaries of this Territory will have expanded according to its own terms so as to include perhaps three or four times the area of No Man's Land, and the Senate will be behind the progress of the country and

probably behind the progress of the executive department of this Government if it refuses to establish a Territorial government in that land.

Now, I suppose the object of the Senate in sending this bill or any other bill to a committee is to get an intelligent, thorough, and properly expeditious disposal of the question. That is what the Senate wants, and I am a little surprised that there should be any controversy

between the Senator from Massachusetts [Mr. DAWES] and the Senator from Connecticut [Mr. PLATT], because they are both distinguished members of the Committee on Indian Affairs, and could there consider this bill perhaps together as well as they could in the other committee. I have no preference in the world except that I should like as a member of the Committee on Indian Affairs to get rid of the responsibility of the bill. I am not hunting up jobs and contracts in the Senate for the purpose of assuming responsibility. But let this bill go to either committee; it is perfectly obvious that it is a duty that the Senate of the United States owes to the country to act with promptness upon this question. There is no difficulty in it, no trouble or embarrassment that I can see in the establishment of this Territorial government, and that is the root of the matter, and that is the whole of it after all.

Mr. CULLOM. Is it the judgment of the Senator that as this is a

Mr. CULIOM. Is it the judgment of the Senator that as this is a proposition to form a Territorial government, it is proper that the Territorial Committee should first take jurisdiction of it?

Mr. MORGAN. I think so. It looks to me as if it ought to go there as a matter of regular order.

Mr. PLATT. The Senator from Alabama will allow me to say that I did not suppose when I was up that it was necessary that I should give any assurance that the hill would receive proposite consideration if give any assurance that the bill would receive prompt consideration if it came to the Territorial Committee; but the Senator from Missouri [Mr. VEST] has intimated to me that, as he suggested when he had the floor that he desired to be assured of that and I said nothing about it in my remarks, he would like to know how I felt upon that subject. It did not occur to me that it was necessary to say that the Committee on Territories would act and act as promptly as possible upon the

subject. It certainly will do so.

Mr. MORGAN. If we pass this bill, which I think is a very just bill, and it seems to me it is a good one, and then establish an Indian court or a United States court at some point in the five civilized tribes with an extended jurisdiction, or even, if you please, with a limited jurisdiction which you may hereafter amend, we should do more to advance the Indians in that country, more to keep down broils and preserve the peace and contribute to their prosperity than we can do

in any other way in the world.

in any other way in the world.

Matters are getting into a good deal of tangle out there. Their own local government is getting into a good deal of tangle under their communal system of laws and title by occupancy. Indians who are thrifty and powerful and energetic are acquiring very large areas of land, and there is great complaint amongst the commoner Indians, the poorer Indians, of the absorption of lands under the Indian laws by these prominent and aggressive men, and the sconer we get the Government of the United States in position there to exercise what ever of civil power we think is best for them, the better it will be for ever of civil power we think is best for them, the better it will be for those Indians.

Mr. DAWES. Mr. President, I did not suppose it was in order on the question of reference to go into the merits of this bill. Almost anything is in order, I am aware, in debate here; but still, in regard to the propriety of the bill and its provisions, it never occurred to me that it was necessary to avow either my own opinion or that of the committee I represent, and I abstained from it. I am not going now to try to commend the proposition for reference to the Committee on Indian Affairs by any profession at this time in regard to the propriety of a Territorial government in the Indian Territory. If there are any Senators who have done more to bring about that than the Senators who compose the Committee on Indian Affairs, I have yet to learn who they are.

It is not necessary for me to put myself on record upon the question whether there ought not speedily to be a Territoral government over the whole of the Indian Territory. I have no doubt of the power of the General Government or of its duty to erect as speedily as possible a Territorial government over that whole Indian Territory.

The political control of that Territory is as necessary to this Government as the political control of Dakota or Wyoming or any other area in this country within the borders of the United States; and I had the idea that the Committee on Indian Affairs for the last ten years had been doing something to hasten the speedy coming of the time when there should be a Territorial government over the whole or some part that could be properly erected, and it is quite a departure from the question whether this bill should be considered by one committee or the other to bring in the question whether one committee or the other is the more friendly to the idea of erecting a Territorial government. If the Senator from Connecticut feels that he is called upon to announce to the Senate how favorable his committee is to the project, he is welcome to any such sort of argument as that. I am not here for that pur-I am on record.

Mr. PLATT. I have made no such announcement. I have not sug-

gested what my ideas about the propriety of this bill were.

Mr. DAWES. I have observed the current of the debate and how largely the Senator from Connecticut and other Senators have contributed to it, and I am quite willing that Senators should at this late day undertake to say that they are more disposed to the idea of putting the Indians and all this Territory of theirs under the custody and care of the Government. I do not know of a Senator who does not suppose that the question of whether there shall be a Territorial government in one part of the territory of the United States quite as much as in an-

other deserves consideration. As I said, if it were not for the Indian question it would be like writing this bill out on a sheet of white paper and everybody would have made up his mind as to the form and method of doing the thing, but because it applies solely and exclusively to the Indian—for in this large Territory there is no white man there lawfully—the whole question to be settled is an Indian question. That is the reason I felt it my duty to move the reference of the bill to the

Committee on Indian Affairs.

The Senator from Alabama [Mr. Morgan] knows what the Indian Committee and what members of the Indian Committee have been trying to do in reference to the court to which he alludes, and the Senator from Nebraska [Mr. MANDERSON] a moment ago put to the Senator from Rhode Island [Mr. CHACE] an inquiry which seemed to carry on its face an origin in the Committee on Territories, and that was whether the Senator from Rhode Island would be in favor of having the Indians in the Indian Territory take land in severalty and become citizens of the United States, and therefore proper persons to come under a Territorial organization, as if that was an argument that he would have a right to use from the Committee on Territories.

Mr. President, I do not went to conseque the time of the Committee.

Mr. President, I do not want to consume the time of the Senate. want the Senate to understand that solely for the purpose of seeing that the rights of the Indians were properly taken care of, and as that covered the whole of this bill except this little panhandle, I have urged that the Senator from Connecticut and his committee should let it be considered by the committee the action of which would affect the rights of the Indians more than any other. Therefore I call for the yeas and nays. If the Senate will let me have the yeas and nays on the motion then I shall not desire to trouble the Senate any more on the question.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that on this motion the yeas and nays be entered on the Journal. The yeas and nays were ordered.

Mr. PLATT. Mr. President, the Senator from Massachusetts [Mr. DAWES], in his anxiety to have this bill referred to his committee, ought not to let his zeal so far run away with him as to put me in any false position or do me any injustice. If the Senator had listened to what I said he must know that I did not, either directly or by insinuation or by reference, speak of the merits of this bill or of what I thought about it or what the Committee on Torritories would be likely to the committee of t about it or what the Committee on Territories would be likely to do about it, or in any way express my views upon the subject whatever. I am about as much amazed that he should rise and say that I had expressed my views of what ought to be done with this bill as I was that

he should make his objection to my motion originally.

Mr. BLAIR. Mr. President, it is very manifest that whatever may be the form of this bill, the substance of it is an effort which has been made, as we know, for a great length of time and has culminated in this form to secure to the control of the white race in this country or of the white and the colored races, the citizens of this country, that is the citizens and the God-forsaken men who are also denominated citizens under the Constitution, the control of a large portion of the Indian Territory. It is an effort to take from the Indians that portion of the soil which comes under the general denomination of the soil of the United States, to take from the Indians a large part of that which by solemn treaty engagement has been given over to the occupancy and possession of the Indian tribes—there can be no doubt that that is the substance of this bill-and place that large section of territory which I suppose may be thirty or forty thousand square miles and these eight or ten thousand square miles which form No Man's Land, under a Territorial form of government like that of the other Territories of the

If a thing of that kind is to be done we start with a state of facts something like this: The Indians recognized by the legislative action, the executive action, the official action of the United States as treatymaking powers with whom we have contracts which we denominate treaties, and which we have no right to abrogate or to destroy without the consent of the other party—that we concede—and by virtue of these contracts and treaties they are in actual occupation and possession of certain lands, of a geographical surface outlined with certain boundaries, and within them, unless by their consent, they have absolute power of excluding any such action as is proposed when a certain part of the surface of the earth is organized into a Territory and placed under a separate, distinct, individual Territorial government. That, then, is the situation of the affair, and here is a proposition that the Committee on Territories shall take primary and original jurisdiction of a bill which undertakes to do that thing.

Mr. President, it does not occur to me that in the jurisdiction which has been effected by the Senate in the parceling out among its committees its aggregate jurisdiction of legislative action, this power, this right of initiation of action should belong to and should be controlled by the Committee on Territories. The Committee on Territories in its operations is confined, so far as its natural and proper legal jurisdiction is concerned, to Territories—territory of the United States, territory which is not incumbered by these outside and extraneous obligations to what is practically a foreign power, a treaty-making power. In order to establish a Territorial government, in other words, it must first have the territory, and the Committee on Territories has none ex-

cept this little piece of land that projects westerly and lies south of Kansas, some 8,000 or 10,000 square miles, which I suppose nobody would dream of organizing into a Territory with a view to its ultimate erection into a State, unless there were coupled with it this other larger and substantial element of the whole scheme, to take nearly one-half

the whole Territory from the Indians.

If these views of the nature of the transaction are correct, it seems to me that the bill should go to the Committee on Indian Affairs in the first instance, and perhaps wholly. There is no occasion for its going to any other committee at all, for two reasons. It naturally belongs There is where it should go in the first instance because it is substantially an Indian question which is to be decided, and it should be sent to that committee which maintains towards the Indians, so far as this body is concerned, what the Committee on Foreign Relations does to whatever concerns foreign powers. It is a part of their natural legal authority under any view of the question whatever.

But there is still another reason why it should go to that committee, as it seems to my mind. These questions have been under discussion for a long time in the newspapers, among the citizens of the country, and in the other end of the Capitol, but have not come before the Senand in the other end of the capton, but have not come being all each attended in the present moment. Now, here comes a bill passed by the other House which is to be disposed of in the ordinary routine of business and we are just entered upon the last month of the session. The Indians, whose rights are so largely concerned, have, so far as we are aware, never been heard, never had any privilege of appearing, so far as we know. There is no preparation whatever for the proper presentation of their cause to any committee of Congress. If that be so, anybody, any member of the Senate, it seems to me, will say that a much greater period of time is due for the proper preparation of their case, for its presentation, and for its hearing than remains during the present session; and if there is to be immediate action, if there is any committee of this body ready to consider it without formally hearing the rights and interests of the Indians, and ready to do them justice, it is the Committee on Indian dians, and ready to do them justice, it is the Committee on Indian Affairs; and if the Indians, being largely under the care, not to say the supervision, of this particular and appropriate committee, would naturally go to this committee with a view to the protection of their interests and before the consideration of this bill in the proper preparation of their case for its hearing and its discussion by the Senate, they naturally will go to consult with the Committee on Indian Affairs.

I say, then, this bill should go to the Committee on Indian Affairs because it belongs to that committee any way under the circumstances as part of their original and primary jurisdiction; and further, if we are to act during the remainder of this short session we should send it to a committee as familiar as possible with the general principles from its previous training and investigation of the interests and rights of

the Indians.

Besides, not believing that there should be any action at the present time, as the Indians are to make ready their case to be heard now or in the future, they should be put in contact with the committee that they are familiar with, which is their natural, their legal, their legislative adviser, especially in regard to this bill, with all its details so

largely concerning their interests.

There are some other questions in relation to the organization of this land into a Territory which might well be considered, and which would require a great deal of time. There is all throughout the Southern States a vast, general, deep feeling, as we know, among the negro population. It comes to the surface. We hear of it from the colored people themselves, and many of the wisest of them desire that there be set apart somewhere a territory to which they can be invited, or at least to which they may go without restriction, there to organize a substantial negro community with a view to becoming a State.

They have that idea, and that sentiment is strongly reciprocated and with great vehemence avowed here on this floor by those who represent or who are supposed to represent the Southern States. glad to see this emigration take place, and if we are to organize anywhere a territory with a view to the emigration of the colored people of the South to any locality where they can be rid of their old surroundings and where their old surroundings can be rid of them, there is no territory remaining to us which we can properly consider with a view to that result except this same piece of the Indian Territory. New Mexico has been organized substantially under the auspices of white men. It would be hardly fair to those who have gone there and located themselves and their interests in that Territory to sever it with the view to the erection of a colored commonwealth in a part of New Mexico. What is true in regard to New Mexico is likewise true in reference to Arizona; and the northern portion of the country, it seems to be understood, is opposed to colored men. There is nowhere else that we can organize a territory for the colored race except here in the western portion of what is known as the Indian Territory. The colored population of the country would like to be heard unquestionably in that regard, and there should be suitable opportunity for that hearing. But the question of whether they are to go there is one that would pecul-

iarly interest the Indians who now so largely reside in that locality.

So, then, Mr. President, in view of the race questions involved, of the industrial questions which are involved, and of the economic, social,

civil, treaty, and contract relations and obligations that are involved, it seems to me that the Committee on Indian Affairs is the proper one

to take original jurisdiction in the consideration of this bill.

The PRESIDENT pro tempore. The question is on the motion to refer the bill to the Committee on Territories, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I transfer the pair I have with the junior Senator from Pennsylvania [Mr. QUAY] to the

junior Senator from Texas [Mr. REAGAN], and vote "yea."
Mr. COKE (when Mr. REAGAN's name was called). My colleague [Mr. REAGAN] is detained at home by sickness. He is paired as has been announced.

The roll-call was concluded.

Mr. FARWELL. I am paired. Mr. ALLISON. I am paired for to-day with the Senator from New Jersey [Mr. McPherson]. If he were present, I should vote "yea."
Mr. PALMER. I am paired with the Senator from North Carolina

[Mr. VANCE]. As he is not here, I withhold my vote. The result was announced—yeas 39, nays 12; as follows:

	S-	

Bate, Blackburn,	Edmunds, Eustis,	Mitchell, Morgan,	Spooner, Stewart,
Call,	Faulkner,	Morrill,	Teller.
Cameron,	Gibson,	Pasco,	Turpie,
Cockrell,	Gorman,	Payne,	Vest,
Coke,	Gray,	Platt,	Voorhees,
Colquitt,	Hampton,	Pugh,	Walthall,
Cullom,	Hawley,	Riddleberger,	Wilson of Md.
Daniel,	Jones of Nevada,	Sawyer,	Wilson of Iowa.
Davis,	Manderson,	Sherman,	
THE PARTY NAMED	NA.	YS-12.	
Blair,	Dawes,	Hiscock,	Plumb.
Bowen,	Evarts.	Hoar,	Sabin.
Chandler,	Hale,	Ingalls,	Stockbridge.
راب الشائلة المائدة	ABS	ENT-25.	

	ABSENT-25.			
Aldrich, Allison, Beck, Berry, Blodgett, Brown, Butler,	Chace, Dolph, Farwell, Frye, George, Harris, Hearst,	Jones of Arkansas, Kenna, McPherson, Paddock, Palmer, Quay, Ransom,	Reagan, Saulsbury, Stanford, Vance.	

So the motion to refer the bill to the Committee on Territories was agreed to.

## GEORGE W. DURFEE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3052) granting an increase of pension to George W. Durfee.

The amendment was, in line 3, before the word "dollars," to strike out "fifty" and insert "forty-five."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

## CATHERINE M. LEE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1320) granting a pension to Catherine M. Lee.

The amendment was, in line 4, before the word "dollars," to strike out "twenty-five" and insert "twelve."

Mr. DAVIS. I move that the Senate concur in the amendment of

the House of Representatives.

The amendment was concurred in.

## ORDER OF BUSINESS

The PRESIDENT pro tempore. The hour of 20'clock having arrived, the Senate resumes, as in Committee of the Whole, the consideration of the unfinished business, being Senate bill 3401, concerning the Pacific

Mr. PLUMB. I ask the Senator from Maine [Mr. FRYE] who has in charge the special order to yield to me until I can call up House bill 1368. I do not think it will lead to any debate. It has heretofore passed the Senate, I think, on two occasions.

Mr. HAWLEY. I suggest that we go through with the usual order

of morning business. There are some reports to be made. I do not think it will take a great while.

The PRESIDENT pro tempore. If there be no objection, the order of concurrent and other resolutions not having been called, the Chair will receive further morning business.

## PETITIONS AND MEMORIALS.

Mr. MANDERSON presented the petition of David Grover and 25 others, citizens of Wesley, Dak., and the petition of C. McAllister and 38 others, citizens of Wolsey, Dak., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

sand members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of the State Camp of Colorado, Patriotic Order Sons of America, praying for the passage of Senate bill 3356 to amend the naturalization laws; which was referred to the Committee on Privileges and Elections.

Mr. DANIEL presented the petition of J. Tyler Jackson and others, of Virginia, praying that silver be restored to coequal value with gold; which was referred to the Committee on Finance.

He also presented numerous petitions of citizens of Virginia, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9909) to provide for the allotment of lands in severalty to the Indians upon the Oneida reservation, in Wisconsin, and granting

patents therefor, and for other purposes; and
A bill (H. R. 11634) to provide for allotment of land in severalty to
United Peorias and Miamies in Indian Territory, and for other pur-

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes; and the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; agreed to the conferences asked by the Senate on the said bills and the amendments thereto, and had appointed Mr. Peel, Mr. Hare, and Mr. Peekins managers at the conferences on the part of the House.

The message further announced that the House non-concurred in the amendments of the Senate to the bill (H. R. 6364) to provide for the sale of lands allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. Peel, Mr. Allen of Mississippi, and Mr. Perkins the managers at the conference on the part of the House.

## HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 9909) to provide for the allotment of lands in severalty to the Indians upon the Oneida reservation, in Wisconsin, and granting patents therefor, and for other purposes; and

A bill (H. R. 11634) to provide for allotment of land in severalty to the United Peorias and Miamies in Indian Territory, and for other purposes.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S, 379) to increase pensions in certain cases;

A bill (S, 1092) for the relief of certain property in the District of

Columbia:

A bill (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas; and A bill (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation, in Montana Territory.

## REPORTS OF COMMITTEES.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia, to report it without amendment. The Senate having acted favorably upon a bill very similar, I shall ask to-morrow morning that the Senate take up this bill for consideration. I will not delay by asking to have it read

ow. It is a bill of some length.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2828) granting right of way and other privi-leges to the Hampton and Old Point Railway Company, reported it with amendments.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3132) for the relief of David A. Haywood, reported it without amendment.

## RIVER AND HARBOR BILL.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. HOAR] on the 10th ultimo, relating to the preparation of the river and Mr. TELLER presented the petition of the officers of the Woman's harbor bill, to report it favorably with an amendment, and I ask for Christian Temperance Union of Colorado, representing nearly one thouThe PRESIDENT pro tempore. The resolution will be read. The Chief Clerk read the resolution, as follows:

Resolved. That the Committee on Commerce be directed, when the river and harbor appropriation bill shall be reported, to report as to each public work for which an appropriation is made in said bill the facts which render such appropriation advisable and of national importance, and the condition of the work if begun.

Resolved. That there be an assistant clerk of the Committee on Commerce, to be paid a yearly salary of —, to be appointed by the said committee.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. It is proposed to amend the resolution by inserting, after the word "of," in the fourteenth line, the words "fourteen hundred and forty dollars," and by adding at the end of the resolution:

And that for the remainder of the current fiscal year such assistant clerk be paid from the contingent fund of the Senate at said rate.

The PRESIDENT pro tempore. If there be no objection to the present consideration of the resolution, the question is on agreeing to the amendments proposed by the committee.

The amendments were agreed to.

The resolution as amended was agreed to.

#### BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3915) granting a pension to Mrs. Louisa Ball; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PASCO introduced a bill (S. 3916) to authorize the appointment of Asst. Surg. William Martin, United States Navy, not in the line of promotion, to the position of surgeon, United States Navy, not in the line of promotion, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DANIEL introduced a bill (S. 3917) to restore pensions in certain cases; which was read twice by its title, and referred to the Com-

tain cases; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO BILLS.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY. I submit an amendment intended to be proposed to the sundry civil appropriation bill. I ask that it be read and referred to the Committee on Military Affairs.

The Chief Clerk read the proposed amendment, as follows:

For the payment to Mrs. Irene R. Sheridan, widow of the late Philip H. Sheridan, General of the Armies of the United States, \$50,000, in grateful recognition by the United States of his eminent and extraordinary services to his country.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Military Affairs and printed.

Mr. GEORGE submitted an amendment intended to be proposed by

him to the bill (S. 3445) to declare unlawful trusts and combinations in restraint of trade and production; which was ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## WITHDRAWAL OF PAPERS.

On motion of Mr. HISCOCK, it was

Ordered, That Mr. Haskell A. Evarts be allowed to withdraw from the files of the Senate the papers filed with Senate bill No. 2412.

## DISTRICT CHARITABLE INSTITUTIONS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the commissioners of the District of Columbia be, and they are hereby, directed to furnish the Senate with any information in their possession concerning the exclusion of persons from any of the charitable institutions in the District on account of race, color, or previous condition of servitude.

## CHANGES IN DISTRICT OFFICERS,

Mr. CHANDLER. I offer the following resolution, and ask for its present consideration:

Resolved, That the commissioners of the District of Columbia be directed to furnish to the Senate a list embracing those officers and employés (not workmen or laborers) under the control of said commissioners in any branch of the District government who have been changed since March 4, 1885, giving in each case the name, office, date of change, name of new appointee, and the reasons for the change so far as they appear of record.

The PRESIDENT protempore. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDENT pro tempore. The resolution will be printed and

Senator, the matter was allowed to lie over for the Senator's return. I call the attention of the Senator to it and would be glad to have the amendment disposed of and the matter ended.

The PRESIDENT pro tempore. If there be no objection, the Senate will resume consideration of the bill which has been reconsidered by the Senate, and the amendment read. The title of the bill will be

The CHIEF CLERK. A bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the

fiscal year ending June 30, 1890, and for other purposes.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In line 3, on page 2, after the word "separately," it is proposed to insert the following additional proviso:

And provided further, That a check or checks drawn by a pension agent in payment of pension due and mailed by him to the address of the pensioner shall constitute payment within the meaning of section 4765 of the Revised Statutes of the United States.

Mr. ALLISON. Is that the amendment offered by the Senator from Tennessee?

Mr. HARRIS. Yes, that is the amendment.
Mr. ALLISON. I should be glad to have the Senator explain why

Mr. ALLISON. I should be glad to have the Senator explain why that is necessary on this bill.

Mr. HARRIS. As the general law is now construed, where a check has been issued in payment of a pension due or accrued, unless it was indorsed and negotiated before the death of the pensioner, the check is not paid. This amendment proposes to remedy that evil and require the check, where issued and mailed to the pensioner before his death, to be paid. That is the entire effect of the amendment, and the whole intent of it and I suppose the level effect. The amendment the whole intent of it, and I suppose the legal effect. The amendment was prepared by the Third Auditor of the Treasury to remedy that evil. Mr. PLUMB. I should like to have the matter lie over until I may

have an opportunity to present an amendment covering a point that I suggested the other day.

Mr. HARRIS. I have no objection to its lying over until to-mor-

row morning if the Senator from Kansas will have his amendment ready

Mr. PLUMB. I simply design, and I give notice of it now, that the law shall be so amended that whatever may be due by the pension being extended up to the time of the death of the pensioner, supposing him to have died between quarterly payments, shall go to his legal representative or to his widow, as the case may be.

The PRESIDENT pro tempore. The bill and the amendment will like the property of the pensioner will be a property of the pensioner.

lie over until to-morrow morning, if there be no objection.

# MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 9396) for the relief of General William F.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 300) for the relief of the trustees of the First Baptist Church at Smithland, Ky.; and it was thereupon signed by the President pro tempore.

## NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. What disposition shall be made of the resolution offered by the Senator from New Hampshire [Mr. CHAND-LER] which yesterday was ordered to lie over and to be considered today as morning business?

Mr. CHANDLER. I should like a vote on the resolution, but I understand that the Senator from Indiana [Mr. VOORHEES] desires to speak on the subject. If it is convenient to him I should like to pro-

ceed with it to-day.

Mr. VOORHEES. I am as ready now as at any time. The Senator

Mr. VOORHEES. I am as ready now as at any time. The Senator from Florida has also expressed a desire to be heard upon the resolution in question, and I will yield to him for that purpose.

Mr. FRYE. I shall have to ask for the regular order.

The PRESIDENT pro tempore. The Senator from Maine asks for the regular order. If there be no objection the resolution offered by the Senator from New Hampshire will lie upon the table, the consideration of the resolution are represent recommendations.

of it to be resumed as current morning business to-morrow.

Mr. VOORHEES. I desire in this connection to say that I feel bound to render every facility I can for the consideration of the resolution. The Senator from New Hampshire was very courteous and kind to me yesterday in allowing it to go over until to-day, and I am ready to talk a little on it any time when it comes up.

# INDEBTEDNESS OF PACIFIC RAILROADS.

The PRESIDENT pro tempore. The unfinished business will be stated.

The PRESIDENT pro tempore. The resolution will be printed and lie over under the rule.

PENSION APPROPRIATION BILL.

Mr. HARRIS. Some days since the vote by which the pension appropriation bill, being House bill 11658, was passed was reconsidered upon my motion, and I offered an amendment, but in the absence of the Senator from Iowa [Mr. Allison], and at the suggestion of some senator from Iowa [Mr. Allis

NE

of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

of the companies therein mentioned.

The PRESIDENT pro tempore. The Senate, as in Committee of the Whole, resumes the consideration of the bill.

Mr. ALLISON. Pending that I ask that the Senate proceed to the consideration of the joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business may be informally laid aside for the paymess of enabling him to call for the consideration of the

for the purpose of enabling him to call for the consideration of the joint resolution indicated.

Mr. MITCHELL. I simply desire to inquire of the Chair if I am entitled to the floor on the unfinished business whenever it is proceeded

with?

The PRESIDENT pro tempore. The Senator from Oregon having been interrupted by the motion to adjourn last evening, is entitled to the floor when the consideration of the bill is resumed

Mr, MITCHELL. In view of the near approach of the 4th of March, I do not feel warranted in occupying the time of the Senate as against an appropriation bill. I yield to the Senator from Iowa.

#### REPRESENTATIVES OF JAMES B. EADS.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads. It proposes to appropriate \$500,000 to enable the Secretary of War to pay to the legal representatives of James B. Eads half the sum of \$1,000,000 retained by the United States under the act of March 3, 1875, to be paid on the expiration of ten years' maintenance of the channel the maximum depth and width as required by the act of March 3, 1875, and subse-

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. ALLISON. I think I ought to say in a single word that this an appropriation which is required by existing law.

Mr. HARRIS. It comes from the Committee on Appropriations?

Mr. ALLISON. It comes from the Committee on Appropriations. I think I ought to say in a single word that this is

The PRESIDENT pro tempore. Having been read three times, shall the joint resolution pass?

The joint resolution was passed.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. FRYE. I do not feel at liberty to antagonize, as to considera-

tion, an appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate proceed to the consideration of the legislative, executive,

and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other pur-

The bill was reported from the Committee on Appropriations with

amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, so as to allow the consideration of

the amendments of the committee during the reading.

The PRESIDENT pro tempore. If there be no objection, the amend-

The PRESIDENT pro tempore. If there be no objection, the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the bill. The reading will proceed.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Senate," on page 2, line 3, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others in the service of the Senate," from \$354,526.10 to \$361,766.10.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the appropriations for clerks and messengers to Senate committees, on page 3, line 14, to increase the appropriation for "assistant clerk to the Committee on Appropriations" from \$1,800 to \$2,220.

The amendment was agreed to.

The next amendment was, in the same clause, on page 4, line 10, after the words "Committee on Rules," to insert:

Clerk to the Committee on Interstate Commerce.

The amendment was agreed to.

The next amendment was, in the same clause, on page 4, line 12, after the word "each," to insert:

Assistant clerk to the Committee on Commerce, \$1,440.

The amendment was agreed to.

The next amendment was, in the same clause, on page 4, line 19, after the words "Military Affairs," to strike out the word "and;"

and in the same line, after the words "Engrossed Bills," to insert "and Foreign Relations;" so as to read:

And eight messengers, at the rate of \$1,440 per annum, for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Military Affairs, Engrossed Bills, and Foreign Re-

The amendment was agreed to.

The next amendment was, in the same clause, on page 4, line 20, to increase the total amount of the appropriations for salaries of clerks and messengers to committees of the Senate from \$68,320 to \$74,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of Sergeant-at-Arms and Doorkeeper," on page 5, line 8, to increase the appropriation for salary of "assistant messenger on the floor of the Senate" from \$1,200 to \$1,440.

The amendment was agreed to.

The next amendment was, on page 5, line 25, to increase the total amount of the appropriations for Office of Sergeant-at-Arms and Door-keeper of the Senate from \$99,271.20 to \$99,511.20.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "clerks," to strike out "twenty-four" and insert "twenty-five;" and in line 8, after the word "session," to strike out "thirty thousand four hundred and eighty" and insert "thirty-one thousand eight hundred;" so as to make the clause read:

For twenty-five clerks to committees, at \$6 perday during the session, \$31,800.

The amendment was agreed to.

The next amendment was, in the appropriations for contingent expenses of the Senate, on page 7, line 21, after the word "dollars," to insert "or so much thereof as may be necessary;" so as to make the clause read:

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, \$3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading was resumed and continued to the end of line 2 on page 8.

Mr. ALLISON. On page 8, line 2, before the word "thousand," I move to strike out "five" and insert "seven;" so as to make the clause

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, \$7,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 3, to increase the appropriation "for purchase of furniture" for the Senate from \$1,000

The amendment was agreed to.

The next amendment was, on page 8, line 5, to increase the appropriation "for materials for furniture and repairs of same, exclusive of labor," from \$1,500 to \$2,500.

The amendment was agreed to.

The next amendment was, on page 8, line 6, to increase the appropriation "for services in cleaning and varnishing furniture" from \$300 to \$1,000.

The amendment was agreed to.

The next amendment was, on page 8, line 16, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$20,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Library of Congress," on page 19, after line 2, to insert:

To enable the Librarian of Congress to continue the work upon the Catalogue of the Congressional Library, \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 19, line 22, after the words "private secretary," to strike out "three thousand two hundred and fifty" and insert "five thousand;" so as to read:

For compensation to the following in the office of the President of the United States: Private secretary, \$5,000.

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 20, line 7, to increase the total amount of the appropriations for compensation to the private secretary, assistant secretary, clerks, and employés in the executive office from \$33,864 to \$35,614.

The amendment was agreed to.

The next amendment was, in the appropriations for "Department of State," on page 21, line 16, before the word "assistant," to strike out "three" and insert "five;" so as to read:

Five assistant messengers.

The amendment was agreed to.

The next amendment was, on page 21, line 19, at the end of the same clause, to increase the total amount of the appropriations for compen-

sation of the Secretary of State, Assistant Secretaries, and the clerks and employés in the office from \$117,470 to \$118,910.

The amendment was agreed to.

The nextamendment was agreed to.

The nextamendment was, under the head of "Treasury Department," in the appropriations for "Division of Customs," on page 25, line 9, to increase the appropriation for salary of "assistant chief of division" from \$2,000 to \$2,250.

The amendment was agreed to.

The next amendment was, in the same clause, on page 25, line 13, to increase the total amount of the appropriations for "Division of Customs" from \$21,990 to \$22,240.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 30, line 8, after the word "for," to strike out "five clerks at" and insert "one clerk;" in line 9, after the word "dollars," to strike out "each;" in the same line, after the word "roll," to strike out "three thousand three hundred dollars," and in line 12, after the words "eighteen hundred and," to strike out "fifty-one" and insert "eighty-seven;" so as to make the clause read:

For continuing the adjustment of the accounts of the Soldiers' Home, under section 4818 of the Revised Statutes, in the office of the Second Comptroller: For one clerk, \$660, to be employed on Soldiers' Home roll: Provided, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1887.

The amendment was agreed to.

The next amendment was, on page 31, line 21, before the word "clerks," to strike out "seven" and insert "two;" in line 23, before the word "hundred," to strike out "six thousand six" and insert "two thousand four;" and after the words "eighteen hundred and," in line 25, to strike out "fifty-one" and insert "eighty-seven;" so as to make the clause read:

For additional force for continuing the adjustment of the accounts of the Soldiers' Home in the office of the Second Auditor, under section 4818, Revised Statutes: Two clerks, at \$840 each; and one, at \$720, \$2,400: Provided, That adjustments of said accounts shall be limited to those originating subsequent to March 3, 1887.

The amendment was agreed to.

The next amendment was, on page 38, line 1, before the words "clerks of class 4," to strike out "two" and insert "three;" and in line 4, after the word "all," to strike out "sixteen thousand five" and insert "eighteen thousand three;" so as to make the clause read:

Light-House Board: For chief clerk of the Light-House Board, \$2,400; three clerks of class 4; two clerks of class 3; one clerk of class 2; three clerks of class 1; one clerk, at \$900; two assistant messengers; in all, \$18,340.

The amendment was agreed to.

The next amendment was, on page 38, line 22, after the word "accountant," to strike out "one thousand eight hundred" and insert "two thousand;" in the same clause, on page 39, line 3, before the words "clerks, at nine hundred dollars," to strike out "five" and insert "four," and in line 4, after the word "all," to strike out "thirty-eight thousand four" and insert "thirty-seven thousand seven:" so as to read:

Office of Life-Saving Service: For general superintendent of the Life-Saving Service, \$4,000, assistant general superintendent of the Life-Saving Service, \$2,500; one principal clerk and accountant, \$2,000; one topographer and hydrographer, \$1,800; one civil engineer, \$1,800; one draughtsman, \$1,500; two clerks of class 4; three clerks of class 2; two clerks of class 1; two clerks at \$1,000 each; four clerks, at \$900 each; one assistant messenger, and one laborer; in all, \$37,780.

The amendment was agreed to.

The next amendment was, on page 39, line 6, after the word "dollars," at the end of the same clause, to add:

And hereafter nothing in section 4 of the act approved August 5, 1882, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," shall be construed to prevent the Secretary of the Treasury from detailing not exceeding two officers of the revenue marine service for duty in the office of the Life-Saving Service.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of Supervising Surgeon-General Marine-Hospital Service," on page 43, line 11, after the word "copyists," to strike out "one messengers," and insert "two messengers;" in line 12, after the word "dollars," to insert "two messengers;" in line 12, after the word "dollars," to insert "each;" in the same line, after the word "each," to strike out "one laborer" and insert "two laborers at;" in line 13, after the word "dollars," to insert "each;" and in line 14, after the word "all," to strike out "twenty-seven thousand eight hundred and forty" and insert "twenty-eight thousand nine hundred and twenty;" so as to make the

Office of Supervising Surgeon-General of Marine-Hospital Service: For Supervising Surgeon-General, \$4,000; one surgeon, \$3,000; one passed assistant surgeon, \$1,800; one clerk, \$1,800; five clerks, at \$1,600 each; one clerk, \$1,200; one hospital steward (employed as chemist), \$1,200; six copyists; two messengers, at \$600 each; two laborers, at \$480 each; and one laborer, \$360; in all, \$28,520, the same to be paid from the permanent appropriation for the Marine-Hospital Service.

The amendment was agreed to.

The next amendment was, in the appropriations for "Territory of Utah," on page 62, line 5, after the word "office-rent," to strike out "seven thousand" and insert "nine thousand five hundred;" so as to make the clause read:

For the following expenses of the commission, namely, for traveling ex-

penses, printing stationery, clerk-hire, and office-rent, \$9,500: Provided, That out of this sum the commission is hereby authorized to pay the secretary of the Territory, who is its secretary and disbursing agent, a reasonable sum for such service, not exceeding \$300, for the fiscal year 1890.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 64, line 9, after the word "Army," to insert "and one clerk of class 3, or stenographer, for the Commanding General of the Army;" in line 11, after the word "dollars," to insert "each;" in the same line, after the words "selected by," to strike out "him" and insert "them respectively;" and in line 18, after the words "one hundred and," to strike out "one thousand eight" and insert "three thousand four." so as to make the clause read: thousand four;" so as to make the clause read:

For compensation of the Secretary of War, \$3,000; one chief clerk, at \$2,750; one disbursing clerk, at \$2,000; three chiefs of division, at \$2,000 each; one stenographer, at \$1,800; five clerks of class 4; five clerks of class 3, one clerk of class 3, or stenographer, for the retired General of the Army, and one clerk of class 3, or stenographer, for the Commanding General of the Army, at \$1,600 each, to be selected by them, respectively; nine clerks of class 2; twenty-one clerks of class 1; seven clerks, at \$1,000 each; four messengers; seven assistant messengers; eight laborers; carpenter, \$1,000; foreman of laborers, \$1,000; one hostler, \$600; two hostlers, at \$540; and one watchman, at \$540; in all, \$103,450.

The amendment was agreed to.

The next amendment was, on page 65, line 2, at the end of the clause making appropriations for "Office of the Adjutant-General," to strike out the following proviso:

Out the following proviso:

Provided, That one clerk of class 4, two clerks of class 2, and six clerks of class 1 shall be employed for the sole purpose of completing, with the necessary detail from the existing force, the regimental registers of the volunteer forces of the several States during the late war. And not less than two hundred of the clerks in the office of the Adjutant-General shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications and soldiers' claims.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "Office of the Surgeon-General," on page 68, line 10, after the word "each," to strike out "one assistant engineer" and insert "two assistant engineers;" in line 11, after the word "dollars," to insert "each;" and in line 16, after the words "five hundred and," to strike out "thirteen thousand six" and insert "fourteen thousand five;" so as to make the clause read:

In the office of the Surgeon-General: One chief clerk, at \$2,000; twenty-four clerks of class 4; thirty-two clerks of class 3; sixty-two clerks of class 2; one hundred and seventy-two clerks of class 1; eighty-nine clerks, at \$1,000 each; one anatomist, at \$1,000; two engineers, at \$1,000 each; two assistant engineers, for night duty, at \$900 each; two firemen; one skilled mechanic, \$1,000; sixteen assistant messengers; one messenger-boy, at \$300; six watchmen; two super-intendents of buildings, at \$250 each; and sixteen laborers; in all, \$514,500. And not less than two hundred and eighty of the clerks in the Surgeon-General's Office shall be exclusively engaged in preparing and making reports carpeted the settlement of pension applications called for by the Commissioner of Pensions.

The next amendment was, on page 71, line 10, after the word "dollars," to insert "for the Signal Office until September 30, 1888, \$600;" and in line 12, before the word "hundred," to strike out "two" and insert "eight;" so as to make the clause read:

For rent of buildings for use of the War Department, as follows: For medical dispensary, Surgeon-General's Office, \$1,000; for the Rebellion Record Office, \$1,200; for the Signal Office until September 30, 1888, \$600; in all, \$2,800.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 75, line 4, after the word "For," to insert "the following employés, to be selected by reason of special aptitude for the work by employes, to be selected by reason of special aptitude for the work by the Secretary of the Navy, namely: Two clerks of class 4; one clerk of class 2;" in line 8, before the words "one clerk," to strike out "for;" in line 9, before the word "copyist," to strike out "and four" and insert "six;" in line 10, after the word "each," to insert "and one assistant messenger;" and in the same line, after the word "all," to strike out "six thousand two hundred and eighty" and insert "fifteen thousand and forty;" so as to make the clause read: the clause read:

For the compilation of the naval records of the war of the rebellion: For the following employés, to be selected by reason of special aptitude for the work by the Secretary of the Navy, namely: Two clerks of class 4; one clerk of class 8; one clerk of class 2; two clerks of class 1; one clerk at \$1,000; six copyists, at \$720 each; and one assistant messenger; in all, \$15,040.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Hydrographic Office," on page 77, line 9, before the word "thousand," to strike out "one" and insert "four;" so as to make the clause read:

For rent of building for printing-presses, draughtsmen, and engravers, storage of copper-plates and materials used in the construction and printing of charts, and for repairs and heating of the same, and for gas, water, and telephone rates, \$4,500.

Mr. ALLISON. In line 5 I move to insert "s" after "building;" so as to read: "for rent of buildings for printing-presses," etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 77, line 17, before the word "thousand," to strike out "twelve" and insert "fourteen;" so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia

Baltimore, Norfolk, Savannah, New Orleans, San Francisco, and Portland, Oregon, including furniture, fuel, lights, rent, and care of offices, car fare and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, \$14,000.

Mr. EUSTIS. I should like to ask the Senator from Iowa a question. The bill as passed by the House makes an appropriation of \$12,000, and the Senate committee have increased that appropriation to \$14,000. I find that the estimate of appropriation for this item is \$20,000. I should like to ask the Senator from Iowa whether it will be necessary that any of the branch offices shall be abolished on account of the amount of the appropriation?

Mr. ALLISON. It will not. The appropriation for the current year is \$11,000. The House of Representatives increased it to \$12,000, but there are two new offices, one at Portland, Oregon, and one at Savannah, Ga., and we increase the amount \$2,000 so as to enable the Hydrographic Office to establish these two new places. The estimate, it is true, is \$20,000, and they say they can economically use that sum, but they can maintain all these places very well with the appropriation we have provided, as I understand the case.

Mr. EUSTIS. Then I understand the Senator to state that it will not be necessary to abolish any of the branch offices on account of the

amount of the appropriation.

Mr. ALLISON. I am quite sure it will not.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 77, line 21, after the word "dollars," to strike out "one computer," and insert "two computers, at;" in line 22, after the word "dollars," to insert "each;" and in the same clause, on page 78, line 1, after the word "all," to strike out "nineteen thousand three" and insert "twenty thousand five;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, one at \$2,000 and two at \$1,800 each; one clerk of class 4; one instrument-maker, \$1,500; two computers, at \$1,200 each; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at \$1,000 and one at \$720; and seven laborers; in all, \$20,520.

The amendment was agreed to.

The next amendment was, on page 78, line 11, in the appropriations for the Naval Observatory, after the words "contingent expenses," to strike out "three thousand nine" and insert "four thousand five;" so as to make the clause read:

For repairs of buildings, fixtures, and fences, fuel, gas, furniture, chemicals, stationery, freight, foreign postage, expressage, fertilizers, plants, and all contingent expenses, \$4,500.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 79, line 15, after the word "dollars," to strike out "one clerk" and insert "two clerks;" in line 16, before the word "clerks," to strike out "three" and insert "five;" in the same line, before the word "clerks," to strike out "four" and insert "three;" in line 17, after the word "two," to strike out "one stenographer" and insert "two stenographers;" in line 18, after the word "dollars," to insert "each;" in the same line, before the word "clerks," to strike out "nine" and insert "fifteen;" in line 19, after the word "one," to strike out "one clerk" and insert "three clerks;" in the same line, after the word "dollars," to insert "each;" in line 20, after the word "and," to strike out "one laborer" and insert "two laborers;" and in line 21, after the word "all," to strike out "thirty thousand three hundred and eighty" and insert "forty-five thousand two hundred and forty;" so as to make the clause read:

Bureau of Provisions and Clothing: For chief clerk, \$1,800; two clerks of class

Bureau of Provisions and Clothing: For chief clerk, \$1,800; two clerks of class 4; five clerks of class 3; three clerks of class 2; two stenographers, at \$1,400 each; fifteen clerks of class 1; three clerks at \$1,000 each; two copyists, one assistant messenger, and two laborers; in all, \$45,240.

The amendment was agreed to.

Mr. CHANDLER. I desire to ask the chairman of the Committee on Appropriations the reasons for increasing the clerical force in the Bureau of Provisions and Clothing.

Mr. ALLISON. The reasons are set forth in a communication made to the committee by the Secretary of the Navy, which I ask to have read.

The PRESIDENT pro tempore. The communication will be read. The Secretary read as follows:

NAVY DEPARTMENT, Washington, January 17, 1889.

NAVY DEPARTMENT, Washington, January 17, 1889.

Sin: Since submitting the annual estimate for the clerical force of the Bureau of Provisions and Clothing, the Department has concluded to adopt a comprehensive system of accounts to be kept by double entry, which will show the final application of all moneys appropriated for and of all material belonging to the naval establishment. Under this plan there will be shown for each ship in the Navy her cost or present valuation, the cost of her outfit, her running expenses while in commission, and the cost of all repairs, under separate accounts, and for each navy-yard or station the cost or valuation of the real estate, the same for the machinery plant, and the cost of general maintenance. Thus every expenditure of money or supplies will be charged to the proper accounts. This is an entirely new system and is the final step in the reorganization of the Department's affairs which has been going on during the present administration. The proper establishment and carrying on of this system will require for the Bureau of Provisions and Clothing an increased clerical force, but the Department believes that the results to be obtained are ample justification for asking for the increased appropriation.

The Department regrets that it was unable to submit this revised estimate before the bill reached the Senate, but it has been prevented by various causes from taking earlier action. It is of great importance, however, to make proper

provision for establishing with the beginning of the coming fiscal year a system which has been needed since the existence of the Navy Department.

A table is submitted herewith showing the force asked for, with the numbers of each grade of the classified service, and a summary giving in parallel columns the present and desired force.

Very respectfully,

W. C. WHITNEY, Secretary of the Navy

W. C. WHITNEY, Secretary of the Navy.

Hon. WILLIAM B. ALLISON, Chairman Committee on Appropriations, United States Senate.

Mr. CHANDLER. Was the amendment as to the Bureau of Provis-

ions and Clothing adopted?

The PRESIDENT pro tempore. It has been announced as agreed to.
Mr. CHANDLER. I did not hear. I thought I made the inquiry as soon as the Secretary finished reading the paragraph.

The PRESIDENT pro tempore. If the Senator desires to have the vote taken, the announcement will be reconsidered.

Mr. CHANDLER. I do not desire it, but-

Mr. ALLISON. There will be no objection to having the matter

informally opened.

Mr. CHANDLER. I wish only to continue to make my suggestions upon this paragraph instead of addressing them to the paragraph con-

cerning the Bureau of Medicine and Surgery which follows It appears that this new system which has been adopted by the Secretary of the Navy for keeping the accounts of the Navy Department requires a very large increase of force. I desire to ask the chairman of the Committee on Appropriations whether anywhere, in this bill or elsewhere, there has been any reduction of the clerical force of the Department; in other words, whether under this new system, which requires an increased force, there is any reduction of force elsewhere, either clerical force or labor in the store-houses of the Depart-

As I understood the origin of this desire to have a new and improved method of keeping the Navy Department accounts, to which I take no exception, it was founded largely upon the desire for economy. I think it may be found set out in the reports of the Secretary of the Navy and in other communications that a reduced force in other bureaus and in various branches of the naval service would result from this increased force in the Bureau of Provisions and Clothing. I should like to have the chairman of the Committee on Appropriations inform me, if he can, where that reduction is, and whether this additional force is an addiional expense or not.

Mr. ALLISON. This is an additional force to that now provided for by law, amounting in the aggregate, I think, to about \$15,000. I know of no corresponding reduction, unless it shall appear at the various navy-yards by a reduction of the clerical force there, which, I think, is not very likely. But the letter of the Secretary of the Navy clearly discloses a system of book-keeping and keeping of accounts which will be very accurate; and inasmuch as he stated that this was necessary in view of the reorganization which he had made, the committee did not feel like withholding the needed clerical force to carry out this reform, if it be a reform.

Mr. CHANDLER. Then I understand the chairman of the committee to state that the idea of economy of reduction of expense in keeping the accounts did not enter into the purpose of the committee in consenting to this increase.

I also should like to ask the chairman of the committee, or if he does not recall the circumstance, the Senator from Maine [Mr. HALE] who usually has charge of the naval appropriation bill, whether the naval appropriation act of last year did or did not contain a large increase, or a large appropriation of some \$90,000 for the expenses of store-houses at the various navy-yards; and if so, whether that appropriation was or was not an absolute increase of expenditure without any reduction in any other department of the naval service growing out of that in-

Mr. HALE. There was some increase last year of the kind referred to by the Senator from New Hampshire in the store-house items, but

it was not an entire increase to that amount.

I may say here that this feature of the new system of book-keeping and keeping accounts in the Navy Department and the consolidation of this bureau will, I think, result in economy, not simply economy in the number of clerks employed and the money paid for their compensation, but economy in the general business of the Navy Department. At a glance the Secretary of the Navy will be able to see under this system the exact condition of each navy-yard, what its supplies are, what its old material is on hand, what each vessel has cost, and what it is spending each year. In that way a very considerable economy will be introduced and advanced, and there will be a general saving to the Government, attended by an increase to a small amount of expense in the clerical force.

I have looked at this system somewhat and I think it is a good one. I think it is going to work well. It may take a few more men, but it will save money

will save money.

Mr. CHANDLER. I now have before me the appropriation in the naval appropriation act of last year. Under the head of "Bureau of Provisions and Clothing" there was appropriated for labor and expenses of general store-houses, \$90,000. I ask the Senator whether that was not an increase over the previous year of some \$40,000 or \$50,000?

Mr. HALE. That isit. Now the Senator is getting nearer to it. As

I said when I was up before, there was an item of that kind, but it did not represent an increase to the extent of the appropriation. A portion of it was an increase, and it was a temporary increase. When all these officers have got to revolving in harmony under this new system the increase in expenditure even in the clerical force will not be very

large.

Mr. CHANDLER. But I asked the Senator a question which I do not think he did me the honor to answer, and that was whether there was any reduction anywhere on account of the increase which has been made both in the clerical force and in reference to the force at the navy-

yards in charge of general store-houses?

Mr. ALLISON. I think it will be impossible to state with precise numbers what the effect of all these changes may be. It is certainly of value to the Government to have an accurate system of accounts. That is the object of the amendment as I understand the Secretary of the Navy. In the general expenditures of the Navy an accurate and complete system of accounts will result in the end in producing economy. I think there can be no doubt about that, but how much I do not like to predict.

Mr. CHANDLER. I have no doubt that within the next four years

we shall have a more economical administration of the Navy Department, but whether the way to accomplish it is to begin by making these large additional appropriations is a matter about which I have

some serious doubts.

The PRESIDENT pro tempore. The amendment will be agreed to,

if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Judge-Advocate-General, United States Navy," on page 80, line 17, after the words "twelve thousand," to insert "five hundred;" so as to make the clause read:

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$12,500.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 82, line 15, before the words "law clerks," to strike out "ten" and insert "thirteen;" and in line 17, before the word "thousand," to strike out "thirty" and insert "thirty-six;" so as to make the clause read:

Office of Assistant Attorney-General: For one law clerk, at \$2,750; one law clerk, at \$2,500; one law clerk, at \$2,250; thirteen law clerks, at \$2,000 each; two clerks of class 3, one of whom shall act as stenographer; in all, \$36,700.

The amendment was agreed to.

The next amendment was, on page 93, line 18, before the word "preparation," to strike out "The" and insert "For the;" so as to make the clause read:

For the preparation of the Official Register of the United States, 1899, including editing, proof-reading, and indexing, \$4,000.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in the appropriations for "office of disbursing clerk," on page 102, line 15, before the word "laborers," to strike out "twenty" and insert "twenty-two;" so as to read:

Twenty-two laborers.

The amendment was agreed to.

The next amendment was, on page 102, line 21, to increase the total amount of the appropriations for "office of disbursing clerk" of the Post-Office Department from \$54,460 to \$55,780.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Post-Office Department," on page 103, line 15, after the word "purchase," to strike out the word "of;" so as to make the

For purchase and keeping of horses and repair of wagons and harness to be used only for official purposes, \$1,500.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 107, line 15, after the word "dollars," to insert "and \$200 additional while superintendent of the building;" so as to read:

Disbursing clerk, \$1,800, and \$200 additional while superintendent of the build-

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 108, line 4, to increase the total amount of the appropriations for compensation of the Commissioner of Labor and the clerks and employés in his office from \$84,540 to \$84,740.

The amendment was agreed to.
The reading of the bill was concluded.

Mr. EVARTS. I move an amendment in lines 8 and 9, on page 19, in the provision "For Botanic Garden: For assistants and laborers, under the direction of the Joint Library Committee of Congress," an increase of the whole of \$1,020, which is to be accomplished by reading, instead of "\$11,073.75," "\$12,093.75," and then "in all, \$13,893.75."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 19, line 8, it is proposed to change the amount so as to read "\$12,093.75," and in line 10 change the aggregate so as to read "\$13,893.75."

The PRESIDENT pro tempore. The Chair understands this amendment to be reported from the Library Committee?

Mr. EVARTS. From the Library Committee.

The PRESIDENT pro tempore. And to have been referred one day before to the Committee on Appropriations.

Mr. EVARTS. Yes, sir; it was so referred yesterday.

Mr. ALLISON. This is a modification of the amendment referred

to the Committee on Appropriations yesterday by the Committee on I understand the object is to increase slightly the compensation of the assistant superintendents of the Botanic Garden, and also to increase somewhat the compensation of the laborers there. the compensation paid to these officers is wholly under the control of the Joint Committee on the Library of Congress, I do not feel at lib-erty to resist this amendment of the Senator from New York.

The amendment was agreed to.

Mr. EDMUNDS. On page 2, line 8, I move to strike out the words one thousand two hundred" and insert the words "one thousand four hundred and forty;" so as to put the pay of the telegraph operator appointed by the President of the Senate, the telegraph operator of the Senate, upon the same footing as the messenger to the Vice-President. It seems to me to be entirely just.

The PRESIDENT pro tempore. The proposed amendment will be

stated from the desk.

The CHIEF CLERK. On page 2, line 8, after the word "operator," it is proposed to strike out "one thousand two hundred" and insert "one thousand four hundred and forty;" so as to read:

Telegraph operator, \$1,440.

Mr. ALLISON. That is not in proper form, nor does it come from any committee. If the Senator from Vermont says that he knows this to be a necessary expenditure, I do not know that I shall interpose a point of order; but it does seem to me that the amount that this telegraph operator now receives ought to be a proper compensation for his

Mr. EDMUNDS. If you take all the private telegraph operators in the United States together it probably is, but when you compare it with all the other service of the Senate clear down to its pages, it is entirely out of the proper proportion. To say that the telegraph operator of the Senate, who has to be a person who can be trusted with confidential messages, keep his own counsel, and all that, is to get only \$1,200, while all the messengers of the Senate and the messenger of the Vice-President get \$1,440, it appears to me is not in the least right, for the responsibility and the trust, and to get the right kind of a man for that place-and I believe we have the right one now-is very much greater than it is in regard to any other servant of the Senate who re-

ceives \$1,440.

Mr. HARRIS. The pay proposed by the Senator from Vermont is certainly very moderate for the responsible duties that that officer per-

The PRESIDENT pro tempore. Is there objection to the proposed amendment? The Chair hears none, and it is agreed to. This change requires a change of the total, which will be made.

Mr. EDMUNDS. "Five thousand one hundred dollars" I think it

should be.

should be.

The CHIEF CLERK. It is proposed to amend the total, in line 9, on page 2, by making it read "\$5,100."

The amendment was agreed to.

Mr. HAWLEY. With the consent of the Senator from Iowa in charge of the bill, I move, on page 20, line 19, that the word "two" be stricken out and the word "three" inserted instead, giving three clerks instead of two of class 3 to the Civil Service Commission. That is in accordance with the estimates. My recollection is that this estimate has been made each year for two or three years, if not more. I make the motion because I have understood from a gentleman connected with the commission that it is absolutely necessary.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. On page 20, line 19, it is proposed to strike out "two" and insert "three;" so as to read:

Three clerks of class 3.

The amendment was agreed to.

Mr. HAWLEY. The estimates contemplate three other changes. I move to strike out the second word "two," in line 19, and insert "three" also. They want three new clerks of class 2.

Mr. ALLISON. The Committee on Appropriations considered this entire clause very carefully, and, after looking over the whole field, decided that the clerical force of the Civil Service Commission was a sufficient force for its present needs. I was rather of opinion that they needed one or two more clerks myself, and therefore did not raise the point of order when the Senator from Connecticut made the motion for an additional clerk of class 3, but I hope no further force will be sug gested or proposed by the Senator.

Mr. HAWLEY. That is a very touching appeal. I am glad the

chairman of the committee was a little lenient when I made the first

Mr. EDMUNDS. He was in favor of that.

Mr. HAWLEY. He was in favor of that, but he is not in favor of all of it. I wish the chairman of the Committee on Appropriations would consent to let the question be submitted to the Senate and let us have the vote of the jury on that particular case. The commission

Say:

Since the last year's estimates were submitted there has been an entire revision of the civil-service rules and of the classification of the departmental service which has resulted in bringing into the classified service and subject to examination a large number of places (not far from 3,000) not heretofore classified for examination. For filling many of these places, notably those in the Coast and Geodetic Survey, the Geological Survey, the Nautical Almanac Office, the Hydrographic Office, the Naval Observatory, and the technical Almanac Office, the Supervising Architect's Office, examinations of a very high grade and of the most technical character are required, demanding the most careful, pains-taking, and expert work on the part of the clerical and examining forces of the commission. During the last year the classified service has also been increased by the addition of eight post-offices to the classified is, and it is certain that there will be an equal or greater increase in this direction in the year to come. It is also probable that there will be an early enlargement of the classified service by the inclusion of the railway mail service and the Indian school service. But without this enlargement the additional clerks estimated for are absolutely required for the proper performance of the work now imposed upon the commission.

The short and the long of it is really to tell the truth about it that

The short and the long of it is really, to tell the truth about it, that if the Civil Service Commission is to be kept in existence at all, a reasonable and repeated request for additional clerical force should have

some attention. I adhere, of course, to my motion.

Mr. PLUMB. Will the Senator allow me to ask him a question at

that point?

Mr. HAWLEY. Oh, yes.

Mr. PLUMB. Should not the matter stand upon a rather more solid foundation than the request of persons interested? Should there not be something to show that the civil service of the United States will be benefited by this commission which will to a certain extent warrant the additional appropriation required? If I were going to defend the commission, I should want to do it not upon the basis of the enlargement of the force or that they had repeatedly requested it, because that is something which we are all pretty familiar with here, but upon the ground that the continuation of the commission had been greatly to the benefit of the civil service of the United States, and upon that subject I should like to hear the Senator from Connecticut.

Mr. HAWLEY. If I said "the request of the commission," that was a carelessness of expression. I meant the official recommendation of the Secretary of the Treasury, based of course upon the recommendation.

Secretary of the Treasury, based, of course, upon the recommendation of the commission. I should have said that the Secretary of the Treasury estimated that this was necessary for the proper discharge of the duties of that office. There are needed there three more clerks and another laborer. I do not at all admit that that involves any call upon me to discuss the wisdom or unwisdom of the Civil Service Commission or the success of their labors, because we are forbidden in an appropria-tion bill to change the existing law, and I am only proposing to pro-vide for clerks that are made necessary for work ordered by the existing law. I am under no obligation to go any further, but I should

not object to doing so if there should be occasion for it.

In my judgment the Civil Service Commission has done a vast deal of good and is to be maintained, is to be perfected and enlarged. not admit that the law has been enforced in full or in good faith in some respects, for I know that there are most lamentable, and I may say outrageous, cases of evasion of the law, but from my observation on general principles based upon the general bent and tendency of that work, I say it has been a blessing to the Democratic side, and rather an unexpected blessing to them, that there have been 12,000 or 15,000 employes of the Government who were not directly subjected to removal and substitution at their request. I think it will be equally convenient to the Republicans during the next four years to have the increased number of 15,000 or 20,000 people, of whom the heads of Departments can say to applicants, "These people are beyond my reach by law." But whether that may be an individual opinion or not, I say I am standing by the existing law, and if it is not to be maintained, let us frankly avow that, that a Republican Senate will nullify that law. It is quite another thing to do it manfully by actual act of repeal. If we do not want it, let us repeal the law establishing the compear. If we do not want it, let us repear the law establishing the commission, but while it is upon the statute-book it is a simple matter of compliance with the ordinary rules of the Senate to furnish the force which is needed to carry out the law.

Mr. PLUMB. Mr. President, the Senator attaches far too much im-

portance to the neglect of the committee, if I may so term it, to put on this additional force. It is not usual, I will say to him, to give to any Department of the Government everything which that Department asks for; and, unless I make a mistake about the importance of the recommendation of the Secretary of the Treasury, I will say that practically the Secretary of the Treasury transmits to Congress only the recom-mendations of heads of Departments which have been given to him by those heads, and the estimate is not in any proper sense an expression

of the opinion of the Secretary of the Treasury.

Mr. HAWLEY. May I ask just there if it is not customary every year for the Secretary of the Treasury to revise and condense and reduce the sum total of the estimates?

Mr. PLUMB. I think not where it refers to estimates for clerical

Mr. HAWLEY. I do not know that it does, but I have always understood it to be the part of a wise Cabinet officer having charge of

the estimates to keep them within a moderate limit. Mr. PLUMB. I am re-enforced in my opinion about the limitations which actually exist by the opinion of the chairman of the Committee on Appropriations to the effect that when it comes to the expression of

opinion on the part of the head of a Department concerning the clerical force of his Department the Secretary of the Treasury sends that down nem. con. But, Mr. President, I do not know that I would attach any more importance to this even if the Secretary recommended it. I do not say I do not attach some importance to it.

We have a law providing for a Bureau of Statistics.

ator say, because we do not give all the clerk-hire which the head of that bureau and the Secretary of the Treasury ask for, therefore we are under constraint to repeal the law establishing the Bureau of Sta-

Mr. HAWLEY. No, Mr. President, but by the Senator's own argument this is a very different case. He shifted the ground a few moments ago, and said that this depended upon the wisdom of having any Civil Service Commission at all.

Mr. PLUMB. I beg the Senator's pardon. I did not say anything

of the kind.

Mr. HAWLEY. The Bureau of Statistics was not in question. There is no argument about that. So when the Senator says they do not need another clerk, I feel pretty sure it is not because of any hostility to that bureau itself; but when my friend, the Senator from Kansas, asks me whether there is any good in having any of them in the Civil Service Commission, I rather doubt whether he thinks they ought to have one more clerk or not. I understand the Senator from Kansas would wipe the whole thing out.

Mr. PLUMB. The Senator was never wider apart from the facts in his life than he is at this present moment.

Mr. HAWLEY. I am very glad to hear it. Mr. PLUMB. I do not subscribe to that doctrine of civil-service reform which has been developed by a morbid desire to pattern after the British form and detail of government, and I do not believe in this precise kind of civil-service reform and would not adopt it if I were to have my choice of the kind of civil-service reform that I would have practiced, but I am not prepared to abolish this nor do I desire to limit its operations to the extent that I believe those operations are carried on usefully. But when I am asked to vote additional sums of public money for the purpose of enlarging the scope of a bureau of this Government, I am bound to inquire whether the management of that bureau is what it ought to be; not for the purpose of determining whether I want to abolish it, but whether I want to have the particu-lar bent and inclination and kind of operation carried on by that

I think, if the Senator from Connecticut desires to discharge his I think, if the Senator from Connecticut desires to discharge his duty as a Senator on this floor, that he can not discharge it by saying he will vote for a particular appropriation for the sole and only reason that the Secretary of the Treasury estimates for it. He is, I think, bound on his oath to inquire whether or no the appropriation is proper to be made in any particular case. But, being challenged on the subject, he certainly should inquire whether the service requires it, whether the service as carried on with the existing force produces the results which it ought to produce; and I say myself that I do not believe it does. I believe that it has been rotten to the core, one-sided, grasping, avaricious in a certain way, which has not tended to benefit the other branches of the civil service of the Government to the extent that they ought to have been benefited by reason of this innovation; and I shall be glad to see it reorganized; I shall be glad to see it come under a different control; and I shall be glad to see it made more useful in the line of a truly non-partisan civil service reform for the Government. That is what I should like to see.

Mr. President, it has been made the shelter for the retention in office not of the best Republicans who were found in office by this Administration. I had hopes when the Democratic Administration came into power that it would remove a very large number of incompetents whom it found in office, persons who had come down from a former generation, persons whom Republican Administrations felt bound to provide for by sympathy, which ought to be disregarded in the public service; persons who had outlived their usefulness in the Departments and were incumbrances there. If the Democratic Administration had been whole-somely inclined, if it could have got away from the cant and hypocrisy of what has been called, and truly called, "snivel service reform," it would have removed a number of hundreds, if not a number of thousands of that class of persons from the public service, and replaced them with members of its own party or with useful people who might have

been provided through the means of a proper civil service.

The vital power of this whole institution is the President of the United States. He makes the rules and regulations, he gives them scope and verge, and the system has not had that direction which it ought to have had, and it has not done for the civil service of the United States what it might have done, and what it was intended to do, and what I hope hereafter, under a wiser management, it may do.

But, before I consent to go on in this blind way any longer, I want to see if we can not, under a new administration, get some additional grip upon it that will make it conform more to that which is practical, and that which is useful, and that which is really in the best sense

non-partisan.

Now, it happens that the recommendation of the Secretary of the Treasury in this particular case is discredited, because, if this increase of force is necessary at all, it is necessary because of the fact that since the election, at a very suspicious moment, near the time when this Administration was about to make its exit from public life, there were added to the classified service and put under the jurisdiction of the Civil Service Commission all the employés of the Post-Office Depart-If that service were left in the condition in which it was found by the Democratic Administration, no classification was necessary.

Mr. HAWLEY. The Senator means the postal railway service.
Mr. PLUMB. The postal railway service.
Mr. HAWLEY. He said "the Post-Office Department."
Mr. PLUMB. I have always supposed that was a part of the Post-Office Department. If it is not, let us call it something else.

Mr. HAWLEY. I do not know that the Senator understood me.

The Senator said the clerks of the Post-Office Department were put under civil-service rules. They have been there before. I suppose he referred to the railway postal clerks.

Mr. PLUMB. The Senator is now doing the service of the Demo-

cratic Administration.

Mr. HAWLEY. Why, Mr. President, I am merely asking a question for information. Have not the clerks of the Post-Office Department been under civil-service rules

Mr. PLUMB. I have got three or four paragraphs beyond that. I

am talking about something else now.

Mr. HAWLEY. We had not passed it at all.

Mr. PLUMB. I was saying that the Senator from Connecticut, in advocating the increase of the clerical force, following the recommendation of the Democratic Secretary of the Treasury, was making his contribution to the Democratic Administration's determination to embarrass the incoming Republican Administration. As I was proceeding to say, if that Administration, when it came in, had taken account of the railway postal service as it found it, and had carried on that service according to the manner in which it was carried on by its Republican predecessors, there would not have been the complaints, loud and long and well founded, which have filled this country from one end to the other during the past four years in regard to that service.

I can readily see how a Democratic Postmaster-General, contemplat-

ing the absolute inefficiency of that service to-day, might as a matter of despair have gone to the Civil Service Commission to make it better, but I am not going to give him credit for having done it from a motive of that kind. It was done for the purpose of embarrassing the Republican Administration, and the keeping in under some kind of arrangement a class of men who but for that would not be kept in at all, who are not knee-high in the qualifications proper for the useful adminis-

tration of the postal service of the United States.

Mr. GORMAN. Mr. President, I have no idea of defending the Civil Service Commission or any action that has been taken for the enlargement of its duties; but it is due to truth to say that this Administration in extending the jurisdiction of the Civil Service Commission after the election, between November and now, simply followed the example set by the last Republican Administration, when Department after Department, among others the Agricultural Department, was placed within the civil-service law by the act of the late President Arthur in less than twenty days before the expiration of his term. Therefore there is nothing unusual in that act. It is in the ordinary course of affairs as determined upon by both Presidents, and not for political

Mr. PLUMB. If the Senator finds a parallel in these two cases he is more acute than I. The Democratic Administration has had the benefit of the exercise of "offensive partisanship" of the most desperate character during three years and eight months of its Administration of the Post-Office Department, and coming to its death-bed, like the devil, it would be a monk. It might have with very great consistency and propriety, having had the benefit of that service, having run it in a manner which was entirely—I was going to say disgraceful—but inefficient to the last degree, it might have had the consistency and sense of propriety to have left that administration to be taken up by its Republican successor unembarrassed by the introduction of the operation of that branch into the classified service of the United States.

As I said, that has been done with the apparent purpose of preventing the incoming President from controlling that service for the benefit of the public by making proper removals of the incompetent persons who have been introduced into it during the past four years.

Mr. DANIEL. Will the Senator allow me to ask him a question?
Mr. PLUMB. Certainly.
Mr. DANIEL. Do the civil-service rules prevent the making of re-

Mr. PLUMB. They do not; but at the same time, according to a custom which has arisen, and which has furnished a shelter for these incompetent people, removals are not made with the facility they oth-

erwise would be, and from very proper considerations, and because there is not the certainty of the replacement of the person removed by a proper person to fill the place. A very important element in these matters, I may say to the Senator from Virginia, is that where a certain person ought to be removed because of his unfaithfulness or incompetency, if we have no control over the person to succeed him, we should hesitate a long time before taking the responsibility of removing him; and that is one of the embarrassments of the situation, and an embarrassment which the Democratic Administration to some extent has felt.

Mr. GORMAN. That is a failure of the law.
Mr. PLUMB. The Senator from Maryland says that is a failure of the law. Very well; if that is a failure of the law, then I say to the Senator from Connecticut that before we extend the operations of a bad law we had better see if we can not amend the law.

Mr. DANIEL. The Senator will allow me to ask if he can show us any way to disembarrass the incoming Administration by removing all the restrictions? I am in entire sympathy with his speech. I do not think the incoming Administration ought to be embarrassed, and I shall be most happy to support any amendment to the bill which will enable the incoming Administration to remove anybody and appoint anybody that they please to office. I should look upon it as a ray of light if he could show the way to do that thing.

Mr. PLUMB. The Senator is very kind indeed. He is nearly as kind as the Democratic Administration that is going out.

But I do not address myself to that question now or the amendment I simply say, for the purpose of what we are now considering, it is sufficient to assert, and it is not necessary to argue the question, that the Civil Service Commission has not performed in the matter of this class of persons introduced into the public service of the United States that which ought to be performed. I think it would have been a great deal better for the service, I think it would have left the outgoing Administration in a better condition before the country, if it had left the postal service under the legal conditions in which it was formerly, so that the new Administration coming in might have tried its hand at bettering that service. That service touches more people than any other portion of the public service; it is of more consequence. It is one in which they come to realize and see and appreciate the shortcomings more than they do anywhere else; and there is not a Senator on that side of the Chamber who can say that the postal service has been what it ought to have been during the past four years.

In saying that, I do not say there were not conditions under which the Democratic Administration assumed control of the Government and the men with whom it had to deal that made that failure to carry on properly this postal service to some extent mevitable. I am only speaking of facts. That being the fact, I do not want the Senator from Connecticut, I do not want anybody, to come in now and on the recommendation of the outgoing Secretary of the Treasury give effect to this extraordinary performance of the Democratic Administration, whereby the Republican Administration is to be hampered in its efforts to im-

prove the postal service of the United States

The Senator can not find in that, I think, any hostility to an honest and fair civil service. He may find in it some evidence that I do not think very well of the people who have been managing that service. About that I do not particularly care. He may find in that some evidence that I do not think the law in all its features is precisely what it ought to be, and I will join hands with him or anybody else in putting the service on the best possible basis, and in eliminating from it what is called in the ordinary sense partisanship; in other words, in establishing that condition of things in which the best possible transaction of the public service shall be the first concern, to which all other things shall be subordinate, and in which the advantage to party, except as it grows out of a better management of the service, shall be left out of account. If there is any better definition of civil service than that, I do not know it

Mr. HAWLEY. Mr. President, the Senator has frequently referred to the Senator from Connecticut, which was entirely unnecessary, in parts of his address, because I had also said previously that the law had been badly administered, that there were serious errors, not to use a stronger expression, in the administration of it by the Democratic

The Senator was so kind as to observe, in that soothing and gentle manner which characterizes him, that I was contributing with the Democratic party to the embarrassment of the new Administration. The Senator will observe, if he cares to be correct, that these appropriations and the amendment which I offered take no effect until the 1st of July next, when the new Administration will have been four

months in power. I sincerely believe the new President will endeavor to execute the law fairly and fully. I surely hope that he will do so.

The Senator from Kansas need not have addressed to me his criticisms concerning the act of the present Administration in putting the railway postal clerks for the first time under the civil-service rules. I think it was a mistake. I think the Administration might have found out nearly four years ago that it was an appropriate place for that body of clerks. It did find out four years ago when it came into power that there was not a body of men in the civil service of the Government any-

where equal in diligence, in faithfulness, and in severity of examination also to the railway postal clerks of the United States. I think it was about the best body of servants we had. I think that so far as its final excellences go half has been shorn away by the consistent course of removal for party purposes.

Mr. HOAR. Will the Senator from Connecticut allow me to make

a statement in the line of what he is saying?

Mr. HAWLEY. I shall be very glad to hear the Senator.

Mr. HOAR. I was told by a man of very high character and with the very best means of knowledge of the subject, in regard to recent appointments in the railway mail service in the New England States, the region where I live, that on inquiry being put to the new incum-bents, for whom the old faithful Republicans have been turned out, what had been their occupation in life previously to their being called to that service, the answer in a very large number of cases was that

they had been bar-tenders.

Mr. HAWLEY. There is no doubt whatever that about 90 per cent. of the railway postal clerks in New England—others can speak for their own sections—have been changed, and to a large extent to the detriment

of the service.

I did not attempt to justify the present Administration. I expressed my belief that it had committed errors; but that is not a practical con-

Mr. DAWES. If the Senator will allow me—
Mr. HAWLEY. I should rather the Senator would wait, but I will

give way to him.

Mr. DAWES. I wish to call the attention of the Senator to one other misfortune, and that is the adoption of the rule by this Civil Service Commission-

Mr. HAWLEY. I can not hear the Senator. Mr. COCKRELL. I should like to hear what is going on. The PRESIDENT pro tempore. Senators will be in order.

Mr. DAWES. I say that under the rule adopted by the Civil Service Commission no one of these competent clerks in the railway mail service who have been removed can be restored, at any rate, under a year.

Mr. HAWLEY. Well, sir, I am frank to say that if I were to become President on the 4th of March I would right that postal railway service if I cleaned the whole of them out in a day. It ought to be righted, and I know man after man turned out of the service who ought to go back, veteran soldiers and accomplished railway clerks who were to go back, veteran soldiers and accomplished railway clerks who were turned out for the sake of some fourth-class ward committeeman, and I say I am not embarrassed by any technicalities of law as to the duty of the Chief Executive in that matter. I would put the service where it was four years ago, and better it, too, if I could. I would perfect it. For my part, coming in as President, I would not care one farthing about the late order of the President putting them under civil-service. ice rules. I have no doubt it was intended to a large extent to save men who ought not to be saved, and I would not permit them to be

But this has nothing to do with the question before the Senate.

The Senator from Kansas can not involve me by saying that I am trying to represent the Democratic Administration to the embarrassment of the new one. I am only arguing to give the new Administration ad-

ditional strength to use their power for four years.

The Senator says I ought to inform myself about the real needs of the service before moving an amendment, and not move it simply because it is asked. I know two of the chief men of the four who have been there. I know one of the examiners very well, one of the commissioners, and the chief examiner, an old soldier from Connecticut. I know them well; I meet them frequently; I hear them talk; and, besides, my eyes are, in a measure, open to the general condition of the civil service anyhow. I did not make the motion simply because the suggestion was in the Book of Estimates. I made it because, whatever the defects of the present Administration, I wish the civil-service law to have a further full and fair trial, not in accordance with the letter, but in accordance with the spirit of it, demanding of every Cabinet officer and every chief of division and every man below a perfect service, whatever the rules are.

Mr. STEWART. Mr. President, I rise simply to say that I am not opposed to a proper civil service; I desire it; but I am absolutely and unqualifiedly opposed to the present system, because it excludes more competent men and women than it includes. After a man has arrived at an age when he is fit to enter the public service, and he has some specialty, such as accountant, copyist, or any other qualification which makes his services requisite and proper, he ought to be admitted for that reason and the Government ought to have the power to avail itself of his service just the same as a banker or a merchant has to obtain the best service. But where a general lot of conundrums, which it may or may not be necessary to know, probably not having any relation to the particular service, are put to the class, the best may be unable to answer and the poorest may accidentally hit upon it. The very best clerks and the very best persons qualified for the service under this system refuse to apply, because they say "I will have to go back to

school again and learn geography to be an accountant in the Treasury Department; I would have to learn something about history to be a copyist in the Treasury Department or any one of the Departments." Consequently the great mass of men and women who have special fitness for the service are excluded, and I am opposed to a system that excludes the best-qualified persons.

It seems to me that the Departments here are business Departments, and they should be conducted on business principles. If a banker or a railroad man desires a person for a particular employment he will call upon him and question him as to the kind of work he is to perform and set him at work on trial. If he is efficient in that direction he is employed. The Government has no such means of selecting men fit for the purpose, but a day is set, everybody goes, and those who happen to answer the questions, either being previously posted as to the run of things by some friend or by accident, get certificates. Then four of them are selected and presented to the appointing officer, one of whom he takes. This system excludes those best qualified. It is a system that would be repudiated by any business man in the United States, and it tends to put men in office by influences that are unknown and for

whose appointment nobody is responsible.

If there is to be a civil-service examination it ought to be conducted in the same way that a business examination would be conducted to obtain persons to fill business places. This whole system, it seems to me, is a fraud, a farce, and a delusion, and excludes from the public service as a rule those best qualified to fill the places. I am opposed to it, unless it is reduced to some rational business basis to ascertain the qualification for office, so that we can have in the public service men qualified to fill the places, and is not left to jugglery in the examinations.

#### INTERSTATE COMMERCE.

Mr. CULLOM. I rise to submit a conference report. The PRESIDENT pro tempore. The Chair will receive it. Mr. CULLOM submitted the following report:

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (8, 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And the commission is hereby authorized and required to execute and enforce the provisions of this act; and, upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and to prosecute, under the direction of the Attorney-General of the United States, all necessary proceedings for the enforcement of the provisions of this act, and for the punishment of all violations thereof; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And the House agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"And the House agree to the same.

That as to the amendments numbered 3 and 7 the committee of conference are unable to agree.

S. M. CULLOM, O. H. PLATT, ISHAM G. HARRIS, Managers on the part of the Senate. CHARLES F. CRISP, A. R. ANDERSON, CHAS. O'NEILL, Managers on the part of the House.

The PRESIDENT pro tempore. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. CÛLLOM. I move that the Senate insist upon its amendments that are not agreed to, numbered 3 and 7, and ask for a further conference thereon

Mr. SAULSBURY. I was going to ask a question before the vote was taken upon concurring in the report. If I understood one of the amendments it provides that the commissioners shall institute proceedings themselves in their names. Did I understand it correctly?

Mr. CULLOM. No, not exactly so. It follows the law as it has

been heretofore. Mr. SAULSBURY. There has been no change of the law in that

Mr. CULLOM. No, sir; not at all.

The PRESIDENT pro tempore. That the question may be fully understood the message of the House of Representatives will be read. The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 4, 1889. Resolved, That the House insists upon its amendments numbered 3 and 7 to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Crise, Mr. Anderson of Iowa, and Mr. O'Nelle of Pennsylvania be the managers of the further conference on the part of the House,

Mr. SHERMAN. I should like to have those amendments read,

for I desire to move that the Senate recede from one of the amend-

The PRESIDENT pro tempore. The amendments will be read. The CHIEF CLERK. On page 6, line 2, after the word "act," add the following proviso:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

Mr. SHERMAN. That is the third amendment of the House, as I

The PRESIDENT pro tempore. It is amendment numbered 3.

Mr. SHERMAN. I move that the Senate recede from its disagreement to that amendment.

Mr. CULLOM. I hope that will not be done. I think it would be the beginning of the breaking down of the act if we should commence system of special legislation in connection with this bill, such as is, I think, incorporated in the provision that has just been read.

I desire to say to the Senator from Ohio that the subject is all before the Interstate Commerce Commission, and that commission has been the Interstate Commerce Commission, and that commission has been making decisions which I think practically reach the very thing the Senator, as I suppose, desires, but whenever we commence to legislate about one particular thing in a general act to regulate interstate commerce we shall have to extend the act to every other item of business that anybody is engaged in, so that I think it would result in breaking down the law in all probability.

Mr. SHERMAN. I think I can make a very brief statement which will show the ground upon which I base this motion.

By the present system of conducting the transportation of oil in tanks.

By the present system of conducting the transportation of oil in tanks in the cars of the Standard Oil Company, there is as complete a monopoly in the business of transporting oil and as total a destruction of the ordinary mode of transporting it in barrels as existed at any time before the passage of the act of which this is an amendment. The provision of the House amendment is in the line of the legislation in regard to interstate commerce. It declares that no discrimination shall be made in favor of transporting oil in oil-tanks furnished by a particular company. No other company in the country probably has the capacity or the ability to transport oil in that way except this company, and it is a discrimination against the smaller dealers, who are compelled from the necessity of the case to transport their oil in wooden barrels.

The whole purport of the House provision in the light of this ex-

The whole purport of the House provision in the light of this explanation is that no discrimination shall be made against those persons who are compelled by the necessities of their trade and business to transport oil in wooden barrels instead of iron tanks furnished by a particular company, because if that can not be so, and if the discrimination shall be made in favor of this great company which controls the great body of the business in oil, as a matter of course the smaller companies who are compelled to compete at this disadvantage will be driven out of the market, and there is then an absolute monopoly in the transportation of oil.

It must be remembered also that this same company has what are called pipe lines of transit by which it transports oil great distances by the simple flow of the oil by gravitation. No others without large capital can compete with them in this mode of transportation. To that extent they have now a very great advantage given to them by their enormous capital and by their combinations. But there are persons engaged in the production of oil, especially in my own State, men who in the ordinary course of business are compelled from the necessities of the case to put the oil in barrels, because, in the first place, they have not the capital to buy cars and equipment stock for railroads to be rented out on special contract, nor can they be expected to do it.

If no one can engage in the business of transporting oil except those who own their own tanks, as a matter of course it is as complete a monopoly, as I said a moment ago, as you could possibly imagine; and in this mode of conducting this business of transportation the great company that has the natural advantage and superiority in capital and strength is enabled to drive all others out of the business, and in the end will make its own prices in its own way. It is one of those com-binations, one of those advantages, which capital gives.

All that the House sought to correct by this provision is simply to provide that no higher rate shall be charged on oil transported in barrels than in tanks. It does seem to me that it is a just and proper provision in the very line of the measure which my friend from Illinois

has fathered and carried through successfully.

If this provision is made, then as a matter of course the commissioners charged with the execution of the law will make regulations to see that no injustice is done. Without some such restriction you might as well simply put into your law a provision that but one company shall transact business in oil in this country, and that no other company shall transport it unless they are rich enough and strong enough to make special contracts with railroad companies, and to carry oil in expensive tanks and with the machinery furnished by the producers of the oil.

I have looked at it with care. I do not wish to interfere with this bill. I am in favor of the bill in all its parts, and I think this provision of the House is one of the most important and wide-reaching provisions of the bill, and it ought to be promptly agreed to. Nor do I think that the House will recede from it, because it was there debated and they understand it fully and know exactly where the shoe pinches.

Mr. PLATT. Mr. President, the amendment of the House is practically the decision of the Interstate Commerce Commission in a case made before them between Mr. Rice and the Standard Oil Company. The object of the provision is to make it a penal offense if the decision of the commission is not complied with. There are provisions in the bill to which this is an amendment by which the decision of the Interstate Commerce Commission can be enforced, and I understand that now practically there is no claim made that that decision has not been complied with.

Mr. SHERMAN. Why not agree to it, then?
Mr. PLATT. I will come to that in a moment. Indeed, I happened by chance this morning to meet one of the members of the Interstate Commerce Commission, who of himself said that the whole matter was working well, and that he thought in a short time under the operation of the law there would be no friction whatever in relation to the transportation of oil. My objection to the amendment is that stated by the chairman of the Committee on Interstate Commerce and the chairman of the conference committee, that it is wrong in principle for us here in Congress to attempt to say what shall be a discrimination in regard to the methods of transporting any particular article of merchandise in any particular manner in railroad cars.

Mr. HOAR. Will the Senator allow me to ask him a question? He says that it is wrong in principle. Is it not in strict conformity with the principle on which the interstate-commerce act was framed?

Mr. PLATT. It is not. It is directly in opposition to that principle, the principle of the interstate-commerce act being that there shall be no discrimination in the transportation of products, that the question whether there has been discrimination shall be referred to the Interstate Commerce Commission to decide, and that Congress is not to decide in a specific instance what is a discrimination. That is the principle of the act, and this provision of the House is an absolute departure from it, and I think is vicious.

I am aware that when any one says that the Standard Oil Company has been doing something there is immediately felt to be a disposition has been doing something there is immediately left to be a disposition to curb the operations of the Standard Oil Company. But this is a thing which reaches a good deal farther than the Standard Oil Company. The principle, if adopted in this amendment, will not stop here, but Congress will be appealed to year after year and month after month to declare that the method of transporting other articles and the charges which shall be put upon the different modes of transportation of other writeles are a discrimination and should replied the particles. articles are a discrimination and should subject the party to punishment if indulged in. So if we say it with regard to oil, we shall be obliged when some one comes and says that a railroad company is not carrying wheat in one way at the rate which it ought to carry it, or when it carries it in another way, to make a law which tells what shall be a discrimination in the charges and in the manner of the transporta-

tion of wheat; and so with regard to every other product.

If we want to get the advantage of the law, it has been my opinion that we should stand by the principle upon which it was enacted and leave to the commission the question whether discriminations existed, whether a charge put upon an article transported in one method was a whether a charge put upon an article transported in one method was a discrimination, considering that it was transported at another price by another method. If Congress is to deal with that it will have its hands full, and it will result, in my judgment, as suggested by the chairman of the Committee on Interstate Commerce and the chairman of the conference committee, in breaking down the law.

What the interstate-commerce law needs more than anything else, in my judgment, is to be let alone for the present until the commission has had a full opportunity to administer it, and to remedy by the administration of the law the evils which existed at the time the law was

I can think of numerous products where parties might come to Congress with the same propriety and ask that a law should be enacted providing that a product transported in one way should pay no more per pound, per bushel, per gallon, per barrel, or per hundred than when transported in another way, as, for instance, where people are engaged in the manufacture of charcoal iron. I speak of that because I have seen the immense cars in which they transport their charcoal, that might hold, I suppose, a thousand bushels of charcoal, owned by the parties who are making the charcoal iron. Some other man who is making charcoal iron in a small way, and who has no such cars, might with the same propriety come to Congress and say that he should be charged no more per bushel when he puts his charcoal into a common box-car than were the others charged who furnished these immense cars. Perhaps were the others charged who infinished these limited ears. Fernaps that is right, but if it be right, it is better to leave it to the commission to determine what is right, what is fair, what is equal, than in every instance where somebody feels that he has been discriminated against to pass an act of special legislation that as to that particular product the rates of transportation shall be thus and so, however it may be transported—that charcoal shall be transported for so much a bushel,

that wheat shall be transported for so much a hundred, that oil shall be transported for so much a gallon, and that beef shall be transported for so much a hundred, whether dressed or alive. If Congress will let the commission alone it will, in my judgment, bring order out of the chaos which existed when the law was passed and satisfy the wishes of the country in regard to the transportation problem.

As I said before, if the Standard Oil Company has been doing anything wrong, I am the last man to justify it. If it has been oppressing anybody, I am the last man to justify it. But in our desire to do justice as against the Standard Oil Company, it would be folly to engage in an act of legislation which is purely special in its character and not general, and which would lead, as it seems to me, to more evils than it would to leave the matter even without adjustment and remedy.

But there is no occasion for it, because the complaint which existed when the amendment was proposed is, I understand from the commission itself, largely removed, and in the opinion of the commission will be entirely removed at no distant day.

Mr. SHERMAN. Mr. President—
Mr. RIDDLEBERGER. I ask the Senator from Ohio if he will yield

to a motion to go into executive session in order to remove the injunction of secrecy

Several SENATORS. It is too late.

Mr. RIDDLEBERGER. It is not too late. It will only take a few

Mr. SHERMAN. I wish to say only a few words more in regard to this matter. I have now the proposition before me, and if my friend will excuse me I wish now to make a statement.

I will state the grievance as I understand it. In Ohio, in West Virginia, and in some parts of Pennsylvania there are still some persons transporting oil either in its natural state or in the refined state, and they are compelled by necessity, as a matter of course, to transport it in barrels made in the neighborhood. I have not arraigned the Stand-ard Oil Company; they are only doing what business men may do when they get an advantage. They, however, have devised a new mode of transporting oil in tanks. They find it to their interest to make these tanks and furnish the equipment, the car with the great tanks which all Senators have seen. They carry their oil in these tanks. It is shown, I believe, at least the statement is made to me that it was shown in proof, that the weight of the tank is a great deal more than the weight of barrels containing the same quantity of oil; and yet they furnish to the railroads these tanks and the railroads carry the tanks back and forth, returning them free of cost.

Mr. PLATT. As much as the cars with

Mr. PLATT. As much as the cars with the barrels in them?
Mr. SHERMAN. I am not sure about that. At any rate the thing
that contains the oil which is transported over the railroads weighs more pounds than the barrels that contain the same quantity. the discrimination is made so as practically to destroy the business of every person engaged in this industry, unless he can own the tanks together with the cars upon which they rest, and will furnish them to the railroad companies free of cost, and in return he gets free transportation for the railroad car going and coming, whether empty or full. That is the grievance complained of; but whether it be truly stated or not, the simple provision in the House bill, stricken out in the Senate without my knowledge or I should have called attention to it before, although I probably was not here—
Mr. PLATT. The bill was amended in the other House.
Mr. SHERMAN. They substitute their section for the Senate sec-

Mr. PLATT. It is an amendment made by the other House to our bill

Mr. SHERMAN. It is not printed here in italics. That is all I know about it. Let me read the provision. I think it contains as fair and proper a proposition as can be made:

That it shall be unlawful for any common carrier subject to the provisions of this act to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case,

Mr. HISCOCK. Will the Senator from Ohio tell me what he under-

stands the last clause means, that "said tank and cylinder and said wooden packages and barrels" shall be carried free?

Mr. SHERMAN. It means, as I understand it, that the railroad companies do not charge for transporting these tank-cars either way, going or coming, while they do charge the small dealers who have to put their product in barrels. They charge them on the barrels in moving one way, and when the barrels are returned empty they are charged again. That is said to be the discrimination, and this provision simply declares that that discrimination shall not be made. It seems to me that it is exactly according to the spirit and object of the law. It is a wise provision, carefully inserted to meet the particular cases that actually occur and that are occurring every day. I hope, therefore, that the Senate will recede from its disagreement to the House amendment and let the provision stand as it appears in the print of the bill

Mr. HISCOCK. I should like to inquire of the Senator from Ohio if he knows whether that provision would be just or not?

Mr. SHERMAN. I can only say that from my sense of justice it

would be very just.

Mr. HISCOCK. In the Senator's judgment it is just, if they carry the cylinders free, that they should carry wooden packages and barrels

Mr. SHERMAN. Certainly. Why not?
Mr. HISCOCK. Do not the tanks take up a great deal more room?
Mr. SHERMAN. Not at all.
Mr. HISCOCK. The iron tank weighs more than the barrel. It may take up the whole room; but empty barrels do not take up much

Mr. SHERMAN. But the iron tank is in the place of the car. It

takes the place of the car.

Mr. PLATT. The iron tank with the oil in it does not weigh as much as the ordinary car with barrels containing the same amount of

Mr. HISCOCK. I think whatever is done should be done understandingly.

Mr. SHERMAN. This provision was carefully prepared with a view

to make exact charges.

Mr. HISCOCK. In the first place, of course the tank is a car prac-

Mr. HISCOCK. In the first place, of course the tank is a car practically by itself.

Mr. SHERMAN. No; it must have the same wheels.

Mr. HISCOCK. Certainly, but it answers as the box of the car. It is a whole car by itself. In the event of another car going back, it goes back partly loaded with barrels or entirely loaded with barrels, and without regard to their weight and without regard to the space they may take up. You compel the company, as I understand the provison to mean, to carry those packages free without knowing, as it seems to me, whether they can be carried as cheaply or not.

Mr. SHERMAN. All I know is from these printed statements. The statement is made that the iron tank in which the oil is contained

weighs more than the barrel, and the iron tank is returned on cars,

furnished, it is true, by the shipper.

Mr. SPOONER. May I ask the Senator a question? Is not that somewhat counterbalanced by the fact that they do not have to handle them, whereas they do have to handle barrels?

Mr. SHERMAN. They require the shipper in every case to loa! the

cars

Mr. SPOONER. And unload them?
Mr. SHERMAN. Yes, sir; that is the way. They deliver in carads. This oil is probably carried in car-loads, not in single tanks.
Mr. SPOONER. I understand that, but a car loaded with barrels

has to be loaded and unloaded.

Mr. SHERMAN. I understand in both cases the shipper is required to load the cars. In one case they empty the car by a screen and in the other case they furnish the barrels and load the cars.

Mr. HISCOCK. I ask the Senator if he thinks it would make any

difference whether there may be an entire load or part of a load?

Mr. SHERMAN. This provision only applies to where there is a full load, a car-load. It does not apply to where they transport 2, 3, 4, or 5 barrels, but only where the shipment is by car-loads. There is no injustice in this provision.

Mr. SPOONER. Will the Senator allow me to ask another questions.

tion? Is there not much greater risk to the carrier from fire where oil is carried in casks or barrels than when it is carried in tanks?

Mr. SHERMAN. I do not know how that is, but I take it as a matter of course that the person who sends this perishable property will take his own insurance.

Mr. SPOONER. But the railroad company, for instance, has a train of cars. One may be loaded with valuable freight of one kind, another with freight of another kind, and in that train there may be a care loaded with oil-barrels. Would not there be more danger in such a case?

Mr. SHERMAN. If a railroad company chooses to carry such a thing as oil in an ordinary merchant train, it is a great fool; that is all

I have to say. Mr. BLAIR.

Mr. President-

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. SHERMAN. Oh, yes; I will yield.
Mr. BLAIR. I merely rise to ask the interference of the Chair. I believe the little snatches I get of the conversation going on among Senators are very interesting, and as they bear, I think, upon the bill, I should have been glad to hear what was being said. It was only with that view that I addressed the Chair.

The PRESIDENT pro tempore. Business will not be resumed until the Senate is in order.

Mr. CULLOM. Mr. President—
Mr. PADDOCK. I move that the Senate adjourn.
Mr. RIDDLEBERGER. Will the Senator allow me to make a mo-

The PRESIDENT pro tempore. The Senator from Illinois [Mr. Cul-LOM] is entitled to the floor, having been recognized by the Chair.

Mr. RIDDLEBERGER. I move that the doors be closed and the Senate proceed to the consideration of executive business

Mr. CULLOM. I have the floor, I believe, under the decision of

Mr. RIDDLEBERGER. I thought my motion was privileged. I beg pardon if I was mistaken.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Virginia?

Mr. CULLOM. Mr. President, if there is a disposition to debate this subject very long, I should be inclined to yield. If there is not, I should like to have it disposed of, so that we can go on with the appropriation bill. I want to say but a few words.

It is suggested that there is probably not a quorum in the Senate,

The PRESIDENT pro tempore. If the absence of a quorum is suggested it becomes the duty of the Chair to order a roll-call.

Mr. CULLOM. I will yield the floor to the Senator from Nebraska to move an adjournment.

Mr. PADDOCK. I move that the Senate adjourn.

Mr. WILSON, of Iowa. Will the Senator allow me to give a notice? Mr. PADDOCK. I yield for that purpose.

Mr. WILSON, of Iowa. I desire to give notice that on Thursday, if it will be convenient in the progress of the business of the Senate, at the close of the formal morning business I shall call up Calendar No. 714, being the bill (S. 1067) relating to imported liquors, in order to submit some remarks.

Mr. RIDDLEBERGER. I move that the doors be closed and that

the Senate now proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Nebraska had previously moved to adjourn, but yielded to the Senator from Iowa to give a notice. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. PADDOCK. Not for that purpose. I think the Senate had

better adjourn.

The PRESIDENT pro tempore. Before submitting the motion, the Chair lays before the Senate the unfinished business, being Senate bill 3401, in relation to the Pacific railroads. The Senator from Nebraska moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 6, 1889,

at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 5, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved. PUBLIC BUILDING AT FORT SCOTT, KANS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation for terrace, wainscoting, and tiling in the public building at Fort Scott, Kans.; which was referred to the Committee on Appropriations, and ordered to be printed.

BALANCES, SUBTREASURY, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending a deficiency appropriation for the purpose of adjusting certain unavailable balances carried on the books of the assistant treasurer at New York; which was referred to the Committee on Appropriations, and ordered to be printed.

WATER SUPPLY, FORT D. A. RUSSELL.

The SPEAKER also laid before the House a letter from the Secre-The Steakers also had before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for the completion of the water supply of Fort D. A. Russell, Wyoming Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia forces of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

CHANNEL OF THE MISSISSIPPI AT ROCK ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of an examination and survey of the channel of the Mississippi at Rock Island, Ill.; which was referred to the Committee on Rivers and Harbors.

DEFICIENCY, GOVERNMENT PRINTING OFFICE.

The SPEAKER also laid before the House a letter from the Public Printer, transmitting an estimate of deficiency and urgent appropriations required for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed. PAYMENT OF CHEROKEE FREEDMEN, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying papers, a draught, and recommending the passage, of a resolution providing for ascertaining who are entitled to share the appropriation made by the act to secure to the Cherokee freedmen the proceeds of lands under the act of March

Mr. PEEL. I ask that the joint resolution recommended to Congress in this communication be now taken up and put on its passage. The SPEAKER. The proposed joint resolution will be read.

The Clerk read the joint resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BUCHANAN. How does this matter come up?
The SPEAKER. The Chair laid before the House a communication from the Secretary of the Interior inclosing this resolution, and recommending its passage. The gentleman from Arkausas [Mr. Peel] asked unanimous consent that the resolution be considered now, and it was

read for the purpose of ascertaining whether there was objection.

Mr. BUCHANAN. Reserving the right to object, I will ask the gentleman from Arkansas [Mr. Peel] one question. Does not this resolution provide in effect for the Government retaining out of this \$75,000 fees for attorneys and lobbyists who have been advocating this

Mr. PEEL. The resolution authorizes the Secretary of the Interior to ascertain to whom the money is owing and to pay it, together with such legal attorneys' fees as he finds are just.

Mr. BUCHANAN. The matter had better come up in its regular

The SPEAKER. The gentleman from New Jersey [Mr. BUCHANAN] objects. The communication will be referred to the Committee on Indian Affairs and ordered to be printed.

#### GENERAL WILLIAM F. SMITH.

The SPEAKER also laid before the House the bill (H. R. 9396) for the relief of General William F. Smith; said bill having been returned from the Senate with an amendment.

Mr. KELLEY. I ask unanimous consent that the House concur in the amendment of the Senate to this bill.

The amendment of the Senate was read, as follows:

Page 1, line 4, strike out "colonel" and insert "major of Engineers."

There being no objection, the amendment of the Senate was concurred in.

Mr. KELLEY moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT LA CROSSE, WIS.

The SPEAKER also laid before the House the bill (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.

Mr. THOMAS, of Wisconsin. I ask unanimous consent that this

bill be considered at the present time.

Mr. CLARDY. I would like to yield to gentlemen all around me who desire to bring up matters by unanimous consent; but as soon as the Chair has disposed of matters regularly in order I must call up the

privileged report which comes over from yesterday.

The SPEAKER. That is equivalent to an objection.

Mr. THOMAS, of Wisconsin. Can not this bill be retained on the Speaker's table?

The SPEAKER. The Chair will withhold the bill, if there be no objection.

There was no objection.

## THOMAS WYNNE.

The SPEAKER also laid before the House the bill (S. 3116) granting an increase of pension to Thomas Wynne, said bill having been returned from the Senate with the message that the Senate disagreed to the amendment of the House and requested a conference.

Mr. MORRILL. I move that the House insist on its amendment

and agree to the conference asked by the Senate.

The SPEAKER. This bill has reached the privileged stage. If there be no objection, it will be understood that the House insists on its amendment and agrees to the conference requested by the Senate. The Chair hears no objection, and it is so ordered.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Allen, of Mississippi, indefinitely, on account of sickness. To Mr. Grosvenor, indefinitely, on account of important business. To Mr. Washington, for a few days, on account of sickness in his

To Mr. BAYNE, till Thursday next. Mr. DOCKERY. I ask that my colleague from Missouri [Mr. WAR-NER] be granted leave of absence for ten days, on account of important

There being no objection, leave was granted.

#### WITHDRAWAL OF PAPERS.

Mr. JACKSON, by unanimous consent, obtained leave to withdraw from the files, without leaving copies, papers in relation to the bill (H. R. 3221) to remove the charge of desertion from the record of William P. Witherow and grant him an honorable discharge

Mr. CROUSE, by unanimous consent, obtained leave to withdraw from the Committee on War Claims papers in the case of Sallie Hardman, claimant for compensation for services, rent, etc., under the operation of the Freedmen's Bureau.

## REPRINTING OF A REPORT.

The SPEAKER. The gentleman from Montana [Mr. Toole] asks unanimous consent that the reportupon House bill No. 7777, to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes, be reprinted. It appears that the report has been lost. If there be no objection, this order will be made.

There was no objection, and it was ordered accordingly.

#### ESTATE OF AUGUSTIN DE YTURBIDE.

The SPEAKER. The gentleman from Vermont [Mr. STEWART], by instruction of the Committee on the Judiciary, asks that the bill by instruction of the Committee on the Judiciary, assist that the Shi (H. R. 5818) to authorize the United States district court for the northern district of California to proceed in the case of the executors and heirs of Augustin de Yturbide, deceased, appellants, against the United States, appellees, and hear and determine the same on its merits, be recommitted to the Committee on the Judiciary, the bill having been reported adversely.

There being no objection, it was ordered accordingly.

#### ENROLLED BILL SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 300) for the relief of the trustees of the First Baptist Church at Smithland, Ky.

#### SUNDAY-REST BILL.

Mr. BUTTERWORTH. Mr. Speaker, I ask unanimous consent to have published in the RECORD a memorial in behalf of the Sunday-rest bill. I have been asked to present it, and have sought an opportunity for several days to do so. It is quite short.

The SPEAKER. Without objection the memorial will be printed in the RECORD.

There was no objection.

The memorial is as follows:

A memorial on the Sunday-rest petition.

To the House of Representatives:

As the field secretary of the American Sabbath Union, officially constituted by action of the Methodist General Conference (North), the Presbyterian General Assemblies (North, South, and "United"), and the Reformed (Dutch) Church, I wish to put on record, in connection with the presentation of petitions from all parts of the country for a Sunday-rest law, several important facts that should influence your honorable body in their favor:

1. The forms of petition have varied somewhat, but are substantially like the following:

BILL, TOWN OF CONGRESSIONAL DISTRICT, STATE OF NUMBER OF PETITIONERS \_\_\_\_\_, F of ----, COUNTY OF

To the House of Representatives of the United States:

The undersigned, adult residents of the United States, twenty-one years of age or more, hereby earnestly petition your honorable body to pass a bill forbidding, in the nation's mail and military service, and in interstate commerce, and in the District of Columbia and the Territories, all Sunday traffic and work, except works of religion and works of real necessity and mercy, and such private work by those who observe another day as will neither interfere with the general rest nor with public worship.

Name (prefix Mr., Mrs., or Miss).

Occupation.

Duplicate for the Senate,

2. In the early stages of petitioning the petitions were single and addressed

"To the Senate and House of Representatives," so that there are many thousands of names in the custody of the Senate of which we have no duplicates to
present in the House, among them the letter of Cardinal Gibbons indorsing the
bill, which is in the custody of the Senate Committee on Education and Labor.
It may be found on page 18 of Senate Miscellaneous Document No. 43, Fiftieth
Congress.

3. The petitions have not been set to the senate Miscellaneous Document No. 43, Fiftieth

Congress.

3. The petitions have not been pushed chiefly by ecclesiastical bodies but by ladies and laymen and labor organizations, the Brotherhood of Locomotive Engineers and Knights of Labor having indorsed the petition, after extended discussions, both nationally and locally.

4. In gathering the petitions Mrs. J. C. Bateham and the Sabbath-observance department of the Woman's Christian Temperance Union have taken the leading part, ably seconded by Hon. E. P. Lord and the Illinois Sabbath Association, to whose efforts I have added my own, first as an individual, and more recently as an officer of the American Sabbath Union.

5. The petitions represent about seven millions of Protestants, besides the Catholic cardinal, whose indorsement at least precludes the opposition of his loyal followers, who also number seven millions.

6. Almost as significant as the monster petition is the fact that tens of thousands have written letters to Senators for copies of the recent hearing on the Sunday-rest bill, a demand greater than even the concurrent resolution for 32,600, which we trust you will pass, could supply.

7. The lack of any Sunday law at present in the District of Columbia is one of many reasons why the passage of a Sunday-rest law should be passed at this

Respectfully.

WILBUR F. CRAFTS.

WASHINGTON, D. C., January 31, 1889.

## · MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that it insisted upon its amendments to the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, disagreed to by the House, and requested a conference, and that it had appointed as conference. ees on its part Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

#### ORDER OF BUSINESS.

Mr. CLARDY. I demand the regular order, and call up the confer-

ence report.

Mr. MAISH. Pending that I ask that leave be given to members to file reports

Mr. SPINOLA. I wish to submit a resolution.
Mr. CLARDY. I will suggest that leave be granted to file reports, including resolutions, for reference.

There was no objection, and it was so ordered.

## FILING OF REPORTS.

The following reports and resolutions were filed by being handed in at the Clerk's desk:

#### BRIDGES ACROSS MISSISSIPPI RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 12059) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### DENISON AND WASHITA VALLEY RAILWAY.

Mr. HARE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 12141) to amend section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. NELSON, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation in the State of Minnesota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## GEORGE HASKIN.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6341) to correct the military record of George Haskin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## BIG HORN SOUTHERN RAILROAD COMPANY.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 12151) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer reservation, Montana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## STATE OF ILLINOIS AGAINST THE UNITED STATES.

Mr. ADAMS, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 8028) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## AMENDMENT OF STATUTES.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, re-ported back with amendment the bill (H. R. 12130) to amend an act of March 3, 1879, chapter 183 (Supplement to Revised Statutes, page 464, paragraph 2); which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8381) to amend section 3 of the act approved March 1, 1887, entitled "An act to organize the hospital corps of the Army of the United States, to define its duties and fix its pay; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

POST-OFFICE, ST. PAUL, MINN.

Mr. NEWTON, from the Committee on Public Buildings and

Grounds, reported with amendments the bill (S. 1574) for the erection of a post-office building at St. Paul, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ESTHER GOULD.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 3819) granting a pension to Esther Gould; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### PUBLIC PARK, ST. AUGUSTINE, FLA.

Mr. WHEELER, from the Committee on the Public Lands, reported back favorably the bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### WILLIAM B. STOKES AND OTHERS.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (S. 2948) for the relief of William B. Stokes, M. M. Brien, sr., Thomas Waters, and William T. Haskins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### PATRICK GERAGHTY

Mr. HUNTER, from the Committee on Invalid Pensions, reported a bill (H. R. 12506) granting an increase of pension to Patrick Geraghty; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MARIA A. ROUSSEAU.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3713) granting increase of pension to Maria A. Rousseau; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ELIJAH W. PENNY.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with the amendments of the Senate the bill (H. R. 2261) to increase the pension of Elijah W. Penny; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MRS. R. S. HORTON.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back with the amendments of the Senate the bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## A. R. SMITH.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 4790) to remove the charge of desertion from the military record of A. R. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## RATIFICATION OF AGREEMENT WITH INDIANS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, reported back favorably the bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## RETIREMENT OF OFFICERS, UNITED STATES NAVY.

Mr. WISE, from the Committee on Naval Affairs, reported back favorably the bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## THOMAS A. COAKLEY.

Mr. SPINOLA submitted the following resolution; which was referred to the Committee on Accounts:

Resolved. That the Committee on Appropriations be authorized to provide in the general deficiency bill for the salary of Thomas A. Coakley, who was appointed a messenger in the House by resolution adopted January 19, 1888, from March 4, 1889, to the beginning of the first session of the Fifty-first Congress.

## FUR-SEAL FISHERIES OF ALASKA.

Mr. DUNN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 10,000 extra copies of the testimony taken and the report made by the Committee on the Merchant Marine and Fisheries upon the investigation of the fur-seal and of other fisheries of Alaska be printed, to be distributed as follows: The Executive Departments, Fish Commission, House of Representatives, and the Senate.

## CENTENNIAL EXPOSITION OF OHIO VALLEY.

Mr. BUTTERWORTH introduced a joint resolution (H. Res. 261) providing for payment of expense of auditing accounts of matters of the Centennial Exposition of the Ohio Valley, etc.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORT OF COMMISSIONER OF LABOR.

Mr. RICHARDSON introduced a joint resolution (H. Res. 262) authorizing the printing of 39,000 copies of the fourth annual report of the Commissioner Labor; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

#### JAMES H. ORR.

Mr. STONE, of Kentucky, introduced a bill (H. R. 12505) granting a pension to James H. Orr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## APPROVAL OF A BILL.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had on this day approved and signed an act (H. R. 1785) to authorize the commissioners of the District of Columbia to permit the temporary occupation and crossing of certain streets in the city of Washington and District of Columbia by the tracks of the Baltimore and Ohio Railroad Company, to meet the demands of increased travel incident to the inaugural ceremonies on the 4th of March, 1889.

#### THOMAS WYNNE.

The SPEAKER announced the appointment of conferees on the disagreeing votes of the two Houses on the bill (S. 3116) granting an increase of pension to Thomas Wynne, as follows: Mr. Lane, Mr. French, and Mr. MORRILL.

## MARITIME CANAL COMPANY OF NICARAGUA.

The SPEAKER. The regular order is demanded by the gentleman from Missouri, and the question is on agreeing to the report of the committee of conference.

Mr. BLAND rose.

Mr. CLARDY. I reserve the balance of my time.
Mr. COBB. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from Mis-

Mr. BLAND. I rose for the purpose of claiming the floor to discuss the pending question. I do not wish, however, to take the gentleman from Alabama off the floor at this time.

from Alabama off the floor at this time.

Mr. COBB withholds his remarks for revision. [See Appendix.]

Mr. RAYNER. Mr. Speaker, this is a very interesting, instructive discussion. If it had taken place about sixty-five years ago I think perhaps it might have attracted the attention of the country to some extent. I must say if I was a judge sitting on this case to decide between the gentleman from Alabama [Mr. COBB], who has just finished his remarks, and his colleague [Mr. OATES], who seems to be on the other side of the Constitution on this matter, I would be compelled to decide against both of them. [Laughter.] I would give a verdict against the defendant as well as against the plaintiff.

I thought that this question had been closed in this House as to

I thought that this question had been closed in this House as to whether or not Congress had the constitutional power to incorporate this company; but whether it has been closed in this House or not, in view of what we know, it is absolutely unnecessary to refer to the decisions of the Supreme Court rendered half a century ago, when staring us right in the face within the last year we have decision after decision that an act of this sort is constitutional and comes directly within the power of Congress to regulate commerce between the States. the power of Congress to regulate commerce between the States

I do not think this is a proper place to discuss propositions of law, because you can not get enough time to discuss them properly. I only want to call the attention of the House to the last case, where a decision was recommended some sixty-four years after the decision upon which my learned friend seems to have founded his argument.

Mr. COBB. Sixty-four years after the decision of the Supreme Court in the legal-tender cases, in which Chief-Justice Chase took the very

ground which I have assumed?

Mr. RAYNER. The legal-tender cases have no possible bearing on the question. The question before the House is this: There is no use of our arguing powers of Congress under the Constitution of the United States. We are a Government of enumerated powers, and this Congress

States. We are a Government of enumerated powers, and this Congress has no authority to pass a law for which it does not find authority in the Constitution of the United States. Is there any lawyer on this floor who does not understand that proposition? Any act we may pass that we can not trace to some provision of the Constitution of the United States is unconstitutional and void.

Why, my friend, what is the power of the States? I will ask the gentleman from Massachusetts, for instance, what is the power of the Legislature of Massachusetts? They can pass any statute that is not prohibited by the constitution of that State. Every State and every Commonwealth within this Union has the right to pass any law that is not interdicted by the constitution of the State in which the law is passed. What is the Government of the United States? We have no

right to pass any law that is not authorized by the Constitution of the United States. That is a distinction that is necessary without referring to the legal-tender cases or any other cases. That is the well-defined distinction between the powers of a State and the powers of the General Government.

The power of the Government is a power derived from the Constitution, and when you legislate here you must trace every act you legislate upon to some provision which is contained in the Constitution of the United States. But when the Legislature of Vermont, for instance, incorporated this company it was not necessary for the Legislature of Vermont to look at its constitution to see whether the constitution of Vermont authorized it to incorporate this company. The question was, did the constitution of Vermont prohibit their incorporating this company, and if it did not prohibit it they had the right to incorporate it. This fundamental distinction is laid down in the case of Gibbons against Ogden, and subsequently in the case of McCullough vs. The State of Maryland, and repeatedly in subsequent cases. There is no use of going into an abstract constitutional proposition now, half a century after this question has been decided.

The proposition, Mr. Speaker, that I advance to the House is this: That under the Constitution of the United States Congress has the right to regulate commerce between the States, and that the building of a ship-canal through the Isthmus of Nicaragua and the incorporation of a company for that purpose is a regulation of commerce under the terms of the Constitution of the United States; and that the Supreme Court of the United States has virtually and substantially decided. Now, what is the case? I do not agree, I will say, in passing, with my distinguished friend from Alabama [Mr. OATES] at all, if I may judge of his position by inferences drawn from his interruptions during the course of the discussion of this question, that Congress has

power not embodied in the Constitution.

I rather agree with the position taken by my friend from Alabama [Mr. Cobb] who has just taken his seat, that we have to derive all of our powers from the Constitution, and that all our powers are drawn from the Constitution and admitted by it. We have the right to pass all laws needful to carry into effect the provisions of the Constitution, all laws needful to carry into effect the provisions of the Constitution, but we have to derive all our powers from the Constitution. Do we derive this power from that instrument? When this question, Mr. Speaker, comes up before the Supreme Court of the United States, if it ever shall come, the court will ask the question, "Is the building of a canal as herein provided an act of commerce?" If so, Congress had the power under the Constitution. In a case decided about a year ago, the case of California vs. The Pacific Railroad Company, Justice Bradley delivered the opinion of the court, and that opinion, I assume, the court will still maintain and will most likely hold notwithstanding the able and learned discussion which we heard a few moments ago upon this question. learned discussion which we heard a few moments ago upon this question, the court holding that-

Congress has authority in the exercise of its powers to regulate commerce be-tween the several States, to construct, or authorize individuals or corporations to construct, railroads across the States and Territories of the United States.

Now, there is in express terms the proposition that we maintain on this floor to-day. The Supreme Court has held, and, as I have said, notwithstanding the learned argument we have heard to-day they will still adhere no doubt to the decision, that Congress has the right to incorporate a company to build a railroad across any of the States and Territories of the United States. If, then, Congress has the right to do that under the clause of the Constitution authorizing Congress to regulate commerce, it has a right to incorporate a company to dig a canal, for what is the difference between a canal and a railroad if a canal facilitates and expedites the commerce of the country just as a railroad does? Where is there anything in the Constitution of the railroad does? Where is there anything in the Constitution of the United States that draws a distinction in this regard between the building of a railroad and the building of a canal? If you can dig a canal through a republic of Central America that shortens the distance around the coast 2,500 miles, does not that expedite and facilitate commerce just as much as if you build a railroad that would shorten the distance around the South American coast 2,500 miles?

Where is the lawyer who will say that if a railroad shortens the dis-

Where is the lawyer who will say that if a railroad shortens the distance 2,500 miles and facilitates commerce to that extent it is constitutional to build the road, but if a canal shortens the distance 2,500 miles and also facilitates commerce it is not constitutional to dig it?

Mr. OATES. Mr. Speaker, if the gentleman from Maryland will yield to me for a moment—

Mr. RAYNER. Certainly.

Mr. OATES. As the gentleman has referred to my position, I will

give it in a few words.

The colonies when acknowledged to be independent had all powers of sovereignty to treat with other nations. When they formed the Constitution of the United States they parted with that power, which went somewhere. It went into the Government of the United States which was created by the Constitution; and my proposition is that while the Constitution is a limitation, or rather the United States is dependent upon a grant in the Constitution for any power it may exercise within the States or Territories, that when it comes to dealing with foreign nations, having all the power that vested in the colonies as independent nations, there is no limitation upon the power it may

exercise in connection with such foreign questions and the transaction of its business with foreign nations, which power is dependent only upon the discretion of the Congress and of the Chief Executive. In other words, while the Constitution vests Congress with the power of making treaties and declaring war, there is no limitation in the Constitution as to when and how far it may declare war, or when it shall accept peace, or to what extent it may go in treaty stipulations. There is no limitation of power when dealing with foreign nations at all. The Constitution does not restrict this power, and it may do anything, in the discretion of Congress and the President, in dealing with for-

Mr. RAYNER. I think that is entirely immaterial, but I do not agree at all with my friend from Alabama. Neither Webster, nor Clay, nor Calhoun, nor Sumner, nor even Hamilton, representing the most ad-

vanced school of Federal thought, ever advanced such a doctrine as that.

But, Mr. Speaker, I come back to the original proposition, that Conress can exercise under the decisions of the Supreme Court of the United States the powers conferred by the Constitution in the manner I have suggested, and upon that all legislation regulating commerce is based. My friend from Alabama, I will say in passing, talks of "rules" as if the Constitution was a theoretical instrument authorizing Congress to make a system of abstract rules like the rules of arithmetic, and as if it did not deal with facts instead of abstractions. And when the gentleman was asked to point out the power conferred upon Congress by the Constitution which authorized the digging of dirt out of the harbor of Mobile, he said he would do so if he had time granted to him to show

whence that authority was derived.

I hope the House will give him plenty of time to say what sort of a rule that is under which Congress is acting when it makes an appropriation to excavate the harbor of Mobile. Why, it is nothing less than what the Supreme Court has said gives you the power to pass the river and harbor bill, as a power derived from the Constitution. There is no difference between cutting a canal and opening an outlet from New York to the sea. There is not a particle of difference between clearing the harbor of Baltimore, so that ships from other cities and countries can come into the harbor, and digging a canal to let them into the

city of Baltimore.

Mr. Speaker, it is conceded that the power to make an appropriation for the improvement of the several rivers and harbors is a power derived from the clause in the Constitution to regulate commerce. I do not intend to discuss this question, because it has passed into history. There is not a lawyer on this floor, who has not stopped reading law for twenty-five years, or who has not left off the reading of law as decided by the Supreme Court for the last twenty-five years, that will stand up before a court and say that Congress, in the exercise of its power to regulate commerce, has not the rightful authority to build a railroad or dig a canal, or to do anything else that will regulate, expedite, and facilitate commerce between the States or between this Government and foreign governments. The fact, Mr. Speaker, that this canal is to be built through a republic of Central America makes no difference. It makes no difference whether it is to be built through Italy or Russia, or any other foreign country, provided we had a cession from that country and the building would expedite commerce and foreign

The only question that we are to decide is, does it expedite com-merce? and I answer that it does, and it expedites commerce by lessening the distance by many thousands of miles round. I do not care to go into the different constructions of the Constitution discussed by the two gentlemen from Alabama. What I desire to discuss are the differences between the committees of conference. Let us see whether we have done full justice to the House. That is the point. I have reason to say to this House that as members of the conference committee we have tried to do full justice to the House, so as to maintain intact the

substantial provisions of this bill.

Now, here is the proposition, and I will be brief if the House will give me its attention. If you do not want to give this company a charter, why, say so. If you do want to give it a charter, do not put a provision in this charter that will absolutely nullify it and prevent it from selling its stock in the markets of the world. Now, some of these amendments adopted were not matured. Of course in the hurry of the moment almost every amendment that was offered was accepted. You can not come to a conclusion upon matters of that sort without time to reflect upon them. But if the amendments of the Honse put upon this bill shall be adopted, no body of sensible business men would ever engage in this enterprise and no body of people would be able to raise capital with which it could be put into operation.

Now, let us see. There is a provision that places in blazing letters upon every certificate of stock that this Government shall not be responsible for the debts of the company that is issuing the stock.

Mr. COBB. Does not the gentleman suppose that this company will print in blazing capitals upon the face of their charter that it is granted

by the United States, so that foreign people can understand that?

Mr. RAYNER. Now, suppose that every company incorporated in the State of Alabama should place upon the charter of the company that it is incorporated by the State of Alabama, is there a fool on the face of the earth that will hold that the State of Alabama is responsi-

ble for the stock or debts of the company because the company has placed that upon the face of its stock? And if there is such a man, let him do it and let him lose everything he has. I have not any sympathy for that class of people. We are not here proposing to protect shorn or unshorn lambs. We are here to legislate for intelligent people. You can not legislate to prevent a man being a fool of that sort. [Laughter.] It is impossible to legislate for the benefit of that class of people in this way.

Mr. COBB. Will my friend allow me?

Mr. RAYNER. Let me finish. What will be the effect of passing a charter of that kind, that nothing but money shall be received in payment of that stock?

Mr. COBB. You have asserted that everybody who buys the bonds or who buys the stock must take notice of the powers conferred in the

charter, have you not?

Mr. RAYNER. I did not state that as a general proposition of law, because we are not discussing propositions of law. You can hold the company for this stock for all it is worth, and you know that the stock is valid and the company is liable.

Mr. COBB. You concede in this bill that the incorporators have to take notice of the power which is conferred by the charter?

Mr. RAYNER. Yes.

Mr. COBB. If they were part of it, then, how could it injure the company? That is the point I suggest.

Mr. RAYNER. It is not only unusual; it is more than unusual. I do not believe there is a single corporation in this country (and there are hundreds and thousands of them) that ever had printed upon its certificate of stock that the State which incorporated it should not be responsible for its debts. If there is any such certificate of stock extant I have never seen it or heard of it, and I do not believe the gentleman from Alabama has ever seen or heard of such a thing. Why should we do what has never been done before? It simply means that when this company goes into the markets of the world to sell its stock, people are to be intimidated from buying. They will look at the certificate of stock and they will say, "Well, if this Government of the United States is so very much afraid of its own company which it has incorporated, we will not have anything to do with it." Now, what is the object of this proposed charter? Is it to permit these people to sell their stock and build the canal, or is it to prevent them from doing it? This amendment was put in as one of a series of amendments intended to kill the bill; and it will kill the bill because no ments intended to kill the bill; and it will kill the bill, because no foreign capitalist will invest a dollar in an enterprise when he finds the certificate of the stock of the corporation containing a provision like this, that the Government of the United States shall not be responsible for the debts of the company.

But, Mr. Speaker, there is another question to which I wish to direct attention. It is admitted on all hands that the Government is not in fact liable for the debts of this company. We all agree that even if there was not a word in this charter about the liability of the Government, the Government would not be liable for the company's debts. I do not think there is a dissenting voice in this House from the proposition that if there was not a word in the charter upon the subject, no man on this earth would or could hold that the Government of the United States was responsible for the debts or for the stock of this com-Yet, in order to be overcautious on that point, we have placed in the charter an express provision that the Government shall not assume any such responsibility. Now, on top of the proposition, universally conceded, that the Government is not liable at any rate, and on top of the proposition that you have expressly declared that the Government shall not be held liable, you want to plant another proposition, that the stock of the company must contain this provision on the body of the certificate. Such a condition can not possibly do any good. On the contrary, it will hamper these people in their attempts to go on with the work, and will kill the enterprise. If you do not want this canal, just put in such a provision as that and your object will be attained, because nobody on earth will be willing to go into the market with stock disfigured with such a provision.

There are one or two other points upon which I must touch briefly.

There are one or two other points upon which I must touch briefly The first amendment, the one on page 3, my friend from Alabama [Mr. Coeb] has not adverted to. I must confess that that is the provision which gave me, as a member of the conference committee and as a member of the general committee, the greatest amount of difficulty. I think it is the amendment offered by the gentleman from Minnesota.

Mr. CLARDY. Do you mean the first amendment or the fourth?

Mr. RAYNER. I mean the amendment on page 3, which gives this

Mr. RAYNER. I mean the amendment on page 3, which gives this company the right to issue stock for property.

Mr. CLARDY. That is the amendment offered by the gentleman from Illinois [Mr. PAYSON].

Mr. RAYNER. Yes; I believe so. Now, Mr. Speaker, I want to say a word to the House upon that proposition. If that amendment as it passed the House is to stand, this company can not go into existence at all. That is the end of it. So far as I am concerned, I know very little about this company. All I know about it is that I know personally two or three of the corporators, and know that they are among the most responsible men in the country. I know also that there are ten or fifteen millions of dollars represented by incorporators from my own State. from my own State.

Mr. HERBERT. Read the amendment to which you refer, so that the House may understand it.

Mr. RAYNER. I will do that in a minute, but first I want to say that if this amendment as it passed the House is to stand in the charteness of the same of the charteness of the same of t ter, the company can not go into existence at all. What is the amend-

Mr. COBB. Are you not aware of the fact that they proclaim that they are already in existence and that they propose to go to work un-

der the Vermont charter?

Mr. RAYNER. A company can not work under two charters. Whenever this corporation accepts this charter that puts an end to the Vermont charter. Even if a company has a dozen charters it must do one of two things, either act under one of them or consolidate the whole. There is no such amphibious thing known as a corporation acting under two or more charters. If they accept this charter that is the end of the Vermont charter, unless, by some other law, they consolidate the Vermont charter with the charter that they are now seek-

Now, Mr. Speaker, this amendment originally provided that all the stock of this company should be paid for in money. I call particular attention to this because great stress will be laid upon it. The original provision was that all of this stock should be paid for in money, that the \$200,000,000 of stock must be subscribed for and paid for, every dollar of it, in cash, and that the company should have no right to receive payment for its stock in any other manner. That is the provision of the amendment as it passed the House. I will read it:

It may receive, purchase, hold, and convey such real and personal estate, property, and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; all shares, stocks, bonds, certificates, or other securities which the company may issue to raise the corporate capital shall be executed and issued at the principal office in the city of New York; and all such shares, stocks, bonds, certificates, or other securities shall be disposed of only for cash, to be paid into the company treasury and used for corporate purposes.

Now, what does that mean? It simply means that this company can not build this canal or receive a dollar's worth of subscription to a share of its stock to be paid for in any other way but in cash.

Now I want to say—and if I am mistaken about this matter the gentleman from Alabama can correct me—that I have not been able to find in the legislation of a single State of this Union any law undertaking to require that a corporation shall only issue or sell its stock for money; that it shall not exchange stock for property. You can not build a railroad, you can not construct a canal, you can not conduct any private or public enterprise in which a large amount of money is required, as in this case, if you undertake to impose upon the company a requirement that it shall not take property in payment for its capital stock. Of course I am fully aware of the difficulties connected with the exercise of this power and of the great frauds to which it may give rise. I know very well that in some instances corporations have issued millions of dollars' worth of stock for absolutely nothing; have taken property absolutely valueless in payment for their stock. I know the difficulties which have been occasioned by transactions of that sort. I know that the courts have affirmed the proposition that when corporations do take property in payment for stock the property received must be substantially equivalent in value to the amount of stock issued.

Mr. CLARDY. That is what the amendment agreed on by the con-

ference committee provides.

Mr. RAYNER. Yes, sir. The amendment provides that this cor-

May issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done or materials provided in the execution of the work of constructing said ship-canal.

Now, it is said that this company ought to have no right to part with its stock in this way—that if it can not sell its stock for \$200,000,000 in cash it ought not to have any charter. Who is going to take stock and pay for it in cash to that amount? Where is there any \$200,000,000 to be put in cash into an enterprise of this sort? We might as well come down frankly to the fact. I tell you, gentlemen, it is an absolute impossibility for this company to procure \$200,000,000, or anything like that, in money for its stock. thing like that, in money for its stock.

Mr. WILSON, of Minnesota. Do not the incorporators say that they

need only \$60,000,000? Mr. CLARDY. No, sir.

Mr. WILSON, of Minnesota. I say that is their statement as made before our committee; that is what their engineers say.

Mr. DUNHAM. That is correct.

Mr. RAYNER. I say that you can not raise even \$60,000,000 to be invested in cash in this enterprise. You propose to say to this corporation, "Go to work, organize your company, and prosecute one of the

greatest enterprises—
Mr. SCOTT. Will the gentleman from Maryland allow me a suggestion in reply to that of the gentleman from Minnesota [Mr. WIL-

son]?

Mr. RAYNER. Yes, sir.
Mr. SCOTT. When the Panama Canal scheme was started the estimated cost of carrying out that project was \$120,000,000. To-day there has been \$250,000,000 expended in that work, and it is a conceded fact that it can not be finished for \$250,000,000 more; so that no

estimate which may be made in advance as to the cost of constructing a

estimate which may be made in advance as to the cost of constructing a work like this is worth anything.

Mr. RAYNER. Well, I do not believe that this canal can be built for \$60,000,000, and I do not believe anybody else whose opinion is worth anything will undertake to say so. If the engineers say it can be built for \$60,000,000 you may rely upon it that it will take \$200,000,000.

But suppose this work can be constructed for \$60,000,000. That may not appear a very large sum to the gentleman from Pennsylvania [Mr. Scott], but it is a great deal more meany than most of us have

Scort], but it is a great deal more money than most of us have. [Laughter.]

Mr. PLUMB. The gentleman will allow me to say that there are several estimates of the engineers, varying from \$64,000,000 to \$147,-

000,000.

Mr. WILSON, of Minnesota. Yes; those are the estimates.

Mr. RAYNER. Well, you can not get any such amount of money in the markets of the world; you can not get \$150,000,000 for the construction of this canal. Who is going to put \$150,000,000 into an enterprise of this sort? Where is the syndicate, American or foreign, that would advise its customers or clients to put \$150,000,000 into an enterprise of this description? How are enterprises of this sort always carried on? How are your railroads built? How is a work of this magnitude always accomplished? You issue stock in payment for the work done. When men go to the directors proposing to dig this canal, the directors say, "How much of this canal will you undertake to dig; and how much stock will you take in payment for your work?" Only in that way can this canal be built. Of course those who undertake this enterprise must have some money; and this bill provides, I think, for a very large amount of money.

When the conference committee places in the body of this bill a provision that within a given time there must be \$1,000,000 in the treasury of this company or the charter will be forfeited, I think it shows Congress intends that this charter shall be accepted and acted on in good faith; and I think it may be assumed that the people who receive this charter will go to work and carry out this enterprise because they put \$1,000,000 into it; and when they thus risk \$1,000,000, I think we may rely on their responsibility. But they can not sell two hundred

millions of stock, nor one hundred and fifty millions of stock.

The trouble with the gentleman from Minnesota [Mr. Wilson] is, as I infer from the conversation I have had with him on the subject, that this act gives the right to this company to issue its stock for material and other property, and the moment you give the company the right to take property for stock you will enable that company to take property not worth the value of the stock. How are you going to prevent it? Who are the sufferers?

Mr. WILSON, of Minnesota. The people.
Mr. RAYNER. How?

Mr. WILSON, of Minnesota. You double the amount of stock issued, and, therefore, double the rates of toll to be collected on this canal. You swindle the honest stockholders who put their money in the stock.

Mr. RAYNER. I say the people are not defrauded. You can not defraud the people in that way. If a man invests in this company he can go to the books of the company and find out how much stock has been subscribed in money and how much stock has been subscribed in property. He has that right, and if he does not choose to take pains to do that, he can not, of course, expect the Congress of the United States to do it for him. We are not legislating for that class of people. There is not a corporation in this country to-day that is properly conducted but a man can go and examine the corporation books and find out how much stock has been issued for money and how much stock has been issued for property.

But suppose he does not do that. Suppose he goes on blindly under the belief that \$200,000,000 of money have been paid into the treasury of the company, are we bound to protect him against such reckless negligence as that? Are we here to say to this company, "We will not let you issue your stock for property, because, forsooth, some one will go and buy that stock under the belief you have received money for it instead of property?" How can we protect the people against making investments of that sort?

making investments of that sort? Mr. ADAMS. Leave out of view the stock to be issued to the Republics of Nicaragua and Costa Rica for the rights granted by them, leave out of view the stock of the grantees of the Menocal concession, and consider only the stock which, according to the substitute prepared by the conferees, can be issued for work and material furnished, I ask the gentleman from Maryland whether there will be any substantial injury inflicted on this corporation in requiring that labor and material be paid for in money out of that which is realized from and material be paid for in money out of that which is realized from the sale of the stock? If the stock be sold for cash and the cash paid to the contractors, is it not just as fair to them as if their work were paid for in stock? As to the other class of stock issued to the Republics of Nicaragua and Costa Rica for the rights they have granted and to the concessionaries, I admit the force of the gentleman's argument. I think it is unnecessary that labor and material should be paid for in stock. The practice of building railways in that way is one of recent date. date.

Mr. RAYNER. Why, the construction of the canal is labor.

Mr. ADAMS. But I say, so far as the labor and material necessary for the construction of the canal can be paid for by the company selling stock for cash, and paying that cash to the contractors, that can be done as well as to pay stock for labor and material.

Mr. RAYNER. I do not think that is the practice. You can get

contractors to build for part stock and part money. It is a great deal easier, I believe, to get contractors to contract for the construction of such work to be paid for part in stock and part in money. I believe it is easier to do that than to get them to contract to be paid all in money.

Mr. ADAMS. By selling the stock for cash, and paying out the money for material and labor, the people will see exactly just how much has been paid for the building of the canal.

Mr. RAYNER. Do you think the stock should be subscribed for,

the whole of it, in money?

Mr. ADAMS. No, not the stock paid to the Central American Republics which have granted the rights to this company.

Mr. WILSON, of Minnesota. No one claims that.

Mr. RAYNER. I know that. Now, what other part ought to be

paid for in money?

Mr. ADAMS. I do not include the stock paid to the republics which have granted rights to this company nor to the concessionaries, Mr. Menocal and his associates; I do not ask that these parties should be paid in money; I leave out of view the stock issued to them, but I do believe it is only right and proper that the remaining stock should be sold for cash, and the cash paid into the treasury of the company.

Mr. RAYNER. But suppose the whole stock is issued to these con-

cessionaries; have you placed any limit in the charter as to that? How is it possible to do that? You can not provide so much for concession-

ary rights and so much for the construction of the canal.

Mr. WILSON, of Minnesota. The gentleman is only stating one dif-

ficulty in the matter.

Mr. RAYNER. I am only saying that in my judgment in the present condition of the matter this company should be allowed to issue stock for material and labor. I do not believe the canal can be constructed without it.

Mr. WILSON, of Minnesota. I say that it is unnecessary, and that

you can build the canal without that provision.

Mr. RAYNER. I do not think so.

Mr. PETERS. If the gentleman from Maryland will permit me, one of the business objects of issuing the stock for labor to the contractors

is that they may become financially interested in the project.

Mr. RAYNER. Certainly; and I ask if you can name any telegraph company that has ever been built by any contractor and paid for en-

tirely in money? I do not know of one.

Mr. ADAMS. It would have been much better if it had been so. Mr. RAYNER. Undoubtedly; and many things would be much better if they were done, but such has not been the case heretofore. If you are in favor of adopting such a general system of legislation, and will bring it in here, I will stand by it. I am in favor of perfecting legislation which will have that effect, and will prevent a corporation from taking any subscription for its stock except in money. But I say it is not the case now, and it would be unusual to apply it here. It has not been done anywhere in the States except in Pennsylvania, where an act of the Legislature has restricted corporations to that extent. I do not know how it is in the State of my friend from Illinois, but I have examined pretty generally the legislation in the States on the subject, and I have not found a single code, excepting the one that I have mentioned, which prohibits corporations from issuing their stock in payment for material and labor.

Mr. ADAMS. Inasmuch as this is the first charter granted by the Government of the United States, would it not be a good plan to adopt

a rule covering that principle?

Mr. RAYNER. In my opinion the canal can not be built in that way; and I take it the gentleman has no substantial ground for saying that it can be. You can get a contractor readily to build a road or part of

Mr. ADAMS. What do they do with this stock?
Mr. RAYNER. They sell it, I presume.
Mr. ADAMS. Exactly; that is the answer I expected. It is not taken as an investment. They are not wealthy men who want to put their money in the stock to hold it. They want to realize upon it at once.

money in the stock to hold it. They want to realize upon it at once.

Mr. WILSON, of Minnesota. You do not get at the full length of
the iniquity. They give it to the construction company; they have
friends among them; they transfer the stock to them, and thus there
is "a ring within a ring," which has the whole thing in its own hands.

Mr. ADAMS. That is often the case.

Mr. WILSON, of Minnesota. That is just what this is made for.

Mr. SCOTT. I would like to ask the gentleman a question—if he is
not getting away from the provisions of the bill and befogging the whole
constitute the provision of the provision as to how railroads are built and

question by entering into questions as to how railroads are built and how stocks are being watered, and thus losing sight of the provisions of the bill? I would like to get back to "hard-pan," as we say in the oil regions. The amendment of the gentleman from Minnesota absolutely prohibits the issuing of stock without its being fully paid for in money.

Mr. WILSON, of Minnesota. No, sir; it forbids the issue of the

stock without the payment of 10 per cent.

Mr. RAYNER. And the balance of the stock in money.

Mr. SCOTT. It is exactly the same in principle as if it was all required in cash

Mr. RAYNER. Identically the same.
Mr. SCOTT. The canal company is prohibited by that amendment from carrying out this contract with the Government of Nicaragua.

Mr. WILSON, of Minnesota. Oh, not at all. Mr. SCOTT. Unquestionably it is.

Mr. WILSON, of Minnesota. Oh, no; I will show the gentleman in a few minutes, when I take the floor, where he is mistaken.

Mr. RAYNER. If the gentleman from Pennsylvania will permit me to proceed for a few moments, I will finish this branch of the subject and then yield the floor. The amendment provided that before the issuance of any of the stock a certain amount of the subscription price must be paid in money, and when you look at the provision which required the cash payment of 10 per cent. it only permitted the issuance of stock, declaring that none should be issued until 10 per cent. of the subscription price was paid in cash; but the other 90 per cent. must be paid in money, and there is nothing here which permits the company to make a payment for labor or material or anything else by a dollar's worth of its stock. Every share of the stock must represent that much cash in the treasury of the company. I think the gentleman is mistaken about the 10 per cent. clause, and I wish to call his attention to the exact language of it:

No certificate for stock shall be issued till at least 10 per cent. of the same shall be fully paid in in money.

That means that no man can get his stock until he pays his 10 per cent. in cash. But how about the other 90 per cent.? The construction would be necessarily that that must also be paid in cash.

Mr. WILSON, of Minnesota. That is it.
Mr. RAYNER. So that there is no authority to make a payment for labor, or for material, or for the concessionary rights, or for any other purpose whatever in the stock of the company, which can only be issued for cash. How, then, can this company pay for the concessionary rights from the republics of South America? How can it pay for anyrights from the republics of south America? How can't pay for anything unless there is \$200,000,000, or whatever sum may be necessary for the purpose, in the treasury of the company? I say it is impracticable, and it is a defeat of the whole enterprise. If you can suggest some way, some practical plan of relieving the difficulty, I shall

Mr. ADAMS. If the gentleman will allow me, the amendment provided for the payment in the manner he has suggested, and I am inclined to think the position he takes is right. The bill provides that the company may receive, purchase, hold, and convey such real and personal estate, property, and rights of property; or concessionary rights as may be necessary to carry into effect the purposes of this act,

but does not provide for material or labor, etc. And then it provides further that stock is not to be issued except for cash. So that I am inclined to think that the gentleman is correct

Mr. RAYNER. The whole of it is to be issued; every dollar of it.
Mr. WILSON, of Minnesota. That is correct.
Mr. RAYNER. The gentleman says that is correct, that this com-Mr. RAYNER. The gentleman says that is correct, that this company is bound under the charter that made it to get \$100,000,000, which can not be withdrawn from its treasury. I say there is no such provision in the legislation of the States that I have examined; and while I will admit the fraud that it may give rise to, and while I will admit that the constructors or the people who build the canal may derive, perhaps, unusual profit from a transaction of that sort, I say that there is no way you can prevent them. If you want this canal that there is no way you can prevent them. If you want this canal to be built, and do not give them the right to take property and labor, the charter is not worth the paper upon which it is written, and there is not any public or private enterprise, either of a railroad or a canal, built and operated that was ever built without having the power to built and operated that was ever built without having the power to issue part of the stock for property. There have been within the last year a number of cases of this kind decided, and the gentleman from Minnesota will recognize the wisdom of these decisions, and the reasons for them. But what are these decisions? They hold that the property must be fairly worth the amount of stock taken in payment for it. That is the rule that the courts have adopted.

They hold that every transaction of that sort falls through, and in every case where the question comes up they will inquire as to whether the property being received is fairly and substantially worth the amount

of stock that the party received for it.

Mr. ADAMS. Will the gentleman allow me just there? I said, I think, there was a provision in respect to issuing the stock for cash. Under section 3 of the House amendment no certificate of stock shall Under section 3 of the House amendment no certificate of stock shall be issued until 10 per cent, is paid in; but the conferees inserted the material words "except as otherwise provided in this act;" and now I find a provision in section 1 which certainly does seem to grant the right to issue stock for material and labor. I am in doubt whether the provisions in section 3, that the stock shall be paid in cash "except as otherwise provided in this act," taken in connection with amendment numbered 1, would not give the company the right to pay stock for material and labor. I am inclined to think that it ought to be changed, and at the same time I hope the contempany will allow me to say that and at the same time I hope the gentleman will allow me to say that I am heartily in favor of building the canal and in favor of incorporat-

ing this company, and I am in favor of the general principles of this bill; still I think that ought to be changed.

Mr. RAYNER. Then how can the company take property in payment of capital stock? What is the difference between taking a little tract of land along a canal in payment of stock and taking the labor and work upon the construction? That is worth more than all the

Mr. ADAMS. The difference is that in one case you are dealing between the company and two republics, and no harm to the stockholders can arise; in the other case you are possibly fostering a construction

company or a Crédit Mobilier.

Mr. RAYNER. You have surely got the right to issue stock for property. In the payment of something for stock you can not draw the distinction between land and labor; you can not say to the company what property shall mean as applied to the building of the canal. There is capital in the labor of every man who performs labor, and their property is the element of their labor. You can not distinguish between property and labor. Labor becomes an element of capital, and I will also state to the gentleman from Illinois you have either to let them use property and labor in payment of its stock or it fails.

Mr. ADAMS. It appears on the face of the bill when it passed the House that this distinction was made. I read from the original House

amendment:

Provided, That this shall not apply to bonds or certificates issued under Article L of the concession of Nicaragua to the canal association.

The House amendment distinguished between certain stock, which u ght to be sold for cash, and another portion that may be issued for

eal estate and concessionary rights.

eal estate and concessionary rights.

Mr. RAYNER. There is another point about this. Suppose the contractors do arrange to take their pay in stock and they get more stock than they would get money if they were paid in cash. Suppose a contractor says to the company, "I will do this work for a million dollars in cash," but when he comes to deal with them on the basis of payment in stock he does not say, "I will take a million dollars of your stock," but he says, "I want \$5,000,000 of your stock." He takes the stock because he can sell it in the market for a million dollars, and thus get seemed money as he would have received if he had been paid in cash: as much money as he would have received if he had been paid in cash; and who is injured by such a transaction? Is it the man who buys the stock from the contractor? Is it not the duty of that man, before he buys the stock, to go and inquire what its value is and find out whether or not it represents tangible property?

Mr. ADAMS. The cash subscribers to the stock are injured by the

issue of any stock for labor where, by any such transaction, the real cost of the construction of the canal is concealed from the subscribers.

Mr. RAYNER. But how is it concealed when the books show it? If the gentleman was right about the concealment I would admit the truth of his proposition, but when you require, in a subsequent provision of the charter, that the Secretary of the Interior shall have the right to require this company to make a full report of everything connected with it, how can anybody be injured by the concealment of facts in regard to the management of the company? How can there be concealment when they can go to the archives of the Interior Department and find out exactly its status at any time?

Mr. ADAMS. All I have to say in answer to that is that I have never built a railroad and have never been a member of a construction company; but I do know that for the last twenty years this whole country has been ringing with denunciation of the formation of construction companies within corporations for the purpose of concealing from the stockholders generally and from the public the price which certain members of the corporation have paid to certain other mem-

bers of the corporation for constructing the work, whatever it might be.
Mr. RAYNER. I admit that; but it all comes back to the single proposition that you have got to let this company have the right to issue stock for labor or else the work can not go on. You have got to do one of two things. If you do the first, then they can go on and construct the canal. If you take the other alternative, then the company can not accept its charter and can not construct the work.

I know that frauds have been committed of the character suggested by the gentleman from Illinois, and I am utterly unwilling to lend my vote or my voice to any measure by which any intermediate agent known as a construction company or by any other name shall be en-abled to perpetrate such frauds upon the public. But when you once deny to this company the right to issue its stock for land and for labor and for concessionary rights, then you compel its subscribers to pay in \$200,000,000 of cash, and when you insist upon that you practically decree that the canal shall not be built.

Mr. ADAMS. If you will prove that I will accept your horn of the dilemma. The canal ought to be built.

Mr. RAYNER. Does the gentleman believe that there is any two hundred millions of dollars going into this enterprise? Is there anybody here who believes that \$200,000,000 in cash will be put into it?

Mr. ADAMS. The part of the stock which goes to the republics will not be paid for in money, and that part which goes to the holders of the concessionary rights will not be paid for in money, but the balance of it will be.

Mr. RAYNER. Where is the money to come from?

Mr. ADAMS. I think it is to come in part from the United States and in part from Europe.

Mr. RAYNER. From what part of the United States?
Mr. ADAMS. I will refer the gentleman for an answer to my friend

from Pennsylvania [Mr. Scott]. [Laughter.]
Mr. RAYNER. Now, Mr. Speaker, the money that is obtained for Mr. RAYNER. Now, Mr. Speaker, the money that is obtained for enterprises of this sort is generally obtained by syndicates who get the stock and sell it, and the gentleman from Illinois [Mr. ADAMS] knows that they can not get any \$200,000,000 of cash paid into the treasury of this company. In order to secure a guaranty of the good faith of these people we inserted a provision that they should put at least \$1,000,000 of cash into the treasury themselves. There was a great deal of discussion over that, but we finally put in that provision.

Now, if they do not intend to go ahead with it they will not put in the million dellars and if they do not in a million dellars it will be a

the million dollars, and if they do put in a million dollars it will be a guaranty of their good faith; and then after that, if a contractor gets his stock at 50 cents on the dollar and somebody subsequently buys it from him at a higher figure, I do not see that we are bound to guard against that or to interfere in any way. Suppose any gentleman here wishes to buy stock, does it make any difference to him how much the man from whom he buys it paid for the stock originally? Suppose you are going to buy a house, do you inquire how much the house cost originally, or what it is worth at the time you are going to buy it? What you want to know is what the house is really worth at the present time. Now my experience and observation have taught me that there has been a great deal of the kind of fraud which the gentleman from has been a great deal of the kind of fraud which the gentleman from Illinois [Mr. ADAMS] refers to, perpetrated under charters worded just like this, but after all, as I have already said, it comes back to the single proposition that when an intelligent man is going to invest his money in an enterprise of this sort, it is his duty to go and see what the assets of the company are worth, and if he is going to buy a house it is his duty to go and look at the house and examine it and see what it is worth before he pays his money.

Mr. STEWART of Vermont I desire to ask the centleman a ques-

Mr. STEWART, of Vermont. I desire to ask the gentleman a question. Is there any difficulty in providing that no intermediary, like a construction company, shall expend the money and build the canal under penalty of forfeiture of the charter?

Mr. RAYNER. I think not.

Mr. CLARDY. What was the inquiry of the gentleman from Ver-

Mr. STEWART, of Vermont. I asked the gentleman from Maryland whether in his opinion there was any difficulty in providing in this charter that no intermediary, like a construction company, should have the expenditure of the money or should construct this canal under penalty of forfeiture of the charter.

Mr. RAYNER. There is no difficulty about that.

A MEMBER. The report is not amendable.

Mr. RAYNER. There is only one more proposition to which I wish to call the attention of the House, and that relates to this last amendment, giving the Government of the United States the right to limit

Mr. ADAMS. Now, will the gentleman allow me a remark? Either there are several misprints in the Congressional Record or else there are material variations between the conference report and the statement of the House conferees. If the gentleman would like to have me point out those variations, I shall be glad to do so; and then I shall not interrupt him further.

Mr. RAYNER. I would be glad to have the gentleman point them

out; I have not followed that matter myself.

Mr. ADAMS. I refer to amendments Nos. 11, 12, 13, and 14.

Mr. RAYNER. On what page?
Mr. ADAMS. The bottom of page 9 of the printed bill.
Mr. RAYNER. The gentleman refers, as I understand, to this lan-

Nothing in this act shall be held or construed in any manner to involve the United States in any pecuniary obligation.

Mr. ADAMS. Wait a moment. I want to settle the parliamentary status of these amendments. In the conference report it is stated that the Senate recedes; but the House conferees in their statement say that the House recedes. If the report is voted on as it stands, and this is

mot a misprint, then on this point the Senate will recede.

Mr. CLARDY. I will answer the gentleman. There was a misprint, and I had the conference report and the accompanying statement reprinted in the next day's RECORD.

Mr. ADAMS. Then I will ask as to amendment No. 12, whether the House recedes-

Mr. CLARDY. What amendment is that?
Mr. ADAMS. The amendment providing that—

Nothing herein shall be construed to estop this Government from asserting at any time any rights or powers that may now exist by virtue of the laws of nations, or that may be acquired through treaty stipulations, with respect to the rights of transportation of the citizens of the United States or their property over this canal or the country through which the same may be constructed, or to transport troops or munitions of war in time of peace or war.

Mr. CLARDY. As to that amendment the House recedes.

Mr. ADAMS. Now, as to amendment 13. The conference report

states that on that amendment the Senate recedes. That is the amendment in regard to which the gentleman from Maryland [Mr. RAYNER] was about to speak-the amendment providing for the regulation of

Mr. RAYNER. With the explanation I am about to give on that point I think the gentleman will be perfectly satisfied. In the concession of the Government of Nicaragua there is a provision-

Mr. ADAMS. Oh! On the merits I agree with the gentleman. Mr. RAYNER. There is a provision in regard to tolls, under which

the Government of Nicaragua gets a certain percentage; and we have

or right to break that agreement.

Mr. ADAMS. I understand that; but if the conference report—
The SPEAKER pro tempore. The Chair will remind the gentleman from Maryland [Mr. RAYNER] that he has but five minutes remain-

Mr. ADAMS. If the conference report is correctly printed, then on

that amendment the Senate recedes.

Mr. CLARDY. No, the House recedes; that is a mistake; there has

been a misprint.

Mr. RAYNER. I have suggested the answer to the proposition in regard to tolls, that we have made a contract with Nicaragua, and in that contract there is a provision in reference to tolls; and in pursuance of that contract the Government of Nicaragua is to receive a certain percentage of the tolls. After our Government has made a contract of that sort, of course it is not right for us to violate it and undertake to make a different provision in regard to the regulation of tolls. I think that is a clear legal proposition from which there is no

Mr. BLAND. What proportion Government of Nicaragua receive? What proportion or percentage of the tolls does the

Mr. RAYNER. I think 15 per cent.
Mr. BLAND. Oh, no; that is the concessionary limitation upon the extent of the tolls to be charged.

Mr. RAYNER. It makes no difference what the Government of

Nicaragua gets; the right to fix the tolls is reserved.

Mr. CLARDY. I will say to the gentleman from Maryland [Mr. RAYNEE] that the rates of toll are not only fixed in the concession, but they are fixed in a treaty between the United States and Nicaragua.

Mr. WILSON, of Minnesota. The rates of toll are not fixed in the

concession.

Mr. CLARDY. They are fixed in the concession, the concession pursuing exactly the language of the treaty of 1867.
Mr. WILSON, of Minnesota. In what section?

Mr. CLARDY. I am not speaking about the bill.

Mr. WILSON, of Minnesota. I am speaking of the concession.
Mr. CLARDY. I am talking about the treaty and concession.

Mr. WILSON, of Minnesota. I am speaking of the concession. Mr. CLARDY. I can not tell the gentleman what is the exact provision of the concession; but I recollect that the concession pursues, as I have said, the language of the treaty in that regard. It does not make any difference whether the concession mentions it or not; the treaty fixes it.

Mr. WILSON, of Minnesota. The concession does not fix the rates

Mr. CLARDY. I think the gentleman is mistaken. As I understand, after the lapse of ten years the tolls are not to exceed 15 per cent.

Mr. WILSON, of Minnesota. That is right; that is to say, the profits

to be divided among the corporators are not to exceed 15 per cent.

Mr. CLARDY. That is what I mean.

Mr. RAYNER. If the House will give me five or ten minutes more
I will conclude what I desire to say. The clause to which the gentleman from Illinois has referred is the only clause that has occasioned
any difficulty in my mind in regard to this charter. The only amendment that the House conferees have receded from, and this is the only point on which I have had any difficulty, is the clause adverted to by the gentleman from Illinois, the clause relative to the right of this company to receive payment for its stock in property instead of money.

Now we are dealing with a difficult question. It is difficult to de-

cide what is proper to be done. You are there to compel the company to take payment in money or permit them to take payment in property. If you do not permit them to take payment in property then I do not believe the canal will be built. If you give them that right it will be built. If you wish to have the benefits derived by commerce and the Government from the building of this canal I believe you will have

to give them this right. Mr. WILSON, of Minnesota. Will the gentleman from Maryland state what is the basis or reasoning upon which he makes the statement that this canal will not be built if the stock is not allowed to be issued

for labor and material?

Mr. RAYNER. I say to the gentleman from Minnesota, with the utmost good faith, that when you require a body of responsible incorporators to place in the treasury of the company \$1,000,000 in money and you provide in the charter if that money is not forthcoming then the charter shall be void, and they do put a million dollars in the treasury, I say the chances are that they are acting in good faith.

Mr. WILSON, of Minnesota. But you do not understand me. I

ask what reason or basis you have for saying that in case we do not allow the corporation to issue stock for labor and materials this canal will

The SPEAKER pro tempore. The gentleman's time has expired. Mr. RAYNER. I ask for five minutes longer to conclude what I

Mr. CLARDY. I wish to see whether we can agree to have the previous question ordered at half past 4 o'clock this evening.

Mr. SCOTT. I object. Mr. WILSON, of Minnesota. I object, too. Mr. SCOTT. I object unless we know some of us who wish to speak five minutes can be heard.

The SPEAKER pro tempore. There is no five-minute debate on the

pending proposition.

Mr. TOWNSHEND. I hope gentlemen will not object, as I wish this afternoon to bring up for consideration the Army appropriation bill, and unless this is disposed of within a reasonable time I shall be compelled to antagonize it.

Mr. SCOTT. Does the gentleman from Missouri desire to have a

Mr. SCOTT. Does the gentleman from Missouri desire to have a vote on this to-day?

Mr. CLARDY. I do.

Mr. SCOTT. I withdraw my objection.

Mr. WILSON, of Minnesota. I object. There are certain things which should be understood by the House and which have not yet been explained to them.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to proceed for five minutes longer. Is there ob-

jection?

There was no objection, and it was so ordered.

Mr. RAYNER. Mr. Speaker, I state to the gentleman from Minnesota [Mr. Wilson] that I believe if we give these people this charter the canal will be built. I believe they are in earnest. I believe they will put a million into the treasury of this company. I believe the character of these men guaranties to the House they are acting in good faith. You are not dealing with a set of adventurers and speculators. You are dealing with some of the best and most responsible men in this country, so far as their names are disclosed in the act of incorporation. They propose to put a million into the treasury of the company. They obligate themselves not to draw a dollar out of the treasury of the comlars is not put in.

Mr. WILSON, of Minnesota. Where is that?

Mr. RAYNER. We put that into the charter.

Mr. WILSON, of Minnesota. Look for it.
Mr. MAISH. The gentleman has said more than once that these incorporators guaranty to put a million of dollars into the treasury; where is that to be found?

Mr. RAYNER. It is to be found in the conference report. We put

it there.

Mr. MAISH. Where is it? Mr. WILSON, of Minnesota. I should like to hear the gentleman read it.

Mr. RAYNER. Here it is:

SEC. 3. That no certificates for stock, unless as otherwise provided in this act, shall be issued until 10 per cent. of the par value shall be fully paid for in money and the money deposited in the treasury of said company; and there shall be at least \$1,000,000 of money paid on such subscriptions into said treasury of the company within one year from the passage of this act, and said company is prohibited from returning or repaying any part of the said money so paid.

No part of the continuous contin

No part of the capital stock paid in shall be at any time drawn or returned to the stockholders, or in any manner diverted from the proper uses of the corporation. Any violation of the provisions of this act shall subject this charter to forfeiture.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced agreement to the amendments of the House to the bill (S. 1320) granting a pension to Catherine M. Lee, and to the bill (S. 3052) granting an increase of pension to George W. Durfee.

It also announced that the Senate had passed without amendment

joint resolution (H. Res. 257) making an appropriation for the payment

of the legal representatives of James B. Eads.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. CLARDY. I want to give notice now that at a quarter before 5 o'clock I shall demand the previous question upon the adoption of the conference report.

Mr. WILSON, of Minnesota. I do not think that is right, and I shall feel inclined to exercise whatever power I may possess to prevent

the ordering of the previous question.

Mr. BLAND. Mr. Speaker, there were two amendments to this bill incorporated by a vote of the House that the conferees have receded from, which I hope the House will insist upon. One of these reads as

And nothing herein shall be construed to estop this Government from asserting at any time any rights or powers that may now exist by virtue of the laws of nations or that may be acquired through treaty stipulations, with respect to the rights of transportation of the citizens of the United States, or their property, over this canal or the country through which the same may be constructed, or to transport troops or munitions of war in time of peace or war.

The other amendment to which I have referred is in the following language:

Congress hereby reserves the right to alter, amend, or repeal this act, and to regulate the toll or tariff rates for the transportation of persons or property by this company or its assigns.

I consider, Mr. Speaker, in view of the many complications in which this question is involved by various treaties entered into by this Government and other governments, and especially the Clayton-Bulwer treaty, entered into in 1850 on the part of the Governments of the United States and Great Britain, and also with respect to the alleged treaty existing between this Government and the Republic of Nicaragua, although, Mr. Speaker, I am satisfied in my own mind that there is no existing treaty in force between this Government and that of Nicaragua upon this subject

Mr. HERBERT. Will the gentleman allow me to interrupt him just there to ask whether the two amendments to which he has referred are in the bill as reported by the conference committee, or were they

left out?

Mr. BLAND. They were left out. They were receded from by the

committee.

Mr. Speaker, with respect to the effect of this legislation upon these treaties and the policy this Government proposes to pursue in reference to this canal and the commerce upon it, it is very important, I think, that these amendments should be maintained in the bill. I have not up to this hour heard a discussion in this House of the importance of the question involved in this bill and of this proposition as it affects the relations between this Government and Great Britain. They have been wholly ignored, and yet if this bill passes and becomes a law without the amendments in question and that canal is constructed, we have a treaty with Great Britain which gives her the power and the right, in conjunction with the people of the United States and this Government, to protect that canal and send her armies and her fleets to that country for the purpose of protecting it, and thus interfering with the great Monroe doctrine that we have heard so much about here recently. I say that this question has been wholly ignored in all the discussions that have taken place, and the bill itself studiously ignores the question, because the incorporators want it understood, when the bill passes and they desire to negotiate the stock in the marts of London, and Paris, and Berlin, and in European countries conceally that the Paris, and Berlin, and in European countries generally, that the property invested in the canal will be under the protection not only of the United States Government, but of another Government, that of Great Britain, in conjunction and under treaty with the United States.

It makes the stock of the company more valuable. It will make it sell better. They will get a better price for it in these markets when they can go to England and say, "Here is a company authorized to build a great canal under a certain treaty by and with the Government of a great canal under a certain treaty by and with the covernment of Great Britain, of which that Government guaranties the neutrality of the property, and guaranties the safety of it from confiscation or inter-ference by any other power." As a matter of course, if that is done they can sell the bonds and securities under that treaty for more money and with less difficulty than if it is known simply as an American canal under the control of the American Government. Hence the incorporators, Mr. Speaker, are urging the bill through this Congress with that distinct understanding, and we are here giving countenance to what? To a treaty that has been objected to by Mr. Blaine, by Mr. Evarts, by Mr. Frelinghuysen, for they have written to the authorities of Great Britain and laid the question before them in which our Government objects to this Clayton and Bulwer treaty, and insist that it should no longer be held as obligatory or valid, while, on the contrary, the authorities of Great Britain are equally strenuous in holding it to be valid, and that we have no right to renounce it.

Now, what is that treaty? I will send to the desk and have read a portion of the Clayton-Bulwer treaty in order that we may understand

its terms and in what condition this bill will be if it passes.

Mr. JOHNSTON, of North Carolina. Will the gentleman give the

Mr. BLAND. The date of the treaty is 1850; and I ask the Clerk to read Articles I and VIII of that treaty.

The Clerk read as follows:

The Clerk read as follows:

The United States of America and the Government of Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Ocean, the President of the river San Juan de Nicaragua and either or both of the Lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extractionary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARZ. I. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any state

or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ART. VIII. The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish ageneral principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the 1sthmus which connects North and South America, and especially to the inter-occanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Mr. BLAND. Now, Mr. Speaker, here is a substantial treaty, one that is recognized as being in binding force by the State Department, which binds this Government when this canal is constructed that it shall be under the protectorate of Great Britain in conjunction with the United States. In other words, that a great coast-line, I may say, of this country shall be open to the fleets of Great Britain for the protection of a canal that we are in Congress authorizing to be constructed.

And what are part of these regulations of this treaty? One of them is that the United States, in connection with Great Britain, will invite the whole of the countries of the world to join in this treaty in this

joint protection of this canal on our coast.

And what further, sir? We are here agreeing that Great Britain, in connection with the Government of the United States, shall regulate the tolls of this canal. In other words, the last clause of this treaty provides in express terms that the Governments of the United States and Great Britain shall be the judges as to the reasonableness of the tolls to be charged upon this canal. Why are gentlemen ready to rush into that? Are they willing to pass this bill without any restraint or restriction; to enact a law to carry out a treaty by which foreign governments are to regulate the tolls of a corporation created by an act of Congress? And yet, sir, we are bound to do that under this bill in its present shape, or we are bound to repudiate this bill and the concessions we are making to this corporation, or to assert our rights as a nation, and to protect them if they should violate the treaty.

Now, the amendment that I proposed to this bill was merely that this Government itself in this bill and under this law shall reserve to itself the right to judge of the reasonableness of the tolls and the traffic on this canal. And yet, Mr. Speaker, we are told that by the concession of the Government of Nicaragua, made to these concessionaries, the Government of Nicaragua retains to itself the power to control the

traffic in this canal within certain limits.

Mr. KERR. I will ask the gentleman if there is any portion of the treaty which would be still in force as far as this canal is concerned?

Mr. BLAND. That treaty has no reference to this particular bill, but it relates to this canal or any other canal that may be constructed across that Isthmus in any shape, manner, or form. And we are bound by this treaty of the United States with Great Britain.

Mr. SCOTT. Only as to Nicaragua.

Mr. BLAND. Why, Mr. Speaker, before I take my seat I will have read communications of Mr. Blaine, Mr. Frelinghuysen, and Mr. Evarts protesting against that treaty because of the fact that they say we are thus bound to Great Britain in case any canal is constructed across that Isthmus. There is no question about it. These communications have been made in our past history by the Secretaries of State I have named, and it has been insisted upon by Great Britain as being a substantial treaty. It is recognized to-day by our State Department as an existing treaty, and we are claiming certain rights under it in that territory now, or at least we are resisting certain rights that Great Britain claimed in the Mosquito kingdom and in British Honduras under this

And what further, Mr. Speaker? The claim was, sir, that under the treaty with the Government of Nicaragua in 1867 we have certain rights upon this Isthmus in connection with the construction of this canal; but the concession given to these incorporators, and that concession is ratified by this bill and made the basis of this bill, and the bill recites the concession itself-it recites the incorporators in the first section of it; it recites the concession which is the foundation of this corporation, and we recognize it in this bill-this concession itself in terms is violative of the very treaty that gentlemen claim we have with the Government of Nicaragua. One of the terms of this treaty of 1867 provides that this Government shall have the same rights and the same privileges in the commerce of this Isthmus and through this canal, if constructed, that the Government of Nicaragua has; that no more toll shall be exacted than from the Government of Nicaragua;

and we pledge in that treaty our protection of this canal when com-

But here is this concession made to the corporators that we ratify; they give the people of Nicaragua and that government a rate of 50 per cent. less toll that may be charged to the Government of the United States or its citizens; and in that treaty, sir, we also provide that the Government of the United States shall have the protection of this canal and be under its supervision and control in that respect. Yet, Mr. Speaker, the Government of Nicaragua in the concession incorporated in this bill and made a part of it reserved to itself the right to make treaties with any nation on earth that it sees proper in regard to the protection of this canal and with regard to its traffic. I wish to incorporate these provisions with my remarks, as I have not time just now to read all of them; but I call the attention of the House to these essential differences between this concession itself and the supposed treaty existing between this Government and Nicaragua. But I claim we have no treaty with that government.

The treaty which was made in 1867 expired within fifteen years, and there has been no renewal of it. There was, I believe, an effort made to renew the treaty with regard to this canal with the Government of Nicaragua, sent to the Senate of the United States, but before it could be acted upon it was withdrawn by the present Executive; so that in truth and in fact we have now no treaty with that Government with reference to this canal. All the treaty that we have is this concessionary right given to these corporators, and that concessionary right reserves to the Government of Nicaragua the power to control within certain limits the traffic of the control. certain limits the traffic on the canal, and reserves to that Government the right to make such treaties as they see proper with the other nations of the world with reference to it. We are agreeing, therefore, in this bill to the propositions contained in the concessionary rights, because the concession is recited in the bill and made a part and parcel of it.

Mr. BUTTERWORTH. Is it true that Nicaragua under that concession could confer upon another nation equal rights in the matter of the use of the canal

Mr. BLAND. Why not?

Mr. BUTTERWORTH. I am asking for information.

Mr. BLAND. Why, certainly. That is in the concessionary right, and we are ratifying it by this bill.

Mr. BUTTERWORTH. I am not.

Mr. BLAND. Well, neither am I, and I never intend to give my rote for the passage of a bill that will confer these powers upon Great Britain. When I offered my amendment providing that our Government should have control over the canal the House adopted it, but, strange to say, the conferees on the part of the House and of the Senate have agreed to leave it out; and in what condition does that leave us? It leaves us in this condition: Even if the treaty with Nicaragua were in force giving us the right to protect this canal, and to say what the toll may be, under the Clayton-Bulwer treaty we have abandoned that and handed it over to the Government of Great Britain.

Why, sir, under the Clayton-Bulwer treaty Great Britain will step in and say, "So far as the Government of the United States is concerned, it is estopped from saying that we shall not exercise our own judgment as to the reasonableness of tolls over this canal;" and on the other hand the Nicaragua Government will say to the United States, "You are estopped, in so far as the Government of Nicaragua is concerned, from asserting any such right, because you have recognized the conces sion which gives to us the sole and exclusive right over that matter." In other words, we are leaving to Great Britain the power to regulate this matter and abandoning it, so far as we are concerned, to the Government of Nicaragua. I am not astonished, Mr. Speaker, that in a case of this kind the incorporators have undertaken to dodge that issue and to get this Government into the attitude in which they seek to

put it. It was necessary for them to do that. Why?

Because the passage of this bill providing for the construction of this canal on these terms would enable them to say, "We can now look to the Government of the United States for the protection of our property down there after they have given us this charter, and at the same time under the Clayton-Bulwer treaty we can look for protection to Great Britain in the enjoyment of our property in the canal, and in that way we can negotiate our securities both in Europe and in the United States." There is nothing in this bill to interfere with the provisions of the Clayton-Bulwer treaty, nothing to prevent the Government of the United States from protecting our interests; and they are bound to do it, inasmuch as they have sent this corporation to Nicaragua clothed with all

the rights of a citizen of the United States.

Mr. ADAMS. The gentleman from Missouri [Mr. BLAND] has referred to the Menocal concession and to some provision in it which gives a power to the Republic of Nicaragua to grant certain rights to foreign governments. I have a copy of that concession before me, and I will thank the gentleman if he will indicate where that provision is to be

Mr. BLAND. If the gentleman will refer to Article VI of the concession he will find the following. I will begin at the middle of the section; I have not time to read it all:

The transit of foreign troops and vessels of war will be subjected to the re-

strictions relating to the same established by treaty between Nicaragua and other powers and by international law; but entrance into the canal will be prohibited to vessels of war of such powers as may be at war with Nicaragua or any other of the South American states. Nicaragua will endeavor to obtain-from the powers that are to guaranty the neutrality that in the treaties that shall be made for the purpose they shall guaranty also a zone parallel to the canal and also a maritime zone in both oceans, the dimensions of which will be determined in such treaties.

Mr. ADAMS. That is the provision the gentleman referred to?
Mr. BLAND. That is the provision. So that I say, Mr. Speaker, under this provision itself here is a power reserved by the Government of Nicaragua with reference to the entering of these ports by foreign governments and also with reference to the guaranty of the neutrality of this enterprise. I say that under this concession there is a reservation with respect to tolls.

Mr. ADAMS. What article is that?

Mr. BLAND. Article LII. This article provides that—

From the receipts of the enterprise the company shall take in the first place the necessary amount to cover all the expenses for maintenance, operation, and administrations all the sums necessary to secure the interest, which shall not exceed 6 per cent. and the amortization of the obligations and of the shares, and what remains shall form the net profits, of which at least 80 per cent. shall be divided among the shareholders, it being agreed that after the lapse of ten years after the completion of the canal the company shall not divide among the shareholders in payments of dividends, directly or indirectly, by issue of shares or otherwise, more than 15 per cent. annually, or in this proportion, from dues collected from the aforesaid canal; and where it shall appear that these dues yield a greater profit they shall be reduced to the fixed limit of 15 per cent. per annum.

Under that concession, taken in connection with the amendment which has been under discussion, providing that this company may issue stock in exchange for property or labor, the value of which will be fixed absolutely by this company, room will be given for watering this stock without limit; and there is given to the Government of Nicaragua—and this canal will be the Government of Nicaragua if it is ever gua—and this canal will be the Government of Nicaragua if it is ever built—the power to charge toll not exceeding 15 per cent. on this enormous amount of watered stock that may be issued by this company. Yet we are expected to sit quietly here and see this bill pass in this shape and say that this Government will not interfere. What right shall we have to interfere hereafter? We are not only incorporating a company to do a certain piece of work, but we are authorizing that company to proceed to do that week under certain condition. pany to proceed to do that work under certain conditions, restrictions,

and limitations, and this is one of them.

Mr. ADAMS. Is Article LII, to which the gentlemen refers, a part of the treaty, or is it mentioned in the treaty of 1867?

Mr. BLAND. It is a part of the concession.

Mr. ADAMS. I am aware of that; but is it also in the treaty?

There is a treaty of 1867 which has some reference, I Mr. BLAND. think, to fixing the limit at 15 per cent. But I am discussing now the limits under the bill in its present state.

Mr. ADAMS. I so understand; but I notice by the language as I glance it over that the 15 per cent. referred to seems to be 15 per cent. of the actual cost of the canal. I may be wrong about that.

Mr. BLAND. The actual cost of the canal will be arrived at by the amount of stock issued to pay for it; and under this bill there is absolutely no limit to the extent to which that stock may be watered. So that this 15 per cent., instead of being 15 per cent. of the actual, honest cost of constructing the canal, may be 50 per cent. or 100 per cent. That matter is left to the discretion and the supposed honesty of these

But, as I said before, Mr. Speaker, while we abandon the right to interfere with the regulation of the tolls of that canal we concede that right to Great Britain in the Clayton-Bulwer treaty. I will send to the Clerk's desk and have read an extract from a communication which Mr. Blaine, when Secretary of State, addressed to Mr. Lowell, at that time our minister in Great Britain, with reference to this Clayton-Bulwer treaty. As I said before, Mr. Evarts, Mr. Blaine, and Mr. Fre-linghuysen have all endeavored to obtain the consent of the British Government to the modification of that treaty, or else put us in a po-sition to renounce it entirely, because they have claimed that this canal ought to be under the absolute control of this Government. The Clerk read as follows:

It consequently becomes evident that the one conclusive mode of preserving any Isthmus canal from the possible distraction and destruction of war is to place it under the control of that government least likely to be engaged in war, and able, in any and every event, to enforce the guardianship which she shall

assume.

For self-protection to her own interests, therefore, the United States in the first instance asserts her right to control the Isthmus transit. And, secondly, she offers by such control that absolute neutralization of the canal as respects European powers which can in no other way be certainly attained and lastingly assured.

Another consideration of the canal as respects.

Another consideration forcibly suggests the necessity of modifying the convention under discussion. At the time it was agreed to, Great Britain and the United States were the only nations prominent in the commerce of Central and South America. Since that time other leading nations have greatly enlarged their commercial connections with that country, and are to-day contending for supremacy in the trade of those shores. Within the past four years, indeed, the number of French and German vessels landing on the two coasts of Central America far exceeds the number of British vessels.

While, therefore, Great Britain and the United States may agree to do nothing, and, according to the present convention, each remains bound to the other in common helplessness, a third power, or a fourth, or a combination of many may step in and give direction to the project which the Clayton-Bulwer treaty assumed was under the sole control of the two English-speaking nations. Indeed, so far as the canal scheme now projected at Panama finds a national

sponsor or patron, it is in the Republic of France, and the non-intervention enjoined upon this country by the Clayton-Bulwer treaty, if applied to that canal, would paralyze the arm of the United States in any attempt to assert the plain rights and privileges which this Government acquired through a solemn treaty with the Republic of Colombia anterior to the Clayton-Bulwer convention, so that the modification of the treaty of 1850, now sought, is not only to free the United States from unequal and inequitable obligations to Great Britain, but also to empower this Government to treat with all other nations seeking a foothold on the isthmus on the same basis of impartial justice and independence.

One of the motives that originally induced this Government to assent to the Clayton-Bulwer treaty, not distinctly expressed in the instrument, but inferable from every line of it, was the expected aid of British capital in the construction of the Nicaraguan canal. That expectation has not been realized, and the changed condition of this country since 1850 has diminished, if it has not entirely removed from consideration, any advantage to be derived from that source. Whenever, in the judgment of the United States Government, the time shall be auspicious and the conditions favorable for the construction of the Nicaraguan canal, no aid will be needed outside of the resources of our own Government and people; and while foreign capital will always be welcomed and never repelled, it can not henceforth enter as an essential factor in the determination of this problem.

It is carnestly hoped by the President that the considerations now presented will have due weight and influence with Her Majesty's Government, and that the modifications of the treaty desired by the United States will be conceded in the same friendly spirit in which they are asked.

Mr. BLAND. Mr. Speaker, in the brief space of an hour I have not

Mr. BLAND. Mr. Speaker, in the brief space of an hour I have not time to have read all the correspondence on this subject; but I think it it may enlighten this House and be of some interest to members if I have read the reply of Earl Granville to the communication of Mr. Blaine, and especially to that of Mr. Frelinghuysen on this question. It will be observed that Earl Granville claims that this treaty is still in force, and absolutely refuses to enter into any negotiation with reference to its

The Clerk read as follows:

absolutely refuses to enter into any negotiation with reference to its modification.

The Clerk read as follows:

With regard to Mr. Freiinghuysen's further contention, that the Clayton-Bulwer treaty has been abrogated by the fact that British Honduras is now a "colony," instead of remaining a "settlement," as it was called at the time of the conclusion of that treaty, I need only remark, in addition to what has already been stated to you in my previous dispatches, that when that treaty was concluded, in 1850, it was signed on the distinct understanding, expressed in writing, that it was not to apply to "Her Majesty's settlement at Honduras," and that it was therefore not deemed necessary, at that time, either to mark out the exact limits of that settlement or to define its "dependencies." Allogether from the arrangement which was entered into between the two Governments in 1850 for the settlement of the questions then in dispute, and all of which questions President Buchanan informed the United States Congress in December, 1890, had been amicably and honorably adjusted, Her Majesty's Government can not see with what justice it can now be said that the change of title of that possession of Her Majesty, from that of a "settlement" to a "colony," can be appealed to as a violation of the arrangement of 1830.

To use were informed in my dispatch of the Sth May, 1882, that Her Majesty's Government were not called upon either to admit or deny the views which he explained in that dispatch as being those which were entertained by his Government on that subject, but as Mr. Freilinghuysen, in his dispatch of the 5th May last, still maintains that the views of the United States on that doctrine are sufficiently manifest, I may remind you that the views which were entertained by Fresident Monroe have not always been accepted by his Government were not called upon either to admit or deny the views which were entertained by Fresident Monroe have not always been accepted by his Government were not called upon either to admit

Mr. BLAND. That seems to have terminated the correspondence upon that subject, in which, as we have seen, Earl Granville gave it to be understood that there was no necessity for any change in the Clayton-Bulwer treaty, and the British Government did not propose to consent to any. This correspondence, I say, took place directly upon the question of canals across that Isthmus by which the authorities of our Government undertook to change the terms of the Clayton-Bulwer treaty or urge certain reasons why we had the right to renounce the treaty.

But Mr. Bayard recently, in a communication to the British authorities upon this very same treaty, takes the ground that it is still in force; and I will print with my remarks, for I have not time now to have it read, his communication in reference to the question arising between this Government and the Government of Great Britain in regard to the Mosquito reservation near the line of this canal.

It is as follows:

It is as follows:

The President can not but regard the continued exercise of the claim on the part of Great Britain to interfere on behalf of these Indians as the assertion of a British protectorate in another form; more especially when this effort is directed to prohibiting Nicaragua from exercising military jurisdiction in the immediate neighborhood of the Atlantic mouth of the projected canal.

The United States can never see with indifference the re-establishment of such a protectorate. Not only would the extension of European influence upon this continent be contrary to the traditional and frequently expressed policy of the United States; but the course of Great Britain in assuming or exercising any dominion over the Mosquito coast, or making use of any protection it may afford or any alliance it may have to or with any people for the purpose of assuming or exercising any dominion over that territory, would be in violation of the express stipulations of the Clayton-Bulwer treaty, whose binding force Great Britain has up to the present time so emphatically asserted.

It is not needful in this communication to consider the temporary or perpetual existence of the various provisions of that treaty. My immediate predecessors have with great fullness expressed their views upon that head, and I do not now comment upon them. But it is proper to refer to these conventional engagements of Great Britain as exhibiting the measure of her admitted obligations.

Whether the interference of the British Government be regarded as a breach of existing treaty expressions of whathan it he labeled the provision of existing treaty expressions.

gations.

Whether the interference of the British Government be regarded as a breach of existing treaty engagements, or whether it be looked upon simply as an effort not prohibited by express agreement to extend her influence in this continent, in either case the Government of the United States can not look upon such acts without concern. The circumstances of the particular locality render the subject one of peculiar interest and importance to the people of this country, and I should be wanting in my duty to them should I fail to bring the matter directly and frankly and in a spirit of sincere friendship to the notice of Her Majesty's Government.

The history of the former controversies in regard to the same subject should.

Government.

The history of the former controversies in regard to the same subject should admonish those who are charged with the conduct of the affairs of the two countries to spare no effort to avoid misunderstandings and promote cordial co-operation and good intelligence between them. With this purpose in view, and animated by the strongest desire to escape possible future causes of difference, I address you these instructions.

You will read this dispatch to the Marquis of Salisbury, and, should he desire it, you may furnish him with a copy.

I am, sir, your obedient servant,

T. F. BAYARD.

Now, Mr. Speaker, in view of the fact that this Clayton-Bulwer treaty is still in force, and of the further fact that this Government has sought to make modifications of it or to renounce it, or at least to secure a new convention, we ought to put into this bill some provision which would reserve the rights of the Government to alter or amend or to renounce that treaty in future if it becomes necessary or desirable to do so. But no such provision is incorporated in the bill; we reserve no such right, and the provision inserted which did look to the control of the canal by this Government has been stricken from it by the committee of conference, and hence the British Government whenever a question arises will have a right to claim that when this canal project was presented to the American Congress, and when the time and place arrived where this Government could renounce that treaty and assert what they claim to be the Monroe doctrine, and what President Hayes and President Garfield claimed, that these canals across the Isthmus should be under the direct control of the Government-I say the British Government will have the right to say when that subject was before Congress and the Government undertook to charter a company for the construction of the canal we recognized the Clayton-Bulwer treaty as being in full force and effect, and we did not enact a single provision of law in this charter antagonistic to that idea.

Mr. SCOTT. Will the gentleman yield to me for a short question?
Mr. BLAND. Certainly.
Mr. SCOTT. Does the gentleman construe the Monroe doctrine to

mean that we under it have the power to construct canals and control

them in foreign countries?

Mr. BLAND. Oh, that is not the point. The point I make is this: Will the Government assert here now whether or not this canal shall be under the exclusive protectorate and control of the United States, or whether it shall be in conjunction with Great Britain (by the Clayton-Bulwer treaty) under a joint protectorate and control.

Mr. SCOTT. The Monroe doctrine does not mean anything of the

Mr. BLAND. I am not talking of the Monroe doctrine at all, but of the effect that this treaty has upon the pending question.

Mr. RUSSELL, of Massachusetts. Will the gentleman yield to me

for a question?

Mr. BLAND. Yes, sir.

Mr. RUSSELL, of Massachusetts. Do you regard the Clayton-Bul-

wer treaty as extending to the Isthmus?

Mr. BLAND. I do, for the convention was entered into upon that specially and that solely, the question before them being in regard to the construction of an interoceanic or ship canal across the Government of Nicaragua.

Mr. RUSSELL, of Massachusetts. You understand it also as referring to the Isthmus of Panama?

Mr. BLAND. Certainly. Mr. Speaker, Mr. Bayard's communication just referred to, that of last November, recognizes the still binding force of the Clayton-Bulwer treaty, and sets up certain objections and makes certain protests to the action of the Government of Great Britain in violation of the treaty in respect to the Government of Great Britain in violation of the treaty in respect to the Government of Nicaragua and of the Government of New Granada. So it is of binding force; and yet, with that treaty in force, we are enacting a bill incorporating a company to construct a canal and make no provision saving to the Government the exclusive control and protectorate over it, but leaving it subject to all of the provisions of the Clayton-Bulwer treaty, although it forms virtually a part of our coast-line.

I will have read in this connection a little extract from a message of President Hayes on this subject when this question was first broached.

The Clerk read as follows:

The Clerk read as follows:

Mr. Hayes, in his message of 8th March, 1880, says: "The policy of this country is a canal under American control. The capital invested by corporations or citizens of other countries must, in a great degree, look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. The interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States; between the United States and the rest of the world. It will be virtually a part of the coast-line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. It is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests."

Mr. Evarts, in his report accompanying Mr. Hayes's message of 1880, said: "The question involved presents itself distinctly to this Government as a territorial one, in the administration of which as such it must exercise a potential control."

Mr. Blaine, in a letter to Mr. Lowell, June 24, 1881, enunciates the same doctrine and core.

Mr. Blaine, in a letter to Mr. Lowell, June 24, 1881, enunciates the same doc-

Mr. Blaine, in a letter to Mr. Lowell, June 24, 1881, enumerates the same doctrine, and says:

"It is nothing more than the pronounced adherence of the United States to principles long since enunciated by the highest authority of the Government, and now, in the judgment of the President, firmly inwoven as an integral and important part of our national policy."

Lord Granville, in a note of November 10, 1881, referring to Mr. Blaine's letter saves.

Lord Granville, in a note of November 10, 1881, referring to Mr. Blaine's letter, says:

"The position of Great Britain and the United States in reference to the said canal is determined by the Clayton-Bulwer treaty."

Mr. Blaine, in a letter to Mr. Lowell, November 19, 1881, says:

"For self-protection to our interests, therefore, the United States in the first instance asserts her right to control the Isthmus transit, and secondly, she offers by such control absolute neutralization of the canal as respects European powers, which can in no other way be certainly attained and lastingly assured."

Mr. Frelinghuysen to Mr. Lowell, May 8, 1882:

"The President believes that the formation of a protectorate by European nations over the Isthmus transit would be in conflict with a doctrine which has been for many years asserted by the United States."

Again he says:

"The President does not feel himself warranted in making any engagement or any admission respecting the extinct provisions of the Clayton-Bulwer treaty which would prevent or interfere with such a purpose."

Lord Granville to Mr. West, August 17, 1883, says:

"Her Majesty's Government sees no reason whatever to depart from, or in any way to alter, the views which have been conveyed to you in my dispatches above referred to, and they have therefore arrived at the conclusion that a prolongation of the discussion seems unlikely to lead to any practical result."

Mr. BLAND. I have had these extracts read to show the history of the diplomatic correspondence between this country and Great Britain upon this subject, and the position occupied by President Hayes when the Senate asked for information in regard to these treaties. Now, Mr. Speaker, gentlemen tell us that if we incorporate in this bill a resolution on the part of the Federal Government in its judgment to say whether tolls are reasonable or not, it is claimed the provision would prevent the tolls are reasonable or not, it is claimed the provision would prevent the building of the canal. But when the authorities of this Government, connected with those of Great Britain, were making a treaty upon this subject—the Clayton-Bulwer treaty—the last clause of that treaty provided, as I have had read, that the Governments of the United States and Great Britain should judge as to that matter, and that in any canal built across the Isthmus the rights of toll should be subject to the judgment of these two nations. If our predecessors were foresighted enough to see the necessity of asserting this power, why are we, sir, to abandon that high privilege offered to us here, and the only place where we could legitimately exercise it in this bill?

Why shall we sir abandon the high preparative of incorporating in

Why shall we, sir, abandon the high prerogative of incorporating in a creature of our own making these conditions? When we do pass this bill, it is not only a bill to incorporate a company, but it is a bill making certain concessions and contracts with that company. This company has certain concessions from the Government of Nicaragua. give them certain concessions in this bill, and this bill recognizes in the fullest force and effect all the terms of the concession made by the Government of Nicaragua; and the bill recites these concessions in the body of the bill itself, and affirms and ratifies them, and yet this flies

in the face of the supposed treaty with Nicaragua.

There is but one provision in the bill that I think has a squint at reserving the rights of this Government, and that is that provision that it shall not interfere with any treaty rights made by this Government with the Government of Nicaragua. But, as I stated before, there is no treaty on which it could act. That treaty ran for fifteen years. Beginning in 1867, it is now out of date; and then, admitting that the treaty itself is in existence, this concession is in terms contrary to the

treaty itself is in existence, this concession is in terms contrary to the terms of that treaty in the particulars named.

Now, Mr. Speaker, if that is to be the policy of this Government, to denounce the Clayton-Bulwer treaty, this is the place and now is the time to do it. If the bill passes in its present form we will at some future day be bound to assert certain rights and privileges that ought to belong to this Government; but in asserting them we will have to break from our plighted faith and we will be compelled to override treaties to assert our rights in this dishonorable mode. I say now is the time and place to consider this question, and I ask gentlemen to review this charter and act of incorporation and to let this bill be passed in such a shape as to reserve the rights of this Government as against European powers on the American coast.

To conclude, Mr. Speaker, I have to remark that the treaty of 1867

with Nicaragua contained the following provisions:

To conclude, Mr. Speaker, I have to remark that the treaty of 1867 with Nicaragua contained the following provisions:

Art. XIV. The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans through the territory of that republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens, the Republic of Nicaragua, however, reserving its rights of sovereignty over the same.

Art. XV. The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guaranty the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guaranty such neutrality and protection.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific Oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua. The United States shall be allowed to the united States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua. The United States shall less of all the property of citizens on the respective of the United States, or other wise, to either of said free ports, and shall be entitled to their conveyance between them without ob

These two articles give the same privileges to the citizens of this country and to this Government of transit over any canal constructed as may be claimed by Nicaragua. They also recognize the rights of

this Government to protect the canal.

The concessions made to the incorporators in this bill by the Government of Nicaragua and made a part of the bill violate both of these articles. I quote the following from this concession:

articles. I quote the following from this concession:

ART. 44. As compensation for the privileges and concessions that Nicaragua grants by this contract, it is hereby stipulated that the republic shall enjoy the special privilege that Nicaraguan vessels satiling under the Nicaraguan flag may navigate the canal at a reduction of 50 per cent. from the general tariff while engaged in the coasting trade, or in the reciprocal trade with the other republics of Central America. It is declared that the vessels referred to in the preceding paragraph must be exclusively of the register of the republic, and that they must not be owned, either in whole or in part, by citizens of other countries.

A reduction of 50 per cent, from the general tariff is also granted to vessels that begin their voyage for a foreign country in any of the ports belonging to the republic, with a cargo wholly composed of products of the country. All the privileges to which this article refers shall be extended to the other republics of Central America whenever Nicaragua shall find itself free from international obligations which may prevent it, or whenever one or more of the said republics shall form a single nation with Nicaragua. The company can not collect any navigation dues whatever upon vessels and craft navigating the Lake of Nicaragua and its prolongations without passing out of the locks. The Nicaraguan vessels of war, and in the case above provided those of the republics of Central America, shall not pay any dues on passing through the canal.

It will be observed that in this article of the concession the Govern-

It will be observed that in this article of the concession the Government of Nicaragua has the reserved right or the use of this canal on pay-ment of only one-half the tolls that may be exacted from our Government and our citizens. I quote again the following from this concession:

and our citizens. I quote again the following from this concession:

ART. 6. The Government of the Republic declares during the term of this concession the ports at each extremity of the canal, and the canal itself, from sea to sea, to be neutral, and that consequently the transit through the canal in case of war between two powers, or between one or more and Nicaragua, shall not be interrupted for such cause; and that merchant vessels and individuals of all nations of the world may freely enter the ports and pass through the canal without molestation or detention.

Ingeneral, all vessels may pass though the canal freely, without distinction, exclusion, or preference of persons or nationality, provided they pay the dues and observe the regulations established by the grantee company for the use of the said canal and its dependencies. The transit of foreign troops and vessels of war will be subjected to the prescriptions relating to the same established by treaties between Nicaragua and other powers or by international law. But entrance to the canal will be rigorously prohibited to vessels of war of such powers as may be at war with Nicaragua or with any other of the Central American republics.

Nicaragua will endeavor to obtain from the powers that are to guaranty the neutrality that in the treaties that shall be made for that purpose they shall agree also to guaranty a zone of land parallel to the canal and also a maritime zone in both oceans, the dimensions of which will be determined in such treaties'

This article is in conflict with the treaty in a very vital and impor-

This article is in conflict with the treaty in a very vital and important particular. It gives the Government of Nicaragua the right to negotiate with any and all governments it sees proper for the securing of the neutrality of the canal, and thus, instead of reserving to this Government. It was not made by weakness or in the neutrality of the canal, and thus, instead of reserving to this Government.

ernment this protectorate, it is left to the Government of Nicaragua to secure that through the intervention of European powers.

Mr. Speaker, I insist that the amendment I proposed, to the effect that this Government reserves to itself the right to judge of the reasonable ness of the tolls to be charged on this canal, should be kept in the bill. It is reasonable, and it is necessary to protect us in the matter of our commerce.

Here the hammer fell.]

Mr. RUSSELL, of Massachusetts. Mr. Speaker, I had not intended to occupy the time of the House in this discussion, but I feel compelled to answer the gentleman from Missouri on several material points. One of the last assertions that he made before he took his seat was that the Republic of the United States had not an existing treaty with the Republic of Nicaragua. He emphasized that statement in the course of his speech by repeating it several times, and declared that the two Republics had no treaty of amity and commerce.

The gentleman is in error. The treaty of 1867, made by the accred-

ited minister of the United States to the Government of Nicaragua, does Our relations with that Government are under that treaty today, and it is recognized at the State Department, as I am informed by a message which I received from there while the gentleman was speak-He states that the treaty was made in 1867 with a limitation of fifteen years. If that were true in fact the treaty would have expired. I beg the House to give attention to the article of the treaty which shows how it is to be terminated when it is the will of either Republic to bring it to a conclusion, and that it is in full force and effect. I read, sir, from the text of the treaty:

Either party shall have the right to notify the other of its intention to terminate, alter, or re-form this treaty at least twelve months before the expiration of the fifteen years, and if no such notice be given, then this treaty shall continue binding beyond said time, and until twelve months shall have elapsed from the date on which one of the parties shall notify the other of its intention to alter, re-form, or abrogate the treaty.

Now, Mr. Speaker, this Government has been satisfied with the treaty and has never given Nicaragua notice that we wished to alter or to abrogate it, and we have never received any notice from Nicaragua that she was dissatisfied with the treaty.

Mr. BLAND. Will the gentleman yield for a moment?
Mr. RUSSELL, of Massachusetts. Certainly.
Mr. BLAND. I think the gentleman will find that I stated in my argument that I did not believe that that treaty still existed, but that, granting it does exist, still the concession that is made to these corporators, and which we recognize and affirm in this bill, does away

with all the guaranties of that treaty, every one of them.

Mr. RUSSELL, of Massachusetts. If the gentleman chooses now to take the ground that the treaty exists, then I have no answer to make to his previous assertion that it did not exist. [Laughter.] I show clearly from the Book of Treaties of the United States, for which I sent to the Library when the gentleman made his assertion, that the treaty is in full force, and I will add that it is one of the most important treaties this Government ever executed or ratified with any one of the sister republics upon this continent. It is similar in its terms to another most important treaty, of which the gentleman seems never to have heard, our treaty with the Republic of New Granada, now one of the United States of Colombia, in which this Government agreed to guaranty the neutrality of the Isthmus of Panama, over which the gentleman says Great Britain now exercises concurrent power with us, an assertion which is an entire mistake. We not only agreed to guaranty the neutrality of that Isthmus, but we agreed, as the sovereign power of this continent, to defend that Isthmus from invasion and to preserve order on the Isthmus, and since the present Administration has been in power we have landed marines on that Isthmus and quelled a serious disturbance that threatened life and property there. That means that we have done what was required of us under a treaty similar to the one which we have with Nicaragua. The treaty with New Granada was made in 1846.

It is now an existing treaty with the United States of Colombia, and the treaty of Nicaragua is, as I have said, similar in terms to it and gives us the same power on the Isthmus of Nicaragua that we have upon the Isthmus of Darien under the other treaty—a power with which we have never proposed to part, the Clayton-Bulwer treaty to the contrary notwithstanding. We have never asked Great Britain, under the Clayton-Bulwer treaty, to assist us in the protection of the Isthmus, but we have exercised the power of guarantying neutrality by landing marines and showing our flag, and that, I may tell the House, is all that we need to do at any time to enforce the Monroe doctrine. A file of marines as long as from here to the gentleman from New Hampshire [Mr. McKinney] and a flag as large as this newspaper will vindicate the Monroe doctrine upon any part of this continent, because the world knows that behind that little show of force there is

the power of sixty millions of martial people.

Now, sir, in regard to the Clayton-Bulwer treaty, that ancient specter which the heated imagination of the gentleman from Missouri [Mr. BLAND] has conjured up here to-day to frighten the House from its propriety, let me say that forty years ago there were reasons why that was a desirable arrangement. It was not made by weakness or in

It was a treaty made to cover two points. One was a canal charter similar to the matter now before the House; the other was our wish to get rid of a protectorate that Great Britian was exercising over part of Central America. Mr. Clayton did not mean to give up the Monroe doctrine. We could not do that if we would. That is only a doctrine. It is not a law, it has never been limited by exact words, but it is a sentiment deep in the hearts of the American people, as broad as the continent, and even this House can never do away with it and can revere the most of the American people.

At that time Great Britain was holding considerable of the Atlantic coast of Central America under grants more than one hundred years old, derived from the Government of Spain. She had extended her possession, or rather her protectorate, until she had taken in the mouth of the San Juan River and all possible outlet for a canal from Lake Nicaragua to the Atlantic Ocean. It was a desire to get rid of that occupation, as well as a desire to enable the incorporators of that canal project to raise money in Europe, that induced the United States Government to make the Clayton-Bulwer treaty. The treaty refers solely to these questions. Great Britain did not withdraw her protectorate under that treaty, as we expected she would do. She did not even confine herself to the limits of the old grants; she held on to the territory where the caual was to enter the Atlantic. The canal project failed; not a dollar was invested in it; the story of the affair is all there is left, and the Clayton-Bulwer treaty, like the canal project, only exists in the words written on the parchment.

The gentleman [Mr. BLAND] quotes from Earl Granville. It makes no difference what Earl Granville says about the matter; a British minister is no authority in this House; but it makes a great deal of difference what our State Department says, because it interprets treaties for And when the gentleman came to look at the text of what Secretary Bayard had said in regard to that treaty he concluded he would not read it to the House.

Mr. BLAND. Now, Mr. Speaker— Mr. RUSSELL, of Massachusetts. Read it now if you want to; I will give you time.

Mr. BLAND. I will have it read now.

Mr. RUSSELL, of Massachusetts. Let it be read as a part of my

Mr. BLAND. The gentleman will hardly do me the injustice to intimate that I intended to withhold the text of the document from the House, for I stated the substance of it, and said that not having time to read the whole of it I would print it with my remarks.

Mr. RUSSELL, of Massachusetts. We want it read. Mr. BLAND. I ask that it be now read.

The Clerk read as follows:

The Clerk read as follows:

The President can not but regard the continued exercise of the claim on the part of Great Britain to interfere on behalf of these Indians as the assertion of a British protectorate in another form, more especially when this effort is directed to prohibiting Nicaragua from exercising military jurisdiction in the immediate neighborhood of the Atlantic mouth of the projected canal.

The United States can never see with indifference the re-establishment of such a protectorate. Not only would the extension of European influence upon this continent be contrary to the traditional and frequently expressed policy of the United States, but the course of Great Britain in assuming or exercising any dominion over the Mosquito coast, or making use of any protection it may afford or any alliance it may have to or with any people for the purpose of assuming or exercising any dominion over that territory, would be in violation of the express stipulations of the Clayton-Bulwer treaty, whose binding force Great Britain has up to the present time so emphatically asserted.

Mr. RI-AND. The gentleman can see that Segretary Rayard bases

Mr. BLAND. The gentleman can see that Secretary Bayard bases

his protest distinctly upon that treaty.

Mr. RUSSELL, of Massachusetts. It is nearly forty years since the treaty was made, and Secretary Bayard refers to the fact that Great Britain has not yet carried out its stipulations by abandoning her protectorate over the Mosquito Indians. He refers to the fact that Great Britain considers it a binding treaty, but he does not say that we so acknowledged it.

Mr. BLAND. Let the rest of the document be read; and you may

explain it as you choose.

Mr. RUSSELL, of Massachusetts. I do not care to have my time frittered away with this matter. I am willing to have the document printed as part of my remarks.

Mr. BLAND. The gentleman is now retreating from the proposi-

Mr. CLARDY. The gentleman from Massachusetts did not yield

for a speech from the gentleman from Missouri.

Mr. RUSSELL, of Massachusetts. I wanted as much read as re-lated to this matter. Mr. Bayard and every other Secretary of State have always declared that Great Britain never fulfilled the stipulations of the Clayton-Bulwer treaty and that it never went into effect. never abandoned her protectorate over the Mosquito Indians. She holds it by a grant that is older than our Constitution; and she has never been willing to give it up. She did abandon her protectorate over the shores of Nicaragua, but not at our request. She gave back the sovereignty of the Nicaraguan coast on the Atlantic to that Republic about 1860 in

a special treaty with that Republic with which we had nothing to do.

It is not held by our State Department—I do not speak for the
State Department, but I speak of what is well known to every man
who has had anything to do with our foreign affairs—it is not held by

our State Department that the Clayton-Bulwer treaty is binding upon us to-day; nor has it ever been. If it had been, what an absurdity it was that the British Government did not assert it four or five years after it was ratified, when a United States sloop-of-war sailed down opposite to the port of Greytown, then under the protection of Great Britain, her flag flying over her consulate as evidence of her protectorate, and shelled the town, and then landed marines and burned every house, destroying a great amount of property and driving the British consul and the "protector" into the woods; and a British manof-war was lying there in such a position that Commodore Hollins had to maneuver in such a manner as not to hit the British ship when he fired his guns. [Laughter.] That incident, as you will find by looking back into its history, was only four or five years after the ratifica-tion of the treaty that it is pretended gives Great Britain concurrent power with us over the whole Isthmus. Sir, the Clayton-Bulwer treaty died at the time that it was made, because its provisions never were executed and never can be.

But, the gentleman may say, why does this treaty remain on our statute-books? Why has it not been formally abrogated? I answer because the British Government has never chosen to join with us in that abrogation; and by the terms of the treaty it still remains there. But it is not an obstacle in our way; and the dangers that the gentleman from Missouri has conjured up have no existence but in his imagination.

Now, sir, let me return to the existing treaty with Nicaragua and show the House that it could not exist if the Clayton-Bulwer treaty was alive. It was made seventeen years after the ratification of the Clayton-Bulwer treaty, and it directly contravenes that treaty. It does so without protest from Great Britain from the time it was executed until now. That treaty places in our hands the sole right to guaranty the neutrality of the Isthmus of Nicaragua and to defend it. This right is one for which we should always negotiate, and not attempt to claim without negotiation, because in dealing with sister republics on this continent we deal with states that are weak, but as sovereign as ourselves, and with the same rights over their territory that we have

We executed this treaty with Nicaragua in which we guarantied the neutrality of the Isthmus in 1867, just as we extended our power over the Isthmus of Darien in 1846; a beneficent power which we may use

only in defense of the weak against the strong

Mr. Speaker, I do not propose to occupy the attention of the House at length or to discuss the merits of the bill. I merely desire to show that the gentleman from Missouri [Mr. Bland] is mistaken in his position and misinformed in regard to very important matters; that the Clayton-Bulwer treaty is not recognized by our Government and can not be brought here to frighten the House out of what it may choose to do; that the treaty with Nicaragua is in full force under which our relations of commerce and amity with that state are defined, and we need no further negotiation with that country to carry out the matters under discussion in this House.

The SPEAKER pro tempore. The gentleman from Massachusetts

has thirty-five minutes remaining.

Mr. RUSSELL, of Massachusetts. I will reserve the remainder of

Mr. WILSON, of Minnesota, withholds his remarks for revision. [See Appendix.]
The SPEAKER. The gentleman has fourteen minutes of his time

Mr. CLARDY. I would like to have unanimous consent that the previous question may be considered as ordered. I do not like to stand another day in the way of the appropriation bills. Therefore I ask that another day in the way of the appropriation bills. the previous question may be considered as ordered; and if it be in order, I ask that to-morrow, after the House assembles, fifteen minutes may be devoted to the further consideration of the bill, ten of which can be given to the gentleman from Minnesota.

Mr. BUTTERWORTH. Make it fifteen minutes on each side.

Mr. BRECKINRIDGE, of Kentucky. I object.

The hour of 5 o'clock having arrived, under previous order, the House took a recess until 7 o'clock and 30 minutes p. m.

## EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. Dockery as Speaker ro tempore

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 5, 1889. I hereby designate Hon, A. M. Dockery to preside as Speaker pro tempore at this evening's session. JOHN G. CARLISLE, Speaker.

Hon. John B. Clark, Clerk House of Representatives.

## ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

Resolved, That Tuesday, the 5th day of February next, at 5 o'clock p. m., the

House take a recess until 7.30 p.m., the evening session to be devoted to the consideration of bills reported by the Committee on the District of Columbia, except the national park bill and the trust bill, and that the House adjourn not later than 10.30 p. m.

ASSESSMENT OF REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 11957) to amend an act entitled "An act to levy an assessment on real estate in the District of Columbia for the purpose of taxation."

The SPEAKER pro tempore. This bill is in Committee of the Whole, Mr. HEMPHILL. I ask unanimous consent that the House consider the bill as in Committee of the Whole.

There was no objection, and it was so ordered.

Mr. HEMPHILL. I ask that the first formal reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The bill was read by sections, as follows:

Be it enacted, etc., That chapter 137 of the acts of the second session of the Forty-seventh Congress be amended as follows:
Strike out the words "who shall be resident thereof" in the third section of said chapter.

After and amend section 9 of said chapter so that it shall read as follows:
"The board of tax and license appeal hereinafter created shall, with the assessors herein provided for, convene at an office to be assigned them by the commissioners on the first Monday in July of each year in which an assessment is made under the provisions of this act, for the purpose of correcting such errors in the said assessment as may be deemed proper for the fair equalization of the values of the property assessed."

The committee propose to amend by inserting the following:

That section 11 of said charter be amended by inserting after the last word thereof the words "subject to the provisions of the act amendatory hereto passed at the second session of the Fiftieth Congress."

The amendment was agreed to.

The Clerk read as follows:

That section 12 of the said chapter be amended by inserting after the word "return," in the sixth line of said section, the words, "to the board of tax and license appeal hereinafter provided for," and by striking out the proviso to said section.

turn," in the sixth line of said section, the words, "to the board of tax and license appeal hereinafter provided for," and by striking out the proviso to said section.

That section 13 be amended by striking out the words "collector of taxes, who shall at once proceed to collect," and in lieu thereof insert the words "board of tax and license appeal hereinafter provided for, and the taxes so in arrears shall be collected as other taxes are collected."

Sec. 2. That sections 14 and 15 of said chapter be stricken out, and that the following section be added in lieu thereof as a section of the said act:

"Sec. — That the collector, the assessor, and the clerk in charge of special assessments of the District of Columbia shall constitute a board of license and tax appeal, and shall have power to value and make return in every year, except the year designated for general assessment, of all property taxable by law not before assessed and valued; to reduce the assessment and valuation of any property assessed as herein provided, which may have been lessened in value; to increase the assessment and valuation of any property which may have been enhanced in value; and generally to make such corrections and additions in previous assessments and valuations as may be just and proper, having in view the actual cash value of the property at the time of such correction; and any person aggrieved by the assessment of any property however made may apply to the said board for an abatement, and if he makes it appear that he is taxed upon an assessment of his property above its cash value, said board shall make a reasonable abatement, and shall certify the same to the auditor, upon whose statement the sum estimated to be due for such abatement shall be paid to said applicant; and the said board shall have power to hear all applications for licenses under existing laws, and shall make report of its hearing and of the facts ascertained by such hearing to the commissioners for their determination; the said board shall hold its sessions

The amendments were agreed to.

Mr. HEMPHILL. I move to insert the word "fourteen" in line 4 of section 2, so that it will read, "section 14;" and on the same line and on the top of page 3, strike out the words "clerk in charge of special assessments" and insert the word "auditor."

The amendment was agreed to.

Mr. HEMPHILL I will simply obtained to the terminal of the control o

Mr. HEMPHILL. I will simply state to the House that this bill was really prepared by the District commissioners to provide a system of appeals from erroneous tax assessments. Under the law in this District when a man is assessed it is for three years. There is no possibility of correcting an erroneous valuation, and this bill simply provides for a board of three auditors who can correct and rectify an erroneous assessment.

The bill was ordered to be engrossed and read a third time; and being

engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

AVENUE TO MOUNT VERNON.

Mr. HEMPHILL. I call up the bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor.

The SPEAKER pro tempore. This is in Committee of the Whole.

Mr. HEMPHILL. I ask unanimous consent to consider it in the louse as in Committee of the Whole.

Mr. KILGORE. As I understand the effect of that motion, it will not deprive any member of any right in the House that he would have in Committee of the Whole.

The SPEAKER pro tempore. A member would have the same rights as in the House. The only thing is that the House can order the previous question on the bill. General debate will be considered as closed and the first formal reading dispensed with.

Mr. KILGORE. Of course before we get through with this matter I hope the gentleman from South Carolina [Mr. HEMPHILL] will be in

a mood to be accommodating.

Mr. HEMPHILL. I will in anything that is reasonable.
Mr. KILGORE. I have got an objection to this bill in its present attitude. Is there any objection to having the bill and report read? That may obviate the difficulty.

Mr. ATKINSON. Let the bill be read.

Mr. KILGORE. After that I will see whether I will object.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to detail one or more engineer officers of the Army to make the necessary surveys for a national road from a point in Alexandria County, Virginia, at or near the Virginia end of the Aqueduct Bridge, and thence through the counties of Alexandria and Fairfax, in said State, to Mount Vernon, who shall report the same, together with the estimated cost of building such road, to the Secretary of War, who shall transmit the same to Congress.

SEC. 2. That the sum of \$10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States in carrying out the provisions of this act.

The report (by Mr. LEE) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor, submit the following report:

The purpose of this bill is to survey a national road to Mount Vernon, where, daily, persons from all parts of the country go. It seems peculiarly appropriate that visitors to the capital of their country should find an easy and pleasant drive to the home of the Father of his Country. Thousands of people visit this historic place yearly, and Congress should, in the opinion of your committee, provide a convenient mode of getting there.

Your committee recommend that the bill pass.

Mr. KILGORE. The objection that I have is based upon the face of the bill and the face of the report. The bill provides that this survey shall begin in the State of Virginia and terminate in the State of Virginia. It is to be confined entirely to that State. This bill authorizes Congress to go into Virginia and take charge of a sufficient amount of territory to include this avenue without offering any evidence, either in the bill or in the report, to indicate that the State has consented that the Government of the United States shall do that; and I do not think it is in the power of Congress to take charge of Virginia, or of any porit is in the power of Congress to take charge of Virginia, or of any portion of Virginia, or any other State without the consent of the State, Now, I will be candid with the friends of this measure. I understand that Virginia has passed a law providing for the construction of this avenue from the south end of the bridge to Mount Vernon, by way of Alexandria, and has appropriated \$25,000 for that purpose.

I understand that the State has provided that the counties of Alexandria and Fairfax may contribute to the extent of \$2,000 a mile to the construction of the avenue and that it has gone further and passed

the construction of the avenue, and that it has gone further and passed a joint resolution conceding to the Mount Vernon Association—which seems to have charge of this avenue—an old claim against the United States, amounting to \$120,000, for money advanced by Virginia to the Federal Government to construct public buildings in Washington about a hundred years ago. I believe that is about the status of this matter. The objection I make now is that all these facts ought to appear of record. I understand that Virginia has done these things as I recited them, but there is no record of it here, and there is no evidence that the laws which I have mentioned are still the laws of Virginia. The act of the Legislature to which I refer was passed, I believe, in 1887 or 1888. What I suggest is that this bill shall be recommitted to the committee, so that they may report all the facts and circumstances in connection with the transaction and put them on record, in order that Congress may act intelligently on the subject and with reference to the

concessions made by the State of Virginia.

Mr. ROWELL. Does the gentleman know that this bill only proposes to authorize the making of a survey?

Mr. KILGORE. I know that, but Congress has no right to go into Virginia to make a survey without the consent of the State.

Mr. ROWELL. Does not Congress go into the different States and

make surveys and build roads to soldiers' cemeteries?

make surveys and build roads to soldiers' cemetenes?

Mr. KILGORE. Yes, sir; and it violates the Constitution when it does it. Still, in such cases Congress is grading a road to property that belongs to the Federal Government, and generally through its own reservation. That makes a difference. Under all such circumstances the work is done on Government property, that is, property which has been already conceded to the Government of the United States by the State in which it is situated.

Mr. ROWELL. The acts of the Legislature of Virginia, to which the

Mr. ROWELL. The acts of the Legislature of Virginia, to which the gentleman has referred, are public acts of which everybody is bound to take notice.

Mr. KILGORE. Well, sir, I think they ought to go on record here, and that they ought to appear as the inducement for Congress to act in Now, I am not unwilling to consent that this appropriation shall be made, or that this bill shall pass, if it is put in a shape to make it acceptable so that the record will be complete and that there can be no question whatever of the authority of Congress to go into the State to make this survey.

Then there is another amendment that I want to put in the bill. Ido not know whether the friends of this bill would be willing to have it recommitted so that a full report may be made, as I suggest, showing all the facts, but I think that ought to be done. I do not even know

whether those laws of Virginia are still in force or not.

Mr. O'FERRALL. If the gentleman will allow me, he will find that there was an act passed by the Legislature of Virginia at the last session of the General Assembly entitled "An act to incorporate the Mount Vernon Avenue Association." That act was approved February 18, 1888, and only a few days after that the Legislature adjourned, and there has been no session of the General Assembly of Virginia since that time

Mr. KILGORE. I assume that that is so, even without the gentle-

man's statement

Mr. O'FERRALL. Then followed a joint resolution transferring a certain claim of the State of Virginia against the Government of the United States to the Mount Vernon Association, a corporation chartered by the State of Virginia, which act was approved March 5, 1888, in the very dying hours of that Assembly.

Mr. KILGORE. Those acts are still in force?

Mr. O'FERRALL.

Mr. O'FERRALL. Yes, sir; they are still in force. The whole State of Virginia is greatly interested in the passage of this bill by reason of the love they bear to the Father of his Country, and for many other reasons.

Mr. ROWELL. We do not want to put it on record that we pass this bill with a view to the fact that we are going to pay that old claim

of Virginia, because that would raise a new question.

Mr. KILGORE. That suggests another objection that I was about to make. The attitude of that matter, as I understand it, is this. By those who advocate the claim of Virginia it is contended that that money was advanced to the Government of the United States as a loan. Those who take the other side of the question contend that it was a donation to the Government of the United States, made for the purpose of constructing public buildings in this city and thereby enhancing the value of property in Virginia and in Maryland, for Maryland also made a contribution of a similar character, and it has been

and also made a contribution of a similar character, and it has been contended all along for a hundred years that the Government of the United States is not responsible for that money as a debt.

Now, if you get in here a donation of this debt by the State of Virginia to the Mount Vernon Avenue Association, there then comes in an appeal to patriotism in this matter. It can then be said, when Congress is asked to recognize this debt, "This money does not go to the State of Virginia but is to be expended as much for the interests of State of Virginia, but is to be expended as much for the interests of Washington as for those of that State; it is to be applied to the construction of an avenue to Mount Vernon." Thus there will be an additional argument in favor of the payment of a claim for which I think the Government of the United States is not liable. That is the difficulty about this matter. That is my objection to this proposition.

But that is not a very serious objection.

Mr. ROWELL. There might be serious objection if it were stated in this report that there was an inducement to pass this bill; but that being left out the objection does not count for much.

Mr. LEE. If the gentleman from Texas will allow me a moment I think I can explain this matter.

Mr. KILGORE. I have an amendment which I wish to submit; and while the gentleman is making his explanation the amendment

can be prepared. I yield to the gentleman.

Mr. LEE. Mr. Speaker, it is very true that the State of Virginia chartered the Mount Vernon Avenue Association. But this proposition is an entirely independent one. It is very true that the organization perfected under that charter is interested, as I hope every citizen of this great land is interested, in seeing constructed a good road to Mount Vernon. But this proposition, as I understand, is in no way whatever connected with the Mount Vernon Avenue Association; and I hope the gentleman will separate the two propositions in his own mind. This is a Senate bill, passed, I believe, on the 22d of January last, authorizing the War Department to make a survey for a graded road to Mount Vernon. It is very true—and the friends of this enterprise do not wish to disguise anything—that we hope there will be a favorable report made by the engineer officer who may make this survey; and we trust in the next Congress to follow this measure up with a proposition that the Government shall construct a road from this city, the capital of the country, to Mount Vernon, the home of the founder of this nation.

This is a want that has long been felt. This road is greatly needed. The facilities for getting to Mount Vernon from this city, as gentlement are well laware are very inchessive.

are well aware, are very inadequate. Even if a railroad were added to the present arrangement of getting there by boat, this proposed road would still be necessary for the comfort and convenience of the thousands and hundreds of thousands of people who yearly visit the tomb

of Washington. I should be sorry to think that in this year, the centennial of the first inauguration of the great President, the founder of this Government, it is necessary to make any special appeal for the building of such a road, which ought to have been built many years

It is true that the Government of the United States has not the legal title to Mount Vernon; but, sir, I think that Mount Vernon is looked upon as practically the property of the whole American people; and I am told by those who have charge of that property that there is never am told by those who have charge of that property that there is never a day of the three hundred and sixty-five in the year when some person from some section of this great country or the world at large, whether the means of reaching there be by steam-boat or otherwise, does not find his way to Mount Vernon to place upon the altar of that great patriot and statesman his votive offering. I think we all acknowledge that the world is better in having some such Mecca for its people to visit. The contemplation of the exalted character and the great services of Washington is enough to animate the rising generagreat services of washington is enough to animate the rising genera-tion to deeds of virtue. As this appropriation is so small in itself, and as this road is, as I have said, a matter not only of comfort but of ne-cessity to the people, I hope that my friend from Texas, when he un-derstands the question, will withdraw all objection and allow this Senate bill to pass. If it were earlier in the session, and we could amend the measure to suit my friend, I would be perfectly willing to accept his amendments; and I am not prepared to say that I will not do so anyhow. But he knows as well as I do that if we amend this bill now and send it back to the Senate it may be that the measure will be lost for this session.

Now all that this bill contemplates is simply a survey of this road. It does not commit the Government to anything. If in the next Congress the Representatives of the American people do not choose to construct this road, there will be no reason, in the passage of this bill now, why they do so. This measure makes no committal whatever. It will be the province of members of the next Congress to say whether they will construct this road. This measure is simply to help the good cause along, and it has no earthly connection, as I understand, with the Mount Vernon Avenue Association as organized by the Legislature of the State of Virginia. It is true that the parties who are the incorporators of that association are interested in getting this road; and the object of organizing the association was that they might come before Congress with something tangible, as they thought, by which the means of constructing the road could be obtained. If this were a road looking merely to the benefit of any particular section or locality, I could very well understand why gentlemen should talk about the State of Virginia or any other State through which the road may pass.

But when we look at it from a national standpoint and consider that every man, woman, and child in this country and all who admire patriotism and true virtue all over the world are interested, I think we had better divest it of all State or party considerations and deal with the question from a liberal, national, and a very broad standpoint. I

hope therefore the objection will be withdrawn.

Mr. RICHARDSON. I would like to ask the gentleman from Virinia a question for my own information.

Mr. LEE. Certainly.
Mr. RICHARDSON. I have not investigated the question—perhaps
I should have done so—but is the Government of the United States to construct this road and own it after its construction?

Mr. LEE. That will depend upon the bill that passes Congress here-

Mr. O'FERRALL. This does not provide for the construction of the road; only for the survey.

Mr. RICHARDSON. But who are the incorporators?

Mr. LEE. There are no incorporators.

Mr. RICHARDSON. I understood the gentleman to speak of incorporators.
Mr. LEE. The incorporators have nothing to do with this Senate

Mr. RICHARDSON. What I want to get at is this: Is it proposed to have an incorporated company to own this road after its construction by the United States?

Mr. LEE. The first project, as I have said, was this charter granted by the State of Virginia to this Mount Vernon Avenue Association;

ut this is a separate proposition.

Mr. RICHARDSON. Is it contemplated to be a free road?

Mr. LEE. A free road. Mr. RICHARDSON. Without toll-gates?

Mr. LEE. Without toll-gates.

Mr. O'FERRALL. It is to be a national highway for the use of the public without charge.

Mr. RICHARDSON. But to be constructed by the United States?

Mr. LEE. If Congress so orders. This bill simply provides for the

Mr. KILGORE. Mr. Speaker, I think the statement made by my friend from Virginia rather supports my view of it and is against the passage of the bill. My objection to it is that they propose by this bill to have Congress consent to send an agent of the Government there to make a survey of a proposed road without any authority from the State

of Virginia. That, in my opinion, ought not to be done. If gentlemen are willing and can consent to that arrangement I am free to say that I can not give my assent to it. It has been suggested here that the act of the Virginia Legislature is a sufficient warrant.

Mr. O'FERRALL. Will the gentleman permit me to ask him a

Mr. KILGORE. Certainly.
Mr. O'FERRALL. Could anybody object except the land-owners upon whose lands the engineers might go to construct the road? They could not go there with arms in their hands, and, acting under authority of an act of Congress, the State of Virginia could not object to their going through the State; so that it would be only the land-owners, who might regard them as trespassers, who would have the right

Mr. KILGORE. I am assuming that the State will not only consent to have them go there and make the survey, but that it is anxious for the construction of the road. My point is that Congress has no authority to go there and interfere with Virginia's soil without that State's consent. If Virginia is willing, let the consent be given in the proper manner; but without that consent, even though the State may be willing, as gentlemen assert, I can not give my consent to support such a measure.

Mr. ROWELL. Let me ask the gentleman if the Government of the United States asks permission of the State of Texas to send its surveyors, in the scientific department of the Government, to survey and make topographic maps of the country?

Mr. KILGORE. But that is not for improvement. They never

survey except to make topographic charts.

Mr. ROWELL. But does the Government ask permission of the State to do that?

Mr. KILGORE. No, sir; for, as I have said, that is not for an improvement.

Mr. ROWELL. This is no more an improvement than that. This

act only proposes a linear survey.

Mr. KILGORE. Yes, a survey, but for the purpose of an improvement, to construct a highway.

Mr. ROWELL. Does the Government ask permission of the State

of Texas to survey a road to a national cemetery?

Mr. KILGORE. No; because that is through property already owned by the Government.

Mr. HEARD. Let me suggest to the gentleman from Texas that the course of this road as projected would locate it partly upon a Government reservation.

Mr. KILGORE. So I understand; the Arlington Cemetery. Mr. HEARD. And hence it would be necessary to have authority from the Government to survey that, if there were any consent to be acquired. It would, of course, be impliedly given by authorizing the survey under the Government officers; but, as the gentleman from Virginia [Mr. O'FERRALL] has said, there could be no objection by any-body except the people whose lands in Virginia were trespassed upon,

and they could protect themselves under the laws of the State by invoking the authority of the State courts.

Mr. KILGORE. I understand that; but that is not the point. And as to the question of historical ground, which has been suggested by one gentleman in the course of this discussion, there is scarcely a spot

in Virginia that is not historical.

Mr. O'FERRALL. That is true, and I thank the gentleman for the

statement

Mr. KILGORE. For instance, all over the State of Virginia there are historical spots which have made the State famous, and on the same theory as that advocated here we might go into the State and undertake to construct an avenue from the foot of this bridge to the Wilderness, to Appomattox, to Hanover Court-House, to Richmond, and Cold Harbor, and a thousand other places in the State; and Virginia, if this doctrine prevails, would soon be entirely in the possession of the Gov-ernment of the United States for national highways.

Mr. LEE. Let me suggest to the gentleman that we have already constructed a road from Richmond 5 or 7 miles to the cemetery at Cold

Mr. KILGORE. Who did that?

Mr. LEE. The Government of the United States.
Mr. KILGORE. By the consent of the State of Virginia? I do not know that they had any formal consent.

Mr. KILGORE. It looks as if the State of Virginia was ready to surrender everything to the United States for the purpose of getting money. Now, the balance of us live a long way from here, but it may extend to South Carolina and on to Texas after awhile.

Mr. HEMPHILL. That would be time for my friend to objectwhen it gets to South Carolina and to Texas.

Mr. KILGORE. I want to resist the camel before he gets his nose into the bag

Mr. HEMPHILL. Have you an amendment?
Mr. KILGORE. I have an amendment.
Mr. LEE. Will my friend allow me to make a suggestion to him? He can make this objection when it comes up at the next Congress. He is a member of the next House.

Mr. KILGORE. Oh; but then they will come in with it in the sundry civil bill and make the appropriation on the ground that it is to carry out and complete a work already begun.

Several Members. Oh, no.

Mr. LEE. This is simply to send out surveyors to make the survey.

I will say to the gentleman from Texas that if he has an amendment I will accept it rather than have the bill endangered; but I hope he will not insist on his amendment, as it would have to go back to the Senate, which would jeopardize the bill, this being a Senate bill which has already passed.

Mr. KILGORE. Besides, this is largely in the interest of the owners of the property along the route. I know it is a patriotic purpose to have this road made to Mount Vernon. I concede everything said by my friend from Virginia, and that the people ought to be patriotic. But then they ought to be just at the same time. They ought to encourage that feeling of patriotism; but you see my folks are down in Texas, and few of them are able to pay railroad fare to come here and see these interesting things

Mr. LEE. There are a great many Texans here who can go and see

these things at Mount Vernon. Mr. KILGORE. There are some here who have got offices. I desire to offer the following amendment to come in at the end of the bill.

The Clerk read as follows: That nothing herein shall be construed to bind the Government of the United States to pay for any portion of the right of way for the avenue contemplated in this act.

Mr. LEE. I will accept the amendment rather than have the bill defeated.

Mr. KILGORE. But I want to make another statement. This will go back to the Senate, and if they refuse to agree to this amendment then there will be a conference committee, and the report of the committee will be a privileged report after they have dropped the amendment out of the bill. Now, I want to know of my friend if they will accept this amendment in good faith and let it remain there.

Mr. HEMPHILL. I have no purpose to do anything but what is in good faith; but I would not desire to bind myself as to what shall be done with this amendment afterwards. I do not know what we would do in committee of conference; but I want to say as far as I am concerned, speaking for myself only, that I have no objection to the amendment. I do not think it is necessary, but I have no objection to it.

Mr. LEE. I hope my friend will not insist upon the amendment.

Mr. KILGORE. Are you willing to take it?

Mr. LEE. I am not willing to take it, but will take it rather than se the bill. It is not germane, it seems to me, to this bill. This bill best not bind the Government to anything. It does not propose to lose the bill. does not bind the Government to anything. bind the Government in the slightest way.

Mr. KILGORE. I must disagree with that statement. It is a beginning. It does not bind the Government absolutely to begin the work, but if it does begin a million of money will have to be expended hereafter to pay for the right of way. It commits the Government to go forward after the money has been expended in the survey to perfect the work. Of course the engineer is going to find that it is entirely feasible to construct an avenue.

Mr. LEE. If the gentleman insists upon the amendment I will accept it; but I again express the hope that he will withdraw it.

Mr. KILGORE. I would like to accommodate my friend; but I think the amendment should be adopted.

Mr. LEE. I would ask more for my people than I would ask for myself, but I think this is irrelevant and unnecessary and that it should not be adopted.

Mr. KILGORE. I shall have to insist upon the amendment.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. O'FERRALL. Division. I have no disposition to ruin the bill at all; but I do not see any necessity, or any use, or any sense of tacking on a bill of this kind such an amendment as that.

The House divided; and there were—ayes 11, noes 6.

So the amendment was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LEE. I move to reconsider the vote by which the bill was passed, and also move that the motion to reconsider be laid on the

The latter motion was agreed to.

SECTION 555, REVISED STATUTES.

Mr. HEMPHILL. I call up the bill (H. R. 11693) to amend section

555, Revised Statutes relating to the District of Columbia.

The SPEAKER pro tempore. The bill is on the Private Calendar.

Mr. HEMPHILL. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.
On motion of Mr. HEMPHILL, by unanimous consent, the first reading of the bill for information was dispensed with.
The bill was read, as follows:

Be it enacted, etc., That section 555 of the Revised Statutes of the United States

of America relating to the District of Columbia, be, and it is hereby, amended by striking out the word "nine" and inserting the word "fitteen" in lieu thereof, so that the same shall read: "The stock, property, and concerns of such company shall be managed by not less than three or more than fifteen trustees, who shall respectively be stockholders, and a majority citizens of the District, and shall, exe-pt the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

DEPOSITS BY INSURANCE COMPANIES IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 12137) relating to the deposit of securities by insurance companies.

On motion of Mr. HEMPHILL, by unanimous consent, the first read-

ing of the bill for information was dispensed with.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, cic., That it shall be lawful for the Treasurer of the United States to receive from any insurance company incorporated under the laws in force in the District of Columbia a deposit of such securities as shall be necessary to enable such company to transact business in any part of the United States under the laws of such States, respectively, and to certify to the receipt thereof, which said securities shall be held by the Treasurer so long as such company shall desire to transact business in the States requiring such deposit; but the company making the deposit shall be at liberty to receive the dividends or interest upon such securities, and whenever any such company shall desire to discontinue its business in said States, and shall satisfy the Treasurer that such deposit is no longer required of it by the laws thereof, it shall be entitled to a return of the said securities so deposited by it.

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12137) relating to deposit of securities by insurance companies, having had the same under careful consideration, report as follows:

The passage of this bill is desired to enable insurance companies existing and doing business with the home office in the District of Columbia to deposit with the Treasurer of the United States such securities as are required by the laws of the several States in which they seek to do business to be deposited with some public officer for the protection of the policy-holders of said companies.

The laws of many of the States select the insurance department as the depository for such securities; as there is no such department in the District of Columbia, and no treasurer, it seems proper that the Treasurer of the United States should, as the custodian of the funds of the District of Columbia, be designated as the proper official to carry out the purposes of this bill.

The commissioners of the District recommend the passage of the bill. It confers general and not special privileges.

The committee recommend that the bill do pass.

Mr. KILGORE. I understand that this is to enable insurance com-

panies to operate in the District of Columbia.

Mr. HEMPHILL. No, sir. The object of the bill is this: There is no insurance department here as there is in most of the States, and many of the States require that before a foreign company can do business it shall have a certain amount of securities deposited with the proper public officials at its home as a protection to the policy-holders. It was thought, therefore, that a law ought to be passed allowing in-surance companies that are chartered in the District of Columbia to deposit their money or securities for this purpose with the Treasurer of the United States, in order that they may be able to comply with the laws of States in which they may desire to do business.

Mr. KILGORE. Will it prevent them from making deposits in the States in which such deposits are required?

Mr. HEMPHILL. Oh, no. It does not undertake to abrogate any State law, but simply to put the companies in a position to comply with the State laws.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TITLE TO SQUARE SOUTH OF SQUARE 1092, WASHINGTON.

Mr. HEMPHILL. I call up the bill (H. R. 11817) vesting in the vestry of Christ Church, Washington Parish, in the District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092 in the city of Washington, District aforesaid.

The SPEAKER pro tempore. This bill is on the Private Calendar. Mr. HEMPHILL. I ask unanimous consent that it be considered I ask unanimous consent that it be considered

in the House as in Committee of the Whole. There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That all of the right, title, and interest, whether legal or equitable, of the United States of America in and to all that lot or parcel of ground situate in the city of Washington, District of Columbia, and known on the ground plan of the said city as square south of square numbered 1092, be, and the same hereby is, granted to and vested in the vestry of Christ Church, Washington Parish, in the said District, and to their successors forever.

The report (by Mr. ATKINSON) was read, as follows:

The committee to whom this bill was referred sent the same to the commissioners of the District of Columbia, who requested the United States attorney for the District of Columbia and Col. John M. Wilson, United States Army, in charge of public buildings and grounds, to examine the bill and to report their opinion thereon. The commissioners have returned the bill with the recom-

mendation that it pass, which recommendation is based upon the accompanying reports of the said District attorney and Colonel Wilson.

This bill is framed to vest all of the title of the United States to square south of square 1992, in the city of Washington, in the vestry of Christ Church, District of Columbia, who are, by mesne conveyance, purchasers from the original proprietors of this whole square—George Walker and William Young. The Iollowing are extracts from the District attorney's report:

"All the proprietors of the lands upon which the city of Washington was laid out, with few exceptions, conveyed their holdings to two trustees, Thomas Beall, of George, and John M. Gantt, upon trusts, that a 'Federal city' should be laid out upon them. The portion of the deed which affects the present inquiry provides for an equal division of all the building squares between the original proprietors and the commissioners appointed under the act of Congress establishing the temporary and permanent seat of the Government, the parts falling to the commissioners on the division to be sold and the proceeds applied to the crection of the public buildings.

"George Walker and William Young's heirs were the proprietors of tracts adjoining each other, and part of each of these tracts, in unequal proportions, were included within the limits of this square.

"The individual account of Walker with the commissioners (page 185) shows that he is charged with lots 2 and 3 in this square, amounting to 37,6211 square feet; his original holding in the square was 14,7272 square feet, and of this transaction is made up in favor of the commissioners by allowances from his interest in other squares.

"The individual account of William Young's heirs with the commissioners shows (page 215) that they are charged with hots 2 and 3 in this square, containing 23,142; square feet; their original holding was 48,036 square feet, of which the commissioners were entitled to one-half, and the difference in his favor on their interest in other squares.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was ssed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUILDING AND LOAN ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 11701) for the relief of the building and mutual loan associations of the District of Columbia. The SPEAKER pro tempore. This bill is on the Private Calendar. Mr. HEMPHILL. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.
On motion of Mr. HEMPHILL, by unanimous consent, the first reading of the bill for information was dispensed with.

The bill was read, as follows:

Be it enacted, etc., That building and mutual loan associations within the District of Columbia shall be exempt from all taxation upon mortgages or other securities held by them for moneys loaned to their own members and secured upon real estate in said District under the existing laws imposing taxes in said District and under such future laws imposing taxes therein as may be enacted, unless otherwise specifically provided therein: Provided, however, That all real estate owned by such associations shall be subject to the same rates of taxation as other real estate in said District.

The report (by Mr. HEMPHILL) was read, as follows:

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred House bill 11701, for the relief of the building and mutual loan associations of the District, respectfully report that they have carefully considered the bill, and are of opinion that its provisions are reasonable and just. Under the construction of existing law the shares of stock of such associations in the District are taxable in the hands of shareholders as personal property; mortgages held by such associations are taxable as such in their hands, and of course the real estate securing such mortgages are taxable in the hands of the borrowing members. Thus it may frequently happen that the same property, under different forms, may have to pay three distinct taxes. Under a general law applicable to the District personal property to the extent of \$500 is exempt from taxation, and the effect of the construction of existing law is to compel the poorer classes, who for the most part invest in these associations, to pay a tax where their more fortunate neighbors pay none. Savings-banks are not taxed on their deposits, and there seems to be no reason why these associations should not be put on the same footing. In many of the States such associations have been exempted from taxation on their deposits paid in for investment for the purpose of encouraging such enterprises, thus enabling persons of small incomes to lay up a small sum per month, and thus in time become real-estate owners, to the benefit of the community generally. generally.

Your committee report the bill back to the House and recommend that it do

Mr. O'NEILL, of Missouri. As I understand it, this applies only to loans made on property in the District of Columbia.

Mr. HEMPHILL. That is all.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill

was passed; also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

JURORS IN THE DISTRICT OF COLUMBIA, ETC.

Mr. HEMPHILL. I now call up the bill (H. R. 12292) to amend sections 851, 856, 857, 861, and 862, Revised Statutes of the United States relating to the District of Columbia.

The bill was read, as follows:

mer. HEMPHILL. In Now Call up the Bill (H. K. 12292) to amend sections S51, 856, 857, 851, and 862, Revised Statutes of the United States relating to the District of Columbia.

The bill was read, as follows:

Be it consted, etc., That sections 758 and 750 of the Revised Statutes of the United States relating to the District of Columbia be, and it hey are hereby, repealed.

Sec. 2. That section 755 of the Revised Statutes of the United States relating to the District of Columbia be, and it is hereby, amended so that it shall read as follows: The supreme court in general term shall have power by rule of court to regulate the period of holding its terms, as also the periods of all the special terms, and to fix the number of such terms, and to alter the same from time to regulate the period of holding its terms, as also the periods of all the special terms, and to fix the number of such terms, and to alter the same from time to the District of Columbia be, and it is hereby, amended so as to read as follows:

Sec. 3. That section 872 of the Revised Statutes of the United States relating to the District of Columbia and special terms, and special terms, and the commissioners of the District of Columbia, a tax-payer, over twenty-one and under sixty-five years of age, and a good and lawful man who has never been convicted of a felony or misdemeanor involving moral turpitude. And the commissioners of the District of Columbia, align furnish to be officers or persons who are authorized to make the list of jurors for service in the supreme court of the District of Columbia, within twenty days after this act shall take effect, and thereafter at least once a year, a list containing the second states relating to the District of Columbia be, and they hereby are, amended so as to read as follows: "The term of service of jurors drawn for service in the supreme court of the District of Columbia holding a special term as a circuit sact shall be a service of the provisions of service of jurors drawn for service in the supreme court

The report (by Mr. ATKINSON) was read, as follows:

The report (by Mr. ATKINSON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill
(H.R. 12292) to amend certain sections of the Revised Statutes relating to the
jury law in the District of Columbia, submit the following report:
According to existing law, jurors in the District of Columbia serve for a term
of three months. This local provision is unusual and oppressive and results in
the excusing of the better class of men from jury service. The bill in question
is designed to remedy this evil. It was referred by this committee to the commissioners of the District, who, in turn, referred it to the supreme court of the
District of Columbia. The chief-justice of this court says:

"Inclosed find a copy of the bill relating to the jury system of the District.
We invited the attention of the Bar Association to the matter, and its committee,
after examination, has prepared a substitute, of which I inclose a copy. The
judges of this court, or all who are able to do so, have examined the substitute
and, I am instructed to say, indorse it, and recommend its adoption and enactment into a law."

This substitute reduces the term of service to one month and is recommended, as has been seen, by the bench, the bar, and District commissioners. The committee offer this substitute in lieu of the bill, with the recommendation that it

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. HEMPHILL moved to reconsider the vote by which the bill was assed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER pro tempore. If there be no objection, House bill No. 11587, for which the bill just passed was reported as a substitute, will be laid on the table.

There was no objection, and it was ordered accordingly.

PUBLIC ORDER DURING INAUGURAL CEREMONIES.

Mr. HEMPHILL. I now ask the consideration of the bill (S. 3869)

to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes.

CDFAKER pro tempore. This bill is in the Committee of the

Whole on the state of the Union.

Mr. HEMPHILL. I ask that the bill be considered in the House as in the Committee of the Whole.

There being no objection, it was ordered accordingly.

The SPEAKER pro tempore. If there be no objection, the first reading of this bill will be dispensed with.

There was no objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That \$8,500, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the commissioners of the District of Columbia to maintain public order and protect life and property from the 28th of February to the 9th of March, 1889, both inclusive, Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure the preservation of public order and protection of life and property, and fixing fares by public conveyances during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$25 in the police court of said district.

The report (by Mr. HEMPHILL) was read, as follows:

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 3:69) to secure the maintenance of public order during the inauguration ceremonies of 1889, have had the same under consideration, and submit the fol-

ceremonies of 1889, have had the same under consideration, aud submit the following report:

This bill appropriates \$8,500, or so much thereof as may be necessary, to enable the commissioners to take such additional precautions and to employ such additional police force as may be rendered necessary to maintain good order during the coming inauguration ceremonies.

At this time the city of Washington will probably be very much crowded, and your committee are of opinion that every facility should be accorded the authorities to maintain order and to protect the public generally. They report the bill back to the House and recommend that it pass.

Mr. O'NEILL, of Missouri. Mr. Speaker, it appears to me that this bill proposes to confer a very broad power on the commissioners of this bill proposes to confer a very broad power on the commissioners of the District. I do not know that this power is defined in the bill, which simply provides generally for the making of certain regulations by the commissioners, the violation of which is to subject the offender to very heavy penalties. Now these inaugurations occur periodic-ally, every four years. My experience does not relate to more than one of them, that which occurred four years ago. I do not recollect on that occasion any disorder or disturbance—anything so extraordinary as to call for a measure conferring special power upon the commissioners. It may sometimes happen that the commissioners of the District are not as great statesmen as members of Congress, and they might make very foolish regulations.

Mr. HEMPHILL. This bill provides only for temporary regula-tions to secure order in the city. My friend will remember that on the last occasion, of which he speaks, we inaugurated a Democrat; this time we are going to inaugurate a Republican; and when a Republican is inaugurated it may require a good deal more to keep people in

order. [Laughter,]
Mr. O'NEILL, of Missouri. Do you expect the heavens to be draped in mourning on that occasion? A MEMBER. Was similar power conferred on the commissioners four

Mr. HEMPHILL. I can not remember precisely, but I think so. Mr. O'NEILL, of Missouri. Did that authority terminate with that

inauguration? Mr. HEMPHILL. Oh, yes; the power operates only for a few days during which special regulations may be necessary.

Mr. O'NEILL, of Missouri. Well, as these penalties will apply only to Republicans, I do not make any objection.

Mr. BREWER. We do not expect there will be any trouble with

the Republicans

Mr. RICHARDSON. I wish to inquire of my friend from South Carolina [Mr. Hemphill] whether the commissioners of the District of Columbia have not already the power to make regulations of this kind on all such occasions? Why is it necessary to give them special and additional power when an inauguration is approaching?

Mr. HEMPHILL. This is an occasion when there will be an unusual number of people coming into the city; and it may be necessary to have regulations which are not required when there is only the ordinary number of citizens here.

Mr. RICHARDSON. Should not these commissioners of the District

Mr. RICHARDSON. Should not these commissioners of the District of Columbia have this power permanently? Why is it necessary to pass a temporary measure of this character? I will ask the gentleman further, why is it necessary to give the commissioners power to regulate the charges of common carriers or those who may engage in the carrying of passengers during the time referred to? Have not the commissioners permanently the power to make such regulations? If not, it seems to me that this power ought to be given to them in some permanent form, and that it should not be necessary to pass this tempo-

manent form, and that it should not be necessary to pass this temporary measure.

Mr. HEMPHILL. It has been thought necessary to endow the commissioners with authority to regulate the fares on public conveyances.

Mr. RICHARDSON. Have they not that power now?

Mr. HEMPHILL. No doubt there are some such regulations in force; but whether they emanate from the commissioners I am not

Mr. RICHARDSON. What other power would there be to regulate

Mr. HEMPHILL. Well, heretofore this city has been under the government of a city council, the corporation of the city of Washington, an assembly of the District of Columbia, and various other legislative bodies, which may have adopted regulations on this subject. I am not informed as to that matter.

Mr. RICHARDSON. The point of my inquiry is, why not give the

commissioners a permanent power in this respect?

Mr. HEMPHILL. That probably would have been better. But this bill has been passed by the Senate and has come over to us. There seemed to be a necessity for providing for the emergency which will soon be upon us; and we did not go into the general subject of the regulation of these matters for all time.

Mr. KILGORE. Now I would like to cross-examine the gentleman

from South Carolina [Mr. HEMPHILL]. Mr. HEMPHILL. Very well.

Mr. HEMPHILL. Very well.
Mr. KILGORE. I understand that this bill makes an appropriation to pay for additional police force on the occasion referred to. Mr. HEMPHILL. Yes, sir.

Mr. KILGORE. Does not the District of Columbia bear any of these expenses

Mr. HEMPHILL. Oh, yes; the District must bear half the expense. Mr. KILGORE. Has not the District of Columbia ample means to

Mr. KILGORE. Has not the District of Columbia ample means to employ this force without coming to Congress for this appropriation?

Mr. HEMPHILL. The District government can not expend any money at all unless it is appropriated by Congress; it must be specifically appropriated by our action here.

Mr. KILGORE. I believe this bill proposes to appropriate \$8,000?

Mr. HEMPHILL. Eight thousand five hundred dollars, or so much thereof as may be necessary. I will state that the expectation is that they will put a rope down the avenue so as to keep the line of march separate and distinct, and to prevent accidents to the people

separate and distinct, and to prevent accidents to the people.

Mr. KILGORE. I understand it gives the power to regulate the

hire of carriages

Mr. HEMPHILL. Yes, sir.
Mr. KILGORE. That is already regulated and the maximum fixed.
I would not favor the raising of the maximum, but if there was a proposition to reduce it I should like to see it.

Mr. HEMPHILL. I think we can trust the commissioners on that

Mr. KILGORE. As this is a Republican outbreak I suppose we can

Mr. HEMPHILL. I suppose so.

Mr. HEARD. That occurred in November last. [Laughter.] The bill was ordered to be engrossed and read a third time; and be

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## DISTRICT POLICE COURT.

Mr. HEMPHILL called up for consideration the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes, reported from the Committee on the District of Columbia with amendments.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That in all causes of which the police court of the District of Columbia has original jurisdiction and in which, under the law, a person accused of an offense is entitled to a trial by jury, the said jury shall consist of twelve persons selected in conformity with the provisions and requirements of the twenty-fourth chapter of the Revised Statutes relating to the District of Columbia, except in so far as the said provisions and requirements are modified, altered, or amended by the provisions of this act: Provided, That the person charged may waive his right to a trial by jury, which waiver shall be entered on the records of the court, and submit the trial of the cause to the judge of said police court, whose judgment therein shall have the same effect as if the cause had been tried by a jury.

Sec. 2. That the names of those persons who may be selected to be drawn for jury service in the said police court, as herein provided, shall be put and kept in a box for that purpose, distinct and separate from that used for the names of persons selected to be drawn for jury service in the supreme court of the District of Columbia. Such names shall be put in said box at such times as the public convenience and the necessities of the case may require; and should said names be exhausted by drawing from said box at a time when said supreme court in general term is not in session, and the officers or persons to make lists of jurors are from any cause not in existence or capable of acting, the commissioners of the District of Columbia shall act as such officers or persons for the time being, with respect to jurors for said police court; and at least twenty-six names shall be drawn at any given time for service on the jury at the said police court.

court.

SEC. 3. That all jurors summoned to serve on a jury in the said police court shall serve a term of one month, and shall receive as compensation for each day's attendance the sum of \$2, and for each half-day's attendance the sum of \$1. Any vacancies in the jury so called for service in the police court shall be filled by talesmen to be supplied as now provided by law in the case of vacancies in a jury for service in the supreme court of said District of Columbia. No person shall be eligible for service on a jury in said police court for more than one term in any person so serving exempt, ineligible, or disqualified for service in the said supreme court, except during the time of actual service on such jury in said police court. said police court, SEC. 4. That the power to examine and commit, or hold to bail, in any offense

cognizable in the supreme court of the said District, shall remain in the judge of the said police court, as is now provided by law.

SEC. 5. That all laws or parts of laws inconsistent with the foregoing are hereby repealed.

The amendments of the Committee on the District of Columbia were read, as follows:

The amendments of the Committee on the District of Columbia were read, as follows:

Amend the bill as follows: In section 1, line 2, after the word "original," insert "and exclusive." Strike from section 1 of the bill, on lines 2, 3, 4, the words "and in which, under the law, a person accused of offense is entitled to a trial by jury, the," and insert the words "trial shall be by jury, which." After section 1 insert the following, to be known as section 2:

"SEC. 2. That if upon the trial of any such cause as aforesaid in the said police court an exception be taken by or in behalf of the defendant to any ruling or instruction of the court on matter of law, the same may be reduced to writing at the time, or it may be entered on the minutes of the judge and afterwards settled in such manner and within such time as may be provided by rule by the supreme court of the District of Columbia, and then stated in writing in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised; which said bill of exceptions shall be signed by the judge of the said police court. And if, upon the presentation to a justice of the supreme court of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same show probable error in any ruling or instruction of the said judge of the police court, the said justice shall allow a writ of error in the cause, which writ shall issue out of the said supreme court addressed to the said judge of the police court, and the said judge as a return to such writ shall thereupon send up the information or complaint filed in the cause and a copy of all the proceedings therein duly certified to the said supreme court, and the said supreme court shall proceed to hear the cause in general term as other causes duly appealed thereto: Provided, however, That no such writ of error shall be allowed after one month from and after the signing of such will not say of all the proceedings

Make section 4 of the bill section 7. Make section 5 of the bill section 8. Mr. HEMPHILL. There are some objections to this bill, and I ask by unanimous consent that it be passed over for the present.

There was no objection, and it was ordered accordingly.

PAWNBROKERS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL called up for consideration the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia. The bill was read, as follows:

to regulate and license pawnbrokers in the District of Columbia.

The bill was read, as follows:

Be the enacted, etc., That the commissioners of the District of Columbia may from time to time grant licenses, under their hands and seal, to such persons as shall produce to them satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a pawnbroker without being duly licensed by the commissioners of the District of Columbia, nor in any other building than the one designated in said license, except by the consent in writing of the said commissioners, under the penalty of \$50 for each day he or she shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the commissioners as aforesaid. Any person, corporation, member, or members of a corporation or firm who loans money on deposit or pledge on personal property, or other valuable thing, other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable thing, other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, is hereby declared and defined to be apawnbroker.

SEC. 2. That every person receiving such license shall pay therefor the sum of \$100 for the use of the District each and every year on payment of the same sum, and upon performance of the other conditions herein contained.

SEC. 3. That every person so licensed shall at the time of receiving such license, and before the same shall be operative, enter, with two sufficient sureties, into a joint and several recognizance to the commissioners of the District of Columbia in the penal sum of \$3,000, conditioned for the due observance

SEC. 5. That every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article, or thing a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or

SEC. 6. That the said book shall at all reasonable times be open to the inspection of the commissioners of the District of Columbia, all judges of criminal courts, major and superintendent of police, captains of police of the city of Washington, D. C., or any or either of them, or of any policeman who shall be

duly authorized in writing for that purpose by any or either of them, and who shall exhibit such written authority to such pawnbroker.

SEC, 7. That no pawnbroker shall ask, demand, or receive any greater rate of interest than 24 per cent, per annum upon any loan not exceeding the sum of \$25, or more than 12 per cent, per annum upon any loan exceeding the sum of \$25, under the penalty of \$100 for every such offense.

SEC, 8. That no pawnbroker shall sell any pawn or pledge until the same shall have remained one year in his or her possession, unless by consent in writing of the pawner; and all such sales shall be made at public auction and not otherwise, and shall be made or conducted by such auctioneers as shall be designated and approved of for that purpose by the commissioners of the District of Columbia. trict of Columbia

designated and approved of for that purpose by the commissioners of the District of Columbia.

SEC. 9. That notice of every such sale shall be published for at least six days previous thereto in one or more of the daily newspapers of general circulation printed in the city of Washington, D. C., and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the articles to be sold. Sec. 10. That the surplus money, if any arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Sec. 11. That no pawnbroker shall make any loan on the separate or divided part or parts of any one article or thing, and which article or thing shall have been offered entire or collectively to him or her by way of pawn or pledge.

Sec. 12. That no pawnbroker shall, under any pretense whatever, purchase or buy any second-hand furniture, metals, or clothes, or any other article or thing whatever offered to him or her as a pawn or pledge, except at sale by public auction, as hereinbefore provided.

Sec. 13. That any pawnbroker who shall violate or neglect or refuse to comply with any or either of the provisions of this act, except those contained in sections 1 and 7, shall, for every such offense, upon conviction before a court of competent jurisdiction, pay a fine of not more than \$100, for the use of the District of Columbia.

Sec. 14. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. O'NEILLI, of Missouri. I ask the gentleman from South Caro-

Mr. O'NEILL, of Missouri. I ask the gentleman from South Carolina to state the features of this bill which change existing law.

Mr. HEMPHILL. I will yield the floor to the gentleman from Vermont [Mr. Grout] for that purpose.

Mr. GROUT. In the first place, Mr. Speaker, it changes the rate of interest from 60 per cent. per annum to 24 per cent. on sums of \$25 and less; and to 12 per cent. on all sums over \$25. Then it provides for an extension of the time for the redemption of the pawn, which is now three months-that is, the pawnbroker under the law can sell the pawn after three months.

Mr. O'NEILL, of Missouri. It requires him to keep the pawn. Mr. GROUT. It requires him to keep the article which has been pawned. Another feature of this bill is it provides for refunding to the pawnor of any surplus there may be after debt and interest and all expenses have been paid upon the sale of the pawn. The present law makes no such provision.

Another feature of the bill is the pawnbroker is required to file with the commissioners of the District his bond with two or more sufficient sureties in the sum of \$3,000 conditioned for the refunding of this money and the performance of all the other provisions of the act.

It further provides if any pawnor be aggrieved on account of any transaction with any pawnbroker he may have his action on this bond after he has obtained leave from the court to do so.

These are the main provisions of the bill. There are other minor matters

Mr. RICHARDSON. Is it required in all instances that contracts with pawnbrokers shall be made in writing?

Mr. GROUT. The bill requires a careful description of the person pawning an article, as will be seen by reference to the fourth section, so that track may be kept of the person who brings any articles to be pawned, as it is known articles are brought which are secured by larceny

Mr. O'NEILL, of Missouri. Why not in section 7 divide the rate into monthly interests?

Mr. GROUT. It is now monthly.

Mr. O'NEILL, of Missouri. But what is the object in providing in the bill this high rate of interest?

Mr. GROUT. It is fixed at a monthly rate not to exceed 2 per cent. Mr. O'NEILL, of Missouri. I understand that; but in the bill you say that the amount shall not exceed 24 per cent. per annum. Now, would it not be better to fix it at 2 per cent. per month, which would amount to the same thing, so that if a man wanted a loan for only a short time, while the pawnbroker might want him to take it for the whole year and pay the 24 per cent., he would have the privilege of the shorter period?

Mr. GROUT. Under the law, the pawnbroker would not be allowed

to take more than 2 per cent. per month for any period.

Mr. O'NEILL, of Missouri. That is exactly the point. Suppose he says he will lend it for the entire year, so that he may enforce the pay-

ment of the 24 per cent.? Mr. GROUT. He wou He would not be permitted to do that under the law, and he could only charge for the loan at the rate of 24 per cent. per annum for the time.

Mr. O'NEILL, of Missouri. Well, I will leave the question to you entlemen, because you are more familiar with this business than I am. [Laughter.

I would like to ask the gentleman what is the meaning of section 12, which provides

That no pawnbroker shall, under any pretense whatever, purchase or buy any

second-hand furniture, metals, or clothes, or any other article or thing what-ever offered to him or her as a pawn or pledge, except at sale by public auc-tion, as hereinfore provided.

Mr. GROUT. Well, that is to provide that under the guise of a business transaction the pawnbroker would not be able to pretend that there was an actual sale to him, and in order that he may not evade the provisions of the law. I think the object is quite apparent.

If there be no further inquiry or discussion I hope the bill will be

put upon its third reading.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

Mr. HEMPHILL. I now call up for present consideration the bill (H. R. 11811) to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval, and I ask that it be considered in the House as in Committee of the Whole, the bill being on the Private Calendar.

There was no objection.

The SPEAKER pro tempore. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia" be, and the same hereby is, amended by substituting, after the words "and along High street, in Georgetown, to the Tennallytown road," the words "and thence along and in said road, but outside the improved limits thereof," for the words "but wholly outside the limits of said road and along the side of the said road."

Mr. RICHARDSON. I would like to know if there is a copy of the

original act which this proposes to amend in the hands of the Clerk.

The SPEAKER pro tempore. The Chair is informed that there is not.

Mr. ROWELL. It will be found in the session laws of the last session. Mr. RICHARDSON. I would like to ask the gentleman in charge Mr. HEMPHILL. I will ask the gentleman from Illinois, who is familiar with it, to state the changes the bill proposes.

Mr. ROWELL. At the last session of Congress a charter was granted

incorporating the Georgetown and Tennallytown Railway Company, and authorizing the building of a street railway-an electric railwayfrom Georgetown to Tennallytown.

Mr. RICHARDSON. I would like to ask the gentleman if he has a

copy of that act. Mr. ROWELL. Mr. ROWELL. No, sir; it is to be found in the session laws. That bill went through the House, and an amendment was put on in the House requiring the road to be built entirely outside of the existing turnpike road and on private property.

Mr. O'NEILL, of Missouri. Outside of the street leading to Ten-

nallytown?

Mr. ROWELL. Yes, sir; entirely outside of the street. When the company was organized the Tennallytown people, the small owners, men who could subscribe to, say, a hundred dollars worth of the stock, quite a large number of them, subscribed for the entire stock, and the large landowners along the line of the road did not succeed in getting any of it. There was no power to condemn the land, and the larger holders are unwilling to grant the right of way because of not being able to get any of the stock. They lost the opportunity of building the road themselves, although they were prepared for it, and this act simply means an amendment of the charter to enable the company to build it upon the right of way of the present road, but entirely outside of the improved limits.

There is, I will state, a macadamized road from Georgetown to Tennallytown, 30 feet of which is improved; but there are 14 feet on either side not improved, extending along the entire road; and this amendment gives the railroad company the right to construct its road on the outside of the macadamized road, but within this 14-foot limit, by reason of the fact, as I have stated, that the large land-owners will not grant the right of way for the road on their lands outside of the line of the turnpike, because they did not get the stock; and there being no power to condemn under the charter, they refuse to sell the right of way. It would be much better to have it on this proposed line. The original bill in the House reported it in this way, but it was amended somewhat hastily or carelessly, and they have been prevented from building the road by reason of the wording of that amendment and the results which followed from it.

Mr. KILGORE. Is it contemplated to put it on the line of the high-

Mr. ROWELL. Yes, sir; but outside of the improved portion of the road, the traveled part. As I have said, there are 30 feet of the road macadamized and 14 feet on either side unimproved, but in the right of way, and the object of this amendment is to let them occupy the side of the road within the 14-foot limit to build their track.

Mr. KILGORE. Would not the land-owners have the same right

to resist that?

Mr. ROWELL. No; it belongs to the public.

Mr. KILGORE. But if the public ceases to use it as a right of way it would revert to the land-owners. That is the rule.

Mr. ROWELL. Not the way the land is owned here. District of Columbia made this passage through the land the line became public property.

Mr. KILGORE. Is this road to be run by steam?

Mr. ROWELL. No, an electric road; and in the organization of this company the people who live in that section of Tennallytown, as I have said, took the stock, the small property-owners, in hundred-dollar shares. There is quite a large settlement or village in that vicinity, and a good many people who do business in town live there, and want to secure the building of the road so as to enjoy the facilities that it will afford. They have subscribed, as I have said, in small lots for the stock, and are now only waiting for this amendment of the original act

Mr. KILGORE. Would not the effect be to destroy the highway entirely?

Mr. ROWELL. Oh, no; it would help it. This is an electric road. Mr. KILGORE. But it occupies the same space as a horse road.

But it does not occupy the traveling space that is Mr. ROWELL. used by other vehicles as a horse road does in a city.

Mr. KILGORE. Is this to be built by a corporation able to build it?

Mr. ROWELL. The stock is already subscribed for insmall shares. Mr. KILGORE. Are they able to pay for the right of way?

Mr. HEARD. They can not obtain the right of way.

Mr. KILGORE. But you can amend the law so that they can.

Mr. HEARD. Will the gentleman from Texas allow me a ques-

Mr. KILGORE. Yes, sir, Mr. HEARD. Would you be in favor of vesting in any private corporation the power of eminent domain to take a right of way through these streets

Mr. KILGORE. They always have had the use of the streets.

Mr. ROWELL. In a street railroad you want it to be accessible to the street. If you put it beyond the 14 feet, and into private land, you destroy the accessibility of the road for the people.

Mr. KILGORE. How much space is there in the public highway? Mr. ROWELL. There are 30 feet macadamized and 14 feet more unimproved.

Mr. O'NEILL, of Missouri. Has any protest been made against it? Mr. ROWELL. No, sir. On the contrary, it has been petitioned

Mr. RICHARDSON. I want to ask the gentleman if this will not be run by electricity alongside of a frequented road?

Mr. ROWELL. Yes, sir.

Mr. RICHARDSON. With electricity as the propelling power?

Mr. ROWELL. Yes, sir.
Mr. RICHARDSON. Then does the gentleman not believe that they will destroy the utility of the macadamized road for other per-

Mr. ROWELL. Certainly not.

Mr. RICHARDSON. By the noise incident to running a car by electricity?

Mr. ROWELL. There is not as much noise in running a car by electricity as there is in running a car by horse power.

Mr. HEMPHILL. I would ask the gentleman from Tennessee if he

has seen the Eckington and Soldiers' Home road?

Mr. RICHARDSON. I do not know the name of the road. I have seen the car that runs to Seventh street.

Mr. HEMPHILL. This will be very much the same as that road. Mr. RICHARDSON. I do not think this bill ought to pass, and I

shall have to make the point of no quorum upon it.

Mr. HEMPHILL. I would ask the gentleman from Tennessee not to do that. It is an exceedingly important measure for those people out there. They have petitioned for it unanimously. Not only the poor people, but people who have property out there. It is only a right which has been given to other people who want to build electric railways; and this is to enable them to have a road going out there. There has not been a single objection by a single individual in the District or outside of it along that road or elsewhere to granting this right. There have been no petitions against it from any source whatever; we have a large number of petitions favoring it, and I know from the amount of information I have upon the subject that the people are exceedingly anxious that the road should be constructed. I appeal to the gentleman from Tennessee not to interpose an objection here when it meets with the unanimous approval of the people who are most interested in it, and when it is not only with their consent but by their de-

Mr. TRACEY. I would like to ask the gentleman from South Carolina, the chairman of the committee, where it was intended to run the

road in the original act.

Mr. HEMPHILL. It was intended by the original bill to run this road upon the street. It was not provided as we drew it up originally that it should run along the unimproved portion of the road; but when it came to the House it was amended so as to require them to go be-

yond the limits of the road entirely. The committee were not as well posted as they might have been, and we did not know that there was this 14 feet of unimproved way on either side of the macadamized road, which is 30 feet. There are 44 feet for the use of the people who use vehicles, after this is taken off, for the use of those who have vehicles, and this will be for the benefit of those who do not own their own vehicles, but yet who require from business or other necessity to come to Washington or to go to Tennallytown.

Mr. RICHARDSON. I can not see it any other way than that this

electric road will destroy the utility of the public driving road, and I think it is a matter of too much importance to let this bill pass with-

out further consideration.

Mr. HEMPHILL. Let me ask the gentleman from Tennessee whether he thinks the people along there would not have objected if his view were correct.

Mr. RICHARDSON. It may be that the people right along the road might not object, but people beyond it who are not interested in its construction might object

Mr. ROWELL. Very largely the stock is taken by people beyond it, and the petitions are signed by persons living far beyond it.

Mr. BREWER. I would suggest to the gentleman from Tennessee as to every street in this city where we have street cars that if his suggestion were correct the street would be destroyed as a driveway, but we find from experience and observation that that is not the case. Take Pennsylvania avenue, on which there is a double railroad track, and F street, you find that there is a great deal of driving on those streets, and that the railway does not destroy the utility of the street for driving purposes.

Mr. KILGORE. This roadway, I understand, leads finally into the

country?

Mr. BREWER. It leads 2 or 3 miles from Georgetown-

Mr. KILGORE. But finally it goes out into the country and connects with a country road?

Mr. BREWER. It leads out to Tennallytown, which is a village with

population of perhaps eight hundred or a thousand.

Mr. KILGORE. And that road is traveled by country people coming into town with their produce?

Mr. BREWER. Oh, yes; it is a traveled road.
Mr. KILGORE. The people along the line of this road would naturally favor it because it will probably improve their property, but people in the country beyond, who drive on that road and who have teams that are not accustomed to railroads, would probably object to it

of they knew what was going on.

Mr. BREWER. I will state to the gentleman that we have names on the petitions in favor of this road for a mile or two miles beyond

Tennallytown, even out to the end of the District.

Mr. KILGORE. You mean to the end of the contemplated railroad? Mr. BREWER. No, I mean to the limit of the District, as far as our jurisdiction extends

Mr. KILGORE. Well, I suppose they expect to have it extended out there in time. I must say that I feel about this bill just as the

gentleman from Tennessee [Mr. RICHARDSON] does.

Mr. ATKINSON. Let me suggest to the gentleman, that besides this road there are a number of other roads that are not occupied by street railroads and that can be used by people who have teams that are not accustomed to the strange sight of an electric car moving along. Therefore, the gentleman's objection has no force. Any person living at Tennallytown can come to Washington by any one of several roads. He can come by way of Georgetown or he can come by Woodley Lane, and on neither course will be encounter any such difficulty. Besides, as has been stated, the people out there do not object to this road; on the contrary, they are very desirous of having it built, because they know that it will be an advantage, and they know that there are other roads that will enable them to come to town whenever they wish to do so without using this road at all.

Mr. ROWELL. I think General Drum is the president of this cor-

poration. I know he is one of the leading parties interested in con-

structing the road.

Mr. FITCH. Let me ask the gentleman from South Carolina whether there is anything to be paid for the use of the street?

Mr. O'NEILL, of Missouri. There never is. Mr. FITCH. There is in New York.

Mr. ATKINSON. They pay the aldermen in New York for the

[Laughter.]

Mr. FITCH. Ah, that was formerly; but now we have a law which requires franchises of this kind to be put up at auction and sold, and the city to be paid for them and not the aldermen. The aldermen are serving out their terms for the transactions to which the gentleman re-

Mr. ROWELL. There is a provision in this bill that a certain portion of the gross receipts shall go into the District treasury.

Mr. HEMPHILL. Yes, 4 per cent. goes into the District treasury. Mr. FITCH. But the charter is not put up at auction to be com-

peted for? Nobody else has a chance to get it?

Mr. HEMPHILL. Everybody has a chance to subscribe. Mr. FITCH. To subscribe for the stock of this company?

Mr. HEMPHILL. Yes, sir; and, as I have said, a large portion of the receipts goes into the treasury. Now, Mr. Speaker, if gentlemen insist that we can not go on with the bill, that is the end of it. The committee have no other interest in the matter than to serve the people out there who are deeply interested in this bill and who are unanimously in favor of the construction of this railroad. There is not a single objection from any source except from these gentlemen who seem to think that this road will destroy the public highway. The com-missioners of the District do not object to it, the citizens out there do missioners of the District do not object to it, the citizens out there do not object to it, and the people who are going to use the public road do not object. In fact, I believe they are unanimously in favor of it so far as we have been able to gather any information. Therefore, in the light of these facts, I appeal to these gentlemen to let the bill go through. I do not think that they will care to assume the responsibility of simply putting a stop to this measure without some further information than they seem to have on the subject. information than they seem to have on the subject.

Mr. RICHARDSON. The gentleman assumes too much when he

says that everybody is in favor of this road, because I happen to know of objections coming from gentlemen who reside in the District of Columbia who are interested in that road and who travel over it. There-

fore, when the gentleman says that nobody interposes objection—
Mr. HEMPHILL. I did not say that. I said that the people concerned were unanimously in favor of the matter, so far as the commit-

tee had any information on the subject.

Mr. RICHARDSON. The passage of this bill would, in my opinion, work the total destruction of that road.

The question being taken on ordering the bill to be engrossed for a

The question being taken on ordering the bill to be engrossed for a third reading there were—ayes 13, noes 4.

Mr. RICHARDSON. No quorum.

Mr. HEMPHILL. Is the gentleman from Tennessee [Mr. RICHARDSON] going to insist on that point?

Mr. RICHARDSON. Yes, sir.

Mr. HEMPHILL. Then, if the gentleman will withdraw the point of no quorum, I will ask that the bill be passed over for the present.

Mr. RICHARDSON. I have no objection to that.

Mr. HEMPHILL. I will withdraw the bill.

The SPEAKER were tennesse. If there he no objection, the bill will

The SPEAKER pro tempore. If there be no objection, the bill will be withdrawn.

There was no objection.

JURY TRIALS IN POLICE COURT.

Mr. HEMPHILL. I now call up the bill which a while ago was passed over for the time being—the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other

The SPEAKER pro tempore. This bill has already been read. There are some amendments reported by the committee. If there be no objection, those amendments will be considered as agreed to.

Mr. WHEELER. Some of those amendments are objected to; and we desire to amend them.

The SPEAKER pro tempore. Then the amendments will be reported in their order.

The first amendment reported by the committee was read, as follows: Insetion 1, line 4, after the word "original," insert the words "and exclusive;" and after the word "jurisdiction," in line 4, strike out the words "and in which under the law a person accused of any offense is entitled to a trial by jury, the," and insert "trial shall be by jury which;" so that the clause will read: "That in all causes of which the police court of the District of Columbia has original and exclusive jurisdiction, trial shall be by jury, which said jury shall consist of twelve persons," etc.

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

The next amendment reported by the committee was read, as follows:

Insert the following as section 2:

"SEC. 2. That if upon the trial of any such cause as aforesaid in the said police court an exception be taken by or in behalf of the defendant to any ruling or instruction of the court on matter of law the same may be reduced to writing at the time, or it may be entered on the minutes of the judge and afterwards settled in such manner and within such time as may be provided by rule by the supreme court of the District of Columbia, and then stated in writing in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be signed by the judge of the said police court. And if, upon the presentation to a justice of the supreme court of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same show probable error in any ruling or instruction of the said judge of the police court, the said justice shall allow a writ of error in the cause, which writ shall issue out of the said supreme court addressed to the said judge of the police court, and the said supreme court doressed to the said judge of the police court, and the said judge, as a return to such writ, shall thereupon send up the information or complaint filed in the cause and a copy of all the proceedings therein duly certified to the said supreme court, and the said supreme court, and the said supreme court shall proceed to hear the said cause in general term as other causes duly appealed thereto: Provided, however, That no such writ of error shall be allowed after one month from and after the signing of such bill of exceptions as aforesaid: And provided further, That the justice allowing such writ may stay execution of the judgment of said police court upon the entering by the plaintiff 'n error into a recognizance with sufficient surety, to be approved by such justice, for his appearanc

Mr. WHEELER. This bill has some very objectionable features; at least, in practical operation some of its features may become objectionable. I desire to say in explanation of my position in regard to this bill that to-night I have received my first intimation of its existence. Some members of the House who were prepared to oppose this bill or to

offer amendments to it are absent to-night, not knowing that the bill would be brought up. I have been requested to examine the bill and point out the objections which my brief examination has enabled me to discover; and in the meager time I have had to devote to the examination of the bill I think that I find some provisions which should be modified or eliminated. I find that certain gentlemen are very strenuously advocating the passage of the bill. I see it stated in the report of the committee that the passage of the bill has been earnestly urged by the justices of the supreme court of the District, the assistant attorney for the District, and by the judge of the police court.

Now, there is no doubt in my mind that some bill on this subject is necessary. The decision of the supreme court last summer in reference to trials in the police court was of such a character as to impair the power of this court unless some bill be passed. But in preparing this bill to correct an evil which I admit exists I do not think the care has been taken which should be bestowed upon so important a matter. In the passage of any law concerning the trial of persons for their liberty, and in other respects affecting the rights of the people, placing the right of appeal in the hands of the officials of a court, particularly when the tenure of such officers is for life, great care should be taken to see that no constitutional or common-law right is infringed. This section provides the right of appeal in the following terms:

And if, upon the presentation to a justice of the supreme court of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same show probable error in any ruling or instruction of the said judge of the police court, the said justice shall allow a writ of error in the cause.

The defendant is deprived of the absolute right of appeal, and only given that right when a judge of the supreme court, after examination of the papers, concludes that a probable error in any ruling or instruc-tion of any judge of the police court has occurred in the trial.

It seems to me that the clause needs modification, or possibly it should be omitted, so that an absolute right of appeal shall remain.

Then it goes on to provide-

That the justice allowing such writ may stay execution of the judgment of said police court upon the entering by the plaintiff in error into a recognizance with sufficient surety, to be approved by such justice, for his appearance at the general term of the said supreme court then pending, or if no such general term be pending, then to the next general term, there to prosecute the said writ of error to effect and to abide by and perform the judgment of the said supreme court in the premises.

The defendant before the court may be under bond or he may have been confined in jail. If in jail, it is not clear but that he would be required to give a bond in order to secure the right of appeal.

It seems to me the proper course would be to refer this bill to the Judiciary Committee. It is a bill involving the most important rights of man and the dearest rights of a defendant on trial. And I do not think the bill will be jeopardized by referring it to the Judiciary Committee. In order to provide for speedy action that committee might be granted leave to report at any time. They might report it back immediately.

I feel very keenly the importance of this matter. The bill is earnestly urged by gentlemen for whom I have a very high regard, and it is just as earnestly opposed by gentlemen for whom I have equal regard.

have talked to the gentlemen on both sides to night.

The opponents of the bill only ask that the objectionable provisions of the measure be modified or omitted, and its advocates seem to be satisfied if the bill clearly provides that there shall be jurors in the police courts and specifies the manner in which they shall be drawn.

It seems to me that this can be done in a very brief bill which would be free from the numerous expressions in the measure now before us, which in their best aspect must be admitted to be of very doubtful construction.

It seems to me that there can be no necessity for two jury boxes, and the provision for taking jurymen from talesmen should be modified.

We must remember that when laws are passed that take from or in any way abridge the rights of the citizen and confer powers upon officers whose tenure of office is for life, those rights are very seldom regained by the people.

I am preparing amendments, which I can submit to the House in a few moments.

Mr. HEMPHILL. We might take a recess.
Mr. WHEELER. Have you no other bill?

Mr. WHEELER. Have you no other bill?

Mr. HEMPHILL. Not ready.

Mr. WHEELER. I dislike to endanger the passage of a bill of this importance, but it ought not to go through until it has been made to conform to the just system of jurisprudence. When the amendments to which I have referred have been prepared the bill can be taken up

Mr. HEMPHILL. Let it be passed over for the present. There was no objection, and it was so ordered.

REGULATION OF PHARMACY IN THE DISTRICT.

Mr. HEMPHILL. I call up the bill (H. R. 12498) to regulate the practice of pharmacy in the District of Columbia.

The bill was read, as follows:

A bill to regulate the practice of pharmacy in the District of Columbia.

Be it enacted, itc., That from and after the passage of this act it shall be unlawful for any person, not a registered pharmacist within the meaning of this

act, to conduct any pharmacy in the District of Columbia, except as hereinafter provided.

act, to conduct any pharmacy in the District of Columbia, except as hereinafter provided.

The commissioners of pharmacy shall furnish the commissioners of the District of Columbia with a correct list of registered pharmacists in said District, and shall from time to time enter upon said list the names of persons newly registered. It shall be unlawful for the commissioners for said District of Columbia, or officers acting under their authority, to grant a license to conduct a pharmacy to any person whose name does not appear upon said list: Provided, however, That in case the proprietor or owner of any pharmacy, a registered pharmacist shall be employed, under whose supervision said pharmacy, as to manufacturing and dispensing medicines, shall be conducted, and the license granted to such proprietor or owner shall contain the name of the registered pharmacist thus employed, and in case of a change of registered pharmacists in any such pharmacy, the proprietor or owner thereof shall immediately inform the commissioners of pharmacy the name and address of the registered pharmacist newly employed.

Sec. 2. That it shall be unlawful for the proprietor of any pharmacy to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to and under the immediate supervision of a registered pharmacist. Any persons violating the provisions of this or the preceding section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$25 nor more than \$100 for each and every such offense.

Bec. 3. That immediately after the passage of this act, and biennially thereafter, or as often as necessary, the commissioners of the District of Columbia shall appoint three pharmacists and two physicians, all of whom shall have been residents of the District of Columbia for five years' practical experience in their respective professions, who shall be known and styled as commissioners of phar

evidence of being twenty-one years of age, and having served not less than four years in a store or pharmacy where physicians' prescriptions were compounded and dispensed, or is a graduate of some respectable medical college or university.

SEC. 7. That all graduates in pharmacy having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma, and pharmacists possessing a certificate of registration from a legally constituted State board of pharmacy, provided the granting of said certificate was based upon an examination and a practical experience in pharmacy of not less than four years, shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy.

SEC. 8. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register as pharmacists, without examination, the sum of \$3, and from each person whom they examine the sum of \$30, and from each person whom they examine the sum of \$40, and in case the examination of said person should prove defective and usatisfactory and his name not be registered, he shall be permitted to present himself for re-examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination. The money received under the provisions of this section shall be applied to payment of such expenses as the commissioners may incur, not otherwise provided for, in executing the provisions of this act.

SEC. 9. That every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines;" and should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, or should he knowingly manufacturer, and also those kn

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids, and their salts, essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce.

SCHEDULE B.

Aconite, belladona, colchicum, conium, nux vomica, henbane, savin, ergot, cotton-root, cantharides, creosote, digitalis, and their pharmaccutical preparations, croton-oil, choloform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid, without distinctly labeling the box, vessel, or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison," and the name and place

act.

SEC. 19. That to carry this act into effect there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,125 for the fiscal year ending June 30, 1889, and for the year ending June 30, 1890, the further sum of \$3,000, or so much of either or both of said sums as may be necessary, to be disbursed as provided in section 14 of this act.

Mr. GUENTHER. This, as I understand it, is simply a re-enactment of the present law with certain amendments?
Mr. HEMPHILL. That is correct.

Mr. O'NEILL, of Missouri. What are the amendments?

Mr. HEMPHILL. I will state to the gentleman that we have but a few minutes remaining to-night, and that it would take a considerable time to go over all of the amendments. The bill was prepared by the pharmacists here who asked for it, requesting that certain restrictions be thrown around the business, as you understand it is in all other cities. It was gone over very carefully by the gentleman from Pennsylvania [Mr. Atkinson], who is himself a physician, and met his approval; and while the various members of the committee, outside of himself, do not know much about pharmacy, we relied largely upon his judgment in reporting the bill.

Mr. GUENTHER. It has the approval of the pharmacists here?
Mr. HEMPHILL. Yes, sir.
Mr. RICHARDSON. I understood from the reading of this bill, which is quite lengthy, something in regard to an inspector of pharmacy. Who is to be the inspector?

Mr. ATKINSON. The bill provides for the appointment of an in-

spector of pharmacy who is to be nominated by the organization of druggists here. They nominate a number of men, any one of whom may be selected by the commissioners, as I recollect the bill. But in order to secure pure drugs it is necessary that there should be an inspection of them. No man can tell in purchasing drugs whether they are pure or not, and the duty of the inspector is to visit the various drug stores, examine their stock, condemn articles which are inert or useless, and compel the druggist to dispense only pure and fresh drugs.

Mr. RICHARDSON. Let me make an inquiry upon another point. As I caught the reading of the bill there was some provision in regard to labeling drugs and making public the formula under which they

were compounded, where the preparation is a compound preparation.

Mr. ATKINSON. I presume the gentleman refers to the provision with regard to the storage of poisons. These are required to be labeled, and the bill provides among other things that poisons, mentioned in a schedule embraced in the bill, shall be kept in a separate part of the drug store, so that there may be no opportunity for error in dis-

Mr. RICHARDSON. I understood the bill to provide that the in-spector of drugs should be allowed to examine as to the component parts of different preparations of medicine, and to see that the formula in all

cases was made public by a label or some such means. Mr. ATKINSON. That would be within the scope of his powers; that is, he would be allowed to inspect all drugs made according to the standard formula; but it would not embrace compounded drugs under patents, what are called "patent medicines."

Mr. RICHARDSON. It was in regard to that point that I wanted

to ask the gentleman whether it required these preparations to be also

labeled.

Mr. ATKINSON. No, sir; they go upon the market as of the character they pretend to have, and this does not provide for their inspection. Anybody who takes patent medicines takes them at his own risk

upon the credit of the producer.

Mr. RICHARDSON. It is not intended, then, to make public the

compounds which go under the head of patent medicines?

Mr. ATKINSON. No, sir. Mr. RICHARDSON. While I would support the bill if it did make provision for that, for I am not much in favor of patent medicines my-

self, still I desired to know what this provision was.

Mr. ATKINSON. It might be an infringement of the rights of the manufacturers to require that. When a man wants to take a patent medicine he must rely upon the credit of the manufacturer.

The bill was ordered to be engrossed and read a third time; and being

engrossed, it was accordingly read the third time, and passed. was passed; and also moved that the motion to reconsider be laid on the table. Mr. HEMPHILL moved to reconsider the vote by which the bill

The latter motion was agreed to.

JURY TRIAL, POLICE COURT, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now ask to take up again the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia,

and for other purposes.

The SPEAKER pro tempore. This bill was temporarily laid aside,

and has been already before the House this evening.

Mr. HEMPHILL. There are certain amendments I desire to move now to the bill.

In the second section and fourth line I move to strike out the word "may" and insert "shall," which simply requires, when a man wants to except, that he shall reduce his exceptions to writing, so that there may be a proper basis of appeal.

The amendment was adopted.

Mr. HEMPHILL. In the seventh line of the same section I move to strike out the words "may be" and insert "now;" so that it will read: "as now provided by rule by the supreme court of the District of Columbia."

The amendment was adopted.

Mr. HEMPHILL. In the eighth line, after the word "Columbia," insert "in causes in that court;" so it will require appeals here to be similar to those in the supreme court of the District of Columbia.

The amendment was adopted.

Mr. HEMPHILL. I move also to strike out the word "if" after the word "and," in the twelfth line.

The amendment was adopted.

Mr. HEMPHILL. Also insert, after the word "presentation," in the twelfth line, the words "of the same."

The amendment was adopted.

Mr. HEMPHILL. I move now to strike out the thirteenth, fourteenth, fifteenth, and sixteenth lines, down to and including the word police" in that line. The amendment was adopted.

Mr. HEMPHILL. I move to strike out the third section and substitute the following in place of it.

The Clerk read as follows:

SEC. 3. That such jurors shall be drawn in the same manner as now provided by law for jurors in the supreme court of the District of Columbia.

Mr. KILGORE. I believe you have already passed a bill in relation

Mr. HEMPHILL. That relates to jurors in the supreme court of the District. This relates to the police court and merely provides the same as for the supreme court.

The amendment was agreed to.

The SPEAKER pro tempore. The remaining amendments proposed by the committee will be considered as agreed to, if there be no objective.

There was no objection, and it was so ordered. The bill as amended was ordered to be read a third time; and it was

accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.
Then, on motion of Mr. HEMPHILL (at 10 o'clock and 20 minutes p. m.), the House adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 12507) for the relief of Nash L. Cox—to the Committee on War Claims.

By Mr. HOLMAN: A bill (H. R. 12508) granting a pension to Samuel Maguire—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 12509) granting a pension to George N. Miner—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. JEHU BAKER: Statement of C. J. Murphy relative to the importance of the Indian corn product of the United States—to the Committee on Agriculture.

Also, resolutions of the Philadelphia Drug Exchange, favoring the repeal of all internal-revenue taxes—to the Committee on Ways and

Also, resolutions of the Chicago Live-Stock Exchange, for legislation to provide a system of inspection of all animals slaughtered for foodto the Committee on Agriculture.

By Mr. BOUND: Resolutions of the Philadelphia Drug Exchange, in favor of the repeal of all internal-revenue taxes—to the Committee on Ways and Means.

By Mr. J. R. BROWN: Petition of the Philadelphia Drug Exchange, asking that all internal-revenue taxes be abolished—to the Committee on Ways and Means.

By Mr. CONGER: Resolutions of Wadsworth Post, Grand Army of the Republic, of Dexter, Iowa, urging additional and meritorious legislation in behalf of Union soldiers—to the Committee on Invalid Pen-

By Mr. DINGLEY: Petition of farmers of Durham, Me., for protection to agriculture—to the Committee on Ways and Means.

By Mr. GROUT: Petition of farmers of Middlesex, Vt., for protec-

tion to agriculture—to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of Dakota, for admission, but protesting against the Sioux Falls constitution—to the Committee on the Territories.

By Mr. D. B. HENDERSON: Paper from W. F. King, president of Cornell College, of Iowa, in favor of the Chace-Breekintidge copyright bill—to the Committee on Patents.

By Mr. S. I. HOPKINS: Petition of the Philadelphia Drug Exchange, for the repeal of the internal-revenue laws-to the Committee on Ways and Means.

By Mr. LEE (by request): Petition of George W. Jameson, of Cul-peper County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Acres. 619, 450.59 228, 417, 67

206, 465. 61

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, relating to the enumeration of soldiers in the next census—to the Select Committee on the Eleventh Census.

Also, concurrent resolutions of the same, in relation to the opening of the Indian Territory to settlement-to the Committee on Indian Af-

By Mr. CHARLES O'NEILL: Resolutions of the Philadelphia Drug Exchange, favoring the repeal of all internal-revenue taxes-to the Committee on Ways and Means.

By Mr. OSBORNE: Resolutions of the Chicago Live-Stock Exchange, favoring legislation providing for a system of inspection of all animals

slaughtered for food—to the Committee on Agriculture.

By Mr. RANDALL: Petition of Philadelphia Drug Exchange, asking that all internal-revenue taxes be abolished—to the Committee on

Ways and Means

By Mr. ROCKWELL: Petition of farmers of Lee, Berkshire County, Massachusetts, for protection to agriculture—to the Committee on Ways and Means.

By Mr. SPRINGER: Petition of citizens of Jacksonville, Ill., in behalf of the National Deaf-Mute College-to the Committee on Appropriations.

By Mr. TOWNSHEND: Petition of Margaret J. Fletcher for reliefto the Committee on Invalid Pensions.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. E. P. ALLEN: Of various organizations of Michigan.

By Mr. BIGGS: Of 106 citizens of California By Mr. C. E. BROWN: Of 809 citizens of Ohio.

By Mr. CUTCHEON: Petition of the Congregational Church of Muskegon, Mich.

By Mr. FRENCH: Of members of the South Congregational Church of Middletown, Conn.

By Mr. GUENTHER: Of the First Presbyterian Church of Oshkosh,

By Mr. HOWARD: Of 35,440 citizens of Indiana. By Mr. KETCHAM: Of 170 citizens of Washington, D. C. By Mr. MACDONALD: Of citizens of Cannon City, Minn.

By Mr. MANSUR: Of 100 citizens of Missouri.

By Mr. CHARLES O'NEILL: Of 430 citizens of Pennsylvania.

By Mr. J. H. O'NEILL: Of 82 citizens of Indiana. By Mr. W. L. WILSON: Of citizens of Martinsburgh, W. Va.

The following petitions praying for a constitutional amendment pro-hibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. HIRES: Of J. S. Garrison and 278 others, of Cape May, N. J.

By Mr. T. D. JOHNSTON: Of William P. Blair and 156 others, of Asheville, N. C.

of Asheville, N. C.

By Mr. KEAN: Of A. B. Smith and 166 others, of Westfield; and of Alfred Mason and 45 others, of Ocean Park, N. J.

By Mr. MACDONALD: Of citizens of Cannon City, Minn.

By Mr. MORRILL: Of G. W. White and 61 others, of Kansas.

By Mr. NICHOLS: Of H. N. Snow and 167 others, of Durham, N. C.

By Mr. E. B. TAYLOR: Of G. H. Fairbanks and 19 others, of Troy,

Ohio.

## SENATE.

## WEDNESDAY, February 6, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

PROVISIONAL AGREEMENT WITH THE CREEKS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Congress:

I transmit herewith for approval and ratification a provisional agreement lately entered into between the Government of the United States and the Creek Nation of Indians through their duly authorized representatives, and which has been approved by the national council of said nation, by which agreement the title and interest of the said Creek Nation of Indians in and to all lands in the Indian Territory or elsewhere, except such as are held and occupied as the homes of said nation, are ceded to the United States.

The eighth section of the Indian appropriation bill approved March 3, 1885, authorized the President "to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in the Indian Territory ceded by them, respectively, to the United States by the several treaties of August 11, 1866, and July 19, 1866." This section also contains an appropriation in furtherance of its purpose, and requires that the action of the President thereunder should be reported to Congress.

The "unassigned" lands thus referred to should be construed to be those

which have not been transferred by the United States in pursuance of the treaties mentioned in the section quoted.

The treaty with the Creeks is dated June 14, 1866. It was confirmed by a Senate resolution passed July 19, 1866, and was proclaimed August 11, 1866. (14

Stats., 785.)
The third article of the treaty makes a cession of lands in the following

stats., 755.)

The third article of the treaty makes a cession of lands in the following words:

"In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,250,569 acres, the United States agree to pay the sum of 30 cents per acre, amounting to \$975,168."

The provision that the lands conveyed were "to be sold to and used as homes for such other civilized Indians," etc., has been steadily regarded as a limitation upon the grant made to the United States. Such a construction is admitted to be the true one in many ways, especially by the continual reservation of the ceded lands from settlement by the whites, by the sale of a portion of the same to Indians, by the use of other portions as the home of Indians, and also by various provisions in proposed legislation in Congress. Thus the bill now pending for the organization of Oklahoma provides for the payment to the Creeks and Seminoles of the ordinary Government price of \$1.25 per acre, less the amount heretofore paid.

The section of the law of 1885 first above quoted appears also to have been passed in contemplation not only of the existence of a claim on the part of the Creeks, but of the substantial foundation of that claim in equity, if not in law, and in acknowledgment of the duty of the Goverment to satisfactorily discharge the claim of the Indian people before putting the land to the free uses of settlement and Territorial occup

Acres. 200,000.00 The Seminole country, by the treaty of 1866..... The Sac and Fox reservation, sold and conveyed by article 6 of the treaty of February 18, 1867 (15 Stat-

Making a total of assigned or sold lands of...... 732, 673, 99

And leaving as the total unassigned lands .....

Of this total quantity of unassigned land which is subject to the negotiations provided for under the law of 1885, there should be a further division made in considering the sum which ought fairly to be paid in discharge of the Creek claim thereto.

ciaim thereto.

I. In that part of these lands called the Oklahoma country no Indians have been allowed to reside by any action of the Government, nor has any execution been attempted of the limiting condition of the cession of 1866.

The quantity of these lands, carefully computed from the surveys, is 1,392,-

The quantity of these lands, carefully computed from the surveys, is 1,332,-704.70 acres.

II. The remainder of these unassigned lands has been appropriated, in some degree, to Indian uses, although still within the control of the Government.

Thus, by three executive orders, the following Indian reservations have been created:

222, 716, 32

This shows the quantity of lands unassigned but to some extent appropriated to Indian uses by the Government, amounting to.. 1, 277, 050. 19

appropriated to Indian uses by the Government, amounting to. 1,277,050.19

For the lands which are not only unassigned, but are unoccupied, and which have been in no way appropriated, it appears clearly just and right that a price of at least \$1.25 should be allowed to the Creeks. They held more than the ordinary Indian title, for they had a patent in fee from the Government. The Osages of Kansas were allowed \$1.25 per acre upon giving up their reservation, and this land of the Creeks is reported by those familiar with it to be equal to any land in the country. Without regard to the present enhanced value of this land, and if reference be only had to the conditions when the cession was made, no less price ought to be paid for it than the ordinary Government price. Therefore, in this provisional agreement which has been made with the Creeks, the price of \$1.25 has been settled upon for such land, with the deduction of the 30 cents per acre which has already been paid by the Government therefor. As to the remainder of the unassigned lands, in view of the fact that some use has been made of them of the general character indicated by the treaty of 1866, and because some portion of them should be allotted to Indians under the general allotment act, and to cover the expenses of surveys and adjustments, a diminishment of 20 cents per acre has been acceded to. There is no difference in the character of the lands.

Thus, computing the unassigned and entirely unappropriated land, being the Oklahoma country, containing 1,392,704.70 acres, at 95 cents per acre, and the remainder, which has been appropriated to the extent above stated, being 1,277, 150.19 acres, at 75 cents per acre, the total price stipulated in the agreement has been reached—\$2,208,857,10.

But as it was desirable that the Indian title should be beyond all question extinguished to all parts of the land ceded by the Creeks in 1866, with their full consent and understanding, the agreement of cession has been made to embrace

a complete surrender of all claim to the western half of their domain, including the assigned as well as the unassigned lands, for the price named. So the agreement takes the form in the first article of such a cession, and in the second article is stipulated the price in gross, of all the lands and interests ceded, with no detailed reference to the manner of its ascertainment.

The overtures which led to this agreement were made by representatives of the Creek Nation, who came here for that purpose. They were intelligent and evidently loyal to the interests of their people. The terms of the agreement were fully discussed and concessions were made by both parties. It was promptly confirmed by the national council of the Creek Indians, and its complete consummation only waits the approval of the Congress of the United States.

plete consummation only want the approval of the States.

I am convinced that such ratification will be of decided benefit to the Government, and that the agreement is entirely free from any suspicion of unfairness or injustice towards the Indians.

I desire to call especial attention to the fact that to become effective the agreement must be ratified by the Congress prior to the 1st day of July, 1889.

The draught of an act of ratification is herewith submitted.

GROVER CLEVELAND.

EXECUTIVE MANSION. February 5, 1889.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting a letter from the Light-House Board of December 26, 1888, submitting an estimate for an appropriation of \$1,500 to purchase a right of way to the light-sta-tion at Point Sur, California; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 18, 1888, a statement of officers and employés who have been appointed 18, 1888, a statement of oncers and employes who have been appointed or promoted within the classified customs service without competitive examination between March 1, 1888, and January 15, 1889; which, on motion of Mr. Hale, was, with the accompanying papers, referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by citizens of Hillsdale, D. C., favoring the passage of Senate bill 3673, authorizing the construction of a bridge across the Eastern Branch of the Potomac River; which were referred to the Committee on the District

He also presented the petition of C. Courter and 23 others (11 voters and 13 women), citizens of Downs, Kans., and the petition of D. A. Payne and 49 others (30 voters and 20 women), citizens of Cherokee, Kans., praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. VEST presented resolutions adopted by the New York Mercantile Exchange, urging an appropriation to carry out the provisions of the oleomargarine law; which were referred to the Committee on Finance.

He also presented resolutions adopted by the Fulton Produce Exchange of Kansas City, Mo., favoring the passage of the Oklahoma bill; which were referred to the Committee on Territories.

Mr. SHERMAN. I present the petition of Alfred H. Love, president of the Universal Peace Union, and John J. Lytle, secretary, praying the intervention of the United States to prevail upon the Government of Great Britain to submit any controversy between the Government of Great Britain and Venezuela to arbitration, as an example to all nations. I move that the petition be referred to the Committee on Foreign Relation and that it be printed.

The motion was agreed to. Mr. PLATT presented the petition of H. F. Shaw and 96 others (90 voters and 7 women), citizens of Meriden, Conn., praying for the proposal of a constitutional amendment prohibiting the manufacture, im-

posal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. FAULKNER presented the petition of J. M. Timmons and 24 others (12 voters and 13 women), citizens of Roney's Point, W. Va.; the petition of T. C. Galway and 10 voters, citizens of Triadelphia, W. Va.; the petition of Laverty Greer and 23 others (10 voters and 14 women), citizens of Elm Grove, W. Va., and the petition of John Bailee and 9 voters, citizens of Wheeling, W. Va., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. STEWART presented the petition of J. W. Humphreys and 62 other citizens of the State of Virginia, praying for the passage of such

other citizens of the State of Virginia, praying for the passage of such laws as will restore silver to the place as a money metal which it occupied before it was demonetized by the United States and Europe; which was referred to the Committee on Finance.

which was referred to the Committee on Finance.

Mr. DANIEL presented five petitions of citizens of Richmond, Va., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union, department of Sabbath observance, the Illinois Sabbath Association, the American Sabbath Union, etc., containing 6,341 individual signatures, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented resolutions adouted by the directors of the Chicago.

He also presented resolutions adopted by the directors of the Chicago Live-Stock Exchange, urging the enactment of legislation providing for | the present.

the inspection by Government officers of all animals slaughtered for food; which were referred to the Committee on Agriculture and For-

He also presented resolutions adopted by the New York Mercantile Exchange, urging that sufficient appropriations be made to secure the enforcement of the oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Philadelphia Drug Exchange, urging Congress to abolish all internal-revenue taxes; which

were referred to the Committee on Finance.

Mr. MORRILL presented the petition of A. Heald and 99 others (42 voters and 58 women), citizens of Reading and vicinity, in Vermont, praying for the proposal of a constitutional amendment prohibiting the

praying for the proposat of a constitutional amendment profitting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

He also presented a petition of the New York State Dairymen's Association, praying for the enactment of a law, with proper penalties for the infraction thereof, requiring all cheese made from milk from which any portion of the cream has been taken to be branded "skim cheese," and to be sold as such; which was referred to the Committee on Agri-

culture and Forestry.

Mr. CAMERON presented a petition of 7 citizens of Lime Ridge, Pa.; a petition of 6 citizens of Millmont, Pa.; a petition of members of the Presbyterian Church of Media, Pa., and a petition of members of the Presbyterian Church of Duncannon, Pa., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented a petition of citizens of Minnesota, praying for the passage of the Sunday-rest bill; which was referred to the Com-

mittee on Education and Labor.

He also presented the petition of C. H. Pierce and 272 others (91 voters and 182 women), citizens of Northfield, Minn., and the petition of Newell S. Austin and 66 others (34 voters and 33 women), citizens of Cedar Mills, Minn., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. PADDOCK presented the petition of A. R. Dougherty and 56 others (14 voters and 43 women), citizens of Culbertson, Nebr., praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of J. M. Barrows and 66 others (23 voters and 44 women), citizens of Sturgis, Mich., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all

alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. SAWYER presented the petition of L. C. Parker and 83 others
(31 voters and 53 women), citizens of Walworth, Wis., praying for the submission to the States of a constitutional prohibitory amendment;

which was ordered to lie on the table.

Mr. ALLISON presented a petition of the National Woman's Christian Temperance Union, department of Sabbath observance, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and forbidding military drills on the Sabbath, signed by 219 citizens of Iowa; which was referred to the Committee on Education and Labor.

Mr. MITCHELL. I present a petition numerously signed by citizens of Whitman County, Washington Territory, in which they pray that "your honorable body do not pass the bill introduced by Senator But-LER, authorizing the county commissioners of Whitman County, Washington Territory, to issue bonds for the purpose of building a court-house and jail, and to sell and acquire real estate for that purpose and to build said court-house and jail at Colfax, Wash., bonds not to exceed \$100,000," etc. The petitioners also represent that this proposition has been submitted to the people of Whitman County, and in every instance has been defeated by them; and further, that the introduction of the hill was brought about by a small feating in its own personal in the bill was brought about by a small faction in its own personal interest and without regard to the interests of the people of that county.

I move that the petition lie on the table, as I believe the bill to which it calls attention has been reported favorably from the Commit-

tee on Territories.

The motion was agreed to.

Mr. MANDERSON. I submit to the Senator from Oregon whether it would not be advisable, when the chairman of the Committee on Territories shall be here, that the bill having reference to the building of a court-house in the Territory of Washington, in Whitman County, should be referred to the Committee on Territories. I think when it was considered by that committee there was nothing in the way of protest or petition against the action proposed. I do not like to suggest in the absence of the chairman that the bill be recommitted, but I think that should be the action taken.

Mr. MITCHELL. I submit to the Senator from Nebraska that the attention of the chairman of the Committee on Territories will be called

to the subject when he comes in.

The PRESIDENT pro tempore. The petition will lie on the table for

Mr. MITCHELL presented a petition of citizens of Washington Territory, praying that an appropriation be made for the removal of obstructions to navigation in the Okanagon River, in that Territory, at Cabinet, Rock Island, and Methow Rapids, and other intermediate points where float bowlders obstruct the channel of the river; which was referred to the Committee on Commerce.

Mr. WALTHALL presented the petition of W. H. Barnard and 58 other (51 voters and 8 women) citizens of Rolling Fork, Mississippi, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. EVARTS presented a petition of citizens of the State of New

York, containing 27 individual signatures and 621 representative indorsements, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HISCOCK presented a petition of the New York Mercantile Exchange, praying for the appropriation of a liberal and sufficient amount to enforce the regulations made by the internal-revenue department as required by the oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition numerously signed by citizens of New York, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented a petition of citizens of the State of Illinois, containing 60 representative indorsements, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

## REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropria-tion bill; which was referred to the Committee on Appropriations, and

tion bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 11571) granting a pension to Isham T. Howze, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3857) granting a pension to Mrs. Lydia E. Quaw, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 3588) granting a pension to Ellen B. Farr, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 7827) granting a pension to George W. Dickinson, re-

the bill (H. R. 7827) granting a pension to George W. Dickinson, reported it without amendment, and submitted a report thereon.

Mr. HISCOCK, from the Select Committee on the Centennial of the Constitution and the Discovery of America, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## FORT CUSTER MILITARY RESERVATION.

Mr. DAVIS. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3795) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer military reservation, Montana, to report it favorably without amendment; and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Minnesota asks

that the bill may now be considered by the Senate. It will be read at length for information, subject to objection.
The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Big Horn Southern Railroad Company, a corporation duly organized and existing under the laws of the Territory of Montana, be, and is hereby, granted a right of way across the Fort Custer military reservation upon such line, in the vicinity of the Big Horn and Little Big Horn Rivers, as may be approved by the Secretary of War: Provided, That the said right of way hereby granted shall not exceed 100 feet in width, except where side-tracks, spurs, turn-tables, and a station are located or to be located; and at such point the right of way shall not exceed 200 feet on each side of the main track and not exceeding 2,000 feet in length.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. VEST. Let me ask the Senator from Minnesota a question.

I understand the bill from having heard it read, it simply provides a right of way through this military reservation. It does not fix any terminal points?

Mr. DAVIS. Not at all.

Mr. VEST. The terminal points are not named in the bill?

Mr. VOORHEES. No; they are not named. Mr. JONES, of Arkansas. If the Senator from Missouri will permit me, I can explain this matter. A right of way for this railroad mit me, I can explain this matter. A right of way for this railroad has been asked across the Crow Indian reservation, beginning at the mouth of the Big Horn River and running up that stream until it reaches the mouth of the Little Big Horn River, then up that stream across that reservation. The Senate has passed the bill granting this right of way. Included in this Indian reservation is the Fort Custer military reservation, at the mouth of the Little Big Horn. This bill is simply to give the right of way across this military reservation,

which, as I have said, is embraced in the Indian reservation and must necessarily be crossed by the route of the road.

The PRESIDENT pro tempore. Having been read three times, shall the bill pass?

The bill was passed.

## IMPORTATION OF CONTRACT LABOR.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That in addition to the usual number there shall be printed 10,500 copies of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc., and also the same number of copies of the bill and report of said committee, of which 3,500 copies shall be for the use of the Senate and 7,000 for the use of the House.

## REPORT ON EUROPEAN DOCK-YARDS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn, on European dock-yards, to report it back favorably and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides for printing in quarto form, all to be half-bound in leather, at the Government Printing Office, 4,000 additional copies of the report of Naval Constructor Philip Hichborn, United States Navy, on European dockyards, details, fittings, and equipments of foreign vessels, torpedo-boats, ship-yard appliances, tools, etc., of which additional number 2,000 copies shall be for the use of the House, 1,000 copies for the use of the Senate, and 1,000 copies to be delivered to and distributed by the Secre-

tary of the Navy for general information.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BILLS INTRODUCED.

Mr. SABIN introduced a bill (S. 3918) granting to the Duluth and Winnipeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3919) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

## AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON submitted an amendment intended to be proposed

by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed. Mr. VOORHEES submitted an amendment intended to be proposed

by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK submitted an amendment intended to be proposed

by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to

the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DAWES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## TIMBER ON CHIPPEWA INDIAN RESERVATIONS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Interior be directed to inform the Senate whether or not he has recently authorized the cutting of any timber on the Chippewa Indian reservations within the La Pointe agency during the present winter season under contracts not approved by the Commissioner of Indian Affairs or otherwise; and if so, to transmit to the Senate copies of all orders authorizing such cutting of timber, with a statement of the reasons for issuing the same.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 3116) granting an increase of pension to Thomas Wynne, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANE, Mr. FRENCH, and Mr. Morrill the managers at the conference on the part of the House.

The message also announced that the House had passed the follow-ing bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes; and

A bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor.

The message further announced that the House had passed the bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:
A bill (S. 1153) for the relief of Charles Wagemann;

A bill (S. 2318) to extend to the port of Sault Ste. Marie, Mich., the privileges of inland transportation in bond;

A bill (S. 2460) granting arrears of pension to Theodore Rauthe;
A bill (S. 2665) granting a pension to Charles J. Esty;
A bill (S. 2764) granting an increase of pension to James McGowan;
A bill (S. 3135) granting an increase of pension to Eliza J. Alexander;

A bill (S. 3628) granting an increase of pension to Emma Biddle; A bill (S. 3765) for the relief of Harriet Young; A bill (S. 3804) for the relief of the occupants of the town of Flag-A bill (S. 3834) to provide for an American register for the steam-yacht Nautilus, of New York, N. Y.; and
A bill (S. 3830) to amend an act entitled "An act to authorize the

Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888.

#### ORDER OF BUSINESS.

The PRESIDENT pro tempore. The Chair lays before the Senate as current morning business the resolution offered by the Senator from New Hampshire [Mr. CHANDLER] in relation to naval officers' claims, coming over from yesterday.

Mr. PUGH. I ask the Senator from New Hampshire to give me a few minutes to call up House bill 4470, a bill passed by the other House

The PRESIDENT pro tempore. The Chair can only entertain the request by unanimous consent, the resolution being before the Senate for consideration. Does the Senator from New Hampshire yield?

Mr. PUGH. I ask unanimous consent. It will take but a few min-

Mr. CHANDLER. I thought the Senator from Alabama rose to debate the resolution.

Mr. PUGH. I do not hear the Senator.

The PRESIDENT pro tempore. The Senator from Alabama asks

unanimous consent that the pending business be laid aside.

Mr. CHANDLER. This is a resolution of instructions to the Committee on Appropriations to make an investigation, and it seems to me that it ought to be adopted immediately if it is to be adopted at all. am under pressure now from the chairman of the Committee on Appriations, who desires to proceed with the legislative appropriation bill. bill.

The PRESIDENT pro tempore. The resolution will be read.

Mr. PUGH. Does the Senator from New Hampshire decline to give

The PRESIDENT pro tempore. The Chair so understands.

Mr. PUGH. It will not take five minutes to pass the bill. I am satisfied that there will be no debate upon it.

Mr. CHANDLER. I have appeals from several Senators, and if I yield to one I shall have to yield to others. However, I will yield to the Senator from Alabama.

Mr. PUGH. The bill I wish to call up is Order of Business 2490, being the bill (H. R. 4470) to regulate the jurisdiction of the United States district judges and of the courts over which they preside in the State of Alabama

Mr. CHANDLER. If the bill gives rise to debate I must object to it. If it is to be passed without objection, it may be proceeded with.

The PRESIDENT pro tempore. Does the Senator from New Hampshire object to the consideration of the bill?

Mr. SHERMAN. My attention has been called to that bill, and I shall have to debate it, or at least to satisfy myself that it is made

Mr. CHANDLER. I know that the bill will occasion debate. The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CHANDLER, I object. Now I yield to the Senator from Penn-

sylvania [Mr. CAMERON].

The PRESIDENT pro tempore. The resolution offered on a previous day by the Senator from New Hampshire will be read.

Mr. CAMERON. The Senator from New Hampshire said he would yield to me to call up a bill.

The PRESIDENT pro tempore. Does the S shire yield to the Senator from Pennsylvania? Does the Senator from New Hamp-

Mr. CHANDLER. I yield to the Senator from Pennsylvania. Mr. CAMERON. If it takes any debate I will withdraw the bill.

I ask the Senate to consider the bill (H. R. 550) for the relief of Will-

The PRESIDENT pro tempore. The resolution in relation to naval officers' claims being pending business, is there objection to the request of the Senator from Pennsylvania?

Mr. HAKRIS. Is the resolution referred to by the Chair one that

comes over from a previous day under objection?

The PRESIDENT pro tempore. It comes over under the agreement of yesterday that it was to be considered as current morning business Is there objection to the request of the Senator from Pennsylvania?

Mr. COCKRELL. What is the request?

## WILLIAM R. BLAKESLEE.

The PRESIDENT protempore. The Senator from Pennsylvania asks that the pending business be informally laid aside to enable him to move the consideration of the bill (H. R. 550) for the relief of William R. Blakeslee. Is there objection? The bill will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the record of "dismissal from the service on account of incompetency," now standing against the name of William R. Blakeslee, late surgeon of the One hundred and fifteenth Pennsylvania Volunteers, and instead thereof show him as being honorably discharged.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ADDITIONAL ASSOCIATE JUSTICE IN IDAHO.

Mr. WILSON, of Iowa. I ask the Senator from New Hampshire to yield to me for a moment that I may ask the Senate to consider the bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes.

Mr. CHANDLER. I yield to the Senator from Iowa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Com-

proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in section 1, line 5, after "any," to strike out "two" and insert "three;" so as to read:

That hereafter the supreme court of the Territory of Idaho shall consist of a chief-justice and three associate justices, any three of whom shall consist ute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action,

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## THOMAS LANNIGAN.

Mr. JONES, of Arkansas. I appeal to the Senator from New Hampshire to yield to me to allow me to ask the unanimous consent of the Senate to call up Senate bill 2714.

Mr. CHANDLER. I decline to yield except for morning business,

and I will state the reason why I do so. I understand—
Mr. JONES, of Arkansas. The Senator will allow me to say that if the bill requires two minutes to pass it I shall withdraw the re-

Mr. CHANDLER. Then I yield, but I give notice that I shalf yield to nothing else, for the reason that Senators desire to debate the resolu-

Mr. JONES, of Arkansas. The bill I wish to call up is the bill (S. 2714) for the relief of Thomas Lannigan.

The PRESIDENT pro tempore. The bill will be read at length for

information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas Lannigan the sum of \$100, out of any moneys in the Treasury not otherwise appropriated, the same being the amount standing to the credit of said Lannigan on the books of the Treasury of the United States, as shown by page 9, House of Representatives Executive Document No. 363, first session Forty-ninth Congress.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SINKING FUND OF UNION AND CENTRAL PACIFIC RAILROADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a statement showing the information called for by the resolution of January 30, 1889, relating to the sinking fund of the Union and Central Pacific Railroad

Companies; which was read.

Mr. MITCHELL. I move the reference of the communication and accompanying papers to the Select Committee on the President's Mesacompanying papers to the Select Committee on the President's Mesacompanying papers to the Papers of sage transmitting the Report of the Pacific Railway Commission, and I should like to have the whole of it printed in the RECORD.

The PRESIDENT pro tempore. Does the Senator desire to have the accompanying exhibit printed in the RECORD?

Mr. MITCHELL. Yes, sir. The PRESIDENT protempore. Is there objection? The Chair hears

Mr. MITCHELL. I also ask that it be printed as a document. The PRESIDENT pro tempore. It will be so ordered if there be no objection. The communication and accompanying exhibit will be referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

The communication and accompanying papers are as follows:

TREASURY DEPARTMENT, February 5, 1889.

TREASURY DEPARTMENT, February 5, 1889.

SIR: In compliance with the resolution of the Senate of January 30, 1889—

"That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as to the amounts, respectively, in the sinking fund to the credit of the Union Pacific and Central Pacific Railroad Companies, respectively, on the Ist day of February, 1889, under the operation of what is commonly known as the "Thurman sinking-fund act;" stating the amounts of each invested in bonds, the character of bonds, and the amounts in each to the credit of each company on said date, together with a statement of the market value in each of the bonds to the credit of each of such companies on said date, and the difference in amount, if any, between such present each value, including the cash on hand, and the amount of each that would have been in such fund to the credit of each of such companies on February 1, 1889, provided no investments whatever in bonds had been made of any portion of such funds—"

I have the lonor to transmit herewith a statement showing the information called for by said resolution.

Respectfully, yours,

C. S. FAIRCHILD. Secretary.

C. S. FAIRCHILD. Secretary.

The PRESIDENT pro tempore United States Senate.

Sinking funds, Pacific railroads.

	Invest		
Description.	Face value,	Market value February 1, 1889.	Receipts.
UNION PACIFIC.		Sul Timped	
Government transportation withheld under act of May 7, 1878			\$6, 351, 875, 45
Cash payments by the company under section 4			1, 421, 714. 46
Total			7, 773, 589. 91
Funded loan of 1907United States currency sixesUnion Pacific, first mortgageCentral Pacific, first mortgageCash uninvested	\$4,478,650.00 1,043,000.00 1,535,000.00 179,000.00 13,840.40	\$5,721,475,37 1,334,730,00 1,756,810,00 203,585,00 13,840,40	
Total	7, 249, 490, 40		9, 030, 440.77
Increase by reason of invest-	***************************************		1, 256, 850. 86
CENTRAL PACIFIC.  Government transportation withheld under act of May 7,			
Cash payments by the company under section 4			2, 835, 688.75 633, 992.48
Total			3, 469, 681. 23
United States currency sixes Central Pacific, first mortgage Union Pacific, first mortgage Cash uninvested	2,548,000.00 303,000.00 290,000.00 883.47	3,143,335.00 346,325.00 331,242.50 883.47	
Total	3, 141, 883, 47		3, 821, 785. 97
Increase by reason of investments			852, 104. 74

## DAVID A. HAYWOOD.

Mr. SPOONER. I ask the Senator from New Hampshire to yield to me to enable me to ask the Senate to proceed to the consideration of a little bill on the Calendar.

Mr. CHANDLER. I yield, reserving the right to object if it occa-

Mr. SPOONER. If it occasions debate I shall not press it. unanimous consent to proceed with the consideration of the bill (H. R. 3132) for the relief of David A. Haywood.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to David A. Haywood, of Indianapolis, Ind., of \$350.32, for grading and bowldering Market street, in that city, in front of the post-office and court-house building, as per estimate made by the civil engineer of the city of Indianapolis

Mr. SPOONER. I only desire to say that the claim is an obviously just one and its payment is recommended by the Treasury Department. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. Is there further morning business? If not, the resolution offered by the Senator from New Hampshire [Mr. CHANDLER] coming over from a previous day will now be read.

The Chief Clerk read the resolution submitted by Mr. CHANDLER

on the 25th of January, as follows:

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay for allowances due such officers, known as the longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

Mr. CHANDLER. Mr. President, I desire to make a brief statement before the Senator from Indiana [Mr. VOORHEES] makes the remarks which I understand he desires to submit.

Before this resolution was offered I introduced, as an amendment to be proposed to the general deficiency appropriation bill, a statement of the remedy for the evils to which I have called attention, which occurred to me as the suitable remedy; at all events, a suggested remedy which was worthy of the consideration, I thought, of the Committee on Appropriations. That was a provision as follows:

on Appropriations. That was a provision as follows:

The jurisdiction of the Court of Claims shall not extend to suits brought by officers of the Army and Navy for arrears of pay, of mileage, of traveling expenses, or of personal allowances of any kind. This prohibition shall extend to all suits now pending.

The accounting officers of the Treasury Department shall not, without express authority of law hereafter enacted, settle or allow any claim of any officer of the Army or Navy for arrears of pay, mileage, traveling expenses, or personal allowances of any kind where such claim covers any period of time more than three years before the presentation of such claim. This prohibition shall extend to all claims now pending.

It is very difficult to wake any beadway in checking the allowance.

It is very difficult to make any headway in checking the allowance of old claims upon the Treasury of the United States against the efforts of the attorneys and claim agents in the city of Washington. I have learned that this suggested remedy of mine has been printed on slips by the claim agents and attorneys, and copies have been sent out all over the country with the suggestion that persons who may be interested in different kinds of claims shall write letters to their Senators and Representatives in Congress urging them to oppose the adoption of the proposition. I state this in order that Senators need not be surprised when they open their mails and find letters of this kind.

In several cases which have been called to my attention the printed slip is inclosed to a Senator or Member of Congress and the recipient is urged to vigorously oppose the adoption of the proposition. So Senators can understand when they receive letters of this kind what is the source and origin. They are not letters voluntarily written; they are letters requested by the attorneys and claim agents, who know so well how to work up a seeming popular sentiment or a seeming military or class sentiment in favor of anything which they desire to accomplish or against anything they desire to defeat.

Mr. HALE. I wish to ask the Senator before he sits down one que

tion. I have had occasion to know something of the circulars which the claim agents in Washington, who have taken alarm at this movement to cut off one of their sources of supply, have sent out to the country, and in some cases, and perhaps in all, an attempt has been made to enlist public sentiment in their favor by declaring that the proposition of the Senator from New Hampshire would interfere with the just claims of old soldiers. Now, I wish to ask the Senator from New Hampshire whether he desires any action on the part of the Committee on Appropriations, or any legislation that would in any way interfere with the just claims of the old soldiers of the war.

Mr. CHANDLER. I am very happy to state that it is not my purpose to interfere with the payment of any claims which Congress has

deliberately determined to pay; and I will say, further, that there are cases of just claims in which I would myself be willing to vote to remove the bar of the statute of limitations.

The exact point that I am making is that these old claims, going back some forty years, are being settled and allowed without any regard to the statute of limitations, when there has been no legislation of Congress which any member of Congress ever expected would result in the payment of such claims. One class of meritorious claims which has been called to my attention by a Senator this morning is a class of claims for certain allowances to volunteer officers who served during the war of the rebellion, which claims are now being audited at the Treasury Department in pursuance of express authority given by Con-

It is not my intention, and if it were my intention it certainly would not be the decision of the Committee on Appropriations, to recommend that there shall be any legislation to prevent the carrying out of the will of Congress clearly expressed in these cases or in any similar cases; but it is my intention to force the attention of Congress to the neces sity of having a statute of limitations, which if it is waived is to be waived by authority of Congress, and is not to be waived by the action of the accounting officers of the Treasury Department.

Mr. MANDERSON. Mr. President, I hold in my hand one of the

slips that I presume are referred to by the Senator from New Hampshire. It recites the amendment that he introduced some time ago to the deficiency bill, and prefaces the proposed amendment with these

The following item is taken from a reliable Army paper issued on the 26th of

January, 1889:
Senator Chandler proposes the following amendment to the deficiency bill when it reaches the Senate.

Then follows the amendment in the exact words as read by the Senator with certain words emphasized. I will read it and call attention to the words that are printed in italics and in small capitals.

The jurisdiction of the Court of Claims shall not extend to suits brought by officers of the Army or Navy for arrears of pay, of mileage, of traveling expenses, or of personal allowances of any kind. This prohibition shall extend to all suits now pending.

Then in small capitals:

The accounting officers of the Treasury Department-

And then-

shall not, without express authority of law hereafter enacted, settle or allow any claim of any officer of the Army or Navy for arrears of pay, mileage, traveling expenses, or personal allowances of any kind where such claim covers any period of time more than three years before the presentation of such claim.

Then in italics:

This prohibition shall extend to all claims now pending.

It may be, Mr. President, that it is objectionable that attorneys or claim agents in the city of Washington or elsewhere shall pursue this method of challenging attention to material changes in existing law, but I think it hardly lies in the mouth of the Senator from New Hampshire or of any other Senator proposing material changes in existing law that he should object to publicity being given to the proposed amendment, let it come from whatever source it may.

I do not rise, however, to defend those who occupy the position of attorneys or claim agents, but I feel that it is my duty to attempt to protect those whom this proposed legislation must materially injure.

This slip came to me this morning inclosed in a letter from a very gallant volunteer soldier, a man who never belonged to the regular Army of the United States, but who served with distinguished gallantry during the war. He would have known nothing whatever of this proposed amendment to existing law that was to be placed upon an appropriation bill had his attention not been called to it by this method to which I understand the Senator from New Hampshire to object. His claim against the Government is similar to that of some thirty or forty thousand others who served during the war of the rebellion in volunteer organizations. It is based upon an act of Congress passed in 1884, amended in 1887, that gives to him, as it gives to all others similarly situated, the allowance of pay between the date of commission and the date of actual muster into the service in the grade to which an officer might have been promoted where he served under the commission in that capacity and was unable to be mustered owing to the exigencies of the service.

Many such claims have already been paid, and all should be treated alike, for, although the claims are a quarter of a century old, it is for only the past few years that they could be presented for adjudication.

This amendment to the deficiency appropriation bill proposes the practical repeal of that act of 1884 and the amendatory act of 1887, and it proposes the repeal of all other laws that have been passed by Congress for the benefit of officers of the Army and Navy of the United States who served during the war of the rebellion. It seems to me that the Senator from New Hampshire should be greatly pleased that public attention has been called to the sweeping character of his amend-I am with him in the proposition that as to officers of the Army and Navy of the United States now in the regular service there should be a reasonable statute of limitations. Three years perhaps, the time mentioned in that proposed amendment, is sufficient; but there certainly should not be by this method of consideration, by legislation that it is not proposed to send to the Committee on Military Affairs to see what the effect of it would be upon the Army of the United States, and that it is not proposed to send to the Committee on Naval Affairs to see what its effect might be upon the Navy of the United States, but an amendment that is proposed to be investigated simply by the Committee on Appropriations, without such light as could be afforded to that committee by these brother committees—that this amendment shall be procured by that means I do not think either desirable or advised. visable. Although there may be much of evil to be remedied, here is a remedy that it seems to me is entirely too sweeping in its character,

and entails greater ills than those we would rid ourselves of.

Mr. SPOONER. Will the Senator from Nebraska allow Will the Senator from Nebraska allow me to ask

him a question?

Mr. MANDERSON. Certainly.

Mr. SPOONER. I understood him to express his approval of the first clause of the amendment:

The jurisdiction of the Court of Claims shall not extend to suits brought by officers of the Army and Navy for arrears of pay, of mileage, of traveling expenses, or of personal allowances of any kind. This prohibition shall extend to all suits now pending.

Mr. MANDERSON. I did not express my approval of that clause, but condemned it, and said I thought there should be a statute of lim-

itations in favor of the Government as against claims by officers of the Army and Navy. The mere limitation I do not oppose as to future claims; but I certainly do not believe in legislation of a character which wipes out at one fell swoop every suit that is pending in the Court of Claims or every present attempt at accounting in the Treasury De-

Mr. SPOONER. I agree with the Senator that there should be a statute of limitations, but I can see no reason why an officer of the Army or Navy who conceives that he is entitled under a proper construction of the law to certain allowances for mileage or pay, if he is denied what is considered justice by the accounting officers, the bureau officers of the Government, should be deprived of the right that all other citizens have to go into the Court of Claims for the purpose of procuring a construction of the law.

Mr. MANDERSON. I quite agree with the Senator on that proposition, but still I think there should be a statute of limitations, that a time should be fixed within which a man should make his claim against the Government.

Mr. SPOONER. The statute of limitations is another matter. I should like to ask the Senator from New Hampshire whether this language as it is drawn would not so change the law as to prevent a committee of Congress from referring a claim under the Bowman act to the Court of Claims for investigation and reporting the facts in any claim pending before Congress, or to prevent going before Congress of an offi-cer of the Army or the Navy.

Mr. CHANDLER. I do not think it would. I should not consider a claim referred under the Bowman act to be a suit, because the discretion of Congress is retained over the whole subject. The jurisdiction of the Court of Claims is not extended to certain suits brought; says the amendment. I do not think it would refer to the claims sent by Congress to the Court of Claims and to be reported back to Congress.

Mr. CALL. My attention was called to the reading of this resolution, although I do not represent any considerable number of the officers who are beneficiaries under the act of Congress which the resolution seeks to repeal; but I have always since I have been in the Senate followed the lead in the appropriations for the recognition, reward, and payment to the officers and soldiers of the Army and the officers and seamen of the Navy of the United States during the civil war between the States, of the Senators from the Northern States, and this has been and is the universal feeling of the people of the Southern States. My attention was directed to this resolution of inquiry proposing an investigation which illustrates the looseness of thought and habits of legislation in this body and which requires some consideration. I am the more willing to enter upon this defense of the soldiers of the Army and seamen of the Navy because I think it is for the country's welfare that it should be known and felt everywhere that the men who were engaged in the actual conflicts of the war fraternized as soon as the surrender followed, and that the soldiers and people of the Southern States have always been ready and are now to support any degree and measure of public reward and bounty which the people of the Northern States desire

This resolution proposes an inquiry by the Committee on Appropriations as to the expediency as a matter of public law and the rightfulness as a matter of justice of investigating and reporting legislation to annul and destroy a decision of the Supreme Court of the United States in reference to a matter of private rights made in cases between parties litigant in the regular course of judicial procedure before that supreme tribunal.

That is an extraordinary proposition. The speech of the Senator from New Hampshire in advocating this resolution expressly states that the law has been construed and adjudicated in a question of private right between these parties, and the inquiry submitted is whether the Committee on Appropriations can and ought to report some legislation which will destroy that status of private right adjudicated under a law of Congress by the Supreme Court of the United States. The law upon which the Supreme Court has rendered its decision awarding to this class of officers the pay which they are seeking to obtain and as to which this complaint has been made by the Senator from New Hampshire, and for which the Committee on Appropriations has been arraigned, is in the following language:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer army or navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service.

Here is an express law the language of which can not be in anywise whatever misunderstood, and which the Supreme Court has decided to have this plain and obvious meaning; that is, an officer shall have the pay of the lowest grade in which there was graduated pay which he had held at any time in the regular or volunteer service of the Army or Navy, his service being made continuous from the beginning to the end, whether in one arm of the service or in all. What other meaning could the law have? What other force or effect? It was a positive enactment that the time of actual service should be regarded as continuous, whether in one or theother branch of the service, and that the pay should be awarded as of the lowest grade having graduated pay in

which he had served. Now the inquiry is, what legislation is expedient to nullify this decision of the Supreme Court of the United States properly interpreting the plain and evident language of an act of Congress and deprive these officers and soldiers of the Army and officers and seamen of the Navy of the pay which Congress has deliberately awarded them? It seems to me a very singular proposition, and one

altogether without merit and entirely indefensible

But that is not the only remarkable feature of this resolution. Senator from New Hampshire states that the Supreme Court and himself differ in opinion in regard to the law, and the question the Senator submits for legislation is which shall prevail, the construction of the law made by the Senator when Secretary, or the opinion of several Senators as to what force and effect the law should have, or the decision of the Supreme Court in regard to the rights of these officers rendered in a case pending before that court. That is the inquiry proposed by this resolution. It would seem strange that a Senator should introduce a resolution here asking the Senate to inquire what legislation should be had to annul a decision of the Supreme Court upon the ground that some one, two, or three Senators had before the passage of this law expressed an opinion different from the Supreme Court decision as to what would be its force and effect. This has been gravely urged at some length by the Senator from New Hampshire as a reason for adopting this resolution and making this report and investigation. I am opposed to it not only because it is unwise to make a conflict of authority between the co-ordinate departments of the Government, except in cases necessary for the preservation of the Constitution, but because I think both the act of Congress and the decision of the Supreme

Court giving this bounty or pay to the officers and soldiers were right.

But that is not all. Time as it passes makes us all oblivious of the events of the past. We forget even the great provisions of constitutional law which were the result of the late war. But it is a little sur-prising that that forgetfulness should come from the Senator from New Hampshire, who harps so often on the status of right which it gave to the colored people, but forgets the soldier. It is strange that he should forget; that the amendments of the Constitution as the result of the war should so soon have lost all their force and effect not only in

the memory but also in the public conduct of Senators.

The fourth section of the fourteenth article of amendments to the

Constitution of the United States reads as follows:

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

What is this? Here is an act of Congress providing that the soldiers and seamen of the Army and Navy of the United States should have their time of service credited as continuous in either the volunteer army or navy from the time of the first commencement of actual service and rated according to the pay of the lowest grade of service having graduated pay which they had performed, and this act of Congress, construed by the Supreme Court of the United States in favor of these soldiers and seamen for these bounties and pay in suppressing the rebellion, as the amendment and the statute term it, is adjudicated by the Supreme Court, and a question is raised here by the Senator from New Hampshire whether or not this body can interpose the statute of limitations questioning thus the bounty, the public debt, the validity of the pension awarded by Congress, and it seems to excite no attention and no consideration whatever, but to pass sub silentio, as if there was nothing in it and as if the Committee on Appropriations had been strangely negligent in allowing this provision to be inserted upon an appropriation. negligent in allowing this provision to be inserted upon an appropria-

Now, Mr. President, for one I am glad to say that I think that was a proper recognition of the services of the men engaged in the Army and Navy of the United States, whether as officers or privates, for they were all soldiers or seamen, and as a member of that committee—I think I was then a member of it-I left the language and the substance of the provisions to the Senators from the Northern States. I gladly and knowingly voted for this clause in the appropriation bill in the Senate. I do not remember whether I was at that time a member of the Com-

Mr. CHANDLER. May I ask the Senator from Florida a question?
The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Florida yield to the Senator from New Hampshire? Does the

Mr. CALL. Yes, sir. Mr. CHANDLER. I should like to ask the Senator from Florida whether, when he voted for it, he understood that it would result in granting arrears of pay running back forty years and extending to the large sums to which I called the attention of the Senate the other day.

Mr. CALL. I do not remember what understanding I had nor have I any distinct recollection of the discussion upon the subject, but I voted for it with the understanding that whatever decision the Supreme Court of the United States should give to it ought to be respected by the Congress of the United States as a matter of private right and as a matter of public law.

Mr. President, that is the whole of this matter. debt incurred in the suppression of the rebellion. It affects the officers and men who served in that war, and comes within the provisions of the

constitutional amendment.

But it was to call attention to the fact that in the face of this provision guarantied by the Constitution of the United States, recognized by Congress, which is forbidden to question it anywhere and everywhere, we propose gravely by a statute of limitations to be passed by this body as a matter of public law and public right to divest the ad-judicated title and right of these soldiers to the results of this judgment of the Supreme Court.

I do not desire to consider this matter further or to state more than I have done. It has so happened without knowing any of these gentlemen, having no personal acquaintance with them or with but very few of them at least, that I have had sent me a little slip, with the request that I should consider it, from an officer of the Navy. He writes as fol-

NAVAL OFFICERS' CLAIMS.

Editor Post Editor Post:

The unanswerable equity of the receiving-ship and other Navy judgments is clear by reference to the Army's one kind of pay, which, with its system of longevity accruements, is higher than the highest of the three kinds (sea, shore, leave) by which the Navy is discriminated against, so that even had nothing but sea-pay, longevity included, always been paid us, we would still have had less forrespondingly than the Army. Even with all our judgments and claims fully appropriated for, the Government will still have saved an immense aggregate difference by the above unjust discrimination against the Navy.

ROBERT RODNEY, United States Navy.

That is the Navy side. I present that in deference to these officers. For myself I shall always be glad to accord with the public sentiment of the Northern States in giving to the gallant soldiers and seamen of the Army and Navy whatever meed of public approval or of compensation the people of the Northern States may desire to give. I recognize the fact that the Navy and Army of the United States are, as they have always been, an honor to the country, and they ought to be properly maintained, and while the duties assigned to them should be required to be rigidly performed, they should be recognized as valuable and essential arms of the public service, and the courage and spirit and services of the men of the Navy and Army should be properly recognized and compensated.

As a Senator from a Southern State which was a Confederate or a rebel State in the civil war, I take pleasure in stating that our people cheerfully acknowledge the merits and courage of the Union soldiers and sailors, and will bear whatever burdens the people of the North think proper to impose on all the people for their reward and support. The men of both armies are friends and respect each other. The peo-ple of all the States respect each other with that friendship and esteem

Which warriors feel In foemen worthy of their steel.

The war is past and its enmities forgotten. We are citizens of a common country willing to share each others' burdens and to do justice to each other.

Mr. CULLOM. I do not rise to discuss especially the resolution under consideration, because I am not prepared to say whether it ought to be adopted or not, but I have had handed to me a circular which it seems to me proper in connection with this discussion to call to the at-

tention of the Senate. It is a circular issued by—
Messrs. Tallmadge & Tallmadge, attorneys for prosecution of naval claims
and all other claims before Congress, the Court of Claims, the various Commisstons, and the Executive Departments of the Government.

And was issued in this city, "Washington, D. C., February 7, 1889;" and it begins in this way:

DEAR SIR: We take the liberty of presenting herewith our card and offering our services in the prosecution of any claims you may have against the Government. Recent acts of Congress, decisions of the courts, and more liberal rulings of the Departments have greatly enlarged the number of those entitled to recover for past services in the Navy, and nearly all the living officers and the heirs of deceased officers are entitled to recover something for either longevity pay, receiving-ship service, mileage, or Mexican-war service.

And so on. Then, underscored, it says:

Many claims are unsuccessful by reason of not being properly presented and pushed, and herein is the advantage of having a competent attorney, resident at the capital, who is thoroughly familiar with the requirements of the Departments and can daily visit the various offices, and give personal attention to the

Finally it winds up by saying:

We make a specialty of naval claims, and our experience in this class of business is very large. We take pleasure in referring to any of the officers or heirs of deceased officers for whom we have prosecuted claims, and invite correspondence with any officer of the Navy who believes he has an equitable claim against the Government. We will take charge of claims already filed, and see that your interests are properly—

Then underscored-

protected and promoted, and that no unnecessary delay occurs in the settlement of same.

same. Awaiting your pleasure, we are yours very truly, TALLMADGE & TALLMADGE. Refer by permission to Hon. Charles M. Shelley, Fourth Auditor, United States Treasury; Hon. James W. Hyatt, Treasurer of United States.

I have read portions of this circular, more for the purpose of calling the attention of the Senate to the fact that there seems to be a relation between these outside attorneys and these Government officers in the Treasury of the United States; whether there is any improper relation I am not here to say. I do not assume that there is, but it seems a little remarkable that circulars should be issued and lines of them underscored with pencil marks directing the attention of the party to whom the circular is addressed to special officers in the Treasury of the

I should infer that in the course of a month or so perhaps these two Government officers will be found either in this firm or in some other firm, perhaps in the city of Washington, acting as attorneys for these

naval claims and others that are now seeking to be settled.

I understand further that the circular which I hold in my hand was sent as many as three times to a person who has a claim in the Navy Department, and that up to this time the party claiming has not been able to get any attention to the claim by anybody who has called there outside of the person claiming, who lives a good many hundred miles

I think it worthy of the attention of the Senate and the country that there seems to be that kind of intimacy between these agents and two

Government officers that ought to have an investigation.

Mr. HALE. Which Auditor is that?

Mr. CULLOM. The Auditor of the Treasury here referred to is Charles M. Shelley, Fourth Auditor of the Treasury. I do not know whether that officer is the man before whom this class of claims come for settlement or not.

Mr. HALE. I know nothing against Mr. Shelley whatever, but I think that is the very office where these claims are audited.
Mr. CULLOM. I had that impression, otherwise I should not have

called the attention of the Senator to it.

Mr. CHANDLER. I ask the Senator if he will put that circular in the RECORD entire?

Mr. CULLOM. I have no objection to that.

The PRESIDING OFFICER. If there be no objection it will be inserted in the RECORD as part of the remarks of the Senator from Illinois

The paper is as follows:

WASHINGTON, D. C., February, 1889.

The paper is as follows:

Washington, D. C., February, 1889.

Dear Sir: We take the liberty of presenting herewith our card and offering our services in the prosecution of any claims you may have against the Government. Recent acts of Congress, decisions of the courts, and more liberal rulings of the Departments have greatly enlarged the number of those entitled to recover for past services in the Navy, and nearly all the living officers and the heirs of deceased officers are entitled to recover something for either longevity pay, receiving ship service, mileage, or Mexican-war service.

Under a recent decision retired officers of the Navy are entitled to pension for services in the Mexican war.

Many claims are unsuccessful by reacon of not being properly presented and pushed, and herein is the advantage of having a competent attorney, resident at the capital, who is thoroughly familiar with the requirements of the Departments and can daily visit the various offices and give personal attention to the cases. We have, at great trouble and expense, prepared a list of those entitled to recover under recent decisions, and can supply from our own records missing information and secure copies of orders, etc., necessary to establish any just claim.

Our fee in all ordinary cases is 10 per cent. of amount collected, but nothing if claim is not allowed, and this fee covers all expenses of every kind.

We make a specialty of naval claims, and our experience in this class of business is very large. We take pleusure in referring to any of the officers or heirs of deceased officers for whom we have prosecuted claims, and invite correspondence with any officer of the Navy who believes he has an equitable claim against the Government. We will take charge of claims already filed and see that your interests are properly protected and promoted, and that no unnecessary delay occurs in the settlement of the same.

Awaiting your pleasure we are yours, very truly,

TALLMADGE & TALLMADGE.

Refer by permission to Hon. Charles M. Shelley, Fourth Auditor United States Treasury; Hon. James W. Hyatt, Treasurer of United States.

Mr. CHANDLER. I ask to put in the RECORD, if there be no objection, the advertisement of these same attorneys containing the names of some thousand naval officers who are to hear of something to their advantage by communicating with these attorneys, and many of the cases going back forty years. I ask to have it inserted in the RECORD as part of my remarks

The PRESIDING OFFICER. It will be so inserted, if there be no

objection.

The paper is as follows:

[Boston Herald, December 21, 1888.]

THE FOLLOWING OFFICERS OF THE UNITED STATES NAVY (OR THEIR HEIRS) WILL LEARN SOMETHING TO THEIR ADVANTAGE BY ADDRESSING THE UNDER-

Will Learn something to their advantage by Addressing the Undersigned:

Lieut. John Q. Adams, died 1854; Lieut. L. B. Avery, left service 1855; Surg. S. R. Addison, died 1850; Boatswain George C. Abbott, died 1866; Commander Weld N. Allen, died 1875; Capt. Henry A. Adams, ir., died 1873; Lieut. William H. Brown, resigned 1851; Surg. N. C. Barrabino, died 1852; Capt. Abram Bigelow, resigned 1857; Gunner J. D. Boorom, killed 1862; Surg. D. W. Ballentine, died 1863; Commander E. A. Barnett, died 1864; Surg. H. D. Burlingame, resigned 1865; Boatswain James D. Borton, died 1864; Surg. H. D. Burlingame, resigned 1855; Boatswain James D. Borton, died 1867; Reac-Admiral H. H. Bell, died 1868; Surg. W. S. Bishop, died 1868; Chaplain T. B. Barstow, died 1869; Lieut. William H. Brice, died 1874; Boatswain E. B. Bell, died 1875; Surg. James W. Buell, resigned 1876; Paymaster J. O. Bradford, died 1879; Capt. John M. Berrien, died 1883; Gunner Thomas M. Crooker, died 1859; Lieut. Francis S. Conover, resigned 1863; Lieut. Commander J. C. Chaplin, died 1856; Commander John C. Carter, died 1870; Commander John Calhoun, died 1872; Paymaster Benjamin J. Cahoon, died 1873; Surg. Charles Chase, died 1877; Sallmaker Isaiah E. Crowell, left service 1882; Ensign Clarence A. Corbin, left service 1882; Surg. J. D. Costillo, resigned 1883; Midshipman William De Koven, died 1851; Lieut. Joseph S. Day, died 1856; Boatswain Samuel Drew, died 1857; Surg. E. F. Drayton, left service 1858; Commander James A. Duncan, died 1851; Lieut. James A. Doyle, died 1855; Capt. Benjamin More Dove, died 1863; Surg. E. R. Dodge, died 1871; Boatswain Robert Dixon, died 1875; Master Frank Ellery, resigned 1880; Ensign W. H. Emmerson, resigned 1884; Sallmaker James Frazer, died 1854; Sallmaker Charles E. Earnshaw, died 1872; Paymaster Edward Foster, died 1869; Mate Charles L. Feleh, left service 1872; Paymaster Edward Foster, died 1877; Lieut. A. F. V. Gray, died 1860; Carpenter John Green, died 1864; Surg. Edward Gilchrist, died 1869;

Surg. J. J. Gibson, died 1870; Mate Charles Gainsford, died 1880; Lieut. George H. Hare, died 1857; Passed Midshipman John P. Hall. died 1862; Lieut. Commander John E. Hart, died 1863; Sailmaker Robert Hunter, died 1865; Cunner Samuel D. Hines, died 1884; Lieut. Henry O. Handy, died 1884; Chaplain Daniel X. Junkin, resigned 1884; Surg. William Johnson, left service 1870; Surg. Elisha K. Kane, died 1857; Surg. Fred. Kreecker, resigned 1867; Lieut. Commander E. S. Keyser, died 1887; Lieut. Gommander E. S. Keyser, died 1887; Lieut. D. R. Lambert, died 1859; Chaplain John S. Lenbart, died 1856; Garpenter W. F. Laighton, died 1879; Midshipman C. M. Mitchell, resigned 1855; Carpenter W. F. Laighton, died 1869; Lieut. J. B. McCauley, died 1860; Gasswain Francis McLoud, died 1866; Paymaster W. G. Marcy, left service 1871; Lieut. Henry G. Macy, died 1872; Surg. James McMasters, died 1874; Lieut. Henry G. Macy, died 1874; Lieut. Commander E. A. McCarty, resigned 1874; Lieut. Commander E. H. Miller, died 1874; Lieut. Bloomfeld McHvinn, died 1884; Commander W. C. Nicholson, died 1874; Lieut. Bloomfeld McHvinn, died 1884; Commander W. C. Nicholson, died 1874; Lieut. Bloomfeld McHvinn, died 1884; Commander W. C. Nicholson, died 1874; Lieut. Bloomfeld McHvinn, died 1884; Commander W. C. Nicholson, died 1874; Lieut. Bloomfeld McHvinn, died 1885; Commander W. C. Nicholson, died 1874; Sieut. Bloomfeld McHvinn, died 1885; Commander W. C. Nicholson, died 1874; Sieut. Bloomfeld McHvinn, died 1885; Commander W. C. Nicholson, died 1874; Sieut. Rich 1874; Lieut. Edward Renshaw, died 1875; Capt. W. A. Parker, died 1887; Capt. W. A. Parker, died 1887; Lieut. Edward Renshaw, died 1887; Capt. W. A. Parker, died 1887; Capt. W. A. Parker, died 1887; Lieut. Edward Renshaw, died 1887; Lieut. Edward Renshaw, died 1887; Capt. W. Soott, died 1865; Surg. Robert Reddington, resigned 1865; Commander Daniel B. Ridgeley, died 1860; Master Samuel C. Reid, died 1861; Rara-Admiral George C. Read, died 1882; Lieut. Thomas T. Sloan (Marines), died 1885; S

Mr. MANDERSON. Mr. President, I have no interest in the special matter which forms the basis of the remarks made this morning which I understand to be a resolution of instruction to the Committee on Appropriations to make a certain investigation as to accounts of naval officers. My interest in this matter arises from the fact that this morning since I came to the Capitol I received the letter to which I referred a few moments ago, in which there was inclosed the proposed amendment to the appropriation bill introduced a few days ago by the Senator from New Hampshire [Mr. CHANDLEB], and this letter called my attention to this proposed amendment for the first time, for it had escaped me in perusing the RECORD and I had not seen it in print on my desk. So that if these claim agents have done nothing better, they have at least challenged the attention of the country and of Senators to a very sweeping piece of legislation that I submit would have worked very great hardship.

I have no question but that there are many attorneys and claim agents in this city who do not aspire to practice on that high plane of professional ethics that would characterize the Senator from New Hampshire [Mr. CHANDLER] or the Senator from Illinois [Mr. CULLOM] in their professional labors, but at the same time there are many of these men who are reputable in their profession and who indulge in no ob-

jectionable practices to obtain professional work.

I know the fact that as to the soldiers who served during the late war a great many righteous and proper claims would have met with defeat in the Departments of the Government, in the Court of Claims, and in other courts, were it not for the honest and faithful service that has been performed by some of these much-abused attorneys, who are denominated claim agents, in the city of Washington.

It may be that a majority of them pursue methods which are objectionable, but I think it is due, at least to the few that I have mentioned,

that they should receive this meed of credit and praise.

that they should receive this meed of credit and praise.

My interest in this matter is simply to the extent that this proposed legislation affects many thousands of volunteer soldiers, not of the regular Army, who have claims now pending against the Government of the United States, and I rise for the purpose of submitting the letter to which I referred a few moments ago. It comes to me from General W. W. Lowe, whose name is well known throughout the country as that of a volunteer soldier who served with most distinguished honor to himself and to the country. It is dated the 2d day of February, and was written at Omaha. I will read that part of it which it seems to me proper to publish: proper to publish:

OMAHA, NEBR., February 2, 1889.

DEAR GENERAL: Toward the close of a session, in the unavoidable haste attending the passage of important measures, it may and does sometimes happen that cruel, unjust, and absurd laws are enacted by being tacked onto an appropriation bill, or in some other obscure form. Of this character is the amendment to be offered by Senator Chandler to the deficiency bill when it reaches the Senate, a copy of which I inclose herein. Against this monstrous wrong I enter my protest in the name of 30,000 officers of volunteers in the late war. Should this amendment become a law it will kill the claims of that number of volunteer officers, which are based on the act of June 3, 1884, authorizing the

amending of their musters-in, and which are now pending and partially settled by the accounting officers of the Treasury.

The legal principles upon which such claims rest have been, to a great extent, and are just now, about being fully affirmed by the United States Supreme Court in kindred test army-pay cases; but all this will avail nothing if this amendment passes, for it will take away the right to present such claims in the only place where they can obtain a hearing and examination, namely, before the accounting officers of the Treasury. Thus the law proposes to "entirely annihilate the remedy," and (1) is unconstitutional in that it impairs the obligations of contracts (see Paschal's Annotated Constitution, second edition, section 400, page 393, and section 157, page 155); (2) is "class legislation," especially against Army and Navy officers; and (3) is unjust, because it shuts out just claims alike as to the future and the past, without notice or warning of any kind, and virtually destroys vested rights, and becomes disgraceful repudiation. This amendment should "die the death;" the law should remain as it is and always has been, the accounting officers being obliged to settle all claims fully proven before them, according to the law as expounded by the United States Supreme Court, without any time bar, and to regard Army officers as other persons.

Truly, yours,

W. W. LOWE.

Hon. C. F. Manderson, United States Senate, Washington, D. C.

It seems to me that this letter, Mr. President, presents the matter pretty fully, and I certainly think the Senator from New Hampshire could not have given the proposed amendment that consideration its importance deserves when he introduced it and sent it to the Commit-

tee on Appropriations.

Mr. VOORHEES. Mr. President, having taken part in a former discussion of the questions embraced in the resolution now before the Senate, I have with some care prepared what I think it right and proper

to say at this time.

The Senator from New Hampshire [Mr. CHANDLER] has submitted to the Senate three propositions with respect to claims of Army and Navy officers: first, a resolution calling for information from the Treasury, which has been answered; second, a resolution, now pending, directing the Committee on Appropriations to make an investigation covering substantially the same ground, to which nobody can object; and third, an amendment to the general deficiency bill, already referred to the Committee on Appropriations. In the debate on Friday last on the pending resolution he alluded to all of these propositions, and stated his proposed amendment as follows:

his proposed amendment as follows:

My remedy is to provide as follows:

"The jurisdiction of the Court of Claims shall not extend to suits brought by officers of the Army and Navy for arrears of pay, of mileage, of traveling expenses, or of personal allowances of any kind. This prohibition shall extend to all suits now pending.

"The accounting officers of the Treasury Department shall not, without express authority of law hereafter enacted, settle or allow any claim of any officer of the Army or Navy for arrears of pay, mileage, traveling expenses, or personal allowances of any kind where such claim covers any period of time more than three years before the presentation of such claim. This prohibition shall extend to all claims now pending."

If this be not unconstitutional, as depriving officers of rights vested under executed contracts, it is certainly class legislation of the most

pronounced character.

It deprives officers of the Government, who are under the most rigid discipline, of the only method provided them of disputing a question of law involving their pay and allowance (matters of rank and precedence not being within the jurisdiction of the courts).

It denies to Army and Navy officers a right conceded to the humblest citizen of the United States and the citizens of many foreign nations.

The only and obvious effect of such legislation would be to place it within the arbitrary power of the head of the War or Navy Department to prescribe not only an officer's duties but his pay and allowances

Such power has, in fact, often been claimed and exercised, and it is only within a very few years that Army and Navy officers, trained to strict obedience to their superiors, have discovered that they have any

rights in the courts,

The movement of the Senator from New Hampshire seems to be mainly against what are known as "sea-pay cases." These are claims for the difference between the pay provided by law (section 1556, Revised Statutes) for officers on duty at sea and that provided for duty on shore. For obvious reasons, mainly because of the double expense of

paying mess-bills on shipboard and supporting families on land, an officer's pay for sea duty is higher than for duty on shore.

Down to August 1, 1882, officers on duty on board certain vessels known as training-ships received sea-pay. After that date, without the slightest change in their situations, expenses, or duties, they were reduced to show any under the following orders.

reduced to shore-pay under the following order:

[General Order No. 297.]

NAVY DEPARTMENT, Washington, July 7, 1882.

On and after 1st of August next the New Hampshire, the Minnesota, the Intrepid, and the Alarm will not be considered in commission for sea-service.

WM. E. CHANDLER, Secretary of the Navy.

The officers of those vessels protested against this reduction of their pay, and on the 5th day of May, 1884, the Senator from Maine [Mr. Hale], who now thanks the Senator from New Hampshire for his suggestions, reported from the Committee on Naval Affairs a bill (S. 2147) for their relief from the operations of the Secretary's order.

performed at sea under the orders of a Department and in vessels employed by authority of law, and such as shall be performed in the United States training service."

The efforts of the Senator from Maine were not successful. His bill was not passed, and it seems that the officers appealed to the courts to test the validity of the Secretary's order.

In the case of Symonds vs. The United States (21 Court of Claims Re-

ports, 148) the question was decided in their favor. The syllabus of the case says:

A Secretary of the Navy can not change the character of an officer's service from sea-service to shore-service by simply ordering that it be so regarded. Seaservice is defined by Revised Statutes, and the final construction of the statute is vested in the judiciary.

The Government appealed and the Supreme Court affirmed the decision (120 United States Reports, 46). The syllabus commences:

The Secretary of the Navy can not diminish an officer's compensation, as established by law, by declaring that to be shore-service which is in fact sea-service.

Congress accepted this decision as law and appropriated the money required to meet the claims. If it were necessary to say anything on their merits they are shown by the facts stated in the opinion, namely, that the service was even more arduous and confining than that on cruising ships.

When the Senator from New Hampshire complains that the facts are made up and reported by the Court of Claims to the Supreme Court he attacks an absolute rule of that court, as well as the integrity of the Court of Claims and of the Department of Justice, which is charged by law with the defense of the Government against claims, and has every

facility for procuring record and oral evidence.

Following the case above referred to came that of Strong, a claim for difference between sea and shore pay for duty on receiving-ships. In this case the discrimination did not originate with the Senator from New case the discrimination did not originate with the Senator from New Hampshire when Secretary, but grew up in 1843. The question, however, was precisely the same, namely, whether a Secretary could, by executive order, reduce the pay provided by law. The Supreme Court again held that he could not (125 U. S., 656).

In this case, also, it was found that the officer's duties were "more exacting and arduous than those on board cruising ships." Congress

again accepted the judgment and appropriated for its payment.

THE MILEAGE CASES

The mileage cases originated under acts of March 3, 1835, and June 30, 1876, allowing mileage for "travel under orders."

I desire to simplify those words as far as is in my power, so that they may be easily comprehended. I do it, it is not necessary to say, with great respect for the Senator from New Hampshire and the Senator from Maine. Under both acts the Navy Department attempted to discriminate between travel in the United States and travel abroad, allowing mileage for the former and only actual expenses for the latter. In the cases of United States vs. Temple (105 U. S., 97) and United States vs. Graham (110 U. S., 219) the Supreme Court held that there was no ground for this distinction. It said in Admiral Temple's case that

There was no warrant for such practice in the language of the act of 1835, any more than in the act of 1876.

In Graham's case the court used the following language:

It was said the act of 1876 was so clear and explicit as not to be open to construction, and to our mind the same is true of the act of 1835.

The English courts have always held that sailors were under their peculiar protection, as being ignorant of their legal rights, and it would seem that officers of our Navy should be put in the same category, for as far back as 1842 Attorney-General Legaré advised the Secretary of the Navy that his construction of the law was at least doubtful, and that he ought to secure further legislation to support it. And in 1872 another Attorney-General held that the mileage should be allowed and-

That what the actual traveling expenses of such officer may be has nothing to do with the allowances made to him.

It may be because the law was so clear in this matter and might have been enforced in the courts long before (had not the idea seemed to prevail that it was contrary to discipline for an officer to assert his right as an American citizen) that the accounting officers hesitated to adjust old claims in accordance with the decision of the Supreme Court upon the act of 1835. At any rate they did so hesitate, and Mr. Upton, then Comptroller, wrote Secretary Folger in the case of Capt. John P. C. De Krafft (whose widow we pensioned a few days ago by special act), asking whether he should allow the claim. The Secretary replied as

This Department in its annual report of 1883 called the attention of Congress to the ancient character of many claims against the Government and suggested a statute of limitation. The Department thereby impliedly recognized that without such a statute it must go on and hear and determine all claims of however long standing. I do not perceive how the Department can consistently with former practice and its representations to Congress now suddenly say in a class of claims that their age shall debar them of a hearing.

As to the equity of these claims it is difficult to see why it is not as proper to pay mileage for travel abroad as well as at home, or for offi-I quote the fifth section of that bill:

SEC. 5. That hereafter section 1571 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1571. No service shall be regarded as sea-service except such as shall be

whose distinguished services during the war deserve better treatment, or Commander Graham, to whose judgment and discretion we have at this very time in part confided the protection of our interests in Sa-moa, of having secured, by a technical construction of law, allowances

to which they were not equitably entitled.

I think we should rather instruct the Appropriations Committee to provide for the payment of interest on these old claims, arising under laws which the Supreme Court has said were too plain to admit of doubt.

I do not remember that such a proposition was ever made. But I do remember that in these very mileage cases I offered an amendment to the deficiency bill in 1882, appropriating \$50,000 to pay them in advance of their adjustment, and the Senator from Maine [Mr. Hale],

as the organ of the committee, accepted the amendment.

At the same time, in the same bill, and I think most unjustly, the law as changed so that mileage for foreign travel is no longer allowed. Almost all of these cases have been settled and appropriated for in the various deficiency bills since that time, and the estimates for this year contain less than \$2,500 for such claims. Among them, however, are the claims of the heirs of Preble and Cushing, illustrious names in our naval history.

Whilst I was proposing the modest sum of \$50,000 for the settlement of such claims the Senator from Maine added to the bill, and in one lump, \$525,000 for longevity-pay claims of officers of the Army under the decision of the Supreme Court in the Tyler case. The Senator

That is not going to pay all. When these claims have all come in they will aggregate perhaps considerably more than a million dollars to come out of the Treasury.—Congressional Record, volume 13, part 6, page 5549.

#### THE LONGEVITY-PAY CLAIMS.

That brings me to consider the longevity-pay claims of naval offi-cers, against which the movement of the Senators from Maine and New Hampshire is also directed.

I must confess that when the law under which they accrued was under discussion here on a former occasion I did not understand it much better than the Senator from Maine or the Senator from New Hampshire. In fact, I presume I knew much less, for my acquaint-ance with the Navy was confined to the character and achievements of its officers, while one of the Senators was then its head and the other its officers, while one of the Senators was then its head and the other had been for many years on the Naval Committee. But I have examined the subject somewhat lately, and I say now that the only objection made by the Secretary, now Senator from New Hampshire, embodied in his letter to the Senator from Maine, printed in Saturday's RECORD, was obviated in the bill as it passed, if it ever had any foundation; and that no claim, such as he objected to, has ever been allowed by or ever presented to the accounting officers or the courts. On the contrary, the latter expressly denounced the construction objected to by the Secretary when it was suggested by the Attorney-General, in order to throw doubt upon the construction asked by the claimants. I quote from the opinion of the Court of Claims in Rockwell's case (21 Court of Claims Reports, 339):

Again, it is suggested that in order to give the officer all the benefits of such

Again, it is suggested that in order to give the officer all the benefits of such actual service as though it had been in the grade to which it is to be credited, as the language of that act provides, he ought to have the full salary of that grade for the whole time back to his re-entry into the regular Navy, although he might have held during that time a lower grade having less pay. But a sensible and reasonable view of the act is that it deals with credit for length of service and the additional pay arising therefrom and not with the matter of regular salary, and thus it appears to have been understood by all parties.

This language of the court appears to define as clearly as possible the intention of the longevity-pay clauses of the naval appropriation acts of 1882 and 1883. As I understand it, there are certain grades in the Army and Navy in which the pay increases according to length of service or longevity. For a number of years past an Army officer, on reaching such a grade, has had the right to count for longevity pay any time he might have previously served, whether in the same grade or any other, or as an enlisted man, or as a volunteer, in either the Army

or Navy.

The statutes authorizing this credit were not only just and equita-

ble to the officers, but beneficial to the Government. For certainly an officer of any grade who has had previous military experience and discipline is much more valuable to the Government than one who has not. Down to 1882 the Navy officers did not enjoy this right. The House of Representatives determined to give it to them and sent to the Senate the naval appropriation bill of that year, containing the following clause, which I will read:

SEC. 1. And all the officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer army or navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy: Provided, That nothing in this clause shall be so construct as to authorize any change in the dates of commission, or in the relative rank of such officers.

The PRESIDING OFFICER. The Senator from Indiana will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3401, in relation to the Pacific railroads.

Mr. CHANDLER. I ask unanimous consent that the Senator may be permitted to finish his remarks.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and the Senator from Indiana will proceed.

Mr. VOORHEES. This clause had reference to pay, and to pay alone, for the only other privilege affected by length of service, if it can be considered a privilege, was the right of retirement, and that was already provided for. And not only did the clause relate to pay exclusively, but it related principally to back pay, for services performed prior to its passage. For the class of officers whom it could benefit were many of them already on their highest rate of pay and could get no future benefit from the act.

It would seem to be but right that it should affect back pay in this particular instance, as it was meant to give Navy officers privileges which Army officers had long enjoyed. It is nothing unusual to provide additional pay for services long after they are rendered. We have lately (in 1879) given three months' extra pay for services in the Mexican war, and there are now forty thousand claims of Army officers on file for services during the rebellion under what is known as the muster act of 1884, every one of which will be barred by the amendment pro-

posed by the Senator from New Hampshire.

So far as they applied the act of 1882 at all, the accounting officers construed it retroactively, and that construction was known to and approved by Congress before the act of 1883 was passed. In Senate Executive Document 107, first session Forty-eighth Congress, Appendix

E. appears a list of longevity claims, certified to Congress in 1882 and appropriated for in the deficiency bill of that session.

They cover service as far back as March, 1861, the pay for which had been increased under the act of 1882, by applying credit for the time of previously uncredited service.

But the same document shows how the accounting officers limited and for the most part defeated the intent of the act of 1882. They held that they could only apply it in cases where the uncredited service had been performed in the same grade as that to which it was to be credited. That is, a boatswain could only receive credit for service as a boatswain, a gunner for service as a gunner, a surgeon for service as a surgeon, and so on. I need not go into detail. The opinions of the accounting officers are printed and may be read by any Senator. Their effect was to rule out all credit for enlisted service, for Army service, or for service in other grades, higher or lower, which the act of 1882 directed to be given.

The House of Representatives determined to make its legislation of 882 effective, and repeated it in the naval appropriation act of 1883, with an additional clause, as follows:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer army or navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service: Provided, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers.

This additional clause met the objection of the accounting officers by providing a grade in which all prior uncredited service should be counted. In some instances it would be one grade, in some another, but in all cases it would be the "lowest grade having graduated pay," the first grade held by the officer in which credit for service would increase his pay.

The Secretary, now Senator from New Hampshire, made his objec-tion, and it was obviated, as I have stated, by a proviso adopted in conference, as follows:

Provided further, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer army or navy.

I say again that no claim has since been made, and I do not believe one was ever contemplated, for the pay of a higher grade during the time of service in a lower one. Every dollar that has been allowed has resulted from crediting upon one grade the time of service performed in another, and this is what has long been done in the Army, and was directed to be done in the Navy by the act of 1882.

But after the act of 1883 was passed the accounting officers were not

satisfied to give to it the same obvious and necessary retrospective construction they had given to the same language in the act of 1882.

They asked the advice of the Attorney-General, and he held that the acts were not retrospective. In this opinion the Secretary of the Navy, now Senator, made haste to concur in a letter to the Secretary of the Treasury, dated October 11, 1883, requesting that no accounts be stated in contravention of the opinion.

None were stated, and the claimants were driven to the courts. Hawkins vs. The United States (19 Court of Claims Reports, 611) that court unanimously sustained the contention of the claimant and the

former construction of the accounting officers.

It gave Hawkins about \$2,200 for increased pay as a boatswain from 1871 by crediting him in that grade and from that time with his previous service as mate and master.

Although Attorney-General Brewster had given an official opinion against the construction adopted by the Court of Claims, he did not have confidence enough in it to carry the case to the Supreme Court. It was not appealed, was certified to Congress, appropriated for, and

But the vigilant Secretary of the Navy, now the able Senator from New Hampshire, was not satisfied. He again, on October 1, 1884, wrote to the Secretary of the Treasury, saying that he proposed to ask further legislation "for the protection of the public interests," and requesting that no settlements on similar claims be made "until after the Department shall have submitted its views on the subject to Congress for con-

Those views were never submitted. On the contrary, the Secretary, now Senator, shortly afterwards himself signed the first requisitions in payment of these claims. But the accounting officers did not relax their vigilance and have driven the claimants to court in innumerable cases involving minor points under this act. Of these cases no less cases involving minor points under this act. Of these cases no less than eight have gone to the Supreme Court on the appeal of the Government, as follows: United States vs. Philbrick, 120 U. S., 52; United States vs. Rockwell, 120 U. S., 60; United States vs. Dunn, 120 U. S., 249; United States vs. Mullen, 123 U. S., 186; United States vs. Allen, 123 U. S., 345; United States vs. Hendee, 124 U. S., 309; United States vs. Baker, 125 U. S., 646; United States vs. Cook, at the present term.

And now, when the questions involved have been all settled, after vigorous litigation, and the claims have nearly all been paid, the Senator from New Hampshire and the Senator from Maine renew the discussion in a forum where the claimants have no right to be heard, and attack the justice of their claims under cover of a demand for a statute of limitation and repose. In my judgment it is the claimants and not the Government who are entitled to some repose in this matter.

Let me say a few words on the question of a statute of limitations. I am in favor of one which should be carefully drawn, not applicable, of course, to pending cases, and which should apply to the Government as well as to claimants against it. But as long as the accounting officers have power to check against an officer's current pay the amount of an old allowance which may suddenly be declared illegal, I insist

they should be required to pay him the amount of a claim, however old, which they may have illegally withheld from him.

The proposition to fix a limit to the consideration of claims is not a new one. It has several times been referred to the Judiciary Committee of this body, which is much better fitted to consider it than the Committee on Appropriations.

Committee on Appropriations.

In fact, I may say that the latter has declined to consider it. For when it came over from the House in section 2 of the deficiency bill of the first session of the Forty-eighth Congress the committee then, as now, led in the matter of that bill by the Senator from Maine, struck out the provision and declined to restore it in conference.

Let us have a fair statute of limitations if you will, but let it come from the law committee and after due consideration, and not rush it through as an amendment to an appropriation bill.

through as an amendment to an appropriation bill.

Above all, let us not degrade the officers of the Army and the Navy by excluding them, and them only, from the right which every other citizen has, to sue the Government for his just and legal rights.

Sir, these are not the people to treat with illiberality of construction in the enforcement of the laws. They have written many of the bright.

in the enforcement of the laws. They have written many of construction in the enforcement of the laws. They have written many of the brightest and most glorious pages of American history, and on their loyalty, ability, and courage we may be called to depend again in the not distant future. I have no fear that they will receive more pay during their lives than they deserve, nor that their widows and orphans will be too well cared for by the Government after they are dead and gone.

Mr. CHANDLER. Mr. President, I desire a vote on the resolution.

The PRESIDING OFFICER. Is there objection to the vote being

taken now on the pending resolution?

Mr. COCKRELL. I wish to say a few words, and I understand the Senator from Connecticut [Mr. HAWLEY] desires to say something. Mr. HAWLEY. I also desire to make a few remarks, and I would

rather the resolution should go over.

Mr. ALLISON. I ask that the resolution go over.

The PRESIDING OFFICER. Being objected to, the resolution goes

Mr. CHANDLER. Retaining its place on the Calendar?
Mr. COCKRELL. In the same position it now occupies as morning

business

I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill, if the Senator from Illinois will waive calling up his conference report, as I understand he has agreed to do.

Mr. CULLOM. I desire to say, as two or three friends have asked me to let the conference report go over until to-morrow, that I have agreed with the Senator from Iowa to do so. I give notice that I shall call it up to-morrow for disposition.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11693) to amend section 555, Revised Statutes relating to the District of Columbia;

interest of the United States of America in and to square south of square 1092, in the city of Washington, District aforesaid;
A bill (H. R. 11957) to amend an act entitled "An act to levy an

assessment on real estate in the District of Columbia for the purpose of taxation;"

A bill (H. R. 12137) relating to the deposit of securities by insurance companies; and
A bill (H. R. 12498) to regulate the practice of pharmacy in the Dis-

trict of Columbia.

The message also announced that the House had concurred in the reort of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move to proceed to the consideration now of House bill 11795.

Mr. FRYE. I am compelled, I suppose, to yield to the Senator from

Mr. ALLISON. I do not wish to interfere with the regular order. The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 11795.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, the pending question being on the amendment proposed by Mr. HAWLEY, under the head of "Civil Service Commission," on page 20, line 19, to strike out "two" and insert "three;" so as to read:

Three clerks of class 2.

Mr. ALLISON. Before proceeding to the consideration of that amendment, if the Senator from Connecticut will allow me, I desire to offer one or two amendments from the Committee on Appropriations.

The PRESIDING OFFICER. If there be no objection, the consid-

eration of the amendment of the Senator from Connecticut will be postponed until the amendments offered by the Senator from Iowa shall

be disposed of.

Mr. ALLISON. On page 4, line 15, in the appropriations for messengers of Senate committees, I move to strike out "eight" and insert "nine;" so as to read:

And nine messengers, at the rate of \$1,440 per annum.

The amendment was agreed to.

Mr. ALLISON. On page 22, line 6, after the word "for" where it occurs the second time, I move to insert "purchase." This amendment I offer in pursuance of an understanding we had in committee that I might offer it. As a justification for the amendment I propose, I ask that the letter which I send to the Secretary's desk may be read.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, February 5, 1889.

SIR: I have the honor to inform you that the equipment of the stable of this

Department needs renewal.

The carriage has been in constant use for the last ten years; one horse has been lost this winter, and his mate is too old for it to be desirable to match him. I therefore recommend that an appropriation of \$2,000 be added to the amount usually appropriated for the maintenance of the stable to place this necessary part of the machinery of the Department on a useful footing.

I have the honor to be, sir, your obedient servant,

Hon. WILLIAM B. ALLISON,
Chairman of the Committee on Appropriations,
Senate of the United States. T. F. BAYARD.

Mr. ALLISON. In view of that suggestion of the Secretary of State, I move, on page 22, line 6, after the word "for" where it occurs the second time, to insert the word "purchase;" in line 7, after the word "horses," to insert "and purchase;" at the end of line 7 to strike out "one" and insert "three;" and in line 12 to strike out "four" before "thousand" and insert "six."

The PRESIDENT pro tempore. The amendment will be stated from the desk

The CHIEF CLERK. In line 6, on page 22, after the word "for" where it occurs the second time, insert the word "purchase;" in line 7, after the word "horses" and before the word "and," insert "and "three;" and in the same line strike out the word "one" and insert "three;" and in line 12, after the word "all" and before the word "thousand," strike out "four" and insert "six;" so that the paragraph when amended will read:

For contingent expenses, namely: For purchase, care, and subsistence of horses and purchase and repairs of wagons, carriage, and harness, \$3,200; for rent of stable and wagon-shed, \$600; for care of clock, telegraphic and electric apparatus, and repairs to the same, \$800; and for miscellaneous items not included in the foregoing, \$2,400; in all, \$6,800.

The amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY], which

A bill (H. R. 11701) for the relief of the building and mutual loan associations of the District of Columbia;

A bill (H. R. 11817) vesting in the vestry of Christ Church, Washington Parish, in the District of Columbia, all of the right, title, and insert "three;" so as to read: "three clerks of class 2."

Mr. ALLISON. Has there not been already one amendment agreed to there?

The PRESIDENT pro tempore. The first word "two" has been stricken out and "three" inserted after the word "stenographer." The amendment now proposed is to strike out the word "two" it last occurs and insert "three."

Mr. ALLISON. Making three clerks of class 2.

The PRESIDENT pro tempore. "Three clerks of class 2." Mr. ALLISON. I hope that amendment will not be agreed to.

Mr. COCKRELL. Yesterday evening, Mr. President, when this clause was under discussion, the Senator from Kansas [Mr. Plumb], whom I regret not to see in his seat, made some criticisms of the action of the existing Administration in placing the railway mail service under the laws and regulations of the civil-service act and commission, and he criticised the efficiency of the Administration. The ground of his complaint was that this change made in December last was for the purpose of forestalling the action of the incoming Administration after the 4th of March.

As a matter of course I do not know the motives which may have inspired the head of the Department and the President in promulgating that order. That it was done for the purpose of forestalling the in-coming Administration I do not believe. That there was an illustrious precedent for so doing there can be no question; and if the action of a Republican Administration in its expiring hours was justifiable, then the same act of a Democratic Administration under similar circumstances must not be unjustifiable.

Mr. ALLISON. Will the Senator from Missouri state— Mr. COCKRELL. I will come in a moment to what I know the

Senator has in mind. Mr. President, I hold in my hand the record, and by that I propose

to speak of the Republican Administration. In 1884, after the people had passed condemnation upon it in the election in November, what did it do? We shall see.

The civil-service act became a law on the 16th day of January, 1883. The act was not practically put into operation for a number of months thereafter. Then there was a partial classification of the civil service in the Departments, bringing the employés within the provisions and regulations of the civil-service act and commission. On December 6, 1884, the Secretary of the Interior, the distinguished Senator from Colorado [Mr. Teller] now in his seat, amended the revision.
Mr. Teller. What date is that?
Mr. COCKRELL. The 6th day of December, 1884.

Mr. TELLER. If the Senator will allow me, I will say here, as I have said before, that there was then no amendment made whatever. The classification was then put on record simply, and that, I think, the record shows.

Mr. COCKRELL. I am speaking as the record here shows. When was it done?

Mr. TELLER. It had been done months before.

Mr. COCKRELL. Why not have put it on record months before?
Mr. TELLER. Simply because a great many things had not gone on record, papers that had been signed by the Secretary of the Interior months and months before. There was no change of classification in the Interior Department at all. That I have stated before, and I state it now.

Mr. COCKRELL. Here is the record:

On September 22, 1883, the Secretary of the Interior, by an order of that date,\* revised the classification of that Department by arranging the employés thereof into classes, as follows:
In addition to the classes of employés in the Department of the Interior, recognized by section 163 of the Revised Statutes—first, second, third, and fourth class clerks—the Secretary added two other classes, as follows:
Class A, all clerks and other employés at Washington receiving \$1,000 per aname.

num, Class B, all employés at Washington known as copyists, whether receiving

Class B, all employés at Washington known as copyists, whether receiving \$900 or \$720 per annum.

On December 6, 1884, the Secretary amended this revision,\* extending it both upward and downward, as follows:

Fourth class, all clerks receiving \$1,800 per annum; Subdivision A of fourth class, all clerks receiving \$2,000 or more per annum, not chiefs of divisions, and not excepted from examination by the civil-service act and rules.

Third class, all clerks receiving \$1,600 per annum.

Second class, all clerks receiving \$1,200 per annum; Subdivision A of the first class, all clerks receiving \$1,200 per annum; Subdivision B of the first class, all copyists without reference to the amount of salary. [At the time of this revision copyists in the Department of the Interior received either \$900 or \$720 per annum.]

Class A, all employés at Washington, who are not clerks or copyists, receiving \$1,000 per annum.

The above is the existing classification of the Department of the Interior.

Mr. TELLER. What is the Senator reading from?
Mr. COCKRELL. I am reading from the fourth annual report of
the Civil Service Commission, and I will read the order of the Secrethe Civil Service Commission, and I will read the order of the Secretary. I hold in my hand the order, taken from the official records, made by the Secretary of the Interior, his "footprints on the sands of time," and there they stand.

Mr. TELLER. Will the Senator give the page?

Mr. COCKRELL. I am now reading from the fourth annual report of the Civil Service Commission, page 489. Here is the order:

Revision of September 22, 1883.

DEPARTMENT OF THE INTERIOR, Washington, September 22, 1883, Order.1

H. M. TELLER, Secretary.

And then follows:

Revision of December 6, 1884.

DEPARTMENT OF THE INTERIOR, Washington, December 6, 1834.

By direction of the President of the United States, and in accordance with the provisions of the third clause of section 6 of the act entitled "An act to reg-ulate and improve the civil service of the United States," approved January 16,

Ordered, That the order heretofore made September 22, 1883, be, and the same is, modified as follows.

Then goes on the classification to which I have referred and which I submit here, as follows:

submit here, as follows:

That all clerks receiving a salary of \$2,000 and upwards, not chiefs of division and not excepted by the statute or rules of the Civil Service Commission, shall, for the purpose of classification, examination, and admission into the service of the Interior Department at Washington, be included in subdivision A of class 4.

The clerks receiving a salary of \$1,000, and all copyists receiving a salary of \$900 or \$720 per annum, shall, for purposes of classification, examination, and admission into the service of the Interior Department at Washington, be included in class 1. All clerks receiving \$1,000 shall be included in subdivision A of class 1, and all copyists, without reference to the amount of salary received, shall be included in subdivision B of class 1. No persons shall be admitted to or received in the Interior Department at Washington as clerks with a salary of \$2,000 or upwards, or at a salary of \$1,000, or as copyists at \$900 or \$720, until they have passed the civil-service examination provided for by the Civil Service Commission, and have been certified to the Department in the usual way for admission into the classified departmental service.

H. M. Teller, Secretary.

That was not the only change that was made after the Navember.

That was not the only change that was made after the November election of 1884.

On November 19, 1884, the Secretary of War revised the classification made by section 163 of the Revised Statutes, by declaring in a "circular order," is issued on that day—

November 19, 1884-

that the classification for the purposes of the civil-service act in the Department of War included all civilian employés subordinate to the Secretary, except those employed merely as laborers or workmen, messengers and watchmen being considered as so employed. By this "circular order" the classification of the Department of War was revised so that all employés embraced therein would be classed as follows:

Class A, those having an annual compensation exceeding \$2,000.

Class B, those having an annual compensation of \$1,800.

Class 1, those having an annual compensation of \$1,600.

Class 2, those having an annual compensation of \$1,400.

Class 2, those having an annual compensation of \$1,400.

Class C, those having an annual compensation of \$1,000.

Class C, those having an annual compensation of \$1,000.

Class D, those having an annual compensation of \$1,000.

Class D, those having an annual compensation of \$1,000.

Class D, those having an annual compensation of \$2,000 and under.

On November 25, 1884, the commission received from the Secretary of the Navy, in a communication dated November 22, 1884, a revision of the classification of that Department, dated November 1, 1884,†

It thus will be seen that it did not reach the commission until after

It thus will be seen that it did not reach the commission until after the election, but was dated November 1, 1884.

In this revision the Secretary gives the number of "clerks and employés in the Department of the Navy and bureaus" classified (subject to examination), classified (exempted from examination), and not classified under the law and the regulations of the United States Civil Service Commission. The classified as subject to examination, and the classified as exempted from examination, are as follows:

as subject to examination, and the classified as exempted from examination, are as follows:

Subject to examination:
Clerks of class 4, \$1,800 per annum.
Clerks of class 2, \$1,400 per annum.
Clerks of class 2, \$1,400 per annum.
Clerks of st,000 per annum.
Nine hundred dollars per annum copyists.
Seven hundred and twenty dollars per annum copyists.
Exempted from examination:
Chief clerks, 9: 1 at \$2,500, and 8 at \$1,800 per annum.
Disbursing clerk, at \$2,250.
Stenographers, 2: 1 at \$1,400, and 1 at \$1,600,
Chief draughtsman, at \$2,250.
Draughtsmen, 23; at from \$1,000 to \$1,800,
Assistant draughtsmen, 2; at \$1,400 each,
Telegraph operator, at \$1,000.
Carpenter, at \$1,000.
Plate-printers, 2: 1 at \$1,252, and 1 at \$1,560; apprentice, at \$600,
Engravers, 10; at from \$1,200 to \$1,800.
Assistant astronomers, 3; at from \$1,500 to \$1,600.
Assistant conditions as a from \$1,500 to \$1,600.
Assistant engravers, 10; at from \$1,000 to \$1,600.
Assistant engravers, 10; at from \$1,000 to \$1,600.
Assistant engravers, 10; at f

Mr. CHANDLER. What page does the Senator read from?
Mr. COCKRELL. I read from page 108 of the same report.
I have given the action of the Department of the Interior, the De-

partment of War, and the Department of the Navy in classifying and

<sup>\*</sup> See order Secretary of the Interior, Appendix, Part III, Exhibit 4.

<sup>\*</sup>See "circular order" of Secretary of War, Appendix, Part III, Exhibit 4.

changing the classifications of their Departments after the election in November, 1884. I now come to the Secretary of the Treasury.

On January 2, 1855, the Secretary of the Treasury revised the classification of the officers, clerks, and employés of that department. This was done by a "circular order" addressed "To whom it may concern." In this order the Secretary used the following language:

"The existing classification of those in the Treasury Department under the civil-service act, as heretofore construed and applied in all cases, includes all officers, clerks, and employes with annual salaries fixed by law, except those subject to confirmation by the Senate, and those merely employed as laborers or workmen, messengers and watchmen being considered as so employed."

After making this sweeping declaration, the Secretary arranged the following classes:

Class 4, \$1.800 or more, annual salary, fixed by law.

lasses:
Class 4, \$1,800 or more, annual salary, fixed by law.
Class 3, \$1,600, annual salary, fixed by law.
Class 2, \$1,400, annual salary, fixed by law.
Class 1, \$1,200, annual salary, fixed by law.
Class B, \$1,000, annual salary, fixed by law.
Class A, \$900, annual salary, fixed by law.

Now we have the Treasury Department reclassified:

On February 6, 1885-

This day four years ago-

This day four years ago—

the Postmaster-General, by "Order No. 83," revised the classification of the Post-Office Department by arranging the officers, clerks, and other employés thereof into the following classes:

Class A, those having an annual compensation of \$2,000.

Class B, those having an annual compensation of \$1,800.

Class 3, those having an annual compensation of \$1,800.

Class 3, those having an annual compensation of \$1,900.

Class 1, those having an annual compensation of \$1,200.

Class 1, those having an annual compensation of \$1,200.

Class C, those having an annual compensation of \$1,000.

Class D, those having an annual compensation of \$200.

Class E, those having an annual compensation of \$200.

It was provided by this order that messengers, assistant messengers, watchmen, and laborers should not be included within the classification.

The records of the commission do not show that either the Secretary of State or the Attorney-General has yet revised the classification of his Department; but it appears that on October 6, 1883, the commission requested the Attorney-General to make a statement of the number of officials, etc.

In a written communication, bearing no date, addressed to the commission, and received November 24, 1884—

That was after the election in November, 1884-

the Commissioner of Agriculture

After the election was over and the result known, then the Republican Commissioner of Agriculture-

submitted a "list of clerks in the United States Department of Agriculture classified in accordance with the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883," By this list the employés of the Department of Agriculture were arranged into the following classes.

Then follows the classification:

Clerks of class 1, \$1,200 per annum.
Clerks of class 2, \$1,400 per annum.
Clerks of class 3, \$1,600 per annum.
Clerks of class 3, \$1,600 per annum.
Clerks of class 4, \$1,800 per annum.
Clerks at \$1,000 per annum each.
Clerks at \$720 per annum each.
Clerks at \$720 per annum each.
Clerk to Bureau of Animal Industry.
Disbursing officer.
Assistant to disbursing officer.
Librarian.
Superintendent of folding-room.

11. Librarian.

12. Superintendent of folding-room.

13. Employés in the chemical bureau.

14. Employés in the laboratory.

15. Employés in the botanical bureau.

16. Employés in the bureau of entomology.

17. Employés in the museum.

18. Foreman in the grounds.

On December 10, 1884, the President, by telephonic message

The usual means of communication were not sufficiently rapid and quick in order to consummate these changes in the classifications under the civil-service law-

der the civil-service law—

On December 10, 1884, the President, by telephonic message, informed the commission of the receipt by him of this classification of the Department of Agriculture, and asked the attention of the commission to the same. In reply the commission, on December 11, informed the President that the classification had been made in pursuance of his views as expressed to the commission in an interview in October, 1884, and which had been communicated to the Commissioner of Agriculture.

On December 16, 1884, the commission received from the President, by his private secretary, a communication dated December 12, in which the information was given that this classification of the Department of Agriculture had been accepted and approved.

Since that date the Department of Agriculture has been regarded and treated by the commission as a Department operated upon by the civil-service act and rules.

rules.

It will be observed that the classification of the Department of Agriculture is entitled: "List of clerks in the United States Department of Agriculture classified in accordance with the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883."

This classification was accepted and approved by the President as having been made in accordance with the act referred to; but the commission evidently did not believe it was a classification made in the same way that the classifications of the other Departments had been made—did not accept it as a revision of a classification, or as a classification that existed at the time the civil-service act

was approved. In reply to the telephonic message of the President the commission was careful to say:

"The classification appears to the commission to be suitable for the purposes of examination required by the rules."

The commission added:

"If the classification shall be accepted by the President, the commission will count itself as instructed to treat the places thus classified in the Agricultural Department as among those which are to be filled by certification by the commission under existing rules."

On page 490 and fellowing are found the orders of the War Depart-ent, "Department of War, revision of November 19, 1884," as fol-

DEPARTMENT OF WAR.

Revision of November 19, 1884.

Circular.1

WAR DEPARTMENT, Washington City, November 19, 1884.

WAR DEPARTMENT, Washington City, November 19, 1884.

Chiefs of bureaus of the War Department will cause to be made out and forwarded to this office as soon as possible after the 1st proximo a statement showing the names, compensation, etc., of clerks, messengers, laborers, watchmen, etc., employed in their respective bureaus from December 1, 1883, to November 30, 1884, inclusive.

The statement is to be made out on single sheets of foolscap paper, written on but one side of the sheet, and the same form to be observed as that published in Senate Ex. Doc. No. 82, Forty-eighth Congress, first session, except as otherwise directed below.

The classification for the purposes of the civil-service act in the War Department includes all civilian employés subordinate to the Secretary, except those merely employed as laborers or workmen (messengers and watchmen being considered as so employed), and the classification is revised so that all employés embraced therein shall be classed as follows:

Those having an annual compensation exceeding \$2,000	Class A.
Those having an annual compensation of \$2,000	Class B.
Those having an annual compensation of \$1,800	Fourth class,
Those having an annual compensation of \$1,600	Third class.
Those having an annual compensation of \$1,400	
Those having an annual compensation of \$1,200	First class.
Those having an annual compensation of \$1,000	Class C.
Those having an annual compensation of \$900 and under	Class D.

In making the report above called for chiefs of bureaus will adopt the above classification in addition to any special designations of employés arising out of their special duties heretofore used, and will schedule the employés of each class together.

ROBERT T. LINCOLN, Secretary of War.

The Department of the Navy revision of November 22, 1884, is as follows:

DEPARTMENT OF THE NAVY.

Revision of November 22, 1884.

NAVY DEPARTMENT, Washington, November 22, 1884.

NAVY DEPARTMENT, Washington, November 22,1884.

Gentlemen: I have the honor to transmit herewith a tabular statement exhibiting the number and classes of clerks and employées in the Navy Department and its bureaus, arranged in accordance with the Department's letter to the commission of January 23, 1884, and including not only the clerks classified by the act of January 16, 1883, in four classes under section 163 of the Revised Statutes, but also the subordinate places classified under the third paragraph of section 6 of the act last mentioned; and, in addition, for convenience, a statement of the positions in this Department classified but exempt from examination, and those not classified because classification is not required by the act. I also transmit a list showing the names and position of those "classified, subject to examination."

Very respectfully.

Very respectfully,

W. E. CHANDLER, Secretary of the Navy.

UNITED STATES CIVIL SERVICE COMMISSION, Washington, D. C.

The Department of the Treasury revision of January 2, 1885, is as follows:

DEPARTMENT OF THE TREASURY.

Revision of January 2, 1885.

[Circular.]

CLASSIFICATION OF OFFICERS, CLERKS, AND EMPLOYES IN THE TREASURY DE-PARTMENT

Treasury Department, Office of the Secretary, Washington, D. C., January 2, 1885.

To whom it may concern

Order No. 83.]

The existing classification of those in the Treasury Department, under the civil-service act, as heretofore construed and applied in all cases, includes all officers, clerks, and employés with annual salaries fixed by law, except those subject to confirmation by the Senate and those merely employed as laborers or workmen (messengers and watchmen being considered as so employed). For the purpose of the examination provided for in the said act such officers, clerks, and employés are hereby arranged in the following classes according to their annual salaries:

Class 2	Class 4	\$1,800, or more 1,600 1,400	Class 1	\$1,200 1,000 900
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H. McCULLOCH, Secretary.

The Post-Office Department revision of February 6, 1885, is as fol-

POST-OFFICE DEPARTMENT.

Revision of February 6, 1885.

POST-OFFICE DEPARTMENT. OFFICE OF THE POSTMASTER-GENERAL, Washington, D. C., February 6, 1885. For the purpose of facilitating the execution of the civil-service act, the classi-

<sup>\*</sup>See "circular order" of the Secretary or the Exhibit 4.
†See "Order No. 83," of the Postmaster-General, Appendix, Part III, Ex-

<sup>†</sup>See copy of the communication of the commission to the President in regard to the classification of the Department of Agriculture, and of the President's reply thereto, Appendix, Part III, Exhibit 4.

fication of clerks and others employed in this Department, and appointed by the Postmaster-General, shall be as follows:

Those having an annual compensation	exceeding \$2,000	Class A.
Those having an annual compensation	of \$2,000	Class B.
Those having an annual compensation	of \$1,800	Fourth class.
Those having an annual compensation	of \$1,600	Third class.
Those having an annual compensation		.Second class.
Those having an annual compensation	of \$1,200	First class.
Those having an annual compensation		Class C.
Those having an annual compensation		Class D.
Those having an annual compensation	of \$720	Class E.

Provided, That this classification does not include messengers, assistant messengers, watchmen, nor laborers.

FRANK HATTON, Postmaster-General.

The Department of Agriculture, revision of December 12, 1884, the report of the Civil Service Commission, and the letter of the private secretary of the President to the Civil Service Commission of December 12, 1884, are as follows:

DEPARTMENT OF AGRICULTURE.

Revision of December 12, 1884.

United States Civil Service Commission, Washington, D. C., December 11, 1884.

Washington, D. C., December 11, 1884.

SIB: In response to the telephonic message received yesterday, December 10, from the Executive Mansion, informing the commission of the receipt of the classification of the Agricultural Department, and asking the attention of the commission to the same, it respectfully replies that the classification (a copy of which has been furnished us) was made in pursuance of the views of the President, expressed to the commission in an interview in October last, and communicated to the Commissioner of Agriculture.

The commission at that date expressed its view that the time had come for including that Department under the rules, and declared its readiness to undertake the additional work involved.

The classification appears to this commission to be suitable for the purposes of the examination required by the rules.

If the classification shall be accepted by the President the commission will count itself as instructed to treat the places thus classified in the Agricultural Department among those which are to be filled from certifications by the commission under existing rules.

We have the honor to subscribe ourselves,

Your obedient servants,

DORMAN B. EATON, JOHN M. GREGORY, E. D. THOMAN, United States Civil Service Commissioners.

The PRESIDENT.

EXECUTIVE MANSION, Washington, December 12, 1884.

DEAR SIRS: Your letter of the 11th instant regarding the application of the civil-service rules to the Agricultural Department has been received by the President, and he directs me to say, in reply, that as it is stated in your communication that the inclosed classification submitted by the commissioners "appears to be suitable for the purposes of the examination required by the rules," the suggestion that it be accepted is approved by him.

Very truly, yours,

FRED. J. PHILLIPS, Private Secretary.

The Civil Service Commission, Washington, D. C.

Whether those changes were made for the purpose of forestalling the action of the then incoming Administration I can not say. If they were, then certainly the present Administration had the same right that that Republican Administration had, and it does not lie in the mouth of Republicans to complain. If the Republican Administration of that date was justified in issuing these orders for the improvement of the public service and the extension of the civil-service act and the

of the public service and the extension of the civil-service act and the regulations of the commission, then the Democratic Administration was also justifiable in doing the same thing for the same purpose.

The Senator from Kansas criticised very sharply the postal administration and the inefficiency of the postal clerks. The railway postal service was the particular branch which was lately brought under the civil-service law and the regulations of the Civil Service Commission. The record must speak for itself, and by the record we must stand or fall. I hold in my hand the report of the Postmaster-General for the fiscal year ending June 30, 1884, and on pages 283 and following I find the report of the general superintendent of the railway mail service for the fiscal year ending June 30, 1884. Under the head of "Mail distributed" I read as follows:

F!—

Referring to a table or a statement—this is on page 284—

Fis a statement showing in detail the correctness of the distribution by divisions, by which it appears that the number of errors in distribution was 1,167,-223 in a total distribution of 4,519,661,900 pieces, or one error to each 3,872 pieces handled, being at the rate of 299 errors per clerk per annum. During the precading fiscal year there was one error to each 4,153 pieces handled. It will thus be seen that the relative number of errors during the last fiscal year was a trifle greater than during 1883. Yet it will be seen that this increase is so slight that the average per cent. of mail correctly handled is about the same as last year, namely, 99.71.

## CASE EXAMINATIONS.

Table H<sup>b</sup> is a statement of case examinations of postal clerks holding permanent appointments, by which it appears that there were 4,903 case examinations during the year, and that the number of cards handled was 5,028,492, of which number 3,927,290 were thrown correctly, being an average of 73,10 per cent.

Table I' is a statement of the case examinations of probationary postal clerks. It appears from this table that there were 3,463 examinations, and that the number of cards handled was 3,472,105, of which 2,339,278 were thrown correctly, being an average of 67.37 per cent.

These examinations, which the clerks undergo at frequent intervals, are a test of proficiency, and the following is a brief description of the manner of conducting the same.

We have there the record of the inaccuracies, of the errors in distribution, and of the grading of the railway postal clerks in 1883 and 1884. I hold in my hand the report of the Postmaster-General for the fiscal year ending June 30, 1888, and on page 331 and following I find the report of the general superintendent of the railway mail service. Under the same heading on page 332 I find this:

During the year ended June 30, 1887, 5,851,394,057 pieces of all classes of mail matter were handled, and 1,734,617 errors checked, showing that 99,971 per cent. of all mail handled was correctly distributed, or, in other words, of every 3,374 pieces handled 3,373 were correctly dispatched and 1 incorrectly. In 1888 the number of pieces handled was 6,545,876,202, and the number of errors checked 1,765,821, being a correct distribution of 99,973 per cent. of all mail handled, or one error to every 3,707 pieces.

The increase in the number of pieces of ordinary mail handled was 8.76 per cent., while the increase in the number of errors was but 1.79 per cent.

Now I come to "case examinations:"

#### CASE EXAMINATIONS.

A marked improvement is shown this year in the record of case examinations of the permanent railway postal clerks, the average per cent. of cards correctly distributed having increased from 87.50 in 1887 to 90.50 in 1888.

Under the table in 1884 it was for the regular clerks 78.10 per cent., and for the probationary clerks 67.37 per cent., whereas under a Demo-cratic administration it was 87.50 per cent. in 1887 and 90.50 per cent.

A table follows showing the number of examinations in 1887 and 1888, the number of cards handled, the cards correct, the cards incorrect, the cards not known, and the average per cent. of cards correct.

The subjoined table is inserted to show the record of case examinations of permanent clerks made during the year under review, compared with similar examinations held during 1887:

	Total 1888.	Total 1887.	Increase.
Examinations Cards handled Cards correct Cards incorrect Cards not known Average per cent. correct	7,809	6,577	1, 232
	7,917,904	6,517,650	1, 400, 254
	7,165,988	5,703,176	1, 462, 812
	392,276	337,240	55, 036
	359,635	477,234	*117, 599
	90.50	87,50	3, 00

\* Decrease

Statement of case examinations of probationary railway postal clerks for the fiscal year ended June 30, 1888.

	Total 1888.	Total 1887.	Increase.
Probationary appointees	1,453	1,149	The state of
Examinations	5, 633	4, 482	1,151
Cards handled	4, 092, 350	3, 630, 858	461, 492
Cards correct	3, 223, 964	2, 944, 239	279, 725
Cards incorrect	331, 160	367, 055	35, 895
Cards not known	537, 474	319,564	217, 910
Average per cent. correct	78.78	81.09	2,31
Probationers who received permanent ap-	A March		
pointments	836	778	58
Average per cent. correct during probation	CSULT TO		KIN SHILL
made by those permanently appointed	85.87	85.34	.53
Dropped during probation, including those	014	041	-
permitted to resign	314	341	27
Probationary appointees who failed to pass final examination	21.51	23, 53	0.00
mai examination	21.01	20,00	2.02

The above tables show that the clerks holding permanent appointments increased their percentage of cards correctly handled from 87.50 in 1887 to 90.50 in 1888, and there was an increase from 85.34 in 1887 to 85.87 in 1888, shown in the record made by probationary clerks who received permanent appointments

record made by probationary clerks who received permanent appointments during the year.

The average number of cards handled at each examination by each probationary clerk during the year ended June 30, 1888, was 726, and the average number handled by each permanent clerk was 1,014.

In 1887, 950,613 through registered pouches (including inner registered sacks) were handled by postal clerks, and in 1888, 1,103,083, being an increase of 152,470 pieces, or 16,03 per cent., while the registered packages and cases handled increased from 15,752,569 in 1887 to 16,001,059 in 1888, being an increase of 248,490 pieces, or 1.57 per cent.

Mr. VEST. If my colleague will permit me, I should like to call his attention to a table which he will find in House Executive Document No. 201, which shows the exact relation between the number of

mistakes under the Republican administration and from 1882 to 1887.

Mr. COCKRELL. This table corresponds exactly, and I am very much obliged to my colleague for it. I had not had time to huut up the document, and I was only reading from the official report of each of the Departments and did not make the comparison. I hold in my hand now Executive Document No. 201, House of Representatives, Fiftieth Congress, first session, headed "The mail service in the West," handed me by my colleague, and on page 3 I find under the head of "Inexperienced employés" the following:

In response to this branch of the inquiry, I respectfully submit that in no instance where the specific complaint has been brought to the attention of the Department from the western divisions of the railway mail service has incompetency or inexperience of railway postal clerks or clerks in post-offices caused any embarrassment to the service or impairment of its general efficiency.

The results of the tests, by which the efficiency of the clerks in the railway

mail service have been for some year stried and their competency proved, present a very favorable exhibit for the efficiency of the present service.

The following table gives the average percentage in correctness in case examinations of railway postal clerks for the past six fiscal years:

Year ended June 30—	Perma- nent clerks.	Proba-
1882	77.05 87.46 78.10 82,23	80.49 80.37 81.41 83,11
1886	81.61 87.50	82. 68 85. 34

These examinations are thorough tests of fitness of a clerk for the discharge of his duty, as they fully measure his knowledge, the quickness and accuracy of his memory and accuracy of rapid distribution of mail matter so as to forward or dispatch it by the most direct or expeditions route to its destination. They are conducted by the same excellent method adopted prior to 1885, and the results computed and arrived at in the same manner and on the same basis, so that the examinations are accurate and infallible comparative tests of efficiency.

By these it is demonstrated that there is not only a steady improvement in the accuracy and competency of the permanent appointees, but that the probationers or new appointees for the past three years have been of a high order of efficiency and passed a better examination at the expiration of their probationary period by a very considerable percentage than is recorded for the like results in the three years previous to June 30, 1884.

In 1888, which is not in this table, as I have shown, the permanent clerks increased their percentage of cards correctly handled from 87.50 in 1887 to 90.50 in 1888, a higher record than was ever before made in the railway mail service. The probationary clerks increased their record from 85.34 per cent. in 1887 to 85.87 per cent. in 1888. So this charge of inefficiency in the administration of the mail service, when tested by the official records and the facts, fails. That there have been some obstructions in that service I do not deny; but that they have been largely caused by partisan Republicans who have been retained in that service in my judgment is not disputable.

The Senator from Kansas referred to the incompetent and inefficient clerks, Republicans as a matter of course, retained in service in the Departments. I desire to deal frankly and truthfully with the Senate in regard to this matter. I have no apologies to make and no justifi-cation to offer for any Department of the Government retaining in its service inefficient, incompetent, and worthless employés, simply because they may have been there a great number of years or because they may have strong backing of any kind, Democratic or Republican. In my judgment, and I say it frankly, the departmental service could my judgment, and I say it frankly, the departmental service could have been improved by the discharge peremptorily, without any cause being assigned, for there is no necessity for any cause, of quite a large number of the fossils who were in there infesting the Departments and performing no real service. As a matter of course, I presume, the same kindly feelings and motives which have prompted former heads of Departments to retain these persons in office prompted the present incumbents. If former administrations were justifiable in retaining them, then it does not, it seems to me, lie in the mouth of our Repub-lican friends to criticise the Democratic Administration for not undoing that which they permitted to go amiss.

The civil-service law does not retain anybody in office.

nothing on earth to do with the retention of anybody in a civil posi-tion. The head of a Department, the President, anybody who has the appointing power, has precisely the same power to-day to turn out an employé in the civil service appointed under the civil-service law and regulations that he had before that law was passed; and I am tired of hearing that law charged as the reason why persons have been retained in the public service. It is no reason why persons are kept in the public It does not guard the exit from office; it simply and solely and only provides that before the head of any Department or bureau can appoint persons to certain classified, specified places, they must pass a certain kind of examination and be certified, and that is all; but when in there they can be turned out just as readily as if they had been appointed before there was any civil-service law, or just as readily as if the civil-service law were repealed to-day and the appointment made hereafter.

The object of that law, as I understand, is to guard the entrance to it, the civil service. That it may not have been correctly and fully administered, I am not here to question. It would be very difficult to find any gentleman who could administer that law to the entire satisfaction of all persons and both political parties. I think there are serious grounds of complaint against the Civil Service Commission and their administration of the office, and those complaints lie because the carries her not been improved and betterdesic in in the law to the entire to find the control of the office.

service has not been improved and bettered as it might have been.

In committee I sustained the action of the Committee on Appropriations in not increasing this force. The commission have a sufficient force, in my judgment, if properly applied, to discharge the duties incumbent upon them in an efficient and acceptable manner—at least, I will say in an efficient manner—and therefore I hope that the amendment of the Sanator for Connecticut will not prevail

ment of the Senator from Connecticut will not prevail.

Mr. TELLER. Mr. President, I have had occasion once before, I think, on a suggestion made by the Senator from Missouri [Mr. Cock-RELL] to call attention to the fact, in the first place, that what he has

read here as a revision of the civil-service classification in the Interior Department (although headed "A revision," which heading was put in by the compiler, I suppose), was no such thing. The only revision asserted to have been made by the Interior Department was to include the \$2,000 clerks within the classified list. I said once before, and I repeat, that this had been the rule for at least eight or ten months before the date given here as the 6th of November, which is simply the time it went on record. There was no new classification made in the Interior Department with reference to a change of Administration.

The Senator from Missouri is correct when he says the civil-service rules do not keep anybody in office. That is true. Every clerk could have been discharged without reference to the classifications, and the place could have been filled as all clerks' places had been filled prior to

the time when the act went into effect in July, 1883.

I do not know anything about the change that has been made by the present board of commissioners or by the heads of Departments. I simply know that the matter is wholly and entirely under the control and direction of the Executive of the United States. When the incoming President of the United States finds that the classification includes any body who ought not to be included, I think he will have the courage to make the change. I think if he finds that it does not include any class that ought to be included, he will promptly make the change.

It is not very strange that in the case of a new law just going into effect, without any precedents, there should have been some necessity for revision of the action of the heads of the several Departments in 1883 and subsequent thereto. That is all that can be complained of. If the outgoing Republican Administration made a classification not satisfactory to the incoming Administration, it was easy for that Administration to modify and change that classification. I think that is the case now.

I do not believe myself that the class of persons performing clerical work on railway cars can ever be properly classified under the civil-service regulations. I do not think that those who hold offices of trust, who handle money, those who are in the pay department of the Gov-ernment, the financial clerks, ought to be admitted under a classification, as I understand has recently been made. If I were at the head of a Department I should not hesitate to change any regulation that had been made by my predecessors with reference to this matter if it did not accord with my ideas of right and justice.

I wish to repeat that so far as the Interior Department is concerned the practice that was in vogue in July, 1884, was the rule that was recognized in what is here called, but not by the Department, a revision of the regulations of September, 1883.

Mr. VEST. Mr. President, I have very little doubt about the correctness of the position taken by the Senator from Colorado [Mr. Teller]. It bears within itself absolute and irrefutable proof of the TELLER]. fact that the civil-service law amounts to nothing in practical operation. Great complaint was made here yesterday by the Senator from Connecticut [Mr. HAWLEY], the junior Senator from Kansas [Mr. PLUMB], and the Senator from Massachusetts [Mr. HOAR] that the outgoing Democratic Administration had made this classification under the civilservice law which embraced railway mail clerks, and it was assumed that the object of the classification was to keep in office Democratic appointees, who were also assumed to be incompetent.

As the Senator from Colorado says, where is the law that even by construction prevents the incoming Republican Administration from changing these classifications? So long as that power exists in an administration just so long can it nullify in spirit and letter the civil-

service statute as it is now found upon the statute-books.

I recognized this fact when the law was passed. I objected seriously and strenuously not only to that provision but to the provision, which I considered an outrage at the time and so consider now, that all the incumbents of office in these clerical positions under that law remained in, whilst every applicant from the time the law took effect was compelled to go through a competitive civil-service examination, thereby retaining in office the old fossils, the old party hacks, the old instruments who were used in every close campaign, whether competent or not, and subjecting every man and every woman who came thereafter from the people to apply for these offices that belong to the people to a strict and often absurd competitive examination.

If there is any branch of the public service that needs classification under the civil-service law it is the railway mail clerks. I had occasion once before to state a single fact which came to the knowledge of my colleague and myself in regard to the appointment of railway postal clerks under the administration of the late President Arthur. It came within our personal knowledge that the content of the late President Arthur. It came within our personal knowledge that the patronage of the State of Missouri as to railway postal clerks was divided—one half of it, the eastern half, going to Chauncey I. Filley, and the western half to Col. R. T. Van Horn. There was a factional fight in the Republican party within the State, and in order to bring about that placid and ecstatic condition of political feeling that was necessary to the success of the party there was a line drawn through the middle of the State from the Iowa to the Arkansas line, and one-half of the patronage was given to Mr. Filley and one-half was given to Colonel Van Horn, and that instruction from the Postmaster-General to the appointing clerk of the Post-Office Department was put in writing. The result was that

men were put in office utterly incompetent, and there were thirty-four of them in office when Cleveland's Administration came into existence, many of them from other States of whom we had never heard in the State of Missouri; but the exigencies of political warfare demanded their appointment and their retention.

If there is any Department in which classification under the rules and spirit of the civil-service law is necessary, it is in the appointment of railway postal clerks. The junior Senator from Kansas had placed in the RECORD of January 31 a letter from the secretary and business manager of Colonel Van Horn's paper, Mr. J. A. Mann, in the city where I live, Kansas City, Mo. Here is the letter, as the RECORD shows:

KANSAS CITY, Mo., January 25, 1888.

DEAR SIR: Is it possible to bring to bear such pressure, by means of a Senate committee on investigation of Western mail service in Missouri and Kansas, as will rectify the present demoralized condition of said service?

Our relations to this service are such that we suffer more perhaps than any line of business and know more of its delinquencies than those engaged in other vocations.

I can say, after eighteen years' continuous labor in this one office, with full facilities for learning as to general efficiency of the mail service, that it was never so bad nor so badly administered as during the past year, and that the tendency at this time is toward a down grade. Can you give this attention and bring it before the people in such manner as to lead to a reform?

Very respectfully,

J. A. MANN, Secretary and Business Manager Kansas City Journal.

Hon. P. B. Plumb, Washington, D. C.

Mr. COKE. What is the date of that letter?

Mr. VEST. That letter is dated January 25, 1888, and it was put in the RECORD for the purpose of showing the inferiority of the Democratic administration in the railway mail service to the preceding Republican administration. I want to read the following letter from this same gentleman:

KANSAS CITY, Mo., August 28, 1882.

During the administration of the Republicans.

Mr. R. W. CAMP, Chief Head Clerk, Railway Mail Service, Kansas City:

"And can these things be, and not overcome us like a summer cloud?"

Butler, Austin, Warrensburgh, Pleasant Hill packages for news-dealers all lost on the 24th and 25th of August.

They left this office in time for the mails; were delivered at the Kansas City post-office promptly.

You will extend to the United States mail service our unbounded thanks that they did not lose our whole d—d mail on that day.

Respectfully,

JOURNAL COMPANY, J. A. MANN, Secretary.

September 12, 1882, there appeared in the same paper, under the business control of this same gentleman, an editorial which I ask the Secretary to read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

"The mail service in the matter of the delivery of the Kansas City dailies in this city is a double-distilled nuisance. More disappointment, and consequent profanity, is directly chargeable to the slip-shod manner in which these dailies are not delivered here than to all other irritating influences combined. In the first place, with the laudable purpose of giving us the advantage of the earlier time schedule of train arrivals on the Missouri Pacific, the chief postal clerk arranged to send the Kansas City dailies over that route, but after some months of vexation and bother we have failed to perceive any improvement. In the first place, a good portion of the time the Missouri Pacific train is late, sometimes not arriving until after the Santa Fé express, and quite as frequently the packages of papers are non est when it does get in. And not infrequently neither road brings the packages, as witness yesterday, when the Kansas City papers failed to come at all. Nobody seems to know who or what is to blame, and we would gently suggest to the newspaper managers at Kawsmouth the propriety of a thorough investigation.

"The Kansas City dailies failed to arrive on the Missouri Pacific yesterday. Newsmen are seriously considering the policy of discontinuing the purchase of these papers, as under present circumstances they generally remain on their hands. A little bit of business enterprise manifested on the part of the management at Kansas City, it seems to us, might easily regulate this matter. Our people are not desperately anxious to pay for old back numbers of Kawsmouth journals."

We reluctantly republish the above article, taken from the editorial columns of the Ottawa (Kans.) Republices.

people are not desperately anxious to pay for old back numbers of Kawsmouth journals."

We reluctantly republish the above article, taken from the editorial columns of the Ottawa (Kans.) Republican. Every effort that the managers of the newspapers at Kansas City could possibly exert has been put forth to secure to our patrons a prompt, faithful, and regular service of the Kansas City papers at all the points lying along the Missouri Pacific Railroad, trains over which leave this city at 4.15 a. m. We have appealed to the chief clerk of the mail service, and he has devoted much time and pains to remedy this evil, but without much success. We are told that when the train by accident gets off late from Kansas City the train from Holden, which crosses this early train at Harrisonville, pulls out even when the Kansas City train is in sight, leaving all the mails for Osawatomie, Ottawa, and the towns along the line behind for a day.

We have aided in having an application filed with the chief officer of the Missouri Pacific Railroad Company in St. Louis, setting forth our trials and delays and asking aid. The results are not yet apparent.

At the beginning of the dispatch of the new "Texas express" from this city we made great efforts to place our paper in the new field. In thirty days the complaints of delays of an entire day were so frequent that 60 per cent. of the mail at first sent out was turned back upon the old routes, which do not leave the city till four or five hours later in the morning, while new subscribers rapidly disappeared because they could not get their papers regularly.

From every source in Kansas where the Missouri Pacific extends there comes bitter complaints of the mails. Late, late, always late, from one to twenty-four hours. We have hitherto borne this annoyance and positive loss—for it is a serious loss to the Kansas City morning papers—without public complaint; but when our patrons take up the cry and charge the fault at our doors we must state the facts in self-deense, if nothing more. T

Mr. VEST. That was an extract from another paper republished in the Kansas City Journal. I think the Chief Clerk read the wrong extract. I have here another one. The one that I alluded to was September 13, 1882, and is as follows:

Had the "star-route" trials included investigation of postal matters in this region no one connected with that department of the Government service in Missouri or Kansas would have been convicted of "expediting" the mails, whatever other delinquency might have been unearthed. From all quarters come complaints of such gross mistakes, such incompetency, that public protest

come complaints of such gross mistakes, such incompetency, that public protest can no longer be avoided.

Sample instances can be given like the following: Twelve days elapsed between the date of postmark on a letter mailed within 85 miles of Kansas City, and plainly addressed, before it is delivered to its destination here. Whole packages go wandering about from day to day off their proper routes, yet no penalty or disability attaches to the delinquents. Indeed the delinquents are carefully never found. A package of journals is placed in the Kansas City post-office each morning addressed to a news-dealer, Lathrop, Mo., in ample time for the early mail.

penaity of dashinty attaches to the definquents. Indeed the definquents are carefully never found. A package of journals is placed in the Kansas City postofice each morning addressed to a news-dealer, Lathrop, Mo., in ample time for the early mail.

Here is the record of the three consecutive days: That of September 7, received at Lathrop on morning of the 8th, and were marked "Missent." Package of the 8th in some way arrived at Lathrop on the 9th in the evening. This had been meandering about the country and was returned, marked "Carried by." Package to same address of the 9th was carried past its destination and returned same night, but no marks of delinquency on this, for the reason, presumably, that getting to its destination only twelve hours late, it was thought prompt emough to meet the wants of the most exacting. On a late occasion the whole of our mails for the line of the Missouri Pacific Railroad and tributaries were missent, as confessed by the post-office officials, but to heal the wound thus given we were assured that the Times mail was scattered in like manner.

Upon certain lines, like the Hannibal and St. Joseph, complaints of single papers and packages, especially of the Weckly Journal, are so frequent that we can not refer to half the cases. These Weekly Journals are invariably in the Kansas City post-office on Wednesday, yet often reach points but 50 or 100 miles from Kansas City on Friday or even on Saturday.

So far as known, though dozens of these complaints have been referred to those having charge of mail matters in the past few months, not one case of discipline has eventuated.

There should be some remedy and some indemnity. The Journal within a week lost a paying daily subscriber of four years' standing because he could no longer get his paper with either promptness or regularity. Another within a few days reported that he got but four papers out of seven the week previous. The complaints, we take it, are true representatives of the facts as they are, but in the face of it all invari

This is from the same paper of September 13, 1882, long before the Cleveland Administration came into power. So on the 19th of October, 1882, the very same gentleman writes to Colonel Warfield, superintendent of the seventh division of the railway mail service, as follows:

KANSAS CITY, Mo., October 19, 1882.

Col. E. W. WARFIELD, Superintendent Seventh Division, Railway Mail Service:

Superintendent Seventh Division, Railway Mail Service:

The inclosed postal of F. P. Morlan, postmaster, Dayton, Cass County, Mo., refers to a fact from which we are made to suffer continually.

The paper to which he refers is the Weekly Journal. Now, that edition of our paper is in the Kansas City post-office every week, with rare exception, by 2 p. m. Wednesdays. Seldom do they get into the mails until Thursday evening, and oftener Friday morning. There is an inefficiency about getting this weekly mail out of this city. They assume that it don't make any difference about when a weekly goes out. It frequently lies in the Kansas City post-office eighteen to thirty-six hours.

One pretext is that they have not force enough to work the Journal and Times weeklies received on Wednesdays and in time to go out on Thursday morning's mails, so take their time to it, and the consequence is that the weeklies of both offices go out Friday mornings, or about thirty hours after being received at the Kansas City post-office.

Do you think such a state of affairs creditable to a first class office?

Respectfully,

JOURNAL COMPANY,

Giving a glaring case of negligence, to say nothing worse. So upon November 5, 1882, we find the following letter, signed by the same gentleman:

KANSAS CITY, Mo., November 5, 1882.

Col. E. W. Warfield, Superintendent Seventh Digision, Railway Mail Service, St. Louis, Mo.:

Superintendent Seventh Digision, Railway Mail Service, St. Louis, Mo.:

Your report and that of all subordinates for 30 November, is remarkably clever, stupendously so. You can reach a most definite conclusion in reference to a matter of which we were, from an accident, painfully aware at the time, if you could be half as expert in finding out why all that part of our mails on the next day—when we were on time—including the entire lists for subscribers and dealers west of Harrisonville on the Missouri Pacific, including such points as Paola, Ottawa, Burlington, Emporia, all were missed, and from that day to this have missed about every other day.

There is a nut for you to crack, and we may say your report is anxiously looked for. Here's a chance to do some work that will be of value.

Respectfully,

JOURNAL COMPANY,

Here is another editorial to the same effect, which appeared on the 7th of December, 1882:

The St. Joseph Gazette complains that the Kansas City papers quite often do not reach there until they are twenty-four hours old. We can return the compliment. Only yesterday the St. Joseph papers were delivered to us thirty hours after their publication. Of course there is no excuse for this save the carclessness or inefficiency of the men who handle the mails on the cars. They often carry papers and letters past their destination and deliver them on their return trip. There ought to be a prompt remedy for this. If there is too much

mail matter for one agent to handle, the Department should furnish an assistant. If there is only work for one, and the agent fails to perform his duty, he should be dismissed. That is all there is to it. It is the people who pay for mail service, and they are entitled to prompt service,

I read these to show that this same writer and publisher of this paper complained with more bitterness and with more special acrimony of the railway mail service under the Republican administration than he ever has done under the Democratic administration.

The junior Senator from Kansas also attacked the administration of the Post-Office Department in regard to the pouch mails, and stated that the clerks had been grossly derelict in their duty in regard to this branch of the service. Now, I want to read what the Postmaster-General says:

CLOSED-POUCH SERVICE.

It has also been argued in the Senate" that in the matter of closed pouches handled daily" for the same period (1887) the clerks in the sixth and seventh divisions handled 2,895, as against 2,780 in all other divisions except the first and

respectfully intimate that this argument is fallacious when I state the fact

I respectfully intimate that this argument is fallacious when I state the fact that railway postal clerks do not handle closed pouches. The closed-pouch service is performed on railroads where railway postal clerks are not employed and the pouches are handled by railroad employes.

Complain has been made in the Senate, as appears from the Congressional Record, that the increase of railway postal clerks in the sixth and seventh divisions has not kept pace with the relative increase of mileage of new roads on which service has been placed, and that had these divisions received a quota of clerks proportionate to their increase in mileage they would have been as signed 700 clerks instead of 228.

The reasoning is specious which reaches such a conclusion from such premises, illustrating the danger of drawing conclusions from statistics without regard to qualifying conditions.

Clerical force in the railway mail service can not be assigned upon the basis of mileage.

Clerical force in the rallway mail service can not be assigned upon the basis of mileage.

The proportion of clerks must be greatest where the mails are heaviest and among the dense populations where post-offices are most frequent upon the routes. For instance, on the New York and Chicago railway post-office, 983 miles long, there are employed 316 clerks, or one clerk for every 3 miles of road; while on the Omaha and Ogden, the heaviest line running through Nebraska, 1,085 miles long, are required but 39 clerks, or one to every 30 miles. Were the two lines furnished the same working force, or a force on the mileage basis, at least 250 clerks on the latter road would be constantly idle.

This is a plain and irrefutable answer to the charges that have been made here, obviously for the purpose of holding up in invitious contrast the administration of the Post-Office Department of this country, and especially of the railway mail service, under Republican and Democratic administrations. As the junior Senator from Kansas stated yesterday, in perfect fairness, he recognized the fact that there are great difficulties in the way of absolute exactitude in administering the postal service of the country growing out of the enormous increase of popula-tion and the fact that remote localities are now being settled up and postal facilities required where none were required a year or two years ago. In a newsystem constantly enlarged, as a matter of course there must be friction, there must be a certain amount of uncertainty, there must be delay, there must be mistake; but I challenge any Senator here to take this executive document and, in the ordinary fairness with which he would examine any other question before this body, answer the statements made by the Postmaster-General, based upon the record, answering them as he would wish that he should receive the same sort of a fair answer in any controversy affecting himself.

Mr. STEWART. Mr. President, I doubt whether the postal service has reached the perfection that is claimed for it in the report of the Civil Service Commission. Last November I had occasion to visit the city of Sacramento to address the people there. At the conclusion of my remarks, when it was quite late, several gentlemen, friends of mine, met me and inquired of me whether I was sending to them Democratic documents. I having made a Republican speech they thought that was very remarkable. I denied it and said that I had not done Some ten or fifteen at once came forward and said that they had received such documents under my frank. As I left I requested any gentleman who had received documents of that kind to forward one to me that I might see how it occurred. I received on my return to Carson City, Nev., the envelope with the inclosure which I now hold in my hand, and also a letter which I shall have read. The envelope was fastened together when I received it. The letter I send to the desk

and ask to have read.

The Chief Clerk read as follows:

RECORD-UNION, Sacramento, October 22, 1888.

RECORD-UNION, Sacramento, October 22, 1888.

DEAR SIR: Inclosed please find one of those Democratic bureau documents I spoke to you about on Saturday evening last. This package is just as it was received by me from the post-office. I will let you open it yourself, and if you do not find a Democratic campaign document inside I will hereafter declare that Jeff Davis was right in 1861, and that the four hundred thousand men who died that the Union might be perpetuated one and undivided were all wrong, and that it served them right for interfering in the manner in which they did in the great slaveholders' rebellion. Tell the old soldiers of your State ten thousand tons of just such stuff as this would never draw a man from our ranks, for we still vote the way we shot, and will continue to do so until the time will come when a voter in Georgia or any other Southern State can exercise the right of suffrage with as much freedom as any man can in Ohio or New York.

Respectfully, yours, for Harrison and Morton,

GEO. W. FICKS.

Hon, WILLIAM M. STEWART, United States Senator, Nevada.

Mr. STEWART. The letter I received before I opened the document. I then called a couple of friends, Mr. Wright, of my town, and another

from it, which I replaced again, and it has been there ever since, a "Speech of Hon. L. F. MCKINNEY, of New Hampshire, in the House of Representatives, Thursday, August 2, 1888." It is a speech on the vetoes of the President, justifying all the vetoes that have been made by the present Administration and commending them in the highest The envelope shows that it had been refastened together with mucilage. The envelopes put up in the Department here are simply pasted together with light paste, but the envelope had been opened and fastened together again with mucilage. It did not appear on the outside to have been disturbed. The speech that was taken from it must have been a speech that I delivered about the same time on the Chinese question. I was requested by friends in California to send some copies of that speech to that State, and they furnished me a list of names, and among the list was this gentleman, G. W. Ficks, and in the envelope when it left my committee-room a copy of that speech must have been contained. It is directed in the handwriting of one of my clerks.

Where or how this was done I am unable to say. It having been reported to me that there was a large number sent to Sacramento that way, I supposed that it must have occurred in the post-office here, because it is not probable they would have had the speeches of Mr. Mc-KINNEY to substitute for mine at the end of the route. But wherever it was done it shows that civil-service reform, so much commended by the members of the Civil Service Commission, has not accomplished all the perfection in the mail service which that commission claims

for it.

I call attention to this matter because I think that it is of the first importance that our mail should be protected, and I hope that whoever was engaged in changing my mail and substituting the speech of Mr. McKinney, whose speech on that subject was entirely at variance with my views, may be removed from office if they are found out. I hope that they will be removed and that honest men will be put in their places.

Mr. DANIEL. Will the Senator explain how he got the envelope

Mr. STEWART. It was sent to me sealed up by the person who received it. It had not been opened. They explained to me that sometimes there were some copies sent to the post-office for distribution, and they came there in packages of ten. The first one of the package would be all right, but on opening the rest that were not directed but to be delivered they found they had been changed altogether, and that where they were directed to a single person, as this one, then they found it changed. Mr. Ficks told me that-

Mr. DANIEL. Does the Senator know the character of the man who

wrote this letter?

Mr. STEWART. The character of the man is as good as the Senator's or mine.

Mr. DANIEL. I asked if the Senator knew him. The Senator knows the man?

Mr. STEWART. I know the man, and I know some twenty other gentlemen, first citizens of Sacramento, who told me on the evening to which I alluded, when I was there, that they had received Democratic documents under my frank. I had to leave; it was late; I left that night on the cars; and I requested them to send me one as a sample. This came by mail to me the next day at Carson as a specimen. When they were sent, as I before remarked, in single copies, they informed me that they were changed, but where there were ten in a package, the one containing the first address was not changed, but the other nine were

Mr. DANIEL. Mr. President, I shall vote against the proposed increase in the appropriation for the benefit of the Civil Service Commission because I do not wish to embarrass the incoming Administration by any extra dose of civil-service reform. I shall vote against it also because I am opposed to that system, which I look upon as un-American, unrepublican, and undemocratic. While I regret the defeat of the present Administration in the recent election, I should feel that there was some consolation in it if the incoming Administration shall manifest no affection for the machine system of appointments which has prevailed under the misnomer of civil-service reform.

EXECUTIVE POWER WITHOUT EXECUTIVE RESPONSIBILITY.

My objection to the Civil Service Commission is based upon the bedrock principle that it is not a thing that was ever contemplated by the fathers of our Republic, and was never resorted to except as a refuge from corruption. The Civil Service Commission is a crystallization of executive power without executive responsibility. The Constitution has put executive power in the hands of the President, and in certain cases to be provided for by Congress in the hands of the courts and the President's Cabinet; and the Senate as the President's adviser, with the President, the courts, and the Cabinet, constitute the sole constitutional repositories of executive power.

BANKRUPT EXECUTIVE POWERS PASSED OVER TO RECEIVERS.

For the last twenty-five or thirty years we have become accustomed in this country to see all the great corporations which had become over-loaded with debt and which had watered their stock sink under these gentleman, and opened the document in their presence; and I took grievous loads and pass into the hands of receivers. The Executive Departments of the Government of the United States, bankrupt to a certain degree in the respect and confidence of the people, followed the example of the bankrupt corporations that were breaking up around them and transferred the executive powers of this Government to three receivers, who by politeness are termed Civil Service Commissioners; and the function to select the agents of the people, which the founders of the Constitution intended to confide to their own selected and responsible officers, has been side-tracked into the hands of a triumvirate who hold no responsibility to the people and who may exercise their powers just as they please without the correlative power existing in any other functionaries to supervise and to correct them. To use the expression of a gentleman with whom I was talking yesterday, I might say of the Civil Service Commission that they are men who may play with loaded dice or with marked cards without the power existing anywhere on earth to discover whether they are playing with loaded dice or marked cards or not.

#### THE MACHINE SYSTEM NOT BUSINESS-LIKE.

Mr. President, I have another objection to that system. We are constantly told that the great thing to govern in the selection of governmental agents is a capacity to transact business; that the business function of the public agent is the great function to be looked at in his selection. Be it so. There is no business establishment in this country of which I have ever heard, be it banking establishment, railroad establishment, or any other establishment, private or corporate, which selects its business employés upon the principle that this Government is selecting its employés. In the great dry-goods establishment of Mr. A. T. Stewart, in New York, in the great offices of the telegraph companies, of the steam-ship companies, of the railroad companies, which are conducting the business of this nation on a grand scale, where is there any one of them which has abdicated the function of individual judgment of character and transferred it to a board to ask a stranger a few questions and then admit him into the confidence of that concern and into its responsible functions?

I liked the argument of the Senator from Colorado [Mr. Teller], and like him I would never have put the railway mail clerks in the civil-service reform machine. Why? Because the first thing you have to look to in selecting a railway clerk is whether that man can be trusted; and you can not undertake to ascertain that fact in the way that it can be ascertained by him who knows how to judge character by any little picayune system of questions and answers about arithmetic or geography. He handles the people's money; he handles the people's confidential communications; and there is not any gentleman here who, if he had to select a confidential secretary or a confidential clerk, would consent to his selection by the method which he seeks through civil service to impose upon this Government. How many Senators here appoint their secretaries by civil-service examination? Not one; and yet they would have Uncle Sam appoint all of his confidential secretaries, or a great many of them, by that method.

## TRUST AND CONFIDENCE IN OFFICIAL COMMUNICATIONS MORE IMPORTANT THAN MONEY TRUSTS,

I like the Senator's argument, because it proved more than he used it to prove. Civil service is a fine thing, he intimates, in branches of the Government where the employés do not handle money. Money is the least valuable of the things which the people who are in the confidential relations of government handle. The man who takes money is stigmatized and hounded down immediately as a thief, and all society rises against him. The very nature of his offense and the absolute certainty that he will be pursued and held to responsibility is a guard against his taking money. But take the case of the man who sits at your elbow to receive your confidential communications, the man who keeps the letters of the State Department, or the Interior Department, or the Treasury Department, involving financial negotiations of millions of dollars or diplomatic affairs with great governments, or personal relations which can never be measured in dollars and cents. The Senator would abrogate civil-service reform for the man who handles the greenback in the letter, but would seek to build it up for that great class of public officials who handle the letters themselves, which are of infinitely more value and which are under less safeguards than the pecuniary contents of the letters themselves. His argument is a center shot against the whole system.

As to the corruption of the Republican party, I will not say that it has been worse than other parties would have been under similar conditions, but any party which had conducted such great movements as were in the hands of the Republican party would have grown corrupt with long time; and as these corruptions which had grown up led the people to seek refuge in this civil-service-reform business, I hope that that party will help to lead the country back to its old republican and democratic principles in which the people are recognized as having a right to share in the people's offices.

## THE MACHINE SYSTEM FORTIFIED THE SPOILS SYSTEM,

Mr. President, there was something entirely illogical in the establishment of this machine system of civil-service reform. Nearly all the old employés of the Government had been selected under what the doctrinaires generally call "the spoils system." Civil-service reform came

on, and damning the appointment of these men, barricaded them in office, and placed it so that they imposed upon the country by the rivet of law the very system which they pretended to desire to get rid of.

## THE MACHINE SYSTEM INJURIOUS TO ALL PARTIES.

I am satisfied that that civil-service-reform system has been injurious to all parties in this country. The Democratic party have suffered most by it because they got the first full dose of it; but the time has come now when that cup has passed from it, and while I am not a great admirer of the Republican party I have human nature and charity enough in my composition to assist my brethren of that party to drop that cup and break it and assume the responsibility of government just as soon as they will.

## RENOVATION OF THE SERVICE NOT SECURED BY THE MACHINE.

Suppose President Cleveland when he came into office had said to the people of this country, "After a lapse of twenty-five years Democracy is again ascendent; within that twenty-five years of revolution such as disturbed the very depths of society in this country it was absolutely inevitable from the nature of things that the public service should be jammed and crammed by men distasteful to the very ones who had to hold them there; the accumulated dust and lumber of a quarter of a century has grown around the public service; the cobwebs of age are there, and the timber is moth-eaten; now, I am going to make—I will not say a clean sweep in the sense of turning everybody out, for that has never been done and never will be done; but I am going to pour fresh waters into this stagnant pool, not by turning out the man who has been a partisan but by turning out the man whom I do not want; I am going to assume the responsibility of administering this Government by agents of my own selection; I am going to hold them to accountability and I am going to stand or fall by that."

Instead of pursuing this policy the President—but I ought not to blame him so much as the Democratic party itself, for it had unfortunately committed him in a large degree to this doctrine, and should not make him the scape-goat of sin in which nearly all of them participated; instead of that the President of the United States has kept in power and in office the people whom the Democrats wanted to get rid of and the people whom our Republicans friends would have been more than glad to part with if they could only have had somebody else to do the parting. Now we turn all this old and unreformed material of the Government over to the Republican party. If they will go about it sincerely and help to rid the country of this humbug, I will at least pledge them one Democratic vote to assist them in doing it.

## WHY THE MACHINE SYSTEM COULD NOT SUCCEED.

Mr. President, there is a philosophical reason why this civil-service machine could not be a successful one. The great principles of constitutional and of municipal law, which are the safeguards of public rights and of private privileges, the customs of society which hold it in the tenure of pathways of respectability and honor, the etiquette of life which makes the law of the social circle—all these things are the growth of ages and have ripened in their time. This civil-service reform statute sprang up in a night, an unwholesome growth, or rather not a growth, but a device, an invention. It was not a fruit that ripened out of public demand and public experience and a just sense of responsibility. It was an evasion of responsibility, and an attempt to do in a side way what men feared that they could not do directly. And, sir, when this Civil Service Commission took charge of the patronage of this Government they themselves went far beyond what was contemplated by Congress in its establishment.

# HOW THE MACHINE TRIUMVIRATE AMENDED THE CONSTITUTION (IN EFFECT) AND DISFRANCHISED THE PEOPLE,

What right have three men, sitting in the city of Washington, to say to an American citizen, who is guarantied all the immunities of American citizenship in our Coustitution, that he shall not hold an office if he is over forty-five years of age? And yet three men, who were put in power without a single vote being cast for them, directly or indirectly, did undertake to amend the Constitution of the United States, to fix a status of eligibility to office of which the people had never dreamed, and to ostracize one-third of the American people from sharing the offices which their taxes sustain.

Sir, if an emperor or czar had done such a thing as that he would have heard the howl of the people around his palace; but it was done under the decorous name of "civil-service reform," and all parties have bowed to it. I am glad to say, however—and it is an item which ought to go to the credit of the retiring Administration—that under Democratic rule a third of the American people have been re-enfranchised, and that when a man gets to middle life, in the maturity of his powers and in the full tide of his experience, he is not now prohibited by civil-service reform from holding office.

## THE COMITY OF PARTIES, AND ENLIGHTENED PUBLIC OPINION, PREVENTIVES OF ENVOLUTION.

Mr. President, there is just one other objection that I have to building up this system. The comity of political parties, the common sense of the people, the just fair-mindedness of men would regulate the question of turning out and keeping in official employés on a much fairer

and better line than any statute. If there had been no civil-service statute in existence whatsoever, if President Cleveland and his Cabinet and his official advisers had had full power to remove every officer in this Federal Government, from the highest to the lowest, and to designate also the person who would take the place of the person re-moved, I do not think that there would have been anything like a clean sweep or a revolutionary change amongst the servants of the people; and if President-elect Harrison, coming soon into the Presidency, had absolute sway and could designate every officer here in Washington or elsewhere in the country, I have no idea that there would be a revolutionary condition of things and an absolute turning over of the official agencies of government into the hands of one party. It would be regulated by the fitness of things, by the amenities of life, by the personality and individuality and services of the person who was in or the person who applied, and in these "piping times of peace" when, happily for our country, party spirit does not roll quite so high as it has rolled in other days, in either event you would have had a conservative administration, fairly responsive to the aspirations and the opinions of the people.

PUBLIC SERVANTS SHOULD BE UNDER CONSTANT SENSE OF LIABILITY TO REMOVAL.

It is to be observed, too, Mr. President, that if you ever inculcate the idea in your public servants that they are in office so surrounded with the muniments of title that per influence of their condition or of statute they are not print to be a surrounded. statute they are not going to be removed, you at once remove from them one of the chief impulses to an intelligent, diligent, and accurate

them one of the chief impulses to an intelligent, diligent, and accurate discharge of duties.

If it had pleased the wise Dispenser of life to inform the human heart when it would cease to beat, and if every man knew the time when fate would call him to account, there would be a very considerable revolution in human doings. A little while before time was up I have no doubt that every body would be very good; and a long ways off, when they knew that time was not going to be up, I am not so well satisfied in my mind that they would be quite so good. The fact that the mortal skein may be broken in a twinkling, and that the Son of Man "cometh like a thief in the night," is the great power which Providence has exercised over human intelligence and conscience in its warnings to "be mindful of the time, for ye know not when it comes."

Now, Mr. President, so it ought to be with those who are in trusty and confidential relations with the people. The elective officers of the people, the Congressmen, the Senators, the President, are always, at least in a technical sense, upon their good behavior, for they know that their masters have their eyes upon them, and they have an immediate

their masters have their eyes upon them, and they have an immediate self-interest in accrediting themselves to those to whom they are beholden. But take a clerk under this machine system of civil-service reform, put him down in the corner of an office and let him know that he is going to stay there until Gabriel blows his horn, and he is going to make himself as easy and as comfortable as possible and glide down the smooth ways of life, having no other ambition than to make himself easy with the immediate persons over him who may have something to do with his promotion.

THE MACHINE GAVE OPPORTUNITY TO WRONG-DOING.

The truth of the business is that if you will look right around here in the city of Washington under the present Administration, which is about to close its books, you will find that the defalcations with which its name to a certain extent is stigmatized occurred amongst those old its name to a certain extent is stigmatized occurred amongst those old habitués of office, who felt so well satisfied that the sacrilegious hand of Democracy, gloved over with civil-service reform, would not touch them, that they played their pranks in a sense of confidence, and were only accidentally discovered in their evil doings.

I will not call names, sir, for I would not wound any sensibility; but go to the Interior Department, go to the Attorney-General's department, go to the Treasury Department, find where your money has been missing under Mr. Cleveland's Administration, and you will generally find, if I am correctly informed, that it disappeared when presided over by some hold-over Republican who imagined that civil-service reform had so put an iron-clad armor around him that he would never be disturbed in his doings.

THE ADEPT OFFICE-HUNTER HELPED BY THE MACHINE, AND THE PEOPLE SET ASIDE.

Mr. President, I long to see the time come when the plain people of the country-side, when the American citizen everywhere, may feel there is no avenue to office in this Government, whether it lead to the exalted place of Chief Magistrate or to the watchmanship at your Treasury door, or a clerkship, is anything but his property to be taken possession of by him if he shall be deemed worthy to hold it. But as matters now go those who are adept and practiced and skillful in the art of office-hunting in Washington, who can learn this peculiar code of civil-service reform which has so many ifs and ands and buts about it that it would take a Philadelphia lawyer to explore its labyrinths and dissect it and tell what it is—there is growing up amongst the people an impression, well founded, that the official oligarchy and aristocracy at Washington is so defended by your laws that it is utterly useless for them to apply for a position.

THE MACHINE OPENS THE DOOR TO CORRUPTION, AND CLOSES IT TO INSPECTION.

Now, sir, I do not mean to say or to intimate that the Civil Service Commission has been in any case corrupt; but the people know that they have absolute power to be corrupt if they choose to be, and no man can explore their doings sufficiently to give guaranty to others that they are not. If it be so that they are, there is no hand in this Government that can reach them, and whether it be true or no, the people of the country-side, perceiving and knowing that the opportunity for corruption exists and that the door to it is left open, can with difficulty be made to believe that it is not habitually practiced; and a department of the Government thus clothed with official power which can not be operated under a glass case so that the people can see its works invites this scandalous opinion and brings into reproach a system which on the other hand can have no opportunity thoroughly and openly to vindicate itself.

I shall vote against this appropriation to feed the civil-service machine system. I hope that when the new Administration is inaugurated its President and its advisers will find some way of amending that system so as to throw wide open the doors to applicants all over this country, avoiding the toggery and red tape of examinations which have little or no relation to the duties to be performed. The Democracy received the existing statutory machine system from their Republican predecessors. It has been to them "a heritage of woe." We pass it back now to the Republicans; but as the country will gain by its abolition I would gladly assist to that end, and hope the opportunity may be accorded.

In the Senate February 8, 1889. The vote being taken upon the

amendment of Mr. HAWLEY it was lost.

Mr. CHANDLER. Mr. President, the discussion on the proposed amendment has taken a very wide range. I am led to trespass on the patience of the Senate by the remarks of the Senator from Missouri Mr. Cockrell, who has read various communications from the heads of Departments under the administration of President Arthur classifying the clerks and employés in their Departments under what is known as the civil-service act.

If I understood the point of the Senator's speech it was this, that he undertook to justify the placing by President Cleveland of more than three thousand employés in the postal service of the United States under the operations of the civil-service act since the result was known of the Presidential election of November last. He endeavored to justify this act of President Cleveland by asserting that President Arthur, after the result of the election in November, 1884, was known, placed under the operations of the civil-service act many of the clerks and employés in the Departments who had not been included within the operations of that act wright to the election.

that act prior to the election.

Now, Mr. President, if this were so, I should certainly contend that there is a vast difference between any such action taken by President Arthur between the fall of 1884 and the expiration of his term in March, 1885, and the action which has been taken by President Cleveland since November last, for this reason: The civil-service act became a law January 16, 1883, and was in operation, therefore, but a little more than two years under President Arthur. Of course it was the duty of President Arthur and of the members of his Cabinet—

Mr. ALLISON. If it will not disturb the Senator I would say that

Mr. ALLISON. If it will not disturb the Senator I would say that the act did not take effect for six months after its passage.

Mr. CHANDLER. The Senator is right, I think, on that point; but for the purposes of my present argument I will assume that after the passage of that act President Arthur had substantially two years of his own administration in which to bring it into full and complete opera-tion. The work of classification as required under the act was com-menced and the rules were established by the President, various altera-tions were from time to time made, and on the 4th of March, 1885, the President surrendered to his successor with the civil-service act in substantially full and complete operation as it had been brought about in less than two years by the successive acts of the President and his heads of Departments.

So that, if there were some extensions of the civil-service act between November, 1884, and March, 1885, they would have been en-tirely different transactions from this one of the present President who, taking the service on the 4th of March, 1885, and waiting three years and a half, until after he had been defeated for re-election, just before the expiration of his own term, takes more than three thousand clerks in the postal service of the United States and places them under the operations of the civil-service act; which he does not appear for a single moment to have contemplated doing during all these three years and a half, nor until he discovered that he himself and his Postmaster-

General were no longer to have the appointment of postal clerks.

Mr. HAWLEY. If the Senator will permit me, I will give him the correct figures. There were five thousand three hundred and twenty

Mr. HAWLEY. I do not.

Mr. ALLISON. The order was dated on the 5th day of December,

Mr. CHANDLER. The second day after Congress met.

Mr. ALLISON. That was the order bringing these employés within the purview of the civil-service law.

Mr. CHANDLER. So that I maintain that there would have been great difference between any action of President Arthur in extending the civil-service classification, if he had made such extension, and the action of President Cleveland in doing what he has done.

But, Mr. President, coming now to the question of fact, I do not admit, I deny, that President Arthur after the election extended the classification of clerks under the civil-service act in the various Departments of the Government, except in the one case of the Department of Agriculture. I did not understand fully the claim of the Senator from Missouri.

Mr. COCKRELL. The orders speak for themselves, and they show the extension of the civil service. The Civil Service Commission show that it was extended up and down. It took in higher classes and it took in lower.

Mr. CHANDLER. I understand the Senator from Missouri. I am glad I did not rightly understand him to claim that there was a reclassification in every Department.

Mr. COCKRELL. Will the Senator permit me?

Mr. CHANDLER. I desire to be informed precisely what the Senator said.

Mr. COCKRELL. I read the order of the distinguished Senator himself, declaring that he had made such a reclassification. I read the order of the distinguished Senator from Colorado [Mr. Teller], then Secretary of the Interior, saying that he had done it, and I read the official order of the Secretary of War and of the Postmaster-General, and they said they made it, and the Civil Service Commission furnished us with a copy of the orders they issued, and I presume they carried it

Mr. CHANDLER. Well, Mr. President, the Senator did not do any such thing. The Senator from Colorado has made his own statement, and I propose to make mine.

Mr. COCKRELL. Do I understand the Senator from New Hampshire to say that I did not read those orders?

The PRESIDENT pro tempore. Senators must address the Chair. Mr. COCKRELL. Mr. President, will the Senator from New Hampshire permit me to ask him a question?

Mr. CHANDLER. Certainly.
Mr. COCKRELL. Did the Senator say that I did not read those orders with the dates, one signed "W. E. Chandler?"

Mr. CHANDLER.

Mr. COCKRELL.

Mr. CHANDLER.

He read certain orders.

January of the control of the con

Mr. COCKRELL. That is what I asserted.

Mr. CHANDLER. The Senator said he read orders from the heads of Departments reclassifying the civil service under the civil-service act, and that is the issue; not whether the Senator read anything or not-we all know he read a good deal-but whether the Senator read an order from any one of these Departments, except the Department of Agriculture, making any substantial reclassification of the civil service under the civil-service act. If he says that he did that, I say that he is mistaken, certainly as to the Navy Department, as I will proceed to

Mr. COCKRELL. If the Senator from New Hampshire will permit

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. CHANDLER. Certainly.
Mr. COCKRELL. I read the orders of the heads of the Departments dated after the election in November, 1884. It was a second classification. They had previously, except the Department of Agriculture, made classification, all, I believe, except the Secretary of the Navy; I am not sure whether he had done so or not. This was a reclassification. I read what the Civil Service Commission said, and that is that in some of the Departments at least there was an extension of the service up and down, and I think the orders compared with the preceding orders will show that fact. The Agricultural Department was taken

Mr. CHANDLER. The Senator is not so accurate as he usually is. I will deal first with the Navy Department. The Senator says that he read the order from the Department signed by the head of the Department. ment reclassifying the employés in that Department. Now, I say that there was no reclassification, and there is nothing on the face of the paper which the Senator read to show that it purports to be a reclassification. I will admit that there is a heading to the paper that says it is a revision, but the heading was made by the Civil Service Commission, not by the Secretary of the Navy. The heading was not made before this Administration came into power, but it was made afterwards, and the letter of mine, which the Senator honored me by reading, is by the commission headed "Revision of November 22, 1884." That is what the Civil Service Commission call it, and that is what the

Senator calls it, but I stigmatize that as a false heading. Now, I will read the paper and see whether I am right or the Senator.

NAVY DEPARTMENT, Washington, November 22, 1884.

NAVY DEPARTMENT, Washington, November 22, 1884.

Gentlemen: I have the honor to transmit herewith a tabular statement exhibiting the number and classes of clerks and employés in the Navy Department and its bureaus, arranged in accordance with the Department's letter to the commission of January 23, 1884; and including not only the clerks classified by the act of January 16, 1883, in four classes under section 163 of the Revised Statutes, but also the subordinate places classified under the third paragraph of section 6 of the act last mentioned; and, in addition, for convenience, a statement of the positions in this Department classified but exempt from examination, and those not classified because classification is not required by the act. I also transmit a list showing the names and positions of those "classified, subject to examination."

Very respectfully,

W. E. CHANDLER.

W. E. CHANDLER, Secretary of the Navy.

United States Civil Service Commission, Washington, D. C.

Mr. STEWART. On what page is that? Mr. CHANDLER. Page 490. Then follows a table. Now, I ask the Senator from Missouri where there is a word in that Now, I ask the Senator from anisouri where there is a word in that communication that justifies him in saying that that was a reclassification of the employés in the Navy Department, when it distinctly states upon the face of the paper that it is a list of the clerks and employés in the Navy Department arranged in accordance with the Department's letter to the commission of January 23, 1884?

Mr. STEWART. This letter is dated November 22, 1884, and you

refer to an arrangement made January 23, 1884. That must have been 1883.

Mr. CHANDLER. No; the previous January, in 1884. So far as the Navy Department is concerned there was not a single person put into the classified service after the unfortunate election of Grover Cleveland in November, 1884-not one. The classification had been made as soon as practicable after the act came into force, and every person engaged in the clerical work of the Navy Department after the act came into effect was appointed after competitive examination in accordance with the requirements of the law, and the Senator will be totally unable to discover any appointment in the Navy Department that was not made in accordance with the law after it went into effect. and he will not be able to discover a single addition to the classified civil service subsequent to the election in 1884.

The letter which he has read and which he says was a reclassification was merely putting on the record in a distinct form the name and classification previously made of every one of the two hundred and sixty-

three employés in the Navy Department.

I not only find fault with the Senator, but I presume to find fault with the Civil Service Commission, who, on the one hundred and seventh page of their annual report, say that this is "a revision of the classification." This report was made out to suit the powers that then existed and are soon to disappear. The Senator perhaps is justified in being misled because this commission called this a revision. They

On November 25, 1884, the commission received from the Secretary of the Navy, in a communication dated November 22, 1884, a revision of the classification of that Department, dated November 1, 1884.

And they say "See letter of the Secretary of the Navy," which I have read from page 490, and then the commission recite the classifi-cation and follow with this paragraph:

By what authority the Secretary classified certain employés of his Department and then himself exempted them from examination is not stated; but the revision thus made was then accepted, and is now recognized by the commission in making examinations for that Department. Under this classification only eighty-four places in the Department of the Navy are covered by the civil-service act.

The Secretary of the Navy was not subject to this animadversion of the commission in reference to his undertaking to classify the employés and then himself exempt them from examination, nor was he subject to the imputation that he had revised, November 22, 1884, the classification of clerks and employés of this Department, which, being asserted by them, has been reiterated by the Senator from Missouri in this Chamber. The letter states the class of employes that under the civil-service act were exempt from examination. They are the chief clerk, disbursing clerk, stenographer, chief draughtsman, draughtsmen, assistant draughtsmen, telegraph operator, carpenter, plate-printers, apprentice, engravers, assistant engravers, assistant astronomer, and the instrument-maker.

In order to give the Civil Service Commission this full list of all the employés of the Department, this class was enumerated, not because the Secretary thereupon undertook himself to exempt them from examination, but because by the operations of the civil-service act itself, amination, but because by the operations of the civil-service act itself, by the terms of that act, such employés were exempt, and because the Department wished to place before the Civil Service Commission a list containing the name of every employés ot that it might be seen whether persons appointed to any place ought to be examined under the act or were not required to be so examined; and therefore the Civil Service Commission had no right whatever to state that the Secretary of the Navy undertook himself to exempt from examination certain employés of his Department.

So much for the Navy Department, wherein, I am bold to say, no addition was made after the election in November, 1884, to the class of persons who could only be appointed as a result of competitive examinations. I believe further that the case is substantially the same as to every other Department of the Government, except the Bureau of Agriculture.

There may be in these letters which the Senator has read some trifling

change, but substantially all the classes of persons which were included in the classified service in all the Departments upon the 4th day of March, 1885, were included in that service on the day of election on the previous November.

Mr. President, as I then construed the law, as I construe it now, the statute itself made the classification of the four principal classes of clerks. The clerks known to the Departments as the \$1,200, \$1,400, \$1,600, and \$1,800 clerks, constituting the great bulk of clerks, are classified by statute, and it is impossible to read the civil-service act without coming to the conclusion that the statute makes the classification of this large mass of the clerks, and it does not depend upon the President, it does not depend upon the heads of the Departments, to bring those clerkships within the protection and within the purview of the civil-service act. There is no waiting for them to do it by their act, but the statute does it, and there remains to be done only the inclusion by special classifications within the act of two classes of persons-first, the employes in the post-offices and custom-houses where they exceed fifty in each, and next, the clerical force where the compensation is more than \$1,800 or less than \$1,200 a year. The classification of such clerkships it was indeed necessary to have made by the affirmative act of the head of the Department.

Mr. HARRIS. I rise for the purpose of asking the Senator from New Hampshire if he will yield at this time to a motion to adjourn. For a reason that I have explained to the Senator from Iowa, in charge of this bill, and which is satisfactory to him, I desire an adjournment this evening a little earlier than usual and certainly as early as this

Mr. CHANDLER. I vield to the Senator.

Mr. ALLISON. I will say that I had hoped to complete this bill to-night, but the Senator from Tennessee has given me a very good reason why we should have an early adjournment, and therefore I do not resist the motion.

Mr. HARRIS. I move that the Senate do now adjourn.
The PRESIDENT pro tempore. The Senator from Tennessee moves

that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 7, 1889, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 6, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved. SWEARING IN OF A MEMBER.

Mr. BROWNE, of Indiana. Mr. Speaker, I present the credentials of Mr. Frank P. Posey, elected to fill a vacancy in the representation of the First Congressional district of the State of Indiana, and I ask that he be sworn in.

Mr. Posey appeared and was duly qualified by taking the oath required by law.

PROVISIONAL AGREEMENT WITH CREEK NATION OF INDIANS.

The SPEAKER laid before the House the following message of the President:

To the Congre

To the Congress:

I transmit herewith for approval and ratification a provisional agreement lately entered into between the Government of the United States and the Creek Nation of Indians through their duly authorized representatives, and which has been approved by the national council of said nation, by which agreement the title and interest of the said Creek Nation of Indians in and to all lands in the Indian Territory or elsewhere, except such as are held and occupied as the homes of said nation, are ceded to the United States.

The eighth section of the Indian appropriation bill approved March 3, 1885, authorized the President "to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in the Indian Territory ceded by them, respectively, to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 9, 1886." This section also contains an appropriation in furtherance of its purpose, and requires that the action of the President thereunder should be reported to Congress.

The "unassigned" lands thus referred to should be construed to be those which have not been transferred by the United States in pursuance of the treaties mentioned in the section quoted.

The treaty with the Creeks is dated June 14, 1866. It was confirmed by a Senter resolution passed July 19, 1866, and was proclaimed August 11, 1866. (14 Stats, 785.)

The third article of the treaty makes a cession of lands in the following

words:
"In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be

divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,259,550 acres, the United States agree to pay the sum of 30 cents per acre, amounting to \$w75,168."

The provision that the lands conveyed were "to be sold to and used as homes for such other civilized Indians," etc., has been steadily regarded as a limitation upon the grant made to the United States. Such a construction is admitted to be the true one in many ways, especially by the continual reservation of the ceded lands from settlement by the whites, by the sale of a portion of the same to Indians, by the use of other portions as the home of Indians, and also by various provisions in proposed legislation in Congress. Thus the bill now pending for the organization of Oklahoma provides for the payment to the Creeks and Seminoles of the ordinary Government price of \$1.25 per acre, less the amount heretofore paid.

The section of the law of 1885 first above quoted appears also to have been passed in contemplation not only of the existence of a claim on the part of the Creeks, but of the substantial foundation of that claim in equity, if not in law, and in acknowledgment of the duty of the Government to satisfactorily discharge the claim of the Indian people before putting the land to the free uses of settlement and Territorial occupation by whites.

But it seems to have been considered that so far as the lands had been assigned they may fairly be taken to be such as under the treaty were "to be sold." As to these, they having been assigned or "sold" in accordance with said treaty, the claim of the Creeks thereto has been entirely discharged, and the title from the United States passed unburdened with any condition or limitation to the grantees. This seems to be an entirely clear proposition.

The unassigned lands must b

The total quantity of lands in the western half of the Creek Nation, Acres. 3, 402, 423. 88 

479, 668, 05

53, 005, 94

Making a total of assigned or sold lands of.....

And leaving as the total unassigned lands .. Of this total quantity of unassigned land which is subject to the negotiations provided for under the law of 1885, there should be a further division made in considering the sum which ought fairly to be paid in discharge of the Creek claim thereto.

claim thereto.

I. In that part of these lands called the Oklahoma country no Indians have been allowed to reside by any action of the Government, nor has any execution been attempted of the limiting condition of the cession of 1866.

The quantity of these lands, carefully computed from the surveys, is 1,392,-

II. The remainder of these unassigned lands has been appropriated, in some degree, to Indian uses, although still within the control of the Government.

Thus, by three executive orders, the following Indian reservations have been created:

222, 716, 82

Acres. 619, 450, 59

228, 417, 67

206, 465; 61

This shows the quantity of lands unassigned but to some extent appropriated to Indian uses by the Government, amounting to... 1, 277, 050.19

This shows the quantity of lands unassigned but to some extent appropriated to Indian uses by the Government, amounting to. 1, 277, 050.19

For the lands which are not only unassigned, but are unoccupied, and which have been in no way appropriated, it appears clearly just and right that a price of at least \$1.25 should be allowed to the Creeks. They held more than the ordinary Indian title, for they had a patent in fee from the Government. The Osages of Kansas were allowed \$1.25 per acre upon giving up their reservation, and this land of the Creeks is reported by those familiar with it to be equal to any land in the country. Without regard to the present enhanced value of this land, and if reference be only had to the conditions when the cession was made, no less price ought to be paid for it than the ordinary Government price. Therefore, in this provisional agreement which has been made with the Creeks, the price of \$1.25 has been settled upon for such land, with the deduction of the 30 cents per acre which has already been paid by the Government therefor.

As to the remainder of the unassigned lands, in view of the fact that some use has been made of them of the general character indicated by the treaty of 1866, and because some portion of them should be allotted to Indians under the general allotment act, and to cover the expenses of surveys and adjustments, a diminishment of 20 cents per acre has beed acceded to. There is no difference in the character of the lands.

Thus, computing the unassigned and entirely unappropriated land, being the Oklahoma country, containing 1,392,704.70 acres, at 95 cents per acre, and the remainder, which has been appropriated to the extent above stated, being 1,277,650.19 acres, at 75 cents per acre, the total price stipulated in the agreement has been reached—\$2,208,357.10.

But as it was desirable that the Indian title should be beyond all question extinguished to all parts of the land ceded by the Creeks in 1866, with their full consent and understanding, the agreement of c

I am convinced that such ratification will be of decided benefit to the Government, and that the agreement is entirely free from any suspicion of unfairness or injustice towards the Indians.

I desire to call especial attention to the fact that to become effective the agreement must be ratified by the Congress prior to the 1st day of July, 1889.

The draught of an act of ratification is herewith submitted.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 5, 1889.

Mr. PEEL. I ask that the message and documents be referred to the Committee on Indian Affairs, with leave to report at any time. Mr. TOWNSHEND. Regular order.

Mr. CLARDY. I demand the regular order.
The SPEAKER. The message and accompanying documents will be referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.
The SPEAKER. Is there objection to the request made by the gen-

the stream arkansas [Mr. Perl.]?

Mr. DINGLEY. I do not object.

The SPEAKER. Then the request is agreed to; and the message and accompanying documents will be referred to the Committee on Indian Affairs, with leave to report at any time.

Mr. PAYSON. Will this document be printed under the general

rules?

The SPEAKER. It will be printed.

## DEFICIENCY FOR PAYMENT OF PENSIONS,

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting the estimate of a deficiency in appropriations for the payment of pensions for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be

JUDGMENTS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a list of judgments of the Court of Claims for which appropriations are required; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF WITNESSES AND JURORS IN UNITED STATES COURTS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a statement relative to a deficiency in the estimate of appropriations for the payment of fees of witnesses, jurors, and counsel; which was referred to the Committee on Appropriations, and ordered to be printed.

BRIDGES ACROSS CUMBERLAND AND CANEY FORK RIVERS.

The SPEAKER also laid before the House the bill (H. R. 11604) to amend an act of March 3, 1885, authorizing the construction of bridges across Cumberland and Caney Fork Rivers, in Tennessee, returned from

Mr. McMILLIN. I ask by unanimous consent to concur in the Senate amendment.

The work on the railroad is obstructed by the want of ability to construct bridges. The amendment is simply for the bet-

ter protection of commerce.

The SPEAKER. Is there objection?

Mr. DUNHAM. I would like to know what that is.
The SPEAKER. It is an amendment to a bridge bill.

Mr. DUNHAM. I ask that the gentleman from Tennessee make a statement.

Mr. CLARDY. I shall have to demand the regular order if it leads to debate.

Mr. McMILLIN. I will ask, then, that the bill be permitted to lie on the Speaker's table for the present.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE MISSOURI LIVER AT LEAVENWORTH, KANS.

The SPEAKER also laid before the House the bill (S. 3663) authorizing the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platto County, in the State of Missouri.

Mr. MORRILL. I ask that that bill be permitted to lie on the Speak-

er's table for the present.

There was no objection, and it was so ordered.

## PRODUCTION OF PRECIOUS METALS.

Mr. RANDALL offered the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution by the Director of the Mint 1,000 copies of the Report on Production of the Precious Metals in the United States for the calendar year 1887.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. O'NEALL, of Indiana, for ten days, on account of important business.

To Mr. De Lano, for five days, on account of important business. To Mr. Phelan (at the request of Mr. Enloe), for two weeks.

#### ENROLLED BILLS.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2665) granting a pension to Charles J. Esty; A bill (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888

A bill (S. 3824) to provide for an American register for the steamyacht Nautilus, of New York, N. Y.;

A bill (S. 2460) granting arrears of pension to Theodore Rauthe;

A bill (S. 3804) for the relief of the occupants of the town of Flag-

A bill (S. 3765) for the relief of Harriet Young;
A bill (S. 3765) for the relief of Harriet Young;
A bill (S. 3628) granting an increase of pension to Emma Biddle;
A bill (S. 3135) granting an increase of pension to Eliza J. Alex-

A bill (S. 2764) granting an increase of pension to James McGowan; A bill (S. 2318) to extend to the port of Sault Ste. Marie, Mich., the privilege of inland transportation in bond; and

A bill (S. 1153) for the relief of Charles Wagemann.

Mr. CLARDY. I demand the regular order.
The SPEAKER. The regular order is the consideration of the conference report.

#### REPORTS OF COMMITTEES.

Mr. CLARDY. I ask, by unanimous consent, that members who have reports from committees to file may be permitted to hand them in to the Clerk.

Mr. CONGER. I ask that minorities of committees desiring to present their views may be permitted to hand them into the Clerk under the same order

The SPEAKER. If there be no objection, the order will be made in that form.

There was no objection, and it was so ordered.

## FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

## LEONARD SCHAEFER.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 12006) granting a pension to Leonard Schaefer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ELIZABETH MYERS.

Mr. WALKER from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 424) granting a pension to Elizabeth Myers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed. JACOB S. SHUMAN.

Mr. WALKERalso, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## SARAH J. ALEXANDER.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3604) granting a pension to Sarah J. Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## LOUISA M. GORDAN.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12193) granting a pension to Louisa M. Gordan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ALEXANDER F. DUTTON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6053) for the relief of Alexander F. Dutton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MERYAH WATTS.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3618) granting a pension to Meryah Watts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### J. W. BOYD.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3617) granting a pension to J. W. Boyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

#### MARY A. MYKINS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 170) granting a pension to Mary A. Mykins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JONAS LEHMAN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3642) granting a pension to Jonas Lehman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ASSOCIATE JUSTICE, IDAHO.

Mr. SYMES, from the Committee on the Territories, reported back favorably the bill (H. R. 1954) to provide for an additional associate justice of the supreme court of the Territory of Idaho; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ANNIE BALSER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11924) granting a pension to Annie Balser; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ASST. SURG. WILLIAM MARTIN, UNITED STATES NAVY.

Mr. ABBOTT, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 11834) to authorize the appointment of Asst. Surg. William Martin, United States Navy, not in the line of promotion, to the position of surgeon United States Navy, not in the line of promotion, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### LUCINDA MEWMAN.

Mr. LANE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 12491) granting a pension to Lucinda Mewman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the House and bills of the Senate of the following titles; when the Speaker signed the same:

A bill (H. R. 9396) for the relief of General William F. Smith;

Joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads;

A bill (S. 1320) granting a pension to Catherine M. Lee; and A bill (S. 3052) granting an increase of pension to George W. Durfee.

# NICARAGUA CANAL.

Mr. CLARDY. I would like to have some understanding as to the length debate is to run, and I will ask unanimous consent that all debate be closed on the report and that the previous question be ordered at 3 o'clock.

Mr. O'NEILL, of Missouri. Better make it 4 o'clock. Mr. HOPKINS, of New York, and others. Make it 2 o'clock. Mr. CLARDY. I ask unanimous consent that all debate upon the pending report close at 3 o'clock and that the previous question be then

considered as ordered upon the adoption of the report.

Mr. DUNHAM and Mr. HOPKINS, of New York. Say 2 o'clock.

Mr. CLARDY. There will be objection to 2 o'clock, but I trust that no gentleman who desires that the debate shall close will object to 3.

Mr. BUCHANAN. But those of us who do not desire any further

debate do object to 3.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLARDY] asks unanimous consent that all debate upon the pending report shall be closed at 3 o'clock to-day, and that the previous question shall be considered as ordered upon the adoption of the report. Is there

There was no objection, and it was so ordered.

Mr. CLARDY. I now ask unanimous consent that the time allotted for debate be equally divided between members favoring and those op-

posing the bill.

The SPEAKER pro tempore. The Chair will state to the gentleman from Missouri [Mr. CLARDY] that the gentleman from Minnesota [Mr. NELSON] is entitled to the floor for ten minutes. That time was yielded to him by his colleague from Minnesota [Mr. Wilson] yesterday evening. After the gentleman shall have occupied his ten minutes the that were incurred by the original stockholders. Look at all the money

Chair will endeavor to divide the remaining time equally between

those opposing and those favoring the report.

Mr. TOWNSHEND. Mr. Speaker, before the gentleman from Minnesota [Mr. Nelson] takes the floor I desire to announce, as it is evident that there will be no time to-day for the consideration of the Army appropriation bill, that I shall not call it up until to-morrow.

Mr. NELSON. Mr. Speaker, when this bill was before the House

Mr. NELSON. Mr. Speaker, when this bill was before the House for consideration I cheerfully supported it in all its different stages, because from the beginning I was in favor of this scheme of building a canal across the Isthmus; but in one material part and one very vital part the conference report out-Herods even the provision in the original bill. By the terms of section 1 of the original bill fully paid-up stock could be issued for any real or personal property or for any concessionary rights which this corporation might acquire. That provision was stricken out by the House and an amendment was adorted prowas stricken out by the House, and an amendment was adopted providing, in substance, that all stock, except so much as might be required to pay for the concession, should be paid for in cash. Now, the House conferees, by the first amendment, have not only agreed to strike out that House amendment, but they have gone beyond what the original Senate bill provided, and have authorized the issuance of unlimited stock, not only for all the real and personal property of the corporation, not merely for the concessionary rights, but also for any work or material that may be supplied in the future. In other words, construing that provision and the amendment agreed to as to section 3, every bit of this stock can be issued for truck (if I may use that expression), and not a single dollar of it need be issued for cash. I will read from the original bill the provision in its original form:

It may receive, purchase, hold, and convey such real and personal estate, property, and rights of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full-paid stock and not liable to any further calls or assessments.

The House modified this by striking out the following words:

May issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full-paid stock and not liable to any further calls or assessments.

And inserting in lieu thereof an amendment requiring that the stock should be paid for in cash, which amendment is worded as follows:

All shares, stocks, bonds, certificates, or other securities which the company may issue to raise the corporate capital shall be executed and issued at the principal office in the city of New York; and all such shares, stocks, bonds, certificates, or other securities shall be disposed of only for cash, to be paid into the company treasury and used for corporate purposes: Provided, That this shall not apply to bonds or securities issued under Article L. of the concession of Nicaragua to the canal association.

Now, here is what the conferees of the House have agreed to; and, as I said a moment ago, it out-Herods even the original bill. In addition to the authority conferred in the original bill this conference report provides that this corporation—

May issue stock to the amount of the just value of such estate, property, and rights and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments.

No matter at what rate that work, that property, that truck, that plunder is put in, no matter if it is put in at the rate of 25 cents or 50 cents on the dollar, the stock issued for it is to be deemed fully paid up, and all the stock, even to the extent of the whole \$200,000,000, can be issued for such truck, as I shall proceed to show. I will read section 3, which the conferees have agreed to, and which ostensibly provides for a certain amount of the stock being issued for cash, but which I shall show contains an exception which renders that provision entirely nuga-tory. Here is the language of the provision as the conferees have agreed

SEC. 3. That no certificates for stock, except as otherwise provided in this act, shall be issued till at least 10 per cent. of the par value thereof shall be fully paid for in money, and such money deposited in the treasury of said company, etc.

"That no stock shall be issued except as otherwise provided."
What has been otherwise provided? It is otherwise provided by the first amendment agreed to by the conferees that stock may be issued for property, concession, material, and labor to the full amount authorized by this bill. In other words, not a single dollar in stock need be paid for in cash. These projectors or incorporators can go to work and issue all this stock to themselves and say that it is for property, that it is for materials, that it is for labor, and then they can mort-gage the property, as was done in the Crédit Mobilier enterprise; they can mortgage it to raise what little cash they need in addition to float the enterprise, thus getting the stock for a mere bagatelle; while the money, if any is needed, is obtained by bond and mortgage on the property in the usual way.

This, my fellow-members, is simply giving them an opportunity, and inviting them to do what the "Big Four" did in the case of the Central Pacific Railroad. Now I submit, while it is a laudable enterprise to incorporate this canal company, while it is a matter of great national importance to have a canal across that Isthmus, and we ought to have it by all means, we sitting here as legislators ought not to be guilty of setting a trap for the unwary. Look at all the little fortunes of widows and orphans that were sunk in the Northern Pacific road—the losses

that has been sunk in the Union and Central Pacific—the money of in-nocent stockholders. And shall we here now, with the experience of nocent stockholders. And shall we here now, with the experience of the past in regard to all those Crédit Mobilier enterprises, all those "construction rings"—shall we here in such an open and palpable manner spread out this trap and leave it in the shape that the conferees have agreed on in this report? They have not only been content to adopt the provisions of the original Senate bill as it came to us, and which we said by our amendments was improper and unjust, but, if I may use a gambling expression, they have "seen" the original Senate bill, and in that respect have "gone it a great deal better."

For this reason, Mr. Speaker, I shall have to vote against the adoption of this report. I think this bill should be sent back and this matter cured. While perhaps it might be proper to allow this company to issue stock for the amount of what property they have now on hand, including the concession, I submit that as to their future

company to issue stock for the amount of what property they have now on hand, including the concession, I submit that as to their future operations, the fair and honest way to do, and we ought not to teler-ate anything else, is to require them to issue and sell their stock for cash and hire the work to be done on cash principles. We should not cash and hire the work to be done on cash principles. We should not permit or tolerate anything in the form of a Credit Mobilier. Why, sir, this measure in its present state is calculated to enable this company to do what was done in the case of the Northern Pacific Railroad fin my own State. It is calculated to afford an opportunity for a "construction ring." The leading projectors of this company can form themselves into a little collateral side corporation—some kind of a "construction company;" they can issue to themselves this stock and say, "It is all for material and labor;" and then in addition they can get what money they may be able to get by the sale of bonds and stock.

Mr. Speaker, in the few minutes that I have remaining I do not know that I desire to go any further into this question. I have simply called the attention of the House to this one point, and I submit it to any gentleman on this floor who believes in honesty and integrity on the part of the nation as well as on the part of individuals, whether it is just and proper to incorporate into this bill this miserable, mercenary, outrageous net and thus entrap the unwary.

Mr. CLARDY. I now yield ten minutes to the gentleman from

Pennsylvania [Mr. Kelley].
Mr. Kelley. Mr. Speaker, I have troubled the House very rarely during this session, and have no disposition to speak now except as I am impelled by a sense of duty. I regard the construction of the Nicaragua Canal as essential to the maintenance of our just influence on the American continent-an influence which the world recognizes as the Monroe doctrine.

But, more than that, sir, its construction is demanded by other than international considerations; it is necessary to the internal development of our country. Time will not permit me to go into detail, but I call the attention of the gentlemen from the Pacific coast to the fact that with all the marvelous mineral wealth of that coast she suffers from the want of one mineral, and that the most valuable of all—the one by which all others are fused and separated from the dross and earth from which without coal they are inseparable. It has no coalfields; the coal you find upon the wharves of San Francisco is brought from a great distance, and much of it is of a low grade, sulphurous, unfit for many uses, and liable to spontaneous combustion upon the wharves and under open sheds.

The supply of coal from Washington Territory is insufficient for the expansion of the productive industries of the Pacific coast. Coal will not bear transportation for thousands of miles over such regions as our Rocky Mountains. Those mountains, destined to be the home of vast populations and to disclose unsuspected volumes and sources of wealth, are a barrier to cheap commerce in bulky commodities such as fuel between the two coasts of our country. Yes, sir, they are barriers which, by reason of the cost they impose upon the transportation of coal, prevent the development of the Pacific coast and exclude it from commerce with the most marvelous fuel-bearing region of the world, the coal-beds of Tennessee and Alabama. To offset this mountain barrier there is in Nicaragua, a neighboring and friendly state, a canal route, requiring but a few miles of construction, its main distance being traversable by river and one of the most beautiful of the fresh-water lakes

of the country and half as large as Lake Ontario.

Here is an available gateway between the two coasts; and if we will, as we should have done long ago, deepen the harbor of Mobile and improve the water ways from the coal-fields of Tennessee and Alabama, we can give California a supply of coal as cheap as it is obtained in

we can give California a supply of coal as cheap as it is obtained in many parts of Pennsylvania from her vast stores—give it the cheap coal of those undeveloped States by water transportation from the fields in which it is mined to the ports of the Pacific coast.

Therefore I say, sir, and I thank the gentleman for having yielded me these few minutes, I shall cheerfully vote for this bill, and shall not scan it, as it seems to me my friend from Minnesota [Mr. Nelson] does, with microscopic vision in the hope of discovering possible harm which may come to some unknown widow or orphan. I contemplate which may come to some unknown widow or orphan. I contemplate the great magnitude of the work, and grieve that our Government can not construct and manage it. I consider the possibility of placing this coal of our Southern States at low cost and in adequate quantities on the Pacific coast.

I would, were it possible for us to construct this work and control it on foreign soil, gladly promote the measure. I can see no other means of guarding the sole gateway of water transportation between our two coasts than by authorizing this canal to be built by a company organized under our laws and with an American directorate under provisions which this bill contains. One fact is indisputable—that a water way across the territory of the friendly state of Nicaragua is essential to the maintenance of our dignity among nations and the full development of the resources and trade of both coasts of the American continent. [Applause.

Mr. BLAND. Mr. Speaker, it is due to the House I should say that in the remarks made by me yesterday on the Clayton-Bulwer treaty, as it affected the rights of the asserted power of Great Britain and this country to regulate the tolls of this canal, I gave it a latitudinarian country to regulate the tons of this canal, I gave it a latitudinarian construction which perhaps is not altogether warranted. A hasty reading of the treaty led me into this error, and I find on a more careful examination of it that the means intended to be instituted under that treaty, for the purpose of regulating tolls, was simply a reservation on the part of the Government of the United States and that of Great Britain of the right to determine for themselves, or each for itself, as to the reasonableness of the tolls, and in case either country should judge the tolls were unreasonable and discriminated against one Government or the other, that particular Government had the right under the treaty to withdraw this protection from the canal itself, and in that way to enforce its idea of what the tolls should be. I say that is as far as the treaty itself can be construed to go. Inasmuch as the two Govern-ments agreed to extend their protection to the canal they required the canal company should make no discrimination against either by imposing any unreasonable tolls, and that on a breach of those conditions they should withdraw their protection.

The amendment I have been contending for in this bill might go a little further, but it will carry this principle, that inasmuch as we are creating a corporation, which is the creature of Congress, to exercise authority, and to which we are committed as a matter of contract, we are compelled in good faith to protect the property of this company in Nicaragua, and there is no doubt about that. I say, in view of that protection which we must necessarily give, I think it is but right we should reserve in this bill power to withdraw that protection whenever in the judgment of the Government they are not acting in good faith towards this Government or its citizens; whenever they discriminate against our Government and in favor of others, or discriminate against our commerce, then we have the right to withdraw that protection. When we grant the charter we grant it on certain conditions that we have the right to make. This is one of them, and a very important and controlling one. No one can complain if we enforce these conditions by withdrawing our protection, as we have a right to do, a right reserved in the bill itself. That, Mr. Speaker, was the spirit and the idea of the Clayton-Bulwer treaty, and nothing more; and I am willing, so far as I am personally concerned, to agree to a modification of the amendment I proposed, to

carry out that view of the subject.

Having said that much, deeming it but just to myself and to the

House, I now yield the floor.

Mr. DINGLEY. Before the gentleman from Missouri takes his seat will he permit me to ask him a question? I wish to ask if he does not think the reservation of the right to alter, amend, or even to abrogate the treaty would secure to the United States all that is substantial as to their rights?

Mr. BLAND. I do not wish to leave it to any construction or supposition. In all the treaties it is reserved in express language that when such and such things occur we have the right to withdraw the protection. There should be no room for misconception, no ground for misunderstanding. It should be in plain and explicit language, embodied in such terms that it can not be misunderstood.

Mr. CHIPMAN. Mr. Speaker, I am heartily in favor of the bill as it has been returned to us from the Senate. I was not altogether in favor of it as it passed this House originally. It was emasculated by favor of it as it passed this House originally. It was emasculated by the House to a certain extent, and in my judgment emasculated for the purpose of defeating it, if not by the votes of the two Houses of Congress, at least by making its provisions so impracticable that no one would be willing to undertake the formation of a corporation under

it to carry out its provisions

The amendment offered by the gentleman from Minnesota [Mr. Wilson] was absolute death to the project. The idea of a construction company organized inside of the canal company seems to haunt the gentleman and cause him to so far lose his balance, the equipoise of his judgment, that he loses sight—although he professes to be in favor of the project—loses sight of the fact that the intention of the bill is to create and not to prevent the incorporation of a Nicaraguan Canal company. By the terms of that amendment the stock is not assignacompany. By the terms of that amendment the stock is not assignable until it is fully paid in cash. The gentleman, it is true, in response to an interrogatory as to the position he assumed in that regard, says that that position may be avoided by not assigning on the books of the company the stock, but by transfer from hand to hand; or, in other words, he incorporates a prohibition into the law which does not prohibit, a protection against stock speculation which does not protect, because by his own admission the very thing done and which he says

is harmful and which he desires to prevent, and which, he insists, ought not to be done in justice to the stockholders, can be done in another

But, sir, under the provision of the bill a man invests in the stock and pays 10 per cent, of the value of it. He can not, in that event, put the stock up as collateral. Why? Because the man who would lend money upon the stock does not know what assessments may be called for in the future; does not know the capacity of the borrower to pay the assessments if called for, and, in other words, if he makes the loan upon it, he takes as collateral a thing which has altogether a problematical value, and which, in the very nature of affairs, can not have a fixed or certain value. If you die owning the stock your children can not avail themselves of what you have paid upon the stock unless they possess the means to make full payment of it, or some one is willing to advance the money for that purpose; and whether you may pay up the full face value of the stock or not depends not only upon whether you have the money to pay it with, but whether the company has reached that stage of its affairs when it requires an assessment, or is willing to receive the full value of the stock. So you rob the investment of all value as property, strip it of all commercial quality as an investment, and make it a cave in the earth where your money is lodged to be forever unfruitful and never to see the light of the day until certain contingencies shall happen, which may never happen at all.

In regard to the amendment of the gentleman from Indiana [Mr.

In regard to the amendment of the gentleman from Indiana [Mr. Holman] I regret that it has not been stricken out in its entirety. It only seeks to affirm the law as it is, but whether it affirms it fully, or whether it conveys something else, I am not prepared to say, except that, as is well known, the assertion of a proposition within a general rule is always dangerous. No lawyer, no statesman will undertake to do it without the utmost misgiving and hesitancy. What does the proposition mean? Can you tell? Can I tell? What man can imagine the construction that may be placed upon it twenty-five, fifty, or a hundred years from now? It is not what I may understand it to mean, or what you may understand it to mean. The men who make laws do not, as a rule, interpret them. We may think we have expressed clearly a proposition which another generation will find we have not only not expressed clearly, but about the meaning of which there is material doubt, or which may mean something entirely different from what we thought we said. This provision must run the gantlet of the courts, the gantlet of future legislative bodies; and it is an act of temerity always, when there is a well-settled rule of law recognized throughout the entire civilized world, for it is a rule recognized throughout the entire civilized world, for it is a rule recognized throughout the civilized world—I say it is an act of temerity, under such circumstances, for the purpose of acting with unusual caution, to undertake to express it differently or to re-express it, if you are satisfied with the rule. It is an act of andacity to undertake to do a thing of that kind, for the expression itself may dwarf and minify the rule and circumscribe its operation. I think I know the reason of the amendment. The reason is not, and my respect for the gentleman from Indiana, which is very great, prevents me from believing that the reason is that he wishes to reassert a rule which is in the horn-books of the law, which all men who know the law recognize, but I think

I can say to the gentleman, that while in a degree that rule must be clung to, yet the time has passed when it may stand as a phantom to frighten us from the true interests of this country. All commerce is entanglement. Commerce is the society of nations. You can not be a commercial nation and be isolated. Why, this very minute voices from all parts of the world warn us of it—voices from Canada, from Panama, and from Samoa. The voices come from wherever foreign nations have planted their flags, have reared colonies, or seek to obtain commercial foothold.

The attempt to arrest and to make it impracticable for American enterprise, whether in the form of a corporation or in other forms, to plant itself in foreign countries is too late. That day has passed. We are no longer in our nonage. We are no longer weak, but the time has come for a haughty—dictatorial, if you please—American policy, and certainly for a wise commercial policy, which is not to be circumscribed by any quips as to the extent of our commercial powers. A great deal has been said of the prohibitions of the Constitution, and about that I will only add a word. This argument of the Constitution has been brought to an attenuated point. It has become a gauzy argument, a perfunctory argument. The Constitution is not a fetich, a malignant power, to be propitiated by the sacrifice to it of the happiness and prosperity of the country. I am a strict constructionist. I believe in a strict construction of the Constitution. I say that emphatically; but a construction which will dwarf the implications of the Constitution, which would rob us of the power to adopt just and necessary methods of enforcing it, that is a construction unwarranted by the Constitution itself, and unwarranted by any rule of reason.

tion, which would rob us of the power to adopt just and necessary methods of enforcing it, that is a construction unwarranted by the Constitution itself, and unwarranted by any rule of reason.

Gentlemen may not wish to do a thing. That is one question. But we are not to argue from the thing to be done back to the principle, but from the principle to the thing. It is not a question as to whether we desire it, but whether we have the power to do it. Let us settle the power

and clearly define all its limitations, and after we have done that, then the question of discretion arises, and we will determine what we will do under that power and what we will not do under it.

Now, the name of Chief-Justice Marshall was invoked here. Why, before the case of Gibbons vs. Ogden, and especially in that case, he laid the foundations of the boundary, so to speak, of the power of Congress, and of this Government, under the clause regulating commerce abroad and at home. He laid them in a manner which is unmistakable in Gibbons vs. Ogden. He says that under that power an embargo even may be laid, as a mercantile power, instead of as a military measure, and that same doctrine has been clung to ever since. It is fully expressed in the counterfeiting case of the United States vs. Marigold, which gentlemen will do well to read as showing the complete, the exclusive, and I may say the tremendous power which the Federal Government possesses for the regulation of commerce.

Some distinction was made during the argument here concerning

Some distinction was made during the argument here concerning what we might do at home and what we might do abroad. If there is any restriction upon our power under the commerce clause at home, it is created solely and absolutely by the relation of the States to the Government and not by any language which is contained in the Constitution of the United States. Our power to regulate foreign commerce is affluent. It embraces the world. It is a power which civilized governments everywhere exercise over their commerce. There is no limitation to that power. There is no limitation to it save the discretion or the wisdom which we choose to exercise in the application of it.

the wisdom which we choose to exercise in the application of it.

And, indeed, to return to Justice Marshall, in the case of McCullough against the Bank, if gentlemen will take the trouble to read it they will find an unanswerable argument in favor of erecting corporations for this very purpose. It is true that Justice Marshall says in effect the erection of corporations is not with us, as with the British Crown, a mere act of prerogative and as such a substantive power, but that it is incidental to other powers when it may be necessary and beneficial. So that the argument that case makes is clear, and is in no way uncertain, that we possess the power to establish the corporation. In the case of California against the Pacific Railroad, cited by the gentleman from Maryland yesterday, our possession of that power is distinctly affirmed. In that decision the court spoke with no uncertain sound. They are emphatic upon the subject of the power of Congress to institute corporations of this kind.

Now, sir, there is no doubt about the commercial power. In regard to the exercise of the treaty power, I agree entirely with the gentleman from Alabama; but we are exercising the commerce power, and there is no doubt about that power. Our foreign commerce is not here on the floor. It is not in the port of New York; it is not on the plains of Kansas. Our foreign commerce is like the winds that bear it—it is everywhere—and it is to be regulated not where it is not, but where it is; and some of it, gentlemen, is along the coast towards the scene of this proposed canal, down around the Horn, by that circuitous route which costs so much time and so much money to these people, and on the railroads between the Atlantic and Pacific.

Now, we have had a great deal said in this debate about the regulation of tolls. I agree entirely with the remark which was made here yesterday in a colloquy by the gentleman from Maine [Mr. Reed]. How are you going to regulate these tolls—what potency have you here to do it?

There is only one substantial regulation of a matter of that kind. That regulation comes from competition. It comes, too, from the just, the reasonable sense of mankind concerning it. It will come from the necessities of commerce. If the corporation charge you too much by the Nicaragua route then you will go around the Horn, or, if you choose, by one of the several lines of railroad; or, in other words, by the route which will convey your freight cheapest from here to the Pacific. I do not wish to say anything unkind of any gentleman here; I do not wish to intimate anything unkind; but I have observed on the floor of this House that even men who are bitterly opposed to railroads oppose everything looking to the improvement of the water ways of this country. I find men from the neighborhood of the great Pacific railroads—whether they are inoculated with some disease of the imagination, or of the understanding, or of the conscience, by their close contiguity to those roads, I know not—but I find these men almost universally standing up here and opposing measures like that which is now under consider ation. I do not know why it is so; I impute no bad motives; but I say that it is a fact, and certainly it would not be unkind, certainly it would not be unfair, to connect the two facts-their contiguity to these railroads and their opposition to measures of this kind-and to speculate, at least, upon what may be the moving cause in the matter.

Mr. Speaker, this bill is a step in the right direction. This is a bold—no, not bold, because even as the bill stands it is emasculated, it is fimid, it is hesitating—but, in comparison with our past, this is a bold step in the direction of the destiny of this country. We are carrying the flag into the region of Central America; we are carrying it with the indorsement of the Government. We are putting ourselves where, though we may not be pecuniarily liable, we shall be morally liable and responsible for the safety, the protection, of a great American enterprise which will help to spread our commerce over the world. That, I say, is a step, a great step in comparison with the past, and I for one

hope that that step is only a prelude to the day when the nation will follow, and we will plant our feet as a people in those regions, and the flag shall wave over the State of Nicaragua, a State of the United States of America. [Applause.]

Mr. CLARDY was recognized.

Mr. CLARDY. Mr. Speaker, I suggest that some gentleman on the other side be now heard, but if the Chair recognizes me, I will yield

five minutes to the gentleman from Iowa [Mr. Kere].

Mr. Kerr. Mr. Speaker, there was a good deal said yesterday by the gentleman from Missouri [Mr. Bland] about the Clayton-Bulwer treaty. I do not think we ought in this bill to assume any offensive treaty. I do not think we ought in this bill to assume any onensive attitude in regard to that matter, because it is entirely unnecessary. I think the United States ought to pursue a steady policy, with the view of developing its own national commerce. We already spend in this country, if everything is considered, a hundred million dollars a year for the maintenance of our national commerce. It is not proposed in this bill to add to the amount of that expenditure. It is only proposed that the United States shall give its countenance to a great project which will be of more advantage in developing our national commerce than all the money that we now expend for that purpose, which will do more to increase the prestige of the United States in the Gulf of Mexico and give us an influence in sustaining and developing our American theories on the American continent than all our present

expenditure.

It is not proposed in this bill that we shall do anything about the Clayton-Bulwer treaty. There is no reference to that treaty in the bill; but certainly if we should put into it the declaration which is sought to be put into it by the gentleman from Missouri [Mr. BLAND] it would necessarily involve, in an offensive way, the question of the supremacy of the United States with respect to that matter.

In regard to the question of the regulation of tolls, we have never, even in our own internal commerce in this country, assumed to fix tolls. We have only taken the position in the interstate-commerce law, as I understand it, that tolls should be fair and reasonable; and certainly until we do assume to fix the rate of tolls in our own internal commerce, and to say just how much capital invested in railroad enterprises shall receive by way of return on the investment, we ought not to assume or attempt to do it in an enterprise outside of the limits of the United States. I do not think that there ought to be any question that this Government has the power over this subject that is sought to be exercised in this bill. It has that power by virtue of the power to regulate commerce which is granted in the Constitution, and all that is asked here is simply that we shall give to this corporation the coun-

tenance of the American Government.

It is said that this company already has a charter from the State of Vermont. I have very grave doubts whether the charter of that State is the legitimate exercise of the power of a State in charter of material corpora-tions. A State of this Union certainly has no power over international commerce, a matter that has already been conceded to the General Government; and I believe that consistency with our American theory, as laid down in the Constitution, would require that a State should not attempt to assume control over corporations outside of the limits of the nation and fix the responsibility of the American Government in regard to such a corporation. If anything is ever done in that direction, it ought to be done by the Government of the United States and not by a State. An individual citizen in a foreign nation is protected; and I ask whether it is not right and proper that associations of individuals, where they have received the countenance of the General Government in their or ganization, should also be protected to the same extent? And is it not just that, in doing this, the limit of the power of authority of such an association should be defined in advance by the Government of the United States, in order that the company may know what they may of right do, and that we should know in advance the amount of protection and the extent of the authority that we are to exercise over them? That is the reason why such a corporation should receive a charter from the General Government; that is the reason the General Government should be the only authority to grant charters to corporations having relation to the external commerce of the United States, or to any matters outside the limits of a State.

[Here the hammer fell.]

The SPEAKER pro tempore. The Chair will now recognize any gentleman who desires to speak in opposition to the adoption of the report.

[Cries of "Vote!" "Vote!"]

Mr. CLARDY. The gentleman from Minnesota [Mr. WILSON] has

control, I believe, of the time of the other side.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Minnesota.

Mr. WILSON, of Minnesota. I do not desire to speak at this time. Mr. CLARDY. Is there anybody else on your side who wishes to

Mr. WILSON, of Minnesota. This side, as I understand, has occupied more time already than the other side.

Mr. BLAND (to Mr. WILSON, of Minnesota). You had better re-

serve your time.

Mr. WILSON, of Minnesota. Yes, we reserve the rest of our time. Mr. CLARDY. I now yield to the gentleman from Maine [Mr. DINGLEY] for ten minutes.

Mr. DINGLEY. Mr. Speaker, I should regard it as exceedingly unfortunate if through any stickling for non-essential amendments we should defeat the proposition to grant the charter to this company for the construction of the Nicaragua Canal. I should regard it as unfortunate, because it seems to me that now is the golden opportunity for the construction of this canal. It is certainly too late for us now to expect that the Government of the United States will appropriate any sufficient amount of money for the construction of such a work as this. If the people of this country and the Congress of the United States were ready to make an appropriation of the magnitude required for this enterprise, I should certainly be willing to join in securing the passage of a bill to that effect. But I am certain that we shall look in vain to the Government of this country and to Congress for any appropriation adequate to the construction of such a work as this. If constructed at all it must be constructed by some private company. It will be constructed by some private company at a very early day, if the present movement does not prove successful; and it will be constructed, too, by some private company that will be, if not under the patronage, yet

under the influence, of some foreign government.

It is certain to my mind that the Panama Canal enterprise is to prove a failure, and that the only successful canal that is likely to be built is that by the way of the Nicaraguan route; and that that canal will be built, if not by this company or by the company which has obtained the concession, by another company that will obtain a concession in the

Now, it seems to me, in view of the fact that this company has obtained this concession from the Republic of Nicaragua on such favorable terms—more favorable, I am sure, than any other concession that ever will be obtained—and this being a company organized under American auspices, the majority of whose directors are to be citizens of the United States, making it essentially an American company, it is of the utmost importance that Congress should recognize the value of this enterprise

and the peculiar golden opportunity which is now open to us.

All that is asked on the part of these gentlemen who have obtained this concession is a charter from Congress which shall give the recognition, so to speak, the certificate of character in the financial world, which the Government of the United States will give simply by the

fact of granting this charter.

What is the objection to it? It is objected by several gentlemen that the terms of the charter are too broad; that there is not sufficient restriction upon the enterprise. Now, if we were starting out in a new policy with reference to the chartering of railroads by Congress, we might well consider whether we would not impose restrictions and limitations such as we have never employed in granting a charter in the past. But this is not a proposition to grant a charter for a railroad or for a transportation company within the limits of the United States. It is a charter for the construction of a great water way outside of the It is a charter for the construction of a great water way outside of the limits of the United States, but, although outside, essential to the interests of the commerce and the welfare of this country. Now, it seems to me that in view of the character of the enterprise, in view of the fact that it involves so many uncertainties, it will be difficult to get capital to enter into it. This is, to say the least, a very unfortunate time for us, in granting a charter, to insist upon such restrictions as in all probability will make the charter useless to those who may receive it. In other words, in view of the fact this is an especially hazardous enterprise, outside of the limits of the United States, having a value to our commerce and to the people of this country of inestimable importance, we ought not to insist on restrictions that are not absolutely ssential to the security of the enterprise.

Now, what are the points of difference upon which gentlemen are objecting to the granting of this charter? It is said, in the first place, that the conference committee have acceded to the withdrawal from the bill of the provision inserted by the House providing there shall be printed on every bond the statement that the Government of the United States is not liable. Is there any necessity for doing that? Why, sir, the Government of the United States could not possibly be liable if there were no such provision in the charter; but we have inserted in the charter that the Government of the United States shall not be

Mr. ALLEN, of Michigan. If the Government of the United States is not under any circumstances liable, and hence there is no necessity of printing this on the bond, then why is it necessary to put the provision in the charter itself?

Mr. DINGLEY. It was not necessary to put it in the charter itself, but gentlemen who were opposed to this measure have insisted it should be put in and friends of the measure have conceded it. But the moment it is put on the bond there is not a gentleman here who does not know it will tend to discredit that bond in foreign markets, though it might not in our own, where the circumstances are known. It will discredit it abroad for the reason that foreign gentlemen will say that the Congress of the United States, with full knowledge of this matter, have taken pains to say and have caused it to be placed on the bond as notice to everybody, "We have no confidence in the success of this enterprise."

It seems to me entirely useless as a protection for ourselves to do that, and not only useless but doing a positive injury to the company without any benefit accruing from it to ourselves.

Mr. ALLEN, of Michigan. Does my friend from Maine mean to state to us that he expects foreign investors are going to buy these bonds without investigating the charter? And if they find that provision in the charter will it not frighten them quite as much as to find it printed on the back of the bonds?

Mr. DINGLEY. By no means. The gentleman's good sense will show him the difference between these two methods of dealing with

But I will pass from that, Mr. Speaker, as I have but a few moments of time, and will notice the opposition made to the conference report because the conferees have agreed to strike out the provision adopted by the House requiring all the stock to be paid in cash, and to insert instead a provision that stock may be issued at a just value in payment for labor and material used in the construction of this canal. It is said by the substitution of that language we have opened the way to what is known as a construction company, a wheel within a wheel, a Crédit Mobilier.

Mr. ADAMS. What provision does the gentleman refer to? Mr. DINGLEY. That which changes the method of issuing the Mr. DINGLEY. That which changes the method of issuing the stock. Now, as to that point, it may be true it is almost impossible for us to frame any charter that rogues may not use it in such way as to fail to carry out the fair and just intent; but I submit to the House that there is as good opportunity under the original provision for rogues to sell this stock at 25 per cent. of its real value and then to use this money in a construction company as now. There is a better protection in the amendment reported by the conferees than in the House amendment, as the former provides that stock shall be issued only at the just value of the concession, labor, and materials.

amendment, as the former provides that stock shall be issued only at the just value of the concession, labor, and materials.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CLARDY. I yield five minutes more to the gentleman.

Mr. WILSON, of Minnesota. Will the gentleman permit me to call

Mr. DINGLEY. Be brief, as I have only five minutes.
Mr. WILSON, of Minnesota. You wish to understand this as it is.
If you will observe the words, it does not say stock may be issued to
the just value of material and labor. Let me read what it does say:
"May issue stock to the amount of the just value of such estate, prop-

mry issue stock of the another the just value? limit the words "materials and labor," which follow, as much as the concessionary rights, and this of itself opens up the whole question to the courts, if any stockholder complains that there has been "monkeying," so to speak, in the construction. In other words, it seems to me that there is more prevention of this in the amendments as adopted by the conferees than in the original bill.

But, Mr. Speaker, as I said before, it seems to me, in view of the great importance of the work, that we ought not to stick on mere matters of detail, or on provisions which are not vital. We must bear in mind that this is an enterprise that is of greater importance than any other similar work ever before undertaken in the history of the world. The praises of the world have been rung over the success of the great Suez Canal, but the Suez Canal is as nothing compared with this great enterprise now proposed in its importance to the commerce of the world, and especially to the commerce of the United States of America

Why, sir, look at the importance of the canal in the single point of regulating the tolls on the great trans-continental lines of railway. As it is now there can be no practical regulation of these tolls, because there is no competition between the roads that are pooling their issues; but the moment this great water way shall be completed, opening up an opportunity to enter into competition to every vessel of the United States that participates in our coastwise trade, that moment there comes in a competition between water ways and railways that will or itself regulate the freight and passenger rates of these great trans-conti-

And again, sir, it seems to me when we bear in mind that the practical effect of the construction of this canal will be to open up a new route for our coastwise commerce, its importance will be apparent when we remember that every vessel of the United States engaged in this trade can participate in the trade of the Atlantic as well as of the Pacific. We can but see in this canal a new bond to bind the people of the East and the people of the Pacific coast together as they have never been bound before.

Why, Mr. Speaker, in view of the importance of this work I certainly hope that gentlemen in this House will not adopt the attitude of hypercriticism respecting unimportant details to such an extent as to lead to the defeat of an enterprise that is already almost successfully inaugurated, and which if inaugurated, as it will be by the passage of this bill, will open up within the next decade unquestionably a great water way connecting the Atlantic and the Pacific under American control.

Here the hammer fell.

Mr. BUCKALEW. Mr. Speaker, I desire to express my regret to the House that this bill has not been placed in a more acceptable and perfect form for the accomplishment of one of the main objects of governmental policy in its enactment, namely, to secure reasonable charges

upon this work for American commerce which may hereafter be carried over the proposed line of improvement. I discover no assurance in the bill as it is now proposed to the House for its final approval, no clear and certain guaranty that the amount of stock and bonds which will be issued by the corporation will not exceed two, three, or four times over the actual cost of the work judged by their par value, the result of which will be that if the holders of the stock and bonds are to receive dividends upon the stock and interest upon their bonds at ordinary rates the commerce of the United States carried over this line, and the commerce of other countries as well, may be subjected to most grievous, unreasonable, and unjust charges, and the question in my mind is whether if the committees of the two Houses of Congress engaged in the consideration of this measure had exercised due diligence and due judgment upon the framing of this bill and amendments they could not have produced a measure more safe and secure for the public interests involved.

public interests involved.

I agree, sir, that it is extremely difficult to create such a Samson as this and attempt to bind him with green withes—meaning amendments. Those proposed by the House upon this bill did not altogether meet the approval of my judgment. Some of them appeared to me impracticable of enforcement, at least to some extent, and others unimportant as practical propositions; and the one which has been most debated, or the two, rather, on this floor do not seem to me to possess the great importance which has been assigned to them by gentlemen arguing in their support. In the first place, the provision that certificates of stock shall not issue until the stock shall be fully paid up is not only an embarrassing and inconvenient provision as a practical one, but it can be wholly evaded.

not only an embarrassing and inconvenient provision as a practical one, but it can be wholly evaded.

There is no certainty that it will produce any useful effect. In fact, all the stock of this company, or the larger part of it at least, such as not issued to Nicaragua for the concession, can be covered by a construction contract, and when issued for work and labor done in the construction of this improvement it will be fully paid, and the provisions of that amendment would be completely provided for. No allegation of illegality can be made against such an arrangement, so far as I understand this bill. As for the more searching amendment, for which many gentlemen have spoken, that the stock shall be paid entirely in cash, except that which is issued for the concession, I think it is open unquestionably to the criticism made, which is that it will probably render the charter a dead piece of paper when issued, that capitalists will not take up the charter and invest their money in the work and carry it forward to the completion desired by all who favor the entercarry it forward to the completion desired by all who favor the enter-

It is an unusual provision. It is not merely embarrassing, but I resume it would be fatal to the success of the enterprise. Why, in my State, by the general law which was passed to enforce the new constitution of 1874 as to issue of stocks and bonds, provision was made that stock should only be paid for in cash or in material and labor furnished. The act followed the constitution, and made very strict provision for its enforcement. But it was supposed that capitalists would not put their money in a public improvement where they had to pay down all the money at the outset, but that they would propose and desire to carry out such improvements in the usual way where they are legitimate, namely, to pay in a portion of the stock as far as the ability of the stockholders to meet the assessments extended—to pay in 20, 40, or even 50 per cent.—and then issue bonds to raise additional money to complete the work.

Now, it seems to me that in such a project as the Nicaragua Canal, to be carried out in a foreign country subject to unknown political conditions in the future, a country of revolutions, among a people speaking a different language from our own, with possible complications with foreign powers, it would not be right to insist that the capitalists who put their money into it and carry it on should be subjected to this stringent amendment. Let them pay in part for the stock and then use the credit of the company for raising additional funds. And it seems to me that the holders of the stock having certificates in that plight should be enabled to sell and convey it in the markets of our own and other countries. In fact, it seems to me that that proposition carried to the extent proposed in the amendment of the House would defeat this bill by rendering it impracticable.

One thing that might be done under this bill would be this: Ten per cent. might be paid in on the stock and a million dollars obtained for the treasury of the company. Then a construction contract could be made and the stock and bonds issued to any amount within the limits of the charter (excluding that which is to be paid to Nicaragua for the concession), and then the result which I mentioned in the outset of my remarks will be reached, and there is no guaranty for the public against it

against it.

If the work costs seventy-five or a hundred million dollars you may have three hundred millions of paper, stock, and bonds floating in our own and foreign markets; and American merchants, the owners of our mercantile ships, and the owners of foreign vessels will be charged tolls to cover a profit upon this enormous amount of paper.

Now, sir, if the committee of conference in the last moments of consideration upon this bill will turn their attention to this one point and labor upon it, I think they can bring back into this House and send

back to the Senate a measure of protection to the public which this bill does not afford, protection upon a point which is of the highest importance and which will strike at the true source of evil.

In time of war this improvement will possess a value the importance

of which gentlemen do not seem to apprehend.

Mr. BUTTERWORTH. Before you proceed to that point I would like to ask whether you have formulated anything which would cover

the ground which you state should be amended.

Mr. BUCKALEW. I have acted on this subject as a member of the House and not as a member of the conference committee, and having been engaged in other labors I have not given attention to matters of form in this bill. I have only spoken from a mind enlightened to some extent by the debate which has taken place and to express my own views in order that they may accompany my votes given here upon this subject.

I wish to add, sir, a word or two upon the point upon which I commenced. Now, in a time of war, when this American canal, that is controlled by American citizens—for it is in fact to be in future as it now is in contemplation, an American improvement—it will be of immense importance to the Government of the United States. We will be in a different situation from any other country with reference to it. Our war vessels upon the Pacific side of our country can be transferred to the Atlantic or from the Atlantic to the Pacific side, so that upon each one of our great shores we can meet upon equal terms any antagonist that can strike us east or west. We have the means of transportation of our naval armaments from one sea to the other.

How different it will be with a foreign power. This canal will be closed against them. It will be sufficient if we have a naval force at either outlet—on the Gulf of Mexico or upon the Pacific coast, upon one end or the other—which will completely bar up and close this canal to a power hostile to us; whereas a foreign power that desired to use this canal would be compelled to keep a fleet at the east end of it to keep the east end open, and another fleet at the western end to keep that end open. It would have to provide against the hostility of Nicaragua itself if the latter were in alliance with us, and should permit us to send a military force there to protect the canal. Therefore, at each end of the canal, and upon any point along the line of it where we were permitted by Nicaragua, or could compel her to permit us to have a military force, we could close this improvement against any hostile foreign power. I hope that the time will come when we will secure to our country such safeguards and protection for a time of war with Great Britain, or with France, or with Germany, or any other

As to constitutional difficulties, gentlemen may talk about them in the Rotunda or somewhere else. If we have not power under a grant of control over our foreign commerce by the Constitution, and, along with that, the treaty-making power, by which we can regulate the relations of such an improvement with foreign countries—if we have not in that way power to do this thing, we have no power at all. The grants are express and complete. It is a question for the discretion of Congress. It is not an occasion where we are to look to the charter of our authority and find some specific item under a general power

In matters of internal and local concern, when we are talking about a canal or a railroad or any other work in the nature of a public improvement, we must go through the body of the instrument and find what are our relations to the States which constitute the Union, which furnish the other branch in our great division of political power; but when we leave the water's edge, whether it be the shore of the Pacine, the shore of the Atlantic, or the shore of the Gulf of Mexico, there the power of the United States is exclusive, there our jurisdiction is not bounded or limited by State rights or by State limitations. The arm of public power is not palsied or weakened when it goes forth from our shores and comes into relations with the other countries of the globe. Therefore, sir, I have no difficulty on the matter of power, and the only difficulty in my mind is that which I mentioned in the outset, that this bill, in my judgment, does not contain any substantial, reasonable provision to secure to the people of the United States using this canal reasonable charges for the services which it will render them.

Mr. CLARDY. I now yield one minute to the gentleman from Mis-

souri [Mr. O'NEILL].
Mr. O'NEILL, of Missouri. Mr. Speaker, yesterday I received the following dispatch from the Merchants' Exchange of St. Louis:

We hope you will favor the majority report in favor Niearagua Canal. St. Louis and the whole Mississippi Valley is largely interested in its building and completion.

JOHN JACKSON. HENRY C, HAARSTICK. CHARLES F, ORTHWEIN. WEB, M, SAMUEL. CHARLES A. COX, President.

These men stand pre-eminent among the business men of the Mississippi for their energy, ability, and integrity. Mr. John Jackson, president of the St. Louis Elevator, has been from their inception at the head of the jetties projected by the deeply lamented James B. Eads, and contributed largely to the successful prosecution of that magnificent aid to the commerce of the Mississippi Valley.

Mr. Haarstick is at the head of the Mississippi Valley Transportation Company. Mr. Orthwein and Mr. Samuel have been the chosen heads of our great Merchants' Exchange, and Mr. Cox is its present chief.

They well represent the public sentiment of the business men of the West, who appeal to us to pass this bill and give every aid to this grand enterprise, which the commerce of the world demands and which would

redound in such grand benefits to our country.

I am not familiar with all the points involved in the pending controversy concerning certain amendments, but my experience in this House led me long ago to the conclusion that you must trust to a great extent to the judgment and intelligence of the members of your com-This bill has been considered carefully by the committees in mittees. both Houses and has been practically agreed upon. I care but very little for the extreme sensitiveness manifested here concerning the bondholders. I do not know that we are called upon always to worry in regard to whether or not the bondholder shall obtain a magnificent return on his investment or whether he shall occasionally, to use a mining phrase, strike an Irish dividend in the form of an assessment. [Laughter.]

What we want is to have this canal built. It is conceded that the Panama Canal is a failure and will not be built. I believe that this project is feasible and that it will be built, and, as far as my vote is concerned, I am willing to give it to these parties who promise to build it, and also to give them all that goes with it as far as the sanction of this Government is concerned, and its protection if necessary, in order to have this cut made, which is absolutely needed for our own interests in time of peace and still more in case of war, and which will confer one of the greatest benefits that can be conferred upon the business interests of the world. I sometimes think the American people are lacking in self-assertion. [Laughter.]

A nation of sixty millions of people and destined to be the greatest nation on earth, we should lead in enterprises of this kind and not hesitate about the consequences. So long as our aim is in the direction of increased facilities for commerce and the greater benefit to hu-

manity we can face the future without fear of peril.

The extremely conservative gentlemen who fear trouble can rest content that the people are in favor of this project and will shoulder all the responsibilities that may arise from it in the future. [Applause.] Mr. SCOTT. Mr. Speaker, the latitude taken in the consideration of this bill has been so great that even if my time were unlimited it

would be impossible to refer to more than a few of the points which have been raised. I think, sir, that the old story so often repeated in this House, of the cuttle-fish muddying the water in order that he might escape, is applicable to the gentlemen who appear to be opposed to this

The distinguished gentleman and jurist from Alabama [Mr. Cobb] confined his argument to the constitutional question, supplemented by the interest he took in the "lambs" who frequent the stock exchanges and the bourses of Europe; his anxiety was lest possibly we might do something here by which those gentlemen would be inveigled into an investment and thereby lose their money. Sir, if the investors and the "lambs" of Europe, as represented by the Rothschilds and the Barings and others of the great banking houses there, are not able to take care of themselves and look out for their own interests, I do not think this House or the Congress of the United States can do it for them.

I do not propose to discuss the constitutional question, because I am not competent to do so. When the distinguished gentleman from Minnesota came to address the House on his particular amendments, the classes of the community in which apparently he took the greatest interest as investors were, I think, the carpenters, the blacksmiths, and the bakers. Mr. Speaker, what is the situation as it presents itself to us now? This bill comes into the House from a committee of conference; it is not in the power of this House to amend their report; it must either go back to the Senate with the message that the House will not concur, or it must go back with a request for a new conference. If either of these courses is decided upon, then in all human probability this bill will fail at this session to become a law.

But six before proceeding further in the request for a new conference. If

But, sir, before proceeding further in regard to the questions between the two Houses on the various amendments proposed, I will state that I had a great delicacy in speaking on this bill at all. As there undoubtedly exists in this Hall, and probably outside of it, an idea with certain gentlemen that as soon as any member of this House has by his industry and economy succeeded in securing enough of the goods of this world to give him a decent burial when he pays that debt which we must all inevitably pay, he immediately becomes an interested party in any legislation that may come before this House and is thereby disqualified to express an opinion or to cast a vote upon any measure that may be under consideration and in which the people have an interest. may be under consideration and in which the people have an interest. I desire to say that I have not at this time nor do I expect ever in the future to have any interest in this corporation, directly or indirectly. I think, sir, that the oath which is administered to a member of this House ought to be amended and that he should not only swear to support the Constitution of the United States, but should also swear that neither in personal property nor in real estate does he own to exceed \$500. [Lengther.] \$500. [Laughter.]

But, sir, to come down to the bill. The amendment of the gentleman from Minnesota was in substance this: First, that the stock of this company should be paid for in cash. The object of that amendment was, as he put it, to protect the stockholders; that is, that one class of stockholders should not swindle another. Now, if we consider the principle governing capital stock of corporations we find, for instance, that it would not be proper for us in chartering United States banks to say that a bank should be allowed to receive property as its capital, because we know that the only capital which a bank ought to hold is But when we come to a corporation other than a bank the same principle does not hold good. Under all laws governing capital the simple proposition is that the capital is the security upon which credit is to be based. In the case of a canal company or a railroad a franchise or property may be as valuable a security as money.

On general principles I fully agree with the views of the gentleman from Minnesota. I believe that it would be better policy to confine all subscriptions of stock to cash, and that if that had been the policy of the law under which every charter has been granted we would have been better off to-day in this country than we are now. But the gentleman has brought in here a proposition which, when you come to apply it practically, you find has never been applied in any State of this Union. The inference which might be drawn from the discussion which has taken place here is that the privilege proposed to be conferred upon this corporation to issue its stock for cash, labor, or property furnished is something new and unheard of. I had not time to examine the statttes of all the various States bearing upon this subject; but when I refer to the general railroad law of Minnesota, the gentleman's own State, what do I find? And when I go to the statutes of the State of Illinois what do I find? Absolute power conferred upon any board of directors within the same to issue its stock for about anything they want to issue it. If the gentleman wants to inaugurate that principle why did he not begin earlier and at home? I have in my hand the statutes of Minnesota, and I ask the Clerk to read an extract from them. The Clerk read as follows:

Any railroad corporation now existing or hereafter created or organized by brunder any law of this land, general or special, shall have the power to create, issue, and dispose of special stock, preferred stock, and income certificates or such amounts, in such form, and for such purpose as may be determined on.

Mr. SCOTT. You need not go any further; that is enough. It will be seen by the general statutes of the State of Minnesota, which State the gentleman represents in part, that for such purposes as the board of directors may agree upon, capital stock may be issued. I will send up to have read an extract from the statutes of Illinois.

Mr. CLARDY. I would not read them all; state what they are. Mr. SCOTT. I ask the Clerk to read a brief extract from the stattites of Illinois.

The Clerk read as follows:

No such corporation shall issue any stock or bonds except for money, labor, br property actually received and applied to the purpose for which such corporation was organized.

Mr. SCOTT. It will be seen, sir, that virtually the language adopted by the conference committee is in perfect harmony with the statutes of these two States with regard to the issue of stock. Therefore I call attention of the House to this fact so they may understand this is nothing new-that it has existed and does now exist in the statutes of about every State in this Union. In referring to the other amendment of the gentleman from Minnesota [Mr.WILSON], in regard to prohibiting the transfer of stock which has not been fully paid, I stated yesterday in my remarks he could not point me to one single charter that has ever been granted where a certificate of stock partly paid was prohibited by any statute in force from being transferred or assigned between individuals. I do not raise the point as to the transfer of stock on the books of a company which has not been fully paid, because there is a distinction in the transfer on the books of a company and an assignment from A to B, and the title to stock passing from A to B. The gentleman's amendment prohibits the assignment of stock from A to B. It would virtually be impossible for the stock of this canal company to be subscribed if that provision should be retained in this charter.

We have got either to take the bill as it comes to us or reject it, and if we reject it the chances are it will fail to pass this session. I will not attempt to consider the importance of this canal. You can not pick up a daily paper that you do not realize the necessity for its construction. Isaw in this morning's Post that the Government's coal in the Samoan Islands is exhausted and the Secretary of the Navy is engaged in contracting for the delivery of 3,000 tons at those islands for the use of our ships which are going there to protect our interests. I find that the coal costs the Government less than \$3 a ton, while the transportation of coal from here to its destination is from \$12 to \$14 a ton via Cape Horn or the Cape of Good Hope. If this canal were in operation to-day that coal could be delivered to points in the Pacific Ocean at \$4 or \$5 per ton freightinstead of \$12 or \$14 per ton. Whether the Government pays \$12 or \$14 per ton or \$5 per ton is not a matter of material importance; but if you apply this great difference in cost to the transportation of the merchandise, I may say of the world, and especially of our own people, which would be saved by the construction of this canal, it becomes a very important question.

Mr. Speaker, I listened with a great deal of interest to the remarks

of the gentleman from Missouri [Mr. BLAND] in connection with this subject, and the reason which he gave for opposing it. I confess, sir, that to me it appeared a little foggy and disjointed; but I fully sympathize with him in this respect, as I have found myself in discussing questions in this House in the same situation.

There is one thing, sir, I learned early as a member of this House, that while I found no one member here knew everything, yet that the 325 members taken collectively represented an amount of learning that, spring what subject you might, it would strike some one as a familiar topic; and to make any statement here to stand uncontroverted, it was necessary to give it consideration and be sure it was right, or it hazarded a criticism when least expected. The explanation of the gentleman from Missouri [Mr. BLAND] this morning shows that he was materially mistaken in some of his statements made yesterday, and he as an honorable and high-minded gentleman has acknowledged that

During the discussion in connection with this bill the Monroe doctrine and the Clayton-Bulwer treaty, as well as our existing treaty with Nicaragua, have been reterred to. I have no doubt, sir, that every gentleman on the floor of this House has by heart what is known as the Monroe doctrine; but perhaps the country may not be as thoroughly conversant with it, and as it is very brief I will give it here. It is to be found in President Monroe's message of 1823, and if we confine ourselves to the language and meaning as expressed by President Monroe, it is utterly impossible to give it the construction that appears to be

given to it in this age:

In the discussions to which this interest has given rise, and in the arrangements in which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power.

It will be observed that President Monroe simply refers to colonization of any part of this continent by European powers. It does not relate to commercial relations, trade, or commerce with foreign powers of the states of North or South America. Whether the Clayton-Bulwer treaty is in force to-day or not, is a question in dispute between the two governments. It appears that the representatives of our Government claim that it is not; and after carefully reading the Clayton-Bulwer treaty, as I have, I can not but come to the conclusion that it is in perfect harmony and consistent with the Monroe doctrine, and in pursuance of the provisions of that treaty Great Britain has acknowledged it. It is true, sir, that the treaty relates to a canal which was never constructed through the territory of Nicaragua; but under that treaty Great Britain expressly agrees to abandon her protectorate over the Mosquito coast and the territory adjacent to where the proposed canal is proposed to be constructed.

In pursuance of the terms of the treaty both nations have pledged themselves that they would not fortify or in anywise take military possession of any territory on the Isthmus of Panama through which a canal could be constructed. It can not be overlooked that, for probably a century prior to the ratification of this treaty, Great Britain had acquired certain rights upon the Isthmus, long anterior to the date of the promulgation of the Monroe doctrine. There was no principle announced in the Monroe doctrine that we as a nation should colonize or take possession of the territory of any of our neighbors, but simply that we should not permit foreign powers to do so. It is true, sir, that Great Britain has not lived up strictly to the conditions, contained in that treaty, to be performed on her part. She did not withdraw her protectorate, or occupancy in fact, from certain territory on the Isthmus; but she has never positively asserted her control of that territory in the manner that she did prior to the date of the Clayton-Bulwer treaty; and no better evidence can be given in proof of this fact than when it became necessary for this Government to protect its interests on the Mosquito coast we sent a United States ship there and bombarded Greytown for the protection of American interests, and Great Britain did not raise the question that it was a casus belli against their Govern-

It appears to me, sir, that while Great Britain has not performed the obligations contained in that treaty, it is the true policy of this Government to maintain that she is bound by them. The treaty itself related, as I have said, to another canal, and whether the provisions of that treaty can be made applicable to an entirely different corporation proposing now to construct a canal across the Isthmus is a question that I do not propose to consider; but as far as I am able to judge, there are no prowhich it was then proposed to construct that would be detrimental to our interests now if applied to this company which it is proposed to grant a charter to. Sir, I think the time has about arrived in our history that we should abandon the methods of Bombastes Furioso, and that we should realize the fact that we are now one of the most powerful nations upon the earth, and that we should be exceedingly cautious as a nation in making any claims or assuming any exclusive privileges, from the fact that we are so powerful, not consistent with the rights of others, whether our equals or inferiors in population and wealth.

Here the hammer fell.] Mr. WILSON, of Minnesota. Mr. Speaker, the gentleman from Pennsylvania [Mr. Scott] concedes that if this provision—I now speak of the first provision, which requires that stock issued by this corporation shall be paid in money—he concedes that if that had been the rule hitherto it would have been good for the country. No one denies that, I think. But his argument is that it is unusual, that it is something new, and that inasmuch as it has not been the rule heretofore we

new, and that inasmuch as it has not been the rule heretofore we should not now introduce it as a new principle to be applied to this corporation. I think I have stated fairly his proposition.

Mr. Speaker, we have learned some lessons in the past, and if there is any one lesson that has been learned by us at greater expense than another it is that the people must guard themselves against the neverceasing, ever-increasing power of corporations of every class. At first, when we were less acquainted with them, we threw fewer restrictions around them. Why should we not continue to throw restrictions around them as the necessity therefor becomes apparent? To me this would seem to be the part of wisdom.

If this would have been a good rule heretofore the gentleman states no reason why it should not be adopted now and followed hereafter. He tacitly concedes, and the gentleman from Maryland [Mr. RAYNER]

He tacitly concedes, and the gentleman from Maryland [Mr. RAYNER] who yesterday with great eloquence and force argued in favor of the report of the conference committee conceded and expressly admitted, that as this bill now stands it affords great opportunity for fraud.

Under such circumstances it is not wisdom to follow in the path that

may lead to such a result, but rather to pursue such a course as will

guard against it.

The gentleman from Pennsylvania, after reading from the statutes of my State to show that payment for stock is in that State allowed to be made otherwise than in money, says, "Why did not the gentleman from Minnesota commence his reforms at home?"

I admit, Mr. Speaker, that corporations, not only in my State but in most of the States, have been able to obtain concessions of extraordinary and dangerous powers, and that not unfrequently they have used those powers to the detriment of the people. But even if it were conceded that the charters of corporations in none of the States have hitherto required that stock should be paid for only in money, yet when it is admitted that this has opened the door for great frauds, and when experience has taught us that it is frequently, or perhaps I might say generally true that it has resulted in great frauds, is it not meet that we should learn wisdom from such experience?

Until very lately there has been no legislation against trusts or against discriminations or extortionate charges by common carriers; therefore by parity of reasoning it might be urged that these illegal practices should not be forbidden now. We have learned by a very severe and dear experience that we must limit and control the great power of corporations or else they will become dangerous to the people

who created them.

And I hope my friend from Maine, and my other friends who agreed with me fully when this amendment was first offered, will not now be turned away in their zeal in favor of this public improvement-the importance of which I recognize, and for which I would go as far as he who goes farthest-I say I hope these gentlemen will not now turn away and hesitate about insisting on such prudent safeguards as the experience of the past has demonstrated to be necessary. The chairman of the committee in his opening argument said in this connection:

It can not be objected, Mr. Speaker, that a fabulous amount of stock may be issued; for, if the projectors of this great enterprise are to derive any benefit from it, such benefits must come from the stock, every increase of which will lessen its value.

I have heard the agents and advocates of corporations, when applying to Legislatures for enlarged powers, use just such language and make just such promises. But, alas, experience has shown that these promises have rarely been kept; that neither self-interest nor sense of duty has restrained the agents and officers of such artificial persons within bounds. Indeed, experience has shown that their interest is not usually in the line indicated. The issue of watered stock or unpaid-for stock has been one of the most common misdeeds of corporations misdeed that has unjustly taken from the people and put into the pockets of a class of men who grow rich by their wits hundreds of millions of dollars.

These corporations, I say, invariably tell us that it is unnecessary to place restrictions upon them because their interest in the enterprise is a sufficient check. But still, sir, notwithstanding their assertions, experience has demonstrated the contrary, and that we do need limita-tions and restrictions. Experience has shown that they do issue stock watered and unpaid for; and when such stock is issued it is unnecessary to argue to a body of intelligent men that it is with the purpose of collecting dividends on it, thus levying tribute upon the whole people to pay interest on a fictitious capital to men who have used their in-

fuence and position for illegal purposes.

Mr. KERR. Will the gentleman permit me to ask him if there is any case where you put a limit upon profits or what a man may receive upon his investment, so far as to say that the amount of stock issued

Mr. KERR. Does the amount of stock issued by a corporation in

any manner determine the rate of freight?

Mr. WILSON, of Minnesota. Yes, investments are made in these public improvements generally, I might say uniformly, for the income or profit that may be realized therefrom; and when the expense or cost of such an improvement is doubled the income must be doubled to pay a

reasonable interest, and it usually is doubled. I do not say that this is the uniform rule, because there are exceptions to nearly every rule.

And it is wholly immaterial that part of the stock may be issued without consideration or for a nominal consideration, for such stock can not be distinguished from that issued to honest investors for a valuable and full consideration. When such fraudulent stock is issued, if the honest investor who paid for his stock gets a return for his invest-ment the holders of the fraudulent stock must also receive a like return. To thus pay dividends on stock that represents no actual capi-tal must necessarily require an increase of the tolls and freights paid by the people. Mr. KERR.

Mr. KERR. But suppose it is said in reply to that that the stock so issued is fraudulent? The Legislature will say you can not expect us then to allow dividends on fraudulent stock.

Mr. WILSON, of Minnesota. No, sir. Who is to distinguish the fraudulent from the honest stock? Who can? You can not say this is the stock that was issued for nothing and which is a fraud upon the public, and that is the stock for which the honest stockholder paid his money; and therefore you must rob the honest stockholder or pay interest or dividends on the watered stock and thus rob the public.

terest or dividends on the watered stock and thus rob the public.

Mr. KERR. Now answer the other question. Is there any rate of interest which the law requires to be paid on any investment of stock? Is there, in the nature of things, any such rate of interest or dividend which must be paid upon any stock?

Mr. WILSON, of Minnesota. Oh, no.

Mr. KERR. Well, then, what is the use of talking?

Mr. WILSON, of Minnesota. I am talking about what the effect is of issuing watered and fraudulent stock, and I think that any man of as much intelligence as the gentleman from Iowa can not deny that it is issued for the purpose of cetting dividends on it, and that ordinarily is issued for the purpose of getting dividends on it, and that ordinarily such dividends are gotten, and if gotten they are ultimately taken from the people.

Mr. KERR.

Mr. KERR. But in Iowa they do not accomplish that result. Mr. WILSON, of Minnesota. If not, then the man who honestly Mr. WILSON, of Minnesota. If not, then the man who honesdy invests his money is beaten; and I am not willing to adopt or follow a rule that requires us, for the purpose of paying tribute to dishonest men, to wrong either honest men or the people generally.

Here the hammer fell,

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. CLARDY. I yield five minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. I did not desire to speak in my Mr. O'NEILL, of Pennsylvania. I did not desire to speak in my own time yesterday or to-day as one of the conferees, because I found that the gentleman from Missouri [Mr. CLARDY] and the gentleman from Maryland [Mr. RAYNER] had explained so fully and so impressively, as I thought, to this House the logic of the reasons which led the conferees to present this conference report and to ask the House to adopt it. I favor this enterprise upon general principles, and, Mr. Speaker, my desire now to speak for the moment or two which I will occupy is to go upon record as favoring this great enterprise—this great international enterprise—I want to go upon the record as favoring it, and hence I have risen to say a word.

and hence I have risen to say a word.

Now, sir, I will say to my friend from Minnesota, who is an exceedingly clear-minded man, a gentleman who looks well into every subject upon which he feels interested as a member of Congress, that he need have no fear that the people can be deluded if this conference report is adopted. He has warned the people against the watered ence report is adopted. He has warned the people against the watered stock that he fears may be issued by this company. I have the Philadelphia papers of yesterday afternoon and of this morning. They have his remarks, not in full, but they have the point that he has made. My constituents are warned. The people of Pennsylvania are warned of what they should do and what they should not do, as suggested by the gentleman from Minnesota. And, Mr. Speaker, if I have any reputation at all, it is that I am apt to care for the interests of the people I represent immediately from the city of Philadelphia, as well as the people of my State. [Applause.] And I want to maintain that reputation. I am willing that my name should go down to posterity as a member of the House of Representatives caring for the interests of his people. But the gentleman from Minnesota has given this warning, and he can rest satisfied in his conscience that he has done his full duty to the people of this country, which I am sure he

Mr. Speaker, I will say this: It matters not to me who the incorporators of this company are, so that they are men who can give capital to this great enterprise, and who can attract others to give their capital to its building and completion. It is too great an enterprise to be destroyed even in the slightest degree by conditions of any kind; and I will say this, that the conferees did endeavor to bring this report into the House

so that it would meet the acquiescence of the members here.

Why, sir, it may not be according to the rules to refer to the other branch of the legislative body of this country, but I want to ask if you

could select anywhere in this country, in Congress or out of it, in the Senate or in the House of Representatives, greater legal minds than the Senatorial conferees—Senator SHERMAN, Senator EDMUNDS, and Senator MORGAN? I would like to know where they can be found. And they gave their time and attention to this subject in connection with the House conferees, guarding every possible interest, or attempting to do it, and to allow to be kept upon this bill limitations of the powers which would lead to a legitimate building of the great enterprise.

We have built the Pacific railroads from the Pacific to the Atlantic. I wish I had been in Congress at the inception of that great idea. was here perhaps to aid in legislation in some part. Maybe some of the matters connected with those roads may be criticised as to who had the control of those roads; but we have crossed the continent from the Atlantic to the Pacific. Now, I say let us build this great international work, and let us give to capitalists the chance to put their money into it without aiding to destroy it by improper amendments. [Applause,

Mr. CLARDY. I yield five minutes to the gentleman from Kansas

[Mr. PETERS]

Mr. PETERS. I am in hearty sympathy with the object sought to be accomplished by the legislation under consideration. It seems to me that the shortening of the water route between the West and the East by thousands of miles is one that should attract the attention of

legislators in both branches of Congres

The situation of our country is such that we have everything to gain and nothing to lose by the chartering of this company. It certainly will not increase the cost of transportation between the West and the East if this water route is established. In the opinion of all who have spoken upon this question, the necessary tendency of this legislation will be to decrease the cost of transportation between the West and the Not only this, but one of the objects sought to be accomplished by this bill is to open up this water route under the auspices of the American nation, and by the granting of this charter and by the pro-visions contained in it we retain future control over this canal if it is built. Now, in order to carry out this project a large amount of capital is necessary, and the investment is an uncertain one. It is not known whether this will be a remunerative investment or not. It is almost impossible at this stage to obtain a correct estimate, either of the cost or the value of the enterprise, and if the investment is an uncertain one, then capital must have some extraordinary incentive to induce it to invest.

Why is it that capital now invests in Government bonds at a nominal rate of 3 or 4 per cent. interest? It is because the investment is an absolutely safe one. It was not so when the life of our country was in danger, when we were fighting to maintain its very existence, and accordingly extraordinary inducements had to be held out to capital to invest in our bonds at that time. So it is with this project; if you desire capital to invest in it, you must hold out extraordinary inducements as a compensation for the risk that capital must incur in the enterprise. Now, if the proposition that all the stock must be paid for in cash at par is to be placed in this charter, then you simply require capital to agree to take all the risk and yet to receive no greater remuneration than it can now obtain from investments that are absolutely muneration than it can now obtain from investments that are absolutely certain. You require that the capitalist who invests in this enterprise shall be satisfied with the same return that he can obtain by an abso-

lutely certain investment in Government bonds.

Mr. COBB. What extraordinary inducement do you propose that the Government shall hold out to the projectors of this enterprise?

Mr. PETERS. I believe, Mr. Speaker, that the Government should hold out to the projectors of this enterprise and to the capital that engages in it the inducement of ample remuneration for the risk which it takes, as well as for the use of the capital that is invested. But, aside from all that, if there ever comes a time, as is apprehended by some of the gentlemen who have spoken against this proposition, when the capital invested in this enterprise shall attempt to oppress the public, why then we have, by the very terms of this charter, the right to enact such laws as will prevent anything of the kind, because in the provisions of this bill we reserve to the Congress of the United States the right to

amend or repeal any or all of the provisions of this charter.

Mr. CLARDY. I yield two minutes to the gentleman from Alabama

[Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, during the little time allotted to me in the closing moments of the debate upon this important question I desire to express myself as most thoroughly in favor of the passage of this bill; and that the votes now to be taken will be an overwhelming victory for the friends of the measure I do not think there can be a shadow of doubt. The long and able discussion upon the bill has only tended to strengthen the views of its adherents and add recruits to the increasing majority who will now record their votes in its favor. The advocacy of the bill is a demand for progress and development.

While other nations are exercising their power to the fullest extent possible to expand their commerce, and in that way to increase their prestige as nations and the wealth of their people, I do not think we have a right to refuse to our own citizens the simple aid of a charter to authorize them to open this great work, which will do more than anything else that has been proposed to extend the commerce and trade

of the United States. In the existing condition of our country, when the products of our farms and factories so far exceed the purchasing power of our people, it seems to me, Mr. Speaker that we might go far beyond what is contemplated in this bill in opening this great highway which will do so much towards restoring the commercial supremacy of our country. England, France, Germany, and other nations are aiding the laudable efforts of their citizens for the extension of trade and commerce; we are asked by the opponents of this bill to repose quietly while the best fields of enterprise are being occupied by our rivals.

We are told to do nothing, while European nations are extending their commerce and influence to every port on the globe. We are asked to reject the inviting field of enterprise which the pro-

jectors of the Nicaragua Canal tender to the people of the United States. The completion of this great work will make the Gult of Mexico the center of commerce of the world. It will put new life into all the ports of that great inland ocean. They will become coaling stations for the navies and merchant marine of the globe. The ships of all nations would then come to our Gulf, our Atlantic, and our Pacific ports.

New business would spring up with all our sister republics of South America, and we would practically control the trade of the Pacific coast

of that great country.

Our almost lost commercial relations with China and India would be restored and our supremacy upon the ocean would once more be regained.

Here the hammer fell.]

Mr. CLARDY. Mr. Speaker, I can readily understand why gentle-men who believe as my friend from Alabama [Mr. Cobb] does, that Congress has no power to pass the bill under consideration, should manifest an earnest interest in trying to defeat its passage; but I confess my inability to properly estimate the zeal displayed by gentlemen who do not regard the measure as subject to any constitutional objec-

I can not conclude that they are unmindful of the revolution that will be wrought in the world's commerce by uniting the oceans by means of a canal, or that they are indifferent to the commercial pros perity of our country, but I must think they underestimate the diffi-culties that would confront the projectors of this great work with the most liberal charter that could be granted. I am frank to say that even if I believed that the bill gave to the incorporators the advan-tages indicated by gentlemen, which it does not, I should support it. I have a great regard for the people who have money to invest in corporate stocks, but my tender affection for them does not cause me to

be ambitious of making them the wards of the nation.

I would do no injustice to the poor people who have an abundance of money to convert into canal stock; but I would like to do something for the American citizens who propose to reduce the distance from New York to San Francisco 8,800 miles, and make the latter city 9,000 miles nearer New Orleans than it is to-day. The Government has declined to enter into a treaty for the building of a canal across the Isthmus, and we are about to serve notice on the nations of the world that they shall not build it; yet when a simple proposition is made to clothe with corporate powers an association of American citizens to enter upon the work, without expense to the Government, and with absolute exemption from all liability, gentlemen urge that they should be denied the right that belongs to all corporations of a similar kind, to pay stock for work and labor and property necessary to carry out the purposes of its cre-

I have hardly time to advert to the argument made by the gentleman from Minnesota [Mr. Wilson]. He seems to think that anything in the bill is more tolerable than that part of it which authorizes the payment of stock for work and labor. The railroad companies of the country, great and small, have issued stock for such purposes under charters that did not specifically authorize them to do so, and they had the right so to do because they were availing themselves of a power inciright so to do, because they were availing themselves of a power incident to their corporate character. The Senate bill, considered by a committee of this House, of which my friend from Minnesota is a member, would have authorized the exchange of stock for work and labor done and for materials used in the construction of the canal.

Why should we apply a different rule to this great commercial enter-prise? Why, I ask, should we put into this bill restrictions which are not to be found in the laws of any State of this Union in relation to the

government of corporations?

I know that my friend from Minnesota was originally in favor of the I regret exceedingly that he came across, as he indicated yesterday he did, an amendment which had been prepared by Judge ED-MUNDS, and on his motion put on the Atlantic and Pacific Ship-Railway bill. If my friend had known that the Senator's purpose was perhaps to kill that bill, because it committed the United States to the payment of the interest on certain of the bonds of the ship-railway company, and that the amendment had the desired effect, he might not have insisted on making it a part of this bill.

And having referred to the ship-railway bill let me say, Mr. Speaker,

that I think all the Representatives from Missouri, including my distinguished colleague [Mr. BLAND], favored the ship-railway bill, and that bill proposed not only to grant a charter to a company but to

guaranty the interest on its bonds. Why my friend from Missouri did not discover that it was necessary to put an amendment on that bill by which the United States Government could control and regulate and actually fix the quantum of tolls, I can not conjecture. Mr. BLAND. That bill was never before this House; I was never

committed to it at all. When it came from the Senate it had on it the very amendment which I have offered to this bill.

Mr. CLARDY. Would the gentleman have voted for the bill with

that amendment on it?

Mr. BLAND. I do not say whether I would or would not. I was never committed to it.

Mr. CLARDY. Ah, but the gentleman comes in here and his apology for opposing this bill is that this provision is not on it. Mr Speaker, he had an opportunity to show his contempt for the Clayton-Bulwer treaty and to flaunt the flag of defiance in the face of John Bull on the 4th day of January last. He had his amendment put on the bill; other opponents of the measure had their amendments put on it. Yet my colleague from Missouri marched up and cast his vote against the whole measure, amendments and all. So that his opposition is not because the amendment that he seeks to ingraft upon the bill is not on it; but it may be because he has got into the habit of opposing things; he is like Bill Arp's horse, "He's got agoin and can't stop." [Laughter.]

[Here the hammer fell.]

The SPEAKER. Under the order of the House the time for debate on this subject has expired. The question is now on agreeing to the report of the committee of conference.

Mr. HOLMAN. I call for the yeas and nays.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. I under-

stand that this report must be adopted or rejected as a whole.

The SPEAKER. It must be voted upon as a whole. If the report be rejected, the amendments will then be open for separate considera-

The yeas and nays were ordered, 60 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas
178, nays 60, not voting 84; as follows:

	YE	AS-178.	
Abbott,	Davidson, Fla.	Laffoon,	Rayner,
Adams,	Davis.	Lagan,	Richardson,
Allen, Mass.	Dibble,	Laidlaw,	Rockwell,
Anderson, Ill.	Dingley,	Landes,	Rowell,
Arnold,	Dockery,	Latham,	Russell, Mass.
Atkinson,	Dorsey,	Lee,	Rusk,
Baker, N. Y.	Dunham,	Long,	Sawyer,
Bankhead,	Dunn,	Maedonald,	Scott,
Barnes,	Elliott,	Mansur,	Scull,
Belden,	Farquhar,	Mason,	Seymour,
Bliss,	Felton,	Matson,	Simmons.
Bound,	Fitch,	McAdoo,	Smith,
Brown, T. H. B. , Va	. Foran,	McClammy,	Spinola,
Browne, Ind.	Ford,	McComas,	Spooner,
Brown, Ohio	Funston,	McCormick,	Springer,
Brown, J. R., Va.	Gallinger,	McCreary,	Stephenson,
Brumm,	Gay,	McKinley,	Stewart, Tex.
Bryce,	Gear,	McKinney,	Stewart, Vt.
Buchanan,	Gibson,	McMillin,	Stone, Ky.
Burnett,	Glover,	Merriman,	Stone, Mo.
Burrows,	Grout,	Milliken,	Struble,
Butler,	Guenther,	Moffitt,	Symes,
Bynum,	Hatch,	Moore,	Tarsney,
Campbell, TJ., N.	.Haugen,	Morrill,	Taulbee,
Cannon,	Hayden,	Newton,	Taylor, E. B., Ohio
Carlton,	Hayes,	Nichols,	Thomas, Ky.
Caruth,	Heard,	Norwood,	Thomas, Ill.
Caswell,	Hemphill,	Oates,	Thomas, Wis.
Catchings,	Henderson, Iowa	O'Donnell,	Townshend,
Chipman,	Herbert,	O'Neill, Pa.	Vance,
Clardy,	Hermann,	O'Neill, Mo.	Vandever,
Cogswell,	Hiestand,	Osborne,	Wade,
Collins,	Hires,	Outhwaite,	Walker,
Compton,	Hitt,	Owen,	Weaver,
Conger.	Holmes,	Parker,	Weber,
Cooper,	Hopkins, N. Y.	Patton,	West,
Cothran,	Howard,	Payson,	Wheeler,
Cowles,	Hudd,	Peel,	Whiting, Mass.
Cox.	Hutton,	Perkins,	Wickham,
Crisp,	Johnston, Ind.	Perry,	Williams,
Crouse,	Jones,	Peters,	Woodburn,
Dargan,	Kelley,	Phelps,	Yardley,
Darlington,	Kennedy,	Plumb,	Yoder.
Davenport,	Kerr,	Posey,	
Davidson, Ala.	Ketcham,	Pugsley,	
	NA	YS-60.	

llen, Mich.	Clements,	Hopkins, Va.	Nelson,
nderson, Iowa	Cobb.	Jackson,	Penington,
nderson, Miss.	Culberson,	Johnston, N.C.	Randall,
nderson, Kans.	Cummings,	Kilgore,	Rogers,
aker, Ill.	Finley,	La Follette,	Rowland,
land,	Forney,	Lane,	Sayers,
oothman,	Fuller,	Lanham,	Seney,
reckinridge, Ark.	Gest,	Lehlbach,	Shively,
reckinridge, Ky.	Glass,	Lind,	Stewart, Ga.
rewer,	Grimes,	Maish,	Stockdale,
uckalew.	Hare,	Martin,	Thompson, Ohio
utterworth,	Harmer,	McKenna,	Tracey,
ampbell, F., N.Y.	Henderson, Ill.	McRae,	Turner, Ga.
andler.	Holman,	Montgomery,	Wilson, Minn.
headle,	Hooker,	Morgan,	Wilson, W. Va.

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#### NOT VOTING-84.

Allen, Miss.	Enloe.	Lynch.	Shaw,
Bacon,	Ermentrout,	Maffett.	Sherman,
Barry,	Fisher,	Mahoney.	Snyder,
Bayne,	Flood,	McCullogh,	Sowden,
Biggs,	French,	McShane,	Stahlnecker,
Bingham,	Gaines,	Mills,	Steele,
Blanchard,	Goff,	Morrow.	Taylor, J. D., Ohic
Blount,	Granger,	Morse,	Thompson, Cal.
Boutelle,	Greenman,	Neal,	Tillman,
Bowden,	Grosvenor,	Nutting,	Turner, Kans.
Bowen,	Hall,	O'Ferrall,	Warner,
Brower,	Henderson, N. C.	O'Neall, Ind.	Washington,
Bunnell,	Hogg,	Phelan,	White, Ind.
Campbell, Ohio	Hopkins, Ill.	Pidcock,	White, N. Y.
Clark,	Houk,	Post,	Whiting, Mich.
Cockran,	Hunter,	Reed,	Whitthorne,
Crain,	Kean,	Rice,	Wilber,
Cutcheon,	Laird,	Robertson,	Wilkins,
Dalzell,	Lawler,	Romeis,	Wilkinson,
De Lano,	Lodge,	Russell, Conn.	Wise,
Dougherty,	Lyman,	Ryan,	Yost.

So the conference report was adopted. On motion of Mr. HATCH, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. FISHER with Mr. RUSSELL, of Connecticut,

Mr. WHITTHORNE with Mr. LYMAN. Mr. MAHONEY with Mr. BUNNELL.

Mr. BARRY with Mr. ALLEN, of Massachusetts.

Mr. PIDCOCK with Mr. BOWDEN. Mr. McShane with Mr. Laird. Mr. Snyder with Mr. Bowen.

Mr. Greenman with Mr. Sherman. Mr. Wise with Mr. Goff.

Mr. NEAL with Mr. Houk. Mr. PHELAN with Mr. DE LANO.

Mr. O'NEALL, of Indiana, with Mr. GROSVENOR. Mr. Hogg with Mr. Joseph D. TAYLOR.

Mr. HOGG WITH Mr. JOSEPH D. LATTON Mr. COCKRAN with Mr. WILBER. The following were announced as being paired for this day: Mr. ALLEN, of Mississippi, with Mr. BAYNE. Mr. WILKINS with Mr. REED.

Mr. Granger with Mr. Steele. Mr. Ermenteuut with Mr. Nutting. Mr. Dougherty with Mr. Warner. Mr. O'Ferrall with Mr. Cutcheon.

Mr. TILLMAN with Mr. Post. Mr. Crain with Mr. Whiting, of Michigan, on this vote.

Mr. BLOUNT with Mr. BINGHAM. Mr. BIGGS with Mr. MORROW.

Mr. BIGGS WITH Mr. MORROW.

Mr. ENLOE with Mr. ROBERTSON, on this bill. If present, Mr. ROBERTSON would vote for and Mr. ENLOE against the bill.

Mr. WILKINSON with Mr. LYNCH, on this bill. If present, Mr. WILKINSON would vote for and Mr. LYNCH against the bill.

Mr. RICE with Mr. FRENCH, on this bill. If present, Mr. RICE would vote for and Mr. FRENCH against the bill.

Mr. THOMPSON, of California, with Mr. GAINES, for this day.
Mr. WASHINGTON with Mr. FELTON, for this day.

Mr. Stahlnecker with Mr. Clark, for this day.
Mr. Lawler with Mr. Yost, for this day.
Mr. Sowden with Mr. Brower, on this vote.
Mr. Buchanan: Mr. Speaker, my colleague, Mr. Kean, is necessarily detained from the House. If present, he would vote "yea."

The result of the vote was then announced as above recorded (the

announcement being received with applause).

Mr. CLARDY. Mr. Speaker, I now ask unanimous consent that

gentlemen who desire to do so may have the privilege of printing remarks in the RECORD on this report.

There was no objection, and it was so ordered.

#### ORDER OF BUSINESS

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. DINGLEY. I desire to present a privileged report, which will

take but a few minutes.

The SPEAKER. The privileged report has preference over the mo-tion of the gentleman from Missouri.

## SEAL FISHERIES, BEHRING SEA.

Mr. DINGLEY. By direction of the Committee on the Merchant Marine and Fisheries, I send to the desk a resolution of inquiry and ask its adoption with an amendment.

The Clerk read as follows:

Resolved. That the Secretary of the Treasury be, and is hereby, requested to inform the House what orders were given to the commander of the United States revenue-cutter Richard Rush in reference to the protection of the seal fisheries in Behring Sea, in the spring and summer of 1888, and whether such instructions differed from those given the same commander in the season of

1887; and if so, what reason existed for any material change in such instructions; and the Secretary of the Treasury is further requested to transmit to the House copies of all orders given to the commanders of United States vessels charged with the protection of the seal fisheries in the seasons of 1886, 1887, and 1888.

The committee recommend the adoption of the following amendment: Insert, after the word "House," in line 2 of the resolution, as follows: "If compatible with the public interests."

Mr. DINGLEY. Mr. Speaker, without taking the time of the House in explaining the importance of the information called for, I ask consent to print in the RECORD in lieu of debate certain extracts from the evidence taken by the committee which will show the pertinency of the resolution of inquiry

Mr. DUNN. I could not hear the reading of the resolution. What

was the purport of it?

The SPEAKER. It is a resolution of inquiry addressed to the Secretary of the Treasury in relation to the instructions given to the revenue-marine service in regard to the protection of seal life in Behring

Mr. DUNN. I desire to ask if it contains the provision "if compat-The SPEAKER. That is proposed as an amendment.

Mr. DUNN. That is all right.

The SPEAKER. Is there objection to the request of the gentleman from Maine to print certain extracts from this testimony?

There was no objection, and it was so ordered.

The amendment recommended by the committee was adopted.

The resolution as amended was adopted.

Mr. DINGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid

The latter motion was agreed to.

Mr. STRUBLE. I rise to a privileged question.
Mr. BRECKINRIDGE, of Kentucky. What was the request of the

gentleman from Maine?

The SPEAKER. The gentleman from Maine asked consent to have printed in the RECORD certain extracts from the testimony taken by the committee, to which no objection was made.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. DINGLEY. It is now too late.

The SPEAKER. It was submitted to the House and no objection was made.

Mr. BRECKINRIDGE, of Kentucky. I could not hear the request. Mr. DINGLEY. Well, Mr. Speaker, if the consent is not given I will simply take the time in my own right to have these extracts read from the desk.

The SPEAKER. The Chair understands the gentleman from Kentucky as stating that he was unable to hear the request and now interposes objection.

Mr. DINGLEY. Then I take the floor in my own right, Mr.

Speaker.
The SPEAKER. But the resolution has been agreed to.
Mr. DINGLEY. But I stated that I would not occupy the time, as was then my right, if the consent was given to have these extracts printed in the RECORD, which request was granted.

The SPEAKER. The gentleman from Maine made the statement that in order to save time he would simply ask to have the extracts

printed.

Mr. DINGLEY. And does not the objection come too late?
The SPEAKER. It has always been the practice of the Chair to allow a gentleman who claimed not to have been able to hear what was going on the privilege of interposing objection, if it was his desire to do so, when a request for unanimous consent is submitted.

Mr. DINGLEY. Then, in view of that, Mr. Speaker, I ask to have the votes on the resolution considered as vacated, and take the floor on

the proposition in my own right.

The SPEAKER. The Chair would consider the resolution as not having passed, under the circumstances, because the gentleman from Maine stated that in lieu of debate he would ask to have certain mat-

ter printed.

Mr. DINGLEY. As showing the pertinency of the resolution which Mr. DINGLEY. As showing the pertinency of the resolution which has just been reported from the Committee on Merchant Marine and Fisheries, and the importance of having copies of the instructions to which I referred, I ask the Clerk to read in my time the following extracts of the evidence taken by the Committee on Merchant Marine and Fisheries, as it will be found in the testimony of Captain Shepherd, of the revenue-cutter Richard Rush, relating to the protection of seal life in Behring Sea during the seasons of 1887 and of 1888.

Mr. SPRINGER. I ask unanimous consent that it be printed in

the RECORD.

The SPEAKER. That request has been made and objected to.
Mr. BRECKINRIDGE, of Kentucky. The confusion is so great that

it is impossible for us to hear.

Mr. DINGLEY. I think I will have it read.

The Clerk read as follows:

Question to Captain Shepherd: Do you have any opinion as to the probable extent of the destruction of seals [in Behring Sea and other Alaskan waters] by the unlawful hunters?

Answer by Captain Shepherd: During the season of 1887 I estimated that they killed about 40,000 seals, and would have taken 20,000 more had no seizures been made. We captured fifteen vessels, on board of which we found 12,000 skins.

12,000 skins.
Q. You estimate the destruction of seals, then, by marauders, at 40,000?
A. In 1887 I estimated the number to be about 40,000. This last season the number was about 25,000 or 25,000.
Q. It so happened that last year there were no seizures made?
A. No, sir.

A. No, sir.

Cross-examination by Mr. DINGLEY:
Q. Why were no seizures made last season?
A. I found no vessels violating the law, according to the instructions I received from the Treasury Department in regard to the taking of fur-seals up there.
Q. There were instructions issued by the Treasury Department in regard to vessels catching seals unlawfully?
A. I found no vessels liable to seizure under the instructions I received.
Q. Do you mean to say these were no illegal catchings?
A. No, sir; I do not say that.
Q. There were vessels catching seals illegally?
A. I saw vessels in Behring Sea, apparently for the purpose of taking seals.
Q. Eat under your instructions you could not seize them?
A. No, sir.
Q. Will you state to the committee how those instructions varied from the instructions previously given? How were they different from the instructions in 1887?

In 1857? A. I received confidential instructions from the Treasury Department, which were returned to the Department by their orders. If it is all the same to the committee, I would ask that it apply to the Secretary of the Treasury for a copy of those instructions, rather than ask me to divulge them.

Mr. DINGLEY. I did not intend to add anything to the testimony which has been read. But inasmuch as objection was made to my request to print it without reading, and the confusion has prevented members from distinctly hearing its purport, gentlemen around me desire that I should explain its purport. Captain Shepherd, who appeared before the Committee on Merchant Marine and Fisheries in their investigation into the seal fisheries in Alaskan waters, testified that he was in command of the revenue-cutter Richard Rush, and was charged with the protection of seal life in those waters in the season of 1887 and in that of 1888. He testified that in 1887 there were a large number of vessels seized in Behring Sea for illegally catching seals, and twelve thousand seal-skins were captured. He also testified that in 1888, notwithstanding there were vessels illegally sealing in those waters, none of them were seized; and when asked why none of them were captured, said that his instructions in 1888 would not admit of it. And when he was further inquired of in what respect these instructions differed from those of 1887, he replied that his instructions were secret and were returned to the Treasury Department, and that he preferred we should call upon the Treasury Department to furnish copies of the orders. And this resolution, which has been reported by instruction of the committhis resolution, which has been reported by instruction of the commit-tee, asks the Treasury Department for copies of the instructions given in 1888, in consequence of which, as Captain Shepherd testifies, seal life in Behring Sea was not protected in Behring Sea by the revenue-cutter as it had been in 1887. I do not deem it proper to make any comments on these disclosures by Captain Shepherd until the Treasury Department has an opportunity to forward to the House copies of the orders and make whatever explanation is thought proper.

Now, Mr. Speaker, I move the previous question on the adoption of

the resolution and amendment.

Mr. BRECKINRIDGE, of Kentucky. I wish to say a word or two on that

Mr. DINGLEY. Then I withdraw the demand for the previous

Mr. DINGLEY. Then I withdraw the demand for the previous question. How much time does the gentleman want?

Mr. BRECKINRIDGE, of Kentucky. A minute or two.

Mr. DINGLEY. I yield that time to the gentleman.

Mr. BRECKINRIDGE, of Kentucky. The ground of my objection to putting this into the RECORD was to this extent: I was not present at the meeting of the committee which instructed a report on the restaution and committee which instructed a report on the restaution and committee which instructed as a member of committee which instructed a report on the restaution and committee which instructed a report on the restaution and committee which instructed a report on the restaution and committee which instructed a report on the restaution and committee which instructed a report on the restaution and committee which instructed as the restaution of the previous committee which is a second commi olution and amendment, but I did not want to stand by as a member of that committee and have it seem that the committee had directed the gentleman in making that report to select excerpts from the very large amount of testimony giving a color very different from the whole testimony. That did not seem to be fair. Therefore I objected. That is the only statement I desire to make to the statement of the gentleman from Maine

Mr. DINGLEY. On that point I desire simply to say that the extracts selected were all of those that bore upon the question of instructions at all. There were none other to be selected, and if any other had been selected they would not have borne on this question. Furthermore, I distinctly stated that these extracts were to be printed as part of my remarks and not as part of the report of the committee. Moreover, these extracts show exactly the purport of Captain Shepherd's testimony. Whether Captain Shepherd has stated the facts as the Treasury Department understands them is what the committee seek to learn by the resolution of inquiry.

Mr. BRECKINRIDGE, of Kentucky. I simply desire to say that the committee authorized the gentleman to report the resolution.

Mr. DINGLEY. Precisely.

Mr. BRECKINRIDGE, of Kentucky. That was all. As a member of the committee I did not desire to sit by and seem to indorse the manner of the selection of these excerpts, nor do I now desire to seem to indorse the last statement that the gentleman has made. That was

Mr. DINGLEY. No further statement is needed in reply to what

the gentleman from Kentucky has said, and I now move the previous question.

The previous question was ordered.

The amendment of the committee was agreed to, and the resolution

as amended was passed.

Mr. DINGLEY moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills of the following titles; in which concurrence was

A bill (S. 2714) for the relief of Thomas Lannigan;

A bill (S. 3795) granting to the Big Horn Southern Railroad Company the right of way across the Fort Custer military reservation, Montana; and

A bill (S. 3419) providing for an additional associate justice of the supreme court of Iowa, and for other purposes.

The message further announced that the Senate had passed House bills and joint resolution of the following titles:

A bill (H. R. 3132) for the relief of David A. Haywood; A bill (H. R. 500) for the relief of William R. Blakeslee; and Joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn on European dock-yards.

It also announced concurrence in resolution for printing extra numbers of the proceedings, testimony, documents, and consular reports submitted to the select committee to inquire into the importation of contract laborers, paupers, etc.

#### MRS. GENERAL WARD B. BURNETT.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] calls

up a privileged question.

Mr. STRUBLE. It is the question of reconsidering the vote of the House upon a bill the title of which I will ask the Clerk to read.

The Clerk read as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett.

Mr. HATCH. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. HATCH. Is that a privileged question? The SPEAKER. It is a motion to reconsider.

Mr. HATCH. Then I raise the question of consideration.
Mr. STRUBLE. I hope this bill will be considered now. I would

like to have it disposed of in one way or another.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. STRUBLE. Division.

The House divided; and there were-ayes 69, noes 76.

So the House refused to reconsider the vote.

#### ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into Committee

of the Whole for the consideration of appropriation bills.

The SPEAKER. The motion is pending, but while it is pending the gentleman from Pennsylvania [Mr. O'NEILL] rises to a privileged

Mr. O'NEILL, of Pennsylvania. I move that the House now proceed to the consideration of the bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory, which was reported from the Committee of the Whole with the previous question ordered upon it, and which has been postponed from July 6 last until the present time, because we never could get to this Calendar.

cause we never could get to this Calendar.

Mr. HATCH. Mr. Speaker, is that a privileged matter?

The SPEAKER. It is.

Mr. O'NEILL, of Pennsylvania. And I think that we should now pass the bill without further delay.

The SPEAKER. The Chair will say to the gentleman from Missouri [Mr. HATCH] that his motion is not in order until after the call

of committees, which has not yet been dispensed with.

Mr. HATCH. But I think the Chair will find that the gentleman from Missouri [Mr. CLARDY] asked unanimous consent this morning to dispense with the morning hour.

Several MEMBERS. No, no.

Mr. HATCH. It was so understood.

The SPEAKER. Still, the bill called up by the gentleman from

The SPEAKER. Still, the bill called up by the general and Pennsylvania is a privileged matter.

Mr. HATCH. I raise the question of consideration against it.

Mr. O'NEILL, of Pennsylvania. Just one moment, Mr. Speaker.

[Cries of "Regular order!"]

Mr. O'NEILL, of Pennsylvania. I appeal to the House to let this bill be taken up and passed, now that we have a quorum present.

The SPEAKER. A number of these pension cases have come over from Evidence against sessions with the previous question ordered upon from Friday evening sessions with the previous question ordered upon them, and under the practice of the House they are entitled to be called up at any time.

Mr. O'NEILL, of Pennsylvania. I appeal to the gentleman from Missouri [Mr. HATCH] to let this bill be considered now.
Mr. HATCH. And I appeal to the gentleman from Pennsylvania

not to stand in the way of a general appropriation bill.
The SPEAKER. This motion is not debatable.

Mr. O'NEILL, of Pennsylvania. I think we should not wait—
The SPEAKER. This motion is not debatable. The question is, Will the House proceed to consider the bill called up by the gentleman from Pennsylvania [Mr. O'NEILL]?

The House divided; and there were—ayes 63, noes 72.

Mr. O'NEILL, of Pennsylvania. No quorum has voted. I demand tellers. I am in carnest about this matter.

tellers. I am in earnest about this matter.

[Cries of "Regular order!"]
The SPEAKER. The point is made that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. O'Neill] and the gentleman from Missouri [Mr. Hatch].

The House divided; and the tellers reported—ayes 89, noes 83.

Mr. HATCH. I ask for the yeas and nays.

The yeas and nays were ordered, 40 members voting therefor.
Mr. HATCH. There has been so much confusion in the Hall, Mr.
Speaker, that some gentlemen desire the Chair to state the question again,

The SPEAKER. The confusion is on the floor. The Chair has been endeavoring to secure order in the House. The gentleman from Pennsylvania [Mr. O'NEILL] calls up for consideration the bill the title of which the Clerk will read.

Mr. O'NEILL, of Pennsylvania. It is Mrs. General Emory's increase of pension bill.

The Clerk read as follows:

A bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory.

The SPEAKER. Upon this the gentleman from Missouri [Mr. HATCH] raises the question of consideration. The question is, Will the House now proceed to consider the bill?

The question was taken; and it was decided in the affirmative-

yeas 103, nays 98, not voting 121; as follows:

dams,	Davis,
llen, Mass.	Dingley,
llen, Mich.	Dunham,
nderson, Iowa	Ermentrou
nderson, Kans.	Farquhar,
tkinson,	Finley.
aker, N. Y.	Fitch,
elden,	Fuller,
lliss,	Gallinger,
loothman,	Gear.
Soutelle,	Gest,
lowden,	Grout,
rowne, T.H.B., V	a.Guenther,
rown, Ohio	Haugen,
rown, J. R., Va.	Hayden,
uchanan,	Hayes,
turrows,	Henderson
Butler,	Hermann,
lutterworth,	Hiestand,
ampbell, T.J., N.	Y. Holmes,
aswell,	Hopkins, N
looper,	Hunter,
rouse,	Jackson,
ummings,	Johnston, I
arlington.	Kennedy.

Davenport,

Abbott, Anderson, Ill. Baker, Ill. Bankhead,

Bryce, Buckalew, Burnett,

Cheadle

Cheadle, Chipman, Clardy, Cobb, Conger, Cothran, Cowles,

Crain,

Bynum, Campbell, Ohio Candler, Caruth, Catchings,

Biggs, Bland, Breckinridge, Ark, Breckinridge, Ky.

YEAS-103. III. .Y. nd. Ketcham.

S-103.

La Follette,
Laidlaw,
Lind,
Mason,
McCormick,
McKenna,
McKinley,
Milliken,
Moffitt,
Morrow,
Nelson,
O'Donnell,
O'Neill, Pa.
O'Neill, Mo.
Osborne,
Owen, Spooner, Stephenson, Stewart, Vt. Struble, Struble,
Symes,
Thomas, Ky.
Thomas, Ill.
Thomas, Wis.
Thompson, Ohio
Turner, Kans.
Vandever,
Wade,
Weber,
West,
Whiting, Mass.
Wickham,
Williams,
Woodburn, Osborne, Owen, Parker, Payson, Perkins, Peters, Posey, Pugsley, Rockwell, Romeis, Rowell, VS-98 Perry, Randall, Richardson,

Sawyer, Scull,

Seney, Seymour, Sowden, Spinola,

Woodburn, Yardley.

Rogers.

Russell, Mass. Sayers, Scott,

Scott,
Shaw,
Shaw,
Shively,
Simmons,
Springer,
Stewart, Ga.
Stockdale,
Stone, Ky.
Stone, Mo.
Tarsney,
Taulbee,
Turner, Ga.
Walker,
Wilson, Minn.
Wilson, W. Va.
Yoder,

NA Crisp,
Culberson,
Dargan,
Davidson, Ala.
Davidson, Fla.
Dockery,
Dunn,
Efflott,
Folce Kilgore, Laffoon, Landes, Lane, Lanham, Latham,
Lee,
Lynch,
Maish,
Martin,
Matson,
McClammy,
McKinney,
McKinney,
McMartin,
McRae,
Montgomery,
Moore,
Moore,
Moorgan,
Newton,
Norwood,
Oates,
Outhwaite,
Peel, Latham, Enlot, Enloe, Forney, Glass, Grimes, Hall, Hare, Hatch Haten,
Hemphill,
Henderson, N. C.
Holman,
Hooker,
Hopkins, Va.
Howard, Hutton, Johnston, N. C. Peel, Penington, Jones. Kerr.

# NOT VOTING-121.

Allen, Miss.
Anderson, Miss.
Arnold,
Bacon,
Barnes,
Barry,
Bayne,
Bingham,
Blanchard,
Blount,
Bound, Bowen. Brewer, Brower, Browne, Ind.
Brumm,
Bunnell,
Campbell, F., N. Y. Cannon, Carlton, Clark, Clements,

Coekran, Cogswell, Collins, Compton, Cutcheon, Cutcheon,
Dalzell,
De Lano,
Dibble,
Dorsey,
Dougherty,
Felton, Fisher, Flood, Foran, Ford, French, Funston, Gaines, Gay, Gibson, Glover Glover,

Yoder,

Granger,	Long,	Phelps,	Tillman,
Greenman,	Lyman,	Pideock,	Tracey,
Grosvenor,	Macdonald,	Plumb.	Townshend,
Harmer,	Maffett,	Post.	Vance,
Heard.	Mahoney,	Rayner,	Warner,
Henderson, Iowa	Mansur.	Reed,	Washington,
Herbert,	McComas,	Rice.	Weaver,
	McComas,		
Hires,	McCreary,	Robertson,	Wheeler,
Hitt,	McCullogh,	Russell, Conn.	White, Ind.
Hogg,	McShane,	Rusk,	White, N. Y.
Hopkins, Ill.	Merriman,	Ryan,	Whiting, Mich.
Houk,	Mills,	Sherman,	Whitthorne,
Hudd,	Morse,	Smith,	Wilber.
Kean,	Neal.	Snyder.	Wilkins,
Kelley,	Nichols.	Stahlnecker,	Wilkinson,
Lagan,	Nutting.	Steele.	Wise,
Laird.	O'Ferrall,	Stewart, Tex.	Yost.
Lawler.	O'Neall, Ind.		1000
		Taylor, E. B., Ohio	
Lehlbach,	Patton,	Taylor, J. D., Ohio	
Lodge.	Phelan.	Thompson Cal.	

So the House determined to consider the bill.

On motion of Mr. RANDALL, the reading of the names was dis-

The following additional pairs were announced:

Mr. WHITING, of Michigan, with Mr. NUTTING, until further notice. Mr. MILLS with Mr. LONG, for the rest of the day.

Mr. HEARD with Mr. HARMER, for the rest of the day

Mr. Anderson, of Mississippi, with Mr. Arnold, for the rest of the Mr. DIBBLE with Mr. LEHLBACH, for the rest of the day.

The vote was then announced as above recorded.

The SPEAKER. Under the order of the House thirty minutes are

allowed for debate, with the right of amendment.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I propose that in lieu

of debate we have the report of the committee read. I believe that will satisfy the House

The SPEAKER. The report will be read as a part of the gentle-tan's remarks. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Pennsylvania has taken the man's remarks.

floor and asked that the report be read as a part of his remarks.

Mr. RANDALL. Let us have a vote on the bill.

Mr. O'NEILL, of Pennsylvania. I will not insist on the reading of

the report.

Mr. CHEADLE. I ask that the bill be read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda Wilkins Emory, widow of the late Brig. Gen. William H. Emory, United States Army, and to pay her a pension of \$50 per month from the passage of this act, in lieu of the pension she now receives.

The SPEAKER. If no gentleman desires to debate the bill, the question is on ordering the bill to a third reading.

Mr. CHEADLE. I rise to a parliamentary inquiry. Is a motion to

recommit in order at this time?

The SPEAKER. The Chair thinks so.

Mr. CHEADLE. I move, then, that the bill be recommitted to the Committee on Invalid Pensions.

The question being taken, there were—ayes 46, noes 68. Mr. CHEADLE. No quorum.
Mr. SOWDEN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 74, nays 117, not voting 131; as follows:

	YE	AS-74.	41.09
Anderson, Ill. Bankhead, Barnes, Biggs, Breckinridge, Ark, Breckinridge, Ky. Buckalew, Burnett, Bynum, Campbell, Ohio Candler, Caruth, Catchings, Cheadle, Cobb, Cothran, Cowles,	Crisp, Culberson, Dargan, Davidson, Ala. Davidson, Fla.	Howard, Johnston, N. C. Jones, Kerr, Laffoon, Landes, Lanham, Latham, Mansur, Martin, McClammy, McMillin, McRae, Montgomery, Moore, Morgan, Newton, Norwood,	Outhwaite, Peel, Peel, Penington, Perry, Richardson, Rogers, Rowland, Sayers, Scott, Simmons, Springer, Stewart, Ga, Stone, Ky, Tarsney, Turner, Ga, Walker, Wilson, W. Va,
		Oates,	747
	NAT	2S-117.	-
Adams,	Buchanan,	Cummings,	Gear.

	NAY	S-117.	
Adams,	Buchanan,	Cummings,	Gear,
Allen, Mass.	Burrows,	Darlington,	Gest.
Allen, Mich.	Butler,	Davenport,	Grout,
Anderson, Iowa	Butterworth,	Davis.	Guenther.
Anderson, Kans.	Campbell, T.J., N.Y.		Hall.
Baker, N. Y.	Caswell,	Dunham,	Haugen,
Baker, Ill.	Chipman,	Farquhar,	Hayden,
Belden,	Cogswell,	Felton,	Henderson, Ill.
Boothman,	Collins,	Finley,	Hermann,
Boutelle,	Conger,	Fitch,	Hiestand,
Browne, T.H.B., Va		Foran,	Hires,
Brown, Ohio	Crain,	Fuller,	Hitt.
Bryce.	Crouse.	Gallinger	Holmes

The co			
Hopkins, N. Y. Hunter, Jackson, Johnston, Ind. Kennedy, La Follette, Laidlaw, Lind, Lynch, Maish, Mason, McAdoo, McCormick, McKenna, McKinley, Milliken, Moffitt.	Morrill, Morrow, Nelson, O'Dennell, O'Neill, Pa, O'Neill, Mo. Osborne, Owen, Parker, Patton, Payson, Perkins, Peters, Posey, Pugsley, Randall, Rockwell.	Romeis, Rowell, Sawyer, Scull, Seney, Seymour, Sowden, Spinola, Spooner, Stephenson, Stewart, Vt. Stockdale, Struble, Taulbee, Thomas, Ky. Thomas, Ill. Thomas, Wis.	Thompson, Ohlo Tracey, Townshend, Turner, Kans. Vance, Wade, Weber, West, Wheeler. Whiting, Mass. Wickham, Williams, Yardley, Yoder.

NOT VOTING-131.

	PURSUAS DIE STATE		
Illen, Miss.	Dorsey, .	Lawler,	Russell, Mass.
Anderson, Miss.	Dougherty,	Lee,	Rusk,
Irnold,	Dunn,	Lehlbach,	Ryan,
Atkinson,	Ermentrout,	Lodge,	Shaw,
Bacon,	Fisher,	Long,	Sherman,
Barry,	Flood,	Lyman,	Shively,
Bayne,	Ford,	Macdonald,	Smith,
Bingham,	French,	Maffett,	Snyder,
Blanchard,	Funston,	Mahoney,	Stahlnecker,
Bland,	Gaines,	Matson,	Steele,
Bliss,	Gibson,	McComas,	Stewart, Tex.
Blount,	Glover,	McCreary,	Stone, Mo.
Bound,	Goff,	McCullogh,	Symes,
Bowden,	Granger,	McKinney,	Taylor, E. B., Ohio
Bowen,	Greenman,	McShane,	Taylor, J. D., Ohio
Brewer,	Grosvenor,	Merriman,	Thompson, Cal.
Brower,	Harmer,	Mills,	Tillman,
Browne, Ind.	Hayes,	Morse,	Vandever,
Brown, J. R., Va.	Heard,	Neal,	Warner,
Brumm,	Henderson, Iowa	Nichols,	Washington.
Bunnell,	Herbert,	Nutting,	Weaver,
Campbell, F., N. Y.	Hogg,	O'Ferrall,	White, Ind.
Cannon,	Hopkins, Ill.	O'Neall, Ind.	White, N. Y.
Carlton,	Houk,	Phelan,	Whiting, Mich.
Clardy,	Hudd,	Phelps,	Whitthorne,
Clark,	Hutton,	Pidcock,	Wilber,
Clements,	Kean,	Plumb,	Wilkins,
Cockran,	Kelley,	Post,	Wilkinson,
Compton,	Ketcham,	Rayner,	Wilson, Minn.
Outcheon,	Kilgore,	Reed,	Wise,
Dalzell,	Lagan,	Rice,	Woodburn,
De Lano,	Laird,	Robertson,	Yost.

So the motion to recommit the bill to the Committee on Invalid Pensions was rejected.

Russell, Conn.

During the vote, Mr. SOWDEN said: I ask by unanimous consent that the reading of the names be dispensed with.

Mr. LANE. I object.

Lane.

Dibble.

The following additional pairs were announced:

Mr. Bland with Mr. Dorsey, for the rest of the day. Mr. Stone, of Missouri, with Mr. Brumm, for the rest of the day.

Mr. HUTTON with Mr. HAYES, on this vote.

Mr. OUTHWAITE with Mr. FITCH, on this bill. Mr. FITCH would vote for and Mr. OUTHWAITE against the bill.

The vote was then announced as above stated.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I desire to present the merits of this bill in some few remarks; I do not wish to detain the House long. [Cries of "Vote!" "Vote!"] I am willing to yield to any one who wishes to say anything against the bill.

Mr. BRECKINRIDGE, of Kentucky. There is an order for a recess

at 5 o'clock; I move that we now take a recess.

Mr. RANDALL. Let the debate on the part of those who are op-

posed to the bill go on until 5 o'clock.

The SPEAKER pro tempore (Mr. McMillin). Kentucky [Mr. Breckinridge] moves that the House take a recess.

Mr. O'NEILL, of Pennsylvania. I desire to have those opposed to the bill say what they can in opposition to it, and then we may have

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky [Mr. Breckinridge] for a recess.

The question being taken, there were—ayes 40, noes 61.

Several MEMBERS. No quorum.

Tellers were ordered; and Mr. LANE and Mr. RANDALL were ap-

Mr. RANDALL. I call for the yeas and nays. If gentlemen are not willing to allow for the discussion of this bill the ten minutes between now and the time fixed for the recess, we will keep them here twenty.

The yeas and nays were ordered. Mr. HOLMAN. I move to reconsider the vote by which the yeas and nays were ordered.

The question being taken on the motion to reconsider, there were-

ayes 41, noes 50.

Mr. BRECKINRIDGE, of Kentucky. I call for tellers.

Mr. RANDALL. Yeas and nays. I ask that the question be put.

The SPEAKER pro tempore. There will be no unnecessary hesitation on the part of the Chair, but the question upon which the Chair has doubt was whether the yeas and nays could be called on a motion

to reconsider the vote by which the yeas and nays had been ordered. It would seem to be illogical, and the Chair remembers no instance where it has been done. The Chair is in doubt, and therefore will submit the question for determination to the House itself.

Mr. STRUBLE. I raise the point the Chair can not submit the

question.

The SPEAKER pro tempore. The Chair was inclined to think it would not be in order, but knowing of no precedent he will submit it

Mr. STRUBLE. Submit what?

The SPEAKER pro tempore. The question of order.

Mr. HOLMAN. I ask for a vote on my motion to reconsider.

The SPEAKER pro tempore. That question has been submitted, and the gentleman from Kentucky has demanded tellers.

Mr. RANDALL. This is the first time I ever knew the gentleman from Indiana to be opposed to a pension bill.

Mr. HOLMAN. I am for pension bills, but it is only two minutes to 5 o'clock.

Mr. O'NEILL, of Pennsylvania. But this pension bill has been prevented from passing by filibustering.

Mr. BRECKINRIDGE, of Kentucky. There is so much confusion

we can not understand what is going on.

The SPEAKER protempore. The House will be in order. The ques-

tion is on the demand for tellers. Mr. BRECKINRIDGE, of Kentucky. On what proposition?

The SPEAKER pro tempere. On the motion of the gentleman from

Indiana [Mr. HOLMAN].

Mr. BRECKINRIDGE, of Kentucky. Then it is a question of tell-

The SPEAKER pro tempore. It is.

Mr. RANDALL. No, it is a question of delay. [Laughter.]

The House divided; and there were—ayes 17, noes not counted. The SPEAKER pro tempore. The tellers are refused.

Mr. DUNHAM. Count the other side. Mr. STRUBLE. What is the question?

The SPEAKER pro tempore. On the call for tellers.

The hour of 5 o'clock having arrived, in accordance with previous order the House took a recess until half past 7 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House, at 7.30 p. m., was called to order by Mr. Dockery, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, Washington, D. C., February 6, 1889.

Hon. A. M. Dockery is designated to preside as Speaker pro tempore at the JOHN G. CARLISLE, Speaker,

Hon, JOHN B. CLARK, Clerk.

The SPEAKER pro tempore. The session of the House this evening is provided under the special order heretofore made for business from the Committee on Indian Affairs.

# SIOUX RESERVATION, DAKOTA.

Mr. PEEL. Mr. Speaker, I call up for further consideration the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

The SPEAKER pro tempore. This bill is in Committee of the Whole House on the state of the Union, having gone there on the point of order made at the last session of the House.

Mr. PEEL. I believe all of the amendments to this bill have been prepared by gentlemen present, and I ask unanimous consent that the further consideration of it be in the House as in Committee of the

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection, and it was so ordered.

Mr. PEEL. Mr. Speaker, this bill has already been read, and I ask unanimous consent that it be taken up and considered by sections without reading. Let the Clerk read only the numbers of the sections as they are reached in the bill, and when those parts of the bill are reached to which gentlemen desire to offer amendments they can indicate their wishes; and I will state also that if by accident any section of the bill shall be passed over in this manner where amendments were designed to have been offered, the opportunity shall not be lost, but we will consent to go back and take up these sections afterwards.

Mr. PAYSON. This is quite a lengthy bill, and the suggestion made will facilitate the business of the House this evening. By that arrangement the rights of every member will be saved, because the opportunity of offering amendments will be presented just as if each section had been read in its order.

The SPEAKER pro tempore. This bill having been read already, the Chair will submit the request of the gentleman from Arkansas for unanimous consent that only the numbers of the sections be read as they are reached, and that gentlemen having amendments to offer to the various sections may offer them when the numbers of the sections are read.

Mr. HOOKER. I think we ought to have each section read as we proceed.

Mr. PAYSON. This bill has already been read at a prior meeting of the House, and it is quite lengthy. The reading of it now will simply impose additional work upon the clerks, and as the gentleman's suggestion saves the rights of every member present, I hope there will be no objection to that request.

Mr. HOOKER. There are two sections to which I desire to offer

amendments, notably section 21.

Mr. PAYSON. Every right to offer it will be preserved if this con-

sent is given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The Clerk will read the sections by number only.

The Clerk read the title of section 1.

Mr. MORRILL. I desire to offer the following amendment to the

The Clerk read as follows:

In line 13, section 1, strike out "Pass Creek," and insert "Black Pike Creek." Strike out "thence," in line 13, and all of line 14.

Mr. PEEL. That is acceptable to the committee.

The amendment was adopted.

The Clerk read the titles of sections 2 and 3.

Mr. MORROW. I offer the amendment I send to the desk.

The Clerk read as follows:

In line 8 strike out "ten" and insert "five;" so it will read: "five miles,"

The amendment was adopted.

The Clerk read the titles of sections 4, 5, 6, and 7. Mr. MORRILL. I move to strike out all of section 7.

Mr. HOOKER. Let it be read.
Mr. MORRILL. This is quite a lengthy section. I will state that the regular Sioux Indians deny the right of the Santee Sioux to any part of this land. This section gives them certain allotments, and the other Indians deny their right to any of the lands, and will oppose the bill if this is left in. They insist that it shall be stricken out before they will consent to accept its provisions.

Mr. PEEL. I am not sufficiently conversant with the matter to say whether this is exactly just or not, but I know that when the delega-tion of Indians was here last fall that was one of their objections to the other bill, and hence we are willing to accept the amendment and

let the section go out.

Mr. PAYSON. Before the question is taken I would like to ask the gentleman from Kansas if he is thoroughly satisfied that the great Sioux tribe of Indians claim any right to this reservation in Nebraska? It is the first time here, after a somewhat intimate acquaintance with their claim, that I have heard this set up. I have never heard that the Sioux Indians make any claim to this land in Nebraska.

Mr. NELSON. It has been in the bill ever since the first of these

bills was framed.

Mr. GIFFORD. The Sioux make no claim whatever to this land. Mr. PAYSON. Then the motion of the gentleman from Kansas ought not to prevail. Mr. NELSON. This is a strip independent of the Sioux reservation

extending into Nebraska.

Mr. PAYSON. This is entirely independent of the main reservation of the Sioux, and, as I understand it, they are protesting against the claim of the Santee Sioux to any part of that reservation.

Mr. MORRILL. If the statements made are correct, and I presume they are, that is a reason for adopting the amendment, which is offered at the request of the friends of the Indians.

Mr. NELSON. What friends of the Indians? Mr. MORRILL. The Indian Defense Association; and in accordance with their request I have moved to strike this section out.

Mr. ALLEN, of Michigan. I do not want to take any time, because minutes are precious to-night. I simply want to call the attention of the gentleman from Kansas [Mr. MORRILL] to the other provision of that section. If it be stricken out it will do the Flandreau Indians an injustice, as they are provided for here. They are civilized Indians, and to strike this section out would do them an injustice.

Mr. MORRILL. I would suggest that that section be passed over

for the present.

The SPEAKER pro tempore. If there be no objection, the section will be passed over informally for the present.

There was no objection.

Mr. MORRILL. If that section remains in I would ask to make an amendment, in line 23, by striking out "50 cents" and inserting

Mr. GIFFORD. I have an amendment, if the gentleman will allow me, that I desire to make in line 23.

The SPEAKER pro tempore. Does the gentleman from Kansas withdraw his request to pass this section over?
Mr. MORRILL. I do.

The Clerk read as follows:

Strike out the words "50 cents per acre," in line 23, and insert "\$1 per acre."

Mr. PEEL. That is accepted.

The amendment was agreed to.

Mr. HOOKER. I desire after that amendment is agreed to in line 23, to ask the attention of the gentleman from Kansas. It provides "that it is to be paid out of the proceeds of lands relinquished under this act, which shall be used under the direction of the Secretary of the Interior.

Mr. NELSON. There are thirty, or forty, or fifty of these families who do not want to go out on the reservation to take up homesteads. They have homesteads in Moody County, Dakota, and they do not want to go out on the reservation and live, and this gives them their share out of the proceeds of this land without going there.

Mr. MORRILL. I move to make the following amendment to sec-

The Clerk read as follows:

In section 8, line 18, strike out "one-fourth of a section" and insert "320

Mr. PEEL. This is in accordance with the treaty of 1868, and we will accept the amendment.

The amendment was agreed to.

Mr. ALLEN, of Michigan. As this amendment gives the head of a family 320 acres instead of 160, should not a change be made in the figures as to the other persons named?

Mr. PEEL. I understand from the gentleman from Kansas, who has charge of the amendments, that it would be in conformity with the treaty of 1868. I do not know how the treaty reads in regard to

When section 9 was reached,

Mr. MORRILL said: I offer the following amendment to section 9.

The Clerk read as follows:

Amend section 9, by adding:
"Provided, That this section as to allotments shall not be compulsory without the consent of the majority of the adult members of the tribe, except that the allotment shall be made as providing for the orphans."

Mr. PEEL. I understand that it reserves to the majority the right to consent to it. We accept the amendment.

The amendment was agreed to.

Sections 10 and 11 were passed without amendment.

When section 12 was reached,

Mr. MORRILL said: I offer the following amendment, to be prefixed to section 12.

The Clerk read as follows:

Amend section 12 by prefixing as follows:

Amend section 12 by prefixing as follows:

"That the President of the United States is hereby authorized and directed to cause a patent to be issued for each of the reservations established by this act to the respective tribes to whom they are set apart. Each of said patents shall be recorded in the General Land Office and the Indian Bureau, and shall be delivered to and placed in charge of some person designated therefor on the reservation affected thereby, for inspection and use at all times to any one interested therein, which patent shall not, however, operate as a grant to any individual Indian."

That is understood as being accepted by the committee. Mr. HOOKER. That causes the patent to be made by the Government to all land embraced in these six reservations.

Mr. PEEL. That is correct.

The amendment was agreed to.

Mr. MORRILL. I offer a further amendment to that section.

The Clerk read as follows:

In line 6, section 12, after the word "treaty," strike out "or statute under which such reservation is held," and insert "of 1863 which requires the consent of three-fourths of the adult males of the tribe."

The amendment was agreed to.

Mr. MORRILL. I offer the following amendment to section 13.

The Clerk read as follows:

Amend section 13 by inserting in line 18 "320 acres" instead of "a quarter of a section."

The amendment was agreed to.
Mr. ALLEN, of Michigan. I want to change these other figures. There is no justice in giving the head of a family 320 acres and limiting an orphan to 80 acres. I move, in lines 20 and 21, to strike out the words "one-eighth of a section" and insert "one-quarter;" and in line 22 strike out "one-sixteenth of a section" and insert "one-eighth;" then it will be in conformity throughout in regard to the distribution.

The amendment was agreed to.

Mr. HAUGEN. I offer the amendment which I send to the Clerk's

The Clerk read as follows:

Strike out of lines 25, 26, and 27 the following:
"Not to exceed 20 acres of land in addition to the right of way, for stations for every 10 miles of road," and insert "so much land as may be necessary for stations and depot purposes."

Mr. BUCHANAN. As I understand it, that leaves no limit what-

ever. Who is to judge of what amount is necessary?

Mr. HAUGEN. I will add a proviso, "not to exceed 10 acres."

Mr. ALLEN, of Michigan. Say 20 acres.

Mr. HAUGEN. No; I think that is a great deal more than is necessary under ordinary circumstances. I will add to my amendment the words "not to exceed 10 acres."

Mr. BUCHANAN. The difficulty about that as it will stand is it does not say how frequently these stations shall occur. The words "for stations for every 10 miles of road " are struck out and nothing is put in to supply their place. The company might have stations every mile and take their 10 acres in each case.

The SPEAKER pro tempore. Does the gentleman offer an amend-

Mr. BUCHANAN. No; I simply call attention to the effect of the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.
Mr. LA FOLLETTE. I offer the amendment which I send to the

The Clerk read as follows:

In lines 36 and 37 strike out the words "have been agreed upon and paid for by said railroads, and to."

Mr. LA FOLLETTE. I ask the Clerk to read the balance of the section from the end of the amendment which I have just offered.

Mr. PEEL. I suggest to my colleague that we pass over this section for the present and return to it later.

Mr. LA FOLLETTE. If the gentleman will permit that, it will suit me better.

There was no objection.

The Clerk read section 17.

Mr. PAYSON. I offer the amendment which I send to the desk, to come in on line 23, page 20, after the word "cash."

The Clerk read the amendment, as follows:

No sales, barters, or bargains shall be made by any person other than the said Indians with each other of any of the personal property hereinbefore provided for; and any violation of this provision shall be deemed a misdemeanor and punished by a fine not exceeding \$100 or imprisonment not exceeding one year, or both, in the discretion of the court.

Mr. PAYSON. Mr. Speaker, the object of that amendment will be apparent, I think, to members when they take into consideration that we are proposing here to try the experiment of a first step in the work of civilizing these Indians. We propose to put them in possession of farms varying in extent from 80 to 320 acres, and then we propose to provide every Indian who is entitled to land in severalty with two milch cows, one pair of oxen with yoke and chain, or two mares with one set of harness in lieu of said oxen, yoke, and chain, as the Secretary of the Interior may deem advisable, and also one plow, one wagon, one harrow, one hoe, one ax, and one pitchfork, all suitable to the work they may have to do. Now, there ought to be a provision in this bill to guard the Indian against his own improvidence and want of thrift and to protect him against the cupidity of the white men surrounding him, in order that these cattle and implements which the Government gives him shall not be got rid of and bartered away to some white man the first time the Indian strikes a corner grocery. I offer this amendment upon the basis of a good deal of experience for several years in connection with the Indian question, and I trust there will be no objection to it.

Mr. PEEL. Mr. Speaker, I heartily concur in what has just been said by the gentleman from Illinois.

Mr. Mr. Speaker, I have an amendment to offer which proposes to strike out a large part of this section, and perhaps the amendment of the gentleman from Illinois [Mr. PAYSON] would come in better with mine.

Mr. PAYSON. Then I will withhold my amendment for the present. Mr. MORRILL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of section 17, after the word "effect," in the seventh line, and

Strike our an of section 11, and 1 section 12, and 1 section proceeds to insert:

"When an Indian who has taken an allotment under this section proceeds to build a house and shows a desire to adopt civilized industrial habits, he or she shall be entitled to receive from the United States two mileh cows, a yoke of oxen, one wagon, one hundred dollars' worth of agricultural implements and seeds, and, for three years thereafter, seeds and implements to the value of \$25 per year; also instruction from farmers, etc., as provided for in the treaty of 1868 between the United States and the Sioux Indians."

Mr. PAYSON. I withdraw my amendment for the present.

The amendment of Mr. MORRILL was agreed to.
Mr. McKENNA. I would like to inquire what is meant by "et cetera" in that amendment.

Mr. MORRILL. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. MORRILL. It seems to me the meaning is very plain. stead of enumerating the provisions of the treaty it simply says, "et cetera, as provided for in the treaty."

The SPEAKER pro tempore. If there be no objection, the amend-

ment will be considered as agreed to.

Mr. PAYSON. I offer my amendment to come in at the end of the amendment just adopted as a proviso; and I take this occasion to make inquiry of the chairman and other members of the committee with reference to the effect of striking out, as is done by the amendment of the gentleman from Kansas [Mr. MORRILL], the provision in section 16, commencing at line 7 and running down to and including line 14, providing for purchasing for the Indians on these reservations animals for breeding purposes, etc.

We all know as a matter of observation that that is a grazing coun-

try, not an agricultural country. There are plenty of these farms which will be set off by allotment to these Indians which so far as agricultwith be set off by anothers to these indians which so far as agricultural products are concerned would not without artificial irrigation support agrasshopper. Gentlemen who have been in that locality know this to be a fact. The provision of this bill which commends itself more heartily to me than any other is that which proposes to encourage the Indians to engage in pastoral callings by providing them with cattle, stock, etc.; but that provision is stricken out on the motion of the gentleman from Kapess and the chairman of the continuous content. the gentleman from Kansas, and the chairman of the committee gives no intimation whether it is proper this should be done or not. It seems

Mr. PERKINS. Allow me to suggest in addition that if I understand the effect of the amendment of the gentleman from Kansas it strikes out the appropriation of \$2,000,000 which is found in the same section of the bill.

Mr. MORRILL. I think that is provided for in another section.
Mr. PAYSON. If this legislation is to mean anything, this matter ought not to be passed over without some consideration.
Mr. PERKINS. Certainly not, unless we are to return to this sec-

tion hereafter.

Mr. PEEL. I think we had better return to this section. I have not had time to examine the effect of these amendments.

The SPEAKER pro tempore. If there be no objection this section will be passed over with the privilege of recurring to it. The Chair hears no objection. The next section, section 18, will be read.

Mr. MORRILL. I desire to offer an amendment as a new section, to

come in between section 17 and section 18. I ask the Clerk to read it. The Clerk read as follows:

The Clerk read as follows:

For and in consideration of the restoration to the public domain of the land out of the separate reservations herein set apart to the six different tribes of Indians, and the provisions herein made, there is hereby appropriated the sum of \$11,000,000, which shall be set apart out of any moneys in the Treasury not otherwise appropriated, of which \$20 per capita shall be paid at once in cash and the remainder deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which at 5 per cent. per annum shall be appropriated under the direction of the Secretary of the Interior to the use of the Indians lawfully residing on the reservations created by this act and legally belonging to said Sioux Indians, in proportion to the numbers that shall so reside at the time this act shall take effect, as follows:

One half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and in such manner and for such purposes as in the judgment of the said Secretary shall from time to time most contribute to the advancement of said Indians in civilization and self-support; and the other half shall be paid to them in annual installments on a per capita basis: Provided, That after ten years from the time this agreement shall take effect, any adult member of any one of said tribes who shall have become self-supporting shall be entitled to receive 5 per cent. of his or her proportionate share of said sum of \$11,000,000 annually, in addition to his or her share of \$11,000,000.

Mr. PAYSON. I hope that this amendment will not be adopted.

I hope that this amendment will not be adopted mr. FAYSON. I nope that this amendment will not be adopted proforma. I would like to hear from the gentleman from Kansas some reason for its adoption. It seems to me the "softest snap" that can be imagined for the outsiders around these Indians. By the amendment these people, who at that time will be the richest people on this continent, are at the end of ten years to succeed to this vast sum of money. I hope the gentleman from Kansas will give us some explanation of the reason for the amendment.

Mr. MORRILL. I stated when I commenced offering these amendments.

Mr. MORRILL. I stated when I commenced offering these amendments that they had been prepared by the Indian Defense Association.

Mr. PAYSON. Then, permit me to say, the Indian Defense Association ought to have somebody else than themselves to prepare amend-

Mr. MORRILL. The object, as I understand, of paying the \$11,000,000 for 11,000,000 acres of land is that the Indians will be better satisfied to receive a dollar an acre and have it all paid at once than they would be to receive \$1.25 an acre and have it paid as the land is sold.

Mr. PAYSON. But at the end of ten years, by the terms of this amendment, one-half of this vast sum of money is to be paid to the Indians entitled to it, and the whole disposed of as they see fit, without regard to their capacity to manage their affairs.

Mr. PERKINS. I would say, Mr. Speaker, that the provisions of this bill were considered very carefully by the committee, and it was framed so in the judgment of the committee as to protect the rights of the Indians, and to protect them also from the consequences suggested the Indians, and to protect them also from the consequences suggested by the gentleman from Illinois. It was not thought good policy that at the end of ten or fifteen years this great sum of money should be given to the Indians absolutely and subject to their control to dispose of as they thought best, but was to be kept as a fund for their benefit in the Treasury of the United States for a long period of time; and as the amendments are not printed, and we have no opportunity to examine them for ourselves, it seems to me that we ought not to accept such important amendments without thoroughly understanding their con-

Mr. PEEL. I will ask the gentleman from Kansas to withdraw that amendment for the present, and we will recur to this hereafter.

Mr. MORRILL. Very well; I will withdraw it.

The SPEAKER pro tempore. The Clerk will read the title of the next section.

The Clerk read the titles of sections 18, 19, 20, and 21.

Mr. HOOKER. I do not know whether the provision I desire to in-

corporate should apply to this section or not, but I wish to offer an amendment that this act shall require the consent of the Indians, in

accordance with the treaty of 1868, before it becomes operative.

The SPEAKER pro tempore. Where does the gentleman desire the amendment to come in?

Mr. HOOKER. I desire it to come in at the end of section 21.

Mr. GIFFORD. Is this the submission clause?

Mr. HOOKER. Yes, sir.

Mr. GIFFORD. I had an amendment I desired to offer myself, to

come in section 27, to the same effect.

Mr. HOOKER. I am going to offer it in the form of the old law.

Mr. GIFFORD. I would suggest, then, that it come in as a separa I would suggest, then, that it come in as a separate section.

Mr. HOOKER. I shall offer section 16 of this act as an amendment to the present bill. Mr. PERKINS.

Mr. PERKINS. To be offered as a new section?
Mr. HOOKER. I will offer it in that form if desired, and I ask the
Clerk to read section 16 of the act of 1868.

The Clerk proceeded to read the section.

Mr. HOOKER. The section the Clerk is reading is not the one I had designed to offer. The amendment I wish to offer is section 24 of the present law, in the following words:

SEC. 24. That this act shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the said treaty between the United States and said Indians, concluded April 29, 1868, which said acceptance and consent shall be made known by proclamation thereof by the President of the United States, upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of said treaty, which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect and null and void.

The SPEAKER pro tempore. Where does the gentleman desire it to

Mr. HOOKER. It is immaterial; perhaps as a separate section.
Mr. PERKINS. I will suggest that it be a separate section, to come

in at the close of the bill Mr. HOOKER. I will prepare the section and send it up to the

Clerk in a moment.

Mr. PAYSON. While the gentleman is preparing the amendment wish to offer an amendment to section 21, which I send to the desk. The Clerk read as follows:

On page 24, line 22, strike out the word "soldiers" in that line and insert "honorably discharged Union soldiers and sailors in the late civil war;" so that it shall read:

"But the rights of honorably discharged Union soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes, shall not be abridged," etc.

Mr. PAYSON. My reason for offering the amendment is that sections 2304 and 2305 of the Revised Statutes provide for the saving of certain rights and privileges to honorably discharged Union soldiers and sailors, and those who served in the Marine Corps, etc., during the war. The language of the bill confines this right to soldiers merely; and I think this has a better ring about it.

Mr. ROGERS. What rights are reserved by the statute in ques-

Mr. PAYSON. To make homesteads upon the public lands and to be credited in residence the length of time that they served in the Union Army, provided that not less than one year's residence shall be required before a patent is issued.

The amendment was adopted.

Mr. PAYSON. I have now another amendment to the same section, which I send to the desk.

The Clerk read as follows:

On page 24, in line 25, strike out the words "except as to said sums," and insert "it is expressly provided that the rights of honorably discharged Union soldiers and sailors in the late civil war to make homes on the public land under the existing homestead laws shall in no degree be impaired by the passage of this bill; and the right of such honorably discharged Union soldiers and sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all lands which shall be opened to any settlement by the provisions of this bill."

Mr. BRECKINRIDGE, of Kentucky. I would like to hear some explanation of the amendment. What is its effect?
Mr. PAYSON. The effect, Mr. Speaker, is shown by this reading, and I quote now from the Revised Statutes, section 2304:

and I quote now from the Revised Statutes, section 2304:

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, shall, on compliance with the provisions of this chapter as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding 160 acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvements.

improvement. SEC. 2305. The time which the homestead settler has served in the Army,

Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

This act was passed in 1872 and has been in force ever since, and as to any tract of land which the United States owns the Union soldier has the right under these two sections to enter upon it and make a home, the Government requiring from him no payment except of the ordinary office fees. As is apparent from the reading of the section, an actual residence of at least one year is necessary before he can receive a patent. This bill proposes that the soldier, taking advantage of these two sections, shall be required to pay such a sum of money as is required by this bill to be paid to the Indians in order to extinguish their title.

This is the same question that was presented in the discussion upon an amendment in the same language that was offered to the Oklahoma

bill. It presented the same question.
Mr. BRECKINRIDGE, of Kentucky. The effect of this, as I understand it-and I am not familiar with those laws-will be that the Gen-

eral Government will pay the Indians for the lands.

Mr. PAYSON. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. This gives the land to the Union soldier. So that, in point of fact, the effect of it will be that a certain sum of money in the Treasury, raised by taxation, is to be used to purchase the land, and then to give the land to the soldiers, as directed in this bill? rected in this bill?

Mr. PAYSON. Precisely.
Mr. BRECKINRIDGE, of Kentucky. And nobody knows how much that amount will be?

Mr. PAYSON. It depends upon the number of soldiers who choose to

Mr. PAYSON. It depends upon the number of soldiers who choose to go there and make homestead entry under that provision of this bill.

Mr. BRECKINRIDGE, of Kentucky. Does this amendment give the right to a discharged Union soldier who has had a homestead elsewhere to get another homestead?

Mr. PAYSON. No, sir; it does not. The general homestead law provides that after once exercising that right it can not be exercised

Mr. ROGERS. This is a privilege given to this class of persons alone?

Mr. PAYSON. Yes, sir. The class of persons known as Union sol-

diers and sailors.

this provision.

Mr. BRECKINRIDGE, of Kentucky. I think that they have the privilege of having counted to them in the length of time that is necessary to perfect their title under the homestead law the period which

they served in the Army or Navy.

Mr. PAYSON. That term is credited upon the five years which is required under the homestead law to perfect title by actual occupancy.

Mr. BRECKINRIDGE, of Kentucky. That, of course, is a privilege entirely distinct to that class. Now, then, in addition to that the Government has to pay money to acquire the title of the Indians, and this inures to the credit of such of them as shall take advantage of this receiving.

this provision.

Mr. PAYSON. Exactly. And that is precisely as it has been with every acre of public land disposed of by the General Government.

Mr. BRECKINKIDGE, of Kentucky. Has it ever occurred when this right has accrued to land for which the General Government has paid money to extinguish the Indian title?

Mr. PAYSON. I am just coming to that, and I will be very glad to enlighten the gentleman from Kentucky. I was saying when I was interrupted a moment since, Mr. Speaker, that there has never been an acre of public lands disposed of since the General Government organized that was not nurchased of somebody—the claim of paramount. ganized that was not purchased of somebody—the claim of paramount title as against the Government to every acre that has been acquired.

When we made the Louisiana purchase we paid for that area of land \$27,267,621. When we made the purchase of East and West Florida from Spain that cost the General Government \$6,490,768. When we made the first purchase from Mexico, under the treaty of Guadalupe Hidalgo, we paid that Republic \$15,000,000 for the land we acquired. The first Texas purchase, in 1850, cost the Union \$16,000,000, or 25 cents and a fraction per acre. But in order to correct inequalities in the southern line, in what is known as the Gadsden purchase in 1853, we paid \$10,000,000 for that piece of land, being 34 cents and a frac-

tion for every acre of it.

In the purchase of Alaska we paid \$7,250,000, in round numbers, and in correcting the Georgia State cession we paid \$6,200,000. And for the extinguishment of Indian titles alone—and when I say "Indian titles" I mean the bare right of occupancy which the Indian tribes of this country had, and which have always been recognized by this Government-down to 1883, which are the latest figures which I have at hand, there were paid out of the Treasury of the United States two hundred and eight million seven hundred and seventy-six thousand and some odd hundred dollars. So that every acre of public land that has been disposed of by the General Government under the homestead law from the time of its adoption down to to-day has been public land that

the General Government has purchased from somebody, Indians or others, either in the extinguishment of the Indian title or succeeding to the title held by foreign nations. The money was paid out of the Treasury of the United States and then the land was subjected to homesteads.

Mr. Speaker, there has never been a criticism made until in comparatively recent days upon the policy of granting a homestead to the ordinary citizen, let alone the additional claim that the Union soldier has upon the gratitude of the Union; but to the ordinary civilian there has never been a criticism upon the policy of the homestead law, based upon the idea that we have been compelled to pay out of the Treasury the different sums of money paid, to which I have alluded, for the purchase of title from white governments abroad or the extinguishment of Indian titles; none whatever. And, therefore, Mr. Speaker, the argument of novelty can not obtain. But I insist now and here, and I do it in only a few words, because my views are well known to gentlemen and members of the committee, as I have frequently expressed myself upon this floor, that the time is not yet come when the Government of the United States can afford, through any motive, to turn its back upon the honorably discharged Union soldier or sailor and say that the right which he has always had during these years to make a free home upon the public lands of this Union upon paying the fees at the local land office shall be departed from. That time has not yet arrived and puboffice shall be departed from. It

Mr. ROGERS. May I interrupt the gentleman a moment?

Mr. PAYSON. Certainly.

Mr. ROGERS. I want to ask the gentleman if there is any legislation at all with reference to the public domain, however it may have been acquired, which has discriminated so far as the homestead law is concerned, against any class of our citizens. In other words, has not the general homestead law applied to every citizen just as much as to the Union soldier, except that the soldier has been allowed to commute the time under the special acts to which the gentleman has re-

Mr. PAYSON. That has always been the rule.

Mr. ROGERS. Now, Mr. Speaker, it is against such a discrimina-tion that I enter my protest. I maintain that the policy of disposing of the public domain ought to be placed on the broad basis of allow-ing every citizen of this country who has not enjoyed the benefit and privilege of the homestead law to have a right, if anybody has a right, to go upon the public domain and acquire a homestead by conforming to the provisions of the homestead law. I enter my protest against the inauguration of any policy that would discriminate against one class of persons or in favor of another, so far as the disposition of the public domain under the homestead law is concerned, and I, for one, announce the proposition that I believe every existing provision for disposing of the public lands ought to be repealed except the homestead law, so that we might reserve the balance of the public domain for the benefit of actual settlers.

Mr. PAYSON. I indorse every word that the gentleman from Arkansas [Mr. Rogers] has uttered upon that subject. That has been the doctrine that I have attempted to advocate ever since I have been

in public life.

I offered an amendment to the Oklahoma bill containing the very principle announced by the gentleman from Arkansas, and supported it with what little ability I was able to command. That amendment proposed that the uniform policy should be adopted with reference to citizens of this country in their relation to the public lands, with the exceptions contained in the two provisions of law which I have read, but that amendment, as the gentleman knows, was voted down by an overwhelming majority in the House. I stood comparatively alone with reference to that provision. But so long as the members of this House thought that the time had come when the benefits of the homestead law as to certain portions of the country ought to be given provised and law as to certain portions of the country ought to be circumscribed and that rights heretofore given should no longer continue to be given, I acquiesced in that judgment, however little I agreed with it—that is, I concurred because I was compelled to.

But, Mr. Speaker, I do insist now, as I insisted then, that however swift the House of Representatives may be to debar the ordinary citizen from the right of making a homestead upon the public domain, that deprivation ought not to extend to the Union soldier; and this country can well afford now to do, as it has done with reference to all the lands embraced within the great purchases which I have enumer-ated—this country can well afford to donate, as an exhibition of its gratitude to a class of persons known as honorably discharged Union soldiers and sailors, the little pittance that is evidenced by the purchase price of 160 acres of land to enable them to secure a home free of cost. That is all there is in this amendment. It is a simple proposition.

The amount that is involved in it is comparatively small. Very few The amount that is involved in it is comparatively small. of the Union soldiers of this country will go up into the extreme Northwest to make homesteads upon this land; but wherever there is one who chooses to go there the benefits of the existing law ought to be extended to him. If I have made myself understood, that is all I care to say with reference to this provision.

Mr. PEEL was recognized.

Mr. BRECKINRIDGE, of Kentucky. I ask the gentleman from

Arkansas to yield to me that I may offer an amendment and have it pending.
Mr. PEEL. With pleasure.

The Clerk read the amendment, as follows:

Strike out the proviso from line 8 to line 18 of section 21.

Mr. BRECKINRIDGE, of Kentucky. I move that as a substitute for the amendment of the gentleman; or, if that amendment is adopted—

The SPEAKER pro tempore. It can not be offered as a substitute,

but it can be voted on later.

Mr. BRECKINRIDGE, of Kentucky. I ask the Chair not to decide that point too hastily, as the question of order has not been raised. [Laughter.] I ask the Clerk now to read the provision which I move to strike out, so that the House may understand the effect of my amendment.

The Clerk read as follows:

Provided, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums.

Mr. PEEL. Mr. Speaker, it is well known to every member of the committee that this whole question was most thoroughly discussed on an amendment offered by the gentleman from Illinois [Mr. PAYSON] to the Oklahoma bill. I do not suppose there is a single member of the House who has not his mind made up on this subject; and, as a matter of course, unless we can have a yea-and-nay vote upon it in the House, after a reasonable amount of discussion, so that each and every member may understand fully what he is voting upon, it is unneces sary to consume any further time with this bill. I understand, however, that my friend from Illinois is willing to agree to an arrangement

whereby we can have a vote on it in the House.

Mr. PAYSON. I am quite content with that arrangement.

Mr. PEEL. I hope that will be agreed to, because otherwise this bill will be defeated and the time spent upon it will be wholly wasted. This is identically the same proposition that was thoroughly discussed in the House and voted down by a very large majority.

Mr. PAYSON. But that was in relation to a different country; that

applied to Oklahoma.

Mr. PEEL. That is very true; but I maintain that the same prin-ple applies. I indorse the action of the House in regard to that I agree with my colleague [Mr. ROGERS] that every foot of the public lands of this country, when tendered for the occupation of the citizen, should go to each and every one alike. This land is the common property of a common country, and no discrimination should be made between citizens when they undertake to acquire a home under the homestead law, save and except that of time, as the law now provides.

If we should enter into a discussion of this question to-night it would not benefit members who will be called upon to vote on the question to-morrow. If we should consume the whole evening in discussing the matter, the time would be lost; nothing would be accomplished. therefore appeal to my friends not to enter upon a discussion of this matter at present, but let us come to an agreement if we can in regard to voting on the question to-morrow. I hope we shall agree that the question on this amendment be taken in the House to-morrow by yeas and nays after fifteen or twenty minutes' debate on each side, so that each member may understand the question on which he will be

called to vote.

Mr. BRECKINRIDGE, of Kentucky. So far as I am concerned I will not consent to a vote in the House to-morrow upon the amendment of the gentleman from Illinois [Mr. PAYSON] as he now offers it. I am perfectly willing to make an agreement which will give the House an opportunity to settle first the question whether persons who desire to take out a homestead on these lands shall pay anything—

Mr. PAYSON. I should be delighted to have that question sub-

mitted.

Mr. BRECKINRIDGE, of Kentucky. I confess that I favor the amendment offered by the gentleman from Illinois to the Oklahoma bill, proposing that no payment be required from the citizen settling upon this land; that the extinguishment of the Indian title be made by the General Government, and after the title had been thus extinguished, that the citizens going to that Territory shall stand on the same footing on which citizens have always stood; that is, that they shall take homesteads under the general law of the Government in the territory acquired by purchase, by treaty, or otherwise. If an agreement can be had by which the House can express its opinion

on these two questions I have no objection. But I will not consent to an agreement which will make the amendment submitted by the gentleman from Illinois the sole question to be voted upon. I think that the discrimination in favor of the discharged Union soldier, which credits the time served by him in the Army as a part of the time necessary to obtain a title under the homestead law, is eminently just. But I do not think it proper that there should be a donation of land to | proceed to take a vote.

him on a different principle and for a smaller payment than in the case of every other citizen who chooses to go and make homestead entry. At this stage of the session, and under the circumstances connected with the present bill, and in view of the interests necessarily involved in a matter of this sort, I am not willing to stand by and assent to an agreement for a vote upon the single amendment as offered by the gentleman from Illinois.

The SPEAKER pro tempore. The Chair desires to call the attention of the gentleman from Kentucky, as he endeavored to do when the amendment was offered, to the fact that his amendment can not be entertained as a substitute for that of the gentleman from Illinois. The amendment of the gentleman from Illinois is designed to come in at an altogether different point in the bill. Therefore the amendment of the gentleman from Kentucky can not be treated as a substitute for the amendment of the gentleman from Illinois.

Mr. PAYSON. That difficulty can be obviated in a single word.

Mr. BRECKINRIDGE, of Kentucky. If my amendment should be adopted, it would render the amendment of the gentleman from Illi-

nois unnecessary, because if no payment is required—
Mr. PAYSON. The difficulty can be obviated in a sentence. The

motion of the gentleman from Kentucky was to strike out certain words ending with the word "sums," in line 18. If he will allow me, I will make the suggestion that his amendment ought to be extended so as to include line 21, ending with the word "acre."

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. PAYSON. Now, I ask unanimous consent that the proposition of the gentleman from Kentucky thus modified—to strike out so much of section 21 as begins with the word "Provided," in line 8, and ends with the word "acre," in line 21-be adopted now pro forma with an agreement that a vote may be taken on it to-morrow in the House, and that if it be then voted down the question shall recur upon the amendment I have sent to the Clerk's desk, providing for a homestead for the Union soldier. It seems to me there can be no objection to this proposition.

Mr. PERKINS. Let us come to some agreement also as to the time that is to be consumed in discussion. I suggest twenty minutes on each

side as to the two propositions.

Mr. PAYSON. I am content with that.
Mr. BRECKINRIDGE, of Kentucky. That would make the whole debate forty minutes. There may be some trouble in deciding as to the "sides" on this question, as the gentleman from Illinois and I will travel together up to a certain point; and then, if the House should disagree with us, he and I will immediately face each other.

Mr. PAYSON. I will agree to yield all the time to which I may be

entitled to the gentleman from Kentucky and the gentleman from

Arkansas and let those two gentlemen debate the matter.

Mr. PERKINS. Say forty minutes.

Mr. PEEL. That is ample time and will be satisfactory to me.

Mr. PAYSON. I ask the two propositions be adopted now proforma, wi h the agreement the vote shall be taken in the House after twenty minutes' debate on either side.

Mr. PERKINS. Let me suggest we adopt pro forma the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] with the understanding when the vote is taken in the House if that is voted down then the gentleman from Illinois will offer his amendment.

Mr. PAYSON. That is my proposition.
Mr. MORRILL. I have offered two amendments which should be adopted before this agreement is entered into.
The SPEAKER pro tempore. There is an amendment pending.
Mr. MORRILL. My amendments as offered should be adopted be-

fore any arrangement is entered into, because if the section is adopted paying a lump sum for the whole reservation then my amendments are necessary. For instance, after the word "sums," in the eighteenth line, it says:

That all lands undisposed of under this act at the expiration of ten years from the taking effect of this act shall be paid for by the United States at 50 cents per

That ought not to be there if we pay for the whole reservation. Mr. PAYSON. Suppose we strike that out.

Mr. MORRILL. Suppose that proposition is voted down.
Mr. PAYSON. Then the section will stand as it is.
Mr. MORRILL. We should strike that out before your agreement is entered into.

Mr. PAYSON. I do not think so.

Mr. MORRILL. Then you will pay 50 cents after paying a lumped

Mr. ALLEN, of Michigan. Let me suggest that amendment has not been adopted, and it will be better for the gentleman from Kansas to wait until that has been done.

Mr. PEEL. I suggest when the debate closes—
The SPEAKER pro tempore. The Chair has stated no proposition as yet for the consideration of the House, but has been indulging this informal colloquy in the hope some agreement would grow out of it.

Mr. PEEL. I suggest, then, that it be understood that after debate for forty minutes, twenty minutes on either side, the House shall then Mr. PERKINS. Of course.

Mr. PEEL. That it shall proceed to take a vote by yeas and nays.

The SPEAKER pro tempore. If the gentleman from Illinois will submit his proposition the Chair will state it to the House.

Mr. PAYSON. I move you, then, Mr. Speaker, that so much of section 21, beginning with the word "Provided," in line 18, and ending with the word "acre," in line 21, be stricken out of the bill. That is the first proposition. That will present the homestead question pure and simple as to the lands embraced in the terms of this bill.

The SPEAKER pro tempore. If there be no objection that amend-

ment as proposed by the gentleman from Kentucky will be considered

as agreed to.

Mr. PAYSON. As modified by my suggestion, beginning at line 18 and going down to and including the word "acre," in line 21.

Mr. SPRINGER. Let me suggest that we are now in the House and if this amendment is agreed to that is the end to it. There can be no proposition made to agree to an amendment conditionally; it is either in or out of the bill. If we agree to the amendment, then it becomes a part of the bill, and nothing but a motion to reconsider will get it out of the bill.

get it out of the bill.

Mr. ROGERS. Let me make a suggestion. I understand the gentleman from Illinois will vote for the amendment of the gentleman

from Kentucky. Mr. PAYSON.

With the greatest of pleasure.
Then why not adopt it now once for all? Mr. ROGERS.

Mr. PERKINS. There is objection.

Where does the objection come from? Mr. ROGERS.

I should like to object, for one. Mr. SPRINGER.

Mr. PAYSON. Does the gentleman object?

Mr. SPRINGER. I have a suggestion which I think will be satisfactory, and that is that this amendment shall be withdrawn and the bill be allowed to pass as the Committee on Indian Affairs reported it, and also the other amendment to which my colleague has been refer-

Mr. ALLEN, of Michigan. We have only an hour and a half to consider this and other propositions reported by this Committee on Indian Affairs which are of great importance to many people, and I hope we may be permitted to go on and perfect this bill so it may be acted on this evening without further debate.

Mr. SPRINGER. We have been pursuing the policy for many years of requiring the settlers upon the Indian reservations, where the Government is obliged to obtain the title by the payment of a dollar or a dollar and a quarter an acre to the Indians, to reimburse the Government by paying that sum back for the land. Now, if we are going to make an absolute change in that policy by this bill, we must go back, it seems to me, to Kansas, to Minnesota, and to Colorado, or wherever we have so disposed of the numerous reservations, and charge settlers from a dollar and twenty-five cents up-

Mr. PERKINS. To \$10.

Mr. SPRINGER. Yes, to \$10 an acre for the lands, and refund the amount collected from them. We must begin this thing at the beginning and make it uniform.

My colleague refers to the fact that we paid for the first territory acquired from Mexico, and Spain, and the other governments, and that

we did not apply that rule in disposing of the lands so acquired.

Mr. PEEL. Will the gentleman allow me a moment? I would suggest, as my colleague from Michigan has already said, that we have but an hour and a half remaining to-night, and I would be glad to come to some kind of an arrangement in regard to this bill.

Mr. SPRINGER. I would be glad to reach some arrangement my-

Mr. PEEL. We cannot do anything with the bill unless we do ar-

rive at some such arrangement.

Mr. PAYSON. What objection is there to the proposition that the two amendments I have offered shall be considered as pending in the House without prejudice until the further consideration of the bill shall be proceeded with and all of it disposed of except the two amendments, and then when the House adjourns to-night it be with an agreement that a yea-and-nay vote shall be taken to-morrow upon them, with twenty minutes' debate on each side?
Mr. PERKINS. That is fair.

Mr. O'NEILL, of Missouri. Allow me to ask a question. What avail is it to have the previous question ordered and that peculiar privilege given to any measure, when as a matter of fact some appropriations committee will want to set aside the special order and use the day for some other purpose? That has been done so often that it seems to be hardly necessary to make these orders at night sessions. It is a perfect farce to do it and then have the business which was set for the next day swept out of the way by the dictum of some chairman of an appropriation committee.

Mr. PAYSON. Then we will vote down the chairman of the ap-

propriation committee.

The SPEAKER pro tempore. The question is on the amendment of

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois, in the absence of an arrangement.

Mr. PAYSON. I ask unanimous consent that the arrangement I have suggested be adopted. That is to say, that the two amendments I have offered be passed over informally, and—

Mr. SPRINGER. Well, just stop right there and we will agree. Let us finish the bill, and you can offer it at the end of it.

Mr. PAYSON. I want to see if we can not reach some arrangement, and I suggest, Mr. Speaker, that the proposition I made a few moments ago be again submitted, that the amendments be considered as pending in the House without prejudice, and that when we adjourn to-night it be with the understanding that a yea-and-nay vote be taken

to-morrow upon them, with twenty minutes' debate upon each side.

The SPEAKER pro tempore. Is there objection to the suggestion of the gentleman from Illinois [Mr. PAYSON] just stated? The Chair

hears none. The Clerk will proceed with the bill.

The Clerk read the title of section 22.

Mr. PAYSON. I offer an amendment to come in on page 25, after the word "void," in line 37.

The Clerk read as follows:

Provided, That there shall be reserved public highways 4 rods wide around every section of land allotted or opened to settlement by the bill, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for the quarter-section of land by reason of such reservations; but if the said highways shall be vacated by any competent authority, the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey.

Mr. PEEL. I have no objection to the amendment.

The amendment was adopted.

Mr. PAYSON. Now, I offer another amendment, to strike out on page 25 the first proviso, commencing with the word "and," in line 37, and ending with the word "acre," in line 39, and insert what I send to the desk.

The Clerk read as follows:

send to the desk.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to reserve on any public land embraced in this bill town sites for any existing or prospective town, city, or village, in area not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may be wholly or in part occupied as a town, city, or village site; and no application to enter any land shall be allowed until approved by the Secretary of the Interior of any tract of land, first, where any exterior line of the land is within one-half mile of the line of any railroad which is constructed or of the line of any railroad not constructed but where its map of location shall be filed with the Secretary of the Interior at the date of the application to enter; or second, of any tract of land upon which at the date of the application to enter; or second, of any tract of land upon which at the date of the application to enter is a town or village settlement; and no settlement in advance of survey by proper authority shall give any right as against the power to reserve town sites hereby given; it being the object of this provision to secure to the inhabitants of all towns, cities, and villages in said Territory the benefits and profits arising from the sales of lots therein; and to that end where town sites shall be located upon any public landsopened by this act, the provisions of chapter 8, Title XXXII, Revised Statutes, entitled "Reservation and sale of town sites on the public lands," shall apply except as otherwise provided herein. The Secretary of the Interior shall cause the lots in any site now existing or to be located to be offered, sold, and conveyed as provided in sections 2382 and 2383 of the Revised Statutes. The money so received from the sale of lots in each town site, less such amount as shall be required to be paid to the Indians as provided in sections 5 and 6 of this act, shall be held by the Secretary of the Interior path is direction for the erection of school

Mr. PAYSON. I will say, Mr. Speaker, that this is the same provision that was inserted in the Oklahoma bill.

Mr. PEEL. That was what I was going to ask my friend.
Mr. BUCHANAN. It is all wrong.
Mr. SPRINGER. The gentleman stated that it was by agreement.
Mr. PAYSON. There was no vote upon it.
The SPEAKER protempore. Where does the gentleman want this amendment to come in?

Mr. PAYSON. To strike out the first proviso on page 25, at the beginning of line 37, and insert it in lieu of these three lines commencing with "Provided" and ending with the words "per acre."

The question was taken; and the Speaker pro tempore announced

that the noes seemed to have it. A division was demanded.

The House divided; and there were-ayes 14, noes 9.

So the amendment was agreed to.

Mr. PAYSON. I move, to perfect the text of this section, in line 8, on page 23, after the words "town sites," to insert "as herein mod-

The amendment was agreed to.

Sections 22, 23, and 24 were passed without amendment.

When section 25 was reached,

Mr. BUCHANAN said: I ask to add to section 25 the following:

And that \$28,200 be, and they hereby are, appropriated, out of any moneys in the Treasury not otherwise appropriated, for payment for the seven hundred and five horses that were unadvisedly and illegally taken by a portion of the Army of the United States, in the year 1875, from Red Cloud and Red Leaf and their bands of Sioux Indians, then at peace with the United States; and the Secretary of the Treasury is hereby authorized and directed, upon the said Indians expressing, through their proper council, their willingness to accept said sum

as full and complete satisfaction for all their claims and demands against the United States for and on account of the loss of said horses, to pay the same over to said Indians, or to the person or persons whom they, through their proper council, shall select and empower as their agent or agents to receive and receipt for the same; said sum to be disbursed, under the direction of said council, to the individuals or their families from whom, as said council shall adjudge, said horses were so taken: Provided, That the Commissioner of Indian Affairs shall first approve of the selection or appointment of the agent or agents to receive and pay out the moneys herein appropriated.

Mr. BRECKINEIDGE of Kantuaky. I desire to

Mr. BRECKINRIDGE, of Kentucky. I desire to reserve the point

Mr. BRECKINKIDGE, of Kentucky. I desire to reserve the point of order against that amendment.

Mr. BUCHANAN. Subject to the point of order, I will make a statement in regard to this matter. The facts out of which this transaction grew will be found set forth in Executive Document No. 102, first session of the present Congress. That document contains a communication from the Secretary of the Interior, under date of June 19, 1888, transmitting a communication from Mr. Muldrow, Acting Secretary, of January 17, 1888, and inclosing a communication from Mr. Atkins, then Indian Commissioner two communications from Mr. Price, former then Indian Commissioner, two communications from Mr. Price, former Indian Commissioner, and one communication from Colonel Manypenny, each of these recommending the payment of this amount.

It is for ponies taken from the Sioux Indians in 1876. These officials

two Commissioners of Indian Affairs and the Acting Secretary of the Treasury-have examined the claim, and say that it is a proper allow-

ance to be made, and recommend that it be made.

Mr. PEEL. Mr. Speaker, while I do not think that this allowance ought to be made on this bill, I believe the claim is a very meritorious one. It has been examined by the Department with great care, and has been reported on perhaps a dozen times. The Committee on Indian Affairs has had it under consideration in two different Congres and I have myself made two reports upon it. As I have said, I do not think it ought to go into this bill, but the claim is a just one, and I shall not object.

Mr. BRECKINRIDGE, of Kentucky. The ground upon which I made the point of order was that I hardly thought that a bill containing as many provisions as this, and depending for its validity upon the consent of the Sioux Indians, ought to be made the vehicle of the payconsent of the Bioux Indians, ought to be made the vehicle of the payment of claims which can be properly legislated upon in a proper manner. This claim, even if it be a just one, belongs on a bill of a different character and can pass through Congress in another way, and it is not a good precedent to put it upon this bill. I understand there has been no report made of the claim to this Congress, and the bill is not now pending upon the Calendar with a favorable report, and I reserve a regint of order. point of order.

Mr. BUCHANAN. But the chairman of the committee [Mr. PEEL]

states that he has himself reported upon this claim twice over.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt, from the statement of the gentleman from Arkansas, that he has examined this claim carefully and that it is a very proper one; but all proper claims growing out of the relations between the Sioux Indians and the United States are not in order on this bill.

Mr. BUCHANAN. I hope the gentleman will not interpose a tech-

nicality to prevent justice being done in this case.

Mr. BRECKINRIDGE, of Kentucky. If we include one claim of

this kind we may include all such claims.

Mr. BUCHANAN. They have already waited twelve years, and I hope the gentleman will not interpose a technicality here to defeat the payment of this claim now.

Mr. BRECKINRIDGE, of Kentucky. I am very sorry for those who have waited, but there have been a good many depredations committed by Indians during those twelve years from which other people have suffered, and they have had to wait, and have not got their money yet. The SPEAKER pro tempore. The Chair is constrained to sustain the

point of order. The Clerk read the titles of sections 25 and 26.

Mr. HOOKER. I offer an amendment, to come in as an additional section to the bill.

The Clerk read as follows:

SEC. 27. That this act shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians in the manner and form prescribed by the twelfth article of the treaty between the United States and said Sioux Indians, concluded April 20, 1868, which said acceptance and consent shall be made known by proclamation by the President of the United States upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of the treaty, which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act to have no effect and to be null and void.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Mississippi as an additional section.

Mr. PEEL. I accept the amendment.
Mr. HOOKER. The amendment is accepted by the chairman of the committee, as I understand? Mr. PEEL. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, if the gentle-man from Arkansas, the chairman of the committee, accepts the amendment, of course I will not interpose, but I simply want to put on record the view which I hold, that this is not a precedent that ought to be established at this time.

Mr. PERKINS. I want to be recorded as seconding that. [Laugh-

Mr. BRECKINRIDGE, of Kentucky. I believe, Mr. Speaker, the time has some when the General Government ought to recognize the fact that its duty to the Indians lies in a higher domain than in apparently keeping the letter of a treaty, a course which results in keeping the Indians vagabonds and paupers and their reservations mere

breeding places of vice.

Mr. PERKINS. And of ignorance and crime.

Mr. BRECKINRIDGE, of Kentucky. I believe that it is in a higher domain that we must find our true relation to the Indian with reference to his development and civilization, and I think the amendment of the gentleman from Mississippi—I say it with that great respect which I have for him and all that he does in the House—is not in the line of the true interests of the Indian. As long as we give the Indian large reservations upon which to roam, and feed him, and clothe him, and thereby constantly tempt him to remain a vagabond, he will be on our hands as a constant source of expense, and not only

that, but as the breeder of vice in the localities in which we keep him.

Therefore, our true policy, I believe, is, as rapidly as it can be done under the conditions in which we find him, to destroy the tribal relations of the Indian, allot to him in severalty such land as is necessary for his support, retain in the Treasury a fair price for the land we take from him for the white settler, and for a reasonable length of time pay interest upon it in the shape of an annuity, with the distinct understanding that at the end of a limited period he is to run the risk of losing his lend and sangadaring his annual to the state of the same than the losing his land and squandering his money unless his own prudence prevents such a result, just as every other man has to do, and that after a certain time he must depend upon himself for his development and for the support of himself and his family.

What is that time is a question of detail which I am not to-night prepared to discuss; and it is not necessary I should do so. I think, under the circumstances, that the policy I have indicated is that to which we must look forward; and I did not desire to sit here and seem by my silence to approve the principle that the American Government can not by act of Congress open these reservations, with justice toward the Indians, without their consent. The Supreme Court of the United States has decided that we have this power. I think our true interest suggests that we should exercise it; and true kindness to the Indian

points in the same direction.

Mr. HOOKER. Mr. Speaker, I desire to say a word in response to what has fallen from the gentleman from Kentucky [Mr. Breckin-RIDGE] with reference to the propriety of the amendment I have just offered. I believe the honorable gentleman was present at the last ses-sion of this Congress when the House passed the bill providing in the very terms I have incorporated in this amendment that the assent of the Sioux Nation should be had to that measure before it became a law. I presume the gentleman gave his assent to that proposition; I imagine he voted for the bill, though I have not examined the record.

With reference to the question whether or not it is a proper policy on the part of the Government of the United States and a kindness toward the Indians, in order to save them and to save their lands to the white settlers, to disregard the treaties which we have heretofore solemnly made with those nations, I have only to say that I do not think the Indian will be very much advantaged if he is to lose all his landed estate by the violation of a treaty which you yourselves twenty-one years ago entered into with him, and by which you provided that he should not lose any more of the lands than he had then lost in the Black Hills, which, being discovered by the white man to be valuable, were taken from him, the treaty of 1868 being made by General Sherman, the leader of your Army, by which treaty you agreed that none of the residue of the reservation should ever be taken from the Indians except with the consent of the requisite number of male adults of the tribes, as prescribed in the treaty.

In 1876 you made another agreement upon this subject with these In 1876 you made another agreement upon this subject with these Indians, in which the same principle was adopted—that their lands should remain theirs, not subject to be taken from them except with their consent. So late as the first session of this Congress you passed a bill for which I presume the honorable gentleman from Kentucky voted, in which you provided for obtaining the assent of the Indians to the cession of the remaining portion of the Great Sioux reservation, which was left to them after the execution of the treaty of 1868.

The argument of the honorable gentleman from Kentucky is that you are going to civilize the Indian by taking from him that which belongs to him and which you have conceded to belong to him. How much better off, I would ask my honorable friend from Kentucky, will the Indian be so far as concerns his advancement in civilization by the violation of the treaties which the Government has made with him?

violation of the treaties which the Government has made with him? Do you propose to benefit him by taking that which is his, and which, by the most solemn form of agreement which one nation can have with another, you have conceded to be his?

When you wanted the Black Hills you made this treaty; you eagerly, anxiously made it; and said that the residue of the Great Sioux reservation should belong to the Indians, not to be taken from them without their consent. Let me say to my honorable friend from Kentucky that when the commission was sent to the Sioux for the purpose of treating with them on this subject, those Indians, though they were "blanket Indians," though they did not live in the blaze of the civilization of the nineteenth century, though they had not advanced

to the same extent as the five semi-civilized tribes, showed a native vigor of intellect and a comprehension of their rights which would have been creditable to any man dressed in the garb of European or American civilization. When the commissioners offered them 50 cents an acre for their land they said, "You have not offered us the value of our land." They said what any white man would have the right to say, "You have not offered us the value of our lands, and we decline the offer."

This bill originally proposed that this land, saving and reserving the six reservations which are carved out for the several tribes of the Sioux Nation, be taken without the assent of the Indians. But the honorable chairman of the committee, acting for the committee, agreed to accept this amendment of mine which proposes we shall still respect the treaty made between these Indians and the Government of the United States.

I do not know, Mr. Speaker, how you are going to civilize these Indians by denying them the very rights which, under your treaties, you have conceded to them. By what legerdemain of legislation does my honorable friend from Kentucky propose to advance the welfare of the Indian by taking from him that which by the most solemn compact has been conceded to be his? Is every treaty to be violated, is every agreement to which the plighted faith of the nation has been solemnly pledged to be disregarded?

"These are savages," you say. But they are savages who seem to understand their rights and to insist upon them. Hence, when they were brought here in some numbers for the purpose of being treated

were brought here in some numbers for the purpose of being treated with by the Government, and when, in the midst of the splendor of the city of Washington, the great Federal city, they met your Secre-tary of the Interior and others, they advanced through their interpreters a line of argument in maintenance of their rights which the distinguished Secretary and those who were acting with him were unable, with all their civilization, to answer.

I say, therefore, this amendment is a proper one, and I am glad the gentleman who represents the Indian Committee has consented to adopt it as a part of his bill. It ought to be done. It is right and proper it should be done. It is simply a naked act of justice, and ought not to be denied in the name of civilization which should be based on the recognition of the great cardinal rule of doing unto your neighbor as you

would have your neighbor do unto you.

I say, sir, that all civilization is based on this cardinal principle, and although these are blanket Indians, although they are uncivilized, although they are wards under the guardianship of this great American nation, it does not follow therefore that the United States can afford with any regard to its reputation to break the solemn treaty which it has made with these Indians.

Mr. KILGORE. Will the gentleman from Mississippi allow me to

ask him a question?

Mr. HOOKER. Yes, sir.

Mr. KILGORE. If I understand the purpose of the amendment moved by the gentleman from Mississippi, it is to obtain assent of two-thirds of the adult males of the Sioux Nation of Indians to this bill before it shall become a law.

Mr. HOOKER. That is the treaty.

Mr. KILGORE. I suggest, then, to the gentleman from Mississippi that he ought to embrace in his amendment provision for the glass beads and mean whisky with which to buy that assent of that twothirds majority?

Mr. HOOKER. In reply to the interruption and question propounded to me by the gentleman from Texas, I will say that I think it is likely you have got a great deal of the land of these Indians already by the use of such means. When you proposed to pay to these Indians 50 cents an acre for the land which is embraced by the terms of this bill

cents an acre for the land which is embraced by the terms of this bill did you expect to do it by means of cheap beads and mean whisky?

Mr. KILGORE. No, but in money.

Mr. HOOKER. These Indians understand how it is to be paid, and if the United States hitherto has acquired the lands of these Indians through means of beads and whisky, if it has exercised toward them a Punic faith almost without parallel, I wish to say now that the day has passed when such things can be done, when it can be said that a dead Indian is the best Indian. You must do them justice and not subject them to further outrage. I have no sympathy, Mr. Speaker, with the proposition that with the strong arm of your Government you will take without regard to the rights of the Indians the lands which belong to them by treaty. I have as little sympathy with the suggestion long to them by treaty. I have as little sympathy with the suggestion coming from the gentleman from Texas, that you shall by means of trinkets and whisky take from them what remains of their possessions. Enough of this has been done already.

Why did you insert this same clause in the treaty? Some of the

most distinguished officers of the United States Army were commissioners on the part of the United States, and signed that treaty. Why did these distinguished officers of the United States, and signed that treaty. Why did these distinguished officers of the United States Army append their signatures to that treaty entered into on their part with the chiefs and headmen of these blanket Sioux Indians? Why did they enter into this treaty containing this solemn stipulation on the part of this Government? Was it merely to keep the promise to the ear and break it

to the hope?

You make reservations for six of these Sioux tribes of Indians. According to the argument of my friend it will not be long before you will come here and desire to obtain these reservations in precisely the same way in which you have secured possession of the other lands be-

longing to these Indians.

Hence it is, sir, that I insist you shall give a patent to these Indians for this land in the most solemn form to secure these Indians, because I apprehend, on the same principle suggested by gentlemen here, the time will soon come when these six reservations will be taken from them. I insist upon that amendment because I thought it was essential to the protection of their rights. I insist it is a just one because it is in to-tidem verbis copied from the bill passed at the first session of this Con-gress, and embodies the essence and spirit of the treaty made with these Sioux Indians in 1868.

Mr. BRECKINRIDGE, of Kentucky. I do not desire to discuss this matter further, and therefore have nothing to answer to what has been so eloquently, so plausibly, and so unsatisfactorily said by the gentleman from Mississippi.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Mississippi [Mr. Hooker].

The amendment was agreed to.

Mr. MORRILL. I now ask that the vote be taken on the amend-ment I have suggested.

The SPEAKER pro tempore. The amendment will be read.

The Clerk read as follows:

Insert as a new section between the seventeenth and eighteenth sections the

Insert as a new section between the seventeenth and eighteenth sections the following:

"SEC. —. For and in consideration of the restoration to the public domain of the land outside of the separate reservations herein set apart to the six different tribes of Indians and the provisions herein made, there is hereby appropriated the sum of \$11,000,000 to be set apart out of any moneys in the Treasury not otherwise appropriated, of which \$20 per capita shall be paid at once in cash and the remainder deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at 5 per cent, per annum, shall be appropriated under the direction of the Secretary of the Interior to the use of the Indians lawfully residing on the reservations created by this act and legally belonging to said Sioux tribes, in proportion to the numbers that shall so reside at the time this act shall take effect, as follows:

"One-half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and in such manner and for such purposes as in the judgment of said Secretary shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support, and the other half shall be paid to them in annual installments on a per capita basis: Provided, That after ten years from the time this agreement shall take effect any adult member of any one of said tribes who shall have become self-supporting shall be entitled to receive 5 per cent. of his or her proportionate share of said sum of \$11,000,000 annually, in addition to his or her share of interest, until he or she shall have received the whole of the said share of \$11,000,000.

000,000

Mr. PEEL. I only desire to say, Mr. Speaker, as I did the other evening, that as far as the Government is concerned it does not make whether you undertake to adopt a provision of this character involving quite a large sum, for it will cost the Government \$40,000,000 to carry out the policy entered upon, any way. I simply desire to have a vote in order to proceed with the bill.

The question was taken; and the Speaker was tempore (Mr. Speakers).

The question was taken; and the Speaker pro tempore (Mr. SPRINGER)

decided that it was rejected.

Mr. HOOKER. I ask a division on that question.
Mr. PERKINS. It is too late; the Chair has decided.
Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Mississippi demands a division on the vote just taken.

Mr. MORRILL. The gentleman demanded a division as soon as the vote was announced.

The SPEAKER pro tempore. The Chair will again submit the ques-

The question was taken, and on a division there were-ayes 7, noes 14.

So the amendment was rejected.

The SPEAKER pro tempore. The Clerk will now report the next amendment, offered to section 17 by the gentleman from Kansas [Mr. MORRILL].

The Clerk read as follows:

Strike out all of section 17 after the word "effect," in the seventh line, and insert: "When an Indian who has taken an allotment under this section proceeds to build a house and shows a desire to adopt civilized, industrial habits, he or she shall be entitled to receive from the United States two milch cows, a yoke of oxen, one wagon, and \$100 worth of agricultural implements and seeds, and for three years thereafter seeds and implements to the value of \$25 per year; also instruction from farmers, etc., as provided for in the treaty of 1868 between the United States and the Sioux Indians."

Mr. PERKINS. I desire to suggest that it will not do, in my judgment, to adopt the amendment now, and strike out all that remains of section 17, since the other amendment was rejected. When that amendment was prepared it was prepared. I presume, in contemplation of the other amendment which was voted down by the House, hence it will never do to accept this amendment.

Mr. MORRILL. I will withdraw that amendment now since the

action just taken by the House on this section.

The SPEAKER pro tempore. The Clerk will now report the amendment sent up a few moments ago by the gentleman from Illinois [Mr. The Clerk read as follows:

After the word "cash," in line 23, page 20, section 17 of the bill, insert:
"Provided, That no sales, barters, or bargains shall be made by any person other than said Indians with each other of any of the personal property herein, provided for, and any violation of this provision shall be deemed a misdemeanor and punished by a fine of not exceeding \$100, or by imprisonment of not exceeding one year, or both, in the discretion of the court."

The amendment was adopted.

The SPEAKER pro tempore. Are there any other amendments to the

Mr. LA FOLLETTE. Mr. Speaker, we were to be permitted to recur to section 16, to which section I had an amendment to offer.

The SPEAKER pro tempore. The gentleman will send his amendment to the desk.

The Clerk read as follows:

On page 17 of the bill, in line 53, strike out the words "stock-yards, warehouses, elevators," and in lines from 54 to 59, inclusive, strike out the words "but nothing herein contained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation or residence of their employes, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways."

Mr. LA FOLLETTE. I desire to say that at the time this bill was under consideration before the Committee on Indian Affairs I was not present or else I should have offered the amendment there.

Mr. ADAMS. This amendment does not affect the grant of any of the lands to the railroads; it only affects the use of the lands which they get; and when the gentleman provides by his amendment that the railroads shall not use the lands for certain purposes, I wish he would explain what public injury will ensue from their using the lands

for such purposes.

Mr. LA FOLLETTE. I will endeavor to explain to the gentleman.

The House will observe, Mr. Speaker, that the amendment does not interfere with the use of any of the lands which the railroad takes solely for railroad purposes. Any lands which the railroad companies get under the provisions of this bill for right of way, depot grounds, sta-tion privileges, or terminal facilities, every inch and foot of land which they are given the exclusive right to purchase under the provisions of this bill for such purposes only, I am heartily in favor of their having. But, sir, I am opposed to any railroad company's being given the exclusive right to purchase any part of the public domain to be used for any other purposes. My amendment takes from them the exclusive right to buy and lease this land to favored elevator companies and thus control all of the warehouses and elevators along their railroad lines. I may say to the gentleman from Illinois I am informed that along some of the lines of railroad in this country, where the railroad companies have had the privilege of renting or leasing to elevator companies. panies these privileges, there is but one such company for hundreds and hundreds of miles along the line of such roads buying grain and produce from the farmers, who must sell without any competition what-

And it is for the purpose of opening to everybody, to every individual or company desiring to buy grain and to erect warehouses or elevators along the line of these roads an equal privilege with every other man or company, and so that when we open that country there will be some competition in the buying of grain and other produce.

Mr. PEEL. It is in perfect accordance with the last bill, is it not? Mr. LA FOLLETTE. It is in perfect accord with the bill as we reported it, but this proposition was incorporated by the Senate when it got there.

The amendment was agreed to.

Mr. PAYSON. I ask the adoption of the following order:

Ordered. That the previous question be ordered on the engrossment, third reading, and passage of the bill, and upon the pending amendments offered by the gentleman from Kentucky and the gentleman from Illinois, respectively, to section 21, and that as to these two amendments a yea-and-nay vote shall be taken; forty minutes for debate, the time to be equally divided.

I understand that if the amendment offered by the gentleman from Kentucky be adopted the other will be withdrawn.

Mr. PAYSON. I will agree to that.
Mr. BUCHANAN. But there seems to be another difficulty. The order provides, as I understand it, that the House to-morrow shall act upon all the amendments that have been adopted.

Several MEMBERS. Oh, no.

Mr. PAYSON. The order is that the previous question be ordered on the engrossment and third reading of the bill and upon these two

The order was agreed to.

Mr. BUCHANAN. I move to reconsider the various votes by which the other amendments were adopted; and move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEAD AND FALLEN TIMBER ON INDIAN RESERVATIONS.

Mr. PEEL. I call up the bill (S. 3858) in relation to dead and fallen timber on Indian lands, which is a bill that we report from the Committee on Indian Affairs.

Mr. LA FOLLETTE. I desire to offer the following as an amendment or substitute for the bill.

The substitute was read, as follows:

Be it enacted, etc., That the President of the United States may from year to year, in his discretion, under such regulations as he may prescribe, authorize Irdians residing on reservations or allotments the fee to which remains in the United States to fell, cut, remove, sell, or otherwise dispose of dead timber, standing or fallen, on such reservations or allotments, for the sole behefit of such Indian or Indians; but whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

Mr. DOCKERY. The gentleman offers that in the nature of a sub-

Mr. PEEL. The bill reported is not on the Calendar. it from the committee. I move to dispense with the reading of the

The SPEAKER pro tempore. The substitute will be reported, as the rule requires it to be read from the desk.

Mr. PEEL. I ask unanimous consentthat the reading be dispensed

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The question is on the adoption of the

The amendment was agreed to; and the bill as amended was ordered to be read a third time; and it was accordingly read the third

time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

RIGHT OF WAY THROUGH WHITE EARTH RESERVATION.

Mr. PEEL. The next bill I will call up is one which we had up the evening before last, and was a long bill; but here is one which is a substitute that can be disposed of readily. It is a bill the gentleman from Minnesota is interested in.

Mr. NELSON. I call up the bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railroad a right of way through the

White Earth reservation, in the State of Minnesota.

The SPEAKER pro tempore. This bill is in Committee of the Whole.

Mr. NELSON. I move that it be considered in the House as in Committee of the Whole.

The motion was agreed to.

Mr. PEEL. To save time, as there is another bill that we desire to pass, and the time is short, I will say that this is a regular right-of-way bill, such as is usually passed for rights of way through the Territories of the Northwest. We have passed a great many of them.

Mr. BUCHANAN. I would like to know the provisions as to the

leasing of the land.

Mr. PEEL. There is nothing about leasing. This is a right-of-way

Mr. BUCHANAN. I want to know whether there is any such objection to this bill as the gentleman from Wisconsin [Mr. LA FOL-LETTE] mentioned in regard to the bill which was passed some time

Mr. NELSON. It is nothing but a right-of-way bill. It runs about 15 miles through the corner of an Indian reservation. That is all. The bill was ordered to be engrossed for a third reading; and being

engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

AGREEMENT WITH SHOSHONES AND OTHER INDIANS.

Mr. PEEL. I now call up the bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, and for other purposes.

The bill was read, as follows:

The bill was read, as follows:

Whereas certain of the chiefs of the Shoshone, Bannock, and Sheepeater tribes of Indians have agreed upon and submitted to the Secretary of the Interior an agreement for the sale of a portion of their lands in the Territory of Idaho, their settlement upon lands in severally, and for other purposes: Therefore, Be it enacted, etc., That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is assented to by a duly-certified majority of the adult male Indians of the Shoshone and Bannock tribes occupying or interested in the lands of the Fort Hall reservation, in conformity with the eleventh article of the treaty with the Shoshones and Bannocks of July 3, 1885 (Fiteenth Statutes at Large, page 670), and in words and figures as follows, namely:

First. The chiefs and headmen of the Shoshones, Bannocks, and Sheepeaters of the Lemhi agency hereby agree to surrender their reservation at Lemhi, and to remove and settle upon the Fort Hall reservation in Idaho, and to take uplands in severalty of that reservation as hereinafter provided.

Second. The chiefs and headmen of the Shoshones and Bannocks of Fort Hall reservation in Idaho, and they agree to the settlement of the Lemhi Indians upon the Fort Hall reservation in Idaho, and they agree to deed to the United States the following territory, namely: Beginning where the north line of township south intersects with the eastern line of their reservation; thence west with the extension of said line to the Port Neuf River; thence down and with Port Neuf River to where said township line crosses the same; thence west with said line to Mareli Creek; thence up Marsh Creek to where the north line of township No. 10 south intersects with the same; thence west with said line to Mareli Creek; thence up Marsh Creek to where the north line of township No. 10 south intersects with the same; thence west with said line to Mareli Creek; thence up Marsh Creek to where the north line of township No. 10 south intersects

of said reservation; thence south and with the boundaries of said reservation to the beginning, including also such quantity of the north side of Port Neuf River as H. O. Harkness may be entitled to under existing law, the same to be conformed to the public surveys, so as to include the improvements of said Harkness.

River as H. O. Harkness may be entitled to under existing law, the same to be conformed to the public surveys, so as to include the improvements of said Harkness.

Third. In view of the cessions contained in the above articles the United States agrees to pay to the Lemhi Indians the sum of \$4,000 per annum for twenty years and to the Fort Hall Indians the sum of \$6,000 per annum for twenty years and to the Fort Hall Indians the sum of \$6,000 per annum for twenty years and to the Fort Hall Indians the sum of \$6,000 per annum for twenty years and to the Fort Hall Indians the sum of \$6,000 per annum for twenty years the same to be in addition to sny sums to which the above-named Indians are now entitled by treaty, and all provisions of existing treaties, so far as they relate to funds, to remain in full force and effect.

Fourth. Allotments in severalty of the remaining lands on the Fort Hall reservation shall be made as follows:

To each head of family not more than one-quarter of a section, with an additional quantity of grazing land, not exceeding one-eighth, with an additional quantity of grazing land, not exceeding one-eighth of a section; all allotments to be made with the advice of the agent of the said Indians, or such other person as the Secretary of the Interior may designate for that purpose, upon the selections of the Indians, heads of families selecting for their minor children and the agent making allotments for each orphan child.

Fifth. The Government of the United States shall cause the lands of the Fort Hall reservation above named to be properly surveyed and divided among the said Indians in severalty and in the proportions hereinbefore mentioned, and shall issue patents to them respectively therefor so soon as the necessary laws are passed by Congress. The title to be acquired thereto by the Indians shall not be subject to alienation, lease, or incumbrance, leither by voluntary conveyance of the grantee, or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of

Witnesses:

J. F. Stock,
Jos. T. Bender,
A. F. Gentes,
Charles Rainey, Acting Interpreter.
John A. Wright, United States Indian Agent.

JOHN A. WRIGHT, United States Indian Agent.

Sec. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed a sufficient quantity of land on the Fort Hall reservation to secure the settlement in severalty to said Indians as provided in said agreement. Upon the completion of said survey, he shall cause allotments of land to be made to each and all of said Indians in quantity and character as set forth in the agreement above mentioned; and upon the approval of said allotments by the Secretary of the Interior, he shall cause patents to issue to each and every allottee for the lands so allotted, with the conditions, restrictions, and limitations mentioned therein as are provided in the agreement.

SEC. 3. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and the same is hereby, set aside, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, as follows:

For the expense of the survey of the land as provided in section 2 of this act, \$12,000.

\$12,000

For the first twenty installments as provided in said agreement, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct: For the Lemhi Indians, \$4,000, and for the Fort Hall Indians, \$6,000.

For the expense of removing the Lemhi Indians to the Fort Hall reservation,

For the expense of removing the Lemhi Indians to the Fort Hall reservation, \$5,000.

SEC. 4. That this act, so far as the Lemhi Indians are concerned, shall take effect only when the President of the United States shall have presented to him satisfactory evidence that the agreement herein set forth has been accepted by the majority of all the adult male members of the Shoshone, Bannock, and Sheepeater tribes occupying the Lemhi reservation, and shall have signified his approval thereof.

The bill was ordered to a third reading; and it was accordingly read

the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POTTAWATOMIE INDIANS OF MICHIGAN AND INDIANA.

I now call up the bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana. This bill is in charge of my colleague on the committee from Michigan [Mr. ALLEN].

The bill was read, as follows:

Whereas the "Business Committee" of the Pottawatomie Indians, of Michigan and Indiana, for themselves, and in behalf of all other Pottawatomie Indians, of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: There

ous treaty provisions of the Court of Claims is hereby authorized to take juris-Be it enacted, etc., That the Court of Claims is hereby authorized to take juris-Be it enacted, etc., That the Court of Claims is hereby authorized to take juris-Be ti enacted, etc., That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians, of Michigan and Indians, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference de novo, and it shall not be estopped by the joint resolution of Congress, approved 28th July, 1866, entitled "Joint resolution for the relief of certain Chippews, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by the said Pottawatomies under the provisions of said resolution; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may, within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawattomie Indians may also appeal to said Supreme Court: Provided, That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said court shall give such cause precedence.

Sec. 2. That said action shall be commenced by a petition stating the facts on

which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by any member of said "Business Committee," or their authorized attorney, as to the existence of such facts, and no other statements need be contained in said petition or verification.

Mr. KILGORE. Mr. Speaker, from the reading of that bill as I caught it I understand that its object is to reopen a business transaction between these Indians and the Government which has been heretofore settled and closed. I will ask the gentleman from Michigan if

my understanding is correct.

Mr. ALLEN, of Michigan. I will explain the facts to the gentleman. This bill does propose to have a resettlement of this transaction regardless of a certain receipt which was given by some of these Indians. The question has been under investigation by the Department almost since 1880, and Secretary Teller and Commissioner Atkins have

both recommended the passage of this bill.

The Senate passed the bill upon the report of Senator DANIEL, of Virginia, and it was passed there, I believe, without a dissenting voice, Its object is to provide that claims which the Indians say have not been settled shall be again heard upon their merits, and that the Indians shall not be estopped because some of them have given what is called a receipt in full. The bill simply proposes to do what is done in court every day; that is, to go behind a receipt to correct errors and mistakes. It refers the whole matter to the Court of Claims for adjudication.

Mr. KILGORE. And it provides that the Court of Claims may ren-

der a final judgment.

Mr. ALLEN, of Michigan. No, sir; there is an appeal to the Su-

preme Court.

Mr. KILGORE. But if the decision of the Court of Claims is confirmed, that is final. The bill does not merely authorize a simple finding by the court?

Mr. ALLEN, of Michigan. No, sir; it authorizes a judgment if there

is anything found due.

Mr. KILGORE. How much is claimed by these parties?
Mr. ALLEN, of Michigan. Secretary Vilas and Commissioner Atkins say, first, that this bill should be passed as a matter of justice; and, secondly, that if the Indians should recover all that they claim it would amount to about \$181,000. The amount, however, has nothing to do with the question, provided the money belongs to the Indians.

Mr. KILGORE. Do those Government officers say that we ought to reopen this matter and have a new overhauling of the entire transac-

tion?

Mr. ALLEN, of Michigan. That is what they are on record as saying. I will read to my friend what they say, if he desires.

Mr. KILGORE. Well, I will say to my friend from Michigan that would not be willing that that bill should go through here to-night. I do not care about consuming time, but I can not consent that this bill shall pass to-night. There are too many complications about it, and there is too much involved in it for me to consent to let it go through under the circumstances

Mr. ALLEN, of Michigan. Would not the gentleman allow it to go through if I could satisfy him that it is right?

Mr. KILGORE. That would take too long. Mr. ALLEN, of Michigan. No, sir; it would not take five min-

Mr. PERKINS. Will not the gentleman from Texas permit the bill to be voted on in a full House if it be amended so as to compel the Attorney-General to appeal the case if the decision should be against the Government?

Mr. KILGORE. I think we had better let this bill be passed over for to-night.

Mr. ALLEN, of Michigan. Before my friend finally determines this matter let me tell him something. I am acquainted with these Indians. I know them personally, for I was an Indian agent in Michi-

Mr. KILGORE. The effect of the bill is to give these Indians a right

of action which they have not now, and I am opposed to it.

Mr. ALLEN, of Michigan. It has been found by officers of the Government, including those of the present Administration, that these Indians, by chicanery on the part of a few, have been cheated out of what is their due; and hence the officers of the Government are not only willing but recommend that the whole case be reopened in order that justice may be done to these people. I know them, and I speak for them, because they are not only deserving but needy. If the money is theirs, whether it be \$1 or \$100,000, we should not stand here and ask ourselves whether we will give it to them. That is not the question with an honest man such as my friend from Texas is.

Mr. KILGORE. I understand that is not the question; but there being a large amount involved here, and as we propose to give these parties a standing in court which they have not now under the law, to give them a right of action which they do not now possess, and as there are a great many complications about the matter, I say we ought not

to undertake to pass this measure to-night or to put it in such an attitude as to give it a preference on some subsequent occasion.

Mr. ALLEN, of Michigan. Allow me just a moment further. The only advantage which this bill will give these Indians is that the court will inquire into this matter, regardless of the fact that a receipt in full

has been passed. In every court in this country the practice prevails

of allowing litigants to go behind receipts.

Mr. KILGORE. If the question of fraud arises these parties can

Mr. KILCORE. If the question of fraud arises these parties can go behind the receipt anyhow without this legislation.

Mr. ALLEN, of Michigan. But this question has not been settled. We simply propose to send these parties to a court suitable for the trial of this class of cases, and if it appears after investigation that the Government owes them anything, let them have it.

I know that if my friend knew these people as well as I do he would not for a moment heritate to allow them the grant court and if they

I know that if my friend knew these people as well as I do he would not for a moment hesitate to allow them to go into court, and if they have any rights establish them; and then I know he would gladly ask the Government to pay them. But my friend does not know these people, and I ask him to take my word in their behalf, for I have been familiar with them for years; and I say to him that it is unjust to postpone further this hearing; it is not only unjust, but it is uncalled for.

Mr. KILGORE. I can not agree with my friend from Michigan. I have a great deal of regard for his opinion, but then I have a little higher regard for my own. [Laughter.]

Mr. ALLEN, of Michigan. If the gentleman for this once will put my opinion in place of his it will be an advantage to the cause of justice.

justice.

Mr. KILGORE. I would like very much to do so, but I do not see

how I can to-night.

Mr. ALLEN, of Michigan. Mr. Speaker, I do not feel that I have said all that I could in behalf of this measure, though I would not say any less; yet in the few moments we have here to-night, and with the great interests intrusted to the keeping of this committee, I do not feel like arguing this question further, for I do not wish to place myself in the way of other meritorious bills. But I exceedingly regret that these men, who have no voice here, are not permitted to go into court and, if the Government owes them this money, establish that fact by a legal decision.

The SPEAKER pro tempore. As the Chair understands, the bill is

withdrawn.

#### PIPESTONE INDIAN RESERVATION, MINNESOTA.

Mr. PEEL. I now call up the bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone

Indian reservation, in Minnesota.

The SPEAKER pro tempore. This bill is in Committee of the Whole

on the state of the Union.

Mr. NELSON. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. If there be no objection, the Committee of the Whole on the state of the Union will be discharged from the further consideration of this bill and it will be considered in the House as in Committee of the Whole. The Chair hears no objection.

The bill was read, as follows:

as in Committee of the Whole. The Chair hears no objection. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to appoint three discreet persons, at least one of whom shall be a resident and freeholder of the State of Minnesota, to appraise and report to him the actual value, exclusive of improvements, of all the lands embraced within the exterior limits of the Red Pipestone Indian reservation in the State of Minnesota, save and except the southwest quarter of section 1, in township 106 north, of range 46 west, and also the actual value of the strip of land 100 feet in width over and across said reservation now occupied by the Cedar Rapids, Iowa Falls and Northwestern Railway Company, as well as the damage to the balance of the lands of said reservation by reason of the taking and occupying of said strip for nailroad purposes; and said commissioners shall also appraise and report the value of any improvements that may be found on any of said lands, with the name of the person who made the same.

SEC. 2. That any person who has heretofore resided on and made improvements on any of said lands, but who was compelled by the millitary authorities of the United States to abandon the same, shall be entitled to the prior right for the period of six months after the filing of the said report to enter and purchase the land (not exceeding 160 acres) so occupied and improved by such person at the price at which the same was appraised by said commissioners, exclusive of improvements; but if the person entitled to make such purchase shall fail to avail himself of his prior right within the time stated, then the Secretary of the Interior shall cause said lands, or such thereof as remain unentered, to be sold to the highest bidder, and at a prise not less than the appraised valuation of such lands and improvements; such sale to be held at the local land office for the district in which they are located; and the said railroad company shall be entitled to enter

The bill was ordered to be engrossed for a third reading; and being

agrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT SMITH, PARIS AND DARDANELLE RAILWAY COMPANY.

Mr. ROGERS. I ask, by unanimous consent, to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and perate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, and that it be considered in the House.

There was no objection, and it was ordered accordingly.

The Clerk proceeded to read the bill.

Mr. PEEL. I ask, by unanimous consent, to dispense with the reading of the bill. I have examined it myself, and will say to the House it is like all the other right-of-way bills.

There was no objection, and it was so ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and pass

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

YANKTON AND MISSOURI VALLEY RAILWAY COMPANY.

Mr. GIFFORD. I move by unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reservation in Dakota, and that it be considered in the House.

The motion was agreed to. I ask by unanimous consent the reading of the bill This right of way passes through a small portion Mr. GIFFORD. be dispensed with. There are no terminal points. It contains all the of the reservation. safeguards and usual provisions of similar rights of way

The motion was agreed to, and the bill was ordered to a third read-

ing; and it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF FLATHEAD INDIAN LANDS, MONTANA.

Mr. TOOLE. I move by unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes, and that the bill and amendments be considered in the House.

The motion was agreed to.

be considered in the House.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior, with the consent of the Indians severally, to whom patents have been issued for lands assigned to them in the Bitter Root Valley, in Montana Territory, under the provisions of an act of Congress approved June 5, 1872, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," or the heirs at law of such Indians, be, and he hereby is, authorized to cause to be appraised and sold, in tracts not exceeding 160 acres, all the lands allotted and patented to said Indians; said lands shall be appraised as if in a state of nature, but the enhanced value thereof, by virtue of the settlement and improvement of the surrounding country, shall be considered in ascertaining their value: Provided, That the improvements thereon shall be appraised separate and distinct from the land: Provided further, That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged.

SEC. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land office, in tracts not exceeding 160 acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over 160 acres, to the highest bidder for cash: Provided, That no portion of said lands shall be sold at less than the appraised value thereof: Previded, That the said Secretary may dispose of the same on the following terms as to payment, that is to say one-third of the price of any tract of land sold under the provisions of this act to be paid by the purchaser on the day of sale, one-third in one year, and one-third i

SEC. 6. That in the event of the sale of the lands herein authorized it shall be the duty of the Secretary of the Interior to remove the Indians whose lands shall have been sold to the general reservation, known as the Joeko reservation, in the Territory of Montana.

SEC. 7. That all acts and parts of acts in conflict herewith are hereby repealed.

The amendments of the committee were read, as follows:

Inc amendments of the committee were read, as follows:

In line 10, first section, after the word "Montana," insert "or the heirs at law of such Indians;" and at the end of the section add the following: "Provided further, That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged."

In section 2, line 6, after the word "purchase," insert "except in cases, if any, where a tract contains a fractional excess over 160 acres;" and in line 8, after the word "cash" insert "provided that no portion of said lands shall be sold at less than the appraised value thereof."

The amendments of the committee were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed;

and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. Peel (at 10 o'clock and 25 minutes p. m.) the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 12510) granting a pension to George Hunter—to the Committee on Pensions.

By Mr. CHIPMAN: A bill (H. R. 12511) granting a pension to William Smith—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 12512) for the relief of William H. Marbury, administrator of Charles M. Taylor, deceased—to the Committee on War Claims.

By Mr. SHIVELY: A bill (H. R. 12513) to restore John J. Freeland to the pension-roll—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 12514) for the relief of

James Wells-to the Committee on War Claims.

Change in the reference of a bill, improperly referred, was made as follows, namely:

A bill (H. R. 12473) granting a pension to Peter Rowe—from the Committee on War Claims to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of Richard Adee, jr., and others, for distribution of the CONGRESSIONAL RECORD—to the Committee on Printing.

Also, resolution of the Kansas Legislature, relative to opening Indian Territory to settlement—to the Committee on Indian Affairs.

Also, resolution of same, relative to the enumeration of soldiers in the next census—to the Select Committee on the Eleventh Census.

Also, resolution of same, relative to trusts-to the Committee on Ways and Means.

Also, resolution of same, in favor of House bill 11697—to the Committee on the Public Lands.

By Mr. JEHU BAKER: Resolutions of the New York Mercantile Exchange, favoring a liberal appropriation to enforce the oleomargarine law—to the Committee on Appropriations.

By Mr. BOOTHMAN: Petition in favor of John H. Green—to the

Select Committee on Indian Depredation Claims.

Also, petition of the Central Ohio Methodist Episcopal Conference,

relating to chaplains in the regular Army-to the Committee on Military Affairs.

By Mr. BUCHANAN: Petition of the Woman's Relief Corps, for the passage of bill to pension army nurses-to the Committee on Invalid

Also, petition of the Philadelphia Drug Exchange, in favor of repeal of all internal-revenue taxes—to the Committee on Ways and Means.

By Mr. CLEMENTS: Petition of John McClure, of Whitefield County, Georgia, for reference of his claim to the Court of Claims-to the Committee on War Claims.

By Mr. GROUT: Memorial of the Drug Exchange of Philadelphia, for repeal of all internal-revenue taxes-to the Committee on Ways and

By Mr. MILLIKEN: Petition of George Greely & Co., for duty on tin-plates-to the Committee on Ways and Means

By Mr. OSBORNE: Resolutions of Michigan Maimed Soldiers' League, relative to arrears of pensions and favoring the passage of House bills

Nos. 4339 and 4356—to the Committee on Invalid Pensions.

By Mr. PENINGTON: Petition of sundry citizens, favoring the passage of the Chace copyright bill—to the Committee on Patents.

By Mr. POST: Resolutions of the Chicago Live-Stock Exchange, for legislation relative to the inspection of animals slaughtered for food—to the Committee on Legislative to the committee on the committee on the committee of the committee on the committee of the comm

to the Committee on Agriculture.
By Mr. RANDALL: Petition of ship-owners and merchants of New

Bedford, Mass., for increase of appropriation for the revenue-cutter

service—to the Committee on Appropriations.

By Mr. SHAW: Petition of William L. W. Seabrook, late commissioner of the land office of Maryland, for relief-to the Committee on

By Mr. A. C. THOMPSON: Petition of Jonathan Abrams, Company F, One hundred and seventeenth Ohio Volunteers, for removal of charge of desertion-to the Committee on Military Affairs.

By Mr. WHEELER: Petition of James Bevis, of Lauderdale County; of William Dalton, of Walker County, and of W. W. Pearson, of Morgan County, Alabama, for reference of their claims to the Court of Claims-to the Committee on War Claims.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. ADAMS: Of 1,998 citizens of Illinois. By Mr. BUCHANAN: Of citizens of West Hoboken, N. J. By Mr. BUCKALEW: Of 805 citizens of Pennsylvania.

By Mr. BURROWS: Of 1,244 citizens of Michigan. By Mr. DINGLEY: Of 941 citizens of Maine.

By Mr. GIFFORD: Of 296 citizens of Dakota

By Mr. HERMANN: Of 86 citizens of the United States.

By Mr. JACKSON: Of 1,451 citizens of Pennsylvania. By Mr. MACDONALD: Of citizens of Crookston, Minn.

By Mr. O'DONNELL: Of 384 citizens of Michigan.

By Mr. RUSK: Of citizens of Maryland.

By Mr. STONE, of Missouri: Of Mrs. R. B. Robinson and others, citizens of Dade County, Missouri.

By Mr. WILLIAMS: Of 1,436 citizens of Ohio.

By Mr. THOMAS WILSON: Of 804 citizens of Minnesota.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and

sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. J. A. ANDERSON: Of citizens of Solomon City, of Miltonvale, of Manhattan, of Clay Centre, of Clifton, of Jamestown, and of

Tecumseh, Kans.

By Mr. BURNETT (by request): Of L. D. Metcalf and 100 others, of Norfolk and Rockville, Mass.

By Mr. BURROWS: Of A. B. Denning and 147 others, of Sturgis, Mich.

By Mr. CATCHINGS: Of G. S. Harmon and 54 others, of Rolling Fork, Miss.

By Mr. DAVIS: Of Samuel Wooley and 178 others, of Harwich, Mass By Mr. DORSEY: Of L. T. Van Cleve and 174 others, of Harvard,

By Mr. FRENCH: Of W. F. Davis and 142 others, of Meriden, Conn. By Mr. GROUT: Of J. C. Briggs and 158 others, of Barre, Vt. By Mr. LEHLBACH: Of M. D. Coolbaugh and 634 others, of Newark, N. J.

By Mr. PETERS: Of R. C. Roberson and 157 others, of Kingman,

Kans. By Mr. PUGSLEY: Of S. D. Crothers and 62 others, of Greenfield, Ohio, and of William Galbrath and 162 others, of the Twelfth district of Ohio

By Mr. E. J. TURNER: Of C. Courtner and 23 others, of Downs, Kans.

### SENATE.

# THURSDAY, February 7, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

#### HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 11693) to amend section 555, Revised Statutes relating to the District of Columbia;

A bill (H. R. 11701) for the relief of the building and mutual loan associations of the District of Columbia;

A bill (H. R. 11817) vesting in the vestry of Christ Church, Washington Parish, in the District of Columbia, all of the right, title, and interest of the United States of America in and to square south of

square 1092 in the city of Washington, District aforesaid;
A bill (H. R. 11957) to amend an act entitled "An act to levy an assessment on real estate in the District of Columbia for the purpose of taxation;"
A bill (H. R. 12137) relating to the deposit of securities by insur-

ance companies; and
A bill (H. R. 12498) to regulate the practice of pharmacy in the Dis-

trict of Columbia.

#### MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives concurring in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua

Mr. SHERMAN. I send up the duplicate copy of the report of the committee of conference, and ask that it may be now considered.

The PRESIDENT pro tempore. The Senator from Ohio presents the report of the committee of conference, which will be read.

The Clerk read as follows:

report of the committee of conference, which will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (8, 1339) to incorporate the Maritime Canal Company of Nicaragua, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Substitute for the words proposed to be stricken out and the words proposed to be inserted the following: "May issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done or materials provided in the execution of the work of constructing said ship-canal; and the stock issued for these purposes shall be deemed paid-up stock and shall not be liable to any further calls or assessments;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendments as follows:

In line 2, after the word "any," insert the word "pecuniary."

In lines 9, 10, and 11 strike out all after the words "United States."

And the House agree to the same all after the words "United States."

And the House agree to be same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof the following:

"All shares, stocks, bonds, certificates, or other securities which the company may is no to raise the corporate capital shall be executed and issued at the principal office in the city of New York."

And the House agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof:

"SEC, 3. That no certificates forstock, except as otherwise provided in this act, shall be issu

"And a majority of whom shall be citizens and residents of the United States."
And the House agree to the same.
That the Senate recede from its disagreement to the amendment of the House
numbered 7.
That the House recede from its amendment numbered 8.
That the Senate recede from its disagreement to the amendment of the House
numbered 9, and agree to the same with amendments as follows: Line 3, after
the word "verified," insert the words "on oath;" line 5, after the word "any,"
insert the word "willfully:" and the House agree to the same.
That the Senate recede from its disagreement to the amendment of the House

That the Senate recede from its disagreement to the amendment of the House numbered 10.

That the House recede from its amendment numbered 11.
That the House recede from its amendment numbered 12.
That the House recede from its amendment numbered 13.
That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: Strike out all the words proposed to be inserted and insert in lieu thereof the following:

"This act shall expire and be of no force or effect at the end of three years unless the construction of said canal shall be commenced and proceeded in good faith within that time."

And the House agree to the same.

JOHN SHERMAN, GEO, F. EDMUNDS, JNO. T. MORGAN, Managers on the part of the Senate. MARTIN L. CLARDY, ISIDOR RAYNER, CHAS. O'NEILL, Managers on the part of the House.

Mr. SHERMAN. I move that the report of the committee of conference be concurred in.

The PRESIDENT protempore. If there be no objection to the present consideration of the report, the question is on concurring in the same. The report was concurred in.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of John R. McPherson, chosen by the Legislature of New Jersey a Senator from that State for the term beginning March 4, 1889; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. BERRY presented the petition of James L. Brown and 32 others (25 voters and 8 women), citizens of Melbourne, Ark., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors

as a beverage; which was ordered to lie on the table.

Mr. STEWART. I present a resolution of the Legislature of Nevada favoring the passage of such legislation by Congress as will insure the poses; which was read twice by its title, and, on motion of Mr. DAWES,

early passage and final settlement of all just claims of citizens of Nevada arising out of Indian depredations. Inasmuch as a bill for that purpose has been reported, I move that the resolution lie on the table.

The motion was agreed to.

Mr. PALMER presented the petition of W. R. Stinchcomb and 120 others (86 voters and 35 women), citizens of Marcellus, Mich.; the petition of T. H. Fritz and 107 others (58 voters and 50 women), citizens of Elkland, Mich., and the petition of William D. Arnold and other citizens of Easton, Mich., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. HISCOCK presented a petition of the Presbyterian Church of Cutchogue, N. Y., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of Robert Stanley and 85 others 48 voters and 38 women), citizens of Manchester, Conn., and the petition of George A. Sheldon and 72 others (21 voters and 52 women), citizens of West Suffield, Conn., praying for the submission to the States of a constitutional amendment prohibiting the liquor traffic; which were ordered to lie on the table.

Mr. ALLISON presented the petition of W. H. Stewart and 39 other citizens of Fayette County, Iowa, and two petitions of citizens of the State of Iowa, praying for the passage of the Sunday-rest bill; which

were referred to the Committee on Education and Labor.

Mr. McPHERSON presented the petition of J. S. Garrison and 276 others (129 voters and 148 women), citizens of Cape May, N. J., and a petition of the Woman's Christian Temperance Union of Cape May, N. J. (43 members), praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented a petition of 7 citizens of Jersey City, N. J., praying for the passage of the Sunday-rest bill; which was referred to the

Committee on Education and Labor.

Mr. HAMPTON presented 49 petitions of citizens of Charleston, S. C., and 27 petitions of citizens of the State of South Carolina, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. DAWES presented the petition of William H. Clark and 117 others (81 voters and 37 women), citizens of Woburn, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alco-

holic liquors as a beverage; which was ordered to lie on the table.

Mr. GORMAN presented a petition of 170 members of the Fuller
Memorial Baptist Church, of Baltimore, Md., praying for the passage
of a Sunday-rest law; which was referred to the Committee on Edu-

cation and Labor.

Mr. SHERMAN presented the petition of H. Kirkpatrick and 49 others (14 voters and 36 women), citizens of Powell, Ohio; the petition of John T. Graves and 31 voters, citizens of Medina, Ohio, and the petition of W. G. Williams and 63 others (39 voters and 25 women), citizens of Delaware, Ohio, praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage: which were ordered to lie on the table.

Mr. SABIN presented resolutions adopted by the St. Paul (Minn.) Chamber of Commerce, remonstrating against dumpage in the Mississippi River; also praying that increased appropriations be made to improve the navigation of the Mississippi River; which were referred to

the Committee on Commerce.

He also presented resolutions adopted by the St. Paul (Minn.) Chamber of Commerce, favoring the opening of the Sioux Indian reservation; which were referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Minneapolis and Northfield, in the State of Minnesota, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented the petition of G. M. Tuttle and 31 voters, citizens of Danville, Iowa, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. HOAR presented the petition of R. S. Kellerman and 19 others 2 voters and 18 women), citizens of Orange, Mass., and a petition of 80 members of the Methodist Episcopal Church of Orange, Mass., praying for the submission to the States of a constitutional prohibitory

amendment; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. PALMER, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and or-

dered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, reported a bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purrecommitted to the Committee on Indian Affairs, and ordered to be

printed.

Mr. BLAIR. I report favorably from the Select Committee on Woman Suffrage the joint resolution (S. R. 11) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, and submit a report thereon. I ask that the joint resolu-tion be placed on the Calendar, and that the report be printed.

Mr. COCKRELL. In connection with that report I desire to say that it is a majority report, and the minority of the committee may hereafter desire to submit their views.

The PRESIDENT pro tempore. The Chair understands the committee to recommend that the joint resolution do pass.

Mr. BLAIR. It is a favorable report, recommending the passage of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be placed

on the Calendar and the report printed. Mr. COCKRELL. With permission to the minority to submit their

views hereafter. The PRESIDENT pro tempore. That right is always reserved.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the petition of Frederick A. Schmidt, administrator of Thomas H. Yeatman, late of Cincinnati, Ohio, deceased, praying pay-ment of a claim for war supplies, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 3781) for the relief of George W. Bishop, reported it

without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 220) granting a pension to John J. Lockrey; and A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Rey-

nolds, to the pension-roll.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment intended to be proposed to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, reported an amendment intended to be proposed by that committee to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. PADDOCK on the 6th instant intended to be proposed to the sundry civil appropriation bill, providing for continuing the work of constructing the necessary buildings at Fort Robinson, Nebr., reported it with an amendment, and moved its reference to the Committee on Appropriations and that it be printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred

the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark., reported it with amend-

ments.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sun-dry civil appropriation bill; which was referred to the Committee on Appropriations.

### ST. GEORGE RIVER LIFE-SAVING STATION.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3897) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine, to report it favorably without amendment, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# MOUNT CARMEL DEVELOPMENT COMPANY.

Mr. CULLOM. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois, to report it favorably without amendment, and I ask that it be considered at this time.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that this bill may be now considered. Is there objec-

Mr. HARRIS. Let it be read for information.

The PRESIDENT pro tempore. It will be read for information, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Mount Carmel Development Company, a corpora-tion created and existing under the laws of the State of Illinois, be, and the same is hereby, anthorized and empowered to construct and operate, during its cor-porate existence, a hydraulic canal from any point in the Wabash River above the lock and dam now in process of construction at the Grand Rapids of said

Wabash River, or from any tributary of said river within the county of Wabash and State of Illinois, to any point on said river within the corporate limits of the city of Mount Carmel, Ill.; and to draw from said Wabash River or tributary thereof such supply of water as may be required for the purposes of such corporation: Provided, That such withdrawal be not detrimental to the interests of navigation and be subject to the direction and control of the Secretary of War.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### H. V. POOR.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the following resolution, asked to be discharged from its further consideration, and that it be referred to the Select Committee on Relations with Canada; which was agreed to:

Resolved. That there be paid to H.V. Poor, from the contingent fund of the Senate, the sum of \$1,500 for his services under the direction of the Committee on Foreign Relations in obtaining and digesting information with regard to the relations of this country with Canada.

#### MINING OPERATIONS IN NEVADA.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Mines and Mining, which was instructed by resolution of the Senate of January 7, 1889, to ascertain all the facts and circumstances connected with certain suits brought by the United States against persons for cutting timber for mining and domestic purposes in the State of Nevada, and to inquire if such suits had occasioned any interruption in mining operations in that State, or any subcommittee thereof, be authorized to sit during the sessions of the Senate and employ a stenographer. The expenses of the investigation shall be paid out of the contingent fund of the Senate.

#### REMOVAL OF CHARGE OF DESERTION.

Mr. COCKRELL. I am directed by the Committee on Military Affairs to report back the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, and to recommend the passage of a substitute for the bill, striking out all after the enacting clause and inserting what is in print. As this bill is an important one and has been very fully considered by the Committee on Military Affairs, and it will take but a few moments, I beg the indulgence of the Senate to have it considered at the present time, in order that a conference may be appointed and the bill become a law during the present Congress.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the bill may be now considered. If there be

no objection, the amendment will be read.

The CHIEF CLERK. The committee report to strike out all after the enacting clause of the bill and to insert:

The CHEF CLERK. The committee report to strike out all after the enacting clause of the bill and to insert:

That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfactory testimony, that such soldier served fathfully until expiration of his term of enlistment, or until the lat day of May, A. D. 1865, having previously served six months or more, and, by reason of absence from his command at the time the same was mustered out, falled to be mustered out and to receive an honorable discharge, or that such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty, and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease,

Sec. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from bopital while suffering from wounds, injuries, or disease received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command or expiration of his term of service.

Sec. 3. That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the Army against any regular or volunteer soldier who served in the

SEC. 6. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: Provided, however, That this act shall not be so construed as to give to any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

SEC. 7. That the Secretary of War be, and he hereby is, authorized and directed to amend the military record of any soldier who enlisted for the war with Mexico, upon proper application, where the rolls and records of the Adjutant-General's office show the charge of desertion against him, when such rolls and records show the facts set out in the following cases:

First. That said soldier served faithfully the full term of his enlistment, or having served faithfully for six months or more, and until the 4th day of July, A. D. 1818, left his command without having received a discharge.

Sec. 8. That such soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command within a reasonable time, and served faithfully until discharged.

Sec. 8. That the provisions of this act shall not be so construed as to relieve any soldier from the charge of desertion who left his command from disaffection or disloyalty to the Government or to evade the dangers and hardships of the service, or whilst in the presence of the enemy (not being sick or wounded) or while in arrest or under charges for breach of military duty, or in case of a soldier of the Mexican war who did not actually reach the seat of war.

Sec. 9. That when such charge of desertion is removed under the provisions of section 70 this act he soldier shall be restored to a statu

Mr. PLATT. There was something relating to the question when bounty should be paid to the soldier or his legal representative—I think it is in section 7—which I did not catch. I think it is at the end of

retion 7. I wish that that may be read over again.

The PRESIDENT pro tempore. It will be again read.

Mr. COCKRELL. I think no bounty was offered in the Mexican ar. The Senator is referring to the section preceding that.

Mr. PLATE. Perhams so

Mr. PLATT. Perhaps so.
The PRESIDENT pro tempore. The preceding section will be read. The Chief Clerk read as follows:

SEC. 6. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: Provided, however, That this act shall not be so construed as to give to any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

Mr. PLATT. Mr. President—
The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. PLATT. I should like to inquire of the Senator who reports this bill whether he thinks the provision that in no case shall any bounty be allowed unless the soldier had served six months is exactly I should like an explanation of it.

Mr. COCKRELL. If the soldier served six months he received, if he was entitled to a bounty, the proportionate share of the bounty. I do not think that the cases which would be excluded by this provision

would be at all the meritorious cases

This is a general bill. It is intended to cover the soldiers of the Mexican war in the volunteer and regular Army and the soldiers of the late war in the volunteer and regular Army. We have tried to provide in the bill for all classes of worthy and deserving soldiers, at the same time not breaking down the distinction between deserters and skulkers, those who evaded duty continuously, and the true soldiers.

In the Mexican war it is estimated that there were some 13,000 men in the volunteer and regular Army who were charged with deser-I find upon an examination of some of the rolls that a large number of the desertions in the Mexican war were after enrollment, and before the soldiers had gone to the seat of war. Therefore we put in a clause providing that nobody shall be relieved under this proposed law who deserted prior to reaching the seat of war.

In regard to the late war, we have passed the act of 1882, then the act of 1884, and then the act of 1887 for the relief of soldiers charged with desertion. This is a continuance of all those acts, and provides for the relief of all the worthy and deserving classes that can be provided for by a general law. There will doubtless be some exceptional cases which can not be provided for under a general law without breaking down all distinction between soldiers and deserters.

in the regular Army for a fixed period of five years shall not take advantage of having left the service after the 1st day of May, 1865.

We also provide in the substitute for the future relief of those who left one command in the Army and joined another command in the Army. It is already provided under the general law that if a man left one company and joined another in ninety days he can be relieved, but under this proposed law we extend it to four months, and also extend the provision to those who left the Army and joined the Navy or the Marine Corps, which is an extension of the provision, and will relieve all those who in the Mississippi Valley in 1862—and there are many such cases—left the Army and joined what was called the gunboat flotilla, to which they were authorized to be transferred, but in most cases the officers refused to consent or did not forward the papers, and the soldiers went immediately and joined the flotilla. This will relieve them.

We think now with this law and the law which was passed last summer for the relief of those who were in the naval service, which is similar to this, all of the classes of worthy and deserving soldiers, sailors, and marines can be by the Department relieved of the charge of desertion

Mr. ALLISON. I should like to ask the Senator from Missouri if this is the unanimous report of the Committee on Military Affairs?

Mr. COCKRELL. It is the unanimous report, and has the sanction

of the officer in the War Department who is the most thoroughly posted and who has had charge of these cases and knows the meritorious cases that ought to be relieved.

Mr. HAWLEY. I desire to observe that it is the unanimous and cordial report of the whole committee. And it is not out of place to observe that the substitute has been most laboriously prepared by the Senator from Missouri, an ex-Confederate officer, and is entirely satisfactory to all men of all beliefs and parties.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

# BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 3921) authorizing the Kentucky Union Railway Company to construct a bridge across the Kentucky River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 3922) granting a pension to Frederick H. Mack; which was read twice by its title, and, with the ac-

companying papers, referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 3923) to authorize the Duluth,
Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road; which was read twice by its title and referred to the Committee on Commerce.

Mr. CHANDLER introduced a bill (S. 3924) to transfer the revenue marine to the naval establishment; which was read twice by its title,

and referred to the Committee on Naval Affairs.

Mr. TELLER (by request) introduced a bill (S. 3925) to regulate and license pawnbrokers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLAIR introduced a bill (S. 3926) granting increase of pension to William O. Daniels; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

# AMENDMENTS TO BILLS.

Mr. COKE and Mr. DAWES submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAULKNER (by request) submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

#### RAILWAY POSTAL CLERKS.

Mr. CHACE. I offer the following resolution and ask for its present consideration:

We make certain provisions applicable to the regular Army as well as to the volunteer. The distinction is drawn so that those who enlisted changes of railway postal clerks, by quarterly periods, occurring from January

1, 1885, to December 31, 1888, with the reasons for such changes; the said statement to be in tabular form similar to that hereto annexed.

Mr. HARRIS. Let that resolution be printed and lie over.

The PRESIDENT pro tempore. The resolution will lie over under the rule.

#### INAUGURATION ARRANGEMENTS.

Mr. SHERMAN submitted the following resolution: which was considered by unanimous consent, and agreed to:

Resolved, That a committee of three Senators be appointed by the President of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

#### INVESTIGATION OF SUPERVISING ARCHITECT'S OFFICE

Mr. SPOONER. I ask leave of the Senate that the subcommittee of the Committee on Public Buildings and Grounds which is investigating the Supervising Architect's Office may sit during the sessions of

The PRESIDENT pro tempore. The Senator from Wisconsin asks consent that the subcommittee of the Committee on Public Buildings and Grounds be permitted to sit during the sessions of the Senate. It is so ordered if there be no objection.

#### FREDERICK N. KRESS.

Mr. CAMERON. I ask the Senate to consider the bill (S. 3779) for the relief of Frederick N. Kress.

The PRESIDENT protempore. The Calendar under Rule VIII being in order, the Senator from Pennsylvania asks that the bill named by him may be now considered.

Mr. COCKRELL. Let the bill be read for information.

The PRESIDENT pro tempore. The bill will be read for information subject to objection.

The Chief Clerk read the bill, as follows:

The Chief Ciefk read the bill, as follows:

Whereas Frederick N. Kress, late a naval cadet in the United States Navy, having passed with distinction his final examination for graduation, and being found mentally, morally, and professionally qualified for promotion to the rank of ensign, has been, however, found physically disqualified for promotion by reason of a disease contracted from exposure in the line of duty at sea, which entirely disables him and because of which he was honorably discharged: Therefore,

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint the said Frederick N. Kress an ensign in the United States Navy on the retired-list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. The preamble was agreed to.

#### GUANO ISLANDS.

Mr. GORMAN. I ask the Senate to take up for consideration Order

of Business 2570, being Senate bill 3516.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3516) to further suspend the operation of section 5574 of the Revised Statutes of the United States, Title LXXII, in relation to Guano Islands.

It provides that section 5574, Title LXXII, of the Revised Statutes of the United States, shall be further suspended, as therein set forth, for the period of five years from and after the 18th day of April, 1889.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WARREN HALL.

Mr. HOAR. I ask the Senate to proceed to the consideration of Calendar No. 2568, being the bill (S. 902) for the relief of Warren Hall. It will take but a moment. I ask that it be read for informa-

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims is hereby given original jurisdiction to hear and adjudicate according to justice and right the case of Warren Hall, as originally tried and reported in the minth Court of Claims Reports, page 170, and known as "Hall and Roche's case," notwithstanding the former trial; and the bar of limitation is hereby removed. And for this purpose the court shall hear and consider the new testimony and any other proper testimony which may be offered at the trial by the claimant or on the part of the defendant Government; and the testimony considered by the court in the original trial, so far as the same may be applicable to the new trial, shall also be available.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I move an amendment to add to the bill:

If it shall appear to said court that said Hall was born free, the fact that he had been reduced to a state of slavery de facto shall not be held to be a bar to his recovery or to have prevented him from acquiring property.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reservation in Dakota; and

A bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, and for other purposes.

The message also announced that the House had passed the bill (S.

3858) in relation to dead and fallen timber on Indian lands, with an amendment; in which it requested the concurrence of the Senate.

The message further aunounced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia and

trict of Columbia; and

A bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railroad Company the right of way through the White Earth Indian reservation in the State of Minnesota.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 2476, being House bill 1368.

Mr. WILSON, of Iowa. I ask the Senator to yield to me for a mo-

Mr. WILSON, of lova. I ask the schale of the ment to make a statement.

Mr. PLUMB. I have nothing to yield.

The PRESIDENT pro tempore. The title of the bill moved by the Senator from Kansas will be stated.

The CHIEF CLERK. A bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other pur-

Mr. CHANDLER. Mr. President, I ask for the regular order.
Mr. WILSON, of Iowa. Mr. President, I wish to state, in connection
with the demand of the Senator from New Hampshire, that on Monday
last I gave notice that at the close of the formal morning business tolast I gave notice that at the close of the formal morning business to-day I would ask the Senate to proceed to the consideration of the bill (S. 1067) relating to imported liquors. I wish to say now that I de-sire, instead of following up that notice, to give way to the Senator from Kansas, who makes the request he has for the consideration of House bill 1368, at the same time renewing my notice for to-morrow, that then, after the close of the formal morning business, I shall ask the Senate to proceed to the consideration of Senate bill 1067, for the purpose of presenting same observations in connection therewith

the Senate to proceed to the consideration of Senate bill 1067, for the purpose of presenting some observations in connection therewith.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire coming over from a previous day, the title of which will be stated.

The CHIEF CLEEK. A resolution in relation to naval officers' claims. The PRESIDENT pro tempore. Is the Senate ready for the question upon agreeing to the resolution?

Mr. ALLISON. I set the Senator from New Hampshire to allow

Mr. ALLISON. I ask the Senator from New Hampshire to allow may get up the bill he has referred to.

Mr. PLUMB. My motion is pending.

Mr. CHANDLER. One or two Senators intend to speak upon the reso-

lution, and I desire that the morning hour be not entirely consumed to-day. If this bill will not take too much time I shall yield to the Senator with pleasure.

#### DES MOINES RIVER LANDS.

The PRESIDENT pro tempore. The Senator from New Hampshire yields to the Senator from Kansas, who asks unanimous consent for the consideration of the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. The bill is before the Senate as in Committee of the Whole, and will

be read at length if there be no objection.

The Secretary read the bill.

Mr. CULLOM. Is this bill up for consideration?

The PRESIDENT pro tempore. The Chair announced that it was before the Senate as in Committee of the Whole by unanimous consent,

having called for objections.

Mr. HISCOCK. I certainly did not understand that the motion to take up the bill had been agreed to or consented to. It is a measure on which my colleague from New York [Mr. EVARTS] desires to be heard. He is not here this morning, and I certainly desire that he

heard. He is not here this morning, and I certainly desire that he may have an opportunity to be present.

Mr. ALLISON. I will say to the Senator that this bill, it was understood, would come up this morning. I notified the colleague of the Senator from New York, who is not yet in the Chamber or in the Capitol, as I understand, that it would be called up. Of course for myself I would not be willing to have any advantage taken improperly in the consideration of this bill. It is one that affects a great many people who are very poor people. Now if we can have an understanding that it may be taken up to-morrow morning, I shall be very glad to waive the question of his absence now so far as I am concerned.

Mr. HISCOCK. I certainly have no desire to postpone action on the bill. All that I desire is that my colleague may be present when it is

bill. All that I desire is that my colleague may be present when it is

taken up.

Mr. ALLISON. Very well. With the consent of the Senator from Kansas I will ask unanimous consent that to-morrow morning, with the consent of my colleague, at the conclusion of the morning business, it

may be taken up.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the bill may resume its place on the Calendar, to be taken up to-morrow morning at the close of the morning business. Is there objection?

Mr. HISCOCK. I desire to say that if it transpires that my colleague is out of town at the time indicated (not with a view of postponing action upon the bill for any time, but simply to avoid having the bill considered in his absence), I trust there may be an opportunity for him to be heard.

The PRESIDENT pro tempore. Is there objection? The Chair hears

Mr. HISCOCK. I will object.

Mr. ALLISON. If we can not have some understanding respecting this bill-

Mr. HISCOCK. I would suggest that the request for unanimous consent lie over for a short time and possibly my colleague may come into the Chamber, when doubtless a satisfactory arrangement can be

Mr. ALLISON. If the Senator will allow me I will agree that this may be done, with the understanding that if the Senator from New York [Mr. EVARTS] is not here to-morrow morning the bill shall be

again postponed.

The PRESIDENT pro tempore. The Senator from Iowa asks—
Mr. HISCOCK. Or postponed if from any unavoidable cause my

colleague can not be present.

The PRESIDENT pro tempore. The Chair is in doubt what request to submit to the Senate.

Mr. ALLISON. I ask unanimous consent that to-morrow morning

this bill which has been called up may be taken up.

Mr. HISCOCK. I suggest to the Senator to put in connection with

that that if for any reason my colleague [Mr. EVARTS] can not be here, he will consent that it be deferred until he can be here. Certainly there will be no attempt, no disposition to postpone it unreasonably.

My colleague may be seen.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the bill now under consideration, resuming its place on the Calendar, may be considered to-morrow at the close of the formal morning business. The Chair hears no objection. It is so ordered.

#### DAVID MERIWETHER.

Mr. SPOONER submitted the following report:

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 331) for the relief of David Meriwether, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: Strike out all after the word "appropriated," in line 3, down to and including the word "all," in line 10, and in lieu thereof insert the following:

"Three thousand six hundred and thirty-two dollars and thirty-eight cents, being the amount due him as disbursing agent of public moneys; also \$525 for loss of public moneys sustained without fault on his part; amounting in all to the sum of \$4,157.38."

And the Senate agree to the same.

JOHN C. SPOONER, GEORGE F. HOAR, JAMES K. JONES, Managers on the part of the Senate. W. P. TAULBEE, FRANK T. SHAW, WM. E. MASON, Managers on the part of the House.

The report was concurred in.

## NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Senate resumes the consideration of the resolution offered by the Senator from New Hampshire in regard to naval officers' claims, which will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay for allowances due such officers, known as longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any fegislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

The PRESIDENT pro tempore. Is the Senate ready for the question on agreeing to the resolution?

Mr. VEST. My colleague [Mr. COCKRELL] desired to be heard upon

this resolution, and is absent from the Chamber. I have sent for him and he will be here in a moment.

Mr. GEORGE. Would it be in order now to ask unanimous consent to take up a bill?

The PRESIDENT pro tempore. The question before the Senate is upon agreeing to the resolution of the Senator from New Hampshire.

Mr. GRAY. I should like to ask the Senator from New Hampshire to make some explanation of the reasons for the resolution.

Mr. CHANDLER. There has been a pretty full discussion of this resolution. I see the Senator from Missouri [Mr. COCKRELL] is not now in his seat, and I will yield to the Senator from Mississippi [Mr. GEORGE].

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of a bill.

Mr. GEORGE. It is Order of Business 2549, being Senate bill 3865.

#### WRITS OF ERROR AND APPEALS.

By unanimous consent, the Senate, as in Committee of the Whole. proceeded to consider the bill (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

The first section provides, in all cases where a final judgment or decree shall be rendered in a circuit court of the United States in which there shall have been a question involving the jurisdiction of the court, the party against whom the judgment or decree is rendered shall be entitled to an appeal or writ of error to the Supreme Court of the United States to review such judgment or decree without reference to the amount of the same; but in cases where the decree or judgment does not exceed the sum of \$5,000 the Supreme Court shall not review any question raised upon the record except such question of jurisdiction; such writ of error or appeal shall be taken and allowed under the same provisions of law as apply to other writs of error or appeals except as provided in the next following section.

Under section 2, in cases of judgments or decrees mentioned in the first section, and heretofore rendered, where the period of limitation for taking writs of error or appeals in other cases has not expired, appeals or writs of error may be sued out at any time within one year hereafter.

Mr. SHERMAN. Is that bill reported from the Judiciary Committea?

Mr. GEORGE. Yes, sir; unanimously. Mr. SHERMAN. That bill goes in a contrary direction to what the Senate has hitherto gone; that is, it extends the juri-diction of the Supreme Court of the United States in many cases, and in all questions of jurisdiction extends the jurisdiction of the Supreme Court to a great multitude of cases that now can not be carried to the court. We are told the court is already overloaded.

Mr. GEORGE. It is only where the question of the jurisdiction of the court below is involved.

Mr. SHERMAN. That may add a great multitude of cases. Every case that is removed is taken up on the ground of a question of jurisdiction being raised. I am rather surprised that such a bill has received the favorable report of the Judiciary Committee. I do not care to oppose it. I have no special objection to it myself.

Mr. GEORGE. It has been very carefully considered by the committee. The report is unanimous.

Mr. SHERMAN. I will not stand in the way, but I think it is run-

ning in the wrong direction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GEORGIA JUDICIAL DISTRICTS.

Mr. WILSON, of Iowa. I desire to call up and have considered now the motion to reconsider the vote by which the Senate passed the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes. motion to reconsider was entered by the Senator from Ohio [Mr. SHER-MAN] a few days ago with a view to having a reconsideration of the vote by which the bill was ordered to a third reading, with a view to offer some amendments adopted to the bill by direction of the Commit-

tee on the Judiciary.

The PRESIDENT pro tempore. The message from the House of Rep-

resentatives will be read.

The Chief Clerk read as follows:

In the House of Representatives, January 29, 1889. Ordered, That the Clerk be directed to return to the Senate, in compliance with its request, the bill H. R. 3312.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent at this time for a reconsideration-

Mr. WILSON, of Iowa. There has been a motion entered to recon-

The PRESIDENT pro tempore. It is moved that the vote by which the bill was passed and also the vote by which it was ordered to a third reading may be reconsidered. The question is on that motion.

The motion was agreed to.

Mr. WILSON, of Iowa. Now, I desire, on behalf of the Committee on the Judiciary, to present certain amendments to the former amendment, which are indicated on the margin.

The PRESIDENT pro tempore. The amendments of the Senator from

Iowa will be stated.

The CHIEF CLERK. In line 1 of the amendment of the Committee on the Judiciary it is proposed to strike out the word "Federal;" so as to read:

That the northeastern division of the southern judicial district of Georgia is hereby established, etc.

Mr. WILSON, of Iowa. That is a mere formal amendment. The amendment was agreed to.

Mr. WILSON, of Iowa. The next amendment is in line 13 of section 2.

The PRESIDENT pro tempore. The amendment will be stated. The CHIEF CLERK. In section 2, line 12, after the word "appointed," it is proposed to strike out all down to and including the word "same,"

in line 21, as follows:

And as the judge of said district now holds court in Savannah and Macon, and Augusta would be the third place of holding, making his expense heavy, it shall be the duty of the marshal, and he is hereby authorized, to pay, out of any money of the United States in his hands not otherwise disposed of, all hotel bills and other necessary expenses incurred by the judge of said district in holding said courts, said marshal taking and rendering proper vouchers for the

The amendment was agreed to.

Mr. WILSON, of Iowa. There is another amendment in section 3.

The PRESIDENT protempore. The amendment will be stated.
The CHIEF CLERK. In line 11 of section 3, after the word "may' it is proposed to insert "if the plaintiff is a citizen of the district."

The amendment was agreed to. The amendment of the Committee on the Judiciary as amended was

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I now move that the Senate insist on its amendment and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. WILSON of Iowa, Mr. Brown, and Mr. FRYE were appointed.

#### NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Senate resumes the consideration of the resolution submitted by the Senator from New Hampshire

[Mr. CHANDLER] in relation to naval officers' claims.

Mr. ALLISON. I am in sympathy with the general intent and purse of this resolution, but I want to submit to the Senator from New Hampshire that it will be rather difficult for the Committee on Appropriations to make this contemplated investigation during this s of Congress, as it implies an amount of work that it is impossible for the Committee on Appropriations to take up now. I suggest to the Senator to insert, instead of the Committee on Appropriations, the Committee on Naval Affairs, and if he will consent to that I will offer that

The PRESIDENT pro tempore. The Senator from Iowa proposes to

amend the resolution in the manner that will be stated.

The CHIEF CLERK. In the first line of the resolution, it is proposed to strike out the word "Appropriations" and insert "Naval Affairs;" so as to read:

That the Committee on Naval Affairs, etc.

Mr. VOORHEES. Is that amendment subject to an amendment? If so, I would move that the matter be referred to the Judiciary Committee. These are legal questions that ought to be inquired into by the law committee, if at all. I have not much choice about it, except

that the proprieties seem to me that way.

Mr. ALLISON. These matters as proposed to be submitted to the Committee on Appropriations seem to require that the committee should take action of an important nature. At present it is the duty of that committee to present amendments appropriating money where the courts have decided that the money is due; and in order to get rid of this natural obligation that is implied as being the duty of the Committee on Appropriations the resolution appears to make it necessary to report a change of the law. If the law is to be changed the Committee on Appropriations have no jurisdiction, because the moment we bring in here an appropriation bill in which we propose to change the law we shall find a point of order made.

Of course I do not shrink from the investigation of this question if it is thought wise on the whole that the Committee on Appropriations should undertake it, but I submit to the Senator from New Hampshire that the Committee on Naval Affairs, that is familiar with all the details of the statutes respecting pay, mileage, etc., could better under-

take this investigation.

Mr. CHANDLER. In reference to the suggestion of the chairman of the Committee on Appropriations, I have to say that I hope he will withdraw his amendment, and that the Committee on Appropriations will commence this inquiry. If they find themselves unable to proceed with it, then some other method of investigation may be appropriate. But the resolution was presented by me in the face of the transmission by the Secretary of the Treasury of estimates to cover a million and a quarter of audited and allowed claims from the War Department and the Navy Department. The character of the claims making up that sum of a million and a quarter of dollars is mixed. I do not know how many of those claims are objectionable. I do not know that any of them ought to be allowed; but I do know that there is a very serious question in the minds of some members of the Senate, and I think in the minds of some members of the Committee on Appropriations, of which the Senator from Iowa is chairman, as to

whether these claims should be allowed; and therefore I felt that the Committee on Appropriations would necessarily be obliged to make inquiry substantially as proposed by the resolution of instruction. Therefore it was that I made the resolution one of direction to that committee. The Committee on Appropriations is confronted with that estimate of a million and a quarter dollars, and must make some investigation.

Mr. ALLISON. I ask the Senator from New Hampshire if he thinks the Committee on Appropriations can from time to time change existing law, because the resolution involves the idea that we shall propose or recommend legislation on this subject, and also that we shall inquire into the conduct of the Fourth Auditor of the Treasury. I have no objection to intrusting that duty to the Committee on Appropriations. I only want to give the Senate fair notice that with the press of business that we are likely to have between now and the 4th of March it will be impossible to conclude the inquiry involved in this resolution.

So far as the question of appropriating money is concerned, I have no doubt the Committee on Appropriations will give it full investigation, and will not ask the Senate to appropriate money on any billthese claims will naturally come in the deficiency bill-for any doubtful purpose or any other purpose that is not clearly required by existing law.

Mr. CHANDLER. In order to ascertain that fact I believe the Committee on Appropriations will find it expedient to make all the inquiries that are suggested by the resolution. Therefore I think they should undertake the investigation in the first instance. The Senator from Missouri [Mr. Cockrell] is more familiar with the details of these claims than I am, and he can state to the Senate whether it will embarrass them in the performance of the remaining work of the session, and whether it will not be necessary for the committee to make substantially the inquiry proposed in order to pass upon the estimates that have been submitted in connection with the deficiency bill.

Mr. ALLISON. I dwelt specially upon the last proposition in this

resolution, which is:

And also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to attorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

That, of course, is a pretty delicate inquiry, because it involves the integrity, practically, or at least the capacity, of the Fourth Auditor. I will withdraw my amendment. I do not care especially about this,

except that I desire to give notice to the Senate that in my judgment it will not be practicable for the Committee on Appropriations to enter upon an investigation of the Fourth Auditor's Office between now and the 4th of March.

Mr. VOORHEES. I have not the slightest disposition to obstruct any investigation in regard to this matter. There are some purposes entertained by this resolution that I think are commendable, but I know very well that the Committee on Appropriations can not make the investigation which is desired, nor do I think it falls within their As, I think, I showed conclusively yesterday, every payment that has been made and every claim that has been adjusted for which payment and appropriation is now right and proper has been made not only under existing law, but existing law interpreted over and over again eight or ten times by the Supreme Court of the United States, the decisions of which I cited here yesterday. It was for that reason that I suggested that the question as to a statute of limitations and a change of law in these matters should go to the Committee on the Ju-

If, however, the Senator from Iowa withdraws his amendment to refer to the Committee on Naval Affairs because of any embarrassment which my amendment causes him, I am willing to withdraw the amendment looking to the Judiciary Committee and aid him in the purpose he has in view, not that I have any objection to the Committee on Appropriations taking charge of the subject other than he has stated, but if he desires to place this matter in the hands of the Committee on Naval Affairs I have not the slightest objection to doing so.

The PRESIDENT pro tempore. The amendment being withdrawn the question recurs on agreeing to the resolution.

Mr. COCKRELL. Mr. President, I regretted very much to hear the reading yesterday (but I have not had time to look at the RECORD) of the letter of some attorney or claim agent referring to the Fourth Auditor. I find the reference now in the RECORD before me, page 1654, a letter written by Tallmadge & Tallmadge, which was presented by the Senator from Illinois [Mr. Cullom]. I see now that it was a circular, I presume a printed circular, sent broadcast throughout the land to all persons supposed to have claims, and in that the signers "refer by permission to Hon. Charles M. Shelley, Fourth Auditor United States Treasury; Hon. James W. Hyatt, Treasurer of United States." States.

All I have to say is that if these two officers gave permission for claim agents or attorneys prosecuting claims before the Treasury Department to refer to them, in my judgment they committed a very grievous blunder, an error to say the least. I think it places them in a very false attitude, and I regret exceedingly to see that it is stated there that the

reference is "by permission." I do not think that accounting officers of the Treasury ought to permit any claim agent or attorney to refer to them and to refer claimants to them as to their character and standing and efficiency, because if they do the impression will be created and held out to claimants that the attorneys who have this permission have special influence with the accounting officers and can press claims through which other honorable and respectable attorneys who have not that permission can not do. I regretted exceedingly to see it, and I hope that if it were given it will be withdrawn and that hereafter no accounting officer of the Treasury Department will ever place himself in that unenviable position. I feel quite sure that if the permission was given it was given unadvisedly and without any improper motive or desire on the part of those officers, but it is unfortunate that they did it.

Now, Mr. President, referring to the circulars which are sent out by the claim agents of this city, I hold in my hand one which I desire to read and spread upon the RECORD. It is headed:

WM. CONARD & CO.,
ATTORNEYS-AT-LAW AND SOLICITORS OF PATENTS AND CLAIMS,
OFFICES, 1106 F STREET,
Washington, D.C., November, 1886.

I will ask the Secretary to read this letter.

The Secretary read as follows:

I will ask the Secretary to read this letter.

The Secretary read as follows:

We respectfully call your attention to this circular, and all we request of you is to read it carefully and decide whether or not it is to your best interest to comply with it. We will make no misrepresentations to you, as while we would be subject to disbarment under the act of July 4, 1884, if we did, we do not propose to do it in any event, as we have too large a business and think too much of the good reputation we have obtained in the conduct of our business to jeopardize it by making false and delusive statements to our clients. We have been your attorney in your claim for pension which has been rejected, and we now advise you to let us present the same to Congress and apply for a "special act" pension. We do not send this circular to all of our rejected cases, but we carefully examine all of them and our record in each case, and only select such as we believe fit for Congressional action. We believe your case to be of such a character, and we have every reason to believe we could get a "special act" passed for your benefit, as we have been very successful in this class of business, having secured "special act" pensions for a number of our clients, all of whose cases had been rejected by the Pension office.

The Commissioner of Pensions by law must have certain evidence, and if this is not supplied he has no alternative but to reject the case. A large number of cases which are meritorious are rejected by the Pension office on the ground "that there is no record evidence of the disability, and claimant is unable to furnish any." Congress is not bound by these rules of evidence. Many of the "special acts" we have secured for our clients, their cases have been again and again rejected by the Pension Office, but their names are now on the pension-rolls and they are in the enjoyment of a good pension for life.

Our fees are \$10 cash and \$15 additional when you receive your first payment of pension. Upon the receipt of the \$10 we wil

Mr. COCKRELL. That is a remarkable document. I should like to ask the chairman of the Committee on Pensions or some member of that committee if they permit any attorney to appear before them in regard to any private pension bill pending. It is my understanding that the Committee on Pensions do not allow attorneys to appear before them. Probably some Senator may be familiar with the practice. I think it was stated here once before that the committee did not allow attorneys to come before them and make arguments in these cases

Mr. FAULKNER. I will state to the Senator that I know of no instance since I have been a member of the committee in which any claim agent has been before the Committee on Pensions to make an argument in favor of any private claim. Persons have appeared before the committee in reference to general legislation, but not in reference

to any private claim.

Mr. PADDOCK. I desire also to state, as a member of the Committee on Pensions, on which I have had the honor to serve for two years, that I have never seen a special pension agent before that committee

looking after a special claim, nor has one ever called upon me on the

subject of special pension bills.

Mr. HOAR. Mr. President, if the Senator will allow me-Mr. COCKRELL. I yield to the Senator from Massachusetts.

Mr. HOAR. I rose to make a statement which the Senator from Missouri himself is quite as well qualified to make as I am, and which I have no doubt he will assent to. I have been a member of the Committee on Claims ever since I have been a member of the Senate, now for twelve years, and the practice of that committee is to receive printed briefs from anybody who makes them up in behalf of a claimant, then to refer the claim to a single member of the committee as a subcommittee. That is done usually by the clerk of committee to the Senators in order. He takes the first order in which they come in, and the cases are distributed to the members of the committee in order. Once in a while that order is interrupted by reason of the fact that a particular Senator has had the case once before in a former Congress, or there is some special reason why it should go to a particular member; but that is the rule; and hearings are not given unless the Senator to whom a matter is referred considers the public question or the private question of so much importance that he asks the committee to hear somebody representing the parties. I should think of the weekly meetings of the committee, of which there may, be probably forty or fifty in a year, perhaps there may be from five to ten where such hearings are given, certainly not more. I suppose that would correspond with the Senator's own recollection when he was chairman of the committee himself.

Mr. COCKRELL. Before the Committee on Claims very important questions arise—legal questions involving the laws of the United States, and in some cases international law—and there attorneys might be of service to a claimant; and yet, as the Senator from Massachusetts has well said, the cases in which they appear before the committee are

very few.

Mr. HOAR. Of course they make briefs, I suppose.

Mr. COCKRELL. They make briefs, as a matter of course, and briefs are always received. But in pension cases it is entirely different. They are referred, as I understand, to different members of the Committee on Pensions as subcommittees, and I will venture the assertion that the records of the Pension Committee and of the different subcommittees will not show twenty printed briefs filed before them or with them in private pension bills.

This is simply, in my judgment, a taking of \$10 by holding out an inducement that some equivalent can be rendered and then simply having a bill presented to the Senate and referred to the Committee on Pensions, and the Committee on Pensions then applies to the Pension Office to obtain the papers, and the subcommittees look at the papers and make their report; and these gentlemen who profess to be prose-cuting claims here before Congress are of no more use to their clients than the man who is said to be burning brush in the moon.

Mr. JONES, of Arkansas. The Senator from Missouri will allow me to state an instance which has just occurred in confirmation of what he

has said. I think it will throw light on this.

I have this morning received a letter from a friend at home, a gen-tleman who was marshal some thirty-five years ago, and when a reso-lution was adopted by the Senate three or four years ago directing the Secretary of the Treasury to settle the balances for and against people in the Treasury Department it appeared in the publication that there was standing, and had been for more than thirty years, to the credit of this gentleman about \$399—a small balance. He thought the Treasury Department was very considerably in debt to him, but he had abandoned the hope of getting the claim. They of course kept from him the fact that there was any balance to his credit. I introduced a bill here, and it was passed through this body without any trouble, because the books of the Treasury Department showed this balance to his credit.

The bill was sent to the House and is now pending, as I understand, favorably reported, on the Calendar of the House of Representatives. This morning I received a note from him stating that he had just received a letter from a claim agent, saying, "If you will give me one-half of this claim I will put it through at once." He can not possibly render any service in such a case. It is a plain effort on the part of this claim agent to rob that man of one-half the money that is due him, and doubtless he has made statements to him about the influence that he can bring to bear upon the House of Representatives that are an insult to every honest man in the House and have not one word of truth in them. Such instances are coming up all the time. If there is any way to put an end to this infamous practice I should be, above all things,

gratified to see it done.

Mr. COCKRELL. That is only on a line with this circular in regard to obtaining pension legislation. I have in my hand another of these circulars from a different institution. This is:

OFFICE OF SOULÉ & Co., SOLICITORS OF PATENTS AND CLAIMS, 719 Pennsylvania Avenue, Washington, D. C., November 16, 1885.

Dear Madam: We have reason to believe that there is due you from the Government, on account of your deceased husband, a sum of money (not in the nature of a pension) amounting to between four and five hundred dollars, which sum we think can be collected if the matter is properly presented.

That is in larger type.

We propose, with your consent, to undertake the collection of this money at our own expense, our fee to be contingent upon success. If we fail there will be no cost to you beyond what is required for postage. We intend to use every effort to secure this money for you, and as it may be necessary to take the claim to the courts, the expense to us will be very great. The fee of 25 per cent., which we ask, is the least sum that would compensate us for the expenditure of money and time required on our part.

We have all the facilities for carrying on the business; have been for years established; our standing and reputation can easily be ascertained, and as our fee is entirely contingent you run no risk.

As it is important that the matter should have immediate attention, please read the instructions below and execute and return the inclosed power of attorney at once, if the soldier was killed in battle or died of wounds. We hope to get your claim in shape to secure payment before Congress adjourns. This can not be done unless you act promptly as requested.

Very respectfully,

Now here are the instructions:

INSTRUCTIONS.

If the deceased soldier was killed in battle, or died of wounds, execute and return the power of attorney with as little delay as possible. If he died from other causes, then do not execute the paper, but give us the full particulars of his death, showing when, where, and of what disease or injury he died, and we will examine the case and send you a report as to your rights.

Under existing regulations all drafts are made payable to the order of the claimant. This power of attorney gives us no right to draw any money that may be due you.

Be sure and fill out and return the question blank on the other side, sending stepping for postage.

stamps for postage.

Please give us the names and addresses of the widows of soldiers known to you, in order that we may correspond with them.

It will be observed, Mr. President, that these attorneys tell this lady that they know that there is a certain amount of money due her, and now they give instructions showing that they do not know anything on earth about it. It is a perfect drag-net to get at information upon which they may possibly base a claim. Here is this statement on the back of it:

This statement should be filled out and returned to Soulé & Co., Washington,

D. C.

1. Name of widow or heir, ——. Present age, ——. [Be sure and give full name, and state whether widow or mother.]

2. Give your post-office address in full, town, county, and State, ——, —,

3. Name of soldier and full service, ——. Rank, —— Company ——, Regiment, ——. State Volunteers.
4. Date of his enlistment, ——. How long did he enlist for? ——.
5. How much bounty did he receive from the Government? \$——.
6. Did he serve more than one enlistment? ——. If so, give full particulars,

7. Give date of soldier's death and state where died,

8. What was the cause of his death? — [Was he killed in battle, did he die of the result of wounds, or was his death caused by disease or injuries?]

9. Have you the soldier's discharge papers? — If not, state where the discharge is,

10. Give the number of your pension certificate, and agency where paid,

11. Was the soldier ever in a rebel prison, and if so, have you received the money due you for his ration? —

12. Date of marriage, — When, where, and by whom married? —

13. If widow is dead or remarried, give date of death or remarriage, —

14. Give the full name, and date of birth of each legitimate child of soldier under sixteen years of age at date of soldier's death.

Name, — —; born — 18—.

Inclose three 2-cent stamps for return of papers.

That was sent to a lady who had a claim, I believe, for bounty, and that was sent to a lady who had a chain, I believe, for bounty, and it was sent to me and I immediately applied to the proper Department of the Government and received a reply that there was no bounty or any claim of any kind due to this lady. I thought I could ascertain the facts as well as these pension agents could for this poor widow, who was one of my constituents. This simply shows that the letter was a drag-net to get information from this widow to ascertain whether there was any claim or not

there was any claim or not.

I simply desired to bring to the attention of the Senate these circulars with which the whole country is flooded. In my judgment there has never been so much imposition upon any class of American citizens since the foundation of this Government as has been imposed upon the soldiers, their widows and orphans, of the late war. It stands, in

my judgment, without a parallel.

Now, Mr. President, what is the cause of this?

Mr. SPOONER. If the Senator will permit me, I would say that I received from a constituent of mine, an old soldier, a day or two since, a letter inclosing a printed contract or circular sent from Washington by a pension attorney demanding a \$25 fee for obtaining an increase of

Mr. COCKRELL. Certainly. For every act in the way of an increase and all these things they ask \$25, and they have flooded the country with these circulars, they have flooded the Departments with claims for which there is no foundation and which exhaust the time of

the accounting officers and others in their examination.

The question is, what is the remedy? What has caused all this to come up here? We ought to look at this matter squarely and not try to evade the issue. In my judgment the cause of this is the accumulation of undisposed-of business in the various Executive Departments and the inability of claimants and persons who imagine they have claims to get a prompt answer from the Departments when they write there. Now I think the Senate has the whole matter. The Senator from Arkansas referred to a claim of how much—three or four hundred

Mr. JONES, of Arkansas. About \$400.

Mr. COCKRELL. If Senators will take the pains to examine House Executive Document 140, Forty-first Congress, third session, entitled "Balances due from collectors of internal revenue, transmitted to the House by the Secretary of the Treasury, February 18, 1871," they will find that balances are there shown due to the United States aggregating \$20,700,983.33. In addition to that will be found Senate Executive Document No. 97, Forty-fifth Congress, second session, in regard to these same balances due from officers, showing the amount of aggregate balances against collectors not in office July 1, 1875, amounting to \$11,000,000, and balances at that date, May 31, 1878, of \$3,760, 249.44, after deducting unadjusted credits; and House Executive Document No. 363, Forty-ninth Congress, first session, entitled "Balances due to and from the United States, transmitted to the House by the Secretary of the Treasury July 28, 1886," shows, according to the books of the Register of the Treasury, balances due the United States amounting to \$25,809,194.40, and due from the United States to sundry persons \$382,104.50. The annual report of the Secretary of the Treasury for the fiscal year 1887 treats of the same matter.

By examination of these documents you will find that there are

thousands of little claims shown by the books of the Register of the Treasury to be due to various claimants. I have had some personal

experience in regard to some of them.

There was a land officer in Wisconsin who removed to Missouri and died, and according to one of these documents there was a balance of over \$2,000 due to him whilst he was a land officer in 1844, 1845, and 1846, if my memory serves me correctly, and his heirs were living in Missouri. They got a letter from a claim agent stating that there were certain sums of money due which he could collect for a certain percentage—whether it was 50 per cent. or 25 per cent. I do not now remember. These parties spoke to a friend. It was the first they had heard of it. The man was dead and his children were living there, and this gentleman wrote to me and I immediately turned to this document, having had occasion previously to examine it, and there I found the man's name and the two different sure that the man's name and the two different sums that were reported to be due him.

I wrote back to the parties that they had no earthly use for an attorney, that he could do no possible benefit, and thereupon I introduced a bill and had it referred to the Committee on Public Lands, as it was a matter pertaining to that committee, and after thinking the matter over we concluded not to report a bill directing the payment of this sum, but to report a bill directing the Secretary of the Treasury to research and record it the ships and record it to be a support to the secretary of the Treasury to research and record it the ships and record it to be a support to the secretary of the Treasury to research the support to the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the secretary of the Treasury to the secretary of the s to re-examine and reaudit the claim and to pay any sum that might be found due. I did that out of abundant caution. I believe the books will show that this sum is due; but I had had some experience in another case, where there was probably some \$1,500 or \$2,000 shown to be due to a deceased land officer in Missouri, and it happened that when his accounts were finally closed, as was supposed, his sureties had a small sum to pay for him, and it was considered a God-send for them to get back what they had paid and for his heirs to get the remainder. The application was made to the Treasury Department for the payment of this balance, but when the account was finally adjusted they found that the estate was still in debt to the United States instead of the United States being in debt to the officer. There the matter was left to rest, and, as a matter of course, nobody had any special interest in pressing it any further than that.

Now, Mr. President, how do these discrepancies come in the Treasury Department? They come because there is no place, no one record; where you can find the entire transaction; and that should be provided by law if the Treasury Department has not the authority to institute such a division to keep the books of the Treasury and all the accounts

so that you can go to one book and ascertain the entire status of a case.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 3401, in relation to the Pacific railroads, on which the Senator from Oregon [Mr. MITCHELL] is entitled to the

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be informally postponed until the Senator from Missouri concludes his remarks.

The PRESIDENT pro tempore. The Chair hears no objection, and

the Senator from Missouri will proceed.

Mr. COCKRELL. I want to examine this question of the cause of delay in the transaction of the public business and the grounds that these claim agents get for imposing upon claimants throughout the country. I lay it down as a proposition that-

country. I lay it down as a proposition that—

The States and the people having business transactions with the Government of the United States, to be considered and disposed of in the various Executive Departments in their sundry bureaus and divisions, have a right to demand and require that such business matters shall be considered and disposed of in the same careful, faithful, fair, and prompt manner by the officers and employés of the Government in which good business men, and the officers and employés of business firms, corporations, associations, bank institutions, clearing-houses, etc., consider and dispose of their business.

It is the duty of the Government officers and employés to consider, adjust, and finally dispose of every class of business matters coming before them fairly, justly, promptly, and finally. In all cases where the Government officers and employés have kept the vouchers and records of the business matters had and transacted with individuals and with States, corporations, firms, associations, officers and employés, it is their duty to consider, adjust, audit, and finally dis-

pose of all such business matters with promptness, celerity, and dispatch. And if, upon such auditing and final disposition, any sum of money is found to be due and owing from the United States to any person, on any account whatever, such creditor should be promptly notified and paid without the concealment or suppression in any manner of the fact of such indebtedness, and without waiting for the presentation of any claim therefor by such creditor; and if, on the contrary, upon such auditing and final disposition, any sum of money is found to be due and owing to the United States from any person whomsoever, on any account, such debtor, and any and all persons who may be liable for such indebtedness to the United States as surety, bondsman, or otherwise, should be promptly notified and payment thereof promptly and vigorously enforced without waiting for the death of the debtor or his sureties, or the lapse of the lifetime of a generation or two.

In all cases wherein the Government officers and employés have not kept all the vouchers and records of such business matters in such manner as to enable them to adjust, audit, and finally dispose of such matters, then they should examine and adjust such matters as fully as they can, and ascertain and determine the additional information, evidence, and data requisite and necessary to enable them to make a final audit and disposition of such matters, and at once and promptly notify the party or person in interest of such additional information, evidence, and data requisite and necessary to enable them to make a final audit and disposition of such matters, and at once and promptly notify the party or person in interest of such additional information, evidence, and data requisite and necessary to enable them to make a final audit and disposition of such matters, and at once and promptly notify the party or person in interest of such additional information, evidence, and data requisite and necessary to enable time to present and furnish the same promptly, and give him a rea

#### LAXITY AND DELAYS IN DISPOSING OF BUSINESS.

That these plain common-sense principles have not been observed in the methods of transacting the public business in the various Departments is made only too manifest in the accumulations and pendency of business matters arising in ages past and now undisposed of.

For a long series of years in the past there have been laxity and delay in making final settlements and adjustments of claims and balances due from the United States to official, employé, soldier, and sailor, and other creditors, and apparently a concealment of the fact of such indebtedness by the United States, as shown by the vouchers and records kept in the possession of their own departments and awaiting for the presentation of a claim therefor by the claimant or some claim agent, and the creation of a suspicion of collusion between Government officers and employés and such claim agents, and not only such laxity and delay in the final adjustment and payment of claims due from the United States to creditors of various classes, but also in the adjustment of claims and balances due to the United States from accounting officers, agents, employés, and others, and in the prompt and vigorous enforcement of the collection of such balances.

The remarks I have just submitted are falson from the apport of the

The remarks I have just submitted are taken from the report of the Senate Select Committee to Inquire into and Examine the Methods of Business and Work in the Executive Departments, and the causes of delays in transacting the public business, etc.
Mr. HAWLEY. What is the number of that report?

Mr. COCKRELL. It is Senate report No. 507 of the first session iffield Congress. It is the report of the Select Committee to Inquire Fiftieth Congress. into the Methods of Business in the Executive Departments.

Mr. President, when we made this inquiry we found a mass of business pending in the Departments, 276,000 individual cases pending in the General Land Office undisposed of, and some of them nearly as old as the Land Office itself, pigeon-holed for generation after generation. Why, Mr. President, only in the last Congress we passed a bill to confirm an entry of land made under a New Madrid certificate of location which had been located for over sixty-four years, the land had been absolutely occupied for sixty-three years, and yet the Land Office after that great length of time was about to cancel the original location. To-day there are nearly eight hundred entries in Missouri under the graduation law passed in 1854, and which was repealed in 1862 or 1863, pending in the Land Office undisposed of, pigeon-holed, and liable at any time to be called up by a clerk or some person there and canceled.

Mr. President, go into the Third Auditor's Office and you will find

claims of soldiers of the Mexican war still pending undisposed of. The Auditor does not want to take up these claims and reject them. They have been filed there in a generation that is gone; there may be very little evidence; it may be impossible at this late day to find the claimant or any of his witnesses; and the Auditor out of kindness has permitted these claims to remain there undisposed of. Now and then some old soldier of the Mexican war revives the memory he once had in his youthful days of a claim for a horse lost in the service, and he makes inquiry, furnishes additional proof, and the claim is adjudicated; and for years and years the reports of the Treasury Department of the claims adjusted by the different accounting officers show that so-and-so is allowed for a horse lost in the Mexican war. The claim agents, in many instances, find these things out and notify the parties.

Now, I say that there are not millions of dollars, but there are many thousands of dollars in small sums, in my judgment, due and unpaid to the soldiers of the late war, their widows and their orphans. is the prolific source of ignorance, I may say, on the part of the claimants themselves; that is, their inability to find out what is due them; and that gives the claim agents an opportunity of presenting these fascinating circulars to them and getting claims filed. In my judgment, that state of affairs ought not to be allowed to continue. It is a disgrace to our civilization; it is a disgrace to our Government and our people that we do not adjust these balances which remain, in many instances shown by our records kept by our own sworn officers, and I was told only recently of an instance that occurred in Germany,

where officers upon a certain kind of duty were entitled only to certain pay, and upon a different duty, when put in the field, I believe it was, there was increased pay, and one officer had receipted for his account, for his monthly pay at the peace rate, the lower rate, while he had been nine or ten days of that month on the higher rate of pay. Without noticing the distinction he had made out his account and receipted for it. He had immediately gone to the seat of war in the Franco-German war, and whilst he was around Sedan a German officer hunted him up with a blank receipt and the money and paid him the balance that was due him.

What has been the system in the United States? And I may say it has been the system almost from the foundation of the Government. The system has been to conceal and suppress, as it were, the various little sums due to persons connected with the Government in any capacity, or claims of any kind, and every man who gets a dollar has to make a claim for it; and unless you make a claim the claim is not adjusted, and you are not paid.

I will give an instance of this. There was a colored woman whose husband was in the Army and died, and she was entitled to a pension. She resided as an employé in my house at home. She claimed that

she was entitled to bounty.

After a long time she was notified that a paymaster would be at Jefferson City and would pay her the amount of the bounty. She went there, and, if I recollect aright, was paid \$90, and \$10 was retained for attorney's fees. She came home and complained bitterly that she had been swindled out of \$100. She claimed that she was entitled to \$200 bounty. This was about 1875 or 1876. For years she claimed that she had been practically swindled out of \$100 of bounty which was due her. Finally, in 1884—I think it was in the fall of 1884, or more probably in the fall of 1885—she had a letter written to me, and I determined to ascertain whether she had been unjustly dealt with. So I wrote to get a copy of the receipt she had given and the names of the witnesses to her signature, for I knew she could not write, and the name of the pay-master, so that I could ascertain whether any improper practices had been used. I received a copy of the receipt and the names of the witnesses to it, showing that only \$90 had been paid her, and that was the amount she said had been paid her, and that \$10 had been retained. I found a little pencil slip in this letter stating, "It is believed \$100 additional bounty is due to this woman."

They were not allowed to give that information officially; and some honest, deserving, and worthy clerk who saw the record and saw that \$100 was due to this poor, ignorant colored woman, had the kindness of heart to write on a little piece of loose paper, in pencil, so that the handwriting, etc., could not be identified, that it was believed there was \$100 due to this woman. I immediately sent her a form of application for arrears of pay and bounty, and had it presented, and after the lapse of about four months the claim was adjudicated and the \$100

was paid to her.

Now, mark you, she had already made one application for bounty and one-half of the bounty had been paid to her. I say this is not the The Government has not been doing right. right policy. tem is wrong; it is morally wrong, it is legally wrong, and I say that the accounting officers should be required regardless of the lapse of time or anything else, whenever they find that our own records kept by ourselves show that we owe any person who has been connected with the public service in an official capacity by contractor otherwise a particular sum of money, it should be audited, and that man should be hunted up and should be paid.

But, Mr. President, there is another class of claims that should be dealt with differently, and that is where the man who has a claim against the Government keeps his own account and has his own means of presenting the evidence to substantiate it. In that case there should be a limitation and the Government should not be compelled to hear a claim twenty or thirty or fifty years after it has passed or ten years after the officers and employés of the Government who transacted the business have died or moved away and the Government can have no opportunity of testing the correctness of the claimant's account.

This is a matter that must be dealt with. Our Departments are deluged with these arrears of business, and there is but one way, in my judgment, the right way, and that is to take up the pay-rolls of the Army, to commence with the Army accounts and the pay-rolls kept in the office of the Second Auditor in good condition, sent there by the Paymaster-General as vouchers for the payments made thereon in bulk by the paymasters. They have not been worn out. They have not been mutilated. Those rolls should be used, and in connection with them there should be made out an indexed record of every soldier connected with the service during the late war. It is an easy matter to make it. The whole information can be placed upon one index card, and then you can transcribe from the pay-rolls the entire military history of a soldier and all amounts that may be due to or from him. In that way, in one method of adjustment, you close all the accounts of the soldiers of the late war. Whenever it is found that any sum is due to them, then they should be hunted up and paid. If that were done the ground that the sharks have for robbing the soldiers, their widows, and orphans would not exist. The Government is to some extent to blame.

This system can be easily applied. You can apply the card-indexrecord system to the pay-rolls, and wherever there was not a payment made and a muster was made, then go to the Adjutant-General's Office and take the muster-rolls, and there you have the complete record of the soldier as to his service, as to his pay, as to his bounty, and as to everything connected with him, and all kinds of liabilities for and against him.

This is not any stupendous work. It can be easily done if it can be entered upon. The same system has been applied to the pension and record division of the Surgeon-General's Office, where there were 19,000 hospital records, and they have been practically transcribed, over half or two-thirds of the work being done on these card-index records, so that in a few minutes any soldier whose name is borne there can obtain a statement of his hospital record almost as quickly as you would go to a library and take down a dictionary and ascertain the meaning

of a word, because it is all condensed on one card.

In the examination that the Senate select committee made we were satisfied that we could not devise and recommend the proper remedies for all these delays, for all this duplicate work in the Departments; and therefore the select committee recommended the appointment of a commission or committee in both the War Department and the Treasury Department to consider the methods of business there and to shorten them, abbreviate them, reduce them to order and to form, and dispense with all the useless labor. Those two committees have made their reports, which were very recently submitted to me as chairman of the Senate select committee, and I hope to be able to submit them to the Senate before the close of the present session. Very many great and important changes have been made in both the Treasury and War Departments in simplifying the methods of business and facilitating its transaction, and in dispensing with useless and unnecessary formalities.

I do not desire to detain the Senate any longer. I simply wish to say in reference to the pension cases what I understand to be the rule of the Committee on Pensions. The Senator from Wisconsin [Mr. SAWYER], who, I believe, is the chairman of that committee, is now present, and I make the statement in his presence. I understand that it is a rule of the Pension Committee only to consider such cases of

soldiers' pensions as have been rejected by the Pension Office.

Mr. SAWYER. Yes; that is the rule.

Mr. COCKRELL. They must have made their application to the Pension Office, and the pension claim also must have been rejected.

Mr. SAWYER. Yes. Mr. COCKRELL. When a bill is introduced and referred to the Committee on Pensions, as I understand (and I want to be correct in this matter, for I want it to go on record), the committee sends to the Pension Office for the papers there filed.

Mr. SAWYER. That is correct.
Mr. COCKRELL. The papers there filed and any additional papers that may be filed when the bill or petition is introduced to accompany it are considered, and upon them the report is made; and these pre-tended attorneys and claim agents who tell about the wonderful number of bills that have been passed by Congress have nothing in the world to do with them.

Mr. HAWLEY. I should like to make a suggestion there. That question bothers me. In many a case of that sort the poor soldier is not a lawyer, not a business man, and he does not know anything about that additional evidence. He does not know how to get it up at all. Why should not he, as anybody else does, employ somebody to do it?
The attorney, if he be an honest one, whom he employs, knows just what blanks to fill out; he knows what additional evidence is necessary, and he can advise and assist the soldier in doing it. I do not see why that is not as legitimate as any other legal business.

Mr. COCKRELL. If he had an attorney at home to assist in the

preparation of any affidavits that might be required, it is presumed that if the pension attorney has done his duty he has required him to present to the Pension Office all the obtainable evidence. If he has not done that he is not worthy of being retained in the case, and will be of no further service to the pensioner before Congress. He ought to tell him what kind of evidence to present to the Pension Office and the

evidence ought to be presented there.

Mr. HAWLEY. If the Senator will pardon me there

Mr. COCKRELL. Certainly, it is no interruption.

Mr. HAWLEY. A good pension lawyer-the better he is the more certain he is to know it—does not present certain evidence in the mat-ter, because he knows it will be of no use under the law, but it may be at the same time evidence that goes strongly to the equity of the case when presented to Congress, which has full jurisdiction. Is not that quite conceivable? What is the use of a person sending a class of secondary evidence or evidence still further removed, when he knows the Pension Office by the terms of the law can not use it?

Mr. COCKRELL. I ask the chairman of the Committee on Pensions if there are many cases where any additional evidence is filed? Mr. SAWYER. I am not chairman of the committee, but I will

answer the question. What is the question?

Mr. COCKRELL. Are there many cases where additional evidence is filed outside of the Pension Office?

Mr. SAWYER. There are quite a number of cases where evidence

comes to the committee through the Senate, and that is always considered with the papers that come from the Pension Office.

Mr. COCKRELL. But the great bulk of the cases are considered on evidence which had been filed in the Pension Office?

Mr. SAWYER. Oh, yes, the great bulk of the cases.

Mr. COCKRELL. So my statement is absolutely correct upon that question. These attorneys practically do no service so far as that is concerned. I know I have had frequent cases where soldiers have said that they found they were not entitled to pensions under the law; and I have always advised them to make application to the Pension Office and have the case rejected, so that the evidence would be on file and could be sent for by the committee when a bill for a special pension should be introduced.

The question of limitation is a very important one. I would dislike very much for the Appropriations Committee to be instructed to report legislation on that question at this time. I do not think we should have time to mature any legislation at this session, and besides, the legislation does not belong to the Appropriations Committee.

I have stated simply what I think ought to be done. I think we

ought to require the Departments to adjudicate all claims which their own records show to be complete, and where sums are due to parties we ought to hunt them up and pay them. I do not think there ought to be any requirement that the party should present a claim before he could receive payment. I think where parties themselves have claims we ought to require those claimants to present them and the evidence within a certain time, and if they do not present them I think after the lapse of that time the claim should be disallowed and should be forever barred, and no accounting officer should be permitted to recon-

Mr. TELLER. I should like to ask a question, if the Senator will allow me.

Mr. COCKRELL. Certainly.

Mr. TELLER. The people who have these claims allowed very frequently do not know it. A great many land officers who sent up their claims to be adjudicated when they went out of the land office have had their claims allowed and have never been notified, and have gone on year after year without notice from the Department.

Mr. COCKRELL. There is no doubt of that. I say it has been the policy of the Government, so far as I can learn, from time immemorial, instead of hunting up a claimant and paying him or making known to him that there is a sum of money due him, to conceal that fact.

Mr. TELLER. May I say another word?
Mr. COCKRELL. Certainly.
Mr. TELLER. I think not only what the Senator says is true, but it has been regarded as a great breach of public morals for a clerk in any of the Departments to suggest to anybody that there was a claim in his favor. I have no doubt if a clerk upon the record of which he speaks, where there appears to be due a woman \$100, should give information which that woman had sent here, he would have been dis-

missed from office.

Mr. COCKRELL. That may be.

Mr. TELLER. That is the rule.

Mr. COCKRELL, I say the system is vicious and wrong, and it ought not to be permitted to continue. We ought to compel the Departments to bring up their business. Where a claimant has a claim partments to bring up their business. against the Government and has the evidence in his own hands he ought to be required to present it, so that the Government could pass upon it.

As to another class of cases, the Second Auditor in his report com-ments at length upon the fact that on the examination of the claims of soldiers and officers during the late war, in many instances little balances are found to be due to the officers and the soldiers, and for the first time, twenty-odd years after the war is closed, they are notified of the fact. This is wrong. The Departments have no right to wait for that lapse of time. We had a case here in which Congress afforded relier where \$2,000 was paid in 1861, in the beginning of the war, to General Thomas L. Price, of Jefferson City, Mo., as a secret-service fund, and that never had been credited to him, and it came up against his estate. A suit was instituted against him twenty-odd years after the occurrence and long after he was in his grave. In the examination of the claims in that matter I discovered the fact that a certain little sum of money had been paid in 1861 to a regularly commissioned officer whose salary was not then fixed by law, stationed at Jefferson City, and when the accounts were reached in the course of three or four years the amount of this payment was suspended and charged up against General Price because he was commanding at the time.

We have no right to keep balances due to the United States con-cealed for so long a time and then come in after the party is dead and has no means of meeting the account. If we have a claim against an individual we, having the records, should present it within a reasonable time or be barred, just as we require a claimant who has a claim and has the evidence within his own possession to present it within a reasonable time. In other words, there should be an equality between the United States enforcing its claim against an individual and an individual enforcing his claim against the United States

I hope that Congress will take this matter up and will adjust it.

How we can do it in the Committee on Appropriations I can not possibly see. I do not believe that committee would have the time to adjust it; but it is a great question, it is an important one, and it should be disposed of, and disposed of, as I think, in the manner I have indi-

The PRESIDENT pro tempore. The resolution offered by the Sena-tor from New Hampshire will be resumed to-morrow as current morning business

Mr. CHANDLER. I am not informed that any one desires to debate the resolution any further, and therefore I hope there may be a vote upon it.

Mr. ALLISON. I desire to call up the legislative appropriation bill. Of course, if there is to be no further debate on the resolution, I shall

Mr. CHANDLER. There is to be no further debate upon it, I understand.

Mr. ALLISON. I do not object to a vote.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. HAWLEY. I had told the Senator from New Hampshire that I wanted to say a few words on this matter.

Mr. HARRIS. Is the amendment proposed by the Senator from Iowa

pending?

The PRESIDENT pro tempore. It was withdrawn.

Mr. HARRIS. Then there is no amendment pending?
The PRESIDENT pro tempore. There is no amendment pending.
Mr. FRYE. If the resolution of the Senator from New Hampshire is to take up any length of time I shall have to demand the regular

order.

The PRESIDENT pro tempore. The Senator from Connecticut rises to debate the resolution. Does the Senator from Maine object?

Mr. FRYE. If the resolution is to occupy time. I understood the Senator from New Hampshire, when he asked that it might be considered now, to state that a vote would be taken.

Mr. CHANDLER. I made that statement in good faith. The Senator from Connecticut had stated that he wished to say a few words.

Subsequently he informed me that he did not know whether he would do so or not. Therefore I thought that perhaps the vote could be taken without further debate. I do not know whether any other Senator wishes to speak besides the Senator from Connecticut.

The PRESIDENT pro tempore. The Senator from Maine is entitled to call for the regular order. Does he object to the further consideration of the resolution of the Senator from Maine?

Mr. FRYE. I shall be obliged to object.

Mr. HAWLEY. I do not propose to speak at any length. I shall be out of the way in four or five minutes.

Mr. FRYE. If only for four or five minutes I shall not of course in-

sist on the regular order.

Mr. TELLER. I think the resolution might as well go over until to-

morrow. I have refrained from saying anything, although I desire to debate it, for one. I will reserve the right to say something upon it.

Mr. HAWLEY. In that case I will sit down.

The PRESIDENT pro tempore. The Senator from Maine calls for the regular order.

Mr. CHANDLER. Then I request that the resolution remain as

The PRESIDENT pro tempore. Is there objection? The Chair hears

# HOUSE BILLS REFERRED.

The bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota, was read twice by its title,

and referred to the Committee on Indian Affairs.

The bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

# MOUNT VERNON ROAD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon and making an appropriation therefor.

The amendment of the House of Representatives was, at the end of

line 15, to insert the following proviso:

Provided, That nothing herein shall be construed to bind the Government of the United States to pay for any portion of the right of way for the avenue contemplated by this act.

Mr. RIDDLEBERGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

# DISTRICT POLICE-COURT JURY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes; which were referred to the Committee on the District of Columbia.

#### VISITORS TO WEST POINT.

The PRESIDENT pro tempore. Under the provisions of section 1327 of the Revised Statutes the President of the Senate appoints as members of the Board of Visitors to attend the annual examination of cadets at the United States Military Academy, Messrs. DAVIS and DANIEL.

#### TIMBER ON INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3858) in relation to dead and fallen timber on Indian lands.

The amendment of the House of Representatives was to strike out all after the enacting clause and insert:

That the President of the United States may from year to year, in his discretion, under such regulations as he may prescribe, authorize the Indian's residing on reservations or allotments the fee to which remains in the United States to fell, cut, remove, sell, or otherwise dispose of the dead timber standing or fallen on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

I move a concurrence in the amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate agree to the amendment made to the bill in the House of Representatives.

The amendment was concurred in.

#### PETITIONS AND MEMORIALS.

Mr. JONES, of Arkansas, presented the petition of H. L. Matheny and 16 others, citizens of Lunenberg vicinity, Arkansas, praying for the submission to the States of a constitutional prohibitory amend-

ment; which was ordered to lie on the table.

Mr. HAMPTON presented numerous petitions of citizens of Charleston, S. C., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. PAYNE presented a petition of citizens of Ohio, praying for an amendment to the Constitution prohibiting the manufacture, importation, and sale of alcoholic liquor throughout the United States; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. EVARTS, from the Committee on the Library, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and or-

dered to be printed.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 3681) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the

State of Kansas, reported it with amendments.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 3894) to ratify and confirm an agreement with the Southern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect, reported it with amendments.

#### BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 3927) to authorize the appointment to office or position of American citizens over twenty-one years of age, who have been ascertained by civil-service examination to be qualified; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. GRAY introduced a bill (S. 3928) to amend rule 2, of section 4233, of chapter 5 of the Revised Statutes of the United States, relating to lights on vessels; which was read twice by its title, and referred

to the Committee on Commerce.

Mr. RANSOM introduced a bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BATE introduced a bill (S. 3930) for the relief of H. J. Cheney; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST introduced a bill (S. 3931) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. DANIEL submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

by him to the sundry civil appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

### DISTRICT CORPORATIONS.

Mr. RIDDLEBERGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the commissioners of the District of Columbia be directed to report to the Senate the assessed market value of the capital stock of all corporations within the District of Columbia assessed in accordance with existing law for personal taxation, the amount of tax paid by such corporation, and for any facts or information within their knowledge tending to show any evasion of the law on the part of any of said corporations.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory,

and for other purposes;
A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation, in Min-

A bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kan-

A bill (H. R. 12292) to amend sections 851, 856, 857, 861, and 862, Revised Statutes of the United States relating to the District of Co-

The message also announced that the House requested the Senate to furnish the House with a duplicate copy of the concurrent resolution directing the manner of the enrollment of the bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments, the original having been lost.

The message further announced that the House had passed the bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory.

# ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 1320) granting a pension to Catherine M. Lee;
A bill (S. 3052) granting an increase of pension to George W. Durfee;
A bill (H. R. 500) for the relief of William R. Blakeslee;
A bill (H. R. 3132) for the relief of David A. Haywood;
A bill (H. R. 9396) for the relief of General William F. Smith;

Joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn on European dock-yards; and

Joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. MITCHELL] is entitled to the floor on the unfinished business.

Mr. ALLISON. With the consent of the Senator from Oregon, I ask the Senate to resume the consideration of the legislative, executive,

ask the Schate to resume the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business, being Senate bill 3401, concerning the Pacific railroads, be informally laid aside, and that the Senate proceed to the consideration of the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other

purposes.

Mr. FRYE. I yield because I am obliged to do so.

The Senate, as in Committee of the Whole, resumed the considera-The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, the pending question being on the amendment proposed by Mr. HAWLEY, under the head of "Civil Service Commission," on page 20, line 19, to strike out "two" and insert "three;" so as to read:

Three clerks of class 2.

Three clerks of class 2.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor on the pending amendment.

Mr. CHANDLER. Mr. President, when I was interrupted yesterday by the motion to adjourn I was stating to the Senate the fact that the civil-service law of itself classified the bulk of the clerks in the various Departments, and that there was no need of departmental action to make the classification which would bring those clerks under the operation of the civil-service act, which requires appointments to be made from persons who have passed competitive examinations. The fourth report of the Civil Service Commission, on page 105, states that—

The clerks of each of the following Departments: State, War, Treasury, Justice, Post-Office, Navy, and Interior, were divided into the following classes: First class, salary \$1,200 per annum; second class, salary \$1,400 per annum; third class, salary \$1,600 per annum; and fourth class, salary \$1,800 per annum.

Upon these classes of clerks, in the Departments named, the civil-service act, by virtue of its seventh section, became operative on July 16, 1883.

Mr. COCKRELL. What is the Senator reading from?
Mr. CHANDLER. I am reading from the fourth report of the
United States Civil Service Commission, introduced into the debate

yesterday by the Senator from Missouri.

Mr. COCKRELL. On what page?

Mr. CHANDLER. On page 105. The report then proceeds to recite section 7 of that act, which excludes from appointment to the civil service any person into any "of the said classes now existing or that may be arranged hereafter pursuant to said rules," until he has passed an examination, etc. As stated yesterday, the only affirmative action required by the heads of Departments in the way of classification was to classify clerks whose salaries might be above \$1,800 a year and not exempt by the statute from civil-service examination and clerks whose

salaries might be less than \$1,200.

As I understand, in all the Departments of the Government as it appears from this very report of the Civil Service Commission from which the Senator has read, a classification had been recognized under which all appointments to clerical positions in the Departments were to be made only after competitive examinations in pursuance of the act.

I make the statement broadly that as a matter of fact the statute was obeyed by the Departments, not only in reference to appointment to the four classes of clerks who are specified, but with reference to clerks whose salaries were more than \$1,800, and also with reference to clerks whose salaries were less than \$1,200, and no classification was made in 1884 after the Presidential election by which there were included in the classes of clerks who could only be appointed after competitive examination any clerks who as a matter of fact had been eligible to appointment only as the result of competitive examinations before the election in 1884.

If this be correct, what becomes of the Senator's claim that the action of the present President of the United States in putting 5,320 employés in the postal service under the protection of the civil-service act after the election in November last was justified by anything of the same kind which had been done by the previous administration?

It seems to me that the whole of the Senator's claim is groundless.

I admit that he has been misled into making his claim naturally enough by the language used by the Civil Service Commission in their report. But there certainly was no change in the practice of the last administration which justifies the action of this Administration. I ask the Senator to inform the Senate whether prior to November, 1884, and after this act went into operation, he can point out a single appointment made to a clerical position in any one of the Departments without a civil-service examination which could not have been made without a civil-service examination after November, 1884. I believe that he will be unable to point out a single case of that sort. I am certain that as to the Navy Department he will not be able to point out a single case of that kind, and I believe he will not be able to find it in any other of the Departments.

In the face of this fact how can the Senator justify by any precedent the action of the present President of the United States, who, after he the action of the present President of the United States, who, after he had appointed, as I find by the report of the Postmaster-General, in 1887, 3,633 employés in the postal service, having never thought, so far as the public knew or as appears of record anywhere, of including the 5,320 employés of such service within the operation of the civil-service rules, yet on the 5th day of December, after he had been defeated for re-election, and when it had become apparent that the administration was to go out of power and be succeeded by a Republican administration, proceeded to attempt to put these 5,320 employés under the supposed protection of the civil-service act?

Mr. President, there was no justification for it in anything that had taken place in any previous administration. There was no justification

taken place in any previous administration. There was no justification for it in anything that had gone before in the action of President Cleveland himself. It was not a bona fide execution of the civil-service law in my judgment; and I trust that one of the first acts of the incoming administration will be to defeat this attempt to protect the swarm of disreputable and incompetent postal clerks who were put into the service, all the appointees numbering 3,633 prior to December, 1887, and I do not know how many since, not all of whom were incompetent, but a large number of whom were incompetent.

I hope that the order will be revoked as not having been a legitimate execution of the civil-service act which the President had been undertaking to administer for three years and a half, as not having been an attempt in good faith to carry out the principles of that act; and that the postal service of the United States will start in March next exactly where President Cleveland had it in the month of November, 1888, be-

fore he knew he had been defeated for re-election.

Mr. COCKRELL. Mr. President, I am astonished that my good friend from New Hampshire should quibble so much on the word "revise," and attempt to make it appear that there was no actual revision of the classified list in the Navy Department after the election of 1884. I did not make the statement I made yesterday, nor read the documents I read, unadvisedly. The Senator is himself simply mistaken in believing that I am the one mistaken.

The act entitled "An act to regulate and improve the civil service of the United States" brought within its terms and provisions certain classes of officers in the Departments without any act on the part of

the head of a Department. The law itself placed under its provisions and protection the classified departmental prvice, the clerks receiving salaries of \$1,200, \$1,400, \$1,600, and \$1,800, being clerks of classes 1, 2, 3, and 4. The third subdivision of section 6 of the civil-service act

That from time to time said Secretary-

Referring to the Secretary of the Treasury-

the Postmaster-General, and each of the heads of Departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective Departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective Departments not before classified for examination.

As I understand (and I shall thank the Senator from New Hampshire to correct me if I am incorrect), the clerks of classes 1, 2, 3, and 4 in the Navy Department, immediately after the passage of this civilservice act, became subject to the civil-service law and regulations, and, as he says, no appointments were thereafter made to those classified places except under the civil-service law and regulations. That was the classification of his Department. I said that he revised and reclass-

ified the Department. I quoted the language of the Civil Service Commission in their report stating the fact that a revision of the classification had been made. The Senator puts that point in dispute. If he did not do that he violated the law. The section of the law which I have read required him from time to time, under the direction of the President, to revise the classification of his Department, and if under the requirements of the President he failed to do that he violated the letter as well as the spirit of the civil-service law. I say he did it. I say he was compelled to do it under the law, and that it was a revision of the classification existing by operation of law in his Department, and that revision of the classification was in obedience to the requirements of law, and was made after the election in 1884.

Now, let us examine that point. What does the Civil Service Commission say on page 107?

On November 25, 1884, the commission received from the Secretary of the Navy, in a communication dated November 22, 1884, a revision of the classification of that Department, dated November 1, 1884.

Was that true? It was emphatically, legally, and equitably true, and it was only the delayed performance of a duty which had devolved upon the Secretary of the Navy immediately upon the passage of that act. It was delayed until after the election in November, 1884.

I say the Civil Service Commission were correct in their report. The law says that the heads of Departments shall revise the classification. The .aw made the classification and it was to be revised from time to time. I did not say that the Secretary of the Navy had revised a revision of the classification, as some of the other heads of Departments did, but I said that he had revised the classification, and the law and

the report show that I was exactly correct in that statement.

Did the Secretary extend the classification made by the civil-service law? I believe we have agreed that under the law clerks of classes 1, 2, 3, and 4 alone were embraced and classified and became subject to that law. The Secretary in his order of November 22, 1884, to which I have referred, brought within the purview of the civil-service law and regulations and under them clerks of \$1,000 per annum, \$900 copyists, and \$720 copyists. That seems to me an extension of the provisions of the civil-service law by this revision to classes not previously embraced within its terms, and this revision was made on the 22d day of November, 1884. I yesterday had read to the Senate the letter of the Secretary of November 22, 1884, signed by him, which I will not quote to-day.

Yesterday I showed that the entire Agricultural Department had 

clerks it covered?

Mr. COCKRELL. No, I did not.
Mr. DAWES. Could the Senator do so conveniently?
Mr. COCKRELL. I could not. I should be very glad if the Senator from Massachusetts, who doubtless carries in his head the number of all the clerks in the different Departments, would state it, so that it may go on record.

Mr. DAWES. I inquire in good faith for information. It seems to me that as compared with fifty-five hundred it is somewhere less than one hundred.

Mr. COCKRELL. Oh, no; it was more than that in the Agricultural Department; but there were not over a thousand, and probably not over five hundred, who were brought within the civil-service law. There were a great many there who were brought within the civil-service law who were not clerks.

Mr. DAWES. Is the Senator confident that the number would be seventy-five in the Agricultural Department?

Mr. COCKRELL. Oh, yes. All, as I understand, were brought under it whose salary was over \$55 per month.

Mr. DAWES. I know the limitation, but I do not know how many. Mr. CHANDLER. If the Senator from Missouri will allow the statement to be made of how many clerks there were in the Agricultural Department, it appears on page 495 of this same report. Five clerks of class 4; nine clerks of class 3; nine clerks of class 2; seventeen clerks of class 1; twenty-three clerks at \$1,000 each; twenty clerks at \$840 each, and seven clerks at \$720 each.

Mr. DAWES. What is the aggregate?
Mr. CHANDLER. I have not footed it up. Those are all the clerks in the Department of Agriculture who were put under the civil-serv-

Mr. DAWES. It would be interesting to have the aggregate stated for the benefit of the Senator from Missouri.

Mr. COCKRELL. Does not the Senator from New Hampshire understand that there were also brought within the classified list or under the civil-service law clerks at \$720 per annum, clerks in the Bureau

of Animal Industry, the disbursing officer, etc.?

Mr. CHANDLER. I do not. I understand that those I have read were all of the clerks who were classified in the-Department of Agri-

Mr. COCKRELL. I have not had time to read the entire list of names of those who were classified. I will get it in a moment.

Mr. CHANDLER. The Senator from Connecticut [Mr. HAWLEY]

informs me that it makes ninety clerks in the Department of Agriculture, which the Senator from Missouri makes an excuse for appointing 3,630 clerks in the railway mail service and placing them under the civil-service act.

Mr. HAWLEY. It ought to be said that in the paragraph following those the Senator from New Hampshire has referred to the report proceeds to name the disbursing officer at \$1,800, an assistant to the disbursing officer at \$1,400, Mrs. Shepherd at \$1,000; librarian, superintendent of the folding room, and several other employés whose salaries were none of them more than a thousand dollars, making perhaps fifteen more

Mr. TELLER, They were excepted?
Mr. CHANDLER. They were not included.
Mr. HAWLEY. Then there are ninety of the ordinary classifications

Mr. COCKRELL. I will make the statement mathematically accurate and exact, as the Senator from Massachusetts [Mr. DAWES] desires to know it.

List of clerks in the United States Department of Agriculture classified in accordance with the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883.

ice of the United States," approved January 16, 1883.

Clerks of class 4 (5): In the office of the Commissioner: William J. Cowing, George A. Bacon In the bureau of statistics: Edward W. Doherty. Edward S. Howes. Compiling matter for annual and special reports: David M. Nesbit. Clerks of class 3 (9): In the office of the Commissioner: David Bremner, Mrs. K. I. O'Toole. In charge of the seed room: Arnold S. Richmond. In the bureau of statistics: Robert F. Smith, Frank L. Evans, Benjamin F. Bell. Compiling matter for annual and special reports: E. V. O'Brien, Samuel M. Clark. Clerk in charge of quarantine stations for neat cattle: Allan Dodge.

Clerks of class 2 (9): In the office of the Commissioner: Edmund Burke, Mrs. A. S. Caldwell, Patrick H. Coffee, George R. Simmons. In the bureau of statistics: E. L. Phillips, John P. Church, Bernard W. Snow, Temple Clark. Compiling matter for annual and special reports: I. I. Noah.

Clerks of class 1 (17): In the office of the Commissioner: John W. Hall, Frank W. Ivins, James J. Sansom, George W. Kennicutt, Mrs. F. N. Gregory, Mrs. M. H. Burr, Miss Evie Lyons. In the bureau of statistics: Henry R. Burrill, Henry C. Robinson, Miss S. L. Sommers, Miss Eva Quinn, Miss Louise Breedin. Compiling matter for annual and special reports: Warren C. Tilton, George W. Hall, B. P. Turner, Richard J. Hinton. Clerk in the bureau of forestry: Robert W. Best.

piling matter for annual and special reports: Warren C. Tilton, George W. Hall, B. P. Turner, Richard J. Hinton. Clerk in the bureau of forestry: Robert W. Best.

Clerks at \$1,000 each (23): In the office of the Commissioner: Mrs. S. E. Jenkins, Mrs. M. M. Ingram, Mrs. M. D. Newell, Mrs. W. E. Robinson, Mrs. A. H. Love, Miss A. M. Winfield, Miss Maggie Taylor, Miss Carrie L. Dubois. In the seed bureau: Thomas J. Ray, John C. Wright, John J. Atwell, Mrs. C. Waldren, In the bureau of statistics: Edward B. Jones, Mrs. C. W. Pattison, Miss Anna Montgomery, Miss C. Shanahan, Miss S. F. Seaton, Miss Eliza J. Day, Miss Maria L. Wood. Compiling matter for annual and special reports: Mrs. E. L. Hart, Miss E. G. Latham, Frank Thoma. Copyist in the chemical bureau: Miss Virginia Miller.

Clerks at \$400 each (20): In the office of the Commissioner: Miss Jennie K. Wharton, Montague Fassett, Miss Tillie Little, Mrs. E. L. Eaton, Mrs. C. M. Finckell, Miss F. C. Cox. In the bureau of statistics: Mrs. M. A. Lord, Mrs. E. L. Clark, Miss E. V. Pepin, Miss Flora Schmidt. In the seed bureau: Mrs. Ella Edwards, Mrs. Margaret Jones. Compiling matter for annual and special reports: Mrs. A. E. Woulfe, Mrs. Isabel O. Maddux, Mrs. M. A. Robbins, Mrs. R. B. Clarke, Miss A. E. Barbour, Miss A. W. Carman, Miss Carrie Thompson. In the division of silk culture: E. M. Thoman.

Clerks at \$720 each (7): In the bureau of statistics: Mrs. M. H. Bailey, Mrs. M. J. D. Forest. Compiling matter for annual and special reports: Miss L. G. Grigsby, Miss L. G. Burbridge, Miss M. McCutcheon, Miss Mary Sullivan, Mrs. M. A. Goodchild. Clerk to Bureau of Animal Industry: Miles Fuller, \$1,500.

Miscellaneous, disburring officer: B. F. Fuller, \$1,800. Assistant to disbursing officer: Henry Phelps \$1,400; Mrs. B. S. Shepherd, \$1,000. Librarian: Mrs. E. H. Stevens, \$1,400. Superintendent of folding-room: S. S. Blackford, \$1,200. In the chemical bureau: C. Richardson, \$1,800; Edzar Richards, \$1,600; A. E. Knorr, \$1,200; F. V. Broadbent, \$1,200; John Dugan, \$1,000.

GEO, B. LORING, missioner of Agriculture. Commiss

That is signed by "George B. Loring, Commissioner of Agriculture,"

and those are the persons brought under the civil-service law and regulations in the Department of Agriculture.

Mr. DAWES. Then the Senator from New Hampshire is not correct,

is he?

Mr. COCKRELL. What does the Senator say?
Mr. DAWES. The Senator from New Hampshire says that those
who were read under the head of "Miscellaneous" by the Senator from Missouri were not included.

Mr. COCKRELL. Not if George B. Loring, the Commissioner of Agriculture, was correct in making the report. The Senator from New Hampshire can settle with him as to whether these persons were brought within the law or not. The Commissioner of Agriculture says they were, and the Civil Service Commission say they were.

Mr. CHANDLER. They make thirty more, if that is true, but I understand that only the ninety clerks were included within the provisions of the law.

visions of the law.

Mr. COCKRELL. I can not see how the Senator so understands it, when the Civil Service Commission, on page 110, give the list of those who were brought within the civil-service law and regulations just as I have read it, and include these "miscellaneous" employés in it; and then George B. Loring, the Commissioner, reports the name, salary, and everything, of those who were brought within the law, and it makes the number I have read.

Mr. DAWES. How many? Does it state?

Mr. COCKRELL. I have not counted it up.
Mr. CHANDLER. I should like to ask the Senator whether he thinks the Commissioner of Agriculture himself would have his disbursing officer and the assistant to the disbursing officer appointed in pursuance of civil-service examinations?

Mr. COCKRELL. I do not know what he would have. I am not interpreting what he wanted, or anything about it. I am reading now on page 110 of the fourth annual report of the Civil Service Commis-

sion, and I find there:

in a written communication, bearing no date, addressed to the commission, and received November 24, 1884, the Commissioner of Agriculture submitted a "list of clerks in the United States Department of Agriculture classified in accordance with the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883." By this list the employés of the Department of Agriculture were arranged into the following classes.

Here they are given:

Clerks of class 1, \$1,200 per annum.

Clerks of class 2, \$1,400 per annum.

Clerks of class 3, \$1,600 per annum.

Clerks of class 4, \$1,500 per annum.

Clerks of class 4, \$1,500 per annum.

Clerks at \$1,000 per annum each.

Clerks at \$740 per annum each.

Clerks at \$770 per annum each.

Clerks to Bureau of Animal Industry.

Disbursing officer.

Assistant to disbursing officer.

Librarian.

Superintendent of folding-room.

11. Librarian.
12. Superintendent of folding-room.
13. Employés in the chemical bureau.
14. Employés in the laboratory.
15. Employés in the botanical bureau.
16. Employés in the bureau of entomology.
17. Employés in the museum.
18. Foreman in the grounds.

That was confirmed, and the list was made out by the Commissioner of Agriculture, and is inserted on pages 495 and 496, and headed "List of clerks in the United States Department of Agriculture, classified in accordance with the act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883," and is signed "George B. Loring, Commissioner of Agriculture." In this list is given the name of each clerk and the amount of his salary; and these are the persons who were classified under that law after the election in November, 1884.

Mr. CHANDLER. I should like to ask the Senator if he understands that all the persons appointed in any one of these eighteen classes, the first four being the four statutory classes and the last one being the foreman in the grounds, have been since that date appointed

only after examinations under the civil-service law?

Mr. COCKRELL. That I do not know.

Mr. CHANDLER. I will ask the Senator if he is familiar with the exceptions which are given on page 153 of this report?

RULE XIX.

There are excepted from examination the following.

Mr. COCKRELL. I know of that exception.
Mr. CHANDLER. Giving the exceptions under the rules. Then I would ask him whether it is not apparent that the Commissioner of Agriculture gave a full list of all his clerks and employés?

Mr. COCKEELL. Oh, no.

Mr. CHANDLER. Not only those properly classified under the law

if the Department was subject to the civil-service law, which is doubtful, as the commissioners say, but also those who were exempt from examination, and who were not bound to be appointed under civil-serv-

ice examinations. Is not that apparent?

Mr. COCKRELL. I think not. I think it is apparent that there are a good many employés in the Agricultural Department who are not mentioned here at all-quite a large number-and I think it was

apparent that those who were not mentioned here are quite numerous. I do not know how many, but quite a number are not mentioned here

Mr. CHANDLER. Then we give the Senator one hundred and thirty in the Department of Agriculture, and now I ask the Senator, for the purposes of the comparison which he instituted between the action of President Arthur's administration and the action of the present Administration, this question: Does the Senator know a single case where prior to November, 1884, a clerk of any grade was appointed in any Department, except the Agricultural Department, without a civil-service examination, who, by reason of any reclassification or any other action taken between November, 1884, and March 4, 1885, could not be appointed without civil-service examination?

Mr. COCKRELL. Oh, I do not know what appointments were made in the various Departments here. It would be impossible for any one man to know it. The Secretary does not know what was done in his own Department so far as that is concerned. There is no head of a bureau who could tell about every appointment that was made in his

Mr. CHANDLER. The Senator desires to be fair. I point out to him that up to December, 1887, 3,633 persons had been appointed under President Cleveland's administration in the postal service without civil-service examination, and now I ask the Senator to point out one person who prior to November, 1884, had been appointed without civil-service examination, who, by any action taken after November, 1884, would have had to have been appointed with civil-service examina-tion. I say that is the issue which the Senator makes. I want to hold him to the issue if I can.

Mr. COCKRELL. Here are clerks in the Senator's own Department, the Navy Department, that he took in who did not belong to the classified service. He took in copyists, as I have read, and clerks at \$1,000

Mr. CHANDLER. No, Mr. President— Mr. COCKRELL. Copyists at \$900 per annum and \$720 per an-

Mr. CHANDLER. Will the Senator allow me to interrupt him?

Mr. COCKRELL. Certainly.
Mr. CHANDLER. Not one of them. I stated yesterday that after six months from the date of the passage of the civil-service act there was not a single person appointed to any clerical position in the Navy Department, not to any position except that of workman or laborer, which is the exception of the statute, except as the result of a civil-service examination. I want to ask the Senator whether he is prepared to name a single appointee or to point out a single appointee of

that kind there in the Navy Department or in any other Department.

Mr. COCKRELL. I have no doubt that I could do it if I had time to search the records and examine them. I have not a particle of doubt

about it.

Mr. CHANDLER. Now, that is just the issue.
Mr. COCKRELL. But I have not examined the records, and the Senator knows well enough that no living being has ever undertaken

such a job as that would be.

Mr. CHANDLER. The Senator is certainly mistaken. He has full access to the books of the Departments, and all he has to do is to ask the heads of Departments whether after the act went into operation and before November, 1884, any clerks were appointed without a civilservice examination. I undertake to say there were none, and that the Senator can not find any. I say that he can not find any as to the Navy Department, and I believe he can find none in any of the other Departments

Mr. COCKRELL. Mr. President—
Mr. CHANDLER. Notwithstanding the books have been opened and the heads of the Departments have been searching for four years.

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. COCKRELL. With infinite pleasure, just as long as he wants

Mr. CHANDLER. I beg pardon of the Chair. I had been speaking some time before the Chair interrupted me.

The PRESIDING OFFICER. The rules require that permission

shall be obtained.

Mr. COCKRELL. The Senator can go on.
Mr. CHANDLER. I am through; only I do not understand the
reason why the Chair interrupted me, because I had been speaking for some time, as I supposed with the consent of the Senator from Mis-

The PRESIDING OFFICER. The Chair interrupted the Senator from New Hampshire in compliance with the rules. The rules require that when a Senator rises to interrupt another Senator, permission shall be obtained. The conversation seemed to be general between the two Senators and the Chair thought it his duty to call attention to the fact.

Mr. COCKRELL. The Chair knew I had been recognized as entitled to the floor, and therefore made the remark when I was interrupting the Senator from New Hampshire.

Mr. CHANDLER. I certainly supposed I was interrupting the Senator with his permission.

Mr. COCKRELL. Go on. Mr. CHANDLER. That i

Mr. CHANDLER. That is all, Mr. President.
The PRESIDING OFFICER. The Senator from Missouri will proceed.

Mr. COCKRELL. Mr. President, I have not been searching the private entries made in the different Departments from the passage of the civil-service law on the 16th of January, 1883, to the 4th day of March, 1885. It would be an exceedingly voluminous record. I am examining the public official acts and not the individual appointments

that may have been made during that time.

I say that the Senator from New Hampshire himself, as Secretary of the Navy in 1884, extended by revision of the legal existing classification of his Department the civil-service law and regulations to clerks receiving \$1,000 per annum and copyists receiving \$900 and \$720 per annum. I have read all the other orders in regard to the matter. It is immaterial whether it was one hundred who were brought within the civil-service law and regulations after the election in November, 1884, or three thousand. The principle is the same. I suppose the Senator would undertake to call one petty larceny and the other grand

larceny, simply because one was a larger amount.

The Senator says that there were thirty-eight hundred persons, I believe that was the number, appointed in the railway mail service without examination. The Senator certainly understands how the examinations of railway postal clerks are made and were made before there was any civil-service law and since. The method of the Department, as shown by the report of the general superintendent of the railway mail service, is to appoint the railway postal clerks on a probation of six months. During that period they are examined from time to time in regard to their efficiency and progress. These examinations have been made in over half the cases referred to by Republican chief clerks and Republican clerks in the office in charge of the railway mail em-

If at the expiration of the six months they are found efficient, proficient, and promising, they are then given permanent appointments. All of these employes have passed their six months' probation, have stood the test of the examination made largely by Republican clerks, and have been retained in the service in the higher positions, and they have been found qualified. I read from the record yesterday showing that their grading stands above the record of 1883 and 1884 made by

those whose places they took in the public service.

I repeat that the President and heads of Departments in extending the classification of those who come within the terms and provisions of the civil-service law and regulations only did a duty which a Republican Congress enjoined upon every President and head of a Department in the provision which I have read. Clause third of section 6 provides—

That from time to time said Secretary, the Postmaster-General, and each of the heads of Departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective Departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective Departments not before classified for examination.

The President and the head of the Post-Office Department pursued strictly, farthury, of a Republican Congress.

FDMUNDS. When did they begin? strictly, faithfully, and honestly a Republican law and the requirement

They began immediately after the inauguration of the present incumbent, and continued the extension of the service from that day up to the last extension that was made in the Post-Office Department, and the rules and regulations show it. Mr. EDMUNDS. When was the last extension?

When was the last extension?

The last extension was in the railway mail serv-Mr. COCKRELL. ice so far as I know.

Mr. EDMUNDS. But when?

Mr. COCKRELL. It was made in December. The date of it and all has been read here before in the discussion. Now, I say that a Republican President and Republican heads of Departments did precisely the same thing. They did it under the same law. If they were justified in doing it, a Democratic President and Democratic heads of Departments are equally justified under the same law and in pursuance of the same law, and it does not lie in the mouths of former Republican Secretaries now upon this floor to come in and attempt to censure a Democratic administration for doing what they did them-

Mr. HAWLEY. Mr. President, two days ago I undertook to forward the wishes of the Civil Service Commission by moving an amendment giving them three additional clerks. They had asked for them, and the Secretary of the Treasury had approved their estimate. The motion to put in the first passed without any controversy. For two days debate has been nominally upon my second motion, to appoint a clerk whose compensation is \$1,600 or \$1,400 a year. The debate has taken the widest possible range, covering the fidelity or infidelity of

the Arthur and Cleveland administrations, covering the wisdom or unwisdom of the general service, of civil-service retorm, etc. By way of diversion after two days I will speak directly to the motion to amend. The work of the commission has been extraordinarily enlarged, much

more so than I think the Senate is aware of. In 1883 the employés engaged in this work were three commissioners, a chief examiner, a secretary, a stenographer, and a messenger; seven persons to organize the great civil service of the United States. Not a clerk was named among them, though the secretary and stenographer, of course, served in that capacity.

In 1883 the classified civil service consisted of seven Executive Departments at Washington, of eleven customs districts, and twenty-three post-offices, in each of which there were as many as fifty employés. Since 1883 the classified service has been extended by the addition of the Department of Agriculture and the Department of Labor, seven-

teen post-offices, and the railway mail service.

These figures are interesting. In 1883 the numbers embraced in the classified service and subject to examination were, in the Departments at Washington, 5,652; in the eleven customs districts, 2,573, and in

the twenty-three post-offices, 5,699; making the total 13,897.

Five years have passed, and now the numbers are as follows: In the Departments at Washington, nearly 9,000; in the eleven customs districts, 2,298; in the forty post-offices, about 11,000, and in the railway mail service, 5,320; in all, 27,618, being an increase from 13,897 to 27,618, almost exactly doubling the number of persons subject to examination. Excluding the postal railway service, of which so much has been said, the increase has been, in round numbers, from 14,000 to 22, 000, an increase of 8,000, omitting this branch of the service, of which so much has been said. That gives but a very imperfect idea of the increased labor in conducting the work of the commission.

In 1883 the number of boards of examiners composed of persons in

the public service and acting under the direction of the commission was 37. The number at present is 147, as follows: 11 for customs; 40 for postal service; 82 local, established at various points throughout the country to assist the examiners sent out by the commission to conduct examinations for the departmental service, and 24 special and

supplemental boards at Washington.

In the beginning the examinations were of thirteen classes or kinds for so many special employés, and these were of a comparatively simple and non-technical character. I will not read much further from this paper, but I wish to give an illustration of the character of examinations that

are required.

Among the most important of these examinations are the following: Among the most important of these examinations are the following: For the departmental service, clerk, copyist, book-keeping, stenography, type-writing, law, telegraphy, photography, proof-reading, medical science, and the languages, French, German, Spanish, Italian, Swedish, Danish, Chinese, and Japanese, for all the Departments; and special examinations when needful, as follows: Architectural, mechanical, topographical, and ordnance draughting, editor and proof-reader, meteorology and kindred sciences, librarian and bibliographer, craniological and anthropometrical measurements, histology and microscopy, nautical science, computer for Nautical Almanac office and Naval Observatory (very high-grade mathematics and astronomy), hydrography, civil engineer and assistant civil engineer, etc. Compliance with the law requires that there shall be special examinations for men of these classes named and many others besides.

Therefore it did not seem to me to be unreasonable that, judged by the number of persons subject to the work of the Civil Service Commis sion more than doubled, and judged by an increase of labor probably quadrupled, they should have something more of clerical service.

There is, of course, a temptation to enter into a general discussion as to the merits of this system. A temptation arises in a considerable measure from the remarks of our friend from Kansas [Mr. Plumb] and the Senator from Virginia [Mr. DANIEL], but I shall not go on with it.

wish to make a single observation, however. The Senator from Virginia kindly observed that he did not desire to embarrass the incoming administration by in any way strengthening, as I understand him, or putting in better order the work of the com-mission, for he hoped the Republican party would distinguish itself by abandoning the attempt altogether. It will be no embarrassment to have that office kept in perfect order for its full labors, for it is, without

doubt, the purpose of the Republican party to go on with that work.

The Senator from Virginia spoke with a good deal of contempt of appointments proceeding upon examinations instead of appointments resulting in the old-fashioned way from recommendations merely. the moment he overlooked the fact that the present system of appointments has also the recommendations as well as the examinations. There is nothing to forbid any quantity of testimony as to the excellent moral character, mental capacity, fidelity, and everything that makes usefulness. That testimony is required by the commission. It enters into the estimate of the capacity of the candidate just as much as his technical book examination, as it is called; and if the examination be at all wisely conducted it is not a mere school examination, but such an inquiry as a sagacious employer gives to the young men who desire to be employed.

I just wish to put upon record the declaration of the Republican

party at the national convention. I do that for the edification of those who believe the Republican party is right, and, it may be, for the amusement of those who look with incredulity upon this whole business, after an election at any rate. These were not merely pre-elec-tion promises. It was not the first Presidential campaign in which the party declared itself, and declared itself, as it had no doubt, in obedience to the most enlightened public sentiment of the country. Republican platform of the last campaign contains this statement or resolution:

resolution:

The men who abandoned the Republican party in 1834 and continued to adhere to the Democratic party have deserted not only the cause of honest government, of sound finance, of freedom, of purity of the ballot, but especially have deserted the cause of reform in the civil service. We will not fail to keep our pledges because they have broken theirs or because their candidate has broken his. We therefore repeat our declaration of 1834, to wit: "The reform of the civil service, auspiciously begun under the Republican administration, should be completed by the further extension of the reform system already established by law to all the grades of the service to which it is applicable. The spirit and purpose of the reform should be observed in all the Executive Departments, and all laws at variance with the object of existing reform legislation should be repealed, to the end that the dangers to free institutions which lurk in the power of official patronage may be wisely and effectively avoided."

If I were called upon to advise any volune rising statesmen as to what

If I were called upon to advise any young rising statesman as to what was his wisest course in this matter I should tell him he had better take that for an honest assertion; and I think that the party, whatever party, has the management of the Government had better so consider it

Mr. ALLISON. Mr. President, the Committee on Appropriations, as I understand it, had no design or purpose to in any way cripple or impair the civil service by refusing to report amendments increasing the clerical force of the Civil Service Commission. The Committee on Appropriations find from nearly all the Departments requests for increase of clerical force, and these requests we are often compelled to

This is not the only department or branch of the service which has asked for an increase of clerical force this year. That request has been made by several other departments.

The question that we have to consider is whether on the whole the ersons now in the service are sufficient to perform the necessary duties. I think the committee were practically unanimous in the belief that at most one or two clerks added to the force there now would be amply

sufficient to conduct all the business of the commission.

Mr. HAWLEY. If the Senator pardons me, if he will add two I

will stop talking. One is added already.

Mr. ALLISON. Some of the committee believed that the commis-

Mr. ALLISON. Some of the committee believed that the commission have already an ample force. So far as I am concerned, whilst his law is upon our statute-books I believe it should be fairly executed. I have had no occasion to indulge in the debate or criticisms of either side of the Chamber as respects what President Arthur did at the close of his administration. He simply carried out the law as he was required to do, from time to time. Nor do I find fault with President Cleveland for enlarging the operation of the law from time to time. But I do find fault with and I think we have a right to criticise the conduct of President Cleveland and the conduct of these Departments as respects the last enlargement of the civil-service rules and regulations.

In the first place, this enlargement is not an enlargement by the commission. It is a well-known fact that since last October, or perhaps for a period prior to that time, there has been really no Civil Service Commission. One member of the commission retired from it early in Oc-He was confirmed on the 8th day of October by the Senate as Commissioner of Indian Affairs, and he never has entered the Civil Service Commission from that day to this, so far as I know. Another member of that commission, so far as I have been advised, has given no attention whatever to the subject since last October, or if he has, very little. So the Civil Service Commission, in contemplation of law, since October or November last has been no commission.

I do not criticise that fact except to state it; but if it is wise to include the railway mail service, consisting now of over five thousand employés, scattered over this entire country, not in the cities and towns where there are great populations, but scattered over every State of this Union—if it is a wise thing to gather in these railway mail clerks and bring them within the supervision of this commission, it seems to me that we ought to have the advice and judgment of the commission

before it is done.

So far as I am concerned, as respects the inclusion of these railway mail clerks, I do not think that inclusion comes here with the sanction of the Civil Service Commission in a sense which ought to be authorita-tive to us. Therefore it is that I think the new administration, when we have a Civil Service Commission to act upon this subject, should make proper rules for the inclusion of the railway mail clerks. This Civil Service Commission has made no such rules. There are no rules Civil Service Commission has made no such rules. There are no rules in the sense of the law of 1883 as respects the railway mail clerks. do not know but that it is a wise thing to bring them within the purview of this law, although I believe that the railway mail service up to March, 1885, was an efficient and effective service under the system that had grown up in the Post-Office Department prior to that time, and I say that in the presence of what was read here by the Senator from Missouri yesterday as respects that service in his own State.

The practice of the Post-Office Department prior to 1885 was to have

an absolute examination of all the railway mail clerks before they entered the service, and after six months' service experimentally, and so far as I know, with many years' experience in the public service, I never knew an instance of a railway mail clerk to be dismissed except for cause. There grew up in the railway mail service a large body of men who were well qualitied for that service, and who discharged their duties in the main with fidelity, thus giving us as good a mail service

as perhaps was found in any country on the globe.

I do not stop to criticise that service during the administration of President Cleveland. I only say that the injecting into it of more than three-fourths of its entire list of employés, in the nature of things has had a tendency to disrupt and disorganize that service, and everybody

knows that that was done.

What needs to be done under the new administration, in my belief, what needs to be done under the new administration, in my belief, is to restore the railway mail service to its former effectiveness by, in a large degree, drawing from the discharged force the men who showed themselves to be efficient and active in that service. If it shall be found that these new employes have been efficient and faithful in the discharge of their duties, for one I should not be willing to see a wholesale removal of them when they are discharging their duty properly, but to my knowledge, in some portions of the Northwest at least, the men who have been appointed to that service have been totally inefficient. Therefore it seems to me that this Civil Service Commission. Therefore it seems to me that this Civil Service Commission when it becomes a commission should take up the question of the re-organization of the railway mail service, and if it is wise to provide rules for the conduct of that service so as to draw the railway mail clerks within the purview of the law of 1883, so be it.

What I object to is an order issued by the President of the United

States on the 5th day of December to this Civil Service Commission to make rules and regulations when there was no Civil Service Commission in the contemplation of the act of 1883. And now when we are asked to largely increase the service because of contemplated changes in it, do not think we are called upon to make that large increase. lieve that the force we have provided here, including the fourth-class clerk, which is a high-class clerk, is a sufficient clerical force for this Civil Service Commission, and, therefore, it seems to me that as the Civil Service Commission is now organized it should rest on the cleri-

cal force that is provided for in this bill.

But I will say to the Senator from Connecticut that if I had supposed that this question would have led to a debate such as we have had here would myself rather have taken the additional clerk than to have

had the discussion.

Mr. TELLER. Mr. President, I do not propose to discuss the ques-tion whether we want an additional clerk for this commission or not. I will follow the Appropriations Committee on that and take their judgment; but I want to say a word in reference to what the Senator from Missouri [Mr. COCKRELL] has stated and has again repeated to-day. The charge made, not in so many words, is that after the 4th of November, 1884, the Republican administration adopted a different plan in the description of its clerks from what it had before. I take positive issue with that statement. I deny it and assert that there is not a

thing that can be brought to prove that that is true. In the first place when the Civil Service Commission got together they adopted certain rules, which, by the very terms of the statute, became binding on the heads of Departments. They classified the public service into three classes, departments. They classified the public service into three classes, departmental, customs, and postal, the departmental including all the employes of the various Departments at Washington. Then they swept in under the influence of that law all persons employed in the Departments at Washington who were not specially excepted by a provision that they prepared and put in their rules. That provision excepted a certain class, and I will read it. I would say they had the authority, as suggested by the Senator from New Hampshire [Mr. CHANDLER], to make that exception. The exception might have been broader, or it might have been less, according to their judgment, acting with the approval of the President. Rule XIX says:

There are excepted from examination the following: 1. The confidential clerk In the first place when the Civil Service Commission got together

There are excepted from examination the following: 1. The confidential clerk or secretary of any head of a Department or office. 2. Cashiers of collectors. 3. Cashiers of postmasters. 4. Superintendents of money-order divisions in post-offices. 5. The direct custodians of money for whose fidelity another officer is under official bond; but these exceptions shall not extend to any official below the grade of assistant cashier or teller. 6. Persons employed exclusively in the secret service of the Government, or as translators, or interpreters, or stenographers.

So strictly was that rule applied in the Interior Department that, although clerks were used as stenographers, no person was appointed without an examination, unless he had been designated in the act making the appropriation as a stenographer.

7. Persons whose employment is exclusively professional, 8. Chief clerks, deputy collectors and superintendents, or chiefs of division or bureaus. But no person so excepted shall be either transferred, appointed, or promoted, unless to some excepted place, without an examination under the commission. Promotions may be made without examination in offices where examinations for promotions are not now held, until rules on the subject shall be promulgated.

Every person who was appointed in the several Departments of the Government during that administration who did not come within the exceptions laid down in Rule XIX of the regulations, came through the Civil Service Commission.

Some time in July, 1884, the Interior Department made a second classification, which classification was made at the direct request of the commission and at their suggestion, which was more nominal than real, but included in terms one single class of clerks that had not been included in the terms of the previous classification, but were included within the provisions and rules laid down by the commission and had always been considered as within the classified service, to wit, those getting \$2,000 and upwards and designated as clerks.

Whatever may be the propriety of putting under the influence of this commission five thousand railway postal clerks, the number that was included by the order, even if there had been no inclusion before in the Interior Department, was so small that the Interior Department since that day have only appointed three people to office who fell

since that day have only appointed three people to office who fell within the amendment, as was said, that was made by the order of the 6th of December, 1884. So it is inconsequential. I repeat again, that nobody came into the Interior Department, and I believe I may say it for every one of the Departments, nobody came in from the outside that did not come through a civil-service examination, unless he was excepted by the very words of section 19 of the regulations.

If Senators will look at the list of appointments in the report of the Civil Service Commission they will discover that the Interior Department appointed no clerks practically for a long time after the civil-service law went into effect. In a letter that I addressed to the President, which was published in the first Civil Service Commission report, the reason will be seen. The Census Bureau was then about being closed. Originally the Census Bureau contained eighteen hundred clerks. I need not say to Senators that those clerks were selected without the slightest reference to their political standing, that lected without the slightest reference to their political standing, that there never was a clerk who went into that office of the whole eighteen hundred where the question of his political affiliations was for a mo-ment considered.

Mr. Walker, who was at the head of that bureau, attempted, and I think succeeded, in the attempt to ignore, so far as his bureau was concerned, not only politics, but favors to any class of men. I believe he appointed the whole eighteen hundred clerks for the express purpose of getting good clerks, and as the work of that bureau decreased clerks were either transferred to some other place in the Department, as they could be by the one hundred and sixty-sixth section of the Revised Statutes, or they were dismissed, and thus, as the bureau closed, there was left in the employ of the Government the most perfect and complete corps of public clerks that ever were congregated in my opinion, and from that corps the Secretary of the Interior from time to time filled up the vacancies as he could. Whenever there was a vacancy he drew upon a corps of clerks that he knew must soon be dismissed. Nobody could question his right to do that. So the Civil Service Commission were not called upon by the Secretary of the Interior because of the special and peculiar condition of things at that time.

Mr. President, the head of the commission then was Mr. Dorman B. Eaton, than whom no man in the United States has given as much attention to this question, and no man brought to it more zeal and more earnestness than Mr. Eaton, and I guaranty that no member of that commission, including even the Democratic member, will ever question the good faith and the absolute adherence to the law of every member of that administration up to the time that the administration closed its

So it will not do for the Senator from Missouri to come here and assert that before this time, before the election, there was a rule applied that was not applied afterwards, because there is nothing in the documents that he has read, nothing in the history of the transactions of the Departments which will justify that statement. Mr. GORMAN. Mr. President, I can not permit the statement made

by my friend from Iowa [Mr. ALLISON] to pass without some little notice. I understood the Senator from Iowa to say that the action on the part of the President and the Civil Service Commission, or without a Civil Service Commission, bringing within the classified service the entire railway mail service, the clerks and officers employed in the Supervising Architect's office of the Treasury Department, and others included under that general order, was made without the sanction of a full Civil Service Commission. I think in that the Senator from Iowa is entirely mistaken. I have not the document before me, but my recollection is very clear that that matter had been considered by the full commission long before the appointment of Mr. Oberly as Commissioner of Indian Affairs and had the approval of Mr. Oberly and the Republican member of that commission, but not the full approval of the other Democratic member.

Mr. ALLISON. The point I make, if the Senator will allow me, is that the President of the United States, on the 5th day of December last, directed the Civil Service Commission to provide rules and regulations whereby the railway mail service employés should be brought within the control of this law, and I merely stated that after that time there had not been within the contemplation of the law a Civil Service Commission to act, and therefore that no rules and regulations in contemplation of law had been made.

Mr. GORMAN. Mr. President, I think the Senator when he examines the matter further will ascertain the fact that it was considered by the commission as a whole as it was constituted prior to the appointment of Mr. Oberly as Indian Commissioner.

I desire to say, sir, that while I have no doubt it was put under the civil service in the proper way and after consideration by the commission, there has not been an hour from the day the commission was created until now when every member of it, except one, so far as I have seen the published statements, that has not labored day and night to increase the force in their own office, to increase their own importance, to bring within the scope of this law every place that was possible under the Government, from a skilled mechanic to the highest clerk

in any Department. Mr. CHACE. W Mr. GORMAN. Will the Senator allow me a question right there?

Certainly.

Mr. CHACE. I understood the Senator to say that there had not been an hour since this commission was organized that every member of the commission had not been laboring to promote its efficiency. I should like to know if the Senator can tell me where Mr. Edgerton

is and has been for the last three or four weeks.

Mr. GORMAN. Of course I have no special knowledge of him, as I have not of hundreds of officers in the Departments, but I take it for granted that he is performing his duties either here or elsewhere, as he is required to do under the law. I do know this of Mr. Edgerton—and I only know him slightly personally—that he is a man of as good repute as there is in the United States. He is an old-fashioned Democrat and an old-fashioned thinker, and he is the only man who has been connected with the commission who by a public expression ever showed that he thought the people of this country had any rights outside of the Civil Service Commission. He has my entire respect and confidence.

As to the commission, standing as it is to-day, not complete and not full, whose fault is that, Mr. President? You have only to go to the public prints of the country, you have only to look around outside and ascertain what is said by intelligent people; it is not necessary to inquire in the secret places why these positions are not filled. There seems to be an intention on the other side, and it is the first time probably in the history of this Government that the majority have considered when the election is over and a change of administration is to occur, that the wheels of government must be stoned and the to occur, that the wheels of government must be stopped and the offices not permitted to be filled. That responsibility does not belong on this side of the Chamber; and if there is not a full commission, if the offices are not filled by men appointed and commissioned by the President of the United States, it is no fault of his or of the Demo-cratic party. While the time has not arrived yet for a full discussion cratic party. While the time has not a of that question, it must come later on.

So far as the Civil Service Commission is concerned, and holding the Democratic party up, as my friend from Iowa and other Senators on that side have done, let me remark that there never has been such a scramble for office and such a determination to prevent the usual and orderly filling of the offices from the very first Congress until now. Mr. President, I am no civil-service reformer. I do not believe in the system. I say now that in this matter of the railway mail service the Senator from Iowa does the present incumbent of the Post-Office Department great injustice and he misstates the facts, as I think and believe, when he says that system is demoralized. I do not believe it I do not believe it was demoralized under the Republican administra-

The rule that obtained in the railway mail service was the one that is applied by every business man in the country, the one that is applied by every corporation in the land for the ascertainment of the fitness of the men in its service, by a practical examination on the duties that they are to perform. The rule has been, and it was when you had possession of the Government, to appoint any man in that service who might be represented as a man of character and intelligence under thirty-He had an appointment for six months; he was on probation for that time, and weekly he was examined as to the duties that he was to perform. His memory was tested as to the offices to which he had to distribute mail, his expertness in handling letters was tested by the handling of cards, upon which he was given a percentage of accuracy or inaccuracy, and that was as correct and as fair a test as ever was made in any business institution in the land, and under it you had a superb class of men in the railway mail service. There can be no question about it.

When the Democrats came in you by your orders between the elec-tion of November, 1884, and the 4th day of March, 1885, placed nearly all the small offices of the country within the classified service, and you did it in pursuance of the provisions of the law and in accordance with it, as you had the right to do, and as President Cleveland had the right to issue this order. But everybody knows that, while the claim was that it was for the purpose of improving the public service, you could

not take the human nature out of your party, and you can not take it out of ours, and the only intention was to keep your men in place.

Mr. President, the railway mail service was not included, and Democrats were recommended to take the places of Republicans who had gone in upon the examinations which I have stated. Every department of that service below the chief officer, every division superintend-ent, every chief clerk, every examiner of the qualifications of men who were appointed, was one of the old Republicans who had been in from five to ten years. So every Democrat who passed that examination passed it at the hands of a political opponent, and I will not here

say how much Democrats were discriminated against, how severe the test was made by their Republican superiors, but those who passed passed because they were efficient.

Mr. HOAR. Of what time is the Senator now speaking?

Mr. GORMAN. I am speaking of the time from the advent of this administration to within a year.

Mr. HOAR. Was not the Republican who examined his Democratic

opponent doing it with an ax over his own neck?

Mr. GORMAN. With an ax over his neck! Why, Mr. President, there is not a man of intelligence who has examined into the question of the removals and non-removals who is not aware that the ax was not held, as the Senator expresses it, over the neck of every man whether he be in or outside of the classified service. But I say, without the slightest hesitation, that there has been discrimination, natural and inevitable discrimination. It was simply human nature. But the fact is that these Democrats that you complain of had to pass the scrutiny of these old Republican officers.

Now, sir, take the city of Washington and the departmental service What I have complained of and what I think the country has a right to complain of, and what I am sure the Senator from Massachusetts, if he were at liberty to speak out, would complain of, is that under the operation of this law hundreds and thousands of men have been kept in office who from their long service and who from their inefficiency ought to have been removed in the interest of good government.

Mr. HOAR. Will the Senator inform me how the law operates to

keep them in?

Mr. GORMAN. I will tell the Senator a fact that he ought to know. Of the ten or twelve thousand men who are employed in the classified service in the Government Departments in Washington not over twelve

hundred of them have been removed and others put in their places.

Mr. HOAR. If the Senator will allow me to ask him a question, I should like to understand this matter. Do I understand the Senator correctly as saying that the Democratic administration has kept in men by the hundred and thousand that it ought to have turned out on account of their unfitness for the service, merely because their successors were to be chosen by competitive examination and not chosen sim-

ply by selecting Democrats?

Mr. GORMAN. That is very easily answered. The fault comes from the system. It is un-American. It can not be enforced properly. I will take two or three illustrations to satisfy the Senator from Mas-

Mr. HOAR. My question was whether I had correctly understood the Senator as affirming certain facts, not now as to the extension. I asked the Senator if what he has just stated to the Senate was this in sub-stance: That there were hundreds and thousands of unfit and incompetent officials in the service, known to the appointing and removing power to be unfit, that the Democratic administration kept in office, because if they were removed their successors would have to be appointed by competitive examination instead of being appointed by Democratic selection?

Mr. GORMAN. Oh, no.

I understood the Senator to say exactly that.

Mr. GORMAN. Oh, no; I did not say that.

Then there was a misunderstanding.

Mr. GORMAN. But I say that with one party in power for twentyfive years, as you were, with your officers all appointed from the lowest to the highest without any examination or any test except the departmental test, there had grown up in that party hundreds and thousands of men who had become barnacles and who ought to have been removed, who were not efficient men, and better men could have been put in their places; but they were not removed, and under the civil-service law they could not very well be removed and their places bettered.

I will illustrate to my friend what I mean. But a few days since the office of the Supervising Architect of the Treasury was under examination-every officer under it from the charwomen, as I understand, to the draughtsmen of the office. When he came to appoint draughtsmen, the Secretary of the Treasury or the Assistant Secretary of the Treasury, who is himself a believer in this system, was compelled to admit that it was impossible under the civil-service system to get proper men to discharge those duties, and the result was they put out work upon the contract system, and then followed an investigation suggested by this civil-service association.

Mr. MORRILL. If the Senator will permit me, I will say that we have had one of the commissioners of the civil service before the Committee on Public Buildings and Grounds, and according to his testimony and other testimony we received, the failure to find men who could pass an examination was in consequence of a predetermination that the examination should be such a one as could not be passed.

Mr. GORMAN. A predetermination on the part of the Civil Service Commission?

Mr. MORRILL. No, sir; not on the part of the Civil Service Commission, but on the part of the parties in office.

Mr. GORMAN. Well. Mr. President, I should like to ask the chairman of the committee, is it not a matter of fact, and was it not in proof, that there are quite a number of draughtsmen in the office who could have passed that examination?

Mr. MORRILL. I think if the Senator from Maryland will read the testimony when it is printed he will be satisfied that the questions which were asked were such as could not be answered in one day or a week

or a fortnight.

Mr. GORMAN. I heard the late Comptroller of the Currency-not Mr. Trenholm, but his immediate predecessor-describe a case to me in his office of a lady, the most expert accountant, as he said, in the United States, if not in the world, in handling mutilated currency, a lady whom they had sent abroad, and they found nobody abroad, in the case of the burning of some of our money, who could go over and count it and preserve it as could she. She was the very best, as he said, in the United States, if not in the world, and he wanted to promote her in his office, and if she had been examined by anybody upon the duties that were to be performed, if the examination had had any relation in the world to what she was to do, nobody in the United States or in the world would have been able to compete with her; and yet under the technical examination upon subjects foreign to the duties that she was to perform she failed to pass the examination, and a young grad-uate of the Johns Hopkins University, who knew nothing whatever about the affairs of the Treasury Department, passed the examination and was appointed to the place.
So it is with this list. You may take it from the beginning to the

end and the examination does not show anything as to the qualifications and the honesty or the integrity of the people who are appli-

What is the result? It has been so under this Administration and it will be so under yours, if you observe the law as strictly as the present Administration has done, and you will not feel inclined to remove people already in office who are performing their duties reasonably well, that you can get along with, and take the chances upon an unknown quantity, upon an unknown man.

Mr. MITCHELL. In view of the suggestion made by the Senator from Maryland, I should like to ask him whether he thinks it was a judicious, wise, or proper thing in the interest of the Government to extend the civil-service rules to the employés of the railway mail

service?

Mr. GORMAN. I have just answered that, and said no. I think that the test formerly applied to those employes was the test that any sensible business man would apply, and I do not believe you have a better service to-day or can have under any system than you had under the one that obtained with regard to the railway mail service. It is one that the business men of the world would apply, and so I think

as to the remainder of these officers.

as to the remainder of these officers,

Why should the Civil Service Commission come to this body and ask
for an increase of its force? What earthly necessity is there for it except
to build up another huge department? Within the past two or three
years they have examined for departmental service fifteen or sixteen
thousand persons, two-thirds of whom have passed, and there have been
during the entire four years not more than twelve hundred of them appointed. It is an annoyance to the people of the country who come here and pass these examinations. They come here supposing that when they are fresh from college and from the public schools they will pass the examinations and obtain places, and yet not one in two thousand of those who apply and pass can ever enter the departmental service, and I think for these young men, just entering upon life and fresh from school, it is a God-send that they can not get these places. But you bring them here the moment they leave the school-room, and because of this apparent opening you teach them to look to the Government for place, and the result is bad and can not be good under any condition of affairs.

I assert, after looking into their management to some extent, that they have now a larger force employed in this office than is necessary, and they can have from any other Department of the Government when there is a special necessity for it a detail, a larger force, if necessary, to honestly conduct the duties with which they are charged. Therefore there is no earthly necessity for the increase which the Senator from

Connecticut proposes.

Mr. GEORGE. I desire to call the attention of the Senator from Maryland to a statement made by him and to the statute on the sub-ject. The Senator stated that the examinations of the Civil Service Commission had no reference as a test of the qualifications of the party examined to discharge the duties of the office for which he was applying, and he alluded to a pointed and very remarkable instance of that sort, the lady referred to by him. I want to call his attention now to the statute on that subject. I read from chapter 27 of the acts of the Forty-seventh Congress, page 403, part of the second section:

Such examinations

Civil-service examinations-

shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Under that statute I submit to the honorable Senator that the case which he specified to the Senate could not have happened, except by a gross misinterpretation of the law and a gross misapplication of it. I know noting of the practical operations of the Civil Service Commission, but if they have prescribed a course of examination purely scholastic and have omitted to make examination practical, so as to test the capacity of the person examined to discharge the duties of the particular office which he seeks to fill, then I say the Civil Service Commission act not only without authority of law, but expressly in

windston of its plain provisions.

Mr. GORMAN. Mr. President—

Mr. COKE. If the Senator from Maryland will allow me, I simply desire to say that, in point of fact, I believe applicants for positions are examined under the Civil Service Commission without reference to any particular place. They are simply general applicants for a place. They go before the commission to be examined, and they are appointed at the will of the commission afterwards to any place that may become vacant.

Mr. GEORGE. Then that is a maladministration of the office.

Mr. GORMAN. I will say to the Senator from Mississippi that that has been so from the beginning. The Senator from Indiana who sits next me [Mr. VOORHEES], I remember some years ago, during the last administration, brought to the attention of the Senate some most extraordinary questions that were propounded for the most humble places in the Government, and after the country's attention was brought to it by the Senator from Indiana it was modified to some extent.

But who is to determine what the examination shall be and whether it is within the letter of the law which the Senator has read but the commission itself? I wish I had here to read to the Senate a letter I received three years ago from a bright young man in the city of Bal-timore—I can repeat it now almost word for word—who was an applicant for the position of letter-carrier. He went before the board, as he wrote to me, with the recommendation of the pastor of his church, of every reputable man of the neighborhood in which he resided in Baltimore. He was the son of a mechanic in the Baltimore and Ohio Railroad shops and had attended school until he was seven or eight years of age, and then began to work with his father in the shop and attended night school.

He had the certificate of everybody who knew him that he was a Sunday-school scholar and a young man of excellent reputation; his integrity was beyond question, and his health was good, for physically He was above the ordinary intelligence. He said his ability as a pedestrian to walk the streets was equal to that of any man in Baltimore. There was not a lane or an alley or the number of a house in Baltimore that he could not go to. He had every qualification for the place; and yet when he went before the board he was ex-

amined upon geography.

They wanted him to tell them what was the most direct route from Baltimore to Japan, and, as he said, he never intended to go to Japan, he had never looked into that question, and he failed to make the proper answer. They then wanted to know the number of lines of steamers plying between the United States and Liverpool and London, and he said that he was not up on such questions as that. They then tried him in arithmetic, and, finally, branched him off into geometry, and would have taken him into astronomy, as he said, but he thought the examiners did not understand that matter themselves; and, pass ing over everything that looked to his qualifications, he was rejected.

After I received that letter, I gave a copy of it to one of the most in-telligent and best men in the State of Maryland, and he examined the young man, and fortunately for him his rejection by the civil-service board has given him a position where he will become a man of mark in this country, in his trade, for he bids fair, as I understand, to be the brightest machinist that was ever turned out of those great shops in Baltimore. The civil service in that case did a good thing, but it was an outrage upon the young man and it was an outrage upon all like him. It shows that the system is not right in itself, and can never take root upon American soil and with Americans unless it is modified.

Mr. HOAR. Mr. President, I do not wish to enter into the debate

at this time of the general question which has been discussed so often; but I do not think what has been said ought to pass by without my

putting on record my own opinion upon this question.

I am glad that the present Administration, whether late or early, has extended this system to another branch of the civil service. Pres ident Cleveland, or the Department officer on whose advice he acted, does not secure the retention in office of any unworthy or unfit Demoerat by so doing, unless the appointing power is to be administered hereafter by some unworthy or some unfit Republican. He simply provides for taking away the political motive for turning these men out. If they are unfit either in character or attainments or special capacity for the particular service, or if for any other reason that can be conceived of they should be removed, that power will remain as here-

The only thing that is to happen is that when a successor is to be appointed his fitness is to be ascertained by an examination which is open to all mankind, and not to depend upon the question whether he is a man important to the political fortunes of some important politician;

and that is all that has happened.

The people very largely had come to the conclusion that the old fashion was a bad one, that the using the executive offices of the country as a reward for services to a political party, in the first place, held out a corrupt motive instead of the honorable ambition for useful service

that ought to exist, and a man went into politics to get office for himself and not in consequence of any political principle in very many cases.

In the next place, it degenerated, and instead of becoming a temptation to the service of a political party it became a temptation to serve a political chieftain in the party, and its process of turning men out and putting them in and compelling the Departments of the Government to do the bidding of leading politicians here in the Senate became a scandal and a shame to republican administration in this country. Why, it was perfectly notorious that there were men who sat in these seats, there were men who sat in the seats of the other House, whose assent was necessary to the accession to office and to the retention in office of the humblest officer in the States where their influence extended; and it became absolutely intolerable. It became intolerable to the Republican majority in my own State. It is not necessary to re-peat that history of shame and indignation which we had to go through. Now we hear the statement which the Senator from Maryland [Mr.

GORMAN] makes as to a particular case. Of course I know nothing about it. If it be true—the Senator undoubtedly has reason to believe it to be true when he states it—it shows a great unfitness on the part of the examining board for their functions, as the Senator from Missis-

sippi [Mr. George] has shown.
I understand that the examination in the particular work of the railway mail service will go on as now, and as heretofore, in spite of the civil-service examination. These examinations are intended, by inquiring of the applicants in regard to what ordinarily decently educated persons know, to test the quickness of their wits and the extent of their information, and I think the Senator from Maryland must be very much misled, even if the question about Japan was put to this applicant, if he has been led to believe that the answer, right or wrong, had much to do with seriously affecting the question of his selection.

But I think that while neither of the two rules is tolerable, it would be as well for the public service that the applicant for such a position should be able to answer ordinary questions in geography as that he should be compelled to get, as is the case under the present administration in the New England States, the certificate of the keeper of some unlicensed liquor shop who has afforded important service to the Democratic party in the campaign and made important contributions to its

treasury

Mr. GEORGE. Or the Republican party.

Mr. HOAR. Or the Republican party. The Senator from Mississippi will remember, if he has done me the honor to listen to me, that I have not failed to state the truth about the Republican conduct in my own State in the past under Republican administrations formerly.

Mr. GEORGE. I heard the Senator's remarks.

Mr. HOAR. And I was told in this very connection by a high official, one of the officers whom the Senator from Maryland has alluded to, that for the past year or two when he has asked the persons who were sent to him to be inducted into the railway mail service what

their occupation had been, in a very large proportion of cases they told him it had been that of a bar-tender.

Mr. EUSTIS. Will the Senator from Massachusetts allow me? The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Massachusetts yield to the Senator from Louisiana?

Mr. HOAR. Yes, sir. Mr. EUSTIS. I should like to ask the Senator from Massachusetts if he will state to what officials he would apply this statutory civil-

service reform and to what officials he would not apply it?

Mr. HOAR. I would apply it, if I had my way, to every official in the country in an executive office whose duties were not of a political or a confidential nature and whom it was not expedient to have in sympathy with the administration when that administration was carrysympathy with the administration when that administration was carrying out its political theories and policies in regard to which its opponents would be expected not to be in sympathy, and I would have it
then apply to all the class of offices to which men of ordinary and average intelligence are competent. If there be a case like that of counting money, which the Senator from Maryland spoke of, or one which
involves the detection of counterfeits, and a thousand cases can be supposed—there are some such cases in every large custom-house—of course there should be authority lodged in the President of the United States to make an exception in such cases, but in those cases all the appointing power has to do is to wait until somebody has passed the examination who possesses the particular qualities required. It is very easy to make the rule flexible with regard to that matter.

But, as I said, Mr. President, I did not rise for the purpose of a general discussion or defense of the civil-service reform policy. I roes

simply to state that my opinion is unchanged.

Mr. EUSTIS. Will the Senator allow me to ask him another question?

Mr. HOAR.

Mr. HOAR. Certainly.
Mr. EUSTIS. I am not asking these questions to try to embarrass at all the Senator from Massachusetts. Mr. HOAR. I did not make my answers to embarrass the Senator

from Louisiana.

I know the Senator is honestly in favor of civil-serv-Mr. EUSTIS. ice reform, and it is because I am anxious to get some light on this subject that I ask him these questions. His answer is a little indefinite, I think, in regard to political offices. I would ask him, for instance, whether he would think that the Presidential postmasters ought to come within the civil-service rules or not?

Mr. HOAR. Well, Mr. President, I confess I am not prepared to answer that question at this moment. I have not reflected with regard to that particular office. I should be very glad to remove the office of Presidential postmaster from the class of political offices if some way to do it could be devised. I think it would be for the interest of this country.

Mr. EUSTIS. I mention that case because it occurs to me that the Presidential postmaster has not very much to do in shaping the policy

of an administration.

Mr. HOAR. But there are a great many considerations that come in. The postmaster is an officer of importance in the community. He is an officer who in the first place ordinarily has to furnish the place where he carries on his business, has to be convenient of access to the people, and that is always taken into consideration in the appointment.

In the next place, he has got to be a man who has to deal with a large number of persons. The postmaster has to make explanations the country postmaster especially—to business men, to people of feeble minds, to those who are confused, to women and children, and there are a thousand things which make that political officer a person who very likely should be selected under a more careful examination by somebody on whom the appointing power relies. His personal qualities, the element of popularity with the people whom he serves, enter into his service. So that there are a great many considerations which have to be weighed before the Senator's question can be answered.

Mr. President, I do not think there is much to be gained by the two political parties taunting each other in regard to their performances in this respect. This is a reform. It is something in regard to which the opinions and practices of the whole American people are expected to be changed by those who advocate this reform. Talleyrand declared that the American people were a nation of drunkards when he was over here, and a temperance reform was instituted, and I have

was over here, and a temperance reform was instituted, and I have never heard that the gentlemen who went into it and led it made a great deal by each taunting the other as to how much liquor he drank before he became a temperance man.

This has gone on gradually. The first civil-service reformers were very much in the condition of the man described in the parable of the sower. I think the reform has, as all reforms have in this country, found its most congenial soil in the Republican party, and the Republican party were undoubtedly the first converts, though there were some very eminent gentlemen on the other side of the Chamber, notably the present Secretary of State, notably the present minister to Berlin, and, if I am not mistaken, the successor in this Chamber of the present Secretary of State—I am not sure about it—at any rate very eminent persons on that side of the Chamber in that party have accepted this polsons on that side of the Chamber in that party have accepted this policy as a wise one. But the Senator from Maryland can repeat without looking at the Book a little parable which I am obliged to read, and that is this:

Behold, there went out a sower to sow:

And it came to pass, as he sowed, some fell by the way side, and the fowls of the air came and devoured it up—

Those were Democratic birds which did that.

And some fell on stony ground, where it had not much earth; and immediately it sprang up, because it had no depth of earth:

But when the sun was up, it was scorched; and because it had no root, it withered away.

Those were the Mugwumps.

And other fell on good ground, and did yield fruit that sprang up and increased, and brought forth, some thirty, and some sixty, and some a hundred.

Those were the Republicans in this reform.

Mr. GORMAN. I should like to ask the Senator from Massachusetts one question. I have no doubt that he is a complete civil-service reformer, that is to say, he believes in this system; and now that he has taken to reading his Bible I have no doubt he will be converted later

Aside from that, I should like to ask the Senator from Massachusetts, believing, as he does, that the system under which the appointments under this Government have been made from its foundation up to the time of the passage of this law was so corrupt and so bad that the saloons and the saloon-keepers and the bad men made the appointments

Mr. HOAR. Oh, no; I did not say that. Mr. GORMAN. Practically, as I understood the Senator, it was, I think, as strong as that. He said that it was so bad under Republican rule that his own party revolted and overthrew it in Massachusetts and elsewhere. Now, I ask him under that system and under those influences, if it be true—and I do not subscribe to it—whether he is in favor of keeping in office the men who were so appointed and under such influences, or is he in favor of removing them all, and making the test uniform and complete under this civil-service act.

Mr. HOAR. I should answer that I should be in favor of acting in regard to each particular case. If the Senator means to ask me whether I am in favor of turning out, root and branch, all the Democrats who are now in these non-political offices, who were not appointed after competitive examinations, and substituting men who were, I answer

most emphatically in the negative. I do not think President Harrison could do any greater public wrong, or anything more suicidal for himself, or anything more in conflict with his own record and avowed opinions, than to undertake to do such a thing.

Mr. GORMAN. Now, I should like to ask my friend from Massachusetts one other question. Why is it that he and his friends on that side of the Chamber who believe with him in this theory are denouncing the President and the present Administration for extending the civil-

service system to the railway mail service?

Mr. HOAR. I thought when the Senator put his other question to me and when he made the statement of what he understood me to say of the corruption of the service from the foundation of the Government he misunderstood me, for I had said nothing of the kind. If he had listened to me, I began my remarks by saying that I did not regret the President had done so, making such defense of the act as I was capable

Mr. GORMAN. Then I misunderstood the Senator from Massachutts. Some of his friends on that side of the Chamber have given expression during the past two days, notably my friend from Iowa [Mr. Allison], to denunciations of the President of the United States and those in authority for extending this system, and I supposed the

Senator was in harmony with his party.

Mr. HOAR. Whether the President of the United States is a just subject of criticism for not having done it sconer, if he were to do it at all, I did not even say or suggest; he does it now for the first time. What I did say was that I did not regret that he had done it, that I thought it was a step forward in the right direction, and that the President by doing it only took away from his successors not the perfect right to remove all the incompetent men they found there, but simply the temptation to remove for the mere sake of putting Republican poli-

ticians in their places.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question recurs on the amendment of the Senator from Connecticut

[Mr. HAWLEY]. Mr. GORMAN.

Mr. GORMAN. Let the amendment be read. The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. Under the head of "Civil Service Commission," on page 20, at the end of line 19, strike out the word "two" and insert "three;" so as to read:

Three clerks of class 2.

Mr. GEORGE. I wish to understand what is the object of that amendment. Is it to give this Civil Service Commission three clerks instead of two?

The PRESIDING OFFICER. That seems to be the amendment. The question is on the amendment of the Senator from Connecticut.

[Putting the question.] The ayes seem to have it.
Several SENATORS. Let us have a division.
Mr. ALLISON. I trust Senators will allow it to stand. The Senate is rather thin, and I should like to have the bill passed to-night.
The PRESIDING OFFICER. The Chair will again put the question

on agreeing to the amendment,

The amendment was agreed to.

Mr. ALLISON. On pages 30 and 31 the Committee on Appropriations recommended some amendments to those provisions, notably an amendment in line 12, confining the work of the examination of accounts of the Soldiers' Home to a period subsequent to 1887, in anticipation that the clerical service required under the provision as it originally stood would not be needed, and reduced the number of clerks. On a further examination the committee find that these clerks will be needed. Therefore, I ask unanimous consent that the amendment reducing the number of clerks and the corresponding amendment as to amount be reconsidered, so that the clerks may stand, leaving the important part of the amendment in line 12 to remain. That is on page 30, and the same on page 31.

The PRESIDING OFFICER. Will the Senator from Iowa suggest

again the action he desires?

Mr. ALLISON. On page 30, line 8, the committee recommended and the Senate, as in Committee of the Whole, struck out "five clerks" and inserted "one clerk." I ask that the "five clerks" stand, and

also that the figures may stand as originally reported in line 12.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 8, it is proposed to strike out the word each."

Mr. ALLISON. That may remain in. I desire the paragraph to stand as it is in the original text, with the exception of the insertion of "1887," in line 12.

The SECRETARY. The Senate, as in Committee of the Whole, struck out "five clerks at" and inserted "one clerk," and in line 9 struck out "\$3,300."

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the vote by which the amendments were agreed to be reconsidered and the amendments rejected, except the amendment in line 12.

Mr. GEORGE. On what page?

Mr. ALLISON. On page 30. It relates to clerks who are engaged in adjusting the accounts of the Soldiers' Home.

Mr. GORMAN. That is right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none.

Mr. ALLISON. I ask the same thing on page 31, in line 21 and line 23, in the clause making appropriations for additional force for continuing the adjustment of the accounts of the Soldiers' Home in the office of the Second Auditor.

The Secretary. On page 31, line 21, before the word "clerks," the Senate, as in Committee of the Whole, struck out "seven" and inserted "two;" so as to read:

Two clerks, at \$840 each.

Mr. ALLISON. I ask that that may be disagreed to, and also the amendment as to the amount.

The SECRETARY. Also, in line 23, the Senate, as in Committee of the Whole, struck out "\$6,600" and inserted "\$2,400."

Mr. ALLISON. Let that also be disagreed to.
The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the vote by which these amendments was adopted shall be reconsidered, and the paragraph stand as it came from the House of Representatives.

Mr. GEORGE. I should like to hear the Senator's views upon that

subject.

Mr. ALLISON. I will state to the Senator that these clerks have been engaged in adjusting the accounts of the Soldiers' Home. The Senator will recollect that last year when we had this question up I called the attention of the Military Committee to the necessity of some new legislation on that subject, so that instead of utilizing these clerks for the purposes of making examinations of the fines and forfeitures running back to 1851, there should be some different adjustment whereby this office should be maintained.

Nothing was done by the Military Committee, and this year the Committee on Appropriations recommend that these investigations and examinations shall be confined to the period since 1887, and then having settled that question it was supposed by the committee that a less number of clerks would be required; but on further examination I am told by the officers having charge of this matter that these clerks will still be required, notwithstanding the amendments we proposed. That is all there is of it

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. HARRIS. On page 4, and as the bill amended by the committee stands, in line 11, after the word "Commerce," I am directed by the Committee on Epidemic Diseases to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. On page 4, line 11, in the appropriations for

clerks and messengers to committees of the Senate, after the word "Commerce," it is proposed to insert:

Clerk to the Committee on Epidemic Diseases.

The amendment was agreed to.

Mr. MITCHELL. I desire to attract the attention of Senators and of the Committee on Appropriations to page 80, line 25, where I find that the House of Representatives has reduced the number of the members of the board of pension appeals from six to three, and the Senate committee has reported the bill to the Senate in that form.

I find in the act passed on the 31st of July, 1886, it was provided

that there should be

Three members of a board of pension appeals, to be appointed by the Secretary of the Interior, at \$2,000 each; six additional persons to be appointed by the Secretary of the Interior to aid him in determining appeals from the Commissioner of Pensions, and from whom he may constitute two additional boards of pension appeals, whose term of service shall expire at the close of the fiscal year 1887, at \$2,000 each.

Then again, by the act of March 3, 1887, provision was made for-Then again, by the act of march 1, 1807, provision was made to —
Three members of a board of pension appeals, to be appointed by the Secretary of the Interior, at \$2,000 each; nine additional persons to be appointed by
the Secretary of the Interior to aid him in determining appeals from the Commissioner of Pensions, and from whom he may constitute three additional
boards of pension appeals, whose opinion shall be filed in the case, whose
term of service shall expire at the close of the fiscal year 1888.

Again, by the act of July 11, 1888, which was the last legislation upon the subject, the number of the board of pension appeals " manently" was fixed at six members at \$2,000 a year each. That seems to be the law now, that six members should constitute this

Here the proposition by the other House and by the Appropriations Committee of the Senate is to reduce the number to three-just onehalf. I do not know whether the Secretary of the Interior has recommended this or how it is, but I should like to know as to that.

Mr. ALLISON. I would say to the Senator from Oregon that this additional board is not necessary for bringing up the arrears, as the Secretary of the Interior in his annual report states that the arrears are all brought up and that one board is sufficient to conduct the current business. In view of that, the committee of course did not feel that they could retain the two boards.

Mr. MITCHELL. I inquire of the chairman of the Committee on Appropriations whether he or his committee have inquired into the manner in which pension appeals from the Commissioner of Pensions have been considered in the office of the Secretary of the Interior in past years? The point is, whether the appeals which have come up from time to time-and there are a great many of them from the Commissioner of Pensions-have been referred to this board of pension appeals, considered by the board, and then acted upon by the Secretary, or whether they have been considered by clerks drawn from time to time from the office of the Commissioner of Pensions, and then passed upon by the Secretary in innumerable cases which never went before the board of pension appeals at all?

Mr. ALLISON. The committee did not examine that question with any detail. We heard some suggestions that in some cases perhaps the matter had been considered by the Secretary of the Interior outside of the board of pension appeals, but there was no information which led us to believe that an additional board of appeals was required.

fore we did not propose it.

Mr. MITCHELL. In that connection my information is that in many instances the cases which have been appealed from the decision of the Commissioner of Pensions have been reviewed in the office of the Secretary of the Interior by the very same men who passed upon the cases originally in the office of the Commissioner of Pensions and who have been called by the Secretary of the Interior from the office of the Commissioner of Pensions to pass upon these cases.

I understand furthermore—I may be wrong about it, and, of course, if I am I shall be glad to be corrected—that there are some four thousand cases that have been appealed from the Commissioner of Pensions, and there have been reversals in only about one hundred of them. That may all be right, and perhaps none of the other cases ought to have been reversed; but if it be true, as has been reported to me, that some of the clerks employed in giving decisions in these cases in the office of the Commissioner of Pensions have been called up into the office of the Secretary of the Interior for the purpose of reviewing their own decisions, then it is a practice that ought not to be permitted. That may account, if true, for the fact that the docket has been cleared in the office of the Secretary of the Interior, and it may also go very far to account for the fact that there have been so few reversals in proportion to the great number of cases appealed.

Mr. ALLISON. As far as I know the committee had no information to the effect stated by the Senator from Oregon. If what he states be true, it is very bad administration of the Interior Department, and we hope to correct any trouble that may arise on that account in a very

Mr. MITCHELL. I would suggest to the chairman of the Committee on Appropriations whether, perhaps, it would not be wise, in order to have this matter still an open question in conference, to amend this bill by striking out the word "three," in this line, and inserting the word "six," and then when the committees get into conference, if it is deemed advisable under all the circumstances to reduce the board from six, as it is now under the law, to three, it can be done; but if it should seem to be advisable after looking into the matter to keep the board at the original number, six, then the committee would be in a position to do it. As the matter stands now—unless of course this amendment is made—the board is reduced from six to three members. I shall make no motion myself to amend. I simply desire to attract the attention of the chairman of the committee and the committee and the Senate to this matter.

Mr. ALLISON. If it shall turn out next year that there are arrears in these pension appeal cases it will be very easy to ask for additional force. If the current work of this board is now up, I see no difficulty in a single board of appeals taking care of all the cases that may come

before it.

Mr. TELLER. This board of appeals was established under my administration of the office of Secretary of the Interior. There had been no such thing before. I induced the Appropriations Committee to establish it because there was a necessity in these appeals for the employment of old examiners. The work ran behind with three men, as stated by the Senator from Oregon. We have had some of the time nine men and sometimes six, and they have brought up the work. I am satisfied myself that no three men can keep up that work and do justice to the Government and do justice to the people who claim the attention of the Government in appealing to the Secretary of the Interior. The Secretary of the Interior himself can not look at these cases, and the old practice of leaving them to one clerk is simply a denial of justice to the parties appealing. I think myself there should

be at least five men on that board, if not six.

Mr. COCKRELL. I desire to say to the distinguished chairman of the Committee on Appropriations that the incoming administration, which he proposes to use in rectifying certain things, will have a very branch of the public service; and the reflection which that language casts upon the present administration I denounce.

Mr. ALLISON. Mr. President, if the Senator from Missouri-if he will allow me a moment-had taken a little more pains to listen to what I said, he would have discovered that my remarks were kased upon the allegations of the Senator from Oregon, of which I had no I simply stated that if appeals were considered under the direction of the Secretary of the Interior by clerks who had made the original decision, I thought it was very bad administration and would undoubtedly be corrected. I have no knowledge whatever that the present Secretary of the Interior has done that thing, and I would not believe without pretty full information that he would do it.

Mr. MITCHELL. I have no personal knowledge on that point, and

I think I stated that substantially. At the same time it has been reported to me from a source that is worthy of consideration at least, that such has been the practice; that is to say, that clerks from the of-fice of the Commissioner of Pensions have been called to the aid of the Secretary of the Interior or the Assistant Secretary, because I believe the Assistant Secretary generally attends to this--in reviewing cases that have come up on appeal from the decision of the Commissioner, and that very many cases, according to this report, have been passed upon by the Secretary and affirmed without those cases ever

having gone before this board of pension appeals at all.

I do not know that that is so. It may be entirely misinformation, but that is my information, and I say, as the chairman of the committee says, if that is so, then it is a very bad practice and it ought to be corrected; and if it is so, that may go very far, as I said before, to account for the clearing of the docket, and if any such suggestion has been made from the Interior Department, to the effect that a board composed of three members is sufficient to do this work, whereas heretofore the board has been composed of six and sometimes of nine-

Mr. COCKRELL. I should like the Senator from Oregon, in making such a reflection as that is, to state his authority. I do not think that Senators should come here on the floor of the Senate and make statements reflecting upon the character of officers of high standing and high official position, and then say they do not know whether the statements are true or not.

Mr. MITCHELL. I do not know that it is any reflection upon the character of any one. I do not understand that any statement I have made reflects upon the character of the Secretary of the Interior or the character of anybody else, and I certainly mean to make no such reflection. The Secretary of the Interior in his judgment may feel that he is fully authorized in calling to his aid, in addition to this board of appeals, any clerk within his Department,

Mr. COCKRELL. For what purpose?

Mr. MITCHELL. For the purpose of aiding him in the examina-

tion of appeals from the Commissioner of Pensions.

Mr. COCKRELL. How will he examine them? Did not your informant undertake to make the impression on your mind that these people practically decided the cases, and that the Secretary only followed after this pension clerk in his ruling? Was not that the object of his coming to you?

Mr. MITCHELL. Well, Mr. iPresident, I have not said that any-body came to me, as far as that s concerned, and I do not know that I am bound to state what impression anything made upon my mind. I simply have stated, and I repeat it, that I have information to the effect that the Secretary of the Interior, or the Assistant Secretary, rather, whose province, I believe, it is under the practice of the Department to take up and pass upon these cases, had called in to his aid not alone and only this board of pension appeals provided by law, but that he had called to his aid clerks employed in the office of the Commissioner of Pensions, and that in many instances these appeal cases have been taken up, passed upon, and decided by the Secretary of the Interior, or the Assistant Secretary, if you please, without the cases ever having gone before the board of pension appeals.

The Secretary of the Interior may have felt that he had ample authority as Secretary of the Interior to do that thing. I am making no charges against the integrity of the Secretary of the Interior or the Assistant Secretary of the Interior or against anybody else, as the Senator from Missouri would seem to imply. I am assuming, and have assumed in all that I have said, that the Secretary of the Interior perhaps felt that he had ample authority and full power to call to bis aid anybody in connection with his Department to assist in this business. That is all I have said, and I repeat that square fact.

Mr. GEORGE. Will the Senator allow me? Mr. MITCHELL. Certainly.

Mr. GEORGE. Has the Secretary, or has he not, power to call these clerks to his assistance?

Mr. MITCHELL. I think probably he has. I think, perhaps without any doubt, he has power to do that thing. But inasmuch as the legislature of the country has stepped in and provided a board of pension appeals to aid him in this matter, it seems to me that all these cases ought to go before that board.

That is all I meant to say. The Senator from Missouri has misunderstood me entirely if he supposes for one moment that I am making any charges against anybody. I simply mean to say if that thing has been done, it is a bad practice and one that ought not to be allowed in the future, and if the Secretary of the Interior is not able to get along with these cases with a board of pension appeals composed of six members, without calling in aid from other sources, then the board ought not to be retained. That is all I meant to say.

Mr. COCKRELL. Mr. President, the information received by the Senator from Oregon in regard to the action in this matter is incorrect:

For fifteen years prior to January 1, 1881, the average number of appeals taken annually from the action of the Pension Office to the Secretary of the Interior was 285.

Mr. MITCHELL. How many? Mr. COCKRELL. Two hundred and eighty-five annually on an average for fifteen years prior to January 1, 1881. Since January 1, 1881, the number of appeals taken from the Com-

missioner of Pensions to the Secretary of the Interior, is as follow	YS.
1881	479
1882	513 1,079
	2,148
	2,874
1997	1 940

Mr. MITCHELL. I wish to ask the Senator a question there.

Mr. COCKRELL. Certainly.

Mr. MITCHELL. Can the Senator tell me what proportion of those were reversed and what proportion affirmed?

Mr. COCKRELL. I have that statement somewhere, but I am not able to lay my hand on it now. I have not been able, since the Senator raised the point, to get at it.

umber of appeal cases—	
Disposed of in 1884	1,446
Pending January 1, 1885	1,223
Disposed of in 1885	1,177
Pending January 1, 1886	2,672
Disposed f in 1886	1,652
Pending January 1, 1887	3,894
Disposed of in 1887	5, 457
Pending January 1, 1888	377

Mr. MITCHELL. About five thousand cases, then, were disposed of in 1887.

Mr. COCKRELL. Five thousand four hundred and fifty-seven. Before that, if I am not mistaken, we instituted this board of pension appeals simply to assist the Secretary of the Interior in his decision. It is not the board that makes the decision. We first made, I believe, the number three. Then we increased it to six. Then we increased it to nine, and, if I am not mistaken, in the appropriation act of 1886-'87 we increased it still more, but I do not remember exactly the number.

Mr. MITCHELL. There was no further increase. Nine was the highest it ever reached, and then in the last appropriation bill it was reduced to six, and that is the law to-day.

Mr. COCKRELL. In regard to the methods of business there, I will read a letter from the Assistant Secretary to the chairman of the Senate Select Committee to Investigate the Methods of Business in the Depart-

ments:

Department of the Interior, Washington, January 5, 1888.

Dear Sir: Inclosed I transmit for your information report of the work of the board of pension appeals for the week ending December 31, 1887, showing appeals pending, 377.

I desire to state in this connection that, while this number of cases is on our docket as pending, as a matter of fact we are now disposing of current appeals. The practice in the Pension Bureau is that, when a case is appealed by reason of the rejection of the soldier's claim for pension, before the papers are forwarded to this Department by the Commissioner of Pensions they are submitted to a board, known as the board of re-review, who are required to re-examine the whole record in the case with a view to the correction of errors and mistakes that may have been committed in the original examination of such claim; and to-day the 377 cases that appear as pending upon the Department docket are now before the different boards for re-examination by the Pension Bureau for the purposes above stated. After the board of re-review has acted, if the former rejection is adhered to, or reversed, the Department is notified by the Pension Bureau of its action in this behalf. So that there are to-day no accumulation of cases ready for final action by this Department.

As soon as I can have a few decisions in the Brockman case printed I will take great pleasure in forwarding the same to you for distribution, as requested. I may also state as a matter of information that from the commencement of the year 1888 there will be many changes with a view to improved methods in the transaction of the duties assigned me by the Secretary of the Interior, all tending to a greater promptness in the disposition of these matters as well as a great saving in expense.

Very respectfully, yours,

D. L. HAWKINS, Assistant Secretary.

Hon. F. M. COCKERLL, United States Senate, Washington, D. C.

Mr. MITCHELL. I ask whether the Senator has any knowledge that all the cases that come up from the decision of the Commissioner of Pensions are submitted to this board or not?

Mr. COCKRELL. I am going on to state that. My understanding is, and I think I can not be mistaken in it, that the rule is in the Department when these cases come up by appeal from the Pension Office they go to the Assistant Secretary, and then go to the members of the pension appeal board. Now, they have clerks there making out briefs and abstracts for them to help them in doing their work. never have gotten up with the work if they had to do all the writing with their own hands. They have their decisions written out and they are all subject to the review of the Assistant Secretary.

As a matter of course, the Assistant Secretary acts under and for the Secretary, and if it were an important case that counsel demanded that the Secretary should pass upon he would have to do so, regard-less of whether the Assistant Secretary had passed upon it or anybody else. There might be a case in which the Secretary would give the formal decision and have the case briefed and the statement of facts in

it presented to him.

They have had in the employ of this board persons detailed from different offices. I presume they have had some from the Pension Office. I think they have had some from the Patent Office, and they have had other clerks doing mere clerical work; but that the cases are passed upon or practically decided by the clerks in the Pension Office who had the first adjudication of them is incorrect. That class of clerks has not been detailed there to assist the pension appeal board in their

work. It has been a different class of clerks.

As this report shows, in the Pension Office the cases pass through a large number of hands. They are briefed and prepared. Then they go to the chief of division, then they go to the board of review, and they are sent occasionally to a medical board, if there is any reference requiring it. If there is any question of law, they are sent to the board of lawyers in the Interior Department. After a decision is made and the Secretary has confirmed it, if there is any dissatisfaction and that case is appealed, then the case goes to the board of re-review, and frequently errors that may have escaped observation before are corrected there and the case is not appealed any further. Sometimes before the case is decided there is additional evidence upon a weak point sub-mitted, so that in all cases the largest possible latitude is given to the applicant to present any and all kinds of evidence that he may have, and even after the case comes before the board of appeals you can send evidence to the Pension Office and it will be sent up to the board of appeals having the case. I have a case of that kind now pending.

Mr. MITCHELL. I presume the Senator from Missouri will agree with me that, in view of this legislation from time to time, all the cases that are appealed from the decision of the Commissioner of Pen-

sions ought to pass through this board before being decided.
Mr. COCKRELL. That depends on circumstances.

Mr. MITCHELL. What circumstances?

Mr. COCKRELL. As I say, in an important case parties might want the Secretary to pass upon it himself, and they have a right to force him to pass upon it if necessary, because the board are only acting as and for him, and if you were prosecuting cases there might be a principle or a question involved on which you would not be satisfied to take the opinion of the board. I have got cases now pending that I expect to take directly before the Secretary, and to take his decision and construction on legal points. That may occur in the great bulk of the cases going before these persons. Now I will go further and

Mr. MITCHELL. I understand the Senator to concede, then— Mr. COCKRELL. I do not know that there has ever been such a case, but I can readily see that there might be cases, and I have one or two that I have attempted to prepare that I expect to ask the Secretary of the Interior to pass upon himself.

Mr. MITCHELL. And probably there are a number of cases that have gone up that the board of appeals never knew anything about.

Mr. COCKRELL. I doubt that very seriously. I doubt very seriously whether there has been a solitary such case; but I say there might be cases, in my judgment, that might occur, where a lawyer or a claimant would have a perfect right to ask the Secretary to pass upon it, and, as I said, I have a case in point where the decision has been given against the pensioning of soldiers of a certain class enlisted at a certain time under a certain law, and I do not believe that con-struction of the law is right, and it is the case referred to in the book before me. I think they have misinterpreted the law, and I expect to place that in the hands of the Secretary of the Interior himself to pass upon that question, as I have a right to do.

Mr. MITCHELL. Has the Senator any information as to the num-

ber of cases that are now before the Secretary?

Mr. COCKRELL. I will come to that in a minute. My judgment is that the cases, if any have ever been taken directly to the Secretary, are very few. I have never heard of one being so taken. They publish all these decisions; they are all printed and they are being bound. After this board got this great bulk of cases before them and had these decisions prepared, and they have been reviewed by the Secretary, there is scarcely now a case coming before them that is not covered by some of the previously decided cases, so that they can dispose of twice as many cases as they could before. When the board was organized, while the Senator from Colorado [Mr. Teller] was Secretary of the Interior, they did not have the decisions in the pension cases published, did they?

Mr. TELLER. I think they commenced publishing them when I

Mr. TELLER. I think they commenced publishing them when I was Secretary of the Interior.

Mr. COCKRELL. They had not been originally published.

Mr. TELLER. Not originally.

Mr. COCKRELL. So that the Secretary did not have the benefit of the precedents; but now that they have been printed, and are being printed regularly, the Assistant Secretary told me only a day or two ago that there were very few cases that came up now which had not practically been decided before cally been decided before.

As to whether three members of the board of appeals can keep up the

current business depends upon whether they are good workers or not. That is all there is about it. I say to the Senator frankly, knowing as I do the amount of business and the character of the business, that three men on that board of appeals, if they keep the business up to date and dispose of the business currently, will have to work industriously.
Whether the incoming administration will be able to secure three men who will work industriously and faithfully and keep the business up or not, is, in my judgment, doubtful. I say it very frankly, they will have to work very industriously. There are now on that pension appeal board some men who are very expert in this business, because they have been there; they have gone all over these cases; they are familiar with them; they are lawyers; they have studied these decisions, and they may dispose of a great many cases just as the Senator could, familiar as he is with the law; and the more cases he decides the more he can decide, because he becomes more familiar with them.

Mr. MITCHELL. I think there are some very competent men on

that board.

Mr. COCKRELL. I thought I had the Senate select committee report here, but it is so voluminous that I may have omitted to put it in; but I had during the investigation of the Senate select committee reports made monthly by this board as to the number of cases they disposed of, and my recollection is that they reversed a great many. I do not think they probably reversed as many as before, but they reversed quite a considerable number of cases that were brought before them, and the Appropriations Committee, when they made that last increase—and I believe it was done at the instance of the Senator from Connecticut—did it temporarily for the express purpose of bringing the business up to date. That was the object of it. It was not to make the large number permanent. It was put on there expecting the business to be brought up within the time of that appropriation.

the business to be brought up within the time of that appropriation.

Mr. Mr. COCKRELL. Two years were provided for it.

Mr. COCKRELL. That was the object of it. They worked faithfully; they worked hard. More men being added, as a matter of course they disposed of the business more rapidly.

As to whether the number ought to be reduced to three or not, I say frankly I am in very grave doubts. My judgment, after all the facts I can ascertain, is that three active, competent lawyers can keep the business up. If you put three men on, or if you retain three men who are slow and not diligent and not faithful, the chances are that there will be another accumulation of pension appeal cases. will be another accumulation of pension appeal cases.

Mr. TELLER. Will the Senator let me suggest to him that the number of appeals was nineteen hundred and forty last year, and there will be as many next year undoubtedly, and probably more. Each officer would have to decide twelve more a month, or one hundred and forty-four in a year more than the present board have been able to deal with, and I doubt whether they could do it.

Mr. COCKRELL. I did not know this point was coming up and I have not the last Pension Office report before me. I do not know the number of appeals taken in 1888. Those are up to the 1st of January, 1888. How many were taken during the year just passed I do not know, but my impression is that after these decisions had been printed, and I think that was one of the immediate benefits of it, and when they were accessible, the number of appeals diminished, because pension claimants and pension agents and attorneys could see that a par-ticular case had already been decided. Before that time they could not not tell whether it had ever been decided, and each claimant would take his case up by appeal.

Mr. TELLER. I wish to say to the Senator that 90 per cent. of them,

and probably 95 per cent. go up, not on questions of law, but on ques-

tions of fact.

Mr. COCKRELL. I know that.

Mr. TELLER. Each case stands by itself.

Mr. COCKRELL. I know, but frequently questions of law are in-

volved as well as questions of fact.

Mr. TELLER. Of course, if a question of law is presented that has been already adjudicated they would dispose of the case promptly. I do not believe myself that three men can do that work and do it prop-

Mr. COCKRELL. It can only be done in the way I have stated. I assure the Senator of that fact. The number may either remain as fixed by the other House, at three, or you may put it at six; it depends on the fact whether they are active, quick working men, as to whether they will not fall behind.

Mr. SPOONER. I move to amend by striking out the word "three," where it occurs in the twenty-fifth line on page 80, and inserting in lieu

thereof "six;" so as to read:

Six members of a board of pension appeals.

Mr. ALLISON. I will not object to the amendment of the Senator from Wisconsin for the reason that the Senator from Colorado, who has had experience with this pension business, and the Senator from Missouri say that probably three members of the board can not do the work. important that the work should be kept up currently, and therefore I shall not interpose, if I can interpose, a point of order on the amendment, but I should like to look into it further. If five are sufficient,

as suggested by the Senator from Colorado, I should be glad to have it

modified so as to make the number five.

Mr. COCKRELL. I will say to the Senator from Iowa that I looked into this matter, and I am perfectly satisfied that if the same number of appeals are taken up it will require three active, faithful, diligent men to keep up, and they will have to work hard. I myself think that probably there would be no objection to having six and two boards. Five could not make two boards.

Mr. JONES, of Arkansas. If this amendment has been disposed of

I should like to offer an amendment.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amend-

ment is not disposed of.

Mr. HARRIS. I wish to inquire of the Senator from Iowa or the Senator from Missouri, or any one who knows, whether there is any recommendation of the Secretary of the Interior in respect to the num-

ber of members of this appeal board.

Mr. COCKRELL. He recommends three.

Mr. ALLISON. I have already stated to the Senate that the Secre-

tary of the Interior recommends but three.

Mr. HARRIS. I did not chance to hear the statement of the Senator. I desired to know what his recommendation was. I shall follow

tor. I desired to know what his recommendation was. I shall follow it so far as I am concerned.

Mr. GRAY. I should like to ask the Senator from Iowa if he knows, if not I ask the Senator from Colorado, whether these three clerks who are called appeal clerks act as a board, or do they act separately in the transaction of this business?

Mr. ALLISON. They act as a board.

Mr. GRAY. How will the six act?

Mr. ALLISON. The six make two boards.

Mr. MTCHELLL. Two boards of three each.

Mr. MITCHELLE. That is the way they are doing; they are dividing.
Mr. MITCHELLE. I hope the amendment moved by the Senator
from Wisconsin will carry; I want to get the matter into conference,
and the conference can fix whatever number is proper, five, four, or

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin [Mr. Spooner]. The amendment was agreed to.

Mr. ALLISON. In line 25, on page 80, I move to amend by making the clause read:

Six members, who shall constitute two boards of pension appeals.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The CHIEF CLERK. In line 25, on page 80, it is proposed to strike out the words "of a board" and insert the words "to constitute two boards;" so as to read:

Six members to constitute two boards of pension appeals.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent that the clerks may correct the totals corresponding with this increase in lines 9 and 10, on page 82. "In all, \$176,990" should be increased by \$6,000.

The PRESIDING OFFICER. The correction will be made. It is

suggested that there are one or two other places where similar correc-

tions in totals will have to be made.

Mr. ALLISON. I hope the clerks, by unanimous consent, will do

Mr. HARRIS. I wish to call attention to the amendment inserted in line 11, on page 4, where the total should also be corrected.

The PRESIDING OFFICER. The Chair understands that that will

be done under the present order.

Mr. JONES, of Arkansas. On page 105, in line 9, in the appropriations for the Department of Justice, I move to strike out "two" and insert "five" before the word "hundred;" so as to read:

Chief clerk and ex officio superintendent of the building \$2,500.

Mr. ALLISON. I make the point of order on that amendment. It is not an amendment from a committee.

Mr. JONES, of Arkansas. It is estimated for, and the Senate has passed a bill providing for this increase, both of which points bring the amendment within the rule.

The PRESIDING OFFICER. Is the point of order insisted upon

by the Senator from Iowa?

Mr. ALLISON. I insist upon it if I have any right to do so. It is

not reported from any committee that I know of.

Mr. HARRIS. Still, being estimated for in the regular estimates offered more than one day before, presented in the Senate, referred to the Committee on Appropriations, and now offered, I think it falls clearly within the rule. The amendment is, I think, in order.

Mr. ALLISON. I was not aware of that having been done.

Mr. HARRIS. Oh, yes; it is a printed amendment; it was offered

Mr. PADDO
two or three days ago.
Mr. ALLISON. Very well; let us take a vote on it.
Mr. JONES, of Arkansas. I hope there will be no objection to the adoption of the amendment. The Attorney-General has in two or amendment?

three annual reports recommended this increase in the salary of the

Mr. ALLISQN. I understand that.

The PRESIDING OFFICER. The Chair understands the point of order to be withdrawn. The question is on the adoption of the amendment proposed by the Senator from Arkansas [Mr. Jones].

The amendment was agreed to.

Mr. GORMAN. I ask the unanimous consent of the Senate to offer an amendment to which I am sure there will not be any objection.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 5, line 2, in the appropriations for the

office of Sergeant-at-Arms and Doorkeeper of the Senate, after the word "dollars," it is proposed to insert:

And \$500 additional while the office of assistant doorkeeper is held by the present incumbent.

The PRESIDING OFFICER. The question is on agreeing to the

amendment proposed by the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. It is not necessary to say more than that at this time, while we are talking of reform in the civil service, we have a case here in the Senate, the most remarkable probably in any department of the Government, of a gentleman who was appointed in 1831, fifty-eight years ago, appointed before many of us were born, who has been here to welcome every Senator from that day until now to his seat and to assist in no ordinary way in contributing to the comfort of all of us, who has grown old in the service, and who is as modest as he is faithful. While a point of order weeks he was a service of the comfort of the comfo ful. While a point of order probably would reach the amendment, I trust it will not be made.

Mr. ALLISON. I ask that the amendment may be read again.

Mr. ALLISON. I ask that the amendment may be read again. The Chief Clerk read the amendment.

Mr. HOAR. I suggest to the Senator from Maryland to put in the name, so as to read, "is held by Isaac Bassett, the present incumbent." The honor which the Senator proposes is one which the whole Senate would desire to join in paying to this very excellent, faithful, and honored public servant; and it is an embalming of his name in the public statutes of the country which I think he deserves.

Mr. GORMAN. I thank the Senator from Massachusetts for the suggestion.

suggestion.

Mr. HARRIS. The suggestion of the Senator from Massachusetts is eminently proper, and I hope the name will be inserted before the words "the present incumbent."

The PRESIDING OFFICER. The Chair understands the Senator from Maryland to accept the suggestion of the Senator from Massachu-

setts.

Mr. GORMAN. I do so with great pleasure. I am glad the Senator made the suggestion.

The PRESIDING OFFICER. The amendment will be read as mod-

ified. The CHIEF CLERK. On page 5, after the word "dollars," in line

2, it is proposed to insert: And \$500 additional while the office of assistant doorkeeper is held by Isaac Bassett, the present incumbent.

The PRESIDING OFFICER. The question is on agreeing to the

amendment as modified. The amendment as modified was agreed to unanimously.

Mr. SAWYER. In the items for the office of the First Assistant Postmaster-General, on page 98, line 19, after the word "dollars," I move to insert:

Chief of division of correspondence, \$2,000.

And in line 22, on the same page, to strike out "twenty-two" and insert "twenty-one;" so as to read:

Twenty-one clerks of class 3.

Mr. ALLISON. I regret to be obliged to make the point of order on the amendment of my friend from Wisconsin.

Mr. SAWYER. I hope the Senator will not do that. This is a very

Mr. SAWYER. I hope the Senator will not do that. This is a very faithful officer and a good man.

Mr. ALLISON. I have no doubt he is a good man.

Mr. SAWYER. He is a man for whom this increase was recommended, not at this session but at this Congress, by Postmaster-General Vilas. He has been put at the head of that division and detailed there at \$1,600. I propose to make his salary \$2,000.

The PRESIDING OFFICER. The Chair understands the point of order to be invisted upon

order to be insisted upon.

Mr. ALLISON. I insist on the point of order.

The PRESIDING OFFICER. The amendment is subject to the point of order raised by the Senator from Iowa. If there be no further amendments to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PADDOCK. I should like to inquire of the chairman of the

Committee on Appropriations if the amendment proposing to increase the number of clerks for the Civil Service Commission is a committee

Mr. ALLISON. No, sir; it is not.
Mr. PADDOCK. I should like to inquire if the amendment is made to increase this force because the railway postal service has been brought within the jurisdiction of the Civil Service Commission?

Mr. ALLISON. That is one of the reasons given.
Mr. PADDOCK. Is that the essential reason?
Mr. ALLISON. It may not be the essential reason, but it is one of the reasons

Mr. PADDOCK. I ask that that amendment may be reserved for

a separate vote in the Senate.

Mr. ALLISON. The Senator from Nebraska desires a separate vote upon concurring in the last amendment proposed by the Senator from Connecticut [Mr. HAWLEY]. As the Senate is somewhat thin, I ask that the amendments made as in Committee of the Whole be con-curred in with the exception of this amendment, unless some other Senator desires to reserve an amendment.

Mr. GORMAN. Two amendments were offered by the Senator from

Connecticut.

The PRESIDING OFFICER. The proposition is to concur in all the amendments made as in Committee of the Whole except the one reserved by the Senator from Nebraska [Mr. Paddock] for a separate

Mr. ALLISON. The amendment reserved by the Senator from Nebraska is the amendment increasing the number of clerks for the Civil

Service Commission to three?

Mr. PADDOCK. Yes; increasing the number of clerks to three.

The PRESIDING OFFICER. That amendment is reserved. The question is on concurring in all the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still

open to amendment.

Mr. STEWART. I do not wish to have the amendment acted upon to night, but I desire to move to insert, in line 11, on page 4, after the word "Commerce," the words:

Clerk to the Committee on Mines and Mining.

Mr. HARRIS. An amendment has been already inserted at that point.

Mr. ALLISON. I must make the point of order on that amendment.

Mr. STEWART. I say I give notice of the amendment. I will call it up to-morrow.

Mr. ALLISON. I will make the point of order on it.

Mr. STEWART. I have looked over the list of committees on page
4 of the bill, and I am sure that the clerk of my committee has as much work to do as almost any of the clerks of the other committees. I know something about what the clerks do. I am a pretty active man myself, and I am paying out a good deal for clerk-hire in addition to my regular clerk. I have paid more than his salary all the time for additional assistants, and I think I might be allowed this indulgence.

We are down in the crypt, in a room where we work to great disadvantage, and I hire additional clerks. Of those who are present of my committee I may say that a majority of them are willing to authorize me to report the amendment from that committee. I will submit the amendment and refer it to the Committee on Appropriations, and

Mr. SPOONER. It must be referred twenty-four hours in advance.

Mr. STEWART. I give the Committee on Appropriations notice of it, and to-morrow morning if my committee do not agree to its ot that I can report it of course it will not be pressed, but I hope the Committee on Appropriations will not make the point of order that it has not been referred to them regularly for twenty-four hours when I give them this notice.

Mr. ALLISON. The question of twenty-four hours we will take

into account.

I shall be glad if we can have an understanding that to-morrow at 2 o'clock, if that be the hour, at least after the morning business is disposed of, we shall have a vote upon the amendment reserved by the Senator from Nebraska [Mr. PADDOCK], and the question now raised by the Senator from Nevada [Mr. STEWART]. Mr. HALE. Why not call up the bill directly after the routine

morning business?

Mr. ALLISON. Because there is some other business to occupy the time in the morning hour.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the vote be taken upon the bill-

Mr. ALLISON. Without further amendments?
The PRESIDING OFFICER. Without further amendments, except the one of which the Senator from Nevada [Mr. STEWART] has given

Mr. STEWART. The Senator from Iowa will not make the point

that the amendment has not been referred for twenty-four hours?

The PRESIDING OFFICER. Does the Senator from Iowa reserve the point of order against the amendment of the Senator from Nevada?

Mr. STEWART. I do not wish to waive that right, because that will be less than twenty-four hours.

The PRESIDING OFFICER. Does the Senator from Iowa reserve

the point of order against the amendment?

Mr. ALLISON. I will not raise any point about the number of hours. I will not waive any other question of order.

Mr. HARRIS. I wish to make a suggestion to the Senator from Ne-

vada, and I have been unable to get his attention.

The PRESIDING OFFICER. The Senator from Tennessee appeals to the Senator from Nevada.

Mr. HARRIS. I was going to say to the Senator from Nevada that if the point of order is made upon his amendment, unless he can report it to-day, it does not matter at what hour to-day, and refer it to the committee, if the point of order is insisted upon to-morrow the chances are ten to one that it will be decided against him.

Mr. STEWART. I understand that the chairman of the committee says that he will not raise the point of order as to time. If it is reported to-morrow morning from the committee, that will be satisfactory

as far as I am concerned.

Mr. ALLISON. I wish to know whether I have unanimous consent that the bill is to be considered as only open for the amendment reserved by the Senator from Nebraska and the question, whatever it may be, of my friend from Nevada, and that the vote shall be taken at 2 o'clock to-morrow

The PRESIDING OFFICER. That is the proposition submitted to

the Senate.

Mr. COCKRELL. Put the question and let us decide it.
Mr. STEWART. I want to know—
I will say to the Senator from Nevada that the chairman of the Committee on Appropriations is not the only man who can make the point of order. Let us dispose of that when the question comes up. There will be no promises made to-day, I assure the Senator, that the point of order will not be made to-morrow, because there are two or three other Senators who have the same kind of amendments precisely, and if the point of order is made against one it will be made against all.
Mr. STEWART.

Then I object to any understanding for to-morrow. Mr. ALLISON. Then I ask for a vote on the amendment reserved

by the Senator from Nebraska.

The PRESIDING OFFICER. The amendment made as in Committee of the Whole, on motion of the Senator from Connecticut [Mr. HAWLEY], reserved for a separate vote by the Senator from Nebraska [Mr. PADDOCK], will be read.

Mr. PADDOCK. I call for the yeas and nays on concurring in the

amendment.

The CHIEF CLERK. On page 20, under the head of "Civil Service Commission," at the end of line 19, the Senate, as in Committee of the Whole, struck out "two" and inserted "three;" so as to read:

Three clerks of class 2.

Mr. DAWES. I was necessarily absent from the Chamber. I should like to inquire whether that is the only amendment that was adopted under that head?

Mr. PADDOCK. This is the only one reserved.
Mr. DAWES. There was one adopted, and then a motion made to add another clerk. Did that fail?

Mr. ALLISON and Mr. GORMAN. It is the last one that is re-

Mr. DAWES. Then there were two amendments made adding civil-service clerks?

Mr. HARRIS. One has been agreed to already.
Mr. ALLISON. I move to reconsider the vote by which that amendment was agreed to. [A pause.] No, that is not in order; it is open in the Senate.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, which was reserved for a separate vote by the Senator from Nebraska [Mr. PADDOCK].

Mr. ALLISON. The Senator from Nebraska asked for a separate

vote on that amendment. He does not ask for the yeas and nays.

Mr. PADDOCK. I do ask for the yeas and nays.

Mr. COCKRELL. Let us have the yeas and nays.
Mr. DAWES. Has the Senator reserved for a separate vote the amendments providing for both of those clerks or only one?
Mr. PADDOCK. I reserved the last amendment adding one. Had

it occurred to me earlier I should have reserved the other amendment

Mr. ALLISON. I quite agree with the Senator from Nebraska. I hope the amendment will be voted down without a yea-and-nay vote.

The PRESIDING OFFICER. Are the yeas and nays insisted upon?
Mr. HARRIS. Does the Senator from Iowa move to reconsider the
vote by which the other amendment allowing an additional clerk to
the Civil Service Commission was agreed to?

Mr. ALLISON. I do not now move to reconsider it. I am quite in accord with the Senator from Nebraska, however.

Mr. HARRIS. So am I; and I am quite in accord with a motion to reconsider the vote by which the other clerk was allowed to the Civil Service Commission.

Mr. ALLISON. That has been already concurred in.

Mr. HARRIS. I know it has been concurred in in the Senate, and I was simply asking if the Senator moved to reconsider the vote by which it was concurred in.

Mr. PADDOCK. I should like to vote for a motion to reconsider, if it is in order.

The PRESIDING OFFICER. Is the call for the yeas and nays withdrawn?

Mr. HOAR. I appeal to the Senator from Iowa. I do not like to interfere with his conduct of the bill, but it is hardly fair to vote in the absence of the Senator who moved the amendment, unless the Senator

had an understanding with him.

Mr. ALLISON. I have no suggestions to make. If the yeas and nays are called I fear we shall have no quorum.

Mr. HOAR. I move that the Senate adjourn.

Mr. ALLISON. On that motion I call for the yeas and nays. I want to finish this bill to-night. I am under an honorable obligation to other Senators, who have other havings to discovere of this bill. to other Senators, who have other business, to dispose of this bill.

# DISPOSITION OF USELESS PAPERS.

The PRESIDING GFFICER. Before submitting the motion to adjourn, the Chair lays before the Senate a request from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 7, 1889.

Ordered. That the Clerk be directed to request the Senate to make out a duplicate copy of the Senate concurrent resolution directing the manner of the enrollment of Senate bill 2305, to authorize and provide for the disposition of useless papers in the Executive Departments, the original being lost.

The PRESIDING OFFICER. The request will be granted, if there is no objection. The Chair hears none, and the request is granted.

# ADJOURNMENT.

Several SENATORS. Do not let us adjourn.

The PRESIDING OFFICER. It is moved by the Senator from Massachusetts [Mr. Hoar] that the Senate do now adjourn.

Mr. DAWES. The Senator from Iowa [Mr. Allison] calls for the yeas and page on that motion.

The PRESIDING OFFICER. Is the call for the yeas and nays sustained?

The yeas and nays were ordered, and the Secretary called the roll.

Mr. SPOONER (after having voted in the negative). I am paired
generally with the Senator from Mississippi [Mr. WALTHALL], and by
inadvertence I voted. I ask leave to withdraw my vote.

Mr. HARRIS. This is not a question about which the Senator need

observe his pair unless he wants to do so.

The PRESIDING OFFICER. The Senator from Wisconsin withdraws his vote.

Mr. DAWES (after having voted in the negative). I am paired generally with the Senator from Texas [Mr. Coke], but I assume that he would vote the same way I voted. I think, however, I ought to withdraw my vote, and I withdraw it

The PRESIDING OFFICER. The Senator from Massachusetts

withdraws his vote.

Mr. ALLISON. The Senator from Rhode Island [Mr. CHACE] is

paired with the Senator from Georgia [Mr. Colquitt]

Mr. PADDOCK (after having voted in the negative). I am paired generally with the Senator from Louisiana [Mr. Eustis], but I did not think it was necessary to withhold my vote on this question.

The result was announced—yeas 3, nays 13; as follows:

		YEAS 3.	
Hoar,	Mitchell,	Stewart.	
		NAYS-13.	
Allison, Call, Chandler, Cockrell,	Gorman, Gray, Harris, Paddock,	Pasco, Platt, Ransom, Teller,	Vest.
	A	BSENT-60.	
Aldrich, Bate, Beck, Berry, Blackburn, Blair, Blodgett, Bowen, Brown, Butler, Cameron, Chace, Coke,	Daniel, Davis, Daves, Dolph, Edmunds, Eustis, Evarts, Farwell, Faulkner, Frye, George, Gibson, Hale, Hampton,	Hearst, Hiscock, Ingalls, Jones of Nevada, Jones of Arkans Kenna, McPherson, Manderson, Morgan, Morrill, Palmer, Payne, Plumb, Pugh,	Reagan, Riddleberger, Sabin, Saulsbury, as, Sawyer, Sherman, Spooner, Standford, Stockbridge, Turpie, Vance, Voorhees, Walthall, Wilson of Iowa.
Cullom,	Hawley,	Quay,	Wilson of Md.

The PRESIDING OFFICER. The vote shows the absence of a quorum, and the Secretary will call the roll of the Senate.

Mr. ALLISON. I have endeavored to complete the appropriation bill to-night, in view of the condition of public business. It is manifest that it will be impossible at this hour to secure a quorum to pass the bill. Therefore I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m. the Senate adjourned until to-morrow, Friday, February 8, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

THURSDAY, February 7, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved. Mr. O'NEILL, of Pennsylvania. Regular order.

### ELECTORAL VOTE-FLORIDA

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation to pay the expenses of a special messenger sent to Florida for the electoral returns of that State; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY PRINTING AND BINDING, AGRICULTURAL DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Agriculture of a deficiency appropriation for printing and binding for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

### COAST SURVEY STEAMER GEDNEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a supplementary estimate of appropriation for expenses incurred in transferring the Coast and Geodetic Survey steamer Gedney from New York to San Francisco, and for repairs to said vessel; which was referred to the Committee on Appropriations, and ordered to be printed.

### USELESS PAPERS, EXECUTIVE DEPARTMENTS.

The SPEAKER. The Senate concurrent resolution for the correction of the enrollment of the bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments, has been mislaid, and if there be no objection an order will be made di-recting the Clerk to request the Senate to furnish a duplicate copy of the resolution.

There was no objection, and it was so ordered.

#### THOMAS LANNIGAN.

The SPEAKER also laid before the House the bill (S. 2714) for the

relief of Thomas Lannigan.

Mr. ROGERS. Mr. Speaker, that bill carries only \$100, and as a similar bill has been reported from the House committee, and is on the Calendar, I ask unanimous consent for its present consideration. This is a balance standing on the books of the Treasury Department to the credit of Mr. Lannigan.

Mr. O'NEILL, of Pennsylvania. Regular order.
Mr. TOWNSHEND. I desire to proceed with the Army appropriation bill, and must object to anything that will lead to delay.
Mr. ROGERS. Then I ask to have the bill remain on the Speaker's

table for the present.

The SPEAKER. Without objection, that will be done.

There was no objection.

ADDITIONAL ASSOCIATE JUSTICE SUPREME COURT, IDAHO.

The SPEAKER also laid before the House the bill (S. 3419) providing an additional associate justice of the supreme court of Idaho, and for other purposes.

Mr. DUBOIS. I ask unanimous consent for the present considera-

tion of that bill.

The SPEAKER. But the regular order has been demanded.

Mr. DUBOIS. Then I ask consent that it remain on the Speaker's table for the present.

There was no objection.

# WITHDRAWAL OF PAPERS.

On motion of Mr. LANDES, by unanimous consent, leave was granted to withdraw from the files of the House without leaving copies papers in the case of Mary Ann Egan.

## H. H. SIBLEY.

The SPEAKER. The gentleman from Virginia [Mr. THOMAS H. B. BROWNE] asks unanimous consent that the Senate report No. 1146, relating to the claim of H. H. Sibley, be printed in the RECORD, stating that the bill will come up for consideration to-morrow. Is there objection?

There was no objection, and it was so ordered.

The report is as follows:

The report is as follows:

The Committee on Claims, to whom was committed the bill (S. 518) for the relief of the legal representatives of Henry H. Sibley, deceased, have considered the same, and respectfully report:

Henry H. Sibley was, before the rebellion, a major in the United States Army, He was born in the State of Louisiana, and graduated at West Point July 1, 1833. He served with distinction from that time to the breaking out of the rebellion. He was in several Indian wars; in many battles, including several important battles in the Mexican war, and was brevetted a major March 25, 1847, for gallant and meritorious conduct in the affair at Medilin, near Vera Cruz. He resigned his commission in the Army of the United States, being then major in the First Dragoons, May 13, 1861. He accepted a command in the rebel service, and continued in that service during the war of the rebellion. His political disabilities were removed by an act of Congress; he was pardoned August 16, 1867, by President Johnson, upon certain conditions, all of which he compiled with.

His widow, Mrs. Charlotte K. Sibley, was born at Sackett's Harbor, N. Y. Her maiden name was Charlotte Kendall. She was the daughter of William Kendall and Charlotte Howard, both of the city of Boston. Her grandfather was Joseph Howard, one of the selectmen of Boston. All her relatives, so far as known, were loyal to the United States, were born in States which remained true to the Union, and sympathized with the Union cause. Mrs. Sibley herself strongly sympathized with the cause of the Union, endeavored to prevail upon her husband to come North during the war, and was much distressed at his resignation from the Union Army and abandonment of the Union cause. She was in the city of Brooklyn, N. Y., when the war broke out, and remained there or or five months after the battle of Manassas. She then, in obedience to the command of her husband, joined him in Louisiana, and remained there until some three or four weeks before the surrender of General Lee. She returned to the city of Brooklyn and remained there until after the war. Her only children were a daughter, who was fifteen years of age when the war began, and a son, who was less than fifteen years of age when the war began, and a son, who was less than fifteen years of age when the war began, and as on, who was less than fifteen years of age when the war began, and as on, who was less than fifteen years of age when the war then were issued to him on the 14th of April, 1856. It was known as the Sibley tent. On the 18th of February, 1858, the War Department made a contract with him by which the Government should make. This was to continue fill January 1, 1859, and thereafter until notice was given of its termination of the 18th of April he assigned to W. W. Burns a one-half interest in his invention and in "all benefits, profits, and royalties" which should arise from it after February 22, 1858.

The Government proceeded to use the Sibley tents, and used them before and during the war. The total amount of such tents so manufactured and used from March 1, 1859,

an attorney and relieved from the obligation to take a test oath on such admission.

Sibley, therefore, might, according to this decision, have brought suit in the Court of Claims at any time after his pardon of the 16th of August, 1867. But the act of Congress requiring an oath that he had at all times borne true allegiance to the Government and had not in any way aided or abetted the rebellion stood apparently in his way. It was not till the promulgation of the decision in Armstrong's case at the December term, 1871, that the public generally, or even the profession, understood the law to be as so declared by the court.

We suppose that in an ordinary case Congress would remove without question the bar of the statute of limitations in the case of a person who had failed to bring a suit under such circumstances, but the committee seriously question whether they ought to waive the bar of the statute of limitations to enable a person to bring an action against the United States under a contract for a military invention the use of which invention by the Government was largely increased and, indeed, almost wholly occasioned by a rebellion in which the claimant himself took part. If Mr. Sibley were himself the person seeking relief this objection would, in the opinion of a portion of the committee, be fatal to his claim.

But we think, on an appeal to the sense of equity and to the indulgence of

objection would, in the opinion of a portion of the committee, be fatal to his claim.

But we think, on an appeal to the sense of equity and to the indulgence of Congress, the case of Mrs. Sibley and her children stands differently. She was unquestionably loyal to the Government, as were all her kindred. She endeavored to induce her husband to remain loyal. As he is dead, one-third of his property would become hers, either by his will or by the policy of most of the States in spite of his will, if he undertook to convert it from her. If he had a clear and unquestionable claim against the Government, nothing in his own misconduct or in any other fact which has occurred has ever impaired or extinguished it. It is a mere question of consenting to waive the statute of limitations.

If it were a question of actual forfeiture, the Constitution of the United States prohibits Congress from creating any attainder or forfeiture which shall extend beyond the life of the offender. The purpose of that constitutional provision is to prevent the penalty of treason from attaching to the innocent wife or children of an offender by depriving them of means of support, although the property which would otherwise be forfeited comes to them from an offending husband or father. We do not suppose that this constitutional provision extended to property like the present, but we think the purpose indicated by the Constitution is one which may properly be recalled to the attention of Congress in the present case, and that we are complying with its spirit when we waive the bar of the statute of himitations—which has only affected the remedy and not the right—so far as to enable Mrs. Sibley, for herself and her children, to test the question of the validity of the claim. Her husband died in great poverty. She is a lady of great personal worth, as the committee are assured by many persons of the highest character who have known her well.

We therefore recommend that she be permitted to bring suit in the Court of Claims notwithstanding the st

# APPENDIX.

APPENDIX.

Alidavit of Charlotte K. Sibley.

I. Charlotte K. Sibley, of the city of Fredericksburgh, State of Virginia, do make oath that my maiden name was Charlotte Kendall; that I was born in Sackett's Harbor, State of New York, the daughter of William Kendall and Charlotte Howard, both of the city of Boston, and that my grandfathar was Joseph How-

ard, one of the selectmen of the city of Boston. That my father, William Kendall, was in the employment of the Government of the United States and remained so up to the time of his death, and that his children have always and (with the exception of myself) now reside in the North. That I am now sixty-seven years of age. That I married the late Henry H. Sibley, formerly of the United States Army.

That at the time of the breaking out of the war of the rebellion I was with my children in the city of Brooklyn and my husband was in New Mexico. That I was much opposed to his resigning his commission in the United States Army, as were all of my people, for I had been brought up in army circles and all of my sympathies were with the Union. That I sympathized with and was loyal to the Union all during the war of the rebellion. That I was much grieved when I heard of my husband's resignation, and remained in the city of Brooklyn until four or five months after the battle of Manassas, and then, in obedience to the commands of my husband and against my own inclination, I went to Louisiana, where I remained with my husband until some three or four weeks before the surrender of General Lee, when I returned to the city of Brooklyn. That my daughter, Mrs. Helen S. Stokes, was only fifteen years of age at the beginning of the war and eighteen or nineteen when it ended. That my son, Sidney J. Sibley, these being my only two children, was at the ending of the war a mere boy, not yet fifteen years of age, and that neither of said two children were guilty of nor espable of being guilty of disloyalty to the Government of the United States. That I and my children are the legal heirs of my husband, Henry H. Sibley.

Witness my hand this 30th day of December, 1886.

CHARLOTTE K. SIBLEY.

STATE OF VIRGINIA, Olly of Fredericksburgh:

Personally appeared before me Charlotte K. Sibley, whose name is signed to the above paper, and made oath that the statements therein contained are true. Witness my hand this 30th day of December, 1886.

A. B. BOTTS, Notary Public.

#### Affidavit of Abner Bartlett.

I, Abner Bartlett, of the city of New York and State of New York, do make oath that during the year 1801 I knew Mrs. Charlotte K. Sibley; that she was then in New York City, and that my memory is quite clear that, in frequent interviews with me on her part at that time and when General Sibley, her husband, transferred himself to New Orleans, into the Confederate service, Mrs. Sibley did what she could to prevail upon him to come to the North, and if he could not join the Union cause to at least resign and stand neutral. I had opportunities of knowing and do know that Mrs. Sibley in her sentiments was loyal to the Union cause.

Witness my hand this 5th day of January, 1886.

ABNER BARTLETT.

Subscribed and sworn to before me this 5th day of January, 1837, a notary public in and for the city and State of New York.

CHARLES H. CLASS, Notary Public (224), New York County.

STATE OF NEW JERSEY, Warren County, ss:

Be it known that, on this 1st day of January, A. D. 1887, before me, a notary public, personally appeared Miss Theresa Kendall, and on her oath says that her sister, Mrs. Charlotte K. Sibley, was thoroughly loyal to the United States Government at the breaking out of the late rebellion, and was very much distressed at the resignation of her husband, Maj. Henry H. Sibley, from the Union Army.

THERESA KENDALL.

Sworn and subscribed before me this 1st day of January, 1887.

ROBERT A. COLE,

Notary Public, Hackettstown, N. J.

# Affidavit of William H. Selden.

I, William H. Selden, of the city of Washington, do make oath that I was born in the State of Virginia, am forty-six years old, and am the proprietor of the Metropolitan Hotel, in the city of Washington, D. C. That I was during the civil war on the staff of General E. Kirby Smith, of the Confederate army, in the trans-Mississippi Department, from 1884 to 1885. That I was personally acquainted with Mrs. C. K. Sibley, wife of the late H. H. Sibley, and was where I formed an impression of her general reputation as to loyalty. That she had the general reputation among those who knew her of being loyal to the Union cause, and that it was a matter of common rumor that she sympathized with the Union cause. I have read the affidavit of Mrs. C. K. Sibley and believe it to be a true statement of her sympathics and feelings.

Witness my hand this 2d of March, 1888.

CITY OF WASHINGTON, District of Columbia:

W. H. SELDEN.

Personally appeared before me William H. Selden, whose name is signed to be above paper, and made oath that the statements therein contained are true.

Witness my hand this 2d of March, 1888.

JOHN CRITCHER, Jr., Notary Public.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 13, 1883.

Sir: I have the honor to return herewith the communication from the Hon.
J. C. SPOONER, chairman of the Senate Claims Committee, dated the 5th instant,
calling for certain information regarding the use of the patented Sibley tent by
the Army of the United States.

In reply to the several interrogatories, I beg to state—
1. That the total number of Sibley tents manufactured by the Quartermaster's Department from March 1, 1858, to August 31, 1861, inclusive, was 3,583, upon
3,377 of which royalty has been paid to both owners of the patent (Burns and
Sibley) at the rate of \$5 for each tent. Royalty upon 206 tents, at \$2.50 each,
has been made to Mr. Burns only.
2. No Sibley tents were used by the United States since the termination of
the rebellion and prior to the expiration of the patent, in 1873. Since 1873 the
total number purchased and manufactured was 935.
3. The number of Sibley tents used by the United States during the rebellion
was 43,958.

4. As stated in answer 1, the total number of Sibley tents manufactured prior
to the war of the rebellion was 3,583, as follows:

the war of the rebellion was 3,583, as follows:			
58	1,	44	5
559	1,	18	И
360	Ш	74	И
61	HS.	20	Х

Total .. or an average of about 896 tents per year. It is fair to presume that if the rebellion had not existed the annual use of this tent (considering the gradual increase in the number of officers and enlisted men of the Army) would not have exceeded 1,000 per annum.

I am, sir, very respectfully, your obedient servant,

S. B. HOLABIRD,

Quartermaster-General United States Army.

The SECRETARY OF WAR.

Nore.—The number of tents manufactured from September 1 to 3, both dates inclusive, can not be given owing to the fact that returns of articles manufactured were rendered only at the end of each month.

The total number of tents manufactured during the month of September, 1861, can not be ascertained. The number manufactured at the Schuylkill arsenal, Philadelphia, Pa., during the month of September, 1861, was 24.

AMENDMENT OF THE PUBLIC LAND LAWS.

Mr. HOLMAN. Mr. Speaker, I wish to submit a privileged report. Mr. TOWNSHEND. I move to dispense with the morning hour for the call of committees.

The SPEAKER. The gentleman from Indiana submits a privileged

Mr. HOLMAN. I am directed by the Committee on the Public Lands to report back the bill (S. 2511) to provide for the disposal of certain public lands in the United States under the provisions of the homestead laws only. It is a measure of great public importance, and I hope it will be acted upon without delay.

Mr. TOWNSHEND. Let me ask the gentleman if this will lead to

any debate?
Mr. HOLMAN. I think not.

Mr. O'NEILL, of Missouri. I give notice that I will demand the regular order.

The SPEAKER. This is a privileged report.

Mr. TOWNSHEND. Before proceeding with that bill, or before raising the question of consideration, I desire to obtain an assurance from the gentleman from Indiana that if debate springs up he will withdraw it for the time being in order to permit us to proceed with the Army bill.

Mr. HOLMAN. If debate springs up Mr. DINGLEY. I rise to a parliame

I rise to a parliamentary inquiry. But the gentleman from Indiana has the floor. Then I desire to submit a point of order. The SPEAKER.

Mr. DINGLEY.

The SPEAKER. The gentleman will state it.

That according to the ruling of the Chair upon Mr. DINGLEY.

The SPEAKER. But this bill has lost its privilege—

The SPEAKER. But this bill is privileged under another rule of the House. It is a report from the Committee on the Public Lands as to the reservation of certain public lands under the homestead Section.

Mr. DINGLEY. Has it been referred by the House to the commit-

The SPEAKER. It has been.

Mr. HOLMAN. I will state to the gentleman from Illinois that if it appears there is to be a debate upon the bill I will then ask leave to withdraw it until the Army appropriation bill is passed.

Mr. RANDALL. That is subject to the pension bill now pending. The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the public lands of the United States now subject to private entry, except those in the State of Missouri, shall be disposed of under and according to the provisions of the homestead laws only. But this act shall not be so construed as to deny to any State the right to select lands in place of indemnity lands, in accordance with existing laws making land grants to States: Provided, That this act shall not interfere with the existing authority to enter lands for town sites, nor with the authority of the Commissioner of the General Land Office to sell isolated and disconnected tracts of land of less than 160 acres in extent, nor to prevent the perfection of titles to claims already initiated.

Mr. HOLMAN. I ask for the reading of the amendments

Mr. HOLMAN. I ask for the reading of the amendments.

The Clerk read as follows:

Strike out, in the fourth and fifth lines, the words "except those in the State of Missouri" and insert "adapted to or chiefly valuable for agriculture."

Mr. HOLMAN. I ask unanimous consent to modify this amendment by inserting, after the word "entry," the word "or;" so that it will read:

Now subject to private entry, or adapted to or chiefly valuable for agriculture.

The amendment was adopted.

The next amendment was read, as follows:

Insert, after the word "only," in line 7, "but section 2301 of the Revised Statutes of the United States is hereby repealed."

Mr. HOLMAN. That is the commutation clause.

Mr. BURROWS. I would like to inquire what that is. I notice that the amendment simply provides for the repeal of a certain section of the Revised Statutes, and I would like to know what that is.

Mr. HOLMAN. It is the commutation clause of the homestead law,

which we have been trying to repeal for years.

The amendment was agreed to.

The Clerk read the next amendment, as follows:

It is proposed, after the word "States," in line 12, to insert "for educational urposes and for the reclamation of swamp and overflowed lands."

Mr. HOLMAN. That applies to allowing the State to make the se-

Mr. OATES. There is so much confusion that I could not hear what the amendment was.

The amendment was again reported.

The amendment was agreed to.

The next amendment was read, as follows:

The next amendment was greed to.

The next amendment was read, as follows:

Sec. 2. That any person who has not heretofore perfected title to a tract of land of which he has made entry under the homestead law, may make a homestead entry of not exceeding one quarter-section of public land subject to such entry, such previous filing or entry to the contrary notwithstanding; but this right shall not apply to persons who perfect title to lands under the pre-emption or homestead laws already initiated.

Sec. 3. That whenever it shall be made to appear to the register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable, by reason of a total or partial destruction of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then, such register and receiver may grant to such settler a leave of absence from the claim upon which he or she has filed, for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: Provided, That the time of such actual absence shall not be deducted from the actual residence required by law.

Sec. 4. That the price of all sections and parts of sections of the public lands within the limits of the portions of the several grants of land to aid in the construction of railroads which have been heretofore and which may hereafter be forfeited, which were by the act making such grants or have since been increased to the double minimum price and, also, of all lands within the limits of any such railroad grant, but not embraced in such grant; lying adjacent to and coterminous with the portions of the line of any such railroad which shall not be completed at the date of this act, is hereby fixed at \$1.25 per acre.

Sec. 5. That any homestead settler who has heretofore entered less than one quarter

on entry hereunder does not own and occupy the lands covered by the centry.

SEC 6. That every person entitled, under the provisions of the homestead laws, to enter a homestead, who has heretofore complied with or who shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than 160 acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed 160 acres: Provided, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the land so entered and otherwise fully complied with such laws.

Mr. McRAE. I am strongly in favor of this bill as amended by the House committee, and hope it will neither be withdrawn nor further delayed. It is a just measure and is demanded by the country.

In explanation of the fourth amendment I ask leave to have read the report submitted by me December 19, 1888, on the bill H. R. 11620. This is substantially the same as the one passed during the last session and referred to in the report on the pending bill. The amendment is an exact copy of it, and was moved by me in the committee.

I ask leave to print the report as a part of my remarks. It will show the reason and necessity for such legislation. If there is no objection to the amendment I will not delay to have it read, but will insert the report in the RECORD.

The report is as follows:

The committee on the Public Lands, to whom was referred the bill (H. R. 11620) to allow persons who have abandoned or neglected their homestead entries to make another entry, and for other purposes, have had the same under consideration, and now report the same back favorably with the amendments. The purpose and intention of the first section of this bill is to afford an opportunity to all who have falled to acquire a title to public lands if qualified to make a homestead entry. The committee believe that it was the intention of Congress by the original homestead law to allow this, but Department construction has deprived many settlers of it. This intention is evident from what was said and done at the time of the passage of that bill. On May 2, 1862, we find the following entries:

"The next amendment of the committee was, in line 7, section 5, after the word 'or,' to strike out the words 'abandoned the said entry' and to insert 'shall have ceased to occupy said land;' so that it will read: 'That if at any time after the filing of the affidavit as required in the second section of this act, and before the expiration of five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit shall have actually changed his or her residence, or shall have ceased to occupy said land for more than six months at any time, then and in that event the land so entered shall revert to the Government.'"

This was agreed to.

This was agreed to.

We also find the following:

"The next amendment of the committee was, in line 2 of section 6, to strike out the words 'make more than one lentry' and insert 'acquire title to more than one quarter-section;' so that it will read: 'That no individual shall be permitted to acquire title to more than one quarter-section under the previous of this act,' etc."

It is perfectly clear from this that it was not contemplated that the making of

It is perfectly clear from this that it was not contemplated that the making of the entry when no title was acquired should debar the settler from again filing upon public land.

In many cases when persons seeking homes have by misfortune failed to comply with the law Congress has relieved them.

The committee will cite the act of June 8, 1872 (Stat. at Large 16, page 337):

"Whereas fires in extent unparalleled in the history of the country burned through the newly-settled parts of the States of Minnesota, Wisconsin, and Michigan during the autumn of the year of 1871, whereby many homestead settlers lost their dwellings and all of their personal property, and many were burned to death, and many others were so much burned as to disable them from labor for the present winter, and are unable to rebuild and occupy their lands within a period of six months after said fires have driven them from their homestead: Therefore,

"Be it enacted, etc., That all such persons occupying homestead claims under the laws of the United States, on lands of the United States, who were burned

out, and the heirs of such persons who were burned to death in the year 1871, in the States of Minnesota, Wisconsin, and Michigan shall have until the 1st day of January, 1873, to rebuild and reoccupy said homestead lands; and that when said homestead claimants shall prove upon their claims, such period of time until the 1st day of January, 1873, shall be included in the five years' time which they are required by law to reside on said lands, in the same manner as if such homestead claimant had actually resided thereon during said period of time."

And also the act of June 18, 1874/Stat at Large 18, page 81):

"Be it enacted, etc., That it shall be lawful for homestead and pre-emption settlers on the public lands in the counties of Costonwood, Noble, Martin, Jackson, Woutonwan, Murray, Rock, Lyon, Redwood, Brown, Chippewa, and Renville, in the State of Minnesota, and the counties of Iowa which compose the Sioux City land district, and counties contiguous to either of the above exempted sections, where the crops of such settlers were destroyed or seriously injured by grasshoppers in the year 1873, and where such grasshoppers shall reappear in 1874 to the like destruction of the crops of such settlers, to leave and be absent from said lands until May 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe.

"Sec. 2. That during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlements as though no such absence had been enjoyed or allowed.

"Sec. 2. That during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlements as though no such absence had been enjoyed or allowed.

"Sec. 3. That the same exemption from continued residence shall be extended to those making settlements in 1874 and suffering the same destruction of crops as those making settlement of 1873 or any previous year."

Another act for the relief of settl

to those making settlements in 1874 and suffering the same destruction of crops as those making settlement of 1873 or any previous year."

Another act for the relief of settlers in Kansas and Nebraska was passed June 4, 1880.

The best lands of the country have been acquired by the railroads while the settlers are being pushed to the outskirts of civilization. The committee believe that from the stand-point of public policy every citizen of the United States who has not acquired title to a quarter-section of public land and has no home, should have the right to enter under the homestead law a second homestead.

The second section only allows the Secretary of the Interior to do substantially what is now done without authority to relieve against hardships by granting leave of absence not exceeding a year. The third section is intended to reduce the price of public land within the limits of railroad grants where the road has not been constructed at the time of the passage of this act, as well as in the limits of forfeited grants. As far as the lands put in market prior to January 18, 1861, are concerned this is unaccessary, because reduction in such cases was made by the act of June 18, 1880 (21 Stat. L., 237).

There is no good reason why this distinction should be made.

The fourth section is intended to allow any settler who has entered less than one quarter-section upon which he or ahe still resides to take other contiguous lands to make out a quarter-section in quantity.

The fifth section allows all who have taken less than one quarter-section and acquired title thereto, and who can not find contiguous lands to make another entry, upon the condition that he or she shall reside upon and cultivate the land so entered as if it were an original entry.

The bill is so guarded as not to allow anything like scrip nor any right that may be assigned or sold. In support of the two last sections the committee will refer to the report on House bill 9111, in the Forty-ninth Congress, first session, which bill involved th

Statement of the number and area of homestead entries made in the following States from July 1, 1868, to June 30, 1868.

	1867.		1868.		Total.	
State.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
AlabamaArkansasLouisiana	050	47, 224, 87 50, 418, 72 111, 878, 15 20, 164, 63 31, 427, 75	1,646 2,830 1,781 1,602	124, 085, 15 183, 232, 36 115, 965, 81 102, 824, 45	2, 262 3, 665 3, 286 259 2, 157	171, 310, 02 233, 651, 08 227, 803, 96 20, 164, 63 134, 252, 20
Total	3,770	261, 114. 12	7,859	528, 077. 77	11,629	787, 191. 89

Average area of each homestead, 67.69, or about 67.70 acres. This average is for the total number of homesteads made in the five States for the two years. No entries were made in Louisiana in 1868, because there were no receivers at land office during that time.

The committee have thought best to make the bill of general application, and as far as possible to even up the quantity of land to the settlers.

Mr. HOLMAN. I rise to demand the previous question on the bill and amendments; but will yield for a question by the gentleman from

Iowa [Mr. WEAVER].

Mr. WEAVER. I want to ask the gentleman from Indiana if he will not consent to have this bill printed in the RECORD and let it lie

over until to-morrow morning, so that we can examine it and see what it is. It is a very important bill, and affects all the arable land belonging to the Government. I can not see that it would lose any of its privileges by going over for another day, and certainly it would be in the interest of good legislation. It is too important to have it go through the House without understanding all its provisions and its purposes, and therefore I ask that it shall go over.

Mr. HOLMAN. I wish for a moment to say to the gentleman from Iowa that he misapprehends the facts. The bill and amendments

have long been printed.

Mr. WEAVER. I do not misunderstand it. It has not been before the House, and I do not think that we should pass the bill without full consideration.

Mr. HOLMAN. Let me state what it is. We passed at the last session of Congress an act withdrawing all public lands from entry in the public-land States of the South except under the homestead law. act was to continue in force until the general land bill, which passed the House and is now pending in the Senate, should pass, or the present Congress should terminate.

It is not probable that that general land bill will pass the Senate this Congress, and the act applicable to the five land States of the South will expire on the 4th day of March and the public lands of those States be thrown open to speculation. The object of this bill as it came from the Senate makes the principle of that act as amended apply to the whole public domain as to all lands that are subject to private entry or adapted to agriculture or chiefly valuable for agriculture. That is the main feature. The next feature is this: During the latter part of the last session of Congress we passed a bill conferring certain rights on settlers under the homestead law who had not been able to remain on their lands on account of drought or locusts, or other causes which compelled them to leave them for a brief period; also as to those who had only obtained in part the benefit of the homestead law. That was in substance the bill of last session.

That bill passed both Houses and went to the President, but did not reach him in time for approval; so that the House will perceive the state of these measures: One had already passed Congress and become a law applicable to the public-land States of the South, and the other applicable to the whole country, which failed to become a law; the first, now expiring by limitation, is now sought to be extended to all public lands with some additional provisions and with the sections added which were in the bill that failed.

The pending bill is also amended so as to repeal section 2301 of the Revised Statutes, known as the "commutation clause."

Mr. WEAVER. I do not know that I have any desire to oppose

this bill, but this House passed a bill in the last session of Congress, or if not then it was certainly in the Forty-ninth Congress, repealing the desert-land and timber-culture acts; but does this?

Mr. McRAE. It does in effect. Mr. WEAVER. Oh, no; it does

Oh, no; it does not. Oh, it does.

Mr. HOLMAN.

Mr. HOLMAN. Oh, it does.
Mr. WEAVER. It only applies to land which is chiefly adapted to agriculture, and not as to the other.
Mr. HOLMAN. Oh, no.

Oh, no. We do not know what it applies to by that language. Mr. WEAVER. If the gentleman thinks there is any ambiguity in Mr. HOLMAN. the language of the bill, that ambiguity will be removed by the time we get through a conference committee. It will be relieved of any ambiguity then; but it is not ambiguous when applied to the land system. A committee which worked so hard last session to get the general land bill through Congress is not apt to let an opportunity escape to secure all lands to actual settlers under the homestead law.

As to the disposal of the public lands that are adapted to agriculture, or that are mainly valuable for agriculture, or that are subject to private entry—each of the three classes the bill provides shall be dis-

posed of under the homestead law only.

Mr. WEAVER. In reply to the gentleman from Indiana I will say that I have consulted with other gentlemen who also feel a deep interest in this question and it is their opinion that this bill does not repeal the desert-land act or the timber-culture act.

Mr. HOLMAN. The Senate have sent us this bill and we have amended it in such parts as will admit of any additional amendments that may be found necessary or that can be secured. We have put in these amendments with the view that if the language is not sufficiently specific to repeal the timber-culture act and the pre-emption law it can be made so.

Mr. WEAVER. If the gentleman will say that he will do all he can in conference to take away any ambiguity that may be found in the bill; if he will say that right here before the House, I will withdraw all objection.

Mr. HOLMAN. Mr. Speaker, I now call the previous question on

Mr. HOOKER. I want to ask the gentleman from Indiana in charge of this bill how far it affects the joint resolution which was passed at the last session of this Congress withdrawing certain lands in some of

the Southern States. Does it restore the timber lands to entry?

Mr. HOLMAN. It extends those provisions referred to which are

row applicable only to the Southern public-land States and makes them the permanent law, applicable to all the public-land States and Territories. It provides that lands adapted to cultivation or chiefly valuable for agriculture or subject to private entry shall be disposed of under the homestead law only, and it is satisfactory, I think, to the gentleman's colleagues in the Senate. Now, Mr. Speaker, I call for the previous question. previous question.

The previous question was ordered. The amendments were agreed to.

Mr. THOMAS, of Wisconsin. Mr. Speaker, is it in order to offer an amendment to this bill?

The SPEAKER. It is not. The previous question has just been ordered by the House.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was assed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I ask unanimous consent that the House request a conference with the Senate on the disagreeing votes of the two Houses.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint the conferees on the part of the House later.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour.
Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I want to ask the
House to resume the consideration of Senate bill 2547, to increase the
pension of Mrs. General Emory, which was under consideration when
the House took a recess yesterday, and which is a privileged matter.
The SPEAKER. The Chair will first put the question on the motion of the gentleman from Illinois [Mr. Townshend], after which it
will be in order for the gentleman from Pennsylvania [Mr. O'NEILL]
to call up his bill.

to call up his bill.

The motion of Mr. TOWNSHEND was agreed to.
Mr. TOWNSHEND. Now, Mr. Speaker, I ask unanimous consent
that members having reports to present may have leave to file them with the Clerk.

There was no objection, and it was so ordered.

### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

## ROBERT W. ANDERS.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 12404) granting a pension to Robert W. Anders; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

# BENNETT COOPER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12403) granting a pension to Bennett Cooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ALEXANDER M. BOATRIGHT.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11741) granting a pension to Alexander M. Boatright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# JOHN MANN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 6763) granting a pension to John Mann; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCY, WIDOW OF MUCK-A-PEC-WAH-KEN-ZOH, OR "JOHN."

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-ken-zoh, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from the effects of wounds received therein; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# CHARLES SCHULER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11923) granting a pension to Charles Schuler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## CORNELIUS O'LEARY.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7554) granting a pension to Cornelius

O'Leary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### BETSY COLE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10943) granting a pension to Betsy Cole; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY GRAY.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6535) granting a pension to Mary Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### WIDOW OF G. K. WARREN.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8888) granting a pension to the widow of G. K. Warren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JOHN C. PHILLIPS.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 6195) for the relief of John C. Phillips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### STEPHEN CASEY.

Mr. SIMMONS, from the Committee on Claims, reported back with amendment the bill (H. R. 5451) for the relief of Stephen Casey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for bill H. R. 12124, a bill (H. R. 12515) to amend an act entitled 'An act to authorize the construction of a bridge over the Mississippi River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 12124 was reported back with a recommendation that it lie on the table.

## NEWTON C. RIDENOUR.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12273) for the relief of Newton C. Ride-nour; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MISS FRANCES THATCHER.

Mr. BLISS, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 12421) granting a pension to Miss Frances Thatcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# WALTER P. HARRISON.

Mr. BLISS also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 10477) increasing the pension of Walter P. Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and joint resolution of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 550) for the relief of William R. Blakeslee;

A bill (H. R. 3132) for the relief of David A. Haywood; and

Joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn on European dock-yards.

## LEAVE OF ABSENCE.

Mr. ARNOLD, by unanimous consent, was granted leave of absence for one week on account of important business.

# ORDER OF BUSINESS.

I rise to a parliamentary inquiry. Mr. RICHARDSON.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I have a privileged report from the Commit-

Mr. RICHARDSON. I have a privileged report from the Committee on Printing which I desire to present.

The SPEAKER. The gentleman from Pennsylvania [Mr. O'NEILL] calls up the bill which was under consideration when the Honse took a recess yesterday afternoon.

Mr. RICHARDSON. Is that a matter of higher privilege?

The SPEAKER. The Chair thinks that when this matter is actually before the House no other matter can come in and displace it. Clerk will report the title of the bill called up by the gentleman from Pennsylvania.

The Clerk read as follows:

A bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory.

Mr. CHEADLE. I move to strike out the word "fifty."
Mr. TOWNSHEND. Mr. Speaker, I raise the question of considera tion against that bill for the purpose of making a privileged motion. My purpose is to move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Army

appropriation bill.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, is it not too late to raise the question of consideration? The Chair had directed the bill

to be read and the reading had commenced.

The SPEAKER. The Clerk had read the title of the bill, but the question of consideration can be raised after the entire bill has been read; in fact, that is the proper time to raise it. The question is, Will the House proceed to consider the bill?

The question was taken, and the Speaker declared that the noes

seemed to have it.

Mr. O'NEILL, of Pennsylvania. I demand a division.

The House divided; and there were—ayes 73, noes 50.

Mr. RANDALL. Mr. Speaker, I introduced this bill into the House; I am much in favor of it; and if there had been no obstruction—I say it with entire respect—this bill would have been passed before now. I did not, however, vote on yesterday, nor do I intend to vote to-day to delay an appropriation bill, and now I want to make a sugges-tion to the gentleman who has called up this bill, and also to those who seem to oppose it. I suggest to my colleague [Mr. O'NEILL] that he allow the House to proceed now with the Army bill, and in the mean time secure, if he can, an agreement that his bill shall not be obstructed after the general appropriation bills are disposed of

obstructed after the general appropriation bills are disposed of.

Mr. O'NEILL, of Pennsylvania. I shall be perfectly content if this
bill gets in such a position that it shall be positively called up and considered. If after the Army bill has been passed this bill can come up with an understanding that no question of a quorum shall be raised, I am perfectly willing to accept the suggestion of my colleague [Mr. Ran-

DALL].
Mr. McMILLIN. The gentleman from Pennsylvania [Mr. O'NEILL]

Mr. McMILLIN. The gentieman from I canaly the can call this bill up at any time.

A Member. But now is the time.

Mr. O'NEILL, of Pennsylvania. Yes, this is the time.

Mr. CHEADLE. I desire to say that it will be necessary to have a quorum here in order to pass this bill.

Mr. O'NEILL, of Pennsylvania. There is just the trouble. Therefore I must insist on having this bill considered now. [Cries of "Regular order!"] I call for the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays upon

the question of consideration.

The yeas and nays were ordered, 41 voting in favor thereof.

Mr. BLOUNT. I move to reconsider the vote by which the yeas and nays have been ordered. I make this motion with the view of submitting a suggestion. I am assured by a gentleman on my right that this is the only one of these pension bills which is likely to be brought up this morning, and therefore we shall save time by allowing the gentleman from Pennsylvania [Mr. O'NEILL] to go forward with its consideration now with its consideration now.

Mr. O'NEILL, of Pennsylvania. I do not wish to occupy any time by debate in favor of the bill; the opposition can occupy their fifteen

minutes in debate.

Mr. STRUBLE. I wish to say that I have another bill of this character which I desire to call up. I do not say that I shall ask its consideration this morning, but I want it understood that I desire that bill to have a hearing at a very early day. [Cries of "Regular order!"] The SPEAKER. The regular order is demanded. The Clerk will

call the roll.

Mr. TOWNSHEND. If no other pension bill is to follow this bill is morning— [Cries of "Regular order!"]
The SPEAKER. The Clerk will call the roll. this morning-

Mr. BLOUNT. I have made a motion to reconsider the vote by

which the yeas and nays were ordered.

The SPEAKER. The Chair understood the gentleman to make that

motion merely for the purpose of submitting a suggestion to the House.

Mr. BLOUNT. When the gentleman from Iowa [Mr. STRUBLE]
announced that he proposed to follow this bill with another bill there was a good deal of confusion. I would like to know whether the gentleman proposes to insist on taking up his bill to-day.

A MEMBER. He said that he would ask its consideration "at an

early day."

Mr. O'NEILL, of Pennsylvania, The gent
STRUBLE] will not call up his bill to-day.

Mr. TOWNSHEND. If it can be understood—

gentlemen. The question is on the motion of the gentleman from Georgia [Mr. BLOUNT] to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was agreed to.

The SPEAKER. The question now recurs on ordering the yeas and ays. Is the demand for the yeas and nays withdrawn?

Mr. TOWNSHEND. If it is understood that no other pension bill

is to be brought up to-day to interfere with the Army appropriation bill, I have no objection to the final disposition of this bill now.

Mr. O'NEILL, of Pennsylvania. I so understand.
Mr. STRUBLE. I thought I made it plain that while I do not feel

disposed to urge this morning the bill to which I have referred, yet I desire to have it considered at a very early day.

Mr. BLOUNT. I wish to say that I understand from gentlemen on the other side that various other pension bills will be called up after this bill is disposed of.

Mr. O'NEILL, of Pennsylvania. The gentleman is certainly under a misapprehension.

Several MEMBERS. We will vote down the question of consideration.

The bill called up by me should Mr. O'NEILL, of Pennsylvania. not take a half hour to dispose of.

Mr. PERKINS. We only want the consideration of this one bill this morning.

Mr. TOWNSHEND. Very well; I will rely on the good faith of that side of the House

The SPEAKER. Does the gentleman from Illinois [Mr. Townshend] withdraw the question of consideration?

Mr. TOWNSHEND. I withdraw the question of consideration

against this bill.

The SPEAKER. The question, then, is on ordering the bill to be read a third time.

Mr. CHEADLE. I move to amend the bill by striking out "fifty," in line 8, and inserting "thirty," preceding the word "dollars."

Mr. RANDALL. The previous question is operating.

The SPEAKER. But under the order of the House this bill is sub-

ject to amendment. There was an order made at a Friday evening session, by unanimous consent, directing that the previous question session, by unanimous consent, directing that the previous question be considered as ordered, subject to the right to amend the bill and to have debate for thirty minutes.

Mr. TAULBEE. I wish to ask the gentleman from Indiana [Mr. CHEADLE] a question. Is it not the fact that the beneficiary of this

bill is already receiving a pension at the rate of \$30 a month?

Mr. CHEADLE. I reply to the gentleman from Kentucky that I do

not know, but I presume that is so. I make this amendment-[Cries of "Vote!" "Vote!"]

Mr. RANDALL. One word. The gentleman proposes by his amendment in effect to kill the bill, because the lady, I believe, is now re-

Several MEMBERS. That is true.

Mr. RANDALL. I believe she is the only widow of a general officer on either the Army or the Navy roll that is not now receiving a pension of \$50 a month.

Mr. CHEADLE. I offer this amendment in good faith, and for this distinct purpose: My amendment proposes to give this widow the largest amount of pension granted to any widow by the general laws of this country. I want to emphasize the fact that the general laws in reference to pensions are the only tenable ground upon which we can pred-

icate the granting of pensions at all.

I grant the right of any member on the floor to increase the pension of any widow they may think proper; but, sir, standing here as the representative of all the people, I want to know whether my colleagues on either side of this Chamber are willing to give to the widow of one soldier of the Union Army a greater sum than is allowed by the general law of the country so long as there are thousands of widows of their comrades in absolute penury and want all over the land.

Mr. ALLEN, of Michigan. Will the gentleman allow me to answer?

[Cries of "Vote!" "Vote!"]

Mr. CHEADLE. I wish to know whether this House proposes to

grant large pensions to a favored class, or whether it proposes to stand upon the fundamental principles of our Government and enact equal laws for the benefit of all the people.

Mr. ALLEN, of Michigan. Will the gentleman permit me to ask him a question? [Cries of "Vote!" "Vote!"]

Mr. CHEADLE. In order to shorten this debate I trust gentlemen

who favor these large pensions will agree there may be a yea-and-nay vote on this amendment, so they may go upon record either in favor of abiding by the general law of the land or in favor of special pension class legislation. [Cries of "Vote!" "Vote!"]

Mr. ALLEN, of Michigan. Does my friend from Indiana [Mr. Cheadle] mean to charge that the members on this side of the House have

A MEMBER. He said that he would ask its consideration "at an arry day."

Mr. O'NEILL, of Pennsylvania, The gentleman from Iowa [Mr. TOWNSHEIL, of Pennsylvania, The gentleman from Iowa [Mr. TOWNSHEND. If it can be understood—— [Cries of "Regular rder!"]

Mr. ALLEN, of Michigan. I wish to ask a further question, and it is this: Because without any fault on our part we are unable to amend the laws so as to cover all meritorious cases, does the gentleman pro-

pose to obstruct every meritorious bill which comes up because it takes it out of the number not provided for under the general law!

Mr. CHEADLE. I have been unable to find, and I challenge any member upon this floor to find, where there has been submitted to the American Congress a bill to grant to a widow of a soldier of the line a pension for a larger amount than is authorized by the general pension laws

Mr. GALLINGER. They do it by special act.
Mr. CHEADLE. The gentleman from New Hampshire says we do
it by special act. If gentlemen can name any acts which have been passed granting a pension for a larger sum than the amount authorized by the general law, \$12 per month, I will pause and give them time to name the bill. I claim, Mr. Speaker, that no such cases can be found in favor of the widows of the men of the rank and file. I say, sir in favor of the widows of the men of the rank and file. I say, sir—and I utter the words advisedly, after a most careful study of the question—I say the general law in reference to pensions is the only tenable ground we can stand upon. It is the only just ground upon which we can stand. It is the only American policy. I trust, sir, that I have as much interest in the pension laws as any other man in the House. I also trust I have as correct an idea of what is right and just and equitable as any member upon the floor. [Cries of "Vote!" "Vote!"]

Mr. BLAND. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentlemen will state it.

The SPEAKER. The gentleman will state it.

Mr. BLAND. We who sit on this side of the House desire to hear what is being said on the other side by the gentleman from Indiana, but there is so much confusion and so many interruptions and so many members calling for a vote that we can not hear a word of what is said.

The SPEAKER. The House will come to order.

Mr. CHEADLE. I thank my distinguished friend from Pennsyl-

vania for saying they are not losing anything because they do not hear me. I wish that gentleman to understand that my position is tenable in law, it is tenable in equity, it is tenable in morals, it is tenable in a wise and impartial administration of the Government, and it is tenable only when it does equal and exact justice to all the people. I stand here for absolute justice for all, and I shall go as far as the gentleman from Pennsylvania or any other gentleman on this floor in favor of just and proper pension legislation. I shall strive to secure it by general laws, hence I shall vote in favor of the enactment of general laws for the benefit of all the pensioners. I shall at the same time oppose and vote against pernicious class legislation, of which the pending bill is a striking sample.

Mr. BOOTHMAN. Will the gentleman permit me to ask him a

Mr. CHEADLE. In a moment. Let me say only the other night there was submitted to the House, by the unanimous report of the com-mittee, a proposition to increase the pension of a widow from \$25 to \$50 a month; and it was stated in that report that the \$25 pension was the only support that widow had, when as a matter of fact she had been promotion in one of the Departments from a \$900 clerkship to a thousanddollar position, and at that very moment was receiving \$1,300 a year from the Government. Does the gentleman from Pennsylvania therefore say, or would any other member pretend, that I should stand here and vote to increase the pensions of widows who are now receiving the and vote to increase the pensions of whows who are now receiving the highest rate of pension authorized by the general pension laws now in force when in the little village where I live there are a dozen war widows in abject poverty and want, whose husbands died that this Government might not perish, and who do not receive a single dollar

of pension at all?
Mr. BOOTHMAN. I would like the gentleman to answer how, by increasing this widow's pension from \$30 to \$50 a month, that will de-

crease the pension of any other widow?

Mr. CHEADLE. Mr. Speaker and gentlemen of the House, that is begging the question. I say, as an American citizen and as a member of this Congress, I stand here the earnest advocate of pension legislation which shall give for like disabilities like pensions to all pensioners.

Mr. BOOTHMAN. Answer my question.

Mr. CHEADLE. I have always, Mr. Speaker, been opposed to the creation of class legislation or granting pensions to any one which will permit them to live in luxury here in the capital of the Union so long as there are scores of thousands of my comrades and their widows and children living in abject want, living in almshouses, and who do not receive a single dollar of pension from the Government. I demand the enactment of pension laws liberal in their provisions which shall do equal and exact justice to all by granting like pensions for like disabilities, and this is the only legal ground upon which we can demand

Mr. DUNHAM. How much luxury does the gentleman think you can get out of the increase proposed here, or out of the whole amount

of the pension?
Mr. CHEADLE. Let me tell my distinguished friend [Mr. Dun-HAM] that the earnings of the average worker in America are not over one-half of \$50 a month. This increased pension means the average

Mr. CHEADLE. Do you suppose that I would ask the Government

of the United States to give me \$10,000 a year compensation as a member of Congress, and then demand that it give to my distinguished friend here upon my left [Mr. McKinley] but \$5,000? I receive for my salary the amount which the general law of the United States provides shall be paid as salary to all members of this and of the other branch of Congress. I do not ask more than the amount paid to all, and I think the rule in reference to pensions should be the same, be governed by a general law.

Mr. BELDEN. But your coachman does not get the same that

you do.

Mr. CHEADLE. I have no coachman, never had, and never will have, yet that fact can not have any relation to, nor is it necessary to the proposition I lay down. I challenge any man on this floor, however much he may laugh and sneer at the views I take-I challenge him in law or in equity or in morals to lay down a single fundamental proposition which justifies Congress in giving to the pensioners laboring under similar disabilities one amount in one case and another and a larger amount in another case. Do we enact laws for the control and government of all the people, or are we here to enact laws for the special benefit of the select few?

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, I shall detain the House but a moment. There is, I think, hardly a widow of a general officer on the pension-roll of the United States to-day, either of the Army or the same rank in the Navy, but is now receiving \$50 a month, and some are receiving \$75 and \$100 a month. We do not want that this widow shall be discriminated against; and repeating the thought of the gentleman from Ohio [Mr. BOOTHMAN], as suggested by his question to the gentleman from Indiana [Mr. CHEADLE], we will not in the granting of this additional \$20 pension to the widow in this case take anything from any other pensioner or from the widow of any other officer in the country. It simply raises her pension up to the level of what pensioners under similar cases are receiving from the Government.

I ask a vote upon the bill. Mr. O'NEILL, of Pennsylvania. Before the vote is taken I will merely state that General Emory was a most gallant officer of the regular Army, having served in the Mexican war with great distinction, and having distinguished himself in the war for the Union. I ask members to read the report at their leisure, and they will find that this officer in his long and active service was ever prompt and foremost in the

performance of duty. Let us now pass the bill.

The SPEAKER. The first question is on the amendment of the gen-

tleman from Indiana, to strike out "fifty" and insert "thirty."
Mr. O'NEILL, of Pennsylvania. Being anxious for a vote so as to get at the appropriation bill, I will not consume any more time, but will urge the House to vote down the amendment reducing the pension to \$40, and to pass the bill which makes the pension \$50, thus increasing it from \$30 to \$50.

The question was taken; and on a division there were-ayes 30, noes

Mr. CHEADLE. No quorum.
Mr. TIMOTHY J. CAMPBELL. I ask the yeas and nays.
Mr. HOPKINS, of New York. Oh, take the vote by yeas and nays on the passage of the bill.

Mr. TIMOTHY J. CAMPBELL. I withdraw the demand.

Mr. CHEADLE. I trust that gentlemen will be willing to allow a

yea-and-nay vote on this amendment.

Mr. HOPKINS, of New York. Take it on the passage of the bill. Mr. CHEADLE. I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The gentleman from Indiana makes the point that no quorum has voted.

Mr. CHEADLE, and Mr. O'NEILL of Pennsylvania, were appointed tellers

The House again divided; and the tellers reported-ayes 39, noes

So the amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question recurred upon the passage of the bill. Mr. CHEADLE. On that I demand the yeas and nays.

The yeas and nays were refused, there being 20 in support of the demand and 95 in opposition to it, the affirmative being less than onefifth of the whole number.

The question was taken on the passage of the bill.

The House divided; and there were—ayes 92, noes 31.

Mr. CHEADLE. No quorum.

The SPEAKER appointed Mr. CHEADLE, and Mr. O'NEILL of Pennsylvania, as tellers.

The House again divided; and the tellers reported—ayes 129, noes 34.

So the bill was passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LAWLER. Mr. Speaker, I desire now to submit a privileged I ask to consider the bill S. 2626-

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Is the bill called up by the gentleman from Illinois privileged?

The SPEAKER. The gentleman says it is. The Chair will cause the title of the bill to be read.

The Clerk read as follows:

A bill (S. 2626) granting a pension to Catlena Lyman.

Mr. TOWNSHEND. How is that privileged?

The SPEAKER. This bill at an evening session was reported to the House with the previous question ordered upon it on its third reading and passage, with the right of amendment and thirty minutes for de-

Mr. TOWNSHEND. I raise the question of consideration against the bill. It is not in accordance with the agreement.

Mr. LAWLER. Mr. Speaker, in view of the agreement which I understand was made as to the other bill, I withdraw this.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I move that the House resolve itself into Committee of the Whole to consider general appropriation

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the first general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 1233) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. TOWNSHEND. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. Mr. Chairman, as perhaps no item in the bill will excite any controversy until we reach the latter part of it, I ask, not that general debate be limited, but that it may be postponed until we reach the controverted portions of the bill.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

The Clerk read as follows:

MISCELLANEOUS.

For pay and traveling expenses of not exceeding fifty contract surgeons, not exceeding one hundred and sixty hospital matrons, and not exceeding fourteen veterinary surgeons; in all, \$85,000.

For pay of not exceeding forty paymasters' clerks, at \$1,400 each, not exceeding thirty paymasters' messengers, and traveling expenses of paymasters' clerks; in all, \$40,000: Provided, That the maximum sum to be allowed paymasters' clerks and contract surgeons when traveling on duty shall be 4 cents per mile, and in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of same actually paid by them, exclusive of sleeping or parior-car fare and transfers.

For compensation of citizen clerks and witnesses attending upon courts-martial, military commissions, and courts of inquiry, \$7,595,73.

For additional pay to officer in charge of public buildings, etc., in Washington, D. C., \$600.

For the pay of a clerk attendant on the collection and classification of mili-

For additional pay to officer in charge of public buildings, etc., in Washington, D. C., \$500.

For the pay of a clerk attendant on the collection and classification of military information from abroad, \$1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also to commutation of quarters while on this duty, as provided when on other duty.

For commutation of quarters to commissioned officers on duty without troops, at stations where there are no public quarters, \$170,000.

For allowances for travel, retained pay, clothing not drawn, and for interest on deposits, payable to enlisted men on discharge; in all, \$850,000.

For mileage to officers when travelling on duty without troops, when authorized by law, not to exceed \$150,000: Provided, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of the transportation actually paid by the officer over said route or routes, exclusive of sleeping or parlor car fares and transfers: And provided further, That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over any such railroads: And provided further, That the transportation furnished by the Quartermaster's Department to officers traveling without troops shall be limited to transportation in kind, not including sleeping or parlor car accommodations, over free roads, over bondaided Pacific railroads, and by conveyance belonging to the said Department. Making in all, for pay and general expenses of the Army, \$12,759,415.73.

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay

Mr. LODGE. I desire to offer an amendment to come in after line

The Clerk read as follows:

After line 15 insert "for a riding and training master for the more thorough instruction of officers and cadets, a sum not exceeding \$1,500,"

Mr. McMILLIN. That will be subject to a point of order; and I make the point of order that it changes existing law.

The CHAIRMAN. Does the gentleman from Tennessee make the

point of order?

Mr. TOWNSHEND. I do not think the point of order is good, but I am perfectly willing that the gentleman from Tennessee may reserve it until the gentleman from Massachusetts [Mr. Lodge] may have an time being. But it is as much in order on the Army appropriation

opportunity to make explanation of the amendment he has offered, and until I shall have made an explanation.

Mr. LODGE. This appropriation has already passed the House in two bills—in the Army bill of last year and in the West Point bill of this year—and was stricken out in the Senate in both cases. It was put in in deference to a report of a military commission appointed by the Secretary of War. They made the suggestion with a view to improving the cavalry by breaking and training horses at the Academy or at posts. It had the approval of General Sheridan. It was laid before the Military Committee of the House last session. It passed this House then without objection, but was lost in the Senate. It was put in on the recommendation of the Secretary of War in the Military Academy bill and passed the House again this session, but was again stricken out by the Senate.

The object is to make an experiment simply in improving the methods of training and breaking horses. The amount of money is very small. If the experiment is not a success it can be ended at the close of a year; but the experiment has had the support of the best officers and those best posted in cavalry affairs in the Army. It is a matter to which I have given some little attention myself, which explains the personal interest I feel in it; and I was in hope that if the House would again allow it to pass, that the Senate would not strike it out. It was for that reason that I offered the amendment, with the assent of the chairman of the committee, and, I believe, all of the rest of the committee. I think it is an appropriation which will be of benefit to the service, and it is with that view solely that I offer it now. As it passed before, I had not supposed it was subject to a point of order.

Mr. CUTCHEON. I would like to ask the gentleman from Massa-

chusetts a question before he takes his seat.

Mr. LODGE. Certainly.

Mr. CUTCHEON. I believe the gentleman has correctly stated the facts so far as the Military Committee are concerned. I would now inquire of him whether he has any reason to believe that the Senate will permit this amendment to remain in the Army bill when it did not permit it to remain in the Academy bill?

Mr. LODGE. I will say, in reply to the gentleman from Michigan, that if I had thought otherwise I would not have offered the amend-

ment. I believe they will permit it to remain.

Mr. McMILLIN. The statement of the gentleman from Massachusetts [Mr. Lodge] shows clearly that the point of order is well taken. My object in making it is to prevent, so far as may be, burdening appropriation bills with extraneous legislation as provided by the rules of the House. If it is meritorious it can come up on a separate measure. I make the point of order for the reason that there is no law authorizing it, and the gentleman's own statement shows that there is not only no law, but that the co-ordinate branch of the Government has refused to make one.

Mr. TOWNSHEND. The gentleman is entirely mistaken in reference to the rules on the point of order. The item that the gentleman from Massachusetts seeks to have incorporated in the bill was estimated for by the Department and has been regularly referred to the Committee on Military Affairs in the estimates for the Military Academy. It is as much a part of the Military Academy as any other officer employed nere. It is a part of the institution.

Mr. McMILLIN. Will my friend allow me a question there?

Mr. TOWNSHEND. Certainly.
Mr. McMILLIN. Does he hold that the making of an estimate by the Department prevents it being subject to the point of order?

Mr. TOWNSHEND. No; but I will only say that this appropriation is for a part of the support of the military establishment, and it is within the jurisdiction of the Committee on Military Affairs, and it is in order to incorporate it in this bill. When the estimates for this appropriation was forwarded to this House by the Secretary of War it was referred to the Committee on Military Affairs, and they reported it on the Military Academy bill; it is now proposed to put it on the Army appropriation bill. It passed this House as an amendment to the Military Academy bill, which shows that the House has acquiesced in the jurisdiction of the Committee on Military Affairs on this question.

The House also held that it was in order upon the Army appropria-tion bill reported by the Military Committee at the last session, and it has held that it is in order this session upon the Military Academy bill, which also emanates from that committee. Therefore I can see no reason why it should not be in order on this bill, which provides the means for the support of the military establishment. Any appropriation for the support of that establishment is in order upon a bill making appropriations for its support. This is a part of the Military Academy at West Point, and as much a part of it as the employment of any professor or other employé there.

Now, I do not know that it is necessary for me to say anything fur-ther about it. The amendment has been most urgently recommended by the Secretary of War, and we would have insisted upon it when the Senate struck it from the Military Academy bill at this session but for the fact that it was the only point in dispute between the two Houses on that bill, and as we did not desire to have a conference upon such an unimportant matter it was considered best to waive it for the bill as it was on the Military Academy bill, for both those bills are entirely within the jurisdiction of the Committee on Military Affairs.

Mr. CUTCHEON. Mr. Cnairman, there can be no doubt but that this amendment is in order upon this bill. As stated by the chairman of the committee, it was upon this bill at the last session of Congress. It is designed to enable the Secretary of War to engage the services of a horse-trainer, not only for the benefit of the cadets at West Point, but also for the benefit of the officers and soldiers of the cavalry of the Army. General Sheridan during his lifetime secured the establishment at Fort Riley of a cavalry school, and, in furtherance of that project, he appeared before our committee and very urgently recommended the employment of this horse-trainer or riding-master, and the present Secretary of War has made a like recommendation. This riding-master would become a part of the military establishment; he would be connected not alone with the Military Academy but with the cavalry training school; and I think there can be do doubt about the propriety of the amendment or about its being in order.

The CHAIRMAN. The Chair overrules the point of order and will

submit the amendment to the committee.

The amendment was agreed to—ayes 47, moes 35. The Clerk read as follows:

The Clerk read as follows:

Regular supplies: For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus, and repair and maintenance of the same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, store-houses, and offices, and for sales to officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations, and with the armies in the field, including its care and protection; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bepartment, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing division and department orders and reports, \$2.678,000: Provided, That no part of this appropriation shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such case as the emergency will not admit of the giving notice for competition: Provided further, That after advertisement all the supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered.

Mr. MORROW. Mr. Chairman, I move to strike out the last proviso in that paragraph, included in lines 7. 8, 9, 10, and 11. The proviso as it stands gives the impression that its object and effect will be to secure supplies at the lowest cost possible. The practical operation of it, however, is not so, especially in reference to the procurement of supplies for the posts on the Pacific coast. It is well known that the supplies for the Army are furnished to general depots in the East, and that there is no general depot for army supplies on the Pacific coast. The result is that under this provision advertisements are made for large quantities of supplies which are furnished to the depots in the East, and then whatever supplies are required on the Pacific coast have to be transported there.

The practical consequence is that supplies are received there and distributed to the various posts, when as to the Pacific posts they could be purchased cheaper at San Francisco. I will give an instance in connection with the Navy Department which will serve to illustrate the point with reference to the Army. The Navy Department advertised for a supply of flannel. A firm in San Francisco submitted a bid for that flannel and their bid was accepted as the lowest. The contract required that the flannel should be delivered at the general depot in Brooklyn, N. Y. The contractors asked the privilege of delivering in San Francisco whatever amount of it was required on the Pacific coast,

but it was found impossible to do that.

The result was that this flannel was sent to Brooklyn and delivered there at the general depot, and then a large portion of it was transported to San Francisco in order to be delivered to the Mare Island navy-yard and to the Asiatic and South Pacific squadrons; so that a large portion of this flannel made the trip twice across the continent before it was finally distributed for use. Now, if this provision is struck out of the bill it will be perfectly competent for the Department to exercise its discretion in the purchase of supplies for the different divisions, and undoubtedly such supplies for Pacific coast posts can be bought in San Francisco at the lowest possible cost. I hold in my hand a letter from a merchant of San Francisco, in which he says, among other things:

The general depots are all east of the Missouri River, have large appropriations, and purchase, of course, everything in the East, and use up the entire appropriation. When they have purchased more than they can consume East, they send their surplus here to supply this post, and often when we could furnish the supplies at the same price or less. They are shipped from their general depots because they are on hand and not required there.

Now, Mr. Chairman, it is a fact that we can supply at San Francisco a great many of the requirements of the Army for that division, and if this provision is struck out it will enable the Department to procure the supplies there cheaper than they can be had with this provision in

Mr. TOWNSHEND. Mr. Chairman, this provision was placed in the bill by the House at the last session. It was not recommended by the Committee on Military Affairs when it originally reported the Army appropriation bill, but was inserted on the motion, I believe, of the gentleman from Nebraska [Mr. McShane]. I did not advocate

the provision at that time. The committee this session, however, in preparing this bill simply took the law as it was enacted last year, and as there was no objection from the Department against this provision, no suggestion that it should be struck out or that it had occasioned in-

convenience or extravagance, we concluded to retain it.

I will say, however, to my friend from California, that while we did not originate the amendment, I can not see any harm whatever in the provision, for it declares explicitly that "after advertisement all the supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered." Now, under that language the Department is fully authorized to use its discretion in this matter, and if the method suggested by the gentleman from California will enable the Government to obtain these supplies at less cost than the method which has been pursued, the Department is at perfect liberty to resort to it.

Mr. Morrow. But they do not resort to it.
Mr. FELTON. They have not done so.
Mr. TOWNSHEND. The Department has the matter within its own discretion. I will say to my friend that if the Department does not exercise a wise discretion in procuring these supplies where they can be obtained most cheaply, it violates the very letter of the law. his complaint should be made against the administration of the law, and not the law

Mr. MORROW. I think I can explain to the gentleman how this occurs. Take, for instance, the item of pork in barrels. An advertisement is published inviting proposals for furnishing supplies sufficient, as is supposed, for all'the different posts or departments in the United States; and these supplies are to be delivered at some one of the depots, for instance, Chicago. Under the contract entered into the

supplies are delivered there.

The Department determines that, all things considered—cost of transportation, etc.-it is best to have the whole amount supplied and delivered at Chicago, distribution being made from that point to the various posts or departments in the United States. The contract is made for supplies sufficient for the whole Army at all the different places; and pork delivered in the first instance at Chicago is transported to San Francisco, though pork in barrels could be bought on the Pacific coast and delivered at a much lower price. Of course we on the Pacific coast could not undertake to deliver at Chicago, on terms economical to the Government, the supplies needed for the Army of the United States at New York, at various points in the South, etc.; but we can supply what is required on the Pacific coast at a much less price than is paid for it

when delivered at Chicago.

Mr. TOWNSHEND. Under the provision of this bill the Department is permitted to purchase these supplies upon the Pacific coast if

it can obtain them more cheaply there.

Mr. MORROW. But the Department does not do it. We have no general depot on the Pacific coast; and therefore—

Mr. TOWNSHEND. The provision in the bill does not require the Department to purchase where there is a general depot; it is at liberty to purchase these supplies anywhere-at San Francisco or at any other

point-wherever they can be obtained at the least cost

Mr. CUTCHEON. It seems to me that the fault is not with the law. The law is all right. The fault that the gentleman from California points out is in the execution of the law on the part of the purchasing agents of the Government. The gentleman's remedy is not to change the law, which now allows the officers of the department to purchase in the cheapest market, price and cost of transportation considered. His remedy is to go to the purchasing department and secure a reform in the The law does not need any change; it is right; application of the law. there is no doubt about that; and this provision ought not to go out. But the gentleman should bring his influence and eloquence to bear upon the purchasing department of the Government so that the law may be correctly applied and supplies obtained in the method cheapest for the Government.

Mr. TOWNSHEND. If this provision were struck out the department would be left without any restraint whatever.

Mr. CUTCHEON. The provision ought not to go out.

Mr. MORROW. The chairman of the committee [Mr. Townshend]
has informed us that this provision is of only a year's standing; that it
was inserted in the law only a year ago; that prior to that time the
purchases were made satisfactorily in different parts of the country.

Now we find that under the operation of this precision expellion. Now we find that under the operation of this provision supplies pur-chased elsewhere are being delivered at San Francisco at a cost greater than that at which they could be delivered if they were purchased on the Pacific coast.

I wish to say to the gentleman from Michigan [Mr. CUTCHEON] that we have tried our "eloquence" on the Department with reference to this matter, and we are informed that the officers are controlled by this provision under which they invite proposals for the supply of provisions for the whole Army at different places where they may be required.

Mr. CUTCHEON. I beg to say to the gentleman that they are not required to have these supplies delivered at any regular depot; they can regulate that matter completely in their advertisements for pro-

posals and in their contracts. I say again, that the provision ought

not to go out; it is right.

Mr. RANDALL. If there is any ground for complaint in this regard Mr. KANDALL. If there is any ground for complaint in this regard it is a complaint with reference to a matter of administration, not a complaint in reference to the law. The law is right. The Army officer who buys in Chicago must take into calculation in reference to pork which is needed at San Francisco the freight to San Francisco in estimating the cost as compared with pork purchased at that place.

This provision was not inserted without full consideration. It was

intended, if I remember aright, to meet an abuse which was growing up. I should myself hesitate to vote in favor of striking out this provision until we have had a longer period of experience in connection

with its operation.

Mr. CUTCHEON. If the gentleman from California can demonstrate to the Department that, transportation considered, it can buy these goods cheaper on the Pacific coast, it is obliged by this very provision of law to buy them there.

Mr. MORROW. Such goods as we supply and as the Department

Mr. CUTCHEON. Yes, such goods as you supply and as the Department requires.

Mr. MORROW. Now, Mr. Chairman, if it be necessary I move a

pro forma amendment, to be heard for a few moments.

I want to say to the gentleman from Pennsylvania, as well as to the gentleman from Michigan, that we on the Pacific coast are in favor of the adoption of any provision which would secure the cheapest and the hest goods to be delivered to the Army. We do not object to that. But what we ask and what we want is that the Government shall be able to secure these goods, if practicable, at the most accessible points. That insures cheapness to a certain extent.

If it be determined in this discussion that the evil of which we complain lies with the administration of the law, and that all that is necessary to remedy it is an appeal to the Administration to have it corrected, we propose to use this very discussion and present it to the Department, and require that the supplies needed in California shall, so far as

we are able to supply them, be advertised and called for on that coast.

The CHAIRMAN. The question is on the amendment of the gen-

tleman from California.

The question was taken; and on a division there were-ayes 30, noes

So the amendment was rejected. The Clerk read as follows:

For continuing work of constructing buildings for the new post at Denver, Colo., \$100,000.

Mr. RANDALL. I desire to reserve the point of order against that paragraph, Mr. Chairman; but I think perhaps that a statement will induce the gentleman from Illinois having charge of the bill to let it go out of the bill, since it is already in the sundry civil bill.

Mr. TOWNSHEND. It was not embodied in the sundry civil bill

as it passed the House, as I recollect.

Mr. HOLMAN. Oh, yes. Mr. RANDALL. There was a gross sum given in the sundry civil bill for military posts; and I have a letter here, which is accessible to the gentleman, from General Holabird, stating that in the sum em bodied in the sundry civil bill, and estimated for expenditures on that

ground, the Denver post was included to the extent of \$100,000.

Mr. TOWNSHEND. Included in the same appropriation?

Mr. RANDALL. Yes, sir.

Mr. TOWNSHEND. I was not aware that there had been any appropriation made for this post in any other bill.

Mr. RANDALL. We thought in committee when considering the subject that \$50,000 was enough, but General Holabird has fixed it at \$100,000. Certainly it ought not to be appropriated twice.

Mr. TOWNSHEND. Undoubtedly it should not be; and I am per-

fectly willing so far as the \$100,000 is concerned that it shall go out of the bill upon the statement of the gentleman from Pennsylvania, although under the rules the appropriation should have been made in

Mr. RANDALL. I do not want the gentleman to base his action upon my statement, but I refer him to the communication from Gen-

eral Holabird, and here is his signature to the letter, which embodies the statement I have made.

Mr. TOWNSHEND. I wish to say, however, Mr. Chairman, that I do not think the point of order is well taken; but if the appropriation is already made, of course I have no desire to incorporate it again in this

The CHAIRMAN. The question is on the motion of the gentleman

The CHAIRMAN. The question is on the motion of the gentleman to strike out this provision.

Mr. SYMES. Let me ask the gentleman from Pennsylvania if a special estimate was not made by the War Department and sent to the committee which asked an appropriation of \$290,000, which sum was stated to be necessary for the completion of these barracks at Denver, Colo., in accordance with the act passed in the Forty-ninth Congress, and that it was stated it would be economy to appropriate the whole of that amount immediately to complete the work?

Mr. RANDALL. I think a hundred thousand dollars is what Gen-

Mr. RANDALL. I think a hundred thousand dollars is what Gen-

eral Holabird, Quartermaster-General, stated he could expend at this eral Holabird, Quartermaster-General, stated he could expend at this point during the coming year; and the gentleman from Colorado himself, I believe, appeared before the committee in that connection.

Mr. SYMES. No; I was not before the committee. I intended to press the matter in the House.

Mr. RANDALL. Well, perhaps I had a private conversation with the gentleman. I remember we talked over the matter.

Mr. SYMES. Yes, sir.

Mr. TOWNSHEND. If the gentleman from Colorado will permit me a moment.

me a moment.

Mr. SYMES.

Mr. SYMES. Certainly.
Mr. TOWNSHEND. I wish to state that I happened to be in Denver, Colo., myself during last November and visited this post. It is a new post, its location having been selected by General Sheridan. It is located in a very eligible position. They have commenced the work of constructing the buildings, and I think something like a hundred thousand dollars has been expended.

Mr. SYMES. That amount was appropriated by the Military Com-

mittee when the act establishing the post was passed.

Mr. TOWNSHEND. Yes, that amount was expended there under that appropriation. But I was going to say that I have been told by the quartermaster in charge of the construction of the buildings that it would be great economy to the Government if the entire amount of the estimate was appropriated. From what he said I am convinced it would be true. He said that in letting these contracts for small annual appropriations the Government had been required to pay much more for materials than if the contract could have been let altogether. In other words, take, for instance, where a small quantity of brick is ordered by contract. They must pay more for the brick than they would in proportion if they could let a contract for the whole quantity of brick required for the post at one time. Therefore, so far as economy is concerned, I am convinced that the gentleman from Colorado is right, and that it would be better to have the entire appropriation. But as there was no larger estimate made by the Department than \$100,000 we fixed the amount at that. But I will say again that I am convinced of the justice of what Major Campbell, the quartermaster in charge of the work, said, that it would be better in the long run and would promote economy to appropriate the entire amount required, which was something over \$200,000, or perhaps a hundred thousand dollars still needed.

Mr. RANDALL. I am now able to state with certainty that the original estimate was what the gentleman from Colorado has said, \$290,-000. That was made some years ago when the work was entered upon, and it has been progressing since. But in the estimate of this year the gentleman from Colorado and the gentleman from Illinois will find that

it is either \$100,000 or \$117,000.

Mr. CUTCHEON. One hundred and seventeen thousand five hundred, as shown by the Book of Estimates, page 176.

Mr. RANDALL. Hence it is not necessary to have it duplicated.

I have no feeling about the matter.

Mr. TOWNSHEND. Let me say that I am not seeking to duplicate the amount. I am not asking that it shall remain in the bill after the statement of the gentleman, but was showing that the estimate for the work was more than a hundred thousand dollars.

Mr. RANDALL. I am not stating the exact amount already ex-

pended there.

Mr. SYMES. The original bill appropriated, in the language of the statute, \$100,000 for the purpose of commencing the erection of the buildings after the Government shall have ceded to it or conveyed to it by a good title such a site as the Lieutenant-General might select. The Lieutenant-General selected a site—a very valuable site—a section of land; the citizens of Denver subscribed \$30,000 to pay for the land, and it was conveyed to the Government in accordance with the In the sundry civil bill of the last session of this Congress \$50,-000 only was appropriated; so that \$150,000 has been appropriated in

This would make \$250,000. A special estimate was made by the Secretary of War, and was sent either to the Appropriations Committee of the House or of the Senate, estimating that it would cost two hundred and ninety-odd thousand dollars, in addition to the \$150,000 that had already been appropriated, which would make a total cost of \$440,000 to complete the work. As stated by the chairman of the Military Committee, it would be good economy for the Government to now appropriate the \$290,000 at this time to complete the post according to the plans and specifications approved by the Secretary of War. I hope this \$100,000 in addition to the \$100,000 in the sundry civil bill

will be appropriated.

Mr. RANDALL. If the gentleman will allow me, I will say it was only \$100,000. The gentleman from Michigan has confounded it with

Fort Snelling

Mr. CUTCHEON. That is correct.
Mr. RANDALL. Now, why should we give more than the Depart-

Mr. TOWNSHEND. The full estimate is that it will cost \$390,000. I stated before, but the gentleman from Pennsylvania did not hear me, that it happens that I was in Denver in November last, when I visited this post and had a conference with the officers in charge, and especially with Major Campbell, who is the quartermaster in charge of the works. He stated to me that it would be more economical for the Government to make an appropriation for the entire amount that is needed to complete the building, as they could then make more advantageous contracts for the bricks and other material if they could let the contracts for the entire amount needed at one letting.

He held that by letting contracts for a large amount of material-the entire amount required to complete the building-the Government could obtain the brick and other material at much less cost than by making the contract by piecemeal. It requires a large amount proportionally to purchase a small than a large amount. Aby one engaged in let-

ting contracts for buildings can appreciate this.

Mr. RANDALL. I do not know what he thinks. We have necessarily to go by the estimates, and the sundry civil bill contains an appropriation for the sum which General Holabird in this letter, which have shown, has said will meet their requirements at this time, which is \$100,000. It is not a matter with the committee at all. The only point that I desire to call attention to is, that there should not be a dupli-

cation of the appropriation.

Mr. CUTCHEON. Just one word. This confusion arises in part, I think, out of the change of the rules in the last Congress, and in part from the fact that the Appropriation Committee in the sundry civil bill, under the head of "Military posts," made an appropriation of the lump sum of \$332,000. Of course the Military Committee would not

know exactly what was covered by that.

Mr. RANDALL. I can understand that. It is an inadvertence, I

Mr. KANDALL. I can understand that. It is an inadvertence, I understand, but we ought not to duplicate it.

Mr. CUTCHEON. This post at Denver was reported to the Forty-ninth Congress from the Committee on Military Affairs. It was, I may say, the child of that committee, and we took an interest in it because we had reported it at the request of the Lieutenant-General, and were looking after it. We found no specific appropriation for it in the sundry civil bill. The confusion in the jurisdiction of committees in the last Congress has, of course, led to a little of the confusion, and the sooner that confusion can be prevented the better. and the sooner that confusion can be prevented the better.

Mr. RANDALL. I think so.

Mr. CUTCHEON. Of course the gentleman from Pennsylvania will

admit at once that the matter of the establishment of a post or the location of a post is a matter within the jurisdiction of the Committee on Military Affairs. I do not say that after the post has been located the appropriation for the building would be properly a military affair; but there could be no question in regard to the jurisdiction of committees, and I am not going to raise any argument in respect to the jurisdiction of committees as to that. The confusion has occurred out of the fact that this post originated with the Military Committee, and the appropriation for military posts was made in a lump sum in the sundry civil

Mr. RANDALL. I do not want to open up a discussion of the jurisdiction of committees in this connection unless we shall be com-

Mr. CUTCHEON. The suggestion I would make is that if the sundry civil bill were still here that the Appropriation Committee should drop it out of that bill and let the Committee on Military Affairs insert it in this bill.

Mr. RANDALL. I do not think anybody wants to insist on duplicating the amount. I think the gentleman from Colorado himself is

content.

The amendment was agreed to.

Mr. OUTHWAITE. I offer an amendment here, and send a letter to the Clerk's desk on the subject.

The Clerk read the proposed amendment, as follows:

After line 10, on page 16, insert "for officers' quarters at the post at Columbus, Ohio, \$20,000."

Mr. SAYERS. I trust the gentleman from Ohio will not insist upon that amendment.

Mr. OUTHWAITE. Why?

Mr. SAYERS. In the first place, I desire to raise the point of order upon the amendment, and in the second place, I will say to the gentleman that the Committee on Appropriations have provided for the

very thing he asks.

Mr. OUTHWAITE. No, the gentleman is mistaken in his last statement. The Committee on Appropriations, as I understand, are providing for the erection of additional barracks, but this is for the erection of officers' quarters. The letter which I send to the desk is from the Quartermaster-General, and it shows that there has been in contemplation for several years past this improvement at Columbus, Ohio, the estimate, as stated in the letter, is nearly \$120,000.

Mr. SAYERS. Has that estimate come from the War Department? Mr. OUTHWAITE. Not in the regular Book of Estimates; but the

letter which I have sent to the Clerk's desk explains the situation. Mr. SAYERS. I ask to have it read, subject to the point of order. The letter was read, as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, February 4, 1889.

Sie: Referring to our interview of this morning regarding the desirability of an enlargement of the capacity for quartering troops at Columbus Barracks, Ohio, and to your request to be advised as to what proceedings have been had

by this office in the matter, I have the honor to inform you that by War Department letter of April 8, 1880, and January 27, 1882, plans and estimates were submitted to Congress for the construction of permanent buildings at Columbus Barracks (see Senate Executive Documents Nos. 49 and 146, Forty-sixth Congress, second session, and House of Representatives Executive Document No. 55, Forty-seventh Congress, first session), but no legislative action appears to have been had on those papers. Subsequently, in October, 1883, the commanding officer at Columbus Barracks was directed to prepare plans and estimates for four sets of enlisted men's quarters and a corresponding number of officers' quarters; in accordance with which plans and estimates were prepared for two brick buildings for company quarters for four hundred men, at an estimated cost of \$50,52,82, and two brick houses for officers' quarters, at \$22,380,24. These papers were referred to the Quartermaster-General, but so far as I can learn no subsequent action was had in the matter.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM, Adjutant-General.

Hon. Joseph H. Outhwaite, House of Representatives,

Mr. OUTHWAITE. Now, Mr. Chairman, I trust that the gentleman from Texas [Mr. SAYERS] will not suppose for an instant that I am trying to obtain from his committee, in the bill of which he has charge, a concession and also trying to obtain the same thing, or something additional, here. The proposition as it is presented in the letter which has just been read shows that there has been in contemplation for a long time an enlargement of the post at Columbus, Ohio. It shows that the plans and specifications were made three or four years ago for additional quarters there for men and also for officers.

The present necessity for an appropriation for additional quarters for men is caused by the great overcrowding of the post. It is a post which was prepared for an average of about four hundred men, and it has had nearly five hundred during the past year, and quite recently there has been a great deal of illness in the quarters, attributable to the overcrowded condition of the post. This is one of the three recruiting depots of the United States. The sites have been selected for the two buildings, and this amendment which I offer now proposes \$20,000 for two buildings for officers' quarters, while the estimate for the same buildings, as shown by the letter which has been read, was \$22,380.24. These are not single buildings, but double buildings, so that the cost of each of the quarters for officers will be about \$5,000. The quarters now occupied by the officers at that barrack are simply frame shells, which are uncomfortable in summer on account of the heat and uncomfortable in winter on account of the cold. They are entirely unfit to be occupied by the officers of the Army, and out of consideration for the officers there I have offered this amendment in good faith.

Mr. SAYERS. Recurring to the point of order which I have suggested on this amendment, it seems to me that the statement of the gentleman from Ohio [Mr. OUTHWAITE] clearly shows that the amend-

ment, if it should go upon any bill, belongs upon the sundry civil bill.

Mr. TOWNSHEND. Under what rule?

Mr. RANDALL. Under the decision of the committee.

Mr. TOWNSHEND. I shall be glad if the gentleman will refer me to any rule or any decision to justify that statement.

Mr. RANDALL. I will do so immediately.
Mr. SAYERS. I send the decision to the desk to be read.
The CHAIRMAN. Before that is read the Chair desires to understand specifically and definitely the point of order raised by the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I put the point of order on two grounds: First, that this amendment is not germane to the bill, and, second, that if the amendment should be entertained at all it could be entertained only upon the sundry civil bill.

Mr. TOWNSHEND. Under what rule?

Mr. RANDALL. The point of order is upon the question of jurisdiction. The military posts, prior to the change of rule in the Fortyninth Congress, were always dealt with in the sundry civil bill. The decision of the gentleman from Georgia [Mr. BLOUNT] as chairman of the Committee of the Whole the other day bears directly upon this point, and, as I have stated, these appropriations have never been taken away from the Committee on Appropriations, but have always been included in the sundry civil bill. When the question of the necessity for this appropriation comes up that will be an entirely different matter.

The CHAIRMAN. The Chair desires to make an inquiry of the gentleman from Pennsylvania. In what bill was provision made for the officers' quarters, or for the establishment of the post at Columbus, Ohio, prior to the distribution of the appropriation bills among the several committees?

Mr. RANDALL. In the sundry civil bill, of course.

Mr. TOWNSHEND. What was the inquiry of the Chair?
The CHAIRMAN. The Chair desires to know what bill carried the provision authorizing the establishment of this post or similar posts prior to the distribution of the appropriation bills?

Mr. RANDALL. It was the sundry civil bill.

Mr. TOWNSHEND. I beg leave to differ with my friend from Pennsylvania. My recollection is that this post was established by an independent bill which was reported from the Committee on Military

Mr. RANDALL. That is not the point. I say that prior to the distribution of the appropriation bills among the several committees in this House all matters relating to military posts were included in the

Mr. TOWNSHEND. I think my friend is mistaken about that. The sundry civil bill never contained a provision originating the appropriations to establish any military posts or for any public buildings. It is only where the appropriations for public buildings are found to be inadequate that the sundry civil bill has attempted to take jurisdic-As to this particular post, speaking from recollection, I think it originated in a bill which emanated from the Committee on Military Affairs. The sundry civil appropriation bill never did, according to my recollection, contain an appropriation criginating a post or a public

Mr. KANDALL. I never said so. I said that all military posts-

their establishment and maintenance

Mr. TOWNSHEND. My friend does not answer the inquiry of the hair. The Chair inquired on what bill this post was first established. Mr. RANDALL. I say on the sundry civil bill, because these annual appropriations, prior to the distribution of the appropriation bills, have all been on the sundry civil bill.

Mr. TOWNSHEND. But here is the question, and the gentleman does not answer it. The question is, was this post first established or

authorized in the sundry civil bill?

Mr. RANDALL, I did not understand that that was the question of the Chair at all.

Mr. TOWNSHEND. That is the question of the Chair. The CHAIRMAN. This post might have been authorized by an the CHARMAN. This post might have been authorized by an independent bill; but that was not the point to which the inquiry of the Chair was directed. The Chair desired to know what had been the practice heretofore—at least prior to the distribution of the appropriation bills—with reference to appropriations originating or continuing these posts or providing for additional quarters—whether such appropriations had been in the military bill or in the sundry civil bill. The question is one of fact, and the Chair would be glad to have information in respect to it.

Mr. TOWNSHEND. I have taken occasion to investigate the record as to the practice of the Committee on Appropriations and the House prior to the adoption of the present rule in the last Congress. I have found that upon the Army appropriation bill there were appropriations for the continuance of work upon buildings at posts—

Mr. RANDALL. What year?

Mr. TOWNSHEND. I have a list with dates, but it is not in my

desk. It is in my committee-room.
Mr. RANDALL. What year?

Mr. TOWNSHEND. I have said I have not the list at my desk; but it was during several years. That was under the old rule prior to the change of rules in the last Congress. I found that it was the practice of the Committee on Appropriations, when it had charge of both bills, at times to place these appropriations in the sundry civil bill, and at other times to place the same kind of appropriations for the continuance or completion of these buildings in the Army appropriation bill. The sundry civil bill carries an appropriation to-day against which I did not make a point of order, but on which a point would, in my judgment, have been sustained under the uniform practice of the House—an item which never appeared in the sundry civil bill, but always appeared in the Army appropriation bill until the last Congress; and that is the appropriation for the iron-testing machine. Uniformly that appropriation appeared in the Army appropriation bill. I did not make the point the other day—

Mr. RANDALL. Just there let me state that I think the gentle-

man is mistaken.

Mr. TOWNSHEND. I can prove my statement. Mr. RANDALL. I do not think that matter has been provided for in the Army appropriation bill since the Forty-fifth Congress. That appropriation for the testing-machine has appeared in the sundry civil bill to my knowledge for several years.

Mr. TOWNSHEND. Well, my recollection is that it has appeared in the Army appropriation bill since the Forty-fifth Congress.

Mr. CUTCHEON. For at least three Congresses it has appeared in the Army bill.

Mr. TOWNSHEND. Yes, sir; at least three Congresses, if not more. Mr. RANDALL. Well, it appeared there when all the bills were under the control of one committee.

Mr. TOWNSHEND. So far as the practice is concerned, these ap-

propriations have been made in the past in both these bills.

But we still come back to the original question, upon what grounds does the gentleman from Texas base the point of order? The gentleman says he bases his point on the ground in the first place that this provision is not germane to the bill. Now what is the character of the bill before the House? It is a bill making appropriations for the military establishment. What is embraced in the military establishment? Every appropriation for objects of a warlike character that is not embraced in the naval establishment. [A laugh.] If I am incorrect in that definition, I hope the gentleman will show it; this is not a subject for levity; it is a question of fact—a question arising under the rules. The rules provide as plainly as language can be written, that subjects relating "to the military establishment and the public defense, including the appropriations for its support and for that of the Military Acad-

emy," belong "to the Committee on Military Affairs." The next clause of the rule is

To the naval establishment, including the appropriations for its support; to the Committee on Naval Affairs.

Find me now a single clause in any of these rules conferring upon any other committee than the Committee on Military Affairs jurisdiction over anything pertaining to the military establishment, save and

except forts or, strictly speaking, fortifications. You can not do it.

If this amendment is not germane to this bill, no bill can be conceived of to which it would be germane. It is germane to this bill, and only to this bill. I would like some gentleman to cite a clause in the rules anywhere conferring upon the Committee on Appropriations, or upon any other committee of this House except the Committee on Military Affairs, jurisdiction upon this or any other feature of the military establishment, except, strictly speaking, forts and fortifica-

Now, do you propose to obey the rule? It is mandatory. It does not bear a doubtful construction. It emphatically declares that all subjects pertaining to the military establishment shall go to the Committee on Military Affairs, except in the case of forts and fortifications,

a subject which was reserved to the Committee on Appropriations.

What was the other point the gentleman made? That there is no law authorizing this appropriation. As the Chair virtually decided that point in the first point of order made to-day on this bill, it is unnecessary to discuss it further.

The post at Columbus has been established by law. We are simply

making an appropriation in pursuance of law already made.

So far as the merits of the proposition are concerned, I do not think I shall vote for it; but when the gentleman attacks the jurisdiction of the Committee on Military Affairs, it is my duty to stand here and de-

Mr. BLOUNT. The Chair asked for the practice in reference to this, and I sent for the Statutes at Large, volume 21, and turned to the first bill, and in it I find:

For the completion of the necessary buildings for headquarters of the Department of Dakota, at the military post of Fort Snelling, Minn., \$100.000,

For the construction of a new military post at or near the Musselshell River, in the Territory of Montana, at a site to be approved by the Secretary of War,

Mr. CUTCHEON. What does the gentleman read from? Mr. BLOUNT. I read from the Statutes at Large, page 269, from the sundry civil appropriation bill of that year.
Mr. CUTCHEON. What year?

Mr. GUTCHEON. What year?
Mr. BLOUNT. Eighteen hundred and eighty.
Mr. RANDALL. And I have the bill of 1886.
Mr. BLOUNT. I sent for this bill to see the provisions it contained.
I am inclined to think I had charge of the bill that year.
Mr. TOWNSHEND. The gentleman from Georgia did not hear my statement.

Mr. BLOUNT.

Mr. BLOUNT. I am trying to make one of my own.
Mr. TOWNSHEND. I will agree with the gentleman, perhaps, in conceding all that he has so far claimed.

Mr. BLOUNT. I am addressing myself to the Chair. I know the gentleman will not concede what I am claiming, but I am speaking to

Mr. TOWNSHEND. We will not concede all that you may claim.

Mr. BLOUNT. My friend will concede a good deal, no doubt, but
he will allow me to proceed in my statement in the time given to me under the rule.

Now, Mr. Chairman, since the service in that year there was never a doubt in that committee where this class of appropriations belonged; that it belonged with the sundry civil bill. If you will find an exception here and there it will appear, I think, it was never there on any question of order. Sometimes it may have come in the shape of an amendment, but I speak from my experience of the practice of that committee during that whole period that these appropriations went to the sundry civil appropriation bill. Any gentleman, I think, who has had experience in that committee recognizes also that it belongs there.

I think if the Chair will take the several statutes for a series of years he will find it is in accord with what is in this bill from which I have read. That being true, I think the inquiry of the Chair is suggestive there is but little difference as to what is the true method, and that is

to rule out what is not germane to this bill.

Mr. CUTCHEON. The appropriation proposed in the amendment of the gentleman from Ohio [Mr. OUTHWAITE] is not in the Book of Estimates, and therefore was not embraced in this bill. however, to speak so much as to the merits of the amendment as I do to speak to the point of order which has been raised. The point of to speak to the point of order which has been raised. The point of order is made, in the first place, that the amendment is not germane to the Army appropriation bill. This is a bill entitled "A bill making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes."

The gentleman from Ohio moves as an amendment to this bill a clause appropriating \$20,000 for officers' quarters at the city of Columbus one of the three recruiting denote of the United States. Those

bus, one of the three recruiting depots of the United States. Those recruiting depots are emphatically for the support of the military es-

tablishment. That is what they are for. They are for that and nothing else. They are military and purely military. A recruiting depot

ing else. They are military and purely military. A recruiting depot is for the support of the military establishment.

It seems to me utterly preposterous, begging the pardon of the gentleman from Texas [Mr. Savers] and everybody else, to make a point of order that an amendment providing an appropriation for the erection of necessary quarters for a recruiting depot is not germane to a bill making appropriations for the support of the military establishment of the country. You may as well say an appropriation for the support of the Army is not necessary in such a bill. Nothing could be more germane.

In regard to this matter, while I never had the honor to serve on the Committee on Appropriations, like the gentleman from Illinois [Mr. TOWNSHEND], the distinguished chairman of the Committee on Military Affairs, and the gentleman from Georgia [Mr. BLOUNT], the distinguished chairman of the Committee on the Post-Office and Post-Roads, yet, sir, I have read the rules of the House, and I think I understand the English language well enough to know what they are. understand when the Committee on Appropriations had jurisdiction of the entire field of appropriations except for rivers and harbors and the Agricultural Department they were not particularly nice in dividing it amongst themselves; but by the change of the rules in the Fortyninth Congress jurisdiction has been conferred upon another committee to make appropriations for the military establishment and for the pub-

What have we here? I find, Mr. Chairman, that an appropriation recommended for a military post at San Antonio, Tex. Within my is recommended for a military post at San Antonio, Tex. Within my own recollection that appropriation originated in the Military Committee, and since I have been a member of it. Again, I find for Fort Riley, Kansas. It is within my knowledge that that came from the Military Committee on the recommendation of General Sheridan, who appeared before the committee and recommended the establishment of the post, and I had something to do with reporting the bill in that con-

Mr. RANDALL. But both of these were under special acts.
Mr. CUTCHEON. I am aware of that, but they both came from
the Military Committee. Again I find for the post at Denver, Colo., which also came from the Military Committee, and another for the construction of barracks at Newport, Ky., and that came from the Military Committee during the last Congress under the chairmanship of General Bragg. In fact, about one-half of all the posts that have been established on estimates from the Department have come from the Military Committee, and are as much germane to the bill as is the appropriation for the pay of the Army, or for any other purpose which is not questioned in the bill.

Mr. RANDALL. That this matter was in the jurisdiction of the

Committee on Appropriations prior to the modification of the rules in

the Forty-ninth Congress can not be questioned.

Mr. TOWNSHEND. What is that statement?

Mr. RANDALL. I will state it in a different way. That prior to the change of the rules in the Forty-ninth Congress the Appropriations Committee held unquestioned jurisdiction in this connection. I never have denied that the Military Committee had power to originate a special act authorizing the establishment of a military post. But uniformly the Committee on Appropriations in the sundry civil bill for ten years past have provided for the appropriations for such purposes.

Now, the question is, was this power taken from that committee? I want to show you, Mr. Chairman, that it never was taken from them, and that the facts to which I shall refer establish a precedent to regulate you and the committee. For ten years I find that no appropriations for the continuation of such works as I have spoken of have come from the Military Committee. On the contrary, I think for the first time in the last year there was an appropriation by the Military Committee, on a special estimate which came in after the regular estimate, as to a new post at Chicago, and that got into the Military Committee; but if there is to be any appropriation in that connection to increase that post or to maintain it, it never has been taken from the Committee on Appropriations in any way; and I would like to have read the decision the gentleman from Texas has sent up to the Chair, which bears directly upon the point.

Mr. CUTCHEON. I have not concluded my remarks, Mr. Chair-

Mr. RANDALL. I beg the gentleman's pardon; I thought he had concluded.

The CHAIRMAN. The Chair understood that the gentleman had yielded the floor.

Mr. CUTCHEON. I supposed the gentleman from Pennsylvania rose to interrupt for a question.

Mr. RANDALL. I thought the gentleman had concluded.
Mr. CUTCHEON. Of course I am perfectly willing to yield to the

Mr. TOWNSHEND. If my colleague on the committee will allow me a moment right on the point suggested by the gentleman from

Mr. CUTCHEON. Certainly.

Mr. TOWNSHEND. While the gentleman from Pennsylvania was addressing the House I obtained the laws passed by the Forty-fifth Congress. The gentleman seems to have forgotten what has been the history of the appropriations made by his own committee upon these bills, although he has been presiding over that committee so many years.

Mr. RANDALL. I did not preside over it in the Forty-fifth Con-

Mr. TOWNSHEND. No, but the gentleman occupied a seat in the chair then as Speaker of the House, and under his administration of af-fairs the practice was sanctioned and indorsed of making these identical appropriations in the Army appropriation bill; and I am surprised that my friend from Georgia [Mr. Blount], who was a member, as I recollect, of the Committee on Appropriations in the Forty-fifth Congress and participated in the preparation of the bill, does not remember that then the practice was to insert these appropriations in the Army bill.

Now, Mr. Chairman, I have that bill as it became a law before me, the bills of the Forty-fifth Congress that the gentlemen have both forgotten. In the first session of that Congress, on page 3 of the Statutes, there will be found under the head of "Appropriations for quarters"

in the Army bill the following:

For the construction of temporary huts and stables, and for repairing public buildings at established posts—

Just what is sought to be done here; and the amount appropriated \$1,100,000 for that purpose in that bill.

What further?

For the construction and repair of hospitals, \$50,000,

That was the first session, in 1877.

Mr. RANDALL. And they have been there ever since, the repairs,

but this is not a repair.

Mr. TOWNSHEND. Well, what has the gentleman to say to this language?

For the construction-

Mark youand repair.

Construction of what-hospitals? Mr. RANDALL.

Mr. TOWNSHEND. Construction and repair of hospitals.

Mr. RANDALL. But this is not a hospital.

Mr. TOWNSHEND. Butlet me give the gentleman more. Where is the distinction between hospital and other buildings? In the second sion of the Forty-fifth Congress-I will give the gentleman language which the honorable gentleman from Georgia can not misunderstand or controvert. What is it? On page 148, second session of the Fortyfifth Congress, in 1878:

For the construction of temporary huts and stables and for repair of public buildings at established posts, \$880,000.

Further in the bill I find-

For the necessary construction of suitable buildings for store-houses and offices at Omaha, Nebr.

What answer can my friend from Pennsylvania make to that?

Again appears the former appropriation-

For construction and repair of hospitals, etc.

Now, I have not time to examine the other statutes, but so far as the practice of the House is concerned, it was evidently the practice of the committee to place these appropriations in the sundry civil bill or in the Army appropriation bill at discretion.

I will now refer to the bill of the last session of this Congress making appropriation for the Army. In it the same language is incorpo-

rated as that just read by me:

For the construction of temporary buildings and stables, and for the repair of public buildings at established posts, \$620,000.

This is as late a precedent as can be desired.

Mr. RANDALL. I would like to have the decision of the former Chairman read.

Mr. CUTCHEON and Mr. TOWNSHEND. We concede that de-

Mr. RANDALL. Neither of you appealed from it.
Mr. TOWNSHEND. It appears from what the former Chairman said
to-day that he did not remember what was done on this bill in the Forty-fifth Congress

The CHAIRMAN. The Chair is familiar with the decision. Does

the gentleman from Pennsylvania desire to have it read?
Mr. RANDALL. Not if the Chair is familiar with it.
Mr. CUTCHEON. Mr. Chairman, I had not concluded Mr. Chairman, I had not concluded the remarks I was making. I want to find this line of division between these two committees. It is admitted by the distinguished gentleman from Pennsylvania, the chairman of the Committee on Appropriations, that committees. the Committee on Military Affairs properly originates and initiates

the Committee on Military Affairs properly originates and initiates bills for establishing military posts. Am I stating that too broadly?

Mr. RANDALL. That is true.

Mr. CUTCHEON. Because that is purely a military affair.

Mr. RANDALL. It does not go to that committee under the power to appropriate, but it goes to it under the power which your committee possesses to report bills that legislate.

Mr. CUTCHEON. We will not dispute about the power. The Military Committee unquestionably has the power.

Mr. RANDALL. Pardon me. I concede that you have had that

power always, and you have it yet.

Mr. CUTCHEON. Yes, we have it yet. And as a matter of practice when we establish a military post we always make an appropriation for the commencement of the work.

Mr. RANDALL. Not necessarily.

Mr. CUTCHEON. We did in the case of Denver. We appropriated \$100,000 for Fort Riley. We appropriated for San Antonio, Tex., and for Newport Barracks \$100,000. We also appropriated \$300,000 for Highwood, now Fort Sheridan, near Chicago. It has always been the practice with that committee, when a post was established in a particular locality, therewith to furnish the Government with the means of commencing the construction of that nost. Now if the Militery Commencing the construction of that nost. mencing the construction of that post. Now, if the Military Committee has the power under the rules to originate these posts, when does it lose the power to continue construction and why does it lose it?

If it is a military matter and belongs to the Military Committee to initiate a post, why is it not equally a military matter for that committee to determine how extensive the post shall be-whether it shall be a two-company post, a four-company post, an eight-company post, or a battalion post, and how rapidly the accommodation shall be constructed for the troops? Now, Mr. Chairman, to come back to the point of the Military Committee originally establishing this post at Columbus, as I am advised (and I do not speak of the matter from my own knowledge), the question now is, whether we should go on with it and whether there is a military demand for the continuance of that post and an enlargement of the accommodations. I will not detain the committee further.

The CHAIRMAN. In the opinion of the Chair the amendment is germane to the bill and in order. The Chair therefore overrules the

point of order.

Mr. OUTHWAITE. I think the letter which I have sent up to the

desk shows its necessity.

Mr. RANDALL. The letter which the gentleman sent up is a letter from the Adjutant-General in which he speaks of this matter, and states from the Adjutant-General in which he speaks of this matter, and states that it was referred to the Quartermaster-General, and the latter clause of the letter states distinctly that the Quartermaster-General has made no recommendation to that effect. I only say that it is usual before we make an appropriation to require that there should be an estimate for it, or at least a subsequent letter from the Quartermaster-General before providing it, which does not appear to have been done in this case.

Mr. OUTHWAITE. The Committee on Appropriations have a letter from the Quartermaster-General showing the necessity for the troops, and they have alluded to this same matter in a letter which preceded it.

ter from the Quartermaster-General showing the necessity for the troops, and they have alluded to this same matter in a letter which preceded it. Now, I have stated the necessity for these officers' quarters. In fact, the officers stationed at the city of Columbus have to live in houses that are unfit for them to live in, because they are uncomfortable and not sufficient. They have had to live there while this matter has been in contemplation for five years, and it is time the improvement was begun. Mr. HOOKER. Are the houses in which they live rented?

Mr. OUTHWAITE. They are Government buildings upon Government land

ment land.

The amendment was agreed to.

The Clerk read as follows:

For shelter, shooting-galleries, ranges, repairs, and expenses incident thereto,

For the purchase of about 101 acres of land adjoining or near the post, at Madison Barracks, New York, for rifle-range and drill and camping purposes, \$7,000, or so much thereof as may be necessary.

Mr. RANDALL. I make the point of order on that paragraph for the purpose of making an inquiry. Is there any law authorizing the purchase of this land? Mr. CUTCHEON. It is simply in furtherance of the post at Sack-

ett's Harbor. Mr. PARKER. I hope the gentleman will withdraw his point of order until he has heard the report. The letters furnishing the estimates recommend this item, and I ask the Clerk to read the correspond-

ence which I send to the desk. The Clerk read as follows:

Headquarters Army of the United States,
Washington, D. C., April 30, 1888.

Sir: I have the honor to return herewith a bill H. R. 9070, Fiftieth Congress, first session, providing for the purchase of ground near Madison Barracks, New York, for a rifle-range and for other purposes, referred by you for my report, with the remark that upon a proposition made last December, to sell this ground to the Government for \$6,000, I recommended favorable action. I am still of the opinion that it would be of advantage to the service to have this ground as part of the reservation of Madison Barracks, but believe that the price mentioned in this bill, \$8,000, is too high, and that not more than \$6,000 should be paid. If the bill should be amended to specify that latter amount, I would then recommend its passage. its passage.

Very respectfully, your obedient servant,

P. H. SHERIDAN, Lieutenant-General, Commanding,

The SECRETARY OF WAR, Washington, D. C.

WAR DEPARTMENT, Washington City, May 2, 1888. SIR: In reply to your request of the 24th ultimo, for information upon House bill 9070, Fiftieth Congress, first session, to provide for the purchase of lands to be used as a rifle-range in connection with Madison Barracks, New York, I have the honor to inclose a report of the 30th ultimo, from the Lieutenant-Gen-

eral of the Army, and to say that the views therein expressed are concurred in by this Department.

Very respectfully, your obedient servant,

S. V. BENÉT, Brigadier-General, Chief of Ordnance, and Acting Secretary of War.

Hon. R. W. TOWNSHEND, Chairman Committee on Military Affairs, House of Representatives.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE, Washington, D. C., December 29, 1888.

Washington, D. C., December 29, 1888,

SIR: Referring to annual estimate of this Department for the next fiscal year for \$6,000 for the purchase of about 101 acres of land adjoining or near to the post of Madison Barracks, New York, to be used for a rifle-range and drill and camping purposes, I have the honor to inform you that from information lately received it appears that the \$6,000 will be insufficient. It is therefore recommended that the amount be increased to \$7,000, "or so much thereof as may be necessary."

From a recent personal inspection, the Quartermaster-General was convinced of the necessity for the immediate purchase of the land.

Very respectfully, your obedient servant,

S. B. HOLABIRD,

S. B. HOLABIRD, Quartermaster-General United States Army.

Hon. LEVI D. MAISH, House of Representatives.

Mr. PARKER. I do not wish to occupy the time of the committee with this amendment. It is recommended in the Book of Estimates; it is recommended by the late Lieutenant-General Sheridan; it is recommended by the Ordnance Department; it is recommended by the Quartermaster's Department. The statement is that it is immediately necestermaster's Department. The statement is that it is immediately necessary. The amendment simply provides for purchasing, at a rate at which the interest will more than pay the former rent, lands to be used in the place of rented lands in connection with this old post which has been occupied for some three-quarters of a century. It is continually occupied now by soldiers, and, the War Department in its several subdepartments agreeing, I ask that gentlemen will let this pass without criticism or objection.

Mr. RANDALL. Mr. Chairman, it is true that this item is in the Book of Estimates, and it is also true that it was considered in the Committee on Appropriations, and as the committee had no right to report appropriations except in pursuance of existing law, this item was ruled

appropriations except in pursuance of existing law, this item was ruled

The CHAIRMAN. The Chair sustains the point of order. The proposition is obnoxious to the rule because it is new legislation.

Mr. PARKER. But, Mr. Chairman, the renting has been continued, and this is simply putting purchase in place of the renting—

The CHAIRMAN. But there is no existing law authorizing the

Mr. RANDALL. Thave no earthly objection to the gentleman from New York [Mr. PARKER] having a bill passed here authorizing this purchase, but the rules of the House not only prevent the committee from reporting such an item, but they also prevent the Committee of the Whole from adopting it.

Mr. PARKER. I regret very much that this measure should be crucified between two committees, but I can not help it. [Laughter.]

The Clerk read as follows:

For the purchase of about 101 acres of land adjoining or near the post, at Madison Barracks, New York, for rifle-range and drill and camping purposes, \$7,000, or so much thereof as may be necessary.

Mr. TOWNSHEND. I offer the amendment which I send to the

The Clerk read the amendment, as follows:

After the word "necessary," in line 17, insert "For the purchase of the site of Fort Elliott, Texas, \$17,000, or as much thereof as may be necessary."

Mr. TOWNSHEND. In support of that amendment I desire to have read a letter from the Quartermaster-General.

Mr. HOLMAN. I reserve the point of order on the amendment. The Clerk read the letter, as follows:

WAR DEPARTMENT, QUAETERMASTER-GENERAL'S OFFICE,

Washington, January 2, 1889.

Sie: I have the honor to transmit herewith copy of a letter addressed by me yesterday to the honorable the Secretary of War, inclosing the estimate of amount required for the purchase of site for Fort Elliott, Texas. From the copy of the lease, also inclosed herewith, it will be seen that unless action is had by the present Congress and the land purchased before the 1st day of January next, all the buildings and improvements remain and become the property of the lessor. Yours being the only committee which I understand may report appropriations for the purchase of sites for military posts, I most respectfully request your early consideration of this matter.

Very respectfully, your obedient servant,

S. B. HOLABIRD,

S. B. HOLABIRD, Quartermaster-General, United States Army.

Hon. RICHARD W. TOWNSHEND,

House of Representatives.

Mr. RANDALL. I reserve the point of order on that amendment. Mr. TOWNSHEND. It is impossible for me to conceive what may be the point of order in the gentleman's mind, as he has not given us an opportunity of knowing.

The CHAIRMAN. The gentleman from Indiana [Mr. Holman]

stated that he reserved the point of order.

Mr. TOWNSHEND. Then I will finish my statement.
Mr. HOLMAN. Mr. Chairman, I think that proposition is clearly subject to the point of order. As I understand it the Government has heretofore leased the ground on which these buildings stand.

Mr. LANHAM. It has leased the ground, and more than \$80,000 has been expended there in the erection of buildings

Mr. CUTCHEON. And probably that will all be lost unless this

amendment is adopted.

Mr. HOLMAN. There is a military post existing there already. If the object of the amendment was to increase the number of military posts I should object, because a very little travel over the country where these posts are located will satisfy any one of the propriety of consolidating existing posts rather than increasing the number; but in view of the fact that there is already an established post at this point, and that the Quartermaster-General, a very well-informed gentleman, recommends a purchase instead of leasing, I do not insist on the point

Mr. TOWNSHEND. If the gentleman can conceive of a point of order that will apply to this amendment I should be glad to have him

Mr. HOLMAN. Why, new legislation is required for the purchase of this ground

Mr. TOWNSHEND. This is in pursuance of work already done.

Mr. HOLMAN. There is no law authorizing this purchase.

The CHAIRMAN. The Chair understands the gentleman from Indiana [Mr. HOLMAN] to withdraw the point of order.

Mr. RANDALL. I have reserved the point of order.

Mr. TOWNSHEND. Let the gentleman from Pennsylvania state his point of order.

There is no law authorizing this appropriation. Mr. RANDALL. Mr. RANDALL. There is no law authorizing this appropriation. If the gentleman will ask unanimous consent, however, to have the amendment go into the bill, I will not object.

Mr. TOWNSHEND. Then I will object. This will go regularly into this bill or not at all. If the gentleman from Pennsylvania wants to make a point of order, let him state it and discuss it.

Mr. LANHAM. Mr. Chairman, I ask to be heard for a moment. The appropriation contemplated by this amendment is based upon an asstimate from the Secretary of War, transmitted to this House on the

estimate from the Secretary of War, transmitted to this House on the 25th day of January by the Acting Secretary of the Treasury. The estimate is shown in Executive Document No. 106, House of Representatives. In 1877 certain lands were leased in Wheeler County, Texas, upon which was erected what is known as Fort Elliott. By the terms of that lease, which was for the period of thirteen years, it was expressly stipulated that if the Government should not purchase the property all the buildings on the property should revert to the owner

Now, in pursuance of that lease the Government established a military post, Fort Elliott, near the western border of the Indian Territory, at which post there are now two troops of cavalry and two companies of infantry. There has been expended on that post \$84,346, as shown by a letter which I have received from the Quartermaster-General. The lease will expire on the 1st of next January. There may be no session of Congress in time to provide for this purchase, if we do not adopt this amendment now. If the lease should expire without the Government purchasing the property, it is, as I have said, expressly stipulated in the lease that all these buildings on the site of Fort Elliott shall revert to the owner of the land.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question? Is it not a fact that in this lease there is reserved to the Government a right to purchase, and that this lease was made in pur-

suance of law?

Mr. LANHAM. Yes. This is a lease with authority to purchase.

It will expire on the 1st of next January.

Mr. TOWNSHEND. Then I will inquire of the gentleman further whether the law authorizing the War Department to lease this property with the privilege of purchase does not confer jurisdiction upon this committee to make this appropriation?

Mr. LANHAM. It would seem to me that it does; but I am not sufficiently advised to answer that question authoritatively.

Mr. TOWNSHEND. The appropriation is sought to be made in

pursuance of law already existing.

Mr. BUCHANAN. Will the gentleman from Texas [Mr. Lanham] allow me to ask him a question?

Mr. LANHAM. I will with pleasure answer any question. This is a subject with which I am somewhat familiar.

Mr. BUCHANAN. That is the reason I seek information from the gentleman rather than from others. How many acres are there in this

reservation? Mr. LANHAM. There are four sections of land leased by the Texas

Mr. LANHAM. There are four sections of land leased by the Texas Land Company to the United States Government—about 2,500 acres for the site and lands adjoining the site.

Mr. BUCHANAN. What is the proposed price?

Mr. LANHAM. Seventeen thousand dollars, or so much thereof as may be necessary. The purchase will take nearly all that amount.

Mr. BUCHANAN. Is that the price named in the lease?

Mr. LANHAM. The price named in the lease was \$3 per acre, provided the Government should buy the property by the 1st of January, 1878. It was stipulated that if the Government should fail to buy the property by that time there should be added 10 per cent. interest on property by that time there should be added 10 per cent. interest on the amount named from January, 1878.

Mr. BUCHANAN. Then under this arrangement the Government will have paid 10 per cent. interest for these years?

Mr. LANHAM. That was the lease made; that was the agreement

entered into.

Mr. BUCHANAN. I understand.

Mr. LANHAM. And the Government is now in this attitude, that it may lose the property for which this amount of money has been expended there unless the purchase be made.

Mr. BUCHANAN. I understand the gentleman's statement. I was

simply trying to elicit the facts.

Mr. RANDALL. In view of the statement made by the gentleman from Texas [Mr. Lanham] I withdraw the point of order. But I desire also to withdraw the point in regard to the provision in which the gentleman from New York [Mr. PARKER] was interested, because if one provision is to go in both should go in.

Mr. BUCHANAN. Is there any town or village of any considerable

size near this land?

Mr. LANHAM. Yes, sir; it is at the town of Mobeetie, the county seat of Wheeler County.

Mr. BUCHANAN. How large a place is that?

Mr. LANHAM. Not very large; it is a town of, I suppose, 600 or

Mr. BUCHANAN. How near is it to railroad communication? Mr. LANHAM. I suppose the nearest point is 25 or 30 miles; it

may be somewhat nearer

Mr. BUCHANAN. This would appear to be rather a stiff price. Mr. LANHAM. Well, the Government is in such a position that it must either purchase the property or sacrifice the money which has

already been expended.

Mr. CUTCHEON. It may be proper for me to say that when the Quartermaster-General and the Secretary of War were before the committee recently in regard to this matter, I asked the question whether if this property should revert to the owners it would be necessary to establish another post in that general vicinity, to which they replied that it would be.

Mr. LANHAM. Yes; it is the purpose of the War Department, I understand, to keep up the post.

Mr. RANDALL. I think the ruling made on the point of order against the proposition of the gentleman from New York is equally in

against the proposition of the gentleman from New York is equally in force against this. I have not a doubt about that, and I do not think the Chair has. If he has I would like him to say so.

Mr. TOWNSHEND. The Chair has not decided the question. The gentleman has no right to assume how the Chair would decide.

Mr. RANDALL. I would like to make my statement without interruption. The gentleman can controvert it afterward in a gentleman way if he valesces I decide to withdraw my objection to the

manly way if he pleases. I desire to withdraw my objection to the proposition of the gentleman from New York because—

The CHAIRMAN. This proposition should be first disposed of. The point of order being withdrawn, the question is on the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND], the chairman of the Committee on Military Affairs.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his point of order made against that part of the bill included on page

16, lines 13 to 17, inclusive. Mr. HOLMAN. I desire I desire to reserve the point of order until a state-

ment is made as to the necessity for that purchase.

Mr. TOWNSHEND. A letter from the Secretary of War has been read. It was quite lengthy. I hope the gentleman will not ask that it be read again.

Mr. CUTCHEON. That letter will be found on page 3 of the report of the committee.

Mr. PARKER. General Sheridan recommended this purchase; the Chief of the Ordnance Department has recommended it; and December last the Quartermaster-General recommended that it be made im-

Mr. HOLMAN. As I understand, this land has heretofore been

occupied by the Government as a military post under a lease.

Mr. PARKER. For three-quarters of a century this post has been occupied as an Army post, and I am advised that for several years land for the use of the troops stationed there has been hired annually at a rental which would be more than the interest on the money proposed to be paid for this.

Mr. HOLMAN. Does your proposition indicate any sum to be paid?
Mr. PARKER. It does; the amount proposed is \$7,000.
The CHAIRMAN. If there be no objection, the provision will be restored to its place in the bill. The Chair hears no objection, and it is so ordered.

Mr. CAREY. I offer the following amendment. The Clerk read as follows:

Insert after the amendment just adopted:
"To enable the Secretary of War to complete the water-supply system of Fort D. A. Russell, Wyoming Territory, \$24,500, or so much thereof as may be neces-

The amendment was agreed to.

The Clerk read as follows:

Clothing, camp and garrison equipage: For cloth, woolens, material, and for

the manufacture of clothing for the Army; for issue and for sale at cost price, according to the Army Regulations; for altering and fitting clothing, and washing and cleaning when necessary; for equipage, and for expenses of packing and handling, and similar necessaries, \$1,150,009: Provided, That out of the money hereby appropriated for clothing and equipage of the Army there shall not be expended at the military prison at Fort Leavenworth a sum in excess of \$125,009: Provided, also, That hereafter the regimental price fixed for altering and fitting soldiers' clothing shall not exceed the cost of making the same at the clothing depots: Provided, That the several sums appropriated for the Quartermaster's Department by this act, including their credits, shall be available for three months after the expiration of the fiscal year.

Mr. PANDALL What is the avecage for adding that provise?

Mr. RANDALL. What is the reason for adding that proviso? Mr. TOWNSHEND. I will send to the Clerk's desk to be read a letter from the Quartermaster-General of the Army, which will give the reason why.

The Clerk read as follows:

War Department, Quartermaster-General's Office, Washington, D. C., January 17, 1889.

Washington, D. C., January 17, 1889.

Sin: Referring to my request for insertion in the Army bill of the words "Provided, That the several sums appropriated for the Quartermaster's Department by this act shall be available for three months after the expiration of the fiscal year." I have the honor to state that the request was made for the following reasons:

First, It has been found even with the greatest care the exact conditions of the appropriations can not be known for at least three months after the close of the year.

the appropriations can not be known for at least three months after the close of the year.

Second. Existing law requires that advertisement for proposals shall be made thirty days in advance of purchase. The exact condition of the appropriations being unknown until after the close of the fiscal year, and advertisement having to be made at least thirty days before the close, it is impracticable to arrange for expenditure within the year of what may prove to be available, and consequently a portion (considerable at times) of the appropriations are lost to the service.

It has accompract to me that in lieu of the world referred to above the object. he service.

It has occurred to me that in lieu of the words referred to above the object

would be better accomplished by the following:
"Provided, That obligations may be incurred, and expenditures from the several sums appropriated for the Quartermaster's Department by this act may be continued to be made, for three months after the end of the fiscal year." Very respectfully, your obedient servant,

S. B. HOLABIRD Quartermaster-General, United States Army.

Hon. Richard W. Townshend,

Chairman Committee on Military Affairs,

House of Representatives.

Mr. RANDALL. All indebtedness under contracts made during the year is payable within two years out of appropria. As for that year. Now, I can understand how this might be vicious legislation, and especially as to the Army. Those who framed our Constitution declared we should never appropriate for the support of the Army for a longer period than two years. This provision has the effect to make an appropriation available for fifteen months, or for three months after the year has expired.

Mr. TOWNSHEND. It was with considerable hesitation the Committee on Military Affairs were willing to incorporate this in the bill.

Mr. RANDALL. I will say in answer to the statement contained in the letter which has been read, that the law forbids the paying out of the appropriation for the support of the Army after two years. It goes back into the Treasury after two years, but during that time indebtedness incurred within that period can be paid out of the appropriation within two years.

Mr. TOWNSHEND. The law prohibits the making of contracts in the last thirty days, as well as at any other time, without advertisement. This law is impracticable for contracts during the last thirty

Mr. RANDALL. It may be in effect, that is to say they have to make advertisement, and as that is required to be thirty days before, it would be too late to act. If they have no power to make contract without advertisement, they can not, of course, advertise within the last thirty days. If the committee felt doubt about that they should have omitted it from the bill; and for the purpose of testing the sense of the Committee of the Whole I move to strike out that provision which makes the fiscal year fitteen instead of twelve months.

Mr. HOLMAN. Why should it not go out on the point of order?
Mr. RANDALL. It is something new and the Department has lived for three years without it.

Mr. TOWNSHEND. This is desired by the Department, and I do not see any good reason why they should be deprived of it.

Mr. RANDALL. I do not think any Department of War should be allowed to use appropriations except under the general provisions of

the law now prevailing.

Mr. TOWNSHEND. I do not wish to discuss it further. The letter read sufficiently explains the reasons for its adoption.

Mr. RANDALL. I move to strike out the following proviso:

Provided. That the several sums appropriated for the Quartermaster's Department by this act, including their credits, shall be available for three months after the expiration of the fiscal year.

The committee proceeded to divide on the question. Mr. RANDALL. I do not ask for any further count, So the motion was disagreed to.

The Clerk read as follows:

# MEDICAL DEPARTMENT.

Medical and hospital department: For the purchase of medical and hospital supplies, including disinfectants for general sanitation, expenses of medical purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, for the proper care and treatment of cases in the Army suffer-

ing from contagious or epidemic diseases, and the supply of the Army and Navy Hospital at Hot Springs, Ark., advertising, and other miscellaneous expenses of the medical department; in all, \$215,000; and not over \$45,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés of the medical department.

Medical Museum and Library: For Army Medical Museum, preservation of specimens and the preparation or purchase of new specimens, \$5,000; for the library of the Surgeon-General's office, \$10,000; in all, \$15,000.

Mr. HOLMAN. I move to strike out the last word. priation for the Medical Museum, \$5,000, seems to be a moderate provision. Then comes the appropriation for the library of the Surgeon-General's Office, \$10,000. Now, that item has been in this appropriation for a number of years, \$10,000 each year, and I would be glad to inquire of my friend from Illinois having charge of this bill how long that appropriation has been running at the rate of \$10,000 a year?

Mr. MAISH. The gentleman from Illinois is not present, and I can not tell how many years this has been going on, but I think for four or five years the same amount has been appropriated for this purpose. The books, as the gentleman from Indiana is no doubt aware, are costly, and the sum in my judgment is not extravagant. It was found necessary heretofore, and we have no reason to suppose that it is not necessary now. I trust, therefore, the gentleman will make no objection.

Mr. HOLMAN. Was any inquiry made as to the amount actually

required?

Mr. MAISH. Not that I am aware of.

Mr. SPINOLA. Do they pay \$10,000 a year for books?
Mr. HOLMAN. Yes; and it has been going on for many years.
Mr. MAISH. For the information of the gentleman from Indiana I will state that last year some inquiries were made, and the Surgeon-General informed the committee that the amount was absolutely nec-

essary.

Mr. HOLMAN. I wish to state the experience of the Committee on Appropriations in regard to the other Departments in this respect, for the purchase of books for the libraries, as to the propriety of looking into this particular item. The appropriations for the libraries of the several Departments were some years ago excessive, ranging from five to ten or fifteen thousand dollars per year for each. Upon an investigation of the subject each of these sums was reduced several thousand, as will be seen in the successive legislative, executive, and judicial laws, and it seems to me that an item like this, which has been going on for many years at the rate of \$10,000 a year, ought to be subject to inquiry; and while I will not move to reduce it I hope the Committee on Military Affairs will examine the subject more closely in the future.

But, Mr. Chairman, I wish to call the attention of the House to the

progress which we have been making in the direction of increasing these appropriations from year to year. We have the same Army, the same number of men, substantially the same number of officers, but the cost of transportation would be naturally largely reduced by reason of the extension of our railroad system in the West and the concentration of the Indian tribes, all of which naturally should aid to reduce largely the appropriations, and yet we are still confronted with a bill carrying an appropriation of over \$24,000,000, fully up to and in excess of appropriation bills of years ago. The vast expenditures on railroads in the West, on the argument that it would greatly reduce the cost of supplies and transportation, produces no such result. The estimates here are \$25,-000,000 in round numbers for the coming year, and the appropriations for the present year are \$24,600,000 in round numbers, and yet the appropriations now made by this bill for the next fiscal year are \$24,466,-615.73. The additions already put upon it in the House will swell the appropriation nearly or quite up to the appropriations for the present year, and the additions which will be made in the Senate, according to ordinary experience, will make it the largest bill of the kind that has been before Congress.

Mr. CUTCHEON. Has the gentleman from Indiana analyzed the bill to decide in his own mind where the increase comes in; whether

it be for additional buildings or posts?

Mr. HOLMAN. There are some additional buildings and enlargement of military posts; some not necessary at all, I think. We have, for instance, Camp Robinson upon one side and Camp Niobrara on the other of the great Sioux reservation, both maintained upon the theory, I think, of watching the Indians at the Pine Ridge and Rosebud agencies, while, as a matter of fact, either is in striking distance of those agencies, and at the same time we have a considerable military force—an armed police—upon the ground. The same condition of affairs is true, I may say, all along the Missouri River, commencing at Bismarck and coming down. You constantly pass military posts as you descend the river as well as inland—long transportation, involving heavy expense year after year—while a concentration of the posts could heavy expense year after year-while a concentration of the posts could be made with great reduction of expense, entire safety, great benefit to officers and men, and no public interests jeopardized. The small concentration of troops which has been made up to this time and since the concentration of the Indian tribes has done but little to reduce the aggregate of the bill; in fact, on the contrary, it seems to have increased it

Mr. TOWNSHEND. Mr. Chairman, if necessary I renew the amendment to strike out the last word for the purpose of answering the gentleman. The gentleman from Indiana has certainly forgotten the

amount of the appropriations when he himself was a member of that committee, and, if my recollection serves me right, at a time when he, as a member of the subcommittee, participated with me in the preparation of the Army bill.

Mr. HOLMAN. No, I never was on the subcommittee on the Army bill.

Mr. TOWNSHEND. I think my friend will find himself mistaken.

Mr. HOLMAN. Never; at least that is my recollection.

Mr. TOWNSHEND. Of course I must assume that the gentleman is correct, but I am inclined to think that he will find on looking into the matter that he is mistaken. However, in the first session of the Forty-seventh Congress the appropriation rendered by the Appropriations Committee for this service was \$26,687,000, while the appropriations reported by this bill are only \$24,466,000, in round numbers, think the gentleman was then a member of that committee.

Mr. HOLMAN. What Congress? Mr. TOWNSHEND. The Forty-seventh.

Mr. HOLMAN. No. Mr. TOWNSHEND. Then I will take a Congress in which he was a member. He was a member of the Committee on Appropriations in the Forty-eighth Congress

Mr. HOLMAN. Yes; in the Forty-eighth and in the Forty-ninth,

and also in the Forty-fourth Congress.

Mr. TOWNSHEND. Then I will turn to the appropriations made in the Forty-eighth Congress at the first session to show the gentleman what was then accomplished by his committee as a set-off against his criticism made here of this appropriation. In the first session of that Congress, when the gentleman was on the Committee on Appropriations, the aggregate appropriations recommended for the military establishment for the ensuing year were \$24,244,000, or within a small amount of the sum recommended in this bill.

Mr. HOLMAN. About \$250,000 less.
Mr. TOWNSHEND. In the second session of the Forty-eighth Congress he likewise joined with the Committee on Appropriations in demanding from this House an appropriation of \$24,429,000.

Mr. HOLMAN. Pretty nearly up to your figures.
Mr. TOWNSHEND. Yes, the gentleman will find that there is a

difference of only a few thousand dollars.

Now, the gentleman in the Forty-ninth Congress was a member of e Committee on Appropriations. That committee did not have this the Committee on Appropriations. That committee did not have this bill in the Forty-ninth Congress, but I want to express my surprise that the gentleman should show such an economic spasm at this time when on the Army bill of 1886 and 1887 he seemed willing that the House should make an appropriation within a few thousand dollars of the amount appropriated by this bill.

Mr. HOLMAN. My friend has said that I was so anxious for it,

but he does not know whether I was or not.

Mr. TOWNSHEND. I think I will be able to convince him that he and I assisted our good friend, General Forney, as members of the subcommittee having charge of the preparation of the bill in the second session of the Forty-eighth Congres

Mr. HOLMAN. I am not making any point upon that question

at all.

Mr. TOWNSHEND. I can not see what point the gentleman wants to make, when we have increased the appropriation only a few thousands since four years ago. We are making an appropriation for 1890,

and you were making an appropriation for 1886.

Mr. HOLMAN. My friend entirely misunderstands me in this matter. It occurred over a very unimportant item, that of \$10,000 for the library of the Surgeon-General. There is no question between the gentleman and myself. We are but small factors in the legislative current; and when we shall both have passed away from this Hall the current of legislation will go on in the same order.

Mr. TOWNSHEND, I wish to show, however, that he was mistaken in respect to whether he was not a member of the Appropriations Com-

mittee in the Forty-eighth Congress.

Mr. HOLMAN. Whether I was on the committee that prepared the bill or not is entirely an unimportant matter. The public interest in the question is as to the appropriation. It is too big, and the question was as to a particular item and as to whether that should remain.

Mr. TOWNSHEND. If the appropriation is within \$10,000 of the appropriation in 1886, I do not see how he can now complain of this bill on the score of economy after the country has greatly increased in its public necessities.

Mr. HOLMAN. I think it was too large then.

Mr. HOLMAN. I think it was no large them.
Mr. OUTHWAITE. Regular order, then.
Mr. HOLMAN. It was too large. That is all there is about it.
And instead of this bill growing it should be decreasing year by year, as the facilities for transportation have certainly increased. As these fortifications are not required all over the country, but are being concentrated, there ought to be a heavy reduction in this bill instead of an enormous increase in the period of thirteen years, for I think I will be able, as I have sent for the documents, to show that the appropriation made in the first session of the Forty-fifth Congress was inside of \$17,000,000; and I know such was the case in the Forty-fourth Con-

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

The Clerk read as follows:

Engineer Department:

Engineer depot at Willets Point, New York: Incidental expenses of the depot, including fuel, chemicals, stationery, extra-duty pay to soldiers employed as artificers on work in addition to any not strictly in line of their military duties, such as carpenters, blacksmiths, draughtsmen, printers, lithographers, photographers, engine-drivers, teamsters, repairs of and for materials to repair public buildings, machinery, clerk-hire, and unforeseen expenses, \$5,000.

For purchase of materials for the instruction of engineer troops at Willets Point in their special duties of sappers, miners, for land and submarine mines, and pontoniers, torpedo drill and signaling, \$1,500.

For the purchase, under direction and at the option of the Secretary of War, of movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, such torpedoes to have a speed of not less than 15 miles an hour on a 1½-mile test, to carry 11,000 feet of cable, to steer to the right or left within a radius of 300 feet before or after diving under a spar or log, to carry not less than 400 pounds of dynamite or other high explosive, and before acceptance to meet the approval of the Board of Engineers, and the appropriation thereof shall be available until exhausted, \$500,000.

Mr. RANDALL. I make the point of order against that item, that

it is not in order upon this bill.

Mr. HOLMAN. I shall raise the additional point of order as to whether or not it may be construed as an appropriation extending be-

yond the limits prescribed by the Constitution.

Mr. RANDALL. Mr. Chairman, I desire to say that the appropriations for this object, as in contemplation by this paragraph, originally belonged to the Committee on Appropriations. They were not taken from that committee by the change of the rules which distributed certain appropriation bills; further, that during the Forty-ninth Congress the appropriations, after the change of the rules by which these bills were distributed, were contained in the fortifications bill, and no appropriation of this nature appears in the Army bill for either session of the Forty-ninth Congress.

The question was raised touching this matter in the first session of this Congress, and I will ask the attention of the Chair to it, as perhaps he may be familiar with it, as he was here at the time and I was not. I will ask attention to the decision of the gentleman who then occupied the position of Chairman of the Committee of the Whole [Mr. SPRINGER], and I also desire to direct the attention of the Chair to the decision made in this connection as to jurisdiction on this very subject by Mr. BLOUNT, who occupied the chair, and which decision is at the

desk

The CHAIRMAN. The Chair would like to have both decisions read.

Mr. RANDALL. I want to say before the decisions are read that I feel more justified in making this point of order because there is no estimate, if I remember aright. We did hear in the Committee on Appropriations parties in this connection, and in harmony with the recommendation of the engineer officer, but we omitted any appropriation in that connection; and yet we find it under the Engineer's Department in this bill. And further, I would like to have read a letter from the head of the Engineer Department.

Mr. TOWNSHEND. If the gentleman desires to discuss the merits of the proposition, I trust he will do so when the point of order is disposed of. If he proposes to open the discussion on the merits, I shall claim the right to answer him, and I advise him now that if he opens

the question of the merits-

Mr. RANDALL. Oh, it has not any merit.
Mr. TOWNSHEND. I will show that it has some merit. I can prove by the gentleman himself that there is merit in it. I will prove by the gentleman's own action that there is merit in it, and I want to say to him now, before he opens the discussion upon the merits, that I have matter enough here to occupy the attention of the committee for an hour.

Mr. RANDALL. I only want to show that the engineer officer—Mr. TOWNSHEND. You have made an assertion that one of the engineer officers does not recommend this, and I take your word for it;

but if you are going to open up the question of the merits—
Mr. RANDALL. I say further that the engineers—
Mr. TOWNSHEND. If you are going to read anything from General Casey I will put against it the best engineer authorities in our own

service and in the world.

Mr. SPINOLA. Will the gentleman from Pennsylvania permit a question ?

Mr. RANDALL. One at a time, please. The point I had in mind in asking for the reading of this letter about which the gentleman seems to have so much apprehension-

Mr. TOWNSHEND. Not at all.
Mr. SPINOLA. We care nothing about it. We will brush it away

like so much cobweb before we get through with it. [Laughter.]

Mr. RANDALL. I want to say to the Chair, then, that in this communication General Casey states that this is part of the fortifications of the country

Mr. TOWNSHEND. Let the communication be read. I have no objection.

Mr. RANDALL. I thought you wanted to stop me from having it

Mr. TOWNSHEND. No, sir; I only want fair dealing. I want to

quote from better authority on this point. Mr. RANDALL. I want to have the letter read merely as bearing upon the point of order, to show that the General of the Army says

that this is one of the fortifications of the country.

The CHAIRMAN. The Chair appeals to gentlemen to confine the

discussion to the point of order.

Mr. RANDALL. I will withdraw the letter.

The CHAIRMAN. The Chair will state that if one gentleman insists on addressing himself to the merits of this question, the Chair

must permit gentlemen on the other side to reply.

Mr. HOLMAN. Mr. Chairman, I desire to present my point of order.

The CHAIRMAN. The Chair understands the gentleman from Penn-

bylvania [Mr. RANDALL] to withdraw this letter.

Mr. RANDALL. The letter itself bears on the point of order and that is the only reason I wanted to have it read. So far as the merits of the matter are concerned, of course it meets with general condemnation.

Mr. SPINOLA. We will confine the time to two years. meet the point of order of the gentleman from Indiana. I will move an amendment to that effect.

Mr. HOLMAN. General Casey himself says that this belongs to the fortifications bill.

The CHAIRMAN. The Chair thinks that if this letter is read and the merits of the proposition are gone into, the Chair must certainly indulge gentlemen on the other side of the question.

Mr. RANDALL. I have no objection.

The CHAIRMAN. The Chair hopes, therefore, that gentlemen will address themselves to the point of order, which is the only question now before the committee.

Mr. TOWNSHEND. But, Mr. Chairman, the gentleman from Pennsylvania has already gone too far into a discussion of the merits.

Mr. RANDALL. Well, you go just as far as I did, and then we will be exactly even. [Laughter.]

Mr. TOWNSHEND. The gentleman has already discussed the merits of the question, and certainly I have a right to be heard on the merits

in reply

The CHAIRMAN. The Chair will hear the gentleman after the gen-

tleman from Indiana states his point of order.

Mr. HOLMAN. The point of order I make is that which comes under the constitutional provision. The bill contains this provision: "And the appropriation thereof shall be available until exhausted, \$500,000."

Mr. SPINOLA. We can meet that point by simply adding at the cad of the words "not exceeding two years."

Mr. HOLMAN. The constitutional provision is, of course, familiar to the Chair:

To reise and support armies; but no appropriation to that use shall be for a longer term than two years

Of course this is an appropriation for the use of the Army.

Mr. RANDALL. Under our statutes the appropriations are for only

Mr. HOLMAN. This provision is in conflict with the Constitution, because it is indefinite in terms as to its duration. If such a provision were allowable we could make an appropriation for all time to come.

Mr. SPINOLA. I will say to the gentleman from Indiana [Mr. HOLMAN] that at the proper time a motion will be made to add the words "not exceeding two years," which will obviate his objection.

Mr. HOLMAN. My point of order is made against the proposition

Mr. SAYERS. I would like to have that letter read. The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

Office of the Chief of Engineers, United States Army, Washington, D. C., January 31, 1889.

Office of the Chief of Engineers, United States Army, Washington, D. C., January 31, 1889.

Sir: I have received your letter of the 30th instant, as follows:

"Referring to provision in Army bill of \$500,000 for movable torpedoes, please inform me whether you regard such an appropriation as entirely advisable at this time and whether the same was recommended by your department.

"I presumed that the provision in the fortification bill as reported from the Appropriations Committee this session substantially complied with your views as to the torpedo service."

I do not regard the expenditure at this time of \$500,000 for movable torpedoes as advisable, because—

First. It is not understood that the movable torpedo has been perfected.

Second, We have ten of such torpedoes on hand in an imperfect condition. Third, All our means should be devoted to accumulating whatever may be necedery for the obstruction of our channels by submarine mines.

None of the estimates contained on page 170, Book of Estimates for 1889-'90, were submitted by this Department for movable torpedoes. Two estimates were submitted, one for "submarine mines and necessary appliances, \$300,000."

These submarine mines are entirely different from "movable torpedoes."

They are spherical cases loaded with dynamite, anchored in the channels beneath the submarine mines are a part of the fortification, are obstructions to the channels of flows near the surface of the water, and must be seen in order to be sterved and directed upon an enemy. They have run from one to two miles, and when perfected may be of service in certain localities in limited numbers, and when perfected may be of service in certain localities in limited numbers, and when perfected may be of service in certain localities in limited numbers, and when perfected may be of service in certain localities in limited numbers, and when perfected may be of service in certain localities in limited numbers, and when perfected may be of service in certain localities in limited numbers, and when

electrical machines, the batteries, etc., with which to fire the mines. The cable galleries are passages leading from the channel ways, under the shores, and into the casemates, and through them the wires leading from the submarine mines are carried into the casemates. Of these casemates and cable galleries the estimate covers five at New York City, five at San Francisco, five at Boston, two at Hampton Roads, two at Philadelphia, one at Washington, one at Baltimore, three at Portland, two at Narragausett Bay; in all, twenty-six, at \$60,000 each, \$1,500,000. (Report of Chief of Engineers, 1887, pages 9 and 11. Renewed in report of 1888, page 5.)

The provisions in the fortification bill, as reported from the Appropriations Committee this session, included in one item the two above, and fixed the sum at \$330,000, and upon this I was not consulted by the committee. If I had been, I should most certainly have suggested a larger sum for casemates and cable galleries.

galleries.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,

Brigadier-General, Chief of Engineers. Hon. SAMUEL J. RANDALL, Chairman Committee on Appropriations, House of Representatives.

Mr. TOWNSHEND. The gentleman from Pennsylvania [Mr. RAN-DALL] has elected to discuss both questions at this time-first, whether the amendment is in order; and second, whether the proposition should be adopted if it is in order.

Mr. RANDALL. I have no objection to the gentleman doing the

same thing

Mr. TOWNSHEND. I shall avail myself of this opportunity, as indicated by the Chair and by the gentleman from Pennsylvania, to make answer on both points.

make answer on both points.

First, as to the question of order, the gentleman from Pennsylvania has not given us the ground on which he bases his point of order.

Mr. RANDALL. I referred you to the decisions.

Mr. TOWNSHEND. The gentleman has failed to give the Chair any reference to any rule of this House which renders this amendment out of order. If he mentioned a single rule I should be happy to be reminded of it. He has utterly failed to do so. He has asked the Chair to remember something that was decided by a former Chairman of the Committee of the Whole at the last session of Congress; and he has also cited a decision that has been made during this session, bearhas also cited a decision that has been made during this session, bearingupon an entirely different question, resting upon entirely different grounds.

The point of order made then was as to whether the Committee on Military Affairs had jurisdiction over the question of coast defenses. The question raised now is whether the Committee on Military Affairs has jurisdiction over anything pertaining to the military establishment. This appropriation is not necessarily a part of the system of seacoast defenses. This is for a torpedo which may be used in the defense of a fort, or may be used a thousand miles away from a fort for other defensive or offensive purposes having no relation whatever to a fort. It might be used in the Potomac River at any point from its mouth to obstruct navigation if a foreign fleet should attempt to assail the city of Washington. There are no forts between the mouth of the Potomac and this city, except the old dismantled Fort Washington, just below the city. Sir, it may be used on the water anywhere, even where no fort ever was or is ever intended to be built.

The jurisdiction of the committee over this weapon is as complete as it is over the other provisions which we shall soon reach, which have always been authorized by this bill-such as an appropriation to manufacture small-arms at the national armory, etc.; our jurisdiction is as complete as it is over anything pertaining to the Ordnance Depart This torpedo is not necessarily required to be a part of a fort. Under the rules to which the gentleman has referred, it may be that if this were intended solely as part of a fort it would be held as belonging to the fortification bill. But the rulings which have been made do not go, and no one, in my judgment, capable of passing upon a question of this kind would go, so far as to hold that everything which may be used in a fort when not necessarily intended for a fort, is outside the jurisdiction of the Committee on Military Affairs.

In order to properly guard a fort it is necessary to have small-arms as well as heavy ordnance. Now, forsooth, because small-arms are used in a fort, shall the Committee on Military Affairs in reporting the Army bill be deprived of the jurisdiction conferred upon it by the express terms of the rule and by the practice of the House in making appropriations for small-arms for the infantry or cavalry service? It is true these movable torpedoes may be a necessary appliance, as has been held by the highest authority, in constituting the proper defense of a fort; but, sir, it is clear that they may be needful where no forts exist

and where there may be no need for any fort.

The gentleman from Pennsylvania has appealed to a letter addressed to him by one of the officers of the Engineer Corps, General Casey. General Casey is not an expert upon the use of high explosives and of torpedoes. He is an accomplished, well-informed engineer officer, against whom I have nothing to say; but in point of weight of authority he bears no comparison with General Abbot, who is the commander and superintendent of the school of instruction of weight of the school of instruction of the school of instruction of the school of the scho and superintendent of the school of instruction of engineers at Willets Point, and to whom have been referred for years past all questions per-taining to torpedoes and to the use of high explosives as a method of warfare. I undertake to say, what will be concurred in by every stu-dent of this subject anywhere in the civilized world, that General Abbot stands at the head of the list as the best-informed, the ablest, and most accomplished authority on the use of torpedoes and high explosives. I have in my hand a series of lectures delivered by him the year before last at the United States Naval College, where he discussed, in a manner showing more knowledge and more study than have ever been shown by any expert in Europe or America, the power and usefulness of high explosives and of torpedoes in offensive and defensive warfare.

I put against the word of General Casey or that of any other engineer officer of our own or any other army the distinct and emphatic utterance of General Abbot, in which he highly commends such torpedoes and declares that they are of essential importance in protecting the submarine mines which General Casey in season and out of season has been advocating. General Abbot declares these submarine mines are useless and worthless without such protection as will be afforded by long-range, high-power guns, movable torpedoes, dynamite guns, etc. General Casey himself must admit that submarine mines without some protection are utterly worthless. All intelligent engineer of-ficers admit, in the absence of long-range and high-power ordnance, torpedoes, or other effective means, the submarine mines are useless to

torpences, or other elective means, the submarine limes are useress to stay the advance of a hostile fleet in any harbor.

We have to-day an entirely defenseless coast. There is not a city on our long, exposed seacoast that is not absolutely defenseless and at the mercy of the navies of any of the great powers of the world. We have in the Army no long-range, high-power guns to defend them, nor can we have them inside of three years. General Abbot, as I am informed, was among the first to suggest the use of submarine mines. He has for years had charge of the instruction of officers in the construction and manipulation of submarine mines and high explosives. I can read you from utterances of his to prove that in order to make those mines of any use whatever they will have to be protected by some such weapons as long range, high-power guns, or of movable torpedoes, dynamite guns,

As the gentleman has thrown in the words of General Casey to prejudice this proposition, it is perfectly proper I should call attention to the superior authority of General Abbot. It is on his recommendation that this House appropriated nearly \$1,200,000 during the last fifteen years to construct submarine mines, and he knows whereof he speaks when he tells us that the country needs and must have weapons of the character included in this bill to render those mines of any

What does General Abbot say? In his lecture in November, 1887, before the Naval College, in speaking of a necessary system of coast

defense, he said:

defense, he said:

The elements of a first-class system for coast defense, as already stated, are: (1) high-power guns and mortars for keeping the armored ships of the enemy at a distance; (2) land fortifications to hold the position; (3) obstructions in the channels of approach; (4) flanking guns, movable torpedoes, and the electric light to cover the obstructions; (5) vidette and torpedo boats to watch the enemy and make offensive returns. These elements are of primary importance, and they are the only elements which can be so regarded; their relative importance at different sites will vary, but according to modern engineering principles no site is thoroughly defended unless all of them are represented.

These elements hardly admit of intercomparison as to relative importance. Each must be sufficiently elaborate to fulfill its special function at the locality. Thus obstructions can not replace high-power guns; neither can high-power guns replace flanking guns; nor can any or all of them replace fortifications or vidette and torpedo boats, which are essential to guard against surprise and to make the offensive returns which are so necessary to any defence in war. When these five elements are judiciously combined and sufficiently developed they may be trusted to do their work without further assistance, provided the site is favorable.

Again he savs. in describing the submarine mines:

Again he says, in describing the submarine mines:

Again he says, in describing the submarine mines:

Second. Mines which can be exploded only by judgment, at the will of an operator on shore (this being the characteristics of these submarine mines) have a very limited application. In the night, or a fog, or the smoke of a bombardment, or when several vessels are approaching abreast, or when the water is deep or the channel is wide, the chances of failure are very great. Indeed, the destructive range of practicable charges is so limited that if the ship be constructed with double cellular bottom and water-proof compartments, judgment-firing has become nearly obsolete for any but very narrow channels. In general, therefore, the system must be automatic, the explosion occurring in consequence of the touch of the enemy; but it should also admit of judgment-firing by groups when desired.

And he says etill further.

And he says still further:

In the absence of an effective fire of artillery and particularly where special vessels shall have been constructed for counter-mining (such as the dynamite vessel recently constructed by our Navy) movable torpedoes controlled from the shore can be made to play an important part. Unless the currents are strong there is no urgent need of very high speed, say above 10 miles per hour.

Again General Abbot says:

Again General About says:

The most valuable points from an engineer standpoint, are: (1) Invulnerability to fire, whether of machine-guns, of rapid-firing guns, or of cannon throwing grape and canister; (2) capacity to carry three or four hundred pounds of the explosive; (3) a range of at least 2 miles; (4) the power of diving under any simple boom protection, such as a ship could easily improvise from her spare stores. The ordinary service conditions, such as being under perfect control, presenting a small target, etc., of course are essential. All these conditions can be fulfilled in practice, and I entertain no doubt that such boats will form an important but subordinate element in every perfect system of coast defense.

I have been before me covice of letters written by General Abbot.

I have here before me copies of letters written by General Abbot, answering every feature of objection that General Casey has urged against the availability of the Sims-Edison movable, controllable tor-pedoes. I will ask that some of his letters and those of other eminent engineers of the Army may be inserted in my remarks.

NEW YORK, November 22, 1882.

DRAB SIR: In reply to your inquiry, I take great pleasure in stating that Ire

gard General H. L. Abbot, United States engineer, as the highest authority in this country on the subject of torpedoes. His high ability, scientific acquirements, and long experience in charge of the Army torpedo station pre-eminently qualify him to decide upon the merits of any preferred system. His perfect integrity of character precludes the possibility of his giving any other than a thoroughly honest opinion.

Let me add that, without pretending to be thoroughly conversant with the subject, I am strongly impressed by the conviction that the Sims is the best of the movable torpedoes yet invented.

Very truly, yours,

GEO. B. MCCLELLAN.

GEO. B. McCLELLAN,
Major-General United States Army.
The President of the Sims Electric (Fish) Torpedo Company.

[Extracts from letter of December 15, 1882.]

The dangerous range of your torpedo. A charge of 250 pounds of dynamite, submerged at the depth requisite to develop its maximum intensity, would disrupt a modern double cellular iron war-ship, at a range of 25 feet, a 400-pound charge would do the same at 31 feet, and the effect on the machinery, especially if in action, would be dangerous in the extreme. The explosion at a distance of 50 to 75 feet would not disrupt the hull. The effect on the machinery, if in action, is not so certain. I know of no data which would decide it.

Very respectfully, yours,

ours,

HENRY L. ABBOT,

Lieut, Col. of Engineers, Bvt. Brig. Gen. U. S. A.,

Commanding School of Application.

HEADQUARTERS, BATTALION OF ENGINEERS, Willets Point, New York, December 10, 1882.

Willets Point, New York, December 10, 1882.

DEAR SIR: On September 19, 1882, the float of your torpedo, made in 1881, was anchored in front of a 32-pounder howitzer. It was fired at five times at a range of 370 yards, and eight times at a range of 186 yards, with double-shotted eanister charges, each containing 96 balls. The accompanying photograph illustrates the severity of the test. (See page 22).

Five large holes were made by this firing. The float was then towed about a mile by a steam-launch at a rate of 5 miles per hour. On its return it had lost only 150 pounds of its 400 pounds of buoyancy, and was perfectly serviceable for use in an attack.

On October 26, 1882, experiments were readed to the first property of the control of the service and the service of the serv

only 150 pounds of its 400 pounds of buoyancy, and was perfectly servicesoic for use in an attack.

On October 26, 1882, experiments were made to test its power of resisting concussion. The mast of a schooner, 56 feet long, and 17 inches in diameter at the foot and 13 inches at the head, was anchored by two 500-pound anchors—one at each end. Your torpedo was driven against this obstruction twice, once moving at the rate of 7.5 miles per hour, and once at 9.1 miles per hour. Neither shock did any damage. The torpedo in both cases dived under the log and continued its course uninjured.

I regard these tests as sufficient to prove that the torpedo is quite safe against any artillery fire which it would encounter in actual service, and that no temporary protection, in the shape of spars or logs moored around a vessel, would be of any value against an attack. Probably deep iron netting might check its course, but the explosion of its charge—250 pounds of explosive gelatine, or of dynamite—would be sure to open a route for a second torpedo following in wake of the first.

Its steering properties are sufficiently shown by plate 49 of my report to our Board of Engineers.

Very respectfully, yours,

HENRY L. ABBOT,

HENRY L. ABBOT,
Lieut, Col. of Engineers, Bvt, Brig, Gen. U.S. A.,
Commanding School of Application.

Mr. W. S. SIMS, New York City. (See letter to General Wright, Chief of Engineers.)

[Extracts.]

BOARD OF ENGINEERS, New York, December 14, 1882.

\* \* \* The results of this investigation have been to convince the board that this torpedo should form a part of our system of harbor defense. \* \* \* The board recommends that this proposition of Mr. Sims be accepted. \* \* \* Respectfully submitted.

Z. B. TOWER, Colonel of Engineers and Brevet Major-General, President of Board. (Pamphlet, page 24.)

BOARD OF ENGINEERS, New York, January 29, 1883.

\* \* Third. Upon such controllable fish torpedoes as shall be able to cope, not only with war-vessels of the first class, but also with special-armored boats designed to open a passage through the obstructed channel by countermining,

Fish torpedoes, therefore, form a recognized part of our system of defense, and in the present incomplete condition of our batteries, and a total lack of heavy rifled ordnance, their importance for us is greatly enhanced. \* \* \* Respectfully submitted on behalf of the board.

JOHN NEWTON, Colonel of Engineers, Brevet Major-General, President of Board.

But, Mr. Chairman, I wish to call the attention of the committee to the fact that the provision in this bill does not authorize the purchase of such a weapon as General Casey described—the description of weapon of such a weapon as General Casey described—the description of weapon which was bought by the Government before it attained its present perfection. It does nothing of the kind. He is describing a weapon with an imperfect cable or motive power. He is describing a boat with less than 10 miles an hour speed. The proposition of the bill, however, is that unless an improved controllable torpedo is presented which has a speed of at least 15 miles an hour, and which is perfect in all of its details the Scartage of the second of the sec details, the Secretary of War is not required to spend one dollar upon it. The weapon described in the bill, therefore, is unlike that described by General Casey; it is not the same weapon, and therefore his letter is notapplicable to the weapon described in this bill. Listen to the reading of the item as it is in the bill:

For the purchase

Absolutely? No, not at all; but-

For the purchase, under direction and at the option of the Secretary of War, of movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, such torpedoes to have a speed of not less than 15 miles an hour-

Or else we do not purchase it-

on a 11-mile test, to carry 11,000 feet of cable, to steer to the right or left within

a radius of 300 feet before or after diving under a spar or log, to carry not less than 400 pounds of dynamite or other high explosive, and before acceptance to meet the approval of the Board of Engineers, and the appropriation thereof shall be available until exhausted \$500,000.

The provision in the bill, therefore, it will be seen, Mr. Chairman, simply gives to the Secretary of War the option, the discretion, of purchasing this weapon, provided it comes up to all the requirements that are specified in the bill. And before acceptance it must meet the approval of the Board of Engineers. But even if they should present a weapon of that kind, a weapon complete in all of its parts, a weapon meeting all of the requirements which we have embodied in the bill, the Secretary of War has it as his option still to decline to use a dollar of the appropriation for that purpose,

The committee felt this way in regard to this matter, that while they had no fears of war resulting from our difficulties in Samoa, while we saw no immediate danger of war from any quarter, yet we felt that as it would take two or three years to procure the heavy ordnance which has been already authorized by law, it was a mere act of prudence thus to put under the control of the Secretary of War means which would enable him quickly-within a few months-to furnish some defense for the harbors on the seacoasts of the United States. We felt that we were doing nothing more than what common prudence demanded of those charged with the duties intrusted to us.

We have lessons to guide us in this connection. It will be remembered, sir, that shortly before the Franco-Prussian war, the Emperor of France and his advisers sneered at the danger of war, and scorned the idea that the capital of France could ever be successfully assailed by a foreign invader. France went into that war, or was forced into it unprepared, but not so much so as we are to-day; Germany went into it fully prepared, devastated France and dictated terms of surrender to the French people from their own capital. To-day one of the smallest powers of Europe can send their heavy-armed ship across the water and lay every city upon our Atlantic coast under tribute; and gentlemen sit here willing to leave us at the mercy of a power as insignificant as that of Chili, which can enter the harbor of San Francisco with the Esmeralda and lay that city under tribute.

This weapon is not only useful and needed for defensive warfare, but is useful, as I have said, for offensive as well, and for the defense of the coast where there are no forts to defend. I insist if the House intends to put into the possession of the incoming administration power to make ourselves respected abroad, power to present any defense whatever from the gunboats of an enemy, the time has come when we should avail ourselves of the only means open to us for providing some means of defense obtainable within a short time.

I have been unwillingly led into this discussion of the merits of this weapon at this time. We have had proof of its effectiveness. Congress for years has given proof of its efficiency. It has been appropriated for as a part of the fortifications bill since 1883. It has been approved of by the Committee on Appropriations time and again. That committee put it into the fortifications bill of last year, and my friend from Texas was the champion of it; his committee recommended it.
Appropriations were made for them last year by the action of the Committee on Appropriations, over which the gentleman from Pennsylvania presides, and yet he comes here to-day with a letter from an engineer officer, who can see no virtue in any explosive weapon except sub-marine mines, to condemn the action of his committee nearly every year since 1883.

But, sir, as I have already said, these torpedoes are not simply to defend the submarine mines and forts. They can be used to defend points where no forts exist; and therefore we wish it for the use of the military establishment aside from the branch of it known as the fortifications. Now, in conclusion, I can not see one single point upon which the gentleman could raise the point of order that is not applicable to every item in this bill, especially every item in the Engineer Department and in the Ordnance Department. I insist that until he points to a rule which will warrant the Chair in striking this provision from the bill the Chair will hesitate to sustain his point of order.

Mr. CUTCHEON. I would ask the attention of the Chair for just a moment to the point of order. The first question for the Chair to consider in deciding the point of order is, what is a movable torpedo? I find two points of order made; one by the gentleman from Indiana [Mr. HOLMAN] in regard to the expenditure of the appropriation-and that will be easily obviated with very slight amendment. The other point of order, made by the gentleman from Pennsylvania [Mr. RAN-DALL], goes to the jurisdiction of the bill. Now, in deciding that point of order the first thing to determine is, what is a movable torpedo? Is it a fortification? Is it an arm? Is it a projectile? To what arm or branch of the service does it pertain? Who are to operate these torpedoes in case they are provided? That proposition will assist us in determining the question.

There are two kinds or varieties of torpedo-the fixed torpedo or submarine mine, which is stationary and anchored to the bottom of the channel, and the fish torpedo or movable torpedo, controllable from the shore. The appropriation is for the latter variety—the fish or movable torpedo. What is it? These torpedoes are cigar-shaped cases of copper in three parts: the float which carries it near the surface, the storage for the cable which pays out as it progresses, and the charge of high | and to the Engineer Corps of the Army; and second, it belongs to the

explosive. This movable torpedo is anchored near the shore in some slip that is provided for that purpose. When the enemy's ship approaches the movable torpedo the first of these parts, the float, floats on the surface, and the torpedo itself, which is suspended beneath the surface, beyond the range of machine guns and ordinary artillery, is set in motion by means of the motive power communicated through the cable, usually, of course, by electricity. This torpedo is usually 28 feet in length, 18 inches in diameter, and is thus projected by the force applied from the storage batteries or through a dynamo on shore into the stream or into the harbor as the case may be, and by the force communicated through the cable is directed hither and thither, straight forward, to the right, or to the left, is made to dive, to rise, and to be controlled almost absolutely by means of the electrical current.

Now, Mr. Chairman, what sort of a thing is that? It is not a fort; it is not a fortification. General Abbot, in his communication, which has already been read, says that it is a weapon. It is a weapon; it is an arm. To what branch does this weapon or arm pertain? Why, Mr. Chairman, we have decided that over and over again for the last twenty years. It is the arm of the Engineer Corps. We have established. twenty years. It is the arm of the Engineer Corps. We have established at Willets Point, New York, a torpedo station. There a portion of the Engineer Corps of the United States is stationed, I think four companies, and they are drilled and practiced in the use of this weapon. It is exactly as the artillery are drilled in the use of a field battery, or the infantry in the use of a muzzle-loading or a breech-loading gun, or the cavalry in the use of the saber or the carbine. The Engineer Corps is drilled in the use of the torpedo.

Now, a torpedo is an arm. It is a weapon. It is a weapon and a projectile combined. It is a weapon which carries its projectile with t in the form of a charge of three or four hundred pounds of the highest explosive. Now, the question arises under the point of order made by the gentleman from Pennsylvania, whether or not it is germane in this bill, and whether it falls within the jurisdiction of this committee. It absolutely does, and absolutely it must unless it is a fort or a fortification. What is a fortification? A fortification is a strong place, an inclosure, an earthwork, a work of masonry, or something of that kind, and usually armed with guns.

Now, let us see what jurisdiction the present committee has in reference to this sort of thing. Under the rules we find that everything that pertains to the military establishment, including the Engineer Corps, is committed to the Committee on Military Affairs; we find that everything pertaining to the public defense, including appropriation for its support, except the one item, the fortifications, is also com-mitted to the Committee on Military Affairs. We also find by a reso-lution of this House, reported from the Committee on Ways and Means, that so much of the annual message of the President of the United States to Congress at the present session as relates to the Army of the United States, including appropriations therefor, and to provide for the armament for the defense of the seacoast, is committed to the Committee on Military Affairs.

Now, I submit to you, Mr. Chairman, that under these three heads, providing for the military establishment and the support of the Army, the public defense, and the defense of the seacoast, under these three heads incontestably the matter of movable torpedoes controllable from the shore is embraced. It is embraced under the military establishment as appurtenent to the Engineer Corps, who are the proper branch of the service for the operation of this weapon or arm. It is embraced in the defense of the seacoast. It must come under the one or the other of these heads, and both of these heads are proper to the Committee on Military Affairs and are germane to this bill. But it is said by the distinguished chairman of the Committee on Appropriations [Mr RANDALL] that during this present session of Congress when the fortifications bill was under consideration there was reported a provision for torpedoes and the then presiding officer held that the committee had jurisdiction and refused to strike the appropriation out.

Mr. RANDALL. And the gentleman from Illinois himself [Mr. TOWNSHEND] made the point of order, I believe.

Mr. CUTCHEON. It is undoubtedly true that there was such a provision in that bill; but, Mr. Chairman, it is possible that upon a review of the authorities and a better understanding of the question the present Chairman might hold differently. I reason in that way for this reason: I find that the provision in that fortification bill was as fol-

For torpedoes for harbor defense: For the purchase of submarine mines and necessary appliances to operate them, for closing the channels leading to our principal scaports, for naval casements [meaning casemates], and cable galleries to render it possible to operate submarine mines, etc., \$330,000.

That evidently relates to fixed mines, because it provides for casemates on the shore, for cable galleries, and for everything that is appurtenant to fixed mines; but there is nothing in the bill about movable torpedoes controllable from the shore.

Now, whatever may be the case in regard to fixed mines, whether they may constitute a variety of fortification or not, it is impossible, within the limits of common sense, to contend that a mere weapon, a projectile that is controllable and moved at will for a distance of 2 mile is a fortification. It is a weapon. I reiterate, then, first, that this belongs to this bill because it is appurtenant to military establishment Military Committee because it pertains to the public defense, and is not a fortification. In the third place, it belongs to the Military Committee because it has been expressly committed to that committee by the judgment and order of the House in the resolution reported from the Committee on Ways and Means; and in the fourth place, it belongs to that committee because it is simply a weapon and does come within the invidence of the Committee of

Mr. RANDALL. I simply want to say that the decision in the first session of this Congress was exactly upon this question of torpedoes.

The point of order was raised by the gentleman from Illinois [Mr. TOWNSHEND], and after discussion he withdrew the point, the effect of the withdrawal being to avoid a decision; but the gentleman from Kansas [Mr. TURNER] renewed the point of order, whereupon the Chairman of the Committee of the Whole, the gentleman from Illinois [Mr. Springer], made the decision. Then, in the present Congress, when the fortification bill was up, the gentleman from Illinois [Mr. Townshend] made the point of order against that bill as to the tor-

pedo service, and he was overruled and a decision was made in harmony with the former decisions, and the gentleman did not appeal.

mony with the former decisions, and the gentleman did not appeal.

Mr. TOWNSHEND. My friend does not want to do me injustice?

Mr. RANDALL. No, I do not.

Mr. TOWNSHEND. In the question which was before the gentleman from Georgia [Mr. BLOUNT] as Chairman of the Committee of the Whole there was nothing at all pertaining to an appropriation for movable torpedoes. It was not in the fortifications bill at all. And therefore he did not pass on the point now raised.

Mr. RANDALL. It was.
Mr. CUTCHEON. The movable torpedo was not in that bill.
Mr. RANDALL. I want to tell my friend from Illinois [Mr. Town-SHEND] and my friend from Michigan [Mr. CUTCHEON] that the way to reach their object is to change the rule, and I hope it will be made more explicit.

Mr. TOWNSHEND. There is no need to change the rule.
Mr. CUTCHEON. Not for this point.
Mr. TOWNSHEND. I want to correct the gentleman as to what he says about the decision at this session of Congress. At this session the question has not been passed upon, because the provision was not in the bill to which he refers.

Mr. RANDALL. The provision was identical with this.

Mr. TOWNSHEND. I say that it was not. I have here a copy of the bill. If the gentleman will ask the clerk of his committee he will tell him that there was no appropriation in that bill for this purpose.

Mr. RANDALL. There was no appropriation this year, because the

officers of the Engineer Corps told us it was not advisable to make any.

Mr. TOWNSHEND. But you said awhile ago that upon my mak-

ing the point of order it was ruled out by the gentleman from Georgia [Mr. BLOUNT], who was then presiding.

Mr. RANDALL. I think yet that you did make the point of order.

Mr. TOWNSHEND. I made it upon another item, but not upon this

Mr. RANDALL. The gentleman from Illinois may of course place himself in whatever position he chooses as to his object in making the point, but I think I do not do him injustice when I say that his point

of order related to the torpedo service.

Mr. TOWNSHEND. But I do not want the gentleman to put me in a false position. I state again most emphatically that when the gentleman from Georgia passed upon the point of order I raised, there was no such item in the bill as the gentleman from Pennsylvania now suggests, and no such item was passed upon. In the last session my colleague from Illinois [Mr. Springer] passed upon an entirely different question from this.

Before the Chair decides the question of order-Mr. SPINOLA. The CHAIRMAN. How long a time does the gentleman desire to

Mr. SPINOLA. Not a very great while. This is a subject of the utmost importance to my constituents, and therefore I ask the indul-

gence of the Chair as well as of the House.

The CHAIRMAN. The Chair will indulge the gentleman, but he again expresses regret, as he did at the beginning, that this discussion

was not confined to the real point at issue.

Mr. SPINOLA. Of course not, because the letter of General Casey was sent up and read, on which the whole debate has taken place.

The CHAIRMAN. The Chair will indulge the gentleman for a rea-

Mr. SPINOLA. I called upon General Casey personally in regard to this very question; I submitted to him the very provision contained in the bill; and here is his own proposition in his own handwriting. He modified the measure submitted; and here is the modified proposition as he wrote it out.

Mr. TOWNSHEND. From whom is that proposition?

Mr. SPINOLA. From General Casey, Chief of Engineers; and acting upon his suggestion, acting upon his statement, I moved in the committee that this proposition, as submitted by him, be inserted in

Mr. RANDALL. I am authorized by General Casey to state that he never did say what the gentleman is now trying to construe him to

Mr. SPINOLA. Is the gentleman from Pennsylvania familiar with

Mr. SPINOLA. Is the gentleman from Pennsylvania lamiliar with the haadwriting of General Casey?

Mr. RANDALL. Oh, yes, I have been familiar with it for ten years.

Mr. SPINOLA. Then read this letter. I do not care how General Casey undertakes to dodge the issue. He shall not dodge it with me; he may with some gentlemen; but I will not permit him to make a statement to me, and put it in black and white, and then undertake to flee away from it under any pretext whatever.

Mr. RANDALL. If the gentleman knew General Casey as well as I do, he would know that the general is a man who never does any-

thing except in a straightforward way.

Mr. SPINOLA. I have said nothing that will reflect upon General Casey, except as I have stated it. [Laughter.] The fact, Mr. Chairman, most speak for itself. I am not speaking for General Casey; he has spoken in his own handwriting; there it is [exhibiting a letter].

Mr. RANDALL. What is the date of that?

Mr. SPINOLA. I submitted this proposition to him, and he made those alterations, which have been embodied in the bill so as to conform to what he wrote. Here is what he stated; and it is embedied exactly in the bill before us, embracing some erasures and some insertions, as compared with the original proposition.

Now, I do not know by what authority General Casey has the right to send the letter here which has been read to-day. Has the Secretary of War spoken on this subject? Why did not my honorable friend from Pennsylvania, for whom I entertain so high a respect, write to the

Secretary of War? Mr. RANDALL. I wanted to get what I thought the best informa-

Mr. SPINOLA. Oh, yes, the gentleman goes to a subordinate; he does not go to the highest officer; he goes to a clerk. When I have business with the colonel I am not going to undertake to transact it with

Mr. RANDALL. Our Secretary of War is a lawyer, while General Casey has been educated specially in reference to these matters

Mr. SPINOLA. The Secretary of War is the head and front of that Department. General Casey is one of the subordinates. As I said a moment ago, I am not going to consult a corporal when my business is with the colonel.

Now, sir, this scheme of fixed mines has been a pet of our friends who have reached public life through West Point. They have spent hundreds of thousands of dollars in trying to perfect it. It is a scheme of theirs that they do not want to surrender, and they never will surrender it so long as we keep on giving them money to continue their experiments. They have been engaged upon this scheme—how long? In the Forty-first Congress \$145,000 was appropriated for the purpose of testing these fixed mines; and this matter has been under the jurisdiction of the Chief Engineer and his subordinates, including General Casey, from that day until this. So they went on, as will appear by the following statement:

Appropriation for fixed mines.

Law of—	Congress.	Session.	Page.	Amount.
1869-'71	Forty-first	Second	325 523 530	\$60,000 10,000 18,000
1869-'71 1871-'73	Forty-second		530 523 261	45,600 10,000 10,000
1873-'75 1873-'75 1876-'77	Forty-fourth	First	546 74 454 59	10, 000 10, 000 19, 000 50, 000
1876-'77 1877-'79 1877-'79	Forty-fifth do	Second	391 32 467	50, 000 50, 000 50, 000
1880 1880 1881-'83	Forty-sixthdo Forty-seventh	Second	109 468 288	50, 000 50, 00 60, 000
1881-'83 1884 1885	Forty-eighthdo	Second	274 158 434	50,000 25,000 30,000
1887	Fiftieth	First	489	200,000
		es, now useless		857, 900 300, 000
	Grand total			1, 157, 000

The Government has spent \$300,000 for English cables which are now on hand and utterly useless, in fact it amounts to just so much money thrown away. From the Forty-first Congress to the present time the Treasury has been called upon to pay for experimenting on fixed mines as a public defense

An aggregate of \$1,157,000 of the public money has been expended to gratify the whims of some scientific men, I do not care whether they are engineers from West Point or where they come from. I know they have an idea they are better than anybody else. There may be twentyfive hundred of these men in this country who think they have all the inventive genius of the United States. Is it reasonable now to suppose that these twenty-five hundred men can compete successfully with the twenty million of freemen, every one of whom is a man of genius? I will read some extracts from reports to the Secretary of War:

[Report of Chief Engineer, 1880, General H. G. Wright, to Secretary of War, volume 2, part 1, page 58.]

During the year an elaborate set of experiments has been undertaken with an electrical fish torpedo, designed to be started by electricity from shore; it is the invention of Mr. W. S. Sims, and was offered for trial by Mr. W. F. Bridge, both of New York. Preliminary trials at the dock and in motion were made with an experimental torpedo, which has been gradually developed and improved by the owners.

The results showed the device to possess merits of so high an order that a contract was entered into with Mr. Bridge to supply the Government with a new one, including all the improvements which have been suggested by his long series of experiments.

[Report of Chief Engineer, 1883 and 1884, volume 2, part 1, page 54.]

[Report of Chief Engineer, 1883 and 1884, volume 2, part 1, page 54.]

The subject for most elaborate investigation, however, has been the perfecting of Sim's movable fish torpedo, for use in connection with our stationary mines. During the past year attention has been chiefly devoted to testing the modification in model suggested by trials of 1881; to testing the strength of the torpedo to resist concussion against floating obstructions; and to determining by trial whether the provisions to neutralize the fire of artillery and machine guns are effective.

Entirely satisfactory results have been reached in each of these respects. (Page 55.)

In respect to Sims's torpedo, only the electrical problem demands further study.

\* \* The speed thus far attained with the 1-mile boat is about 10 miles per hour; and when the motor is perfected a marked increase is expected. (Note by W. S. Sims.) The motor and electric cable have been improved by Mr. Sims (with the assistance of Professor T. A. Edison) at his own expense of some tento fifteen thousand dollars, and at this date show an increase in horse-power of 600 to 800 per cent.; that is, from former 6 horse-power to 36 horse-power, same weight and size; from 10 horse-power (2-mile boat) to 80 horse-power, same weight, and cables to correspond.

The invention supplies a useful auxillary to our stationary mines, and should form a part of the material provided for the defense of all our more important harbors.

1882, December 14: "Recommending the construction of a war model of Sims's details and cables to the construction of a war model of Sims's details are such as a such a surface to construction of a war model of Sims's details are such as a surface to construction of a war model of Sims's details are such as a surface to construction of a war model of Sims's details are such as a surface to construction of a war model of Sims's details are such as a surface to construction of a war model of Sims's details are such as a surface to construction of a war model of Sims's

harbors.

1882, December 14: "Recommending the construction of a war model of Sims's electrical torpedo-boat."

1883, January 29: "Recommending an appropriation for purchase of controllable fish torpedoes."

Notz.—At the time the above report was made to Secretary of War, Board of Engineers, New York, were: Col. Z. B. Tower, president; Col. John Newton, Lieut. Col. H. L. Abbot, Lieut. Col. Cyrus Comstock; Chief of Engineers, General H. G. Wright. (See letter to General Wright, Chief of Engineers.)

#### [Extracts.]

BOARD OF ENGINEERS, New York, December 14, 1882. \* \* The results of this investigation have been to convince the board that this torpedo should form a part of our system of harbor defense. \* \* The board recommends that this proposition of Mr. Sims be accepted. \* \* Respectfully submitted.

Z. B. TOWER, Colonel of Engineers and But. Maj. Gen., President of Board.

BOARD OF ENGINEERS, New York, January 29, 1883. \* \* Third. Upon such controllable fish torpedoes as shall be able to cope hot only with war vessels of the first class, but also with special armored boats designed to open a passage through the obstructed channel by countermining,

etc.
Fish torpedoes, therefore, form a recognized part of our system of defense, and in the present incomplete condition of our batteries and a total lack of heavy rifled ordnance their importance for us is greatly enhanced.

\*\*
Respectfully submitted on behalf of the board.

JOHN NEWTON,

JOHN NEWTON,
Colonel of Engineers, But. Maj. Gen., President of Board.

(Pamphlet, page 25.)
THE PRESENT CONDITION OF FIX MINES.

[Report of Board of Engineers to the Secretary of War, volume 2, part 1, page 57.] [Report of Board of Engineers to the Secretary of War, volume 2, part 1, page 57.]

Fix mines, unless the electric cables connecting the mines with the casemates containing the batteries, etc., are so introduced as to be secure against bombardment, a single fortunate shot may open the whole channel to the enemy. \* \* It is useless to provide mines without also constructing the shafts, galleries, and bomb-proofs necessary for their efficient service. \* \* \*

Page 11: Heavy mortars must be placed in large numbers to command all those positions where an enemy is likely to anchor within range, either for the purpose of tampering with or destroying our torpedo lines.

Note.—This report admits that the fix mines are useless unless they are defended by shore batteries or movable fish torpedoes.

[Report of Chief of Engineers, General John Newton, 1886, page 5.]

## FIX MINES-ARE THEY PERFECT?

Attention is invited to the estimates for torpedoes. For the present our principal reliance for harbor defense in case of war must rest upon fix mines. It is very necessary that there should be a full supply of those on hand at the principal scaports of the nation. \* \* \* These experiments (with fix mines) have been in progress for some years (Since 1870, at least; \$1,000,000 expense), and a system of fix mines has been developed and gradually improved until it bids fair before long, if funds are available, to reach the highest point of excellence. cellence.

First, Years 1883 and 1884	\$75,000
Movable torpedoes purchased	17,500
Second. Appropriated years 1885 and 1886	75,000
Applied under contract	43,500
(of this nothing has been expended)	75,000

In all  $\$225{,}000$  appropriated, of which only  $\$85{,}000$  has been used for the purchase of movable torpedoes.

Why, sir, it is a farce I have to talk in this way about fix mines for the protection of our seacoast cities and harbors. Our great chieftain from my own city, for whom the gentleman from Pennsylvania [Mr.

RANDALL] entertained such a high regard, and who reciprocated it so fully, Samuel J. Tilden, has spoken to this House on this subject.

I am sorry the gentleman from Pennsylvania has raised this point of order on this item of the bill which makes an appropriation for the protection of our seacoast cities which we desire. I hope it will not go out on a technicality.

I shall occupy the attention of the committee but a few minutes longer and will then yield the floor, because, although I would like to have a half hour on this subject, I presume I must content myself with four or five minutes.

This engineer states further, Mr. Chairman, speaking of the fish torpedo:

The invention supplies a useful auxiliary to our stationary mines, and should form a part of the material provided for the defense of our more important har-

What becomes of General Casey's position in the face of all this cumulative evidence of the Army engineers? All of the other engineers disagree with him, and take opposite views from those which he advances. He stands alone and unsupported in his position. He is wedded to fixed mines, and, Mr. Chairman, if he is to keep up with the progress of the times he must cut himself loose from his moornings and drift out into deeper water if he desires longer to receive the admiration of this House

But the Board of Engineers further state:

The results of this investigation have been to convince the board that this torpedo should form a part of our system of harbor defenses. The board recommends that the proposition of Mr. Sims be accepted.

Now let us see what General Newton says. His name, Mr. Chairman, is familiar here, I presume; it certainly is familiar throughout this country as an officer of experience and ability. He says:

The fish torpedo should form a recognized part of our system of harbor defense, and in the present incomplete condition of our batteries, and a total lackt of heavy rifled ordnance, their importance for us is greatly enhanced. \* \* \* In fixed mines, unless the electric cables connecting the mines with the casemates containing the batteries are so introduced as to be secure against bombardment, a single fortunate shot may open up the whole channel to the enemy.

Remember that; a single shot may remove the whole of the fixed torpedoes and open up your submarine mines so as to let the enemy's vessel pass through without harm. In addition to that, in a fog or at vessel pass through without harm. In addition to that, in a fog or at night, all their communications with the shore can be easily cut so as to render them entirely harmless or useless. The same thing has been urged against the dynamite gun, exactly, that has been urged against this class of torpedoes. That gun, though, Mr. Chairman, in the face of the objections urged against it, has become a fixture in this country. It is here to stay, from all accounts, and from the trials and experiments that have taken place it will not depart by anybody's bidding. Nor will the fish torpedo go away in my judgment. We drove the Gatling gun from this country, which is now wholly and absolutely the property of the British Government; and yet it is one of the best guns ever made. The Hotchkiss gun shared the same fate, We were too late, too dilatory. We had the chance and dallied with it too long. it too long.

We did not avail ourselves of the chance that was offered. waited until other governments took it from us, and by our dilatoriness we sacrificed that great weapon and turned it over for the safety and protection of foreign governments. Now, if we stand still and permit this torpedo to go abroad, the time will come when the whole American people will rise up and regret it.

In addition, sir, to show conclusively that this can not belong to the fortifications bill, let me suggest a case: Suppose that we should establish a floating station 15, 50, or 100 miles from shore and arm it with fish-torpedoes. Would anybody claim that would come under the head of fortifications? Suppose we knew that there was a hostile fleet approaching our shores, and we prepared a fleet of our own gunboats, armed them with this weapon, and sent them out one or two hundred miles to sea to engage the enemy; would that bring it under the head of fortifications, and give the jurisdiction of the subject to the Appropriations Committee? I think that position would hardly be mainpropriations committee? I think that position would nardly be maintained. I think the intelligent answer would be that it would leave it right where it is now, under the jurisdiction of the Military Committee. Such floating stations as these would be able to keep off an enemy's fleet from our shores and sink or render their ironclads powerless to do us harm.

I hold, therefore, sir, that the point of order can not be sustained and that the jurisdiction of this subject is unquestionably in the Military Committee.

Mr. TOWNSHEND. Mr. Chairman, in view of the fact that several other gentlemen desire to discuss the point of order, I move that the

committee now rise.

Mr. RANDALL. Let the Chair decide it.

Mr. TOWNSHEND. Other members of the committee desire to be heard; but if the gentleman wishes to remain here for two or three hours longer, I have no objection.

Mr. RANDALL. I did not propose to enter into further discussion, but suggested that, as I presumed the Chair was ready to decide the question, a ruling be had.

The CHAIRMAN. The Chair expressed his desire at the beginning

of the discussion that it should be confined to the point of order. The merits of the question have been trenched upon, and the Chair has not felt like closing the discussion in view of the fact that the merits were first discussed by the chairman of the Committee on Appropriations.

Mr. RANDALL. I spoke for that about five minutes against at least an hour and a half on the other side.

The CHAIRMAN. The Chair states, however, that he is ready to

pass upon the question of order.

Mr. TOWNSHEND. The gentleman from Pennsylvania was warned not to open the question of the merits until the point of order was disposed of, and disregarded it. He brought on the discussion and had

mr. RANDALL. I occupied but five minutes in the discussion.

Mr. TOWNSHEND. It is not a question as to the length of time. The gentleman opened the discussion and the members of the Committee on Military Affairs desire to be heard, and I beg that they may

have that privilege.
Mr. CUTCHEON. In the remarks which I had the honor to sub-

mit I confined myself strictly to the point of order.

The CHAIRMAN. The Chair so understood.

Mr. CUTCHEON. And if the merits are to be gone into, I would

like to be heard further on that point.

The CHAIRMAN. The Chair will announce that in view of the fact that much more time has been consumed by the members of the Committee on Military Affairs on the merits of the question than was consumed by the Committee on Appropriations he can not therefore hear any further discussion upon the merits of the question; but if there are gentlemen who insist upon presenting further arguments upon the point of order the Chair will hear them.

Mr. TOWNSHEND. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMillin having taken the chair as Speaker pro tempore, Mr. DOCKERY reported that the Committee of the Whole had had under consideration the bill (H. R. 12383) making appropriations for the support of the Army, and for other purposes, for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills of the following titles; in which concurrence was

A bill (S. 902) for the relief of Warren Hall;

A bill (S. 3779) for the relief of Frederick Kress; and

A bill (S. 3865) to provide for writs of error on appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

It further announced the passage without amendment of the bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River or its tributaries in the county of Wabash and State of Illinois.

It further announced the passage of the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the

war with Mexico with amendment, and requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL as conferees on its part.

It also announced the passage of the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes, with an amendment, and requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. Wilson of Iowa, Mr. Brown, and Mr. Frye as conferees on its part.

It further announced that the Senate had agreed to the reports of the conference committees on the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua, and on the bill (H. R. 331) for the relief of David Meriwether.

# DISTRICT APPROPRIATION BILL.

Mr. CLEMENTS. I am directed by the Committee on Appropriations to report back the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia, with Senate amendments.

The Clerk read the report, as follows:

The Clerk read the report, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1890, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 34, 35, 40, 46, 57, 58, 73, 74, 76, 77, 78, 82, 83, 94, 96, 103, 104, 118, and 122.

They recommend non-concurrence in the amendments numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38, 39, 41, 42, 43, 44, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 75, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 93, 93, 93, 91, 102, 105, 106, 107, 108, 109, 110, 111, 121, 131, 141, 141, 16, 116, 117, 119, 120, 121, 123, and 124.

They recommend concurrence in the amendment numbered 49 with an amend-

ment as follows: On page 10 of the bill, after the word "avenue," in line 4, insert the words "Mount Pleasant."

They recommend concurrence in the amendment numbered 64, with an amendment as follows: In lieu of the matter proposed by said amendment insert the

ment as follows: In lieu of the matter proposed by said amendment and following:

"The appropriations made in this act for the erection of school buildings and for additions to school buildings shall be immediately available."

They recommend concurrence in the amendment numbered 79, with an amendment as follows:

On page 13 of the bill, after the word "training," in line 25, insert the word "drawing."

They recommend concurrence in the amendment numbered 80, with an amendment as follows:

In the matter proposed to be inserted by said amendment after the word "training" insert the word "drawing."

They recommend concurrence in the amendment numbered 100, with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"That the commissioners of the District of Columbia shall not hereafter permit or authorize any additional telegraph, telephone, electric-lighting, or other wires to be erected or maintained on or over any of the streets or avenues of the cities of Washington and Georgetown, and all laws or parts of laws which may be in conflict with this provision are hereby repealed: Provided, That the commissioners of the District may hereafter, under such reasonable conditions as they may prescribe, authorize the wires of any existing telegraph, telephone, or electric-light company now operating in the District of Columbia, or any electric-light company with whom contract may be made for the public lighting, to be laid under any street, alley, highway, footway, or sidewalk in the District whenever in their judgment the public interest may require the exercise of such authority, such privileges as may be granted hereunder to be revocable at the will of Congress without compensation, and this authority to continue until the termination of the Fifty-first Congress."

Mr. CLEMENTS. I ask that the report be printed in the RECORD. Mr. BUCHANAN. There does not seem to be any statement ac-

companying this report.

Mr. CLEMENTS. I will state to the gentleman from New Jersey that this is not a conference report.

Mr. RANDALL (to Mr. BUCHANAN). It is not required under the

The question was taken on agreeing to the Senate amendments, con-currence in which was recommended by the Committee on Appropriations, and the amendments were agreed to.

Mr. CLEMENTS. I ask that the House consent to the request of

the Senate for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

# APPOINTMENT OF CONFEREES.

The SPEAKER pro tempore. The Chair will announce as conferees on the part of the House on the bill (S. 2511) providing for the disposal of certain public lands, etc., the gentleman from Indiana [Mr. Holman], the gentleman from Illinois [Mr. Payson], and the gentleman from Arkansas [Mr. MCRAE].

# DIVISION OF JUDICIAL DISTRICT IN GEORGIA.

Mr. BARNES. There is a bill which has just come from the Senate in which there is an amendment that is of a mere formal character, and to which I do not think there can be any objection, and I ask unanimous consent that the amendment be concurred in.

The SPEAKER protempore. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district of said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

Mr. BURROWS. I would prefer that that bill should be laid aside until the morning

The SPEAKER pro tempore. Objection is made.

# AN ADDITIONAL JUSTICE IN IDAHO.

Mr. DUBOIS. I ask unanimous consent to take up the bill (S. 3419) providing for an additional associate justice in the supreme court of Idaho, and for other purposes.

Mr. KILGORE. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Idaho requests unanimous consent to take up this bill, and pending that the gentleman from Texas moves that the House do now adjourn.

Mr. KILGORE. I will hear the title of the bill read.

The title of the bill was read.

The SPEAKER pro tempore. The Chair will state that this bill is on

the Speaker's table, and has not been referred to a committee.

Mr. KILGORE. Then I think that that bill ought to go over.

The SPEAKER pro tempore. The gentleman from Texas objects and moves that the House adjourn. Pending that, the Chair will lay before the House the following personal request:

# WITHDRAWAL OF PAPERS.

Mr. OATES asks leave of the House for Charles C. Smith, late captain Company B, Thirteenth United States Infantry, to withdraw from the files, without leaving copies, all the papers relating to his claim for restoration to the Army.

There was no objection, and it was so ordered. And then on motion of Mr. TOWNSHEND (at 5 o'clock and 3 minutes p. m.) the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BAYNE: A bill (H. R. 12516) for the relief of William B. Morgan-to the Committee on Appropriations.

By Mr. HAYES: A bill (H. R. 12517) for the relief of Bonaventura Heinz-to the Committee on Pensions.

By Mr. CLARDY: A bill (H. R. 12518) granting a pension to Henry Temple-to the Committee on Pensions

By Mr. BUTLER: A bill (H. R. 12519) granting a pension to Eliza Baker, dependent mother of W. A. Baker—to the Committee on In-

By Mr. ERMENTROUT: A bill (H. R. 12520) granting a pension to Leah Morrow, widow of Albion Morrow, Company A, second battalion, Fifteenth Regiment United States Infantry-to the Committee on In-

By Mr. ROGERS: A bill (H. R. 12521) for the relief of Henry M. Rector-to the Committee on Claims.

By Mr. W. L. WILSON: A bill (H. R. 12522) for the relief of George G. Campbell—to the Committee on War Claims.

Also, a bill (H. R. 12523) for the relief of J. G. Fellers—to the Com-

mittee on War Claims.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of Henry Sharp, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CARUTH: Papers to accompany House bill 3678, for the relief of D. C. Buford-to the Committee on War Claims.

By Mr. GROUT: Memorial of the New York Mercantile Exchange, asking for an appropriation for the enforcement of the oleomargarine -to the Committee on Agriculture.

Also, action of the Vermont Dairymen's Association, asking for the branding of skim cheese

anding of skim cheese—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Resolution of the New York Mercantile Exchange, favoring more liberal appropriations for enforcing the oleonargarine act—to the Committee on Appropriations.

By Mr. OSBORNE: Resolution of the Philadelphia Drug Exchange,

asking that all internal-revenue taxes be abolished-to the Committee on Ways and Means.

Also, resolutions of the Mercantile Exchange of New York, urging a sufficient appropriation to enforce the oleomargarine law-to the Com-

mittee on Appropriations.

By Mr. SHAW: Petition of John H. Hebner, for removal of charge

of desertion-to the Committee on Military Affairs.

By Mr. STONE, of Missouri: Petition of E. M. Huffins and others, citizens of Vernon County, Missouri, for the enactment of a law granting a bounty for certain farm products-to the Committee on Ways and

Also, petition of J. F. Webster and others, citizens of Vernon County, Missouri, for bounty for a certain farm product—to the Committee on Ways and Means

By Mr. G. M. THOMAS: Petition of ex-prisoners of war of Lewis County, Kentucky, in relation to pensioning ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Petition of 702 citizens of Walla Walla, of 532 citizens of Spokane Falls, of 309 citizens of Seattle, of 171 citizens of Colfax, of 160 citizens of Ritzville, of 137 citizens of Pasco, of 113 citizens of Asotin, of 113 citizens of Lynden, of 84 citizens of Ellensburgh, of 82 citizens of Rosalia, of 81 citizens of Mount Vernon, of 81 citizens of Napavine, of 75 citizens of Washougal, of 62 citizens of Che-we-lah, of 60 citizens of Sterling, of 56 citizens of Crab Creek, of 56 citizens of Fairview, of 49 citizens of Vancouver, of 48 citizens of Securities of Port Ludlow, of 46 citizens of Union Ridge, of 45 citizens of Waitsburgh, of 42 citizens of Olympia, of 42 citizens of Lummi, of 42 citizens of Vashon, of 42 citizens of La Camas, of 42 citizens of Lyman, of 41 citizens of Lowell, of 41 citizens of Eadonia, of 37 citizens of Enum-claw, of 34 citizens of Riparia, of 32 citizens of Earl, of 32 citizens of Cherry Valley, of 28 citizens of Colby, of 27 citizens of Mitchell, of 26 citizens of Centerville, of 24 citizens of Grand Mound, of 23 citizens of Beach, of 20 citizens of Waterford, of 20 citizens of Birch Bay, of 19 citizens of Samish, of 18 citizens of Mount Coffin, of 17 citizens of Konewock, of 16 citizens of Rankin, and of 10 citizens of Columbus, Wash., praying for the immediate admission of Washington Territory into the Union under the name of Washington—to the Committee on the Territories.

Also, memorial of the city council of Seattle, Wash., praying for the

admission of the Territory—to the Committee on the Territories.

By Mr. S. V. WHITE: Memorial of the Mercantile Exchange, for increased appropriations for detection of oleomargarine frauds—to the Committee on Appropriations.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. GIFFORD: Of 32 citizens of Dakota.

By Mr. D. B. HENDERSON: Of 68 citizens of Fayette County, Iowa.

By Mr. NELSON: Of 361 citizens of Minnesota. By Mr. RICE: Of 1,945 citizens of Minnesota.

By Mr. SENEY: Of 91 citizens of Ohio.

By Mr. SOWDEN: Of Rev. A. A. Hough and other citizens of Pennsylvania.

By Mr. S. V. WHITE: Of 159 citizens of New York.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. J. E. CAMPBELL: Of J. E. Curry and 123 others, of Xenia,

By Mr. CASWELL: Of L. E. Parker and 84 others, of Walworth,

By Mr. CROUSE: Of J. T. Graves and 31 others, of Medina, and of

By Mr. CROUSE: Of J. T. Graves and 31 others, of Medina, and of C. D. Patterson and 67 others, of Seville, Ohio.

By Mr. DORSEY: Of J. E. Davis and 78 others, of Imperial, Nebr. By Mr. GEAR: Of G. M. Tuttle and 31 others, of Danville, Iowa. By Mr. HAYDEN: Of W. H. Clark and 77 others, of Woburn, Mass. By Mr. HOGG: Of 1,287 citizens of West Virginia.

By Mr. KENNEDY: Of S. O. Royal and 741 others, of Urbana, Ohio. By Mr. MACDONALD: Of B. F. Woodman and 163 others, of Northfield; of Newell S. Austin and 71 others, of Cedar Mills, and of Charles C. Carver and 28 others, of Etter, Minn.

By Mr. PERKINS: Of D. A. Payne and 50 others, of Cherokee,

By Mr. SCULL: Of Reuben Kolb and 17 others, of Hyndman, Pa. By Mr. VANCE: Of Charles E. Root and 6 others, of West Suffield,

# SENATE.

# FRIDAY, February 8, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory,

and for other purposes; and
A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Min-

The bill (H. R. 12292) to amend sections 851, 856, 857, 861, and 862, Revised Statutes of the United States relating to the District of Co-

lumbia, was read twice by its title.

Mr. HARRIS. I have compared that bill from the House of Representatives with a bill upon the same subject that the Senate passed some ten days or two weeks ago, and they are precisely the same in every respect, except two amendments that were made in the Senate on the motion of the Senator from Massachusetts [Mr. HOAR]. The clerks have those amendments, and as I do not see the Senator in his seat, and they are questions which the Senate has already decided, I believe I shall ask the Senate to adopt the amendments the Senate made to the Senate bill and dispose of the House bill this morning.

Mr. EDMUNDS. I think that the bill ought to be printed, and we should see what the amendments are. A bill so important should take the usual course

The PRESIDENT pro tempore. The bill will be referred to the Committee on the District of Columbia, if there be no objection.

The bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, was read twice by its title.

Mr. JONES, of Arkansas. I ask the Senate to take this bill up for immediate consideration. There was reported by the Committee on Indian Affairs the identical bill that now comes from the other House, with the exception of two or three words, which I will ask the Senate to change in the House bill to conform to the Senate bill on its passage. A similar bill has been reported by the Committee on Indian Affairs, and I ask the Senate to consider the bill at this time.

Mr. EDMUNDS. I think I must object, Mr. President.

Mr. SHERMAN. Mr. EDMUNDS. The bill ought to be printed.

It ought to be printed and have the amendment put in in the regular way.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Indian Affairs, if there be no objection.

Mr. JONES, of Arkansas. I will state to the Senator from Ohio [Mr. Sherman], who I understood to object to the present consideration of the bill, that it has been reported from the Committee on Indian

Affairs with a variation of three words only,
Mr. SHERMAN. The shortest way is to let the bill go to the Committee on Indian Affairs, and on being reported back it can be passed as well, and a conference can be obtained between the two Houses if

Mr. JONES, of Arkansas. If there is any objection, of course I can not insist upon the bill being considered now.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Indian Affairs.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution of the Legislature of the State of Minnesota, remonstrating against the repeal of the interstate-commerce law; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

He also presented a joint resolution of the Legislative Assembly of the Territory of Dakota, favoring the passage of the pending bill for the opening to settlement of a portion of the Sioux Indian reservation, in Dakota; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHERMAN. I present a petition of the General Assembly of Ohio, praying that an appropriation be made to establish a fish hatchery on Lake Eric. I move that the petition, together with the estimate, etc., accompanying it, be printed, and referred to the Committee on

Appropriations.

The motion was agreed to.

Mr. SHERMAN presented the petition of J. W. Lostettee and 24 others (9 voters and 16 women), citizens of Cuyahoga Falls, Ohio, and the petition of W. S. Keese and 70 others (40 voters and 31 women), citizens of Cardington, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of the National Woman's Christian Temperance Union, signed by 98 citizens of Ohio, praying for the passage of a national Sunday-rest law; which was referred to the Commit-

tee on Education and Labor.

Mr. VEST. I present the petition of the Armour Packing Company and a number of other packing-houses and manufacturers, of Kansas City, Mo., praying that such provisions of our customs laws as apply to a drawback on tin-plate used in the manufacture of cans which are exported to foreign countries may be made to apply equally to tin-plate of foreign manufacture upon which duty has been paid which may be used in the manufacture of hermetically-sealed cans used as packages for food, which are destroyed when opened, the food being sold for consumption within the United States.

I move that the petition, which, as I stated, is signed by all the principal packing-houses in Kansas City, be referred to the Committee

on Finance.

The motion was agreed to.

Mr. CHANDLER. I present a memorial of the Republican State central committee of Louisiana, authenticated by the signature of William Viger, corresponding secretary, in which, after a preamble, they say that, representing and speaking for the Republican party of that State, they earnestly recommend and memorialize the Senate of the United States to adopt a resolution pending before the Senate for the investigation of the election in Louisiana in April last. The committee also state that it is confident that the facts which will be adduced by the investigation will show that the State election held on April 17, 1888, which included the election of a General Assembly for the State of Louisiana, was not conducted according to the letter or spirit of the Constitution of the United States or of the constitution and laws of the State of Louisiana, and that a government republican in form does not exist in Louisiana to-day, and did not exist at the time of the alleged election of two United States Senators in June last.

I move that the memorial be printed and lie on the table.

The motion was agreed to.

Mr. PADDOCK presented the petition of J. C. Dorris and 78 others (51 voters and 28 women), citizens of Imperial, Nebr., and the petition of E. H. Stine and 72 others (38 voters and 35 women), praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. TURPIE presented the petition of Norman Beckley, of Elkhart, Ind., general manager of the Cincinnati, Wabash and Michigan Railway Company, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of J. W. Jones and other actual homestead settlers on the Fort Ellis abandoned military reservation, in Montana Territory, praying for legislation for the preservation of their rights as such settlers; which was referred to the Committee on Public

Mr. TURPIE. I present a petition very numerously signed by manufacturers, wholesale dealers, and commercial travelers of the State of Indiana, praying for the adoption of the following amendment to the interstate-commerce law:

Provided, That nothing in this act shall be construed to prohibit any common arrier from giving reduced rates to commercial travelers, whether employer

or employé, who travels to sell merchandise for a wholesale business, taking orders from dealers for goods for subsequent delivery.

I move the reference of the petition to the Committee on Interstate Commerce, and I trust that committee will give it early and favorable consideration.

The motion was agreed to.

Mr. SABIN presented the petition of Rev. J. M. Smith and 25 others (12 voters and 14 women), citizens of Hancock, Minn., and the petition of W. S. Martin and 42 others (34 voters and 9 women), citizens of Wood Lake, Minn., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the

He also presented resolutions adopted by the Duluth (Minn.) Board of Trade, urging the opening to settlement of the Sioux Indian reservation; which were referred to the Committee on Indian Affairs.

Mr. GEORGE presented a petition of the National Woman's Christian Temperance Union, department of Sabbath observance, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and forbidding military drills on the Sabbath, signed by 33 citizens of Dakota; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of 164 citizens of the State of Il-

linois, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented the petition of Julia Sherwin and 138 other citizens of Blue Earth County and other localities in the State of Minnesota, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented petitions of citizens of Minneapolis, Waseka, Lake City, Red Lake Falls, and Le Sueur Centre, in the State of Minnesota, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all

alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. DOLPH presented the petition of James Blaine and 9 others (6 men and 4 women), citizens of Killisnoo, Alaska, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

### REPORTS OF COMMITTEES.

Mr. HALE. I report back, by direction of the Committee on Appropriations, with amendments, the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes. I ask that the bill be printed as proposed to be amended by the committee, and I give notice that very early next week I shall ask the Senate to take it up for consideration.

The PRESIDENT pro tempore. The bill will be printed and placed

on the Calendar.

Mr. DAWES. I am instructed by the Committee on Appropriations to report back, with amendments, the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. I give notice that immediately after 2 o'clock to-morrow I shall ask the Senate to consider the bill.

The PRESIDENT pro tempore. Meanwhile the bill will be printed

and placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 11515) granting a pension to Charles G. Sanders, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11736) granting a pension to Margaret M. Nugent; and A bill (H. R. 917) for the relief of Julianna Muller.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District, reported it with amendments.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and

A bill (H. R. 1037) granting a pension to John Ebert; and A bill (H. R. 10879) increasing the pension of Permelia Smith.

Mr. TURPIE, from the Committee on Pensions, to whom were re-

ferred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7566) granting a pension to George W. Lloyd;

A bill (H. R. 10216) granting a pension to William Fowler; and A bill (H. R. 11311) granting a pension to James Metcalf.

Mr. BLAIR, from the Committee on Pensions, to whom was re-

ferred the bill (H. R. 10975) granting a pension to John H. Starr, reported it without amendment, and submitted a report thereon.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, to whom were re-

ferred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5790) granting a pension to Mary Whitney; A bill (H. R. 2428) granting an increase of pension to William H.

A bill (H. R. 3888) granting a pension to Mary H. Stacy.

### DISTRICT POLICE-COURT JURY.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes, to report back the bill and amendments with the recommendation that the Senate non-concur in the amendments of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses. I make that motion.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. FAULKNER, Mr. SPOONER, and Mr. FARWELL were appointed.

#### TRUSTEES OF DISTRICT CORPORATIONS.

Mr. HARRIS. I am directed by the Committee on the District of Columbia, to which was referred the bill (H. R. 11693) to amend section 555, Revised Statutes relating to the District of Columbia, to report it without amendment.

The bill is a single paragraph and makes but a slight change in the existing law, authorizing corporators to appoint any number of trustees from three to fifteen. The existing law limits the number to from three to nine. I ask that the Senate consider the bill at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 555 of the Revised Statutes relating to the District of Columbia by striking out the word "nine" and inserting the word "fifteen" in lieu thereof;

The stock, property, and concerns of such company shall be managed by not less than three or more than fifteen trustees, who shall respectively be stockholders, and a majority citizens of the District, and shall, except the first year, be annually elected by the stockholders, at such time and place as shall be determined by the by-laws of the company.

Mr. PLATT. What company does the bill refer to?
Mr. HARRIS. It is an amendment of the general incorporation law of the District of Columbia.

Mr. PLATT. It refers to all companies? Mr. HARRIS. To all companies.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PAYMENT OF GOVERNMENT CLAIMS.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 34) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States, to report the same back to the Senate, and to recommend the passage of a substitute for the bill. I ask that the substitute may be read. It is to strike out all after the enacting clause and insert what I have written.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill. The amendment will be read, subject to objection.

The CHIEF CLERK. The committee report to strike out all after the

enacting clause and to insert:

enacting clause and to insert:

That no statute of limitation heretofore enacted shall be held or construed as a bar to or to prohibit the adjudication of any claim of any officer, soldier, or citizen of the United States for money due or for property lost in the military or naval service of the United States in any case in which the proper official records in the War and Treasury Departments, or in either of such Departments, show the amount of money due and unpaid or the facts from which the amount of money due and unpaid or the facts from which the kind and amount of property lost; and it shall be the duty of the accounting officers of the Treasury Department in every such case, when brought to their notice either by the claimant or his legal representative or by an examination of such official records, to proceed to adjudicate such claim or claims under the laws governing the adjustment and allowance of such claim or claims and ascertain the amount and report the same to the Secretary of the Treasury, to be by him reported to Congress at the beginning of each regular session.

Mr. MITCHELL. I should like to inquire of the Senator from Missouri if the bill includes soldiers who served in the volunteer service in the Indian wars and whose service has been recognized by the United

Mr. COCKRELL. This is simply to establish the principle that the accounting officers of the Treasury, whenever our records, kept by ourselves, show that a sum of money is due to any claimant, soldier, civilian, or any one else, shall proceed to adjudicate that claim and report it to Congress for payment.

Mr. EDMUNDS. Without any reference to time?

Mr. COCKRELL. Without any reference to time.

Mr. EDMUNDS. Then I am opposed to it. I should like to see

that bill.

Mr. MITCHELL. I am in favor of the bill, I think, but I should like to have the privilege of looking at it. Is there objection?
Mr. COCKRELL. Certainly, I have no objection to that.

Mr. MITCHELL Let it be printed and go over.
Mr. COCKRELL. Certainly. I want to state that the principle of it
is that where we keep the records, where we keep the accounts with officers, soldiers, sailors, marines, or civilians, and our records show that we owe a man a certain sum of money, instead of concealing that fact, we owe a man a certain sum of money, instead of concealing that fact, instead of suppressing it, instead of making it almost a misslemeanor for a clerk, an employé of the Government, to tell the claimant that a sum of money is due him, the accounting officers of the Treasury shall be required to take it up, adjudicate it, and report it to Congress.

Mr. MITCHELL. I think the principle of the bill is right.

The PRESIDENT pro tempore. Is there objection to the present

consideration of the bill?

Mr. EDMUNDS. I object to its present consideration.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

#### CONGRESSIONAL ELECTIONS.

Mr. EVARTS. Perhaps I may properly give notice now that on Monday next, during the morning hour, I shall ask the Senate to take up the resolution directing the Committee on Privileges and Elections to revise the existing law regulating the election of members of Congress, etc., following a report made concerning what are known as the Texas outrages.

Mr. SPOONER. I gave notice a day or two ago that I would at the proper time move the reference of the resolution—

Mr. COCKRELL. We can not hear. I did not hear one word that

the Senator from New York said. The PRESIDENT pro tempore. The PRESIDENT pro tempore. The Chair appeals to the Senate to be in order. Senators will please be seated and abstain from audible

conversation

Mr. COKE. I should like to hear what the Senator from New York said.

The PRESIDENT pro tempore. The Senator from New York gave notice that upon Monday next he would call up the resolution relating to the Texas outrages reported from the Committee on Privileges and Elections. The Scnator from Wisconsin has the floor.

Mr. COKE. Before that resolution is called up I hope that the testimony in the case will be placed upon the desks of members of the

Senate

Mr. SPOONER. I gave notice some days ago that I would at the proper time call up the resolution introduced by the Senator from Louisiana [Mr. GIBSON] to investigate the condition of the suffrage for the purpose of moving its reference to the Committee on Privileges and Elections. I ask that the resolution may be taken up at this time, to-gether with the amendment to that resolution offered by the Senator from New Hampshire [Mr.CHANDLER], to enable me to make the motion that the matter be referred to the Committee on Privileges and

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent

Mr. PLUMB. Has the order of morning business progressed until it has reached resolutions?

The PRESIDENT pro lempore. It has not been concluded. The motion can be entertained at this time only by unanimous consent,

Mr. PLUMB. I think we had better conclude the formal morning

Mr. SPOONER. The motion involves no debate.

Mr. PLUMB. But why should we not introduce bills and go on with the regular routine business of the morning hour?

Mr. SPOONER. If the Senator from Kansas objects—
Mr. PLUMB. I do object, but I want to say that I would be glad
to have the Senator come in before prayers if he would like to antici-

to have the senator come in before prayers if he would like to anticipate the entire morning business.

Mr. SPOONER. If I had made the application before prayers the Senator from Kansas would not have been here to object.

Mr. PLUMB. The Senator from Wisconsin would not be here to make the application.

Mr. GIBSON. Mr. President—

The PRESIDENT pro tempore. Bills and joint resolutions are next in order.

# BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 3933) to create a port of entry at Blaine, in Washington Territory; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3934) pensioning soldiers who served in

Indian wars; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3935) for the relief of George Hunter, late captain of Company A, Columbia County, Washington Territory Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 3936) granting an increase of pen-

sion to William Hunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK. I desire to introduce a bill which is very short, and I should like to have it read for the information of the Senate and lie

on the table. I shall ask at no-distant day to make some observations

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Nebraska introduces a bill, which will be read at length for

The bill (S. 3937) in relation to the officers and employés of the railway mail service was read the first time by its title and the second time at length, as follows:

Be itenacted, etc., That the provisions of the act of January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," shall not be construed as embracing within the scope of its operations the officers and employés of the railway mail service.

The PRESIDING OFFICER. The bill will lie on the table. Mr. GORMAN introduced a joint resolution (S. R. 136) to enable the United States to accept a present of the springs of spa water at Bladensburgh, Md.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

### SPECIAL ELECTORAL MESSENGER TO FLORIDA.

Mr. PASCO introduced a bill (S. 3932) to provide for the expenses, compensation, or mileage of a special messenger sent by the Secretary of State to the State of Florida for the certificate of the electoral vote of that State of A. D. 1888, for President and Vice-President of the United States, in pursuance with the provisions of section 141 of the Revised Statutes of the United States as amended by the act approved October 19, 1888; which was read twice by title. Mr. HOAR. Let the bill be read.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Privileges and Elections. Does the Senator from Massachusetts ask for its reading?

Mr. HOAR. I thought that probably it was a bill which would be of two or three lines and the Senate could pass it at once without reference, but if the Chair thinks it had better go to the committee I have

no objection. The PRESIDENT protempore. The Chair was merely ordering the bill referred in accordance with the rules of the Senate. The Chair will entertain the request for unanimous consent.

Mr. HOAR. I ask that the bill be read at length. The PRESIDENT pro tempore. The bill will be read at length.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$225, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the compensation, expenses, or mileage, as the case may be, of a messenger to the State of Florida to receive from the United States district judge the certificate of the electoral vote of that State of January 14, A.D. 1889, for President and Vice-President of the United States deposited with such judge under the provisions of section 140 of the Revised Statutes of the United States as amended by the act approved October 19, 1888. The sum hereby appropriated shall be immediately available and shall be disbursed under the direction of the Secretary of State.

The PRESIDENT was tempore. Does the Senetor from Massachus.

The PRESIDENT pro tempore. Does the Senator from Massachusetts ask unanimous consent that the bill may be now considered?

Mr. HOAR. It occurred to me that the bill would probably go to

the Committee on Privileges and Elections and it might require a special meeting, which would be inconvenient to Senators, and as it was clearly a bill that ought to pass, the Senate would pass it without a reference. I make that request.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PASCO. I wish to state that in preparing the bill I followed the precedents in the case of the electoral votes of Iowa and Oregon four years ago. I have no objection to the immediate consideration of the bill if it is so recommended by the chairman of the Committee on Privileges and Elections.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# AMENDMENTS TO BILLS.

Mr. DANIEL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Com-

mittee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred

to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture, and ordered to be printed.

SELECT COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a select committee of seven Senators be appointed by the President of the Senate, to be known as "the Select Committee on Irrigation and Reclamation of Arid Lands," whose duty it shall be to consider the subject of

irrigation and the best mode of reclaiming the arid lands of the United States; and that said committee have leave to sit during recesses of the Senate, and shall report to the Senate at the meeting of Congress in December next what legislation is necessary for such irrigation and reclamation. And the committee may employ a clerk, who shall be paid \$6 per diem out of the contingent fund of the Senate.

# FORT OMAHA, NEBR.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of War be directed to transmit to the Senate all correspondence and reports pertaining to the relocation of Fort Omaha, Nebr., and give his opinion concerning any recommendations made by the generals commanding the Department of the Platte, the Division of the Missouri, and the general commanding the Army.

### NAVAL OFFICERS' CLAIMS.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. CHAND-LER] in relation to naval officers' claims, coming over from yesterday. The resolution will be read.

The Chief Clerk read the resolution, submitted by Mr. CHANDLER January 25, 1889, as follows:

Resolved, That the Committee on Appropriations be instructed to make inquiry and ascertain the amount of the claims of officers of the Navy which have been already presented and paid and the amount which will probably hereafter be presented for payment for arrears of pay for allowances due such officers, known as longevity, mileage, and training-ship and receiving-ship claims; and to report said amounts to the Senate with the opinion of the committee whether any legislation is advisable in order to prevent any further allowance of such claims; and also to inquire and report whether or not unusual and improper facilities have recently been allowed in the office of the Fourth Auditor of the Treasury to altorneys or claim agents engaged in presenting training-ship and receiving-ship claims.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

# CHANGES IN DISTRICT OFFICERS.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. Chand-LER] in relation to the removal of officers and employés under the control of the commissioners of the District of Columbia, coming over from a former day. The resolution will be read.

The Chief Clerk read the resolution, submitted by Mr. CHANDLER

February 5, 1889, as follows:

Resolved, That the commissioners of the District of Columbia be directed to furnish to the Senate a list embracing those officers and employés (not workmen or laborers) under the control of said commissioners in any branch of the District government who have been changed since March 4, 1885, giving in each case the name, office, date of change, name of new appointee, and the reasons for the change so far as they appear of record.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

# RAILWAY POSTAL CLERKS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution offered by the Senator from Rhode Island [Mr. CHACE], coming over from yesterday.

The resolution was considered by unanimous consent, and agreed to,

as follows:

Resolved. That the Postmaster-General be requested to furnish the Senate, at his earliest practicable convenience, with a statement showing the number of changes of railway postal clerks, by quarterly periods, occurring from January 1,1885, to December 31,1888, with the reasons for such changes; the said statement to be in tabular form, similar to that hereto annexed.

# WALTER SNIFFENS.

Mr. PLATT. Mr. President, on the 8th of March last I introduced a bill, which was referred to the Committee on Military Affairs, to remove the charge of desertion from the military record of Walter Snif-A bill has now been reported from the Committee on Military Affairs, and passed, which is a general bill on that subject. As I desire to withdraw the papers which are filed in the case, in order that the soldier may present them under the general law if it should pass, I ask that the Committee on Military Affairs be discharged from the further consideration of the bill referred to.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Committee on Military Affairs be discharged from the further consideration of the bill (S. 2251) to remove the charge of desertion from the military record of Walter Sniffens. It will be so ordered if there be no objection.

Mr. PLATT. Now, I move that Walter Sniffens be permitted to withdraw his papers filed with the Committee on Military Affairs.

The motion was agreed to.

# ORDER OF BUSINESS.

Mr. HARRIS. I see the Senator from Kansas [Mr. Plumb] is now in his seat. If he is ready to offer the amendment he suggested to the pension appropriation bill, I should be glad to have the matter disposed of this morning. I ask unanimous consent of the Senate to proceed to the consideration of the matter, and let us dispose of it,

Mr. ALLISON. I would ask the Senator from Tennessee to allow that to go over until 2 o'clock, as there is a special matter to come up

meanwhile.

Mr. HARRIS. Until after 2 o'clock?

Until after 2 o'clock, as there is a special matter to Mr. ALLISON. come up and be disposed of this morning.

Mr. HARRIS. Certainly; but I hope the Senator from Kansas will

be here at that time.

Mr. PLUMB. I have my amendment ready.

### STATE OF THE SUFFRAGE.

The PRESIDENT pro tempore. Is there further morning business? If there be none, that order is closed. Pursuant to the order of yesterday the Senate resumes the consideration of the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

Mr. SPOONER. I ask unanimous consent that the Senate proceed

to the consideration of the resolution introduced by the Senator from Louisiana [Mr. Gibson] for the purpose of enabling me to move its

reference.

The PRESIDENT pro tempore. Unanimous consent was given yesterday that at the close of the formal morning business to-day the Senate would proceed with the consideration of the bill the title of which has just been stated. The Senator from Wisconsin asks that this bill be laid aside.

Mr. ALLISON. If there is not to be any debate I shall not object.

I reserve the right, if any debate springs up, to object.

Mr. SPOONER. If there is any debate, I shall not press the matter. The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the pending business be informally laid aside for the purpose of considering a resolution the title of which will be

The CHIEF CLERK. A resolution, by Mr. GIBSON, "for the appointment of a select committee to inquire into the state of the suffrage

throughout the United States."

Also, a resolution, by Mr. Gibson, "providing for the appointment of a committee to inquire into the state of the suffrage throughout the

Mr. SPOONER. I move that the two resolutions and the amendment to one of them offered by the Senator from New Hampshire [Mr. CHANDLER] be referred to the Committee on Privileges and Elec-

The PRESIDENT pro tempore. It will be so ordered if there be no objection. The Chair hears none.

Mr. GIBSON. I ask unanimous consent for the consideration of the resolution offered by the Senator from New Hampshire on July 9 last, for the purpose of reference; it will cause no debate.

The PRESIDENT pro tempore. It will be stated.

The CHIEF CLERK. A resolution, by Mr. CHANDLER, in the nature of a substitute for a resolution of investigation of the recent election in the State of Louisiana.

The PRESIDENT pro tempore. The resolution will be referred the Committee on Privileges and Elections, if there be no objection. The resolution will be referred to

Mr. GIBSON. I move that it be referred to that committee.

The motion was agreed to.

Mr. DANIEL. I should like to have that resolution read. I wish to make some remarks on it.

The PRESIDENT protempore. That would be in the nature of debate. Is there objection?

Mr. ALLISON. I object.

The PRESIDENT pro tempore. The Senate resumes the consideration of the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes

Mr. DANIEL. I am informed by gentlemen around me that there was an understanding that the resolution should not be debated on the motion to refer. Of course I will not violate that understanding.

The PRESIDENT pro tempore. The resolution mentioned by the Senator from Louisiana will be referred to the Committee on Privileges

and Elections, if there be no objection.

Mr. SPOONER. I will say to the Senator from Virginia, if I may be permitted, that there is another resolution upon the same subject which is to be called up Monday, upon which he can submit the remarks he desires to make.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Clark, its Clerk, announced that the House had passed the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1890, and for other purposes, and agreed to other amendments of the Senate to the bill with amendments; agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. HENDERSON of Iowa managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3312) to transfer certain

counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 331) for the

relief of David Meriwether.

The message further announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 1860) to amend section 683 of the Revised Statutes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River or its tributaries in the county of Wabash and State of Illinois;

A bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes; and

A bill (S. 1405) to incorporate the Maritime Canal Company of Nica-

### DES MOINES RIVER LANDS.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. PLATT. I should like to inquire whether this is the same bill which was passed at a former session of the Senate and vetoed by the President, and if not in what respect this bill differs from the bill which

was formerly passed by the Senate?

Mr. PLUMB. The bill is the same except that it is a rather more limited bill. It does not provide for the rights of persons to whom assignments of claims for these lands were made. With that exception it is the same bill.

Mr. ALLISON. The bill is narrower in its scope.

Mr. EVARTS. Mr. President, I do not rise to propose an amendment, but to the discussion of the bill itself, if it be now in order; and I would first ask that Senate bill 1469, which is Calendar No. 148, a bill introduced by me and referred to the Committee on Public Lands and reported adversely, may be read for information, omitting the preamble, which is not necessary for the intelligence of the Senate on the subject

The PRESIDENT pro tempore. The bill will be read if there be no objection, omitting the preamble.

The Secretary read as follows:

The Secretary read as follows:

Be it enacted, etc., That the United States will indemnify and pay to the settlers or their heirs and legal representatives, who in good faith entered upon, for the purpose of purchasing, pre-empting, or securing homesteads upon any lands lying along the river Des Moines, in the State of Iowa, above and north of the Raecoon Forks, which were listed and certified to the State of Iowa under an act approved August 8, 1846, entitled "An act granting certain lands to the Territory of Iowa in aid of the improvement of the navigation of the Des Moines River in said territory," and which said lands were afterwards, namely, on the 18th of May, 1858, sold and conveyed to the Des Moines Navigation and Railroad Company by an indenture of that date, signed by Ralph P. Low, governor, and attested by Elijah Sells, secretary of state, by John Davis, his deputy; and that the indemnity and compensation shall embrace:

First. Any and all moneys paid by said settlers to the Government for certificates of entry or patents, or both, including fees paid to the officers of the land offices in relation to the same.

Second. All reasonable sums paid by said settlers to the Des Moines Navigation and Railroad Company, or to its grantees, to purchase in the outstanding title and secure lands upon which they had settled or located, or which they had entered.

had entered.

title and secure lands upon which they had settled or located, or which they had entered.

Third, Any direct and immediate damages or losses sustained by any of said settlers who have been unable to buy in said outstanding title, and have in consequence been dispossessed and lost their possession and improvements.

Fourth. Any other damages, losses, or injury sustained by said settlers, which, upon just and equitable consideration, ought to be the subject of indemnity.

SEC. 2. That this act shall not extend to any settlement upon or entry of any of said lands made after January 1, 1880.

SEC. 3. That for the purpose of enabling the Government to extend such indemnity and make compensation, the President of the United States is hereby authorized to appoint three commissioners, who shall ascertain the number of acres and, by appraisement or otherwise, the value thereof, exclusive of improvements; the separate value and character of the improvements of all such lands lying north of Raccoon Forks, on the Des Moines River, in the State of Iowa to the Des Moines Navigation and Railroad Company; also what person or persons, as enterers or homestead pre-emptors of any of said lands, have been evicted or dispossessed thereof, and have been compelled to purchase in the outstanding title, and the amount so paid; also who have been unable or unwilling to purchase in said title, and the extent and nature of the improvements lost, and any other data touching the rights of said parties which in the judgment of the commissioners should be considered in determining the measure and extent of indemnity. Said commissioners shall have regard to a report of a commission appointed under an act approved March 3, 1873, chapter 306, Statutes at Large, volume 17; and they shall report all the facts at the commencement of the next session of Congress.

Sec. 4. That said commissioners shall receive each \$8 per day during the time they shall be actually engaged in said service.

Mr. EVARTS. Mr. President, the bill which I have had read is

controversy, and in substance is the assumption by this Government of proper indemnity of all the claimants and settlers who have supposed that they have been injured by the judicial interpretation and execution of the laws of the United States governing these disputed lands. It will be perceived, then, that I do not lack at all in sympathy for the settlers who are involved in this litigation which concerns land titles, and that I recognize the propriety of this Government, if by its officers in the administration of their duty concerning these lands there have been injuries inflicted in disappointment of the expectations of settlers, making indemnity. With that premise I will now proceed to discuss very briefly the measure itself, which passed the Senate at the last session, and now comes back in the shape of a House bill reproducing the Senate shill with the expectation as I understand it of a sinducing the Senate bill with the exception, as I understand it, of a single amendment.

All the objections to this form of legislation and its substance that have been urged in previous debates in this body and that brought out from the Executive a message vetoing the bill—all these objections, it is admitted, whatever may be their strength and soundness, apply to this bill. There is nothing whatever in any modification of this bill, as I understand it, that exempts it from the objections to the previous bills which have passed the Senate and that which received from the President a veto of its enactment, and therefore I shall not feel justified in protracting this discussion, but shall proceed to insist with as much firmness as is in my power that this bill contravenes the most fundamental principle of the security of title, is an innovation upon our system of legislation, and undertakes a dictation to the judiciary which intolerable in the proper co-ordination of the departments of this

The general nature of the transaction out of which discrepancies of interest have arisen in this disputed territory is this: By a law passed in 1846 the disposition of lands on the Des Moines River below or above and below Raccoon Fork on that river was treated by the administrative officers in the way of recognizing that bill as covering the lands above this fork. The disposition of the land itself was in favor of Iowa toward its internal improvements. Under that bill improvements were made; compensation was made to the improvement company; and the title to this property passed, as was supposed. In 1861 Congress passed a resolution or law confirming that title. In 1873 Congress authorized a commission to inquire into the situation, the number, and the grievances of those who had suffered under this distribution of the land, and reports were made and certain settlements and indemnities were given.

Now, after a series of decisions of the Supreme Court of the United States in litigation between claimants and tenants, fixing the title of all this property and uniformly settling that title in conformity with the acts of Congress to which I have referred and to the tenants who held under or through the grantees who took from the State of Iowa this property, an attempt now is made to reintroduce into litigation this which ought to have been treated as a settled matter of land titles between the competing claimants.

The first clause shows not only the purpose but shows what must be the judicial effect for the new litigations in court if this enactment can be made and can stand the test of constitutionality. It starts by describing the territory covered by the bill, and disposes of, so far as enactment can dispose of it, the question of title by act of Congress.

That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby deciared to be, public lands of the United States.

Mr. President, that is a disposition of the present title to the lands in whosesoever right and claim they may now rightly rest, and a transfer of it to the United States Government. On this statement and on the reason of this statement there is no more foundation for this transaction by the United States than there would be to expropriate the land of any private citizen in possession of the same. If there be qualifying circumstances that may induce the act of Congress which is proposed, it does not change the nature of the transaction. The title is now somewhere. It is among the disputants under competing claims of settlers, homesteaders who were expecting to complete that title under the general laws of the United States governing that mode of acquiring title, and the grantee of the State of Iowa under the title conferred by the United States upon that State. The origin dates as far back as 1846, now forty-two years ago. The confirmations of 1861 and 1862 by the acts of Congress are now nearly thirty years old. There has been an unbroken series of determinations by the Supreme Court of the United States affirming the title that is deduced under these acts of Congress and under the action of the State of Iowa.

Either those who are to seek benefits under the law of the land before the tribunals of the country have some right of footing now or they have not, and the method by which their footing is to be improved and their attitude for impugning and reversing a series of decisions of the Supreme Court given to them, if it be possible, is under the notion that by act of Congress and by mere force of its legislative power the United States assumes the ownership of these disputed lands. If the bill went no farther, then it would be a question of the increase of the public domain, but the United States does not claim nor does it propose to insist upon any right or claim on its part to one foot of all this land, and the object of this procedure is to give to the United States by its expropriation of title now held a different disposition of all thus acquired, to private and different owners.

As I understand it, there is not a foot of this land that is to remain in the public domain. It is a mere question of a legislative form by which the United States take this property to themselves from those that under the decisions of the Supreme Court are the owners of it, and deliver it to other disputants who have had their litigations there determined adversely.

Mr. PLATT. Do you admit that the United States by this asser-

Mr. FIATI. Do you admit that the United States by this assertion of title can change it?

Mr. EVARTS. Mr. President, I will state what I was proposing to insist upon after showing what the actual nature of this transaction more fully was. I will repeat here what I have said heretofore, that in my humble judgment there is not the least efficacy judicially, or under the law of the land, or under the control of the Constitution, which prohibits the taking of private property for public uses—there is not the least virtue that can maintain a suit for a moment in any court of justice upon this assumption of a right to take this property. What is it proposed to do with the property? Of course if the United States does not get this title its subsequent disposition of it comes to nothing in the confirmation of anybody.

Provided, That the title of all bona fide settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with prior bona fide pre-emption or homestead claimants, are hereby ratified and confirmed and made valid.

So far that seems to look towards confirming the titles made by the Des Moines Improvement Company; but-

Provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered and remained upon any tract of said land prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them, or their heirs, and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent.

These persons under the decisions of the Supreme Court of the United States now have no title, and they can have no title except by what they take by this confirmation, which confirmation must rest entirely upon the proposition that the United States has the jus disponendi, and the jus disponendi rests only upon this act of Congress expropriating property that by the law of the land now belongs to others. And then:

Provided further, That the title of all bona fide claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and

These three provisos are but a circuitous form of legislation for taking the property that under the law of the land as it now stands, and as it has been expounded authoritatively by the most searching investigation and most patient inquiry in a series of decisions by the Supreme Court, which has exhausted the competing rights of the homestead settlers and are the end of that litigation unless this act is to That is the whole question in dispute. It is a circuitous mode of interposing an interruption between the legal rights under judicial ascertainment as they now stand and giving a footing for litigation that is to transfer the title now assured by the decision of the United States to others against whom that right has been decided.

It is of course obvious that this circuitous form can not obscure nor can at all corroborate the process of the first enactment which is to annex to the public domain land that the United States makes no claim to, has no right to, and does not propose to retain for the public benefit one foot of this land.

This bill has been through the two Houses of Congress repeatedly. It has never come to be a law; but in the instance of the last Congress it received the veto of the President and thereby, the Houses not possessing the necessary constitutional majority in its favor, it again failed to become a law.

The Judiciary Committee of this body when it had under its consideration this measure on former occasions of the introduction of the bill pronounced against it; and the reasoning of the President, brief and terse, which was read and considered, presents precisely these legal and constitutional questions and none other. There has not entered into this debate at any stage of it any disparagement of the natural disappointment and the natural desire of some indemnity on the part of these disappointed settlers; but no government, no action, no person is chargeable with any of these incongruities or entanglements about the title except the action either of the State of Iowa or of the United States Government through its administrative officers. Ever since this matter was brought to my notice—for I had never heard of the subject-matter in debate here until after the debate arose—there has never been any disposition on my part, nor have I favored any other disposition of it than that the United States should assume a proper indemnity if an investigation properly conducted should result in presenting to us an equitable, an honest, and a straightforward right under these inchoate or these expectant claims, and I have had read the bill which I introduced and which was reported adversely by the Committee on Public Lands, naturally if they reported this bill, for there is no consistency between them, in order that it might be seen what were remedies that were consistent with law and with the dignity and supremacy of judicial action within its province.

My own judgment, Mr. President, is that the settlers who are sought to be benefited by this act are ill-advised or misconceive their resort. Perhaps indemnity would answer their wishes or their purposes as well as the maintenance of their footing on the land. Nor do I wish to disparage that sentiment and that adherence to what they may suppose their rights; but, in my judgment, this act will only introduce a new series of litigation, which must terminate in an utter disappointment of the plans and hopes of these settlers, and must finally bring us back, after a much protracted litigation and after their hopes are still longer deferred and still more bitterly disappointed, to the only proper remedy which, I submit with great respect to the Senate, is the remedy which is

included in the bill I have proposed and have had read for information.

As I have said, this bill from the House of Representatives is substantially that which the Senate passed upon, and I only wish that Senators understand that there is no change, that this is a subversion, as we contend, on our part of the right, the legal right, and is an interference with the freedom of litigation under the law of the land as it now stands, by introducing by mere force of legislation a disturbance or rearrangement of their claims, at least so far as the footing in court may go, to give them an opportunity to have, as I think, nothing but a rejection of their demands. I shall therefore desire that the Senate shall not concur in this House bill, and that it shall not become

Mr. WILSON, of Iowa. Mr. President, I will not weary the Senate with prolonged remarks touching this bill. The question involved has been discussed for years in this body, and whenever it has been brought

here to a definite vote the result has been uniformly in favor of the claim of the settlers upon these Des Moines River lands.

The Senator from New York [Mr. EVARTS] referred in his remarks to the grantees of the State of Iowa. To whom did he refer? To the Des Moines Navigation Company and those who may have received Des Moines Navigation Company and those who may have received alleged titles from that company. How did that company acquire this pretended claim of title? It is said by a contract with the State of Iowa, subsequently strengthened by the joint resolution of Congress of 1861, whereby Congress released to the State of Iowa all of its title to the lands embraced within this dispute.

But as I demonstrated when this measure was before the Senate in Iowa 1988, the State of Iowa all of the Senate in Iowa 1989, the State of Iowa all of the Senate in Iowa 1989, the State of Iowa all of the Senate in Iowa 1989, the State of Iowa all of the Senate in Iowa 1989, the State of Iowa all of the Senate in Iowa 1989, the State of Iowa all of the Senate in Iowa 1989, the State of Iowa 1989, the Senate in Iowa 1989, the State of Iowa 1989, the Iowa 1989

June, 1888, the State of Iowa could not receive title to these disputed lands from the United States by act of Congress or otherwise, and the ground upon which I based that assertion, as I stated at that time, was that in the original constitution of the State of Iowa may be found this section:

SEC. 7. The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed 320 acres.

When the original grant was made that provision of the constitution of Iowa was in existence; it was carried into the revised constitution of 1857; and I declare here to-day that in view of that provision of the State constitution it was not competent for the United States to confer upon the State of Iowa, upon the Des Moines Navigation Company, upon any person claiming under them, any lands within the boundaries of this grant upon which a settler was located.

Where, then, must be this title? The settlers say it is in the United I agree with them in that position. It can not have passed States. I agree with them in that position. It can not have passed out of the United States, because Congress, when it attempted to confer title upon the State of Iowa, was obstructed by that provision of the constitution of the State of Iowa. Where, then, if the title did not pass, must it rest from that time until this? In the United States. Why? Because it was there originally. It could not pass to the State of lows under the provision of her constitution. Therefore it must rest in the United States to-day. That is the position of the settlers on this subject.

Now what do they ask? They ask that the United States will, by the passage of this bill, allow this question of long contention to be taken into the courts of the United States and determined judicially. If the courts shall hold that this title is in the United States, then the bill provides that the settlers who went upon the lands at the instance and by the invitation of the United States shall have their title from the Government. That is all there is in the case.

The judicial involvement to which the Senator from New York has referred, has grown out of the first case which was taken into court and upon which a judicial decision was rendered, and that was a case in which both plaintiff and defendant desired the same result, and of course they got it. It was a made-up case, organized for the purpose of inducing but one result, and the position taken by the court in that case has been followed along the line of cases that have been tried since that time.

Now, we ask the Government of the United States to so far protect the men it invited to go upon these lands as that it will ask its own court through its own Attorney-General to say whether the title to the land does not yet vest in the United States, and if so, then, and only

then, it shall give the settlers their rights.

As I have said, Mr. President, I do not want to detain the Senate with prolonged discussion of this question. Every Senator here understands the case, and being willing to risk it even upon that single point

which I have stated, I am quite content to take the judgment of the Senate.

Mr. EVARTS. Mr. President, I think the Senator from Iowa must admit that this question under the constitution of Iowa or its laws is to a decision and is a question to which private parties have a right to a decision by the courts of justice upon the law as it stands upon the transaction up to the time that litigation occurred. We have heard all through the debates about the first suit that was

argued and determined in the Supreme Court of the United States, being a mere question of land title between competing claimants was— I do not know that it is stated that it was a collusive suit—but that it was a suit in which the parties both desired a conclusive judgment; that the opinion may have been on both sides that a conclusive legal de-

termination of their rights must necessarily end as it did.

Mr. WILSON, of Iowa. No, Mr. President, I desire to state definitely that in that case both the plaintiff and defendant desired the precise result which was reached.

Mr. EVARTS. Very well.

Mr. WILSON, of Iowa. The plaintiff, although insisting upon rights against the defendant, and the defendant combating these alleged rights, so framed their case, so kept from the consideration of the court ques tions vital to the determination of the questions properly, that through that instrumentality they obtained precisely the result which both of them intended when the case was commenced.

Mr. EVARTS. That has been the way in which it has been put, but no attempt was ever made to have the case thrown out of the jurisdiction and countenance of the Supreme Court by a charge of collusion, or any effort at a rehearing, or any of the methods which are to review a collusive judgment. And if it stood upon this alone now, some twenty years old, it would be difficult to hold that a mere question of title could not properly be passed upon by that great court without resting upon any inadequate presentation by counsel. The elements are of the simplest kind. The constitution of Iowa, the laws of Iowa, the laws of the United States, ad hoc, and the general laws of the United States as to settlers and titles thus to be acquired are within the familiar and every-day jurisprudence and disposition of that court. But a series of decisions in regard to which there has been no such imputation has come on term after term in that court until the last, I believe, is in the year 1883, or 1886 perhaps, and therefore we can not indulge in any illusion of that kind that the law as it is has not been explored and has not been understood by frequent representations or able counsel where there was no disposition to have any concurrence in indoment whatever.

I must therefore discard the notion that this title of the United States, notwithstanding all its legislation, is to be revested as of its original title by the operation of the constitution of the State. There is no disguising the fact that this bill is desired because there may be under it either a collusion or a rehabilitation of merely legal rights to land that at present have been put an end to by the decisions of the Supreme Court.

The bill was reported to the Senate without amendment, ordered to

third reading, and read the third time.
The PRESIDING OFFICER (Mr. PLATT in the chair). Shall the bill pass

The bill was passed.

# COURT IN INDIAN TERRITORY.

The PRESIDING OFFICER. The Calendar under Rule VIII being in order, the Secretary will state the first bill on the Calendar.

Mr. VEST. I move that the Senate proceed to the consideration of Order of Business 203, being Senate bill 270. I want to make a statement in regard to the bill, if the Senate will permit me.

The PRESIDING OFFICER. The Senator from Missouri asks unan-

imous consent that the Senate proceed to the consideration of a bill the title of which will be stated.

title of which will be stated.

The Secretary. A bill (S. 270) to establish a United States court in the Indian Territory, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole, and will be read.

The bill was read.

Mr. JONES, of Arkansas. I move to strike out all after the enacting clause of the bill and insert an amendment which I have heretofore submitted to the Senate as an amendment to this bill.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That a United States court is hereby established whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico; and a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of \$3,500 per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of United States district courts.

courts.

SEC. 2. That there shall be appointed by the President, by and with the advice

and consent of the Senate, an attorney and marshal for said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas. The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of \$10,000, conditioned as by law required in regard to the bonds of other United States marshals.

other United States marshals.

SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of \$10,000, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

by law.

SEC. 4. That the judge appointed under the provisions of this act shall take the same oath required by law to be taken by the judges of the district courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

SEC. 5. That the court hereby established shall have exclusive criminal jurisdiction of all offenses against the laws of the United States committed within the Indian Territory, except cases of rape, murder, manslaughter, assault with intent to kill, arson, robbery, burglary and horse or mule stealing, and other crimes punishable by imprisonment at hard labor.

SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States or of any State or Territory, therein, and any person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money clemed shall amount to \$100: Provided, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between Indians only: And provided further, That all laws and parts of laws prohibiting the citizens or members of the tribes of the Cherokee, Choctaw, Creek, Chiekasaw, and Seminole Nations in their individual capacity, and the several nations respectively as organized communities, from entering into contracts with citizens of the United States, except as to contracts for the conveyance of real estate in fee, be, and the same are hereby, repealed.

That provisions of chapter 18, Title XIII, of the Revised Statutes of the United States, except as to contracts for the contracts with citizens of the United States, except as to employ the contracts with citizens of the United States, pleadings, and forms of proceedings in civil causes shall conform as near as may be to the practice, pleadings, and forms of proceedings in the property of the defendant, and for like causes as now provided by the laws of said State.

The final judgment or decree of th

cerning the merits of any cause or procedure to be tried at the next term of this court; so help you God."

SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury-room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number of qualified persons as the court shall designate, not less than fifty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as grand jurors at the next term of court; shall write the names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen. The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from said box the names of twenty-four persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed "List of petit jurors." The clerk shall make fair list of the petit jurors, and give the same to the marshal, who shall, under instructions of the court, summon the persons named as petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

Sec. 11. That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

Sec. 12. That if there shall not be a sufficient number of competent petit jurors present, and not excused, to form a petit jury, t

attendance of such absences of the juries. SEC. 13. That the fees of the grand and petit jurors and witnesses before said

court berein created shall be the same as are provided in the district court of the United States for the western district of Arkansas.

SEC, 14. That in all criminal trials had in said court, in which a jury shall be demanded, and in which the defendant or defendant shall be citizens of the United States, none but citizens of the United States shall be competent jurors; and if a jury so composed can not for any reason be had within the jurisdistion of said court, a writ of venire facias may issue to the marshal of an adjoining district, to be designated by the judge of said court, commanding said marshal to common forty persons who all the said said court, commanding said marshal to common forty persons who all the said said court, commanding said marshal to common forty persons who all the said said court, commanding said marshal to common forty persons who all the said said court, a writ of venire facias may issue to the marshal to summon said the said said court in the said said cause, and, if found competent, shall be sworn and impaneled by attachment to attending shall be examined as other jurors touching their competency to serve as jurors in said cause, and, if found competent, shall be sworn and impaneled to try the same, the right of challenge being the same as provided in criminal proceedings of like character in the courts of the United States.

SEC, 15. That the counties of Lamar, Fannin, Red River, and Della, and the said state of the said State, and that the same be, and are hereby, stateched to the castern judicial district of said State.

SEC, 16. That the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the northeast corner of the Choctaw Nation, with the countage of the said State of Arkansas to a point where Sig Creek, a tributary of the Black with Big Creek and the said Black Fork with Buffalo Creek; thence northwise the way and the same is crossed by the Missouri, Kansas and Texas Railway with Big Creek and the said Black Fork with Buffalo Cr

tions embraced within the boundaries set forth in this section be, and the same is hereby, attached to the northern judicial district of the State of Texas for judicial purposes.

SEC. 20. That the county of Grayson, in the State of Texas, and all of the Chickasaw Nation, and that portion of the territory of the Choctaw Nation embraced within the limits of the boundaries set out in section 5 of this act, shall hereafter constitute a division of the northern judicial district of the State of Texas; and that a term of the circuit and district courts of the United States for said northern district shall be held twice in each year at the city of Denison, State of Texas, on the first Mondays of March and September; and the United States courts herein provided to be held at the city of Denison, shall have exclusive original jurisdiction of all offenses, of which jurisdiction is not given to the court hereby established in the Indian Territory, committed within the limits of the Chickasaw Nation, Indian Territory, and in that part of the territory of the Choctaw Nation embraced within the limits of the boundaries set out in section 19 of this act, against the laws of the United States that are now or that may hereafter be operative therein.

SEC 21. That all process, civil and criminal, issued against citizens of the county of Grayson, in the State of Texas, cognizable before the courts of the United States, shall be made returnable to the said courts at the said city of Denison, Tex.

county of Grayson, in the State of Texas, cognizable before the courts of the United States, shall be made returnable to the said courts at the said city of Denison, Tex.

Sec. 22. That all laws and parts of laws inconsistent or in conflict with this act be and the same are hereby, repealed. That nothing in this act shall be so construed as to confer jurisdiction on the court created by this act for the Indian Territory for the trial of any crime or misdemeanor committed before the passage of this act. The jurisdiction of said court shall apply only to offenses committed after the passage of this act; and the trial of all offenses committed before the passage of the passage of this act shall be by the courts of the United States having jurisdiction at the time of the passage of this act, or by the United States courts in Texas, which are given jurisdiction over certain parts of the Indian country by this act.

Sec. 23. That hereafter murder shall be divided into two degrees, namely, murder in the first degree and murder in the second degree.

Sec. 24. That all murder which shall be perpetrated by means of poison, or by laying in wait, or by any other kind of willful, deliberate, malicious, and premeditated killing, or which shall be committed in the perpetration of or in the attempt to perpetrate rape, arson, robbery, burglary, or lareeny, shall be deemed murder in the first degree; all other murder shall be deemed murder in the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find a person guilty thereof, ascertain in their verdict whether it be murder in the first or second degree. But if such person shall be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and give sentence accordingly.

Sec. 25. That every person convicted of murder in the first degree under this

act, or as accessory before the fact to such murder, shall suffer death by hanging by the neck. Every person convicted of murder in the second degree shall be sentenced to undergo imprisonment at hard labor for a period of not less than five years nor more than twenty-one years.

SEC. 26. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought, assault any person with intent to rob, and his counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years.

Size, 25. That every person aforesaid who shall in the Intilian country, should be some and the counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less, than one nor more than fifteen years.

27. That if any person aforesaid, who shall be a clerk, apprentice, servance or agent of any private person, or of any copartensity (expect) clerk, apprentices, servants, or agents under the age of sixteen years), or any officer, agent, clerk, employée, or servant of any incorporated company, who shall in the Indian Territory embezzle or convert to his own use, without they with, or secrete with intent to embezzle or convert to his own use, without they will be secretly or effects whatsoever, belonging to said master or employer, or any other person, which shall have come into his possession or under his care or custody by virtue of such employment or office, he shall be deemed guilty of his state of the commission of the crime, doth yet procure, counsel, advise, encourage, or commands another to committee the commission of the crime, doth yet procure, counsel, advise, encourage, or commands another to committee the converted of the commission of the crime, doth yet procure, counsel, advise, encourage, or commands another to committee the converted of the commission of the crime, doth yet procure, counsel, advise, encourage, or commands another to committe the crime of converted to the commission of the crime, doth yet procure, counsel, advise, encourage, or commands another to committe the crime of converted to the commission of the crime, doth yet procure, counsel, advise, encourage, or commands another to committe crime. On the converted of the commission of the crime of the commission of the crime of the committed of the commission of the crime of the committed of the commission of the crime of the committed of the commission of the crime of the committed of the commission of the crime of the crime of the commission of the crime of the crime of the crime of the cr

enceeding sixty days, or to a fine not exceeding \$100, or both said fine and imprisonment.

SEC. 37. That sections 23, 24, 25, 26, 27, 28, and 30 of this act shall not be so construed as to confer jurisdiction on any United States district or circuit court located in any State and having jurisdiction over any portion of the Indian Territory, or the court created by this act and I ocated in the Indian Territory, to try and determine any case against any person for any crime specified in either of said last-named sections, except when the defendant or the person on whom the offense shall be committed, or both, shall be other than an Indian: Provided, That citizens of the United States who have heretofore been, or may hereafter be adopted under the provisions of any of the laws, customs, or regulations of either of the five civilized tribes, shall, for the purposes of this set, be and remain citizens of the United States, and subject to the jurisdiction of the courts of the United States in the same manner and to the same extent as other citizens of the United States.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 3401) in relation to the Pacific railroads.

Mr. ALLISON. I do not wish to interfere with the matter the Senator from Missouri [Mr. VEST] has in hand, but I ask now that the legislative appropriation bill may be laid before the Senate. It will take but a moment to dispose of it.

The PRESIDING OFFICER. The Senator from Iewa asks unanimous consent that the legislative, executive, and judicial appropria-

tion bill may be laid before the Senate. Is there objection?

Mr. VEST. Will the bill which has been under consideration come

up after that? Mr. ALLISON. That will be a question to be determined by the

Senator from Maine [Mr. FRYE] somewhat.

The PRESIDING OFFICER. The unfinished business is the Pacific

railroad funding bill.

Mr. VEST. I want to state to the Senator from Maine [Mr. FRYE], who has charge of the railroad bill, and to the Senator from Iowa [Mr. ALLISON] that there are three of these Indian court bills now pending. ALLISON] that there are three of these indicates another is the One comes here from the House of Representatives, another is the Constant from Arkansas [Mr. JONES]. The amendment offered by the Senator from Arkansas [Mr. JONES]. bill which has been taken up and read is the bill reported by the Senate Committee on the Judiciary. I do not want any debate myself. My only object is to get these bills in a committee of conference, so as to dispose of them at this session.

Mr. JONES, of Arkansas. It will take but a short time to dispose

of this matter, I apprehend.

Mr. VEST. Unless the subject gets before a committee of conference at this time it can not be disposed of at this session, and it is a matter of great importance that some sort of court should be established in that Territory.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore. Senate bill 3401, in relation to the Pacific railroads, being the unfinished business before the Senate as in Committee of the Whole, the Senator from Iowa [Mr. Allison] asks unanimous consent that it be laid aside for the purpose of proceeding to the consideration of the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes. Is there objection? The Chair hears none. The bill is before the Senate, and the question is on concurring in the Senate with the amendment made as in Committee of the Whole which was reserved at the instance of the as in Committee of the Whole which was reserved at the instance of the

Senator from Nebraska [Mr. PADDOCK].

Mr. JONES, of Arkansas. Will the Senator from Iowa consent that
the appropriation bill may be laid aside temporarily until the Indian

court bill can be disposed o'?

Mr. ALLISON. I will simply say to the Senator from Arkansas that the legislative appropriation bill is practically concluded. It will take but two minutes to complete it, and I ask that it may be disposed of now in order that it may go to the engrossing clerks.

The PRESIDENT pro tempore. The reserved amendment will be

Mr. VEST. If there can be an understanding that we shall then take up the Indian court bill and dispose of it, as it will lead to no debate, and put it into conference, I shall be content.

Mr. FRYE. When this is disposed of we shall see what can be

Mr. VEST. Very well; I will trust the Senator about that. The PRESIDENT pro tempore. The reserved amendment will be

The Secretary. On page 20, under the head of "Civil Service Commission," at the end of line 19, the Senate, as in Committee of the Whole, struck out the word "two" and inserted "three;" so as to

Three clerks of class 2.

The PRESIDENT pro tempore. The question is on concurring in the Senate in this amendment made as in Committee of the Whole.

Mr. GORMAN. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Maryland asks

that the yeas and nays may be entered on the Journal.

Mr. ALLISON. Let us try it by the sound.

Mr. GORMAN. Very well. I withdraw the call for the yeas and nays for the present

The PRESIDENT pro tempore. The question is on concurring in the amendment

The amendment was not concurred it.

The amendments were ordered to be engrossed, and the bill to be read

The bill was read the third time, and passed.

# PENSION APPROPRIATION BILL.

Mr. FRYE and Mr. HARRIS addressed the Chair. The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Tennessee?

Mr. FRYE. Yes, sir. Mr. HARRIS. I ask the Senator from Maine to allow me to call up the pension appropriation bill which is pending here upon an amendment that I offered and an amendment the Senator from Kansas [Mr.

PLUMB] intends to offer, which can be disposed of in less than two minutes

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes. Is there objection?

There being no objection, the Senate resumed the consideration of

the bill.

The PRESIDENT pro tempore. The pending amendment will be read.

The SECRETARY. In line 3, on page 2, after the word "separately," it is proposed to insert:

And provided further, That a check or checks drawn by a pension agent in payment of pension due and mailed by him to the address of the pensioner shall constitute payment within the meaning of section 4765 of the Revised Statutes of the United States.

Mr. PLUMB. I move to amend that amendment by adding to it what I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by add-

And the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall, in the case of a balance, be paid to his widow, or if there be no widow, to his surviving minor children or the guardan thereof, and in the case of a widow to her minor children.

Mr. ALLISON. I ask the Senator from Kansas if that only applies

to the pension for the quarter?

Mr. PLUMB. It applies to so much of the pension as may have accrned after the quarterly payment up to the death of the pensioner, which now goes into the Treasury.

Mr. ALLISON. I have no objection to it.
Mr. PLUMB. I will state that the chairman of the Committee on Pensions is satisfied that the amendment should prevail.

Mr. DOLPH. I inquire whether that would not justly belong to the estate.

Mr. PLUMB. The amendment provides that it shall go to the widow or minor children.

Mr. DOLPH. Why should it go to the widow or minor children?
Mr. PLUMB. That is the general rule of the pension law.
Mr. COCKRELL. Pensions have never been considered property.

Mr. PLUMB. It is not intended that the pension shall inure to the benefit of the estate of the pensioner, but goes to those who are related

to him and dependent upon him.

Mr. HAWLEY. I did not quite comprehend the first part of this amendment. I suppose I am not to understand, however, that if a check be sent and the pensioner never gets it, it is treated as a final

mr. PLUMB. Oh, no. The effect is just the opposite. Under the construction of the law now made by the Treasury Department, if a check is issued after the death of the pensioner, or if he dies before the check is cashed, though it is in his hands, the check is not paid, and this is to provide that a check once issued shall be paid, and my subsequent amendment is that whatever pension money accrues before the

date of his death shall go to the persons dependent upon him.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas [Mr. Plumb] to the amendment proposed by the Senator from Tennessee [Mr. HARRIS].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# COURT IN INDIAN TERRITORY.

The PRESIDENT pro tempore. The Senate resumes the consideration of Senate bill 3401, in relation to the indebtedness of Pacific railroads, on which the Senator from Oregon [Mr. MITCHELL] is entitled to the floor.

Mr. FRYE. Now I yield to the Senator from Missouri [Mr. VEST] up to that point where there is no debate, that is to say, to complete the reading of the court bill and action upon it, but I do not yield for the purpose of debate.

The PRESIDENT pro tempore. The Chair will state that the Senator from Oregon [Mr. MITCHELL] is entitled to the floor on the pend-

Mr. MITCHELL. I yield, of course, with the consent of the chair-

man of the committee, for the purpose indicated.

Mr. JONES, of Arkansas. It is due to me that I should say to the Senate that I can not agree to have this bill considered and passed without a word of explanation. There are reasons which I have explained to the Senator from Missouri which make it absolutely necessary that there shall be an explanation made as to the circumstances that surround this bill. It will not take long. My colleague and I Senate that I can not agree to have this bill considered and passed

both will be compelled to have something to say before this bill can , and I for one will not agree to any unanimous consent that the bill shall be taken up and passed without a word of explanation. It would be unjust to me and to my colleague.

Mr. VEST. Mr. President-

The PRESIDENT pro tempore. Debate can proceed only by unanimous consent.

Mr. VEST. I simply wish to state that I shall not engage in any If the Senator from Arkansas wants to make an explanation, as a matter of course I have not the slightest objection. I will keep the promise I made to the Senator from Maine that I will not say a word even in explanation of the bill that I have reported from the Judiciary Committee.

The PRESIDENT pro tempore. The Chair understands the Senator from Maine [Mr. FRYE] to agree that the pending business may be informally laid aside for the consideration of the Indian Territory court

bill, provided there is no debate.

Mr. BERRY. Mr. President, I can not agree to that proposition in that way. The bill as reported from the Committee on the Judiciary is very objectionable in many ways and I am not willing that the vote shall be taken without a chance in a very short way-I shall occupy but a very brief time-to state the reasons why the bill as reported from the Judiciary Committee ought not to pass and why the amendment of my colleague should be adopted.

The PRESIDENT pro tempore. Is there objection to the request of

the Senator from Missouri?

Mr. FRYE. That will inevitably lead to discussion according to the

suggestions which have been made.

Mr. BERRY. I shall occupy the floor but a very short time. not wish to delay the bill or defeat the consideration of it, but I am not willing to consent that it shall pass without debate and without explanation. I have no disposition to defeat the consideration of the bill, but I do not think it ought to be passed by the Senate, and I do not think it ought to pass unless Senators know the situation, in any event.

Mr. FRYE. I shall have to ask for the regular order.

The PRESIDENT pro tempore. The Senate resumes the consideration of the unfinished business.

### NAVAL OFFICERS' CLAIMS.

Mr. PUGH. Before the Senate took up the legislative, executive, and judicial appropriation bill I was called from my seat by a member of the other House in reference to some matters of importance to him, and I did not have the opportunity of making a statement that I was requested to make in reference to the circular which had been published by Tallmadge & Tallmadge, in which they referred to the Fourth Auditor, General Shelley, in relation to the prosecution of claims in that bureau. I deem it due to General Shelley, and I ask unanimous consent that I may be permitted to make that statement.

The PRESIDENT pro tempore. The Chair hears no objection, and

the Senator will proceed.

Mr. PUGH. During the debate day before yesterday the Senator from Illinois [Mr. CULLOM] read the circular of Tallmadge & Tallmadge, and made a reflection that I consider was gratuitous and wholly unnecessary, in which he did great injustice to the Fourth Auditor. I have no idea that the Senator from Illinois would do wrong intentionally to any man, but the remark that he made, predicting that in the course of a month or so the Fourth Auditor would go out of his office and become a partner of the Tallmadges in the prosecution of claims before the Treasury Department, did General Shelley great injustice; and that prediction of the Senator was founded solely upon the fact that the Fourth Auditor had permitted the Tallmadges to refer to him in their circular.

Here are the facts given to me this morning by the Fourth Auditor

in relation to that matter:

In June last, being acquainted with Messrs. Tallmadge & Tallmadge, they called upon me for permission to refer to me in the prosecution of claims before the Interior Department, known as Indian depredation claims; and knowing that they were trustworthy and reliable, I unhesitatingly gave them permission to use my name.

Their claims were treated as other claims, taken up in their order and settled. A short time ago the first information I had that they were using my name with reference to business in my bureau reached me by the receipt of a letter from a claimant inclosing their card.

The whole amount of claims represented by that firm does not exceed 3 per cent, of the claims adjusted and reported by this office.

In reference to the permission that General Shelley gave these claims lawyers to use his name, he has furnished me with several cards published by claims attorneys in which that practice has been permitted for a long time and never considered reprehensible. Here is the "office of Henry M. Gitt, for the collection of Treasury, quartermaster, pension, and other claims :"

lom, United States Senator, Illinois; Hon. L. E. Payson, Member of Congress, Illinois; Hon. Burton C. Cook; Hon. W. B. Allison, United States Senator; Hon. Philetus Sawyer, United States Senator; Hon. D. M. Sabin, United States Senator; Hon. A. G. Curtin; Hon. J. D. Cameron, United States Senator; Hon. J. I. Mitchell; Col. C. C. Matson, Member of Congress, Indiana; Hon. J. N. Dolph, United States Senator; Hon. J. H. Mitchell, United States Senator; Hon. H. H. Markham.

Mr. COCKRELL. I should like to ask the Senator, in connection with that, if there is any accounting officer of the Treasury who had to pass upon the claims in the hands of claim agents who gave permission

Mr. PUGH. This man advertises himself as a lawyer "for the collection of Treasury, quartermaster, pension, and other claims." Of course they did not have to pass upon them.

Mr. COCKRELL. Did he refer to any accounting officer of the

Treasury who had to pass upon those claims and before whom they would come for consideration?

Mr. PUGH. General Shelley had just said, and that is a part of the statement that I made by his authority, that he never gave any permission to the Tallmadges to refer to him in reference to the prosecution of claims in his bureau, and that the only permission he ever gave them was in regard to the collection of Indian depredation claims, and not the claims he had to consider as Fourth Auditor. That is the statement he has made, and it is no doubt true. I know General Shelley. He is a citizen of my State. I have known him for many years, and I know that he is incapable of wrong-doing in his office.

As to this practice of allowing reference to be made, it has been done for years, and I think without any impropriety. Here is the card of "R. M. Thompson, specialty for rebate on tobacco claims before the Treasury Department," who refers to "Hon. John C. New, Assistant Secretary of the Treasury, Hon. A. U. Wyman, Treasurer, and R. F. Patterson, Collector of Internal Revenue." Here is the card of "Charles and William B. King, claims attorneys, act of June 3, 1884. Horse claims, bounty, widows' pensions, property taken by the Army, and Indian depredations." This refers to "Hon. F. M. Cockrell, Hon. J. N. Dolph, Hon. John H. MITCHELL, Hon. John H. REAGAN, and Hon. D. M. Sabin."

Here is the card of Allan Rutherford:

Allan Rutherford (late Third Auditor United States Treasury), attorney and counselor at law, Corcoran Building, etc., will practice before the Supreme Court of the United States, Court of Claims, claims commissions, and the different committees of Congress. Being thoroughly familiar with the course of business before the Executive Departments, will give special attention to all matters before the Patent Office, General Land Office, Treasury, War, Interior, and other Departments. Refers to General W. S. Rosecrans, Register of the Treasury; Hon. John C. New, Assistant Secretary United States Treasury, Washington, D.C.—

Who had to pass upon claims that he had prepared himself to prose cute in the Treasury Department-

Hon. James Gilfilan, Treasurer of the United States; Hon. Henry C. Johnson, Commissioner of Customs; Hon. O. Ferriss, Second Auditor United States Treasury; Hon. E. W. Keightley, Third Auditor United States Treasury; Hon. Jacob H. Ela, Sixth Auditor United States Treasury; Hon. Samuel F. Phillips, Solicitor-General United States; General O. O. Howard, United States Army.

And so on. All these officers had to pass upon the claims submitted

by these lawyers.

I simply make this statement in justification of what General Shelley has done in respect to this matter. In but one single instance has he allowed any reference to him, and that was in regard to the claims parties might have for Indian depredations. He never authorized the Tallmadges to refer to him in regard to any matter that he had to pass upon as Fourth Auditor.

Here is a letter I neglected to read, that General Shelley wrote to a claimant in his bureau in reference to her claim, stating that it was not worth while for her to go to the expense of employing any attorney:

In reply to your letter of the 25th ultimo, you are informed that there is no necessity whatever for the employment of an attorney to prosecute a claim before this office, but as you have given Mr. Stryker the power of attorney, and he has filed the claim, I can not interfere in the matter.

General Shelley said that in every instance he notified claimants that there was no necessity for them to employ an attorney to prosecute claims before him.

# DISPOSAL OF THE PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only; which were referred to the Committee on Public Lands.

# PETITIONS AND MEMORIALS.

Mr. HAWLEY presented the petition of J. O. Barron and 64 others (26 voters and 39 women), citizens of Newington, Conn.; the petition of J. H. Morris and 85 others (39 voters and 47 women), citizens of East Haven, Conn., and the petition of A. M. Bidwell and 23 others (13 voters and 11 women), citizens of Middletown, Conn., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. HOAR presented the petition of the Wigwam Lodge, No. 64, Independent Order of Good Templars, of West Brookfield, Mass., praying

for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of L. P. Frost and 61 others (23 voters and 39 women), citizens of Medway, Mass., and the petition of T. J. Crossman and 53 others (23 voters and 31 women), citizens of Needham, Mass., praying for the submission to the States of a constitutional pro-

hibitory amendment; which were ordered to lie on the table.

Mr. TURPIE presented the petition of R. S. Goodman and 42 others
(23 voters and 20 women), citizens of Kendallville, Ind., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. SAWYER presented a petition of citizens of Sugar Creek, Wis., and a petition of citizens of Viroqua, Wis., praying for an amendment to the Constitution prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

were ordered to lie on the table.

Mr. COCKRELL. I have here and present one of the stereotyped petitions, sent to me by the Woman's Christian Temperance Union, Mrs. J. C. Bateham, Painesville, Ohio, national superintendent, Sabbath observance department, printed, and three names signed to it, Mr. A. F. Slawson, a merchant, Mr. Valentine Metz, a carpenter, and Mr. John L. Downer, a sivil engineer residing in the county of Jeffer. Mr. John L. Downer, a civil engineer, residing in the county of Jefferson, and town of De Soto, in the State of Missouri, praying for the passage of the Sunday-rest bill. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

The motion was agreed to.

Mr. COCKRELL. I present a memorial of the St. Louis Gymnastic Society, "a corporation organized under the laws of Missouri," and which "during the darkest days of the rebellion of 1861 to 1865 stood true to the Union," remonstrating "against the passage of the two measures introduced by Mr. Blair in the United States Senate, to wit: First, the so-called national Sunday bill; and second, the joint resolution proposing an amendment to the Federal Constitution, the object of which seems to be the establishment of the Christian religion as a national religion." The memorialists state that they consider these propositions as an infringement of the liberty of conscience and a violation of the spirit of our Constitution, and state their reasons very cogently against the passage of these two measures. I move that the memorial be referred to the Committee on Education and Labor.

The motion was agreed to.

# BILLS INTRODUCED.

Mr. JONES, of Arkansas, introduced a bill (S. 3938) granting the use of certain lands in the Hot Spring reservation, in the State of Arkansas, to the Hot Springs Benevolent Association; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 3939) granting a pension to Robert W. Anders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3940) granting a pension to Bennett Cooper; which was read twice by its title, and referred to the Committee on Pensions.

# CARD-INDEX-RECORD OF VOLUNTEER REGIMENT.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of War is hereby directed to forward to the Senate the card-index-record of one of the regiments of volunteers recently carded, the same to be arranged in form similar to the examples printed on page 191 of Senate Report No.507, Fiftieth Congress, first session.

# FISH AND FISHERIES REPORT.

Mr. COCKRELL submitted the following concurrent resolution;

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and is hereby, instructed to print three additional volumes of Senate Miscellaneous Document No. 124, Forty-seventh Congress, first session, comprising sections 6, 7, 8, and 9, being necessary for the completion of a report in quarto form by the United States Commissioner of Fish and Fisheries upon the food-fish and fisheries of the United States, work upon which is now in progress under concurrent resolution of the Senate passed July 15-21, 182. The engraving necessary for the additional volumes to be in relief, and to be contracted for by the Public Printer under the direction of the Joint Committee on Printing, and to receive the approval of the Commissioner before being accepted: the work to be stereotyped, and 10,000 extra copies printed, of which 2,500 shall be for the use of the Senate, 5,000 for the use of the House, and 1,500 for the use of the Commissioner of Fish and Fisheries. There shall also be printed 1,000 extra copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the cost of publication and 10 per cent. thereon added.

Mr. COCKRELL. This publication has been in progress for some time. In my judgment the Public Printer already has ample authority to go on and complete these valuable publications, but there is some doubt in his mind in regard to it. I therefore present the resolution with the accompanying papers stating the case and ask that they be referred to the Committee on Printing, and that the committee may take very early action upon the subject.

The PRESIDENT pro tempore. The concurrent resolution and accompanying papers will be referred to the Committee on Printing.

### AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Eisbaries and ordered to be printed.

Committee on Fisheries, and ordered to be printed.

Mr. BUTLER submitted amendments intended to be proposed by him to the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; which were ordered to lie on the table

and be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:
A bill (H. R. 331) for the relief of David Meriwether; and

A bill (H. R. 1860) to amend section 683 of the Revised Statutes.

#### ADMISSION OF DAKOTA.

# Mr. PLATT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota, respectfully report that having met, after full and free conference they have failed to agree.

O. H. PLATT.
S. M. CULLOM,
M. C. BUTLER,
Conferees on the part of the Senate,
WM. M. SPRINGER,
GEO. T. BARNES,
CHAS. S. BAKER,
Conferees on the part of the House.

Mr. PLATT. I move that the Senate further insist on its disagreement to the amendment of the House of Representatives and ask for another conference thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. Platt, Mr. CULLOM, and Mr. BUTLER were appointed.

# INAUGURATION ARRANGEMENTS.

Mr. EDMUNDS. Referring to the very proper resolution of the Senator from Ohio [Mr. Sherman] yesterday, about taking order in relation to the inauguration of the President in the Senate Chamber, relation to the inauguration of the Fresident in the Senate Chamber, etc., I think it very proper, and therefore move that the President of the Senate be one of that committee. As it relates to the admissions and arrangements here in this wing of the Capitol, I think it is very desirable, and I hope it will be agreeable to my friend from Ohio that the President of the Senate be added to the committee.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senate head the motion of the Senator from Veryent to add the President

ate has heard the motion of the Senator from Vermont to add the President of the Senate to the committee on the inaugural ceremonies. The question is on that motion.

The motion was agreed to.

# PROPOSED ADJOURNMENT TO MONDAY.

Mr. GRAY. I move that when the Senate adjourn to-day it adjourn to meet on Monday next at 12 o'clock.

Mr. HOAR. I hope that motion will not be pressed now.

The PRESIDING OFFICER. The Senator from Delaware moves

that when the Senate adjourn to-day it be to meet on Monday next,

Mr. HOAR. I ask unanimous consent to make a suggestion to the Senator from Delaware. We have only a little over twenty days left of this session-Sundays and the Presidential count day come out-and I know that there are gentlemen who have important business in charge who think it very important to use all the time, including Saturdays, and it seems to me that, while of course it is in order to submit the motion, it is not quite fair when so many Senators are absent, in a moment's pause, to bring on that motion. I ask the Senator, therefore, to withhold the motion.

Mr. GRAY. I will defer to the wishes of the Senator from Massachusetts, and as several Senators seem to desire that the Senate should

not act upon the motion now, I withdraw it.

Mr. HOAR. I should like to inquire of the Senator who has charge of the bill now under discussion what his wishes are in regard to the

Mr. FRYE. There can be no question about my wishes. This rail-road funding bill has been in the Senate now for two or three weeks, and has given place from time to time to appropriation bills. I have yielded to other bills just so far as it was possible for me to do so and be reasonably consistent in the performance of my duty. This is a very important bill, which, in my judgment, secures the United States absolutely in its debt, as absolutely as human payment can be made

secure; and it seems to me it is the duty of the United States Senate to stay here and consider this bill.

Mr. STEWART. I should like to inquire of the Senator whether, if he and his committee had until Monday, they could report the Central Pacific bill so as to get it out of the way?

Mr. FRYE. I do not know whether the committee can or not. The committee meets to-morrow morning at 10 o'clock to consider the Central Pacific bill.

Mr. STEWART. I think it would be well to give the committee to-morrow to consider it, and probably it would be as well to adjourn until Monday to facilitate that important business.

Mr. FRYE. We can determine to-morrow morning before the meeting of the Senate whether or not we can offer a Central Pacific bill in

connection with the pending bill.

Mr. HOAR. With a Calendar of twenty-eight pages, with people who have a great many rights, important to them, undetermined, it seems to me not only unfair but I was going to say criminal for the Senate to abandon its duties.

Mr. STEWART. If we can have the Calendar considered to-mor-

row I shall be willing to have a session.

Mr. HOAR. We shall have whatever is the most important busi-

Mr. STEWART. By unanimous consent the Senate can order that

Mr. FRYE. You can not have unanimous consent.
Mr. STEWART. Then let us adjourn over.
Mr. WILSON, of Iowa. The chairman of the Committee on Appropriations is not present, and I understood him to say to-day that he desired a session to-morrow.

Mr. CULLOM. I think if it could be understood that the Senate would consider the Pacific railroad funding bill or the Calendar tomorrow, there would be no disposition to press the motion to adjourn over. If it be, therefore, understood that we shall go on with the consideration of this bill or the Calendar generally, we can make progress with the public business.

Mr. FRYE. The Senator will understand—

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent. The Chair hears no objection.

Mr. DAWES. I gave notice that I would call up immediately after Mr. HALE] gave notice that I would call up immediately after 2 o'clock to-morrow an appropriation bill, and the Senator from Maine [Mr. HALE] gave a similar notice.

Mr. CULLOM. I did not hear that.

The PRESIDENT pro tempore. Does the Senator from Delaware

insist on his motion?

Mr. DAWES. I desire to ask the Senate to consider the fortification appropriation bill to-morrow.

Mr. GRAY. If it is the wish of the chairman of the Committee on

Pacific Railroads to finish the discussion of this bill to-morrow and continue the debate, if there can be an understanding of that kind—
Mr. EDMUNDS. It is impossible to finish the consideration of the

Pacific railroad bill by an understanding, to-morrow.

Mr. GRAY. I do not know whether it can be finished or not.

Mr. FRYE. I have no expectation of finishing the consideration of

Mr. FRIE. That the expectation of the bill to-morrow.

Mr. GRAY. It will be continued, I suppose.

Mr. FRYE. The difficulty about finishing the consideration of the bill is entirely apparent to Senators. I want to go on with its consideration. It is not a conflict touching the rights of the bill, or the propriety or justice of it. I shall insist to-morrow at 2 o'clock on going on with the regular order, unless there is an appropriation bill which demands the attention of the Senate at that time. I shall permit nothing else to intervene to-morrow, except an appropriation bill, if I can help myself, unless the majority of the Senate overrules me.

The PRESIDENT pro tempore. Does the Senator from Delaware in-

sist on his motion?

Mr. GRAY. I do. The PRESIDENT pro tempore. The Senator from Delaware moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. ALLISON. On that I ask for the yeas and nays

Mr. HOAR. I ask unanimous consent to inquire of the chairman of the Committee on Appropriations whether his committee can profitably

employ the time to-morrow?

Mr. ALLISON. We shall certainly take up to-morrow the appropriation bill which the Senator's colleague [Mr. DAWES] has in charge. There is no telling how long it will take. There are a number of conference reports that must be taken up, even to the exclusion of appropriation bills, and I think some of them will be ready to-morrow. It

does not seem to me that we can properly adjourn over until Monday.

The PRESIDENT pro tempore. The question is now on the motion of the Senator from Delaware, that when the Senate adjourn to-day it

be to meet on Monday next.

Mr. GRAY. I withdraw the motion.

The PRESIDENT pro tempore. The motion is withdrawn.

INDESTEDNESS OF PACIFIC RAILROADS.

Mr. FRYE. I insist on the regular order, which is Senate bill

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies

Mr. MITCHELL. I ask that the pending question be read.

The PRESIDENT pro tempore. The motion to recommit the bill with instructions, submitted by the Senator from Oregon [Mr. MITCHELL], will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Resolved, That the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, with the accompanying report, No. 1950, first session Fiftieth Congress, be, and the same is hereby, recommitted to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission, with instructions to include in said bill such proposed legislation as in the judgment of such committee is proper, providing for the ascertainment of the amount of the indebtedness to the Government justly payable, due and to become due, by the Central Pacific ailroad Company as the successor to the Central Pacific Railroad company, in respect of the bonds of the United States here-tofore issued to aid in the construction of the Central Pacific and the Western Pacific Railroad's and for the proper security and funding of the same.

The PRESIDENT men tempore. The Senator from Oregon [Mr.

The PRESIDENT pro tempore. The Senator from Oregon [Mr.

MITCHELL] is entitled to the floor on the pending question,
Mr. MITCHELL. Mr. President, as I was saying when I yielded to a motion to adjourn when this subject was last before the Senate (on Monday last), the legislation heretofore had in regard to the general subject of the Pacific railroad indebtedness has always dealt with the two companies, Union Pacific and Central Pacific, as one general subject. I had further suggested in that connection that all efforts heretofore made by Congress to provide means for the creation of a sinking fund that would eventually and in the end secure to the Government of the United States the payment of the debts due the Government by the Union and Central Pacific Railroad Companies had been failures. In that connection I had rehearsed to a certain extent the history of legislation, and the proposed legislation heretofore enacted and proposed at different times in the Senate in regard to this matter. When I yielded to a motion to adjourn, I had placed in juxtaposition so far as I could the funding act of 1878 known as the Thurman act and the bill known as the Matthews bill reported from the Committee on Railroads of the Senate at about the same time that the Thurman bill was reported from the Judiciary Committee of the Senate.

My purpose in doing that was to show, as I think I can very clearly, that the Congress of the United States when it incorporated the Thurman bill into law instead of the Matthews bill made a very great mistake in so far as the interests of the Government are concerned.

Now, Mr. President, I propose to examine the Thurman act and the Matthews bill. I propose to show, as I think every one now concedes, that the Thurman act, now in operation something over ten years, has been in every essential particular an absolute failure.

Now, Mr. President, let us examine briefly what has been accomplished under the Thurman act; what progress has been made towards the liquidation of the great debt; how much of a sinking fund has been accumulated under its provisions; and I will first inquire as to the situation at the expiration of eight years and five months from the date

of its passage or down to October 1, 1886.

According to the letter of the Secretary of the Treasury of January 22, 1887, in answer to a resolution of the House of Representatives of January 20, 1887, there was in the Treasury of the United States a sum total in cash and bonds to the credit of the sinking fund of the Pacific railroads on October 1, 1886, of only \$10,173,962.88. Of this amount but \$5,467,370.51 were invested in bonds and accumulating interest, while nearly one-half of the whole amount, or the balance of \$4,706,-592.37, was uninvested, and just so much dead capital in the vaults of the Treasury credited to the sinking fund, earning nothing, either for the companies or the Treasury of the United States. The account between the two companies, Union and Central Pacific, respectively, according to this letter, is stated as follows:

.\$6, 701, 812. 72 . 153, 699. 33

Total to the credit of the Union Pacific ... .. 6, 855, 512, 05

The account of the Central Pacific Company stood as follows: Bonds, the market value of which on that date, October 1, 1888, was. \$1,042,004.31 Cash uninvested.....

Total to the credit of the Central Pacific ...

In other words, the sum total of cash and then present market value of bonds of both companies in the Treasury of the United States to the credit of the sinking fund on October 1, 1886, was but \$10,173,962,88, and of this amount but \$5,467,370.51 were invested in bonds and accumulating interest; while the balance of \$4,706,592.37 was lying idle in the vaults of the Treasury as unproductive capital, bringing in nothing either to the Government or the railroad companies.

But of the amount then (October 1, 1886) in this sinking fund but a very small proportion had been paid in cash by either the Union Pacific Railway Company or the Central Pacific Railroad Company. siderably over two-thirds of the whole amount had arisen from transportation service, while considerably less than one-third of the amount was cash payments arising from the 25 per cent. on net earnings.

On January 20, 1886, a little over three years ago, according to the

letter of the Secretary of the Treasury of that date, the sum total in the sinking fund was \$9,229,906.39, made up as follows:

Union Pacific: Transportation service	\$4, 267, 364, 33 1, 421, 714, 46 363, 261, 44
Total	6, 052, 340. 23
Central Pacifie: Transportation service. Cash payments. Interest on investments.	\$2, 283, 983, 10 633, 992, 48 259, 640, 58
Total	3, 177, 566.16

The exact proportion of each item of transportation service, cash payments, and interest on investments, which in October, 1886, constituted the sum of \$10,173,962.88 then in the sinking fund, I am not able to state, but the probability is the proportion is about the same as in the

preceding January, which I have just given.

That was the condition of affairs three years ago, or rather two years and four months ago. How do the accounts stand to-day? A correct statement demonstrates conclusively that as the years roll on the situa-tion of the Government in respect of the probability of its ever realizing under the operation of the Thurman act any considerable portion of the immense debt owing from these railroad companies to the United States becomes more and more desperate; and the facts so patent to all, so pregnant with a meaning which can not be misunderstood, appeal to the Congress for such speedy and reasonable action as may result in securing the co-operation of these companies in the establishment and carrying out of such monetary arrangements as may be just and honorable, alike to the Government and the companies, and which will ultimately reimburse the United States for every dollar, principal and interest, justly due her.

How, then, do the accounts stand to-day? What has been the result of the operation of the Thurman sinking-fund act down to the present hour? But I will first attract attention to the situation on November 1, 1887, fifteen months ago. From the report of the United States Pacific Railway Commission of December 1, 1887 (Senate Executive Document No. 51, first session Fiftieth Congress), pages 16 and 17, the condition of the sinking fund of the bond-aided Pacific railroad companies on November 1, 1887, will be seen. I send to the Secretary's desk and ask that the portions I have marked may be read.

The Secretary read as follows:

United States Treasury Department, Washington, D. C., December 1, 1887.

Sir: In reply to the supplementary questions in behalf of the Pacific Railway Commission, proposed by its statistician November 23, to wit:

1. What was the market value as of November 1, 1887, of the securities and eash in the sinking funds of each of the bond-aided Pacific railroads; that is, of the Union Pacificand the Central Pacific?

2. Par value of securities and cash in said sinking funds as of November 1, 1887.

3. Total of amounts paid by each company into said sinking funds, including all credits to them.

4. What will be the present worth, as of July 1, 1888, of the debt due by each of the bond-aided Pacific railroads?

of the bond-aided Pacific railroads?

I would say that my answers to the questions 1, 2, and 3 are expressed in the accompanying Table A.

In answer to fourth question, I would say that the present worth of indebtedness, as of July 1, 1888, not taking into account the disposition of the sinking fund, in which the Government has a contingent interest, is shown in the accompanying Table B, where the data were arrived at, respectively, by the following process: To the principal to be paid at maturity is added the interest at the rate of 6 per cent. per annum from the dates of delivery of the bonds to the several companies to maturity. From this are deducted the payments on the bond and interest account to November 1, 1887, increased by estimated additions to July 1, 1888. The remainder is then discounted from maturity to July 1, 1888, at the rate of 3 per cent. per annum.

In my letter of the 19th ultimo the par value of the securities in the sinking funds of the several roads was employed.

Yours, respectfully,

E, B, ELLIOTT,

E. B. ELLIOTT.
Government deluary.

Hon, Hugh S. Thompson, Assistant Secretary of the Treasury.

Table A.—Condition of the sinking fund of the bond-aided Pacific railroad companies November 1, 1887.

parie la Edition	Sec	Securities.			Amount paid into the
Railroads.	Par value.	Market value.	Cash.	Total mar- ket value and cash.	Pacific Railroad sinking fund, transportation service and eash, from com- mencement to Nov. 1, 1887.
	\$2,710,000	\$3, 418, 559. 25	\$36.76	\$3, 418, 596. 01	\$3, 681, 862. 91
Kansas Pacific Union Pacific Central Branch	6, 150, 650	7,732,050.50	2, 033, 82	7, 734, 084. 32	7, 674, 154. 89
Union Pacific Western Pacific Sioux City and Pacific					
Total	8, 860, 650	11, 150, 609, 75	2,070.58	11, 152, 680. 33	11, 356, 017. 30

E. B. ELLIOTT, Government Actuary.

United States Treasury Department, December 1, 1887.

Table B.—Statement of the present values of the debts of the bond-aided roads dis-counted at 3 per cent., both at simple interest and at interest compounded semiannually.

Railroads.	Principal to be paid at ma- turity.	Interest paid and to be paid.	Total principal and interest at maturity.
Central Pacific	\$25, 885, 120 6, 303, 000 27, 236, 512 1, 600, 000 1, 970, 560 1, 628, 320	\$45, 786, 454, 67 11, 188, 943, 09 48, 115, 835, 85 2, 826, 608, 26 3, 462, 469, 74 2, 880, 935, 89	\$71, 671, 574, 67 17, 491, 943, 09 75, 352, 347, 85 4, 426, 608, 26 5, 433, 029, 74 4, 509, 255, 89
Aggregate	64, 623, 512	114, 261, 247. 50	178, 884, 759. 50

Railroads.	Bond and in- terest account, November 1, 1887.	Estimated addition to July 1, 1888.	Total credit on bond and interest account.	Remainder at maturity.
Central Pacific, Kansas Pacific,	\$6, 194, 012, 35 3, 539, 249, 31	\$134,600 76,500	\$6, 328, 612, 35 3, 615, 749, 31	\$65, 342, 962, 32 13, 876, 193, 78
Union Pacific Central Branch	11, 901, 642, 63	258, 900	12, 160, 542, 63	63, 191, 805, 22
Union Pacific Western Pacific	316, 124, 12 9, 367, 00	6,900 200	323, 024, 12 9, 567, 00	4, 103, 584, 14 5, 423, 462, 74
Sioux City and Pacific	131, 923, 62	2,900	134, 823, 62	4, 374, 432, 17
Aggregate	22,092,319.03	480,000	22, 572, 319. 03	156, 312, 440, 47

Railroads,	Average	Period from	Worth as of July 1, 1888, discounted from said remainder at 3 per cent. per annum.	
	date of ma- turity.	July 1, 1888, to maturity.	Simple discount.	Compound discount (semi-annual).
Central Pacific Kansas Pacific Union Pacific Central Branch	Nov. 18, 1897 Nov. 21, 1896 Sept. 3, 1897	Years. 9,380088 8,387302 9,170919	\$50, 993, 320, 80 11, 086, 731, 90 49, 557, 235, 20	\$49, 419, 042, 29 10, 809, 486, 53 48, 090, 764, 07
Union Pacific Western Pacific Sioux City and	Oct. 19, 1896 Sept. 5, 1898	8,3 10,17521	3, 285, 495, 65 4, 155, 095, 92	3, 204, 992, 83 4, 005, 805, 95
Pacific	Jan. 1, 1898	9.5	3, 404, 226. 85	3, 296, 604. 50
Aggregate			122, 482, 106. 32	. 118, 826, 696, 17

E. B. ELLIOTT, Government Actuary.

E. B. ELLIOTT, Government Actuary.

The United States sinking fund above referred to is the result of the operation of the Thurman act, passed in May, 1878. Its framers expected that this fund would reach much larger proportions, but these anticipations have not been realized. This failure has been due to two prominent causes:

First. The very large decrease in the net earnings of the company, on which the 25 per cent. reserved by the act was to be computed; which decrease has, in the main, been caused by the very large reductions in freight and passenger rates which have occurred during the past four years.

Second. The failure of the fund to earn compound interest at the rate of 5 per cent., as had been expected.

Other causes may have contributed, but the two named are the controlling causes to which the failure of the Thurman act is due. It is universally conceded by every person of intelligence who has given the subject any study, that it is and will be absolutely impossible for the Union Pacific Railway or system to pay the indebtedness to the United States at its maturity.

In approaching an examination of the subject of remedial legislation, we

have endeavored to be guided by the directions of the act, and to submit a scheme which shall secure to the United States full payment of all debts due it from said company, with a reasonable rate of interest, having due regard to the financial ability of said company, and the proper conduct of its business, in such manner as shall afford efficient service to the public.

The principal considerations which have moved us are the following:
First. The system requiring annual payments of a percentage of net earnings is undesirable, and should be radically altered. The method of percentage of net earnings leads to endless disputes and difficulties. The distribution of net earnings as between the system and the aided road is a complicated and difficult problem, requiring a vast amount of accounting, and leading, at all points to differences of opinion as to the propriety of including alleged earnings or deducting alleged expenses. These differences of opinion have developed into an incessant course of litigation, recrimination, complaints of unjust dealing on one side, and complaints of unjust avoidance of obligation on the other.

In the bills which are herewith submitted the payments to be made by the respective companies are fixed by the semi-annual amount of the interest accruing on their bonds, and by a fixed percentage of the outstanding bonds, which is directed to be paid annually into a sinking fund. In the event of a refusal on the part of the companies to accept the terms offered to them by these bills, the commission has found it impossible to substitute for the present system a method of fixed payments, however earnestly desiring to do so.

. The method of fixed payments avoids all the difficulties above referred to, avoids the uncertainties arising from fluctuating business, can be so adjusted as to give a much better assurance of a successful result, and is therefore more just to the Government of the United States.

The reservations in the original enactments of 5 per cent of net earnings and one-half the United States transportation earned had but little effect in reducing the amount of the debt. The Thurman act, as we have seen, has not proved much more efficient.

The same considerations which have influenced the action of the commission in regard to the Union Pacific are equally applicable to the Central Pacific Railroad. It is extremely desirable to terminate the system of percentage payment of net earnings and to substitute therefor annual payments of fixed sums. It is equally desirable to terminate the incessant controversies and litigations arising between this company and the Government in relation to their mutual duties and obligations.

It does not seem to the commission that the companies have any right to complain of the percentages proposed. It is true that neither the principal nor the interest due to the United States will mature until 1897; but it is equally true that it is the duty of these companies to make adequate provision for the payment of their obligations at maturity. The percentages called for in no case exceed the amount required to attain the proposed object. Under the decisions of the courts, all sums required to keep the roads in full and efficient operation and in complete repair, and such payments for the construction and betterment as are properly chargeable to income, are to be allowed before the net earnings are ascertained. The only burden, therefore, is placed on the stockholders; and, as is clearly stated in the sinking fund case (99 U. S., 700), it is the duty of the corporation to make provision for the discharge of its obligations before making any division whatever among its stockholders.

Mr. MITCHELL. That the condition of this fund and the effect of its operation may be presented in consecutive order I ask the Secretary to read a short extract from the report of the directors of the Union to read a snort extract from the Appendix Railroad made September 13, 1887.

The PRESIDENT pro tempore. The Secretary will read as re-

quested.

The Chief Clerk read as follows:

# CONDITION OF SINKING FUND.

The sinking funds of the Union and Central Pacific companies held by the Treasurer of the United States December 31, 1886, amounted to \$10,324,756.68, the Union Pacific having to its credit \$6,921,808.74, and the Central Pacific \$3,402,-947.94

The premium paid on bonds for the sinking fund of the Union Pacific to December 31, 1886, amounted to \$1,322,053.81 and interest received to \$572,891.61. For the Central Pacific the premium amounted to \$218,963,73 and the interest to

Since the creation of these funds the Secretary of the Treasury has made the following investments to December 31, 1886:

Character of bonds.	Union Pa- cific.	Central Pa- cific.	Total.
Funded loan of 1881, 5 per cent. ex- tended at 3 per cent	<b>\$256, 450.00</b>	\$736, 700.00	\$993, 150.00
Funded loan of 1907, 4 per cent	1,620,000.00	1,220,000.00	2,840,000.00
	4,478,650.00	199,100.00	4,677,750.00
	791,000.00	444,000.00	1,235,000.00
Principal	7,146,100.00	2,599,800.00	9,745,900.00
Less 3 per cent, bonds redeemed	1,620,000.00	1,761,800.00	3,381,800.00
Present principal	5,526,100.00	838, 000, 03	6, 364, 100, 00
Premium paid	1,322,053.81	218, 963, 73	1, 541, 017, 54
Total cost	6, 848, 153. 81	1,056,963.73	7, 905, 117. 54

Included in the above investments for the Union Pacific are \$260,000, invested August 30, 1886, in the 4 per cent funded loan of 1907 at a premium of \$68,575, and \$450,000 invested December 11, 1886, in United States currency sixes (subsidy bonds) at a premium of \$133,888.75.

There remained in the Treasury of the United States uninvested December 31, 1886, the following amounts.

31, 1886, the following amounts:

\$73, 654, 93 2, 345, 984, 21

Mr. MITCHELL. In order that the exact status of this fund might be brought down to the very latest possible date, I on the 30th of last

2, 419, 639 14

month presented to the Senate a resolution calling upon the Secretary month presented to the Senate a resolution caning upon the Secretary of the Treasury for certain information. That resolution was adopted and is incorporated in the letter of the Secretary of the Treasury responding to the same, which was transmitted to the Senate on the 6th of the present month. The document was ordered printed in document form and is Senate Executive Document No. 100, second session Fiftieth Congress. I ask that the letter of the Secretary of the Treasury, with the accompanying statement as to the status of the sinking fund on the 1st day of the present month be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, February 5, 1889.

TREASURY DEPARTMENT, February 5, 1889.

SIR: In compliance with the resolution of the Senate of January 30, 1889—

"That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate as to the amounts, respectively, in the sinking fund to the credit of the Union Pacific and Central Pacific Railroad Companies, respectively, on the 1st day of February, 1889, under the operation of what is commonly known as the "Thurman sinking-fund act;" stating the amounts of each invested in bonds, the character of bonds, and the amounts in cash to the credit of each company on said date, together with a statement of the market value in cash of the bonds to the credit of each of such companies on said date, and the difference in amount, if any, between such present cash value, including the cash on hand, and the amount of each that would have been in such fund to the credit of each of such companies on February 1, 1889, provided no investments whatever in bonds had been made of any portion of such funds"—

I have the honor to transmit herewith a statement showing the information called for by said resolution.

Respectfully, yours,

C. S. FAIRCHILD, Secretary,

The PRESIDENT pro tempore United States Senate.

Sinking funds, Pacific railroads,

Affano de 160 Millione. La Cresca de La Compaña de 1	Invest	tments.	All all as
Character of bonds, etc.	Face value.	Market value February 1, 1889.	Receipts.
UNION PACIFIC.  Government transportation with-held under act of May 7, 1878  Cash payments by the company under section 4		Concluded Description	\$6,351,875.45 1,421,714.46
Total			7,773,589.91
Funded loan of 1907. United States currency sixes. Union Pacific, first mortgage. Central Pacific, first mortgage. Cash uninvested.	\$4,478,650.00 1,043,000.00 1,535,000.00 179,000.00 13,840.40	\$5,721,475.37 1,334,730.00 1,756,810.00 203,585.00 13,840.40	
Total	7, 249, 490. 40		9,030,440.77
Increase by reason of investments			1, 256, 850. 86
Government transportation with- held under act of May 7, 1878 Cash payments by the company under section 4			2, 835, 688, 75 633, 992, 48
Total			3, 469, 681. 23
United States currency sixes	2,548,000.00 303,000.00 290,000.00	3, 143, 335, 00 346, 325, 00 331, 242, 50 883, 47	3, 821, 785, 97
Total	3, 141, 883. 47		0, 041, 700, 97
Increase by reason of investments			352, 104. 74

Mr. MITCHELL. While that statement presents in a certain form the present condition of the sinking fund, it is in a sense misleading; that is to say, there does not appear from this statement very clearly the amount paid by the Government in the way of premiums on the securities in which these investments have been made. It gives simsecurities in which these investments have been made. It gives simply the face value of the securities in which the funds have been invested, and the market value of those same securities on the 1st day of February, 1889; and it gives in another column the receipts from Government transportation withheld under the act of May 7, 1878, and the cash payments by the companies under section 4; but, as I say, it does not appear very plainly, to say the least, from this statement what amount was paid out in premiums.

I have that statement here unofficially, and I propose to call atten-

I have that statement here unofficially, and I propose to call attention to it for the purpose of showing how absolutely absurd and inefficient has been the operation of this sinking fund, and how unjust it word, it may be stated in this wise: These funds were invested in securities at a very high premium. Of course they do not bear interest upon the amount of the face value and the premium, but only upon their nominal value; and not only that, but as the time between the date of purchase of these securities and the date when they mature becomes lessened, as a matter of course the premium on the securities. comes lessened, as a matter of course the premium on the securities becomes gradually lessened from day to day and from year to year, so

that the Secretary of the Treasury, conforming of course to the provisions of this funding act, has been from time to time paying immense premiums on securities in order to get an investment for these funds, and then when the bonds are called of course there is an immense loss upon the premium, and the result is that neither the Government nor the railroad companies get any benefit from the investment, but on the contrary suffer an absolute los

For instance, it will be seen from the statement which has just been read at the desk stating the situation on the 1st day of this month that \$2,584,000 of Central Pacific funds were invested in United States currency sixes. It does not appear from this statement what premium was paid on that investment, but I have it here in an unofficial statement from the Department, which shows the exact amount paid by way of premium on each investment made.

way of premium on each investment made.

That \$2,584,000 was invested at eight different times. July 1, 1887, \$119,000 were invested in United States currency sixes, and on that amount a premium of \$35,105 was paid. Again, April 12, 1887, \$325,-000 were invested in the same securities, on which a premium of \$111,-330 was paid. July 21, 1887, \$600,000 were invested in the same securities, and a premium of \$204,255.61 was paid; and so on. Without stopping to go through the whole list, the matter may be summed up with the statement that on those investments, amounting in the aggregate to \$2.544.000 premiums were paid to the extent of \$273,120.02

gate to \$2,584,000, premiums were paid to the extent of \$873,129.92.

Those premiums of course were constantly falling off, becoming less, and will continue to become less from year to year. When they are called in they will perhaps be worth par, and no more. The result is, unless the interest on the securities amounts to more than the loss by way of premiums, there is an absolute loss both to the Government and the railroad companies. In fact there was a loss, as appears from one of the reports made recently, I think it is the report of the Pacific Railway Commission; and I think the same thing is incorporated in the report made by the chairman of the select committee, the Senator from Maine [Mr. FRYE], that on certain securities called at a certain time there was an absolute loss of some \$48,000; that is to say, the

amount for which the securities sold was less by \$48,000 than the interest that accrued on them while they were held in the sinking fund.

But we go a step further and we find that \$593,090 of this Central Pacific sinking fund were invested in Central Pacific first-mortgage and Union Pacific first-mortgage bonds, and on those investments premiums were paid to the extent of \$94,491.25. What is the result? As the time of maturity approaches the premium constantly goes down, and the result will be when redeemed there will be a loss by way of reduction in premium perhaps nearly or quite to the extent of the interest

the result will be when redeemed there will be a loss by way of reduction in premium perhaps nearly or quite to the extent of the interest the securities brought in while held in the sinking fund.

Recapitulating, we find the face value of these securities \$3,141,000, whereas the actual cost of which was \$4,108,621.17, while the present value is but \$3,820,902.50, or a loss to-day, if the matter were closed out, on those investments alone of \$287,729.17, while if the matter is not closed out, if these honds are not taken up until maturity, the lose not closed out, if these bonds are not taken up until maturity, the loss to the companies and the Government would be \$967,621.17, or the total premium. Of course the interest, whatever it amounted to, would have to be deducted from that in estimating the actual loss. So the effect of the Thurman act of 1878 has been to cause millions

of this fund, in the first place, for several years to lie idle in the Treasury, bringing in nothing; and secondly, when by a change in the law the Secretary of the Treasury was permitted to invest in the bonds of the companies instead of United States securities, he was compelled to to pay these immense premiums, all of which, if the securities are not

redeemed until they mature, will be lost to the Government.

But, Mr. President, this is not all. Under the Thurman act, owing to the great number of important questions of fact and law left open to determination under its provisions, ever since that act went into operation there has been a continual and aggravating controversy, legislative, judicial, departmental, and otherwise, going on between the Government and these railroad companies as to what constituted the net earnings of the roads, and as to the proper construction of the act in determining what are net earnings and other important matters.

As railroads have sprung into existence throughout the Western country, paralleling in many instances, to a great extent, the aided roads, some of these owned and controlled by persons largely interested in the aided roads, innumerable questions as to good faith upon the part of the companies—questions as to whether the aided roads are being discriminated against and freights diverted to non-aided roads, thus de-priving the aided roads of their legitimate business and consequently reducing the amount of net earnings upon which the 25 per cent. is, under the provisions of the Thurman act, to be paid into the Treasury and all manner and kinds of controversies have arisen, and the result is, and has been, a hand-to-hand conflict between creditor and debtor, no concert of action toward a common, desirable and honorable endthat is, the payment of an honorable, just debt on the one hand, and its collection in a reasonable, just, and proper manner on the other.

Crimination, recrimination, accusation, and resentment have been the order of the day, and as a result, after ten years and over of pro-longed contention, nothing being permanently settled nor any good re-sults achieved, the Government finds itself, under the operation of the Thurman funding act, not only failing to reduce the aggregate of the indebtedness, but actually permitting its increase annually for several years to the tune of over fifteen hundred thousand dollars; and hence after nearly ten years' experience Congress was forced, actually driven, to the necessity, it would seem, in order to ascertain the exact relations between these companies and the Government, which the Government, it seems, has failed to ascertain under the provisions of the Thurman act, to inaugurate an investigation at an expense of \$100,000 and over and a delay of over two years. Such has been some of the effects in the interest of the Treasury of the United States, or more properly speaking in direct opposition to such interest, of the originally much-lauded Thurman act.

How that great lawyer and universally conceded honest man, Hon. Allen G. Thurman, and the equally great jurist and conscientious Senator, the present distinguished chairman of the Committee on the Judiciary of the Senate, and through whose great efforts it became a law, could have been so fearfully mistaken as to the probable effects of the bill is one of those mysteries not easy of solution. Ten years ago he who dared express an opinion here or elsewhere in opposition to the Thurman bill or the Thurman act was branded inferentially if not directly as a traitor to the best interests of the Government, as being an ally of corporations, as false to his official trust, while to-day not a solitary officer of the Government either high or low in official station, not a statesman in all the realm, can be found to acknowledge it a success, while some of the very men, the able and distinguished Senators who were the authors of that piece of legislation, are, in the light of its practical operations, reluctantly compelled to admit its total inefficiency and absolute worthlessness.

I come now, for the purpose of not only summarizing the salient points in the legislative history of this great controversy, but of illustrating the theory which in my judgment should be adopted in dealing with the railroads, as well also for the purpose of enforcing my contention that the whole subject of Pacific railroad indebtedness should be dealt with at one and the same time, to compare with this Thurman act the bill reported from the railroad committee by Senator Matthews eleven years ago, and then I should be glad to have an intelligent response from any member of any committee of this Senate as to which of the two—the Matthews bill or the Thurman act—would, in the light of the history of the past ten years, have been most to the interest of the Treasury of the United States. Of course I could hardly expect the honorable chairman of the Judiciary Committee even at this late date to admit the claim made by me for the Matthews bill.

And here let it be observed that the principle of the Matthews bill was based upon the theory of co-operation and mutual agreement between creditor and debtor concerning the adjustment and payment by the one and the collection by the other of one of the largest debts ever-incurred by private individuals in the business transactions of the world. It sought a final solution of this gigantic question by an amicable arrangement whereby upon reasonable terms, alike honorable and fair both to the Government and the companies, in view of all the surrounding circumstances, a fund could be created and an arrangement perfected that would secure to the Government a reimbursement of every dollar of this immense indebtedness.

It sought to take this controversy over the collection of a debt bordering on \$150,000,000 from the halls of legislation and the political arena, where for years it had been the foot-ball of political and personal conflict and the chess-board of stock-jobbing; from the judicial courts and Executive Departments, where successive contests had been carried forward month after month and year after year, estranging and embittering those whose mutual interests on the contrary imperatively demanded a disposition of mutual concession and friendly co-operation, to the great end that a just and generous Government should receive in due season and on proper and reasonable terms its honest and just dues; and also that those who had been the recipients of the nation's bounty in the construction of the Pacific railroads might honorably and in proper spirit discharge a just and binding obligation of immense magnitude.

And now to a comparison of the provisions and requirements of the Matthews with the Thurman bill; and I know of no better way in which I can illustrate the propriety of my present claim that the Congress should not attempt to deal piece-meal with this important subject, but should grapple the whole controversy at once. The Matthews bill was based on a theory that left it free from all manner of difficulty. It was a plain and direct proposition to the aided companies that they should pay into the United States Treasury so much—a certain specified, fixed sum—on March 31, 1878, to wit, the sum of \$2,000,000 toward the commencement of a sinking fund, a nucleus, and then so much more—a certain, definite, specified sum—irrespective of their gross or net carnings, every six months thereafter, on the 1st days of October and April of each succeeding year, commencing October 1, 1878, and ending October 1, 1900; and this I have said irrespective of the amount of either net or gross earnings of either company. That is to say, a sum equal to \$2,000,000 was to be paid into the Treasury of the United States March 31, 1878, and placed to the credit of a sinking fund, and then each company was required to pay on the 1st days of October and April of each succeeding year until the bonds were fully matured in 1900 the sum of \$500,000; that is, each company—the Union Pacific and Central Pacific—were to pay into the sinking

fund annually the sum of \$1,000,000, the aggregate to be paid by the two companies semi-annually was to be \$1,000,000, and annually \$2,000,000 from October 1, 1878, to October 1, 1900—this irrespective of any question as to the cost of operating the roads, as to the amount of business transacted, the cost of maintaining the road, as to the amount of gross or net earnings, or as to what constituted net earnings, as to business connections or rivalries with other roads, or any other matter whatsoever connected with the operation or business of the companies.

These payments of \$2,000,000 annually—\$1,000,000 semi-annually—were to continue for a period of twenty-two years, and at the expiration of that time, the principal of the bonded indebtedness being then due, any balance remaining due from either of said companies on account of principal and interest, that is to say, on October 1, 1900, was, after deducting the amount standing to the credit of the sinking fund, to be divided into fifty equal semi-annual installments, to be paid by said companies respectively, one of which was to be paid on the 1st day of April and one on the 1st day of October in each year, with all accrued interest from October 1, 1900, on any balance remaining unpaid at the date of maturity of each installment, and at the same rate of interest per annum paid by the United States on the larger part of its public debt on the 1st day of January preceding the date of payment of the several installments.

This bill, as I have stated, was intended as a full and final adjustment between the United States and these railroad companies in reference to this great controversy. It was then generally understood—most certainly was it so understood by the members of the Committee on Railroads in the first session of the Forty-fifth Congress, when this bill was reported from that committee by Senator Matthews with the approval of its every member-that while the representatives of the companies affected by it insisted strenuously, as they did in arguments before the committee, that the terms were more rigorous than they should be; that for the sake of securing a final settlement of the controversy, and of withdrawing it forever from the halls of legislation and the forum of courts, they would, if nothing better could be tendered, accept its terms should it become a law, and take the necessary steps on their own account to invest the required \$2,000,000 at once, and to provide a fund from which the sum of \$1,000,000 each six months and \$2,000,000 every year could be paid into the Treasury of the United States to the credit of the sinking fund proposed by the provisions of the Matthews bill. And hence it was that in the fifth section of that bill it was provided as follows:

That this act shall take effect upon its acceptance by said railroad companies, or if accepted by any one of said companies, then as to the companies so accepting the same, which acceptance shall be filed with the Scretary of the Treasury within four months from the passage of this act and shall show that said company or said companies have agreed to the same at a meeting of stockholders.

Suppose, therefore, Mr. President, that this bill, instead of the Thurman bill had become a law, and had been accepted by the companies and its provisions complied with, what manifestly and unquestionably would have been the result as compared with the results actually experienced under the Thurman act? Can any one doubt in the light of the history of the past ten years as to the great advantage the Government would have realized under this bill as compared with that it has realized under the Thurman act; to say nothing of the great importance to all concerned of securing at that time a complete and final settlement of this disturbing and perplaying problem

of this disturbing and perplexing problem.

Under the latter we had, as we have seen, in this sinking fund in the Treasury of the United States October 1, 1886, including accumulations of interest on the 25 per cent. of ascertained net earnings paid in, the sum total of but \$10,173,962.88, whereas under the Matthews bill we would have had on that date, under a compliance of its provisions upon the part of the companies, exclusive of interest on any part of the different semi-annual payments, the sum of \$18,000,000, or nearly double, saying nothing whatever of interest on semi-annual payments, the amount accumulated under the Thurman act, including accumulated interest to that date, while to-day we would under the Matthews bill have had, exclusive of interest on any part of the fund, over \$23,000,000 in the sinking fund to the credit of these companies, as against the sum of \$11,243,271.14, or less than one-half the amount in that fund on the first day of the present month, exclusive of interest on investments.

But when we come to add the accumulations in the shape of interest, even at 5 per cent., as stipulated in the Thurman act, there would, had the Matthews bill instead of the Thurman act become the law, been a sum total in the sinking fund in October, 1886, of over \$26,000,-000 instead of the \$10,173,962.88 we then had under the Thurman act; while to-day we would have had nearly \$32,000,000 in such fund as against \$12,852,226.74, or but little in excess of one-third this amount, including principal and interest, on investments now in such fund under the operation of the Thurman act; while at interest computed according to the rule prescribed in the Matthews bill—that is to say, interest on all sums placed to the credit of the sinking fund, to be credited and added thereto semi-annually, at the rate of 6 per cent per annum—the amount in the sinking fund to-day would be over \$35,000,000 as against less than \$13,000,000, by nearly \$150,000 realized under the Thurman act.

But let us inquire as to how the accounts would stand with the indi-

vidual companies in respect of amount in sinking fund had the Matthews bill become a law as compared with its present condition under operation of the Thurman Act. Take the Central Pacific Company, for instance. Under the operation of the Thurman Act on October 1, 1886, in the sinking fund to the credit of that company, including cash payments and transportation service and not including interest on investment, the sum was only \$2,917,925.58, and including the sum of \$259,640.58 interest on investments, a sum total of but \$3,177,566.16, while only \$1,042,004.31 of this amount was then invested in bonds and bearing interest

Now, then, under the provisions of the Matthews bill, so roundly denounced at the time it was being urged, had it instead of the Thurman bill been enacted, and its provisions complied with, there would have been on October 1, 1886, in the Treasury of the United States in the Pacific Railroad sinking fund to the credit of the Central Pacific company, a sum exclusive of all interest on investments, of \$9,000,000, as against the sum of \$2,917,925.58 then found there under the Thurman act, while with interest accumulations, as in the Matthews bill provided, the amount would then have been about \$10,500,000, as compared with the then sum total including accumulations of interest under the Thurman act.

But not only so. Under the Matthews bill, had it become a law instead of the Thurman bill, there would, to say nothing whatever of interest on semi-annual payments paid in during the forty-four periodic terms of twenty-two years until the principal of the bonds matured, have been paid to the credit of the sinking fund in the Tressury of the United States the sum of \$47,000,000 in cash toward the liquidation of the indebtedness; and this, too, irrespective of the question as to whether either of said companies had realized 5 per cent. or 200 per cent. net earnings; but when we come to consider the proper and reasonable accumulations of interest on that fund, even on the principle of determining as to the rule of interest as prescribed in the Thurman act, which suggested as preferable investments in 5 per cent. interest-bearing bonds of the United States, the amount that would have been in the sinking fund in the Treasury of the United States October 1, 1900, to be applied in liquidation of the indebtedness in connection with 1900, to be applied in liquidation of the indebtedness in connection with former repayments of interest by the companies, would have canceled nearly \$100,000,000 of the debt; while under the provisions of the Matthews bill, which provided that each semi-annual payment should bear interest at 6 per cent., the then Government rate of interest, the amount in the sinking fund October 1, 1900, would, under the provisions of the Matthews bill, have been, including all repayments of interest by the companies, considerably over \$100,000,000, leaving only about \$52,-000,000 of the debt remaining unpaid. And it must be remembered that ten years ago 6 per cent. was deemed a reasonable Government rate of interest. And we could then, ten years ago, have secured an arrange. of interest. And we could then, ten years ago, have secured an arrangement with these companies whereby the Government would have realized 4 or 5 per cent. interest on all deferred payments, whereas now we will be fortunate if we get 3, or even 2.

Indeed, so fully and conclusively have the practical workings of the Thurman funding act demonstrated its inefficiency and absolute failure, and at the same time vindicated the policy and plan proposed by the Matthews bill of eleven years ago, and which principle has now been adopted, not only by an important committee of another body, but also by the Judiciary Committee of the Senate in a bill reported from that committee, as I believe, unanimously, during the last Congress for the repeal of the Thurman act and the creation of a sinking fund by fixed semi-annual payments upon the part of each company, instead of a certain per cent. on net earnings, and also by the select committee which reported the pending bill—I am speaking of the principle simply, not of the merits of any particular bill—that all Government officials and others who by authority have recently spoken on the subject unite in recommending new legislation in which shall be in-corporated the principle of the Matthews bill, and in which the principle of the Thurman act and the act itself shall be repudiated. In fact, as I understand it, the per-cent.-on-net-earnings idea, which is the fundamental theory of the Thurman act, is regarded as having been tried and found wanting. The honorable Commissioner of Railroads, in his report for 1884, page 18, said:

In my judgment it is clear that the Government will be best protected by reasonable extension of time, and by funding the whole remaining debt and interest in obligations of fixed amounts and maturity. Such extensions should be coupled with a provision which shall require the companies to pledge for the payment of each maturing installment all earnings for Government service over all lines, aided and non-aided, owned, leased, or operated by such companies, respectively.

While the present Commissioner of Railroads, in his report for 1886,

It is therefore suggested that it might be alike advantageous to the Government and to the Pacific railroad companies to substitute for the present law one fixing an annual or semi-annual payment by the companies concerned, which should extinguish their debts to the Government in a reasonable time.

Congress had timely warning from a source entitled to great weight upon this important subject, and timely and sensible suggestions as to the proper manner to deal with this important subject; and had the Forty-fifth Congress given heed to these suggestions—I refer to the reports of the Government directors of the Union Pacific Railroad of 1876 and 1877-its legislation would not have been stranded on the visionary theories and absurd policies upon which the act of 1878 was based.

Again, I call attention to the report of the Union Pacific Railroad directors of October 12, 1877, as found in Senate Executive Document No. 69, first session Forty-ninth Congress, in reference to this matter. I ask the Secretary to read the portions marked.

The Secretary read as follows:

The Secretary read as follows:

The plan suggested by the Government directors in their report for the year 1876 is believed to be a practicable one, which, if adopted, insures absolutely a full return to the Government of every dollar of its investment in the road. That plan differs from all others that have been proposed by the company in two important respects: It proposes to retain the one-half transportation and 5 per cent. modes of payment now provided for, and a termination of the sinking fund at the maturity of the bonds, and security for the remainder due and unpaid at that time, the same to be discharged at the rate of not less than one-tenth per annum. A further consideration of the subject has led the Government directors to the conclusion that the said plan can be modified to some extent without being unduly burdensome to the company in the conduct of its affairs, and shorten the time for the full reimbursement of the Government.

The amount of bonds issued to the company by the United States Interest on the same at 6 per cent. for thirty years...... 49, 026, 000, 00 76, 262, 512, 00

6, 523, 705, 30

20,000,000,00

69, 738, 806, 70

eaving a balance due the Government at the maturity of the

49, 738, 806, 70

loss. Can this danger be avoided? The Government directors think it can be. The establishment of a sinking fund is a practical scheme and opens a way out of this difficulty.

A sinking fund, established on the basis of semi-annual payments of \$500,000 each, commencing on the list of January, 1878, compounded at the rate of 6 per cent. per annum for the term of twenty years, or until the maturity of the bonds, would give a total result, to be applied to the payment of the Government claim, of \$40,418,256.86, and leave still due the Government \$9,320,549.84. This balance could be discharged either by the plan suggested in the report of last year or by the simple operation of the half transportation and 5 per cent. of net earnings, as now provided by law.

The adoption of such a plan of adjustment as is here outlined, by the Government and the company with the approval of Congress, would render the payment of the principal and interest of the bonds advanced by the Government absolutely certain. It would be useless to exact more than the company can perform; and it is not unjust to require so much as it can comply with without embarrassing its affairs and depriving the owners of the property of a fair return in form of dividends on the capital invested. It is believed that the company can accept and perform the plan here presented.

Mr. MITCHELLI. I desire now to attract attention to the report

Mr. MITCHELL. I desire now to attract attention to the report of the directors in 1883, page 218 of the same document. I ask the Secretary to read the marked portions.

The Secretary read as follows:

The Secretary read as follows:

The relation between the company and the Government growing out of the bonded indebtedness of the consolidated roads to the Government have never been entirely harmonious or satisfactory. Differences of opinion have arisen concerning the amounts due the company for Government service, mail carriage, Army transportation, etc., the terms of payment, construction of charter provisions, and laws of Congress, and other matters of detail, so that there has seemed to be a constant clashing of interests between the two.

The so-called Thurman act, which was intended to be a conclusive settlement of the questions at issue between the Government and the company, has failed to effect its purpose, and a mutual understanding as to its meaning and scope has not yet been reached. That portion of the act which provided for the investment of a fixed proportion of the earnings of the road in certain United States bonds as a sinking fund for the gradual extinction of the debt has been rendered inoperative and null by the action of the Government in taking up the bonds of the class named in the act, so that there are none now to be purchased in market. Hence it happens that the company has paid into the United States Treasury large sums of money which lie idle and uninvested, to the company's loss, and with no gain to the Government. The value of the company's securities is impaired by this condition of things. It seems plain that, for the sake of the Government as well as of the company, there should be some additional legislation on this subject at as early a day as possible.

Mr. MITCHELL. Mr. President, I desire to have read a short ex-

Mr. MITCHELL. Mr. President, I desire to have read a short extract from the report of the directors of the Union Pacific Railroad for the year 1884, page 234 of the same document, and also a small portion on page 235.

The Secretary read as follows:

NET EARNINGS

There is equity in the claim, in the opinion of the Government directors, that in arriving at net earnings there should be deducted such sums as are properly and necessarily expended in improvements and betterments. The high degree of excellence, of speed, and assurances of safety demanded in present railway management dictate the justice of this policy within reasonable limits. It is only by its operation that the Union Pacific could stand to-day, as it does, in the very front rank of first-class roads. In fact, the Supreme Court has affirmed this view; it says:

"We think the true interest of the Government is the same as that of the stockholders, and will be subserved by encouraging a liberal application of the

earnings to the improvement of the works. It is better for the ultimate security of the Government."

If the view of the Government directors is correct, however, the argument and decisions of courts that whatever, without some defined limit, may be expended in betterments is an addition presame to the security of the Government is fallacious. The original excessive cost of the road is an element that can not be eliminated by this process. In proportion as the amounts devoted or diverted to this purpose are permitted or increased, the payments to the Government, which in the premises are the only real security the Government has, are reduced. That the bounds of what is proper in this regard may not be exceeded, the interposition of some tribunal other than that simply of the law-making power is imperatively demanded, if the past policy is to be continued.

A commission or a Government directory, in its personnel professionally competent, plenary authority being delegated to it to command the facilities for intelligent information and action, and with power to conclude negotiations, suggests itself as a necessary requisite in the premises. There is no person or department representing the Government that has this needful authority now. The office of Commissioner of Railroads, as at present constituted, has not the time, the clerical or professional force, nor she pecuniary ability at its command to intelligently deal with all the issues involved. Nor is it provided with the legal authority necessary.

the legal authority necessary.

SINKING FUND.

time, the clerical or professional force, nor also pecuniary ability at its command to intelligently deal with all the issues involved. Nor is it provided with the legal authority necessary.

SINKING FUND.

The company rightfully protests that the investment of such a sinking fund for the benefit of the Government (or creditors) as has been accumulated is unjust to it. The fund is not so invested as to earn the full measure of its ability, if properly invested. It tends, therefore, in no practical degree to relieve the debt of the staggering proportions it will have assumed when the time arrives for its payment. If the prosent policy of percentage upon net earnings, and the investment of the same in a sinking fund, is to be pursued, experience having dictated that some vital essential is lacking to the successful working of the policy, some additional measures must be adopted. The successful working of the policy presupposes two things—the Government securing the full and entire amount of its proportion of the net earnings, and investment of that amount so as to accumulate with reasonable rapidity.

But if the Government is to be reimbursed out of net earnings, the Government will ever know, for it is practically impossible to definitely arrive at, what those earnings really are or may be until some competent commission or Government directory is empowered by law to supervise continually and constantly the actual concerns and operations of the company. Aside from this being impracticable, there is grave doubt whether results would then be satisfactory, especially to the Government and public. This for the reason, among others, that conditions which this year might prompt and enable the company to comply with certain demands next year might render such concession a physical and financial impossibility.

But the Government directors are by no means assured that this is the view to be taken of this matter. The principal concern of the Government, in its present inancial condition, a matter which should be consider

# HOW SHALL THE RIGHTS OF THE GOVERNMENT BE SECURED?

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The Government directors are reluctant to offer suggestions in this regard. Yet the purpose of their office would seem almost to exact and enjoin the performance of that function.

The Government is now face to face with the proposition that it shall deal justly with this corporation as it now finds it, and at the same time justly with the public and commercial interests. The Government directors have endeavored to present conditions as they exist. The time to deal vigorously with the corporation and to speedily accomplish the purposes now sought, and which the public interest in the past, as now, demanded, was permitted to pass by. This is not offered as a criticism, as the comparative ability required to speak and act in the light of past events as contrasted with those of the future is very slight.

Still this fact, anomalous as it now seems, presents itself, that the Government can not afford to cripple the road by commanding any acts which present conditions render it probably impossible for the company to perform or which would render its securities of uncertain and merely speculative value. Justice to itself, to the public interest, and to the company dictate this much.

But until some practical and intelligent measures, other than those now prevailing, looking to a solution of the complications referred to, are adopted, the controversies between the company and the Government will continue. The hope that "the managers of these large railway enterprises should be allowed to address themselves to the thorough management of their trust, and to that end they should be dismissed from attendance in Washington to defend themselves in never-ceasing Congressional controversies" (Roseoc Conkling in the United States Senate, February 6, 1877), will never be realized.

Mr. MITCHELLL. It will be seen, Mr. President, that the Government of the company is a serious controversies of the controversies of the controversies of the control of the company is a company of t

Mr. MITCHELL. It will be seen, Mr. President, that the Government directors of the Union Pacific Railroad in their annual report for 1886, as well as in several other reports repudiated, not only the principle of the Thurman act, but the act itself, and acting for the Government, and as its officers, and in its interest, recommended the passage of a bill by Congress providing for the payment of that company's debt

in fixed semi-annual installments. And again this board of high officials in their report of November 22, 1886, in condemning the Thurman act, as not only comparatively worthless, but strangely and ridiculously unjust, in some respects to both the Government and the companies, and in proposing new legislation based on the theory of fixed semi-annual payments into a sinking fund irrespective of the amount of net earnings, recommend an extension of time of payment, and used this forcible and significant language:

In its last annual report this board earnestly recommended the early passage by Congress of some act which would change and settle the present very unsatisfactory relations between the Government and the railway company. It is admitted upon all sides that existing legislation is insufficient and has utterly failed in several respects.

First. It does not provide an annual sum large enough even to prevent an annual increase of the debt.

The average amount of increase for some years past has been over a half million per annum.

The average amount of increase for some years pass has been continued in per annum.

Second. Existing legislation makes no provision whatever for the large amount of principal and accrued interest which will become due, at the maturity of the debt, in about ten years.

Third. Existing legislation locks up even the annual amounts which it does provide in such manner that they do not earn 2 per cent. per annum, benefiting no one by this low rate, but delaying the Government in the receipt of its dues, and causing serious and permanent loss to the railway company. The present amount thus locked up is about \$5,500,000, and the annual loss to the company from the low rate of interest which it earns is over \$200,000.

While this relates, of course, only to the Union Pacific, as the jurisdiction of the directors did not extend any further, all that is said here applies in a general way to the condition of affairs connected with the Central Pacific.

applies in a general way to the condition of allairs connected with the Central Pacific.

Fourth. The method of determining the annual amount to be reserved by the company for meeting its debt is vague and uncertain. Differences of opinion constantly arise between the representatives of the Government and those of the company, which create friction and can only be authoritatively settled in the courts after protracted and expensive litigation. New officers of the Government possess and exercise the right of reviewing the methods and rulings of their predecessors in office and reopening the accounts and settlements of former years. The Government in short is made a quasi partner of the company, with an interest in every detail of its business, an unnecessary relationship, and vexatious to both.

Legislation has been suggested, and is now before Congress, which seems well adapted to correct all of these defects in existing laws and to restore it e Government to its true position, that of a creditor.

Its debt is not yet due and is too large for its debtor to pay immediately, if it were due. Meanwhile its present security is insufficient. But the debtor has additional securities which may be pledged, and a solvent business capable of paying the entire interest and a part of the principal each year if he can only be permitted to conduct and manage it in accordance with business principles and with the same freedom enjoyed by his rivals. At present the debtor is hampered both by the partnership and by the cloud upon his credit caused by the attitude of the Government. Surely it is to the great advantage of both parties that this state of affairs should cease, that a permanent adjustment should be made which will give the Government ample security for its debt and pay the interest in full and a part of the principal each year, and give to the company freedom of action in the management of its business and good credit in financial centers.

And of the two the Government will be the greater gainer by the adjustment. It

But not only so, Mr. President, we find the Judiciary Committee of the Senate, of which the honorable Senator from Vermont [Mr. ED-MUNDS] is now, as he was eleven years ago, when he and his able colleague and coadjutor on that committee, the then distinguished Senator from Ohio, secured by their able efforts the passage of the Thurman bill, the chairman, submitting a report to the second session of the Forty-eighth Congress (Senate Report No. 1097) in which the following statement is made in reference to the worthlessness and failure of the Thurman act. That report says:

It is further shown by the Commissioner's report, as all who have examined the matter now fully understand, that the act of May 7, 1878 (the Thurman sinking-fund act), has failed to accomplish its ends and purposes, and it is manifest the payment of these debts can not be secured by and under this measure, and this from causes that could not be anticipated when the act was passed.

But, Mr. President, they were not only anticipated when the Thurman bill was under discussion in this body, but were distinctly and plainly brought to the attention of the Senate at that time by more than one

Senator, and urged as valid reasons why it should not become a law.

I myself on that occasion, among other things, said this—I quote from the CONGRESSIONAL RECORD of March 20, 1878:

While, therefore, Mr. President, I favor the creation of a sinking fund that will fully indemnify the Government dollar for dollar for the \$150,000,000 and over that will be due from these companies about the year 1900, I oppose the measure reported from the Judiciary Committee; first, because I believe it to be a measure clearly beyond our constitutional power to enact.

It is true the Supreme Court subsequently, by a bare majority, decided otherwise, but a full minority, including Justices Field, Bradley, and one other justice, which one I do not remember, dissented and held to the view suggested here:

And, second, because I believe it to be one, even had we the power to pass it and compel its enforcement against these companies through the judicial tribunals, that is unjust, oppressive, and contrary to the true spirit of our institutions, and above all one that is not in the true interests of the Government; a measure that the companies could, if disposed, by a manipulation of their various accounts of operating expenses, construction accounts, accounts with branch roads, etc., evade and render inoperative to a very great extent in so far as any good results to the Government are concerned.

That was my prediction as to the effect of the Thurman act when the bill was under discussion here eleven years ago.

I now desire to read from the report submitted by the chairman of

the select committee of the Senate [Mr. FRYE] on the same subject. On page 2 he says:

On page 2 he says:

The Thurman act took effect June 30, 1878. Its framers based their calculations upon the assumption that the fund would increase at the rate of 6 per cent, annually through the compounding of interest, but the reduction in the rate of interest which followed the refunding measures of 1879 and the rise in the price of United States bonds, in which alone the sinking fund could be invested, defeated these expectations, and the result is that the sinking fund to-day would be almost as large if the money paid in by the companies had remained uninvested and earning no interest.

The premium on bonds called and bonds remaining in the sinking fund December 31, 1857, exceeded the interest received from such bonds by the sum of \$715,282.09, as appears by the following statement—

This	is the	Union	Pacific-	
25 75				

Bonds in sinking fund, at par	\$6, 273, 650.00 7, 816, 273.07
Premiums	1,542,623.07 827,340.98
Party and the second se	71K 000 00

The excess of premiums on this transaction amounted to \$715,282.09; that is to say, the premiums paid on these investments exceeded the interest collected on the investments by \$715,282.09, and, as remarked by the Senator from Massachusetts [Mr. DAWES], on my left, if this thing is permitted to go on a few years under the operation of the present funding bill there will not be a cent left; it will be all absorbed.

Mr. DAWES. I will ask the Senator if he can tell how long it will

take that frog to get out of the well?

Mr. MITCHELL. I do not think he will ever get out if he slips

Mr. MITCHELL. I do not think he will ever get out if he ships back farther every day than he gets up each night.

While, Mr. President, I am earnestly desirous, and always have been, that the Union and Central Pacific companies should be compelled to reimburse the Government for every dollar of aid, principal and interest, which they or either of them received from the United States, and which by any fair and reasonable interpretation of the laws under and by virtue of which such aid in bonds or interest payments was granted they or either of them are legally or equitably bound to pay or reimburse, I have always held to the opinion, and it is my opinion still, that the true policy to be pursued by Congress, in view of the precarious, subordinate, and flimsy character of the liens held by the Government, and the policy better calculated than any and all others to protect and certainly secure the interests of the Government, and finally the full payment of the debt, principal and interest, is one not

finally the full payment of the debt, principal and interest, is one not of violent antagonism, but rather one looking to co-operation, mutual concessions, and an amicable arrangement.

Sometimes a creditor, especially if he hold a first-mortgage lien on property of ample value to secure a present indebtedness already due, principal and interest, is in position to resort to the most radical and violent means imaginable for the purpose of collecting his debt, without caring to consult his debtor or without running any risk of losing his claim or any part of it; but if on the contrary the debt is not due his claim or any part of it; but if, on the contrary, the debt is not due for eight, ten, or fifteen years, if his mortgage lien is on a property constantly depreciating in value, and if, still further, his lien is subordinate to a prior lien covering the same property to the full value of it, what course would a prudent creditor, with ordinary business capacity

or judgment, be most likely to pursue?
Would he probably resort to violent means in the first instance, wholly ignoring the debtor, refusing to consult or confer with him, either as to his disposition or ability to make some honorable and just arrangement looking to the creation or security of a fund to meet the debt at maturity; or would he not rather deem it for his best interest-would he rather not regard it as the exercise of true wisdom looking solely to his own interests, before resorting to such vigorous means as would most likely encounter the violent antagonism of the debtor, and thus reduce the chances of final success, to exhaust every reasonable, proper, and honorable effort to secure some amicable arrangement whereby through the mutual co-operation and joint efforts of creditor and debtor finally there might be a discharge of all the obligations on terms alike honorable to both. The failure to adopt such a policy ten years or more ago, when opportunity presented, has, as subsequent history has fully demonstrated, seriously jeopardized the power of this Government to compel the collection of many millions of dollars justly due it. Congress then to a very great extent sacrificed the interests of the United States for the sake of a sentiment.

This thing, Mr. President, of the Government taking great debtor railroad companies by the throat, which was said to have been the case when the passage of the Thurman act was secured, although it must be confessed the sequel has demonstrated that that act was not much of a corporation throat-grappler, and forcing things, in order to secure a debt of over \$150,000,000, with a most precarious security, is all very fine in theory, and the very idea, I admit, is palatable to most men, especially those who are unfamiliar with the real state of the case as respects the amount of the debt, the character of the obligation in-volved, and the flimsy, unreal, and unsubstantial nature of the security

held by the United States.

But when we pause to consider that this immense debt is not yet due the United States, and will not be for some nine or ten years to come; that it will then, principal and interest (less the amount that will in all

probability then be paid), amount to more than \$125,000,000, and when it is further remembered that the property on which this amount is secured to the Government is subject to a prior mortgage lien, the principal of which alone, assuming that the interest will be paid by the companies as it falls due, will at maturity amount to \$64,613,000, and all of which enormous amount has priority, and must be first paid before the Government can expect a dollar, we can then realize the importance of prudence in whatever step may now be taken looking to the creation of a separate fund and obtaining additional security to meet the obligations of these companies to the Government. Continued, persistent, and malignant controversy, legislative, judicial, departmental, and political, may expedite the collection of this enormous claim; but on the contrary such a policy may, and in my judgment in all probability will, result in its ultimate loss, either in whole or in greater part.

The sum total of the two debts at maturity, that is, the first and second mortgages, granting that all interest on the first mortgages will be paid to maturity by the company, will, as matters are now running, be, exclusive of all certain and all probable payments, about \$193,000,000, a sum doubtless more than double, as stated by the Commissioner of Railroads, what it would now cost to build these roads. If, therefore, as stated by him, this controversy proceeds, or if the Congress fails to create a fund by providing for the repeal of the Thurman act and the enactment of a law requiring payment of certain fixed semi-annual amounts by each company, and the property should be sold on a foreclosure of either the first or second mortgage, what would be the result? If any other than the Government became the purchaser, and the property sold for less than this enormous amount of \$193,000,000, the Government would lose the full amount of the deficit, whatever it might

prove to be.

But if, on the other hand, the Government were to become the purchaser, as it would undoubtedly be compelled to do in self-defense and self-preservation, then in order to have a clear and unincumbered property it would be compelled to go down into its Treasury for the sum of at least \$64,613,000 with which to cancel the prior mortgage. And this estimate of the total indebtedness at maturity of \$193,000,000 is on the assumption that the companies will in the future be entitled to on the assumption that the companies will in the future be entitled to the average of past annual credits; also, that the companies shall keep down all interest to maturing of principal of first-mortgage bonds, and assuming, also, that the increase in the debt in the future would average about the same as in the past, which for several years a few years ago amounted annually to about \$1,600,000; perhaps not so much now. But suppose no further payments should be made before the maturity of the bonds, what then? How would the account then stand?

According to the letter of the Secretary of the Treasury of January 18, 1887 (Senate Executive Document No. 34, second session Forty-ninth Congress)—and this was the claim of the Treasury Department at that time as to the then state of the accounts—there was due from

at that time as to the then state of the accounts-there was due from the several Pacific railroad companies for interest paid by the United States to January 1, 1887, the sum of \$70,854,325.62, of which amount there had been repaid by the companies at that date the sum of \$21,-552,144.14, leaving due on account of interest the sum of \$49,302,-181.48; and further, that there will be due on the same account at maturity on the subsidy bonds September 11, 1897, the average date or maturity, the further sum of \$43,406,921.88, making a total of \$92,-709,103.36 due and to become due on account of interest alone, which, with the principal of the bonds added of \$64,623,513, would reach the enormous aggregate of \$157,332,615.36, to which we must add the principal of the first-mortgage bonds of \$64,613,000, which must first be paid before the Government can come in, and we have in that view an aggregate indebtedness on this basis of calculation, all falling due nine years hence, according to the Secretary of the Treasury, of \$221,945,-

Is the Government of the United States, I inquire, in the presence of these appalling figures and in view of the unreal and inadequate character of the security it holds, in a position either to postpone consideration of the entire controversy or to inaugurate such measures as will result in throwing these roads, or either of them, into the hands of a receiver? Once in that condition what becomes of the enormous debt owing and in eight or nine years hence to become due from these companies to the United States? With the payment of all those extravagant charges incident to court management of railroad properties the depreciation in condition and value of assets which invariably follow in the train of proceedings of that character, and finally the payment of a prior lien of \$64,613,000 to preferred creditors, what could we hope or expect would remain to apply in discharge of the companies' indebtedness to the Government? edness to the Government!

In conclusion, Mr. President, whatever may be said in just criticism on the management of the Pacific roads that received aid in bonds from the United States, and whatever may be said to-day as to the liberal character of the legislation through whose beneficence it was made possible to connect with bands of steel the two grand civilizations of the Atlantic and Pacific coasts some twenty years ago, I have never been among the number, and am not now, who believe, and never expect to believe, that any very great mistake was made upon the part of the Congress which extended this gracious bounty in behalf of one of the grandest and most herculean of business enterprises ever conceived by the genius or consummated by the energy, perseverance, and skill of man or government.

And even were the United States so unfortunate, either through its own mistakes, delays, and mismanagement, or the failure or refusal of these companies to do their duty, as to lose every dollar of the gigantic debt which is its just due and now under consideration, still this great Government, this mighty age in which we live, this grand citizenship of America, humanity in its every aspect, science, art, religion, commerce, national and international; internal and foreign trade, trans-continental and trans-oceanic, and civilization itself in this and other hemispheres, all would be promoted and their best and most sacred interests advanced in a measure and to an extent beyond all comprehension or computation in value by the construction across the American continent, over rugged, 'rock-ribbed' mountains and sterile plains, of the pioneer trans-continental roads of this country.

The saving to the Government in the cost of transportation of mails and of Government supplies, and for military protection on the over-land, to say nothing of the infinite number of other important considerations, would of itself justify the expenditure of every dollar the Government has ever invested in these roads. But when we come to consider all the various other benefits accruing to the Government, to say nothing of those inuring to its individual citizens, to commerce, trade, material development, and the general welfare, we find they are

almost beyond conception.

The cost of transporting United States through mails alone, for the ear ending eighteen months prior to the opening of the Pacific roads, Union and Central Pacific between the Missouri River and Placerville, in California, reached the enormous sum of \$2,129,550. From June 30, 1861, to June 30, 1864, a period of three years, this through mail service overland cost the United States the sum of \$3,210,000, or an average of \$1,070,000 annually, not including the sum of \$200,000 per annum paid by the Government during this time for steam-ship mail service via the Isthmus, and the further sum of \$50,000 per annum from Placerville to San Francisco. So that the average cost of mail service for the four years previous to June 30, 1864, between the Missouri River and the Pacific coast, was \$1,296,213 per annum. And in like proportion was the cost of this service during the whole period between the time when the mail service was first established between the two extremes of this continent, East and West, up to the opening of the Pacific roads in 1869.

But what was the result on the completion of the railroad? The whole cost of this same mail service, or rather a very largely increased service, for the year ending June 30, 1870, the first year after the completion of the road, was, including the sum of \$100,000 paid the steamships for twenty-four trips by the Isthmus, only \$566,250, or a saving of \$1,563,300 in a single year over that paid the same service for the year ending June 30, 1868. But this saving in actual cash to the Government is a mere bagatelle compared with the untold advantages that result, not alone to the Government, but all the people interested and every department of business life by reason of the expedition in time and manner of service as now performed on these and other Pacific roads, compared with the service by the old stage-coach. Who can estimate the vast superiority in the value of the mail service performed in four days in splendid railroad coaches with promptness and dispatch and without the delays, with that of a service by wagons occupying from three to four weeks in a single trip, and subjected to all the delays and obstacles and inconveniences and dangers incident to travel across a wilderness inhabited by a hostile foe of savages?

But, Mr. President, not only so. While it is true the price charged

by these roads for Government transportation may seem extravagantly high, averaging, perhaps, on the whole time since these roads were opened, as much as from 15 to 25 cents per 100 pounds for each 100 miles—and up to the year 1872 it averaged fully 25 cents per 100 pounds for that distance; yet the rate paid by the Government before the roads were built, before the war, was over five times this latter amount, averaging on all Government transportation in the West \$1.30

per 100 pounds for each 100 miles.

The amount charged by these Pacific roads for Government transportation at the average rate of 25 cents for 100 miles from the beginning up to October 1, 1870, less than two years after the roads were opened, was, according to the report of the Secretary of the Treasury of that date, and not including mail service, \$4,178,967.90, as I find from a report on this subject heretofore made to this Senate. What, let me inquire, would have been the cost of this service at rates of transportation ruling before the war, by means of wagons? Simply over five times that amount, or reaching the enormous sum of \$22,000,000 on the amount of transportation during that short period; and thus a saving to the Government up to that date alone is shown by the actual figures of nearly \$18,000,000, while the saving in the eighteen years that have elapsed since then is still in much greater proportion over the amounts paid for transportation prior to the completion of the roads, from the fact that the Government rates of transportation on the roads have gradually decreased, especially since these roads have been brought into competition with other trans-continental lines.

But this is not all. In 1871 this Senate adopted a resolution calling

on the Secretary of War for his estimate of the cost to the United States of the military service through the War Department in guarding and protecting the overland route west of the Missouri River, from the date of the acquisition of California to 1864, a period of sixteen years, and in his letter in response to such resolution the Secretary, on February 15, 1871, estimates such cost for such service during that period at about \$100,000,000, accompanying his report with the remark that this sum is rather below than above the true cost of the service.'

To this add the further annual sum paid during the same period for transportation of Indian supplies of over \$500,000, including an average, as I have shown, of considerably over \$1,000,000 per annum for this period for the mail service, and we have an average annual expense to the United States on these items for transportation alone, including the cost of this military service from 1848 to the opening of the Pacific roads, of over \$8,000,000. And we find by reference to the Senate debates when the Pacific railroad bill was under discussion here in 1862. that the chairman of the Senate Committee on the Pacific Railroads asserted that the cost of this service, as estimated by him, was at that

time \$7,500,000 per annum.

The amount of interest being paid by the Government on the \$64,-618,832 of bonds issued in aid of the Pacific roads is \$3,877,129.92, less than one-half the amount it cost the Government annually for Government transportation and military service on the overland route prior to the opening of the Pacific roads, while the effect of the opening of these roads has been to reduce the total annual cost of the same, with largely increased transportation and all necessary military service, to less than one-fifth of that paid before the roads were open.

Now, it may occur to some that these considerations are foreign to the subject-matter under discussion. I insist not. Congress did not seem to think so two years ago when it passed a bill authorizing the investigation and when it incorporated into that very act an amendment reciting matters bearing upon this question and directed the com-

mission to look into them.

I contend that in dealing with these companies all the circumstances connected with the construction and management of these roads and surrounding the incorporation of the companies by which they were built, the controlling motives as we may gather them from their acts which operated on the public mind, and the mind of Congress in inducing the legislation of 1862 and the amendatory act of 1864, the intention of those Congresses in reference to the duty or lack of obligation of the companies under the law to refund to the United States interest payments until the maturity of the principal of the bonds, the difficulties with which the companies were, at a time when the nation was in the throes of civil war, compelled to contend in launching and carrying forward this great enterprise to successful completion, and in completing it several years before the time designated by Congress for its consummation, the marvelous benefits that have accrued to the Government and all its people, the reclamation of an empire from the solitudes of a wilderness and its conversion into vast and fertile fields of grain, peopled with myriad hosts of industrious, enterprising, energetic men and women; studded with unnumbered happy homes, humble hamlets, growing towns, rising cities and budding States, and uniting in one grand result by adding strength, vitality, intelligence, wealth, independence, dignity, grandeur, and power to our common country and our glorious nationality. The completion of the first line of trans-continental railroad was a mighty instrumentality in the beginning of a grand work in the extension of our empire, the consummation of which is rapidly approaching and will soon be hastened onward, when all the Territories of the mighty West shall be swallowed up in as many or more American States. All of these considerations, I insist, including also those relating to the magnitude of the debt involved, the frail character of the security held by the Government, the failure of the companies, if any such there be, to conform to the demands of the legislation that gave them corporate existence and conferred on them a princely bounty, their violations of law, if any, their indisposition, if such is the fact, to voluntarily take the necessary and proper action looking to the creation of a fund to meet their just obligations to the Government—all these, Mr. President, I assert and confidently insist are considerations not only proper but necessary to be considered in legislating upon this, one of the most important subjects of a quasi public nature that ever engaged the attention of this or any other Congress of this or any other Government on the face of the earth.

And in conclusion. Inasmuch as the Congressional aid to these roads was originally given by one act for the purpose of securing one great trans-continental railroad from the Missouri River to the waters of the Pacific, and in view of all the subsequent legislation to which I have attracted attention, by all of which this great question has been treated as one subject, and inasmuch as the pending bill includes in its provisions but one portion of the subject-matter involved, I insist my motion to refer with instructions to include the whole controversy in one bill should be received with favor by the Senate, and should be moreover accepted by the select committee having this business in

SAMOAN AFFAIRS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and,

with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a further report of the Secretary of State, with accompanying correspondence, relating to Samoa, and the joint protocols of the conferences held in this city in the summer of 1887, to the publication of which the Governments of Germany and Great Britain have consented,

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, February 8, 1889.

#### SEIZURE OF SHIP BRIDGEWATER.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

In response to the resolution of the Senate of the 23d ultimo, directing the Secretary of State to transmit to that body copies of all correspondence on the files of his Department relative to the case of the ship Bridgewater, I transmit herewith, being of the opinion that it is not incompatible with the public interest to do so, a report ifrom the Secretary of State, accompanying which is the correspondence referred to.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 8, 1889.

The PRESIDENT pro tempore. The message will "e on the table and be printed.

Mr. HOAR. I suppose it belongs to the Committee on Foreign Re-

The PRESIDENT pro tempore. The Chair does not know by whom

the resolution was introduced.

Mr. HOAR. I introduced the resolution myself. It was a resolution asking the President, if in his judgment not incompatible with the public service, to communicate the information in the possession of the Department of State in regard to certain wrongs inflicted upon an American vessel in Canada and the action in the matter of obtaining restitution.

The PRESIDENT pro tempore. The message will be referred to the Committee on Foreign Relations, and printed.

#### ORDER OF BUSINESS.

Mr. STEWART. I move that the Senate adjourn.

Mr. FRYE. Oh, no.
Mr. SAWYER. Let us pass the pension bills.

Mr. STEWART. Are there pension bills ready?
Mr. STEWART. Yes.
Mr. STEWART. I withdraw the motion.
Mr. DAVIS. I move that the Senate proceed to the consideration of private pension bills on the Calendar.

The PRESIDENT pro tempore. If that is done it displaces the un-

finished business

Mr. HARRIS. Let the Senator ask unanimous consent. Mr. DAVIS. I will ask unanimous consent.

Mr. DAVIS.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar favorably reported.

Mr. FRYE. The Pacific railroad funding bill being informally laid

aside

The PRESIDENT pro tempore. Is there objection? The Chair hears

No notice of this request having been given, the clerks have not had time to select the bills. Will the Senator from Minnesota move the bills that he desires to have acted upon?

Mr. COCKRELL. Let us commence where we left off before.

The PRESIDENT pro tempore. Will the Senator from Minnesota indicate the first bill he desires to have considered?

Mr. DAVIS. I was looking at the Calendar for that purpose. Order of Business 2572, House bill 10260, is the first.

# CHARLES A. STOCKMAN.

The bill (H. R. 10260) to place the name of Charles A. Stockman, of Dundee, Mich., on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Charles A. Stockman, of Dundee, Mich., late a private of Company B, Twenty-eighth Michigan Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MARY THOMPSON.

The bill (H. R. 11617) granting a pension to Mary Thompson, was considered as in Committee of the Whole. It proposes to place the name of Mary Thompson, widow of Cornelius Thompson, late a private in Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ENOCH B. VICE.

The bill (H. R. 9946) granting a pension to Enoch B. Vice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch B. Vice, late private in Company C, Tenth Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEPH VAN ARSDEL.

The bill (H. R. 4763) to grant a pension to Joseph Van Arsdel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Van Arsdel, as dependent father of William C. Van Arsdel, late Twenty-second Battery, Indiana Artillery

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM BARNES.

The bill (H. R. 11999) granting a pension to William Barnes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Barnes, Company D, Third Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

#### MARY THORN.

The bill (H. R. 2861) granting a pension to Mary Thorn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Thorn, dependent mother of James S. Thorn, deceased, late acting assistant surgeon of volunteers, and to grant her a pension at the rate of \$17 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

### ANNIE MAY PIFER.

The bill (H. R. 765) granting a pension to Annie May Pifer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Annie May Pifer, invalid daughter of Cornelius Pifer, late of Company F, Second Regiment Illinois Volunteer Cavalry, and to pay to her legally constituted guardian, for her use and benefit, a pension of \$18 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

### THOMAS DAVEY.

The bill (H. R. 6532) to pension Thomas Davey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Davey, late of Company D, Sixteenth Michigan Volunteers, in the late war for the Union, at \$30 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# CAPT. MICHAEL PIGGOTT.

The bill (H. R. 7633) granting a pension to Capt. Michael Piggott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Piggott, of Quincy, Ill., late captain of Company F, Sixty-sixth Regiment Illinois Volunteers, at \$36 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JAMES T. TEEPLE.

The bill (H. R. 10025) for the relief of James T. Teeple was considered as in Committee of the Whole. It proposes to place upon the pension-roll James T. Teeple, late of Company  $\Lambda_i$  Seventh Michigan Volunteers, at the rate of \$40 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JENNIE HARRIS.

The bill (H. R. 7858) granting a pension to Jennie Harris was considered as in Committee of the Whole. It proposes to place upon the pension-roll of the United States the name of Jennie Harris, daughter of John B. Harris, late private of Company D. Eightieth Regiment Illinois Volunteer Infantry, war of 1861, now deceased, at the rate of \$18

per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# NONA J. TILLERY.

The bill (H. R. 11711) granting a pension to Nona J. Tillery, minor child of Wyatte L. Tillery, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nona J. Tillery, minor child of Wyatte L. Tillery, late a member of Capt. J. W. Younger's company of Clay County Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and record.

a third reading, read the third time, and passed.

# CHRISTIAN SANDERS.

The bill (H. R. 11177) granting a pension to Christian Sanders was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christian Sanders, late a private of Company

D, Seventy-ninth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MRS. MARIA C. M'PHERSON.

The bill (H. R. 10523) granting a pension to Mrs. Maria C. McPherson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Maria C. McPherson, widow of Daniel McPherson, late a corporal of Company C, Twenty-fourth Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLOTTE AYRES.

The bill (H. R. 11316) granting a pension to Charlotte Ayres was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Charlotte Ayres, the dependent mother of Benjamin Ayres, a private soldier of Company I, Fifth Regiment Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARIA BEISER.

The bill (H. R. 4591) granting a pension to Maria Beiser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria Beiser, widow of John Beiser, late a private in Company C, One hundred and eighth Regiment of Ohio Volun-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MRS. FANNIE A. BOYD.

The bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd, was considered as in Committee of the Whole. It proposes to increase the pension of Fannie A. Boyd, widow of Capt. O. B. Boyd, Eighth United States Cavalry, to \$40 per month. The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# SQUIRE WALTER.

The bill (H. R. 10448) granting a pension to Squire Walter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Squire Walter, father of George W. Walter, deceased, late of Company H, Second Regiment of West Virginia Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MISS EMILY ROMINE.

The bill (H. R. 10289) granting a pension to Miss Emily Romine was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Miss Emily Romine, helpless daughter of William Romine, of Company C, Thirteenth Kentucky Volunteer Infantry, who died in the service of the United States, and to pay her a pension of \$18 per month during life.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MRS. NANCY SMITH.

The bill (S. 3634) granting a pension to Mrs. Nancy Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Army," to strike out the words "subject to the limitations and restrictions of the pension laws" and to insert "and pay her at the rate of \$12 per month;" so as to make the bill read:

Be itenacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Nancy Smith, daughter of the late Maj. Charles Fuller, of the Fourth Infantry Regiment, United States Army, and pay her at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# LOUISA ROGERS.

The bill (H. R. 8549) granting a pension to Louisa Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, to strike out "seventy-six" and insert "one hundred and thirty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Louisa Rovers on the pension-roll and pay her a pension of \$12 per month, she being the housekeeper and dependent daughter of Charles T. Bell, who was late captain in Company D, One hundred and thirty-fourth Regiment Indians Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### WILLIAM HARPER.

The bill (H. R. 10922) granting a pension to William Harper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Harper, dependent father of Joseph T. Harper, late assistant surgeon of the Seventeenth Regiment of Ken-

tucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ELISHA C. PASCHAL.

The bill (H. R. 11566) granting a pension to Elisha C. Paschal was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elisha C. Paschal, who served in Captain Gunn's company, from the State of Alabama, Indian war, 1836, and to

pay him a pension at the rate of \$20 per month.

The bill was reported to the Senate without amendment ordered to

a third reading, read the third time, and passed.

#### ELIAS J. KENADAY.

The bill (H. R. 3794) granting a pension to Elias J. Kenaday was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elias J. Kenaday, in Capt. James H. Morgan's company of Iowa Mounted Volunteers in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JOHN J. BROWN.

The bill (H. R. 10977) granting a pension to John J. Brown was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of John J. Brown, who was a private in Capt. Peter Vance's company of Colonel Leib's regiment of Illinois Mounted Riflemen in the Black Hawk war, and to pay him a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

The bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll was announced as the next pension bill on the Calendar.

Mr. COCKRELL. Is General Curtis living?

Mr. DAVIS. No, sir.
Mr. COCKRELL. I believe I would rather have the bill passed over until I can look at the report.

Mr. DAVIS. Very well. General Curtis has been dead for many

Mr. COCKRELL. The bill is to pension a child, and unless there some good reason for it it should not be done.

Mr. DAVIS. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

# ELIZABETH L. NOTT.

The bill (H. R. 3167) granting a pension to Elizabeth L. Nott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth L. Nott, widow of Dawes S. Nott, deceased, late of Company K, Twelfth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# DOROTHEA BUOFF.

The bill (H. R. 4825) granting a pension to Dorothea Ruoff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 3, before the word "be," to strike out "Treasury" and insert "Interior;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dorothea Ruoff, widow of John Ruoff, late of Company F. Thirty-eighth Indiana Infantry Volunteers, and pay her a pension from and after the passage of this act during widowhood.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

# JAMES H. TOLLY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11861) to place the name of James H. Tolly on the pensionroll. It proposes to place on the pension-roll the name of James H. Tolly, late private Company L, Twelfth Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LYMAN D. GREEN.

The bill (H. R. 6314) increasing the pension to Lyman D. Green

was considered as in Committee of the Whole. It proposes to increase the pension of Lyman D. Green, late of Company F, One hundred and forty-eighth Regiment New York Volunteers, to \$45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### REBECCA D. VEDDER.

The bill (H. R. 11737) granting a pension to Rebecca D. Vedder was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Rebecca D. Vedder, step-mother of Edwin H. Vedder, late of Company A, Third Regiment New York Cavalry, at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### J. W. PORTER.

Mr. MITCHELL. There is a case on the Calendar, Order of Busihess No. 2400, that has been passed over several times. I ask that it be taken up, if there is no objection.

Mr. COCKRELL. I did not hear what the Senator from Oregon said.

Mr. MITCHELL. It is the bill (H. R. 4792) to pension J. W. Por-

ter. It has been passed over several times, and I desire to have it considered now and to submit an amendment to it.

The bill (H. R. 4792) to pension J. W. Porter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Porter, late private of Company E, Battalion of Missouri Mounted Volunteers, for services in the Army of the United States in the establishment of military posts, and for services on the frontier during the war with Mexico.

Mr. MITCHELL. I move to amend the bill by adding:

Such pension to date from January 29, 1887.

The object of the amendment, I will state to the Senator from Missouri and the Senate, is simply to enable Mr. Porter to draw a pension the same as any of the other soldiers of the Mexican war—that is, from

the date of the passage of the Mexican pension act.

Mr. COCKRELL. Why not put an amendment on the bill directing that all the soldiers of that battalion shall be pensioned in the same

that all the soldiers of that battalion shall be pensioned in the same way? Such a bill has passed the Senate and gone to the other House, but it has not been acted on there.

Mr. DAVIS. It has not been acted on in the other House. I will state to the Senator from Missouri that the bill to put all the members of Powell's Battalion on the Mexican war pension-list is one with which he is familiar and concerning which we had some conference. We concluded after looking into this case carefully that we would give this pensioner the relief by special legislation in view of the uncertainty of the bill for the general relief of the battalion passing.

Mr. MITCHELL. That is the difficulty about the matter.

Mr. DAVIS. I concurred with the Senator from Oregon and agreed.

Mr. DAVIS. I concurred with the Senator from Oregon and agreed in the propriety of the amendment offered by him.

Mr. MITCHELL. I hope this bill will pass, and then we can at-

tend to the other matter later on.

Mr. COCKRELL. The other bill was passed, and it would cover

Mr. DAVIS. This bill was held over to allow the Senator from

Oregon to prepare his amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MITCHELL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to. By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. DAVIS, Mr. MITCHELL, and Mr. TURPIE were appointed.

# MARY VAN OLNHAUSEN.

Mr. DAVIS. The next pension bill in order on the Calendar is House

Mr. DAVIS. The next pension bill in order on the Calendar is House bill 10951, Order of Business 2620.

The bill (H. R. 10951) granting a pension to Mary Van Olnhausen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Van Olnhausen, of Lexington, Mass., late a nurse in the Mansion House Hospital at Alexandria, Va., and at other hospitals during the late war of the rebellion, and to pay her a

pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

pension-roll the name of Ellen Edwards, widow of Robert Edwards, late a private in Company D, Eighth Regiment Wisconsin Volunteers. The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

The bill (H. R. 10426) granting a pension to Otho G. Hendrix was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Otho G. Hendrix, late an artificer in Company A, United States Veteran Volunteer Engineers.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

### IRVING W. COMBS.

The bill (H. R. 12014) granting a pension to Irving W. Combs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Irving W. Combs, late of Company K, Seventy-fourth Regiment of Pennsylvania Volunteers, a resident of Des Moines, Iowa, and to pay to his legally constituted guardian a pen-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### W. B. GREEN.

The bill (H. R. 9179) granting a pension to W. B. Green was announced as next in order.

Mr. COCKRELL. Let that be passed over, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### WILLIAM L. WILSON.

The bill (H. R. 10976) granting a pension to William L. Wilson was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of William L. Wilson, who was a private in Capt. Samuel Hollingsworth's company of mounted volunteers in Colonel Thompson's regiment Illinois Volunteers, in the Black Hawk war, and to pay him a pension of \$20 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JOHN M'COOL

The bill (H. R. 5807) granting a pension to John McCool was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John McCool, late sergeant Company B, Second Regiment of Iowa Infantry Volunteers, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MRS. ELVIRA PARISH.

The bill (H. R. 8482) granting a pension to Mrs. Elvira Parish was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elvira Parish, mother of Cyrus O. Parish, late of Company H, Second United States Cavalry.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MRS. MARY L. JEWELL.

The bill (H. R. 11091) granting an increase of pension to Mrs. Mary L. Jewell was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Mary L. Jewell, widow of Marcus Jewell, a soldier of the war of 1812, from twelve to twenty-five dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HENRY V. BASS.

The bill (H. R. 11803) granting a pension to Henry V. Bass was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry V. Bass, Company I, One hundred and thirtieth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MARY K. ALLEN.

The bill (H. R. 12381) granting a pension to Mary K. Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary K. Allen, dependent mother of Second Lieut. Jesse K. Allen, late of the Fifth Infantry of the United States Army, and who was killed in action by the Indians August 15, 1858.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JAMES WATERS.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN EDWARDS.

The bill (H. R. 6893) granting a pension to Ellen Edwards was considered as in Committee of the Whole. It proposes to place on the sidered as in Committee of the Whole. It proposes to place on the committee of the Whole increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, and who

was in the military service in the war of 1812, to \$40 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### MARY A. BEDEL.

The bill (H. R. 10691) to increase the pension of Mary A. Bedel was considered as in Committee of the Whole. It proposes to increase the pension of Mary A. Bedel, widow of the late Brig. Gen. John Bedel, from \$30 to \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARTHA J. WARREN.

The bill (H. R. 9110) granting a pension to Martha J. Warren was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha J. Warren, widow of the late Col. D. Warren, of Company H, Thirteenth Regiment Kentucky Infantry, and to pay her at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to

# a third reading, read the third time, and passed.

### ORRIN F. WALLER.

The bill (S. 3749) granting a pension to Orrin F. Waller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Orrin F. Waller, late captain of Company H, Forty-eighth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to

be engrossed for a third reading, read the third time, and passed.

# ISHAM T. HOWZE.

The bill (H. R. 11571) granting a pension to Isham T. Howze was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isham T. Howze, who served in Captain Gunn's company, from the State of Alabama, Indian war, 1836, and to pay him a pension at the rate of \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

a third reading, read the third time, and passed.

### MRS. LYDIA E. QUAW.

The bill (S. 3857) granting a pension to Mrs. Lydia E. Quaw was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Lydia E. Quaw, widowof David L. Quaw, late captain of Company K, Sixth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# GEORGE W. DICKINSON.

The bill (H. R. 7827) granting a pension to George W. Dickinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Dickinson, late a private of Company E, Thirteenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELLEN B. FARR.

The bill (S. 3588) granting a pension to Ellen B. Farr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen B. Farr, widow of Evarts W. Farr, late major of the Eleventh New Hampshire Volunteers, at the rate of \$25

per month.

The bill was reported to the Senate without amendment, ordered to

# JOHN J. LOCKREY.

The bill (H. R. 220) granting a pension to John J. Lockrey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John J. Lockrey, late a private in Company C, Thirty-fourth New Jersey Volunteer Infantry, and also a sailor on board the United States ship Ino.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# MARY REYNOLDS.

The bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reynolds, to the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Reynolds, widow of Lewis Reynolds, late of Company D, Seventh Kentucky Volunteer Infantry, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

Mr. DAVIS. The bill just passed is the last pension case upon the

Calendar.
Mr. COCKRELL. I move that the Senate adjourn.
The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.)
the Senate adjourned until to-morrow, Saturday, February 9, 1889, at

# HOUSE OF REPRESENTATIVES.

# FRIDAY, February 8, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W.

H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows. To Mr. BAKER, of Illinois, for four days, on account of important

# DEFICIENCY FOR PRINTING AND BINDING FOR NAVY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of a deficiency appropriation for printing and binding for the Navy Department for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

#### DIVISION OF JUDICIAL DISTRICT IN GEORGIA.

The SPEAKER also laid before the House the bill (H. R. 3312) transferring certain counties from the southern judicial district to the northern judicial district in the State of Georgia, and dividing the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes, with Senate amendment.

Mr. BARNES. I move to concur in the Senate amendment. Senate has offered a substitute which is formal in its character. This

The SPEAKER. Is the reading of the amendment demanded?

Mr. REED. What is this bill?

The SPEAKER. It is a bill transferring certain counties from one judicial district to another, and also dividing that district. Is there objection to the request of the gentleman from Georgia? The Chair hears none, and the Senate amendment will be considered as concurred

### RELIEF OF SOLDIERS OF LATE WAR AND WAR WITH MEXICO.

The SPEAKER also laid before the House the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, with Senate amendment; which was referred to the Committee on Military Affairs.

# BIG HORN AND SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3798) granting to the Big Horn and Southern Railroad Company the right of way across the Fort Custer military reservation, Montana.

Mr. TOOLE. I ask unanimous consent for the present consideration of that bill. It is very short, and a similar bill has been reported in the

The SPEAKER. The bill will be read, after which the Chair will

ask for objections.

Mr. TOWNSHEND. Mr. Speaker, I am sorry, but I must ask for the regular order.

Mr. TOOLE. Then I ask unanimous consent that the bill lie upon

the Speaker's table.

There was no objection, and it was so ordered.

The SPEAKER also laid before the House the bill (S. 3516) to further suspend the operation of section 5574 of the Revised Statutes of the United States, Title LXXII, in relation to Guano Islands; which was read twice, and referred to the Committee on Foreign Affairs.

# ASSOCIATE JUSTICE FOR IDAHO.

The SPEAKER also laid before the House the bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and

for other purposes.

Mr. DUBOIS. I ask unanimous consent that that bill lie upon the

Speaker's table.

There was no objection, and it was so ordered.

# LIFE-SAVING STATION, ST. GEORGE RIVER, MAINE.

The SPEAKER also laid before the House the bill (S. 3897) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine.

Mr. DINGLEY. I ask unanimous consent that that bill lie upon

the Speaker's table.

There was no objection, and it was so ordered.

# WARREN HALL.

The SPEAKER also laid before the House the bill (S. 902) for the relief of Warren Hall; which was read twice, and referred to the Committee on Claims.

# FREDERICK N. KRESS.

The SPEAKER also laid before the House the bill (S. 3779) for the relief of Frederick N. Kress; which was read twice, and referred to the Committee on Naval Affairs.

### THOMAS LANNIGAN.

The SPEAKER also laid before the House the bill (S. 2714) for the relief of Thomas Lannigan.

Mr. ROGERS. I ask unanimous consent that that bill lie upon the Speaker's table.

There was no objection, and it was so ordered.

#### WRITS OF ERROR ON APPEALS.

The SPEAKER also laid before the House the bill (S. 3865) to provide for writs of error on appeals to the Supreme Court of the United States in all cases involving the question of jurisdiction of the court below.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that that

bill also lie upon the Speaker's table.

There was no objection, and it was so ordered.

#### DISTRICT APPROPRIATION BILL

The SPEAKER appointed as managers of the conference on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1890, and for other purposes, Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. HENDERSON of Iowa.

#### ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles: when the Speaker signed the same:

A bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois; and

A bill (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes.

# ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. ERMENTROUT. I rise to offer a privileged resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved. That on Wednesday, February 13, the whole of the east gallery and such portion of the south gallery as lies east of the reporters' gallery shall be reserved for the use of the families of Senators, Members of the House of Representatives, and Delegates, and their visitors. The Doorkeeper shall strictly enforce this order. The Speaker shall issue to each Senator and Member of the House of Representatives two cards of admission, and only persons holding these cards shall be admitted.

The resolution was agreed to.

# RELIEF OF CERTAIN SOLDIERS.

Mr. CUTCHEON. Mr. Speaker, I ask unanimous consent that the bill (H. R. 6106) for the relief of certain volunteer soldiers, returned from the Senate with amendments, lie upon the Speaker's table until

There was no objection, and it was so ordered.

# ORDER OF BUSINESS.

Mr. McCREARY. Mr. Speaker, I desire to ask unanimous consent

Mr. TOWNSHEND. Regular order. Mr. McCREARY. I hope my friend will withhold that demand for two minutes. I desire to offer a resolution to fix Thursday evening next for the consideration of business from the Committee on Foreign

Mr. TOWNSHEND. Mr. Speaker, I must move that the private business for to-day be dispensed with in order that we may proceed

with the consideration of the appropriation bill.

Mr. LANHAM. Pending that I desire to ask the gentleman from Illinois whether it is his purpose to go on to-day with the consideration of the Army appropriation bill. This being Friday, in the regular course it would be devoted to the consideration of business on the Private Calendar, and if that business is to be dispensed with, I desire to ask unanimous consent that the next day not devoted to the consideration of appropriation bills may be substituted for to-day.

# DAVID MERIWETHER.

Mr. TAULBEE. I desire to submit a privileged report.

The SPEAKER. The gentleman will send it to the desk. The Clerk read as follows:

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 331) for the relief of David Meriwether, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

Strike out all after the word "appropriated" in line 3 down to and including the word "all," line 10, and in lieu thereof insert the following:

"Three thousand six hundred and thirty-two dollars and thirty-eight cents, being the amount due him as disbursing agent of public moneys; also \$525 for

loss of public moneys sustained without fault on his part, amounting in all to the sum of \$4,157.38."

And the Senate agree to the same,

W. P. TAULBEE, FRANK T. SHAW, WILLIAM E. MASON, Managers on the part of the House, JOHN C. SPOONER, GEORGE F. HOAR, JAMES K. JONES, Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was

Statement of conferees on part of House of Representatives to accompany conference report on disagreeing votes of the two Houses on bill (H. R. 331) for the relief of David Meriwether,

The effect of the conference is to agree to the Senate amendment striking out that portion of the bill allowing claim for salary as Commissioner of Indian Affairs.

W. P. TAULBEE, WM. E. MASON, FRANK T. SHAW, Conferees on the part of the House.

The report of the committee of conference was agreed to. Mr. TAULBEE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

# REPORTS OF SUPREME COURT.

Mr. CASWELL. I rise to submit a privileged report from a committee of conference.

The SPEAKER. That is in order.

Mr. TOWNSHEND. I desire to withdraw my demand for the regular order, and allow the House to recognize as many gentlemen as it may desire for unanimous consent.

Mr. BUCHANAN. Regular order.

The SPEAKER. The gentleman from New Jersey [Mr. BUCHANAN] has demanded the regular order. The Clerk will proceed to read the

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1860) to amend section 683 of the Revised Statutes, relating to the distribution of the reports of the Supreme Court, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

L. B. CASWELL,
JOHN S. HENDERSON,
S. W. T. LANHAM,
Managers on the part of the House. JOSEPH R. HAWLEY, CHARLES F. MANDERSON, Managers on the part of the Sen

The accompanying statement, under the rule, was read:

The accompanying statement, under the rule, was read:

The conferees on the part of the House submit the following statement to accompany their report:

As the bill passed the House it appropriated only \$20,000 to pay for the reports required to supply the courts.

Subsequently the bill was referred to the Attorney-General for information. He submitted, for the House bill, a substitute, which was adopted by the Senate and is the amendment referred to. It increases the appropriation from \$20,000 to \$28,000, which seems to be necessary to carry out the objects of the bill. The amendment also provides that hereafter all United States Supreme Court reports shall be distributed by the Secretary of the Interior.

L. B. CASWELL,

JOHN S. HENDERSON,
S. W. T. LANHAM,

Managers on the part of the House.

Mr. CASWELL. Mr. Speaker, I presume no separate action is nec-sary in regard to the amendment to the title of the bill.

The SPEAKER. That is covered by the report.

Mr. I.ANHAM. I understand that the report covers all the Senate amendments, including the title.

The report was agreed to.
Mr. CASWELL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# MRS. GENERAL WARD B. BURNETT.

Mr. STRUBLE. I rise to a privileged question, and call up the mo-tion to reconsider in relation to Senate bill No. 681.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] as a matter of privilege calls up the motion to reconsider the vote by which the House refused to order to a third reading the bill the title of which will be read.

The Clerk read as follows:

A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Bur-

Mr. TOWNSHEND. I raise the question of consideration on that bill, in order that we may take up the Army appropriation bill.

Mr. STRUBLE. It will not take long to determine this matter. I would like very much to have it disposed of now.

The SPEAKER. The question is, Will the House now consider the motion to reconsider?

The question being taken; there were—ayes 55, noes 56. Mr. STRUBLE. I demand the yeas and nays.

The yeas and nays were ordered, 47 voting in fevor thereof.

The question was taken; and it was decided in the negative—yeas 80, nays 115, not voting 127; as follows:

		MILEO OUL	
Allen, Mass. Allen, Mich. Anderson, Iowa Baker, N. Y. Bayne, Bingham, Boothman, Brewer, Brown, Ohio Buchanan, Burrows, Butler, Campbell, T. J., N. Y. Caswell, Conger, Crouse, Darlington, Dingley, Dorsey, Dunham,	Farquhar, Finley, Fitch, Fitch, Fuller, Gallinger, Gest, Grosvenor, Grout, Guenther, Haugen, Hayden, Hayden, Hayes, Y. Henderson, Iowa Hermann, Hiestand, Hitt, Hopkins, III. Hunter, Jackson, Johnston, Ind.	Kelley, Laidlaw, Lehlbach, Mason, McKenna, McKenna, McKinley, Moffilt, Morrill, Morrow, O'Donnell, Osborne, Patton, Payson, Perkins, Peters, Plumb, Posey, Romeis, Sawyer,	Scull, Sherman, Spooner, Stephenson, Struble, Taylor, E. B., Ohio Thomas, Ry. Thomas, Ill. Thomas, Wis. Thompson, Ohio Turner, Kans, Warner, West, White, Ind. White, N. Y. Wickham, Williams, Woodburn, Yardley, Yost.
	NA	VO 115 -	

	44	ALLO-LIU,	
Abbott,	Crain,	Herbert, Holman,	Newton,
Anderson, Miss.	Crisp,		Norwood,
Anderson, Ill.	Culberson,	Hooker,	Oates,
Bankhead,	Cummings,	Hopkins, Va.	O'Ferrall,
Barnes,	Cutcheon,	Howard,	Peel,
Biggs,	Dargan,	Hudd,	Penington,
Blanchard,	Davidson, Ala.	Hutton,	Randall,
Bland,	Davidson, Fla.	Jones,	Rice,
Blount,	Davis,	Kerr,	Rogers,
Breckinridge, Ark.	Dibble,	Kilgore,	Rowland,
Browne, T.H.B., Va		Laffoon,	Russell, Mass.
Brown, J. R., Va.	Dougherty,	Lagan,	Sayers,
Bryce,	Dunn,	Landes,	Simmons,
Burnett,	Elliott,	Lane,	Smith,
Bynum,	Enloe,	Lanham,	Springer,
Campbell, F., N. Y.	Ermentrout,	Latham,	Stewart, Ga.
Campbell, Ohio	Felton,	Lind,	Stockdale,
Candler,	Foran,	Long,	Stone, Ky.
Cannon,	Ford.	Macdonald,	Taulbee,
Carlton,	Forney.	Maish,	Tillman,
Caruth,	French,	Mansur,	Tracey,
Catchings,	Glass,	Martin,	Townshend,
Cheadle,	Granger,	McClammy,	Turner, Ga.
Clardy,	Grimes,	McCreary,	Walker,
Clements,	Hall,	McRae,	Weaver,
Cobb.	Hare,	Merriman.	Whiting, Mass
Cothran,	Hatch.	Montgomery.	Wilson, Minn.
Cowles,	Heard,	Moore,	Yoder.
	Heard,		Louer.
Cox	Hemphill,	Morgan,	

### Morgan. NOT VOTING-127.

Adams,	Flood,	McCormick,	Ryan,
Allen, Miss.	Funston,	McCullogh,	Scott,
Anderson, Kans.	Gaines,	McKinney,	Seney,
Arnold,	Gay,	McMillin,	Seymour,
Atkinson,	Gear,	McShane,	Shaw,
Bacon,	Gibson,	Milliken,	Shively,
Baker, Ill.	Glover,	Mills,	Snyder,
Barry,	Goff,	Morse,	Sowden,
Belden,	Greenman,	Neal,	Spinola,
Bliss,	Harmer,	Nelson,	Stahlnecker,
Bound,	Henderson, N.C.	Niehols,	Steele,
Boutelle,	Henderson, Ill.	Nutting,	Stewart, Tex.
Bowden,	Hires,	O'Neall, Ind.	Stewart, Vt.
Bowen,	Hogg,	O'Neill, Pa.	Stone, Mo.
Breckinridge, Ky.	Holmes,	O'Neill, Mo.	Symes,
Brower,	Hopkins, N. Y.	Outhwaite,	Tarsney,
Browne, Ind.	Houk.	Owen,	Taylor, J. D., Oh
Brumm,	Johnston, N. C	Parker,	Thompson, Cal.
Buckalew,	Kean,	Perry,	Vance,
Bunnell,	Kennedy,	Phelan,	Vandever,
Butterworth,	Ketcham,	Phelps,	Wade,
Chipman,	La Follette,	Pideock,	Washington,
Clark,	Laird,	Post.	Weber,
Coekran,	Lawler,	Pugsley,	Wheeler.
Cogswell,	Lee,	Rayner,	Whiting, Mich.
Collins,	Lodge,	Reed,	Whitthorne,
Compton,	Lyman,	Richardson,	Wilber,
Cooper,	Lynch.	Robertson,	Wilkins,
Dalzell,	Maffett.	Roekwell,	Wilkinson,
Davenport,	Mahoney,	Rowell,	Wilson, W. Va.
De Lano.	Matson,	Russell, Conn.	Wise.
Fisher.	McComas.	Rusk.	10000

So the House refused to consider the motion. On motion of Mr. BOOTHMAN, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. THOMPSON, of California, with Mr. McKenna.

Mr. Hompson, of Cantorna, with Mr. Alcheman.
Mr. Barry with Mr. Allen, of Massachusetts.
Mr. O'Neall, of Indiana, with Mr. McCormick.
Mr. Breckinridge, of Kentucky, with Mr. Steele.
Mr. Washington with Mr. Arnold.
Mr. Hogg with Mr. J. D. Taylor.

Mr. Whiting, of Michigan, with Mr. Nutting, Mr. Fisher with Mr. Russell, of Connecticut, Mr. Whitthorne with Mr. Lyman,

Mr. MAHONEY with Mr. BUNNELL.

Mr. PIDCOCK with Mr. BOWDEN.

Mr. McShane with Mr. Laird.

Mr. SNYDER with Mr. Bowen.

Mr. WISE with Mr. GOFF.

Mr. NEAL with Mr. Houk. Mr. PHELAN with Mr. DE LANO.

Mr. COCKRAN with Mr. WILBER.

The following were announced as paired for this day:

Mr. Sowden with Mr. Brower

Mr. STEWART, of Texas, with Mr. BRUMM.

Mr. WILKINS with Mr. Post.

Mr. SENEY with Mr. GAINES. Mr. STAHLNECKER with Mr. CLARK.

Mr. MILLS with Mr. O'NEILL, of Pennsylvania, on this vote. Mr. HENDERSON, of North Carolina, with Mr. HOPKINS, of New York, on this vote.

Mr. McMillin with Mr. Ryan, on this vote.

Mr. McKenna. I am paired with my colleague, Mr. Thompson, on all political questions, but not regarding this as such a question I have voted

The result of the vote was then announced as above recorded.

MRS. LOUISA D. V. KILPATRICK.

Mr. CHIPMAN. I rise to submit a privileged report from a conference committee, move its adoption, and ask the previous question upon

Mr. TOWNSHEND. I rise to a point of order. The issue having been decided between the question of consideration I raised and the pension bill, does not that give the right of way to the committee over any other business?

The SPEAKER. What committee?
Mr. TOWNSHEND. The Committee on Military Affairs. In other words, does not the motion I have made to consider the Army bill take precedence?

The SPEAKER. But the gentleman withdrew his demand for the

Mr. TOWNSHEND. I did; but when the gentleman from Iowa brought up the pension bill I raised the question of consideration...

The SPEAKER. And the House determined not to consider that

bill. Now the gentleman from Michigan presents a privileged report.

Mr. TOWNSHEND. And against that I raise the question of con-

Mr. CHIPMAN. Its consideration will not take a minute.
Mr. TOWNSHEND. We are now in the consideration of the Army

The SPEAKER. The conference report will be read.

The report of the conference committee was read at length.

The SPEAKER. The question is, Will the House proceed to consider the conference report?

The question was taken, and the House proceeded to divide; pending which,

Mr. CHIPMAN said: I withdraw the report.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now move to dispense with private business for this day.

The question was taken; and on a division there were-ayes 86,

Mr. O'FERRALL. No quorum.

The SPEAKER appointed as tellers Mr. O'FERRALL and Mr. Towns-

The House again proceeded to divide, but before the announcement

Mr. O'FERRALL said: I withdraw the point of no quorum. So (no further count being demanded) the motion to dispense with private business was agreed to.

Mr. TOWNSHEND. I move now to dispense with the morning

The motion was agreed to.

Mr. TOWNSHEND. I ask unanimous consent that members having reports to make from committees may hand them in to the Clerk.

Mr. TAULBEE. On what is that based?
Mr. TOWNSHEND. Any reports.
Mr. TAULBEE. But I want to know why it is that the committees can not be called.

The SPEAKER. The question is not debatable.

Mr. TAULBEE. I am not debating it. I was simply asking a ques-

tion of the gentleman from Illinois.

Mr. TOWNSHEND. The House has already adopted my motion to dispense with the call of committees, and I have simply asked consent that members having reports to make from committees may file them with the Clerk

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. TAULBEE. I have no objection.

There being no objection, unanimous consent was granted to file re-

### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's

# LIFE-SAVING STATION ON COAST OF MAINE.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported back favorably the bill (H. R. 12434) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

### GUANO ISLANDS.

Mr. RAYNER, from the Committee on Foreign Affairs, reported back favorably the bill (S. 3516) to further suspend the operation of section 5574 of the Revised Statutes of the United States, Title LXXII, in relation to Guano Islands; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

### BRIDGES ACROSS GREEN RIVER.

Mr. CRISP, from the Committee on Commerce, reported as a substitute for bill H. R. 11996, a bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 11996 was reported back with a recommendation that

it be laid on the table.

### SUSAN P. MURDOCK.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2758) granting a pension to Susan P. Murdock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

### SPECIAL-ASSESSMENT LIEN CERTIFICATES.

Mr. GROUT, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 3737) for the relief of the holders of District of Columbia special-assessment lien certificates, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

### ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole to consider general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the title of the unfinished business.

The Clerk read as follows:

A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. TOWNSHEND. Mr. Chairman, I have but a few words to submit in support of the position I have taken in opposition to the point of order raised by the gentleman from Pennsylvania [Mr. RANDALL], to which I will ask the attention of the Chair. I have carefully examined the decisions that were rendered at the last session of this Congress bearing upon the proposition of my colleague from Illinois [Mr. SPRINGER] and the gentleman from Georgia [Mr. BLOUNT]. The most that can be said of the decisions in these cases is that they have taken the view that the Committee on Appropriations had not been altogether deprived of jurisdiction over the appropriations contained in the fortifications bill which they reported to the House and against which the point

of order was made. It may be conceded, for the sake of the discussion, that the decisions were correct. I differed then, as I now differ, with the gentlemen who were then in the chair as to the conclusions reached.

But suppose, sir, that we concede to the fullest extent what has been claimed by the gentleman from Pennsylvania in those decisions. How far do they go? Simply to the effect that the Committee on Approprifar do they go? Simply to the elect that the Committee on Appropriations has not altogether parted with its jurisdiction over the appropriations they report in that bill. Take, for instance, the decision upon the fortifications bill in the last session. The point of order was made against the appropriations for torpedoes therein provided that were to be used in defense of harbors or fortifications. It has been held by the Chair under the practice of the House, not under the rules of the House, but the committee on Appropriations still

thair under the practice of the House, not under the rules of the House, but the common practice, that the Committee on Appropriations still had power to report appropriations in the fortifications bill looking to the armament of forts or defense of harbors.

Now, I insist that the most that can be said in behalf of the Committee on Appropriations is that it may have concurrent jurisdiction with the Committee on Military Affairs of such appropriations. The Chair did not go so far as to hold that the Committee on Military Affairs was denied jurisdiction on this question. If the question had arisen on the Army bill, or any bill reported by the Committee on Military Affairs, I doubt whether the gentleman from Georgia would have contended,

and I doubt whether he would contend now, whilst upon the floor, that the Committee on Military Affairs did not have equal and concurrent jurisdiction with the Committee on Appropriations over such subjects. Now, sir, I do not see how he or any one can hold that this Committee on Military Affairs does not at least have concurrent jurisdiction. Why do I hold, sir, that the Committee on Military Affairs, if it has not exclusive jurisdiction, has concurrent jurisdiction with the Committee on Appropriations over appropriations of this character? Clause 12 of Rule 11 says in explicit terms:

All subjects which relate to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs.

Clause 3 of the same rule in defining the jurisdiction of the Committee on Appropriations, among other things, declares that all subjects relating to "fortifications" may be referred to that committee. Now, sir, the rule that I have read in relation to the Committee on Military Affairs goes further than the rule as laid down in clause 3, Rule 11.

Now, the most that can in my judgment be said by gentlemen is that both of these committees have concurrent jurisdiction over this subject; but if any doubt could be left on the mind of any one as to the jurisdiction, or at least the concurrent jurisdiction of the Committee on Military Affairs, he would certainly yield to the resolution adopted by this House by unanimous consent directly and specifically referring all subjects of that character to the Committee on Military Affairs.

I again ask the Chair to give his attention to the resolution which was reported by the gentleman from Tennessee [Mr. McMillin] as a member of the Committee on Ways and Means in the distribution of the various subjects included in the President's message passed on the 6th of December last. It reads as follows: both of these committees have concurrent jurisdiction over this subject;

6th of December last. It reads as follows:

Resolved, That so much of the annual message of the President of the United States to Congress at the present session as relates to the Army of the United States, including appropriations therefor, and to provide an armament—

This includes any proposition making appropriations for guns, tor-pedoes, or any arms intended for coast defense and armament. The

Providing for the defense of the seacoast be referred to the Committee on Military Affairs.

I do not believe, sir, that there can be any doubts upon the point that I have made, and the most that can be said in behalf of the Committee on Appropriations is that it has concurrent jurisdiction with the Committee on Military Affairs in appropriations for fortifications for the seacoast and for the public defense.

Now, in order to show that I am correct in this assumption I will call attention to the decisions that were rendered—the two decisions to which the gentleman from Pennsylvania referred. First to the one rendered by my colleague from Illinois [Mr. SPRINGER]. The decision is this:

The attention of the Chair has also been called to the decision of the gentleman who occupied the chair when the naval appropriation bill was under consideration at the last session of Congress. At that time the chairman of the committee held that a proposition for the purchase of guns for the use of the Navy was an object previously provided for by law, and that the appropriation was a continuation of such work.

The same point is raised here—that this appropriation has not been authorized by law, and therefore is not in order upon this bill.

authorized by law, and therefore is not in order upon this bill.

The present occupant of the chair, had he presided at that time, would doubtless have made a similar decision; but if it were now proposed to appropriate a sum of money for the armament of ships it certainly would not be contended that that was in order upon this bill, although it might be held to be necessary for the public defense. The words "the public defense," in clause I of Rule XI, refer to such defense as is committed to the Army of the United States, and as clause 3 of this rule has committed the subject of fortifications to the Appropriations Committee, all provisions for public defense to be made by fortification, should go to that committee, just as all provisions for the public defense relating to the Navy should go to the Committee on Naval Affairs.

The Secretary of War has transmitted to the committee certain letters, among them one from the Chief of Ordanace, to the effect that this appropriation is desired for the armament of fortifications. The Chair will take cognizance of the fact that the proper officials of the Government who have communicated this matter to Congress have stated that the appropriation is for the purpose of providing armament for fortifications, and such being its object, it should be reported in the fortifications bill, as provided in clause 3 of Rule XI.

Mr. Chairman, the provision in the bill does not anywhere upon its

Mr. Chairman, the provision in the bill does not anywhere upon its This weapon may be used to defend fortifications, but it is not necessarily so used. It may be used many miles away from any fortification or fort; it may be used in the river at any point. As I illustrated yesterday, it might be used anywhere from the mouth of the Potomac River to the city of Washington, a distance exceeding 100 miles. There is not a single fort between this city and the mouth of the Potomac is not a single fort between this city and the mouth of the Potamac, except the old dismantled Fort Washington where no troops are maintained. As I have said, these weapons could be used at any point between this city and the mouth of the river to defend the river approach to the capital.

One point which I made yesterday I wish the Chair to keep distinctly before it, and that is that this is a part of the armament that is desired for the Army and not necessarily to be used in connection with the defense of forts, for, as I have said, the weapon may be used at an entirely different and distinct point from any fort. I desire to call the particular attention of the Chair also to this point, that the military establishment having been authorized by law, it is in order for the Committee on Military Affairs to report any amendment in support of the military establishment. That principle was laid down by the gentleman from New York [Mr. Cox] when he was in the chair some week or ten days

I do not know what opinion other gentlemen may entertain of the learning and knowledge of the rules possessed by the distinguished gentleman from New York, but so far as I am concerned I regard him as one of the ablest parliamentarians, and as having as accurate knowledge of parliamentary principles and as thorough an understanding of the rules of this House as any gentleman who occupies a position upon this floor. With one exception I believe he has served longer than any member of this House. I feel that great weight ought to be given to his opinion. I ask now that the Clerk read from his decision on the occasion to which I refer, a decision which, in my judgment, fully answers the point of order made in this case. In the case upon which the gentleman from New York ruled there was an amendment in the Military Academy bill providing for the construction of an entirely new building at West Point, and in that instance the point of order would really have had more force than it has in relation to the matter now before the House.

The Clerk read as follows:

The Clerk read as follows:

The Charreman. Without entering upon the question of the jurisdiction of one committee as related to that of any other, the Chair holds that under clause 12 of Rule XI, "to the military establishment and public defense, including the appropriation for its support and for that of the Military Academy," the Committee on Military Affairs has jurisdiction of this matter; and therefore they have properly jurisdiction of this subject-matter as to the erection of buildings. The Chair will cause to be read the third clause of Rule XXI.

The Cherk read as follows:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

The Chairman. Without regard to the precedent cited by the gentleman from Illinois, the Chair decides that, within the meaning of the provision just read, the building proposed to be erected—"fire-proof building on site of public grounds at West Point"—is within the purview of the rule. The construction of a building is an incident to the maintenance of the Academy itself, the object being already in progress—the main object contemplated not only by the bill but by the very institution of the Academy itself.

Without reference to other decisions made from the Chair either in Committee of the Whole or otherwise, the present occupant of the chair is informed that the Speaker of the House on a former appropriation bill held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining a navy; and that decision of the Speaker "runs on all fours" with the decision which the Chair now makes when he overrules the point of order.

Mr. TOWNSHEND. Mr. Chairman, what do we learn from that

Mr. TOWNSHEND. Mr. Chairman, what do we learn from that decision? First, that the gentleman from New York [Mr. Cox] when occupying the chair followed directly in the footsteps of the Speaker of the House, who had held that the construction of a new vessel was properly to be considered as in support of the naval establishment, and was in order and might be reported in a general appropriation bill for the support of the Navy. As the gentleman rendering the decision states, his decision runs on all fours with that decision of the Speaker. He holds that the construction of an entirely new building, being in the nature of a support of the military establishment, it being author-ized by law, is in order, and that the Committee on Military Affairs, in furnishing means to that extent for the support of the Military Academy, could report a paragraph providing for an entirely new building. Now as to the decision of the gentleman from Georgia [Mr. BLOUNT]. I will not take time to read his decision in full, but the gentleman from Georgia had an entirely different question before him. The question before him arose upon the fortifications bill reported by

the Committee on Appropriations.

The provision in the fortifications bill expressly declared that the torpedoes proposed in that bill were to be purchased for use as a part of the fortifications. The appropriation was confined by its language specifically to torpedoes for use on fortifications.

Mr. CUTCHEON. It was for fixed mines only.
Mr. TOWNSHEND. Yes; it was for fixed mines, which were a part The provision in this bill, on the contrary, is for of the fortifications. the purpose of purchasing a weapon; is for the purpose of purchasing material for the use of the Army—not necessarily in connection with a fort. If it is in order for the Committee on Military Affairs to report a provision for an entirely new building, and if that can be conceded to be a part of the military establishment, who can deny that a gun, that a torpedo, is not also essentially and properly a part of the military establishment? Can any one conceive of anything which can be more essentially considered as a part of the military establishment than torpedoes and guns, projectiles and arms?

I do not wish to occupy any further time.

The CHAIRMAN (Mr. DOCKERY). The Chair is ready to rule upon this question. The point of order submitted by the gentleman from Pennsylvania [Mr. RANDALL] raises the question of jurisdiction and is directed to the clause of this bill which provides-

For the purchase, under the direction and at the option of the Secretary of War, of movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, such torpedoes to have a speed of not less than 15 miles an hour on a 1½-mile test, to carry 11,000 feet of cable, to steer to the right or left within a radius of 300 feet before or after diving under a spar or log, to carry not less than 400 pounds of dynamite or other high explosive, and be-

fore acceptance to meet the approval of the Board of Engineers, and the appro-priation thereof shall be available until exhausted, \$500,000.

Since the close of the session yesterday the Chair has made a some-what careful investigation of this question; and as a result of that investigation will say that even if he entertained a doubt as to the correctness of former rulings in respect to this controversy he would be inclined to follow those rulings, for the reason that the contrary course would involve the appropriation bills in much confusion and lead to a duplication of items. The Chair, however, entertains no doubt whatever as to the question of jurisdiction raised by the point of order. The distribution of the appropriation bills at the beginning of the first session of the last Congress made no change in the phraseology of the rule. The only effect of the change was to provide that certain appropria-tion bills which prior to that time had been under the control of the Appropriations Committee should be given to other committees. this connection the Chair desires to submit an extract from a recent decision of the gentleman from Georgia [Mr. BLOUNT] as Chairman of the Committee of the Whole on the fortification bill, which decision in the opinion of the Chair reflects some light on this question and aids us in the endeavor to see our way to a proper conclusion.

In that decision it is stated that-

In that decision it is stated that—

An examination of the statutes and of the practice of the House for a long series of years shows that prior to the adoption of the present rules the rules simply assigned the work of appropriations to the Committee on Appropriations. That committee subdivided their work into various general appropriation bills, not by virtue of any rule of the House, but for their own convenience. They were designated as the legislative, executive, and judicial bill, the sundry civil bill, the fortification bill, the District of Columbia bill, the pension bill, the deficiency bill, the military bill, the naval bill, and the bill in relation to post-offices and post-roads, etc.

The subject-matter of these several bills was designated by the Committee on Appropriations itself, and the Chair thinks that the only way of ascertaining the nature of these bills is by an examination of the substance of them. Under these designations they have been crystallized in the practice of the House until they have a significance as pregnant as the strongest language could give them. In the light of this practice the subjects contained in the paragraph—

Being the paragraph of the bill then under consideration-House bill 11917-

have almost from the beginning been assigned to the fortification bill.

The question at issue here is a question as to the jurisdiction over what is known as the "torpedo item" of this appropriation bill. Where does it belong, and what appropriation bill should carry it? In endeavoring to reach a just conclusion it occurs to the Chair that it is well to go back to the practice of the House in respect to this item before the change of rules distributed the appropriation bills; for that change of rules made no change in their phraseology, but simply assigned certain appropriation bills to committees which prior to that time had not been given the consideration of them. We find that beginning with 1874, without a single exception the item providing for torondees her bear without a single exception, the item providing for torpedoes has been carried in the fortification bill. Not only this, but since the adoption of the change of rules this item, as the Chair understands, though he is not quite positive as to this, has been carried in the fortification bill. The Chair thinks this is the fact, though it is not material to the question at issue.

Mr. CUTCHEON. There was no fortification bill in the Forty-ninth Congress

The CHAIRMAN. The Chair was not certain as to that, but made the statement simply-

Mr. RANDALL. There was.
Mr. CUTCHEON. There was none that became a law.
Mr. RANDALL. In the Forty-ninth Congress there was a bill nevertheless

The CHAIRMAN. The statement was made on the floor yesterday without contradiction to the effect that the "torpedo item" had been carried in the fortification bill of the Forty-ninth Congress. The Chair has not, however, investigated that question.

The Chair therefore thinks that the intent of the House in distrib-

uting these appropriation bills was to give to the fortification bill that which it carried prior to the distribution, to the Post-Office appropriation bill that which it carried prior to the distribution, and so with respect to the bills assigned to the other committees.

The Chair does not think it necessary to pass upon the question of order raised by the gentleman from Indiana. For these reasons the Chair sustains the point of order submitted by the gentleman from Pennsylvania.

Mr. CUTCHEON. I offer the amendment which I send to the desk, to take the place of that portion of the bill ruled out on the point of

The Clerk read as follows:

For the purchase, under direction and at the option of the Secretary of War, of movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, such torpedoes to have a speed of not less than 15 miles an hour on a 14-mile test, to carry 11,000 feet of cable, to steer to the right or left within a radius of 300 feet before or after diving under a spar or log, to carry not less than 400 pounds of dynamite or other high explosive, and before acceptance to meet the approval of the Board of Engineers, the same to be used and operated by the Engineer Corps of the Army at points upon navigable waters and at entrances of harbors where permanent fortifications do not exist. \$500,000.

Mr. SAYERS. I desire to raise the same point of order which has just been decided.

Mr. CUTCHEON. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. CUTCHEON. I desire to call the attention of the Chair to the difference between the amendment and the paragraph which has gone out on the point of order. In the first place, it leaves out that part embraced by the point of order made by the gentleman from Indiana [Mr. HOLMAN] in regard to the expenditure of the money; the next difference is, it requires this arm to be used and operated by the Engineer Corps of the United States Army; and in the next place it requires it to be operated by the Engineer Corps of the Army "at points upon navigable waters and at entrances of harbors where permanent fortifications do not exist."

This amendment, therefore, excludes the points raised and decided in the ruling of the Chair. It is absolutely certain it refers to a part of the military establishment. It is to be used and operated by the Engineer Corps of the regular Army. It excludes the possibility of this being claimed to be a fortification or to be used in connection with a fortification, because it expressly provides it shall be "at points upon navigable waters and at entrances of harbors where permanent fortifi-

cations do not exist."

This, then, Mr. Chairman, brings us down to the question, is a fish movable torpedo a fortification, and therefore to be appropriated for in the regular fortification bill, or is it merely an arm or weapon of the military establishment to be provided in the bill making appropria-

tions for the support of the Army?

Mr. Chairman, let us take for illustration a difficulty which may occur at the present moment. Suppose we were to get into difficulty with a foreign nation and it should attempt to send a fleet up the Potomac River in order to attack this capital. Now we have no fortification either on Chesapeake Bay or on the Potomac River to stay the progress of that fleet. We have no means of defense for this city except by the Engineer Corps of the Army, which has been drilled in the use of the fish movable torpedoes. At any point on the river and operating for a distance of 2 miles, if a hostile fleet approaches they can propel these torpedoes against the enemy and destroy his vessels. This makes it apparent therefore, Mr. Chairman, to my mind that this is simply a weapon; that it is not a fortification nor anything that is to-day called a fortification.

To illustrate further: We have a treaty with Great Britain whereby we are excluded from maintaining upon the Great Lakes upon our northern border to exceed three revenue-cutters, carrying, I believe, one gun apiece. Suppose we should get into difficulty and the British should attempt to send a fleet into the Lakes. We have no vessel there to reach them or contend against them. We have no fort which could stay them; but we could ship a cargo of these movable torpedoes upon say them; but we could sinp a cargo of these movable torpedoes upon a freight-car, and with the Engineer Corps of the Army to operate them "at points upon navigable waters, and at entrances of harbors where permanent fortifications do not exist," in the language of the amendment, we could destroy that fleet or prevent it doing us any serious damage. We could plant these torpedoes on the Detroit where, where there is now no fortification, or upon the coast of St. Clair where there there is now no fortification, or upon the coast of St. Clair, where there is no fortification, or the Sault Ste. Marie, or the straits of Mackinaw, where there is no fortification. With these movable torpedoes planted at the entrance of harbors, and along the shores of navigable waters, making 15 miles, capable of rising, diving, and being deflected, we could, by merely digging a cellar in which the operator could be protected and command the situation, with twenty or thirty of these movable torpedoes destroy the enemy's fleet.

It is not an armament or fortification. It is simply a weapon of the Engineer Corps of the United States Army, and belongs in this bill.

Mr. RANDALL. Gentlemen should not confuse the question. The decision of the Chair was as to where this appropriation belonged. All he decided was that it belonged in the fortification bill. He has not decided who shall make the contract for these torpedoes, or how they shall be used. The naked question ruled upon by the Chairman is that this appropriation belongs on the fortification bill.

Mr. TOWNSHEND. One word. I may misunderstand what was

the ruling of the Chair a few moments ago, but if I understood the Chair he does not base his ruling on the rules, but upon what was the practice, and that the practice was to put into the fortification bill appropriations for torpedoes to be used for harbor defense.

The CHAIRMAN. Will the gentleman from Illinois allow an interruption just there?

Mr. TOWNSHEND.

. Certainly. That is the language used in every fortification The CHAIRMAN. bill except two. The Chair would not hold it material to the main question of jurisdiction, but that is the phraseology in respect to tor-pedoes of every appropriation bill except that for the fiscal year 1885 and the fiscal year 1886, in which bills the language, in substance, is the language of the "torpedo section" of the bill now under considera-

Mr. TOWNSHEND. Then, if it may please the Chair, the language, with the exception of the acts of 1885 and 1886, has continuously been as stated, and the practice, with exceptions mentioned, has been unbroken, that no appropriations for torpedoes have been made in the appropriation bill except for harbor defense. The unbroken practice has been to confine the appropriations for torpedoes in this bill for harbor

The gentleman from Michigan [Mr. CUTCHEON] now presents a proposition for an appropriation not to be used in harbor defense or in connection with fortifications. It is for a very different branch of the service. As I have said, the unbroken practice has been to confine the appropriation in the fortifications bill to those torpedoes used only and solely in harbor defense.

Mr. CUTCHEON. Permit me to call the attention of the Chair to a single point that has not been adverted to, I think, in the discussion so far, that the first appropriation for \$100,000 for movable torpedoes was carried in the naval appropriation bill, in the act of 1883, passed by the Forty-seventh Congress, and for a very good reason, Mr. Chairman, as will be seen by considering the fact that a vessel of the Navy may take out a supply of naval torpedoes to sea and launch them from the vessel against the opposing fleet. It was carried then in the naval bill, which demonstrates the fact that it was not necessarily a matter for the fortifications bill.

The CHAIRMAN. The Chair would say in response to that suggestion that he intended, when delivering the opinion on the point of order submitted by the gentleman from Pennsylvania [Mr. RANDALL], to state that should the Appropriations Committee be deprived of its jurisdiction over this question it would seem that the entire proviso as to submarine torpedoes would more properly appear in the naval appropriation bill rather than the Army bill.

Mr. CUTCHEON. There are torpedoes and there are torpedoes. There are naval torpedoes to be used in connection with vessels, and there are land torpedoes to be used by the engineer forces operating from the land. This is not what may be called a land torpedo, but it

is projected from the land against the opposing vessel.

Mr. SAYERS. I desire to call the attention of the Chair to the language of the last fortifications appropriation bill, which used these

For practical instruction of engineer troops in details of the service and for the purchase of submarine torpedoes controlled at will by power transmitted from shore stations, etc.

Mr. TOWNSHEND. From what is the gentleman reading? Mr. SAYERS. I am reading from the fortifications appropriation act of the last Congress.

Mr. TOWNSHEND. Will the gentleman be kind enough to read from the beginning of that paragraph?

Mr. SAYERS. These words are of general signification—

Mr. TOWNSHEND. The beginning of the paragraph is this: For torpedoes for harbor defense,

The gentleman did not read that.

Mr. RANDALL. Oh, you can not do indirectly what by the decision of the Chair you are not permitted under the rules of the House to do directly.

The CHAIRMAN. The Chair has endeavored, in deciding the question of order, to make clear his opinion that the jurisdiction of the torpedo service under the practice of the House properly belongs to the fortifications bill. That was intended to be the decision of the Chair; but if the Chair did not so express himself in unmistakable language he was unfortunate in the use of the terms employed. That was the idea in the mind of the Chair at the time the decision was rendered. The Chair sees no reason to depart from the opinion then entertained,

and therefore sustains the point of order.

Mr. TOWNSHEND. I offer a further amendment to this paragraph.
The CHAIRMAN. The gentleman will send it to the desk.
Mr. TOWNSHEND. I desire to offer the following amendment. In

lieu of the paragraph stricken out on the point of order just decided by the Chair insert these words:

For purchase, under the direction and at the option of the Secretary of War, of torpedoes, \$500,000.

Mr. SAYERS. Mr. Chairman, I raise the same point of order against

The CHAIRMAN. The Chair sustains the point of Mr. RANDALL. It is triffing with the question.

Mr. SPINOLA. It does not seem like trifling with the question—

the resist of order that there is nothing be: Mr. SPINOLA. It does not seem like triffing with the question— Mr. SAYERS. I raise the point of order that there is nothing before the committee.

Mr. SPINOLA. I move to strike out the last word. The CHAIRMAN. What was the point of order rai

What was the point of order raised by the gentleman from Texas?

Mr. SAYERS. I made the point of order that the gentleman from New York was proceeding to address the committee when there was nothing pending.

The CHAIRMAN. The gentleman had just risen, and of course the

Chair had no means of determining for what purpose the gentleman had risen. The Chair understands the gentleman from New York now

to move a pro forma amendment.

Mr. SPINOLA. I was about to state, Mr. Chairman, in view of the suggestion made a moment ago, that there is trifling with the decision under the decision of the Chair here, that there appears to be a disposition on the part of one or two of our friends to strike out all of the ap-

propriation for torpedoes, and to strike it out upon the technical ground that it has not been recommended by a proper committee, looking at it from their standpoint. Now, must the country and its safety be jeop-ardized and placed in peril; must the seaboard cities be undefended simply to cater to a technicality on the part of a few of our friends; or should we do that, sir, in a statesmanlike way which the people of the whole country are looking for us to do-that is, to give ample protection to the dozen or fifteen of our great seaboard cities now so entirely unprotected?

You can commence, sir, away in the State of Maine and follow the coast all the way down as far as it extends, and there is no seaport city along that long line but what is left in such a position that in the event of a difficulty with any other country the city may be taken and held

for ransom at an enormous sum.

We know that there is trouble of a great and serious character by which we might be brought into conflict with Germany, and under existing circumstances, let me say to my friends here, the great city of New York is unprotected, with its billions of money, and if once captured the ransom would be so high that it would almost stagger the whole Government of the country. But my friend says he does not live there. They live a long way from here. How does it affect my friends, the gentleman from Texas, or the gentleman from Pennsylvania, who lives away up at the head of a small river that is continually asking for appropriations to remove obstructions and remove islands?

Mr. RANDALL. But we have never asked to remove the garbage

out of the harbor.

Mr. TOWNSHEND. You asked for an appropriation to remove an

Mr. SPINOLA. You asked for money to remove an island at a cost of two or three hundred thousand dollars last year. Now, I can only ask this of this House in the interest of the great commercial interests of the country, for the protection of all who live upon the seaboard, and for the Pacific coast as well as the Atlantic coast. The Chair has admitted in the decision that he has made that he was in some doubt, that he is not absolutely clear in his judgment; and when we have shaped the proposition in a new form so as to overcome the objection that he entertained, again objection is raised upon the same ground. I therefore think it is a fit subject to appeal to the judgment of this House upon, with all respect to the Chair, who has decided that it is not in order, as to whether we shall leave the people in this imperiled condition in case of difficulty with any nation or whether we shall do that which the whole country is looking for us to do and give such protection to our seaboard cities as will be warranted by our duty to them. I regret exceedingly to differ with my friend from Philadelphia [Mr. RANDALL], as well as with my friend from Texas [Mr. SAYERS].

This is a great public question, and it should not be treated upon a technical point. It is stricken out on a mere point of technicality as it stands before us to-day, and both my friends have placed it in that shape, and not upon its merits. I believe that it should be settled upon its merits, and I have no fear of the representatives of the American people deciding whether they shall place the country in such position, in case that we should have a difficulty with another country, as will fully guaranty the protection of our seacoast on both seas. I will say to my friends that if they do not let it rest upon this bill it will come in in some form. It may come in from the Senate, or it may come back in this very bill, and if it does you will have a great deal of trouble in

getting it off.

Mr. SAYERS. You will have trouble in passing it. Mr. SPINOLA. My friend from Texas says that My friend from Texas says that we will have trouble in passing it; but I am speaking to-day to this House, and I appeal to both the gentleman from Texas and the gentleman from Pennsylvania to let us take the question upon its merits in the House and let it decide it. If it decides that it is not of sufficient merit to be provided for, I will say amen to their judgment.

The Clerk read as follows:

For purchase and repairs of instruments to be issued to officers of the Corps of Engineers, for use on public works and surveys, \$4,000.

Library of the Engineer School of Application: Purchase and binding of professional works of recent date treating of military and civil engineering, \$500.

Mr. TOWNSHEND. I raise the point of order against the paragraph just read. The appropriation is for a library for the Engineer School of Application, stationed at Willets Point, New York. I was about to remark that I am surprised that that item escaped the vigilant attention of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Texas [Mr. SAYERS]. That item is to make an appropriation for the School of Application at Willets Point, New York. It is known as the Torpedo School. The object of that school is to experiment with and to prepare the submerged mines, and to instruct the Army officers in the use of these torpedoes which it has been decided are exclusively to be provided for in the fortification bill. Now, if appropriation can not be made in the Army appropriation bill for the pur chase of a single one of these torpedoes or the material out of which they are made, I certainly hold that the Committee on Military Affairs should not be burdened with an appropriation for the torpedo system. This is a part of the torpedo system, and a necessary part of that system; and the responsibility for the appropriation should rest where the

Chair and the gentleman from Pennsylvania decided it belongs. I insist on the point of order under the ruling which has just been made by the Chair.

Mr. RANDALL. If I understand that, I concur in the statement of the gentleman from Illinois. It is new legislation, and it is subject to the point of order.

I insist upon the point of order. Mr. TOWNSHEND.

Mr. CUTCHEON. Can I be heard for a moment?

Mr. TOWNSHEND. I will say, however, in this connection that it has been the practice of the House to insert this matter in this bill. It has always been put there ever since it was started. But if the ruling is correct upon the last item ruled upon, this should go out upon

the point of order that I have raised.

Mr. CUTCHEON. I apprehend, Mr. Chairman, that the point of order is rather argumentative than otherwise. This library and Engineer School of Application is for the instruction of one branch of the military establishment, the Engineer Corps, who are posted at Willets Point. There can be no doubt at all but that this is for the support of a part of the military establishment, and although I do not like to differ with my chairman, yet I think the provision is rightly in this bill, both in theory and in practice, and I should stultify myself not to say so. I differ entirely with the Chairman's ruling on the last point of order; I think that item belongs in this bill, too, but I do not think that two wrongs make one right.

Mr. RANDALL. I simply said that if this changed existing law it was subject to the point of order. The gentleman from Michigan now

states that this same paragraph is in the existing law.

Mr. CUTCHEON. It has been customary to make this appropriation on this bill.

Mr. RANDALL. Well, if it does not change existing law the point

of order does not apply.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

For a building to contain engineer models, \$8,000, or so much thereof as may

Mr. TOWNSHEND. I raise the point of order upon that item. There is no existing law authorizing it. It is part of the torpedo system, and it belongs to the Committee on Fortifications, who it is claimed have exclusive charge of appropriations for torpedoes. That runs on all fours with the views of the gentleman from Texas [Mr. SAYERS] and the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. We will express our own views without having them filtered through the mind of the gentleman from Illinois.

Mr. CUTCHEON. Mr. Chairman, talking about "all fours," this is on all fours with the Military Academy item involved in the decision made by the gentleman from New York [Mr. Cox]. At the present time there is an old tumble-down building at this place which is entirely unfit for the purpose, and we propose to give them a better one, a new brick building, in which to carry on their school and store their I am inclined to think that the gentleman from Texas [Mr. SAYERS] and the gentleman from Pennsylvania [Mr. RANDALL] are getting some light on the scope of previous points of order, but at the same time I want to see this provision kept in this bill.

Mr. TOWNSHEND. I wish to add, Mr. Chairman, that there is no question as to the merits of this appropriation or as to the necessity for Upon those points I have not the slightest doubt in my mind, but, as I desire that this bill may be confined to appropriations that are strictly in order, and as the Committee on Appropriations has constituted itself a guardian of this bill-a thing that the Committee on Military Affairs has never done with any billemanating from the Committee on Appropriations-this shows that my committee has more confidence in their judgment than they seem to have in the judgment of the Committee on Military Affairs [laughter]-I feel bound to make

the point of order.

Mr. Chairman, while I am on my feet I beg leave to congratulate my friend from Pennsylvania [Mr. RANDALL]. He has robbed the Committee on Ways and Means of the very essence of its jurisdiction and had it transferred to his own committee. He did not do it upon his own motion, but it was the spirit that animated him which induced others to rob that committee of its jurisdiction and transfer it to the Committee on Appropriations. I am not surprised, therefore, that he has become envious of the remnant of jurisdiction left with the Committee on Military Affairs and seeks to take away all that is left with I warn my friend who will soon bring in the Post-Office appropriation bill that he may find himself in the same predicament with the rest of us. It is not so very long since an effort was made here to emasculate the committee over which the gentleman from Pennsylvania presides and deprive it of its most important jurisdiction. He was then powerless to save his committee.

I stood with him hand in hand, shoulder to shoulder, and sought to prevent it from being emasculated of its power, but I find to-day that, Phoenix-like, he has risen up here with more power than he ever before possessed in this House. He has triumphed over the leading and what we all regarded, during the last summer at least, as the most potent committee in this House, the Committee on Ways and Means. I do not therefore wonder that he is encouraged to go on and make new conquests, nor am I ashamed to acknowledge that the Committee on Military Affairs is forced to submit to the conqueror [Laughter.]

Mr. RANDALL. I only want to leave you to your own reflections

after the meanness of such a speech.

Mr. TOWNSHEND. Oh, the gentleman entirely misapprehends my speech. There was no meanness in it. There was simply a purpose on my part to express my admiration for the gentleman's power and influence, which dominate this House and override the established rules and practices of the House.

Mr. RANDALL. I am afraid you make that last remark at the expense of your sincerity. [Laughter.]
Mr. TOWNSHEND. My friend is again very much mistaken. He

knows I am always sincere.

Mr. BUCHANAN. A single suggestion as to the point of order. Of course the point is not made seriously, because it can not be possible that the chairman of the committee which frames this bill would raise this point of order against the provisions of his own bill. But if it be

this point of order against the provisions of his own bill. But if it be true that it is made in sincerity, it certainly can not be possible that because for the time being a gentleman who happens to be chairman of the committee is temporarily dispossessed, as it were, of his ordinary stock of patience, the interests of the country should suffer.

The CHAIRMAN. The Chair would suggest, in response to the observations of the gentleman from Michigan [Mr. CUTCHEON], that the clause here is not only "on all fours" with the decision of the gentleman from New York [Mr. COX], but it is "on all fours" with the decision of the present occupant of the chair rendered on yesterday when he admitted the amendment offered by the gentleman from Ohio [Mr. OUTHWAITE] to provide for "officers' quarters" for the post at Columbus, Ohio. The Chair therefore overrules the point of order.

The Clerk read as follows:

The Clerk read as follows:

For repairing and preserving ordnance and ordnance stores in the hands of cops and for issue at the arsenals and depots, \$5,000.

Mr. TOWNSHEND. The Committee on Military Affairs have instructed me to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting the following after the word "dollars," in line 10, page 21:

For the purchase of machine-guns, musket caliber, American manufacture, \$20,000.

Mr. SAYERS. Mr. Chairman, I would like to inquire of the gentleman from Illinois what is to be the size of these guns.

Mr. TOWNSHEND. I ask that a communication from the War Department and a telegram be read which show the caliber of the guns. Mr. SAYERS. My object in the inquiry was to determine whether

I would raise a point of order. I will reserve the point.

Mr. TOWNSHEND. If the point of order is to be made, we had

better have it disposed of before going into the merits of this matter.

Mr. SAYERS. I simply made the inquiry in order to determine

whether the amendment was subject to a point of order.

The CHAIRMAN. Does the gentleman from Texas raise a point of

Mr. SAYERS. I desire to know the character of these proposed guns; when I have ascertained that I may not press the point. I reserve the point of order. If, as a gentleman suggests to me, these guns are to be musket caliber, then of course I do not raise the point of or-

The CHAIRMAN. The Chair understands that the amendment so provides.

Mr. CUTCHEON. I ask that it may be again read; I think the Clerk

omitted one word.

Mr. TOWNSHEND. I do not wish to be understood as acquiescing in the assumption that we do not have jurisdiction over all calibers of Gatling guns, if such an assumption is made; that we cannot authorize the purchase of these guns of any caliber for field service. I desire to contest that assumption before reaching the merits of the amendment.

The CHAIRMAN. The amendment will be again reported.

The Clerk again read the amendment.

Mr. SAYERS. I do not raise any point of order.

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

For manufacture of arms at the national armories, \$400,000: Provided. That no more than \$60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department: Provided further, That hereafter the cost to the Ordnance Department of all ordnance stores issued to the States, Territories, and District of Columbia under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," and that said appropriation shall be available until exhausted: And provided further, That section 3709 of the Revised Statutes shall not apply to the purchase of supplies in the War Department, if the Secretary of War shall so order, when the amount actually needed shall not exceed in value the sum of \$200.

Mr. TOWNSHEND. I desire to offer an amendment.

Mr. TOWNSHEND. I desire to offer an amendment.

Mr. HOLMAN. I wish to reserve a point of order on this paragraph.
Mr. TOWNSHEND. Let the amendment be read.

The Clerk read as follows:

Insert, after the word "armories," in line 20, the words "and used to procure like ordnance stores."

Mr. TOWNSHEND. I desire to have read a letter from the War Department on this subject.

The CHAIRMAN. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to state that he desired to submit a point of or-

Mr. HOLMAN. I object to unlimited appropriations of money for the War Department.

Mr. TOWNSHEND. Let the letter be read.

Mr. HOLMAN. Very well.

The Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT, Washington, D. C., February 2, 1889.

Washington, D. C., February 2, 1889.

Sir: I have the honor to invite your attention to the proviso in the Army appropriation bill of the past and present sessions of Congress, which requires that the value of all the ordnance stores issued to the militia be refunded to the appropriation "Manufacture of arms."

The Department, of course, intended that the money value of the stores taken from the Army supplies for issue to the militia should be used to replace to the Army those supplies, otherwise the appropriations for the Army for ordnance stores other than small arms would annually have to be increased about \$200,000 or more. In order to remove a certain ambiguity in the proviso I request that you will have the proviso amended by inserting, after line 20, on page 12, the words "and used to procure like ordnance stores." This will remove all ambiguity and doubt as to the intent of the law.

A copy of H. R. 12383 showing the desired amendment is inclosed.

Respectfully, your obedient servant,

S. V. BENÉT,

S. V. BENÉT, Brigadier-General, Chief of Ordnance.

Hon. R. W. Townshend,
Chairman Committee on Military Affairs,
House of Representatives,

Mr. TOWNSHEND. The War Department does not wish to increase this fund appropriated for manufacture of arms at national armories, but desires authority to use it for like purposes as proposed in this

Mr. HOLMAN. I desire to state my point of order. Line 21 reads: And that said appropriation shall be available until exhausted.

And that said appropriation shall be available until exhausted.

Although this does not involve a very large sum of money, the amount being \$400,000, yet the provision is subject to the objection that it is in conflict with the Constitution. As to the next proposition, that embraced in the proviso "that section 3709 of the Revised Statutes shall not apply to the purchase of supplies in the War Department," it is clearly a new provision of law. That section of the Revised Statutes was adopted after long and very careful consideration. The language of the bill proposes to declare that this provision of the Revised Statutes shall not apply to a given case.

Mr. TOWNSHEND. I have no desire to say anything more. I do not care to discuss it further.

The CHAIRMAN. Does the gentleman from Indiana insist upon

The CHAIRMAN. Does the gentleman from Indiana insist upon

done in violation of the Constitution.

The CHAIRMAN. Does the gentleman from Indiana insist upon his point of order?

Mr. HOLMAN. I certainly do.

Mr. CUTCHEON. With regard to the availability of the appropriation it would be easy to avoid that objection, but in fact it is entirely unnecessary, as the general law covers that point.

Mr. TOWNSHEND. Why, it is in the law of the present year.

Mr. HOLMAN. My attention was not called to it at the time, but I certainly do object most strenuously to the inauguration of any system of continuing, in opposition to the provision of the Constitution, appropriations for the Army beyond two years. Continuing indefinitely propriations for the Army beyond two years. Continuing indefinitely appropriations for the Army can not be done in this way, unless it is

Mr. TOWNSHEND. Does the gentleman say that is not in the

present law

Mr. HOLMAN. I do not care where it is; it is in violation of the Constitution of the United States, which provides that no appropriation for the Army shall be for a longer period than two years.

Mr. TOWNSHEND. If it is against the Constitution then it will

not be available after two years.

Mr. HOLMAN. It is against the Constitution.
Mr. TOWNSHEND. But it is the present law, and if unconstitutional, as the gentleman alleges, it can not continue for longer than two years.

Mr. HOLMAN. The attention of the House was not called to it at the time.

Mr. McADOO. Mr. Chairman, I believe the point of order to be well taken. This second proviso virtually repeals the militia law.

The CHAIRMAN. The Chair can not hear what the gentleman

from New Jersey is saying.

Mr. McADOO. I say that the second proviso virtually repeals the militia law enacted by the Forty-ninth Congress. I have that law before me at this time and will read it if the Chair desires me to do so.

The CHAIRMAN. The Chair would be glad to hear what the law is.

· Mr. McADOO. It is as follows:

Be it enacted, etc., That section 1661 of the Revised Statutes be, and the same is hereby, amended and re-enacted so as to read as follows:

"SECTION 1. That the sum of \$400,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster's stores, and camp equipage for issue to the militia."

Now, the gentleman from Illinois, who has been complaining of usurpations by other committees, on the Committee on Military Affairs, has undertaken by this second proviso to turn over this appropriation of \$400,000 for the militia to the regular Army. In that act of February 12, 1887, it is provided expressly that it shall be for the purpose of providing arms, ordnance stores, quartermaster's stores, and camp equipage for issuance to the militia. If the Chair has any doubt upon the subject, I will send up the act.

Mr. TOWNSHEND. The provision in the present law is the same,

with this exception, that the words perpetuating the statute appear in a different part of the proviso. Now the proviso of the present law is

For manufacture, repair, and issue of arms at the national armories, \$400,000: Provided, That not more than \$60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department: Provided further, That the cost to the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," which appropriation for 1889 and thereafter shall be available until exhausted.

That is the law to-day. The militia law was repealed at the last session. If you strike out the proviso under the law of to-day the appropriation is made available as proposed in the pending bill.

The CHAIRMAN. The gentleman will please send up the provision

to which he refers.

Mr. TOWNSHEND. It is the present law, and I call attention to the fact that the militia law has, to the extent mentioned in the bill, been repealed.

The CHAIRMAN. The Chair will call the attention of the gentle-man from Illinois to the fact that the word "hereafter" does not ap-

pear in the law of last year.
Mr. CUTCHEON. It says "and thereafter."

Mr. TOWNSHEND. It includes the word "thereafter," as I have

said, and makes the appropriation available as stated.

Mr. HOLMAN. It is possible, and I take it for granted, that the statement is correct, though I have not examined the matter, that the appropriation bill for the current year contains just such a provision. But if it does, Mr. Chairman, it shows more clearly the necessity of the Chair interposing when a point of order is raised, and the House interposing if the point of order is sustained, to prevent the adoption of any provision which is manifestly in violation of the Constitution. I concede as to the other departments of the Government that this practice has been in existence for many years. We appropriate in this form for the other departments, but the constitutional provision as to the limitation of appropriations for the military department of the Government can not be overlooked.

Mr. Chairman, I desire to have this constitutional provision read, which is higher than any rule of the House.

The CHAIRMAN. The Chair understood the gentleman to submit that provision of the Constitution is in support of the point of order; but in view of the fact that the proviso is in the last bill the Chair would prefer to let the House decide the question for itself.

Mr. HOLMAN. But it is palpably in contravention of the Consti-

Mr. McADOO. I submit, Mr. Chairman, the further point that it is new legislation.

Mr. RANDALL. If this is to remain in the bill there certainly ought to be some language put in limiting the appropriation.

Mr. HOLMAN. I submit an amendment that no expenditure of

Mr. HOLMAN. I submit all authentic that the special state of the said sum of money shall extend beyond two years.

Mr. RANDALL. From the date of the act?

Mr. HOLMAN. Of course, from the date of the passage of the bill.

Mr. TOWNSHEND. I am perfectly willing that the amendment of the gentleman from Indiana may be accepted, though I see no necessity for it whatever. If it is unconstitutional to make the provision the expenditure could not be made after two years. But to avoid controversy and further discussion, and to enable us to get through with the bill, I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment submit-

ted by the gentleman from Indiana.

The Clerk read as follows:

After the word "exhausted," in line 21, insert " not exceeding two years;" so that it will read:
"And that said appropriation shall be available until exhausted, not exceeding two years."

Mr. McADOO. Mr. Chairman, the gentleman from Indiana, with the consent of the chairman of the Military Committee, has submitted an amendment to this proviso which it seems is designed to limit its operation to two years. As I understand it, this proviso in itself is a change of the whole statute relating to the militia. The statute makes an appropriation of \$400,000 a year for the militia, and is a permanent one; but if this proviso against which the point of order was made is to remain in the bill, and the amendment of the gentleman from Indiana is accepted, you repeal or limit the operation of the statute to two years, and instead of its being a permanent statute you make it depend

years, and instead of its being a permanent statute you make it depend altogether upon the language embodied in the appropriation bill.

Mr. CUTCHEON. I think the gentleman is unnecessarily alarmed about the appropriation for the militia. It is a mere question of book-keeping. They get an appropriation of \$400,000 every year anyhow; and while I am heartily in favor of the appropriation for the militia system, which the gentleman has advocated so strenuously here, I do

not see that there is anything in this provision which can affect it in

Mr. McADOO. The proviso limits it to two years; and if the bill is adopted with that proviso in it, it manifestly takes the place of the existing statutes. Now, if I had known that this provision was in the last bill I should have opposed it with all the ability which I may pos sess. It is in this bill; the Chair has ruled upon it as being admissible under the rule, because of the fact that it is based upon a proviso embodied in the last appropriation bill. But if the amendment of the gentleman from Indiana is accepted, that, I take it, repeals the perpetuity of the present law and limits its operation to two years.

Mr. HOLMAN. Let me ask, Mr. Chairman, if the Chair has ruled

Mr. HOLMAN. Let me ask, Mr. Chairman, it the chair has ruled upon the proviso to this paragraph?

The CHAIRMAN. The first proviso on page 21, or the second one? Mr. HOLMAN. I refer to the proviso commencing with line 22. The CHAIRMAN. The Chair has not ruled upon that. Mr. HOLMAN. The point of order extends to that as well as to the other, that it changes existing law.

The CHAIRMAN. Does the gentleman make the point of order? Mr. HOLMAN. I made it, or intended to make it, when I made the other.

The CHAIRMAN. The Chair will pass upon that question after the pending amendment is disposed of. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. RANDALL. Now, as to the third proviso. There has been no

decision given on that.

The CHAIRMAN. The gentleman from Indiana will please state his point of order against that proviso again.

Mr. HOLMAN. The point of order—

Mr. TOWNSHEND. I submit that the gentleman from Indiana has waived his point of order by submitting an amendment to that pro-

Mr. HOLMAN. I reserved the point of order.

Mr. TOWNSHEND. I understand that the gentleman from Indiana offered his point of order against the third proviso of the paragraph; but I have an amendment which I offer to the paragraph that has been read—the second proviso—which has not been disposed of.

The CHAIRMAN. The Clerk will report that amendment; and the Chair will hear the gentleman.

The Clerk read as follows:

Insert, after line 20, page 21, the words "and used to procure like ordnance stores."

The amendment was agreed to.

The CHAIRMAN. The gentleman from Indiana will please state

the point of order again.

Mr. HOLMAN. I stated the point of order, if the Chair please, at the beginning, and will state it again. This is a proviso that section 3709 of the Revised Statutes shall not apply to the purchase of supplies, etc. It is clearly a new law, because it provides that this proviso of the Revised Statutes shall not have the application it now has. The proviso of the Revised Statutes referred to refers to supplies purchased by the War Department, while this proviso declares that the Revised Statutes shall not apply to that.

Mr. TOWNSHEND. Before the Chair rules upon the point of order

I desire that he may allow me to have read the reason for this amendment. It is in the interest of economy, and I will ask that it be read.

The Clerk read as follows:

It is thought best by the committee to make permanent the provision that the cost to the Ordnance Department of ordnance stores issued to the States, etc., under the act of February 12, 1887, shall be credited to the appropriation for manufacture for arms at the national armories. The committee, after a very careful investigation and with considerable hesitation, have reported an amendment to section 3709 of the Revised Statutes so far as said section affects the War Department, and in support of the amendment submit the following correspondence of that Department:

ORDNANCE OFFICE, WAR DEPARTMENT, Washington, D. C., October 12, 1888,

SIR: The Chief of Ordnance has recommended that section 3709 of the Revised Statutes shall not apply to purchases of supplies of less value than \$200, and he requests that you will make report based on your experience in making small purchases by the present method of advertising for proposals.

It has been stated that these small purchases can not be made as economically by the present method as by resort to open-market purchase, and moreover that the responsible business houses which furnish acceptable materials in many cases refuse to make bids under advertisements for small orders, being unwilling to incur the trouble and the formality the present system requires, and that when induced by personal requests to send in proposals they are generally above the prices at which they offer to sell like supplies over their counters for cash.

cash.

He requests that you will give your experience in the matter and generally submit any evidence you possess or arguments you may have to offer as to why the open-market purchase of small quantities of supplies would be more advantageous to the United States than by purchasing them under advertisement!

vantageous to the United States than by purchasing them under advertisements as now practiced.

Where it is practicable to give facts and figures, please do so.

He requests that you will please forward your reports on this subject with the least practicable delay.

It is proposed to submit these reports to Congress in asking the exemption of small purchases from the operation of existing laws.

Respectfully, your obedient servant,

WILLIAM CROZIER.

WILLIAM CROZIER,
Lieutenant Ordnance Department, United States Army. The COMMANDING OFFICER.

Mr. TOWNSHEND. I have had the communication read hoping that the gentleman from Indiana would listen to it, in order that he might fully understand the motive of the Department and of the committee in inserting this provise in this bill. It is in the interest of economy. When the Department desires to purchase a small amount of supplies they are required to advertise and go through all the expense they would have to go through if they were to purchase a large amount. Now, the Department feels that it would be great economy to dispense with the advertising for supplies when the amount needed does not exceed \$200.

It is unquestionably in the interest of economy. Sometimes it will cost nearly as much, and in some instances more, to pay for the advertisement than the articles purchased. If \$50 worth or less is required they have to advertise thirty days; and the Department may be required to pay more than \$50 for the advertisement. I do not know exactly how much the advertisements cost. Now, we have confined this to expenditures of \$200 or less; and we felt that we ought to have sufficient confidence in the integrity and the discretion of the officers of the War Department to at least permit them to buy \$200 worth without advertising for the lowest bidder.

I have no doubt that the point of order is good. The Committee on Military Affairs put the item upon this bill with great hesitation; and it was solely in the interest of economy we placed it there. If the gentleman from Indiana insists upon the point of order, and inflicts upon the Government such an enormous expenditure as would be required to advertise when the Department wants to buy \$10, \$20, \$30, or \$40 worth of supplies, he will have to take the responsibility of insisting

upon his point of order.

Mr. HOLMAN. I ask that the section proposed in effect to be modified shall be read, and that will show who is in favor of economy in that matter. It was put upon the statute-book to prevent abuse in the purchase of supplies in connection with the Army, and has remained on the statute-book for twenty-four years.

The Clerk read as follows:

SEC. 3709. All purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same when the public exigencies do not require the immediate delivery of the articles or performance of the service. When immediate delivery or performance is required by the public exigency the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals.

Mr. CUTCHEON. I would like to call the attention of the gentleman from Indiana to the fact that this amendment is proposed on the recommendation of the War Department, and that its operation is made entirely contingent upon the order of the Secretary of War. Unless he so orders this will not be done, and it is to be presumed that he will not so order unless in a case of urgency.

Mr. HOLMAN. But ought the Secretary of War, or any executive officer of the Government, to be permitted to make purchases in open market in this loose way, unless there is an emergency, and if there is an emergency, can not he do it under the law which I have just had read?

Mr. CUTCHEON. If \$200 is too wide a range of discretion, let the amount be reduced.

Mr. HOLMAN. Oh, when once you begin to break down a statute it soon disappears entirely.

The CHAIRMAN. The Chair sustains the point of order presented by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

The Clerk read as follows:

For manufacture of arms at the national armories, \$400,000: Provided, That not more than \$60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department: Provided further, That hereafter the cost to the Ordnance Department of all ordnance stores issued to the States, Territories, and District of Columbia under the act of February 12, 1837, shall be credited to the appropriation for "manufacture of arms at national armories," and that said appropriation shall be available until exhausted: And provided further, That section 3709 of the Revised Statutes shall not apply to the purchase of supplies in the War Department, if the Secretary of War shall so order, when the amount actually needed shall not exceed in value the sum of \$200.

Mr. MORROW. Mr. Chairman, I desire to offer an amendment to come in at that point.

The Clerk read the amendment, as follows:

After line 2, on page 22, insert:

"For the purchase by the Secretary of War of four pneumatic dynamite guns of 15-inch caliber, and the necessary machinery to fire and handle the same, ammunition and carriages for the same, to be delivered free of cost to the Government at such point or points in the harbor of San Francisco as may be designated by the Secretary of War, \$250,000, or so much thereof as he may deem proper."

Mr. RANDALL. I make the point of order on that. The committee has no such jurisdiction.

Mr. TOWNSHEND. Mr. Chairman, upon the point of order I wish

to be heard. Mr. RANDALL. The point has been decided two or three times to-

Mr. TOWNSHEND. I hope the gentleman will speak loud enough to be heard or else that the Chair will preserve order.

The CHAIRMAN. The Chair will be glad if the gentleman from

Pennsylvania will indicate the bill in which he thinks this item should

Ar. RANDALL. The fortifications bill.

Mr. TOWNSHEND. Mr. Chairman, I understand that the only point the gentleman makes is that this ought to be on the fortification.

I will not now discuss the merits of the amendment. The Committee on Military Affairs have not reported it; the amendment has been offered by the gentleman from California [Mr. Morrow] on his own responsibility.

But I wish to call the attention of the Chair to this fact. During the last session the Army appropriation bill was fought with the same stubbornness and ability by the members of the Committee on Appropriations that they now display in fighting this bill, yet the Army bill at that time contained just such a provision as the one now offered by the gentleman from California, and they did not succeed in striking it from the bill. The members of the Committee on Appropriations contested every feature which was in the nature of an appropriation that belonged, in their judgment, to the fortifications bill, and they succeeded in striking from the bill of last session everything that either they, or the Chairman of the Committee of the Whole, regarded as properly belonging to the fortifications bill. This provision, however, stood that test at the last session of the House and remained in the bill. mained in the bill; it became a law upon that bill; a contract has been made under that law; and now the gentleman from California seeks only to do here what was done upon the bill of last session. Can a provision like this be held to be in order at one session of a

Congress and be held to be out of order at the next session? This weapon is as much in order on the Army appropriation bill as a pro-vision for the purchase of small-arms at the armories, or for the purchase of any field-piece that might be needed for the operations of the Army in the interior. It is not necessarily a weapon to be used in defense of a fort. It is an offensive as well as a defensive weapon. It has been purchased by the Navy. The Secretary of the Navy recommends that a vessel be built and that her armament shall consist of these guns. The dynamite cruiser Vesuvius was constructed at a cost of nearly \$400,000 to carry an armament of these guns. These guns may be used out on the sea, a thousand miles away from our own coast; they may be used out on the plains; they may be used anywhere that fieldpieces can be used.

I am now discussing simply the point of order. I feel, sir, that it is my duty to stand here and defend as much of the jurisdiction of our my duty to stand here and defend as much of the jurisdiction of our committee as I can. I know that the gentleman from Pennsylvania has been very successful in making inroads upon that committee in instances that every member of the Committee on Military Affairs regards as clearly belonging to that committee. If he is able to prevent us from reporting upon this bill appropriations for guns, then he ought to be permitted to strike from this bill every item coming under the to be permitted to strike from this bill every item coming under the head of "Ordnance" or "Engineer's Department." I repeat, Mr. Chairman, if this provision was regarded as in order last session, why is it not in order this session? It was the gentleman from Pennsylvania [Mr. RANDALL] himself who made the point of order against this item in the Army bill last session. It carried the same amendment. He objected then, claiming that it belonged to the fortifications bill. He sat in his seat when the Army appropriation bill was tions bill. He sat in his seat when the Army appropriation bill was then under consideration, and when this very item was under consideration he suggested an amendment to it which was adopted.

Now, sir, if it was considered by him and by the Chair and by the House to be in order then, how can he stultify himself to-day by making an assault upon it? Does he feel that it is easier at this session to deprive the Committee on Military Affairs of its rightful jurisdiction than at the last session? Why did he not bring up his point of order when he sought to amend this provision last session? My memory when he sought to amend this provision last session? My memory being refreshed, I will go further and will remind the Chair that the gentleman himself [Mr. RANDALL] did raise the point of order against this provision and his point of order was overruled.

I call the attention of the Chair to the fact that a point of order was raised against that item of the bill by the gentleman from Pennsyl-

vania, and his point of order was overruled.

Mr. MORROW. I desire to suggest that the objection raised at that time by the gentleman from Pennsylvania was based upon the fact that the provision contained the word "plants," and upon that word being stricken out the gentleman from Pennsylvania withdrew his objection. I ask the Clerk to read from the RECORD the proceedings in reference to that matter, showing the objection which was made by the gentleman from Pennsylvania at that time, and showing that on the provision being modified in accordance with his suggestion it was adopted as a part of the bill.

The Clerk read as follows:

The Clerk read as follows:

The Clerk read as follows:

"For the purchase by the Secretary of War of pneumatic dynamite guns of different calibers, and the necessary plants, ammunition, and carriages for the same, for armaments and military use, \$400,000, or so much thereof as he may deem proper."

Mr. RANDALL. I desire to make the point of order against that paragraph. From time immemorial, or at least as far back as I remember, appropriations for this character of armament have been embraced in the fortification bill. I make the point of order against this paragraph, and I object especially to the words "and the necessary plants." It will not be contended that there is any law pro-

viding for a plant in this connection, and I can not view this provision in any other light than as an attempt to edge in the beginning of a plant for the manufacture of these guns by the Government. I need not go now into the merits of such an undertaking. I make the point of order against the paragraph, and more particularly against the words "and the necessary plants," on the ground that there is no law authorizing a necessary plant for any such purpose.

Mr. Townshend. There is no question, in my judgment, but that it is in order on this bill to appropriate for the purchase of arms, small or large; but under the construction which the gentleman from Pennsylvania puts upon the provisi n in the bill, namely, that it contemplates establishing a plant to manufacture these guns, it is possible that his point of order may be good, and to obviate that objection I will agree to strike out the word "plants." It was not contemplated at all to provide for the establishment of such a plant as the gentleman has in mind. The only purpose was to provide the machinery necessary for handling and firing the guns.

Mr. RANDALL. Then why not say so?

Mr. TOWNSHEED. I am willing to strike out "plants" and insert instead "machinery to fire and handle the same."

Mr. RANDALL. That will obviate the objection I have made to the language in the bill.

Mr. RANDALL. The gentleman from Illinois has argued that this amendment is designed to purchase weapons to be used anywhere on land. Now, the amendment in its very language states that these weapons are to be used in the harbor of San Francisco.

Mr. MORROW. To be delivered at the harbor of San Francisco. Mr. RANDALL. To be delivered there?

Mr. RANDALL. To be delivered there?

Mr. MORROW. To be delivered there. I may say to the gentleman from Pennsylvania that the investigation I have made leads me to suppose that these guns will not be placed upon any fortification or in the immediate vicinity of any fortification.

Mr. RANDALL. If they are to be used at San Francisco, as the gentleman seems now to hesitate to say, then they belong, of course, to the coast defenses. Either they are intended for coast defense or, in my judgment, they will be useless; and, if intended for coast defense,

they belong to the subject of fortifications.

Mr. MORROW. The object of the amendment is to do precisely what is proposed in the original act, namely, to provide pneumatic dynamite guns for the defense of the country. It is a matter belonging to the military establishment and the defense of the country, of which, as provided in the rule, the Committee on Military Affairs had jurisdiction. The jurisdiction of the Committee on Military Affairs in this matter was conceded last year when this provision was incorporated in the Army bill. It then went through with a simple suggestion from the gentleman from Pennsylvania that under the word "plants," as first embraced in this provision, it was possibly the purpose of the War Department to establish a plant for the manufacture of these guns, and on that ground he made objection. That particular objection has been obviated in this amendment.

It is not proposed to establish any plant for the manufacture of these guns; but it is proposed to procure four of these guns-not necessarily for the purpose of being used in connection with the fortification of San Francisco. On the contrary, it is more than likely, it is almost certain, so far as I understand the matter from those who have charge of it and who understand what will be done with these guns, that it is not intended to use them in connection with forts, but that they are intended

to defend the country.

Mr. SAYERS. I would like to ask the gentleman one question.
Mr. MORROW. Very well.
Mr. SAYERS. The gentleman does not intend by what he has said to convey the idea that these guns will be used for field purposes, does he?

Mr. MORROW. I do not know that they will be used for field pur-

Mr. SAYERS. Is the gentleman prepared to say that they will not

be used for field purposes?

Mr. MORROW. I am not an engineer of the Army Mr. TOWNSHEND. I can not understand the bearing of this controversy as to the use which may be made of these guns. The principle for which I contend is that these are a part of the military establishment, a weapon which the Army is entitled to have if Congress deems it proper to make an appropriation for the purchase of them, as much so as any other kind of gun proper for the use of the Army. I can not understand why the Chair should inquire into the motives of the gentleman from California or what may be his views as to the use which the Army will make of these guns. The only question to be considered is, is the provision germane; is it in order on this bill? That has been answered by the ruling made at the last session, overruling the point of order made by the gentleman from Pennsylvania.

Mr. SAYERS. Is there any estimate for this?
Mr. TOWNSHEND. There was no estimate for it; and for that reason it was not embraced in the bill as reported. But I understand from the gentleman from California that he has a letter from the Secretary of War recommending the appropriation.

Mr. MORROW. The matter has been submitted to the Secretary of War and an estimate has been made of some \$250,000 for the pur-

of War and the Chase of additional guns.

A. RANDALL. Where is the estimate?

Mr. RANDALL. Where is the estimate?

Mr. TOWNSHEND. It did not come to the committee in time for them to take action upon it before the bill was reported.

Mr. MORROW. There is an estimate in this respect: The Secretary

of War has furnished a letter in which he states the necessity for these guns and indorses the propriety of an appropriation for the purpose.

Mr. TOWNSHEND. Estimates are not necessary to lay the foundation for jurisdiction.

Mr. SAYERS. Iask the gentleman from California [Mr. Morrow], if he has the letter in his possession, to send it up and have it read by the Clerk

Mr. MORROW.

Mr. MORROW. It has been mislaid, but I will try to find it. Mr. CUTCHEON. Mr. Chairman, I have nothing to say in regard to the merits of the amendment of the gentleman from California. has not been considered by the Committee on Military Affairs. I concede an appropriation for a dynamite gun would be in order on the Navy appropriation bill, provided it was to be used on one of our naval vessels, as in the case of the Vesuvius.

I concede that it would be in order as a provision on the fortification bill provided it was a necessary part of our fortifications, unless the House had given that subject to another committee, as at the present. session it has done. I concede that it would be strictly in order on an Army appropriation bill if it was to be operated by the military establishment. As nothing appears to the contrary I think it is in order and that it is to be taken for granted it will be operated by the military establishment. The appropriation made for the present year is as

For the purchase by the Secretary of War of pneumatic dynamite guns of different calibers, and the necessary machinery to fire and handle the same, ammunition, and carriages for the same, all complete and mounted in place ready for military use, \$400,000, or so much thereof as he may deem proper.

The only point of difference in that law from the pending amendment is that it should be for military use; not for naval, but for military use.

There should be some of these pneumatic dynamite guns on the Pacific coast. We have a great city there. We have a magnificent commerce and it is inadequately defended. We have no high-power guns. We did own one there, but on the first fire it broke the carriage and was dumped into the ditch.

Mr. MORROW. Yes; when they fired it it broke the gun-carriage

and relled down the hill.

Mr. CUTCHEON. The first time it was fired it broke the carriage and is still left in the ditch. We ought to have some of these highpower guns for use on that coast, and we will have them if we can satisfy the scruples of the Committee on Appropriations

Mr. Chairman, we certainly ought to be under obligations to the members of that committee for the care with which they scrutinized the work of the Committee on Military Affairs. I do not know really how the Committee on Military Affairs would get along if we did not have these gentlemen interested in our work and ready to scrutinize. If we can satisfy their scruples I am willing to let in the amendment of the gentleman from California [Mr. Morrow] provided it shall be limited to military use.

Mr. RANDALL. I am sorry the members of the Military Commit-

tee show so much temper about this matter.

Mr. CUTCHEON. No; they are the best-tempered men in the world.

Mr. RANDALL. I wish to say there was an appropriation last year. Mr. TOWNSHEND. Last session.

Mr. RANDALL. That is last year. Under that act there was advertisement made for pneumatic dynamite guns. There was but one bidder. There was no competition. This amendment comes here without an estimate. It does not come with the approval of the Committee on Military Affairs. Mr. TOWNSHEND.

The question did not come before the Com-

mittee on Military Affairs.

Mr. RANDALL. You acknowledge you did not have jurisdiction over it.

Mr. TOWNSHEND. I do not admit that. It was not presented to the committee by the gentleman from California until after the Army appropriation bill had been reported to the House

Mr. RANDALL. It could not have been reported in the bill, be-

cause there was no estimate for it.

Mr. TOWNSHEND. Estimates are not necessary to give jurisdiction according to the statement made the other day by the gentleman from Teunessee [Mr. McMillin].

Mr. RANDALL. Does the gentleman from Illinois say his commit-

tee can take jurisdiction without receiving any estimates?

Mr. TOWNSHEND. Yes; at the last session of Congress the estimates were sent to the committee.

Mr. MORROW. Mr. Chairman, I desire to say a word in reference to the origin of this amendment. An appropriation of \$400,000 was contained in the act of last year, and was intended to include the

placing of guns on the Pacific coast.

When this contract was let, or rather when the bids were invited some time ago, it was ascertained that they could only place guns at New York, Boston, and another point, and that the placing of guns on the Pacific coast under that appropriation could not be done. Upon consultation with the Secretary of War in regard to the matter he stated to me the facts; and in the letter to which I have referred, but which has been mislaid, although I will find it and have it inserted in the RECORD in connection with my remarks, the Secretary of War states distinctly and strongly that this gun is required on the Pacific coast, and that under the appropriation of last year it was impossible to provide such a gun.

Furthermore, permit me to say, and perhaps it may be intrenching a little on the merits of the case, but it at least shows the good faith in the origin of this amendment, that San Francisco is perhaps the best place within the limits of the United States to-day for testing the value of this gun. It has been found from experiment that this gun is effective, as admitted by the gentleman from Pennsylvania two years ago last July, when the discussion of the fortifications bill took place, and when he called attention to the fact that the proposed gun would probably be one of the best defenses the country could have.

Now, at San Francisco you can place this gun at a reasonable eleva-tion upon the hills surrounding that harbor where the shell can be dropped upon an incoming vessel, and it has been found that the effectiveness of the gun depends upon its elevation. If, therefore, the gun is to be effective it must be on the hills overlooking the bay or harbor of San Francisco, and there it will be of greater service as a defense

than anything else that can be devised.

The CHAIRMAN. The Chair would like to ask the gentleman from

California

Mr. MORROW. If the Chair will permit me, I am not addressing myself to the merits except to show that the point of order should not be allowed to prevail against the amendment, because it is a fact that the Secretary of War has sent the communication to which I have referred, and which bears directly upon the necessity of the appropria-

The CHAIRMAN. That is important in its relation to the point of order, and the Chair thinks that, in the absence of an estimate, it would not be improper to inquire into the character of the gun proposed by the amendment, and to ask the gentleman from California to state frankly to the Chair whether this gun is to be used as a field gun or for fortifications.

Mr. MORROW. I do not know, Mr. Chairman, that I could claim sufficient experience in military affairs or in military engineering to say what the Secretary of War will do or ought to do with the gun after it has been provided; but I want to answer the question as far as

I can.

Mr. RANDALL. Common sense would be a good guide.

The CHAIRMAN. Will the gentleman from California repeat his answer to the question of the Chair? The attention of the Chair was

answer to the question of the Chair? The attention of the Chair was momentarily directed to a remark of the gentleman from Pennsylvania.

Mr. MORROW. No doubt, Mr. Chairman, as a military maneuver common sense is a very good institution, and I think that common sense would suggest to the House now, as it did to the gentleman from Pennsylvania two years ago, that this gun will be a most admirable thing for the defenses of this country.

Now, whether we are to take this gun up and handle it with horses in the field, I do not pretend to determine. That would be a question

for the Army engineers, I take it.

The CHAIRMAN. But the Chair will state that the fact as to whether or not the gun is to be used in a fortification or in the field will, in the absence of an estimate, have some influence in determining the bill in which this item should appear. If the estimate was here it would of course be a guide for the Chair, and therefore the Chair has requested the gentleman from California, who is doubtless familiar with the details of the proposition, to state the purpose of the amend-

Mr. RANDALL. Obviously the only place it can be used is as a

part of the fortifications of the harbor.

Mr. MORROW. It is impossible for me to state to the Chair what use will be made of this gun after it has been provided, except simply that it will be used as an arm of defense. My own judgment would be, and from the best information I can gather, that it would not be advisable to place this gun in the present fortifications of San Francisco if you mean to connect it with the fortifications already erected there. It will not be and could not be advantageously a part of them. It will,

It will not be and could not be advantageously a part of them. It will, however, be a part of our harbor defenses.

Mr. CUTCHEON. Will the gentleman yield to me for a moment?

Mr. MORROW. Certainly.

Mr. REED. All of this trouble could be obviated by the gentleman withdrawing the point of order.

Mr. CUTCHEON. The question of jurisdiction, Mr. Chairman, does not come in here at all, because this appropriation does not come from the committee. It is simply for the Committee of the Whole to say whether it will place the amendment offered by the gentleman from California as an independent provision upon the bill or not. The House California as an independent provision upon the bill or not. The House may say it will put it here or anywhere else. The Committee on Military Affairs does not, therefore, assume any jurisdiction of the matter, but it will be an assumption of jurisdiction by the House itself acting in Committee of the Whole if it should be held that the proposition does not legitimately belong to this bill. The Committee on Military Affairs having no estimate, leave this to the Committee of the Whole to say, under the ruling of the Chair and in all deference to the Chair, whether or not it will also the appropriation of this bill. whether or not it will place the appropriation on this bill as the only available vehicle for carrying it at the present time.

Mr. REED. If it depends on a question of fact, ought the Chair to decide that question? If it depends on a question of fact, I suggest that

the committee should decide it, and not the Chair.

The CHAIRMAN. The Chair was endeavoring to get at the facts in so far only as they relate to the point of order. The Chair, with some

Mr. MORROW. Is that ruling on the character of the gun?

The CHAIRMAN. It is not a field gun.

Mr. MORROW. As I understood, the Chair stated that the point of order was sustained with reluctance.

The CHAIRMAN. The reluctance arises only from the fact that this provision is substantially the same as that which appears in the

Army appropriation bill of last year.

Mr. MORROW. I think that this matter is in that sort of condition that the House, with no disrespect to the Chair, might pass upon this subject; and I therefore appeal from the decision of the Chair.

Mr. CUTCHEON. I would call the attention of the Chair for a moment to the fact that as this is for armament for the coast defenses, which has been conferred upon the Committee on Military Affairs, it would come in on this bill.

Mr. BLOUNT. Before the submission of the question on the appeal, I would like to ask what is to be submitted—whether the ruling shall stand or whether it is upon the merits of the question?

The CHAIRMAN. The Chair has sustained the point of order pre-

sented by the gentleman from Pennsylvania. Mr. RANDALL. This belongs to fortifications, and the Chair could

not decide in any other way. Mr. TOWNSHEND. The gentleman from Pennsylvania decided, himself, last session that it belonged to the Army appropriation bill.

Mr. BLOUNT. I understood the gentleman from California to ap peal from the decision of the Chair, and that it is now asked before the matter be put that the merits be discussed before the House.

Mr. MORROW. The Chair intimated that he was in doubt as to the

Mr. BLOUNT. I wanted to know whether it was in a position that the committee could reach it in accordance with parliamentary law.

The CHAIRMAN. The question is, Shall the decision of the Chair

stand as the judgment of the committee?

The question was put, and the Chair announced that he was in doubt as to the result.

Mr. MORROW. Division.

The committee divided; and there were-ayes 80, noes 19.

So the decision of the Chair stands as the judgment of the committee. The Clerk read as follows:

For overhauling, cleaning, and preserving new ordnance stores on hand at

For overhauting, cleaning, and preserving new ordinance stores on hand at the arsenals, \$5,000.

For firing the morning and evening gun at military posts, prescribed by General Orders No. 70, Headquarters of the Army, dated July 23, 1867, \$20,000, or so much thereof as may be necessary.

For targets for artillery practice, \$5,000.

Mr. MAISH. By direction of the Committee on Military Affairs I offer the following amendment.

The Clerk read as follows:

That the sum of \$15,000, or so much thereof as may be necessary, shall be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to cause examinations and tests to be made in converting the existing ordnance of the War Department into steel-lined torpedo howitzers for throwing high explosives according to the plans of Stephen H. Emmons as stated in his memorial of February 2, 1889, referred to the Committee on Military Affairs.

Mr. RANDALL. I make the point of order upon that.

The CHAIRMAN. What point of order does the gentleman make?

Mr. RANDALL. That it belongs to the fortification bill?

Mr. MAISH. This does not state what the caliber of these guns

Mr. RANDALL. This matter of conversions has always been provided for in the fortification bills.

Mr. MAISH. These examinations and tests may be made of fieldpieces as well as guns for fortifications, and if it is in order to make an appropriation to make such examinations for the larger ordnance of the Government, it certainly will not be out of order in making examina-tion and making a test of one field-piece of the Army; I suppose that would be a question for the Secretary of War. How the gentleman can raise a question of order upon a mere proposition to make a test of the ordnance where the caliber and size of the gun are not stated, I do not understand. Of course it is not stated, I do not understand. Of course it is only contemplated that the test shall be made in accordance with the rules of the House. That is all. The Committee on Military Affairs ask that at least \$15,000 may be appropriated to determine whether the scheme of Professor Emmons will convert these useless and obsolete guns to very effective weapons, which I believe it will do.

The committee informally rose to receive a message from the President, Mr. HOLMAN in the chair.

# MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President, by Mr. PRUDEN, one of his secretaries, was received.

The message also announced approval of a bill and joint resolutions

of the following titles:
An act (H. R. 2557) for the relief of W. W. Welch;

Joint resolution (H. Res. 181) accepting the invitation of the Impe-

rial German Government to the United States to become a party to the

International Geodetic Association; and Joint resolution (H. Res. 246) authorizing the Secretaries of War and the Navy to loan the committee on inaugural ceremonies flags, etc.

#### ENROLLED BILL SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1305) to incorporate the Maritime Canal Company of Nica-

## ARMY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Chair will submit this amendment to the committee.

The committee divided; and there were-ayes 41, noes 36.

Mr. RANDALL. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. MAISH] and the gentleman from Texas [Mr. SAVERS].

Mr. TOWNSHEND. If the gentleman from Pennsylvania is going to filibuster on this bill perhaps the committee had better rise.

Mr. RANDALL. What does the gentleman mean by talking about

filibustering?

Mr. TOWNSHEND. Mr. Chairman, it is very evident that there is no quorum here, and if the gentleman from Pennsylvania insists—
Mr. RANDALL. I want to count those that are here.
Mr. TOWNSHEND. They have been counted already.

The committee divided; and the tellers reported-ayes 68, noes 62.

So the amendment was agreed to.

Mr. MAISH. I ask permission to have printed in the RECORD, as a part of my remarks, the memorial of Professor Emmons upon this sub-

There was no objection, and it was so ordered.

The memorial is as follows:

HARRISON, N. Y., February 2, 1889.

To the Senate and House of Representatives of the United States in Congress assembled: GENTLEMEN: In view of the attention now being paid to tha subject of the national defenses I beg leave to submit for your consideration the accompanying paper and drawings; and in the hope that the information and suggestions therein contained may prove of some service, petition that it be referred to appropriate committee and have due consideration.

I am, gentlemen, your obedient servant,

STEPHEN H. EMMONS.

## THE UTILIZATION OF EXISTING ARMAMENTS.

The utilization of existing armanerms.

It is often assumed that unless a nation possesses a store of ordnance of the most modern type it is necessarily in a defenseless condition; and, inasmuch as such guns can not be made or procured at short notice, the inference is deduced that the coast line of the United States and many other countries must, for at least some years to come, remain at the mercy of the great European powers. There is, of course, much truth in this view. To manufacture a large built-up steel gun is a work of many months under the most favorable circumstances, and of some years in countries where no first-class gun factories exist, and where, consequently, the heavy parts of ordnance have to be supplied from abroad. This point is clearly brought out in the following passage from General S. V. Benét's report as Chief of Ordnance for the United States for the year 1884:

eral S. V. Benét's report as Chief of Ordnance for the United States for the year 1884:

"The difficulties above recounted in procuring steel from abroad, even for experimental guns, makes manifest, without lengthy comment, the necessity for home production. It is hoped that the very pressing need of the Department and the difficulties under which it now labors in attempting to secure suitable material for gun-construction may b: relieved through the prompt and energetic action of Congress at its next secsion. The steel-makers of this country will not undertake the production of steel on a scale adequate to our wants without the inducement of being fairly remunerated for their outlays, and the immediate action on the part of Congress for holding out such inducements by liberal appropriations can not be overestimated. The truth of this statement is apparent when it is considered that, even after ample encouragement has been afforded, considerable time must elapse, say two years or more, before the requisite plant can be designed, constructed, and set up, and the production of steel in masses of sufficient size and of suitable quality for gun-construction can become a practical success. Then the manufacture and test of the experimental or typical guns will require at least two years more, even for the more moderate-sized calibers, before the manufacture of guns in quantity can be proceeded with."

In General Benét's report for 1887 the subject was again alluded to in terms so

ate-sized calibers, before the manufacture of guns in quantity can be proceeded with."

In General Benét's report for 1887 the subject was again alluded to in terms so luminous and pregnant that I feel it incumbent upon me to make the following further quotation:

"It is believed to be to the vital interest of the whole country that such liberal appropriations be made by Congress from year to year, until our present utter destitution as to modern guns be relieved, as shall furnish the substantial encouragement and aid that our steel industry demands. As a step in this direction I have asked in my annual estimate for an appropriation of \$1,500,000 for the procurement of forgings for 8-inch and 10-inch breech-loading steel guns. This sum should procure the steel for about fifty 8-inch guns and about forty 10-inch guns, and to allow the necessary time to erect additional plant this appropriation should be made available until expended.

"It is not necessary to enter into a discussion of the necessity for seacoast armament, nor of the possibility of future disbandment of armies and the settlement of international controversies with the pen instead of the sword. What may be in the near or distant future in this regard the most astute statesman can not divine. Our dealings, however, are with the immediate present, and if the recurrence of war is likely to follow ample preparation, Europe in arm-would seem to indicate that the days of peaceful arbitration have not yet been reached. It can hardly be recommended that while waiting for this future possibility our shores should continue unguarded and at the mercy of the most insignificant belligerent.

"Rams and torpedoes and dynamite guns are powerful auxiliaries in harbor defense, but the war conditions yet obtaining will not dispense with the hard hammering of heavy shot moving with a high velocity, because these auxilia-

ries themselves need protection and of the most perfect character. The dynamite guns with a limited range can not be left to the mercy of the much longer-reaching guns of the enemy's ships. The attacking ships must be kept at a distance by heavy guns and long-range mortars—the comparatively low cost of mortars enabling us to compensate by numbers any lack of accuracy of fire. As a projectile force gunpowder yet stands supreme. It strikes a terrific blow at long distances; its arm reaches many miles; it plants its blow with unerring certainty. We can not dispense with such a force, so readily handled, so thoroughly understood.

"Heavy cannon are therefore a necessity, and must be provided, and our un-

long distances; its arm reaches many miles; it plants its blow with unerring certainty. We can not dispense with such a force, so readily handled, so thoroughly understood.

"Heavy cannon are therefore a necessity, and must be provided, and our unprotected coasts demand that they be provided speedily. These necessities also demand that they be of the most approved quality; cannon of steel which have been adopted by the world after most thorough and satisfactory experiment and trial; cannon that will place this nation on an equality with the most powerful. It will cost money, but not more than the loss to the cities of New York and Brooklyn from one day's bombardment. All this and more is known to Congress and the country. Reports of board and committee, reports of official experts, the writings in the public press, individual views, all have kept this important matter before the people, and the responsibility for weal or woe, for success or disaster, must remain with the people. At this time no half measures will do. Congress should decide, and decide at once. Another year ought not to pass without a settled and well-defined policy in regard to the national defense."

If Congress have hitherto hesitated to adopt this policy in its entirety the hesi ation has not arisen from any difference of opinion as to the urgent necessity of arming the national seaboard. All political parties and all authorities, whether military or civil, whether in offices of state, in the chambers of Legi atures, or in halls of commerce, are alike agreed on so vital a question. But it may well be that from the height of the Capitol a broader and more farreaching view is taken than in circles of more limited observation. To deliberately compete in armaments with the leading European nations would be to enter upon a policy of vast and uncontrollable expenditure with the certainty that by far the greater portion would produce results of but ephemeral value; and even to enter upon the purchase or manufacture of any considerable number of the

SEC. 1 .- The distinguishing feature of modern ordnance.

SEC, 1.—The distinguishing feature of modern ordnance.

Among the earliest guns of which we have any account, or of which specimens are still to be found in military museums, we find breech-loading built-up rifles of great length, and we know that these weapons were used in combination with very slow-burning gunpowder. In other words, modern ordnance is but a reversion to ancient types.

Probably the only absolutely new features to be met with in the heavy artillery of the present day are, first, the projection of shells charged with high explosives; and, secondly, the employment of carriages that cause the guns to automatically disappear from sight after delivering their fire. But there is also much that is relatively new in the details and methods now adopted in connection, with the old devices of rifling, hooping, breech-loading, length of chase, and slow-burning powder; and it will be found on examination that these novelties are all more or less founded on a better understanding and conception of guns in general considered as machines for developing and utilizing mechanical energy. This is indeed the main distinction between the artillery of the present day and that of either ancient or recent times.

The ideal gun indicated by theory is a tube of equal thickness from breech to muzzle, and the ideal gunpowder is a substance capable of generating gas at a rate corresponding to the increasing space opened up by the passage of the shot along the chase of the gun.

Suppose, for example, that it is desired to impress an energy of 5,000 foot-tons upon a shot having a cross-sectional area of 50 square inches and a travel of 10 feet in the gun. It is evident that a uniform pressure of 10 tons per square inch operating during the whole travel of the shot will give the energy in question; assuming, of course, that no allowance is to be made for friction, atmospheric resistance, and the like.

But the same result may equally well be attained by employing a volume of gas giving an initial pressure of 16.76 tons per sq

Charge.	Maximum pressure.	Minimum pressure.	Average pressure.
A	10	10	10
	16.76	4.19	10
	21.49	3.58	10
	11.81	5.90	10

All of these charges produce an equal effect upon the shot and will give us the desired 5,000 foot-tons of energy; and if this were the only point to be considered it would not matter which of the four charges we used. But when we consider the question of the strength of our gun the case is very different. The power of the gun is limited by the maximum strain it will bear without bursting; and a gun in which Charge A could be safely fired might not suffice for Charge C. Our choice must therefore be guided solely by the column of maximum pressures, and as the lowest possible figure in this column must always be equal to the average pressure, we find the ideal condition of working to be, as above stated, the employment of uniform pressure, which in its turn calls for uniform strength throughout the whole length of the gun.

The recognition of this principle of maximum power combined with minimum strain must be regarded as the distinguishing feature par excellence of modern ordnance. Its translation into practice has necessarily been attended by gradual approximation to the uniform-tube type, recent guns tapering towards the muzzle much less than was formerly the case. There is, indeed, one example of the ideal being actually attained. The pneumatic dynamite gun is a tube of equal thickness from breech to muzzle; and the avowed principle of its operation is the maintenance of an equal pressure from the commencement to the end of the shot's travel in the gun. It is true that this uniformity of pressure has

not yet been attained and may never be found entirely practicable in a pneumatic apparatus; but the fact remains that for any limitation of maximun pressure the maximun power is attained when such pressure is kept up until the shot leaves the gun.

shot leaves the gun.

The feature in question is of especial importance to nations desirous of rapidly and economically bringing their armaments up to a modern level of power without entering upon the construction of the costly type of guns recently adopted by the great European states.

Let us take the case of the famous Italian gun, having the following dimen-

sions and powers, namely:

Caliber	45 centimeters (=17.7 inches).
Weight	99,9 tons.
Length of bore	30 feet 1½ inches.
Length of shot-travel	25 feet 5 inches.
	507.1 pounds.
Weight of projectile	2,001.8 pounds.
Muzzle velocity	
Muzzle energy	36,178 foot-tons,

and let us consider what kind of an "ideal" gun would suffice to compete with

and let us consider what kind of an "ideal" gun would suffice to compete with this formidable weapon.

Taking the cross-sectional area at 246 square inches and the travel of the shot at 25,417 feet, the muzzle energy of 36,178 foot-tons is found to be equivalent to an average pressure of 5,785 tons per square inch, or say 12,963 pounds. But as the muzzle energy represents only a portion of the total force exerted by the charge, the remainder being absorbed by forcing the projectile through the riffing and in other ways, we must add, say, 40per cent, to the foregoing pressure. The average thus obtained is 18,144 pounds; and therefore if we can contrive to produce this pressure uniformly in a gun during a shot-travel of about 25 feet we shall be able to send a projectile on its course with all the energy of the shot from the Italian 100-ton gun.

The strain upon the metal forming the wall of a gun is found by multiplying

Italian 100-ton gun.

The strain upon the metal forming the wall of a gun is found by multiplying the pressure per square inch by the number of inches in the radius of the bore; so that in the above case if our ideal gun have a bore of 17.7 inches diameter the pressure on the metal of the wall will be 18,14×8.85; and this divided by the tensile strength per square inch of any metal will show how many inches in thickness the wall of the gun must be if made of such metal. Cast-steel, for example, may be taken as representing an available strength of 30,000 pounds per square inch. Hence

Accordingly a cast-steel gun having walls of, say, 5½ inches in thickness for its whole length and being of the same caliber and length as the Italian 100-ton gun should be a weapon of equal power. Such a gun would weigh about 25 tons and would cost say \$25,000.

If the estimate be made for a cast-iron gun lined and banded with steel the requisite thickness of metal may be taken at 8 inches, and the weight of the gun would be about 40 tons and the probable cost about \$12,000.

Startling though these figures may appear to be in their promise of a cheap, rapid, and efficient development of the national ordinance, no artillerist will dispute their accuracy. The objection urged will be raised not against he figures, but against the assumption on which they are based. It will be admitted that a cast-steel or cast-iron gun of the dimensions above stated would be a match for the Italian 100-ton gun if it were possible to so burn its charge as to keep up a uniform pressure of 18,144 pounds per square inch; but that this can be done will be a matter of doubt.

It may, however, be shown both theoretically and practically, that the prob-

will be a matter of doubt.

It may, however, be shown both theoretically and practically, that the problem is by no means of an insoluble character.

For the purpose of a theoretical demonstration I will adopt the customary assumption that the force exerted by fired gunpowder is in the nature of a static pressure, and may be investigated by reference to the well-known laws of thermodynamics and gaseous matter. This assumption is not equally correct with that which is based on the laws of molecular impact, and which in another statement, drawn up at the request of the Board of Ordnance and Fortification, I have termed the "dynamic theory of explosion-stress;" but as the present case is concerned with the action of slow-burning gunpowder, and not with the sudden disruption of high explosives, the ordinary view may be adopted without involving any serious inaccuracy, and the conclusions to which it leads will be accepted without controversy.

A gas must expand in order to do work. So long as it is confined in any given space it simply presses upon the walls around it and sets upa certain condition of strain on such walls, and it is not until all or part of the wall gives way

that it performs work—4. e., the impressing of motion upon mass. In a gun the projectile may be regarded as one of the chamber-walls, and its caused to move by the expansion of the gases generated by the gunpowder. If the gun were long enough any initial volume of gas would go on expanding and pushing forward the projectile until its pressure had fallen to that of the atmosphere in front of the projectile—is measured by time and space as well as by pressure, it mass of the projectile—is measured by time and space as well as by pressure, it greater will be the energy imparted. Hence the same amount of gases the greater will be the energy imparted. Hence the same amount of gas may be calculated for all other degrees. This calculation has been made for the gases generated by the firing of gunpowder. In a memoir entitled "Researches in Explosives," by Captain Noble (late R. A.) and Sir F. Abel, "greater will be the energy imparted degrees. This calculation has been made for the gases generated by the firing of gunpowder. In a memoir entitled "Researches in Explosives," by Captain Noble (late R. A.) and Sir F. Abel, "showing the work capable of being performed in the 1570, a table was given young worker of the Waltham Abbey standard. The accompanying diagram (Drawing No. 1) is in part based upon the data contained in such table. It will be seen from the diagram in question that the amount of work to be obtained from one pound of gunpowder depends not only upon the space allowed for expansion of the gases while propelling the shot, but also upon the data at any given temperature and pressure the gases generated by a civen that at any given temperature and pressure the gases generated by a civen quantity of gunpowder occupy a given space, 27 73 cubic inches per pound, that at any given temperature and pressure the gases generated by a civen that at any given temperature and pressure the gases generated by a civen that at any given temperature and pressure the gases that 27.73 cubic inches per pound, the excess represe

Description of gun.	Country.	Muzzle energy developed per pound of powder.	Weight of charge.	Weight of projectile.	Proportion of weight of charge to weight of projectile,	Total muzzle energy.	Density of loading.	Total volumes of ex-	Factor of effect.	Kind of powder employed.
8-inch R. M. L. howitzer	dodododododododo.	95. 04 91. 13 89. 42 88. 82 88. 54 85. 73 85. 23 83. 70 80. 52 80. 30 79. 76 79. 96 77. 68 77. 68 77. 21	Pounds. 10.50 5 6 7 8 100 3 4.50 55 253.5 85 299.2 130 1.5 3.5 85 60 12.3 5 70 123.5	Pounds. 180 100 65 180 65 180 65 820 100 180 521 1,157 615 546 100 463 820 11,25 180 629 547 550 40 410 5558	.058 .05 .090 .039 .123 .122 .030 .025 .105	Foot-tons. 1, 056 488 570 633 715 8, 882 266 388 4, 693 21, 580 7, 116 7, 003 120 279 120 279 6, 746 4, 714 9, 423 336 5, 404 9, 513	.734 .819 .490 .490 1.00 .867 .489 .320 .808 1.00 1.00 .326 1.00 .924 .630 .240 .767 .724 1.00 .537 1.00	16.55 20,51 19.35 24.83 13.62 9.15 32.52 88.63 10.75 6.96 5.85 48.79 10.56 49.67 7.8 8.282 5.84 6.74 10.56 49.75 7.8 8.282 5.88 5.85 5.85 5.85 5.85 5.85 5	.915 .78 .679 .98 .70 .87 .83 .94 .835 .81 .84 .835 .95 .92 .93 .82 .92 .93 .82 .83	R. L. G.*  Do. Do. Do. Do. Do. P.* R. L. G.* P.

Description of gun.	Country.	Muzzle energy devel- oped per pound of powder,	Weight of charge.	Weight of projectile,	Proportion of weight of charge to weight of projectile.	Total muzzle energy.	Density of loading,	Total volumes of ex- pansion.	Factor of effect.	Kind of powder employed.
4-inch R. B. L. (13 cwt)	do. do. do. do. do. do. do. Germany Great Britain do. Russian Great Britain do.	Foot-tons. 73. 90 73. 83 73. 93 72. 68 73. 83 71. 52 70. 45 70. 19 71. 12 68. 82 68. 36 68. 29 67. 31 67. 08 64. 88 64. 75 64. 10 63. 34 64. 26 64. 01 62. 41 62. 39 62. 87 66. 80 60. 48 60. 47 60. 06 65. 90 65. 90 65. 18 65. 1	Pounds, 3.25 160 50 202.8 3.125 17 282.2 16 33 1.969 3 4 44 140 35 20 210 1.5 16 450 1.5 30 17 21 337.5 4 38.8 157.5 8 2 30 2.5 75 295 100 1.125 221.25 54 42 899.5 34 100 50 121 122 120 .0121	Pounds, 25 820 25 820 72 ,000 725 3 13, 25 160 758, 4 50 26 6 6 16, 25 70 410 714 180 80 820 7 5 50 1,700 9,75 115 115 115 125 50 820 70 115 12, 5 50 820 70 115 115 115 115 115 115 115 115 115 11	194 225 273 286 106 372 320 329 328 184 057 107 196 194 250 256 256 254 261 1147 118 320 485 154 261 119 485 119 485 119 485 119 485 119 119 119 119 119 119 119 119 119 11	#606-lons. 241 11, 825 3, 694 4, 216 19, 880 1, 123 2, 347 1, 126 19, 880 1, 123 2, 347 137, 5 207 274 3, 003 9, 563 2, 390 1, 346 14, 100 1, 099 29, 793 1, 942 1, 101 1, 099 29, 793 1, 942 1, 101 1, 349 11, 825 2, 446 9, 829 499 1255 1, 151 45, 4 17, 721 5, 999 65, 6 12, 877 31, 272 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 372 2, 373 2, 460 2, 555 2, 905 8219	.714 .924 1.00 .735 1.00 .797 .7990 .870 .686 1.00 .686 1.00 .925 .972 .770 .856 .856 .900 .990 .924 .940 .940 .940 .950 .990 .990 .990 .990 .990 .990 .99	8.54 5.48 5.736 4.756 9.06 5.92 8.69 4.8.37 4.7.84 6.37 4.7.84 6.37 4.7.84 6.37 4.7.84 6.37 4.7.84 6.477 4.33 5.88 9.06 12.29 4.71 4.80 6.28 4.71 4.81 9.63 8.64 4.71 4.81 9.63 8.64 4.71 4.83 6.28 4.83 6.28 4.71 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 4.83 6.28 6.	.88 .845 .76 .76 .81 .82 .824 .777 .77 .695 .54 .68 .693 .775 .54 .68 .693 .75 .75 .75 .75 .75 .75 .75 .75 .75 .75	R. L. G. <sup>2</sup> P. <sup>2</sup> P. Prismatic black. R. L. G. <sup>2</sup> S. P. S. P. S. P. C. <sup>2</sup> Levran Lerry. R. L. G. <sup>2</sup> R. L. G. <sup>2</sup> P.

It will surely be admitted that by following the lines indicated in the practical experience here set forth a much closer approach may yet be made to an "ideal" gun; and in confirmation of this view I may point to an accomplished fact. I refer to the "multicharge" gun tried at Sandy Hook in 1853 and 1884. With respect to this gun I find the following emphatic report by the Ordnance Board, printed on page 232 of the report of the Chief of Ordnance for 1884: "There seems to be no doubt that a higher energy has been obtained with this gun with its successive charges and with moderate and safer pressures than can result from any gun of the same caliber using only one charge."

It is true that in other respects the opinion of the board was adverse to the gun; but these features were quite apart from that which alone is here being considered. My purpose is accomplished by the citation of so eminent an authority as the Board of Ordnance of the United States in testimony of the fact that it is possible in practice to lower the maximum pressure in guns and maintain a relatively uniform propulsion without necessarily falling below the modern standards of muzzle energy.

As the firing records of the multicharge gun are of great practical interest, I have, in drawing No. 2, added a diagram prepared from the data in question. I doubt, though, if the effective working pressure were really those shown by the gauges; and my reasons for so doubting are as follows:

First. Taking the nine shots with the 110-pound projectile recorded on page 148 of the report of the Chief of Ordnance for 1885, I find the average muzzle energy to be 2,908 foot-tons; and as the charge of powder was 120 pounds, it follows that the duty per pound of powder was only 24,23 foot-tons. Now, if the charge were of unit density of loading the total expansion would have been about 3,3 volumes, and the theoretical duty of the powder would therefore have been about 74 foot-tons per pound: so that the factor of effect can only have been alout 74 foot-tons per p

of only 10,266 pounds, whereas the gauges represent the average as 23,422

pounds.

It will be noted that in this particular gun the powder duty was extremely low; but there is nothing in the nature of the case in general to prevent a much higher result being attained. An actual muzzle energy of 50 tons per pound of powder may reasonably be looked for when a charge is exploded in sections or burnt with comparative slowness. Nor, as I have before shown, is it necessary for the gun in which such a charge is fired to be of any exceptional magnitude or weight.

## SEC. 2.-High explosives.

No armament is worthy of the name in these days unless it provide for the utilization of the prodigious forces placed by modern science at the disposition of the soldier and sailor and military engineer. Every student of the art of war must concur with General H. L. Abbot's recently expressed opinion that "high explosives will doubtless be used with armies in the field, in regular sieges, in naval battles upon the ocean, and in contests between ships and forts." And if any doubt could possibly remain I think it would disappear from the mind of any one considering the facts cited in General Abbot's paper (Forum, September, 1888); as an example of which I may perhaps be permitted to quote the following passage:

of any one considering the facts cited in General Addoct's paper (Forum, September, 1888); as an example of which I may perhaps be permitted to quote the following passage:

"Much larger calibers are used in siege operations, and the defense will have to face a vastly more formidable fire than ever before. The French have adopted melinite for charging shells, and are rumored to throw enormous quantities, namely 200 pounds. The Germans, after several years of experimenting, have selected Walsrode wet gun-cotton for this purpose. Charged with the latter a 6-inch shell, 6 calibers long, carries 22 pounds; and under favorable conditions throws out 9 cubic yards of sand from its crater, 13 feet in diameter and 4 feet deep. An 8-inch mortar shell 6 calibers low , carries gun-cotton charged from 42 to 57 pounds in weight, and throws out 20 cubic yards of sand. The 11-inch mortar shell is charged with 110 pounds of this high explosive, and its use has been proved to be entirely practicable.

Missiles like this will entail extensive modifications even in the most recent types of perm nent fortifications erected for land defense; and the subject is now discussed among European engineers in what appears to be almost a spirit of panic. \* \* Very recently a series of experiments has been conducted at Kummersdorf upon a fort modeled after the pattern used by France upon her German frontier, and, it is claimed, with results which proved that the parts best covered, even the 16 feet which General Brialmont has considered sufficient, is trusted, the first shells blow out such enormous craters that the weak masonry arch is soon reached and penetrated; but in the case of the largest shells (11-inch) even 16 feet of earth cover is deemed hardly adequate against the first projectile.

Such shells are, indeed, aerial torpedoes; and compared with the slow movement of even the swiftest submarine torpedo yet invented, or with the necessarily restricted utility of stationary mines, their employment must greatly simplify the problem of coast defense and can not be dispensed with in any adequate system of fortification. It becomes a matter of urgent practical importance, therefore, to determine the conditions under which the use of aerial projectiles charged with high explosives is practicable.

The first point for consideration is the question of whether the choice of the artillerist and military engineer is limited to any particular class or classes of explosives, or whether all high explosives are alike applicable.

We can at once eliminate the fulminates, the dynamites, and the chlorate mixtures from the list. Their sensibility to shock is too great to allow of their being hurled from any apparatus with a velocity sufficient for reasonable range and accuracy; and the dynamites and chlorate mixtures are moreover subject to rapid deterioration or dangerous changes of molecular structure when kept for any length of time. It is true that dynamite prepared with nitro-glycerine of absolute purity has been preserved apparently unchanged for years; but under practical conditions it is generally found that a period of from three to six months is sufficient to produce a marked unfavorable change. The same observations apply with almost equal force to explosive gelatine, and in fact to all explosives in which nitro-glycerine is the active ingredient.

The remaining high explosives at present known may be divided into two classe, the gun-cotton and the nitro-hydrocarbons. Both kinds are adopted in practice, but some doubt still attaches to the former. The experience of the British Government was distinctly unfavorable to the employment of gun-cotton as a bursting charge for shells, and though the Germans have now tenatively adopted the Walsrode goun-cotton for this purpose, it must be remembered that after

it; and it should also be borne in mind that the special variety of the French melinite, in which gun-cotton was understood to be incorporated, gave rise to serious accidents.

Of the nitro-hydrocarbon class two explosives have been practically tested, namely, melinite and roburite; and according to the meager accounts yet made public the results have been of a satisfactory character—so much so, in fact that both the British and Italian authorities are understood to be seriously contemplating the adoption of some form of melinite as the standard high explosive for the charging of shells and similar uses. Roburite is probably regarded with some distrust, owing to its containing chlorine.

The exact composition of melinite as at present manufactured is not known, but the original specification of its inventor described it as consisting simply of fused pieric acid. and it seems to be generally understood that the main ingredient is still pieric acid or some closely allied body. On the whole, therefore, it is correct to assert that of all the high explosives hitherto introduced the phenol group (pieric acid being trinitrophenol) has alone been found fully equal to the practical requirements of the military and naval services. I say the "phenol" rather than the "pieric acid. It contains at least one other allied nitro-hydrocarbon (cresylite), and as I have been informed that the "pieric acid." of commerce formerly employed by the French Government has been within the last year replaced by a "specially purified" variety, I think it probable that the new substance is not pieric acid at all, but is "eacid."

This is a new acid which I discovered in 1885, which is prepared from pieric acid. and concerning which I in 1887 gave information (with a sample) to an officer dispatched by the French Government to this country. If, then, the United States authorities should think fit to adopt a high explosive of the phenol class there will be no difficulty in procuring the same, as the emmensite now made in this country is the p

sary.

Accordingly we are here again brought face to face with what I have in the preceding section of this paper denominated the "distinguishing feature of modern ordnance." Whether we regard rapidity and economy of construction combined with maximum power for a given weight of material, or whether we regard the conditions essential for employing ordnance in the projection of aerial torpedoes, we are alike led to the conclusion that our guns should be so fashioned and operated as to work with low and continued pressures rather than with those that are high at first and then rapidly diminish,

## SEC. 3.-The conversion of existing ordnance.

SEC. 3.—The conversion of existing ordnance.

It by no means follows from what has preceded that a nation desirous of rapidly providing itself with a formidable armament need at once construct a large quantity of guns of the new type referred to. Every nation of any importance has a considerable store of smooth-bore cast-iron ordnance; and the conversion of these guns into vastly more powerful weapons is a simple, speedy, and economical operation.

As a practical illustration I will take the case of the United States, and will show how all the important parts of the coast may, in a few months and at a most moderate cost, be put into a state of comparatively good defense; so far, that is to say, as a provision of powerful torpedo-howitzers is concerned.

The material already exists. I allude to the 308 15-inch Rodman guns which not many years ago stood in the very forefront of the world's artillery. They are admittedly magnificent specimens of their type. They cost some millions of dollars; they are in excellent condition; and it will be a reproach to the good sense and ingenuity of the nation if they be simply discarded as old iron, and not made to do the yeoman's service of which they are yet abundantly capable.

The accompanying drawing, No. 3, shows how a Rodman 15-inch muzzle-loading gun may be converted into a breech-loading torpedo-howitzer of tremendous power. All that is necessary is to bore through the existing breech and insert a comparatively short lining tube of steel screwed into the metal of the gun as is customary in such cases. This lining-tube is fitted internally with an interrupted screw for the reception of a movable breech-plug, the con-

struction of which constitutes the main feature of the converted gun. A central cylindrical hole extends through the plug and other cylindrical chambers of larger diameter extend from the front of the plug rearwardly into its substance. These chambers contain the gunpowder forming the propelling charge; and a starting charge is placed in the central cavity, which is closed in the rear by a subsidiary breech-block carrying a firing-pin or other suitable ignition device.

stance. These chambers contain the gunpowder forming the propelling charge; and a starting charge is placed in the central cavity, which is closed in the rear by a subsidiary breech-block carrying a firing-pin or other suitable ignition device.

The torpedo to be fired from the gun is an elongated shell charged with high explosive and having its base extended backward in the form of a stud which fits in the central cavity of the main breech-plug. Hence, when the starting charge is exploded, a relatively weak impulse is communicated to the torpedo, which commences to move forward at a moderate rate of speed, and then, immediately the stud leaves the central tube, the heated gas inflames the main portions of the charge in the surrounding chambers, and these burn from the front backward, keeping up an evolution of gas which urges the projectile forward throughout the whole length of the gun.

By this device the shock of firing is reduced to a minimum and a comparatively uniform pressure is maintained until the shot leaves the gun. It will also be obvious that by suitably adjusting the air-spacing of the several sections of the charge and by properly selecting the character of the powder employed the pressure may be fixed at 10 tons per square inch or at any other possible amount; while, owing to the front ignition of the main sections, the whole of the powder may be utilized instead of being blown out in a partially consumed state, as is almost invariably the case in guns of ordinary types.

If a still further nicety of adjustment be at any time desirable the same may be attained by providing studs of varying lengths to fit in the front end of all the cavities so that the sections may all be successively discharged, or by carrying the main chambers through the breech-plug and fitting each one with a subsidiary breech-block they may be loaded and fired as independent charges.

It is not necessary for the stud or studs to be attached directly to the base of the projectile.

If the dimensions and details shown by the

Caliber inches	15
Total length feet	16
Weighttons	25
Charge pounds	115
Weight of filled shell, large, carrying 534 pounds of high explosivedo	1,665
Small, carrying 200 pounds of high explosivedo	734
Muzzle velocity of large shellfeet per second	705
Muzzle velocity of small shelldo	1,063
	5,750
Muzzle energy per ton of gundo	230
Muzzle energy per pound of powderdo	50

It will probably be considered by artillerists that with these muzzle velocities the effective range of the gun may be considered as extending to 3 miles. I have purposely worked out the design on the basis of employing projectiles of maximi size; but much smaller shells may be used as desired, either by adopting a sub-caliber form, as originally proposed and employed by Stafford during the late war, or by reducing the caliber of the gun by carrying the lining tube forward through the whole bore, as in the case of the conversions hitherto effected.

effected.

I have also purposely retained the gun as a smooth-bore; first, because for a torpedo of maximum size it is essential to employ the full caliber of 15 inches; and, secondly, because it has been admitted both by the action of Congress and by the reports of the Chief of Ordnance and other authorities that a smooth-bore torpedo gun may be accepted in practice as a valuable adjunct to any system of seacoast defense. But if a reduction of caliber from 15 to, say, 12 inches be permissible, the converted gun may be rifled and thus made available for long-range shooting.

missible, the converted gun may be rifled and thus made available for long-range shooting.

It will be understood that, owing to the Rodman guns having been originally constructed for firing spherical shot, they were made much shorter than modern guns of the same caliber which fire elongated projectiles. Hence the converted weapons must be regarded as howitzers or mortars rather than as guns proper; and if shells of maximum size are to be fired they will, of course, nearly fill the bore of the piece, as shown in my drawing. This, however, is a circumstance of no practical moment except in so far as the employment of so huge and heavy a projectile may limit the velocity attainable with the moderate pressure proposed. Still the velocity even of the largest torpedo will be considerable enough for practical requirements, and in the event of higher velocities being desired, they can always be attained by diminishing the size of the torpedo.

## SEC. 4.-New guns.

Should the converted Rodmans be found to work well, an important step forward will have been taken towards the solution of the problem of the construction of the new ordnance so urgently required. The success of the torpedohowitzer will place beyond a doubt the possibility of constructing and efficiently operating long-range rifled-guns upon the same principle of moderate and continued powder-pressure. It will be seen that with a very moderate expenditure, and in a relatively short period, the country may be supplied with breechloading rifled ordnance, capable of exerting even greater power, and having much greater endurance than the costly guns now being fabricated by European nations.

## SEC. 5 .- Gun-carriages and fortifications.

The mere construction of a gun is but one-half of the task to be accomplished before a shot can be fired. The gun must be mounted, and the combined gun and mount must be so placed as to be in some measure protected from hostile fire.

fire.

It may be said broadly that the United States at present have no gun-carriages or fortifications available for use in the event of any part of the coast being attacked by an enemy armed with modern high-power guns and high-explosive shells. And the vast expense attendant upon the carriages and defenses now deemed necessary by most of the European military engineers is calculated to induce great caution in adopting any such plans. What is needed is some system of a simple and economical character which can be at once adopted, and which will provide for the principal requirements of the case and will constitute a safe resting stage at which to await the future developments of the military art.

tute a safe resting stage at which to await the future developments of the military art.

The requirements in question are as follows;
First. The gun must be so mounted as not to remain exposed to hostile fire for more than the time required for its discharge. It must be loaded and trained under cover. In other words, its carriage must be of what is known as the "disappearing" type.

Second. The gunners while firing must be protected from rifle bullets and the fire of machine guns and light ordnance, which otherwise may inflict great damage even during the short periods during which alone the gun is visible.

Third. The mechanism for the "disappearance," raising, and running out of the gun must all be self-contained and automatic. It must be free from all accessaries such as steam-engines, hydraulic pumps, air-compressors, and the like, On this condition alone can a gun be mounted at a moderate expense and in any situation. any situation.

Fourth. The whole of the working arrangements, whether for loading, trayersing, elevating, disappearing, raising or running out, must be so devised as to be capable of being carried out by the gunners alone without the aid of extra

sersing, elevating, disappearing, raising or running out, must be so devised as to be capable of being carried out by the gunners alone without the aid of extra machinery.

Fifth. The fortification must not present any part exposed to horizontal or slightly curved hostile fire.

A study of these requirements must compel the conclusion that the only thoroughly efficient method of gun-mounting and fortification is to adopt a "disappearing" carriage in a sunken emplacement. In accordance with this view I have prepared the accompanying drawings, Nos. 4 and 5, which show in side elevation and plan respectively a gun-carriage and fortification complying with the aforesaid conditions, while drawing No. 3, previously referred to, shows the devices for loading the gun and protecting the gunner when the weapon is in the firing position.

The fort, it will be observed, is simply a circular pit in the ground, having a tunnel shelter for the gunners and their munitions, etc. It can not be struck except by high-angle fire of extreme accuracy, and may, therefor, be deemed invulnerable against a seacoast attack; while the all-round fire of its gun should protect it from any flank or rear assault attempted by a landing party.

The power required for depressing and raising the gun-platform is obtained by utilizing the recoil flat-wire ropes being attached to a brace behind the mount and carried over rollers forward, downward, backward, and upward to a fastening affixed to the underside of the platform. Hence, when the gun recoils, it pulls the platform downwards, and in so doing it lifts the counterpoises, which somewhat more than balance the gun, mount, and platform. A self-acting check, not shown in the drawing, prevents the counterpoises from descending until it is released, when the loading and training are finished. The platform then rises, and, while ascending the gun is automatically run out into the firing position.

The loading devices will be clearly understood by an inspection of drawing No. 3. The breech-plug is draw

12,000

The above estimates do not include any provision for freight or erection, the cost of which will, of course, vary for each locality

Mr. TRACEY. I desire to offer the amendment which I send to the ilesk.

The Clerk read as follows:

After line 10, on page 22, insert:
"For the purchase, under the direction of the Secretary of War, of land convenient to the Watervliet arsenal suitable for proof and firing of seacoast guns, \$15,000."

The amendment was agreed to.

Mr. TOWNSHEND. Mr. Chairman, I am directed by the Committee on Military Affairs to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized to appoint a board of not exceeding five officers of the Army to examine and report upon a site for an ordnance testing and proving ground, to be used in the testing and proving of heavy ordnance, having in view in the selection of said site its accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land and the least sum for which the same can be procured. And said board shall report therefore to the Secretary of War, to be submitted to Congress at its next session. And in case the said board shall select a site and recommend its purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the tract so recommended, until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

Mr. SAYERS. I desire to make the point of order against that

Mr. SAYERS. I desire to make the point of order against that amendment, that it proposes new legislation. There is no law authorizing the purchase of such grounds and that provision has no place upon an appropriation bill. If it is desired to make such a purchase it will be necessary for the committee to report a bill and let it become

a law before the appropriation can be made.

Mr. TOWNSHEND. I have been unable to hear what the gentle-

man says as to the ground of his point of order.

Mr. SAYERS. The point of order is that there is no law which

authoriz s the purchase of such grounds.

Mr. CUTCHEON. This amendment does not authorize the purchase, either.

Mr. SAYERS. Yes, sir.
Mr. TOWNSHEND. The gentleman from Texas has wholly miscon-Mr. TOWNSHEND. The gentieman from Texas has whonly insconceived the nature of this amendment. The amendment does not involve the expenditure of one single dollar. The reasons for bringing it in here are these: A bill was introduced by the gentleman from New Jersey [Mr. Hires] providing for the purchase of a particular tract of land some 10 miles in length and 2 miles wide, and designating the boundaries of the tract. The War Department has declared that it is necessary for the Government to own a new proving-ground in order to test the long-range guns which were ordered last session. The only proving-ground that the Government now has is at Sandy Hook. Its range is only a few miles on land, and in endeavoring to test long-range guns they are very much interfered with by passing vessels, because the ocean there is a thoroughfare for many vessels. The Secretary of War has been anxious, therefore, to secure a proving-ground of sufficient ex-

has been anxious, therefore, to secure a proving-ground of sufficient extent in the interior to test properly long-range, nine and ten mile guns.

That proposition of the gentleman from New Jersey [Mr. Hires] came before the committee designating the particular tract and specifying the amount which should be paid for it. The committee was unwilling to bring in a bill limiting the choice of the Department to any particular locality. It was also unwilling, with such light as it had, to recommend any appropriation; but in order that some steps might be taken to guard the Government against extravagance in this matter, and at the content to make matter, and at the same time to enable the War Department to make proper inquiry as to where a suitable proving-ground might be obtained at the cheapest price, we have proposed this amendment. It is the desire of the Department that this provision shall become a part of the Army bill. Under the ruling made by the gentleman from New York [Mr. Cox], when the Military Academy bill was before the House, this amendment is in order.

A similar proposition has just been adopted by the Committee of the Whole for the purchase of ground near Watervliet arsenal, to be used

for a like purpose. What was the amount of the appropriation?

Mr. TRACEY. Fifteen thousand dollars.

Mr. TOWNSHEND. This proposition does not contemplate the expenditure of one dollar; and I can not understand why gentlemen who were willing to allow an appropriation of \$15,000 for the purchase of ground for a similar purpose near the Watervliet arsenal should raise a point of order upon a proposition which does not provide for any appropriation whatever, but simply seeks to guard the Government against extravagant expenditure. If I did not know what lovers of economy these gentlemen are, I would imagine that they were willing that this ground, which the gentleman's amendment specifically designated, should be purchased; but I believe that they desire to accomplish as much economy as possible. The point of order, in my judgment, has no foundation whatever. The amendment is in the interest of economy, it is designed for the benefit of the public service, and it makes no appropriation whatever.

Mr. SAYERS. I wish to ask the gentleman from Illinois whether there is any law authorizing the purchase of this ground?

Mr. TOWNSHEND. As much so as in the case embraced in the amendment to which I have just referred.

Mr. RANDALL. This is an entering wedge for the purchase of a new testing-ground; otherwise it has no object.

MR. TOWNSHEND. UNLESS A PROVING-GROUND OF PROPER LENGTH IS OBTAINED ON LAND THE LONG-RANGE GUNS FOR WHICH YOU APPROPRIATED MILLIONS AT THE LAST SESSION CAN NOT BE PROPERLY TESTED.

Mr. RANDALL. The gentleman now acknowledges what I have just stated.

Just stated.

Mr. TOWNSHEND. This is for the purpose of enabling the War Department to detail its officers to go and find the cheapest and most eligible proving-ground, instead of providing in the bill for the purchase of what might afterwards be found to be a high-priced proving-ground, such as we believe to be contemplated in the proposition of my friend from New Jersey. I am satisfied that a better proving-ground than he proposes can be found at far less cost. This proposition is in the interest of the Government. The Committee on Military Affairs proposes it as a substitute for that of the gentleman from New Jersey. If gentlemen want to guard the Treasury let them show their Jersey. If gentlemen want to guard the Treasury let them show their patriotism by helping the Committee on Military Affairs in this endeavor.

Mr. HOOKER. I rise for the purpose of asking that a letter of the

Secretary of War on this subject be read.

Mr. RANDALL. What has become of the point of order?

Mr. HOOKER. The point of order will be decided after this letter has been read; and the gentleman from Pennsylvania will no doubt accept the decision with his usual placidity and amiability.

The Clerk read as follows:

WAR DEPARTMENT, Washington City, January 23, 1889.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, requesting the views of this Department upon House resolution 248, Fiftieth Congress, second session, to authorize the Secretary of War to purchase a certain tract of land in Atlantic and Cumberland Counties, New Jersey, as a site for testing heavy ordnance and making experiments in gunnery.

In reply I beg to transmit a report of the 17th instant, on the subject, with its inclosures, from the Chief of Ordnance, from which it appears that the Government reservation a Sandy Hook, now used as a proving-ground, is entirely too

contracted in its dimensions, and that while it serves its purpose admirably for experiments over and into deep water to try the power and efficacy of dynamite and other high explosives, yet in view of the fact that the first step has been taken to manufacture high-power guns, a suitable range over which to test the powerful guns of the near future ought to be provided.

A board of ordnance officers having been ordered last summer to select a favorable site for the purpose, it inspected a number of sites, but was most favorably impressed with the tract of land mentioned in the resolution, it appearing to furnish a good and sufficient firing line from \$\frac{1}{2}\$ to 9 miles in length, and being sufficiently remote from settlements to avoid probable danger of accident or damage to private property, while facilities for rail communication are such that guns weighing 120 tons may be transported without transshipment from Watervillet arsenal to Richland, \$\frac{1}{2}\$ miles distant from the northern boundary of the tract.

tract.

It appears that this site and the one at the east end of Long Island are the only ones now available for a proving-ground, and the opportunity of securing such ground within a reasonable distance of New York City should not be lost.

I therefore recommend the purchase of the tract in question.

I also inclose a report of the 7th instant on the subject, from the major-general commending the Army, together with two maps of the proposed proving-ground and its vicinity.

Very respectfully,

WM. C. ENDICOTT, Secretary of War.

Hon. R. W. TOWNSHEND, Chairman Committee on Military Affairs, House of Representatives.

Mr. SAYERS. I now call for the decision of the Chair.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois [Mr. Townshend] to the fact that this provision is obnoxious to the rule in that it proposes new legislation. It carries no appropriation; nevertheless the proposition is new legislation, and if the point of order is insisted upon-

The CHAIRMAN. The Chair must sustain it.

The Clerk proceded with the reading of the bill.

Mr. TOWNSHEND. I am authorized by the committee to send up

another amendment, but will refrain from doing so. I know it will meet with opposition from the gentleman from Pennsylvania, and therefore, in order to save the time of the House, I will not present it

Mr. RANDALL. That is a violent presumption on the part of the

gentleman from Illinois.

Mr. TOWNSHEND. The gentleman has opposed every amendment submitted from the Committee on Military Affairs. I move the com-

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, and had directed him to report the same back to the House with sundry amend-

Mr. TOWNSHEND. I move that the amendments of the committee be agreed to in gros

There was no objection, and it was ordered accordingly.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1860) to amend section 1683 of the Revised Statutes;

A bill (H. R. 331) for the relief of David Meriwether.

The SPEAKER laid before the House the following message from the President:

To the Senate and House of Representatives:

Itransmit herewith a further report of the Secretary of State, with accompanying correspondence, relating to Samoa, and the joint protocols of a conference held in this city in the summer of 1887, to the publication of which the Governments of Germany and Great Britain have consented.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 8, 1889.

Mr. HOOKER. I ask that the message just read, together with the accompanying documents, be printed in the RECORD. This is a matter of importance and of great interest to the whole country.

There was no objection, and it was ordered accordingly.

To the President:

To the President:

In further supplement to the information heretofore laid by you before the Congress in relation to affairs in Samoa, your last message being under date of February I, the undersigned now has the honor to submit, with a view of their transmission to Congress, certain documents and correspondence on the subject referred to.

The inclosures consist of the reply of our minister at Berlin to my telegraphic instructions of January 31, 1889, and a note from me to Count Arco, the German minister, in relation thereto, under date of February I, 1889; the proposal of Prince Bismarck for a resumption of the conference of 1887 between the representatives of the three treaty powers for the pacification of Samoa on the basis

of native independence and the equality of rights among the treaty powers, and my response, under your instructions, thereto.

I have also the honor to report that the Governments of Germany and Great Britain have expressed their consent to the publication of the joint protocols of the conference held in this city in the summer of 1887, and which was suspended at my suggestion, for reasons stated, on July 28, 1887.

The subject of our relations to Samoa and our rights and duties under treaty stipulations with that country and with the other treaty powers of Great Britain and Germany, under the comity of international law, having been placed by you before the Congress, it seems proper that the fullest information in the hands of the Executive should be furnished, and the agreement to consider the discussions of the conference of 1887 as confidential has alone caused the papers now sent to have been up to this time withheld from publication.

Respectfully submitted.

T. F. BAYARD.

T. F. BAYARD.

DEPARTMENT OF STATE, Washington, February 7, 1889.

#### No. 1.

Mr. Pendleton to Mr. Bayard.

[Telegram.]

LEGATION OF THE UNITED STATES, Berlin, February 1, 1889.

A telegram from Mr. Pendleton on February 1, 1889, informed the Department that the reported action of the German consul at Apia, who, it appeared, against the protest of the British consul, had declared foreigners under martial law was contrary to instructions, was regretted, and had been rebuked; and that the German Government would adhere strictly to treaty status. Mr. Pendleton added that this statement from the German secretary of state for foreign affairs anticipated the representations Mr. Pendleton was instructed to make, and he would therefore withhold them for the present.

#### No. 2.

Mr. Bayard to Count Arco.

DEPARTMENT OF STATE, Washington, February 1, 1889.

DEPARTMENT OF STATE, Washington, February I, 1889.

My Dear Count Arco: Referring to my note of yesterday, I have now the pleasure to inform you that a telegram just received from Mr. Pendleton, at Ferlin, states that the object of my instruction to him in reference to the declaration of martial law by the German consul at Apia had been anticipated, and at the foreign office he had been informed that the assumptions of the German consul at Apia were disavowed, and that such action, if it had been taken, was regretted and rebuked by the German Government.

This was wholly in the line of the note verbale you read me this morning.

Believe me, very truly, yours,

T. F. BAYARD.

#### No. 3.

Prince Bismarck to Count Arco.

Prince Bismarck to Count Arco.

[Memorandum of instructions of Prince Bismarck to the minister of Germany, read by the latter to the Secretary of State February 4, 1889.]

The present situation in Samoa regarding the interests of the three treaty powers renders it necessary to renew the attempt to bring the future of those islands to an understanding.

The position of the three treaty powers in the civilized world makes it their duty to stop the bloody combat accompanied by barbarous customs of those not numerous tribes, for whose welfare, according to the judgment of the civilized world, it is a duty of the treaty powers to provide.

Prince Bismarck, in consequence, considers it a duty of the participating Governments to put an end, by the agreement of the treaty powers, to the troubles which have originated in Samoa, and by restitution of peace among the Samoans themselves, and so make an end of future bloodshed and the horrors of a civil war conducted with barbarous cruelty among the natives.

The best remedy seems to be a resumption of the consultation which took place between the representative of Germany, England, and the United States in the year 1887, at Washington, and at that time adjourned without any possibility of their representatives coming to any agreement.

In consequence, I have been requested by Prince Bismarck to propose to you to resume with Germany and the British Government the consultation regarding the Samoan question.

The last conference took place at Washington. According to the equal rights of the three treaty powers, it seems proper that the place for the negotiations should change in regular turn. Based upon this opinion, I am directed to invite the Government of the United States to a conference regarding Samoa, to take place at Berlin, and a similar invitation has been sent to the British Government.

I am also directed to declare that any supposition that Germany would not feel satisfied with a neutral position in the Samoan Islands is unfounded, as we

Frament.

I am also directed to declare that any supposition that Germany would not feel satisfied with a neutral position in the Samoan Islands is unfounded, as we have already declared in the last conference (of 1887) it is neither our intention to put in question the independence of the island group nor the equal rights of the treaty powers. We simply desire to create a condition which offers permanent security for bringing to an end bloodshed and decapitation, and which grants permanent safety to the commercial interests of the three treaty powers in Samoa.

Mr. Bayard to Count Arco.

DEPARTMENT OF STATE, Washington, February 5, 1889.

Sir: The President having been made acquainted fully with the tenor of the instructions received by you from Prince Bismarck and read by you yesterday for my transcription, he requests me to say that he fully shares in the desire expressed by the Prince Chancellor to bring the blessings of peace and order to the remote and feeble community of semi-civilized people inhabiting the islands of Samoa; and that he clearly recognizes the duty of the powerful nations of Christendom to deal with these people in a spirit of magnanimity and because recognize.

nations of Christendom to deal with these people in a spirit of magnanimity and benevolence.

On behalf of the United States Government the President instructs me to express his acceptance of the proposal of the Government of Germany to resume the consultation held in this city between the representatives of the United States, Germany, and Great Britain, which was suspended on the 26th day of July, 1887, such consultation to be renewed, as it was undertaken, for the purpose of establishing peace and an orderly stable government in the Samoan Islands on the basis of their recognized independence and the equal rights of the three treaty powers. The resumption of such conference as it is now proposed by Prince Bismarck, upon the general lines advanced by each of the three powers, as set forth in the protocols of the conference as far as it has progressed, and embracing certain points of agreement, appears to present a hopeful prospect for securing the welfare of the Samoan people and such a neutralization of territorial jurisdiction as will prevent preponderant control by any nation and secure equal rights of commerce and navigation to all.

The sooner this conference can be resumed the better. And in view of the late deplorable seenes of bloodshed which have been exhibited upon Samoan soil, entailing deeply regrettable loss to Germany, it appears to be essential that a truce should be forthwith proclaimed and further armed action should be arrested. A contention of arms by such a scanty band as the Samoans against the yast armaments of Germany has, of course, but one result assured in advance, and would be manifestly futile. There is no feature of equality in such a struggle.

As the assurance of Prince Bismarck that the pacification of the Samoan group and the occupation of a neutral position are his only objects, is as frankly accepted by the United States as it is tendered by Germany, it is suggested, in furtherance of the desired result of the conference, that instructions to suspend belligerent action, and await the action of such conference, should at once be telegraphed to their respective officers in Samoa by the three treaty powers.

To continue to prosecute a war of destruction and reprisal, even upon admitted provocation, would surely not consist with the objects of any of the three powers. It is hoped, therefore, that orders of the nature indicated will be forwarded to Samoa without delay.

The announcement of the conference between the treaty powers, it is confidently expected, will at once cause a cessation of hostility among the natives; and their speedy election of a king would certainly be a long step towards harmony. Except as the condition may be changed by a free election of a king by the natives, it is deemed essential that affairs in Samoa should remain in state quo pending the conference.

If we may indulge the hope which the adoption of these suggestions promises for a successful issue of the conference, the Government of the United States will at once take steps to be properly represented at the meetings of such conference in Berlin.

will at once take steps to be properly represented at the meetings of such conference in Berlin.

The statements you read to me as emanating from the German consul at Samoa, in which he finds fault with the conduct of Captain Leary of the Nipsie, and of Mr. Blacklock, the United States consul, as violative of the instructions of this Government to maintain an impartial attitude in the conflicts in Samoa, do not appear to be substantiated by an averment of any personal knowledge of the facts, but must have been based upon information and belief only, or are reported at second hand, and must be classed as merely hearsay evidence.

These conflicting statements of the German consul will be brought to the attention of Captain Leary and Mr. Blacklock, and their reply will be communicated. Much allowance must be made for the excitement prevailing in Samoa, which is not favorable to accuracy or moderation of statement, especially of hien is not involved to account of account of the second o

#### No. 5.

## Protocol of first-Samoan conference,

[Confidential.]

DEPARTMENT OF STATE, Washington, June 25, 1887.

Department of State, Washington, June 25, 1887.

The conference was formally opened by Mr. Bayard inquiring whether the Rritish and German ministers had received his note inclosing a draught of a plan for the settlement of Samoan affairs, and whether they had prepared any comments upon it. Both had received it.

Mr von Alvensleben then stated that he had made a memorandum, which he would read, but could not give out of his hand. His Government had sent him general instructions before knowing Mr. Bayard's suggestions, and those instructions therefore did not cover all the different points suggested. He was, however, willing that the views of his Government should be put down in the protocol of the conference as he read them.

Mr. Bayard said the conference was suggested a year ago; that the three Governments had sent out commissioners to make investigation and report; that reports had been made and exchanged; that an expression of the views of the United States had been desired; that an informal conference had been held, which ended in the request by the ministers of Great Britain and Germany that those views should be reduced to writing; that this had been done and the plan placed in their hands, and that it seemed proper that the views of the other two Governments should be handed him in the same way.

This however, Mr. von Alvensleben declined to do, and for this reason Sir Lionel West also decided not to give a copy of the memorandum which he had prepared; but they agreed that their statements, as read by them, should be taken down by a stenographer and embodied in the protocol of the conference. The plan previously submitted by Mr. Bayard on the part of the United States, and which is to be taken as if read at the conference, is as follows:

PLAN FOR THE ESTABLISHMENT OF PEACE AND CIVILIZATION IN SAMOA UNDER

PLAN FOR THE ESTABLISHMENT OF PEACE AND CIVILIZATION IN SAMOA UNDER THE CO-OPERATIVE SUPPORT OF THE GOVERNMENTS OF THE UNITED STATES, GERMANY, AND GREAT ERITAIN.

1. The independence and autonomy of the kingdom composed of these islands are to be preserved free from the control or preponderating influence of any foreign government, and it was in pursuance of this understanding that commissioners were recently sent by the three powers respectively to investigate and report upon the condition of the islands, and that the respective consuls of the three powers at the islands were changed.

2. It is the desire of the United States, and equally of Germany and Great Britain, to assist the natives of Samoa to form and administer their government.

2. It is the desire of the United States, and equally of Germany and Great Britain, to assist the natives of Samoa to form and administer their government.

3. The due and orderly commencement of the new government will be the recognition of a native king; and a respect for native customs and traditions, which the three powers have recognized by their several existing treaties, would seem to require the continuance of Malietoa Laupepa as king and of Tamascese as vice-king. The kingship of the islands has for many years been filled by the election of the head of the Malietoa family, of Malietoa Talavoa, until his death in 1880, and of Malietoa Laupepa in March, 1881, in which same year Tamasces was elected vice-king. These voluntary native elections and the governments so established were severally recognized by the United States, Germany, and Great Britain, and the treaties now existing between these powers and Samoa should have all the binding force attendant upon such formal obligations.

4. A written constitution of government should be adopted, and on the following lines: An election by the native inhabitants should be held at once for chiefs from the several districts of Samoa who are to be the council of the king. The number of these chiefs may be as follows: From Aana, 2; from Atua, 2; from Apolima and Manono, 1; from Savaii, 6; from Taumasaga, 2; from Tutuila, Mauna, Olosega, Ofa, and Aunuu, 2. By the king and these chiefs the constitution should be adopted and proclaimed. This constitution should provide for a legislature which should, as heretofore, consist of a king's council or timua, and a legislative assembly or faipule. The former should consist of the king, the vice-king, three ministers to be nominated by the three treaty powers, and chiefs from the several districts of Samoa, the latter to be elected for life. The faipule should be elected by the people in the ratio of one representative for every 2,000 of the population and for the term of three years. Those chosen at the first election shoul

minister of the interior, should be appointed by the king upon the nomination of the three treaty powers, and should serve for a term of ——years, unless removed by the king upon the application of the three treaty powers. These ministers should have seats on the floor of the Faipule and take part in the debates, 6. A municipal government shall be formed for Apia without interference by the foreign consuls. The government of the municipality shall consist of a council with local legislative powers, and a mayor or chief executive officer, to be appointed by the king and council.

7. Foreign consuls shall retain criminal jurisdiction over their own countrymen, respectively, as heretofore.

8. A court, for the administration of instite among the natives shall be consti-

men, respectively, as heretofore.

8. A court for the administration of justice among the natives shall be constituted, the judges to be appointed by the king and council without regard to their nationality, and the police officers and minor officials of the court shall be selected from the natives.

9. The constitution should prohibit the imposition of pecuniary fines upon natives, and sentences for criminal offenses should be terms of imprisonment with labor on the public roads, buildings, and grounds.

10. The sale of deadly weapons or ammunition therefor should be prohibited, as well as the sale of intoxicating liquors.

11. A land commission should forthwith be organized before whom all claims of title to land by foreigners shall be submitted and whose judgment shall be final.

of title to land by foreigners shall be submitted and whose judgment when final.

This commission shall consist of five members appointed by the king, of whom three shall be nominated by the three treaty powers, i. e., one by each of the said powers, and the remaining two selected by the king. They shall obtain the services of a competent engineer and assistants, who shall make correct survey and plots of land respectively claimed, the cost of which survey and plots shall be paid by the claimants respectively. The said land commission shall inquire into the nature and extent of each and every land claim by foreigners, and whether good or valuable consideration was paid therefor, and no land shall be awarded to any claimant unless it be prov d that at least value to the extent of — per acre had been paid therefor, and in all cases where an illegal or immoral consideration has been given, where liquor, or fire-arms or weapons of any description form the consideration such claims shall be declared invalid and the land shall forthwith be restored to the control of the Government of Samoa.

weapons of any description form the consideration such claims shall be declared invalid and the land shall forthwith be restored to the control of the Government of Samoa.

12. The judges of the land commission shall each receive a salary of ——per annum, to be paid out of the revenues of the kingdom, and shall appoint a clerk who shall duly keep the records of their proceedings.

13. It shall be the duty of the said land commission to survey and set apart of the unclaimed or unoccupied land one-tenth part thereof to be rented for the use and support of the public schools.

14. To assist in raising revenue for the support of the government, customs and tonnage dues shall be levied at the several ports of entry, and to this end each of the treaty powers will negotiate identic treaties with Samoa in which the rates of said duties shall be established.

15. Each of the treaty powers will alternately keep four months in each year a man-of-war in Samoan waters to assist in maintaining the government so to be established and to preserve peace and order.

Mr. von Alvensleben then read his memorandum, which was as follows:

The unsettled condition of affairs on the Samoan Islands having gradually become more and more injurious to the foreign residents and to the commercial interests of the three treaty powers, the latter had to take into serious consideration the means by which the lasting peace and order could be restored there. With this view and the understanding that the independence of Samoa under a native government was to be maintained, and that no monopolies should be created there by any foreign power, the three treaty powers have agreed to the proposition of the Government of the United States of America to hold a conference of pleuipotentiaries. It was further agreed that, in order to get complete and network of the proposition of the Government of the United States of America to hold a conference of pleuipotentiaries. It was further agreed that, in order to get complete and proposition of the Government of t

2. As far as merely Samoan affairs are concerned, the administration of the country to be carried on, as was hitherto the case, by the king assisted by the native council, composed of the most prominent-chiefs. The competence of the king and the co-operation of the native council will have to be defined by special

king and the ec-operation of the native council will have to be defined by special agreement.

3. Experience having shown the incapability of the Samoans to maintain order and peace in thei country, a foreign representative to be appointed as adviser to the king in order to strengthen the latter's authority.

This adviser, who is to act as the mandatary of the three treaty powers, will have to discharge, under the nominal responsibility of the king, the government affairs. He will have to control all necessary measures with regard to the maintenance of public order in general, and especially to the security of any kind of property of foreign residents. This adviser, whose position would be virtually that of a prime minister, to be nominated by the treaty power having for the time being the preponderating interests in Samoa. The nomination needs the approval of the two other powers. The first appointment to be made for the term of five years in the first instance, and at the expiration of that period a fresh appointment becoming vacant during the said term of five years, through the death, resignation, or removal of the advisor, another person shall be similarly appointed to hold the office for the remainder of the said term.

4. In order to avoid every misapprehension of the situation by the placing of the representative of one of the treaty powers in the most prominent position of the Samoan admini-tration, it will be expedient to formally acknowledge anew the principle, already contained in the existing treaties with Samoa, of absolute equality of treatment in respect of commerce, navigation, jurisdiction, and all other matters whatsoever to be secured to the three powers and to the achieve and editzens.

5. The irrecularities which are known to have occurred in regard to the achieve.

and citizens. and chizens.
5. The irregularities which are known to have occurred in regard to the acquisition of land, and the disputes to which they have led between foreigners and natives make, it appear expedient to consider the establishment of a special international court for the decision of claims and disputes relating to land. For

the composition of this court due consideration will have to be given to the nationality of the parties.

6. It will have to be one of the principal tasks of the new administration to regulate the finances and to draw up a budget in accordance with the needs of foreign rade and commerce, the question of levying taxes on foreigners and natives. For this purpose, and in order to raise the requisite foreign trade and commerce, the question of levying taxes on foreigners with the consent of the three treaty powers will have to be considered.

7. As the German interests in Samoa outweigh actually those of the two othership of the provisions established above under No. 3.

8. The existing treaties with Samoa to be maintained, and the declarations made previously by Germany, the United States, and Great Britain with regard to the independence of Samoa to be confirmed, in order to avoid the appearance of the state of the s

Under any circumstances, in the opinion of Her Majesty's Government, exist-ing treaties should be maintained. These treaties, it may be remarked, are not signed by Malietoa, but are in the name of the Government of Samoa. Sir Lionel West said he was ready to discuss the various points suggested in

the memorandums.

Mr. Bayard said he would not be ready to discuss them until an opportunity had been given him of reading the British and German views as taken down by the stenographer.

The conference then adjourned to meet at a time subsequently to be agreed

T. F. BAYARD. ALVENSLEBEN. L. S. SACKVILLE WEST.

No. 6.

Protocol of second Samoan conference.

[Confidential.]

DEPARTMENT OF STATE, Washington, July 2, 1887.

Mr. Bayard said he understood that all agreed upon the following points:
That there should be no annexation of the islands by any of the treaty powers;
that the independence and autonomy of the islands were to be preserved, with
equality of rights of commerce and navigation for the citizens or subjects of the
treaty powers; that a native government was to be established and assisted to
maintain itself; that the present jurisdiction of consuls over their own countrymen should be preserved; that the present treaties be maintained so far as

the rights of the three powers under them are concerned; that means of raising revenue for the support of the government should be devised, and that the question of taxing foreigners should be considered; that impost and tonnage duties should be established by identic treaties between the three powers and the Samoan Government; that a land court should be formed to settle titles and holdings of lands in the group. It had been admitted that the claims of foreigners to lands exceeded the entire area of the islands, and this was the best proof that the claims required overhauling by a court whose decision should be final.

Mr. Bayard further said that while it had been agreed that a native government should be established and assisted to maintain itself, the powers were not agreed as to its details. Great Britain and Germany proposed that there should be only a king and a council of chiefs. The United States suggested a king, a council of chiefs, and a legislative assembly, composed of representatives elected by the people of the islands. He was, however, inclined to believe that the greater the simplicity of the framework of the government the better, and he was disposed to place among the points of agreement that the native government should consist of the king and his council of chiefs.

Mr. von Alvensleben said if there was such a legislative assembly as Mr. Bayard replied that Germany had proposed its omission, and that it was in order not to stand upon form, but to get a substantial agreement, that he had deferred to that proposal. He desired to facilitate agreement, and that the same time thought it not unadvisable to simplify the government as much as possible.

Sir Lionel West said he did not think his memorandum referred to the sub-

sible.

Sir Lionel West said he did not think his memorandum referred to the subject of identic treaties respecting impost and tonnage duties. He saw, however, no objection to the idea of identic treaties. After some further discussion it was decided that this should be taken as agreed upon in conference.

Mr. Bayard said there were some other points on which the propositions of the powers did not run so closely together. The first was as to the kingship. The United States, in view of existing treaties, and of the declarations continuously made, until within a very few months, by the consuls of the three treaty powers, had proposed the continued recognition of Malietoa Laupepa as king, and of Tamasses as vice-king. The British and German Governments proposed a new election. In this, for the sake of coming to an agreement, he was disposed to concur. The United States would not object to a new election, but it should be a native election, free and unawed. The customs of the Samoans should prevail in it, and the result of the election should be announced to and declared by the three consuls, who should not otherwise participate in the proceedings. ceedings.

ceedings.

Mr, von Alvensleben inquired whether that could be prevented.

Mr. Bayard replied that that comment would apply to the whole of the transaction. The islands were very remote from the countries whose representatives were now considering their government, and unless the agents of the three Governments were actuated by a sense of absolute fairness to each other and a desire to carry it out there would be little hope, and he proposed that the agent of the United States should do nothing inconsistent with its action in the matter.

of the United States should do nothing inconsistent with its account the feet.

Sir Lionel West said he could assent to that proposition. The natives must elect the king, and the election must be free.

Mr. von Alvensleben inquired whether they should not take into consideration the probability of the natives not arriving at an election. Malietoa's party might say they had elected their man; Tamasese's party might say; !'We have our man; we won't proceed to an election.' It was not unlikely, according to report, that the natives would proceed to an election. Should not a certain time be fixed within which the election should take place? If it should not take place within that time, then the three powers should agree on a king.

Mr. Bayard said he did not anticipate the failure of the election; but it was in order to avoid any difficulty that he had proposed to let Malietoa remain as king, to which Germany and Great Britain objected.

Sir Lionel West said his Government had expressed no opinion hostile or adverse to Malietoa.

Mr. Bayard said he had not the slightest objection to the election of Malietoa.

Mr. Bayard said he had not the slightest objection to the election of Malietoa.

Mr. Bayard said he had not the slightest objection to the election of Malietoa if the people of Samoa should choose him. At present, however, there seemed to be no chance for him, if the statement made by Mr. von Alvensleben, that he was in a small minority, was just. But there was a difference of opinion on that

Mr. von Alvensleben asked whether the newly-elected king should not be approved by the powers.

Mr. Bayard answered, no; that, on the contrary, there was to be a free elec-

Mr. yon Alvensleben inquired whether he would not have to be recognized the powers.
Mr. Bayard said, yes; but that the election should be free and not interfered

Mr. von Alvensleben said the people might nominate the king and the powers

Mr. von Alvensleben said the people might nominate the king and the powers confirm him.

Mr. Bayard said that would virtually give the powers the control of the choice of a king. It would not be a native selection if it had to be made subject to the approval of somebody else. The object of the present arrangement was not to obliterate the rights of the islanders, but to assist them in forming a civilized government; that a virtual neutralization of this group of islands was desirable, and this was to be secured by the abstention of the three powers from seeking any special control. This principle should underlie all that they were proposing. There had been a proposition from Germany which had metwith a certain degree of recognition from Great Britain, that the power laving a preponderance of present commercial interest should exercise a preponderating influence.

Mr. von Alvensleben said, not commercial altogether, because the Germans

Mr. von Alvensleben said, not commercial altogether, because the Germans had also the greatest land interest.

Mr. Bayard said that was the claim. It would be this: That because Germany has a preponderance of numbers, of land, and of commerce she should, therefore, have a preponderance of weight in the counsels. It seemed to him that that proposition was in conflict with the principle upon which they propose to proceed, and that it was one that would increase as they progress. That is to say, that the ultimate result of admitting such a principle as that and proceeding upon such a basis would be to reduce the islands into a Germanic possession. Now, that is certainly in conflict with the idea of virtual neutralization of the islands with which they set out, and not in accordance with the agreed plan, even upon the agreed points of the plan, and he referred to it now because they were approaching the question of the appointment of the chief executive officers who would have more actual or practical power in controlling affairs there than others. He could illustrate it better by saying that Germany proposed to have one prime minister. The United States proposed three ministers—a minister of foreign affairs, a minister of finance and treasury, and a minister of the interior—who should manage questions of lands and the like, and that they should be associated with the king and one native, making a council in that way of odd numbers, in which the three powers should have a majority, but that those officers should be separate and be appointed by the king, the idea being native appointment on foreign nomination. The German idea was that they should have a prime minister who should be the regreat executive, and control all, a depository of executive power, and that hecause Germany had more land, people, and commerce than the other two.

Sir Llonel West said only for a time.

Mr. Bayard said for five years as a basis, and a renewel again on the same terms. The suggestion was inconsistent with the principle with which they propose to conduct this arrangement, because it was at once starting upon a road that can lead but into one direction, and that is the complete domination of one power.

Mr. von Alvensleben said the imperial government wanted to nominate and have the appointment subject to the approval of the other two powers, and therefore they gave every guaranty that was possible.

Mr. Bayard said he wished to draw attention to the fact that the importance of these islands is mainly because of their geographical position. They lie in the pathway of a commerce that is just being developed. The opening of the trans-continental railways had given to this group of islands an interest which they never had before, and, moreover, we all hope for the penetration of the status continental railways had given to this group of islands an interest which they never had before, and, moreover, we all hope for the penetration of the status on the start of the start in the hold the island groups in Polynesia, and something more than mere islands. Great Britain owns Fiji and New Zealand and other islands. He said nothing of the continent of Australia. Great Britain has her settlement on New Guinea. Germany has the Marshal group and the Solomon Islands. She also has a settlement, and a very importantone, on New Guinea. Spain has the Carolines, France makes claim to the New Hebrides. With a great ocean front on the Padific, the United States have not acquired a foot of land in that region, but be a continued to the state of the states than from the state of the state of the state

foreigners, one to be nominated by each of the powers, and two natives; but the plan submitted by Mr. von Alvensleben proposed only three foreigners. Mr. von Alvensleben said that was only a land commission to prepare for the court.

Mr. Bayard did not preceive the utility of this.

Mr. von Alvensleben said the object of the commission would be to investigate. Mr. Bayard said he did not see the necessity of that. The land court proposed by him could send for papers, examine witnesses, and give judgment.

Mr. von Alvensleben said the commission was intended to examine all the deeds, and, so far as possible, settle questions of title, leaving only such titles as they were not satisfied with to the court.

Mr. Bayard thought both functions germane to the same object, and that a single body would be more simple, and could with equal certainty and justice deal with the business, as if there were a commission to examine and a court subsequently to decide.

Sir Lionel West said it was intended to facilitate the action of the court by the creation of the commission.

Mr. Bayard said it was not an intricate matter, and if there was the right kind of court, with fair-minded men who would deal with each other with justness between themselves and the people, they would move with more celerity and with more stability than if there were two bodies. There would be two rules of decision by having two different bodies.

Mr. von Alvensleben thought that general principles should be established, and that there should be an appeal from the land commission to the land court, whose decision should be final. He also asked how investigations could be made.

Mr. Bayard said the area to be gone over was not extensive, and that there was no function a board of commissioners could perform that the court could not equally perform.

Mr. von Alvensleven inquired what Mr. Bayard proposed in place of the German proposition of the Imperial German Government that a lasting improvement of the condition of the Samoan Islands can not be expected fr

moa should be given the right to nommate the official whose duty it shall be to control the native government. That Germany is the power having the largest interests is questioned by nobody. Taking into consideration the dimensions and the value of the German interests represented in Samoa, and the great credit which Germany essentially deserves for having brought the Samoan Islands to their actual importance, it can not be fairly contested that Germany must be recognized by the other powers as being entitled to receive this mandate. Germany, or better, her subjects, pay alone half of all the taxes. The value of the German commerce with Samoa, without including the South Pacific, doubles the English and American commerce together. German subjects own in Samoa nearly double as much uncultivated land and nearly six times as much cultivated land. It can not therefore be expected that she should consent to remain more or less excluded from the efficient control of the country and have it pass to one of the two powers who have less interests."

Mr. Bayard thought there was a misapprehension on Mr. von Alvensleben's part as to any design of exclusion. On the contrary, perfect equality as to all was proposed. That would not affect in the least the question of the rights of German subjects or their property. The idea of the United States was that there should be one law for all, and that no one power should be more than another in the control of those questions.

Mr. von Alvensleben thought it more natural that the power that had the largest interests should also, after giving all the guaranties to the other powers, be nearest to control and the most responsible for it.

Mr. Bayard said it seemed to him that that reasoning forgot entirely the principle upon which the whole movement proceeded; that is, the native government to preserve its own existence, while the contrary is that contended for by Germany. The idea of the United States was that there should be an equality of rights.

Mr. No Alvensleben said that was int

there was no suggestion of continuance of interference by the consuls in the government of that country, except with regard to the persons or interests of their individual citizens.

Mr. von Alvensleben said he introduced the three consuls for the purpose of showing that Mr. Bayard's proposal of three ministers would be equivalent to the three party government; that the three representatives would almost come to the same thing.

Mr. Bayard said that up to the present time the three consuls had been recognized as three equals co-operating for an end, and under that Germany certainly could not find fault with the result, because her preponderance had been continually increasing, and the interference of the German consul with affairs in Samoa had been very marked, if he could take the accounts of the dispatches of the American vice-consul. There had, however, been no suggestion in his plan that there should be anything more of a consular government. He desired something to do away with the injustice which, it is said, has been done these people. It is not becoming that the three powers should be in a group of islands where the land claims of their citizens exceed the whole territory of those islands. Mr. Thurston, the British commissioner, had put that with complete force when he said they were absolutely punishing these people for acts which were the necessary result and consequence of the kind of government they had endured.

Sir. Lionel West said his Government seemed to incline to a foreign control, because they thought without it there could be no stable government. Mr. Bates distinctly states it in his report; Mr. Thurston states it, that without this intervention it is impossible to establish a stable government, and his Government were willing that this control should be exercised by a person appointed by one of the powers, as the mandatary of the other two.

Mr. Bayard inquired what were his views about the native courts and the abolition of pecuniary fines?

Sir Lionel West said he thought they should ag

arms, etc.?
Sir Lionel West said his Government were inclined to support that proposi-

Sir Lionel West said his Government were inclined to support that proposition.

Mr. von Alvensleben said he did not think the proposition should have been stated so widely. The words "immoral" and "illegal" consideration had been used. It was difficult to define what was immoral.

Mr. Bayard said he had no objection to defining it.

Mr. von Alvensleben said if it meant the sale of fire-arms it did not touch the Germans altogether.

It might, however, have happened that those people really would not take any money if they could get fire-arms. If it was shown that they really gave the land away, they ought to get an additional sum. He suggested that what had been paid should be taken into consideration, and if it was too small an additional sum could be fixed by the land commission or the land court.

Mr. Bayard inquired as to his proposition to intrust minor offices, those that touch the natives themselves, to natives instead of foreigners.

Sir Lionel West said it was a difficult matter, but the principle ought to be that they should be natives.

Mr. Bayard said it would be a great means of native education, and that the natives should be educated in self-government.

Sir Lionel West asked whether he did not think that a very good reason for establishing foreign control?

Mr. Bayard said foreign assistance and native government should be combined. Hence he had proposed that in the council of the king there should be three foreigners, a minister of foreign affairs, of the interior, and a treasurer. These ministers would doubtless have a paramount voice, but they would be associated with two natives. One might be a German, another an Englishman, and another an American. Their functions would, in a great measure, be independent, and ought to be.

Mr. Payard said yes.

Mr. Bayard said yes.
Mr. Non Alvensleben said it would be difficult to find three such persons in Samoa not identified with what had been going on there, and that if they were so chosen he was afraid they would not be able to withdraw from the influence

so chosen he was afraid they would not be able to withdraw from the influence of their nationality.

Mr. Bayard said if there was only one man he would not be able to overcome the influence of his nationality, but if there were three men with distinct, different functions, they would act as a check upon each other. But if the nominee of one of the powers acted merely as a partisan, his Government should remove him. There should be the readiest disposition in this regard, and the United States had already shown its disposition to act promptly.

Mr. von Alvensleben said he had been instructed to lay before the conference, in order to facilitate its work, a draught of a convention between the three treaty powers, a memorandum on the land disputes, and a memorandum on the financial question. These were, respectively, as follows:

## [Translation.]

"DRAUGHT AGREEMENT BETWEEN GERMANY, ENGLAND, AND THE UNITED STATES OF AMERICA CONCERNING THE SAMOAN ISLANDS.

"The Governments of His Majesty the Emperor of Germany, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of the

United States of America, inspired by the desire of establishing a better settlement of affairs on the Samoan Islands, have agreed upon the following dispo-

"ART. I. A new election of a king shall take place in Samoa, with which object a meeting of the chiefs of all the districts entitled thereto in the Samoan Islands shall be summoned within two months from the day of the conclusion

Islands shall be summoned within two months from the day of the conclusion of this agreement.

"The king can be nominated either for life or for a certain number of years; his nomination must be confirmed by the three treaty powers.

"ART. II. The administration of the common affairs of the Samoan Islands shall be conducted by the king assisted by a council composed of representatives of the different districts; the convocation and composition of the latter in detail shall be reserved for a subsequent arrangement.

"ART. III. The treaty power which for the time-being has the preponderating interests in Samoa shall, with the concurrence of the two other powers, appoint a representative, to be invested with the functions of adviser to the Government of Samoa.

"He will be first appointed for a term of five years, and after the expiration

inferests in Samoa shall, with the concurrence of the two other powers, appoint a representative, to be invested with the functions of adviser to the Government of Samoa.

"He will be first appointed for a term of five years, and after the expiration of this period a new nomination shall take place for the same time and under the same conditions.

"In the event of the appointment of the representative falling vacant during the five years period by death, resignation, or any other cause, another official shall be similarly appointed, to hold office for the remainder of the said term.

"The representative, as the mandatary of the three treaty powers, will be charged with the duty of controlling the measures necessary for the efficacious maintenance of peace and order in general, and especially for the security of the plantations, dwellings, and other property of foreign subjects in Samoa.

"Art. IV. The agreement as to the establishment of a municipality in Apia concluded between Germany, England, and the United States on the 2d September, 1879, and prolonged for an indefinite period on the 29th September, 1883, shall cease to be in force on and after the——.

"Art. V. Absolute equality of treatment in respect of commerce, navigation, jurisdiction, and other matters shall be secured to the three treaty powers and their subjects and citizens in Samoa.

"Art. VI. With the view to the examination and decision of disputes relative to land, a commission shall be established, before which all disputed land claims are to be lodged within a fixed period. There shall be an appeal from the decision of the commission to a special court of land disputes within a period not exceeding three months. The composition and jurisdiction of the commission to a special court of land disputes within a period not exceeding three months. The composition and jurisdiction of the commission and of the court are defined in Annex II.

"Art. VIII. In order to raise the necessary funds for the proper administration between the three powers and S

## [Translation.]

## "LAND DISPUTES.

"The disputes relating to real estate and the acquisition of land in Samoa de

"The disputes relating to real estate and the acquisition of land in Samoa demand a special treatment.

"This sort of dispute is to be withdrawn from the cognizance of the consuls and from the jurisdiction of the English high commissioner, respectively. It is consonant to the general principles of justice that disputes relating to real estate should be decided by the laws and courts of the country in which the object of the dispute is situated. In the present case, however, it must further be taken into consideration that in the absence of any sort of legal provision as to the conditions, requirements, and formalities necessary for the valid transfer of land, and in consequence of the utter complication existing in the covnership, irregularities, and, it may be, acts of injustice, have cocurred which absolutely demand an impartial decision based upon a thorough examination and investigation of the matter. Such disputes are to be settled in a uniform procedure and according to uniform principles to be previously laid down by the treaty powers with the agreement of the Samoan Government, by an authority to be specially instituted, and in the last instance with the agreement of the Samoan Government, by an authority to be specially instituted, and in the last instance with the decision as to the validity of land transfers are to be based, first, to appoint a commission composed of three members, each of the three treaty powers naming one. Before this commissional cleains which are raised by foreigners with regard to land in the Samoan Islands must be filed within a certain period, the claims must be accompanied by the titles and other documents, or duly authenticated copies relating thereto.

"The members of the commission are appointed by the Samoan Government on the proposal of the treaty powers and receive their salaries, the amount of which is to be fixed beforehand, from the former. A part of the expenses caused thereby will be covered by fees to be levide by the commission for their work according to a fixed

institute a native commission to determine the seller's right of ownership and to lay the result of such investigations, together with the underlying motives, before the foreign commission; this decision, however, shall not be binding on the latter. Such native commissions would have also to be charged with the examination, and, if required, with the decision, of land disputes existing between the Samoans themselves. Pieces of land which for ten years or more have, without dispute, been cultivated, or at least made use of by foreigners, shall, without further inquiry, be regarded as property legally owned or acquired by prescription.

"Claims of third parties to such pieces of land shall be brought to judicial decision only then and in so far as, in accordance to the dispositions with regard to the interruption of the prescription, the claim to the land has been presented to the actual holder in written form at least once within the period of ten years. The foreign commission must further be authorized to give a provisional decision as to disputes relating to possession and ownership of land, or to effect an amicable arrangement. The litigant shall have the right of appeal from the decisions of the commission, or of demanding a judicial decision by the land court. Whenever Samoans are involved as parties in such disputes, the foreign commission shall invoke the co-operation of a Samoan chief to be nominated by the government of the district where the land lies, or of the Samoan judge in Apia.

"The final settlement of the land disputes takes place by the judical decision."

Apia.

"The final settlement of the land disputes takes place by the judical decision of the land court. The latter is composed of a judge to be nominated by the Samoan Government, and of the consul or of one of the prominent countrymen of the litigant.

"There is no appeal from the decisions of this court."

# \$37,500 1,000 1,000

FINANCE-ESTIMATE OF YEARLY BUDGET-REVENUE.

FINANCE—ESTIMATE OF YEARLY BUDGET—REVENUE.

1. Capitation tax on Samoans.
2. Property tax on boats (250 at \$4)
3. Property tax on fire-arms (500 at \$2).
4. Tax on houses and on land used for commercial purposes, I per cent. ad valorem—

(a) Present yield of the municipality

(b) Increase to be expected at once

(c) Houses and property outside of Apia.
5. Controlling dues on all sorts of plantation laborers (1,000 at \$2)...
6. Import dues on laborers (250 at \$5)...
7. Charges for registry of deeds of sale, one-half per cent. of the selling price.

8. Stamp-tax on documents relating to transfers of property. I per 2,600 1,800 2,000 500

8. Stamp-tax on documents relating to transfers of property, 1 per cent. of the selling price.

9. Trade tax—

1. Commercial enterprises—

(a) Yield of the municipality.
(b) Expected increase.
(c) Business outside Apia (50 at \$40).
(d) Trading ships—

A. Present yield of the municipality.

B. By increase of existing duties.

II. Artisans, clerks, and liberal professions—
(a) Present yield of the municipality.
(b) Increased yield through immigration.

III. While laborers—
(a) Domestic servants and factory hands (100 at \$5).
(b) Independent workmen (100 at \$5).

10. Taxes for tavern licenses—
(a) Present yield of municipality.
(b) Increase and immigration.

11. Statistical commercial dues—
(a) General dues on imports of merchandise, 1 per cent. ad valorem in 1885, \$4,656, 13 cents.
(b) From the increased imports to be expected, about 20 per cent.

A. Copra, 3,000 tons, at \$1.

B. Cotton, 200,000 lbs., at 50 cents per 100 lbs.

C. Coffee, 15,000 lbs., \$7,500, 2 per cent.

(a) Import tax on spirituous liquors: 1,000 720 1,000 2,000

4,686 937

> 2,000 6,000 3,000 400 875

2,400

(a) Import tax on spirituous liquors:

A. 2,000 cases of beer, at \$1...

B. 3,000 gallons of brandy, at \$2...

C. 1,500 gallons of wine, at \$2...

(b) Import tax on arms, 200, at \$2.

(c) Import tax on powder and ammunition, 1,500 pounds, at 25 cents...

(a) Present yield of the municipality......
(b) Expected increase.

14. Quarantine dues—
(a) Present yield of the municipality.....
15. Judicial fees.....
16. Fines— 250 800 400

2,000 1,000 FINANCE.

"In drawing up the inclosed budget of receipts the principle has been followed of leaving Samoa the character of a free-trade country. Quite apart from the fact that in Article HI of the treaty of commerce between the United States of America and Samoa provision is made for the exemption of the cargoes of all American ships from duties of every sort, the introduction of merely financial duties (Finanzölle) seemed undesirable in the interest of a free and unrestricted development of Samoan commerce. On the other hand, no objection could be raised to taking into consideration a small statistical duty at the rate of 1 per cent, ad valorem on merchandise imported into the islands, as well as a duty at about the same rate on products exported from Samoa—at present only copra, cotton, and to a small extent coffee are in question. Only for spirituous liquors, arms, and ammunition real import duties have been introduced into the budget. The consumption of brandy, especially on the part of the natives, shall be checked thereby. For the sake of uniformity an import duty will also be imposed upon beer and wine, both articles of consumption which are used only by the better situated classes and which can easily bear a comparatively not very high tax. Also the import of arms shall be restricted by the duties imposed. It may well be taken for granted that the Government of the United States would also give their consent to the proposed taxes and statistical duties. "Moreover, the budget of receipts has been drawn up on the model of the existing arrangements, and the greater number of items have been based upon the taxes hitherto levied by the municipal administration of Apia. Great care has been taken with regard to the calculation of an increase to be expected to result from a more developed commerce, and it may be said in general that the

items have been fixed at a very low rate. The taxation of the natives has similarly been based on the model of existing institutions. More than \$20,000 have been raised by the Government of Tumunalone by a capitation tax paid by districts. The Government of Malietoa has also attempted to exact a capitation tax, it is true, without success. The fault, however, lay neither with the system of taxation nor with the rate of the tax, but exclusively with the weakness and inactivity of the government and the want of the necessary administrative aparatus. The taxation of the natives seemed the less objectionable, as the native element, it would appear, is called to be the first to participate in the advantages of the new Government, and as, besides that, by the plan proposed a considerable part of the taxes raised shall be expended on the salaries and fixed remuneration of Samoan officials.

"With regard to the several items of the receipts the following remarks may be made:

considerable part of the taxes raised shall be expended on the salaries and fixed remuneration of Samoan officials.

With regard to the several items of the receipts the following remarks may be made:

Ad. 1—Capitation on Samoans, \$37,500. The population of the Samoan Islands, with the exception of the Manua group, may now be taken as between \$3,000 and \$3,000 souls. The sum total of the capitation tax represents, therefore, about \$1.10 per head of the whole population, and about \$3 per head of the adult male portion thereof. The Samoans are perfectly conscious of their obligation to contribute to the public revenue in the way of a capitation tax. It has practically been introduced for many years, even though, as already observed, it has not been regularly levied. In 1872 a capitation tax of \$1 for adulmales, 50 cents for young people, and 25 cents for male children, without dist tinction of age, was imposed in order to defray the expenses of buying arms. The fixing of the rate per head served only as a measure for the calculation of the tax. The government in Leulumoega has twice during last year imposed a tax of \$1 per head on the male population. The tax was levied by districts and handed over to the government. The ambition of the several districts to contribute as large sums as possible led to the result that the total sum of the taxes actually paid was considerably in excess of the sum calculated for according to the rate fixed of \$1 per head of the male population.

"If the government there has now actually raised in its districts alone already more than \$20,000 a year by a capitation tax, the figure set down in the budget for the whole of Samoa of \$37,500 can hardly be regarded as excessive, all the less so, as the islands, not counting the yield of the German plantations, produce now in copra alone 3,000 tons, and could yield, with a moderate increase of activity, to which the obligation to pay the taxes may well give the necessary impetus, a considerably larger quantity, on the proceeds of which the p

"LAND TAX.

"The land taxes on houses and other real estate, serving for commercial purposes, which are already in force in Apia, can be maintained at the same rate of 1 per cent. ad valorem; as yet they have given no cause of complaint. The revenues will be considerably increased by a valuation representing more accurately the real values, as well as by the increased activity in building on the part of foreigners who may be expected to flock in in consequence of the establishment of an orderly state of affairs. The value of the houses and other establishments outside Apia is put, after a careful examination, at \$200,000. A direct taxation of the plantations is not intended, as they are already affected indirectly by other taxes, such as the dues for the control of laborers (Arbeitercontrollgebühren) or those levied on the importation of laborers, and the exportation of products, and as, besides, it would seem to be in the interests of the government to encourage the cultivation of plantations.

"Ad. 5 and 6.—Controlling dues (Kontrollstevera) on all sorts of plantation laborers and import dues on laborers. It seems appropriate that a tax should be raised for the central except a transfer of the revenue to be derived from the dues levied for the registration of contracts of sale, as well as from a stamp-tax levied at the rate of 1 per cent. ad valorem on all documents relating to the transfer of property is almost impossible; but in any case the figures set down are estimated at a very low rate.

"Ad. 9.—

a very low rate.

"TAXES ON TRADES (GEWERBESTEUER).

"TAXES ON TRADES (GEWERBESTEUER).

"The municipality of Apia levies a trade-tax on all commercial businesses, ships engaged in trade there, on artisans, and commercial clerks. It is advisable to maintain these taxes. A more accurate valuation, the immigration of foreigners, and the taxation of all trades pursued outside Apia, will probably result in a greater increase of revenue than that estimated in the budget. Special mention must be made of the ships calling at the harbor of Apia for commercial purposes (trading vessels). They have not approximately the same expenses of business that the resident merchants have; they turn over their capital more quickly, and have, by existing regulations, only to pay a single tax of \$10. For the protection of native industry it is desirable that ships of this sort should be subjected to a due five times as great.

"Under 9, III, provision is also made for a trade-tax on white laborers.

"Ad. 10.—The license tax for taverns now yields to the municipality a return of \$775. By raising the rate of this tax itself as well as by an increase in the number of taverns, which is to be expected in consequence of the greater influx of foreigners, an increase of revenue to the amount of \$1,000 may be reckoned on, and all the more so as the taverns established outside Apia will now be subject to the tax.

and at the more so as the taverns established classic Apis with low be subject to the tax.

"Ad. 11 and 12.—The rates set down under the items 'statistical commercial dues on imports and exports,' and 'import duties,' have been arrived at after careful investigation of the statistics hitherto known, and by following the principle that as small a burden as possible shall be laid upon commerce. For imports a duty of 1 per cent, ad valorem seems appropriate; the tax on exported products will be about 1½ to 2 per cent. In the budget drawn up by an American, Mr. Moors, provision was made for a tax of 3 per cent. The smaller rate of 1 per cent, here set down relieves the government of all the apparatus of custom officers. The collection of the tax can be left to the harbor-master. This is taking for granted that Apia should be declared the only port of entry, an arrangement which will not be found burdensome by anybody, and which will also prove useful for the control of mavigation.

"Ad. 13 to 17.—With respect to the pilot dues, it is believed that they will undergo a small increase. This has in fact been already effected by the new German

steamer communication, and will be still more the case in consequence of the increase of shipping which is to be expected. The judicial fees and fines can not be approximately calculated. The figures set down appear very low. The revenue to be derived from the postal service has been calculated on the statistical returns of the municipal postmaster in Apia."

Mr. von Alvensleben inquired what length of time the king should be chosen for, and suggested that that might be left for the natives.

Mr. Bayard said he thought so; he preferred to follow the Samoan customs and traditions.

Mr. von Alvensleben said he thought his government might not object to a vice-leing, but he wished for the present to reserve his opinion on that subject. Sir Lionel West said his government might object.

Mr. Bayard said he had suggested it in his original proposition in order to enable the Samoans to gratify their recognition of their leading people, as well as to provide for a succession in case of the death of the king.

The conference then adjourned to meet again at such time as should be agreed upon.

T. F. BAYARD. ALVENSLEBEN. L. S. SACKVILLE WEST.

No 7

Protocol of third Samoan conference.

[Confidential.]

DEPARTMENT OF STATE, Washington, July 9, 1887.

Mr. Bayard said that at the last meeting Mr. von Alvensleben seemed to withdraw or qualify his objection to the Falpule. With a view to simplicity in the government, and with a disposition to concede everything that might be done for coming to an agreement, he had not stood upon that point, and he desired to know what ideas Mr. von Alvensleben would approve in relation to the

to know what ideas Mr. von Alvensleben would approve in relation to the Faipule.

Mr. von Alvensleben said it had been agreed that there should be a king and a council of native chiefs. It might be well, instead of keeping the whole Taimua as a council, to take the principal chief, or such as may be appointed, from the Taimua into the king's council, and thus do away with the Taimua as such. The Taimuas really do the business, not, however, without conferring first their Faipules. By taking some member into the king's council from the Faipules, these also might be done away with. But the Faipules might as well be kept, with only a consultative vote on Samoan matters.

Sir Lionel West said then it would not be a legislative body.

Mr. von Alvensleben said they might be a legislative body, but would only have a consultative vote. Their powers should be limited. They ought to have the right of accepting or rejecting the propositions made to them by the king and the council. The more you limit this body the more easily it will be managed.

aged.
Sir Lionel West asked whether they might not do away with it altogether?
Mr. von Alvensleben said he had no objection, but he thought its preservation might bring the Samoans more readily to accept this arrangement. If it was thought better to do away with it, he had no objection. And perhaps the Taimuas might also be called together every year only to select a certain number out of their body who should for a certain time—for a year, or two, or three—belong to the king's council. This would still reduce the number.
Mr. Bayard said he understood that Mr. von Alvensleben's suggestion was that their duties should simply be consultative, and that he did not propose to give legislative power.
Mr. von Alvensleben said: To the king and council, yes; but not to the Faipule.
Mr. Bayard said that was the only one they had under consideration—the legislative branch which he proposed, but which was rejected by both the other members of the conference.

legislative branch which he proposed, but which was rejected by both the other members of the conference.

Mr. von Alvensleben said that if Mr. Bayard thought it better to do away with the Faipule, he had no objection.

Sir Lionel West said he also had none.

Mr. von Alvensleben said if it was thought to be in the interests of the whole settlement, and of disposing of the matter favorably, he had no objection to keeping the Faipule.

Mr. Bayard said his idea of the whole matter was that the simpler their scheme for the government of this people the better; but he would be strongly disposed to respect their traditions and customs as far as may be, and let them have those governmental bodies that they have been accustomed to, and if the Faipule was one, to maintain it.

Mr. von Alvensleben thought there was no difficulty. There would be no objection to keep them on. It would perhaps be well to reduce them in number and to limit their legislative powers. They should only be allowed to accept or to reject what was submitted by the king's council. They could then do no harm.

ber and to limit their legislative powers. They should only be allowed to accept or to reject what was submitted by the king's council. They could then do no harm.

Mr. Bayard inquired whether he meant that their consent should be essential to the enactment of measures.

Mr. von Alvensleben replied yes, in native affairs. He should like to repeat that he was quite ready to do away with it, if that was preferred.

Mr. Bayard then referred to the land question. His suggestion was that a land court should be formed before whom all claims for land in the islands should be brought and whose decisions should be final; but it had been suggested that a land commission should precede the land court, so that there should be an appeal. His comment upon that was that it was an unceessary complication of duties, and a reduplication of officials, costly, and tending to conflict, and opposed to that simplicity in the affairs of this very simple people, that he thought one of the wisest features of his suggestion. There was no complex system of land laws in Samoa.

Sir Lionel West said there was not even a basis of a land system.

Mr. Bayard said consequently no great learning in land laws was required by the adjudicators. What was needed was substantial justice, of which the safts element was honest dealing between the persons who had acquired these lands and those who were the prior owners and controllers of them. He could not perceive any necessity whatever, but, on the contrary, a good deal that was useless and embarrassing in having two sets of men to act upon these questions. International commissions had been frequent, before whom had been brought questions of boundary between adjacent countries and questions of losses growing out of claims mutually against the parties, but he had never heard in any case that it was necessary to precede the tribunal of arbitration and settlement by another commission to sift out in advance, and he thought it would be difficult to find a precedent for it.

Sir Lionel West then read to th

mise for submission to the land court, which, after pronouncing upon them, would for the future be free to deal with all land questions arising upon their own merits. It must be borne in mind that not even a basis of a land system prevails in Samoa at present, and it is this basis which it is sought to establish by the preliminary labors of the commission. If this principle is admitted, the composition of the commission and the nature of its labors will have to be defined."

fined."

Sir Lionel West said that was the opinion of his Government, which they strongly recommend.

Mr. Bayard said he did not precisely understand what the question of complication of title was when it is admitted that there was no system under which the titles had come. It was agreed upon as a fact that more land was claimed by foreigners in this group than the islands themselves contain. That alone shows the necessity of examining the base of claim by foreigners to any land at all in Samoa.

the titles mad come. It was agreed upon as a fact that more and was claimed by foreigners in this group than the islands themselves contain. That alone shows the necessity of examining the base of claim by foreigners to any land at all in Samoa.

Sir Lionel West said: But not by a judicial court in the first instance.

Mr. Bayard said it was merely a question whether the means was appropriate to the end. His experience in the United States in dealing with land questions led him to believe that they could remedy the scandal of crowding these people out of existence on their own soil.

Sir Lionel West: In the future, yes.

Mr. Bayard said it was done already, according to these claims. These people are asked to give up all their land absolutely, and yet to live honestly. The best thing they could do was to rectify so gross a condition of things as that implied, and they all agreed as to that. The question was merely of appropriate means to that end. In his judgment, if a competent court was established under the influence of the treaty powers, such court to consist of three foreigners and two natives, and it was agreed that upon the fact being made known that they are duly commissioned and sworn to do justice in these land cases, that all of the land claims, without exception, should be brought before them—what use and what part a commission could play in that he could not see. The court could cause to be filed before them within a stated period the claims of every foreigner to land in Samoa, accompanied by his muniments of title, whatever they may be. There was no necessity for a commission to summon people to file their claims. If notice was given of the appointment of a land court, and proclamation is made that before them were to be filed all the claims for land in Samoa, those who did not make the claim to land would be supposed not to have any and those having claims would come forward and support them with proper testimony. It would not be a question of the commission hunting up claims.

Sir Lionel West sa

Sir Lionel West: In your opinion the commission will not facilitate the

ott.

Sir Lionel West: In your opinion the commission will not facilitate the court?

Mr. Bayard: On the contrary it would embarrass it, and would increase our difficulty in finding the number of competent persons for these tribunals.

Sir Lionel West said his Government was strongly in favor of the commission and Mr. von Alvensleben's Government was also.

Mr. von Alvensleben said the intention of his Government is also to facilitate, and the commission should be organized principally for the reason that it would make the settlements easier. He had been told that there were very many claims and that there was not one spot of Samoa that was not claimed either by foreigners or by Samoans or by both, and there were many lands which have been sold two or three times to different people, and he knew from very good authority that such cases would be presented where one Samoan sold it to one foreigner, another Samoan came and sold the same to another foreigner, and thus the claim stood. It had, perhaps, been surveyed by the one and not by the other; so that the claimants' cases would be easily settled as soon as they saw that the commission only wanted to act with fairness.

Mr. Bayard said he was still unable to perceive what function the commission could perform that the court could not equally and more efficiently perform; nor could he see any use of passing these proceedings through two tribunals. The court should be invested with power to call on every man who claims to own and hold land in Samoa, to lay before them the groundwork of his title, and he must come and uphold it, otherwise he would be without that validation of his title which is essential in Samoa. International commissions had been many, and such a thing as preceding the judgment of arbitration by the finding of a commission was unheard of.

Sir Lionel West said: Not the finding of the commission, but the collection of evidence.

Mr. Bayard said the object of the commission appeared to be only to make business for the court, which could, however,

Sir Lionel West said: Not the initing of the commission, but the collection of evidence.

Mr. Bayard said the object of the commission appeared to be only to make business for the court, which could, however, call all the cases into its cognizance and settle them.

Another matter he desired to mention was the question of the creation of a single mandatary, or the placing of powers in the hands of three chief executive officers, who should represent the three treaty powers, the king being the fourth, and a native to be the fifth. The effect of such a tribunal would be to give the three powers combined a majority and the decision. He could not see how the principle upon which we have agreed for the establishment of government in Samoa could be accomplished under the German plan.

Sir Lionel West: Which is approved by my Government.

Mr. Bayard said he did not understand that it was approved. He did not understand that Sir Lionel had any definite propostion on that point. It seemed to him very plain that if the German plan was followed it would necessarily result in creating those islands, whatever might be their nominal government, into a German possession, and that was not in accord with the plan on which they had all agreed in the beginning of this conference.

Sir Lionel West then read the following paper in regard to the mandatary scheme:

"It is admitted by the three powers that foreign intervention can alone insure

Sir Lionei west then read the following paper in regard to the mandatary scheme:

"It is admitted by the three powers that foreign intervention can alone insure the stability of the native government which it is sought to establish in Samoa, and that the tripartite control which has heretofore been exercised has proved abortive. The mandatary scheme does not involve the recognition of any preponderating interests which, as the Secretary of State has justly remarked, ought not to be taken into account in dealing with the matters before the conference. The German Government, as well as Her Majesty's Government, moreover, do not assert preponderance of interests as an argument in favor of the scheme. Indeed, they have asserted that there shall be absolute equality of treatment in respect to commerce, navigation, and jurisdiction, should it be adopted, but Her Majesty's Government are willing, seeing the great interest Germany has in Samoa, to accord to the German representative the first term of five years as the mandatory of the other two powers. Her Majesty's Government do not see that any exclusive control is involved in this arrangement as under any circumstances the mandatary power can only be exercised with the consent of the other two powers, and it seems, therefore, a matter of small importance which power should be the first to exercise it. The argument in favor of the mandatary scheme is that it will prevent the control from falling

into the hands of those connected with local interests and do away with the tripartite control which has been the cause of so many disputes and which has, in fact, led to the present conference. It is to this end, therefore, that Her Majesty's Government favor it as the only measure of establishing a salutary foreign control. I would submit that the scheme, proposed under No. 5, of the Secretary of State seems to fall short of this object, inasmuch as it leaves the door open to the same local influences that have hitherto prevailed owing to the difficulty of insuring impartial nominations in the king's council."

Mr. Bayard said he observed Sir Lionel spoke of the government that was first to take the mandatary office. Did he mean that there was to be an alternation, and that the power taking it first, after a term of years, was to be succeeded by another?

Sir Lionel West said it would be alternative, with the consent of the other two.

two.

Mr. Bayard inquired what was the object of saying first? Why not say per-

petual?
Sir Lionel West said it must be alternative if it came once to each,
T. F. BAYARD,
ALVENSLEBEN,
L. S. SACKVILLE WEST.

No. 8.

Protocol of fourth Samoan conference.

[Confidential.]

[Confidential.]

DEPARTMENT OF STATE, Washington, July 16, 1887.

Mr. West said that as there was some misapprehension about the phrase "alternate control" in the memorandum which he submitted at the first conference, he desired to present the following paper:

"There seems to be some misapprehension as to the meaning of the phrase which occurs in the memorandum which I submitted to the first conference and of the remarks thereupon in the last conference. The phrase 'alternate control for a limited time' does not imply that the representative of each power shall be elected the mandatary in rotation, but merely indicates that the mandatary scheme bears an alternate character; for should German preponderance cease at the end of the first five years the next power possessing it in succession would according to the German plan exercise the mandatary power. It is distinctly understood that under the German plan preponderating interests for the time-being should be taken into consideration in deciding the question as to which power should designate the representative under the approval of the other two powers."

Mr you Alvansleben than year the following search and the properties of the content of the content of the content of the content of the other two powers."

Mr you Alvansleben than year the following search and the proporties of the other two powers."

cease at the end of the first five years the next power possessing it in succession would according to the German plan exercise the mandatary power. It is distinctly understood that under the German plan proponderating interests for the time-being should be taken into consideration in deciding the question as to two powers."

Mr. von Alvensleben then read the following paper:

"Concerning the nomination of the adviser to the king as the mandatary of the three treaty powers to be appointed with the concurrence of the two other powers by the power whose interests are preponderating there for the time-being, Mr. Bayard repeated at the last meeting an intimation he had already made and the state of the concurrence of the two other powers by the power whose interests are preponderating there for the time-being, Mr. Bayard repeated at the last meeting an intimation he had already made and the state of the concurrence of the two other powers by the power whose interests are preponderating there for the time-being, Mr. Bayard intended merely to exemplify his objection to the mandatary scheme in general, and that if, for instance, under the proposed conditions and terms the United States were called upon to make the nomination, Mr. Bayard would raise the same objections, for the reason that these islands could not be prevented from becomingment would readily concur in such appointment, not entertaining any apprehension of the kind alluded to by Mr. Bayard, a similar result being beyond any donbt excluded if the guaranties contained in the German proposition be secured. I desire at the same time to express my regrets that the sudden end put to our last meeting prevented my making these remarks already then."

Mr. Bayard said the papers read by Sir Lionel West and also by Mr. von Alvenieben in some degree anticipated the very matters the wheld to bring benchmark the summary of the chief executive officer of the proposed new government, who should hold that power for a term of years; and then came the question, at the end

misuse power.

Mr. von Alvensleben then read, in relation to Mr. Bayard's proposition No. 5, the following paper:

"By adopting Mr. Bayard's plan to put the executive power into the hands of five, the powers would follow precisely the same course of policy which has lead, as is generally acknowledged, to the most unsatisfactory results in Samoa. A co-operative assistance of the three powers in the sense of Mr. Bayard's suggestion has hitherto taken place only in the municipal board at Apia, but it has been proved that such a threefold co-operation is not only ineffectual but inurious to the utmost degree to all foreign interests as well as to those of the natives. After such an experience, fully confirmed by the reports of the special commissioners, especially those of Mr. Travers and Mr. Bates, who, in plain terms, assert that the three-party control would be inappropriate means to arrive at the solution of the task of this conference, it ought, under all circumstances, to be avoided to take a similar scheme into consideration with a view of assisting the Samoans in their management of government affairs. According to Mr. Bayard's plan, the tripartition existing, as stated, at present only in the municipality of Apia shall be extended to the executive power of the new government, with the only difference that not the three consuls, but the same number of foreigners, one of them to be nominated by the three theaty powers, shall be invested with the respective functions of the three highest officials. Without dwelling upon the obviously very considerable difficulties of finding among so small a foreign population persons fit to hold so important offices, I think it necessary to point out another serious objection to which Mr. Bayard's plan gives rise. The latter, as I understand it, can aim only at such persons who have not been involved or compromised in any way in the events of the last years. On the other hand, it may well be assumed that all prominent foreigners, and the very persons who would alone have the qualifications for such officers, have been obliged, in the converse to the convents, to support one party or the

from Mr. Thurston's report giving a characteristic of the Samoan people. Under 109, it is said: "The great object of a Samoan party when seeking to gain an ascendency is to intrigue for foreign support, and hence much of the trouble that has arisen."

"The proposition of the Imperial Government, according to which the power having for the time being the preponderating interest in Samoa shall have the right of nominating the adviser, is now before the conference. The co-operation provided for by the two other powers with regard to the nomination, the limitation of the term of office to five years, the proposed express declaration to secure to the three treaty powers and their subjects in Samoa entire equality of treatment with regard to commerce, navigation, and jurisdiction, and other maters are sufficient guaranties to remove from the very beginning the danger that by transferring that mandate to one powers political monopoly would be established in favor of the latter. A further very efficient guaranty of the same kind is to be found in Article IX of the draught convention, which I had the honor to lay before you, suggesting that an express and repeated declaration should be made of the independence and neutrality of the Samoan Islands. I therefore conclude that it is not the German but the American plan which is inconsistent with the principles of this conference."

Mr. Bayard said he would like to say another word about the question of having both a land commission and a land court. The Samoans were the natural owners of the soil, but suddenly, in the course of the soil, but and the principles of the foreign lands who actually demanded more than the soil itself contained. For that reason he thought is the right of the Samoans as a people to have citation made by the land court to all the foreign holders of land on the islands in order that their titles might be brought before that court

nal who could call before them everybody holding land in Samoa, and compet them to show their titles.

Sir Lionel West said the idea of the commission was simply to facilitate this, and he thought it would.

Mr. Bayard said it was a question of judgment, and he had submitted his reasons for thinking differently. It would be difficult to get men in Samoa for the two bodies.

Mr. von Alvensleben said he thought these gentlemen ought to be sent out from abroad, because every foreigner and every Samoan is engaged and inter-

ested in the land question; that Mr. Bayard had said that if there was a single court, composed of three foreigners and two natives, foreign interests would be protected, but this would not follow, because the foreigners had never kept to-

ested in the land question; that Mr. Bayard had said that if there was a single court, composed of three foreigners and two natives, foreign interests would be petched, but this would not follow, because the foreigness had never kept to extend the court of the dispute is situated. In the present case, however, it must be further taken into consideration that in the absence of any sort of legal price of the court of the dispute is situated. In the present case, however, it must be further taken into consideration that in the absence of any sort of legal price of the court of the dispute is situated. In the present case, however, it must be further taken into consideration that in the absence of any sort of legal price of the court of the Samoan Guert of the Samoan for the samo

ases.
Sir Lionel West said that was his idea; that the commission should facilitate.
T. F. BAYARD.
ALVENSLEBEN.
L. S. SACKVILLE WEST.

No. 9.

Protocol of fifth Samoan conference. [Confidential.]

DEPARTMENT OF STATE, Washington, July 21, 1887.

Mr. Bayard said that in the protocol of the second conference a number of agreed points were stated, one of which was that there should be a free and unawed native election of a king, without the interference of foreigners. The proposition submitted by him at the first conference was for the election of a

king and vice-king. His object was to recognize the customs and wishes of the Samoans, and to provide for a succession in case of the death of a king, so that there would be no interregnum. He was still disposed to include in the plan of government the election of a vice-king; and he desired to submit whether it would not be well, if the king and vice-king should be elected for a term of years, to provide that the term should last until a successor was chosen, in order to prevent an interregnum.

Sir Lionel West inquired whether he meant that the king should be elected for a term of years?

Mr. Bayard said he was disposed to follow the customs of the country.

Mr. von Alvensleben said he also thought the customs of the country should be followed wherever it could be done.

The election of a vice-king was then placed among the agreed points.

Mr. Bayard then referred to the question of a Faipule, and inquired whether there was objection to that.

Sir Lionel West asked whether he would make it a legislative body.

Mr. Bayard said it should retain whatever its function was before.

Mr. von Alvensleben said they did not meet regularly, although no matter of importance was transacted without their being consulted about it.

Sir Lionel West said he supposed it might be called a legislative assembly.

Mr. Bayard said that he had found the faipule in the commissioners' report of existing customs as a legislative assembly, and for that reason he had retained it as such in his plan. The question was whether it would tend to give satisfaction to the people to have this popular assembly to which they could send their representatives.

Mr. von Alvensleben inquired whether it would not be best to agree that the Faipule should exist, but not to define its powers yet? This would be left to a further understanding. The Taimua would be taken into the king's council.

Mr. Bayard said that it might be agreed that the election should cover a king, a vice-king, and a Faipule, without any further definition as yet of the Faipule powe

power.

Mr. von Alvensleben said that the Faipule should be elected by districts on a certain ratio of population—say, as proposed, one representative for every 2,000 of population, and not over the whole country, because the Samoans would not understand it.

Mr. Bayard said he understood that there would be required the aggregate vote of the whole group for the king and vice-king, but that each district would elect its own representatives to the Faipule.

Sir Lionel West said by that they recognized the broad principle of an elective assembly.

Mr. Bayard: and he understood that there would be required the aggregate vote of the whole group for the king and vice-king, but that each district would elect its own representatives to the Faipule.

Sir Lionel West said by that they recognized the broad principle of an elective assembly.

Mr. Bayard: Yes.

Mr. Bayard: Yes.

Mr. Bayard: would be found that he had proposed a single land commission or court of original and final jurisdiction, who should inquire into the nature and extent of each and every land claim by foreigners. It was proposed that this commission should consist of five members, appointed by the king, three to be appointed on the nomination of the powers and the remaining two to be selected by the king in order to recognize Samoan customs in relation to land.

In the paper submitted by the British minister at the first conference it was proposed that there should be an "international land court," and that in order to facilitate its workings "the existing land claims of foreigners should be disposed of by a commission," previously to the establishment of the international land court. (Protocol, first conference, page 7.) Before coming to the German proposition he desired to ask whether the plan of Great Britain contemplated anything more than a commission in aid of the court and whether that was the extent of the machinery proposed by the British Government to test the land question.

Mr. Bayard said that in the pape submitted by the German minister at the first conference, it was said that "the irregularities which are known to have each of the machinery proposed by the British Government to take the land question.

Mr. Bayard said that in the pape sub mitted by the German minister extended the parties." (Protocol, first conference, page 6.) In the second conference to which they have led between for a special international court for the decision of claims and disputes relating to real explained that the international body would consition to the parties." (Protocol, first conference, page 6.)

Alr. Bayard: Then the statement I made has will be satisfiactory to your Government?

Sir Lionel West: I think so, thoroughly.

Mr. Bayard said he hoped it would be so to the Government of Germany, although he found in the more elaborate plan of the German Government a pursuit of the idea of commissions that was not very definite. In this plan, submitted at the second conference, it was declared to be "consonant to the general principles of justice that disputes relating to real estate should be decided by the laws and courts of the country in which the object of the dispute is situated;" that owing, however, to the condition of Samoa, it is necessary that the disputes there should be "settled in a uniform procedure and according to uniform principles to be previously laid down by the treaty powers with the agreement of the Samoan Government, by an authority to be specially instituted, and in the last instance by a land court to be specially created;" that the first body or commission should consist of three members, each of the powers naming one, to be appointed by the Samoan Government on the proposal of the powers; that before this commission all claims which are raised by foreigners with regard to land in the Samoan Islands must be filed within a certain period, the claims must be accompanied by the titles and other documents or duly

authenticated copies relating thereto (second protocol, pages 12.13); that the "commission shall be invested with the right of etting before them, through the local authorities, for examination, and of having as witnesses the sellers and any other persons whom they think fit to supply information;" that in case, however, of sales by different natives of the same piece of land claimed by all, the supply into the decision of the interior of the same of the same piece of land claimed by all, the supply of the control of the commission there is to be an appeal to the land court, which is to be "composed of a judge nominated by the Samoan Government and of the constitution of the commission there is to be an appeal to the land court, which is to be "composed of a judge nominated by the Samoan Government and of the constitution of the commission there is to be an appeal to the land court, which is to be "composed of a judge nominated by the Samoan Government and of the constitution of the commission. The "international court," suggested by the German minister at the first conference. His proposition was that there should be an "international land court," preceded by a commission. The "international court" suggested by the German minister at the first conference is not international in the sense in which it is supposed that term was intended to be understood when used by the British minister at the first conference is not international in the sense in which it is supposed that term was intended to be understood when used by the British minister for a commission and an international land court; and the third was been approached to be understood when used by the British minister for a commission and an international in the sense in which it is supposed that term the suppose of the promiser of the promiser of the promiser of t

Mr. Bayard said that was creating, therefore, a special court in each case.

Mr. von Alvensleben said, certainly; judges would change according to the nationality of the parties. There will always be a Samoan judge appointed by the Samoan Government, and he would be assisted by the representatives of the parties. If there were two parties of different nationalities engaged in a dispute, they would both be represented. If a German and American, there would be the consuls of the two countries, and they would assist the judge.

Mr. Bayard said: Suppose a German and an Englishman take an appeal from the decision of the land commission, before what tribunal would they go? Before a judge named by the Samoan Government; a man named by the Englishman and another named by the German. The litigants would take care to select their own friends, and then the judge appointed by the Samoan Government would make the final decision. Was it supposed that by creating a special tribunal in each case, uniformity in decision would be attained? The idea had been to found something as near civilization as possible, and in judicial decisions it was essential that there should be stability and a system; that the laws should be laid down by the court, and that it should adhere to them. And unless there was some uniformity of decision there would be hopeless injustice. If, in each case, after the land commission, composed of representatives of the three powers, had acted, there was an appeal in the manner suggested by the German minister, each tribunal would have a law for itself.

Another thing he would notice was the proposition to introduce the consul of the litigant into the tribunal, although the interference of the consuls in other matters was deemed unadvisable, on account of their partisanship. He desired to inquire also whether the object of the conference would not be better reached by infusing into the court of last resort a native element which would, as a matter of numbers, be under the control of the representatives of the t

representation and uniformity of decision, and the court would not ask what was the nationality of the claimant, but what was the basis of his claim? Besides, in all courts of last resort, there ought to be uneven numbers to prevent a deadlock. According to the German minister's plan, if there were three claimants the court would consist of four members.

Mr. von Alvensleben inquired who ought to preside in the tribunal proposed by Mr. Bayard?

Mr. Bayard said he would let the five men select him. This, however, was very important. He might be a German. He would have no more power than the rest. The object of having a presiding judge was to direct the business of the court, and the majority of the court would make the decision.

Mr. von Alvensleben said experience had taught that the foreigners never kept together.

the court, and the majority of the court would make the decision.

Mr. von Alvensleben said experience had taught that the foreigners never kept together.

Mr. Bayard said that the foreign officials in Samoa heretofore had not been there as judges under the Samoan Government, but as the official representatives of foreign powers.

Mr. von Alvensleben said that if the five judges were taken from Samoa there would be divisions from the beginning; because everybody there was interested in some way or another.

Mr. Bayard said that if a judge was interested he could not sit. He supposed, however, that men could be found who did not own land.

Mr. von Alvensleben said he thought not. As to the Samoans, they were all related to each other, and the characteristic given of them by Mr. Thurston is that they are rather untruthful; so that they would be quite ready if they could get the favor of any nationality in a land dispute to favor that nationality for that purpose. He was opposed to such a composition of the court as that.

Mr. Bayard asked whether he would exclude the Samoans from all voice in the decision of the titles of land?

Mr. von Alvensleben said he though the proportion of two Samoans and three foreigners was not according to the plan of his government. Besides, the foreigners in Samoa were certainly not less interested in the land question than the Samoans; so that if one can not find disinterested foreigners there, one will have to take them from abroad.

Mr. Bayard said: Suppose you eliminate, for the purpose of discussion, the Samoan element entirely, and you create three judges as a court of final resort; you first let the commission organize and take what testimony they please, and make what finding they please. If the finding is satisfactory to the parties concerned it stands; if an appeal can be taken by either it comes before the court composed of the nominees of the three governments. Would that relieve the question?

Mr. von Alvensleben said: No; that would come almost to the same thing.

Mr. Bayard said: Suppose you eliminate, for the purpose of discussion, the Samoan element entirely, and you create three judges as a court of final resort; you first let the commission organize and take what testimony they please, and the control of the court of th

could she expess another power to remain so? There was upon the very proposition of exclusion the mark of inequality, which: s in contradiction to the idea with which the conference began.

In Sil Lionel West's memorandum on page 7 of the protocol of the first conference, he states thus: "Assumi g that tripartite control is impracticable, the solution of the difficulty would seem to be an alternate control for a limited period of either one of the three powers. In the event of coming to this agreement of the control of the difficulty would seem to be an alternate control for a limited period of either one of the three powers. In the event of coming to this agreement of the control of the

T. F. BAYARD. ALVENSLEBEN. L. S. SACKVILLE WEST.

No. 10.

Protocol of sixth Samoan conference.

[Confidential.]

DEPARTMENT OF STATE, Washington, July 26, 1887.

DEPARTMENT OF STATE, Washington, July 26, 1887.

Mr. von Alvensleben read the following paper:

"I fail to perceive how Mr. Bayard could draw the inference he did at our last meeting from the statement which closed the memorandum I read at the second conference. This sentence was merely intended to illustrate the mandatary scheme as proposed by the Imperial Government, and can not fairly be taken alone, as it then may lead to misapprehensions such as I find Mr. Bayard to be under. The meaning of that sentence is that Germany having the largest interest in Samoa she claims to be intrusted by the two other powers to exercise there, as well for her own interests as for those of Great Britain and the United States, the efficient control. If this would seem to create any appearance of inequality of rights, this would, however, be merely an appearance, as naturally the establishment of the whole government can only be made in this conference by the co-operation of the three treaty powers on a thoroughly equal footing, and therefore the mandatary scheme can only be carried out with their consent. I hardly need repeat, as the three special commissioners agreed in their reports, no native government would offer any guaranties of stability unless it is assisted and controlled by one common organ of the three powers. This is the argument on which the mandatary scheme has been based, and not on the mere fact of the preponderating interests of either one power."

Mr. Bayard said he would not at the moment make any comment on that statement, because upon hearing it read he did not recognize any substantial change in the result. The plan submitted by the German minister remained unaltered in its principle, and necessarily in its results, by the paper which he had just read.

Mr. Bayard then read, in accordance with the purpose expressed by him at the last conference, the following paper:

"In the 'Plan for the establishment of peace and civilization in Samoa under the cooperative support of the Governments of the United State

and Great Britain,' submitted by me on behalf of the United States (Protocol first conference, page 2) I expressed my conception of the purpose of the present conference in the following language:

"'1. The independence and autonomy of the kingdom composed of these islands are to be preserved free from the control or preponderating influence of any foreign government, and it was in pursuance of this understanding that commissioners were recently sent by the three powers respectively to investigate and report upon the condition of the islands, and that the respective consuls of the three powers at the islands were changed.' Immediately after this declaration, and as a necessary inference therefrom, I stated the following proposition:

"'2. It is the desire of the United States, and equally of Germany and Great Britain, to assist the natives of Samoa to form and administer their government.'

Britain, to assist the natives of Samoa to form and administer their government."

"In respect to the principal object of the conference—the maintenance of the independence and autonomy of the Samoan Islands and the co-operative support of a native government—I am pleased to notice that my understanding is confirmed by the respective declarations of the German and British ministers. The memorandum read by the former at the first meeting of the conference began as follows:

"'The unsettled condition of affairs on the Samoan Islands having gradually become more and more injurious to the foreign residents and to the commercial interests of the three treaty powers, the latter had to take into serious consideration the means by which the lasting peace and order could be restored there. With this yiew and the understanding that the independence of Samoa under a native government was to be maintained, and that no monopolies should be created there by any foreign power, the three treaty powers have agreed to the proposition of the Government of the United States of America to hold a conference of plenipotentiaries. It was further agreed that, in order to get complete and reliable information on which the conference would have to base its deliberations, special commissioners should be sent and instructed by the respective governments to report on the condition of those islands."

"It is understood that the three powers have no desire to found colonies in "It is understood that the three powers have no desire to found colonies in

piete and reliable information on which the conference would have to base
its deliberations, special commissioners should be sent and instructed by the
respective governments to report on the condition of those islands.

"The immorandum read by the British minister at the same meeting was as
follows:

"It is understood that the three powers have no desire to found colonies in
Samon or to obtain commercial monopolies.

"Their sole wish is to establish the right and equality of commerce and navigation for their respective subjects and citizens. Assuming, then, that the three
powers have no desire to destroy of their commerce and navigation, a declaration for their respective subjects and citizens. Assuming, then, that the three
powers have no desire to destroy of their commerce and navigation, a declaration to this effect might be made by them as a preliminary step. If was, however, deemed expedient to ascertain the exact state of affairs in the islands by
sending special commissioners who should report thereupon."

"It may therefore be regarded as fully recognized and established that the
object of the United States in proposing the present conference, and of all three
opowers in sending commissioners to the Samoan Islands to report on the condition of affairs, was to maintain the autonomy and independence of the islands
under a native government.

"It may therefore be regarded so the sondernee. I have listened with regret
to plans and suggestions that appeared to me to depend upon the recognition
of an inequality of interest of the three powers in the political, moral, and commercial welfare of the islands, and to look unequivocally to the virtual suppression of their native government. And in this relation I shall refer first to the
plan suggested by the German minister, and approved by the British minister,
or the appointment of an adviser to the king. In the memorandum read by
the German minister at the first meeting of the conference the functions of the
proposed foreign adviser are described

supported by the British minister, I am unaoue precisery to according to the memorandum read by the latter at the first meeting of the conference I find the following:

""All three commissioners seem to recognize also the difficulty of tripartite control, such as more or less has been hitherto exercised; while at the same time they deprecate the establishment of the exclusive control of either one of the three powers. Assuming that the establishment of a native government, to be carried on by the king, who may be elected, assisted by a native council, is necessary to preserve the autonomy and independence of the islands, and which can only be established under foreign control, and assuming that tripartite control is impracticable, the solution of the difficulty would seem to be an alternate control for a limited period of either one of the three powers. In the event of coming to this agreement the question naturally arises as to which power should be chosen the mandatary of the other two in the first instance, and Her Majesty's Government consider that preponderating commercial interests should be taken into consideration in deciding it.

"'Since Mr. Thurston, Mr. Travers, and Mr. Bates all seem to concur that this preponderance is possessed by Germany to a greater or less extent. Her Majesty's Government are therefore prepared to consent to the mandatary power.

being exercised by the German representative for first term of five years, absolute equality of treatment in respect of commerce, navigation, and jurisdiction, and all other matters whatsoever to be secured to the three powers and to their subjects and citizens.

"Thus, while the British minister concurred in the proposition for a single adviser, he said that, in the event of an agreement on that point the question would arise as to which power should be chosen as the 'mandatary of the other two in the first instance;' that Her Majesty's Government considered that preponderating commercial interests should be 'taken into consideration in deciding it;' and that as Germany had the preponderating interests Her Majesty's Government were prepared to consent to the mandatary power 'being exercised by the German representative for the first term of five years."

"In a paper read by him at the third session of the conference the British minister said (Protocol, page 6) that the mandatary scheme did not involve' the recognition of any preponderating interests which, as the Secretary of State has justly remarked, ought not to be taken into account in dealing with the matters before the conference;' that Her Majesty's Government did not see that any 'exclusive control' was involved in the arrangement, as the mandatary power 'could only be exercised with the consent of the other two powers,' and it seemed, therefore, a matter of small importance which should be the first to exercise it.'

"When I observed that the British minister stoke of the convergence that "When I observed that the British minister stoke of the convergence that "When I observed that the British minister stoke of the convergence that "When I observed that the British minister stoke of the convergence that "When I observed that the British minister stoke of the convergence that "When I observed that the British minister stoke of the convergence that "When I observed that the British minister stoke of the convergence that "When I observed that the British

justily remarked, oughly not to be taken into account in dealing with the matarors before the conference; 'that Her Majesty's Government did not see that any 'exclusive control' was involved in the arrangement, as the mandatary power 'could only be exercised with the consent of the other two powers,' and text of the consent of the other two powers,' and the consent of the other two;' and when the first to take the mandatary office, and inquired whether he meant that there was to be an alternation, and that the power taking the office first,' was, after five years, to be succeeded by another, he replied that it would be alternative, 'with the consent of the other two;' and when I further incredited that it must be object of saying.' first,' and why not say 'perpetual,' he "At the fourth session of the conference the British minister, in explanation of the phrase, 'alternate control for a limited time,' previously employed by him, said that it did 'not imply that the representative of each power' should be elected in 'rotation,' but merely that the mandatary scheme bore an 'alternate character; for, should German penponderance of sease at the end of the first five years the next power possessing it in succession would, according to the German plan perponderating interests for the time being should be taken into consideration in deciding the question as to which power should designate the representative under the approval of the other two powers.'

"This statement, I observe, while it adverts to a preponderance of interests, oces no further than to say that' preponderating interests for the time being should be taken into consideration in deciding the question as to which power easy; and, as the British minister stated, at our last merely and the proponderance of interests, exercised to the approach of the other powers of the head of the other powers of the power having the preponderating i

the right to nominate the official whose duty it shall be to control the native government.'

"In my opinion, to give a single adviser 'sufficient rights and powers to take the measures required,' not only for the 'maintenance of peace and order,' but as well for the 'prosperous development of commerce and intercourse,' is to invest that foreign official with the absolute power (legislative as well as executive) of government; and to say further that his appointment (no nomination) 'should not be left to the Samoan Government, but be made by agreement between the treaty powers,' and that it shall be his 'duty' 'to control the native government,' only emphasizes the virtual destruction of the native independence and autonomy. The result would be the same whether the adviser exercised his powers with impartiality or whether he was influenced in his official conduct by the fact, of which his appointment would be the evidence, that the most extensive foreign interests with which he had to deal were those of his own countrymen?

"To these objections to the advisory plan as presented, which have been substantially stated by me heretofore, the only answer I have as yet seen is that the power which is to appoint the advisor gives, under the plan, every reasonable guaranty' for the fair exercise of the functions with which he is to be invested. This argument, as it seems to me, instead of meeting the objections, admits their validity. The United States did not enter upon the present proceeding with the idea that it was either to give to or receive from any foreign power any guaranty

for the good government of the Samoan Islands, and, indeed, such a step would have been inconsistent with its general and well-understood policy. It had treated with the Samoan Government as an independent and responsible government, and to that government alone has looked for the performance of its conventional engagements and protection of American interests thereunder. So it has been with other governments represented in this conference. A guaranty, however, necessarily suggests the idea of actual and responsible control. And for one power to give, and the other powers to accept from it, a guaranty for the good government of the islands, far from being in the direction of the maintenance of the native autonomy and independence, which the powers have heretofore always recognized, would be a step backwards and in the direction of the effectual enfeeblement and ultimate obliteration of the native autonomy.

"When we consider the outline of the plan for the settlement of land titles submitted by the German minister, the sweeping and pervasive authority of the 'adviser' is disclosed with equal clearness. In the plan proposed by me for the support of the native government the land question occupied an essentially prominent place. The same may be said of the plans submitted by the other members of the conference; for, as it was admitted that the land claims of foreigners far exceeded the area of the islands, the necessity of providing for the natives some means of escape from demands so clearly unwarranted was recognized on all hands. These plans are now before the conference. That submitted by me was for a single judicial body, of original and final jurisdiction, to consist of five members who should be appointed by the king, three on the several nomination of the three treaty powers, and two of his own selection. The British minister proposed a land commission, to be succeeded by an 'Internationational Land court.' The German minister, in his plan, has proposed a land commission of three foreigners, with power to

proposed a inaid commission of three foreigners, with power to create succommissions of natives, whose decisions, however, are not to be conclusive on the questions submitted to them, and this foreign commission to be followed by a land court.

"This land court is to be composed of a judge appointed by the 'Samoan Government,' and the consul or consuls, or a prominent countryman or countrymen, of the litigant or litigants. I adverted at our last meeting to the fact that I had discovered no provision in this plan for an appeal by a native from the commission to the land court, and also to the uncertain and shifting constitution of this tribunal, which would preclude uniformity and certainty of decision, and might, in certain cases, lead to a deadlock.

"But the point to which I desire now to advert is that the 'Samoan Government,' which is thus to appoint the 'judge' of this land court of last resort, is the foreign adviser, who, as the German minister stated, would make the appointment, the king simply confirming it. As the appeals to the land court would, perhaps, generally rest between two contestants or claimants, this would give the adviser the appointment of the person to cast the deciding vote. There is, moreover, nothing in the plan to prevent the adviser from acting as the judge himself (as, indeed, I understood the German minister to intimate might be done), thus combining the functions of supreme executive and legislative control with those of supreme land judge. And it can hardly be supposed that the addition of judicial to executive and legislative functions would detract from his authority.

"The plan submitted by me provided, in my judgment, for the full recognition of native rights, as well as for the complete protection of foreign interests. The suggestion heretofore made that, by reason of not voting together, the foreign judges would not secure foreign claimants against the interested views and inclinations of the two native judges, is not, to my mind, by any means conclusive against the plan.

for the promotion of justice and to the, great and academic all concerned.

"It will thus be seen that the further this conference has progressed, and the views and objects of the plan presented by the German minister are developed by him, the further we find ourselves departing from any substantial recognition of a native autonomy for Samoa and the consequent independence of that

island group.

"The pian as proposed and explained by Mr.von Alvensleben is substantially a foreign autocratic government, based on mercantile interests, and all experience has shown what must necessarily result from such an attempt; and that under it the defeat of the objects we have all distinctly proposed is certain.

"I do not see why we should not recognize at the outset and encourage in Samoa a spirit of self-governing freedom and self-respect. Germany and the United States have heretofore given strong indications of their desire for this by their prompt disavowals of the arbitrary and unauthorized acts of their respective consuls (Steubel and Greenbaum). And it is noticeable that the conduct of foreigners has been the cause of more disorder and discontent in Samoa than any spontaneous action of the natives, who, whenever they have acted improperly or immorally, would appear to have done so upon the instigation of some foreign agent.

any spontaneous action of the natives, who, whenever they have acted improperly or immorally, would appear to have done so upon the instigation of some foreign agent.

"We can not, therefore, condemn native self-government in advance, for it has not been tried, and a plan containing such elements is entitled to favorable consideration and to be fairly tested.

"Would it not, therefore, be well for us to adjourn this conference until the autumn, and thus give time to the ministers of Germany and Great Britain to submit these protocols to their respective Governments in order that instructions may be received by them of a more definite character, by aid of which we may be enabled to come to an agreement?"

In reference to the paper read by the German minister, Mr. Bayard desires to add that he considered his original proposition for an executive council of five—three foreigners and two natives—to be in close pursuance of the recommendations of the American and British commissioners, and that he had not found in the report of either of those gentlemen any concurrence in the opinion that the native government should be "assisted and controlled by one common organ of the three powers."

Sir Lionel West: You propose then to postpone the conference for the reasons you have stated?

Mr. Bayard: Yes,

Sir L. West: Under the circumstances I do not see that there is any other ourse to be taken. You propose that the conference is to adjourn, and not be

course to be taken. You propose that the conference is to adjourn the broken up.

Mr. Bayard said his proposition was to adjourn until the autumn, for the reasons he had stated. He thought it essential that the government of the islands should rest upon sound principles, and he had endeavored to show what he thought would be the logical results of the measures laid down by the German minister, and as they had been discussed in the conference.

Sir L. West: We will simply inform our Governments that you propose adjournment for reasons stated in writing.

Mr. von Alvensleben: Principally because of the mandatary scheme, which Mr. Bayard did not think acceptable.

Mr. Bayard: And for which I have submitted reasons. I consider that it would lead to results destructive to the express purpose and objects of this conference.

would lead to results destructive to the express purpose and objects of this conference.

The following memorandum in reference to certain observations in Mr. Bayard's paper is added at the request of the German minister:

"Mr. Bayard made in his memorandum a remark which would, if correct, reflect unfavorably upon the conduct of the former German representative in Samoa. As the proposition of the adjournment of the conference put an unexpected end to our present deliberations I was prevented from saying, in reply to that intimation, what I am much interested to see added to the protocol; this is, that I am thoroughly unaware of the facts on which Mr. Bayard may base his criticisms of Dr. Stuebel's conduct.

"If Mr. Bayard thinks, as it seems, that Dr. Stuebel's departure from Apia soon after the arrival of the German special commissioner there gave expression to a supposed disapproval by the Imperial Government, I desire to state that it was merely to prove the readiness of my Government for complying with Mr. Bayard's proposition to change the consular representatives of the three treaty powers, that a leave of absence was granted to Dr. Stuebel, and that there was no other reason whatever for his departure from Apia."

T. F. BAYARD.

ALVENSLEBEN.

L. S. SACKVILLE WEST.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, with amendments; in which concurrence was requested.

It also announced the passage without amendment of bills of the fol-

lowing titles:

A bill (H. R. 11693) to amend section 565 of the Revised Statutes relating to the District of Columbia; and

A bill (H. R. 1368) to quiet title of settlers on the Des Moines River

lands in the State of Iowa, and for other purposes

It also announced non-concurrence in the amendments of the House to the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes, requested a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. FAULKNER, Mr. SPOONER, and Mr. FARWELL.

It also announced the passage of the bill (S. 3932) to provide for the expenses, compensation, and mileage of a special messenger sent by the Secretary of State to the State of Florida for the certificate of the electoral vote of that State of A. D. 1888 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes as amended by the act approved October 19, 1888; in which concurrence was asked.

It also announced that the Senate had agreed to the amendments of

the House to bills of the following titles:
A bill (S. 3858) in relation to dead and fallen timber on Indian lands; and

A bill (S. 3800) directing a survey of a road from the Aqueduct

Bridge to Mount Vernon, and making an appropriation therefor.

It also announced that the Secretary of the Senate had been directed to furnish the House of Representatives, in compliance with its request, a duplicate copy of the concurrent resolution directing the manner of the enrollment of the bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments.

RELIEF OF CERTAIN VOLUNTEER AND REGULAR SOLDIERS, ETC.

Mr. STEELE. I ask by unanimous consent to call up the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, returned from the Senate with amendments.

Mr. McMILLIN. Let the amendments be reported. Mr. STEELE. I move that the amendments be non-concurred in and the conference asked on the part of the Senate be granted.

The Senate amendments were read.

Mr. DUNN. I object.

The SPEAKER. The bill, with the amendments of the Senate, remains upon the Speaker's table.

Mr. CUTCHEON. Will not the gentleman from Arkansas allow the

gentleman from New York to make a brief statement in regard to this

go over, especially as the gentleman from Missouri wants to take up the appropriation bill.

Mr. HOLMAN. Why not allow it to go to conference? Mr. DUNN. I have no objection to that, but I think it had better

N. Why not allow it to go to conference?

I think it had better be considered by the House.

Mr. DUNN. The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that

the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1860) to amend section 603 of the Revised Statutes; and A bill (H. R. 331) for the relief of David Meriwether.

## MAJ. GEN. HENRY J. HUNT.

Mr. SPINOLA. Mr. Speaker, the gentleman from Missouri yields to me to ask a favor of the House, which I will state in a moment's I ask unanimous consent to discharge the committee from the consideration of the bill for the retirement of Maj. Gen. Henry J. Hunt, and put it now upon its passage. I ask it for the reason that he is at the point of death, and in all probability before the bill can become a law he will have been called to his final account. I therefore ask to take the bill up and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

Mr McMILLIN. Let the report be read also.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. I understand that this officer is on the retired-list now with the rank of colonel. Is that so?

Mr. WHEELER. That is true.
Mr. KILGORE. Then I object.
Mr. WHEELER. It is also true that in the Forty-eighth Congress the House passed this bill by a three-fourth vote, and the Senate passed the bill by a unanimous vote.

Mr. KILGORE. Regular order.

## AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I renew the motion that the House resolve itself into Committee of the Whole to consider the agricultural appropriation

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. STONE, of Kentucky, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1896, and for other purposes.

Mr. HATCH. I ask unanimous consent to dispense with the first reading of the bill, and also that general debate upon it may be considered as closed, and that the bill be now read by sections for debate and amendment under the five-minute rule.

Mr. MORGAN. Before that is done I desire to reserve all points of

order upon the bill.

Mr. HATCH. Points of order have been already reserved.

The CHAIRMAN. Without objection the first reading of the bill will be dispensed with, and the gentleman from Missouri asks unanimous consent that general debate be considered as closed. Is there ob-

There was no objection.

The Clerk read as follows:

Seed division: For the purchase, propagation, and distribution, as required by law, of seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expenses of labor, transportation, paper, twine, gum, printing, postal-cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, \$100,000.

Mr. ENLOE. I offer an amendment to that paragraph.
Mr. HATCH. What is it?
Mr. ENLOE. I move tostrike out all afterline 21, on page 10, down to the end of line 3, on page 11, the paragraph which has just been read.

Mr. BUCHANAN. The whole of this paragraph has not yet been read.

Mr. HOLMAN. Oh, yes; this is one independent paragraph.

Mr. ENLOE. If the gentleman desires to have the entire paragraph

read I have no objection. But I offer this amendment, Mr. Chairman, with the object in view of trying to retire the United States Govern-

ment from the wholesale seed business, and to try to retire the members of Congress from the retail seed business. I offered a similar amendment to the same paragraph of a similar bill in the first session of the Fiftieth Congress, proposing to cut this abuse down then one-

half.

This amendment now proposes to cut it up by the roots, and if I could succeed in getting the amendment adopted I should propose also to strike out that part of the bill which provides an appropriation of \$8,400 for the pay of the superintendent and clerks in the seed division. addition to that, I should also propose to go further and strike out the sum of \$4,200 appropriated for printing seed-pockets, labels, postal-cards, circulars, etc. So that if the proposition shall be adopted the amount in the aggregate that would be saved would reach the sum of

I know that this is a proposition that will not meet with the favor of many gentlemen on this floor, because it proposes to deprive them of the privilege of distributing seeds to their constituents. I understand that the object of the Government in establishing this bureau, or the object of Congress in making the first appropriation for the purchase of seeds, rather, was a very proper one. It contemplated the buying of new and valuable varieties of seeds and letting the Government take reaches to that paragraph also.

the risk and expense of making the experiments and tests to see whether they were adapted to our soil and climate, and thus save the farmers of the country that risk, in which way the appropriations for this purpose

were designed to promote agriculture.

But, sir, we have departed very far from the original object in making the first appropriation. That appropriation was made in 1839, and the amount provided for the purchase of seeds and plants was the small sum of \$1,000. Congress in 1851 increased the appropriation to \$5,000 per annum. In 1862 the Bureau of Agriculture was established and the sum of \$62,000 was appropriated for this purpose. It has thus continued steadily to grow in popularity with the members of Congress until to-day we are appropriating \$100,000 annually for the purchase of seeds and for distributing them amongst our constituents. Congress when it created the Bureau of Agriculture, declared the general designs and duties of the bureau to be-

To acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most comprehensive sense of that word and to procure and propagate and distribute among the people new and valuable seeds and plants.

So it will be seen that the original idea was that the bureau should propagate and distribute new and valuable seeds and plants, but it was not within the contemplation of Congress at that time to go to the seedgrowers and buy the same seeds that are sold everywhere by merchants

and distribute them among the farmers.

While this system is perhaps a boon to some people in this country, and has the approval and support of a great many men who have become attached to it, especially members of Congress who send these seeds to their constituents for campaign purposes, yet it does seem to me that it has grown into such an abuse, and a moss-covered abuse at that, that we can not longer permit it to pass the House in an appropriation bill without at least an effort to abolish it. The time has come when the object which was originally sought in purchasing seeds for distribution no longer furnishes a reason for such legislation.

It was an evil principle in the beginning, however much we may approve the purpose in view. Insignificant as the sum expended may appear, and small as the benefit received by the individual citizen who receives the seed is, still it is part and parcel of the legislation of a political school in this country which is steadily seeking to destroy self-reliance and to teach people to look to the Federal Treasury for

I can remember the good old days when the good women in the country homes carefully saved their own garden seeds every year and always had not only enough for their own use but some to give away to their neighbors. It is not generally so any more. Some look to the Government for a supply, and some look to the seed stores. A few of the more provident still pursue the wise plan of caring for small things and saving garden seeds at home.

Of the thousands of papers of seeds sent out by members with the request from the Bureau of Agriculture for reports of results, how many are ever heard from? Instead of sending back reports to the Commissioner of Agriculture of the failure or success of the experiments with the seeds, as the law intends, the majority think nothing about it and

care less.

Some persons who receive the seeds do not even save seed from them when they are satisfactory, and often the very next season the member who sent them will receive postal-cards and letters asking for the same seeds, and frequently the order of one constituent is of such proportions that even the Bureau of Agriculture can not supply all the va-

rieties embraced in the order.

Mr. HATCH. I understand the gentleman from Tennessee desires to speak not only to this paragraph, but also to that which follows it. I am perfectly willing to yield the gentleman five minutes more.

Mr. ENLOE. As I understood the chairman of the committee, I

was to be allowed, if I did not make any objection to the request to dispense with general debate, some twenty-five minutes.

Mr. HATCH. As I understood, the gentleman was going to make a proposition on the point of order that was to be raised on the next

paragraph.

Mr. ENLOE. I do not propose to discuss the point of order. I propose to discuss the question on its merits. As to the point of order, I do not care.

Mr. HATCH. I ask unanimous consent that the gentleman may be allowed to proceed fifteen minutes.

Mr. BREWER. Mr. Chairman, I hope that the same privilege will

be extended to others.

Mr. HATCH. If there is any disposition to speak against it, that would be all right; but I do not think when the gentleman gets through it will be found necessary to occupy more than five minutes. [Laughter.] If the gentleman from Michigan wants time, I will see that he is allowed the privilege of speaking.

Mr. BREWER. I do not think it will be necessary to speak at all,

but still I desire to have the right to do so.

Mr. BUCHANAN. As I understand the proceedings on this paragraph, it is not to prevent the point of order being made on the next.

Mr. HATCH. The point of order is against the next paragraph, which has not been read.

Mr. BUCHANAN. But the amendment the gentleman proposes

Mr. HATCH. The gentleman does not desire to repeat his speech. Mr. FARQUHAR. That paragraph has not been read. Mr. HATCH. The gentleman has an amendment to make, not as

to the administration of the seed division, nor as to how it shall be

conducted, but he proposes to strike it out.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that the gentleman from Tennessee may be allowep to proceed for fifteen minutes? The Chair hears none.

I am very much obliged to the gentlemen who feel so much personal concern about their supply of garden seed, for the courtesy they have extended me in allowing me to proceed in accordance with what I conceived to be my right under the agreement.

When I was interrupted I was proceeding to discuss the present method of distributing the seeds through members of Congress. In 1880 the politician laid his relentless grasp upon the seed division, and took for his own perquisite, to be distributed as he might elect, twothirds of all the seeds purchased by the Commissioner of Agriculture.

The number of papers received this year by each member is seven thousand, and such great agricultural centers as New York and Chicago, where they raise no other agricultural product but "bulls" and "bears" to toss the prices up and to ride the prices down, receive the same quantity that goes to the great agricultural empire in the "wild and woolly West" represented by my friend from Texas [Mr. LANHAM].

Now, let us work out the scheme for distribution. Seven thousand

Now, let us work out the scheme for distribution. Seven thousand papers of seeds to be distributed among 150,000 inhabitants would give each inhabitant of a Congressional district one paper of seeds about every twenty-one years if equitably distributed, and if you were to count the seeds perhaps each inhabitant would receive about one seed every year, and every one knows that a farmer can not do much good with

Mr. MORGAN. Do you think a farmer can be seduced into giving

his vote by a single seed?

Mr. ENLOE. No, sir; I am not talking about seduction. But, Mr. Chairman, if you are going to continue this business and the Government is going to run a wholesale seed house, I am in favor of putting it right down on a business basis and making the appropriation large enough so that everybody who pays taxes shall get seeds. postmaster make the distribution. Let every man make his requisition upon the postmaster for the quantity of seed he wants, and let the postmaster draw upon the Department and thus give everybody an

equal chance.

As it is, the distribution is unequal, unjust, and unfair, and I am opposed to taking money out of the pockets of one set of people to buy seed and giving all the seed to another portion of the people—because a great many of them never see a seed from the Department, because no man can distribute them equally. I know, furthermore, that there is great difficulty growing out of the transmission of these seeds through the mails. A man sees that his neighbor is receiving seed, and he says that he wants some, too, and he sits down and writes to his kepresentative, and the consequence is that the mail of members of Congress is that he wants some, too, and he sats down and writes to his representative, and the consequence is that the mail of members of Congress is burdened with applications for seed, and the members are said to be so overworked that there is a proposition now pending to give them clerks in order to relieve them of the burden of work that is cast upon them by this seed business and other duties outside their legislative business

I am opposed to the seed distribution, and against the proposition to give clerks to members, but if this system is sustained it will not be long before we will be called upon to pay from two to three hundred thousand dollars annually for clerks for the members of the House. I entertain the opinion if one man is to have his garden seeds furnished by the United States Government that every other tax-payer is equally entitled to them. But if you are going to have tests made, and reports made, and are going to disseminate information among the farmers according to the original purpose in creating the Bureau of Agriculture, then this appropriation is much larger than is necessary for

Another view of the matter is this, and it is the business view: We appropriate \$100,000 for seed annually, but the actual amount that is invested in seed, common seed at that, is only \$49,137.97. The expense of handling them is \$50,862.03. The expense of transmitting them through the mails, 205 tons of matter, as estimated by the Commissioner, is \$32,800 more, for I am informed by the Third Assistant Postmaster-General that it costs about 8 cents a pound to handle this

class of matter in the mails.

Sir, when you come to sum it all up—how much you spend for seed, how much you pay for clerks and officials to handle them, how much you pay for the transmission of the seed—you find that in order to send out \$49,000 worth of seeds you expend \$96,000 for salaries and expenses of handling generally. Therefore I say it is not a good business

Mr. SOWDEN. Abolish the Department.

Mr. ENLOE. Yes, I would like to abolish all of the Department that is conducted on such principles of humbuggery as this is; and this item is not all there is in the bill.

Let me call attention to another fact. We made an appropriation of \$595,000 last session to establish experiment stations all over the country. There is a provision in this bill appropriating \$600,000 more

for the same purpose, and this sum, or a greater one, will be the annual

Section 2 of the act creating these stations says:

Section 2 of the act creating these stations says:

That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals, the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches or experiments bearing directly on the agricultural industry of the United States as may in such case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

So it will be seen that we are against more at these shelf million of 3.1.

So it will be seen that we are paying more than a half million of dollars for stations in every State and Territory of the Union to make lists and furnish information beneficial to agriculture. I am in favor of an appropriation to disseminate all kinds of useful knowledge on this subappropriation to disseminate an kinds of useful knowledge on this subject. I would have the reports of these experiment stations and the agricultural reports printed in much larger numbers and distributed broadcast all over the country, so that all the people might have an opportunity to profit by them; and I would have them published in plain English, that people generally can understand. But, sir, I am opposed to the waste of public money in this little electioneering scheme, which looks to me more like a piece of contemptible demagogy than wise statesmanning. wise statesmanship.

Mr. DUNHAM. Why not introduce a bill to cut down the salaries

of members of Congress and save the people some money?

Mr. ENLOE. If I were to introduce such a bill the gentleman would not let it pass through this House if he could prevent it by filibustering. [Laughter.] Mr. DUNHAM.

Mr. DUNHAM. Is that the reason you do not introduce it? I give you notice now that if you introduce such a bill I will vote for it.

Laughter.]
Mr. ENLOE. Are you a member of the next Congress?
Mr. DUNHAM. No, sir.
Mr. ENLOE. Then your self-sacrifice is easily understood. [Laugh-

Mr. WHEELER. I am, and I will vote for it and speak for it.
Mr. ENLOE. There are a number of gentlemen upon this floor who have a decided advantage over me as members in many respects.

Many gentlemen can hire clerks to distribute seeds and conduct their correspondence. They have the money; I have not. They can buy seeds and distribute them. They have the money; I have not. But I

seeds and distribute them. They have the money; I have not. But I can afford to serve the people for as little money as any gentleman on this floor, and if there is anybody here who thinks that he gets more salary than he earns he can cover it back into the Treasury.

Mr. DUNHAM. I will agree to cover back half of mine if you will do the same with yours. [Laughter.]

Mr. ENLOE. Well, you go ahead and cover in yours, and I will see about mine later. [Laughter.] Now, Mr. Chairman, this bureau has become almost a Department of the Government. We have passed a bill through both Houses of Congress proposing to make the Commisa bill through both Houses of Congress proposing to make the Commissioner of Agriculture a Cabinet officer and to give him a seat in the Cabinet, and I think he ought to be charged with some more responsible duty than that of distributing seed. It hink this Department ought to be elevated so that the people might look to it for light and knowledge on the subject of agriculture, but not look to it as an agency for the distribution of garden seeds that can be bought cheaper at home, or, better still, raised at home.

At my request, the Commissioner of Agriculture submitted to me a statement of the number of experiment stations which have been established, and I find that every State in this Union has established an experiment station; and some of them two or three such stations. I experiment station; and some of them two of three stations. I find furthermore that nearly every State has organized a board of agriculture, culture, has appointed a secretary or commissioner of agriculture, through whom, if the people want to buy seed by wholesale for free distribution, they can do so by means of money appropriated from the

treasury of the State.

Why should the Commissioner of Agriculture, charged with looking after the agricultural interests of the whole country, give his attention to the distribution of these seed? I know that gentlemen are disposed to ridicule the idea of anything that will interfere with what is treated as a personal perquisite. So far as that is concerned, this opposition has not disturbed me in the least. It is a well-known fact that an office is easily created and an abuse is easily established, but patriotism rarely and with great difficulty rises to the point of abolishing the one or reforming the other, except under the stinging lash of outraged public opinion.

Gentlemen who object to the view I take of this matter are at liberty to vote against my proposition. But I believe that the agitation of this question, if properly carried before the people, will elicit a voice on the part of the farmers of this country demanding that Congress shall abandon the distribution of seeds. If I favored a continuation of this system I would provide that instead of the distribution being made through members of Congress, an appropriation should be made to en-

able the commissioners of agriculture in the respective States to make the distribution; for the present system is only an indirect way of collecting taxes from the people and returning the money again to them in the shape of seeds, less about two-thirds paid out for salaries and

expenses.

Mr. OATES. Is that the proposition of the gentleman from Ten-

Mr. ENLOE. No, sir; my proposition is to abolish the system. I do not regard that as a constitutional proposition.

Mr. OATES. I agree with the gentleman.
Mr. ENLOE. I think that any gentleman of the sound judgment and discretion of my friend from Alabama would agree with me.

A MEMBER. How about oats? [Laughter.]
Mr. ENLOE. Well, Oates will grow in almost any part of this

A MEMBER. The Agricultural Department does not distribute any.

Mr. ENLOE. The Agricultural Department does not distribute any

of the Alabama quality.

Now, Mr. Chairman, I have occupied about as much time on this Now, Mr. Charman, I have occupied about as much time on this question as I care to occupy. I only want to say that the farmers of this country, as I understand them, are not begging the Government for seed, but they are demanding that the hand of the tax-gatherer shall be taken out of their pockets, and that they shall be given an opportunity to keep some part of that which they earn by their toil. If you will do that for the farmer, his own industry, and the God above us, who sends the sunshine and the rain, and imparts fertility to the soil, will do the rest. soil, will do the rest.

Mr. Chairman, with these remarks I submit this amendment. If the House sees proper to vote it down, all right; I will still distribute all the seed allotted to me, but if I had the power to prevent it, there should never be another seed distributed by a member of Congress. As a matter of useful information I will append certain tables furnished to me by the Commissioner of Agriculture showing the number and location of experiment stations, and the States having State commissioners, State boards of agriculture, or other State officers charged with the care of the interests of agriculture.

## Agricultural experiment stations.

Name.	Director.	Post-office.	State.	
Agricultural Experiment	J. S. Newman	Auburn		
Station. Canebrake Agricultural	W. H. Newman, as-	Uniontown	Ala.	
Experiment Station.	sistant in charge.			
Arkansas Agricultural Ex- periment Station.	A. E. Menke, D. Sc	Fayetteville	Ark.	
Agricultural Experiment Station.	E. W. Hilgard, Ph. D., LL. D.	Berkeley	Cal.	
Agricultural Experiment Station.	Chas. L. Ingersoll, M.S.	Fort Collins	Colo.	
Connecticut Agricultural Experiment Station.	Professor S. W. Johnson, M. S.	New Haven	Conn.	
Storrs's School Agricult-	Professor W. O. At- water, Ph. D.	Middletown	Conn.	
ural Experiment Station. Experiment Station of Da- kota Agricultural Col-	Lewis McLouth, A. M., Ph. D.	Brookings	Dak.	
lege. Delaware Agricultural Ex-	Arthur T. Neale, Ph.	Newark	Del.	
periment Station. Agricultural Experiment Station of Florida.	Rev. J. P. De Pass	Lake City	Fla.	
Agricultural Experiment Station.	Dr. W. L. Jones	Athens	Ga.	
Agricultural Experiment Station.	Selim H. Peabody, Ph. D., LL. D.	Champaign	m.	
Agricultural Experiment Station of Indiana.	Horace E. Stock- bridge, Ph. D.	La Fayette	Ind.	
Agricultural Experiment	R. P. Speer	Ames	Iowa.	
Station. Kansas Experiment Sta-	E. M. Shelton, M. S	Manhattan	Kans.	
Kentucky Agricultural	M. A. Scovell, M. S	Lexington	Ky.	
Experiment Station. Sugar Experiment Station	W. C. Stubbs, A. M., Ph. D.	Kenner	La.	
No.1. Louisiana Agricultural	W. C. Stubbs, A. M., Ph. D.	Baton Rouge	La,	
Experiment Station No.2. North Louisiana Experi-	W. C. Stubbs, A. M., Ph. D.	Calhoun	La.	
ment Station No. 3.  Maine Agricultural Experiment Station.	W. H. Jordan, M. S	Orono	Me.	
Maryland Agricultural Experiment Station.	Henry E. Alvord, C.	Agricultural College,	Md.	
Hatch Experiment Station State Agricultural Experi-	Henry H. Goodell Professor Charles A.	Amherstdo	Mass. Mass.	
ment Station. Agricultural Experiment	Goessmann. Edwin Willets, M. A		Mich.	
Agricultural Experiment	Edward D. Porter, Ph. D.	lege. St. Anthony Park	Minn.	
Station. Mississippi Agricultural	S. M. Tracy, M. S	Agricultural Col-	Miss.	
Experiment Station. Missouri Agricultural Ex-	Professor J. W. San-	Columbia	Mo.	
periment Station. Agricultural Experiment	born, B.S. Charles E. Bessey, M.	Lincoln,	Nebr.	
Station of Nebraska. Nevada Agricultural Ex-	S. Ph. D. Le Roy D. Brown, Ph. D.	Reno	Nev.	
periment Station.  New Hampsbire Agricult- ural Experiment Station.	G. H. Whitcher, B. S.	Hanover	N.H.	

Agricultural experiment stations—Continued.

Name.	Director.	Post-office.	State.	
New Jersey State Agricult- ural Experiment Station.	George H. Cook, LL.	New Brunswick	N.J.	
New York Agricultural Experiment Station.	Peter Collier, Ph. D	Geneva	N. Y.	
Cornell University Agricultural Experiment Station.	J. P. Roberts, Ag. M.,	Ithaca	N. Y.	
North Carolina Agricult- ural Experiment Station.	H. B. Battle, Ph. D	Raleigh	N. C.	
Ohio Agricultural Experi- ment Station.	Charles E. Thorne	Columbus	Ohio.	
Oregon Experiment Sta-	E. Grimm, B. Sc	Corvallis	Oregon,	
Agricultural Experiment Station.	H. P. Armsby, Ph. D	State College	Pa.	
Rhode Island State Agri- cultural Experiment Station.	Charles O. Flagg, B. S., director pro tem.	Kingston	R. I.	
South Carolina Agricult- ural Experiment Station.	J. M. McBryde, Ph. D., LL. D.	Columbia	S. C.	
Agricultural Experiment Station.	Charles W. Dabney, jr., Ph. D.	Knoxville	Tenn.	
Texas Agricultural Ex-	F. A. Gulley, M. Sc.	College Station	Tex.	
Vermont State Agricult- ural Experiment Station.	W. W. Cooke, M. A.	Burlington	Vt.	
Virginia Agricultural Ex- periment Station.	Col. William Ballard Preston.	Blacksburgh	Va.	
West Virginia Experiment Station.	John A. Myers, M. A.	Morgantown	W. Va.	
Agricultural Experiment Station.	W. A. Henry, B. Agr.	Madison	Wis.	

States and Territories having boards of agriculture or other official agricultural organizations.

States.	Designation.				
Alabama	Commissioner of Agriculture.				
Arkansas	Compiler of Agricultural Statistics.				
California	*State Board of Agriculture.				
Colorado	State Board of Agriculture.				
Connecticut	State Board of Agriculture.				
Dakota	Compiler of Agricultural Statistics.				
Delaware	State Board of Agriculture.				
Florida	Commissioner of Agriculture.				
Georgia	Commissioner of Agriculture.				
Illinois	State Board of Agriculture.				
Indiana	State Board of Agriculture.				
Iowa	State Agricultural Society.				
	State Board of Agriculture.				
Kansas	Commissioner of Agriculture.				
Kentucky	Commissioner of Agriculture.				
Louisiana					
Maine	Board of Agriculture.				
Maryland	D - 1 - 1 - 1 - 1 - 1 - 1 - 1				
Massachusetts	Board of Agriculture.				
Michigan	Board of Agriculture.				
Minnesota	Board of Immigration (including Agricultural Statistics).				
Mississippi	Commissioner of Agriculture, etc.				
Missouri	State Board of Agriculture.				
Nebraska	Board of Agriculture.				
New Hampshire	Board of Agriculture.				
New Jersey	Board of Agriculture.				
New York					
North Carolina	Commissioner of Agriculture.				
Ohio	Board of Agriculture.				
Oregon					
Pennsylvania	State Board of Agriculture.				
Rhode Island	Cuito Douta or Agricultures				
South Carolina	Commissioner of Agriculture.				
Tennessee	Commissioner of Agriculture.				
	Commissioner of Statistics.				
TexasUtah	Board of Agriculture.				
Vermont	Board of Agriculture. Commissioner of Agriculture.				
Virginia	Commissioner of Agriculture,				
West Virginia	Descenses of Amilantina				
Wisconsin	Professor of Agriculture.				

Mr. HATCH. Mr. Chairman, the gentleman from Tennessee [Mr. Mr. HATCH. Mr. Chairman, the gentleman from Tennessee [Mr. ENLOE] unquestionably misapprehends the law under which these seeds are distributed. If he has ever read the original act, he has certainly forgotten it. The law requires that the Commissioner of Agriculture in the expenditure of this appropriation shall propagate and, at the request of members of Congress, distribute rare and valuable seeds suited to the localities to which they are sent. Now, if the gentleman is a sent to be considered. tleman has any criticism to make upon the present Commissioner of Agriculture or any former Commissioner of Agriculture in reference to the execution of this law, why does he not make a criticism of that kind instead of directing his criticism against the law itself?

Mr. ENLOE. Will the gentleman let me answer him?

Mr. HATCH The gentleman said he had commissed all the time has

Mr. HATCH. The gentleman said he had occupied all the time he

Mr. ENLOE. But the gentleman has asked me a question, and I would like to answer it.

Mr. HATCH. I expect to occupy only five minutes, and I do not care to have my time taken up with interruptions.

Mr. ENLOE. I would like to answer the gentleman's question; it will take but a moment. I have no criticisms to make in reference to the present Commissioner of Agriculture or any other. I understand the Commissioner simply executes the wishes of members of Congress,

who desire the kinds of seed the people call for.

Mr. HATCH. Well, that is the severest criticism that the gentleman could pass upon either the Commissioner of Agriculture or members of this House. It is the duty of the Commissioner of Agriculture to execute that law so as to distribute throughout the United States such rare and valuable seeds as have been found of benefit to the agri-

culture of the country.

Mr. ENLOE. Does the gentleman believe he does it now?

Mr. HATCH. Ido believe it. I not only believe it, but I know it.

I can give one instance. A former Commissioner of Agriculture, alert as he was in matters of this kind, finding that an old farmer up in Pennsylvania had discovered a new kind of wheat, the Fultz wheat, distributed that throughout the length and breadth of this land; and it has been worth more to the agriculture and the wealth of this countries and the wealth of this countries. try than all the appropriations made to the Department of Agriculture

in fifty years.

Mr. SOWDEN. The case was the same with the Scotland oats.

Mr. HATCH. It has proved to be worth more than the gentleman

from Tennessee and all her other Representatives for the next fifty years will be worth to that State.

Mr. McMILLIN. Will the gentleman include in his remarks the State of Missouri?

Mr. HATCH. Yes, sir; and two or three other States.
Mr. McMILLIN. I am glad the gentleman is magnanimous enough to include himself.

Mr. HATCH. If I should make any exception it would be in the case of my friend [Mr. McMillin] who has just interrupted me.
Mr. SPINOLA. I have here a note from the Department of Agriculture notifying me that there are subject to my distribution "one hundred papers of ruta-baga." Does the gentleman think that a "rare and valuable seed?"

Mr. HATCH. I do not think that ruta-baga or turnip seed is either rare" or "valuable." I do not think such seed ought to be included "rare" or "valuable." I do not think such seed ought to be included in this distribution. I have taken this same ground on this floor every time this bill has been up.

Mr. SPINOLA. Here are also "20 quarts of mangel-wurzel." Do these come under that high designation of "rare and valuable seed?" Mr. HATCH. I think not, unless they be a new variety of mangel-

Mr. SPINOLA. Here again are "10 quarts of melon barley."
Mr. HATCH. The proposition of the gentleman from Tennessee
[Mr. Enloe] is not to correct any abuses in this distribution, if they exist; it is simply to strike from the bill the appropriation for any seed distribution at all. Now, the farmers of the country do not get a great deal from the Government. They pay the largest share of taxes according to their numbers and wealth. They are more heavily tax-ridden than any other class. About all they get in return is what they get through published reports of the Department of Agriculture and from the tests made of rare and valuable seeds and plants.

Every time the gentleman from Tennessee comes back to the execu-tion of the law. The misfortune is that the Democratic party was defeated in November last. If the present President had been re-elected he might have consulted the gentleman from Tennessee and put him at the head of the Department of Agriculture, and then everything

would have been lovely. [Laughter.]

Mr. ENLOE. I understand that the gentleman from Missouri was the one upon whom the mantle of that office was to fall.

Mr. HATCH. I had no aspiration in that direction. [Cries of "Vote!" "Vote!"]

/ Mr. ENLOE. Not now. [Laughter, and cries of "Vote!" "Vote!"]
Mr. BREWER. Mr. Chairman, I am not in favor of the amendment
proposed by the gentleman from Tennessee [Mr. ENLOE] striking out the entire appropriation for the purchase, propagation, and distribution of seeds, bulbs, plants, vines, etc.; yet I am not satisfied with the present mode of distribution, nor even with the mode provided for in this bill. When Congress organized the Agricultural Bureau in 1862

it made it the duty of that bureau, among other things,

To acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most comprehensive sense of that word, and to procure and propagate and distribute among the people new and valuable seeds and plants.

Appropriations have been made each year since for the purpose of carrying out that provision of law, and I have no doubt but that the distribution of such seeds, plants, etc., has been beneficial to the people, as stated by the honorable gentleman from Missouri [Mr. HATCH]. But it is far less beneficial now than it was twenty and twenty-five years ago. Then seeds, bulbs, and plants were not cultivated for sale to any such extent as they are to-day. Then the great seed farms and seed stores of Sibley, Ferry, and others throughout the country did not exist, but now these great establishments are found in nearly every State, and they are annually gathering seeds not only from all parts of State, and they are annually gathering seeds not only from all parts of our own country, but from all parts of the world, and these seeds can now be purchased for a small sum in every village in the country.

Nine-tenths of the seeds now distributed, either through the Agricultural Department or by Senators and Congressmen, are of the most cultural Department or by Senators and Congressmen, are of the most common kind, and can be found in almost any seed store throughout the country. They are not such seeds as were contemplated under the law which I have quoted. They are not new and rare. This is perhaps not the fault of the Commissioner, who makes the purchase, but the fault of Congress. We appropriate \$100,000 annually for the purchase of such seeds and plants, when \$10,000 would buy a sufficient quantity of all kinds that may be called new and rare varieties.

Of all the seeds, plants, cuttings, etc., that are sent out annually by Congressmen, I think it can be safely said that not 5 per cent. of those who receive them ever make any report of the result of their experiment in testing the same, and it is perhaps just as well that they do not, for, as I have stated, as a general thing the same seed, or seeds of the same kind, could have been procured at the village store, and are

not, for, as I have stated, as a general thing the same seed, or seeds of the same kind, could have been procured at the village store, and are common to the neighborhood. I apprehend that very few members on this floor receive many letters or calls for seeds and plants for the pur-pose of experimenting with the same; but a very large proportion of such requests come from people who wish the seeds simply for their own use, and often because they are thereby saved the expense of purchasing the same elsewhere.

Many of our constituents seem to understand that Congressmen have an unlimited supply of seeds of all kinds which are for free distribution. They do not understand that the law providing for the distribution of such seeds was enacted for the public good, instead of for subserving private interests. The growth of our country and the great advancement in practical and scientific agriculture, together with the wonderful increase in the production of seeds, plants, etc., and the collection and distribution of the same by private parties, have made the present process of purchase and distribution through Congressmen almost worth-

A majority of the Committee on Agriculture have, I take it, arrived at a similar conclusion, for I find they have made provision for dis-tributing such seeds through the agricultural experimental stations in the several States. In order to utilize to the fullest extent the advantages of our several agricultural colleges, or other institutions where the different branches of agriculture are taught, Congress about two years ago established in each State and Territory an experimental station at one such institution of learning, and we are appropriating in this bill \$600,000 to carry out that object for one year. The act establishing these stations, amongst other things, makes the following pro-

vision:

That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals, the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese, and such other researches or experiments bearing directly on the agricultural industry of the United States as may in such case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories.

All these institutions where experimental stations are established.

All these institutions where experimental stations are established have farms connected with them where practical and scientific agriculture is taught. These institutions are located in different climates, and the farms are possessed of different kinds of soil. Bulletins are published by these institutions as often as may be deemed necessary, giving to the public the result of all experiments made, whether it be in the region of stock or the growing of plants or grain. Here we learn in the raising of stock or the growing of plants or grain. Here we learn not only as to the growing and production of grain and other crops and the manner of producing the same, but we also are informed as to the kind and quality of the soil where the same can be produced or grown to the best advantage, the kind of manure that is best to use, and everything that can be necessary and useful for the people engaged in agricultural pursuit.

Here, then, is the place to make experiments. These stations were established for that very purpose, and if we would only supply such rare seeds, plants, bulbs, etc., as the law provides for purchasing, to these stations to the extent that they can be experimented with each year, we would accomplish more good, in my judgment, to the country with an expenditure of \$10,000 than we now accomplish with the \$100,000 annually appropriated for that purpose. But supposing there shall be more seeds, etc., placed in the hands of the superintendents of these stations than can be utilized by them, they being connected with an agricultural institution, are constantly thrown among the very best class of farmers, and they know what farmers would themselves take an interest in making experiments, and the result of their work, too, could be given in the bulletins as issued.

A far better result must be obtained and the people befar more benefited by the course suggested than by the manner of distributing seeds at the present time. They now go out in a haphazard sort of way, because they are asked for, or because Congressmen do not know what else to do with them, only to send them to such persons as they may for the time being have in mind. But few farmers comparatively can give a report, if they were so inclined, that would be of any practical benefit. The new kinds of plants, seeds, and grains that are discovered or grown now are not large, and they are discovered and put in circulation or distributed by our great seed dealers much sooner than

they can be by the Agricultural Department.

What the farmers now desire, and what will be to their great advantage, is to know how best to grow the various seeds, grains, plants, etc., that they can buy at the seed stores or raise for themselves; in what kind of soil can they be grown to the best advantage, when should the same be planted, grown, and harvested, how best cared for and utilized when small and are stated to the same be planted. ized when gathered, etc. At these agricultural stations is where these experiments should be made, and the result disseminated among the people. Here is the only place where they can be made with success. I do not hope or expect that this bill will be so amended as to carry out the suggestions here made, but I desire to call the attention of the House, as well as the country, to the subject-matter under discussion, fully believing that the policy here suggested will be ere long enacted into a law. I am aware that it is thought by many on this floor that the present manner or method of distributing these seeds tends to strengthen them with their constituents, as does the distribution of public patronage through their personal influence. My judgment is to the contrary.

I believe the privilege of distributing public patronage and seeds as now provided is a source of weakness to the member who exercises the same. The name of Mr. B comes into your mind, and thinking he might like some garden seeds, or his wife some flower seeds, you send the same; but the name of Mr. C does not happen to strike your mind and hence he gets no seeds. Mr. C and his wife learn that Mr. and Mrs. B have some garden and flower seeds, and Mr. and Mrs. C feel slighted, and perhaps you have lost their good-will and support as well. But whether the present system of distributing seeds helps the Congressman who makes the distribution or not ought not to affect our action. What is for the best interests of the people we represent and for the country at large is what we should seek to determine, and our

constituents will be satisfied.

Mr. HATCH. I hope we will have a vote. [Cries of "Vote!" "Vote!"]
The amendment of Mr. ENLOE was rejected.

The Clerk read as follows:

The Clerk read as follows:

The Commissioner of Agriculture shall apportion among the States, on the basis of their representation in Congress, all seeds, trees, shrubs, vines, cuttings, and plants, and shall furnish for distribution the part allotted to each State to the experiment stations established in said State under the provisions of the act of March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto;" and in case any State or Territory shall have falled to establish agricultural experiment stations in accordance with the provisions of said act of March 2, 1887, the seeds, shrubs, vines, cuttings, and plants allotted to said State shall be furnished by the Commissioner of Agriculture to the commissioner or secretary of agriculture shall report, as provided in this act, the place where purchased and the quantity and price of seeds purchased and the date of purchase; and in making distribution, as hereinbefore directed, he shall have due regard for the adaptation of the seeds, trees, shrubs, vines, cuttings, and plants furnished by the Commissioners or secretaries shall be transmitted through the United States mails free of charge for postage, in accordance with the existing law regulating the transmission of such matter through the mails from the Department of Agriculture.

Mr. McCLAMMY. I make the point of order against that whole

Mr. McCLAMMY. I make the point of order against that whole

paragraph.

Mr. HATCH. I desire to state for the information of the committee that this paragraph was inserted by a majority vote of the committee, a bare majority of those voting when there was not a full membership present, striking out the present existing law; and of course it was my duty to report the bill as it passed the committee. But the point of order has been made by a member of the committee who voted in the minority, and I hope the Chair and the committee will give to the gentleman from Massachusetts [Mr. BURNETT] who offered this amend-ment in the House such time as he may desire to explain the paragraph before the Chair decides the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Massa-

chusetts how much time he desires?

Mr. HATCH. If the gentleman from North Carolina desires first to state his point of order I hope he will be permitted to do so.

Mr. McCLAMMY. My point of order is that this changes existing

law by providing a different method from that heretofore provided by law for the distribution of seeds. It is new legislation, and not in order upon this bill.

I reserve my time.

The CHAIRMAN. How much time does the gentleman from Massachusetts desire?

Mr. BURNETT. I should like to have fifteen minutes.

The CHAIRMAN. Without objection, the gentleman will be permitted to proceed for fifteen minutes.

There was no objection.

Mr. BURNETT. Mr. Chairman, in offering this resolution before our committee I had occasion to look the matter up and found that this provision is incorporated in the Revised Statutes, section 537. To this statute was added in 1880, by a resolution passed in the Forty-sixth Congress, the present method of distributing the seeds, that is, through

the members of the Senate and the House. The Revised Statutes, as our chairman has said, under which these seeds are now distributed, provides:

SEC. S27. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

In looking at the expenditures for the seed department for the fiscal year ending June 30, 1888, I find a most wonderful state of affairs. The rare, valuable, and uncommon seeds, plants, shrubs, trees, etc., I looked for almost in vain. In making a brief synopsis of this statement of the Department I found that 4,655,519 packages of seed were distributed, at a cost of \$49,137.87, or about 1 cent a package.

Upon a further investigation of the subject I found that the miscellaneous and rare seeds, so far as I could make them out from the different bills, was only an item of \$1,483.83. For instance, our chairman speaks of wheat. Now, how much wheat was distributed? The amount paid for it was \$224.95, and only 354 packages were sent out

by the different members of the House.

A rare and valuable forage plant, the teosinte, lately brought to the attention of the Southern farmers, of wonderful food-producing qualities, containing less woody fiber and more albumenoids than any other forage plant now growing in the extreme South, was not distributed at all through Members of Congress or Senators, but all through the experiment stations, agricultural societies, or through the miscellaneous applications; the amount sent out was 3,186 packages of this plant, costing \$34, but not one, as I have said, through the members of the

House. Take flower seeds; 383,486 packages were distributed.

Mr. HOPKINS, of Illinois. Does the gentleman know why the members did not send out any of that plant to which he has referred? Mr. DINGLEY. It was not included in the list furnished for dis-

tribution.

Mr. HOPKINS, of Illinois. Is it not because the official in charge

did not do his duty?

Mr. BURNETT. The cost of the flower seed was \$1,496.80, or a trifle over 4 mills a paper; and one of my colleagues said to-day, in my presence, that some flower seed he had sent to a lady had proved to be of the most common varieties, and she had written him that they were no better than the common plants growing in her front-door yard. The number of packages sent out in 1881 was 3,000, and this year the number was 8,800, and to obtain this large number of packages pressure was brought upon the Commissioner of Agriculture by members of Congress, who wanted them for distribution, and in large quantities. I know as a matter of fact that the members representing country districts have been obliged to go and buy seed from city members or from the seedsmen, in some instances in very large quantities. A MEMBER. Who was it?

Mr. BUCHANAN. Let us know what member has been selling his seed.

Mr. CONGER. What sort of a constituency?
Mr. BURNETT. I think there is no fair-minded man but that will agree with me that, through these various experimental stations we have established in the various States or through the commissioners or secretaries of agriculture in other States, these seeds can be better distributed. But I would have you go a step further. I would appropriate, under section 527, a thousand dollars to each of the experimental stations in the various States for this purpose. I do appreciate the fact that these seeds rightly distributed will do a great deal of good if they are rare and valuable. I think that every member of the House will bear with me, or at least the country members will, that they have had applications for a whole list of garden seeds. I know of one member from Massachusetts where a man asked him to send seed enough and of variety sufficient to plant his whole garden. We did not spend for plants, trees, or cuttings but \$90; for tree seed \$4.25. I am sorry that this point of order has been raised, and I hope that my friend from Tennessee [Mr. ENLOE] will offer an amendment which will accomplish this object in another way.

Mr. MORGAN withholds his remarks for revision. [See Appendix.] Mr. HATCH. I yield one minute to the gentleman from North

Carolina [Mr. McCLAMMY].

Mr. McCLAMMY. But for the closing remark of the gentleman from Massachusetts I should not have desired to address the House. I represent an agricultural district, and I know something of the workings of this system. I know in what high regard these seeds are held by the people. The whole question contained in the proposition to strike out this provision and to provide for a different distribution of these seeds can be put in a nutshell. It is a matter of easy solution and one which has afforded me great pleasure in contemplation at times. We are free American citizens, and when positions such as these are thrust upon us and the duties become too onerous to be borne we can lay back on our privileges and forward our resignations. [Laughter and applause.]

Mr. HATCH. I have but a single word to say in reply to the gentleman from Massachusetts in regard to this amendment.

Mr. COBB. Before the gentleman proceeds I would like to ask him a question for information, if he will yield to me.

Mr. HATCH. Certainly.

Mr. COBB. Is it not true that the Department of Agriculture, instead of propagating the vegetable seeds which are sent throughout the country, buy them from the seed dealers; and are they not the same seed as those sent throughout the country by these seed dealers for sale at retail?

Mr. HATCH. There is no question about that; and it is one of the duties imposed upon him by this act that he shall, as well as propagate, distribute these rare and valuable seeds. Now, I call the attention of the committee to the fact that these experimental stations have been established but a single year. They are now working under their first appropriation. Many of them have just started. They are not in a condition at the present time, in my judgment, to make as equitable and judicious a distribution of the seed under this appropriation as the members of Congress could do.

No gentleman on this floor has a higher regard for the experimental stations or greater faith in the promise of those institutions than I have, but I do not believe that the time has yet come when this duty ought to be imposed upon them. I hope the Chair will now give us

Mr. BURNETT. I desire to offer an amendment.
Mr. HATCH. There is a point of order pending.
The CHAIRMAN (Mr. STONE, of Kentucky). The Chair is of opinion that under section 3 of Rule XXI this paragraph is clearly out of order, and should not be in this bill.

Mr. HATCH. I now offer as an amendment a paragraph from the existing law in lieu of the paragraph just stricken out. I am instructed by the committee to offer this amendment.

Mr. BURNETT. I desire to offer a substitute for the amendment

of the gentleman from Missouri.

Mr. HATCH. The amendment that I send up is first in order.

The CHAIRMAN. The amendment will be read.

The Clerk read the amendment, as follows:

The Clerk read the amendment, as follows:

An equal proportion of two-thirds of all seeds, trees, shrubs, vines, cuttings, and plants shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents; and the person receiving such seeds shall inform the Department of results of the experiments therewith: Provided, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: And provided also, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: But provided, however, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as may be, and the best adapted to the locality he represents.

Mr. HATCH. Now, Mr. Chairman, I desire simply to state that

Mr. HATCH. Now, Mr. Chairman, I desire simply to state that that is existing law without one single change.

Mr. BURNETT. I ask that my substitute be now read. Mr. HATCH. I desire to reserve the point of order on the amendment of the gentleman from Massachusetts [Mr. BURNETT].

The Clerk read as follows:

The Clerk read as 10110ws:

Substitute for the amendment just read the following:

"For the purchase and distribution of such new, rare, and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, as have not been previously tested, for the use of agricultural experiment stations, \$40,000, or so much thereof as may be necessary. The Commissioner of Agriculture shall report, as provided in this act, the place where purchased and the quantity and price of articles purchased, and the date of purchase, and the quantity and character of seeds, bulbs, trees, shrubs, vines, cuttings, and plants sent to each experiment station, and such matter shall be transmitted to the experiment stations free of charge for postage, in accordance with existing law regulating the transmission of such matter through the mails from the Department of Agriculture."

Mr. HATCH. I make the point of order on that amendment that it is almost identical in substance with the proposition which the Chair has already ruled out. In addition to that, it is subject to another point We have already agreed to a paragraph fixing the amount at \$100,000 and-

Mr. ENLOE. Mr. HATCH. Mr. Chairman-

We have only ten minutes left before the hour for the recess, and the gentleman from Tennessee [Mr. ENLOE] has had all the time he has asked, and I trust he will not delay the bill.

I do not ask any time now except on this point of or-Mr. ENLOE. der. If the gentleman will point out where this amendment changes the existing law, the gentleman from Massachusetts [Mr. BURNETT] will withdraw it.

Mr. HATCH. It provides \$40,000 for seeds, etc., to be sent to the

experimental stations

Mr. ENLOE. That is only for the furtherance of the duties of those stations. They are charged with the duty of propagating, and this amendment proposes to furnish them seeds with which to do it,

Mr. HATCH. They have got an appropriation of \$15,000, which covers all that, so far as the experimental stations are concerned. insist upon the point of order.

The CHAIRMAN. The Chair is clearly of opinion that the proposed substitute would be out of order under clause 3 of Rule XXI.

Mr. HATCH. Now let us have a vote on my amendment.

The amendment offered by Mr. HATCH was agreed to.

The Clerk read as follows:

Printing seed-pockets, labels, postal-cards, circulars, etc., labor, paper, ink, type, and other necessary material for printing, and for repairing presses, \$4,200.

Mr. HATCH. I desire unanimous consent that this afternoon's session be extended ten minutes so that we may conclude this bill before I am afraid it can not be done in the five minutes remain-As this order will' have to be made in the House, I move that the committee rise for that purpose.

The motion was agreed to

The motion was agreed to.

The committee accordingly rose; and Mr. Crisp having taken the chair as Speaker pro tempore, Mr. Stone, of Kentucky, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, had come to no resolution thereon.

Mr. HATCH. I move that the House again resolve itself into Committee of the Whole on the state of the Union to resolve itself into Committee of the Whole on the state of the Union to resolve itself into Committee.

mittee of the Whole on the state of the Union to resume the consideration of the agricultural appropriation bill; and pending that motion I ask unanimous consent that the time for taking the recess be extended until the completion of this bill, no other business to be in order.

Mr. WHEELER. I ssk unanimous consent that we meet this even-

Mr. WHEELER. I ask unanimous consent that we incorrect ing at 7 o'clock, instead of half past 7.

Mr. HATCH. Oh, no; that is a change of the rules.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the hour for taking the recess be extended so far beyond 5 o'clock as may be necessary to finish the consideration of the agricultural appropriation bill, no other business to be in order,
Mr. KILGORE. I would like to know how much time that will

take.

Mr. HATCH. Certainly not more than ten minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. HATCH]? The Chair hears no objection, and it is so ordered. The question is now on the motion of the gentleman from Missouri that the House again resolve itself into Committee of the Whole to resume the consideration of the agricultural appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. STONE, of Kentucky, in the chair) and resumed the consideration of the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other

The Clerk read as follows:

The Clerk read as follows:

Salaries and expenses Bureau of Animal Industry: For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, \$500,600; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another, and of this sum an amount not exceeding \$15,000 may be applied to the payment of expenses incurred during the fiscal year 1888: Provided, That \$15,000, or so much thereof as may be necessary, may be expended in continuation of the investigations and experiments, to be conducted within the United States, into the nature, causes, and remedies for the prevention and cure of hog cholera and swine plague.

Mr. HATCH. I desire to submit a verbal amendment—to strike out in the paragraph just read the words "and of this sum an amount not exceeding \$15,000 may be applied to the payment of expenses incurred during the fiscal year 1888."

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. HATCH. I move that the committee rise and report the bill to the House with the amendments.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker pro tempore, Mr. Stone, of Kentucky, reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, had directed him to report the same back with sundry amendments and with the recommendation that it be passed as amended.

The amendments reported from the Committee of the Whole on the

state of the Union were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## LEAVE TO PRINT.

Mr. HATCH. I ask unanimous consent that gentlemen who have spoken on the bill just passed may have leave to extend their remarks in the RECORD, and that all other gentlemen who desire to do so may print remarks upon the bill.

There being no objection, the leave requested was granted.

The SPEAKER pro tempore. By order of the House previously made, a recess will now be taken until this evening at half past 7 o'clock.

#### EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. ANDERSON, of Illinois, as Speaker pro tempore.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 8, 1889. Hon. George A. Anderson, of Illinois, is hereby designated to preside at the session of the House this evening. JOHN G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, Clerk.

## MRS. R. S. HORTON.

Mr. MORRILL. Before the House goes into the Committee of the Whole, I ask that it will indulge me by concurring in some Senate amendments to House bills-amendments which do not change the

bills in substance, but only make them more explicit.

There being no objection, the House proceeded to the consideration of the amendments of the Senate to the bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll.

The amendments were read, as follows:

Page 1, line 2, strike out the words "or restore."
Page 1, line 4, after the word "pension-roll," insert "and pay her a pension from the passage of this act."
Amend the title of the bill so as to read: "A bill to replace Mrs. R. S. Horton upon the pension-roll."

Mr. MORRILL. I move that the amendments be concurred in. The motion was agreed to.

## ELIJAH W. PENNY.

The House proceeded to the consideration of the Senate amendment to the bill (H. R. 2261) to increase the pension of Elijah W. Penny. The amendment was read, as follows:

Strike out all after the word "volunteers," page 1, line 4, down to and including the word "act," in line 8, and insert "by paying him the sum of \$12 a month for wound in the side, in addition to the amount to which he is entitled by law for loss of arm at the shoulder."

Mr. MORRILL. I move that the amendment be concurred in. The motion was agreed to.

## ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the House resolve itself into Committee of the Whole to consider bills under the special order, and I ask consent at the same time that the course heretofore pursued, of calling the names of members alphabetically, be continued to-night,

commencing where we left off on the last occasion.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole under the

special order.

Mr. ROGERS. I do not think the Chair has stated the full proposi-If I understood the gentleman from Michigan, he embraced in his motion a request that the order heretofore pursued, of calling the

names alphabetically, be continued.

Mr. CHIPMAN. I did, sir.

Mr. ROGERS. In that connection I wanted to make a request. Mr. Russell, of Massachusetts, requested me the other day, on being called away from here, in his behalf to call up a certain case in the District of Columbia. Of course the House will understand that the party is without any representative on this floor; but he is an old Mexican soldier as well as a Union soldier in the late war, and personally I promised to do so. While desirous of obliging Mr. Russell, I have a case of my own in Arkansas which I ought to call up, and I ask that I may be permitted to call up a case for Mr. Russell also.

Mr. DUNHAM. I ask the same privilege in behalf of an absent colleague who can not be present at the session this evening.

Mr. CHIPMAN. Let these requests be made in committee.

The SPEAKER pro tempore. The gentleman from Michigan objects.

The motion of Mr. CHIPMAN was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole under the special order; and if there be no objection the order of business heretofore pursued will be continued this evening.

There was no objection.

Mr. WHEELER. I ask unanimous consent, in view of the fact that my name will be reached in a few minutes on the call, and as I have au important engagement which I wish to attend to, that I may be permitted now to call up for consideration a bill.

Mr. THOMPSON, of Ohio. I think we had better have the regular

Mr. WHEELER. Then I ask unanimous consent that my name be passed over to-night with the privilege of calling up a bill on next Fri-

day night.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### STEPHEN L. KEARNEY.

Mr. ROGERS. I call up for consideration the bill (H. R. 9408) granting an increase of pension to Stephen L. Kearney, for Mr. Russell, of Massachusetts, and I will ask consent hereafter to call up my

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Stephen L. Kearney, late a first lieutenant of the Third Regiment of Colored Troops in the service of the United States, on the pension-roll of the United States at the rate of \$17 per month, in lieu of the pension of \$8 per month he is now receiving under certificate No. 13026 as a Mexican veteran under act approved January 29, 1887. This act shall be in force from its passage.

The report (by Mr. HUNTER) was read, as follows:

The report (by Mr. Hunter) was read, as follows:

Applicant was a soldier in the regular Army during the war with Mexico, and served during the late war as a lieutenant in the Fifteenth Regiment of Massachusetts Volunteers, and as first lieutenant in Company G. Third Regiment United States Colored Troops; and while serving with the last-mentioned regiment in Florida he contracted rheumatism, for which he was allowed a pension of \$4.25 per month under the general law, which pension he surrendered in order to receive the benefits of the act of January 29, 1887, under which act he is now receive the benefits of the act of January 29, 1887, under which act he is now receive the benefits of the act of January 29, 1887, under which act he is now receive the benefits of the act of January 29, 1887, under which act he is now receive the benefits of the act of January 29, 1887, under which at he is now receive the benefits of the act of January 29, 1887, under which act he is now receive in State of the fact that pentioner is suffering from rheumatism to such an extent as to render him unable to perform manual labor, and as there is no doubt as to the fact that his disability is due to his long and faithful service, report back the bill with the recommendation that it do pass, with the following amendment: Strike out "seventeen dollars," on line 7, and insert in lieu thereof "twelve dollars and twenty-five cents."

The amendment recommended by the committee was adopted.

The amendment recommended by the committee was adopted. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## THOMPSON D. HATFIELD.

Mr. ROMEIS. I ask consideration of the bill (S. 3335) granting a pension to Thompson D. Hatfield.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thompson D. Hatfield, at the rate of \$25 a month, this sum to be paid only to the legally appointed guardian of said Thompson D. Hatfield, an insane person, for the purpose of his support and maintenance.

The report (by Mr. PIDCOCK) was read, as follows:

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3335) granting a pension to Thompson D. Hatfield, have had the same under consideration, and beg leave to submit the following report:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, which is as follows:

"Thompson D. Hatfield, the claimant, is a son of David Hatfield, who was commissioned as a captain in Company A, First Regiment New Jersey Volunteer Infantry, May 21, 1861, and he was mustered into the United States service for the period of three years from that time. He was promoted to be major May 28, 1861, and served in the war of the rebellion until July 30, 1862, at which time he died of wounds received a few days before in battle with the enemy at Gaines's Farm, Virginia. He volunteered as a private, and is said to have been among the first, perhaps the very first, who volunteered under the first proclamation calling out the military forces of the United States by President Lincoln.

"The record shows him to have been a very useful and gallant officer.

"The widow of Major Hatfield drew a pension, and her minor children at that time drew also a pension, among whom was the claimant, from July, 1873, until September 22, 1877, when the entire pension ceased by operation of law, the children having each attained the age of sixteen or over. The widow of Major Hatfield himself, the claimant's father, had also served as a private in the war with Mexico in Company G, Tenth Regiment United States Infantry, and was honorably discharged from said service. The claimant is the oldest son of Major Hatfield. He has been an invalid from epilepsy almost from infancy. He is incurably insane and is hopelessly imbecile, and is now a patient in Morris Plains asylum for the insane, in the State of New Jersey, where he has been confined for many years.

"His mother and her second husband are without any means or property be-

Plains asylum for the insane, in the State of New Jersey, where he has been confined for many years.

"His mother and her second husband are without any means or property beyond that necessary for their own support, and the expenses of the maintenance of the insane claimant are quite a burden upon the family, none of whom seem to be persons having any means of livelihood beyond their own labor. We are of the opinion, from the peculiar circumstances of the case, and from the faithful service and death of his father, that the claimant has an equitable right to the relief prayed for in his own behalf.

"We therefore recommend the passage of the bill with the following amendment: Insert, after the word 'month,' these words: 'This sum to be paid only to the legally appointed guardian of said Thompson D. Hatfield, an insane person, for the purpose of his support and maintenance.'"

Your committee likewise recommend the passage of the bill.

The bill was leid aside to be reverted to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. DUNHAM (when the name of Mr. ROWELL was called). the request of my colleague, who is necessarily absent for a time, I ask to call up the bill which I send to the desk.

Mr. FINLEY. I object, Mr. Chairman, and ask the regular order.

## GEORGE H. BURGESS.

Mr. RUSSELL, of Connecticut, called up the bill (H. R. 1'300) granting a pension to George H. Burgess.

#### The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George H. Burgess, late corporal in Company H, Twenty-sixth Connecticut Volunteers, the pension to be payable to the legally constituted guardian of said Burgess.

## The report (by Mr. FRENCH) was read, as follows:

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11300) granting a pension to George H, Burgess, have had the same under consideration and beg leave to submit the following report:

George H. Burgess served as corporal in Company H. Twenty-sixth Regiment Connecticut Volunteers, from September 2, 1862, until August 17, 1863, and is now an inmate of the Bloomingdale Asylum (New York) for the Insane. It is alleged that insanity is due to dysentery and typhold fever, from which soldier suffered during service. Because of claimant's needy circumstances and the large expenditure of money necessary to obtain letters of guardianship in the State of New York, as well as the length of time necessary to establish a claim of this character at the Pension Bureau, no application for pension has been filed in behalf of this insane soldier.

In support of the claim now before Congress the following evidence has been filed:

Baniel Champlin, captain of aforesaid company, testifies that at enlistment soldier was a healthy, able-bodied, robust, young man; that while on duty at Camp Parapet, Louisiana, some time in March or April, 1863, he contracted typhoid fever, and was sent to the regimental hospital.

Elias Babcock testifies that he was a member of the same regiment and knows that Burgess was taken to the hospital with typhoid fever. Affiant was also sick at said hospital, but recovered first and left Burgess there still under treatment.

Orderly Sergeant Morgan testifies that Burgess was a faithful soldier and of good character and temperate habits. Was in hospital two or three times, and in particular during the months of February and March, 1863, as appears from

Orderly Sergeant Morgan testifies that Burgess was a faithful soldier and of good character and temperate habits. Was in hospital two or three times, and in particular during the months of February and March, 1853, as appears from affiant's diary of events.

Others testify to soldier's sickness while in the Army, but are unable to state the nature thereof.

The Adjutant-General reports that the records of the regimental hospital of the Twenty-sixth Regiment of Connecticut Volunteers are not on file.

Henry Burgess, soldier's father, testifies that immediately after his discharge soldier came to afflart's house, where he made his home for some time. He was then suffering from dysentery and the effects of typhoid fever, such as nervousness. Had no severe sickness after discharge, but grew more nervous every year until his nervousness assumed the symptoms of insanity, which so increased that in September, 1887, it became necessary to commit him to the Bloomingdale Asylum. Insanity was never known or heard of either on his father's or mother's side of the family.

Soldier's wife testifies to continuous spells of melancholia from 1868, when she was married to him.

Dr. Charles E. Brayten testifies that he has been acquainted with the soldier for twenty years or more. Treated him for insomnia in 1882 and thereafte. The complaint grew worse until about 1885 marked symptoms of paresis appeared, and in August, 1887, at afflant's recommendation he was removed to the Retreat for the Insane.

Assistant Medical Superintendent Lyon, of the Bloomingdale Asylum, certifies that soldier is now in the demented stage of general paresis. Afflant believes that if it is proved that soldier had typhoid fever and dysentery while in the military service of the United States while still immature, such sickness and the exposure may have seriously affected a naturally nervous person and predisposed him to serious mental disease later in life.

Dr. Charles H. Nichols, medical superintendent of the Bloomingdale Asylum, who during the war and

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## ORDER OF BUSINESS.

The name of Mr. Russell, of Massachusetts, was called.

Mr. ROGERS. Mr. Chairman, I now renew my request made a few moments ago, and ask unanimous consent, as this is an exceptional case, to call up a bill. I hope the gentleman from Kentucky will not ob-

Mr. FINLEY. I will contract with the gentleman not to object if I may be allowed to call up and pass by unanimous consent a bill increasing the pension of Frank L. Wolford, of my district, from \$30 to \$50 per month.

Mr. ROGERS. I certainly will make no objection, as far as I am

Mr. FINLEY. I want to have the agreement entered into by the committee. This is a case that ought to be considered and passed.

Mr. STRUBLE. Is the gentleman you have named your predecessor in Congress?

Mr. FINLEY. Yes, sir. If I yield now for unanimous consent in this instance, I want to have it understood that I may call up this bill and pass it.

Mr. MACDONALD. I object.

## MARY C. THOMPSON.

Mr. SAWYER called up the bill (S. 3428) granting a pension to Mary C. Thompson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Thompson, widow of the late Dr. Fillmore Thompson, of Hot Springs, Ark., who was chief guide to the expedition of General Frederick Steele, during the spring of the year 1864, undertaken for the purpose of co-operating with General Banks, and who lost his life by reason of exposure in said service, and to pay her a pension corresponding with the grade of captain.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3428) granting a pension to Mary C. Thompson, have had the same under consideration, and beg leave to submit the following report:

The facts in the case appear fully in the report of the Committee on Pensions, United States Senate, which is as follows:

"The petitioner is the widow of the late Dr. Fillmore Thompson, of Hot Springs, Ark., where, at the breaking out of the rebellion, he resided. He was a thorough and intense Unionist, and rendered valuable assistance to many of the persecuted loyal people of that section, and by reason of which he endangered his own safety so that he was obliged to seek protection within the Union lines at Little Rock, then occupied by General Fred. Steele. He was employed by General Steele as chief guide and scout in his expedition to Camden in the spring of 1864, for the purpose of co-operating with General Banks in his Louisiana campaign, and continued to act as such until the final return of said expedition to Little Rock.

"Prof. J. B. Wheeler, of the United States Military Academy at West Point, thus testifies by affidavit in regard to Dr. Thompson:

"'That as the chief engineer officer he accompanied the march of the expedi-

"Prof. J. B. Wheeler, of the United States Military Academy at West Point, thus testifies by affidavit in regard to Dr. Thompson:

"That as the chief engineer officer he accompanied the march of the expedition under Maj. Gen. Fred Steele, which moved south in March, 1864, to cooperate with and, if possible, to effect a junction with the United States forces under command of Maj. Gen. N. P. Banks, then moving toward Shreveport, on the Red River, in Louisiana.

"That during this march and the return he was daily thrown in contact with the principal guide, one Dr. F. Thompson, a former resident of Hot Springs, Ark., who had sought protection within the United States lines against violence from the inhabitants of that part of the State with which he was threatened by reason of his well-known Union feelings.

"That from his personal knowledge he knows of the peculiar fitness of the said Thompson for the place of principal guide, and attributes largely the successful progress of the expedition, as far south as it proceeded, to said Thompson's thorough knowledge of the roads, the crossing of streams, and the sentiments and opinions of the inhabitants of that part of the country.

"That the return march of the expedition followed as it was by a victorious enemy, who received a severe check at Jenkin's Ferry, was greatly aided by the said Thompson's intimate acquaintance with the roads and character of the country used and crossed by the army in its retreat.

"That during this retreat all the members were more or less sufferers from fatigue and exposure.

"That shortly after the return of the expedition Dr. Thompson was taken sick and very soon thereafter died.

"That the deponent understood at the time of said Thompson's death that it, as well as the sickness, were largely, if not entirely, caused by the fatigues and exposures that said Thompson had undergone during the time he accompanied the expedition as its principal guide.

"Dr. Thompson, upon his return to Little Rock, was attended by several phy-

"'J. B. WHEELER."

"J. B. WHEELER.'

"Dr. Thompson, upon his return to Little Rock, was attended by several physicians, all of whom certify that the disease of which he died was, in their opinion, the result of fatigue, exposure, and injuries received in this service. He left a widow and several children without means of support. There is no general law under which services of this character can be recognized; but there are precedents for allowing pensions to guides or scouts for disabilities, and to their widows in case of death.

"The bill is reported with an amendment, striking out all after the word 'pension,' in the twelfth line, and inserting i corresponding with the grade of captain,' and a recommendation that it do pass."

Your committee believe the case to be a meritorious one and to come within established precedents, but respectfully decline to concur in the rate of pension fixed in the bill, and therefore return the same with the recommendation that it do pass, amended, however, by striking out all after the word "service," in line 9, and inserting therein instead the words "at the rate of \$12 per month."

The amendment recommended by the committee was agreed to

The amendment recommended by the committee was agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## PATRICK GERAGHTY.

Mr. McMILLIN. Mr. Chairman, at the last session of the committee my name was called, but owing to the fact that the report in the case I desired to ask consideration of had not been received, the right was given me to call up a bill to-night. I now ask consideration of the bill (H. R. 12506) granting an increase of pension to Patrick Ger-

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Geraghty, late a private of Company G, Fourth Regiment United States Cavalry, at the rate of \$8 per month, in lieu of the pension now received by him.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Patrick Geraghty for an increase of pension, beg leave to submit the following

Patrick Geraghty served in Company G. First Regiment United States Cavalry, subsequently the Fourth United States Cavalry, from March 13, 1857, to March 14, 1856, and is now a pensioner at the rate of \$2 per month for malarial poisoning and chronic diarrhea. He has filed a petition, signed by a large number of prominent citizens of Tennessee, asking an increase of his pension on the ground that the disability is much greater from aforesaid causes than that recognized by the Pension Office. The pensioner is a great sufferer from dyspepsia, as shown by the medical examinations, but evidently its connection with the diarrhea is not admitted in the rating of the pension.

Hon. Benton McMillin, of the House, who is personally acquainted with the pensioner, has appeared before your committee, and from his statements touching the old soldier's condition it is evident that his pension is too low to be commensurate with the degree of disability actually existing in the case. That neighbors who come in almost daily contact with a person suffering from a complication of diseases are more competent to judge of the real degree of disability therefrom than an examining surgeon who has no personal acquaintance with and only hastily examines him can not be denied.

Your committee are clearly of the opinion that \$2 a month is not sufficient to

compensate a soldier who served faithfully eight years, became broken down in service, and has been ever since almost entirely disqualified for the performance of manual labor, and therefore return the petition with the accompanying bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ROBERT KELLY.

Mr. MORRILL. At the request of my friend from Missouri [Mr. DOCKERY], at the last meeting of the committee permission was given to me to call up a bill to-night. I was then necessarily absent. I now ask consideration of the bill (S. 2530) granting a pension to Robert Kelly.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Kelly, late a private in Company B, Third Regiment Maryland Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2530) granting a pension to Robert Kelly, submit the following report:

The report of the Committee on Pensions in the Senate is herewith adopted, and the passage of the bill recommended.

[Senate Report No. 2406, Fiftieth Congress, second session.]

[Senate Report No. 2406, Fiftieth Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 2530) granting a pension to Robert Kelly, have examined the same, and report:

The claimant under the bill was private in Company B. Third Maryland Volunteers. He made application for pension on the ground of disease of eye, which resulted in loss of sight, incurred while in service. The claim was rejected by the Pension Burean "on the ground that the alleged disability was not incurred while in the service of the United States."

The committee are unable, in a careful review of the record and testimony, to find any ground on which to sustain the judgment of the Pension Bureau.

The fact of enlistment is presumptive evidence of soundness at that time, and particularly of so important an organ to a soldier as his right eye. This presumption is made reasonably certain by all the testimony in the case, based on personal or professional knowledge, an abstract of which is herewith given.

Dr. William C. Kloman knew claimant from 1855, and treated him before enlistment for malarious diseases, but knew of no defect of vision at that time. Attended claimant's family before the war, and believes his sight was good. William F. Burns, president of Eutaw Savings Bank, testifies he as known claimant since boyhood; "worked for me from his boyhood up; one of his eyes was crossed, I think, but his sight was not affected; his health was good."

Paul Helene knew claimant from March, 1857; was keeping store, and saw him nearly every day; never noticed anything wrong with claimant's eyes prior to enlistment.

Samuel Stallings has known claimant since he was a small boy; saw him pearly every day previous to enlistment, noticed a nearliegity should one of his every day previous to enlistment.

him nearly every day; never noticed anything wrong with claimant's eyes prior to enlistment.

Samuel Stallings has known claimant since he was a small boy; saw him nearly every day previous to enlistment; noticed a peculiarity about one of his eye; a kind of squint: his sight was all right.

Daniel W. Oxworth was a comrade of claimant and knew him from 1846 up to enlistment; one eye was inclined towards the nose; know of no affection of the sight before service; claimant was relieved from duty on account of eyes.

Henry J. Ward, another comrade, knew claimant several years before the war; was in his company day after day before enlistment; one eye was smaller than the other; knew of no affection of sight.

William H. Higdon, Caroline Schlickerman, John Purper, Capt. James Roff, Henry Schlickerman, and Thomas Brown were neighbors, and intimate with claimant for years before enlistment, and testify that they knew of no defect of vision; while Edward Anderson associated with him familiarly and for years before enlistment, was his companion on gunning expeditions, and never noticed that he had any affection of his eyes.

This concurrence of competent testimony would seem to settle the fact of claimant's soundness when he entered the service. The following extract from the report of the Adjutant-General makes it certain that claimant was unsound when he left the service:

"Detachment muster-out roll, dated May 28, 1862, reports him discharged on that date at Baltimore, for disability, by order of General Dix; cause, cataract of right eye."

The committee report favorably on the bill and recommend it for passage.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## ESTHER GOULD.

Mr. SHERMAN called up for consideration the bill (S. 3819) granting a pension to Esther Gould. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Esther Gould, late volunteer nurse during the war of the rebellion, and pay her a pension of \$25 per month from this date.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows.

The Committee on Invalid Pensions, to whom was referred the bill (S. 3819) granting a pension to Esther Gould, submit the following report:

That the evidence presented to your committee fully substantiates the report of the Senate committee, which is hereto attached and adopted as their report. Your committee, fully believing this case to be a very meritorious one, recommend that the same pass with the following amendment, by adding thereto:

"Said pension to be in lieu of any pension she may now be receiving."

## SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 3819) granting a pension to Mrs. Esther Gould, have examined the same, and report:
This is a bill to pension Mrs. Esther Gould, who was a volunteer army nurse during the war of the rebellion, and whose record in this capacity shows that she rendered faithful and valuable service.

In a letter of recommendation, dated July 20, 1866, R. B. B. B. B. B. Coutecue, late brevet colonel and surgeon in charge of Harewood Hospital, Washington, D. C., says:
"Mrs. Esther Gould has been in the employ of the United States as matron at Harewood United States General Hospital at Washington, D. C., for the last three years;" and he certifies that her services were performed in a faithful and satisfactory manner.

Satisfactory manner.

The committee also have proof to the same effect from a number of witnesses who have a personal knowledge of Mrs. Gould's services.

Frank A. Speare testifies that she was a nurse in Judiciary Square and Harewood Hospitals from March, 1862, to 1865, inclusive.

Jeremiah C. Allen certifies that he was chief ward-master at Judiciary Square Hospital in 1863, and that she performed satisfactory service. Joseph H. Voorhees was an immate of Judiciary Square Hospital, and re-members her valuable service, and that she was transferred to Harewood Hos-

pital.

Surgeon Boutecue again certifies that she was one of the most competent and faithful nurses in the United States Army, and that her health was impaired in consequence of her devotion.

Dr. Bond, late of Pennsylvania Cavalry Volunteers, certifies to her faithfulness and efficiency in Harewood Hospital, and that she is afflicted with chronic rheumatism, the result of her arduous labors as army nurse.

Dr. Dorsey, one of the surgeons at Harewood, certifies to his knowledge of her service from 1863 to 1866.

Mrs. Gould says, in her letter to the committee, that her husband and son entered the Army; they have never returned, nor has word ever come to her of or from them; so she realizes that they are numbered among the unknown dead.

She says she has recently been discrete.

dead.

She says she has recently been dismissed from the Government Printing Office, and refused restoration; that she is in extreme need, in consequence of which she has been compelled to seek relief from Congress.

The case needs no comment.

The bill is reported favorably with a recommendation that it do pass.

Mr. SAWYER. I wish to say a word in reference to that case for the parpossiof asking that the amendment be not adopted. When the bill came from the Senate and was referred to myself as a member of the committee, and when I examined it and presented my report, the question was asked whether she was not drawing a pension on the death of her husband. I hastily looked through the testimony furnished to the committee and was not satisfied, from the evidence presented, whether she was or was not; and for that reason the amendment was put in.

I have taken the pains—so has Senator HISCOCK, who introduced the bill-to inquire whether she is now drawing a pension. We have both become satisfied that she is not, and the only reason for asking that the amendment be not concurred in now is simply because it is so late in the session I am fearful that it will prevent the passage of the bill, as it would involve its going back to the Senate. I therefore hope that the amendment will be voted down.

Mr. MORRILL. It can be voted down.

The question was taken, and the amendment was disagreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## HARLAN E. KING.

Mr. SHIVELY called up the bill (H. R. 11430) to increase the pension of Harlan E. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Harlan E. King, late private in Company C. Thirty-six'h Regiment Illinois Volunteer Infantry, a pension of \$50 per month, in lieu of the pension which he is now receiving.

The report (by Mr. MATSON) was read, as follows:

The report (by Mr. MATSON) was read, as follows:

The elaimant is now pensioned at the rate of \$30 per month for gunshot wound of left thigh and resulting varieose veins. He filed application for increase, alleging that he was entitled to increase on account of gunshot wound of left thigh, which has resulted in producing varieose veins of the left thigh and leg and of the lower part of the abdomen, and that as a result of said wound his testicles have shrunken to about one-eighth their former and natural size, rendering him wholly impotent; that said varieose veins began to appear in 1809, and his testicles have been shrinking since 1867. Both said results have been increasing until the present condition has been reached.

Irvin J. Becknell, M. D., a medical graduate, testifies that he began treating claimant at the city hospital, Indianapolis, about April, 1873. After fully describing the case, he says:

"During the time (about fifteen years) of my almost constant observation and treatment of his case, have known him to suffer excruciating pain in leg, and have offen been called upon to give him anodynes internally or to apply morphine directly to the ulcer for the relief of pain. For weeks at a time said applicant has been unable to leave his room, requiring the services of an attendant. He is entirely unfit to do manual labor. Think his disability is liable to remain permanent in its present degree, or more likely to become worse. I would prefer having my leg amputated at the thigh to be in his condition. The matter of amputation has been repeatedly mentioned, and I have always given it as my opinion that he would not survive the operation. His entire system seems diseased, and it seems necessary for him to take remedies for the improvement of his blood nearly constantly."

William T. Fulton testifies that he has known applicant for seven years last past, and during that time has made his home and boarded at the same place with said claimant, and he knows from personal knowledge that said claimant has during

assistance of some one.

Enoch Rhorer testifies that he has been well acquainted with claimant about fourteen years, and during the last seven years claimant has resided with him all the time except one year, and during that time, every year thereof, at frequent intervals, claimant would be confined to his room for periods ranging from one week to ten weeks, during which time he had to see that his means were carried to him, and he required the aid and assistance of some one in his room all the time to dress and bathe his leg, give him medicine, and otherwise take care of him.

Isaac H. Hall, Alonzo Doty, and Jacob H. Martin, all neighbors who have been acquainted with claimant many years, testify substantially to the foregoing facts.

The claimant appeared before the medical board of the Pension Office and was examined September 13, 1888. The examination revealed about the condition above stated, but under existing laws no higher rating could be made than that under which the claimant is now pensioned.

From a careful consideration of the evidence the committee believe that the condition of claimant's disability is such as to warrant a higher rating than he now receives, and we therefore submit a favorable report and recommend that in line 6 strike out the word "fifty" and insert "forty-five," and when so amended that the bill do pass.

The amendment was agreed to: and the bill as amended was laid

The amendment was agreed to; and the bill as amended was laid

W. E.

aside to be reported to the House with the recommendation that it do

MARIA BRASTED.

Mr. SMITH, of Wisconsin, called up for consideration the bill (H. R. 6598) granting a pension to Maria Brasted.
The bill was read, as follows:

Bett enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Brasted, mother of Daniel W. Brasted, deceased, late private Company A, Thirty-fifth Regiment Wisconsin Volunteer Infantry

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6598) granting a pension to Maria Brasted, submit the following report:
The beneficary is the mother of Daniel W. Brasted, late a private in Company A, Thirty-fifth Regiment Wisconsin Volunteers, who enlisted February 15, 1884, and died August 12, 1864, at Earrack Hospital, New Orleans, La., from

15, 1834, and died August 12, 1854, at Earrack Hospital, New Orleans, La., from diarrhea.

The mother filed her claim for pension June 8, 1880, and the same was rejected December, 1885, on the ground of "non-dependence at son's death, in 1864, the avails of husband's labor and income from property being sufficient for maintenance." The son was never married. The claimant had three sons in the Army, two of whom are now dead, one son, Daniel, dying in the service and the other having since died.

The evidence on file in the Pension Office and additional evidence filed with this committee show to the satisfaction of the committee that the beneficiary is now a poor woman, with an invalid husband and largely dependent upon the charity of others for a livelihood. While there may have been some disagreement in the evidence as to the ability of her husband for the support of his family in 1864, when their son died, the evidence of the dependence and destitution of the claimant at the present time is clear and satisfactory, and the committee believe that this poor woman, who gave three sons to her country's service, two of whom are now dead, one dying in the service, now in her old age and poverty is justly entitled to the relief granted by this bill, and therefore recommend that the bill do pass.

ABBY J. SLOCUM.

Mr. SPOONER called up for consideration the bill (S. 169) granting an increase of pension to Abby J. Slocum.

The bill was laid aside to be reported to the House with the recom-

The bill was read, as follows:

mendation that it do pass.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Abby J. Sloeum, widow of John S. Sloeum, late colonel of the Second Ehode Island Volunteer Infantry, on the pension-roll at the rate of \$50 per month, in lieu of the rate of pension she now receives.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 169) granting an increase of pension to Abby J. Slocum, respectfully report:

That your committee adopt the Senate report upon said bill, which is as fol-

"[Senate Report No. 163, Fiftieth Congress, first session.]

"[Senate Report No. 163, Fiftlieth Congress, first session.]
"The Committee on Pensions, to whom was referred a bill granting an increase of pension to Abby J. Slocum, have examined the same, and report:
"John S. Slocum served with much credit in the volunteer service during the Mexican war; that in April, 1861, he was appointed colonel of the Second Rhode Island Volunteers, took an active and conspicuous part in the first engagement at Bull Run, and was mortally wounded while gallantly leading his regiment in that battle. His conduct on this occasion was warmly commended by his associates and superior officers, and he would have undoubtedly been promoted to a general command if he had survived the battle. His widow, who is now in needy circumstances, having two children and an aged mother dependent upon her for support, was the daughter of Hon. Charles T. James, formerly a Senator of the United States from Rhode Island. A bill of the same tenor passed the Senate in the first session Forty-eighth Congress, and again in the Forty-minth Congress. She is now receiving a colonel's pension under the general law, and your committee recommend that it be increased to \$50, and recommend the passage of the bill."

ommend the passage of the bill."

Your committee believe that good reason exists in this exceptional case for a departure from their ordinary rule.

The gallant husband of the pensioner earned the promotion, which was prevented only by his death, upon the field of battle, in the desperate engagement with the enemy, where he received the fatal wound which speedily terminated his life.

He was an exceptionally brilliant officer, esteemed, admired, and beloved, not only by his comrades, but by the people of his State, many of whom, including citizens of the highest character and influence in both private and official life, have urged the action proposed by the bill for the relief of his needy widow and family.

Your committee recommend the passage of the bill.

Mr. CHEADLE. I will state to the gentleman that I am perfectly willing for that bill to go over to a full House. If that is not accepta-

ble I shall call a quorum.

Mr. SPOONER. Mr. Chairman, it seems to me that this is an exceptional case in which no member would use such methods to forbid the House any opportunity to consider the bill, for that is practically, I think, what the suggestion of the gentleman means. The husband of the widow for whom this bill proposes to provide served with great gallantry in the Mexican war, and upon the breaking out of the late war of the rebellion he was appointed to the colonelcy of our Second Rhode Island Regiment, the first three-year regiment from my State which went into the war. He distinguished himself at the battle of Bull Run, and was mortally wounded upon that battle-field in the gallant discharge of his duty at the head of his regiment.

His widow is the daughter of Mr. James, who was formerly a Senator from the State of Rhode Island in the United States Senate. By misfortune in business he was himself impoverished before his death. Not only her aged mother, the widow of the Senator, but the two

daughters of Colonel Slocum are dependent upon the widow for their support. She is in extremely needy circumstances, as has been stated in the report which has been read. This matter has been called to my attention in the most earnest manner by many of the most prominent citizens of my own State, including the governor of the State; and, as the urgency and propriety of this legislation has been so earnestly called to my attention, I desire to call the attention of the House to

it as strongly as circumstances and necessary brevity will permit.

Mr. MACDONALD. I would suggest to the gentleman from Rhode
Island that in view of the fact that the gentleman from Indiana says he will call a quorum on this bill it is merely taking time for him to

go on with it.

Mr. SPOONER. I think there are about as large a number of members present as are usually engaged in enacting the most important legislation.

Mr. MACDONALD. But he does it to be consistent.
Mr. SPOONER (to Mr. CHEADLE). Does the gentleman insist upon

calling a quorum?

Mr. CHEADLE. I do.

Mr. SPOONER. If I can do nothing better, I ask that the bill be laid aside with a favorable report, the previous question considered ordered, and that a vote be taken on the bill in a full House on Friday

Mr. FELTON. I understood the gentleman from Indiana to say that he had no objection to this matter being placed before the House. Now, it strikes me that this is the first stage necessary to that proceeding—that this bill should first be passed in committee to-night to be considered by the House, and then the gentleman's wish will be accomplished and it can be decided by a full House. If I understand the gentleman aright, he has no objection to the bill being passed in the committee, to be laid aside for consideration by a full House.

Mr. CHEADLE. Not at all.

Mr. SPOONER. With the previous question ordered?

The CHAIRMAN. If there be no objection, that order will be made. There was no objection, and it was so ordered.

ALEXANDER M. BOATRIGHT.

Mr. STEWART, of Texas (when his name was reached). I call up the bill (H. R. 11741) granting a pension to Alexander M. Boatright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-rolls the name of Alexander M. Boatright, late of Captain Houston's company, Colonel Sanford's volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11741) granting a pension to Alexander M. Boatright, have considered the same, and report as follows:

The claimant served in Capt. A. M. Houston's company, Colonel Sanford's regiment Illinois volunteers, in the Black Hawk war of 1832, and was honorably discharged therefrom.

He is now seventy-nine years of age, with no property of any kind, and physically unable to perform any manual labor. These facts are well shown by the testimony before your committee. The claimant alleges that he was wounded during his service, but he is unable at this late date to find comrades by whom he can establish his claim.

Your committee are of the opinion that this aged veteran should be granted a pension, and therefore recommend the passage of the bill, amended by striking out the words "subject to the provisions and limitations of the pension laws." and inserting in lieu thereof the words "Illinois militia, and pay him a pension of \$20 per month."

The amendment recommended by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DORCUS ALFORD.

Mr. STEWART, of Georgia (when his name was reached). I call up the bill (H. R. 10474) granting a pension to Dorcus Alford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Doreus Alford, of Fulton County, Georgia, widow of James Alford, a third lieutenant in the Creek Indian war of

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10474) granting a pension to Doreus Alford, have considered the same, and report as follows:

The husband of the claimant, James Alford, was an ensign in Capt. Young Mann's company of Georgia infantry, in the Indian war of 1836, and was honorably discharged therefrom.

The claimant is now seventy-five years of age, without property of any kind, and in very needy circumstances. These facts are shown by the testimony of reliable neighbors, and by the postmaster of the town in which she resides.

Your committee are of the opinion that she should be granted a service pension, and therefore report back the bill to the House recommending its passage. Amend, however, by striking out the words "third lieutenant," in line 7, and inserting the word "ensign" in their place.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN Y. HOOPER.

Mr. STOCKDALE (when his name was reached). I call up the bill (H. R. 10639) granting a pension to John Y. Hooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Y. Hooper, late of Company F, First Regiment Nebraska Volunteer Cavalry, and who is now an inma e of the hospital for the insane at St. Peter, in the State of Minnesota, and that the pension allowed him be paid to his legally constituted guardian.

The report (by Mr. MORRILL) was read, as follows:

that the pension allowed him be paid to his legally constituted guardian.

The report (by Mr. Morrill) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10639) granting a pension to John Y. Hooper, have had the same under consideration, and beg leave to submit the following report:

John Y. Hooper enlisted as musician of Company F. First Regiment Nebraska Cavalry, June 24, 1861; was promoted to chief bugler, and mustered out of service August 10, 1864. He applied for pension November 16, 1872, on account of scrotal hernia, incurred in the winter of 1864, while on a forced night march in Arkansas, by being thrown upon the pommel of his saddle by the sudden stopping of his horse.

The claim has been rejected by the Pension Bureau because of the insufficiency of the evidence to connect the disability with the service. It is true that there is no direct evidence as to the origin of the disability; but there is, in the opinion of your committee, sufficient evidence to show that the claimant was sound at enlistment, and that at the date of discharge he was suffering from the disability for which he claims pension.

James B. Sly, late lieutenant of Company M, First Minnesota Heavy Artillery, testifies to a long and intimate acquaintance with the glaimant prior to the service, which acquaintance was kept up during the war by cerrespondence. Affant received a letter from the claimant in the early spring of 1884, in which he stated that he had hurt himself by being thrown on the pommel of his saddle, but that he should stick to his duty, and hoped it would come out all right. Upon affant's return from the service he found the claimant under the care of Dr. Pashley, now deceased, for serotal hernia.

Friend J. Whitlock, also a reputable citizen, testifies to claimant's prior soundness and the injury in the service, of which claimant advised him during their continuous correspondence. Met soldier upon his return home in August, 1884, and found him suffering from hernia. Used a s

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### STEPHEN WILLIAMS.

Mr. STONE, of Kentucky (when his name was reached). I call up the bill (H. R. 11586) for the relief of Stephen Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Stephen Williams, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1586) for the relief of Stephen Williams, have considered the same, and now re-

The claimant was a private in Company E, Fourteenth Illinois Cavalry. In declaration plea, April 28, 1881, he alleges that while at Nicholasville, Ky., in October, 1884, received injury to head by a blow from a gunstock. The claim was rejected upon the ground that the alleged injury to head was not incurred while in line of duty, having been received in a personal quarrel. The evidence is sufficient to establish the fact that claimant received the blow on his head from a comrade, the only question being as to whether he was in line of duty at the time the accident occurred. The committee are inclined to give the claimant the benefit of the doubt, and therefore submit a favorable report and recommend the passage of the bill, with the following amendment: In line 5, after the word "Williams," insert of "Company E, Fourteenth Illinois Cavalry."

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## ELIZABETH MYERS.

Mr. STONE, of Missouri (when his name was reached). I call up the bill (H. R. 424) granting a pension to Elizabeth Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Myers, of Appleton City, St. Clair County, Mo., widow of John H. Myers, deceased, late private in Company F, of the Sixtieth Regiment of Missouri Enrolled Militia; and she shall be paid from and after the passage of this act at the rate of \$12 per month.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 424, ave had the same under consideration, and beg leave to submit the following

report:
Elizabeth Myers, the proposed beneficiary in the bill, is the widow of John H. Myers, who served as private of Company F, Sixtieth Regiment Enrolled Missouri Militia, and who died of wounds received in action with the enemy in Eates County, Missouri, April 3, 1863, while holding the rank of first sergeant of

Bates County, Missouri, April 3, 1863, while holding the rank of first sergeant of said company.

The widow did not apply for pension until December 30, 1881, at which time the claims on account of service in the militia organizations were no longer admissible under the provisions of paragraph 3, section 4693, Revised Statutes.

The services and death of the soldier under the circumstances above set forth are clearly established by the records of the Third Auditor of the Treasury Department in the settlement with the State of Missouri, relimbursing the same for expenses incurred in the organization of the militia during the late war.

The case under consideration comes within the well-established rules of the House regarding the pension claims of militiamen and their dependents, now barred under the general laws, and the proof of the death of the soldier, as well as the continuous widowhood of the applicant, being conclusive, your committee return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation of the same and the proof of the death of the soldier, as well as the continuous widowhood of the applicant, being conclusive, your committee return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### J. D. HAWORTH.

Mr. STRUBLE (when his name was reached). I call up the bill (S. 3435) granting a pension to J. D. Haworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. D. Haworth, late a member of Company H, Thirty-third Regiment of Iowa Volunteer Infantry, and who was transferred on account of disability to Company H, Twenty-first Veteran Re-

The report (by Mr. SPOONER) was read, as follows:

The report (by Mr. Spooner) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S 3435) granting a pension to J. D. Haworth, respectfully report:

That the claimant, James D. Haworth, was a member of Company H. Thirty-third Regiment of Iowa Infantry, and was transferred, on account of disability, to the Veteran Reserve Corps. In his declaration for pension, filed February 20, 1879, the claimant alleges complete loss of right eye and injury to the left. The Pension Bureau rejected his claim on the ground that his eyes were defective before enlistment.

The applicant, in nearly a blind condition, appeals again to Congress. He claims that while on the Yazoo Pass expedition, from exposure and a nervous affection caused by an attack of fever, his eyes became affected, from which he experienced loss of right and impairment of left. He was treated in hospitals at St. Louis and Little Rock. Hospital records corroborate this, but do not mention the disease for which he was treated.

The captain of his company testifies that he was sent to hospital on account of disease of eyes and never returned to duty, and a comrade gives similar and stronger evidence.

The surgeon of his regiment treated him for blindness of right eye and weakness of left, for which he sent him to hospital. The board of medical examiners at Fairfield, Iowa, report total blindness of right eye from disease of optic nerve; that his disability is equal to the loss of a hand or foot.

In the opinion of the committee the decision of the Pension Office is not justified by the facts. It is based upon confidential correspondence and special examinations, from which it is clear that the adverse evidence is inspired by personal enmity, the existence of which is clearly brought out in the investigation.

Members of the claimant's family have testified to impairment of vision when he was a child, but they only tell what they thought at the time, without substantiating their statements by expressions of positive knowledge. The

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### WILLIAM LOGAN.

Mr. SYMES (when his name was reached). I call up the bill (H. R. 8801) granting a pension to William Logan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Logan, late a teamster in the Quartermaster's Department, United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The report (by Mr. Thompson, of California) was read, as follows:

pension to which a private soldier would be entitled for like disabilities.

The report (by Mr. THOMPSON, of California) was read, as follows:
The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8801) granting a pension to William Logan, have had the same under consideration, and beg leave to submit the following report:
William Logan enlisted in Company F. Eighteenth Regiment, United States Infantry, and served faithfully until discharged.
He subsequently entered the civil service of the United States as teamster at Fort Lewis, Colo. While thus employed and asleep in his quarters at said fort on the night of December 23, 1882 he was severely weunded by a ball from a rifle in the hands of the corporal of the guard, who was shooting at a dog, the ball penetrating an inch pine board, striking claimant's right heel and left foot, seriously injuring the same, and necessitating two amputations.
Claimant in support of his application to Congress for special-act pension, filed through his attorney, Allen Rutherford, of this city, the testimony of the quartermaster, Lieutenant Campbell, by whom employed, of the officer of the day on the night of the injury, Lieutenant Kerr, Twenty-second Infantry, and of two soldiers of the same command, who were on guard duty on that night, all fully corroborating the claimant's allegations as to the circumstances under which he was wounded. He also filed a recommendation to Congress for pension, signed by all of the officers of the post. These papers were placed in the hands of the member having charge of the bill in the Forty-ninth Congress, but have been lost or misplaced, and can not now be found. Their purport, however, is shown by the brief of the case now in the hands of the attorney, as appears from his certificate on file with your committee.

Since the introduction of the bill under consideration, claimant has procured the affidayit of Charles Boss and Samuel Lowden, late members of Company H, Twenty-second United States Infantry, and now immates of the S

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## ANNIE BALSER.

Mr. TARSNEY (when his name was reached). I call up the bill (H. R. 11924) granting a pension to Annie Balser. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, at \$1S per month, the name of Annie Balser, the helpless and invalid daughter of William Balser, late a member of Company F. Nineteenth Wisconsin Infantry, subject to the provisions and limitations of the pension laws, and pay the same to her legally constituted guardian.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11924) granting a pension to Annie Balser, submit the following report:

The beneficiary under this act is the idiotic daughter of William Balser, late a member of Company F, Nineteenth Wisconsin Infantry. She received a pension on account of the death of her father until she was sixteen years of age. She is now utterly destitute and totally unable to do anything for her own support, requiring the constant care of others. In addition to being an imbecile she has been a cripple from birth. No pension is now paid on account of the death of the soldier. Congress has in many similar cases afforded relief by special act, and your committee report the bill back with the recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. JOSEPH D. TAYLOR (when his name was called). I call up the bill (H. R. 10301) for the relief of Emily Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Emily Cross, mother of Robert S. Cross, late private of Company F, Thirtieth Regiment Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10301) for the relief of Emily Cross, have considered the same, and beg leave to

That the claimant is the widow of Rev. David Cross, who died on the 24th of

report:

That the claimant is the widow of Rev. David Cross, who died on the 24th of March, 1888, leaving no estate except a promissory note calling for \$100, which will not be due for three years, and a small house and lot which was purchased for \$450, on which there is a mortgage for the purchase-money of \$275, with interest on the same from 1866, which the deceased had been unable to pay on account of his having no income or means of support sufficient to enable him to pay any part of the interest, his family having been to some extent aided by charity during the last years of his life.

The said claimant and the said Rev. David Cross, her deceased husband, had three sons who enlisted early in the war, and two of them before they were of age, only one of whom lived to return, one having been shot and another having died in the hospital, and the one who returned has always been in such poor health that he was unable to render any assistance to his father or mother. The father and sons were devoted patriots, and although the father was a minister and had been preaching over thirty years he took a superannuated relation in order to let his sons enter the Army, and while two sons laid down their lives in their country's defense the third only came home with an honorable discharge after the war had fully closed.

The sons who were in the service were unmarried and were the only means of support the father and mother had, except the small salary which the father had as a Methodist minister, and this he gave up when his sons entered the Army. That the only means of support that the mother of those sons now has is the pittance which the church and the neighbors give her. The little home which her husband lett is so encumbered with a mortgage that she has given up the idea of redeeming it. No pension was ever paid to any one on account of the services of said three sons. In the opinion of the committee the claimant is an object of charity and benevolence, and deserves to be pensioned on account of her sons, who gave

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## NANCY HAMILTON.

Mr. THOMAS, of Kentucky (when his name was reached). up the bill (H. R. 10882) granting a pension to Nancy Hamilton. The bill was read, as follows:

Be il enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Nancy Hamilton, widow of David Hamilton, late of Company K, Fourteenth Regiment of Kentucky Vol-

The report (by Mr. HUNTER) was read, as follows:

This claimant was granted pension by certificate No. 115720, at the rate of \$8 per month, commencing February 6, 1867, the date of the death of the soldier, and in 1877 the claim was investigated by an agent of the Pension Office, under the exparte system of investigation, and the name of the pensioner dropped from the rolls, to take effect September 4, 1877, the date of last payment of pension, on evidence adduced by the special agent tending to show that the cause of death of the soldier was not the result of his military service.

An application for restoration of the pension was made, in which the claimant alleged that the disease, inflammatory rheumatism, which was incurred in the service, continued to the time of his death and was the cause thereof, and in corroboration of her allegation she furnished the testimony of the attending physician (Dr. James N. Draper), showing that at time of the soldier's discharge from the service he was suffering from inflammatory rheumatism of the left ankle of a severe and obstinate character, and that the leg suppurated, becoming a running ulcer, until mortification set in.

On January 2, 1866, the affiant amputated the limb, which healed, and the patient was doing very well until January, 1867, when he was taken with strangury; the bladder was in a state of mortification, resulting in death February 6, 1867. The remote cause of death was the amputation of the leg, and the immediate cause from the enlargement of the neck of the bladder from disease of the leg, the result of inflammatory rheumatism.

It is shown by medical testimony that the soldier was sound and healthy at the date of enlistment, and it is shown beyond peradventure that inflammatory rheumatism was contracted in the service and in the line of duty.

The claim for restoration was rejected by the Pension Office on the ground that the cause of death was not chargeable to the military service.

The records show that the soldier entered the service December 10, 1861, and served faithfully until September 15, 1

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MARINDA WAKEFIELD REED.

Mr. THOMPSON, of Ohio. I call up the bill (H. R. 10791) granting pension to Marinda Wakefield Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marinda Wakefield Reed, widow of William Alexander Reed, deceased, late of Company D, Ninety-first Regiment of Ohio Volunteer Infantry, war of 1861.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Marinda Wakefield Reed is the widow of William Alexander Reed, deceased, who was a sergeant of Company D, Ninety-first Regiment of Ohio Volunteer Infantry, in the war of 1861. Said soldier enlisted July 31, 1862; was mustered out June 24, 1865, and died September 14, 1876. He died of consumption. The widow applied for a pension November 18, 1876, and her application was rejected "on the ground that there is no evidence on file to connect the fatal disease with the service." The records of the Surgeon-General's Office show that he was admitted to the general hospital at Gallipolis, Ohio, July 2, 1864, for treatment for chronic diarrhea, and returned to duty September 22, 1864, and was afterwards admitted to Augur General Hospital, Alexandria, Va., for treatment for intermittent fever October 5, 1864. These diseases were the result of exposure and hardships during the "Lynchburgh raid" in June, 1864.

While in hospital at Alexandria, Va., he was permitted to go home on furlough to vote at the Presidential election in November, 1864, and on his return was readmitted to the bospital January 18, 1865. While on his way home, traveling by the Baltimore and Ohio Railroad, while descending Cheat Mountain, West Virginia, on the 5th day of November, 1864, the train of cars in which he was riding was thrown from the track, and he was severely injured in the right shoulder and side, and it is clearly shown by the evidence that the disease or which he died resulted from this injury. Indeed, no question was made about the cause of death, but the adverse decision of the Pension Office was put solely upon the general law the claimant would have been entitled to a pension if the soldier had been on sick-leave at the time of the injury; and when we consider had been on of the consense of the purpose of the self-card that the time he was furloughed he was in the hospital sick, and had been sick for some time, owing to exposure and hardships to which he was subjected whil

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MRS. SUE B. JOHNSON.

Mr. WHEELER (when Mr. TRACEY's name was called). I ask unanimous consent that the gentleman from New York [Mr. TRACEY] be allowed to call up his bill when my name shall be called, and that I be permitted now to call up a bill.

The CHAIRMAN. If there be no objection that arrangement will be made.

There was no objection.

Mr. WHEELER. I call up the bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. Sue B. Johnson, widow of Gilbert M. L. Johnson, late colonel of the Thirteenth Regiment of Indiana Cavalry and brigadier-general by brevet, to the sum of \$50 per month.

The report (by Mr. HUNTER) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3864) to increase the pension of Sue B. Johnson, have had the same under consideration, and adopt the Senate report hereto attached, and amend the bill by striking out the word "fifty" after the word "of" in seventh line, and inserting in lieu thereof "thirty."

[Senate Report No. 2461, Fiftieth Congress, second session.]

[Senate Report No. 2461, Fiftieth Congress, second session.]

The Committee on Pensions, to whom was referred the bill to increase the pension of Mrs. Sue B. Johnson, have examined the same, and report:

That all the facts and considerations bearing upon or affecting the case of the claimant have been fully set forth in the report of the committee of the House of Representatives on Invalid Pensions, which the committee adopt and make part of this report. The report is as follows:

"They find that the late husband of the beneficiary of the proposed bill, Byt. Brig. Gen. G. M. L. Johnson, was mustered into the military service of the United States on or about the 5th day of October, 1861, as first lieutenant of Company D, Second Regiment of Indiana Volunteer Cavalry, was subsequently promoted to the captaincy of said company, lieutenant-colonel of the Eleventh Regiment Indiana Cavalry, and colonel of the Thirteenth Regiment Indiana Cavalry, and colonel of the Thirteenth Regiment Indiana Cavalry, in all of which positions he was conspicuous for intelligence, zeal, and bravery.

"The committee further find that on the 21st of August, 1862, while serving as captain of his company, the said G. M. L. Johnson had his horse shot in action with the enemy; that his horse fell upon him, whereby Captain Johnson received internal injury of the lower part of the trunk, resulting immediately in inflammation and disease of the bowels and kidneys, and hernia in the left groin, necessitating the constituting a valid title to discharge from the service, being promoted to the grades before mentioned, and was finally made brigadier-general by brevet, upon the recommendations of Generals Slocum and Thomas, the last named stating in his recommendation:

"I have known him personally for a long time and in the several grades of a commissioned officer, from a line to a field officer, which latter position by his zealous discharge of duty he honorably earned, and I can speak of him as a most excellent, intelligent, and brave officer. His

and intensified by continued active service, Brevet Brigadier-General Johnson found himself positively and permanently incapacitated for the exertion necessary to provide for himself and family, he applied for a pension, setting forth his claim in an affidavit which the committee desire to incorporate with and make part of this report:

"STATE OF ALABAMA, County of Madison, ss:

"STATE OF ALABAMA, County of Madison, ss:

"On this 28th day of January, A. D. 1870, personally appeared before me, Lewis M. Douglass, a duly authorized officer of a court of record within and for the county and State aforesaid, Gilbert M. L. Johnson, who, being duly sworn according to law, declares that he is the identical Gilbert M. L. Johnson who was mustered in the service of the United States, under the same name, at Indianapolis, Ind., on or about the 5th day of October, 1861, with the rank of first lieutenant Company D, Second Regiment Indiana Volunteer Cavalry, in the war of 1861; that he was promoted to the rank of captain in said company and regiment on or about the 3th day of March, 1882; and afterwards, to wit, on or about the 5th day of March, 1884, lieutenant-colonel of the Eleventh Regiment Indiana Volunteer Cavalry; and afterward, to wit, on or about the 20th day of April, 1884, to the rank of colonel of the Thirteenth Regiment Indiana Volunteer Cavalry; and afterward, to wit, on the 9th day of April, 1886, was promoted to the rank of brigadier-general by brevet, 'to rank as such from the 13th day of March, 1865, for gallant and meritorious services during the war."

"He was mustered out of the service of the United States at Vicksburg, Miss., on the 18th day of November, 1885; that his personal description is as follows: Age, thirty-two years; height, 6 feet 14 inches; complexion, fair, hair light, eyes blue; that while in the service aforesaid, and in the line of his duty, he received the following injuries at the battle of Gallatin, Tenn., on the 21st day of August, 1862, to wit: By the fall of his horse, which was shot, he received internal injury of the lower part of the trunk, resulting immediately in inflammation and disease of the bowels and kidneys, and hernia in the left groin, which has compelled him to wear a truss almost ever since. He was admitted to the United States hospital in Nashville, where he was treated for this disability. He never entirely recovered from the injuries so r

"Declarant further swears that until recently he has had sufficient means of support, but is now wholly without means of any kind whereon to support himself and family, consisting of a wife and one child, and is forced to rely upon friends for the common needs of life. He was a resident of Cincinnati, Ohio, since the close of the war, engaged in business as a tobacco commission merchant. He is now residing in Huntsville, Ala.

"GILBERT. M. L. JOHNSON.

"Also personally appeared De Witt C. Rugg and A. L. Wilkinson, both residing in Huntsville, State of Alabama, persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say: They were present and saw Gilbert M. L. Johnson, the claimant to the foregoing declaration; that they have every reason to believe from the appearance of said claimant and their acquaintance with him that he is the identical person he represents himself to be, and they have no interest whatever in this claim.

"DE WITT C. RUGG.

"A. L. WILKINSON.

"Subscribed and sworn to before me this 29th day of January, 1870, and I certify that the contents of the foregoing declaration were fully made known and explained to the applicant before swearing, and that I have no interest, direct or indirect, in the prosecution of this claim.

"[SEAL.]

LEWIS M. DOUGLASS

"The committee find further that General M. L. Johnson died from the effect of the injury received in August, 1862, on the 9th day of January, 1871, and his widow was allowed a pension of \$20 per month, and subsequently applied for an increase of the pension because of her own personal affliction and necessity, as set forth in the medical certificate of her physician, which the committee beg to incorporate with and make part part of this report:

"HUNTSVILLE, ALA., June 8, 1888.

"Huntsville, Ala., June 8, 1888.

"I hereby certify that I have known Mrs, Sue B., Johnson and her daughter, Belle B. Johnson, both from their infancy; that both are in poor health, the former having weak lungs of years' standing, with great impairment of sight and hearing. One eye is almost totally blind, and the vision of the other is very imperfect from myopia, which has existed from early childhood. Her hearing is also very defective, necessitating a near approach to her with loud talking in order for her to understand. Some nine years since she sustained a severe fall, which disabled her for five or six months, and more recently, about a year or more ago, she was thrown from a horse and was again severely injured for some time. The daughter, Belle B., is a very frail, delicate young lady, and has organic disease of the heart, which is strongly exhibited upon the slightest exertion. This trouble has existed from early infancy, and for a number of years past I have looked for her to die under one of her severe palpitations. Both are in feeble, delicate health.

"A. R. ERSMAN, M. D.

"A. R. ERSMAN, M. D.

"This application for increase of pension was disallowed by the Commissioner of Pensions upon the ground that she was receiving the full pension allowed by the law to her husband as captain, the grade he filled at the time he was in-

by the law to her husband as captain, the grade at the continued.

"In view of the fact that General Johnson continued in active service after incurring the injury in 1862, and that his efforts in the service of the Government undoubtedly aggravated his affliction, increased his disability, and hastened his death, the committee are fully satisfied that the pension now paid his widow for the disability incurred by her late husband in the grade of captain is less than the rate of pension to which she is equitably entitled, and that the strict construction of the law which, very properly, governs the administration of the Pension Bureau, forbids the allowance of her claim for an increase of pension, it is eminently proper that Con-ress should intervene to secure her the increased pension to which she is equitably entitled.

"The committee therefore report the bill back with the recommendation that it do pass."

it do pass."

After full consideration of all the facts bearing upon the application of the After full consideration of all the facts bearing upon the application of the widow of this gallant soldier for an increase of pension, the committee is convinced that the claim is meritorious, and that it is one of the numerous instances in which the action of the National Legislature may properly interpose to insure to the claimant the benefits and advantages of the bounty of the Government, of which she is deprived by the rigid application of the pension laws by the Commissioner of Pensions.

The committee therefore report the bill back with the recommendation that

it do pass

Mr. WHEELER (before the reading of the report was concluded) This report is very long. This bill as passed by the Senate granted

this lady a pension of \$50 a month. It has been reported by the committee of this House with an amendment reducing the amount to \$30 a month. She is the widow of a general. I ask that the further reading of the report be dispensed with.

MEMBER. Do you propose to make the pension \$50 a month? Mr. WHEELER. No; I ask that the bill be passed with the amendment recommended by the committee.

The CHAIRMAN. If there be no objection, the further reading of the report will be dispensed with.

There was no objection.

The amendment recommended by the committee, to strike out "\$50 per month" and insert "\$30 per month," was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## DANIEL M. MAULDING.

Mr. TOWNSHEND. I ask the consideration of the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Maulding, late captain of Company H, Sixth Illinois Cavalry, at an increased rate per month.

The report (by Mr. LANE) was read, as follows:

The report (by Mr. Lane) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R.717) granting an increase of pension to Daniel M. Maulding, late captain of Company H, Sixth Illinois Cavalry, submit the following report:

It appears that about October 15, 1884, Captain Maulding, while in pursuit of the enemy, near Waynesburgh, Tenn., was thrown from his horse, his foot catching in the stirrup and dragging him some distance, from which hurt resulted hernis or rupture of the right side.

The claimant is now drawing \$20 per month, but as his disability is "total," from the testimony of all the examining boards, and his hernia is not reducible, as shown by the testimony from not only the medical boards but from several other reputable physicians, the committee believe the increase should be granted. While the evidence is not all clear that the hernia is complicated, Dr. M. C. Dale, a reputable physician and surgeon of Hamilton County, Illinois, swears that the hernia is complicated, and he is corroborated in this by Dr. V. S. Benson, of McLeansborough, Ill. These physicians both testify that Captain Maulding's disability is equal to the loss of a hand or foot.

Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## EDWIN W. WARNER.

Mr. TURNER, of Kansas. I call up the bill (S. 3561) granting a pension to Edwin W. Warner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edwin W. Warner, late of Company A. Thirteenth Regiment Michigan Volunteer Infantry, and to pay him at the rate of \$30 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3561) granting a pension to Edwin W. Warner, submit the following report:

The report of the Senate Committee on Pensions sets forth fully and clearly the facts in this case, and is therefore adopted, and the passage of the bill recom-

[Senate Report No. 2276; Fiftieth Congress, first session.]

[Senate Report No. 2276, Fiftieth Congress, first session.]

Edwin W. Warner was a private in Company A, Thirteenth Agiment Michigan Infantry. He enlisted December 6, 1861; was discharged for disability September 20, 1862; made application for pension August 6, 1867. The Commissioner of Pensions' letter of transmission says:

"Said claim was rejected July 6, 1883, upon the ground that there is no competent evidence to show that disease of spine was contracted in the service and line of duty; that there is no record or competent evidence to show that disease of eyes was contracted in the service, and that insanity developed since discharge, and is believed to be a result of spinal disease."

There is competent and amply sufficient proof in the first and most important place to show that he was sound when he entered the service.

The report of the Adjutant-General says:

"Edwin W. Warner, late of Company A, Thirteenth Michigan Volunteers, was enlisted in the Veteran Reserve Corps June 18, 1863, at Milwaukee, Wis., for three years. Disability when enlisted 'spinal irritation contracted while in the service."

This is record and competent testimony, positively contradicting the Pension

was enlisted in the Veteran Reserve Corps June 18, 1863, at Milwaukee, Wis., for three years. Disability when enlisted 'spinal irritation contracted while in the service.'"

This is record and competent testimony, positively contradicting the Pension Office assertion that "there is no competent testimony to show that disease of spine was contracted in the service and line of duty." Therefore if the record is true—and it is so accepted by the committee—and the insanity is the result of the spinal disease, as the Commissioner in his letter declares, then the committee is justified in the unqualified conclusion that spinal disease was incurred in the service and line of duty, and that his present hopeless condition of insanity is a result of spinal disease, and that both are due to his soldier life. Barnard Vosburg was the captain of this soldier's company. He is a respectable resident of Kalamazoo, Mich., and testifies that Warner was a sound, healthy man at time of enlistment and muster-in.

Henry E. Giddings, first sergeant of the company, swears:

"That on or about the 1st of March to the 20th of April, 1862, they were pushing through Kentucky and Tennessee; that at and after the battle of Shiloh they were without tents or blankets for about two weeks, during which time it rained nearly or quite every day and night, and the said Edwin W. Warner contracted the disease mentioned in his discharge."

Hyland Raymond and other old and respectable residents of Racine, Wis., testify to their knowledge of him before and since the war, to his prior good health, and to the progress of his disabilities during more than twenty years.

Dr. Teegarten, one of the oldest and most respected elitizes of Racine, testifies to his acquaintance with the soldier since 1856; to his prior soundness; to his complete breaking down since his discharge; to his having spinal disease, impaired vision, catarrh, and spinal affection. He says:

"Dr. Welcott, United States surgeon at Milwaukee, told me he had treated him for spinal disease soon

was sent to the insane asylum, and adds that since he left the service he has been permanently unfit and unable to support himself.

Dr. Garlock testifies to having treated him; knew of his suffering from spinal irritation, dyspepsia, and sleeplessness. His mental condition was the most

irritation, dyspepsia, and sleeplessness. His mental condition was the most serious.

This case has been under consideration in the Pension Office since August, 1867—over twenty years. A large amount of testimony has been filed, all of which is from reputable citizens of Racine, Wis., and all of which is conclusive as to the merits of the claim. Eight special examinations have been made, none of which have been productive of benefit or injury to the claim. One of the special examiners in his report says:

"Public sentiment in Racine is entirely favorable to the claim, and no one raises a voice against it in any way. For my part I have not the slightest doubt that it is meritorious. There has been some effort to injure the claim by charges of immoral practices on the part of the soldier, but they are mere hear-say scandal without foundation."

The difficulty in the way of arriving at a favorable decision by the Pension Office seems to be the short interval between the soldier's discharge and his enlistment in the Veteran Reserve Corps. In the opinion of the committee the resulting and progressive disabilities are clearly proven from the time of discharge to the development of mental irresponsibility. The record evidence of the War Department identifies "spinal irritation contracted in the service." The Pension Office declares that "insanity developed since discharge, and is believed to be a result of spinal disease." The war record is correct, the Pension Office is correct, and the case is proved.

There can be no question as to the merits of this case, accepting the abundant testimony of numerous reputable witnesses and the authority of the War Department and the Commissioner of Pensions.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### LEONARD SCHAEFER.

Mr. VANCE. I ask the consideration of the bill (H. R. 12006) granting a pension to Leonard Schaefer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provision and limitations of the pension laws, the name of Leonard Schaefer, late a private in Company C, Twenty-fifth Regiment Connecticut Infantry Volunteers, at the rate of \$10 per month, for rheumatism and gunshot wound of abdomen, in lieu of the pension he is now receiving, to commence from the passage of this act.

The report (by Mr. FRENCH) was read, as follows:

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12006) granting a pension to Leonard Schaefer, have had the same under consideration, and beg leave to submit the following report:

Leonard Schaefer is now a pensioner at the rate of \$i per month for gunshot wound of abdomen. He also claims pension for rheumatism, alleged to have been contracted while under treatment for the wound at University Hospital, New Orleans, La., from April 17 to July 25, 1863. He was discharged from the service August 26, 1863. This claim has been rejected by the Pension Burcau on the ground that there is no record or any other evidence of rheumatism in the service. While this is true, yet there is an abundance of testimony showing that the soldier at the time of his discharge and ever since has been a sufferer from rheumatism, and medical examination by the Springfield (Mass.) board shows its present existence. From the evidence in the case it appears that the disability from rheumatism was particularly severe immediately after discharge, claimant being then confined for some time to his bed by reason of said disease.

ease.

After a careful examination of all the evidence in the case, your committee are of opinion that pensioner should be rated for rheumatism as well as for the wound of abdomen, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out all after the word "volunteer" in line 7, and insert therein instead the words "and pay him a pension for rheumatism, in addition to the pension now received for wound of abdomen;" also amend the title of the bill by inserting, after the word "granting," the words "an increase of;" so as to read: "granting an increase of pension to Leonard Schaefer."

The amendments recommended by the committee in the concluding paragraph of the report were read and agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## FLORENCE COURTNEY COCHNOWER.

Mr. OWEN (when Mr. VANDEVER'S name was called). The gentleman from California [Mr. VANDEVER] is ill to-night and unable to be here. He asked me to request that the House indulge him by permitting me to call up a bill for him in his absence.

Mr. DOCKERY. I hope that will be done. Members all know that

the gentleman from California is not in robust health and is unable to attend evening sessions.

Several MEMBERS. That is right.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill (S. 1459) granting a pension to Florence Courtney Cochnower.

The bill was read, as follows:

Bett enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Florence Courtney Cochnower, at the rate of \$12 per month, for services in the field and as a nurse during the war of the rebellion.

Mr. FINLEY. Mr. Chairman, how does this bill come up?
The CHAIRMAN. It has been called up by unanimous consent for the gentleman from California [Mr. VANDEVER].

Mr. FINLEY. I did not understand the Chair as putting the request for unanimous consent, although I was listening. This is precisely a similar request to one which I objected to awhile ago.

Mr. OWEN. I trust the gentleman from Kentucky will not object.
The CHAIRMAN. The question of unanimous consent was submitted, and the Chair heard no objection.
Mr. FINLEY. The Chair will pardon me; but I did not hear the

Chair put the question.

The CHAIRMAN. The Chair is not responsible for the gentleman's

defect of hearing.
The report (by Mr. French) was read, as follows:

The report (by Mr. French) was read, as follows:

The committee have examined the papers on file in this case, and concur in the Senate report recommending the passage of the bill, as follows:

"This bill is to pension Mrs. Florence Courtney Cochnower for services as nurse during the war of the rebellion, in the field and in hospitals. It is evident from the numerous testimonials filed with the committee that this is a very meritorious case. In support of it we have the testimony of General Rosecraus; W.O. Osgood, late provost-marshal at Nashville, Tenn.; ex-Governor Palmer, W.O. in this particular reference to her good work:

"At the battle of Franklin, ere the carnage had reached its height, she was everywhere an angel of mercy among our wounded soldiers, binding up their wounds and nursing them. She subsequently endeared herself to hundreds at the hospitals at Nashville, and comes to the sanitary fair introduced by letters of the highest commendation from General Thomas and officials connected with the Sanitary Commission.

"Her services in conveying important information, at the risk of her life and liberty, were commended by General Thomas in the strongest terms. There is a mass of testimony in her favor which the committee do not deem it necessary to embody in this report.

"The bill is reported favorably, with an amendment striking out the word 'twenty-five' and inserting the word 'twelve,' at the end of the sixth line, with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MARY A. SELBACH.

Mr. WEAVER. I call up the bill (H. R. 11466) granting a pension to Mary A. Selbach.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mary A. Selbach on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. YODER) was read, as follows:

subject to the provisions and limitations of the pension laws.

The report (by Mr. Yoder) was read, as follows:

Mary A. Selbach is the widow of Gustavus Selbach, who enlisted September 8, 1864, in Company M, Ninth Regiment Ohio Volunteer Cavalry, and was discharged June 13, 1855. He was disabled in the service and was drawing pension from the Government at the time of his death. He was pensioned for disease of ears. The widow's claim was rejected solely on the ground that the disease of ears. The widow's claim was rejected solely on the ground that the disease of ears. The widow's claim was rejected solely on the ground that the disease which caused soldier's death was not attributable to his service and had no connection with the disease from which he died. The surgeons who attended him during his last illness, and who appeared to be scientific men and medical experts, testify as follows:

"We are practicing physicians, and have been acquainted with said soldier for about seven years; intimately acquainted with him as a friend and as his family physician during this time. The immediate cause of his death was pneumonia, although he had been suffering from suppuration in his middle ear (ottis) and disease of the kidneys to an extent which greatly undermined his health, and that he succumbed to an attack of pneumonia, which in a person of ordinary good health would not have been considered serious. There is no doubt in our mind that the diseases from which said G. Selbach suffered before the occurrence of the pneumonia were the true causes of his death, and that they incapacitated him to a great extent from properly attending to his business." (Signed, A. Schloemiich, M. D.; W. Meacher, M. D.)

This is the only medical evidence on file in the Pension Office bearing on the cause of death, in which these doctors say that the soldier died from a slight attack of pneumonia, which in an ordinary healthy person would not have been serious. This clearly shows, in the opinion of your committee, that, had it not been for

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MARY GRAY.

Mr. TRACEY called up for consideration the bill (H. R. 6535) granting a pension to Mary Gray

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Gray, mother of Charles R. Gray, deceased, late a private in Company I, Fifty-first Regiment New York Veteran Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

The claimant, Mary Gray, is the mother of John R. Gray, late private in Company I, Fifty-first New York Cavalry, who died while a prisoner of war. The claim was rejected by the Pension Office on the ground that it was not proven that claimant was dependent upon the soldier for support at the time the soldier died. This conclusion was arrived at, notwithstanding the fact that testimony of very strong character had been filed in the claimant's favor. There is positive evidence now that at present Mrs. Gray is very poor, and she is eighty-two years old.

years old.
Your committee believe, without questioning the decision of the Pension
Office, her present condition warrants their making a favorable report, and they
recommend that the bill pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MARY A. LONG.

Mr. WHITE, of Indiana, called up for consideration the bill (H. R. 11993) granting a pension to Mary A. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisiors and limitations of the pension laws, the name of Mary A. Long, widow of William W. Long, late of Company D, Fifth Regiment of Kentucky Volunteer Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11993) granting a pension to Mary A. Long, have had the same under consideration, and make the following report:

It appears that in September, 1861, William W. Long was enrolled as second lieutenant of Company D. Fith Regiment of Kentucky Volunteer Cavalry, and while serving in that capacity at Columbia, Ky., he contracted measles, on or about the 1st of December, 1861, which settled on his lungs and caused his death on the 28th day of March, 1875. This resulting lung trouble from the measles rendered him unfit for military duty, and prevented his muster into the United States service.

His widow, Mary A. Long, made application for pension on account of the death of her husband from the cause referred to, but the claim was rejected on the ground that the soldier was never mustered into the United States service.

Edwin Vincent, who is a resident of Hiseville, Ky., and who was first lieutenant of said soldier's company, makes the following sworn statement in the case:

"STATE OF KENTUCKY, County of Clinton, ss:

"STATE OF KENTUCKY, County of Clinton, ss:

"In the pension claim of Mary A. Long, widow of William W. Long, late second lieutenant of Company D, Fifth Regiment of Kentucky Volunteer Cavalry personally appeared before me, a clerk of the county and State aforesaid. Ed win Vincent, late a first lieutenant of Company D, Fifth Regiment of Kentucky Volunteer Cavalry, whose post-office address is Hiseville, Ky, age fifty-eight years, deposes and says that he was well and personally acquainted with William W. Long: has known him for forty years, and know that prior to his entering the service he was a stout, able-bodied man, and was free from any disease, and especially lung disease.
"Affiant further states that while at Columbia, Ky., on or about December, 1861, said Long contracted measles, which settled on his lungs, and grew worse until the day of his death, which occurred on March 28, 1875.

"Affiant states that he lived a neighbor to said Long, and went frequently to see him during his last sickness, and knows that he died of lung disease, the result of measles.

result of measles

ies.
"EDWIN VINCENT,
"First Lieutenant Company D, Fifth Kentucky Volunteer Cavalry.

"Sworn to, etc., by

"J. J. SIMPSON,
"Clerk Cumberland County Court,"

George W. Wright and William Farr, who were members of said Long's company and regiment, furnished sworn statements in the case, and are, in substance, the same as the foregoing affidavit of Lieutenant Vincent.

In view of these facts, your committee feel that this is a meritorious claim, and report back the bill with a favorable recommendation.

Amend by striking out "private" after the word "late" in the sixth line, and insert in lieu thereof the words "second lieutenant."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## MARY H. NICHOLSON.

Mr. WHITE, of New York. I call up Senate bill 1831, granting a pension to Mary Heap Nicholson, and desire to have an order, which I send up to the Clerk to be read, recommended to the House for adoption. That is, I ask the order now made as to the House bill be extended to the Senate bill.

Mr. CHEADLE. I call attention to the fact that the gentleman

from New York is getting somewhat mixed on this question.

Mr. WHITE, of New York. I am not getting mixed, as the gentleman will see. I will prove to the House, I think, that I am on the right track. I ask the order made as to House bill 6317 in regard to this same pension shall apply to the Senate bill which I have called My motion is that the same order shall be extended to the Senate bill; that is, that the bill may be reported to the House with the recommendation that the same order shall be entered in reference to it

which was entered in reference to the House bill.

The CHAIRMAN. The Clerk will read the order,
The Clerk read as follows:

A bill for the relief of Mary H. Nicholson. Previous question ordered; post-poned to May 28.

May 26, 1888.—Postponed to June 20.

June 20, 1888.—Ordered postponed to July 12, at 8 o'clock p. m.; thirty minutes'

The CHAIRMAN. The order which has just been read does not relate to the bill called up by the gentleman from New York.

Mr. WHITE, of New York. If the Chair will indulge me for a mo-

ment, I ask that the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson be reported to the House, with the recommendation that the same order be entered as to it; that is, that the order which was postponed to May 28, and on May 26 postponed to June 20, and on June 20, 1888, postponed to July 12, at 8 o'clock p. m., with thirty minutes for debate, shall be extended to the Senate bill, or, in other words, that the Senate bill shall be substituted for the House bill, and that that order shall apply to the Senate bill as it now applies to the House bill.

Mr. McMILLIN. This committee can not dictate to the House what course it will take.

Mr. WHITE, of New York. But it can make a recommendation to the House as to the course it will take.

Mr. McMILLIN. It can do so, of course, as to this bill, but not as to any other. We can not make such an order concerning a bill not before the committee.

Mr. WHITE, of New York. It has been done, and an order of the same kind has been made as to a similar bill, as I have shown.

The CHAIRMAN. But when that order was made it was made in reference to a bill under consideration by the committee.

Mr. DOCKERY. An order could be made in the nature of a recom-mendation to the House.

Mr. WHITE, of New York. That is just what I am asking. The order in reference to the bill (H. R. 6317) for the relief of Mary H. Nicholson, whereby the previous question was ordered and thirty min-

utes' debate allowed, I move shall be extended to this Senate bill 1831.

Mr. McMILLIN. This committee can make a recommendation in reference to the bill now before it, but it can not enter any order in reference to a bill which is now in the House. The point I wish to make is that we can not recommend what shall be done with regard to a bill not on the Calendar.

Mr. DOCKERY. Let me call the attention of the gentleman from New York to the fact that these bills have been already considered in the committee, as I am informed by the Clerk, and an order made with reference to both of them. Hence any action we take now in commit-tee would be of no avail with regard to them. They are in the House and on the Calendar of unfinished business.

Mr. WHITE, of New York. I was not aware that any order had been made with reference to this bill S. 1831.

Mr. DOCKERY. The gentleman will find it on the Calendar of unfinished business.

Mr. WHITE, of New York. Very well, then; I would prefer to have it in that position, as I understand when the previous question has been ordered on it it is privileged.

Mr. DOCKERY. That is correct.

## BENJAMIN E. SNYDER.

Mr. WHITING, of Michigan, called up the bill (H. R. 10780) for the relief of Benjamin E. Snyder.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin E. Snyder, late of Company L, Fifth Regiment New York Heavy Artillery.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10789) for the relief of Beujamin E. Snyder, have examined the same, and submit

10780) for the relief of Beujamin E. Snyder, have examined the same, and submit the following report:
Benjamin E. Snyder was a private in Company L. Fifth Regiment New York Heavy Artillery; was enrolled on the 25th day of August, 1864, and the regimental return for October 12, 1864, reports him a recruit from depot, joined October 12, 1864, absent on detatched duty March and April, 1865, and mustered out with company June 26, 1865.

Soon after his arrival at Harper's Ferry, Maryland Heights, in the month of October, 1864, where the company of which he was a member was under military drill, he was one of eight men in attendance on a heavy siege-piece, it being his first drill with cannon. He had at that time no instructions as to his manner of standing at the discharge of a gun, and on the first discharge was standing squarely upon his feet in an upright condition, whereas he should have been instructed by the officer in charge to relax the muscles of his legs, stoop, or partially kneel. The result of the first discharge and the position he had assumed was that he was deafened by the concussion and thrown violently to the ground.

had assumed was that he was deafened by the concussion and thrown violently to the ground.

He concealed his deafness as far as possible from his comrades, for fear, as he claims, that he would be laughed at for his ignorance.

The regiment to which he belonged was recruited about 100 miles from his home, and he joined his company unacquainted, and at the time of this accident knew but partially, if at all, the members of the squad who were under drill with him. Consequently he does not remember their names and can not secure their evidence, though he has searched diligently for members of his company who might remember the circumstances of this first drill.

His hearing is shown to have been good before and at the time of entering the service, but immediately on his return from his short term of duty, it is shown, by good and reliable witnesses, that he was quite deaf, and he has remained so ever since.

Claimant swears that he was compelled to give up his former occupation on account of his deafness. This statement is substantiated by another witness.

Claim was rejected by the Pension Bureau because claimant could not furnish evidence that said disability originated in service. His hearing is shown to have been good before and very bad immediately after his service, and he reasonably accounts for his loss of hearing in service and line of duty. It is also well known that the branch of service this soldier was in—the artillery—is the frequent cause of deafness of a more or less aggravated character. When, too, a party enters the military service physically sound, and immediately after discharge therefrom he is shown to be diseased, the natural and legal inference, in the absence of evidence to the contrary, is that his disease was contracted in the service and line of duty.

We therefore believe that the bill to pension this soldier should be passed, and so recommend.

so recommend.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

# CHARLES SCHULER.

Mr. WHITE, of New York. Mr. Chairman, I now ask consideration of the bill (H. R. 11923) granting a pension to Charles Schuler. The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension-roll, at \$18 per month, the name of Charles Schuler, late a member of Company K, Fourth Minnesota Infantry, he being mentally and physically incapacitated, subject to the provisions of the pension laws, and pay the same to his lawfully constituted guardian.

The report (by Mr. MORRILL) was read, as follows:

The report (by Mr. Morkell.) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R. 11923) granting a pension to Charles Schuler, submit the following report:

The beneficiary under the bill was a member of Company K. Fourth Minnesota Infantry, and served during the larger part of the war. The evidence submitted to your committee shows that the claimant is now suffering from paralysis agitans to such a degree as to be mentally and physically incapacitated from the performance of any labor. He has never made any application for a pension, and his mental condition has been such for many years that he could not do so.

not do so.

It is shown that he was a sound, healthy man when he went into the service; that he served long and faithfully; that he participated in the battles before Vicksburg, and soon after had a long and severe sickness; that he left the Army broken down physically, with symptoms of the disease which is now afflicting him. He is now utterly destitute and is supported by those upon whom he has no legal claim. These facts are fully established by the evidence of Hon. J. L. MACDONALD, M. C., F. E. Du Toits, F. Grimes, and Dr. John A. McDonald.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### HANNAH M'KEE.

Mr. WICKHAM called up for consideration the bill (H. R. 6886) granting a pension to Hannah McKee.
The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hannah McKee, mother of John H. McKee, late of Company F, Twelfth Regiment Indiana Volunteers; Joseph A. McKee, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry; George B. McKee, late of Battery A, Fourth United States Artillery; and Oplan H. McKee, late of Company D, Fourth Ohio Volunteer Infantry.

The report (by Mr. Thompson, of Ohio) was read, as follows:

Your committee do not believe that they can any better bring to the knowledge of the House the merits of this case than to give the statement made by the claimant in her petition, as follows:

edge of the House the merits of this case than to give the statement made by the claimant in her petition, as follows:

"I had four sons enlisted in the war, as follows: Joseph A. McKee, Company I, Fifteenth Regiment Ohio Volunteer Infantry; John H. McKee, Company F, Twelfth Regiment Indians Volunteers; Ossian H. McKee, Company D, Fourth Regiment Ohio Volunteer Infantry; and George B. McKee, Battery A, Fourth United States Artillery. I claim the war to have been the breaking up of my family of boys. Those four sons whom I had reared almost to manhood and whom alone I could look to for support in my old days were taken from me. John H. McKee fell a victim to heart disease while in his country's service, and iles buried near Bowling Green, Ky. Joseph A. McKee went West, and I do not know to-day whether he is dead or alive,

"Ossian H. McKee was made a cripple for life by a bullet received in his left elbow at Chancellorsville, and which could never be extracted. George B. McKee was shot through the foot, being also rendered a cripple for life, having participated in seventeen regular engagements, as recorded on the back of his discharge, which included Antietam, Fredericksburgh, and Gettysburgh. These sons, whether married or single, were the only persons I could ever expect to look to for my support, and the fact of their having married has debarred me heretofore from obtaining any relief under existing pension laws, although they have long since filled untimely graves from wounds and diseases contracted while engaged in the cause of freedom. The boys all having left home I can safely attribute as partly the cause of my husband's death, who died in 1862.

"I can say, further, that although I have always been very poor I never was the one to receive aid, nor did I ever make application to the township trustees, who had a fund for the relief of such cases as mine at the time of the war, and it is now only in an extreme case of necessity that I appeal for aid from the hands of this (so-called) magnanimous Governmen

"HANNAH MCKEE."

It can not be doubted that the war destroyed the support which the applicant would otherwise have had in her old age. She has no means of support and no daughter, and has scant assistance from a remaining son, who, although kind and willing, is himself poor and burdened with a family of his own. This patriotic woman laid all her jewels upon the altar of her country's salvation. Can that country do less, in the day of its restoration and prosperity, than to afford the pittance named during the few years that remain to her?

The committee recommend the following amendment: Strike out "Opian," in line 9, and insert "Ossian;" also add to the end of the bill the words "at the rate of \$30 per month."

The amendments recommended by the committee were agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## STERNE H. FOWLER.

Mr. WILKINSON called up for consideration the bill (S. 2924) to increase the pension of Sterne H. Fowler.

The bill is as follows:

Be it macted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Sterne H. Fowler to \$16 per month, subject to the provisions and limitations of the pension laws, in lieu of the pension now pat I him.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (8. 2924) granting an increase of pension to Sterne H. Fowler, have considered the same, and report it back to the House recommending its passage.

Your committee have had before them the papers on file in the pension claim, and have also considered the testimony filed immediately before them, and the statement of facts in the report of the Senate Committee on Pensions are correctly stated as follows:

"[Senate Report No. 1821, Fiftieth Congress, first session.] "The claimant served in the war with Mexico during its whole duration as lieutenant in regular Army. He had before that time served as a private for three years. He resigned his commission in the regular Army in 1857 on account of chronic rheumatism, from which he has ever since suffered. His disease is of the most prostrating and virulent character. His disease was contracted in the service and he was treated therefor unsuccessfully while in the

tracted in the service and he was treated therefor unsuccessfully while in the same,

"He is now seventy-six years old, broken down, unfitted for labor of any kind, according to the testimony submitted to us, both lay and medical. He was present and commanded a company at the battles of Palo Alto and Resaca de la Palma, on the 8th and 9th of May, 1846; also at Monterey. He was also actively engaged at the siege and capture of Vera Cruz, and was brevetted as captain and major successively for gallant and meritorious conduct in the battles of Churabusco and Molino del Rey.

"In 1862, residing at the time in Minnesota, he served as lieutenant-colonel of volunteers and as acting assistant adjutant-general upon the staff of General Sibley in the war against the Sioux Indians until the close of hostilities. He now resides in Richmond County, Dakota. His wife is sixty-eight years old and a helpless invalid. Both are very poor, without means of support, except the pension of 85 per month now drawn by him under the Mexican pension law.

"We think this pension, under the peculiar circumstances of the case, ought to be increased. We therefore recommend the passage of the bill, with the following amendments: In the fifth line of the bill fill the blank before the word 'dollars' with the word 'sixteen,' and insert the words 'in lieu of the pension now paid him' after the word 'laws' in the sixth line of the bill."

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## CATHARINE MUTZ.

Mr. ADAMS. I call up for consideration the bill (H. R. 7123) for the relief of Catharine Mutz.

The bill is as follows:

Bettenacted, etc., That the Secretary be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Mutz, widow of Max Mutz, late of Company H, Sixth Regiment New York Heavy Artillery.

The report (by Mr. LANE) was read, as follows:

The committee have considered this case, and find from the evidence the following facts:

Catharine Mutz is the widow of Max Mutz, late a private in Company H. Sixth Regiment New York Heavy Artillery; an applicant for widow's pension, No.

Regiment New York Heavy Artillery; an applicant for widow's pension, No. 256254.

Max Mutz enlisted in Company H, Sixth New York Heavy Artillery, August 1, 1863, for three years, and was honorably discharged August 24, 1865.

The soldier contracted lung, kidney, and bladder disease while in the service; he entered the soldiers' home in Chicago November 19, 1865, and suffered with lung, kidney, and bladder disease from year to year until March 28, 1875, when he died from bladder and kidney disease.

The widow's claim for pension was rejected by the Pension Office February 28, 1884, on the ground of there being no record in the War Department of soldier's fatal disease, and claimant being unable to furnish testimony of the incurrence of same in the service.

The widow has been unable to find an officer or comrade who served with her husband who could testify as to the origin of soldier's disabilities in the service, but she has furnished the testimony of two fellow-workmen of soldier, who have testified that they saw soldier when he first came home from the Army in July, 1865, at which time he had a bad cough and kidney trouble; that he entered the soldiers' home at Chicago, where he remained for six weeks; that subsequently and at different times he worked in a lumber-yard with them, but could not work more than every other day, and sometimes not for days at a time, on account of his cough and kidney trouble; that this condition of things lasted until his death, in 1875.

Dr. R. C. Hamill, the president of the soldiers' home in Chicago, has testified that Max Mutz was admitted to the home November, 1865, and that the books show that on November 19, 1865, he had an attack of pneumonia, and again in December, 1865, the books show soldier was treated for disability.

There is no doubt but that soldier's disabilities, which caused his death, were contracted in the service. The widow is an old German woman, suffering with rheumatism, and unable at the present time to earn a living by washing and scrubbing, as in form

Mr. ADAMS. There seems to be a clerical error in this bill, by the omission of the words "of the Interior" after the word "Secretary, in the third line. I move therefore that the bill be amended so as to read, "That the Secretary of the Interior," etc.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

# ESTER GAVEN.

Mr. YODER called up for consideration the bill (H. R. 12303) granting a pension to Ester Gaven.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll the name of Ester Gaven, mother of Bernard Gaven, late private in Company D, Seventy-first Regiment Ohio Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The report (by Mr. YODER) was read, as follows:

The report (by Mr. Yoder) was read, as follows:

Esther Gaven is the mother of Bernard Gaven, a private of Company D, Seventy-first Regiment Ohio Volunteer Infantry, now deceased. This dependent mother applied for a pension on account of her son's death, having been the result of disease contracted by him while in the service and in line of duty. By the papers on file in the Pension Department and by the records in the Surgeon-General's Office the fact that the solder was sound and free from any disability when he entered the service and that he contracted the disease which she alleges was the cause of his death has been clearly established.

The only question involved in this case, and the reason for its rejection in the Pension Department, is the fact that there is no direct evidence on file to prove the immediate cause of his death. There is nothing to prove the contrary, he having been sick a long time, suffering from chronic diarrhea and disease of the stomach, the disability alleged for pension; and they being poor, had, it appears, no regular family physician whoe ould testify to the cause of his death. The fact that Mrs. Gaven is a dependent mother, and that he contributed to her support, is clearly established. She is quite old and feeble, destitute and broken-down in health, and has become a charge on the community in which she lives. If she does not obtain this relief, which, in the opinion of your committee, the Government owes to her, she will soon be an inmate of an almshouse.

The record also shows that her son was a brave and good soldier, and that he contracted the disease alleged in line of duty there is no doubt. In fact, if this missing link of evidence of the attending physician during his flast sickness or some other competent evidence could be procured as to the immediate cause of his death, the case would have been allowed or could yet be allowed in the Pengion Office. But your committee is informed, and from personal knowledge of this case we are satisfied, that under the circumstances it would be impossible for her to furnish the missing link in the testimony. The priest of her church and prominent citizens of the community in which she lives have interested themselves a great deal in this distressing and, as we believe, meritorious case, but have been unable to furnish the necessary evidence to plainly prove the immediate cause of his death.

This old and destitute mother has excited the sympathy of the entire community in which she lives. She bears a good reputation as a pious, Christian woman, and is left entirely without friends or relatives who are legally bound to support her, and your committee is of the opinion that it would be a matter of great injustice to refuse her this small pittance and allowance, which in our opinion is due her, for the reason she can not furnish the necessary evidence which would clearly entitle her to receive a pension in the Pension Department. It has been said that by furnishing the necessary evidence she could prosecute her claim in the Pension Department, which is true, and after an unceasing effort by those who are now supporting her and who have taken a great interest in her behalf, it is clearly demonstrated to your committee that she can never furnish the necessary affidavits. Your committee is of the opinion that this is one of the cases wherein special legislation is peculiarly demanded, and that it is a case of merit, and unanimously recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. HOLMAN. It is now getting quite late, and perhaps we had better rise in order to be able to pass the bills which have been considered in committee.

Mr. ANDERSON, of Iowa. Let us go on a little further. I have a bill here I want to call up.

Mr. CHIPMAN. I move that the committee do now rise. take the time from now until the hour of adjournment to pass the bills which have been considered.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the Private Calendar had had under consideration the special order and had directed him to report back to the House sundry bills with various recommendations.

## HOUSE BILLS PASSED WITHOUT AMENDMENT.

House bills of the following titles without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 11300) granting a pension to George H. Burgess; A bill (H. R. 12506) granting an increase of pension to Patrick

Geraghty;
A bill (H. R. 6598) granting a pension to Maria Brasted;
A bill (H. R. 10639) granting a pension to John Y. Hooper;
A bill (H. R. 424) granting a pension to Elizabeth Myers;

A bill (H. R. 8801) granting a pension to William Logan;
A bill (H. R. 11924) granting a pension to Annie Balser;
A bill (H. R. 10301) for the relief of Emily Cross;
A bill (H. R. 10882) granting a pension to Nancy Hamilton;
A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed; A bill (H. R. 717) granting an increase of pension to Daniel M. Maulding

A bill (H. R. 11466) granting a pension to Mary A. Selbach;

A bill (H. R. 6535) granting a pension to Mary Gray; A bill (H. R. 10780) for the relief of Benjamin E. Snyder;

A bill (H. R. 11923) granting a pension to Charles Schuler; and A bill (H. R. 12303) granting a pension to Ester Gaven.

## HOUSE BILLS PASSED WITH AMENDMENTS.

Amendments reported to House bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9408) granting an increase of pension to Stephen L.

Kearney

earney;
A bill (H. R. 11430) to increase the pension of Harlan E. King;
A bill (H. R. 11741) granting a pension to Alexander M. Boatright;
A bill (H. R. 10474) granting a pension to Dorcus Alford;
A bill (H. R. 11556) for the relief of Stephen Williams;
A bill (H. R. 11993) granting a pension to Mary A. Long;
A bill (H. R. 1993) granting a pension to Hannah McKee.

A bill (H. R. 6886) granting a pension to Hannah McKee; A bill (H. R. 7123) for the relief of Catharine Mutz; and

A bill (H. R. 12006) granting a pension to Leonard Schaefer. title was amended to correspond.)

## SENATE BILLS PASSED WITHOUT AMENDMENT.

Senate bills of the following titles, favorably reported from the Committee of the Whole, were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 3335) granting a pension to Thompson D. Hatfield;

A bill (S. 2530) granting a pension to Robert Kelly

A bill (S. 3819) granting a pension to Esther Gould; A bill (S. 3435) granting a pension to J. D. Hayworth;

A bill (S. 3561) granting a pension to Edwin W. Warner;

A bill (S. 1459) granting an increase of pension to Florence Courtney Cochnower; and

A bill (S. 2924) to increase the pension of Sterne H. Fowler.

## SENATE BILLS PASSED WITH AMENDMENTS.

Amendments reported to Senate bills of the following titles were severally agreed to; and the bills as amended were ordered to a third

reading, and accordingly read the third time, and passed:

A bill (S. 3428) granting a pension to Mary C. Thompson; and
A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

## ABBY J. SLOCUM.

The next bill reported from the Committee of the Whole was the bill (S. 169) granting an increase of pension to Abby J. Slocum, with the recommendation that the previous question be ordered on the third reading and passage of the bill, and that it be postponed until Friday

Mr. SPOONER. Mr. Speaker, the gentleman from Indiana [Mr. CHEADLE] does not object to making that \$30 a month by amendment, and I move that the bill be amended by striking out "fifty" and in-

serting "thirty."

The SPEAKER pro tempore. If there be no objection the amend-

There was no objection, and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the several votes by which the various bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MARY E. WALKER, M. D.

The SPEAKER pro tempore. The gentleman from New York [Mr. SAWYER] heretofore made an adverse report on the Senate bill 1041, granting a pension to Mary E. Walker, M. D., and it was laid on the table. He asks unanimous consent that it be placed on the Calendar. If there is no objection it will be done.

## GEORGE COLWELL.

Mr. HOLMAN obtained unanimous consent to call up for consideration the bill (H. R. 12047) granting an increase of pension to George Colwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and he is hereby directed to increase the pension of George Colwell, late a private of Company I, Eighty-third Regiment Indiana Volunteers, and grant him a pension at the rate of \$50 per month, in lieu of the pension now received by him.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. KILGORE. I think the report ought to be read.

Mr. DUNHAM. I ask unanimous consent to dispense with the reading of the report,

Mr. KILGORE (to Mr. HOLMAN). Does the report recommend an amendment reducing the amount from fifty to twenty-five dollars per

Mr. HOLMAN. It does. The report was made by Mr. GALLINGER, and it is a meritorious case.

The report (by Mr. GALLINGER) is as follows:

and it is a meritorious case.

The report (by Mr. GALLINGER) is as follows:

The committee on Invalid Pensious, to whom was referred the bill (H. R. 12047) granting an increase of pension to George Colwell, have had the same under consideration and beg leave to submit the following report:

George Colwell served as private in Company I, Eighty-third Regiment Indiana Volunteers, from August 10, 1862, to June 1, 1865. While on foraging duty in January, 1864, near Larkinsville, Ala., he was bitten in left leg by a dog, on account of which injury he now receives a pension at the rate of \$2 per month. It appears that in September, 1885, he suffered from a strain or probably dislocation of the knee of the previously injured leg, which, in connection with the original injury, has resulted in a disability rated by the examining surgeon at third grade. The Pension Office does not consider the present scrious disability as in any way connected with the service, and therefore rates for the bite only.

The evidence shows that the bite was quite serious. Claimant was under treatment therefor nearly three months, and ever thereafter the leg was weak. In September, 1865, the wound again opened up, confining him to his bed for several months. The wound from the dog-bite is described by the surgeons as about 4 inches above left ankle, in calf of leg, soft parts purple for 3 or 4 inches around the scar. Abscesses formed from time to time after the bite, as is clearly shown from the numerous cicatrices from ankle to knee. Whether the injury in 1885 was or was not a direct or indirect result of the original injury can not be clearly demonstrated, but, in view of the fact that the leg was greatly weakened from the army injury, its measurement being considerably less than its fellow member, as shown by the examination, it may be safely assumed that the former was at least indirectly connected with the latter.

Again, it may be held from a medical standpoint that the slight injury in 1885 would not have resulted in the serious disabi

The amendment was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## LOUISA PROVOST.

Mr. GALLINGER obtained unanimous consent to call up for consideration the bill (S. 1884) granting a pension to Louisa Provost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa Provost, widow of Peter Provost, late a soldier in Company B, Seventeenth Vermont.

Mr. GALLINGER. I ask unanimous consent to dispense with the reading of the report. This is a meritorious case.

There was no objection.

The report (by Mr. GALLINGER) is as follows:

There was no objection.

The report (by Mr. GALLINGER) is as follows:

The committee on Invalid Pensions, to whom was referred the bill (S. 1884) granting a pension to Louisa Provost, having considered the same, report as follows:

This is a Senate bill, the report in the case being as follows:

"The soldier rendered brave and efficient service for some two years, during which time, at the battle of Spottsylvania, he was severely wounded in the left ankle by a shell and taken prisoner. He remained a prisoner for about three months and was then exchanged. This wound never healed, and for it he was pensioned until his death, which occurred in 1882.

"The only question in the case is whether the wound was the cause of death. It appears from the statement of his attending physician, Dr. Fisk, of Roxbury, Vt., a regular practitioner in good standing, that thirty-six hours before his death he found the soldier in a cramped and doubled-up condition, suffering great pain from the wounded foot, which was greatly swollen and inflamed. It appears that the wound was ragged and dark-colored, with symptoms of mortification. All these symptoms continued to grow worse until his death. The inflammation in the bowels became specially aggravated, and the cause of his death is spoken of as inflammation of the bowels. We can see no reason to question the opinion of his attending physician that the wound was the direct cause of the inflammation and death."

Not being fully satisfied with the Senate report, your committee carefully examined the papers on file in the Pension Office in this case.

The certificate of the attending physician, evidently written by an ignorant man, is something of a curiosity, and it is difficult from that paper to intelligently determine the real facts in the case. It does appear, however, that the wound was a very ugly one; that on the day of soldier's death it was the cause of death.

As the bill is for a widow in needy circumstances, your committee give her the benefit of whatever doubt there may be in

The bill was ordered to a third reading; and it was accordingly read

the third time, and passed.

Mr. GALLINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (at 10 o'clock p. m.) the House adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

and referred as indicated below:

By Mr. BUCHANAN: A bill (H. R. 12525) granting a pension to William S. Truax—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 12526) granting a pension to the widow of William A. Owen—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: A bill (H. R. 12527) to increase the pension of John Corlett—to the Committee on Invalid Pensions.

pension of John Corlett—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 12528) for the relief of Mary B. T. Randolph, A. M. Randolph, Beverly Randolph, B. M. Randolph, and E. C. Turner, of Fauquier County, Virginia, and W. F. Randolph, of Washington County, Mississippi—to the Committee on War Claims.

By Mr. HENRY SMITH: A bill (H. R. 12529) granting a pension to Jesse Webb—to the Committee on Pensions.

By Mr. STRUELE: A bill (H. R. 12520)

By Mr. STRUBLE: A bill (H. R. 12530) granting a pension to Francis A. Parrott—to the Committee on Invalid Pensions.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition of Local Assembly No. 3594, Knights of Labor, of Trenton, N. J., against the passage of the free-ship bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of Michigan Maimed Soldiers' League, in favor of House bills Nos. 4339 and 4356—to the Committee on Invalid Pensions.

By Mr. COX: Memorial of Henry Hinch and others, citizens of New York City, as to immigration—to the Committee on the Indicinary.

York City, as to immigration—to the Committee on the Judiciary.

By Mr. GROSVENOR: Memorial of the General Assembly of Ohio,

in relation to the establishment of fish-hatching houses-to the Committee on Agriculture.

By Mr. JONES: Papers in the case of Freeland Harton-to the Com-

mittee on Pensions.

By Mr. KELLEY: Petition of citizens of Gentry County, Missouri, asking that duties on sugar be abolished—to the Committee on Ways and Means

By Mr. LEE (by request): Petition of Susan Brown, of Culpeper

County, and of Fleet Cox, of Stafford County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition for reference of claim of Eliza S. Hensbrough and others, heirs of George Smith, of Culpeper County, Virginia, to the Court of Claims—to the Committee on War Claims.

Also, paper in the war claim of John Grasty, of Orange County, Vir-

ginia-to the Committee on War Claims,

By Mr. NEWTON: Petition of Ann-Victoria Noland, of Madison Parish, Louisiana, for reference of her claim to the Court of Claims to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Memorial of the executive committee of the Universal Peace Union, urging Congress to use efforts to have Great Britain settle its difficulties with Venezuela by arbitration-to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petition of farmers of Bufort, N. Y., for the passage of pure lard bill-to the Committee on Agriculture.

Also, petition of farmers of Croghan, N. Y., for protection to agriculture—to the Committee on Ways and Means.

By Mr. TOOLE: Petition of J. W. Jones and others, presenting grievances of homestead settlers on the abandoned Fort Ellis military

servation in Montana—to the Committee on Military Affairs. By Mr. YOST: Petition of citizens of Clarksville, Va., for repeal of

the tax on tobacco-to the Committee on Ways and Means.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. BLISS: Of 1,245 citizens of New York. By Mr. FELIX CAMPBELL: Of 1,201 citizens of New York. By Mr. GALLINGER: Of 51 citizens of the District of Columbia. By Mr. LONG: Of Lodge No. 64, Independent Order of Good Templars, of West Brookfield, Mass.

By Mr. WARNER (by request): Of citizens of Windsor, Mo.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BIGGS: Of T. W. Lincoln and 111 others, of Amador County, California.

By Mr. BUCHANAN: Of 64 citizens of Mercer County, New Jersey.

By Mr. BURNETT (by request): Of 50 citizens of Medway, Mass. By Mr. CASWELL: Of 51 citizens of Sugar Creek, Wis.

By Mr. COOPER: Of 52 citizens of Powell, Ohio; of 51 citizens of

Delaware, Ohio.

By Mr. CROUSE: Of 24 citizens of Cuyahoga Falls, Ohio.
By Mr. FRENCH (by request): Of 36 citizens of East Haven, Conn.
By Mr. HIRES: Of 32 citizens of Swedesborough, N. J.
By Mr. KEAN: Of 21 citizens of Rahway, N. J.
By Mr. NELSON: Of 54 citizens of Red Lake Falls, and of 26 citizens of Hancock, Minn.

By Mr. PEEL: Of 33 citizens of Melbourne, and of 17 citizens of

Lunenburgh, Ark.

By Mr. RICE: Of 144 citizens of Minneapolis, Minn.

By Mr. J. E. RUSSELL: Of 20 citizens of Orange, Mass.

By Mr. VANCE: Of 107 citizens of Newington, Conn.

By Mr. WILLIAM WHITING: Of 85 citizens of Athol, and of 72 citizens of Huntington, Mass.

## SENATE.

## SATURDAY, February 9, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved. CREDENTIALS.

The PRESIDENT pro tempore laid before the Senate the credentials of MATT W. RANSOM, chosen by the Legislature of North Carolina a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

## PUBLIC BUILDING AT OSHKOSH, WIS.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Treasury, forwarding a letter of the Acting Supervising Architect of the Treasury Department stating that a further appropriation of \$1,600 will be required in order to substitute oak finish for white-pine finish in the court-house, post-office, etc., at Oshkosh, Wis.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore prezented a concurrent resolution of the Legislature of Kansas, favoring a bounty upon domestic sugar; which was ordered to lie on the table.

Mr. FARWELL presented a petition of 148 citizens of the State of

Illinois, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Maryland, presented the petition of Andrew Green and 17 others (5 voters and 13 women), citizens of Ellerslie, Md., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the

Mr. PLUMB presented a memorial of citizens of Whitman County Washington Territory, remonstrating against the passage of the bill introduced by Mr. BUTLER, authorizing the county commissioners of Whitman County, Washington Territory, to issue bonds for the purpose of building a court-house and jail, etc.; which was referred to the Committee on Territories.

Mr. HOAR presented a petition of citizens of North Abington, Mass., praying for the passage of the Sunday-rest bill; which was referred to

the Committee on Education and Labor.

Mr. DOLPH presented a petition of citizens of Colfax, Wash., praying for the submission to the States of a constitutional prohibitory

amendment; which was ordered to lie on the table.

Mr. STEWART presented the petition of C. M. Bell and 90 others (18 voters and 73 women), citizens of Carson, Nev., praying for the proposal of a constitutional amendment prohibiting the manufacture, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. HAWLEY presented the petition of A. B. Sanford and 80 others (52 voters and 29 women), citizens of Greenwich, Conn., praying for the proposal of a constitutional amendment prohibiting the manufact-

nre, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. JONES, of Arkansas, presented the petition of E. J. Christian and 25 others (11 voters and 15 women), citizens of Portland, Ark., praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to

lie on the table.

Mr. CHANDLER. The petition presented by me yesterday from the Republican State central committee of Louisiana, requesting an investigation of the late election in that State, was laid upon the table. I ask that it may be taken from the table and referred to the Committee on Privileges and Elections.

The PRESIDENT protempore. It is so ordered.

## REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians, in the Indian Territory, and for other purposes, reported it with an amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin Tex., reported it without amendments.

ment, and submitted a report thereon.

Mr. SABIN, from the Committee on Indian Affairs, to whom was referred the bill (S. 3918) granting to the Duluth and Winnipeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations, in the State of Minnesota, reported it with an amendment.

Mr. SABIN. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (S. 3919) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota, to report it with amendments and ask that the bill as amended be substituted for the House bill, which is a duplicate, and the amendments incorporated

The PRESIDENT pro tempore. Does the Chair understand the Sen-ator from Minnesota that there is a House bill on the same subject on the Calendar?

Mr. SABIN. A House bill that came to the Senate this morning, I

The PRESIDENT pro tempore. The bill to which the Senator from Minnesota alludes was yesterday laid before the Senate, and referred to the Committee on Indian Affairs.

Mr. FAULKNER, from the Committee on Claims, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 329) for the relief of Chambers and Brown, reported it without amendment, and submitted a report thereon.

Mr. STOCKBRIDGE, from the Committee on Fisheries, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

He also, from the Committee on Fisheries, to whom was referred the

amendment proposed by Mr. Teller on the 8th instant, to the sundry civil appropriation bill, providing for the construction of a Government trout-breeding and distributing station in Lake County, Colorado, reported it without amendment, and moved its reference to the

orado, reported it without amendment, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes, reported it with amendments.

## BILLS INTRODUCED.

Mr. FARWELL introduced a bill (S. 3941) to amend section 354 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAULKNER introduced a bill (S. 3942) granting a pension to Mrs. Mary T. Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3943) granting an increase of pension to Lemuel Faulkner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 3944) granting a pension to Ju-

liet Opie H. Ayres; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 3945) to correct the record of George G. Wilder; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3946) to remove the charge of desertion from John Chase; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3947) granting a pension to Mary

E. H. Ottiwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER (for Mr. McPherson) introduced a bill (S. 3948) respecting maritime contracts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Juliance. diciary.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. COLQUITT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAIR submitted an amendment intended to be proposed by

him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 424) granting a pension to Elizabeth Myers; A bill (H. R. 717) granting an increase of pension to Daniel M.

A bill (H. R. 6535) granting a pension to Mary Gray;

A bill (H. R. 6598) granting a pension to Maria Brasted; A bill (H. R. 6886) granting a pension to Hannah McKee; A bill (H. R. 7123) for the relief of Catharine Mutz; A bill (H. R. 8801) granting a pension to William Logan;

A bill (H. R. 9408) granting an increase of pension to Stephen L.

A bill (H. R. 10301) for the relief of Emily Cross; A bill (H. R. 10474) granting a pension to Dorcus Alford; A bill (H. R. 10639) granting a pension to John Y. Hooper; A bill (H. R. 10780) for the relief of Benjamine E. Snyder

bill (H. R. 10791) granting a pension to Marinda Wakefield Reed;

A bill (H. R. 10882) granting a pension to Nancy Hamilton; A bill (H. R. 11300) granting a pension to George H. Burgess; A bill (H. R. 11430) to increase the pension of Harlan E. King;

A bill (H. R. 11466) granting a pension to Mary A. Selbach; A bill (H. R. 11586) for the relief of Stephen Williams;

A bill (H. R. 11741) granting a pension to Alexander M. Boatright; A bill (H. R. 11923) granting a pension to Charles Schuler;

A bill (H. R. 11924) granting a pension to Annie Balser; A bill (H. R. 11993) granting a pension to Mary A. Long; A bill (H. R. 12006) granting an increase of pension to Leonard Schaefer

A bill (H. R. 12047) granting an increase of pension to George Colwell:

A bill (H. R. 12303) granting a pension to Ester Gaven;
A bill (H. R. 12506) granting an increase of pension to Patrick 
Geraghty; and
A bill (H. R. 12383) making appropriations for the support of the
Army for the fiscal year ending June 30, 1890, and for other purposes

The message also announced that the House had passed the follow-

A bill (S. 1459) granting a pension to Florence Courtney Cochnower;

A bill (S. 2530) granting a pension to Robert Kelly; A bill (S. 2924) to increase the pension of Sterne H. Fowler; A bill (S. 3335) granting a pension to Thompson D. Hatfield; A bill (S. 3435) granting a pension to J. D. Haworth;

A bill (S. 3561) granting a pension to Edwin W. Warner; A bill (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.;

A bill (S. 3795) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer military reservation, Mon-

A bill (S. 3819) granting a pension to Esther Gould; and A bill (S. 3897) to establish a life-saving station on the Atlantic

coast at or near the mouth of St. George River, Maine.

The message further announced that the House had agreed to the resolution of the Senate of January 11, directing the manner of enrollment of the bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments.

The message also announced that the House had concurred in the

A bill (H. R. 2261) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers in Tennessee.

The message further announced that the House had passed the following bills, each with an amendment; in which it requested the con-

currence of the Senate:

A bill (S. 169) granting an increase of pension to Abby J. Slocum; A bill (S. 3428) granting a pension to Mary C. Thompson; and A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

#### COURT IN INDIAN TERRITORY.

The PRESIDENT pro tempore. Is there further morning business? If there be none, the Calendar under Rule VIII is in order.

Mr. VEST. I move that the Senate resume the consideration of Order of Business 203, Senate bill 270, being the Indian Territory court

bill which was up yesterday.

The PRESIDENT pro tempore. The Calendar under Rule VIII being in order, the Senator from Missouri moves that the Senate proceed to the consideration of a bill, the title of which will be reported.

The CHIEF CLERK. A bill (S. 270) to establish a United States court

in the Indian Territory, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. VEST. Mr. President, there are two bills pending upon this subject. One of them is the bill to which I have alluded, and the other is House bill 1874, Calendar No. 1001. I will ask that they both be considered together, as the subject-matter is the same.

The PRESIDENT pro tempore. The title of the other bill named by the Senator from Missouri will be stated.

The CHIEF CLERK. A bill (H. R. 1874) to change the eastern and northern districts of Texas, and for other purposes.

The PRESIDENT pro tempore. The Senator from Missouri asks unan-

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that these bills may be simultaneously considered before the Senate as in Committee of the Whole. The Chair hears no objective of the Whole. tion, and it is so ordered.

Mr. VEST. Before anything further is done I ask leave to make a statement in regard to the condition of these bills, so that the Senate

statement in regard to the condition of these bills, so that the Senate can proceed with a full understanding of the matter.

The PRESIDENT pro tempore. The bill having been taken up by vote of the Senate, the Senator from Missouri is entitled to the floor.

Mr. VEST. Mr. President, on February 1, 1888, by direction of the Committee on the Judiciary, I reported Senate bill 270, Calendar No. 203, which provides for the establishment of a United States court in the Indian Territory at the town of Muscogee, with jurisdiction over all criminal matters within that Territory and with ample provision for all the machinery of a United States court. for all the machinery of a United States court.

Pending the consideration of that bill, after it was put upon the Calendar, the House of Representatives passed and sent to us House bill 1874, which provides also for the establishment of a United States court in the Indian Territory, but with a limited jurisdiction, much less than that provided in Senate bill 270, and which provides also that certain counties in the State of Texas shall become a portion of this judicial district, these counties being specified in the bill.

To that bill, House bill 1874, the Senator from Arkansas [Mr.

JONES] proposes an amendment, which is also pending. That amendment establishes a court in the Indian Territory, annexes certain counties in the State of Texas to that court, and enlarges the criminal jurisdiction of the court, extending it to a number of crimes and felonies

which are not now punishable in the Indian Territory.

This is a brief outline of the condition of the bills at the present time.

The Committee on the Judiciary reported back House bill 1874 with the Senate bill as an amendment, striking out all of the House bill

and substituting in lieu thereof the Senate bill which was read yester-

Mr. PLATT. The same bill?
Mr. VEST. The same bill which was reported by the Judiciary Committee unanimously, with one exception, the Senator from Texas [Mr. Coke] not entirely opposing the bill, but not agreeing to support it in the Senate if he should see proper to do otherwise.

That is the condition of the matter now as it stands before the Senate, and what the Judiciary Committee recommend is that all of the House bill be stricken out and the Senate bill substituted for it.

The PRESIDENT pro tempore. The Senator from Missouri proposes

to amend as follows

Mr. BERRY. That was read, I think, yesterday.

The PRESIDENT pro tempore. The Chair understands that the Senator from Arkansas [Mr. Jones] had already moved an amendment which was in substance House bill 1874, which is the pending question and will accomplish the same purpose as that desired by the Senator from Missouri. om Missouri.
Mr. JONES, of Arkansas. The amendment I propose is not in sub-

stance the House bill.

Mr. VEST. It is not the same. Mr. PLATT. The amendment proposed by the Senator from Arkansas was to the Senate bill which was under consideration yesterday.

Mr. JONES, of Arkansas. The situation is this: The House bill is before us for consideration. The Judiciary Committee propose to amend by striking out all after the enacting clause of the House bill and in-serting the bill which they reported. I propose to amend their amendment by striking out all after the enacting clause and inserting what sent yesterday to the desk to be read.

These are separate and distinct propositions; one is the House bill; another the report of the Judiciary Committee as a substitute for it;

another the report of the Judiciary Committee as a substitute for it; and then my own amendment as a substitute for the substitute.

The PRESIDENT pro tempore. That there may be no confusion, then, the Chair will announce that the bill whose title will be stated is before the Senate as in Committee of the Whole.

The CHIEF CLERK. A bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

The PRESIDENT pro tempore. The Senator from Missouri moves to amend by striking out all after the enacting clause and inserting the substance of the bill (S. 270) to establish a United States court in the Indian Territory, and for other purposes. The Senator from Arkansas [Mr. Jones] now moves to amend the amendment by striking out the [Mr. JONES] now moves to amend the amendment by striking out the amendment of the Committee on the Judiciary and inserting what was

mr. DAWES. What is the number of the original bill?
Mr. VEST. The Senate bill is No. 270.
The CHIEF CLERK. A bill (H. R. 1874) to change the eastern and

ne CHIEF CLERK. A bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

Mr. JONES, of Arkansas. Mr. President, I can briefly state the reasons why I insist upon the adoption of the amendment which I offered rather than the bill proposed by the Judiciary Committee.

The evil sought to be remedied by these bills is the practical denial of justice at Fort Smith on account of that court being overrum with

business. From the beginning to the end of the year the jail is all the time full of people who are brought from the Indian country to that town for trial.

If the bill proposed by the Judiciary Committee should be enacted into law there would simply be a transfer of this court from Fort Smith to Muscogee in the Indian Territory, and there would be no lightening of the work, no lessening of the number of cases to be tried in that court below the number now tried at Fort Smith; but, on the contrary, if I understand the full purport of the bill, the number of cases will be larger to be tried in the newly-established court in the Indian country than is now tried at Fort Smith.

This bill, then, disappoints the purposes for which the movement was in the first place commenced, and that of itself would be a sufficient reason why it should not be passed in the shape it is.

The proposition which I submit to the Senate is to establish a court

in the Indian Territory with a limited jurisdiction, not with the full jurisdiction intended by the Judiciary Committee. I propose, in section 5 of the substitute which I offer, to provide—

That the court hereby established shall have exclusive criminal jurisdiction of all offenses against the laws of the United States committed within the Indian Territory, except cases of rape, murder, manslaughter, assault with intent to kill, arson, robbery, burglary and horse or mule stealing, and other crimes punishable by imprisoment at hard labor.

This is the criminal jurisdiction which I propose to confer upon that court. I am unwilling, to begin, to establish the very first court that we undertake to establish in that country with absolute and full jurisdiction over all criminal offenses. Establish this court of comparatively limited jurisdiction at first; let that be tried, and then in the course of a few years, if it shall appear to Congress and to the people that that court is able to enforce the law in all cases and in regard to all grades of offense within its jurisdiction, it will be well enough then to invest the court with complete and entire jurisdiction. I submit that it is not prudent, that it is not wise to establish the first court we organize in the Indian Territory with the fullest jurisdiction now exercised by Federal courts anywhere.

Mr. PLATT. May I inquire for information, what matters arising in the Indian Territory would that leave for the court at Fort Smith to continue to entertain?

Mr. JONES, of Arkansas. It would leave matters of rape, murder, manslaughter, and crimes punishable by hard labor in the penitentiary. This would of course have the effect of relieving the court at Fort Smith of a very large number of cases, and that court, without being compelled to sit the whole year through, might have some hope of disposing of its docket.

I regard this as a matter of such grave consequence that I say frankly that I would not have agreed to the consideration of this bill now if I had not been morally, yes, absolutely, sure that the proposition of the Judiciary Committee of the Senate can not become a law. I hope, however, that by securing a free conference between the members of the Judiciary Committees of the two Houses some solution of this question may be arrived at which will be alike just to the Indians and to the courts in the States surrounding that country. I believe it is a matter of great consequence to the advancement of the five civilized tribes that there shall be established in that country immediately a United States court; but I believe that it is of the greatest consequence that that court should be one of limited jurisdiction, and that we should not go to the full extent of conferring the greatest judicial powers upon this court in the first instance.

We all know that the courts of the Indian country, those which now exist there, are subject to criticism. It is claimed that they are not able to enforce their orders, or to enforce justice to the extent that it is enforced in more intelligent communities.

For these reasons, without attempting to enter into an elaborate argument, I respectfully submit to the Senate that the amendment which I propose in the nature of a substitute for the bill proposed by the Judiciary Committee is more prudent and cautious and more likely to accomplish good to the Indians and to the white people than the proposed bill of the Judiciary Committee, which I believe, so far from doing good to the Indians, will absolutely retard the progress of the Indians, and will set back any hope of establishing a court in that country which can enforce its decrees and command respect many years.

Mr. BERRY. Mr. President—
Mr. PLATT. May I be permitted to ask a question of the Senator from Arkansas who has just addressed the Senate, before he takes his seat?

Mr. BERRY. Certainly.
Mr. PLATT. What objection is there in the mind of the Senator from Arkansas [Mr. Jones] to giving this court full jurisdiction, or jurisdiction over cases of murder, rape, etc.? The Senator did not clearly state, or if he did I did not apprehend, what evil he thinks would flow from that, nor why a court established in the Indian Territory, with judges appointed in the usual manner, can not as well disoose of such cases in the Indian Territory as the court at Fort Smith. I did not hear him state that.

Mr. JONES, of Arkansas. I will state my reasons; and I am obliged to the Senator from Connecticut for asking me what they are. I will state my reasons; and I am I intimated in the beginning of my remarks that one primary difficulty was in the way. As I said, one of the many purposes intended to be reached by the passage of such a bill at all was to relieve the court at Fort Smith of work which it is physically impossible for one court at Fort Smith of work which is playantly be court at Muscogee, with the full jurisdiction conferred by the bill proposed by the Judiciary Committee, you are establishing a court with a larger jurisdiction than the court at Fort Smith now has, and if the court at Fort Smith can not dispose of the business coming before it now, the court at Musco-gee will be very much less able to accomplish it, because the docket will be very much larger.

So, then, if we are to undertake to establish a court, as suggested by the Judiciary Committee, it seems to me to be an absolute necessity that instead of making one court you should establish two, because it will require two courts to dispose of the business originating there.

That is one of my difficulties.

Mr. DAWES. Mr. President, may I—

Mr. JONES, of Arkansas. If the Senator will allow me to answer on the other point I have in my mind, I shall hear him presently. I will say frankly to the Senator from Connecticut [Mr. PLATT] that in the state of society in the Indian country it is a question of juries. We know how the public feeling is in that country. We know of the old feuds that remind one of the times of the Highlanders in Scotland. We know the difficulties in undertaking to punish men who stand high and are influential in the community There is a doubt in my mind whether you will be able to get juries in the court which can be relied upon to enforce rigidly the orders of the court and to enforce justice in every case, I believe from my observation of the country that it is making very great progress, and while these people are entitled to commendation for what they have already accomplished, and while they have accomplished a great deal, I do believe from my observation of those people that it would be an unsafe experiment to try to organ-

ize a court there, and to select juries from the country for the trial of the graver offenses.

Now I will answer the Senator from Massachusetts any question he may wish to ask.

Mr. DAWES. I have not had time to study these bills. I want to know what jurisdiction is left to the court at Fort Smith if the Senate bill should be adopted.

Mr. JONES, of Arkansas. None whatever.

Mr. DAWES. Is that removed?

Mr. JONES, of Arkansas. Absolutely.

Mr. DAWES. Absolutely removed into the Indian country? Mr. JONES, of Arkansas. That is my understanding of it. Mr. JONES, of Arkansas. That is my understanding of it. Mr. DAWES. To what district, then, will the counties of Arkansas

that now belong to that district be attached?

Mr. JONES, of Arkansas. The business in the State of Arkansas would remain just as it is. I meant that all the jurisdiction of the court there in the Indian country would be removed from the court at Fort Smith to the proposed court at Muscogee.

Mr. BUTLER. The bill does not abolish the court in Arkansas. Mr. JONES, of Arkansas. It does not abolish the court, but fransfers the jurisdiction in Indian matters.

Mr. BUTLER. The Indian jurisdiction of the court at Fort Smith, Ark., is transferred to a new court in the Indian Territory.

Mr. DAWES. Then the court in the Indian Territory would have all the Indian business, if I may give it that title.

Mr. JONES, of Arkansas. Yes, sir. Mr. DAWES. That court at Fort Smith now has jurisdiction over those parts of the Indian Territory that are proposed by the House bill to be put under the court at Wichita and the court in Texas.

Mr. JONES, of Arkansas. Yes; that is true.

Mr. DAWES. Then will it not have more business than the court at Fort Smith now has?

Mr. JONES, of Arkansas. I think very largely more.
Mr. DAWES. I do not want to occupy the Senator's time, but the
condition of things at the present time is deplorable for many reasons. The first is that the court at Fort Smith has more than can possibly be done with a disposition upon the part of everybody connected with it to discharge the duties faithfully, as I have no doubt is a proper characterization of the work of that court. Yet the amount of business to be done there is so great that it is impossible to have it done with that care and circumspection which is due to the gravity of the cases there. When I was there not long since there were nine men under sentence of death to be executed in a few days, and a few days ago in the newspapers was an account of the sentence to death of six men at another time, the result of six different trials; and the court is held there every working day in the year. There must be some remedy for

Besides, the taking of the offenders from the interior and western part of the Indian Territory clear across the Territory to Fort Smith, and taking along with them the witnesses who are necessary to the and taking along with them the whilesses who are necessary to the proper investigation of the cases, amounts in practice to a denial of justice as it is now. Men will shut their eyes when offenses are committed lest they be taken away from their business and taken off 200 or 300 miles to Fort Smith to appear before a grand jury and then go back soo miles to rort sinith to appear before a grand jury and then go back to their homes and return again when the case comes up for trial a month or two months afterwards, to be put off perhaps on some motion that may be made on the part of the defendant or on the part of the Government, and subjected to the ruin of their business with no compensation that will pay for the travel or support them while they are

Now, I have great trouble about this Senate bill, whether the condi-

the business there. That is what I want to know.

Mr. BUTLER. May I ask the Senator from Massachusetts, who has evidently given this question a good deal of consideration, whether or not it would be competent for a man to be selected to sit as a grand

or petit juryman in that court who is not a citizen of the United States?

Mr. DAWES. There are a good many questions connected with the subject. One is suggested by the Senator from South Carolina. If the court is held in the Indian Territory the juries must largely be composed of Indians.

Mr. BUTLER. Who are not citizens of the United States.
Mr. DAWES. I am not well enough informed to know what kind of a court practically that will be. I have great faith, however, in the processes of education that come out of contact with the administration of justice, in the beneficial effect of witnessing on the part of these more or less civilized Indians, day by day, the administration of the law. There is a great benefit from that. But the point is whether they are ready at this moment to inaugurate a court with all its machinery, including the jury, which is a very important part of it, for it would be a mockery of justice to try men for their lives before anything but a competent jury. I know there are those who went down with me to that country who think it safe. My distinguished friend from Alabama [Mr. Morgan] is firmly of the conviction that such a jury as that is safe, if I understand him aright.

The importance of this bill can not be magnified. I hold myself

guilty in undertaking to say anything about it when I know not enough about it to give any suggestion to anybody else, but I have been holding back because the Committee on the Judiciary has taken jurisdiction,

properly enough, of this matter.

Mr. BERRY. Mr. President, the contest between the Senator from Missouri and my colleague, or rather the difference between the bills presented by each, is in reference to the amount of jurisdiction that shall be conferred upon the new court to be established in the Indian Territory. At this time the court at Fort Smith, Ark., has jurisdiction over a large portion of that Territory; some of the jurisdiction belongs to the district court in Northern Texas and some to the district court at Wichita, Kans.

The bill of the Senator from Missouri proposes to take that entire jurisdiction, including felonies and misdemeanors, and to confer it upon a new court to be established at Muscogee. The bill goes into effect, as I understand it, at once, and this court must begin immediately at a small town in the Creek Nation. There is no court-house there, no as in an town in the creek Nation. There is no contribute the tending in the confinement of prisoners, no arrangements whatever to hold any court at the town of Muscogee, and yet to-day there are not less than one hundred prisoners from the Indian Territory in the jail at Fort Smith, and I think there is scarcely ever less than that number confined there.

Neither my colleague nor myself has any objection whatever to the establishment of a court in the Indian Territory for the trial of misdemeanors and civil causes. We think that it ought to be established, but we do object at this time to giving it jurisdiction of the felonies committed within that Territory. I will state the principal one of all the objections. There are many objections to it, but in order that I

may detain the Senate only a short time I will merely state the princi-

pal objection.

It is that under the bill reported by the Judiciary Committee it is proposed to take the jury commissioners and the jurors for the trial of all these offenses from the Indian Territory, making all those competent and qualified jurors who can understand the proceedings of the court in the English language. While there are good men and intelligent Indians in the nation, it is well known to most of the Senators on this floor, at least it is to all the Western Senators, that in the Indian Territory there are many men of bad character, men who have escaped from the States, who have acquired citizenship there by various means, who are wholly incompetent and disqualified for jury duty in any State

in this Union and would not be allowed to sit upon a jury. It is known, in addition to that, that in the Indian Territory, and

especially in the Cherokee country, as my colleague alluded to the fact, feuds can be found existing dating back for forty years; and it is also a well-known fact that in a contest between those parties where the crime of murder has been committed it is utterly impossible to find a jury in the Territory that would convict a party who had either money or influence to back him. This statement is justified by the fact that the Indian courts now have exclusive jurisdiction over crimes where both parties connected with it are Indians and citizens of the Indian Yet it has been said, and if I am not mistaken it was said by the judge of the United States court in his charge to the grand jury, that no man for years past, although there had been numerous murders committed in that Territory, had been convicted in the Indian courts of the Territory where he had any influence or money to back him.

Now, it is proposed to transfer this entire jurisdiction which now requires the court at Fort Smith to sit every day in the year from 8 o'clock in the morning until 5 in the evening, sometimes until 9 and 10, to transfer all those prisoners, not less than one hundred now, many of them charged with murder, a great many of them charged with rape, robbery, and every other felony known to the statute, to transfer those cases, and for such crimes as that, to a small town in the Cherokee Nation, having no facilities whatever, either for the confinement of

prisoners or the holding of a court.

Not less than two years ago the Congress of the United States passed an act appropriating \$100,000 to build a court house at Fort Smith in order to accommodate that court with this large jurisdiction. In addition to that they appropriated \$50,000 more to build a jail for the express purpose of confining the prisoners who come from the Chero-kee Nation. The jurisdiction of that court, so far as it extends to crimes that are committed in Arkansas, amounts to nothing. It would not require the court twenty days in the year to do all the business that would come from the State of Arkansas.

The substitute in effect simply takes away the entire jurisdiction that is now controlled by the court, so far as the Indian Territory is That court has been established at Fort Smith and Van Buren for the period, I think, of forty or fifty years. There has never been any complaint that the laws were not administered faithfully, and fairly, and honestly, and that crimes were punished in the nation.

Therefore, as I said awhile ago, we are anxious to have this court established with civil jurisdiction. We are perfectly willing to have all misdemeanors tried there, so that we may see whether the law can be enforced by the appointment of jurors who can be had in that Territory in misdemeanor cases, and we are anxious also that civil jurisdiction shall be conferred upon that court, because that is almost an absolute necessity. That will make the experiment. Then it can be

seen how it will work, and if necessary hereafter the felonies can be transferred also.

But to take the substitute of the Senator from Missouri, which transfers the jurisdiction of the court at once and without delay to a place that has no facilities whatever, every one who is familiar with the na-tion and with the Indian character there knows how difficult it will be to convict any man of a serious crime there, and it seems to me it would be to invite murder and every other character of crime in the

Indian Territory, and that no man's life would be safe.

Then why should the court be taken there? The place of Muscogee is but a little more convenient to a large part of the jurisdiction of the court than the city of Fort Smith. A railroad now runs from Fort Smith or Van Buren to Fort Gibson, which is near Muscogee, and by reason of that railroad and other railroads, so far as accommodating the suitors and witnesses in a large portion of that Territory is concerned, it is equally as convenient to reach Fort Smith as to reach Muscogee.

It seems to me that every consideration should induce the Senate to pause and hesitate before they establish a court in that country with that character of jurors, and thereby invite the commission of crime which has already been too prevalent throughout that nation, and would have been much greater but for the fear of the punishment that is inflicted by the court at Fort Smith.

Mr. COKE. Mr. President, the arguments of the Senator from Arkansas, in my judgment, are conclusive as to the inexpediency and impolicy of establishing the court in the Indian Territory in accordance with the provisions of the Senate substitute for the House bill. The crowded condition of the court at Fort Smith, the great number of prisoners there, the inability of the court to do the business that goes into it from the Indian Territory, show with equal conclusiveness that some sort of relief is demanded.

In my judgment the bill as passed by the House of Representatives, which divides the jurisdiction of the Indian Territory between Fort Smith on one side and Denison and Paris, Tex., on the other, meets exactly the requirements of the case. The mileage for witnesses and for officers traveling over the Indian Territory from near the Texas borders to Fort Smith is immense. The expense is very great. The division proposed by the bill as passed by the House, giving jurisdiction from a certain line in the Indian Territory to Denison, and from a certain other line to Paris, Tex., and giving the remainder of the jurisdiction to Fort Smith, will not increase the expense in any respect, but will decrease very greatly the immense distances that have to be traveled now by officers and witnesses and parties in attending the Fort Smith court.

I believe with the Senator from Arkansas that the court should not now be established in the Indian Territory. I do not believe that a court should be established there with powers to adjudicate the rights of white people until that Territory has erected over it a Territorial government and is more directly under the laws and customs of the Government of the United States in its judicial proceedings than it would be with the court established as proposed by the Senate substi-tute for the House bill. I believe it will be a matter of regret, if the substitute is adopted, that it was ever done. Those people are not in a condition for such a court. The rights of the people of the United States which exist now or may hereafter exist in that Territory and to be litigated should not be submitted to such a jurisdiction.

If those people are fit now for the exercise of that sort of jurisdiction it is time that they were prepared for the exercise of it by the erection of a Territorial government over them. Until that is done they should not be intrusted with any such jurisdiction, and the great distance of Fort Smith from a large portion of that Territory suggests that the jurisdiction should be divided between that court and courts in Texas near to the Indian Territory border as provided in the House bill.

The bill prepared in the House with great care and passed there, which is here for consideration now, and for which the Senate committee has offered a substitute, is, in my judgment, the best solution of the whole question. I therefore shall vote for the bill as passed by the

whole question. I therefore shall vote for the bill as passed by the House and against the substitute of the Senate committee.

Mr. EDMUNDS. The bill passed by the House of Representatives was an intensification of the existing law of extraditing everytimes was an intensification of the existing law of extraditing everytimes. body who did anything supposed to be an offense in this large region of country, some of the persons, depending upon where you happened to find them, to be sent to Texas, others to Kansas, and others to Arkansas. It was a bill of centrifugal extradition, whirling them around and dropping them into one State or the other as the case might be. That was the scheme. It would tend undoubtedly to increase the at-tendance of people at the court in the State of Kansas where these offenses are to be tried, and to enhance the value of hotel property there on account of there being more visitors. It would have the same effect, I suspect, at Paris, in the State of Texas, which was another place of revolving jurisdiction, to whip out a lot of people to that country, and a still heavier effect in whirling them down to the Arkansas River, where Fort Smith is situated.

The Committee on the Judiciary thought, inasmuch as confessed evils in the administration of justice outside of the region where the accusations were made or the offenses were committed were great, that

if it were possible to move the august majesty of a court of the United States with a visible presence into the heart of that Territory and establish there a reign of administrative law, everybody could see and the offender could feel, in the neighborhood of the place where the offense was committed or alleged to have been committed, that it would be a great advancement in the administration of justice and a great advancement in the social good order of the community over which it was to exercise its powers. The committee thought (perhaps they were wrong) that it was the very principle I have last stated and that very practice which make social order, respect for law, and the administration of justice most valuable in the States and districts all over this Union where the administrative justice of the United States is exercised.

Mr. BUTLER. Would it disturb the Senator to answer a question

just now?

Mr. EDMUNDS. Not at all.

Mr. BUTLER. I am in entire sympathy with the bill as reported by the Senator's committee, and its objects, and I concur entirely in the views that the Senator has just expressed, but it has occurred to me in glancing over the measure that there may be some difficulty in the organization of the court and in the trial of cases, in the matter of selecting jurymen. I see the substitute provides in section 8-

That all proceedings in said court shall be had in the English language; and bona fide male residents of the Indian Territory, over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

I find in section 18 provision is made that where the defendants shall be citizens of the United States jurors shall be selected from the adjoining districts of the States. I, as I said, am not only not opposed to the measure, but I am in favor of it. However, it occurred to me that there might be some difficulty in getting proper jurymen, for I find in the Revised Statutes, section 800, page 150, the following provision:

Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors in the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned, etc.

I should be very glad to be informed by the Senator from Vermont, if he has thought of that aspect of it, whether an Indian who is not a citizen of the United States can be made a competent juryman.

Mr. EDMUNDS. I was coming to that part of the measure.
Mr. BUTLER. I beg the Senator's pardon; I thought he was about
to take his seat and I wanted to call his attention to that feature.

Mr. EDMUNDS. I was coming to that part after I should have endeavored, as briefly as possible, to have Senators who do me the honor to listen to me understand the fundamental principle upon which the committee thought the measure ought to proceed. I have stated it, and I believe every Senator will acknowledge the force of it; whether

applicable here or not it ought to be, if it can be. Having said that, I now come to what is really all there is left of the question of any possible objection to undertaking the institution of this court, and that is the one that is stated by the Senator from South Carolina. There will be undoubtedly a difficulty in respect of the obtaining of such jurors as in any one of the States, in suits or prosecution. cutions between or against citizens of those States, are usually obtained, for the reason that the development of social order, of cultivation, of education, of respect for law, of general information, has not gone so far in that Territory as it has in South Carolina, or Texas, or Vermont, or Missouri, or in any other of the States of the Union. But the people there, just like all other communities everywhere, even at the very origin of the jury trial, will get a jury of peers; and that is all we felt we could do, to start, as we thought, on an experiment that would tend to diminish crime and to build up social order and respect for law.

If it happens that the whole body of the people in the Indian Territory will not have as good a selection of juries as can be found in general in any one of the States of the Union, they will have a selection of juries that bear the same relation to the body of the people that they do in the best cultivated State there is in the Union; and that is the best that you can do if you are to have a jury taken from the re-

gion where the offense is alleged to have been committed.

Mr. BUTLER. I did not mean to imply in the question I put that competent jurors might not be procured in the Indian Territory. I have no doubt that jurors quite as competent can be secured there as in many of the States. It was not upon that point that I had doubt, but whether an Indian, not being a citizen of the United States, can be made a juryman in a United States court.

Mr. EDMUNDS. That was the second branch of the general ques-

Mr. BUTLER. I have no doubt that jurymen quite as competent can be selected in the Indian country as in many of the States, because

Mr. EDMUNDS. I am not quite so clear about that as my friend from South Carolina is. I think I should rather prefer to be tried by a jury of Vermont or South Carolina—on the average, understand—than by a jury selected in the Indian country. I would a good deal rather be tried by a jury of Vermont or of South Carolina or of any one of the

older States than by a jury selected in the Territory of Arizona. But if I were one of the people of Arizona and heart and part in their civilization, or want of it, if I were a peer there, I should not think that I had a right to complain if I were tried by a body of men who were just like me and engaged in the same pursuits. That is the theory of jury trial, and that is fair play.

Mr. JONES, of Arkansas. I should like to ask the Senator from Ver-

mont if he thinks that line of argument applies to Utah?

Mr. EDMUNDS. I think it does. If I were a polygamous Mormon in Utah I should want to be tried by a jury of polygamous Mormons. If I were a gentile I should want to be tried by a jury of gentiles, I am quite sure. So my principle applies everywhere; but as Falstaff or somebody said, it is a question of the application of it.

Mr. DAWES. I should like to inquire of the Senator if it is a question to be submitted to the man to be tried whom he is to be tried by? Mr. EDMUNDS. In every jurisprudence that I know anything about that bears a semblance to jury trial the man who is to be tried has the largest voice in the selection of the persons who are to be his

jurors, by a process of algebraic equation in cutting out.

Mr. JONES, of Arkansas. I think that does not a I think that does not apply to Utah,

however, or to the Mormons.

Mr. EDMUNDS. I think it does. The right of challenge in Utah exists exactly as it does in Arkansas and Vermont and everywhere else. Mr. JONES, of Arkansas. The right to sit on juries does not seem to be the same there.

Mr. EDMUNDS. I think it is exactly the same.

Mr. DAWES rose.

Mr. BERRY. Will the Senator from Vermont allow me to ask him question?

Mr. EDMUNDS. No, the Senator from Massachusetts has the cross-

examination for the present.

Mr. BERRY. When he gets through with the Senator from Massa-chusetts, I should like to ask the Senator from Vermont one question. The PRESIDING OFFICER (Mr. MANDERSON in the chair). Senator from Vermont yields to the Senator from Massachusetts.

Mr. DAWES. I want to get a little insight into this matter as to whether it is exactly the right test that the men who constitute the jury to try a man shall be the peers of the man who is to be tried. What is meant by the word "peer?" Does it mean peer in moral qualities, or peer in intelligence, or peer in respect for the law and regard for its observance? I knew a penal code prepared once for a reformatory institution and then it was submitted for approval to the inmates, and it did not work at all.

I think that the question whether a man is a peer does not mean whether he is just such a sort of man as the one who is to be tried. It means something broader than that; and my trouble is whether that idea of a peer to try a man can be applied as yet in the Indian Territory. I agree to everything the Senator from Vermont has said about the purpose of the proposed law, and I agree with him in stating that the only question is whether the condition of things in the Territory is such as to justify this measure. The bill of the Judiciary Committee is, in my opinion, infinitely better than all the rest if a safe court, such as must be a United States court, can be carried on with the material which is in the Indian Territory. You can not import into the Indian Territory jurymen. They must be taken from the vicinage. They must be, as the Senator from Vermont says, largely just such people as the man to be tried. I am not prepared to say that that condition of things exists. I do not know but that it does exist. If it does, I am for the Judiciary Committee's bill.

Mr. EDMUNDS. The question of my distinguished friend from Massachusetts is somewhat voluminous, I must confess, but I believe the pith of it, stripping it of the flounces and furbelows of rhetoric and dissertation, to be, what is a peer? which was, I suppose, an unfortunate expression that I used on account of my boyish reading of the common law. What is a peer in the sense of a juryman? Very likely I am wrong, but I had supposed that a peer, as the old charter of liberties obtained from King John by the barons provided, was the equal of the man accused, belonging to the same legal station in society, and if the accused be innocent and upright and the victim of a false accusation, having the same interests in the welfare of society, the prevention of crime and the punishment of it, and the protection of liberty that the accused man should have if he were innocent; and-

Mr. DAWES rose.

Mr. EDMUNDS. I ask my friend to just give me leave to answer his question before he begins again. And if he was not innocent, but was guilty, the trial of his peers would be a trial by the men who had with him, as a common member of the same society, the duty of performing the same responsibilities and abstaining from the same crimes that by law rested upon the man accused. That is what I understand by a peer.

Mr. DAWES. That is what I supposed it was, until the Senator said that if he were a polygamous Mormon he would want to be tried by a jury each member of which was a polygamous Mormon.

Mr. EDMUNDS. I did not say that he was my peer.

Mr. DAWES. The Senator said so much in that connection that it

led me to inquire whether I had not been mistaken.

Mr. EDMUNDS. The point was as to an accused man, particularly if he were guilty, how he would like to have the jury composed. I confess that if I were a chicken thief I should be glad to be tried by a jury of chicken thieves. If I were a traitor, I should be glad to be tried by a jury of traitors. If I were a polygamist and were accused of polygamy, I should be glad to be tried by polygamists. If I were a public enemy, abetting any foreign nation in making war on the United States, and had to be tried for that, I should be glad to have subjects of that nation on the jury and none of the citizens of my

country. That is my go.

Mr. DAWES. I hope the Senator is not advocating the Judiciary

Committee bill on any such ground as that.

Mr. EDMUNDS. Not at all. I am going to tell my friend the ground I am advocating it on, if he will give me leave.

Mr. DAWES. If the Senator is not advocating it on that ground, he does not meet the question whether there can be a proper jury had

in the Indian Territory.

Mr. EDMUNDS. I know that; and the reason why I can not meet it is the fact that my friend will not give me time before he interrupts

me again.

The PRESIDENT protempore. The Senator from Vermont declines

to be interrupted.

Mr. EDMUNDS. Oh, no; I do not do that, but I will answer my

friend's question if he will only give me an opportunity to do it.

Mr. DAWES. Will the Senator, while he is answering it, be kind enough to tell what he used the illustration for if he did not suppose it applied to the case?

Mr. BUTLER. He used it by way of parenthesis.
Mr. EDMUNDS. It applied to the argument of my distinguished friend, which I admit had no application to the case.

Mr. BERRY. I should like to make an inquiry for the Senator to

answer in the course of his argument.

Mr. EDMUNDS. If the Senator from Arkansas will pardon me at this moment, because I have not, as my friend from Massachusetts feels, answered the real point. I will proceed to do that, and after-

feels, answered the real point. I will proceed to do that, and afterwards hear my friend from Arkansas.

Mr. BERRY. Certainly.

Mr. EDMUNDS. Now, I will state to my friend from Massachusetts the serious question which exists in the practical application of this bill. The principle of it I suppose everybody will agree to be right. The question is whether the state of society there is such that the control of the first serious and the first serious agreements. right. The question is whether the state of society there is such as that a jury trial can be fairly and reasonably well carried out. That is the point. The committee from its information and belief thought that in respect of the trial of crimes and controversies which arose between residents of that Territory a jury could be obtained, with the increasing and very considerate population there, of respectable and intelligent persons who were permanent residents in that region in the vicinity of the place, whose interest and motive would be for the preservation of order and the punishment of crime always by the processes of fair play and according to the truth. That is what we thought; we think so still; and we have believed that the class of cases I am now speaking of which arise out of offenses committed in thest I am now speaking of, which arise out of offenses committed in that Territory, among the residents of that Territory, can be tried by juries that will be just as fair, and, I am inclined to say, if I can do so with-out certainly meaning any disrespect to juries at Fort Smith, with as good a hope of justice and impartiality as can be found at Fort Smith. in the State of Arkansas.

Mr. BERRY rose.

Mr. EDMUNDS. If the Senator will pardon me one moment more, as what I am about to say will illustrate the last remark I have made, the state of things at Fort Smith had got to be such that in the very last session of this Congress the Judiciary Committee, on the urgent and very just request of the Senators from Arkansas and others who were acquainted with it, found that the number of convictions for even capital offenses, saying nothing about the others, at Fort Smith was simply prodigious; that it seemed to be very rare (that is my recollection, though I do not say now that our friends from Arkansas stated that; I am stating my own impression) that the doubt was solved in favor of the prisoner, but he was hurried in from a hundred miles, or 200 or 350, as it might be, but very few of his own witnesses could get there at all, the expenses were so great; and on a one-sided case the iuries would convict either from prejudice or from the fact that counterevidence was not brought in. I make no criticism upon them in that respect. So executive intervention following the judgments of the court upon these convictions by the juries had to be appealed to and applied for over and over again with a frequency that was perfectly startling. Accordingly the Judiciary Committee, with the full concurrence and assistance of my friends from Arkansas, reported a bill to provide for giving people convicted in that way (and of course we had to make it universal) a right to appeal to the Supreme Court of the United States in short order, and to mitigate that apparently very great evil of the danger to human life in the trial of causes at Fort Smith in Arkansas.

That undoubtedly is a misfortune of the situation. That misfortune

the committee think will be largely diminished, ameliorated, if not entirely removed, by carrying the visible and practical administration of justice in the form of a court of the United States into the heart of

the Territory, where witnesses are near by and where impartiality would be certainly quite as likely to be exercised as in these cases of real extradition for trial. That is what we thought. It is an experiment, it must be confessed. No new thing is begun that is not an experiment. Perhaps it will fail. I hope it will not.

Mr. BERRY. Will the Senator answer my question now?

Mr. EDMUNDS. With pleasure, if I can.
Mr. BERRY. This bill in the general qualifications for jurors does
not even require them to be citizens of the United States. It provides, however, that in exceptional cases, where the defendant is a citizen of the United States, a jury may be summoned from the adjoining States and he shall be tried by citizens of the United States. If when citizens are passing through the Indian Territory, traveling upon a railroad train, a murder should be committed, a train should be derailed and wrecked by some lawless Indian, I ask the Senator if he believes that justice would be administered, and that Indians, citizens of that Territory, would be punished in the same way that they would be punished at Fort Smith for an offense of that kind?

That is one question that I desired to ask. The second proposition is in regard to convictions that have been had at Fort Smith, in which the Senator seems to reflect upon the juries of Arkansas. there has never been any complaint on account of the juries. not say that no man has ever been hung there who should not have been hanged. I do not know. That court is presided over by an eminent judge, a Republican in politics, a man of ability and character. If there is any complaint about too many convictions, it can not lie at the door of the juries of the State of Arkansas, as the judge has

full control of their verdicts.

But the question that I especially wanted the Senator to answer was, if he thought there would be the same security for the life of citizens of the United States passing through the Territory or having business there who are to be tried only by Indian juries or juries made up of refugees from other States who have acquired citizenship there, refugees from justice in many cases? I ask him if life or property would be more secure there than it is at this time when they have the fear of the punishment that comes rom fthe court at Fort Smith hanging over

Mr. EDMUNDS. I think the fear of the offenders as to justice would be just as great in respect of the United States court held at Muscogee as it would in respect of the United States court held at Fort Smith.

Mr. BERRY. With Indian juries?

Mr. BERRY. With Indian juries?

Mr. EDMUNDS. I am coming to that. It is one of my misfortunes that I can only say one thing at a time. I think that the respect for the court and the fear of punishment as it regards the nature of the court, if the offender knew that the judge, and the marshal, and the clerk, and the district attorney, and all the paraphernalia of immediate pursuit, of immediate arrest, of immediate exploration and the finding of witnesses and his being brought up forthwith for a preliminary hearing and everything made secure for his impartial trial somewhere, would be greater than it would if he thought the hand of justice was 300 miles away. That is what I think as to that.

Now, as to the jury, I think, if I am right in what I have said in reply to the Senator from Massachusetts, that the chance (if you can use the word "chance" in regard to the administration of justice) of a

use the word "chance" in regard to the administration of justice) of a just verdict in the case of destroying a railroad train, occasioning the Just verdict in the case of destroying a railroad train, occasioning the loss of human life, would be just as great of a conviction by a jury of residents of that Territory impaneled at Muscogee as it would be of a jury of residents impaneled at Fort Smith, Ark.; for I believe, and that is our information, that the great body of that people (and by "people" I include the Indian who is not a citizen of the United States, and that is why we use the word "resident," and the citizen of the United States who is a resident) are so improd with the desire for that and that is why we use the word "resident," and the citizen of the United States, who is a resident) are so imbued with the desire for that very public order which they know, if they are capable of reflection at all, is as necessary to them as it is to everybody else, that if the overthrowing of a railway train by a malicious person was to occur, they would be just as eager to punish him, if the case were proved, as a jury in the State of Vermont would be. Otherwise we ought to have a more arbitrary or Russian government there; and one single man, as of the times of five hundred years ago, to be the master of the whole situation, should be the person to hear and try, determine and convict everybody accused of crime. But we have found in human experience that that is not the best way for justice after all.

Therefore, it appeared to the committee, because I do not wish to spin out the time, after the most careful consideration we could give to it, that this experiment, as it is an experiment, is a hopeful one, and that it promises, so far as our foresight can go, most beneficial

Mr. BERRY. Why not try it on all misdemeanors and civil cases first and see how it works on those, and then try it on felonies afterwards?

Mr. REAGAN. Mr. President, the amount of business which is transacted and intended to be transacted at Fort Smith is such as to show the necessity of a division of the business which is returnable at that court. The cost to litigants in going a great distance to reach the court in civil cases, the cost to the Government and to defendants in going so great a distance to attend trials, the expense entailed by the bringing of witnesses and parties to trial, are so great as to show the necessity of a transfer of a part of this business to another court.

The question recurs, where is that jurisdiction to be located and how arranged? The Senate Judiciary Committee's bill proposes to establish a court in the Indian Territory with very large jurisdiction. It raises the question as to whether we can safely expect that juries can be impaneled and trials be had intelligently and fairly in such a court.

The bill as passed by the House proposes to divide this jurisdiction by attaching a part of the Choctaw country to the eastern district of Texas, and providing for a court at Paris, on the immediate border of that country. It proposes to take another part of the Territory, the western part, the part of the Chickasaw country, and attach it to the northern district of Texas, with a court to be held at Denison, immediately on the border. A railroad passes through the Choctaw country to Paris, and a railroad passes through the Chickasaw country to Denison, so that communication is easy.

This would leave the eastern part of the Territory, with its business returnable to Fort Smith, to be disposed of as now. The southern part of the Territory would have its business returnable to Paris, immediately on the border. The southwestern part of the Territory would have its business returnable to Denison, immediately on the border. This would accommodate the business that is required to be accommodated, greatly reducing the cost of the conveyance of witnesses and parties to these several courts, greatly reducing the cost of litigation both to the Government and to ordinary litigants, and preserving the place of trial where there would be no doubt about the obtaining of intelligent juries.

It would save the expense of a new judge, of a new marshal, of a new clerk. However, the latter is mostly a matter of fees, but it would save the expense of a new judicial district, accommodating the litigation in districts now in existence without additional cost to the Government, reducing the cost of conveying prisoners to the place of trial, reducing the cost to parties of attending the place of trial, and placing these people within reasonable and convenient distance of the places at which trials are to be had, and avoiding the danger of conferring jurisdiction on a court wholly within the Territory, as is proposed by the Senate substitute, among a people not deemed so far capable of self-government as to be under even a Territorial form of government.

It is suggested that to organize a court within the Indian Territory

will have its educational advantages and a moral influence by showing to those people how justice is administered, the agencies by which it is administered, and give them the benefit of witnessing trials in the Territory. Of course all this is very desirable. I recognize that the trials at nisi prius are great instrumentalities of education among the people of this country and Great Britain; but, Mr. President, before we enter upon that experiment it ought to be with a people that are at least capable of being organized into a Territorial form of government.

Those familiar with that country know that there are some very intelligent people, mixed-bloods mainly, in these nations. The great body of them, however, are pure-bloods, and out of the pure-bloods I suppose it would be almost impossible to find a single man qualified with intelligence to perform the duties of a juryman. It would be almost impossible to find one that could speak the English language or understand it when spoken. I see that these bills contemplate that the proceedings of the court shall be in the English language. Among the full-blood Indians this would be all a dull mummery. They would have no conception of what was going on unless an interpreter was employed to make known to them what was being done.

So it seems to me it is too great a risk on a speculative idea of educating these people into a capacity for self-government to establish a court within the Territory; and besides, consider the location of the court at Fort Smith, the one at Paris, and the one at Denison, and then take the location at the place where it is proposed to locate a court in the Territory, and the people are as near to these several jurisdictions as they would be to that particular jurisdiction. So, then, in point of convenience to litigants, in point of saving expense, the House bill has an advantage over the Senate bill and over the bill presented by the Senator from Arkansas [Mr. JONES].

Senator from Arkansas [Mr. Jones].

I thought, leaving out the speculative questions that arise in this case, I would call attention to these practical facts: In the first place, the necessity of a new jurisdiction there; in the second place, the danger of locating a court among such people to be administered by the aid of jurymen who neither understand our laws, our language, nor our customs; and in the next place, the relief which the House bill would give to litigants and to the Government in the saving of expense and travel, and the placing of the courts sufficiently convenient to these several persons.

several persons.

For these reasons I trust that the Senate substitute may not be adopted for the House bill.

Mr. MORGAN. Mr. President, this is a subject in which I have felt a very great interest for several years. I had the honor of being a member of the committee of this body which went down to the Indian Territory and made a thorough inspection of the civilization of the five civilized tribes—that was three years ago—and published a report in three volumes, which are here, containing a vast amount of evidence

in connection with this topic. Amongst other things that committee have incorporated most of the general laws and the constitutions of these different Indian tribes that have adopted any constitution. The Chickasaws and the Choctaws and the Creeks and the Cherokees have each of them, I know, constitutions. The Seminoles have a written constitution also, but it is more declaratory of principles than an arrangement of civil government. This committee made a report after due investigation of the condition of those tribes of Indians, and if they have correctly presented the facts more has been done for the civilization of those five tribes within a period of thirty or forty years than has been done for any set of men in the world, and nearly the whole of it has been the work of their own hands. They have adopted in their constitutions forms of government that belong to the States of the American Union, and they are very elaborate and very complete.

can Union, and they are very elaborate and very complete.

Some of these constitutions were adopted as far back as 1839, and contain the express requirement that the right of trial by jury shall exist; and it is a right that is practiced in each of these tribes and has been now for more than thirty years. Justice is administered within the civilized tribes in their courts just as well as it is in Dallas County, Alabama, where I reside, and they have a better constituency there for the purpose of selecting jurors in the Creek or Cherokee or Chockaw or Chickasaw Nation than we have got in Dallas County, Alabama; and yet we have a very enlightened white population there—perhaps there is not any in proportion to numbers that can excel them—but we have in Dallas County, Alabama, about 35,000 negroes to about 9,000 white people; and our jurors, grand and petit, are drawn from the body of the people of the county without respect to color or any other thing except the personal qualifications of the jurors.

cept the personal qualifications of the jurors.

I have tried many cases before juries mixed and juries almost, if not entirely, composed of negroes, and I have found that we have got intelligent verdicts because we have had the intelligent portion of that population to put in the jury-box. The law is carefully administered there in respect of the selection of the individual who shall become a grand juror or a petit juror, but they are not more careful there than they are in the Indian country; neither is the practice more successful in getting good juries in Alabama than it is amongst the different tribes of these five civilized nations.

I have found that the jury system and admitting negroes to the juries in the State of Alabama has, in my opinion at least, been the very greatest civilizer that has ever been adopted, and I have seen no occasion to complain of the administration of justice there through the negro juries.

These people out in the five tribes have been progressing in their civilization, as I have remarked before, with a rapidity that is unexampled, and one of the best agencies that they have ever found at all in the development of a high order of civilization—for it is both high and Christian—has been the jury system. We know—I know, at least—that amongst the full-blooded Indians out there many of them speak the English language, and speak it well, and some of the very best lawyers in this whole country are full-blooded Indians in that part of the world. Their courts are organized completely in every particular. They have a full system of county courts and probate courts, and then the system of circuit courts, and a supreme court usually presided over by three justices, in which written opinions are delivered by the judges of the court, and they compare favorably with any other opinions I know of in the State courts for their intelligence.

Now, Mr. President, I have not the time to go through with these different constitutions, although they lie before me here, and the acts of their different Legislatures to show what ample and exact provision has been made in these civilized tribes for the administration of justice, but I think I can claim, without any possibility of a successful denial, that these Indians are unequaled, and have been for years and years, in the administration of justice in the highest and best way that justice is administered in any of the States of this Union.

Here are three propositions before the Senate to-day, one coming from the House of Representatives which parcels out the jurisdiction now existing exclusively at Fort Smith between Texas and Kansas and Arkansas, so as to have three courts and a division of the jurisdiction which is at Fort Smith, Ark., now distributed around in these three courts. That would be some relief in respect of the distance men have to travel to go to court, but it maintains the old system of holding the court outside of the Territory in which the offense is alleged to have been committed or where the right accrues.

The modified bill of the Senator from Arkansas [Mr. Jones] proceeds on the idea that this Indian court when established, or rather this American court, this United States court when established within the Indian Territory, ought to have a limited jurisdiction and that there ought still to be a reference of all the larger and heavier offenses to the court as it exists now at Fort Smith. That may be a convenience; I can not say it would not be a convenience for the present; perhaps it is; and if the bill of the Judiciary Committee is adopted by the Senate the time ought to be deferred for it to take effect, perhaps for a year or two years or something like that, until we could get the whole system entirely matured.

The Senate bill, however, comes in with a plenary jurisdiction in favor of a United States court to be held at Muscogee in the Creek In-

dian country, down on the railway there, a very convenient location. The object of that court is the administration of civil and criminal justice in that Territory. That is the whole purpose of all this pro-

posed legislation.

As to the locality, it is one merely of convenience in the first place; and in the second place, it is the effect that is produced by the holding of a court within that Territory upon the civilization of the Indians, and the further effect also of planting within that Territory in an act ive way the exercise by the United States Government of its power and jurisdiction over these people. We have got, sooner or later, to incorporate them into this Union either as a State or a Territorial government and after awhile as a State, and this is a step in the right direction. It is the first necessary step to take, that of establishing courts there for the administration of justice.

Now, these comparative matters having been disposed of, the only remaining question in this case is whether or not you can get within the borders of these civilized tribes competent jurors. The provisions of this bill are entirely complete, I think, in respect to the power to be exercised by the court in making the selection of competent jurors. If competent jurors can be found in the Indian Territory they can be organized under the bill of the Judiciary Committee just as completely at Muscogee as they could be at Fort Smith. I take it for granted, in fact I know, that a court at Muscogee would be just as well protected as at Fort Smith, so far as its authority is concerned; the judge and the jurors would be as safe at Muscogee as they would be at Fort Smith

or at any other place.

I know also-because that is the testimony this committee developed—that at this time there is a large manifest interest among the Indians for having a court held within their Territory. They would welcome this tribunal into the Creek country or any part of it, and it would be obeyed and observed with religious fidelity, and it would be really the most potent of all the civilizing agencies that have ever

been established in that wonderfully beautiful country and amongst that wonderfully progressive people. There is not a doubt of it.

Then the court would be safe, and that leaves the only remaining question whether you can get competent jurors. The Indians-have found competent jurors there for twenty or thirty years for the trial of their causes as between each other. This bill provides that where the defendant in the case or the plaintiff in the action, I believe either, is a white man, a citizen of one of the States of the Union, he shall have the right man, a citizen of one of the States of the Union, he shall have the right to demand a jury to be drawn from some adjoining judicial district of the United States, so that he can leave the Indian country and go abroad with the powers of the court and summon jurors and carry them to Muscogee to be organized there for the purpose of trying his case. When a question arises, however, between the Indians, that will be disposed of by juries who have been disposing of cases of the same kind for thirty years and doing it with remarkable intelligence and justice and firmness.

So, Mr. President, the question narrows itself down to this one propo-

sition: Can you find out of this great body of Indian citizenship and white citizenship which occupies these five civilized nations a sufficient

white citizenship which occupies these five civilized nations a suncient number of Indian men to get a good and competent jury?

Mr. BUTLER. If my friend will pardon me one moment, I desire to say that I draw a distinction—I do not know that it is well founded—between a competent juror and a juror who is qualified to serve. The only doubt I have about the provision of the bill is whether you can make a person who is not a citizen of the United States a juror in a United States are supported and I have a beautiful provision and her the United States court. I understand and I have been informed by the Senator from Massachusetts [Mr. Dawes] that applications have been made by Indians under the law to become citizens of the United States, made by Indians under the law to become citizens of the United States, thereby inferentially at least holding that they are aliens. That is the only doubt I have about it, whether Congress has the right to say that a person who is not a citizen of the United States is qualified to serve on a jury in a United States court. I should be very glad to hear my friend from Alabama on that aspect of the question.

Mr. MORGAN. Mr. President, the Congress of the United States, within any place where it has jurisdiction to enact law in respect of the qualifications of jurors, can fix the qualifications. There is no con-

qualifications of jurors, can fix the qualifications. There is no constitutional prohibition upon the power of Congress to fix the qualifications of jurors so as to extend them even to aliens if we choose to do it.

Mr. BUTLER. Then I suggest to my friend that we should have to repeal that provision of the Revised Statutes which says jurors shall have the same qualifications as are held by jurors in the respective

Mr. MORGAN. That is done precisely in this bill, in the eighth sec-

SEC. 8. That all proceedings in said court shall be had in the English language; and bona fide male residents of the Indian Territory over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

Mr. BUTLER. That says "male residents" shall be competent jurors, but we must not lose sight of the fact that that Territory is not even a part of the United States. It is a foreign government in one aspect of

Mr. MORGAN. It makes no difference. When we organize this

court there, it is a judicial district of the United States, and whether there is a Territorial government there or whether there is a foreign government or an alien government there makes no difference. We organize it as a judicial district and we prescribe the qualifications of There is no difficulty in the Constitution of the United States against this exercise of power by Congress, and I therefore think that the question is not one of any material consequence at all. This does repeal the general provisions of the jury law quoad.

Mr. EDMUNDS. If there is any doubt about that it can be recti-fied. It is a mere matter of technical difficulty. I agree with the Senator from Alabama; but of course it will have to be looked into in

conference.

Mr. MORGAN. I maintain that the issue is narrowed down to this

simple proposition——
Mr. COKE. I should like to ask the Senator from Alabama a question. I understand him to say that juries may be taken from adjoin-

Mr. MORGAN. On the demand of the defendant, if a white man. Mr. COKE. How is the process of the court in the Indian Terri-

tory to be enforced outside of that Territory?

Mr. MORGAN. This bill provides for that. The court may send out a venire for the purpose of summoning jurors in any adjoining district. The bill provides for it, and the bill would be incomplete without that provision. Of course I am not very familiar with all the terms of this bill. I am not on the Judiciary Committee, but on looking it over I have found, to my entire satisfaction, that it is a very complete system of law. I think there is no difficulty in the working of the system as provided in this bill which the Judiciary Committee has proposed to substitute for the House enactment.

Now I come to my point again that there is but one issue in this case as it is presented; that is to say, there is but one objection to the establishment of this court out there, and that is the possibility that you will not get Indian jurors. That is the whole of it. That difficulty removed, no other difficulty has been suggested as standing in the way of the passage of this proposed law as recommended by the Judi-

ciary Committee.

I maintain, Mr. President, and the history of these people shows it, Thankain, Mr. Fresident, and the instory of these people shows it, their dealings with us day by day show it, that they are not only capable of being jurors, but they are capable of being judges, and very excellent judges. There are lawyers to-day in the Cherokee Nation and in the Creek Nation who, I think, would be the peers of almost any lawyer on this floor—very able men. They show it in their legislation. Here are their statute-books [exhibiting], covered with enactments, constitutional organizations of government, and all of that, just as perfect and as complete as have been made by any of the States of the American Union. Now why should they not have this agency of the American Union. Now, why should they not have this agency of the law, and why should we not recognize them as a people who should participate in some sense or other in the administration of the judicial power of the United States within themselves and amongst themselves?

Mr. President, it is a denial of justice, and it is an important denial of justice, to say to these people that they shall not participate in the administration of the laws of the land when the argument can not be correctly made against them that they are either too corrupt to partici-

pate in it or that they are too ignorant to do it.
Sir, you can get just as good jurors out there as you can get in Dallas County, Alabama, and your chances are 20 or 30 or 40 or 50 per cent. greater for getting a good jury out of these five civilized tribes than they are in Dallas County, Alabama, where the population is about 35,000 negroes to 9,000 white. We find no difficulty about it; we admit the negroes to the jury, and we never feel that we are in any danger from that source, because the selection made by the court of the material that enters into the juries is always intelligent and impartial,

and the result is usually a good one.

I hope some of these bills will pass. I am willing to take any one of them if I can not get the one I prefer, except the one parceling out the jurisdiction between the three States of Kansas, Arkansas, and Texas. That does not do any good; that does not meet the evil; that does not introduce the court into the Territory where it ought to be; but either of the other measures would suit me, because I want to get a start upon it. Pass the bill of the Senator from Arkansas, and within a few years, perhaps at the next session of Congress after this has been tried amongst the Indians, you will find a court there that you would be delighted to improve by the enlargement of its juris-

My faith in the success of the plan is so entirely positive after a thorough personal examination of the question and after thinking over it for several years, that I would most freely adopt the recommendation of the Judiciary Committee of the Senate. I believe that is what we ought to do. If we can not get that I am willing to fall back upon the other. But do let us have a court amongst these people, and let them feel that after all they have some interest in the United States and

some right of participation in our Government through the courts.

Mr. VEST. Mr. President, I have a good deal to say on this subject, but I am so anxious to get a vote and get this bill into conference that I simply want to make a single remark. I do not expect that the bill which I reported here will be enacted into a law, for many reasons

which I could give. I expect we shall obtain some compromise measure which will be satisfactory, if not entirely so at least partially so, to everybody interested in the matter.

I hope the Senate will vote down the proposed amendment and pass the Senate bill as reported from the Committee on the Judiciary, and ask for a committee of conference so that we can adjust this matter

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on the adoption of the amendment in the nature of a substitute offered by the Senator from Arkansas [Mr. Jones] to the amendment reported by the Judiciary Committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment reported by the Committee on the Judiciary which has been read.

Mr. REAGAN. What is the question?
Mr. EDMUNDS. On agreeing to the amendment recommended by the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. EDMUNDS. The title ought to be amended. I move to amend the title so as to make it read: "A bill to provide for holding a court of the United States in the Indian Territory, and for other purposes."

The PRESIDING OFFICER. The title of Senate bill 270 might

be added.

Mr. EDMUNDS. That will do.

The SECRETARY. It is proposed to amend the title so as to read: "A bill to establish a United States court in the Indian Territory, and for other purposes."

Mr. EDMUNDS. That is right.

The PRESIDING OFFICER. The title will be so amended.

Mr. EDMUNDS. The Senator from Missouri wishes to move a con-

ference, I think.

Mr. VEST. Yes. I move that the Senate insist upon its amendments and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. Vest, Mr. Ed-MUNDS, and Mr. WILSON of Iowa were appointed.

# ALASKA SALMON FISHERIES.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the United States Commissioner of Fish and Fisheries be, and is hereby, directed to report without delay to Congress such information in reference to the salmon fisheries of Alaska and the conditions under which the same are now prosecuted as may be in his possession, and to recommend such legislation as may be necessary to prevent the impairment or destruction of these valuable fisheries.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes; in which it requested the concurrence of the Senate:

The message also announced that the House had passed the following bills:

A bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions; and

A bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of

New York.

The message further announced that the House insisted upon its amendments to the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMPHILL, Mr. COMPTON, and Mr. GROUT managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes;

A bill (H. R. 11693) to amend section 555 of the Revised Statutes relating to the District of Columbia; and

A bill (H. R. 3312) to create the northeastern division of the southern Federal judicial district of Georgia, and to take certain counties from the northern district and add to the southern district, and to pro-

from the northern district and add to the southern district, and to provide for holding courts in said northeastern division, and for other purposes.

of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3401, in relation to the Pacific

Mr. DAWES. I ask unanimous consent for the informal laying aside of that bill and the taking up of the fortifications appropriation bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks

unanimous consent that the unfinished business may be informally laid aside, and that the Senate proceed to the consideration of the fortifica-tions appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. FRYE. Is that an appropriation bill? Mr. DAWES. It is.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of

heavy ordnance for trial and service, and for other purposes.

Mr. DAWES. I ask that the formal reading of the bill be dispensed with, and that it be read for amendments, and that the committee amendments may be passed upon first as they are reached in the reading.

The PRESIDING OFFICER. The Senator from Massachusetts asks

that the formal reading of the bill may be dispensed with, and that the amendments of the Committee on Appropriations may be acted upon as the bill is read. The Chair hears no objection, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in line 5, page 1, after the word "appropriated," to insert:

To be available until expended, and to be expended under the direct supervision of the Board of Ordnance and Fortification, created by the fortification appropriation act approved September 22, 1888, and in the manner prescribed by said act.

So as to read:

That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until expended, and to be expended under the direct supervision of the Board of Ordnance and Fortification, created by the fortification appropriation act approved September 22, 1888, and in the manner prescribed by said act, namely.

The amendment was agreed to.

The next amendment was, under the head of "Preservation and repair of fortifications," on page 2, lines 2 and 3, before the word "fortifications," to strike out "and preparation of plans for;" so as to read: For the protection, preservation, and repair of fortifications, \$100,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 2, after line 3, to insert:

For preparation of plans for fortifications, \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "Torpedoes for harbor defense," on page 2, after the word "seaports," in line 8, to strike

For needful casemates and cable galleries to render it possible to operate sub-marine mines; for continuing torpedo experiments and for practical instruc-tion of engineer troops in the details of the service, three hundred and thirty;

And insert "two hundred and fifty;" so as to read:

Torpedoes for harbor defense: For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, \$250,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 2, after line 13, to insert:

For needful casemates and cable galleries to render it possible to operate submarine mines, \$250,000.

For continuing torpedo experiments and for practical instruction of engineer troops in the details of the service, \$30,000.

The amendment was agreed to.

Mr. MANDERSON. I move the following amendment, to come in at the end of line 19, on page 2:

For the purchase of movable submarine torpedoes propelled and controlled at will by power transmitted from shore stations, \$200,000.

Mr. HARRIS. Is that an amendment to an amendment reported by the committee?

Mr. MANDERSON. It is an amendment that is agreed to by the committee, and the Senator from Kansas [Mr. Plumb], who has it in charge, is here.

The PRESIDING OFFICER. The Chair understands it to be a committee amendment.

Mr. HARRIS. That explanation is satisfactory.

The amendment was agreed to.

A bill (H. R. 11693) to amend section 555 of the Revised Statutes elating to the District of Columbia; and

A bill (H. R. 3312) to create the northeastern division of the southern Federal judicial district of Georgia, and to take certain counties om the northern district and add to the southern district, and to proide for holding courts in said northeastern division, and for other purcoses.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The hour

and twenty-five thousand" and insert "seventy-seven thousand five hundred;" so as to make the clause read: so as to make the clause read:

For procuring one 10-inch disappearing gun-carriage, \$13,500; for gun platforms at proving-grounds, \$6,500; for projectiles for field, siege, and seacoast guns for issue to the service, \$23,500; for siege-gun powder for issue to the service, \$7,000; for fusers and implements for issue to the service, \$2,000; for the purchase of machine guns, musket caliber, of American manufacture, \$20,000; in all, \$77,500.

The amendment was agreed to.

The next amendment was, under the same head, on page 4, after line 17, to insert:

For the manufacture of forty caissons and ten combined battery wagons and forges for 3.2-inch field guns, \$43.274.

For procuring the necessary instruments and other materials and for the proper installation of instruments for conducting the annual heavy-artillery practice of the Army, \$20,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 5, line 13, after the word "dollars," to add the following proviso:

Provided, That all material purchased under this act shall be of American

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### RETURN OF DIRECT TAX.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, with a recommendation that the Senate disagree to the amendment of the

House of Representatives and ask a conference thereon.

The PRESIDING OFFICER. The Senator from Ohio reports back from the Committee on Finance the bill known as the direct-tax bill, and moves that the Senate disagree to the House amendment and ask a conference thereon.

The motion was agreed to.

By unanimous consent, the conferees on the part of the Senate were authorized to be appointed by the Presiding Officer, and Mr. SHERMAN, Mr. MORRILL, and Mr. HARRIS were appointed.

### ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Mr. PLUMB. I ask unanimous consent to call up Calendar No. 2505, being House bill 7799, a bill which has passed both Houses of Congress heretofore a number of times but never both Houses at the same session and in the same terms precisely, a bill referring a claim

of \$3,000 to the Secretary of the Navy.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of the Navy to investigate the claim of the Albemarle and Chesapeake Canal Company for tolls on vessels transporting naval supplies, and to award such sum as he may find equitably due, not to exceed \$3,742.20, in full payment of all claims of the company against the Government.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## INAUGURATION ARRANGEMENTS.

The PRESIDENT pro tempore. As the committee authorized by the resolution of the Senate day before yesterday to make the necessary arrangements for the ceremonies on the 4th of March proximo, the President of the Senate appoints the following Senators: The Senator from Massachusetts [Mr. HOAR], the Senator from Illinois [Mr. Cullom], and the Senator from Missouri [Mr. Cockrell].

# TELLERS AT PRESIDENTIAL COUNT.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Ordered. That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral votes for President and Vice-President of the United States be appointed by the President pro tempore.

The PRESIDENT pro tempore. The Chair appoints under the reso lution of the Senate, as tellers at the opening and counting of the electoral vote on the second Wednesday in February, the Senator from Nebraska [Mr. MANDERSON] and the Senator from Tennessee [Mr. HARRIS].

# HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes. The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 424) granting a pension to Elizabeth Myers;

A bill (H. R. 717) granting an increase of pension to Daniel M.

A bill (H. R. 6535) granting a pension to Mary Gray; A bill (H. R. 6598) granting a pension to Maria Brasted;

A bill (H. R. 6886) granting a pension to Hannah McKee; A bill (H. R. 7123) for the relief of Catharine Mutz; A bill (H. R. 8801) granting a pension to William Logan;

A bill (H. R. 9408) granting an increase of pension to Stephen L.

A bill (H. R. 10301) for the relief of Emily Cross;

A bill (H. R. 10474) granting a pension to Dorcus Alford;
A bill (H. R. 10639) granting a pension to John Y. Hooper;
A bill (H. R. 10780) for the relief of Benjamin E. Snyder;
A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed;

A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed;
A bill (H. R. 10882) granting a pension to Nancy Hamilton;
A bill (H. R. 11300) granting a pension to George H. Burgess;
A bill (H. R. 11430) to increase the pension of Harlan E. King;
A bill (H. R. 11466) granting a pension to Mary A. Selbach;
A bill (H. R. 11586) for the relief of Stephen Williams;
A bill (H. R. 11741) granting a pension to Alexander M. Boatright;
A bill (H. R. 11923) granting a pension to Charles Schuler;
A bill (H. R. 11924) granting a pension to Annie Balser;
A bill (H. R. 11993) granting a pension to Mary A. Long;
A bill (H. R. 12006) granting an increase of pension to Leonard Schae-

fer:

A bill (H. R. 12047) granting an increase of pensionto George Colwell; A bill (H. R. 12303) granting a pension to Ester Gaven; and A bill (H. R. 12506) granting an increase of pension to Patrick

Geraghty.

#### THOMAS MATHEWS AND OTHERS.

Mr. HISCOCK. I ask that the Senate proceed to the consideration of Calendar number 2515, being the bill (H. R. 4581) for the relief of Thomas Mathews and others.

Mr. COCKRELL. Let it be reported for information.
The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to investigate the claims of Thomas Mathews for the sum of \$51.80; H. A. Crane, for the sum of \$37.80; William McChesney, for the sum of \$51.80; H. A. Crane, for the sum of \$37.80; William McChesney, for the sum of \$51.20; John K. Post & Co., for the sum of \$324.20; E. W. Rathbun & Co., for the sum of \$555.20; Irwin Sloan, for the sum of \$611.40; C. C. Morton, for the sum of \$103.20; Charles H. Getman, for the sum of \$1515.20; Edward Monen, for the sum of \$124.60; Smith, Murdock & Co., for the sum of \$107.60; Daniel L. Couch, for the sum of \$152.80; Failing & Pratt, for the sum of \$17.20; E. L. and S. Thornton, for the sum of \$45.00; L. A. Card, for the sum of \$75.20; E. L. and S. Thornton, for the sum of \$55.20; O. M. Bond & Co., for the sum of \$94.20; I. P. Fairchild, for the sum of \$55.20; Crane, Belden & Co., for the sum of \$49.20; I. P. Wetmore, for the sum of \$23.20; Crane, Belden & Co., for the sum of \$49.20; I. P. Wetmore, for the sum of \$34.0; Kinyon, Wright & Co., for the sum of \$12.0; Bond, Kinyon & Co., for the sum of \$35.60; Cheeney, Ames & Co., for the sum of \$10.80, now or formerly importers in the customs district of Oswego, N. Y., being the several amounts of fees alleged to have been unlawfully collected of them, respectively, by collectors of customs at the port of Oswego, N. Y., from the lst day of April, 1873, to the 31st day of December, 1882, inclusive, under section 2654 of the Revised Statutes of the United States (second edition); and in case he shall be satisfied that such claims, or any part or parts thereof, were unlawfully collected, he shall refund the same to the said firms or parties, or their legal representatives, out of any money in the Treasury of the United States not otherwise appropriated.

Mr. COCKRELL. Let the report be read in that case,

Mr. COCKRELL. Let the report be read in that case, Mr. HISCOCK. I will state the case to the Senator.

Mr. COCKRELL. I have the report before me and I would prefer

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. QUAY January 9, 1889:

The Committee on Claims, to whom was referred the bill (R. H. 4581) for the relief of Thomas Mathews and others, have had the same under consideration, and respectfully report:

This bill having passed the House at the first session of this Congress, was reported to that body from the Committee on Ways and Means. The report of said committee, which is hereby adopted, is as follows:

said committee, which is hereby adopted, is as follows:

"That the Committee on Ways and Means of the Forty-eighth Congress made favorable report of this bill after referring the claims therein provided for to the Secretary of the Treasury for consideration, and after due investigatien this committee adopt their favorable report, and append hereto a recent letter from the Secretary of the Treasury in relation thereto.

"The collector of customs at the port of Oswego, N. Y., from the 1st day of April, 1873, to the 31st day of December, 1882, inclusive, demanded and collected of the persons and firms hereinafter named the several sums set opposite their respective names. These several sums are made up of fees collected by the collector at said port during the time named for certificates claimed to be of the character authorized and covered by section 2554 of the Revised Statutes (section 2, act of March 2, 1879, Statutes at Large, vol. 1, page 706). The legality of these several payments was tested in the case of Cochrane vs. Schell, Supreme Court of the United States, October, 1882, term, in which decision it was held that the stamp affixed to consular invoices (on importations similar to those made by the persons named in the bill) was not such a certificate as warranted the collection from the importer of a fee of 20 cents. In a letter from the Secretary of the United States Treasury concerning the subject-matter of this bill and the fees therein mentioned, dated December 19, 1884, the Secretary disposes of the whole matter. Following is a copy of the letter:

"Treasury Department, Office of The Secretarry." "Weshington D. C. December 19 1884.

"'Treasury Department, Office of the Secretary, "'Washington, D. C., December 19, 1884.
"'Sir: In response to a communication made under your direction on the 24th

of June last to the Secretary of the Treasury, submitting for his consideration (H. R. 7108) a bill for the relief of Thomas Mathews and others, I have the honor to return herewith a copy of a letter under the date of the 10th instant, from the collector of customs at Oswego, N. Y., advising the payment to Thomas Mathews and the other persons named in the bill of the amounts set opposite the several names of the same persons in his letter. The claims to these sums arise under a decision of the Supreme Court of the United States, procured at the October term, 1882, in the case of Cochrane vs. Augustus Schell, in which decision it was held that the stamp affixed to consular invoices (on importation similar to those made by the persons named in the bill) was not such a certificate as warranted the collection from the importer of a fee of 20 cents. The sums named in the letter were for fees of this character exacted under the supposed authority of section 2654 of the Revised Statutes (section 2, act of March 2, 1879, Statutes at Large, volume 1, page 706). Accompanying the letter are detailed statements of the sums collected from each person named in the bill, with the date of collection as taken from the records of the collector's office.

"The claimants would seem to be justly entitled to a refund of the amount exacted of them.

"'Very respectfully,

"'CHAS, E. COON, Acting Secretary.

"'CHAS. E. COON, Acting Secretary.

"'Hon. H. A. HERRERT,
"'Of the Committee on Ways and Means,
"'House of Representatives."

"The following is a list of the persons and firms affected by this bill and covered by the letter of the Secretary of the Treasury and the letter of the collector of the port of Oswego, N. Y., to wit:

Charles H. Getman	\$115.20	Irwin P. Sloan	\$611,40
J. K. Post & Co	324.20	Edward Monen	124.60
E. W. Rathbun & Co	585, 20	Smith, Murdock & Co	107.60
Kinyon, Wright & Co	41.80	Hogoman & Murdock	35, 60
Paige, Fairchild & Co	64.00	Charles O. Harra	10.40
Cheeney, Ames & Co	10.80	Page & Co	7.20
William McChessney	20.20	Bond, Kinyon & Co	8,40
Crane, Belden & Co	46, 20	C. C. Morton	103.20
Bond & Jenkins	23.20	Thomas Mathews	54.80
O. M. Bond & Co	49.20	E. L. & S. Thornton	
Failing & Pratt	71.40	Failing & Rundell	
Ross & Co	72, 60	D. P. Fairchild	55.20
L. A. Card	75. 20	I.P. Wetmore	32.00
H. A. Crane	37.80		
Daniel L. Couch	142.80	Total	2,911.60
	THE RESERVE TO SERVE THE PARTY OF THE PARTY		

"These several sums are now in the Treasury of the United States.

"TREASURY DEPARTMENT, February 9, 1888.

"Sir: The Department is in receipt of a letter, dated the 6th instant, from Mr. Henry Talbott, clerk of your committee, in which he incloses bill H. R. 4881, entitled 'A bill for the relief of Thomas Mathews and others,' and requests that you be advised whether the Department has any information in the matters referred to in the bill since the date of its communication to Mr. Herbert, of the Committee on Ways and Means, of December 19, 1884, which is embodied in the report of the committee on the bill in Forty-eighth Congress (Report No. 5080)

bodied in the report of the committee on the bill in Forty-eighth Congress (Report No. 2608).

"In reply, you are informed that the Department has no knowledge of any facts or matters which have occurred in connection with the claims set forth in the bill since the date of its said letter which would throw any further light upon the merits thereof.

"It would seem, however, upon reading said letter of the 19th December, 1884, that the Department failed to call the attention of the committee to the fact that the customs fees in question, which the bill proposes to refund to Mr. Mathews and the other parties mentioned, were paid at the custom-house at Oswego, during the period stated, without protest and appeal, and consequently that under the provisions of the fifteenth section of the act of June 30, 1864 (U. S. Statutes at Large, vol. 13, p. 202), now section 2932 of the Revised Statutes, the decision of the collector of customs at Oswego, in exacting such fees, became 'final and conclusive.'

"Respectfully yours,"

"I. H. MAYNARD, Assistant Secretary."

"I. H. MAYNARD, Assistant Secretary.

"Hon, J. C. BURROWS,

1. J. C. BURROWS,
Committee Ways and Means,
"United States House of Representatives, Washington, D. C."

The committee is, as a rule, reluctant to recommend relief in cases where fees or duties were paid without protest and appeal, but the relief provided by this bill is recommended by the Treasury Department, and the Supreme Court of the United States has decided that the exactions from the claimants were illegal.

The case is in several respects exceptional.

The committee therefore recommend that the bill be concurred in.

Mr. COCKRELL. Now read the letter below there, of February 9, 1888

The Chief Clerk read as follows:

TREASURY DEPARTMENT, February 9, 1888.

TREASURY DEPARTMENT, February 9, 1888.

SIR: The Department is in receipt of a letter, dated the 6th instant, from Mr. Henry Talbott, clerk of your committee, in which he incloses bill H. R. 4581, entitled "A bill for the relief of Thomas Mathews and others," and requests that you be advised whether the Department has any information in the matters referred to in the bill since the date of its communication to Mr. Herber, of the Committee on Ways and Means, of December 19, 1884, which is embodied in the report of the committee on the bill in Forty-eighth Congress (Report No. 2608). In reply, you are informed that the Department has no knowledge of any facts or matters which have occurred in connection with the claims set forth in the bill since the date of its said letter which would throw any further light upon the merits thereof.

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Respectfully yours,

I. H. MAYNARD, Assistant Secretary.

Hon. J. C. Burrows,
Committee Ways and Means,
United States House of Representatives, Washington, D. C.

Mr. COCKRELL. The point I want to call attention to is the letter of Mr. Maynard, from which it appears that the first report made by the Secretary of the Treasury did not disclose the fact that these fees were paid without any protest or appeal. No objection was made.

were paid regularly without objection or protest as required by law. After the lapse of years, a decision of the Supreme Court in a similar case held that the officer was not entitled to exact these fees. The whole revenues of the Government may be liable to be disturbed if that rule is adopted, and if after the lapse of years where fees have been paid and revenues collected without protest or objection they can be refunded because a court may in some other case decide that their collection was not authorized by the existing law. I say the whole revenues that have been placed in the Treasury Department may be very largely disturbed, and this is the first case I remember where the Senate has departed from the rule of making a payment in a case where there was no protest or objection made.

no protest or objection made.

Mr. SHERMAN. The distinction between the case to which the Senator refers and this case is very marked, although I will not vote for any bill of this kind. The cases to which he refers are where duties are collected and paid without protest or notice. In such cases it would not be safe for the Government ever to refund, but that does not

distinction between the two classes of cases.

I do not think as a matter of public policy it is wise to refund money that has been voluntarily paid in pursuance of what was supposed to be the law, and therefore the Senator is right in that particular that it is not a good plan to refund money which has been paid without protest, and if this were a duty levied under what was claimed to be existing law and paid without protest or notice, it would be very dangerous to refund it because that principle would apply to many millions of dollars that have been paid. In such cases the duties paid enter into the cost of the article and are reimbursed by the sale of the article in the markets of the country. Therefore the Government has never, to my knowledge, made a refund of duties paid that had been paid without notice and protest. There is, however, a distinction between that case and this because these are fees illegally exacted according to a decision of the Supreme Court.

Mr. MITCHELL. I ask the Senator whether there is any difference between a case where too much tax has been collected under some misinterpretation of the law by the executive officer and a case where the law imposing the tax has been declared unconstitutional by the Supreme Court? I should like to have the opinion of the Senator upon

that.

Mr. SHERMAN. Wherever the duty enters into the cost of the article for consumption and is paid without notice or protest, then it is never refunded, because it is supposed that the importer is reimbursed from the sale of the article; but I do not know that that would apply to the case of fees illegally charged, because there is quite a distinction

between the two cases.

Mr. HISCOCK. As I understand it, there is practically no way for a claimant in a case like this to get relief except through an act of Con-There is no protest that he can make and nothing that he can do, and he must come to Congress for the purpose of having the money

oo, and he must come to Congress for the purpose of having the money refunded to him. I think there is no protest provided for where simply the question of fees is involved, where they have been exacted.

Mr. HOAR. I should like to ask the Senator from Ohio, who deservedly ranks as the highest authority we have on such questions as this, whether he puts this rule upon the fact that the duty paid enters in the sale of the article by the importer into the price he obtains? For instance, suppose an importer considering the duty to be one supposed. instance, suppose an importer, considering the duty to be one sum, makes a contract to deliver to a customer a certain article for a particular price and a higher duty is assessed than he anticipated, so that he has not been able to add the duty to the selling price, does the Senator from Ohio in that case understand that the policy of this rule applies so as to be a good reason for refusing payment because protest did not happen to be seasonably made?

Mr. SHERMAN. The Government can not enter into an inquiry as to what the importer has done or what contracts he has made as to the disposition of his goods. If he pays the duty exacted of him by the collector and makes no protest, makes no demand, according to the plain provisions of the law he is expressly excluded from making any claim for a refund; and that rule has never been relaxed, nor does the Government stop to inquire whether he has sold the goods beforehand or not. In the case put by the Senator from Massachusetts, as a matter of course the protest would be made naturally. The fact that he did not make it shows that he put the same construction upon the law as the collector did. Therefore, I do not consider that point material to the difference between the two cases, and this is that the law does not require a protest in this case where illegal fees are exacted.

Mr. COCKRELL. The report of the Secretary says it does. tary Maynard says—and I call the Senator's attention to it—

It would seem, however, upon reading said letter of the 19th December, 1884-That is the first one-

that the Department failed to call the attention of the committee to the fact that the customs fees in question, which the bill proposes to refund to Mr. Mathews and the other parties mentioned, were paid at the custom-house at Oswego, during the period stated, without protest and appeal, and consequently that under the provisions of the fifteenth section of the act of June 30, 1864 (U. S. Statutes at Large, vol. 13, p. 202), now section 2932 of the Revised Statutes, the decision of the collector of customs at Oswego, in exacting such fees, became "final and conclusive."

Mr. SHERMAN. Will the Senator look at the law and see whether or not that is required?

Mr. FRYE. This is opening up a pretty broad discussion here, and if I have the right I shall have to call for the regular order.

The PRESIDENT pro tempore. The Senator from Maine is entitled

to call for the regular order.

Mr. HISCOCK. This will take but a little while. I think the Senator will find if he examines the statute that a protest is not required. Mr. COCKRELL. If the Senator will permit me I will read the clause of the statute.

The PRESIDENT pro tempore. Does the Senator from Maine yield? Mr. FRYE. For that purpose.

Mr. COCKRELL. Section 2932 of the Revised Statutes provides:

Mr. COCKRELL. Section 2932 of the Revised Statutes provides:

The decision of the respective collectors of customs as to all fees, charges, and exactions of whatever character, other than those relating to the rate and amount of duties to be paid on the tonnage of any vessel, or on merchandise and the dutiable costs and charges thereon, claimed by them, or by any of the officers under them, in the performance of their official duty, shall be final and conclusive against all persons interested in such fees, charges, or exactions, unless the like notice that an appeal will be taken from such decision to the Secretary of the Treasury shall be given within ten days from the making of such decision, and unless such appeal shall actually be taken within thirty days from the making of such decision; and the decision of the Secretary of the Treasury shall be final and conclusive upon the matter so appealed, unless suit shall be brought for the recovery of such fees, oharges, or exactions, within the period as provided for in the preceding section in regard to duties. No suit shall be maintained in any court for the recovery of any such fees, costs, and charges alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless such decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry of those mountains.

So that they are placed upon a perfect equality.

So that they are placed upon a perfect equality.

Mr. SHERMAN. If the law places fees exacted upon the same footing as duties, I do not think it would be wise to open the door for that class of cases. My general impression was that it was confined to a rate of duty which is already fixed and upon which there can be no appeal unless there be notice given and suit commenced at the proper time. The law seems to put these fees upon the same footing, and therefore I do not think the bill ought to pass.

Mr. COCKRELL. Under the circumstances I hope the Senator from New York will not press the bill, because I shall be compelled to object to it; and now that the matter has been brought before them, let

the Committee on Claims consider and settle it.

# ORDER OF BUSINESS.

The PRESIDENT pro tempore. The Senate, as in Committee of the Whole, resumes the consideration of the bill (S. 3401) in relation to the Pacific railroads, the pending question being on the motion of the Senator from Oregon [Mr. MITCHELL] to recommit with instructions.

Mr. FARWELL. I ask that Calendar number 2599, being House bill

3112, for the relief of Phineas T. Richardson, be now considered. It will only take a moment. I will say that the Committee on Military Affairs recommend the passage of this bill, and also the Secretary of

Mr. FRYE. If I yield to the Senator from Illinois, for whom I have a very profound respect, I shall be obliged to yield to other Sen-

ators. Therefore I must object.

# PRINTING OF A BILL.

Mr. COCKRELL. I must claim of the Senator from Maine the indulgence of being allowed to ask an order to have a bill printed. The bill (H. R. 6106) for the relief of certain volunteers and regular soldiers of the late war and the war with Mexico, which was passed the other day with a substitute from the Senate, has not been printed in bill form. It was read and printed in the RECORD, having been considered when it was first reported, and I now ask that it may be printed in separate form.

The PRESIDENT pro tempore. The Chair hears no objection, and

it will be so ordered.

### INDEBTEDNESS OF PACIFIC RAILROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The PRESIDENT pro tempore. The pending question is the motion of the Senator from Oregon [Mr. MITCHELL].

Mr. STEWART. I should like to have the resolution of the Senator from Oregon read.

military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, with the accompanying report, No. 1950, first session Fiftieth Congress, be, and the same is hereby, recommitted to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission, with instructions to include in said bill such proposed legislation as in the judgment of such committee is proper, providing for the ascertainment of the amount of the indebtedness to the Government justly payable, due and to become due, by the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, in respect of the bonds of the United States herefore issued to aid in the construction of the Central Pacific and the Western Pacific Railroads, and for the proper security and funding of the same.

Mr. STEWART Is a substitute for that resolution in order?

Mr. STEWART. Is a substitute for that resolution in order?

The PRESIDENT pro tempore. A motion to commit can only be amended by a motion to instruct. There can be no further amendment offered

Mr. STEWART. My motion is to recommit with instructions, and I want to offer it as a substitute for the pending motion of the same character.

The PRESIDENT protempore. The Chair can not entertain a motion

to further amend the motion to commit.

Mr. STEWART. I will then give notice that when the pendiug motion is disposed of I shall offer what I send to the desk to be read. The PRESIDENT pro tempore. It will be read for information. The Secretary read as follows:

The Secretary read as follows:

Resolved, That Senate bill 3401, providing for funding the indebtedness of the Union Pacific Railroad Company, be, and it is hereby, recommitted to the Select Committee on Pacific Railroads, with instructions to report a bill which shall provide for the payment of the indebtedness to the United States of the several Pacific railroads for the construction of which bonds have been issued, by requiring sums of money equal to the indebtedness to the United States of the Union Pacific Railroad Company and its branches, and the Central Pacific Railroad Company, as the successor of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company to be expended by said railroad companies, respectively, in the construction of such improvements on the main lines of said railroads, including double tracks and tunnels to avoid high grades, and such new unincumbered branch railroads as Congress may approve, and in the construction of such hydraulic works for the purpose of irrigation as Congress may authorize, with such limitations upon freights and fares to be charged by said railroad companies on the roads so improved and constructed as will insure cheap transportation.

The PRESIDENT was tempore. The question recurs on the motion

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Oregon [Mr. MITCHELL].

Mr. STEWART addressed the Senate. Having spoken for some

Mr. HAWLEY. I wish the Senator would kindly yield to me for a few moments. It is getting late and this is Saturday afternoon. I desire to ask the Senate to concur with the House in a bill that has passed both the House and the Senate very nearly in the same form. It is a bill to organize the militia of the District of Columbia, House bill 4961, Calendar No. 2648.

The PRESIDENT pro tempore. Does the Senator from Nevada yield?
Mr. STEWART. I yield for that purpose.
[Mr. STEWART's speech will be published after it shall have been concluded. See Appendix.]

DISTRICT MILITIA.

Mr. HAWLEY. I ask unanimous consent to call up House bill

The PRESIDENT pro tempore. The bill will be read by title. The SECRETARY. A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

Mr. EDMUNDS. Let it be read for information.

Mr. HOAR. How long a bill is it?
Mr. HAWLEY. Will the Senator permit me to make a word of explanation?

Mr. EDMUNDS. I should like to hear the bill read for information.

The PRESIDENT pro tempore. The bill will be read.

Mr. HAWLEY. Let me make an explanation first. The bill was presented to both Houses. It passed the Senate with certain amendments, considerably reduced in form, not changing the substance but reducing the extent. The Senate passed it. The House amended the same bill somewhat differently. Our bill was better rhetorically, but their bill is better economically. They reduce the expense considerably. The Senate Committee on Military Affairs instructed me to report the House bill favorably and to ask a concurrence practically with the House.

The Senator from Massachusetts [Mr. HOAR] asked how long was the bill. That is the only difficulty, but I thought this was as good a time as any to read it. I think it will take about sixteen minutes to read the bill.

The PRESIDENT pro tempore. The Senator from Vermont asks that the bill may be read.

Mr. EDMUNDS. For information, subject to objection.

The Secretary read the bill, and by unanimous consent the Senate,

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

Resolved, That the bill (8. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, in this little District, where the Army of the United States now in re-

spect of such expense performs the duties for which this expense would be paid; and it sets up here a military organization to be paid for by the United States which is a somewhat large one in respect of having a commanding general authorized to have parades and days of duty in his discretion at the price per day named for all these officers and men. Very likely it is a good thing of itself, but if any commanding general wishes to have frequent parades the footing of the bill at the end of the year would be something enormous if I can understand it from this rapid reading.

I have next simply to suggest, and my duty will be done about it, that some of these provisions in regard to arrests, etc., of people who interfere with these organizations are, I am very much afraid, quite outside of the line of the constitutional possibilities that belong to Congress in respect of private liberty, in that it is proposed to make the police court of this District the first, last, and final judge in many instances of whether an offense has been committed which interferes with

this establishment that is thus set up.

Having said this as a mere suggestion to my friend from Connecticut, who has charge of this bill, I have nothing more to say. I never saw it before, and I should not be quite willing to vote for it at this present moment as it stands.

Mr. HARRIS. What is the estimate that the Senator makes as to

Mr. HARRIS. What is the estimate that the Schator makes as to the probable expense of the organization?

Mr. EDMUNDS. It is quite impossible to make an estimate in this hurried run, but I see in the way things are to be paid, the frequent public operations, and so on and so on, that it would be, I can not say how great, but I should think it would be rather larger than we should wish to go into as a mere ornamental arrangement without more consideration than we can give it to-night.

Mr. HARRIS. How is that expense to be paid?
Mr. EDMUNDS. Out of the Treasury of the United States.
Mr. HAWLEY. Mr. President, this bill is modeled upon the best militia bills of the several States. The expense, the cost under it, will not be near as large as the State of Connecticut pays for the care of its

The Senator from Vermont wisely calls upon us to look out for the expenditures under the bill, and he speaks of the possible expense, considering the fees to be paid whenever the men are called out. body is paid for a parade, excepting the musicians, \$6 a day for the principal musicians and \$4 for the others and \$2 for the regularly enlisted corps of field music.

Mr. EDMUNDS. Is it \$8 for the chief musician?
Mr. HAWLEY. Yes, \$8; that is a difference of \$2. I would rather
pay that myself than have the bill fail. The soldiers get no pay at all.
Connecticut pays \$1.50 or \$2 a day to its soldiers in its annual parade
of six days. I find nothing here for that. They are allowed, it is true, to draw their clothing under exactly the same regulations that govern the regular Army. A suit of clothing will last from three to five years. There is no other expenditure here except the rent of armories and the ordinary offices.

In many of the States, in my own State, the State pays for every In many of the States, in my own State, the State pays for every necessary armory. In some cases four or five or six companies are able to join in the same armory. In other cases an armory is for a single company alone. There are some rents, there are the clothing and arms to be properly receipted and accounted for as if they were part of the regular Army, under the same regulation precisely. This District being the child of the nation and not of any State, the expense will be less than that of any ordinary State militia that is in any way organized in modern style with no pay to private soldiers whatever and no pay to modern style, with no pay to private soldiers whatever and no pay to officers, with pay for nobody but the musicians.

The Senator's criticism is as to the right of way, the arrest of any-body disturbing them. I do not think there is anything in that of

which anybody can complain. It is simply an ordinary regulation, such as the police would enforce on any day of any parade.

This bill repeals the act of 1803. There has been no change of the militia law in this District within the last eighty-six years, and it is

time it was revised.

It is an interesting fact that now every citizen liable to military duty here is required to keep on hand a musket, a rifle, so many flints, so many balls, so much powder, a sword or hanger, a spontoon-and there

many balls, so much powder, a sword or hanger, a spontoon—and there are not two hundred people in the District except some of the very oldest citizens who know what a spontoon is. The law is nearly one hundred years old, and altogether antiquated.

A number of patriotic and public-spirited young men have maintained an admirable military organization, or a number of organizations, at their own expense entirely for arms and for armories and rents and all that. This relieves them of only a nortion of the burden. It proall that. This relieves them of only a portion of the burden. It provides for a very compact and handsome organization. The public sentiment of this District and of the country would be very much disappointed if there were no organizations whatever to turn out on various occasions of ceremony.

Mr. COCKRELL. Will it be any interruption of the Senator if I

say a word?

Mr. HAWLEY. Certainly not.

Mr. COCKRELL. I have not had time to compare these bills. The House bill which the Senator has called up is No. 4961, and we passed

through the Senate on the 17th day of May last Senate bill 2602, and that bill was reported in the House July 14, 1888, with an amendment, referred to the House Calendar, and ordered to be printed.

Now, I see that the two bills are very materially different, and I see that the House committee reported the Senate bill as it passed, with only one or two amendments.

Mr. HAWLEY. But let me suggest to the Senator before he goes

Mr. COCKRELL. One moment. Let me call attention further—for I have only had time to read two or three sections—that as I unfor I have only had time to read two or three sections—that as I understand the House bill its theory is to take all the citizens of the District of Columbia and put them in the militia. I say that kind of a militia will not be worth a continental cent, whereas the Senate bill proposes to make so many companies of militia, and they will be organized from the young men of the District who take an interest in it and will amount to something. The House bill does not amount to anything in the world, in my judgment. It will be absolutely useless to undertake to take all the people of the District under forty-five years of age, and that is exactly what this bill does.

Mr. HAWLEY. No, Mr. President.

Mr. COCKRELL. The first section provides—

That every able-bodied male citizen resident within the District of Columbia.

That every able-bodied male citizen resident within the District of Columbia, of the age of eighteen years and under the age of forty-five years, excepting persons exempted by section 2, and idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia.

Now, section 2 of the Senate bill says "that in time of peace the National Guard shall consist of not more than thirty-six companies of infantry," etc., with the limits described. It is the better way, and there will be no trouble in the world to take up the House bill, strike out all after the enacting clause, and substitute the Senate bill just as we passed it through the Senate and then ask for a conference. It will go back and a conference committee can be appointed and it will become a law at this session. Then the conference committee will have both bills before them.

The Senate bill received pretty careful consideration and has been reported favorably by the House committee with only one or two amendments, and it does seem to me that that would be a great deal

the better course.

Mr. HARRIS. I should like to ask the Senator from Connecticut or the Senator from Missouri if the House bill that I understand the Senate to be now considering has been referred to and reported back

by the Committee on Military Affairs?

Mr. HAWLEY. It has.

Mr. HARRIS. That is what I did not understand.

Mr. COCKRELL. I confess very frankly it has been reported by the committee, but I was so detained that I could not be at the committee meeting at the time it was considered, and I have never had any time

to examine the bill until now.

I think the Senate bill was pretty well matured. The Senator from Connecticut will remember that he gave considerable attention to the preparation of the Senate bill, and it was discussed. We have not had time to discuss this bill. The Senate bill has gone to the House. The House committee considered it for three months and then they acted upon it and reported it favorably with very few amendments. I think it is much better for us to take that and ask for a conference. There is no difficulty about the time. There is abundance of time, and that would be a great deal the better course.

Mr. HAWLEY. Will the Senator allow me to correct him some-

Mr. COCKRELL. Certainly.
Mr. HAWLEY. It is true that in the original bill—it was stricken out of the Senate bill-there was an enrollment of the militia provided for, but that is to be done by the assessors of the District. It does not mean that they shall be organized. It is a mere census of the persons liable to military duty, for the House bill contains the same provision we had in the Senate bill on the top of page 5, in sec-

That in time of peace the National Guard shall consist of not more than twenty-eight companies of infantry, which shall be arranged by the commanding general into such regiments, battalions, and unattached companies as he may deem expedient.

The Senate allowed it to be thirty-six companies. The House reduced the number to twenty-eight, reduced the cost, reduced the number of troops from thirty-six companies, which would ordinarily average sixty men in a company, to twenty-eight; and those previous sections which made the difference in bulk between them contained some sections which are chiefly words and are of no consequence. The enrollment, I say, is a mere census of the men liable to military duty and does not contemplate their being organized into companies at all.

I do not think there is any material difference between the two bills. I think the Senate bill is better in some things and the House bill in

I beg leave to say also that one reason why I would rather not wait for a conference, if there be no material difference between the bills, is that a moderate appropriation will be necessary in order to enable these men to perfect their organization, and unless the proper officers are able to make their estimate and have it submitted to the Committee on Appropriations within two or three days they stand very little chance of getting action without postponement for a year.

Mr. COCKRELL. The conference committee can put in an amend-

ment making an appropriation to carry out the bill.

Mr. HAWLEY. If the Senator from Missouri, whom I respect in these matters very much, really insists upon it, I shall consent to the substitution of the bill the Senate passed for this and to having a conference. I think there is no danger whatever, though, in acting upon this bill as it is.

Mr. EDMUNDS. There are a great many places in this bill—and I say it with diffidence, because it is the first time I have seen it—which appear to me to be open to grave consideration; first, as it regards the point of expense (which so far as the public safety is concerned is nothing, I admit, compared to having a proper organization here), and second, as regards the regulation of affairs here which, as I said before, I very much fear in some respects will turn out to be utterly unlawful.

But I wish to call attention just now to the provision of section 49, which is a small matter, but it bears on the question of expense:

SEC. 49. That all officers and employés of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.

Mr. HAWLEY. I will explain that.
Mr. EDMUNDS. If the Senator will allow me to state my point first, then he can explain. If I understand this bill on this hasty reading, the commanding general is authorized to order parades and encampments, etc., from time to time as he may deem expedient. Perhaps there is a limit as to the number. I ask my friend from Connecticut to state to me on what principle it is that if I happen to be a justice of the peace in the District of Columbia or a clerk in the War Department, and choose to be an active member of this militia, I may be absent from the parade to which I am called and draw my pay as a justice of the peace or a clerk in the War Department, and at the same time draw my pay for attending an encampment that I do not attend. I shall be glad to have it explained. They are to be excused from attendance without loss of pay.

Mr. HAWLEY. On all days of parade or encampment.

Mr. EDMUNDS. Yes.

Mr. HAWLEY. I see the Senator's point, I think, that a man might

go away under pretense of going to his company and go off fishing.

Mr. EDMUNDS. Oh, no; quite the reverse. What this says is that as to this military organization when there is a parade or encampment which the soldier is called to attend he is entitled to his \$2 a day or whatever it may be.

Mr. HAWLEY. He gets nothing.

Mr. EDMUNDS. It says he shall be entitled to a leave of absence without loss of pay or time. That is a leave of absence from his commanding officer.

Mr. HAWLEY. Precisely. I understand the Senator. It is not a

Mr. HAWLEI. Frecisely. I understand the Senator. It is not a leave of absence from military duty; he does not mean that.

Mr. EDMUNDS. That is just what it says.

Mr. HAWLEY. Oh, no; "shall be entitled to leave of absence from the respective duties." It means, of course, his duties as an em-

Mr. EDMUNDS. Mr. President—
Mr. HAWLEY. Now let me finish the explanation. As the National Guard is constituted in many States now-and it is a matter of national pride that it should be in reasonable shape as it is in a number of the States—when the young men go off for a few days' training, so far as I know in actual practice, without an exception, clerks and others are permitted by their employers, it being a dull season when they can be spared, to go without deduction from their salaries. Otherwise the young men would have to pay two or three dollars a day for the privilege of going out to train themselves as defenders of the country. This says that Uncle Sam shall be upon the same ground that the ordinary citizen puts himself upon when he permits his son or his clerk to go out and spend a day in the militia and does not dock his salary.

I think that is very reasonable.

Mr. EDMUNDS. I think it is, but if that is the case the Senator from Connecticut understands this section to mean that when a clerk in the War Department, for illustration, goes to attend an encampment and does it, he shall not lose his day's pay of \$3, or whatever may be the proportion of the monthly salary he would get as a clerk in the War Department. Is that what the Senator means?

Mr. HAWLEY. I am not sure that I understand the Senator. Does

he mean to say that he expects these men to go away under pretense of going to the encampment, and not go there, and that then they should be docked?

Mr. EDMUNDS. Oh, no.
Mr. HAWLEY. The bill means that when they go on training day they shall not lose their pay in the War Department.
Mr. EDMUNDS. That is not what it says.
Mr. HAWLEY. That is what it means.
Mr. COCKRELL. Will the Senato from Vermont permit me to

read what we did in the Senate bill?

Mr. EDMUNDS. Certainly.

Mr. COCKRELL. This very question was up, and it was an important question, and I insisted on its being settled in the bill we passed; and here is the section we passed in the Senate:

SEC. 32. That all officers and employés of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on the six days of encampment ordered or authorized under the provisions of this act.

Under this bill the commanding officer can take the employés of the Government and put them on duty for thirty, sixty, or ninety days, and the Government will have to pay them.

Mr. HAWLEY. But the President is commander-in-chief of the

whole of them.

Mr. COCKRELL. Not under this.
Mr. HAWLEY. He is by the letter of the bill and also by the
Constitution of the United States.

Mr. COCKRELL. I know, but that practically amounts to noth-

Mr. EDMUNDS. But it is the particular duty of this commanding general. By section 43 it is provided-

That the National Guard shall perform not less than six consecutive days of camp duty in each year, at such time as may be ordered by the commanding general.

He is the master of that.

Mr. COCKRELL. That is not the President. It is the man ap-

pointed by the President.

Mr. EDMUNDS. He is the man appointed, and he may order out these people for any length of time he thinks proper. If the fortythird section means what the Senator from Connecticut says it was intended to mean I have not the least objection to it, but I am afraid it does not, for I think when a clerk in the War Department or in the Post-Office Department or elsewhere goes to perform military duty his pay should not be docked for that day in civil employment. That is

perfectly right, as it strikes me.

Mr. HAWLEY. I thought the Senator said so.

Mr. EDMUNDS. I do not think it reads in that way. Mr. HAWLEY. I can not make it read anything else.
Mr. SAWYER. I ask unanimous consent that we take up the two

pension bills remaining on the Calendar from yesterday.

Mr. HAWLEY. This bill is before the Senate now, and let us settle it one way or the other.

Mr. SAWYER. I thought you had got through.

Mr. SAWYER. I thought you had got through.
Mr. HAWLEY. Not yet. I wish we had.
Mr. COCKRELL. I dislike exceedingly to antagonize this bill in any shape, manner, or form. I assisted the Senator from Connecticut in the passage of the other bill through the Senate, and we agreed on the amendments, and we provided against the very abuses that I say are not provided against in this bill; and it is for that reason that I think we ought to substitute the Senate bill, which was under discussion, and amended and very materially changed, and all these things about indefinite payments and so on were brought down. I think the Senator ought not to object to the Senate bill being substituted for this

Mr. EDMUNDS (to Mr. COCKRELL). Move it as an amendment to this bill.

Mr. COCKRELL. I move to strike out all after the enacting clause and substitute the bill just as it passed the Senate.

The PRESIDENT pro tempore. The Senator from Missouri moves to

amend the bill. The amendment will be read.

Mr. HAWLEY. I would not read the whole of that.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That the volunteer militia shall be designated the National Guard of the District of Columbia; and in case the militia of the District of Columbia are called into the service of the United States or required for the suppression of riots or to aid civil officers in the execution of the laws, shall be the first to be ordered

into the service of the United States or required for the suppression of riots or to aid civil officers in the execution of the laws, shall be the first to be ordered into service.

Sec. 2. That in time of peace the National Guard shall consist of not more than thirty-six companies of infantry, which shall be arranged by the commanding general into such regiments, battalions, and unattached companies as he may deem expedient; one battery of light artillery; one troop of cavalry; one signal company; one ambulance company; one engineer company; one band of music, and one corps of field musicians.

Sec. 3. That regiments of infantry shall consist of three battalions; and to each regiment there shall be one colonel and one lieutenant-colonel, and a staff, to consist of one surgeon, one adjutant, one quartermaster, one inspector of rifle practice, and one chaplain, each with the rank of captain; and a non-commissioned staff, consisting of one sergeant-major, one quartermaster-sergeant, one commissary sergeant, and one hospital-steward.

Sec. 4. That battalions of infantry shall consist of four companies; and to each battalion there shall be one major, and a staff consisting of one surgeon, one adjutant, one quartermaster, and one inspector of rifle practice, each with the rank of first lieutenant; and a non-commissioned staff, consisting of one sergeant-major, one quartermaster-sergeant, and one hospital-steward.

Sec. 5. That to each company of infantry there shall be one captain, one first lieutenant, one second lieutenant one first sergeant, four sergeants, one corporal to each ten privates, and not more than eighty-seven privates; and the minimum number of enlisted men shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two trumpeters, and nor more than eighty-three privates; and the minimum number of enlisted men shall be one captain, two first lieutenants, one second lieutenants, one first sergeant, one quartermaste

one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two buglers, and not more than eighty-two privates; and the minimum number of enlisted men shall be fifty-seven. To more than four guns there shall be for each additional gun, one sergeant, two corporals, and not more than twenty nor less than ten privates; for two additional guns there shall be one additional second lieutenant.

there shall be one additional second lieutenant. SEC. 8. That to each signal company, ambulance company, and engineer company there shall be one first lieutenant, two sergeants, two corporals, and not more than thirty-two nor less than fourteen privates.

SEC. 9. That the band of music shall consist of one chief musician, two sergeants, two corporals, and thirty-two privates; and the corps of field music of one principal musician, two sergeants, two corporals, and thirty-two privates. The chief musician, principal musician, and other non-commissioned officers of the band and field music shall be appointed by the commanding general.

#### APPOINTMENT OF COMMISSIONED OFFICERS.

SEC. 10. That the President of the United States shall be the commander-in-chief of the militia of the District of Columbia.

SEC. 11. That there shall be appointed and commissioned by the President of the United States a commanding general of the militia of the District of Colum-bia, with the rank of brigadier-general, who shall hold office until his succes-sor is appointed and qualified, but may be removed at any time by the Presi-dent.

bia, with the rank of brigadier-general, who shall hold office until his successor is appointed and qualified, but may be removed at any time by the President.

SEC. 12. That the staff of the militia of the District of Columbia shall be appointed and commissioned by the President, and hold office until their successors are appointed and qualified, but may be removed at any time by the President. It shall consist of one adjutant-general, with the rank of lieutenant-colonel; one inspector-general, one quartermaster-general, one commissary-general, one chief of ordnance, one chief of engineers, one surgeon-general, one judge-advocate-general, and one inspector-general of fifte practice, each with the rank of major, and four aids-de-camp, each with the rank of captain. The commanding general may appoint a non-commissioned staff of the militia, to consist of one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, two staff sergeants, one hospital-steward, one color-sergeant and one sergeant-bugler.

SEC. 13. That the President may assign an officer of the Army to act as adjutant-general of the militia of the District of Columbia, who, while so assigned, shall be commissioned as such and be subject to the orders of the commanding general and the provisions of this act: Provided, however, That the officer so assigned shall receive no other pay or emolument than that to which his rank in the Army entities him when on detached service.

SEC. 14. That all officers shall be commissioned by the President of the United States. In time of peace, or when not in the service of the United States, they shall previously be elected or nominated as herein provided. No person commissioned as an officer shall assume such rank or enter upon the duties of the office to which he may be commissioned, until he has accepted such commissioned as the commissioned as an officer shall assume such rank or enter upon the duties of the office to which he may be commissioned, until he has accepted such commi

## ENLISTMENT OF SOLDIERS.

SEC. 19. That enlistments in the National Guard shall be for the term of three years: Provided, however, That any soldier who may have received an honorable discharge, by reason of the expiration of his term of service, may, within thirty days thereafter, re-enlist for a term of one, two, or three years, to date from the expiration of his previous term. All terms of service, except in case of re-enlistment, shall commence at noon on the day of enlistment, and expire at noon on the day of discharge.

### ARMS, UNIFORMS, AND EQUIPMENTS.

ARMS, UNIFORMS, AND EQUIPMENTS.

SEC. 20. That the uniforms, arms, and equipments of the National Guard shall be the same as prescribed and furnished to the Army of the United States. Every organization of the National Guard shall be provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores, as may be necessary for the proper training and instruction of the force and for the proper performance of the duties required under this act. Such property shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War, to the commanding general, upon his requisitions for the same. The property so issued shall remain and continue to be the property of the United States, and shall be accounted for by the commanding general at such times, in such manner, and on such forms as the Secretary of War may require.

Sec. 21. That every officer receiving public property for military use shall be accountable for the articles so received by him, and shall make good to the United States the value of all such property defected, injured, destroyed, or lost, by any neglect or default on his part, which may be recovered in an action of tort, or by any other action at law, to be instituted by the judge-advocate-general of the militia at the order of the commanding general. All money received on account of loss or damages shall be paid into the Treasury of the United States, and shall be accounted for by the commanding general in his returns to the Secretary of War.

Sec. 22. That any officer or soldier who shall sell, dispose of, pawn or pledge, willfully destroy or injure, or retain after proper demand made, any public property issued under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not exceeding two months, or by afine not exceeding \$100, or by both; and it is hereby made the duty of the judge o

tory shall be forwarded to the commanding general, in order that any deficiency may be made good from the estate of the deceased or deserting officer; com-pensation for such deficiency may be recovered in the manner provided in sec-

may be made good from the estate of the deceased or deserting officer; compensation for such deficiency may be recovered in the manner provided in section 34.

SEC. 24. That any organization of the National Guard may, with the approval of the commanding general, and at its own expense, adopt any other uniform than that issued to it; but such uniform shall not be worn when such organization is on duty under the orders of the commanding general, except by his permission.

SEC. 25. That organizations of the National Guard shall have the right to own and keep personal property; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought, in the name of such commanding officer, before any justice of the peace, with the right of appeal to the supreme court of the District of Columbia, or before the supreme court of the District of Columbia; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but, upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

SEC. 26. That the quartermaster-general of the militia shall provide, by rental or otherwise, such armories and rooms as the commanding general may deem necessary for the drill and instruction of the National Guard. He shall also provide such lockers, closets, gun-racks, cases, desks, and other appurtenances as may be necessary for the care, preservation, and safe-keeping of the arms, equipments, uniforms, records, and other public property in their possession.

### MILITARY DUTIES.

sequipments, uniforms, records, and other public property in their possession.

MILITARY DUTIES.

Sec. 27. That any drill, parade, encampment, or duty that is required, ordered, or authorized to be performed under the provisions of this act, shall be deemed to be a military duty, and while on such duty every officer and enlisted man of the National Guard shall be subject to the lawful orders of his superior officers, and for any military offense may be put and kept under arrest or under guard for a time not extending beyond the term of service for which he is then ordered.

Sec. 28. That the National Guard shall perform not less than six consecutive days of camp duty in each year, and the commanding general shall prescribe such stated drills and parades as he may deem necessary for their instruction, and may order out any portion of them for such drills, inspections, parades, escort, or other duties as he may deem proper. The commanding officer of any regiment, battalion, or company may also assemble his command, or any part thereof, in the evening for drill, inspection, or other business, as he may deem expedient; but no parade shall be performed by any regiment, battalion, company, or part thereof, without the permission of the commanding general.

Sec. 29. That when there is in the District of Columbia a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws, or when such tumult, riot, or mob is threatened, it shall be lawful for the commissioners of the District of Columbia, or for the United States marshal for the District of Columbia, to call on the commanding general to aid them in suppressing such violence and enforcing the laws; the commanding general shall thereupon order out so much and such portion of the militia as he may deem necessary to suppress the same, and no member thereof who shall be thus ordered out by proper authority for any such duty shall be liable t

shall be thus ordered out by proper states to divid or criminal prosecution for any act done in discharge of his military duty.

SEC. 30. That United States forces or troops, or any portion of the militia, parading, or performing any duty according to law, shall have the right of way in any street or highway through which they may pass: Provided, That the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire-engines and fire departments shall not be interfered with thereby.

SEC. 31. That every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment. Whoever intrudes within the limits of the parade or encampment after being forbidden, or whoever shall interrupt, molest, or obstruct any officer or soldier while on duty, may be put and kept under guard until the parade, encampment, or duty be concluded; and the commanding officer may turn over such person to any police officer, and said police officer is required to detain him in custody for examination or trial before the police court, and the judge thereof may punish such offense by a fine not exceeding \$25.

SEC. 32. That all officers and employés of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on the six days of encampment ordered or authorized under the provisions of this act.

### MILITARY COURTS.

MILITARY COURTS.

SEC. 33. That general courts-martial for the trial of commissioned officers or enlisted men shall be ordered by the commanding general at such times as the interests of the service may require, and shall consist of not less than five nor more than thirteen officers, and a judge-advocate, none of whom shall be of less rank than the accused, when it can be avoided.

SEC. 34. That for the trial of enlisted men for all minor offenses the commanding officer of each battalion and unattached company shall, at such times as may be necessary, appoint courts-martial. Such battalion and company courts-martial shall consist, for a battalion, of one officer whose rank is not below that of captain; and for a company, of a lieutenant. Such courts shall have power, subject to the approval of the officer ordering the court, to sentence to be reprimanded by said officer in battalion or company orders, or to pay such fines as may be imposed and allowed by the regulations or by-laws of the organization to which the accused belongs; or, in case of a non-commissioned officer, to be reduced to the ranks; and such court may, with the approval of the commanding general, sentence to be reprimanded in general orders or to be dishonorably discharged.

SEC. 35. That the president of a general court-martial and the officer constituting a battalion or company court-martial shall have power to administer the usual oath to witnesses, and may issue summones for all witnesses whose attendance at such court may, in his opinion, be necessary, and any officer or soldier failing to serve such summons, and any witness failing to appear and testify when so summoned, shall be liable to trial by court-martial.

SEC. 36. That in all courts-martial the arraignment of the accused, the proceedings, trial, and record shall in all respects conform as nearly as practicable to the regulations for the same in the Army of the United States.

### EXPENSES AND ALLOWANCES.

EXPENSES AND ALLOWARCES.

SEC. 37. That during the annual encampment, or when ordered on duty to aid the civil authorities, the National Guard shall be furnished with subsistence stores of the kind, quality, and amount allowed and prescribed for the Army. Such stores shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War to the commanding general upon his requisitions for the same.

SEC. 38. That the commanding general shall annually transmit to the commissioners of the District of Columbia an estimate of the amount of money required for the next ensuing fiscal year to pay the expenses of the militia, and the said commissioners shall include the same in their annual estimates of appropriations for the District; and all money appropriated to pay the expenses

authorized by this act shall be disbursed by the commissioners of the District of Columbia upon vouchers duly certified and approved by the commanding general, and accounted for by them in the same manner as all other moneys appropriated for the expenses of the District.

GENERAL PROVISIONS

GENERAL PROVISIONS.

SEC. 39. That companies, battalions, or regiments may adopt constitutional articles of agreement or by-laws, subject to the approval of the commanding general, for the government of matters relating to the civic affairs of their respective organizations, the regulation of fines for non-performance of duty, and the determination of causes upon which excuses from fines may be based: Provided, however, That such articles or rules shall not be repugnant to law or the regulations for the government of the militia: And provided further. That the articles or rules adopted by any company or battalion shall not be repugnant to the articles or rules adopted for the general government of the regiment or battalion to which it belongs. Certified copies of such articles or rules, with like copies of all alterations, as finally approved by the commanding general, shall be deposited in the office of the adjutant-general.

SEC. 40. That no officer or soldier shall be liable for jury duty.

SEC. 41. That the commanding general, subject to the approval of the commander-in-chief, is authorized to make and publish regulations for the government of the militia in all matters not specifically provided for by law, conforming the same to the practice and regulations of the Army so far as they may be applicable.

SEC. 42. All acts and parts of acts inconsistent herewith are hereby repealed.

Mr. EDMUNDS. The Scnate is rather thin, and I appeal to my

Mr. EDMUNDS. The Senate is rather thin, and I appeal to my friend- from Connecticut to let this matter go over until to-morrow

Mr. HAWLEY. To-morrow will be Sunday. I shall not be here

again until Monday.

Mr. EDMUNDS. "To-morrow morning" is Monday morning in this Chamber. There is no day here in the Calendar but a legislative day. I suggest to the Senator to let this matter go over until to-morrow morning in the sense that we all understand "to-morrow" legisrow morning in the sense that we all understand "to-morrow" legislatively, and then take it up and I will vote with him to take it up the first thing after the Journal is read if he desires. It is really an important bill and he ought not to press it when the Senate is so thin; and so I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate do now adjourn. Before putting the motion the Chair will lay before the Senate the unfinished business, which is Senate bill 3401 in relation to the Pacific railroads. The question is on the motion of the Senator from Vermont

tion of the Senator from Vermont.

The motion was agreed to; and (at 5 o'clock and 19 minutes p. m.) the Senate adjourned until Monday, February 11, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

# SATURDAY, February 9, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

### FOREIGN COMMERCE.

Mr. BAKER, of New York, introduced a bill (H. R. 12531) to regulate commerce between the United States and foreign countries; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

# MINORITY REPORT ON ARID LANDS, NEW MEXICO.

Mr. CONGER, by unanimous consent, from the Committee on Agriculture, submitted the views of the minority on the bill (H. R. 8058) to protect the interests of agriculture by irrigation and to encourage the settlement of the arid lands in the Territory of New Mexico; which were ordered to be printed in connection with the report of the committee, and referred to the Committee of the Whole House on the state of the Union.

# PUBLIC BUILDING, OSHKOSH, WIS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation for wood finishing in the public building at Oshkosh, Wis.; which was referred to the Committee on Appropriations and ordered to be printed.

### JOHN H. ROHRBACH AND OTHERS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of the findings of fact in the case of John H. Rohrbach and others, against the United States; which was referred to the Committee on War Claims.

## BRIDGE OVER CUMBERLAND AND CANEY FORK RIVERS.

The SPEAKER also laid before the House a bill (H. R. 11604) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers in Tennessee, with amendments of the Senate thereto.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the amendments of the Senate be concurred in. They reserve to Congress the right to alter or amend at any time.

The amendments were agreed to.

# RELIEF OF CERTAIN VOLUNTEER SOLDIERS.

relief of certain volunteer and regular soldiers of the late war and of the war with Mexico, with amendments of the Senate thereto, which was referred to the Committee on Military Affairs.

Mr. BREWER. What bill is that, Mr. Speaker?

The SPEAKER. It is the bill which was laid before the House yes-

terday morning, and as to which the gentleman from Indiana Mr. STEELE] made a request that the House non-concur and agree to a conference, but the request was objected to by the gentleman from Tennessee [Mr. McMILLIN].

Mr. BREWER. I do not see the gentleman from Indiana [Mr. STEELE] in his seat, and therefore I ask that the bill be withheld.

The SPEAKER. If there be no objection, that will be done.

There was no objection.

#### PENSION APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, with amendments of the Senate thereto; which was referred to the Committee on Appropriations.

## ASSOCIATE JUSTICE, SUPREME COURT, IDAHO.

The SPEAKER also laid before the House a bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purp

Mr. DUBOIS. I ask unanimous consent that that bill be now put upon its passage. A similar bill has been favorably reported from the

House Committee on the Judiciary.

Mr. BLAND. I object. That bill ought to go to a committee.

Mr. DUBOIS. I will say to the gentleman from Missouri that a similar bill has been reported from the House committee.

The SPEAKER. The gentleman from Missouri does not withdraw

his objection.

Mr. DUBOIS. Let it remain upon the table, then.

The SPEAKER. It will so remain.

#### BIG HORN AND SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House a bill (S. 3795) granting to the Big Horn and Southern Railroad Company the right of way across the Fort Custer military reservation, Montana; which was read a first and second time.

Mr. TOOLE. I ask unanimous consent that that bill be now put

upon its passage.
The SPEAKER, The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

# BRIDGES AT LA CROSSE, WIS.

The SPEAKER also laid before the House the bill (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.; which was read a first and second time.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I ask unanimous consent that that bill be considered at this time.

The SPEAKER. The bill will be read, after which the Chair will

ask for objections.

Mr. THOMAS, of Wisconsin. Permit me to say to the House that that bill has been considered in the Senate and has met with no objections there, and it has also been considered in the House Committee on Commerce and has been favorably reported. The Secretary of War has examined the bill and favors its passage, and I now ask that the reading of it be dispensed with.

There was no objection, and the reading of the bill was dispensed with. The SPEAKER. Is there objection to the consideration of the bill

at this time? There was no objection.

The bill was ordered to a third reading; and it was accordingly read

the third time, and passed.

Mr. THOMAS, of Wisconsin, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# LIFE-SAVING STATION NEAR ST. GEORGE RIVER, MAINE.

The SPEAKER also laid before the House the bill (S. 3897) to establish a life-saving station on the Atlantic coast at or near the mouth of the St. George River, Maine; which was read a first and second time.

Mr. DINGLEY. I ask unanimous consent for the present consideration of this bill. A bill in identically the same terms has been re-

The SPEAKER also laid before the House a bill (H. R. 610) for the ported from the Committee on Commerce of this House. The measure

is recommended by the Superintendent of the Life-Saving Service, who states that there have been fourteen shipwrecks at the point referred to in the bill. It is important that the bill should become a law at

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near the mouth of St. George River, Maine, at such point as the General Superintendent of the Life-Saving Service may recommend.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### ELECTORAL VOTE OF FLORIDA.

The SPEAKER also laid before the House the bill (S. 3932) to provide for the expenses, compensation, or mileage of a special messenger sent by the Secretary of State to the State of Florida for the certificate of the electoral vote of that State of A. D. 1888 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States as amended by the act approved October 19, 1888; which was read a first and second time, and referred to the Committee on Appropriations.

ADDITIONAL LAND DISTRICTS IN NEBRASKA.

The SPEAKER also laid before the House the bill (S. 3810) to establish two additional land districts in the State of Nebraska.

Mr. DORSEY. I ask unanimous consent that this bill be immediately considered. It is a Senate bill; and the Committee on Public

Mr. HOLMAN. I think this bill should be examined by the Committee on Public Lands. I have no objection to it remaining on the Speaker's table.

The SPEAKER. If there be no objection the Speaker will retain the bill.

There was no objection.

USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, January 11, 1889.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments, the Committee on Enrolled Bills be instructed to insert, in lieu of the word "Senator" where it occurs in the eighth line, the word "Senators."

The SPEAKER. This resolution seems to be simply for the purpose of correcting an error in the enrollment of a bill. If there be no objection the resolution will be concurred in.

There was no objection; and it was ordered accordingly.

The SPEAKER also laid before the House the following; which was laid on the table:

In the Senate of the United States, February 7, 1889. Cr. lered, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate copy of the concurrent resolution authorizing the correction of the enrollment of the bill S. 2305.

JURY TRIALS IN DISTRICT POLICE COURT.

The SPEAKER. The Clerk will read the title of a bill which has been returned from the Senate with the House amendments disagreed to, and with a request for a conference.

The Clerk read as follows:

A bill (8, 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes.

The SPEAKER. This bill has now reached the privileged stage, and if there be no objection the House amendments which have been disagreed to by the Senate will be insisted on and the request of the Senate for a conference granted. The Chair hears no objection, and it is so ordered. The Chair will appoint the conferees during the day.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Barnes, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. DUNHAM, by unanimous consent, obtained leave to withdraw from the files of the Committee on Military Affairs, without leaving copies, the petition of John Boyle.

### LOUISA PROVOST.

The SPEAKER. At the session of the House last evening it appears the bill (S. 1884) granting a pension to Louisa Provost was taken up and passed. That bill had already been passed by both Houses, having become a law on the 6th day of August last. The gentleman from New Hampshire [Mr. GALLINGER] had the bill in charge, as the Chair understands.

fore called it up

If there be no objection the vote of the House passing the bill will be reconsidered and the bill will be laid on the table.

There was no objection, and it was ordered accordingly.

TITLE TO LANDS, RANDOLPH COUNTY, ILLINOIS.

Mr. THOMAS, of Illinois. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 259) granting the title of the United States to certain lands in the county of Randolph and State of Illinois, on certain conditions, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That all right, title, and interest of the United States in and to all lands in the Mississippi bottom, between the line of bluffs and the Mississippi River, in the county of Randolph and State of Illinois, be, and the same are hereby, granted to the said county of Randolph: Provided, That the legal authorities of said county, on the discovery of any such lands within said boundaries, shall have the same surveyed at the expense of said county, and file plats of said surveys with the Commissioner of the General Land Office, at Washington, D. C. If, upon examination by said Commissioner, it shall appear that the title of the United States has not heretofore been alienated in any tract shown on said plat or plats, he shall so notify the authorities of said county; and upon payment by the authorities of said county into the Treasury of the United States of the sum of \$i.25 for every acre shown on said plat or plats, it shall be the duty of said Commissioner of the General Land Office to prepare and have executed patents for every tract so paid for, and to deliver the same on application to the legal authorities of said county: Provided further, That nothing in this act shall be so construed as to include any accretions formed to lands bordering on the Mississippi River and owned by private individuals.

Mr. THOMAS, of Illinois. This bill has already passed the House

Mr. THOMAS, of Illinois. This bill has already passed the House twice, and also passed the Senate twice. It has been unanimously reported by the Committee on the Public Lands, and will remove a difficulty which now exists preventing these lands from being subject to taxation, and also removes a difficulty with reference to the titles.

There being no objection, the bill was considered, ordered to a third

reading, and being read the third time, was passed.

Mr. THOMAS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. ROBERTSON AND EDWARD L. HEDDEN.

Mr. COX. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York, and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers be, and they are hereby, authorized and directed to allow William H. Robertson, collector of the district of the city of New York, in settlement of his accounts, a credit for the sum of \$2,346.25, the same being a sum now charged to the said William H. Robertson as collector of said district for moneys received at the post-office in the city of New York, and for remittances made by postmasters at other points in the United States, for duties collected on books imported through the mails between the 21st day of August, 1882, and the 30th day of June, 1885, and for which one Douglas Smith, a late clerk in the custom-house at the port of New York, assigned to the duty of verifying such moneys, failed to account, without default or negligence of said Collector Robertson; and that the proper accounting officers be, and they are hereby, authorized to allow Edward L. Hedden, collector of the district of the city of New York, in settlement of his account a credit for the sum of \$3.073.74, the same being now charged to the said Edward L. Hedden as collector of said district, for moneys received at the post-ofice in the city of New York, and for remittances made by postmasters at other places in the United States, for duties collected on books imported through the mails between the 1st day of July, 1885, and the 29th day of August, 1886, and for which the said Douglas Smith also has failed to account without default or negligence of the said Collector Hedden.

The SPEAKER. Is there objection to the present consideration of

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. I would like to know more about it.

The SPEAKER. Does the gentleman object?

Mr. KILGORE. No; I am asking for information.

Mr. COX. I will give the gentleman the information he seeks.

There is not a dollar of the amount covered by this bill which comes out of the Treasury. These collectors—a Republican and a Demo-crat—have settled their accounts with the Government, amounting in the aggregate to \$700,000,000, and all of this vast amount has been settled and accounted for, leaving the small balance covered by this bill on the books against them. The balance against them arose from irregularities in the accounts kept by a clerk named Douglas Smith, who failed to account for the sums which make up the aggregate of who failed to account for the sums which make up the aggregate of the bill, and this proposes, under the precedents established in the case of President Arthur and others, to give credit for that amount and liquidate the account. I will state that this was reported in the Senate by Mr. BECK, and the House committee reports it invorably.

Mr. TIMOTHY J. CAMPBELL. And unanimously.

Mr. COX. And unanimously. I ask, therefore, that these men shall have the relief sought by the bill.

Mr. KILGORE. From what committee does this come?

Mr. COX. From the Committee on Claims

Mr. COX. From the Committee on Claims.

Mr. GALLINGER. I found the bill on the Calendar, and therere called it up.

The SPEAKER. The Chair supposed the error occurred in that way.

Mr. KILGORE. And passed the Senate?

Mr. COX. Yes; passed the Senate on a report prepared by the Senator from Kentucky, Mr. Beck.

Mr. HOLMAN. The clerk through whom this irregularity occurred-

was he appointed by the Secretary of the Treasury?

Mr. COX. No, sir; he was a clerk in the Post-Office, and was assigned to the duty of verifying remittances of money from postmasters for duties on books, but proved to be a defaulter without any fault of the collectors, whose transactions with the Government, as I have said, amounted to over seven hundred millions of dollars.

Mr. REED. The responsibility nero and Mr. REED. The responsibility nero and Mr. COX. Purely technical.

Mr. HOLMAN. This clerk, I understand, was a clerk of the Post-

Office Department?
Mr. COX. Yes, sir.
Mr. SPINOLA. And is now in jail.

Mr. COX. He was a bad man.

The SPEAKER. Is there objection to the present consideration of

There being no objection, the bill was considered and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed;

and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MATTIE S. WHITNEY.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 10482) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court, and put it upon its passage.

The bill was read at length.

Mr. HOLMAN. Let the report in that case be read.

The report (by Mr. Stone, of Kentucky) was read.

The SPEAKER. Is there objection to the present consideration of

Mr. HOPKINS, of Illinois. Mr. Speaker, this claim, reported from the Committee on War Claims, was before the House at another time during this session. At that time I had occasion to raise the question that unless time was given for debate, and full time, I should object to its consideration, and I produced a record of the Southern Claims Commission in which they have reviewed the case and allege that the claimant was disloyal during the late war. Now, I repeat the statement that unless time is given to discuss this bill fully, and these parties who are prosecuting the claim produce evidence to overcome this allegation of disloyalty, I must object to it now. If the party is willing to allow time for discussion, then I am willing to have it sub-

mitted to the House on its merits.

Mr. HOOKER. The decision of the Court of Claims establishes that question beyond doubt and absolutely.

Mr. BLOUNT. Mr. Speaker, I must call for the regular order if there is to be discussion here.

Mr. HOOKER. Does the gentleman from Illinois object?

Mr. HOOKER. Does the gentleman from Illinois object?

Mr. HOOKER. How much time does the gentleman want?

Mr. HOOKER. Suppose you say one bour, and I will give you the

Mr. HOOKER. Suppose you say one hour, and I will give you the whole of it.

Mr. BLOUNT. With the view of proceeding with the appropria-

tion bill, I must demand the regular order.

The SPEAKER. That request of the gentleman from Mississippi will be pending, and the gentlemen can try to arrange the matter by conference between themselves. The regular order is the call of committees for reports.

Mr. WARNER. I ask the gentleman from Georgia to withdraw

Mr. WARNER. I ask the gentleman from Georgia to withdraw the call to enable me to call up a matter.

Mr. BLOUNT. I do not see how I can do that. The gentleman from Mississippi has a bill pending.

Mr. WARNER. This does not interfere with that bill.

Mr. BLOUNT. If the regular order is withdrawn of course that

question is before the House.

Mr. TOWNSHEND. I rise to what I believe to be a question of

The SPEAKER. The gentleman will state it.
Mr. TOWNSHEND. It is this: The gentleman from Kentucky,
chairman of the Committee on Foreign Affairs; the gentleman from chairman of the Committee on Foreign Anairs; the gentleman from Missouri, chairman of the Committee on Commerce; the chairman of the Judiciary Committee, from Texas, and myself, as chairman of the Committee on Military Affairs, in order to expedite the business of the House, desire to have orders fixed for night sessions for the consideration of unobjectionable measures. What I wish to ask is, if it is not in order to submit a motion to set apart evenings for that purpose?

The SPEAKER It is not Unanimous consent will be proceeded.

The SPEAKER. It is not. Unanimous consent will be proceeded

with, and gentlemen will be recognized in their order.

Mr. TOWNSHEND. Then I appeal to the gentleman from Georgia and ask him to let these committees have an opportunity to submit that

Mr. BLAND. There is plenty of time during daytime for the busi-

ness now before the House.

Mr. BLOUNT. We will give those committees time.

#### ELIZABETH B. SMITH.

I rise to a privileged question. Mr. BAYNE. The SPEAKER. The gentleman will state it.

Mr. BAYNE. I desire to call up for consideration the bill S. 2910, on which the previous question has been ordered, and on which I desire to have a vote. It can be disposed of in a very few minutes.

The Clerk read the title of the bill, as follows:

A bill (S. 2910) to increase the pension now paid to Elizabeth B. Smith, widow of Bvt. Maj. Gen. Thomas Kilby Smith, United States Volunteers.

The SPEAKER. This is one of the bills coming over from the Fri-

day evening session.

Mr. BLOUNT. I raise the question of consideration upon that bill at this time.

Mr. BAYNE. I hope my friend will not raise the question of consideration.

The question was taken, and the House refused to consider the bill. Mr. BLOUNT. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

### ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

#### ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3312) to create the northeastern division of the southern Federal judicial district of Georgia, and to take certain counties from the northern district, and add to the southern district, and to provide for holding courts in said northeastern division, and for other purposes;

A bill (H. R. 1368) to quiet title of settlers on the Des Moines River

lands in the State of Iowa, and for other purposes; and
A bill (H. R. 11693) to amend section 555, Revised Statutes relating to the District of Columbia.

### POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Georgia, that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole

(Mr. CRISP in the chair).

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills, and the Clerk will read the first bill.

The Clerk read as follows:

A bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

Mr. BLOUNT. I ask unanimous consent to dispense with the first reading of this bill.

Mr. REED. That is not to interfere with general debate.
Mr. BLOUNT. Not at all.
Mr. BINGHAM. Does that amount to precluding general debate?
The CHAIRMAN. It does not.

Mr. BLOUNT. Before we proceed, as there are indications of a desire for general debate on this bill, I would like to ask my friend from Pennsylvania what time he desires.

Mr. BINGHAM. We desire one hour on this side of the House. Mr. BLOUNT. Will two hours for general debate be sufficient? Mr. BINGHAM. I do not know what that side of the House de-

This side desires one hour.

Mr. BLOUNT. I think, then, we had better reserve one hour for this side, and I ask unanimous consent that general debate be limited to two hours, to be equally divided between the two sides of the House.

Mr. TOWNSHEND. I do not know whether I shall want to parti-

cipate in the general debate, but unless I can be accorded some time I

Mr. BLOUNT. Then, Mr. Chairman, we will proceed, and, at the proper time, I will move that the committee rise and let the House de-

termine to what time general debate shall be limited.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that general debate upon this bill be limited to two hours. Is

there objection? Mr. TOWNSHEND. I think that the gentleman from Georgia is

right about not wanting to fix any time just now. The CHAIRMAN. Objection is made.

Mr. BLOUNT. Mr. Chairman, the bill reported from the committee carries \$66,595,344.28. The amount to be derived from postage and other sources of revenue is \$62,508,759.28, and there remains, therefore, the sum of \$4,068,585 to be taken out of the Treasury of the United States by process of taxation. The amount to be paid out of the Treasury of the United States is larger than was anticipated when the report was made on the bill at the beginning of the last session of Congress. This comes largely from a few-causes. In the first place, sir, in the matter of railroad transportation, while the expenditures have been increased from \$654,000 to \$1,354,000 in previous years, the amount contained in this bill over the bill of the current fiscal year reaches the enormous and unprecedented sum of \$2,216,687.40. This large percentage of increase, however, is only apparent.

There is a deficiency in the appropriation for the railway mail service estimated by the Department, which will likely appear in the deficiency bill hereafter of more than \$1,000,000. This, sir, has grown out of several causes. In the first place, the increase of mileage is much more than it was; in the next place, the percentage of increase of mail matter has run up from about 12 to 20 per cent. Of course the amount due the railroads has increased in a corresponding degree. The next

item to which I call attention is a very large one, in relation to the free-delivery service. The estimated increase has run from \$7,000,000 to \$8,000,000, and as compared with many other previous years it re-

quires explanation.

The eight-hour law alone brings an increase of expense in the next year of \$1,400,000. In addition to that the act of 1887 (the exact date of which I can not now recall) increasing the number of cities to which the letter-carrier service might be applied by lowering the standard from cities with a population of 20,000 or \$20,000 gross receipts to cities containing a population of 10,000 or having \$10,000 gross receipts has contributed very largely to this increase. The actual increase of expenditures, however, in this fiscal year, growing out of the increase of service alone, is spoken of by the superintendent in the following language:

In this estimate it will be seen that in addition to the amount which is required to be appropriated under existing laws but \$253,750 is for additional car-

That is, out of the million dollars, only this amount, \$253,750, goes to additional carriers. But there must be added to this, by virtue of our own legislation here, the following sums:

For promotion of two thousand seven hundred carriers, under the act of August 2, 1882, \$440,000; pay of substitutes, \$206,000; pay of substitutes for additional carriers on vacation, \$8,000, and so on.

By reason of legislation which we have heretofore enacted we have forced forward the expenditure in the matter of the letter-carrier serv-But while this increase in the cost of that service has taken place there is another aspect of the subject which is much more satisfactory. From the years 1874 and 1875 the letter-carrier service has paid its own expenses, and, notwithstanding the million dollars of additional expenditure during the current fiscal year resulting from the eighthour law, we shall have a surplus revenue from that service. So, with reference to the next fiscal year, notwithstanding the addition to the cost of the service of \$1,400,000 by reason of the additional pay to letter-carriers under the eight-hour law, we shall still have half a million dollars surplus revenue from the letter-carrier system.

So, sir, it is some consolation to us to know in connection with this large increase of expenditure in the postal service, illustrated not merely in this point of the pending measure, but also in warm the known.

in this point of the pending measure, but also in many other branches of the service—it is some consolation to us to know that while there is an enormous enlargement of the service and of its cost, yet the amount taken out of the public Treasury has been decreased, and the enlargement of the service is only indicative of the enormous activity exist-

ing in our commercial and social life.

Mr. Chairman, the item for clerks in post-offices brings about an increase of the appropriation for the current fiscal year of about \$600,000. I do not propose to discuss in detail other items of the bill than this particular one, because by reason of the similarity of the service, and for the further reason that the rules of this House exclude new legislation upon an appropriation bill, the similarity of the bill from year to year makes elaborate explanation of details unnecessary and fatiguing.

The item of clerk-hire, as I have said, shows much beyond the usual ercentage of increase. This results from two causes: first, not as percentage of increase. This results from two causes: first, not as liberal appropriations for that service as we should have had heretofore; and second, the legislation classifying clerks in first and second class offices inserted in this bill by unanimous consent of the House. As I shall discuss the second proposition, the necessity for classification, I shall illustrate the first, so I shall proceed at once to the consideration of the classification of clerks in first and second class offices and the

reasons therefor.

We have here fixed the salaries of postal clerks, because we have found that by a failure to do it in the past, when insufficient appropriations have been made the clerks have been cut down to a meager amount of compensation and the service itself has been rendered unsatisfactory to them and less permanent in the character of its employés. So with the letter-carrier service: it was so delicate in its nature and so important that the Congress of the United States saw fit to classify the lettercarriers in the several cities of the country entitled to them into various classes, which I will not now stop to enumerate. Not only that, but leaves of absence were given to them, and then the eight-hour law was passed. We have gone on in this line of legislation, prompted by a desire for the betterment of the public service, until the clerks in the post-offices only have been left at the mercy of an arbitrary assignment of salary, made, perhaps, by a clerk in the Department, who has but few facilities for informing himself or for forming a judgment in that connection. In the report of 1883 the then Postmaster-General,

Judge Gresham, transmitted to Congress the report of the First Assistant, which contained the following language:

As evidence of the increased requirements of the service and the close surveillance of this important subject, your attention is called to the fact that 2,758 allowances for clerk-hire were made during the last fiscal year; an increase of 478, or 20.9 per cent., as compared with the previous year, and 1,422, or 105.4 per cent., more than was made in 1880-21. Two thousand six hundred and four applications for clerical assistance were declined, chiefly because the appropriation was exhausted. In fact, in order to keep the urgent demands of the service within the limited appropriation at the disposal of this Department, it was necessary to "create" a fund by making the reductions at 185 offices.

In other words, the fund was given by Congress; he was required to conduct the service with it; and when the service was growing he could only carry it on by reducing the salaries of the employes. At the very time when the service was requiring better capacity the exigencies of the appropriation demanded poorer compensation. In 1884 the then Postmaster-General used the following language:

The increase of the postal service, especially the large increase of letter-mail occasioned by the reduction of postage from 3 to 2 cents, has made additional clerical assistance absolutely necessary in almost every office of the first, second, and third classes. From the best data obtainable it is estimated that in all the offices the additional clerical labor required is about 20 per cent. Post-office clerks as a rule are underpaid; their duties are exacting and require close attention.

In this very same report Mr. Hatton goes on to make the very same complaint that was made by Judge Gresham. Mr. Vilas, in his report of 1887, discusses this subject in the same way, reaching the same conclusion. The present Postmaster-General again calls the attention of the House to it in the report of last year. And the President of the United States, in his last annual message, has seen fit to direct the special attention of Congress to this class of employés.

Mr. Chairman, to show the irregularity in the matter of compensation of clerks, I will read the percentages of increase for a series of years, showing how seemingly without rule the estimates and appro-

priations have been made.

In 1883 the percentage of expenditures over 1882 was 11.05. percentage of expenditures in 1884 over 1883 was 8.08; in 1885 over 1884, 2.91; 1886 over 1885, 2.13; 1887 over 1886, 8.10; 1888 over 1887, 2,40.

Now, the increase in the revenues has not proceeded according to the percentages included in the paper from which I have just read. The result, as appears in the report from Postmaster-General Gresham, has been that where the appropriations were large different classes of clerks were allowed a certain sum, and where during the next fiscal year the increase of appropriations was less he had to resort to a reduction of

the salaries of employés in order to keep within the appropriation.

Mr. Chairman, it does appear to my mind, and I think it must appear to every gentleman who considers this matter for a moment, that when the Government of the United States assumes to take exclusive control over the mails of the country and to handle sixty-odd million dollars, not taken out of the people by taxation but by rates that which their correspondence such an universes like method as that which on their correspondence, such an unbusiness-like method as that which I have exhibited ought not to be thought of for a single moment. There is no reason why the clerks in the post-offices in the country, engaged in distributing its mails and giving energy, vitality, and efficiency to the business of the country, should not have salaries proportionate to the work assigned to them; and those salaries should have permanency, so that the clerk entering upon the service to-day with a certain salary may understand that this salary is not to be cut down the next year or the next. Thus we shall afford to efficient officials the strongest in-

ducement to remain in the public service.

Mr. Chairman, I think it is quite apparent under the facts I have stated that it is important that in all the offices of the country the clerical force should have an ample salary, not for a year, but fixed by law, so that when he enters it the clerk may know that so long as by good service he is able to maintain his position his income from it will be of a fixed nature and not subject to the caprice or accident which may occur to appropriations for clerk-hire on the part of the Congress of the United States. Therefore, sir, the committee viewing it in this light, having had the information of so many eminent persons connected with the postal service and their reasons for classifying clerks in the first and second class offices, the Committee on the Post-Office and Post-Roads have endeavored to meet the situation by co-operating with the present Postmaster-General, not in the matter of arguing

whether or not the salaries of these clerks should be fixed, but in presenting a measure in this bill which actually does fix their salaries.

If this bill shall be adopted, then if the Congress of the United States shall fail to appropriate the proper amount for clerks in the first and second class offices there is an inhibition on the part of the present Postmaster-General to reduce the salaries of any of those clerks in order to make his appropriation hold out. It comes back to us in the form of a deficiency. It is the right of the clerk to have the salary form of a deficiency. It which has been provided.

It will be impossible for me to bring in the data in all their details used in the determination of the classification of clerks. I can only state them generally. The Department took the roster in the various first and second class offices. They took the salaries attached to employés in the various kinds of work in the several offices, the registry division, the money-order division, of the employés attached to the different forms of labor in every office in the United States, and from those data, and from information through a commission, and from information obtained through the use of inspectors, etc., they have reached the classification of the clerks in the first and second class post-offices throughout the United States.

I will not undertake to say that the bill is perfect. I will not undertake to say a better classification might not have been made, but I do say that gentlemen assembled as we are from the different sections of the country, from various avocations in private life, have not the facilities in experience and information for reaching the best conclusion which is to be had on this subject.

I am also aware, sir, that the post-office officials are lacking in certain elements of information which are necessary to reach the exact method of classification which should be had. I do not believe it is possible that there is any source of information to which we could re-

sort that would bring about a perfect system.

What we think there is in this bill to commend it is that there is a classification at all, that henceforward the clerks who are employed in the post-offices of the country at a salary which the roster discloses to have been sufficient to retain them in the service should not have those salaries cut down at the expense of the service, and if we shall blunder, as blunder we may in matters of this sort, hereafter the correction will come to us in the shape of a deficiency.

We think there is this further recommendation of this classification. Whatever defect in information may appear at this time or hereafter is most likely to be corrected by the experience under the operations

of this bill. And that is the hope we have in relation to it.

Mr. Chairman, beyond this at this time I do not think it necessary to occupy the time of the committee, and I shall prefer to wait for a detailed explanation of the bill in the five-minute debate.

I move now that the committee rise for the purpose of limiting the general debate.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and Mr. Rogers having taken the chair as Speaker pro tempore, Mr. Criss reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

Mr. BLOUNT. I move that the House resolve itself into the Committee of the Whole on the state of the Union, and resume the consideration of the Post-Office appropriation bill; and pending that motion I move that all general debate be closed in two hours

Mr. TOWNSHEND. I move to amend by limiting the debate to three hours

Mr. SOWDEN. Make it three hours and ten minutes; I would like to have a little time

Mr. TOWNSHEND. And in support of that motion I will say that while I may not occupy one minute myself, yet I may want fifteen minutes. The gentleman from Georgia, however, has given no assurance that I may be permitted to discuss the bill if I desire to do so in the general debate, and in fact the intimation is clear that the whole time of the discussion will be allotted to the members of the Post-Office Committee. Unless, therefore, I can have an assurance that I can have a brief time in the discussion I shall insist upon the amendment.

Mr. LEE. Pending the consideration of this question I ask unanimous consent to introduce for reference a resolution.

Mr. BLOUNT. I must insist upon the regular order.

Mr. Speaker, I desire to have the time occupied by myself, which the chairman of the committee informed me was one half hour, deducted from the time that I have suggested the debate shall be closed, two hours, so that there will be one hour and a half remaining after we go into committee again.

The SPEAKER pro tempore. The question is on agreeing to the amendment proposed by the gentleman from Illinois, to limit the debate to three hours.

The question was taken; and on a division there were-ayes 32, noes

Mr. TOWNSHEND. No quorum.

The SPEAKER pro tempore appointed Mr. Townshend and Mr. BLOUNT as tellers.

Mr. BLOUNT. I will make a concession, if agreeable to the gentleman from Illinois, and add fifteen minutes to the time if that will suit

Mr. TOWNSHEND. If I can get an assurance that I can be heard on the bill then I shall agree to that.

Mr. BLOUNT. Well, I can not assure the gentleman, for the mat-

Mr. BLOUNT. Well, I can not assure the gentleman, for the matter of recognition is in the option of the Chair exclusively.

Mr. TOWNSHEND. Then I insist upon the amendment.

Mr. BLOUNT. The gentleman from Illinois says that if he can have an assurance of fifteen minutes' extension of the debate he will be satisfied.

Mr. TOWNSHEND. No, I want one hour in addition. Mr. BLOUNT. That is altogether a different matter.

Mr. TOWNSHEND. Because other gentlemen desire also to be

heard. As I have said, I shall probably want less than fifteen minutes myself, if I occupy any time at all.

Mr. SOWDEN. I should like to have about fifteen minutes my-

Mr. O'NEILL, of Missouri. If the Chair will recognize me I will yield them fifteen minutes each. [Laughter.]
Mr. BLOUNT. I am willing, if it will suit the gentleman, to ex-

tend the time for general debate forty minutes longer, of which time the other side shall be entitled to one hour and twenty minutes, and the remaining time, after deducting the half hour already occupied by myself, to be allotted to this side.

Mr. TOWNSHEND. That will be satisfactory to me.

Mr. BLOUNT. Then, Mr. Speaker, I move that when the House resolves itself into Committee of the Whole to further consider the Post-Office bill general debate shall be limited to two hours and ten minutes, one hour and twenty minutes of which shall be allotted to the other side and fifty minutes to this, which will equalize the debate on both sides, counting the half hour I have consumed myself.

There was no objection, and it was so ordered.

Mr. BLOUNT. I now move that the House resolve itself into Committee of the Whole to further consider general appropriation bills.

#### APPOINTMENT OF CONFEREES

The SPEAKER announced the appointment of Mr. HEMPHILL, Mr. COTHRAN, and Mr. GROUT as conferees on the part of the House on the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes.

#### ADMISSION OF SOUTH DAKOTA.

Mr. SPRINGER. Mr. Speaker, pending the motion of the gentleman from Georgia, I ask unanimous consent to present a conference report, and have it printed in the RECORD and lie over until Monday morning.

The SPEAKER pro tempore. The gentleman from Georgia has a mo-

tion pending.

Mr. SPRINGER. I hope the gentleman will yield to allow this request to be made.

Mr. BLOUNT. If it leads to no debate I have no objection.

Mr. SPRINGER. It will not lead to any debate.
Mr. BLOUNT. Very well.
Mr. SPRINGER. Then, Mr. Speaker, I submit the following conference report on the bill (S. 185) providing for the admission of South Dakota.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 185) entitled "An act to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota," respectfully report that, having met, after full and free conference they have failed to agree.

WM. M. SPRINGER,
GEO. T. BARNES,
CHAS. S. BAKER,
Conferees on the part of the House.

O. H. PLATT,
S. M. CULLIOM,
M. C. BUTLER,
Conferees on the part of the Senate.

Mr. BAKER, of New York. Mr. Speaker, I submit and ask to have printed in the RECORD the following instructions to the conferees.

Mr. SPRINGER. Let the instructions be printed in the RECORD. Mr. BLOUNT. I thought this was not going to lead to any discus-

Mr. SPRINGER. It will not. The gentleman from New York simply desires to offer a resolution of instructions to the committee of conference to be hereafter appointed, and I will call the matter up on Monday after the call of States and Territories.

Mr. BAKER, of New York. The purpose is to move a new conference, and I want this resolution to be passed upon by the House to instruct the conference committee when appointed.

Mr. PERKINS. Let the resolution be printed in the RECORD also. Mr. SPRINGER. That is the request of the gentleman from New

York, that the resolution be printed in the RECORD. The SPEAKER pro tempore. Is there objection to the request of the

gentleman from New York? There was no objection.

The resolution of instructions referred to by Mr. BAKER is as fol-

Resolved. That the House instruct the new conferees to recede from the amendments to the Senate bill 185 in the following respects:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President, under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State officers, and without a new vote on the question of division.

division.

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, i. c.:

(a) All of them under proclamation by the President; or

(b) All of them by formal acts of admission.

Mr. SPRINGER. Mr. Speaker, I desire to state briefly, in order that the House may understand the matter fully, the points of difference bethe House may understand the matter fully, the points of difference between the conferees on the part of the Senate and those on the part of the House on this bill. The majority of the Senate conferees insist that the bill as it passed the House shall be amended, first, so as to exclude New Mexico; second, so as to admit South Dakota by proclamation under the Sioux Falls constitution, to be submitted to the people again, with new election of officers, and without a vote in that Territory on the question of division; third, to bring in the three Territories of Washington, Montana, and North Dakota on the same basis, all of them either by proclamation or all of them by a special act of adof them either by proclamation or all of them by a special act of admission at the next session of Congress

mission at the next session of congress.

These are the chief points presented by the Senate conferees. It was suggested by them, further, that such matters as relate to the election of delegates and the apportionment of the districts in which the members are to be elected, the date of holding conventions, and the date of resubmission of the South Dakota constitution and the location of the temporary seat of government in South Dakota should be referred to the chairmen of the respective Committees on Territories of the Senate and House of Representatives.

As to these minor points I have no doubt an agreement could be reached without difficulty or delay.

A majority of the House conferees submitted in conference the following as a basis of agreement which would be satisfactory to them:

First. As to New Mexico, we were willing to submit the question of exclusion of that Territory from the bill to the two Houses of Congress

and to be governed by such instructions as might be given thereon.

Second. That a vote on the question of division of Dakota would be

insisted upon, but, in a spirit of compromise and to secure other portions of the bill as it passed the House, we were willing to recommend such amendment to the bill as would provide that the majority of all votes cast in the Territory of Dakota should be sufficient to decide the question of division instead of the provisions of the bill as it passed the House requiring a majority in both North and South Dakota on that question to authorize division.

Third. As to the admission of North Dakota, Montana, and Washington (and also New Mexico, if that Territory is retained in the bill), by proclamation or by special act of Congress, the House conferees were willing to recommend that Montana and Washington should be admitted on the constitutions formed by those Territories heretofore, as mitted on the constitutions formed by those refrictives helectoric, as provided in the bill as passed by the House as to Montana, and also as provided in a proposed amendment in reference to Washington Territory submitted by the Senator from Indiana, Mr. Voorhees. But we were unwilling to recommend that any State should be admitted by proclamation of the President unless the constitution framed by it should be first submitted to Congress; and hence if a majority of the Senate conferees shall insist upon a uniform rule as to these Territories, an agreement can be reached by requiring all to be admitted alike by special acts at the session of Congress beginning in December next. This does not apply to South Dakota, which the House conferees insist shall be admitted as provided in the seventh paragraph of the third section of the bill as it passed the House, which paragraph is known as the amendment offered by the gentleman from Kansas [Mr. Perkins], and which was adopted by the House on his motion without objection.

Fourth. The majority of the House conferees will insist upon a resubmission of the question of the temporary seat of government for

South Dakota.

Fifth. The House conferees will recommend the adoption of any amendments that the Senate conferees may suggest in reference to the donations of lands for educational and other purposes so as to secure such lands for school purposes only, or for the purposes mentioned in the bill as it passed the House.

These, Mr. Speaker, constitute the matters of disagreement at this time. I desire to say, however, that the conferees of both the Senate and the House have met in a spirit of liberality and a desire to secure a result which will meet the favorable action of the two Houses. And I have no doubt that such agreement will be reached at an early day

with such aid as the two Houses may give us.

Mr. Speaker, I will not ask for the immediate consideration of this matter, but I desire to give notice that I will call it up on Monday next immediately after the call of the States for the introduction of

POST-OFFICE APPROPRIATION BILL.
Mr. BLOUNT. Regular order.

Mr. LEE. I want to offer a resolution for reference, if the gentle-man will give me consent. [Cries of "Regular order!"] Mr. BLOUNT. I now move that the House resolve itself into Com-

mittee of the Whole for the further consideration of the Post-Office appropriation bill.

Mr. LEE. I hope the gentleman will yield to me for a single mo-There is no debate. [Cries of "Regular order!"

The SPEAKER pro tempore. The demand for the regular order is equivalent to an objection.

The motion of Mr. BLOUNT was agreed to.

The House accordingly resolved i self into Committee of the Whole, Mr. CRISP in the chair.

Mr. BINGHAM. I desire to yield to the gentleman from Illinois

for revision.

Mr. MASON] fifty minutes.

Mr. MASON addressed the committee. He withholds his remarks or revision. [See Appendix.]

Mr. BINGHAM. Mr. Chairman, I desire to reserve the balance of my time.

Mr. BLOUNT. Mr. Chairman, if no gentleman desires to speak, I ask for a vote.

Mr. CRISP. Mr. Chairman, with the consent of my colleague [Mr. BLOUNT] I will say to the House that I do not intend to follow the gentleman from Illinois [Mr. MASON] in his discussion of an election case on an appropriation bill. I will state, however, that I have endeavored to have the House consider the case of Smalls vs. Elliott, and that when the gentleman speaks about the contestant waiting two years he greatly overstates the time, because this Congress met less than fifteen months ago. The case has been reported for some time; the committee have been anxious to have it tried; we still hope to do so, and I have no doubt that we shall. I have so stated to the gentleman from Illinois.

I will add that the record in the case does not sustain the speech which the gentleman has made here. I was going to say that there was not a word of truth in his presentation of the case. I will not say that; but I do say that the record in the case does not sustain the statements made by the gentleman; and if his friends or others will take the trouble to examine the record, they will feel sorry for the gentleman from Illinois because he has made such statements on this floor.

Mr. MASON. What day do you expect to have a hearing, I would sk? [Cries of "Regular order!"]
Mr. BINGHAM. I desire to yield ten minutes to the gentleman ask?

from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, I do not know that I shall occupy all the time that has been yielded to me. I wished, however, to say something on the extension of the free-delivery system, not in small something on the extension of the free-derivery system, how in small towns, but in the large cities where to a certain extent it now exists. I did not intend (although for the last half hour I have been led by the remarks of my colleague [Mr. Mason] to think of that matter) to discuss the election case on an appropriation bill. But I do want to say this, that, without regard to the special facts in this particular South Carolina case, it is a scandal and a wrong that any contestant for a seat in Carolina case, it is a white or black whether he be Republican or Congress, whether he be white or black, whether he be Republican or Democrat, whether he comes from the South or the North, should have

And in saying this I do not necessarily criticise the Elections Committee now existing in the House. I mean to say that we all ought to unite in the next Congress in framing some mode of procedure as a substitute for the present scandalous system under which so much delay is possible. If the election took place in November, 1886, the facts of that election should in case of a contest be tried near the place where the election occurred, and at or immediately following the time when it took place. The facts and the law should be decided by a judicial tribunal, which, even if an appeal were taken to the House, would enable the House to determine, first of all, when it comes together, what individual citizens of the United States constitute the House of Republications of the United States constitute the U resentatives. But that can only be achieved by a change in the law; and if I live and have my health, I intend to try to frame a bill on that subject for the consideration of the House in the next Congress.

Now, in regard to the free delivery of mail matter in the large cities of this country, I was struck by the observation of the gentleman from Georgia [Mr. Blount] that while the expense of the free-delivery system in this country had risen from \$7,000,000 to \$8,000,000, there was some consolation in the fact that the net revenue of the Post-Office Department has risen in a so much larger proportion that after all the increase would not to a great extent come out of the Treasury of the United States. To methere is no call for consolation. I think it is an erroneous theory that we need any consolation for the fact that the expense of the free-delivery system grows with the growth of the country. It is one element of the country's growth; and if we need any consola-tion and seek to find it in the fact that the net revenue of the free-delivery system is increasing rapidly, that consolation can hardly be valid to those who, like myself, represent in part a great city in which that net surplus revenue is mainly earned.

My purpose in suggesting this matter at this time is to enable me to put into the RECORD a statement of the increase of the postal business in Chicago last year, by which it will appear that the net income derived from the local mails delivered and collected in that city last year increased by the sum of \$179,966.

I have here a statement of the postmaster at Chicago, some portions which I wish to print in the RECORD with my remarks.

In Chicago there are five deliveries each day by carriers. I am informed that in New York there are about nineteen daily deliveries. I see no reason why other large cities of the country outside of New York should not get the benefit of this frequent delivery by carrier. It

is explained to me by the officials of the post-office there that five de-liveries in each day answer for the mail that comes from the different trains reaching that city during the day, and that five or six or seven deliveries in the city of New York would answer the same purpose equally well. But it was ascertained a few years ago that if the number of deliveries in the city of New York could be increased the number of persons who would take advantage of the facilities offered the Post-Office Department for carrying messages from one part of the city to another would greatly increase, and that therefore the increase in the number of daily deliveries of mail matter in a great city actually adds to the efficiency of that part of the service from which this enormous net revenue is derived. If, therefore, there were an appropriation in this bill for a larger number of carriers in the next fiscal year the expense would not be proportionate to the income which we should get from it. For instance, in the city of Chicago, if the number of car-riers were increased, a large number of messages which are sent by district telegraph or by personal messenger would be sent under a two-cent stamp through the mail, and thus a large additional sum of money would be carned, not for the benefit of Chicago alone, but for the benefit of the postal system throughout the country.

I notice in the report of the Postmaster-General that his estimate of the increased cost of the carrier system next year is founded partly on the enactment of the eight-hour law and partly on another consideration. tion which has no connection with any increase in the number of carriers. The aggregate number of carriers, I think, is about 8,000; the number of additional carriers that he thinks we ought to have in the next fiscal year is only 350, and the result is that my city would not

get the number which it ought to have.

I was told recently by the officials in the post-office in Chicago, by way of illustration of how the fast mail from the West works in comparison with the local delivery there, that if a man in Omaha were to drop a letter in the box at 4 o'clock p. m., addressed to some point in Chicago, and a man anywhere in a large part of Chicago were to drop a letter similarly addressed in the box three hours previously—at 1 o'clock p. m.—the Omaha letter would reach its destination in Chicago as soon as the Chicago letter dropped in a Chicago box three hours

I do not regret the mail facility between Omaha and Chicago which allows that to be done. I am not blaming this particular committee, but only regret that the same facility granted to correspondents between Omaha and Chicago can not be granted to correspondents in all parts of the same city. My suggestion is that if that were done, not only in Chicago, but in Philadelphia and other cities of the Union, the net revenue under the free-delivery system would rise out of proportion to the number of additional letter-carriers which would need to be employed.

These considerations and the tabular statement of business at the Chicago post-office I should like to insert more at large in the RECORD.

Mr. BLOUNT. It has been suggested by other gentlemen besides the gentleman from Illinois, that, by unanimous consent, leave be granted to members to extend their remarks in the RECORD on this

Post-Office appropriation bill. Mr. DIBBLE. I object.

Mr. DIBBLE. I object.
Mr. TOWNSHEND. Mr. Chairman, the only feature in this bill to which I desire to address myself, is the appropriation for inland railway transportation. This bill carries a larger appropriation than any Post-Office appropriation bill ever carried before. It carries an appropriation of over \$66,000,000. In other words, it carries an appropriation of about \$6,000,000 more than the entire annual expenses of all the Departments of the Government up to the last year of the administration of James Buchanan. Owing to its enormous magnitude it is a bill which should receive careful consideration from the House.

In looking over the appropriations contained in it I find that the item which makes the largest relative increase is that of pay to rail-

roads for the transportation of the mails.

I would not interrupt the committee to give my views in reference to this matter if it were not that in the Forty-eighth Congress, as a member of the Committee on Appropriations I had charge of the Post-Office appropriation bill and studied the necessity of the postal service with the utmost care. I gave every part of it the most searching investiga-tion, and became satisfied the Government could make a large saving by readjusting the compensation of the railroads for carrying the mails. Some small roads, in thinly-settled portions of the country, were receiving inadequate compensation, but on the great main lines the compensation paid by the Government for carrying the mail was confessedly in excess of what it ought to be.

At the time I mention the gentleman from Indiana [Mr. HOLMAN] was also on that committee with me. We looked into the question carefully and had the assistance of the Department when under the administration of Judge Gresham as Postmaster-General. We found that the Post-Office Department had already instituted an investiga-Its purpose was to ascertain whether a more equitable and fair basis of compensation could not be obtained. A commission was appointed, and they investigated the question. They went into an examination of what the true basis of compensation should be. The question of speed was not taken into consideration under the present

law, except in an indirect way. Neither was the question of space taken into consideration, nor the question of accommodation on postal cars.

That commission was composed of the best experts in the Department that could be appointed, and after a most searching investigation they reported to the Postmaster-General a basis of compensation which many of the railroads declared would be satisfactory to them and which would result in a large saving to the Government. My friend from Indiana and I, looking to the interest of the Government and desiring to do justice to all, studied the plan which had been suggested, and we came to the conclusion that a large reduction might be made without injustice to the railroads. We brought that matter to the attention of the House in a section of the postal appropriation bill. It was assailed here. My friend from Georgia [Mr. BLOUNT] and others were assailants of that particular plan. He and those acting with him doubted the wisdom of the plan, and after a contest it was defeated. In the controversy which arose over that bill I predicted that it would be but a few years until the compensation for carrying the mails on the railroads would grow immensely. We then made an appropriation of something like

I then prophesied that the time would not be far off, under the present unreasonable, incongruous basis of compensation, which was not satisfactory to the railroads, and which was an injustice to the Government, that within a few years the appropriations for the railway mail transportation on that basis would reach the sum of \$20,000,000 annually. Upon an examination of this bill I find that the prediction I then made has been nearly verified. The appropriation carried by the bill for that service now amounts to about \$19,000,000, and the report that has been submitted by the Post-Office Committee shows that this year they have increased the appropriations over last year for the rail-way mail service \$2,000,000. I am not speaking now of the pay of the railway postal clerks; I am not speaking of any expense connected with that branch of the service, except the mileage charges of the roads for carrying the mails. I am surprised and disappointed that the Post-Office Committee has not since then given more attention than they seem to have done to the question, and brought into the House a proposition which would do justice to the railroads and at the same time seek to do justice to the Government by retrenching the enormous, unwise, and unnecessary expenditures which are yearly being

paid out for this service.

As I said in the beginning I say now, that some roads are receiving an immensely larger sum than they ought to receive because of the imperfect basis fixed some fifteen or twenty years ago for determining the compensation for railway mail transportation, while some are not receiving as much as they should receive. But what I had hoped for was that the gentleman from Georgia, who was mainly instrumental in defeating the reformatory measure of the gentleman from Indiana and myself in the Forty-eighth Congress, would bring his mind to bear upon some proposition which would furnish the country with a basis for compensating the railroads which would be fair and equitable to the Government and to the railroads, and an improvement upon the plan that we had suggested if it had been found ineffectual. I have official documents here to show that the postal authorities have themselves declared that if the plan suggested by them or by us had been adopted that we could have reduced the expenditures for the railway mail service from one and a half millions of dollars to two millions annually.

Now, sir, according to these figures we have since then, because of the defeat of that plan, imposed upon the Treasury a burden of from six to eight millions of dollars unnecessarily for this service.

I throw out these suggestions, Mr. Chairman, not for the purpose of presenting factious opposition to this bill, but simply as one who desires to promote economy in the public service, and to call from the gentleman from Georgia and the members of the Post-Office Committee some reason why action has not been taken on this subject.

some reason why action has not been taken on this subject.

I do not wish to detain the committee any further now. There is nothing in the bill or report that shows that the committee have given consideration to the matter. They have not, as they might have done, reported any bill for that purpose. The gentleman from Georgia has been chairman of that committee for four years.

Mr. BLOUNT. Mr. Chairman, I regret very much that the gentleman from Illinois has seen fit to call to the attention of the House the important part he took in the previous Congress to save such large sums of money to the people of this country, and to contrast his magnanimous thought and purposes at that time with the delinquencies with which I and the committee I have the honor to be chairman of are which I and the committee I have the honor to be chairman of are chargeable with. It would perhaps be unimportant to suggest that the gentleman from Illinois at that time was not charged by this House or under its rules with legislating upon that business at all. He was not assigned specially to the consideration of reforms in the postal service, because that was a matter which belonged to the Post-Office Committee, of which the gentleman was not a member. His inquiry upon that subject, or his undertaking to inject it upon an appropriation bill, was in violation of the rules of the House, and the presumption is, as he did not have charge of the subject at all, that he did not have such experience or information as would authorize the House in adopting the plan he suggested.

Mr. TOWNSHEND. Will the gentleman allow me a moment?

Mr. BLOUNT. I hope I will be permitted to proceed in my own

Mr. TOWNSHEND. Very well. I will reserve the remainder of my time.

Mr. BLOUNT. The gentleman has stated to the House that he and the gentleman from Indiana brought that bill into the House and that I opposed it, and that it was rejected by the House. be in bad taste for me to undertake to repeat at this time the objections I had to the measure. I did not believe then, I do not believe now, that the result would have been accomplished that the gentleman alleges from that measure; that is to say, that it would have reduced expenditures. The gentleman from Illinois is not the only member of this House who has had consideration of this subject. I had the honor in the Forty-fourth Congress, with gentlemen of larger experience than myself, the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL], to consider the very proposition that my friend so eagerly reported for the consideration of the House. We had information from various railroad men of the country and from the Department, and we proposed to report a measure embracing very similar features to that in the House. We concluded that we had information to justify us from the subordinate officials of the Department, but finally after an exhaustive examination we came to the conclusion that it would result in increasing compensation to the larger railroads and perhaps in doing injustice to the others.

The gentleman has called the attention of the committee to the fact that for the next fiscal year we have asked for an increased compensation for the railroads of this country amounting to \$2,000,000. Chairman, is this a cause of regret? The gentleman at the time he had the appropriation bill before the House had a deficit larger than is proposed to-day. Notwithstanding the large increase of compensation to railroads we have a deficit of \$4,000,000. At that time legislation was proposed, and his colleague [Mr. HOLMAN] brought in a deficit of somewhere near \$8,000,000, and that money was raised, not as the bulk of this is raised, but that excess of cost was raised on postage larger than what is now proposed, and it was collected by taxation from the peo-

ple of this country.

Not so with this large increased expenditure. Sir, it comes in the progress and as part of the progress in this great country. It comes in the increase of the railroad mileage, that has nearly doubled in the last twelve years. It comes with the increase of the population of this great land; it comes along with the multiplication of the business of this country-the proudest, and rightfully so, among the nations of the earth in prosperity and in the multiplication of the power of its people. He who stops and takes this surface view of things fails to recognize the fact that this gigantic structure of wealth, population, and resources for enlarging and expanding, does require a larger expenditure,

and he is certainly oblivious of the situation.

Mr. Chairman, the gentleman says that the Committee on Post-Offices and Post-Roads does not show that it has made any effort in the direction of reducing the compensation of railroads. The gentleman regrets it, and contrasts it very painfully to myself with his own admirable efforts in a different direction. Mr. Chairman, I regret that something has not been done. The Committee on Post-Offices and Post-Roads are not alone responsible. From the Forty-fourth Congress until this hour various suggestions have been made on the subject. Postal commissions have been created and have traversed the country and made reports. They have been rejected. The Department have created a commission, and they have made their report, and it has not met with the assent of Congress. The Second Assistant Postmaster-General, toward the beginning of this Congress, had a plan proposed in his report. Again a lack of unanamity in that Department brought about no action. It was not approach by the Post of the Post of the Congress of about no action. It was not approved by the Postmaster-General, who was seeking to evolve a plan of his own. It was not satisfactory, and so it has gone on and gone on, and there have been no successful attempts to reach a basis satisfactory to all minds, so far as we know of, up to this period. My friend sees in his own effort during certain Congresses an oasis of this desolation on this question.

I have no objection to his pausing there and enjoying himself as much as he will. I will repeat that while he has been making this effort to secure a plan, some better informed than himself, men at the head of the postal department, and men in various branches of the public service, men of large information, have not been able to agree upon a plan. I confess, sir, that to my mind the present method of compensation or the basis of compensation is the best which has been proposed. I thought there should be some percentage reduction made upon it. The distinguished gentlemen with whom I have the honor to associate on the Committee or Post Officer and Post December 1. to associate on the Committee on Post-Offices and Post-Roads, the majority of them disagree with me, and so we are here to-day without any change of legislation. But I deny, sir, the fact that during all this period from the Forty-fourth Congress to this hour there has been one particle of change of compensation had, excepting in the Fortyfourth Congress, when the gentleman from Indiana [Mr. Holman] brought in a bill reducing it 10 per cent. I have the honor of bringing in one reducing it 5 per cent., making 15 per cent. reduction. It has been done by greater per cent. in the increase and simply comes from the fact that more pounds are carried in the mails of the country.

and nothing more. The gentleman calls attention to the expenditure under this item of the bill, and makes a comparison with what it was during Mr. Buchanau's time. He might just as well go back and compare it with the time of George Washington. [Laughter.] If he can derive any satisfaction from these comparisons; if he can advertise him-self to the country for statesmanship by such methods as this, I shall

leave him to pursue it.

Mr. TOWNSHEND. Mr. Chairman, the gentleman from Georgia has wholly misconceived my purpose. I did not make these remarks for the purpose of magnifying the efforts that I have made as a member of Congress. My purpose was to draw the mind of the gentleman who to-day controls this bill and the legislation pertaining to the postal service to the fact that we are startled with figures here showing that the cost of transportation of the mails on the railroads has increased at the rate of \$2,000,000 a year. This is not a creditable thing for the gentleman, who claims that he has been studying this proposition during the past four years that he has had charge of this legislation. Why has he not found a way in which we may improve upon the old plan of some twenty years ago? Every intelligent investigator of this question has arrived at the conclusion that the present condition of the railroads and the service warrants us in making a more favorable change in the basis of compensating railroads. The railroad men admit it, and all others who are conversant with the affairs pertaining to the postal service admit it, and yet the gentleman says that he has been unable to conceive of a plan which will improve upon the basis that was arranged twenty years ago.

Mr. BLOUNT. Will the gentleman permit
Mr. TOWNSHEND. Do not interrupt me.

Will the gentleman permit me?

Mr. BLOUNT. The gentleman would not misstate me. Mr. TOWNSHEND. It is my judgment that if the gentleman had kept his seat when the gentleman from Indiana [Mr. HOLMAN] and I were seeking to retrench the expenditures of this particular service, the Government would be to-day \$6,000,000 better off than it is. I do not attribute to the gentleman any improper motive, but his unwise judgment, his unwisdom at that time and that of those acting with him, resulted in permitting this enormous increase of expenditure. I do not claim that I have knowledge superior to that of any one else. He seems to think that there are many persons better posted upon this question than I am, and of course he classes himself among those who are so. I may concede that to be true, but I will say to him that I did not rest alone upon my own judgment. I took the judgment of my friend, an old and experienced legislator, the gentleman from Indiana [Mr. Holman]. I took the judgment and the investigation of the experts of the postal department who had been engaged in the service, some of them for twenty years, and from the study which I made of the subject I saw that there was a grand opportunity to curtail the enormous expenditures that were being made for railway mail trans-

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. A single word, Mr. Chairman. I can only add that
whatever lack of judgment I displayed in not adopting the friendly suggestions of my friend from Illinois in reference to his scheme, is likewise to be charged against all of the Postmaster-Generals from that time

on. [Laughter.] Mr. BINGHAM. Mr. BINGHAM. Mr. Chairman, I have only one remark to make with reference to this bill. It is the result of careful consideration on the part of the Committee on the Post-Office and Post-Roads, and I think I can say that it comes from that committee with a unanimous It is a generous, liberal bill, and under its provisions indorsement. the postal facilities for the next fiscal year can be so administered as to meet the wants, demands, and conveniences of the people. There are one or two features in the bill that I will advert to. There is a reduction of \$76,000 recommended by the committee from the recommendation of the Postmaster-General with reference to the compensation of postal clerks. Certainly I should have wished the appropriation recommended by the Department to have been made a part of the bill to its full extent, and I make this statement now so that, should the administration of that division be carried out upon the present basis, and should a deficiency occur in the next Congress, it will be remembered that timely warning has been given that the appropriation recommended by the present administration has not been acceded to by the Post-Office Committee of this House.

One other feature of the bill. We have incorporated a reorganization of the clerks in the first and second class post-offices of the country; in the first-class post-offices, embracing about five thousand subordinate force, and in the second-class offices, embracing about one thousand five hundred subordinate force. In recommending the appropriation in this bill we have given the full amount recommended by the present Post-master-General, an increase, unprecedented, of \$600,000. I commend that increase and believe that it will give us a better service in all the first and second class post-offices; but in connection with this legislation which I approve, I want to give notice again now that I believe the carrying out of this legislation will create the necessity of a deficiency at the end of the next fiscal year which will have to be considered and provided for by the next Congress. I would have made, in accordance with the estimate of the Department, the necessary increase in the ap-

propriation to cover a complete carrying out of this provision of the bill should it be enacted into law. Beyond the statements which I have made I desire again to repeat in behalf of the committee a cordial indorsement of all the legislation contained in the bill.

Mr. CANNON. Will the gentleman allow me to ask him a question? Mr. BINGHAM. Certainly.

Mr. CANNON. I would be glad to ask the gentleman what the es timate of the Department is to meet the proposed legislation in the bill

touching clerks in the post-offices?

Mr. BINGHAM. The Postmaster-General, I believe, states in his report that it will increase the estimate submitted by \$300,000.

Mr. CANNON. And that would increase the amount recommended by the committee by the same amount, \$300,000.

Mr. BINGHAM. We have given the amount recommended by the Postmaster-General; but should this be enacted into law the increase necessary to carry it out would be \$300,000.

Mr. CANNON. Three hundred thousand dollars more than is recommended in the bill?

Mr. BINGHAM. Three hundred thousand dollars more than is in the bill.

Mr. DOCKERY. I will ask the gentleman from Pennsylvania whether it is not probable that the present appropriation, which is an increase of \$600,000 over that of last year, will in some measure meet

the requirements of the proposed legislation.

Mr. BINGHAM. I think it will; but the gentleman from Illinois [Mr. CANNON] asked me the direct question, and I had but one answer

to give him, which was the Postmaster-General's own statement.
Mr. TOWNSHEND. What is the deficiency for the present year?
Mr. BINGHAM. The deficiency in what? In the whole postal service?

Mr. TOWNSHEND. Yes, sir.
Mr. BINGHAM. I think the chairman of our committee has the figures showing that matter; I have not.

Mr. ADAMS. Will the gentleman from Pennsylvania [Mr. BING-

HAM] allow me a question ?

Mr. BINGHAM. Certainly.

Mr. ADAMS. I understand that an estimate has been made on the theory that this proposed change of classification shall not take place; and that estimate calls for a certain amount which is in the bill-

Mr. BINGHAM. Yes, sir.

Mr. ADAMS. But if this change is made, then the gentleman

thinks it will take \$300,000 more?

Mr. BINGHAM. I think that our appropriation this year, being an increase of \$600,000, is so full and so liberal that while there may be a deficiency, it will not reach \$300,000. I merely desired to call attention to the fact, so that should we enact this law it shall not be claimed in the next Congress when we come to the consideration of deficiencies that there has been either an extravagant or an ill-considered administration of the Department.

Mr. ADAMS. Will the gentleman tell me what proportionate increase in the total number of clerical force is estimated for, both on the theory which the gentleman states would take the amount contained in this bill, and also on the theory on which the \$300,000 more

would be required?

Mr. BINGHAM. As I understand, the legislation is not framed

with reference to a numerical increase

Mr. ADAMS. The gentleman did not understand me. We shall need probably in the next fiscal year more clerks in the post-offices.

Mr. BINGHAM. I think the chairman of the committee has the

figures showing the probable increase in the number of clerks.

Mr. ADAMS. Will the gentleman state the percentage of increase as compared with the percentage of increase which has prevailed here-

Mr. BINGHAM. The percentage of increase is almost 7 per cent.
Mr. BLOUNT. More than that. But I think this matter had better be reserved until we come to take up these items in detail. I will say to the gentleman from Illinois that the increase is generally reached by a steady percentage of increases during a series of years.

Mr. ADAMS. That is what I meant.

Mr. BINGHAM. We can ascertain that matter when we come to discuss in detail the items of the bill.

Mr. PETERS. Being a member of the Committee on the Post-Office and Post-Roads, I simply wish to say that, although I am in favor of the classification in this bill-that is, the general plan of the classification-I am not in favor of the compensation which has been adopted for the clerical force in second-class offices. I say this-and it is all I wish to say now-because there may come a time in the future when I may desire to have some action taken in regard to this matter; and I do not wish to have my mouth closed by reason of an impression going abroad that I am in favor of the compensation awarded under the classification in this bill.

Mr. SOWDEN. Mr. Chairman, there are 497 second-class post-offices, I believe, in existence now in this country; and the proposition is to increase the salary of every assistant postmaster of this class from the amount he is now receiving to at least \$1,500 per annum.

Mr. LIND. That is not correct.
Mr. SOWDEN. If not, I would be pleased to have the gentleman

explain the bill in this particular.

Mr. LIND. If the gentleman will refer to the terms of the bill he will find that he is mistaken. Fifteen hundred dollars is the maxi-

Mr. SOWDEN. On page 2 of the bill, beginning at line 15, is the following:

Assistant postmaster, salary not exceeding 50 per cent, of the salary of the postmaster, as provided by act of March 3, 1883, graded in even hundreds of dollars, from \$1,500 to not exceeding \$3,000 per annum.

Mr. BINGHAM. Will my colleague allow me to make a statement?

Mr. SOWDEN. Certainly.
Mr. BINGHAM. The gentleman is reading from that paragraph of the bill which pertains to the ninety-seven first-class offices. Page 8 of the bill relates to the second-class offices.

Mr. SOWDEN. This is satisfactory. The provision just read misled me. What is the salary provided for the assistant postmasters of

the second-class post-offices?

Mr. BINGHAM. From \$700 to not exceeding \$1,500.

Mr. LIND. If the gentleman will allow me a suggestion in this connection, I wish to say, expressing my individual opinion, that the classification in that respect is manifestly unjust in this, that it makes the maximum compensation of an assistant postmaster in a secondclass office the same as the minimum compensation of a person occupying a like position in a first-class office. That is unfair, I think. Hence if there is any cause for complaint it is that the classification is unjust so far as concerns assistants in second-class offices.

Mr. SOWDEN. When I took up the bill and examined the report I formed the impression that the salary of all the assistant postmasters provided for in this classification must be at least \$1,500 per annum in lieu of the amount now paid them. It appears by the classification in lieu of the amount now paid them. It appears by the classification on page 8 of the bill, however, to which my attention has been called by my colleague [Mr. BINGHAM], that the salaries of the assistants in second-class offices range from \$700 to not exceeding \$1,500 a year. This is manifestly an injustice. Why give some of this class \$1,500 per annum and others not more than \$700? Why not rate them all alike? Why not provide equal salaries for all officers of this class? Why make this unjust discrimination? Whence the necessity for any increase of the salaries of these officers at this particular time, and thus add to the expenditures in the bill for this item alone several hundred thousand dollars? Will the efficiency of the postal service be correspondingly increased? What assurances can the committee give us on this point?

The CHAIRMAN. If no other person desires to be heard in debate the Clerk will read the bill by sections for amendment.

The Clerk read as follows:

For compensation to clerks in post-offices, \$6,550,000; and that the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employés attached to the first-class post-offices, from July 1, 1889, as hereinafter provided, namely.

Mr. CANNON. Mr. Chairman, I ask the gentleman from Georgia [Mr. BLOUNT] whether he will not consent that the paragraph in reference to the compensation of clerks in post-offices be passed over for the present, to be returned to after the legislation on the bill touching first and second class offices shall have been disposed of?

Mr. BLOUNT. I do not see any advantage in doing that and prefer

Mr. BLOUNT. I do not see any advantage in doing that and prefer to go on with the bill in regular order.

Mr. CANNON. The reason I make the request is this: The amount recommended for the compensation of clerks in post-offices is \$6,550,000. It is proposed by the legislation on the bill to classify clerks in the first and second class post-offices, some sixty-five hundred in number, and according to the statement of the gentleman from Pennsylvania [Mr. BINGHAM] that classification will result in an increase of expenditures of competitive \$200.000 per support. of something like \$300,000 per annum. From my hurried examination of the tables in the report I am inclined to think that the gentleman from Pennsyivania is rather too low in his estimate. I believe this classification will result in an increase of twice the amount.

While I am not opposing this classification I suggest we pass over this appropriation fixing the amount until the legislation on the bill has been

appropriation fixing the amount difference by a disposed of.

Mr. BLOUNT. The committee have studied this matter carefully, and I prefer to go on regularly in order. The gentleman can have what he wishes in the way of information by simply calling for it.

Mr. CANNON. I will then move to strike out "\$6,550,000," and in lieu thereof insert "\$6,850,000." That is adding \$300,000, which is the estimate of the gentleman from Pennsylvania [Mr. BINGHAM] of increase, to the \$6,550,000 appropriated in the bill. I again appeal to the contleman from Georgia to allow this amendment to be passed to the gentleman from Georgia to allow this amendment to be passed over until after it is determined what action shall be taken on the legislation in the bill.

Mr. BLOUNT. I have already indicated that I prefer to go on in regular order. There is as much reasonableness to ask to pass over any other item in the bill. The reports of the Postmaster-General show whatever increase there may be. They are official, and no one can gainsay them.

Mr. CANNON. I will ask the gentleman from Pennsylvania [Mr. BINGHAM] what is the estimate of the Postmaster-General as to the increased appropriation necessary to carry out the proposed legislation.

Mr. BINGHAM. As I remember, the discussions in connection with that paragraph of the bill, the increase is \$600,000 for the next fiscal year on the present appropriation for clerk-hire. That is the largest increase given, I believe, in the history of the increase of clerk-hire. That increase presupposes a larger compensation to the clerks than they are now receiving, and better administration of that division of the post-office service. Should this legislation be enacted, it is believed about \$300,000 more would be required. Whether it will or not, it is the estimate of the Department as to untried legislation. If there shall be any deficiency in the next Congress, we can ask for an additional amount.

amount.

Mr. CANNON. That is all very well; but I live in a city of 15,000 inhabitants, and there are several other small cities in my district, and we know whenever there is a shortage it falls upon those small cities and not upon the large cities. The large cities are given what is necessary for their service whilst the small cities are left to carry on their business in the best way they can.

Mr. BLOUNT. Will the gentleman allow a suggestion?

Mr. CANNON. In a moment.

Now, all I want is just this: When the Postmaster-General recommends a scheme of classification of the service which may be wise, and says that it will cost, according to his best estimates, \$300,000 more than is recommended, I say all I ask is that if that scheme is adopted that we give the \$300,000 required to carry it into execution, because if we do not it falls upon the smaller class of cities. because if we do not it falls upon the smaller class of cities

Mr. DOCKERY. The proposed legislation fixes the salaries.
Mr. CANNON. Certainly the law fixes the salaries, but the PostOffice Department gives the number of clerks according to the money, and you say so much money shall be paid under the law to this class of clerks; and when we apply for clerks they will say Congress did not give within \$300,000 of the amount the Postmaster-General said was necessary to meet the increased expenditure, and therefore the service can not get that proper care it ought to have.

Now I will yield to the gentleman from Georgia if he chooses to

make a suggestion.

make a suggestion.

Mr. BLOUNT. My purpose in rising was only to make a suggestion which the gentleman from Missouri has already made.

Mr. CANNON. What is that?

Mr. BLOUNT. That the law fixes the salary.

Mr. DOCKERY. The suggestion I made was this, that in the event of the adoption of this section the law, of course, would fix the salaries and the force would not be reduced. Then if there is no deficiency in the appropriation it would have to be provided for in the deficiency in the appropriation it would have to be provided for in the deficiency bill of the next Congres

[Here the hammer fell.]
Mr. CANNON. I would like to have a minute more on this sub-

ect. I merely want to get at the facts.

Mr. DOCKERY. I will yield to the gentleman such time as he wants, and if he does not occupy the entire time will myself use the remainder of it.

Mr. CANNON. Now let me understand the gentleman from Missouri. He says if this classification is adopted that the salary of the clerks is already fixed, and if there is a deficiency, that will be provided for in a deficiency bill without reference to this appropriation. I will ask the gentleman, without any reference to the amount of the appropriation here, can the Postmaster-General appoint all the clerks the service may require?

Mr. DOCKERY. All that this law authorizes. Under the authority of the proposed legislation the Postmaster-General would have the right to classify and fix the salaries, and if Congress fails to appropriate a sufficient amount it would be their duty to provide in a deficiency

bill the amount necessary to carry out the law.

Mr. CANNON. But for how many clerks? Is there a specific num-

ber provided which he has the right to appoint?

Mr. BLOUNT. There never was, except by the approval of a roster.
Mr. CANNON. I do not understand the gentleman.
Mr. BLOUNT. I refer to rosters of the employés furnished from the

post-offices of the country.

Mr. CANNON. Let me put a case in my own town, by way of illustration, a town of 15,000 people, a free-delivery town. Suppose it was necessary to transact the business there that there should be five clerks in the post-office, and when I come to the Postmaster-General and make application he tells me, "Mr. Cannon, the appropriation is short; I can not allow your postmaster there but three clerks." I say, "Very true, the appropriation is manifestly short; but, Mr. Postmaster-General and the postmaster of the postmaster o eral, you have under this law authority to give two more clerks to Danville and all other towns similarly situated, whether the money is appropriated or not." Will that be the effect under this legislation?

Mr. BLOUNT. I am not prepared to say that.

Mr. PETERS. It would, undoubtedly.

Mr. CANNON. Why, no; I do not so understand it. Because if that be correct then you have the Postmaster-General in this attitude, that without reference to the money given be could in the form

that without reference to the money given he could increase the force

of clerks one hundred or increase them one thousand, just as he pleases. Mr. PETERS. If the service demands additional clerks at Danville the Postmaster-General has a right to appoint them, and having made the appointment if the money is not sufficient to pay them they

must be provided for in the deficiency bill.

Mr. CANNON. If there is no money appropriated?

Mr. PETERS. Yes, sir.

Mr. CANNON. Then why not appropriate a million dollars less here instead of increasing the amount \$600,000; because, according to the statement of the gentleman from Kansas, the Postmaster-General, without reference to the appropriation, can appoint a hundred or a

without reference to the appropriation, can appoint a numered or a thousand. I think the gentleman is mistaken in that.

Mr. BINGHAM. Will the gentleman yield to me for a moment?

Mr. CANNON. Certainly. I only want to get at the facts here.

Mr. BINGHAM. I want to state here that I am individually in favor of the classification bill of the clerical force of the first and second class post-offices; but the point raised by the gentleman from Illinois has been considered in committee, and I desire to raise it here, as I did there, in order that this House may definitely understand the legislation which we propose to incorporate on this bill.

I did there, in order that this House may definitely understand the legislation which we propose to incorporate on this bill.

I claim you, sir, that the legislation incorporated in this bill is simply a classification of the clerical force of these two classes of post-offices. Under that classification we appropriate in bulk \$6,550,000. I claim that the Postmaster-General in allowing to the various offices included in the first and second class every subordinate clerk he can regulate their salaries in accordance with the classification in the bill, but that he can not exceed the appropriation given in the bill. Under the bill he can say in the gentleman's office in Illinois, your superintendent of delivery shall have such a salary, and so and-so shall have such a salary. He is governed and controlled in the allowance to the subordinate force in that office by the sum total that is appropriated. He can not inin that office by the sum total that is appropriated. He can not increase it under this bill. He can not go beyond his appropriation. He can classify under the appropriation, but I claim you, sir, that he has no right under the legislation contained in this bill to exceed the appropriation given by Congress in this legislation for the next fiscal

Mr. BLOUNT. There are two questions raised in this running disussion. One relates to the amount which should be appropriated, and he other as to the result of insufficient appropriation. It has already been stated that the increase in this item amounts to \$600,000. In 1883 it amounted to \$364,000, an unusual increase, growing out of the change of classification of postmasters, resulting in the large increase of the number, and, therefore, while it was far above the average amount, it was temporary and grew out of that legislation to which I have referred. Now, in 1884 over 1883 the increase of expense was \$105,000; in 1885 over 1884 it was \$104,000; in 1885 and 1886 \$406,000 alone, which grew out of the transfer of the money-order clerks and in the matter of compensation from fees to the clerks in post-offices, thereby increasing this amount. Thus in 1887 over 1886 it was \$119,000. I say that one-half of the sum that we have recommended in this bill—\$300,-000-is far above the usual increase of compensation for clerks in post-

offices

I wish to call attention to this fact, that during this fiscal year the increase nominally was \$400,000, because of the failure to make a sufficient appropriation during the last year, and we make it this amount. The \$400,000 embraces a rational increase for the last fiscal year and this fiscal year. I repeat that that sum of \$400,000 was made thus large on the allegation of the Postmaster-General that under the law of the previous year, owing to the transfer of the compensation of the clerks in money-order offices from fees, it had largely increased the percentage of increase as it appeared, but had actually resulted in a decrease of several hundred thousand dollars; so that \$300,000 is above the normal, regular increase percentage. Then you have \$300,000 left. In relation to this classification, it is perfectly competent for the postmasters. There are grades. We are inaugurating this system. It is adjustable, but by it they can not increase or decrease the amount

Is adjustable, but by it they can not ircrease or decrease the amount they are paying their employés nor the hours of labor.

Mr. ADAMS. Will the gentleman permit a question there?

Mr. BLOUNT. Certainly.

Mr. ADAMS. Suppose you appropriate this \$6,550,000. Now, at the beginning of the next fiscal year the Postmaster-General doles that among the different post-offices of the country. Is not that so?

Mr. BLOUNT. I prefer the gentleman to state the whole of his question.

Mr. ADAMS. I understand that he doles this amount of money to Mr. ADAMS. I understand that he doles this amount of money to the different post-offices of the country. The question is whether, having at the first of the fiscal year doled out the appropriation to the Chicago post-office, its quota of money, which is so many hundred thousand dollars, there can be during the next fiscal year any additional sum appropriated for the payment of postal clerks in that office?

Mr. BLOUNT. Why, Mr. Chairman, most assuredly the expenditure for the hire of clerks at the beginning of the fiscal year is not so large as it is at the end. There is a gradual increase of expenditures in every branch of this service just as well as others. The rate of expenditure on the 31st of July 1889, may be one thing, and six months.

penditure on the 31st of July, 1889, may be one thing, and six months after that much greater.

Mr. ADAMS. The gentleman misunderstood me. I thought that at the beginning of the fiscal year the total appropriation made for post-office clerks was considered by the Department, and a determination arrived at as to what each post-office should have.

Mr. BLOUNT. Not at all.

Now, another thing, suggested by my friend from Illinois, and conformal training and conformal from the post-office should be at the state of t

formed to in information by my friend from Pennsylvania, in reference to the question as to how the Department would meet this difficulty. The salaries being fixed, the amount of money limited, the Department presumably unable to expend more than the Congress of the United States had supplied it with, how it would meet that situation? Mr. Chairman, the same question might be asked in reference to postal clerks—how would the Department meet that situation? You have their salaries fixed. You might not have sufficient clerks to handle the mails on the railroads; and yet you are liable to the same criticism here with reference to letter-carriers. Their salaries are fixed. Their hours of labor are fixed. You can make no supplement to the defi-ciency by reducing a clerk's salary, or by making him work overtime, and yet it may happen to the Department that there has not been money enough appropriated. Now, sir, one remedy I think is this: When we have information it is to legislate for it.

The Postmaster-General has asked for a deficiency now in two or three items—I think in reference to postal clerks. Congress meets before these appropriations shall have been expended that have been prudently allotted to the various post-offices. When Congress meets he submits to Congress the statement that he has not enough money, and then you have the situation. I know of no particular way. It is true every year that the appropriations are excessive on some items. It is always the fact that in appropriations there are some items upon

which there is too much appropriated, and too little on others.

I think the bill of last year shows a net surplus of about \$2,000,000.

That is happening all the time. The Postmaster-General will simply

rely upon the good sense of Congress, as he has had to do from time to time in the past, in reference to this matter.

The CHAIRMAN. The time of the gentleman has expired, but the Chair will recognize the gentleman to move a formal amendment if he desired to continue him.

desires to continue his remarks.

Mr. BLOUNT. I believe I have completed what I wished to say.
Mr. SOWDEN. Mr. Chairman, there is evidently a misunderstand-Mr. SOWDEN. Mr. Chairman, there is evidently a misunderstanding somewhere on this important subject, because we have had two different statements from two equally distinguished members of the same committee. My colleague from Pennsylvania [Mr. BINGHAM] has stated the proposition exactly as contended for by the distinguished gentleman from Illinois [Mr. CANNON], that there is an apportionment made of the amount appropriated for this clerk-hire. He contends that if this \$6,500,000 shall be appropriated for the purpose of paying these clerks, an apportionment of it will be made by the Postmaster-General at the beginning of the next fiscal year, when this appropriation takes effect, amongst the different offices throughout the country, and that the expenditures will be limited to the amount appropriated; while. the expenditures will be limited to the amount appropriated; while, in response to a question by the gentleman from Illinois [Mr. Cannon], the distinguished chairman of the committee alleges exactly the opposite; he says that any deficiency that might occur during the fiscal year can be provided for in some subsequent appropriation bill. My experience comports exactly with the position assumed by the gentleman from Illinois [Mr. Cannon] in relation to the business transactions of the Post-Office Department. When we go to that Department and complain of these clerks receiving too small pay, we are told that the Department is limited in its apportionment by the amount of the appropriations made. If that be true, then the distinguished gentleman from my own State, who is also a member of this committee [Mr. Bing-HAM], takes exactly the correct position and the chairman of the committee must necessarily be in error. Now, what I am seeking is the exact truth. I want light upon this subject. Which of the two distinguished gentlemen is correct?

Mr. BLOUNT. I want to say to the gentleman from Pennsylvania [Mr. Sowden] that it is not of much importance to the advancement of this legislation whether my friend from Pennsylvania [Mr. BING-HAM] or myself be correct. Without this bill, what is the situation? HAM] or myself be correct. Without this bill, what is the situation? Where there have been inadequate appropriations made in the past there has been a reduction of compensation, or perhaps a reduction of the number of employés. No worse thing can happen in reference to the service where there is a classification. The advantage of the classi-fication lies in the fact that you get a class of employés in the service with fixed salaries which can not be reduced by the accident of a failure to make adequate appropriations. They are ascertained by law. That is the advantage. So far as inconvenience comes from an insufficient appropriation, that comes with or without this legislation.

Mr. DOCKERY. Mr. Chairman, in reply to the suggestions of the

entleman from Illinois I desire to call attention to this section of the bill for the purpose of giving my construction of its meaning and ef-

For compensation of clerks in post-offices, \$6,550,000; and that the Postmaster-General be, and is hereby, authorized—

To do what?

to classify and fix the salaries of the clerks and employés.

There is his authority to classify and to fix salaries.

Mr. CANNON. But how many clerks are there to be?
Mr. DOCKERY. That is within his discretion; he can fix the number at the beginning of the fiscal year. But he has the absolute authority to fix and classify. If the demands of the Danville post-office require five clerks, then the authority is vested in the Postmaster-General, according to my construction of this section, to classify the clerks and to fix the salaries of the clerks and employés.

Mr. CANNON. Although no money is appropriated for that? Mr. DOCKERY. When such classification is had and such fixing of salaries is determined, then it becomes the duty of Congress to provide for any deficiency that may result from that classification, because here is the specific authority of the law given to the Postmaster-General to fix the salaries.

The salary of the President is fixed at \$50,000. Congress might appropriate only \$25,000, but the salary is fixed by law, and if Congress oes not appropriate the full amount the President has a right under

the law to secure the additional \$25,000.

Mr. CANNON. What clause of the bill says how many of these clerks there shall be? That there is authority to classify and fix the salaries I concede. But these offices are not like the office of President-there can be only one President, but the law does not say how many clerks there shall be.

Mr. DOCKERY. The authority to classify carries with it the discretion as to the number of clerks—that is, the right to appoint a suffi-

cient number to meet the demands of the public service.

Mr. CANNON. I think the gentleman is mistaken. Mr. DOCKERY. If it does not, then that provision If it does not, then that provision of the bill can

be very easily amended.

Mr. CANNON. If the gentleman's construction is correct, I am not for that amendment, because I do not want Congress to be "run" by

the Postmaster-General.

Mr. DOCKERY. But coming to the question of the amount and the necessity for the increase suggested by the amendment offered, I desire to say that I have been advised by the Postmaster-General that this very large and unusual increase of \$600,000 in clerk-hire is proposed not simply with the idea of providing for the service for the next fiscal year on the basis of existing compensation, but with the intent of increasing the salaries of the present force. What the deficiency may be creasing the salaries of the present force. What the deficiency may be in the event that this legislation is adopted and the amount is retained as it appears in the bill no man of course can accurately determine. It is a new and untried legislative field, and it may be that the law can be executed with the amount at present carried in the bill. If, however, the amount should never the law can be interficient. I should extering the be executed with the amount at present carried in the bill. If, however, the amount should prove to be insufficient I should certainly be willing to vote for any sum that may be required. We can not now determine what the deficiency may be. The Department estimates that \$300,000 will be the amount; but as I understand the situation, it is not a deficiency of \$300,000 additional to the amount carried here, because that amount was estimated for the purpose of increasing the compensation of the present clerical force in first and second class offices. So I think it is entirely safe, Mr. Chairman, to retain this amount just as it appears in the bill; and if in the execution of the law, as has been suggested by the gentleman from Pennsylvania [Mr. BINGHAM], it should become necessary to provide for a deficiency. I am quite sure should become necessary to provide for a deficiency, I am quite sure there will be no hesitation on the part of members on this side of the House in their support of such a measure.

Mr. CANNON. I want to say a word; and then, so far as I am concerned, I shall be ready to vote. If I agreed with the gentleman from Missouri [Mr. DOCKERY] in his construction of this provision I would oppose the proposed legislation, because according to his statement it would be in the power of the Postmaster-General, without reference to the appropriations, to control Congress, instead of Congress controlling the Postmaster-General. That I would not assent to; nor would my the Postmaster-General. That I would not assent to, and that the friend from Georgia. Now, I again call attention to the fact that the Postmaster-General himself says it will take the \$300,000 provided by my amendment to meet this expenditure, if this legislation is had.

think we ought to give this amount.

But there is one other thing to which I want to call the attention of my friend from Georgia, and then I shall have said all I want to say about this bill from beginning to end. This item is not only to pay postoffice clerks of the first and second grades, but it is the item from which the clerks are paid in separating offices-the third and fourth class that are numbered by thousands; and it is offices of that kind in which my friend from Georgia and myself are largely interested, as well as most gentlemen here. Wherever there is a railway crossing which separates mail (and there are many in the various parts of this country), although the office may not pay \$500 or \$400 or \$100 a year, the Postmaster-General under the law has now a discretion to make an allowance for separating.

Mr. PETERS. That applies only to the star-route lines

Mr. CANNON. It is broader than that, I will say to my friend. In practice it runs very largely on the star routes, but there are separating offices on railroad routes also. Now the expenses of these separating offices are paid from this appropriation. Enact the provision here proposed, which is to involve an expense of \$300,000 more than you appropriate, and not only shall we have an insufficient number of clerks in the large offices, but this sum will be consumed in paying these clerks in the large offices; and you will have nothing left for the small offices—the separating offices. Therefore I must insist on my amendment adding \$300,000 to this appropriation, according to the estimate of the Postmaster-General, or I must vote against the proposed legis-

lation. I ask for a vote.

Mr. ADAMS. I move to amend pro forma by striking out the last word. The position of my colleague [Mr. CANNON] is that the committee has proposed an appropriation on one plan, and has immediately proposed to adopt another plan. Of course there is division of opinion among members of the committee as to the difference in cost of the two plans. The answer which was made by the chairman of the committee to the observations of my colleague from Illinois was that this would not, in any event, interfere with the efficiency of the service, because we can always fall back on a deficiency.

In saying that he is undoubtedly theoretically right, but practically

wrong, because it is not true a Postmaster-General will allow the postmaster at Chicago, for instance, a sufficient sum to run that office as it should be run, regardless of the entire amount of funds in the appropriation bill for the fiscal year. Of course, theoretically, he might do so, and run the Department for the first six months and then come to

Congress for the deficiency; but practically he will not do so.

I desire to state that the postmaster in my own city has found great difficulty in getting allowance for clerks to do a large part of the work which is necessary for the efficiency of the railway mail service and the free-delivery system. For instance, the mail comes in the railway car, and while it is in the railway car the postal clerks have charge of it. After it has reached the post-office and has been handed to the carrier, then it is in charge of the carrier system. During the intervening time after it has left the railway car and till it is put in the pouches for the carriers it is in charge of post-office clerks. The postmaster at Chicago has inaugurated a valuable improvement by which part of the time is saved by sorting the mail for the carriers before it leaves the car.

In the fast train, for instance, from Omaha to Chicago there is a certain number of clerks-not carriers, but postal clerks, I believe they are called-who sort the mail for delivery to the carriers, and in that way shorten the intervening time between handling the mail by the railway clerks and handling it by the carriers. But the postmaster of the city of Chicago has had the greatest difficulty in getting an allowance for this purpose, simply because it is understood there is not enough money available. The fact that the Postmaster-General can come in in the second half of the year to make up for the deficiency in the first half of the year does not seem to enable him in the first part of the year to do what is required.

In my judgment, Mr. Chairman, a more reasonable request could not be made than that which was made by my colleague [Mr. Can-NON], that this provision making appropriations for postal clerks should be passed over until we get to the end of that part of the bill which decides the matter of classification. Then we shall know whether the new plan or the old plan will be adopted. By that time we can get information whether appropriations are to be based on the old or the

Mr. BLOUNT. I wish to say to the gentleman from Illinois [Mr. Adams], who says that the postmaster of Chicago could not get clerical force enough, that I think any gentleman who has had the honor to preside as Postmaster-General over the Post-Office Department will say there never was a time when there was not a complaint made of that cost and when in a large measure it was not any pressonable. of that sort, and when in a large measure it was not unreasonable. There has always been a desire on the part of certain persons to have their compensation increased; and if my friend from Illinois expects to get to that point of perfection when men will be content with their salaries as they are and do not desire any more, he will live for a very long period.

Mr. ADAMS. I do not talk of increase of salaries. I was talking of the increase of the number of clerks to do the increased work in the Northwest, which is necessary to be done because of the increase in busi-

Mr. REED. Mr. Chairman, I want to add to what has been said by the gentleman from Illinois my personal belief that the Post-Office Department has been very much cramped and hampered in these appropriations. Of course, I found my views upon it on the local conditions which exist at home. I find that there has been for the last eight years, or nearly so to my personal knowledge, very great complaint, not only as to the amount of the salaries, but as to the amount of work which has been imposed upon the employés of the post-office at Portland, Me. There has been but very little increase of the force there, while there has been an enormous increase in the work to be done. As one single the year 1888, and only 36,981 in 1887, showing an extraordinary increase. Such an increase in a community as settled, if I may so express it, as my own State would indicate that there must necessarily be a large increase of business in the post-offices generally throughout

The allowance for this office has always been meager; and the Post-

Office Department has kept them down to such an extent that if I can believe the testimony, not merely of persons of my own party who would naturally come to me with their complaints, but the testimony as well of persons belonging to the other party, who might not naturally expect any particular help or sympathy from me in that direction; I say if I can believe the unanimous testimony of all persons there they are overworked, they have not a sufficient number to do the work of the office, and I know it is the universal testimony of the patrons of the office that the service on the part of the United States is not well done.

I do not believe, Mr. Chairman, that this is attributable to the change in politics, or perhaps even to a change of officials, but it is owing to the fact of the increased work which has been thrown upon a small force.

There is another difficulty which is peculiar to that office, and I want to bring it up now, which is the result of the fact that the salary is gauged upon the gross receipts of the office. That is a good general rule, undoubtedly. But there are exceptions. The amount of pay is usually the measure of the work done, but there are very many exceptions, and it seems to me, upon hastily looking over this bill, that these exceptions are not previded for. The compensation of the office in Portland, Me., for instance, is arranged upon the basis of the gross receipts.

It so happens, however, that a large measure of the business done through that office is done by an establishment which is of such a char-

acter that it receives in the course of its business annually an immense sum in postage-stamps. The consequence is, that it never buys stamps; indeed, it rather has them for sale, and the gross receipts at the office are lower for that reason than they should be. Consequently, measuring the salary on that basis is an injustice not only to the people who do the work but to the community which is served thereby.

Mr. BLOUNT. Allow me to suggest that that relates to the compensation of the postmaster.

Mr. REED. No, not in the bill. Provision is made here for the compensation of the assistant postmaster also, and the amount of the allowance to the office in some measure rests in the discretion of the Post-Office Department. If the Post-Office Department has a reasonable appropriation it may make more of what may be called the discretionary allowances which should be made to an office than otherwise; and therefore I think the gentleman from Georgia, having in view the real advantage of the postal system of the country, ought to consent to the change asked by the gentleman from Illinois. Mr. BLOUNT. The gentleman does not ask any change of legisla-

Mr. REED. He asks a change in the amount.

Now, the truth about it, as is well said by his colleague from Illinois, the truth about it is that the Postmaster-General, having in view a deficiency, is not likely to make the allowance which he would make in a case such as is presented at the office at Portland, Me., an allowance not so much in the interest of the clerks, or the postmaster, or the assistant postmaster, as of the community which is really served; for if the clerks that are granted there are granted solely with reference to the receipts of the office, and nevertheless the office does work for which there are no receipts, or rather the receipts do not show themselves in the business of that particular office, then an injustice is done to the community at large, and you increase that injustice when you impair the discretionary power of the Postmaster-General by bringing him face to face with a certain deficiency. In this sense it seems to me that the argument of the gentleman from Illinois is a sound one.

Mr. BLOUNT. But the gentleman from Maine will bear in mind the fact that this very bill increases the assistant postmaster's salary

\$400.

Mr. REED. In this bill? Mr. BLOUNT. Yes, sir. Mr. REED. Not at all. It reduces it \$400, or from \$2,000 to \$1,600.

Mr. BLOUNT. The gentleman is correct.

Mr. REED. And that, too, notwithstanding the fact that Augusta, a smaller office, has a superintendent of mails at \$1,500, duties which this assistant in Portland performs.

I brought that up simply because it could be used as illustrating the general situation.

Mr. BLOUNT.

I want to respond, Mr. Chairman, in reference to the office of Portland, Me. The rosters are not arranged so accurately with reference to the amount given to the individual clerks in the office as to the amount of compensation assigned to the office. In this instance it may have been that the postmaster in arranging his roster would recommend this postmaster the sum of \$2,000 and take it off the salaries of others.

Mr. REED. I know that has been the salary for twelve years. Mr. BLOUNT. I do not know anything about that particular case nor how long it may have been the salary. It may have been that compared with other offices the assistant postmaster received a much

larger salary than at other places where the clerical allowance was

Mr. REED. Such is not the fact. A comparison would not show it. Mr. BLOUNT. That may be true, Mr. Chairman. I think that

while a comparison may not show it in this particular case, the system of making up the rosters is in a large degree to give a given sum to a

Mr. REED. I think the gentleman is correct.
Mr. BLOUNT. I know I am correct, and that the postmaster's salary where the receipts were the same as at another would be very much larger, and that their clerks' would be very much lower, the gross sum allotted to the office being the same. This legislation is to bring about a uniform rule. It is brought out from the study and from the consideration of averages, and from the reports of inspectors, etc. It may have been that in a particular case the salary might be reduced. It may quite sure that it is in my own town. The salary of the assistant postmaster there is out of proportion to that of the other employés.

Mr. REED. The reason why the salary of \$1,400, while it bears the usual ratio to the usual salary received, and why it is not a fair salary at Portland while it may be at another town showing as large gross receipts, is owing to the presence of this establishment.

Mr. BLOUNT. What establishment?

Mr. REED. An establishment which furnishes a certain class of papers just the same as the others at Augusta, Me., where the postal business has a very much larger proportion than at other places. They send out their publications and receive letters from all parts of the United States, and while it does not contribute largely to the increased receipts of the office it very largely increases the work of the office.

But inasmuch as they do not buy postage-stamps they do not contribute to the gross receipts, although contributing thus largely to the work. Therefore an injustice is done to this particular office, and hence there ought to be either an exception of this office or else there ought to be some change-some general words-allowing the Postmaster-General to make some variations where the rule does not apply. In other words, the reasoning upon which the classification is founded is the ratio between the salary and the gross receipts, because that is supposed to be the ratio between the salary and the work done. But where the gross receipts do not represent the work done then the relation between the salary and the work ceases to be a good one or a correct one. This is the difficulty at this particular office. They get their

stamps from other places.

Mr. MILLIKEN. At Augusta, where there are publishing houses of a similar character to that to which the gentleman has referred, while the proprietor of one of the publishing houses pays \$100,000 a year to the Government for stamps it does not exhaust the stamps that it gets from abroad, but has to sell a large amount in stamps other-Therefore the office at Augusta does not sell them stamps, and for that reason the sale of stamps does not represent the amount of business done; and the same is true to a certain extent at Portland.

Mr. PETERS. The exceptions to which attention has been called by the gentlemen from Maine in that respect will apply to other offices than those mentioned, and there are a large number of them in the United States where it would really extend. You take the land offices. There are two of them in my own district. A large amount of Government mail is transported in large envelopes that are furnished by the Government on which no postage is paid. No postagestamps are purchased at a land office, and the result of that is that in those cities the work of the post-office is largely increased; and yet there is no adequate compensation for that work, because, as the gentleman from Maine has said, the compensation is based upon the gross receipts and the gross receipts are not enhanced by the Government purphases done there. business done there.

business done there.

But now I want to call attention to one difficulty that has been stated by the gentleman from Illinois. That is, the point which he makes against this bill, that it does not allow the Postmaster-General to fix the number of clerks. Now, I think that it is impossible in a bill of this kind (this being the first of this kind) to classify these clerks in point of numbers as they are classified in the appropriation bills for the legislative department of the Government, so many clerks of such a class, and so many of such another class, and so on. In fact, this legislation being tentative and being placed on the bill for the first time it. lation being tentative and being placed on the bill for the first time, it would be almost impossible to arrive at any fair basis upon which the number of clerks could be determined. You can not do it upon the roster that is furnished by the postmasters now, because in all post-offices of the second and third classes, and especially in the offices of the second class, the postmasters in many cities have been compelled to pay their clerk-hire out of their own pockets. Consequently the roster in any such case does not show the amount of clerical force the ostmaster has been absolutely required to employ in order to transact the business of the Government,

That is true of offices in every State. In other words, the Department has been stinting the second-class offices, and has not been giving them a sufficient amount of money necessary to carry on the work, and it has been doing this upon the false theory that the gross receipts of an office ought to be the criterion by which to regulate the amount of money allowed.

Mr. JOSEPH D. TAYLOR. And would not this bill further stint

Mr. PETERS. That is the objection I have to fixing the remuneration under this classification. I do not want to be understood as being

in favor of the remuneration being apportioned under this classification, because the result of it will be in all second-class offices that there will be no clerk or employé who will secure the maximum salary, but all of them will receive the minimum. Why? Because the first-class offices, being large in their gross receipts, will be taken care of by the Department just as they have been in time past, and the second-class offices will be compelled to accept what is left, and that, as we know

from experience, has been a very small crumb.

Under this classification in all cases there would be a minimum amount allowed to the second-class offices. So, while I am in favor of amount arrowed to the second-class offices. So, while I aim in the first of the classification, I am not in favor of the compensation being fixed for second-class offices in this way. But I was overruled upon this point in the committee, and not desiring to make any great contention, particularly when I found myself in the minority, I have not seen fit to come in here and make a fight on this point. I have abstained from doing that also because I am anxious that this legislation in regard to classification shall become a law, and I will trust to the future to regulate and remedy the inequality that exists between the compensation of the clerical force in first and in second class offices. I am willing to accord to the first-class offices all the credit they are entitled to for their gross receipts, but it should be borne in mind that every second-class office in the country contributes to the gross receipts which the first-class offices show, and that the second-class offices do not get the benefit of that in the compensation which is paid to their employés.

Mr. BLOUNT was recognized.
Mr. McCULLOGH. Will the gentleman from Georgia [Mr. BLOUNT] yield to me a few minutes?

Mr. BLOUNT. Certainly. Mr. McCULLOGH. Mr. Chairman, I want to cite to the House a practical case, and I will try to do it as briefly and as practically as I can. In the town in which I live there are thirty-four trains daily, seventeen each way. There are also two star routes. On the south side of the town there is a railroad which is at least 40 miles long. On the north side there are two railroads, each perhaps 8 or 9 miles long. That secondclass office, with a second-class clerical force, has to take the mails from those trains. Of course all the trains are not mail-trains, but a large number of them are, and that office has to take the mail from all those trains and has to distribute them to the three side roads and also to the two star routes, and the employés of that office receive only second-class compensation.

Many are the mornings when at that office it takes an hour and a half to handle that mail, though not a stamp is canceled. Yet at that office they get but second-class rates. Now, this is why the Post-Office Department ought to have a discretion in this matter. That office, instead of having simply a postmaster and a clerk, or, as you may say, a clerk and a half, ought to have, in addition to the postmaster, five clerks, because there is handled there perhaps a wagon-load of

mail every day. Mr. BLOUNT.

mail every day.

Mr. BLOUNT. This bill does not prevent such increase of force.

Mr. McCULLOGH. There is no discretion to increase this force.

Mr. BLOUNT. Oh, yes, there is.

Mr. McCULLOGH. I think not.

Mr. BINGHAM. I desire, Mr. Chairman, in this debate to emphasize and make clear just how far the legislation contained in this bill is either to control the Postmaster-General in carrying out its provisions or to give him an independence of action whereby he may control ions, or to give him an independence of action whereby he may control Congress in the expenditure of public moneys. I claim that if this legislation going into details as to the clerical force of the first and second class post-offices is enacted into law it will never hereafter appear in an appropriation bill for the Post-Office Department. It will become a part and parcel of the statutes of the United States; and hereafter when the Postmaster-General asks Congress to appropriate for clerical force it will be the same in effect as when he asks an appropriation for either the letter-carrier force or the railway postal clerks. He submits in his estimate a round bulk amount for the railway postal clerks; he submits in his estimate a round bulk amount for the carriers at letter-carrier offices: he submits at the same time what increase he desires to have effected under the legislation he may recommend to Congress. If Congress does not appropriate the full amount he asks for the letter-carrier service or for the railway postal clerks, he simply employs during the fiscal year for which you make the appropriation the amount of subordinate force that the money you appropriate will allow him to employ.

Now, I claim that this bill simply fixes a classification of the subor-

dinate force in the first and second class post-offices. Similar legisla-tion heretofore has said there shall be five classes of railway postal clerks, with salaries ranging from \$900 up to \$1,500; that there shall be three classes of letter-carriers, with salaries ranging from \$600 up to \$1,000. So in the statute book in the future will appear this detailed classification here proposed, in regard to which the Postmaster-General will be under the obligation to see that he does not exceed the amount

appropriated by Congress

This simply classifies the subordinate force. Under this very bill the postmasters of the first and second class offices will have to send up on the 1st day of July of each fiscal year an estimate of the sub-

ordinate force which they desire. The Postmaster-General, taking the sum total of your appropriation for clerical force, will say, for instance, to the postmaster at Philadelphia, "Your roster recommends twenty mail distributors, sixteen messengers, fourteen watchmen, ten case distributors, but the appropriation for clerical force is not in amount that which I asked from Congress; and although you ask for sixty men I can give you only fifty." But he fixes under the law the compensation that those fifty shall receive; and in doing so he can not, unless he violates the law, exceed the appropriation given to him in your appropriation bill.

One word more. This classification, of course, is based upon an entirely different principle from your compensation to railways or your compensation to postmasters. The railways by statute are paid so much per pound on mail matter carried; the postmasters by statute are paid in accordance with the gross receipts. In those matters the law leaves no discretion to the Postmaster-General. But in this bill his discretion runs in every classification, from a sum total salary of \$700 up to a sum total salary of \$2,500. I say, therefore, that in the classification of the clerks he exercises discretion, and in the exercise of that discretion he is controlled by the appropriation made by Congress; he dare exercise it only to the limit of the amount you appropriate under

Mr. BLOUNT. Mr. Chairman, no rule can be suggested in reference to classifying clerks in post-offices throughout this country which would not operate in some cases in an unsatisfactory manner. All that we can hope to do is to adopt a rule the general effect of which shall avoid some or many of the evils of the present system. It is possible—indeed, it is probably true—that some of the officers do not have a sufficient clerical allowance. It is likewise true sometimes they have it and they complain they do not have it. It is untrue that the Postmaster-General is guided entirely by gross receipts. Sometimes that complaint is made and an inspector is sent. The construction of the office, facilities about the office, all these things are taken into consideration.

The Postmaster-General is not bound by any fixed rule to get at the truth. He has many methods, and doubtless he has used the best method in his power and has done far better than we could who criticise him.

It has been said if this classification shall become the law of the

land the Postmaster-General will not adhere to, but will exceed, the amount of the appropriation. He will take the fund and see how many employés he can put in the offices of the country, and he is then at the end of it.

Mr. ROGERS. Will the gentleman permit me to interrupt him at this point?

Mr. BLOUNT. Certainly.

Mr. ROGERS. I am interested greatly in the line which the gentleman is pursuing, and I wish to understand the question. I want to find the law as it now exists which authorizes the Postmaster-General to employ these clerks.

Mr. BLOUNT. I can not find the page.

Mr. ROGERS. I have the page here, and will read it if the gentleman will permit me. Perhaps I can help you to elucidate the matter.

Mr. BLOUNT. I will elucidate it in my own way.

Mr. ROGERS. I will ask the chairman of the committee to recog-

nize me, then, in my own time, as I wish to get it before the House.

Mr. BLOUNT. I have no doubt that the gentleman from Arkansas

will instruct the House, as he usually does when he addresses it. will pardon me, however, if I prefer to state it in my own way. I do not mean the slightest discourtesy to the gentleman, as he is well aware.

You have a law for clerks in post-offices. You have an amount appropriated in the bill. When you come to assigning clerks, their salaries being fixed, you may find at some place you have not a sufficient force. That is exactly what you have found during the past year. It

is what you may find anywhere.

The Postmaster-General commences his fiscal year on the 1st of July and in a few months he has reached December. He sees the condition and presents reasons to Congress for supplying the deficiency. If you recognize the reasons he presents you give it, and if you do not you We shall never get away from that situation, that relation between the Executive Department and Congress. It is impossible for it to be otherwise. The Postmaster-General, without the perfection of infinity, can not estimate the exact increase of your mails and tell how many clerks are necessary to handle it. So this difficulty you speak of will continue to the end of time. It adjusts itself by the submission of additional estimates to Congress thereon.

Now, I wish to call the attention of the House to an actual deficiency in reference to the compensation of railroads. It has been declared the Postmaster-General shall not exceed the amount contained in the appropriation bill for any given service. For compensation to railroads during the fiscal year 1888 it was estimated there would be an increase of 7,000 miles of railroad constructed in this country. The course of time developed the increase was 13,000 miles during the fiscal year.

The increase in the mails has been beyond precedent and beyond expectation when the estimate was made.

What does the Department do? What has it always done? Finding itself in this situation, it has put mail on all the railroads all over the country although the money had not been allotted to it, and in a ment pending, and I move now to add what I have sent to the desk.

few months, when Congress assembled, reported its action in the matter and asked a deficiency to pay for the additional service required by this unexpected condition. If the Postmaster-General had erred in leaving some routes without the mails upon them it was for Congress to judge. It was the exercise of a discretion on the part of the Department, subject to the ratification of Congress when it assembled whether it would allow that increase or not.

Sir, these imperfections in relation to deficiencies are just as certain as that the action of the human intellect is liable to error; so that we need not rush away from the scheme of classification proposed in this bill because of a possible deficiency. When you are accustomed to them in other items in the service, and they are happening under all administrations, I see no necessity for alarm. I trust, sir, that because we could not make a perfect plan gentlemen will not refuse to do what has been clamored for by every Postmaster-General for the last ten years, that has been dilated upon by the press, and with reason, and which has found expression in the complaint of the clerks all over the country.

I do importune gentlemen on either side of the House to let no imperfections, if there be imperfections in the bill, or if there may be imperfection existing in the service, consign us to the disastrous policy which we have experienced in the past.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Rogers having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the President protempore of the Senate had appointed as tellers, in pursuance of the resolution providing for the counting of the electoral votes, Mr. MANDERSON and Mr. HARRIS on

the part of the Senate.

Also, that the Senate had passed with amendments the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which the concurrence of the House of Representatives was requested.

Also, that the Senate had passed the bill (S.7799) for the relief of the Albemarle and Chesapeake Canal Company.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 139) to credit and pay to the several States and Territories and to the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861, asked a conference with the House on the disagreeing votes thereon, and had appointed Mr. SHERMAN, Mr. MORRILL, and Mr. HARRIS managers on the part of the Senate.

# POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ADAMS. Mr. Chairman, several gentlemen in this debate seem to have an impression that an insufficient appropriation for the postal service would tell mainly on the second-class offices, because, in the words of my friend from Kansas, the first-class offices would be taken care of anyway. That is not true in the one first-class office with which I am best acquainted, and I attribute it largely to the rapid growth of the postal business in Chicago. I ask unanimous consent, therefore, to have printed in the RECORD an extract of a very few lines, not exceeding perhaps ten in length, being a tabular statement sent to me recently from that office, showing the increase in the city delivery in the single fiscal year from 1887 to 1888. There was no objection.

The table is as follows:

### Chicago post-office-city-delivery division.

Items.	1887.	1888.
Registered letters delivered	595, 589 78, 387, 285 10, 547, 624 32, 286, 171 69, 481, 649 23, 123, 725 30, 170, 054	640, 321 94, 436, 270 19, 548, 354 43, 651, 264 97, 537, 063 23, 308, 054 33, 878, 676
Total number pieces handled	244, 592, 189	312, 999, 942

Increase in number of pieces handled, 68,407,803, or 28 per cent. Total postage on local matter delivered through boxes, general delivery, and by carriers:

Increase in local postage, \$179, 366.88, or 35.64 per cent.

Mr. HOLMAN. Mr. Chairman, I move to add, after the word "pro-

The Clerk read as follows:

Add, after "provided," in line 14 of page 2, the words:
"Provided, however, That the aggregate salaries as fixed by such classification shall not exceed the sum hereby appropriated."

Mr. HOLMAN. Mr. Chairman, it seems to be conceded, if I understood the gentleman from Georgia correctly, that this classification would have the effect of law in fixing the salaries, and I know of no

reason why it should not have. I believe that also is the view expressed by the gentleman from Pennsylvania.

Mr. BINGHAM. Certainly.

Mr. HOLMAN. That would be a most extraordinary power, the most extraordinary, I think, ever conferred upon a head of a Department in the history of the light in the light of the conferred upon a head of a Department in the history of the light in the light of ment in the history of our legislation, if that is a proper construction of the provision as stated by these gentlemen, that in a wide field of public employment, involving an immense number of employés and vast sums of public money, power is vested in the hands of a single officer to so classify that force as to absolutely make and control legislation; for whether we appropriate the money by this bill for it or not is immaterial so far as the salaries are concerned, for the salaries will still be a demand upon the Government for any deficiency created by an insufficient appropriation.

I am not willing for myself to see Congress abdicate the important power of fixing salaries. It can of course be said that we have appropriated sums in gross in an appropriation bill, and under such appropriation the Postmaster-General had the power to determine the amount that should be received by each clerk employed by the Department. But the answer is that Congress determines and regulates the sum that should be expended. It regulates the charge against the Government and says how great the sum shall be, while this provision is a complete abandonment by Congress of the power to determine what shall be the limit of the legal demand for salaries against the United States. propose to appropriate \$6,500,000, leaving it in the power of the Postmaster-General to fix the amount of the salaries without limit. Instead of \$6,500,000, any sum beyond that may, in his judgment, be proper for the classification of the clerks in his Department—may be made a legal charge upon the Treasury.

Do gentlemen propose to go to that extent? Do gentlemen propose to place upon the statute-books a law which empowers the head of a Department to determine how millions of money beyond that appropriated shall be expended? It has been said on this side of the House, as well as on the other side of the House, and by the whole country with rare exceptions, that the Post-Office Department has been well administered during the last four years, and indeed for many years past. I represent a portion of the country westward, where an average degree of interest in the postal system will be found, say the latitude of Cincinnati, Ohio. I feel safe in saying that our post-office system has been well administered, not only under the present but under the

former administration; and yet the unusual measure proposed would indicate a state of public necessity so imperative as to require this extraordinary legislation, which is almost an entire abdication of a great power by Congress, and confer it upon the head of a Department.

From the days of Franklin to the present hour there has never been

a public officer at the head of that Department who should be intrusted with such an extraordinary power. Where are we drifting? We appropriated for this particular service in 1888, \$5,450,000; in 1889, \$5,900,000, and for 1890 it is proposed to appropriate \$6,550,000, being \$100,000 increase in ratio beyond any former experience for one year, I believe and yet this bill proposed to appropriate \$6,550,000. lieve; and yet this bill proposes to confer power upon this Department to increase that sum virtually almost without limit. The overweening anxiety of my friend to see a great Department of the Government already well sustained and supported invested with this great power of real legislation as to official salaries grows out of his anxiety to perfect the system even beyond the perfection already attained. This wish has very naturally influenced the action of my friend from Georgia in inducing him to consent to legislation of such an extraordinary character; but I think my friend from Georgia [Mr. BLOUNT], so well known for his prudence and ability in legislation, when he comes to consider this subject will see that the power conferred by this paragraph is too great a power to give to any Department and not necessary to the efficiency of the system.

The history of none of the Departments of the Government justifies such legislation. I have noticed, sir, in the progress of current history that those Departments of Government, those agencies of Government which are of the highest moment, which come nearest to the people and involve their dearest interests are those most exposed to peril and mistakes of legislation, which could not have occurred in other Departments less beneficent. A few years ago there was in the Post-Office Department a striking illustration of this. Can my friend from Georgia afford to run the risk of vesting in a single officer of the Government such a power as this when there is no impending demand nor imperative necessity for it? That Department is now well administered, and so far as I am aware its employés are generally well paid, and paid greatly beyond the average of those who are employed in private employments requiring corresponding capacity and integrity. For one, I am opposed to any increase of salaries and do not believe that the public good requires it in any Department of the Government.

Mr. BLOUNT. I am surprised at the speech of my friend from Indiana, and yet I do not see why I should be.

Mr. REED. Nor do I.

Mr. BLOUNT. I have heard him make such a speech before. yet there is no reason for it. The gentleman says that the Post-Office Department is well managed, admirably managed, and yet he opposes the proposition in this bill. I can state to the gentleman that it is commended by the Postmaster-General. This kind of legislation has been recommended during a series of years by various Postmasters-General. The President of the United States has seen fit to call special attention to it in his message. It is not of the character that the gentleman from Indiana claims-to give to the Postmaster-General the power to say what the salary of each particular clerk in this country shall be. On the contrary, it is for the purpose of determining that for a certain class of labor there shall be a minimum salary and a maximum salary for one given grade, and the maximum salary is not an extraordinary one in any single instance. Where, then, is the enormous power of abdicating the right on the part of Congress to fix the salary of employés?

Mr. HOLMAN. Can not he put in any number that he thinks proper

in the higher salary grade?

Mr. BLOUNT. Why, of course he can; and the gentleman from Indiana knows that he may now in the Department put any of the employés in the higher class.

Mr. HOLMAN. He can not increase the number of any class. That within the power of Congress, and has been up to this time. Mr. BLOUNT. Take your railway clerks; their salaries are fixed

by law absolutely. Take your letter-carriers; their salaries are fixed by law absolutely. Take the salary of the gentleman from Indiana himself—but that is not in the control of the Department. [Laugh-

Mr. HOLMAN. Ah, but you fix the sum that shall be expended, and any expenditure beyond that would not be a claim upon your

Treasury

Mr. BLOUNT. Yes, Mr. Chairman, it would be a claim upon the Treasury, and that is just exactly the situation in which we should be. If you have a mail to distribute at a given point, you should not undertake to do it by cutting down the salaries of employés, or by turning out trained men and putting in a class of inferior men, whom you will be glad to get rid of whenever you are in a condition to pay

higher compensation.

Mr. HOLMAN. Has my friend heard of any resignations lately?

Mr. BLOUNT. I have, sir. I have known of such cases in my own city, and I have known of the refusal of clerks who were in the em-

ploy of the post-office to remain.

Mr. HOLMAN. I have not heard of any such instances.

Mr. BLOUNT. Oh, my friend sometimes does not hear of these things, but they have been heard of all over this House, and all over this country. The Postmaster-General who preceded the present Postmaster-General had a clamor about his ears from offices all over the country; that complaint was voiced here through members upon this floor, and it was to the effect that the post-office clerks were paid insufficient compensation because the allowance was too low. The business men of the country were clamorous about that condition of things, the press and the people everywhere were clamorous about it, yet my

friend from Indiana never heard about it!

Mr. Chairman, as the gentleman has seen fit to refer to my views in the past in relation to this matter, I will take his own record on this subject, and will call attention to his own course. I happened to be on a subcommittee on the Post-Office appropriation bill in the Forty-fourth Congress with the gentleman from Indiana. I was young and inexperienced, and knew nothing about this matter of clerks in How much the gentleman from Indiana knew I do not know, but I do know that he cut down the clerical force, and it was cut down again the next year, and that process of cutting down resulted in the reduction of the salaries of the employés, and, after a time, it resulted in an inefficient handling of the mails, and finally came the reaction, through the press, on this floor, and through every channel by which it could show itself. We were told that the allowance for post-office clerks was of such an insufficient character that the mails were not being properly handled; there was a general and universal complaint throughout the country about it, and the complaint grew until the present Postmaster-General recognized it and asked for a revision of the estimates, and Congress voted some \$400,000 instead of the \$100,000 they had given before. Now, sir, I hold that with sixtyodd millions of revenue gathered from the post-offices of the country, most of it not raised by taxation, but by the rates of postage charged to the people, it is the duty of Congress to put the post-offices of this country, so far as clerical hire is concerned, upon a business basis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Mr. Chairman, I always view with jealousy any proposition to part with power which belongs to the House of Representatives or to the Congress of the United States and give it to any other department of the Government I have not had time, however, to investigate this bill with reference to that aspect of it, but there is an aspect that I have given some cursory examination while this debate has been proceeding, and which I think ought to have the careful consideration of the committee. I tried to elicit the point by asking my friend from Georgia [Mr. BLOUNT] to tell me just where the law was to be found which gave the Postmaster-General the right to appoint these clerks, and I have been referred to two or three different sections of the statutes, to which I desire to invite the attention of the House.

I hold in my hand the postal laws of 1887, the second section of which is general in its terms, and, among other things, requires the Postmaster-General "to superintend the general business of the Department and execute all laws relative to the postal service," etc.; but nobody, I take it, will contend that that is authority for the Postmaster-General to provide clerks without reference to appropriations to pay them. There is also cited to me another provision, a section of the Revised Statutes, which is to be found on page 119 of these regulations. It reads as follows:

The Postmaster-General may allow to the postmaster at New York City, and to the postmasters at offices of the first and second class, out of the surplus revenues of their respective offices—that is to say, the excess of box-rents and commissions over and above the salary assigned to the office—a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster-General.

Now, it will be seen at a glance that this section of the Revised Statutes is in force now, while we are operating under the commission system. This bill contemplates a salary system; and if it goes into effect this provision of the Revised Statutes must of necessity be repealed by the operation of this new law. So that this provision would furnish no authority for the action of the Postmaster-General in this matter. It would be repealed by implication.

Again, I am referred to other sections in this book. It is on page 32, and reads as follows:

Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties to those belonging to clerks of either class is entitled to the same salary as is allowed to the clerks of that class.

Then in a note I find the following:

Special salaries are from year to year prescribed by the acts of appropriation in some cases. When no special provision is made this statute governs the compensation of those employes mentioned.

Now, the statute referred to is to be found in section 13, page 32, of this volume, and is in these words:

The annual salaries of clerks and employés in the Departments whose compensation is not otherwise prescribed shall be as follows.

Then it goes on to specify the clerks of the first, second, third, and fourth classes as well as other classes of employés, there being nine classes in all.

Then follows the section I have just read beginning—

Except when a different compensation is expressly prescribed by law.

I feel certain that all this applies to the Post-Office Department, and

not to clerks in post-offices.

It thus appears, as I understand (though I am not clear on the point, because I have not had opportunity to give the matter investigation)—it appears, as I conceive and as has been stated by the gentleman from Pennsylvania [Mr. BINGHAM] that the power of the Postmaster-General to appoint these clerks or to authorize the employment of clerks for different offices throughout the country is to be found in the several appropriation acts, and is limited to the aggregate sum thereby appropriated. If not, where is the statute that provides otherwise? I insist that there is none.

This brings me to the consideration of the more important question which has enlisted my attention at this time. I regret, Mr. Chairman, that I am not prepared to indulge in eulogy similar to that which my friend from Indiana has indulged in, with reference to the postal service during a portion at least of the last four years. For the last year I have seen no occasion for complaint; "further than that

deponent saith not."

Now, if we are going to inaugurate a new system we ought to inaugurate it with reference to the evils which have attended the operations of the old system; and under a part of the present Administration it must be said that a large portion of this country, whatever may have been the case in Indiana, was given the most inferior postal service that the country has ever known since I have taken any interest in the postal service. Why, sir, I say without reservation from my personal knowledge that in the office in my own town some of the clerks were compelled to work from fourteen to seventeen hours a day, beginning at from 4 to 5 o'clock in the morning, when the first mails were delivered, and often working until 1 o'clock at night, when the last mails were received, so that clerk after clerk resigned, thus crippling the efficiency of the service until the postmaster found it difficult to maintain the service at all.

maintain the service at all.

Worn out himself by actual and constant labor from ten to twelve hours per day for months and months, with all the care and responsibility attached to an office of that kind, and dogged in the public press and by private parties, in which the Department took some hand also, he at last tendered his resignation, on the sole ground that he could

not do the work with the help allowed, notwithstanding he had paid out from four hundred to twelve hundred dollars of his salary per annum for necessary and additional help; but the Department would not accept it, but after a delay of two months or more gave him partial relief. And the Department was not in ignorance of this condition of things, for I went in person, and wrote letters, stating the facts, and laid letters from the postmaster before the Department, and did all that I knew how to do to be purposed.

I knew how to do, to no purpose.

But it is true, Mr. Chairman, that there was an abnormal condition of things at that office; and that brings me to another important consideration in connection with this legislation. No Post-Office Department can regulate, and no postal service can be properly regulated, under iron rules. There must of necessity be some discretion vested in the Post-master-General. For instance, that town has sprung from a population of 3,000 to an estimated population of 17,000 or 20,000 within the last four years. Under this law, by a rigid rule, the salary and number of the clerks would be fixed for a whole year. Under this bill if the Postmaster-General is not allowed some discretion in raising the salary of clerks before the end of the fiscal year for which the salary is fixed and in increasing the force when there is absolute necessity, the postal service will be practically destroyed in some places.

The Postmaster-General should not only have discretion with ref-

The Postmaster-General should not only have discretion with reference to the annual salary, reducing it if necessary, and raising it if necessary—I mean as to the amounts allowed to the office for clerk-hire—but unless there is authority of law for him to employ force in excess of the appropriations, and ask for deficiency, then the appropriation ought to be large enough to meet the growing demands of the service. There is no such power found in this bill, and I do not know of any in existing law. I undertake to speak for the country upon this proposition, and to say that the people of the country will never complain of a properly administered and efficient postal service, whatever the cost may be.

[Here the hammer fell.]

One observation more. I hope, Mr. Chairman, that my honorable friend from Georgia [Mr. BLOUNT] who has given this matter most careful and conscientious consideration, and for whose judgment I have the highest regard, if he is not fully satisfied that the amount proposed in this bill is ample to meet the demands of this growing service, will not hesitate for a moment to accept an amendment increasing the amount to whatever sum the Post-Office Department believes will be essential to a proper and efficient administration of the service.

Mr. BLOUNT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ROGERS having taken the chair as Speaker pro tempore, Mr. CRISP reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, had come to no resolution thereon.

### SALARIES OF HOUSE MESSENGERS.

Mr. HAYES. I ask unanimous consent for the present consideration of the resolution embraced in Miscellaneous Document No. 41, and the report thereon, in relation to the equalization of salaries of messengers of the House.

Mr. HOLMAN. I think it is too late to transact any business of

that kind

The SPEAKER pro tempore. Does the gentleman from Indiana object?

Mr. HOLMAN. I think we had better adjourn.

The SPEAKER pro tempore. The gentleman from Indiana objects.

FILING OF REPORTS.

Mr. BLOUNT. I ask unanimous consent that gentlemen having reports to present may file them with the Clerk for appropriate reference. I failed to make this request this morning, and I am informed that some gentlemen wish to file reports.

There was no objection, and it was so ordered.

No reports were filed.

### LEGISLATIVE APPROPRIATION BILL.

On motion of Mr. FORNEY, by unanimous consent, the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, returned from the Senate with amendments, was referred to the Committee on Appropriations, and ordered to be printed.

# FORTIFICATION BILL.

On motion of Mr. SAYERS, by unanimous consent, the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, returned from the Senate with amendments, was referred to the Committee on Appropriations, and ordered to be printed.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted on its disagreement to the amendments of the

House of Representatives to the bill (S. 135) to provide for the admission of South Dakota into the Union and for the organization of the Territory of North Dakota, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLATT, Mr. CULLOM, and Mr. BUTLER.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of

the following titles:

A bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890;
A bill (H. R. 4792) to pension J. W. Porter; and

A bill (H. R. 8549) granting a pension to Louisa Rogers. The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 220) granting a pension to John J. Lockrey; A bill (H. R. 220) granting a pension to John J. Lockrey;
A bill (H. R. 765) granting a pension to Annie May Pifer;
A bill (H. R. 2861) granting a pension to Mary Thorn;
A bill (H. R. 3167) granting a pension to Elizabeth L. Nott;
A bill (H. R. 3794) granting a pension to Eliza J. Kenaday;
A bill (H. R. 4591) granting a pension to Maria Beiser;
A bill (H. R. 4763) granting a pension to Joseph Van Arsdel;
A bill (H. R. 4898) granting a pension to Dorothes Ruoff.

A bill (H. R. 4763) to grant a pension to Joseph Van Arsdel;
A bill (H. R. 4825) granting a pension to Dorothea Ruoff;
A bill (H. R. 5807) granting a pension to John McCool;
A bill (H. R. 6314) increasing the pension of Lyman D. Green;
A bill (H. R. 632) to pension Thomas Davey;
A bill (H. R. 6893) granting a pension to Ellen Edwards;
A bill (H. R. 7633) granting a pension to Capt. Michael Piggott;
A bill (H. R. 7827) granting a pension to George W. Dickinson;
A bill (H. R. 7858) granting a pension to Jennie Harris;
A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;
A bill (H. R. 9110) granting a pension to Martha J. Warren;
A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reyolds, to the pension-roll; nolds, to the pension-roll;
A bill (H. R. 9946) granting a pension to Enoch B. Vice;
A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd,

widow of Capt. O. B. Boyd;

A bill (H. R. 10025) for the relief of James T. Teeple; A bill (H. R. 10260) to place the name of Charles A. Stockman, of

A bill (H. R. 10289) granting a pension to Miss Emily Romine;
A bill (H. R. 10289) granting a pension to Otho G. Hendrix;
A bill (H. R. 10426) granting a pension to Squire Walter;
A bill (H. R. 10523) granting a pension to Mrs. Maria C. McPherson:

A bill (H. R. 10691) to increase the pension of Mrs. Mary A. Bedel; A bill (H. R. 10922) granting a pension to William Harper; A bill (H. R. 10951) granting a pension to Mary Van Olnhausen;

A bill (H. R. 10976) granting a pension to William L. Wilson; A bill (H. R. 10977) granting a pension to John J. Brown;

A bill (H. R. 11091) granting an increase of pension to Mrs. Mary

A bill (H. R. 11177) granting a pension to Christian Sanders; A bill (H. R. 11316) granting a pension to Charlotte Ayres; A bill (H. R. 11566) granting a pension to Elisha C. Paschal;

A bill (H. R. 11571) granting a pension to Isham T. Howze; A bill (H. R. 11617) granting a pension to Mary Thompson; A bill (H. R. 11711) granting a pension to Nona J. Tillery, minor

child of Wyatte L. Tillery;

A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812;

A bill (H. R. 11737) granting a pension to Rebecca D. Vedder;

A bill (H. R. 11803) granting a pension to Henry V. Bass; A bill (H. R. 11861) to place the name of James H. Tolly on the

pension-roll;

A bill (H. R. 11999) granting a pension to William Barnes;

A bill (H. R. 12014) granting a pension to Irvin W. Combs; and A bill (H. R. 12381) granting a pension to Mary K. Allen.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3588) granting a pension to Ellen B. Farr; A bill (S. 3634) granting a pension to Mrs. Nancy Smith; A bill (S. 3749) granting a pension to Orrin F. Waller; and

A bill (S. 3857) granting a pension to Mrs. Lydia E. Quaw.

PROPOSED EVENING SESSION, COMMITTEE ON FOREIGN AFFAIRS

Mr. McCREARY. Mr. Speaker, I desire to present a resolution and

ask unanimous consent for its consideration.

The SPEAKER pro tempore. The resolution will be read. The Clerk read as follows:

Ordered, That on Thursday, February 14, 1899, the House shall taken a recess at 5 o'clock until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Foreign Affairs in

such order as said committee may designate, and said evening session shall terminate at 10 o'clock and 30 minutes p. m.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. KILGORE. Put that to begin at half past 7 o'clock and end at 10 o'clock and I shall not object.

Mr. McCREARY. Very well; I will accept that.

Mr. SAYERS. Before the order is made I ask the gentleman—

Mr. WILLIAMS. I move that the House adjourn.

What is this?

The SPEAKER pro tempore. The Clerk will again report the resolution.

The resolution was again read.

Mr. SAYERS. Has the order been made?

The SPEAKER pro tempore. The Chair is about to submit the question.

Mr. SAYERS. Before that I want to ask the gentleman from Kentucky a question. I desire to know whether he intends by the order titicky a question. I desire to know whether he interest by the order to interfere with the passage of appropriation bills?

Mr. McCREARY. I do not.

Mr. SAYERS. That should be distinctly understood.

Mr. McCREARY. I agree that it shall not. [Cries of "Regular"

order!"

The SPEAKER pro tempore. The regular order is the motion of the gentleman from Ohio that the House do now adjourn.

Mr. WILLIAMS. I will withdraw that.

Mr. WILSON, of Minnesota. I think that order ought not to be Other committees have not had a day or an hour.

Mr. McCREARY. This committee has not had any time during this session, notwithstanding our efforts.

Mr. WILSON, of Minnesota. Very well; I withdraw it.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. SAYERS. Has the resolution been modified as suggested?

Mr. McCREARY. What modification does the gentleman suggest?
Mr. SAYERS. If this is passed in its present form it might defeat the consideration of appropriation bills. The modification I want is that if the House finds it necessary to continue the hour for the consideration of appropriation bills this resolution shall not be operative.

Mr. McCREARY. I agree to that.

The SPEAKER pro tempore. Is there objection?
Mr. CUTCHEON. Mr. Speaker, I do not think that we ought to make this order. Other committees of this House have been deprived of an opportunity. The Military Committee—
Mr. McCREARY. The Foreign Affairs Committee has not had a

day this session.

Mr. CUTCHEON. The Military Committee, with eight hundred bills, asked this morning an order for a night session, but could not get consent. All of these requests had better go to the committee.

Mr. PETERS. I move that the House do now adjourn.
Mr. LEE. I hope the gentleman will withdraw that for a moment.
[Cries of "Regular order!"]

The motion of Mr. PETERS was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CHIPMAN: A bill (H. R. 12532) to put on the pension-rolls the name of William Loomis—to the Committee on Pensions.

Also, a bill (H. R. 12533) to grant a piece of land in the city of Sault Ste. Marie to D. Farrand Henry, of Detroit, Mich., and to his heirs

and assigns—to the Committee on the Public Lands.

By Mr. NEWTON: A bill (H. R. 12534) for the relief of R. W. Clark—to the Committee on Claims.

By Mr. ROBERTSON: A bill (H. R. 12535) for the relief of Jean-

ette D. Calirt—to the Committee on War Claims.

Also, a bill (H. R. 12536) for the relief of James Cotton—to the Committee on War Claims.

Also, a bill (H. R. 12537) for the relief of Levi Starn-to the Committee on War Claims.

Also, a bill (H. R. 12538) for the relief of W. W. Douglass, administrator of the estate of Rebecca V. Packer-to the Committee on War

Also, a bill (H. R. 12539) for the relief of the estate of Maria D. Clark-to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 12540) to increase the pension of

Theodore White—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 12541) for the relief of Jacob Romeis—to the Committee on Claims.

By Mr. YODER: A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder-to the Committee on Invalid Pensions.

### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of Henry Hake, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. E. BROWN: Memorial of the General Assembly of Ohio, in

relation to the establishment of fish-hatching houses-to the Committee on Agriculture.

Also, memorial from the Commodore Rodgers Naval Veteran Association of Cincinnati, Ohio, pertaining to the publication of records of the Navy—to the Committee on Naval Affairs.

By Mr. CHIPMAN: Petition of many citizens of Detroit, Mich., for a pension for William Loomis, a soldier of the Seminole war—to the Committee on Pensions.

By Mr. ERMENTROUT: Memorial of the Boston Merchants' Association, indorsing the Secretary's investigation of the New York custom-house—to the Select Committee on Reform in the Civil Service.

By Mr. GEAR: Petition of Thomas Tucker, for special-act pension-

to the Committee on Invalid Pensions.

By Mr. LEE: Petition of Harriett Sudduth, of Fauguier County, Virginia, for reference of her claim to the Court of Claims-to the Committee on War Claims.

By Mr. PETERS: Concurrent resolution of the Legislature of Kansas on the encouragement of the sorghum-sugar industry-to the Committee on Ways and Means.

By Mr. REED: Petition of farmers of Minot, Me., for protection to

agriculture-to the Committee on Ways and Means.

By Mr. RICE: Report of the mercantile committee of the Chamber of Commerce of St. Paul, Minn., favoring the adoption by legislation of the cental system of measure, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. W. L. WILSON: Petitions of T. A. Maulby and others, ex-Union soldiers, of Fairmount, W. Va., for the passage of the per diem rated service-pension bill—to the Committee on Invalid Pensions. By Mr. WHITTHORNE: Petitions of R. B. Allen, of Mrs. Mary A.

E. Bunch, of Joseph Bunch, of Lem Cox, of W. E. Carroll, of heirs of Benjamin F. Crocket, of heirs of Mark C. Lanton, of Jonathan Cooper, of John D. Carson, of Henry B. Damewood, of Robert A. Daniel, of S. S. Evins, of Joseph A. Gresham, of Jonathan A. Gullick, of J. H. Gregory, of heirs of James M. Grimes, of Lorena M. Hastings, of Hugh Gordon, administrator of Martin Huff; of James M. Hogan, of A. P. Hughes, of W. D. Henson, administrator of John A. Head; of W. B. Johnson, of W. D. Henson, administrator of John A. Head; of W. B. Johnson, of John T. Jeurney, of J. M. Gregory, administrator of Mrs. M. L. Jordan; of Alfred Loftin, of J. T. Leneave, of W. E. Sellers, administrator of George W. Lucas; of Amos Miller, of H. T. Gordon, administrator of Nelson McKee; of O. W. McKissack, of John J. Mangrem, of the heirs of Thomas J. Norman, of D. G. Gregory, administrator of H. T. Osborne; of R. H. Ogilvie, of Thomas Porter, of Nancy E. Pullin, of Elizabeth Perry, of Anderson Polk, of Ezekiel Roan, of J. T. Ragin, of William Shadden, of Peter Stanton and Daniel Brown, of H. T. Gordon. William Shadden, of Peter Stanton and Daniel Brown, of H. T. Gordon, administrator of T. M. Smith; of the heirs of Joseph I. Sanders, of Terry C. Smith, of George Todd, of Arch Thompson, of F. M. Tisdale, of Elihu Voss, of Samuel E. Witherspoon, of the heirs of James N. Walker, of Simon H. Wayland, of John H. Brown, of John Brown, of Walker, of Simon H. Wayland, of John H. Brown, of John Brown, of W. A. Bell, of Brown & Hodge, of Mrs. M. A. E. Bunch, of C. B. Campbell, of J. M. Campbell, of F. A. Daniel, of John Davidson, of J. M. Frierson, of L. M. Hastings, of Elizabeth Jamison, of W. E. Sellers, administrator of George W. Lucas; of Alfred Loftin, of Jonathan Miller, of Nelson McKee, of O. W. McKissack, of J. J. Mangrem, of C. C. McEwen, of Nancy E. Pullen, of Jack Porter, of Amanda C. Roan, of S. H. Temmons, of A. T. Vestal, of Mrs. Parmelia Underwood, of Mrs. Anna Bunch, of Thomas Porter, of Andrew B. Phillips, of James S. Perry, of heirs of Lewis Goad, of John W. Loftin, and of the African Baptist Church of Columbia, Tenn., for reference of their several claims to the Court of Claims—to the Committee on War Claims.

The following petitions for a national Sunday-rest law were received

and severally referred to the Committee on Labor:
By Mr. BOWDEN: Of 2,172 citizens of Virginia.
By Mr. MAHONEY: Of 1,233 citizens of New York.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BURROWS: Of 117 citizens of Marcellus, Mich.

By Mr. BURROWS: Of 117 citizens of Marcellus, Mich.
By Mr. GRANGER (by request): Of 80 citizens of Greenwich, Conn.
By Mr. GROUT: Of 100 citizens of Reading, Vt.
By Mr. HERMANN: Of 10 citizens of Killisnoo, Alaska.
By Mr. McRAE: Of 26 citizens of Portland, Ark.
By Mr. NELSON: Of 82 citizens of Maine Prairie, Minn.
By Mr. J. E. RUSSELL: Of 31 citizens of Oakdale, Mass.
By Mr. VANDEVER: Of 39 citizens of Los Angeles, Cal.
By Mr. WEAVER: Of 50 citizens of Mahaska County, Iowa.
By Mr. THOMAS WILSON: Of 20 citizens of Lake City, Minn.

# SENATE.

### MONDAY, February 11, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of the proceedings of Saturday last was read and ap-

#### CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of RICHARD COKE, chosen by the Legislature of Texas a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be

### NAVY-YARD LABOR EXPENDITURES.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Navy, transmitting, in answer to a res-olution of the 29th ultimo, reports of the Chiefs of the Bureau of Con-struction and Repair and the Bureau of Steam Engineering submitting a statement of the expenditure for labor in navy-yards for each of the first six months of the present fiscal year from the appropriation for the construction and repair of vessels and from the appropriation for steam machinery, together with a statement of the unexpended balances of each of those appropriations on the 1st day of January, 1889; which, with the accompanying papers, was, on motion of Mr. CHANDLER, referred to the Committee on Appropriations, and ordered to be printed.

#### MRS. SUE B. JOHNSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

The amendment of the House of Representatives was, in line 5, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. DAVIS. I move that the Senate non-concur in the amendment of the House of Representatives, and request a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. PADDOCK, and Mr. PUGH were appointed.

#### ABBY J. SLOCUM.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 169) granting an increase of pension to Abby J. Slocum.

The amendment of the House of Representatives was, in line 5, before the word "dollars," to strike out "fifty" and insert "thirty." Mr. SAWYER. I move that the Senate non-concur in the amend-

ment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE were appointed.

# PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Legislative Assembly of the Territory of Dakota, praying for the opening to settlement of that portion of the Fort Randall military reservation on the east side of the Missouri River, in the county of Charles Mix, under the homestead law; which was referred to the Committee on Military Affairs

He also presented a petition of the Legislative Assembly of the Territory of Dakota, praying for an amendment of what is known as the omnibus bill for the admission of certain Territories; which was re-

offinition of the calmistee on Territories.

Mr. DAWES. I present the petition of Thomas L. Sloan and 110 other Indian students at Hampton Normal Institute, in which they represent that they believe that "the present ration system is not productive of good results, but, on the contrary, encourages idleness and dependence. It unfits for citizenship or progress those who are fed in this manner." They believe that "if those who so elect might be allowed to receive instead of rations their equivalent value in farming implements or stock, they would be encouraged in the settlement of lands and improvement thereon, reaching in the end that independence necessary for good citizenship. It would also work out the discontinuance of rations, which is desired by both the Government and the advanced Indians."

I have read this passage from the petition not only because of the remarkably wise and sagacious ideas contained in it, but from the fact that the petition is in the handwriting off one of these students, and is signed in their own handwriting by every one but three of the one hundred and ten. It is their own idea, to which they have not been prompted by any one on the outside.

It is a little singular that there should be any law in the way of an Indian changing the rations which the Government is bound to furnish

him into agricultural or other implements, so that if he is willing by his own labor to support himself he may have the benefit of the very

rations which he receives. But the law as it exists forbids any such transaction as that.

I happen to know of one agent, who was very much enlisted in the welfare of the Indians, who induced them to go to work and sustain themselves on the promise that so much as they did not need of their rations should be saved for them to be used in building them homes, and he saved in one year out of the rations of the Government which the Government was bound by treaty to furnish them \$6,000, only to find at the end of the year that that \$6,000 must be turned into the Treasury of the United States. Such a condition of things in the law forbids any encouragement to be held out to an Indian to attain the condition of self-support. It seems to me as if the law had set about devising a policy with the Indians that would throw obstacles in the way of any effort on the part of the Indian to sustain himself.

This petition comes from a body of young men who got it up them-selves and signed it with their own hands. I should like to have it referred to the Committee on Appropriations, and I hope that they will see fit to so provide that the appropriation of money for the support of the Indians this year at least shall carry along with it the condition that when an Indian will support himself he may have the equivalent of his

rations devoted to civilization.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Appropriations.

others, citizens of Boston, Mass.; the petition of George W. Flynn and 29 others, citizens of Boston, Mass.; the petition of J. M. Lord, and 29 others, citizens of Oakdale, Worcester County, Massachusetts; and the petition of Fred. H. McKown, and 20 others, citizens of Needham, North County Massachusetts, praying for the submission to the States. folk County, Massachusetts, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. GEORGE presented the petition of T. J. Nicholl, president of the Natchez, Jackson and Columbia Railroad Company, of Natchez, Miss., praying for the passage of the Sunday-rest bill; which was re-ferred to the Committee on Education and Labor.

Mr. HARRIS. I present the petition of Asa B. Ayres, of Dickson County, Tennessee, praying compensation for certain lumber furnished the United States under contract in the year 1863. I move that the petition, with the accompanying papers, be referred to the Committee on Claims.

The motion was agreed to.

Mr. COLQUITT presented a petition of citizens of Cobb County, Georgia, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented a petition of Rawlins Post, No. 35, Grand Army of the Republic, praying for the passage of what is known as the "National Tribune service-pension bill;" which was referred to the Committee on Pensions.

Mr. CAMERON presented petitions of 206 citizens of Philadelphia, York, Mifflinburgh, and other places in the State of Pennsylvania, pray ing for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented the petition of Reuben Kolb and 17 other voters of Hyndman, Bedford County, Pennsylvania, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented a petition of 59 citizens of Buchanan, Mich., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented a petition of the Legislative Assembly of the Territory of Dakota, praying for an amendment of the omnibus bill for the admission of certain Territories; which was referred to the Committee on Territories.

He also presented the petition of E. G. Hicks and 84 others, citizens of Maine Prairie, Stearns County, Minnesota, praying for the submission to the States of a constitutional amendment prohibiting the liquor traffic; which was ordered to lie on the table.

Mr. DOLPH presented a memorial of citizens of Whitman County Washington Territory, remonstrating against the passage of the bill now before the Senate authorizing the commissioners of Whitman County, Washington Territory, to issue bonds for the construction of a court-house and jail at Colfax, the present county seat; which was ordered to lie on the table.

Mr. GORMAN presented the petition of Rebecca Allen, widow of John G. Allen, late landsman, United States steam-ship Atlanta, praying for an extension of the arrears-of-pension act so as to cover her ease;

ing for an extension of the arrears-of-pension act so as to cover her ease; which was referred to the Committee on Pensions.

He also presented the petition of A. J. Cahall and 194 others, citizens of Kent County, Maryland, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

# EXECUTIVE SESSION.

The PRESIDENT protempore. If there be no further petitions or memorials, reports of committees are in order.

Mr. SHERMAN. I am directed by the Committee on Foreign Rela-

tions to move an executive session, which I do now.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty minutes spent in executive session the doors were reopened.

#### AFFAIRS IN ISTHMUS OF PANAMA.

During the executive session, Mr. SHERMAN, from the Committee on Foreign Relations, reported a bill (S. 3949) to protect the interests of the United States in Panama; which was read twice by its title.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole. It proposes to appropriate \$250,000 to enable the President to protect the interests of the United States, and to provide for the security of the persons and property of citizens of the United States at the Isthmus of Panama, in such manner as he may deem expedient.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the following bills, having been presented to the President of the United States January 25, 1889, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his signature:

A bill (S. 2705) granting a pension to Ellen Smith; and A bill (S. 3733) to abolish circuit-court powers of certain district courts of the United States, and to provide for writs of error in capital cases, and for other purposes.

### ORDER OF BUSINESS.

The doors having been opened,

Mr. HOAR. I ask unanimous consent that so much of the routine morning business as does not give rise to debate may now be received.

Mr. HALE. I do not object to that. The PRESIDENT pro tempore. Reports of committees are now in

Mr. HOAR. Will the Chair receive petitions?

The PRESIDENT pro tempore. Petitions and memorials will be re-

### PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of L. Kidder, late assistant adjutant-general, second division, First Corps, Army of the Potomac, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of 84 citizens of Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. HISCOCK presented a petition of 420 citizens of the State of New York, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of the Fourth Congregational

Church of Hartford, Conn., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. BLACKBURN presented a petition of 556 citizens of Kentucky, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. FAULKNER. I present a petition of 2,000 workingmen of the State of West Virginia, and as it relates to a matter which is of great practical importance, I ask that the petition be printed in the RECORD without the names of the petitioners.

Mr. HARRIS. I object.

The PRESIDENT pro tempore. What is the subject of the petition, and to what committee should it be referred?

Mr. FAULKNER. I desire to have it referred to the Committee on Education and Labor.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent that the petition presented by him, without the names, may be printed in the RECORD.

Mr. HARRIS. I object to printing the petition in the RECORD.

The PRESIDENT pro tempore. The petition will be received, and referred to the Committee on Education and Labor.

Mr. FAULKNER. Then I desire to state the substance of the petition, which I have a right to do under the rules. It will not take over ten lines of the RECORD.

The PRESIDENT pro tempore. The Senator from West Virginia will proceed.

Mr. FAULKNER. This petition is from two thousand citizens of West Virginia, laboring men, setting out the fact that the contractors in Government employment in the construction of works on the Great Kanawha River, in West Virginia, are employing Italians and other European pauper labor to the exclusion of American labor. The petitioners pray Congress to investigate the matter and pass such a law as will prevent the contract system upon such improvements carried on by the General Government, and that such work may be prosecuted

directly by the Government, thereby securing to the American people the right to furnish skilled and unskilled labor upon their own public

I move that the petition be referred to the Committee on Education

and Labor.

The motion was agreed to.

Mr. VEST presented resolutions adopted by the Commandery of the Loyal Legion of the United States of the State of Missouri, in favor of legislation by Congress providing for the publication of the naval records of the late war, including the operations of the Navy on Western rivers; which was referred to the Committee on Appropriations.

Mr. MITCHELL presented the memorial of citizens of Whitman

County, Washington Territory, protesting against a division of that county; which was referred to the Committee on Territories.

#### REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred an amendment submitted by himself January 17, 1889, intended to be proposed to the general deficiency appropriation bill, proposing to pay George K. Otis, late contractor for mail service, reported it without amendment and submitted a report thereon.

The report was ordered to be printed, and the amendment was re-

ferred to the Committee on Appropriations.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred an amendment intended to be proposed by Mr. Wilson, of Iowa, to the general deficiency appropriation bill, reported favorably thereon, and it was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, reported it with an amend-

ment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

### BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 3950) granting a pension to Samuel B. Hurlburt, of Company G, Ninth Regiment of Iowa Veteran Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3951) to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Green County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 3952) granting a pension to Mrs. Sarah J. Morgan, of Washington, D. C.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3953) increasing the pension of George Hayes; which was read twice by its title, and referred to the

Committee on Pensions. Mr. STANFORD introduced a bill (S. 3954) for the relief of James Q. Shirley and the estate of Francis De Long; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3955) providing for the establishment of a light and fog-signal to mark the entrance to San Pedro Harbor, California; which was read twice by its title, and referred to the Committee on Commerce.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. GEORGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the

Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Com-

mittee on Indian Affairs, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER and Mr. SHERMAN submitted amendments in-

tended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL and Mr. PALMER submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be

Mr. STANFORD submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Com-

mittee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

STATEMENTS ON SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent to have the following resolution considered now:

Resolved, That in the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, the Committee on Appropriations be authorized to employ a stenographer to take down such statements in regard to items therein as the committee may desire to have reported; and the committee may have such statements printed for its use.

The PRESIDENT pro tempore. The Chair thinks under the rule the resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. REAGAN (to Mr. Allison). Ask unanimous consent.

Mr. ALLISON. I ask unanimous consent for the adoption of the

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the resolution may be now considered without a reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. COCKRELL. Let it be again read.

The Chief Clerk read the resolution; and it was considered by unanimous consent, and agreed to.

## PERSONAL EXPLANATION.

Mr. PUGH. In the CONGRESSIONAL RECORD of February 9, page 1754, where I made a statement in defense of the Fourth Auditor, there is a mistake as to the names of the referees in the card of Mr. Gitt. In printing the referees those who were referred to by H. A. B. Corts were added to the card of Mr. Gitt by mistake. The referees of Mr. Gitt should stop at Mr. Switzler, and the other referees ought to appear on the card of H. A. B. Corts. My attention was called to this mistake by Mr. Gitt; and I desire that the Reporter shall publish the cards as they have been given to me with the names of the referees correctly mentioned.

The eards are as follows:

have been given to me with the names of the referees correctly mentioned. The cards are as follows:

Office of Henry M. Gitt, for the collection of Treasury, quartermaster, pension, and other claims, No. 1305 E street northwest. Post-office box 668, Washington, D. C. References: Hon. F. M. Cockrell, United States Senate; Dr. C. D. Maxwell, Medical Director United States Navy, Washington, D. C.; Cavender & Rowse, St. Louis, Mo.; General T. T. Crittenden, governor of Missouri; General Theo. Ewert, assistant attorney-general Illinois, Springfeld, Ill; Hon. W. F. Switzler, Chief Bureau of Statistics, Washington, D. C.

C.; solicitor of pensions, bounties, patents, and for all classes of claims before Executive Departments and Congress. Increase of pensions a specialty. Tenyears' experience in Departments. References (by permission): Hon. John Sherman, United States Senator, Ohio; Hon. T. W. Palmer, United States Senator, Michigan; General B. M. Cutcheon, member Congress Ninth district, Michigan; Hon. J. C. Burrows, member Congress Fourth district, Michigan; Hon. S. M. Cullom, United States Senator, Illinois; Hon. L. E. Payson, member Congress, Ninth district, Illinois; Hon. Burton C. Cook, attorney, Chicago, Ill; Hon. W. B. Allison, United States Senator, Jowa; Hon. Dhiletus Sawyer, United States Senator, Pennsylvania; Hon. J. D. Cameron, United States Senator, Pennsylvania; Hon. J. D. Cameron, United States Senator, Pennsylvania; Hon. J. D. Cameron, United States Senator, Pennsylvania; General H. H. Bingham, member Congress, Twenty-third district, Pennsylvania; General H. H. Bingham, member Congress, Twenty-third district, Pennsylvania; General H. H. Bingham, member Congress, Twenty-third district, Pennsylvania; General H. H. Bingham, member Congress, Twenty-third district, Pennsylvania; Col. C. C. Matson (chairman Invalid Pension Committee, House of Representatives), member Congress, Fifth district, Indiana; Hon. E. N. Morrill, member Congress, First district, Ransas; Hon. J. D. Long, member Congress, Second dist

Mr. MITCHELL. I desire to have a letter which I send to the desk read in connection with what the Senator from Alabama has just

The PRESIDENT pro tempore. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

Washington, D. C., February 11, 1889. Senator: See Congressional Record of the 9th, page 1754. There is a big

SENATOR: See Consumer of the names there printed after mistake.

I did not use as reference your name, or any of the names there printed after that of William F. Switzler.

There is no such a card or letter-head in existence.

Very respectfully, yours,

HENRY M. GITT.

Hon. J. H. MITCHELL.

Mr. MITCHELL. I desire to state in this connection that I never authorized Mr. Gitt to use my name.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had announced the appointment of Mr. ERMENTROUT and Mr. BAKER, of New York, as tellers on the part of the House to count the electoral votes for President and Vice-President.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 4792) to pension J. W. Porter; and

A bill (H. R. 8549) granting a pension to Louisa Rogers. The message further announced that the House had passed the following bills:

A bill (S. 2714) for the relief of Thomas Lannigan;

A bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia; and

A bill (S. 3663) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri.

The message also announced that the House had disagreed to the amend-

ment of the Senate to the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, agreed to the conference asked by the Senate on the said bill and amendment, and had appointed Mr. TOWNSHEND, Mr. ROBERTSON, and Mr. STEELE managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by

the President protempore:
A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll;

and

A bill (H. R. 2261) to increase the pension of Elijah W. Penny.

### NAVAL APPROPRIATION BILL

The PRESIDENT pro tempore. If there be no further morning business, the Senate, as in Committee of the Whole, resumes consideration of the unfinished business, being Senate bill No. 3401, concerning the Pacific railroads.

Actific railroads.

Mr. HALE. I ask that the Senate proceed to the consideration of House bill 12329, being the naval appropriation bill.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the unfinished business may be informally laid aside and that the Senate may proceed to the consideration of the bill of the process of the senate may proceed to the consideration of the bill of the process of the senate may proceed to the consideration of the bill of the process of the senate may proceed to the consideration of the bill of the process of the senate may be appropriately senate the process of the pro

aside and that the Senate may proceed to the consideration of the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

Mr. STEWART. I object to unanimous consent.

Mr. HALE. I hope the Senator from Nevada will not object. There are special reasons for this course. My colleague [Mr. FRYE], who is in charge of the bill which is the unfinished business, was imperatively called away yesterday to Maine by a death in his family. He is not here, and I hope in consideration of that fact, however much the Senator from Nevada may wish for a vote to displace it, that he will not object, in the absence of my colleague, to the bill retaining its place.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine [Mr. HALE]?

Mr. STEWART. The bill can be easily called up again if the Senate is disposed to consider it, and I should like to know when it is to be called up.

Mr. HALE. I hope the Senator will not object in view of this situation of my colleague in charge of the bill. The summons of course came to him unexpectedly, and he was obliged to respond to it.

Mr. STEWART. I shall waive the objection under those circum-

The PRESIDENT pro tempore. The unfinished business will be in-

formally laid aside.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

The bill was reported from the Committee on Appropriations with

Mr. HALE. I ask that the formal reading of the bill may be dispensed with, and that the bill be read for action on the committee

The PRESIDENT pro tempore. If there be no objection, the amendments of the Committee on Appropriations will be considered as they are reached in the reading of the text of the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 3, line 24, after the word "papers," to strike out the comma and insert a semicolon.

The amendment was agreed to. .

The next amendment was, on page 4, after line 20, to insert:

Electric-lighting plants: For installing the monitors Miantonomoh, Terror, and Monadnock with electric-lighting plants, \$45,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to insert:

For increasing the electric-lighting plant of the Baltimore, to be immediately available, \$2,000.

The amendment was agreed to.

The next amendment was, at the beginning of page 5, to insert:

For increasing the electric-lighting plant of the Charleston, to be immediately available, \$2,600.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

For installing the gunboat Petrel with an electric-lighting plant, to be immediately available, \$5,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert:

For installing the dynamite-gun-cruiser Vesuvius with an electric-lighting

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

For installing the receiving-ship Vermont with an electric-lighting plant,

The amendment was agreed to.

The next amendment was, on page 8, line 20, to insert "and" before the word "wharves."

The amendment was agreed to.

Mr. HALE. Right there a committee amendment should go in. After the word "dollars," in line 23, page 8, I move to insert:

For the construction of a building for use by the Naval Torpedo Station and War College as consolidated by order of the Secretary of the Navy January 11, 1889, \$100,000, to be immediately available.

The amendment was agreed to.

Mr. HALE. I present, to be printed in the RECORD, the Department documents upon this subject.

The PRESIDING OFFICER (Mr. PLATT in the chair). The documents will be received and printed in the RECORD.

The papers referred to are as follows:

NAVY DEPARTMENT, Washington, January 14, 1889.

NAVY DEPARTMENT, Washington, January 14, 1889.

SIR: I inclose herewith copy of General Order No. 365, consolidating the Naval War College and the Torpedo Station, in pursuance of the direction contained in the last appropriation act, approved September 7, 1888.

There is needed for the purposes of this institution another building, which should hereafter be equipped in a manner so as to illustrate the improvements going on in the arts and implements of war.

I request that an appropriation of \$100,000 be now made for the purposes of construction of the necessary building.

Very respectfully,

W. C. WHITNEY, Secretary of the Navy.

Hon. H. A. Herrer, Chairman House Naval Committee, House of Representatives, Washington, D. C.

[General Order No. 365.]

[General Order No. 365.]

NAVY DEPARTMENT, Washington, D. C., January II, 1889.

Under a provision contained in the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes," approved September 7, 1888, the institution on Coasters' Harbor Island, in the harbor of Newport, R. I., known as the "Naval War College," is hereby consolidated with, and made a part of, the Torpedo Station on Goat Island, in said harbor, which station, as consolidated, will hereafter be known as the "Naval Torpedo Station and War College," and is placed under the command of the officer in charge of the Torpedo Station.

The library and movable property belonging to the Naval War College will be transferred to the Naval Torpedo Station and War College.

The custody and control of the large building and surrounding structures, with the adjacent grounds, on Coasters' Harbor Island, heretofore occupied for the purposes of the Naval War College, will be turned over to the Bureau of Equipment and Recruiting for the use of the naval training station on that island.

The establishment of a more thorough system of instruction, to be pursued at the Naval Torpedo Station and War College, being now under consideration, suitable orders relating thereto will, after such system shall have been adopted, be issued by the Department.

WILLIAM C. WHITNEY,

WILLIAM C. WHITNEY, Secretary of the Navy.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "Civil establishment, Bureau of Yards and Docks," on page 17, line 12, after the word "thousand," to strike out "three hundred and twenty-five" and insert "seven hundred and fifty-four;" so as to read:

Naval station, Sackett's Harbor, New York: For one ship-keeper, at \$1 per diem, including Sundays; in all, \$46,754.60. And no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, on page 17, line 16, after the word "Naval," to strike out "Home" and insert "Asylum;" so as to read:

Naval Asylum, Philadelphia, Pa.

The amendment was agreed to.

The next amendment was, under the head of "Naval Asylum, Philadelphia, Pa.," on page 18, line 15, after the word "Naval," to strike out "Home" and insert "Asylum;" in line 16, before the word "cellar," to strike out "Home" and insert "Asylum," and in line 19, before the word "dollars," to strike out "twelve" and insert "seventeen;" so as to read:

Transportation of indigent and destitute beneficiaries to the Naval Asylum, \$500; for cementing floor of Asylum cellar, \$4,850; for support of beneficiaries, \$46,100; in all, \$68,517.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Provisions and Clothing: Provisions, Navy, Bureau of Provisions and Clothing," page 20, line 15, after the word "clothing," to strike out:

For provisions and commutations of rations for 8,250 men and boys and 1,000

marines, 3,376,250 rations, at 30 cents each; Commutation of rations for 287 naval cadets, 726 officers on sea-duty, 369,745 rations, at 30 cents each;

And, in lieu thereof, to insert:

For provisions for the seamen and marines, commuted rations for officers, naval cadets, seamen, and marines, and commuted rations stopped on account of sick in hospital and credited to the hospital fund, \$965,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 21, line 4, after the word "ships," to insert "\$11,000;" so as to read:

For water for drinking and cooking purposes on board ships, \$11,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 21, line 5, after the word "store-houses," to insert "and paymasters' offices in yards;" and in the next line, before the word "thousand," to strike out "not to exceed ninety" and insert "seventy-nine;" so as to make the clause read:

Labor and expenses of general store-houses and paymasters' offices in yards, \$79,000; in all, \$1,055,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent, Bureau of Provisions and Clothing," on page 21, after line 16, to strike out:

And the further sum of \$17,135.29, unexpended balance of the contingent fund for the year ending June 30, 1887, is hereby reappropriated and made immediately available.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," on page 25, line 17, after the word "drawing-room," to strike out "one million" and insert "nine hundred thousand;" and in line 18, after the word "dollars," to strike out "of which sum \$150,000 shall be immediately available;" so as to read:

Bureau of Construction and Parair, Construction and Parair Construction

P100,000 shall be immediately available;" so as to read:

Bureau of Construction and Repair: Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and other steam auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, \$900,000.

The amendment was acreed to

The amendment was agreed to.

The amendment was agreed to.

The reading of the bill was continued to line 24, on page 32.

Mr. HALE. At the end of page 32, after the word "dollars," in line 24, I move to add the following paragraph:

line 24, I move to add the following paragraph:

For the purchase of land and buildings thereon, situated adjacent to the Naval Academy at Annapolis and between the Academy grounds and the Naval Hospital grounds, a sum not exceeding \$90,000: Provided, however, That the Secretary of the Navy may, if he deems it for the best interests of the United States, proceed to acquire title to such land and buildings by condemnation thereof by judicial proceeding to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of said land, appoint three commissioners, who shall be competent and disinterested appraisers, and all the proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the act of Congress of August 1, 1888, entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes."

The amountment was agreed to

The amendment was agreed to.

Mr. HALE. I submit a letter explanatory of the amendment, to be printed in the RECORD.

The PRESIDING OFFICER. The letter will be received and printed in the RECORD.

The letter referred to is as follows:

UNITED STATES NAVAL ACADEMY, Annapolis, Md., July 28, 1888.

UNITED STATES NAVAL ACADEMY, Annapolis, Md., July 28, 1888.

Sir: I send herewith tracings of the Academy grounds, which are inclosed by a brick wall, together with the plot of ground of 11 acres already belonging to the Academy but entirely separated from it by the private property which it is desired to purchase.

It will be seen that the above-mentioned 11 acres are quite useless to the Academy until this plot and the 7 acres lying between it and the Academy are all within the Academy walls.

The discipline of the school requires that the cadets should be restricted to the limits of the Academy, for the greater part of the time, and for this reason they should have ample space for their sports within the walls, as well as for the prescribed exercises. At present but a small part of the cadets can participate in their games at the same time.

In addition to this the improvements at the Academy should be made in a systematic manner, so that at all times in its history it shall present the best arrangement of its parts.

If this land is added to the Academy no more will be required, and the disposition of the buildings and other improvements may be made in accordance with a definite plan.

This has not been practicable heretofore, for lack of space, or doubt whether the necessary space (this land under discussion) would ever be purchased.

The contracted limits of the Academy at its foundation, in 1845, have been repeatedly enlarged by authority of Congress as it became absolutely necessary. The addition nowasked for, though small in itself, will render available a much larger space, now useless, and which will be ample for the future wants of the institution.

Very respectfully,

W. T. SAMPSON,

Commander U. S. Navy, Superintendent.

W. T. SAMPSON, Commander U. S. Navy, Superintendent.

Hon. W. E. CHANDLER, United States Senate Chamber, Washington, D. C.

Mr. HALE. I also submit for insertion in the RECORD an extract from a report of Commander Sampson, Superintendent of the Academy:

One hundred and eight thousand dollars for the purchase of land adjacent to the Academy, and which separates it from another portion of the Government

the Academy, and which separates it from another portion of the Government property.

This recommendation has been repeatedly made, and the grounds of the Academy have been added to by the purchase of portions of this property, as it became absolutely necessary. There still remain 5.03 acres between Hanover street and the river, which separate the Academy grounds proper from the (about) 11 acres of Government land on the same side of the river. The walls of the Academy inclose about 50 acres, but the 11 acres above referred to are of no service while cut off by the private property lying between it and the Academy. The discipline of the institution requires that the cadets should be kept within its limits, except upon special occasions, so that the space available for exercises, drills, and sports is now too limited.

A chart of the property is sent herewith, which will make plain the relative positions of the Government and private property. The portion which it is recommended to purchase lies between Hanover street and the river—5.03 acres—together with the small triangle of 1.64 acres bounded by Hanover and Wagner streets and the Government property. This property is occupied by a large number of inferior buildings. The price asked by the various owners is considered just and reasonable, except in two or three cases, notably the gas-light company.

All the lands and improvements should, however, be judicially appraised and condemned to insure fair dealing with the Government. The total amount asked by the owners is \$108,000, which is probably \$15,000 in excess of what it would be sold for. The 5.03 acres between Hanover street and the river are valued at \$99,000; this portion contains the gas-works, which are most overestimated in value.

W. T. SAMPSON, Commander United States Navy, Superintendent,

The reading of the bill was resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Marine Corps," on page 35, line 22, to reduce the total appropriation for the pay of the force in the office of the adjutant and inspector from \$17,494.20 to \$17,493.35.

The amendment was agreed to.

The next amendment was, under the same head, on page 36, line 9, to reduce the appropriation for commutation of quarters from \$685,709.20 to \$685,708.35.

The amendment was agreed to

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Transportation and recruiting, Marine Corps," on page 37, in line 19, after the word "service," to strike out "twelve thousand five hundred" and insert "ten thousand;" and in line 20, after the word "dollars," to strike out "of which sum \$2,500 shall be immediately available;" so as to make the clause read:

Transportation and recruiting, Marine Corps: For transportation of troops and the expense of recruiting service, \$10,000.

The amendment was agreed to.

The next amendment was, under the head of "Contingent, Marine Corps," on page 38, line 24, after the word "deserters," to strike out "per diem of enlisted men employed on constant labor for a period of not less than ten days;" so as to read:

Contingent, Marine Corps: For freight, ferriage, tolls, cartage, funeral expenses of marines, stationery, telegraphing, rent of telephones, purchase and repair of type-writers, apprehension of deserters, repair of gas and water fixtures, office and barracks furniture, etc.

The amendment was agreed to.

The nextamendment was, under the head of "Increase of the Navy,"

page 42, after line 19, to insert:

page 42, after line 19, to insert:

The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,206 tons displacement, to cost in the aggregate, exclusive of armament, not more than \$700,000; one steel cruiser of about 2,000 tons displacement, at a cost not to exceed \$700,000, exclusive of armament and any premium that may be paid for increased speed; and one ram for harbor defense of the type approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7,1881.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to this amendment. Are each of the two cruisers mentioned in line 21 to cost \$700,000, or are the two to cost \$700,000?

Mr. HALE. Just as the clause reads, the two together.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, un-

The next amendment of the Committee on Appropriations was, under the same head, page 43, after line 5, to insert:

The provisions of the act of September 7, 1883, relating to premiums or deductions for increase or decrease of speed over or under that guarantied by the contractor building the said 2,000-ton cruiser shall be observed and followed.

The act of August 3, 1883, entitled "An act to increase the naval establishment," so far as is applicable, shall govern the construction of the two steel cruisers or gunboats, the 2,000-ton cruiser, and the ram herein authorized; and all of said vessels shall be of domestic manufacture.

The amendment was agreed to.

The next amendment was, under the head of "Construction and steam machinery," on page 44, line 23, after the word "Navy," to strike out "three million five hundred thousand" and insert "five million;" so as to make the clause read:

Construction and steam machinery: Towards the construction and completion of the new vessels heretofore and herein authorized by Congress, with their engines, boilers, and machinery, and for the payment of premiums for increased speed or horse-power under contracts now existing and to be made under this and other acts providing for increase of the Navy, \$5,000,000.

The amendment was agreed to.

The next amendment was, under the head of "Armament," on page 44, line 9, after the word "act," to strike out "one million and six hundred thousand" and insert "three million;" so as to make the clause read:

Armament: Towards the armament and armor of domestic manufacture for the vessels authorized by the act of March 3, 1885; of the vessels authorized by sections 1 and 2 of the act of August 3, 1886; of the unfinished monitors mentioned in section 3 of the same act; of the Miantonomoh 7 of the vessels authorized by the act approved March 3, 1887, and of the vessels authorized by the act approved September 7, 1888, and this act, \$3,000,000.

The amendment was agreed to.
The reading of the bill was concluded.
The PRESIDING OFFICER. The bill is open to amendment.
Mr. HALE. The Committee on Appropriations have no further amendments.

Mr. CHANDLER. On page 32 I move to strike out the last three lines, as follows:

For repairing naval hospital building at Naval Academy, to be used as officers quarters, \$15,000.

And in lieu thereof to insert:

For the construction of additional officers' quarters, as estimated for, \$30,000.

I ask to have printed in the RECORD the letter of the Secretary of the Treasury transmitting the estimate for an appropriation for the accommodation of the officers, and also a letter of the Superintendent of the Naval Academy, dated December 10, 1888, giving the reasons why this appropriation should be made.

The PRESIDING OFFICER. The papers referred to will be re-

ceived and printed in the RECORD, if there be no objection.

The papers are as follows:

TREASURY DEPARTMENT, December 20, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Navy of the 17th instant, submitting an estimate for an appropriation of \$30,000 for the construction of two houses for the accommodation of officers on duty at the Naval Academy.

Respectfully, yours,

C. S. FAIRCHILD, Secretary.

The SPEAKER of the House of Representatives.

NAVY DEPARTMENT, Washington, December 17, 1888.

Sin: I have the honor to inclose herewith, for transmission to Congress, copy of a communication dated the 10th instant, from Commander W. T. Sampson, Superintendent of the Naval Academy, calling the Department's attention to the necessity of an appropriation of \$30,000 for building two houses for the accommodation of officers on duty at the Academy.

Very respectfully,

W. C. WHITNEY, Secretary of the Navy.

Hon, C. S. FAIRCHILD, Secretary of the Treasury.

United States Naval Academy, Annapolis, Md., December 10, 1888.

Anapolis, Ma., December 10, 1888.

SIR: Learning that an effort is being made to secure additional quarters at the Naval Academy for the accommodation of officers here on duty, I respectfully urge the justice of such a provision.

During the past year fourteen young married officers, besides four married assistant professors, have been obliged to provide their own quarters in the city. The quarters provided by Government are assigned to the officers and professors according to rank, as far as they will go. As a consequence, the younger officers, who receive the least pay and are least prepared to bear the additional expense of house-rent, are obliged to do so.

This has the effect of producing a practical difference in the pay of officers to the disadvantage of the juniors, which the law does not contemplate.

It has also frequently happened that young officers exceptionally fitted for duty at the Academy have declined it because they were not able to live here without quarters.

There are now two apartment houses within the grounds, each of which accommodates eight small families; if two more similar ones were provided I think it would be sufficient. The cost would be about \$15,000 each.

If consistent with the Department's views, I request that Congress may be asked to make such an appropriation immediately.

Respectfully,

W. T. SAMPSON,

W. T. SAMPSON, Commander United States Navy, Superintendent.

The SECRETARY OF THE NAVY, Washington, D. C.

The PRESIDING OFFICER. The question is on the amendment. Mr. CHANDLER. The Superintendent of the Academy states clearly and distinctly enough the reasons why there should be constructed these two additional houses for officers' quarters, and upon the recom-mendation of the Superintendent approved by the Secretary of the Navy and the estimate submitted by the Secretary of the Treasury, I trust

there will be no objection to making that appropriation. I am led to move to strike out the appropriation of \$15,000 for fitting up the naval hospital building at Annapolis to be used for officers' quarters, because I believe that it will be an utterly futile appropriation. The naval hospital building has never been used. It is a very large building situate upon the naval hospital lot, about shalf or three-quarters of a mile from the Naval Academy, and the hospital

or three-quarters of a mile from the Naval Academy, and the nospital lot is separated from the Naval Academy grounds by one or two streets and by a piece of ground containing about 9 acres, provision for purchasing which has already been made in the bill by an amendment reported by the Committee on Appropriations.

Now, here is this great hospital building on the naval hospital lot of 75 acres, and the present buildings of the Naval Academy are on the 50-acre lot constituting the grounds of the Naval Academy. At the present time, before the purchase of this lot of land which is being provided for in this bill, it would be absurd to go over to this great hospital lot. vided for in this bill, it would be absurd to go over to this great hospital building and undertake to fit it up for naval officers' quarters

and to send naval officers over there to live. More than that, I do not believe that it will ever be found to be ex-More than that, I do not believe that it will ever be found to be expedient to undertake to fit up the naval hospital building for officers' quarters. As I have stated, it is a very large building; it is as large as a first-class modern summer hotel at some watering-place, with its large halls and large rooms, its large dining-room and great kitchen, and it is only fitted to be used as either a hospital or a hotel. It is manifest that no \$15,000 will fit up this building, which has been disused for twenty years and is falling to pieces so es to make it mitchle for for twenty years and is falling to pieces, so as to make it suitable for

quarters for naval officers and their families. I think the Senator from Maryland [Mr. GORMAN], who is familiar with the grounds and the buildings, and the Senator who has charge of this appropriation bill [Mr. HALE], will confirm me in the statement that this appropriation of \$15,000 under the circumstances ought not to be made. Therefore I hope the committee will assent to the amendment which I have moved.

Mr. HALE. Mr. President, there is force in the suggestion made by the Senator from New Hampshire, that as the bill proposes to buy the piece of land lying between the Naval Academy grounds and the the piece of land lying between the Naval Academy grounds and the naval hospital grounds perhaps neither of the plans for repairing the old hospital or building new quarters should be entered into now. The naval hospital is, as the Senator says, not much more than a great shell, built about twenty years ago, and has practically never been of any earthly use. It is pleasantly situated on high ground, about three-quarters of a mile from the Academy grounds, overlooking the water, and in many respects is a desirable place for the houses, for the buildings of the instructors and officers who are detailed for duty at the Academy. Academy.

Whether or not \$15,000 can be put to advantage in making these dwelling-houses for the officers is, I think, a matter of some doubt. I should not want to agree to substitute the amendment suggested by the Senator from New Hampshire, but I am willing for one that the House clause may be struck out, leaving the provision for increased officers' quarters to be decided when the new land has been purchased and when it is better seen where these quarters can be erected, possibly upon the new land immediately east. Therefore for one I hope the Senator will withdraw the amendment, and I will not object to striking out all this clause in the House bill.

Mr. GORMAN. Mr. President, the provision in the bill as it comes from the House of Representatives making appropriation for the repair of the old hospital, which, as the Senator from New Hampshire has said, is a half or three-quarters of a mile from the Naval Academy, I think myself would be entirely useless, the money would be thrown away, and it would be found, as the Superintendent of the Academy states, absolutely useless. As the Committee on Appropriations of the Senate by its action has to-day made provision for acquiring the land immediately adjoining the present Naval Academy grounds, I concur with the Senator from Maine in charge of the bill that it would probably be well if this entire matter should go over until after that ground has been acquired. I think it will be found upon examination that this old hospital will probably never be of any use to the United States. It was built some twenty years ago under the impression that there was a necessity for it, but I believe later on it will be found to the interest of the Government to dispose of that building and probably sell it to the State of Maryland for some other purpose. Certainly it will not be used for the purposes of the Naval Academy, and in view of the action of the Senate to-day making provision for acquiring the ground immediately adjoining the Naval Academy, I think that we had better wait until after that land has been acquired and then make provision for the officers' quarters. Therefore I agree with the Senator from Maine that the wise course would be to strike out the provision and let the matter remain until next year.

Mr. HALE. If the Senator from New Hampshire will withdraw

his amendment

Mr. CHANDLER. Let the vote first be taken on striking out.
The PRESIDING OFFICER. The amendment of the Senator from
New Hampshire proposes to strike out and insert.
Mr. HALE. I have no objection to striking out.
The PRESIDING OFFICER. The Chair understands that the rejec-

tion of that proposition would not prevent a motion to strike out.

Mr. CHANDLER. I will make a brief statement and then I shall withdraw the amendment. I am entirely willing the case should take that disposition, but I do insist that some progress ought to be made at this session in providing additional quarters and some step taken forward. Now, I think the most important need of the Naval Academy is the acquisition of the adjoining land, the 9 acres which lie between the 50 acres of the Naval Academy and the 11 acres on one side of the Severn and the 75 acres on the other side of the Severn. I think that is the greatest need at this time of the Naval Academy, and if that result is to be reached under the clause which the committee have result is to be reached under the clause which the committee have recommended and which the Senate has adopted, if that is to be insisted upon and we are to get that land next year, I agree then that the question of providing the additional quarters, whether they shall be constructed within the present Academy limits or whether they shall be constructed upon the naval hospital grounds, may properly be deferred another year. Therefore I withdraw the amendment I offered, and move to strike out the paragraph.

The PRESIDING OFFICER. The Senator from New Hampshire moves to amend the hill by striking out lines 22, 23, and 24 on page

moves to amend the bill by striking out lines 22, 23, and 24, on page 32, as will be stated by the Secretary.

The Secretary. On page 32 it is proposed to strike out as follows:

For repairing naval hospital building at Naval Academy, to be used as offiers' quarters, \$15,000.

The amendment was agreed to.

Mr. CHANDLER. I now move to strike out, on page 40, line 23, the following words:

Of the type and to be constructed according to plans and specifications to be furnished to the Navy Department by Hon, John R. Thomas, of Illinois, to be approved by the Secretary of the Navy.

Mr. CULLOM. I hope that amendment will not be agreed to. I see

no reason why the provision is not right as it is. As I understand, the gentleman referred to in the bill has actually prepared plans which are acceptable to the Navy Department and which are worthy to be the plans by which a ship or cruiser shall be built. I see no reason why those words should be stricken out. Unless there is something about it of which I am not aware, I hope they will remain in the bill.

Mr. CHANDLER. Did I understand the Senator to say that the

Navy Department had recommended this?

Mr. CULLOM. Yes, sir. Mr. CHANDLER. If the Senator has the recommendation of the Secretary of the Navy I should like him to read it.

Mr. CULLOM. I have in several papers here. Let me read:

Mr. CULICAL. I have in several papers acreed as well as well as the above description, which I think it would be desirable for this Department to construct. I do not intend to refer to the exact plan submitted, but to the general characteristics as worked out. Refer also to the Chief Constructor for consideration.

W. C. WHITNEY.

And I find in the RECORD the following:

NAVY DEPARTMENT, Washington, January 9, 1889.

Sir: I have the honor to transmit herewith, in accordance with the request of the committee, a copy of the report of the officers appointed by me to examine the plans and drawings of the 3,000-ton vessel of war designed by Hon, John R. Thomas, which report has received the approval of the Department.

Very respectfully,

W. C. WHITNEY, Secretary of the Navy.

Hon. H. A. Herbert,
Chairman Committee on Naval Affairs,
House of Representatives.

Then follows the report, as I suppose it is, of the board having the subject before them for investigation, reporting in favor of the building of the vessel.

While I am upon the floor I will take occasion to submit some other official documents—at least I suppose they are; they seem to be signed officially-on this same matter:

There is no doubt in my mind that a vessel designed to carry out the ideas of Hon, John R. Thomas, of the House Naval Committee, as expressed in his design this day submitted to the Department, is perfectly practicable, and she would prove a valuable acquisition to the naval service. I should be pleased to see such a vessel constructed.

AUGUST 6, 1888.

THEODORE D. WILSON, Chief Constructor United States Navy, Chief of Bureau.

I believe Mr. Wilson is the Chief of the Construction Bureau of the Navy Department. While I am about it I will put in another letter that seems to be written by him:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR, Washington, D. C., December 10, 1888.

To whom it may concern:

Hon. J. R. Thomas, member of the Naval Committee of the House of Representatives, has this morning shown to us an article in the New York World of December 8, charging him with appropriating the plans of one McCartee for a vessel of war. We have no hesitation in saying that this charge is without any foundation whatever, as the plans of Mr. Thomas were prepared under orders from the Secretary of the Navy, from rough sketches and personal suggestions made by him, and that no similar plans have ever been presented to this bureau by any person to our knowledge.

Wiedge.
T. D. WILSON,
Chief Constructor United States Navy, Chief of Bureau,
PHILIP HICHBORN,
Naval Constructor, United States Navy.

I suppose the actual draughting was perhaps done in the Navy Department, as I infer from this letter, and it is signed "T. D. Wilson, Chief Constructor United States Navy, Chief of Bureau; Philip Hichborn, Naval Constructor, United States Navy."

Mr. HOAR. May I ask the Senator a question?

Mr. CULLOM. Yes, sir.

Mr. HOAR. Suppose before this work is done somebody should present to the Secretary of the Navy what he thought was a better.

present to the Secretary of the Navy what he thought was a better plan, better for specifications, doing better work, and at a cheaper price, making a better vessel, would not this bill as now drawn compel him to take this?

Mr. CULLOM. I suppose it would.

Mr. HOAR. Is that proper?

Mr. CULLOM. We can hardly afford to decline to do anything for fear something else better will happen and may be done hereafter,

Mr. HOAR. My honorable friend does not quite catch the point of my question. He will allow me to make it a little more clear. I am my question. He will allow me to make it a little more clear. I am not aware that in the history of the Government there can be found a single instance which would oblige the head of a Department having about him public work of this kind, vessels, arms, or anything of that kind, when he was perfectly satisfied that he was not getting the best thing for his money, to be required, having made his contract, to go on and take the worst thing merely by the bidding of the two Houses of Congress who are supposed to know nothing about it themselves. Congress, who are supposed to know nothing about it themselves

Mr. CULLOM. In answer to the Senator from Massachusetts I will say that the other branch of this Congress has passed this naval appropriation bill. It has incorporated in it a provision for building a vessel, a cruiser, according to certain plans which have been furnished. Now the question is whether the Senate will agree to the provision that is found in the bill, and if it does I take it for granted that the Government will proceed at once to the construction of the ship. So there is no delay. It is not a question of whether we shall build a ship two or five years hence, but the purpose is to proceed directly with the work. As my friend suggests, there is no detailed specific plan proposed, but it is according to the general plan that has been sketched or furnished by the gentleman named, and does not preclude the Secretary of the Navy from changing it, as I understand it generally, according to the necessities of the case.

Mr. HOAR. May I ask my honorable friend another question? Mr. CULLOM. Yes.

Mr. HOAR. Is it true that it is not the adoption by Congress of a plan which has been already approved, but it is according to plans and specifications to be furnished hereafter, so that if this gentleman changes his mind about something and gets up a new scheme, that scheme has got to be adopted whether or no?

Mr. CULLOM. The Senator will notice the last clause of the provision on the second line of page 41; it reads "to be approved by the Secretary of the Navy." If Mr. Thomas does not furnish such plans as the Secretary of the Navy is willing to approve, that is the end of So I do not think the Government is in a position where it is go-

ing to be injured by the adoption of this provision of the bill.

I desire to submit one or two other papers that I have in my pos-

session while I have the floor:

COMMANDANT'S OFFICE, UNITED STATES NAVY-YARD, Washington, D. C., August 9, 1888.

Washington, D. C., August 9, 1888.

I have examined a sketch of a design by Hon. John R. Thomas, M. C., of a pneumatic dynamite cruising monitor.

I think this design practicable, and that a vessel constructed to embody the general features of Mr. Thomas's design (substituting gun-cotton for dynamite) would be a valuable addition to the fighting force of the Navy.

Such a vessel would not be purely experimental, as most of the features of Mr. Thomas's design have already been proved practicable.

He has m enaged to combine several important elements, and they present the features of an original design, the parts of which have already been found successful in practice.

R. W. MEADE, Captain United States, Navy, Commandant.

I present these papers to show that any impression which may prevail on the part of my distinguished friend from Massachusetts and other distinguished gentlemen from the far East that there is no one out in our prairie country who can invent a ship is a mistake, and that it turns out that we have talent in that direction as well as they have down on the New England coast,

Mr. HOAR. My honorable friend will allow me to contradict him.

Of course he does not wish to do me injustice.

Mr. CULLOM. Certainly not.

Mr. HOAR. I entertain no such notion. On the contrary, I think they can invent the most marvelous ships ever made.

Mr. CULLOM. I think we are starting in pretty well in that direction, but I think there is a disposition to strike out this provision in the bill simply because it happens to be that the name of a member of Congress is inserted in it. If there can be any modification of that provision of the bill which will preserve the substance of it and allow the ship to be built, so far as I am concerned I am not very particular, and I do not suppose that the inventor or the designer of the plan is particularly anxious that his name shall be connected with it, but he be-lieves, and a great many other people believe, and the Navy Department seems to believe pretty generally that this is a good thing and that the ship ought to be built by the Government, and I do not think the simple fact that his name is identified with it ought to prevent its being done.

Here is another communication which I desire to read:

To the chairman of the Naval Committee of the House of Representatives:

To the chairman of the Naval Committee of the House of Representatives:

Sie: I have examined in a somewhat hasty manner the design of pneumatic dynamite cruising monitor by Hon. John R. Thomas, and beg leave to express the belief that the general ideas embodied are essential to a vessel being kept afloat and in an effective cond tion at sea against the fire of rapid-firing guns of even the present calibers employed.

In my judgment, the construction of such a vessel will be a move in the right direction. For my ideas at greater length, and quite in accord with this construction, I refer to my paper in the April number of Congress, a monthly published in this city.

Very respectfully, your obedient servant,

DANIEL AMMEN, Rear-Admiral, Retired.

WASHINGTON, D. C., August 9, 1888.

Mr. CHANDLER. Who is that signed by?
Mr. CULLOM. Daniel Ammen. The Senator from New Hampshire will find that almost all the best naval officers we have in the service, including some who have retired, have unqualifiedly indorsed the construction of this vessel, and I think it ought to be built.

I have another communication which I will read:

Committee on Naval Affairs, House of Representatives, Washington, D. C., August 7, 1888.

My DEAR SIE: I have carefully examined the drawings and plan of your new design for a vessel of war, and I must extend to you my most unqualified approval of this design. A vessel constructed upon such principles combines all the requisites of a first-class fighting vessel as well as a commerce destroyer. I

think this class of vessels is what the Navy and country require. I hope the others who have carefully studied this matter and those in authority may see the value of such a vessel, and order the construction of said vessel at an early

I am, very respectfully and truly yours,

JAS. E. JOUETT, Rear-Admiral, United States Navy.

Now, Mr. President, I do not pretend to know anything about the merits of a cruising vessel or any other kind of a ship, but I do submit these papers in justification of this provision of the bill and of the action of the Committee on Appropriations on the part of the Senate which has kept it there, and I hope the Senate will allow it to remain.

I might take up the time of the Senate by having read the report submitted by the board which was convened, as I suppose, by the Secretary of the Navy, to examine the merits of this ship which is proposed to be built, but I presume that it has been read, perhaps, by Senators, as it has appeared in the RECORD, when the subject was under discussion by the other House, and I will not take up the time of the

Senate or space in the RECORD by having it read again.

I only desire to say again that I hope the provision contained in the bill, or the substance of it, at least, will be left as it is and that the ves-

sel may be built.

I have a communication also here from Mr. Wilson, the Chief of the Bureau of Construction, to this effect:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR, Washington, D. C., January 9, 1889.

My DEAR Sir: I inclose herewith for your personal information an itemized estimate of the cost of your armored cruising monitor. To make us safe the amount of \$1,500,000 should be asked for.

Very truly yours,

T. D. WILSON.

Hon. J. R. THOMAS,

House of Representatives, Washington.

That is the case so far as I know it, and with it I leave the matter

in the hands of the Senate to dispose of.

Mr. HAWLEY. It is not to be taken for granted, I am sorry to say, that any member of Congress has read the entire RECORD of a previous day. If there has been a report of this board, I wish the Senator to state who composed the board, and give a summary at least of their report.

Mr. CULLOM. I will read what appears here in the RECORD:

By order of the Secretary of the Navy a board was appointed, consisting of Commodore M. Sleard, Chief of the Bureau of Ordnance; Commodore W. S. Schley, Chief of the Bureau of Equipment and Recruiting; Commodore Theodore D. Wilson, Chief of the Bureau of Construction, and Commodore George W. Melville, Chief of the Bureau of Steam Engineering.

I am reading now what seems to have been a statement of some member of the other House:

This board examined them carefully and exhaustively and they all united in a favorable report, recommending the building of a vessel according thereto. The finding of the board was approved by the Department, and the recommendations concurred in, as the following letter of the Secretary will show—

Which I read awhile ago. Then follows the report, as I suppose all of it, though I do not know whether it is all in this RECORD or not. I shall have that inserted in the RECORD if the Senator from Connecticut desires. I ask to have the report as it appears in the RECORD inserted without taking up the time of the Senate in reading it.

The PRESIDING OFFICER. If there be no objection the report referred to by the Senator from Illinois will be inserted in the RECORD.

The paper is as follows:

The paper is as follows.

The aim in the design of this vessel has been to combine, on a limited displacement, large powers of offense and defense; recognizing that the efficiency of an armored vessel intended for ocean or coast purposes is to be measured by the disposition and character of her armament, the ability to use it in all reasonable weather, the protection afforded by the armor, the rate of speed both going ahead and turning, her cruising capacity without recoaling, and her habitability.

ahead and turning, her cruising capacity without recoaling, and her habitability.

First. The battery has been disposed with a special reference to fighting ahead and of being able to do this in all kinds of fighting weather.

The character of the armament is as follows: Two 10-inch B. L. R. for long range, and capacity for throwing shell charged with high explosive compounds. These guns are mounted in a turret armored with 10-inch solid steel plates, the axis of the guns when level being 11 feet above the fighting load line, with a range of fire from direct shead to 65 degrees abaft the beam on either side, and by removing the deck-house increasing the range to a practically all-around fire. For close quarters she has a 15-inch Zalinski dynamite gun capable of throwing 800 pounds of high explosive compound, and two under-water bow torpedo-tubes, also a 6-inch rapid-firing B. L. R. located aft. The secondary battery consists of three 3-pounder rapid-firing and one 37mm, revolving gun.

Second. To give as great an armor protection as possible on a very limited displacement the armor has been disposed in the form of an arc of a circle, turning downwards at the sides to 4 feet below the fighting line; the armor on the crown is 3 inches in thickness, increasing to 5 inches at the sides. In order that the target presented to an enemy may be as small as possible, ballast tanks have been provided capable of holding enough water to lessen the cruising freeboard 3 feet, so that the hull target exposed, in still water, will be represented by a segment of a circle, using from zero at the water-line to 4 feet above at the center of the vessel. A novel feature connected with this armor is the method of supporting it, which is done by a system of longitudinal and transverse girders is inches deep. On the innerside of these girders is worked a water-tightskin serving the double purpose of, in the event of any portion of the deck armor being disologed, arresting any rush of water, and forming with the longitudinal support the

the cruising freeboard to 7 feet 8 inches amidships and giving a comfortable working-deck. In order that these false works may not endanger the stability of the vessel in the case of their being riddled by a machine-gun fire in action, the sides are double, with a space of \$\frac{0}{2}\$ feet between them; this space is filled in with cellulose for the entire length of vessel.

In order that the vessel may be used as a ram the bow is specially formed and strengthened for this purpose, also large power (7,500 horse-power) acting through twin-screws, giving a rate of speed of 17 knots, and large rudder area actuated by powerful steam-steering gear has been provided. The radius of action is for this class of vessel enormously large, being upwards of 8,500 knots at 10 knots' speed. She will be able to keep the seas as a cruiser at this speed above thirty-live days without recoaling.

A temporary deck-house is worked as part of the false works, giving airy accommodations for the officers during peace times. For war accommodations have been provided below the armor-deck. Great care has been given to the ventilation of all living-spaces by means of powerful blowers drawing air from armored ducts, and natural ventilation through deck-lights, etc.

ventilation of an armored ducts, and natural ventilation of the principal dimensions:

Length on load-line

Breadth, extreme.

Cruising draught of water.

Displacement at cruising draught. 55 141 .....do.... .....tons... 3,030 ..tons..

Armament: Two 10-inch B. L. R., one 15-inch dynamite gun, one 6-inch B. L. R. rapid-fire, three 3-pounder rapid-fire, one 37mm. R. C., two bow torpedo-tubes. Complement of officers and men, 119.

Mr. CHANDLER. Mr. President, I beg leave to assure the distinguished Senator from Illinois that I have no objection to these plans being legislated upon the incoming Secretary of the Navy because they are from Illinois. If the prairies of his noble State have developed a designer of ships and he has prepared plans and specifications for the construction of this new monitor which shall commend themselves to the next Secretary of the Navy, I have not the slightest objection to their accentance by that Secretary. But I conceive it to be an anomaly, their acceptance by that Secretary. But I conceive it to be an anomaly, to be almost ridiculous in the history of legislation, for Congress to provide for a vessel of this size and importance and cost, an "armored steel cruising monitor, of not less than 3,000 tons displacement," to cost a million and a half of dollars, and then say that the type and the plans and specifications shall be furnished by an honorable member of the House of Representatives, a member of the Naval Committee of the House, about to go out of Congress. I say that is an anomaly in legislation.

If this ship is necessary for our naval defense, if it is necessary in view of the future contingencies of the Navy to be built for the public defense, where should we happen to be if Hon. John R. Thomas, of Illinois, should die before he could furnish the plans and specifications? Are we to have no armored cruising monitor for public de-

fense?

Mr. DAWES. I want to inquire of the Senator as to the stress he lays upon the fact that, in addition to all the qualifications he has spoken of, he says that this gentleman is also about to leave Congress. Does he think that that would defeat the whole measure if he should go out of Congress, where he could not be to nurse it?

Mr. CHANDLER. I alluded to that fact in order that members

might not suppose that the House committee and the Senate committee in reporting this amendment intended to legislate upon the Navy Department a member of Congress. It is to the credit of this legislation that Mr. THOMAS is soon no longer to be a member of Congress.

Mr. DAWES. I thought that ought to be a commendation.

Mr. CHANDLER. If Mr. THOMAS should be the next Secretary of the Navy, of course these words are unnecessary; for having designed this ship, having the plans and specifications ready to submit, it would be

a mere form for him to go through the adoption of them. Now, Mr. President, the amendment which I propose does not say that this ship shall not be built. On the contrary, it leaves the opera-

tive words of the section in the bill:

To enable the President to further increase the naval establishment of the United States he is hereby authorized to have constructed by contract one armored steel cruising monitor, of not less than 3,000 tons displacement, at a cost not exceeding \$1.500,000, exclusive of armament, and of any premium which may be paid for increased speed.

Then follow certain customary provisions to govern the construction of the vessel. I say if Mr. Thomas or anybody else can submit to the Secretary of the Navy a type and plans and specifications for the construction of this monitor for the public defense, which are better than the naval officers can design, which are better than any one else can design, they ought to be accepted; but I say that those plans and specifications, either already prepared or to be prepared by the Hon. John R. Thomas, of Illinois, ought not to be legislated upon the next Secretary of the

Navy in this way.

Why, Mr. President, the present Secretary of the Navy has had given to him \$28,000,000 to expend in strengthening and increasing the naval establishment, and there go over in this bill, as it came from the House of Representatives, to the new Secretary of the Navy one armored cruiser and another Vesuvius. The second section as it came from the

House provided:

And the President is also further authorized to contract with the Pneumatic Dynamite Gun Company for the construction of one additional cruiser of the Vesuvius type.

That is the provision that Congress makes for new vessels to be put in process of construction by the next Secretary of the Navy, who is as likely to come from the State of Illinois as from any other State, and

the discretion that is accorded to the next Secretary of the Navy after the present Secretary has had \$28,000,000 of money for ships and their armament unfettered by any conditions or limitations whatever except such as were calculated to secure the best ships and the best guns—the provision for the next Secretary of the Navy is that John R. Thomas shall furnish him one ship and that the Pneumatic Dynamite Gun Com-

pany shall furnish another.

Mr. President, I have been uniformly during the last two years against this whole kind of legislation. I have uniformly opposed in the Committee on Naval Affairs any attempt to legislate any particular man's invention upon the Navy Department. I say it is wrong, fundamentally wrong. Inventors should not come to Congress, inventors should ally wrong. Inventors should not come to Congress, inventors should not dog the doors of the Committees on Naval Affairs and worry Congress and get up certificates commending them and their inventions as a man gets up petitions for appointment in a Cabinet when he does it [laughter] and secure legislation that tells the Secretary of the Navy to build his particular kind of a machine.

I say this whole system of legislation is vicious. I am willing to vote to give the Secretary of the Navy money to experiment with, all that he needs to experiment with the ideas of other people, but I am not willing that the committees of Congress or that the two Houses of Congress shall constitute themselves a designing committee and tell the Secretary of the Navy or the Secretary of War that he shall build

any particular kind of gun invented by any particular man.

I lay that down as a general principle, and I desire to give notice that I shall oppose all attempts to force the executive officers of this Government who are charged with the duty of making these investigations and of reaching conclusions upon the work of the Government to adopt the particular ideas, or the particular types, or the particular plans or specifications which any inventor—I do not care who he is—may submit to them. I say the place for these gentlemen to go is to the Departments. It is for Congress to make liberal appropriations the Departments. It is for Congress to make liberal appropriations and to put the responsibility upon the heads of the Departments of determining what kind of patents and what kind of inventions and what kind of plans for the Government work shall be adopted.

Mr. Thomas is a lawyer. I suppose the Senator from Illinois does not claim that he has any skill or experience in the designing of ships.

Mr. Thomas is a lawyer and has been an eminent member of Congress.

and entirely qualified to be Secretary of the Navy; but Mr. THOMAS is

not a designer of ships, and it is a broad farce—
Mr. GRAY. Will the Senator from New Hampshire allow me to ask him a question there?

Mr. CHANDLER. Certainly.
Mr. GRAY. I ask him whether or not he is aware that one of the most ingenious and useful modifications of marine steam-engines now in use, I believe, by the Navy and by all the people who own and run ships, was made by a lawyer? Mr. Sickles, who invented and had patented a cut-off (which is now in universal use) to save the expenditure of steam and promote its use by expansion, was a lawyer. His attention had been directed to that subject by some accidental circum-

stance, and he developed the idea and made it very useful.

Mr. CHANDLER. I would ask the Senator whether Mr. Sickles, the inventor of the cut-off, did not become a designing engineer in early life? Many men famous in their professions have started in life as lawyers; there is no doubt about that. In the other case the Senator mentioned he did not give the name, so I am obliged to say I am not aware of the invention of the marine engine made by a lawyer.

Mr. GRAY. I asked the Senator as much for information, if he was not aware of it. I can not give the name now, but I think I shall be

able to do it

Mr. CHANDLER. I am not arguing that my own profession, the law, is not capable of furnishing eminent men in other professions, and I do not say that a lawyer can not become a designer of naval vessels. I think that the law is a good profession from which to develop those men; but it remains to be seen whether the Hon. JOHN R. THOMAS

has become such as yet.

Mr. President, I am not arguing that valuable ideas on this subject of naval construction, both of hulls and of the engines of ships, may of naval construction, both of hulls and of the engines of ships, may not proceed from non-professional men. I admit that they may. I meet the suggestion of the Senator from Delaware by saying that I have no doubt that non-professional men, that members of the Naval Committees of Congress, that other men, members of the Military Committees of the two Houses, Secretaries of the Navy, and Secretaries of War may have developed most excellent ideas on technical subjects, that they may have developed misses excellent ideas on technical subjects, that they may have conceived notions which, worked out in proper form, may have proved to be very valuable adjuncts to naval or military construction. I do not know but what Mr. Thomas has discovered a good idea, though I am informed that the idea of this ship that he has undertaken to develop is not new, but that the idea has been well known to naval officers for a long time.

Now, Mr. Thomas, who is a lawyer, a member of Congress, a member of the Naval Committee, has taken up a particular idea in reference to an armored dynamite cruiser. I think he contemplates—if I am wrong the Senator from Illinois will correct me—a plan for submerging the ship in action. Is it not so?

Mr. Thomas, who is a lawyer, a member of Congress, a member of the Naval Congress.

Mr. HAWLEY. Sinking it a few feet.

Mr. CHANDLER. A member of the Military Committee says I am correct

Mr. MANDERSON. He sinks it to within 3 feet of the surface.
Mr. CHANDLER. The Military Committee seem to know all about
the ship, and I do not know but that they may go on designing vessels,
and perhaps we had better put their names in this bill, so as to give them a chance.

But Mr. Thomas has taken up this idea, which is certainly not a new idea, of submerging a ship when she goes into action by letting water into some compartments, and upon that idea he has developed a certain plan of ship. Now, does the Senator from Illinois know how far Mr. Thomas has carried this plan himself? Does he know that Mr. Thomas ever put pencil to paper? Does he know that Mr. Thomas ever did anything except sit down with Capt. Robley D. Evans, or with some one of the highly educated and brilliant young assistant naval construct-ors that we have lately sent to the Naval College at Greenwich for education, and who have come back to this country to be ornaments to the service and to help us construct our new naval vessels? Has Mr. THOMAS done anything except talk with competent experts of this kind, and have they or have they not designed this ship for him so far as it has been already designed? If they have, then let us give them the benefit of these plans and not allow Mr. THOMAS or any other member of Congress to take the labors of these competent and skilled experts and advertise himself to the world as the inventor of an armored dynamite

Mr. CULLOM. I think the Senator from New Hampshire is going a little beyond the bounds of propriety in the premises. I do not undertake to say that Mr. Thomas invented this vessel, this cruiser, nor to say anything about it beyond what the papers show. So far as the record has been exhibited here it is all to the effect that Mr. Thomas is the inventor of this cruiser, and all this talk of the Senator from New Hampshire that who knows but some clerk in the Navy Department or some engineer somewhere else, or that Robley D. Evans or somebody, has done all this thing is a mere gratuity on his part without any sort of foundation whatever, and while I am not particular about the ques-

Mr. CHANDLER. I hope in the Senator's interruption of me he

will draw it mild.

Mr. CULLOM. I shall draw it mild.

Mr. CHANDLER. I did not yield to the Senator to make a speech.

Mr. CULLOM. I hope the Senator will keep himself within the record in talking about the gentleman whose name happens to be in

Mr. CHANDLER. Mr. President, the Senator from Illinois himself read in the hearing of the Senate a statement that these plans had been developed by officers of the Navy Department. The Senator himself shows upon his own case that Mr. Thomas is indebted to naval officers for the development of his plans, and when Mr. Thomas's name comes in here, to whom the Secretary of the Navy is to be tied down by strict law in the designing of an important Government vessel to cost a million and a half of dollars, and I venture to inquire how far Mr. THOMAS is competent to furnish these plans and specifications, and how far he will be obliged to depend upon skilled men in that branch of work, the Senator says that my suggestions are gratuitous. Well, if they are gratuitous, let the Senator tell us how far Mr. Thomas has gone and to

what extent he personally has prepared these plans and specifications.

Mr. Thomas, of Illinois, whose name is in this bill as the person who is to furnish the only plans and specifications upon which this ship can

be built

Mr. HOAR. I should like to ask the Senator from New Hampshire a question. He must be familiar with this class of subjects. What is the technical meaning of the word "specification" in legislation of this kind? Does it mean simply the description of what is to be done alone, or does it involve price as a part of it? We ought to settle

that before we vote, if we can.

Mr. CHANDLER. Unquestionably it needs no exposition from me Mr. CHANDLER. Unquestionably it needs no exposition from me that this language means that the detailed drawings and specifications upon which this ship is to be built and the working drawings, a description of every part of the hull, a description of every piece of the machinery, a drawing of every single one of the plates of steel that go into the sides of this ship, shall be prepared and submitted to the Secretary of the Navy by Hon. John R. Thomas, of Illinois.

Mr. HOAR. To whom does that ordinarily belong in our habit of naval construction—the Department itself?

Mr. CHANDLER. Unquestionably the skilled officers of the De-

Mr. CHANDLER. Unquestionably the skilled officers of the Department—skilled engineers, skilled constructors, and skilled draughtsmen of the Department. And now, I say, when Mr. Thomas, who is only known to us as a lawyer and as a distinguished member of the House of Representatives, comes in here with his name in this bill, which sets him up as a designer who is to furnish not only a description of the type, but the detailed plans and specifications upon which this million and a half of dollars is to be expended, the burden of proof is upon the Senator from Illinois to show that Mr. Thomas has the technical capacity to do this; and it is not in him to say that it is a gratuitous suggestion in this discussion when I venture to doubt whether Mr. Thomas is able to do this, and venture to suggest, as I most certainly do, that Mr. Thomas is indebted for the technical work upon these plans and specifications to skilled officers of the Navy Department, who I wish to say, as I was about saying when the Senator interrupted me, if they do this work, are entitled to have the credit of

interrupted me, if they do this work, are entitled to have the credit of it, and not to have it turned from them to accommodate any Congressman or ex-Congressman in this country.

Mr. President, I have said more than I intended to say when I rose, because I thought it was only necessary to call to the attention of the Senate the manifest impropriety of tying up the Secretary of the Navy in this way. To be sure, there has been added the provision that these plans must be approved by the Secretary of the Navy; but the papers which the Senator has already read show how the plans have been laid to besiege the next Secretary of the Navy; that he is to be met with this ship as a ship already appropriated to the credit of Mr. Thomas, and these naval officers, heads of bureaus, intimate friends perhaps of Mr. Thomas, considering his relations as a member of Congress and a member of the Naval Committee, have signed papers, and there is no estimate here yet: Naval Committee, have signed papers, and there is no estimate here yet; there is a long list of recommendations of this ship as being a ship which it would be a good plan for the Government to experiment upon.

Mr. HARRIS. I would like to ask the Senator from New Hamp-

shire what would be the effect of the non-approval of the Secretary of the Navy of the plans and specifications submitted, if this language

shall remain in the bill?

Mr. CHANDLER. Unquestionably the ship stops until the further authority of Congress, and that is the additional vice of this legislation. Not only is it vicious to put Mr. THOMAS into this bill, but if he is thus put in and does not furnish plans and specifications which the Secretary of the Navy may approve, the construction of the ship stops, while, on the other hand, as I began by saying, if Mr. THOMAS has plans which the Secretary of the Navy wants to use, he can adopt

them, and if anybody else has better plans, those may be adopted.

But the Secretary of the Navy when he comes into the administration of his office in March will find himself with \$28,000,000 of ships and guns designed by the present Secretary of the Navy, and himself with the poor privilege of contracting with the Pneumatic Dynamite Gun Company for one more Vesuvius and of receiving from Hon. John R. THOMAS plans and specifications for an armored cruiser. Do not let us make this restricted and pitiful provision for the next Secretary of

the Navy

Mr. CULLOM. Mr. President, I perhaps ought not to take any more time of the Senate in the consideration of this amendment, but I feel it my duty to say a few words more, and mainly because the honorable Senator from New Hampshire has seemed to make an effort to discredit and belittle the whole proposition as it is connected with the name of

Sir, it is true that Mr. Thomas has been a member of the lower House of Congress for a good many years, and it is further true that he has during all that period of time, I believe, been a member of the Committee on Naval Affairs, and I am inclined to make the assertion that perhaps there is no man who has been upon that committee in the other branch of Congress who has given as close attention to the subject of naval affairs as has Mr. Thomas. The service that he has been engaged in there as a Representative from his district has led him to the investigation of the building of ships of war, and of whatever other kind the Government might see proper to provide for the construction of, and it has turned out that Mr. Thomas's information and study and investigation have resulted in his making a plan for a cruiser, and it turns out that the Navy Department of this Government, after appointing a board for the purpose, has adopted and approved the plans that are proposed here in this bill to be accepted.

Though there is no plan with detailed specifications proposed, the Department has approved the plan of the vessel he has invented. Now the Senator from New Hampshire comes here and apparently attempts to discredit the idea that a member of Congress should by any pos bility stumble upon anything that is of value to the people of this country, and he wants to count him out and says that the clerks whom he brought down perhaps from New Hampshire while he was Secretary

of the Navy have made the discovery and that they ought to have the credit if anybody of the invention of this cruiser.

Mr. CHANDLER. If the Senator will allow me, I will state that I did not use the word "clerks."

I did not use the word "clerks."

Mr. CULLOM. Some subordinate persons in the Department.

Mr. HAWLEY. Officers.

Mr. CULLOM. Officers, or whatever they may be.

Mr. CHANDLER. I did not say "clerks."

Mr. CULLOM. I want to say right here in connection with this subject that the appropriations for the construction of the Navy are not made to glorify Secretaries of the Navy. They are made for the public good, for the public defense. The purpose of this provision is to get a good vessel, a good cruiser. It does not make any difference whether the Secretary of the Navy who is to come approves it or not, if it is the right sort of a vessel to be constructed.

I desire to say furthermore that there has been no electioneering busi-

I desire to say furthermore that there has been no electioneering business going on in connection with this. Mr. Thomas presented his plans, they were seen by these admirals, and commodores, and con-

structors, and secretaries, and they have approved them and say the design is a good one and that the vessel ought to be built.

The Senator says it is not like getting up petitions to be appointed Cabinet officers. I do not know whether the Senator, by that remark, meant to make a fling at this gentleman or not, but I do know that there used to be a time when petitions were gotten up for Cabinet offices and other positions, and sometimes the party getting them up failed to succeed

Mr. President, whether these words here naming Mr. Thomas ought to be there or not, I am sure I do not know, and I am not very particular about it so far as that is concerned. What I desire is that the ular about it so far as that is concerned. What I desire is that the vessel, the substantial plans of which have been provided or designed by Mr. Thomas, shall be built. You may take Mr. Thomas's name out if you want to, if it will be any satisfaction to my distinguished

friend, the ex-Secretary of the Navy.

I believe I shall not take up the time of the Senate any further. Mr. CALL. Mr. President, I do not propose to discuss the proposi-tion whether a man from the interior can know anything about building a ship, or whether knowledge is confined to any particular locality or any particular class of men. I scarcely think it is necessary to discuss propositions of that character. I have had the pleasure, however, of knowing Mr. Thomas during the ten years I have been in the Senate, and coming from a State where the practical knowledge of the methods of construction of ships is general and where there is a great deal of seafaring knowledge, I have some degree of capacity to judge in regard to the capability of men to discover inventions and possess knowledge upon those subjects.

I think that Mr. Thomas is very well qualified to be an inventor and to have ideas worthy of consideration in regard to the methods of naval construction. That knowledge is not of necessity confined to those who have the greatest practical knowledge in reference to the details of construction, but also lies in the principles upon which naval archi-

tecture is based.

I think it eminently proper if a member of Congress shall discover some new method, or some method that is not new, but is new in its adaptation to the present needs of naval construction, that he should have the credit of being designated as the discoverer either of the idea

or of the new adaptation.

Why should not a member of Congress have the reputation of any discovery he may make or any talent he may possess? Why shall Congress not adopt such discovery and by law require its adoption and use if it be meritorious? There can be no reason why it should not There may be other methods, but Congress should ascertain this fact as it ascertains others, before providing for its adoption.

I can see no greater reason why Mr. Thomas's name should be in-

serted in this appropriation than the name of any other discoverer or inventor, or discoverer of a new method of the application of an idea. I only wish to say that, so far as I am concerned, I think the provision in the bill is a very appropriate one, and that it ought to be adopted

by the Senate.

Mr. HAWLEY. Mr. President, I think it is not consistent with public policy to provide that a member of Congress, whatever his skill may be, shall furnish a plan of this description, and that the Secretary of the Navy shall build his ship. It is a mistake in judgment. I am perfectly willing that the Secretary of the Navy shall build a cruiser containing the essential qualities and characteristics of the one suggested by Mr. Thomas, but I oppose putting it in the bill in this form, because it practically binds the future Secretary of the Navy to accept a ship of this description from Mr. Thomas only.

The special attention attracted to this arose from the fact that a gentleman not connected with the profession of civil engineering, or engineering of any description, or ship-building, had devised something that has some merit in it. Gentlemen immediately proceed to say the Senator from Delaware, my distinguished friend, said, what we are perfectly well aware of—that a great many men have made good inventions who were entirely out of the line of the particular class of industry to which they supplied something. Now comes along a man who is out of this class of ship hailders, and he have been along a man who is out of this class of ship-builders; ergo, he has probably got up a good thing. But the odds are against him.

It is quite possible that a gentleman who has been interested, patriotically interested, in war steamers, say for the last eight or ten years, as a member of the Naval Committee, may make a good suggestion. It may be good; it may not be good. I do not say that the scheme is to be condemned because he has not been a professional man.

I have been looking to see what merit is in it. These obliging offi-

cers of the Navy are very willing to build a new cruiser with any sort of fighting power, having a speed of 17 knots. They have been quite willing to put in the numerous features Mr. Thomas proposes. They think it would be well to make the experiment. There is no statement, so far as we have heard, exhibiting the vessel with satisfactory particularity. We know nothing of this new ship save the very general observations and descriptions contained in an extract from a report read in the House of Representatives. Here is all I have been able to get from that report:

The character of the armament is as follows: Two 10-inch breech-loading rifles

for long range, and capacity for throwing shell charged with high explosive com-

This is not new at all. It is expected that the new heavy rifles will soon be able to throw shells containing some violent explosive.

These guns are mounted in a turret armored with 10-inch solid steel plates.

That is rather light armor. There is nothing new in turret or plate. The axis of the guns when level being 11 feet above the fighting load line, with a range of fire from direct ahead to 65 degrees abaft the beam on either side, and by removing the deck-house increasing the range to a practically all-around fire.

Nothing new there.

For close quarters she has a 15-inch Zalinski dynamite gun capable of throwing 800 pounds of high explosive compound—

Nothing new there-

two under-water bow torpedo-tubes.

Nothing new there. She is to have a secondary battery of light rapidfire guns. That is put into all ships nowadays.

To give as great an armor protection as possible on a very limited displacement the armor has been disposed in the form of an arc of a circle turning downwards at the sides to 4 feet below the fighting line; the armor on the crown is 3 inches in thickness, increasing to 5 inches at the sides.

That is a frequent feature in new ships. It is simply a curved deck, a protective deck, below the ordinary apparent wooden deck-a turtleback, starting from 4 feet below the water on one side to 4 feet below on the other. Then there is supplied a light structure to support a working deck and give an artificial freeboard on the sides.

That is in many ships. It is nothing new at all. It is expected that shot striking the side of the ship and penetrating the light superstructure will glance from this turtle-back steel real deck that is underneath the apparent wooden deck. It is not as old as the hills, but it is as old as the beginning of steel fighting ships.

A novel feature connected with this armor is the method of supporting it, which is done by a system of longitudinal and transverse girders 18 inches deep. On the inner side of these girders is worked a water-tight skin, serving the double purpose of, in the event of any portion of the deck armor being dislodged, arresting any rush of water, and forming with the longitudinal support the upper flange of the ship's girder.

Longitudinal and transverse girders of considerable size and 18 inches deep make numerous water-tight compartments—an old idea. It is proposed to fill these spaces with "cellulose"—cork is generally taken-so that if a shot pierce a compartment there will not be room for much water; in a great many ships already.

In order that the vessel may be used as a ram the bow is specially formed and strengthened for this purpose, also large power (7,500 horse-power) acting through twin-screws, giving a rate of speed of 17 knots, and large rudder area actuated by powerful steam-steering gear has been provided.

Any vessel used as a ram, going 5, 8, 10, or 12 knots an hour against another ship, must be "specially formed and strengthened." That is obvious, and as old as the ancients.

There are first the turret and its two rifles. Then there is the Zalinski dynamite gun—that is the second feature; and the ram is a third; and the water-tight compartments, which is an old idea, you may call the fourth feature. Some of the water-tight compartments are to be filled with cellulose or the equivalent—cork. Call that the fifth. The ship is nothing but the combination of a ram and a turreted monitor, and the Vesuvius has not a solitary new idea in it. It is a combination such as can be made by any ambitious young man who says, "I will put all these things in one ship." It is deemed better by some to build a ram that is purely and simply a ram, or a dynamiter that is only that.

The problem of this vessel is purely mechanical—i. e., how shall we Ine problem of this vessel is purely mechanical—i. e., how shall we put these numerous features into one ship, and for the solution of that Mr. Thomas gots wisely enough to officers of the Navy Department and tells them, "Here, I want to put all these things together." It is painful to criticise this. Here is one of the best fellows in the country, a gallant soldier, a good friend, a comrade of many of us here. The vessel is only a compound of five or six common ideas.

Mr. CULLOM. How does the Senator happen to know so much about it? He seems to be very well posted about the construction of

Mr. HAWLEY. I know that a ship is hollow. It is an old joke that that is as much as some Secretaries know when they come in.
Mr. CULLOM. That is exactly what I thought. The speech of the

Senator demonstrates that members of Congress know something about

these matters as well as Secretaries of the Navy.

Mr. HAWLEY. Yes, I have spent months, I do not know but a year or two, all put together, on board ship, and I have been over some of the fine ship-building yards in this country. I presented an octavo volume of several hundred pages on ordnance and war-ships as a report of a select committee, but I have not yet undertaken to tell one of those old veterans how to build a ship. I believe I could make some good suggestions. I have made some that I thought were good, but the world

did not seem to look at them just as I did.

Mr. CULLOM. I think, if the Senator will allow me, that if distinguished gentlemen like himself and others outside of the Navy would take some interest in this subject we should get a better Navy than we have now.

what, but I have not graduated. I can not devise a ship or make the plans and specifications

I think it against public policy to do this. I would not expect the officers of the Navy to make an impartial report upon a plan submitted to them by a member of Congress and of a Naval Committee. That is the truth of it.

Mr. CULLOM. I do not desire to take up the time of the Senate longer, but I ask the Senator from Maine who has charge of the bill if he will not allow this item to go over in the hope that we may by tomorrow morning agree upon some amendment that will be entirely satisfactory to all parties.

Mr. HALE. I was just going to make the motion that the Senate adjourn. It will be impossible to finish the bill to-night, and I make that motion.

The PRESIDENT pro tempore. Before submitting that motion, with the indulgence of the Senator from Maine, the Chair will lay before the Senate a message from the House of Representatives. Mr. HALE. Certainly.

#### MARY C. THOMPSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3428) granting a pension to Mary C. Thompson, which was to strike out all after the word "service," in line 9, and to insert "at the rate of \$12 per month."

Mr. SAWYER. I move that the Senate concur in the amendment

of the House of Representatives.

The amendment was concurred in.

#### ADJOURNMENT.

Mr. CHANDLER. I ask the Senator from Maine to yield to me a moment

Mr. HALE. I can not yield, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 12, 1889, at 12 o'clock m.

#### NOMINATIONS.

Executive nominations received by the Senate the 11th day of February, 1889. POSTMASTERS.

Mary E. Mathews, to be postmaster at Ellicott City, Howard County,

Maryland, vice James L. Mathews, deceased.

Edward M. Wheelock, to be postmaster at Hopedale, Worcester County, Massachusetts, the office having become Presidential.

Archer C. Newing, to be postmaster at Long Branch, Monmouth County, New Jersey, vice William H. Bennett, removed.

Robert S. Bowman, to be postmaster at Berwick, Columbia County, Pennsylvania, vice Robert S. Bowman, whose commission expired February ruary 6, 1889.

Theodore B. Patton, to be postmaster at Altoona, Blair County, Pennsylvania, vice Theodore B. Patton, whose commission expired February

#### COMMISSIONER OF LABOR.

Carroll D. Wright, of Boston, Mass., to be Commissioner of Labor, his term of office having expired January 22, 1889.

## RECEIVER OF PUBLIC MONEYS.

Thomas M. Vance, of North Carolina, to be receiver of public moneys at North Yakima, Wash., vice Luther S. Howlett, term expired.

UNITED STATES CIVIL-SERVICE COMMISSIONER.

Hugh S. Thompson, of South Carolina, to be United States civil-service commissioner in the place of Alfred P. Edgerton, removed.

## SECRETARY OF AGRICULTURE.

Norman J. Colman, of Missouri, an original appointment.

#### ASSOCIATE JUSTICE.

Adlai E. Stevenson, of Illinois, to be associate justice of the supreme court of the District of Columbia, vice William M. Merrick, deceased.

WITHDRAWAL.

Henry L. Patrick, to be postmaster at Hopedale, Mass.

## CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 31, 1889.

UTAH PROBATE JUDGES.

E. P. Johnson, of Utah Territory, to be judge of probate in Box Elder County, in said Territory.

Joseph D. Jones, of Utah Territory, to be judge of probate in Utah

County, in said Territory.

#### SURGEON IN THE NAVY.

an we have now.

Mr. HAWLEY. I do take an interest in it. I have studied it somea surgeon in the Navy from the 27th of November, 1888.

Executive nominations confirmed by the Senate February 11, 1889.

SECOND ASSISTANT ENGINEERS IN THE REVENUE SERVICE.

Harry U. Butler, of Maryland, vice Barnes, resigned. James M. O'Donovan, of New York.

PROMOTIONS IN THE ARMY.

Third Regiment of Artillery.

First Lieut. James O'Hara, to be captain, November 30, 1888. Second Lieut. David J. Rumbough, to be first lieutenant, November

First Regiment of Cavalry.

First Lieut. Otto L. Hein, to be captain, January 16, 1889. Second Lieut. Samuel C. Robertson, to be first lieutenant, January 16, 1889.

Fifth Regiment of Cavalry.

First Lieut. George H. Paddock, to be captain, January 16, 1889. Second Lieut. Lester W. Cornish, to be first lieutenant, January 16,

Tenth Regiment of Cavalry.

Second Lieut. John B. McDonald, to be first lieutenant, January 15,

Second Regiment of Artillery.

First Lieut. Asher C. Taylor, to be captain, January 20, 1889. Second Lieut. John T. Thompson, to be first lieutenant, January 20, #889.

Fourth Regiment of Artillery.

Second Lieut. Ormond M. Lissak, to be first lieutenant, January 16, 1889.

FOR APPOINTMENT IN THE ARMY.

First Re iment of Artillery.

Additional Second Lieut. Eugene T. Wilson, of the Fifth Artillery, to be second lieutenant, December 4, 1888.

Third Regiment of Artillery.

Additional Second Lieut. Payton C. March, to be second lieutenant, November 30, 1888.

Inspector-General's Department.

Col. Joseph C. Breckinridge, inspector-general, to be Inspector-General, with the rank of brigadier-general, January 30, 1889.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. William A. Rucker, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, December 30, 1888. Maj. Charles M. Terrell, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, December 30, 1888.

ASSOCIATE JUSTICE IN UTAH.

Thomas J. Anderson, of Iowa, to be associate justice of the supreme court of the Territory of Utah.

PENSION AGENT.

Sidney L. Willson, of New York, to be pension agent at Washington, D. C.

· POSTMASTERS.

Miss Mary R. Dusenbery, to be postmaster at Concord, Cabarras County, North Carolina.

Frederika H. Bryan, to be postmaster at Newton, Bucks County,

Eva R. Wiestling, to be postmaster at Middletown, Dauphin County, Pennsylvania.

## HOUSE OF REPRESENTATIVES.

Monday, February 11, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W.

H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved. EXPENDITURES FOR AGRICULTURAL DEPARTMENT.

Mr. MORGAN. Mr. Speaker, under the leave granted to file reports on Saturday I submitted a report from the Committee on Agriculture, asking that the detailed statement which had been referred to that committee, enumerating the various expenditures for the Department of Agriculture, should be referred to the Committee on Printing. That

seems to have been omitted.

The SPEAKER. The Chair thinks that under the order of the House the making of reports from committees alone was authorized, and that a request to change a reference would scarcely be in order under that consent.

Mr. MORGAN. It was not a change of reference, Mr. Speaker; it was simply a reference of the matter to the Committee on Printing.

The SPEAKER. The order will be made.

#### DIRECT-TAX BILL.

The SPEAKER laid before the House the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, with House amendment disagreed to by the Senate.

Mr. CASWELL. I move that the House insist upon its amendments

and agree to the conference asked by the Senate.

The SPEAKER. This has reached a privileged stage, Mr. ROGERS. What is the bill? The SPEAKER. The direct-tax bill.

Is there objection to the request of the gentleman from Wisconsin? Mr. OATES. I object.
Mr. KERR. Let us have the amendments read.

The SPEAKER. They are the amendments of the House.

Mr. KERR. I withdraw the demand. The SPEAKER. The Chair understands the gentleman from Alabama to object.

Mr. OATES. What are the amendments?
The SPEAKER. The House amendments to the direct-tax bill.

Mr. OATES. I believe there is but one amendment.

Mr. CASWELL. One relates to South Carolina and the other provides that the various offsets be credited.

Mr. OATES. I do not object to the request.

There being no objection, the motion of Mr. CASWELL was agreed to. COUNTING OF ELECTORAL VOTE.

The SPEAKER. The concurrent resolution adopted by the Senate and the House in relation to the count of the electoral votes on the day after to-morrow provides that two tellers shall be appointed on the part of the Senate and two on the part of the House, but it does not provide the manner in which these tellers shall be selected; and inasmuch as the forms are now being prepared it is important that the tellers should be appointed. The Chair is in doubt whether he has a right to appoint them under the terms of the resolution without the consent of the House. If there be no objection, the Chair will appoint as tellers on the part of the House two members of the Committee on the Election of President and Vice-President-the gentleman from Pennsylvania [Mr. Ermentrout] and the gentleman from New York [Mr. Baker]. Is there objection? The Chair hears none.

RELIEF OF SOLDIERS OF LATE WAR AND WAR WITH MEXICO.

The SPEAKER announced the appointment of Mr. Townshend, Mr. Robertson, and Mr. Steele as House conferees on the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico.

#### J. W. PORTER.

The SPEAKER also laid before the House the bill (H. R. 4792) to pension J. W. Porter, with Senate amendment.

Mr. HERMANN. I ask that the House concur in the Senate amend-

ment, inasmuch as it is very immaterial and intended to perfect the

The SPEAKER. The amendment will be read, after which the Chair will ask if there be objection.

The Clerk read as follows:

In line 10, after "Mexico," insert "this pension to date from January 29,

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and the Senate amendment is concurred in

Mr. ROGERS. What bill is that which has just been laid before the House?

The SPEAKER. It is a bill to pension J. W. Porter.

LOUISA ROGERS.

The SPEAKER also laid before the House the bill (H. R. 8549) granting a pension to Louisa Rogers, with Senate amendments.

Mr. MORRILL. I ask to have the amendments read. The amendments will be read, after which the Chair will ask if there

be objection.

The Clerk read as follows:

In line 5, after the word "company," insert "B," and in lines 5 and 6 strike out "76" and insert "134."

Mr. MORRILL. I move to concur in the Senate amendments.
The SPEAKER. Is there objection? The Chair hears none, and the amendments of the Senate will be considered as agreed to. SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally read a first and second time, and referred to the Committee on Invalid Pensions:

A bill (S. 3857) granting a pension to Mrs. Lydia E. Quaw;

A bill (S. 3588) granting a pension to Ellen Farr; A bill (S. 3634) granting a pension to Mrs. Nancy Smith; and A bill (S. 3744) granting a pension to Orrin F. Waller.

THOMAS LANNIGAN.

The SPEAKER also laid before the House the bill (S. 2714) for the relief of Thomas Lannigan.

Mr. ROGERS. I ask unanimous consent that it be considered at this time. It involves only \$100. It is a balance on the books of the Treasury standing to his credit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas Lannigan the sum of \$100, out of any moneys in the Treasury not otherwise appropriated, the same being the amount standing to the credit of said Lannigan on the books of the Treasury of the United States, as shown by page 9, House of Representatives Executive Document No. 363, first session Forty-ninth Congress.

The SPEAKER. Is there objection to the consideration of the bill at this time? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read

the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER AT LEAVENWORTH, KANS.

The SPEAKER also laid before the House the bill (S. 3663) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri.

Mr. MORRILL. I ask unanimous consent to consider that bill. Mr. MORRILL. I ask unanimous consent to consider that bill. A similar bill has been reported from the House Committee on Commerce. This bill has passed the Senate. It was approved by the Secretary of War, and is a copy of the bill which passed at the last session. Therefore I ask to dispense with the reading of the bill.

Mr. HOLMAN. I hope the bill will be read.

Mr. DOCKERY. It is the usual bill authorizing the construction of a bridge

Mr. HOLMAN. · If the bill is in conformity with the usual prece-

dents, I have no objection.

The SPEAKER. Is there objection to the consideration of the bill at this time? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read

the third time, and passed. Mr. MORRILL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## WARREN HALL.

The SPEAKER. The bill S. 902 was laid before the House some two or three days ago, and was improperly referred to the Committee on Claims. If there be no objection, that committee will be discharged from the further consideration of the bill-

Mr. JOHNSTON, of Indiana. There was a similar bill passed by the House in the Forty-ninth Congress, and reported to this Congress, and I ask unanimous consent that the House pass that bill. It is for the relief of Warren Hall, and there is a similar bill on the House Cal-

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read the title, as follows:

A bill (S. 902) for the relief of Warren Hall.

Mr. TAULBEE. I would like to know what the request is.
The SPEAKER. The gentleman from Indiana requests that the bill be now considered.

Mr. JOHNSTON, of Indiana. It has been reported from the Committee on Claims.

Mr. TAULBEE. At this Congress? Mr. JOHNSTON, of Indiana. This This Congress.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims is hereby given original jurisdiction to hear and adjudicate according to justice and right the case of Warren Hall, as originally tried and reported in the ninth Court of Claims Reports, page 170, and known as "Hall and Roach's case," notwithstanding the former trial; and the bar of limitation is hereby removed. And for this purpose the court shall hear and consider the new testimony and any other proper testimony which may be offered at the trial by the claimant or on the part of the defendant Government; and the testimony considered by the court in the original trial, so far as the same may be applicable to the new trial, shall also be available.

The SPEAKER. Is there objection to the consideration of the bill? Mr. PAYSON. Let us have an explanation of the bill. Until that can be done I reserve the right to object.

Mr. JOHNSTON, of Indiana. This bill simply sends him to the Court of Claims.

Mr. KILGORE. I think we had better have the report read.

The SPEAKER. The report on the Senate bill is not here. report of the House committee is here, and will be read if there be no

objection.

The report of the House committee was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3228) for the relief of Warren Hall, report as follows:

That they have carefully considered the same, and from the testimony offered they believe that great injustice has been done Hall in the trial of this case, and your committee report back the bill and recommend its passage.

The SPEAKER. Is there objection?
Mr. PAYSON. No information is gained from that. I should therefore like to have some explanation of it.

Mr. JOHNSTON, of Indiana. I can explain. The SPEAKER. The Senate report is now here. The SPEAKER. The Senate r Mr. PAYSON. Let it be read.

The Clerk read as follows:

Mr. PAYSON. Let it be read.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (S. 902) for the relief of Warren Hall, have considered the same, and respectfully report:

Warren Hall, the claimant, alleges that he is the son of a free woman, an Indian, and that he was born in the city of Alexandria; that when a youth he was kidnapped in New Orleans, where he had gone as a race-rider, and sold to a planter in Mississippi by the name of Roach, by whom he was treated until 1863 in some respects as a free man and in others as a slave. Hall further claims that during this period he was allowed to raise hogs and other stock, which he exchanged with Roach for cotton, and in this way he had accumulated some 75 or more bales of cotton. In the year 1863 sundry lots of cotton along the Mississippi were seized by United States troops, to be used in the fortifications at Memphis. This cotton was sold at a later date and the proceeds placed in the United States Treasury. In this cotton thus taken, used, and sold were the bales Hall claims, which he had received in exchange for his hogs, by contract with Roach, and of which he was the lawful owner.

Hall endeavored to assert his right of ownership by application to the Quartermaster-General and by suit in the Court of Claims and in the Supreme Court of the United States, but without success, the courts holding that his condition in fact was that of a slave, and that in consequence he was incapable of making contracts or of acquiring property.

It would seem to your committee that under these facts injustice is done to Hall by enforcing the harsh rule of slavery in his case. If the story of his birth be true he was by law free-born and his mother was a free woman, and her legal status would determine his. His servitude, therefore, was the result of force and not of law. He was till a free man, although unable to assert his freedom.

The bill under consideration is intended to refer the entire case to the Court of Claims, removing simply the bar

Mr. HOPKINS, of Illinois. Is there anything showing the amount

that this claimant is proposing to sue for?

Mr. STEELE. Seventy-five bales of cotton.

Mr. HOLMAN. I hope there will be no objection to this bill. It

is manifestly a just measure.

Mr. OATES. I would like to know whether this is a claim against the captured and abandoned property fund?

Mr. HOLMAN. It is.

Mr. OATES. Inasmuch as it has been decided that none of this fund shall be taken until it is all disposed of to whom it belongs, I shall object

Mr. HOLMAN. I hope, then, that the bill may be permitted to lie on the Speaker's table.

The SPEAKER. The bill will be retained.

## RELIEF OF CERTAIN SOLDIERS.

The SPEAKER also laid before the House a bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico.

Mr. STEELE. I ask unanimous consent that the House non-concur in the Senate amendment.

The SPEAKER. This amendment was read several days ago, and the gentleman from Indiana [Mr. STEELE] then asked unanimous consent that the House non-concur, but objection was made. The Chair

understands that the objection is now withdrawn.

Mr. DUNN. I have no further objection.

The SPEAKER. If there be no further objection, the amendment of the Senate will be non-concurred in and the conference agreed to as requested by the Senate.

There was no objection, and it was so ordered.

## LEAVE OF ABSENCE

Mr. PENINGTON, by unanimous consent, obtained leave of absence for two days, on account of important business.

## LEAVE TO PRINT.

Mr. SENEY, by unanimous consent, obtained leave to print in the RECORD remarks on the bill to authorize the erection of post-office buildings.

## ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll; and

A bill (H. R. 2261) to increase the pension of Elijah W. Penny.

## ORDER OF BUSINESS.

Mr. OATES. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 1592) to continue the publication of the Supplement to the Revised Statutes, and that the bill be now considered in the House.

The SPEAKER. The gentleman from Mississippi [Mr. Hooker] has a request pending which comes over from last Saturday morning. Objection was made to the consideration of the bill which he proposed

to call up, with the understanding that the matter should be pending. The Chair understands that the gentleman from Illinois [Mr. Hop-Kins] made the objection. Does the gentleman now object?

Mr. HOPKINS, of Illinois. I first want to know what the House

will do as to allowing time for debate. If two hours be given for the consideration of this bill I will not object.

Mr. HOOKER. You want that time equally divided, do you not?
Mr. HOPKINS, of Illinois. I do not know whether I do or not.
Mr. HOOKER. You certainly do not want more than half of the time?

Mr. HOPKINS, of Illinois. For myself I do not want any of it, but I want time enough given for you to show to members of this House that this is an honest claim. The Southern Claims Commission say it is a fraud.

Mr. HOOKER. How much time do you want?

Mr. HOPKINS, of Illinois. I have said that I do not want any time myself, but I want the gentleman from Mississippi, and other members who are in favor of this bill, to take time enough to show that the claim is an honest one.

Mr. HOOKER. We show that by the judgment of the court. You can attack it if you like, and I will give you an hour.

Mr. HOPKINS, of Illinois. I am not attacking the judgment of the court, and I am not attacking you [Mr. HOOKER]; but I desire you, or any other gentleman who favors this claim, to produce evidence to satisfy the House that it is an honest one.

Mr. HOOKER. The judgment is evidence enough on that point. Mr. HOPKINS, of Illinois. Mr. Speaker, I am not to be put down by suggestions that I am arraigning the Court of Claims, but I in-

Mr. HOOKER. Let us first agree about the time.
Mr. BLOUNT. I shall object if any time is to be consumed in debating this bill.

Mr. HOOKER. If the gentleman from Georgia will withhold his objection I will agree not to open my mouth during the debate.

Mr. HOPKINS, of Illinois. It may be that the claim will pass better if the gentleman does not speak.

Mr. HOOKER. Well, you go on and say what you have to say

Mr. HOPKINS, of Illinois. I am not to be deterred by that sort of talk. I insist

Mr. PAYSON. Regular order.

The SPEAKER. Objection is made, and the matter is not before the House. The regular order is demanded. The regular order is the call of States and Territories.

Mr. CRISP. I rise to a question of privilege. I call up for consideration the contested-election case of Smalls vs. Elliott, from the State

of South Carolina.

Mr. BLOUNT. I raise the question of consideration against that. I appeal to my colleague not to press that case at this time. the midst of the consideration of the Post-Office appropriation bill; we ought reasonably to get through with it during the day, and the bill ought to go to the Senate for consideration there, while the matter which my colleague proposes to call up pertains to the House alone. We are reaching a stage in the session where it is exceedingly impor-tant that the appropriation bills shall be gotten to the Senate as soon as possible, and I trust that my friend will not press his case, but will let us proceed and finish the matter that we have been considering.

Mr. HERMANN. I rise to a parliamentary inquiry. I desire to know whether the regular order is not the call of the States and Ter-

ritories.

The SPEAKER. It is, but the gentleman from Georgia [Mr. CRISP] calls up a privileged matter relating to the election of a member of the House, which takes the place of the usual regular order.

Mr. CRISP. In response to my colleague [Mr. BLOUNT], I wish to state to the House that I have sought in every way to avoid antagonizing general appropriation bills with this election case. It has been some ten days since I have made an effort to call up this case. I had conferred with the gentlemen having charge of these bills, and hoped the bills would be out of the way last week. I find now that this appropriation bill is pending, and there is another ready. The general deficiency bill will come in to-day. So that the situation is just this: If this case is

to be tried at all, it must antagonize something.

Mr. RANDALL. In regard to the general deficiency bill, I wish to ay it will come in immediately upon the disposition of the other bills. It is the omnium gatherum, and can not be brought in until a late stage

of the session.

Mr. CRISP. I feel, Mr. Speaker, that the House ought to give a reasonable time to the consideration of this case. I am perfectly willing to make it as short as it can be made consistently with the proper discussion of the question; and I appeal to my friend [Mr. BLOUNT]

discussion of the question; and I appear to my friend [Mr. BLOUNI] to allow us to dispose of this matter now.

Mr. BLOUNI. I wish to suggest to my friend that most of the appropriation bills have passed the House. After the pending bill has been disposed of, I believe there are two others—the Indian bill, which is a short one, and the deficiency bill, which generally passes during the closing hours of the session, with the view of gathering up what-

ever may appear to be necessary in the way of deficiency appropriations. The gentleman from Pennsylvania [Mr. RANDALL], the chairman of the Committee on Appropriations, says that he can see no reason why the deficiency bill should be placed in the way of this election case.

Mr. CRISP. I will state to my friend that the river and harbor bill

is also pending, having been partially considered.

Mr. BLOUNT. Well, the river and harbor bill will have to be reached under a suspension of the rules.

Mr. HEMPHILL. I rise to a parliamentary inquiry. I wish to know, Mr. Speaker, whether this day is not set apart by the rules for business of the District of Columbia Committee?

The SPEAKER. It is, but the gentleman from Georgia [Mr. Crisp] calls up a privileged matter affecting the right of a member to

his seat.

Mr. HEMPHILL. Does that supersede the rule of the House?

Mr. REED. I trust the gentleman from Georgia [Mr. CRISF] will
persist in his demand that this election case shall be brought before
the House at once and decided. It must be apparent to every member
that this case has been delayed long enough. There is no trouble whatever in procuring proper attention for the appropriation bills; those
bills will be passed, and passed in due time. The Senate already has
a sufficiency of appropriation bills before it for its action; and we can bills will be passed, and passed in due time. The Senate already has a sufficiency of appropriation bills before it for its action; and we can very well pause now to attend to a matter which under the laws of the country is of the highest importance and of the highest privilege. I trust, therefore, that gentlemen on the other side will allow this business to go on without further obstruction. It seems to me we are tak-

The SPEAKER. The gentleman from Georgia [Mr. Crisp] has called up the report of the Committee on Elections in this case; and no question of consideration has been raised.

Mr. BLOUNT. I raised the question of consideration.

The SPEAKER. The Chair did not understand the gentleman to do anything more than make an appeal to his colleague [Mr. CRISP].

Mr. BLOUNT. I distinctly stated that I raised the question of con-

The SPEAKER. The question of consideration, then, is the question before the House; and it is not debatable. [Cries of "Regular

Mr. TOWNSHEND. I rise to a parliamentary inquiry. On Mondays, as I understand, the first business in order is the call of States for the introduction of bills. I desire to know what has become of that

The SPEAKER. The Chair has already stated once or twice that the election case is a matter of the highest privilege and takes pre-cedence over the usual regular order of the House. The Clerk will read the resolution reported by the Committee on Elections, after which the Chair will submit the question of consideration.

Mr. BLAND. I wish to ask the gentleman from Georgia [Mr. CRISP] one question. I understand there are two election contests pending, and I desire to know whether it is intended to dispose of both of them. The gentlemen on the other side are urging the consideration of one case. I think there is equal reason why the other should be considered. If we are going to consider one, why not consider both?

Mr. CRISP. I am very frank to say it is my intention to press the other case also

The SPEAKER. The Clerk will read the resolutions reported by the Committee on Elections.

The Clerk read as follows:

Resolved, That Robert Smalls was not elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina.

Resolved, That William Elliott was duly elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina, and is entitled to his

The SPEAKER. The question is, Will the House now proceed to the consideration of the resolutions just read?

The question having been put,
The SPEAKER said: The ayes seem to have it.

Mr. BLOUNT. I call for a division.

The question being again taken, there were—ayes 106, noes 56.

Mr. BLOUNT. I call for the yeas and nays.

Mr. REED. I hope the gentleman from Georgia [Mr. BLOUNT] will not take up an hour or a half an hour in this way. [Cries of "Regular order!"] Well, let them have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative-yeas 131, nays 89, not voting 102; as follows:

YEAS-131.

Darlington,
Davis,
De Lano,
Dingley,
Dorsey,
Farquhar,
Finley,
Foran,
Fuller,
Gallinger,
Gest.

S-131.
Caswell,
Cheadle,
Chipman,
Cogswell,
Conger,
Crisp,
Crouse,
Cuumnings,
Cutcheon,
Dalzell,
Dargan, Adams, Allen, Mass. Allen, Mich. Anderson, Kans. Atkinson, Baker, N. Y. Brewer, Browne, Ind. Brown, Ohio Brown, J. R., Va. Buchanan, Bayne, Bingham, Boothman, Bound, Bowden, Burrows,
Butler,
Butterworth,
Bynum,
Cannon,

Glass,
Grosvenor,
Grout,
Guenther,
Harmer,
Haugen, Hayden,
Hiestand,
Hires,
Hitt.
Holman,
Holmes,
Hooker,
Hopkins, Ill. Hopkins, N. Y.
Hunter,
Jackson,
Johnston, Ind.
Johnston, N. C.
Kean,
Kelley,
Kennedy,

Kerr,
Ketcham,
La Follette,
Laidlaw,
Landes,
Lawler,
Lehlbach,
Lind,
Lodge,
Long,
Macdonald,
Maish Nichols, O'Donnell, O'Ferrall, O'Neill, Pa. Osborne, Outhwaite, Outhwaite Owen, Parker, Payson, Perkins, Peters, Posey, Reed, Rockwell, Romeis Maish, McKenna, McKinley, McKinney, Romeis. Milliken, Mofitt, Moore, Rowell, Russell, Conn. Sawyer, Scull, Moore, Morrill, Morrow, Morse, Nelson, Seymour, Spooner, Steele,

Stephenson,
Taulbee,
Taylor, E. B., Ohio
Taylor, J. D., Ohio
Thomas, Ky.
Thomas, Ill.
Thomas, Wis.
Thompson, Ohio
Thompson, Cal.
Tracev. Tracey, Turner, Kans. Vandever, Walker, Weber, West, Whiting, Mass. Williams, Wise, Yardley, Yoder, Yost.

## NAYS-89.

Abbott, Allen, Miss. Anderson, Miss. Anderson, Ill. Bankhead, Anderson, Ill.

Bankhead,
Biggs,
Enloe,
Bland,
Ford,
Forney,
Blount,
Breckinridge, Ark. Gibson,
Breckinridge, Ky.
Granger,
Grimes,
Bryce,
Grimes,
Bryce,
Granger,
Grimes,
Bryce,
Granger,
Grimes,
Granger,
Grimes,
Bryce,
Granger,
G Bryce, Grime Campbell, T.J., N.Y. Hare, Carlton, Caruth, Catchings, Clardy, Cobb, Ceekran, Cothran, Cowles, Crain, Culberson,

Davidson, Ala. Davidson, Fla. Dibble, Latham, Lee,
Martin,
Matson,
McAdoo,
McCreary,
McMillin,
McRae,
Mills, Montgomery, Morgan, Norwood, Oates, Hayes, Hemphill, Henderson, N. C. Herbert, Peel, Perry, Randall, Rice, Richardson, Herbert, Hopkins, Va. Howard, Hutton, Kilgore, Lagan, Robertson, Rogers, Rowland, Sayers, Lanham. Scott.

Shively, Simmons, Spinola, Springer, Stewart, Tex. Stewart, Ga. Stockdale, Stone, Ky. Stone, Mo. Tarsney, Townshend, Turner, Ga. Washington, Weaver, Wheeler, Whiting, Mich. Wilkins, Wilkinson, Wilson, Minn. Wilson, W. Va.

## NOT VOTING-102.

Anderson, Iowa Arnold, Bacon, Baker, Ill, Dunham, Elliott, Barnes, Barry, Belden, Blanchard, Boutelle, Browne, T.H.B., Va Brumm, Buckalew, Bunnell. Burnett, Campbell, F., N. Y. Campbell, Ohio Candler, Clark, Clements, Collins, Compton, Cooper, Cox, Davenport, Dougherty, Jones, Laffoon, Laird,

Lane, Lyman, Elliott,
Ermentrout,
Felton,
Felton,
Fisher,
Fitch,
Flood,
Funston,
Gaines,
Gay,
Gear,
Goff,
Greenman,
Hall,
Hatch,
Heard,
Henderson, Ill.
Hermann,
Hogg,
Houk,
Hudd,
Jones, Lynch, Maffett, Mahoney, Mansur, Mason, McClammy, McComas, McCormick, McCullogh, McShane, Merriman, Neal, Newton, Nutting, O'Neall, Ind. O'Neill, Mo. O'Neill, Mo.
Patton,
Penington,
Phelan,
Phelps,
Pideock,
Plumb,
Post,
Pugsley,

Rayner, Russell, Mass, Rusk, Ryan, Seney, Shaw, Sherman. Snerman, Smith, Snyder, Sowden, Stahlnecker, Stewart, Vt. Struble, Symes Symes, Tillman, Tillman, Vance, Wade, Warner, White, Ind. White, N. Y. Whitthorne, Wickham, Wilber, Woodburn.

So the House determined to consider the election case.

On motion of Mr. CRISP, the reading of the names was dispensed

The following pairs were announced on all political questions until further notice:

Mr. HALL with Mr. BELDEN. Mr. Hogg with Mr. ARNOLD.

Mr. PIDCOCK with Mr. NUTTING. Mr. PENINGTON with Mr. GAINES.

Mr. PHELAN with Mr. BUTLER.

Mr. Fisher with Mr. Thomas H. B. Browne. Mr. Clements with Mr. Ryan.

Mr. MANSUE with Mr. WARNER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. MAHONEY with Mr. BUNNELL.

Mr. McShane with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.

Mr. O'NEALL, of Indiana, with Mr. McCormick.

Mr. BARNES with Mr. HERMANN, on all political questions and on the contested-elected cases of Smalls vs. Elliott and Sullivan vs. Felton, until the 16th instant.

Mr. GREENMAN with Mr. SHERMAN, on the Smalls-Elliott election

Mr. BURNETT with Mr. DAVIS, on the election case of Smalls vs. Elliott.

Mr. BACON with Mr. CROUSE, on the pending election case.

Mr. CLARK with Mr. HUDD, on the election contest of Smalls vs. Elliott.

Mr. Cox with Mr. WILBER, on political questions, for this day.

Mr. SENEY with Mr. Goff, for to-day.

Mr. Glover with Mr. Boutelle, on this vote.
Mr. Campbell, of Ohio, with Mr. McComas, on this vote.
Mr. Rusk with Mr. Struble, on this vote.
Mr. Sowden with Mr. Henderson, of Illinois, on this vote. The result of the vote was then announced as above recorded.

JURORS OF SUPREME COURT, DISTRICT OF COLUMBIA.

Mr. CRISP. Before proceeding with the election case the gentleman from South Carolina representing the District Committee has a small matter which he says will not take up much time and which he desires

to present for consideration. I have no objection to his doing so.
Mr. HEMPHILL. Mr. Speaker, the Committee on the District of Columbia being deprived of its day, there is one bill which passed the House the other evening, since when the same bill with one or two immaterial changes has been passed by the Senate, and I would like to ask consent to pass the Senate bill. The amendments are not material.

Mr. WHEELER. What is the bill?

Mr. HEMPHILL. It relates to the drawing of jurors in the supreme

court of the District of Columbia. I ask unanimous consent to con-

sider the bill now.
The SPEAKER pro tempore (Mr. Dockery in the chair). The title of the bill will be read.

The Clerk read as follows:

A bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia.

Mr. HEMPHILL. I will state, sir, that this simply relates to the drawing of jurors in the supreme court of the District, and their length of service. It was passed by the House without objection the other night and went to the Senate. The Senate bill amends the House bill by providing that others than tax-payers may be jurors, and extends the service beyond a month where they are actually engaged in a trial.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from South Carolina?

There being no objection, the bill was ordered to be read a third time; and was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. CRISP. Mr. Speaker, before proceeding to the discussion of the election contest I would ask that gentlemen having bills to introduce may be permitted to hand them in at the Clerk's desk.

Mr. GROSVENOR. I desired, Mr. Speaker, during the call of the States and Territories to offer a resolution which I would not like to introduce without having it read. As it will take but a brief time to read it, I ask unanimous consent that it be read.

Mr. CRISP. I can not yield for that purpose, because other gentlemen would have a right to the same privilege, and I want to proceed

Mr. PERKINS. I would ask the gentleman from Georgia to extend his request to embrace also joint and concurrent resolutions of State

Mr. CRISP. My object is to include everything that is in order

under the call of States

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. GROSVENOR. I desire that this resolution, being a matter of

privilege, may be printed in the RECORD. Mr. ROGERS, Mr. MACDONALD, and others. Regular order.

The SPEAKER pro tempore. The Chair must regard the demand for the regular order as equivalent to an objection.

## TESTED ELECTION-SMALLS VS. ELLIOTT.

Mr. CRISP. Mr. Speaker, then I call up the contested-election case and inquire of my friends representing the minority of the committee as to what time they would like to have for the discussion of this ques-

Mr. ROWELL. We will need at least five hours on this side; but before proceeding I want the resolutions presented by the minority of the committee to be considered as pending.

The SPEAKER pro tempere. The Chair is advised that they are

pending.

Mr. TOWNSHEND. Has the right to introduce bills been granted? The SPEAKER pro tempore. The Chair understands that objection has been made.

Mr. ROGERS. I did not desire to object to the introduction of bills, but desired that the House should proceed at once with the elec-

The SPEAKER pro tempore. The Chair will, then, again submit the request of the gentleman from Georgia that members having bills to

introduce may be permitted to hand them in at the desk.

Mr. BRECKINRIDGE, of Kentucky. I demand the regular order.

The SPEAKER pro tempore. The gentleman from Kentucky objects.

Mr. TOWNSHEND. I rise to a question of order. Do I under-

stand that the gentleman from Kentucky objects to the introduction

The SPEAKER protempore. The gentleman so states.

Mr. CRISP. Mr. Speaker, I am unable to agree with my friend on the other side as to the duration of the debate in this case. tleman says that five hours on a side will be necessary. I think, and I speak, I believe, with a full knowledge of the case, giving only my own opinion, of course, that less time would be amply sufficient to discuss it. I give notice, therefore, that to-morrow at 2 o'clock I shall ask the House to sustain the demand for the previous question. I will say, however, in this connection that if it is the desire of gentlemen on either side that there should be a night session, by recess taken this evening from 5 o'clock until the usual hour for a night session, to continue the discussion I will not object.

Mr. BLOUNT. I wish to ask my colleague if when the vote is taken on this question it is the purpose of the committee to follow it with

the other contested case?

Mr. CRISP. I will state, in response to my friend and colleague, that it is the intention of the committee to press the remaining case at as early a date as possible. It will probably be Thursday, however, before we reach it, because the gentleman from Indiana [Mr. O'NEALL], who made the report in that case, is at home, but will be telegraphed for at once, and I presume will be here to-morrow or the next day. It

is our intention, however, to press it to a conclusion at once.

Mr. SPRINGER. I intended to give notice that I would call up the conference report on the Territorial bill this morning; but the House having decided to take up the election case, I will give notice that I will call up that case as soon as this case is disposed of—some

time to-morrow.

Mr. REED (to Mr. CRISP). There is no agreement as to time. Mr. CRISP. I give notice that I shall ask the House to-morrow at 2 o'clock to sustain the demand for the previous question.

Mr. REED. That does not bind anybody.

Mr. CRISP. Not at all. It binds all men who then believe that there has been sufficient debate upon this case.

Mr. TOWNSHEND. I wish to inquire whether my friend from Georgia desires to proceed to-night with the consideration of this case? Mr. CRISP. I do, if any gentleman desires to do so. I desire to do anything and everything I can to further a speedy trial of this case, at the same time allowing a reasonable time for debate.

Mr. TOWNSHEND. Before the gentleman from Georgia proceeds

I would like to ask unanimous consent-

Mr. REED. Regular order.

Mr. TOWNSHEND. I ask the gentleman from Georgia to yield long enough for me to ask for unanimous consent—

Mr. CRISP. I yield to the gentleman from Illinois to make the re-

Mr. TOWNSHEND. I ask unanimous consent that all gentlemen having bills and resolutions to introduce may be permitted to send them

to the Clerk's desk. The SPEAKER pro tempore. That request has been submitted and

objected to. Mr. BLAND. Let us have the regular order.

The SPEAKER pro tempore. The regular order is demanded, which cuts off all requests for unanimous consent.

Mr. CRISP. Mr. Speaker, at the election in the Seventh district of South Carolina in 1886, William Elliott, Democrat, and Robert Smalls, Republican, were the opposing candidates before the people—
Mr. BURROWS. I rise to a question of order.

The SPEAKER pro tempore. The gentleman will state it.
Mr. BURROWS. It is utterly impossible to hear a word that the

gentleman is saying, and as this is an important case we ought to have

The SPEAKER pro tempore. The Chair will again endeavor to secure order. Gentlemen will cease conversation or retire to the cloak-

The State board of-

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TOWNSHEND. In view of the fact that the House has taken
up the consideration of this case, and that the announcement has been
made that the previous order will be demanded at 2 o'clock to-morrow, I desire to call attention if possible, and ask if the regular order can be

The SPEAKER pro tempore. The regular order is the consideration of this contested election case. The gentleman from Georgia has the floor and can not be taken off by a parliamentary inquiry.

Mr. CRISP. The State board of canvassers canvassed the vote cast

at that election and gave to Elliott 6,493 votes and to Smalls 5,961 votes, being a majority for the former of 532 votes. Within the time provided by law Smalls gave notice of contest. Elliott responded to this notice. Evidence was taken upon the contest, which is to be found in this volume of something over eight hundred printed pages. The Committee on Elections, after hearing counsel and a careful consideration of the evidence in the case, has presented two reports—a majority report and a minority report—and it now becomes my duty in present-

ing the case to call the attention of the House to the evidence and the law, the careful consideration of which has induced the majority of the committee to make the report that is now before the House

Mr. Speaker, the Committee on Elections in considering this case have observed a rule which I think will commend itself to the common sense and to the judgment of every gentleman who is accustomed to the investigation and trial of causes in the courts. In considering questions of the admissibility of evidence we have applied the rules established in courts of justice. We have made ourselves, so far as we could, what I believe the Constitution of our country requires and demands that members of this House should make themselves in contested-election cases, judges; not partisans, but judges. I appreciate the fact that members of the House in cases of this character must rely very largely upon the information and the views of members of the Committee on Elections. I appreciate the fact that consistently with the discharge of the various duties of a member of Congress it is quite impossible that each member of this House should take this voluminous record, examine it as a court would examine it, and form an opinion on the merits of the case as a juror does when he sits upon the trial of a cause; the House must rely largely upon the committee, and therefore I ask its careful attention while I present the views of the majority on the various questions and points made in the case.

I shall not ask the House to apply any rule in this case that I do not believe should be applied and is applied in all the courts in all the

States of the Union.

I object to and protest against that other so-called rule which is sometimes invoked in this House in the trial of election cases, that the House is bound by no rules of law, that the House is bound by no rules of evidence, but that because its decision is absolutely final and conclusive therefore it has a right to disregard all those rules of evidence the observance of which the experience of ages has demonstrated are absolutely essential to the protection of life and liberty and

I can not, sir, in the time which I shall occupy here refer to every point made in the case. In the report submitted I have endeavored to deal with all questions of importance. I shall now endeavor to touch briefly upon most of the points made, speaking at some length upon those great salient features of the case which in my judgment are

conclusive of the rights of the parties to the contest.

The first point made by the contestant is that at a precinct known as Pocotaligo-an historic name, Mr. Speaker-there were more ballots in the box than there were names on the poll-list; that in drawing the names from the box the managers did not conform to the law, and that in counting the votes of the county in which the precinct is situated 143 votes were counted from this precinct; that they were counted Elliott 87 and Smalls 56, when in fact and in truth, the contestant claims, the ballots should have been counted 118 for Smalls and the remainder for Elliott. That is the contention of the contestant. It appears from the evidence that there were more ballots in the box at Pocotaligo than there were names upon the poll-list. By the law of South Carolina a voter deposits his own ballot in the box. The law declares that the box shall contain an opening only large enough for the admission of one ballot at a time.

Members of the House will see at once that it is impossible, using the ordinary ballot that is used throughout the country, to so arrange the ballot-box that a voter could not deposit more than one ballot if he desired so to do. The law of South Carolina provides that wherever there shall appear to be more ballots in the box than there are names on the poll-list all the ballots shall be put back into the box and shall be thoroughly mixed; that then the excess over the number of names on the poll-list shall be drawn from the box, and that the ballots which remain in the box shall be counted as the votes cast at the election. Now, gentlemen will observe that this rule, which is not peculiar to South Carolina but exists in some other States, may operate to the injury of either party or to the benefit of either party. There is nothing in it that necessarily gives to one party an advantage over the other.

Mr. SPOONER. Will the gentleman permit me to ask him a ques-

Mr. CRISP. I can not permit an interruption now.

Mr. SPOONER. I simply wanted to ask the gentleman to state how many more ballots there were in the box than there were names on the poll-list.

Mr. CRISP. I am coming to that,

Now, there were two witnesses examined as to what was the excess of ballots in the box. One of these witnesses is named Bampfield, a son-The other is named Devoe, who, I believe, in-law of the contestant, was a supervisor. Bampfield swore that the excess was 148. Devoe swore that the excess was 105.

Mr. SPOONER. How many names were on the poll-list?

Mr. CRISP. One hundred and forty-three. To show the House that there was nothing in this drawing out of which the contestant can complain, Devoe says that of the 105 drawn out and destroyed 47 were Smalls ballots. That would leave 58 Elliott ballots drawn out. It is clear, therefore, that no injury could result to Smalls from this process. Then, to show the House that at this precinct there was no failure on the part of the managers to discharge their duty, I call at-

tention to the fact that this ballot-box, in accordance with the laws of South Carolina, was opened before the election began, and was found to contain no ballots; so that the only way in which the excess of ballots could have found their way into the box is either by the fraudulent and wrongful act of the managers, or that some voter or voters in depositing their ballots in the box put in more than one ballot. The law presumes that the managers, sworn officers, did their duty, and there is nothing in the evidence indicating that they did not.

Now, gentlemen say that all the managers at this precinct were Democrats. I believe that is true; I am not positive about it, but I believe it is true. That ought not to have been the case. And yet, Mr. Speaker, according to the testimony it was not an uncommon thing in that State in the day when the executive officers were Republican to find all the managers of election at any given precinct Republicans. That was wrong, just as this is wrong. But it does not follow that because these managers were all Democrats they necessarily violated their duty, or failed to do their duty; and there is no evidence in the record which intimates in any degree that they did fail to perform I have argued this on the merits, but there is another question higher and beyond this. There is no evidence in the record as to how the vote from Pocotaligo was counted by the county board of canvassers or the State board of canvassers.

Understand that. When a contestant undertakes to show that the vote of a particular precinct was wrongly counted, the first step, the primary move, so to speak, is to show by competent evidence how the vote was returned and counted at that precinct. I presume no gentleman will question that proposition. Now, in this case there is no evidence as to how the vote at Pocotaligo precinct was returned and counted. So far as the record shows there might have been 300 or 400 votes returned and counted from Pocotaligo as well as 143.

Now, there is in the record—for I want to be perfectly frank about this matter—there is in the record a paper which was offered in evidence before the justice taking the testimony, which was offered as a copy of the return of Pocotaligo precinct. That paper is not sworn by anybody to be a copy; it is not certified by anybody to be a copy; and there is no evidence of any living human being that it is a copy; nor, as my friend from Ohio [Mr. OUTHWAITE] suggests, is there any evidence that it ever reached the canvassing board. Under the law of South Carolina the secretary of state is the ultimate custodian of election returns. There is a county board of canvassers who canvass the votes; there is

a State board of canvassers who canvass the votes. The Secretary of State is a member of that board; he is the ultimate custodian of these papers. The best evidence of what number of votes were counted at a particular precinct is a certified copy of the official return, which could easily be obtained from the secretary of state. In this case there has

been no effort to do that as to this precinct.

Now, mark you, Mr. Speaker, this is not technical. This is a rule which prevails in every court, which prevails everywhere, in every tribunal that seeks to arrive at the truth. There is no evidence, I say, as to how this vote was counted. That being true, the whole case as to this precinct falls. Smalls examined one hundred and eighteen witnesses who swore that they voted for him. Suppose they did. It does not follow from the evidence in this case that their votes were not counted for him.

Now, gentlemen will find by reference to every treatise on the law of election—I have before me Paine and McCrary—that the rules of evidence as applied by the courts should be applied by the House in the trial of such cases; and there is no court in Christendom, and no lawyer on this floor will say that there is, that would consider a paper as a copy of an existing document without any evidence that it is a copy, with-

out any certificate that it is a copy, and without any testimony tending in the least degree to show that it is a copy.

Smalls, the contestant, recognizing, I suppose, this fact—recognizing the fact that there was nothing in the conduct of the election managers at this precinct that at all indicated unfairness or injustice—with-drew before the State board of canvassers his protest against the counting of this precinct. If he withdrew his protest there, it may be fairly assumed that there is nothing in the case that would authorize or justify a finding in his favor thereon.

Now, Mr. Speaker, I come to Green Pond precinct. Mr. BURROWS. Will my friend allow me a question, because I want to understand his position on this matter?

want to understand his position on this matter?

Mr. CRISP. If it is only a question, I yield.

Mr. BURROWS. That is all. I see that on the published poll-list of the precinct of which the gentleman has just been speaking there are 143 names. One hundred and eighteen voters testify that they voted for Mr. Smalls, leaving only 25 for Mr. Elliott. Why do you count Mr. Elliott as receiving 87 votes?

Mr. CRISP. I have just stated that the paper which the gentleman sees there and calls a poll-list is not certified to be a poll-list; it is not sworn by anybody to be a poll-list. It is not the original—

Mr. BURROWS. Then your answer is that this poll-list is not certect?

rect?

My answer is that there is no evidence it is a polllist at all, and there is no evidence in the record showing how many votes were counted for Elliott or how many were counted for Smalls. The original poll-list is easily accessible. It is now and has always

been in the office of the secretary of state of South Carolina, and the contestant in this case knew it. I say this, because in the case of other precincts appearing in this record he produced certified copies of the poll-lists when he wanted to assail them, so that it can not be claimed that he did not know or his lawyer did not know how to prove what vote was counted. The significant fact is this: that in other cases—not all, but in some other cases—when he desires to assail a precinct he produces a certified copy of the record from the office of the secretary of state, showing what the vote of the precinct was.

Mr. DALZELL. I suppose it was accessible to the contestee, was it

Mr. CRISP. I assume so. I assume the gentleman is a lawyer, and I assume when he goes into court to defend a case and the plaintiff fails to make out the case the gentleman from Pennsylvania does not put in testimony to aid or help or assist him in any way, but lets the case fall just where it is.

Now, Mr. Speaker, when the paper my friend from Michigan Mr. Burrows] refers to was tendered in evidence objection was made by the counsel for the contestee that it was not the original, not proved to be a copy, not certified as a copy, and not admissible as evidence. Thereby contestant was notified of the defect in the paper, and if it was a correct copy of the returns on file with the secretary of state he might still have gone and had it certified.

Green Pond is another precinct where there is no evidence as to how the vote was counted. Gentlemen will perceive all through this case, when they examine it, that the contestant and his counsel were fully acquainted with their rights and the rules which obtain in courts of justice as to admissibility of evidence. Sometimes they conformed to the rule, sometimes they did not; and, Mr. Speaker, where the rule is so plain, so well known, so easy to conform to, and its observance so sential, the House should not permit it to be disregarded.

At Green Pond there was no evidence as to how the return was counted. At that precinct after the voters got through voting, before the ballots were counted, there was a closing of the polls for two, or three, or four, or five minutes. The circumstances were these: The voting place was the back room of a store, and that back room was separated from the store by a partition, in which partition there was a door. The voter voted through a window in the back room. When the time for closing the polls arrived the managers closed the windows and took the box back into the store, where they did the counting. The count was public. No allegation of fraud was made, and no one objected to it.

Now it is claimed there are one hundred and thirty witnesses who testify they voted for Smalls. I might grant this, and say that inasmuch as there is no evidence as to how many votes were returned and counted for Smalls, this fact counts for nothing.

If members of the House had read the testimony of these one hundred and thirty witnesses, as I have done, they would appreciate, as they never before appreciated, the propriety and the justice of refus-ing to allow a man to say how he did vote after the election. Members on this floor, doubtless, have been sometimes deceived by voters in their own community as to how they voted. There is hardly a member on the floor who has not, at times, had a voter to declare that he had voted for him when such member was morally certain that such voter had not so voted.

That is true where the voter is of an intelligent class. Do you know the kind of evidence given in this case on this subject? I can not stop to read it all. I can not stop to read any great part of it. Here is the testimony of Matthew Edwards (colored), to be found on page 475 of the record:

the record:

Matthew Edwards (colored), a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by counsel:

Q. What is your name, age, residence, occupation, and where were you on the 2d day of November last?

A. Matthew Edwards; about thirty, I reckon; live at Green Pond precinct; farmer; I was at Green Pond.

Q. Did you vote there for Congressman on the 2d day of November last? If so, state of your own free will for whom you voted.

A. Robert Smalls.

Q. From whom did you get your ticket?

A. Didn't have nary one; wouldn't give me no ticket.

Q. Then you did not vote?

A. No; no more than put my name down.

Q. What did you mean when you said you voted for Smalls?

A. Because I intended to vote for him.

That is one of this crowd of witnesses who testify they voted for

That is one of this crowd of witnesses who testify they voted for

Here is another, Manigault, on page 494 of the record:

Q. Can you read and write?

Q. Can you read and write?
A. No.
Q. Who told you that you voted for Smalls?
A. April Singleton.
Q. Do you know the solemnity of an oath?
A. No, sir; I don't.
Q. If you were to tell a lie would you stick to it?
A. No, I'm not going to try to tell any.
Q. What time did you get to the polls, and what time did you leave?
A. I got here in the morning a little after sunrise, and left between I and \$.
o'clock in the afternoon.
Q. Were you present when the managers opened the polls?
A. Yes, I do.
Q. Who was present besides yourself?
A. Black and white was here, but I don't know none.
CUFFY (his x mark) MANIGAULT.

Here is another who testifies he voted for Smalls, and he could read his own ticket, but the justice trying this case certifies the counsel handed the witness the name of Robert Smalls in print and he could not read it.

Here is Billy Mitchell, page 528 of the record, who testifies as follows:

Q. How do you know, then, that you voted for Robert Smalls?
A. By having read my ticket, and I can read Robert Smalls's name in print.
(The name of Robert Smalls in print shown him, and he said it was Elliott's

BILLY (his x mark) MITCHELL

That is a sample, Mr. Speaker, of this evidence. The minority ask you to presume that less than 130 votes were counted for Smalls, and claim that the evidence of these witnesses shows that 130 men voted for Smalls. I submit, sir, that even if there were proof that less than 130 votes were counted for Smalls, you could not on such testimony as this determine that sworn officers of the law had perjured themselves.

I come now to the Brick Episcopal Church. This was a new voting place. Under the law of South Carolina no man can vote who is not

registered as a voter. No man can vote who does not present at the time he offers to vote his registration certificate. You understand this is a condition-precedent to his right to vote. He must have reg-You understand istered and must exhibit the certificate to the managers. The law further says that a man who changes his residence shall get a new certificate. This he can do without expense or without any great trouble; simply on request he gets it, stating where he lives. The law says the certificate shall state his voting place. All of the provisions of this law are made for wise and just purposes. They are made in the interest of fair and honest elections. Without them a registration law would amount to nothing.

The voter can himself easily tell his "local habitation and his name;" but it might be a very difficult matter to decide as to the legality of a vote if you did not know the residence of the voter. You would have to look for the man, not knowing who his neighbors were, and this might be troublesome. These provisions are made, therefore, in the interest of fair elections. They exist everywhere and should be ob-

This was a new polling place established in 1885, and the law required that certain voters living in Mount Pleasant precinct should vote at Brick Episcopal Church Federal poll. Now, sir, not a single registered voter, who prior to that law was authorized to vote at Mount Pleasant, went to the registrar and had his certificate so changed as to designate that he was to vote at Brick Episcopal Church.
Mr. ROWELL. Will my colleague allow a question?
Mr. CRISP. In a moment.

The law said that those living outside of the town of Mount Pleasant would vote at the new Brick Episcopal Church.

Mr. ROWELL. The question I want to ask is this: Do the certificates show that a man votes at one place for State and county officers and at another place for a member of Congress, or does it state the precinct in which he votes?

cinct in which he votes?

Mr. CRISP. The law of South Carolina says that when there are more voting places in a precinct than one, the certificate shall tell the poll at which the voter is to cast his vote. If there is but one voting place in a precinct, why, of course, it would not be necessary to provide that a man living in that precinct should vote at that place, because there is no other place for him to vote. But if there are two in a precinct, at one of which he may vote, and at the other of which he may not vote, you see at once the necessity and propriety of designating which is the voting place assigned to him. Now in this case there was not a request from one of these voters to be transferred by the registrar to the new polling place where the law said they would have registrar to the new polling place where the law said they would have to vote, and without such request the registrar could not make the change. You may say that it is a hardship upon them. Not at all.

The right of suffrage, Mr. Speaker, is not a natural right. It is a

right that may be limited by the States, a right that has been limited by some of the States, and the courts everywhere have approved of all provisions of the law which look, not to the prevention of voting, but to the protection of the honest voter in his right to vote and the prevention of illegal votes-which look, in other words, to the purity of the ballot. The registrar states that not a single name was on his registrybook for the new polling place at Episcopal Church. Under these circumstances the board of State canvassers declined to count any votes polled there; and your committee believe that in so doing they were

conforming to the law.

Mr. CHEADLE. Will the gentleman permit me to ask him a question just here?

Mr. CRISP. I have but a very short time remaining, and I would

prefer not to be interrupted, as I must hurry on.

There are two precincts, Adams Run and Fort Motte, at which this state of facts exists: The election was held and the returns made out, put into the box, the box properly sealed up and by one of the managers of the election carried to the county town and left in unauthorized hands. The box is there yet, so far as I know. In the other case the election is regular, so far as we have information, the returns were sealed up, the box was taken by one of the managers and put in unauthorized hands, and then deposited in some store under the counter and has disappeared. Mr. Speaker, all gentlemen understand

the importance of protecting the ballot box from being tampered with, and the necessity for the rule which prescribes that it shall not go out of the possession of the managers, except to some person authorized by law to receive it.

Your committee were of the opinion when they examined into this question that there was no design on the part of either of these managers to violate or to evade the law. Your committee thought that if the true result in these two precincts could be ascertained we ought to count Now, at each of these precincts there were two Federal supervisors, a Democrat and a Republican. These two officers had kept a tally of the vote that was given to each candidate, wroteout a certificate of the result, and mutually signed it, this at the time of the counting of the Now, the Committee on Elections do not believe there was any intention on the part of these managers to defraud anybody; they were simply uninformed as to what their duties were. The boxes having been out of the hands of the legal custodians thereof, where they might be tampered with, could not be examined under the law; but as there was a representative of each of the two political parties present as supervisors of the election, and they had kept a tally-sheet of the voters, your committee felt that it was right and proper to count these votes.

Mr. ADAMS. Is that legal evidence?

Mr. CRISP. Wherever the original returns are lost, mislaid, or inaccessible, or wherever the managers of an election permit the ballotbox to pass from their hands into that of others not authorized by law to receive it, so that the presumption in its favor no longer exists, then think a court would permit secondary evidence, the best evidence hat was attainable going to show what the vote was. Your committhat was attainable going to show what the vote was. Your committee acted upon this idea; they took the best evidence attainable, and it was pretty good evidence. It was the evidence of the supervisors, the sworn officers who were there in the discharge of their duties, and who agreed as to what the vote was. Therefore, Mr. Speaker, the committee committee the supervisors are the committee.

mittee counted these two returns, and they enter into the computation that goes to make up the vote of the respective parties in this case.

Now, perhaps the House, from something that was said the other day, was not informed of this. They were told of the loss and destruction of ballot-boxes, but they were not told that in this case the vidence folled to show a vidence folled to show a vidence of the contract of the same that the s evidence failed to show any improper motive on the part of the managers; and the votes were counted from those precincts exactly as contestant claimed they should be counted.

Mr. MORGAN. Were the managers themselves examined?

Mr. CRISP. I do not know whether they were or not.

Mr. OUTHWAITE. And this was to the advantage of Mr. Smalls. Mr. CRISP. The House understands that the counting of this vote was to the advantage of the contestant. He made the point that it ought to be counted, he had more votes there than Mr. Elliott, and the counting of these ballots gives him all that he claims in this regard.

Mr. TIMOTHY J. CAMPBELL. What do the certificates show that

Mr. IIMOTHY J. CAMPBELL. What do the certificates show that are signed by these two supervisors?

Mr. CRISP. They show the tallies, the number of votes cast for each candidate. We took that as evidence, we accepted that as the best we could get; and I did not know until the other day that there was any man in the House, on the committee, or in the country that objected to the course of the committee in this regard. Smalls did not object, because we have given him everything in the world he claims

as to these precincts.

Mr. Speaker, another point made is, that there was a difficulty about registration in this district, and there is evidence in the record tending to show that some voters were put to considerable inconvenience in their efforts to be registered. That, Mr. Speaker, will occur in any country in the world. Under the law of South Carolina, however, there were ample remedies for every man who failed to get registration. There were ample opportunities afforded every man to get his registration; the law of that State sets apart a day in every month when a man can register at the country seat. It is made the duty of the registrar to go to each district of the county, that an opportunity may be given to register. All these things were done, and the registrar himself certifies, or rather testifies, that he never refused registration to any man who asked to be registered.

If any man is unjustly refused registration he has his remedy. There is a board at the county seat to which he can appeal from the decision of the registrar, and by the express terms of the law if a voter is unjustly refused registration he can appeal to the court. No effort of that sort was made. There is merely complaint that it was hard to register, and there is evidence in the record tending to show that certain men were inconvenienced and had to go several times to get registered, and then that they did not get registered; but there is nothing to show that there was any intentional wrong or anything to show that any voter, vigilant in his effort to obtain registration or to assert his own rights, failed to be registered. There is evidence tending to show that

about twenty

Mr. ROWELL. Twenty-two.
Mr. CRISP. I accept the statement of my colleague on the committee; twenty-two failed to get registered; their evidence is not clear at all. They could not tell whether they applied in 1883, 1884, 1886, or what year; they do not allege that the registrar refused them registration. They only claim that the crowd was so great that the time elapsed before they could get in. The registrar swears he never refused to register any man who applied.

At the risk of being somewhat tedious and depending upon the kindness of my colleagues on the committee, I will have to take more than an hour to fully go through this case in opening it as I desire to do, because I want to cover it all.

A large part of the report of the minority in this case is taken literally from the brief of the contestant. On page 49 of that report you will find this language:

A careful analysis of the testimony cited will show conclusively the rejection by the managers of election, all of whom were Democrats, of 277 legally registered and qualified voters, without the shadow of cause, excuse, or justification. This occurred at Sumter precinct, in Sumter County. It is also shown beyond a doubt that each of these 277 voters were the party friends of and intended to vote for Smalls, the contestant. Having been rejected without legal—

The statement follows the brief of contestant except in this: The brief gives the page of the record containing the evidence relied upon to sustain the allegation. The minority report omits this reference, and perhaps, Mr. Speaker, it is well it does. The witnesses relied upon to sustain this claim of 277 illegally rejected votes do not sustain it. Here in the testimony of G. W. Murray:

Q. Do you know, of your own knowledge, any person or persons who having or not having certificates of registration were not allowed to vote?

A. I do.
Q. State about how many.
A. About 121.
Q. To what political party did they or the majority of them belong?
A. One hundred and twenty of them belonged to the Republican party, and one to the Democratic party.

Cross-examination:

Cross-examination:

Q. You have testified that 121 persons having or not having certificates of registration were not allowed to vote at Raftin Creek precinct. State how many of those had certificates and how many had none.

A. I did not keep an accurate list of the number that had certificates, but I can come up to about one-third of them that had certificates.

Q. Of those that had certificates do you know their contents?

A. I did know the contents of some of them at that time.

Q. Which of them, and what of their contents?

A. I can not tell now; could not tell my own unless I had it with me.

Q. If you can not tell the contents of these certificates, can you tell whether they were legally or illegally rejected from voting?

A. As to the contents chiefly I do not remember, but as to the legality of the number being refused to vote, some of the refused were illegal.

Q. Which of them?

A. I do not remember. I looked at a great many certificates on that day, but did not keep an itemized account.

Now, the minority of the committee do not stop at claiming "about 40," which this witness testifies to, but they add in their column of figures the whole 120 as illegally rejected votes. A man by the name of Kean swears as follows:

Q. Do you know of your own knowledge of a person or persons who had certificates of registration and were not allowed to vote?

A. I do know of my own knowledge.

Q. Will you state about the number?

A. I can not positively state the exact number, but they were about 60 voters had their certificates that were not allowed to vote.

Cross-examined:

Q. The 60 rejected voters you have alluded to, did you know the contents of all their certificates?

A. Of several of them I did.
Q. Of how many did you know?
A. I can not now state as to how many.
Q. If you do not now remember the contents of the 60 registration certificates whose were rejected from voting, then you can not tell of your own knowledge whether they were legally or illegally rejected.

A. I can not tell whether they were legally or illegally rejected.

And yet, Mr. Speaker, the minority of the Committee on Elections, although the witness upon whom they relied to establish the illegal rejection of these 60 voters can not tell whether they were legally or illegally rejected, can determine and can say to you that these votes were illegally rejected. In the record you will find also the testimony of S. J. Bradley:

Q. Do you know of any person or persons who, having certificates, were not allowed to vote?

A. I do.

Q. Name them.

A. Charles Wallace, Washington McCrea, Mark Thompson, Claiborn Coon, Nero Allison, Monday, Douglass, Wash Frierson; there are some others that had certificates and were rejected, but I can not recollect their names.

Cross-examined:

Q. Did you know the contents of the certificates of registration held by the Various parties named by you above?

A. Not all of them; some in part.
Q. What part?
A. They were rejected from voting because they moved their residence.

The minority count these 7 votes illegal. You will find also the testimony of B. L. Ramsey:

Q. Do you know of your own knowledge any person or persons who having certificates and were not allowed to vote at that poll?

A. I took the names of about 30 and more that were not allowed to vote, and I know there were about 50, more or less, that I did not take their names.

You stated you were supervisor of election at Wedgefield precinct?

Q. Did you receive instructions from the chief supervisor of elections as to your duties A. I did.

Q. Did you make your report to the chief supervisor of elections after the election according to instructions?
A. I did.
Q. Did you include in that report the matter about what you testified here?
A. I did not.
Q. Were you not instructed to report all irregularities?
A. I was.

A. I was.
Q. But you did not do it?
A. I did not report, because the managers rejected these votes because some voters had changed their residence.

The witness did not know that these votes were illegally rejected. And yet the minority of the Committee on Elections know not merely that the thirty whom this witness says he saw were illegally rejected, but also that the whole eighty were illegally rejected, and they so report to the House. Mr. Speaker, if a contest is to be determined in this House upon a statement like that, predicated upon such evidence as I have quoted, then indeed is that "judgment" which we are constitutionally empowered to pass in an election contest a mockery and a sham. Two hundred and seventy-seven votes claimed to have been illegally rejected and the evidence does not show the rejection of a single one in such a way that a court of justice would find that the voter was illegally rejected.

Now, Mr. Speaker, there is another precinct to which I wish to call attention, Gadsden. It appears from the evidence that no legal managers were there. It appears from the evidence that no return of any votes was made to the county canvassing board. It appears from the evidence that there was no regular ballot-box at that precinct. It appears from the evidence that the first k town by the board of county canvassers of any alleged election having taken place there was the time of the service of the notice of contest. It appears from the evidence that at about 10 o'clock on the day of the election, or later, there being no managers p esent, thre: unauthorized persons opened a pol there. They k pt no tally-sheet; they took no oath; they made no return. When the voting was over they sealed the box, and one of them took it and delivered it to the county chairman of the Republican executive committee. They did not tender it to the county canvassers; they did not tender it to the State canvassers; but they turned it over to the chairman of the Republican campaign committee. He kept it.

A MEMBER. How did he keep it?

Mr. CRISP. I guess he kept it right; you know how disinterested the chairman of a campaign committee is likely to be.

Now, the evidence as to what vote was polled there is the evidence of one man. He said he kept an account of the number of voters, not a list of the names, not a tally-list, not a return; but he claims to know how many voted and who they voted for. He says there were 451 votes cast, all for Smalls.

Now, the contestant when he came to make up his case before the Committee on Elections distinctly abandoned all claim for the counting of this precinct. You understand the law says that when the pleadings are made up and the evidence is in, the contestant shall file a brief of the points upon which he relies-the legal points and the questions Now, when the contestant came to make up his brief

The SPEAKER pro tempore (Mr. STONE, of Missouri).

the gentleman from Georgia [Mr. CRISP] has expired.

Mr. MAISH. I ask unanimous consent that the time of the gentleman be extended as long as he may require.

Mr. CRISP. I will try, Mr. Speaker, to extend the same courtesy to the other side. I find it requires longer than I thought it would to go over the evidence in this case.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MAISH] asks unanimous consent that the time of the gentleman from Georgia [Mr. CRISP] be extended so as to allow him to conclude his remarks. Is there objection? The Chair hears none.

Mr. CRISP. I thank the House for its courtesy When the contestant came to make up his brief he distinctly announced:

I do not claim that Gadsden precinct should be counted for me; I concede that the election held at that place was improper and illegal.

And the first intimation that the majority of the Committee on Elections had that the contestant or the members of the minority of the committee made any contention in favor of the counting of Gadsden was when the minority report was printed and we received it from the document-room. The able counsel in the case states in his brief:

While slight deviation as to time is not material, yet when more than one-third of the time allowed for voting passes by and no poll is opened the devia-tion becomes serious, and will be presumed to have affected the result, so that the vote can not be ascertained with any degree of certainty, and contestant abandons his demand for counting in his favor the vote polled at Gadsden.

Mr. ROWELL. He said, because there was an hour before the polls were opened, he conceded that that simply unseated Mr. Elliott, but

were opened, he conceded that that simply unscated Mr. Elliott, but if taken alone it would not seat Mr. Smalls.

Mr. CRISP. He distinctly says—I presume the gentleman will not question this—that he does not ask that this precinct shall be counted.

Mr. ROWELL. You recollect in committee he was immediately differed from when he stated that as to the law.

Mr. CRISP. I do not know about that. I am talking about the case

as made. And, Mr. Speaker, to any fair-minded man, to any man who believes that the purpose and object and aim of the House of Representatives in deciding an election case should be an honest search after the truth, to any man who believes this to be the rule it is not extraordinary that the contestant, anxious as he was, to occupy a seat on this floor, should have said, "I do not ask you to count Gadsden precinct

Mark you, no authorized or sworn managers, no returns, no ballots returned, no notice to the county canvassing board-

Mr. LAIDLAW. Was it a legal polling place?

Mr. CRISP. Yes, sir. Mr. LAIDLAW. Why were not managers sent there?

Mr. CRISP. Managers were appointed, but did not serve.
Mr. LAIDLAW. Why did they not serve?
Mr. CRISP. That is a question the gentleman must determine for himself. I am dealing with the proven facts. And then we have the delivery of this box to the Republican campaign chairman; and it never got into the hands of the officers authorized by law to conduct and hold elections in South Carolina.

Why, Mr. Speaker, think of it; is there a State in this Union where ballots cast and returned in that way would be counted for a candidate by any court? Recognizing this, the contestant and his able counsel abandoned this precinct; but the minority of the Committee on Elections ask you to do what neither the party himself nor his counsel would ask you to do; they ask you to count this vote for Smalls and add it to that given to him by the county and State canvassers. I

assume, sir, that you will not do any such thing.

Some gentlemen suggest that it is in the power of the House to do this. Why, Mr. Speaker, if gentlemen mean by that that the House has the arbitrary power to do it, I agree to the proposition; but if they mean that under any rule or system of laws in any State of this Union that kind of a return can be counted, then I deny it. I say that this House has as much moral right to make a return for itself from a county as it has to count a return such as this is, according to the evidence in the record.

Now, Mr. Speaker, I have about covered the points made by the contestant in the case except as to one precinct. I desire to consider that

with others to avoid repetition.

It is claimed by the minority that the Seventh district of South Carolina was sealed and set apart to the colored people, meaning thereby, I suppose, a colored man must necessarily vote for a colored man, meaning thereby that wherever there is a majority of colored people in any district a white man can not lawfully be elected therein. If they do not mean that, then I am unable to determine what they do mean.

Then they say that Smalls was nominated and elected by the majority of the people; that the claim of the contestee that there was great dissatisfaction among the colored people as to the nomination of Smalls, that there was great dissatisfaction among the colored people at being called upon to vote for a man of the character of Smalls, amounts to nothing, as this is a negro district and must send a negro to represent it That is a fair statement of their claim. Let us appeal to the record and see how it sustains them.

Perhaps right here I ought to say to the House that the Forty-ninth Congress passed an act which provided for the printing of testimony in contested-election cases. By the terms of that act it was made the duty of the Clerk of the House to determine what should be printed and what should not be printed, casting upon him to some extent at least the duty that had theretofore been confided to the Committee on Elections, of deciding what was and what was not evidence in the case

This new law in many respects works well, and in some it works The practical effect of it is neither party objects to the printing of anything, and therefore everything that comes up goes into the rec-But that does not make it part of the evidence in the case. Whenever a paper is tendered to a justice of the peace who is taking testimony in a contested-election case, and it is objected to by the counsel on the other side, it is the duty of the justice to send the paper up with the evidence. Under the new law when it comes up it is printed without a determination by anybody that the paper is or is not legal evidence in the case.

I propose now to say something as to such illegal evidence in this The minority of the committee, my good friends, gentlemen for whom I have high respect, have pursued a somewhat singular course in preparing their report. They begin by quoting a newspaper editorial. If any gentleman, lawyer or layman, is aware of any law by which an article in a newspaper, expressing the opinion of the editor thereof on a particular election case, is to be considered as evidence, this would

be proper; but is there any such rule?

Gentlemen may on the floor of the House read an article from a newspaper. They may read what the editor says. The editor doubtless is a good man, but he is not a witness, he is not sworn in the case, and under no rule of law or evidence can his opinion, given in such manner, be so considered. The minority undertake to aid our associates on the floor to reach a fair and unbiased judgment by beginning with an editorial which arraigns the Democratic party of the State of South Carolina. In that way they broach a question of this importance. majority of your committee, Mr. Speaker, have done nothing of that sort. We have sought to try this case on the evidence, and on the evidence alone.

Let us see what it is. In the first place Smalls, the contestant, was once a State senator in South Carolina. When he was State senator he was chairman of the senate committee on printing. When he was so senator and so chairman of the committee on printing he was paid \$5,000 to procure a favorable report on and the passage of a resolution providing for the payment of an account for printing against the State. He was indicted for that conduct; he was tried by a court of competent jurisdiction; a jury of the vicinage, half white and half black, passed upon his case. We have got here the evidence that went before that jury. The judge, I am told, was a Republican. The majority of the jury were Republicans. That jury found Smalls guilty. The testimony of Mr. Roan, who was, or had been, sheriff of that county, is in the record as to the complexion and politics of this jury:

Q. Do you know the jurors in the case of "The State vs. Robert Smalls?" A. Yes, sir.
Q. Do you know their politics at that time?
A. Yes, sir.

Q. Do you know their politics at that time?
A. Yes, sir.
Q. Will you state who the jurors were?
A. Yes. W. C. McGregor, a merchant of Columbia, S. C., a white man and a Democrat; John J. Fields was a juror, a white man, and his politics were doubtful; Willis Joiner, colored, was a Republican and a very active politician; J. W. Adkins, white, and he was a Democrat, I think; Edward Pollard, white, was a conservative, and took no active part in politics; Joe Taylor, colored, was a Republican at that time; Simon Jenkins, colored, he was a Republican, very active, in fact a rip-snorter; he was a member of the board of county commissioners in radical times; Thomas J. Gibson, white, never took an active part in politics; I believe him to have been a Democrat; Vince Thompson, colored, Republican; Robert Goodwyn, colored, Republican; William T. Martin, white, Democrat; Paul Sims, colored, Republican, william T. I think he was chairman of the Hopkins Turn-Out Republican Club. None of the white men on the jury took any active part in politics, or ever did, and do not now.

No charge can be made against the verdict of this jury on the idea that the jurors were prejudiced or biased against Smalls through parti-

san or other feelings or influences.

Mr. LAIDLAW. Will the gentleman yield for another question?

Mr. CRISP. Not now.

Mr. LAIDLAW. Did the governor of the State grant Smalls, without his request, an unconditional pardon?

Mr. CRISP. I am coming to that, if the gentleman will be patient.

A number of convicted men have been pardoned without their re-

Mr. LAIDLAW. But does the governor of a State usually grant a pardon without a request?

Mr. CRISP. If the gentleman will only be patient I will come to that branch of the subject. The gentleman seems to think that a man may be the greatest thief on the face of the earth, but simply because the executive of a State happens to give him an unconditional pardon it restores him to all his former status as a man of honor.

Mr. LAIDLAW. Particularly if he did not ask it.
Mr. CRISP. Mr. Speaker, there can be no question of partisan
persecution in this case, because the jury was one-half whites and onehalf blacks, and the colored men were active Republican politicians. But I produce the evidence that went before the jury, and appeal to you to take the evidence and come to a conclusion other than that Smalls was guilty if you can.

Here is the evidence:

Josephus Woodruff was then sworn for the State.

He testified that he had been clerk of the senate of the State of South Carolina from 1868 to this time; that he was a member of the Republican Printing Company, and that company did the public printing; that with his partner, A. O. Jones, he was deeply interested in the passage of the joint resolution to make appropriation for expense of printing ordered by the General Assembly during the regular sessions of 1870-'71 and 1871-'72.

Jones and witness made an agreement that Jones should consult the members of the house and ask them to support the measure, while witness should consult the senators.

consult the senators.

The following check was then handed to witness:

584. No. 17. COLUMBIA, S. C., January 19, 1873.

"South Carolina Bank and Trust Company, of Columbia, pay to cash or bearer, five thousand dollars.

"\$5,000.

J. WOODRUFF."

Witness said he gave this check to the defendant, who was then chairman of the committee on printing, and it was given in accordance with the promise which witness had made to the defendant that if the joint resolution passed he would give the defendant \$5,000.

The promise was made in witness's office in the state-house. The check was paid at the bank. Witness obtained it from the bank after its payment. The check was returned to the witness as the drawer of it at the end of the month, together with all the checks drawn during the month, as was then the custom of the bank. Witness gave this check to Smalls after the passage of the joint resolution. Can not remember the exact date without reference to his memorandum book.

Witness produced the memorandum book, written in phonographic charac-

resolution. Can not remember the exact date without reference to his memorandum book.

Witness produced the memorandum book, written in phonographic characters, and after reference thereto, testified that he gave the check to the defendant on the 16th day of January, 1873. The check was dated a day or two ahead. Witness drew the check the 16th. It is dated the 19th. The 19th was Sunday. It is entered in the diary that witness gave defendant a check on that day for \$5,000. Gave several other checks the same day—one to Ransier for \$500, one to Holcombe for \$250, one to Hollingshead for \$100, one to Johnston for \$500.

Witness paid the check to Smalls for his aid in securing the desired joint resolution. The defendant voted for it. His services were general through the whole passage of the joint resolution. Smalls was the chairman of the committee on printing. Witness expected a favorable report. The joint resolution went through the senate without a report, though it was reported on in the house. The defendant's services lasted until the close of the session. The payment was made in January, 1873, subsequent to the passage of the resolution. January 19th was Sunday; the dating of the check that day was a clerical error on witness's part. Witness did not have funds in the bank on the 16th, but he knew he would have them on the 19th; witness therefore dated the check ahead three days, and the 19th fell on Sunday.

Witness has been clerk of the senate from 1868 to the present time. He identified the printed journal of the senate for the regular session of 1872-773 as being a copy of the official journal of the said senate. Printed copies of entries of the journal are each day placed upon the desks of the members; are corrected in open senate, and are printed. There is no permanent journal except the printed journal.

Witness was also public printer while clerk of the senate. The defendant voted for the joint resolution.

The defendant waived cross-examination of the witness.

Mr. DAVIS. Let me ask the gentleman a question.

Mr. CRISP. Not now.

Mr. DAVIS. I want to know what was the date of the alleged offense; and is it not true that since then he has been several times elected to Congress?

Mr. CRISP. Oh! if the gentleman will only contain himself I will present the whole question so that the House may be able to determine for itself. The gentleman seems to assume that a man's offense is wiped out by the lapse of time.

Mr. DAVIS. That is not the point; but is it not a fact that he has

been repeatedly in Congress since?

Mr. CRISP. I am coming to that.

Woodruff testifies that he gave Smalls a check for \$5,000, when Smalls was chairman of the committee on printing of the senate, for getting a bill passed to pay his claim. The teller of the bank, L. N. Zealy, was then sworn and examined in behalf of the State.

He testified that he was assistant book-keeper for the South Carolina Bank

He testified that he was assistant book-keeper for the South Carolina Bank and Trust Company in 1873.
Shown books, which he identified as books of the South Carolina Bank and Trust Company.
The attorney-general handed witness the check above described, and asked witness to trace its course through the books of the said company.
The books were kept by witness, as book-keeper of bank, and the charge of \$5,000 to Woodruff was made by him in the regular course of business.
The witness, on referring to the book, testified that the check was charged to Josephus Woodruff on the 18th day of January, 1873; amount, \$5,000. The same day \$5,000 is placed to the credit of Hon. Robert Smalls. No other check on that day is charged to Woodruff and no other credited to Smalls.
On the check is a memorandum showing the page—"584."
Page 584 is the page on the ledger which contains Josephus Woodruff's account with the bank. These figures were placed on the check by witness. Witness turned to page 584 of ledger. Besides the check of \$5,000, there were two other checks paid on same day, one for \$300 and one for \$50.

Mr. Melton objected, the court overruled the objection, and Mr. Melton excepted.

Mr. Melton objected, the court overruled the objection, and Mr. Melton excepted.

Witness identified the checks, and said that they had on their backs the pages of the ledger in which they were entered.

Witness said it was the habit of the bank to require a deposit-slip from customers when a deposit was made. Witness produced a deposit-slip which he stated had been procured by him from the bank papers, which are now kept in a box at the state-house.

The deposit-slip is in the handwriting of F.S. Jacobs, who was cashier of the South Carolina Bank and Trust Company at that time. Jacobs has been out of the State since 1873.

South Caronna Bank and Trust company at that time. Sacous has been dead the State since 1873.

The attorney-general desired witness to read the deposit-slip. Mr. Melton objected to its being read or received in evidence. After argument the court overruled the objection, and the defendant excepted.

The said deposit-slip was then read, as follows, and shown to the jury:

S. C. BANK AND TRUST COMPANY, Columbia, S. C., January 18, 1873.

Deposited by Hon. Robert Smalls:	
Gold	8
Currency	F 000
Check, W	5,000

Total

The "W." after the word "check" is in penell, and in handwriting of Jacobs, and was put there to indicate the person to whom it was charged.

Witness said the check is dated the 19th, and the deposit is entered the 18th of January, and from that ticket witness made the entry in the books. The 18th was Saturday. The 8th of February the defendant checked out the \$5,000 from the bank. Could not have been drawn by any one else. The bank would not have honored the check of any other person. There was no other check of \$5,000 deposited that day by any one.

The defendant waived cross-examining the witness.

Smalls did not make any explanation. He plead not guilty, but he did not undertake to explain the transaction. Certainly, had he been guiltless, this he could have done. How did Woodruff happen to give him a check for \$5,000? How did he happen to deposit that check in the bank and draw out the money on it?

Mr. LAIDLAW. Have you a copy of the check?
Mr. CRISP. Yes, sir.
Mr. LAIDLAW. Read it.
Mr. CRISP. I say, how did it happen that he checked the money out? Why, there is no pretense anywhere—except in the minds of gentlemen who assume that a man, because he is of their political com-

plexion, must be good—there is no pretense anywhere but that Smalls got this money for that service.

Mr. MILLIKEN. Let me ask the gentleman, if all he says is true, and if Smalls was rightfully convicted of the offense, inasmuch as he has been pardoned and restored to citizenship, is that any reason why his scat should be denied him if he has a majority of the votes cast?

Mr. CRISP. Oh wall the question of my good friend from Maine.

Mr. CRISP. Oh, well, the question of my good friend from Maine indicates very plainly either that he has not heard the line of my argument or that I have been most unfortunate in expressing myself. stated that the contestee alleged that Smalls had been convicted of this offense, and that such conviction operated to his hurt with the colored people.

Mr BUCHANAN. And they elected him afterwards.

Mr. CRISP. I am now proceeding to establish first the guilt of

Smalls, and when I get through with that, then I propose to establish the other proposition. I do not propose to assume, as some gentlemen do on that side

Mr. DALZELL. What is the other proposition?

Mr. CRISP. That the conviction injured him with the colored people there.

Mr. DALZELL. Suppose it did, what relevancy has that to the pending question whether he got so many votes, or so many votes?

Mr. CRISP. The gentleman is—I will not say the gentleman is—

but I suppose he is, like the rest of his side, ready to assume, as I said before, simply because there is a colored man who is a candidate, that notwithstanding his bad character he must necessarily get the votes of all the other colored men. I propose to show you that among the colored people there were many good men who rebelled against being dictated to by anybody and being required to vote for a man who had been convicted of a high crime under a legislative trust.

Mr. DALZELL. If the gentleman will allow me, I assume nothing

of the kind. I assume that the gentleman's argument ought to proceed, as it has proceeded up to this time, upon the fairest and baldest of technicalities, and applying that rule, I ask what relevancy there is in this question to the right of the contestant to his seat?

Mr. CRISP. If the gentleman understands his interruptions to be in the courtesy of debate, he and I differ much in that regard.

Mr. DALZELL. I would like to know the relevancy of the argument, that is all.

Mr. CRISP. When the gentleman asks me a question right in the middle of a sentence, no matter how impatient he is for an answer, he must be content to wait until I at least complete the sentence; and if the object of his interruption is merely to express his opinion as to the merits of my argument, then I must beg leave to decline to yield to him at all.

My proposition is that the evidence shows Smalls to be guilty. Ido not think there can be any question about that. Now, for the benefit of these gentlemen who are so ready to rally to the defense of Smalls, who are, Mr. Speaker, by implication, at least, condemning the colored men in South Carolina who failed to vote for Smalls, I will call attention to some of the reasons given by respectable citizens of South Carolina—white men and colored men, Democrats and Republicans—why they did not vote for Robert Smalls. Our friends on the other side start with a theory and then they want to make the evidence square with their theory. Now, I will say to them, that as honest searchers after the truth, the best plan to pursue is to consider the evidence carefully and accept a conclusion in accordance with the evidence. If you would try that once, you would find that you would arrive at a more satisfactory conclusion to your own conscience—perhaps not always to your party.

Now, here is a case where the point is directly made that Smalls's guilt affected his popularity in the district; where the point is made that the evidence establishes the fact that any predilection that might have existed in the minds of many of the colored voters in that district in favor of Smalls on account of his color, is overcome by his course in Congress, by his conviction of bribery, and by the lawless methods adopted by him and his followers to overawe and browbeat the plain, common colored voters of the district. I do not know what evidence gentlemen on the other side will listen to. They seem to be, some of them at least, "joined to their idols." No amount of testimony, no matter how respectable the source, seems to make any impression upon

them or to disturb their preconceived ideas.

Mr. JOSEPH D. TAYLOR. You are prejudging us, are you not?

Mr. CRISP. I do not include all of you. Just now I heard a side remark from that side. Some one said, "He was pardoned. Does not that dispose of it all?"

Mr. JOSEPH D. TAYLOR. We think that is irrelevant.
Mr. CRISP. Perhaps you do. It is true a man who is pardoned can
neither be tried again nor sent to the penitentiary; but I submit to
honorable gentlemen that the fact that a man has been convicted of a penitentiary offense which involves moral turpitude is a circumstance that might affect his standing in the confidence and esteem of his fellow-citizens. That may be a shocking statement to you, but I believe [Laughter.]

Mr. GROUT. What was the date of his conviction?
Mr. CRISP. Look at the record; you can see. Smalls was pardoned. I do not know, nor is it material, whether he applied for a pardon or not. I do know that in very many cases men are pardoned whose guilt is not doubted.

Mr. LAIDLAW. Without their own request?
Mr. CRISP. There is nothing in that; nothing whatever. If I intended to go out into the realms of imagination and supposition, I might say that the governor who pardoned him recognized him as having been prior to that a leading man among his people. He was a bold, aggressive man, and he might have thought that it would bring an era of good feeling to pardon Smalls. This is mere supposition. The fact is that he pardoned him, but the fact must remain that in the minds of honorable and estimable men, no pardon could wipe from him the stain that is fixed by that verdict. Now, gentlemen—
Mr. CHEADLE. Will the gentleman permit a question?

Mr. CRISP. Excuse me, please. Gentlemen say that after that he was commissioned to a high office by the Government. I suppose that somebody will refer to that, as they have a copy of the commission copied into the record; and this commission goes on like all such papers do-

Whereas, reposing special confidence and trust in you, you are hereby commissioned to the great office, etc., of captain of militia.

Now, it seems to me, that it is very plain how that happens. Under the law of South Carolina (I guess it is so in most of the States) a militia company can organize and elect their own officers. The election return is sent to the governor and he performs the perfunctory duty of sending out the commission, signing a blank which amounts to nothing more than that the individual has been elected by the lawful authority to fill that office. So much for that.

Well, now, gentlemen say that Smalls has been elected to Congress

since his conviction. That is true.

But I will tell you what I claim, and I aver that the evidence in this case sustains. I claim that there has been a growing opposition to Smalls among his own people, in his own district, from the day he first came to Congress until now. If I were to go out of the record I might say that it culminated in his retiring from Congress, and not being renominated. There has been a growing opposition to him. These witnesses tell you why. Here is a witness by the name of Sawtelle. He comes from Maine. I do not count that anything against him. [Laughter.] He seems to be an honorable gentleman. There is nothing in the record that reflects upon him in any way, but the minority in their report assail him, as they do every witness whose testimony is not consistent with the theory with which they started into this case. They endeavor to brush a witness out of the way whenever they find that his evidence does not comport with their ideas of what the situation is down there.

Now, you know, Mr. Speaker, that is a very convenient way of disposing of a witness. When his testimony does not suit you or is not posing of a witness. When his testimony does not suit you or is not consistent with your ideas of what the case is you say he is a perjurer. This gentleman, Mr. Sawtelle, was the superintendent of the Beulo phosphate mine. He was born in the State of Maine and he has been eight years and six months in the State of South Carolina. He is a Republican in politics; he never voted a Democratic ticket in his life. His evidence is in the record. He says that he works from three hundred to five hundred hands; that at every election prior to this one those men were anxious to go and vote, and did so, all except a few, but that at this election, of the whole number, from three hundred to five hundred, only three, four, or five men went to vote. And he tells you the reason why they did not go. He says they were dissatisfied with Smalls; they did not want Smalls; they were not satisfied with the way he was nominated. Many of them thought that he was not a fit man to represent them.

fit man to represent them. Now my friends on the other side, you assume to be the natural guardians of the colored man, but I do hope, in the name of justice and truth, that you will not try to teach him that he has no right to bolt a nomination when a man is nominated who has been convicted of accepting a bribe in the Legislature. I hope you will not in-culcate that kind of an idea and seek to impress it upon the colored man. So far as I am concerned, it seems to me that those persons of that race, who, by reason of more general information than others possess, or by reason of any other circumstance, come to believe that such a man ought not to be supported, should be encouraged in that course. In encouraging them in that way, gentlemen, you are doing nothing to the real injury of your party. We should all try to encourage good morals and decency, and I protest against the idea that a colored man is untrue to his party or his race because he chooses to believe that a

convict is not a proper person to send to Congress.

Mr. WEBER. Will my friend permit me to ask him a question?

Mr. CRISP. I will if it is right on this point.

Mr. WEBER. It is right on this point. Was Mr. Smalls the ca Was Mr. Smalls the candidate of the Republican party in 1888?

Mr. CRISP. No, sir.

Mr. WEBER. A Democrat was elected from that district in 1888,

Mr. CRISP. In this last election, yes. There was a Republican candidate, but it was not Smalls.

Mr. WEBER. Was the Republican candidate in this last election also a man who had been convicted of crime?

Mr. CRISP. I do not know, sir. I am endeavoring to try this case

Mr. WEBER. But you were trying to account for Smalls's alleged

unpopularity by showing that he had been convicted of an offense.

Mr. CRISP. I am telling what this witness says. I am not a witness, and my friend from New York [Mr. Weber] is not a witness. Here is a man from Maine who is testifying. Now, certainly a man from Maine ought to be orthodox. [Laughter.] Maine has furnished a great many distinguished men to the Republican party. Our first Republican Vice-President came from Maine; a recent Republican candidate for the Presidency came from Maine. Maine has furnished a Speaker of this House, and it is not impossible may furnish the next Speaker of this House—I do not know. [Laughter.] At all events,

Mr. Speaker, it is nothing against this man that he comes from Maine. And he tells you that whereas at former elections the great body of his three hundred or five hundred hands were anxious to go to the polls and did go, only a very few of them voted at this election. And the reason he gives is because, first, they were dissatisfied with the manner of Smalls's nomination; secondly, that many of them were dissatisfied with Smalls's character.

Now, here is Thompson; he is a colored man who has been a leader of the Republicans since reconstruction. He was inspector of customs under the Republican collector and was turned out by his Democratic successor; he was county chairman in 1872; a member of the executive committee from 1872 to 1880; he was county chairman in this very election. He tells you he did not support Smalls because he was dissatisfied with the manner of his nomination; because Smalls was opposed to paying the freedmen the amount out of which they had been swindled by the failure of the Freedman's Bank; and because of his conviction for accepting a bribe. This man tells you that he is a representative Republican; and he says that many others took the same course that he did. I can not read all his testimony.

C. B. Smalls, another colored man, says:

The cause of the people being so much against General Smalls at that meeting was that a meeting prior to that one R. C. Browne, who was supporting W. J. Bowen, also a candidate for Congress, against General Smalls, called him, Smalls, a bribe-taker and convict felon.

Q. 8. Was Smalls present when R. C. Browne charged him with being a bribe-taker and convict felon?

A. He did not.

A. He was.

Q. 9. What did he say?

A. Smalls said, "By God, I have nothing more to live for; hear what he says.

I will kill him, and if I don't do it here, I will if he goes down on that train tonight."

Q. 10. Did he deny the charge?

A. He did not.

J. C. Mardenborough testifies. He is also a colored man, a graduate of Howard University, a lawyer; he was postmaster at Port Royal during Hayes's administration, and a most intelligent man. He testifies on page 605 as follows:

During the last campaign there was considerable opposition to Smalls in his own party, caused partly because they believed him unfit for Congress, and that he had been a member of Congress four or five times, and they do not hear of a single speech he has made or a single thing he has done for the people of the State or this district. But they opposed him principally because of his conviction for accepting a bribe. The people are becoming more enlightened, consequently more sensible. While many of the leaders of the Republican party assisted him in canvassing the district, some of them did not even mention his name in a speech, and did not even say that he was a candidate for office. Some, while they aided him in the canvass on election day, were entirely indifferent as to Smalls's election, and did nothing for him.

Now, there is a great deal more evidence of that sort. These men not only give you their opinion, but, like the man from Maine, they give you the substantive fact that whereas in prior elections the colored people generally have gone to the polls to vote for Republican candidates, at this election the majority of them staid at home. With such evidence at that, what becomes of the "colored majority" of

which my friend speaks?

Now, Mr. Speaker, thanking the House for its indulgence thus far, I will refer to the last point in the case. I have already taken so much time that I feel some embarrassment in trespassing further upon the patience of the House. Mr. Speaker, this is a very voluminous record, and with the indulgence of the House I will proceed to the discussion of the last feature of the case; and that is the point made by the contestee against the contestant, the intimidation of colored voters of that district who desired to vote the Democratic ticket by the colored Republican politicians of the district.

I am aware of the fact that there are many people throughout this country, people unacquainted with the character of the colored men, who assume that they must always stand closely together in favor of

the Republican party.

Now, I think I know something about them. I am perfectly free to say that the colored men who are active politicians are generally Republicans. But I will also say what may astonish many gentlemen on the other side of the House; that is, that the great mass of the colored people are not politicians. The great body of them, in fact, care nothing about politics, nothing whatever. When the right of suffrage was a new thing, of course there was a general desire on the part of the people of the colored race to exercise it. Now occasionally, when their assions or prejudices are aroused, they may be induced to come out to the polls to vote.

There is always an active body of politicians amongst them, but I say, Mr. Speaker, that the great mass of the colored people are not politicians in the sense that they keep up with the events transpiring in the country and come out at all elections and go to the polls for the purpose of voting. I can not go into the evidence as fully as I would like on this point without taking up another hour of the time of the

House, and that I have promised not to do.

There have been a great many wrongful and violent acts committed by the Republican party in the State of South Carolina. I do not charge them all with the responsibility, but I do say, and the records of this House will demonstrate the truth of what I say, that when the Republicans had the ascendency in the Legislature and in the State, that amongst the office-holders were found some of the most unmitigated

scoundrels ever foisted upon a noble and defenseless people. Their character and acts were not approved by the great masses of the Republican party. The people became restless and dissatisfied, taxation was high, discontent spread, and many of the colored people co-operated with the whites to get rid of the motley crew who were devastating the State.

Colored Democratic clubs were organized. That is a fact which it seems hard for some gentlemen to understand, and yet it is an undisputed fact that in this very district there were two colored Democratic clubs organized to vote for Elliott. Certain leading Republican politicians of that district thought, as our friends here seem to think, that the colored people politically were owned by the Republican party, and while they were granted freedom of body, freedom as to property, freewhile they were granten freedom of body, freedom as to property, freedom in the pursuit of happiness, yet when it came to voting they must vote with the Republican party. Those leaders in that district who so believed began a system of intimidation against the colored people who sought to exercise their right to vote as they pleased. I could read for hours the testimony of witnesses who establish this fact. I call your attention to the testimony of Mardenborough in the record. He was an intelligent man, he was hown in New York Citical and home. was an intelligent man; he was born in New York City, had been educated at Howard University, went down to South Carolina, was postmaster at Port Royal under the Hayes administration. He was an intelligent and educated man. You will find three pages of his testimony which go into detail and give the reasons why he did not support Smalls and the reason why others of his race did not support Smalls.

Are you, gentlemen, going to assume that a colored man like that is not honest when he says he and other colored men voted the Democratic ticket and gives the reason why; when he tells you the reason why he voted, and that many others would have voted the Democratic

ticket but for fear of being whipped by other colored people?

There is no particle of evidence, or claim even, that any white man has attempted to intimidate or overawe any colored men in this district. There is no pretense any white Republican has done it. It is a case between colored Republicans and colored Democrats. The colored Republicans are in the majority and they overawe the minority, and in that way keep practically the colored people from voting as they want to vote.

Here is the testimony. I can not read it all. Many of the witnesses testify that the colored Republican leaders threatened in public speeches to drive from the island any colored men who voted the Democratic ticket. They invoked at the hands of the wives of colored Democrats such action as would result in driving them from their bed and board. They threatened them with expulsion from their churches. They threatened them with the treatment which Dr. White had received at the previous election.

I will show you how Dr. White was treated. Mr. ALLEN, of Michigan. Was he a Republican? Mr. CRISP. No.

Here is his testimony:

He is fifty-one years of age; attorney at law, trial justice; resides at Beaufort; in 1884 he was one of the managers of the Federal poll at Beaufort. When about to leave the polling place with the other managers after having canvassed the vote, was met by an infurated mob of colored persons, who violently assaulted him and threw him to the ground by kicks and blows. He got up and attempted to run up the steps of the building, pursued by the mob, who were crying out "Kill the damn Democrat:" finding the door locked, he ran down another flight of steps and appealed to Moses Frazier, constable, for protection. Frazier took him by the collar and got him into a lower room, followed by the crowd, threatening to kill him. Frazier had to bar the entrance by locking the door and standing at it to prevent the mob from getting in. The crowd then tried to get in at the windows. Witness's son and others finally came to his relief and he was taken home terribly bruised and bleeding, blood streaming from one side of his face down on his shoulder, and with a cut over his left eye. His wounds were dressed by a physician, and he carried his arm in a sling several weeks afterwards. The assaulting party was composed of men and women, the women armed with sticks of sugar-cane, and some of the men with sticks. Eleven persons were indicted and one of the parties put on trial, but there was a mistrial, the jury being mostly Republicans, and the Republican leaders espousing the cause of the accused. Among the witnesses for the defense were the contestant, Julius Washington, and T. J. Riddles, Republican State senator and representative. Here is his testimony:

There is testimony as to the feeling of colored Republicans in that county in regard to any colored man who expressed an intention to vote the Democratic ticket.

Here is the testimony of Chance Green. But the contestant claims that he is not to be believed. The minority of the committee have taken five or six of the pages out of contestant's brief, word for word, assailing this witness. In some matters this witness is discredited, in others he is sustained. Now, I shall eliminate him altogether from the case. I do not care to defend him, and I will leave him out of the case entirely and will not consider his testimony, and still I will ask you to decide this case in favor of the contestee on the testimony we shall submit.

Here is the testimony of Emanuel Haynes, who was threatened with a beating by some of the colored people because he testified in this

Before election the colored Democrats on Ladies' Island were treated shamefully by the Republicans. They were abused in public, and were threatened to be killed out because they were Democrats. Witness was threatened to be killed three or four times by Larry Green, cousin of Samuel Green, who fired off his pistol four times in witness's presence, and other times at his house re-

peatedly. At the polls the Democrats were told not to let 6 o'clock catch them there; and Larry Green fired off his pistol and said, "Look out, Democrats," Some Democrats have had to leave the island, and witness is constantly expecting trouble, and believes he will have to leave the island.

Witness gives the names of nine men, all colored, who promised to vote for contestee, but would not on account of threats. If the people had their free will contestee would have carried the poll.

All but five or six Democrats left the polls as soon as they voted.

Here is what Aaron Alston says:

Here is what Aaron Alston says:

Resided on Ladies' Island. Was a member of the Ladies' Island Democratic club, and was at the mass meeting at Beaufort. Describes pelting of the club with brickbats. During the campaign witness's life was threatened because he was a Democrat. He had charge of a Sabbath school, and was told that "No Democratic nigger shall teach our children." The school was broken up on this account. They threatened to kick the Democrats out of the church. There was a club of women organized to prevent Democrats out of the church. There was a club of women organized to prevent Democrats on the church. There was a club of women organized to prevent Democrats on the Democrats come in their houses. On election day James Green, brother of Samuel Green, tried to make a fuss with a Democrat named Devercaux, and witness had to drive Devercaux off in his buggy to prevent a row. They met a large crowd of women on the road at Samuel Green's house, armed with canes and sticks. Witness's horse was caught by the bridle and jerked about because he was driving a Democrat. Democrats were threatened during the day. Manymen who promised to vote the Democratic ticket were afraid to do so on account of threats, particularly of Samuel Green.

Here is the testimony of Pobert Houston:

Here is the testimony of Robert Houston:

Lives on Ladies' Island. Describes the disturbance of the meeting at Beaufort. Contestant and other Republican leaders said in their speeches that any man voting for contestee would have to leave Ladies' Island. Samuel Green told me I should not stay in the church. On election day there were a great many women on the road with sticks, threatening to mob the Democrats. Contestant told them in his speech to turn witness out of the church if he voted the Democratic ticket. Witness has been threatened with death, and had to stop digging phosphate rock because it kept him out at night. Republicans threatened to burn down the store of Tarquin Dilbert, a colored Democrat. Contestant collected \$17 from the Ladies' Island church.

Here is the testimony of William Lockwood:

Lives on Ladies' Island. Attended a meeting held by Republicans on Ladies' Island day before the election; many women were there, all with sticks. They said they had them to kill Democratic dogs. Mr. Elliott was to speak on the island that day, and these women said he should not pass them. Contestant spoke at the meeting. Said that any woman married to a Democrat, she must kick him out of the house.

Here is the testimony of Tom Bonner:

Lives on Ladies' Island. During the campaign there were many threats by Republicans of killing and whipping Democrats. Jack Johnson, a prominent Republican and delegate to the convention, said the Republicans intended to carry the island or kill the last damn man on it. On election day the women behaved just like they intended to fight a battle, according to the clubs they had. They said they intended to kill out, whip out, and drive out the last man that voted the Democratic ticket. The Democrats left the polls early for fear of trouble of trouble

Here is the testimony of F. D. J. Lawrence:

Here is the testimony of F. D. J. Lawrence:

Resides at Beaufort; attorney at law; trial justice for Beaufort County; learned to read and write as a slave; was first sergeant Company E, Thirty-fourth United States Colored Troops; engaged in several battles; was wounded twice at the battle of Honey Hill; promoted quartermaster-ergeant; bonorably discharged from that regiment and enlisted in Fortieth United States Regulars; after leaving the Army taught school and studied law, and was admitted to the bar in South Carolina; have been a Democrat since 1876; attended several Republican meetings in Beaufort during last campaign; was cursed and ordered to leave, as no negro Democrat was allowed there; heard Thomas Reynolds, Republican State senator, tell the people to go to the polls armed, and to go knee-deep in blood, if necessary, to carry the election; heard Joseph Robinson, ex-representative, at another meeting, say "that the law allowed him to carry arms, and that he would go as far as any man to carry the county against the Democrats;" heard Robert Smalls, contestant, say in several public speeches in Beaufort "that any colored woman having a Democratte husband should put him out of the house," and that they could have his assistance in doing so.

Mr. Lawrence is a most intelligent colored man, formerly a slave, who enlisted in the cause of the Union, and shed his blood in defense of his country. This man is a Democrat. He says that the Democrats in that district, and particularly in Beaufort County, are not allowed to go up and express freely their choice at the polls; that it is danger-ous for them to do so. This man is a man of information and intelligence, a man of good character. He has demonstrated his character for bravery upon the battle-fields of the civil war. He is not afraid to express his views. But how many others, my friends, are afraid. How many colored people in that district are overawed by this state of Lawrence further says:

There is no such thing in Beaufort County as a free election and a fair count among the Republicans. I have been a Democrat in Charleston County for a number of years and voted unmolested; but I am told here in Beaufort County that this is a Republican county, and no nigger can vote here for the Democrats. I have a daughter, a young lady, who attends public school in the town of Beaufort, who has been abused more than once on account of her father being a Democrat. I had to stop her from the school until I saw the principal in reference to this matter. I complained to him by letter and have his reply; not only her, but my family, my wife, and myself have been ostracized in the church and socially, and felt the estrangement keenly, on account of my political views.

views.

Q. What methods are usually resorted to by Republicans to keep colored men from voting the Democratic ticket?

A. They usually adopt a bulldozing system among the leaders, teaching them to abuse and make remarks and threats generally.

Q. Do tney carry this system into the churches?

A. Yes, into the churches and into the social circles. I am a member of the Baptist Church; my wife is a member of the Methodist Church. I have been abused from the Methodist pulpit by one Rev. Blakely on account of my politics and in consequence of this conduct I prevented my family from attending that church. From observation among the colored people from '76 down to the present I think they had their fear about voting the Democratic theke until after the election of General Hampton, but from the general benefit they received by the reduction of taxes under Democratic administration the better class of colored people are all Democrats, and would vote the Democratic ticket as a whole, ex-

cept for the ostracism and threats from the Republican leaders. I have talked with them in regard to the exodus scheme, when Hampton was first elected, about going to Africa, saying to them it was all a scheme to make money by Republican leaders. A large number of them since that time are convinced, and told me that it was a bigger swindle than the Freedman's Bank, and are sorry that they sold their property and put their money in the "Azor." They say at the next Presidential election they will all vote the Democratic teker for President; that they see no difference, except that the Republican leaders taxed them, while under Democratic administration they have been free from taxation for campaign purposes. campaign purposes

Are you to denounce this man and men of like character as perjurers because his statement does not in every respect tally with your pre-conceived ideas as to the political situation in this district? Here is the testimony of Paris Sherman:

Resides on St. Helena Island; did not vote at the last election; went to the Congressional poll for the purpose of voting for Mr. Elliott for Congress; did not vote because there was such an uproar there; got him so frightened he did not stay; heard heap of threatening, and being old thought he had better get out of the way.

Here is the testimony of another colored man, A. B. Colonel, who says: Lives on St. Helena Island; served in the late war in Thirty-fourth Regiment Colored Troops, United States Army; during the last campaign Republicans of St. Helena Island made a great may threats against colored Democratis; that Republicans should club together and kill every one that voted the Democratic ticket; Cyrus Jenkins, Republican, threatened him; took up a stick at church and struck him two licks, because he advocated Colonel Elliott; the deacons threatened to turn Democrats out of the church; in consequence of these threats a great many were kept from voting Democratic ticket; thinks that the Democrats would have gotten about 300 votes at Brick Church.

Mr. Speaker, I could go on indefinitely. You will find much testimony all through this record showing intimidation of colored people who desired to vote the Democratic ticket. You will also find evidence all through it that the contestant, Smalls, did all he could to engender and spread the feeling that prompted this intimidation.

You find the preachers doing the same thing. Now, Mr. Speaker, I do not know what gentlemen may think of the evidence that I have cited, but I say to them that so far as my observation extends that in no country where there is an election by the people can an elec-tion of this character be allowed to stand. Why, in Canada I can cite you to a case, and I will perhaps insert it in my remarks, where the court distinctly held that a member who was elected to Parliament was not entitled to retain his seat because the ministers of the Catholic Church from their pulpits fulminated against his opponent. court decided that the election ought not to stand; that the kind of election that the law contemplated was one where the voter could and did without any undue influence, without fear of bodily harm or harm to his character or reputation, go to the ballot-box and deposit his ballot for the candidate of his choice.

Beaufort County is the theater of most of this violence. Let me call your attention to a circumstance which will show you the feeling in that county against Smalls. That is the county in which he resides. By the records of this House, in 1876 in Beaufort County Smalls received 5,385 majority. In 1886, ten years later, by the records in this case, giving him the precinct that he claims ought to be counted for him, and giving to him every vote that he claims, he had a majority of 1,456. In the record his receivity has following the country of his records. of 1,456. In ten years his majority has fallen in the county of his residence from 5,385 to 1,456. Will gentlemen who undertake to speculate and the color of the idence from 5,385 to 1,456. Will gentiemen who undertake to speculate and theorize about this case explain that to me? There is not any evidence, there is no intimation that any white man sought to intimidate the colored men in this district. There is no intimation that in this county there was any manipulation of the vote. There is a claim of the rejection of one box, but even by giving him that box this falling off is not explained. How do you explain it? Come with me to the record and I will tell you how.

The people were dissatisfied with him. Every man in the district had knowledge of the fact that he had been convicted of bribery for his course while in the senate of South Carolina. He was opposed to the payment to the colored people of the amount of money that they had in the Freedman's Bank at the time of its failure. This is all in These things will tell you why his majority has fallen off.

Then look to the evidence of these intelligent colored men, graduates of universities, members of the bar, ex-Union soldiers, men who had shed their blood on the battle-field in defense of their convictions of right—these men tell you they were Democrats, and that they urged the people to vote the Democratic ticket, and had for many years. Indeed, one of these men says that the great body of the colored men would vote the Democratic ticket but for the intimidation by the leaders, who use the churches, the preachers, the professional politicians like this contestant, and others, to overawe the people. Through these in-strumentalities they arouse the prejudices and excite the passions of their followers to such an extent that all those who vote the Democratic ticket are in danger, and many who want to vote it are prevented from

This state of things can not be tolerated. The colored men are beginning to reason for themselves. The day has passed when the colored prople of this country will go up like senseless machines and record their vote as they are told to do by people who live a long way from them and who have no actual interest in them at all. The day is coming when they feel that they are identified with the people with whom they live; the people who, in every hour of trial, are their friends; the people to whom they always appeal in distress, and to whom they

never appeal in vain. As they become more intelligent, as one of the witnesses expresses it, "they realize the impropriety of being represented by men like Smalls." They realize that they are entitled to a better representative, and while I thoroughly concede to any constituency the right to send such a man here, I do protest against this House interfering with the right of any constituency to defeat such men whenever they feel inclined to do it.

Mr. Speaker, the committee recommend the exclusion of certain polls in Beaufort County. As to every one of them we have shown you such threats, such intimidation, such violence as prevented a full, fair, and free expression of the will of the people. We have shown you that prior to the election the great work of intimidation was done. The minority of the committee cite certain evidence to show that on election day there was no violence. I have shown you that in many places there was violence on election day; but, Mr. Speaker, before election day there was violence. It is immaterial whether the violence was on election day or before it. The day of election might have been as peaceable as a cemetery, and yet it might have been that the people were overawed and afraid to go to the polls. Shall we be told that because on the very day of election there did not appear to be great violence, therefore no intimidation existed. I will show you in the record that this contestant himself cautioned the people against violence on election day, saying, in substance, "On the day of election you must not be violent, because if you do it will avoid the election." I have shown you that, coming right down to the very day of election, these threats were made in the churches and in public speeches, upon the highways, in the schools, and everywhere.

Therefore, sir, we recommend the exclusion of certain precincts. If in any case before a legislative body there exists the right to reject a poll for intimidation, my friends, you have here that case. Gentlemen may examine it and the more they examine it the more clearly that will appear. Let them examine it, not a detail here and a detail there, but the whole case. Take the whole case as you would if you were conscientiously trying it as a juror or a judge and I defy any fair-minded man to come to any other conclusion than that in Beaufort County, the home of the contestant, which was the banner Republican county of the State, there had been growing dissatisfaction from 1876 down to 1886, which resulted in keeping vast numbers of the people away from the polls who, if free to exercise their own will, would have gone to

the polls and voted for contestee.

In 1876, in the case of Tillman against Smalls, you will find in this same county lawlessness, intimidation, violence, practiced by this same contestant. My God, Mr. Speaker, is this to go on forever? Are the people in that district in South Carolina who desire to freely cast their votes for the candidates of their choice—are they to be intimidated I hope not. I hope gentlemen will read the evidence, and if forever? they do, Mr. Speaker, I unhesitatingly say that I believe they will come to the conclusion which the majority of the committee have been compelled to arrive at, that the ends of truth, that the ends of justice, that the protection of the voter, and the purity of the ballot-box, alike demand a rejection of these polls in the county of Beaufort and the retention of the sitting member in his seat. [Prolonged applause on the Democratic side.]

The SPEAKER pro tempore. The gentleman from Georgia [Mr. CRISP] has occupied two hours and ten minutes.

Mr. Rowell was recognized.

CONTESTED ELECTION, SECOND DISTRICT OF ARKANSAS.

Mr. GROSVENOR. I ask the gentleman from Illinois to yield tome to make a request of the House. I desire to offer a resolution which I ask to have printed in the RECORD and referred to the Committee on Elections

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ROWELL. I do, for the gentleman to make his request.
Mr. GROSVENOR. I desire to offer the resolution which I hold in my hand, and to request that it be printed in the RECORD and referred to the Committee on Elections. It relates to the contest of the seat of the gentleman from Arkansas [Mr. Breckinbidge], and the disposition to be made of the resolution has been agreed upon.

There was no objection.

The resolution is as follows:

The resolution is as follows:

Whereas at the November election, A. D. 1888, for a member of the House of Representatives of the Fifty-first Congress, for the Second Congressional district of the State of Arkansas, held on the 6th day of November, A. D. 1888, Hon. CLIFTON R. BERCKINELDGE and Hon. John M. Clayton were candidates, respectively, for the office of Representative aforesaid, and each received a large number of votes; and such proceedings were had at said election and in and about canvassing the votes cast thereat, and making return of the same as that the said BEECKINELDGE was declared elected, and thereafter a certificate of such election was by the governor of said State duly issued to him, and the same was filed with the Clerk of this House, and that official has placed the name of said BEECKINELDGE upon the roll of members elected to the House of Representatives of the Fifty-first Congress, and without other and further action his name will be called upon the organization of said House, and he will vote at the said organization; and

Whereas said John M. Clayton claimed that the said CLIFTON R. BRECKINELDGE was not legally elected to said office, and did not receive a majority of the votes cast at said election, but that on the contrary he, the said John M. Clayton, did receive a great majority of the lawful votes cast at said election, was duly elected thereto, and was entitled to the certificate thereof; and said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notice that he, said Clayton did proceed according to law to file and serve notic

ton, would contest the right of said BRECKINRIDGE to said seat in said House, and such proceedings were had upon said contest as that on the 29th day of January, A. D. 1889, said contest was duly pending and testimony was being taken by said Clayton to establish the allegations of his said notice of contest, and said Clayton, while at the town of Plummerville, in said district and State, lawfully engaged in taking testimony as aforesaid, and while personally supervising said work, was by some person or persons assassinated; and there is doubt as to the legal effect upon the contest aforesaid which the death of said Clayton willhave; and

Whereas there is no one legally authorized to proceed to complete the taking of the testimony in said contest, or to otherwise prepare said contest for hearing and proper decision, and there are questions arising upon and in relation to said contest difficult to determine: Therefore,

Resolved, That a committee of five members of this House, and who are now members of the Committee on Elections, and who are elected to the Fifty-first Congress, be appointed by the Speaker, and that such committee that proceed without delay to take testimony touching the issues joined in said contest and the notices and pleadings therein, and ascertain all the facts relating to said election and the said contest, and report the same to the House of Representatives the first day of the first session thereof, or as soon thereafter as the same may be completed and ready for submission; and said committee is, for the purposes of this resolution, authorized to send for persons and papers, to issue process under the hand of the chairman, or of any two members of said committee, for the arrest and production before said committee at any place of persons knowing, or believed to know, anything of or pertinent to said contest; and said committee may employ one or more stenographers and such other assistance as may be necessary, and the costs, fees, and expenses incident to such proceedings shall be paid ou

SOUTH CAROLINA CONTESTED ELECTION-SMALLS VS. ELLITOT.

Mr. ROWELL withholds his remarks for revision. [See Appendix.] The SPEAKER pro tempore (Mr. DOCKERY). The gentleman from

Illinois [Mr. Rowell] has occupied an hour and forty-two minutes.

Mr. CRISP. I do not know what may be the disposition of the
House as to having an evening session for the consideration of this case. I wish to say that of course my announcement as to calling the previous question at 2 o'clock to-morrow is not to be understood as being now at all reflective of my intention. When I made that announcement I at an reflective of my intention. When I made that announcement I did not know it was going to take so long on my own part and on the part of my friend from Illinois to discuss the various questions involved in this case. I should like to have a vote as soon as consistent with a satisfactory debate. I wish to consult the feeling of the House as to

an evening session.

Mr. ROWELL. I hope not. It will only give gentlemen an opportunity to speak to empty benches. In a case of this kind all ought to

be present.

Mr. CRISP. Then I shall move to adjourn.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage, with amendments, of the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes; that it requested a conference on the disagreeing votes, and had appointed Mr. VEST, Mr. EVARTS, and Mr. WILSON of Iowa as conferees on its part.

DIRECT TAX.

The SPEAKER announced the appointment of Mr. CASWELL, Mr. SENEY, and Mr. OATES as conferees on the disagreeing votes of the two Houses on the bill (S. 139) to credit and pay to the several States and Territories, and to the District of Columbia, moneys collected under the direct-tax act of Congress approved August 5, 1861.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced non-concurrence in the amendments of the House to the bill (S. 169) granting an increase of pension to Abby J. Slocum; that it asked for a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE.

It also announced non-concurrence in the amendment of the House to the bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson; that it asked for a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. DAVIS, Mr. PADDOCK,

and Mr. Pugh.

It further announced the passage of a bill (S. 3494) to enable the President to protect the interests of the United States in Panama; in which the concurrence of the House was requested.

#### CONDITION OF SIGNAL CORPS.

The SPEAKER pro tempore (Mr. DOCKERY) laid before the House a letter from the Secretary of War, transmitting a statement of the Chief Signal Officer of the Army, setting forth the very unsatisfactory condi-tion of the Signal Corps and the inefficiency of the present lieutenants of that corps; which, with the accompanying documents, was referred to the Committee on Military Affairs, and ordered to be printed.

#### HOUSE BILLS APPROVED.

A message, in writing, from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed, on the dates respectively indicated, bills of the fol-

On February 8:

An act (H. R. 6105) to authorize the furnishing of obsolete serviceable cannon to soldiers' homes;

An act (H. R. 11683) for the establishment of light-ships, with fog signals, at Sandy Hook, New York Harbor, and off Great Round Shoal, seacoast of Massachusetts, near Nantucket;

An act (H. R. 4353) to provide a temporary home for certain persons

discharged from the United States Navy; and
An act (H. R. 6783) to place the name of John A. Griffey on pension-

On February 9: An act (H. R. 12060) to constitute Columbus, Ohio, a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to said port of Columbus;

An act (H. R. 4351) to provide for the deposit of savings of seamen

of the United States Navy

An act (H. R. 11223) to increase the pension of George A. Glover; An act (H. R. 5870) to punish as a felony the carnal and unlawful

knowing of any female under the age of sixteen years; and An act (H. R. 8191) to enlarge the powers and duties of the Department of Agriculture, and to create an Executive Department to be known as the Department of Agriculture.

And then (at 5 o'clock and 10 minutes p. m.) the House adjourned.

## PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 12543) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River—to the Committee on Commerce.

By Mr. CARUTH: A bill (H. R. 12544) granting a pension to Mrs.
Nancy Smith—to the Committee on Pensions.

By Mr. DE LANO: A bill (H. R. 12545) to promote Richard L. Tea—
to the Committee on Military Affairs.

By Mr. HOLMAN: A bill (H. R. 12546) granting a pension to Charlotte Rarison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12547) granting a pension to Bernard Bruner—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 12548) for the relief of Alexander Hill-to the Committee on War Claims.

Also, a bill (H. R. 12549) for the relief of William Golding-to the

Committee on War Claims.
Also, a bill (H. R. 12550) for the relief of Lucian Males and Denophon Toureaud, administrators of the estate of Emile Fogot-to the Com-

mittee on War Claims. Also, a bill (H. R. 12551) for the relief of the estate of Ulger V. Bod-

deaux-to the Committee on War Claims Also, a bill (H. R. 12552) for the relief of Clarissa Bishop-to the Com-

mittee on War Claims. Also, a bill (H. R. 12553) for the relief of the heirs of Mary Carlin-

to the Committee on War Claims.

Also, a bill (H. R. 12554) for the relief of Francis Massich—to the Committee on War Claims.

Also, a bill (H. R. 12555) for the relief of W. F. Sanderson, administrator of W. W. Sanderson—to the Committee on War Claims.

Also, a bill (H. R. 12556) for the relief of the heirs of Davis Lannoux—to the Committee on War Claims.

Also, a bill (H. R. 12557) for the relief of Alexis Leduff—to the Committee on War Claims.

Also, a bill (H. R. 12558) for the relief of the heirs of David and Barbette Carb—to the Committee on War Claims.

By Mr. McMILLIN: A bill (H. R. 12559) for the relief of Hugh L. Brinckley and Anna C. Snowden—to the Committee on War Claims.

By Mr. NEWTON: A bill (H. R. 12560) for the relief of William Lawhead, administrator of John Lawhead—to the Committee on War

Also, a bill (H. R. 12561) for the relief of the estate of Henrietta

Bauers-to the Committee on War Claims.

Bauers—to the Committee on War Claims.

Also, a bill (H. R. 12562) for the relief of the estate of Patrick Gilfoil—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: A bill (H. R. 12568) for the relief of Henry Frank—to the Committee on Claims.

By Mr. ROGERS: A bill (H. R. 12564) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association-to the Committee on the Public

By Mr. TRACEY: A bill (H. R. 12565) granting a pension to John Dunn-to the Committee on Invalid Pensions

By Mr. J. R. WHITING: A bill (H. R. 12566) for the relief of William J. Terney-to the Committee on Military Affairs.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Concurrent resolution of the Legislature of Kansas, in favor of bounty on sugar-to the Committee on Ways and Means.

By Mr. BUTLER: Petition of John B. Klepper, of Tennessee, pray ing for relief before the Court of Claims-to the Committee on War

By Mr. CANDLER: Papers in the claim of Matthias Bates, of Cobb County, Georgia-to the Committee on War Claims.

By Mr. GLASS: Petition of P. B. Edmunds, for reference of his claim to the Court of Claims-to the Committee on War Claims.

By Mr. HATCH: Resolutions of the Loyal Legion of the United States, in favor of the publication of the naval records of the late war—to the Committee on Printing.

By Mr. HOOKER: Petition of Mattie S. Whitney, for payment of her elaim-to the Committee on Appropriations.

By Mr. HUNTER: Petition of Charles Burris, asking that his name be placed on the pension-roll—to the Committee on Invalid Pensions. Also, petition of Maxwell Post No. 74, Grand Army of the Republic,

of Kentucky, for a service pension for soldiers of the late war-to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of Elias Stein and of heirs of S. N. Nair,

of Frederick County, Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, in relation to the manufacture of sugar from sorghum—to the Com-

mittee on Agriculture.

By Mr. O'FERRALL: Petition of James H. Kennan, of Clarke County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. OUTHWAITE: Petition of James O. Neal, of Circleville, Ohio, for payment of his war claim-to the Committee on Claims.

By Mr. RICE: Communication from the Chamber of Commerce of St. Paul, Minn., in regard to the celebration of the one hundredth an-niversary of the Constitution of the United States—to the Committee on Foreign Affairs.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. CARUTH: Remonstrance of citizens of Louisville, Ky.

By Mr. HOLMAN: Of the East Washington Street Presbyterian

congregation of Indianapolis, Ind.

By Mr. MORROW: Of citizens of Napa County, California.

By Mr. RANDALL: Of 30,999 citizens of Philadelphia, Pa.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. J. A. ANDERSON: Of 59 citizens of Clay County, Kansas. By Mr. T. M. BROWNE: Of 74 citizens of Dublin, Ind. By Mr. BURNETT: Of 21 citizens of Needham, Mass. By Mr. DUBOIS: Of 68 citizens of Bellevue, of 24 citizens of Idaho City, and of 167 citizens of Boisé, Idaho.

By Mr. FUNSTON: Of 116 citizens of Williamsburgh, Kans.

By Mr. GROUT: Of 36 citizens of Northfield, Vt. By Mr. McCOMAS: Of 18 citizens of Ellerslie, Md.

By Mr. J. W. STEWART: Of 195 citizens of Milton, Vt.

## SENATE.

## TUESDAY, February 12, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PALMER presented two petitions of citizens of Gaylord and Allendale, in the State of Michigan, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of E. J. Sisley and 84 other citizens of Iron Mountain, Mich., and a petition of 28 members of the Woman's Christian Temperance Union of that place, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. EDMUNDS presented the petition of C. S. Ashley and 193 others (62 voters and 132 women), citizens of Milton, Vt., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

He also presented a petition of sundry farmers of Hardwick, Caledonia County, Vermont, and a petition of sundry farmers of Chittenden County,

Vermont, praying for the passage of further laws for the promotion of agriculture; which were referred to the Committee on Agriculture and

Mr. BLAIR. I present a petition in the form of a letter addressed to me, signed by Samuel Gompers, the president of the American Federation of Labor, stating that-

It affords me sincere pleasure to inform you that pursuant to a resolution of the executive council of the American Federation of Labor the bill you introduced in the United States Senate, No. 3670—

Which is a bill to organize bureaus of information relating to employment, occupations, wants, means of livelihood, and homes

meets with our hearty approval and indorsement.

In my letter of January 4 I took occasion to express my opinion upon the merits of the bill in question, and I now officially indorse all I then said.

The expression of opinion in a former letter to which Mr. Gompers refers is as follows:

To me the bill referred to is probably the most comprehensive it has ever been my pleasure to read, and if enacted into law would be of the greatest benefit not only to the working people, but to every inhabitant of our country.

I move that the petition, with the accompanying paper, be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PAYNE presented the petitions of labor organizations, churches, and citizens of the State of Ohio, praying for the passage of the Sundayrest bill; which was referred to the Committee on Education and Labor.

Mr. DOLPH presented a petition of residents and tax-payers of Whitman and Spokane Counties, in Washington Territory, praying for the creation of a new county in that Territory; which was referred to the Committee on Territories

Mr. PADDOCK presented the petition of Charles A. Sheppard and 65 others (21 voters and 45 women), citizens of Trumbull, Nebr., praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of J. L. Bush and 73 citizens of Allendale, Mich., praying for the passage of the Sundayrest bill; which was referred to the Committee on Education and La-

Mr. WILSON, of Iowa, presented a petition of members of the United Presbyterian Church of Oskaloosa, Iowa, praying for the passage of the Sunday-rest bill; which was ordered to lie on the table.

Mr. PLATT presented the petition of W. H. Bevin and 277 others (100 voters and 178 women), citizens of Chatham, Conn., praying for the submission to the States of a constitutional prohibitory amend-

ment; which was ordered to lie on the table.

Mr. VEST presented resolutions adopted at meetings of the Real-Estate Stock Exchange, the Commercial Exchange, and the Commercial Club, all of Kansas City, Mo., urging the passage of the Oklahoma bill; which were referred to the Committee on Territories.

Mr. PLUMB presented a concurrent resolution of the Legislature of Kansas, favoring the adoption of such measures as will secure to every citizen of the State of Arkansas perfect protection in the exercise of all political rights, even though it be necessary to place such State under military authority; which was referred to the Committee on Privileges and Elections.

He also presented a concurrent resolution of the Legislature of Kansas, favoring the repeal of the part of section 4693 of the Revised Statutes placing a limitation upon the time within which the claim of a State militiaman or non-enlisted person for disability from wounds or injuries received in battle with the rebels or Indians may be prosecuted; which was referred to the Committee on Pensions.

He also presented petitions of citizens of Offerle and Dodge City, in the State of Kansas, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. WILSON, of Maryland, presented the petition of C. M. Aurand, pastor, and C. D. Bell, secretary, of a meeting of Zion Evangelical Lutheran Church, at Williamsport, Washington County, Maryland, representing 75 petitioners, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. TURPIE presented the petition of George M. Lindley and 77 others (47 voters and 31 women), citizens of Sylvania, Ind., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. HALE presented a petition of farmers of Minot, Me., praying for the passage of legislation for the protection of agriculture; which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of 30 citizens of Capron, Ill., remonstrating against the passage of the Sunday-rest law; which was

referred to the Committee on Education and Labor.

He also presented a petition of 58 citizens and with 68 representative indorsements in the State of Illinois, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

#### IMPORTED LIQUORS.

Mr. WILSON, of Iowa. I desire to give notice that on Thursday next, at the close of the formal morning business, I shall ask the Senate to consider Calendar No. 714, being the bill (S. 1067) relating to imported liquors. I shall ask that it be taken up at that time for the purpose of presenting some remarks upon it.

#### REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2299) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8636) for the relief of Isaac N. Enloe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Epidemic Diseases, to whom was referred the bill (S. 3907) to provide for the better enforcement of the quarantine laws and regulations of the United States, to prevent the introduction of contagious or infectious diseases into the United States from foreign countries or from one State into another, and to establish within the Treasury Department a national board of health, reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12047) granting an increase of pension to George Colwell:

A bill (H. R. 12006) granting an increase of pension to Leonard Schaefer; and

A bill (H. R. 11300) granting a pension to George H. Burgess. Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed; A bill (H. R. 10474) granting a pension to Dorcus Alford; A bill (H. R. 11586) for the relief of Stephen Williams;

A bill (H. R. 11993) granting a pension to Mary A. Long; and A bill (H. R. 10301) for the relief of Emily Cross.

## ANIMAL INDUSTRY BUREAU REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a Senate concurrent resolution authorizing the printing of 50,000 copies of the fourth annual report of the Bureau of Animal Industry, for the year 1887. This concurrent resolution went to the House of Representatives and was there amended. I report it back from the Committee on Printing, suggesting its adoption with certain amendments which I send to the desk, and I ask that it may be now

The PRESIDENT pro tempore. The resolution will be read.

The CHIEF CLERK. A concurrent resolution authorizing the printing of 50,000 copies of the fourth annual report of the Bureau of Animal Industry, for the year 1887.

Mr. MANDERSON. The report will show the proposed amend-

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed 50,000 copies of the fourth annual report of the Bureau of Animal Industry, for the year 1837, of which 13,000 copies shall be for the use of the members of the Senate, 27,000 copies for the use of the members of the House of Representatives, and 10,000 copies for the use of the Commissioner of Agriculture, the illustrations to be executed under the supervision of the Public Printer in accordance with the directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

The PRESIDENT pro tempore. The amendments of the House will be stated.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, October 16, 1888.

Resolved. That the foregoing concurrent resolution of the Senate do pass with the following amendments:
On page 1, lines 1 and 2, strike out:
"Resolved by the Senate (the House of Representatives concurring therein)."

"Resolved by the Senate (the House of Representatives concurring the senate and House of Representatives of the United States of America in Congress assembled."

On page I, line 13, after "Agriculture," insert:
"And that there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$27,330, or so much thereof as may be necessary for that purpose."

Change the concurrent resolution to a joint resolution, and give it the following title: "Joint resolution authorizing the printing of 50,000 copies of the fourth annual report of the Bureau of Animal Industry, for the year 1887."

The Senator from Nebraska, from

The PRESIDENT pro tempore. The Senator from Nebraska, from the Committee on Printing, recommends that the Senate agree to the amendments of the House of Representatives with an amendment which will now be stated.

The Chief Clerk read as follows:

That the Senate agree to the first amendment of the House of Representa-

That the Senate agree to the second amendment of the House with an amend-

That the Senate agree to the second amendment of the House with an amendment as follows:

Strike out all after the word "That," in the first line of the resolution, and in lieu of the part proposed to be inserted by the House insert the following:

"That there be printed 50,000 additional copies of the fourth and fifth annual reports of the Bureau of Animal Industry, for the years 1887 and 1888, of which 13,000 copies shall be for the use of the members of the Senate, 27,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Feerestary of Agriculture, the illustrations to be executed under the supervision of the Public Printer in accordance with the directions of the Joint Committee on Printing, the work to be submitted to the approval of the Secretary of Agriculture, the reports for the two years to be printed and bound in one volume; and that there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$37,930, or so much thereof as may be necessary for that purpose."

And that the title proposed by the House be amended to read as fol-

And that the title proposed by the House be amended to read as fol-

A joint resolution authorizing the printing of 50,000 copies of the fourth and fifth annual reports of the Bureau of Animal Industry, for the years 1887 and 1888,

The PRESIDENT pro tempore. The amendments proposed by the committee will be agreed to, if there be no objection; and the resolu-tion, having been changed to the form of a joint resolution, will be considered, read the first and second time, and considered as in Committee of the Whole, and the proposed amendments agreed to.

The joint resolution was ordered to be engrossed for a third reading,

read the third time, and passed.

#### J. HARRY ADAMS.

Mr. HARRIS. I am instructed by the Committee on Finance, to which was referred the bill (H. R. 11779) for the relief of J. Harry Adams, to report it favorably without amendment; and I will ask unanimous consent of the Senate to consider it at this time, with the declaration that if it takes two minutes I shall withdraw the request.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? It will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to J. Harry Adams, of Davidson County, Tennessee, the sum of \$188.10, the said sum being the amount in full compensation for certain internal-revenue stamps bought and paid for by said J. Harry Adams, to be affixed to certain packages of spirits, which packages were destroyed by fire in a Government bonded warehouse before the stamps were affixed thereto.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## REPORT OF COAST AND GEODETIC SURVEY.

Mr. MANDERSON. There came to the Senate a letter from the Secretary of the Treasury, transmitting the regular report of the Superintendent of the Coast and Geodetic Survey for the year 1888. I am directed by the Committee on Printing to report a concurrent resolution with reference to that matter, and ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,000 additional copies of the report of the Coast and Geodetic Survey for the fiscal year ending June 30, 1828, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the United States Coast and Geodetic Survey.

The resolution was considered by unanimous consent, and agreed to. BILLS INTRODUCED.

Mr. COKE introduced a bill (S. 3956) to amend section 2579 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GIBSON introduced a bill (S. 3957) for the relief of Varina B.

Gaither; which was read twice by its title, and, with the accompanying

papers, referred to the Committee on Claims.

He also introduced a bill (S. 3958) for the relief of Charles Carpenter, administrator of Celia A. Grove, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 3959) authorizing the settlement of the debt due the United States by the State of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

#### AMENDMENTS TO BILL.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by

him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

#### PHINEAS T. RICHARDSON.

Mr. FARWELL. I ask unanimous consent of the Senate for the consideration of Calendar No. 2599, House bill 3112. It will excite no

The PRESIDENT pro tempore. If there be no further morning

Mr. DAWES. I move that the Senate proceed to the consideration of Order of Business 2186. If it causes any debate I shall with-

The PRESIDENT pro tempore. The Senator from Illinois [Mr. FAR-WELL] had previously asked for the consideration of a bill the title of which will be reported.

The CHIEF CLERK. A bill (H. R. 3112) for the relief of Phineas T. Richardson

Mr. HALE. I desire to go on with the business that was unfinished

when the Senate adjourned yesterday.

Mr. FARWELL. This will not take two minutes.

Mr. HALE. I will not object if it gives rise to no debate.

The PRESIDENT pro tempore. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Phineas T. Richardson, the pay and emoluments of a second lieutenant from the 14th day of July, 1863, to the 27th day of September, 1863, less the amount paid him as commissary-sergeant between July 14 and July 29, 1863, the having been commissioned by the governor of Illinois as second lieutenant of Company I, Ninety-third Regiment Illinois Volunteer Infantry, and having in good faith served as such for the time mentioned, upon the order of his colonel.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The PRESIDENT pro tempore. The title will be stated.

A bill (H. R. 12329) making appropriations for The CHIEF CLERK. the naval service for the fiscal year ending June 30, 1890, and for other

The PRESIDENT pro tempore. The Calendar under Rule VIII being in order, the Senator from Maine moves that the Senate proceed to the consideration of the bill the title of which has just been read. The motion was agreed to.

OLD SETTLERS OR WESTERN CHEROKEES.

Mr. DAWES. Now I ask the Senator from Maine to yield to me. Mr. HALE. I yield to the Senator from Massachusetts if his bill will not lead to debate.

Mr. DAWES. I ask that the pending business may be informally laid aside while the Senate considers House bill 1407, Order of Business

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1407) to authorize the Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settler or Western Cherokee Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. SWAIN.

Mr. SPOONER. I ask the Senate to take up House bill 6404. The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. I yield if the bill occasions no debate.
Mr. SPOONER. The Senator from Maine agrees to yield to me to call up the bill with the understanding that if it causes debate I shall not press it.

Mr. HALE.

Mr. HALE. I yield. Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2529, House bill 6404.

There being no objection, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 6404) for the relief of Charles F. Swain, master of bark Philena. It provides for the payment to Charles F. Swain, late master of the bark Philena, of New York, \$8,000, for going with that bark after and rescuing shipwrecked seamen from an uninhabited island near Cape Horn, at the request of Gorham Parks, then United States consul at Rio de Janeiro, the same having been declared due Swain by recent findings of the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT LOWELL MILITARY RESERVATION.

Mr. MANDERSON. I have asked the Senator from Maine to yield

to me for a moment, and I understand that he agrees so to do.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nebraska? If not, the pending amendment to the naval appropriation bill will be reported.

Mr. MANDERSON. I ask the Senator from Maine to yield to me for a moment while I ask consent to call up a bill which will lead to no debate. It is Order of Business 2240, House bill 3060. Mr. HALE. I will yield if it does not cause debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3069) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes.

Mr. PLATT. I am not going to object to this bill, principally because I do not know very much about it; but I want to say that I am opposed to the giving to any corporation or individual in the Territories the right of water for irrigating purposes. I think all that matter ought to be controlled by the Government; and the little attention which I have been able to pay to the matter of irrigation convinces me that unless we have some general system by which arid lands are to be irrigated and by which the Government, the Territory, or the State is to manage the disposition of the water, agriculture under irrigation will be a failure.

The history of irrigation in other countries, I think, fully demonstrates that. Wherever the water has been controlled by individuals and by corporations, there the persons who have engaged in agriculture by irrigation have done it without profit, the profit having all gone to the parties who controlled the water. I think that there is no question which more deserves the attention of Congress, and as to which there should be some general and comprehensive plan, than this system of irrigation.

I know nothing about this bill except from hearing it read, but, as it seems to me, it proposes to open a United States reservation to some private corporation that is engaged in controlling water for irrigation purposes in the Territory of Arizona. It may be all right, but I want

to enter just this little disclaimer in case it should not be.

Mr. MANDERSON. I think I can relieve the objection of the Senator from Connecticut by stating to him that this is mainly to supply the city of Tucson, the capital of the Territory, with water. The bill is the usual provision for the purpose of supplying a town with water.

Mr. PLATT. And has no reference to irrigation purposes?

Mr. MANDERSON. And an incident of it will probably be for the purpose of irrigation. It is recommended by the Secretary of War and the General of the Army, and has received the unanimous report and recommendation of the Committee on Military Affairs.

Mr. VEST. As I understand the status of existing legislation in

regard to irrigating ditches in the Territories, there is a general law now upon the statute-book which authorizes the construction of these ditches across the public domain, but this is a military reservation and that law does not apply to it, and for that reason a special act in this in-

stance is necessary.

I know nothing about this proposed bill—

Mr. MANDERSON. That general act will not permit any company to pass over the lands of a military reservation.

Mr. VEST. That is exactly what I stated.

Mr. MANDERSON. This is simply to give the right of way over a military reservation.

Mr. VEST. That is exactly what I stated, that the existing law does not apply to the case of a military reservation, and therefore a special act in this instance is necessary.

I know nothing about the parties, but as to what the Senator from Connecticut has said in regard to a general system by the Government I think, with all sort of respect to his opinion, that that is simply impossible. I think that Congress can never be induced to pass any legislation to put the whole subject of irrigation in the Territories under the control of the General Government.

We must rely in the very nature of things upon corporations, because any man acquainted with the Western country knows that the construction of these ditches is accompanied with great expense, so great that no individual and no five or eight or ten individuals could irrigate a large extent of country out of their own means. The men who are settled in the West are generally men with small means, who have gone there to make homes, and who settled under the homestead law where it was practicable, and they must rely upon capital, which expects a reasonable compensation for its investment, and unless these corporations are encouraged in irrigating the country it will not be

I make these statements from personal experience and observation. No general system will ever come in the life of the Senator from Connecticut or myself, and I take it that this bill simply proposes to do what is absolutely necessary in that country to enable capitalists to make investments for the purpose of irrigating a large extent of country, relying upon the payment made for the use of the water by individuals

to give them a proper interest upon the investment.

Mr. STEWART. Mr. President—

Mr. MANDERSON. I ask that the vote may be taken upon the bill, or else I shall be called upon to withdraw it.

Mr. STEWART. I ask simply to be allowed to say a word in explanation.

Mr. MANDERSON. I do not think I have the right if it is to lead to debate. My understanding with the Senator from Maine was that if there was to be debate, I should withdraw the bill, and I am bound in honor to do that.

Mr. STEWART. I ask leave to make a word of explanation. familiar with that locality, and the people of Tucson have been laboring under great difficulties in getting water for the purposes of the town, and for irrigating about there, in consequence of there being a military reservation on the stream right above them, and in this particular instance—I know nothing about the company—it seems to me very proper that they should have the right to cross that reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. PLUMB. I move that the Senate now proceed to the consideration of executive business

Mr. HALE. I take it that the Senator has something that is very imperative in its nature and I hope it will take but a little time.

Mr. PLUMB. I have no doubt the whole matter can be disposed of in five minutes

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

#### CONGRESSIONAL ELECTIONS.

Mr. EVARTS. If the Senator in charge of the naval appropriation Mr. EVARTS. If the Senator in charge of the naval appropriation bill will allow me to make an observation, I desire to say that I gave notice last week that I would call up in the morning hour yesterday Order of Business 2645, relating to the alleged election outrages in Washington County, Texas. I had no opportunity yesterday to bring it on from the engagement of the Senate on other matters, and I can not, of course, have an opportunity until the appropriation bill now pending is disposed of. At the close of that consideration I shall ask leave to being that up. bring that up.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CASWELL, Mr. SENEY, and Mr. OATES managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHIPMAN, Mr. FRENCH, and Mr. HUNTER managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 169) granting an increase of pension to Abby J. Slocum, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Chip-MAN, Mr. YODER, and Mr. SPOONER managers at the conference on the part of the House.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed

signed the following enrolled bills; and they were thereupon by the President pro tempore:

A bill (H. R. 220) granting a pension to John J. Lockrey;
A bill (H. R. 765) granting a pension to Annie May Piter;
A bill (H. R. 2861) granting a pension to Mary Thorn;
A bill (H. R. 3167) granting a pension to Elizabeth L. Nott.
A bill (H. R. 3794) granting a pension to Elizabeth L. Nott.
A bill (H. R. 4591) granting a pension to Maria Beiser;
A bill (H. R. 4763) to grant a pension to Joseph Van Arsdel;
A bill (H. R. 4792) to pension J. W. Porter;
A bill (H. R. 4825) granting a pension to Dorothea Ruoff;
A bill (H. R. 5807) granting a pension to John McCool;
A bill (H. R. 6314) granting a pension to Lyman D. Green;
A bill (H. R. 6893) granting a pension to Ellen Edwards;

A bill (H. R. 6893) granting a pension to Ellen Edwards;

A bill (H. R. 7633) granting a pension to Capt. Michael Piggott;

A bill (H. R. 7827) granting a pension to George W. Dickinson; A bill (H. R. 7858) granting a pension to Jennie Harris;

A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish; A bill (H. R. 9110) granting a pension to Martha J. Warren; A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Rey-

A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reynolds, to the pension-roll;
A bill (H. R. 9946) granting a pension to Enoch B. Vice;
A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd;
A bill (H. R. 10025) for the relief of James T. Teeple;
A bill (H. R. 10260) to place the name of Charles A. Stockman, of

A bill (H. R. 10260) to place the name of Charles A. Stockman, of Dundee, Mich., on the pension-roll;
A bill (H. R. 10289) granting a pension to Miss Emily Romine;
A bill (H. R. 10426) granting a pension to Otho G. Hendrix;
A bill (H. R. 10428) granting a pension to Squire Walter;
A bill (H. R. 10523) granting a pension to Mrs. Maria C. McPherson;
A bill (H. R. 10691) increasing the pension of Mary A. Bedel;
A bill (H. R. 10922) granting a pension to William Harper;
A bill (H. R. 10951) granting a pension to Mary Von Olnbauser;
A bill (H. R. 10976) granting a pension to William L. Wilson;
A bill (H. R. 10977) granting a pension to John J. Brown;
A bill (H. R. 11091) granting an increase of pension to Mrs. M. S.
Jewel;

A bill (H. R. 11177) granting a pension to Christian Sanders;
A bill (H. R. 11316 granting a pension to Charlotte Ayres;
A bill (H. R. 11566) granting a pension to E. C. Paschal;
A bill (H. R. 11571) granting a pension to Isham T. Howze;
A bill (H. R. 11617) granting a pension to Mary Thompson;
A bill (H. R. 11711) granting a pension to Noah J. Tillery, minor

child of Wyatte L. Tillery;

A bill (H. R. 11714) to provide increase of pension to James Waters, formerly of Captain Weatherbye's company of Pennsylvania Militia, war of 1812;

A bill (H. R. 11737) granting a pension to Rebecca D. Vedder;

A bill (H. R. 11803) granting a pension to Henry V. Bass; A bill (H. R. 11861) to place the name of James H. Tolly on the pension-roll;

A bill (H. R. 11999) granting a pension to William Barnes; A bill (H. R. 12014) granting a pension to Irving W. Combs; A bill (H. R. 12381) granting a pension to Mary K. Allen; A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake

Canal Company; and A bill (H. R. 8549) granting a pension to Louisa Rogers.

## NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate now take up the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, the pending question being on the amendment proposed by Mr. CHANDLER, on page 40, line 23, to strike out the following words:

Of the type and to be constructed according to plans and specifications to be furnished to the Navy Department by Hon. John R. Thomas, of Illinois, to be approved by the Secretary of the Navy.

Mr. CHANDLER. Mr. President, the Senator from Connecticut [Mr. HAWLEY] yesterday pointed out the peculiar conditions of this dynamite cruiser, and they were exhibited in the description contained in the paper inserted in the RECORD by the Senator from Illinois [Mr. CULLOM], and the Senator from Connecticut showed that there was nothing new in the various features which the designer of this ship, said to be Mr. THOMAS, was endeavoring to bring together in one ship.

I desire this morning to call attention to the fact that there is no novelty in the idea of submerging a naval vessel when she goes into action. The statement submitted by the Senator from Illinois contains this description of that feature of Mr. Thomas's supposed plan:

In order that the target presented to an enemy may be as small as possible, ballast tanks have been provided capable of holding enough water to lessen the cruising freeboard 3 feet, so that the hull target exposed, in still water, will be represented by a segment of a circle, using from zero at the water-line to 4 feet above at the center of the vessel.

This has been a much-discussed idea in connection with naval vessels for many years. Whether or not it has ever been carried into sucsels for many years. Whether or not it has ever been carried into successful operation I do not know, but twenty-seven years ago an effort was made to incorporate that idea in what was known as the Stevens battery, and I read from a report to Secretary Welles, dated "Navy-yard, Brooklyn, December 24, 1861," signed by S. H. Stringham, president of the board; William Inman, commodore; Thomas A. Dornin, captain United States Navy; Alban C. Stimers, chief engineer United States Navy." I read from the sixth head of this report:

tain United States Navy; Alban C. Stimers, chief engineer United States Navy." I read from the sixth head of this report:

6. The project of settling the vessel down 2 feet beyond her deep-load draught when preparing her for action, by admitting water from the sea to different compartments of the vessel, and, after the battle is over, elevating her again to the normal draught by pumping the water out, is so remarkable a departure from all previous naval practice that the board has given the subject considerable attention in its various bearings upon practical operations.

First, with regard to the compartments within the vessel which are to receive this water. The statement of Mr. Stevens upon this point is that 213 tons are to be admitted into tanks below 2-feet line. Now, these tanks are neither more nor less than the spaces between the floor timbers of the ship, or, in other words, the bilge, a part of the vessel that every prudent commander keeps as free from water as possible; but, aside from this, it is well known that the bilge water, of steamers especially, is constantly liable to choke the pumps on account of the débris contained in it, so much so that in all good steam-ships several different pumps are arranged to pump from the bilge, not so much with the expectation that they will all be required at once, as that some of them may certainly be in good pumping order.

The statement of Mr. Stevens further is, that 350 tons are to be put into the interstices of the coal. This we regard as highly impracticable. To say nothing of the impossibility of getting coal from the bunkers while they are full of water, the difficulty of again pumping the water out, filled as it would be with small particles and dust of the coal, entirely precludes, in our opinion, the use of that part of the ship for such a purpose. Mr. Stevens proposes to use a kind of pump for this purpose which, it would appear, has worked very well for similar purposes in civil engineering. Its application to vessels of war, however, is novel, a

I am not aware whether this feature of submergence in time of action was carried out in the construction of the Stevens battery. I do not know, even, what has become of the Stevens battery. Perhaps the Senator from New Jersey now here [Mr. Blodgert], or certainly the senior Senator from New Jersey [Mr. McPHERSON] if he were present, could tell what has become of the Stevens battery. I am quite sure, however, that that battery has never been made a practical war-ship, and I am also confident that the plan of submergence never has resulted in the construction of any useful war-vessel.

Mr. THOMAS, whose plans and specifications the Senate is now called upon to legislate into this bill and to put him and them upon the Navy Department, has, it seems, undertaken to include this, not a novel idea, with the other ideas which have been detailed by the Senator from Connecticut into a war-ship; and it is not clear whether or not Mr. THOMAS has himself done anything whatever in the making of plans and specifications for this vessel, or that he has any skill or ability which would enable him to make plans and specifications of this It is possible that this morning the Senator from Illinois will be able to inform the Senate how much of the designing of this ship which has already been accomplished has been in fact done by Mr. Thomas himself and how much of it has been done by officers of the Navy Department.

As I understand-I desire the Senator to correct me if I am wrong-Mr. THOMAS merely enumerated certain ideas as desiderata in a ship, and naval officers now in the employment of the Government have made all the designs, and plans, and specifications which have hitherto been used; and I say now, as I said yesterday, that if that be so and Congress is to recognize in the act authorizing this new cruiser any person or persons as the originators of this cruiser, it should recognize the men who have taken these ideas and have designed the ship.

Every naval vessel is a compromise, every naval vessel is the bringing together of things which are desired for a naval vessel. When the number of tons displacement of a ship is given, the problem is within a ship of that displacement to put as heavy and as powerful machinery as can be placed there consistently with the other uses of the ship, to put in a ship as heavy ordnance as possible, and to leave, all the time, space for stores and for the officers and the crew. That is what the de signing of a ship is, and the merit in designing a ship is getting within a given displacement of the vessel as many of the things desired in a naval vessel as can possibly be included within it; and the men who do that thing are the ones who are entitled to the credit of the design of the ship, and who, if the ship proves a failure, are to be condemned for the failure, and who, if the ship proves to be a success, are to be congratulated upon the success.

So, if Congress desires to undertake in advance to declare the designer of this vessel, it is in my judgment failing to carry out its wishes when it undertakes to name Mr. Thomas, a member of the House of Representatives, and a member of the Naval Committee of that body, instead of naming those naval architects, those naval constructors, those naval draughtsmen who as a matter of fact are doing this thing.

But, Mr. President, I recur to my original proposition, that the whole attempt is all wrong; that in legislating for the Army or for the Navy, in providing guns, in providing ships, we ought to indicate generally what we wish, and to leave to the heads of the Departments the responsibility of dealing with inventors, to leave to them the responsibility of deciding between their conflicting claims, and to decide for themselves what sort of ships they will build, and upon what plans and specifications they shall be constructed.

Mr. MORGAN. Mr. President, I have listened to this debate with some interest. I am not very well informed about the type of ship that seems to have been invented by Mr. Thomas, of the House of Representatives; but I do not think that is a very material question for me to understand in voting upon the question of the amendment of this clause in the appropriation bill.

The House of Representatives, through their Naval Committee, have determined that a certain type of ship which seems to have been suggested, if not invented, by Mr. THOMAS, of the House of Representatives, would be the proper thing for us to adopt experimentally, to say the

would be the proper thing for us to adopt experimentally, to say the least, in the building up of our Navy.

They have complimented that gentleman, for I think it is a very high compliment to him indeed, by putting his name in the bill as the author really of the type of ship about which the bill speaks. I do not suppose that Mr. Thomas has any pretensions at all to being a skillful ship-builder, or that he could of himself probably furnish the specifications and plans upon which this type of vessel shall be constructed. I presume he does not pretend to do anything of that kind: but he is the presume he does not pretend to do anything of that kind; but he is the suggester of the type of ship, and it is very proper indeed, I think, that the Congress of the United States should recognize a matter of that kind, coming from whatever source it may, whether from a member of Congress or some person outside of these bodies.

I suggest that we can get rid of the difficulty which has been commented upon by the Senator from New Hampshire by a little transposition of the language so as to leave the compliment in the bill that is bestowed by the House upon Mr. Thomas, for I think it would be an ungracious thing to strike it out, and let that apply to the type of the

ship. I would amend in this way: After the word "type," in line 23, let the clause read:

Of the type furnished by Hon. JOHN R. THOMAS-

And then proceed-

and to be constructed according to plans and specifications to be furnished to the Navy Department, to be approved by the Secretary of the Navy.

It seems to me that that would cover the whole thing, for Mr. THOMAS'S invention in the matter is certainly nothing more than, as was suggested yesterday, perhaps a combination of well-known principles in a new form or type. Knowing Mr. THOMAS as I do, and knowing his great labor in the matter of trying to promote the reconstruction of our Navy, I dislike very much to strike out a compliment the House have bestowed upon him. I have no doubt that he deserves it. He deserves it in reference to the type of the ship.

Mr. HALE. If the Senator will allow me, I have here a clause that

has been drawn after some conference, which I will suggest to the Senator from Alabama before moving an amendment. I agree with him that the language he has proposed is much better than that in the bill. Instead of putting the name of John R. Thomas, which of course is unprecedented in legislation, this clause has been framed:

Of the type approved and recommended by the naval board in their report to the Secretary of the Navy, and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889.

That is one of the documents which have been read here in support of the clause, and identifies it, as the Senator from Alabama will remember, in the same way that we identify types by referring to the reports of naval boards, which are public records on file, and no names are given. For instance, in this very bill there is a provision for a naval structure in the nature of a ram which is identified as being of the type approved by the naval board in their report dated so and so. If that should be agreed upon, with the language further suggested by the Senator, to be built on plans and specifications approved by the Navy Department, I can see that all objection to the form would be taken away. Whatever Senators might feel about the type itself, I think everybody

would be willing to leave that with the Department.

Mr. MORGAN. I admit that the form presented by the Senator from Maine is better than the one I suggest as a form of legislation. It is only because of the fact that Mr. Thomas's name was put in the bill in the other House that I thought it was a little disagreeable for the Senate to strike it out.

Mr. HALE. The Senator will see that we get at it in the customary The document referred to is a document the occasion of which was this vessel invented or designed by Mr. THOMAS, submitted to the Secretary of the Navy, by him submitted to this board, and approved by them, so that the identification is complete.

Mr. MORGAN. If that appears to be satisfactory to the Senator

from Illinois I will not press my amendment, but will allow that to come in as the best form.

Mr. HALE. If the Senator, then, will withdraw his amendment I will move, after the word "type," in line 23, to strike out down to and including the word "Illinois," in line 2, on the next page, and insert what I send to the desk.

The PRESIDENT pro tempore. Senator from Maine will be stated. The amendment proposed by the

The CHIEF CLERK. After the word "type," in line 23, on page 40, it is proposed to strike out the words:

And to be constructed according to plans and specifications to be furnished to the Navy Department by Hon. JOHN R. THOMAS, of Illinois.

And to insert in lieu thereof:

Approved and recommended by a naval board in their report to the Secretary of the Navy, and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889, and to be constructed according to plans and specifications furnished by the Navy Department.

So as to read:

Of the type approved and recommended by a naval board in their report to the Secretary of the Navy, and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889, and to be constructed according to plans and specifications furnished by the Navy Department to be approved by the Secretary of the Navy.

Mr. GORMAN. Mr. President-

Mr. HALE. Will the Senator let this amendment be adopted, and then the whole clause will be open'? I take it he does not object to it.

Mr. GORMAN. I have no objection to that course.

Let the amendment be acted upon. Mr. HALE.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. Halk], to amend the clause of the bill which the Senator from New Hampshire [Mr. CHANDLER] moves to strike out.

The amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on agreeing to the motion of the Senator from New Hampshire to strike out the part of the bill as amended.

Mr. GORMAN. I notice in the debate yesterday that the Senator from New Hampshire, in criticising the provision as it came to us from

the House of Representatives, designating the plans furnished by Mr. THOMAS, of the other House, inquired of the Senator from Illinois whether he knew "that Mr. Thomas ever did anything except sit down with Capt. Robley D. Evans, or with some one of the highly educated and brilliant young assistant naval constructors that we have lately sent to the Naval College," etc., intimating in that statement that Mr. Thomas's plans were practically prepared by the naval offi-cers. I feel authorized to say—indeed, I know from the gentleman whose name has been used in this connection, Captain Evans, one of the brightest officers in the Navy, who, I think, for the past three years at least, has beenrelied upon to a greater extent than, or to as great an extent as, any officer connected with the Navy in the construction of vessels-that he had never heard of the plans; he had no connection with conceiving this ship; he had no relation whatever to the preparation of the plans or the specifications; and he absolutely knew nothing about them until the complete drawings and draughts were presented by Mr. THOMAS to him for his criticism.

I know the Senator from New Hampshire would not do Mr. Thomas or these officers any injustice. Mr. Evans, while perfectly competent and capable, does not claim any credit for it. He denies any knowledge of the original conception or of the draught or plans of the vessel. I desired to make this statement in justice to both these gentlemen.

Mr. CULLOM. As the amendment has been adopted, which I consented to myself, I do not care to say more than a word in behalf of Mr. THOMAS, whose name has figured in the debate, not by his seeking, or by that of anybody in the Senate except as we found the clause in the bill coming from the House of Representatives.

I simply desire to say that I am informed by Mr. THOMAS himself that whatever work he has done has been simply in the interest of what he believed the public good. He has given a great deal of labor to this subject and to this particular plan of vessel. He has no par-ticular ambition to be identified with it in name specially, but simply believes that the cruiser he invented is a good one, and that it ought to be built in the interest of the Government.

I desire to say further that the plans and specifications furnished by him were approved by the board of naval officers convened by the Secretary of the Navy, and during the investigation of the plans by the board he saw nothing of the board and had nothing to say to them whatever. I wish to say further that I have a private letter in my pocket which has been written since the debate yesterday, from persons who had something to do with the clerical work, giving the entire credit to Mr. THOMAS for the invention from beginning to end.

With these remarks, as the amendment has been adopted, I do not

care to take up the time of the Senate any longer. The PRESIDENT pro tempore. The question recurs on the motion of the Senator from New Hampshire [Mr. CHANDLEE] to strike out the clause as amended.

The amendment was rejected.

Mr. PLATT. What is the result of the vote?

The PRESIDENT pro tempore. The result of the vote is that the clause remains in the bill with the amendment proposed by the Senator from Maine.

I so understand. That is right. Mr. HALE.

The PRESIDENT pro tempore. Are the bill as in Committee of the Whole? Are there further amendments to

Mr. CHANDLER. I desire to call the attention of the Senator having charge of this bill to what I think must have been an inadvertence in the framing of the provisions which follow the description of the ship. The bill goes on to provide what horse-power the contractor shall guaranty. It says:

The contractor shall guaranty that the collective horse-power developed by the engines of said vessel shall equal 7,500 indicated horse-power, and that said vessel when completed and tested for speed, under conditions to be prescribed by the Navy Department, shall exhibit a maximum speed of not less than 17 knots per hour; and the contract for said vessel shall contain a further provision that for every quarter of knot of speed so exhibited above said guaranty of 17 knots the contractor shall receive a premium, over and above the contract price, of \$50,000, and for every quarter-knot that said vessel falls of reaching said guarantied speed there shall be deducted from the contract price the sum of \$50,000.

I will state the effect of that. The conditions recently prescribed by the Navy Department for testing a new vessel have been that there shall be trials over the measured mile, which, as the Senator well knows, are very different from the trial of a ship for four or six hours. The ship is carefully prepared for the trial. Her furnaces are filled with coal, she is speeded up, and then suddenly run backwards and forwards once or twice over the measured mile, and that is taken as the speed of the vessel. No matter how much the ship may have been damaged, no matter if the ship burns out the tubes of her boilers when this extraordinary trial is taking place, still the speed over the measured mile is recorded and the contractor's ship is accepted. That is the way the trial of these ships is made.

is provided here that if this ship on the trial test exceeds the rate of 17 knots an hour, because there is no provision that the ship shall run an hour—if she exceeds 17 knots an hour by a quarter of a knot the contractor shall get \$50,000, and if she exceeds it by another quarter knot the contractor shall get another \$50,000. This ship is to have 7,500 indicated horse-power. I am informed that the speed

which that 7,500 horse-power will give the ship will be from 18} to 19 That is the speed which on this model or this type of vessels 7,500 indicated horse-power ought to give; and if the speed is attained which the horse-power will give, instead of paying for this ship \$1,-500,000 we shall pay \$1,900,000. There will be an increase of \$400,000 given to the contractor for this ship if she goes 19 knots instead of going 17 knots an hour.

I can not believe that that was really intended, and therefore I propose as a more satisfactory method of giving a premium for increased speed that the premium shall be given for increased horse-power. On page 41 I move to strike out lines 14, 15, 16, 17, 18, and 19 down to the words "the material," beginning in line 13 with the word "every," and to insert the words:

Increased horse-power above 7,500 the contractor shall receive suitable premiums.

So as to give the premium for increased horse-power and not for in-

creased speed.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 41, line 13, after the word "for," it is proposed to strike out all down to and including the word "dollars," in line 19, in the following words:

Every quarter of knot of speed so exhibited above said guaranty of 17 knots the contractor shall receive a premium, over and above the contract price, of \$50,000, and for every quarter knot that said vessel fails of reaching said guarantied speed there shall be deducted from the contract price the sum of \$50,000.

And to insert:

Increased horse-power above 7,500 the contrator shall receive suitable premiums.

So as to read:

And the contract for said vessel shall contain a further provision that for increased horse-power above 7,500 the contractor shall receive suitable premiums,

Mr. HALE. I am glad the Senator has called attention to this, but there is a better way to get at it. There never could have been and never was any intention, I presume, that these great additional bounties for increased speed should apply to an old rate of speed that is practically abandoned. What was attempted and sought in the bill, I take it, was to put upon it the provisions we put in for fast vessels last year, which are as follows:

The contracts for the construction of said cruisers shall contain provisions to the effect that the contractor guaranties that when completed and tested for speed, under conditions prescribed by the Navy Department, the vessels shall each exhibit a maximum speed of at least 19 knots per hour; and for every quarter knot of speed so exhibited above said guaranty the contractor shall receive a premium over and above the contract price of \$50,000.

We provide here for a ship that by construction of horse-power is to be one of the fastest in the service, is to be a 19-knot ship, and instead of the amendment proposed by the Senator from New Hampshire it is much better and simpler to adapt this to the legislation we have already applied to other ships of the Navy by striking out "seventeen," in line 12, and insert "nineteen." I will move that as a substitute for the Senator's amendment unless he accepts it. I think he will see that this is better.

Mr. CHANDLER. I still think it is better to give increased premium for horse-power rather than for increased speed; but if the Senator will move that amendment I shall withdraw mine.

Mr. HALE. Nobody would object to the amendment that I offer,

The PRESIDENT pro tempore. The amendment of the Senator from New Hampshire is withdrawn, and the amendment proposed by the Senator from Maine will be stated.

The CHIEF CLEEK. On page 41, line 12, it is proposed to strike out "seventeen" and insert "nineteen" before the word "knots;" so as to read:

Not less than 19 knots per hour.

Mr. GORMAN. I inquire of the Senator from Maine whether that would not probably interfere with the construction of the vessel. It is of peculiar construction, as I understand, and the question is whether

it would be possible for it to get a speed of 19 knots.

Mr. HALE. I take it there is no doubt about it. If any ship of this sort can produce 19 knots an hour, this one, with the horse-power that is put upon her and her size, can. We have proved repeatedly, and it is the subject of great congratulation to ourselves, that we have got away from the old rates of prescribed speed. I was interested the other day in reading the report of the Rodgers board, seven years ago, which was the foundation of all that has been done in the building up

of the Navy.

The most that that board required and sought to accomplish then was the building of fast ships at 14 knots an hour. We soon went be-yond that and struck for higher speed. We got into the domain of the 17-knot vessels and provided for those. But so great was the skill and ingenuity of our constructors, and so complete was their work, that we went beyond that, and for the last two years we have provided that ships of this kind and this size and this horse-power shall obtain 19 knots, with premiums above that rate, and the contractors are now going for additional premiums on the 19-knot ships. The Vesuvius has already performed the wonder of an experimental or trial trip in which

she made over 21 knots, which is more than 23 miles. We have beaten the world in reference to speed.

I have no doubt that the intention here was to apply the law that was embodied last year on fast vessels for premiums over and above 19 knots, and that is why I have suggested the amendment.

Mr. CHANDLER. The Senator is doubtless aware that the premiums given in the case of the Charleston, Yorktown, Bennington, Concord, Petrel, and Newark are premiums for increased horse-power, and not for increased speed. Nevertheless, if the Senator prefers to give the premium for increased speed I shall not make any objection.

I repeat for the benefit of the Senator from Maryland that I understand this ship is a 3 030 ton ship. That is the activated displace

stand this ship is a 3,030-ton ship. That is the estimated displacement; and if that be so, a 7,500 indicated horse-power will give 19 knots in this method of trial over the measured mile if the ship is well built.

There can be no doubt about that. Mr. HALE.

Mr. GRAY. Mr. President, I quite agree with the Senator from Maine that it is desirable to get away from the ancient limitation of speed in the construction of these new vessels for our Navy, but as the matter of speed is the result of the plan of construction, and the developed horse-power of the engines and the various matters that go into veloped horse-power of the engines and the various matters that go into the construction of a ship are points upon which expert naval con-structors must inform us, I take it that it would be very rash by this arbitrary amendment, fixing 19 knots instead of 17 knots an hour, to interfere presumably with what has been attained by the committee in the other House after careful consultation with those who are informed and expert in naval construction. I do not think that it is competent for us here in the Senate, and away from the sources of information which are open to a committee who are perfecting a bill, to say arbitrarily that 19 knots an hour for a given type of vessel is the minimum speed to be fixed, because we may by that very fixing of an arbitrary rate of speed interfere entirely with the conception of the vessel that has been authorized to be built.

While I should like to see the highest maximum speed attainable provided for, I should hesitate to indorse the amendment of the Senator from Maine unless it is founded upon information he has from naval constructors or others who are expert in naval architecture.

Mr. HALE. Let me make a suggestion to the Senator. that he has made this point, because in the past he and I have worked together in one direction, particularly upon a ship of this kind being brought before the Navy, and grave objections having been urged against it I do not think the Senator would desire upon this question of premium to go back for this ship and make a basis of speed that in constructing vessels we have long ago abandoned. The 17-knot limit, beyond which the great premium of \$50,000 for a quarter of a knot was offered, which is \$200,000 additional premium for an additional knot, is aban-

doned, and has been for the last two years, by the Navy Department. The investigation that the Senate committee made led us to believe from the testimony of contractors, talking with them, that they could make 19 knots an hour. We said to them, "How will you demonstrate that you can make 19 knots an hour?" They said, "Put it into the bill"—and the Senate put it into the bill—"not only that we shall make 19 knots an hour, but give us a premium for over 19 knots an hour, and you may put on a provision that we shall forfeit if we do not reach it." The Senate committee on this investigation established that rate. The contractors were willing to run the risk of 19 knots an hour, and they are now building ships upon that rate and expect to get

a premium.

That is the reason why the Senate committee do not desire to go back to the old rate of 17 knots an hour and give enormous premiums when that rate is exceeded. It would be an invidious discrimination on this particular ship, of the horse-power and size that other contractors are building, where they agree to furnish 19 knots an hour, with a premium for increase and a penalty for decrease—it would be, I think the Senator will see, almost an absurdity now, on this ship, to go back to 17 knots an hour and give the benefit of this immense in-creased premium to a ship of which only 17 knots are demanded, when we are doing the same thing with other contractors and demanding 19

That is the reason why I moved this amendment in the interest of the projectors of this ship and in the interest of fair dealing with other contractors, so that it may not be said this is a special thing with special It is our duty to see to it that it is subjected to the same conditions that other contractors are taking, and taking gladly. That is why I say to the Senator from Maryland, I suggested, when the Senator from New Hampshire moved his amendment, that this would be a provision that I thought everybody would agree to.

Mr. GRAY. I do not think my friend from Maine gets the exact point of my objection to his amendment. It is that we have appropriated in this part of the bill for the construction of a vessel of a particular type described and made certain by the words of the description contained in the previous part of the paragraph, in the construction of which we must presume that all the elements of naval architecture and the results to be obtained from a particular style of architecture have been considered by the Naval Committee of the other House.

If it is prudent to provide by law that a vessel according to particu-

lar plans and specifications (and that is what we do undertake to pro- Senator from Colorado will be read.

vide for) shall be built, it is dangerous, I think, to depart, without more knowledge than we have, from those plans and specifications in the matter of the speed to be attained; for that is just as much an element of the construction of the ship as her beam or her length or the peculiarities that may obtain in regard to submerging her deflective armor, armament, and so on. If the bill had been in this regard referred, as I think it ought to have been, to the Naval Committee of the Senate, where testimony could have been heard or information obtained from naval architects, then we might have talked about it intelligently; but I do not think, with all deference to the general knowledge of the Senator from Maine in regard to matters of this kind, that we are yet informed by what he says sufficiently to take a step like this, which seems to me to be one in the dark.

Mr. HALE. I do not look upon it as proceeding in the dark. I know nothing about this ship, of which I have good hopes, but I feel entirely confident that there is nothing in her construction that forbids her attaining the same speed which other ships of like size and like horse-power attain. Of over 3,000 tons, to be built after whatever model may be approved by the Navy Department as a fast ship, with certain peculiarities about her in time of battle which do not in any way whatever touch speed, she could get to the place where she is to do her fighting as fast as any other ship of her size and horse-power; and the size and horse-power provided in this ship, not only now with us but in other navies which are patterning after us, give a ship of 19 knots. I should have grave objections to building this ship at all if I thought she could make but 17 knots. That would be going back, when in every bill we have acted upon heretofore we have gone forward, and we have attained the highest developed speed in the world because we have gone forward.

We have done this thing before. It is not an interference with the

House, that has investigated this any more than we have, because this whole subject-matter has been practically for a year before gentlemen who are interested in and familiar with naval affairs. This very project came before the conference committee last year and was struck off.

It was then discussed and the models and plans looked at.

To repeat, if we have to go back to a 17-knot ship, and only a 17knot ship, then I do not want to build her. That is an argument against the whole project. If we are to build a ship which is to cost as much as a 19-knot ship costs, with the immense premiums which we give (and \$50,000 for every quarter of a knot is a great premium), we ought to have a ship which is just as good as the Charleston, the San Francisco, and other ships that are to be built upon the basis of 19 knots. That rate we have already established, and it will discredit this ship and discredit the scheme on which it is built with the Navy Department, with any Secretary of the Navy who may manage the Navy in the future, if it comes to him as a special pet that is given premiums for a speed between 17 knots and 19 knots, when the other ships that we are building have penalties for a speed between 17 knots and 19 knots. The special friends of this measure ought not to launch it upon a new administration of the Department with that distinction, giving to this ship premiums between 17 knots and 19 knots when they have ships that are being built which involve penalties if they do not get up to 19 knots.

For that reason I should insist (or my interest in this vessel would be lost) that she should make the same speed that other ships of like class make, 19 knots an hour, and then get the big premium over and above; but if we go back of that and make this a pet measure and give these enormous premiums for a rate of speed above that which has been long ago abandoned as the maximum rate the whole project is discred-

I know the Senate does not want to do that.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on agreeing to the amendment striking out "17" and inserting "19" before the word "knots" in line 12.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to the word "seventeen" in line 15 of the same paragraph, and inquires whether that should not also be made "nine-

Mr. HALE. That should be made to conform.

The PRESIDING OFFICER. That amendment will be made if there be no objection.

Mr. HALE. On page 25, at the end of line 4, I move to add:

And for the purpose of utilizing accumulated naval supplies the transfer is authorized, after requisition upon the Paymaster-General of the Navy, of any supplies belonging to one bureau and available for the use of another, without reimbursement therefor by the bureau receiving the supplies so transferred: Provided, That supplies obtained for a specific object and still needed therefor, and supplies bought within the fiscal year in which the requisition is made, and provisions, clothing, and small stores, shall not be subject to transfer without charge under the terms of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. TELLER. I offer an amendment to come in on page 43, after line 16.

The PRESIDING OFFICER. The amendment proposed by the

The SECRETARY. On page 43, after line 16, it is proposed to add:

The Secretary. On page 43, after line 16, it is proposed to add:

That the Secretary of the Navy be, and he is hereby, authorized and empowered to contract with the Hurst Reinforce Cartridge and Arms Company, a corporation under the laws of the State of New Jersey, for the manufacture of three or more rapid-fire, rapid-twist, 1-pounder breech-loading rifled guns, and an equal number of the same type of 3-pounder guns, and an equal number of the same type of 5-pounder guns, and such amount of ammunition for each of said guns as the Secretary of the Navy may designate; said ammunition to consist of the Hurst reinforce cartridge: Provided, That said guns shall not exceed in weight and length guns using similar weight of projectile now in use; and said guns using said cartridges shall, in addition to the usual test required by the United States Government, propel a projectile with a penetrating force 20 per cent, greater, by actual experiment, than the best guns using similar weight of projectile now in use in the United States service: And provided further, That said guns shall not be paid for and no expense shall accrue to the Government until by actual experiment, under the direction of the Secretary of the Navy, it shall be shown that said guns with said cartridges are capable of producing a penetrating force 20 per cent, greater than any guns firing same weight of projectile now in use in the United States service.

service.

That the Secretary of the Navy be, and he is hereby, authorized and empowered to contract with said company for one hundred or more stands of high-power small-arms, using said cartridges, of such caliber as he may designate, and on the same terms as above set forth: Provided, That before any money shall be paid for said guns the said Hurst Reinforce Cartridge and Arms Company shall convey to the United States Government the right to manufacture and use the said cartridges for and with the said guns.

That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, and the Treasurer of the United States is hereby authorized, empowered, and directed to pay out the same, or such part thereof as may be required, upon the orders of the Secretary of the Navy.

Mr. TELLER. The amendment I have offered is a copy of a bill reported by the Committee on Naval Affairs favorably, which now stands on the Calendar. For the purpose of showing that there is some merit in this amendment, I present a letter from the Commissioner of Patents, with a statement of the assistant examiner in charge, showing the application and the issuing of patents, or the proceedings to get patents, on the part of Mr. Hurst, who has transferred his right to this company. I also desire to present a letter from the chief examiner of the Patent Office, which I ask may be inserted without being

The PRESIDING OFFICER. The letters will be inserted in the RECORD without reading, if there be no objection.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR.
UNITED STATES PATENT OFFICE,
Washington, February 6, 1889.

Sir: Your communication of the 5th instant relative to applications for patents filed in this office by H. P. Hurst, has been received.

I inclose herewith report of the examiner made to me in the matter, which contains full information concerning all the applications filed by Mr. Hurst.

Very respectfully, yours,

BENTON J. HALL, Commissioner.

Hon. H. M. TELLER, United States Senate,

UNITED STATES PATENT OFFICE, February 6, 1889.

UNITED STATES PATENT OFFICE, February 6, 1889.

SIR: With respect to the request of Hon. H. M. Teller for information as to any applications for letters-patent which may have been filed in this office by General H. P. Hurst, and in compliance with your direction to report thereon, I respectfully submit the following:

The records of this division show that the following patents have been granted to General Hurst, or to himself and joint inventor:

H. P. Hurst, occlerating cartridge, No. 372753, November 8, 1887.

H. P. Hurst, shell, No. 372753, November 8, 1887.

J. R. Hawley and H. P. Hurst, projectile, No. 389413, August 28, 1888.

H. P. Hurst, accelerating cartridge, No. 390232, October 2, 1888.

H. P. Hurst, projectile, No. 391367, October 16, 1888,

Applications filed by General Hurst are now pending before the office, the subject-matter of the invention and the condition of each case being as hereinafter stated:

Breech-loading ordnance (adapted to Hurst cartridge). All of the claims (five)

after stated:

Breech-loading ordnance (adapted to Hurst cartridge). All of the claims (five) presented have been decided patentable. The case only awaits correction of the drawing before allowance.

Breech-loading ordnance, having the firing mechanism carried and the shell-ejecting mechanism actuated by the breech-block. All of the claims stand rejected upon references, but the gun possesses patentable novelty over these, if clearly described in the claims.

Breech-loading ordnance, having the firing mechanism carried and the shell-ejecting mechanism operated by the breech-block. Of the ten claims presented seven have been decided patentable and three stand rejected. Of these two may be amended so as to be patentable, leaving but one lacking in patentable novelty.

elty.

A compound accelerating cartridge. Three claims have been allowed while several more embrace patentable subject-matter. Of the remaining claims several are anticipated by the above-mentioned patents of General Hurst for cartridges.

Wire-wound gun. The claims are all rejected, either upon formal objections of release of releastable nevelty, in view of the state of the art. The gun, how-

Wire-wound gun. The claims are all rejected, either upon formal objections or for lack of patentable novelty, in view of the state of the art. The gun, however, possesses several patentable features, and the proper presentation of these in the claims will result in the grant of a patent.

Recoil-operated fire-arm. The specific mechanism is in the main novel, and may be protected by properly-drawn claims. Those now in the case stand rejected, either for formal objections or because their subject-matter is anticipated by the references cited.

I am of the opinion that the Hurst system of arms and ammunition possesses many features new in themselves and peculiar to it: but, like all systems, it has of necessity taken to itself and assimilated other features, old in the art and common to other systems of arms and ammunition.

Respectfully submitted.

L. W. MAXSON, First Assistant Examiner, in Charge Division 22,

Hon. BENTON J. HALL, Commissioner of Patents,

Washington, D. C., February 9, 1889,

Sir: In answer to your favor of the 8th instant, and with the consent of the Commissioner of Patents, I note the following:

I am not aware of any inventor, in this or another country, who has individually patented shells, projectiles, salots, fuses, accelerating artridges, breech-loading ordnance (large and small caliber), breech-loading small-arms and light ordnance operated by the recoil of the explosive charge, and ordnance constructed on the wire-wound principle.

While this is true, certain persons have secured patents relating to arms and ammunition extending over a wide field of invention.

Of these, perhaps the most prominent was B. B. Hotehkiss, a citizen of the United States, resident at the time of his death at Paris, France.

Examples illustrating the diversity of his inventive faculty, though including but a small portion of his United States patents, are as follows:

Wire-wound gun, No. 259936, January 2, 1883.

Breech-loading ordnance, No. 270589, January 16, 1883.

Breech-loading ordnance, No. 270589, January 23, 1883.

Breech-loading ordnance, No. 381697, April 24, 1888.

Machine gun, No. 211849, February 21, 1882.

Breech-loading fre-arm, No. 98889, February 15, 1870.

Magazine fire-arm, No. 184255, November 14, 1876.

Submarine and torpedo boat, No. 278708, June 5, 1883.

Primers for cartridges, No. 98899, February 15, 1870.

Cartridges (not accelerating) No. 23080, July 10, 1860.

Rifle bullet, No. 192829, July 10, 1877.

Projectiles, No. 182278, September 19, 1876.

Sabot, No. 93989, July 27, 1869.

Shell fuse, No. 24899, July 26, 1881.

Thorston Nordenfelt of Westminster, England, has also patented many inventions, including machine guns, breech-loading ordnance, carriages for guns, projectiles, shells, and shell fuses.

These two examples, taken from the records of the Patent Office, are perhaps the best Illustration of the application of the inventive faculty, by a single individual, to a wide range of devices pertaining to arms and ammunition.

The

LOUIS W. MAXSON, United States Patent Office.

Hon. H. M. TELLER, United States Senate.

Mr. TELLER. The principal merit, as I understand, of this gun consists in the character of the cartridge that is used as well as in the character of the gun itself. The gun which has been made and put in use is a small gun carrying a very small bullet. The purpose, of course, is to enlarge it and see if a larger gun can not be made to do what the small gun has done in a very great degree. small gun has done in a very great degree.

I have been furnished with a statement of the character of the car-

tridge, which is a little better perhaps than I can make it, and I desire

The Hurst cartridge has an inner steel tube containing a small charge of powder which starts the bullet. Outside and around this tube there is a much larger charge of powder which is not ignited until the bullet is well under way along the bore of the gun. The small charge starts the projectile without recoil to the gun, and when the big charge is ignited the bullet is moving rapidly, thus keeping down the gas pressure in the cartridge chamber without great strain on the gun, for when the bullet is moving there is a constantly increasing gas chamber provided for the explosion of the large charge, which gives greatly increased velocity to the moving bullet with little recoil of the gun. The Hurst cartridge applied to the new small-bore Springfield rife, could use twice the amount of powder, of either quick or slow burning, than is used in the single-charge system of cartridges of the Government model with less powder pressure in the chamber than is attained by any of the high-power small-arms at home or abroad.

I have a report from Lieutentant Berry, of the United States Navy, which I desire may be inserted in the RECORD, and I need not take the trouble to read it. He gives an account of this gun and of the various guns after which it is modeled that are in use in various parts of the country. I desire that it may go in the RECORD for the benefit of the committee, which I understand has been considering this matter in another connection.

The PRESIDING OFFICER. The matter referred to will be inserted in the RECORD without reading, if there be no objection.

The memorandum referred to is as follows:

ORDNANCE OFFICE, NAVY-YARD,
Washington City, February 7, 1889.

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 5th instant, and in reply inclose the desired information with the exception of comparative power of the Hurst and foreign guns. This I may be able to forward you.

The data relating to the Hurst gun are from my official report; the other information is from foreign professional journals.

Very respectfully,

A. G. BERRY, Lieutenant, United States Navy.

Hon. H. M. TELLER, United States Senate.

France has adopted the Lebel rifle—caliber, 0".315; length of projectile, 1".22; weight, about 232 grains; weight of cartridge (loaded), 452 grains; kind of charge, smokeless powder, its nature entirely unknown; projectile, hardened lead in a nickel jacket; muzzle velocity, 2,034 feet; magazine holds eight cartridges and is similar to the Winchester in this country.

England has the "Improved Lee," an American gun—caliber, 0".315; charge, anknown; have had great difficulty in getting right kind of powder. The "improved" part of the rifle consists of slight changes about the magazine.

Austria has the Mannlicher—caliber, 0".315; charge, 62 grains; projectile, 1".42, and weighs 244 grains; muzzle velocity, 1,738 feet; weight of loaded cartridge, 447 grains; magazine something like the Lee and holds five cartridges.

Portugal has the Kropatscheck—caliber, '0'.315; charge, of loose Rottweil powder (German); weighs 66 grains; projectile, 247 grains, copper covered. Germany, Italy, Denmark, and the other nations are still experimenting with the small-bore guns, and the American Lee is thought well of.

I have seen it stated lately that both Germany and Italy had adopted the Lee with a caliber of .315.

In Europe the weight of the charge for the small-bore caliber is about one-fourth the weight of the projectile, and the latter is in all instances compound—that is, hardened lead in a steel, nickel, or copper jacket.

Hurst system (.32 caliber American measure, .308 foreign). Various weights of charge and projectile were used. Among them are the following:

With a charge of 240 grains of powder and a steel projectile of 131 grains, length 1".07, the penetration was 1".15 of iron at an angle of 80 degrees.

With 240 grains of powder and 131 grains steel projectile, length 1".07, it penetrated 1½" of iron plates and 3" oak.

With 245 grains of powder and 258 grains steel projectile, length 1".07, it penetrated 1½" of iron plates and 3" oak.

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The Hurst cartridge is loaded with two charges, 30 grains in the inner tube and the remainder in the annular space about it. I do not think the gun could stand a single charge of 240 grains, nor would any man have willingly fired it from the shoulder more than once.

In this system the charge is in some cases heavier than the projectile and lighter in others. Equal weights would not be far from right.

By a crude method of comparing the recoil with that of the Springfield rifle it was found to be about the same in each. The gun was fired repeatedly from the shoulder, with heavy charges, though I never did it. With improved powder better results carrying out th

Mr. TELLER. I have also the following data, which I desire to submit in brief, as to the experiments made with this gun:

Shot No. 31: Steel projectile, caliber .32; length, 1.25 inches; weight, 150 grains; inside powder charge, 30 grains, Hazard's No. 3; outside charge, 210; target, five wrought-fron plates, four of which were three-sixteenths of an inch each thick, and one three-eighths of an inch hick, sandwiched in between pine boards, each I inch thick. Penetrated all the iron plates and pine boards. Total penetration, 14 inches of iron and 5 inches of pine.

Shot No. 33: Steel projectile; length, 2 inches; weight, 258 grains; inside powder charge, 35; outside charge, 210 grains. Penetrated 40 inches of pine, and bent and upset on contact with an iron plate behind the wooden target. Lieutenant Berry estimates this shot had sufficient power to penetrate 50 inches of pine.

pine.
Shot No. 34: Steel projectile. Length, 1.07 inches; weight, 131 grains. Penetrated 1.15 inches into hammered iron. Angle of impact, 80 degrees.
The powder used in this test was the ordinary powder, known as Hazard's No. 3, ducking, yet the penetration is the highest ever recorded for the caliber of gun and weight of bullet.
With an improved powder the velocity and penetration of the Hurst bullet will be correspondingly greater.

I find in the Naval Intelligencer of June, 1888, the following reference to this cartridge:

The "Hurst cartridge" tried in a small-bore rifle (.32 caliber) has given some remarkable results. Some experiments with this ammunition have recently been made at the Washington navy-yard. The rifle used is of special construction. The bore is rifled with six grooves, having a uniform twist of one turn in 6 inches. A bullet weighing 131 grains, fired from this gun with a charge of 240 grains (30 grains interior and 210 grains exterior charge) penetrated .96 inch in a wrought-iron plate at a range of 33 feet, and when recovered was found to be practically undeformed.

I have here on my table a piece of iron with a bullet in it. [Exhibiting.] I also have what I regard as considerably more expressive of the power of this gun, a specimen where the bullet struck the steel at an angle of about fifteen or sixteen degrees. [Exhibiting.] I do not suppose that I shall exaggerate if I say that in no weapon that has been tried has there been such a remarkable penetration. I understand that at least one Senator connected with the Military Committee fired this gun from his shoulder, and Lieutenant Berry shows that the recoil is about the same as that of the Springfield rifle, with very much

larger penetration.

It will also be seen by an examination of the character of the projectile used that the projectile in this gun is very much less than that used in the Springfield rifle, while its penetration is more than double. The danger range of this gun is more than double that of the Springfield rifle can carry a bullet with deadly effect, it is said, a mile and a half, this gun can do the same 3 miles. In every respect the gun is superior to any gun in use, I believe, by this Government or any other government at this time.

The gun has been examined and commented upon by various persons

of intelligence who have looked at it, and everywhere it has been pro-nounced a wonder. A little examination of the character of guns in use, comparing the work of this gun with that of those guns, will show that it is very superior in character.

We have never in this country been quick to appreciate the advantages which our people have had in their inventive faculty with reference to guns; and all the valuable inventions of this kind, I believe, without exception, have gone abroad. Mr. Hotchkiss, who everybody understands invented a very valuable gun, I think, importuned our Government year after year, year in and year out, to furnish him some means of developing and demonstrating the value of his gun.

INDEBTEDNESS OF PACIFIC RAILROADS.

The PRESIDING OFFICER. The Senator from Colorado will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Oregon [Mr. MITCHELL] to recommit the bill to the select committee with instructions.

Mr. GORMAN. I call the attention of the Senator from Maine to the unfinished business. The Senator, I take it, wants to go on with the appropriation bill.

Mr. HALE. I ask that the bill be informally laid aside. The PRESIDING OFFICER. The Senator from Maine asks that the unfinished business be informally laid aside, that the Senate may proceed with the consideration of the naval appropriation bill. The Chair hears no objection, and it is so ordered.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, the pending question being on the

amendment proposed by Mr. Teller.
Mr. TELLER. Mr. President, I was saying that Mr. Hotchkiss importuned Congress from time to time to furnish him the means of developing his gun, asking the Government to take some interest in it. Finally he went abroad and sold his patents. I believe that that is the case with all the inventors of this country. The Hotchkiss gun has been made in this country, but it has been by foreign people, I understand, while the patents are held abroad. The same may be true also of the quick-firing gun invented by Mr. Hiram Maxim, of New York. It is said that after having vainly endeavored to get the Government of the United States to use his gun he has recently sold his patent in England for \$850,000. I do not know whether that is the sum, but I think it can not be questioned that the invention has gone abroad. The foreign governments stand ready at all times to take all these inven-

tions and to purchase the right to use them to our exclusion.

One of the great merits of this gun is that it may be used with any kind of powder. Great efforts have been made by governments within the last five or ten years to discover some powder that would accomplish what this reinforce cartridge seems to have done. Our own Departments of the Government, the War Department and the Navy Department, have concurred in stating that up to the present time no powder has been discovered, so far as known, of real value in that respect. When a satisfactory test has been made with powder, the Departments have found that when the parties attempted to apply it, it was a different grade. The English experience in this matter, I understand, is that powder which to-day will accomplish one thing, in thirty days will not accomplish the same result because of some chemical change that they have not yet been able to discover. So if we can get such a gun in which we can use the ordinary powder, the powder in every-day use, we shall have accomplished what has not yet been accomplished outside.

I know, of course, that there have been guns of something like a similar character; that is to say, there was a gun with chambers in which the powder was placed and as the bullets passed out they were ignited. It was not very successful, so far as I understand. This is entirely different, because the power is in the cartridge and there is no danger of

the bursting of the gun in this method.

There are a great many advantages in this gun of which I am not myself sufficiently familiar to speak, but it seems to me we ought to adopt some system of encouraging this improvement. A little money used in this way will bring out a perfect gun, if this is not already perfect, and yet I do not know that it would seem hardly possible to make

a better gun than this Hurst gun, from all accounts.

I understand that two Senators, the Senator from Mississippi [Mr. WALTHALL] and the Senators, the Senator Roll Mississippi [Mt. WALTHALL] and the Senator from Connecticut [Mr. HAWLEY], who are members of the Committee on Military Affairs, were present when the result was obtained, which I have before me, when the penetration was ninety-six one-hundredths of an inch. I do not know whether they were present when the projectile was forced into this iron at an angle of fifteen or sixteen degrees very nearly an inch. That result is much more remarkable from an engineering point than the one I have just presented.

Mr. WALTHALL. I was present when this experiment was made, with the result as shown by the piece of iron I hold in my hand, the ball being buried in it about an inch. The Senator from Connecticut [Mr. HAWLEY], the chairman of the Committee on Military Affairs, was also present. While we were there we saw a ball from one of these

was also present. While we've there we's was a ball hom one of these cartridges shot through forty plank each an inch thick.

Mr. HALE. Were the plank lying together?

Mr. WALTHALL. Yes, sir; they were lying together with a very slight interval between them. Then the best improved army gun with

the best cartridge was tried, and that gun sent the ball through only thirteen of those plank. The Senator from Connecticut, the chairman of the committee, and myself were both present when these two exeriments were made in the presence of some officer of the Navy who had the matter in charge.

Mr. TELLER. Lieutenant Berry.

Mr. HARRIS. Of what metal is to

Of what metal is the ball?

Mr. HARRIS. Of what metal is the ball.

Mr. WALTHALL. Steel.

Mr. TELLER. It is steel. Nearly all of them are now made of steel. The comparison between the projectile used in the Hurst gun and that used in the ordinary gun of the Army, the Springfield rifle, can be seen, and everybody can see the advantage, even if the capacity of the gun was the same, in carrying the small projectile instead of carrying the large one. But when, as I stated before, the danger range is more than double in the Hurst gun than that of the Springfield, it can be readily seen that the Springfield gun could be with propriety thrown into the ocean and a liberal sum could be paid for these guns if we ever should need to use them in war.

It is believed by those who have examined this matter that this same system may be applied to large guns. There can be no reason, I think, to suppose that it can not be; and the pressure being thus distributed through the gun, and not forced, as it will be with powder that gives the impetus all at once, a lighter gun can be used to reach the same result than can be used with the ordinary system. All that we ask now is that the Government shall take some interest in it; that the Government shall not do as they have done with other inventors, send them abroad to develop their invention and then have the invention bought and kept there, but that the Government shall try an experi-

ment of this kind.

I want to say a word as to my connection with the matter. very little about these guns. I am not on the Military Committee nor on the Naval Committee, and my days for using guns have passed. I have not handled a gun in years, and I know very little about arms. I know that the inventor of this gun is a young American of respectable character from the State of Mississippi. He is unable himself, as I understand, to develop this gun. He has shown great inventive genius, and, I believe, has developed a gun of the greatest possible value, if we want guns at all, and it does seem to me that the committee ought to consent that a small sum such as is required in this amendment-for \$100,000 is a small sum for an experiment of this kind-should be put in this bill. I know it will perhaps be said that the committee are considering it on another bill, but it seems to me this is the proper bill to put it on, and then it might also be put on another bill.

Mr. WALTHALL. I ask the Senator if the bill which corresponds to the amendment offered by him has not been favorably reported by

the Naval Committee?

Mr. TELLER. Yes; but I understand that they were considering some encouragement of this kind to inventors on what is called the Army bill. I will say, as I stated when I opened, that this amendment is an exact copy of a bill that has been reported favorably by the Committee on Naval Affairs.

Mr. WALTHALL. I was not here when the Senator commenced

his remarks and did not hear him make that statement.

Mr. TELLER. The bill might be passed here, but at this late hour it can not be expected that it would pass the other House and become

a law at this session.

Now, I want to say another word. This young man has also in consideration and has applications for patents for another invention concerning arms, which is equally valuable in my opinion, it being a sort of automatic, self-firing gun—that is to say, the recoil throws out the cartridge and puts another in. Guns of that kind have been invented and are successfully in operation, I understand, in foreign countries; but this is upon a different principle, and he is encouraged by the Patent Office to believe that this is a different system and that he may get a patent. If the Government would encourage him by buying some of these guns, other inventions of the same valuable character might be made by him. We spend millions for warfare every year; our mili-tary expenditures are great, and yet to-day we have not a gun that is fit for any soldier to carry. That is the universal opinion of every-body who has given any thought to this subject.

I do not suppose anybody will deny that the old cumbersome Springfield rifle has been superseded in all parts of the world, and that if we ever should have a war we should be simply ridiculous in undertaking

to go to war with those old guns.

Now, is it not the proper policy for us, while at peace, to develop a gun that shall be equal to any gun that has been developed in the world? We certainly are able to do it. The Senator from Maine said a few moments ago that we had developed the fastest steam-ship in the world, and I have no doubt that we can maintain our supremacy in that line, and if anybody finds one that will go faster than that we will find somebody who will invent one that will go still faster. We ought to invent the best gun in the world. We have made the best steel that has been made in the world, as I was told recently by a naval officer that the plates we were now receiving were superior to any that had ever been made in Europe, positively superior.

He gave me the exact difference between the plates made in this He gave me the exact difference between the plates made in this country and the plates made in Europe. I do not remember it, but the grade was high. We made that steel because we created a demand for it, because we said to the steel-makers of this country, "Give us a good class of steel and we will buy it." When you say to the inventors of this country, "If you will invent a gun more deadly than any gun ever made, you will find your Government ready to buy it," they will invent that kind of a gun. Say to them, "If you invent, we will not let you struggle on in your poverty "—for all inventors are poor; rich men rarely or never invent anything, they do not have the incentive. The men who have made the valuable inventions of the world are men who half of the time wanted bread. When poor men make these inventions, if we say to them "We will pay no money, but you may jossiwho half of the time wanted bread. When poor men make these inventions, if we say to them "We will pay no money, but you may to sibly find a market in Europe for your guns," they have not the financial ability to sustain themselves while inventing. So it is not a gift, it is not a charity, but it is giving a proper stimulus to these people.

I trust the committee will not raise a question of technicality upon this amendment, but will let it become a part of this bill, as I think

the result will be satisfactory to all concerned.

Mr. PLUMB withholds his remarks for revision. [See Appendix.]
Mr. HALE. Mr. President, I am glad the Senator from Kansas has
called the attention of the Senate and of the country generally to the condition that we are in to-day as to our naval strength as one of the powers of the world and as to some of the reasons and causes which have produced the present condition. I did, as he stated, say to him a few days ago, when we were talking together about the Navy, that in five years, I think I said, rather than ten, we should have the best navy in the world. That is true. We are to all intents and purposes out of the woods as to the question of a proper, suitable, strong naval establishment. The legislation and the acts of administration in the last seven years have settled that. The progress at first was slow, but the foundations were well laid under the administration of the Navy Department, then conducted by the Senator from New Hampshire on my right [Mr. CHANDLER], and from that day to this no session of Congress has passed that something has not been done in the work of building up the Navy.

Under the administration of Secretary Chandler, commencing in 1881-'82, the former plan, to which the Senator from Kansas has referred, of spending large sums of money in repairing old wooden ships, was abandoned. The then Secretary of the Nav , in season and, as I sometimes thought, out of season, urged and enforced that upon Congress, and at last (not without contest here, as Senators will remember, and in the other Chamber) it was adopted as the rule of the Department that under limitations as to amounts of repairs no more money should be spent upon old wooden vessels, and from that day when an old wooden vessel came in to her wharf and it was found that to repair her would take 25 or 30 per cent. more than her value, she was, as she

ought to have been, condemned.

The next step that was taken, or a step that was simultaneous with that, was laying the foundation for the const uction of a new navy under modern methods to meet modern and present exigencies. Under the work of the Naval Advisory Board appointed by the then Secretary of the Navy, the present Senator from New Hampshire, this whole subject was thoroughly gone over, and in the Forty-eighth Congress the Naval Committee of the Senate spent days and weeks in investigating this whole subject, taking the testimony of naval experts as to the class of vessels that could be most fittingly built to usher in this new work of building the American Navy. As a result of that investigation and the reports of the Naval Advisory Board, and the suggestions of the Secretary of the Navy, the first modern ships were built, the Dolphin, the Boston, the Atlanta, and the Chicago. The work was entered upon then and there. When the present Administration came in it found that work with these ships going on, under process of construction, with provision made for more ships.

I do not need to refer to the constant strain, the protracted difficulty

that was met during those years in furnishing to the then administration money with which to rebuild the Navy. The House of Representatives threw itself constantly in the way of every project, and it was only by the hardest effort that meager appropriations were secured for this purpose; but during that time here and in the minority in the other branch the Republican party became committed, as one of the things that it should see was carried out, to the task of rebuilding the American Navy; and since the present Administration came into power, as the Senator from Kansas has well said, the Republican Senate never has in any way

departed from that policy.

Senators upon the other side who have been specially interested in this subject will bear me out in saying that at no time in the last four years has the majority in this Chamber sought to put any hindrance or impediment in the work that the Secretary of the Navy was honestly and ably carrying forward of building new and suitable ships for our I have the satisfaction of recalling that every bill which has provided for building up and increasing the American Navy has been reported here as an addition to bills sent over from the other House until the last year, and even then an increase was made here.

So the Secretary of the Navy has been endowed with this power to go on as he has been going on, by the act of the majority, or I will say

of this body, for all participate here; and much of the success that has characterized the administration of the present Secretary of the Navy, to which I am glad to bear testimony, has been owing to the hearty holding up of his hands that he has received from the majority of this

body, opposed to him in politics.

The Secretary of the Navy has been careful in his methods. As the Senator from Kansas has said, he has encouraged American inventors, American enterprise, developed American skill, and out of it has constructed some of the best ships that are to-day to be found upon the waters of the globe. It will be seen in the course of the next five years that some new Secretary of the Navy, if he brings to that Department the ability and the integrity that the Senator from New Hampshire brought to it when he took the Department in 1882, and that the present Secretary of the Navy brought to it when he took the Department

in 1885, will largely get the credit of what has gone before.

The Senator from New Hampshire, while at the head of this Department, was only able to launch two or three new ships, and the present Secretary of the Navy, with all the appropriations of money that have been placed in his hands, and with due vigilance on his part and with earnest effort to make available those appropriations, has only been able to launch six or seven of the new ships; while his successor, assuming, as I have said, that he will bring proper qualifications to that office, during the next four years, if he shall so long hold the reins in the Navy Department, will be able to launch fifteen or twenty, and it may be twenty-five or thirty of the finest sailing and armed and equipped ships on the waters of the globe. The next four or five years are to be the fruition of all that has been done before. Then is to be seen the result of this growth, not only in skill on the part of the American people, but of action in Congress in accord with that public sentiment.

But I say, as I said when I began. I am out of the woods for one on this question of a naval establishment. We are going to have, in five or six years from now, the very best Navy in the world, not in number of ships equaling Great Britain and France, and possibly some of the other great powers, but we shall have no refuse in our Navy. That Navy will be like a clean-limbed, thoroughly-equipped wrestler, with no impediment, with nothing to hinder it, with no old and useless ships; and, thanks to the policy that has been pursued, none of those vast, unwieldy, and monstrous structures which have consumed millions upon millions of the money of other powers, and which to-day naval officers and men dare not go upon the waters in for fear of the dangers that lie inherently in the construction of these ships. We shall have none of these, but we shall have a few of the best armored ships in the world, with the best of modern gunnery placed upon them, manned by American sailors, who have never met their equal in the history of naval wars, and in addition to that, sailing cruisers of types ranging from eight to ten hundred tons up to forty-five hundred and five thousand tons that will dart over the waters of the earth and pene trate into remote regions at a speed that no other power can attain, and in numbers, if we go on as we have been going on in the last four years, we shall equal any navy in the world with the exception, as I have said, of France and England, and possibly one or two other European powers. Already we have, including those provided for in this bill, in process of construction or in readiness for the new Secretary to take up and contract for and build, thirty-six first-class vessels. These are all new, with the exception of the turreted monitors, which came to us as a legacy from the years immediately succeeding the war. With that exception there are thirty-one new first-class modern-built armed ships, with modern machinery.

Mr. STEWART. If the Senator will allow me, I should like to ask him in that connection if the Committee on Naval Affairs have arrived at the conclusion that the menitor is not about as good a construction, as well calculated for war, and as good as any other ship, and whether

they have thought of abandoning that kind of vessel?

Mr. HALE. There has been no conclusion on the part of the Navy to abandon the monitor. The monitor pattern of ship has passed through a varied experience in the investigations and experiments of naval authorities all over the world, and it has not been abandened,

and I presume, for one, it will not be in our day.

Mr. STEWART. I have been reading articles by Commander Brice in regard to the monitors, and he contends, it seems to me, with great force, that they are superior in design to any of the modern ships, that we could have a speed and a safety in that kind of vessel that can not be attained by the large armored ships constructed in England and elsewhere. He satisfied me at least, not being very familiar with the subject, that the monitor should retain a place permanently amongst firstclass war-vessels.

Mr. HALE. Our Navy, as I have said, embraces almost every class of modern ship that has been tried, proved, and not found wanting by

There is one feature of naval warfare, that particularly applicable to harbor defense, which we have not yet investigated or gone into to any great extent and the present bill, which is now on the eve of passing, provides for the construction of one ram for harbor defense. I for one have great faith in that kind of naval structure. It is not expensive, but when accompanied with proper machinery, proper motive power, it will, in my judgment, be one of the most dangerous of the naval

structures to any enemy that approaches our coast. The bill provides or the building of one of these in order that we may see what the ingenuity and wit of the Navy Department, in conjunction with the skill of American contractors, can make in the way of a ram for harbor defense. If she proves a failure or not completely satisfactory, then no more need be built; but I expect in the years to come to call upon the Senate to give appropriations in that direction as they have been giving liberally in other directions; and I hope and believe, not only now but hereafter, every year to add to the strength of this establishment, not by great, extravagant, lavish appropriations, but by reasonable and liberal appropriations properly directed, so that at the end of half a dozen years we shall, as said by the Senator from Kansas, have the finest

Mr. President, I ask to have made a part of my remarks an authoritative memorandum which I add as to the Vesuvius.

The PRESIDENT pro tempore. The Chair hears no objection to the request, and the memorandum will be inserted in the RECORD in constant of the Country form Mailer. nection with the remarks of the Senator from Maine.

The paper is as follows:

The paper is as follows:

MEMORANDUM.

The Vesuvius was designed in the spring of 1886, to embody for naval use the development of the pneumatic dynamite gun, which had then been successfully tested up to a caliber of 10½ inches. Several of the more progressive officers of the Navy became convinced that if a battery of dynamite guns or tubes could be mounted and successfully operated on a small cruiser or large torpedo-boat a new and most formidable suxiliary of maval warfare would be the result. It was by no means expected that this new engine of destruction would supersede any of the accepted types of war-ships, but rather that it would form a new type or class, having a utility of its own, either acting independently or in consort with other types. In short, the idea of the dynamite-gun vessel was that of a torpedo-boat, to project its torpedoes through the air instead of through the water. The chief desideratum in such a vessel was at the outset decided to be the greatest speed that could possibly be attained. As the primary office of the boat was to be that of harbor defense, it was agreed that a very large part of the weight-carrying capacity must be given up to machinery and armament, the matter of coal endurance being held as of minor importance in view of the fact that the normal zone of operations would always be in close proximity to the base of supply. Still it was deemed advisable that the vessel should have sufficient coal-capacity to cross the Atlantic or reach any of the Atlantic ports of South America at a moderate speed—that is, say, 10 or 12 knots an hour.

These desiderata having been determined, the matter was laid before the shipbuilding firm of Cramp & Sons, who were invited to design a vessel that should be capable of steaming 19 knots an hour and to carry a main battery of three 104-inch dynamite guns. Such a design was produced by Cramp & Sons, and after thorough examination by the proper committees of Congress the Secretary was authorized by the act approved August 6, 1886, to contrac

Items.	Original design.	Vesuvius as built.
Length Displacement. Armament. Weight of explosive. Indicated horse-power. Speed. Coal capacity Firing-gear. Actual cost. Range of guns.	550 tons Three IOI-inch guns 200 pounds per shell 3,200 20 knots About 60 tons By hand	

The primary cause of these modifications and enlargements in power and dimensions was the desire of the contractors, shared by the Department, to arm the vessel with the 15-inch guns, the original design not affording space or carrying capacity for them. And, incidentally, it was desired to increase the coal capacity. Of course the cost of the vessel being limited by act of Congress to \$350,000, no additional compensation could be offered by the Department for these enlargements and improvements, which were in consequence wholly at the expense of the contractors.

The vessel having been completed under these conditions, she was put on trial to test her speed. Two unsuccessful trials were had over a measured course in a shallow part of the Delaware, when the officers composing the trial board advised the Department that deeper water would be required to give the vessel a fair chance in view of the extraordinary speed called for by the contract. Such a course having been carefully measured and marked by fixed buoys near the Delaware Breakwater, in 17 or 18 fathoms water, by the officers of the United States ship Despatch, a third trial was run developing the remarkable result of 21.646 knots per hour, in a mean of two runs over the course, with and against tide.

tide.

This result having been reported to the Department by the trial board, consisting of Lieutenants Cowles, Schroeder, and Fisk, and Passed Assistant Engineer Habighurst, United States Navy, the vessel was accepted, so far as speed was concerned, but held to await trial of her guns, which were not quite finished at the time of the speed trial.

The gun trials, by the terms of the contract, were in two parts: First, a trial for range, accuracy, and controllability of the propulsive force, which were to be determined by the performance of a gun of the same caliber and length as those mounted on the ship, which was in position at Fort Lafayette, New York Harbor; and, second, a trial for rapidity of fire on board, in which case, of course, the trial must be made with the guns and their firing mechanism in place on the vessel.

the trait must be made with the general the vessel.

The first of these trials was successfully made at Fort Lafayette on Saturday, the 26th ultimo. The contract requirement was that there should be at least 50 per cent, of hits out of a certain number of shots at a distance of 1 nantical mile, the target being a space marked by buoys 150 by 56 feet in dimensions, representing the mark presented by the average ironclad or cruising vessel. This trial resulted in an excess of performance over the contract requirement,

five out of eight shots having been registered as effective under the terms of the contract, while two of the other three fell within the zone of calculated par-tial effect. No other trial remains to be made except that of rapidity of fire of the guns in position on board, which is merely a test of the efficiency on board ship of mechanism which has repeatedly functioned perfectly in mounts on

shore,
Prior trials of the gun, such as the blowing up of the Silliman, a condemned
schooner given to the contractors by the Government for that purpose last summer, have uniformly demonstrated the tremendous destructive power of the
dynamite projectile when exploded under or in immediate proximity to a float-

mer, have uniformly demonstrated the tremendous destructive power of the dynamite projectile when exploded under or in immediate proximity to a floating object.

The naval appropriation bill for the ensuing fiscal year as passed by the House of Representatives provides for the construction of one additional vessel of the Vesuvius type, contingent on the satisfactory performance of that vessel with her guns, under conditions as nearly as may be approximating those of actual warfare. Guarded in this manner, and with the final decision left to the experts of the Navy, it seems that Congress can incur no risk in increasing the number of additional vessels of that type thus contingently provided for.

If entirely successful in the trials of her battery afloat, as stipulated in the House provision, there can be no doubt that the Vesuvius type will prove a most formidable factor in the national scheme of coast and harbor defense, as well as an important adjunct to offensive operations away from our shores, should it unfortunately become necessary to undertake them.

The limit of cost of the additional vessels is fixed at the sum of \$450,000, which is about one-ninth the cost of the large armored ship authorized by Congress at its last session—that is to say, nine vessels of the Vesuvius type can be built as proposed and made ready for service at a cost not exceeding that of one 7,500 or 8,000 ton ironclad, including armament, and in considerably less time.

It will be noted that the provision of the House calls for two 15-inch dynamite guns instead of the three carried by the Vesuvius. This is because naval officers of experience are of the opinion that, in view of the confined space in which these guns are to be worked, quite as effective fire can be delivered from two, with plenty of room in which to operate them, as from three operated in an insufficient space or in a space not large enough to give men the most complete opportunity to work. Besides, it is proposed to give the new Vesuvius a coal capacity sufficient

coal capacity sufficient for fifteen days' steaming at 10 knots an hour, or a total guaranty of 21 knots speed, which is 1 knot more than the requirement of the Vesuvius, though sixty-five one-hundrediths of a knot less than that vessel accomplished.

Here were also than the steam of the term of the term

In conclusion, it is proper to say that, for purposes of comparison, wherefrom to draw a fair conclusion as to relative efficiency, the Vesuvius should be considered as a sea-going torpedo-vessel of large size; and her warlike power, as such, should be measured by the distance or "range" at which her torpedoes, thrown through the air, are surely effective, as compared with the effective zones of the torpedo-vessels of other powers, whose missiles are projected through the water. It has been demonstrated that the aerial torpedoes of the Vesuvius can be thrown with absolutely certain effect one and a half nautical miles; that their aim at that range is as sure as that of a rified cannon of the most modern construction, and that their explosion, either upon striking the object itself or falling in the water near it, is also inevitable. Her full-calibered shell contains, as is well known, 500 pounds of dynamite, nitro-gelatine, or any other of the high or binitric explosives, which can not be projected from any powder-burning gun.

is well known, 500 pounds of dynamite, nitro-gelatine, or any other of the high or binitric explosives, which can not be projected from any powder-burning gun.

All the torpedo-vessels of other powers are designed upon the basis of the auto-mobile or locomotive torpedo, which must be launched into the water from the bow or side of the vessel and then left to make the best of its way to the object of attack, without any further luman or intelligent guidance, being subject from the moment of its launch to all the conditions of navigation in a seaway on its own hook; in scafaring phrase, a "derelict," to all intents and purposes. Exhaustive experiments have been made by all the great powers with all sorts of locomotive water-torpedoes, and enormous sums have been expended in constructing fast and powerful boats to carry and launch them; and yet the utmost surely-effective striking range that has been attained with an auto-mobile or locomotive torpedo is 600 feet, and that in the still water of the harbor of Fiume.

Viewing the Vesuvius as a torpedo-vessel purely, therefore, it is fair to say that, as comparedwith other torpedo-vessels armed with locomotive torpedoes, her effective zone is to theirs as 9,000 feet is to 600 feet; whereas her torpedo carries 500 pounds of the highest explosives as against 130 pounds carried by the largest type of Whitehead locomotive torpedo.

Regarding the Vesuvius as a torpedo-vessel, it is fair to compare her qualities and performances with those of vessels of similar class or rate possessed by other powers. There are, of what may be termed "sea-going torpedo-vessels," only six in existence with which she should be compared, as follows:

The Iljin, of 600 tons; the Tripoli, of 800 tons; the Destructor, of 468 tons; though the latter is almost too small for such rating.

The following table will show the relative qualities and performances of these vessels:

Displace- ment.	I.H.P.	Speed.	Nature of trial
Tons.		Knots.	
			2.54-knot run.
860	3,016	19.80	1-knot run.
459			Unofficial.)
785	4,500	(†)	(†) 1-knot run.
	2,869		1-knot run.
	Tons. 790 600 860	Tons. 790 4,445 600 3,550 860 3,016 (4,040 458 3,829 735 4,500 550 2,869	Tons. 790 4,445 600 3,550 20,10 860 3,550 458 458 3,829 22,68(?) 735 4,500 (†) 550 2,869 19,50

\*Performance of this vessel reported by builders only; no official report published by Spanish Government.
†Estimated; not yet tried.

ilshed by Spanish Government.
†Estimated; not yet tried.

These vessels, aside from the Vesuvius, are all calculated to use the locomotive torpedo, launched over the bow or sides from short tubes, with which they are equipped, as follows:

Iljin: 7 tubes, Whitehead torpedoes. Also light secondary battery.

Tripoli: 5 tubes, Whitehead torpedoes. Also light secondary battery.

Destructor: 5 tubes, Whitehead torpedoes. Also light secondary battery. One 4-inch breech-loading rifle.

Sharpshooter: 4 tubes, Whitehead torpedoes. Strong secondary battery. One 4-inch breech-loading rifle.

Rattlesnake: 4 tubes, Whitehead torpedoes. Strong secondary battery. One 4-inch breech-loading rifle.

Bombe: 2 tubes, 10 torpedoes; also one 4-inch breech-loading rifle.

From these tables, compiled from official documents in the office of naval intelligence, it appears that the Vesuvius has exceeded all the others in speed, so far as officially reported trials are concerned, the reported speed of the Destructor, namely, 22.63 knots, having been so stated by her builder, Mr. Byles, of Clydebank, in a paper read recently before the British Institute of Naval Architects; but no report has been published by the Spanish Government or on its authority. It is not intended by this remark to reflect on Mr. Byles, but, in comparing public vessels with one another, it is necessary to have a standard of fact, and that is by common consent taken to be the official reports of trials conducted regularly by naval officers.

With regard to the relative effective power of these vessels, as compared with the Vesuvius, it is necessary to revert to the comparison heretofore made between the effective zones of locomotive and aerial torpedoes, respectively.

All of the European torpedo-vessels being armed with locomotive torpedoes, it follows that their effective zones must be limited by the sure striking range of those missiles, which has been demonstrated to be about 600 feet in still water. What they would do in a heavy sea is still entirely a matter o

Thin—Number of torpedoes, 28; weight of each, maximum, 180 pounds of ex-losive; effective range, 600 feet; rapidity, estimated, once in six minutes for

each tube.

Tripoli—Number of torpedoes, 20 (other conditions as above).

Destructor—Number of torpedoes, 15 (other conditions as above).

Sharpshooter—Number of torpedoes, 20 (other conditions as above).

Rattlesnake—Number of torpedoes, 16 (other conditions as above).

Bombe—Number of torpedoes, 10 (other conditions as above).

That is, the Vesuvius carries a total of 7,500 pounds of high explosives in fifteen torpedoes, which she can throw effectively a mile and a half at the rate of three in two minutes.

Assuming that the locomotive torpedoes of the other vessels carry the maximum charges (though as a matter of fact 90 pounds of gun-cotton is the largest

charge yet launched in a Whitehead torpedo), the "weight of metal" of the European boats would be as follows:

Ilin, total, 5,000 pounds of explosive; Tripoll, 3,000 pounds; Destructor, 2,700 pounds; Sharpshooter, 3,600 pounds; Rattlesnake, 2,880 pounds; Bombe, 1,800 pounds—the effective range of all being the same, namely, about 600 feet in smooth water.

pounds—the effective range of all being the same, namely, about 600 feet in smooth water.

In secondary battery, the European boats carry from 3-pounder to 36-pounder rapid-fire guns; the Vesuvius 3-pounders and 6-pounders for repelling small torpedo-boats.

As to the time required to build duplicates of the Vesuvius, at least five of them could be delivered to the Government in one year from the award of contract for their construction.

Italy has five of Tripoli class; England eleven of Sharpshooter and four of Rattlesnake classes; and France ten of Bombe class. The Destructor and Iljin have not as yet been duplicated.

The Vesuvius has a greater coal capacity and sea-going endurance than any of the European boats except the Tripoli, which has about the same.

Mr. TELLER. Mr. President, it is very gratifying to hear Senators who have given attention to the progress of the Navy speak so encouragingly of the outlook in that direction. It strikes me, however, that it would be well, having built some very fine ships, to arm them. I do not think anybody has professed any great admiration for the guns we have at present, or that any one insists that there has been any special progress made in that direction recently. What I am particularly desired for their reschall not only have good ships but they are challed any special progress. larly desirous of is that we shall not only have good ships, but that we shall have them properly armed.

I noticed what the Senator from Kansas [Mr. Plumb] said about the Springfield rifle and about the indorsement of General Sheridan and other officers. The Springfield rifle was a good rifle at one time; it is a good rifle now in some respects; that is, it is a gun easily kept in repair, but it is not a gun fit for modern warfare, and it will never be used, if there should be a war, unless it may be used for the few months which it will be necessary to consume in constructing others. If we had notice that we were to have a war in a year from now, that style of gun would be abandoned. I do not suppose there is an Army officer in the

service who does not think he can get a better gun somewhere.

I also noticed what the Senator said about filling up the Departments with experimental machines and crude efforts on the part of inventors. There is a good deal in that, I have no doubt. This, however, is not a crude effort; this is an accomplished fact. This gun has been proved to be on a small scale a remarkable gun. These people want to see whether their theory is correct that it will prove equally good upon a large scale; and, if so, it will be of incalculable value to us as a weapon

Now, let us see what these people are willing to do. They say in this amendment—for it is put in with their approval:

That said guns shall not be paid for and no expense shall accrue to the Government until by actual experiment, under the direction of the Secretary of the Navy, it shall be shown that said guns with said cartridges are capable of producing a penetrating force 20 per cent, greater than any guns firing same weight of projectile now in use in the United States service.

Twenty per cent. advance on the present gun makes every one of these guns worth four times what any other gun is worth; and if you can buy a gun for \$100,000 and there is another that has 20 per cent. greater power, the \$100,000 gun is not worth having or getting. Everybody knows that. It is like the ship that sails 18 knots an hour. If some-body has got a ship that can go 2 knots faster, then the 18-knot ship becomes of little value; it can not run away and it can not maneuver, and so it is of but little account.

Mr. President, I have been led to say what I have said with the hope, ultimately at least, that it will attract the attention of this committee in such a way that inventors may have some encouragement.

I ask permission to insert as part of my remarks a letter from the secretary of this company in reference to their matters, which I omitted when I first addressed the Senate.

The PRESIDENT pro tempore. The paper will be inserted if there be no objection.

The paper is as follows:

WASHINGTON, D. C., February 5, 1889.

Washington, D. C., February 5, 1889.

Six: The Hurst system of arms and amunition embraces projectiles, shells, accelerating cartridge, accelerating cartridge using compressed powder, compound accelerating cartridge, breech-loading ordnance field guns, breech-loading ordnance rapid-fire light guns; breech-loading ordnance light or heavy guns; breech-loading recoil small-arm, the mechanism of which is adapted to naval guns of 1 to 3 pounder caliber; wire-wound guns, large or small; and Hurst is a joint inventor of a base-burning time-fuse in combination with a detachable sabot for armor-piercing shells. Experiments will be necessary to determine the size of the heavy guns which the last-mentioned breech-block will accommodate.

We believe this list embraces a wider scope than that of any inventor except, possibly, B. B. Hotchkiss and the English Nordenfelt.

The Commissioner of Patents will doubtless verify this list, and Lieut. A. G. Berry, who conducted the official tests at the Washington navy-yard will testify to the utility of the reinforce cartridge.

We desire a full investigation and challenge any one to produce guns of more power than ours. These inventions are purely military in character, and we desire to give our own Government the first opportunity to acquire them.

I am, sir, very respectfully yours,

J. W. HOLCOMBE, Secretary Hurst Cartridge Company.

Hon, H. M. TELLER, United States Senate.

Mr. HALE. The amendment offered by the Senator from Colorado is, I think, clearly subject to a point of order, but I believe there is

merit in the Hurst gun. It is being investigated and has been investigated by another section of the Appropriations Committee with a view to some provision being offered upon another appropriation bill, and it already comes under the great powers that were given by Congress last year to this new board in the Army, and a half million dollars was ap-propriated for just such purposes. Even with that I do not feel compelled to insist upon the point of order, provided that instead of legislating in terms this particular gun upon the Navy Department (something which has never been done by Congress) a provision can be incorporated something like this:

To enable the Secretary of the Navy to test and, if found satisfactory, to pur-

Then follows the type of gun described in the amendment of the Senator from Colorado—

three or more rapid-fire, rapid-twist, 1-pounder breech-loading rifled guns, and an equal number of the same type of 3-pounder guns, and an equal number of the same type of 32-pounder guns, as the Secretary of the Navy may designate, and for such purpose the sum of \$50,000 is hereby appropriated.

If the Senator will withdraw his amendment I will offer that.

The PRESIDENT pro tempore. Does the Senator from Colorado withdraw his amendment?

Mr. TELLER. I will withdraw my amendment if that amendment can be adopted.

The PRÉSIDENT pro tempore. The amendment is withdrawn, and the Senator from Maine proposes to amend as follows.

Mr. HALE. I propose to substitute for the amendment:

To enable the Secretary of the Navy to test, and, if found satisfactory, to purchase three or more rapid-fire, rapid-twist, 1-pounder breech-loading rifled guns, and an equal number of the same type of 3-pounder guns, and an equal number of the same type of 32-pounder guns, as the Secretary of the Navy may designate, and for such purpose the sum of \$50,000 is hereby appropriated.

The PRESIDENT pro tempore. Will the Senator send the amendment to the desk to be read?

Mr. HALE. I offer what I send to the desk.

The PRESIDENT protempore. The amendment will be read.

The SECRETARY. After line 16, on page 43, it is proposed to insert:

To enable the Secretary of the Navy to test, and, if found satisfactory, to purchase three or more rapid-fire, rapid-twist, 1-pounder breech-loading rifled guns, and an equal number of the same type of 3-pounder guns, and an equal number of the same type of 32-pounder guns, as the Secretary of the Navy may designate, and for such purpose the sum of \$50,000 is hereby appropriated.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maine [Mr. HALE].

Mr. CALL. Mr. President, the question presented by this amendment, and the only one which has any merit in it, it seems to me, is whether or not Congress shall exercise its own judgment and discretion or hold itself bound by the judgment of the Secretary of the Navy, when an American citizen, who has presented evidence that he has discovered a useful invention in the manufacture of arms, whether or not Congress shall say "We will not exercise our own judgment in regard to this matter and the evidence on which it is presented, and we will refer it to the consideration of some other authority, some bureau, some Secretary."

If the evidence is sufficient that this gentleman has discovered a most useful invention, one that is practicable, why shall not Congress say that "We will encourage the development of this discovery and test the manufacture of these arms?" I can see no reason why Congress shall say "We are not competent," or "That there is some instrumentality that can decide this question better than ourselves." What greater capacity has the Secretary of the Navy to decide whether or not this invention is a useful one? Congress says to him, "You may test this," and we provide the instrumentality to do it, "and if it conforms, as the amendment says, to the requirements and the practical necessities of the case, then you may go on and have it manufactured."

It seems to me that that is a very proper form and a very proper recommendation of the merit of an American inventor. The policy of encouraging useful inventions is one fixed not only in wise legislation, but in our organic law itself. How shall we give this encouragement? By the reward of the inventor. It does not matter in what form that

The amendment presented by the Senator from Colorado upon reasonable evidence states the fact that this citizen has discovered a useful invention going beyond anything else known at the present time in this species of arm. Why not accept that and provide for the ascertainment in some practical form of that fact? That is all that the amendment

I have before me-and that was the chief object I had in rising-a letter, which I think it is proper should be placed in the RECORD, from a gentleman who has been considerably discussed for the last few days on this floor in connection with the amendment for the construction of a peculiar form of vessel designed by Mr. THOMAS. He writes to me as follows:

COMMITTEE ON NAVAL AFFAIRS, HOUSE OF REPRESENTATIVES, UNITED STATES, Washington, February 12, 1889.

DEAR SIR: I am greatly indebted to you for your kind and courteous remarks, relative to the war-vessel designed by me, in yesterday's discussion.

I did design the vessel from beginning to end, and that, too, without the as-

sistance of naval officers other than occasional suggestions by Commodore Wilson and Constructor Hichborn as to some minor details, Mr. Chandler and Mr. Hawley to the contrary notwithstanding.

My only ambition in this matter has been to secure to the Government a first-class vessel of war, combining the offensive powers of the best type of cruiser with the defensive powers of the monitor and a sea endurance enabling the vessel to keep the sea for the greatest possible time without recoaling. All these requisites have been met in the vessel designed by me, and to say that it is the combination of old ideas is not stating the case fairly.

When Sir Isaac Newton felt the force of the falling apple, the force was not new. When Watt observed the power of steam in lifting the tea-kettle lid, the power was not new. It was the formulation and subjecting these powers to the uses of man which were new.

Because Noah built the ark, Webb the clipper ships, and Ericsson the Monitor, shall it be said that all other vessels are but copies? There has never been presented to the Navy Department of this country, nor built by another country, a vessel of the type and combining the offensive and defensive powers and speed that mine does. And all this has been found by the four highest officers of the Navy Department having to do with the building of war vessels.

Because a man lives distant from the sea, does it follow that he may not become proficient in naval matters after ten years of conscientious study and investigation?

Farragut was a Tennesseean, and a mountaineer at that, and yet, by application and the sea to the land.

vestigation?

Farragut was a Tennesseean, and a mountaineer at that, and yet, by application and industry, he became the first naval officer of the land.

I have taken an interest in having this vessel built by the Government, and can any honest, honorable man say the ambition is not a laudable one?

Pardon this long letter. Again thanking you, I am,

Sincerely, yours,

JOHN R. THOMAS.

Hon, WILKINSON CALL, United States Senator.

I have thought it proper, in justice to Mr. THOMAS, whom I have long known as a conscientious and painstaking and accurate investigator into these subjects, that these facts as stated by him should be placed in the RECORD.

I do not propose to discuss this question any further. I do not think it is the proper time to discuss whether the present Secretary of the Navy is entitled to the credit of the present progress of our naval affairs and their favorable condition, or whether he is entitled to only half the credit, and whether his predecessor commenced this system and is entitled to the credit of it, or whether the Secretary shares it with the

Naval Committee of the Senate and his predecessor.

The fact is, in the general public opinion of this country the present Secretary of the Navy is regarded as a man of eminent ability and as having contributed greatly to the present favorable condition of our naval affairs. He is the first Secretary under whom we have had any assurance that in the future we shall be provided with a navy representing the dignity and power of this country. That is sufficient honor for him. It is in the line of that broad and liberal policy which he has favored and which he has brought to a successful issue, whoever may have been the author of it, that this amendment should be adopted and that encouragement should be given to American inventors in arms as well as in every other branch of science by such reasonable aid as it may be in the power of Congress to give. In this case an inventor without means has devoted himself to this special branch of invention and has presented an arm superior, in the judgment of competent officers, to anything that can now be found. It has been subjected to criticism. He asks of Congress only such amount of money, to be expended by the proper officer of the Government, as will enable that fact to be tested, evidence being presented that, in the common judgment of those who are competent to consider the matter, the invention which he has discovered is superior to anything now existing.

Mr. TELLER. I desire to amend the amendment, just before the appropriation, by inserting these words:

Said test to be made with the cartridge known as the reinforced cartridge.

Mr. HALE. I have no objection to that. Let it come in just before the last clause, which is the appropriating part of my amendment.

The PRESIDENT pro tempore. The amendment to the amendment

will be stated from the desk.

The Chief Clerk read the words proposed to be inserted, as follows: Said test to be made with the cartridge known as the reinforced cartridge.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. Culberson, Mr. Rogers, and Mr. Ezra B. Tay-LOR managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:
A bill (H. R. 11604) to amend an act approved March 3, 1885, to

authorize the construction of bridges across the Cumberland and Canev

Fork Rivers, in Tennessee;

A bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions;

A bill (S. 1198) for the relief of William H. Robertson and Edward

L. Hedden, late collectors of customs for the district of the city of New York

A bill (S. 1459) granting a pension to Florence Courtney Cochnower; A bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments;

A bill (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reserva-tion, in Dakota;

A bill (S. 2530) granting a pension to Robert Kelly; A bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory

Emory;
A bill (S. 2924) to increase the pension of Sterne H. Fowle;
A bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, and for other purposes;
A bill (S. 3335) granting a pension to Thompson D. Hatfield;
A bill (S. 3435) granting a pension to J. D. Haworth;
A bill (S. 3435) granting a pension to Edwin W. Warner;
A bill (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.;
A bill (S. 3795) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer military reservation, Montana;

tana:

A bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor;
A bill (S. 3819) granting a pension to Esther Smith;
A bill (S. 3858) in relation to dead and fallen timber on Indian lands;

A bill (S. 3897) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine.

#### REPRINTING OF BILLS.

Mr. BLAIR. I ask an order for the reprinting of the educational bill as it passed the Senate, and also Senate bill 3356, the copies of both of which are exhausted.

The PRESIDENT pro tempore. The order will be read.

The Chief Clerk read as follows:

Ordered, That Senate bill 3356 be reprinted, also the educational bill as it passed

The PRESIDENT pro tempore. The Chair hears no objection, and it will be so ordered.

## RIGHTS IN BEHRING SEA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed: To the Senale:

I herewith transmit, in reply to the resolution of the Senate of the 2d ultimo, a report from the Secretary of State, with the accompanying documents, in relation to the seal fisheries in Behring Sea.

EXECUTIVE MANSION, February 12, 1889.

GROVER CLEVELAND.

# CONGRESSIONAL ELECTIONS.

The PRESIDENT protempore. The Senate, as in Committee of the Whole, resumes consideration of the unfinished business, being Senate bill No. 3401, concerning the Pacific railroads. The question recurs on the motion of the Senator from Oregon [Mr. MITCHELL] to recommit the bill with instructions.

Mr. EVARTS. I ask that that order of business may be laid aside informally that I may call up Order of Business on the Calendar No.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the unfinished business may be informally laid aside and that the Senate proceed to the consideration of a resolution, which will be read.

The CHIEF CLERK. Order of Business 2645, a resolution reported by Mr. EVARTS directing the Committee on Privileges and Elections to revise the existing laws regulating elections of members of Congress, etc.

Mr. COKE. I object.

The PRESIDENT pro tempore. The Senator from Texas objects.

Mr. SHERMAN. To enable the Senator from New York to proceed, move that the pending order be laid aside and that the Senate proceed to the consideration of the resolution.

Mr. HARRIS. The Senator moves to proceed to consider? The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate do now proceed to the consideration of the resolution whose title has just been reported by the Secretary. Is the Senate ready for the question?

Mr. HARRIS. This question not being debatable, I ask the unanimous consent of the Senate to submit a statement that will not exceed

five minutes, perhaps not three.

Mr. SHERMAN. There is no objection.

The PRESIDENT pro tempore. The Chair hears no objection.
Mr. HARRIS. Mr. President, I want to call the attention of the

Senator from New York and the Senate to the fact that there are only eighteen working days to the end of the Fiftieth Congress.

Thirteen out of the fourteen general appropriation bills remain un-

disposed of, and their present status is as follows:

The sundry civil, the agricultural, and the Army appropriation bills

are now before the Senate Committee on Appropriations.

The naval appropriation bill passed the Senate with amendments a few moments since.

The Post-Office and river and harbor bills are pending in the House of Representatives.

The legislative, the pension, and the fortification bills have passed the Senate with amendments and gone back to the House.

The District of Columbia appropriation bill is now in conference. On the diplomatic appropriation bill the conference report has just

been agreed to. The Military Academy bill has been sent to the President.

The Indian appropriation bill and the deficiency appropriation bill have not yet been reported to the House of Representatives

If these appropriation bills are not passed an extra session of Congress is inevitable, or the wheels of the Government must stop.

Only six of these bills have been considered and reported by the Senate Committee on Appropriations, and only one of the six, the legislative bill, ranks amongst the important appropriation bills.

If these bills are to have the careful consideration that a proper regard for economy demands, there is very little, if indeed there is any, time to devote to the consideration of other questions.

But, Mr. President, in addition to these appropriation bills the tariff bill may, and probably will return to us demanding at least a portion of our time for its further consideration; and in addition to these we have upon the Senate Calendar about three hundred bills which have been considered and favorably reported by Senate committees, many of which are of public importance, and all of them important to a greater or less number of citizens.

Now, in this condition of the public business, and in the expiring hours of the Congress, we are asked by this motion to turn from the consideration of appropriation bills absolutely necessary to the support of the Government; to turn from our Calendar of hundreds of other bills favorably reported by Senate committees, in order that we may consider a resolution not legislative in its character, and the consideration of which can have no other effect, as every Senator knows, than to launch a fruitless sectional debate which will, if entered upon, consume the greater part of the remaining hours of this Congress.

The plain, practical question which addresses itself to every Senator is, shall we take the time necessary to the proper consideration of appropriation bills and other bills upon our Calendar favorably reported, in order to give the opportunity to Senators on either side of the Chamber to ventilate their views on sectional questions, the inevitable effect of which must be to further alienate section against section and intensify any bitterness which may now unfortunately exist between sec-

Mr. President, if sectional debate must come, this is not the time for it. We have not time now within the life of this Congress to perform the various duties that the public interests demand at our hands. us devote the remaining hours of this Congress to the legislative duties of this Congress, and if we can not abandon our sectional controversies forever let us at least postpone them until the beginning of the next Congress

For these reasons I appeal to the Senator from New York not to press his motion, but if he will not agree to this, then I appeal to the Senate to vote it down. For if this debate is launched upon the Senate at this time none of us can even guess as to how much time will be consumed in it; but it is safe to say that if States are arraigned and criticised the Senators representing them will demand and take, and be fully justified in taking, whatever time may be necessary to their vindication; and instead of devoting the few remaining days of this Congress to the consideration of appropriation bills which must be passed, and other measures of public importance which have been considered and favorably reported by Senate committees, the time will be worse than wasted in sectional criminations and recriminations which can benefit no section, no State, no community, but the inevitable tendency of which must be to alienate and embitter section against section, and State against State. Such debate is, in my opinion, fraught with evil and only evil.

I again appeal, Mr. President, to the Senator from New York not to press this question at this time. Why press the question at this the most inopportune time, when it will probably provoke debate which may defeat the passage of appropriation bills and other legislation of importance?

Mr. SHERMAN. I ask the unanimous consent of the Senate to be allowed to speak five minutes in reply to the Senator from Tennessee.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. SHERMAN. Mr. President, such a request as that made by

the Senator from New York I do not remember ever to have heard de-

nied under similar circumstances. He has after long investigation reported a resolution, which I hope will receive a very large majority in the Senate when it is passed—a resolution temperate and moderate in its terms. He rises to address the Senate. When before have we refused to one of our fellow-Senators the right to speak upon a question that he considered of vital importance and to which he had given great consideration, especially under the circumstances which are now presented? I may say that an objection to the consideration of this resolution, or even the calling of the yeas and nays or a division of the Senate upon its consideration, is unusual, and it seems to me ought to

Now, what is the state of the public business? I never have known before a short session where the appropriation bills were so well advanced at this period as they are now. I can appeal to the Committee on Appropriations to sustain me in that statement. Most of those bills are out of the way. The business that is now the special order before the Senate is necessarily postponed by the absence of one of the Senators who has charge of the bill on a mission which we can not any of us avoid-a mission of death; and, therefore, as a matter of course, it takes precedence of any motion in the Senate.

The Senate now practically has nothing but the general Calendar before it, and the Senator from New York proposes to call up a resolution, temperate in character, which the Senator from Tennessee says involves a sectional controversy. This is all the reply I need to make.

It seems to me that the Senate ought, by unanimous consent, to allow the Senator from New York to proceed. The debate will probably not take such a wide range as Senators suppose. If it does, it is within the power of the Senate, and, unless Senators on the other side of the Chamber proceed with it and find matter in the remarks of the Senator from New York that they wish to answer, they need not carry the debate any further, nor need it interfere with the public business. On the other hand, the importance of this subject outweighs any question involving money now on our Calendar.

The fact that some time or other, and that is not far from this day, there must be some mode of electing members of Congress free from the disputes and contentions and controversies of the past, every Senator must appreciate. It may involve, and it does involve, questions of difficulty; but, certainly, with the known character of the Senator from New York, his known conservatism, I look to him to throw some light upon this question which we all acknowledge to be difficult; and if his remarks are met and replied to in the same temper and tone in which I know he will address the Senate from his known character and from his known opinions, there need be no excitement, no sectional controversy,

and no fierce debate on this very harmless resolution.

I hope, therefore, without a division, the resolution will be allowed to come up and that the Senator from New York may be permitted to proceed and present his remarks, and then I hope we shall be able to take a final vote on the resolution.

Mr. MORGAN. Will the Senate extend to me the same courtesy that has been extended to other Senators?

The PRESIDENT pro tempore. The Chair hears no objection to the Senator from Alabama proceeding.

Mr. MORGAN. Mr. President, the motion proposed by the Senator from New York is not even intended to prepare business for the present session of Congress. The motion is to instruct the Committee on Privileges and Elections to prepare business for the coming session of Congress, now postponed so far as we know until next December. There can, therefore, be no particular necessity or urgency for entering upon a debate of the character or kind that is involved in this resolution at this time. It is purely a gratuitous attempt on the part of politicians in this body to launch upon the Senate at this moment of time a dangerous, exciting, and unnecessary question. It can not be otherwise than met in a proper spirit, I trust, but with firmness, with courage, with determination on the part of those Senators who will feel, when the Senator from New York has yielded the floor upon this resolution, that it is their duty to make every necessary statement, explanation, and argument upon the Constitution and upon the facts which may be found necessary to present the great Southern section of the United States in the proper light in the estimation of the American people.

Enormous amounts of capital are going to the South from the North, great numbers of population are swelling our lists in that section of the Union. Prosperity, peace, quietness, the administration of the law, economy in public administration, all prevail in that section of the country, and I venture to say that there has not been in the history of the American Union since the year 1800 a period of time when there was more devotion to industrial pursuits, and with greater profit and ad-

vantage, than there is now in the Southern States All this must be broken in upon and disturbed and repressed for the sake of enabling a coterie of politicians, who desire now to foment difficulties with a view of opening a door to the incoming administration to prosecute this subject with political vigor and earnestness and determination, and the country must stand by and see its prosperity checked, its interests all prostrated for the sake of enabling the political leaders of the Republican party in the United States to bring this question to the front at this inauspicious and dangerous time.

The Union Pacific and the Central Pacific Railroad bills are now up

for consideration before the Senate. Everybody knows that the Government of the United States has at peril now in what is the regular order of business of this Senate, at least \$113,000,000, if not more, of money endangered by a complication of affairs which needs to be relieved against by legislation. Year after year this matter has been brought before the attention of the Senate of the United States and So much of agitation has accompathe House of Representatives. nied it, and the Judiciary Committee in their divisions had become so settled against each other in their respective opinions, that it was found necessary on their own motion to discharge that committee from the consideration of this great question and send it to a select committee of the Senate

The regular Railroad Committee in the other House have made a report of a bill. The select committee of the Senate, composed of Democrats and Republicans, have also agreed upon the same bill in iden-So this great question is now ready for settlement. Without that settlement these railroads are very much imperiled in their One of them has some twenty lines of communication established by its own efforts since the railroad was first chartered by the Government of the United States, covering an immense area of territory, accommodating vast numbers of people and a great amount of business. These railroads come to us with strong and earnest protestations that unless we shall relieve them by legislation, by resolving upon a settlement which will be acceptable to them and to the people of the United States, as we can do now, their business must be very much hampered and the danger to the United States of these roads going into bankruptcy and of our being compelled to lose a large amount, if not all the money involved in this, is certainly very great.

That bill is to be interrupted here because the honorable Senator

from New York wants to make a maiden speech in this body upon politics. For God's sake when will the Senator from New York make his maiden speech? Who has not heard him in the United States? Who does not know his views and opinions? He has made a report here which embodies all the facts and doubtless all the views that he expected to make from the beginning about this matter. Now it must be elaborated with a speech, in which I dare say that, with all the conservatism of the Senator, he will not be able to deal with the subject in such a mild and gentle way as not to provoke the necessity on the part of Senators from the South of rising to vindicate their people and their States. We are in a position here which we consider to be one of self-defense, and we expect to use the arts and rely upon the rights of self-defense in this debate.

I respectfully notify the Senate that if this debate is to be entered

upon you might as well now provide to have your incoming administration call its extra session of Congress, for we will not stand here with our mouths muzzled when accusations are made against our people and against our States, and deny to ourselves the simple right of an earnest, honest, faithful, courageous self-defense.

Mr. CHANDLER. Mr. President—

The PRESIDENT protempore. Is there objection to the Senator from New Hampshire proceeding? The Chair hears none.

Mr. CHANDLER. Mr. President, the Senator from Alabama says that this is an inauspicious moment for taking up a subject of this kind. I wonder what more appropriate moment could be selected that one at which the process has been compared in control of the process has been compared in control of the control of th one at which the process has been commenced in certain States of this Union of killing contestants to seats in the House of Representatives. Shall we wait, Mr. President, until they are all killed and the appropriation bills passed, and then take up this question, which the Senator from Ohio [Mr. Sherman] well says is of more importance than any other which is before the Senate?

Why, Senators can hardly have read the statement of the killing of Mr. Clayton, which I propose to read as part of my remarks. I find it in the Washington Post of February 5, headed "The Killing of Clayton."

THE KILLING OF CLAYTON—JOINT STATEMENT OF HIS BROTHERS—THEY REFER TO ALLEGED POLITICAL CONDITIONS IN ARKANSAS, WHICH THEY SAY RESULTED IN THE ASSASSINATION AT PLUMMERVILLE—THEIR STORY IN DETAIL.

LITTLE ROCK, ARK., February 4.

LITTLE ROCK, ARK., February 4.

General Powell Clayton and Judge Clayton, brothers of Hon. John M. Clayton, who was assassinated on the night of January 29, have furnished the following statement to the public:

"That the public may understand the circumstances leading up to and culminating in the assassination of our brother, John M. Clayton, we desire over our own signatures to make the following statement of fact:

"All agree that this was a political assassination. It will be, therefore, necessary for us to refer to the political conditions and circumstances surrounding it. We do this in no partisan spirit, but only that justice may be done to the memory of our brother, and that a knowledge of the facts which led to his assassination may induce the people of this State to correct the evils from which this and other great crimes have sprung, and that, however sad the circumstances may be to us, his martyrdom may result in good to the people of this and other States. Although since the commencement of the last political canvass for State officers in Arkansas many political crimes have been committed in different parts of the State, in this statement, however, we will confine ourselves to the limits of Conway County, within which Plummerville, the scene of this murder, is situated, and only to these circumstances which, in our opinion, led to the commission of the crime.

"Prior to the September election and during the canvass a political club was organized at Morrillton, the county seat of Conway County, with one Stowers, fresh from Mississippi, at its head. This club soon after resolved itself into a militia company, and about two weeks before the election, at a time of profound peace in the county, Hon. Simon P. Hughes, then governor, not only supplied it with State arms, but furnished it with a full supply of ammunition. This was

the beginning of the troubles in Conway County. From this time until the develor of election Sto when, with his harmed partieuns, almost duly; neared at the area of Morrillion. On election day their guns were deposited, loaded, and ready for of election Stowers, with his samed partieuns, almost duly; neared the the election was held. On the morning of that day the Republican judge of election, on his way to assume the control of the morning of that day the Republican judge of election, on his way to assume the morning of that day the Republican judge of election, on his way to assume the morning of that day the Republican judge of election, on his way to assume the morning of that day the Republican judge of election, on his way to assume the morning of the product of the pro

"POWELL CLAYTON."
"W. H. H. CLAYTON."

Thus goes out, Mr. President, one contest of one Democratic seat in the House of Representatives. I will detain the Senate longer only to show how another contest has disappeared. The candidate for governor against John P. Eagle, the governor of Arkansas, believing that he had been lawfully elected, undertook to contest the election of governor, and this same paper from which I have read the statement of Powell Clayton and W. H. H. Clayton shows how Mr. Norwood, who claims to be lawfully elected governor of Arkansas, has reached the conclusion that it will not be safe for him. in view of the Clayton assassingsion that it will not be safe for him, in view of the Clayton assassination, to make that contest.

GUBERNATORIAL CONTEST WITHDRAWN.

LITTLE ROCK, ARK., February 4.

The dispatch containing the Clayton statement is also headed Little Rock, Ark., February 4.

The Legislature having refused to permit C. M. Norwood, late Union Labor and Republican candidate for governor, to contest Governor Eagle's election unless both parties gave bonds for all costs, so as to avoid expense to the State, Norwood to-day by petition withdrew his notice of contest, thus ending the

As well he might. The Senator from Tennessee [Mr. HARRIS] says that this is an inopportune moment to enter upon this inquiry. I wish the Senator from Tennessee would inform the Senate and the country when he thinks it will be an opportune moment to investigate these questions of suffrage and human life.

Mr. BERRY. Mr. President—
The PRESIDENT pro tempore. Is there objection to the Senator from Arkansas proceeding? The Chair hears none.

Mr. BERRY. Mr. President, I think that there is no other Senator perhaps upon this floor save and except the Senator from New Hampshire who would have taken advantage of the unanimous consent to present the question as to whether we should enter into these matters which are not before the Senate to make the bitter partisan statement that has fallen from his lips. The Senator from Tennessee made a very conservative statement as to why he thought it ought not now to be considered. He was followed in the same strain by the Senator from Ohio and also by the Senator from Alabama. I had not expected to meet the accusations that have now been brought forward until the matter was presented to the Senate, if it was to be presented at the present session, when they could be answered in due form and without taking advantage of unanimous consent to make remarks upon the mere question as to whether it should or should not be considered.

In regard to the killing of Mr. John M. Clayton I can say here, as I said in the capitol at Little Rock, it was a cowardly murder, an assassination without an excuse and without palliation. No man in Arkansas has sought to excuse it, no man in Arkansas has indorsed it, directly or indirectly; and when the Senator from New Hampshire undertakes to make the Senate of the United States believe that the people of Arkansas are responsible for that murder, or that they have not done everything within their power to hunt the assassin and bring him to justice, he shows himself willing to put forth a misrepresenta-

tion to the people of the United States.

It is well known to the Senator from New Hampshire that immediately upon the killing of John M. Clayton the governor of the State offered a reward of a thousand dollars, which was the largest reward that our laws authorized him to offer. It is also no doubt known to him that immediately thereafter the Legislature passed a bill, and it has become a law, authorizing the governor to increase that reward to \$5,000. In addition to that, public meetings were held at Little Rock, at Fort Smith, at Pine Bluff, at Morrillton, in the county of Conway, where Plummerville is located, at Fayetteville, at my own town of Bentonville, and many other towns throughout the State, condemning and denouncing this murder, and raising money by private subscription as a reward to hunt down the assassin. In addition to that, every Democratic paper in the State has denounced it, without a single, solitary exception, and the officers of the law are seeking by all lawful means to-day to ascertain who the assassin was.

The Senator made a statement made by Governor Clayton and William H. H. Clayton, full of partisan bitterness, misrepresentation, and misstatements of fact, which have been denied by the governor of the State and denied and known not to be true by citizens of the State of Arkansas. That letter, however, my colleague or myself at a later period will reply to in detail; but I simply want to state this evening that, so far as the insinuation or intimation that the assassination is approved by any part of the people of Arkansas is concerned, it is not warranted by the facts, and every single act that has been taken there by any part of the citizens shows that it is not true.

I knew Mr. Clayton intimately. I have known him since 1873. In October last I canvassed the second district when he was a candidate for Congress for ten days in opposition to min. The and I make sumptime that entire district. We traveled in the same buggy, stump throughout that entire district. We traveled in the same buggy, slept in the same houses, and upon one occasion in the same bed. at all times during that entire canvass were treated by the entire population with complete respect. Mr. Clayton was a bold and fearless Republican, and advocated his views upon the stump. At no time was there ever one particle of bitterness either between him and me or between any citizen and Mr. Clayton. Major BRECKINRIDGE then for a period of eight or ten days continued that canvass. They lived in the same town; they were personal friends; they associated upon terms of equality socially, and every other way. There was no bitterness against

John M. Clayton in that district in any way whatever.

It is true that he was assassinated and foully assassinated, as has been stated, on the night of the 29th of January, and there is an intimation in the statement put forth by Powell Clayton and William H. H. Clayton that Major BRECKINRIDGE could in some way have prevented the sassination. Mr. President, that is a slander and a foul slander on

one of the purest, most upright, and honorable gentlemen who live within any State in this Union. There is no purer man than BRECK-He is a man of the highest honor and the highest integrity, and any statement that goes forth to the effect that it was in his power to have prevented this assassination is a false statement.

Major BRECKINRIDGE was honestly and fairly elected to a seat in the Congress of the United States. I am entirely familiar with every county and every voting precinct within the Second Congressional district, and outside of the one precinct of Plummerville there is not one particle of evidence that can be produced to show that there was any fraud of any character or description. It is true that some lawless parties did steal the ballot-box at Plummerville. It is a fact and can not be denied, and Major BRECKINRIDGE has never denied it. ernor Clayton, in his statement, says that it contained 572 votes for John M. Clayton and 125 votes for Breckingidge. Admit that it contained every vote he states it did and precisely as he claims, yet according to his own admission CLIFTON R. BRECKINRIDGE was honestly elected a member of the Fifty-first Congress by 399 majority.

Can anything be more absolutely unjust than to say that because he took the certificate, knowing that he was honestly elected, he in any way could have restrained or anticipated that some lawless assassin would take the life of John M. Clayton? Do Senators remember what indignation went up from many Republican papers throughout this Union when Garfield was shot down by an assassin upon the streets of Washington, and some Republican papers asserted that it could in some way have been prevented by the lamented ex-President Arthur? Was any blame to be attached to him because he was the next man in succession? Certainly not, Mr. President; and no man ever made such a charge except one who was full of bitter party malignity and was willing to resort to any means in his power to accomplish his own ends.

So it may be said in regard to Major BRECKINRIDGE. Having been honestly and fairly elected, holding the certificate as he had a right to hold it, because some one slew, without justification and without excuse, the man who was making the contest, can there be any reason

for making an attack or an insinuation upon him?

These are the facts in regard to that matter, and because Colonel Clayton was assassinated as men have been assassinated in all the States of this Union, is that any reason why a bitter and malignant attack should be made upon the entire people of the State of Arkansas, who have done all that was in their power and who stand to-day united as one man in trying to ascertain and hunt down the assassin?

Mr. President, another assassination occurred in Arkansas in the days of reconstruction, when Powell Clayton, the man who signed that statement—not the deceased man—because John M. Clayton, the man who was killed, was a gentleman and a fair man in politics and in every other way—I say that when Powell Clayton had his foot upon the necks of the people of the State of Arkansas, General Tom C. Hindman, a man who was a member of Congress before the war, who had just retired after having made a gallant canvass on behalf of John M. Hank, the Democratic nominee, was shot down at the dark hour of night through his window in the presence of his own family and his own children. Governor Clayton at that time had control of the entire State government of Arkansas, backed by the Federal troops in Washington, and yet that assassin was never known, never arrested, never punished, and it is stated by some of the newspapers in my State—I do not know whether it is true or not-that no reward was offered or no effort made to arrest him.

My colleague and I stand here to-day to denounce in terms as bitter as we are capable of commanding the assassination of John M. Clayton. It has been denounced by our governor, by the Legislature, and by men in all parts of the State. Every effort is being made and has been made to raise money to hunt him down. I regret that his brother should have put forth a proclamation so unjust to those people. Governor Powell Clayton, upon the day of the burial of his brother, when many thousands of people had turned out to do honor to his memory and to attend his funeral, Democrats too, doubtless touched by the universal sympathy shown for him and his family by the universal effort to hunt down the assassin, is reported to have said to a reporter of Pine Bluff that he was incapable of undertaking to make political capital out of the blood of his murdered brother. I regret that when he made this statement, read by the Senator from New Hampshire, at a subsequent time he did not word it so as to avoid the charge of what he said he was incapable of making.

There may be some excuse for him, Mr. President. It may be that, smarting under the pain caused by the assassination of his brother, something might be excused for him and William H. H. Clayton in having made statements that were not justified by the facts; but there can be no excuse for those who know nothing of the facts, who are willing to use the body of John M. Clayton as a stepping-stone to their own political preferment by exciting the passions and prejudices of the people of the North against the entire Southern community.

This is all that I desire to say at present. As I said, before the de-bate is concluded we shall show that the charges made by Mr. Clayton have been denied and refuted by the governor of our own State and by the facts as they existed, and that they are not true as stated either in their details or in the inferences that may be drawn from them.

The Senator from Ohio moves that The PRESIDENT pro tempore. the Senate proceed to the consideration of the resolution the title of which has been read at the desk

Mr. EVARTS. Mr. President

The PRESIDENT pro tempore. Is there objection to the Senator from New York proceeding?

Mr. HARRIS. The Senator from Texas objected.

Mr. COKE. Not to speaking.
Mr. HARRIS. Oh, upon the question of proceeding, of course not.
Mr. SHERMAN. I hope the vote will be taken on the question of taking up the resolution first.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent to be permitted to speak at present, the question not being debatable. The Chair hears no objection.

Mr. EVARTS. So far as I could understand, the parliamentary

situation in which I was placed was that everybody else was to have the privilege of speaking, but many gentlemen were to concur that I should not have an opportunity to speak on the merits. I ask that the resolution may be read.

The PRESIDENT pro tempore. The resolution will be read

The Chief Clerk read the following resolution, reported by Mr. EVARTS from the Committee on Privileges and Elections on the 4th instant:

Resolved. That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress, with a view of providing for a more complete protection of the exercise of the elective franchise, and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

Mr. EVARTS. Is there any one on either side of this Chamber who is opposed to the adoption of that resolution?

Mr. MORGAN. I am.
Mr. EVARTS. Not on account of the merits of the resolution, for it touches nothing but a deliberate examination by the Committee on Privileges and Elections of the existing legislation affecting the conduct of elections of members of Congress, with the purpose of ascertaining what improvements can be made in protection of the suffrage and in punishment of those who violate it. On what principle is it that any Senator can oppose a resolution of that kind on the merits of the resolution itself?

This is said to be an inopportune time for a consideration of that resolution. Why is it not the most opportune time? It is to give an opportunity for deliberation during the long interval between the 4th of March and the first Monday of December, and for a presentation then, as remote from election excitements as possible, for the consideration on both sides of this Chamber and at the other end of the Capitol of this great public question, a pur question of legislation, a question of legislation in the highest interests, and on a subject as remote as possible from any heats and excitements between the sections

Is it true that no matter which touches the welfare of this country in respect of elections can ever be entertained, ever be debated, without its being an occasion of heats and dissension, not on the merits, but on the prefixed opinions, prejudices, and attitudes of parts of this country? If that be so, then it must be admitted that so great is the antagonism between the two sections of the country that nothing but a truce between them can ever keep the peace in Congress or among the

The method that I had proposed and that the committee's report has proposed for treating this question was to open to the Senate the actual facts of the particular occurrences in Washington County, Texas, after the most ample and liberal opportunity of spreading on the record the opposing views, sentiments, recollections, views as to facts, from all the people of that neighborhood who had a say to say on the subject. I have no proposition to present as the basis of the action in the adoption or the rejection of the resolution but what falls within the compass of the facts shown in the testimony. Whatever difference there may be as to the aspect in which these views have presented themselves or will present themselves to opposing views and opposing disputants, there are within the covers of this report all the facts upon which we are to decide whether it is wise, useful, and beneficial to adopt the resolution; and if gentlemen are to liberate themselves from this precise point of consideration it is upon their own choice, and not under any duty for the discussion of this matter bearing upon the adoption of the resolution.

I agree that the Senator from Tennessee is right in presenting those circumstances of the public business which may make it undesirable that an undue use of time should be spent upon any subject of debate; but when he goes further and gives the considerations which he thinks should preclude this debate now from the inflammations and excitements, the criminations and recriminations, and the disturbance of the peace of this country, I submit to him that he goes too far, because it it is not opportune now upon those considerations when can it be opportune? We are as far from the election as it is possible to be. We are looking back upon the occurrences after time and reflection have reduced to the most moderate exhibition the irritations, vexations, and We therefore have a naked proposition of parliamentary wisdom in adopting the resolution, and the limits of debate are upon the most careful scrutiny of the facts enabling us to say what relation that has to the question of the adoption of the resolution.

Mr. President, I have not expected to be accused of undue desire for parliamentary declamation. My maiden political speech, it seems, is to be made on this subject. To my mind it is a subject that ought, by common consent on each side of this Chamber, to be regarded as a matter as far removed as possible from a purely political debate. It is a debate in which every degree of intelligence and, if you please, every degree of patriotic fervor should be shed upon this matter, but it is as far removed as possible from the mere divisions of political interests.

I therefore must hope that, without being overawed by the threat of the consumption of time and the prolixity of debate, to which I shall contribute nothing, we may not be deterred from taking up an important resolution and proceeding to its adoption by the Senate.

Mr. COKE. Mr. President-

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent to be heard, the proposition not being debatable.

Mr. HOAR. I must object to further debate until the resolution is taken up. Three Senators have spoken on each sice, so the matter has been fairly stated.

The PRESIDENT protempore. The question is on the motion of the Senator from Ohio that the Senate proceed to the consideration of the resolution which has been read.

Mr. HARRIS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call

Mr. DOLPH (when his name was called). I announce a pair with

the Senator from Georgia [Mr. Brown].

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY], but I transfer that pair to the junior Senator from Virginia [Mr. DANIEL], and vote. I vote "pay" vote "nay.

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. Otherwise I should vote "nay."

Mr. HALE (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK]. If he were here, I should vote

Mr. MANDERSON (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BLACKBURN], but I transfer that pair to the Senator from Colorado [Mr. Bowen], and vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should

Mr. PUGH (when his name was called). I am paired with the senior Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. Plumb] on all political questions. I should vote "nay" if he were present.

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present I should vote "yea."

The roll-call was concluded.

Mr. JONES, of Arkansas (after having voted in the negative). Has

The PRESIDENT pro tempore. He is not recorded.

Mr. JONES, of Arkansas. Then I withdraw my vote. If he were present I should vote "nay."

The PRESIDENT pro tempore. The Senator from Arkansas withdraws his vote.

Mr. PLATT. I am paired with the senior Senator from New Jersey [Mr. McPherson], but I transfer that pair to the Senator from Virginia [Mr. RIDDLEBERGER] and vote "yea."
Mr. DOLPH. With the consent of the junior Senator from Missouri

[Mr. Vest], I transfer my pair with the Senator from Georgia [Mr. Brown] to the junior Senator from Kansas [Mr. Plumb]. That will enable the junior Senator from Missouri and myself to vote. I vote "yea."

I vote "nay."

N of lowa. I desire to inquire whether a pair has been Mr. WILSON, of Iowa. announced for the Senator from Nevada [Mr. JONES].

The PRESIDENT pro tempore. None has been announced.
Mr. WILSON, of Iowa. If not, I will transfer my pair to the Senator from Nevada [Mr. JONES] and vote "yea."

Mr. HALE. Has a pair been announced for the Senator from Wisconsin [Mr. SAWYER]?

The PRESIDENT pro tempore. None has been announced.
Mr. HALE. I will transfer my pair to him and vote "yea."
Mr. COCKRELL. I am paired with the Senator from Connecticut

[Mr. Hawley], who is necessarily compelled to be absent to-day. I presume, if he were present, he would vote "yea." I should vote nay."

I have been requested to announce a pair between the senior Senator from Pennsylvania [Mr. CAMERON] and the senior Senator from South Carolina [Mr. BUTLER]. The Senator from Pennsylvania would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. CULLOM. The Senator from Rhode Island [Mr. CHACE] is paired with the Senator from Georgia [Mr. Colquitt

The result was announced—yeas 22, nays 19; as follows:

Allison, Blair, Chandler, Cullom, Davis, Dawes,	Dolph, Evarts, Hale, Hoar, Ingalls, Manderson,	Mitchell, Morrill, Paddock, Platt, Sherman, Spooner,	Stewart, Stockbridge, Teller, Wilson of Iowa.

#### NAYS-19.

Bate, Berry, Blodgett, Call, Coke,	Eustis, Faulkner, George, Gibson, Gray,	Hampton, Harris, Morgan, Payne, Ransom,	Reagan, Turpie, Vest. Walthall.
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## ABSENT-35

Aldrich, Beck.	Colquitt, Daniel,	Jones of Arkansas, Jones of Nevada,	Riddleberger, Sabin.
Blackburn,	Edmunds,	Kenna,	Saulsbury,
Bowen,	Farwell,	McPherson,	Sawyer,
Brown,	Frye,	Palmer,	Stanford,
Butler,	Gorman,	Pasco,	Vance,
Cameron,	Hawley,	Plumb,	Voorhees,
Chace,	Hearst,	Pugh,	Wilson of Md.
Cockrell	Hiscock	Quay.	

So the motion was agreed to.

The PRESIDENT pro tempore. The resolution is before the Senate,

The Chief Clerk read the resolution reported by Mr. EVARTS, from the Committee on Privileges and Elections, February 4, 1889, as fol-

Resolved. That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress with a view of providing for a more complete protection of the exercise of the elective franchise and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. HARRIS. I wish to make a suggesstion to the Senator from New York who reports this resolution, in order to economize the few remaining days of this Congress and avoid drifting into an irritating sectional debate, which is inevitable, in my opinion, if this discussion proceeds. I venture to express the opinion that if the Senator from New York and other Senators upon that side of the Chamber will consent to the passage of this resolution without debate, there will be no serious objection to its passage made upon this side of the Chamber. I simply desire to submit that suggestion.

The PRESIDENT pro tempore. Is the Senate ready for the question

on agreeing to the resolution?

Mr. EVARTS. Mr. President, I should be very glad to keep the debate within bounds, but I think it is right to the Senate that the committee reporting the resolution should be permitted to lay before the Senate the occurrence upon which they have placed it, and in that point of view it does not seem to me quite proper that we should be asked to refrain from the presentation of this matter. It will be wholly optional with other Senators how far they may think it necessary to reply. For myself I shall not deem it a part that I nowam to execute in this matter beyond laying before the Senate, so that all will appreciate it, I think (because all may not have read the report, certainly all have not read the testimony), what the real basis of inquiry and what the true limits of consideration are. Therefore I think I must ask the indulgence of the Senate.

Mr. PUGH. Will the Senator yield to me to make the statement

that the Democratic members of the Committee on Privileges and Elections wholly dissent from the views and conclusions contained in the

report of the majority of the committee? Mr. SHERMAN. If the Senator from New York does not wish to proceed this evening, as the hour has nearly arrived at which we usually adjourn, I will submit a motion to adjourn; but I leave it entirely to his own good will.

Mr. EVARTS. I would prefer to go on so that I could complete within a reasonable hour to-morrow the observations I am to make.

The PRESIDENT pro tempore. The Chair understands the Senator from Qhio to move an adjournment.

Mr. SHERMAN. If the Senator from New York assents, I move

that the Senate adjourn.

Mr. PALMER. I ask the Senator from Ohio to withhold his motion for a moment until I may have a bill passed for which there is

urgent necessity and which will provoke no discussion.

Mr. MORGAN. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 13, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

Tuesday, February 12, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SALARIES OF SUBORDINATE OFFICERS INTERNAL REVENUE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Internal Revenue of a deficiency in the appropriation for salaries and expenses of agents and subordinate officers of the internal-revenue service for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

#### JOHN RHODES AND WIFE VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact in the case of John Rhodes and wife vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

#### MRS. SUE B. JOHNSON.

The SPEAKER also laid before the House the bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson, with House amendments disagreed to by the Senate.

The SPEAKER. This bill has reached the privileged stage, and if there be no objection the House will insist upon its amendments and agree to the conference asked by the Senate.

There was no objection.

The SPEAKER announced the appointment of Mr. CHIPMAN, Mr. FRENCH, and Mr. HUNTER as managers on the part of the House.

## ABBY J. SLOCUM.

The SPEAKER also laid before the House the bill (S. 169) granting an increase of pension to Abby J. Slocum, with House amendment disagreed to by the Senate.

Mr. SPOONER. I move that the House insist upon its amendments,

and agree to the conference asked by the Senate.

The SPEAKER. This bill has reached the privileged stage, and if there be no objection the motion of the gentleman from Rhode Island will be agreed to.

There was no objection.

The SPEAKER announced the appointment of Mr. CHIPMAN, Mr. YODER, and Mr. SPOONER as managers on the part of the House.

## JUDICIAL DISTRICTS, TEXAS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

Mr. CULBERSON. The amendments of the Senate are quite lengthy, and I ask unanimous consent that their reading be omitted, that the House non-concur, and agree to the conference asked by the Senate.

There was no objection, and it was so ordered.

The SPEAKER announced the appointment of Mr. Culberson, Mr. ROGERS, and Mr. EZRA B. TAYLOR managers on the part of the House.

## INTERESTS OF UNITED STATES IN PANAMA.

The SPEAKER also laid before the House the bill (S. 3449) to enable the President to protect the interests of the United States in Panama; which was read a first and second time.

Mr. McCREARY. I ask unanimous consent that this bill be referred to the Committee on Foreign Affairs with authority to report at any This is a very important measure which has already passed the time. Senate, and it is necessary that action should be taken upon it as soon as possible.

There being no objection, the motion of Mr. McCreary was agreed to.

# LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. CROUSE, for one week, on account of important business. To Mr. Wade, for three days, on account of sickness.

#### INVITATION TO CANADA-THREE AMERICAS COMMERCIAL CONFER-ENCE.

Mr. TOWNSHEND, by unanimous consent, introduced a bill (H. R. 12567) to amend an act authorizing the President of the United States to arrange a conference between the United States and the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil, so as to include the Dominion of Canada; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

## STREET PASSENGER RAILWAYS, DISTRICT OF COLUMBIA.

Mr. TOWNSHEND also, by unanimous consent, introduced a bill (H. R. 12568) to regulate the transportation of passengers on street railways in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

## FARM PRODUCTS, UNITED STATES.

Mr. TOWNSHEND also, by unanimous consent, introduced a joint resolution (H. R. 263) appropriating \$50,000 to make a special display of the corn product of the United States at the Paris Exposition; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

## ORDER OF BUSINESS.

Mr. CRISP. Mr. Speaker, before calling up the contested-election case, I ask unanimous consent that gentlemen having reports to file may be permitted to hand them in at the Clerk's desk.

There was no objection; and it was so ordered.

#### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

#### REVISED STATUTES.

Mr. CLARDY, from the Committee on Commerce, reported back favorably the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## LIGHT-HOUSES AND FOG-SIGNALS ON THE LAKES.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## LIGHT-HOUSE, ETC., IN HARBOR OF CHICAGO.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (H. R. 12113) for the establishment of a lighthouse and steam fog-signal in the outer breakwater at the harbor of Chicago, Ill.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

# LIGHT-HOUSE OFF CAPE HATTERAS, NORTH CAROLINA.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

# DEBT DUE UNITED STATES BY ARKANSAS.

Mr. McRAE, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 3288) authorizing the settlement of the debt due the United States by the State of Arkansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### DANIEL V. O'LEARY.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (H. R. 12481) for the relief of Daniel V. O'Leary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JANE BOSWELL MOORE BRISTOR

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6214) granting a pension to Jane Boswell Moore Bristor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ANDREW SCHNEIDER.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (H. R. 11449) for the relief of Andrew Schneider; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# HENRY M. RECTOR.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (H. R. 12521) for the relief of Henry M. Rector; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# WILLIAM AND JOHN BEATTIE.

Mr. DAVIS, from the Committee on Claims, reported back favorably the bill (H. R. 5170) for the relief of William and John Beattie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# WILLIAM SMITH.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12511) granting a pension to William Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### LEWIS M'KENZIE.

Mr. BOWDEN, from the Committee on Claims, reported a bill (H. R. 12569) for the relief of Lewis McKenzie; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### RICHMOND AND DANVILLE RAILROAD COMPANY.

Mr. BOWDEN also, from the Committee on Claims, reported back with amendments the bill (H. R. 5858) to provide for the settlement of the transportation account with the Richmond and Danville Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WIDOW OF ADAM SHRAKE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4203) granting a pension to the widow of Adam Shrake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### THEODORE WHITE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12540) to increase the pension of Theodore White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### OMAHA, DODGE CITY AND SOUTHERN RAILWAY COMPANY.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# PROMOTION OF ASSISTANT SURGEONS OF THE ARMY.

Mr. TOWNSHEND also, from the Committee on Military Affairs, reported back adversely the bill (S. 35) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### LOREN W. HASTINGS.

Mr. TOWNSHEND also, from the Committee on Military Affairs, reported back adversely the bill (S. 2384) to remove the charge of desertion from the military record of Loren W. Hastings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# METEOROLOGICAL INSTRUMENTS FOR VOLUNTARY OBSERVERS.

Mr. TOWNSHEND also, from the Committee on Military Affairs, reported back adversely the bill (S. 2377) providing for the issue gratuitously of certain meteorological instruments to voluntary observers at present recognized in the Signal Service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# ADDITIONAL ASSOCIATE JUSTICE, WYOMING.

Mr. CAREY, from the Committee on the Territories, reported back with amendment the bill (S. 1324) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### NOAH W. YODER.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JOHN RHODES.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12570) for the relief of John Rhodes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JOHN ECKLAND.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1466) granting a pension to John Eckland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# SAMUEL B. EDGEWORTH.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 8764) for the relief of Samuel B. Edgeworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## EFFICIENCY OF THE SIGNAL CORPS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 7346) to increase the efficiency of the Signal Corps of the Army; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### JAMES M. SHIELDS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 118) for the relief of James M. Shields; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

#### MARGARET PRATT.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12503) granting a pension to Margaret Pratt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### PUBLIC BUILDING AT NEWPORT NEWS, VA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (S. 1365) for the erection of a public building for the use of the custom-house and the post-office at Newport News, in the district of Yorktown, Va., and making appropri-ation therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

He also, from the same committee, reported back adversely the bill (H. R. 4390) for the erection of a public building for the use of the custom-house and the post-office at Newport News, in the district of Yorktown, Va., and making appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### DONATION TO THE DISTRICT OF COLUMBIA.

Mr. STONE, of Kentucky (by request), introduced a joint resolution (H. Res. 264) to enable the President and Congress to accept a donation for the benefit of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

## ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the House and bills of the Senate of the following titles; when the Speaker signed the

A bill (H. R. 11604) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney

Fork Rivers, in Tennessee;
A bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions; A bill (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New

York; A bill (S. 1459) granting a pension to Florence Courtney

A bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments;

A bill (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reserva-

tion, in Dakota;
A bill (S. 2530) granting a pension to Robert Kelly;
A bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory

A bill (S. 2924) to increase the pension of Sterne H. Fowler: A bill (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, and for other purpose

A bill (S. 3335) granting a pension to Thompson D. Hatfield;
A bill (S. 3435) granting a pension to J. D. Haworth;
A bill (S. 3561) granting a pension to Edwin W. Warner;
A bill (S. 3734) to authorize the construction of a bridge across the

Mississippi River at La Crosse, Wis.;

A bill (S. 3795) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer military reservation, Montana

A bill (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor;
A bill (S. 3819) granting a pension to Esther Gould;
A bill (S. 3858) in relation to dead and fallen timber on Indian lands;

and

A bill (S. 3897) to establish a life-saving station on the Atlantic coast, at or near the mouth of St. George River, Maine.

# MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House, by Mr. PRUDEN, one of his secreta-

ries, who also announced that the President had approved and signed on the 11th instant bills of the following titles:

An act (H. R. 6755) granting a pension to Mary Jane Harris; An act (H. R. 11378) granting a pension to James S. Harden; An act (H. R. 11459) granting a pension to Erasmus W. Jones; An act (H. R. 11629) granting a pension to Elizabeth Clover;

An act (H. R. 11757) granting a pension to Rebecca H. Lyon; An act (H. R. 12039) granting a pension to Thirza S. Jenner;

An act (H. R. 11624) to increase the pension of Jacob Rogers; and An act (H. R. 11578) to increase the pension of Rowland Ward.

## ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 220) granting a pension to John J. Lockrey; A bill (H. R. 765) granting a pension to Annie May Pifer; A bill (H. R. 3794) granting a pension to Elisha Kennedy; A bill (H. R. 4792) to pension J. W. Porter;

A bill H. R. 8549) granting a pension to Louisa Rogers; A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake

Canal Company;
A bill (H. R. 11711) granting a pension to Nona J. Tillery, minor child of Wyatte L. Tillery;
A bill (H. R. 12381) granting a pension to Mary K. Allen;

A bill (H. R. 12381) granting a pension to Mary K. Allen;
A bill (H. R. 2861) granting a pension to Mary Thorn;
A bill (H. R. 3167) granting a pension to Elizabeth L. Nott;
A bill (H. R. 4591) granting a pension to Maria Beiser;
A bill (H. R. 4763) to grant a pension to Joseph Van Arsdel;
A bill (H. R. 4825) granting a pension to Dorothea Ruoff;
A bill (H. R. 5807) granting a pension to John McCool;
A bill (H. R. 6314) granting a pension to Lyman D. Green;
A bill (H. R. 6893) granting a pension to Ellen Edwards;
A bill (H. R. 6334) granting a pension to Capt. Michael Piggo

A bill (H. R. 6532) to pension Thomas Davey;
A bill (H. R. 7633) granting a pension to Capt. Michael Piggott;
A bill (H. R. 7827) granting a pension to George W. Dickinson;
A bill (H. R. 7858) granting a pension to Jennie Harris;
A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish;
A bill (H. R. 9110) granting a pension to Martha J. Warren;
A bill (H. R. 9462) restoring Mary Reynolds, widow of Lewis Rey-

nolds, to the pension-roll;
A bill (H. R. 9246) granting a pension to Enoch B. Vice;
A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd,

widow of Capt. O. B. Boyd;
A bill (H. R. 10025) for the relief of James T. Teeple;
A bill (H. R. 10260) to place the name of Charles A. Stockman, of

Dundee, Mich., on the pension-roll;
A bill (H. R. 10289) granting a pension to Miss Emily Romine;

A bill (H. R. 10426) granting a pension to Otho G. Hendrix; A bill (H. R. 10448) granting a pension to Squire Walter;

A bill (H. R. 10523) granting a pension to Mrs. Maria C. McPherson; A bill (H. R. 10691) increasing the pension of Mary A. Bedel;

A bill (H. R. 10922) granting a pension to William Harper; A bill (H. R. 11566) granting a pension to E. C. Paschal; A bill (H. R. 11571) granting a pension to Isham T. Howze;

A bill (H. R. 11617) granting a pension to Mary Thompson;

A bill (H. R. 10971) granting a pension to Mary Thompson; A bill (H. R. 10976) granting a pension to William L. Wilson; A bill (H. R. 10977) granting a pension to John J. Brown; A bill (H. R. 10917) granting an increase of pension to Mrs. M. S.

Jewel:

A bill (H. R. 11177) granting a pension to Christian Sanders; A bill (H. R. 11316) granting a pension to Charlotte Ayres; A bill (H. R. 12014) granting a pension to Irving W. Combs;

A bill (H. R. 11999) granting a pension to William Barnes;
A bill (H. R. 11803) granting a pension to Henry V. Boss;
A bill (H. R. 11714) to provide increase of pension to James Waters,
formerly of Captain Weatherbye's company of Pennsylvania Militia,

war of 1812;
A bill (H. R. 11861) to place the name of James H. Tolly on the pension-roll; and
A bill (H. R. 11737) granting a pension to Rebecca D. Vedder.

# SOUTH CAROLINA CONTESTED ELECTION-SMALLS VS. ELLIOTT.

Mr. O'FERRALL. Mr. Speaker, as a member of the Committee on Elections I united with the majority in their report in the case of Smalls against Elliott. In a discussion of this case I shall endeavor to confine myself to the record. Much has been said entirely outside of the record, and which does not bear at all upon the case. At the threshold of my remarks I desire to refer to the violent attacks which have been made by the gentleman representing the minority, or by the gentleman who united in the minority report and who spoke on yesterday—I refer to the distinguished gentleman from Illinois [Mr. Rowell]—upon the election laws of South Carolina. I imagine, sir, from the vigorous style in which that distinguished gentleman attacked those election laws, that he was not aware that he was introducing a boomerang, or something that would shoot backwards as well as forwards. He at-

tacked the election laws upon the ground, first, that there is no provision made for the opening of the polls where the regular managers do not attend, and proceeded to criticise the Democratic party in connection with such laws. I desire to say to you, sir, and to the House, that the prevailing laws of South Carolina, so far as these refer to the managers of elections and to the conduct of elections at the polls, are precisely the laws which were given to the State of South Carolina by the Republican party.

The Republican party enacted the laws which provide for the appointment of managers to conduct the elections, but made no provision whatever for the opening of the polls where the managers did not attend. These laws stand to-day as the Republican party gave them to the State of South Carolina in the heyday of their power. They were passed by the Republicans in 1870 and were incorporated in the codification of the statutes prepared by the Hon. David T. Corbin, an eminent lawyer, who was the Republican United States district attorney, was voted for by the Republicans in 1876 for United States Senator, and contested unsuccessfully for Senator Butler's seat. This codification of the statutes was adopted in 1872 by a Republican Legislature. It contains no provision for the opening of the polls where the managers fail to appear at the polls to conduct the election.

Now, sir, upon the other point made by the gentleman as to the registration of voters. Under the military government of South Carolina registration was required. Then when the constitutional convention met it incorporated in the constitution, known as the reconstructed constitution, a provision requiring the Legislature to enact registration laws. The Republican Legislature enacted registration laws and they stood for some time; but the Republicans, finding that these laws did not suit their purposes, repealed them, and there was no registration law for some time after that in the State of South Carolina. During this time when there were no registration laws the greatest frauds were perpetrated. The Democratic party finally passed the registration laws which exist now. I stand here to declare that these laws are fair, and that they are laws similar to the registration laws in all the other States of this Union that have registration laws. The registration books are open on the first Monday of twenty months out of every twenty-four months. The first Monday in August, September, October, and November, the four months preceding a general election— they have elections in South Carolina only once in every two years, unless there be a special election—the registration books are open and every man has a right to go and register if he is qualified to register.

If the voter is refused registration by the registrar, or supervisor of registration as he is called, he has the right of appeal; first, to a board of registration—I do not know what the particular title of the board is, but I think it is the board of registration—he has the right to appeal to that board, and if that board rejects his claim to registration, he has another right to appeal to the court. Every opportunity is given to a citizen to register and to qualify himself to vote in the State of South Carolina.

So much for this, Mr. Speaker.

Now, sir, I propose to come down to a discussion of the points made by the distinguished gentlemen who united in the minority report. They specify, sir, as one of a series of frauds which they allege was put on foot to defeat Smalls the fact that with but few exceptions all the State officers of election were Democrats.

There are, sir, in this district, unless I have made a mistake, four entire counties and twenty-eight townships in four other counties, and these embrace very many precincts, and only thirteen or fourteen of these precincts are even attacked for any alleged frauds or improper conduct.

Now, if the appointment of Democratic officers only was part of a system inaugurated to carry the election by fraud, why was it that with everything in their own hands the scheme was only carried out at these few precincts? Why was the majority returned for Elliott so meager? Why was it that so few men out of many who had, it is alleged, entered into a conspiracy to defraud the voters should go forward in their fraudulent undertaking?

Will it be said that it was because the hearts of many failed them, and that they withdrew from the work for which they had been selected and upon which they agreed to enter? Men who are bold enough to agree to go forward in an enterprise of that kind are not the men generally to recede or to part company with those of their comrades who incur the risks and dangers incident to it. They are usually men of desperation and nerve, and possess at least the characteristics of reckless law-breakers and violators of law, and of fidelity to their associates.

But this sweeping charge is met by the testimony in this case with a refutation so strong that it sinks beneath the flood-tide of truth into an abyss so bottomiess that no plummet could ever sound its depths.

Preconcerted, prearranged system of fraud! Ha! men whose char-

acters, as shown by the evidence, are as pure as any in the land, as high as that of any gentleman who united in the minority report; men against whose purity and uprightness not even any blinded and soul-cankered partisan of the contestant ever dared in his lingo to assail, are arraigned before the country as malefactors and criminals.

Not only are they arraigned, but the judicial officers of the State of

South Carolina who appointed them are arraigned as the very inaugurators of a wholesale system of reeking fraud and desperate violation of law and conscience.

Mr. Speaker, I must say, with all due deference to the distinguished gentlemen who make this charge, that I have never before seen emanating from minds learned in the law and trained to regard above price a fair name, and to hold more sacred than riches a spotless character, and to elevate in public esteem the judiciary, such a baseless and unjustifiable charge, and I meet it with a direct, positive, and emphatic denial.

Now comes the charge that the Seventh Congressional district of South Carolina "was created for the express purpose of consolidating the bulk of the colored vote of the State in one district," and then to capture the district, and that three lines of fraudulent action were determined upon and successfully carried out.

So far as the reference to the manner in which the district was formed is concerned, I need say but little. The purpose may have been, and probably was, to throw the bulk of the colored vote into one district. If so, what of it? Was there anything fraudulent in that? If what is termed "gerrymandering" be fraudulent, then the Republican party of this country has been guilty of the most stupendous frauds that ever blockened the history of any party and all its loader in that ever blackened the history of any party, and all its leaders in every State where it has had control are steeped in fraud from crown to toe.

How many States in this Union are to-day held by that party in Congressional and legislative representation because of "gerrymandering?" How many gentlemen on the other side of this Chamber come from "fixed-up" or "gerrymandered" districts? Why is it there are but "fixed-up" or "gerrymandered" districts? Why is it there are but two Democratic Representatives out of a representation of seven on this floor from the State of New Jersey, when that State has gone Democratic in every national election for years? Why is it that the great State of New York is represented by nineteen Republicans and only fifteen Democrats in this Congress, when she has gone Democratic in every

election for nearly twenty years?

Why is it that the little State of Connecticut will have a delegation equally divided in the next Congress when she has stood in contest after contest as firm as a rock in Democratic faith?

These questions are easily answered. It has been by reason of the arrangement of Congressional and legislative districts years ago by the Republican party in the days of its ascendency, and which has enabled it to perpetuate its power in the legislative branches of this Govern-

I claim for the Democrats of South Carolina the same rights exercised by the Republicans in New Jersey, New York, and Connecticut. If the action of the Legislature of South Carolina be wrong, then let her accusers come from some other party than the party which has this hour five out of six Senators and twenty-five out of forty-five Representatives from these three Democratic States, all the result of the "gerrymandering" process of Republican Legislatures. So much for this reference in the minority report.

The gentlemen lay down as two of the three lines they allege were devised to capture the district a systematic and studied effort to deny to colored voters the right to register and to change their registration certificates, and to reject registered voters at the polls.

Now, sir, let us see upon what testimony the minority report basse its charge that colored voters were denied the right to register and to change their certificates.

The gentlemen rely upon the testimony of about 13 colored voters to prove that colored men were denied the right to register. Eight of them were from Concord precinct, four from Sumter, and one from Statesburgh. Ten of them from their own lips show that when they applied to register the crowds were large, each man pushing and jostling those around him, and the registrar registering rapidly and working faithfully. The other three applied to be registered when the books were not open under the law for general registration, but only for those who had just become of age, and they not falling in that class were properly denied.

After searching the district the contestant was able to find out of the thousands of colored voters just ten voters who had not been able to register because they applied when the numbers registering were so great that the registrars could not reach them. If they had registered them, of course there would have been ten others who would have been cut out. He found three who complained that the registrars would not register them because it was not registration day for any in their class. He found only these little, insignificant, frivolous things at three precincts, and upon them an attempt is made to build a mountain of fraud.

Oh! what "snappers-up of unconsidered trifles!"

What else did the contestant find upon which the minority have feasted their souls? He found nine men at four precincts who thought they were improperly denied the right to vote by the judges. Upon cross-examination in every instance it was shown that they had either changed their residence, parish, ward, precinct, or county and had no transfer, or did not live at the places named it their certificates.

Three men, by the names of Smith, Lowry, and Turney, testified

that at three precincts, one of them being at each, a number of voters with certificates were not allowed to vote. Only one of them pretended to know why they were not allowed to vote, and he said the managers said their names were not on the registration books; the very best reason for the refusal of the judges to allow them to vote.

I will not insult the intelligence of this House by asking whether that testimony proves anything or is worth the paper upon which it is

This constitutes the foundation upon which the gentlemen stand to prove two of the lines adopted, according to their allegation, to capture the "Black district" by frand, and I leave the House in reason and conscience to determine its strength. If such stuff can be made to carry with it any weight in passing upon the question of the high privilege of a member of this Congress, then indeed can many gentlemen who are now enjoying the serenity of uncontested seats on this floor thank

their stars their seats were not contested.

I come now to the last of "the three lines" selected "to capture the Black district," as charged by the gentlemen of the minority-the re-

jection of polls.

They attack the action of the canvassing boards in rejecting the votes cast at Brick Church, Brick Episcopal Church, Sandy Island, Cedar Creek, Grier's, Santee, and Gadsden. The majority agree with the minority that the votes cast at Cedar Creek and Grier's should have been counted, but they deny that the canvassing boards were guilty of fraud or that the rejection was with the intention to defraud.

At Cedar Creek only one of the officers was sworn, and for that reason the board rejected the poll. The vote there was Smalls 18, Elliott

This is counted.

At Grier's there were irregularities of a dangerous character, and while the majority entertain doubt as to whether the vote at this precinct should be counted, they give the benefit of the doubt to the contestant, and count 65 votes for him and 4 for Elliott at this box.

The majority say in regard to Sandy Island:

This precinct is not included in the notice of contest, and hence the evidence referring to it should not be considered. It is well settled that a contestant can not make any points in his contest which are not in his notice of contest, citing McCrary on Elections, section 343.

But I assume that it was hardly necessary to cite McCrary or any other authority upon this point. The principle that evidence must be confined to the allegations is so fundamental that even a horn-book lawyer knows and understands it, and I am surprised that any notice should have been taken of this precinct by the gentlemen who united in the minority report.

We come now to the consideration of the precincts known as Brick Church, Brick Episcopal Church, Santee, and Gadsden, and will con-

sider them in the order named.

The Brick Church (St. Helena Island) poll was rejected because not only of irregularities, but because of the disorder, riotous conduct, threats, and bulldozing of Smalls and his friends and supporters, who virtually took possession of the polls, and for days before the election and on the day of election inaugurated a reign of terror on the island.

I know, Mr. Speaker, this statement will be contested by the distinguished gentlemen of the minority; but if any reliance can be placed in human testimony the preponderance of evidence is so overwhelmingly in favor of the action of the board as to bring conviction.

I repeat that a perfect reign of terror was inaugurated by Smalls and his supporters on the island of St. Helena and Ladies' Island and in Beaufort during the canvass of 1886. No man can take the evidence and read it, it seems to me, without being impressed with the fact that the election at these points that year was but a travesty upon the elective franchise, and that "the free ballot" in the South, for which our Republican friends have been so clamorous, was trampled under the merciless feet of the man whom they are seeking to seat on this floor and his wild and inflamed partisans.

In order that this testimony may be presented to this House I have

gathered it together in a condensed shape and will read it:

J. G. Cole (Record, 542); lives on Ladies' Island; born in Woburn, Mass.; graduated at Hartford, class 1862; went to South Carolina May, 1863; was Government superintendent of abandoned plantations; has lived on Ladies' Island twenty-one years. Since Hampton was elected governor in 1876 there has been a strong tendency on part of colored voters to vote the Democratic ticket. A general system of threats, in-timidation, and bulldozing has been inaugurated to check this tendency and prevent colored men from voting the Democratic ticket.

At the election in 1886 this system was very successful, and on the day of the election colored Democrats were denounced as "Democratic dogs and bob-tail dogs," and threats were made "to kill them" and "drive them from the island" if they voted the Democratic ticket. A club of women was organized to beat all who so voted, who were present around and about the polls on election day, and in consequence of all this large numbers were frightened into voting the Republican ticket or deterred from voting the Democratic ticket. Smalls, the contestant,

was the ring-leader and principal instigator of this system. Emanuel Haynes (Record, 547); lives on Ladies' Island. a Democratic club of colored women organized, and he heard Republicans inciting and advising colored boys "to chunk them," and saw

Aaron Allston (Record, 551); lives on Ladies' Island. He was a member of a church, preparing for the ministry, and he was told by some of

his church brethren that if he voted the Democratic ticket he ought to be shot, and he should not preach in the church; that he ought to be run off the island, and his life was threatened. He was the manager of a Sabbath school, and some of the children were taken away from the school because their parents were not willing that they should be taught by a "Democratic negro." The women had a club to keep the men from voting the Democratic ticket, and they were present at the polls on election with canes and sticks and threatening to use them on all colored Democrats.

Robert Houston (Record, 553); lives on Ladies' Island:

Smalls said in his speech if I voted the Democratic ticket my wife must drive me out of the house, they must turn me out of the church; and told his followers tell all colored men if they voted the Democratic ticket they would have to leave the island. On the day of the election the women were on hand with sticks, and said they were going to mob every man who voted the Democratic

Tarquin Small (Record, 555); lives on Ladies' Island. Threats were made against colored men who wanted to vote the Democratic ticket, to drive the last one off the island, no matter whether he owned land or not, and women and boys were advised to lash them. He said if Elliott came over to the island "he would wish to God" he had never seen it. He says "We were called Elliott bob-tailed dogs" and he him-

self was pelted by a lot of boys. He is a cousin of the contestant.

William Lockwood (Record, 557); li es on Ladies' Island. On day before the election there was a political meeting on the island. women were out in large numbers, all armen with sticks, and said they had the sticks to kill | emocratic dogs with. Smalls spoke at this meeting, and said that any woman that was married to a Democratic man the woman must kick him out of the house, and if any man's daughter was married to a Democratic dog he must kick them out too. and on election day everything should be peaceable, and after the poll was closed they could do as they chose. The excitement and feeling against those who were supposed to vote the Democratic ticket was strong and they were in great danger.

Tom Bonner (Record, 558); lives on Ladies' Island. He heard a prominent Republican, a delegate to the convention which nominated the contestant, say "that they intended to carry the island if they had to kill every damn man on it." On day of election crowds of women were on hand with clubs, and switches threatening to white out bill were on hand with clubs and switches threatening to whip out, kill out, and drive out men who voted the Democratic ticket, and that they would lie in wait for them. He left about 3 or 4 o'clock in the evening "because it appeared that there was going to be a mob fight or killing out," and that the colored men who wanted to vote the Democratic ticket were kept in a continuous state of fear and alarm and

generally left the polls before sundown.

Henry Holly (Record, 560); lives on Ladies' Island. Women were about with clubs, sticks, and switches, and said they were going to whip any one who voted the Democratic ticket. When he returned from the polls in the evening he went out of his way rather than pass

a crowd of women for fear of being attacked by them.

Felix C. Bonner (Record, 562). Attended a Democratic mass meeting at Beaufort some days before the election of 1886 as a member of a Democratic club. After the meeting the club on its march was followed by a crowd of boys, young men and women, whooping and hallooing, "Look at the Democratic negroes, we will get you to-night before you leave this town." Was at the polls on Ladies' Island on day of election; the women were going around with club, threatening and saying, "We will kill you Democratic negroes to-night." One day after the election he was attacked by a crowd of five or six and barely scaped serious injury, the crowd using these words: "We intend to kill every Democratic negro that fools around here; if they do vote the Democratic ticket they shan't own it round here."

F. D. J. Lawrence (Record, 567); lives in Beaufort; born and raised there; is an attorney-at-law and a trial justice for Beaufort County; learned to read and write as a slave; at the breaking out of the war joined the Federal Army and held the position of first sergeant, Company E, Thirty-fourth United States Colored Volunteers; was engaged in several battles; was shot twice in the battle of Honey Hill; was promoted to quartermaster-sergeant; was honorably discharged and afterwards enlisted in Fortieth Regiment, United States Regulars, and is drawing a pension as a wounded soldier. He says:

I heard Mr. Robert Smalls, the contestant, say on more than one occasion in a public speech in Beaufort, among other things he said, that any colored woman that had a Democratic husband, she should put him out of the house, and not allow him to come in there by any means, and could have his assistance, and in consequence of this speech I know of several cases where husband and wife have been separated. There is no such thing in Beaufort County as a free election and a fair count among the Republicans. I have been a Democrat in Charleston County for a number of years, and voted unmolested; but I am told, here in Beaufort County, that this is a Republican county, and no nigger can yote here for the Democrats. I have a daughter, a young lady, who attends public school in the town of Beaufort, who has been abused more than once on account of her father being a Democrat. I had to stop her from the school until I saw the principal in reference to this matter. I complained to him by letter and have his reply; not only her but my family, my wife, and myself have been ostracized in the church and socially, and felt the estrangement keenly, on account of my political views. ostranzed in the cutred and socially, and left the estrangement keenly, on account of my political views.

Q. What methods are usually resorted to by Republicans to keep colored men from voting the Democratic ticket?

A. They usually adopt a bulldozing system among the leaders, teaching them to abuse and make remarks and threats generally.

Q. Do they carry this system into the churches?

A. Yes, into the churches and into the social circles. I am a member of the Baptist Church; my wife is a member of the Methodist Church. I have been abused from the Methodist pulpit by one Rev. Blakely on account of my politics, and in consequence of this conduct I prevented my family from attending that church. From observation among the colored people from 76 down to the present I think they had their fear about voting the Democratic ticket until after the election of General Hampton, but from the general benefit they received by the reduction of taxes under Democratic administration the better class of colored people are all Democrats, and would vote the Democratic ticket as a whole except for the ostracism and threats from the Republican leaders. I have talked with them in regard to the exodus scheme, when Hampton was first elected, about going to Africa, saying to them that it was all a scheme to make money by Republican leaders. A large number of them since that time are convinced, and told me it was a bigger swindle than the Freedman's Bank, and are sorry that they sold their property and put their money in the "Azor." They say at the next Presidential election they will all vote the Democratic ticket for President; that they see no difference except that the Republican leaders taxed them, while under Democratic administration they have been free from taxation for campaign purposes.

Q. Then, from your observation and knowledge of political campaigns in Beaufort County, were the colored people free to vote as they pleased?

A. No.

Q. Was the pressure brought to bear by the Republicans of such a character as to deter colored men from voting the Democratic ticket?

A. Most assuredly; a colored man could not vote the Democratic ticket unless he did it secretly.

Q. Had it not been for the intimidation practiced by the Republicans would there not have been a very much larger colored vote polled for Mr. Elliott at the last election?

A. I think so.

George Rivers (Record, 575); lives on St. Helena Island; fi

George Rivers (Record, 575); lives on St. Helena Island; fifty-four years of age:

Q. How long have you lived on St. Helena Island?
A. Well, about twenty years.
Q. Do you own property on St. Helena; land I mean?
A. Yes; about 25 acres.
Q. Were you at the Federal poll, held on St. Helena Island, at the last election held for Congressman?
A. Yes; I was.
Q. Was the election carried on quietly and orderly at that poll?
A No sir; not that day.

A. Yes; I was.
Q. Was the election carried on quietly and orderly at that poll?
A. No, sir; not that day.
Q. What was the behavior of the Republicans on that day at the polls?
A. There was a big excitement on that day from the Republican leaders.
Q. Were there any women there that day?
A. Yes, sir; there were women there with clubs and sticks. In that time Mr. Gantt, a leader of the Republicans, and a crowd of men, said to Mr. Fripp, "It wasn't right nor lawful to have two Democratic constables; "in that time a crowd of men rushed up to take them out of the house, and caused the polls to close about fifteen minutes, or a little over.
Q. Were there any threats or abuse of Democrats by Republicans at the polls that day?
A. Yes, sir.
Q. What did they threaten to do with colored Democrats, or men who should vote the Democratic ticket?
A. They threatened; they were not fitted or capable to stay on the island; they ought to be driven off.
Q. Did they say anything about Dr. White having been beaten in Beaufort the election before?
A. Yes, sir; "That's what ought to be done to these Democrat rascals on this island, and we are going to do it, too;" that is what they said.
Q. Did the crowd of women you speak of, with clubs and sticks, remain there all day?
A. Yes, sir; they remained there all day pretty much, with their threats and abuse.
Q. Do you know whether or not there was any row or disturbance at that poll during the day?

Q. Do you know whether or not there was any row or disturbance at that poll during the day?

A. Yes, sir.

March Washington (Record, 580):

Q. Give your name, age, and residence. A. March Washington; thirty-two years old; live on St. Helena Island, Beau-

A. March washington; thirty-two years old; live on St. Helena Island, B. fort County.
Q. Do you own any land on St. Helena?
A. Yes, sir.
Q. Were you a Democrat or a Republican in the last political campaign?
A. I was a Democrat.
Q. Did you belong to any Democratic club?
Yes sir.

Yes, sir. What office did you hold, if any, in your club?

Secretary.
Who was the president of your club?
George Rivers.

How many members did you have in your club during the last campaign?

AQAQAQAQ

Q. How many members did you have in your club during the last campaign?
A. Fifty.
Q. Were you at the Federal poll on St. Helena Island at the last election?
Was the election at that poll quiet and orderly or not?
A. Yes, I was there; the election was not quiet and orderly.
Q. Were there any disturbances?
A. Yes, sir.
Q. By whom were they made—Democrats or Republicans?
A. Republicans; Hastings Gantt.
Q. Was the poll closed at any time during that day in consequence of disturbances?

ances?

A. Yes, sir.
Q. How did the Republicans behave at and around the polls on that day toward the Democrats?
A. They made a great threatening.
Q. Was the conduct of the Republicans on that day such as to intimidate and make the Democrats afraid?
(Objected to as leading.)
A. Yes, sir.
Q. Were there or not a large crowd of women at and about the Federal poll during the day of election?
A. Yes, sir.
Q. Did they have anything in their hands?
A. A great many had clubs.
Q. Were they Democratic or Republican women?
A. Republican.
Q. Now, you stated that the Republicans made great threatening at the polls; was that threatening done only by men or by men and women?
A. By men and women.
Q. In consequence of the threats and behavior of the Republicans about the poll, were or not the Democrats very timid about voting?
A. Yes, sir.

Q. Is it or not a fact that only the boldest men among the Democrats dared to vote at that poll?

A. Yes, sir.

Q. In consequence of the conduct of the Republicans at the poll, was there or not great fear among the Democrats that there would be a riot and injury done to themselves?

A. Yes, sir.

Q. You stated that the poll had to be closed during the day on account of the disturbances. How many times do you know of its having been closed during

A. Three times,
Q. Now, before the day of election and during the political campaign were there or not many threats made by the Republicans on St. Helena Island against men who should vote the Democratic ticket?

A. Yes, sir.
Q. Had it not been for the threats and abuse of the Republicans would there or not have been a very large vote at that poll for Mr. Elliott?
A. Yes, sir.
Q. Was not the whole vote on St. Helena Island at the last election much smaller than in previous elections?

A. Yes, sir.

Q. Were there or not a great many voters kept from voting on account of the threats and abuses of the Republicans?

(Objected to on the ground that the answer could be nothing more than the witness's opinion.)

A. Yes, sir.

Chance Green (Record, 584):

Chance Green (Record, 584):

Q. Give your name, age, and residence.
A. Chance Green; am forty-seven years old; and live on St. Helena Island, Beaufort County.
Q. Are you a colored or a white man?
A. Colored.
Q. Were you at the Federal poll on St. Helena Island at the last election?
A. Yes, sir.
Q. Was the election at that poll peaceable and orderly or not?
A. No, sir.
Q. Tell us how it was.
A. On the 2d day of November, in the morning at 7 o'clock, I went to the poll to issue tickets, and as quick as I get up to the poll there were twenty men standing, saying to me, "Morning, Green; are you going to issue tickets to-day?" I said, "I am going to issue Democratic tickets are you going to issue;" I said, "I am going to issue Democratic tickets to-day;" they said, "Give us your tickets, because we have got to vote these tickets quick and get home; we promised to vote the Democratic ticket;" and I issued the tickets to them, and the first man that went up to the poll was Jonas Howard. He had a Democratic ticket, and he went up on the platform, and a great crowd of mans come up and tell him to come off the platform. "If you don't come off there we will kill him." Jonas Howard said, "Let me alone, I vote for who I choose," and the same time when he said so, as quick as he speak the word, they took him down and tear up the tickets and tear his coat. And I gave him another ticket, and I told him to go and poll it, and I followed him to see if they would touch him again, and after I got up there he took the ticket from me and I went with him, and myself couldn't go up, for the threats they made on me and him. I told him (Jonas) to wait awhile, and I leave him in the road standing up. I went off a piece about a task; in the road I saw six men with clubs go up to him and order him home from the poll; they told him to go home from the poll; they told him to go home from the poll if he intends to vote for the Democratic ticket, and I can in the road standing up. I went off a piece about a task; in the road I saw six men with

went home.
2. He didn't vote that day, then?

A. No, sir.
Q. Were these men who interfered with Jonas Howard Democrats or Republicans?

licans?

A. Republicans.
Q. Why did those men to whom you issued tickets say that they would have to vote quickly and get home or get away?

A. Because they feared the Republican men would threaten them, to kill them and abuse them. They promised that they would do that, and would turn them out of the church. After Howard went off I said to the crowd of Republican men there, "Why don't you let a man vote the way he likes? When I was a Republican I let a man vote to his own mind." They hallooed to me from the crowd of them, "You need not say anything; you have been leading us twelve years, and you are going to lead the Democratic party now on the island, we are instructed by our leading mans now that any colored man that vote Democratic now must be killed on the island, or run him off the island."

B. C. Chisolm (Record, 595); lived on St. Helena Island; had lived there from birth. His church threatened to turn him out as a committee man, and he was told if he voted for Elliott he must not come

into their prayer-house any more.

His pastor told him if he voted the Democratic ticket he deserved to

be turned out of church. He did not vote.

He says the Republican men and women on the island were down on the Democrats and would say wherever a Democrat appeared, "Here comes

a Democrat dog with long tail. They no better than a dog."

Monday Washington (Record, 597); lived on St. Helena Island. He testifies to threats against Democrats and to disturbances at the polls.

Renty Brown (Record, 599); lived on St. Helena Island. He testifies to the bitter feeling against Democrats and as to disturbances at the polls.

Abram Scott (Record, 608); lived on St. Helena Island. He testifies as to threats, intimidation, and violence upon the part of the colored Republicans

Roland White (Record, 612); lived on St. Helena Island. He testi-fies as to threats, intimidation, and violence upon the part of the colored Republicans.

James Jenkins (Record, 614); lived on St. Helena Island; lived there all his life:

Q. You hold any position in any of the churches on St. Helena Island?
A. An officer of the First Baptist Church at Scottsville.
Q. During the last political campaign were any threats made against colored men who wanted to vote the Democratic ticket?
A. Yes, sir. When I went that morning to the Federal poll the people said that if they find out I vote the Democratic ticket they will kill me with a whipping; and the officer of my church said if he find out I vote the Democ

cratic ticket be will turn me out of my deaconship and turn me out of church besides, and told me that the poorest kind of man vote the Democratic ticket. I tell him, "I never vote the Democratic ticket yet, but this time, for the way they done Sheppard, I'll vote the Democratic ticket." I went to a meeting one night before the election. Abram Scott was chairman, and before I got to the door—about 100 feet off—I saw the lamp put out and heard, "Kill him! kill him!" so I turned back and whistled and then Abram Scott and David Simmons came up and we went back on the creek side. We could not take the road at all.

at all.

Q. Why could you not come out in the road?
A. Because women with hoes were out there, and we were afraid of being killed; so we had to take the creek side.
Q. Why did the people gather there against you?
A. They called us Democrats.
Q. Did they make those threats common about on the island?
A. Yes. No longer than this morning I went to my cousin's house, where I always get a horse when I go to Beaufort, but his wife said, "Don't give him a horse; he is a Democrat, and he is going to see a gang of Democrats."

W. H. Parelson (Paccal 616).

W. H. Bartless (Record, 616):

W. H. Bartless (Record, 616):

Q. Give your name, age, residence, and occupation.

A. W. H. Bartless; forty-four years old; live in Beaufort, Beaufort County; am a lumber manufacturer by occupation.

Q. State in what part of the town your residence is located.

A. At Green's Ferry.

Q. On the 22d day of October last, the day of the Democratic mass-meeting in the town of Beaufort, did you witness any disturbance ator near Green's Ferry? If so, state what it was, and give the circumstances.

A. I was over at the saw-mill, near the ferry, at work. I heard a great noise up the street, yelling and whooping, the street that leads to the ferry, so much so that I left my work and went out to the fence to see what the matter was. I saw two or three colored men running from a crowd of half-grown boys and women who were throwing brickbats at them. One man was bleeding from a wound in the head; the air was full of bricks; some fell in my mill yard, and some struck my kitchen across the street. Upon inquiry I found that the men who were being brick-batted were members of the Ladies' Island Colored Democratic Club. I spoke to the crowd; caused them to stop brick-batting, and telephoned for the town marshal, who I believe made one or two arrests. He did not commit any one, but turned them loose again. The men went down to the ferry and seemed to be very much intimidated. They went across the ferry some time in the afternoon. I saw a hack go down there with one or two men in it; I think it was Doc Day's hack; thinking there might be further violence, I went down to the ferry; did not see any further violence offered, but heard a good deal of loud talking; was not near enough to hear what was said.

Q. During the day, and before this occurrence of which you speak, had you heard any threats made upon the streets of Beaufort?

A. Yes; I heard a good many threats; I heard them say "Wait until night and we will fix them;" don't know as I can name any particular one, but think Doc Day's was one.

And we will a titled, and the body of the

A. Peter Green.
Q. Who has the ferry to which you have alluded?
A. Peter Green.
Q. Do you know whether he is related to Sammy Green or not?
A. Ibelieve he is a brother of his; a few days before the election I was down at the ferry where the boats were landing; one of the boats had just pushed off; Sammy Green was in that boat, and remarked to an old colored man that came up, that "No Democrat could go in that boat," meaning a colored Democrat.

crat.

Q. Was the old man intending to go over that ferry?

A. That was my impression; they had some words, and I heard the old man say that he intended to vote for Elliott and that Sammy Green could not run the whole island; he, the old man, was not intimidated; he was a plucky old

Q. From what you saw and heard on the day of the meeting referred to, and at other times in the town of Beaufort, would you or not say that it required a great deal of pluck and boldness in a colored man to vote the Democratic ticket?

A. Yes; it required the highest order of courage.

Paris Thurman (Record, 619); lived on St. Helena Island. He went to the election for purpose of voting. Went away without voting. He saw such an uproar and heard so much threatening, being old thought it better to get out of the way. He intended to vote for Elliott.

A. B. Colonel (Record, 619); lived on St. Helena Island. During the war was a soldier in Thirty-fourth Regiment Colored Troops, United States Army. He testifies to threats and the character of them, as follows:

follows:

Q. What kind of threats did they make?

A. They made threats like this, that every man that voted for the Democrat party, they ought to club together and kill every one out; that they ought to meet and kill me in particular. I can call the man's name who told me this; his name is Joseph Jenkins; then I asked him, "Why do you want me to die more particular than you?" and he said, "You Democrat niggers are just selling your wives and children to the rebels." I said to him, "If I am a Democrat, tell me how I voted," and he could not tell. This I said to him after the election; the first part of my answer is what he said to me was before the election. Before the election Cyrus Jenkins threatened me in the same manner; took up a stick at the church and hit me two licks because I advocated Colonel Elliott.

Q. Do you know whether they made threate context the Tenesteened.

Eliott.

Q. Do you know whether they made threats against the Democrats in common all over the island?

A. Yes; just in the same manner as I have stated; some said they, the Democrats, should be feathered and burnt, and some said they ought to be turned out of the church; the deacons of the church said so; they had a meeting on it.

Q. What about the women?

A. A good deal of them talked in the same manner; they wanted to be crosser than the men; my wife herself was cross with me.

Q. On the day of the election did you go to the Congressional poll?

A. Yes; I went there to vote late in the evening.

Q. Were many women about the polls?

A. Yes; a great many women, to both of the polls.

Q. Was the threatening and abuse carried on on the island by the Republicans such as to keep colored men from voting for Colonel Elliott?

A. Yes; it was.

Q. If it had not been for such threats would not a great many more votes have been polled for Mr. Elliott?

A. Yes; about 300 votes I think he would have got if it had not been for those threats.

Q. Since the election what is the condition of things?
A. Carrying on most the same way, right now.
Q. Are you a white or a colored man?
A. Colored man.

Boston Williams (Record, 617); lived on St. Helena Island:

Q. Did you attend any of the Republican meetings on St. Helena during the

Q. Did you attend any of the Republican meetings on St. Helena during the last campaign?

A. Yes; one of them.
Q. Did you hear Robert Smalls speak at that meeting?
A. Yes; I got there at the time he was about half through.
Q. What, if anything, did he say about colored men who wanted to vote the Democratic ticket?
A. He said it was not right, and he wished an earthquake would swallow the last one who did it; that's all I heard.
Q. Did he say anything to the women?
A. Not as I heard.
Q. Before the election was there much threstening against the colored Democrats on the island?
A. Yes; the women were doing more than the men.
Q. What kind of threats did they make?
A. Theyasked us what we meant by holding the Democratic club, and I said for myself that I meant to vote it, and they said to me that if I vote it that I will have to find another home to go to, not on St. Helena; and one of the women came up and said that we men were joking, and I said "Not me;" and she said "We will see at the day of election."
Q. Did you go to the Federal poll to vote on the day of election?
A. Yes, sir.
Q. Were any threats made against you that day?
A. Yes, sir.
Q. Do you know whether or not people were prevented from voting that day on account of the threats?
A. I was to Mr. McDonald's, and I came out and met a young man who was in the same lodge, and he asked me had I voted? I told him no. He said, "Do you mean to vote for Colonel Elliott?" I told him, "Yes; this time I'm going to vote for him." And he said to me that "I better mind how I pass among those women, and using the question about voting for Elliott, because they will hurt you, I believe," Then I asked him, "Have anny of them been after you?" And he said, "No, not after me in particular," but he believed it by what he seen done to another fellow there; that was his reason for telling me to be mindful. And in the mean time, while we were talking, some women came along from Nichols's, and said to me, "To-day is the day to throw away all foolishness," and I said, "That I don

Dennis Lockwood (Record, 620); lived on St. Helena Island. tifies as to threats, intimidation, and violence upon the part of the colored Republicans

Andrew Smalls (Record, 621); lived on St. Helena Island. Was in the United States Navy during the war. (Refer to Record, page 622.) He testifies as to threats, intimidation, and violence.

R. N. Wright (Record, 622); lived in Beaufort. He testifies to threats,

bulldozing, and boycotting.

Ben. Smalls (Record, 624); lived at St. Helena Island. to threats, abuse, and intimidation, and that he heard Smalls in a speech advise the women to leave their husbands if they were Democrats, and if any Democrat was living on a woman's land she must make him leave it.

Jack Freeman (Record, 625); lived on St. Helena Island; intended to vote for Elliott, but did not. He testified that he met Smalls in Beaufort, and Smalls said to men standing around him, "You boys ought to tie him [Freeman] and lick him." He further testifies that on the day before the election he was taken down by force from a platform, from which he was issuing Elliott tickets, by fifty or sixty men.

J. C. Mardenborough (Record, 603); lived at Port Royal, Beaufort County; was born in New York City; graduated from Howard University, Washington; studied law in New York City; was admitted to practice in supreme court of that city and afterwards in the State of South Carolina. Been a resident of Beaufort County since 1877; was appointed postmaster by President Hayes in 1880, and held that tion until he resigned in 1885. He was first introduced as a witness by the contestant, and his credibility is therefore vouched for.

His testimony is too lengthy; I can not read it. I refer the House to it. It will well pay for a careful perusal, as showing the most shameful system of intimidation and bulldozing by Smalls and his fol-

March Aiken (Record, 294); lived on St. Helena Island. This man was introduced as a witness by the contestant and proved to be an un-fortunate witness for him, for he testified that Democrats were threatened and were told that they should not be allowed on the island, and many that were to vote the Democratic ticket did not vote it.

Dr. T. G. White (Record, 600); lives at Beaufort. He testifies that in 1884 he was one of the managers of the Federal poll in the town of Beaufort, and that night, after having canvassed the vote, as he emerged from the polling place he encountered a mob of infuriated colored per-

from the polling place he encountered a mob of infuriated colored persons, who violently assaulted him, prostrating him upon the ground by kicks and buffets, breaking the bone of one arm, lacerating his face, and cutting him over the eye. The assaulting party were men and women—women armed with sugar-canes and the men with sticks.

Washington Y. Fripp (Record, 602); lives near St. Helena. He testifies that during the canvass of 1886 he attended a political meeting, and while speaking cries were raised, "Pull him down," "Don't want to hear from him," and that thereupon a large-sized black bottle was thrown at him, which broke to atoms against the side of the house. He also testifies that many threats and violent speeches were

made; that there were a great many rumors on the island that colored men who voted the Democratic ticket would be badly beaten.

E. W. Tripp (Record, 626); lived on St. Helena Island. He was the regularly appointed manager of that precinct, and testifies that during the day there was much disturbance, which necessitated the closing of the polls three different times; that about 2 o'clock he went out of the polling-room and met a man in a crowd of about fifteen or twenty, who said to them, "This is the Democrat who would not let me vote without showing my ticket" (meaning his registration certificate).
"Come, let us mob him." But he attempted no violence. That since the election, driving along the road, he met two carts; that he gave part of the road and the driver of one of the carts did the same, when the man in the cart behind said, "What do you give that damn Democrat the road for? You must not give a Democrat the road. Let him get along the best way he can." This man owns 722 acres of land on this island and is a white man.

Here are thirty-one witnesses, all colored but two. One of them the superintendent of abandoned plantations after the war, one a postmaster under the administrations of Presidents Hayes and Arthur, and two of them honorably discharged soldiers of the Union Army, one of them a wounded veteran and a pensioner.

Each testifies in direct terms to a state of affairs that should bring the blush to the cheek of any man who believes in the great boon of a free ballot and that every citizen, white or colored, should be permitted to go forth in the broad sunlight of our institutions and deposit his ballot without let or hindrance, without fear or intimidation.

At these precincts and throughout their surroundings it required almost reckless courage and desperate nerve to meet and face not only the male partisans of the contestant, but the inflamed and enraged women who were there in his interest, blocking the roadways, filling the streets, and lying in wait, armed with their sticks and bludgeons to use them on Democrats. The law makes no such requirement of If the condition was such as to reasonably affect a man of ordinary temperament, that was sufficient. The law does not require a voter to go forward through a mob, or to take the chances of a beating or even any great humiliation before the poll can be set aside for in-

Men may meet without flinching an army of men with banners and glistening bayonets and display only the courage of men, but show me the man who will face a mob of women with their eyes bloodshot with rage and their passions heated to a red heat by fanatic appeals, armed with only sticks and bludgeons! To fall before the one is glory, to go down before the other is ignominy.

Sir, it is frequently well for us in measuring the courage of others under trying circumstances to place ourselves in their situation. can only test our own strength when the emergency arises. Men out of danger's reach are ofttimes as courageous as the king of the forest, who, when confronted with it, are only as valiant as the mouse.

The colored men at these precincts who were desirous of voting the Democratic ticket, and refrained from voting it and went home, exhibited that prudence which even strong and most courageous men would have done; they knew well the temper of the people who were dominating the polls; they knew how these people had been advised by the contestant and his leaders; they knew how the few who with recklessness had voted for Elliott had been kicked and cuffed, threatened and abused.

Sir, violence, intimidation, and bulldozing held high carnival during that canvass in the boundaries of these precincts, and should they be counted this Congress will grant a license which will render every election in similar sections in the South in the future only a farce and make the ballot-box only the depository of the will of the colored mob.

But while this open and direct violence did its work well, there

were other acts and other agencies resorted to which, though of a different character, were as potential and powerful. The sanctity of these Democratic colored men's homes was invaded and their marital relations were interrupted. Their wives were urged to leave them, and in some instances they did. Their church relations were disturbed and they were threatened with expulsion, and in some instances were expelled. Social ostracism and society banishment went out as the inexorable decree, and they were sneered at and buffeted and hounded as though they had been beasts rather than human beings.

All these things were in the direct line of the teachings of the contestant, who, by precept and example, advised and encouraged them. On the stump and off of it, everywhere and on all occasions, he was the brand kindling the fires of conjugal infelicity, church disturbance, and society trouble.

His inflammatory language was such always, on the stump and elsewhere, as to render it unfit for utterance on this floor or anywhere within gunshot of decent ears, and stamps him as a man too foul of mouth to associate with even his delnded followers, and only a fit companion for the denizens of the slums of the lowest and most depraved.

In his crusade upon the rights of his people and upon the ballot, upon the happiness of homes and the peace of the sanctuaries of God, he seems to have found willing and effective allies among the leaders of the flocks, and whose mission it was to preach Christ and Him crucified, peace and good-will among brethren, and these political preach-

ers were as active as any in promoting discord and disturbance and furthering the cause of the contestant during the canvass and since, even to the taking up of collections in the churches to aid him in this contest

But I have said enough in this connection, and will pass on to other points. I can not entertain a doubt this House will sustain the majority of the committee in their action in excluding this precinct-Brick Church, or St. Helena Island.

I shall now speak of the precinct known as Brick Episcopal Church. This precinct was rejected by both the county and State boards, and their action has been sustained by the majority of the committee, and I say rightfully sustained. It was a new voting place, and there was no registration book for it; at least it was blank. The supervisor of registration for the county of Berkeley, in which this precinct was located, after it was created opened a book of registration, but no one applied to be registered or to be transferred, and of course no voter was registered or transferred. The supervisor did his duty, but the voters failed to avail themselves of their privilege. It is said they were registered at another point. Suppose they were. The law says no voter shall vote at any precinct but the one at which he is registered. The men who in spite of the law went through the form of voting at this point were doing a perfectly futile thing.

There was not a legal vote cast, and this box can not be counted un-

less this House ignores utterly the law of the State of South Carolina and regulates the manner and mode of conducting her elections and prescribes the qualifications of voters for her. That this House has the right to invade a sovereign State and make laws to govern her people in the matter of the qualification of her voters so long as the fif-teenth amendment to the Constitution of the United States is not violated no member on this floor will pretend to assert. Then, sir, the law of South Carolina standing as the supreme law in this case and declaring that the votes cast at the Brick Episcopal Church precinct were illegal, this House will not, can not make them legal; will not, can not count them.

Upon this point I cite an authority which I suppose will be recognized on this floor, Cooley on Constitutional Limitations, and I propose to put that authority against the judgment of the distinguished gentleman from Illinois [Mr. ROWELL]. Upon this point Judge Cooley says:

And where the law requires such registry and forbids the reception of votes from any persons not registered, an election in a township where such registry has never been made will be void, and can not be sustained by making proof that none in fact but duly qualified electors have voted.

The gentleman from Illinois [Mr. ROWELL] insisted on yesterday, as the House will remember, that there was proof in this case that none but duly qualified voters had cast their votes at this poll, and that therefore their votes ought to be counted.

Judge Cooley says that they can not be counted even though the evidence may show that the electors were duly qualified. But in fact no such voters could be properly described as duly qualified, because one of the things required under the law to qualify them as voters was

Judge Cooley, continuing, says:

It is no answer to say that such a rule may enable the registry officers, by neglecting their duty, to disfranchise the electors altogether; the remedy of the electors is by proceedings to compel the performance of the duty, and the statute, being imperative and mandatory, can not be disregarded.

Mr. JOHNSTON, of Indiana. Will the gentleman permit me to ask him a question at that point?
Mr. O'FERRALL. Certainly.
Mr. JOHNSTON, of Indiana. I want to understand the point which

the gentleman makes. Do you contend that where there are two voting places in the same precinct it is the duty of the voter to see that he is

Mr. O'FERRALL. In reply to the gentleman I will say that there is no law of South Carolina requiring two voting places in any one pre-

Mr. JOHNSTON, of Indiana. That dodges the question. My question is, if there are two voting places in any one precinct must the voter see that he is registered twice, or has he done his duty when he has registered once?

Mr. O'FERRALL. No, sir; he need not register twice. One registration is sufficient, but he must vote at the poll where he is registered. He can not vote at the other.

Mr. JOHNSTON, of Indiana. One question further. If the authorities make two voting places in one precinct, one for State officers and the other for Congressmen, 6 miles from the first, how is the voter to vote unless the authorities of each polling-place have a copy of the registration?

Mr. O'FERRALL. Mr. Speaker, under the laws of South Carolina there is a registration-book for each place; there is a registration-book at the precinct for the election of State officers and also at the precinct for the election of Congressmen. Now, the facts in regard to this pre-cinct, as I understand them, are simply these: That until a short time before this election there was a precinct at which voters cast their votes who lived in the Seventh Congressional district and also voters who lived in the First Congressional district. That is, all the voters who lived in a little town called Mount Pleasant voted in Mount Pleasant,

which was in the First district, and the voters of the Seventh district who lived in the country outside of Mount Pleasant also voted in that

But the Legislature of South Carolina, in order to facilitate voting and to give a better opportunity for the voters living in the country than they had theretofore enjoyed, made a new precinct out in the country, 6 miles from Mount Pleasant, in the Seventh Congressional district—the precinct known as the Brick Episcopal Church. That was done in order that the voters should not have to travel 6 miles to vote, as they had been doing theretofore. These are the facts about that But Judge Cooley says distinctly that where the law requires registration, as in this case, and required it at the precinct, the fact that proof may be offered that the men who cast their votes there were qualified—I suppose he means qualified in every other respect except that they were not registered—that such proof makes no difference and that those votes can not be counted.

The minority report ad-Now comes the precinct known as Santee. mits that the election here was conducted by only one manager, when the law requires three, but says that as there is no impeachment of the fairness or charge of irregularity it should be counted, and that the action of the board and of the majority of the committee in rejecting it

The law of South Carolina requires three managers, and provides that when they meet they shall organize themselves into a board and elect one of their number chairman, and that when the polls are closed they, the managers, shall count the ballots and sign the returns. "Organize themselves into a board and elect one of their number chairman" is the language of the statute. This is a sine qua non-an indispensable condition to the holding of an election.

There was no board organized; there was no chairman selected; the managers were never there to organize the board or elect a chairman. One man could not constitute a board, for the word implies more than

A single, solitary colored man arrogated to himself the power to conduct the election, and he proceeded to organize himself into a board, that is, to make three men out of himself; and thus divided up into three men, these three imaginary men elected him chairman, and the election proceeded.

Sir, I lay down the proposition that never in the history of legal jurisprudence has the action of less than a majority of a board been held to be legal unless authorized specially in the act creating the board. This in itself vitiated this poll, and I might stop right here so far as

it is concerned.

But in addition to this, the evidence shows that the poll was in open air, under a tree, no space railed off, and every one allowed to vote, whether a legal voter or not, and that at least 59 illegal votes were cast; how many more no one knows.

If this poll should be counted we might as well wipe from every statute-book the law regulating the conduct of elections and tear down every safeguard which wisdom and experience have thrown around the ballot-box. If the gentlemen of the minority can whistle down the winds the facts developed in regard to this precinct, then, sir, the sooner we are brought face to face with the direful consequences which will ensue the better, for the sooner will we find the necessity of arousing ourselves to meet the dangers which threaten our institutions.

The next precinct in order in the report of the minority is Gadsden. I was surprised to find that this precinct was one of the number which the distinguished gentlemen of the minority insist upon counting for

In the argument of this case the able counsel for the contestant abandoned any demand for counting it. He says in his brief, on page

While slight deviation as to time is not material, yet when more than one-third of the time allowed for voting passes by and no poll is opened the devia-tion becomes serious, and will be presumed to have affected the result, so that the vote can not be ascertained with any degree of certainty, and contestant abandons his demand for counting in his favor the vote polled at Gadsden.

Here, sir, is a verdict rendered against the contestant as to this precinct by the contestant himself and his able and zealous counsel, yet we find our friends of the minority insisting in spite of this abandonment upon counting this poll.

I ask with all due deference are our friends simply partisans and not judges? Are those who sit in judgment more zealous in behalf of the contestant than the attorney who is employed to prosecute? Can their action, in the language of Burke, be "the cold neutrality of an impartial judge?" I submit these questions for the candid answers of candid

But, Mr. Speaker, as the gentlemen insist in the teeth of the withdrawal of the claim of the contestant to count this vote by the contestant and his counsel, let us look at the facts.

Managers were regularly appointed but did not attend, and about 10 o'clock the Republican precinct chairman appointed three managers and the voting commenced. There was no registration book present; two of these so-called managers swear that there were 431 votes cast for Smalls and none for Elliott, and the other one swears that there were something over 500 for Smalls and one hundred and eighty odd for Elliott, more or less, and upon this evidence our friends propose to count 431 votes

for Smalls and none for Elliott. These witnesses were introduced by the contestant himself. Not a manager was present, not an oath was administered to the three men appointed by the Republican precinct chairman by any one authorized to administer an oath, no registration book present, no space railed off, not a compliance with a solitary requirement of the election laws, and the polls opened at 10 o'clock when they should have been opened at 7 o'clock under the law.

Now, sir, let us see why the managers did not attend; let us see why they did not open the polls. Why was it? It was because they were afraid to act as managers; because they were afraid of personal violence on account of the desperate character of the colored Republican leaders and their followers at this point. In 1884 a serious disturbance occurred, and at an election a short time before the managers had to telegraph to Columbia for help to quell a disturbance. It has been difficult to get men to act as managers on account of the notoriously disorderly and dangerous state of affairs there at elections.

If the contestant suffered by the failure of the managers to open this poll he and his followers are responsible and the result of his teaching is coming home to plague him. I know of no law, moral or statute, which requires men to endanger life or limb in opening and conducting a poll surrounded by law-breakers and law-defiers; and standing here in my place and pos essing, I trust, a reasonable amount of moral and physical courage, I justify these managers in their refusal to open and conduct this poll.

But according to the weight of testimony Elliott was injured and not Smalls by their refusal, for the Democratic vote here was estimated at 300-200 whites and 100 colored-and the Republican vote at 230.

This brings me to the next points in issue between the majority and I refer to the charge made by the minority of ballot-box stuffing at Pocotaligo, Providence, and Green Pond.

The minority allege that at Pocotaligo the poll-list showed 143 votes

cast. The majority deny that there is any such evidence. paper filed purporting to be a poll-list, but it has no authentication, oes not pretend to be a certified copy, and is worthless as evidence.

The minority say that when the box was opened an excess of 105 ballots was found, and that 105 Smalls ballots were thereupon drawn from the box; the majority assert that one of the two witnesses introduced by contestant (Deveaux), a Republican supervisor, who was present when the drawing took place, swears that of the 105 ballots drawn out only 49 of them were Smalls ballots, so that 56 Elliott ballots must

have been drawn to make 105. (See Record, page 2!5.)

The gentlemen, in preparing their report, copy in full the testimony of one Bampfield, the son-in-law of Smalls, and roll it as a sweet morsel under their tongues, but are as silent as the tomb as to the testimony of Deveaux, the colored Republican supervisor and supporter of Smalls, and a man who could read and write, who contradicted in direct terms this swift son-in-law witnes

After thus enjoying this sweet morsel and charging that the box was stuffed, they triumphantly inquire, "How was it done? Who had charge of it?" And they proceed to declare that "three Democratic managers, a Democratic clerk, and two Democratic constables" had it in charge. I reply that Deveaux, the Republican supervisor, swore that he in spected the box, opened it, and turned it upside down when the polls were opened, and it was clear of any ballots; so, unless the contestant's own witness swore falsely, the ballots were put in during the day while the ballots were being cast and before the polls closed, and while the box was under his eye and guarded by him.

I ask, in turn, who put these excessive ballots in the box? Under the law no hand could deposit a ballot in the box but the hand of the voter, and I infer that under the vigilant eye of this Republican supervisor no other hand deposited a ballot.

The inference must then be drawn that many of the voters voted double ballots. Who were these voters? Were they Democrats or Re-

double ballots. Who were these voters, publicans, or both? Who will say?

But, Mr. Speaker, there is no evidence as to what the returns were from this precinct. There is no certified copy which could easily have been procured. There is a paper pretending to set out the returns, but it is a paper which does not assume to be an original paper nor a certified copy. Of course that is not evidence, and as a copy of the returns could have been had in due and legal form we must infer it would not have sustained the pretensions of the contestant, else he would have procured it. With this statement of the facts in connection with this precinct I shall pass on.

I hardly think it is necessary to detain the House in referring to the

position taken in regard to the precinct known as Providence.

There was an excess of ballots in this box; all were put back, mixed, a boy called and he drew out the excess, and the remainder was counted; that is all there is in it. A man by the name of Mahoney tells a cockand-bull story about the laying aside, first, the Elliott ballots and then the Smalls ballots, then placing the ballots for Elliott in the box and the Smalls ballots on top of them and then drawing from the box only Smalls ballots. It is only necessary to read this testimony to see its falsity. But there is no evidence what return was made from this precinct; therefore it is a waste of time to further consider it.

Next in order is Green Pond precinct.

There is no legal evidence what vote was counted from this precinct.

No certified or even uncertified copy of the returns is in evidence. According to no rule of evidence can any man say what the returns were. I can not give the House any better idea of the evidence in regard to this precinct than by reading from the report of the majority, page 5:

this precinct than by reading from the report of the majority, page 5:

Contestant charges that 195 votes were polled at this precinct, of which the county board of canvassers credited to Elliott 160 votes and to Smalls 35 votes; charges fraud upon the managers of election because eight or ten minutes clapsed between the closing of the polls and the beginning of the count, during which the public could not see the ballot-box, and charges that 130 witnesses swear they voted for Smalls. There is no legal evidence of what vote was counted by the canvassers from this precinct. Neither the returns or any certified or uncertified copy thereof appears in the record. These returns were easily accessible. The irregularity complained of was this: The polling-place was the back room of a store; in the partition which separated this room from the store was a door which was open during the day. When the polls closed the managers went into the store, where there was a counter, and proceeded publicly to count the vote. No charge or intimation of fraud or impropriety was made at the time, and the evidence now relied on to establish fraud is that of 130 witnesses, who, it is claimed, each testify that he voted for Smalls. Nearly all of these witnesses are very ignorant; can neither read nor write. They do say they voted for Smalls but when cross-examined many say they could not know for what office Smalls was running, and the cross-examination shows that some of them did not vote but only thought they had.

Now, we are brought to consider briefly the precinct designated as

Now, we are brought to consider briefly the precinct designated as Lake City, which the minority claim was not in the Seventh district, and yet votes were cast there for Elliott and counted for him.

Again I read from the majority report, page 9, where the facts are so succinctly stated that no one can fail to understand them and in my opinion to hold that the votes cast at this precinct should be

Contestant claims that this precinct is in the Sixth Congressional district, and that the vote cost there for Elliott should be deducted from the count. There is absolutely no evidence in the record to sustain this claim. The precinct is what is called a "Line precinct," and ballots were there received in separate boxes both for the candidates in the Sixth and Seventh districts.

Now, Mr. Speaker, I have swung around the circle with the distinguished gentlemen until I am brought face to face with what they have grouped together under what they term "miscellaneous frauds."

Sir, when I came to these I was more impressed than ever with the weakness of their cause, yet reminded of the lines of Goldsmith:

In arguing, too, the parson own'd his skill; For, e'en though vanquishd, he could argue still.

But I give the gentlemen credit for their prudence in not claiming any benefit from these alleged miscellaneous frauds, for they discovered it would be a two-edged sword.

I have now endeavored to answer seriatim every position taken by my learned Republican colleagues on the Committee on Elections. It has been my purpose to treat them with that courtesy which should characterize every member on this floor, and I trust I have succeeded.

I have referred to all the points embraced in the minority report. have endeavored to confine myself strictly to the record. I have not in any respect, so far as I now remember, gone out of it. In the time yet allowed me I propose to address myself to some of the general features of this case.

This district, Mr. Speaker, is what is understood as a "colored district." This fact itself accounts for this contest. Whenever a Congres sional election takes place in this country, our Republican brethren look, not at the political complexion of the voters, but at the complexion of their skin. They take the census; and if they find that in any particular Congressional district in the South there is a majority of colored voters, they inquire no further, but proceed at once to count that district as a Republican district. And if an investigation should show that that district has gone Democratic and that but for the bulldozing and proscription and intimidation of the colored Republican leaders and their followers the Democratic majority would have been much larger, they sneer at the idea and denounce it as false. Colored men by the hundreds or even by the thousands may swear to it, as well as white men; but a solitary denial on the part of a single Republican leader will offset all; and he will stand in their estimation as the one just man in the multitude.

Why is it thus? Is it by reason of some law under which every colored man must be a Republican? Is it by reason of some decree, human or divine, under which every colored voter must vote the Republican ticket? If there be such a law or decree it has been reserved for the eyes of our Republican brethren and has not been thrown open to the gaze of the whole people of this country. When under the thir-teenth amendment of the Constitution slavery was abolished, and under the fourteenth the colored man was made a citizen, and under the fifteenth he was clothed with the right of suffrage, was this done upon the condition that he should be forever bound to vote the Republican ticket or swear allegiance to the Republican party? No, sir; he became a freeman in body and mind. He was not relieved of the bondage of slavery to put on the yoke of party servitude. He passed not from one master to be driven by another. He laid aside the shackles not to put a ring in his nose. When freedom flashed upon him it was the freedom of an American citizen, carrying with it every right under the law guarantied to the highest and most exalted under the Constitution of this country.

Has he been abridged of this right? Yes, in every Congressional district in the South where the colored voters predominate. How? By

a system of violence, intimidation, and proscription; and this case furnishes a remarkable instance of it. By whom has he been abridged of his freedom? By the colored Republican leaders and their followers, supported and sustained by the Republican leaders of the nation. In the Seventh Congressional district of South Carolina the evidence in this case shows as clearly as if it were recorded in Holy Writ that in the election of 1886 there was a strong tendency and desire on the part of a very large percentage of the colored voters of that district to vote for Colonel Elliott, but that they were prevented from exercising freely their right of suffrage by the contestant and his followers-abridged in their freedom, abridged in their right to vote as they saw proper and as their conscience dictated.

I have already referred to the reign of terror which existed on St. Helena Island, Ladies' Island, and in Beaufort, before that election, on the day of the election and which continued after the election. But the tale would not be half told if I were to stop with that. In every neighborhood, in every section, in every nook and corner of that Congressional district this spirit of violence, intimidation, proscription, and exclusion ran wild and could hardly be surpassed in its madness by the madness of the jungles of Africa, and was only held in check at all by the fear of legal punishment.

But the question is no doubt presenting itself in the minds of some of our Republican brethren, why should these colored men have desired so earnestly to vote the Democratic ticket? I might respond by asking, why should they have a desire to vote the Republican ticket? The distinguished gentleman from Illinois [Mr. ROWELL] on yesterday said that the colored men of South Caroline were earnest Republicans because they knew how their freedom came about; how the shackles were stricken from their limbs, and why they were no longer sold in the markets as chattels.

The SPEAKER pro tempore (Mr. McCreary in the chair). The time of the gentleman from Virginia has expired.

Mr. O'FERRALL. I would like a few moments longer.

Mr. ROWELL. Mr. Speaker, I think now is the proper time to attempt a proper proper time to attempt a proper proper time to a stempt a proper tempt an agreement as to some limit to this debate, and I therefore renew my proposition that the debate extend for five hours on each side exclusive of the time already occupied. We have already occupied one hour and forty-two minutes on this side, and the gentleman from Georgia on yesterday occupied two hours and ten minutes; and one hour has been occupied by the gentleman from Virginia this morning. believe that if that arrangement can be entered into the suggestion I have made will meet the approval of the members of the committee on this side of the House, except that it may be possible, if either the contestant or the contestee desires to ask the attention of the House, addi-

tional time will be asked for that purpose.

Mr. CRISP. I hardly think, Mr. Speaker, that it is possible to do this, for if we agree to five hours on each side certainly the contestant or the contestee should have time out of that and not expect additional

Mr. ROWELL. All right; I submit the proposition that we make it five hours on either side.

Mr. CRISP. That is, exclusive of the time already occupied?
Mr. ROWELL. Yes, sir.
Mr. CRISP. I think that will be satisfactory.
Mr. LODGE. Excuse me; if that is to be the case—that is, if this is to be inclusive of the time already occupied-I do not see how we can ve the contestant an hour out of it, because there are three members of the committee who will want an hour each, and hence I think his time should be separate.

Mr. OUTHWAITE. It seems to me that four hours on a side is a sufficient time to discuss this case. The ground has been pretty thoroughly gone over already, and the facts have been presented and the argument drawn. Now, there is another contested-election case behind this, and if this case drags itself over into Thurdsay or Friday and occupies that day the chances will be against the hearing of the other case at this session. Every day on this case diminishes the chance of hearing the other case, and we are desirous of reaching that

also. I think four hours are ample.

Mr. JOHNSTON, of Indiana. The records in this case show that the committee passed on this question in last June, and the report was never filed by the majority of the committee until the 7th of December. It is pretty late here now to talk about limiting the time of de-bate to a few brief hours when the case is brought before the House for consideration. It is no time to attempt to curtail the rights of the members of the committee who desire to be heard.

Mr. CRISP. Mr. Speaker, I am inclined myself to accept the suggestion of the gentleman from Illinois, which is that the debate on this question be limited to five hours on a side exclusive of the time already

Mr. LODGE. I object to that.
Mr. CRISP. Then I shall be compelled to give notice that I will call the previous question and ask the House to sustain the demand at five minutes before 5 o'clock this evening, and gentlemen must take the consequences

Mr. LODGE. Then I will tell the gentleman that he will have to find a quorum to do it.

Mr. CRISP. When the representative of the minority of the committee agrees to the proposition which is acceptable to the representative of the majority of the committee, it would seem that it ought to be reasonably satisfactory to the other members of the committee

Mr. LODGE. No; but give us an hour more if the contestant wants time.

Mr. CRISP. Five hours on a side certainly ought to be ample.
Mr. LODGE. As one of the minority of the committee I am perfectly willing to agree to any reasonable arrangement; but I think that the three members of the minority who desire to speak are entitled each to his hour, especially as each has agreed to give some time to other members, and whatever time is to be allowed to the contestant ought not to be taken out of our time. If four hours are given to either side exclusive of what has been already used I have no objection. That will give us three hours to the committee and one hour for the contestant. I think it will save time to make an arrangement of this character now rather than have a struggle over it and a refusal by the House to order the previous question by refusing a quorum, which can be easily done.

Mr. CRISP. It always saves time to make a reasonable arrangement, and it always consumes time for an unreasonable proposition to be made, as in this case, where there has been an agreement between the representatives of the minority and the majority of the committee; and I ask the House to give its consent to ratify that agree-

Mr. REED. It must be perfectly apparent to the gentleman from Georgia that his original idea of the length of time necessary to discuss this question has been subject to much modification. Instead of taking an hour himself he found it necessary to occupy two hours and ten ing an hour himself he found it necessary to occupy two hours and ten minutes to discuss the case, and the gentleman who followed him required an hour and forty minutes. The gentleman on the side of the chairman of the committee, who has already spoken an hour, has not got through with his statement of the case and asks additional time. This clearly shows to the House that it is a case which requires a good deal of discussion. The time asked by the gentleman from Massachusetts seems to be reasonable and necessary to enable the members of the committee who are prepared to speak on the question to submit their remarks, and also to allow the contestant his time, such as has their remarks, and also to allow the contestant his time, such as has been customary in these proceedings. I submit, therefore, to the gentleman from Georgia that it would be a submit therefore, to the gentleman from Georgia that it would be a submit the submit th tleman from Georgia that it ought to be apparent to him and to other members of the House that the case is of such a character that the proposition of the gentleman from Massachusetts is reasonableness itself.

Mr. CRISP. Mr. Speaker, I will say in reply to the gentleman from Maine that I do not see why the suggestion of the gentleman from Massachusetts [Mr. Lodge] should be considered any more reasonable than the suggestion of the representative of the minority, the gentleman from Illinois [Mr. ROWELL].

Mr. REED. Simply because this is a question that has got to be decided by the view of the members of the House.

Mr. CRISP. The gentleman represents the minority.

Mr. ROWELL. My impression is that the gentleman from Maine

Mr. ROWELL. My impression is that the gentleman from Maine will not disagree with me on this point. It is an important matter My first proposition was to give five hours—giving the contestant and the contestee time out of that. I now ask for five hours. It gives the contestee time out of that. I now ask for five hours. It gives eighteen minutes to the contestant, one hour to the contestee, and three hours to the members of the committee. My proposition was to give the contestant extra time, that to come out of the time, which would allow the contestant eighteen minutes, and I thought that he would probably not want any more; and hence I made the compromise to confine it to five hours. That is, that five hours should be used by the House and the additional time by the contestant and the contestee, if the House should grant them the time. Then there will be eighteen minutes' time for the contestant, besides giving three hours to the members on the committee.

Mr. REED (to Mr. ROWELL). In what does that differ from the original proposition of the gentleman from Massachusetts, except to the extent of forty minutes which have been granted to you person-

Mr. LA FOLLETTE. If the gentleman will permit me, I will state that I have just asked the contestant, and he says that he will ask the House for an hour; and it seems to me that it ought to be accorded

Mr. REED. I think this proposition is reasonable, and I think that the gentleman from Georgia will look at it in that way, in the light of

what has already occurred.

Mr. OUTHWAITE. As to its reasonableness, it ought to be considered in connection with the business of the House, the shortness of the time remaining of this session, and the fact that the appropriation bills have not been passed.

Mr. McCOMAS. This is a matter of higher privilege than the busi-

ness the gentleman speaks of.

Mr. OUTHWAITE. It is a matter of higher importance that we should vote; but it is not a matter of higher importance that we should talk it over and over again.

Mr. CRISP. I wish to say that I am entirely willing to do anything

that will bring us to a vote upon this question. I will agree, or, rather, I will ask unanimous consent, then, that the time be limited to six hours on a side, and that the House wills it this evening until 6 o'clock. That is not unreasonable.

Mr. LODGE. Six o'clock this evening. Mr. REED. I have no objection to that.

Mr. OUTHWAITE. I would like to ask whether you count the time

occupied by the gentleman from Illinois on Saturday last?

Mr. KELLEY. The vote to be taken in the morning?

Mr. CRISP. If the arrangement I ask for be made no vote will be taken to-day. We would only be using so much of the time remaining, which would not allow of a vote to-day.

The SPEAKER pro tempore. Will the gentleman from Georgia state his proposition again? The Chair did not hear it.

Mr. CRISP. I ask unanimous consent that after six hours of de-

bate on each side, inclusive of that already had, the previous question would be ordered upon the election case, the understanding being that

to-day we will continue to debate—not vote—until 6 o'clock.

Mr. LODGE. I only want to ask the gentleman from Georgia whether it is the purpose to continue the case to-morrow, or will it go

over until Thursday on account of the electoral count?

Mr. CRISP. It will be my purpose to go on with the case to-mor-I presume the electoral count will not occupy more than an hour or an hour and a half; and we can get a vote and have it disposed of.
Mr. REED. That is all right.
Mr. CRISP. That is inclusive of the time to be used by the con-

testant and the contestee and everybody.

The SPEAKER pro tempore. Is it the request of the gentleman that general debate shall close at 6 o'clock?

Mr. CRISP. It is simply that the House remain in session until 6

o'clock for debate.

The SPEAKER protempore. Is there objection to the request of the gentleman from Georgia? The Chair hears none, and it is so ordered.

Mr. MAISH. Mr. Speaker, I ask to be recognized, and desire to yield so much of the time accorded to me as will enable the gentleman

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none.

Mr. O'FERRALL. Mr. Speaker, when my time expired I was saying that the principal question in the minds of our Republican brethren was doubtless why there should have been such an earnest desire on the part of many colored men in the State of South Carolina to vote the Democratic ticket in the election of 1886.

I might respond, why should they desire to vote the Republican ticket? Should they desire to vote the Republican ticket, as suggested by the gentleman from Illinois, because the Republican party gave them their freedom? Certainly not; because the intelligent ones among them—and their number is becoming greater and greater as time advances—know that such is not the fact. Many of them have arrived at such a stage of advancement that they can read and learn for them-

They can read the speech of Mr. Lincoln, made at Charlestown, Ill.,

September 18, 1858, in which he said:

I am not now nor ever have been in favor of bringing about in any way the special and political equality of the white and black races; I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which, I believe, will forever forbid the two races living together on any social or political equality. And inasmuch as they can not so live, while they remain there must be the position of superior or inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

This seems to have been a direct declaration in favor of Anglo-Saxon supremacy.

They can read the letter of President Lincoln to Senator Gilmer, in December, 1860, after his election, in which he said:

I have no thought of recommending the abolition of slavery in the District of Columbia.

They can read his inaugural address on the 4th day of March, 1861, in which he declared in the face of the listening multitude:

I have no purpose directly or indirectly to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. Those who nominated me did so with full knowledge that I had made this and many similar declarations, and had never recanted them. \* \* \* (See American Politics, book 1, page 121.)

They can read his message to Congress March 2, 1862, in which he recommended-

The co-operation of the United States with any State which might adopt gradual abolishment of slavery, giving to such State pecuniary aid to be used by such State in its discretion to compensate for the inconvenience, public and private, produced by such change.—American Politics, book 1, page 136.

They can read that on the 9th day of May, 1862, by an order of General David Hunter, commanding the Department of the South, the slaves in Georgia, Florida, and South Carolina were declared free; but this order was annulled by the proclamation of President Lincoln ten

days later.

They can read his address to the Representatives and Senators of the border slaveholding States, who were present at the Executive Man-sion July 12, 1862, by special invitation from him, in which he weged

upon them gradual emancipation and the colonization of the colored people in South America (American Politics, book 1, page 137)

They can follow this up and read his public telegraphic dispatch dated August 22, 1862, addressed to Horace Greeley, in response to a letter from that gentleman, in which he gave utterance to his views as follows:

follows:

If there be those who would not save the Union unless they at the same time could save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object is to save the Union, and not either to save or destroy slavery.

If I could save the Union without freeing any slaves I would do it; if I could save it by freeing some and leaving others alone I would do that.

What I do about slavery and the colored race I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I believe doing more will help the cause.

They can follow this up and read that in his message of September 22, 1862, he simply proposed to emancipate

All persons held as slaves within any State or designated part of a State the people whereof shall be in rebellion against the United States, by the 1st of January, 1863, if such sections were not in good faith represented in Congress.—American Politics, book 1, page 141.

They then can read the actual emancipation proclamation of January 1, 1863, in which he only emancipated in the States in rebellion and left slavery still in existence in the States not in rebellion. (Ameri-

and left slavery still inexistence in the content and can Politics, book 1, page 143.)

Mr. KERR. Will the gentleman yield for a question?

Mr. O'FERRALL. I will yield for a question by the gentleman from Iowa [Mr. KERR] if he will not consume too much of my time.

Mr. KERR. I want to ask the gentleman if he does not know and the content of the cont

President Lincoln wrote to Lieutenant-Governor Hahn, of Louisiana, insisting that the colored men of that State should be allowed to vote, and giving as a reason for it "that in some time in the future it would aid to keep the jewel of liberty in the family of freedom." [Laughter and applause.

Mr. O'FERRALL. That is the first time that I ever heard of any poetry coming from Mr. Lincoln. [Laughter.] I reply to the gentle-man that I do not know whether Mr. Lincoln wrote any such letter or not. I am not acquainted with the private correspondence of the gentleman to whom the gentleman from Iowa [Mr. Kerr] refers, but I say that if Mr. Lincoln did write any such letter as that it is inconsistent with his declarations which are recorded in history and which

I have just cited.
Mr. KERR. Well, he did write it.

Mr. O'FERRALL. I can not yield any further. I know perfectly well that when the gentleman gets started his tongue is like a racehorse; it runs the faster the less weight it carries. [Laughter.]

Now. Mr. Speaker, these intelligent colored men have learned for

themselves that when the Republican party came into power in 1861 it did not favor interference with slavery in the States where it existed. They have learned that the great Republican President—and when I say "the great Republican President" I use that expression in its full significance—they have learned that the great Republican President was emphatic in his opposition to it. They have learned, further, that as the war progressed, in order to secure the support of the border slaveholding States, he proposed gradual emancipation and colonization, with remuneration for the slaves; that it was only upon the re-jection of that proposition that he issued his conditional proclamation of emancipation, and that upon the failure of that attempt to bring the seceded States back to the Union, he issued his actual emancipation proclamation. They have learned all these things. They have learned, too, that as the war progressed it was the Union party in the North, composed of Democrats and Republicans united, that preserved the Union, and that out of the t preservation their freedom was born.

So they have learned that they owe no allegiance to the Republican party, and there is no particular reason for them to vote the Republican ticket. Many colored men whose testimony is given in this record state in language better than I can use the reasons which induced them to vote or desire to vote the Democratic ticket in South Carolina. They say that since the election of 1876 the fears which they had previously entertained as to bad treatment in case the Democrats came into power have been removed; that they have been fairly treated since that time that their taxes are lower than they were before; that their publicschool system is better; that they are not assessed now, as they used to be under Republican rule, for campaign purposes. For these reasons large numbers of the colored voters of the South desire to vote the Democratic ticket. And are they not strong and potential reasons?

Why should they desire to return to Republican rule under which

their taxes were increased, their public-school system broken down, and by which they were condemned to bear all the ills under which they suffered up to 1876, when South Carolina was raised up from the slough of corruption and the slimy rule of carpet-bagism by the pure and incorruptible Hampton, whose word was his oath and whose pledge was his bond? Upon reading these things to which I have referred light has come into their minds, and with light has come the power to break through the environments of blind passion and unreasonable prejudice, and, like white men, to formulate their opinions with intelligence and look with clear vision to their best interests. Mr. Spea er, in the Southern States these intelligent colored men have been reading and learning and teaching and gradually tearing out of their hearts the idol which they had set up in their days of ignorance.

In every election from 1876 up they have had every reason to vote the Democratic ticket. In the election of 1886 they had peculiar reasons—still stronger reasons, perhaps, than they had ever had. They had as the candidate of the Democratic party a man whose character, as shown by the evidence in this case, is as pure as the snow which gives a wintry cap to the Northern mountains and as clear as their crystal streams; a man whose nature is all kindness and whose hand is ever open to the calls of charity; a man who has freely given of his substance for the benefit of these colored people, and whose fine ability has ever been exerted without fee or reward in their defense and in the vindication of their rights. Contrast him with the candidate of the Republican party. Who was he and what was he? A convicted and sentenced felon—convicted and sentenced, too, for taking a bribe of \$5,000 for his vote as a member of the State senate of South Carolina; convicted by a jury composed of a majority of Republicans and half of them colored men, and the verdict of that jury sustained by a Republican judge-Judge Townsend.

But these gentlemen say that he has been pardoned-pardoned, too, they say, by a Democratic governor; and pardoned, he says, pending an appeal. He was pardoned, sir—pardoned by a Democratic governor. Whether he was pardoned pending an appeal or not I do not know, nor do I care. He accepted that pardon and thereby admitted his guilt. If he was an innocent man why did he not do as a consciously innocent man would have done-spurn the proffered pardon, prosecute his appeal and not accept the pardon before that appeal had been heard? But, sir, did that pardon cleanse him and make him a reputable citizen? Hardly, I imagine. It restored him to his legal rights, but it did not wipe from him the stain which a jury of his countrymen had placed upon him—that verdict sustained by a Republican judge, and that verdict, as I am told, sustained, too, by the court of appeals of

South Carolina.

I say, Mr. Speaker, that no man can take the testimony in this case and read it without bias or prejudice and fail to come to any other conclusion than that the contestant in this case is so covered with corruption and besmirched from head to foot that if any one were seeking for a man covered all over and besmirched all over, he would say upon meeting Smalls, as Nathan said to David, "Thou art the man."

Then, sir, with such a man as Smalls presented by the Republican party as its candidate for Congress, and such a man as William Elliott presented by the Democrats as his opponent, how much greater was the reason for the intelligent and virtuous colored men of that Congressional district to vote for Colonel Elliott or remain at home. Is it not a wonder, sir, that Smalls received as large a vote as he did; and can it be accounted for upon any other ground than that he and his wild and maddened followers coerced a great number of the colored men into voting for him or not voting for Colonel Elliott?

Now, Mr. Speaker, I shall not detain the House much longer, as my ex-

tended time has nearly expired. In conclusion, I want to say that so long as I have the honor of occupying a seat on this floor, as long as my voice shall be loud enough to be heard above a whisper, as long as God en-dows me with the courage to stand by the right, I shall demand that the colored men of the South as well as the colored men of the North shall not be abridged in their right to vote as their conscience may dictate, and that no man shall be recognized on this floor who comes, as the contestant in this case comes, as the ring-leader and crowned king of bulldozers and intimidators of his own race in his Congressional district and throughout South Carolina wherever his influence can

ach. [Applause.]
As a Southern Representative, sir, I demand that the colored man shall have the same rights in the South as he has in the North, and that he shall be permitted to go to the polls and in the full sunlight of the institutions of this land deposit his ballot without fear or intimidation. As a Southern Representative I shall stand here and with all the power of mind and strength of will that Omnipotence has given me I shall resist every attempt, either openly or covertly, directly or indirectly, to deprive him of the right of suffrage and thereby settle the problem known as the negro problem (which seems now to be disturbing the serenity of some of our Republican brethren, particularly the distinguished Senator from the State of Kansas, Senator Ingalls, who recently made a visit to the Southern States) by wresting from his hands the ballot, denying him the right of representation, or colonizing his race in South America or elsewhere. The South is peculiarly his home. It is adapted to him in climate and in products. If it were not so he would be still a slave. If he could have been made profitable in the frigid and icy regions of New England the virtue and humanity which so long slumbered there would have continued to slumber and he would have been still retained as a chattel.

Only a few days ago I came across some relics of the olden time. In a Beston newspaper, of which Green & Russell were the printers, published in 1768, I find this advertisement:

TO BE SOLD.

A likely negro man, about twenty-two years of age; he has been used to

husbandry and waiting on a gentleman; can have a good recommendation, and is sold for no fault. Inquire of Green & Russell.

I do not know but what he may have been waiting on some people of the same blood of those upon the other side of the House who are now so denunciatory of the Southern people for being slaveholders. I am not, however, disposed to condemn the Massachusetts people of that day as slaveholders, for I remember Abraham was a slaveholder, Abraham with whom the covenant was made for the salvation of the world. I remember that all the patriarchs were slaveholders, and therefore I am disinclined to condemn the people who lived in Massachusetts at that time for being slaveholders. [Laughter.]

Again:

WORCESTER, June 14, 1768.

Ran away from his master, Robert Barber, of Worcester, June 14, 1768. gro man named Mark, of middling stature, about thirty-five years of age, very much pock-broken, and can read and write; he carried away with him two blue coats, one lined and bound with red, the other not lined, a pair of green plush breeches, a pair of trousers, and an old beaver hat.

A very good description of him, and the advertiser is very anxious

to get him back. But the advertisement goes on:

Whoever shall take up said runaway and convey him to his said master shall receive \$6 reward and all necessary charges paid.

ROBERT BARBER. On Thursday next, 30th instant, at 3 o'clock afternoon, will be sold by public vendue, at the auction-room in Queen street, a variety of goods, among which are Irish linens, calicoes, etc.; also, a negro girl, thirteen years old,

J. RUSSELL, Auctioneer.

This negro girl, thirteen years old, was a chattel, and was billed and sold like goods, and is put down together with linen and calico. Again:

AT PRIVATE SALE.

Two pipes of sterling madeira; a negro man, forty years of age; a boy of fourteen, and two girls about twelve years of age; a second-hand chaise and harness, etc.

These are the relics of olden times when slavery prevailed in Massa

Mr. DAVIS. Does the gentleman say that occurred in the State of Massachusetts? It was a colony in 1768. Slavery never existed for a moment in the State of Massachusetts. By a decision of the supreme court of Massachusetts it was declared that it never existed there by

w. [Applause.]
Mr. O'FERRALL. I agree there was some sort of change when they passed from the condition of colonists into that of citizens of the State of Massachusetts; but, sir, the people who created the State of Massachusetts were the same people who lived in the colony of Massachusetts. [Applause.] I want to say this: I know as well as my friend from Massachusetts it was held by the supreme court of that State that the constitution of 1780, if I remember the date correctly,

abolished slavery.

Mr. DAVIS. Precisely.

Mr. O'FERRALL. But does he not agree, as suggested by a gen-

Mr. O'FERRALL. But does no not agree, as suggested by a gentleman near me, that slavery must have existed to have been abolished? [Laughter and appliause on the Democratic side.]

It is also a historical fact that Pennsylvania, New Jersey, Connecticut, Rhode Island, and New York passed gradual emancipation proclamations, but not one of them proposed to emancipate the colored man at once. In those States also it is a historical fact that but few negroes were real their freedom. They were sold to planters in the South and ever got their freedom. They were sold to planters in the South, and when their owners had put the money which they received for them into their pockets, like the Pharisees of old, they thanked God that they were not like their brothers of the South, slaveholders and traffickers in human flesh and blood. [Laughter and applause on the Democratic side. 7

These are very unpleasant things for me to call up. It is not a pleasure for me to say a disagreeable thing. I am sorry I have disturbed the equilibrium of any of my friends over there by recalling these facts. They seem to be tender-footed on this question. I meant no harm, but

simply desired to give a part of the history of the country.

Mr. Speaker, we want the colored man amongst us. We are his true friends. He knows us, and we know him. All we ask is that he be let alone, and wicked and malicious and designing men may seek other fields for their nefarious work. Then a new South in fact will dawn, bearing upon its wings the choicest blessings which Heaven bestows upon its most favored climes. Then our mountains will yield up their treasures, our grain fields wave with their rich harvests, our cotton vales whiten with their opening bolls, our waterfalls hum with machinery, our forests echo with the woodman's ax, and our hills and valleys light the heavens with the fires of their forges, rolling-mills, and furnaces. I beg the honorable Representatives of this great American Republic-a country the marvel of all and the equal of any-not to impede this dawning, but let it come; let it come in all its brightness and fullness and glory, for it will add to the heritage of all and shed its blessings upon a common country, a common heirship, and a common sople. [Applause,]
I thank the House for the extension of my time and for the attention

which I have had.

Mr. COOPER. Mr. Speaker, the very full, complete, and exhaustive statement of the testimony in this case by my distinguished friend and

colleague upon the committee, the gentleman from Illinois [Mr. Row-ELL], on yesterday, relieves me from any necessity of wearying either the House or myself by doing more than simply calling attention to some of the prominent facts of the case; and I desire at the outset of this discussion by me to call the attention of the House to some of the conditions existing in this Seventh district of South Carolina at the time

of the election out of which this contest arose.

I desire first, Mr. Speaker, to call attention to the conformation of the district itself. It is manifest that when the Democratic Legislature of the State of South Carolina undertook the work of apportioning the State into Congressional districts they found it absolutely impossible to apportion the State so as to avoid making at least one district overwhelmingly Republican; and as it had to be certainly Republican, they, inspired by the wisdom of the children of this world, de-termined to put as many Republicans into that district as possible, and at the same time eliminate from it as many Democrats as they could. They therefore, in drawing the boundaries of the Seventh Congressional district and its adjacent district, the First South Carolina, ran a sinuous, zigzag, tortuous line, as you will observe by glancing at the

map which I now hold in my hand. [Exhibiting.]

It will be seen, Mr. Speaker, from this map that the districts in question are both "fearfully and wonderfully made." I challenge the production of their equal in any territorial apportionment which has been made since the morning stars sang together. [Laughter.] This map, you will observe, is divided into two colors, red and blue, and the blue district is the Seventh Congressional district, from which this contest arose, while the red shows the First district. You will observe, also, arose, while the red shows the First district. that in making the apportionment of these districts, in order to put into the Seventh district as much as possible of the territory which was densely populated by colored Republicans, and eliminating therefrom any spot where the white Democrats resided, they not only divided counties, but they divided townships and precincts and villages, and then divided and separated these districts themselves.

You will see that the First district runs right across and through the Seventh and up for 35 miles along the coast like the tail of a giganitic catamount rampant running across the back of the Seventh district, [Laughter.] The Constitution provides and requires that these districts shall be made of contiguous territory; but, sir, the Constitution is but as water in the presence of Democratic necessity. How is the Seventh district composed of contiguous territory, unless it be by the water in the harbor, and if that is a water tie which binds these severed portions of the Seventh district together? And if that portion of it belongs to the Seventh district, where is the continuity of the

First district? It is surely divided into two separate parts which do not touch, or vice versa, the Seventh district is cut in two.

Mr. Speaker, is there a doubt in the mind of anybody that there was "method in the madness" of this arrangement? Why this long, narrow strip of the First district, running down and through and across and up behind the Seventh district? Why run the narrow strip along the coast this 30 miles but for the purpose, as I said in the beginning, of putting in the First district every Democrat in that region? Does any body believe, is there a man in this presence who believes, that if the Legislature of the State of South Carolina had the slightest idea that there could be a Democrat elected in the Seventh district there would have been such an apportionment? I thrust this apportionment in the face of the gentlemen on the other side of the House, and from it I challenge a denial that they dedicated the Seventh district to the colored Republicans therein.

Again, as another feature of the case, I call your attention, Mr. Speaker, to the election laws of the State of South Carolina, by which the Democratic governor of that State appoints three commissioners of elections for every county, who in turn appoint three managers of elections for each voting precinct, who appoint a clerk, etc.

The voters of the respective precincts have absolutely no voice in the selection of the officers of their elections, nor is there any provision for any representation of more than one political party on any of the boards.

The county managers so appointed are also a board of canvassers to inspect. count, and return the votes to the State board. In other words, the entire election machinery, the registration, the opening of the polls, the receiving of the votes, and decision of all questions as to the right to vote, the counting of the votes, and return are all in the hands of the Democracy.

Again, under this law there must be eight different tickets and as many different ballot-boxes, namely, one for governor and lieutenant-governor, one for the other State officers, one for circuit solicitor, one for State senator, one for member of the house of representatives, one for county officers, one for Representative in Congress, and one for Presidential electors; the opening in the top of each ballot-box being only wide enough to admit one ticket at a time. The space where the ballotboxes are placed for voting is to be railed off at each side as the judges

deem proper, with one place for entrance and one place for exit.

The tickets must all be of the same color, size, and shape, without any mark of difference, and each voter is required to enter the voting space alone and himself put the tickets into the proper boxes without the privilege of speaking to any one except the Democratic managers.

If he can not read and puts his ticket in the wrong box it is not to be counted. What chance, sir, has the illiterate Republican there? What friend is there to designate to him which box is the one where he shall deposit his ballot? He has no friend to advise; none of whom he may inquire. He is by law prevented from speaking to anybody, and the Democratic judges are not bound to respond if he asks for information, or if they do, they are not forbidden to answer in any other way than to mislead him, while the illiterate Democrat may expect and receive

the assistance of his party friends there present.

I submit, sir, that I have always understood the object of the election laws was not only to protect the ballot-box from the invasion of illegal votes, but to protect the legal and qualified voter in the exercise of the right of suffrage. But manifestly the election laws there are made to accomplish a different purpose. They are made expressly to prevent the exercise of the dearest right of an American freeman, a right given to him by the Constitution of his country and guarantied to him by the law. I submit that it is an educational test from which all the redeeming features of that somewhat odious test have been eliminated, that it is an unfair and unjust and partisan educational

But I desire to call the attention of the House especially to the fact that in the face of all these things; in the face of possession by his op-ponent of all the election machinery; in the face of the testimony here showing unjust interference with the rights of registration, that men were refused the right of registration, and refused a certificate of registration where they were clearly entitled thereto; that in spite of all the frauds, miscounts, and outrages to which attention has been called, and to which I shall still further call your attention; in spite of all these things, yet, sir, of the votes actually cast in this district, as returned by the election managers, the contestant received more than 1,200 majority; and of those whose votes were received by these Democratic managers as votes cast by legal voters, and that the Democratic managers counted and certified to as legal, true, and correct, this contest-

ant has more than 800 majority.

I want that fact to haunt this House and haunt the gentlemen upon the other side until they have disposed of this case. I want them to remember hereafter that it is necessary to throw out whole precincts and to cast aside ballots that were certified to by their own Democratic managers to prevent this district from being represented by a man of its choice, and prevent this contestant from occupying this seat to which he was elected, and to enable a man to sit on the other side who was never elected, thereby enabling him to participate during these two years in the proceedings of this House, and to take a part in legislation which is for the entire country and which the whole country is bound to obey, as well in Obia as in South Carolina.

to obey, as well in Ohio as in South Carolina.

Again, I desire to call attention to the fact that this district has a colored Republican majority of more than 25,000. With so large an adverse majority the contestee in this case seems to feel called upon to offer an excuse for the strange announcement that there was a majority of votes in favor of himself instead of the Republican candidate; and I call attention to the excuses which are made as the ground for this strange result. The contestee says that Smalls was unpopular. That argument was made yesterday and to-day; it is said that he had been convicted of an offense against the laws of South Carolina and therefore the people repudiated him. Now, sir, I do not desire to discuss the merits of that prosecution; I know nothing about it, or what the testimony for the prosecution or the defense was; but I do know that the record shows that he was convicted. I know further that, pending an appeal to the Supreme Court, the Democratic governor of that State put his foot upon this prosecution and stamped it out; I know that since that prosecution terminated in 1877 and prior to this election in 1886 the voters of that district have three times elected Mr. Smalls to Congress by overwhelming majorities

Why, sir, in 1884, the last election before this, when these transactions out of which this prosecution grew were that much fresher in the minds of his neighbors, they gave him about 4,000 majority in this district. Is it not the thinnest and baldest pretense to come here now and say that this prosecution, which is nine years old, and after he had been three times elected to this House, rose up and became the frightful raw-head and bloody-bones which drove men away from the support of their neighbor? Is it anything more than a mere pretense now made for the purposes of this case? Sir, he was not unpopular. The overwhelming weight of the testimony in this case shows that he was popular, and there was every reason why the Republicans in his district should have supported him as they did. He was their neighbor. He was a colored Republican. He was identified with five-sixths of the voters of that district by reason of partisan affiliation and political principles in race, in color, and in class. He was the last member of his color left in this House. That being the case, it was but natural that every member of his race and color should rally round him, and

Although there was a generous emulation for the nomination, and other men contested the place with him, he was nominated upon the first ballot by more than three-fourths of the votes of the delegates, and after the nomination the Republican ranks closed up solidly, and from that time on marched in solid column, touching elbows, as they supposed,

to certain victory. Again, it is said that some of these colored men became wearied of the Republican, and had concluded to vote the Democratic ticket. It would be an incredible thing that they should, and I stand here and say, and I challenge an investigation of the testimony to show that there were many of these cases. The testimony overwhelmingly in this case contradicts any such proposition, and shows that while there was an occasional instance of a colored man voting the Democratic ticket, they were only occasional and rare, and the great body of the Republican party stood solidly together supporting Mr. Smalls.

Mr. Elliott's next claim is that, although there were not a sufficient number of colored men voting for him to elect him, there were many who wished to do so, but who were frightened, and therefore did not And it is upon this claim of intimidation, this claim that the poor colored Republicans in South Carolina intimidated and bulldozed South Carolina Democrats, that this election is set aside and this contestant deprived of his seat. A statement of the proposition is enough to excite a smile in any citizen outside of this Hall, and there is not in the testimony a particle of evidence that will verify any such ridicu-

lous conclusion.

What is the testimony as to the question of intimidation and what does the testimony amount to when you sift it down? Simply that a few colored preachers who were representatives of their race in this district had for years—not particularly during this campaign, but for years—been calling the attention of the people of their color to the outrages to which they, as a people, had been subjected, to the bull-whip-ping, to the torch-burning, to the assassinations that had been going on against them, and have given their views in rather a positive man-ner as to what respect should be shown by black men to other black men who would thus turn recreant to their race and join with those who have been hounding them out of their rights. That is all there

is of this matter of intimidation when you sift it down.

Some preachers were alleged to have advised violence, but when the preachers are called upon the stand they all deny the language attributed to them, and in this denial they are all supported by those who heard them. Some old women, too, talked as if they would be unheard them. Some old women, too, talked as if they would be un-willing to accept as a son-in-law a colored man who was a Democrat; and who blames them for that? [Laughter.] That is all that this talk about intimidation amounts to. True, a few fellows came forward and testified to actual attempts at intimidation. The leader of them is Chance Green, who goes the full length of attempting to testify to actual intimidation. But this Chance Green so contradicts himself and is so manifestly a perjured scoundrel that my honest, frank friend, the chairman of the committee [Mr. Crisp], proposes to leave him out. I should think he would be glad to do so, and yet when you omit Chance Green from this portion of the case you have dropped out the Chance Green from this portion of the case you have dropped out the crown jewel of the list.

The intimidation testimony in this case, with Chance Green's testimony eliminated, is like the play of Hamlet with Hamlet left out. It is upon him that the case depends. For fourteen or fifteen wearisome pages of this record he drags his perjured trail upward and downward, backward and forward, contradicting himself with every other breath and being contradicted by everybody whom he meets. He would have you believe that there was actual intimidation at the polls at the Episcopal Church precinct. He says he was there; that he put down the names of 416 colored men who wanted to vote the Democratic ticket, who were hungering and thirsting for the privilege of voting the Democratic ticket; where souls panted for it as the hart pants for the water-brook, but they—that is, these 416—were afraid to vote the Democratic ticket lest they should be bulldozed. Now, in fact, there were but 528 voters in the whole precinct, and he would have us believe that these 416 Democrats were frightened, terrified, by the remaining 112, who were Republicans. [Laughter.] What cowards their consciences must have made them!

But when he comes to name some one upon whom this intimidation was actually practiced he breaks down entirely. The only man he can name is Jonas Howard. Green says that this man Howard was pulled down and his clothes were torn off his back, a Democratic ticket taken from him, and Howard driven from the polls in terror; but Howard himself, when put upon the stand, testifies that no such thing occurred, that he was not knocked down, that his clothes were not torn off, that he was not subjected to any violence, and that he was not prevented from voting the Democratic ticket, because he never intended to vote it [laughter]; that he went there intending to vote for Smalls, but that his vote was rejected by the Democratic officers of election because he was not properly registered, and in this statement he is supported by all the other witnesses except Green.

This Chance Green, the vilest "chance" I ever met, was undoubtedly testifying in the hope of reward, and his hope was not disappointed, for we find that soon after he had done this work he is found in the employ of this Administration, borne upon the rolls of the Treasury Department, upon the theory, no doubt, that "public office is a public trust." [Laughter on the Republican side.] A few others follow in his wake in their testimony, but they amount to little, and when sifted down they pan out about upon the same average. This talk about in-timidation as a justification of the disfranchisement of this district is one of the thinnest pretenses that I ever met, thinner and weaker that

the election.

the soup alleged to have been made of the shadow of a pigeon that had

starved to death. [Laughter.]

Now, Mr. Speaker, starting out with the proposition that more than 800 of the votes accepted and counted and certified by the Democratic managers were improperly counted, I wish to call attention to other votes which ought to have been allowed and which would have swelled the majority of the contestant immensely. And first, in the Brick Chuch precinct it is conceded there were 503 legal votes cast by legally qualified voters for Mr. Smalls and 45 for Mr. Elliott, giving Smalls a majority of 458, or more than enough to overbalance the majority which the committee find in favor of Elliott, because they find only 323. I say the acceptance of this precinct alone would overcome the majority given by the committee for the contestee and would leave contestant 135 majority.

And why was this precinct thrown out by the canvassers? Upon two grounds. They say that three times during the day the managers of election stopped receiving tickets for a few minutes; twice because the voters were not observing the rule which requires them to come in singly, and the third time because the outsiders—not those present in the room where the polls were held and the election was carried on, but those outside the house—were indulging in loud talking and laughing, and thus interfering with the work of the clerks. There is no pretense that there was any violence there, nor is there any pretense that a man was prevented from voting there who desired to vote. There was nothing of that kind, but simply what I have stated, and for such reasons this precinct is to be thrown out and these 505 voters, far more than enough to elect Smalls, are to be denied the privilege of having their votes counted. The other objection is that two of the Democratic managers of election refused to serve. Well, the third Democratic manager filled their places, swore in two others, and proceeded to hold

It was a quiet, orderly, and fair election. None but legal votes were received and counted. There was no pretense of anything wrong there except that two of the men whose duty was to open the polls refused to do their duty and stood by and declined to serve; and for that reason these voters, who were in no way in default, are to be denied the right to have their votes counted. What a simple method for thwarting the will of the people and for destroying the right of suffrage! Well might the bull-whip be laid aside, the revolver allowed to rust, and the torch expire for the simpler remedy now provided for defeating the will of the people—not to open the polls! I insist, of course, that these 503 votes for Smalls, which were all cast by legally qualified voters and honestly counted and returned, should now be allowed to voters and honestly counted and returned, should now be allowed to Mr. Smalls.

In Pocotaligo box precinctall the managers were Democratic. were 143 men voted, and although no one had access to the box but the managers, yet when they took the tickets out of the box there were found to be more than 100, probably 148 tickets too many in the box. Nobody knows how they got in there. My friend from Georgia says there is no testimony how those tickets got there. That is true; for nobody knew how they got there except the Democratic managers, who were the only ones permitted to be present; and they carefully avoided telling; and the contestee carefully avoided inviting

The tickets were all returned to the box and a Democratic manager then drew tickets out of the box until there were but 143 remaining. These were then counted and reported as showing Elliott 87 and Smalls 56; Elliott's majority 31, and yet 118 men of the 143 who voted and whose names appear on the poll-books kept by the Democratic managers as having voted there on that day come forward and testify that they voted for Smalls. It also appears that of the remaining 25 of the 143 who voted 5 were not legal voters, so that this return should be Smalls 118, Elliott 20; Smalls's majority 98.

In Fort Motte precinct, Orangeburgh County, all the managers were Democratic, and all agree that the election was regular, orderly, and fair. None but legal votes received, which were honestly counted and the returns made out in the proper form. The box was duly locked and sealed up and taken by one of the Democratic managers to be delivered to the board of county canvassers. He gave it to another Democrat, who took it (the box) to the president of the board of canvassers, who would not receive it. The box was then taken by the first Dem-

ocrat and deposited in the office of the probate judge.

The vote in this precinct is admitted to be, for Smalls, 239, for Elliott, 58; but was rejected by the canvassers. The box was produced before the notary in this case and was being opened in his presence when it was forcibly taken by some of the friends of the contestee and has not been seen since. These votes duly cast and counted for Smalls should now be allowed to him.

In Adams Run precinct, in Colleton County, the managers were all Democrats. The election is admitted to have been regular and fair in all respects. The votes were honestly counted, showing that Smalls in all respects. The votes were nonestry counted, showing that had received 117 and Elliott 37 votes. The returns were regularly made out, the box sealed and taken by one of the Democratic managers, but has not been heard of since. This precinct was rejected by agers, but has not been heard of since. This the canvassers. It surely should be allowed.

In Green Pond precinct the managers were all Democrats, the voting

place the back room of a store, the voting done through a window, which, after the polls were closed, was shut and the ballot-box left for awhile alone with the Democratic managers. When the box was afterwards brought into the front room and the tickets counted the result was, for Elliott, 160; for Smalls, 35; and yet 134 men, who swear that they then and there voted and whose names are upon the poll-books kept by the Democratic officers as having voted there on that day, testify that they voted for Smalls, showing that the count should be, for Smalls, 134; for Elliott, 61; majority for Smalls, 73, instead of 125 for Elliott, as allowed by the canvassers

The question, what became of the 134 votes for Smalls which were put into the box? none but the Democratic managers can answer, and

In the Brick Episcopal Church precinct the managers, as usual, were all Democrats. The election was conceded to have been fair, orderly, all Democrats. The election was conceded to have been fair, orderly, and regular, and the count honestly made, showing 267 votes for Smalls and 3 for Elliott.

It appears that in this precinct there is a little village named Mount Pleasant, in which live some white Democrats, and the Legislature, in order to place them outside of the "black Seventh," divided the precinct by running the line of the First district so as to include Mount Pleasant, the county seat of Berkeley County. The Democratic supervisor made out the registration list of both these precincts, they being the same township, in one book, and delivered it to Mr. Robert J. Kirk, the Democratic chairman of the county board of canvassers, who is a citizen and voter in the First district. Mr. Kirk retained the list for the Brick Episcopal Church precinct, where there were two candidates and 270 votes cast, and returned the one for Mount Pleasant, where there was but one candidate and but 61 votes cast, all for Mr. DIBBLE, the Democratic candidate in the First district, who had no opposition.

Now, the House will remember that this precinct was rejected be-cause there was no registration book returned by the Democratic officer whose duty it was to return such a book; and it will also be remem-bered that the voters had done all that they could to qualify themselves; they had registered; they held registration certificates, which they presented to the managers, and were allowed to vote.

At the meeting of the county board of canvassers Mr. Kirk promptly

voted to reject the 270 votes cast at the Brick Episcopal Church precinct because the registration list, which he had himself detained, had not been returned, and the vote of this precinct was accordingly thrown

Clearly these 270 votes, lawfully cast and counted, should now be allowed.

In Biggin's Church precinct the evidence shows there are about 350 or 400 Republican voters and 12 Democrats.

On the election day the Republicans were at the polls desiring to vote, but the Democratic managers refused to open the polls or hold any election. The Republicans complained and entreated, but I suppose met the usual response of, "What are you going to do about it?" And that was all there was about it. No votes were cast or counted.

In Gadsden precinct the Democratic managers on the day of election refused to serve. The supervisors swore others in and the election pro-All testify that the election was quiet and fairly and honestly conducted; that none but legal voters were permitted to vote; that the votes were honestly counted and returned, showing 451 majority in that precinct for Smalls. This vote was rejected by the canvassers because the regularly appointed managers did not serve. In other words, these votes were rejected by these Democratic supervisors because the Democratic managers refused to perform the duties of their office, taking advantage of their own work and their own wrong. should be allowed.

In Grahamville precinct the managers were all Democrats. It is in evidence that during the voting one of the managers frequently used his pencil to push the tickets down into the box, and there is no attempt to account for the presence of marked or torn tickets in any other way. When the votes were taken out of the box the managers claimed there were 49 marked and torn tickets with Smalls's name on 48 of them and Elliott's on 1. That one was of course a mistake. The managers rejected these 49 tickets and promptly and prudently burned them, thus destroying the evidence they might have afforded us upon the question of their being marked or torn. That they were marked and torn by the pencil of this Democratic manager there can be but little doubt.

In Providence Box precinct the managers were all Democrats. were 119 votes polled, but when the tickets were taken out of the box there were found to be 199 of them. How the extra 80 tickets got into the box neither the managers nor any one else try to explain. agreed that all the tickets should be returned into the box and the surplus 80 drawn out. Now, in taking the tickets out the Democratic managers laid all those upon which Smalls's name appeared in one pile and the Elliott tickets in another. When he returned them into the box he promptly put all of the Elliott tickets in first and then put the Smalls tickets on top, and after brushing his hand over the pile drew out 80 or the top tickets, which were of course for Smalls; when the remaining 119 tickets were counted the result was announced to be for Elliott 119, for Smalls none.

This was so bald-faced that even one of the Democratic managers

objected, and would not sign the returns, but the canvassers counted it without hesitation; and the majority of the Committee on Elections

have followed in their footsteps.

In Sandy Island precinct two of the Democratic managers refused to serve on election day, so the other manager, with the supervisor and clerk, opened the polls. The election is admitted to have been conducted fairly and honestly. None but legal voters were permitted to vote. The count and return showed that Smalls had received 33 votes and Elliott none. This vote was rejected because of the refusal of the managers to serve.

In Cedar Creek precinct the election was in all respects fair, honest, and regular, except that one of the Democratic managers would not serve on election day. At this precinct Elliott received 4 votes and Smalls 18. The canvassers threw out this precinct because one man-

ager refused to act.

The case of Grier's precinct is singular. The election was in all respects fairly and honestly conducted, and in all respects regular, except that one Democratic manager refused to serve. His place was filled by another. No votes but those of legal voters were received, and of these Smalls received 65 and Elliott 4. The return was duly made out, but the vote was thrown out by the canvassers.

In Santee district two of the Democratic managers, although present at the polls most of the day, refused to serve as managers. The supervisors called others and opened the polls. The votes honestly and legally cast, counted, and returned were 212 for Smalls and 5 for Elliott. This precinct was thrown out for the same reason as the last two.

In the Lake City precinct, in Williamsburgh County, the returns show 101 votes for Elliott and none for Smalls, and these were allowed to Elliott by the canvassers, although neither the village nor the township in which the election was held was in the Seventh district. They were both in the Sixth district, in which Mr. DARGAN was the Democratic candidate, and had no opposition, and of course did not need the votes.

In Muddy Creek precinct the supervisor of the election testifies, and his statement is not contradicted by any one, that the place where the election was held was not in the Seventh, but was in the Sixth district. That they had two boxes for Congressional election, one for the Sixth and one for the Seventh district. That in the ballot-box for the Seventh district there were 9 votes for Elliott and 1 for Smalls. That in the box for the Sixth district there were 83 votes for Mr. DARGAN and none for any one else; but the managers gave to Elliott in the Seventh all the votes which had been cast for DARGAN in the Sixth, and returned the vote 91 for Elliott and 1 for Smalls and none for DARGAN, and the canvassers so counted and allowed the vote. Mr. DARGAN did not need the votes; he had no opposition.

It is alleged there is no evidence that these votes were counted by the canvassers. But it is in evidence that they were counted by the managers and returned to the canvassers; and I am justified, I think, in inferring, in the absence of proof to the contrary, that the canvassers did not avail themselves of this opportunity to act in favor of the

right.

Now, I shall not occupy any more of the time of this House in calling attention to these frauds, these miscounts, these outrages upon the ballot-box, for surely there can be no doubt in any impartial mind that the contestant was elected by an overwhelming majority. Yet I regret, sir, that I can not entertain a confident expectation that this House will honor itself or do justice to this contestant or to this district by seating the man who was elected; for, sir, the dominant side of this House has profited too long and too much, I fear, to permit them to

take a new departure now.

I do not propose to discuss the merits of slavery, nor to go back into an examination of our history in colonial times, as my distinguished friend from Virginia [Mr. O'FERRALL], for the purposes of Virginia or somewhere else, has, but as he has invited attention to the Southern condition, I wish to say it is unquestionable that the methods and practices which have been narrated in this testimony are among the least offensive and odious of those by which that portion of the Republic, naturally most strongly Republican, has been added to the Democratic "solid South." This claim which was made yesterday and repeated to-day, that colored men are now voting the Democratic ticket in the South, and therefore the South has become solid, is scarcely made outside of this Hall; and I do not believe it will mislead anybody inside.

Sir, the solidity of that portion of the country has been accomplished by a gigantic and successful conspiracy against the Constitution, against the dearest rights of the citizen, and against the laws of the land. In that region this is not ordinarily denied; it is admitted and justified. Why, sir, even the liberal leader of the so-called "New South" announces that "the enfranchisement of the black man condemns the South to solidity as naturally as that self-defense is the first law of nature." This is repeated and approved also by the Louisville Courier-Journal, if I am not mistaken in my recollection.

nature." This is repeated and approved also by the Louisville Courier-Journal, if I am not mistaken in my recollection.

A distinguished member of this House, in a widely-reported and hitherto uncontradicted interview, has stated that the "solid South" could only be broken by eliminating the negro from politics. A leading religious paper, representing the largest religious denomination in

the South, instead of claiming that the two races are now amicably voting the same ticket, announces that this contest between them must go on until one is driven to the wall. And in his recent message the governor of South Carolina states that the South can accept no conditions which are not based on white supremacy.

Why, sir, so thoroughly has that become a part of the system of that region—so thoroughly are the people there satisfied with it, that they regard any objection to it as an assault upon their institutions; and therefore when the most illustrious of the living soldiers of this Republic dared recently to express the opinion that the negro must be permitted to vote and his vote counted, or the ultimate result might be violence and bloodshed, he is responded to in the following manner by one of the leading newspapers of that region:

For this wretch whose soul is the essence of a demon, whose record is the history of a fiend, I am glad there is a hell. It requires the nerve of a Christian martyr to wish this awful beast to escape the doom of an endless hell. I thank God there is a Hell—

With a big H.

Sir, it is incredible that many colored men should vote the Democratic ticket, for although they may not be intelligent citizens they do know that from the first the Republican party has been and now still is the colored man's friend, and the Democratic party his for

the colored man's friend, and the Democratic party his foe.

They know that during the years in which the Democratic party controlled the country all the influence and power of the party were given to the work of preserving and strengthening the right of white men to own, buy, and sell colored men and their wives and children. That for this purpose the Democratic party enacted infamous laws, violated solemn compacts, waged a bloody war against a sister republic, formed a Supreme Court which declared that in this land of the free colored men had no rights, and finally inaugurated the great rebellion, filling the land for years with war and desolation in an effort to establish a government under which forever all colored men should be slaves.

And these colored men further know that if they are now free men, invested with the peerless rights of American citizens, it is because the Republican party gave all this to them, and that it is because of this that their white neighbors still hate the Republican party and continue

to vote the Democratic ticket.

Sir, the same reasons, traditions, and prejudices which cause the old slaveholder and Confederate to remain a Democrat unite with greater force to keep the colored man a Republican. But, sir, if it be necessary to prove that these men do not vote the Democratic ticket, I call attention to some election statistics—some figures—furnished by Democratic election judges and managers, which show that the negro either does not vote at all or that his vote is not counted. For instance, in the seven Congressional districts of South Carolina there are, as shown by the last census, 118,889 colored voters. Yet at the Congressional election in that State in 1886 there were in the whole State polled only 39,077 votes, a number only equal to one-third of the colored vote alone, saying nothing of the 80,000 white voters.

In Georgia there were by the last census 143,471 colored voters, but at the Congressional election in 1886 there were only 27,520 votes cast, equal only to three-fourths of the number cast in the single district in Ohio which I have the honor to represent, and less than equal to one-

fifth of the colored voters in Georgia.

In Mississippi there are 130,276 colored voters, but at the same Congressional election there were cast in the entire State but 43,348 votes,

equal to about one-third the number of colored voters.

Again, in the First Congressional district of Alabama the total number of votes cast at the 1886 Congressional election was 4,220, not equal in number to the one-third of the colored voters in the district, they numbering 14,889.

In the Second district in that State there are 13,812 colored voters, while the total vote cast in the district at the election in 1886 was 5,659. In the Third district of Ala ama there are 17,477 colored voters, and the total number of votes cast at the election in 1886 in this district was 4,666, or a little more than one-fourth the number of colored voters.

In the Sixth district of that State there are 12,297 colored voters, while the total vote cast at the last election was 6,333, or in amount equal to about half the colored vote. In the Fourth district of Louisiana there 18,375 colored voters, but the total vote cast at that Congressional election in that district was 5,747, a number less than equal to one-third of the colored voters. And the total number of votes cast in the Fifth and Sixth Congressional districts in that State at the Congressional election in 1886 is not equal to one-half of the number of the colored voters in those districts.

Without pursuing these statistics further I call attention to the fact that in most of these districts the Republican vote has entirely disappeared. We search in vain for any trace of it in the election returns. In other words, in that portion of the country which is most densely populated by colored voters, and therefore naturally most strongly Republican, the Republican vote has vanished; this vote, as I have already shown, has not gone to the Democratic party, but has wholly disappeared; or if the Republican voters have voted at all, their votes have not been counted in the returns.

We are sometimes told that the colored men in this portion of our country have voluntarily quit voting; that they do not desire to vote.

Now it may be true that they have quit voting, but I do not and can

not believe that they have no desire to vote.

That these colored men, who with reason so bitterly remember the degradation of their condition when in slavery, and who now are com-pelled so often to smart under humiliations received from the whites, should spurn the elevating and equalizing privileges of American citizenship—that they should forget or refuse to go to the ballot-box, the one place where they are the peers of the proudest and greatest of white men, and there exercise the highest privilege given to free men, is simply incredible. History, reason, and observation are all against such a conclusion; for they all prove that always has a newly enfranchised class more highly prized the right of suffrage than those who have long enjoyed it.

No, sir: if the colored men there do not vote it is simply because the shotgun, bull-whip, and torch have taught them the peril of voting as they desire, or because tissue ballots and false counts and returns have proven to them the hollow mockery of their going through the form of voting; and in either case they have found the Constitution to be practically nullified and the fundamental law of the Republic set aside; in either case we are teaching a great mass of our citizens to distrust

our institutions as false pretenses.

Mr. SPINOLA. Will the gentleman permit me to ask him a question?

Mr. COOPER. I will if it does not come out of my time.
Mr. SPINOLA. I will yield to the gentleman a portion of my time.
Mr. COOPER. Very well, then; I will yield to the gentleman from New York.

Mr. SPINOLA. Then why does not the gentleman from Ohio, and why do not his Republican associates on the other side of the House, come forward and recommend one of these colored men for a position in the Cabinet of President Harrison?

Mr. COOPER. I am willing to recommend any man on account of fitness and qualification, but I am not willing to recommend any American citizen, no matter what may be his color, simply on account his color. [Applause.] Mr. SPINOLA. You do not answer my question. of his color.

Mr. HEMPHILL rose.

Mr. COOPER. I do not care what may be the color of a man, whether white, black, or yellow, provided he is an American citizen and com-That is my petent to discharge the position to which he is appointed.

platform. [Applause on the Republican side.]

It has been said that the governor of the State of South Carolina, where this contest arose, has said that the supreme question of the hour is the supremacy of the Anglo-Saxon race, and upon this he throws down On the other side, we demand the supremacy of the Constitution and the laws, and the rights of all men under them, while they ask for the supremacy of the white race at the sacrifice of everything else; and while on that issue that portion of the country may be solid, it will find, and ought to find, the residue of the Republic, North, East and West, will be solid in the defense of the Constitution, the laws, the rights of the people, and the government by the majority; solid for the Constitution and against a doctrine dangerous to all portions of the Republic; for, sir, it needs no inspiration or gift of prophecy to enable me to say to gentlemen of the solid South, if you continue these practices they will ultimately turn again and rend you. They sear all respect for our institutions and dry up the fountains of patriotism

Well may the leading paper in that region cry out in alarm, as it re-

cently did-

That these practices are demoralizing to the people, and that it must lower the younger men in particular in their own eyes to see the spirit of our institutions violated at every election, and it appals thinking men to know and see the present and the rising generation of white men in the South are taught in practice that Republican institutions are a failure and that elections are to be carried, not by the honest vote of a fair majority, but by campaigning, which begins with rank intimidation and ends in subterfuge and evasion. The white people suffer more by the trickery and malfeasance by which they secure victory than the colored people suffer by defeat.

And is this not true, and does it not afford good reason for alarm? Is it not demoralizing indeed for the young to hear in the forum, on the stump, and on all public occasions the glorification of the great Republic as the land where all men are equal—hear our Constitution eulogized because under it the majority of the people govern and the will of the people as expressed without molestation or fear at the ballotbox is supreme in the land, when they are in practice taught that all this is but hollow mockery; that in fact the minority should and does govern, and that a great portion of the citizens should not and are not permitted to yate as they does a permitted to vote as they desire?

This is certainly a condition of affairs which should be corrected at the earliest practicable moment; and I appeal to my friends on the opposite side, as they are now about to take their final and everlasting departure from power, to soften the memory of their former misdeeds in this behalf by now, even at this late hour, improving the opportunity of repudiating and rebuking these violations of the Constitution and

the dearest rights of the people.

Gentlemen, you may thus mellow the light upon the evening of your day of power and verify what was said of one of England's great states—
the Democratic officers of election swear that there was not a woman
men, "No part of your official life became you so well as your leaving on the ground, except a few who were running a huckster stand across

it." If you will march out to the music of the protection of all men in their constitutional rights I will gladly stand with uncovered head while your procession passes by. [Applause.]

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS, from the Committee on Appropriations, reported a bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that it had agreed to the amendment of the House to the concurrent resolution of the Senate authorizing the printing of 50,000 copies of the fourth annual report of the Bureau of Animal Industry, for the year 1887, with an amendment in which concurrence was requested.

Also, that the Senate had passed a concurrent resolution authorizing the printing of 5,000 additional copies of the report of the Coast and

Geodetic Survey for the fiscal year 1888.

Also, that the Senate agreed to the amendments of the House to the bill (S. 3428) granting a pension to Mary C. Thompson.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 3060) granting the right of way to the Pima Land and Water Company across the Fort Lowell military reservation in Arizona, and for other purposes;
A bill (H. R. 6404) for the relief of Charles F. Swain, master of the

bark Philena:

A bill (H. R. 1407) to authorize the Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settler or Western Cherokee Indians

A bill (H. R. 3112) for the relief of Phineas T. Richardson; and A bill (H. R. 11779) for the relief of Harry Adams.

CONTESTED-ELECTION CASE, SMALLS VS. ELLIOTT.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I shall be glad to be notified when I have consumed twenty-five minutes of the time allotted to me.

I can hardly hope, sir, to add anything to the argument in this case after the very exhaustive and thorough speeches made by the gentleman from Illinois [Mr. Rowell] on yesterday and the gentleman from Ohio [Mr. Cooper] to-day, my colleagues on the Committee on Elections. They have traversed the ground as to the main facts in the case, and I shall merely call the attention of the House to one of the main points involved in it, and, then, perhaps, answer somewhat briefly the speech made by the gentleman from Georgia [Mr. CRISP], and attempt to answer partly the speech made by the gentleman from Virginia [Mr. O'FERRALL], a speech that was made for the benefit of his constituents and the galleries, and not addressed to this case.

I have always made it a rule in my practice when I have one strong point in a case to rest my case upon that; and as we have one point in this case that gentlemen can not get away from, a point which is unanswerable by them, I propose to call the attention of the Democratic side of the House to that point and make it the main basis of my argument in support of the claim of the contestant. The majority of the committee have made up their report, and in making it they claim that Mr. Elliott, the sitting member, has 323 majority. The returning board gives Mr. Elliott over 500 majority; but the Democratic majority of the Committee on Elections in their wisdom and in some sense of justice cut that majority down to 323, and by doing that they did Robert Smalls a great injustice as to the facts in the case, which I will show you.

Mr. Smalls, however, by that arrangement has but 323 majority to overcome, and if he can do that in any one of the controverted precincts it is all that is required to establish his claim to the seat. In the county of Beaufort and at the Brick Church precinct in that county, according to the returns as made up, Robert Smalls had a majority of 500 votes; that is to say, he received 545 votes there, and Mr. Elliott 45, leaving him a clear majority of 500. If, then, that vote at the Brick Church honestly belongs to Robert Smalls, according to the findings of the Democratic majority of this committee, he is elected by 272 majority.

Now, then, to the facts of the case.

The Democratic majority of this committee seek to throw out that vote, because they say it was controlled by "intimidation." Mr. Speaker, I call upon the other side of this House to examine this evidence, and I challenge every Democratic member from the Committee on Elections to show me the evidence of intimidation that is to overcome the sworn testimony of every officer who held the election-two Democratic managers and one Republican-all three swearing that it was a fair and impartial election. I know your witness, Chance Green, swears that there was intimidation, but I know that two Democratic election officers, appointed by the governor of South Carolina, swear that is not true. I know that Chance Green swears that the colored women were present in numbers and intimidated the voters, but I know the Democratic officers of election swear that there was not a woman

the street, and that they never approached the polls. I know that every single man that your witness, Chance Green, swears was intimidated has taken the witness stand and swears that Chance Green com-

mitted willful and deliberate perjury, every one of them.

Now, let me call upon the members on the other side of this House, and ask if you are going to set an example because one colored man swears there was intimidation; are you going to override the oath of the two Democratic officials appointed by the governor of South Carolina to conduct that election, and for what purpose? For the purpose of keeping in his seat Colonel Elliott, of South Carolina, and keeping Robert Smalls out, because that is all it amounts to and that is all there is in the argument. Why, Mr. Speaker, it has come to a pretty pass, and I could not help but think about it when I heard the eloquent gentleman from Virginia making his speech. Twenty-eight years ago that gentleman and his associates told the people of the South that they could go up North and whip a half dozen Yankees apiece before breakfast. [Laughter.] No trouble about that. But now they are holding up their hands in holy horror, and praying Almighty God to protect them from the intimidation of a few negro women in the South. [Laughter.]

I could not help but think further, when the eloquent gentleman from Virginia was making his speech and attempting to convince the colored men in the galleries that Abraham Lincoln was not their friend—when he said that Abraham Lincoln did not want to abolish slavery then, when Abraham Lincoln said "he would save this Government without it, but if he could not he would abolish it"-I could not help think this: That at that very time, when my eloquent friend from Virginia was contending that Abraham Lincoln did not mean what he said, he went into rebellion because he insisted that Abraham Lincoln was a liar. Now, then, when twenty-eight years ago this gentleman could not take Abraham Lincoln at what he said he ought not to bring his name in here for the benefit of the galleries or for a Con-

gressional speech over in Virginia.

Now, my friend from Georgia, an eloquent man, and a gentleman whom I esteem, made, as I consider it, yesterday a very ingenious and elaborate and a very effective speech from his standpoint; but he ignored the main facts and attempted, as we often do in trying a case before a country jury, to lead the jury away from the main points in the In order to do that my learned friend said that the smallness of Mr. Smalls's vote arose from the fact that he was a very unpopular man, and therefore the voters of his district refused to vote for him-that he had been convicted of a crime. Even Mr. Elliott, the sitting member, says in his notice of contest the Republicans gave him their support be cause Smalls had been convicted of a crime. He uses this language:

This gave me the support of a large number of voters of his own political party, and this support was further augmented by the fact that although a general election was pending in the State of South Carolina there was no contest between the political parties, and the issue in this district became one between individuals.

Following up that, the learned gentleman from Georgia says that they refused to vote for Smalls because he was an unpopular man. They refused to vote for him because they did not believe that he was an honest man and they voted for Colonel Elliott because he was an honest man; in the language of the gentleman from Virginia, because his hand and purse had been open to the poor. Now, I want to call your attention to page 167 in the record. I commend that page to the careful consideration of my friend from Georgia, and see whether or not it does not answer every argument of my friend from Georgia made against the unpopularity of Mr. Smalls.

The First district of that State is represented by a very talented gentleman, a courteous gentleman. That is the long red strip there on that map that runs in and cuts Smalls's district in two. The gentle-man that now represents that district got 3,515 votes. The honorable man that now represents that district got 3,515 votes. The honorable gentleman who represents the Second district got 5,212 votes. The gentleman who represents the Third district got 4,402 votes; the gentleman who represents the Fifth district got 4,470; and my gentlemanly and personal friend who sits before me [Mr. Hemphill], who represents the Sixth district, got 4,411 votes. And now take the vote of Robert Smalls. After the returning board of South Carolina had robbed him of every vote that they had the conscience to take away from him he still had left 5,961 votes-more votes than any other candidate for Congress got in South Carolina. Now, if Mr. Smalls was so very unpopular, what a pitiable condition the other six members must be in in the great State of South Carolina! [Loud laughter.]

Now, the gentleman from Georgia said, "Why, he is so unpopular that he only got a thousand majority in his own county." In looking over

this list I take the county of Beaufort and find that Robert Smalls got more votes in the county of Beaufort after they took 545 away from him by highway robbery than any member of Congress from South Carolina got in any county in his district. Not a very unpopular man at home! Because if you add 500 votes that they robbed Mr. Smalls of to the sixteen hundred and odd votes, he got more votes in his own

counties! Mr. Smalls gets, according to the returns, 1,654 votes in one county, after they had robbed him of 545. [Laughter.] If Brother Smalls is so very unpopular, I might repeat, what a pitiable condition the gentleman from Georgia must be in at home. [Laughter.]

Now, that has nothing to do with the main facts in this case. I only referred to it to show that the gentleman from Georgia is endeavoring to divert the minds of gentlemen on the other side of the House from the main facts in this case. This, I say, has simply nothing to do with the main facts in this case; but when the gentleman traveled outside of the record and attempted to bring in matters that should influence the mind of no juror, and no man who sits to try a case, under his oath, according to the law and the evidence, if the answer should come back so that it does not suit them exactly, they must take it in good

Now take the votes conceded to Smalls by the majority of the committee, and you take the 500 votes that he is entitled to at the Brick Church, where both the Democratic judges of election swear it was a peaceable and quiet election; where fifty witnesses swear there was no trouble; where every man sworn by Smalls's side swears that the men who testified upon the other side testified falsely. The election officers decided the question that it was a fair election, and then when you take the concession made by the Democratic majority of this committee and add the 500 votes that they have robbed him of by means of the State returning board you put Robert Smalls in his seat.

Now let me appeal to gentlemen upon the other side—I know there are honest men on the Democratic side of this House who will not permit themselves, for party purposes, to be prejudiced against a man who wears a black skin—I appeal to those gentlemen and I remind them that there is a judgment day coming. There is a time coming when that there is a judgment day coming. There is a time coming when this precedent, if you make it now, will rise to stare you in the face and confound you. If you are going to throw out a precinct with 500 majority for Robert Smalls because—conceding the fact for a moment a few women told their husbands that if they did not vote for Smalls they would not live with them (for that is the amount of it), if you do that you are treading upon dangerous ground. There will be no more firing of cannon to notify the negroes that you are going to have "a fair election" if that rule is to be applied and established by this

You are setting up a rule by which you must expect to have your own cases decided in the future. There will be no more telling men that they had better not stand at the polls to take the names of voters that put their ballots in the box, as was done in a certain district in Alabama. There will be no more such intimidation as that passed over by a national Congress if you establish this rule. Ah! but, says the gentleman from Georgia [Mr. CRISP], the intimidation need not be at the polls; it may be done beforehand. Establish that rule, and there will be no more night riders going through the country telling the negroes they had better not come to the election next day. man who holds a seat from a district of that kind will be ousted by a Republican Congress for fraud and intimidation; because let me serve notice on you gentlemen now that we are here to stay until the principle is established in this country that every man, white and black, can cast an honest vote and have it fairly counted. [Applause on the Republican side.]

Mr. CRISP (sotto voce). The gentleman from Indiana is not going to stay himself.

Mr. MILLIKEN. But some of the rest of us are going to stay here

Mr. CRISP. He said "we."

Mr. JOHNSTON, of Indiana. No; I do not expect to be here. Laughter.] I know something myself of what a gerrymander means. I took a district with a thousand votes against me; I had no trouble to overcome the first 900, but the last 100 I lacked 40 votes of overcoming.

[Laughter.]

Now, then, I appeal to you gentlemen who have not examined the evidence to take the findings of your Democratic committee as to every vote except the Brick Church in Beaufort County, and then take up that evidence and tell me upon your honor whether there is enough proof there to overcome the sworn testimony of three judges appointed by the governor and sworn to discharge their duties. When you have passed upon that question, if you find with the minority of the com-mittee, then you have got to find Robert Smalls is entitled to his seat upon this floor.

I was a little surprised at the argument made by the honorable gentleman from Georgia [Mr. CRISP] and the honorable gentleman from Virginia [Mr. O'FERRALL], who argued so elaborately here to prove that the majority of the negroes in the South are Democrats. I am prepared for almost any kind of revelation in a contested-election case, but I never expected to hear honorable gentlemen trying to make the people of this country believe that a majority of the negroes of the South were Democrats. If that be true, why have your registration laws fixed as they are? Why, in the language of a distinguished South Carolinian, is it necessary to have two ballot-boxes and to make the poor ignorant negro pick out his ticket and pick out the right kind of a ticket and get it in the right kind of a how although he can not read. county than the honorable gentleman who represents the Third district of Georgia got in his whole Congressional district. [Laughter.]

Now, then, will any man say that the honorable gentleman who represents the Third district of Georgia is not a popular man, a perfect gentleman, the soul of honor, and still he only gets 1,700 votes in six

Why is that necessary to have two ballot-boxes and to make the poor ignorant negro pick out his ticket and pick out the right kind of a ticket and get it in the right kind of a box, although he can not read?

Why is that necessary if the majority of the negroes are Democrats?

But the gentleman closed up with a smile which seemed to say, "Boys,

that's better than shooting them."

Gentlemen, you will never make the negro believe that the majority of the negroes at the South are Democrats; you will never make the white men believe it; you will never make the country believe it. But these gentlemen have paid a tribute to two negro Union soldiers because they testified against Smalls. Has it come to this that the gentleman from Georgia [Mr. CRISP] and the gentleman from Virginia [Mr. O'FERRALL] hold that a man is to be believed any more because he wore the Union blue than if he wore the Confederate gray? No, sir. But they talk this way for a purpose. Why did not those gentlemen tell you at the same time that Robert Smalls himself was a Union soldier? Why did not they tell you that the "crime" they are oppressing and persecuting him for was taking a vessel out of the Confederate service, running the blockade, and carrying her into the Union lines?

Talk about you gentlemen being the negro's friend. You men who make these speeches to-day and attempt to make the black man believe that you are the friends of the negro are the men who lashed their backs to unwilling and unpaid toil. You are the men who took their children and tore them from their mothers' breasts and placed them upon the

auction block and sold them into bondage.

You are the men who separated their families and sold them, and when the Republican party said you could go no further in your in-humanity to man, then you rebelled and tried to break down this Government in order to perpetuate human slavery. And now you come back, with a smile upon your countenance, and tell the negro that you have always been his friend! [Applause on the Republican side.] Ah, the black man, though he may be ignorant, can detect and uncover such hypocrisy even though it be practiced upon the floor

of the American Congress.

Mr. McCOMAS. Mr. Speaker, a contest like this against Elliott, the white sitting member, by Smalls, a colored man, for a seat to which Smalls was elected in a district with 32,000 colored voters and but 7,000 white voters, would be impossible twenty years hence.

Others in this debate have discussed the series of frauds by election

officers and canvassers, all Democrats; the systematic denial of registra-tion or transfer of colored voters; the bold rejection of colored voters when registered; the illegal throwing out by the Democratic canvassers of several thousand votes actually cast for Smalls and solidly cast in a dozen black precincts rejected on a dozen trivial pretexts; the preconcerted plan or willful neglect of Democratic election officers who failed to qualify or refused to serve, and thus disfranchised thousands of voters ready to vote for Smalls. I will not discuss the theft of ballot-boxes, the stuffing of ballot-boxes, or the long catalogue of frauds, crimes, and perjuries whereby a black majority of 25,000 was disfranchised. This House is expected to connive at the disfranchisement of this black district of South Carolina. The sitting member will retain the seat to which Smalls, the colored man, was elected.

After eighteen years of negro suffrage this case of Smalls against Elliott is only a striking case of usurpation of power. The like has often occurred since 1876. What was called an uprising against carpetbag rule, bribery, and robbery has ended in the abridgment of the civil and political rights of the colored people of the South. Therefore, all the years since 1876 whip and goad us to a better settlement.

After two decades of negro suffrage the white Democratic representatives in Congress from the Black belt declare that the blacks are to be They revive the old cry that civil and political rights mean social equality. Twenty years of negro suffrage have at least shown that this is a fool cry. For two decades the blacks by law, if not in fact, have had impersonal civil rights without change to the personal social relations of the whites.

All the apologists for such crimes as abound in this case of Smalls rs. Elliott insist that they are necessary to keep up the white rule in the South, because intelligence, character, and property have the right

Intelligence and character rightly weigh most in government, but is this Asiatic domination of the whites over the blacks without their consent the best expression of white intelligence and character? There is no moral right of class rule among men, of the white man to rule the black man without his consent. This Republic and this Chamber attest that the right to rule is the consent of the ruled and is in the

majority by the consent of all.

Intelligence, character, and property in the white States mean majority rule, but in the black States they mean minority rule. In the white States labor is more powerful than property, in the black States property dominates labor. There has been, I admit, sympathy in the white States with the intelligent whites of the South in their control of the police, health, judicial, and taxing powers in municipal and county governments. In the name of intelligence, character, and property, but by the show of force or the practice of fraud, the Southern Democrats have for years practically excluded the black majority from

co-ordinate power.

With white rule secure in the black States, it is painful to consider how little political discussion has advanced. When the war and reconstruction had ended, when all the sections of our common country successively discussed specie resumption, questions of currency, civil service, administrative reform or the tariff, at each recurring election

the intelligence, character, and property in the Black belt have confined the flower of its youth to discussing afresh the old question of negro servility and annually resolving by the election that this is a white man's Government. This race problem is difficult to solve, but after twenty-five repetitions this annual resolve of white supremacy and black servility is fatuous. This is no solution. Fifty years hence according to Senators Pugh and Morgan, the South will, for the seventyfifth time, declare that this is a white man's Government.

The blacks do not emigrate, and with a fecundity superior to the whites, have increased in some States until they exceed in numbers the

white population.

Will the gentleman yield to me? Mr. OATES.

Mr. McCOMAS. I have no time to yield.

Mr. OATES. I merely wish to ask the gentleman a question. Do understand the gentleman to say there would be eight States controlled by black men?

Mr. McCOMAS. I have said there were three States where the black population exceeded in numbers the white population.

Mr. OATES. I ask the gentleman what was his statement. asserted there were eight States controlled by a majority of black peo-

ple, I deny it.

Mr. McCOMAS. I say there are at least seven States, wherein within fifteen years there will probably be a majority of black people. In Louisiana, South Carolina, and Mississippi each the blacks by the last

census greatly exceed the whites now.

Mr. OATES. I ask the gentleman if he knows how many more white voters there were according to the census of 1880 in the eleven States which composed the late Confederacy than there were of colored

voters?

Mr. McCOMAS. I have the figures here and if I had more time would have given them in detail. But it is true, as I have stated, that in some of the Southern States the black population exceeds the white population now, and that the black voters nearly equal in number the white voters in the gentleman's own State of Alabama.

Mr. OATES. I will say that in Alabama the census of 1880 showed a white majority of 62,000, and it also showed a majority of white

voters of 23,000.

Mr. McCOMAS. I have the figures as given by the census of 1880 and will give them in my remarks as printed, showing the increase of population, and they will not sustain the gentleman from Alabama in the statement which he has made as to the relative numbers of the white and black voting population in the State of Alabama and in other States of the South. In the course of years they stay there, not emigrating, and these black people multiply rapidly. I appeal to thoughtful gentlemen like my friend to consider this proposition.

Mr. OATES. I have been a student of this problem perhaps to as

great an extent as the gentleman from Maryland.

Mr. McCOMAS. But the gentleman must consider that while the white population grows slowly the colored population is rapidly multiplying. In three of the States South the black voters are more in number than the white voters.

Mr. OATES. Why, take it in the State of Louisiana; the census there shows a majority of 800 white voters. These are facts—Mr. McCOMAS. I can not yield; I have not the time.

Mr. OATES. But I suppose the gentleman wants to be correct.
Mr. McCOMAS. I will put in a tabulated statement from the cen-

sus concerning all of these points.

Surely Bourbonism after a quarter of a century has made no progress with the negro problem, has been a failure and a curse to the South. The young men of the South have outgrown their beliefs of yesterday; they will next discard the leaders of yesterday. The ghosts of negro equality and the white man's party already begin, like the ghosts in Hamlet, to scent the morning air in the new South.

We can not go backward; we can not stay where we are. man as a slave drove the North and West to a war for his freedom. day the North and West are driven to insist on the exercise of his fran-The irrepressible conflict in behalf of the slave then chise as a citizen. is the irrepressible conflict in behalf of the present and future status of the black citizen now. The organized labor of the North, West, and border is averse to a growing competition with a race of increasing ignorant pauper laborers, and realizes more clearly that whatever keeps down the black labor of the South can not elevate the white labor which

practically rules the white States.

The manufactures and industries of the white States will not long tolerate the counting of the blacks in representation whereby one favored white free-trade vote in South Carolina avails as much as five less favored white protection votes in Kansas. The tide of race prejudice thus spreads beyond the borders of the black States. Its waves reach this Capitol. One white man in the black States on this floor equals five white men in the North in representative power. Its influence during the four years past has controlled the Executive and this Hall of Representatives. The triumph of white rule does not end with local white government. The Southern white Democracy counts the black man effectively in forty votes in the electoral college and forty Representatives on this floor. By the supremacy of the white Democracy in the black States the nation is unduly controlled by the white minority, and the less intelligent white minority, in our country.

Of the twenty millions in the South six millions are illiterates by the last census. In the Black belt 25 per cent. of the native white and 78 per cent. of the colored people are illiterates; 45 per cent. in these eight States can not read the name on their ballots. States with 49 per cent. of illiterate voters represent 76 per cent. of the majority of the electoral college and of this House of Representatives.

Mr. HERBERT. Will the gentleman yield for an interruption?

Mr. McCOMAS. I can not yield for an interruption. I have but a few moments.

Mr. HERBERT. I have the correct figures as to the population of Alabama, to which State the gentleman has referred.

Mr. McCOMAS. I have them here in my hand, a table of them, which I will insert with my remarks.

Mr. HERBERT. Here is the Compendium of the Census, showing the figures in detail. [Cries of "Regular order!"]

Mr. McCOMAS. I have the figures here.

Mr. HERBERT. I would like the gentleman to quote the figures,

then, to which he has referred.

Mr. McCOMAS. The gentleman can read as much as he pleases to

read in his own time. I have the table here showing the number of whites and blacks in his State and in every district of his State, and I have here in his own district a table showing that according to the census there are 1,200 more\_blacks than whites in his own Congressional

Mr. HERBERT. That is entirely a mistake. There are 888 majority of white voters.

Mr. McCOMAS. This shows a preponderance of 1,200 blacks.

Mr. TARSNEY. And you assume that every one of them is a Republican because he is black?

Mr. McCOMAS. I will put these figures in my remarks. In Alabama's Second Congressional district, Mr. HERBERT received 5,659 votes, and this district by the census has 29,275 of voting age, and in all 67,815 whites and 69,060 blacks by the census.

Mr. HERBERT. Let me insert a part of this table from the cen-

Mr. McCOMAS. The whole book, if you want to, in your own speech.

Mr. HERBERT. Very well.
Mr. McCOMAS. Turn for a moment from the condition of the suffrage in the South to the condition of the suffrage in the North. When the North charges intimidation of black peasants in the Southern cotton fields, the South alleges intimidation of employés in Northern

In the North vast sums of money are spent to carry elections in the close States.

Both great parties in the last election are justly accused of bribery. In the close States the venal vote increases and the sums of money spent in bribery increase annually.

To-day the Legislatures of half of the States of the North and West are engaged in considering the modern devices to prevent bribery at elections.

Mr. FORAN. Where does it come from?

Mr. McCOMAS. To-day it comes from both parties,

Mr. FORAN. It comes from the manufacturer.

Mr. McCOMAS. It comes from the importers more freely than from the manufacturers

Mr. GALLINGER. Some of it came from Grown Mr. CUTCHEON. Some from Cabinet officers. Some of it came from Grover Cleveland.

Mr. HEMPHILL. And some of it from those who wanted to be

Mr. McCOMAS. The crimes of bribery have become so numerous and so serious that the attention of all legislative bodies in the North is gradually being concentrated upon the means of preventing them, and the mode of securing purity of elections and accuracy in the returns

In ex parte Yarborough (110 United States Reports, 667) Justice Miller, speaking for the Supreme Court, declares that if the recurrence of acts of intimidation-

Are too common in one quarter of the country and give omen of danger from lawless violence, the free use of money in elections, arising from the vast growth of recent wealth in other quarters, presents equal cause for anxiety.

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very source of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force on the one hand, and unprincipled corruptionists on the other.

And in the same case the Supreme Court say (pages 657-662):

And in the same case the Supreme Court say (pages 657-662):

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

Congress has been slow to exercise the powers expressly conferred upon it in relation to elections by the fourth section of the first article of the Constitution.

tion.

This section declares that—

"The times, places, and manner of holding elections for Senators and Representatives shall be preserribed in each State by the Legislature thereof; but the Congress may, at any time, make or alter such regulations, except as to the place of choosing Senators."

It was not until 1842 that Congress took any action under the power here conferred, when, conceiving that the system of electing all the members of the House of Representatives from a State by general ticket, as it was called that is, every elector voting for as many names as the State was entitled to represent in that House, worked injustice to other States which did not adopt that system, and gave an undue preponderance of power to the political party which had a majority of votes in the State, however small, enacted that each member should be elected by a separate district composed of contiguous territory. (5 Stats., 491.)

And to remedy more than one evil arising from the election of members of Congress occurring at different times in the different States, Congress, by the act of February 2, 1872, thirty years later, required all the elections for such members to be held on the Tuesday after the first Monday in November in 1876, and on the same day of every second year thereafter.

Will it be denied that it is in the power of that body to provide laws for the proper conduct them and make return of the result? And especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?

These questions answer themselves; and it is only because these in definitions and the corruption and fraud?

These questions answer themselves; and it is only because the Congress of the United States, through long habit and long years of forbearance has, in def-erence and respect to the States, refrained from the exercise of these powers, that they are now doubted.

The awakening of the moral sense of this country to the necessity or an honest ballot and honest count and an honest return of the elections is favorable to a national effort which will include the North and South, include bribery and intimidation alike. Bribery, whether by Republicans or Democrats, is bribery. Intimidation, whether of employés in Northern factories or of black peasants in Southern cottonfields, is intimidation. Fraud in the election and return of members of this House reaches from the remotest State up to the Speaker's gavel in this Hall of Representatives.

Let us here, representing the North and the South, legislate without crimination and recrimination to prevent bribery, intimidation, and fraud, by a Federal statute controlling and supervising Federal elec-Let us unite in a war upon both bribery and intimidation.

Congress has power to punish frauds perpetrated in an attempt to prevent a fair election for members of Congress, and can not Congress, with due respect for the rights of the States in the machinery of election, with due heed to the admonitions of the Supreme Court, and without prejudice to election and registration laws in the different States in State elections, so far make and alter regulations as to the manner of electing Representatives in Congress as to make them uniformly free

from bribery, intimidation, and fraud?

The modern devices to prevent bribery which are now engaging the attention of every parliamentary body in the world are devices which would equally prevent intimidation. Bribery and intimidation alike can best be prevented by every form of secrecy; for instance, a space of 100 feet square near the ballot-box, a separate booth wherein the elector may be alone to receive or mark his ballot, the uniformity of ballots to be furnished by the Government, the purging of the conscience of the Representative-elect, all these help to repress intimidation and bribery alike. If these and other expedients should be applied by act of Congress to elections for members of Congress in Indiana, Connecticut, and New Jersey, as well as in Louisiana, South Carolina, and Mississippi, and if the whole election machinery for Representatives in Congress start from the fountain-head of Federal supervision, as our fathers provided, it may secure honest elections, and the base of the colossal statue of our Republic may no longer be undermined on the North side or the South side.

I believe that in this time of peace, with the publicattention now drawn to bribery and intimidation alike, when the purity of the election is not a sectional question, this long-drawn dormant power in the Constitution should be applied and the Congress should now by law make and alter the regulations of the States, North and South, by general Federal law, to prevent bribery and intimidation alike, and to secure an honest count and return of the election of Representatives in Congress.

Election laws are not self-executing. Honest officers are essential. What good reason is there why the President should not appoint State election canvassers of opposite politics, citizens residing in each State, and also Congressional resident canvassers in each Congressional district? Why may not the United States circuit and district courts be trusted to appoint subordinate Congressional boards, with their clerks men of opposite politics, who after the most approved methods of electoral reform, with devices to prevent fraud, intimidation, and bribery, may select the registrars, judges, and clerks of election, provide for inspectors, supervisors, and challengers, and the canvassing of the returns of the Congressional elections? May we not repose the power of approval of minor election officers at Congressional elections in the hands of the Federal judges, who, holding life offices, have no tempta-tion to place the machinery in the hands of corruptionists or violent

The patriotic men in Congress could worthily unite in some such We can afford to go back to this provision the fathers gave measure. us in the Constitution, and the nation can afford the expense of the machinery which assures the honest election and return of members of

State pride ought not to bar the way. The State elections will not be interfered with by a law confined to the election of members of Con-

Such a law may wisely offer this national election machinery at the expense of the nation to the States who may adopt this mode of choosing electors for President and Vice-President.

The stale cry of "the bloody shirt" is beneath the level of this great exercise.

question. The evils of bribery and intimidation at national elections

are worthy of temperate discussion.

I do not here and now consider the grave question of local control in the black States nor suggest a remedy for the suppression of colored votes in municipal, county, and State government. The forces of civilization, the influence of religion, and the sense of justice in man-kind will, in the great chain of eternal order, bring a to-morrow for the black people of the South, and new leaders in the South will see the value of its labor wedded to capital and wisely transform a servile peasantry into useful citizens.

I see that throughout the new South to-day between the crude ore and the liquid metal stand black forms, the giant labor force destined to transmute the hidden mineral wealth of the South into minted gold. Before they exult in the power of organized numbers in leagues, unions, and secret orders, which have charms for their race, give them the spelling-book. As a republic can not forever boycott a whole race, let us educate it for citizenship. The common school will not make all blacks good citizens, but it will help alleviate "the roosting curse" of

race antagonism. Enfranchisement by the nation was a half measure. To abolish illiteracy among citizens is the other half measure too long delayed. The blacks do not emigrate. They multiply rapidly. They will soon out-

number the whites in seven States of the South.

You gentlemen of the Black belt see the steam rising and you sit on the safety-valve. Peaceful repression may soon be followed by an explosion. Common-school education is a debt the South owes the blacks. It is a debt with two hundred and fifty years' interest. While the States struggle to pay the debt the nation should by the Blair bill pay While the

When all the native whites of the South and 90 per cent. of the blacks of the South can read and write, the remedy of Federal election laws thus supplemented by national aided schools will decrease race prejudice and increase immigration. The blackest sections will longest resist the light and the law. In Mississippi, North Carolina, South Carolina, and Alabama, the districts once conceded to the blacks are now represented by white Democratic Representatives, advocates of the white

From the Fourth district of Alabama, with 27,189 whites and 110,365 blacks; from the Third district of Mississippi, with 25,374 whites and 104,271 blacks; from the Second district of North Carolina, with 68,753 whites and 115,441 blacks; and from the Seventh district of South Carolina, containing about 35,000 whites and 160,000 blacks, come

Bourbon Democratic Representatives.

If the elections be fair, the Democratic party has become the black man's party, and the mass of the blacks believe in the supremacy of their white neighbors as the white man's party. The tables I hold in my hands show with remarkable uniformity that wherever the percentage of black vote is greatest the Representative on this floor is a Democrat.

By these census tables half of the districts of Alabama are black districts, represented here by white Democrats; six out of ten districts in Georgia are black districts, represented here by white Democrats; five out of six districts in Louisiana are black districts, represented here by white Democrats; six out of seven districts in Mississippi are black districts, represented here by white Democrats. The distinguished chairman of the Committee on Elections [Mr. CRISP] represents a district which had 63,419 whites and 89,132 blacks, and of a total vote of 31,602 he bears a commission here of 1,700 electors, and all for CRISP. I concede his ability, but deny that his experience fits him

to judge contested elections.

The census, compared with the election returns from the Congressional districts of Tennessee for the members of this House, beautifully illustrates my position that in this House Democrats represent the blackest sections and the Republicans the whitest sections of the South. The whiter the vote the larger the Republican majority. Of the South. The whiter the vote the larger the Republican majority. Of the States once cursed with human slavery, West Virginia, the whitest region, has just become Republican. Old Virginia, with an enormous influx of white immigration, is with increasing whiteness fast becoming a Republican State. Missouri and Maryland, the next whitest slave States, are advancing to Republicanism. In Maryland where the percentage of black vote is greatest, in the First Congressional district, my Democratic colleague, Mr. Gibson, represents 55,149 blacks and 96,870 whites. I, a Republican, represent 21,397 blacks and 142,591 whites, according to the last census, while my Democratic colleague, Mr. Comp-TON, represents all the counties in Maryland wherein the black population outnumbers the white.

After two decades this is a startling result. The centers of white population in the South have accepted negro suffrage in good faith.

In the Black belt black suffrage has failed and white Democracy is supreme. In the whiter portions of the South and border the Republican party prevails, and the black man votes and is counted.

The progressive white people of the Virginias, Maryland, North Carolina, Tennessee, Kentucky, and Missouri look to the Republican party

to continue the protective tariff, to take off the internal taxes on agriculture, and to grant national aid to the illiterates in separate schools for whites and blacks.

As in the early days of the last war the border States, with a loyal sentiment dominant in the white sections, turned the tide in favor of the Union, so the border States to-day, where the white sections are the Republican strongholds, may once more turn the scale in favor of constitutional laws to afford the nation pure Congressional elections, free alike from bribery and intimidation. [Applause.]

Table No. 1.—Population of Tennessee in the several Congressional districts by race and by voting age (from the Tenth Census) compared with the vote for the members of the Fiftieth Congress.

Dis- trict,	Names.	Demo- eratie vote.	Repub- lican vote.	White.	Colored.	21 years.
1 2	Butler (R)	10,953	16, 393	146, 224	14,145	33, 565 30, 189
3	Houk (R) Neal (D)	7,780 14,115	15,837 13,768	135, 293 126, 439	17,805 20,561	31, 843
4	McMillin (D)	12,441	7.792	124, 160	25, 421	31, 132
5	Richardson (D)	13,756	6,210	114,810	42,276	32,602
6	Washington (D) Whitthorne (D)	14, 919 12, 183	9, 218 8, 459	104, 329 109, 456	57, 540 51, 793	38, 570 31, 477
8	Enloe (D)	13,059	11,362	112, 484	37,578	31, 168
9	Glass (D)	14, 272	9,934	105,057	49, 235	33, 904
10	Phelan (D)	11,979	7,983	67, 936	86, 292	35, 849

Table No. 2.—Numerical gain and the gain per cent. of each race in the old slave States from 1870 to 1880.

THE REAL PROPERTY.	A HITTES.			
UD SE	1870.	1880.	Numerical gain.	Gain.
	712,089 678,470 289,667	880, 858 867, 242 391, 105	168,769 188,772 101,438	Per cent. 23.7 27.8 35.0

177, 980 46,548 140, 801 96, 502 92, 889 638, 926 96, 057 521, 384 816, 906 142, 605 662, 185 382, 896 479, 398 362,065 27.5 1,013,699 Total..... 3, 681, 554 4,695,253

States.

Virginia	512,841	631, 616	118,775	23.1
North Carolina	391,654	531, 277	139, 627	35.6
South Carolina	415, 814	604, 332	188, 518	45.1
Georgia	545, 142	725, 133	179, 991	32, 8
Florida	91, 689	126, 690	35,001	38.0
Alabama	475, 510	600, 103	124,593	26.2
Mississippi	444, 201	650, 291	206,090	46, 3
Louisiana	364, 210	483, 655	119, 455	32.8
Total	3, 241, 057	4, 353, 097	1, 112, 040	34.3

TABLE No. 3 .- The Black belt.

[Census 1880.]

States.	Total pop- ulation.	Whites.	Colored.	White illiterates.	Colored illiterates
Virginia	1, 512, 565	880, 858	631, 707	114,692	315, 660
North Carolina	1, 399, 747	867, 242	532, 505	192, 032	271, 943
South Carolina	995, 577	391, 105	604, 472	59,777	310,071
Georgia	1,542,180	816, 906	725, 274	128, 934	391,482
Florida	269, 493	142,605	126,888	19,763	60, 420
Alabama	1, 262, 505	662, 185	600, 320	111,767	321,680
Mississippi	1, 131, 597	479, 398	652, 199	53,448	319,753
Louisiana	939, 946	454, 954	484, 992	58, 951	259, 429
Total	9,053,610	4, 695, 253	4, 358, 357	739, 364	2, 250, 438

Table No. 4.—Population of Alabama in the several Congressional districts by race and by voting age.

[From the Tenth Census.]

Dis- triet.	Names,	Demo- cratic vote.	Repub- lican vote.	White.	Colored.	21 years and over.
1 2 3 4 5 6 7 8	Jones (D)	4, 220 5, 659 4, 660 14, 913 5, 558 7, 938 7, 549 11, 684	3,526 775 4,369 4,608 8,639	60, 159 67, 815 71, 641 27, 189 81, 661 93, 678 140, 928 108, 157	74, 445 69, 060 87, 389 110, 365 61, 486 72, 056 38, 395 61, 336	28, 957 29, 275 31, 375 35, 749 28, 581 36, 782 36, 400 34, 611

Independent vote, 2,519.

Mr. OUTHWAITE. Mr. Speaker, I wish to occupy the time of this House for a brief period in considering the question to be voted upon to-morrow or next day. This district, it is claimed by gentlemen upon the other side of the House, was, by the Legislature of South Carolina, set apart and consecrated to the Republican party because it was certified as containing a great number of colored voters than other districts in that State and Idea. tricts in that State. It is an assumption of the Republican members here that they have a proprietary interest in the votes of the colored voters at the South. It was coupled in the speech of the gentleman from Illinois [Mr. ROWELL] with something in the nature of an admission that the colored voters everywhere throughout the whole country, in the North as well as in the South, vote solidly the Republican While I am not prepared to accept that admission as true, I am ready just now to make a remark or two upon the effect of the

It is an admission that the Republican party elected its President at the recent election by virtue of the negro vote of this country. It is an admission that the great State of Ohio would be Democratic if it were not for the negro voters therein; that the great State of New York would cast its electoral vote for Grover Cleveland if it were not for the negro votes therein; that the State of Indiana and other States which I might name would all be Democratic if it were not for the ascendency given the Republicans by the negro voters who hold the balance of power in these States. And in this connection I have a suggestion to make to our friends upon the other side who are so solicitous that that element should be properly recognized and represented in the government of this country. I have not ventured up to this time, upon any occasion, to indulge in cabinet-making, but as the admission is made by gentlemen on the other side that the Republican party owes its coming ascendency to the negro vote in the North, I suggest that here is a proper opportunity for you gentleman to recognize that vote. I suggest that gentlemen on the other side of this Chamber unite in recommending to President Harrison, Robert Smalls for a position in his Cabinet. [Laughter.]
Mr. GALLINGER. We might do worse than that.
Mr. OUTHWAITE. I know you might do worse than that. He

might perhaps find a congenial spirit there.

Mr. GALLINGER. We might take the gentleman from Ohio.
Mr. OUTHWAITE. Which one? The map presented here of the
district that is under discussion has been remarked upon as an illustration of the unfairness of the districting in the State of South Carolina. If gentlemen will observe, the county of Charleston is represented on that map. It is within the pink line which runs along the seaboard, and joins cornering with the other pink portion of the map. The two blue portions also corner in Charleston Bay. Why, gentlemen of the House, we have had such things before. Yea, we have had even worse things. When the Republicans had control of the State they

made a district which was separated in parts by whole counties.

The county of Richland was thus separated from the rest of the district, of which it composed a part, by the counties of Fairfield and Lex-

There is scarcely a State in the North in which the same abuse has not been perpetrated by the Republican party. A few years ago we had in the State of Ohio what was called the Shoestring district, no county of it lying side by side with any other, the district stretching across the State, the counties just joining at the corners or by small portions. I am informed that one of the ablest representatives upon portions. I am informed that one of the ablest representatives upon this floor from the State of Iowa represents a district which stretches nearly across the State, and which was made on purpose that he might have a sure and safe district. These districts, however, and this question of districting, have very little to do, it seems to me, with the real question before this House. On page 71 of the report of the Committee on Elections, in that portion of the report which is called the minority report, gentlemen will find a recapitulation of the vote at the different precincts.

different precincts.

On page 36 of the report is found a similar recapitulation by a majority of the committee. Both the majority and the minority start from a given point of agreement, as it were, that point being the number of votes assigned to each candidate by the final canvassing board. I wish to take up these precincts and deal with them separately and to give hastily the reasons that have actuated me in the course that I take with regard to this election contest. When I first heard the argument of counsel, when the facts were first presented to me in the body of the committee, it was a question with me whether or not there had been a fair election in this district. I therefore took up each one of the precincts in its order, went through its history carefully, and applied, to the best of my ability, my knowledge of the law to the evidence in reference to such precinct, to see where it would lead me, without regard to the result. If I had time, and it would take about as much time as the chairman occupied in his opening speech, I should like to go over the whole of these precincts and take them up separately as I did for my own satisfaction, and present them to the House, but I have not time. I will therefore content myself with going over this table, which is found on page 71. which is found on page 71.

Voters refused registration, intending to vote for Robert Smalls, 22.

I say to this House that in each case the judgment of the canvassing board that rejected these voters seems to me to be fair and just, with

the exception of four. In only four cases did it occur to me that their ruling was arbitrary and senseless and ought to be overruled. But that is a small number, and I have not dwelt upon it. I might be willing to admit that the whole of the 22 should be counted; yet it would not change the result; it would simply reduce the majority

I shall pass over for the present the next two precincts and come to

As and I pass over for the present the next two precises and county.

Sandy Island precinct, Georgetown County.

Mr. WILSON, of Minnesota. May I ask the gentleman a question? Supposing registration were improperly disallowed, do you hold that the votes should be counted for the candidate for whom the parties say they would have cast their votes?

Mr. OUTHWAITE. I hold that if the vote was rejected improp-

Mr. WILSON, of Minnesota. But if they were not registered and therefore could not properly apply to vote?

Mr. OUTHWAITE. Registration is a prerequisite to voting in this

Mr. WILSON, of Minnesota. Very well. Now, if the registration was even improperly refused, do you hold that the votes ought to be allowed?

Mr. OUTHWAITE. I said that I might be willing to count those; the number is so small that it makes no difference in the general result. I have not said anything about the law. I have said that as a matter of equity or fairness I might be willing to have them counted.

Mr. OATES. If a person entitled to registration is improperly refused registration, can he not compel the registering officer to allow

him to register?

Mr. OUTHWAITE. He can. I take next Sandy Island precinct, Georgetown County; but that is disposed of in a very few words. There was no notice of this precinct in the notice of the contestant, or rather if it was mentioned at one time it was agreed that that subject should not be considered. Why should the minority of the committee consider and report upon it here and claim the number of votes from that precinct when it was agreed, at a time when the contestee might otherwise have desired to take testimony upon the subject, that it should not be considered?

As to Cedar Creek precinct, Georgetown County, and as to Grier precinct, Georgetown County, and as to Adams Run precinct, Colleton County, and Fort Motte precinct, Orangeburgh County, the majority of the committee have agreed that they should be counted. Two of them were rejected, the ballot-boxes having been spirited away, one apparently, and the other having been carelessly sent up and refused to be received because it came in the hands of an unauthorized person. All four of these precincts, when under consideration by the county canvassers, were rejected upon the motion of the Republican member of that county board, he taking the view of the law which was finally taken by the superior canvassing board.

It might be well to say just here of this law, attacked so vigorously and criticised so severely, that I understand it is a remnant of Republican rule in South Carolina; that most of this law was enacted by the Republican party when they had the ascendency there. If the Democracy in subsequent years had changed it, you would have heard throughout the North—perhaps not in the South, but throughout the North—the declaration that the Democrats of South Carolina were destroying

the declaration that the Democrats of South Carolina were destroying one of the fruits of the war, were destroying the valuable registration and election law which the Republicans had granted to that State.

There are two other precincts that come now under our observation—Gadsden precinct and Santee precinct. These precincts were those at which regularly authorized managers did not appear or did not participate in holding the elections. It is claimed that this absence of the managers or this failure of the managers to appear and conduct the

election was the result of a conspiracy.

There is no evidence to sustain any such proposition. On the contrary, it is shown in the evidence that the contestee himself made vigorous efforts to have managers appointed, to have elections conducted at every precinct throughout that district; that he took unusual in-terest in this matter; that he visited the officials and insisted upon their making proper preparation to hold the election, and that the officer to whom was assigned the duty of providing for these precincts went to extraordinary effort in order to have managers at Gadsden precinct, even offered persons money if they would go down and attend to holding the election there—offered the inducement of extra pay to men if they would act as managers. Gentlemen across the aisle sneer at the idea that two of the men refused because of their business and yet appeared at the State polls afterwards during the day. These gentlemen did not testify that they declined because they were too busy; they did not testify that they declined because it would take them they did not testify that they declined because it would take them away from their business; but they declined for the reason that if they were officers in that particular district they might be ostracized and their business interfered with because of that fact, or that they might be brought into trouble or distress, and perhaps be assaulted because of their action. They had in their minds the case of Dr. White at a preceding election, who, as the testimony shows, for no reason in the world except that he acted as a manager, was assaulted and brutally beaten, and came within a very little of losing his life.

While on this subject I may mention that one of the officers at this

election-one who served at Brick Church, Beaufort County-when he made his appearance in public was threatened with being mobbed. A man who had been present at the election and had attempted to put his ticket in without showing his registration certificate, said:

There is the man who made me show my registration certificate; let us kill

And other gentlemen testified the stores of Democrats had been threatened to be burned.

In Santee the alleged election was held out in the fields; begun two or three hours after the time when the law provided it should be begun; conducted by no sworn officer; conducted by men without authority of law and unsworn; conducted in such a manner that twenty-five men voted who were not registered at all and thirty-four who were illegal voters. The returns from this precinct were not certified to in the proper way. In some other respects this election was performed without the usual safeguards; the election law of South Carolina has some safeguards which are necessary there, which are being adopted in other communities, as in the State of Ohio. A portion of space shall be railed off before the polls, in which the voter shall have an oppor-tunity to be entirely by himself before he casts his ballot; in which the voter shall have the opportunity if he chooses to change the ballot which has been forced upon him as he goes to the voting-place and put in another; in which the voter may have time to reflect, to consider; in which the voter shall be free of every manner of intimidation or

Nothing of this kind was established at either of these precincts— no such space railed off. This election held out in an open field, as if men gather at a base-ball game, and said what the vote should be, and sent some note of it down to the county canvassers, could not surely

be valid under the law.

The precincts of Pocotaligo and Green Pond and Providence, in the ballot-boxes of which there was found to be a surplus of ballots, and which surplus was disposed of in strict conformity to the law, come next.

Gentlemen on the other side of the House say the managers were all Democrats. The people who were in the room in one instance were There was no exclusion when the counting came on, for the son-in-law of Mr. Smalls was there when the surplus was discovered. As was said by the chairman of the committee, each voter is re-

quired to deposit his own ballot.

There is no evidence which tends to show in the slightest way that any officer of the election had anything to do with putting in the surplus ballots. The surplus ballots could not have been put in by the officers without all conspiring to do so, and the probability is the surplus ballots were not put in by the officers. You who claim the contrary would have to assume that every one of these election officers stood there violating their oaths, committing perjury, and rendering themselves liable to civil actions and criminal punishments.

There does not seem to have been any corrupting influence in the air in favor of the contestee as against the contestant. There is not a syllable of testimony in all this record which points to him in the remotest way as being guilty of bribery, fraud, or corruption, directly or indirectly. Not a syllable of testimony points to him as anywhere seeking his election in any other way than by the full and fair vote of

the citizens of that district.

What is the record as to the contestant? Before I get through I will show by the evidence the manner in which he obtained his nomination, which was by fraud and bribery, and the manner in which he brought out and used every evil means to secure his own election.

But now to consider further these three precincts. When the contestant makes up his case he has not brought in the returns which were sent up to the canvassing officers. Nor does he bring in the report of the action of the canvassing officers. The contestant in other cases, where he seemed to have some ground to stand upon, brought into the record the returns certified and properly, and not only the returns certified properly, but the action of the county canvassers, the resolutions which they passed, the disposition which they made of the vote of the precinct, showing whether the vote of that precinct was counted or not, and if counted, for whom.

Now I say to gentlemen on the other side, members of this Committee on Elections, can you point to any testimony which shows whether these precincts were counted for or against the contestant? Can you point to any evidence that shows they are not included in the

count as made up?

I have been unable, sir, to find any testimony whatever that would show whether the total votes of the two or three districts were included in the vote as made up, or whether they were rejected, and I do not believe that any such testimony exists in the record. I think, therefore, it is asking a very great deal of this House that it shall assume they were not counted, and therefore add to the votes of the contestant, as claimed by gentlemen upon the other side, such portion as the contestant assumes he ought to have and such votes as he assumes the contestee might have.

I have now disposed of all the precincts except two, Brick Church, in Beaufort County, and Brick Episcopal Church, in Berkeley County. I will take the latter first. This is the precinct in which the gentleman

said that Mount Pleasant was situated, and that, therefore, a copy of the registration of that precinct should have been sent to Brick Episcopal Church, Berkeley County. Now the facts are that the people in Mount Pleasant do not vote at Brick Church for Congressman. Mount Pleasant is a precinct composed of the town of Mount Pleasant and some territory adjacent to it for Congressional and State purposes-for State purposes a greater area than for the other.

Mr. ROWELL. Let me ask my colleague, does not every man who votes at Brick Church for Federal officers vote at the Mount Pleasant

precinct for State officers?

Mr. OUTHWAITE. That is true, and I have not said anything to the contrary. But every man who votes at Mount Pleasant for State officers does not vote there for Congressman.

Mr. ROWELL. Some of DARGAN's vote was from there.

Mr. OUTHWAITE. No; you are mistaken about that; those who lived within the town vote in the town for State officers as well, but those who live out of the town go to the Brick Church to vote for Congressman and Federal officers.

This, Mr. Speaker, I say, was a new precinct created by law recently

for Federal election purpos

Will the gentleman permit me to ask him aques-Mr. CHEADLE.

Mr. OUTHWAITE. Certainly.

Mr. CHEADLE. Do you believe that the voters who voted at Brick Episcopal Church ought to be excluded because they did not have a duplicate register?

Mr. OUTHWAITE. I believe they ought to be excluded, not because they had not a duplicate register, but because they had no certificates. There were no registration books there.

Mr. CHEADLE. But is it not true that at Mount Pleasant they voted for State officers and at Brick Church for Congressman?

Mr. OUTHWAITE. They voted at Mount Pleasant as they were entitled to vote, being registered in that precinct, for State officers, but the new precinct being created, the law of South Carolina did not provide or does not provide for a copy of the voters' register being sent to

Mr. CHEADLE. Does the law provide that where a man is to vote at one precinct for State officers but at another for Federal officers that

he must have duplicate registration papers?

Mr. OUTHWAITE. It provides that when a new precinct has been opened or erected by law the registered voter must himself appear and request to have his name put upon the registration list for that pre-

Mr. ROWELL. Was there a new precinct established, or a new voting district created, of a part of the Mount Pleasant precinct for the Congressional election?

Mr. OUTHWAITE. That was a new precinct for the Federal elec-

Mr. ROWELL. Is there any possibility under the law of South Carolina to create a precinct for Federal elections?

Mr. OUTHWAITE. Well, that is just what was done, and was done by the law of South Carolina, as I understand it.

Mr. ROWELL. Not by the law.

Mr. OUTHWAITE. Yes, by the law. I will not stop to read the

law, but the requirements were as I have stated.

In this case at Brick Church, as I have said, those who desired to over were not registered. Gentlemen may complain of the registration law. It was bequeathed by the Republican party when they were in power in the State. That kind of a population is a population that can easily evade election laws. I do not assume that they are any better or worse than people generally; I do not assume that they are more likely to "repeat" than other people; but I do say that a rigid registration law was necessary to prevent the possibility of their resection without detection. peating without detection.

I do not complain of the makers of such laws. Registration and

location of voters prevent fraud.

It is almost impossible for any one seeing a large number of these men together to recognize any one of that number next day should he meet him. That is the simple fact, without any disrespect for the people; a fact with which everybody who has had any experience will

Now, as to the vote at the Brick Church, in Beaufort County. Gentlemen have said here upon the floor that the managers of the election had testified that was a fair and quiet election and that there was no intimidation at that election. I take issue right there with the gentlemen who make that statement. I say that the testimony shows that the conduct of the election was so interfered with that it was necessary to suspend the election two or three times during the day. This is the election precinct in which a voter quarreled with the managers for refusing to permit him to vote without presenting his registration certificate; this is the precinct at which one of the managers was compelled to go out and quiet the crowd so as to enable the election to proceed; this is the precinct at which gathered a mob of women, brought there by the appeals of the contestant, for the purpose of whipping any colored man who voted for the Democratic nominee; this is the precinct in the immediate vicinity of which a club was organized, a Democratic colored club. At Ladies' Island there was a colored club, and at St. Helena Island there was another club of Democratic colored The minority of the committee sneeringly allude to three men being chased by women. The contestant, describing the same event in his speech, said:

I saw forty men from Ladies' Island marching in a Democratic club, and I was ashamed of them. But they were brick-batted, so that they had to get down and cross the ferry at night-time.

This is the precinct in which men's houses were shot at because they were Democrats. This is the precinct in which a reign of terror prevailed to such an extent as would have justified the casting out of the vote, if it had been cast for Mr. Elliott, for similar bulldozing upon his side.

I will give you some of the testimony as to that particular precinct, but before I do that I want to present to this House Mr. Smalls, the contestant, as he appeared to his own people. I will not go into a discussion of the question as to whether he was guilty of bribery or not. I am not going to dwell upon that for an instant. When the gentleman from Illinois says that he was convicted upon the uncorroborated testimony of an accomplice, I simply say that the cashier of the bank at which this \$5,000 check was deposited appeared in court and testified, and with his book there showed that Mr. Smalls did deposit the \$5,000 about the date that this accomplice testified he had received it, and that a memorandum had been made in that bank-book that it was to be charged to the account of Woodruff, the briber. The possession of the \$5,000 by Smalls at that time has never been accounted for in any other Why has he not at least attempted to do so?

The House will please bear in mind that it is claimed that because this is a large negro district, therefore it is a large Smalls district. wish to show that his glory had departed even among his own kith and kin and fellow-citizens. I will not read much of the testimony, but the testimony goes to show distinctly that there was a bitter contest in his own party against him. There were others there who felt that they ought to come here. There were some who felt that Mr. Smalls ought no longer to come here, because of his position on the Freedman's Bank matter, and because for other reasons pertaining to his course they were dissatisfied. But the great objection which they had to him was that he was a convicted felon. "Oh, but," say gentlemen advocating his case, "he had been elected to Congress two or three times after that event;" as if an election to Congress washed the sins away from all.

The people down there had not had this subject brought to their attention. It had not been discussed before them. This was the first time that it was brought before them, and it was brought before them not by white Democrats, because if it had been brought to their attention only by white Democrats it might not have been accepted by them; they would not have been so likely to consider it; but it was brought to their attention by many of the colored leaders; by men managing party affairs; by men who were determined to defeat this man and who had the confidence of the people. They brought it to the attention of

the people quite frequently.

Let us see how he received his nomination. If he received his nomination by force, or by fraud, or by bulldozing, it will go to show why it was-for that question was asked by gentlemen on the other sidewhy it was that 25,000 negroes did not vote for him. Take the whole vote that he claims to have in the district, and still it is short about 25,000 negro voters. This fact may be worth considering by those gentlemen upon the other side who so frequently repeat that members upon this side of the House from the South appear here with such a small number of votes. The negroes are not, unless specially interested in the election, in the habit of turning out at the polls.

But as to the manner of his nomination. A gentleman testifies who is described as a Republican from the State of Maine, down there managing some works in which he has several hundred men in his employ. He says that he was at one of the primary meetings in which this man Smalls was seeking his nomination, which ended in a quarrel-

And after I had left, not before, after a large portion of the colored people had left, then these (Smalls's) delegates were elected.

Mr. ROWELL. "After I had left I heard"-is that good evidence?

Mr. OUTHWAITE. Wait and I will show what was done before he left:

W. H. Thompson, a colored man, who has been a leading Republican since the "reconstruction" period; who was inspector of customs under the Republican collector and turned out by his Democratic successor; who was Republican county chairman of Charleston County in 1872; member of the State executive committee from 1878 to 1880; Republican county chairman for Berkeley County from 1884 to 1886, and Republican Congressional county chairman for the last campaign, testifies (pages 630-655), among other things, as follows:

"Q. 12. Did you support the Republican nominee for Congress during that

"A. I did not.
"Q. 13. Will you state the reasons why you did not?
"A. Because I believed that the so-called Republican nominee was improperly nominated.
"Q. 13. In what way was he improperly nominated? And please state fully all the considerations which operated upon you and induced you to withhold your support from him.

your support from him.

"A. Because the delegates that were seated in Congressional convention from Berkeley County were not entitled to their seats. A majority of the Republicans of the district were opposed to Smalls when he came home from Washington,

When he came home he said to me, 'I understand that you are going to oppose me.' My answer to him was, 'It will depend upon what you will do to cause me to come out actively in opposition to you.' He then struck nis right-hand pocket and said, 'A fat dog can always beat a lean one.' This statement was made in the presence of a dozen or more of the precinct chairmen, who were then opposed to him. The first meeting we had to elect delegates to county convention after that declaration was at St. Andrew's, at which place a precinct chairman was to be elected to fill a vacancy caused by the death of the former one. I presided at the meeting for the election of delegate to the county Congressional convention at the suggestion of General Smalls, as Congressional county chairman, he claiming that Ostendorff had no juisdiction. When the delegates were elected (and they were all elected against him), then he infuriated the people, and demanded and told them to demand that Ostendorff go back on the stand and order an election for another precinct chairman. Ostendorff resued, stating that he had already declared one precinct chairman elected. Upon that General Smalls said, 'By God, kill him, and don't let him leave this ground until he does call this meeting to order.' Ostendorff said, 'I had better go back to save myself from bodily harm,' and upon that he did call the meeting to order, and the people that remained there voted for another precinct chairman."

That was the way Mr. Smalls began his canvass in that campaign.

That was the way Mr. Smalls began his canvass in that campaign. Another man named Smalls testifies on that subject in about the same way, showing that Mr. Smalls was not the choice of his own people, and there is other testimony which corroborates that proposition.

Q. Did you or did you not hear any speeches by Republicans on the day that that meeting was held?
A. I did.
Q. What did you hear; did you or did you not hear any charge made against Smalls by Republicans?
A. I did; I heard him charged as a bribe-taker and a convicted felon.
Q. Was Smalls present?
A. He was.
Q. Who made the charge?
A. A man named Research

Was Smalls present:

He was.

Who made the charge?

A man named Brown,

Was Brown a white or a colored man?

He was a colored man.

Did or did not Smalls say anything in regard to the charge; and if so,

that?

A. He said that no man could say that and live ten minutes.

Q. What became of Brown after that?

A. After he came down from the stand he came to my carriage and staid there is balance of the day.

Q. Did or did not Brown give any reason for coming to you?

Objected to.) A. He said he did not know what Smalls's bullies might do.

William H. Thompson says that Smalls was charged with dereliction of duty and with being absolutely unfit to represent his people in Congress; also that he was charged with being "a convicted felon" and 'a bribe-taker."

I will read again from this testimony:

Q. Colonel Elliott says, in the twelfth paragraph of his answer, that the fact that Smalls had been convicted of taking a bribe had been made an issue in the

that smalls hat been convicted of dating a bridge and along a bridge and a comparing.

A. That is a fact.
Q. He also says that this gave him the support of a large number of supporters of Smalls's political party.
A. It certainly did carry a great many Republicans to Colonel Elliott.

J. C. Mardenborough testified that they opposed him "principally because of his conviction of accepting a bribe." The people (he said) are becoming more enlightened; consequently, more sensible. C. B. Smalls, a colored man, testifies to the fact that Robert Smalls was unpopular among his people and was not their choice.

I now call attention to another matter which may throw some light

upon the question of who it was that stuffed the ballot-boxes. Mr.

Sawtelle testified as follows:

Q. Did or did you not have any conversation with Smalls prior to the election in regard to the probable result? State what.

A. I did; I had a conversation with him in regard to Bowen getting the nomination; he said Bowen had not money enough, but he had money enough to

earry him through.

Again, Mr. W. H. Thompson testifies:

Q. In what way was he improperly nominated? And please state fully all the considerations which operated upon you and induced you to withhold your support from him.

A. Because the delegates that were seated in Congressional convention from Berkeley County were not entitled to their seats.

These were the delegates that were elected after others had been elected by a full convention, and after the majority had gone out. Smalls, by threats and intimidation, had compelled the chairman to go back and call the meeting to order again. This witness further

A majority of the Republicans of the district were opposed to Smalls when he came home from Washington. When he came home he said to me, "I understand that you are going to oppose me." My answer to him was, "It will depend on what you will do to cause me to come out actively in opposition to you." He then struck his right-hand pocket and said, "A fat dog can always beat a lean one."

Until I read this testimony I had an idea that a Senator from "a State which never sent a Democratic Representative to Congress' the originator of that use of the word "fat," when he proposed to "fry the fat? out of the large manufacturers (who, as he said, received the chief benefit of the protective tariff) in order to carry on the recent campaign, but I see now that the credit of originating it belongs to South Carolina. [Laughter.]

But I must briefly consider Brick Church, Beaufort County. The

question is, were the colored men so intimidated at this precinct that

we are justified in throwing it out? On the subject of intimidation in the district, first, I refer again to Mr. Sawtelle's testimony:

Q. De you or do you not know of any colored men who desired to support Colonel Elliott at the last election? And, if so, state what number A. There were several, and I know of five.
Q. Do you or do you not know if any were prevented from supporting Colonel Elliott?

nel Elliott?

A. They were prevented through fear of the other colored people.
Q. How many hands do you employ at the Bulow mines?
A. From three to five hundred.
Q. Did all of your hands go to vote on election day?
(Objected to.)
A. No.
Q. Did or did not as many of your hands vote on election day as at previous lections? ctions?

elections?
(Objected to.)
A. No.
Q. State the difference in the number of your hands voting at the last election and the previous elections as nearly as you can.
A. At previous elections all voters went to the polls; at the last election there

were very few; I do not think more than ten went,

Ten out of three to five hundred were all that went to the polls at that district. How can you account for this lack of interest? They were all opposed to Smalls in that precinct; that is the testimony. That, however, is not the precinct I have under consideration. I have introduced it to show that this intimidation was general. I will now come to the immediate vicinity. J. C. Mardenborough testifies that he heard Smalls speak on St. Helena Island:

heard Smalls speak on St. Helena Island:

On St. Helena Island I heard him speak. There were a large number of people present, a great many of whom were women—a feature of Republican meetings. On that island there exists a Democratic club, consisting mainly of colored young men. This club, in 1836, assumed considerable proportions, so much so that the Republican leaders became alarmed, and held frequent meetings there, when in previous years they did not have more than one as a rule. At one of these meetings Smalls, addressing the old people, told them that their sons were being misled in voting against him, and told hem that the land they owned was sold to them by the Republican party; that the Republican party was their friend, and so was he; that their sons had joined the Democratic party, who were not their friends, as they knew from years of experience; told them of the time when they had masters; told them of the persons who did own the lands upon which they live; of bad treatment; of children being sold from their mothers, and of scars upon their backs. These things are calculated to stir up women. He told them if their sons voted for a Democrat to put them of their lands; told women to see that their husbands and sons voted for him; to be at the polls on election day and see that they voted the Republican titles.

In pursuance of this advise of Smalls he says that a large number

In pursuance of this advice of Smalls he says that a large number of colored women were within 300 feet of the polls, armed with sticks and bludgeons to prevent men from voting the Democratic ticket. I would like to see some members of this committee who sneer at men being run by colored women-I would like to see them pursued by a crowd of that kind. They would make the liveliest time that they ever made in their lives. [Laughter.]

Let me next refer to the testimony of E. M. Whaley:

Q. How many persons did you see come in with the Republican ticket and then vote the Democratic ticket?

A. Several.
Q. Can you name any?
A. I decline to name them, because some of them asked me not to say that they did it, because it would hurt them with their associates.

A good deal of testimony has been read as to intimidation, and it is well that members, if they have the time, should look at that testimony for themselves. An attempt has been made to create the impression that there was no intimidation because there was no actual killing of anybody on election day. I will again read from the testimony of Mr. Sawtelle, on page 15 of the report:

Q. 27. Have you witnessed elections in your neighborhood in past years?

A. No.
Q. 28. Do you or do you not know anything of the means used by colored Republicans to make colored voters vote?
A. Up to the last election every voter had to go to vote or be whipped by the

Q. 40. From your observation and experience among the colored people, do you or do you not regard it safe for a colored man to vote the Democratic ticket at a precinct where the Republicans are in the majority?

A. I do not.
Q. 41. Give your reasons for your opinion.
A. I think they would mob him, if not kill him.
Q. 42. Have you or have you not ever voted the Democratic ticket?
A. I have never voted for a Democrat in my life.

Q. 51. Have you ever witnessed an election at the North?

A. Several.

Q. 52. Have you or have you not ever seen the same means adopted to keep voters within party lines as you have seen adopted by colored Republicans to keep colored men within the Republican lines in this State?

A. I never have.

Now, I will ask your attention to the testimony of Emanuel Haynes.

Now, I will ask your attention to the testimony of Emanuel Haynes. Before election the colored Democrats on Ladies' Island were treated shamefully by the Republicans. They were abused in public, and were threatened to be killed out because they were Democrats. Witness was threatened to be killed three or four times by Larry Green, cousin of Samuel Green, who fired off his pistol four times in witness's presence, and other times at his house repeatedly. At the polls the Democrats were told not to let 6 o'clock catch them there; and Larry Green fired off his pistol and said, "Look out, Democrats." Home Democrats have had to leave the island, and witness is constantly expecting trouble, and believes he will have to leave the island.
Witness gives the names of nine men, all colored, who promised to vote for contestee, but would not on account of threats. If the people had their free will contestee would have carried the poll.

Another one of these witnesses says that if the people had had their

free will at this poll the contestee would have had 300 majority; that was his view of the situation. This same Emanuel Haynes, after testifying, was intimidated or attempted to be intimidated. He was assailed by some of the friends of the contestant, who threatened to break his neck because of his testimony. Aaron Alston testifies:

his neck because of his testimony. Aaron Aiston testifies:

Resided on Ladies' Island. Was a member of the Ladies' Island Democratic Club, and was at the mass meeting at Beaufort. Describes pelting of the club with brick-bats. During the campaign-witness's life was threatened because he was a Democrat. He had charge of a Sabbath school, and was told that "no Democratic nigger should teach our children." The school was broken up on this account. They threatened to kick the Democrats out of the churer. There was a club of women organized to prevent Democrats from voting, and Samuel Green and other leaders told the women not to let the Democrats come in their houses. On election day James Green, brother of Samuel Green, tried to make a fuss with a Democrat named Devereaux, and witness had to drive Devereaux off in his buggy to prevent a row. They met a large crowd of women on the road, at Samuel Green's house, armed with canes and sticks. Witness's horse was caugh by the bridle and jerked about because he was driving a Democrat, Democrats were threatened during the day. Many men who promised to vote the Democratic ticket were afraid to do so on account of threats, particularly of Samuel Green. Samuel Green.

Robert Houston testifies that-

On election day there were a great many women on the road with sticks, threatening to mob the Democrats. Contestant told them in his speech to turn witness out of the church if he voted the Democratic ticket.

William Lockwood testifies that he-

Attended a meeting held by Republicans on Ladies' Island day before the election; many women were there, all with sticks. They said they had them to kill Democratic dogs. Mr. Elliott was to speak on the island that day, and these women said he should not pass them. Contestant spoke at the meeting. Said that any woman married to a Democrat, she must kick him out of the house.

Tom Bonner (page 558), colored; age about forty-two:

Lives on Ladies' Island. During the campaign there were many threats by Republicans of killing and whipping Democrats. Jack Johnson, a prominent Republican and delegate to the convention, said the Republicans intended to carry the island or kill the last damn man on it. On election day the women behaved just like they intended to fight a battle, according to the clubs they had. They said they intended to kill out, whip out, and drive out the last man that voted the Democratic ticket. The Democrats left the polls early for fear of trouble.

Is not that intimidation? Who of these timid men would care to endanger their lives by going to vote with such threats made by one of the leading Republicans? "Oh," say gentlemen with a sneer, "if the Democrats were in a large majority why should they have feared inremidration?" Have they not been talking continually about the Republicans being in a large majority in the districts of the South and yet being intimidated? Is it not possible for an organized force, having in its control organization and influence, and backed up by a member of Congress inciting them to evil deeds of this kind—is it not possible to intimidate men to such a degree that they would rather stay at home than go out to vote?

Felix Bonner testifies:

He is forty-four years old, and has lived on Ladies' Island for nine years; belongs to the Ladies' Island Democratic Club, and carried the club flag to a Democratic mass meeting October 22, 1886. On the way back from the meeting the members of the club were brick-batted. From that time on there were continual threats made against the Democrats. But for these threats the Democrats would have carried the polls. On election day there were women at the polls with clubs, using such threats as "We will kill you Democrat niggers to-night," "Never mind, we will fix you to-night." They blockaded the roads to one of the polls, saying, "Theresis no law for women on the day of election."

That is another lesson they had been taught by the member of Congress from that district. I read further down from the testimony of the same witness:

Q. Was anything said by them why they made this attack on you?

A. After I did not get out they didn't get hold of me; they used these words,
"We intend to kill every Democrat nigger that fools around here; if they do
vote a Democrat ticket they sha'n't own it around here."

vote a Democrat ticket they sha'n't own it around here."

Q. Did they say anything about your earrying the club fing?

A. Yes; they did. "Felix Bonner, we want to get you anyhow, because you tote that fing to the mass meeting in Beaufort."

Q. What did you do after that; did you remain there after that night?

A. After that night I thought it best to get away from there as quick as I could; I left on Sunday; went back to Ladies' Island; I could not go back, and have not been back since; I had to hire two of my friends to bring my family from there.

Q. Why couldn't you go back; were you prepared by anything any

Why couldn't you go back: were you prevented by anything, or were you

A. My reason for not going back is because I had a doubt; I was afraid of being mobbed by the Republican party.

The next is on page 33 of the report. D. J. Lawrence, colored (page 567); forty-one years of age. He was a Union soldier, and there were two or three other colored ex-Union soldiers in the list of witnesses who asserted their manhood to testify in this case, and his testimony proves the position we maintain, there was such intimidation at Ladies' Island that at this very precinct there was not a fair elec-

Resides at Beaufort; attorney at law; trial justice for Beaufort County; learned to read and write as a slave; was first sergeant Company E, Thirty-fourth United States Colored Troops; engaged in several battles; was wounded twice at the battle of Honey Hill; promoted quartermaster-sergeant; honorably discharged from that regiment and enlisted in Fortieth United States Regulars; after leaving the Army taught school and studied law, and was admitted to the bar in South Carolina; have been a Democrat since 1876; attended several Republican meetings in Beaufort during last campaign; was cursed and ordered to leave, as no negro Democrat was allowed there; heard Thomas Reynolds, Republican State senator, tell the people to go to the polls armed, and to go knee-deep in blood, if necessary, to carry the election; heard Joseph

Robinson, ex-representative, at another meeting, say "that the law allowed him to carry arms, and that he would go as far as any man to carry the county against the Democrats;" heard Robert Smalls, contestant, say in several public speeches in Beaufort "that any colored woman having a Democratic husband should put him out of the house, and that they could have his assistance in doing so."

Gentlemen say, forsooth, that talk of Smalls had no influence, because the women who were married to Democrats did not abandon them; that only two did abandon their husbands, but afterwards returned to them.

Lawrence goes on further:

Lawrence goes on further:

There is no such thing in Beaufort County as a free election and a fair count among the Republicans. I have been a Democrat in Charleston County for a number of years and voted unmolested; but I am told here in Beaufort County that this is a Republican county, and no nigger can vote here for the Democrats. I have a daughter, a young lady, who attends public school in the town of Beaufort, who has been abused more than once on account of her father being a Democrat. I had to stop her from the school until I saw the principal in reference to this matter. I complained to him by letter and have his reply; not only her, but my family, my wife, and myself have been ostracized in the church and socially, and felt the estrangement keenly, on account of my political views.

Here was abuse of a young lady because she was the daughter of a

W. H. Bartless (page 616); forty-four years old. This witness gives a description showing a little pleasant amusement indulged in like that which was described the other day by the gentleman from Illinois.

which was described the other day by the gentleman from Illinois.

Lives in the town of Beaufort, at Green's Ferry; is a lumber manufacturer. On the 22d of October, 1886, after the Democratic mass meeting in Beaufort, was at the saw-mill, near the ferry; heard a great noise in the street leading to the ferry, yelling and whooping, so much so that witness left his work and went to see what the matter was; saw some colored men running from a crowd of half-grown boys and women who were throwing brickbats at them. One man was bleeding from a wound in the head. The air was full of bricks. Some fell in the mill-yard; some struck the kitchen across the street; found that the men who were being brickbatted were members of the Ladies' Island colored Democratic club. Witness itelephoned for the town marshal, who made one or two arrests, but did not commit any one. The men went down to the ferry, and seemed to be very much intimidated; saw a hack go down there with one or two men in it; think it was Doo Day's hack. Fearing further violence, witness went to the ferry; did not see any further violence, but heard a good deal of loud talking; earlier in the day heard a good many threats on the streets of Beaufort against colored Democrats. They said, "Wait until night and we will fix them;" thinks that Doo Day was one of these parties. Peter Green, brother of Samuel Green, runs Green's Ferry. A few days before the election witness was down at the landing; a boat had just pushed off; Samuel Green was in it, and said to an old colored man that came up, "That no Democrate dould go in that boat," meaning colored Democrat. From what witness saw and heard at various times in the town of Beaufort, he would say it required the highest order of curage in a colored man to vote the Democratic licket.

Parris Sherman (nage 619), colored: seventy years of age:

Parris Sherman (page 619), colored; seventy years of age:

Resides on St. Helena island; doin not vote at the last election; went to the Congressional poll for the purpose of voting for Mr. Elliott for Congress; did not vote because there was such an uproar there, got him so frightened he did not stay; heard heap of threatening, and being old thought he had better get out of the way.

A. B. Colonel (page 619), colored; forty-two years old:

Lives on St. Helena Island; served in the late war in Thirty-fourth Regiment Colored Troops, United States Army; during the last campaign Republicans of St. Helena Island made a great many threats against colored Democrats; that Republicans should club together and kill every one that voted Democratic ticket; Cyrus Jenkins, Republican, threatened him; took up a stick at church and struck him two licks, because he advocated Colonel Elliott; the deacons threatened to turn Democrates out of the church; in consequence of these threats a great many were kept from voting Democratic ticket; thinks that the Democrates would have gotten about 300 votes at Brick Church.

William Lockwood (page 558) says:

Q. What did Smalls say in his speech should be done to the Democrats?

A. He said that any woman that married to a Democratic man the woman must kick him out of the house; and if any man's daughter married to a Democratic dog they must kick them out, too; 'cause if we don't both parties will lose their vote if we have any row, and after the poll was closed then they could do as they choose.

S. D. J. Lawrence, on page 568, an ex-Federal soldier, says:

I heard Mr. Robert Smalls, the contestant, say on more than one occasion in a public speech in Beaufort that any colored woman that had a Democratic husband, she should put him out of the house, and not allow him to come in there by any means, and could have his assistance, and in consequence of this speech I know of several cases where husband and wife have been separated.

Roland White (page 612), also an ex-Federal soldier, says:

Q. During the last political campaign did you hear Robert Smalls make a speech at Brick Church?

A. Yes.
Q. What did he tell the people to do with the Democrats?
A. He told the people this: "Who that votes a Democratic ticket to women must put him out and have no use for him, and who votes a Democratic ticket votes against his own right. The women must do away with their husbands if they vote a Democratic ticket." My wife she left my house for overtwo weeks and went to her mother's house.

Jack Freeman says (page 625):

A. Smalls met me on Bay street, in the town of Beaufort, in the presence of other people, and said to one of the persons tanding there, "Do you know any Democrat nigger by the name of Jack Freeman?" I said; "Yes, here's Jack Freeman himself now." Smalls then said, "You boys ought to tie him and lick him." I told him I considered myself a negro and not a nigger. He said, "Yes, you are a nigger, and a low-down nigger." I said, "You are neither a negro nor a white man; you are a mongrel."

George Rivers says (page 376):

Q. Did you hear Robert Smalls make any speeches on St. Helena before the election?
A. Yes, I do.

Q. What did he say the people ought to do with the men who wanted to vote the Democratic ticket?

A. Yes, sir; any one who vote the Democratic ticket for Col. William Elliott, he was sahamed of them. The other day when he was standing in Beaufort, on Bay street, "seen forty mans of Ladies' Island—I was ashamed of myself—coming under a Democratic banner. What use Democrat have for a colored man? The Democrat carried them and feed them in Fincken horse stable; the lowest place you can imagine; that night half had to take the creek to Sammy Green's ferry by the women and boys brickbat them till a constable had to go down and protect them; and these few Democrats on St. Helena ought to done the same way to those few Democrats which are on the island."

Mr. Smalls was a witness on the stand, and he did not deny there was intimidation. He knows this intimidation continued from the beginning to the end of the campaign. He did not deny that he was re-sponsible for making disturbances, which existed in this precinct, which

were of such a character as prevented a fair election.

Two witnesses say that they believed Mr. Elliott carried the poll.

One says he believes he would have had 300 at this poll if it had not been for this conduct, which rendered the people excited and turbulent

and lawless.

Under these circumstances it seems to me this House would encourage, would be responsible for future bloodshed, possibly, if it permitted such a precinct under such circumstances to be counted for the contestant. And it is in the testimony that this intimidation prevailed on the whole island. Men were driven away; some were assaulted and some were threatened to be killed. I agree with the gentleman from Indiana [Mr. Johnston] that the counting of this precinct or the noncounting of it should determine the election, and that if counted the contestant should have his seat, and if not counted the contestee should have the seat. [Applause.]

[Here the hammer fell.]
Mr. ROWELL. Mr. Speaker, I now ask unanimous consent that the contestant may be allowed to proceed for an hour to address the House in this case

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RESERVATION OF CERTAIN GALLERIES.

Mr. KEAN. Mr. Speaker, I ask unanimous consent before the contestant proceeds to submit a resolution which it is necessary to adopt

The resolution was read, as follows:

Resolved, That all of the west gallery, exclusive of the diplomatic and executive galleries, be reserved on Wednesday, February 13, in addition to the galleries named in the resolution of the House of February 8, for the admission of persons holding tickets issued by the Speaker, as provided for in said resolution, and none others shall be admitted on said day.

Mr. BRECKINRIDGE, of Arkansas. Has not provision been already made for the seats to be occupied by the holders of tickets?

Mr. OUTHWAITE. For two tickets to each of the members, but

there are not enough seats provided in the galleries set apart to supply

those holding tickets.

Mr. KEAN. It is necessary to adopt this resolution in order that the tickets may not be rendered useless in the hands of those who hold

Mr. BRECKINRIDGE, of Arkansas. I asked because I understood provision had been made already for this purpose.

There being no objection, the resolution was considered and adopted.

CONTESTED ELECTION-SMALLS VS. ELLIOTT.

Mr. SMALLS (contestant). Mr. Speaker, I had thought that I would not find it necessary to have a word to say in regard to this contested-election case. I had felt that the American Congress would try this case upon the evidence taken in the Seventh Congressional district in South Carolina. But, to my surprise, I find, going entirely outside of the question, that I am arraigned here and placed on trial for an act said to have been committed in 1873 in South Carolina. It is true, sir, that I was arrested in that State in 1877, charged by the Democrats of the State with receiving a bribe in 1873. This was done after the Democratic party had taken charge of State affairs; but the evidence upon which this trumped-up charge was brought was that of one Josephus Woodruff, who was clerk of the senate and also public printer of that State, and who had acknowledged that he had robbed the State out of over \$250,000, and had run away and was brought back from Pennsylvania by a writ issued on the governor of that State.

He testified that of twenty checks which he had given to "cash" or

to "bearer" one was given to Robert Smalls. Why so?
Simply because they found that I had deposited in the Banking and Trust Company of that State \$5,000 on the 18th day of January, 1873. But when they went to examine the record they found that the check in question was drawn on the 19th day of said month. On examining the calendar they found that the 19th day of January was Sunday, and that if the check was given to me on that day I could not have deposited until the 20th.

Mr. Speaker, in the days of slavery there was a law in South Carolina, I believe, which prevented the negro from having money, but I did not know that there was now any restriction, and especially, sir, after I had given four years to my country in the war, doing all that was in my power to perpetuate that flag which floats above your head. Is it because I had taken a steam-boat out of Charleston under the guns of Forts Sumter and Moultrie and surrendered her with all her ammunition to the Federal Government, and given my service to that Government, pointing out the torpedoes laid to destroy the Federal gunboats, pointing out the masked batteries and taking the Federal vessel under their very guns and driving some of them from their homes that I am now to be arraigned and tried on such a charge? I hope not, gentlemen. I hope you will take this case upon the evidence submitted for your consideration.

The gentleman preceding me [Mr. OUTHWAITE] a few moments ago said that I was convicted, the testimony being corroborated by the cashier of the bank. That gentleman is a member of the Committee on Elections; but, sir, he could not have read the record in this case. The cashier of that bank was a man named Jacobs, who had been charged, as the record shows, under four indictments for perjury, and had fled the State, and a man by the name of Zealy brought in a little slip of paper, written in pencil, and said it was the handwriting of Mr. Jacobs, the cashier of the bank. Mr. Woodruff himself testified that he had made arrangements to borrow money, or had been trying to do so, and asked me to loan him \$5,000, and that when I brought the money to him he had already made the arrangements to get \$20,000 from Dr. Nagle. I am as innocent of that charge, Mr. Speaker, as you who sit in that chair, and the House knows well that you are innocent.

But, sir, that matter is brought in here. The State of South Carolina was in the hands of the Democratic party. It has been said that Judge Townsend was a Republican. That is the first I have ever known of it. He was not elected as a Republican, but as a Democrat, from Marlborough County, and to-day stands there as a Democrat. No one ever heard of Judge Townsend in the Republican ranks anywhere or at any time until now it seems convenient to serve a Democratic purpose.

If any one has, I have not heard of it. It was said again by gentlemen on the other side that I was convicted by a jury of colored men or Republicans. Mr. Speaker, there were two colored men that might have been Republicans on that jury; but every man on that jury had been a Democrat and had worked and voted for Wade Hampton. There is Jo Taylor. Where is he to-day? Somewhere in Canada. He is a good Democrat; but he stole twenty bales of cotton the other day and has now gone somewhere else. [Laughter.] I stand here to-day and I say that I am just as innocent of that charge as a child unborn.

I say that I am just as innocent of that charge as a child unborn.

And even if I were guilty, Mr. Speaker, what has that to do with the election in the Seventh Congressional district of South Carolina? This trial took place in 1877. I was just elected then to the Forty-fifth Congress. Mr. TILLMAN, from the Fifth Congressional district, then contested my seat in a Democratic Congress. That contest went on to the end, and that Congress took no cognizance of it whatever. I ran again for the next Congress. But before I come to that let me say that after that trial and after I was arrested I appealed to the supreme court of the State. The supreme court held that opinion off over one year, as this record will show. After I had run a second time the supreme court. After that was done, under section 641 of the Revised Statutes, I took an appeal to the Supreme Court of the United States, came here to Washington, and appeared before that court. This record shows it. I went before Chief-Justice Waite, and he granted the appeal and docketed the case.

No sooner was this done, and no sooner had I returned to South Carolina than, without a single word from me or a friend of mine, directly or indirectly, Governor Simpson, of South Carolina, issued and sent to me in Beaufort a pardon which I have here in this paper. [Applause on the Republican side.] I at once called a meeting in the town of Beaufort—not such a bulldozing meeting as some gentlemen on this floor may imagine; but the people turned out, white and black, and I denounced Governor Simpson in as strong terms as I was capable of using for giving me that pardon pending an appeal to the Supreme Court. [Applause on the Republican side.] I went to Columbia, where Governor Simpson resided, and there I was serenaded by the people for my conduct. There, upon Lady street and Assembly street, I said all a man could say against Governor Simpson for doing this pending an appeal to the Supreme Court of the United States, thus depriving me of all the right God Almighty gave me, and here I am standing in the American Congress, and here distinguished gentlemen, because I was deprived of a right belonging to every American citizen in the vindication of his character, are trying to prejudice the minds of men on that side of the House to vote against me.

deprived of a right belonging to every American citizen in the vindication of his character, are trying to prejudice the minds of men on that side of the House to vote against me.

But, Mr. Speaker, a few days after, or a little while after, I had returned from Washington to South Carolina, Mr. Youmans, the attorney-general of South Carolina, slips up here to the Supreme Court, goes into the court and asks that this case be stricken from the docket, on the ground that it had been adjudicated in the State. I knew nothing of this at all until I happened to see a sketch of it in the News and Courier, published in Charleston, saying that Mr. Youmans was in Washington and had made such a motion. I at once telegraphed to my lawyer, William A. Cook, in Washington. I did not get an answer, and I telegraphed to Mr. T. J. Minton:

I see by the papers that Youmans was in Washington, and that he has moved to strike my case from the docket on account of its being settled by the State, Stop it. There is a principle involved. My right is involved. Do what you can to stop it. Please write,

I got a telegram from Washington in reply stating "it was stricken off yesterday." When I first learned of Youmans's action I took the next train for Washington, and when I got to Charleston I received the telegram that had been sent to Beaufort and forwarded to me at Charleston.

I came on to Washington, however, and found that Youmans had gone and met C. C. Cole, who was then the partner of Mr. Cook, and had gone before the Supreme Court. Mr. Cole had said to him that the expenses were \$125, as I was informed. Mr. Youmans paid the \$125 to Mr. Cole, and Mr. Cole went and drew the \$125 that I had deposited. [Laughter.] Now, Mr. Speaker, these are about the facts in the case so far as they go. Governor Simpson knew that he was right. He knew there was no evidence against me. Governor Wade Hampton told me with his own lips, "Smalls, there is nothing against you. We are not after you. We are after these infernal carpet-baggers. Those are the men we want to get rid of."

It is to be remembered that at the time there were a good many men away from South Carolina. They were hunting them everywhere—in Canada and God knows where. Some of them have never been found. Mr. Butler, now the librarian here, who was an officer, had warrants for them and went all over the United States hunting them. It must be borne in mind that at that time the Democrats of South Carolina were prosecuting every Republican who had held an office in the State and was in office at that time. I stood my ground like a man. I knew that I was innocent. [Applause.] Governor Simpson, a very few days after, knowing I had been unjustly persecuted, and like an honorable man endeavoring in some slight degree to repair the wanton outrage, issued me a commission as captain of one of the militia companies of the State, and in that commission speaks in very commending terms of me, and says it was issued for "meritorious services rendered." Gentlemen, do not think that the governor would have said this if he had believed the charge. I do not think he would.

There was something peculiar in this case. I was arrested in Beaufort and I was brought to Columbia. When I got to Columbia Mr. Woodruff was not there. I went and saw General Connor, who was then the attorney-general. I was in charge of a constable. General Conner says, "Smalls, that is all right; you are all right; we know you won't go anywhere." I staid in that town, and I walked it for five days before Joe Woodruff was sent for and brought from Charleston. When he came he went up to the trial justice's office, and I gave a bond for \$5,000 for my appearance, and then came back to Washington and took my seat, to which I had been fairly and honorably elected, in the Forty-fifth Congress. When the case was called for trial I left here and went down and stood my trial like a man.

But while I was there, before the trial came off, Mr. Cochrane, the chairman of this great investigating committee appointed by the Legislature of South Carolina, said to me, "Smalls, you had better resign." "Resign what?" "Resign your seat in Congress." "What," says I, "the seat the people elected me to?" "Yes; you had better resign, because if you don't they are going to convict you." Says I, "I don't believe that, sir. I am innocent and they can not do it." "Well," said he, "bear in mind that these men have got the court, they have got the jury, and an indictment is a conviction." I did not believe it, but I tell you those gentlemen taught me it was so. [Laughter.] And it was so. [Renewed laughter.] I was sought by another gentleman, a gentleman from Aiken County, Mr. Drayton, the editor of a paper there. He came to me and said, "Smalls, we don't want to harm you. Get out of the way. We know you have been kind to the people just after the surrender, and Governor Hampton says he don't want to injure you. We want this government and we must have it. If you will vacate your office, here is your \$10,000 for your two years' salary." Says I, "Mr. Drayton, where did you get this money to give me?" Says he, "Smalls, don't youask that. We have got the money. The people of South Carolina have paid in 10 per cent, on their taxes to perpetuate the Hampton government and we intend to have it." Says I, "Sir, if you want me to resign my position you must call meetings all over the Congressional district and get those people who elected me to pass resolutions requiring me to resign, and then you can have the office without a penny. Otherwise L would suffer myself to go into the penitentiary and rot before I would resign an office that I was elected to on a trumped-up charge against me for the purpose of making me resign." [Applause on the Republican side.] I thank the gentlemen on the other side of the House for bringing up this matter and giving me an opportunity to say a few words in regard to this persecution which was p

regard to this persecution which was perpetrated upon me twelve or fifteen years ago.

Mr. Speaker, I feel sorry for the people of my State if one-half that has been said on the other side of the House by the gentleman from Georgia [Mr. Crist] and the gentleman from Ohio [Mr. OUTHWAITE] who has just preceded me is true. Gentlemen, think of what you have done! The State of South Carolina to-day has every judge in it a Democrat, every prosecuting officer a Democrat, every constable a Democrat, and yet they have allowed all this bulldozing and threatening of life, and these attempts to drive people out of the church and

away from their homes, and they have not arrested a man. [Applause on the Republican side.] Not a single man has been brought into court for any of these offenses. Not even an old woman. [Renewed applause and laughter.] They brought in fourteen men charged with committing an assault on Dr. White, and the evidence shows that Dr. White was drunk and fell down over some planks as he came out of the door, and Dr. White will testify if he is put upon the stand that I went into the room and stood by him and went to his home with him.

Mr. Elliott himself will not say half as much about the condition of things down there as some of the gentlemen on that side of the House have said. I hope, in the name of God, that the gentlemen who have made those statements do conscientionsly believe what they have said. [Laughter.] Now, Mr. Speaker, who are the men that make these charges? Is there a gentleman on this floor, and especially a gentleman in the Democratic party, who has not had opposition for the nomination? Why, sir, I saw the other day in the papers that some of them have been a month getting a nomination. [Laughter.] I got mine on the first ballot. [Renewed laughter.] And I got every vote with the exception of 7, and they were from Sumter County, and the candidate from Sumter County moved that the nomination be made nnanimous and went home and stumped every precinct in the county for my election, and his testimony shows that fact. Mr. Bowen was a candidate. Mr. Thompson was a candidate. Neither

one of those gentlemen belongs in the district. Mr. Thompson does not belong in the district. Mr. Bowen does not belong in the district. Both those gentlemen live in Charleston. Mr. Sawtelle does not belong You have not heard read here the testimony of a single man who is a resident and voter in the Seventh Congressional district outside of Beaufort County to sustain these charges of fraud on the part of my friends, who, if asked the question, "Whom did you vote for?" will not say "I did not vote," because if they had voted they would probably have been indicted for illegal voting, for the reason that they

did not belong in the district.

There was not, Mr. Speaker, a single dissenting voice in that district as to my nomination until after the election and not until the testimony hrd begun to be taken. And, sir, I could refer to this very record to show you how some of these men testified. In the county of Berkeley they created an office. We have here the testimony of the chairman of the board of county commissioners and the clerk of the board of county commissioners of Berkeley County. That office, known as the detective of Berkeley County, was created, at a salary of \$50 a month, an office not known to the laws of South Carolina, an office that does not exist in any other county in that State. When that office was created some one said to Thompson, "You can have this office;" another said to Mr. Aaron, the Dutchman, "You can have that office." In the same way the office was offered to several others. But no one could have it until he had outrivaled the others telling the best lies against me. There was really a competitive examination in falsehood for this position. [Laughter.] But this mixed-breed, white Republican, Aaron, succeeded over all the negroes and got the position, and he holds it to-day.

Now, Mr. Speaker, I ask gentlemen on the other side of the House to look this record over, and if I was not honestly and squarely elected to this House I ask you, gentlemen, in God's name, be honest, be true to your convictions, and do not vote to seat me. If after careful examination you come to the conclusion (though I can not for my life see

how you e n do so) that I was not elected, do not vote for me.

Now, I have said enough in regard to this matter of bribery. I would be glad before I close to have read from the Clerk's desk a petition for a change of venue that I filed with the judge of that court before my case was tried. That petition is in this record; and if any decent man calling himself a judge or a lawyer, except Judge Townsend, would have attempted to try that case after that petition was filed, I would like to see that man. But Judge Townsend, in his anxiety to retain his office, can scarcely be considered responsible at that time, because he had been elected in South Carolina by the Republicans, and just as soon as the Democrats got into power they said that all the judges elected by the Republicans, notwithstanding they had been in office ten years, were illegally elected; that the constitution said they must be elected by ballot, and they had been elected by a viva roce to the General Assembly. A resolution declaring their elections illegal, and which was finally passed, was then pending before the Legislature, and Judge Townsend was just as "dodgeful" as one of those partridges down our way—what you call quaits in the North. [Laughter.] He was dodging day by day, waiting for the Legislature to decide whether or not he was a judge, and Attorney-General Connor had him do as he pleased.

The record is all here. I would ask you gentlemen, after you have east your votes against me, to take this record home and in your leisure moments read the testimony; read the record of the case as it went to the supreme court; read what is said by Mr. Zealy, not the cashier of the bank; read what Mr. Woodruff said; and when you get through you will say to yourselves, "I have done one negro a wrong in my life." If you could only stop with saying "one!" [Laughter and applause.] Mr. Speaker, I shall not undertake to deal with the legal questions

arising upon this testimony, because I am not a lawyer; and sometimes I thank God that I am not [laughter], because now I can agree upon something. [Laughter.]

Mr. Speaker, I have my certificate of registration. [Producing it.] Gentlemen on the other side say that a man must have two certificates; in other words, that if he votes at the Episcopal Brick Church, 6 miles from Mount Pleasant, he must have a certificate for that box, and must have one also for Mount Pleasant; for it will be borne in mind that Mount Pleasant and the Episcopal Brick Church are both in the county of Berkeley; one is the Congressional polling place, and the other the polling place for State and county officers. Now, if a man had to change his certificate to the Brick Episcopal Church because he lived outside of the corporate limits of the town, he could not vote for State or county officers unless he had another certificate on which to ca-t that vote. The law does not provide for any such thing. I have here the certificate on which I voted for State and county officers at the court-house in Beaufort. Then I tramped down a mile to the council-room in the town, and there I cast my vote for Thomas Miller for Congress and Harrison and Morton Presidential electors on the same identical certificate; and I have never had it changed since it was issued to me in

We have a peculiar law, sir, in our State. The gentleman says it is a Republican law; that it was passed by the Republicans. This registration law was passed by the Democratic Legislature of 1881. The Republicans were cleaned out of office in South Carolina in 1876. We had a different registration law in the State then. Every man before he voted would go up to the polls, lift his hand, and swear he was qualified under the constitution and that he had not voted anywhere else during that day, and he was then allowed to deposit his vote, his name being taken. But now you must register before you can vote. Do I say you must register? No; you can not register. Why do I say this? I will tell you. You had a chance to register in 1882, and any man who was twenty-one years of age in 1882, who did not register then, can not vote or register in South Carolina to-day.

The constitution of our State says that any man who goes into the State of South Carolina and lives in the State for one year, and for sixty days in the county, is entitled to vote. But, Mr. Speaker, if you go there to-day and stay there until Gabriel shall blow his born calling us to come to the place, wherever it may be, that we are to go, you can not register except by courtesy. There is no law which authorizes a man who moves into the State to register as a matter of right. The law says that only those who become of age since 1882 can register, and the decision has been rendered time and again that any man who was twenty-one years of age and neglected to register in 1882 can

not register now and vote.

Mr. HAUGEN. Is that a decision of the courts or of the registering officers?

Mr. SMALLS (contestant). Of the registering officers.

Again, sir, the registrar goes to the court-house on each Monday, or rather on the first Monday of every month, commencing in January and continuing until July, and if you happen to live 30 or 60 miles from the court-house you must go to that point, pay your own fare on the train, 30 or 60 miles, and then be registered after you have passed through all kinds of objections, if permitted registration at all

Why, Mr. Speaker, two years ago, before I ran for Congress, on Edisto Island there were one hundred and thirty-odd men without certificates of registration. They made an agreement with the steam-boat Pilot Boy, running between Edisto and Charleston, to take them to Charleston for one fare. One hundred and thirty men went to Charleston and went from there to Mount Pleasant on the day fixed for registration, but no registrar put in his appearance during the entire day, and they had to return home without a single man of that number being

But, sir, they tell you that my vote has fallen off, that my people have gone against me. They say that I have become unpopular. distinguished gentleman from Georgia, the chairman of this committee, says that the votes had fallen off over 10,000. No, sir, no vote has The vote is the same to-day and more, but Democrats have improved their methods of preventing votes from getting into the box. [Laughter.] There were six thousand and odd voters in Beaufort County colored, and 693 white voters, according to the census of 1880.

Now, gentlemen, think of it for a moment. I have become very unpopular. All the negroes have quit me down there and are craving to vote the Democratic ticket. [Laughter.] All of them are voting that ticket except those who are bulldozed, and yet nobody is arrested for that offense. Still the Democrats do not get their votes. What is for that offense. Still the Democrats do not get their votes. What is the matter? What has become of the Democratic votes? Are they going to me? They have quitted the contestee and do not vote for him. He did not get but 6,000 votes in the whole Congressional district, where he is entitled to 7,000. I have 32,000 votes in the district: he has 7,000. Still, he gets but six thousand and odd votes and says he is a popular man and I am unpopular. Nobody votes for me. According to his theory he ought toget the 7,000 Democratic votes and all of mine too. [Laughter.] Why, it looks odd. I do not know how the distinguished gentleman accounts for it. Are you disfranchising the white men down there? I do not think so. I will tell you, sir. A majority, or a large percentage of the honorable Democrats of that district feel and have said it time and again, and say now, that it was a shame that an honorable man like Colonel Elliott was willing to receive the benefits of such a gigantic steal as has been perpetrated upon

that district. They have said it time and again, and I am not saying anything but what the papers and the people say themselves.

Mr. JOSEPH D. TAYLOR. I heard that said to you myself while

I was there.

Mr. SMALLS. And if any gentleman on this floor will go down there I will guaranty him to-day, upon my oath, if I am seated in this House, to permit you, Mr. Speaker, to withhold every dollar if you do not find that a majority of the honorable men in the district will tell you the same thing, and you may donate the money, if it is not true, to some charitable institution, and I am as poor as any you can send it to, but do not give it to me.

Now, sir, the people of that district are just as much allied to me to-day as they have ever been. The question was asked me, "Why did you not run again for Congress?" Why did I not? Simply because I could not do it. I had not the means. I paid in this contest \$5,200, and there are vouchers to-day in the room of the Committee on Elections, sworn to by men who say that they received the respective amounts from me, making up that sum. That has been the amount of my expenses; and yet that committee allowed me \$2,000 for it. Besides that, I am kept out of the seat; and I knew that if I did run I would have another contest on hand. I was very unpopular, as they said. Still, another popular man did run, and he has a contest now. He had no opposition after his nomination; that is to say, after he received the

nomination every Republican went to work for him.

There has been something said about the Brick Church. I-say, sir, that precinct gave me 503 votes and Colonel Elliott 45 votes. Gentlemen have made allusions here about intimidation. Ever since the reconstruction there has been a small number of Democrats on a dissatisfied element on that island. In the first election that we ever had in South Carolina, in 1867, to elect delegates to the constitutional convention, Samuel DeNett got 75 votes on St. Helena Island. And there has been no election since the reconstruction when there has not been a dissatisfied element on that island. Men whose votes the man gets who pays for them. [Laughter.] And they have been let alone by me and others. [Laughter.] Mr. Elliott got them this time. Now, sir, every Democratic officer, with one exception, swears that on that island there was a peaceable and quiet election. There is not a single syllable in the testimony from beginning to end to prove that a single man had been deprived of his right to vote. Wherever any witness has stated such to be the fact, the party named by the witness when called upon the stand has denied it, and has stated that he either did not attempt to vote or did not vote, but testified that he would have voted for me if he had voted at all. But it was very necessary that these votes should be thrown out. The 503 alone would give me enough votes to give me a seat here, and you, Mr. Speaker, would have

Take again the Santee precinct. Think of it, gentlemen. When I went before this Berkeley County board, Mr. Elliott, by his attorneys, Messrs. Barnwell & Brawley, protested against over half a dozen of the precincts on the ground that there were no barricades in front of the

Let me tell you something about these barricades. The law of that State says that there shall be a barricade 6 feet high and 20 feet long in front of the door, so that no one can see persons in the room or how the ballot-boxes are arranged. But one voter is allowed in the room at a time. No one is in this room but the three Democratic managers

of the election and one clerk.

Then the law says again that whenever the number of ballots in the box exceeds the number of names upon the poll-list, the ballots shall be placed back in the box and one of the managers, without seeing them, shall draw out the excess of ballots and immediately destroy them. I tell you, sir, that we can not get the votes, for, while the Re-publicans may cast 600 votes, they docket 150 or 200 votes on the poll-list and then the excess vote must be taken out. There is nobody there

to protest.

But, sir, Mr. Elliott found that by making this charge against the poll not being properly barricaded he was going to defeat himself, because half the polls were not barricaded, and those among the polls where he got the most votes. Next day he was advised of this; and, as the record shows here, Mr. Barnwell, an honorable and distinguished lawyer in the State, came into court and withdrew the protest against the Berkeley votes, and they went in. But when they got up to Santee, where I had 212 and Mr. Elliott only got 4, there was no barricade, and this committee says that must not be counted. Generous commit-

[Laughter.]

If you are going to throw out votes at all the polls where there were no barricades, it would defeat Mr. Elliott, and therefore that would not do. [Laughter.] Again, this committee says that Gadsden, that gives me 451 votes, must not be counted. One of the reasons given is because it was not opened until 10 o'clock in the morning. I passed on the floor yesterday and heard my distinguished friend, Colonel Elliott, laboring with some Democrats on the other side of the House, and saying, "Why, don't you see he abandoned it himself? His lawyer abandoned it." Well, now, Mr. Speaker, what does the committee do with Salter's precinct, in Williamsburgh County? That did not open at all until 12 o'clock? That was for Elliott. Smalls did not get

any votes there; and though it did not open until 12 o'clock this com-

mittee says, "That is all right."

Mr. BURROWS. Did they count it?

Mr. SMALLS. They counted that, though it did not open until 12 o'clock. But they did not count Gadsden, where it was opened at 10 But still, Mr. Speaker, not a single man testifies that he went to that poll of Gadsden and could not vote. There was no shape of fraud or attempt to drive them away from the polls; but just simply because the two Democratic managers who were appointed would not serve, the United States supervisor swore in two other men, and they held an honorable election. Every man who went to the poll exhibited his certificate to show that he was entitled to vote before he cast a ballot. But those 400 votes would of course elect Smalls again. [Laughter.] So Smalls must go. [Laughter.] And I suppose he will go when the vote is taken to-morrow. [Laughter.]

But, gentlemen, he will go good-naturedly, because he will be up here himself next year and will be likely to see some of you go out, too. [Great laughter.] The only difference is that I am going out before you; but I can afford to wait. [Laughter.] Now, Mr. Speaker, there has been a good deal said about several of these precincts, but I have not heard a single word said by a member of the committee about the Lake City precinct. I am going to ask the Representative from the Sixth district of South Carolina, whom I see in his seat [Mr. Dargan], to rise upon this floor and state whether Lake City is in the Seventh or Sixth Congressional district, and if he says it is in the Seventh I will

not say another word.

Mr. DARGAN. I will say, in response to the gentleman's inquiry, that I understand that Lake City is on the line between the Sixth and the Seventh districts; that the line runs through Lake City. I do not know that myself, but such is my understanding. I understand further that the voters of both districts vote there at a common precinct. I have no personal knowledge of that, however, but my understanding is that both the Sixth and the Seventh district voters vote at Lake City at a common precinct, in separate boxes, because the line runs through

Mr. SMALLS. I have some little knowledge of the subject, and I certainly am ready to take the word of the gentleman from South Caro-I take stock in him. [Laughter.] He is all right.

Mr. DARGAN. I am much obliged to the gentleman.

Mr. SMALLS. But, Mr. Speaker, I say here that Lake City is in the Sixth Congressional district, and over a mile from the line; so far into the Sixth district that at no election when I have ever run for Congress did we have a single manager or supervisor there from the Seventh district. We never had a representative at that poll. That poll gave Mr. Elliott a considerable vote. They cheated my friend from South Carolina [Mr. DARGAN] out of a large vote there, because it was necessary to make a majority for Mr. Elliott in the other dis-They might have placed my distinguished friend [Mr. DAR-GAN] in the same position I am in, by taking his vote from the Sixth

district and putting it over into the Seventh. [Laughter.]
There has been a good deal said and a good deal of testimony quoted here, and among others we have had the testimony of S. J. Bampfield, and it has been remarked that Mr. Bampfield is my son-in-law. is true. I have had the pleasure in my life of educating a daughter in Massachusetts, at West Newton. This young man was once the servant of Mr. Trenholm, but he had the fortune to graduate at Lincoln University, in Pennsylvania, and he has been clerk of Beaufort County for twelve long years. He has just been re-elected, and every Democratic judge in the State that comes to Beaufort says that notwithstanding he is a negro, he is one of the best clerks in that State. Mr. Speaker, I will withdraw Mr. Bampfield's testimony from the record and ask that no attention be given to it, if Mr. Elliott himself will rise in his place here and say that he would not believe him under oath. I have heard Mr. Elliott say time and again that Bampfield is oath. I have heard and the most accomplished clerks he ever met, and for truth and veracity he is second to nobody; and because he happened to marry my daughter, must he perjure himself for me? I do not support either him or his wife. They have their own house and live by them-

But he was at Pocotaligo. That is where he lives and where he taught school before he was elected a member of the State Legislature. He is elected to every county convention from that precinct as a dele-Mr. Elliott says himself-I have heard him say it time and again-that Mr. Bampfield is as respectable and reliable a man as he ever met; and if he says now that he never said so, I will withdraw every line of Mr. Bampfield's testimony from the record and lay no stress upon it in regard to Pocotaligo precinct.

Now, another point that there has been a good deal of comment about is this poll-list coming down without being certified. Well, I could not help that. If the chairman of the committee will look at the receipt in the committee-room he will find that the secretary of state charged me for certifying it. [Laughter.] He will find that it is on the paper with the rest of them that have been certified as brought from the secretary of state's office.

Mr. Speaker, I had a fearful time in getting this record. The gentleman from Georgia [Mr. CRISP] said yesterday the record was very

easily gotten; that all I had to do was to go and get it. I went up to Columbia and spent two days myself and I came away without it. I was told that the papers were not there; that they had not been sent up. The law requires that a copy should be left with the clerk of the court. I tried to get the record at the clerk's office without going 208 miles to Columbia. At the clerk's office I was told "There is not a copy here; it has never been left here." Then I must go 208 miles to Columbia to the secretary of state; and I must wait until he chooses to Columbia to the secretary of state; and I must wait until he chooses to give it to me. He says he is busy with other business, and will send it to me in a few days. In a few days it was sent. I supposed the papers were all correct. I do not make any charge of intentional wrong-doing against that secretary, who is now dead. I am charitable enough to say that I believe what he did was done by mistake, and that this is the reason he did not sign these papers with the rest. The bundle of papers was sent to my lawyer, and when they were offered as evidence this one was objected to by Mr. Elliott's lawyer, for the reason it was not properly certified to. The names on the poll-list tally with the names of the men who swore they voted for me at Pocotalizo. of the men who swore they voted for me at Pocotaligo.

Bear in mind the law allowed me in taking testimony forty days. I used my forty days. Mr. Elliott then had forty days in which to take evidence on the other side. He never commenced taking his testimony until the last ten days, except at Beaufort. started eighteen days before his time ran out, and he took testimony every day until the expiration of the time; but he took evidence at some six or eight places at the same time; and I had to have my lawyers scattered all over the Congressional district to keep up with him. After his time was out the law allowed me ten days in which to take my testimony in rebuttal. He would not receive notice from me until his time was up; and under the law I must give him five days' no-

The SPEAKER pro tempore (Mr. McCreary). The time allowed the gentleman under the rules has expired.

Mr. NELSON. I ask unanimous consent that he may proceed and finish his remarks.

Mr. SMALLS. This is the quickest hour I ever knew in my life.

[Laughter.]
The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Nelson] asks unanimous consent that the gentleman from South Carolina be allowed to continue his remarks.

Mr. OUTHWAITE. I suppose this extension of time will be deducted from the time of the other side.

Mr. NELSON. Oh, you should not ask any deduction; he has done better than you did. [Laughter.]

The SPEAKER pro tempore. It is suggested by the gentleman from Ohio [Mr. OUTHWAITE] that the extension of time be deducted from

the six hours allowed on that side of the case.

Mr. ROWELL. Our time is all apportioned; if this courtesy is granted it must be simply an extension of the time. This is in effect only a request for unanimous consent that the House may continue in session for such time as the gentleman from South Carolina may desire to speak.

Mr. HEMPHILL. How much longer will that be?
Mr. NELSON. Oh, let him go on; you can stand it.
Mr. HEMPHILL. We do not want to be unreasonable on our side, and we do not want you to be unreasonable on your side. Anything that is fair can no doubt be agreed upon.

Mr. SMALLS. I will say to the gentleman from South Carolina [Mr. Hemphill] that if I can be allowed just fifteen minutes to-

Mr. HEMPHILL. I have no objection to granting fifteen minutes

Mr. SMALLS. I shall not say much more. The SPEAKER pro tempore. The Chair will state the request. The gentleman from Minnesota [Mr. Nelson] asks unanimous consent that the gentleman from South Carolina be allowed to continue his remarks, the time to be taken from the six hours allowed to that side.

Mr. NELSON. That was not my request.

The SPEAKER pro tempore. The Chair stated the request with the amendment suggested by the gentleman from Ohio [Mr. OUTHWAITE].

Mr. ROWELL. The time on our side has all been allotted.
Mr. NELSON. The amendment of the gentleman from Ohio was no part of my request. Will the Chair please put my request as I stated it?

Mr. ALLEN, of Michigan. The proposition, as I understand, is to extend the time of Mr. Smalls this evening, allowing him to take such time as he wants. I understand him to want fifteen or twenty minutes. If this request is denied it will not make a very comfortable

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the gentleman from South Carolina be allowed to proceed and finish his remarks. Is there objection?

Mr. OUTHWAITE. I object, unless this extension of time is taken out of the time allowed on the other side. I do not care if he occupies all the rest of the time.

Mr. THOMPSON, of Ohio (to Mr. OUTHWAITE). What are you afraid of? Let him go on.
Mr. DALZELL. There is good reason to be afraid.

Mr. HEMPHILL. We are not very much afraid.

Mr. ALLEN, of Michigan. I do not think gentlemen on the other side want to set the precedent of denying this courtesy to a contestant, for it may return to plague them in the next Congress. I do not think it is wise for them to cut off this contestant.

Mr. HEMPHILL. So far as I am concerned, I am perfectly willing

he shall go on a reasonable time, but I do not want to stay here all

A MEMBER.

A MEMBER. Say half an hour.
Mr. HEMPHILL. I am perfectly willing to agree to that, if it be taken out of the time of the other side.

Mr. BURROWS. The gentleman simply asks to be allowed fifteen

minutes to-night.

The SPEAKER pro tempore. It is asked that the gentleman from South Carolina be allowed an extension of fifteen minutes. Is there objection? The Chair hears no objection. The gentleman from South

Carolina will proceed.

Mr. SMALLS. Thanking the House for its courtesy, I will say that the next precinct to which I wish to refer is the precinct of Green Pond. Green Pond is in a section of country where scarcely anybody lives but Republicans. It is among the rice fields; the people living there are almost entirely colored people; and I state here upon the honor of a man that no investigation can prove that six Democrats have ever lived or voted at Green Pond. Yet on election day Green Pond gave 200 votes out of a registration of about 800; 165 for William Elliott and 35 for Robert Smalls.

The gentleman on the other side quoted yesterday some of the testimony which those poor people gave. I regretted somewhat that this was done by a Southern man, because if those people are ignorant, the Southern whites are responsible for it. They closed the school-house door against us. Prior to the war it was a crime for us to carry a book. I can remember myself how before the war I used to try to hide my book. And those people, if they can not express themselves properly, certainly know how to vote. [Laughter and applause on the Repub-

lican side.

I will tell you, gentlemen on the other side, that I for one have no objection to a colored man being a Democrat, but I do not want him to be a Democrat until the Democratic party have done something for the negro. What have you done? You have voted against every amendment to the Constitution; you have voted against every proposition to give the negro a right to vote. In South Carolina you have enacted one of the most infamous election laws known anywhere in the world. There is nothing to equal it anywhere. For a man to vote for State or county officers, he must go into a precinct where there are six or eight ballot-boxes. No one is allowed in the room but him.

If the voter puts one of these tickets in the wrong box that vote is not counted. He is not told which is the right box. He comes in, and here are the boxes—one for governor, one for each of the other State officers, one for the candidate for Congress—and he puts his tickets in the boxes, and just so soon as his back is turned one of the Demoin the boxes, and just so soon as his back is turned one of the Democratic managers changes the position of the boxes, and, of course, the ballots are constantly being put in the wrong boxes. [Laughter.] The Democrats change the boxes and you have to start again. It is done to throw our votes out. Then, because that is done and the ballots are thrown out, you say, "Oh, Smalls is unpopular; the people have gone back on him." [Laughter and applause.] Of course it is unfair but it is all of a rise. unfair, but it is all of a piece.

I am sorry the chairman of the committee, the gentleman from Georgia [Mr. CRISP], came here and tried to set you men of the North against me. He made a fine speech, and he can do it, as I have been told he was a good judge on the circuit. But he need not attack me for having lost those votes. I see the Congressional Directory says that he only had 1,704 out of a possible 35,000 votes at the last election. [Laughter and applause on the Democratic side.] I suppose he will say he had no opposition. No, he did not, and if he had the result would have been the same. It would have amounted to the same [Laughter.] thing.

I will ask members to turn to the record and see the testimony of J. H. Chapman, which is uncontradicted, as to the votes cast at Green Pond. Mr. Elliott did not dare to put the manager on the stand. Some of these managers of the election said, "We have done the work, but do not ask us to swear to it." [Laughter.]

Any man can know as to the vote at Green Pond; there is no secret about it. The report is there.

I speak of this because the chairman of the committee went out of the record to attack me in the House of Representatives-to brand me with the worst infamy which could come from his lips. He did not gain anything by it.

The same thing occurred at Grahamville. It would be well to notice how this vote was counted. Forty-nine ballots were cast for Smalls, one for Elliott. It was a fair, square, honest election. The managers saw the ballots placed in the box, and when the voter put in his ballot the manager would take his pencil and push it down. When the election was over those ballots were not counted, but rejected as mutilated because they had that slight pencil mark on them. for me and one for Elliott were thrown out for that reason. [Laughter.]

It was insisted those ballots with a slight pencil mark should be

counted, or at least sent to the State board for the canvassers to pass upon them; but no, one of the county canvassers threw them into the fire and burned them. Dead men tell no tales! [Laughter and applause.] So I was deprived of those 48 votes which had been cast for nie.

A MEMBER. Forty-nine votes were thrown out for that reason.

Mr. SMALLS. Yes, sir; and they were cast into the fire and burned. It is all to be found in the testimony.

Now, Mr. Speaker, I will not trespass upon the good feeling of this House any longer, but will simply ask to be allowed to print in the RECORD my petition filed in the court, asking that I be allowed to change the venue in the case against me. This is all, with the exception of a few other portions of my testimony, and also, Mr. Speaker, a table which I hold in my hand from the census of the district. They make a fuss about Richland County. If every Democratic vote in that county had been polled they could not have had but 225 as against 1,642, and I only got there 451, although I am charged with intimidating them, and they will not even count that. [Laughter.] But they will count, as I say in conclusion, the vote at Salter precinct, where the polls were not opened until 12 o'clock.

I ask to extend my remarks to this extent, and I thank the House for its courtesy.

There was no objection.

The articles referred to by Mr. Smalls are as follows:

The board of county canvassers failed and refused to count and include in the returns made by them to the State board the whole number of legal votes cast, canvassed, and returned by the boards of managers of election as follows, to

Brick Church erkeley County: Brick Episcopal Church eorgetown County: Urier's precinct.	For Robert Smalls,	For William Elliott,	
In Beaufort County : Brick Church	503	45	
	267	3	
Grier's precinct	65 212	4	
Sandy Island precinct	33 33 451		
Fort Motte precinct	236 177 284	58 37	

Population and number of males of voting age, classified by race, in the Seventh Con gressional district of South Carolina, according to the census of 1880.

Counties and townships.	Total.	White.	Colored.	Males of 21 years of age and over.	
resident and some of this process.				White.	Colored.
The district.	187, 536	31,520	156,016	7,695	32, 893
Georgetown County	19,613	3,466	16, 147	852	3, 419
Beaufort County	30, 176	2,442	27,734	693	6,127
Sumter County	37, 037	9,979	27,058	2,273	4, 980
Orangeburgh County	13,634			-,	2,000
Township of Amelia	3, 664	629	3,035	169	609
Township of Goodby's	1,490	433	1,057	95	199
Township of Lyons	2,428	419	2,009	103	369
Township of Pine Grove	1,994	393	1,601	89	323
Township of Poplar	1,512	446	1,066	110	223
Township of Providence	1,260	387	873	83	150
Township of Vance's	1,286	206	1,080	47	191
Williamsburgh County	15,681			000000000000000000000000000000000000000	
Township of Anderson	733	465	268	104	46
Township of Hope	2,326	615	1,711	128	302
Township of Indian	1,914	317	1,597	75	271
Township of King's, except				THE REAL PROPERTY.	area calated
the town of Kingstree	2,458	400	2,053	94	358
Township of Laws	1, 295	208	1,087	50	198
Township of Mingo	1,371	362	1,009	89	177
Township of Penn	1,481	237	1,244	58	234
Township of Ridge	2,001	410	1,591	101	249
Township of Sutton's	779	232	547	46	92
Township of Turkey	1,323	310	1,013	58	182
Colleton County	12,961				
Township of Collins	1,431	390	1,041	98	271
Township of Adam's Run	4,409	537	3,872	154	871
Township of Glover	1,337	179	1,158	45	242
Township of Fraser	1,708	160	1,548	46	384
Township of Lowndes	1,555	78	1,497	27	363
Township of Blake	2,521	49	2,472	28	574
Charleston County, except	10100 1	Mary and District	20 10 10		
those portions in First dis-	Carlotte .	Out of the last of	III de Sol		
trict	49,553	6,854	42,699	1,735	9,817
Richland County:			S. L. Contraction		
Lower township	8,881	917	7,964	252	1,642

THE STATE OF SOUTH CAROLINA, County of Richland:

Court of general sessions.

The State vs. Robert Smalls. Indictment for accepting a bribe.

To the honorable the court of general sessions for the county of Richland, in the said State:

The defendant in this cause, Robert Smalls, humbly petitioning, shows unto your honorable court that he has been indicted by the grand jury of this county and is now held under bail to answer in this court to indictment for the alleged

crime of receiving a bribe in his official capacity to influence hisacts in the office of State senator of South Carolina, on or about the 18th day of December, in the year of our Lord 1872, as is more fully set forth in the said indictment; that of all and each of said crimes and offenses set forth in said indictment; that of all and each of said crimes and offenses set forth in said indictment this defendant, upon his oath, solemuly declares he is not guilty, and is only desirous to have the trial thereof before an unprejudiced, fair, and impartial court and jury. That this defendant is a person of color, and was formerly a slave, and was afterwards a capatan and pilot in the service of the United States. That the offense charged in the said cultivation of the public newspapers published and largely circulated in the said county, from the residents of which the jury has been summoned for this trial.

That by the laws of the United States of America, as well as the constitution and laws of the State of South Carolina, he is entitled by right to trial by a fair and impartial jury, who shall pass upon the offense charged between him and the State, without biga or prejudice. That he is informed and believes that greation of servitude, so that he can not have a fair and impartial trial in this honorable court, by reason of political excitement, and by reason of the prejudice excited against him by articles published in the newspapers.

That at the general election held in this State, on the 7th day of November, 1376, this defendant was elected a Representative of the Fifth district of the State of South Carolina, in the House of Representatives of the United States, to hold be been admitted to swid seat by the said House of Representatives of the State of South Carolina, in the House of Representatives of the Vinted States, to hold be a fair and impartial trial in this particles of the said once we have a said of the said of the said of the said of the said once we will once great a said of the said once the said

THE STATE OF SOUTH CAROLINA, County of Richland:

THE STATE OF SOUTH CAROLINA, County of Archana.

Robert Smalls, the defendant in the above-entitled action, being duly sworn, says that the foregoing petition is true, to his own knowledge, except as to those matters therein stated on information and belief, and those he believes to be true.

ROBERT SMALLS.

Sworn to before me this 7th day of November, 1877.

B. I. BOONE, [L. s.] Notary Public, S. C.

# HARDIN COUNTY, KENTUCKY.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 11871) for the relief of Hardin County, Ken-

tucky, and put it upon its passage.

The SPEAKER pro tempore. The bill will be read subject to ob-

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and required, on appeal to him made, to refund and pay back to the county of Hardin, State of Kentucky, out of any money in the Treasury not otherwise appropriated, any and all money collected from any and all corporations or from any other person or party whatsoever, as internal-revenue taxes on dividends on shares of stock owned by said county, any statute of limitations to the contrary notwithstanding.

The committee recommend the adoption of the following amendment:

After the word "county," in line 10, insert:

"In the Louisville and Nashville Railroad Company, to the extent that such taxes were deducted from any dividends due and payable to said county."

Mr. BURROWS. How much is involved in this bill?

Mr. MONTGOMERY. About \$4,000.

Mr. BURROWS. Is it recommended by any Department?

Mr. TAULBEE. Yes, sir; by the Commissioner of Internal Reveue; a very strong recommendation.
Mr. BURROWS. Very well; I have no objection.

Mr. KILGORE. Do I understand this is the last one of that batch

Mr. MONTGOMERY. It is the last one that I know of.

Mr. TAULBEE. The same tax has been refunded to every other county in the State.

Mr. KILGORE. All of them?

Every one of them, so far as known to me or to the Mr. TAULBEE. Department. The letter of the Department cites the action in the other counties as a precedent for this. Mr. KILGORE. So long a time h

So long a time has elapsed in these cases that I fear they will be able to trump up others.

Mr. TAULBEE. I think this is all.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MONTGOMERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

RETURN OF A CONCURRENT RESOLUTION.

The SPEAKER pro tempore. The Chair is informed that the concurrent resolution of the House of Representatives providing for the printing of the annual volumes of the Astronomical Observations of the Naval Observatory for the years 1886, 1887, and 1888 was sent to the Senate by mistake; and it is requested that an order be made asking the Senate to return the resolution. Without objection that order will be made.

There was no objection, and it was so ordered.

#### CHEYENNE STREET RAILROAD COMPANY.

Mr. CAREY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation.

The SPEAKER pro tempore. The bill will be read subject to ob-

jection.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Cheyenne Street Railroad Company, a corporation created and organized under the laws of the Territory of Wyoming, is hereby authorized to build and operate its road on and across the Fort D. A. Russell military reservation, in said Territory, on such a line and subject to such restrictions as may be approved by the Secretary of War: Provided, That such right of way shall not exceed 60 feet in width, and shall be subject to such change or removal as may be provided by the Secretary of War, at the expense of the said railroad company.

There being no objection, the bill was considered and ordered to a

third reading; and being read the third time, was passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

DISTRICT COURT, NORTHERN DISTRICT, GEORGIA.

Mr. STEWART, of Georgia. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia

This bill defines the time when the term of the court shall begin. I will state that it is necessary to pass this bill to determine the time wher the jurors shall be drawn. In does not exceed three lines in

The SPEAKER pro tempore. The bill will be read subject to objec-

The bill is as follows:

Be it enacted, etc., That hereafter the regular terms of the district court for the northern district of Georgia, now held on the first Monday in March, shall commence on the second Monday in March of each year.

There being no objection, the bill was considered and ordered to a

third reading; and being read the third time, was passed.

Mr. STEWART, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. ROCKWELL (at 6-o'clock and 30 minutes p. m.), the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 12572) granting a pension to George E. Armstrong—to the Committee on Invalid Pensions

Also, a bill (H. R. 12573) to establish a bridge across the Illinois

River, within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Ca houn County, in the State of Illinois—to the Committee on Commerce.

By Mr. BOWDEN: A bill (H. R. 12574) granting right of way and other privileges to the Hampton and Old Point Railway Company—to

the Committee on Military Affairs.

By Mr. DE LANO: A bill (H. R. 12575) to increase the pension of James M. Barrett-to the Committee ou Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 12576) for the relief of S. M. Edmunds-to the Committee on War Claims.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DAVIS: Petition of farmers of Somerset Grange, of Potterville, Mass., for protection to agriculture-to the Committee on Agriculture.

By Mr. GROUT: Petition of F. A. Froy and 16 others, for protection to agriculture-to the Committee on Ways and Means.

By Mr. MORRILL: Concurrent resolution of the Legislature of Kansas, relating to the assassination of John M. Clayton in Arkansasto the Committee on Elections.

Also, concurrent resolution of the Legislature of Kansas, in relation to pensions to militiamen and others, and asking for the repeal of the limitation in section 4693 of the Revised Statutes—to the Committee on Invalid Pensions.

By Mr. WILKINSON: Petition of estate of Ulger V. Boehsuax, deceased, of Orleans Parish, Louisiana, for reference of her claim to Court of Claims-to the Committee on War Claims.

The following petition for a national Sunday-rest law was received and referred to the Committee on Labor:

By Mr. LODGE: Of 39 citizens of the Indian Territory.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of H. Snyder and 83 others, citizens of Della, Ohio.

By Mr. BUCHANAN: Of William W. Campbell and 44 others, citizens of New Egypt, N. J.

By Mr. COLLINS: Of G. W. Flynn and 29 others, citizens of Bos-

ton, Mass

By Mr. DORSEY: Of W. F. Wilkersell and 15 others, citizens of

Emerson, Nebr.
By Mr. FRENCH (by request): Of W. H. Brown and 270 others, citizens of Chatham, Conn.

By Mr. GRANGER (by request): Of A. B. Dibble and 217 others, citizens of Danbury, Conn.

By Mr. LAWLER: Of 6,187 citizens of Illinois.

By Mr. McADOO: Of James Cummings and 54 others, citizens of

Jersey City, N. J. By Mr. PIDCOCK: Of J. J. Summbers and 133 others, citizens of Milford, N. J.

By Mr. PUGSLEY: Of Benjamin Hawkins and 26 others, citizens of New Burlington, Ohio.

By Mr. ROMEIS: Of Robinson Locke and 37 others, citizens of To-

ledo, Ohio.
By Mr. J. B. WHITE: Of R. S. Goodman and 41 others, citizens of Kendallville, Ind.

# SENATE.

# WEDNESDAY, February 13, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Light-House Board submitting an estimate for an appropriation of \$3,500 for the purchase of land required for the Beaver Tail (Rhode Island) fog-signal station; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing copies of letters from the chief-justice of the supreme court of the District of Columbia and United States marshal, accompanied with a report from the health officer, addressed to the commissioners of the District, relative to the sanitary condition of the City Hall; which, with the accompanying papers, was ordered to lie on the table, and be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of A. J. Coe and 197 others (96 voters and 102 women), citizens of Burlingame, Kans., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. EDMUNDS presented the petition of E. B. Dwinell and 55 others (23 voters and 33 women), citizens of Marshfield, Vt., praying for the submission to the States of a constitutional amendment prohibiting the manufacture and sale of liquors, etc.; which was ordered to lie on the

Mr. HALE presented the petition of George A. Mahoney and 89 others (44 voters and 46 women), citizens of Camden, Me., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of H. Snyder and 82 others (53 voters and 31 women), citizens of Delta, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. BLODGETT presented the petition of M. D. Coolbaugh and 634 others (325 voters and 310 women), citizens of Newark, N. J., and eight petitions of Independence, Jefferson, Malaga, Swedesborough, Bordentown, New Egypt, Milford, Rahway, and Westfield, in the State of New Jersey, and a petition of citizens of Mercer County, New Jersey, all praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. MANDERSON presented the petition of William T. Mikesell and 15 voters (12 voters and 4 women), citizens of Emerson, Nebr.; the petition of W. H. Rice and 51 others (32 voters and 20 women), citizens of Chapman, Nebr.; the petition of George H. Kemp and 169 others (135 voters and 35 women), citizens of Grand Forks, Dak.; the petition of Leslie I. Puckett and 45 others (25 voters and 21 women), citizens of Spring Bank, Nebr., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of citizens of Albion, Boone County, Nebraska, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor,

Mr. STEWART presented the petition of E. Donovan and 34 others (5 voters and 30 women), citizens of Gold Hill, Nev., and the petition of J. R. Hammond and 65 others (28 voters and 38 women), citizens of Ruby Hill, Nev., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. BUTLER presented a petition of the Young Men's Union Prayer Meeting of Union, S. C., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. McPHERSON presented the petition of W. N. Ogborn and Labor, others (25 voters and 33 women), citizens of Bridgeport, N. J., and the petition of James Cumming and 57 others (30 voters and 28 women), citizens of Jersey City, N. J., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented the petition of J. G. Johnson, a citizen of Pitman Grove, Gloucester County, New Jersey, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education

Mr. PLUMB presented a memorial of citizens of Whitman County Washington Territory, remonstrating against the passage of the bill authorizing the county commissioners of Whitman County, Washington Territory, to issue bonds for the purpose of building a court-house and jail, etc.; which was referred to the Committee on Territories.

Mr. EVARTS presented a petition of 1,252 citizens of the State of

New York, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of A. N. Allen and 18 others (6 voters and 13 women), citizens of Southbury, Conn., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 100 citizens of Sheldon,

Iowa, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of M. E. Gammons and 57 others (22 voters and 36 women), citizens of Westport, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. DAWES presented the petition of C. B. Hathaway and 103 others (49 voters and 55 women), citizens of Raynham, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr, FAULKNER, from the Committee on Claims, to whom was re ferred the bill (H. R. 9874) for the relief of administrator of Alfred Al-

corn, submitted an adverse report thereon, which was agreed to; and

the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6598) granting a pension to Maria Brasted; A bill (H. R. 11741) granting a pension to Alexander M. Boatright;

A bill (H. R. 11924) granting a pension to Annie Balser; A bill (H. R. 12303) granting a pension to Ester Gaven; and

A bill (H. R. 6535) granting a pension to Mary Gray.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding, reported it with an amendment, and submitted a report

Mr. TURPIE; from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10882) granting a pension to Nancy Hamilton; and A bill (H. R. 10780) for the relief of Benjamin E. Snyder.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8801) granting a pension to William Logan; A bill (H. R. 10639) granting a pension to John Y. Hooper;

A bill (H. R. 6886) granting a pension to Hannah McKee;

A bill (H. R. 424) granting a pension to Elizabeth Myers; and A bill (H. R. 7123) for the relief of Catharine Mutz.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3944) granting a pension to Juliet Opie H. Ayres; A bill (H. R. 11923) granting a pension to Charles Schuler; and

A bill (H. R. 11466) granting a pension to Mary A. Selbach. Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard, reported it without amendment.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation; and

A bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia. The message also announced that the House had passed the bill (H.

R. 11871) for the relief of Hardin County, Kentucky; in which it requested the concurrence of the Senate.

#### HEIRS OF REAR-ADMIRAL CHARLES H. BALDWIN.

Mr. PAYNE. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 125) authorizing the heirs of Rear-Admiral Charles H. Baldwin, United States Navy, to receive a snuff-box set in diamonds from the Czar of Russia, to report it favorably without amendment, and I desire present action on the joint resolution. I ask that the letter which I forward to the desk may be read.

The PRESIDENT pro tempore. The letter will be read.

The Chief Clerk read as follows:

DEAR SIB: I take the liberty to address you as chairman of the Committee on Foreign Relations to ask if you will endeavor to have a bill reported back to the Senate that was introduced by Senator Chandler and referred to your com-

This is a bill to enable the heirs of the late Rear-Admiral Baldwin to retain a gold snuff-box that was presented to him by the present Czar of Russia at his coronation.

coronation.

Friends of the late rear-admiral did present a bill some years ago, but no action was reached, and as my late friend was ill for three or four years before his death, no effort was made to get this attended to.

Of course now the family would like to retain this as a memento.

I am one of the executors, and with the great friendship that has always existed for Admiral Baldwin and his family, explains the interest that I take in this matter. this matter.
I remain, very truly,

C. ADOLPHE LOW.

Hon. John Sherman, United States Senate, Washington.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the joint resolution may be now considered. It will be read at length for information, subject to objection.

The Chief Clerk read the joint resolution, as follows:

Resolved, ctc., That the heirs of the late Rear-Admiral Charles H. Baldwin, United States Navy, be, and hereby are, authorized to receive the snuff-box set in diamonds presented to the rear-admiral by the Czar of Russia, while he was special naval representative of the Government at the coronation of the em-

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I present the conference report on the diplomatic and

consular appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Chief Clerk read as follows:

The Committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 20, 1899, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 13, 25, 26, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, and agree to the senate

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Substitute for the sum proposed the following: "\$378,500;" and the Senate agree to the same.

EUGENE HALE, W. B. ALLISON, F. M. COCKRELL, Managers on the part of the Sena'e. JAMES B. McCREARY, CHAS. E. HOOKER, ROBERT R. HITT, Managers on the part of the House.

The PRESIDENT pro tempore. If there be no objection to the present consideration of the report, the question is, Will the Senate agree

Mr. SHERMAN. I should like to have the Senator explain what

is mone with the amendments in regard to Samoa.

Mr. HALE. The large appropriation which was made by an amendment in the Senate of half a million dollars is left in the bill and be-

ment in the Senate of hair a million donars is left in the bill and becomes a part of the report.

The item of \$100,000, which covered the taking possession of the station which the United States has at Pago Pago, is struck out of this bill for the reason that the House of Representatives put it in a better form in the naval appropriation bill, so that the work which is to be done there will be done under the Navy Department. The Senate has already consented to that amendment and it has passed both Houses upon that bill, and will undoubtedly in a few days become a law men that bill. Otherwise there are no substantial changes in the law upon that bill. Otherwise there are no substantial changes in the bill from the Senate's action.

The PRESIDENT pro tempore. Will the Senate concur in the report of the committee of conference?

The report was concurred in.

# BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3960) granting a pension to Mary B. Hunt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3961) to secure to all citizenes of the United State the sight tensions.

zens of the United States the right to vote at certain elections without

zens of the United States the right to vote at certain elections without distinction of sex, and for other purposes; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

He also (by request) introduced a bill (S. 3962) to amend the first, second, and twenty-third sections of an act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870; which was read twice by its title, and referred to the Select Committee on Woman Suffrage. Woman Suffrage

Mr. CHANDLER introduced a bill (S. 3963) granting a pension to Jeanie Brent Davenport; which was read twice by its title, and referred

to the Committee on Pensions.

Mr. SAWYER (by request) introduced a bill (S. 3964) to authorize an extension of a patent for improvement in sewerage to Walter Scott West; which was read twice by its title, and referred to the Committee on Patents.

# AMENDMENTS TO BILLS.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

## INDIAN EDUCATION AND CIVILIZATION.

Mr. MANDERSON submitted the following resolution; which, together with the accompanying document, was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That 5,000 copies of the report on Indian education and civilization, by Alice Cirleter, be printed; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for distribution by the Commissioner of Education.

#### DR. JOHN B. READ.

time that bill passed the Senate and was reconsidered on the motion of the Senator from Vermont [Mr. EDMUNDS] it was understood that the which was Order of Business 2026. I move to have the House bill changed from Order of Business 2435 to 2026, the place where it properly belongs. I called the attention of the Senator from Vermont to this mistake in the Order of Business of this bill and he agreed that it should be put at 2026.

The PRESIDENT pro tempore. The Chair hears no objection to the proposed change in the enumeration of the Order of Business, and that

change will be made.

#### WHITE EARTH INDIAN RESERVATION.

Mr. SABIN. I am directed by the Committee on Indian Affairs to report favorably with an amendment the bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation in the State of Minnesota, and I desire to have action by the Senate on the same at this time

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the bill reported by him may be now consid-

ered. Is there objection?

Mr. SHERMAN. Let it be read for information.

The PRESIDENT pro tempore. It will be read at length for information, subject to objection.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment reported by the Committee on Indian Affairs was, in section 2, line 24, to strike out the words "as to the amount of said compensation" and insert "to the provisions of this act;" so as to read:

Compensation "and insert." to the provisions of this act; "so as to read:

But no right of any kind shall vest in said railway company in or to any part
of the right of way herein provided for until plats thereof, made upon actual
survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side-tracks, turn-outs, and water stations
shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation to the provisions of this act shall have been first obtained in a manner satisfactory to the President of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 3919, upon the same subject, if there be no objection, will be indefinitely postponed.

Mr. DAWES. What is the difference between the bill that has been

passed and the bill for which the Senator asks the indefinite postpone-

Mr. SABIN. They are identical, with the amendment made by the committee to the House bill.

I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. SABIN, and Mr. JONES of Arkansas were appointed.

#### THE ELECTORAL COUNT.

Mr. HAWLEY. If the morning business is concluded—
The PRESIDENT pro tempore. Is there further morning business?
Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to morning

Mr. HOAR. I rise to make what I suppose is a privileged motion. The PRESIDENT pro tempore. The Senator will state his motion.

Mr. HOAR. I move that at ten minutes before 1 o'clock to-day the Senate proceed to the Hall of the House of Representatives, there to take part under the Constitution and laws in the count of the electoral votes for President and Vice-President of the United States.

The PRESIDENT pro tempore. Is there objection?

Mr. SHERMAN. Before that question is put I should like to in-

quire whether the usual custom has not been to await notice from the

House of Representatives?

The PRESIDENT pro tempore. The Chair has just been notified by the Clerk of the House of Representatives that no notification will be forwarded, but that the House will be ready to receive the Senate at the time appointed in the concurrent resolution.

Mr. SHERMAN. My impression is that heretofore the custom has always been for the House of Representatives to notify the Senate that they are ready to receive the Senate so that the votes may be counted.

Mr. HOAR. I suppose the departure by the House of Representatives from the usual custom may perhaps be explained by the fact that there is now for the first time in existence a statute regulating the holds are always a large the regulating the statements. whole proceeding, which makes it a legal duty. I suppose, therefore, Mr. PUGH. I desire to call attention to Order of Business 2435, being the bill (H. R. 10633) for the relief of Dr. John B. Read. At the for an invitation. The Constitution provides for the assembling or

these two bodies at the count of the electoral votes, and the statute places the Hall of the House of Representatives at the command of the

convention for that purpose and provides who shall preside.

Mr. HARRIS. I would ask the Senator from Massachusetts if the concurrent resolution agreed to by both Houses does not fix the hour at which the Senate shall appear in the Hall of the House of Represent-

It does.

Mr. HARRIS. It seems to me that that is sufficient.

Mr. HOAR. I suppose the Chair perhaps would not execute that resolution without an order of the Senate. The statute requires the two Houses to be at that place at 1 o'clock to-day. This motion is that the Senate proceed—I will say at five minutes before 1 o'clock—that the Senate leave this Chamber for that purpose at five minutes before 1 o'clock, so that they will be on the spot at the appointed time. I modify the motion and make it five minutes before 1 o'clock, which will give, I suppose, time enough.

The PRESIDENT pro tempore. The Senate has heard the motion of the Senator from Massachusetts, that at five minutes before 1 o'clock to-day the Senate will proceed to the Hall of the House of Representatives as required by the concurrent resolution for the ascertainment and counting of the electoral vote. The Chair hears no objection, and

it is so ordered.

### JACOB CRAMER.

Mr. CAMERON. I ask the S bill 855, Order of Business 2606. I ask the Senate at this time to consider House

The PRESIDENT pro tempore. The Calender under Rule VIII being in order, the Senator from Pennsylvania moves that the Senate proceed The Calender under Rule VIII being to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 855) for the relief of the heirs of

Jacob Cramer.

The PRESIDENT protempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the issuance by the Commissioner of Pensions to the heirs of Jacob Cramer of a bounty-land warrant for 200 acres of land, the warrant to be locatable only on public land subject to private entry, for services rendered by Cramer as a lieutenant in the Pennsylvania Continental Line in the Revolutionary war, he being entitled thereto pursuant to the resolution of the Continental Congress of September 16, 1776, and the provisions of the act of July 27, 1842, extended by the act of February 8, 1854.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# HENRY M. RECTOR.

Mr. JONES, of Arkansas. I ask unanimous consent of the Senate that the vote by which the bill (S. 314) for the relief of Henry M. Rector was passed may be reconsidered, and that the House of Representa-tives be requested to return the bill.

The PRESIDENT pro tempore. It will be so ordered if there be no objection. The Chair hears no objection.

# CALIFORNIA INDIAN WAR CLAIMS.

Mr. STEWART. I move that the Senate proceed to the consideration of Senate bill 3439, Order of Business 2315.

By unanimous consent, the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California, growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States, was considered as in Committee of the

Mr. SHERMAN. I move to amend the bill by striking out the clause beginning in line 18 down to and including line 22, as follows:

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes hereinbefore enumerated, and which has not heretofore been reimbursed by the United States.

And also, in line 26, after the word "enumerated," by striking out all down to and including "United States," in line 29, as follows:

Including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

So as to make the clause read:

The Secretary of War shall report to Congress the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matters above enumerated.

Mr. STEWART. I have no objection to the amendment:

Mr. COCKRELL. What is that amendment?
Mr. SHERMAN. I have moved to strike out all that relates to interest. As a matter of course, if the Government ought to pay interest (which I deny, for the Government does not pay interest anyway) it should pay it without respect to any rate paid by the State of California.

Mr. STEWART. The bill as it is would not commit us to anything except what has been done.

Mr. SHERMAN. It is a recognition of the claim, and I think it had better be stricken out.

Mr. STEWART. Ido not care about delaying the bill by discussion, and I will consent to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. J. FINLEY.

Mr. EUSTIS. I am instructed by the Committee on Privileges and Elections to report favorably upon the petition of J. J. Finley, and accompanying the report there is a resolution.

Mr. CALL. I ask unanimous consent that that resolution may be now considered.

The PRESIDENT pro tempore. The Senator from Louisiana, from the Committee on Privileges and Elections, reports a resolution, which will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Senate be directed to pay, out of the contingent fund of the Senate, to J. J. Finley, who was appointed a Senator of the United States by the governor of the State of Florida, a sum equivalent to the salary of a Senator from March 5, 1887, the day of his appointment, to May 10, 1887, the day of the election of a Senator to fill the vacancy to which he was appointed.

Mr. CALL. I ask unanimous consent that that resolution may be now considered.

The PRESIDENT pro tempore. The Chair thinks that under the rules the resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CALL. Very well, then; I withdraw the motion. The PRESIDENT pro tempore. It will be so referred.

# THE ELECTORAL COUNT.

Mr. DAVIS. I move that the Senate proceed to the considera-

The PRESIDENT pro tempore. The time has arrived for the execution of the order of the Senate.

The Senate, preceded by the President pro tempore and the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representa-tives for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 2 o'clock and 25 minutes

p. m., and the President pro tempore resumed the chair.
Mr. MANDERSON. Mr. President, the tellers who were appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States beg leave to report that the two Houses met in joint convention in pursuance of the resolution, and that thereupon the certificates of the electors of the various States of their votes for those officers were opened by the President of the Senate and delivered to the tellers; and on being examined it appeared that the votes of the several States had been cast in accordance with the list which I send to the Chair.

From those votes it appeared that the whole number of electors appointed to vote for President and Vice-President of the United States for the term of office beginning on the 4th day of March, 1889, was 401, of which a majority was 201. The state of the vote for President

of the United States appeared to be:

For Benjamin Harrison, of the State of Indiana, 233. For Grover Cleveland, of the State of New York, 168.

The state of the vote for Vice-President of the United States appeared to be:

For Levi P. Morton, of the State of New York, 233.

For Allen G. Thurman, of the State of Ohio, 168.

Which result having been ascertained and counted by the tellers was delivered by them to the President pro tempore of the Senate, where-upon the President pro tempore of the Senate announced the state of the vote to be, that Benjamin Harrison, of the State of Indiana, had received 233 electoral votes, and that Grover Cleveland, of the State of New York, had received 168 electoral votes, for the office of President of the United States; and that Levi P. Morton, of the State of New York, had received 233 votes, and that Allen G. Thurman, of the State of Ohio, had

received 168 votes, for the office of Vice-President of the United States.

Mr. EDMUNDS. That will be entered on the Journal, I presume.

The PRESIDENT pro tempore. The certificate of the ascertainment and counting of the electoral votes for President and Vice-President of the United States submitted by the tellers will be entered at large upon the Journal of the Senate.

Mr. EDMUNDS. The report had also better be entered in connec-

tion with the certificate. It is a written report.

The PRESIDNET pro tempore. It is proper that there should appear, the Chair thinks, between the certificates signed by the tellers and the announcement of the state of the vote by the President of the Senate, the direction of the President of the Senate to the tellers to report in accordance with law the result of their counting and ascer-Mr. EDMUNDS. Then have the reportentered in the Journal as well.

The PRESIDENT pro tempore. The report also will be entered in the Journal.

Mr. HOAR. This document is the report signed by the tellers. The report of the tellers, as entered on the Journal, is as follows:

The undersigned, Charles F. Manderson and Isham G. Harris, tellers on the part of the Senate, and Daniel Ermentrout and Charles S. Baker, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1889:

Electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		Benjamin Har- rison, of In- diana.	Grover Cleve- land, of New York.	Levi P. Morton, of New York,	Allen G. Thur- man, of Ohio.
10	Alabama		10		10
7	Arkansas		7		-
8	California	8		8	mission in
3	Colorado	3		3	
6	Connecticut		*6	AND DESCRIPTION	€
3	Delaware		3		2
4	Florida		4		4
12	Georgia		12		12
22	Illinois	22		22	2
15	Indiana	15		15	
13	Iowa	13		13	
9	Kansas	1 9		9	
13	Kentucky	*********	13		13
8	Louisiana		8		8
6	Maine	6		6	
8	Maryland		8		8
14	Massachusetts	14		14	
13	Michigan	13		13	******
7	Minnesota	7	**********	7	
9	Mississippi		9		9
16	Missouri		16		16
5	Nebraska	5		5	
3	Nevada	3		3	
4	New Hampshire	4		4	
9	New Jersey	***********	9		9
36	New York	36	***************************************	36	
11	North Carolina	**********	11	***************************************	11
23	Ohio	23		23	
3	Oregon	3		3	
30	Pennsylvania	30		30	
4	Rhode Island	4		4	
9	South Carolina		9		9
12	Tennessee		12	**********	12
13	Texas		13		18
4	Vermont	4		4	
12	Virginia		12	*********	12
6	West Virginia		6	***********	6
11	Wisconsin	11	***************************************	11	
401		233	168	233	168

CHARLES F. MANDERSON,
ISHAM G. HARRIS,
Tellers on the part of the Senate.
DANIEL ERMENTROUT,
CHAS. S. BAKER,
Tellers on the part of the House of Representatives.

The PRESIDENT pro tempore thereupon announced the state of the vote, as follows

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of

the United States is 401, of which a majority is 201.

Benjamin Harrison, of the State of Indiana, has received, for President of the United States, 233 votes; and

Grover Cleveland, of the State of New York, has received 168 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 401, of which a majority is 201.

Levi P. Morton, of the State of New York, has received 233 votes; and

Allen G. Thurman, of the State of Ohio, has received 168 votes. This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that Benjamin Har ison, of the State of Indiana, is elected President of the United States, and that Levi P. Morton, of the State of New York, is elected Vice-President of the United States, each for the term beginning March 4, 1889, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

# REPORT OF A COMMITTEE.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 3880) for the relief of Hardin County, Kentucky, reported it without amendment.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolu-

tion of the Senate to print extra copies of the report of the Coast and

Geodetic Survey for the fiscal year ending June 30, 1888.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 3116) granting an increase of pension to Thomas Wynne.

The message also announced that the House had ordered the Clerk to request the Senate to return to the House the House concurrent resolution providing for the printing of the annual volumes of the Astronomical Observations of the Naval Observatory for 1886, 1887, and 1888.

#### PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the following acts:

An act (S. 1481) granting a pension to Ellen White Dowling; An act (S. 2829) granting a pension to Sarah J. Foy;

An act (S. 3283) granting a pension to Reuben Ash; An act (S. 332) granting a pension to Harrison Wagner; An act (S. 2765) granting a pension to Adaline A. Smyth; An act (S. 3249) for the relief of Zo. S. Cook;

An act (S. 2623) granting an increase of pension to James Patterson; An act (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in

An act (S. 379) to increase pensions in certain cases; An act (S. 1092) for the relief of certain property in the District of Columbia; and

An act (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas.

#### CONGRESSIONAL ELECTIONS.

The PRESIMENT pro tempore. The Senate resumes the consideration of the unfinished business, being the resolution reported by the Senator from New York [Mr. EVARTS] from the Committee on Privileges and Elections to revise the existing laws regulating elections of members of Congress. Is the Senate ready for the question upon agreeing to the resolution?

Mr. EDMUNDS. Let it be read.

The PRESIDENT pro tempore. The resolution will be read.

The Chief Clerk read as follows:

Resolved. That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress, with a view of providing for a more complete protection of the exercise of the elective franchise, and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

The PRESIDENT pro tempore. Is the Senate ready for the question on agreeing to the resolution which has just been read?

Mr. SPOONER. Mr. President, I do not intend to debate, so far as I now know, that resolution. When the Senate adjourned last evening the Senator from New York [Mr. EVARTS] had the floor for the purpose, as I understood, of submitting remarks upon it, and as he is not present at this time I supposed that it would be informally laid

Mr. SHERMAN. Let it stand over until he comes in.
Mr. MITCHELL. I ask that the pending business may be temporarily laid aside, and that I may be permitted to offer a resolution.
The PRESIDENT pro tempore. The resolution will be received if

there be no objection.

## KLAMATH INDIAN RESERVATION IN CALIFORNIA.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is is hereby, directed to inform the Senate what proceedings, if any, have been had in his Department relative to the survey and sale of the Klamath Indian reservation, in the State of California, in pursuance of the provisions of the act approved April 8, 1864, entitled "An act to provide for the better organization of Indian affairs in California."

## DISTRICT MILITIA.

Mr. EDMUNDS. Mr. President, the Senate is thin and the Senator Mr. EDMUNDS. Mr. President, the Senate is thin and the Senator from New York, who has the floor, is absent. Therefore, unless there is something pressing, I move that the Senate adjourn.

Mr. HOAR. Let us go on and do other business.

Mr. HAWLEY. I very much desire to have a little bill finished that was under consideration the other day.

Mr. EDMUNDS. If the resolution reported from the Committee on

Privileges and Elections can be laid aside informally, so that it will not

lose its place, I do not object.

The PRESIDENT pro tempore. The Chair hears no objection, and the pending business is informally laid aside.

Mr. HAWLEY. I ask unanimous consent to proceed to the consid-

eration of a bill that was debated for a while the other day upon which we practically arrived at an understanding-House bill No. 4961, Calendar number 2648.

The PRESIDENT pro tempore. The title of the bill will be stated. The CHIEF CLERK. A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

Mr. HAWLEY. That bill has been read. The Senator from Missouri [Mr. Cockrell] offered an amendment which, I presume, he This begins practically de novo.

Mr. COCKRELL. The amendment was pending.
Mr. HAWLEY. Do we take up the proceedings where they were left off, or, according to parliamentary law, would not the whole proceedings drop then? Will the Chair inform me does the Senate resume the consideration at the point where it left off the other night?

The PRESIDENT pro tempore. If the Senate proceeds to the consideration of the bill moved by the Senator from Connecticut, the question pending at the time when the bill was last under consideration be the one submitted to the Senate.

Mr. COCKRELL. The question, then, is on agreeing to the amend-

The PRESIDENT pro tempore. The question is on the amendment. Mr. COCKRELL. I simply say that the amendment I offered is the bill that was fully considered in the Senate and passed by the Senate.

Mr. HAWLEY. And I beg leave to add that the House bill that comes here covers very much the same ground; but it is an improve-ment in some respects, and the Senate bill is an improvement in other A conference will no doubt make a good bill from the two.

The PRESIDENT pro tempore. The question is on the amendment moved by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engressed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. Cockrell were appointed.

### ORDER OF BUSINESS

Mr. TELLER. I desire to call up Calendar 1464, being the bill (S. 1030) to submit to the Court of Claims for adjudication the title of William McGarrahan to the mineral interest of the rancho "Panoche Grande" in the State of California, and for other purposes.

The PRESIDENT pro tempore. The Senator from New York is enti-

tled to the floor on the pending business (which was informally laid aside) if he desires to proceed.

Mr. TELLER. I will not call this bill up now if the Senator from New York desires to go on.

# CONGRESSIONAL ELECTIONS.

The PRESIDENT pro tempore. The Senate resumes the consideration of the unfinished business, being the resolution reported from the Committee on Privileges and Elections in relation to Congressional elections. The Senator from New York [Mr. EVARTS] is entitled to

Mr. EVARTS. Mr. President, the Committee on Privileges and Elections were put in charge of an inquiry into transactions in Washington County, Texas. These transactions had to do with the election of 1886, which was in part a municipal election covering an important number of offices and embracing many candidates, a large list upon either side. There was also at the same time an election for a member of Congress in the Congressional district of which Washington County formed a part. There was no particular excitement in the canvass or preparation for the election that I am aware of, as appeared before the committee, in respect of the election of a Congressman, but there was a very animated canvass and a very wide-spread interest in the result of the municipal election. As the elements of that controversy there came to be a great disturbance at various polls held within that county; and owing to this earnest contest for place and for predominance of party, and from incidents that occurred in it, there came about following the election a proscription in the population there of certain active Republicans who had taken a part, a distinctive part, an aggressive part, if you please, on the one side, as against a distinctive and aggressive part taken on the other side in disposing of the result

By that proscription it was alleged that certain Republican citizens had been driven from their homes by violence and threats of violence, by fear of their lives, and to the sacrifice of their property of which they were owners in that county, producing a fatal result to their interests not to be repaired. A v-ry well conceived, a very clearly expressed petition from three of the victims of this proscription was presented to the Senate, and I will introduce the situation by reading their own statement of the positions which they held in the community and among their neighbors at the time of this election:

Your petitioner, Stephen A. Hackworth, is a native-born citizen of said Washington County, Texas; has resided a greater part of his life in said city of Brenham; is now forty-seven years of age; is by occupation a dealer in real estate; and from 1870 to 1882 held several civil positions in said county; owned real estate and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family.

Your petitioner, James L. Moore, is a native of the State of Alabama, but has been a citizen of said Washington County, Texas, since 1856; is now 'orty-five years of age, and by occupation a merchant; and from 1876 to 1882 held the office of district clerk, and from 1882 to 1884 held the office of sheriff of said county; owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated and earning a comfortable living for himself and family.

family,

Your petitioner, Carl Schutze, was born in Germany, but was many years ago
naturalized, and has resided in the United States during the past thirty years,
and has been a citizen of said Washington County since 1871; is now thirty-five
years of age and unmarried; is by profession a lawyer, and from 1877 to 1839
held the office of district attorney of said county and State; was until recently
editor of a German Republican newspaper published at the said city of Brenham, known as the Staats Zeitung; was comfortably a trated, owning personal
property to the value of \$3,000; the income from his profession and paper earning him a competent support.

These statements are verified by the evidence and are accepted and reported by the committee as showing their situation in that community before this alleged proscription drove them from home,

Your petitioners are white citizens of the United States, and dared to believe and maintain the right to be Republicans in politics.

For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assussination, and abandon their property or accept for it such prices as were proffered them.

Your petitioner, S. A. Hackworth, was obliged to sell his homestead for \$1,150, being less than one-half its real value.

Your petitioner, James L. Moore, was obliged to sell his homestead for \$2,000, being less than one-half its real value.

Your petitioner, Carl Schutze, was compelled to remove his paper to Galveston, Tex., thereby destroying its patronage and support, and preventing him from obtaining even one-tenth of its real value.

These were the wrighteness that had been as forced by these positioners.

These were the grievances that had been suffered by these petitioners, and the committee have found in substance and effect that these grievances were suffered by them with no pretense of exercise of this power against them that is at all supported in the evidence except their activity in the canvass and in support of the ticket and the principles of the Republican party.

It will be easily understood, if we left out of view any other circumstances or influences that govern the actions of men, if we left out of view all but the elements of this transaction which belong to the character and situation of these men and the surrounding population under whose proscription they suffered these injuries-it must be admitted by all that no greater encroachments upon the dearest rights of the common citizens of the country could ever be practiced than those which have been practiced upon them. And when therefore the committee came to the conclusions they did on the general propositions of their attitude there in this home of theirs and in the exercise of rights not denied or to be denied to any citizen of the United States, and when out of political transactions, political excitements, local inflammations, this strange consequence had been visited upon the mere exercise of suffrage, the committee were prepared to look with interest upon the further investigation that was to show what there was in these circumstances of the election and in this antagonism between political parties and the ordinary efforts of candidates and of parties that could have produced out of what upon the face of things should be a perfectly quiet and lawful exercise of the suffrage this extraordinary result.

It was quite important, though not wholly necessary, that at the outset of our examination, as we shall submit it to the Senate, and I shall hope to point out in its outlines and principal features, we should see whether there was any just ground upon which the evidence submitted to us would present these aggrieved sufferers in any attitude of disfavor or discredit with their neighbors and their friends in the ordinary conduct of citizenship and in the probity of life. We could not find, and we have so reported, that these citizens can be accused of any such misconduct as should place them or did place them out of the ordinary relations that belong to the peaceful and quiet citizen.

Whatever allowance might properly be made for the acerbities and irritations which belong to politics, whatever might properly be yielded to the adverse observations and the different aspects in which the conduct of these citizens could be placed, there was not, in our judgment, anything that should disturb us in our treatment of this investigation and the results that we should assign to it, that should at all vary this transaction from being in substance and effect an inflammation and agitation in politics and with no other rightful basis for irritation or proscription towards these sufferers than that which belongs to this excited canvass between parties situated as they were and as I shall disclose

With this view taken of the situation of these citizens at home, we also were of the opinion and are of the opinion from the testimony which has been fully expanded before the committee and thoroughly and earnestly canvassed by cross-examination, and also by the light shed upon it by bitter and earnest political opponents, some of the persons themselves deeply involved in the inculpated conduct which it is the purpose of the Senate to pass judgment upon—we think there has been no other aspersion of these sufferers from proscription than such as belongs to the canvass, the excitements, the oppositions, and the severities of canvass that attend elections.

The testimony they gave, not very much of it depending wholly upon their own evidence, is entitled, as we submit to the Senate, to the same credit that we have given to them, not everything that they have said must be taken as accurate and as complete, and that countervailing evidence may not be rightfully brought to qualify or reduce or

to fill out the testimony given in behalf of these petitioners, but that there is no discredit thrown upon the truthfulness of the statements of

The next situation that I need to call attention to will be the political situation before the election of 1886. Washington County, Texas, is a county, as I understand, largely occupied by farms and peopled by farmers. There is a very large proportion of white population there of the Germans, who, so far as I can understand from the testimony, are good citizens, good farmers, and a good population in all the ordinary sense of the make up of neighborhoods of this kind.

The election of 1886 was for county officers, as I have said, and for a member of Congress. As between the two great political parties of the county, Republican and Democratic, the voters were divided according to various estimates in about the proportion of a Republican majority of from 600 to 1,600 out of an aggregate vote of 5,600. As between the voters of that county, the division between white and colored voters was about 2,500 to 3,100 of whites and about 2,500 to 2,800 of colored, thus producing a somewhat nearly equal division between the white and colored population. There was a large element of German citizens and voters in that county, namely 1,900, 1,600 of whom were Republicans, and it is estimated that on a full count of white voters alone the Republicans outnumbered the Democrats by a majority of 300

at least, and probably by 500 or more.

The plan upon which this report has been made is to append to such propositions of fact as I have stated wherever they may occur in these elections the testimony, intending to present as reasonably as may be the opposite estimates and views of every point considered. Of course in a great body of testimony like this, testimony which began in February, 1887, and was not closed until March, 1888, testimony of some 700 pages with the prolixity, and the necessary prolixity, of direct examinations and cross-examinations of a multitude of witnesses, I think sixty or more having been examined, it is not easy either to be sure that you select adequately to show the situation that the testimony should present nor to be quite secure that you can make it impartial, but the fairest way, as the committee thought, was, while stating distinctly their conclusions upon any point of fact or of the elements of controversy, to take such extracts as could be conveniently grouped from whatever part of the testimony the evidence was to be drawn, grouped elections the testimony, intending to present as reasonably as may be controversy, to take such extracts as could be conveniently grouped from whatever part of the testimony the evidence was to be drawn, grouped under these heads. It was a work of considerable labor, and I hope that an examination by the Senate, if they shall read the evidence adduced in the report and then carry their investigation further by reading the body of the testimony, will show that this has been successfully, as it has been very seriously, undertaken by the committee.

Besides this testimony there comes to be added a record of a trial that was held in Texas involving an investigation into the transactions of

was held in Texas involving an investigation into the transactions of this disturbed election, which took place at the August term of the United States court in 1887. The indictment and the result of the jury's deliberations in their verdict and the full record of the steno-graphic report of the evidence taken are appended to the volume of

graphic report of the evidence taken are appended to the volume of the testimony proper taken by our committee.

Mr. GEORGE. The entire testimony in the case?

Mr. EVARTS. The full record. This record was brought also to the notice of the committee and was exposed to the examination of some part of the important witnesses after that trial had been concluded, and therefore in our testimony as we have recorded it and presented it as the basis for our conclusions, we have not hesitated to embody from this record as well as from our own testimony what from

authentic assurance bears upon particular points.

That being the situation of the political divisions between the two classes of population depending upon color, I will ask attention as briefly as may be to the particular transactions themselves at each of the polls where encroachment upon the suffrage and the rights of voters was practiced, and to the incidents, not necessary to that, but the incidents that did grow out of these disturbances, incidents of the most excited nature, which of course tended to aggravate, on all sides if you please, the severity of the antagonisms that were provoked by the mere innovations upon the suffrage if no such great injuries had followed to life.

This county has I do not know how many precincts, but at four precincts independent and not connected there were great interferences with the suffrage, and I will begin with that at the polls in Chapel Hill district. But in order here to understand fully the transaction of the election of 1886 it is necessary to look back upon the election of 1884. At the election in 1884, which was of the same nature, that is, for county officers and for a member of Congress, disturbances had arisen at the polls held there and the remembrance on all sides of those occurrences had a direct bearing upon the fate of the election in 1886.

The Republican party in this county of Washington had been in pos-

session of local power substantially since the close of the war until 1884, when a very vigorous effort was made on the part of the opponents of the Republican party there and of the administrators of affairs that had thus been committed to them to substitute a new set of officers and give supremacy to the opposite party. That effort, that canvass, that conflict ended in the success of the opponents of the Republican party and placed in power from that time onward to 1886 representatives of the opponents of the Republican party.

At the election in 1884, which was the critical period of contest for a continuance of power by the Republicans or the subversion of it, this occurred at Chapel Hill precinct. I read from the report:

At that election the ballot-boxes then in the possession of the officers of election, being colored men, were "raided"—

Using a phrase that is familiar to all of us, unhappily-

at 3 or 4 o'clock in the morning after the day of election by masked and armed men. Three of these colored officers of election were shot, and one of them died of his wounds, but the other two recovered.

One of these men, by hiding with the ballot-boxes under the table, was able to escape, and the ballots were brought in and counted and returned. No efforts were made apparently to discover or punish the actors in this outrage and murder.

In preparation for the election of 1886 the Chapel Hill district was divided into three precincts, and one of the precincts was known as Chadwick's Gin. The polls were not opened at this precinct at all during the election of 1886, and the situation by which the opening of the polls was discouraged or prevented can be most readily understood by reading a few words in our report on that subject:

There was also a large attendance of colored voters ready and desirous to vote the Republican ticket. Mr. J. M. Nicholson, a white man and a Democrat, and enlisted in the success of the "People's ticket"—

Which was the form given to the opposition to the Republican ticket-

attended with proper papers and stated his readiness to open the polls if a necessary number of competent men to conduct the election would volunteer. He declined to serve in the number, assigning as an excuse that he was suffering from neuralgia. The voters staid about the polls through the day in the hope of being able to vote. Mr. Nicholson staid there himself through the day. His statements are that there were not enough men, black and white, competent in intelligence and ability to read and write, to make up the necessary number. The colored men declined to undertake it. There were sundry white men attending there armed. Some colored men had been advised not to take part in the election. Others showed an unwillingness to undertake the conduct of the election unless some white men were in the board.

Apparently

The committee say-

The committee say—

Apparently the occurrences at the last election were understood by all, and it seems to the committee that there would have been no difficulty in organizing a competent board if the white men had wished it organized and had been willing to share in that duty, but that the colored men were afraid to expose themselves to the perils of the service if unsupported by the participation of white men. The failure to hold the polls at this precinct, the committee thinks, is chargeable to the leaders of the opposition ticket and in that interest, with the motive to discourage and suppress the Republican vote there, and to the colored Republican voters being unwilling to expose themselves to the fate which was visited upon the colored judges of the election at Chapel Hill in 1884. A few extracts from the testimony are cited to this point.

Passages are cited from the evidence that bring us to that conclusion. This was a strong Republican precinct, and the vote therefore by whatever degree of oppression or inquiry it may have been attended, the refusal to open the polls or their not being opened of course excluded the apparent and expected majority of the Republican ticket.

The next district that we have occasion to consider is that of Lott's

Store.

This was a strong Republican precinct. The election was quiet and not interfered with. The votes cast for the Republicans were 156, those for the opposition were 33. The latter were all white and Democratic, and the former all Republican. The clerk of the election, a Democrat, after the count, started with a companion to take the ballot and the tally-sheets to Brenham, to make the return there in accordance with his duty. This was on the day after the election, and as they were nearing Brenham, after dark, three armed and masked men stopped the carriage and demanded, under threats to fire, the surrender of the ballot-box and the tally-sheets. The clerk refused to hand over the ballot-box and the armed men took it from the carriage. They then required the delivery of the tally-sheets and the clerk gave them up. The clerk reported this transaction to the county clerk and the judge, both of whom were on the opposition, Lewis and Kirk, but nothing was done about it, and the vote at Lott's Store was thus suppressed.

The clerk of the election, Mr. Spann, who it is, I believe, stated was

a Democrat, gives his own statement upon that point.
Mr. GEORGE. What election was that?
Mr. EVARTS. Except in the first preliminary instance it was all in 1886. That was all suppressed.
Then the polls at Graball's, another precinct, need attention.

Then the polls at Graball's, another precinct, need attention.

This was a strong Republican precinct, and the colored people were there some five to one of the whites. The election proceeded quietly, and while the count was going on, and it had been ascertained that the votes cast were 347 and they had counted and strung all the votes but 96, which were still in the ballot-box, three armed and masked men entered the room, called the judges to "hold up," and at the point of the pistol seized the ballot-box, the string of votes, and one of the tally-sheets. The ballot-box they carried away, and while still in the room they fore up the votes and the tally-sheet they seized. The tally-sheet which one of the judges had retained was carried to Brenham and delivered to the county judge, Lafayette Kirk. There is some indistinctness, from conflict and obscurity in the testimony, as to the exact state of the polls.

The committee, however, thinks that there was a majority of something like 100 for the straight Republican ticket among the votes strung, and that all ballots remaining in the box were Republican. Not long before the "raid" upon the ballot-box, a prominent Democrat had entered the room and conferred with one of the Democratic judges, and rend a note to him and left it with him, the contents of which the committee was not able to ascertain. The manner in which the seizure of the votes and the ballot-box was made is shown in the testimony.

And the citations are given.

I come now to the fourth vote, and that was at Flewellen's, and that transaction embraced in it a most lamentable occurrence without reference to the question of the fatal result, and that was the slaying of young Bolton, and as briefly as possible the committee have set forth that occurrence, and I will read it from the report:

At about 12 m. of election day Kirk, who was a candidate for county judge on the People's ticket, sent a telegram from Brenham to D. D. Bolton at Courtney, near Graball's, who was on the same ticket as county commissioner, in these

words:
"Things here look doubtful. Do your work."
There had been an agreement the day before for the conveyance of information as to the look of the voting. D. D. Bolton received this message at dusk and showed it to his son Dewees Bolton, and on starting for his home, not distant, directed his son to come with him, and he did so. Graball's is 4½ miles from Flewellen's. The latter polls was a strong Republican and colored voting-place.

and showed it to his son Dewees Bolton, and on starting for his home, not distant, directed his son to come with him, and he did so. Graball's is 44 miles from Flewellen's. The latter polls was a strong Republican and colored voting-place.

The election was quietly conducted and the officers were engaged in counting the votes when Kirk came in, inquired how the votes were running, looked at the tally-list, which had been counted up to 69 out of about 159 votes, and looking over the tally-sheet on the table, called out, "Jimmie Hewitt 43, and Charlie Herbst 19." These were Hewitt, colored, Republican, and Herbst, Democrat, opposing candidates for district clerk. Kirk called the presiding judge, white and Democrat, Robinson, out of the room, and after a few minutes Robinson returned alone. They went on with the count and in about half an hour a knocking was heard upon a closed door, and upon its being repeated, an answer was made from the room, "Come in." The door was opened from without, whether by force or not seems uncertain, and three men, armed and disguised, presented their pistols and some or one of them called out, "Hold up" or "Hands up," and demanded the ballot-box.

The foremost man in entering turned out to be young Bolton. There were several colored men in the room, unarmed and peaceable; but one of them, Polk Hill, passed out of the room, through a door opposite that at which the entrance was asked, into a gallery where there were some shotguns. Instantly upon the demand of the ballot-box at the point of the pistol, a shotgun was fired from the gallery through the partly open door, and young Bolton fell dead across the threshold, his pistol falling at his feet. He was disguised in a yellow waterproof, called a "slicker," covering his body, and a white handkerchief covering the face below the eyes, knotted behind his neck. All in the room fled at once in dismay, and the dead man was left alone, uncared for, as he lay, all night, the lamp burning brightly.

Towards morning Presiding Judge Robinson per

Lamentable as was this transaction, there followed a greater loss and certainly a more deliberate taking of life as a consequence of this bloody occurrence at the polls. After the election Judge Kirk, who was the county judge elected in 1884 and a candidate for re-election and re-elected in this unfortunate election, issued this committal:

The State of Texas to the sheriff or any constable of Harris County, greeting:

The State of Texas to the sheriff or any constable of Harris County, greeting:
You are hereby commanded that you take into custody, and commit to the jail of your county, Steve Jackson, Alfred Jones, Ephraim Jones, Shad Felder, John Glass, William Davis, Phelix Kinlow, Andy Hays, charged with murder, and there safely keep to appear at the next term of our county court, to be held at Brenham on the 19th day of November, 1886, unless he gives good and sufficient bond in the sum of \$500.

Given under my hand officially this 9th day of November, A.D. 1886.

[SEAL]

LAFAYETTE KIRK,
County Judge, W. Co.

Issued 9th November, 1886.

This commitment included five colored men. The only ground of committal at all was that assigned in this commitment, and that was murder; but by the laws of Texas, as we were advised and is almost apparent without an inquiry, a commitment for murder upon a mere suretyship of \$500 is foreign to our system of jurisprudence, and the committee must look at this as a comprehension in this form of law of these unfortunate colored men that they might be there kept and dealt with as might be conceived in the future. There they were, at any rate, shut up under a commitment which I am told—though of course subject to correction, if I shall hear it from the Senators from that State a commitment that on its face was not lawful, as it was a commitment only on conditions of suretyship of \$500, the law being that there can be no bail for murder without examination. That is on commitment, and never after that except on examination.

Upon some demonstration or indication that an attack would be made on the jail, these prisoners were sent to Houston and there held in jail. While there the prisoners were visited by their counsel, Mr. F. D. Jodon, who there prepared the papers to take them out of jail by habeas corpus. With Mr. Jodon was associated Mr. C. R. Breedlove, a prominent lawyer and citizen of Brenham, a Democrat, and they had been retained professionally and fees paid them by the friends of the prisoners.

The papers are according to the forms and one of them is set forth which is adequate for understanding the real situation.

which is adequate for understanding the real situation.

On the 18th or 19th of November these prisoners, without any application to that end, as far as appears, and after these papers were ready for their presentation to the judge of the district of Houston, but before their presentation, were sent back to Brenham and lodged in jail. This transfer required the preparation of a new set of papers. On the 2d of December, about midnight or a little later, the jail was visited by an armed and masked company, some six or eight in number. The guards were awake and away from the jail and in the adjacent court-house, up stairs, sitting by the stove. The town constable on watch that night was upstairs with these guards, and upon hearing the noise and looking from their windows the three men started to go down the street. They were covered by the guns of some of the assailants of the jail and ordered to "keep quiet" and they would not be hurt, and they returned to the room and

remained there to look out upon the removal of three prisoners from the jail by this company of armed and masked men.

These midnight visitors were admitted by the jailer, they informing him that they had a prisoner for the jail. The jailer, who seems to have had the keys of the cells in his hands, laid them down by the lamp which he deposited on a table in full sight. The armed men entering forced the jailer behind the opened door, threw a waterproof over his head, and two men held guard over him. The demand of the keys from the jailer was superseded by their observing the keys in sight.

door, threw a waterproof over his lican, and the foot the depth colored men, ascertained from the keys in sight.

Some of the party opened the cells of the eight colored men, ascertained from them their respective names, selected from them Alfred Jones, Ephraim (called also Stuart) Jones, and Shad Felder, and leaving the other five locked in their cells, took these three from the jail. They marched their pinioned captives before them out through the streets of the town, where they were joined by a mounted armed escort, spoken of variously as from twenty-five to seventy-five. The cavalcade conducted their captives along the public road to a point about a mile from Brenham. Here these colored men were hung "on a pecan tree," and there left until they were cut down the next morning by clitzens who had come from the town.

The dead bodies were taken to the jail, when, in the language of the local paper, the Brenham Banner, "new drawers, undershirts, and nice shrouds were purchased and good coffins procured, and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their homes near Flewellen's for burial."

A coroner's inquest was held, evidence heard, and the conclusion reached was—

A coroner's inquest was held, evidence heard, and the conclusion reached was—
"We, the jury, find that A. Jones, E. Jones, and S. Felder came to death by being hanged by parties to us unknown."
It does not appear to the committee that any participation, certainly any guilty complicity, in the death of Bolton was imputed by any one to either of these murdered men. The selection for execution, from among the eight imprisoned, was careful, deliberate, and systematic. The other five were immediately set at large on merely formal bonds of \$500 each. Polk Hill, then and now in custody, was the only person suspected or accused of being the actor in the homicide.

I have spoken already of the illegality of the commitment, and there was no other charge against these men except the charge of murder.

was no other charge against these men except the charge of murder.

The committee is, therefore, upon all the evidence, of the opinion that these murders were each committed upon the motive and in the interest of the policy and purpose that had countenanced and caused the "raids" on the ballot-boxes at that election. The sacrifice of these worthy and blameless lives was demanded for the suppression of their evidence, which would have demonstrated the death of Bolton as befalling him in the act of a preconcerted attack upon the ballot-box at Flewellen's to defeat the election of the Republican ticket. The committee can not find any escape from this conclusion upon the whole body and weight of the testimony.

Then extracts, to a considerable extent, are given.
In our conduct of this examination we gave the largest and the most liberal system of inquiries that was asked for on either side. We desired that these should be as full and as honest and as adequate upon all, not these mere distinct and evident facts that would be included within a narrow compass, but all that should fairly enter, upon the demand of either side, into all the occurrences and circumstances, states of feeling, rumors, conditions of solicitude or fear that could bear reasonably or at all upon any explanation, we will not say justification, for perhaps no one would claim any such justification, but such like

for perhaps no one would claim any such justification, but such like aspect that would relieve the occurrences from the natural judgment in the conduct of men on the part of all honest, peace-loving people.

One of the first lines of this inquiry was to see whether any efforts to punish the raids perpetrated upon the ballot-box, or to discover or punish the murders of colored men had taken place. Our conclusions are set forth very definitely that we can not find that there was any such course or any such action. There was a coroner's jury, and the verdict was as I have stated it. But if Senators will examine the body of the testimony they will find that there was a prevalent for under verdict was as I have stated it. But if Senators will examine the body of the testimony they will find that there was a prevalent fear under caution of self-protection that pervaded the weaker portion of the community, the colored race, and a very strong enlistment on the part of the managers, and leaders, and body, if you please, of the white organization in politics and in society, that should leave it as bare as possible from anything like exaggeration of wrong on the part of the perpetrators of these injuries, and no tone that we could discover of public opinion or of even a very limited cohesion on the part of citizens of this neighborhood towards discovering and punishing these heinous offenses.

The evidence is spread out, and we regarded it as not an unimportant matter. Of course, when we confine ourselves to the mere corpus delicti, the criminal assassination as a matter of indictment and pun-

delicti, the criminal assassination as a matter of indictment and punishment, these extraneous examinations have no efficacy in law or in logic; but they may bear upon the heinousness of the offense and the degree of punishment with which a guilty person should be visited.

But that was not the inquiry here. The inquiry was not what it would have been before a grand jury looking only to the indictment of any of the discovered perpetrators of this hanging of the colored men or of the transaction on the side of Bolton. Really the very subjectmatter of our inquiry was that these proscribed and exiled neitilioners. matter of our inquiry was that these proscribed and exiled petitioners were themselves made the victims of this incitement and inflamma-

tion and violence on the part of that community.

I do not think that any one who reads the whole body of the testimony can hesitate to think that there is no evidence to them, as there has been, as we say, no evidence to us, that can disturb or vary the conclusion that the community did not arouse themselves to any resentment whatever over this infliction upon the black men, nor in any punishment of the violence and injuries to the sufferers. occur, after our examination was well under way, a criminal prosecu-tion in the courts of the United States, which I am glad to think and glad to say was earnestly and honestly conducted by the United States

attorney of the district within which the cognizance of these crimes

fell, and the judge was firm.

Mr. HOAR. Will the Senator state what was the charge, the issue

in that criminal prosecution?

Mr. EVARTS. Senators will see that the only jurisdiction of the United States court was under our provisions protecting the suffrage and punishing violation of it to a certain extent, partaking substantially only of the nature of conspiracies, and the indictment pursued the lines entirely of an interference with the polls. Of course, the crime of the hanging of the black men was a crime under the laws of Texas not under the laws of the United States. There was no possibility of pursuing to punishment any of the guilty perpetrators if they could have been found and if the evidence could be brought against them.

This indictment is not copied in the report, but is found in the body of the record, at pages 646 and on. There were three counts, but all pursuing this same line. The persons accused upon each of these counts included Mr. Kirk and various others, eight or ten, and the result of

the trial was:

We, the jury, find as follows:
On the first count in the indictment we can not agree.
On the second count in the indictment we find the defendants Lafayette Kirk,
Bayliss Wisenant, Joda Route, Joe Tolan, and Will Crawford not guilty; and
as to the defendants Milton sty and John Crawford we can not agree.
On the third count in the indictment we can not agree.

The result of that prosecution, however honestly conducted and faithfully, as I understand it to have been, by the United States attorney and by the judge in the conduct of the trial, as belonged to him as a judge, was wholly ineffectual.

Mr. COKE. I will state to the Senator, if he will permit me, that

I understood that afterwards those parties were tried again and ac-

Mr. EVARTS. That was the situation of this trial, and then a second trial was had considerably later, I imagine.

Mr. COKE. Yes, sir.
Mr. EVARTS. The result of which was that there was no conviction and all were acquitted. So that is a very good illustration of the very imperfect condition of our protective legislation affecting the suffrage under the Federal rights and powers under the Constitution. Therefore what we must consider in our conclusion, so far as it goes, it seems to us borne out, that when the actual transactions were of the very distinct nature I have stated—I now refer wholly to the violence to the polls, the ballot-box, etc.-for some reason or other under the indictment for conspiracy against the suffrage, the ballot-box, etc., the prosecutions were wholly fruitless.

Another subject of interest was one to which we gave the largest liberty, although we regarded it a remote consideration as really bearing upon the very transactions themselves, which had for their principal substance and results the exile of these petitioners. Yet it was allowed, and that is what was proved under the head of the "conduct of county affairs by the Republican party prior to the election of 1884." There is a good deal of evidence bearing upon this topic, and the important

parts, as I think, are cited here.

The effort was made to show, and certainly was not at all curtailed or embarrassed by the committee in the freedom of its allowance in showing, that this Republican administration of affairs in this community, in this local government, had been a corrupt, an incompetent, an unsatisfactory, a harmful and pernicious conduct of power which had excited and aroused resentments that would color and infuse into the canvass elements that were not of this division of parties proper or division between the distinctions of color.

It appeared that the conduct of affairs was from the disordered state of things immediately following the war, and was continued in the same hands, not always the same officers, until 1884; and it was said that the situation and the record of that administration of affairs justified and led to a subversion of Republican control there, which might have been a very good reason for accomplishing those results by the ordinary means which excite opinions and influence conduct through the peaceful methods of the suffrage. But we do not find that there was any such extravagance of misconduct or incompetency or corruption in the management of affairs there as is imputed. It was, I think, not until 1875 or 1876 that the laws of Texas allowed land to be sold for There was an interval of some years, I think, up to that time, which would carry us ten years after the close of the war. The people were all poor from the war, and the resource for the conduct of public affairs was not very ample, especially if there was no sanction permitted to the sale of property for taxes, and most of the property was real estate there. But they rubbed along as well as they might. The public securities were down at one time as low as 20 or 30, and it had worked out prior to 1884 until this scrip was up to, as some say, from 80 to 85, and others say from 85 to 90. So you will perceive that, so far as that conduct of affairs was concerned, nothing could be said in the way of plunder or of spoliation that had shown that these parties were going from worse to worse. It is shown also that public improvements had taken place and been paid for out of the imperfect resources of that community.

Then it was said that there had been peculations and embezzlements; but after all it was reduced, as I think, to this, that there were only two

persons who were really brought to responsible charge for these accusations, two of them being under indictments, the result of one of which was the acquittal of the accused, and of the other, if I am right about it, a nolle prosequi. So an ag regation or accumulation or mass of misconduct that would carry a community out of the methods, and powerful methods, which belong to peaceful discussions of such subjects does not seem upon this evidence to have found any place that would instify any exasperation of feeling.

Then there was a point made, and a feeling to some extent prevailed perhaps, though it was searched pretty thoroughly and not found to be very substantial, that as an attendant or in concurrence with this imprisonment of black men and their execution the public there were in a state of alarm or of terror against an expectation or a fear that in some parts of that country an insurrection or violent combinations on the part of colored men might invade the peace and expose the lives of that community. To that also very thorough examination was given, with everything that belonged to rumors and fears and facts. We are not wrong in concluding that as a matter of fact there never was such an element of movement and of purpose or combination on

the part of the colored people.

Then the question was, how much fear there was of that; and fear might take the place of fact, of course, in affecting judgment. It was very difficult for us to come to a conclusion that there was any real rear on the part of the people in Brenham or in the suburbs of Brenham which really showed that they were arrayed for themselves and for their color against any such combinations. But this evidence is very fully shown in the report of the committee, and from the different aspects which Senators bring to such matters, in regard to which, of course, there are those more conversant than I am with the condition of Southern feeling and of Southern fears in this neighborhood, or in any populations where there is a nearly equal division between the blacks and whites; they are better able to judge perhaps than I am as to whether vagueness and unsubstantial fears really may have prevailed upon a state of facts and a condition of rumor such as is disclosed here,

Then there was another ground by which the excitement and resentful heat of popular movements against this Republican ticket and these Republican canvassers and leaders and public speakers sought to be justified, by connecting them with having made at the canvass preliminary to the election, at different gatherings, speeches which would in brief and in a somewhat summary way embrace what were called incendiary speeches. That was probed to the bottom, we think; first, as to what the speeches were; secondly, how much the people who testified about them knew what they were; and third, as to what incendiary speech meant by those people who on the proof of such facts or such utterances could be thus embraced in a charge of incendiary speeches. The committee dispose of that matter in this way:

Some color was sought to be given to the excitement in Washington County which followed the election by assigning as a contributory cause of the excesses which marked the election and its sequel the making of what were stigmatized as incendiary speeches at Republican meetings or at political gatherings of colored voters.

as incendiary speeches at Republican meetings or at political gatherings of colored voters.

The committee allowed a wide range in the testimony in support and in refutation of these accusations. It seemed but fair that every opportunity should be given to present the canvass, as bearing upon this point, as accurately and intelligently as possible. The exploration of this subject has, the committee thinks, demonstrated that the accusations themselves were vague and mere hearsay; that the imputations, when reduced to any definite expressions, came to nothing more serious than the ordinary methods of political argument and persuasion; that the infusion into these arguments of any race prejudices or preferences in the canvass did not transcend the legitimate and natural scope of party zeal for candidates, and that any stimulant to passion and disorder was entirely absent from the canvass. As to any combination or incentive to accomplish any results by violence, the Republican speakers and the colored assemblages were entirely exonerated by the testimony from any such charges. A perusal of the following extracts from the testimony will, the committee submit, extinguish any impression that "incendiary speeches" entered into the canvass, and will justify its conclusion that no substantial or reasonable support for such imputations ever had any basis in fact.

What the witnesses very largely adduced, perhaps as largely as from

What the witnesses very largely adduced, perhaps as largely as from any one, Lafayette Kirk, the Democratic judge, a political leader down there, enters into the substance of our evidence. The subject is an interesting one no doubt. It was properly inquired into, and enables perhaps all who shall care to examine into the general situation of political controversies in communities that are under the operation of a nearly equally divided population between the colored and the white, and the methods, disturbances, and consequences of irregular intrusion into what should be everywhere a peaceful exercise of the

Mr. President, the conclusion to which the committee have come will, I hope, be conceived by all Senators who shall examine the conclusion, and will receive from them the approval of not extending beyond the absolute necessary conclusions from the evidence which we have presented. Nor have we undertaken to go into censorship of communities, or their natural or at least habitual prejudices or feelings— if they are to be called prejudices. On the very grave subject of which this transaction forms but an instance the conclusions are these:

The committee has extended its examination into the political transactions in Washington County over the widest range asked for either by the petitioners or by the inculpated parties. It has embraced in its inquiries every topic bearing upon the state of feeling prevalent in any portion of that population, or entering into the rivalries and competitions which animated the political contest out of which arose these outrages upon the freedom of election, upon the peace and order of society, upon the personal safety and immunities in their homes

of the brave and unflinching defenders, against whatever odds, of the essential and universal principles of constitutional, legal, and individual liberty which are the common right, all over the land, of citizens of the United States.

This extensive survey and patient investigation the committee has thought justified by its conviction that the actual case presented not unfairly the features that illustrate the political disorders which afflict portions of our country where the population is at all nearly divided between white and colored citizens. These disorders do not alone disturb and threaten the good fame and security of the neighborhoods where they occur, nor of the States within whose borders these disastrous mischiefs pass unchecked, unredressed, and uncondemned. They tend to weaken and set back the sincere desire of the country at large to obliterate all distinctions, as between geographical or political divisions, in the prevalence of justice, peace, good-will, and equality of right in discussing and solving all the problems which affect the welfare of this great people.

While, in the opinion of the committee, the state of feeling in these communities is not ripe to receive just and permanent impressions from investigations such as have been conducted by the Senate, it can not but expect considerable benefit in the country at large from a dispassionate and responsible exhibition of the true and the principal traits of this transaction. The moral, social, and political bearings of such a condition of things, as is displayed upon the evidence taken by the committee, upon the community in which it exists address themselves to the calm judgment of thoughtful and patriotic minds in these populations. Not less do they engage the earnest attention of the great body of the American people which are removed from the environment in which these occurrences take place.

It can not be expected that these incidents, when looked at from opposite points of view, will make the same impression or lead to the same con

The committee recommends a careful revision of the laws, and concludes with the resolution which forms the subject of this debate as

now on the Calendar of the Senate.

Mr. President, there seemed to the committee—there certainly seemed to me when this matter was first introduced for examination to the Senate-that there could be no more propitious time for an investigation than that which was open to us when this petition was presented. It was as close as possible after the last election of 1886, itself not connected with the Federal election otherwise than in respect of the choice of a Congressman, and it was as far as possible from the election and canvass for the great contest of the parties in the country at large in

It was not expected that so protracted an examination would at all be necessary, but from time to time on each side there was a demand for a larger inquiry and a reinvestigation, adducing witnesses to contradict or qualify what had proceeded from others, till when we really terminated our actual production of testimony at the end of March, 1888, it was thought then that it should be kept open during the summer. No testimony, however, was called subsequent to that time.

I can only properly here, and I hope not with any undue emphasis, call attention to the fact that while this examination was still open and unconcluded, one of the very important and valuable, not only wits, but valuable men, in the consent, I think, of all parties, Joe Hoffmann, as he is familiarly called, long an office-holder, a German of excellent character and conduct, having the confidence, as I believe, of that community in all that relates to probity and propriety and duty of social and other obligations, fell a victim to an assassination. In that assassination was included another victim, a very important and, as I understand, excellent man of the Democratic party, Mr. Holt, known well, I take it, to the Senators from Texas, and well known, perhaps generally, in Democratic circles. This was an assassination, and a clear assassination. These two men were sitting together in front of a restaurant, and it was the heat of a canvass for the approaching election of 1888. The same aggravations, or zeal and interest, about the municipal affairs were then in progress, and were to culminate in an election. Out of the dark, at a safe distance, the discharge of two barrels of a shotgun killed both of these men.

Mr. COKE. One Democrat and one Republican.
Mr. EVARTS. I have stated that. One of them, Mr. Holt, it was supposed might survive and recover. Hoffmann was killed instantly. Holt died also.

Mr. EVARTS. Yes; I know. It was expected that Holt might recover, and at one turn of his wounds there was, I believe, a confident

opinion that he would recover, but by relapse or discouragement there was a disappointment of these hopes, and he died.

It is impossible not to connect that transaction, under the light of this evidence, as being a part of a continuous and protracted situation of this disturbance. Mr. Hoffmann, so far as our examination showed, had not incurred any enmity or any ill opinion in any quarter, but he was a leader in opposition to the ticket which was headed by Judge Lafayette Kirk, and it was a question of restoration of power by the Republicans or continued power in the same hands that held it.

With regard to Mr. Holt, although I think there is not any doubt that he was in all things wholly a Democrat, an important one, there is, I believe, an opinion on our part that Mr. Holt had purposed and had perhaps shown a purpose to take part against the powers that be in that coming election. I may be wrong about that, but that is our

notion.

Therefore, we have this unhappy result growing out of violence unchecked, unpunished, unresisted, uncondemned, an easy occurrence two years afterwards resulting in so deplorable and wholly inexcusable mur-der, for there were no such heats, or renconters or terrors or fears, vague or of any kind. It was, as it would appear, a result in execution of a systematic purpose that at whatever cost the supremacy in local affairs should be maintained by the men and the adherents of them who then

held that power.

I do not propose to allude to any other occurrences connected with elections and with fatal disasters to life, but it opens the general question (and I earnestly submit to all Senators who shall discuss this matter further, as unquestionably they will and should) that this is a case in which there was a reasonable opportunity of getting at the facts; that the investigation has been conducted with as much intelligence and legal faculties as belong to the members of the committee who were intru-ted as a subcommittee with the taking of testimony, Senator EUSTIS and Senator PUGH representing the minority, and Mr. SPOONER, Mr. Teller, and myself the majority; and that the investigation has been patient. There has been no important irritation in the conduct of it. Everything has been explored. Everybody has had an opportunity on either side, at whatever expense to the Government, for neither of us thought that that was an element which for a single instant should bear upon this investigation.

If it shall be held that the majority of the committee and the majority of the subcommittee have not given as impartial and exact a view in general of this transaction as they should have done, it is to be regretted; but it is a regret not without a remedy, for the whole body of the testimony is here, and, so far as I can see, it embraces a general discussion of what the disturbing influences are that in these communities draw a distinction between what individual transactions are open to the condemnation of everybody, and those violences against the suf-frage, violences that have attacked life, have sacrificed life, and those violences that have proscribed and driven away some citizens not open to condemnation by law or by society upon any general opinions of condemnation. I do not know where else we can find a better scene of transaction and a treatment of evidence that would enable us to better consider whether there is really in our affairs a great persistent power that is to suppress, overpower, and set aside the Government of the Constitution and the laws passed in pursuance of it, and the execution of the law through officers and the administration of justice, for

that at last must come to be the question.

The relations of the Federal Government directly to elections in the States and the great authority the States have over those elections in regard to the absolute possession of the basis of the suffrage, except when controlled by the amendments to the Constitution, are all understood; and elections are to go on year by year, so long as any one can see, to the end of the cohesion of these States. We are one people. We are divided into States. We have one great opinion that prevails all over the United States on certain subjects, and the Constitution of the United States and its laws and the suffrage under them is one of There is no private or local public opinion accorded in any part of this country by either of those questions. All the States, all citizens, from Maine to Georgia and off to California, are parties, the same parties, of equal authority, of equal courage, and of equal duty. That public opinion which is the life-blood of our institutions everywhere is the public opinion that is behind the power and the duty of the Federal Government, and there is no power or right to divide off and monopolize freedom on that subject either in expression or in conclusion to one part of this country.

The magnitude of the value and of, as I hope, the perpetuity of local influence and local control over what belongs to local administration and State authority, I have no desire to disparage, either in Texas or in New York; but if it ever comes to this, that as to which of these great areas of opinion shall control, if there shall be irreconcilable conflicts between them, the end must be, as I submit, that the opinion of the whole country must finally settle that behind the law and behind the Constitution. Its prevalence, and the general and complete rights of society and of suffrage are to be as clearly, as thoroughly, and I should hope, as quietly all over this country in one part as in another.

Mr. President, I shall not go into the large considerations while the

discussion rests upon the exposure of the facts and the situation upon which the debate is to proceed. Iask that the report of the committee

may be printed in the RECORD.

The PRESIDENT pro tempore. It will be so ordered, if there be no

objection.
The report is as follows:

Mr. EVARTS, from the Committee on Privileges and Elections, submitted the following report to accompany Senate resolutions of January 26, 1887, and February 28, 1888:

The Committee on Privileges and Elections respectfully reports that it has inquired into the circumstances and events referred to in the resolutions of the Senate passed January 26, 1887, and presents to the Senate the testimony taken before the committee and the conclusions upon such testimony to which it has

The resolutions referred to the committee are as follows:

"RESOLUTIONS.

"RESOLUTIONS.

"Whereas Stephen A. Hackworth, a native citizen of the United States and of the State of Texas; James L. Moore, a native of Alabama, and now for twenty years a citizen of Texas; and Carl Schutze, a native of Germany, for thirty years a resident of the United States and now a naturalized citizen thereof, have presented their petition to the Senate, wherein they allege that they have been driven from their homes in Washington County, Texas, and compelled to abandon their property at a great sacrifice, and that armed and lawless bands of ruffians have taken possession of and destroyed certain ballot-boxes in said county at a late election therein for county officers and member of Congress, and have murdered three citizens of said county, and overthrown republican government therein, and committed other outrages and crimes, all of which have been done in order that the majority of the voters therein may be deprived of their lawful and constitutional rights of suffrage, and that the minority may unlawfully usurp and exercise control in said county, and that the constituted authorities of said county and State refuse all remedy for said outrages and crimes:

"Be it resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to inquire into all the circumstances of, and connected with, the said alleged events, and that it report as soon as may be; and that said committee have power to send for persons and papers, to employ a stenographer, and to act by any subcommittee, and that any such subcommittee shall, for the purposes of such investigation, be a committee of the Senate to all intens and purposes.

"Bet testeled That the necessary appears of said committee in said investigation, be a committee of the Senate to all intens and purposes."

purposes.

"Be it resolved, That the necessary expenses of said committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the chairman thereof."

The petition to Congress upon which the resolutions of the Senate were based states with perspicuity and conciseness the history of the transactions in Washington County, Texas, out of which the grievances of which the petitioners complain arose, and which constitute the public grounds upon which their appeal is made to Congress to investigate these transactions, and take such action as in its wisdom may seem appropriate to its jurisdiction and duty in the premises.

The petition reads as follows:

"To the Senate and House of Representatives of the United States:

The petition reads as follows:

"Your petitioners, Stephen A. Hackworth, James L. Moore, and Carl Schutze, respectfully state—

"That they are clizens of Brenham, Washington County, Texas, but that they are now refugees from their homes in consequence of political persecutions.

"That they are law-abiding clizens and are not charged with the commission of any crime whatever against the laws of said State, and they possess the confidence and esteem of all law-abiding clitzens who know them.

"That, having in vain appealed for protection for their lives and property and for the security and property of their families to the local and state authorities of said county and State, they have now no other recourse except to appeal to you in the earnest hope that there may somewhere exist sufficient power to protect a clizen of the United States in his own country.

"Your petitioner, Stephen A. Hackworth, is a native-born clitzen of said Washington Country, Texas; has resided a greater part of his life in said city of Brenham; is now forty-seven years of age; is by occupation a dealer in real estate; and from 1570 to 1882 held several city in positions in said country; owned real estate; and from 1570 to 1882 held several city in positions in said country; owned real estate and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and famity.

"Your petitioner, estad Washington County, Texas, since 1865; is now forty-five years of age, and by occupation a merchant; and from 1576 to 1832 held the office of district clerk, and from 1882 to 1884 held the office of district clerk, and from 1882 to 1884 held the office of district clerk, and from 1882 to 1884 held the office of serieng in the said cuty of the said washington County; owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated and earning a comfortable living for himself and family.

"Your petitioner, Carl Sch

for their lives and property, by appeal to the local and State authorities of said county and State, has been prevented by the wanton and cruel mirder of important witnesses, and by the further fact that a body of State troops, ostensibly ordered to said county by the State authorities to preserve law and order, in fact acted in open concert with the lawless men who had committed the election outrages, and were then actually engaged in terrorizing the county preparatory to the commission of other outrages, alterwards perpetrated by them.

"Your petitioners further state that, since the said 2d day of November last, who are Republicans in politics; that one-half or more of the white clitzens who are Republicans in politics, and, together with the colored citizens who are Republicans in politics, and, together with the colored citizens who are Republicans in politics, and, together with the colored citizens who are Republicans in politics, and, together with the colored citizens who are Republicans and personal property of said county; that said citizens developed the property of said county; that said citizens are peaceable and law-arbding, and have never resorted to unlawful acts or the lives of proscribed Republicans, such an assemblage would be declared to be a 'negro insurrection' by the civil authorities and would furnish a desirable pretext to said civil authorities and their armed bands of rufflans to call for and obtain from the State authorities sufficient re-enforcement of State troops on the social of herero insurrection in the state of the property of the civil authorities and their armed bands of rufflans to call for and obtain from the State authorities sufficient re-enforcement of State troops on the social county, Alfred Jones, Shadrach Felder, and Stewart Jones, three colored Republicans, were arrested upon pretended and malicious charges of crime, and, while in the custody of the civil authorities of said county, were, on the 2d day of December ultimo, surrendered by said civil authorities into

come exiles.

"And your petitioner Stephen A. Hackworth was, on the l6th day of December, ultimo, escorted to the Gulf, Colorado and Santa Fé Railway depot at said city of Brenham by members of the Democratic executive committee of said county, also by a number of friends who went with him to protect him from being murdered by armed bands of ruffians who had collected in said city of Brenham, on the 5th and 6th of December ultimo, for the purpose of murdering him if he refused to obey the demands of the said Democratic executive committee requiring him to leave said county, and as the train bore him away from the depot said lawless bands of armed ruffians rent the air with several prolonged and exultant yells of triumph. And your petitioner, S. A. Hackworth, further states that no time was given him to remove his family from said city of Brenham; and knowing it to be unsafe for him to remain in Texas, he came to Washington, D. C., where he is now temporarily residing.

"Your petitioner James L. Moore was permitted to remain until the 12th of December, ultimo, to enable him to dispose of his property, and on said date he, with his family, left Brenham for Los Angeles, Cal., where he and his family now reside.

with his family, left Brenham for Los Angeles, Cal., where he and his family now reside.

"Your petitioner Carl Schutze was compelled to leave Brenham on said 6th of December ultimo, but returned to Brenham on the 13th of December ultimo, for the purpose of removing his paper, the Staats Zeitung, to Galveston, Tex., and on said 13th day of December was, while leaving the depot at Brenham for Galveston, attacked by armed ruffians, who fired two pistol shots, and also threw a heavy stone at him through the car window, but he escaped unhurt, and is now in Galveston, Tex.

"And your petitioners further say that they are unable within the limits of this petition to state all the facts and set forth the long lists of cruel crimes committed upon helpless citizens of said county because they dared to exercise their political rights as Republicans to obtain representation in the local, State, and Federal governments of the country; and your petitioners are prepared, and stand ready when called upon to do so, to establish by conclusive evidence the truth of all facts herein set forth and submitted.

"And your petitioners hereby respectfully submit all matters herein stated and complained of to your honorable body for your careful consideration, and such action as you may deem necessary to cure the evils herein stated, and thereby secure to all citizens of the United States their rights under a republican form of government in fact as well as in name.

"As in duty bound, your petitioners will ever pray.

"STEPHEN A. HACKWORTH.

"JAMES L. MOORE.

"CARL SCHUTZE.

"By the written authority and request of Messrs, James L. Moore and Carl Schutze, I have signed their names to the above and foregoing petition, this the 6th day of January, 1857.

Before considering the specific incidents in the election in Washington County on the 2d day of November, 1886, which make up the alleged ontrages on the suffrage at the election and produced the defeat of the Republican majority, it seems to the committee due to the petitioners to express its opinions as to their character and conduct, as citizens and as participants in the disturbed politics of Washington County have been made the subjects of much criticism and contumely by the principal actors and their abettors in the political outrages, which the petitioners have denounced to public condemnation and have exposed before the committee of the Senate.

Much attempt has been made by insinuation, if not by testimony in the course of the examination, to show that these petitioners were not proscribed at home for their Republican principles and their maintenance of those principles in the methods of free speech, free suffrage, and political organization which are the common right of all parties and of all citizens. It has been pressed upon the attention of the committee that, as a matter of fact, these petitioners were not, subsequent to the election, in peril among the population where they lived; that they were not driven from their homes, their property sacrificed, their honest livelihood broken up, and their exile a cruel and brutal banishment by violence and fear for their lives.

THE PETITIONERS RESPECTABLE AND SUBSTANTIAL CITIZENS AT HOME.

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THE PETITIONERS RESPECTABLE AND SUBSTANTIAL CITIZENS AT HOME.

The committee is unable to attach any importance to the efforts in the testimony to disparage the characters and lives of these petitioners. But for the political agitations, the flerce passions, the violent and cruel and bloody incidents whice mark the election of Washington County and its sequel, the committee is persuaded that the people of Brenham, where the petitioners had long been residents, would have found no occasion for any reflections upon them other than such as belonged to the heat of political contests for place and influence between opposing parties.

The committee, therefore, is not deposed to reduce its confidence in the faithment of the committee, therefore, is not deposed to reduce its confidence in the faithment of the committee, therefore, is not deposed to reduce its confidence in the faithment of the election. Nor does the committee find that it has any warrant, upon the whole testimony before it, to discredit the evidence these petitioners have given upon the essential points under examination upon any considerations affecting their sincerity or veracity. Whatever qualifications of their statements may properly be raised by contradictory evidence or by their enlistment in the controversy belongs to the judicial comparison of conflicting views among the witnesses, and does not, in the opinion of the committee, justify any censure on the probity of the petitioners' testimony.

The committee, therefore, is of opinion that the averments of the petitioners as to their situation in their homes in Texas and the occasion of their being reason to their should be considered to the state of the sustained by the evidence. These averments are as follows:

"That they are clavities of Brenham, Washington County, Texas, but that they are now refugees from their homes in consequence of political persecutions."

"That they are law ab

DEMONSTRATIONS WHICH DROVE THE PETITIONERS FROM THEIR HOMES IN TEXAS,

DEMONSTRATIONS WHICH DROVE THE PETITIONERS FROM THEIR HOMES IN TEXAS.

The evidence bearing upon the expulsion of the petitioners in Texas occupied much of the attention of the committee and filled many pages of the testimony. The direct and explicit affirmative evidence in the case of each of the petitioners of their banishment under threats and fears for their livesseems to the committee wholly unimpaired in its conclusive effect by any opinions or convictions to the contrary expressed by those who would weaken or palliate the severity of their proscription and their expulsion. Some extracts from the testimony of either aspect will leave no doubt of the soundness of the conclusions which the committee has reached on this head of its inquiry.

Mr. Hackworth's testimony on this point is as follows:

"By Mr. SPOONER:

"By Mr. SPOONER:

"Q. Did you receive any notices to leave?
"A. Yes, sir.

"Q. Have you got any of them?
"The WITNESS. Do you mean written notices?
"Mr. SPOONER. Yes.
"A. No, sir; I have not.
"Q. Tell us all you know about it. You left there, did you?
"A. Yes, sir.
"Q. Why did you leave?
"A. The excitement had grown so intense and the efforts we made to get these colored men released under writ of habeas corpus and their hanging had

created such a terrible excitement, that I found it would be impossible for me to remain there any longer without not only great danger to myself, but great danger to the lives of my friends.

"Q. Did you have any advised me.

"A. Oh, yes, sir; a great many advised me.

"Q. I asked you a little while ago to give me the names of the parties, Democrats, who notified you, if any there were, to leave, or who advised you that it was necessary for your safety to leave?

"A. I am not willing to give the name of but one, and that is Mr. Louis Bryan, who conducted the negotiations.

"Q. Tell us about that; you know all about it?

"A. This was after the colored men were hung. I think it was on Friday, the 3d. I was up at Mr. Schutz's office and we were talking over the matter as to what we thought was best to be done. Mr. Schutz's advised with me and said that he thought everything was hopeless, from the warnings we had received, and that from the state of feeling we would be compelled to leave. About that time Mr. Bryan came up in the office and inquired about a case in the court in which he was on one side and Mr. Schutze on the other side. After talking a few moments this letter of Judge Kirk's came up; I think I brought that up myself. It had been said over town that myself, Mr. Schutze, Mr. Moore, and leading Republicans had that letter written to Judge Kirk, and it was creating a great deal of bad feeling over Brenham. I knew this letter was bogus, or felt satisfied of it. I knew it was gotten up for the purpose of provoking a riot, or something of that kind, to give an excuse or pretense to murderers, and I spoke to Mr. Bryan about it. I told him that we had not written the letter nor advised any one to write it; that we were for peace, and were doing everything that could be done to secure peace and harmony in the county, and that I felt satisfied from what Democratic friends had told me that Mr. Rodgers had written the letter to Judge Kirk, and that he had done it with Judge Kirk's knowledge; that I was not cert

"The WITNESS. He asked me how much my homestead was worth, and I told him it had cost me over \$2.500.

"By Mr. SPOONER:

"Q. What was the event of these negotiations for the purchase of your home?

"A. Mr. Bryan came back to me on Monday, and said the most he could get was \$1.50, and I might just as well take it and be done with it, as there was no time to be acting as a friend. I had learned enough that morning from other Democrats (if I have to give their names I will not tell what it was) to know that there was a mobforming to come into Brenham either Saturday or Sunday to hang us, perhaps; the same men who hung these colored men.

"Q. What was the event of these negotiations for the purchase of your home?

"A. Mr. Bryan came back to me on Monday, and said the most he could get was \$1,150, and I might just as well take it and be done with it, as there was no time to lose.

was \$1,150, and I might just as well take it and be done with it, as there was no time to lose.

"Q. Did he tell you there was no time to lose?

"A. Yes, sir; he told me that; that I must leave Monday night, and that men were in Brenham. I got that from many friends. I went into town once and hurried back home, and I was in my office for a few minutes, and Mr. Bryan came up in that back room and told me, 'the men are here and they are coming in, and it is necessary for you to make your arrangements and you and your wife sign that deed immediately and go away.' I agreed to do it, and signed the deed. I can not remember, of course, all that occurred, only I knew the danger was great.

"Q. Did you leave for any other reason than the one you have stated?

"A. No, sir; I did not leave for any other reason. It was never my intention to leave Washington County.

"Q. Had you committed any offense against the laws?

"A. No, sir.

"A. No, sir; I did not leave for any other reason. It was never my intention to leave Washington County.

"Q. Had you committed any offense against the laws?

"A. No, sir.

"Q. Had there been any complaint made against you as a citizen?

"A. None whatever.

"Q. Do you know of any reason for this excitement and feeling and threats against you other than political?

"A. That was all; it was all political.

"Q. Did you take the \$1,150?

"A. Yes, sir.

"Q. And conveyed your homestead?

"A. Yes, sir.

"Q. And left?

"A. Yes, sir.; and left. The money was paid to my wife.

"Q. What was the property worth?

"A. The property was worth, I think, \$2,500, and I think I could have got that for it. I might not have got it all in money, but I know I could in trading around.

"Q. Who bought it?

"A. I think Mr. R. Hoffmann; I do not remember. I was so excited at the time I looked at the deed I can not say " (pages 226-228).

The testimony of Carl Schutze, esq., showing how he was driven from Washington County, is as follows:

"Q. Did you have any order to leave there; any order, written or verbal?

"A. I had no direct order to leave, written or verbal. I can not say that any letter was sent to me, or other paper. No man came to me and told met that I must leave, but to every man who lived there it was very evident that I could not stay there. My friends who were with me, they had friends in town, and some of them were Masons, and they received information, of course, from their fraternity and others. Mr. Hackworth, for instance, has a very large family and has relations in town there who were mostly all Democrats, and from statements that were given to these persons and from what I saw in the town myself I knew that I could not live there any longer. I left town twice. On the evening of Wednesday—that is, the day after the election, all the Republicans had to hide out that night—

"A. I mean these leading Republicans, Mr. Hackworth, Mr. Hoffmann, and others. They did not sleep in the that in house. Mr. Hoffmann, who used to s

would come up to the office and kill us, and we took arms and went down to Mr. Hackworth's house. They went to another house to sleep, and I went to Galveston that night, because I have no family, and I did not want to bother

Mr. Hackworth's house. They went to another house to sleep, and I went to Galveston that night, because I have no family, and I did not want to bother anybody by remaining there.

"Q. Did you sell your property there?
"A. No. sir; I did not sell it. I will tell you about that,
"Q. State, as briefly as you can about it.
"A. After the colored men were lynched on Thursday morning, the next day I think it was on Friday, Mr. Louis Bryan came up to my office. He looked very much excited and very eager and talked very fast. He wanted to know about the papers in the case of Zapp against Amslers & Brothers, I think, and said something about continuing the case to the March term of the county court. I did not know whether it had been continued or not, and it seemed to me very extraordinary that he should come there at that time. It was on the 2d of December, the court had adjourned some time, and the next term of court would not be until the middle of January. I thought it was very strange. While he was sitting there Mr. Hackworth approached him on the subject of a letter which he had apparently written to Judge Kirk. Judge Kirk claimed that he had received it from the post-office. I had heard of that letter myself, and I heard that a man by the name of Rankin, who was part owner of the Brenham Banner, had been going around the streets with that letter and inquiring of everybody if I or Steve Hackworth had not written the letter. I think he told Mr. Jodon about it, and Mr. Jodon said that it was not in my handwriting or in Mr. Hackworth's either. They went all over town asking people about it.
"Q. This Brenham Banner was a Democratic newspaper?
"A. Yes, sir. They asked if we had not written it to try to excite people against us. Of course every man who is not half-witted would know that it was not to our interest to do anything of that kind to get ourselves into a difficulty.

"O. Did you write that letter?"

culty.

culty.

"Q. Did you write that letter?

"A. No, sir; I did not know anything about it. Mr. Hackworth told him then that he thought he ought to know that he would not have written that letter, and that he had heard that Judge Kirk had written it himself; and from what I have since learned, either Judge Kirk or Mr. Rogers, it is said, put some young man up to it to write that letter. Mr. Bryan then said, 'You disclaim the authorship of that letter, or any knowledge of it.' Well, of course Mr. Hackworth told him that he did. Then he went out and called me out into the hall; said he wanted to see me. He says, 'Mr. Schutze, it is very evident that you can not live here.'

"Q. Excuse me a moment; was this Mr. Bryan a Democrat?

worth told him that he did. Then he went out and called me out into the hall; said he wanted to see me. He says, 'Mr. Schutze, it is very evident that you can not live here.'

"Q. Excuse me a moment; was this Mr. Bryan a Democrat?

"A. Yes, sir.

"Q. Is he connected officially with the Democratic county organization as a member of the executive committee or anything of that kind?

"A. It was generally understood in Brenham that he belonged to the executive committee. Mr. Bryan then stated to me, 'It is very evident that you can not live here; that they are determined to kill you, Hackworth, and Moore, and,' he says, 'we do not want you to go off without a cent, and if you want to leave we will buy you out.' I said,' What can you give me?' 'Well,' he said, 'about two or three hundred dollars.'

"Q. What was it he offered to buy out?

"A. He offered to buy out my paper. He said, 'We want to get rid of that paper; we want to break that thing down; we have no use for it.' I laughed at that and said, 'If I have to go! might as well go withowt any money; two or three hundred dollars is not anything.' I said I would submit it to some people who had a financial interest in the paper and let him know; and I spoke next day to some parties, and, to make the matter short, Mr. Breedlove, who was also interested and had advanced some money on the paper, I spoke to him afterwards. The next Monday Mr. Hackworth came there in the morning looking very white and pale, and told me that Mr. Bryan had told him that they were coming in that day, and if he wanted to sell out to anybody there he would see to it that they would not but him.

"Q. They proposed to buy Mr. Hackworth out, too?

"A. Yes, sir. I understood afterwards that Mr. Bryan talked with Mr. Hackworth he same day that he saw me in the office, when I had told him that it would take about \$1,500 to \$2,000 to buy me out, and he would not think of that at all, and said he had no use for the paper. That night Mr. Hackworth left.

"Q. Was this Mr. Bryan connected with either

noon and went down mot the country. I knew that my me was not worth a nickel.

"Q. You left, then, under those threats and under that influence?

"A. Yes, sir. That is, I returned after that to wind up my affairs. I was assured by Mr. Breedlove that he had assurances that I would not be molested if I came back to wind up my affairs, and perhaps they would buy me out. But they refused to buy me out. Mr. Breedlove negotiated the matter with Mr. Bryan; they could not stand the amount I asked, and I had to move the paper to Galveston. On the Monday following Mr. Hackworth left, and on the next Monday I left on the evening train, and that was the time when they fired two or three shots at the car. I thought it was only two shots that they fired at the time, but Tom Foley, the conductor, told me there were three shots fired.

"Q. State more fully in regard to that, if you please.

"A. As the train was starting some pistol shots were fired, and a rock was thrown into the window. I was sitting in the car facing in that direction [indicating], and the rock came in here [indicating], and it broke out a panel of the shutter and dashed it to pieces almost.

"Q. The stone was thrown into the window of the car near where you were sitting?

"Q. The stone was thrown into the window of the car near where you were sitting?

"A. Yes, sir; just to my right, a little ahead of me. It passed within perhaps an inch of my face.

"Q. Do you know who threw it?

"A. No, sir.

"Q. You stated that pistol shots also were fired?

"A. Yes, sir.

"Q. Were bullets shot into the car?

"A. I did not see any. I do not know whether the shots were fired into the car or not, but they were close up to it.

"Q. Did you hear of any threats made by the Republicans, or were the threats that were made entirely confined to the Democrats?

"A. Yes; they were entirely confined to the Democrats.

"Q. Have you been back to Brenham since you went to Galveston?

"A. I was there, as I stated, on the 13th of January. I will state to you how I got there. I went up there at night because I knew it was unsafe, on the central train, and took a sleeper, so that nobody should see me, and when I got there slept in a private house, and I was in town but half an hour the next morning, and then I took a horse and rode out to see Mr Julius Lehmann, 3 miles in the country, and returned by another road so that they would not follow me. I saw Mr. Fricke and he told me that my life was in danger; that the deputy sheriff had made certain remarks about me; and I rode around and went through a back door and came into a store, and was told by the proprietor

and clerk that these fellows I mentioned were hunting me, and he begged me for God's sake to go away, and I rode to Albert Vernon's, and he went with me to the depot, and the train left in three minutes; and instead of going south I went north and went around and came back to Galveston? (pages 203-210). Mr. Moore's testimony is as follows:

"Q. Do you know of any threats being made there against the leading Republicans about election time or after the election?

"A. Yes, sir.

"Q. By whom were they made and against whom were they made?

"A. They were made by the leading Democrats against leading Republicans.

"A. Myself, among others.

"A. Whyself, among others.

"A. Mr. Hackworth, Mr. Schutze, Mr. Potter, Mr. Gilder, Mr. Lockett, and others.

"A. Mr. Hackworth, Mr. Schutze, Mr. Potter, Mr. Gilder, Mr. Lockett, and others.

"Q. What was the nature of those threats?

"A. The threats were that unless certain of us left that county in a very short time that we would be murdered, hanged, or shot; the threats were that unless myself, Mr. Hackworth, Mr. Schutze, Mr. Potter, and others left the county that we would be shot, hanged, murdered, or otherwise disposed of, as the Democracy, the kuklux portion of the Democracy, might decide to dispose of us.

"Q. Did you receive any notice to leave?

"A. No written notice; mine was verbal.

"Q. From whom did you receive such notice?

"A. From several Democrats.

"Q. Who were they?

"A. I received some of those communications in a confidential way, and would not like to disclose them unless I am compelled to do so. The principal part of my information came through Mr. B. F. Robertson.

"Q. A Republican?

"A. No, sir; he is a Democrat.

"Q. But there were other Democrats who communicated to you the fact that it would be better for you to leave?

"A. They told me that my life was not safe and that they advised me to leave; that they were Democrats and I was a Republican, but they did not know that I had done anything wrong except to advocate the Republican cause; that the Democracy was worked up to a great state of excitement and they knew my life was not safe and I would be murdered if I staid there.

"Q. They communicated that advice to you in friendship and under promise of secrecy on your part?

"A. They soir: except in the case of Mr. Robertson: there was no secrecy in

"Q. They communicated that advice to you in friendship and under promise of secrecy on your part?

"A. Yes, sir; except in the case of Mr. Robertson; there was no secrecy in what he told me. He represented himself as being the authorized representative of what he and I called a 'mob' in Washington County. There was no secrecy in his communication with me.

"Q. Who was Mr. Robertson?

"A. He was one of the nearest neighbors I had there,

"Q. A prominent Democrat?

"A. A prominent Democrat, although he does not take an active part in politics,

"A. A prominent Democrat, although he does not take an active part in politics.

"Q. Were you a property-owner there?
"A. Yes, sir; I owned some property there in Washington County.
"A. No, sir; I did not.
"A. No, sir; I did not.
"Q. Why did you leave?
"A. I left there believing that my life was not safe. That belief was created in my mind by the information that I had received from Democratic sources and from Republican sources, too, but of course I attached the most importance to the information I had received from Democrats.

"Q. You knew of the meeting which had been held at Eldridge Hall?
"A. I heard of it; I was in town at the time.
"Q. Was that meeting attended by any Republicans, to your knowledge?
"A. I never heard or knew of a Republican being there.
"Q. It was attended by Democrats from different parts of the county?
"A. Yes, sir: that was my information.
"Q. Were they armed?
"A. Yes, sir. I heard there were parties of armed men in the town, and I saw several of them.
"Q. Were you negotiating for the purchase of your property preparatory to leaving?
"A Yes, sir.

"Q. Were you negotiating for the purchase of your property preparatory to leaving?

"A. Yes, sir.

"Q. Who did you sell your property to?

"A. The deed was made to Mr. Felder, a prominent Democrat there.

"Q. Who negotiated for the sale of the property?

"A. Mr. Robertson did the most of it, and Mr. Breedlove representing my interest as an attorney.

"Q. Had your property been for sale prior to this time?

"A. I had said I would take a certain price for it.

"Q. What did you estimate it to be worth?

"A. I asked \$6,000 for it.

"Q. What did you sell it for?

"A. I owed three notes, and one of them was due on the 1st of last January, another was due the following year, and the third was due in two years. The party who bought the property assumed the debt that was on the property of \$1,500 and paid me \$500 cash.

"Q. What was the price of your property?

"A. The price I asked for it was about \$6,000.

"Q. And how much did you get for it, allowing credit on the notes?

"A. I owed \$1,500 on the place, payable by notes, and the first note fell due in January—

"O. Then you get \$2,000 for it?"

January—

"Q. Then you got \$2,000 for it?

"A. Yes, sir; the purchaser assumed the payment of these three notes for \$1,500 and gave me \$500 in eash.

"Q. So that you sacrificed your property?

"A. Yes, sir; it was a sacrifice; I did not get half what it was worth nor half what it cost me.

"Q. What crime had you committed that you should not be permitted to live in that community?

"A. The only crime that I heard myself charged with was being a prominent Republican, and having made Republican speeches and trying to induce Republicans to vote the Republican ticket against the so-called People's ticket or Democratic ticket.

"Q. You had made no social-equality speeches."

Democratic ticket.

"Q. You had made no social-equality speeches?

"A. I never made a social-equality speech in my life, and I never heard a Republican make one, that I remember.

"Q. When did you leave Brenham?

"The WITNESS. For California?

"Mr. Spooner. For good.

"A. I left there about the 13th of last December, I think.

"Q. You took your family with you?

"A. Yes, sir.

"Q. You left because you did not consider it safe to live there?

"A. That was my reason for leaving.

"Q. And the prejudice which had been created against you was, so far as you know, political only?

"A. I can assign no other cause.

"Q. And is chargeable to the fact that you had been an active leader in the Republican party of that county?"

"A. That is the only offense I knew that I was charged with" (pages 512-515). Florent T. Jodon, esq., thus describes the situation at Brenham:

"Q. What do you know of threats being made against Mr. Hackworth, Mr. Schutze, Mr. Potter, and Mr. Moore?

"A. I know particularly of them against Mr. Hackworthand Mr. Schutze, not so much against Mr. Moore. I never heard them made against him, but in regard to Mr. Hackworth and Mr. Schutze I heard threats made quite often. In fact, the state of feeling in our community for a long time was simply terrible. It not only extended to Republicans, but to all classes of good, quiet citizens. Our town was for a while under the control of a mob, men who made their headquarters at saloons, and who were armed, and the state of feeling was very bad indeed" (page 182).

Many other prominent Republicans were ordered to leave their homes and establish themselves elsewhere. Below are given a few of the notices that were sent to them:

"George W. Brown (colored) was recalled and further examined.

"George W. Brown (colored) was recalled and further examined.

"By Mr. SPOONER:

"Q. Have you seen the paper which I now show you before this time [handing a slip of paper to the witness]?

"A. Yes, sir.
"Q. Where did you first see it?
"A. I first seen that paper tied to my saddle,
"Q. Is this the paper that you testifled yesterday was found tied to your saddle?

"A. Yes, sir.

"A. Yes, sir.

"A. Yes, sir.

"A. Was this before you qualified for the office you hold, or after.

"A. It was just after, on the same day.

"A. It was been in your possession ever since?

"A. Yes, sir; I have had it folded up and have carried it in my pocket all the

"A. Yes, sir, I have the continuous and the paper:
"Mr. Spooner. I will read what is on this paper:
"George W. Brown. As Republicanism is dead, dead, in Washington County, you better resign and leave the county, or you will be killed.'—with a picture of a cocked gun at the bottom of it" (page 109).

tre of a cocked gun at the bottom of it" (page 109).

O. B. Potter's testimony:

"Q. Have you known of any notices being served on men in that county instructing them within a given time to leave the county?

"A. Yes, sir; I have known of several, and have seen several of them.

"Q. Tell us what you know about that.

"A. I can give you my notice if you want it.

"Q. One was served upon you?

"A. Yes, sir; this one [handing a paper to Mr. Spooner].

"Q. When was that sent to you?

"A. Yes, sir; this one [handing a paper to Mr. Spooner].

"Q. Is this the identical paper?

"A. Yes, sir.

"Q. Just as it came?

"A. Yes, sir; exactly like that. It has not been changed a particle.

"Q. With this broad band of mourning around it?

"A. Yes, sir; exactly like that. It has not been changed a particle.

"Q. You did not stop to study the date?

"A. No, sir; I was somewhat excited. I judge that is the 21st.

"Brenham, December 21.

"BRENHAM, December 21. "'SIR: We have been waiting for some time for you to arrange your business and leave this county. This is to notify you that if you persist in staying here havy days longer you will be dealt with in a very severe manner." "CITIZENS W. CO."

"By Mr. Spoonen:
"Q. This signature, 'Citizens W. Co.,' I understand means Washington County?
"A. Yes, sir."

W. H. Blount's testimony:

"Mr. SPOONER. This notice reads as follows:

"'BRENHAM, TEX., December 9, 1886.

"'You are hereby notified to leave the county without further warning.

"'W. H. BLOUNT.

"'W. H. BLOUNT.'

"Mr. SPOONER. Let that be marked as an exhibit, and put in evidence.

"Q. What crime had you committed?

"A. They say none. One of the fellows who notified me met me on the street in the day san he asked me, he says, 'What is your name?' and I said 'Blount.' He said, 'Aha.' 'Well,' he says, 'Yhave a message to deliver to you.' I said, 'All right; let's hear it.' He says, 'You must leave the county, and,' he says, 'you must leave the mmediately.' I says, 'What is your name?' He says, 'I am from the lower counties.' I said, 'That is not the question I asked you; and he said, 'That is all you will get, by God.' I said, 'Do you expect I am a fugitive from justice, a thief, or a robber, or what do you consider me?' He said, 'No, you are a pretty fair citizen, they say, but you wield an influence among the freedmen that is detrimental to the white people, and they won't stand it'" (page 128).

Joseph Hoffmann's testimony:

Joseph Hofmann's testimony:

"Q. Did you receive any written notices to quit?

"A. Yes, sir.

"Q. Have you got one of those notices now?

"A. Yes, sir.

"(The witness produced the notice called for and handed it to the chairman.)

"Q. Has this been in your possession ever since?

"A. Yes, sir. I have shown it to several parties and they have had it in their hands, but that is all. That is the envelope it came in.

"Mr. Evarts. This note reads as follows:

"December 8 1886.

· · · DECEMBER 8, 1886.

'Job Hoffmann:
"'You are requested to vacate Burton forever by Saturday night.
"'CITIZENS,"

"That is written in red ink.

"Q. This came through the mail?

"A. Yes, sir; and the post-office mark on it is the 7th. I received it on the 7th (page 134).

"William W. Hackworth, having been duly sworn, was interrogated as follows:

"By Mr. EVARTS:

"Q. Are you a son of S. A. Hackworth?

"A. Yes, sir.

"Q. Where do you live?
"A. In Brenham, Washington County, Texas.
"Q. You still live there?
"A. Yes, sir.
"Q. And have continued to live there, although your father left?
"A. Yes, sir.
"Q. How long have you lived there?
"A. I was born and raised there.
"Q. What is your present age?
"A. I will be twenty next September.
"Q. Were you in Brenham at the time of the Eldridge Hall meeting?
"A. Yes, sir.
"Q. Did you go to it?
"A. Yes, sir.
"Q. Did you hear the resolution that was adopted and the speeches that were made?
"A. Yes, sir.
"Q. You are a Republican, I suppose?
"A. Well, I never have voted.
"Q. You are not entitled to vote yet?
"A. No, sir.
"Q. But you sympathize with the Republican and not with the Democratic party?
"A Yes sir.

"A. No, sir.

"Q. But you sympathize with the Republican and not with the Democratic party?

"A. Yes, sir.

"Q. Did you hear the resolution which was offered by Judge Kirk in regard to notifying people to leave?

"A. Sir?

"Q. Did you hear offered by Judge Kirk at that meeting the resolution that he proposed in regard to requiring people to leave?

"A. Yes, sir; I did.

"Q. What was it that he proposed in the resolution?

"A. He made a motion that S. A. Hackworth, J. L. Moore, Ed. Lockett, and Larney Gilder be given twenty-four hours to leave the county in.

"Q. That they should leave the county in twenty-four hours?

"A. Yes, sir."

Lafayette Kirk, the Democratic county judge, who offered the resolutions referred to above, testified as follows:

"When I went into the meeting I had just been informed that Mr. Potter had said that he was in favor of going in with the negroes and resorting to the shot-gun policy to enforce their rights.

"Q. Had Mr. Potter said anything?

"A. I had been so notified and informed, and acted on that information.

"Q. How long had you known Potter?

"A. Ever since I had been in town.

"Q. He is a pretty good neighbor, is he not?

"A. So far as I knew. I didn't know much about him except in this canvass.

"Q. He had been a pretty good neighbor on general principles?

vass.

"Q. He had been a pretty good neighbor on general principles?

"A. He had so far as I know. I had nothing to do with him much.

"Q. Would you drive a man out of the county on what some fellow said without making proper inquiry about it?

"A. I said, in the event he had said it in his speech.

"Q. Did you hear him say any such thing?

"A. Never.

"Q. Why did he recommend them to adopt the shotgun policy?

"A. To enforce their rights, I suppose.

"Q. That is, if the white Democrats raided the ballot-boxes that they ought to be shot?

to be shot?

"A. I did not know what he had in his mind.

"Q. Don't you think it would have been a good idea to have found out what he said before undertaking to punish him?

"A. I do. The gentleman who informed me said he was making statements of that character; that he was in favor of arming them.

"Q. That was after the election that he was so reported?

"A. Yes, sir.

"Q. It is not true that you were told that Mr. Potter justified the shooting, when it was necessary, of men who raided the ballot-boxes?

"A. I was not told that; I was just told about a conversation in which he said he was in favor of arming the negroes and resorting to the shotgun policy.

"Q. Had not that rumor been traced up, and had not Mr. Potter made a denial of it?

"A. Not at that time, it had not.

"Q. Had not that rumor been traced up, and had not Mr. Potter made a denial of it?

"A. Not at that time, it had not.

"Q. What else was there; what other crime had these men committed?

"A. Some of them were notoriously bad characters there.

"Q. Bad in what way?

"A. They had no standing socially or otherwise.

"Q. That is, you mean with Democrats they had not?

"A. With Democrats or Republicans, or respectable Republicans.

"Q. Were they driven out on that account?

"A. I think their leaving the county was due to the fact that they had played completely out there. They had no social standing or financial credit, and no means of support, except—

"Q. You were not proposing to any public meeting to drive poor devils out because they had no financial standing or credit?

"A. No, sir. What caused me to make that remark was, it came on the heels of the news of the killing of Bolton. My advice was that he had been killed by negroes who had been advised to go there to the ballot-boxes, and were acting under the advice of Gilder and Lockett; and following that I heard that Mr. Potter had made this statement, that he was in favor of arming himself and acting on the shotgun policy and enforcing his rights, and in the course of my remarks at that meeting I said I was in favor of notifying them that such things must be stopped or they must leave the county.

Lewis R. Bryan, another Democrat who was present at this meeting, testifies that he resolution of Judge Kirk ordered certain Republican leaders to leave within twenty-four hours

"Q. Do you know whether the date at which these people were required to leave was mentioned by Judge Kirk?

"A. No, sir.

"Q. Are you sure that he did not name some date within which they must leave?

"A. It was to notify them to leave within twenty-four hours if they did not

leave?
"A. It was to notify them to leave within twenty-four hours if they did not

"A. It was to notify them to leave within twenty-four hours if they did not stop.

"Q. That was his resolution as amended?

"A. Yes, sir. I misapprehended you. You said the date; if you had said the time I would have underst od.

"Q. It was twenty-four hours, then, was it?

"A. Yes, sir.

"Q. Were any persons mentioned who would be required to leave within twenty-four hours if these things were not stopped—by Judge Kirk's resolution, I mean?

"A. The suggestion made by him was—

"A. The suggestion made by him was—

"A. The suggestion made by him was—

"O. I have asked you a simple question.

"A. The suggestion made by him was—
"Q. I have asked you a simple question.
"A. Hackworth, Moore, Potter, Giver, and Lockett.

- "O. One of the andience cried out an additional name, then, to put on the

"Q. One of the andience cried out an additional name, then, to put on the list?

"A. Yes, sir; Schutze; Carl Schutze.
"Q. Who was it that called out that?
"A. Dr. Joseph Tristram, a German.
"Q. You knew at the time that it was he who did it?
"A. Yes, sir.
"Q. Do you remember what he said?
"A. He said, 'Don't forget Carl Schutze' (pp. 574, 575)."

Mr. Bryan, in the following passage, shows under what fears these petitioners were placed:
"Q. Now, without knowing who wrote this letter to Judge Kirk, or whether it was written as a joke or seriously, or was written by an enemy of Judge Kirk, or whether it was written by a Democrat or a Republican, why did you say that if any harm came to Judge Kirk, Mr. Hackworth and these other men would be held responsible for it?

"A. I mean exactly what I said; that we would hold them responsible for it: that nobody was going to hurt them but somebody who was in their interest and was instigated by them. They hated Judge Kirk like they did the Old Scratch himself, and it could come from no other source but that. That is the idea I have.

"Q. But whether right or wrong, whether they had anything to do with it or not in that state of feeling if harm came to Judge Kirk these men would be

and was instigated by them. They hated Judge Kirk like they did the Old Scratch himself, and it could come from no other source but that. That is the idea I have.

"Q. But whether right or wrong, whether they had anything to do with itor not, in that state of feeling if harm came to Judge Kirk these men would be held responsible for it?

"A. They would have been, sir, undoubtedly; yes, sir.

"Q. In what way would they have been held responsible?

"A. I do not know, sir, in what way.

"Q. What was in your mind?

"A. I do not know, sir, in what way.

"A. I do not know, sir, in what way.

"A. I do not know, sir,

"Q. Well, it might have included hanging?

"A. Yes, sir; it might have been.

"A. I do not know whether it would have been, but that is generally the way that amobtakes. If it had taken the form of a mob, that is generally the way in which they act.

"Q. And it would have been a mob with which you would have sympathized?

"A. If Judge Kirk had been killed I would have been with it, sir.

"O. And all the other good Democrats would have been with it, too?

- "Q. And it would have been a mob with which you would have sympathized?

  "A. If Judge Kirk had been killed I would have been with it, sir.

  "Q. And all the other good Democrats would have been with it, too?

  "A. The Democrats, and as good Republicans, Senator, as there are in the State of Texas or anywhere else.

  "Q. You may put in all you please so long as you put in all the Democrats.

  "A. Yes, sir.

  "Q. And that would have been the state of things and the treatment given to these men if harm had come to Judge Kirk?

  "A. I think so; I am only giving my individual views.

  "Q. Of course we can not get anybody else's opinion but yours. As far as you know, that was the general opinion among the Democrats there?

  "A. Yes, sir; as far as I know.

  "Q. And in your answers you speak of both Hackworth and Schutze?

  "A. Yes, sir; they were both present.

  "Q. And you told them they would be responsible, and you were serious about it, were you not?

  "A. I meant exactly what I said.

  "Q. You meant that if any harm came to Judge Kirk those men would be hanged?

  "A. I did not ween that they would be bayered.

"Q. You meant that it any narm came to Judge Kirk those men would be hanged?

"A. I did not mean that they would be hanged.

"Q. Or shot; I will ameliorate it in that way.

"A. I meant that they would suffer for it in some way. Of course, if they had happened to get away from them they could not do it.

"Q. If you could not hang them or shoot them, of course you would have been

"Q. If you could not hang them or shoot them, of course you would excused.

"A. I meant they would suffer the consequences.

"Q. And you meant that would be very serious?

"A. Yes, sir.

"Q. But that would be about the shape of the thing, would it not?

"A. Yes, sir; something of the kind.

"Q. You talked seriously to these men?

"A. Yes, sir."

An account of the meeting at Eldridge Hall to which reference has

An account of the meeting at Eldridge Hall, to which reference has been made in several of the citations which have been given, taken from a Democratic lo-cal paper, is inserted:

"On Thursday, at 2 p. m., November 5, there met at Eldridge Hall upward of three hundred leading citizens from all parts of the country. The committee appointed at a meeting held November 3 submitted the following report:

"Your committee, appointed at a former meeting to consultand recommend a course of action to be pursued in view of recent acts of lawlessness, frauds, and intimidation practiced at the recent election, respectfully report:

"That we have duly considered the matters referred to and deprecate and condemn the character of political speeches made by the leading white Republicans as incendiary and calculated to engender strife and bad feelings between the races, which, if permitted, must inevitably lead to bloodshed.

"That those designing white men are responsible for the present unfortunate condition of feeling between the races and for the murder of Dewees Bolton, a peaceable and unoffending citizen, guilty of no offense except a desire to witness the count of ballots.

"That we assure all citizens that they shall be protected in the enjoyment of all their rights, but that we will not allow incendiary speeches to be made to the ignorant colored people whereby our lives and property shall be placed in jeopardy.

all their rights, but that we will not allow incendiary speeches to be made to the ignorant colored people whereby our lives and property shall be placed in jeopardy.

""That we congratulate the good people of Washington County upon the triumph of the People's ticket and the election of men to office who will faithfully guard your rights against the attacks upon the ballot-box and the reprehensible methods adopted by the opposition.

"That we recommend to all the observance of law, and the preservation of law and order by every means in our power."

"Colonel Giddings said, speaking to the resolution, he had been with the people for thirty-two years, and never had he seen a more intelligent gathering of representative men; he felt the occasion and we were interested as no one could be; we were tied to Washington County soil; we could not pick up like the carpet-bagger and run; a large mass of the voters of the county were ignorant and only influenced by fear; their party had used every means of intimidation to influence votes, and such means kept up would result in war between races, and bloodshed. The People's ticket, representing the best interests of Washington County, were, with one exception, elected by good majorities. That one man, though called by the people, had refused to run on their ticket; but now, if elected, he should be allowed to serve. There was no need of violence or force; that time should have been when the canvass opened and the incendiary speeches were made to the ignorant and vicious of the county; now we should see the law prevail. He knew there was a deep feeling for using violence, but advised that the law take its course and be rigidly enforced. In

the future no one should be allowed to make speeches to incite the violence of the ignorant. The people who owned the county should have it stopped.

"Harry Haynes said ordinarily he was for peace and was a peaceable man, but when he heard of the outrages and rumors of outrage he was for war. He was for holding what we had accomplished by force, if necessary. We were right and should stand by ourselves. Incendiary speakers should be repressed, and their infamous methods put down. As a legitimate fruit of their infamy a foul murder had been committed, instigated by designing villains, who had made tools of the negroes. He wanted, in the resolution, the name of the murdered man, so that the whole world should know our grievance. His name was Dewees Bolton; a pure man and good citizen.

"M. M. Felder said we should be cool and act coolly, and counseled holding on to the victory.

"Al. M. Felder said wesiteful decorrands to the victory.

"W. W. Searcy and L. R. Bryan said the same in substance.

"Judge Kirk said he had served the people for two years; had tried to act impartially, and had done his best for their interests; that he had talked to the negroes and thought most of them were on the right side; there were six or seven white men in the county instigating these outrages; he could name

seven white men in the county instance at them.

"Joseph Tristram being called up said he fully indorsed the report. H. Hodde said the same in substance, and moved the adoption of the report, which was carried by a rising vote.

"The chairman stated that the precinct committees appointed at the previous meetings were permanent, and would meet again at the call of their chairman, H. Hodde. The meeting then adjourned."

## POLITICAL SITUATION BEFORE THE ELECTION OF 1886

The election of 1886 in Washington County, of which Brenham is the principal town, was for county officers, and also for a member of Congress in the district of which Washington formed a part.

As between the two great political 'parties of the country, Republican and Democratic, the voters were divided, according to various estimates, in about the proportion of a Republican majority of from 600 to 1,600, out of an aggregate vote of 5,600.

As between the voters of that county the division between white and colored voters was about 2,800 to 3,100 of whites and about 2,500 to 2,800 of colored. There was a large element of German citizens and voters in that county, namely, 1,900, 1,600 of whom were Republicans, and it is estimated that in a full count of white voters alone the Republicans outnumbered the Democrats by a majority of 300 at least, and probably by 500 or more.

Extracts from the testimony of Florent D. Jodon, esq., Prohibitionist, Lewis R. Bryan, a Democrat, and Stephen A. Hackworth, a Republican, as to the political complexion of Washington County, are herewith appended.

"TESTIMONY OF FLORENT D. JODON (page 167).

"Florent D. Jodon, baving been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"By Mr. Spooner:

"Q. What are you, politically?
"A. I am a Prohibitionist for State officers and an Independent in our county politics. I voted for men on both tickets at the last election.

"Q. Have you ever been a Republican?
"A. Never. Up to 1873 I voted the straight Democratic ticket.
"Q. Were you in the army during the war?
"A. Yes, sir; I was in the Southern army. I voted at the last election for Mr. Duhonay for governor.

"Q. What is the political complexion of Washington County?
"A. Its Republican.

"Q. How long has it been so, to your knowledge?
"A. Ever since I have lived in the county, for twenty years with one exception.

tion.
"Q. What has been the average Republican majority there on the county

"Q. What has been the average Republican majority there on the county ticket?

"A. Some of the officers on the county ticket, of course, would be more popular than others, but the average was from five hundred to fifteen or sixteen hundred. Mr. Joe Hoffmann, I believe, got nearly seventeen hundred.

"Q. What is the average, about?

"A. I presume about seven or eight hundred. I have no precise data, but that is my remembrance.

"Q. About how many colored voters are there in the county?

"A. The vote of the county is about equally divided between the whites and blacks, and has been for some time. At one time there was a majority of about two or three hundred.

"Q. What is the total vote of the county?

"A. About fifty-six hundred to fifty-eight hundred votes.

"Q. About one-half colored?

"A. Yes, sir.

"Q. The colored men, as a rule, are Republicans?

"A. Yes, sir; that is the rule. At the last election they voted solid, almost. The Democratic papers so stated, as I can show by my scrap-book, and that was the fact.

"O. There are a great many Germany in that county are there not?"

"Q. There are a great many Germans in that county, are there not?
"A. Yes, sir; a great many. The Germans have been increasing in number, and the white Americans have been decreasing by moving out for some time. "Lewis R. Bryan, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

By Mr. Eustis:

"Q. What is your full name?
"A. Lewis R. Bryan.

"Q. What is your age?
"A. I am twenty-eight years old.
"Q. Where do you live?
"A. In Brenham, Washington County, Texas.
"Q. How long have you lived there?
"A. I have lived in the town of Brenham about six years, but have lived in Washington County for twenty-four years.
"Q. What is your business?
"A. I am a lawyer.
"Q. What are your politics?
"A. I am a Democrat.
"Q. Have you had any regular Democratic nominations in that county since 1884?

"Q. Have you had any regular Democratic nominations in that county since 1884?

"A. We have not. I will go on and state about that matter, knowing of course what you want, and it will save time. In 1884, just as the other witnesses have stated here, the condition of our county had been, from a few years after the the war up to 1884, a peculiar one. The county had been mainly under Republican rule. I wish to state here that Washington County is a Republican county. It is understood that on a strict party vote on national and State issues the majorities in Washington County range from 600 to 800 or 900 in favor of the Republicans. My recollection is that Garfield got a majority of some 800 votes over General Hancock in 1890, and Blaine's majority was some 600 or 700 over Mr. Cleveland. The statement was made by some one here yesterday that out of 5,500 or 5,600 votes in the county there was usually about 2,500 colored and about 3,000 white. Of the white vote we usually estimate 1,200 or 1,300 as the

American vote and about 1,700 or 1,800 as the foreign vote, and in that foreign vote, as we call it, we include the Germans, Polanders, and Bohemians. The Bohemians generally vote the Democratic ticket, and there are about 200 of them.

"The Garmen vote is

The German vote is generally Republican, with the exception of a few old Germans who came there prior to the war. The most of the Germans in our county have come there since the war, and they are generally Republicans. They are these gentlemen we have here with us as witnesses.

"TESTIMONY OF STEPHEN A. HACKWORTH (pages 215, 216).

"Stephen A. Hackworth, having been duly sworn, was interrogated as fol-

"By Mr. SPOONER:

"Q. What is your full name?
"A. Stephen A. Hackworth.
"Q. You are one of the signers of the memorial or petition under which this investigation was ordered and is now being conducted?
"A. Yes, sir.
"Q. How old are you?
"A. I am in my forty-seventh year.
"Q. Where do you live?
"A. I live at Brenham, Washington County, Texas.
"Q. How long have you lived there?
"A. I have lived in Washington County all my life. I was born and raised there.

there.

"Q. What are you politically, a Republican or a Democrat?

"A. I am a Republican.

"Q. How long have you been a Republican?

"A. I have been a Republican ever since the reconstruction; ever since the

war. "Q. What is the total vote, as near as you can get at it, in that county, the av-

"Q. What is the total vote, as near as you can get at it, in that county, the avarage total vote?

"A. It is about 5,600, or very near it.

"Q. What proportion of that is colored?

"A. I think about 2,300 or 2,400; I did have the exact figures; I do not know whether I have them here or not.

"Q. Are the colored voters generally Republican?

"A. Yes, sir; generally. There are about 1,700, perhaps, of them that will vote the Republican ticket without scratching the ticket, while there are perhaps 400 or 500 who will vote the Republican ticket, but will scratch it.

"Q. You mean now and then?

"A. Yes, sir.

"O. You think there are about 1,700 who will vote the straight Republican."

"Q. You think there are about 1,700 who will vote the straight Republican ticket?

"A. Yes, sir; about 1.700.
"Q. How many Germans are there in the county?
"A. I think there are about 1,900 German voters.
"Q. What proportion of them vote the Republican ticket ordinarily, if you

"Q. What proportion of them vote the Republican ticket ordinarily, if you know?

"A. Well, we count that there are perhaps about 1,600 of those who are Republicans, but they do not always vote the straight Republican ticket; they do a good deal of scratching.

"Q. What has been the usual Republican majority in that county since you have known of its political affairs?

"A. It has ranged all the way from 500 to 2,000 majority. I think in a fair election, where there would be no buildozing, that our majority would be 2,000, about" (pages 215, 216).

In preparation for the election of that year the Republicans presented a full ticket for county officers, and the opposition, under the name of the People's ticket, included the Democrats and such adherents as, for the nonce, could be incorporated with them. The Republican ticket was as follows:

# " [Republican ticket.]

"For governor, A. M. Cochran; for lieutenant-governor, Lock McDaniel; for comptroller, J. M. Brown; for land commissioner, A. Zadeck; for attorney-general, C. W. Johnson; for State treasurer. Frank Cleaves; for justice supreme court, W. H. Burkhart,; for superintendent of public instruction, Henry Cline; for Congress, J. D. Rankin; for representative, seventy-second district, Dennis Farr; for representative, seventy-first district, W. H. Blount; for district attorney, twenty-first district, C. C. Lockett; for county judge, Carl Schutze; for county attorney, A. W. Wilder; for district clerk, J. C. Hewitt; for county clerk, C. C. Bryan; for county assessor, Joe Hoffmann; for county collector, William Ehlert; for sheriff, Faul Fricke; for county treasurer, T. J. Lockett; for justice of the peace, precinct No. 4, B. C. Anderson; for constable, precinct No. 4, D. E. Teague; for commissioner, William Holle."

The testimony does not show the whole of the opposition ticket, but for Congressman and the principal local county officers these names were upon that ticket: For Congress, Roger Q. Mills; for county judge, Lafayette Kirk; for county attorney, B. S. Rogers; for county clerk, Hugh M. Lewis; for sheriff, N. E. Dever.

E. Dever.

An effort made at the county election in 1884 to overcome the Republican majority by a combination on the part of the opposition on the canvass of the votes was declared successful. In 1886 the contest was vehement, and the opposition bent upon a desperate struggle with the Republicans for continual supremacy in the county, and for the permanent retention of the offices.

The canvass was conducted with much severity on the part of the opposition, the whole project of its success turning upon preliminary intimidation of the colored voters and violent denunciation of white Republicans as agitators, incendiaries, and dangerous to the peace of the community.

All this might have given no great occasion for public or serious notice had not the grave occurrences of the election itself given importance to these preliminary agitations as leading to them, and as justifying or palliating in the minds of the guilty their crimes on election day.

Out of the testimony as to the traits of the canvass which are above stated, the committee presents some distinct evidence on the subject.

Adam Newell, in the criminal trial of Kirk and others, testified as follows (see page 726):

Adam Newell, in the criminal trial of Kirk and others, tes (see page 726);

"Q. Where did you live in November, 1886?

"A. I don't know nothing about the years.

"Q. Where did you live last year?

"A. In Washington County.

"Q. Do you remember the last election?

"A. Yes, sir; I know when it was.

"Q. Do you know any of these defendants here at the bar?

"A. Yes, sir.

"Q. Which one do you know?

"A. Sligh. I don't know anybody else that I know of.

"Q. Do you know Tolen?

"A. I don't know.

"Q. Do you know Rout?

"A. Yes, sir; I know Joda Rout.

"Q. Is he here?

"A. Yes, sir; yonder.

"Q. State what you know about him, if anything, on the day of the election,

"Q. State what you know about him, if anything, on the day of the election, before or after.

"A. I was not there the day of election."

"Q. Did he talk to you about the election?

"A. Yes, sir; that was my reason for not being there. I met him in Chapel Hill, and he says, 'Adam,' says he, 'we have been after you a long time to vote our way and you would not do it, and the election comes off next week, and you have to vote the way I say or I will kill you.' I said, 'You have been a friend to me and you tell me the way to vote and I will do it.' He said he wanted me to vote for Rogers and the others, and I had heard he said he wanted to kill, and I wanted time to get away; so I promised to vote as he said. I came up here and I went back Tuesday night and hauled in corn for his brother. Rout came along and he asked me who I had voted for. I said I was mighty sorry, but I could not get to vote at all. I let onto him I could not get to vote. I said my son wrote to me from Richmond that he was very sick and that I could not come back in time. He said, 'By God, that is all that saved you, but we beat the election.'"

8. A. Hack worth testifies as follows (see pages 231, 232):
"Q. You made speeches there during the campaign?
"A. Yes, sir.
"Q. Did you make any speech during the campaign which was calculated or intended to create any race excitement or prejudice among the negroes against the whites?

"A. N. sir: right to the contrary. All the speeches I made I think were cal-

the whites?

"A. No. sir: right to the contrary. All the speeches I made I think were calculated to bring about and keep up a spirit of good feeling between both races. I was as much interested as any white citizen in the country in seeing that done. "Q. You did not make any speech that could be fairly called an incendiary speech?

speech?

"A. No, sir.

"Q. Or any speech other than the ordinary Republican speeches in behalf of

"A. No, sir.

"Q. Or any speech other than the ordinary Republican speeches in behalf of your party?

"A. Judge Kirk may have called it an incendiary speech, because it was against him. We showed about the theft of the school fund and made it pretty plain that these stealings had occurred with his knowledge. That was about the most incendiary speech that we had made.

"Q. That is the first we have heard about that. What is there about that? Was it during Judge Kirk's administration?

"A. Yes, sir.

"Q. Is it possible? What was there of it?

"A. We got a certificate of the county treasurer. I do not know whether Mr. Hoffmann has it or not. We have the statement here. In the first place, Judge Kirk has charge of the free schools and issues vouchers to the school teachers. These vouchers are signed by him and have his seal of office placed on them, and then the teacher can go and draw his money. There were several forged vouchers found out by the county treasurer. Forged vouchers had been drawn on the county treasurer and had been paid by him, and Judge Kirk's name was signed to those vouchers, and so well signed that even the county treasurer himself believed it was Judge Kirk's genuine signature. The strange feature was that these forged vouchers had the county reasurer, and I told Judge Kirk at several of our meetings about it. He complained of the attack I was going to make on him. I told Judge Kirk that I was going to charge him with the responsibility for the theft of money from the school fund, and that he should defend himself the best he could. We charged that all the way through the canvass, and it is published in Mr. Schutze's paper, and I believe that is another reason why Judge Kirk and his friends were determined he should not go out of office. I should not be surprised if there was quite a large amount of the school fund missing. I think there has a great deal of fraud gone on. But we only know that there was a lot of money stolen by forged vouchers.

"Q. How much altogether?"

"A. Three or four hun

"By Mr. EVARTS:

"Q. That was the topic insisted on?

"A. Yes, sir; that was the only incendiary speech that was made. Judge Kirk got very angry several times, and I suppose he called it 'incendiary.' Well, during the whole canvass they had a certain lot of men, men who were charged with murder, and were under indictment for murder, who went around with them, and those men were armed.

"By Mr. SPOONER:

"Q. Who do you mean?
"A. I mean Judge Kirk, Mr. Rogers, and the Democrats.
"Q. Were they at your meetings?
"A. Yes, sir; they were at all our meetings with armed men.
"Q. Attended your meetings, Republican meetings?
"A. Yes, sir; they would come to our meetings and demand a division of the

"Q. Attended your meetings, Republican meetings?

"A. Yes, sir; they would come to our meetings and demand a division of the time.

"Q. Who else beside Judge Kirk did that?

"A. Judge Kirk and Mr. Rogers were the leading men.

"Q. And these armed men with them?

"A. Yes, sir; these armed men were with them.

"Q. How many such men?

"A. I think they generally carried about six or seven men with them.

"Q. How did you know they were armed?

"A. We saw the weapons.

"Q. Revolvers?

"A. Yes, sir; and six-shooters, some of them.

"Q. What sort of men were they?

"A. Some were white and some were colored men; some were under indictment for murder. Mr. John Taylor was one. He did not attend all the meetings, but he attended the meetings held at Chapel Hill precinct. He was under indictment for murder in Washington precinct. and they had another man under indictment for murder, Mr. John Ewing. These men were completely in their power and were ready and willing to do their bidding. At one of the meetings at Cedar Hill one of our men drew a pistol on them and it broke up the meeting. There were a lot or Germans in the meeting, and they withdrew from the meeting and waited until Judge Kirk went away, and we called a meeting, after they had gone, outside of the house, and I made my talk to them there. And at Chapel Hill on another occasion I was informed that pistols were drawn on me while I was on the stand, and I know I was cursed by their bulldozers.

"Q. You mean to say, then, there was something of intimidation among the Democratic leaders prior to election day?

"A. Yes, sir.

"Q. At Republican meetings?

"A. Yes, sir.

"Q. Did you divide the time with Judge Kirk at any of those meetings?

"A. Yes, sir.

"Q. Did you divide the time with Judge Kirk at any of those meetings?

"A. Yes, sir.

"Q. That was compulsory?

"A. Yes, sir.

"Q. It was demanded?

"A. Yes sir (means and the publican meetings).

"A. Yes sir (means and the publican meetings).

"A. Yes, sir.
"Q. It was demanded?
"A. Yes, sir (pages 231, 232).

"On page 232 of my evidence appears another error, in which I am reported to say that at one of the meetings at Cedar Hill one of our men drew a pistol on them and it broke up the meeting. I wish this corrected, for I said that at one of the Republican meetings held at Cedar Hill one of the bulldozers drew a pistol on me, but one of our men prevented him from shooting me, This broke

tol on me, but one of our men prevented him from shooting me, This broke up the meeting (page 620).

"Q. Up to the time of the election there were no notices given to Republicans to leave the county?

"A. No, sir; the Democrats felt certain they would beat us without resorting to violence, I think; at least we were unmolested. But perhaps if the Republicans had resented the insults that we often received at these meetings there would have been violence; but we took the insults and went right straight along with our speeches. I believe there was some violence; I came very near forgetting that. On the day we held our Republican convention in Brenham some of Judge Kirk's colored friends came up there and raised a disturbance. They beat one or two colored men over their heads with six-shooters when they came down on the street, and one colored man was fined for carrying a six-shooter, and Judge Kirk very promptly paid his fine for him, so I was informed. There was violence then.

"By Mr. EVARTS:

- "By Mr. EVARTS:

  "Q. What day was this?

  "A. That was on the day when we had our Republican convention. They tried to break it up and prevent us from nominating a ticket. They did that by sending armed colored men there to provoke difficulties. Pistols were drawn there in the convention room by those colored Democrats, and after the convention adjourned some of the colored men came on the streets and were brutally beaten over the head by Democratic freedmen with pistols, and one colored man was arrested by the city marshal, and Judge Kirk would not permit him to be examined on the charge of carrying a pistol on the streets by the city marshal, but took him back in his office, and I understand that Judge Kirk afterwards paid the fine of this negro in the mayor's court (page 237).

  "I. Moore testifices as follows (see page 518):
  - J. L. Moore testifies as follows (see page 518):

J. L. Moore testifies as follows (see page 518):

"Q. You say that the Republicans would have had a large majority in the county if it were not for bulldozing?

"A. Aside from improper influences and bulldozing they might have used against them they would have had a large majority.

"Q. Did not the Democrats carry that county in 1894?

"A. Well, yes, sir.

"Q. Was there any trouble of any kind or any disturbance except at the Chapel Hill poll?

"A. I think there was a good deal of bulldozing, as there generally is when there is an election.

there is an election.

there is an election.

"Q. Do you mean to say that the colored people were bulldozed in 1834?

"The WITNESS. Do you ask me if they were?

"Mr. EUSTIS. You said they were.

"A. I said generally at all elections in Washington County there are more or less improper influences brought to bear on the colored people.

"Q. You used the word bulldozing or intimidation?

"A. Yes, sir; bulldozing?

"A. It is done in various ways; there are a great many colored men who own their own farms, and a great number of them are employed by white people and Democrats. These colored people that the Democrats hire for wages, the male portion of them, as a general rule, are compelled, under threats of losing their positions, to yote the Democratic ticket."

#### POLLS IN CHAPEL HILL DISTRICT.

In order to appreciate the occurrences in one of the precincts of Chapel Hill at the election of 1886, it is necessary to advert to the transactions at the polls there at the election of 1884.

At that election the ballot-boxes then in the possession of the officers of election, being colored men, were "raided" at 3 or 4 o'clock in the morning after the day of election by masked and armed men. Three of these colored officers of election were shot, and one of them died of his wounds, but the other two recovered.

One of these men, by hiding with the ballot-boxes under the table, was able to escape, and the ballots were brought in and counted and returned. No efforts were made apparently to discover or punish the actors in this outrage and

to escape, and the ballots were brought in and counted and returned. No efforts were made apparently to discover or punish the actors in this outrage and murder.

In preparation of the election of 1836 Chapel Hill district was divided into three precincts, and one of the polling places was known as Chadwick's Gin. The polls were not opened here at the election of November 2, 1836.

There was a large attendance of colored voters ready and desirous to vote the Republican ticket. Mr. J. M. Nicholson, a white man and a Democrat, and enlisted in the success of the "People's ticket," attended with proper papers and stated his readiness to open the polls if a necessary number of competent men to conduct the election would volunteer. He declined to serve in the number, assigning as an excuse that he was suffering from neuralgia. The voters staid about the polls through the day in the hope of being able to vote. Mr. Nicholson staid there himself through the day.

His statements are that there were not enough men, black and white, competent in intelligence and ability to read and write, to make up the necessary number. The colored men declined to undertake it. There were sundry white men attending there armed. Some colored men had been advised not to take part in the election. Others showed an unwillingness to undertake the conduct of the election unless some white men were in the board.

Apparently the occurrences at the last election were understood by all, and it seems to the committee that there would have been no difficulty in organizing a competent board if the white men had wished it organized and had been willing to share in that duty, but that the colored men were afraid to expose themselves to the perils of the service if unsupported by the participation of white men. The failure to hold the polls at this precinct, the committee thinks, is chargeable to the leaders of the opposition ticket, and in that interest, with the motive to discourage and suppress the Republican vote there, and to the colored Republican

A. G. Scott (colored) testifies (see pages 70, 71):

"Q. Did you go to the Chadwick polling place?

"Q. Did you go to the Chadwick polling place?
"A. I went there that morning."
"Q. What time in the day?
"A. It was soon after 8 o'clock, I suppose; I do not know exactly. It was after 8 when I left home, and it was probably 8.15 when I got there.
"Q. Is that a Republican polling place?
"A. They say it is in the majority.
"Q. Is that the place at which a good many colored Republicans vote?
"A. Yes, sir; there were a good many around there that morning when I passed by there.
"Q. Were the polls open?
"A. No, sir; they were not open.
"Q. Do you know whether they were open that day or not?

"A. They were not, I suppose. I passed by there that morning, and they

"A. They were not, I suppose. I passed by there that morning, and they were not open.

"Q. How many colored men were there—voters?

"A. I never counted them. They were lying around there. I suppose between 65 and 70.

"Q. Do you mean to say there were 65 or 70 colored Republicans waiting there to vote?

"A. I suppose so.

"Q. Do you know why that poll was not opened?

"A. I saked, that morning when I got there, some of the boys why they were not voting, and they said that Mr. Knoxson said he was not going to preside over the polls; that they lacked a man, a judge, of having enough. Mr. Charley Lockett was there. He was running for district attorney, and he came to me and said that we could get a man that would preside. I told him maybe so; that I would inquire among the boys; and I asked a man named Jerry Foster, a member of my church, who said he would act, would go in for one; and he went around to see if he could get somebody else, and they said they did not want to go in; they feared something would occur like it had at Chapel Hill two years ago, and Lockett told them that he would stay there with them.

"Q. What had happened at Chapel Hill two years ago?

"A. Three colored men, I believe, got shot there.

"Q. While acting as officers of the election?

"A. Yes, sir.

"A. Yes, sir.

"A. Yes, sir.

"A. Yes, sir, they say so. I was not there.

"A. Yes, sir; they say so. I was not there.

"A. Yes, sir; they say so. I was not there.

"A. And these colored men did not want to act that day for fear of a repetition of that outrage, did they?

"A. That is what they said, and I left. I did not stay there more than an hour then. I went off visiting."

Richmond Hayden testified as follows in the trial of Kirk and others (see Richmond Hayden testined as follows pages 698, 699):

"Q. Where do you live?

"A. At Chapel Hill.

"Q. In Washington County?

"A. Yes, sir.

"Q. Where is your voting place?

"A. Chapel Hill is the place.

"Q. Was that the voting place in 1886?

"A. Yes, atr.

"A. Yes, sir.
"Q. Did you have an election at Chadwick's Gin in 1886?

"A. Yes, sir.

"Q. Did you have an election at Chadwick's Gin in 1886?

"A. No, sir.

"Q. State why you did not; state the facts.

"A. We all met that day—

"(Objected to by defense as irrelevant.)

"A. We all met there at 8 o'clock and went down, intending to vote. Nicholson, the presiding officer, was there; we could get no clerk. Nicholson got the law book and went to the boys and said we might open the poll if we had a mind to. The party objected. Billingsley said he could not write his name, and could not sit up at night to count votes, and we could not get any other man to go on to open vote with. We wanted some white men.

"Q. What white people did you see there in the morning?

"A. I saw Ben Rogers, James Nicholson, Walter Hill, Dan Lockhart, and Dr. Lockhart.

"Q. Were any of these defendants there?

"A. I don't think Sligh was; Joe Bob Rout, and Gergman and Bennett, and Traylor were there.

"Q. Were any of them armed?

"A. I think one of them, Mr. Haire, had a six-shooter.

"By the Chairman:

"By the CHAIRMAN:

"By the CHAIRMAN:

"Q. Did you see any of these defendants there that day?

"A. I saw Joe Bob Rout and John Traylor; I don't know whether he had a pistol or not.

"Q. Did anybody talk to you about the election that day?

"A. No, sir.

"Q. Who talked to you the day before?

"A. Sligh and Rout told me I had better not take part in the election or I would get into trouble. They told me this at church that evening.

"Q. Did he say who would make the trouble?

"A. He did not say who.

"Q. Is that all he said?

"A. I don't remember anything else; Joe Bob Rout, he told me I had better not do anything or I would get into trouble.

"(Objected to by the defense and objection overruled.)

"Q. What did Traylor say?

"A. He took me out to the fence and said that I had better leave here or I might get hurt. Moore was making a speech on the stand at that time. I told him I was doing nothing and had nothing to do with them. He was down at Chadwick's Gin, and they were standing around until about 4 o'clock, and I left them for town. I met some of them going to town.

"Q. Did you try to open the polls?

"A. We tried to get enough men to open them."

J. N. Seales, in the same trial, testified as follows (see pages 700, 701):

J. N. Seales, in the same trial, testified as follows (see pages 700, 701):

J. N. Seales, in the same trial, testified as follows (see pages 700, 701):

"Q. Where was your voting precinct on November 2, 1886?

"A. Chadwick's Gin.

"Q. State now to the court and jury what occurred there that day.

"A. Well, there was a great deal of whites and colored people there; some of them asked me about the clerk, and when I saw so many whites there with pistols I drew back. I heard Baily Whesnat said to Kirkman that if the polls were opened there would be some dead niggers there that night.

"Q. Were the polls opened that day?

"A. No, sir.

"Q. Who did you see with the pistols?

"A. I saw Kirkman and Rogers and Herring. Every one had a pistol.

"Q. Were they together or separate?

"A. Sometimes together and sometimes separate. They were there the best part of the day. They went away and came back.

"Q. That was on the 2d of November, 1886?

"A. Yes, sir."

POLLS AT LOTT'S STORE.

This was a strong Republican precinct. The election was quiet and not interfered with. The votes cast for the Republicans were 156, those for the opposition were 33. The latter were all white and Democratic, and the former all Republican. The clerk of the election, a Democrat, after the count, started with a companion to take the ballot and the tally-sheets to Brenham, to make the return there in accordance with his duty. This was on the day after the election, and, as they were nearing Brenham, after dark, three armed and masked men stopped the carriage and demanded, under threats to fire, the surrender of the ballot-box and tally-sheets. The clerk refused to hand over the ballot-box and the armed men took it from the carriage. They then required the delivery of the tally-sheets and the clerk gave them up. The clerk reported this transaction to the county clerk and the judge, both of whom were on the opposition, Lewis and Kirk, but nothing was done about it, and the vote at Lott's Store was thus

suppressed. The clerk of the election, Mr. C. P. Spann, states the seizure of the ballot-box as follows:

"TESTIMONY OF C. P. SPANN (pages 7 and 8).

"C. P. Spann, having been duly sworn, was interrogated as follows:

"By Mr. TELLER:

"Q. What is your name? "A. C. P. Spann.

"By Mr. SPOONER:

"Q. Where do you reside?
"A. In Washington County, Texas.
"Q. At what place?
"A. At a place called Lott's Store; that is our post-office. I reside in the

"A. At a piece cancer roots of the country.

"Q. What is your business?

"A. I am a farmer.

"Q. How long have you resided in Texas?

"A. I was born and raised there, and have lived there for thirty-five or thirty-

A. I was both and exists a Democrat or a Republican?

"Q. What are your politics, a Democrat or a Republican?

"A. I am a Democrat.

"Q. How many election precincts are there in that county of Washington?

"A. I can not tell you how many there are in the county; I think there are about six or seven boxes in that precinct.

"Q. You mean in the precinct that you live in?

"A. Yes, sir.

"By Mr. TELLER:

"Q. Do you call that Lott's precinct?
"A. No. sir: that is Lott's Store.

By Mr. SPOONER:

"Q. What is the name of this precinct?
"A. It is called Precinct No. 1.
"Q. How many voting places were there in that precinct?
"A. I think there are six; the one I was at was the fifth, and think there was

"Q. How many voting places were there in that precinet?

"A. I think there are six; the one I was at was the fifth, and think there was another one.

"Q. The one you were at was at Lott's Store?

"A. Yes, sir; at Lott's Store.

"Q. Were you one of the officers?

"A. Yes, sir.

"Q. You had a general election there on the 6th of November last?

"A. Yes, sir.

"Q. An election for what officers?

"A. For county and State officers.

"Q. And for members of Congress?

"A. Yes, sir; for members of Congress also.

"Q. What official function were you called upon to discharge at that election?

"A. I think I was a clerk; yes, I was a clerk. There were three managers and two clerks.

"Q. Are there negro voters in that precinct?

"A. Yes, sir; there are both whites and negroes.

"Q. Be kind enough to state to the committee what proportion of the votes cast at that box were white and what proportion were colored.

"A. There were 189 votes cast altogether; 156 Republican votes and 33 Democratio votes, or what was called votes for the People's ticket.

"Q. What proportion was the white vote to the colored vote?

"A. The votes for the People's ticket, the 33 votes, were all white.

"Q. And the colored men voted the Republican ticket?

"A. Yes, sir; a straight Republican ticket?

"A. Yes, sir; a nade out a tally-sheet and kept an account of the votes.

"Q. Uhon does your election end there; at sundown?

"A. Now many tally-sheets do you make there?

"A. We make three. One the presiding officer keeps, one is delivered to the county olerk, and one to the county judge.

"Q. Who was presiding judge of election? I understand you have such an officer.

"A. Yes, sir; my father was the presiding officer.

"Q. Who was presented as the presiding officer.

"A. Yes, sir; my father was the presiding officer.

"Q. How do you make your return of elections there?

"A. We deliver one tally-sheet and the ballot-box to the county clerk, and another tally-sheet to the county judge.

"Q. Do you have anything to do with the return, with the making of the return?

"Q. Do you have anything to do turn?"

"The WITNESS. Do you mean carrying the box?

"Mr. Spooner. Yes.

"A. Yes, sir.

"Q. State to the committee what you had to do with that.

"A. I started to carry the box from Lott's Store to Brenham on the 3d of November; I left home, I reckon, about 3 or 4 o'clock in the afternoon.

"Q. Who was with you?

"A. The young man who has just left here, Marshall Booker; I asked him to go along.

"Q. Who was with you?

"A. The young man who has just left here, Marshall Booker; I asked him to go along.

"Q. That was the next day after the election?

"A. Yes, sir.

"Q. He went with you at your request?

"A. Yes, sir, when we got to Independence, about 10 miles distant, we found that our buggy was broken, and we stopped there and borrowed a hack, and got supper while they were getting the hack ready, and then started on to Brenham, and when we had gotten to 2\(^1\) or 3 miles from Independence we were stopped by three masked men who were armed.

"Q. What time was this?

"A. It was between 8 and 9 o'clock at night, I reckon.

"Q. What time were armed, you say?

"A. Yes, sir; they had two pistols, and a Winchester or shotgun, I could not tell which at night.

"Q. Were they disguised at all?

"A. Yes; they had handkerchiefs tied across the lower part of their faces, and their hats were pulled down over their foreheads.

"Q. Was it a light or a dark night?

"A. As near as I can remember it was a moonlight night. I think it was cloudy, and think they stopped us in a shady lane, which made it almost dark.

"Q. What did they say to you?

"A. One of them stepped out in front of the horses and told us to hold up, and we stopped. I asked him what the meaning of it was, and he said that they wanted the ballot-box. He said he knew I had it, and that it was just as well to give it to him without making any disturbance or having any fuss about it. I told them that they had the drop on me, and that I could not make any resistance; that I would not give it to them, but that they could take it. He said,

'By God, he could do that,' and he just reached his hand into the buggy and took it out. Then he told me he wanted the tally-sheets, and I gave those to him, and he told us then we could drive on.

"Q. Did they ask for anything else?

"A. No, sir, they did not ask for anything else.

"Q. What did you do after that?

"A. I drove right on to Brenham, and got there about 11.30 o'clock at night. It was too late then to report to the county judge or to the clerk, but the next morning I went out and reported the facts to both of those officers.

"Q. To whom did you report?

"A. First I went to the county clerk's office and reported to the clerk, Mr. Lewis, and then I went to the county judge's office and reported to him.

"Q. What did he say?

"A. He said he supposed I could not help it. I told him no; that the men were armed, and I did not propose to run any risk on it."

Marshall Booker testifics as follows on this point (see pages 4, 5, and 6):

Marshall Booker testifies as follows on this point (see pages 4, 5, and 6):

"TESTIMONY OF MARSHALL BOOKER (page 4).

Marshall Booker, having been duly sworn, was interrogated as follows: "By Mr. SPOONER:

"By Mr. Spooner:

"Q. Where do you reside?
"A. I live at Independence, Washington County, Texas.
"Q. What is your age?
"A. I am twenty-six years old.
"Q. How long have you lived in Texas?
"A. I have been in Texas thirteen years.
"Q. How long have you lived in Washington County?
"A. Ever since I have been there in the State.
"Q. What is your business?
"A. I am a farmer.
"Q. What are your politics?
"A. Well, I am not a politician by any means. Whenever I vote I mix my vote pretty well; it is owing to the man who is running for office.
"Q. Where did you vote?
"A. At Lott's post-office, which is about 12 miles from Independence,
"Q. Did you have anything to do with the election?
"A. No, sir.
"Q. Did you have anything to do with the ballot-boxes?
"A. I went with Mr. Spann—he asked me to go with him—to Brenham to make his returns.

"A. I went with Mr. Spann—he asked me to go with him—to Brenham to make his returns.

"Q. When was that?

"A. That was on the 3d of November.

"Q. The day after the election?

"A. Yes, sir.

"Q. Who is Mr. Spann?

"A. Mr. C. P. Spann is a farmer living there, living close by Lott's post-office.

"A. Yes, sir.

"Q. Who is Mr. Spann?

"A. Mr. C. P. Spann is a farmer living there, living close by Lott's post-office.

"Q. Did he have any official connection with the election?

"A. He was one one of the judges.

"Q. What did he ask you to do?

"A. He asked me if I would not go to Brenham with him, as he had to make the returns; and I have a brother living there, and I thought it a very good chance to see him, and so I went.

"Q. Did he have in his custody, do you know, any ballot-box used on election day, while he was going to Brenham?

"Q. Did he take the box along with him?

"A. Yes, sir; he had the box. He had to make the returns.

"Q. Did you go with him?

"A. Yes, sir.

"Q. He was taking the ballot-box to Brenham, was he?

"A. Yes, sir.

"Q. What happened, if anything, on the way? What time in the day was it that you started?

"A. I suppose when we started it was about 4 o'clock.

"Q. In the afternoon?

"A. Yes, sir.

"Q. What happened, if anything, on the way? What time in the day was it that you started?

"A. Yes, sir.

"Q. What happened, if say thing, on the way? What time in the day was it that you started?

"A. Yes, sir.

"Q. Wo wid you go?

"A. Yes, sir.

"Q. You may proceed.

"A. Yes, sir, at Lott's Store.

"Q. You may proceed.

"A. I put in one of my horses and he put in one of his, and we stopped at Independence. When we got there we lost the tap off the bolt of the single-tree that holds the single-tree to the double-tree.

"Q. It was about sundown when we got there.

"Q. It was about sundown when we got there.

"Q. It was about sundown when we got there.

"A. And we stopped at my brother's to get his hack to go on to Brenham in, and I suppose it was about sundown when we got there.

"Q. How far is Independence from Lott's Store?

"A. Yes, sir; it was on the 3d. When we passed Independence, about 2 miles, I suppose, three armed men came out under the shade of the trees and halted us and told us to hold up.

"Q. What add they say?

"A. Yes, sir; it was on the 3d. When we passed Independence, a

"Q. Was each man armed?

"A. Yes, sir; each man was armed and masked, and one said to the other, 'Stand on the opposite side and hold your gun on them.' Mr. Spann says, 'I will not give up the box.' The man said, 'Well, we will have it.' Mr. Spann said, 'If you will, you will have to take it; I will not give it up.' Then one of them said, 'Well, by God, I cantake it.' The box was down in front of us under the seat, right in the front of the hack, and he reached his hand in and took it out. Then he said, 'We want the tally-sheets,' and Mr. Spann put his hand back to get them out, and the man said,' We do not want any disturbance,' Then Mr. Spann pulled them out and handed him one, and he said, 'I think there is another,' and he handed him a second one, and he said, 'I think there is another,' and he handed him a second one, and he said, 'Well, I believe there ought to be another.' Mr. Spann said, 'I have no other.' 'Well,' he said, 'drive on' somewhere, and so we drove on.

"Q. They took the ballot-box, did they?
"A. Yes, sir; they took the ballot-box.
"Q. And the tally-sheets?
"A. Yes, sir,

- "Q. Did they ask for anything besides the ballot-box and tally-sheets?
  "A. That was all they asked for.
  "Q. Did you know who they were?
  "A. No, sir; I did not.
  "Q. Do you know whether they were white men or not?
  "A. No, sir; I can not say whether they were white or black, because they were masked.
  "Q. Were their hands masked?
  "A. I can not say that they were or that they were not.
  "Q. How dark was it?
  "A. The moon was shining, but this was under the shade of the trees.

- "Q. How dark was it?

  "A. The moon was shining, but this was under the shade of the trees.
  "Q. What sort of masks did they have on?
  "A. They had handkerchiefs over their faces and hats pulled down over their foreheads.

  "Q. What did you do then?
  "A. Mr. Spann drove on. We just drove on to Brenham and reported.
  "Q. Who did you report to?
  "A. To Hugh Lewis, the county clerk, and to Judge Kirk, the judge of that county.

- "A. To Hugh Lewis, the county clerk, and to Judge Kirk, the judge of that county.

  "Q. Do you mean this gentleman who is here [indicating]?

  "A. Yes, sir; I believe he is county judge. I do not know.

  "Q. What did you report to him?

  "A. We reported that we were halted by three masked men and that the ballot-box was demanded of us.

  "Q. What did he say?

  "A. I do not know what he said now.

  "Q. Do you know the proportion of colored and white voters in that precinet?

  "A. No, sir; I do not.

  "By My Everys.
- - "By Mr. EUSTIS:

  - "Q. You say you voted at Lott's post-office precinct?
    "A. Yes, sir,
    "Q. Was it or not a quiet and orderly election at that precinct?
    "A. Yes, sir; it was so.
    "Q. Was there any disturbance of any kind at that precinct?
    "A. Not a particle.
    "Q. Was there any intimidation of any kind towards any voters?
    "A. No sir.

- "Q. Was there any intimidation of any A. No, sir.

  "A. No, sir.

  "Q. Everybody voted freely and as he wanted to?

  "A. Yes, sir.

  "Q. Were you at Lott's Store during the whole day until the polls closed?

  "A. Yes, sir.

  "Q. If any voter at that precinct wanted to vote the Republican ticket, could he not do it with freedom and without molestation just the same as any Democrat would do?

  "A. Yes, sir.

  "Mr. Eustis, That is all I desire to ask."

  THE POLLS AT GRABALL'S.

This was a strong Republican precinct and the colored people were there some 5 to 1 of the whites. The election proceeded quietly, and while the count was going on, and it had been ascertained that the votes cast were 347 and they had counted and strung all the votes but 95, which were still in the ballot-box, three armed and masked men entered the room, called the judges to "hold up," and at the point of the pistol seized the ballot-box, the string of votes, and one of the tally-sheets. The ballot-box they carried away, and while still in the room they tore up the votes and the tally-sheet they seized. The tally-sheet which one of the judges had retained was carried to Brenham and delivered to the county judge, Lafayette Kirk. There is some indistinctness, from conflict and obscurity in the testimony, as to the exact state of the polls.

The committee, however, thinks that there was a majority of something like 100 for the straight Republican ticket among the votes strung, and that all ballots remaining in the box were Republican. Not long before the "raid" upon the ballot-box, a prominent Democrat had entered the room and conferred with one of the Democratic judges, and read a note to him and left it with him, the contents of which the committee was not able to ascertain. The manner in which the seizure of the votes and the ballot-box was made is shown in the testimony, as follows:

"TESTIMONY OF WILLIAM M, SHAW.

# "TESTIMONY OF WILLIAM M. SHAW.

- "William M. Shaw (colored), having been duly sworn, was interrogated as
  - "By Mr. SPOONER:

- "By Mr. SPOONER:

  "Q. How old are you?

  "A. I will be twenty-four in about the 8th of March, coming.

  "Q. Where do you live?

  "A. In Washington County, Texas.

  "Q. How long have you lived there?

  "A. I was raised there; all my life.

  "Q. What do you do for a living?

  "A. I am farming.

  "Q. Are you a married man?

  "A. Yes, sir.

  "Q. What are you in politics, a Republican or Democrat?

  "A. I am a Republican.

  "Q. At what polling place do you vote?

  "A. At Graball's.

  "Q. Were you there at the election on the 2d of November last?

  "A. Yes, sir.

  "Q. Do you know how many votes were cast at that polling place?

  "A. Three hundred and forty-seven.

  "Q. About how many of that number were Republican, and how many of the People's ticket?

  "A. I think there were about 69 for the Democratic ticket.

  "Q. By that you mean the People's ticket which was running at that time?

  "A. I mean the Democratic ticket.

  "Q. And the rest were Republican votes, were they?

  "A. Yes, sir.

  "Q. How many of these Republican votes, were they?

  "A. Yes, sir.

  "Q. How many of these Republican votes were colored votes?

  "A. I suppose all the rest remaining were colored Republicans tickets.

  "Q. Do you mean to say that the most of the Republicans who voted at that precinct were colored men?

  "A. Yes, sir.

  "Q. The white men were Democrats, generally?

  "A. Well, some few colored voted in with them. It amounted to about 60 tickets.

  "Q. That is, the white and colored Democrats amounted to 60 tickets? "A. Well, some few colored voted in with them. It amounted to abotickets.

  "Q. That is, the white and colored Democrats amounted to 60 tickets?

  "A. Yes, sir; and those scratched, too.

  "Q. And the others were straight Republicans?

  "A. Yes, sir; right straight through.

  "Q. Were you one of the officers of that election?

  "A. Yes, sir.

  "Q. What were you?

  "A. Judge.

- "Q. Presiding judge?
  "A. No, sir.
  "Q. One of the side judges?
  "A. Yes, sir.
  "Q. What happened at that election?
  "A. Well, the box was taken.
  "Q. Tell us all about it in your own way; what time of the day it was and all about it.
  "A. I could not exactly tell the hour, but it was two or three hours before "A. I could not exactly ten the block day.

  "Q. Do you mean after the polls closed?

  "A. Oh, no, sir; it was way after the polls was closed; it was past midnight. I mean about two hours and a half, I think, before day.

  "Q. The election went along quietly all day?

  "A. Yes, sir.

  "Q. Then after the polls closed you took a count of the votes?

  "A. Yes, sir.

  "Q. Who were the officers with you there that day?

  "A. Ed. Brown was one.

  "Q. Was he colored?

  "A. Yes, sir.

  "Q. Who else?

  - "A. Ed. Brown was one.
    "Q. Was he colored?
    "A. Yes, sir.
    "Q. Who else?
    "A. Ben Aubrey.
    "Q. Was he colored?
    "A. No, sir: he was white.
    "Q. A Republican or Democrat?
    "A. A Democrat.
    "Q. Was he a white man or a colored man?
    "A. A Democrat.
    "Q. Who else?
    "A. There was Paul Connell.
    "Q. Was he a white man or a colored man?
    "A. A white man.
    "Q. And a Democrat?
    "A. Yes, sir.
    "Q. Who else?
    "A. There was Butcher; his first name I am not acquainted with.
    "Q. Was he a colored or a white man.
    "Q. And a Democrat?
    "A. He was a white man.
    "Q. And a Democrat?
    "A. Well, he said he didn't vote for nobody; that was what he said.
    "Q. Who else was there?
    "A. Well, he said he didn't vote for nobody; That was what he said.
    "Q. There were only two colored men, then, on that board?
    "A. Yes, sir.
    "Q. You and Ed. Brown?
    "A. Yes, sir.
    "Q. You and Ed. Brown?
    "A. Yes, sir.

  - "A. Yes, sir.
    "Q. And the other three were white men and Democrats?
    "A. Yes, sir.
    "Q. What time did you commence counting the votes—when the polls closed?

  - "A. Yes, sir.

    "Q. And you kept counting until 3 o'clock in the morning?

    "A. Yes; until about 3 o'clock in the night.

    "Q. Had you finished the count at that time?

    "A. You sir.
- "A. No, sir.

  "Q. What made the count so slow?

  "A. Well, we were going along, and Mr. Connell he stated that it would be best to pick out the Democratic tickets and People's tickets, you know—those that were marked—and then after that we would tally by fives. He said that
- that were marked—and then after that we would tally by fives. He said that we would get along faster.

  "Q. So you went through all the ballots and picked out the Democratic or People's ticket, and then picked out the Republican tickets.

  "A. Yes; we were on them.

  "Q. You were picking them out?

  "A. We had done tallied up these Democratic or People's tickets.

  "Q. Had you began to tally the Republican tickets?

  "A. Yes, sir.

  "Q. But had not finished them?

- "A. Yes, sir.

  "Q. But had not finished them?

  "A. No, sir.

  "Q. Then what happened?

  "A. Well, the box was taken.

  "Q. Then what happened?

  "A. I don't know, sir; but there were some white men who took it.

  "Q. Did the men come into the room?

  "A. Yes, sir,

  "Q. Well, tell us about it. How many men?

  "A. Mr. Calloway, he brought in a note and called Mr. Connell away.

  "Q. Well, tell us about it. How many men?

  "A. Mr. Calloway, he brought in a note and called Mr. Connell away.

  "Q. Who was Mr. Calloway?

  "A. Mr. Milton Calloway.

  "Q. Was he a Democrat?

  "A. I do not know.

  "Q. Was he a white man?

  "A. Yes, sir,

  "Q. Mr. Connell went out then, did he?

  "A. Yes, sir; off on the back—well, fully as far, I suppose, as it is to that map at the side of the room [indicating].

  "Q. Then what happened?

  "A. Then he read a note to him.

  "Q. Then Calloway read a note to Connell?

  "A. Yes, and Mr. Connell then called Mr. Butcher and read it to him, and then brought it back and laid it on the table.

  "Q. Did you see it?

  "A. Yes, il was looking at it, but I didn't get to read it.

  "Q. Did you read any of it?

  "A. Yes, sir.

  "Q. Did you read any of it?

  "A. Nes, sir.

  "Q. What prevented your reading it?

  "A. He taken it up and put it in his pocket.

  "Q. Did he jerk it away?

  "A. Well, he raised up that way [indicating] and just held it up and put it in his pocket.

  "Q. So you had no chance to read it?

- his pocket.
  "Q. So you had no chance to read it?

- "Q. So you had no chance of "A. No, sir."
  "A. No, sir."
  "Q. What happened then?
  "A. About a half hour after that three men came in and taken the tickets.
  "Q. What was their appearance; how did they look?
  "A. They had something over their faces, a kind of mask,
  "Q. What sort of hats did they have on?
  "A. One had on a large white hat and the other two had on small hats.
  "Q. How were they dressed?
  "A. I never noticed their dress. I just looked at them and saw that they were masked. "A. I never noticed then a...

  "A. I never noticed then a...

  masked.

  "Q. Do you know who they were?

  "A. No, sir.

  "Q. Were they armed?

  "A. Yes, sir; they presented their pistols and said, 'Hold up, hold up, hold

  "A. Yes, sir; they presented their pistols and said, 'Hold up, hold up, hold

  "A. Yes, sir; they presented their pistols and said, 'Hold up, hold up, hold

"Q. What else did they say?
"A. Then they grabbed the box, and Mr. Aubrey, he grabbed it and folded it in his arms in that way [indicating], and they threw out heir hands and grabbed hold of the box, and punched the side of his head that way with a pistol [indi-

"A. Then they grabbed the box, and Mr. Aubrey, he grabbed it and folded it in his arms in that way [indicating], and they threw out their hands and grabbed hold of the box, and punched the side of his head that way with a pistol [indicating].

"Q. And took the box away from him?
"A. Yes, sir.
"Q. Were all the ballots in the box?
"A. No, sir; I had strung a right smart of them.
"Q. There were some ballots in the box?
"A. Oh, yes, sir.
"Q. How many?
"A. There were about 96.
"Q. And they were all Republican ballots, were they not?
"A. Yes, sir; every one right through.
"Q. What did they do with the box?
"A. They carried it out of doors.
"Q. Did these gentlemen, these Democrats, protest at all or say anything; that is, Mr. Connell or Mr. Butcher? What did they say or do?
"A. When they taken the box, at the time they taken the box, they just disappeared outside of the door, you know, and Mr. Connell he laughed and said, Boys, what are you going to do; I wish they had come in about two hours and a half ago and taken the box. I knowed they were going to do it, anyhow."
"Q. Who said that; Mr. Connell?
"A. Yes, sir.
"Q. You say he laughed?
"A. Yes, sir, he laughed, and then jumped up and went right out as though he was going home.
"Q. That was the end of that election?
"A. Yes, sir.
"Q. What became of the ballots?
"A. They took those, too. I had those, and they taken those too.
"Q. Did you have any tally-sheets?
"A. They took those, too, they taken everything.
"Q. Did they have horses, do you know?
"A. I did not see them with any horses.
"Q. You never saw those ballots any more?
"A. No, sir.
"Q. You sever saw those ballots any more?
"A. No, sir.
"Q. What became of them?
"A. No, sir.
"Q. What hecame of them?
"A. They took those, too; they taken everything.
"Q. Did they have horses, do you know?
"A. I did not see them with any horses.
"Q. You never saw those ballots any more?
"A. No, sir.
"Q. How here them with any horses.
"Q. You never saw those ballots any more?
"A. Yes, sir; Henry Gardner, and Wright, and a good many m

there.

"Q. They were not there when this thing occurred, were they?

"A. He told me that after they had taken the box (he was living at father's) how they went down the road.

"Q. Had there been some shooting before this box was taken?

"A. Yes, sir.

"Q. How long before this box was taken?

"A. That was in the first part of the night.

"Q. They had frightened most of the colored people away from the polls, had they not?

they not?

"A. Well, when I got out there were not many. I don't know whether they ran them off or what.

"Q. How long before the morning was it when these men came into the

"Q. How long before the morning was it when these men came into the room?

"A. It was about two and a half hours before daylight.

"Q. What justice's precinct, if you know, was this Graball polling place in?

"A. It is precinct No. I at Graball.

"Q. Was that the strongest Republican precinct in the county, do you know?

"A. I do not know. I thought that Brenham was the strongest.

"Q. It was the largest colored precinct in the county?

"A. Yes, sir.

"Q. That is to say, it was the principal colored precinct of the county?

"A. Oh, yes, sir.

"Q. You heard of other ballot-boxes being raided that day or night, did you not? not?

or "A. Yes, sir.
"Q. At Flewellen's?
"A. Yes, sir; at Flewellen's.
"Q. And you heard of the ballot-box and tally-sheets from Lott's Store being

"A. Yes, sir; I heard about that.

"A. Yes, sir; I heard about that.

"Q. These things only happened at that election in the colored precincts?

You did not hear of any such a thing happening in any of the white precincts?

"A. No, sir" (pages 50-55).

E. B. Brown (colored), having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. Where do you live?
"A. In Washington County, in the State of Texas.
"Q. What is your age?
"A. I am about forty-five years old.
"Q. How long have you lived in Washington County, Texas?
"A. In Washington County I have lived twenty-one years. I went there in the spring of 1866. "A. In Washington County I have lived twenty-one years. I went there in the spring of 1866.

"Q. How long have you lived in Texas?
"A. Altogether about twenty-six or twenty-seven years.
"Q. What is your business?
"A. Farming.
"Q. Do you own land there?
"A. No, sir.
"Q. At what polling place do you vote?
"A. At Graball.
"Q. Did you attend the general election held there on the 2d of November last?

"A. Yes, sir.
"Q. Were you one of the officers of the election?
"A. Yes, sir.
"Q. What position did you hold there?
"A. I was a clerk.

"Q. Just tell the committee all about that in your own way; describe every-

thing that happened.

"A. Well, we counted on up until we got up to that amount, and then three men walked in.

"Q. Did anybody come in there before anybody came and took the ballot-

box? "A. Yes, sir; we had a heap of passing in.

"Q. Was any note sent in there?
"A. Yes, sir; Mr. Calloway, Mr. Milton Calloway.
"Q. What is he—a Democrat?
"A. Yes, sir."
"Q. Well, what about him?
"A. He brought in a note there and called two of the officers from the table.
"Q. Were they white or colored men?
"A. He called two of the white ones from the table, about as far as from here to those chairs [indicating]. We had a nice, big lamp in there, and we could see very well, and he was reading it off to them secretly. I don't know what was in it.
"Q. He was reading in a low tone of reviews."

"A. He called two of the white ones from the table, about as far as from here to those chairs [indicating]. We had a nice, big lamp in there, and we could see very well, and he was reading it off to them secretly. I don't know what was very large to the was reading in a low tone of voice?

"A. Yes, sir; he whispered it, so that I didn't know what he said.

"Q. Did one of those men bring that note and lay it down on the table?

"A. Yes, sir; he whispered it, so that I didn't know what he said.

"Q. Did one of those men bring that note and lay it down on the table?

"A. Yes, sir; Mr. Butcher; he could not see good there in the rear of the table; he gaye it to him, and he brought it before him just so [indicating], and spread it out and looked at it, and I was sitting like that gentleman there indicating], and he was sitting at the head of the table, just as I am here, and looking down at it, and I sort of peeped at it; I wanted to get a chance to look at it, I don't generally do such things, but I looked that way, and he catched my eye, like, and he folded it up nicely and put it in his pocket.

"Q. You did not see it?"

"A. No, sir; I never got to see what was in it. About half an hour after that the box was taken.

"Q. Tell us about that.

"A. Three white men came there.

"Q. How were they dressed?

"A. All three were dressed? rretty much alike, in black suits, and had their control of the seed of t

12, a few minutes before 12, and I lived about a mile and a half from the voting place.

"Q. Was it done by masked men?

"A. Yes, sir.

"Q. Did you see them?

"A. Yes, sir. I saw two of them. Two of them came in the room where we were counting the votes, and there was a third one, but he didn't come into the room; he stood in the door and never came any further than the door. But two of them came in the room.

"Q. Have you ever formed any impression as to who those two men were?

"A. I could not positively say who they were; I could not tell from the way they were masked. That is, I could not swear to them who they were.

"Q. I know, but I speak of your impression?

"A. Well, the only suspicious looking characters that I saw about there that day were two men from Brenham who were trying to control the vote.

"Q. Who were they?

"A. The name of one of them was Lockett, and the other was Gilder; Ed. Lockett and Lonny Gilder. They were officiating around there that day, pretty much all day.

"By Mr. TELLER:

By Mr. TELLER:

"Q. You say Lockett was one; who was the other?

"A. Ed. Lockett and Lonny Gilder. They were trying to influence some people to vote.

"By Mr. Eustis:

"Q. To vote which ticket?

"A. They were trying to influence them to vote their way.

"Q. Which way is that?

"A. They were Republicans.

"Q. What is the character of those men; their general reputation?

"A. I am not very well acquainted with either of them, but from what I could learn about them they are a sort of hangers-on around the county seat at Brenham. They are not competent to fill an office, or the people haven't confidence in them to put them in, but it seems that they promised them a divide in their salary if they will officiate around and control the ignorant people enough to get their ticket through.

"By Mr. TELLER:

"Q. You are telling something you have heard; you don't pretend to know it?
"A. I only hear this. I saw them there officiating around.
"Q. But you heard they had agreed to divide with them; you do not know it?
"A. No, sir; I have only heard that,

"Q. You do not pretend you know anything about that?

"A. No, sir; I do not know it, but that is what I have heard. I know they were there officiating around that day.

"By Mr. Eusris:

"By Mr. Eustis:

"Q. Did you hear anybody say that two of those masked men were Lockett and Gilder?

"A. No, sir; I never heard any one say so; but, as I say, they were officiating around there all day, and I understood afterwards they were at Mr. Flewellen's, which is the next voting box from our precinct, and the next morning as soon as I could get to Brenham to make the report of what had happened at our box, before I got out of the vehicle that I drove there in, these two men were the first two men who met me that I knew, and they asked me what was the news down in our part of the neighborhood, and I told them what was the news, that the box was captured and a young man had been killed at the other voting place; and they asked me several questions concerning the election and then left me, and I never have seen or heard of them since, and it seemed as though they must be guilty of something or they would not have left the country.

then left me, and I never have seen or heard of them since, and it seemed as though they must be guilty of something or they would not have left the country.

"Q. Had you any intimation whatever that this box would be raided?

"A. No, sir; I did not; it was all a surprise to me. At the time the box was taken there was a negro that was on the ground that day with a lunch-stand that I was well acquainted with and I had sent out for him to bring us in some coffee, and there were two of them came in with it, and one staid in while the other stepped back to get some sugar to sweeten the coffee, and about the time that he passed out at the door this party came in. We had had the door fastened previous to these black people coming in with the hot coffee, and when we unfastened the door to let them in, as this one went out to get the sugar he had forgotten it, this party of masked men stepped in, and I was not looking towards the door until some one hollered, 'Look out!' This was in the front room of the house of our neighborhood physician, we were counting the votes. I attempted to make my escape into the back room with the box, and one of them hollered, 'Look out,' and as I looked around the end of a pistol touched me on the end of the nose, and he taken the box and also grabbed the tickets that were strung. We strung these tickets as we counted them, and he grabbed them and tore them all to pieces, scattered them all over the floor, and went off with the box. "Q. He took it from you?"

"A. Yes, sir.

"Q. Is that a Republican precinct?

"A. Yes, sir.

"Q. Pretty strongly Republican, is it not?

"A. Yes, sir.

"Q. What proportion do you say are Democrats, or those who vote the People's ticket there usually?

"A. As I say, the black people are five to one in that precinct, but at the last election and the one previous to this last election, they were tolerably well divided" (pages 333-335).

THE POLLS AT FLEWELLEN'S AND YOUNG BOLTON SLAIN IN THE ACT OF "RAIDING" THE BALLOT-BOX.

At about 12 m. of election day Kirk, who was a candidate for county judge on the People's ticket, sent a telegram from Brenham to D. D. Bolton, at Courtney, near Graball's, who was on the same ticket as county commissioner, in these

near Graball's, who was on the same ticket as county commissioner, in these words:

"Things here look doubtful. Do your work."

There had been an agreement the day before for the conveyance of information as to the look of the voting. D. D. Bolton received this message at dusk and showed it to his son, Dewees Bolton, and on starting for his home, not distant, directed his son to come with him, and he did so. Graball's is 4½ miles miles from Flewellen's. The latter polls was a strong Republican and colored voting place.

and showed it to his son, Dewees Bolton, and on starting for his home, not distant, directed his son to come with him, and he did so. Graball's is 4½ miles miles from Flewellen's. The latter polls was a strong Republican and colored voting place.

The election was quietly conducted and the officers were engaged in counting the votes when Kirk came in, inquired how the votes were running, looked at the tally-list, which had been counted up to 69 out of about 159 votes, and looking over the tally-sheet on the table, called out, "Jimmie Hewitt 43, and Charlie Herbst 19." These were Hewitt, colored, Republican, and Herbst, Democrat, opposing candidates for district clerk. Kirk called the presiding judge, white and Democrat, Robinson, out of the room, and after a few minutes Robinson returned alone. They went on with the count and in about half an hour a knocking was heard upon a closed door, and upon its being repeated, an answer was made from the room, "Come in." The door was opened from without, whether by force or not seems uncertain, and three men, armed and disguised, presented their pistols and some or one of them called out "Held up" or "Hands up" and demanded the ballot-box.

The foremost man in entering turned out to be young Bolton. There were several colored men in the room, unarmed and peaceable; but one of them, Polk Hill, passed out of the room, through a door opposite that at which the entrance was asked, into a gallery where there were some shotguns. Instantly upon the demand of the ballot-box at the point of the pistol, a shotgun was fired from the gallery through the partly open door, and young Bolton fell dead across the threshold, his pistol falling at his feet. He was disguised in a yellow waterproof, called a "slicker," covering his body, and a white handler-chief covering the face below the eyes, knotted behind his neck. All in the room fled at once in dismay, and the dead man was left alone, uncared for, as he lay, all night, the lamp burning brightly.

Towards morning Presiding Judge Robins

"TESTIMONY OF T. M. JONES.

"T. M. Jones (colored), having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. What is your name?
"A. T. M. Jones.
"Q. Where do you live?
"A. I live in Washington County, Texas.
"Q. At what place in the county?
"A. Whome is in Brenham, just outside of the corporation, but my work is in the country; that is where my work is—school-teaching.

"Q. You are a school-teacher?
"A. Yes, sir.
"Q. What is your age?
"A. My age is twenty-three.
"Q. How long have you lived in Washington County?
"A. All my days—for the last twenty-three years.
"Q. In what precinct were you a voter on the last election, on the 2d of November?
"A. I voted in Justice's precinct No. I.

"A. I voted in Justice's precinct No. 1.

"Q. Were you an officer of the election?

"A. I was clerk of the election.

"Q. At that poll?

"A. Yes, sir.

"Q. On the 2d of November last?

A. Yes, sir.
Q. That is in the black district, or black belt, as it was called?
A. Yes, sir.

"Q. That is in the black district, or black belt, as it was called?
"A. Yes, sir.
"Q. When you had partially completed the count, what occurred?
"A. Some men entered the house; I do not know how many there were. They came into the house and had on these long yellow rubber coats. I don't know what time of the night it was.
"Q. Were they all of them dressed in rubber coats?
"A. I can not tell you, but I am sure one of them was.
"Q. How many came in?
"A. I could not tell you. It seared me and I could not tell you how many there were or whether they were all dressed that way or not.
"Q. Were they armed?
"A. I am sure one of them was. I could not identify but one who was armed.
"Q. Were they in disguise at all?
"A. Yes, sir, partly; with handkerchiefs tied across here [indicating across the face].

"A. Yes, sir, partly; with handkerchiefs tied across here [indicating across the face].

"Q. How many do you think there were of them?

"A. I could not tell."

"Q. Were there more than two?

"A. Yes, more than two; about three, I suppose.

"Q. What time in the evening was this?

"A. It was something past Il o'clock.

"Q. What time il you were all there counting the votes?

"A. Yes, sir.

"Q. What did they do; how did they get in; did they force their way in?

"A. They came up to the door and knocked on the door once, and at that time one of the men in the room walked out of the door, and then Mr. Robinson said, 'There goes one man after his shotgun'—in that tone of voice; and that time the second knock came on the back door; Mr. Robinson said, 'Come in;' and then they turned the button of the door and pushed it open and came in, and one presented a pistol and said something, but I could not tell you what it was, because the handkerchief was tied over his mouth; but he put his pistol down in that way [indicating]. I ran out of the same door they came in.

"Q. Did you strike one of them as you were going out?

"A. Yes, sir; I was stooping to go out, and I butted one of them in the stomach, the one that was the foremost one coming in.

"Q. Did he strike you when you did that?

"A. Yes, sir; just as I stooped to go out and butted him he struck me on the back with something hard. I suppose it was the handle of a pistol. I felt it strike me in the back.

"Q. Do you remember anything they said; but they said either 'hold

"A. Yo, sir; I don't remember anything they said; but they said either 'hold

strike me in the back.

"Q. Do you remember anything they said?

"A. No, sir; I don't remember anything they said; but they said either 'hold up' or 'hand up.' I couldn't tell you exactly which words they used.

"Q. What did they do?

"A. I could not tell what they did, because I was outside.

"Q. Did you go back again?

"A. No, sir; I did not go back into the house. Immediately after I got out of the door I heard two shots fired in quick succession.

"Q. Do you know what became of the ballot-box or the ballots?

"A. No, sir; I do not.

"Q. Did any one call there half an hour before this occurrence?

"A. Yes, sir; I could not tell whether it was half an hour or not, but it was some time before that.

"Q. Who was it?

"Q. Who was it?
"A. Judge Kirk came in before that occurred.
"Q. Tell as hear as you can how long it was before these men came there.
"A. Well, just before Judge Kirk came in—a few minutes before he came

"A. Well, just before Judge Kirk came in—a few minutes before he came in—
"Q. Do you mean this gentleman here [indicating]?
"A. Yes, sir. Before he came in Mr. Calls asked me for my watch-key to wind up his watch, which had run down, and I took out my watch and held it in my hand and told him to take the watch-key and wind up his watch. But my key would not fit his watch, and he asked me what time it was and I told him it was a quarter past 10, I think, or three-quarters past 10; I think it was forty-five minutes past 10; and I suppose it was about a quarter of an hour from that time until Judge Kirk came in.
"Q. That would make it about II o'clock?
"A. Yes, sir.
"Q. What did he come there for?
"A. I do not know. He came in and asked, 'How is things going, boys?' and

"Q. What did he come there for?

"A. I do not know. He came in and asked, 'How is things going, boys?' and one of the officers said, 'We can't tell how things are going.' He said 'You can give an idea of the count; let me see how Hewitt and Herbst are running;' and he turned the tally-sheet on the table that Calls had and said, 'Jim Hewitt 43 and Charlie Herbst 19.'

"Q. Who was Jim Hewitt?

"A. He was the colored man running on the Republican ticket for district clark.

"A. He was the colored man running on the Republican ticket for district clerk.

"Q. And the other man was the People's candidate for the same office?

"A. Yes, sir.

"Q. You say Judge Kirk looked over them and took note of the count as to those two officers?

"A. Yes, sir: he said 'Jim Hewitt 43 and Charlie Herbst 19.

"A. Yes, sir: he said 'Jim Hewitt 43 and Charlie Herbst 19.

"A. Yes, sir: he went to a bed where one of the gentlemen was lying—Mr. Rogers—and shook him and talked to him, and then came on back to where Mr. Robinson was at the table; that is, beside the table.

"Q. Who went out with Judge Kirk—anybody?

"The WITNESS. Do you mean when he started out?

"Mr. Spooner. Yes,

"The WITNESS. Yes, sir. When he started out he said, 'Robinson, let me see you a minute;' and Robinson said, 'I haven't time: I am busy.' Then he said, 'I only want to speak to you a few minutes.' So Robinson went out and spoke to him about a minute or two.

"Q. He went outside?

"A. Yes, sir.

"Q. How long after Judge Kirk's visit to the polls and his examination of the list was it before these gentlemen made their appearance with the pistols and disguise?

"A. Yes port tall exactly, but I grees it was about half an hour. I suppose it

and disguise?

"A. I can not tell exactly, but I guess it was about half an hour; I suppose it was.

"Q. Did Jadge Kirk say anything about having been at Graball's?

"A. Yes, sir. Some one, I can not remember who it was, asked him was he from Brenham, and he said, 'No, not exactly.' They said, 'How is things at Graball's? and he said, 'Graball's sall right.'

"Q. You never went back to complete that count?

"A. No, sir; I did not.

"Q. Have you heard anything about whether it was completed?

"A. No, sir; I have not heard.

"Q. Did you hear anything about what became of the ballots or ballot-box that were taken away by these men?

"A. I could not say; I have not heard. I have heard many rumors, but it is not worth while to state them, for I do not believe hardly anything I hear.

"Q. Did all these men leave the room?

"A. I do not know. I was the first to leave, I believe, because I was nearest the door.

"Q. Robinson was the presiding judge?

"A. Yes, sir.

"Q. Was he a Democrat or a Republican?

"A. I do not know. I was not much acquainted around there.

"Q. He was a white man, was he not?

"A. Yes, sir.

"Q. Was he the one who said, 'There goes a man for his shotgun?'

"A. Yes, sir.

"Q. Did he say that in a loud or a low tone of voice?

"A. I a tolerably loud tone of voice, I believe; he spoke out tolerably loud.

"Q. How did he happen tosay this?

"A. I could not tell you. By the man's going out the door; that is the only reason I could say.

"Q. Did you hear these men in the alley at that time?

"A. Yes, sir. When they maked up on the gallery all stopped writing immediately, and as they walked up and shook the door this man went out.

"Q. You have heard, have you not, that this ballot-box was carried away at that time, and there was a portico on the front side.

"Q. Did you hear them at the time he made this remark?

"A. Yes, sir. When they walked up on the gallery all stopped writing immediately, and as they walked up and shook the door this man went out.

"Q. You have heard, have you not, that this ballot-box was carried away at that time, and there wore and that contradicted, have you?

"Mr. Ensyris! I

that time, and that the votes cast at that polling place were not counted?

"A. Yes, sir.

"Q. And you have not heard that contradicted, have you?

"Mr. EUSTIS. I submit that that is hardly evidence.

"Mr. FELLEE. I think it is perfectly proper to show that an armed body of men came in and the judges ran away, and to show what the report is about; whether such is the public rumor or not.

"Mr. SPOONER. I will not press it. [To the witness:]

"Q. In counting, were these mostly Republican tickets as far as you had counted?

"Q. In counting, were these mostly Republican tickets as far as you had counted?

"A. Yes, sir.

"Q. Straight tickets?

"A. A few of them were scratched.

"Q. How did you count them, in tens?

"A. We started to count them in tens first. We made two tallies first,

"Q. Did you count slowly or rapidly?

"A. Right slowly; tolerably slowly.

"A. Right slowly; tolerably slowly.

"A. I do not know exactly, but we started to count about 7 o'clock, as near as I can reckon.

"Q. And had only counted 69?

"A. Yes, sir.

"Q. Most of them straight Republican tickets, as you say?

"A. Yes, sir.

"By Mr. Eustrs:

"By Mr. EUSTIS:

"By Mr. Eustis:

"Q. Do you know a man named Polk Hill?

"A. Yes, sir.

"Q. Was he at that precinct that night?

"A. Yes, sir; he was.

"Q. Is he a white or a colored man?

"A. He is a colored man.

"Q. Did you see him there at that precinct that night?

"A. Yes, sir; I saw him there.

"Q. Was he armed?

"A. I do not know whether he was or not. I saw him sitting in the house. He did not have any gun in the house with him. I did not see him with a gun.

"Q. You testified before the coroner's inquest about the killing of Bolton, did you not?

"A. Yes, sir.

"Q. You said there, 'I know that Polk Hill had a gun on the ground.'

"A. During the day he had one, but I did not see him with one that night. He may have had one home; I could not tell you. I know he came there with one that day when he voted.

"Q. What time did he come there?

"A. I think it was about 12 o'clock.

"Q. He came with a gun?

"A. Yes, sir; with a shot-sack hanging across his shoulder.

"Q. Who were present outside that night? Do you remember seeing Shad Felder?

"A. He was not outside. Those I saw on the inside were Polk Hill, Shad Felder? Felix Kinlaw, and Stewart Jones.

Felder?

"A. He was not outside. Those I saw on the inside were Polk Hill, Shad Felder, Felix Kinlaw, and Stewart Jones.

"Q. What were they doing there?

"A. They were sitting down on a long bench in the house.

"Q. Were they white or colored men?

"A. Colored men.

"Q. Do you know they were not armed?

"A. I do not know, sir. I did not see them with a gun; that is, they did not have it in there. In fact, I was so busy I did not notice any one in the house. But I know I saw some of them with a gun that day, I saw Polk Hill have a gun that day, and whether he had one that night or not I can not say.

"By Mr. SPOONER:

"Q. Who else did you see with a gun?
"A. Let me see; did I see any one else. [Pausing.] Probably I did, but I can not remember. It has been a good while.

"By Mr. EUSTIS:

"By Mr. Eustis:

"Q. Don't you know that Shad Felder, Andy Hayes, Alfred Jones, and some others, colored men, were there that night, and had arms within their reach if not on their persons?

"A. No, sir; I do not know that. I did not inquire into the matter.

"Q. And that they had come there armed?

"A. No, sir; I did not know it; I did not know that any one at all had come there armed, in fact, because I did not think of such a thing, because I was in the house all day and didn't know anything that was going on outside.

"Q. What made you so frightened merely because a man came there into the room?

"A. Well, I know when they came, I remember that one of the men, I can not remember who it was—Calls or Robinson, one, spoke of it—of the men

coming in during the day, and he said, 'Suppose somebody should come in on us like they did at Chapel Hill.' He said, 'There would be hell to pay;' just in that language. He spoke of it twice.

" By Mr. TELLER:

"Q. You say this was Robinson who said that?
"A. It was Robinson or Calls; I can not say which. But that frightened me; was scared all the evening.

" By Mr. EUSTIS:

"By Mr. Eustis:

"Q. Who was it that was killed that night?
"A. Mr. Dewees Bolton.
"Q. Who killed him?
"A. I do not know any more than I heard. I heard that Polk Hill said that he killed him; I do not know it; I only heard it.

"Q. Polk Hill is the man whom Robinson alluded to when he said there goes a man for a gun?
"A. Yes; he was the man.
"Q. You said that some of these tickets were scratched?
"A. Yes, sir.
"Q. In whose favor were they scratched?
"A. I nevertook notice. Some of the Republican tickets were scratched I am sure, and on the People's ticket I noticed that there was one man running, Rankin I think it was, and that was the only name that I noticed on the People's ticket that was scratched.

"Q. Did you notice any scratching in favor of Judge Kirk?
"A. Yes, sir; there were a few Republican tickets scratched in favor of Kirk and Schutze.

"Q. Who did you hear say that Polk Hill killed Bolton?
"A. I could not tell you who I heard say so; I could not tell where it started from.
"O It was a general report?

"A. I count for the from.
"Q. It was a general report?
"A. I do not know about its being general, but I heard several parties say that he made that statement.

"Q. They said that he had made that statement? "A. Yes, sir.

"By Mr. EUSTIS:

"Q. Do you remember any of their names?

"A. No, sir; I do not. I do not remember taking note of their names.

"Q. Where did you go when you left that precinct, that house, or polling place?

"A. I went down to my brother's, about 2 miles below, I guess.

"Q. Did you come back?

"A. No, sir; I did not come back.

"Q. Did you come back the next morning?

"A. No, sir; I went on out to where I was teaching school, and a young man named Flewellen came after me; he came on past there; it was not very far from there.

"Q. Where was the inquest held?
"A. At the same place, in the same room.
"Q. Did you not testify there?
"A. Yes, sir.
"Q. You were present there, then, if you testified?
"A. Yes, sir; I was present there.

"By Mr. SPOONER:

"By Mr. SPOONEE:

"Q. Who was this man Bolton; did you know him?

"A. Yes, sir.
"Q. Was his father a candidate on the People's ticket at that election for county commissioner?
"A. Yes, sir.
"Q. Where was Bolton shot?
"A. He was shot in that room.
"Q. Was he in disguise when he was shot?
"A. Yes, sir.
"Q. In what sort of disguise?
"A. I do not know that. When he came into the room I saw a handkerchief tied around his face.
"Q. As he lay dead?
"A. No, sir; I mean when he first opened the door to come in.
"Q. Did you recognize him when he came into the room?
"A. I think I knowed who he was, but I was not positive.
"Q. He was one of the men who came in in disguise?
"A. Yes, sir.
"Q. Was he armed, do you know?
"A. Yes, sir, he had a pistol in his hand,
"By Mr. Teller:

"By Mr. TELLER:

"Q. He had a handkerchief over his face and a water-proof coat on?
"A. Yes, sir.
"Q. Was it a rainy night?
"A. No, sir; it was not a rainy night.
"Q. Was the water-proof coat for the purpose of disguise; was that what it was put on for?
"A. I do not know.

"By Mr. SPOONER:

"Q. What sort of a night was it?

"A. It was a pleasant, moonlight night.

"Q. A warm night?

"A. Yes, sir. I know we had no use for fires in the room, so that it must have been a warm night.

"TESTIMONY OF T. M. JONES (recalled).

"T. M. Jones (colored), having been recalled, was interrogated, as follows:

"By Mr. SPOONER:

"By Mr. Spooner:

"Q. I want to ask you a few additional questions. In connection with this election you recollect three men were hung?

"A. Yes, sir.

"Q. Was your brother one of them?

"A. Yes, sir, he was there.

"A. Yes, sir, he was there.

"Q. Where was he?

"The WITNESS. When the shooting occurred?

"Mr. Spooner, Yes,

"A. I do not know, sir. He said he was on the outside one time, but he was not in the house at the time.

"Q. How long before had you seen him—I mean before these men came into the room?

the room?
"A. I remember seeing them here about dark. He came there at that time,

"Q. What did he come there for?

"A. He came for the purpose of bringing me some supper, as I didn't have any dinner that day."

"Q. Was he armed at all?

"A. If he was I didn't know it. I told him to bring me my overcoat and some supper, and if he was armed I did not know it.

"Q. What he came there for was at your request to bring you your overcoat and some suppers.

Some supper, and if he was armed I did not know it.

"Q. What he came there for was at your request to bring you your overcoat and some supper?

"A. Yes sir.

"Q. How old was he?

"A. He was thirty years old.

"Q. How long had he lived there?

"A. He had been living there about ten years, I suppose.

"Q. What was his business?

"A. He was farming."

"Q. Did he own land there?

"A. Yes, sir.

"Q. Was he a man of family?

"A. No, sir.

"Q. What was he in politics?

"A. He was a Republican. He never took much stock in politics in any way more than just voting; but he voted the Republican ticket, I remember he said.

"Q. He was a Republican?

"A. Yes, sir.

"Q. When was he hanged?

"A. On the night of the 2d of December.

"Q. Just a month from this election?

"A. Yes, sir.

"Q. You said yesterday that Mr. Bolton, this man's father, was on two tickets, did you not?

"A. Yes, sir; I think I did.

"Q. Have you any explanation to make about that?

"A. Yes, sir. Yesterday I stated that he was, but since that time I have thought of it and think he was not on both tickets. There was a People's ticket and another diamond-shaped Republican ticket, and he was not on that ticket, I remember. But there was some tickets came in there in the afternoon; who printed them I do not know, and his name was on them.

"Q. It was a bogus ticket for the use of the darkies, wasn't it?

"A. I suppose so (pages 14-23).

"TESTIMONY OF LEWIS P. PENNINGTON.

"TESTIMONY OF LEWIS P. PENNINGTON.

"Lewis P. Pennington (colored), having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. Where do you live?
"A. In Washington County, Texas.
"Q. How old are you?
"A. I an twenty-seven years old.
"Q. How long have you lived in Texas?
"A. I was born there and raised there.
"Q. How long have you lived in Washington County?
"A. I was born in Washington County.
"A. I was born in Washington County.
"A. I don't know the precinct. I think it is precinct No.1; isn't it, Mr. Hack-rorth?

"O. How long have you livest Washington County?

"A. I law shorn in Washington County."

"A. I don't know the precinct. I think it is precinct No.1; isn't it, Mr. Hackworth?

"A. I don't know the precinct. I think it is precinct No.1; isn't it, Mr. Hackworth?

"Mr. HACKWORTH. It is precinct No. S.

"Q. At what polling place do you vote?

"A. I vote at Flewellen's.

"Q. At what is called Flewellen's voting place?

"A. I vot at Flewellen's.

"Q. That is in justice's precinct No. I. What is your business?

"A. I am farming.

"Q. Do you own land there?

"A. No, sir.

"Q. Are you a man of family?

"A. Yes, sir.

"Q. What are you in politics?

"A. Yes, sir.

"Q. What are you in politics?

"A. Yes, sir.

"Q. What are you in politics?

"A. Yes, sir.

"Q. What are you in politics?

"A. Yes, sir.

"Q. It was on the 2d of November?

"A. Yes, sir.

"Q. It was on the 2d of November?

"A. Yes, sir.

"Q. Wes, sir. I was.

"Q. A ver you one of the officers of election?

"A. Yes, sir. I was.

"Q. Will you tell the committee what happened there that day? First, what office did you hold in connection with the election?

"A. Yes, sir, I was.

"Q. Presiding judge?

"A. I was one of the pludges of election.

"Q. Presiding judge?

"A. Well, during the day the election went on very quietly and up until about 11 o'clock in the night, when there was some men come in at the back door. They knocked at the door, and there was a man sitting there by the name of Polk Hill, and when they knocked he got up and walked out at the north door, and Mr. Robinson said to them when they knocked the second time, he said, 'Come in', and they threw the door open and came right in, and then got away from my seat to get out of the house, and just before I stepped to the door this man fell that got killed, Mr. Bolion, and staid time there may a gun fired. I had then got away from my seat to get out of the house, and just before I stepped to the door this man fell that got killed, Mr. Bolion, in fired. I had then got away from my seat to get out of the house

"Q. Name the officers first.

"A. Mr. Rogers was there; he was not an officer. The officers were Mr. Robinson, Mr. Calls, Mr. Wright, Tom Jones, and myself.

"Q. How many of you were colored?

"A. Two of us.

"Q. In addition to the officers, who were there?

"A. Shad Felder, Andy Hayes, and Felix Kinlaw. I believe that was all.

"Q. Colored men?

"A. Yes, sir; they were colored men.

"Q. Did you notice these men when they came in?

"A. I did not just as quick as they got in; I did not notice them; I was not thinking anything about it, and did not pay attention to them when they first came in.

thinking anything about it, and did not pay attention to them when they first came in.

"Q. But you saw them after they came in?

"A. Yes, sir; and before they shot.

"Q. Were they in disguise?

"A. They had on handkerchiefs over their faces so that a man could not see their faces, and white hats, and slickers on; large white hats and these slickers on. "A. They had on handkerchiefs over their faces so that a man could not see their faces, and white hats, and slickers on; large white hats and these slickers on, "Q. What do you mean by 'slickers?'
"A. I mean overalls.
"Q. Did you recognize any of them?
"A. No, sir; I was not acquainted with any of the people in that settlement.
"Q. Was the man who was shot the man who demanded the ballot-box?
"A. I could not tell you which one demanded it. They came in abreast. They just threw the door open and every man just filed in.
"Q. You say they were armed?
"A. Yes, sir; they were armed?
"A. Yes, sir; they were armed. I saw three pistols.
"Q. What did they say; anything else except this demand that you surrender the ballot-box?
"A. That is the only word I heard used.
"Q. How long was that before the shooting was done?
"A. Right immediately.
"Q. How many votes were polled there that day?
"A. One hundred and fifty-nine.
"Q. Who had the most, the Republicans or the others?
"A. The Republicans were in the majority.
"Q. How much of a majority about; we do not expect you to give it to a vote, but about how much?
"A. It is just a guess; I can not identify it positively, but I think 85 to 90.
"Q. You mean 85 or 90 Republican majority?
"A. It is just a guess; I can not identify it positively, but I think 85 to 90.
"A. Yes, sir.
"Q. This precinct is what is called the 'Black belt' or 'Black district?'
"A. Yes, sir.
"Q. Do you know whether the votes cast at that polling place were counted at the county seat at that election?
"A. I do not.
"Q. Do you know now who those men were—either of them?
"The WITNESS. The men that came there?
"Mr. Spooner. Yes; the men who came in to raid the ballot-box.
"A. The one that was killed was Dewees Bolton; that was the only one I knew.
"Q. You did not know any of the others?

"A. The one that was killed was Dewees Bolton; that was the only one I knew.

"Q. You did not know any of the others?

"A. No, sir.

"Q. Was there any effort made there, that you ever heard of, to detect or discover who they were or to bring them to justice?

"A. No, sir.

"Q. What became of the colored men who were in there with you when these men came in?

"A. The one that was killed was Dewees Bolton; that was the only one I knew.

nen came in?

"A. They ran out.

"Q. Where are they now?

"A. One of them is dead; he was hung.

"Q. Which was that?

"A. Shadrack Felder.

"Q. Who else was hung; there were three men hung, were they not "A. Yes; a fellow named Ephraim Jones and Alfred Jones.

"Q. Were they there that night?

"A. No, sir. Ephraim Jones was there, but Alfred Jones was not to my nowing.

"A. No, sir. Ephraim Jones was there, but Alfred Jones was not to my knowing.

"Q. When were they hung; about a month later, were they not?

"A. Yes, sir; on the 2d or 3d day of December.

"Q. Who was in the room before these men came in there; did any one come to the room?

"A. Yes, sir; Judge Kirk came in there.

"Q. How long before these men came into the room, these raiders, as I call them; was it before Judge Kirk came there?

"A. As near as I can get at it, it was half past 11 o'clock when he left there.

"Q. When who left there?

"A. Judge Kirk; and about 12 o'clock these men came in.

"Q. Then you think it was about half an hour after Judge Kirk left when these men came in?

"A. Yes; half to three-quarters of an hour.

"Q. Where does Judge Kirk live?

"A. At Brenham.

"Q. Where does Judge Kirk live?

"A. At Brenham from this Flewellen poll?

"A. It is said to be about 15 miles.

"A. At Brenham.

"Q. How far is Brenham from this Flewellen poll?

"A. It is said to be about 15 miles.

"Q. Had Judge Kirk been there about the polls during the day?

"A. Not that I know of.

"Q. You do not remember to have seen him, then, that day or evening until he came into the room?

"A. No, sir.

"Q. What did he want there?

"A. He just came in and asked the boys how they were getting on and how they were running, and taken a look over on the list on the tally-sheet, and mentioned something about some one being—he called the names of some and how they were running, but I never paid much attention to it and I do not recollect them exactly. But I noticed that he looked on the tally-sheet and said something about Charlie Herbst and Jim Hewitt; that Herbst had 18 and Hewitt 44, or something like that; I do not recollect it.

"Q. Who was Hewitt, the colored Republican?

"A. Yes, sir.

"Q. Who was the other man, Herbst?

"A. He was a Democrat.

"Q. Wo heard Judge Kirk when he looked over the list speak those names and state the number of votes that each had received?

"A. Yes, sir.

"Q. As it appeared then on the list?

"A. Yes, sir.

"Q. You had not finished your count then?

"A. Yes, sir.

"Q. You had been counting very slowly during the evening?

"A. Yes, sir.

"Q. You had been counting very slowly during the evening?

"A. Yes, sir, we counted very slowly. We counted some few Republican tickets first, and they were so straight that Mr. Robinson said, 'We will count

"Q. How long were you in the room?
"A. I was there preity much plumb till I had to get out,
"Q. Did you go in when they commenced counting?
"A. Yes, sir.
"A. Yes, sir.
"Q. And staid until you had to come out?
"A. Yes, sir.
"Q. And staid until you had to come out?
"A. Yes, sir.
"Q. And staid until you had to come out?
"A. Yes, sir.
"Q. Tell us about it.
"A. Well, there was some men came in the back door and one flings down a pistol and said, 'Hands up,' and when they said 'Hands up'! I flew.

"A. As near as I can recollect there was about four.
"A. As near as I can recollect there was about four.
"A. How were they dressed?
"A. They had on these yellow slickers, all buttoned up.
"A. They had on these yellow slickers, all buttoned up.
"A. Do you men to diched to said anotherchiefs across here [indicating his face] and hats pulled down over their faces.
"Q. What sort of hat s did they have on?
"A. Two of them in front had sort of white hats on.
"Q. You did not stay long?
"A. Yes, sir, they did.
"Q. You did not stay long?
"A. Yes, sir, they did.
"Q. You was there with you?
"A. No, sir; when they came in I did not know.
"Q. Who was there with you?
"The WITERES. In the room?
"A. And Hayes was in the room and Shad Felder was in the room ontside of the office, and Folk Hill.
"Q. Shad Felder was there, was ho?
"Q. What Hayes was in the room and Shad Felder was in the room ontside of the office, and Folk Hill.
"Q. Shad Felder was there, was ho?
"Q. What Hayes was in the room and shad Felder was to the room of the office, and Folk Hill.
"Q. Was Shad armed?
"A. No, sir' I did not have any arms at all.
"Q. Was Shad armed?
"A. No, sir' I did not have any arms at all.
"Q. What happened there? Just tell the committee what you saw there dur"A. An inglify. Well, I saw a man get shot.
"Q. The was a man get shot.
"Q. The was a man get shot.
"Q. How were they dressed?
"A. Yes, sir, out that I know of.
"A. An inglify. Well, I saw a man get shot.
"Q. What sort of hats did they have on?
"A. Yes, sir, out the sir of the sir of the sin CONGRESSIONAL RECORD—SENATE. 1889. those tickets that are mixed up, scratched up, first, and when we get through with them we will go along with the Republican tickets.'

"Q. Did any one go out of the room with Judge Kirk?

"A. Yes, sir; Mr. Robinson did.

"Q. How did he happen to go out with him?

"A. The judge told him he wanted to see him a minute.

"Q. Judge Kirk told Mr. Robinson that he wanted to see him a minute?

"A. Yes, sir.

"Q. Was that before or after he had examined the poll-list?

"A. I do not recollect; I think it was afterwards.

"Q. Robinson was the presiding judge, was he?

"A. Yes, sir.

"Q. What were his politics?

"A. He said that he did not have time to go out, that he was busy there and could not leave, and he said 'Appoint Rogers.'

"Q. Judge Kirk said that?

"A. Yes, sir.

"Q. That is, to keep that place while he was gone?

"A. Yes, sir.

"Q. So that after having appointed Rogers, in obedience to Judge Kirk's advice, he went out, did he?

"A. Yes, sir, but he did not appoint Rogers.

"Q. Who did he appoint—anybody?

"A. No, sir.

"Q. But he went out?

"A. Yes, sir.

"Q. Did he have conversation in that room with any other officer of the election?

"A. Not that I know of.

"Q. Did he with Mr. Rogers?

"A. He went to the bed where Mr. Rogers was lying down; but I did not notice them.

"Q. Did he hold a whispered conversation with Mr. Rogers. "Q. Did he with Mr. Rogers?

"A. He went to the bed where Mr. Rogers was lying down; but I did not notice them.

"Q. Did he hold a whispered conversation with Mr. Rogers.

"A. If he did I did not see him.

"Q. You do not know that?

"A. No, sir.

"Q. Was Mr. Rogers an officer of the election at the polls?

"A. I did not exactly understand it. He was the man who had appointed me as one of the judges, but after that Robinson taken possession, and I do not know who really the head man was.

"Q. Was Rogers either a judge or clerk, or was he connected with the election as an officer at all?

"A. No, sir. I think the box was signed in Rogers's name, but after it got out there he got Robinson to take his place.

"Q. How long after this conversation outside between Robinson and Judge Kirk was it before these gentlemen in masks made their appearance?

"A. It was between half and three-quarters of an hour.

"Q. Have you stated all that happened that you recollect after they came in and before they left?

"A. Yes, sir; that is all I can recollect.

"By Mr. Eustis:

"Q. I will read you the statement that you made at the coroner's inquest, which was also made under oath, and I will ask you whether it is true or not. [Reading.] 'Testimony of Lewis Pennington, duly sworn. I was one of the judges of election held on the 2d day of November, 1886. The election was going on quietly and orderly. I was busy counting votes when somebody knocked on the door. At the same time Polk Hill got up from his seat and ran to the door. I do not know who did the shooting which took place about 11 o'clock p. m. Outside of the officers of election there were present in the room Chad Felder, Andy Hayes, Felix Kinlaw. And Polk Hill went out of the door.' And upon re-examination you made the following statement: 'Statement of Lewis Pennington, being re-examined. I did not see anybody coming in the door disguised with a pistol in hand. I was sitting close to the fireplace, in plain view of two doors.' Is that statement correct?

"A. No, sir; that is not correct.

"Q. Say in what respect it is not correct.

"A. Well, there was double-barreled shotguns and six-shooters around there until I was naturally afraid to tell the truth.

"By Mr. Spooners."

"By Mr. SPOONER: "Q. You mean at the inquest?"A. Yes, sir; at the inquest.

"Q. You say that in your testimony at the inquest you did not state that these men were in disguise, and all the facts about it, because you were afraid?
"A. Yes, sir.
"Q. Was there great excitement there?
"A. Yes, sir; I should think there was.
"Q. A good deal of talk about a nigger insurrection and a race war?
"A. I could not state anything about that, There were too many guns and six-shooters there for me.
"Q. At the inquest?
"A. Yes, sir (pages 31-38).

"By Mr. EUSTIS:

"By Mr. Eustis:

"Q. Was Polk Hill in the room at the time that knocking took place?

"A. Yes, sir. When they first knocked Polk Hill walked out.

"Q. He was there when they first knocked?

"A. Yes, sir, he was in the house when the first knock was made.

"Q. Was he not armed?

"A. If he was it is more than I know. I was not allowed out of the house and did not go out of the house.

"Q. Did you see Shad Felder there?

"A. Yes, sir.

"Q. Was he armed?

"A. No, sir; not that I know of.

"Q. Andy Hayes, was he armed?

"A. He came there that morning——

"Q. I speak of the night, at the time of this disturbance.

"A. No, sir; not that I know of.

"Q. Felix Kinlaw, was he armed?

"A. No, sir; not that I know of.

"Q. Were these four men whose names I have mentioned here all colored men?"

"A. Yes, sir, they were colored men."

Felix Kinlaw, one of the colored men, research in the

"A. Yes, sir; they were colored men."
Felix Kinlaw, one of the colored men present in the room, testified as fol-

lows:
"Q. Were you in the room where they were counting votes?
"A. I was; yes, sir.

"By Mr. SPOONER:

"By Mr. SPOONER:

"Q. Who was it who was hung?
"A. Shad Felder, Alfred Jones, and Stewart Jones.
"Q. Which of them was an old man?
"A. Alf. Jones was between sixty-five and seventy years of age, I think.
"Q. Was he a man of family?
"A. I do not know. He told me he had a bed-ridden wife.
"Q. Was he a reputable man?
"A. The colored people all said that he was a church member and a good man. I did not know him until I investigated this case.
"Q. Had he committed any offense that you know of against the law?
"A. I never heard of any; no, sir.
"Q. Had he anything to do with the shooting of Bolton?
"A. I never heard him charged with it; he was not there.
"Q. Was he present at the shooting?
"A. He told me not.
"Q. Did he tell you where he was at the time of the shooting?
"A. Yes, sir.
"Q. Where?

"A. He said he was at home; that it was between 11 and 12 o'clock when he heard the shooting. He was a short distance, about 100 or 150 yards, from the place of shooting.

"By Mr. EVARTS:

"By Mr. EVARTS:

"Q. That is, his house was that distance from the place of shooting?

"A. Yes, sir; where he lived, on the Flewellen plantation, was about 100 or 150 yards from the counting place. He said his wife was sick and he had to sit up with her, and he was lying down on the bed with his clothes on and his shoes off, and he heard a shot and went out on his gallery and staid there a few minutes and heard nothing more—on his little porch to his cabin I presume, I never have seen it. He said after listening a little while he went back into his house and laid down on the bed, but did not go to sleep. Within fifteen or twenty minutes his dogs began to bark loudly, and he went out on the porch, and found Dick Robinson, the presiding judge of the election. He got up and called the dogs off, and Mr. Robinson jumped up and ran into his house bareheaded and sat down in a chair. Mr. Robinson said, 'Uncle Alf, there has been a man shot down in there and I want you to go to Chapel Hill and telephone the sheriff about it." He told him his wife was sick and he could not go. Judge Robinson aked him if he could get anybody else to go. He said that perhaps his son, Oliver Jones, would go. He went off, Uncle Alf said Robinson did, and in about two hours he came back to Uncle Alf's place and asked him fe would go down to the polling place; that there was a dead man down there and he did not like to go down alone. Uncle Alf said that he woulddo so. He went down there with Judge Robinson, and they found both the front and rear doors of the house open, with a lamp sitting on the table, and a bright light in the room. They went in on the back gallery and found Bolton lying across the door.

"By Mr. Sponer:

"By Mr. SPOONER:

"By Mr. Spooner."

"Q. What do you say about a gallery?

"A. The Flewellen dwelling-place had a gallery. That is where the counting place was. There was a little porch in front covering the one door that entered the room. The front door and back door were both wide open. They went in and found Bolton lying across the door with his feet out near the hinges of the door, and his head in the other direction, with his het off. They stepped across Bolton's body and they went through, Judge Robinson in advance—

"Mr. Eustrs. Whose recital is this?

"Mr. Spooner. It is a recital of Alf Jones, the man who was hanged, as made to the witness.

"The WITNESS. Yes; he made the statement to me.

"Mr. Spooner. As his counsel?

"The WITNESS. Yes, sir. As they went out of the gallery they heard a number of men at the front gate, which is about thirty steps distant. They did not know who it was, and they all went back into the room, and Judge Robinson stopped at the table. Robinson seemed to be scared, and did not know who it was coming in at the time. Uncle Alf said that he, instead of passing and going out back, just backed out over the dead man. He said he did not know who they were, and he wanted to face in that direction to see who they were. He stepped back out on the gallery and leaned up against the jam of the door, and stopped down and looked at the man. He said that he had a handkerchief or cloth of some description, he could not tell which, it was very bloody, tied across his nose; that he was lying upon his right side and back partly, with his left leg drawn up a little and the right one straightened out, and with a pistol at one of his feet; he could not remember which foot. He had a slicker on, one of those yellow rain-coats—

"Mr. Eustis. I would suggest that inasmuch as we have eye-witnesses to this whole transaction, there is hardly any necessity for this minute description.

"Mr. Spooner. If it is not to be denied that this man was in disguise, perhaps

"Mr. Spooner. If it is not to be denied that this man was in disguise, perhaps

not.
"Mr. Eusris. When you have already had direct testimony about the whole transaction.

"Mr. Evarts. This testimony not only shows these facts, but it shows that this man was not at the polls and had nothing to do with the shooting.

"Mr. Eusris. I understand that, if the witness confines himself to that por-

tion of it.
"The WITNESS. He told me he had not been at the polls after 4 o'clock until

that time.
"Mr. Evarrs. We are not going into the killing, but the way he found Bolton

"Mr. EVARTS. We are not going into the killing, but the way he found Bolton lying is important.

"Mr. EUSTIS. This witness did not find him.

"Mr. EVARTS. But this colored man told this witness that he found, at the request of the presiding judge, this dead body, and he described to the witness, who was his counsel, how he found that dead body, in what condition he found it, and that we wish to prove.

"Q. You may proceed with your statement.

"A. He stooped down and looked at him. He had his handkerchief over his face, which was bloody, and he could not tell whether it was a handkerchief or a cloth. I asked him if his slicker was buttoned up, and he said he could not tell whether it was buttoned or unbuttoned, he was so excited. His hat was off, and he was lying with his face partly turned up, and he could see that his right eye had been shot out. He said just about that time the men from the gate came in, Tom Evans in advance. Evans took the lamp off the table and went and sat it down by the man's head and said, 'Boys, this is Dewees Bolton,' Uncle Alf said he had not known who it was before; that he could not tell who it was. He then went home, he said, and the next day he was arrested in the field where he was at work.

"Q. Did he testify at the coroner's inquest?

"A. I understand so. The papers containing the proceedings are here.

"Judge Kirk. Yes; he testified there.

"The Witness, Uncle Alf said that at the jury of inquest Mr. Vernon, who held it, told him that there was nothing against him, and he could go, and Steve Jackson also, and that somebody in the crowd said, 'No, put them with the rest of them.'

"Q. Is that all you care to say about Alfred Jones?

"A. Yes, sir; I believe I have stated all the material points.

Jackson also, and that somebody in the crowd said, 'No, put them with the rest of them.'

"Q. Is that all you care to say about Alfred Jones?

"A. Yes, sir; I believe I have stated all the material points.

"Q. What about the other parties?

"A. Well, Shad Felder told me—

"Q. He was the man who owned the property there?

"A. Yes, sir; he owned a farm. He was hung also. He said that he had been there all day at the polls, and at night they were counting the ballots and he was sitting on a bench looking on at the count, with Handy Hayes and Felix Kinlaw. He said about 10 or 11 c'clock Judge Kirk came into the room and spoke to them—to the white officers, I believe—and asked them how things were going there, and they made some reply; I forget what he said it was. Then they asked Judge Kirk, 'Where are you from, judge; are you from Brenham?' and he said, 'No, I am not; I am from Graball.' They asked him how things were going at Graball, and he said everything was going straight. He then went to Mr. Alfred Rogers, who was lying on a bed in the corner—

"Q. Is he a white man?"

"A. Yes, sir.

"Q. And a Democrat?

"A. I can not tell you that. He lived on the Flewellen place. I do not know him, and never saw him.

"Q. He was not an officer of the election?

"A. No, sir; he was lying on the bed, and Judge Kirk talked to him a little while in a low tone of voice. Then they came back to the table, and he took him out in the yard and talked to him awhile.

"Q. He took who out?

"A. Judge Kirk took Dlek Robinson, the presiding judge, out. Robinson then came bæck, and in about half an hour afterwards he said somebody knocked on the back door. The back door was shut and the front door was open. He said that when the man knocked on the back door, Polk Hill, who was sitting on the end of the bench nearest to the front door, got up and went out on the porch. Somebody had said, 'Come in,' to the first knock, and there was no reply to it. At the second knock somebody told them to come in, and the door was pushed open with considerable force, and standing in the doorway were three men with these yellow slickers or rain-coats on, and behind them on the gallery were two more men, the three in front presenting pistols, and one behind presenting a pistol over their heads, and they said something. I do not think he told me what it was. Shad said he was badly scared, and rolled off the bench and crawled under the bed with Handy Hayes and Felix Kinlaw; they crawled under the bed. I asked him how many shots he heard fired, and he said he was so badly scared that he did not remember any shots. The other one, Felix Kinlaw, said, I think, that he heard one shot fired, and they all ran out of the room—no, the others went out of the back door, and after it was over these two were under the bed. Rogers got up in the bed, and said to the men in front. 'Don't shoot in here, boys.' After they went out they came from under the bed and went out also. Rogers, they said, had been a little under the influence of liquor.

"Q. He denied any participation in the affair?

"A. Yes, sir; they both said they had nothing in the world to do wit

nder the influence of liquor.

"Q. He denied any participation in the affair?

"A. Yes, sir; they both said they had nothing in the world to do with it.

"Q. What about Stewart Jones?

"A. He told me that he came down there to bring his brother, Tom Jones, his

supper.

"Q. Tom was one of the election officers?

"A. Yes, sir. He said he came down there to bring his brother his supper and his overcoat. It was a pleasant, mild night, Stewart said, and he was lying out in the front yard asleep with John Glass when the shot was fired, and that waked him up and he ran off.

"By Mr. EVARTS:

"By Mr. Evarts:

"Q. Those were the three men who were hanged?

"A. Yes, sir (pages 177-180)."

Kirk shows his presence at Flewellen, and his whispered conference with Robinson, the Democratic judge of election.

"Q. You went from Chapel Hill to Flewellen?

"A. Yes, sir; I did.

"Q. What time did you get to Flewellen?

"A. I think about half past 10 o'clock.

"Q. How far was Graball from Chapel Hill?

"A. I suppose about 12 or 14 miles.

"Q. How did it lie with reference to Flewellen?

"A. Flewellen voting place was about half way distant between Chapel Hill and Brenham.

"Q. What did you do at Flewellen?

"A. I went into where they were canvassing the vote and looked at the tally-list and made some inquiries there about the vote, what the opinion of the officers was as to what would be the result there (page 250).

"Q. Did you leave Flewellen before the box was raided?

"A. I did; I only remained there a short time and came direct to Brenham.

"Q. What did you call one of the officers out for; was it at Flewellen that you called the presiding judge out and had a talk with him?

"A. I did not take him out of the room.

"Q. But you called him to one side and had a whispered conversation with him?

"A. Yes, sir.

him?

"A. Yes, sir.

"Q. What were you talking about?

"A. I asked him what he thought the colored people had voted that day; what he thought would be the result, if he could form any idea from the way the ballots were deposited.

"Q. What did he tell you?

"A. Well, he said that the Republicans had a majority there.

"Q. How large a majority?

"A. He said he thought there had been a good deal of scratching there by the colored people, but they would give a considerable majority; he said he thought they had done a good deal of scratching there that day, but they would give a majority for the Republican ticket; that was his best impression about it, being one of the judges and seeing the ballots deposited" (page 254).

Several extracts are given from the testimony of Democrats as to the disguise of Bolton.

Lafayette Kirk testifies (page 266):

'Q. Did you ever hear it disputed that he had on a rubber coat, and an oil-

"Q. Did you ever hear it disputed that he had on one of those yellow rain-coats, commonly known as 'slickers' in our section, "Q. And you knew it was not a rainy night?
"A. Those coats were generally universally worn by the people in the coun-

try.

"Q. Was it a rainy night?

"A. It was not a very rainy night.

"Q. No, it was not raining at all.

"A, It was not raining, but it was a right cool night."

William Cause, a clerk of the election at Flewellen, testifies (page 304):

"Q. Do you know whether he was masked?
"A. I do not; I didn't see any mask. He had on one of those water-proof

coats.

"Q. Did you see his face?

"A. I do not remember seeing his face that night at all. I didn't pay any attention to it. We were so badly scared that we were for getting out of the room as quick as we could. I was expecting to get a shot every moment after I saw that muzzle of the gun stack in the door. I never paid any attention to anybody and never went back there until the next morning.

"Q. When did you go back there?
"A. I went back there, I reckon, about 8 or 9 o'clock the next morning; "A. I went to all about 8.

"Q. Did you see the body of the dead man?

"A. Yes, sir.
"Q. Did he have any mask or disguise on his face?

"A. No, sir. I think there was a handkerchief just laid over his face, and he

still had on a water-proof coat. The handkerehief was bloody and there was a very large pool of blood lying under him."

R. P. L. Wright, another Democratic officer of election, testified as follows in the trial of Kirk and others (see pages 756-757):

"Q. What sort of a night was that; was it rainy?
"A. No, sir.
"Q. Was it a cold night?
"A. It was not cold, it was not warm—it was cool.
"Q. Did you have a fire?
"A. No, sir.

"Q. You left after the shooting?
"A. Yes, sir.
"Q. When did you come back?
"A. I came up to the gate and as there was no one there I went away.
"Q. When did you come back?
"A. I came up to the gate and as there was no one there I went away.
"Q. When did you come back?
"A. About sun-up.
"Q. Was anybody there?
"A. Yes, sir, he was lying on the floor near the door with a handkerchief over his face.
"Q. Who spread the handkerchief over his face?
"A. I don't know; it was a handkerchief or a towel.
"Q. Was it bloody and torn?
"A. I don't know.
"Q. Did you notice whether it was knotted around his neck?
"A. I don't know.
"Q. Did you look up before the shot was fired?
"A. I don't know.
"Q. Did you look up before the shot was fired?
"A. No, sir.
"Q. When you looked up the man had already been shot?
"A. Yes, sir.

"A. Yes, sir.

"Q. Who did you see then?

"A. I saw a man there. He had a gun. I went out pretty lively at the same door Bolton was shot.

"Q. Did he have a slicker on?

"A. Yes, sir; buttoned up at the throat." D. D. Bolton, the father of the dead man, testified as beld (see page 766):

"Q. Was he disguised in any way at all?

"A. No. sir.

"Q. Was there anything over his face?

"A. Robinson had spread a handkerchief over his face,

"Q. Was there one tied around his neck?

"A. There was.

"Q. Was that an unusual thing?

"A. He was in the habit of wearing it."

Kirk, when testifying before the committee, attempted to evade the inquiry as to the telegram which he sent D. D. Bolton on the election day. His testimony at that time was as follows (see pages 251, 252):

at that time was as follows (see pages 201, 202):

"Q. Did you send any telegrams on election day?

"A. I had one telegram sent, I believe, to a man at the Graball box.

"Q. Did you send any telegrams on election day?

"The WITNESS, Did I send any?

"Mr. Spooner. Yes; did you send any?

"A. I did send one, and then sent another or had it sent.

"Q. Why didn't you answer that way when you first answered my question instead of saying that you had one sent? You know how many you sent on the day? "A. I did send one, and then sent another or had it sent.

"Q. Why didn't you answer that way when you first answered my question instead of saying that you had one sent? You know how many you sent on that day?

"A. I had two sent. I sent one myself and had one sent.

"Q. Why didn't you say so then?

"A. I did say so.

"Q. After awhile. How many telegrams did you send off on election day?

"A. The two I refer to that related to the election.

"Q. Who were they sent to?

"A. I sent one near about 12 o'clock on election day to D. D. Bolton. I told him I could not tell much about that time as to how the vote was going.

"Q. Give me the language of your telegram?

"A. As I best recollect, I told him things were mixed; that it was mixed there in the town of Brenham, and that the result was doubtful.

"Q. What else did you say?

"A. That is all I said, I think so.

"Q. Don't you know that that is not all you said?

"A. No, sir; I do not know that is not all I said.

"Q. Then you have nothing but an opinion on the subject? I wish you would take the time to remember what you said in that telegram.

"A. The idea I intended to convey to Mr. Bolton was—

"Q. No; I want your words, and we will try and get at the idea,

"A. Aly best recollection is that I said things were mixed.

"Q. What else?

"A. That is all.

"Q. Do you swear that is all?

"A. I do not know. If I said anything else, I do not remember. I will swear tomy best recollection that that was the contents of the telegram to Mr. Bolton in which you said 'things look gloomy,' or 'look bad; do your work?'

"A. I said things were doubtful. That was the idea to be conveyed.

"Q. Didn't you say something like this; didn't you send a telegram to Mr. Bolton in which you said 'things look gloomy,' or 'look bad; do your work?'

"A. I do not recollect any such expression as that in the telegram.

"Q. That is not an answer to my queston. You will be pretty likely to recollect it in view of what happened afterwards?

"A. I didn't send a telegram to him?

"A. I do not reollec

"Q. Is it a mere matter of opinion with you?
"A. I am satisfied I did not.
"Q. Are you willing to swear that you did not.

"Q. Is it a mere matter of opinion with you?

"A. I am satisfied I did not.

"Q. Are you willing to swear that you did not?

"A. I do not undertake to say exactly what the contents of the telegram were.

"Q. I want you b: swear, if you can, whether you sent a telegram to Mr. Bolton on that day which was substantially like this: 'Things look gloomy,' or 'things look bad,' or 'things look mixed; do your work.'

"A. I do not recollect sending any such telegram, and to the best of my recollection I never did send any such telegram, and to the best of my recollection I never did send any such telegram, and to the best of my recollection I never did send any such telegram, and to the best of my recollection I never did send any such telegram, and to the best of my recollection I never did send any such telegram?

"Q. Will you swear that you did not send any such telegram?

"A. I gave you my best recollection as to the contents of the telegram.

"Q. Will you swear that you did not send such a telegram?

"A. I will not swear to anything on the subject except as to what my best recollection of the telegram was.

"Q. Are you positive that you did not send to Mr. Bolton on election day a telegram in which you said, 'things look bad,' or 'things look gloomy,' or 'things look mixed' (you may take your choice of those words); 'do your work?'

"A. I will give you my best recollection as to what the contents of it were, and I have done that.

"Q. I want an answer to my question, if I can get it. Are you positive that you did not send to Mr. Bolton on election day a telegram of that purport, 'things look bad,' or 'things look mixed; do your work?' Are you positive that I did not send such a telegram, but my best recollection is that the contents of the telegram were that things were doubtful or mixed.

"Q. Where was that telegram sent to?

mixed

rection is that the contents of the telegram were that things were doubtliff or mixed.

"Q. Where was that telegram sent to?
"A. To Courtney, which was the nearest telegraph office to Graball.
"Q. Who was Mr. Bolton?
"A. He was a candidate for county commissioner down there.
"Q. Was he a Democrat?
"A. Yes, sir.
"Q. He was the father of the young man who was killed that evening?
"A. Yes, sir; he was his father.
"Q. When had you seen him last before election day?
"A. On Monday before.
"Q. The election was on Tuesday?
"A. I think I had seen him Saturday before.
"Q. The election was on Tuesday?
"A. Yes, sir; it was on Tuesday."
Later in the investigation, however, the telegram itself was produced, and a copy is given below, together with the testimony of the telegraph operator identifying it. (See pages 645 and 657.) The following is the telegram? 1885.

"To D. D. BOLTON, "Courtney:

"Things here look doubtful. Do your work,

"L KIRK."

James E. Slater, having been duly sworn, was interrogated as follows:

"By Senator SPOONER:

"By Senator Spooner:

"Q. You have been examined before in this investigation, have you not?

"A. Yes, sir.

"Q. You reside at Brenham?

"A. Yes, sir.

"Q. You are telegraph operator at Brenham?

"A. Yes, sir; at Brenham, Tex.

"Q. How long have you been operator at that place?

"A. The last time since 1880, but I was in the office before.

"Q. Were you in charge of the office there in 1886?

"A. Yes, sir.

"Q. Have you ever seen this before [showing a telegram to the witness]?

"A. I of course have seen it, because the words 'seven, paid' are in my handwriting, and 'fi ed 12 m.' is in my handwriting, and the time of the message sent to Houston is my handwriting.

"Q. What time was it sent to Houston?

"A. It was sent to Houston at 12.50 p. m., it says here.

"Q. That was received by you to be transmitted at 12 m. on November 2, 1886?

"A. Yes sir.

"A. Yes, sir.

"Q. And was transmitted by you?

"A. Yes, sir; there is the evidence of it.

"Q. It was transmitted at 12.50 p. m.?

"A. This is the evidence of it.

"Q. That is the memorandum made by you at the time?

"A. Yes, sir; at the time. Whenever we send a message we mark the messages as we send them. When we receive a message we put in here [indicating] when they were filed. It was received at 12 o'clock to send to Houston.

"Q. This is the original of the message which was handed to you for transmission?

"A. Yes, sir."

"A. Yes, sir."

THE DIAMOND TICKETS.

The Republicans, in order to protect the colored voters from imposition and fraud practiced upon their ignorance and simplicity, had printed tickets in a particular arrangement of the imprint, called "diamond tickets." Some question had been raised as to the validity of these tickets under the election laws of Texàs, but the supreme court of Texas a year before this election had pronounced them valid. This decision was found in the reported volume of the court's decisions. These volumes were distributed by law among the county judges and one of them was in the hands of Kirk, the county judge.

Yet at several polling places the diamond tickets were discarded and were not returned as valid to be canvassed by the returning boards.

"G. A. Mayo (colored), having been duly sworn, was interrogated as fol-

"Q. What are you in politics, a Republican?
"A. A Republican; yes, sir.
"Q. At what polling precinct do you vote?
"A. Independence.
"Q. How long have you voted in that precinct?
"A. Ever since I have been there. I went there in 1869. The whole county voted at Brenham when I first went there, but I have voted there ever since.
"Q. Were you present at the election at that polling place on the 2d of November last?
"A. Yes, sir,

- "Q. Do you know how many votes were cast there?
  "A. Yes, sir; I think I do.
  "Q. How many?
  "A. Three hundred and twenty-nine.
  "Q. Do you know which party was in the majority?
  "A. The Republican party.
  "Q. How much was the Republican majority?
  "A. About 45 on the whole, I believe.
  "Q. Did you have any official connection with the election at that poll?
  "A. I was called in to be an inspector.
  "Q. You were one of the inspectors of the election?
  "A. Yes, sir.
  "Q. Engaged in discharging that duty all day at the polls?
  "A. Yes, sir.
  "Q. Were you present at the count?
  "A. Yes, sir.
  "Q. Were you present at the count?
  "A. Yes, sir.
  "Q. There were two tickets at that election, were there, the People's ticket and the Republican ticket?
  "A. There was a People's ticket, a Republican ticket, and a good many more little mixed tickets with names on them.
  "Q. Split tickets, as they are called?
  "A. Yes, sir.
  "Q. But the main tickets were the Republican and the People's ticket?
  "A. Yes, sir; that contained all the Democratic candidates.
  "Q. The People's ticket was the ticket voted generally by the Democrats?
  "A. Yes, sir; that was a diamond-shaped ticket.
  "A. Yes, sir; that was a diamond-shaped ticket.

- "Yes, sit."

  "Q. The People's ticket was the ticket voted generally by the Democrats?

  "A. Yes, sir; that contained all the Democratic candidates."

  "Q. When I speak of the Republican ticket I mean the straight Republican ticket.

  "A. Yes, sir; that was a diamond-shaped ticket."

  "Q. They had printed on them the names of the Republican candidates?

  "A. Yes, sir."

  "Q. Were those tickets counted?

  "A. Yes, sir."

  "Q. Were those tickets counted?

  "A. N. sir."

  "Q. Were those tickets counted?

  "A. N. sir."

  "Q. Were the officers of that election at that polling place?

  "A. N. sir."

  "Q. He was presiding judge?

  "A. Yes, sir."

  "Q. He was presiding judge?

  "A. Yes, sir."

  "Q. He was presiding judge?

  "A. A. A colored man named Mose Bird and another white gentleman named Rosuse: I forget his other name.

  "Q. Who else?

  "A. Just those three.

  "A. Yes, sir."

  "Q. Who were they?

  "A. The other Mr. Seward and a gentleman named Burt,

  "Q. Were they white or colored men!

  "Q. Were they white or colored men!

  "Q. When they were but two colored Republicans on the board?

  "A. Only one: I was called in as an inspector.

  "Q. What happened there about the counting of those tickets?

  "A. When they commenced to count, the first Mr. Seward, he wanted to public, that there was no law for him to carry the box away until the tickets were counted, and Mr. Seward said he would see about it, and he went and got the law and read it and said, 'All right, I will proceed to count.' In about an hour or such a matter he began to count, and counted up until he reached about ten Republican tickets.

  "A. Yes, sir, and when he got up to that number—

  "Q. He counted ten and they were talked; and counted them?

  "A. Yes, sir, and when he got up to that number—

  "Q. He did not vote at that polling place?

  "A. Yes, sir, and when he got up to that number—

  "Q. Ho is Captain Clark sheet. Super did they reper the counted any more than two or three Democratite lickets when Mr. Seward daid for each eather. He voted about ten Republican tickets.

  "Q. Who is

- things run; and Mr. Clay and Mr. Young kept that tally, and when they wound up that tally he said. How many more of those diamond-shaped things have you got there? and Captain Clay said, 'We are near through;' and just before we got through with them Captain Clay wrote a little note and passed it to Mr. Young, and Mr. Young looked at it and he passed it to the presiding officer, and he looked at it and tore it up. And as soon as they got through the diamond-shaped tickets Captain Clay he raised up on his feet, and the tally he kept, the special tally, he tore it all to pieces.

  "Q. That is, they counted these diamond-shaped tickets after they had ruled them out?

  "A. Yes, sir; counted them in the whole.

  "Q. And he kept tally of them?

  "A. Yes, sir; by Captain Clay.

  "Q. And then this note was passed around?

  "A. Yes, sir; by Captain Clay.

  "Q. And he tore up the record of the number?

  "A. Yes, sir; when the presiding officer read it he tore it up, and some man said, 'You ought not to suffer that thing to be done;' and I said, 'Things are too critical here; you remember Chapel Hill; I don't dare to say a word.' Then some one walked in and touched Mr. Young with his walking-can and he walked out, and the colored people commenced getting scared, thinking about Chapel Hill two yearsago. I told them all to be quiet. I says, 'This thing will be attended to. I don't want anybody to get hurt, so be still;' and they all kept still. Mr. Seward, after he got through counting, got up and put all the tickets into the box and said, 'You see they will all go to Brenham, and they will decide it between us there,' and then went straight home.

  "Q. How many of those tickets were there?

  "A. There was 187 in the whole.

  "Q. How many of those tickets were there?

  "A. There was 187 in the whole.

  "Q. How many of those tickets were there?

  "A. There was 187 in the whole.

  "Q. How many of those tickets were there?

  "A. There was 187 in the whole.

  "Q. How many of those tickets were there?

  "A. Yes, sir" (pages 63-65).

  - Carl Schutze, esq., testified as follows:
- "Q. Do you know how many votes were thrown out at this last election?

  "A. Yes, sir. I will give you the figures. At Independence, 187 votes; at Chapel Hill, 188 votes; and at Felder's box, 100 votes.
  - "By Mr. SPOONER:
- "Q. Are those Republican votes you are talking about?

  "A. Yes, sir; Republican votes, the diamond-shape ticket, the straight Republican ticket, and it makes a total of 475.
  - "By Mr. EUSTIS:
- "Q. What box do you mean by Felder's box?
  "A. I am not so well posted in that section of the country that I should know. It is called Felder's box.
  - "By Mr. SPOONER:
- "Q. You mean to be understood as saying that in the county canvass 475 diamond-shaped tickets were thrown out?

  "A. Yes, sir; they were thrown out. They were straight Republican tickets, I will state that I take these figures from an article which appeared in my newspaper on the 11th of November. I charge also that the following Republican majorities were in the boxes that were stolen, if you desire to hear the state-

- majorities were in the boxes that were stolen, if you desire to hear the statement.

  "Q. Republican majorities in the stolen boxes, you mean?

  "A. Yes, sir. At Graball's, 380; at Flewellen's, 150; and at Lott's Store, 123,

  "Q. Where do you get your figures?

  "A. I got them from all sources that I could get them at that time. I understood at the time, and have learned since, that these figures are correct, and I think they have been sworn to here. That makes a total of 1,108 votes that were thrown out and stolen.

  "Q. That is, Republican votes?

  "A. Yes, sir; 1,108 votes that were stolen from there and thrown out. In this connection I might state the majorities which, according to my figuring on the face of the returns, the several officers had. Paul Fricke, 582, that is the minority which we had on the face of the returns; Carl Schutze, 582.

  "Q. What are those figures?

  "A. They are the minorities on the face of the returns.

  "Q. Who ran against you in that election?

  "A. Judge Kirk.

  "Q. Then you mean to say that on the returns as they were canvassed by Judge Kirk and the county commissioners, he, Kirk, had 582 majority?

  "A. I think that was it. That is the way I received the figures. I do not know whether they are exactly fair or not. But that is the way I received them at the time, and I have not looked at them since. William Ehlert, for county attorney, 742. He is a colored man.

  "Q. Who was the Democrat who was running against Wilder?

  "A. Mr. Rodgers. Against these minorities on the face of the returns we have to set off 1,108, and we claim we are elected by from 4:0 to 600 majority.

  "Q. What have you on the member of assembly?

  "A. I did not pay any attention to that in my article. I just read from the article which I wrote at the time, and I have no personal recollection of it since (page 214).

  "By Mr. Eustis:
- - "By Mr. EUSTIS:
- "Q. How many votes do you claim you were elected by as against Judge Kirk, leaving out everybody else?
  "Mr. Spooner. That is, if his votes had been counted.
  "A. On the face of the returns they had 582. Take 1,108 votes that were thrown out and still that leaves 526 votes. I claim I was elected by a majority of 526

- votes.
  "Q. That is, counting all the ballots that were thrown out and stolen?
  "A. Yes, sir; and the majorities that were stolen" (page 215).
  Florence D. Jodon testifies as follows as to the notice to the judges of the election that the diamond tickets were held to be valid by the supreme court of
- Texas:

  "Q. About these diamond-shaped tickets. How long had they been in use in that county prior to this election?

  "A. I never saw them before.

  "Q. How long had they been in use in the State?

  "A. They had been used in Brazoria County, in the southern part of the

- State.

  "Q. Prior to this election your court had held them valid?

  "A. Yes, sir.

  "Q. Had this decision of the court been published generally throughout the State?

  "A. Yes, sir; it is published in 63 Texas Reports, page 393.

  "Q. Had this volume of reports been published before this election?

  "A. Yes, sir.

  "Q. How long before?

  "A. Some months before; and not only published there, but published in all our law journals. As fast as they are given they are published in pamphles.

form in the law journals, and then the State reporter puts them into the State

volumes of reports.
"Q. So that it had come to the knowledge of the profession generally?
"A. Yes, sir" (page 186).

R. P. Hackworth testifies as follows:

"Q. And now, in regard to the other place, Independence. They threw out the diamond-shaped tickets there?

"A. Yes, sir; and at two polls in the Chapel Hill precinct—at Felder's Gin and in the town of Chapel Hill. There they threw out the diamond-shaped tickets.

"Q. Were diamond-shaped tickets cast in other parts of the county by Repub-

cans?

"A. Yes, sir; it was the straight Republican ticket throughout the county.

"Q. Were they thrown out all over the county?

"A. No, sir; only at those three boxes.

"Q. The canvassers counted the diamond-shaped tickets polled at Democratic recincts and only threw out the diamond-shaped tickets from these Republican only. precincts and only threw out the diamond-shaped tickets from these Republican polls?

"A. Yes, sir.

"Q. Who made up that board of county canvassers?

"A. Judge Kirk and the county commissioners.
"Q. Who were the county commissioners?

"A. Mr. Felder was one, and Mr. Bolton, the father of the young man who was chilled was a souther.

"A. Mr. Felder was one, and Mr. Bolton, the father of the young man wh killed, was another.

"Q. He was a candidate on the ticket?

"A. Yes, sir; and there were two other commissioners.

"Q. Were they Democrats or Republicans?

"A. All Democrats.

"Q. Was there a lawyer on that board except Judge Kirk?

"A. I think not; I am sure there was no other lawyer but Judge Kirk.

"Q. Is he a practicing lawyer in your community?

"A. Yes, sir.

"Q. How long has he been in practice?

"A. I think ever since 1880.

"Q. How long has Judge Kirk lived there?

"A. I think he was born and raised in the county" (page 233).

O. P. Potter testifies as follows as to the reason and purpose of the dia

O. B. Potter testifies as follows as to the reason and purpose of the diamond tickets:

tickets:

"Q. Do you know why the tickets were made diamond-shaped?

"A. I could tell you what my opinion is about it, if you would like to know.

"Q. I should like to have it.

"A. Well, the large majority of the colored people of that county can not read; they are unable to read their tickets—a large majority of them, and if they do not have a ticket by which they can know they are voting the Republican ticket without reading it, why they are not satisfied; and for that reason, as I suppose, to prevent designing men changing their tickets, and interlining and putting in Democrats in place of Republicans, they made a straight Republican ticket, different in shape from any ticket in the field, in order that those men who could not read should be certain they were voting a straight Republican ticket, as they all desired to do, or nearly all" (pages 125 and 126).

THE MURDER OF THE COLORED MEN, ALFRED JONES, EPHRAIM JONES, AND SHAD FELDER.

On the 9th of November, one week after the election, Kirk committed to jail at Brenham eight colored men. The commitment was as follows:

"The State of Texas to the sheriff or any constable of Harris County, greeting:

"You are hereby commanded that you take into custody, and commit to the jail of your county, Steve Jackson, Alfred Jones, Ephraim Jones, Shad Felder, John Glass, William Davis, Phelix Kinlow, Andy Hayes, charged with murder, and there safely keep to appear at the next term of our county court, to be held at Brenham on the 19th day of November, 1886, unless he gives good and sufficient bond in the sum of \$500.

"Given under my hand officially this 9th day of November, A.D. 1886.
"[SEAL.]

"LAFAYETTE KIRK,
"County Judge W. Co.

"Issued 9th November, 1886,"

"Issued 9th November, 1886."

Upon some demonstration or indication that an attack would be made on the jail, these prisoners were sent to Houston and there held in jail. While there the prisoners were visited by their counsel, Mr. F. D. Jodon, who there prepared the papers to take them out of jail by habeas corpus. With Mr. Jodon was associated Mr. C. R. Breedlove, a prominent lawyer and citizen of Brenham, a Democrat, and they had been retained professionally and fees paid them by the friends of the prisoners. A copy of the papers prepared is as follows: "To the Hon. I. B. McFarland,
"Judge of the Twenty-first Judicial District of the State of Texas:

"Judge of the Twenty-first Judicial District of the State of Texas:

"The petition of Steward Jones respectfully represents that your petitioner is illegally restrained of his liberty by N. E. Dever, sheriff of Washington County, Texas, under the charge of murder, and that the said N. E. Dever restrains your petitioner, as aforesaid, by virtue of a warrant to him directed by John A. Vernon, a justice of the peace in and for said county, a copy of which is hereto attached. Wherefore your petitioner prays your honor to grant him the writ of habeas corpus directed to the said N. E. Dever, sheriff as aforesaid, commanding him to bring your petitioner, together with the authority for his arrest and detention, before your honor at such time and place as to your honor may seem fit, that justice may be done in the premises.

"STEWART JONES.

"Before me this day in person came Stewart Jones, who, being duly sworn, says that the allegations of the foregoing petition are true, according to his belief, this 30th day of November, 1886.

"R. P. HACKWORTH,
"Justice of the Peace, Washington County."

"THE STATE OF TEXAS, Washington County:

"To the Hon. I. B. McFarland, "Judge 21st Jud. D.:

"Your petitioner, John Glass, respectfully represents that he is illegally restrained of his liberty by George Ellis, sheriff of Harris County, Texas, under a commitment issued by L. Kirk, county judge of Washington County, Texas, a copy of which is attached hereto and made part of this petition. Wherefore he prays that a writ of habeas corpus may issue in his behalf.

"JOHN (his x mark) GLASS."

"Personally appeared before the undersigned authority John Glass, the petitioner above named, who, on oath, says that the allegations in the foregoing petition are true, according to the belief of the petitioner.

"Sworn to and subscribed (by mark) before me this November 16, 1896.

"ALEX. ERICHRON,

"Clerk County Court, Harris County, Texas,

"By L. H. WARING, Deputy,"

On the 18th or 19th of November these prisoners, without any application to that end, as far as appears, and after these papers were ready for their presentation to the judge of the district of Houston, but before their presentation, were sent back to Brenham and lodged in jail. This transfer required the preparation of a new set of papers. On the 2d of December, about midnight or a little later, the jail was visited by an armed and masked company, some six or eight in number.

in number.

The guards were awake and away from the jail and in the adjacent courthouse, upstairs, sitting by the stove. The town constable on watch that night was upstairs, with these guards, and upon hearing the noise and looking from their windows the three men started to go down to the street. They were covered by the guns of some of the assailants of the jail and ordered to "keep quiet" and they would not be hurt, and they returned to the room and remained there to look out upon the removal of three prisoners from the jail by this company of armed and masked men.

These midnight visitors were admitted by the jailer, they informing him that they had a prisoner for the jail. The jailer, who seems to have had the keys of the cells in his hands, laid them down by the lamp which he deposited on a table in full sight. The armed men entering forced the jailer behind the opened door, threw a waterproof over his head, and two men held guard over him. The demand of the keys from the jailer was superseded by their observing the keys in sight.

sight.

Some of the party opened the cells of the eight colored men, ascertained from them their respective names, selected from them Alfred Jones, Ephraim (called also Stuart) Jones, and Shad Felder, and leaving the other five locked in their cells, took these three from the jail. They marched their pinioned captives before them out through the streets of the town, where they were joined by a mounted armed escort, spoken of variously as from twenty-five to seventy-five. The cavalcade conducted their captives along the public road to a point about a mile from Brenham. Here these colored men were hung "on a pecan tree," and there left until they were cut down the next morning by citizens who had come from the town.

The dead bodies were taken to the jail, when, in the language of the local

come from the town.

The dead bodies were taken to the jail, when, in the language of the local paper, the Brenham Banner, "new drawers, undershirts, and nice shrouds were purchased and good coffins procured, and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their homes near Flewellen's for burial."

A coroner's inquest was held, evidence heard, and the conclusion reached was—"We, the jury, find that A. Jones, E. Jones, and S. Felder came to death by being hanged by parties to us unknown."

It does not appear to the committee that any participation, certainly any guilty complicity, in the death of Bolton was imputed by any one to either of these murdered men. The selection for execution from among the eight imprisoned was careful, deliberate, and systematic. The other five were immediately set at large on merely formal bonds of \$500 each. Polk Hill, then and now in custody, was the only person suspected or accused of being the actor in the homicide.

on the large on merely formal bonds of some each. Polk Hill, then and now in custody, was the only person suspected or accused of being the actor in the homicide.

The committal of the eight by Kirk, according to the evidence before the committee, and their discharge on bond were equally illegal, as the charge of murder, the only one alleged against them, was not by the law of Texas bailable, as the committal made it, nor ballable after committal except after judicial examination.

The committee is, therefore, upon all the evidence, of the opinion that these murders were each committed upon the motive and in the interest of the policy and purpose that had countenanced and caused the "raids" on the ballot-boxes at that election. The sacrifice of these worthy and blameless lives was demanded for the suppression of their evidence, which would have demonstrated the death of Bolton, as befalling him in the act of a preconcerted attack upon the ballot-box at Flewellen's to defeat the election of the Republican ticket. The committee can not find any escape from this conclusion upon the whole body and weight of the testimony. The following extracts from the evidence support this conclusion:

"We Someter having been duly sworn, was interprecated as follows:

"W. S. Buster, having been duly sworn, was interrogated as follows:

"Q. What political party do you belong to there?
"A. The Democratic party.
"Q. You have always been a Democrat and are still?
"A. Yes, sir.
"Q. Did you know of the fact of three of those eight men being taken out of lead bure? jail and hung?

"A. Yes, sir; I was on duty as a policeman in town the night they were taken

"Q. Did you know of the fact of three of those eight men being taken out of jail and hung?

"A. Yes, sir; I was on duty as a policeman in town the night they were taken out.

"Q. What were you engaged about as policeman at that time; where was your station?

"A. My station included the whole town, pretty much. There is one officer on at a time. At the time they came I was down at the city hall, near the jail. The city hall is an upper story and commanded a view of the jail-yard in the adjoining building.

"Q. Were you up there in the second story?

"A. I was up there when the crowd came—in the second story of the building, in the city hall.

"Q. You commanded the jail from where you stood?

"A. I could see the front of the jail-yard; I commanded a view of the front of the jail-yard. It was night when they came.

"Q. What time of the day or night was it that you were looking on and saw what you have described?

"A. Well, I went up there, I presume, about a quarter past 12. I think it was that time when I went up into the city hall.

"Q. In the daytime?

"A. No, sir; in the night. I had not been up there but a few minutes, I don't know exactly how long, when the gentlemen who were there with me—there were two with me—

"Q. Who was with you?

"A. There was Mr. Leonard G. and John Lockett. They were there as guards for the jail.

"Q. Who was with you?

"A. They were in the city hall too. I was up there sitting by the stove, and I hadn't been there but a few minutes, and I think Mr. Leonard G. looked out and said, "The yard is full of men." I looked then, and I could see several men in the yard, and I started to go down on the street. The way Lhad to go down was through a stairway which went from the outside. I ran on down to the street in front, and as I started down there were three or four men rode around in front of the steps and halted us, and asked who we were, and Mr. Lockett, who was with me, told them who we were, and they told us then to go back up in the room and keep silent; 'Keep quiet,' they said.

"A.

"A. Yes, sir; I went upstairs where they told me to go.

"Q. What became of the two men whe were with you?

"A. They went back, too; one of them went back with me upstairs?

"Q. And the other one had staid there?

"A. Yes, sir; he staid there; he didn't come down at all.

"Q. You say they were guards of the jail?

"A. Yes, sir.

"Q. Was it their business to be up where they were?

"A. Well, I don't know about that.

"Q. Did you inquire as you went down what the disturbance was about?

"A. No, sir; I did not say anything to them.

"Q. Did you know what it was about?

"A. Well, I supposed what it was.

"Q. What did you suppose?

"A. I supposed what they had come for. I had heard of an attempt being made once before. I had heard of something which led me to believe that was what it was for.

"Q. What was it?

"A. I heard there had been some threats made that they would take them out. That is the way I understood it.

"Q. How long before this had you heard that?

"A. Well, it had been some time; that was before the prisoners were taken away. They were taken off to Houston for awhile, and then they were brought back, and this was a few days after they had returned until this.

"Q. Then, how long before this night had you heard there were threats to take them out?

"A. Well, it had been a week or two; I don't remember the time.

I had heard no threats or anything after they had returned until this.

"Q. Then, how long before this night had you heard there were threats to take them out?

"A. Well, it had been a week or two; I don't remember the time.

"Q. And you had been a policeman all this while?

"A. Yes, str.

"Q. Had you done anything about it?

"A. No, sir; I had not.

"Q. Who was the head of the police force of which you were a member?

"A. Mr. T. L. Swayne is our marshal.

"Q. Did you see him there that night?

"A. No, sir; I saw him in the forepart of the night, I believe, early in the night.

"Q. At the time you were there did you see him at all?

night.

"Q. At the time you were there did you see him at all?

"A. No, sir.

"Q. When you went down stairs let me understand whether you made any inquiry or not of what the disturbance was for?

"A. No, sir; I did not.

"Q. You thought you knew, did you not?

"A. Well, yes, sir; I thought I knew what the design was.

"Q. Who was the first person who spoke to you; who among the crowd down there first spoke to you?

"A. This man I speak of riding around on his horse spoke to us, halted us, and asked us who we were, and Mr. Lockett told him who we were and gave him our names.

"A. This man I speak of riding around on his horse spoke to us, halted us, and asked us who we were and Mr. Lockett told him who we were and gave him our names.

"Q. Who was Mr. Lockett?

"A. Mr. Lockett was one of the guards who went down with us.

"Q. How did this man call, the one who was on horseback; what did he say?

"A. He said 'Hold up there,' and then he says, 'Who is that?' Mr. Lockett told him our names. 'Well,' he says, 'go back now up into the room and keep quiet, and you will not be molested,' or something. He had a gun presented at a half present.

"Q. Did he aim it at you?"

"A. He had it pointed in our direction; yes, sir.

"Q. Well, it was pointed at you, was it not?

"A. Yes, sir.

"Q. Did he say he would fire if you came down?

"A. No, sir; he made no further threats, but we understood by his motions what he would do.

"Q. He pointed the gun at you, and told you to go back and be quiet and you would not be molested?

"A. Yes, sir."

"Q. He pointed the gun at you, and told you to go back and be quiet and you would not be molested?

"A. Yes, sir.

"Q. Were you armed?

"A. I had a pistol.

"Q. What look place after they went up there?

"A. Yes, sir; I went back.

"Q. What took place after they went up there?

"A. They remained there a few minutes, I can not say how long, and they came back then, I suppose, with the men they took out; I could not tell. I could not see who they were.

"Q. But you could see the men they brought down?

"A. I could not see but one of them that I identified as a prisoner. As they came out of the front door they had a light with them inside, and when they came out some of them held the light back in the building, and as the first six or eight men stepped out of the first hey were in the light from the lamp they held inside, and I could see them, and I could see one of the prisoners, it looked like, with his hands pinioned behind him, but I could not say who he was.

"Q. Could see that he was a colored man?

"A. Yes, sir.

"A. And his hands were pinioned behind him?

"A. Yes, sir; it appeared to me they were; he held his hands in that position.

"Q. Did these men have hold of him?

"A. Yes, sir; the was right in the midst of them."

"A. Yes, sir; he was right in the midst of them."

"A. Yes, sir; he had no you, and they did.

"Q. Was he in among them, in the midst of them."

Then they blew out the light, and I could only see the dark bulk of the men as they went along.

"Q. As this procession came out from the jail they put out their lights?

Then they blew out the light, and I could only see the dark bulk of the men as they went along.

"Q. As this procession came out from the jail they put out their lights?

"A. Yes, sir; before the last ones got out.
"Q. What further could you see?

"A. I could not see any more. The crowd that went from the jail-yard went to the front together and were there but a short time, and they blew a whistle as a sort of signal, I suppose, and soon after that we could hear the horsemen coming down the street in different directions, and they all went off down the

street.

"Q. These men on horseback approached at that signal?
"A. Yes, sir; the men on horseback followed the prisoners in a sort of procession, from what I could find out.
"Q. I understood you to say that after the signal men on horseback came down the different streets?
"A. Yes, sir; and fell into procession, and they all went off together.
"Q. They joined this party and all went off together on horseback?
"A. Yes, sir.
"Q. How were those prisoners carried off; did you see that?
"A. No, sir; I did not see that. After they got outside of the jail-yard I could not see them from the window I was at.

"Q. Was that the end of that matter?

"A. It was the end of it so far as I could see" (pages 77-81).
The character of the colored men who were murdered is shown by the following testimony of W. H. Blount (see page 129):

"Q. You knew these men who were hanged, did you?

"A. Yes, sir."

"Q. How long had you known them?

"A. One of them, Shad Felder, I had known for ten years; I don't remember how long I had known the others.

"Q. One of them was an old man?

"A. Yes, sir; one was Alph Jones; he was about sixty or sixty-five years old,

"Q. Were they bad men?

"A. No, sir.

"Q. They were men of good reputation?

"A. They were all good, peaceable citizens; all three of them.

"Q. Religious men, do you know; members of any church?

"A. Two of them were, Shad Felder and Alfred Jones. Stewart Jones was not a member of the church.

"Q. What was their business?

"A. They were farmers. Shad Felder owned a nice little farm of his own, with a steam-gin on it, and was in good circumstances.

"Q. Was he a man of family?

"A. Yes, sir; he had a wife and one child.

"Q. How about the others?

"A. I can not say about a wife and children, but each had a wife, I know.

"Q. You say one of them owned a place?

"A. I can not say about a wife and children, but each had a wife, I know.

"Q. You say one of them owned a place?

"A. Yes, sir; he owned a place, a nice little farm.

"Q. And lived on his own farm?

"A. Yes, sir; he owned a place, a nice little farm.

"Q. And raised their own crops?

"A. Yes, sir."

Joseph Hoffmann, the candidate for the position of assessor on both tickets, testifies as follows (see pages 149, 149).

Joseph Hoffmann, the candidate for the position of assessor on both tickets, testifies as follows (see pages 142, 143):

"Q. Now, did you not understand, and was it not understood in the community, that these three men were hanged because they could tell the truth about what took place at the killing of Bolton?
"A. Yes, sir; that has been the general impression.
"Q. Did one of those three men testify at the coroner's inquest held upon

Bolton?

"A. I do not understand your question.

"Q. Did one of these three men who were afterwards hanged give evidence at the Bolton inquest?

"A. Yes, sir; I think so.

"Q. Did he at the inquest state that Bolton was masked?

"A. I heard that Shad Felder stated at the inquest that Bolton was masked; that is my understanding of it.

"Q. And he was hanged, was he not?

"A. Yes; he was hanged."

F. D. Jodon, esq., testified as follows (see pages 171-177, 181):

"Q. You know, other than from hearsay, of the arrest of these negroes, do

"Q. You know, other than from hearsay, of the arrest of these negroes, do you not?

"A. Oh, yes, sir; I was counsel for them in preparing application for the writ of habeas corpus.

"Q. These men were all Republicans, were they not?

"A. Yes, sir; I have no doubt of it.

"Q. All colored men?

"A. Yes, sir.

"Q. When did you first see them after their arrest?

"A. I saw them at Houston about the 15th of November.

"A. They were arrested on the 3d of November?

"A. Yes, sir; on the morning of the 3d. They were brought to the Brenham iall and put in jail there, and a mob came up, so we heard, for the purpose of hanging them.

"Q. Did you see the mob?

"A. No, sir; I did not. The sheriff, I understood, had seen them down in the bottom, a few miles from that place.

"Q. Did you see any of these men while they were in jail at Brenham?

"A. No, sir.

"A. No, sir, in fact, their Republican friends were afraid to go to see them. They had asked met to prepare a writ of habeas corpus; Mr. Breedlove had asked me.

"O. How long before they were removed to Houston were you retained?"

"O. How long before they were removed to Houston were you retained?"

They had assess the representation of the property of the prop

"Q. Do you mean to say that these men were committed to pair by study.
Kirk?

"A. I found out afterwards, when I prepared the second application at Brenham, that they were put in jail there by John A. Vernon.

"Q. At Brenham?

"A. Yes, sir. He was sent up from Flewellen's Store. He is a magistrate in that justice's precinct.

"Q. Did you prepare applications for habeas corpus?

"A. Yes, sir; two sets of them.

"Q. For each of these men?

"A. Yes, sir; each of these men, and I have them here.

"Q. Had there been any examination of these men on this charge?

"A. None at all within my knowledge.

"Q. Are they in the habit, when men are charged with murder down there in that country, of admitting them to five-hundred-dollar bail before examination?

tion?

"A. No, sir; our law is that no man charged with murder can be bailed until he has had an examination, and a justice of the peace can not bail him at all in a murder case. The county judge and others can, but it must be after an

in a murder case. The county judge and others can, but it must be after an examination.

"Q. You say you prepared two sets of papers?

"A. Yes, sir.

"Q. When did you prepare the first set?

"A. On the 15th or 16th of November, when I went to Houston, I prepared them in the court-house there and took the ex-deputy county clerk with me to swear to it.

"Q. Is this a copy of your application?

"A. No, sir; that is the application itself of each one. It is the original. I never presented them to the judge. They were brought back before I could do it, and that necessitated a further application.

"Q. When were these man brought back from that jail at Brenham?

"A. About the 18th or 19th of November.

"Q. Was the fact that you had drawn the papers and were proposing to apply for a writ of habeas corpus known throughout Brenham?

"A. Yes, sir; well known.

"Q. Who was retained with you as a lawyer to secure the liberation of these men upon a writ of habeas corpus?

"A. Mr. C. R. Breedlove.

"Q. Is he a prominent lawyer there?

"A. Yes, sir; quite prominent.

"Q. A Republican or Democrat?

"A. He is a Democrat.

"Q. Before you presented this first application to the judge the men were taken from Houston and returned to Brenham?

"A. Judge McFarland was then holding district court in an adjoining county, and told us that he had ten or eleven murder cases on his docket and he could not take them up at once, as the law directs. He told us to hold them for a while. Then in the mean time they were brought up from Houston two days after I left Houston.

"Q. Why were these men taken to Houston?

"A. This mob that was coming up to hang them from below had been heard of—

"Q. Upon whose direction were they taken to Houston?

"Q. Upon whose direction were they taken to Houston?

"A. This mob that was coming up to hang them from below had been heard of "Q. Upon whose direction were they taken to Houston?

"A. I can not say.

"A. I seemed to brotect them from being hanged.

"A. It seemed to be entirely so. They were brought back without my knowledge of anything of the kind. They were brought up one night while I was down at the depot talking to a friend.

"A. I do not know.

"A. I do not know.

"A. I do seemed to know the said that the county commissioners' court issued an order for them to be brought back.

"A. It is said that the county commissioners' court issued an order for them to be brought back.

"A. I you say the excitement had all quieted down?

"A. It is said that the county commissioners' court issued an order for them to be brought back.

"Q. You say the excitement had all quieted down?

"A. No, sir; there was considerable excitement yet, but I had no idea that the prisoners were in danger. It had died down, the excitement had, and we all thought in Brenham that there was no danger to them at all.

"Q. So that you did not consider the necessity that led to their original removal in order to protect them still existed?

"A. No, sir, I did not; although Mr. Fricke warned me all the time that when the men were brought back they would be hanged, but I laughed at him.

"Q. When were they brought back?

"A. On the 18th or 19th of November.

"Q. When were they hanged?

"A. On the 2d of December.

"Q. Did you ever have any talk with those men?

"A. Yes, sir; at both Houston and Brenham I had full conversation with them in regard to what they knew,

"Q. Did you talk with all of them, the eight men?

"A. With all of them.

"Q. Why did you not get the writ of habeas corpus issued?

"The WITNESS. Do you mean the first, or last time?

"Mr. Spooner. No; since.

"A. In the first place the judge told us to wait until he had a little more leisure time.

"Mr. EYAPARS. What index?

"Mr. EYAPARS. What index?

ure time.

"Mr. Evarts. What judge?

"The Witness. The district judge, J. B. McFarland. And in the next place I had gone down to jail with R. P. Hackworth, and they had sworn to their application, and Jailer Estis was up there at the time, and Mr. Breedlove had taken the applications to Judge McFarland that day, and that night they were

"By Mr. SPOONER:

"Q. Was it generally known in Brenham that Mr. Breedlove had started with the application for a writ of habeas corpus?

"A. I believe so. I made it known myself; I did not conceal it at all.

"Q. And that night, before they could be presented to the judge, they were hanged?

"A. Yes, sir; they may have been presented and in the hands of the judge, but I do not know.

"By Mr. Evarts:

"Q. But before this writ was served on the sheriff they were hanged?
"A. Yes, sir.

"Q. Is there any general sentiment in that community as to the cause or purpose for which those negroes were hanged?

"A. Yes, sir; the general opinion was that they were hanged to prevent their evidence from being brought forward. I have heard plenty of men of both parties say that."

Mr. S. A. Hackworth testifies as follows (see pages 230, 237, 238);

"Q. You had something to do with this habeas corpus application, did you

"A. Yes, sir; I took an active part in it.
"Q. The theory on which that was asked was that if the examination had been had it would develop the names of the persons who had raided the ballot-

boxes?

"A. Yes, sir.

"Q. And your claim is that those men were killed to obliterate their testing."

"Q. And your claim is that those men were killed to obliterate their testing."

"Q. And your claim is that those men were killed to obliterate their testimony?

"A. Oh, there is no doubt of that. The day before these colored men were hung Judge Kirk, Mr. Rogers, Mr. Searcy, and nearly all the Democratic officials were in close consultation, not only in the court-house whispering, but they would come out on the streets and seemed to be very excited. Mr. Fricke came to me in the evening and said. 'There is mischief brewing. I can tell by the way these fellows are acting at the court-house there is some plot on hand, and, he says, 'I am very fearful these freedmen in jail will be hung. They know that Breedlove has gone to see about getting the habeas corpus."

"Q. You understand that the anxiety of Judge Kirk to induce these men to give bonds to secure their liberty rather than to have an examination upon habeas corpus was to prevent this examination and the disclosures which would be made there?

"A. Oh, yes; there is no doubt in the world about that. If the truth was

known, Judge Kirk and all the officials knew about the colored men, and I am satisfied of it as well as I can be about any fact I do not know. They were at the head of the whole thing.

"By Mr. Pugh:

"Q. I have not been here during your examination and am not able to cross examine you in reference to what you testified before I came in. But I understood you to say that those colored men were hung because they were witnesses to prove who raided the ballot-boxes—I understood you to make that statement?

ent?

"A. Yes, sir.

"Q. That is an opinion of yours, is it?
"A. Yes, sir.
"Q. You do not state that on personal knowledge?
"A. Well, from all the surrounding circumstances, I am satisfied that the opinion is correct.

"Q. I want you to state upon what facts or upon what information you make the statement that these negroes knew who raided these ballot-boxes, or any

the statement that these negroes knew who raided these ballot-boxes, or any of them.

"A. They knew that Bolton was one of them.

"Q. Bolton was dead, but they knew that he was one of them, and I think they had a tolerably accurate knowledge about the others.

"Q. Please state upon what facts you supposed they had that knowledge; I want to learn upon what you base your opinion that these witnesses did have knowledge such as you have mentioned.

"A. You must take notice that in the investigation that would have occurred, if these colored men had been tried upon writs of habeas corpus, that not only these colored men themselves but a great many other witnesses would have been subpænæd.

"Q. I am asking you now about those who were hung.

"A. I know; I understand the question perfectly.

"Q. What information have you as to the knowledge of those negroes who were hung as to who raided these ballot-boxes?

"A. I do not know whether it would be proper for me to say what I do know about that if I have to go before the court.

"Q. You have already stated that those negroes were hung to destroy their evidence.

"Q. You have already stated that those means of the evidence which would have been obtained at "A. Yes; and to prevent other evidence which would have been obtained at these people were who raided the bal-

"A. Yes; and to prevent other evidence which would have been obtained at that trial.

"Q. Which would have disclosed who those people were who raided the ballot-boxes?

"A. I believe that would have done it. That is my opinion,

"Q. I want to get at the value of your opinion, and in order to do so I would like to learn what is the foundation of your opinion, upon what facts and information it is based. Why do you think that those negroes knew who raided those ballot-boxes?

"A. I understood at the time the shooting occurred, in the running of the men away from the place, that some of these colored men in running, perhaps, had run across some of the other men, or had heard cries from some of them and recognized some of their voices. I did understand that. I do not know how true it is, but, from all the surrounding circumstances, I am satisfied that if the trial could have been had, that not only the testimony of these colored men themselves, but the testimony of other witnesses, could then have been obtained that could not perhaps be obtained now.

"Q. Those other witnesses are still living?

"A. Yes, sir.

"Q. Were there any other negroes in the jail from which these three were taken that had the same knowledge that the three had?

"A. No, sir; I think not."

Mr. J. L. Moore corroborates Mr. Hackworth's testimony (see page 512):

Mr. J. L. Moore corroborates Mr. Hackworth's testimony (see page 512):

Do you know of three negroes being taken from the jail there and

"Q. Do you know of three negroes being taken from the jail there and hanged?"
"A. I heard of their being hanged the next morning after they were hanged.
"Q. Do you know who they were?"
"A. Yes, sir; Shad Felder and the two Joneses.
"Q. Do you know why they were hanged?"
"A. From rumor.
"Q. Give me the general opinion, if you can.
"A. My opinion and the general opinion I heard expressed was that they were hanged in order to prevent their evidence from being brought out on habeas corpus proceedings that were being instituted; they were in jail at the time.

habeas corpus proceedings that were being instituted; they were in jail at the time.

"Q. Do you mean by that it was feared they would identify the perpetrators of the outrage there at Flewellen?

"A. That was the impression. It was the common rumor that they were hung because they knew too much about the parties who committed the outrage; that was the common report there; that they were hung for the purpose of destroying their testimony.

"Q. Have you anything more to say on that subject?

"A. That is about the substance of it."

The account of the hanging of these colored men, taken from the Brenham Daily Banner, a Democratic local paper, will conclude the extracts on this point. (See pages 682, 683.)

point. (See pages 682, 683.)

"HANGED—SHAD FELDER, ALFRED JONES, AND EPH JONES TAKEN FROM THE JAIL—THEY ARE FOUND DEAD HANGING TO A PECAN TREE.

"Thursday morning, at 1 o'clock, Mr. Jim Estes, the jailer, was awakened by a man at the jail door, who, in response to an inquiry, said that he was Schley and that he had a prisoner to put in jail. This seemed reasonable, and Estes got up, lit his lantern, and went the door, first putting the lantern and jail keys on a box in the hall. When he opened the door three masked gentlemen, two armed with Winchesters and one with a prodigiously large revolver, entered and covered him with their guns. They informed Estes that they wanted the jail keys, and, looking around, soon discovered them. They forced the jailer behind the door, and taking a gum coat from the wall threw it over his head. Others then came in, and, unlooking the jail, men went up to the cell room and examining all the prisoners took out Shad Felder, aged forty-five, Alfred Jones, aged sixty, and Eph Jones, aged forty. They locked the cells and jail and throwing the keys on the floor they carried the lantern to the gate, blew it out, and left.

throwing the keys on the floor they carried the lantern to the gate, blow it cou, and left.

"Leonard Gee and John Lockett, who were employed as guards, were upstairs in the city hall; they started to come downstairs; they were covered witing ans in the hands of masked men and told to keep still, they wouldn't be hurt. It is stated all the streets approaching the jail were carefully guarded. The number of the mob is estimated all the way from twenty to seventy-five men. They came to town on horseback in the most quiet manner imaginable, and their presence was not suspected till the jail was surrounded. The men had nothing to say, and were as orderly as soldiers on dress parade; where they came from or whither they went is a mystery.

"The hanging was the general theme of conversation during the day and a variety of opinions were expressed; most good citizens regret the hanging, but in the present state of public feeling it is regarded as one of those occurrences that could not well be avoided, and also that the negroes got no more than they

that could not well be avoided, and also that the negroes got no more than they justly deserved.

"The murder of Bolton and the subsequent mobbing of these negroes is the direct outgrowth of the incendiary speeches made by the Republicans during the canvass and the advice of the two envoys who induced the negroes to arm themselves and go to the voting place at Flewellen's. The Republican leaders will doubtless attempt to make political capital of this affair, and the defunct darkeys will be mentioned as having fallen martyrs to the cause of Republicanism in Texas. The hanging of these negroes by a mob is an occurrence to be regretted, but it was brought on by the very men who professed to have the greatest friendship for the negro, and whose friendship consisted in arraying the colored people against their employers and true friends.

"THE VERDICT.

"THE VERDICT.

ored people against their employers and true friends.

"The jury of inquest summoned by Justice Hackworth to inquire into the cause of the death of Shad Felder, Alfred Jones, and Ephraim Jones, who were taken from jail at 1 o'clock on the morning of the 2d instant, on Tuesday morning returned a verdict that the parties mamed came to their death by hanging, and that the parties who hanged them are unknown. The testimony covered fourteen pages of paper, but nothing was elicited calculated to identify the men who did the hanging.

"At an early hour in the morning the dead bodies of the three negroes named were found hanging to the limb of a pecan tree, about a mile from the jail, on the Independence road, near the bridge over Sandy. The news of the hanging spread rapidly and was the cause of no little surprise, because no one had the least suspicion that a hanging was contemplated. In addition to the three hanged negroes there were five more, namely, Stephen Jackson, Felix Kinlow, William Davis, Andy Hays, and John Glass, in jail; all of them were charged with being implicated in the murder of Dewees Bolton, who was murdered by Polk Hill, a negroe at Flewellen's, on the night of the election, and this hanging may properly be said to be a sequel to the unprovoked murder. Justice Hackworth impaneled a jury, who viewed the bodies of the dead negroes and proceeded to take evidence. A number of witnesses were examined, but no testimony was elicited tending in the remotest degree to identify any member of the mob. The inquest was adjourned over till Tuesday next at 10 o'clock.

"The negroes were scientifically hanged with new grass ropes, and when found they were all facing one way, with their feet about 30 inches from the ground. The bodies were cut down and hauled to town in a wagon about 10 o'clock in the morning, and deposited in the jail. New drawers, undershirts, and nice shrouds were purchased and good coffins procured, and the bodies prepared for burial, after which they were turned over to their friends and rei

In connection with Mr. Jodon's participation in the effort to obtain the release of these colored men, it is deemed relevant to cite the following testimony, and to say that in the entire testimony not a single charge is made detrimental to Mr. Jodon's character. He appears always to have been an exemplary citizen and a faithful and competent lawyer. Mr. Jodon testifies (page 180;

"Q. Were you threatened in any way in connection with this employment?

"A. Not until after I was counsel of the negroes that were hanged. I got a letter the next morning after they were hanged. I will say, in advance, that when Polk Hill came up from Flewellen's that night he passed through Brenham and, I understand, staid at his mother's. A day or two afterwards Mr. Hackworth and I were accused of having harbored Polk Hill. I was out around the polling place the whole night and until 12 o'clock the next day looking on. But this is the letter I got the next day. It was not dated, as well as I remember, but it was post-marked. I will read it if you wish me to, or you can do so. "Q. Do you know who wrote this letter?

"A. Yes, sir; I have good reason to believe that Frank Harven wrote it. "Q. Who is he?

"A. A young attorney there.

"A. Yes, sir; and a particular friend of Judge Kirk's and others active in the canvass.

"Mr. Spooner, I will read this letter."

canvass.
"Mr. Spooner. I will read this letter.

" 'F. D. JODON, Esq., Brenham, Tex .:

"'After careful investigation we find that you have used every means in your power to justify the uncalled-for outrage at Flewellen's store by continued false reports for no other purpose than to influence public opinion in favor of murderers. You have falsely advised and harbored and protected murderers hiding from justice, and in every possible way done all in your power against the interests of the tax-payers of this county. We therefore find it actually necessary for peace and good order, and to avoid further trouble between the races, to request that you leave the county in ten days.

"COMMITTEE." "'COMMITTEE,

The WITNESS, I received that letter by mail. My little boy brought it to me on the street.

"Mr. Spooner. It is postmarked 'Brenham, Dec. 3, 11 a.m., 1886, Texas,' and is addressed to 'F. D. Jodon, Brenham, Tex.'

"In regard to the letter I received, I did not for three days make it known even to my wife. I sent a copy of it to the Galveston News, with a little explanation as to what part I had taken with those negroes, and they refused to publish it unless I paid them forty-two or forty-three dollars; and that I would not do, and they sent it back. But there was Mr. Breedlove and a number of friends, one who was the city marshal and had been for from sixteen to seventeen years; I went to them and said, 'Gentlemen, this is a serious time; shall I leave or not?' Mr. Swain told me, 'Mr. Jodon, things have come to such a pass that I can not give you any advice;' and Mr. Breedlove said the same thing. He said, 'I would advise you to leave,' and he gave me this letter to a friend of his, Col. G. W. Jones, in Bastrop, describing the situation.
"Q. Where does Mr. Jones live?

"A. In Bastrop, Tex. He was a Representative here a number of years ago."
"Q. How far is Bastrop from Brenham?
"A. I suppose it is about 60 miles.

"Brenham, Tex., December 8, 1886.

"BRENHAM, TEX., December 8, 1886.

"'DEAR SIR: There is a bad state of feeling here, and F. D. Jodon is under the

ban for some cause. He has been warned to leave here, and, under all the circumstances. I have advised him to go.

"Mr. Jodon is honest and trustworthy and possessed of good business qualifications. Withal he is a very fair lawyer. He goes to Bastrop to look for a location. I will be under additional obligation to you if you will assist Mr. Jodon in getting a location.

"Your friend, etc.,

By Mr. EVARTS:

"C R BREEDLOVE

"Q. You say Mr. Jones was formerly a member here?
"A. Yes, sir; he was a member of Congress here several years ago?
"Q. After this advice and your getting this letter from Mr. Breedlove what did you then determine to do?
"A. On the streets during the time it was well known I had received the letter—in fact before I made it known myself it was known on the streets,
"Q. Before you said a word in regard to it?
"A Veg sir."

"Q. Before you said a word in regard to it?

"A. Yes, sir.

"Q. The fact that the letter had been sent you was bruited about?

"A. Yes, sir. A friend came and told my wife about it. My wife asked me if I had received it, and I told her, 'Jennie, what would they send me a letter for?' but I had to tell her; I felt it was my duty to do so. During that time, the ten days, even my best friends, those who had been lifelong friends, or at least friends of mine since I had been living there, avoided me on the streets and would not stop and talk to me. In the mean time, on Friday, after I received the notice, they had this indignation meeting at Burton. I did not like to leave home, and did not know where to go. I thought from the impression it made on Brenham that there was a reaction setting in to some extent; I was not positive, but I hoped so. I saw that the good people of our county were making it known, and I could see, at least thought I felt, that I would not be driven out from my home. That is the truth. But I got a shotgun and some ammunition, and I proposed to stay there. I did stay there against the advice of my friends, dozens of them. I felt this way: That if any mob did attack me at night I could go up in the second story of my house, my boy and myself, and I could at least make an alarm such as would call the neighbors to me.

"Q. How old was your son?"

"A. Seeventeen years of age.

"Q. Is he the oldest member of your family?

"A. Yes, sir."

"Q. Is he the oldest member of your family?
"A. Yes, sir."
Q. How many children had you?
"A. Seven.
"Q. All living at home?
"A. Yes, sir; six boys and one girl.
"Q. Did any of your friends or neighbors stay with you?
"A. No, sir. There were one or two who would have done so, but I told them I did not want to involve them in my quarrels or troubles. I told them I thought I could defend myself; that is what I thought about it.
"Q. How long was it before you felt at ease so as to be able to dismiss these fears?

fears?
"A. Never while I remained in Brenham; I never did until I came up here."

When Mr. Jodon was called again before the committee, a year later, he testified as follows (pages 683-685):

fied as follows (pages 683-685):

"Q. Have you been back to Brenham since your testimony was given before in this matter?

"A. Yes, sir; I reached there on the 23d of last October?

"Q. You may state what your experience was at Brenham.

"A. I will state in the outset that Mr. Swearingen, in a conversation here the other day, said I would be as safe in Brenham as he would be.

"Q. Who is this gentleman?

"A. The gentleman here present, an attorney and witness. His name is J. T. Swearingen.

"Q. A gentleman from that county?

"A. From Washington County, nowhere representing the defense.

"By Senator Pugh :

"Q. Are you not here in the prosecution of this case?
"A. I will tell you what my condition is as I go along, Mr. Pugh.
"By Senator Teller:

"Q. Go on.

"A. After I left here I went over into Maryland. I was there about ten days, I suppose, visiting friends and relatives.

"Q. You started to tell what Mr. Swearingen said.

"A. In a conversation here on Monday, which he brought up, we were discussing the situation in Washington County. He stated that I would be just as safe in Washington County as he would himself. I told him that that surely was not true.

cussing the situation in Washington County. He stated that I would be just as safe in Washington County as he would himself. I told him that that surely was not true.

"Now I will go on and state about it. I went over into Maryland, and while at Emmitsburg I received a letter from my wife begging me not to come back, and in a little while I got, I suppose, half a dozen letters from different friends warning me not to come back. My intention was to go back just as soon as my visit was over, but through my wife's entreaties and the warnings of my friends I did not go back. I staid in Maryland and West Virginia until about the 16th of last October. Then I determined, against my wife's esire and against my wife's wishes, that I would not stay away from my family any longer. I went back there with the idea that they would not disturb me, because I had done nothing more than I have done here. I had done what I thought was my duty as a citizen. I had been brought into the case because I had been an attorney for the negroes that were hanged, and nothing else. I had no part in the political troubles; never have voted the Republicant icket, except occasionally for county officers, never in my life. When I got back there some of my friends told me I was in danger, and that I ought not to have come back. In judgment I disagreed with them.

"About three weeks afterwards I was out in the street one day, talking to a friend, when Bob Wright, who was a witness up here before, and who was one of the officers at Flewellen's, I saw coming across the street directly opposite me on Hosea's corner. I also saw Hunt, Gus Hopkins, and several other Democratic colored men who had taken a very active part in it down there, and I saw the county officers out in front of the court-house, on the east side of it, in a group. I had been warned about Bob Wright, that he would make an attack upon me. I didn't think he would do it. I had no arms or anything of the kind about me. A little before the attack was made, John Lockett, a policeman, who

"By Senator Pugit :

"Q. What are his politics?

"A. Democratic; That is, one with the People's ticket all the way through. I consider him a Democrat on that account.

"Q. All those who voted the People's ticket are Democrats?

"A. No, no; I don't think so, Mr. Pugh; I don't charge so. I know it is not

"By Senator TELLER:

"By Senator Teller:

"Q. Go on with your story.

"A. He came behind me, within three or four steps, and sat down upon a barrel. I was suspicious the moment he came and sat down, and when I saw these other parties around different places I was more so. In a few minutes I saw Wright walking across the streets with his hands in pockets, and I was satisfied he had something in them. My wife had warned me about Bob Wright, because some of my friends had told her before I came back that he would attack me. I was sorry then that I had gone upon the streets, because I thought difficulty was coming. He came up to me, walked up very close, and the first thing he said he wanted to know what I had stated up at Washington at this investigation. I said to him, 'Bob, whatever I have said is sworn to, and in black and white.' Then he went on to state that I had spoken badly about him up here; that I had said he had lied in all his testimony. I told him there was no truth in it; that the record would show there was no truth in it. He told me that Mr. David and a number of others had told him that I had said he had lied. I told him I had the record at the house. I wanted to avoid a difficulty, because I was in no situation to get into one. I hadn't a friend there to depend upon. He kept pushing me, and at last I backed off from him. In the mean time I had gotten up from the barrel and stepped around the corner, and I kept trying to haffle him as much as I could, and at last turned to leave him, and as I turned to leave, he struck me on the back of the head; I don't know whether it was with a pair of brass knuckles or what it was, but I know it nearly knocked me down, and raised quite a lump. As soon as I arose we exchanged a good many blows.

"O. You mean you and Wright exchanged blows?"

with a pair of brass knuckles or what it was, but I know it nearly knocked me down, and raised quite a lump. As soon as I arose we exchanged a good many blows.

"Q. You mean you and Wright exchanged blows?

"A. Yes, sir; after he struck me. I had no arms, and I was afterwards glad of it. My friends had told me not to carry arms, because if I did and they were shown on the streets it would not be well for me, and I took their advice. I thought it was useless to fight under the circumstances. After that I was arrested and fined for having struck the first blow. Mr. Lockett and Mr. Wright swore that I had struck the first blow, and I could not find a witness to testify anything about it for me, although there was quite a number of persons around at the time. I found parties afterwards who saw it and told me they saw Wright strike the first blow, but it was too late then. After that my friends came to me and told me that I must leave the place. I told them I was not situated so I could leave; that I didn't have the means to leave with; that I had been away from my family so long, and I thought there was a prospect of my being able to sell my property, and I would like to take my family with me when I went. They told me that if I staid there I must not go upon the streets; that if I did I would have to take the consequences. So from the 20th of November until the 8th day of February I never went upon the streets of Brenham except two or three times, perhaps half a dozen times, at hight to visit friends on the outskirts. It was not that I was too cowardly at all, but I didn't feel that I ought to run such risks. I had already run more risks than I felt I was justified in doing.

"A. I sent to my brother-in-law in West Virginia and got some money; I couldn't raise it there; that is the truth of it. But when Mr. Swearingen says I am as safe in Brenham as he is he tells what he knows is not true. There is

"A. I sent to my brother-in-law in West Virginia and got some money; I couldn't raise it there; that is the truth of it. But when Mr. Swearingen says I am as safe in Brenham as he is he tells what he knows is not true. There is no man who has a wife and seven children would have staid away from home the length of time I have, and you know it [addressing Mr. Swearingen]. God Almighty will punish you men for this thing before you are done with it, if man don't."

NO EFFORTS TO PUNISH THE "RAIDS" PERPETRATED ON THE BALLOT-BOXES, OR DISCOVER OR PUNISH THE MURDERERS OF THE COLORED MEN.

DISCOVER OR PUNISH THE MURDERERS OF THE COLORED MEN.

The evidence before the committee showed that no attempt was made by the authorities of the county of Washington or of the State of Texas to bring to indictment, trial, or punishment any of the actors in the several raids on the bailot-boxes at the election of 1896. No such attempt had been made in respect of the outrage upon the ballot-box and the shooting of the colored judges of election at Chapel Hill in the election of 1896. No zeal or interest was shown by the citizens of Brenham, nor by the leaders of opinion there and throughout the country, to vindicate their good name or clear their skirts of complicity in these crimes. On the contrary the whole drift and purpose of sentiment and action seems to have been to cover and either justify or excuse the transaction, defeat the public justice, screen and protect all actors and abettors of the outrages, hide or pervert the truth, and turn indignation and accusation away from the guilty, and seek to inculpate the innocent victims and their surviving friends and sympathizers.

The wrath of this community was all excited, and was all visited upon the white and colored Republicians, who had striven at the polls to assert the will of the majority to decide by their votes and the canvass of them the pending election. The committee calls attention, in support of these views, to some extracts from the testimony showing the drift of the prevalent feeling, and also the sentiments of prominent citizens of Texas, conspicuously those of Governor Ireland.

Testimony of Carl Schutze, esc. (see page 201):

Testimony of Carl Schutze, esq. (see page 201):

"Q. There is no dispute thus far about those occurrences, and the point 1 want to get at in this connection is simply whether you know of any steps having been taken by the Democratic county administration leading to the discovery and arrest of the perpetrators of those outrages.

"The WITNESS. No, sir; I know that they have not made any attempts in that discovery

"The WITNESS. No, sir; I know that they have not made any attempts in that direction.

"Q. Was any reward offered at any time by the county officers or sheriff for the apprehension of these men?

"A. No, sir.

"Q. Does your sheriff offer rewards in Texas where murders have been committed, in order to discover the criminals?

"A. Yes, sir; sometimes they do.

"Q. You heard about these negroes being hanged?

"A. Yes, sir.

"Q. Did you know those men?

"A. No, sir.

"Q. Were any efforts made, so far as you know, to discover and arrest the perpetrators of that outrage?

"A. None whatever.

"Q. Do you know of any reward having been offered for their discovery?

"A. I know there has been none offered."

Mr. S. A. Hackworth testifies as follows in regard to the outrage at Chapel Hill in 1884 (see page 218):

"Q. And there was an outrage there in 1884, was there not?

"A. Yes, sir.

"Q. In what did it consist?

"A. Well, armed and masked men went out into the election room about 3 or 4 o'clock in the morning and shot two colored men, and one died afterwards from his wounds, and the others recovered; there were three men shot.

"Q. Were they officers of the election?

"A. I think so.

"Q. There were white officers at that same election at that poll?

"A. I do not think there were any white officers there. That election precinct was divided up after Judge Kirk got in into three election precincts.

"Q. Do you know of any effort having been made by the Democratic county officials to discover and apprehend the perpetrators of that outrage?

"A. No, sir; not a single effort was ever made.

"Q. Were any rewards offered for their apprehension?

"A No sir.

"A. No, sir.
"Q. Did the grand jury make any investigation into the matter, so far as you know?
"A. So far as I know, I think not; I never heard of any."

W. H. Blount testifies (pages 218, 219):

W. H. Blount testines (pages 218, 219):

"Q. You heard about the ballot-boxes being raided, of course?

"A. Oh, yes, sir.

"Q. And some of the colored men being hanged?

"A. Yes, sir; I saw the three colored men after they were hanged, the next day, and one of my wagons took them back to the jail.

"Q. Where were they hanged?

"A. About a mile and a half north of Brenham, near the city limits, on a pecan limb.

limb.

"Q. Do you know whether any effort was ever made to discover and arrest the men who hanged them?

"A. No, sir; I never heard of any.

"Q. Do you read the newspapers published in that county?

"A. Yes, sir.

"Q. Did you ever happen to read any proclamation signed by the governor offering a reward for the arrest of men who had hanged those men?

"A. No, sir.

"Q. Did you ever see or hear of any reward being offered by any of the county officers for the arrest of those men?

"A. No, sir; I have not.

"Q. No reward offered for the discovery and arrest of those men?

"A. No, sir.

"Q. Did you ever hear of any reward being offered for the discovery and arrest of the men who raided the ballot-boxes in the colored belt on election day?

"A. No, sir; I have not."

Paul Fricke testifies (page 158).

Paul Fricke testifies (page 158):

Paul Fricke testifies (page 158):

"Q. There were two Democratic meetings there in the nature of indignation meetings, were there not, after the election?

"A. Yes, sir.

"Q. It was reported through the county that in this Washington precinct the ballot-boxes had been raided and the ballots stolen?

"A. Yes, sir.

"Q. Did you hear of that being condemned at all at any of those indignation meetings?

"A. No, sir; I did not.

"Q. The condemnation was directed against the shooting of Bolton mostly, was it not?

"A. Yes, sir.

"Q. Did you know of any rewards being offered, or efforts being made to discover and arrest the perpetrators of these outrages upon the ballot-boxes?

"A. No, sir.

"Q. You did not hear anything of the kind?

"A. No, sir.

"Q. Do you remember about the hanging of those colored men?

"A. Yes, sir.

"Q. Did you know those men?

"A. Yes, sir.

"Q. You knew the three colored men who were hanged?

"A. Yes, sir.

"Q. You knew the three colored men who were hanged?

"A. Yes, sir.

"Q. They were Republicans, were they?

"A. Yes, sir.

"Q. Were they reputable men?

"A. Yes, sir.

"Q. Did you know of any effort being made to arrest and discover the man or any of the men who hanged them?

"A. No, sir; not that I know of.

"Q. Did you know of any effort being made to arrest and discover the man or any of the men who hanged them?

"A. No, sir; not that I know of.

"Q. No rewards have been offered for their apprehension?

"A. No, sir."

Mr. Jodon testifies (page 185):

Mr. Jodon testifies (page 185):

Mr. Jodon testines (page 189):

"Q. I want to ask you this question: Do you know of any effort having been made to discover and arrest the men who hung these three colored men?

"A. No, sir; none at all.

"Q. Do you know of any reward having been offered by the governor or the county officers for their apprehension?

"A. I have never heard anything of it.

"Q. And no arrests have ever been made?

"A. No, sir.

"Q. Do you know of any efforts being made or steps having been taken to apprehend the men who raided the ballot-boxes at Flewellen's and the other points in that justice's precinct?

prehend the men who raided the ballot-boxes at Flewellen's and the other points in that justice's precinct?

"A. No, sir, none to my knowledge.

"Q. Do you know of any rewards having been offered for that purpose?

"A. I heard of none.

"Q. And no arrests have been made?

"A. None.

"Q. Did you ever hear a Democrat in Brenham express any indignation over the outrages upon the ballot-box?

"A. Yes, sir; I have heard a number.

"Q. A good many?

"A. Yes, sir, I have; and I have heard a good many express themselves to the contrary, and say that it was a white man's country, and they paid the taxes and ought to hold the offices."

The testimony of Lafayette Kirk, a leading Democrat of Brenham, is as follows (page 25):

"Q. Do you know of any efforts having been made to find the men who hung them?

"Q. Do you know of any efforts having been made to find the men who nung them?

"A. Yes, sir; I do.

"Q. Was any reward offered for the apprehension of the men who hung them?

"A. None that I know of. The county attorney and the justice of the peace of the Brenham precinct were both together and conducted the inquest; they took down the testimony of all the witnesses.

"Q. They had to do that according to law?

"A. Yes, sir; it is the business and duty of the justice to hold an inquest. They had an examination of the witnesses that they thought could shed any light upon the subject.

"Q. How do you know what they thought?

"A. Well, I talked with the county attorney about it and the justice of the peace, and it was generally understood that they devoted one day to the investigation and adjourned the inquest proceedings for three or four days. The object of the adjournment in the mean time was to see if they could get any addi-

tional testimony, or ascertain any witnesses who knew anything that would develop who did the hanging or who were implicated in it, or anything that would be the basis of a complaint or charge against any person or persons.

"Q. Were any other steps taken that you are aware of to discover the men who hanged these three colored men?

"A. No. sir; no other steps.

"Q. Except the holding of the inquest?

"A. That is all that has ever been done that I know of.

"Q. Have you heard of any steps being taken to discover and arrest the men who raided the ballot-boxes?

"A. I will state in that connection that the grand jury, which is the proper.

. I will state in that connection that the grand jury, which is the proper

Q. Please answer the question whether any steps have been taken to that

end.

"A. I do not know of any.

"Q. Were any rewards offered for their apprehension?

"A. I do not know of any rewards that were offered."

Governor Ireland appeared before the committee and testified as follows on this point (pages 344-347):

"Q. Do you know what happened in that county at the last election in No

"Q. Do you know what happened in that county at the last election in November?
"A. I know it from general information.
"Q. What do you understand occurred there?
"The WITNESS. Do you speak with reference to this investigation and the memorial which has been presented?
"Mr. SPOONEE. I speak with reference to the offenses against the ballot-box.
"A. I understand that a peaceable, quiet white man was shot down there for making his appearance at one of the voting places by a lot of negroes under orders from white men to shoot any white man that presented himself at that poll that day, that night.

"Q. Do you know anything about it personally?
"A. I do not.
"Q. Well, what else do you understand?
"A. I understand that there was a ballot-box destroyed at some precinct of the county; I can not remember the name of it.
"Q. Was it at the Flewellen precinct?
"A. No.

"A. No.
"A. Ves; it was at Graball precinct?
"A. Yes; it was at Graball, I believe.
"Q. What else?
"A. That is about all I remember that occurred of any note, so far as the gen-

, A. That is about all I remember that occurred or any note, so are as an eral history of the matter is concerned.

"Q. Do you remember to have heard of the ballot-box containing ballots cast at the Lott's polling place being taken by armed men from the custodians of it?

"A. No, sir. I heard that there had been a ballot-box or two destroyed in that county, but I remember but one, a polling place that was called Graball

precinct.
"Q. Do you remember hearing of the hanging of the three negroes who were hung there?

ung there?
"A. That occurred some time after the election.
"A. That occurred some time after the election?
"A. Well, several days; some time.
"Q. Was your attention called at any time to outrages upon the ballot in that

"Q. Was your attention called at any time to outrages upon the ballot in that country?

"The WITNESS. Do you mean officially?"

"Mr. SPOONER. What do you mean by 'officially?'

"The WITNESS. You asked me if my attention was called to it.

"Q. I mean, did any reputable citizen of Texas bring to your notice, as governor of that State, the fact that outrages had been perpetrated on the ballot-boxes in that county?

"A. No, sir; they did not; there was no representation made to me.

"Q. Do you know Mr. Hackworth?

"A. No, sir; I do not know Mr. Hackworth.

"Q. Did you receive a printed circular from any one in Washington County giving a history of what occurred in that election?

"A. I did not. If the circular was sent to the governor, to the office of the governor of Texas, it probably went into the waste-basket. I never read circulars. The governor of Texas has other business to do besides reading circulars.

"Q. I presume that is true. I suppose if a circular charging serious offenses against the law in that State, and over the signature of a citizen of that State, came to your knowledge, you would deign to read it?

"A. I have never found time to read such circulars while I was governor of Texas.

"A. I have never found time to read such circulars while I was governor of Texas.

"Q. Do you know Judge Rector?

"A. Judge Rector who lives in Austin?

"Q. Yes; chairman of the Republican State central committee.

"A. Yes, sir.

"Q. Did you have any conversation with him at any time in regard to the outrages upon the ballot-boxes in Washington County?

"A. No, sir; I did not.

"Q. Or as to the hanging of the colored people there?

"A. There was a conversation between Judge Rector and myself about the hanging of those people.

"Q. The fact of their being hanged was brought to your notice as governor of the State?

"A. Yes; by Judge Rector.

"Q. You did not consider that officially brought to your notice perhaps?

"A. Well, sir; I considered it officially brought to my knowledge. Judge Rector waited upon me because I was governor of Texas, and I considered it an official communication, or rather I received it officially. He could have had no other motive in coming to me than that I was governor.

"Q. I suppose you took no measures to discover the perpetrators of that outrage?

"A. No. sir. The conversation between Judge Rector and myself was a pri-

rage? A. No, sir. The conversation between Judge Rector and myself was a pri-

"Q. I am not asking you to give it if you do not choose to.

"A. And the reason why I took no measures in the matter was because of reasons suggested to me by Judge Rector, and he might not want them dis-

"Q. Is it customary for the governor of Texas to offer rewards when outrages and murders are committed?
"A. When he is requested to do so, and if there is a likelihood of his finding

anything.

"Q. When he is requested by whom?

"A. By some person interested in the matter, or some persons who know the surroundings in the case.

surroundings in the case.

"Q. You were not requested to offer any reward?

"A. It was suggested to me; the matter was suggested.

"Q. But no reward was offered?

"A. No, sir; none was offered, and I will tell you the reason why. It was suggested that in no instance had any member of a mob of that sort, who came at night and committed a deed of that kind, ever been punished, and that the reward would effect nothing at all. I would effect nothing whatever.

"Q. It would not have cost the State of Texas anything to have made the offer then?" No, sir, it would not, but it would have been regarded as a bid for lariberry, a bid for corruption.

"Q. Why in that case any more than in any other case of murder or any other helinous crime?

"A. We knew that that murder had been committed and the men had been taken out and hung.

"Q. It is always known that a murder has been committed before the governor offers a reward?

"A. It is generally supposed, at least, that a murder has been committed if it is not known. Your asking me these things places me under the necessity of telling what Judge Rector said to me, position which you feel fairly calls upon you to do anything which a gentleman ought not to do; certainly not.

"A. You have aiready got down the fact that it was brought to my knowledge that the negroes had been lynched, and Judge Rector waited on me and suggested rewards; you have already got that.

"Q. You said in your direct examination, as I understood, that you had refused assistance?

"A. That was in the election and in the ballot-box matter.

"Q. You well; make any statement you choose.

"Q. You well make any statement you choose.

"A. That was in the election and in the ballot-box matter.

"Q. You well are a reward, although stating at the same time that it could effect no good; that the men could not be convicted if apprehended and identified, but that it would take from the Republican party in the North a handle in the coming elections.

"Q. That is you say Judge Rector suggested to you the offering of a reward and them advised you not to offer it, at the same time?

"Q. That his to say, Judge Rector suggested to you probably, the very proceeding that is now going on here by this Senale, and to take out of the mouth of the Republican party in the North a hue and cry against the South which they would have if I did not offer a reward, and I deward, but stated that he did not believe it would effect any good, except to stop, probably, the very proceeding that

do if the vote or the ballot-boxes in a State in a State in a County.

"Q. I did not say in the State; I said Washington County.

"A. No, sir; I do not know that I would, because we are not in the habit of doing it in matters of misdemeanor.

"Q. Then you did not offer a reward for the apprehension of men who raided the ballot-boxes, because it was a misdemeanor?

"A. Yes, sir; and because I was not requested to do it."

The public sentiment is further shown by the fact that Governor Ireland, ex-Congressman Hancock, and other leading lawyers of Texas, volunteered without fee to defend Kirk and others in August, 1887, when they were tried for conspiracy to "raid" the ballot-boxes. This fact will appear from the following testimony:

"Stephen A. Hackworth, having been duly sworn, was interrogated as follows:

"By Senator SPOONER:

"By Senator Spooner:

"Q. Were you present at the trial of this case of the United States against Kirk and others, at Austin?

"A. Yes, sir.

"Q. Who prosecuted that case?

"A. Rudolph Kleberg, the United States district attorney, and Mr. Franklin, who was employed by the United States to assist Kleberg.

"Q. Is he the assistant district attorney?

"A. No, sir; he was specially employed for that case only.

"Q. Who defended the case?

"A. Ex-Governor Ireland, ex-Congressman John Hancock, Seth Shepherd, W. W. Searcy, known as "Buck" Searcy, and one or two Democratic lawyers around Austin whose names I do not remember.

"The Wirness. The attorneys for the defense filed pleas to have the indictments against the defendants dismissed upon the ground that United States district courts had no jurisdiction to try white citizens of a sovereign State for election offenses; that it only applied to colored citizens alone. The motion was argued for about three days. Finally, Judge Turner overruled the motion to dismiss the indictment and they went to trial. United States Senator Coke was at the trial and sat inside the bar with the defendants, Judge Kirk and his attorneys, engaged now and then in pleasant coversation with them, and his presence there was construed by the public to mean that be was there lending his aid and influence in creating a public sympathy in behalf of the defendants. I heard several remarks myself made by spectators on the outside, who said that there was no danger in the world of the defendants being convicted; that Senator Coke, ex-Governor Ireland, and Mr. Hancock, they believed, had influence enough with Judge Turner to induce him to dismiss the indictment, but if they were forced to trial they had not the least doubt they would be acquitted, notwithstanding what the evidence might be" (pages 658, 659).

After the trial a public meeting was held, at which resolutions of thanks to the defenders of Kirk and others were passed, and later an amount of money was raised by subscription sufficient to buy a gold-headed cane, which was presented to Mr. Shepherd. These facts are supported by testimony as below:

8. A. Hack worth testifies (page 660):

"After the trials were over—I believe some of the defendants were acquitted; there was a hung jury on one or two of the main counts in the indictments against Kirk—and the defendants went home a mass meeting was called in Brenham, in which thanks were returned to ex-Governor Ireland, ex-Congressman Hancock, Mr. Shepherd, and other attorneys for having defended the defendants from charges made against them and for baving done so without legal fee. As a matter of course they had a right to do that. But it is usual with attorneys in defending men charged with grave offenses to charge very high fees. I know that the entire influence of the Democratic press and the leading Democratic politicians of Texas has been used to prevent the conviction of these defendants."

Henry Muller, a Democrat, testifies (page 658):

Henry Muller, a Democrat, testifies (page 658):

"Q. Do you know of any public meeting being held there after the trial, at which resolutions of thanks to counsel were passed—to counsel who defended Kirk and others?

"A. Yes, sir; I heard of that.
"Q. Were you present at the meeting?
"A. No, sir.
"Q. Do you know who attended it?
"A. A number of citizens; I do not know who, though.
"Q. Was it a public meeting?
"A. Yes, sir; a public meeting?
"A. I think so; I am not certain.
"Q. Was it largely attended?
"A. I think so; I am not certain.
"Q. Was it largely attended?
"A. Moderately so, I think."

J. T. Swearingen, esg., a Democrat and a propring a leader in Westlandow.

- J. T. Swearingen, esq., a Democrat and a prominent leader in Washington County, testifies (pages 687, 688):

"By Senator TELLER:

"Q. Do you know anything about a subscription or the raising of money to defend these people who were indicted, charged with this offense, in the Fed-

eral court?
"A. I don't know about any money being raised. There was a cane presented

"A. I don't know about any money being raised. There was a cane presented to some of them.

"Q. Presented to whom?

"A. I think it was to Mr. Shepherd.

"Q. Was he an attorney?

"A. He came from Dallas, some distance from Austin; he had been raised in our county, and was a personal friend of some of the men indicted. He came from Dallas down to Austin and defended them. He is a lawyer of prominence and ability, and his time is valuable. A cane was presented to him by the defendants and their friends.

"Q. A gold-headed cane?

"A. Yes, sir.

"Q. How was the money raised for that; do you know?

"A. I think it was raised by contributions.

"Q. How were the contributions collected? Was there a public call for contributions?

"A. No, sir; there was a public announcement of thanks for the attorneys. I think this contribution was just made by four or five of the boys putting in the money and going over to a jewelry store and ordering it. There was no subscription list.

"Q. Do you not know that there was money raised to defray the expenses of Judge Kirk and his associates and of the witnesses going down to Austin to this trial?

"A. No. sir: I don't know it at

- trial?

  "A. No, sir; I don't know it of my own knowledge.

  "Q. Have you never heard of it?

  "A. I think I have heard something about that.

  "Q. Was it not a matter of common notoriety there?

  "A. It may have been; I don't know about that. I confine myself to my office generally and do not know everything that is going on.

  "Q. You did not participate in that?

  "A. I did not. I do not think that any demand was ever made upon me or I would have done so.

  "Q. You are pretty well satisfied, are you not, that there was a fund raised of some amount?

  "A. Not to call it a fund; there may have been some money raised to many the content of the some money."

some amount?

"A. Not to call it a fund; there may have been some money raised to pay the expenses of witnesses to Austin; that is very probable; but I do not think anything like a fund to pay attorneys' fees or to pay expenses there.

"Q. How did you understand these attorneys were paid?

"A. I don't think they were paid at all.

"Q. Were they volunteer attorneys?

"A. I think so.

"Q. Ex-Governor Ireland was one attorney, I believe; what other attorneys appeared?

"Q. Ex-Governor Ireland was one attorney, I believe; what other attorneys appeared?

"A. Mr. Seth Shepherd and Mr. Searcy, I suppose, were the defendants' attorneys in the case. There were quite a number of defendants in the case, and some of them may have retained other attorneys, and I think they did.

"Q. Were they all influential attorneys?

"A. Yes, sir."

The following extracts throw light on the public sentiment of Washington County, Texas, in regard to the subject of this investigation.

William Perry, a Democrat, testifies (page 439):

William Perry, a Democrat, testifies (page 439):

"Q. If the facts were as claimed by the negroes, what would you say about the killing of Bolton?

"A. I say it would be unjustifiable either by whites or blacks.

"Q. You would not think it was right to defend a ballot-box with a pistol against a man who was taking it with a pistol?

"A. I never saw any necessity for that,

"Q. But if the statement was true as the negroes claim? They claim that Bolton came in there with a pistol drawn and demanded the ballot-box at once, the first thing. Now, if that were true—you need not assume it was true—but if it was true, what would you say about his being killed: would you think it was a great outrage to kill a man under those circumstances?

"A. Yes, sir: I should think it was.

"Q. Suppose it had been a negro coming in there and demanding the ballot-box under those circumstances?

"A. I do not think they had any right to do it.

"Q. Would you surrender the box if you were in charge of it?

"A. I think I would most surely surrender it before I would risk my life the way our politics are.

"A. It might be wrong in one sense of the word; circumstances alter cases.

"Q. You would not think it was right to defend the box?

"A. It might be wrong in one sense of the word; circumstances alter cases.

"Q. So even if you had known that the facts were as claimed, you would still have considered the killing of Bolton a great outrage?

"A. Yes, sir; knowing all the facts about the matter I do consider it was a cold-blooded murder.

"Q. Without reference to what Bolton was doing or attempting to do?

"A. Yes, sir,

"Q. If a man should break into your house in the night-time and present a

pistol

istol—

"A. Oh, that is a different circumstance.

"Q. But you would think you had a right to kill him, wouldn't you?

"A. That is a different thing.

"Q. I want to see how high you hold the right of voting, or the franchise of vote.

"A. I think every man is entitled to his vote.

"Q. But that right to vote you do not regard as much in value as you would a silver dollar that you might have in your pocket?

"A. I do not think they go together.

"Q. Which would justify you in killing the man who was trying to steal?

"A. I do not think they go together; I think it is a different thing altogether."

"In regard to Mr. Rouse and the conversation I had with him. It was in Julius McFarland's book-store in the presence of Jake Miller and others. We got to talking about the matter, and he was approving of the whole affair, and I asked him how he could do it, and he said. 'This is a white man's country, and they pay the taxes and ought to hold the offices.' I told him that was queertalk from an Englishman, for a man from a country where the laws were so strictly obeyed and carried out. He said it did not make any difference, that was his feeling. That is about all I have to state."

Mr. Rouse's testimony as to the conversation referred to above is as follows age 545):

- (page 545):

  "Q. Do you know Mr. Jodon?

  "A. Yes, sir; I do.

  "Q. Did you have a talk with him at Julius McFarland's book-store about the middle of December in the presence of John Scholl, Jack Miller, Mr. Allen, Captain Burt, and Julius McFarland?

  "A. Yes, sir; I recollect being there.

  "Q. Did you say, in that conversation, to Mr. Jodon that you approved of the Democrats taking the offices, as you believed in a white man's government; that the white men paid the taxes of the county and ought to have the offices?

  "A. No. sir; I did." say anything of the kind in that language.

  "A. Yes, sir; I did.

  "Q. Did you say anything of that kind in any language?

  "A. I said that where there were ignorant colored voters and white tax-payers, I thought the white tax-payers ought to rule the country; that is what I said.

"Q. Are you an American citizen?

"A. No, sir; I am an English citizen. I have lived twenty-seven years in this country; twenty-three years in the State of Texas, twenty years of which I have lived in the city of Brenham or in the county."

Judge Kirk testifies as follows in regard to the public meeting at Eldridge Hall, at which he offered resolutions expelling Hackworth, Moore, and others from the county (see pages 256, 257):

"By Mr. SPOONER:

"Q. You knew at the time this meeting was held that the ballot-box at Flewellen had been stolen?

"A. No, sir.

"Q. You knew that it had been taken forcibly from the polls?

"A. No, sir; I do not know it yet.

"Mr. Eusris. There has not been a particle of evidence of that.

"The WITNESS, I can tell you what my information was on the subject.

"Q. You knew that the polls had been raided?

"A. I knew that Bolton had been killed, and so far as I could ascertain from all the information I could gather that they found next morning, when they went there and held an inquest, the ballot-boxes, ballots, and tally-sheets scattered all around. went there and held an inquest the ballot-boxes, ballots, and tany-sheets scattered all around,
"Q. You knew that at Graball the ballot-box had been taken?
"A. Yes, sir; I knew that.
"Q. And the count interrupted?
"A. I knew that after the count had progressed to about 221 votes the box

"A. I knew that after the count had progressed to about 221 votes the box was taken.

"Q. You knew that while the count was being made it was interrupted and the ballot-box taken?

"A. I understood so.

"Q. You knew, too, that the men bearing the ballot-box from Lott's Store to the county seat had been stopped and the ballot-box taken from them?

"A. Yes, sir.

"Q. Did it occur to you in this law-and-order speech of yours to condemn those performances?

"A. Well, sir, I didn't say anything about it.

"Q. You confined yourself altogether to the character of the Republican can-

"Q. You confined yoursell altogether to the constraint of the variety of the outrages on the ballot-boxes?

"A. I alluded to that in my speech and to what I heard.

"Q. But you can not remember hearing any condemnation in that meeting of the outrages on the ballot-boxes?

"A. The speeches most generally which were spoken there were advocating the observance of law—

"Q. Will you kindly answer my question?

"A. I do not know that that was specifically mentioned.

"Q. Do you remember hearing any condemnation expressed of the assaults on Republican ballot-boxes?

"A. I do not remember that I did.

"Q. Don't you remember that I did.
"Q. Don't you remember that you did not?

"A. My best recollection is that I did not hear that mentioned specifically."

CONDUCT OF COUNTY AFFAIRS BY THE REPUBLICAN PARTY PRIOR TO ELECTION OF 1884.

OF 1884.

It was pressed upon the attention of the committee that the political issue in 1884 between the Republican ticket and the People's ticket was conducted upon the basis of an effort to change the political control of the county, because of incompretent and dishonest management of affairs by the Republicans and to retrieve the credit of the county.

The county government has been in the control of the Republican party from the close of the war until 1884, when the People's ticket was elected.

The larger part of this time was during the impoverished and disordered condition not only of Washington County, but of the whole or greater part of Texas. Not until 1876 was the sale of lands for taxes allowed by law, and as Washington County was almost wholly a region of farms and farmers the finances of the county were not prosperous, the treasury not full, its revenues anticipated by the issue of scrip for expenditures, and, necessarily, at fluctuating and depressed rates.

Prior to 1884 the credit of the county had been brought up; necessary and permanent improvements, such as building the jail, constructing bridges, and improving roads, had been made.

The most reliable statements before the committee show that the county scrip in 1883-84 sold at 85 to 90 and 95 per cent. The only contrast in this respect by displacing the Republican control shown by the testimony is that the scrip by 1885 or 1886 had risen to par.

There were also loose and general charges that defalcation had occurred during the broken state of things in the county while the Republicans had control, and that these incited the public mind to demand a change. Sifted, however, it was apparent that most of these charges were in the nature of political and electioneering clamor; that only two during the whole period were of substance enough to justify the imputation, and the cases were prosecuted either to conviction and punishment or acquittal. In neither case was the accused a colored person.

An extensive examination, and with liberal latitude of hearsay, was allowed by the committee on this head, although it could not be regarded as pertinent or valuable on the subject of the "raids" on the ballot-boxes, the slaying of Bolton, or the murder of the colored men. The committee call attention to a few passages from the testimony thought specific enough, in either aspect given to the topic, to justify their citation.

a few passages from the testimony thought specific enough, in either aspect given to the topic, to justify their citation.

J.S. Moore testifies as follows (see page 527):

"Q. What was county scrip worth when you first went to that county?

"A. When I first went there it was in 1867 or 1868, pretty soon after the war, and I do not know whether there was any then or not.

"Q. Things were in a pretty badly demoralized condition, and the credit of that and other counties were pretty bad, was it not?

"A. Yes, sir; I do not think it had any credit about that time.

"Q. The counties were poor and just beginning to pick up after the war?

"A. Yes, sir.

"Q. During the Republican administration, from that time out, how was the credit of the county, constantly improving or otherwise?

"A. It gradually improved. When I commenced paying attention to it scrip was down to 40 or 50 cents on the dollar, and it gradually went up until in 1884, when it was sometimes at par and sometimes at a small discount.

"Q. Up to 1876 lands were not allowed to be sold for the non-payment of taxes?

"A. No, sir.

"Q. And the land-owners of that county did not pay their taxes to any considerable extent?

"A. A great many of them refused to pay their taxes, and there was no way of forcing them to do it.

"Q. And the county treasury was therefore not by any means plethoric of money?

"A. No, sir.

"Q. After 1876 machinery was adopted by the Legislature for collecting unpaid taxes?

"A. Yes, sir. The present constitution went into effect changing the tax laws.

"A. Yes, sir, The present constitution went into effect changing the tax laws.

"Q. And from that time the credit of the county improved?

"A. Yes, sir; because they could enforce the collection of taxes.

"Q. Were there any improvements made in the county under Republican

"Q. And from that time the credit of the county improved?
"A. Yes, sir; because they could enforce the collection of taxes.
"Q. Were there any improvements made in the county under Republican administration?
"A. Yes, sir; they commenced then a new court-house and a jail.
"Q. How many defalcations were there by Republican office-holders?
"A. Only two that I know of.
"Q. There has been some talk here on the part of witnesses about the general stealing and waste by Republican office-holders?
"A. I do not remember but two cases, one the tax collector and the other the county treasurer.

"A. I do not remember but two cases, one the tax collector and the other the county treasurer.

"Q. Two in how many years?

"A. I do not remember but two having occurred during my residence there, which has been for nineteen years; that is all I can remember. There was something said about some school vouchers being forged within the last two or three years, but I don't know whether that amounts to a defalcation."

Lafayette Kirk, the Democratic judge, testifies as follows (see pages 278-280):

"Q. You referred to the fact that the credit of your county was low. Do you issue county orders or certificates there?

"A. Yes, sir.

"Q. What do you mean by the credit of the county; do you mean that they could not borrow money?

"A. Whenever a man does a piece of work for the county, under a contract or otherwise, he goes to the county clerk and scrip is issued, and goes to the treasurer and if there is any money it is paid.

"Q. When you say the credit is poor and sometimes ran from 25 to 75 cents on the dollar, you mean the price of the county scrip?

"A. I said it ran from 40 to 75 cents.

"Q. I beg pardon. You mean the price of the county scrip?

"A. Yes, sir; I mean the county scrip.

"By Mr. Eustis:

"By Mr. EUSTIS:

"Q. What is the scrip worth now?
"A. It is worth dollar per dollar.
"Q. How long has it been worth that?
"A. For about two years.

"By Mr. SPOONER:

"Q. When was it worth 40 cents?

"A. It has been several years since it was worth 40 cents.

"Q. Do you know any counties in Texas whose scrip sold higher than 40 cents immediately after the war?

"A. I do not know what it sold for.

"Q. The country was impoverished?

"A. At that time I was so young I did not know what the scrip sold for.

"Q. When do you remember any of the scrip to have sold at 40 cents in Washington County?

"A. I do not know that, except by general reputation and hearsay.

"Q. It is so long ago that you do not know anything about it yourself?

"A. I have not examined the records myself personally to see.

"Q. Then you do not know much about it, do you?

"A. I know that the county credit had varied from 40 to 75 cents on the dollar.

ollar.

"Q. But when it was 40 cents you do not know?

"A. It was about ten years ago, I think, when it was down that low.

"Q. Did it constantly improve from that time on?

"A. It got some little better.

"Q. It went from 40, under Republican administration, up to 75?

"A. Yes, sir; about that.

"Q. No higher?

"A. I do not know.

"Q. If you do not know, why do you say it was 75?

"A. I say it varied from 40 to 75. A few years ago it might have got better.

"Q. Better than 75?

"A. It might; a little better than 75.

"Q. Did it, in fact, go up to 95?

"A. I do not think it ever did.

"Q. Did it go up to 99?

"A. I think, maybe, it got to 85 or 90 at times; it fluctuated.

"Q. It went from 40 under a Republican administration to 85 or 90?

"A. Yes, sir; that is so.

"Q. What was it when the honest administration went into power in 1884?

"A. The commissioners' courts have control of county affairs, and there had been some good men on the commissioners' court for several years.

"Q. Were they Democrats or Republicaes?

"A. Republicans.

"Q. Is that possible?

"A. Yes, sir; quite possible.

"Q. So that the credit was pretty fair?

"A. It had been improving, sir.

"Q. How much has it improved since 1884?

"A. It is dollar for dollar now.

"Q. What was it then?

"A. There were some debts against the county then and there was no money in the treasury to pay off any of the scrip, but when the taxes were collected—

"Q. What was it then?

"A. It was worth about 90 cents on the dollar,

"Q. With no money in the county treasury?

"A. Yes, sir.

"Q. You call that pretty fair credit, do you not?

"A. Yes, sir.

"Q. Then, when you said that the course of Republican administration had been one of malfeasance and defalcation in destroying the credit of the county you did not quite mean that, did you?

"A. Yes, sir.

"Q. That is, in these two instances of defalcation?

"A. I mean that exactly.

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"A. I mean that exactly.

"Q. That is, in these two instances of defalcation?

"A. Well, very few.

"A. Well, very few.

"Q. Why did you say so?

"A. There was a jail built, that is the only thing I know of.

"Q. Why did you say there were not many; it amounted to nothing.

"Q. You say t

"Q. What do you mean, then, when you say there were no public improvements?

"A. I mean to say there were not many; it amounted to nothing.

"Q. You say there was a jail built?

"A. Yes, sir.

"Q. When was that jail built?

"A. Some years ago; I do not know how many years."

John Ireland, ex-governor of Texas, testifies as follows (see pages 341-343):

"Q. I understood you to say something about the revenues of the county. Let us see; they had a Republican administration in that county from the reconstruction days down to two years ago, did they not?

"A. Until two or three years ago, or four years ago.

"Q. Well, down to 1884?

"A. Yes, sir.

"Q. Then for the first time a Democratic ticket was elected?

"A. A Democratic, or Conservative, or People's ticket I believe they call it.

"Q. I understood you to say that from the reconstruction days down to the election of this ticket in 1884 the revenues of that county had been wasted and stolen?

election of this ticket in 1884 the revenues of that county had been wasted and stolen?

"A. I mentioned that as one of the items; yes, sir.

"Q. It is as to that item that I desire to interrogate you briefly. Will you be a little more specific, if you please, on that subject?

"A. I am not able to specify, not living in that neighborhood, but it is a matter of notoriety that their revenues were destroyed, wasted, and stolen, to the amount, in one case, I think of \$20,000 or \$25,000.

"Q. But the term during which the Republicans had the administration of affairs in that county was from the reconstruction days, as I understand it, down to 1884, a good many years. The general charge which I understood you to make against the Republican administration of the county is that during those years the revenues were wasted and stolen?

"A. No; I repeat to you that I only mention that as one item, and I did not intend to say that the revenues during the whole time had been wasted or stolen.

stolen.  $^{\circ}Q_{\circ}$  I understand that was one of the items, but that was your statement in

"Q. I understand that was one of the items, but that was your statement in connection with that item?
"A. Yes, sir.

"Q. Now I want to know what Republican officials during those years were found to have been defaulters?

"A. I am not able to mention them.

"Q. I do not care as to the names; I only want to know as to the office?
"A. I think it was a county treasurer, though I am not positive.

"Q. What other one?
"A. There was no other. I can not specify whether there were any sheriffs or collectors.

"Q. What other one?

"A. There was no other. I can not specify whether there were any sheriffs or collectors.

"Q. I want to ask you, then, to name the Republican county officials who, during the years of Republican administration in that county down to 1884, were found to have improperly used any of the public moneys?

"A. I repeat that I can not name them, because I only know that revenues were destroyed and wasted.

"Q. That is a pretty general indictment against the men who held those offices. I would like to have some specifications.

"A. A man not living there and not being personally interested could not specify, and I can not do it. I repeat to you that I can not do it.

"Q. Then you know nothing about it except that you have heard that the Republican county treasurer defaulted to the extent of twenty or twenty-five thousand dollars; is that true?

"A. Yes, sir; that is true.

"Q. And that is the only specific offense or the only instance which you can give upon which you base your assertion that the revenues were wasted and the moneys stolen, is it?

"A. Yes; that is the only instance which I can mention.

"Q. Do you consider that an adequate foundation for the broad charge you made, that during those years the revenues were wasted and the public moneys stolen?

"A. I repeat to you Senator, that I did not intend to say that the revenues."

stolen?

"A. I repeat to you, Senator, that I did not intend to say that the revenues during those years were wasted and stolen. I intended to mention that as an item that occurred during those years.

"Q. Then all you mean to be understood as saying on that subject is that one county officer during those years was found to have been a defaulter to the extent of \$25,000?

"A. Yes, sir; that is all.

- "Q. Then you do not mean to say at all, having reference to the current administration from year to year in that county, that they were found to have been dishonest or wasted the public moneys?

  "A. No, sir; I do not mean to say that.
- "Q. Then you do not undertake to criticise from personal knowledge or in any specific way the methods which have been ordinarily resorted to by the Republicans of Washington County?
   "A. No, sir; I have no personal knowledge of the subject."
   B. S. Rogers, the Democratic county attorney, testifies as follows (see page

B. S. Rogers, the Democratic county attorney, testifies as follows (see page 555):

"Q. Excuse me for repeating the question, but how long do you say you have lived in the county?

"A. I have lived in Washington County since 1866.

"Q. From the time of your advent into the county down to 1884 the general administration of the county had been Republican, had it not?

"A. Yes, sir, so called.

"Q. Except now and then some individual candidate was elected to some office?

"A. Yes, sir.

"Q. Do you know what the credit of the county was in 1884?

"A. I think scrip was perhaps about 80 to 85 cents in 1884.

"Q. Some of the witnesses have put it at 90 to 95.

"A. Perhaps it was. I think I sold some at 80 to 85 cents.

"Q. About what was it when the Republicans took hold; what was it when you first knew about it in 1866?

"A. I do not know that I could state what it was for that year; it ran down as low as 20 to 25 cents on the dollar under their administration.

"Q. When?

"A. That was along in the seventies, I think.

"Q. Then it increased right along?

"A. No, sir; there was a good deal of increase from 25 to 95 cents?

"A. Yes, sir; but they did not run it then.

"Q. In 1884, before the People's ticket was elected, was it not 85 to 95?

"A. I think it was about 85 when we went into office.

"Q. That came about under Republican administration?

"A. It do not know that it did.

"Q. It was while the general administration of the county was Republican, was it not?"

"A. Well, there were two or three Democrats in office; there was a Demo-

- "A. I do not know the second of the country was it not?

  "A. Well, there were two or three Democrats in office; there was a Democratic treasurer, a Democratic prosecuting attorney, and a Democratic country cratic treasurer. elerk.

  "Q. But it reached 85, you think?

  "A. During all these years it ranged from 20 up to about 85 cents."

  "A. During all these years it ranged from 20 up to about 85 cents."

RUMORS OF POSSIBLE INSURRECTION IN SOME INDEFINITE REGIONS IS AN ELE-MENT IN THE DISORDERS OF THE ELECTION OR ITS SEQUEL.

A favorable aspect was undertaken in the testimony to be given to the excesses in suppression of the suffrage, and in the violence which followed it, by imputing them to excitement, rage, and terror from rumors and fears of insurrection at some indefinite points in the county. The committee find no support of this suggestion as matter of fact, nor do they conceive that any such apprehension was felt in that direction at Brenham or elsewhere. The rumors seem to have been mere inventions to cover or palliate the outrages and to extinguish any tendency to reaction in favor of a just resentment against the law-breakers, and to anticipate any such movement.

Some extracts that seem most pertinent to this topic will dispel any notion that any honest suspicion ever excited fear in any one.

Florent D. Jodon, a prohibitionist, testifies as follows (see page 185):

"Q. There was talk there, was there not, of an anticipated negro insurrection."

"Q. There was talk there, was that there was any foundation for that?

"A. Yes, sir.

"Q. Do you know whether or not there was any foundation for that?

"A. None in the world. I have heard good Democrats and other parties talking about it and ridiculing the idea.

"Q. But threats were being made there against various leading Republicans?

"A. Oh, yes, sir; they were so common that I did not even take upon my memory the names of those who made them.

"Q. Do you remember hearing any threats from the Republicans?

"A. No, sir; none whatever."

S. A. Hackworth testifies as follows (see page 230):

"Q. There were rumors there, were there not, of alleged or pretended negro uprisings?
"A. Yes, sir.
"Q. Was there, so far as you know, the slightest foundation for any such

"Q. Was there, so far as you know, the slightest foundation for any such rumor?

"A. No, sir; and no one else thought so. The Democrats knew it, and the whole matter was gotten up to keep up the spirit of mob violence every time the excitement would die down. I put about three thousand copies of this circular all over the county, and that began to create a favorable reaction in our behalf, and then they would get up a report of a negro insurrection. There was never any negro insurrection in the county. They knew the advice we had given the colored people. We had told the colored people repeatedly during the canvass that in the event a fight was brought on between the Republicans and the white Democrats, they were to leave immediately and go home and take no part in it, and let the white Republicans and Democrats fight it out among themselves. We did not want the colored men to be mixed up in any row. We knew that the moment a colored man killed a white man it would furnish a pretext to bring on a negro massacre.

"Q. Then there was no foundation for any such rumor?

"A. No, sir; there was no more foundation for it than to suppose the negroes would create an insurrection here in Washington City; not a bit."

William H. Blount testifies as follows (see page 129):

William H. Blount testifies as follows (see page 129):

"Q. You had been in office in that county before?

"A. Yes, sir; I served as county commissioner for three years in the county.

"Q. During l883 and 1884.

"Q. Had you heard at any time about that election, or after it, of any threatened uprising among the negroes, the colored people, against the whites?

"A. Yes, sir. It was rumored all over the country that the negroes were about to have an insurrection in the lower part of my precinct, down there in the Graball settlement, and I also heard one day, I forgot what time of the month it was, that it was reported about Brenham that I had organized about one hundred negroes with bayonets, and that we were coming to slaughter the white people. I heard that on the road going to Brenham, and if they had run across me they might have pulled me on a limb, and I dodged out of the way.

"Q. Was there the slightest foundation for those reports that the colored people were contemplating rising?

"A. No, sir; I do not think they did.

Q. Or were they contemplating running?
A. Yes, sir. The only rising was their going on their heels and getting in thickets and gullies and out of the way, so far as I know."

O. B. Potter testifies as follows (see page 614):

O. B. Potter testifies as follows (see page 614):

"Mr. JODON. Now, this negro uprising in Brenham, that has been spoken about, I will ask you in relation to. Did the people believe it was going to happen, or did they ridicule the idea?

"The WITNESS. There was nobody who thought of any negro uprising there; in fact, it was very difficult to get a negro to stick his head out of his cabin. The negroes were so scared and badly frightened, all of them, that they were keeping very dark; nobody had any anticipation of any uprising that I ever heard of."

Lafayette Kirk, Democrat, testifies as follows (see pages 261, 262):

"Q. Was there any uprising or arming of the negroes?

"A. It was generally so reported.

"Q. But I am talking about the fact.

"A. I never saw any uprising of the negroes.

"Q. And you do not know of any uprising of the negroes?

"A. I do not know of any uprising.

"A. I do not know of any uprising.

"Q. And you do not know of any threats among the negroes of an uprising, o you? do you?
"A. No, sir; I do not."

Fricke testifies as follows (pages 158, 159):

Fricke testifies as follows (pages 158, 159):

"Q. There were rumors of a negro insurrection there?

"A. Yes, sir.

"Q. Do you know of any foundation for any such reports?

"A. No, sir.

"Q. There was a great excitement among the negroes, I suppose?

"A. They all kept themselves mighty close in their houses; they were afraid to talk to anybody, so far as I could see and hear.

"Q. Did you hear of any threats being made by Republicans against anybody?

"A. No, sir.

"Q. The threats came from the Democracy, did they?

"A. Yes, sir; they did that.

"Q. Did you know of any Republicans, leading Republicans, creating or attempting to get up an excitement?

"A. No, sir.

"Q. How about Democrate?

"A. It was just the reverse."

Harry Haynes, Democrat, testifies as follows (see pages 410-418):

Harry Haynes, Democrat, testifies as follows (see pages 410-418):

"A. It was just the reverse."

Harry Haynes, Democrat, testifies as follows (see pages 410-418):

"Q. What expression of feeling was given by that meeting while they were in session; what was the character of the speeches, if there were any?

"A. There were several speeches made which were distinguished for conservatism, the result of which was that we determined we had achieved the victory and would hold to it.

"Q. What evidence did you have that there were any persons organized in the county to prevent the lawful result of the election from being recognized and enforced?

"A. Well, in some parts of the county I suppose they had ocular evidence of it, but in my section of the county we had nothing more than current rumor. We were connected by telegraph and telephone with other sections of the county, and through this medium of communication we had been informed that in the eastern part of the county these insurrections, riots, rebellions, or whatever you choose to term them, were being organized. I suppose in the eastern part of the county we saw nothing of the sort, except that the town in which I live, a village situated 15 miles north of Brenham, was entirely deserted by the male colored population. It was a notorious fact that for tworty-four hours not a negro man was seen in the town, nor scarcely any who were able to go away at all.

"Q. At what point was that?

"A. At Independence. The women were very closely housed, but the men had all gone, and we have never been able to find out just exactly where they went. The supposition with us was that they had gone to the eastern part of the county to join these mobs that were being organized. We have no positive evidence, however, to that end. There were usually a good may colored people in our town, but for twenty-four or thirty-six hours we did not see a colored mon there at all, and that confirmed the rumors we had received that these mobs were being organized in different parts of the county.

"Q. You say there were very grave apprehensions in the communi

"Q. You say there were very grave apprehensions in the community of a negro insurrection?

"A. Yes, sir.

"Q. You have lived in Texas all your life?

"A. Yes, sir.

"Q. And were living there during the war?

"A. Yes, sir.

"Q. There were as many colored people probably in that section as now?

"A. Yes, sir.

"Q. Was there any insurrection there during the war?

"A. None that I heard of.

"Q. Did you ever hear of any negro insurrection anywhere in your section during the war?

"A. I do not recall any just at this moment.

"Q. Do you recollect any which have occurred since the war?

"A. Well, no, sir.

"Q. But you thought then that there must be an insurrection because the men were not there at home?

"A. I think it argued in that direction."

J. M. Wesson (see pages 545-457):

J. M. Wesson (see pages 545-457):

"J. M. Wesson, having been duly sworn, was interrogated as follows: "By Mr. Eustis:

"By Mr. Eustis:

"Q. What is your full name?
"A. J. M. Wesson.
"Q. How old are you?
"A. I am twenty-three years of age.
"Q. Where do you live?
"A. In Navasota, Grimes County, Texas.
"Q. What is your business?
"A. I am a lawyer by profession.
"Q. Are you in the militia?
"A. Yes, sir; I am captain of a militia company there.
"Q. In November last were you and your company ordered to Graball?
"A. Yes, sir.
"Q. By whom?
"A. Yes, sir.
"Q. Is he the adjutant-general of the State?
"A. Yes, sir.

"Q. What was that telegram?
"A. I haven't the telegram with me, but as near as I remember it"Mr. Spooner. See if this was it; I guess it was: "'AUSTIN, TEX., November 8.

"'Capt. J. M. WESSON, Navasota:

"'Put your company under arms and report to J. H. Roberts, secretary of the citizens' meeting. Preserve the peace at all hazards.
"'W. H. KING, Adjutant-General.'

"The WITNESS. That is the telegram.

"Q. How many men did you take with you?

"A. Sixteen men of my company besides myself.

"Q. You went to Graball at once?

"A. Yes, sir; to Lott's Store, very near to Graball—a mile and a half on the other side of Graball,

"Q. When did you get there?

"A. I got there about half past 11 o'clock that night.

"Q. What day of the month was it?

"A. It was the 8th of November.

"Q. What day of the month was it?

"A. It was the 8th of November.

"Q. To whom did you report?

"A. When I arrived there I found some members of the citizens' committee. I did not go to Mr. Roberts's house; I sent some of my men there, though. We were distributed then among the houses of the citizens in the vicinity. I think three of the men went to one house, and they were distributed around in that way. There was no reporting done to any one that night, though I reported to Mr. Roberts next morning at a citizens' meeting held near Lott's Store.

"Q. You went there armed and equipped?

"A. We went as militiamen to preserve the peace.

"Q. What did you understand from Mr. Roberts or the citizens was the occasion of your going there?

"A. I understood that they had been alarmed by reports from the negroes in the vicinity; that they apprehended trouble with them.

"Q. What do you mean by trouble?

"A. They apprehended that their houses would be burned and that they would be attacked.

"Q. That the white people would be?

"A. Yes, sir; the white people—the white Democrats of the vicinity.

would be attacked.

"Q. That the white people would be?

"A. Yes, sir; the white people—the white Democrats of the vicinity,
"Q. In other words, you understood there would be an uprising of the negroes in that locality?

"Mr. Spooner, He is an intelligent man; let him tell.

"Q. I ask you if that is true?

"A. Yes; that is what they apprehended or what they seemed to apprehend,
"Q. And that is what you understood was the reason and occasion of your going there as the captain of a militia company?

"A. Yes, sir.

"Q. Ordered there by the adjutant-general of the State?

"A. Yes, sir.

"O. How long did you remain the second of the state?

"O. How long did you remain the second of the state?

"A. Yes, sir.
"Q. How long did you remain there?
"A. We arrived there, as I said, about 11 o'clock on the night of the 8th, and we remained there all day on the 9th, leaving about sundown, and returning to Navasota.

Navasota.

"Q. You say you scattered your men around?

"A. I scattered them around that night for lodgings. As I say, next morning we all got together and remained together while we were in the county.

"Q. Where did you remain together, at what place?

"A. As I said, they had a meeting near Lott's Store, and we left Lott's Store and went to Flewellen, where the klining of Bolton had taken place.

"Q. How far is that from Lott's Store?

"A. I should judge it was about 4 miles. We got there about 10 or 11 o'clock the next morning and remained there several hours, and then returned home by a somewhat circuitous route; it was sundown before we got out of the county.

by a somewhat circuitous route; it was sundown before we got out of the county.

"Q. When you left everything appeared to be quiet?

"A. Yes, sir.

"Q. And you considered that you had fulfilled your orders?

"A. Yes, sir; I saw no further necessity for remaining.

"Q. Did you make any report to the adjutant-general?

"A. Yes, sir; in writing. I reported that I had gone to the country as directed and had returned, as I saw no further necessity for my staying there.

"By Mr. SPOONER:

"Q. You say that you reported that you had gone to the country?

"A. Yes, sir.

"Q. And did you report that you saw no occasion for your staying there?

"A. I reported that I saw no occasion for my remaining in the country any "Q. And did you report that you saw no occasion for your saying there;
"A. I reported that I saw no occasion for my remaining in the country any longer.
"Q. You say everything was peaceable and quiet when you left there?
"A. Yes, sir.
"Q. Was not everything quiet and peaceable when you arrived there?
"A. So far as I saw; beyond the alarm of the citizens I saw no demonstration of violence on the part of any one.
"Q. And nothing to warrant you in the supposition that such a thing had been thought of among the negroes, was there?
"A. No more than the testimony of the darkies, which I considered unworthy of belief entirely.
"Q. You went there from another county?
"A. Yes, sir.
"Q. It did not take you long to become satisfied that there was nothing in this apprehension of the people there?
"A. I can not say that I did come to the conclusion that there was nothing in the but I felt satisfied there would be no more.
"Q. There had not been any trouble, had there?
"A. There had been these reports by the negroes.
"Q. That was not trouble?
"A. But it was sufficient to cause an apprehension of trouble.
"Q. But you were not satisfied that there would be no more reports; the presence of your company diu not prevent reports being circulated?

"A. No, sir. What I mean is I consider that the display of force made by my company was sufficient.

"Q. How many men did you have?
"A. I had sixteen men under me, and I considered that display of force would be sufficient to prevent the darkies from making the attack, which I have no

"A. I had sixteen men under me, and I considered that display of force would be sufficient to prevent the darkies from making the attack, which I have no doubt they had talked about. Whether they seriously contemplated it or not I

doubt they had talked about. Whether they seriously contemplated to the can not say.

"Q. You got there about what time?
"A. About 11 o'clock.
"Q. When did you leave?
"A. We got to Navasota about half-past 9 in the evening.
"Q. You had a pretty good time while you were there, did you not?
"The WITNESS. Do you mean in Washington County?
"Mr. SPOONER; Yes.
"A. No, sir; I can not say that we had any enjoyable time at all. It was raining, and we rode there through the rain.

"Q. Of course if the weather was not pleasant you did not. You did not have occasion to shoot anybody?

"A. No, sir; we never shot anybody.

"Q. Nor arrest anybody?

"A. No, sir.

"Q. Nor make any hostile demonstrations with your sixteen men to arrest "A. No, sir."

J. H. Roberts, Democrat, testified as follows (see page 349):

"Q. State what you know about the sending of telegrams for troops.
"A. I have a telegram here that I sent off [producing the telegram].
"Q. You say there was a meeting held?
"A. Yes, sir; there was a meeting held.
"Q. Where was it held?
"A. It was held at the Baptist church, in the neighborhood.

"By Mr. TELLER:

"Q. Was it held at Graball?
"A. No, sir; not at Graball, but about 2 miles from Graball.

"By Mr. EUSTIS:

"By Mr. Eustis:

"Q. What was the meeting for?

"A. After the killing of Bolton out at this voting precinct of Flewellen the county was under a good deal of excitement, and there was a report came into the neighborhood there that the negroes—this was on Sunday, after the killing of Bolton. Bolton, you understand, was killed on the night of the election.

"Q. You mean he was killed on the night of the election, and on the next Sunday, sire the was killed on the night of the election, and they were so thoroughly stirred up and excited about the arrest of these parties, you know, that had been accused of killing Bolton that they would not go in the house to hear the preacher at all. They sat outside caucussing among themselves, and they made some threats and said if these negroes were not turned loose by Thursday that they intended to rise and release the negroes and massacre the white people. That was the news that was brought to the white people of the neighborhood. The news was brought in the neighborhood and a meeting of the people called. In that end of the county the niggers outnumbered us about six to one, and we were completely at their merey, and held a meeting and decided on calling for help, and that was the origin of that dispatch.

"Q. Were you secretary of the meeting."

"A. Yes, sir; I was secretary of the meeting.

"A. Yes, it hat is the dispatch, ou sent [handing a dispatch to the witness]?

"A. Yes; that is the dispatch had better go in evidence."

"The following is the telegram had better go in evidence.

"Courtney, November 8, 1885—5 p. m.

"COURTNEY, November 8, 1885-5 p. m.

" Secretary Citizens' Meeting."

'To Sheriff:

"'Send to Lott's Store, immediately, fifty armed men, on horseback. Weap prehend an insurrection from the negroes. "'J. H. ROBERTS,

"By Mr. Eusris.

"Q. State whether your request for those troops was complied with by the

sheriff.
"A. Yes, sir; it was. He came down with about sixteen or eighteen men."

Sheriff Dever, Democrat, testifies as follows (see pages 625, 626):

Sheriff Dever, Democrat, testifies as follows (see pages 625, 626):

"Mr. Jodon. From whom was the insurrection apprehended?

"The Witness. From the negroes.

"Mr. Jodon. Within your knowledge as sheriff was there any basis whatever for supposing there would be an uprising of the negroes?

"The Witness. I really did not think so.

"Mr. Jodon. Have you ever learned anything since which would make you believe it?

"The Witness. I did not apprehend any danger, except when I received that telegram and went down there. There are but few white people in that end of the county, and the women and children down there were terribly frightened. That was the cause of that meeting and the cause of that telegram being sent to me.

"Mr. Jodon. Did you of your own knowledge, up to that time, know of any acts by negroes pointing to an insurrection, or have you ever learned since anything which show that they intended to rise?

"The Witness. No, sir; I do not know that I did.

"Mr. Jodon. It is not acknowledged in Washington County that there was no ground whatever for the belief that the negroes would uprise in an insurrection?

"The Witness. Well, only those people being scared, and the day we went down there you could not see any of the negroes or but year.

rection?

"The Witness. Well, only those people being scared, and the day we went down there you could not see any of the negroes, or but very few.

"Mr. Jodon. Don't you know from general report that the negroes were so scared that they had hidden out; don't you know that that has since developed as the reason they were absent, that they were too scared to come out?

"The Witness. I do not know what was the cause. They have come out since, and there is no trouble.

"Mr. Jodon. Have you not heard that was the reason, that they were so badly scared that they did not dare to show themselves; haven't you heard that talked of?

of?
"The WITNESS. Yes, sir."

D. Kirk, Democrat, testifies as follows (see pages 274, 275):

"By Mr. EUSTIS:

"Q. What were you going to say about Mr. Roberts?

"A. I was going to say that Mr. Roberts went down in that section of country known as the black belt, and he sent a telegram up there a few days after the killing of Bolton, stating that he believed there would be an uprising, and requesting the sheriff to come down there with a posse of armed men. As soon as that report was made known there the sheriff and others telephoned to Chapel Hill and Independence this report of this apprehended uprising, and the sheriff got a number of men from Brenham to go down there, and they did go, and healwas a military conveny came. and perhaps a military company came.

"By Mr. SPOONER:

"Q. And he found there was nothing in it?
"A. He found there was no uprising.

"Q. Was it not generally understood that these men whom the sheriff met were going to Brenham to hang the negroes?
"A. There were conflicting reports about that.
"Q. What did the sheriff tell you about that?
"A. The sheriff told me that they reported to him and fell in with him,
"Q. What did they report about it?
"A. That they had received these telephone messages that were telephoned

from Brenham. I had telephoned myself both to Chapel Hill and to Independence, and also to Navasota. I think they met him half way between Brenham and Grabali.

and Grabali.

"Q. Do you remember what you said in those telephone messages?

"A. I do not remember my exact language.

"Q. Do you remember what you said?

"A. No, sir; I do not remember.

"Q. State as near as you can recollect it.

"A. I just told them that there were wild rumors of uprising down there somewhere in that Graball country.

"By Mr. EUSTIS:

"Q. Uprising by whom?

"A. By the negroes, and that the sheriff had gone down there, and telephoned some of them to go. I said I telephoned to Navasota, and I believe I responded to a telephone from there. They had heard of it from some source and asked about it, and I told them the best I could."

Fricke testifies as follows (see page 113):

'Q. What was your understanding as to the object and purpose of the meet-

Fricke testifies as follows (see page 113):

"Q. What was your understanding as to the object and purpose of the meeting?

"A. My understanding of the purpose of the meeting was to see what was to be done with those Republicans—scalawags as they called them—who had been inciting insurrection and rebellion and all that kind of thing, as they claimed.

"Q. Had there been any insurrection or rebellion?

"A. Not that I know of.

"Q. Had there been any uprising among the negroes?

"A. Not that I know of.

"Q. Had there been any threatened uprising among the negroes?

"A. Not that I know of.

"Q. Had there been, to your knowledge, any violence, except the raiding of the ballot-boxes and the hanging of those colored men?

"A. None, except the shooting of Bolton.

"Q. He was one of the men who raided the ballot-box?

"A. Yes, sir; he was one of the men, I understand.

"Q. Was there any foundation, so far as you know, for the rumors as to an alleged negro uprising?

"A. I think they were manufactured by the Democrats for the purpose of creating a pretext for them to commit outrages on the Republican leaders of Washington County.

"Q. I say, was there, to your knowledge, any foundation for those rumors?

"A. Not the slightest, except the foundation created by the rumors themselves, which were circulated in the county by the Democrats for the purpose stated by me.

"Q. Do you know of any real movement on the part of the negroes to uprise against the whites?

"A. They had no disposition to do it, or cause to do it, or inclination to do it.

"Q. Do you know of their having been counseled them when they made

"Q. Do you know of their having been counseled by prominent Republicans to it?

"A. On the contrary, the Republicans had counseled them when they made contracts with the farmers, the land-owners, to stand up to their contracts and carry them out in good faith, but when they made a contract to sell the land-owner their labor or their produce to be careful not to sell them their vote; not to sell to the Democrats there the colored men's Republican vote; not to try to intimidate Democrats and require them to vote the Republican ticket, and, on the other hand, not to be induced, bought, or persuaded by Democrats to vote the Democratic ticket. That is about the kind of argument we used to them.

"Q. Was there any excitement at the time of the election in Brenham?

"A. Yes, sir; just after the election, and it continued until the time when I left there.

"Q. Was there any excitement at the time of the election in Brenham?

"A. Yes, sir; just after the election, and it continued until the time when I left there.

"Q. So far as you know by whom, by what men, and for what purpose was that excitement brought about and stimulated?

"A. For the purpose of breaking up the Republican party and getting rid of the Republican leaders. It was brought about by Democrats circulating false reports and having false publications made in their organ, the Brenham Banner.

"Q. Reports of what; of the uprising on the part of the negroes?

"A. Yes, sir; and threats of violence.

"Q. There was an alleged apprehension of an uprising?

"A. It was a pretended apprehension of an uprising; but, as I understood it, they were merely circulating those reports in order to create a pretext to get excited themselves and to aid them in breaking up the Republican party and driving off its leaders.

"Q. What was the general sentiment there as to the ticket which had been elected in that county by the votes cast?

"A. The general impression was that the Republican ticket had been elected.

"Q. Was the talk at that time of contesting the election?

"A. Yes."

Carl Schutze testifies as follows (see page 206):

Carl Schutze testifies as follows (see page 205):

"Q. Were bullets shot into the car?

"A. I did not see any. I do not know whether the shots were fired into the car or not, but they were close up to it.

"Q. Was there any foundation whatever, so far as you know, for these rumors that were circulated of a negro uprising?

"A. No, sir,

"Q. Did you hear of any threats made by the Republicans, or were the threats that were made entirely confined to the Democrats?

"A. Yes; they were entirely confined to the Democrats."

S. A. Hackworth testifies as follows:

"By Mr. SPOONER:

"Q. Did you hear of any threats being made by Republicans?
"A. None at all.
"Q. White or black?

"A. No, sir.
"Q. Did you hear any propositions of insurrection from colored people?
"A. None in the world; no, sir.
"Q. Who circulated those reports of threatened and apprehended insurrection? tion :

"A. All the news we got about it was from the Democrats.

"Q. Do you remember any prominent Democrats who were officious and active in creating excitement there, and perpetuating it?

"A. Yes, sir; I know of a good many who were.

"Q. Name some of them; who were they?

"A. Mr. C. C. Boyd is one that I would hear talking a good deal; and I heard of Mr. Tristam talking, and Mr. Leman talking.

"Q. How about Judge Kirk?

"A. I have heard of his talking, too, a great deal.

"Q. Then these rumors of apprehended violence from the negroes came from the Democrats?

"A. Yes, sir; altogether."

ALLEGED I .. CENDIARY SPEECHES AT REPUBLIC IN MEETINGS DURING THE CAN-

Some color was sought to be given to the excitement in Washington County which followed the election by assigning as a contributory cause of the excesses which marked the election and its sequel the making of what were stigmatized

as incendiary speeches at Republican meetings, or at political gatherings of col-

as incendiary speeches at Republican meetings, or at political gatherings of colored voters.

The committee allowed a wide range in the testimony in support and in refutation of these accusations. It seemed but fair that every opportunity should be given to present the canvass, as bearing upon this point, as accurately and intelligently as possible. The exploration of this subject has, the committee thinks, demonstrated that the accusations themselves were vague and mere hearsay; that the imputations, when reduced to any definite expressions, came to nothing more serious than the ordinary methods of political argument and persuasion; that the infusion into these arguments of any race prejudices or preferences in the canvass did not transcend the legitimate and natural scope of party zeal for candidates, and that any stimulant to passion and disorder was entirely absent from the canvass. As to any combination or incentive to accomplish any results by violence, the Republican speakers and the colored assemblages were entirely exonerated by the testimony from any such charges. A perusal of the following extracts from the testimony will, the committee submit, extinguish any impression that 'incendiary speeches' entered into the canvass, and will justify its conclusion that no substantial or reasonable support for such imputations ever had any basis in fact.

Lafavette Kirk, the Democratic judge, testifies as follows (see page 259):

Lafayette Kirk, the Democratic judge, testifies as follows (see page 259):

Lafayette Kirk, the Democratic judge, testifies as follows (see page 259):

"Q. You consider it a pretty serious thing not to allow a man, white or black, a citizen of the United States, to live where he chooses, do you not?

"A. Yes, sir; I do.

"Q. What had these men done that they should be driven from Washington County, and no longer permitted to live there in that community?

"A. I do not think any of them were driven from the county.

"Q. What had they done that they should be compelled to cease doing under penalty of exile?

"A. As I say, I considered their course and conduct in the canvass—

"Q. What course and what conduct?

"A. The character of speeches they made,

"Q. What character of speeches?

"A. Speeches calculated to arouse the prejudices and passions of the negroes.

"Q. In what way did they do that?

"A. By appeals to their prejudices and passions, and by lies and falsehoods,

"Q. The lies they were telling about you was the principal thing that aggravated you?

"Q. In what way did they do that?

"A. By appeals to their prejudices and passions, and by lies and falsehoods.

"Q. The lies they were telling about you was the principal thing that aggravated you?

"A. It did provoke me a great deal.

"Q. Tell us some speech that any one of these men made, and what it was that caused their being put to that alternative to either stop making Republican speeches of that kind or leave the county?

"A. It was not so much the speeches they would make as the applause and countenance they would give to speeches made by negroes.

"Q. What have you in mind now?

"A. On one occasion there was a negro, a Republican canvasser, and in the course of his remarks he appealed to his colored friends, and he said, 'You can not east with the white people, you can not sleep with the Dennocrate, you can not associate with them, and what do you want to vote for them for?' And these gentlemen, whenever they were present, when such expressions were made use of, would become convulsed with laughter and would applaud vociferously. not eat with the white people, you can not sleep with the Democrats, you can not associate with them, and what do you want to vote for them for?' And these gentlemen, whenever they were present, when such expressions were made use of, would become convulsed with laughter and would appliad voeiferously.

"Q. Your idea was that they must be prohibited from becoming convulsed with laughter when they found something to laugh at or leave the county? "A. The reason that induced me to make the statement was—"Q. I want to get at the offenses these men had committed. One you say is that they became convulsed with laughter when some negro said that they could not eat or sleep with Democrats. That negro did not lie much, did he? "A. He was exactly right so far as that was concerned; but I do not think that was a Republican speech which ought to be made.

"Q. You do not hold the party or its leaders responsible for everything that a man would say?

"A. I do, when their laughter induces them to say it; when by their conduct and actions, by their applause or otherwise, they encourage it.

"Q. Uhe applanded?

"A. At this particular time one of the memorialists, Jim Moore, was present."

Q. Did he laugh, snicker, snort, or what?

"A. He was very vociferous in his applause, indicating his approval of what the negro said.

"Q. The negro said that no negro could sleep with a white Democrat, and Mr. Moore applanded that, and you consider that a mortal offense, for which he should be compelled to leave the county?

"A. No, sir; I do not consider that so bad as some others.

"Q. What clse?

"A. When I went into that meeting I had just been informed that Mr. Potter had said that he was in favor of going in with the negroes and resorting to the shotgun policy to enforce their rights.

"Q. Had Mr. Potter said anything?"

"A. How long had you known Potter?

"A. He had been so notified and informed, and acted on that information.

"Q. Had har. Potter said anything?"

"A. I had been so notified and informed, and acted on what his canvass.

nial of it?

"A. Not at that time, it had not.

"Q. What else was there; what other crime had these men committed?

"A. Some of them were notoriously bad characters there.

"Q Bad in what way?

"A. They had no standing socially or otherwise.

"Q. What other specific offenses had these men committed in the campaign?
One of them had laughed and applauded these colored men, and the other was reported to have said something that he denied saying. Now, what else was there of which you complain?

"A. They have detailed some of my social-equality speeches, and I will explain about that matter. In our district court there, all these men, I think every one of them, I can not remember which one, but they appealed to the negroes and said, "There is Dever, the Democratic sheriff, who has divided the district court-room, and made the negroes sit on one side and the white people on the other, and you see how the white men treat you. There are no negroes on the jury; and they said the same thing about the county court. The fact was that Judge McFarland, who was the Republican district judge, had made the order, which I considered a proper one, but in order to meet these sort of appeals, which did arouse race prejudice in the negroes, I told them that no such thing had been done; that Dever did not divide the county court-room, but that Judge McFarland did divide it. And they would make the statement, all of them, that the negroes had no representative on the People's ticket as elected, and were not permitted to sit on juries, and that their wives, when they had business to transact at the court-room, were not treated with respect, but were allowed to stand in the cold and shiver, and that they could not get near the stove, all of which was absolutely false.

"Q. Who did you hear make such a speech as that?

"A. Mr. Hackworth, and a number of the negro speakers made similar speeches."

"O And in reply to that, you showed that the negroes all sat around with

"A. Mr. Hackworth, and a number of the negro speakers made similar speeches.

"Q. And in reply to that, you showed that the negroes all sat around with the white people in your court?

"A. I said in reply to that that Mr. Dever did not make any order dividing the county court room, and did not divide the district court room.

"Q. And that in your court there was no such division?

"A. Yes, sir; and I denied the charges that the negroes had no representation. That was calculated, I considered, to arouse the negroes and array them against the whites. They said they had no representation anywhere, and that they were not permitted to sit on juries, while the fact was that as many of them had sat on the jury under that administration as in any former administrations. I had examined the records to see what proportion of negro jurors we had.

"Q. Those are the incendiary speeches you refer to?

"A. Yes, sir; and those were some of the things stated at the public meetings that we held. They would try to prevent anybody going up, and Mr. Hackworth and Mr. Potter would make charges against me of a personal character, which were without any foundation in truth or in fact, and then they would try to prevail on their chairman of the meeting not to permit me to answer the charges or represent my candidacy or do anything of the kind.

"Q. They were not your meetings, were they?

"A. They were public meetings, were they?

"A. They were called by negroes.

"Q. Were they not meetings called by Republican speakers?

"A. They were called by negroes.

"Q. Were they not Republican meetings called by Republicans?

"A. They were nealled by negroes.

"Q. Were they not Republican meetings in contradistinction to Democratic meetings?

"A. Usuppose you would call them that.

"A. They were called by negroes.

"Q. Were they not Republican meetings called by Republicans?

"A. Well, the majority of those who attended them were Republicans.

"Q. Were they not Republican meetings in contradistinction to Democratic meetings?

"A. I suppose you would call them that.

"Q. You know what a Republican meeting is, a meeting called by the Republican local organization?

"A. I will tell you how the meetings were gotten up. They would go out in the country in the evening, and they would get the negroes together and elect a chairman, and then they would address them, and they have done that during the last two canvasses.

"Q. What other crimes did these men commit that you thought worthy of punishment?

"A. No other that I know of.

"Q. You have given, then, the head and front of their offending, have you?

"A. I stated in the outset what caused me to make the statement I did in the citizens' meeting. If you want that repeated I can repeat it.

"Q. How is that?

"A. I say I can repeat what caused me to make the statement about their punishment, as I did in the citizens' meeting. I was never in favor of their being made to leave after that; after I found out that Mr. Potter disclaimed this statement I never said anything about his leaving or any of the rest of them leaving.

"A. Vou remember pretty distinctly what was said in these various speeches."

leaving.
"Q. You remember pretty distinctly what was said in these various speeches

"Q. You remember pretty distinctly what was said in these various speeches made?

"A. I can remember some of the things.

"Q. You have a pretty good memory, have you not?

"A. Another thing; they would tell the negroes that they would be put back in bondage if the Democrats got back in power, and all that sort of folderol.

"Q. And tell them, I suppose, that Abe Lincoln was their friend, and that the Republican party had been their friend always?

"A. Yes; they did that.

"Q. Wasn't that incendiary?

"A. No, sir; I do not think so.

"Q. That is funny. What else do you remember?

"A. I remember the meetings they had in camp there near Brenham in what is called Camp Town, a portion of the town where the negroes resided. They had a number of meetings down there with shotguns and Winchesters, and had endeavored, and successfully, to keep me—sometimes successfully—to keep me or anybody else from replying to their charges that Mr. Hackworth and his cohorts were making against me or men on our ticket.

"By Mr. TELLER:

"By Mr. TELLER:

"By Mr. Teller:

"Q. They prevented you from addressing the Republican meetings; that is the plain English of it?

"A. Well, they were colored meetings.

"Q. They were Republican meetings, were they not; you know whether they were or not?

"A. They were called by Republican negroes.

"Q. They were called by Republicans, to have Republican speakers address them?

"A. Yes, sir.

"Q. And they declined to allow you to address them?

"A. Yes; and they declined to allow the Republican speakers to address them, if they wanted to defend any men not on the Republican ticket.

"By Mr. Sponer.

"By Mr. SPOONER:

"By Mr. SPOONER:

"Q. That was nothing against you?

"A. No, sir; but I do not think they had any right to get up and make false charges and not allow me to disprove them.

"Q. That was not so much a matter of race or color as it was a matter between you and those men?

"A. They would try to get the negroes to prevent my speaking, and under their advice they would prevent it.

"Q. Who gave that advice?

"A. Mr. Hackworth.

"Q. Do you remember hearing Mr. Hackworth advise any meeting not to allow you to speak?

"A. Yes, sir; he tried to do that all through the canvass.

"Q. Where?

A. At every meeting that was held in Camp Town. Q. You would come there and demand a hearing?

"A. It every meeting that was held in Camp Town.

"Q. You would come there and demand a hearing?

"A. I would.

"Q. Why didn't you call your own meeting after they had gone and have some concerning the proposed to meet those very things.

"A. Because I proposed to meet those very things.

"Q. Had you a right to force yourself on a Republican meeting against the will of the people present?

"A. I think I had a right to speak in any public meeting that was called for the discussion of the Republican candidates.

"Q. Do you understand that when a Republican meeting is called you have a right to go there and speak?

"A. If it was a strictly Republican meeting I do not know that I would. These meetings were called for the purpose of public discussion.

"Q. These meetings were not called for the purpose of public discussion in that sense, but for the purpose of hearing Republican speakers denounce the Democratic candidates.

"A. I was always invited to those meetings by the negroes; almost universally invited there by the negroes.

"Q. By Republican negroes?

"A. You do not find any thing else but Republican negroes, or at least I haven't, down in our section.

"Q. But they can not always safely vote for the Republican ticket and have it counted.

"A Wall they did say that at this lest selection.

it counted.

"Q. But they can not always safely vote for the Republican ticket and have it counted.

"A. Well, they did say that at this last election.

"Q. Did Mr. Potter ask you at any point to stay at any meeting?

"A. I do not remember anything of the kind.

"Q. Did Mr. Hackworth tell you in advance of the charges he proposed to make against you in the campaign?

"A. No, sir.

"Q. You are sure of that?

"A. No, sir.

"Q. Did he before he made the speeches?

"A. No, sir, and the first I heard of them was on the stump.

"Q. Do you remember all that he said at any meeting on the stump?

"A. No, sir, I could not undertake to repeat any of his speeches.

"Q. Did you attend a Republican meeting at which you insisted that nobody should speak unless you were permitted to speak?

"A. I got up on the same stump he was on, and I told him if he made those charges and would not permit me to answer or reply to them, that the meeting would have to adjourn, even if I staid there a week.

"Q. Did it adjourn?

"A. He took the band away with him—

"Q. And the band carried all the meeting with it?

"A. No, sir; It left a considerable number of them there, and I staid there and addressed them—made a speech to them (page 288).

"Before the election did you here any inconding meacher made by Re.

"O Before the election did you here any inconding meacher made by Re.

"Q. Before the election did you hear any incendiary speeches made by Re-

"Q. Before the election did you hear any incendiary species made by the publican orators?

"A. I heard such speeches as I considered rather incendiary.

"Q. You have given an account, I understand, of some of those you heard?

"A. Yes, sir.

"Q. And have said all that you care to say on that subject?

"A. About all that I could recall. I have given samples of them.

"Q. Were those the extremest or severest instances of incendiary speeches that you heard?

"A. They were about as severe, I believe. It was their practices as much as their.

their—
"Q. I haven't asked you that. I ask you if you have given the severest instances of these incendiary speeches that you heard?
"A. I believe I have given those that I heard.

"TESTIMONY OF B. S. ROGERS.

"B. S. Rogers, having been duly sworn, was interrogated as follows:

"By Mr. Eustis:

"Q. What is your full name?
"A. Ben S. Rogers.
"Q. How old are you?
"A. I am thirty-five years old.
"Q. Where do you live?
"A. In Brenham, Tex.
"Q. How long have you lived there?
"A. I have lived in Brenham a little over two years, perhaps three years, but heave lived near there for about twenty years. A. I have inved in Brennan a little over two years, perhaps three years, but have lived near there for about twenty years.

"Q. What is your occupation?

"A. I am a practicing lawyer.

"Q. Did you ever hold any office?

"A. Yes, sir; I am county attorney of Washington County at the present

"A. 1cs, sir, time.
"Q. How long have you held that office?
"A. Since 1884.
"Q. You were elected in 1884?
"A. Yes, sir.
"Q. And re-elected in 1886?
"A. Yes, sir.

"A. Yes, sir.

"Q. Did you take an active part in the last canvass?

"A. Yes, sir.

"Q. Did you hear any of those speeches made by the Republican leaders?

"A. I heard a great many of them.

"Q. Were they what you would call incendiary speeches, some of them?

"A. I do not know that I would term them that. They made use of a great many expressions and declarations that had a tendency to discontent the negroes and make them dissatisfied with their condition.

"Q. I mean did you hear any appeals made to their prejudices as colored people or to their fears as ignorant people?

"A. Yes, their speeches had that tendency.

"Q. Go on and state what you recollect about it?

"A. I do not know that I could give what each or any of the speakers said particularly, except in a few instances perhaps. Some of the Republican speakers made use of the language that 'the Democrats won't let you est with them, won't let you sleep with them, won't let you visit their families, or sit in their parlors, or converse with their daughters, and I do not see why you should vote for them,' and such expressions as that.

"Q. What else do you remember, if anything, showing the general character of their speeches?

"A. Well, they would go on and tell the negroes that the Democratic tariff was the cause of their situation, was the cause of their poor, and the cause of their cotton being worth but 6 or 8 cents, and the cause of their getting a low price for the picking of the cotton, that it was occasioned by the tariff; also that the earthquakes we were having at Charleston at the time were visitations of Providence upon the Democratic party for their treatment of the negroes.

- "Mr. Spooner. That was a joke, wasn't it? "Colonel Giddings. No, sir; it was not.

"Q. You have spoken about these incendiary speeches; you do not mean to characterize these as incendiary speeches, do you?
"A. I do not know that that is the proper term for them.
"Q. Did they differ from the ordinary Republican speeches you had been in the habit of hearing for years, except as to the earthquake, part of it, which

was new?

"A. Yes, sir; I think they were a little worse than any I ever heard before.

"Q. What was there specially bad about them?

"A. They presented such arguments as that to the negro, that the Democratic tariff was the cause of their situation.

"D Is that the worst thing in worse their situation.

tariff was the cause of their situation.

"Q. Is that the worst thing, in your opinion?

"A. Well, such as that.

"Q. Is that the worst thing, in your opinion, that was said by the speakers?

"A. I do not know that it was.

"Q. It was as bad as anything, wasn't it?

"A. Then, again, the speeches that were made by some of the negroes there that I spoke of a while ago.

"Q. I am talking about speeches made by white Republicans.

"A. They would say themselves the very meanest things that were said; they would generally put a negro up to it.

"Q. How do you know they put a negro up to it?

"A. By the working of the machinery?

"A. By the working of the machinery?

"Q. Do you know of any white Republican advising any insurrection among the negroes?

"Q. How do you know they put a negro up to it?

"A. By the working of the machinery?

"Q. Do you know of any white Republican advising any insurrection among the negroes?

"A. No, sir; I do not of my own knowledge.

"Q. Or advising any violent or unlawful act among the negroes?

"A. I do not of my own knowledge.

"Q. There was a little of that sort of talk among the Democrats, was there not, at the negro meetings?

"A. I did not get the sense of your question.

"Q. What did you tell them at your meetings where you made speeches to these negroes; didn't you tell them about the beauties of free trade and all that sort of thing?

"A. No, sir.

"Q. You defended the Democratic tariff, did you not?

"A. No, sir; I did not.

"Q. What did you talk to them about?

"A. I told the negroes that these men were lying to them and had been for twenty years, and I tried to prove it.

"Q. Did you hear Judge Kirk make any speech?

"A. I heard him make several.

"Q. In which he told them that the Republican district judge, McFarland, divided off his court-room so as to have the negroes on one side and the whitemen on the other?

"A. Yes, sir; I heard that.

"Q. And that the negroes who came into the county judge's court—that is, his court—were treated just like white people, and were not compelled to separate?

"A. Yes, sir; I heard that.

"A. And that it was so in your office?

"A. I do not know that he said that.

"Q. Didn't he say that the county judge's office and your office were always full of negroes, and that they were just as well treated as the whites?

"A. He said something of that sort. I do not know that those were the words that he used.

"Q. But that was the idea?

"A. The idea was that a negro was not prohibited from entering the courthouse, and receiving the same attention that his business demanded that a white man would (page 552).

"A. He said something of that sort. I do not know that those were the words that he used.

"Q. But that was the idea?

"A. The idea was that a negro was not prohibited from entering

Democratic county judge and district attorney did not; that was the idea, was it not?

"A. No, sir; I will tell you precisely how it came about. Mr. Hackworth and Mr. Moore got up and charged that there was a discrimination against the negroes; that they were not allowed to enter the court-room or the court-house, or take seats in the offices, or come behind the railings, and that they might have icicles on the skirts of their women and they would not be permitted to warm themselves at the stove, and so on; and he said that Dever, the sheriff, had discriminated against the negro. They were using it as an argument against him as a candidate then; that he had required the negroes to take one side of the court-house and the white people the other, and that they had contributed their taxes toward the building of the court-house and were entitled to sit where they pleased. Judge Kirk and myself, in defending Mr. Dever on that score, told them that Judge McFarland had drawn that line in the district court-room, and that Mr. Dever, who also waited on the county court-room, had not drawn the line there.

"Q. So that all there was in it on either side was this: That in a campaign, takking to colored men, the Republican speakers told them that they were discriminated against by the Democratic officers?

"A. And we told them that they were discriminated against by the Republican officers?

"A. And we told them that they were discriminated officers?

"A. Ves sir.

"Q. And told them that they were discriminated against by the Republican officers?

"A. Yes, sir.

"Q. That was six of one and half a dozen of the other in regard to incendiarism, wasn't it?

"A. I do not know that that would be considered incendiary.

"Q. You do not refer to that, then, as incendiary at all?

"A. No, sir; those speeches were made every night for two months, those different speeches, and I paid very little attention to some of them, and some of them I listened to."

B. F. Robertson testifies as follows (see page 540):

- B. F. Robertson testifies as follows (see page 540):

  "Q. At the time of the Eldridge Hall meeting there was very much excitement in Brenham?

  "A. Yes, sir."

  "Q. And a very great prejudice against Mr. Potter, Mr. Hackworth, and those leading Republicans?

  "A. Yes, sir; I suppose there was some.

  "Q. Would you consider a man who got up in such a meeting as that and said that it was reported that Mr. Moore had made negro equality speeches and that certain Republicans had advised the negroes to go armed at the polls and to shoot white men, as making an incendiary speech?

  "A. Well, if they were to get up—

  "Q. Answer my question.

  "A. Well, yes; I suppose if a man would get up and make that kind of a speech.

- "Q. You would consider that an incendiary speech, under the circumstances?
  "A. It might have been.
  "Q. Do you mean to say that no such incendiary speech as that was made at the Eldridge Hall meeting?
  "A. I do. They said if thus and so was the case; if it was the case that

Potter was advising them to go and get their shotguns and take them to the

"Q. Was it not stated that that was the case?

"A. It might have been; I think it was stated that it was the case.

"Q. On that theory, this proposition was made that they ought to be compelled to leave the country, wasn't it? Would you not call that an incendiary speech, with all the excitement and all the surroundings?

"A. Yes, sir; but it was—

"Q. But it was a Democratic incendiary speech, and that makes all the difference in the wide, wide world?

"A. There is a heap of difference between that and a negro meeting.

"Mr. EUSTIS (to the witness). Don't you mean by an incendiary speech—

"Mr. Spooner. He means what he says. Give him a chance to be original; we have had more of your meaning than of his."

Lewis R. Bryan, esc., Democrat, testifies as follows (see page 569):

Lewis R. Bryan, esq., Democrat, testifies as follows (see page 569):

"By Mr. EVARTS:

"Q. Who circulated those stories that Republican orators had accused the emocratic party for the responsibility of earthquakes and the low price of Democratic potential cotton?

"A. The candidates who circulates that the candidates the candidates that the candidates that the candidates that the candidates that the candidates the candidat

Democratic party for the responsibility of earthquakes and the low price of cotton?

"A. The candidates—
"Q. I say who circulated those stories that the Republican orators had said these things about the earthquakes and the low price of cotton?

"The WITNESS. Do you want the names of the individuals?

"Mr. EVARTS. If you know, you can tell us.

"A. I say the candidates on the People's ticket and persons who would go—others also who would attend those negro meetings. They were just talked of as a joke, but I do not believe that it was just a joke, a thing of that kind, and they could not appreciate the effect of it.

"Q. Who were the men who circulated these stories that the Republican orators in the campaign accused the Democratic party of the responsibility for the earthquake at Charleston and the low price of cotton?

"A. I do not understand.

"The PEVARTS. Read the question, as follows:

"Q. Who were the men who circulated!these stories'that the Republican orators in the campaign accused the Democratic party of the responsibility for the earthquake at Charleston and the low price of cotton?

"A. I think I just answered it; that I got my information, of course, from men who were in sympathy with the People's ticket who had gone to these meetings.

"Q. Can you give the names of any persons?

"A. Well, Mr. Rodgers, the candidate for county attorney.

"Q. He said these things?

"A. Yes, sir.

"Q. Who else said these things, that the orators of the Republican party claimed so and so?

"A. Judge Kirk, and it seems to me I have heard others say it, but I can not

claimed so and so?
"A. Judge Kirk, and it seems to me I have heard others say it, but I can not tell.
"Q. I do not want you to say anybody that you can not identify, but those

"A. Juage Kirk, and it seems to me t have heard values as y, that tell.

"Q. I do not want you to say anybody that you can not identify, but those you can say?

"A. I think I can safely say that they did, because I have heard them talking about it: they were the most active.

"Q. The county attorney and the county judge were the persons who circulated those stories?

"A. Yes, sir.

"Q. And they were on the People's ticket?

"A. Yes, sir.

"Q. What effect did those stories thus circulated by Judge Kirk and the county attorney, Rodgers, have on the votes of your people down there?

"A. I can not answer that.

"Q. Very well, if you can not, say so, and we will go on and do something else; I don't want to carry on a conversation with you.

"M. EUSTIS. If the witnesses were correctly understood, Judge Kirk and Mr. Rodgers testified that they had heard those speeches made.

"M. EVARTS. I am cross-examining him on his own views and not upon what has been said by other people. You can answer that.

"The WITNESS. As to the effect? No, sir; I can not. As to—

"Q. Very well, that is enough. What effect did it have on your mind in regard to the election?

"A. On my mind it had this effect: I just thought all that sort of talk was absurd and just showed the desperate efforts they were making—

"Q. That who were making?

"A. The Republican candidates—the candidates on the Republican ticket—the desperate efforts they were making to be elected when they would appeal in any such manner to an ignorant people who did not know any better; it had that effect on my mind.

"Q. Did you not think it was a desperate effort of Judge Kirk and County Attorney Rodgers to circulate such stories to affect the elections in their favor?

"A. No, sir; because I thought it was true.

"Q. It may be that you thought it was true, but you expected to get Democrats to vote for the People's ticket by that talk, did you not?

"A. Well, yes, sir; of course, I suppose so; certainly; yes, sir."

W. W. Searcy, esq., chairman of the Democratic executive comm

"A. Well, yes, sir; of course, I suppose so; certainly; yes, sir."

W. W. Searcy, esq., chairman of the Democratic executive committee, testifies as follows (see page 396):

"Q. As to Mr. Moore, what are your objections to him?

"A. The principal objection to Mr. Moore is the character of speeches that he is reputed to have made down there in canvassing.

"Q. That was in politics; public speeches?

"A. Yes, sir; public speeches; talking to the negroes. I do not know anything about Mr. Moore personally at all.

"Q. And therefore whatever feeling prevails there against Mr. Moore is, so far as you know, because of his political demonstrations?

"A. It was because of the character of speeches that he is reputed to have made there to the negroes.

"Q. In political campaigns?

"A. Yes, sir; in political campaigns.

"Q. Did you ever hear one of those speeches?

"A. I never did. I never went to one of those meetings in my life.

"Q. Did you ever hear anything from any speech he made?

"A. Yes, sir; I have heard that he advised social equality and all that sort of thing to the negroes down in that county.

"Q. 'All that sort of thing?' How many sorts of things are there down there?

"A. That means a good deal with our people."

"Q. 'All that sort of thing.'
there?
"A. That means a good deal with our people.
"Q. You said 'all that sort of thing?'
"A. Well, he advised them to act against the white people, and advised social equality.
"Q. Are those what are called incendiary speeches?
"A. I judge so, sir. I never heard one of those speeches.
"Q. But you have heard in Democratic circles of the speeches of Republicans as being incendiary speeches?

"A. There were a good many Republicans down there, and I have heard them talk about the character of these speeches they have heard these men make.

"Q. And called them incendiary?

"A. Yes, sir.

"Q. And you understand that incendiary speeches are speeches that advise social equality and the uniting of the blacks against against the whites?

"A. Yes, sir; that is what I consider them to be,

"Q. Now, you spoke of this Mr. Moore as having urged in public debate the union of the colored people against the whites. In what way did he advise them to unite against the whites—in any way besides voting at the election?

"A. Well, as I stated before, he advised them that they ought to be permitted to go into white people's parlors, and to be permitted to dine with them, and to be permitted to marry white women, and all that sort of thing. That is what we mean by social equality down there.

"Q. That was ahead of my inquiry. You had two heads; one social equality, and the other the uniting of the colored people against the whites. My last question has nothing to do with the social-equality branch, but with this other branch.

"The WITTERS De you mean whether he advised them to the second."

branch.

"The Witness. Do you mean whether he advised them to vote against the white people down there?

"Mr. Evarts. Yes, at the elections.

"A. Yes, sir; he did.
"Q. At the elections?

"A. Yes, sir.
"Q. Was there any white man's ticket down there?

"A. No, sir; I do not think there was any ticket designated by that name down there. The People's ticket was generally supposed to be the white men's ticket.

"Q. Mr. Moore did not get up a white man's ticket, did he?
"A. No, sir; I do not think he did.
"Q. All he did in this election was to urge the people to vote against the People's ticket, was it not?

"A. I did not hear his speeches, but that is what I understood.

"Q. And that is what you mean by uniting the colored people against the

white people?

"A. Yes, sir."

Q. To vote for their ticket as against the other ticket?

"A. Yes, sir."

S. A. Hackworth, Republican, testifies as follows (see page 231):

S. A. Hackworth, Republican, testilies as follows (see page 231):

"Q. You made speeches there during the campaign?

"A. Yes, sir.

"Q. You addressed white audiences as well as colored audiences?

"A. Yes, sir; we had several mixed meetings.

"Q. Did you make any speech during that campaign which was calculated or intended to create any race excitement or prejudice among the negroes against the whites?

"A. No, sir; right to the contrary. All the speeches I made I think were cal-

"Q. Did you make any speech during that campaign which was calculated or intended to create any race excitement or prejudice among the negroes against the whites?

"A. No, sir; right to the contrary. All the speeches I made I think were calculated to bring about and keep up a spirit of good feeling between both races. I was as much interested as any white citizen in the county in seeing that done.

"Q. You did not make any speech that could be fairly called an incendiary speech?

"A. No, sir.

"Q. Or any speech other than the ordinary Republican speeches in behalf of your party?

"A. Judge Kirk may have called it an incendiary speech, because it was against him. We showed about the theft of the school fund and made it pretty plain that these stealings had occurred with his knowledge. That was about the most incendiary speech that we had made.

"Q. That is the first we have heard about that. What is there about that? Was it during Judge Kirk's administration?

"A. Yes, sir.

"Q. Is it possible? What was there of it?

"A. We got a certificate of the county treasurer. I do not know whether Mr. Hoffmann has it or not. We have the statement here. In the first place, Judge Kirk has charge of the free schools and issues vouchers to the school-teachers. These vouchers are signed by him and have his seal of office placed on them, and then the teacher can go and draw his money. There were several forged vouchers found out by the county treasurer. Forged vouchers had been drawn on the county treasurer and had been paid by him, and Judge Kirk's name was signed to those vouchers, and so well signed that even the county treasurer was that these forged vouchers had the county seal on them. We showed this, because we had a certificate from the county treasurer, and I told Judge K irk at several of our meetings about it. He complained of the attack I was going to make on him. I told Judge K irk senine signature. The strange feature was that these forged vouchers had the county treasurer, and I told Judge K irk at several of our

hold of.

"By Mr. EVARTS:

"Q. That was the topic insisted on?

"A Yes, sir; that was the only incendiary speech that was made. Judge Kirk got very angry several times, and I suppose he called it 'incendiary.' Well, during the whole canvass they had a certain lot of men—men who were charged with murder and were under indictment for murder—who went around with them, and those men were armed.

"By Mr. SPOONER:

"Q. Who do you mean?
"A. I mean Judge Kirk, Mr. Rogers, and the Democrats.
"Q. Were they at your meetings?
"A. Yes, sir; they were at all our meetings with armed men,
"Q. Attended your meetings, Republican meetings?
"A. Yes, sir; they would come to our meetings and demand a division of the time

me.

"Q. Who else beside Judge Kirk did that?

"A. Judge Kirk and Mr. Rogers were the leading men.

"Q. And these armed men with them?

"A. Yes, sir; these armed men were with them.

"Q. How many such men?

"A. I think they generally carried about six or seven with them.

"Q. How did you know they were armed?

"A. We saw the weapons.

"Q. Revolvers?

"A. Yes, sir; and six-shooters, some of them.

"Q. What sort of men were they?

"A. Some were white and some colored men; some were under indictment

for murder. Mr. John Traylor was one. He did not attend all the meetings, but he attended the meetings held at Chapel Hill precinct. He was under indictment for murder. A colored man named Sloan was under indictment for murder in Washington precinct, and they had another man under indictment for murder, Mr. John Ewing. These men were completely in their power, and were ready and willing to do their bidding. At one of the meetings at Cedar Hill one of our men drew a pistol on them, and it broke up the meeting. There were a lot of Germans in the meeting, and they withdrew from the meeting and waited until Judge Kirk went away, and we called a meeting, after they had gone, outside of the house, and I made my talk to them there. And at Chapel Hill on another occasion I was informed that pistols were drawn on me while I was on the stand, and I know I was cursed by their bulldozers.

"Q. You mean to say, then, there was something of intimidation among the Democratic leaders prior to election day?

"A. Yes, sir.

"Q. At Republican meetings?

"A. Yes, sir.

"Q. Did you divide the time with Judge Kirk at any of those meetings?

"A. Yes, sir.

"Q. Did you make any of what are called negro-equality speeches?

"A. Yes, sir.

"Q. Did you make any of what are called negro-equality speeches?

"A. No, sir.

"Q. Did you hear any speeches of that kind made?

"A. No, sir.

"Q. Did you hear any speeches of that kind made?

"A. No, sir. there were none made by any of the Republicans. The nearest social-equality speech that I heard was made by Judge Kirk and Mr. Rogers. They denounced Judge McFarland for dividing the races in his court-room that this court-room the whites and blacks all mired up together, and there was no difference made between the races. He boasted that in all his speeches, or words to that telfect. That was the nearest to a social-equality speech that I heard during the canvas, and I stated that openly in my circular of the 10th.

"Q. The statements in that circular are true, so far as you know?

"A. Yes, sir; so

Joseph Hoffmann, Republican, testifies as follows (see page 136):

"Q. Something has been said about incendiary speeches being made by the Republican campaigners and leaders. Did you hear any incendiary speech

Republican campaigners and leaders. Did you hear any incendiary speech from anybody?

"A. I have been one of the Republicans who have been in every canvass in the last eight years, you may say, and I never have heard any Republican make an incendiary speech or a social-equality speech. I have heard Mr. Hackworth and others advise them to keep their contracts with the white folks, but he told them, 'when you make such contracts carry them out, but don't sell your vote with the contract.

and others advise them to keep their contracts with the white folks, but he told them, 'when you make such contracts carry them out, but don't sell your vote with the contract.'

"Q. Was that called an incendiary speech?

"A. I should not think so, str.

"Q. Now, they talk about incendiary speeches down there. What do the Democrats mean by an incendiary speech made by a Republican?

"A. Well, my idea of what they would mean by an incendiary speech would be to just tell the people, I reckon, to get up and kill one another; that is what I would call incendiary.

"Q. But what do these Democrats mean when they say that you, this, or that man makes an incendiary speech; what do they mean? What sort of a speech have they made?

"A. Maybe it is because they made Republican speeches.

"Q. And that is all?

"A. That is all I know of.

"Q. And advised the colored voters to cast their votes as they pleased?

"A. Yes, sir.

"Q. And have them counted if they could?

"A. That is my idea of it. I know that after we were charged with having made incendiary speeches, while Mr. Hackworth and Mr. Moore were in Brenham, that we published a card in the Brenham Banner—I paid Mr. Rankin \$3 to insert that card—stating that it had been asserted that we had made incendiary and social-equality speeches, and we denied the charges openly in their own newspaper, and it has never been contradicted by them,

"Q. You know Mr. Schutze well, I suppose?

"A. Yes, sir; I believe I know him better than anybody.

"Q. He was the editor of the paper at Brenham?

"A. Yes, sir; generally in Washington County. Some few numbers of it went

mans?

"A. Yes, sir; generally in Washington County. Some few numbers of it went to Austin and Fayette Counties, the neighboring counties.

"Q. It was the only German paper, I suppose?

"A. No, sir; there was another German paper published there.

"Q. What was the name of that?

"A. That was the Texas Volksblatter.

"Q. Was that a Democratic paper?

"A. The editor used to claim to be a Republican, but during the last two canvasses he has always taken the Democratic side, as far as I have seen, in county affairs.

"Q. It was a German paper, published in the German tongue, and patronized by Germans, both of these papers you have spoken of were? "A. Yes, sir.

"A. Yes, sir.
"Q. Did Mr. Schutze make any speeches during this campaign last Novem-

"Q. Did Mr. Schutze make any special speech except one time, and that was when he came to Burton, to my house, and I do not believe any of the gentlemen knew of that. I took him out to my brother-in-law's, and there was a little gathering there, a friendly gathering of a few people, and he made a little talk in German, and he and I were the only condidates there. It was in a private house; it was no meeting.

"Q. And his remarks were made in the German tongue?

"A. Yes, sir; he spoke in German.

"Q. The negroes there do not understand German, do they?

"A. A few of them understand it.

- "Q. How does that happen?

  "A. They pick it up just as the Americans do. We have Americans there who talk as good German as I can.

  "Q. Was there anything incendiary in that speech?

  "A. No, sir; there was not. I do not believe it was known that he ever made such a speech except to the few persons present and myself.

  "Q. Look at this paper, and see if this is the card that you refer to as having been published [handing a newspaper extract to the witness].

  "A. Yes, sir; that is the card.

  "Mr. Evarts. I will read it:

  "SRENHAM. November 9, 1885.

- "BRENHAM, November 9, 1886.
- "'To the people of Washington County:
- "We, the undersigned Republicans, hereby declare that during the entire canvass just closed we did not make, nor did we hear any Republicans make, any incendiary or social-equality speeches, nor have any of us, either directly or indirectly, advised or counseled colored people to arm themselves or commit any acts of violence. These and other charges are made against us to divert public attention from certain political acts of our adversaries, and we respectfully but earnestly ask a suspension of public judgment until we can be fully and fairly heard in regard to all matters complained of against us.

  - us.
    "'C. C. BRYAN.
    "'J. L. MOORE.
    "'WM. EHLERT.
    "'JOE HOFFMANN.
    "'S. A. HACKWORTH.
    "'PAUL FRICKE.
    "'O.B. POTTER.
    "'CARL SCHUTZE.

- "By Mr. EVARTS:
- "Q. Is this a true statement which you made and signed here?
- "A. Yes, sir; that is true,
  "Q. Who drew this paper?
  "A. I believe it was either Mr. Hackworth or Mr. Schutze who drew it,
  "Q. One or the other of those gentlemen?

- "A. Yes, sir.
  "Q. And you all agreed to that, and had it published?
  "A. Yes, sir; I took it to the printing office myself, and paid for it, and had it

- "A. Yes, sir; I took it to the printing office myself, and paid for it, and had it printed.

  "Q. How long did the excitement on one side against you Republicans, and your fear, centinue?

  "A. It continued a long time, even through the month of December, mestly because my house, as I have stated before, was guarded every night, and I was afraid and did not commence my work of assessing. I generally start right off after New Year's, and commence assessing in the city of Brenham first; but I did not commence there this year until the 15th of January.

  "Q. Why did you delay so long?

  "A. The reason I delayed was, I was afraid to commence assessing right after the excitement, after I had left home. I could hear nothing from Brenham. I was at Burton, only 13 or 14 miles off, but I could hear nothing.

  "Q. What effect did this excitement or movement praduce upon the colored people out there?

  "A. They were afraid, and a great many of them have left the county to my personal knowledge.

  "Q. Where have they gone?

  "A. They have gone to Brazoria, to Wharton, to Matagorda, and Fort Bend, and some of them have moved into Burleson and Lee Counties, that I know of.

  "Q. How many Republicans have removed?

  "A. The only ones that I can say have removed, although I know some of them ran off, or that they were made to leave—

  "Q. Who were those?

  "A. They were five of them that I beard of

- "A. The only ones that I can say have removed, atthough I know some of them ran off, or that they were made to leave—
  "Q. Who were those?
  "A. There were five of them that I heard of.
  "Q. Who were they?
  "A. Ed. L ckett (but he was not made to leave), Mr. Schutze, Mr. Haekworth, and J. L. Moore. Ed. Lockett and Mr. Gilder they left, I believe, the second day after the election, before that meeting at Eldridge Hall. The reason I know that is that he came and borrowed my six-shooter, and he left that day. He said he was afraid there, there was so much excitement. They accused him and Lockett of having armed those negroes down there at Flewellen's, and he was afraid he would get hung, and he left; #n I Ed. Lockett, I believe, staid a day or two longer, then he left, and I have not heard from or seen him since.
  "Q. Do you know where he went?
  "A. I do not know, sir.
  "A. I do not know, sir.
  "A. They staid there quite a while yet before they left.
  "A. Yes, sir (page 604).
  "Mr. EVARTS. I want to put into the record the card of Mr. Potter as published in the Brenham Banner of November 5, 1886.
  "The card referred to is as follows:
  "I from the Brenham Daily Banner, Brenham, Tex., Friday morning, Novem-

- "'[From the Brenham Daily Banner, Brenham, Tex., Friday morning, November 5, 1886.]
- "" Wheever says that I have, either directly or indirectly, advised the colored people to arm themselves, etc., lies willfully and maliciously. Myself and all others who are Republicans have advised the colored people just to the contrary, and have assured them that the conservative element of the white people would not permit any unlawful acts or violence to be performed upon them. The colored people, relying upon our assurances, apprehend no danger, nor are they armed.
  - "'O. B. POTTER.
- "Mr. Evarts. It is conceded, I believe, that the Brenham Banner is a paper
- issued early in the morning?
  "Mr. Jodon. Yes, sir; it is published at night and is carried around early in the morning."
- A. G. Scott, colored, who voted the People's ticket, testifies as follows (see page 71):
- "Q. Do you remember when an indignation meeting was held at Brenham
- by the Democrats?

  "A. I take the Brenham Banner, and I saw in the Banner that on the Friday, I believe it was, if I mistake not, after the shooting of young Dewees Bolton, that Colonel Giddings, I think, called a meeting of the Democrats of the county, and in that meeting they appointed three committees of each precinet, and in my precinet. Chapel Hill, M. Felder was appointed, and—

  "Q. What were those committees appointed for?

  "A. I do not just remember. I think the Banner said they were appointed to take under consideration the grievances of the people or to consider peace. There was great disturbance in the country there.

  "Q. Who was the committee for your precinct that you were about to name?

  "A. Mr. Miles Felder, Mr. Darae, and Mr. Rouse, I think, were the three from my precinct.

- my precinct.
  "Q. Who was the first man you named?

- "A. Mr. Miles Felder. He is a white man there.

  "Q. A Democrat?
  "A. Yes, sir; I suppose so; yes, he told me so.
  "Q. Is he a prominent man?
  "A. Yes, sir; he is a leading man with us down there.
  "Q. Did you have any talk with him about that meeting and what they had done and were to do?
  "A. Yes, sir; I did.
  "Q. What was it?
  "A. The people was in such disturbance that numbers were not coming to church.

- "A. The people was in such disturbance that numbers were not coming to church.

  "Q. When you say 'the people' you mean the colored people, members of your congregation?

  "A. Yes, sir: the colored people were not coming to church, and I had a committee of members of my church on church matters, and on that committee was one man named Henry Creecy, and it was to meet one night and did not meet. Mr. Busby came over the next day and told me that Creecy thought all the Knoxson Hill colored people had orders to leave, and for that reason he feared to come out at night, and I went over the next morning there to ask him about it.

  "Q. Who was Creecy?

  "A. He was steward of my church, a colored man. He said that Mr. Huggins and another white man had been there the evening before and had ordered him and all the colored people on that hill of the Knoxson family to leave the related that was the occasion of the meeting they had held. I told Creecy I did not believe it, and that I would go and see Mr. Feider about it. I saw in the Banner that he was the leading man in that precinet, and I went over there and saw Mr. Feider and Mr. Glass, the justice of the peace, and had a conversation with them about it.
- and saw Mr. Felder and Mr. Glass, the justice of the peace, and had a conversation with them about it.

  "Q. What did they say about it?

  "A. After I called the name of Creecy and five or six colored men who told me they understood they had to move, Felder told me that it was not so, and he told me to tell Henry Creecy (which I did tell him in my pulpit, and several others) that they were just as safe there as he (Felder) was and that they need not leave; that they were not after the colored people, except old man Knox-son; that he had acted with the leading white men who had made incendiary precedes.

- speeches.

  "Q. Who did they say they were after?

  "A. They said it was just for old man Knoxson. That they were not after the colored people, but after the leading men who had made incendiary speeches.

  "Q. Who did they mame?

  "A. They said it was brought about by Gilder and Ed. Lockett; that they advised the colored people on the night Dewees Bolton was killed to go armed; and old man Potter and Steve Hackworth and that crowd; he named some five or six leading speakers that made incendiary speeches; he said those were the ones they were after.

  "Q. You have named Mr. Hackworth and Knoxson?

  "A. Yes, sir; those are the names they called to me.

  "Q. Give me as many as you can of the names of the men that he named as the men they were after.
- "Q. Give me as many as you can of the names of the men that he named as the men they were after.

  "A. He only called Mr. Ed. Lockett and Mr. Gilder.

  "Q. White men?

  "A. Yes, sir; white men.

  "Q. Republicans?

  "A. Yes, sir; they say so.

  "Q. Who else?

  "A. Mr. Hackworth and O. B. Potter and J. L. Moore. They had spoken on Saturday before and said some rough words.

- "Q. Who cise?

  "A. Mr. Hackworth and O. B. Potter and J. L. Moore, They had spoken on Saturday before and said some rough words.

  "Q. They mentioned J. L. Moore, did they?

  "A. Yes, sir.

  "Q. Did he mention Shutze among the rest?

  "A. I do not remember whether he mentioned Schutze or not.

  "Q. What was it he said about those men?

  "A. He said they made incendiary speeches; and went on to say that the administration of these Republican carpet-baggers had been very bad; that they had robbed the county, so that good citizens on the People's ticket, many of them, were tired of them; and I told them that when I voted I voted for the good men; that I had voted for Judge Kirk for county clerk, and for Mr. Lewis.

  "Q. What did they say they were going to do about the carpet-baggers?

  "A. He did not say, only that they were the ones that seemed to have the spirit against which the meeting was held. He did not tell me what they were going to do. He said those were the ones they were after; that they were not after the colored people, and they would not trouble them.

  "Q. Were Mr. Felder and Mr. Glass both present at that conversation?

  "A. Yes, sir. Mr. Glass was the justice of the peace. We were sitting in the doctor's shop by the post-office."

# CONCLUSIONS.

CONCLUSIONS.

The committee has extended its examination into the political transactions in Washington County over the widest range asked for either by the petitioners or by the inculpated parties. It has embraced in its inquiries every topic bearing upon the state of feeling prevalent in any portion of that population, or entering into the rivalries and competitions which animated the political contest out of which arose these outrages upon the freedom of election, upon the peace and order of society, upon the personal safely and immunities in their homes of the brave and unflinching defenders, against whatever odds, of the essential and universal principles of constitutional, legal, and individual liberty which are the common right, all over the land, of citizens of the United States.

essential and universal principles of constitutional, legal, and individual liberty which are the common right, all over the land, of citizens of the United States.

This extensive survey and patient investigation the committee has thought justified by its conviction that the actual case presented not unfairly the features that illustrate the political disorders which afflict portions of our country where the population is at all nearly divided between white and colored citizens. These disorders do not alone disturb and threaten the good fame and security of the neighborhoods where they occur, nor of the States within whose borders these disastrous mischiefs pass unchecked, unredressed, and uncondemned. They tend to weaken and set back the sincere desire of the country at large to obliterate all distinctions, as between geographical or political divisions, in the prevalence of jus ice, peace, good-will, and equality of right in discussing and solving all the problems which affect the welfare of this great people.

While, in the opinion of the committee, the state of feeling in these communities is not ripe to receive just and permanent impressions from investigations such as have been conducted by the Senate, it can not but expect considerable benefit, in the country at large, from a dispassionate and responsible exhibition of the true and the principal traits of this transaction. The moral, social, and political bearings of such a condition of things, as is displayed upon the evidence taken by the committee, upon the community in which it exists address themselves to the calm judgment of thoughtful and patriotic minds in these populations. Not less do they engage the carnest attention of the great body of the American people, which are removed from the environment in which these occurrences take place.

It can not be expected that these incidents, when looked at from opposite points of view, will make the same impression or lead to the same conclusion in all parts of the country or upon all political parties.

Besides, no greater element for the formation of a sound public opinion can be suggested than that a wider and wider spread should be given to a knowledge of and an interest in the real nature of this and similar proceedings wherever they may occur. Brought into the light where "a thousand intelligences may burn upon it," the truth will surely force these evils and dangers, anywhere in this country, and their consequences upon the conscience and the responsibility of the whole people.

The statutes of the United States have treated with circumspection and vigor the difficult province of regulating Federal elections where the constitutional rights of voters are not acceptable to the general sense and interests of the communities as they understand them. These regulations, however, depend, like all other laws, for their efficacy upon the zeal, activity, intelligence, and persistency of their execution. With all these the executive department of the Government is wholly charged under the Constitution. The selection and supervision of all subordinate offices throws upon the Chief Magistrate, the President, the responsibility of seeing that the whole weight of Government is to be thrown in the protection of the elective franchise and the punishment of all violators of the laws that have been passed to guard it. Beyond this every just, every possible authority and influence that attend upon official station should show themselves in every neighborhood as a "terror to evil-doers and a praise to them that do well." Many miscarriages, many shortcomings in reaching complete success in these efforts of the executive government may be looked upon by the people of the country with an indulgent temper. But the absence of such efforts, or a languid prosecution of them, will not long be tolerated by public opinion or left unvisited by political condemnation.

The committee recommends the careful revision of the existing laws regulating elections of members of Congress, and more efficient provisions for the punishment of offens

Mr. COKE obtained the floor.

Mr. HARRIS. I ask the Senator from Texas if he will yield to a

motion to proceed to the consideration of executive business?

Mr. COKE. Yes, sir.

Mr. SAWYER. Before doing that I ask the Senator to yield to me

to present a conference report.

Mr. HARRIS. I will yield for that purpose, the Senator from Texas having yielded to me.

THOMAS WYNNE.

Mr. SAWYER. I submit a conference report and ask that it may be considered at this time.

The PRESIDENT pro tempore. The report will be read. The Chief Clerk read as follows:

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3116) granting an increase of pension to Thomas Wynne having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be inserted in the amendment of the House, insert "of \$35 a month in lieu of the pension he is now receiving;" and the House agree to the same.

PHILETUS SAWYER,

C. K. DAVIS,

D. TURPIE,

Managers on the part of the Senate.

EDWARD LANE,

CARLOS FRENCH,

E. N. MORRILL,

Managers on the part of the House.

The PRESIDENT pro tempore. If there be no objection to the pres-

The PRESIDENT pro tempore. If there be no objection to the present consideration of the conference report the question is on concurring in the same.

The report was concurred in.

#### EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate do now adjourn.
Mr. HARRIS. I hope the Senator from Massachusetts will allow us to have a brief executive session.

Mr. HOAR. I doubt whether there will be Senators enough in attendance on such a session to transact any business of importance.

Mr. HARRIS. I chance to know the fact that there are several Sena-

tors in committee-rooms attending to committee duties who will come

here when their presence is necessary.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate do now adjourn. [Putting the question.] The ayes appear to have it.

Mr. HARRIS. I am inclined to call for the yeas and nays.
Mr. SHERMAN. We have not a quorum here.
Mr. HARRIS. We have a quorum in the building that can be obtained in a few moments.

Mr. HOAR. I withdraw my motion.
Mr. HARRIS. Then I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. EVARTS. Will the Senator from Tennessee allow me to ask whether my request that the report of the Committee on Privileges and Elections be printed in the RECORD was agreed to?

The PRESIDENT pro tempore. It was so ordered. The question is

on the motion of the Senator from Tennessee.

Mr. HOAR. I call for a division on the motion.

The question being put, the ayes were 14.

Mr. HOAR. I will withdraw the call for a division if there is no objection. The Senator from Tennessee undoubtedly would not make the motion unless he had some good reason for it.

Mr. HARRIS. I shall not seek to transact any business unless there

is a quorum here

The PRESIDENT pro tempore. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 14, 1889, at 12 o'clock m.

#### NOMINATIONS.

Executive nominations received by the Senate the 13th day of February, 1889.

INDIAN INSPECTOR.

Eugene E. White, of Prescott, Ark., to be an Indian inspector, vice Eli D. Bannister, resigned.

#### POSTMASTER.

Sam M. Adams, to be postmaster at Troy, in the county of Pike and State of Alabama, in the place of Stephen A. Pilley, whose commission expired January 22, 1889.

PROMOTIONS IN THE ARMY.

Lieut. Col. Edward M. Heyl, inspector-general, to be inspector-general with the rank of colonel, February 12, 1889, vice Breckinridge, appointed Inspector-General with the rank of brigadier-general.

Maj. Henry W. Lawton, inspector-general, to be inspector-general with the rank of lieutenant-colonel, February 12, 1889, vice Heyl,

Capt. Joseph P. Sanger, First Artillery, to be inspector-general with the rank of major, February 12, 1889, vice Lawton, nominated for pro-

# CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1889.

POSTMASTERS.

John T. McAeney, to be postmaster at Lisbon, Ransom County, Dakota

Willard N. Meyer, to be postmaster at Leoti, Wichita County, Kansas. Isaac Conner, to be postmaster at Ponca, Dixon County, Nebraska. William J. Brennan, to be postmaster at Sidney, Cheyenne County, Nebraska.

Charles S. Harvey, to be postmaster at Hudson, Columbia County, New York.

Mrs. Cora E. Clark, to be postmaster at Whitesborough, Grayson County, Texas

Charles E. Aiken, to be postmaster at Brookings, Brookings County,

William E. C. Worcester, to be postmaster at Hudson, Middlesex County, Massachusetts.

Tilghman W. Robbins, to be postmaster at Niles, Trumbull County,

John A. Turley, to be postmaster at Athens, McMinn County, Ten-

Sylvester S. Munger, to be postmaster at Lampasas, Lampasas County,

Edward B. Yancey, to be postmaster at South Boston, Halifax County, Virginia.

REGISTER OF LAND OFFICE.

Ira M. Kurtz, of Indiana, to be register of the land office at North Yakima, Wash.

SECRETARY OF AGRICULTURE.

Norman J. Colman, of Missouri, to be Secretary of Agriculture.

PROMOTIONS IN THE ARMY.

First Regiment of Cavalry.

First Lieut. Thomas T. Knox, to be captain. Second Lieut. Albert L. Mills, to be first lieutenant.

Second Regiment of Cavalry.

Capt. James Jackson, of the First Cavalry, to be major.

First Regiment of Artillery. Lieut. Col. Loomis L. Langdon, of the Second Artillery, to be colonel.

Capt. John Egan, of the Fourth Artillery, to be major. Second Regiment of Artillery.

Maj. Royal T. Frank, of the First Artillery, to be lieutenant-colonel.

Fourth Regiment of Artillery. First Lieut. Richard P. Strong, to be captain. Second Lieut. Adelbert Cronkhite, to be first lieutenant.

# HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 13, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The Journal of the proceedings of yesterday was read and approved.

ELI GARRETT.

The SPEAKER laid before the House the following message; which was referred to the Committee on Invalid Pensions, and ordered to be

To the House of Representatives:

To the House of Representatives:

I return without approval House bill No. 9163, entitled "An act granting a pension to Eli Garrett."

This beneficiary enlisted in the Confederate army December 1, 1862. He was captured by the United States forces on the 26th of November, 1863, and enlisted in the Union Navy January 22, 1864.

He was discharged from the Navy for disability September 8, 1864, upon the certificate of a naval surgeon, which states that he had valural cardiac disease (disease of the heart), and that there was no evidence that it originated in the line of duty.

His claim for pension was rejected in 1882 upon the ground that the act which permits pensions to Confederate soldiers who joined the Union Army did not extend to such soldiers who enlisted in the Navy.

I can see no reason why such a distinction should exist, and the recommendation of the Commissioner of Pensions made in 1887, that this discrimination be removed, should be adopted by the enactment of a law for that purpose.

In this case, however, I am unable to discover any evidence that the trouble with which this beneficiary appears to be afflicted is related to his naval service which should overcome the plain statement of the surgeon upon whose certificate he was discharged, to the effect that there was no evidence that his disability originated in the line of naval duty.

GROVER CLEVELAND.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

JULIA TRIGGS.

The SPEAKER also laid before the House the following message; which was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives :

To the House of Representatives:

I return without approval House bill No. 5752, entitled "An act for the relief of Julia Triggs."

This beneficiary filed an application for pension in 1882, claiming that her son William Triggs died in 1875 from the effects of poison taken during his military service in the water which had been poisoned by the rebels, and in food eaten in rebel houses which had also been poisoned.

He was discharged from the Army with his company, July 24, 1865, after a service of more than four years.

The case was specially examined and the evidence elicited to support the claim of poisoning appears to have been anything but satisfactory.

The mother herself testified that her son was absent from Chicago, where she lived, and in the South from 1868 to 1869, and that he was in Indiana from 1869 to 1874.

to 1874.

The claim was rejected on the 12th day of February, 1887, on the ground that evidence could not be obtained upon special examination showing that the soldier's death was due to any disability contracted in the military service.

While I am unable to see how any other conclusion could have been reached upon the facts in this case, there is reason to believe that a favorable determination upon its merits would be of no avail, since on the 17th day of April, 1888, a letter was filed in the Pension Office from a citizen of Chicago, in which it is stated that the beneficiary named in this bill died on the 27th day of February, 1888, and an application is therein made on behalf of her daughter for reimbursement of money expended for her mother in her last illness and for her burial.

EXECUTIVE MANSION. February 12, 1889.

EXECUTIVE MANSION, February 12, 1889.

CLARA M. OWEN.

The SPEAKER also laid before the House the following message:

To the House of Representatives:

I return without approval House bill No. 11052, entitled "An act granting a pension to Clara M. Owen."

The husband of this beneficiary was pensioned for a gunshot wound in the left chest and lung, received in action on the 30th day of September, 1864. He was drowned August 31, 1884. It appears that he was found in a stream where he frequently bathed, in a depth of water variously given from 5 to 8 feet. He had undressed and apparently gone into the water as usual.

Medical opinions are produced tending to show that drowning was not the cause of death.

cause of death.

No post-mortem examination was had, and it seems to me it must be conceded that a conclusion that death was in any degree the result of wounds received in military service rests upon the most unsatisfactory conjecture.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

Mr. MATSON. I move that the message be referred to the Committee on Invalid Pensions.

Mr. STEELE. I desire to ask my colleague [Mr. MATSON] how many bills with veto messages which have been referred to his committee have been reported back to the House during the present session?

Mr. MATSON. All that have been pressed. [Cries of "Regular order!"

Mr. STEELE. I move as an amendment that the bill and message be referred to the Committee on Pensions.

The question was put; and the Speaker announced that the noes

seemed to have it.
Mr. STEELE. Division.

The House divided; and there were—ayes 78, noes 104.
So the amendment was disagreed to.
The message was referred to the Committee on Invalid Pensions, and ordered to be printed.

SANITARY CONDITION OF CITY HALL, WASHINGTON, D. C.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting, with accompanying correspondence, a letter from the Attorney-General relative to the sanitary condition of the city hall in Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

#### NAVAL APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 12329) making appropriation for the naval service for the fiscal year ending June 30, 1890, and for other purposes, with Senate amendments; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also announced that the Senate had returned to the House with amendments the concurrent resolution to print 50,000 copies of the fourth annual report of the Bureau of Animal Industry; which was referred to the Committee on Printing.

REPORT OF COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House the following concurrent resolution from the Senate:

IN THE SENATE OF THE UNITED STATES, February 12, 1889.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,000 additional copies of the report of the Coast and Geodetic Survey for the fiscal year ending June 30, 1588, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the nse of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Superintendent of the United States Coast and Geodetic Survey.

Mr. RICHARDSON. That resolution has already been reported favorably by the Committee on Printing of the House, and I ask now that it be considered.

There was no objection; and the concurrent resolution was agreed to. Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Yost, on account of sickness.

ADMISSION OF LADIES TO THE FLOOR.

Mr. ERMENTROUT. I offer the following resolution, and ask for its immediate consideration:

Resolved. That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the reserved galleries during the joint session for the count of the electoral vote, and also, upon request of Senators and Representatives, the ladies of their families.

Mr. MILLS. I would suggest an amendment, that the resolution shall read so as not to include the seats reserved for the Senate.

The SPEAKER. The officers of the House will see to the manner of seating the ladies.

The resolution was agreed to.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# THOMAS WYNNE.

Mr. MORRILL. I rise to present a privileged conference report on the bill (S. 3116) granting an increase of pension to Thomas Wynne. The Clerk read as follows:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3116) granting an increase of pension to Thomas Wynne, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be inserted in the amendment of the House insert "of \$35 a month, in lieu of the pension he is now receiving;" and the House agree to the same.

EDWARD LANE,
CARLOS FRENCH,
E. N. MORRILL,
Managers on the part of the House.

PHILETUS SAWYER.

PHILETUS SAWYER, C. K. DAVIS, D. TURPIE, Managers on the part of the Senate.

The bill as it passed the Senate gave to the beneficiary a pension of \$50 per month. The House amended by striking out "\$50" and inserting "for all disabilities now found to exist." It has been shown to your committee that this soldier is in a helpless condition and not likely to live many months, and that the House amendment would be delaying the relief sought without lessening the amount.

The report of the committee of conference was agreed to.

Mr. MORRILL moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the mo-tion to reconsider be laid on the table.

The latter motion was agreed to.

#### SMALLS-ELLIOTT CONTESTED-ELECTION CASE.

Mr. CRISP. It was my intention to ask the House to consider for half an hour at least the pending contested-election case before the time arrived when the Senate is to meet with the House to count the electoral vote. But suggestions have been made to me that there is so much confusion on the floor, and there will necessarily be from now until then, that perhaps that is impracticable. I want, however, to make this statement, that there are two hours and thirty-seven minutes of debate remaining upon this case under the agreement—one hour and twentyfive minutes on this side, and an hour and twelve minutes on the other side. Four years ago, on a like occasion, the Senate remained in the House one hour and seventeen minutes. If no greater time is taken to-day than was taken then, the House will be in a position by half past 2 o'clock to resume the consideration of this case. The statement I wish to make is that we shall then ask that the case be resumed and that the House remain in session until it is disposed of. In that way we can reach a vote by about 5 o'clock. I make this announcement now so that members may know that we intend to pursue this course in regard to the pending case, in order that it may be disposed of tobut as there is so much confusion on the floor I shall not ask to call it up until immediately after the Senate retires.

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

#### NATURALIZATION LAWS.

Mr. OATES, from the Committee on the Judiciary, reported, as a substitute for the bill (H. R. 11393) to amend the naturalization laws of the United States, a bill (H. R. 12577) to amend the naturalization laws of the United States.

Mr. Speaker, I ask unanimous consent that that bill, with the substitute and report, be printed and recommitted to the Committee on the Judiciary, with leave to report back at any time. The SPEAKER. Is there objection to the request of the gentleman

from Alabama?

Mr. O'NEILL, of Missouri. I object.

The SPEAKER. The bill will be printed and recommitted if the gentleman from Alabama so desires.

Mr. OATES. I do.

The bill was recommitted, and ordered to be printed.

Mr. COLLINS. Mr. Speaker, on behalf of the gentleman from Ohio [Mr. SENEY] and myself, I ask leave to file the views of the minority on that bill.

There was no objection, and it was so ordered.

## CAPT. GEORGE S. ANDERSON.

· Mr. ROCKWELL, from the Committee on Foreign Affairs, reported back the joint resolution (H. Res. 235) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of chevalier of the National Order of the Legion of Honor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ROCKWELL. It is understood and agreed that the minority shall have leave to file their views at any time.

The SPEAKER. If there be no objection, that will be so ordered.

There was no objection.

# CHIEF ENGINEER GEORGE W. MELVILLE,

Mr. WISE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2659) for the rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### DEBT OF ARKANSAS TO THE UNITED STATES.

Mr. JACKSON. Mr. Speaker, I ask leave to file the views of the minority in relation to the bill (H. R. 3288) reported yesterday from the Committee on Public Lands, authorizing the settlement of the debt due to the United States by the State of Arkansas.

There was no objection, and it was so ordered.

# FORT SEDGWICK MILITARY RESERVATION.

Mr. TURNER, of Kansas, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 8634) to provide for the sale of the Fort Sedgwick military reservation, in the State of Colorado and Territory of Wyoming, to actual settlers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### INDIAN APPROPRIATION BILL.

Mr. PEEL, from the Committee on Indian Affairs, reported a bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ARIZONA, IDAHO, AND WYOMING.

Mr. SPRINGER (when the Committee on the Territories was called). Mr. Speaker, I desire to present a report from the Committee on Territories, but as it is not quite ready, I ask leave to file it with the Clerk during the day.

Mr. COX. What report is it?

Mr. SPRINGER. It is a bill to enable the people of Arizona, Idaho. and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States. The SPEAKER. Is there objection to the request of the gentleman

from Illinois?

There was no objection.

#### ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9983) granting an increase of pension to Moses W.

Adley;
A bill (H. R. 9867) for the relief of Catherine Millen;
A bill (H. R. 10995) granting a pension to John W. Sidwell;
A bill (H. R. 11491) granting a pension to J. M. Stevens, Company

A bill (H. R. 5224) granting a pension to Jacob Zannuck.

#### MARTHA RHODES.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12428) for the relief of Martha Rhodes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

#### WARREN F. WOOD.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 7914) to pension Warren F. Wood; which was laid on the table, and the accompanying report ordered to be

#### ISAAC D. FULLER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5154) to increase the pension of Isaac D. Fuller; which was laid on the table, and the accompanying report ordered to be printed.

#### JOHN DILLON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 10900) granting a pension to John Dillon; which was laid on the table, and the accompanying report ordered to be printed.

### VALENTINE M. CURRIN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 11859) granting an increase of pension to Valentine M. Currin; which was laid on the table, and the accompanying report ordered to be printed.

## ARTIFICIAL EYES FOR PENSIONERS.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 9152) to amend the act approved August 15, 1876, allowing artificial limbs, so as to allow artificial eyes to p-n-sioners; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### JOHN CURRON.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 11919) for the relief of John Curron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MES. MARGARET E. HARNIE.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10785) for the relief of Mrs. Margaret E. Harnie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MARY A. BAILEY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11829) to pension Mary A. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# JONATHAN HAYES.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 6931) granting a pension to Jonathan Hayes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### GEORGE HUNTER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12510) granting a pension to George Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### AMANDA L. WISNER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11486) granting a pension to Amanda L. Wisner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### SARAH M'CLENACHAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11526) granting a pension to Sarah McClenachan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be

#### ELIZABETH L. SNELL.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12482) to increase the pension of Elizabeth L. Snell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM SCHAFFER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3150) granting a pension to William Schaffer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# POWELL'S BATTALION, MISSOURI MOUNTED VOLUNTEERS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3513) granting pensions to Powell's Battalion, Missouri Mounted Volunteers; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### JAMES H. HALLIN AND OTHERS.

Mr. KERR, from the Committee on Claims, reported back with amendments the bill (H. R. 11995) for the relief of James H. Hallin, Hirman Avery, and Joseph Tesson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WASHINGTON AND SANDY SPRING RAILROAD COMPANY.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with amendments the bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# CHANGE OF REFERENCE.

On motion of Mr. CLARDY, by unanimous consent, the Committee on Commerce was discharged from the further consideration of Miscellaneous Document No. 88, in reference to a forfeiture of the Pacific railroad grants; and the same was referred to the Committee on Pacific Railroads.

#### ORDER OF BUSINESS.

Mr. ENLOE. Mr. Speaker, the Committee on the Post-Office and Post-Roads instructed me to present to the House a report and ask unanimous consent for its present consideration. I now send it to the desk.

The SPEAKER. That can not be under this call; the Chair is now

executing the regular order, which has been demanded.

Mr. PEEL. I wish to submit a conference report.

Mr. CRISP. I move that the House take a recess until five minutes before 1 o'clock

The SPEAKER. The gentleman from Arkansas presents a conference report which the Chair thinks will have precedence of that motion.

#### ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6512) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.
H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.

Mr. HOLMAN. I ask that the Senate amendments be read. The Clerk proceeded to read the amendments.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a joint resolution (S. R. 125) authorizing the heirs of Rear-Admiral Charles W. Baldwin, United States Navy, to receive a snuff-box set in diamonds from the Czar of Russia; in which the concurrence of the House was requested.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, and for other purposes.

Also, that the Senate had passed the bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

# WITHDRAWAL OF CERTAIN PUBLIC LANDS, OREGON.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the joint resolution (H. Res. 75) withdrawing from public sale and settlement vacant public lands along Columbia River between The Dalles City and Celilo, being in Oregon and Washington Territory, as a reservation for future improvement of river navigation between said points; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana demands the reading of the Senate amendments to the conference report submitted by the gentleman from Arkansas.

Mr. CRISP. If this is to lead to discussion I shall raise the ques-

tion of consideration upon it.

Mr. PEEL. I do not think it will take any time.

The SPEAKER. The question of consideration is raised, which will be regarded as pending, and the regular order of business will be suspended for the present, as the Chair is informed that the Senate will leave its Hall at five minutes before 1 o'clock.

The Chair desires to call the attention of the House to the fact that under the act of February 3, 1887, in regard to the proceedings of the two Houses in joint convention for the counting of the electoral vote, it is provided that the Senators shall be seated in that part of the Hall on the right of the Presiding Officer.

## COUNTING OF THE ELECTORAL VOTE.

At two minutes before 1 o'clock p. m. the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall, preceded by its Sergeant-at-Arms and headed by the President and Secretary of the Senate, the members and officers of the House rising to receive them.

The President of the Senate [Mr. Ingalls] took his seat as Presiding Officer of the joint convention of the two Houses, the Speaker [Mr.

CARLISLE] occupying the chair on his left.

The PRESIDENT OF THE SENATE. This being the day and the hour appointed for opening the certificates and counting the votes of electors for President and Vice-President, the Senate and House of Representatives have met together pursuant to the Constitution and laws of the United States. If there be no objection to the electoral vote of the State of Alabama, the certificate will be read by the tellers, who will make a list of the votes therefrom.

There being no objection, Mr. MANDERSON (one of the tellers) read at length the certificate of the vote of the State of Alabama, giving 10 votes for Grover Cleveland, of the State of New York, for President of the United States, and 10 votes for Allen G. Thurman, of the State of Ohio, for Vice-President of the United States.

The PRESIDENT OF THE SENATE. Following the precedents

observed upon former occasions, unless in any case there be a demand that the certificate be reported in full, the tellers, having ascertained the certificates are in due form and properly authenticated, will omit the executive certificate of the ascertainment of the electors appointed and the preliminary formal statement of the proceedings of the college.

Mr. HARRIS (one of the tellers) read the certificate of the electors of the State of Arkansas, and announced the electoral vote of that State

for President and Vice-President.

Mr. EDMUNDS. I ask by unanimous consent the tellers, having examined the certificates and found them to be regular, will simply announce the result and the number of votes of the State, whatever the result may be, and save the time of reading the papers. We all understand they have examined them and found them to be regular.

The PRESIDENT OF THE SENATE. If there be no objection, that

course will be pursued. There was no objection.

The tellers then proceeded to announce the electoral votes of the States of California, Colorado, and Connecticut.

Mr. COX. I desire to call the attention of the President to the

language of the law of February 3, 1887.
The PRESIDENT OF THE SENATE.

The gentleman from New York can proceed only by unanimous consent, debate not being in order. Mr. COX. I do not propose to debate, but will have the law read from the Clerk's desk.

The PRESIDENT OF THE SENATE. The Chair thinks that in

the nature of debate.

Mr. COX. I will ask unanimous consent to read one sentence of the law, in order, if possible, to prevent any improper precedent from creeping into the count of the electoral vote. "Upon such reading of any such certificate or paper the President of the Senate shall call for objections, if any." That means, sir, if anything, objections after the reading.

The tellers then proceeded to announce the electoral votes of the States of Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, and Ohio, to which there was no objection.

During the announcement of the electoral vote of Indiana there were

manifestations of applause.

The PRESIDENT OF THE SENATE. The Chair is confident his suggestion that manifestations of applause or disapproval are in viola-tion of the rules of the Senate and of the House of Representatives, and that they disturb the dignity and decorum which should characterand that they disture the dignity and decorum which should characterize the great transaction which is now proceeding in the presence of the representatives of the American people will be sufficient to prevent a repetition of the disorder which has just occurred.

When the State of Oregon was reached,
The PRESIDENT OF THE SENATE. The President of the Senate

has received two certificates and two other papers purporting to be certificates from the State of Oregon. He is required by law to deliver them all, and delivers them to the tellers, who will, if there be no objection, read those certificates which are authenticated by the signatures of the electors certified by the governor of Oregon to have been duty appointed in that State, as appears by the copy of such certificate, transmitted to the two Houses of Congress; and will make a list of the votes as they

Senator MANDERSON (one of the tellers). The tellers have examined the different certificates presented to them, and they find but one in duplicate that is certified by the governor of the State of Oregon, over the great seal of that State. It seems to be in due form, and by it it appears that Benjamin Harrison, of Indiana, received 3 votes for President of the United States, and Levi P. Morton, of New York, re-

ceived 3 votes for Vice-President of the United States. There was no objection.

The tellers then proceeded to announce the electoral votes of the States of Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to which there was no objection.

The PRESIDENT OF THE SENATE. The certificates having now all been opened and read, the tellers will deliver the result of the ascertainment and counting of the votes to the President of the Senate.

Senator MANDERSON (one of the tellers). The tellers on the part of the Senate and House of Representatives report the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1889.

The following is the report:

List of votes for President and Vice-President of the United States for the constitutional term to commence on the 4th day of March, 1889.

s to		For President.		For Vice-President,	
Electoral votes to which each State is entitled.	States.	Benjamin Harrison, of Indiana.	Grover Cleve- land, of New York.	Levi P. Morton, of New York,	Allen G. Thur- man, of Ohio.
10	Alabama		10		1
7	Arkansas	200000000000000000000000000000000000000	7		111111111111111111111111111111111111111
8	California	8		8	
3	Colorado	3		3	
6	Connecticut		6		
3	Delaware		3		
4	Florida		4		4
12	Georgia		12		1
22	Illinois	22		22	
15	Indiana	15		15	
13	Iowa	13		13	
9	Kansas	9		9	
13	Kentucky	Surger State	13	and a district	
8	Louisiana		8		1000
6	Maine	6	CONTRACTOR OF THE PARTY OF THE	6	A Comment
8	Maryland		8		
14	Massachusetts	14		14	
13	Michigan	13		13	
7	Minnesota	7		7	********
9	Mississippi		9		
16	Missouri		16	***************************************	1
5		5	10	5	
3	Nebraska	3		3	**********
4	New Hampshire.	4		4	
		-	9	*	
9	New York	36	9	36	
36 11	New York	00	11	00	
23	Ohio.	23	11	23	1
		3		3	
3	Oregon			30	
30	Pennsylvania	30		30	*******
4	Rhode Island	4		4	
9	South Carolina		9		
12	Tennessee		12		1
13	Texas		13		1
4	Vermont	4		4	
12	Virginia		12	***************************************	
6	West Virginia		6	************	
11	Wisconsin	11		. 11	
401	The same of the sa	233	168	233	10

CHARLES F. MANDERSON,
ISHAM G. HARRIS,
Tellers on the part of the Senate.
DANIEL ERMENTROUT,
CHARLES S. BAKER,
Tellers on the part of the House of Representatives.

Senator MANDERSON (one of the tellers). The total number of votes cast is 401, of which Benjamin Harrison, of Indiana, receives for President of the United States 233; Grover Cleveland, of New York, 168; and of which Levi P. Morton, of New York, receives for Vice-President of the United States 233 votes, and Allen G. Thurman, of

The PRESIDENT OF THE SENATE. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of

the United States is 401, of which a majority is 201.

Benjamin Harrison, of the State of Indiana, has received for President of the United States 233 votes, and

Grover Cleveland, of the State of New York, has received 168 votes. The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 401, of which a majority is 201.

Levi P. Morton, of the State of New York, has received 233 votes,

Allen G. Thurman, of the State of Ohio, has received 168 votes. This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that Benjamin Harrison, of the State of Indiana, is elected President of the United States, and that Levi P. Morton, of the State of New York, is elected Vice-President of the United States, each for the term beginning March 4, 1889, and will be entered, together with a list of the votes, on the Journals of the Sen-, ate and House of Representatives.

The count of the electoral votes having been completed and the result declared, the joint meeting of the two Houses is dissolved, and the Senate will now return to its Chamber.

The announcement of the vote was received with applause on the floor and in the galleries.

The Senate retired from the Hall; and (at 2 o'clock and 20 minutes p. m.) the Speaker resumed the chair, and the House was called to

#### ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] raises the question of consideration against the conference report presented by the gentleman from Arkansas [Mr. Peel].

Mr. PEEL. Mr. Speaker, I suppose that report can be called up at any time as a privileged matter.

The SPEAKER. The gentleman will have a right to call it up at

any time.

Mr. PEEL. Then I will not insist upon its consideration at this time.

SOUTH CAROLINA CONTESTED ELECTION-SMALLS VS. ELLIOTT. Mr. CRISP. Now, Mr. Speaker, I want to state again to the House,

so that there may be no misapprehension as to the intention of those having the case of Smalls es. Elliott in charge, that there are two hours and thirty-seven minutes still remaining for debate; at the end of which time, by order of the House, the previous question is ordered. That will bring us to about 5 o'clock, and at that time we expect to ask a vote and to have the matter determined before the House adjourns. If I can be allowed to control the time on this side of the House I now yield thirty minutes to the gentleman from South Carolina [Mr. HEMP-

HILL]

Mr. HEMPHILL. Mr. Speaker, if I can have the attention of the House for a few minutes, after the proceeding which has occupied their thoughts for the last hour, I desire to make some response to the charges that have been made in the debate upon this election case against the people whom I in part represent upon this election case against the people whom I in part represent upon this floor. I have not seen anything during my service in Congress that seems to excite so much delight upon the part of our Republican friends across the aisle as the privilege or opportunity of abusing one great section of this country, and one who has listened to the discussion of this election case would conclude that the unwarranted, the wanton, and often the malicious abuse of the Southern people is about the only "unfinished business" that the Republican party has left to it.

A great deal has been said about the registration law of South Caro-

A great deal has been said about the registration law of South Carolina, and I want to explain to the House some of its provisions in order that it may go before them and before the country in its true light. The registration law of South Carolina was passed in pursuance of a provision of the constitution of the State, which was adopted by the Republican party and put upon the State of South Carolina by Republican votes, and it is in exact keeping with the constitutional provision which they adopted. If it is not in conformity with it, then the courts of South Carolina are open to every man who thinks that his rights are in any way infringed. It is a fact, however, that not a single man, white or black, Democrat or Republican, has ever questioned the constitutionality of that law. Not only is it a law passed in exact accordance with the constitution of the State adopted by the Republicans, but it is a fair and a just law. In many States of this Union it is required that a man shall register every time he votes.

In South Carolina if a man registers once in his lifetime and will preserve his registration certificate so that he may be identified at the polls, and will not change his residence, his voting precinct, or his

county, he has a right to vote without any additional registration as long as he lives. Surely no one can object to a law of that character. If he loses his certificate or if it becomes defaced or in any way gets out of his hands without his fault, then all that he has to do is to go to the registrar, upon the first Monday of any month in the year except the months immediately preceding the election, and have a new certificate issued upon making affidavit that the old one has been lost, misplaced, or defaced. In addition to that, if he is not satisfied with the result of his application he has a right of appeal to the board of supervisors in any county in the State, and if he is not satisfied with its decision he has the right of appeal to the circuit judge, and from there he can appeal to the supreme court of the State.

Now, after all the testimony that has been adduced in reference to this case, and after all that has been said about the law of South Carolina with reference to registration, it turns out that of the thirty-two thousand colored men in this district who are said to be voters and who are claimed by the Republicans as being devoted to the Republican party, only twenty-two men-only twenty-two out of thirty-two thousand-attempted to register and were not registered, and not a single one of them had so good a case that he was willing to appeal to the board of supervisors. That disposes, I think, of the whole question of registration. If those thirty-two thousand men are fit to be voters in the State of South Carolina, or in any other State (and they are voters under the laws of that State and under the laws of the United States)-if out of the whole thirty-two thousand only twenty-two have attempted to register and have had their registration refused, and if not one of those appealed from the decision of the registrar, then I say, Mr. Speaker, that all this gabble and talk about the unfairness of the registration law of South Carolina is the merest twaddle, and is intended for a different purpose than to reach a just conclusion in regard to this case

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask

him a question?
Mr. HEMPHILL.

Mr. HEMPHILL. Certainly.
Mr. JOSEPH D. TAYLOR. Is it true that those who were twentyone years of age at the time of the passage of that registration law
who did not then register can not register now?
Mr. HEMPHILL. There has been no such decision. It has been

stated upon the floor of this House that if a man comes into the State he can not now register. No man who had read the laws of the State could have made such an assertion if he intended to be honest. In connection with this subject a good deal has been said about one Bampfield, the son-in-law of the contestant in this case. The contestant praised him, and I have no doubt that he had a right to praise him, and I want to take occasion to say here that the spirit exhibited by the contestant in this case contrasts most favorably with the spirit manifested by other gentlemen who have presented arguments upon it on this floor.

Now, what does Bampfield himself say? He had a number of certificates issued by the registrar of Beaufort County. One of them, by some mishap, did not reach him. What does he do? He writes to the registrar saying that "the old man will be disappointed" if he does not get his certificate, and then he adds, "Thanking you for your uniform kindness and courtesy in these matters, and hoping that I may hear favorably from you, I am, very truly yours, S. J. Bampfield." That is the letter of the son-in-law of the contestant in this case. He thanked the registrar of that county for his uniform kindness and courtesy, and yet. when this case comes upon the floor of this House, every registrar in the State of South Carolina is branded as a corruptionist and a fraud, and as a man who swindles the people out of their dearest rights. Now, I do not want to consume very much time upon this point, and will call the attention of the House to the election law of the State of South Carolina.

election law of the State of South Carolina.

Mr. JOSEPH D. TAYLOR. You did not answer my question.

Mr. HEMPHILL. Yes, sir; I did answer your question.

Mr. JOSEPH D. TAYLOR. If a man were living in the State—

Mr. HEMPHILL. If he were living in the State and were to apply to the judges for a certificate he would, in all human probability, have a certificate issued to him. There has never been any decision that he can not have it, and I have no doubt in the world that he would succeed if he made any effort to get it. There is no pretense here that any one under these circumstances, has made an effort to get a regisany one, under these circumstances, has made an effort to get a regis-

tration certificate and been refused.

Mr. JOSEPH D. TAYLOR. What does the law provide in regard to it?

Mr. HEMPHILL. The law provides that he shall have a certifi-

cate, in my opinion.
Mr. DUNHAM. Is that all?

Mr. HEMPHILL. I can not give you anything but my opinion, and I do not think that any man can give anything more than an opinion in such a matter. The law is there upon the statute-book for the construction of the court, and I say that not a single man has been denied a registration certificate who was entitled to it and has used his legal remedies to obtain it.

Mr. BURROWS. Will the gentleman allow me to read the law?
Mr. HEMPHILL. I have not time to have the law read now.
Mr. BURROWS. Only three lines.

Mr. HEMPHILL. I have no objection to your reading three lines.

Mr. BURROWS. After providing for the registration referrred to, that of 1882, the language or the section continues:

After the said next general election the said books shall be reopened for the registration of such persons as shall thereafter become entitled to registration.

Those entitled to registration "thereafter." That is the language of the law.

Mr. HEMPHLIL. But that does not exclude other people. When you provide that one man shall have a certain privilege you do not say that other men shall not have that privilege. It has never been so decided in South Carolina, and I think the opinion upon this side of the aisle will stand as of equal authority with the opinion on the other side of the aisle; and if the people of South Carolina are satisfied with the way the law stands, I need not trouble myself about it; neither need you.

Mr. MORGAN. Has any qualified voter ever been refused registra-

tion?

Mr. HEMPHILL. Not a single voter that I know of. Mr. KERR. Does the gentleman think it is none of our business

Mr. KERR. Does the gentleman think it is none of our business how the people vote in South Carolina?

Mr. HEMPHILL. Oh, no; I do not state that; but I say they have their rights, and they know what they are. If they are not satisfied with the administration of the registration law they can go to the courts; and they have not done so. That is what I say.

I wish now to call attention to the election law of the State. It is

said that the election law of South Carolina is intended to cheat the Republicans out of their representation. I deny it. I am not going Republicans out of their representation. I deny it. I am not going to pretend that the election law there is for the purpose of putting the Republicans into power; because we believe there that a white man is just as good as a negro—that is what we believe. We are perfectly willing that a negro shall have all his rights, but we do not believe he should have his rights and ours, too; and we are determined that he shall not, if we can keep him from it. That is all there is in it. [Ap-

plause on the Democratic side.]

Now, Mr. Speaker, I say that this election law is legal and constitutional. In one sense it is nothing more than a qualification for electors upon the educational principle; and if that can be adopted in Massa-chusetts why can it not be adopted in South Carolina?

But it is said by the Republicans that all the county canvassers and managers of elections are appointed by the governor. This is exactly the same thing that was done when the Republicans were in power in South same thing that was done when the Republicans were in power in South Carolina. For eight of the longest years that any people ever suffered under any tyranny the Republicans were absolutely in power there; yet they had a law that the governor should appoint every commissioner of election, and they appointed the managers, just as is done under the existing law. If the Republicans are satisfied with that, and the Democrats are satisfied with it, why should gentlemen on this floor interfere, unless from that overweening desire to ram their hands into something that does not concern them? I say that the Republicans could have changed that law if they had wanted to do so, and they did not do it.

In addition to that the Republicans had an election law there which, I suppose, was entirely satisfactory to our friends on the other side. Under that law, after an election the managers who had received the votes simply took the box home with them and did whatever they pleased with it for three days after the votes were cast. There was no law requiring the managers to count the vote in public; there was no law requiring them to carry the ballots at once, with the box locked up, to the county canvassers. But they held the election, and for three days they kept the boxes at their own homes and did with them as they saw fit. The result was that no matter how many Democratic votes were cast, or how many Democratic voters there were to cast them, the Republicans every time came out on top. Now, the present election law in our State—the law passed by the Democrats requires that as soon as the election is over there shall be a public count of the votes cast, and that every man who chooses to do so may see the result of the election.

Something has been said also in regard to the shifting of boxes on the day of the election. Now, let us see about that. It is claimed by the contestant that as soon as the voters arrange their ballots in a particular way the managers shift the boxes. What does the law say on this subject? It provides that "each box shall be labeled in plain and distinct Roman letters (just as plain as they can be printed) with the name of the office or officers voted for; and the managers, on the demand of the voter, shall read to him the names on the boxes" as they stand there before him. In other words, if the voter can not read and asks the manager to read to him, it is the sworn duty of the manager to read him the name upon every single box of the voting precinct. And at every voting precinct in South Carolina where Congressmen and electors for President and Vice-President are voted for there is a Republican supervisor, who can show by his affidavit or otherwise that that law has been violated, if there has been any violation of it. Yet there is no pretense on the part of any witness that any such jugglery as has been suggested here has ever been carried on or that a single manager has refused to perform his duty in this regard. Mr. Speaker, I merely wanted to say that much with reference to the election laws of my State.

There is another thing to which I would like to call attention. A

great deal has been said on this floor and elsewhere in the United States, especially in another body connected with this Congress, about the suppression of votes in the Southern States. Some people have whipped themselves up into a great passion about this. The gentleman from Illinois [Mr. Mason] who spoke the other day prematurely, and the gentleman from Illinois [Mr. ROWELL] who spoke more recently on this question, have delivered some terrific philippics against the Southern people for the suppression of the votes, as they say.

They declared on the floor of the House of Representatives that it is nothing less than robbery, and that the people of South Carolina stand convicted before their countrymen of the United States of a great crime

in depriving these people of their votes.

Mr. ROWELL. If the gentleman refers to me he will find I referred to no voters but those in South Carolina.

Mr. HEMPHILL. I say in South Carolina; that is what I am taking care of now.

Mr. ROWELL. I confined myself to the Seventh district of South

Carolina. Mr. HEMPHILL. Well, we will take the Seventh district of South Carolina, if that will satisfy my friend any better. I say the speech he made and the violent passion he worked himself into, knowing the ability which he possesses, to me are strong proof that the gentleman, not having a good case on the facts, was adopting the old plan of abusing the other side when he could do nothing better. [Laughter and

applause.]
Mr. ROWELL. I wish to say I was neither in a passion nor did I go outside of the record, but discussed simply and purely the facts in

the case

Mr. HEMPHILL. Let us get down to the facts as to these votes. Take, for instance, the vote of California, which usually goes Republican unless now and then a sudden streak of virtue passes through the State and it goes Democratic. California gave in 1884 58.8 per cent. of its vote, while Alabama, which goes Democratic, gave 59 per cent. of its vote. Connecticut gave 77.4 per cent. of its vote, while Florida gave 97 per cent. of its vote. Maine, where the great Republican statesman comes from, the leading statesman of this country in the opinion of a great many men, gave 69.1 per cent. of its vote, while Tennessee gave 78.6 per cent. of its vote. I have here a table which shows the per cent. of the vote cast in six other Northern States and in six South-

States.	Vote.	States.	Vote.
Nevada	Per ct. 40.9 60.3 82.2 62.1 62.1 42.6	South Carolina	Per et. 44.5 91.1 84.7 85.2 73.3 50.3

If you add up the percentage of votes in these nine Northern and nine Southern States you will find in the Northern States it is 61.72 per cent., while in the Southern States it is 73.74 per cent.; so that in nine States of the South we have cast 12.2 per cent, more votes than you have cast in an equal number of States in the North.

Mr. JOSEPH D. TAYLOR. Where does the gentleman get his fig-

ures from as to the Southern vote?

Mr. HEMPHILL. I got the Southern vote from the same book I got the Northern vote from.

Mr. JOSEPH D. TAYLOR rose.

Mr. HEMPHILL. It is the vote of 1884; and I will give you something more if the gentleman will only keep quiet. Down in Florida it takes 28,268 men to elect a member to this House, and Florida is a Southern State; but in Massachusetts, where they have learned and patriotic men, where the people are supposed to have so much liberty, and where the breezes which blow through the heavens are not half as free as the voters on election day are said to be, it takes only a vote of 20,440 to elect a member of Congress. In Florida it takes 28,268, while in Massachusetts it takes 20,440.

Mr. MILLIKEN. How much does it take to elect a member of Con-

gress in South Carolina?

Mr. HEMPHILL. I will answer. [Laughter.] I do not say we cast so many votes, because we have a way down there—whites and blacks-when we get a good Democrat in we let him stay.

Mr. MILLIKEN. How many votes did it require to get to that

happy state? [Laughter.]
Mr. HEMPHILL. Do not trouble yourself about that little matter. We will take care of ourselves. The trouble with us is that you want to take care of us. We can take care of ourselves if you will only let

Let us come to Rhode Island. In the first district it is— Mr. LONG. You know it does not trouble Massachusetts men.

Mr. HEMPHILL. I understand that Massachusetts and South Carolina have many points in common. You know how to get along. You let well enough alone. Take the great State of Rhode Island, a

great State in many respects, with not a very great area in size and not very big on the map. Our friend Mr. SPOONER, a mild-mannered, good, conscientious gentleman, comes here from a district that takes 6,636 votes to decide who shall represent it, while in the second district, where our friend Mr. Arnold comes from, it takes 15,630 votes to determine who shall represent it. Now, gentlemen, according to your logic, and I will not depend upon my own statement as to what your logic is, for I have it here from Mr. KENNEDY, a gentleman on your side, who delivered a speech on the tariff question—according to your own logic, there is something wrong about that, for he says, in speaking about the general suppression of votes in Alabama:

	Votes.
First district, Jones, Democrat, no opposition	4,236
Second district, Herbert, Democrat, no opposition	5.659
Third district, Oates, Democrat, no opposition	4.662
Fifth district, Cobb, Democrat, no opposition	6, 333
	100000000000000000000000000000000000000

Could there by any possibility be a more systematic and determined suppression of the votes of any part of the Union? And yet it is by these very votes, which have been literally blotted out, that these gentlemen are enabled to stand here to-day in control of this Chamber and threaten the destruction of that system of protection which has builded up and diversified the industries of this country and enriched it beyond any other nation upon the civilized globe.

While the votes of these Southern States are being suppressed, and one man, by virtue of his living south of Mason and Dixon's line, is enabled by the ballot to wield as much political power as eight or ten men in other portions of the Union, it may be well for us to inquire how long this condition of affairs shall continue?

In the great State of New York, upon whose chariot wheels the Democratic party is clinging with the departing strength of despair, the election of 1886 showed in the—

	Votes.	
First district, Mr. Belmont, Democrat	32, 594	£
Twelfth district, Mr. Cockran, Democrat	26, 782	2
Ninth district, Mr. Cox, Democrat	22,078	3

ONE DEMOCRAT SOUTH EQUALS TEN DEMOCRATS NORTH,

I commend these figures to my Democratic friends for their careful consideration. Not only is the Republican party completely destroyed in these States, but one Democrati in Georgia, Mississippi, Alabama, and Louisiana is as powerful as ten Democrate in the North. One Democratic ballot in Georgia is equal to ten Democratic ballots cast in Indiana, Illinois, New York, and Ohio, and greater than fifty in Oregon or Dakota.

In short, it requires about 30,000 votes in Ohio, New York, Pennsylvania, Indiana, and Connecticut to elect one man to Congress, while 27,433 elect ten Representatives in Georgia.

Could anything be more preposterous? Is it possible to present a more outrageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuss be given for such a wholesale destruction of the ballot-boxes of the land?

Mr. Speaker, when I hear such statements as these I can not help sympathizing with my Republican friend, Mr. Spooner, and these sympathizing with my Republican friend, Mr. Spooner, and these gentlemen from Massachusetts, who, remembering the small vote they have received to give them seats upon this floor, must have felt these arguments cutting into their souls like the cold steel of the knife in the heart of a man dying by the assassin's hand. They must have realized this in a double sense, coming from their own side and knowing that according to the logic of the argument presented they were here occupying seats, pretending to represent their constituencies, by the suppression of votes and by willfully and fraudulently depriving the people of Massachusetts and Rhode Island of their dearest rights.

Under this wicked system of the suppression of votes in Northern

Under this wicked system of the suppression of votes in Northern States 40 per cent. of the voters of Massachusetts were wrongfully deprived of their suffrage, and one Republican protectionist in a district in Rhode Island is equal to four tariff-reform Democrats in Florida.

In the language of the Republican orator, Mr. KENNEDY, of Ohio-Could anything be more preposterous? Is it possible to present a more out-rageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuse be given for such a wholesale destruc-tion of the ballot-boxes of the land?

If because the people of the State of South Carolina failed to cast their ballots you are going to argue that there has been a suppression of the votes there, I ask you to apply your own argument and your own logic to the States of Massachusetts and Rhode Island and other States which I could name, and when you do that you will begin to put yourselves in a position to be heard by the country and to command some degree of respect for that advice given to the South that seems to be the chief delight of many Republican statesmen of these

The same state of things as to the suppression of the Democratic vote exists in Virginia, as shown by the following table:

		Lies A	1884.		1887.	
Counties.	Black.	White.	Repub- lican.	Demo- cratic.	Repub- lican.	Demo- cratie.
Amelia	7,340 5,650 8,144 6,701	3,037 2,757 3,012 3,361	1,048 1,088 1,277 1,442	590 540 453 750	748 671 970 916	None. None. 20

Mr. GALLINGER. What is the date of that election?

Mr. HEMPHILL. I will put the dates in with the tables that I

will publish.

Let me call your attention to this: In the State of Virginia there are four counties, Amelia, Greenville, Nottoway, and Sussex, in which there were 2,334 Democratic voters in 1884. In 1887 there was not a single Democratic vote in three of these counties and only 20 in the other. Now, what has become of those votes? Why, according to the Republican logic, there has been a most outrageous suppression of the free health of a free result. In the world the Democratic voters in the country of the free health of a free result. free ballot of a free people. In other words, the Democrats in Virginia did not have the power to cast their ballots for the men of their choice,

if your reasoning is to hold good.

Now let us compare the votes of some other Northern and Southern States-the fourteen Southern States of South Carolina, Georgia, Alabama, Arkansas, Kentucky, Tennessee, Delaware, Maryland, Missouri, Texas, Virginia, West Virginia, North Carolina, and Fiorida, with the fourteen Northern States of Nevada, Rhode Island, California, Massachusetts, Vermont, Maine, Colorado, Connecticut, New Hampshire, Illinois, Pennsylvania, Oregon, Minnesota, and Ohio-and we reach

the following:

The four border States of Delaware, Maryland, Virginia, and West Virginia cast, out of 744,070 voting population, 633,270 votes, or 85 per

cent. of voting population.

The four Southern States of North Carolina, South Carolina, Georgia, and Florida cast 563,467 votes out of a voting population of 883,676,

The four Southern States of Alabama, Mississippi, Tennessee, and Kentucky cast 808,891 votes out of a voting population of 1,204,942,

or 67 per cent. of voting population.

The four Southwestern States of Missouri, Arkansas, Louisiana, and Texas cast 998,093 votes out of a voting population of 1,321,347, or 751

per cent. of voting population.

But, sir, another thing upon the subject of the colored man. If he is so dear to your heart-and I want to say that I am not here to protest any undue affection for him, for I am not going to hurt your feelings by attempting to take your place and stand in with him-but upon the subject of the colored man let me make a suggestion which is pertinent to this question: Why do not some of you elect a colored man to Congress and make a living example of his fitness to frame laws for the people of this country? [Applause on the Democratic side.] Now, there are a number of Republican States of this Union that

have quite a large negro vote, notably I might mention New York, New Jersey, Pennsylvania, and you know as well as I do that there New Jersey, Pennsylvania, and you know as well as 1 do that there would not be a very strong probability of those States going Republican except for the large number of colored voters in them. Yet in those States which have from 3,000 up to 23,000 colored voters, have you ever sent one of them to Congress? The colored people have been free in the United States since 1863 or 1865, at least. They have been full-fledged citizens ever since 1868, and yet out of all the Northern States having a large number of these votes in them, having quite a large proportion of colored population, and in some States they having the power to keep the Republican party in or turn it out, I ask if you know of a single instance of the election from any Northern State of a colored man to Congress, or of any man who had a tinge of colored blood in his veins?

Mr. HOPKINS, of Illinois. Will the gentleman from South Carolina give me a single Congressional district in any of the Northern States which he has mentioned where the colored vote is 20 per cent. of the vote of the district?

Mr. HEMPHILL. That is exactly it, and I wanted the gentleman to state that. Whenever the colored man in a district has not enough votes to put his own color in he never gets in. [Applause on the Democratic side.] If you want a colored man in office, and if he is as good as the white, as you say, why do not the white men unite and vote for him to give him a place?

Mr. HOPKINS, of Illinois. Can the gentleman give a single instance

in any Northern State where the colored man has aspired to come to

Mr. HEMPHILL. No, sir; I have never known of a colored man in a district in the Northern States who has had the assurance to presume to suppose that they would give him the office even if he did aspire to it—not one.

Mr. HOPKINS, of Illinois. Do you know as a matter of fact that

the white men take care of the interests of the colored men in the

Mr. HEMPHILL. Oh, yes. I know they do. Just as we do in

A MEMBER. And do you not know that they elect them to office?
Mr. CHEADLE. Will the gentleman yield to a question?
Mr. ROWELL. Colored men have been elected to the State Legis-

lature in Illinois.

Mr. HEMPHILL. The gentleman from Illinois says that there have been colored men elected to the State Legislature in Illinois, and another gentleman says also in Ohio.

Mr. CHEADLE. Will the gentleman permit a question?

Mr. HEMPHILL. No, I can not now; one at a time and I will an-

Mr. HOPKINS, of Illinois. You say the people of the North have never voted for a colored man for any office. I want to show you—Mr. HEMPHILL. I do not say that they have not.

Mr. HOPKINS, of Illinois. Colored men have been elected to the

State Legislature.

Mr. HEMPHILL. Why, we elect them in South Carolina. It common a thing to do so that we do not think of mentioning that. elect them as Republicans and elect them as Democrats, and the first time I was ever in the State Legislature my two colleagues from the same

county were colored men.

I do not say, Mr. Speaker, that colored men throughout the North have not occasionally crept into the Legislature; but of the fact that they do go to the Legislature of South Carolina I know of my own knowledge, and I know that this has always been true since 1868. not been a meeting of the General Assembly of the State of South Carolina in twenty years that has not contained colored men, both Democrats and Republicans. That can be easily verified by any gentleman who thinks that the colored man down there is not getting his full share of representation.

Mr. Speaker, if a stranger had happened in this Hall and heard the speeches made by my friends from Ohio and Illinois the other day he would have supposed that their affection for the colored man was so great that they could not sleep at nights unless they had their arms

wrapped around his neck and his head in their bosoms.

The SPEAKER pro tempore. The time of the gentleman has expired. Mr. JOSEPH D. TAYLOR. I think it ought to be extended on account of the interruptions.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I ask to be recognized in order that I may give the time accorded to me to the gentle-

man from South Carolina.

Mr. MILLIKEN. I ask unanimous consent that the gentleman from South Carolina may be allowed to conclude his remarks, as he has been interrupted so much.

Mr. CRISP. I yield ten minutes more to the gentleman from South

Carolina

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I had asked unanimous consent that he be allowed ten minutes on account of interrup-

The SPEAKER protempore. The gentleman from Georgia has yielded the gentleman from South Carolina ten minutes more.

Mr. HEMPHILL. I was stating when my time expired that to have listened to those speeches a stranger would have drawn a peculiar picture. Now, I have taken occasion to learn to some extent how colored people are treated in the North, and though I have not time to go through the whole thing, I have a statement relating to the way they are treated in Chicago, Ill., the State from which my friends Mr. ROWELL and Mr. MASON come. Here is an interview with colored men in a paper printed at Chicago, the Herald, of December 12, 1887, of two or three columns, and in it it is declared that the colored men have not as many rights in many ways in the city of Chicago and the State of Illinois as they have amongst the people of Atlanta and other Southern cities

Mr. GUENTHER. That is a very poor source of information.

Mr. ADAMS. Does he specify?
Mr. HEMPHILL. Yes; he specifies.
Mr. ADAMS. It is all untrue.

Mr. HEMPHILL. Well, we will see whether it is or not.
Mr. GALLINGER. The Herald is a Democratic paper.
Mr. HEMPHILL. That is all right, and therefore it is truthful. Mr. Barnett, a colored lawyer, of Chicago, says that a colored boy can not get into a trade union, and can not learn to be a brick-mason, carpenter, or any other trade where any skill is required to make a living.

Mr. ADAMS. All American boys, white or black, find the same

difficulty in learning trades.

Mr. HEMPHILL. Then Chicago is worse than I thought it was. It is bad enough to treat a poor darkey that way, but when you treat

were board chought to theat a poor darkey that way, but when you treat everybody that way it is worse than I thought.

Mr. ADAMS. But the difficulty is not confined to Chicago. It is so in all large American cities. American boys do not have a fair chance to become apprentices and learn trades.

Mr. HEMPHILL. The Harald cave editorial trades.

Mr. HEMPHILL. The Herald says editorially:

Mr. HEMPHILL. The Herald says editorially:

The Herald once more lays before its readers an exhibit of the quiet brutality with which the colored man is treated in Chicago. Probably his life here is as happy as elsewhere in Northern cities. The canting politician who weeps over the wrongs of Eliza Pinkston raises his hands in horror whenever he hears that a white Southerner will not accord social equality to the negroes. This same philanthropist, if he keep astore or restaurant, will not hire colored salesmen in his store or serve colored patrons in his restaurant. The restrictions

that surround a respectable colored man and his wife are well-nigh incredible. To realize or conceive those limitations a white man must put himself in close companionship with the victim of the proscription. Theaters, restaurants, barber shops, and even churches are practically closed at all places north of Van Buren street. No trade or trade union is open. Money, therefore, is earned toilsomely, and it does not bring the advantages of a white man's cash. Difficult of acquirement, the medium of traffic is not a medium after it is obtained. The other day a white buildog killed a cat, as many a dog has done. The society to prevent white buildogs from killing cats now has the responsible wrong-doers in its grasp and promises to improve public morals before it shall let go the case. But the society for the prevention of needless cruelty to colored men and women in Chicago would be more to the end of justice. For every dog that kills a cat there are a hundred white men who enforce heartless exactions or ostracisms on worthy negroes. It is the belief of careful observers that a black man's feelings are hurt oftener in Chicago than in Atlanta or New Orleans.

Now, here is another case up at Marion, Ill.

Mr. GALLINGER. That is in Mr. Townshend's district.
Mr. HEMPHILL. That is all right; and it shows that sometimes the Democrats are as bad as the Republicans in their treatment of the I have just read to you an interview showing how they were treated in Chicago. I will read to you what was done with them up at Marion, Ill. Here was a man who had a tobacco factory, and he carried a number of colored men up there to work in that factory; and what do you suppose the white people did?

His conduct greatly enraged the white workmen and they sent no-

tice to the colored men warning them to leave town within ten days or receive summary punishment, and they threatened that if these colored men were not put out of that factory they would not only burn the factory but would burn the homes which the colored men were living

That they did in Chicago

Mr. ADAMS and others. Not in Chicago. Mr. HEMPHILL. Not in Chicago, but in Illinois. Our friends on the other side seem to be a little disturbed on this subject. Now, I want to read what a Southern Republican says about all these pretenses of affection for the colored man on the part of the Northern politicians and stump orators. There is a prominent Republican down in Georgia by the name of Governor Bullock, and he says that "the harangues of Northern politicians about the oppression of the negro in the South are rot," pure and unadulterated rot. He says, further, that the manipulation of the politics of the South is another thing, and not pure and unadulterated patriotism.

I take now another Northern Republican State, Rhode Island—how do you think they show their affection for the darkey there? If a colored man in Rhode Island insures his life and happens unfortunately to die, his heirs can get but two-thirds of his insurance money, while the heirs of a white man get the whole of it. That is an actual fact, or was until a few months ago when the Legislature took action on it.

[Laughter on the Republican side.]

Mr. GUENTHER. Read the law.
Mr. HEMPHILL. Here it is in black and white, and it shows that
the Legislature of the State of Rhode Island became suddenly so much aroused upon the subject of the rights of the darkey that they actually went to work and passed a law to prevent the insurance companies from swindling him out of one-third of the money that would be due to his family in case of his death. [Laughter and applause on the

Democratic side. Take the State of Kansas, "bleeding Kansas." You know there was a bill introduced into the Legislature of Georgia called the Glenn bill, which was intended to prevent the colored people and the white people from sending their children to the same school. The bill was people from sending their children to the same school. The bill was the subject of a good deal of unfavorable comment in the North, and in a certain town in Kansas, Fort Scott, I believe, the negroes did not have any better sense than to suppose that their vociferous friends meant what they said, so they undertook to send their children to the white schools, but in every single instance they were turned out. There was one poor little girl who did not have enough colored blood in her to show what race she belonged to, and the teacher received her and taught her for one day, but the moment it was discovered that she was tinged with African blood they turned her out, and she had to go and seek an education in some other way. and seek an education in some other way.

The account continues:

The matter has been carried into the courts, which appear bound to decide in favor of mixed schools; but it is evident that the great body of the whites will not accept this policy, the opposition being so strong that the local Republican organ protests earnestly against any attempt to enforce it.

Mr. FUNSTON. I deny your assertion. [Cries of "Regular order!" on the Democratic side.]

Mr. HEMPHILL. Well, you may deny it, but that does not hurt it.

Mr. FUNSTON. Mr. Speaker—

Mr. HEMPHILL. I will not yield to the gentleman now.

Mr. FUNSTON. Well, I say you make a false charge.

Mr. HEMPHILL. It is not worth while to get excited and let your

passions run away with you.

Several Members on the Republican side. What do you read from? Mr. HEMPHILL. I read from the New York Nation. [Jeers and

groans on the Republican side.

Mr. STONE, of Missouri. That thing happened at Fort Scott, within 20 miles of where I live, and in the district of the gentleman from Kansas [Mr. Funston].

Mr. HEMPHILL. Here is a gentleman [Mr. Stone, of Missouri] who says he knows that this did occur at Fort Scott.

Mr. FUNSTON. Where is the gentleman from, please tell me? Mr. STONE, of Missouri. I live within 20 miles of Fort Scott.

Mr. FUNSTON. I represent Fort Scott.

Mr. HEMPHILL (to Mr. Funston). Now keep quiet. [Laughter]. Mr. FUNSTON. I say the colored people established their schools.

[Jeers on the Democratic side.]

Mr. HEMPHILL. Take another State, the State of Ohio, from which one of the most distinguished Republicans in the country comes, Hon. JOHN SHERMAN. The colored people you know have been free at the South for the last twenty-five or thirty years, though they may not have heard of it up in Ohio. In that State they used to have upon their statute-books what they called the "black laws." Very recently the idea came to the Legislature of Ohio that they ought to repeal these, and one of these black laws was designed to keep the colored children white schools. out of the white schools.

Mr. JOHNSTON, of Indiana. A law passed by a Democratic Legislature. [Laughter on the Republican side.]
Mr. HEMPHILL. That may be; I do not know; but, anyhow, the Republicans have been in power there often enough and long enough to have repealed that law, if they wished to do so. In that State an attempt was made to put the colored children into the white schools; and what do you suppose was done about it? Why, there was a public meeting held of some 400 people in the town of Oxford, in the county of Butler, a county in which there are 41,400—

Mr. WILLIAMS (interrupting). A Democratic county which gives over 2,400 majority. [Laughter, and cries of "Sit down!" "Regular order!"]

order !

Mr. HEMPHILL. Well, that is all right; that just proves what I said awhile ago, that so far as the North is concerned the Democrats and the Republicans feel the same way with reference to the negro.

Mr. WILLIAMS. Butler County is called the South Carolina of

Mr. WILLIAMS. hio. [Laughter.] Mr. HEMPHILL.

That is a compliment for my State which I did not expect from Ohio.

But let us see what our friends are talking about.

The SPEAKER pro tempore (Mr. McCreary). The Chair will call the attention of the gentleman from South Carolina to the fact that his time has expired.

Mr. HEMPHILL. Well, I think it would be very unfair for our friends on the other side, after they have taken my time, to cut me off now. There are some things which I would like to tell them. I do not propose to occupy more than a few moments.

Mr. CHEADLE. I ask unanimous consent that the gentleman's

Mr. CHEADLE. I ask unanitime be extended for ten minutes.

Mr. JOHNSTON, of Indiana. And that the same amount of time be allowed on this side.

A MEMBER. Your side has already had an extension.

Mr. HEMPHILL. When the contestant spoke yesterday you gave him fifteen minutes additional.

The SPEAKER pro tempore. Is there objection to extending the time of the gentleman from South Corolina [Mr. HEMPHILL] for ten minutes? The Chair hears no objection.

Mr. HEMPHILL. Now, Mr. Speaker, I have a very few words nore to say. Though I have a great deal of material here, I will not more to say. go into it all. I ask that in my remaining time I may not be interrupted.

Now, in this town in the county of Butler, in the State of Ohio, there were 41,435 white people and 1,140 colored. A meeting was held there

to discuss this question, and this paper says that-

To the shame of some of these men it must be stated that they were Republicans, blinded by a fanaticism that can not but result in harm to this beautiful little town.

So it was not altogether the Democrats who took part in this movement. Well, they went to work and held a public meeting, and they instructed the board of education to separate the colored men's children from the white men's children. The proceedings continue:

In compliance with the above request the superintendent be, and is hereby, instructed to assign the colored people to the north building to-morrow.

That was the instruction which they gave when the first public meeting was held. Later there was another public meeting, to return thanks that they had gotten rid of the "darkies." In calling the meeting to order the chairman—

Asked the boys to be as quiet as possible-

The "boys" being spoken of, you understand, in a political sense.

Asked the boys to be as quiet as possible; that while they had cause to feel jubilant they could at the proper time give vent to their feelings.

All that he asked was that they should keep quiet while the meet-

One of the leaders in that meeting said that he would go security for the board of education, or the school board, that they should not suffer any pecuniary harm for having turned these colored children out in violation of the law. And what did he say when he was called upon to speak?

The colored people have the right of suffrage; more than this they can not expect. As for their social qualifications there are few of us here ready for that question.

Another speaker expressed himself as-

Highly satisfied to know that the children had been driven from the schools.

Another speaker said-

So soon as the colored man begins to push himself forward and dictate to his superiors in point of intellect and morality, then he awakens that great and powerful feeling of prejudice which has always existed in the heart of the white man against the negro.

That is the sentiment of the great State of Ohio as expressed by her leading citizens in a public meeting held for the purpose of returning thanks that the negro had been forcibly driven out of the public schools in violation of the law of the State. [Applause on the Democratic

Mr. GALLINGER. Does the gentleman know that the State of Ohio elected a negro as a member of their electoral college at the last

election?

Mr. HEMPHILL. Now, Mr. Speaker, occasionally when there is an election in some of these States the negro does slip into an office that has no salary connected with it; there is no doubt about that [Laughter and applause on the Democratic side.] But a negro can not live on glory any more than a white man can.

Mr. GALLINGER. If the gentleman thinks that an answer, I am

satisfied.

Mr. HEMPHILL. Ido; and I will tell the gentleman another thing. I was up in the State of New York during the last campaign doing what I could for the cause of virtue and honesty. In a town which I visited there was quite a number of colored people; and out of thirty-four or thirty-five vice-presidents who were nominated for a large political meeting they gave one of those colored men the position of vice-president one night. That, I was told, was the single, solitary recognition that the colored people of that section of the country had received from any political party, and that came from the Democrats. Now, I know that our Republican friends do occasionally name a colored man for an office of this kind, and have his name read out from the desk as being one of the Presidential electors, and all that kind of thing. But there is no money in that, and what the colored men complain of in the North, as shown by these letters to which I have referred, is that they are not given a fair chance to earn an honest living. I might multiply these instances to almost any extent from the material now before me, all tending to show how the negro is treated in the public schools, churches, theaters, hotels, restaurants, and other public places throughput many Northern States, but I will not consume the time of the The cases I have cited fitly illustrate the general feeling on this subject as shown by actual occurrences among the people.

Let me only add the closing sentences of an editorial on this subject taken from the Detroit Journal of November 22, 1888, as follows:

taken from the Detroit Journal of November 22, 1888, as follows:

When, by intelligence and refinement and achievement in the various callings and occupations of life, the colored race has wiped out the memory of its degradation in slavery, it will walk on the same plane of equality with the white man; but, it is to be feared, not before. In the mean time the North, with unconscious and cynical hypocrisy will continue to scorn the Southern people for their contemptuous treatment of the negro, and so far as they find it necessary to "keep the negro in his place" will also continue imitating them. No preaching of the gospel, no learned disquisition on the equality of all men before God and the Constitution, no satire or ridicule of the inconsistency will abolish these prejudices.

And the following extract from a letter written by a Northern preacher, now residing at the South, and recently published in the Christian Union, formerly edited by Henry Ward Beecher:

Christian Union, formerly edited by Henry Ward Beecher:
Since coming to live in the South I am persuaded of what I before suspected—that the social condition of the negro in the South is infinitely higher and far more expressive of a Christian humanity than in the North. Here he has separate railroad cars, churches, and schools, and this is in accord with his universal preference, so far as I have been able to discover. In these he feels a proprietorship and independence. No one dares to insult or molest him. He prefers to associate with his own people. In the North the respect for the colored man is mainly one of sentiment, and flourishes best when he is out of sight. He is admitted to the conveyances and schools and churches of the whites, but he is in a thousand ways made to feel that he is tolerated and not welcomed. There is nothing plainer to me than that in the matter of race prejudice the balance as to quality is largely in favor of the South. There is among the Southern people a warm, intelligent interest in the future of the negro that has no existence among the sentimentalists of the North. In fact, the North knows as little about the actual condition of the negro in the South as it does of the real heart of the Southern people. I am well satisfied that partisan papers and stump orators of the North have, for political capital, willfully and maliciously traduced the South.

Our friends have spoken a great deal about a free ballot and a fair count. I know no people more interested in having a free ballot and a fair count and some solution of this negro question than we of the South. These people are right there in our midst. They are there and will remain there. "Sink or swim, live or die, survive or perish," we must go together.

But I say, Mr. Speaker, it does not lie in the mouths of the people who treat this race in the way our friends here have treated them to attempt to give us advice, and particularly on the question of honesty at the elections, until they have gone and done some missionary work amongst their own people living in their own communities.

All this talk about the rights and wrongs of the negro, and this effort to place him into advanced positions, can bear no good results.

When the speakers do not believe what they say, and many I fear do not, it is simply hypocritical, and when they do believe their own statements, it amounts only to an ill-advised effort to force from the negro what the Almighty has never put into him, and that is the ability to rule the Anglo-Saxon race. We of the South are not only willing but anxious to give him justice. We believe that it is wisest, that it is the only fair way to treat him, and that it is the only mode of treatment in which we can maintain our own self-respect and command the respect of the good people of the other portions of this country. We will gladly take him by the hand and lift him up, and do the best we can for him; but we are not willing that he should take us by the hand, pull us down, and do the worst he can for us.

One of the best ways of judging of the treatment of the colored race, or any other, is to consider the efforts made for its elevation in the way of public schools and other institutions that tend to the advancement of a people. It is generally believed that the colored people in South Carolina do not pay exceeding one-tenth of the total taxes, and yetlast year the number of colored pupils attending school in South Carolina was 103,334, and the number of whites was 90,100. During the same period there was over fifteen hundred colored teachers employed in the public schools of the State. In a public address delivered by Rev. Dr. A. D. Mays, a Northern gentleman who has devoted himself largely to the educational interests in the South for a number of years, he made the

following remarkable statement:

following remarkable statement:

I undertake to say that no people in human history has made an effort so remarkable, all circumstances considered, as the people of the South during the past fifteen years, in what they have already done for the schooling of their children. In many of their cities their schools will compare (avorably with those of other parts of the country. Their reviving colleges and academies are mainly in the hands of able and devoted teachers. Their schools for girls are improving, and there is a great deal of interest in the higher education of women. Their teachers, as a body, are doing more good work for less pay than any class of their profession in our country, and not unfrequently are making sacrifices which amount to absolute heroism in their devotion to their work. I have just come from the State of South Carolina, where I have seen the largest audience-rooms in a score of her principal towns and cities crowded with their best people to listen to addresses on public education. And, generally, there is no topic of public speech or private conversation that now seems more generally interesting and even electric, through great portions of these States, than this. Last year the Southern States paid no less than \$17,000,000 for the deucation of their children and youth of both races; probably five er six millions for the schooling of people who were held as property twenty-five years ago. And when one has seen the actual condition of the Southern people, as I have witnessed it, he can understand that \$17,000,000 down there represent countless millions in our wealthy, prosperous, and powerful North.

A great deal has been said about suppression of votes in South Caro-

A great deal has been said about suppression of votes in South Carolina; about fraud being perpetrated by election officers; about 25,000 voters in one district being deprived of their right to vote, and yet the fact stands out uncontradicted that not a single one of these 25,000 men appealed from the decision of the registrar or managers of election, and not one of the men who are alleged to have perpetrated this enormous wrong has been arrested or brought to trial in the United States court where Judge Bond presides, and he is one of the strongest Re-

publicans in the United States.

These same charges have been brought up against us in the past. The Government sent down lawyers from Pennsylvania and Ohio and from Georgia to convict men of crimes with which they are charged, and in one instance the jury was assembled and by solemn resolution, before the case was put on trial, these jurors swore among themselves they would convict these defendants of the crime with which they were charged; and yet notwithstanding that, notwithstanding the ability of the lawyers, notwithstanding the judge was a Republican, when the case was presented there were no facts which could be found to sustain a conviction, and notwithstanding what the jury had sworn to do they were unable to render a verdict of guilty.

It will be the same thing again, gentlemen. These officers have not been guilty of the crime they are charged with. If they are, there are the courts of the United States and of the State, which are open to the 25,000 people who are said to have been deprived of their rights and privileges. I say it is a poor showing for the colored people to say 25,000 of them have been deprived of their rights and privileges as American stitutes and yet they have not taken one single sten to bring American citizens, and yet they have not taken one single step to bring the perpetrators of that wrong against them to justice. [Applause on

the Democratic side.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HEMPHILL. Mr. Speaker, my effort has been to show that the registration and election laws of South Carolina are not snares, but that they are reasonable and just; that our election officers are not criminals, as has been charged, and that if there be any race prejudice the same thing exists in Northern States, and that as citizens of the several States we ought in justice and fairness to judge each other in charity and not in harshness.

The SPEAKER pro tempore. The gentleman's time has expired. Mr. HEMPHILL. The only thing further I wish to ask of the House is that I may have the privilege of inserting some figures which I have in relation to this question.

There was no objection, and it was ordered accordingly.

Mr. LODGE. I will yield half my time to the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. COOPER. Before the gentleman from Wisconsin proceeds I would

like permission to make a statement. I will say that I did not consume

the entire hour to which I was entitled on yesterday, but concluded my remarks having exhausted all of the hour but five minutes, which time, however, I did not reserve. I supposed this side would have the benefit of the time and that it was not necessary to reserve it, but I should be glad to have an understanding now, so that I may have the benefit of the remaining minutes.

The SPEAKER pro tempore. The gentleman from Ohio did not use all of his time. There were five minutes of it yet remaining.

Mr. CRISP. But I do not understand, Mr. Speaker, that that time

belongs to the gentleman. The addition of that time would entirely change the arrangement heretofore made. We have agreed upon a

Mr. COOPER. I am not making any proposition in reference to it at all. I am only stating that I consumed but fifty-five minutes of the time, and if I am entitled to the remainder I should like to be permitted to dispose of it as I please. I did not reserve the time for the reason that I have stated.

Mr. CRISP. I hope the gentleman will not insist upon changing the agreement heretofore entered into.

The SPEAKER pro tempore. The Chair will announce that when the debate began this morning the contestant had one hour and twelve minutes, and the contestee one hour and twenty-five minutes, of the time remaining for debate. The Chair understands the gentleman from Wisconsin [Mr. LA FOLLETTE] has the floor now for the time yielded to him by the gentleman from Massachusetts [Mr. Lodge].

Mr. LA FOLLETTE. Mr. Speaker, looking at the map of the Congressional districts of South Carolina, one's eye can not fail to be arrested by the peculiar outlines of the Seventh, with its strange curves and curious angles. The straggling and vagrant boundary seems to have been wandering in search of every point of the compass, but an examination of the political character of that part of the State, furnishes a ready explanation for its extraordinary shape. Turning to the census report one quickly discovers that every effort has been made to gather into this particular district that section of the State which is settled almost exclusively by colored voters. The limits of the district have little reference to the county or township subdivisions. It comprises only three entire counties, but includes portions of six other counties, and even divides townships. It is known in South Carolina politics as the "Black district" of the State. The registered vote of the district indicates a colored majority of 25,000. The entire vote is 40,588, and the entire colored vote, prior to registration, was 32,893.

The district has been since apportionment a conceded Republican district. It was formed to incorporate as far as possible the almost solid Republican precincts of the State; but greed for office and a fixed determination to suppress the colored vote led the Democratic managers of that Congressional district to perpetrate the crimes which bring this

case before the House.

This was rendered comparatively easy by the passage of the South Carolina election law, a law which outrages every principle of honesty and right, tramples under foot the Constitution of the United States, and stifles the voice of the legal Republican voters of that district. The law provided that all voters should register at the general registra-tion in the months of May and June, 1882. It provides only for subsequent registration by such voters as thereafter attain their majority; and for the reissue of registration certificates only to voters whose registration certificates have been lost or destroyed. Its provisions were designed to allow all election officers and managers to be of one political party. It excludes from the voting-places all persons excepting the managers and clerks of election and the voter. It provides eight different ballot-boxes, to be located as near each other as the managers determine, and their relative positions changed as often as they please. It therefore leaves the control of all the steps preliminary to ballot, of all the arrangements for election and the election itself, as well as the count of the ballots, and the return, entirely and exclusively in the hands of the dominant political party. While it provides that the count shall be publicly made, it is held to be a compliance with the law if the public is excluded and kept at such a distance as to be beyond hearing and only in sight of the performance.

Such in brief is the election law which inspired and stimulated the contestee to make the successful attempt of wiping out an enormous opposing majority and securing the certificate of election to a seat on It is a matter susceptible of easy demonstration, if gentlemen will indulge me with their attention, that this is one of the most outrageous wrongs ever perpetrated upon the sanctity of our elections or sought to be foisted upon the credulity of this House. It was accomplished by three different methods: first, by preventing registration; second, preventing registered voters from voting; third, reversing

the result of the ballot in the count and return.

William Elliott, the Democratic candidate, was given the certificate of election. His majority according to the returns is 532.

I can not trespass on your time to quote extendedly from the eight hundred pages of testimony in this case. Indeed, it is hardly necessary. The case is strongly proven when fairly stated. The enactment of the law itself was plainly for the purpose of disfranchising the colored voters of the State. The officers evidently understood what was expected of them from the first. PREVENTING REGISTRATION.

Registration offices were opened in localities where it would most inconvenience the largest possible number of colored voters to appear for registration. They were forced to travel long distances in order to present themselves to the proper officer; then compelled to return day after day awaiting his pleasure; to stand from morning till night before this indifferent, leisurely scoundrel, while he furnished the proper certificate to the Democrat, the white man, promptly and without delay. In proof of this listen to this evidence from the record:

Henry Singleton (colored) was one of a large number of witnesses who testify that they offered their votes for Robert Smalls, but were rejected because they had been cheated out of registration. He applied at the first registration in 1882, for two entire days at one place, where his persistent supplication was not rewarded with even a response from the official. He followed the officer to another place of registration and there importuned him for three days, informing him that he had to walk 8 miles back and forth. He was refused.

Ben McIlwain (colored), another, spent two days in an effort to get

his certificate. He says:

I tried as hard as I could. I called his attention for a long time; he was doing nothing but tapping with his pencil. He did not give any reason for not registering me.

On cross-examination he says:

He registered four or five white people to one colored man,

Solomon Laws (colored), another, applied for registration for two days at one place and one day at another. He stood for hours and called out his name, but the officer would not pay any attention to him. He was within 4 or 5 feet of the officer.

Frank Seymour (colored), another, spent two days and a half at one place and one day at a second. He got within 2 feet of the officer. He remained from 9 o'clock a. m. till 4 p. m. Many received certificates

who were not so near. He failed altogether.

Moses Brittan (colored), another, sought registration in 1882. He stood for two days each at Gordon's Mill and Sumter Court-House near enough to touch the officer with outstretched hand from opening till closing of the office. He was ignored, and is therefore disfranchished under this law.

E. D. Peterson (colored), another, applied at the first general registration for nine succeeding days. He sought the office of the register; approached so near that functionary as to reach the table at which he worked. He says: "I asked him to please register me; he always said, 'All right; directly.' He was registering people all the time, but registered them that came up after me."

Richard Thompson (colored), another witness, secured his certificate in 1882, but lost it and applied seasonably to the proper officer in 1886. That worthy varied the performance with a little lying, and explained to the applicant that it would be quite unnecessary for him to have a new certificate; he was so well known that he could vote anyway. When he offered his ballot it was promptly rejected because he had no certificate of registration.

These and many other witnesses swear that they made every possible effort to secure registration and were persistently and unlawfully refused by a Democratic official; that they afterward offered their votes for General Smalls and were rejected by Democratic managers of election because they were not registered.

This is a fair illustration of the manner in which colored Republicans have been disfranchised in South Carolina by the thousands. step farther into this case and take a better view of the system.

With all the barriers, obstacles, and hindrances to registration there was still a great majority to be disposed of in this Congressional diswas still a gleat majority to be disposed of it has congressional district. The party friends of the gentleman now occupying General Smalls's seat on this floor planned to despoil that majority of their district upon election day. This was to be accomplished in various ways, each, if possible, more dishonest than the others. The purpose of the inventors of this election scheme now became strikingly mani-

PREVENTING REGISTERED VOTERS FROM VOTING.

The provision respecting residence and registration offered, as it was The provision respecting residence and registration orient, as it was plainly designed to, unlimited scope for artifice and jugglery on the part of the Democratic managers of the elections. In no instance did they neglect their opportunities. If a colored voter had moved into a different house upon the same farm in the same voting precinct it was held to be a change of residence and his vote rejected. If, without moving his family from the house, he had gone out to work by the day or month temporarily it was decided a change of residence. If the name of the farm or plantation on which he resided when registered could be made the subject of variation his vote was promptly excluded, though it was conceded that his residence had not moved a foot since his registration.

As a sample of this sort of work I cite a few of the hundreds of witnesses who swore in this case that they duly presented their registra-tion certificates at the polls, and offered their votes for Robert Smalls,

but were rejected for the reasons stated.

The certificate of Edward Harrison (colored) was regular, and stated his residence as "Bloom Hill, Manchester township." Bloom Hill is the name of the plantation owned by one Owens. Edward Harrison the name of the plantation owned by one Owens.

had lived there for twenty years. Thirteen years ago he bought the little piece of Bloom Hill which he then occupied, and where he has

continuously resided since. He was rejected because his residence was not Bloom Hill, and had only been formerly a part of Bloom Hill.

Wade Hampton's name did not save him. He is a colored man. He was duly registered in 1882 as residing at "Lawrence Dow Place, in Manchester township or parish." His vote was rejected by Bob Owens, a manager. The witness says:

He objected because I had moved out of the house I was in. I voted at the Cleveland and Blaine election on the same certificate. I have not moved since 1882 from the place of residence marked on that certificate.

Richard Singleton (colored) was registered at the general registration in 1882, and the following certificate issued to him, which he still has in his possession:

[Registration certificate No. 4167, Sumter County, Sumter township or parish; election precinct, Sumter No. 1.]

The bearer, Richard Singleton, is a qualified voter in the above precinct, and resides at estate of Jno. Moore's land in Sumter township or parish, and is twenty-four years of age and is entitled to vote at said precinct.

Registered on 21st day of June, A. D. 1882.

P. P. GAILLARD, Supervisor of Registral

He attended Sumter precinct and offered his vote for General Smalls. It was refused by John Schwien and Keels, the Democratic managers of the election, for the following reasons, as given by the

They said the certificate was not right. They asked me what place I was living at, to which I replied on Singleton Moore's place, which had been the place of John Moore, who is dead. When I obtained my certificate John Moore was dead, but Singleton Moore had charge of the place. It is generally known as John Moore's place. I voted at the election before this on the same certificate. I was then living at the same place. The managers did not state that the reason for rejecting my vote was because I had changed my residence. I stated to them that Singleton Moore and John Moore's place is the same. All they (the managers) stated after looking at the paper (was) that "It is not right; pass out."

In further demonstration of the noble, high-minded, and delicate sense of "Southern honor" displayed in making the law a "hocus-pocus science that smiles in the face" of the colored Republican while it steals his vote, mark still another case:

Gabriel Wright (colored) sworn, says:
"I am fifty-six years of age; live in the township of Sumter, and am a farmer.
I attended Sumter precinct to vote for General Smalls. The manager asked me for my certificate, and I had to go home and get it. After coming back Scleverin (manager) objected to me."

The following is a copy of the registration certificate:

[Registration certificate No. 5025, Sumter township or parish; election pre-cinct No. 1.]

The bearer, Gabriel Wright, is a qualified voter in the above precinct, and resides at his own land, and is fifty-one years of age, and is entitled to vote at said

Registered on the 30th day of June, 1882.

P. P. GAILLARD, Supervisor of Registration.

Continuing, witness said:

At the time I registered I was living at Sumter on my own land. When I offered to vote I was living at the same place. About two years ago Mr. Barnett bought the place, but I did not move from it till last Christmas (long after the election).

This witness had not changed his residence, and the managers well understood that he had not, but rejected his vote because he had sold, though he had not moved from, his land,

But, sir, the proof is ample that the same managers guilty of these abuses permitted Democrats to vote without let or hindrance, without even requiring the production of certificates or halting them with a single question. T. J. Turney (colored), sworn, says:

I reside in Sumter; am a farmer; attended Sumter precinct at the last general election; remained there from opening to closing of polls. I kept a pollist of those that voted and those that were rejected. The list of the voters I kept is not very correct because they admitted the voters into a house that I was not permitted to go in, but the list of rejected voters is correct, owing to the fact that every rejected voter gave me his name upon being rejected. One hundred and eighty-four were rejected. They belonged to the Republican party. I saw persons voting who did not present their certificates. They were Democrats.

J. R. Smith (colored), the supervisor of Lynchburgh precinct, was a sore annoyance to the Democratic election managers. Sworn as a witness, he says:

I live in Lynchburgh precinct; attended at the last election (1886) from 6 a. m. until 6 p. m., as a supervisor. Of my own knowledge I know of about 100 who had no certificates, and of 94 who had certificates that were not allowed to vote. A majority of the rejected voters belong to the Republican party. I kept a poll-list. At the commencement they had the registration books before them; in the course of time a manager got up, had a conversation with another one, the registration books were removed from the table to the counter; when a white man presented himself to vote they would not refer to the books; only done so when a colored man came, and would ask the colored man a good many questions, and if they missed their residence would not allow them to vote. I am satisfied that all the ones that voted before they moved the registration books were legal, but those that came in afterwards I could not tell. The books were removed and I could not tell whether they had a right to vote or not, and I asked them to let me look two or three times, but they would not let me look.

Comment is unnecessary.

Comment is unnecessary.

The record in this case proves beyond denial the rejection of 278 duly registered and legally qualified voters in the Seventh district of South

Carolina at the Congressional election of 1886 who appeared and offered their votes for Robert Smalls, the contestant. He has not taken the testimony of the thousands of Republican voters throughout that district, barred of their rights in the same shameless, lawless manner. He has furnished enough and more than enough to expose fully the plan of campaign in that section and give him his seat on this floor.

An easier method and one apparently very generally practiced in certain solid Republican precincts is that employed at Biggin's Church precinct, Richland County. None but Democratic election managers were appointed. They had no interest in the vote of a Republican precinct where there was a Republican candidate whose defeat had been ordered. At Biggin's Church, on a political division, the Republicans cast about 350 votes, the Democrats 10 or 11. Consequently, when election morning came the gentlemen appointed to conduct the State election opened the State poll, but the managers for the Congressional ballot-box did not appear at all.

The testimony of some of the witnesses with reference to this matter

is interesting and important.

is interesting and important.

E. H. Reid (colored), sworn, says:

"I reside at Monck's Corner, Berkeley County; occupation, school-teacher. On the last general election day [1886] I was at Biggin's Church precinct; arrived there at 8 o'clock a. m., and remained there until about half past 2. During the time I was present there was no Congressional poll open. I did not vote for Congressman, though I was entitled to. There were from 345 to 350 voters present, all Republicans except 10 or 11."

Thomas H. Wallace (colored), sworn, says:

"I reside at Monck's Corner; occupation, storekeeper. On 2d of November [1886] I was at Biggin's Church polling precinct at 5 a. m., and remained there all day, and till the close of the polls for the State and county offices. Congressional poll did not open. There were no managers there; no votes were cast for member of Congress. There were 350 voters present. About 339 would have voted for Robert Smalls, and the others would have voted for Elliott. I have this means of knowing how the individual voters would have voted at that election; I am Republican precinct chairman of Biggin's Church precinct, and I have been for eleven years, and must have an idea how many votes would be east for the Democratic and Republican candidates for Congress; every election I have been at that precinct with the Republican tickets, and no Democratic candidates have ever received more than II votes. No change in political sentiment has taken place at all; the Democrats have gained no strength since 1876 at that precinct. In 1884 the colored men voted the Republican ticket, the whites the Democratic ticket. On the last election day the Republican voters present did not all vote in the State and county boxes on account of the eight boxes and changing of the boxes by the managers from time to time during the election, and as they could not read they thought there was no use to vote. I saw them change the boxes just after I voted."

This same plan was carried out at many other precincts. Sometimes it partially failed, or wholly miscarried, through inadvertence on the part of one or two of the Democratic managers of elections or through the carelessness of the commissioners in accidentally appointing an honest man as one of the managers. But the canvassing board can be relied on in all such cases to take care of any little oversight of that

REVERSING THE VOTES AS CAST ON THE COUNT AND RETURN.

At Gadsden precinct, in Richland County, Democratic managers for the Congressional poll would not serve. After waiting about three hours, the Federal supervisor swore in three managers, who held the election.

Their proceeding and the result of the election is shown by the testimony of Preston Richardson (colored), one of the acting managers.

He says:

I reside at Grove Wood, Gadsden precinet; am a farmer; arrived at Gadsden precinct last election day at 5 o'clock in the morning, and remained till the polls closed, and at night the votes were counted. The Congressional polls did not open till 10 o'clock, because the managers appointed by commissioners were not present. Two of them were there during the day; Mr. John H. Adams, at 6.30 o'clock; Mr. Scott came there in the afternoon and voted at county and State election boxes, in the other end of the same building in a different room. Mr. Adams said he was there on time to open the polls as one of the regularly appointed managers of election, but the others did not appear and no polls would be opened. An election was held by myself, William Reynolds, and Scissishiver. Opened at 10 o'clock. The box was set at the window, and each voted at the close of the poll we proceeded to count the ballot. The ballots and box were in the custody of the managers, and then we sent them to Samuel Green, Republican Congressional district chairman. The box was nailed up and a strip of paper put over the hole and sealed. Four hundred and fifty-one ballots were found in the box when counted. They were counted for Robert Smalls. No ballots were cast for any other candidate.

This box, intact, with the seal unbroken, was presented to the officer

This box, intact, with the seal unbroken, was presented to the officer of this House as evidence when the testimony in this case was taken. One of the other acting managers, S. J. Shiver (colored), sworn, says:

I live at Gadsden precinct. On last general election I was at Gadsden polling precinct from 5 a. m. till close of polls and votes were counted. Polls opened about 10 a. m. A. P. Richardson, myself, and Reynolds acted as managers, appointed by Republican supervisor. Polls were not opened at 7 o'clock because the regular managers were not there. Mr. John Adams was there, but did not act, he said he would act, but the rest were not there, and he would not act himself. At close of polls ballots were counted and placed in box. We counted, I think, 452 votes for Robert Smalls. All persons who presented their registration tickets, and the tickets were signed for the place where they lived, and they had not moved, were allowed to vote. In 1884 the total vote was something over 500.

There is not a syllable of testimony anywhere in the record suggesting that any illegal votes were received by the acting managers, nor that any legal votes were rejected, nor that a single voter was deprived of his privilege to vote at the Congressional poll because it was not opened until 10 instead of at 7 o'clock, nor that an honest count and true return were not made of the vote as cast.

The canvassing board rejected the 451 votes cast for Smalls at this

At Sandy Island precinct, Georgetown County, only one of the manaers served. He chanced to be a Republican. The two Democrats regers served. He chanced to be a Republican. fused to act. The election was orderly; only legal votes were received. The count was honest and the return regular.

J. J. McCottrie, supervisor for this precinct, sworn, says:

Qualified and served as supervisor for this precinct, Sworn, says:

Qualified and served as supervisor of election at Sandy Island precinct.

Opened polls at 7 a. m. Charles Lance served as manager; the other managers were not there. Gabrel Lance served as clerk. Before epening the polls the manager opened the box and allowed public view of inside of it. He administered the oath and required each voter to show his registration certificate before he allowed him to vote. He had the registration book of that precinct. The polls remained epen till 6 in the evening. I kept the poll-list; 33 votes were cast; Robert Smalls received 33; William Elliott none. I witnessed the counting of the vote. I saw the manager sign a statement of the returns. He put it in the box, sealed the box, and carried it home. I assisted the manager in counting the vote; there was no other Federal supervisorat the polls that day. The box was locked before the voting began.

This box was rejected by the county board because the two Democratic managers did not serve.

Cedar Creek precinct, Georgetown County, was rejected by the can-vassing board because one of the managers did not qualify. The three were present; two were duly sworn. No charge is made that the election was not fair and return legal. Smalls received 18, Elliott none.

Griers precinct, Georgetown County: Two of the regularly appointed managers qualified and served. One refused and J. H. Alston was sworn in and served instead. This is made the sole excuse for throwing out the entire vote of the precinct. Every word of testimony as to this precinct in record proves the fairness and regularity of the election and return. At this precinct Robert Smalls received 65 votes, El-

Santee precinct vote was rejected by the county canvassing board because two of the Democratic managers refused to serve. The election was conducted by the third regularly appointed manager, assisted by a sworn clerk and supervisor. The polls were opened, kept open, and closed at the hours fixed by law. Several witnesses swear that only registered and legally qualified voters were permitted to vote, each of whom presented a certificate and was duly sworn before depositing his ballot. There was no railing around the approach to the box, as directed by statute. But the witnesses swear that the voters approached singly and voted without being spoken to or directed by any other person. The contestee claims that a few votes were cast by voters who had changed their residences, but there is no evidence that a voter had made an actual change of residence. The vote was counted. The count balanced with the poll-list. The returns were properly made out and personally delivered to the board of commissioners. This precinct gave Smalls 212, Elliott 4. It was too large a vote to allow a Republican whose defeat had been decreed in advance in that district, and was forthwith rejected, professedly because of the absence of the two Democratic managers

The law of the State directs the construction of a railing about the approach to the ballot-box with an opening at each end for the voters' entrance and exit, fixes the time for opening and closing the polls, and

directs the appointment of three managers to conduct the election.

But the statute nowhere declares that a failure to observe these directions shall vitiate the proceedings and void the election; it is therefore merely directory and not mandatory

Irregularities are generally to be disregarded unless the statute expressly declares that they shall be fatal to an election, or unless they are such in themselves as to change or render doubtful the result.—McGrary Elections, 2d ed., page 196.

The high privilege of suffrage nowhere in this country should be made dependent on the indifference and carelessness of some election Sicer in the discharge or neglect of some unimportant duty.

Election statutes are to be tested like other statutes, but with a leaning to liberality in view of the great public purposes which they accomplish; and except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provision designed merely for the information and guidance of the officers, must be regarded as directory only, and the election will not be defeated by a failure to comply with them, providing the irregularity has not hindered any who were entitled from exercising the right of suffrage, or rendered doubtful the evidences from which the result was to be declared. In a leading case the following irregularities were held not to vitiate the election: The accidental substitution of another book for the Holy Evangelists in the administration of an oath, both parties being ignorant of the error at the time; the holding of the election by persons who were not officers defure, but who had colorable authority, and acted de facto in good faith; the failure of the board of inspectors to appoint clerks of the election; the closing of the outer door of the room where the election was held at sundown, and then permitting the persons within the room to vote; it not appearing that legal voters were excluded by closing the door, or illegal allowed to vote; and the failure of the inspectors or clerks to take the prescribed oath of office. And it was said, in the same case, that any irregularity in conducting an election which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it, should be overlooked in a proceeding to try the right to an office depending on such election. This rule is an eminently proper one, and it furnishes a very satisfactory test as to what is essential and what not in election laws. And where a party contests an election on the ground of these or any similar irregularities, he ought to aver a

There is no proof or charge of fraud at any of these precincts or in the returns made by the acting managers. They were rejected because

of the failure of the party friends of the gentleman from South Carolina [Mr. Elliott] to do their duty. The votes of these five precincts should be accepted by this House. They gave Mr. Smalls 771 majority. In the absence of the Democratic managers of the Congressional

election at Biggin's Church, Gadsden, Sandy Island, Cedar Creek, Grier's, and Santee precincts, and in the unfailing presence of the Democratic managers of the State and county elections at each of these precincts, is plainly uncovered a preconcerted and well-arranged plan to steal this Congressional district. Further proof of this is found on almost every page of the record in the large numbers of witnesses shown to have voted at the State boxes upon the same state of facts, presenting the same certificates of registration and residence, upon which they were speedily rejected by the managers at the Congressional ballot-box. The way had been boldly blazed out prior to the election along which these officials were to pursue their unlawful course.

A little different plan was devised to dispose of 267 of General Smalls's votes cast at the Brick Episcopal Church precinct in Berkeley County. The supervisor of registration of this as in all other counties is a Democrat. The managers and clerks of election at Brick Episcopal Church were all Democrats. The county board of canvassers were all Democrats.

The town of Mount Pleasant, in this same county, is in the First Congressional district, and the Democratic supervisor of registration for the county made out a list of registered voters for Mount Pleasant precinct and Brick Episcopal Church precinct in the same book. Mount Pleasant is a village, and the voters are nearly all white men and Democrats. Brick Episcopal Church precinct is in the country, and the voters are nearly all colored men and Republicans. At the election November 2, 1886, Mount Pleasant polled 61 votes; Brick Episcopal Church 270. In order to insure the legality of the Mount Pleasant vote and in order to furnish an excuse for rejecting the Brick Episcopal Church vote the one book containing the two lists of registered voters was retained by the Democratic managers for Mount Pleasant and none furnished the Brick Episcopal Church.

Even the Democratic managers at the church were obliged to swear that the election was orderly and regular; that the voters all presented registration certificates and were sworn, and that no one voted who was not registered (on the book up at Mount Pleasant) and qualified to vote. The count and return was made pursuant to law. Robert Smalls received 267 votes, William Elliott 3.

The Democratic canvassing board rejected the precinct because there

was no list of registered voters at the polling-place.

A mass of evidence was introduced by the contestee in this case to sustain the rejection of a large vote from the Brick Church precinct on St. Helena Island, in Beaufort County. The ground assigned for throwing out this precinct is intimidation and riot, rendering it necessary to close the polls.

A. E. W. Fripp, the Democratic manager who conducted the elec-tion, testified as to the character of the interruptions, as follows:

I have lived on St. Helena Island since 1882. We have about eighteen white and over nine hundred colored voters. The white men on the island are principally merchants and Democrats. I do not know of a single man who has ever left the island or quit his mercantile business on account of politics. I do not know of any person who was prevented from voting by threats or violence at the poll where I was a manager at the last (1886) election.

Jackson W. Brown (colored), clerk and supervisor at this precinct, testifies with reference to what transpired there:

I arrived at the polls at daylight and never left till all the votes were counted. There was no disturbance at the polls. Chance Green's testimony that George Rivers and Hastings Gantt went into the polls together, and that Gantt began to quarrel about Rivers voting the Democrat ticket, is not true; there was nothing of the kind. The poll was closed twice during the day, about five minutes each time—first on account of the voters having so much noise on the stoop; second, on account of more than one wishing to come in at the same time. After the constable was appointed to let them in by turns the noise all ceased and went all peaceable. The noise I speak of was laughing and talking. I acted as clerk, but was not at any time disturbed on account of the noise.

Chance Green (colored), the individual mentioned by this witness, furnishes the gentlemen upon the other side of this case with the great body of their evidence for rejecting this precinct. He possesses a luxuriant oriental imagination. He names many colored men present at this precinct on that day burning with a desire to vote the Democratic ticket, but who were prevented by the threats and violence by colored Republicans, and by the lavish use of money by these unscrupulous, wealthy ex-slaves. It is true that the men named by Chance Green deny on their oaths that they ever thought of voting the Democratic ticket, but that is a little circumstance that does not embarrass the gentleman

from South Carolina [Mr. ELLIOTT] nor his friend Chance Green.

As an illustration of the facile and extensive play of Chance Green's exuberant fancy I quote the following paragraph from his testimony, cited by the committee in their report. Winding up a thrilling description of the horrors of this awful riot, beginning with a weak joke cracked by one colored man and ending in a mild laugh at it from the bystanders, which closed the poll and suspended business at that precinct for several seconds he continues:

Just after he opened the poll again Frank Jenkins got the Democratic ticket fro a me going up to the poll, and Cyrus Jenkins went to him and asked him, "What are you going to do with that ticket?" He said, "I am going to vote it," Cyrus said, "Not to-day; we Republicans intention not to let you Dead.

ocrats vote here to-day," and Sharper Rivers, that man sitting over yonder, he is one of the men said so; and then Frank Jenkins went off and a great crowd followed him, and when he got up on the platform Cyrus Jenkins went up to him and jerked the ticket out of his hand and tore it up, and pulled him down off the platform and said to him, "Frank Jenkins, do you think we are funning? We do not intend to let you vote." And Sharper Rivers said, "No, don't let him vote," and Rivers had a good stick in his hand, too, and I was afraid of his stick myself. Then Frank Jenkins came to me and got another ticket and went to vote it, and then he went home, because they told him if he staid there they would beat him on the road.

Concerning this interesting little episode, in which he is made so conspicuous a figure, Mr. Frank Jenkins (colored) testified:

spicuous a figure, Mr. Frank Jenkins (colored) testified:

I was not at the Federal poll held at Dr. Peters's office, on St. Helena Island, November 2, 1886. I was out in the road; not at the poll. I know Chance Green. I did not meet him in the morning on election day; I met him in the evening. He did not give me an election ticket. I had no use for a ticket. I had no register paper. I did not ask him for an Elliott ticket that day. I had no register ticket and I could not vote without one. I did not attempt to go to the polls. I did not cross the side of the ditch. Cyrus Jenkins never pulled me off the platform. I was not on the platform. I never saw Sharper Rivers that day. I never heard such an expression used as beating anybody. It is false that I went home for fear I would be beaten on the road for supporting William Elliott for Congress. I could not support him nor Mr. Smalls. If I had had my registration certificate I would have voted for Mr. Smalls.

This precinct, thrown out for intimidation and riot on such testimony as Green's, cast 503 votes for Robert Smalls and 45 for William Elliott.

Several witnesses besides Chance Green were produced by the gentleman from South Carolina [Mr. ELLIOTT] to prove that a policy of general intimidation over all Beaufort County was pursued by Robert Smalls and his party friends. While it may not explain the source and inspiration of that evidence, yet gentlemen who have read their testimony and that contradicting it will have acquired such an interest in some of the more important of contestee's [Mr. ELLIOTT'S] witnesses upon this point as to feel some concern as to their subsequent history.

Five or six of these witnesses are paraded in the committee's report, and have been quoted by every gentleman who has spoken on that side. I thank the chairman of the committee [Mr. Crisp] for going outside the record and furnishing some testimony as to the present situation of politics and persons in that district. It fully warrants me in giving this House some facts respecting these half dozen of their most important witnesses

Mr. J. C. Mardenborough (colored), who furnished pages of original and striking evidence, was afterwards appointed a railway postal clerk on the Charleston and Jackson Railway.

Mr. F. D. J. Lawrence (colored), whose testimony if not so original was still very voluminous and valuable to the contestee, received an appointment from the authorities of the State as a trial justice, a position worth some money and of unlimited power in that State to an unscrupulous man.

A. B. Colonel (colored) is still doing business at the old stand as constable to a Democratic trial justice. They have come to agree on politics

Felix Bonner (colored), a sturdy witness who handled facts in such a reckless manner as to charm the contestee's friends, has been given a place in the custom-house at Coosaw, S. C., since testifying in the case.

Z. E. Sawtelle did not get a good place, or at least there is no record of it. He died shortly after testifying. And the oft-quoted and never-to-be-forgotten Chance Green, after his heavy work as a witness for contestee [Mr. Elliott], finds sweet and profitable repose in the Treasury Department under this Administration, and he may be beaming upon me at this moment from that dark cloud in the gallery for aught I know. Whether these witnesses and probably many others secured their places through the Civil Service Commission upon merit, or through the influence of some individual for some service rendered, I do not know. There they are and there we will leave them-at least for the present.

The next feature of the performance in the Seventh district to which I ask your attention is counting votes for contestee not cast for him at all. This was accomplished by the old trick of stuffing the box and then drawing out the votes actually cast for Smalls as "excess" and counting the illegal ballots for Eliiott. General Smalls selects three of the precincts where this was done and proves it clearly and emphat-

ically.

The first is Pocotaligo precinct in Beaufort County. Here, as usual, the managers and clerk were all Democrats. The poll-list shows that 143 men voted. When the vote was counted it disclosed an excess of 148 ballots. The count was conducted by the Democratic managers. The disposal of the surplus ballots was managed by the same gentlemen.

The process is described by S. J. Bampfield (colored), from whose testimony I quote:

testimony I quote:

Q. Did you witness the count? And if so, state whatever facts came to your knowledge or observation in reference to it.

A. I did; in the afternoon my suspicions were aroused by the apparent nervousness of the managers, especially Mr. Frampton, the chairman, and the circulation by them of certain rumors to the effect that the votes in the box were tie, and that certain Republicans who were loud-mouthed for Smalls, the Republican candidate, were secretly voting for William Elliott, the Democratic candidate, As I crossed the piazza to enter the room where the voting was going on I overheard a conversation between Mr. John Frampton, the chairman of the board, and Mr. H. W. Richardson, collector of the port of Beaufort, as to how to dispose of the excessive votes in the box. Soon after Mr. Frampton announced that the room would have to be cleared and that the counting would proceed. I asked him if any citizens would be permitted to witness the count; he said that I might stand at the open door, but that I couldn't remain in the room. He

did, however, permit Mr. H. W. Richardson, collector of the port of Beaufort; the paymaster in the United States Navy, James L. Morrison; a boat-hand in the custom-house; and others, who I think were State constables, to remain in the room. The open door in which I stood was not more than 4 feet from the table on which the box was placed, so that I could witness the count.

Before opening the box Mr. Frampten directed that the light, which was but an apology then, should be removed from the table on which it stood by the box to the mantel-piece. His position was, one hand on the box, the other directing the removal of the lamp; reminded one more of a necromancer about to perform a feat of legerdemain than an officer performing a sworn duty. He finally opened the box very carefully and proceeded to take out the ballots. After taking out 143 ballots, laying them one upon another, face down, corresponding with the number of names on the poll-list, he stated that there were more ballots in the box, and that he would have to return the 143 ballots to the box and that some one with his back to the box should withdraw the excess and destroy them, in which opinion Mr. Henry Mew evidently concurred. I called his attention to the fact that he couldn't know the excess of the ballots in the box, until all of the ballots were counted, and that, therefore, he did not know how many ballots to destroy. They both still insisted that that was the proper manner to dispose of the excess. The paymaster suggested that the two was the counted. All the Democrats present except the supervisor. Mr. Hammond, and Mr.

out.

All the Democrats present except the supervisor, Mr. Hammond, and Mr. Richardson, were opposed to counting all the ballots in the box, and thus to expose a glaring fraud. After considerable discussion Mr. Richardson came to my rescue, stating that I was right, that the law required that all the ballots should be counted, to which the managers reluctantly consented. Upon counting the remaining ballots in the box there were found to be 148. All the ballots were then returned to the box, and Mr. Frampton, turning his back to the box, drew out the 148 which were in excess, which were destroyed. It was then found that of the ballots remaining in the box there were 87 for Elliott and 56 for Smalls. The ballots that were taken out—the 143—were laid on the table, were mostly clean and lightly folded, so that they lay comparatively smooth on the table, indicating that they were never voted singly. During the removal of those ballots from the box I noticed that they were apparently folded together in a large bunch, and called the managers' attention to the law about ballots being folded together, and noticed that subsequent to that Mr. Frampton's hands were put lower down in the box, so that I couldn'tsee what he was doing. He destroyed two Elliott ballots folded together after I had spoken to him.

The names of the Democratic managers and the Democratic clerk who conducted this performance, are John Frampton, Henry Mew, J. W. Hill, and M. C. Hammond. Neither they nor any other of the partisan friends of contestee [Mr. Elliott] were called as witnesses. They sent their return to the canvassing board giving Elliott 87 and Smalls 56 votes. One hundred and eighteen legally qualified voters at this received waven they worted for Smalls. at this precinct swear they voted for Smalls.

The second precinct offered by contestant in illustration of this prac-

tice is Providence precinct, Sumter County. As usual the managers were all Democrats. They returned 119 votes for Elliott and none for When the polls closed there were 119 names on the poll-list. Smalls. When the ballots were counted 199 were found in the box.

Robert Mahoney, a supervisor, explains in his testimony how easily Democratic managers of election in South Carolina can dispose of a few Republican votes.

Q. Where were you at the close of the poll that day?
A. At the polls in the house.
Q. After the polls were closed what was done by the managers of election?
A. The votes were counted by the managers. I saw Mr. Kingman, one of the managers, count the votes and give Smalls 39 in the count, and Elliott 160 votes, after which the votes were returned to the box, and a boy drew out of the box from the number all of Smalls's ballots and other votes besides what they gave to Elliott all that was left, 119 votes.
Q. How did it happen that all the ballots for Smalls were drawn out of the box?

A. Because Smalls's ballots were placed on top of the box, and the boy drew

R. H. Richardson (colored), a constable at that precinct, testified in reference to this affair. I quote from his evidence

I was at Providence poll by my watch from 6 a. m. until the polls closed that evening and until the votes were counted. After the closing of the poll John Kingman proceeded to canvass the votes; he placed the votes cast for Smalls on one side of the box outside, and those cast for Mr. Elliott on the other. When he saw that there were more votes in the box than the poll-list called for he placed Mr. Elliott's vote in the bottom of the box, then pushed the Smalls vote on top of those, and had a boy to draw every Smalls vote out without stirring them up. The other man, Mr. C. L. Williamson, refused to sign the Democratio return—he was the Democratic supervisor—claiming that it was not fairly done; there were 39 Smalls ballots, not one Elliott, thrown out, and no Smalls ballot was left in the box.

This testimony all stands without a contradiction. There is no certain proof as to just what the legal vote of this precinct was, and the glaring fraud perpetrated by the officers clearly voids the election at this precinct.

Green Pond, Colleton County, the third precinct in this chapter of frauds, is simply a repetition of Pocotaligo with variations. The managers and officials were all Democrats. After closing the polls they excluded the public from all view of the ballot-box for ten minutes while they juggled with it in the back room of a store. Then they counted the vote and credited Elliott with 160 and Smalls with 35 votes. One hundred and thirty-four witnesses, whose testimony covers nearly sixty pages of this record, swear they voted at that precinct for Robert Smalls for Congress. True, some of them were too ignorant to read their ballots, and under the badgering cross-examination of contestee's lawyers are betrayed into some apparent contradictions, but no fair-minded man can read all the evidence and escape the conviction that 99 of Smalls's legal votes were exchanged for 99 illegal Elliott votes during the ten minutes the managers were in the back room alone with the ballot-box.

In some precincts of the Seventh district they have made no advance

at all ever the old methods. Notable examples of this slow development are found in the evidence relating to Adams Run precinct, Colleton County, and Fort Motte precinct, in Orangeburgh County. Here there seems to have been a lack of special talent and they resorted to the old-fashioned Southern plan of simply stealing the ballot-boxes after the election was over.

However, secondary evidence of the result at these two precincts establishes the fact that Smalls received 177 votes at Adams Run and Elliott 37; and that at Fort Mottee Smalls received 236 votes and Elliott 58.

RESULTS OF THE SYSTEM.

A careful examination of the evidence of this case under the law must make it plain to any unbiased man that Smalls is justly entitled to 2,401 more votes than were given him by the board, and that Elliott's vote should be increased 151 and reduced 280-a net reduction of 129. This monstrous wrong was consummated by preventing the registration of men entitled register; compelling the colored voters to go long distances; refusing to see them as they stood before the registration office in respectful waiting day after day; refusing to hear them as they plead and begged to save their citizenship. It was consummated by preventing registered voters from voting, usually rejecting the vote without any explanation or offering an excuse so unreasonable and arbitrary as to clearly prove their determination to disfranchise the colored Republicans; plying the colored voter with smart questions and receiving the white Democrat's vote without even a certificate; appointing Democratic managers to conduct the election who refuse to appear at the polling-places where there are large Republican majorities; purposely neglecting to supply strong Republican precincts with their lists of registered voters, and then rejecting the entire precinct because the lists were not supplied. It was consummated by reversing the result on the count and return; rejecting the vote of entire precincts upon silly pretexts of riot, based on the wicked lies of witnesses who afterwards secure fat offices; stuffing the boxes with illegal Democratic votes, then rejecting the Republican votes as excess; and finally, by boldly stealing the ballot-boxes of Republican precincts. Stop a moment and think of the application of this system and how

Stop a moment and think of the application of this system and how easy it is to accomplish the result contemplated by its projectors. Sometimes the colored voter making his way along the torthous, winding course prescribed, preliminary to voting and in preparation for it, wearies before he reaches the polling-place, for at every turn those whose sworn duty it is to assist him, and who perform that service with fidelity to all Democrats, purposely and persistently mislead the Republican and rejoice over the consequent blunders which bar his way to the ballot-box. And when after many failures, quick to learn even in this hard school, he is finally possessed of the necessary credentials and reaches the august presence of the Democratic managers of election, ready to deposit his ballot, standing before them alone, with no political or personal friend present to counsel him, if he is not cheated into placing his ballot in the wrong box, and actually lodges it where it belongs, it will certainly be rejected in the count because it is "soiled or mutilated," or not "properly folded," or be drawn from the box as "excess." Or if the count shows a sufficient Republican majority to make it worth while the entire poll will be rejected because a "quorum" of Democratic managers did not conduct the election, or were not "properly sworn," or some technicality was purposely not observed in making out the return. One thing is absolutely certain, in the "New South" the way is always prepared in advance to keep the Republican vote down and to keep it down under color of law.

Here, then, in the sworn testimony of this case, in the cunningly devised, infamously executed election laws of this State is laid bare to the world the last conspiracy of a too often disloyal people against their Constitution and their country. It is not open rebellion this time, but a sly, covert nullification of the highest law of the land. It incurs none of the risks of armed assault, escapes the personal dangers and swift public indignation of organized violence and intimidation. It is outrage embellished and refined. It is lawlessness systematized and, if possible, legalized.

It has accomplished the same results all over the Southern States which it so easily secured in the Seventh district of South Carolina. In States where the law is just and fair, the villainy is perpetrated in its construction and enforcement. Though the system varies in form it does not in operation and results. From the bloodhound and the raw-hide, the bludgeon and the shotgun, to the South Carolina election law and its wicked execution, is but a little step. The transition was easy and natural. It was not so noisy and it was cheaper. It had everything to commend it to an intelligent and unscrupulous minority.

Its results must be eminently satisfactory to the political leaders of the South. Confused, baffled, discouraged, cheated, the colored vote of the South has quietly and speedily disappeared from the returns. There has been no clash of arms, no New Iberias, no Hamburgs, no vexatious newspaper reports, no aunoying investigations—silently, but-fatally to the colored Republican vote, the new election methods of the South, or the election methods of the "New South," have done their perfect work. In the State of South Carolina alone, 78,046 Republican votes have disappeared from the returns since 1876.

So long as it was a policy of intimidation and violence, and even occasional murder, it was not so dangerous. It carried with itits own ulti-

mate cure. It would in time yield to the influences of civilization; go down beneath the overpowering weight of decent, humane public condemnation. But no sooner was it accepted that kukluxism could not always survive than the skilled, adroit, political leaders of the South devised a system which, with unscrupulous officials, would wipe out the constitutional amendments effectually. They gave it solemn legislative sanction, followed by shameless, odious, atrocious execution. They stole the sacred livery of the law to clothe and mask disloyal violators of the Federal Constitution. They made the Democratic party of the South accessory to the crime. They debauched and degraded the State, broke the oaths taken when the flag of secession went down in the wreck of rebellion, smirched the little remnant of honor which they carried back with them from Appomattox.

What has it yielded? Through it they have ruled States, they have controlled in national politics, they have acquired undue representation, they have greatly wronged the North. But they have done infinitely worse and more than all this. They have written in enduring forms in their statutes, in the records of their courts, made a part of their political history, worked into the thought and life of people by the millions—old and young, wise and ignorant, white and black—the pernicious, monstrous, damning creed that law is the legitimate weapon of the wrong-doers that the desires of the individual are more sacred than the honor of the country; that violation of the Constitution is commendable; that the ballot, the American citizen's ballot—his defense, his power, his shield, his sword, his hope, his prophecy—is the lawful spoil of any desperate political opponent. [Applause on Republican side.]

This is what they have done and are doing every hour. This is the enormous crime which they are committing against this people and posterity. In the midst of ignorant millions just acquiring a primary knowledge of the duties of citizenship, it is appalling to contemplate the awful consequences sure to flow from this sweeping destruction of all political integrity from this twisted, deformed conception of the law and its sublime office to humanity.

But a little time has passed since the South indignantly denied that

But a little time has passed since the South indignantly denied that they suppressed the Republican vote or cheated in its count. The North, ready to take the most comfortable, quieting view of troublesome questions, silenced every reference to it with the cry of "The bloody shirt!" Now they are shocked by the public announcement from the South that this is a "white man's government," and startled to find the doctrine defended where it should be denounced and abominated. It is the inevitable course of crime. The wrong doers succeed. They grow reckless; they are suspected; they deny; they protest their innocence. They are caught in the act, confronted with the proofs, driven to bay. Then they grow desperate, defiant. Then they admit the crime; they boldly plead self-defense; they impudently plead justification.

With one voice the press of the South to-day seems anxious to convince the country that there has never been any attempt to deny or conceal the fact that the negro vote was suppressed. They strive and vie with each other in announcing themselves as bold and courageous in their defiance of the law, as determined, unyielding violators of the Constitution, and they even openly demand public acquiescence and justification.

Sir, I believe the time has come when the truth should be plainly spoken. For nearly a quarter of a century the North has yielded, acquiesced, submitted, and patiently waited. From the hour of defeat the South has been the recipient, the thankless, sullen, defiant recipient of beneficence and liberality at the hands of the North. In victory they levied no tribute, demanded no satisfaction. They assumed and have paid the bulk of the war debt. They have poured out national treasure and individual wealth to build up the broken and shattered South. Calamity has never befallen them but that the generous hand of the North sustained them in their need.

Nothing like it can be found in all history. The South went unpunished for their treason, and have complained that the North alone is benefited by pension appropriations. They laid down their arms, not their opinions, and went back to teach their children that the South was right. They were restored to political power and used it to wipe out the constitutional amendments and punish the North.

Granting all that the South claims—that the war robbed them of their wealth by emancipation and threw upon them the burden of millions of ignorant citizens; granting all this, what plausible excuse can they offer for the outrage and wrong committed? What reasonable defense can they make for the present situation in the South?

"We are doing just what you would do under the same circumstances" has become the common and ready retort to every protest from the North. It is possible that we do not understand each other.

If you mean that any other portion of this country not trammeled by your prejudices, not embittered by your experiences, confronted by the same problem, would deal with it as you have—if you think there is anything in the existing conditions to exonerate or palliate your conduct, you seriously, gravely err. Your action may be explained, may be condoned; it can never be justified.

may be condoned; it can never be justified.

Make the Northwest, if you will, a battle-field for four years, deprive its people of all their chattels. leave them only their lands, and place in their midst four million ignorant, undeveloped Negroes with no property

and no training except that of tilling the soil, you would not from that hour on find the strength and intelligence of the Northwest devoting their energies and their power to terrorizing and repressing the vote of the weak and the ignorant; you would not find the people of the Northwest a quarter of a century later living in their past, complaining of broken fortunes, comparing what is with what was. Long before that broken fortunes, comparing what is with what was. Long before that all trace of war would have disappeared; the idle labor would have been utilized to rebuild the country and restore its fortunes, schools and teachers provided, the ignorant educated and elevated.

What was Dakota ten years ago? What constitutes its wealth, except the land and the labor bestowed upon it by a law-abiding people?

A wild unbroken prairie transformed into a great and prosperous State, farms with comfortable homes, schools in every district, thriving towns and cities always in sight. The flood of foreign immigration speaking a different language, born under other skies, loving another flag, and another history, welcomed, taught, assimilated, and transformed into the hardiest, highest type of American citizenship.

The colored people born upon American soil, speaking the English language, loving this country, knowing no other, idolizing the Southern people, most of them of Southern blood; this people who had been trained to do all the manual labor of the South, who understood its soil, its climate, its products, who had made the sunny South what it was in "the halcyon days before the war;" this people who had been faithful servants to proud masters for centuries, who had been the companious, playfellows, nurses, and guardians of their children, who had remained at their posts while a war was waged for their freedom; this people with their deep affections, their strong attachments, their fine emotional nature, and their impressionable character, anxious to learn, willing to be led-this people, though unlettered, though laboring under the disadvantages of a race suddenly released from bondage, nevertheless offered material that might in a generation of time have been molded into American citizens of which any section of this country might be proud.

No, gentlemen, there is nothing threatening or portentous in the Negro problem to-day, either for you or the rest of the country, ex-cepting as you make it so. The difficulty does not lie with him, but with you instead, in the blind prejudice and stubborn antagorfism, ever opposed to his development politically and socially as a citizen.

You say, in justification, that the Negro is ignorant, inferior, inca pable of growth. Is he not willing to learn? Are you willing that he should? If you are anxious that he should learn, why have you hindered rather than helped him? Why have you ostracized Northern teachers, who make such sacrifices to educate the colored people?

Do you encourage them in the acquisition of property? them what their labor is worth in cash, or does a system of rental and store-pay prevail, which is designed to always keep them poor? Do you sell them land at a fair price? Do you aid them to build and own homes?

You say the Negro is not progressive. Secretly do you not fear that he is? Is it against the dull and submissive that you feel the keenest resentment—direct your hardest blows? Or are they aimed at those who, like Robert Smalls, have shown intellect, courage, and determination to lift their people to a higher level and maintain their rights as freemen ?

Blinded by passion and prejudice you may refuse to accept it, but the historian will place the responsibility of any evil consequences that may flow from this war against the colored race where it belongs. Admitting that the rebellious States had heavy burdens to carry, the disinterested student of facts will find no problem presented by the situation that could not have been solved successfully by earnest, honest endeavor.

If the colored people had been fairly treated, if they had received kindly recognition, if they had been provided with schools and books and teachers, if they had been given an opportunity to make homes for themselves, if their labor had been properly rewarded, who doubts that the progress they would have made in twenty-five years would have astonished the world?

The fact that, in spite of all effort to retard or suppress the negro, he has made much progress should awaken the South to an appreciation of

the folly of the course they are pursuing.

The next census will show the colored race in a majority in five, possibly seven States. They are shaking off the spell of cringing submission stamped on them through two centuries of slavery. They are climbing higher and higher. Every hour of self-dependence sharpens their faculties, broadens their understanding, adds to the sum of their knowledge, develops their spirit of independence and strengthens their Wait a little while, not long will they wear the shackles of this second bondage; not long will they submit to the despotic control of an arrogant minority. The majority will ultimately control in every quarter and corner of this Government. What then would you say if there should come to that majority in your section the natural desire to pay you back in kind? What then could you answer if they turned upon you crying:

The villainy you taught us we will execute, and it shall go hard, but we will better the instruction.

[Applause on the Republican side.] Oh, men of the South, sharers in our common heritage of self-gov-

ernment and personal liberty, in the name of a late past crowded with bitterness and anguish for us all I entreat you to stop. For the sake of your own peace and honor go no further in this infamous business.

You can not justify it, you can not defend it, you can not sustain it!

The hour is at hand when the people of this whole country, by an overwhelming majority, will make it their first business to secure and preserve the representative character of this Government. The South can not any longer afford to oppose that principle. [Applause on the

Republican side.]

To-day an opportunity is presented the Democratic party to place itself on record against the election methods of the South; to rebuke here and now the outrages committed in this district; to answer with plainness and patriotism the great question which has come to mean something to the thoughtful loyal men of this country. In the closing days of your administration of this Government, the last hours of your control of this House, give this colored man, this former slave, this leader among his people, who has spent nearly all the earnings of his life since freedom contesting for the rights of which he has been cheated: give to General Robert Smalls, whose distinguished services for the Union and against rebellion, whose skill as a political organizer of his people and courage as a defender of the civil rights of his race early marked him for persecution and defamation; give to Bob Smalls, who as a slave, seized with high military courage and judgment the critical moment to capture with his own hands a Southern transport steamer, turn her prow to the North, run her past Confederate forts and under rebel batteries into the Union lines and turn her over to the Union Government-a daring achievement that will live in history after all who hear me are dead and many of us forgotten; give to this old man, this old soldier, the seat on this floor to which he was honestly elected November 2, 1886. [Applause on the Republican side.]

The Republican party here has nothing to gain or lose by the decision in this case. But feeling for this man as I do, knowing what it means to him, knowing how he has suffered, I could, if it would avail, lie down and beg for that justice to which every man in this House

knows he is entitled. [Applause on the Republican side.]

Mr. LODGE. Mr. Speaker, it is always a pleasure to me to listen to my friend from South Carolina [Mr. HEMPHILL], because he is always interesting, always honest, and always pleasant in what he says. The illustrations that he has been using have been amusing, but the argument is not a new one; it is the old, old answer to a difficult question that "you are another." It is the argument that because one wrong exists in one place we may meet it and balance it by saying that another wrong exists somewhere else.

Two wrongs, Mr. Speaker, never made a right, and they never will. Because the fundamental right of the black citizen of the United States is torn up by the roots in South Carolina, it is no answer to say as a justification of it that there are here and there instances of race prejudice against him in the North. I do not stand up here to falsify the facts of history or assert that the conduct of the North towards the black man in all the years that have gone has been without fault or

without mistake.

I know very well that there was a time when the North bowed to the dictates of the South and did wrong to the black man in its own way just as much as the South did. I know that there was a time, and an accursed time, in my own State, when "Massachusetts, God forgive her, was a' kneeling with the rest," when she mobbed Garrison in the streets of Boston and sent Anthony Burns back at your bidding into slavery. But she atoned for all that, Mr. Speaker, in the blood of her best and bravest, shed on every battle-field of the rebell-ion, and the flower of her youth led the black man to fight for his country in the uniform of the United States. You can not now turn about and cry out against the "black laws" which were placed upon Northern statute-books in deference to your bidding. You can not face round now and try to alter the great facts of history with such retorts as these. It was the North whose armies marched into the South and gave freedom to the black men. It was a Northern man who put his signature to the emancipation proclamation. It was the Republican party which placed upon the statute-books the laws which have given to him his freedom and his rights. These are the great facts of history. You can not alter them, and the black man is a Republican history. You can not alter them, and the black and the to-day because he knows that those are the facts of history. There to-day because he knows that those are the facts of history. There may be mistakes, there may be instances of race prejudice in the North towards the black man. If there are, every right-thinking man in the North regrets them and wishes to see them stopped. But that they should exist here and there does not excuse the refusal of the right of suffrage in the Southern States of this Union to-day. It is no answer to say that because a group of men in this place or that manifest an unworthy race prejudice, therefore you are entitled in the South to deprive the black man of the rights guarantied to him by the Consti-

Now, Mr. Speaker, I have no intention of going over the details of this case. It is a typical case, and it is in that view alone that I propose to discuss it. Here is a district made up to send a Republican, this case. It is a typical case, and it is in that view alone that I propose to discuss it. Here is a district made up to send a Republican, made up of the black vote, and gerrymandered especially for that purpose. That district has been stolen. Not even in that carefully-prepared district could the negro be allowed his rights. Everybody knows the

facts that I am going to state. When we pass off this floor and behind that screen, no man, North or South, would deny the facts, but here it is thought necessary on the other side of the House to demonstrate from time to time the great affection that is felt for the negro by the Democratic party. I confess that I think there is nothing more inspiriting or interesting than to see a member from the South, on a conspiriting or interesting than to see a member from the South, on a contested-election case, declaring, with tears in his eyes almost, the affection that he and his friends feel for the negro. [Laughter.] I know of nothing equally impressive unless it be the display of feeling that we have had about "trusts" during the recent tariff debate from those gentlemen who pose as the especial friends of the people. [Laughter.] The chairman of the Committee on Elections [Mr. CRISP] a few days, or rather a few weeks, ago, when he was protecting the power of the minority against the assaults of a feeble majority, declared with great heat that it was not fair for gentlemen living 3,000 miles away and reading a partisan pewspaper to pass indement moon the elections

great heat that it was not fair for gentlemen fiving 3,000 miles away and reading a partisan newspaper to pass judgment upon the elections and the voting in the Southern States. I suppose that that was simply a figure of speech, because a gentleman 3,000 miles away reading a partisan newspaper would be living somewhere in the neighborhood of Mount St. Elias, or else on the shores of Baffin's Bay or among the Esquimaux. [Laughter.] The opinions of those gentlemen I do not undertake to defend. We must take it as one of those flights of fancy which this subject is sure to occasion in the well-regulated Southern wind. But when the gentlemen tells us that an election is full fair. mind. But when the gentleman tells us that an election is full, fair, and free in a State which elects ten Congressmen with a total vote only 1,000 greater than was cast in my own single district of Massachusetts I do not believe that he can convince any one that elections exist there in the way in which they exist everywhere else in this country. I was reminded, when I heard him speaking, of the very old story of the Englishman who was crossing the plains many years ago and who got off the stage at one of the way stations, went into the saloon and up to the bar, and said to the barkeeper that he would like a nice breakfast, a poached egg, a bit of steak, a little coffee, and so on. The barkeeper looked at him across the bar for a minute, then reached round, drew out his revolver, covered the intending customer with it, and said, "You'll eat hash." [Laughter.] I have not any question and said, "You'll eat hash." [Laughter.] I have not any question that in the opinion of that barkeeper that gentleman had a full, fair, and free breakfast, but I question very much whether that was the view of it taken by the traveler himself. [Laughter.]

It is a good deal better in discussing this question to be fair about it. A system of election which results in the election of many mem-

bers of Congress by a vote of 1,700 without opposition is not an election as Americans understand the word in this country, and to say that it is so because everybody votes the same ticket is simply to say that human nature does not exist in those States. Party differences lie deep down in the roots of human nature, and men differ in politics as they take a conservative or a progressive view of public affairs. That natural tendency exists in the South as it exists elsewhere. The votes are not cast there because it is useless to cast them, and the reason it is useless to cast them is, to take the statement of those gentlemen themselves, that it is essential to the preservation of civilization and of all that men value to suppress the vote of ignorance and illiteracy. If the line were drawn on ignorance and illiteracy, or even if the line were drawn on property, which we disapprove as not consonant with American ideas, yet we could not, under our Constitution and our laws, find fault with it. But it is not a question of ignorance; that statement is a mere pretense. The objection, as I have heard it stated, to making an educational qualification is that it will exclude an ignorant white man as well as an ignorant negro. In other words, the line is drawn on race, on color, and on the previous condi-

tion of servitude.

Now, the desired result of keeping the black man a political serf and depriving him of his rights is reached in various ways. Sometimes it is by the ingenious construction of the election laws, as in South Carolina, where those laws are as much designed to produce a free election and provide for the protection of the franchise as the rules of thimblerigging and the statutes of three-card monte are designed to promote a fair game of cards. They are framed for a particular purpose, and they answer it well. Sometimes the suppression of the vote is attained in other ways, such as counting out; sometimes it is by stuffing ballotboxes, and sometimes, as in the recent election in Arkansas, the ruling party begin with the violent plunder of the ballot-box and end with the murder of the contestant when he seeks to establish his rights. The trouble with that system is that you can not confine it, and that it will never solve your problem. You can not teach a whole generation of people that they must be honest and decent in their lives, but

that in one thing it is praiseworthy to use fraud, force, or perjury, or do anything necessary to carry an election and not affect thereby the tone of public morals. The disease is one that is sure to spread.

I have a collection of extracts from Southern newspapers, which I will print with my speech, showing that the poison has spread into your own primaries, and that there are complaints in your own caucuses of this disease. It has not accuses of this disease. this disregard for a fair vote and of fair elections. It has not stopped there, but has still gone on. We have seen that after the elections for the next Congress it was gravely proposed that governors of various I

States should withhold the certificates from members elected on the face of the returns. The secretary of state of Tennessee is now withholding certificate or putting obstacles in the way of the certificate being de livered to the man elected on the face of the returns. The governor of West Virginia has issued certificates to two Democratic Congressmen elected on the face of the returns and is withholding them from two Republican Congressmen elected on the face of the same returns. you suppose the people of the North are going to submit to such things as that? These acts are the plainest usurpation and the most absolutely revolutionary steps that can be taken. You thus have undertaken to seize the powers of this House to judge of the election of its members and to leave to the governors and secretaries of state to say what shall constitute the majority of the American Congress. It is a part of the same evil system, and there is more even than that. The only guaranty of our institutions is in the belief of the people that the elections are fair. There are millions of voters in the Northern States who do not believe to-day that there is such a thing as a fair election in certain not believe to-day that there is such a thing as a fair election in certain States of the South. This is a perilous belief. It is beside the question whether they are right or wrong in holding it. If you impair the confidence of the great masses of the voters of this country in the decision of the ballot-box the end of this system of government is not far off. It is not enough that the elections should be fair. The masses of the people must believe them to be fair and above suspicion. In the Northern States I am perfectly aware that, as in all free elective governments, there are abuses. I know there is more money spent on both sides than there ought to be.

I suppose that here and there there are cases of cheating. But these things are sporadic. They are not parts of a system. Throughout the length and breadth of the Northern States the elections as a rule are honest. Men of both parties believe in the result as declared at the polls; and all this talk that has been made about money is confined to one or two of the close States, and one party is as guilty as the other. I do not defend the use of money, for it is an evil and a danger. But the matter as it has been brought into this debate is a mere question of crimination and recrimination. You cry out that the manufacturers gave money for the support of the Republican party. The money of the manufacturers is no worse than the money of the railroad kings who ran your campaign, or the money of the Standard oil and the sugar trusts. It is just as bad with one as with the other. It is the duty of all decent men to strive to stop the improper use of money, whether it is contributed by the cotton-spinner or the iron-maker, or whether it is by the men who run saloons or who form the whisky ring. to get rid of all these evils in our Government. The general feeling in the Northern States is in favor of getting rid of all these election abuses so far as may be, and we are setting about it now. But to charge the use of money does not meet the wrong now under discussion. We must have fair elections in the South, in the North, in the East, and in the West. It has become the duty of the United States to have such election laws as will secure to the election of all Federal officers the guaranties that we have now in the great mass of the States of this Union. This is not a question of the bloody shirt nor an old war issue.

Mr. OATES. Will the gentleman permit me to ask him a ques-

Mr. LODGE. I have not the time to yield. It is the issue of to-day and of this moment. It is not the cry of the war issues on which Northern men are elected, it is not the issue on which Northern districts are contested, and has not been for years.

Mr. OATES. Will the gentleman allow me a question?

Mr. LODGE. I can not yield. The gentleman can obtain time.
Mr. OATES. I want to ask the gentleman a question for informaon. [Cries of "Go on!" "Go on!" on the Republican side.]
Mr. LODGE. This cry of war issues, so far as we hear it, is con-

fined to the Southern States. Let me say that a speech of such a character as was made by the eloquent gentleman from Virginia here yesterday would not do for a candidate for governor in Massachusetts. He would simply be laughed out of court. But no doubt the gentleman knows his home audience, and his ability is such that I suppose he judges it rightly, but I can only say that that is not the kind of

speech which would do with us.

These old issues, these appeals to State jealousies and sectional prejudices, are issues the people of Massachussetts at least—and I believe that it is the feeling of the North—are only too glad to have buried out of sight forever. Massachusetts, to which allusion was made by the gentleman from Virginia, entertains no hostile feeling towards her sistent of the property of the people of the property of the people of the gentleman from Virginia, entertains no hostile feeling towards her sister States. She has no desire that her Representatives should seek to make political capital by assailing other American communities with out-worn accusations. When earthquakes shook your cities, when flood and pestilence attacked your people, when your colleges and schools have come for aid in education, Massachusetts has never been deaf to your appeal, her heart has never been steeled to the cry of distress, and, God bless her, it never will be. But she wants to see right done to all men, whether their skins are black or white. [Applause on the Republican side.] She wants to see the Constitution lived up to. She knows what her own history has been on the slavery question. There it is for all men to read. No slave since the Constitution of 1780 has

ever had his foot on Massachusetts soil under Massachusetts laws. There she stands, contented to have her record pass into history for the verdict of mankind.

She asks now (and I believe she represents the feeling of the North) that we should have the same fair elections through the South that we that we should have the same fair elections through the South that we have in the North. The North means to insist upon it. We have been too careless, too tolerant, too easy-going; and this debauchery of elections, this striking at the fundamental right, is creeping on and getting dangerous. People in the North, who for the last ten years have passed it by unheeding, have within the last six months come to take an entirely new and a much more just view of the subject. It is the determination, I believe, of the Republican party and of the North to secure fair elections.

I have heard denunciations of United States bayonets and United States supervisors interfering with elections in the States whenever a just and proper election law is talked of. I am perfectly willing that there should be a United States supervisor, and, if necessary to secure a peaceful and honest election, a file of United States soldiers at every polling place in my district. I am not afraid that they would intimidate anybody. I am not afraid to have them look over the election there or see how the people in my district vote, for the voting is honest and so is the count. What is fair for one is fair for all. I have no wish to see elections protected by armed force anywhere. I deprecate and dislike it as much as any man, and I trust that the good sense of the South will render it needless. I dislike it because any force at a popular election is un-American, but the spirit which makes force needful is far more un-American than the force itself. If we must have force at the polls I prefer the force of law and order and of the United States to that of the ''long-haired promoters of civilization poking their shotguns in voters' faces,'' whom my friends on the other side so much admire. The North has no desire to see bayonets at the polls, but the North means to have the Constitution and the laws enforced in letter and spirit, and law is powerless unless on the last appeal the force of the Government is behind it.

the Government is behind it.

This case is, as I have said, a typical case. If you will do justice to Robert Smalls you will show that you are ready to deal with this whole question in a fair and enlightened spirit. The problem is not yours alone; it is ours as well. Your prosperity is our prosperity; your misfortune is our misfortune. We are all bound up indissolubly in one great Union; one can not suffer without all suffering. We ask you simply to do justice; not to draw the line upon a man because his skin is black; to have your elections free, fair, and open, so that they shall command the confidence of everybody. We ask you to join with us in making an election law which shall give that guaranty to the country, and which shall make every man know throughout the length and breadth of the land that, when the votes are counted, they are counted as they were cast, that, when the votes are counted, they are counted as they were cast, and that the poorest man and the humblest man, be he black or white, of what race you please, has secure and impregnable the right on which our institutions rest—the right of "a free ballot and a fair count." [Applause on the Republican side.]

I append the extracts from the Southern Democratic newspapers to which I have already referred:

# [From the Columbia Register.];

The Register believes this solemn matter of fair elections is the most important of all public questions in the whole country, and it believes that reform, like charity, should begin at home. The plan of the Register is not for the negro. It is for society. It is, if anything, more for the white than the colored race. Cheating and swindling can not go on at elections and be kept there. Besides, the cheating and swindling in elections is a greater crime against society than in the private affairs of life. This cheating in elections and being honest after it is like forging a will in the interest of the party administering it, and then claiming the benefit of honestly administering it.

# [From a published address of Lexington County Democrats.]

With mingled feelings of shame and indignation we Democrats of Lexington County come before the good people of the county with our grievances. In the recent primary election held in this county fraud the most glaring was shamelessly perpetrated by the supporters of a combination of candidates who will go down to history in the annals of Lexington County as the court-house ring. The supporters of some of the successful aspirants in that contest, forget-ful of all personal honor and ignoring all patriotic considerations, steeped themselves in political infamy by stuffing the ballot-boxes, voting fictitious names, riding from poll to poll over certain portions of the county and voting at each precinct visited, in total disregard of their decency and manhood.

# [From the Charleston World.]

However, by means of the primaries, with the managers' stamp used to prepare ballots the night before for stuffing the boxes, and rapid penmen to write two names every time one voter easts his ballot, some persons have come to great apparent political prominence in this city. But all this sort of thing has squeezed the life out of the party here.

# [From the Charleston News and Courier.]

The primary in Newberry to determine the choice of a candidate for State senator was followed by sweeping allegations of bribery and fraud. It was the same in Marion County, where Bingham was the defeated candidate. Charges of fraud at the primary in Lexington County were promptly and deliberately made. \* \* The eight-box law, necessary as it was and beneficial as its operations have been, is demoralizing to the people of the State. It must lower the younger men in particular in their own eyes to see the spirit of our institutions violated at every election. It is beneath the dignity of the State to admit that there is not statesmanship in South Carolina to face the consequences of ignorant suffrage and overcome them without political trick or subterfuge.

COLUMBUS, S. C., January 15.

[Special.]

Columbus, S. C., January 15,

In commenting on the recent address issued by E. M. Brayton, chairman of the Republican State committee, the Greenville News to-day says:

"It is not worth while to challenge ex-Collector Brayton's counterblast to the South Carolina election law. We prefer to declare boildly that most of what he says is true, and that the law he describes was and is intended to keep the control of this State with the white people, who are a minority in numbers, but who pay nineteen-twentieths of the taxes and represent ninety-nine one-hundredths of the intelligence and moral force. Then we can say to Mr. Brayton, and to the partisan Republican politicians to whom he appeals, "What are you going to do about it?" These laws are constitutional. They are the laws of the State of South Carolina, representing the will of the sovereign ruling people of the State, who will rule because they have the mental, moral, physical, and financial power to rule.

"The entire Republican party in the United States, with all the power of the Government behind it, can not make South Carolina a Republican State, because it can not make the Republican party here respectable. The gaunt and unkempt Southerner who pokes a shotgun into a voter's face to chase him from the polls is a better man than the sleek, portly Northern manufacturer who offers a poor devil of a workman the choice between voting for high protection and starvation. The most reckless red-shirt riders who ever pulled a trigger are less guilty than the wealthy hypocrites who gave and the heelers who handled the money that corrupted the ballot last November. They may send troops here, as they did before, to stand at our polls and purify the ballot with the bayonet, but for all that there will be no more good stealing in South Carolina. The crookedness in Southern elections is to save the credit and preserve the lives of the States, and to secure the safety and prosperity of the people, the churches, and the schools. They may steal our clectors, but

Mr. ROWELL. Mr. Speaker-

Mr. CRISP. Before my friend from Illinois [Mr. ROWELL] proceeds, I desire to yield ten minutes to the gentleman from Michigan [Mr. Tarsney]. I will yield it now if that will suit the gentleman from Illinois; and he can proceed afterward.

Mr. Tarsney. If the gentleman from Illinois desires to proceed

Mr. ROWELL. No; I prefer that the gentleman should go on

Mr. TARSNEY. Mr. Speaker, I think that I have not obtruded myself upon the attention of the House very much during this session; and I did not intend to say anything in relation to this case until I heard some of the remarks from gentlemen over here on the right. I happen to be almost an extreme Northern man, living within 90 miles of the borders of a foreign country; and when I listened to my friend from Wisconsin [Mr. La Follette] and the gentleman who has just concluded [Mr. Lodge] I thought perhaps it might not be out of place for me to say something in a kindly sort of a way in relation to this case.

Mr. Speaker, I have studied this record; I have studied the report,

and I am not talking from a Southern standpoint, but I am talking from the standpoint of an American citizen. When you gentlemen on the other side of the House proclaim to the world, as I heard you do yesterday and the day before and to-day, that you are the guardians of the whole colored race, I, for one, as a citizen, want to enter my protest at once. You are the guardians of the colored race, are you? You desire to take care of the Southern people? Why I want to call your attention to the fact that your party was never an abolition to call your attention to the fact that your party was never an abolition party until the abolition of slavery became an accomplished fact by the result of the proclamation issued by Mr. Lincoln. Now, deny that record if you can. You can not do it. It was not until the abolition of slavery became an accomplished fact that you gentlemen became the guardians of the colored people of this country; that is, the assumed guardians. Therefore, I say you were not abolitionists; and you are not entitled to any credit for this colored vote that you are getting.

But you say that you emancipated the slaves, do you? Yes, I think you did. What for? You did it to get 800,000 Republican votes and to break what you call to-day the "solid South." That is what you did it for. Well, you have not succeeded.

did it for. Well, you have not succeeded.

Now, you are here to-day with an election case, and you ask that a colored man, simply because of his color, shall be declared entitled to a seat on this floor. God knows the highest law that I know is the Constitution of my country, my own conscience, and the laws as I understand them. But when you tell me that this man is entitled to a seat on this floor in the face of the record that you make, I simply say You ask me to vote for a man convicted of bribery, it is not true. convicted in the courts of his own State. Now, take that record home to yourselves, and satisfy your conscience, if you can, by voting to seat this man as a member of this House.

Now, I do not desire to take up much of the time of the House today, but when you speak to me about gerrymandering districts—and I saw a map hanging up in front of the desk which was a curiosity in its way as showing how they gerrymander in South Carolina—I say when you talk about gerrymandering Congressional districts you must permit me to say that it is a practice which is not confined to one political party, nor to one section of the country. Why, bless your heart, sir, in the extreme Northern State of Michigan, from which I come, I can show you on a map a Congressional district 220 miles long and

only 7 miles wide. [Laughter and applause.]
A Member. Only 7 miles in one place?
Mr. TARSNEY. Yes, sir.
A Member. Where is that?

Mr. TARSNEY. Why, it is in the Tenth district of Michigan.

Mr. ALLEN, of Michigan. Tell us why it is so-that God made the waters there

Mr. TARSNEY. God made no mistake, but the people did, when they sent people like you to represent them in the State Legislature which enacted these gerrymandered districts.

Mr. ALLEN, of Michigan. These districts in Michigan are made

Mr. ALLEN, of Michigan. These districts in Michigan are made up of contiguous territory.

Mr. TARSNEY. Yes, I understand they are quite contiguous and very elongated. [Laughter.]

Mr. ALLEN, of Michigan. You can not divide a town or county under the law in Michigan.

Mr. TARSNEY. No, we do not divide towns or representative districts, I know; but the gerrymander is all the same.

Mr. ALLEN, of Michigan. My district consists of four counties which lie almost in a square.

Mr. TARSNEY. That district has been gerrymandered in order that

Mr. TARSNEY. That district has been gerrymandered in order that you may hold your seat on this floor. [Laughter.]

Mr. CUTCHEON. You can not say that when he has stated his

district is almost a square, and is composed of four counties.

Mr. TARSNEY. Yes, I understand it is a hollow square. ter.

Mr. CUTCHEON. Solid as a square can be under the circumstances

Mr. TARSNEY. I understand your district, too, general. [Laughter.

Mr. CUTCHEON. It is a solid district.
Mr. TARSNEY. Yes; they are careless there. They do not care
ho they are electing. [Laughter.] I hope, Mr. Speaker, this will who they are electing. not be taken out of my time.

Mr. CUTCHEON. My friend seems to be agreeing with us. Mr. TARSNEY. I hope this will not be taken out of my time.

The SPEAKER pro tempore. Gentlemen will take their seats and

order will be preserved in the Hall.

Mr. TARSNEY. Now, Mr. Speaker, I am entirely sick of this talk about a free ballot and a fair count. [Laughter.] There is altogether too much of it. You can not talk about a free ballot and a fair count in the Southern States where the laws are as rigid as in New Jersey and Michigan.

Mr. KEAN.

I beg the gentleman's pardon.
Y. You need not beg my pardon; there is no occasion Mr. TARSNEY.

[Laughter.]

I wish to say to you, and to bear testimony to it as a personal witness, that born in that State, having lived there, I have seen as much bulldozing at the polls in Michigan as I ever saw depicted on any page of paper in this House.

Mr. GUENTHER. Then why did you do it?
Mr. TARSNEY. You Republicans were the folks who did it, and yet you talk about a free ballot and a fair count! I can find you men employed in factories marched up to the polls and compelled to vote the ticket handed to them. It was a question of an empty stomach instead of a shotgun. [Laughter and applause.]

A MEMBER. It is everywhere.

Mr. TARSNEY. Yes, it is everywhere amongst you Republicans [Laughter.] I want to see the time come when every citizen, white and black, can go to the polls and vote in absolute freedom, without intimidation, without interference on the part of employers. [Applanse.

Mr. CUTCHEON. That is good doctrine.
Mr. TARSNEY. But I know it is not so in the North, and I presume it is not so in the South. [Laughter.] Oh! I want to be fair to you gentlemen. But when you come to classify and draw sectional lines between the North and the South I say you are doing that which is positively and absolutely dishonest.

Now, when you argue and ask me to vote to seat this man over here. who I am entirely satisfied was not elected, I will not do it. can take it to your own consciences, I will not take it to mine. [Ap-

plause.] Here the hammer fell.]

Mr. ROWELL. I now yie'd one minute of my time to my colleague from Lilinois [Mr. Plumb].

Mr. PLUMB. I ask recognition, Mr. Speaker, simply for the purpose of requesting unanimous consent to insert in the RECORD my remarks upon this subject.

The SPEAKER pro tempore. If there be no objection, the gentleman will be permitted to do so.

There was no objection.

Mr. ROWELL. I now ask unanimous consent that any member who desires to do so may have leave to print remarks upon this case.

Mr. ANDERSON, of Illinois. I object.
Mr. ROWELL. Mr. Speaker, in the remarks submitted by me in the opening of this discussion I confined myself strictly to the facts contained in the evidence and in the law as applicable to it. Imagine, then, my surprise when my friend from South Carolina [Mr. HEMP HILL] charged me, of all other men, with having started a tirade of abuse against the South! Imagine my further surprise when he, replay, and it has no legs to stand upon by the adjudication of any re-

rimanding me for conduct of which I was not guilty, spent forty min-utes in the discussion of the question entirely outside and beyond the record, and neglected to say a single word about the facts of the case now about to be decided by the votes of this body!

I want, Mr. Speaker, in the few minutes remaining to me, to call the attention of the House back to the cold, naked facts as they are shown by the record in this case. Mr. Elliott was declared to be elected by a majority of 532 votes. In order to reach that result 152 votes cast for him and 2,010 votes cast for Smalls had to be rejected. Adding the 152 votes cast for Elliott to his majority it makes 684 votes. Deduct that from 2,010 and it leaves Smalls with an actual majority of the votes cast amounting to 1,326. If, in addition to that, you take the 441 votes, the correction of the precincts where the ballotboxes were tampered with, as shown by the evidence, you increase his majority to 1,767. If you deduct from that the 100 votes and over cast for Elliott in DARGAN'S district, you make the majority nearly 1,900.

Now, then, it has been insisted by the gentlemen representing the majority of the committee that three districts or precincts in Beaufort County ought to be rejected because of intimidation. These three precincts cast 646 majority for Robert Smalls. If you take this number from the 1,326 votes, his majority of the actual votes put into the ballot-boxes, it still leaves Smalls with a majority of 580. It is however insisted that the Gadsden precinct, where the polls were not opened until an hour after the time prescribed by law, should be deducted. Take away, then the 451 votes cast at Gadsden precinct, and it still leaves Robert Smalls a majority of 129; and while not one of these votes ought to be deducted under the evidence in this case and the law governing it, there is not another vote in all the list that has the semblance of an excuse in the law or in the fact for being deducted. The 212 in Santee where there was no barricade erected is twenty times, nearly, offset by the Democratic precincts where there were no barricades erected. The law requires the counting of the votes notwithstanding the fact that there was no barricade, and there is no variableness in the decisions of the court upon that law.

This conclusion, Mr. Speaker, or this calculation, leaves Robert Smalls with 129 majority, deducts everything claimed on the other side, except the Santee precinct and the Sandy Island precinct, where they had mistaken a notice and declare that that is rejected because the notice did not make a claim; but by reading the notice they find that they are mistaken in that—I say that this deducts everything that can possibly be questioned and still leaves Smalls 129 majority. But there is just as much reason for throwing out the 646 votes in the three Beaufort precincts as there is for throwing out every Republican

vote cast in South Carolina and no more.

I call the attention of this House to the fact that with the exception of one witness, no man, a voter, has come upon the witness stand and sworn that he was prevented from voting the Democratic ticket. No man has come upon the witness stand and sworn that he was compelled to vote the Republican ticket. There is the evidence of opinion; there is the evidence of loud denunciatory talk on both sides, extending back over a period of years, but that is all. It is a fact that the colored people of South Carolina do not rest very easy under the yoke of disfranchisement, which they believe has been placed upon them, nor have they been altogether patient with a colored man who would lie down

upon the ground and allow his neck to be trampled upon. But when you come to the question of whether a man has been prevented from voting through fear, you have failed to find a single man, save one, who will come upon the stand and swear to it; and you have been obliged to go outside of the county to find your evidence. Now, the whole of this case is this: The law says the voter shall do every thing required of him to be done in order to constitute himself a voter; and shall go further and attempt to deposit his ballot. If he does all these things, then nothing else shall prevent the counting of his ballot. The voters here have done all required of them; but you have interposed technical objections to the conduct of the election; not objections to the conduct of the voter, but objections to the conduct of the officers of the law—the party friends of the contestee. When you reject a case on a technicality of misprision, the fault of the officer of the law, you violate every legal precedent. You can do it possibly with your possession of the courts, by the power that you have, under the highhanded manner you defy precedents of law, when you reject the vote, not for the fault of the voter, but on account of fault of the officer of the law.

There is not a precinct, not one, outside of the question of intimidation, but that has been rejected by this committee, not on account of the fault of the voter, but on account of the fault of the officer; and if this House shall vote Mr. Elliott entitled to retain his seat and Mr. Smalls not entitled to receive his rights, they will do it upon the proposition of a law that the neglect of an officer shall work to the detriment of the voter. There is no other proposition in it. The whole argument on the other side of the House, so far as that argument has touched the fact, in this case, has been based upon that false proposition of law unsustained anywhere by any creditable authority. The whole argument, I say, has been based upon that proposition of

spectable court. Now, Mr. Speaker, having said this, I ask the privilege for myself of extending my remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objections.

Mr. CRISP. I ask, what time is remaining to this side?

The SPEAKER pro tempore. Thirty-five minutes remain to the gentleman from Georgia, and five minutes remain to the gentleman from Illinois. [Cries of "Vote!" 'Vote!"]

Mr. CRISP. If the gentleman desires to take that time, he can take now. [After a pause.] The gentleman does not want to take it. Mr. Speaker, I hope it will not be found necessary to detain the House so long as thirty minutes, but I deem it proper that some replyshould be made to remarks on the other side reflecting to some extent upon my people, and necessary that I should devote a few words to the refutation of statements of the gentleman from Illinois [Mr. ROWELL], which I think are wholly unsustained by the record in this

Now, Mr. Speaker, we have heard a great deal from the other side of the House on the subject of elections in the South. The gentlemen over there seem to feel a great interest in this subject. They seem to feel they are especially commissioned to look into such matters, and they relish greatly partisan newspaper accounts that they see from time to time, stating that great outrages are committed in the South, and that the election officers in that part of the country do not make honest returns. Now, Mr. Speaker, speaking for myself and for the State I have the honor in part to represent, I want to say there is nothing in any practice there, there is nothing in any election law there, there is nothing that takes place preceding or during an election there respecting a free ballot and a fair count that is not as perfectly fair, as perfectly honest, and as perfectly honorable as are the laws and practices in any State in the Union.

What do you think about South Carolina?

Mr. CRISP. Now, gentlemen on the other side point to the small vote in Georgia as an evidence of intimidation there. point to one particle of evidence; they do not produce the statement of a single man; they do not point to a contest in this House from the State of Georgia where there is a particle of sworn testimony that elections are not as free and as fair there as in any State of the Union. But, sir, simply because the representatives from Georgia receive but few votes at the polls that State is selected and its representatives are singled out to be held up to the people of the North as evidence that intimidation exists throughout the South. Mr. Speaker, in Georgia we have many elections. In most States all the State, county, and Federal officers are elected at the same time; this is not the case in Georgia. We elect a governor and members of the Legislature in October. elect members of Congress in November. We elect all the county officers who are to manage our county affairs the following January. At each of these elections where there is a contest between the parties or individuals there is a numerically respectable vote polled. But at elections where a candidate has no opposition, where there is no contest, the vote is small. When there is a contest for the nomination the vote is When there is a contest before the people for county officers, there being as a general thing no party nomination, the vote is large. When there is an election where there is no opposition in a local election the vote is small.

But I say to you that the reason why it is small is the fact that there is no opposition. Gentlemen marvel at that. Gentlemen say they do not understand that. It is simply because gentlemen do not understand the situation in the South; and, my Republican friends, you do not seem to want to understand it. You see some statement in a partisan newspaper of the political situation in the South, and whenever that statement charges or intimates that the white people of the South have done anything to improperly influence the colored voters you unhesitatingly accept it as true. Wherever we present to you, as we do in this record, sworn testimony of reputable members of society, black and white, Republicans and Democrats, of the intimidation of the Democratic colored man by the Republican colored man, you lean back in your seats, complacently smile, and say you do not believe it is true. Why, Mr. Speaker, take the district in Georgia represented by my friend Mr. Barnes. The first time he was a candidate for Congress he was nominated by the Democratic party. The convention of the Republican party met for the purpose of making a nomination and adopted a resolution showing they were satisfied with the Democratic

nominee, and they would nominate nobody against him.

Now, that is not hearsay; that is a fact. The result of that was all the votes that were polled were polled for Major BARNES, and he was elected. Who has got the right to complain of it if the Republican party in that district are satisfied? Take the district I have the honor to represent. Take the vote cast at the election for Congress in 1886, which is the vote that has been paraded all over the country as going are the facts about it? I was nominated by the Democratic party. The Republican party made no nomination against me. There was no candidate before the people but myself. No other officer was to be then elected. There were no local contests to bring out the voters. For

nearly twenty years no Republican had gone through my State or my district to discuss political questions before the people. There have been none of those political discussions between the candidates of the parties which arouse and excite people and make each party try to excel the other in numbers at the polls.

Why is that? Mr. REED.

Mr. CRISP. The result was that in some counties in that district they did not open the polls at all.

Mr. REED. Why is it that there is no political interest in your

region?

Mr. CRISP. There was not, Mr. Speaker, at that election a single vote polled against me. Now, I am very sure that no gentleman here with whom I am acquainted or who is acquainted with me—

Mr. REED (interposing). Why is it that there is no political dis-

cussion there?

Mr. CRISP (continuing). Will say that my character as a "bulldozer" is such that it would prevent a single individual from going to the polls and recording his vote against me. The trouble with you

gentlemen is, that you want to believe—
Mr. ALLEN, of Michigan. Oh, no.
Mr. CRISP. The trouble is that you want to believe that the Democratic party at the South is doing something wrong. about this: After the war, the result of which freed the colored man, you felt that he was bound to you body and soul forever. he could be used as an ignorant voter who would go blindly to the polls at your bidding, and send men here that you might use to vote as you wanted them to vote. But when you found out that the colored men in the South, the great majority of them, were not politicians, that they cared but very little which party was in power, that they were utterly indifferent to many of the great issues which excited people at the North, that they were not Republicans from principle-when you found that out, then you began at once to see that something must be done. You said, "Here is a vast mass of voters that we expected to hold indefinitely for the favors we had rendered them. These voters have ceased to sustain us. What is the reason of it? What is to be done?"

Mr. REED. That is what we would like to know.

Mr. CRISP. Then, my friends, "some busy and insinuating rogue, some cogging cozening slave, to get some office," devised the slander that has been circulated among the people of the North.

Mr. ADAMS. Are there no Republicans in sentiment in your dis-

Mr. CRISP. Why, Mr. Speaker, if I had the time—
Mr. ALLEN, of Michigan. We will give you the time.
Mr. CRISP. If I had the time I could tell you of the condition of the Republican party in Georgia, and you would see and realize why the present state of affairs exists there.

Mr. ADAMS. Are they in fact Republicans, though?

Mr. CRISP. I could show you that the Republican party met in convention some years ago, composed largely of colored people with some small minority of whites, and fell out among themselves about the division of the offices of the convention, who should be president, who should be secretary, and so on, and resolved to divide and to abandon each other; and, although you may not realize it, it is literally true, that since the Federal office-holders, who were Republicans, went out of office in Georgia there has been no Republican organization there except the one which they keep up to send delegates to conventions to nominate the Republican candidates for the Presidency. [Laughter and applause on the Democratic side.] That is about all that they publicly do, and perhaps it would not become me to state the inducement they have to do that. Pardon another personal allu-

There is a gentleman upon the floor, a gentleman of whose existence I had no knowledge up to the time I saw his remarks in the RECORD, a gentleman whom I did not know even by sight, who, I found on my a gentieman whom I did not know even by sight, who, I found on my return from home last summer (where I had gone to see a sick child), had printed in the Record during my absence, and, I presume, had delivered on the floor, a speech in which he arraigned my district and myself and the Speaker of this House upon charges and statements that were absolutely—inaccurate. I believe that is a parliamentary word. [Laughter.] I refer to a gentleman from Ohio named Kennedy, from whom my friend from South Carolina [Mr. Hemphill.] quoted here to-day. That gentleman says in a speech delivered on the 12th day of July, 1888:

One thousand seven hundred and four votes elect Mr. Crisp, Democrat, to this floor from Georgia, while 43,830 votes elect Mr. Bynun, Democrat, from Indiana; in other words, it would seem as if one Democrat in Georgia is as powerful at the ballot-box as twenty-five Democrats in Indiana.

And, as if to emphasize the infamy of this glaring and almost unspeakable outrage upon the ballot-boxes of the land, Mr. Crisp, of Georgia, who comes here after having suppressed almost the entire voting population of his own district, is, by the Democratic Speaker of this House, placed at the head of the Committee on Elections, to sit upon the election and qualification of every other member of this House. Could the irony of infamy and outrage go further than this.

Now, Mr. Speaker, it is charitable to say that the gentleman from Ohio was ignorant on the subject which he was talking about. Every member of this House knows, or ought to know—I ought to acquit the gentleman from Ohio from knowing, because his statement other-

wise would be malicious-every other member of this House knows that the Speaker of the House did not appoint the Committee on Elec-Every other member knows that the Committee on Elections of this Congress was elected by the Representatives on the floor.

Mr. CUTCHEON. I presume the gentleman from Ohio [Mr. Kennedy] relied on the Journal of the House, and was thus led into a mis-

Mr. CRISP. I had a right to presume that he ought to know what takes place before his eyes. It appears that he does not. Now, what I want to ask you is if he does not know what takes place here where he can see it, how does he know what takes place in Georgia where perhaps he has never been? [Laughter and applause on the Democratic side.]

Now, I suppose the gentleman recklessly made that statement to send home to arouse and inflame the people of his district. That kind

of a statement

Mr. KENNEDY. Will the gentleman permit me a moment?

Mr. CRISP. Certainly.
Mr. KENNEDY. Is it not a fact that the Speaker of this House

selected first the committee himself, and that afterward when his case came for contest before this House— [Cries of "Oh, no!"]

Mr. KENNEDY. And that afterward when his case came for contest before this House, he came in and asked the House to select the committee he having first himself in his committee, he having first himself in his own room chosen it, and that the Democratic side of this Chamber simply ratified the selection which the Speaker of the House had already made. [Applause on the Republican side. Cries of "Oh, no!" on the Democratic side.]

Mr. CRISP. Now, Mr. Speaker, that applause is an evidence of the feeling on that side of the House on any question which comes up here

touching elections in the South. Gentlemen over there have applauded a statement which every man on that side who knows anything about the history of this Congress knows is untrue. [Applause on the Democratic side.]

Mr. KENNEDY. Will the gentleman bear with me a moment

again?

Mr. CRISP. V Well, of course, if it bears on this question. This is

Mr. KENNEDY. A single word. I want to ask you this question: Even if it were true that the Speaker of the House of Representatives did not place you on the Committee on Elections-you who were chosen by 1,704 votes—the smallest vote that elected any man to a seat on this floor-is it not true that the Democratic members on your side of the House chose you as chairman of that committee, ratifying an infamy which I denounced on this floor and which I denounce now?

[Applause on the Republican side.]

Mr. CRISP. Mr. Speaker, I was not proposing to enter into any controversy with the gentleman from Ohio as to what the House did. My point was this: That here was a gentleman considered by his own people in Ohio a fit representative to send to Congress—a gentleman who, I am informed, has been lieutenant-governor of that great State. He comes here to the House as a representative, and either through ignorance (and ignorance of the grossest character) or through malice, he seeks to not only misrepresent me, but to misrepresent the distinguished gentleman who presides over the deliberations of this House. [Applause on the Democratic side.] That is the charge that is made against the gentleman. Why, Mr. Speaker, I have no doubt this speech was circulated over the district of the gentleman; and I have no doubt those circulated over the district of the gentleman; and I have no doubt those people believe to-day that what was stated in those remarks was true. Everybody here knows that that portion of it is inaccurate. Everybody who is at all acquainted with affairs in Georgia knows that the other portion of it is inaccurate. It seems to me that a common sense of justice would suggest to the gentleman that the people of a State when accused of crime should have the same right accorded to them that is accorded to an individual by all law and in every court on earth-that is the right to be presumed innocent until the charge is proven.

Mr. KENNEDY. Will the gentleman permit me to ask him one

more question? Mr. CRISP.

I think from my experience and observation of the gentleman's conduct

Mr. KENNEDY. Just one more question.

Mr. CRISP. I had better not have any more controversy with him. The SPEAKER pro tempore (Mr. McCREARY). The gentleman from Georgia declines to yield.

Mr. CRISP. Now, Mr. Speaker, I want to say something in conclusion about the points in this case, just a few words. Before doing so I want to say that the extreme anxiety of gentlemen on the other side of the House to do some kindness or some favor to the negro, when he does not live in their community or their own neighborhood, is understood of all men who know anything about public affairs in the past. Every man at all acquainted with the legislation of Congress knows that it was the Republican party that took away from the colored man in the District of Columbia the right to vote.

Mr. MILLIKEN. But who freed him in the District of Columbia? Mr. CRISP. The gentleman is one of those who act upon the mistaken and erroneous idea that the influence and force of past favors are greater upon the colored man than the anticipation and hope of favors that are to come,

Mr. MILLIKEN. Nothing of the kind; but when the gentleman desires to quote the record of the Republican party in its relation to the negro, he had better go back and quote the whole record, and see where he stands then.

Mr. CRISP. Well, my friend, if I should quote the whole of the record it would bring the blush of shame—
Mr. MILLIKEN. Upon your face, not ours.

Mr. CRISP. Upon the face of every patriotic member of the party for which the gentleman speaks.

Mr. MILLIKEN. If your party can stand up without the blush of

Mr. CRISP. Mr. Speaker, in the long history of parties in this country there has never been one that has made so many professions and promises which it failed to keep, and there has never been a party which committed, under the shibboleth of "God and morality," so many outrages upon the free institutions of the United States. [Ap-

plause on the Democratic side.]

Mr. MILLIKEN. Well, if we had not taken great pains with your party we would not have had so many free citizens in the South to-

day. [Applause on the Republican side.]
Mr. CRISP. Now, Mr. Speaker, I stated, and that seemed to excite

Mr. CRISP. Now, Mr. Speaker, I stated, and that seemed to excite the ire of the gentleman from Maine—

Mr. MILLIKEN. Oh, no; I am not at all excited; you appear to be.

Mr. CRISP. That it was the Republican party that took from the colored people in the District of Columbia the right of suffrage.

Mr. MILLIKEN. What did we give them in return?

Mr. CRISP. And in doing this—

Mr. LODGE. Is that all we did? Was it taken from the white

people here?

Mr. CRISP. Mr. Speaker, it was the teachings of this same party which prompted the gentleman from Massachusetts [Mr. Lodge] and the gentleman from Illinois [Mr. MASON] on the floor of the American House of Representatives to say that they believe it is a right and proper thing to station troops in the States at the polls.

Mr. LODGE. To preserve order.
Mr. CRISP. To have a fair and free election.
Mr. LODGE. Yes; we do.

Mr. LODGE. Yes; we do.
Mr. MILLIKEN. If we can not have it in any other way. We can

not do it in any other way in your country.

Mr. CRISP. Mr. Speaker, let me read to the House a resolution adopted by the British House of Parliament one hundred and thirty years ago, when troops were stationed at the polls in England, as the gentleman from Massachusetts now wants to have them stationed at the polls in America in order to have, as he claims, "a free and fair election:"

At an election held for member of Parliament for Westminster over one hundred and thirty years ago, by order of three magistrates a body of English troops were marched up and halted in the church-yard at St. Paul, Covent Garden, very near the polls where the balloting was proceeding. Upon being informed of this fact by the Speaker, the House of Commons passed unanimously the following resolution:

That the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the libertles of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom.

Applause on the Democratic side. ]

The gentleman from Massachusetts, under the teachings of the Republican party, has brought himself to believe that consistently with the Constitution under which we live, consistently with the form of government which our fathers founded, troops can be brought to the polls to secure free elections. Sir, the great men of Massachusetts in the past, if living to-day, would blush—ay, blush for that great State when one of her Representatives on this floor makes such an utterance

of her Representatives on the Democratic side.]
[Applause on the Democratic side.]

[Applause on the Democratic side.]

The Now, sir, a word about the pending case. tions have endeavored to try this case according to the evidence. The minority of the Committee on Elections, in presenting their report to this House, have at the very outset bid defiance to all the rules of evidence and all the rules that ought to govern the action of a committee of this body in presenting a case for the consideration of the House. They begin by quoting an article from a newspaper, and assume to call that evidence. They end by reading upon the floor of the House extracts from newspapers, and they ask you to call that evidence. The gentleman from Massachusetts [Mr. Lodge] gives you his opinion as to what condition of affairs exists in South Carolina. Let me call your attention to the evidence in the case and give you the opinion of another gentleman from Massachusetts, a gentleman whose opinion—and I can say it with the utmost respect for the gentleman from Massachusetts [Mr. Lodge] sitting here—a gentleman whose opinion on this question is far more valuable, because he now lives in the district in South Carolina where this election was held, and knows whereof he speaks. Representative from Massachusetts [Mr. Lodge] from newspapers gathers his facts. The other gentleman from Massachusetts tells what he sees. The Representative from Massachusetts [Mr. Lodge] says that fraud and outrage were committed by the white people in the Seventh district of South Carolina. The other gentleman from Massachusetts, Mr. Cole, testifies in this record:

That he was born at Woburn, Mass.; graduated at Harvard in 1862; moved to

South Carolina in 1863; was Government superintendent of abandoned lands during the war, and has resided twenty-one years on Ladies' Island, Beaufort County, South Carolina; that ordinarily—

And I want to call your attention specially to this-

he is the only white voter on the island; that in 1886 the total vote was 206, of which 11 were cast by white men, and that contestant got 129, and contestee 77; that Ladies' Island lies between Beaufort and St. Helena Island, and is 1 mile from Beaufort; that most of the colored voters are land-owners and tax-payers, and since 1886—

That should be 1876. It is a misprint-

have had a general tendency to vote the Democratic ticket in consequence of reduction of taxation by the Democrats, improvement of the public schools, and general security of their rights; that after the mass meeting at Beaufort in October, 1886, which the Ladies' Island Democratic Club attended, and of which accounts are elsewhere given, most determined efforts were made by the Republican leaders to break up this club; that a club of women was organized to beat all men voting the Democratic ticket, and that many threats were made against Democratic men and women.

Now listen to this:

That it had been announced that contestee would speak on the island the day before the election; but in consequence of many threats that he would not be allowed to speak, the meeting was abandoned, although contestee was ready and anxious to attend.

The conservative people of the island, in view of the outrageous conduct of the Republican leaders, insisted that Colonel Elliott should not go there to speak, because of the fear of bloodshed that would follow from the violence of the Republicans.

low from the violence of the Republicans.

That prior to the election the Democratic voters were in a state of fear for their personal safety, and that there would specially be trouble on election day.

That in consequence of this, deponent distributed Democratic tickets on the night before the election himself—staid all night with many of the voters at a house near the polls, so as to quiet their fears, and that all were open, and to take Republican tickets from the runners for that party. That during election day many women were near the polls, armed with sticks, making a good deal of noise and disturbance, threatening talk, cursing, threats of what ought to be done and would be done with Democrats; that a Republican runner jerked from the hand of a voter a Democratic ticket which deponent had given him; that early in the campaign deponent had good reason to believe that Democrats would carry the poll, but that in consequence of this intimidation "numbers that intended voting the Democratic ticket did not vote at all, and others voted the Republican ticket." That the Democrats were specially fearful of trouble after the polls were closed, and many left the polls on that account, and for a month after the election many did not dare go out at night, and some so continued up to the date of witness's deposition; that in every contest between the parties for ten years past some Democrat had been beaten; that it required a great deal of nerve and courage, not only on Ladies' Island, but at Beaufort and St. Helena (or Brick Church) for a colored man to admit that he was a Democrat, and that he knew that many throughout Beaufort County were prevented from voting the Democratic ticket.

Mr. JOHNSTON. of Indiana. Do you youch for that man's state.

Mr. JOHNSTON, of Indiana. Do you vouch for that man's statement?

Mr. CRISP. I put against the unsworn statement of Mr. LODGE, of Massachusetts, the sworn statement of Mr. Cole, of Massachusetts. The question for the House to determine is which it will accept. Will you accept the unsworn partisan statement of a Representative from Massachusetts or will you accept the unimpeached, sworn evidence of this man from Massachusetts?

Mr. JOHNSTON, of Indiana. Will you answer me one question? [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. But, Mr. Speaker—
Mr. JOHNSTON, of Indiana. I simply want to ask one question.
[Cries of "Sit down!" on the Democratic side.]

Mr. Speaker-Mr. CRISP.

Mr. JOHNSTON, of Indiana. Will you wouch for your witness?

Mr. CRISP. The gentleman from Indiana has found it necessary to emulate the tactics of Smalls [applause on the Democratic side], and will not allow me to proceed to make my speech.

Mr. JOHNSTON, of Indiana. Will the gentleman youch for the wit-

ness whose testimony he has read? [Cries of "Sit down!" on the

Democratic side.]

Mr. CRISP. The gentleman from Indiana addressed the House the and zeal with which he plead, as he claimed, for a fair and free elecand zear with which he plead, as he claimed, for a fair and free elec-tion. In view of what has taken place in that gentleman's State, I was very much amused. [Cries of "Blocks of five!"] It occurs to me that coming from a State where such methods are resorted to as those sug-gested in the celebrated "blocks-of-five letter" [loud applause on the Democratic side] it might be well for the gentleman to purify things at home before he began looking abroad. [Applause.] Mr. Speaker—
Mr. BOUTELLE, Why do you not depict?
Mr. CHEADLE. Will the gentleman permit me to ask him a ques-

Mr. CRISP. Mr. Speaker——
Mr. CHEADLE. Will the gentleman permit me to ask him a ques-

Mr. CRISP. I will not.

Mr. CHEADLE. Then why do you talk of Indiana? It has nothing at all to do with this case. You have made a charge against the State of Indiana. [Cries of "Sit down!" on the Democratic side.]

The SPEAKER protempore. The time of the gentleman from Georgia

has expired.

to be taken off the floor by turmoil. My time has been consumed by interruptions and turmoil; and I insist that I have the right to be heard.

Mr. JOHNSTON, of Indiana. I hope the House will let the gentleman go on until he shall have completed his statement. [Cries of "Regular order!" on the Democratic side.]

The SPEAKER pro tempore. The Sergeant-at-Arms will proceed to

The Sergeant-at-Arms proceeded to request members to take their

Mr. JOHNSTON, of Indiana. I want to ask [cries of "Regular order!"] unanimous consent—
Several MEMBERS on the Democratic side. I object.

Mr. CRISP. I only want to say one word-

Mr. JOHNSTON, of Indiana. I hope that the gentleman from Geora will be allowed to proceed in his— [Cries of "Regular order!" gia will be allowed to proceed in hison the Democratic side.]

The SPEAKER protempore. The time of the gentleman from Georgia has expired. [Cries of "Vote!" "Vote!"]

Mr. CRISP. My time was taken away from me by gentlemen on the other side. It was taken away by the boisterous conduct on the other side of the House. [Cries of "Regular order!" on the Republican

Mr. DAVIS. I hope the gentleman from Georgia will have such time given him as he has lost by interruption. [Cries of "Regular order!"

on the Democratic side.]

Mr. CRISP. Well, Mr. Speaker, I demand the previous question.

[Applause.] The SPEAKER pro tempore. The gentleman from Georgia [Mr.

CRISP] demands the previous question. Mr. ROWELL. On the resolution and on the substitute, I suppose? Mr. CRISP. I believe that by an order of the House heretofore

made the previous question is now ordered.

Mr. ROWELL. The previous question is ordered, and I suppose the

vote comes now on the substitute.

Mr. CRISP. On that I demand the yeas and nays.

Mr. ROWELL. I demand the yeas and nays also.
Mr. CRISP. I would like to have accorded to me the same privilege that was accorded to my friend from Illinois [Mr. ROWELL], but I promise now that I will put nothing in the RECORD except extracts from the evidence

Mr. JOHNSTON, of Indiana. If you will let us put in the answer to your speech we will agree to that.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Georgia?

Mr. HAUGEN and others objected.
Mr. OUTHWAITE. That is right. You are afraid of the record.
Mr. WASHINGTON. That is right. It is just like your conduct li through. You will not let a man either talk or print. all through.

Mr. LODGE (to Mr. CRISP). The gentleman from Indiana is entitled

to that courtesy.

Mr. CRISP. He is not entitled to it. He is an interloper.

Mr. LODGE. He is entitled to the same courtesy that you are entitled to.

Mr. CRISP. He is an interloper.

[Cries of "Regular order!" on the Democratic side.]

The SPEAKER pro tempore. The Clerk will now report the substitute.

Mr. BUCKALEW. Before that is done, Mr. Speaker, I ask the attention of the Chair for one moment—

Mr. ROWELL (interposing). I ask unanimous consent that the gentleman from Georgia [Mr. CRISF] may have leave to extend his remarks, and I hope that nobody on this side will object.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Illinois?

There was no objection, and it was so ordered.

Mr. ROWELL. Now, Mr. Speaker, I ask unanimous consent for any member of the House to publish remarks on this case.

Mr. COBB and others objected.

Mr. JOHNSTON, of Indiana. Now, Mr. Speaker, I ask unanimous consent that I may be allowed to print remarks in answer to the fling which the gentleman has made at the State of Indiana.

Mr. O'FERRALL. I object.

[Loud cries of "Regular order!" on the Democratic side.]

Mr. JOHNSTON, of Indiana. Who objects?
Mr. O'FERRALL (rising). I object, Mr. Speaker.
Mr. OWEN. Mr. Speaker, is it too late to enter an objection now against the consent given for the chairman of the committee [Mr. CRISP] to extend his remarks in the RECORD?

The SPEAKER pro tempore. It is.

Mr. OWEN. Then there is a hereafter on unanimous consents.
Mr. LANE. I call for the regular order.
The SPEAKER pro tempore. The question now is on the substitute.
Mr. REED. Mr. Speaker, I ask the House to listen to me for one moment. The gentleman from Georgia [Mr. Crisp] asked permission Mr. CRISP. I desire to have the attention of the House— [Cries to extend his remarks and objection was made unless permission should of "Regular order!" on the Republican side.] It is hardly just to me be given also to the gentleman from Indiana [Mr. Johnston].

La Follette,

O'Donnell,

Thomas, Wis.

[Cries of "No!" "No!" and "Regular order!" on the Democratic side.]

Mr. REED. Wait a moment. Hear me through.
[Renewed cries of "Regular order!"]
Mr. REED. Wait a moment.

Mr. BIGGS. Mr. Speaker, I want the gentleman from Maine [Mr. REED] to have an opportunity to make his explanation, and I hope

the House will give it to him.

Mr. REED. Permission was given me to speak, and I want to finish what I have to say. [Renewed cries of "Regular order!" on the Democratic side.] Thereupon the gentleman from Illinois [Mr. Row-ELL] requested that permission be given to the gentleman from Georgia [Mr. Crisp] and no one on this side objected. Now I ask the House, with a proper sense of fairness, to give the same privilege to the gentle-man from Indiana [Mr. Johnston], whose State has been attacked, and I want to know if there is any gentleman on the other side who feels that his course would be honorable in making objection after per-

"Regular order!" on the Democratic side.]

Mr. CRISP. I have no objection myself to the request of the gentleman from Maine [Mr. REED] misapprehends the situation entirely. The House extended to the gentleman from Illinois [Mr. ROWELL] unanimous consent to extend him remarks, and I merely asked to be put on the same feating with him remarks, and I merely asked to be put on the same footing with him, and the gentleman from Indiana [Mr. Johnston] was not included in

the proposition at all.

Mr. REED. But the gentleman from Indiana [Mr. Johnston] had made an objection, and it was with the distinct understanding that he was to have the same privilege that the objection was withdrawn. [Cries of "No!" "No!" on the Democratic side.]

Mr. REED. The gentleman from Indiana [Mr. JOHNSTON] had

made that condition.

Mr. OWEN. You gentlemen on the other side are evidently afraid the reply. [Derisive laughter on the Democratic side.]

of the reply. [Derisive laughter on the Democratic side.]
Mr. CHEADLE. I rise to a parliamentary inquiry.
Mr. ANDERSON, of Kansas. I move that the House do now adjourn.
Mr. CRISP. We have an arrangement, agreed to by both majority and the minority, that the vote shall be taken upon this case at this

Several MEMBERS on the Democratic side. Vote down the motion

The question was taken on the motion to adjourn, and the Speaker pro tempore declared that the noes seemed to have it.

Mr. ANDERSON, of Kansas. I call for a division.

Mr. HENDERSON, of Iowa. Mr. Speaker, what are we voting

The SPEAKER pro tempore. The Chair has stated the motion. The gentleman from Kansas [Mr. ANDERSON] moves that the House do now adjourn.

The House divided on the motion to adjourn; and there were-ayes

23, noes 174.

So the motion was rejected.

The SPEAKER pro tempore. The question now is on the proposed by the minority of the committee.

Mr. ROWELL. I call for the reading of the substitute. The question now is on the substitute

The Clerk read as follows:

Resolved, That William Elliott was not elected, and is not entitled to a seat in the Fiftieth Congress from the Seventh South Carolina district.

Resolved, That Robert Smalls was elected, and is entitled to a seat in the Fiftieth Congress from the Seventh South Carolina district.

Mr. CRISP. Mr. Speaker, I ask for a division of the question on those resolutions. [Cries of "No!" "No!"] Very well; I demand the yeas and nays on agreeing to the resolutions.

The yeas and nays were ordered.

Mr. BLAND. I rise to a parliamentary question. I understand tha one of those resolutions resolves that Robert Smalls was elected and th other that Mr. Elliott was elected.

Several MEMBERS. Oh, no.

Mr. BLAND. Let the resolutions be read again.

The Clerk again read the resolutions.

The question was taken; and it was decided in the negative-yeas 127, nays 142, not voting 53; as follows:

Adams.	Brewer,	Davenport.	Guenther.
Allen, Mass.	Brower,	Davis,	Haugen,
Allen, Mich.	Browne, Ind.	De Lano,	Hayden.
Anderson, Iowa	Brown, Ohio	Dingley,	Henderson, Iowa
Anderson, Kans.	Buchanan,	Dorsey,	Henderson, Ill.
Arnold.	Burrows,	Dunham.	Hiestand,
Atkinson.	Butterworth,	Farquhar.	Hires,
Baker, N. Y.	Cannon,	Finley.	Hitt.
Baker, Ill.	Caswell,	Fitch.	Holmes,
Bayne,	Cheadle,	Fuller,	Hopkins, Ill.
Belden,	Clark,	Funston,	Hopkins, N. Y.
Bingham,	Cogswell,	Gallinger.	Jackson,
Boothman,	Conger,	Gear,	Kean,
Bound,	Cooper,	Gest,	Kelley,
Boutelle,	Cutcheon,	Grosvenor,	Kennedy,
Bowden,	Dalzell,	Grout,	Kerr,

I	Laidlaw,	O'Neill, Pa.	Rowell, Russell, Conn. Russell, Mass.	Thompson, Ohio
ı	Lehlbach,	Osborne,	Russell, Conn.	Turner, Kans.
١	Lind,	Owen,	Russell, Mass.	Vandever,
١	Lodge,	Parker,	Ryan,	Wade,
1	Long,	Patton,	Sawyer,	Weber,
١	McComas,	Payson,	Scull,	West,
۱	McCormick,	Perkins,	Seymour,	White, Ind.
ı	McKenna,	Peters,	Spooner,	Whiting, Mass,
ł	McKinley,	Phelps,	Steele,	Wickham,
۱	Milliken,	Plumb,	Stephenson,	Wilber,
ı	Moflitt,	Posey,	Stewart, Vt.	Williams,
ı	Morrill,	Post,	Struble, Taylor, J. D., Ohio	Wilson, Minn.
ł	Morrow,	Pugsley,	Taylor, J. D., Ohio	Woodburn, -
l	Nelson,	Reed,	Thomas, My.	Yardley.
l	Nichols,	Rockwell,	Thomas, Ill.	
ļ		NA	YS-142.	
ŧ	Abbott,	Dargan,	Laffoon,	Robertson,
ł	Allen, Miss.	Davidson, Ala.	Lagan,	Rogers,
I	Anderson, Miss.	Davidson, Fla.	Landes,	Rowland,
ł	Anderson, Ill.	Dibble,	Lane,	Rusk,
ı	Bacon,	Dockery,	Lanham,	Sayers,
ŀ	Bankhead,	Dougherty,	Latham.	Seney,
l	Biggs,	Dunn,	Lawler,	Shaw,
ı	Bianchard,	Enloe,	Lynch,	Shively,
ı	Bland,	Ermentrout,	Macdonald,	Simmons,
I	Bliss,	Fisher,	Mahoney,	Sowden,
l	Blount,	Foran,	Maish,	Spinola,
į	Breckinridge, Ark.	Ford,	Martin,	Springer,
ı	Breckinridge, Ky.	Forney,	Matson,	Stahlnecker,
ł	Bryce,	French,	McAdoo,	Stewart, Tex. Stewart, Ga.
ı	Burnett,	Gay,	McClammy,	Stewart, Ga.
l	Bynum.	Gibson,	McCreary,	Stockdale,
ı	Campbell, F., N. Y.	Glass,	McKinney,	Stone, Ky.
i	Campbell, Ohio	Glover,	McMillin,	Stone, Mo.
l	Campbell, T.J., N.Y		McRae,	Tarsney,
ı	Candler,	Hall,	Merriman,	Thompson, Cal.
ı	Carlton,	Hare,	Mills,	Tillman,
ł	Caruth,	Hatch,	Montgomery,	Townshend,
ı	Catchings,	Hayes,	Moore,	Turner, Ga.
l	Chipman,	Heard,	Morgan,	Vance,
ı	Clardy,	Hemphill,	Newton,	Walker,
ł	Clements,	Henderson, N. C.	Norwood,	Washington,
ľ	Cobb,	Herbert,	O'Ferrall,	Weaver,
l	Collins,	Holman,	O'Neill, Mo.	Wheeler, Whiting, Mich.
ı	Compton,	Hooker,	Outhwaite,	Whiting, Mich.
ı	Cothran,	Hopkins, Va.	Peel,	Wilkins,
ı	Cowles,	Howard,	Penington,	Wilkinson,
ı	Cox, Crain,	Hudd, Hutton,	Perry,	Wilson, W. Va.
l	Crisp,		Pideock,	Wise,
ı	Culberson,	Johnston, N. C. Jones,	Randali, Rice,	Yoder.
ı	Cummings,	Kilgore,	Richardson,	
ı	Cuttimings,			
ı			OTING-53.	
ı	Barnes,	Flood,	Lyman,	Sherman,
ı	Barry,	Gaines,	Maffett,	Smith,
ľ	Bowen,	Goff,	Mansur,	Snyder,
۱	Browne, T. H.B., Va		Mason,	Symes,
ı	Brown, J. R., Va.	Greenman,	McCullogh,	Taulbee.
۱	Brumm,	Harmer,	McShane,	Taylor, E. B., Ohio
۱	Buckalew,	Hermann,	Morse,	Tracey,
۱	Bunnell,	Hogg,	Neal,	Warner,
ı	Butler,	Houk,	Nutting,	White, N. Y.
ı	Coekran,	Hunter,	Oates,	Whitthorne,
١	Crouse,	Johnston, Ind.	O'Neall, Ind.	Yost.

Romeis,

Laird, Lee, So the substitute was rejected.

Ketcham.

On motion of Mr. LODGE, by unanimous consent, the reading was dispensed with.

Phelan

The following pairs were announced on all political questions until further notice:

Mr. Scott with Mr. Crouse. Mr. Phelan with Mr. Butler. Mr. Mansue with Mr. Warner.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. McShane with Mr. Laird.

Mr. SNYDER with Mr. Bowen.

Mr. NEAL with Mr. HOUK.

For this day:

Darlington,

Mr. Morse with Mr. Symes.

Mr. RAYNER with Mr. THOMAS H. B. BROWNE,

Mr. Hogg with Mr. Goff.

On the Smalls-Elliott contest: Mr. O'NEALL, of Indiana, with Mr. FLOOD.

Mr. GREENMAN with Mr. SHERMAN.

Mr. Jóhnston, of Indiana, with Mr. Barry.

Mr. GRANGER with Mr. KETCHAM. Mr. Cockran with Mr. White, of New York.

Mr. TRACEY with Mr. MASON.

Mr. LEE with Mr. HARMER.

Mr. BARNES with Mr. HERMANN.

Mr. OATES with Mr. EZRA B. TAYLOR; Mr. TAYLOR would vote for Mr. Smalls and Mr. OATES for Mr. Elliott.

Mr. TAULBEE with Mr. HUNTER; Mr. TAULBEE would vote for Mr.

Elliott and Mr. Hunter for Mr. Smalls.

Mr. Buckalew with Mr. Darlington; Mr. Darlington would vote for the contestant and Mr. Buckalew against him.

Mr. BUTLER. I am paired on political questions with my colleague, Mr. Phelan. I presume that he, coming from the district he does, would vote "no" on this question. I should vote "ay."

Mr. O'FERRALL. I desire to state that my colleague, Mr. Lee, who is paired on this question, would, if present, vote "no" on this proposition.

The vote was then announced as above recorded. Applause on the

Democratic side.

The SPEAKER pro tempore. The question now recurs on the resolutions reported by the Committee on Elections.

Mr. HATCH. Let them be read.

The Clerk read as follows:

Resolved, That Robert Smalls was not elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina.

Resolved, That William Elliott was duly elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina, and is entitled to bis seed:

The resolutions were adopted.

[Applause on the Democratic side.]
Mr. CRISP moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that he had been directed to request the return to the Senate of the bill

(S. 314) for the relief of Henry M. Rector.

It further announced the passage of the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States.

#### STATE GOVERNMENTS, ARIZONA, IDAHO, AND WYOMING.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 12411) to enable the people of Arizona, Idaho, and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to

And then, on motion of Mr. CKISP (at 5 o'clock and 55 minutes

p. m.), the House adjourned.

### PRIVATE BILL INTRODUCED AND REFERRED.

Under the rule a private bill of the following title was introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 12579) for the relief of Richard L. Wilson-to the Committee on Military Affairs.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Concurrent resolution of the Legislature of Kansas, in relation to pensions—to the Committee on Invalid Pen-

Also, concurrent resolution of the same, in relation to the assassination of John M. Clayton—to the Committee on Elections.

By Mr. FORNEY: Petition of D. L. James, asking for pay for carrying United States mail on route No. 16261, in Florida—to the Committee on Claims.

By Mr. HUNTER: Petition of Elizabeth Cates, dependent mother of James V. Ritter, late private Company E, Twenty-ninth Illinois

Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of citizens of Marshfield, Plymouth, and Duxbury, Mass., for life-saving station-to the Committee on Com-

By Mr. PETERS: Concurrent resolution of the house of representatives of Kansas, favoring pension legislation for militia and non-enlisted men—to the Committee on Invalid Pensions.

Also, concurrent resolution of the house of representatives of Kansas, expressing its disapproval of political violence in the State of Arkansas—to the Committee on Elections.

By Mr. VOORHEES: Petition of 1,667 citizens of Seattle, of 40 citizens of Green River, of 15 citizens of Independence, of 33 citizens of Mossy Rock, and of 42 citizens of Edwards, Wash., praying for the immediate admission of said Territory into the Union under the name of

Washington-to the Committee on the Territories. By Mr. WASHINGTON: Petition of William Jones, sr., for relief of Payne, James & Co., for relief of V. D. Smith, for relief of William M. Campbell, for relief of William Huff, and for relief of John D. James—

to the Committee on War Claims.

By Mr. WILSON: Petition of John B. Rutherford, of Jefferson County, West Virginia, for reference of his claim to the Court of Claims-to the Committee on War Claims.

By Mr. WISE: Resolution of Tobacco Exchange of Richmond, Va. asking for the repeal of the tax on tobacco; also, resolution of Lynchburgh Tobacco Association, in favor of the repeal of the tax on tobacco to the Committee on Ways and Means.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. CUMMINGS: Of 1,584 citizens of New York

By Mr. FORD: Of 332 citizens of Michigan, and of 74 citizens of Allendale, Mich.

By Mr. FULLER: Of 396 citizens of Iowa.

By Mr. KELLEY: Of 2,909 citizens of Pennsylvania.

By Mr. LAIDLAW: Ofcitizens of Chautauqua County, New York, and of A. W. Hull and others, of New York.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BROWER: Of 135 citizens of Winston and Salem, N. C.

By Mr. CLARK: Of 164 citizens of Berlin, Wis. By Mr. DINGLEY: Of 91 citizens of Booth Bay, Me. By Mr. FORD: Of 50 citizens of Allendale, Mich.

By Mr. GIFFORD: Of 135 citizens of Grand Forks, Dak.

By Mr. GROUT: Of 56 citizens of Marshfield, Vt.

By Mr. D. B. HENDERSON: Of citizens of Providence, Iowa.

By Mr. HIRES: Of 58 citizens of Bridgeport, N. J. By Mr. LONG: Of 104 citizens of Raynham, Mass.

By Mr. MACDONALD: Of 74 citizens of Red Wing, Minn.

By Mr. RICE: Of 173 citizens of St. Anthony Park, of St. Paul, Minn.; of 42 citizens of Minneapolis, and of 105 citizens of Macalister City, of St. Paul, Minn.

By Mr. RYAN: Of 196 citizens of Burlingame, Kans

By Mr. VANDEVER: Petition of 31 citizens of Villa Park; of 31 citizens of Topeka; of 34 citizens of Sierra Madre; of 26 citizens of Eagle Rock; of 195 citizens of Los Angeles, of 120 citizens of Compton; of 48 citizens of El Modinia; of 41 citizens of Norwalk, Cal.; of 137 citizens of Long Beach; of 178 citizens of Santa Barbara; of 20 citizens of Santa Maria; of 30 citizens of Ontario; of 41 citizens of Rialto; of 21 citizens of Oneonta; of 53 citizens of Otay, and of 38 citizens of San Diego, Cal.

## SENATE.

# THURSDAY, February 14, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of yesterday's proceedings was read and approved.

FRANK D. WORCESTER-VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

I return without approval Senate bill No. 3451, entitled "An act granting a pension to Frank D. Worcester."

The beneficiary named in this bill served in the volunteer army from February 4, 1863, to January 27, 1864, a period of less than one year, when he was discharged upon the certificate of a surgeon, alleging as his disability "manifest mental imbecility and incontinence of urine—disease originated previous to enlistment."

In 1880, sixteen years after his discharge, a claim for pension was filed in his behalf by his father as his guardian, in which it was alleged that his mind—nat-urally not strong—became diseased in the Army by reason of excitement and

urally not strong—became diseased in the Army by reason of excitement and exposure.

He was adjudged insane in 1872 and sent to an insane hospital, where he remained about six years, when he was discharged as a harmless incurable. His mental condition has remained about the same since that time.

Upon the declared inability to furnish testimony to rebut the record of mental disease prior to enlistment, the claim for pension was rejected in 1883.

In 1857 the case was reopened and a thorough examination was made as to soundness prior to enlistment and the origin and continuance of mental unsoundness. soundness

Soundness.

Upon this examination evidence was taken, showing that he was deficient intellectually when he joined the Army; that he was stationed where he was not much exposed, and that his duties were comparatively light; that he never was considered a boy of solid intelligence, and that he had epileptiform seizures

onstatered a boy of solid intelligence, and that he had epileptiform seizures prior to enlistment.

On the other hand, no disinterested and unbiased evidence was secured tending to rebut these conditions.

The claim was thereupon again rejected. This was a proper disposition of the case unless the Government is held liable for every disability which may afflict those who served in the Union Army.

EXECUTIVE MANSION, February 13, 1889.

The PRESIDENT pro tempore. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

GROVER CLEVELAND.

The motion was agreed to.

#### MICHAEL SHONG-VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read: To the Senate:

I return without approval Senate bill No. 2514, entitled "An act granting a pension to Michael Shong."

It appears that the beneficiary named in this bill, under the name of John M. Johns, enlisted in Company I, Fourteenth New York Volunteers, on the 17th day of May, 1861, and was discharged May 24, 1863,

In November, 1876, more than thirteen years after his discharge, under the same name of John M. Johns, he filed an application for pension, alleging a fever sore on his right leg contracted July 1, 1862, which resulted in the loss of the

same name of John M. Johns, he filed an application for pension, alleging a fever sore on his right leg contracted July 1, 1862, which resulted in the loss of the leg.

His claim was rejected in November, 1882, after a thorough special examination, on the ground that the disease of the leg resulting in amputation was contracted after the soldier's discharge from the service.

The leg was amputated in February, 1865.

While there is some evidence tending to show lameness in the service and following discharge, and while one witness swears to lameness and fever sores in the service, evidence was also produced showing that the soldier returned home from the Army in good physical condition, and that the disease of his leg first manifested itself in the latter part of 1864.

It will be observed that he served in the Army nearly a year after it is alleged he contracted his disability, and that though his leg was amputated in February, 1865, he did not apply for a pension until 1876.

Moreover, the surgeon who amputated his leg testified that the soldier and his parents stated that he came out of the Army without a scratch; that on New Year's night, 1865, he became very warm at a dance; that he went outdoors and was taken with a chill and pain in his side, which subsequently settled in the leg and caused a gangrenous condition, and that upon amputating the leg the artery below the knee was found plugged by a blood clot, which caused the diseased condition of the leg and foot.

This testimony and the other facts established and the presumptions arising therefrom clearly indicate in my opinion that the claim made for a pension by this beneficiary is without merit.

GROVER CLEVELAND.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 13, 1889.

The PRESIDENT pro tempore. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

# ASTRONOMICAL OBSERVATIONS.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read the following order of the House of Represent-

Ordered, That the Clerk of the House be directed to request the Senate to return to the House the House concurrent resolution providing for the printing of the annual volumes of the Astronomical Observations of the Naval Observatory for 1886, 1887, and 1888.

The PRESIDENT pro tempore. If there be no objection the request of the House will be complied with and the resolution returned.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Legislative Assembly of the Territory of New Mexico, praying that agricultural lands be reduced in price to \$1.25 per acre; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislative Assembly of the Territory of New Mexico, transmitting resolutions of citizens of that Territory favoring the admission of the Territory into the Union as a

State; which was referred to the Committee on Territories.

Mr. BERRY. By request of the Chamber of Commerce of Fort Smith, Mr. BERRY. By request of the Chamber of Commerce of Fort Smith, Ark., I present a memorial and certain resolutions adopted by a Territorial convention held in the city of Fort Smith, Ark., on the 24th of January, 1889, composed of 126 delegates representing Boards of Trade and Chambers of Commerce of the cities of Chicago, Ill.; St. Louis, Carthage, Booneville, and Springfield, in the State of Missouri; Omaha, Nebr.; Charleston, Ind.; Memphis, Tenn.; Bentonville, Fort Smith, Van Buren, Salem, Little Rock, and Greenwood, in the State of Arkansas; Lincoln, Fort Scott, Arkansas City, Cherryvale, Chetopa, and Baxter Springs, in the State of Kansas, and Antler's, Ind. T., in favor of extending the laws of the United States over the Indian Territory and giving the cities of the Cherokee Nation the same rights and privileges accorded to citizens of all other Territories, in every respect constituting them one of the Territories of the United States.

I move that the memorial and resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COLQUITT presented a petition of 90 members of Division 256,
Brotherhood of Locomotive Engineers, of Savannah, Ga., praying for
the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. BLODGETT presented the petition of Granville Garrett and 117 others (70 voters and 48 women), praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of 31 citizens of Ohio, praying for the passage of the Oklahoma bill; which was referred to the Com-

mittee on Territories.

He also presented the petition of Samuel Miller and 49 others (31 voters and 19 women), citizens of Maumee; the petition of Mr. Gooding and 34 others (16 voters and 19 women), citizens of Lewis Centre; the petition of S. Hersh and 41 others (21 voters and 21 women), citizens of Wisterman, and the petition of Samuel Newhouse and 53 others (26 voters and 28 women), citizens of Sciota township, Delaware County, all in the State of Ohio, praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on

Mr. STOCKBRIDGE presented the petition of Frank L. Osborne and

58 others (19 voters and 40 women), of Laingsburgh, Mich., and the reti-tion of J. B. Smith and 29 others (15 voters and 15 women), citizens of Leavitt, Mich., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of 339 citizens of Michigan, praying for the passage of the Sunday-rest bill; which was referred to the Commit-

tee on Education and Labor.

Mr. PADDOCK presented the petition of William N. Whitaker and 69 others (36 voters and 34 women), citizens of Buffalo Gap, Dak., and the petition of J. H. Culver and 128 others (61 voters and 69 women), citizens of Milford, Nebr., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. PAYNE presented petitions of the National Woman's Christian Temperance Union, department of Sabbath observance, signed by 483 citizens of Ohio, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. RANSOM presented the petition of A. S. Miller and 34 others (14 voters and 21 women), citizens of Thomasville; the petition of H. L. Shields and 45 others (27 voters and 19 women), citizens of Kernersville, and the petition of Laura Rothwell and 5 other women, citizens of Wilmington, all in the State of North Carolina, praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. ALLISON presented a petition of 500 members of the Congregational Church of Oskaloosa, Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and

Labor.

He also presented the petition of George A. Hamilton and 49 others (27 voters and 23 women), citizens of Exira, Iowa, praying for the submission to the States of a constitutional prohibitory amendment; which

was ordered to lie on the table.

Mr. PLATT presented a petition of citizens of Beaver, Ind. T., and a petition of citizens of the "Public Land Strip," Indian Territory, praying for the passage of a bill to create the Territory of Oklahoma; which were referred to the Committee on Territories.

He also presented the petition of A. T. Parsons and 26 other voters of East Haddam, Conn., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table. table.

Mr. GEORGE presented a petition of citizens of Meridian, Miss., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

the Committee on Education and Labor.

Mr. DAWES presented the petition of George H. Parke and 130 others (91 voters and 40 women), citizens of Taunton, Mass., praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

Mr. MITCHELL presented the petition of Adam Baker and 128 others (63 voters and 66 women), citizens of Tacoma, and the petition of James Eva and 43 others (23 voters and 21 women), citizens of Blaine County, both in Washington Territory, praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table. dered to lie on the table.

Mr. PADDOCK presented the petition of Edgar W. Day and 35 others (30 voters and 6 women), citizens of Lisbon, Territory of Dakota, and the petition of Mrs. C. E. Fletcher and 12 other women, citizens of Yankton, Territory of Dakota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie

on the table.

Mr. CHANDLER. I present the petition of David Morrison, a citizen soldier, of Newport, N. H., praying for the passage of a law to increase the pensions of soldiers who have arrived at the age of fifty years, whose disabilities consist of the loss of one hand and one arm at or above the elbow, to \$36 per month, or if the disability consists of the loss or the use of one hand and an arm at the shoulder, at the rate of \$45 per month, with such necessary regulations as will insure prompt action by the Commissioner of Pensions, without medical examination.

I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 9408) granting an increase of pension to Stephen L.

Kearney A bill (H. R. 12506) granting an increase of pension to Patrick Ge-

raghty; and

A bill (H. R. 11430) to increase the pension of Harlan E. King.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3721) to granta right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1228) granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 9909) to provide for the allotment of lands in severalty to the Indians upon the Oneida reservation, in Wisconsin, and granting patents therefor, and for other purposes, reported it adversely, and moved its indefinite postponement.

Mr. SAWYER. Let it go on the Calendar.

Mr. DAWES. At the request of the Senator from Wisconsin I consent that the bill may be placed on the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

endar with the adverse report.

Mr. PALMER, from the Committee on Agriculture and Forestry, to whom was referred an amendment intended to be proposed by Mr. MANDERSON to the agricultural appropriation bill, for continuance of experiments in the manufacture of sugar from sorghum-cane and beets, reported favorably thereon; and the amendment was referred to the

Committee on Appropriations, and ordered to be printed. He also, from the Committee on Agriculture and Forestry, to whom was referred an amendment intended to be proposed by Mr. HOAR to the agricultural appropriation bill, making an appropriation of \$1,600 for "one assistant librarian," reported favorably thereon; and the amendment was referred to the Committee on Appropriations, and or-

dered to be printed.

He also, from the Committee on Agriculture and Forestry, to whom was referred an amendment intended to be proposed by himself to the agricultural appropriation bill, in regard to the apportionment among the States of seeds, trees, shrubs, vines, cuttings, and plants, etc., reported favorably thereon; and the amendment was referred to the Committee on Appropriations, and ordered to be printed.

SELECT COMMITTEE ON IRRIGATION AND ARID LANDS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. STEWART on the 8th instant, reported favorably thereon; and it was considered by unanimous consent,

Resolved, That a select committee of seven Senators be appointed by the President of the Senate, to be known as "the Select Committee on Irrigation and Reclamation of Arid Lands," whose duty it shall be to consider the subject of irrigation and the best mode of reclaiming the arid lands of the United States; and that said committee have leave to sit during recesses of the Senate, and shall report to the Senate at the meeting of Congress in December next what legislation is necessary for such irrigation and reclamation. And the committee may employ a clerk, who shall be paid \$6 per diem out of the contingent fund of the Senate.

The PRESIDENT pro tempore subsequently announced the appointment of Mr. Stewaet, Mr. Allison, Mr. Plumb, Mr. Hiscock, Mr. Gorman, Mr. Reagan, and Mr. Jones of Arkansas as the committee.

DISTRICT STEAM-RAILROAD HEARINGS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. FAULKNER on the 1st instant, reported favorably thereon; and the resolution was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the District of Columbia be, and it is hereby, authorized and empowered to employ a stenographer to report hearings before said committee on the subject of steam-railroads in the District of Columbia, the expenses therefor to be paid out of the contingent fund of the Senate.

BILL INTRODUCED.

Mr. DAVIS introduced a bill (8. 3965) granting a pension to Olive Tull; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

DISMAL SWAMP CANAL.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be, and it is hereby, directed to take into consideration the question of the expediency of the purchase by the United States of the Dismal Swamp Canal, in the States of Virginia and North Carolina, with a view to the same being improved and made an adequate highway for commerce between the Chesapeake Bay and the principal sounds of North Carolina, and with a view to utilizing the fresh water of said canal and its feeder in a basin for the metal vessels of the Navy.

CONGRESSIONAL ELECTIONS.

Mr. MORGAN. I present an amendment to the resolution which is now the regular order of business in the Senate, and ask that it be read.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. It is proposed to amend the resolution by adding the following:

Said committee shall so frame the legislation they may recommend under this resolution that it shall not apply to any State whose constitution and laws relating to elections of Senators and Members of the House of Representatives provide ample security for the honest exercise of the right of qualified electors to vote and for the just and impartial counting and return of the votes cast at such elections, and for the just, impartial, and true ascertainment and certification of the results of such elections, and in which State these requirements have been honestly complied with.

Mr. MORGAN. I move that the amendment be printed and lie on

The PRESIDENT pro tempore. It will be so ordered.

SPECIAL AGENT BYRNE'S REPORT.

Mr. HOAR. I submit the following resolution, and ask for its present consideration:

Resolved. That the Secretary of the Treasury be directed forthwith to transmit to the Senate certified copies of all sworn testimony in regard to alleged frauds and undervaluations in the New York custom-house taken by Special Agent Byrne, and submitted by him to the Secretary of the Treasury with his "Report of frauds in sugar at New York and Philadelphia," of November 1, 1887

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be read again.

The PRESIDENT pro tempore. The resolution will be read.
The Chief Clerk read the resolution.
Mr. COCKRELL. I would like to ask the Senator whether this matter is very voluminous or not? If it is, the word "forthwith" ought not to be used.

Mr. HOAR. I think not. The Secretary of the Treasury The PRESIDENT pro tempore. Is there objection to the present

consideration of the resolution?

Mr. HOAR. The Secretary of the Treasury was asked by a resolution to send all the information which he had on the frauds and undervaluations in the New York custom-house. He replied to that direction that that mass of information would take some months to prepare; would take a long time, as it was very voluminous. Thereupon another resolution was passed, directing the Secretary to transmit certain specified evidence, which he has transmitted and which is before the Senate.

In addition to that, the persons who are promoting this movement desire certain specific affidavits taken by a certain agent, Mr. Byrne, the copying of which, I suppose, will take a very short time, and as, I am informed, these affidavits support the view of the matter and the policy which has been adopted by the Secretary of the Treasury himself in regard to certain recent transactions which have been subjects of public discussion, I suppose he will be very glad of this request.

Mr. COCKRELL. The only question is as to the time in which he

can furnish what is wanted.

The PRESIDENT pro tempore. Is there objection to the present con-

sideration of the resolution?

Mr. ALLISON. I do not object. I merely desire to ask the Sena-tor from Massachusetts if Inspector Byrne is the special agent who made the report?

Mr. HOAR. He did, and that report has already been submitted. Mr. ALLISON. This is simply to secure the affidavits or papers

upon which that report was based?

Mr. HOAR. Yes. There is a very violent attack, I understand, made by the New York Evening Post upon the Secretary and upon this Special Agent Byrne. That attack is supported by some affidavits of certain discharged public officers whom the Secretary of the Treasury has recently discharged, and those affidavits, it is said, are in conflict with these affidavits which this agent reported and which the Secretary acted upon. I have not investigated this question so as to touch bottom upon it on either side. The Senator from Iowa, I suppose, in his capacity as a member of the Finance Committee, has had occasion to have had more or less of this matter brought to his attention, but I do not suppose he has investigated it to the bottom yet himself.

The resolution was agreed to.

## ORDER OF BUSINESS.

Mr. FAULKNER. I ask unanimous consent of the Senate to call up the bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District.

Mr. WILSON, of Iowa. I hope the Senator will withhold that motion. Some days ago I gave notice that at the conclusion of the formal morning business this morning I would ask the Senate to take up for

morning business this morning I would ask the Senate to take up for consideration the bill (S. 1067) relating to imported liquors in order that I might present some views to the Senate concerning it.

Mr. FAULKNER. I ask the Senator from Iowa whether he thinks that the occupation of the Senate only a few minutes in the passage of a very short bill will interfere with that notice which he has given?

Mr. WILSON, of Iowa. My only response to that is that on two other occasions I have yielded, and this is the third attempt I have made to get up the bill, and I would prefer to have it go on now, and the Senator can make his motion at the conclusion of my remarks.

the Senator can make his motion at the conclusion of my remarks.

Mr. FAULKNER. I will state to the Senator that this is a very important bill; it is a House bill, and there is a disagreement upon amendments to the bill. It ought to pass the Senate promptly, so as to secure final action. It is not over half a page in length.

Mr. WILSON, of Iowa. I would like to have this taken up, and then we can let it be laid aside informally.

The PRESIDENT pro tempore. The Senator from Iowa asks upan-

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the Senate proceed to the consideration of the bill (S. 1067) relating to imported liquors. The Chair hears no objection. The bill is before the Senate, but will be informally laid aside, and the Senator from West Virginia asks for the consideration of the bill named by him.

#### COMPILATION OF DISTRICT LAWS.

The bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 4, after the word "appoint," to strike out the word "three" and insert "two;" in line 7, after the word "the" where it occurs the third time, to strike out "first" and insert "second;" so as to make the section read:

That the supreme court of the District of Columbia be, and is hereby, authorized and directed to appoint two persons learned in the law as commissioners to compile, arrange, and classify, with a proper index, all statutes and parts of statutes in force in the said District, including the acts of the second session of the Fiftieth Congress, and relating to all such matters as would properly come within the scope of a civil and criminal code; and the said court shall have power to fill any vacancies occurring in said commission.

The amendment was agreed to.

The amendment was agreed to.

Mr. SHERMAN. 1 should like very much to see a bill like that passed, with a provision also that the codified code of the laws should be the laws of the District, and should be held to be the laws of the District unless Congress otherwise provide. Unless we so provide it will all end in smoke. We have had a codification before, a very excellent codification of the laws of the District, and it failed to become the law because Congress had not time to read it through, and on one the law because Congress had not time to read it through, and on one occasion it was defeated by the mere threat of calling for the reading of the entire codification, and the only objection pointed out was some question of temperance legislation—whether the temperance law was exactly the right law. If you appoint judges, learned men fit to codify the laws, it is simply their declaration that such appear to be the laws as they now stand, subject to repeal by Congress; then the code will amount to something. If the Senate would make some such provision, I should be very glad to vote for the bill.

Mr. FAULKNER. I will say to the Senator from Ohio that the difficulty we have experienced in obtaining any codification of the laws results from the fact that Congress has not been willing to consume the

results from the fact that Congress has not been willing to consume the time necessary to consider and pass an act for the codification or revistime necessary to consider and pass an act for the codification of revision of the laws. It is absolutely necessary that any codification or revision should be reported back to Congress and that Congress should pass upon and adopt it to give it the force of law in this District. They have attempted to do that on several occasions, and it being necessary to consider and pass and act for the codification of revision should be reported back to Congress and that Congress should pass upon and adopt it to give it the force of law in this District. essarily a very long and voluminous bill the Senate and House have found it impossible to consider and pass the bill. The purpose, therefore, of this bill is to appoint men who have the confidence of the supreme court of the District to compile the law as it exists to-day into a volume which will be accessible to all lawyers, members of Congress, and also the business men of Washington; and this volume of existing laws of the District having the approval of the supreme court of the District, it will be accepted as embodying all the law in force at the date of the compilation.

If any one can find that it does not contain any existing provisions of law of importance, that provision can subsequently be incorporated into it. We have the practice of many of the States in which their codes have been compiled in this way, and they have stood the test of the criticism of the most learned and accurate lawyers in those States. When this is accomplished the members of Congress who have to legislate for this District will have before them the laws of the District, and can then, with the proper information in their possession, determine the propriety of a revision or the necessity for the passage of any act proposed, and at no distant day we may present for the approval of Congress a bill providing for a code which will embody the civil, municipal, and criminal law for this District.

I am anxious to have this done for another reason. This compilation will show the absurdity of the law as it exists to-day and induce Congress to take action looking to its codification. For example, the existing faw of this District authorizes the superintendent of the chimney sweeps to take the oath of office before the Chief-Justice of the United States. In several cases, such penalties as that of boring the tongue are imposed by statute for the violation of its provisions. I want to bring these absurdities into a compilation and let Congress see the condition of the law as it exists to-day. It is the only way, in my opinion, that it can be done to make Congress realize the necessity for a thorough revision and codification of the laws of this District.

The committee amendment provides that on the approval of the supreme court of the District, 5,000 copies of this compilation shall be printed by the Public Printer, and sold to any one who desires to pur

chase at 10 per cent. over and above the cost.

Mr. WILSON, of Iowa. The understanding was when I yielded to the motion to take up this bill that it would not excite discussion.

The PRESIDENT pro tempore. The Senator from Iowa is entitled to call for the regular order.

to call for the regular order.

Mr. HARRIS. I want to say to the Senator from Iowa that I think this matter will be disposed of in the next two or three minutes; but I want to say to the Senator from Ohio—

The PRESIDENT pro tempore. The Senator from Iowa is entitled to the floor. Does the Senator yield?

Mr. WILSON, of Iowa. If this can be disposed of at once I shall yield. Otherwise I must insist on my right to the floor.

Mr. HARRIS. I want to say to the Senator from Ohio that the present occupant of the chair and myself have twice as a subcommittee of the Committee on the District of Columbia reported to the Senate a codification of the laws of the District of Columbia, civil and criminal. It was so voluminous, however, that we were never able, and I doubt whether we ever shall be able, to get the Senate to consider any such bill. Therefore the only thing it seems to me practicable is the bill now pending, and I hope it may be passed in its pres-

The PRESIDENT pro tempore. The next amendment of the Committee on the District of Columbia will be stated.

The CHIEF CLERK. In section 3, after the word "that," it is proposed to strike out the words "the said commissioners shall report such compilation to the next session of Congress, if practicable," and to in-

Of said compilation, when completed, upon the order of the supreme court of the District of Columbia, there shall be printed 5,000 copies at the Government Printing Office, said copies to be sold at 10 per cent, above costs

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments ere concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FAULKNER. I move that the title be amended by adding and for other purposes."

The motion was agreed to.

Mr. FAULKNER. I move that the Senate insist on its amendments, and ask for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FAULKNER, Mr. SPOONER, and Mr. FARWELL were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate, in compliance with its request, the bill (S. 314) for the relief of Henry M. Rector.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, numbered 16, 90, and 93, disagreed to the residue of the amendments of the Senate, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. For-NEY, Mr. RANDALL, and Mr. CANNON managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the juris-

diction of the courts.

#### IMPORTED LIQUORS.

Mr. WILSON, of Iowa. I move that the Senate proceed to the consideration of the bill (8, 1067) relating to imported liquors.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill; which is as follows:

Be it enacted, etc., That the consent of Congress is hereby given that the laws of the several States relating to the sale of distilled and fermented liquors, within the limits of each State, may apply to such liquors when they have been imported in the same manner as when they have been manufactured in the United States.

Mr. WILSON, of Iowa. Mr. President, the bill to which I now invite the attention of the Senate holds close relations with the dearest rights and interests of our people. It challenges our attention to a subject which no government can ignore without endangering its bet-ter conditions, and the prosperity, virtue, and happiness of its people. The Republican party was not unmindful of these considerations when it formulated its national platform and made its appeal to the people in a canvass which resulted in the election of its candidates for President and Vice-President of the United States

There were many declarations of principles and purposes in that platform, but it contained no paragraph or section of nobler character

than the one which declared that-

The first concern of all good government is the virtue and sobriety of the people and the purity of their homes. The Republican party cordially sympathizes with all wise and well-directed efforts for the promotion of temperance and morality.

The bill now before the Senate is in harmony with this declaration, and if it shall be enacted into law will be promotive of the "first conand it it shall be enacted into law will be promotive of the "first concern of all good government." The subject to which it relates is the one definite, unrelenting enemy of virtue, sobriety, and home. The supremacy of these three elements of organized society assures progress, prosperity, contentment, happiness to a people. When these elements are dominated by the enemy whose activity it is the purpose of this bill to aid the States to control, then crime, ignorance, pauperism, discontrate and unknown home audition and exist activated and contract and unknown home audition. discontent, and unhappy homes multiply and society retrogrades.

During the recent holiday season the New York Tribune published

an editorial article on "The Criminal Problem," from which I make the following extract, namely:

Probably few persons realize the extent of our criminal problem. Rev. Frederick Howard Wines, secretary of the National Prison Association, gives some striking statistics in a sermon recently published. There are many intelligent persons who would be surprised to learn that the census of 1890 showed nearly 60,000 prisoners in all the prisons of every grade in the United States. Add to these more than 11,000 inmates of reformatories, who are virtually prisoners, and there is a total prison population of about 70,000 persons. The next census, Mr. Wines estimates, will show 75,000 or 80,000 inmates of prisons and probably 15,000 inmates of reformatories, making a vast army of between 90,000 and 100,000 men, women, and children confined on some criminal charge. Of those reported in the last census almost 10,000 were sentenced to imprisonment either for life or for terms of more than five years duration; but it need hardly be said that these represent only a small part of our criminal problem. They have been compared to prisoners of war; the greater army is still at large and carrying have wherever it goes.

that these represent only a small part of our crimmal problem. They have been compared to prisoners of war; the greater army is still at large and carrying havoc wherever it goes.

The cost of this incubus is enormous. It is estimated that the expense of maintaining the prisons amounts to fifteen millions a year, but this again is only a small part of the cost entailed upon the people at large by the existence of the criminal class. The maintenance of the police departments, it is estimated, costs another fifteen millions. Then there are in the United States more than two thousand courts possessing criminal jurisdiction, to say nothing of more than eighty thousand justices of the peace, a majority of whom have a limited criminal jurisdiction. How much of the cost of this vast machinery should be charged to the account of crime it would be impossible to say, but the aggregate must be enormous. Add to this the loss which honest people suffer by the depredations of criminals, for all of the latter class live upon the former, and we would have a figure which the boldest would not like to guess at. And the disproportionate increase of erime, unfortunately, is established by proof beyond dispute. The figures show a steady increase, greater than the growth of population, in every census, but as the figures previous to the census of 1850 are not believed to be accurate they are disregarded. The State prison reports of the various States, however, show that there is an increase of more than one-third in the convictions for high crimes over the increase of population from twenty years ago.

Mr. President, the facts here presented are of gravest import. What shall we do with them? We can not disregard them. The public good and the general welfare demand that we shall look these facts in the face and acquaint overselves with their portent. The on-march of crime means more than is disclosed by a mere statement of numbers. That the column of confined criminals of 70,000 in 1880 should now number 100,000 suggests that there are conditions existing in society from which we may not safely withhold our attention. Here we have a field in which "the first concern of all good government" may find opportunity for the exercise of its most conservative and potential Virtue, sobriety, and pure homes do not furnish recruits to the constantly increasing army of criminals housed in the prisons and reformatories of this country.

We must look to other causes than these for that increase of crime's army which the figures I have quoted present. Where shall we look? Have we any guide to indicate the way? If we will but turn to the resolution which I have quoted from the Republican national platform we shall not be misled. If "the first concern of all good government is the virtue and sobriety of the people and the purity of their homes," and if these do not furnish recruits to crime's army, then the Republican party gave suggestive intimation when in that resolution it de-clared that it "cordially sympathizes with all wise and well-directed efforts for the promotion of temperance and morality;" for this invites us to look to the opposites of the facts and conditions named for the causes of crime and the augmentation of crime's army. When we obey this invitation and apply practical tests within our reach to the subject involved we find that we have not been misled, and it is not difficult to find States in our Union where the needed tests are present and conclusive. If there are States in which crime is not increasing we may well direct our investigations to them and ascertain why in this respect they differ from the other States. There are such States, and I am well pleased to name Iowa as one of them. I am proud to be able to state to the Senate and to the country that the State which I have the honor in part to represent in this body makes no contribution to the increase of crime in the United States.

Mr. President, this statement is not an unwarranted assumption. Its truth will stand the test of the severest scrutiny. The condition of society which it presents is so exceptional in its character that I determined not to state it until I had in possession the official data to support it. Hence I applied to the office of secretary of state of Iowa for information in respect to the criminal conditions existing in the State, and received in response comparative data for the years 1886, 1887, and 1888. From these official data it appears that the total number of convictions for crime in 1886 was 1,645; for 1887, 1,520; for

The report for 1888 was for a few weeks short of the entire year, owing to a change in the law governing the date of returns. But if a full average of the percentage of convictions for the time not embraced in the report, the total number of convictions for 1888 will not exceed These figures include all classes and grades of crime, those for which imprisonment in the penitentiaries and county jails was imposed as well as those for which fines alone were asse Another feature of the report is interesting, suggestive, and instructive. It is presented in said report as follows, namely:

Sent to the penitentiary in 1887, 306; in 1888, 199; decrease, 110. Sent to county jails in 1887, 261; in 1888, 127; decrease, 134.

Another interesting fact in this connection may be here stated, and

it is that in only forty-eight of the ninety-nine counties of Iowa were there any convictions for crime in 1888 to which sentences of confine-ment in jail were applied, so that nearly one-half of the county jails had no criminal occupants during that year; and when we consider that the population of Iowa is now estimated to be 2,000,000, and that the criminal convictions of all classes and grades were only 1,000, and that this is but one criminal conviction for each 2,000 of population during the entire year, we may well pause and inquire what cause has induced these splendid results. In this regard I am glad to be able to state that official information is at hand to resolve this inquiry for us.

On December 7, 1887, Governor Larrabee, of Iowa, addressed a circular letter to the several district and superior court judges of the State requesting of them suggestions in respect of the laws of the State, and also propounded the following question, namely:

Would you, after having for several years observed the operation of the present prohibitory law, advise its repeal, and, if so, what would you propose to place in its stead?

To this circular forty judges responded. Of this number twenty-nine advised against the repeal of the law, eight were indefinite in their answers, and only three advised repeal; and it may be well for me to present quotations from some of the letters sent by the judges in response to the governor's circular. Judge Traverse, of the second district,

We will have but little trouble, since the recent decision of the Supreme Court of the United States to enforce the prohibitory liquor law. We would have had the saloons down long ago if the Federal courts had not stretched their protecting hands over the heads of such fellows as "Stormy Jordan." As it is, there is only one county, Wapello, out of the eight counties comprising this district, where open saloons are in operation. My experience is that wherever saloons are closed crime is diminished. The temperance sentiment in this part of the State is growing, and I think that the recent decision of the Supreme Court in the Kansas case upholding the law will result in a growth of temperance sentiment all over the nation. It is the most civilizing and Christianizing event that has happened within the age. In my judgment our prohibitory law should be left just as it is.

Judge Stuart, of the same district, said:

Permit me to say that I would not advise the repeal of the prohibitory law.

Judge Harvey, of the third district, said:

You ask as to the effect of the prohibitory liquor law in this district, and particularly upon crime and criminal expenses. The law is well enforced in this district. I am not aware that there is a saloon in the district. It has reduced crime at least one-half, and the criminal expenses in like ratio. I would not and do not favor the repeal of the law.

Judge Lewis, of the fourth district, said:

I think the prohibitory law all right, and should not be repealed. \* \* \* The law is as well enforced as any other, and has decreased criminal expenses at least two-thirds.

Judge Ayers, of the fifth district, said:

I have no doubt but that the prohibitory law has reduced criminal offenses and the expense of courts in this district very largely, and I certainly should not advise its repeal.

Judge Lewis, of the sixth district, said:

I would not recommend the repeal of the prohibitory liquor law, as I believe that if it has the same attention that other criminal laws of the State, and others receive the same attention that it does, which should be the case, it will end the saloon and promote a temperance sentiment and sobriety, and in every way a better state of things in society.

Judge Johnson, of the same district, said:

There can be no doubt that the effect of the prohibitory law has been to reduce crime and criminal expenses in this district. I would not advise its repeal.

Judge Kavanaugh, of the ninth district, said:

In regard to your second query, I would say that the prohibitory law has to a certain extent impaired this community commercially; but, on the other hand, it has decreased crime over 50 per cent, and added largely to individual happi-

Judge Conrad, of the same district, said:

As to the operation of the law, my observation is, that it has largely diminished crime in this district, and very much lessened the cost of maintaining the

Judge Weaver, of the eleventh district, said:

As to the prohibitory statutes, I have to report their very general observance in this district. There are one or two counties in which grand juries are a little slow to indict, but as a whole the law is well enforced. I have also to say that crime generally is very much lessened. \* \* The criminal expenses in nearly every county are being reduced to a very low sum.

Judge Granger, of the thirteenth district, said:

You inquire as to our criminal business, and how it is affected by the enforcement of the law. At the beginning of the year, before the attempt at enforcement, in one county the entire term was occupied with criminal business, and much left undone. In the other two counties most of the term was consumed in the trial of criminal cases, and nearly every case the result of a saloon influence or drunkenness. To-day there is but one criminal case pending in the three counties, and that is an old case growing out of whisky sales. Our grand juries have comparatively nothing to do. So far as I know, but one man in jail, and he for violating an injunction in a liquor case. Our criminal expenses since the closing of the saloons have been comparatively nominal.

Judge Thomas, of the fourteenth district, said:

As to the effect of the prohibitory law in this district, I am satisfied that it is reducing crime, and, as a consequence, criminal expenses. In this district the law is as well enforced as any of the other criminal laws of the State. In my judgment it would be a grave mistake to attempt to repeal the law, or to substitute local option, or high license in its place.

Judge Carr, of the same district, said:

The present prohibitory law is, in my judgment, a success. \* \* is being well enforced in this district, and we have no open saloons.

Judge Deemer, of the fifteenth district, said:

The prohibitory law is working nicely in every county in this district, except in Pottawattamie, and I think there it is having a good effect and gaining ground rapidly. It is a noticeable fact that there the criminal docket is much larger, in proportion to the number of inhabitants, than in the other counties. In many of the counties the jall is getting to be almost an unnecessary building, and in the last three counties I have visited there was not an occupant. The effects of the prohibitory law upon crime has been very marked, but as I have kept no data I can not give you any comparative figures. No; I do not advise the repeal of the prohibitory law.

Indee Carson of the same district, who had been a member of the

Judge Carson, of the same district, who had been a member of the State senate prior to his election as a judge, said:

When in the senate I favored local option, but I am satisfied that the statute should stand. My belief is that the effect has been very favorable in the reduction of criminal offenses, especially those growing out of brawls and quarrel-

Judge Loofborrow, of the same district, said:

I would not advise the repeal of the prohibitory laws, for I believe, on the whole, the effect is beneficial. The criminal record is certainly much reduced.

Judge Thornell, of the same district, said:

You speak of the repeal of the prohibitory law. I should regard its repeal as a calamity, and have no suggestions to offer in its stead.

Judge Macomber, of the sixteenth district, said:

I believe it is a good law and tends mightily to uphold moral ideas. I am opposed to any looking back. The Supreme Court of the United States places its recent decision upon the well-known fact that intoxicating liquors cause crime, paupers, and disorder.

Judge Griffin, of the eighteenth district, said:

In answer to your letter I beg to say that the prohibitory law seems to work well in this district. I have no suggestions to make as to additional legislation at this time.

Judge Stoneman, of the superior court of Cedar Rapids, said:

The repeal of the prohibitory law now is not desirable.

Judge Wilson, of the superior court of Creston, said:

Judge Wilson, of the superior court of Creston, said:

You ask me as to the workings of the prohibitory law in this part of the State. I was not in favor of the law, thinking that public sentiment was not strong enough to make it a success, and that high license would work better. I have carefully watched its workings, and am convinced that I was wrong. Whatever was the sentiment at its passage, I am satisfied that nine-tenths of our citizens would vote against its repeal to-day. I have counted the cases on the mayor's dockets of Creston with the following result, namely: From January 1, 1882, to January 1, 1883, 133 cases; from January 1, 1883, to March 17, 1884, 149 cases; from March 1, 1884, to March 15, 1885, 160 cases; from March 17, 1886, 169 cases; from March 17, 1886, to March 17, 1886, 169 cases; from march 17, 1887, 23 cases, and from March 17 to December 10, 23 cases. Comment is unnecessary. No, sir; I am not in favor of repealing the law, and should be very sorry to see it attempted. I am not aware that any cases for drunkenness have been brought before our justices of the peace, and I think the record above given includes all such cases since my term of office.

I was hore remark that the last two periods included in this state.

I may here remark that the last two periods included in this statement show the results which have been realized from the enforcement of the prohibitory liquor law during the earlier periods named, reaching from January 1, 1881, to March 17, 1886.

Judge Bank, of the superior court of Keokuk, said:

I have not examined as to criminal expenses in this district so as to be able to speak of the effect of the prohibitory law in that respect. At the September term, 1887, of the district court at Kockuk, there was not a criminal case before the court. This was the first and only term of that court in my recollection that there was no criminal business transacted in the court.

Mr. President, these extracts are not idle vaporings of enthusiasts and fanatics. On the contrary, they are the deliberate utterances of the judges named in respect of their personal and official experiences in the administration of the criminal laws of the State of Iowa, and I assert that the conditions described by them have steadily improved during the year that has passed since the letters from which I have quoted were written. This being the case, I feel that I am justified in asserting that the data it has been my pleasure to submit to the Senate establish two facts, namely: First, that crime is rapidly diminishing in the State of Iowa; second, that this very desirable result is in great degree due to the character of the laws prohibiting the manufacture and sale of intoxicating liquors within the State. But in making this claim for the State of Iowa I would not be understood as disregarding other most creditable conditions existing within the Commonwealth. Amongst these, and of commanding presence, is the educational system of the State. Some of the features of this most interesting field of State movement are well worth brief notice here. From a recent publication in the State I extract the following, namely:

An examination of the annual report made by the State superintendent of public schools in Iowa shows a gratifying condition of affairs, and that educational facilities in this Commonwealth are all the time improving. The whole number of male teachers now employed in the State is 5,595, and of female teachers, 19,578. This is a decrease of 412 males, but an increase of 1,373 females over last year. The average compensation of male teachers is \$36.44 per month, and of female teachers, \$30.05 per month. The school population of the State, or children between the age of five and twenty-one, is divided as follows: Males, 225,741; females, 313,507.

The number of school-houses is given as 12,752, divided as follows: Frame buildings, 11,712; brick, 771; stone, 239; log houses, 30. The total value of the school-houses of the State is placed at \$12,007,340, which is an increase of nearly a million dollars during the last year. These school-houses contain apparatus valued at \$326,957, and they contain 63,169 volumes in their libraries. During the past year there were 132,575 trees set on the school grounds. This is the

first year that instruction has been required to be given as to the nature of alog-holic liquors, and 13,946 schools report that temperance has been taught as re-quired by law.

This relates solely to the common-school system of the State, in support of which there was expended last year nearly \$6,000,000, the greater part of which is derived from taxes, the rate of which is determined by the voters in the several school districts at the annual school meetings held in each in the month of March.

In addition to the common schools there are forty-nine universities, colleges, and academies in the State, and a number of normal and county high schools; and each county has a teachers' normal institute, and all teachers are required to attend these for a stated time each year. The permanent school fund of the State amounts to \$4,008,217, yielding an annual revenue of \$242,710, which is equitably apportioned to the several counties.

Mr. President, these are but a few of the many interesting features of the educational system of Iowa, and now it may be asked, what has come from all this cost and effort? If the inquirer will turn to the census of 1880 he will discover that the percentage of illiteracy in Iowa was only 2.4, and I am informed that the latest data collected in this regard disclose that the rate is now reduced to 1.2 per cent. places Iowa at the head of the educational column, not only of this country, but of the world, and it seems to me that a State with such a record as I have presented for Iowa in respect of the reduction of crime and the promotion of educational results may hopefully ask Congress to remove the judicially constructed obstruction which alone stands in her way in that rightful exercise of her police powers by which she can effectively suppress crime within her borders.

But of course Iowa does not ask this for herself alone; for this could not be granted, for it belongs to all of the States, each being the judge for itself as to the manner and extent in and to which its police powers shall be exercised. We are forced to recognize the fact that crime is increasing in this country. The facts given in the article which I quoted in the early part of my remarks can not be brushed out of the way by a general denial. They doubtless will forcefully confront us in the results of the census of 1890. We may then be forced to admit that we have been too slow in our movements for the suppression of crime. We need not stop now to ask how this can be done. I have given an instance illustrative of how it can be done in harmony with the doctrine that-

The first concern of all good government is the virtue and sobriety of the people and the purity of their homes.

And the facts involved in that illustration show that it was not created by mere unreasoning enthusiasts and fanatics, but by a people who know how to prevent the increase of crime and to reduce illiteracy to an insignificant minimum, and who invite inspection of all their movements in respect of government, its results, and established conditions. If other States are not willing to follow the example presented by the case I have cited, is there any good reason why it should not have opportunity to perfect its own purposes? What stands in its way? In my judgment a judicial fiction. What is it? Why, in part that any article imported into the United States under the customs laws thereof may be sold in the original package in any State, and that this right of sale is superior to the police powers of the States. That this anomalous judicial creation should have been obtruded into our system of government in view of the admitted fact that the States our system of government in view of the admitted fact that the States reserved to themselves full possession of their police powers is a most unfortunate incident in our progress. But inasmuch as it exists, the practical inquiry is, how can it be rendered least forceful in its effects? So far as it relates to that parent of poverty and crime which some of the States have attempted to exterminate the bill now before the Senate presents to us an answer. The bill reads as follows, namely:

Be it enacted, etc., That the consent of Congress is hereby given that the laws of the several States relating to the sale of distilled and fermented liquors within the limits of each State may apply to such liquors when they have been imported in the same manner as when they have been manufactured in the United States.

Mr. President, is this bill obnoxious to constitutional objection? It seems to me that it can be demonstrated that it is not. purpose of the bill? To enable the States to more perfectly exercise their police powers, Is the enactment of the bill necessary to effect this purpose? Because of the judicial obtrusion to which I have referred conflicting answers have been given to this question. By some it is suggested that the legislation enacted by the States for the suppression or regulation of the traffic in intoxicating liquors can not be enforced in respect of such liquors as may be introduced into the country under the customs laws of the United States; that an importer of liquors may receive them and sell them in the original packages, State laws to the contrary notwithstanding; that the customs laws enacted in pursuance of the power of Congress to regulate commerce with foreign countries are paramount to the laws of the States, and that nothing short of the consent of Congress can subordinate the former to the operation of the latter.

By others it is asserted that laws enacted by the States in the exercise of their police powers are within their several jurisdictions paramount to the customs laws of the United States. The utterances of the several members of the Supreme Court in the license cases, 5 Howard, 504, give strong support to this position. Chief-Justice Taney

If any State deems the retail and internal traffic in ardent spirits injurious to its citizens and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether if it thinks proper.

This is a pretty broad and definite statement of the doctrine that State legislation, enacted to effect the purpose defined by the Chief-Justice, is superior to the customs laws of the United States in the matter of imported ardent spirits. For how could the admitted right of the State to prohibit the traffic in ardent spirits be made effective if its citizens could defend their violations of the local law by interposing a superior protection provided by the revenue laws of the United States?

In the same cases Mr. Justice McLean said:

In the same cases Mr. Justice McLean said:

A State regulates its domestic commerce, contracts, the transmission of estates, real and personal, and acts upon internal matters which relate to its moral and political welfare. Over these subjects the Federal Government has no power. They appertain to the State sovereignty as exclusively as powers exclusively delegated appertain to the General Government. \* \* \* The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. Everything prejudicial to the health or morals of a city may be removed. \* \* \* A discretion on this subject must be exercised somewhere, and it can be exercised nowhere but under State authority. The State may regulate the sale of foreign spirits, and such regulation is valid, though it may reduce the quantity consumed. This is admitted. And how can this discretion be controlled? The powers of the General Government do not extend to it. It is in every respect a local regulation and relates exclusively to the internal police of the State.

If this doctrine be true, and the discretion involved rests wholly with

If this doctrine be true, and the discretion involved rests wholly with the State, how is the United States, or any other power foreign to the State, in the regard stated, to interpose and determine the extent to which the local law or regulation may go in effecting its purpose? Suppose the law of the State be of such character and force as to reduce the consumption of imported liquors one-half, does not this affect the market, and to that extent destroy the market on which the importer depends for his trade and profit? No one will doubt this. Well, if the State may go to that extent in the exercise of its admitted discretion, Well, if the what power shall say that it may not reform its action and dispose of the remaining half also? The discretion resting with the State, the powers of the General Government not extending to it, is not the subject resolved into a problem which the State alone can solve? And does not this aspect of the case give peculiar force to the question stated by Mr. Justice Woodbury, in the opinion which he filed in the cases cited, which he put in these words:

How can they-

The States-

be sovereign within their respective spheres without power to regulate all their internal commerce, as well as police, and direct how, when, and where it shall be conducted in articles connected either with public morals, or public safety, or public prosperity?

Upon these subjects the General Government can not act within the States. No one disputes this proposition. Mr. Justice Grier enforced this doctrine with marked emphasis in the opinion he read in the license cases, and from which the following extract is taken. He said:

this doctrine with marked emphasis in the opinion he read in the license cases, and from which the following extract is taken. He said:

The true question presented by these cases, and one which I am not disposed to evade, is whether the States have a right to prohibit the sale and consumption of an article of commerce which they believe to be pernicious in its effects and the cause of disease, paperism, and crime. I do not consider the question of the exclusiveness of the power of Congress to regulate commerce as necessarily connected with the decision of this point.

It has been frequently decided by this court "that the powers which relate to merely municipal regulations, or what may more properly be called internal police, are not surrendered by the States, or restrained by the United States; and that consequently, in relation to these, the authority of a State is complete, unqualified, and conclusive." Without attempting to define what are the peculiar subjects or limits of this power, it may safely be affirmed that every law for the restraint and punishment of crime, for the preservation of the public peace, health, and morals, must come within this category.

As subjects of legislation, they are from their very nature of primary importance; they lie at the foundation of social existence; they are for the protection of life and liberty, and necessarily compel all laws on subjects of secondary importance, which relate only to property, convenience, or luxury, to recede, when they come in conflict or collision. "Salus populi suprema est lex."

If the right to control these subjects be "complete, unqualified, and exclusive" in the State Legislatures, no regulations of secondary importance can supersede or restrain their operations on any ground of prerogative or supremacy. The exigencies of the social compact require that such laws be executed before and above all others.

It is for this reason that quarantine laws, which protect the public health, compel mere commercial relations to submit to their control.

In presenting the quotations thus far made from the opinions in the

license cases, I have followed the order in which they are to be found in the opinion of the Supreme Court as delivered by Mr. Justice Harlan on the 15th of December, 1887, in the several cases which came to that court on appeal from the circuit court of the United States for the district of Kansas, and on writ of error from the supreme court of that The quotations in one or two instances are a little more extended than those made by Mr. Justice Harlan in the opinion of the Supreme Court as delivered by him as stated, but these extensions only serve to more fully support the conclusions of the court as announced by him.

Mr. President, the Supreme Court of the United States in the Kansas cases gave most admirable and sturdy expression to the doctrines which recognize and support the supremacy of the police powers of the Since the decisions in the license cases and in other like cases, the Constitution of the United States has been amended in several important particulars. Not the least important of these amendments is the fourteenth, the first section of which provides as follows, namely:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; norshall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In the Kansas cases this amendment was interposed by the parties proceeded against for violations of the prohibitory law of that State as a protection against its extreme effect. It did not avail, and the Supreme Court said:

In Bartemyer vs. Iowa (18 Wall., 129) it was said that prior to the adoption of the fourteenth amendment, State enactments regulating or prohibiting the traffic in intoxicating liquors raised no question under the Constitution of the United States, and that such legislation was left to the discretion of the respective States, subject to no other limitations than those imposed by their own constitutions or by the general principles supposed to limit all legislative power. Referring to the contention that the right to sell intoxicating liquors was secured by the fourteenth amendment, the court said that "so far as such a right exists it is not one of the rights growing out of citizenship of the United States." In Beer Company vs. Massachusetts (97 United States, 33) it was said that, as a measure of police regulation looking to the preservation of public morals, a State law prohibiting the manufacture or sale of intoxicating liquors is not repugnant to any clause of the Constitution of the United States.

Finally, in Foster vs. Kansas (112 United States, 206) the court said that the question as to the constitutional power of a State to prohibit the manufacture and sale of intoxicating liquors was no longer an open one in this court. These cases rest upon the acknowledged right of the States of the Union to control their purely internal affairs, and, in so doing, to protect the lealth, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the General Government, or violate the rights secured by the Constitution of the United States. The power to establish such regulations, as was said in Gibbons vs. Ogden (9 Wheaton, 203), reaches everything within the territory of a State not surrendered to the National Government.

Here it is contended by some that a difficulty arises in respect of the traffic in intoxicating liquors in those States where prohibitory laws have been enacted. It is said that such traffic may be carried on to a certain extent in spite of the laws of the States. How can this be, in view of the judicial expressions that have been cited relative to the supreme character of the police powers of the States? Why, it is said that the Constitution declares that Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States— And-

to regulate commerce with foreign nations-

And that Congress in the execution of these powers has enacted customs laws which serve the double purpose of laying duties from which to supply money for the objects named and of regulating commerce with foreign nations, the full operation of which can not be obstructed by the legislative action of the States. Therefore, it is claimed that whosoever will may import from foreign countries, into any State, intoxicating liquors, and hold and sell them in the original packages, in spite of the local prohibitory laws. If this be true, then we have disclosed to us the best possible reason for the passage of the bill now under consideration. If the States are thus obstructed in the exercise of their police powers, why shall not Congress remove the impediment? It is said, in answer to this question, that Congress has not the constitutional power to grant relief to the States in this respect. Why not? Because it is alleged that the Constitution declares that—

All taxes, duties, imposts, and excises shall be uniform throughout the United

And that the uniformity enjoined would be interfered with by allowing the laws of the States to be operative on imported liquors. A sufficient answer to this objection is that the provision of the Constitution quoted applies as well to each method of raising money as to any one or more, singly or combined. It applies to special or general taxes or excises imposed by the internal-revenue laws with just as much force as it does to duties on imports provided in the customs laws. No one will dispute this statement. Well, what interpretation has Congress given to its power in the matter of making exceptions in aid of the enforcement of the police regulations of the States in the enactment of the internal-revenue law? Section 3243 of the Revised Statutes of the United States gives a very complete answer to this question. The section reads as fol-lows, namely:

The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any pen-

alty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

This section of the Revised Statutes subjects the entire liquor traffic, both as to manufacture and sale, to the operation and effect of the laws of the several States. No tax paid by persons engaged in that traffic, under the internal-revenue laws, can be interposed as a defense in prosecutions for violations of the laws of the States. This position is supported by the decision of the Supreme Court of the United States in McGuire vs. The Commonwealth, 3 Wallace, pages 395 and 396, from which I quote as follows, namely:

The court below decided that the license received under the act of Congress gave to the defendant no right to keep or sell intoxicating liquors in violation of

The court below decided that the license received under the act of Congress gave to the defendant no right to keep or sell intoxicating liquors in violation of the State law.

Whatever might be the effect of this license as to the rights under it, in the absence of other provisions of the act of Congress, a question not involved in the case, and, therefore, not material to be noticed, it is quite clear that it conferred no right or authority on the defendant below, and hence furnished no defense to the indictment under the law of the State.

The sixty-seventh section of the act of Congress enacts "that no license hereinbefore provided for, if granted, shall be construed to authorize the commencement or continuation of any trade, business, occupation, or employment therein mentioned, within any State or Territory of the United States, in which it is or shall be in violation of the laws of any State or Territory."

In view of this provision, it is in vain to attempt to give force or effect to the license against the State law; and hence the authority derived from it, upon which the defendant relied for defense in the court below, fails.

The decision was against an authority set up under an act of Congress, and the case is, therefore, rightfully here under the twenty-fifth section of the judiciary act. But as we are of opinion the decision of the court below was right, the judgment must be affirmed.

In license tax cases United States vs. Vassar et al. 5 Wallace, the

In license tax cases, United States vs. Vassar et al., 5 Wallace, the court was even more explicit than in the case I have just cited. I quote from pages 474 and 475 as follows, namely:

Upon the whole we conclude—

1. That licenses under the act of 1864 and the amendatory acts conveyed to the licensee no authority to carry on the licensed business within a State.

2. That the requirement of payment for such licenses is only a mode of imposing taxes on the licensed business, and that the prohibition, under penalties, against carrying on the business without license is only a mode of enforcing the payment of such taxes.

3. That the provisions of the acts of Congress requiring such licenses and imposing penalties for not taking out and paying for them are not contrary to the Constitution or to public policy.

4. That the provisions in the act of 1856 for the imposing of special taxes in lieu of requiring payment for licenses, removes whatever ambiguity existed in the previous laws and are in harmony with the Constitution and public policy.

policy.

5. That the recognition by the acts of Congress of the power and right of the State to tax, control, or regulate any business within its limits is entirely consistent with an intention on the part of Congress to tax such business for na-

Now, apply to this latter statement the language of Chief-Justice Taney in the license cases, in which he said-

If any State deems the retail and internal traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic or from prohibiting it altogether if it thinks proper—

And we have a complete recognition of constitutional warrant for the support of the bill now under consideration. But it has been suggested in reply to this, that while it may be true in respect to internal-revenue taxes the rule is different when applied to customs duties. To this suggestion I will give some attention before concluding my re-

Mr. President, there is another very striking illustration of the constitutionality of this bill in our legislative and judicial history. The "act to incorporate the subscribers to the Bank of the United States" became a law on the 10th day of April, 1816; "An act to impose a tax on all banks or branches thereof in the State of Maryland, not chartered by the Legislature," was passed by the General Assembly of that State on the 11th day of February, 1818. Out of this legislation grew the celebrated case of McCulloch vs. The State of Maryland et al. (4 Wheaton, 316). The case presented the questions of the constitutional power of Congress to incorporate the United States Bank, and of the authority of the State of Maryland to impose a tax on an institution so created. It came to the Supreme Court of the United States on writ of error to the court of appeals of the State of Maryland. The case, both as respects the ability of the arguments presented and the comprehensive grasp of the questions involved, and the masterful manner of their treatment displayed in the opinion of the court, announced by Chief-Justice Marshall, stands as one of the most notable in the history and progress of our national jurisprudence. The result was an affirmation of the constitutional power of Congress to incorporate the Bank of the United States and of the unconstitutionality of the act of the General Assembly of Maryland, whereby the State sought to impose a tax on the bank. No provision had been placed in the act chartering the

bank giving authority to the States to impose a tax on the institution, as the law of Maryland attempted to do.

In 1863 Congress enacted a law for the organization of national banks, in which no provision was made for State taxation. But a power to amend, alter, or repeal the act was reserved to Congress. In 1864 this power was exercised, and amongst other things a section was provided I

which is now section 5219 of the Revised Statutes of the United States, and it reads as follows, namely:

and it reads as follows, namely:

Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares in assessing taxes imposed by authority of the State within which the association is located; but the Legislature of each State may determine and direct the manner and place of taxing all the shares of national-banking associations located within the State, subject only to the two restrictions that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national-banking association owned by non-residents of any State shall be taxed in the city or town where the bank is located and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

The national-banking associations to which this section applies are just as much instrumentalities of the Government as were the Bank of the United States and its branches. The same power that Congress exthe United States and its branches. The same power that Congress exercised in creating the former it used in chartering the others. The Bank of the United States and its branches could not be taxed by the States. The national-banking associations can be so taxed. This has been decided again and again by the Supreme Court of the United States. Why is this? Why can national banks be taxed beyond the real estate held by them when the Bank of the United States and its branches could not be? Simply because Congress has provided that the former may be taxed by the States, and did not so declare in respect of the latter. But for this provision of law the national banks would be exempt from State and municipal taxation just as the United States be exempt from State and municipal taxation just as the United States The consent of Congress was not given to the States to tax Bank was. the United States Bank; it is given to them to tax the national banks.

Mr. President, if this action of Congress can make so great difference in the matter of the taxation of banks created by it, why may not the bill now under consideration be enacted into a law and subject imported liquors to the operation of State laws? If this power may be constitutionally exercised by Congress in respect of taxes imposed by the internal-revenue laws and the subjection of national banks to State and municipal taxation, why may it not be extended to the case and subject presented by the bill we are now considering? An internalrevenue law is an act of Congress. The law chartering the national banks is an act of Congress. The law imposing duties on imported ardent spirits is an act of Congress. If Congress may rightfully enact the provisions to which I have directed attention in respect of internal revenue and national banks, why may it not legislate in the manner proposed by this bill? The provision of the Constitution which declares

All duties, imposts, and excises shall be uniform throughout the United Stat

can not be interposed as a valid objection to the passage of this bill. It will hardly be claimed that this constitutional rule of uniformity was adopted for the purpose of assuring to the subjects of foreign powers and the promoters of foreign industries greater rights and privi-leges in the United States than can be possessed by our own citizens. This feature of the case is well presented in the views of the minority of the Committee on the Judiciary of this body in support of this bill, and from which I make the following extract, namely:

and from which I make the following extract, namely:

An importer of ardent spirits, or of any other article of foreign production, is entitled to no greater protection under the Constitution than is the dealer in like articles of domestic manufacture. The man who manufactures ardent spirits in a State where it is lawful so to do is not in a condition inferior in matter of constitutional right to the person who imports such spirits from abroad. The one pays an internal-revenue tax, the other pays a tax levied by the customs laws; and what Congress may constitutionally say about one it may repeat as to the other. It has said that no payment of internal-revenue tax shall exempt the manufacturer or dealer in domestic spirits from the operation of the laws of the several States. This the courts have said is constitutional.

The bill under consideration proposes to enact a like declaration relative to the importer of foreign spirits. It is not doubted that the judicial result will correspond with that reached in the other case. The attempt of the committee to establish a distinction between the dealers in the foreign article by importation and those engaged in the field of domestic commerce can not be made successful. There is nothing in the Constitution assuring superior advantages to foreign commerce over that which is domestic. Nor is there anything in the bill submitted by the Senate to the committee which suggests a violation of the rule of uniformity prescribed by the Constitution. It proposes no new departure in the legislation of Congress. The legislative precedents cited justify its terms. They have stood the test of judicial scrutiny and have been approved.

If the views thus expressed be not correct, and if the rule of uni-

If the views thus expressed be not correct, and if the rule of uniformity which applies to internal-revenue taxes is different from that which obtains in respect of customs duties, then indeed does our Constitution discriminate against our own citizens and their industries in favor of the subjects of foreign powers and their pursuits. Such a monstrous doctrine as this will not be approved by the people of this country; and in order to make the issue as clear and definite as possible, the minority, after expressing the views I have quoted, said:

But in order to conform the bill more nearly to the precedent contained in the internal-revenue law an amendment is herewith presented to the Senate, and its adoption recommended.

The amendment proposed is as follows, namely:

Strike out all after the enacting clause and insert the following, namely:

"That the payment of any tax, duty, impost, or excise upon, or in respect of, the importation into the United States of any fermented, distilled, or other intoxicating liquids or liquors shall not be held to exempt the importer thereof, or any other person, or any such property from any penalty, forfeiture, or proceeding that now is or hereafter may be provided for by the laws of any State

applicable equally to all property of the same nature, respecting the manufacture, sale, furnishing, or possession of liquids or liquors; nor shall the payment of any such tax, duty, impost, or excise be held to prohibit or preclude any State from imposing a tax or duty on any such liquids or liquors or from making regulations in respect of the same, in common with and in respect of other such liquids or liquors not imported, or from enforcing its laws operating equally in respect of property imported and property not imported, against any such importer or person or against any such property, whether the same be in the original package of importation or not."

Mr. President, this amendment did not originate in doubt of the constitutional character of the original bill, but simply in the desire to present the measure in exact accord with a legislative precedent which has received the judicial approval of the Supreme Court of the United States. In either form it is but a recognition of the duty of Congress to avoid even a seeming purpose to obstruct, in the slightest degree, the effective operation of the police powers of the States. The extent to which those powers shall be exercised rests in the discretion of the States. This is the true doctrine, and it has the support of the most distinguished jurists our country has produced, who have asserted it in both judicial utterances and elementary writings. Most of the dissents from this doctrine which have appeared in the courts and elsewhere have been predicated on a case which had nothing whatever to do with the subject to which this bill relates. I refer to the case of Brown vs. Maryland, 12 Wheaton, 447. The subject-matter of that case had no relation whatever to the police power of the State. The subject-matter had no connection with anything within the field where the police power of the State is supreme.

The PRESIDING OFFICER (Mr. BERRY in the chair).

The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is the resolution reported from the Committee on Privileges and Elections in relation to Congressional elections.

Mr. EVARTS. I ask that the order of business be informally laid

aside, so that the Senator from Iowa may conclude his remarks.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the unfinished business may be temporarily laid aside until the Senator from Iowa concludes his remarks. Is there objection? The Chair hears none, and the Senator from Iowa will pro-

Mr. WILSON, of Iowa. The issue presented and determined was whether the State could impose a tax on an importer of dry goods and make its payment a condition-precedent to his exercise of the right to The court held that the State could not do so, and that the State law under which that tax was imposed was unconstitutional. That is all there was of it. The case did not relate to the subject of the police powers; and the use that has been made of that case has been

wholly misleading and wholly unwarrantable.

Mr. President, this bill will need to be further amended to meet a recent judicial interference with the effective exercise by the States of the police powers which they have never surrendered to the United States. The State of Iowa in the right exercise of her police powers, with a purpose to protect and promote the health, morals, and better condition of her people, enacted a law prohibiting the manufacture and sale of intoxicating liquors for use as beverages within her borders. It is the law to which I referred in the earlier part of my remarks, and concerning the operation and effect of which I gave the numerous quotations from the reports of many of the judges of the State. That law has as one of its sections the following, namely:

If any express company, railway company, or any agent or person in the employ of any express company or railway company, or if any common carrier, or any person in the employ of any common carrier, or any person, knowingly bring within this State for any person or persons or corporation, or shall knowingly transport or convey between points or from one place to another in this State for any other person or persons or corporation, any intoxicating liquors without first having been furnished a certificate from and under the seal of the county auditor of the county to which said liquor is to be transported or is consigned for transportation, or within which it is to be conveyed from place to place, certifying that the consignee or person to whom said liquor is to be transported, conveyed, or delivered is authorized to sell such intoxicating liquors in such county, such company, corporation, or person so offending, and each of ported, conveyed, or delivered is authorized to sell such intoxicating liquors in such county, such company, corporation, or person so offending, and each of them, and any agent of such company, corporation, or person so offending, shall, upon conviction thereof, be fined in the sum of \$100 for each offense, and pay costs of prosecution, and the costs shall include a reasonable attorney fee, to be assessed by the court, which shall be paid into the county fund, and stand committed to the county jail until such fine and costs of prosecution are paid. The offense herein defined shall be held to be complete, and shall be held to have been committed in any county of the State through or to which said intoxicating liquors are transported, or in which the same is unloaded for transportation, or in which said liquors are conveyed from place to place or delivered. It shall be the duty of the several county auditors of this State to issue the certificate herein contemplated to any person having such permit, and the certificate herein contemplated to any person having such permit, and the certificate herein contemplated to any person having such permit, and the certificate so issued shall be truly dated when issued, and shall specify the date at which the permit expires, as shown by the county records.

Under this section occurred the case of Geogree A. Rowman and Fred.

Under this section occurred the case of George A. Bowman and Fred. W. Bowman rs. The Chicago and Northwestern Railway Company, which went on writ of error to the Supreme Court of the United States, and the decision in which by a divided court constitutes the recent judicial interference with the police powers of the States of which I have made mention. The facts presented by the record of the case are succinctly stated in the dissenting opinion presented by Mr. Justice Harlan and Mr. Justice Gray on March 19, 1888, and from which I quote as follows, namely:

It appears upon the face of the declaration that the plaintiffs—one of whom is a citizen of Iowa—made application to the board of supervisors of Marshall County, in that State, for permission under the statute to buy and sell in that county intoxicating liquors for medicinal, culinary, mechanical, and sacramental

purposes, and that their application was rejected. They then resorted to the expedient of buying 5,000 barrels of beer in Chicago and tendering them to the railroad company for transportation to the same county without furnishing the certificate required by the laws of Iowa. The refusal of the company to transport this beer into Iowa in violation of her laws is the basis of the present suit. The plaintiffs claim damages upon the ground that they could have sold this beer in that State at a price in advance of what it cost them. As they do not allege that the beer was to be delivered in Iowa to a person authorized by her laws to sell it there, no wrong was done of which the plaintiffs can complain, unless it be their right not only to have their beer carried into the State but to sell it there in defiance of her laws.

This is a fair statement of the facts involved in the case. The court by a majority of its members, held that the law of Iowa was invalid for the reason that it was a regulation of interstate commerce and an infringement of the exclusive power of Congress to d . that thing.

I will not detain the Senate by an elaboration of the reasons stated by the court in support of its most peculiar conclusion. A brief extract from the opinion will answer my purpose. The court said:

from the opinion will answer my purpose. The court said:

It may be said, however, that the right of the State to restrict or prohibit sales of intoxicating liquor within its limits, conceded to exist as a part of its police power, implies the right to prohibit its importation, because the latter is necessary to the effectual exercise of the former. The argument is that a prohibition of the sale can not be made effective, except by preventing the introduction of the subject of the sale; that if its entrance into the State is permitted, the traffic in it can not be suppressed. But the right to prohibit sales, so far as conceded to the States, arises only after the act of transportation has terminated, because the sales which the State may forbid are of things within its jurisdiction. Its power over them does not begin to operate until they are brought within the territorial limits which circumscribe it. It might be very convenient and useful in the execution of the policy of prohibition within the State to extend the powers of the State beyond its territorial limits. But such extra-territorial powers can not be assumed upon such an implication. On the contrary, the nature of the case contradicts their existence. For if they belong to one State, they belong to all, and can not be exercised severally and independently. The attempt would necessarily produce that conflict and confusion which it was the very purpose of the Constitution by its delegations of national power to prevent.

It is enough to say that the power to regulate or forbid the sale of a commodity after it has been brought into the State does not carry with it the right and power to prevent its introduction by transportation from another State.

It is just such reasoning as this that has tended to confuse the general understanding in respect of subjects that are within the domain of the police powers of the States and those that are not. The members of the court from whose opinion I have made this quotation, with one exception, cited approvingly in the opinion delivered in the Kansas cases the language employed in the license cases by Mr. Justice Grier, as follows, namely:

The true question presented by these cases, and one which I am not disposed to evade, is whether the States have a right to prohibit the sale and consumption of an article of commerce which they believe to be pernicious in its effects and the cause of disease, pauperism, and crime. \* \* Without attempting to define what are the peculiar subjects or limits of this power, it may be safely affirmed that every law for the restraint or punishment of crime, for the preservation of the public peace, health, and morals, must come within this category. \* \* It is not necessary for the sake of justifying the State legislation now under consideration to array the appalling statistics of misery, pauperism, and crime which have their origin in the use or abuse of ardent spirits. The police power, which is exclusively in the States, is alone competent to the correction of these great evils, and all measures of restraint or prohibition necessary to effect the purpose are within the scope of that authority.

How can this be true if the police powers of the States are subordinate to the commercial powers of Congress? The mere statement of the proposition discloses its absurdity, and if it were not embodied in a decision of the Supreme Court of the United States one would be tempted to call it disingenuous. The justices of that court who joined in the dissenting opinion filed therein seem to have had a keen appreciation of the unfortunate predicament in which the court had placed itself, and exposed it as follows, namely:

and exposed it as follows, namely:

If, therefore, as the court now decides, the Constitution gives the right to transport intoxicating liquors into Iowa from another State, and if that right carries with it, as one of its essential ingredients, authority, in the consigner, to sell or exchange such articles, after they are so brought in, and while in his possession, in the original packages, it is manifest that the regulation forbidding sales of intoxicating liquors, within the State, for other than medicinal, mechanical, culinary, or sacramental purposes, and then only under a permit from a board of supervisors, will be of little practical value. In this view any one—even a citizen of Iowa—desiring to sell intoxicating liquors in that State, need only arrange to have them delivered to him from some point in another State, in packages of varying sizes, as may suit customers. Or, he may erect his manufacturing establishment, or warehouse, just across the Iowa line, in some State having a different public policy, and thence, with wagons, transport liquors into Iowa, in original packages. If the State arraigns him for a violation of her laws, he may claim—and, under the principles of the present decision, it may become difficult to dispute the claim—that, although such laws were enacted solely to protect the health and morals of the people, and to promote peace and good order among them, and although they are fairly adapted to accomplish those objects, yet the Constitution of the United States, without any action upon the part of Congress, secures to him the right to bring or receive from other States intoxicating liquors in original packages, and to sell them, while held by him in such packages, to all choosing to buy them. Thus, the mere silence of Congress upon the subject of trade among the States in intoxicating liquors is made to operate as a license to persons doing business in one State to jeopard the health, morals, and good order of another State, by flooding the latter with intoxicating liquors, against

But as, by the express terms of that instrument, the powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people, and as, by the repeated adjudications of this court, the States have not surrendered, but have reserved the power to protect, by police regulations, the health, morals, and safety of their people, Congress may not prescribe any rule to govern commerce among the States which prevents the proper and reasonable exercise of this reserved power. Even if Congress, under the power to regulate commerce, had authority to declare what shall or what shall not be subjects of commerce among the States, that power would

not fairly imply authority to compel a State to admit within her limits that which in fact is, or which, upon reasonable grounds, she may declare to be, destructive of the health, morals, and peace of her people. The purpose of committing to Congress the regulation of commerce was to insure equality of commercial facilities, by preventing one State from building up her own trade at the expense of sister States. But that purpose is not defeated when a State employs appropriate means to prevent the introduction into her limits of what she lawfully forbids her own people from making. It certainly was not meant to give citizens of other States greater rights in lowa than Iowa's own people have.

This was not only a severe exposure of the unfortunate predicament in which the court placed itself, but it was also a judicial prognostic of what did soon happen after the promulgation of the decision in the Bowman case. Soon after that decision was published the following special dispatch from Sioux City, Iowa, appeared in the Iowa State Reg-

Since the saloons were closed in this city over a year ago liquor has been plentifully supplied from Covington, Nebr., just across the river; and to supply this trade no less than twenty transportation companies were incorporated under the laws of the State, the object, as set forth in the articles of incorporation, being the transportation of goods and merchandise between Covington and Sioux City. Each of these companies have officers, and are doing a thriving business, delivering beer in any quantity from bottle to barrel, claiming interstate law protected them in the traffic.

That such things can be is not a credit to our country. such practices are common in respect of both foreign and domestic commerce. They are the only serious obstacles in the way of a perfect success in the State of Iowa in the suppression of the unlawful liquor traffic in that State. The people of that State have accomplished great results in caring for the virtue and sobriety and the purity of the homes of the population of the Commonwealth, and they protest against the doctrine of the decision in the Bowman case, which invites the citizens of other States to practice arts which tend to the undoing of the great work that has been accomplished. They are proud of what they have

I have, in the early part of my remarks, stated what good fruits the temperance movement has produced. With the aid which the bill now before the Senate, amended as I have suggested, would give if enacted into a law, the people of Iowa will present a case in the field of effort to suppress the evils of intemperance which will rejoice the hearts of the American people. And when the census of 1890 shall present to the people of all of the States the sad story which its criminal statistics will unfold, lowa and Kansas, and other States which have tested the efficacy of resolute police regulations for the suppression of the evils of the traffic in intoxicating liquors, will have their

column of progress re-enforced by other Commonwealths.

I have told in part the story of Iowa's efforts in the reduction of crime. The chapter which she will write on that subject in the census of 1890 will entice others to follow her ways. All she asks of Congress is the aid that will come to her from enacting the pending bill, amended as I have suggested, into a law. She does not ask this because of any belief that the Constitution of the United States rightly construed would impose the necessity for such legislation, but because it seems to be the only practicable way now presented for summer that the contraction of the United States rightly construed would be only practicable way now presented for summer that the contraction of the United States rightly construed would be only practicable way now presented for summer that the contraction of the United States rightly construed would be only practicable way now presented for summer that the contraction of the United States rightly construed to the contraction of the United States rightly construed to the contraction of the United States rightly construed to the contraction of the United States rightly construed to the contraction of the United States rightly construed to the United States r only practicable way now presented for surmounting the judicial obstacles that have been interposed to the efficient enforcement of the reserve police powers of the States. It may not be done during the present Congress, but in the one which is to follow it may not be unreasonable to expect that the country will be convinced that-

The Republican party cordially sympathizes with all wise and well-directed efforts for the promotion of temperance and morality,

and that a bill to effect the purpose of the one now before the Senate, so modified as to include the amendments I have suggested, will be enacted into a law.

#### OFFICERS OF MARINE CORPS.

Mr. McPHERSON. I ask that Order of Business 986, being the bill (S. 2049) to equalize the grades of officers of the Marine Corps, may be recommitted to the Committee on Naval Affairs.

The PRESIDING OFFICER. If there be no objection, that order

will be made.

# KENTUCKY RIVER BRIDGE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River, reported it with amendments.

Mr. BLACKBURN. I ask consent of the Senate to have the bill just reported from the Committee on Commerce considered now. It is authorizing the construction of a railroad bridge, and if it shall not be passed at this session of Congress heavy loss will be entailed upon this company because of the advanced condition of the work of that road. Mr. COKE. I must decline to yield for that purpose.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask that the legislative, etc., appropriation bill may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives. The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. Allison, Mr. Dawes, and Mr. Cockrell were appointed.

# AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. DAWES submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

the 13th instant approved and signed the following acts:

An act (S. 3824) to provide for an American register for the steamyacht Nautilus, of New York, N. Y.;

An act (S. 2318) to extend to the port of Sault Ste. Marie, Mich., the privileges of inland transportation in bond;

An act (S. 3804) for the relief of the occupants of the town of Flagstaff, county of Yavapai, Territory of Arizona;

An act (S. 3869) to secure the maintenance of public order during the inauguration ceremonies of 1889, and for other purposes;

An act (S. 3830) to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February 18, 1888; ruary 18, 1888;

An act (S. 3765) for the relief of Harriet Young; An act (S. 1153) for the relief of Charles Wagemann;

An act (S. 2764) granting an increase of pension to James McGowan; An act (S. 3052) granting an increase of pension to George W. Durfee:

An act (S. 3135) granting an increase of pension to Eliza J. Alexander;

An act (S. 3628) granting an increase of pension to Emma Biddle; and

An act (S. 1320) granting a pension to Catherine M. Lee.

The message also announced that the bill (S. 3538) granting a pension to Mary Saeger, having been presented to the President on the 1st instant, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution and the same of the constitution and the same of the stitution, had become a law without his signature.

### COMMITTEE SERVICE

Mr. HARRIS. I am requested by the Senator from North Carolina [Mr. Vance] to ask that he be excused from further service upon the Committee on Privileges and Elections, and I make that request. The PRESIDENT pro tempore. It will be so ordered if there be no

objection.

Mr. HARRIS. I move that the Chair fill the vacancy occasioned by the excusing the Senator from North Carolina from service upon that committee.

The motion was agreed to by unanimous consent.

The PRESIDENT pro tempore. The Chair appoints as a member of the Committee on Privileges and Elections, to fill the vacancy occasioned by the resignation of the Senator from North Carolina, the Senator from Delaware [Mr. Gray].

# REPORT ON WOMAN SUFFRAGE.

Mr. BLAIR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 10,000 copies of the report of the Committee on Woman Suffrage on Senate resolution 11 be printed for the use of the Senate, 1,000 of which shall be for the use of the committee, and the same number of views of the minority when the same are submitted.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reserva-

A bill (S. 2714) for the relief of Thomas Lannigan;
A bill (S. 3116) granting an increase of pension to Thomas Wynne;
A bill (S. 3428) granting a pension to Mary C. Thompson;
A bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia;
A bill (S. 3663) to authorize the construction of a bridge across the

A bill (S. 3003) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

A bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia;

A bill (H. R. 855) for the relief of Jacob Cramer; A bill (H. R. 1407) to authorize the Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settler or Western Cherokee Indians;

A bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona,

and for other purposes;

A bill (H. R. 3112) for the relief of Phineas T. Richardson;

A bill (H. R. 6404) for the relief of Charles F. Swain, master of bark Philena; and

A bill (H. R. 11779) for the relief of J. Harry Adams.

CONGRESSIONAL ELECTIONS.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections in relation to Congressional

Mr. COKE. Mr. President, I listened yesterday evening with pleasure to the amiable and even-tempered statement of the Senator from New York [Mr. EVARTS] with reference to the resolution now before the Senate and to the investigation recently made of matters in Washington County, Texas, and I would have been glad to have said nothing had the remarks of the Senator not been supplemented by the adoption of the report of the Committee on Privileges and Elections and the publication of that document in the Congressional Record as part of his remarks

Under ordinary circumstances the Senators who compose the Committee on Privileges and Elections are gentlemen upon whose judgment and discretion and sense of justice I should be perfectly willing to rest any rights I or my constituents might have or claim, but in this matter of the investigation in Washington County I am not willing that the report of that committee, highly as I esteem the honorable states who compose it, honorable and conscientious gentlemen as I admit them to be, should go to the country unchalleged. That report, I say upon my responsibility as a man and a Senator, is unjust, is one-sided, is partisan, and is colored by partisan political feeling to the extent that the justice and impartiality which should characterize it as a report from a high committee of this Senate have been utterly lost sight of.

I say further, Mr. President, that if this committee had been prosecutors, instead of judges, if the proceeding had been a political prosecution and not a judicial hearing, all the testimony, every incident, every circumstance, every condition inculpatory could not have been more thoroughly congregated and summed up and marshaled than they have been in this report, while all the testimony exculpatory, which modifies, which explains, which extenuates, or which justifies, has been with equal assiduity thoroughly excluded from it. And yet this is the report of an honorable committee of the Senate upon a proceeding presumed to have been judicial in its character.

As I remarked awhile ago, there is no claim of right that I would not be willing to submit to these same gentlemen on the judicial bench in a matter removed from politics. I have that confidence in their learning, their ability, their honor, and their integrity; but let the Senate remember, and let the country remember, when reading this report, that this is a political report.

This proceeding for the investigation of disturbances in Washington County, Texas, was commenced upon the memorial of three persons—Stephen A. Hackworth, James L. Moore, and Carl Schutze—who alleged that they were citizens of that county, and, among other things, that they were driven from their homes and exiled because of being Republicans. The conclusions of the report of the Committee on Privileges and Elections were based substantially and mainly upon the testimony of these three persons. If you will strike out from this record the testimony of Stephen Hackworth, of James L. Moore, and of Carl Schutze. you fatally wound the case made on the part of the commit-

tee against the people of Washington County, Texas.

Let anybody read this report, let them examine it from beginning to end, and if they can find any observation of the committee upon it which speaks disparagingly or which mentions a doubt as to the credibility of the testimony of either one of these three persons, he will find something that I have overlooked. Yet I have here in this volume the testimony of 27 witnesses which was lying before that committee when this report was made, all or nearly all of whom testify that Hackworth and Schutze are men of infamous character and unworthy of credit, and as to Moore, the third one, some of them say that he had been a good man, but they generally concur in the opinion that he had become as bad as Schutze and Hackworth.

These are the memorialists who bring this case here. Their memorial is printed in this testimony, and I invoke the attention of Senators to the testimony and ask them to read it and understand it. No man can read it without rising from its perusal convinced that these three persons, who indict as they do the State of Texas and Washington County, are men who ought not to have been noticed in the Senate of

the United States

In saying that I do not pretend to aver that there have not been violations of law in Washington County. I admit it. There have been violations of law there; that is to say, in 1886. I do not condone them. I do not apologize for them. I condemn them as strongly as any gentleman on this floor can do. No man can feel greater regret than I do that they should have occurred. But I do not regret these violations of law nor condemn them more strongly than do the people of Washington County and the State of Texas, nor does anybody else here; and the effort in this report to fasten responsibility for these crimes upon that

people I do say is not sustained by the testimony, except by that of the infamous trio who bring this memorial here and some of their vilest

This report of the committee has been laid before the country in the CONGRESSIONAL RECORD of this morning. This will necessitate my placing through the same medium before the country the exculpatory testimony, and I propose to do it. I shall show by the testimony in this volume the bad character and want of credibility of the memo-

They allege that they are exiles from home, the victims of persecution because of their Republicanism. I shall prove the falsehood of the allegation, and that they left voluntarily, and if they were driven away that they left a country where they were regarded as moral lepers, unfit for decent association, and they left in order to avoid the effect of their own record and character, although they were as safe in Washington County from personal violence as any other men in it.

I shall prove by testimony in this volume that Washington County is a county which casts some 5,500 or 5,600 votes; that about a third of the population is German; that less than a third is white American, and the balance negroes; and that this county of Washington is a reliably Republican county upon State and National issues. It has voted for every Republican President since the war up to this time by a good round majority. It has voted for every Republican candidate for governor by a decided majority. It has voted for every Republican candidate for Congress by a good majority.

Notwithstanding this, I shall show from this record that these me-

morialists, Schutze, Hackworth, and Moore, having made themselves leaders of the negroes and of the Republicans generally, obtained pos session of the offices directly after the war and held them until 1884, and plundered the tax-payers through the forms of law to such an extent that the Republicans and Democrats all joined in a People's ticket without reference to politics, without reference to party, and expelled them from office and placed honest men in power, some of them Democrats and some Republicans. All the time they were doing this, in 1884, and 1886, as in 1888, these same Republicans, black and white, German and native American, voted the Republican State and National ticket, giving large majorities to both in Washington County. The ecord shows this, and the report of the Committee on Privileges and Elections simply fails to show it or mention it.

I shall prove by the testimony in this record, which I propose to lay before the Senate, that these men, Hackworth, Schutze, and Moore, the memorialists, have made false statements in their memorials, to

which they have sworn, in every material allegation made.

I shall show that they are men without character, without property, without anchorage in that community; that when they were expelled from office—Hackworth, covered all over with indictments for all sorts of official malfeasance-deprived of that source of livelihood they had to leave there on account of the baseness of their characters and go elsewhere in order to make a living; and that they went because of that compulsion, and not because of any danger to them in remain-

ing in Washington County, or because they were Republicans.

Mr. President, I invite the perusal of this testimony by Senators.

They can come to but one conclusion from it, and that is that these memorialists, leading the vice and ignorance of that county, were making war upon everything that was decent, everything that was honest, everything that was law-abiding; that they were making war upon the property interests of the county; and that the people were com-

the property interests of the county; and that the people were compelled and driven, regardless of party, into the formation of the non-partisan People's ticket in order to get rid of them.

I shall show by the testimony I will produce from this volume that the disturbances at the ballot-boxes, three of them, I believe, Flewellen, Lott's Store, and Graball, were committed by men for whom the results of Washington County can not be justly held responsible, men people of Washington County can not be justly held responsible, men whom every effort, so far as this testimony shows, has been made to discover, but who have not been discovered, men who raided the ballot-box in the night, and whom public sentiment in Washington County

thoroughly condemned.

I ask the close attention of the Senate to this evidence. It does not appear in the report submitted by the honorable Senator from New York as the organ of the Committee on Privileges and Elections, but it is here; and when this testimony comes to be considered, I make the assertion that the witnesses whose testimony I will lay before the Senate are the men of property, the men of character, the men of intelligence, the men of influence in Washington County, while the great majority of those on the other side will be found of the opposite character. In any country in the world when the witnesses on both sides could be known the testimony which I will lay before the Senate would utterly overwhelm the testimony relied upon by the report of the honorable Committee on Privileges and Elections.

I call the attention of the Senate to another fact, which is that while a member of Congress was voted for in 1886 in the election in which the disturbances occurred there was no contention over the vote cast for that official. The whole trouble arose out of the contention over county officers. The fact that a member of Congress was voted for, I think it was admitted by the Senator from New York yesterday tainly it is shown without any conflict in testimony-excited no

interest whatever in the election. Technically because a member of Congress was voted for in this election it may be said that there was Federal jurisdiction over the subject, not, however, in the Senate but in the House, which judges of the elections, qualifications, and returns of its members. There is no jurisdiction over the subject either in the House or in the Senate, because the motive which prompted the disturbances of the ballot in Washington County nobody has ever for a moment attributed to any interest felt in the election for a member of Congress, and no complaint, no contest, no claim has ever been made with or against the member of Congress thus elected. The disturbance investigated was local in Washington, purely domestic, having

mr reference to anything outside of Washington County.

Mr. President, I do not propose to discuss the constitutional question. It is worse than useless to do that here. I simply propose to lay before the Senate testimony (which the report of the Committee on Privileges and Elections does not pleas before the committee on Privileges and Elections does not pleas before the committee. on Privileges and Elections does not place before the country as it does other testimony) exculpatory of the people of Washington County; and before commencing that I will send to the Clerk's desk and ask to have read the counter-memorial of citizens of Washington County.

It is found on page 298 of the testimony taken by the committee.

The PRESIDING OFFICER (Mr. Berry in the chair). The Secretary will read as requested.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States of America:

To the Senate and House of Representatives of the United States of America:

At a meeting of citizens of Washington County, Texas, held in the city of Brenham on the 8th day of February, 1857, which meeting was composed of both Republicans and Democrats, the following memorial to your honorable bodies touching the petition of S. A. Hackworth, J. L. Moore, and Carl Schutze, which has lately been referred to the Senate Committee on Privileges and Elections for investigation, was unanimously adopted.

Inasmuch as the Senate has assumed jurisdiction to inquire into the administration of the local affairs of Washington County, Texas, we respectfully request that the committee having charge of said matter be sent to this county, where a full investigation can be had by an examination of all the winesses and an inspection of the county records.

The civil authorities of Washington County and its citizens generally are charged with the commission of grave offenses against the penal laws, including murder, election frauds, and other crimes.

Confident that a fair investigation will result in a triumphant vindication of the good name of this county and its civil authorities, and feeling assured that your honorable bodies will not be made the instruments of fastening upon innocent parties the foul aspersions brought against them by disappointed and desperate political adventurers, without a fair opportunity to be heard in their just defense, we submit the following counter-memorial, which we pray may be considered in connection with that of said Hackworth, Moore, and Schutze.

Upon analysis the petition of said parties will be found to consist or the most part of vague general charges against parties neither named nor identified, and without specification of times, places, or circumstances, such as to fairly entitle it to consideration at the hands of an intelligent body, or to require the parties supposed to be assailed to answer; but your memorialists carnestly hope and believe that more will not be required of them tha

It is not true that there was any conspiracy to hang the negroes, usurp the offices, or to banish citizens from the county.

The remainder of the petition is devoted to, first, alleged personal grievances of the petitioners themselves; s cond, to alleged offenses against other persons en account of their political sentiments and affiliations; third, to alleged offenses in connection with the election of November 2, 1886; and fourth, to the alleged refusal of the local civil authorities to protect the lives and property of petitioners and others, and their alleged complicity in the crimes and offenses of their party associates. The purpose of this memorial will be to meet these issues.

The matters of personal grievance are constant.

these issues.

The matters of personal grievances complained of by said petitioners are, many of them, untrue, and others are grossly exaggerated, and so far as they have any foundation in fact are the direct and legitimate result of the odium in which the parties are held, not because of their political sentiments, but because of their own personal misconduct as individuals.

It is not true that the petitioners are now refugees from their homes on account of political persecutions, as alleged by them.

There has been for a long time a strong feeling on the part of the good and law-abiding citizens of Washington County against the petitioners on account of their corrupt political methods, their dishonest administration of the affairs of the county, and their incendiary appeals to race prejudice in order to array the colored voters against the white.

For many years the tax-payers of this county have been plundered by these men and others who have been elected to office by the vote of ignorant colored men.

men and others who have been elected to office by the voice of agrorance men.

The petitioner, S. A. Hackworth, was for several years a justice of the peace in said county, and presiding member of the police court, which had the management of the county affairs. This court made improvident and extortionate contracts for the erection of bridges and other works with one M. M. Hackworth, who was the father of said S. A. Hackworth, and perpetrated many other wrongs upon the tax-payers in the illegal and extravagant use and conversion of funds belonging to the county. Reference is made to the veport of the grand jury at the February term, 1874, of the district court of Washington County, which is hereto attached and made a part of this memorial (A) to show that the father of Hack worth profited from his son's official position. Indictments were frequently returned against Hackworth, both in the State and Federal courts, but he has always escaped conviction. Certified copies of the records from the courts are attached, which show that these indictments were generally quashed or dismissed (B).

attached, which show that these indictments were generally quashed or dismissed (B).

R. A. Harvin and C. C. Leib, who were both elected, the one as tax-collector and the other as treasurer, on the Republican ticket by the efforts of the petitioners, made default in large sums of money. Both were indicted; the indictments against Harvin were quashed, but Leib was convicted after a change of venue, and is now serving a five years' term in the penitentiary.

Hackworth, by vexatious and petty prosecutions, extortion in fees, in taking money to suppress prosecutions, and in many other ways while justice of the peace; Schutze, by corrupt administration of his office, and oppressive use thereof in prosecutions of petty offenses to extort fees; and Moore, by his arbitrary manner and bitter canvasses, rendered themselves odious and obnoxious personally to many people.

The good people of Washington County, growing tired of the continuous mismanagement of public affairs, united irrespective of parties, and at the election of 1894 the Republicans were defeated for the county offices by the combined

vote of Republicans and Democrats voting a People's ticket. Many colored men voted the People's ticket. Hackworth, Moore, and Schutze conducted a most bitter and outrageous canvass for the county offices in 1886; while Schutze alone was a candidate, Moore and Hackworth, as it is charged, were promised positions as deputies. Schutze made vile and infamous attacks on good citizens through his newspaper, and Hackworth, Moore, and other leaders sought to array the negroes against the whites by appealing to caste prejudice and denouncing the white men supporting the People's ticket for denying them social equality. Appeals were made with the bitterness of despair.

Moore had more than ten years previously failed in business as a merchant, at which time he was a Democrat; he entered the Republican party for office, was employed as deputy county clerk, was elected district clerk in 1876, and was sheriff in 1882 and 1883. In 1884 he was defeated, and when the fall of 1886 came on he was without employment, destitute of means, and badly in debt. He had made an improvident purchase of a homestead, and was utterly unable to pay a balance of purchase-money thereon.

It is not true as alleged by him, that he "owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated, and earning a comfortable living for his family."

He sold his homestead for its full value, and removed to Los Angeles, Cal. Hackworth has been a political agitator and leader of the negroes ever since about 1869; not for their elevation and good, but for his own party dared not put him up again; he has since been an office broker rather than a dealer in real estate. He is now and always has been insolvent. It is not true that he "owned real and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family." The affidavit of the widow of his brother, John M. Hack worth (C), who was postmaster at Brenham,

and after several weeks of imprisonment was released after being made to disgorge.

He was elected county attorney of Washington County on the Republican ticket, and was a candidate for re-election, but had become so offensive that he was defeated by his Democratic opponent in 1830.

He became so obnoxious to the colored citizens of the county for his corrupt and oppressive use of his office that his Democratic opponent defeated him in precincts where a large majority of the voters were colored. He is insolvent and worthless. His newspaper, the Staats Zeitung, had a precarious existence, and was mortgaged for all that it was worth. His habits are low and dissolute. He is a moral leper. It may be true that he left Brenham as alleged by him, but it is denied that he was compelled to leave, and that there was any attack upon him as he was leaving. He was in Brenham long after the election, and on several occasions used insulting language against good citizens who had opposed him during the campaign. He was in Brenham on the day his petition to Congress was published here.

Certificates of the tax-collector of Washington County, attached hereto, show how these parties appeared on the tax-rolls. (D, E, F.)

It will thus be seen that these men were personally odious and offensive, and if they received the indignities which they allege they received, which is denied, it was due to their personal characters, and not to the fact that they were Republicans.

Republicans.

It is not true, as stated or implied in said petition, that the hanging of the parties named therein was done on account of the political affiliation of said parties or "to prevent Republicans from securing their political rights and privileges in said county."

At Flewellen's Store, an election precinct in the Washington justices' precinct, on the night of the election, as the count of the vote was progressing, W. D. Bolton, a white man, about twenty-eight years of age, married, son of the People's candidate for county commissioner in that precinct, was shot down and killed by a colored man named Polk Hill as he was entering the door of the room. A certified copy of the evidence taken at the coroner's inquest, which is attached hereto (G), will show that Bolton was not disguised, as charged, and while one witness says he had a pistol in his hand others stated that he was unarmed and came in a quiet manner. No one accompanied Bolton; he lived near by. Every one fled from the scene of murder except one person, who, after Bolton expired (which was almost immediately), went for assistance. At the inquest the next day the ballots were noticed lying scattered on the floor.

The negroes, Alfred Jones, Shad Felder, and Stewart Jones, and five others, who were present with arms, were arrested and brought to Brenham and put in jail. Polk Hill, who did the shooting, escaped, but was afterward arrested. There was very great excitement throughout the county over the killing of Bolton, and especially in the Washington precinct, where he lived. It was ascertained that Alfred Jones and Shad Felder had, upon the advice of two white Republicans, gone through the neighborhood on the day of the election and raised an armed squad of negroes to guard the ballot-box, and that Stewart Jones was about to shoot at the other white men present, who were officers of the election, but was prevented.

The commissioners' court of Washington County fearing, on account of the excited condition of affairs arising from the killing

jail.

After the arrest of the said Polk Hill and his incarceration in the Milam Counts jail, it was thought by the authorities that it would be safe to bring those in the said Harris County jail back. But soon after they were brought back Alfred Jones, Shad Felder, and Stewart Jones were taken from jail by a mob and hung. It is learned that the jailer, J. F. Estis, was induced to open the outer door, by a ruse (see his affidavit attached hereto, H). He was shoved behind the door, something thrown over his head, and gnarded by two men. He recognized no one; but they were disguised, as mobs usually are.

That the prisoners were voluntarily surrendered is false. There is no kuklux or other secret organization for the perpetration of political or other outrages in Washington County, or in the State of Texas, so far as we know or believe.

lieve.

Bolton was alone, unarmed, and not disguised at the time he was killed. The killing was an atrocious murder, committed by an ignorant and brutal negro, who if not instigated was made the instrument by white men who were supporting the Republican ticket and were professed Republicans.

That a mob should have hung all the negroes who were present at the polls armed under the circumstances could not have been a great matter of surprise in any State in the Union. That the three negroes were hung to suppress their testimony, as charged, is not true; for the testimony taken at the inquest over Bolton shows that the only witness who testified that Bolton was armed was spared by the mob, although a prisoner in the jail at the time the others were taken out. All of these negroes had been offered bail by the civil authorities. They were told that their cases were ballable, and asked to procure it; but it is said that on the advice of their counsel they refused it.

III.

III.

It is not true as stated in said petition that at the election held November 2, 1886, in Washington County, "a perfect reign of terror existed in said county, caused by armed bands of white ruffians who, by violence and by the destruction of ballot-boxes at Graball, Flewellen's, and Lott's Store election precincts, prevented the free and fair expression of suffrage by the citizens of said county, whereby men in whose interest these crimes were committed were declared elected who were not in fact elected, and by the most shameless and unblushing frauds the election was made a farce."

The election held in this county on November 2, 1886, was peaceable and quiet. There were two tickets in the field for county offices, the Republican and the People's ticket, the latter being composed of and supported by both Republicans and Democrats. It was an issue of good citizens of both parties on the one hand, who wanted an honest administration of county affairs, and political adventurers on the other, who were making strenuous efforts to recover the control of the county, which they had lost two years before.

Interest in the race centered on the office of county judge, the most important office in the county. Lafayette Kirk was the People's candidate, and Carl Schutze, one of the petitioners, was the Republican candidate. Schutze was unpopular with the negroes, but great efforts were made on the part of Moore and Hackworth and other leaders to draw the color line for the negro support, and to attract as great a German vote for Schutze as possible on account of his nationality.

It is denied, however, that the return of the votes cast at all of these precincts would have changed the result as to a single office. Indeed, such was the vote at Grabail that it may be fairly presumed that the seizure of the box there was done in the interest of Schutze. He was defeated at that box by his Democratic opponent, A. G. Haynes, for county attorney, in 1880. Judge Kirk, who was elected county judge in 1884, received 130 votes ou

edived a majority of the voice cast thereat, and at a precinct where Schutze was most unpopular among the colored voters.

IV.

It is denied that petitioners made application to the local civil authorities to protect their lives and property or the lives and property of others; and that there was any complicity whatever on the part of the local authorities in the alleged crimes and offenses of their party associates.

There will be found attached hereto the certificate of Hon. J. B. McFarland (I), indge of the twenty-first judicial district, composed of the counties of Washington, Lee, and Burleson, and whose residence is at Brenham, that no application was made to him beginer of the petitioners for protection. Judge McFarland, etc., and because the county of the county of the washington, Lee, and Burleson, and whose residence is at Brenham, that no application was made to him beginer of the petitioners for protection. Judge McFarland, etc., and the protection of the county of the washington precinet on the occasion of an alarm a few days after the election, on application to the governor of this State, by a telegram sent in good faith by Mr. J. H. Roberts, a conservative and prudent edition of that precinet. No such acts as are charged were committed by said State The election precinets—Graball, Lott's Store, and Flewellen's Store—are from 15 to 20 miles from the county seat at Brenham, and are situated in Washington, usatice precinct, the old town of Washington, on the Brazos River, giving name to the precinet. Navasota is across the river, in Grimes County, some 6 or 8 miles, and is on the Central Ratiroad. It is a river ceutry, and has a large negro population; the negroes largely outnumber the whites. During the excitement following the killing of Bolton many rumors were current in the committee company being ordered from Navasota, as we believe.

It is further denied that the citizens of the county is any manner terrorized

had the importance of which may only occur pending examination of wit-

Respectfully submitted.

WILLIAM THOMPSON, Esq., Chairman Citizens' Meeting.

WILLIAM THOMPSON, Esq.,
Chairman Citizens' Meeting.

SIR: Your committee on memorial respectfully beg to submit herewith a draught of such memorial.

Henry Hoddo, C. C. Garrett, Henry Smith, J. T. Swearinger, F. A. Engelke, Committee.

W. W. Searcy, Lafayette Kirk, T. J. Pampill, William Axe, E. R. Young, J. N. Brown, B. F. Robertson, W. A. Loekett, W. H. Bassett, attorney, J. R. McDade, J. G. Rankin, D. C. Williams, J. N. O. Lewis, J. W. Blackburn, T. Grarth, Osear Samuel, P. W. Hunt, O. B. Hughes, E. Pennington, Alex. Simon, H. Hancock, Jno. Day Jackson, W. H. Flynn, H. K. Harrison, Jehn Meguire, Thos. P. Botts, J. B. Vankees, E. Henry, C. T. Helves, W. B. Pressley, W. H. Thomas, J. P. Carrington, F. Kiber, John A. Randle, D. G. Giddings, R. Lohman, J. McFarland, W. B. Garrett, W. H. Vinson, Wrs. Reny, R. A. Dashiell, W. H. Murphy, Frank Dobert, J. F. Estes, L. Groee Gel, Jno. Levin, W. M. Aven, E. B. Randel, St. J. Montgomery, W. Wilkins, Jos. Tristram, W. Lusk, Lem Blake (his x mark), Gus, Hopkins, T. A. Baker, A. Stilge, L. Linsy (his x mark), Willis Bigbee, Aug, Lindemann, Algie Hunt, Stephen Randle, R. E. Goober, F. Fisher, F. C. McIntyre, Lee Wilson, C. F. Herbst, Beaure Jerd, Bryan, E. Keidrardt, E. C. Abbott, E. Rouse, E. L. Salley, J. A. Wilkins, J. Bloomberger, W. A. Wood, B. Renidge, F. A. Engelke, Wm.Thompson, Lewis R. Bryan, H. M. Lewis, D. C. Giddings, Jr., F. W. Schuerenberg, J. H. Graham, A. F. Felder, G. W. Graham, Moses Austin Bryan.

Mr. COKE. Mr. President, against the memorial of Schutze, Hack-

Mr. COKE. Mr. President, against the memorial of Schutze, Hackworth, and Moore I present this counter-memorial, signed by the very best citizens of Washington County of all political parties, denying the material allegations of the memorial, showing, wherein the people of Washington County are inculpated by the averments of the memorialists, that it is false, showing that the people of Washington County bore the inflictions which these memorialists placed upon them for a long time and most patiently until relief came to them through the medium of the ballot.

This counter-memorial presents a full, thorough, and complete answer to every material allegation of the memorial presented here, and the only question is as to which is true, the memorial signed by Schutze, Hackworth, and Moore, or the counter-memorial signed and the truth of it vouched for by about two hundred of the best citizens of Wash-

ington County, irrespective of party.

Now I propose to submit to the Senate and to the country the testimony in support of this counter-memorial. That in support of the original memorial has already been submitted by the Committee on Privileges and Elections. That committee failed absolutely to place before the Senate and the country in their report the exculpatory testimony upon which these good citizens of Washington County rely for the vindication of the good name of the county.

I request the Secretary to read the testimony of William Cawse, on page 302.

The Chief Clerk read as follows:

TESTIMONY OF WILLIAM CAWSE.

William Cawse, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

What is your age?

I am forty-five years of age. What is your business? I am a farmer. Where do you reside?

Q. What is your business?
A. I am a farmer.
Q. Where do you reside?
A. In Washington County, Texas.
Q. Were you one of the officers of election in November, 1886?
A. Yes, sir, last November.
Q. Were you summoned as a witness here?
A. Yes, sir.
Q. By which side?
A. By the Hackworth side, I suppose; the Republican side.
Mr. Teller. There can not be any side about it. He is a witness on one side as much as the other.
Q. What office did you hold on the day of the election?
A. I was one of the clerks of the election,
Q. At what box?
A. At Flewellen box.
Q. Were you there all day?
A. Yes, sir.
Q. How was the election, quiet?
A. Yes, sir.
Q. Was there any disturbance?
A. No, sir; not during the day.
Q. I mean during the day.
A. No, sir; there was none.
Q. What did you have to do with the counting of the votes?
A. I was marking and tallying the votes on the tally-sheet.
Q. What time did you begin to count them?
A. At about a quarter or twenty minutes after 6.
Q. How long did you continue tallying?
A. Until half past II.
Q. State what occurred then.
A. Well, everything was quiet up to half past II, when there came a knock at the door, and Mr. Rogers, who was lying on the bed, called out, "Come in," and the door opened. I do not know whether it was opened from the inside or the outside: I did not pay much attention to that, and some one stepped to the door and I still had my eyes on the tally-sheet and didn't pay any attention to the knock at first.
Q. In what direction were you facing?
A. I was fronting the door where the knock came,
Q. That is, you could look towards it without turning around?
A. Yes, sir.

Q. Proceed in your statement.
A. In the course of a few seconds, a minute, perhaps, a gun fired, which made every one in the room scatter. I started to run out of the door at my back, which I was sitting close to, and as I got to the door I saw the barrel of a gun pointed in and I immediately turned back again.

By Mr. TELLER:

Q. You ran out of the back door?
A. The door at my back.
Q. Out of the door where these men came in?
A. No, sir. Every one had left the room then except Mr. Rogers, who was lying on the bed and the freedmen who were under the bed, and as quick as I could I got out of the other door. I did not see the man lying on the floor until I turned to go out. I did not see Mr. Bolton fall, or anything of that kind. From there I went home. I live about 300 yards from there.

By Mr. Eustis:

Dy Mr. EUSTIS:

Q. You turned back and went out of the other door?

A. Yes, sir.

Q. Did you see the man who was killed?

A. Yes, sir; I saw him lying on the floor after I had started to run. I did not ee him fall.

see him fall.

Q. What part of the room was he in when you saw him when he was killed?

A. His head was lying along the threshhold of the door with his feet inside.

He looked like he might have made a step or two inside of the door when he

He looked like he might have made a step or two inside of the door when he was shot down.

Q. Had you seen him before?
The WITNESS. Do you mean that evening?
Mr. EUSTIS. Yes.
A. No, sir. I just saw a man enter the door. I do not know whether it was the man who was shot or not. I did not see him fall, but I suppose it was the same man.

same man.
Q. Did you know Bolton?
A. Yes, sir.
Q. You say you had not seen him before?
A. Not until he opened the door; not that evening.
Q. How long was it between the time when he opened the door and the time when he was shot?
A. I don't suppose it was a minute; it could not have been, it was done so quick after the door opened.
Q. Do you know whether he was masked?
A. I do not; I didn't see any mask. He had on one of those water-proof coats.

A. I do not; I dual to coats.

Q. Did you see his face?

A. I do not remember seeing his face that night at all. I didn't pay any attention to it. We were so badly scared that we were for getting out of the room as quick as we could. I was expecting to get a shot every moment after I saw that muzzle of the gun stuck in the door. I never paid any attention to anybody and never went back there until the next morning.

Q. Were you in that room from the time you commenced counting until the shooting occurred?

A. No, sir; I didn't see any armed men, masked men, come into that room?
A. No, sir; I didn't see any arms or any masks.
Q. Did you see any men who were masked and in disguise come into that

room?

A. No more than I saw the water-proof overcoat; that is all I saw about it.
Q. Did you hear anybody order anybody else to throw up their hands?
A. No, sir, I did not hear any one speak.
Q. You did not see any arms or pistols?
A. No, sir.
Q. As you ran out, did you see anybody with a gun in his hand?
A. I ran out of the other door, and I did not see the man who was behind the gun, and it was dark outside; the moon had been gone down about half an hour. I just saw the barrel of the gun.

Mr. COKE. Now, I ask the Secretary to turn to page 310 and read the testimony of Robert Wright.

The Chief Clerk read as follows:

TESTIMONY OF ROBERT WRIGHT.

Robert Wright, having been duly sworn, was interrogated as follows:

By Mr. Eustis:
Q. What is your name?
A. Robert Wright.
Q. How old are you?
A. I am a little over twenty-two years of age.
Q. What is your business?
A. I have been a farmer.
Q. Where do you live?
A. I live in Washington County, Texas.
Q. How long have you lived there?
A. Ever since I was born, mostly.
Q. At what poll do you vote?
A. I voted at Flewellen polling place the last election.
Q. Did you hold any office at this last election?
A. Yes, sir.
Q. What office?
A. I was one of the clerks, I believe, or a judge. I numbered the tickets and put them in the box, and called the names off the tickets. I suppose I was a clerk.
By Mr. Teller:

By Mr. TELLER:

Q. Well, you were a clerk, were you not? A. Yes, sir.

By Mr. Eustis:

Q. How was that election on the 2d of November, 1886; quiet and orderly?

A. Yes, sir; it was quiet up to that night; very quiet.

Q. What time did you begin counting the votes?

A. The polls closed at 6 o'clock, and just as soon as we could move to the house in the yard we commenced; it took us to move there and get a light about fifteen minutes.

Q. How many votes did you count?

A. About 60 or 65.

Q. Was there much scratching done there?

A. Yes, sir; there was a right smart of scratching for some of the candidates.

Q. Do you know about how the vote stood as regards Mr. Schutze and Judge Kirk?

A. I think between Mr. Schutz and Judge Victoria.

Kirk?
A. I think between Mr. Schutz and Judge Kirk it was about even. I heard them say that just before the trouble commenced that it was about even.
Q. You mean of these 65 votes?
A. There was about 60 or 65 counted, somewhere along there; I do not know exactly.

Q. You mean that they were about even on those 60 or 65 votes?

Q. You mean that they were about even on those 60 or 65 votes?

A. Yes, sir.
Q. State what occurred about half past 11 o'clock with reference to the killing of Bolton. Where were you sitting in the room, or were you sitting in the room at the time?

A. Yes, sir, I was sitting in the room at the time.
Q. Did you hear a knocking?
A. Yes, sir.
Q. At what time was that?
A. That was at the back door, which was used more for friends than the front of the house. There is always more passing in there all the time, in at that back door, than at the front door. There is a gate and a path coming up to the side of that door where we generally lead up and hitch our horses, and that was used more for friends than the other door was.
Q. Were you looking towards the back door?
A. No, sir.
Q. Which way were you looking or facing?
A. I was facing the middle door of the adjoining room.
Q. You were facing the middle door?
A. Yes, sir.
Q. You could see the front door also?
A. I could if I had turned to look, but I could not see it the way I was looking. By just turning my eyes I could have seen the front door without turning my head.
Q. Now state what occurred, of your own knowledge, at the time this knocking commenced and afterwards.
A. Well, I heard a knock, and Mr. Rogers, the gentleman who lives there, the proprietor of the house, he said, "Come in," and I heard somebody get up, and I think he opened the door, when you heard the knocking?

and I think he opened the door, and just as the door was opened the shot was fired.

Q. Did you look towards the door when you heard the knocking?

A. No, sir; I never looked towards the door when the knock came.

Q. Did you look towards the door when you heard some one come in?

A. No, sir; I never looked until the gun went off, or the shot was fired.

Q. What did you see then?

A. I got up then and looked, and I saw a man lying there.

Q. Did you recognize who it was?

A. I did not at that time.

Q. Did you see any mask on his face?

A. No, sir.

Q. Any disguise on his face?

A. No, sir.

Q. Did you see any arms in his hands or near him?

A. No, sir; I didn't see anything near him at all, and no arms at all.

Q. Were you there from the time they commenced counting the vote until this killing occurred?

A. Except one time I went out.

this killing occurred?

A. Except one time I went out.
Q. How long were you away?
A. About three or four minutes, I reckon.
Q. While you were there did you hear anything, or during these minutes you were away did you hear anything, of any armed men coming in there and ordering the people in that room to throw up their hands?

A. No, sir.
Q. You saw no men, disguised or not, come in there with pistols in their hands and order these officers of the election to throw up their hands?

A. No, sir.

A. No, sir.
Q. Did you see anybody with arms there at all in that room?
A. I seen shotguns there, and I seen some freedmen there that evening with guns, and I seen guns on the front gallery; that was the time when I went out there.

there.
Q. How many guns did you see there?
A. There were three, I believe; yes, three guns.
Q. Do you know who they belonged to?
A. No, sir; I had seen parties with them there, but I didn't know whether they belonged to them.
Q. Who did you see with a gun?
A. I saw Polk Hill with one, and Handy Hays with one, and the other one I have forgotten now, but I think it was John Glass who had the other one.
Q. Were they colored men?
A. Yes, sir; all colored men.
Q. What time did you see those arms there?
A. It was about sundown.
Q. Did you see them afterwards?
A. That was when I first saw them, at sundown; I saw those men with them.

A. At the time I went out on the gallery.
Q. When did you see them afterwards?
A. At the time I went out on the gallery.
Q. What time was that?
A. About 8 or 9 o'clock.

By Mr. TELLER

Who was the other man that you saw besides Polk Hill and Handy

Hays?

A. I think it was John Glass, but I am not certain whether it was him or not.

By Mr. Eusris:

What did you do as soon as you heard this firing?
I jumped up and looked around, and then I went out of the door.
You looked around where?
I looked around the room. I looked towards the back door.

A. I looked around the room. I looked towards the back door.
Q. Do you know who was there at the time of the shooting?
The WITNESS. Do you mean who was in the house?
Mr. EUSTIS. Yes; in the room.
A. The officers of the election were in the room, and I think Shad Felder, Felix Kenlow, and Handy Hays; I think they were in the house, besides Mr. Rogers, who was there, too, lying on the bed.
Q. Did you see any more persons in the room at the time Bolton was killed than you had just previously?
A. No, sir.
Q. You did not?
A. No, sir.
Q. When did you first hear that the man who was killed was Bolton?
A. When I went out I thought it was him. I stepped over him to go out and thought it was him, but was not certain, because he was shot in the face, and there was blood all over his face, and a person couldn't exactly tell whether it was him or not.

was him or not.

Q. Were you keeping a tally-sheet?
A. No, sir. I was calling off the names off the tickets,
Q. Do you know what became of the ballots?
A. No, sir.
Q. Do you know what became of the ballot-box?
A. No, sir.

Q. Do you know what became of the tally-sheet? A. No, sir.

Mr. COKE. I ask that the Secretary now turn to page 317, the testimony of John A. Vernon; and I will call the attention of the Senate to the fact that the witnesses whose testimony has been just read expressly negative the ideas claimed in the report to be true that Bolton, who was killed at the Flewellen box, was armed or disguised. The people of Washington County in their memorial say that he was not armed; that he was not disguised; that he went in to see how the votes were being counted and what the result was, as any other citizen would, and that when he went in he was shot down. The testimony of these witnesses sustains the allegations of the counter-memorial. I now ask that the testimony of John A. Vernon be read.

The Chief Clerk read as follows:

TESTIMONY OF JOHN A. VERNON.

John A. Vernon, having been duly sworn, was interrogated as follows: By Mr. EUSTIS:

John A. Vernon, having been duly sworn, was interrogated as follows:

By Mr. Eustis:
Q. What is your full name?
A. John Alexander Vernon.
Q. How old are you?
A. I am fifty-seven years old.
Q. What is your business?
A. I am a farmer.
Q. Do you hold any position?
A. Yes, sir; I am a magistrate and justice of the peace.
Q. In what county in Texas?
A. Washington County.
Q. How long have you lived in Washington County, Texas?
A. Fifty-two years.
Q. Did you hold an inquest upon the body of Bolton?
A. Yes, sir.
Q. When did you hold it?
A. It was on the 3d of November.
Q. At what time did you begin it?
A. In the morning.
Q. Where did you hold it?
A. At Flewellen's store; at his dwelling, rather.
Q. Where was the body?
A. It was in the dwelling.
Q. It was in the room where the killing was done?
A. Yes, sir; it was in the room where the killing was done.
A. Yes, sir; it was in the room where the killing was done.
A. Yes, sir; it was in the room where the killing was done.
A. Yes, sir; it was in the room where the killing was done.
A. Yes, sir; it was in the room where the killing was done.
A. Yes, sir; it was in the room where the killing was done.
A. There were quite a number.
A. There were quite a number.
A. State to the committee what was the condition of the body; was there any mask on his face?
A. No, sir; none whatever.
A. Was there any disguise of any kind?
A. Nothing, sir. He had on one of these old yellow slickers that we wear there in the South.

Mr. COKE. I ask that the Secretary go now to page 318, the proceedings of the corporar's inquest in record to the killing of W. D. Bolton.

Mr. COKE. I ask that the Secretary go now to page 318, the proceedings of the coroner's inquest in regard to the killing of W. D. Bolton, The Secretary read as follows:

PROCEEDINGS OF THE CORONER'S INQUEST IN REGARD TO THE KILLING OF W. D. BOLTON.

COUNTY OF WASHINGTON, State of Texas:

County of Washington, Slate of Texas:

An inquest taken the 3d day of November. A. D.1886, at R. T. Flewellen's residence, in said county of Washington, before J. A. Vernon, justice of peace of said county, upon the view of the dead body of W. D. Bolton, by William Ford, J. T. Lott, M. A. McCalip, S. H. Hatfield, John Alexander, S. T. Aubrey, good and lawful jurors of said county, who, being in due form sworn, say that the said W. D. Bolton came to his death at about 11 o'clock p.m. by a shotgun wound in the hands of Poke Hill, and further believe that Shad Felder, William Davis, John Glass, FelixlKenlow, Stewart Jones, and Ande Hays, and Stephen Jackson were accessories to the killing of deceased; and further believe that deceased came to his death by the advice of Ed. Lockett.

J. A. VERNON,

J. A. VERNON,
J. P. Precinct No. 1, Washington County, Texas,
W. G. FORD.
S. T. AUBREY.
S. H. HATFIELD.
J. T. LOTT.
J. R. ALEXANDER.
M. A. MCCALIP.

No. 1.-Testimony of William Davis (duly sworn).

No. 1.—Testimony of William Davis (duly sworn).

I, William Davis, was sitting near the house of R. T. Flewellen, by a tree, and heard two reports of a shotgun and a noise in the house. Going up to the house, I saw Peke Hill coming out of the door of said house, saying: "I have killed two men, and my gun is empty; Davis, give me your gun." There was here five men with shotguns, with the names of John Glass, Felix Kenlow, Poke Hill, Stewart Jones, Ande Hays, all colored men. Stephen Jackson told us, "if we want a gun to go and get mine." This happened on the 2d day of November, 1886.

WM. (his x mark) DAVIS.

No. 2.—Testimony of Alfred Jones (sworn).

Mr. Ed. Lockett told me, "It is our duty to guard this box at R. T. Fiewellen's place," and through the advice of Mr. Ed Lockett, John Glass, Ande Hays, Felix Kenlow, Poke Hill, and William Davis came here with shotguns. I did not hear of any threats to intimidate any persons on the ground on the 2d day of November, 1886.

ALFRED (his x mark) JONES.

No. 3.—Testimony of A. H. Rogers (duly sworn).

The first I know of it was about 11 o'clock p. m., while I was lying on my bed in the room where the election was held. To my best recollection I saw Poke Hill, Ande Hays, and Felix Kenlow and Stewart Jones in the said room, but I did not see any guns in the room. I saw Poke Hill going out several times prior to the shooting, but never after the shooting, on the 2d day of November, 1886.

No. 4.—Testimony of John Glass (duly sworn).

I saw William Davis, Felix Kenlow, Poke Hill, Stewart Jones, Ande Hays with shotguns on the place of R. T. Flewellen's. The report of the shotgun woke me up, and I did not see anybody after the Shooting, which happened about 11 o'clock p. m. on the 2d day of November, 1886.

JOHN (his x mark) GLASS.

No. 5.- Testimony of Ande Hays (duly sworn).

No. 5.—Testimony of Ande Hays (duly sworn).

I was in the room where the election was held, my gun was sitting on the gallery of the house; when the door south in room opened deceased, after being invited to come in, was shot directly after Poke Hill went out of the north door, his gun being out on the gallery; deceased came in quietly and said nothing about the box and was not disguised. The shooting took place on the 2d day of November, 18%. There was in the room Shad Felder, Felix Kenlow, Poke Hill, and Stewart Jones; I believe that Poke Hill is the man who done the shooting. Gunshet was fired in the north door; deceased killed in the south door. I am satisfied that Poke Hill was the man, as he was standing in the door.

ANDE (his x mark) HAYS.

No. 6.- Testimony of Dick Robertson (duly sworn).

No. 6.—Testimony of Dick Robertson (awy sworn).

I was the presiding officer of the ballot-box on the R. T. Flewellen place on the 2d day of November, 1886. We were counting the votes when the shooting took place. Some one knocked on the door, and after being asked to come in deceased was let in. The same time the door opened, Poke Hill, who was sitting in the room, got up and went to the opposite door, and a shotgun was fired by a gingercake-colored person. I feel satisfied that a darkey of the description of Poke Hill did the shooting, unless somebody was standing behind the door; he had fully time to pick up a shotgun. The election was going on quietly and I deemed it not necessary to have any guards whatever on the ground. At the time of the shooting there were in the room present Lewis Pennington, Shad Felder, Tom Jones, Felix Kenlow, and Ande Hays.

J. R. ROBERTSON.

J. R. ROBERTSON.

No. 7.-Testimony of William Cawse.

I was one of the clerks of election held on the place of R. T. Flewellen. There was in the room at the time of the shooting Felix Kenlow, Ande Hays, Lewis Pennington, Shad Felder. The same time that the south door opened, Poke Hill left his seat and ran to the north doorand opened the same door, and directly a shot was fired and deceased fell to the floor. The election was quiet, and it was not necessary to have any guards.

WILLIAM CAWSE

WILLIAM CAWSE.

No. 8.—Testimony of Felix Kenlow (duly sworn).

No. 8.—Testimony of retix Remow (dwy swork).

I was sitting in the room looking on. Poke Hill, who got up and ran to the opposite door, picked up his shotgun which was out on the gallery, I saw him, cocked the gun and shot the deceased, and I knew it was Poke Hill who did the shooting; he told me himself that he had killed a man, and laughed when he said it. I was lying under the bed and could see plainly. There was present in the room Ande Hays, Stewart Jones, William Cawse, Poke Hill, and the officers of the election. The shooting took place about 11 or 12 o'clock p. m. in the room of the house of R.T. Flewellen. The election was quiet and orderly.

FELIX (his x mark) KENLOW.

No. 9.- Testimony of Lewis Pennington (duly sworn).

I was one of the judges of the election held on the 2d day of November, 1886. The election was going on quietly and orderly; I was busy counting votes when somebody knocked on the door; the same time Polk Hill got up from his seat and ran to the door. I do not know who did the shooting, which took place about 11 o'clock p. m. Outside the officers of the election there were present in the room Shad Felder, Andy Hays, Felix Kenlow, and Poke Hill went out of the door.

LEWIS (his x mark) PENNINGTON.

No. 10.- Testimony of Tom Jones (duly sworn).

I was one of the clerks of the election, sitting at the table with my back toward the south door. I saw Poke Hill go to the north door before the south door opened. As soon as the door opened, I turned my face, and saw a white man coming in the door with uplifted hands holding a pistol, and as soon as I saw the person I went out of the same door. I know that Polk Hill had a gun on the ground. There was present outside of the officers, Shad Felder, Andy Hays, Folk Hill. The shooting took place on the 2d day of November, 1886, in the house of R.T. Flewellen. T. M. JONES.

Statement of Lewis Pennington, being re-examined.

I did not see anybody coming in the door disguised with a pistol in hand. I was sitting close to the fire-place in plain view of the two doors.

LEWIS (his x mark) PENNINGTON.

No. 11.—Testimony of Ephraim Jones (duly sworn).

I was taking supper to Jones and along with it a shotgun to guard the polls; then I went out and went to sleep on John Glass's overcoat and I never woke up till I heard two reports of a shotgun. I ran off around the house and made for home. There had shotguns in possession, William Davis, Felix Kenlow, Poke Hill, Andy Hays, for the protection of the box under the advice of Shad Felder. The election was going on quietly. The shooting was done at about II o'clock p.m., in the house of R.T. Flewellen, on the 2d day of November, 1886. EPHRAIM JONES.

No. 12.-Testimony of Stephen Jackson (duly sworn).

I was on the election ground on the 2d day of November, 1886, and Alfred Jones and Poke Hill asked me for a pistol, but I declined it, but let Poke Hill have my shotgun loaded to keep the polls guarded. My gun was returned me, both barrels empty, by Sallie Jones, wife of Oliver Jones.

EPHRAIM (his x mark) JONES.

This is to certify that this is a true and correct statement of the testimony P. KÜHNEL, Recorder.

THE STATE OF TEXAS, County of Washington:

I, C. F. Herbst, clerk of the district court of Washington County, Texas, do hereby certify that the foregoing is a true and correct copy of the original inquest papers in case of W. D. Bolton, deceased, now on file in said court.

Given under my hand and the seal of said court, at office in Brenham, this the 5th day of February, A. D. 1887.

[SEAL.]

C. F. HERBST, Clerk.

Mr. COKE. I ask the Secretary now to turn to page 329, to the testimony of Benjamin Y. Aubrey.

The Chief Clerk read as follows:

TESTIMONY OF BENJAMIN Y. AUBREY.

Benjamin Y. Aubrey, having been duly sworn, was interrogated as follows:

Mr. COKE. I desire, before going on to this testimony, to call the attention of the Senate to the testimony at the coroner's inquest, and to ask the Senate to bear in mind that the charge made in the report of the committee is that the three negroes who were hung at Brenham

were hung in order to get rid of their testimony against persons who violated the election laws at this Flewellen box. That is the charge made in the report of the committee, that the negroes were hung, not in consequence of the excitement resulting from the killing of young Bolton, but because it was necessary to hang them in order to get rid of their testimony, to prevent it from being brought out against parties who were violating the law at the Flewellen box.

I call attention to the fact that one of the negroes who testified, and the only one who testified before the coroner that Bolton was masked and that he had arms in his hands when he went to Flewellen that night, was one of the negroes in the jail at Brenham, and that he was not one of the three who were taken out and hanged. In other words, this only witness who testified before the coroner that Bolton was masked and armed was among the eight negroes in jail at Brenham when three of the eight were taken by the mob and hanged and he was not one of them. This I take to be a conclusive refutation of the theory of this report that these negroes were hanged, not in consequence of the excitement occasioned by the killing of Bolton, but in order to get rid of their testimony against the men who destroyed the ballot-box at Flewellen.

I ask the Secretary to proceed with the reading of the testimony of Benjamin Y. Aubrey.

The Chief Clerk read as follows:

By Mr. EUSTIS:

Q. What is your age?
A. I am forty-five years of age.
Q. Where do you live?
A. I live in Washington County, Texas, 20 miles east of Brenham, the county

Q. What is your business?
A. I live in Washington County, Texas, 20 miles east of Brenham, the county geat.
Q. What is your business?
A. I am a farmer.
Q. Where do you vote?
A. At Graball precinct, in my neighborhood.
Q. Were you one of the election officers at the last election.
A. Yes, sir; I was presiding officer of the box at Graball.
Q. What time did you begin to count the vote there?
A. I don't know exactly. I suppose we commenced at about 7 o'clock, directly after we closed the polls.
Q. How many votes did you count?
A. We counted 225.
Q. How many votes were polled altogether; do you know?
A. There were 341 polled.
Q. How did the county stand with regard to Judge Kirk and Mr. Schutze on those 225 votes that were counted?
A. Well, Judge Kirk at the end of the count was 116 and Mr. Schutze was 105.
Q. Is that a strong Republican poll?
A. Yes, sir.
Q. A good many colored people vote there?
A. Yes, sir; there is five to one.
Q. And you say of those 225 votes counted, Judge Kirk had 116 and Mr. Schutze 105?
A. Yes, sir; the election passed off quietly.
Q. No intimidation?
A. No, sir; none at all, as I saw.
Q. Were you there all day?
A. Yes, sir; I was there all day. I opened the polls and closed them, and there was no disturbance whatever that I knew of. I heard there was some disturbance outside concerning some gentlemen that were there officiating, that didn't live there, who lived in Brenham.
Q. Evidence has been given here that this box was raided, as they call it?
A. Yes, sir; it was.
Q. What time was that?
A. The box was captured about 11 o'clock or a little after.
Q. Eleven o'clock at night?
A. Yes, sir; it done by masked men?
A. Yes, sir.

12, a few minutes before 12, and I lived about a mile and half from the voting place.

Q. Was it done by masked men?
A. Yes, sir.
Q. Did you see them?
A. Yes, sir, I saw two of them. Two of them came in the room where we were counting the votes, and there was a third one, but he didn't come into the room, he stood in the door, and never came any further than the door. But two of them came in the room.
Q. Have you ever formed any impression as to who those two men were?
A. I could not positively say who they were; I could not tell from the way they were masked. That is, I could not swear to them who they were.
Q. I know, but I speak of your impression?
A. Well, the only suspicious looking characters that I saw about there that day were two men from Brenham who were trying to control the vote.
Q. Who were they?
A. The name of one of them was Lockett, and the other was Gilder; Ed Lock-

Q. Who were they?

A. The name of one of them was Lockett, and the other was Gilder; Ed Lockett and Lonny Gilder. They were officiating around there that day, pretty much all day.

By Mr. TELLER:

Q. You say Lockett was one; who was the other? A. Ed. Lockett and Lonny Gilder. They were trying to influence some peonle to vote.

By Mr. EUSTIS:

Q. To vote which ticket?
A. They were trying to influence them to vote their way.
Q. Which way is that?
A. They were Republicans.
Q. What is the character of those men; their general reputation?
A. I am not very well acquainted with either of them, but from what I could learn about them they are sort of hangers-on around the county-seat at Brenham. They are not competent to fill an office, or the people haven't confidence in them to put them in, but it seems that they promised them a divide in their salary if they will officiate around and control the ignorant people enough to get their ticket through.

By Mr. TELLER:

Q. You are telling something you have heard; you do not pretend to know

A. I only hear this. I saw them there officiating around.
Q. But you heard they had agreed to divide with them; you do not know it?
A. No, sir; I have only heard that.
Q. You do not pretend you know anything about that?
A. No, sir; I do not know it, but that is what I have heard, I know they sere there officiating around that day.

By Mr. Eustis:

Q. Did you hear anybody say that two of those masked men were Lockett and Gilder?

By Mr. Eusris:

Q. Did you hear anybody say that two of those masked men were Lockett and Glider?

A. No, sir; I never heard any one say so; but, as I say, they were editeisting around there all day, and I understood afterwards they were at Mr. Flewellen's, which is the next voting box from our precinct, and the next morning as soon as I could get to Brenham to make the report of what had happened at our box, before I got out of the vehicle that I drove there in, these two men were the first two men who met me that I knew, and they asked me what was the news down in our part of the neighborhood, and I told them what was the news, that the box had been captured and a young man had been killed at the other voting place, and they asked me several questions concerning the election and then left me, and I never have seen or heard of them since, and it seemed as though they must be guilty of something or they would not have left the country.

Q. Had you any intimation whatever that this box would be raided?

A. No, sir; I did not; it was all a surprise to me. At the time the box was taken there was a negro that was on the ground that day with a lunch-stand that I was well acquainted with, and I had sent out for him to bring us in some coffee, and there were two of them came in with it, and one staid in there while the other stepped back to get some sugar to sweeten the coffee, and about the time that he passed out at the door this party came in. We had had the door fastened previous to these black people coming in with the hot coffee, and whon we unfastened the door to left them in, as this one went out to get the sugar, he had forgotten it, this party of masked men slepped in, and I was not looking towards the house of our neighborhood physician, whe we were contributed to make my escape into the back room with the box, and one of them hollered, "Look out," and as I looked around the end of a pistol touched me on the end of the nose, and he taken the box and also grabbed the tickets that were strung. We strung these

through with them without much trouble. Of course each ticket was laid separate to itself until I got to the number of five, and then they were counted as five tickets.

Q. What time did this raid occur?

A. It occurred about II o'clock, or maybe a little later,
Q. You did not recognize any of these men?

A. No, sir; I could not say positively who they were.
Q. Did you tell anybody who you thought they were?

A. Yes, sir.
Q. Well, what did you say?

A. I made the remark several times that it looked reasonable that these two men I spoke of were the parties who robbed the box.
Q. Do you mean Lockett?

A. Yes, sir; Lockett and Gilder. I didn't see the cause of anybody else taking it. Everything went off quiet and peaceable up to that time. I will state, if it is not out of order, that in the neighborhood where we live it is very peaceable and quiet until just before the election comes off, and then it is an uproar all night long with parties trying to control the black people's vote. Just a few days previous to the election they were up every night, holding what we call "owl meetings," making speeches and trying to influence the black people to vote for a class of officers who have been in power ever since the close of the war. I have been living in that neighborhood ever since the close of the war, and living right within a mile of where I am living at present, and those owl meetings during this last election commenced a week or ten days previous to the election, and they were trying to control the black people in their voting. Two years previous to the last election we had a citizens' meeting called, and we nominated what was called the People's ticket, and all the responsible and reliable black people in our neighborhood voted that People's ticket.

Q. That was in 184?

A. Yes, sir; and the men that ran on the People's ticket were elected.

Q. How do you account for the black people woting the People's ticket?

A. Well, sir, a great many of them—one of them in particular, that owns land and is a mechanic by pro

ducting affairs in the country in which we lived. We had had a black man as commissioner eversince the close of the war until this People's ticket was nominated, and then we elected a white man named Bolton, who owns a little farm there, and the roads from where we live to the county-seat, Brenham, were almost in a condition so that it was impossible to travel over them until Bolton was elected commissioner, and when Bolton was elected commissioner he had the roads worked and bridges put across the creeks and ravines (we call them ravines in Texas, but I believe they call them gullies in the old States); he had bridges put across those creeks and streams so that people could travel backwards and forwards. In two years he done all this. This negro was telling me all about this, and he said he spent a day and a night in search of this blackman, the Republican, who was the opponent of Bolton as commissioner in the next election, to try to see if he could not influence him to withdraw his name and not run against such a man as Bolton was; that he had no interests at stake, and that Bolton had; and that he would be of some benefit to the community in which we live, and the freedman would not. And he said this Mr. Brown, as he called him, the colored man, he said that he knew that Bolton was a gentleman and all that, but he said when it came to law matters he knew as much as Bolton did, and he was going to run through.

By Mr. Teller:

### By Mr. TELLER:

- Q. Were there more than three men who came to Graball that night?
  A. If there was I never saw them.
  Q. Had there been anybody around the room during the evening amongst
- Q. Had there been anybody around the room during the evening amongst you?

  A. Yes; Mr. Baldridge, a merchant at that place, came into the room before the box was taken and asked how the vote was running. He was the only one I remember coming in except the black people that I spoke of.

  Q. Was anybody else running for office in that precinct besides Judge Kirk and Mr. Schutze?

  A. Oh, yes, sir.

  Q. A large number of other people?

  A. Yes, sir.

  Q. How was the vote on the others?

  A. To the best of my recollection, some of them were ahead and some of them behind on the People's ticket.

  Q. Is that a Republican precinct?

  A. Yes, sir.

  Q. Pretty strongly Republican, is it not?

  A. Yes, sir.

  Q. What proportion do you say are Democrats, or those who vote the People's ticket there usually?

  A. As I say, the black people are five to one in that precinct, but at the last election and the one previous to this last election they were tolerably well divided.

  O. What become of this tally-sheet which you say you had made out as far as

- vided. Q. What became of this tally-sheet which you say you had made out as far as

- Q. What became of this tally-sheet which you say you had made out as far as you had gone?
  A. I carried it to Brenham and returned it to the county clerk.
  Q. You did not have the box or ballots; all you had was the tally-sheet?
  A. That was all.
  Q. Did you have the whole of the tally-sheet or only a part of it?
  A. I don't remember whether I carried it all or not; when the box was captured I just picked up what was left on the table, rolled it up altogether, and tied a string around it and carried it to Brenham and deposited it with the clerk.

- clerk.
  Q. When these men captured the box, when you gave it up to them, what did they do with it?
  A. They just returned out of the door; I do not know what they did with it; I never have seen it since.
  Q. One of the men staid in the door and the others came in?
  A. Yes, sir.
  Q. What did the man in the doorway do?
  A. Nothing that I know of.
  Q. Was he armed?
  A. I could not say.
  Q. Was he masked?
  A. Yes, sir.
  Q. How?
  A. He had a white cloth over his face; I never noticed about the balance of his body how he was dressed.
- A. He had a white cloth over his face; I never noticed about the balance of his body how he was dressed.
  Q. You could not state how he was dressed?
  A. No, sir.
  Q. How were the men who came into the room dressed?
  A. They had a white cloth over their faces, and they had hats on their heads.
  Q. What kind of hats did they have on?
  A. Well, now, I can't tell you what kind of hats. I tell you I was kind of excited myself. I can't tell you what kind of hats they had on; neither can I tell you what kind of clothes they had on.
  Q. You can not tell anything about their clothing?
  A. No, sir; I could not positively tell what kind of clothing they had on.
  Q. Where were the ballots that had not been counted?
  A. In the box.

Q. You can not tell anything about A. No, sir; I could not positively tell wh Q. Where were the ballots that had not a. A. In the box.
Q. Did they take them out?
A. They carried the box off with them.
Q. What did they do with the box?
A. I don't know.
Q. Did you ever find it?
A. No, sir; I never did. Mr. COKE. I desire to call attention to the testimony of this witness, Benjamin Y. Aubrey. If this testimony is mentioned in the report of the committee I do not remember it. This witness testifies with reference to the Graball box, which was raided. When asked

How many votes were polled altogether; do you know?

He says:

- There were 341 polled.
  Q. How did the count stand with regard to Judge Kirk and Mr. Schutze on those 225 votes that were counted?

He savs:

Well, Judge Kirk at the end of the count was 116 and Mr. Schutze was 105,

Judge Kirk and Schutze were the contestants, and were the two candidates who were exciting the largest amount of interest among the people, and Judge Kirk is the man whose acts in going to this box that night are sought to be made by the committee the basis for the inferences that the raiding was done on the box through his influence and for his benefit. Judge Kirk and Mr. Schutze were running for the office of county judge, the principal office in the contest. They were the important men in the contest. They were the candidates who were

creating all the excitement in the county, and at this Graball box, which was raided at the end of the count, Judge Kirk had received 116 votes and Mr. Schutze 105 votes; and yet, notwithstanding this, the report of the committee draws the conclusion and indulges the presumption that this box was raided for the benefit of Judge Kirk!

Mr. HARRIS. There being a majority in his favor?

Mr. COKE. The box had given a majority in favor of Judge Kirk, the candidate on the People's ticket, against Mr. Schutze, the candidate of the People's ticket, against Mr. Schutze, the candidate of the People's ticket, against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the candidate of the People's ticket against Mr. Schutze, the Condidate of the People's ticket against Mr. Schutze, the Condidate of the People's ticket against Mr. Schutze, the Condidate of the People's the People's the Condidate of the People's the People's the Condidate of the People's the People of th didate on the other, on the Republican ticket, so far as counted when raided; and yet the committee ask the Senate and the country to believe that the box was raided and the ballots destroyed for the purpose of defeating the Republican ticket!

I ask the Secretary now to turn to page 335, the testimony of John

Ireland, and read it.

The PRESIDENT protempore. The Secretary will read as requested. The Secretary read as follows:

TESTIMONY OF JOHN IRELAND.

Governor John Ireland, having been duly sworn, was interrogated as fol-

By Mr. Eustis:

- Q. What position do you now hold?
  A. I hold no official position at present.
  Q. What position have you held?
  A. For the last four years, until the 8th of last January, I have been governor

- A. For the last four years, until the still of last samuary, I have been governor of the State in November and December, 1886?
  A. Yes, sir.
  Q. You know the subject-matter of this investigation in regard to the condition of affairs in Washington County?
  A. I believe I do.
  Q. And the disturbances which have occurred there and the excitement which has existed?
- Q. And the disturbances which has existed?
  A. Yes, sir.
  Q. Please state to the committee whatever you desire with reference to the condition of affairs in that county. In the first place, what sort of a community is that? Is it a law-abiding community?
  A. I have known more or less of Washington County and her people for the last thirty-five years. There is a large negro element in Washington County, and quite a large majority of the voting population of that county are negroes, and they have had more or less disturbance in Washington County ever since the passage of the reconstruction laws.

- By Mr. Spooner:

  Q. What was that statement? I did not quite understand you.

  A. I said that quite a large majority of the voting population of Washington County are Republicans; that is to say, they are engroes, and they are claimed as Republicans generally, without reference to any particular vote; and I further said that since the passage of the reconstruction laws, since 1867, they have had more or less disturbance in Washington County. In 1868 or 1869, probably the latter part of 1868, there was a military company stationed there under command of Major Smith, of the Army, and he burned the town.

  Q. What town?

  A. The town of Brenham, and also imprisoned a good many of their people, One notable case now that I remember was that of Major McGeary, who was then publishing a paper there. In their local affairs their revenues have been wasted and stolen until the last two or three years, when the methods resorted to by those in authority in that county became so revolting to even the better portion of the Republican party, that they formed what was called the People's party, and succeeded in electing men to office who conducted their local affairs honestly. I have learned (from rumor, of course) that there have been one or two ballot-boxes destroyed in the county; I never knew by whom, because I had no official notification of it. I also learned from general history and the press of the country of the killing of Bolton at the election in November last and of the lynching of the three negroes. I know nothing personally of specific local acts of persons. Washington County is about 8) miles from the capital of the State. I have seen the memorial presented to the Senate by persons from Washington County, and some allusion is made in that to the State government refusing to protect these gentlemen. I do not now remember the exact language, because it has been some time since I read it, but whatever allusion is made in it to that point is not true; it is untrue. The implication is of course that the Government refuse

By Mr. EUSTIS :

- Q. Right on that point, not to interrupt your testimony, I will ask you a question. Did you ever receive any letter or application from Mr. Hackworth?

  A. No, sir.

  - I mean with reference to these troubles?
  - Or applying to you for any relief whatever? No, sir.

  - Applying to you as executive of the State of Texas? No, sir.

- Q. Applying to you as execusive to the state.

  A. No, sir.

  Q. Now you may proceed,
  A. I have nothing myself further that I desire to state, but I am ready to answer any question which may be asked me.

  Q. Have you had occasion to travel much throughout the State?
  A. Yes, sir; I have traveled over the State more or less for several years.
  Q. I will ask you whether you do not find it to be the case that the negro population, where the negroes are in the majority, are generally quiet and orderly except where they are excited by white leaders upon this race question?

  A. The negroes of Texas are a confiding people, and are perfectly quiet when left to themselves. The only disturbance among the negroes, so far as my observation has gone, except those who have been excited by the white men, have been cases of violence against negroes who desired to vote the Democratic ticket. No negro in the negro districts of that State has been safe until the last year or two who openly espoused the Democratic cause or voted the Democratic ticket. And where they are not persuaded, or driven, or scared to deeds of violence and outbreaks by white men they are no trouble in the country; they are left alone to vote as they please and do as they please as long as they let society alone.

- alone.

  Q. What is generally the object of those white leaders—
  Mr. Sponner. Is that going into the affairs of Washington County?
  Mr. Eusris. I think so.
  Q. What interest have those white leaders in creating this race antagonism and animosity between the whites and blacks?
  A. It is generally for the purpose of creating a following for themselves, a following that they can not obtain in any other way.

Q. A following for what purpose?
A. For political purposes.
Q. Do you mean to obtain office for themselves?
A. Yes, sir; for themselves and for their friends, and to keep themselves prominently before the country, and it is understood, too, that they feel they have a strong coadjutor at this capital to whom they may appeal in case of adversity and disaster.

By Mr. SPOONER:

Q. To what do you allude—to the United States Senate? A. I allude to the Senate; yes, sir.

By Mr. EUSTIS:

Q. Is it not known there that they are very fond of playing the role of politi-

Q. Is it not known there that they are very fond of playing the role of political martyrs?
A. Yes, sir; it is understood there, sir, as it is all over the South, in case of Republican success in national administration, that they may present themselves as martyrs to procure office and recognition.
Q. As victims of political persecution?
A. Yes, sir; as victims of political persecution.
Q. I suppose the colored people generally are rather an ignorant class?
A. As a general thing they are ignorant, but, as I said, confiding, docile, and quiet when left slowed.

quiet when left alone.

A. As a general thing they are ignorant, but, as I said, confiding, docile, and quiet when left alone.

Q. Are they easily excited in political contests?

A. They are; by men who aspire to be their leaders and in whom they have any confidence at all they are very easily roused to most any measure.

Q. They are prone to believe anything that those leaders tell them in regard to the white people or Democrats?

A. Yes, sir; in regard to the elements, or the laws of nature, or anything else. It was told to them in the last canvass that the Democratic party was responsible for the earthquakes throughout the South and for the drought; that Mr. Cleveland's administration was responsible for their getting but 7 cents a pound for cotton; that was all they got for their votton, and they were told it was in consequence of the Democratic administration, and such things as that.

Q. How long have you been in public life?

A. I have been in public life more or less for twenty-five years.

Q. Has it not been an extremely difficult position for the executive of the State, for instance in some portions of it where there is a large nogro majority, to prevent this excitement and these conflicts between the white and black races?

A. It is utterly impossible for the governor of a State, and especially a State like Texas, which has a large territory, to personally direct local affairs in the counties. No State government can be administered without local aid, because the local government is the machinery by which the State government is carried on.

on.

Q. Have you ever heard of any discrimination made, for instance, as regards the administration of justice between either Democrats or Republicans, or white or colored people?

The Witness. In Texas?

Mr. Eustis. Yes.

A. No, sir; on the contrary, I have been an active practitioner at the bar and an active lawyer all my life, or for thirty to thirty-five years, and have defended numbers and numbers of them, and they have never failed to ask me to give them a white jury to try them.

Q. You are speaking now of the negroes?

A. Yes, sir; of the negroes. So far as the Republicans are concerned, the leading Republicans in Texas, I believe they are all my friends, so far as I know them. I do not know a single leading Republican in Texas.

Mr. Spooner. What has that to do with this inquiry?

The WITNESS. It is in answer to the Senator's question about discrimination so far as politics are concerned.

By Mr. Spooner.

By Mr. SPOONER:

Q. You mean the leading Republicans are your friends, or that the leading white Republicans are your friends?

A. I mean the leading white Republicans and many of the leading negro Republicans.

Mr. SPOONER. That is not at all unlikely.

By Mr. EUSTIS:

Q. The reason I asked you the question was that one witness, Mr. Schutze, has testified that in Washington County it was impossible for a Republican to get justice administered by a court of justice. I want to know from you, as executive of the State, whether you believe there is the slightest foundation for

that statement?

executive of the State, whether you believe there is the slightest foundation for that statement?

A. I do not believe there is, and I will tell you why. Beyond my personal knowledge of these affairs, which negatives that idea, the courts in Washington County, the district court, which is the court of general jurisdiction, corresponding to what is called circuits or parish courts in your State, is presided over by a leading Republican and has been for years. Judge McFarland is one of the leading Republicans of Texas, and the juries there are selected by a commission appointed by the presiding judge. At each term of the district court the judge selects the jury commissioners, and these commissioners in turn select the juries that are to try cases at the succeeding term. And speaking now with special reference to that district, Washington County, it is impossible that any discrimination could be made against Republicans in the trial of cases there.

Q. How long has Judge McFarland been judge of the district court there?

A. I do not recollect, but a good many years; several years, I think. His term is about expiring, and he may have been holding that position two terms. He has been there as judge for five or six years, according to my recollection.

Q. Of what class of cases has his court jurisdiction?

A. His court has jurisdiction of all indictments found for felony, and in all felony cases. Cases of lower grade, all misdemeanors, are tried by the county court and before magistrates.

Q. Has not this court jurisdiction of any offense that is punishable by imprisonment in the penitentiary?

A. Oh, yes, sir; all felonies are either penitentiary or death cases.

By Mr. Spooner:

By Mr. SPOONER:

Q. That is the test of whether it is a felony or not under your statute?

A. Yes, sir; punishment in the penitentiary is the tet; punishment in the penitentiary or death. All cases under that are misdemeanors, and a mere fine and imprisonment is the penalty in cases of misdemeanor.

Q. Under your statement what would be the offense of raiding upon a ballot-box, of armed men going to polling places?

A. The i.legal destruction of a ballot is punishable by a fine not exceeding

A. 7

Q. What court would have jurisdiction of that offense?

A. The district court. It has jurisdiction of any case where the fine may go over a certain amount. Such cases are to be tried by the district court.

Mr. COKE. I desire to call attention to the testimony of Governor Ireland just read, wherein he says:

By Mr. EUSTIS:

Q. The reason I asked you the question was that one witness, Mr. Schutze,

has testified that in Washington County it was impossible for a Republican to get justice administered by a court of justice. I want to know from you, as the executive of the State, whether you believe there is the slightest foundation for that statement?

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Q. How long has Judge McFarland been judge of the district court there?

A. I do not recollect, but a good many years.

I wish the Senate to remember these things, to remember the state-

I wish the Senate to remember these things, to remember the statement of Governor Ireland in connection with the memorial of Hackworth and Schutze and Moore, that they could not get justice in Washington County and that justice was not administered in Washington County to Republicans. It is a Republican county, giving from 600 to 800 majority for the Republican ticket for President and for the Republican ticket for governor. It has a Republican district judge, who appoints the jury commissioners, who in turn select the jurors. It has a Republican county attorney, a Republican district attorney, And yet these three memorialists come here and say it is impossible for a Republican to get justice in Washington County and that they had to flee from Washington County because they were Republicans, and the report of the honorable Committee on Privileges and Elections, presented to the Senate and with their imprimatur sent out to the country, indorses this statement of Hackworth and Schutze and Moore in the face of the law and the facts as I have stated them.

I now ask the Secretary to turn to page 348 of the report, to the testi-

mony of J. H. Roberts, and read that. The Secretary read as follows:

TESTIMONY OF J. H. ROBERTS.

J. H. Roberts, having been duly sworn, was interrogated as follows: By Mr. EUSTIS:

What is your full name?
John H. Roberts.
How old are you?
I am forty years old.
Where do you live?
In Washington County, State of Texas.
How long have you lived there?
Forty years.

Q. How long have you lived there?
A. Forty years.
Q. Where do you vote?
A. I vote in that county.
Q. At what polling place?
A. At Graball.
Q. Were you about the polls during the last election?
A. I was there only for a very short time. In the evening on the day of election I hitched up my hack and went by my father's, who lives about a mile from where I reside, and took him down there, and we remained there about one-half hour and voted and left.

By Mr. EVARTS:

Q. You say you went there in the evening?
A. I mean in the afternoon; in the daytime, not in the night.

A. I mean in the afternoon; in the daytime, not in the night.

By Mr. EUSTIS:

Q. Do you know anything about how this People's ticket was gotten up?

A. Yes, sir, I have some idea. It was just on account of the corruption and venality, the rascality and thieving of the Republican party in that county.

Q. It was gotten up by the good citizens?

A. Yes, sir; gotten up by the good citizens of our county, sir. The Republican party became so corrupt that the better element of the Republican party just quit them and came together with the good citizens of the other side and put a ticket in the field.

Q. How was it with the colored people?

A. A great many of the colored people affiliated with and voted for the Citizens' ticket.

Q. Men who were Republicans?

A. Yes, sir; that had been Republicans before.

Q. Then I understand you to say that under Republican rule in that county the administration had been such as to dissatisfy all the people?

A. Yes, sir; that is my statement, sir.

Q. And the cause of great complaint among them?

A. Yes, sir.

Q. And this was a ticket gotten up regardless of political party lines?

A. Yes, sir.

Q. What was the cause of this dissatisfaction; the defalcations of officials?

A. Yes, sir.

Q. State what you know about that.

A. I will state this: That to my certain knowledge, in that county, without a single exception, there has not been a Republican in that county who has held a money office but what has been accused (that is, since the war, understand me) of defaulting and stealing public moneys; not a single one.

Q. Have the taxes been pretty high?

A. Yes, sir, the taxes have been very high, and our county scrip was down there at one time to about 40 cents on the dollar.

Q. Were any improvements going on?

A. None at that time; none at all until this Citizens' ticket elected a lot of officers and put them in, and then the county; that is the first we had got since the war.

Q. What do you know about the citizens' meeting held after the election?

The WITNESS. Held after the el

he war.

Q. What do you know about the citizens' meeting held after the election?

The WITNESS. Held after the election in that county?

Mr. EUSTIS. Yes.

A. I was not present at that.

Q. In your neighborhood, I mean?

A. In my neighborhood? Yes; I know a good deal about that.

Q. State what you know about the sending of telegrams for troops.

A. I have a telegram here that I sent off [producing the telegram].

- Q. You say there was a meeting held? A. Yes, sir; there was a meeting held. Q. Where was it held? A. It was held at the Baptist Church, in the neighborhood. By Mr. TELLER:

- Q. Was it held at Graball? A. No, sir; not at Graball, but about 2 miles from Graball. By Mr. EUSTIS:

- By Mr. Eustis:

  Q. What was the meeting for?

  A. After the killing of Bolton out at this voting precinct of Flewellen the country was under a good deal of excitement, and there was a report came into the neighborhood there that the negroes—this was on Sunday after the killing of Bolton. Bolton, you understand, was killed on the night after the election.

  Q. You mean he was killed on the night of the election?

  A. Yes, sir; he was killed on the night of the election, and on the next Sunday the negroes had preaching out there in the neighborhood, and they were so thoroughly stirred up and excited about the arrest of these parties, you know, that had been accused of killing Bolton that they would not go in the house to hear the preacher at all. They sat outside caucusing among themselves, and they made some threats and said if those negroes were not turned loose by Thursday that they intended to rise and release the negroes and massacre the white people. That was the news that was brought to the white people of the neighborhood. The news was brought in the neighborhood and a meeting of the people called. In that end of the county the niggers outnumber us about six to one, and we were completely at their mercy, and held a meeting and decided on calling for help, and that was the origin of that dispatch.

  Q. Were you secretary of the meeting?

  A. Yes, sir; I was secretary of the meeting.

  Q. Is this the dispatch you sent [handing a dispatch to the witness]?

  A. Yes; that is the dispatch.

  Mr. Evares. That telegram had better go in evidence.

  "Courtney, November 8, 1886, 5 p. m."

"COURTNEY, November 8, 1886, 5 p. m.

"Send to Lott's Store, immediately, fifty men armed, on horseback. We apprehend an insurrection from the negroes.

"J. H. ROBERTS, "Secretary Citizens' Meeting."

By Mr. EUSTIS:

- Q. State whether your request for those troops was complied with by the sheriff.

- sheriff.

  A. Yes, sir; it was. He came down with about sixteen or eighteen men.
  Q. How long did they stay there?
  A. They remained there until the next day. They got there in the night, and they remained in the neighborhood until the next day about 2 o'clock, I suppose, and then dispersed and went back to Brenham.
  Q. Did the excitement subside after that?
  A. Yes, sir; it subsided.
  Q. Was there a great deal of excitement among the negroes there at the time?
  A. Yes, sir; that report, as I tell you, was brought to us by a negro direct from that meeting.
  Q. What was the general impression as to the cause of the hanging of those negroes?

- Q. What was the general impression as to the cause of the hanging of those negroes?
  The Witness. Do you mean the hanging of those negroes that were in jail?
  Mr. Eustis, Yes.
  A. Well, it was thought that they killed Bolton; assassinated him there at the voting precinct; that was the general impression.
  Q. Did you ever hear that they were hung because they were supposed to be important witnesses?
  A. No, sir; I did not. I never heard anything of the kind.
  Q. Do you know Mr. Hackworth?
  A. I am not personally acquainted with him.
  Q. Do you know Mr. Moore?
  A. Yes, sir; slightly.
  Q. Do you know Mr. Schutze?
  A. No, sir; I am not personally acquainted with him, either.
  Q. What is the general character and reputation of those men in that community? nity?

  A. It is just as bad as it is possible for a man's character to be.
- Mr. COKE. I desire to call attention to the fact that here is an in-AIR. COKE. I desire to call attention to the fact that here is an intelligent witness, forty years old, living in Washington County, who has lived there all his life, who states that it was generally understood that the three negroes who were taken by the mob out of the jail in Brenham and hanged were taken out and hanged because of the fact that they had participated in the killing of Bolton.

  Mr. SPOONER. Will the Senator allow me to inquire to what witness he refers now? I was out when the reading began.

  Mr. COKE. J. H. Roberts, whose testimony is found on page 348.
- Mr. COKE. J. H. Roberts, whose testimony is found on page 348.
  Mr. SPOONER. Thank you.
- Mr. COKE. He says:
- A. Well, it was thought that they killed Bolton; assassinated him there at the voting precinct; that was the general impression.

  Q. Did you ever hear that they were hung because they were supposed to be
- important witnes
- A. No, sir; I did not. I never heard anything of the kind.
- I think, Mr. President, that the report of the Committee on Privileges and Elections will be searched in vain for any such testimony as that, and I desire it borne in mind that there is the testimony of vathat, and I desire it borne in mind that there is the testimony of various other witnesses—good men—in this volume which I will read, to the same effect, that they had never heard the allegation that these negroes were hung in order to get rid of their testimony, but that they were hung by the masked mob because they were supposed to have aided in the killing of Bolton, and yet it is stated as a fact, it is solemnly reported as a fact, by the Committee on Privileges and Elections, without stating that there was any controversy or contest about it, that these people were hung in order to get rid of their testimony.
- I now ask that the Secretary turn to the testimony of Hugh M.
- Lewis, on page 362.
- The Secretary read as follows:
  - TESTIMONY OF HUGH M. LEWIS.
- Hugh M. Lewis, having been duly sworn, was interrogated as follows: By Mr. EUSTIS:
- Q. What is your full name? A. Hugh M. Lewis.

- Q. How old are you?
  A. I am a little over forty years.
  Q. Where do you live?
  A. Al Breenham, Washington County, Texas.
  Q. How long have you lived there?
  A. I awa shorn there.
  Q. Do you hold any office?
  Q. Do you hold any office?
  A. Since April 17, 1876, nearly eleven years.
  Q. What are your politics?
  A. I awa born there.
  Q. How long have you held that office?
  A. Since April 17, 1876, nearly eleven years.
  Q. What are your politics?
  A. I am a Democrat.
  Q. How long have you been a Democrat?
  A. Ever since I have been voting.
  Q. How long have you been a Democrat?
  A. Ever since I have been voting.
  Q. How have an election every two years, and I have been elected each election. I was first elected in February, 1875, the first time for two years and six months, and I have been elected five times in succession?
  A. I think so. The terms are two years, and my first term was two years and six months, and I have been elected three times since.
  Q. You have been elected at the last clection?
  A. In antional affairs, yes, sir.
  Q. Were you elected at the last clection?
  A. In antional affairs, yes, sir.
  Q. Were you elected at the last clection?
  A. Yes, sir.
  Q. At those elections, when you have been a candidate, have you had a Republican opponent?
  A. Yes, sir.
  Q. Then you must have gotten quite a Kepublican vote?
  A. I always did.
  Q. A white and colored vote?
  A. Yes, sir.; white and colored.
  Q. You say you were a candidate on the People's ticket at the last election?
  A. Yes, sir.; white and colored with the sir sir the sir three races as a Democration of the property of the Wittense. At the last election?
  A. Yes, sir.; the last election?
  A. Yes, sir.; the last election?
  A. Yes, sir.; the all was made by different people of the county to select people to run for office; that was in 1884;
  Q. It was made up regardless of polities?
  A. Yes, sir.; the all was made by different people of the county to select people?
  A. Yes, sir.; would think at least half the call was signed by Republicans; that is my guess at it; you can tell by looking o
- Ocated.

  Q. When?

  A. I think from some time in 1871 to 1875; I am not positive, but that is my recollection about it.

  Q. What was the general opinion in the community as to his administration of that office?

- of that office?

  The WITNESS. Do you mean how he administered the office himself?

  Mr. Eustis. Yes.

  A. Well, it was very unsatisfactory to the people, sir.

  Q. Did he have anything to do with approving contracts?

  A. Yes, sir; as presiding justice he was, you might say, the chief justice of the county, and presided over the police court, you might say; he was presiding office.

- the county, and presided over the police court, you might say; he was presiding officer.

  Q. Do you know anything about certain contracts that he approved as presiding justice?

  A. I know something that the record shows.

  Q. What does that show?

  The WITNESS. About roads or bridges?

  Mr. EUSTIS. Both.

  A. It showed that he made contracts with his father for the erection of bridges.

  That is, that court appointed a road overseer for the county and he made these contracts, and they were subject to the approval of that court, and as a member of the court he approved the contracts made by the road overseer and others, some of which the citizens considered as very outrageous.

  Q. Those contracts were made with his father?

  A. Not all of them. Some were with his father and some with a gentleman I understood to be his brother-in-law.

  Q. But you say they were considered outrageous contracts?

  A. Yes, sir; and the citizens enjoined the payment of money on them.

  Q. They were outrageous for what reason?

  A. Because of the exorbitant prices paid for the work done.

  Q. Do you say they were enjoined from paying them?

  A. Not the bridge contracts, but some of the road contracts were.

  By Mr. Evarts:

- By Mr. EVARTS:
- Q. Were they enjoined by a court?

  A. They were enjoined by a suit that the citizens brought in the district court.
- By Mr. EUSTIS: Q. What was the result of the whole matter; was there a settlement made?
  A. It was finally compromised at about 30 cents on the dollar, and about that amount was paid. It was a very considerable amount below what the contract price was, at any rate.

Q. Your recollection is it was about 30 cents on the dollar? A. Yes, sir.

By Mr. EVARTS:

Q. Did you say it was 50 per cent?
A. No, sir; about 30,
Q. Thirty per cent?
A. Yes, sir; about 30 cents on the dollar; 30 per cent.

By Mr. EUSTIS:

Q. How was it with regard to contracts for bridges; do you know anything about that?

about that?

A. Yes, sir; he made some contracts for bridges with his father that were considered outrageous. For instance, they allowed his father \$688, and they drew on that contract \$796 and some cents, somewhere within \$100 above what was allowed; he drew about \$98 more than the contract price. The record shows that the judge drew part of that money and gave an order for part of it.

Q. What else do you know about those contracts? Can you recall any others where there was any ground of complaint against his administration of the office?

where there was any ground of complaint against his administration of the office?

A. It is hard to remember them all, to go right along over them. The citizens of the county sued and enjoined the payment of the money, all that were not paid, and they went through the courts, and I think it staid in the court for quite a while, and finally was compromised at 30 cents on the dollar.

Q. Do you know whether Mr Hackworth was indicted?

A. He was indicted about six times. I think.

Q. For acts done while he was in office?

A. Yes, sir: I think so.

Q. Do you know what they were for?

A. I think, perhaps, one indictment was for malfeasance, and the others for exorbitant charges.

Q. For extortion, was it?

A. Yes, sir: that was it; extortion; I get that fact from the district clerk's office; that is not a record in my office.

Mr. Evarrs. Have you the whole of the record here?

Mr. Evarrs. I have here authenicated copies of the report of the grand jury, which I offer in evidence.

Mr. Evarrs. I understand they were all quashed.

Mr. Jodon. They were all dismissed except one; only one was tried.

Mr. Evarrs. One was tried and he was acquitted, and the rest were dismissed. I will let in part if you will let in the whole. Which record is that, the one that was tried?

The WITNESS. It shows the disposition of all those papers, I think.

Mr. Evers. I will offer these in evidence, the report of the grand jury and

the one that was tried?

The WITNESS, It shows the disposition of all those papers, I think.

Mr. Eustis. I will offer these in evidence, the report of the grand jury and the record of the indictments.

The following are the papers put in evidence by Mr. Eustis:

FERRUARY 23 1874.

In District Court, Washington County, Texas:

The grand jury this day came into open court, and through T. G. Davidson, district attorney, presented the following report, which, after being read by said district attorney by request of said grand jury, it is ordered that said report be entered and spread upon the minutes of this court, in accordance with the request of the said grand jury, and is as follows:

THE STATE OF TEXAS, Washington County:

The State of Texas, Washington County:

The undersigned, grand jurors for the present term of the district court of said county, respectfully represent that they have examined as fully as they could the administration of the county's finances during the past-tweive months, and they present the following facts as showing a culpable mismanagement and misappropriation of county money:

On page 181 of the order-book of the county court, it appears that \$250 was ordered paid to W. W. Hackworth for building a bridge across Kountz Creek. The order recites that the bridge was built in accordance with contract, but the contract guaranties that the bridge was built in accordance with contract, but the contract guaranties that the bridge shall last five years, when in fact it did not last five months.

On page 107 is an order to pay W. W. Hackworth \$1,400 for building three bridges at and near the town of Independence—one across Hersten branch, one across Independence and John Seward's place. The two first named are small spring runs, and the work done by Hackworth over them would have been reasonably well paid for with \$100. The only one of the three branches named the bridging of which could have involved much expense is the bra ch near John Seward's place, and that branch Mr. Contractor Hackworth did not bridge at all. Why Mr. Hackworth should have asked for \$1,400 for the work done on the two Independence Spring branches we are unable to determine, except it was upon the principle that if a man wants anything and don't ask for it he won't get it. The amount paid is excessive and should be recovered back by suit if necessary, and so should the money paid for the Kountz Creek bridge.

On page 183 it appears that \$20 a month was paid for the board of Carrie Hill, a pauper. In some other cases it seems that paupers were boarded as low as \$3 a month. Why Carrie Hill should have been supported by the county in better style, and more money spent for her than other paupers, the records of the honorable county court fail to ex

cents each.

On page 250 is an order to pay W. W. Hackworth \$1,000 for building a bridge across New Year's Creek on the Lower Independence road. Upon investigation, we are satisfied that the price paid is at least \$700 in excess of a reasonable

price for such a bridge.

On page 247, \$1,050 is ordered paid for care, attention, and feeding prisoners in fall from November 20, 1873, to January 27, 1874. We have not examined the bul of fare furnished to the prisoners, but it occurs to us that, considering the number of prisoners confined there, and the character of the supplies usually provided for prisoners, \$525 a month must be an exorbitant allowance.

We submit the foregoing as some of the items of recklessness and profligacy in the expenditure of moneys collected from the people for public uses.

The remedies for such wrongs is, it seems, in our own hands; but we suggest that proper steps be taken for the vigorous prosecution of the parties, and the recovery back by the county of the moneys thus illegally expended.

Thanking the honorable court for its constant courtesy and the district attorney for his attention and assistance in the discharge of our duties, and asking that this report may be spread upon the minutes of this court of record and to be printed in the Brenham Banner.

We are, very respectfully,

JAMES N. MANN, Foreman,
J. N. COX.
THOS. MULLINS.
ROMEO CALVIN,
THOMAS FORMAND,
THOMAS E. CLAY,
THOMAS HOWARD,
F. G. WHISENANT,
NATHAN DEVER.

THE STATE OF TEXAS, County of Washington:

THE STATE OF TEXAS, County of Washington:

I, C. F. Herbst, clerk of the district court of Washington County, Texas, do hereby certify that the foregoing is a true and correct copy of the original report of the grand jury at February term, 1874, now on record in said court, in Book L, pages 68, 69.

Given under my hand and the seal of said court, at office in Brenham, this the 3d day of February, A. D. 1887.

[SEAL]

C. F. HERBST, Clerk,

THE STATE OF TEXAS, County of Washington:

Be it remembered, doubt is hereby certified, that on this the 2d day of February, A. D. 1874, there was begun and holden a district court within and for the County of Washington, at the court-house thereof, in the city of Brenham, it being the regular term thereof.

Present: Hon. J. B. McFarland, judge; Lyddleton Smith, sheriff; Richard A. Harvin, clerk.

FEBRUARY 23, 1874. The grand jury this day came into open court, and there being a quorum present, presented the following indictments, to wit:
1929. The State of Texas vs. S. A. Hackworth et al. Indictment, malfeasance

1930. The State of Texas vs. Stephen A. Hackworth.
1931. The State of Texas vs. Stephen A. Hackworth.
1932. The State of Texas vs. Stephen A. Hackworth.
1934. The State of Texas vs. Stephen A. Hackworth.
1934. The State of Texas vs. Stephen A. Hackworth.
1934. The State of Texas vs. Stephen A. Hackworth.
1935. The State of Texas vs. Stephen A. Hackworth.
1936. The State of Texas vs. Stephen A. Hackworth.
1937. The State of Texas vs. Stephen A. Hackworth.
1938. The State of Texas vs. Stephen A. Hackworth.
1939. The State of Texas vs. Stephen A. Hackworth.
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1939. The State of Texas vs. Stephen A. Hackworth.
1939. The State of Texas vs. Stephen A. Hackworth.
1939.

in office.

1945. The State of Texas vs. Sterhen A. Hackworth. Indictment, extortion.
1929. The State of Texas vs. S. A. Hackworth et al. Verdict of not guilty.
1930. The State of Texas vs. Stephen A. Hackworth. Nolle prosequi entered

Same order in Nos. 1931, 1982, 1934, 1945.
The above and foregoing is a correct list of the indictments found and the manner of disposition of cases from the records of said court.
Witness my hand and seal of office this 3d February, 1887.
[SEAL]

C. F. HERBST, District Clerk, Washington County, Texas.

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THE STATE OF TEXAS, County of Washington:

Be it remembered that on this the 5th day of February, A.D. 1872, there was begun and holden a district court in and for the county of Washington, at the court-house thereof, in the town of Brenham, it being the regular term of said court.

Present: J. B. McFarland, judge; Lyddleton Smith, sheriff; J. J. Stockbridge,

Names of grand jury: M. O'Brien, Sam. Eldridge, D. Harris, Abram Meyers, Richard Green, Randle Atkinson, Jerry Hannah, Henry Dawson, Richard Foster, J. V. Buster, J. D. Hardin, S. M. Williams, G. W. Sargeant, B. F. Tally, Andrew Robinson, B. S. Harrison, E. T. Wallace, John Ewing, and W. P. Deven.

MONDAY, February 26, 1872.

The grand jury, there being a quorum of that body present, comes into open court and presents the following indictments, to wit:

1564. The State of Texas vs. Stephen A. Hackworth. Misfeasance in office.

1566. The State of Texas vs. Stephen A. Hackworth. Malfeasance in office.

1568. The State of Texas vs. Stephen A. Hackworth. Misfeasance in c flice.

THE STATE OF TEXAS, County of Washington:

Be it remembered, and it is hereby certified, that on the 3d day of June, A.D. 1872, there was begun and holden a district court for the county of Washington, at the court-house thereof in the town of Brenham, it being the regular term of said court.

Present, Hon. J. B. McFarland, judge; Lyddleton Smith, sheriff; J. J. Stockbridge, elerk.

1564, The State of Texas vs. Stephen A. Hackworth. Indictment for mis-

1564. The State of Texas vs. Stephen A. Hackworth. Indictment for misfeasance in office.

This day came the State of Texas, by Thomas G. Davidson, esq., district attorney, and also came the defendants in their own proper persons and by attorney, and thereupon came on to be heard the defendant's motion to quash the indictment herein, and the argument of counsel thereon being heard and the matters and things therein being seen and fully understood by the court, it is ordered by the court that said motion be sustained and that said indictment be, and the same is hereby, quashed, and that said defendants go hence without day discharged.

1566. The State of Texas vs. Stephen A. Hackworth. Indictment for malfeasance in office.

(Same order as in 1564.)

The State of Texas vs. Stephen A. Hackworth. Indictment for misfeasance in office.

(Same order as in 1564.)

THE STATE OF TEXAS, County of Washington :

I, C.F. Herbst, clerk of the district court of Washington County, Texas, do

hereby certify that the foregoing is a true and correct copy of the original record in cases No. 1564, 1566, and 1568, The State of Texas vs. Stephen A. Hackworth, now on file in said court.

Given under my hand, and the seal of said court, at office in Brenham, this the 3d day of February, A. D. 1887.

[SEAL.]

C F HERBST Clerk.

Mr. COKE. I desire to read to the Senate a statement of the papers that were introduced by this witness:

The grand jury this day came into open court, and there being a quorum present, presented the following indictments, to wit:

1929. The State of Texas vs. S. A. Hackworth et al. Indictment, malfeasance in

1923. The State of Texas vs. Stephen A. Hackworth. Indictment, extortion. 1931. The State of Texas vs. Stephen A. Hackworth. Indictment, extortion. 1932. The State of Texas vs. Stephen A. Hackworth. Indictment, extortion. 1934. The State of Texas vs. Stephen A. Hackworth. Indictment, malfeasance

1934. The State of Texas vs. Stephen A. Hackworth. Indictment, extortion. 1945. The State of Texas vs. Stephen A. Hackworth. Indictment, extortion. 1929. The State of Texas vs. S. A. Hackworth et al. Verdict of not guilty. 1930. The State of Texas vs. Stephen A. Hackworth. Nolle prosequi entered by district attorney.

Same order in Nos. 1931, 1932, 1934, 1945.

The above and foregoing is a correct list of the indictments found and the manner of disposition of cases from the records of said court. Witness my hand and seal of office this 3d February, 1887.

[SEAL.]

District Clerk, Washington County, Texas.

#### Then follows another:

THE STATE OF TEXAS, County of Washington:

Be it remembered that on this the 5th day of February, A. D. 1872, there was begun and holden a district court in and for the county of Washington, at the court-house thereof, in the town of Brenham, it being the regular term of said

Present: J. B. McFarland, judge; Lyddleton Smith, sheriff; J. J. Stockbridge,

Names of grand jury: M. O'Brien, Sam. Eldridge, D. Harris, Abram Meyers, Richard Green, Randle Atkinson, Jerry Hannah, Henry Dawson, Richard Foster, J. V. Buster, J. D. Hardin, S. M. Williams, G. W. Sargeant, B. F. Tally, Andrew Robinson, B. S. Harrison, E. T. Wallace, John Ewing, and W. P. Dever.

MONDAY, February 26, 1872.

The grand jury, there being a quorum of that body present, comes into open court and presents the following indictments, to wit:

1564. State of Texas vs. Stephen A. Hackworth. Misfeasance in office.

1566. The State of Texas vs. Stephen A. Hackworth. Malfeasance in office.

1568. The State of Texas vs. Stephen A. Hackworth. Misfeasance in office.

And so on.

These indictments, I believe, were all quashed, except one on which Hackworth was tried and acquitted. The indictments were quashed on account of some legal informality or some legal technicality. I believe it was held by the court that the statute under which the indictments were found did not embrace the particular offense

This is the man, Stephen A. Hackworth, said to be the best man of the three-Hackworth, Schutze, and Moore, who have arraigned the State of Texas here upon the indictment contained in their memorial; this man Hackworth, who was made the subject of a special report by the grand jury when he was county judge of Washington County, which has just been read here, a grand jury selected by jury commissioners, which jury commissioners were appointed by a Republican judge, and this in a Republican county that gives from seven to eight or nine hundred Republican majority for the State and National Republican tickets.

This man was county judge in that county. It was against him and Schutze and Moore—these memorialists, whose memorial is the basis of this investigation, and this prosecution—that the people of Washington County, the better portion of the negroes, nearly all of the Germans, and all the American whites combined regardless of party affiliations in what is known as the "People's ticket." It was against this trio of worthies that this combination was made and to beat them out of office, because they were plundering the people, as is shown by the report of the grand jury and by these indictments, so that they could stand them no longer, and the good German people and the good negroes in Washington County, Republicans as they were, joined the better class of white people, the native American whites, and ousted them from office, and after that was done the occupation of these men was

They had fallen so low in character that they could do nothing in Washington County, and therefore they had to go elsewhere to make a living, and they voluntarily exiled themselves; and in order to get up a little notoriety and get per diem as witnesses, they come on here to Washington, file this memorial, and institute this prosecution against the State of Texas.

These records show the character of the men, and I repeat what I have said before to-day, that the report of the Committee on Privileges and Elections is founded mainly upon the testimony of this man Hackworth and his co-memorialists, Schutze and Moore, and if their testimony was stricken out there would be nothing left for the report to stand upon, and yet that report is placed in the Congression al REGORD and franked to the country, slanderous as it is of a great State and of the good people in it, and spread broadcast.

I now ask the Secretary to turn to page 368, beginning with the question of Mr. Eustis and proceed with the reading.

The Chief Clerk read as follows:

By Mr. EUSTIS:

By Mr. Eustis:

Q. Have you your records with you showing about these contracts?
A. I have some of them with me. I have here the minutes of the county commissioners' court or police court from January, 1871, to April 18, 1876. Do you want to see the orders complained of in that grand jury report?

Mr. Eustis. Yes.

The Witness. Here is one of them. [Producing a paper,]
Mr. Eustis. Read it, please.
Mr. Evarts. Haven't you something later than that? It is rather remote from our transaction of 1886.

Mr. Eustis. It is a consecutive history of the administration of Mr. Hackworth. It will not take long to read it.
Mr. Evarts. Are we to try these contracts? Do they prove themselves in any way to be improper, or what is it?
Mr. Eustis. It is in connection with the grand jury report.
Mr. Eustis. It is in connection with the grand jury report.
Mr. Eustis. It is in connection with the grand jury report.
Mr. Eustis. It is not already put into the record?
Mr. Eustis. It was the same he was dismissed and acquitted on.
The Witness. No, sir; I do not understand it so.

By Mr. Eustis:

By Mr. EUSTIS:

Q. I want you to state from this record what took place, as you understand, under Mr. Hackworth's administration of his office, that goes to the effect of impeaching his standing as an official.

A. By the drawing of \$100 worth of scrip more than the court allowed is one thing to show it. The making of these road contracts for \$100 a mile when those roads were repaired in less than a month, and some 10 or 12 miles of it; that would go to show it. That was the reason the citizens enjoined the payment of it.

Mr. Evarts. These documents we can dispose of. We can see what they are, and it comes to an end. There does not seem to be a very important element of the state of feeling in 1876 about these particular transactions that we are look-

the state of feeling in 1876 about these particular transactions that we are 100aing into.

Mr. Eustis. These petitioners here claim that they were banished from this community. They claim they were good citizens and were banished simply because they were Hepublicans. We show that their official conduct while in office was calculated to create a strong prejudice against them.

Mr. Evarts. I am willing in general to go into their character, but I do not propose to go into a trial of these contracts made in 1871 if I can help it. These other papers are in, although very remote, but still you can tell what happened. We can not try these contracts. What has it to do with being banished in 1886? They lived there twelve years afterwards.

Mr. Eustis. We denythat there was any banishment. We want to show that these people, on account of their own conduct, were so odious that they themselves did not think they ought to live in that community.

Mr. Evarts. But they did not drive them off in 1871 or 1874.

Mr. Evstis. They never drove them off at all, as we claim. I do not think it is necessary to go into the matter except generally.

By Mr. EUSTIS:

Q. What do you say about these contracts at a hundred dollars a mile?
A. The road overseer made the contracts, and the commissioners' court, which was presided over by Mr. Hackworth, approved them. They were paid \$100 a mile for repairing roads, and some of them were for 10 or 12 miles of

oread.

Mr. Evarts. Just take out one and show us.

Q. What is the objection to that contract you speak of?

A. That the price was exorbitant. The work was done within about a

onth.

Q. For how much less could it have been done?

A. They compromised at 30 cents on the dollar finally, and I suppose it could are been done for that amount or about that.

Q. With whom was that contract made, do you know?

A. With different parties; a dozen or more of them. They were all enjoined

A. What other official act do you know of or remember?
A. I do not remember.
Q. You have mentioned the overdrawing of money on one contract?
A. Yes, sir.
Q. And you have mentioned this \$100-a-mile business?

Q. What other ometal act do you know of or remember?
A. I do not remember.
Q. You have mentioned the overdrawing of money on one-contract?
A. Yes, sir.
Q. And you have mentioned this \$100-a-mile business?
A. Yes, sir.
Q. What others do you remember?
A. There are other things complained of by the grand jury. You are inquiring about Mr. Hackworth only?
Q. Only about Mr. Hackworth?
A. Not about other Republicans.
Q. Was his general administration of that office considered to be against the people of that county?
A. Yes, sir; it was.
Q. And they considered that he was acting in the interests of whom?
A. Of himself, his family, and political friends.
Q. And not in the interest of the people at large?
A. No, sir.
Q. Do you know anything about Mr. Hackworth's being driven out of the country?
A. No, sir; I do not; if he was driven out I do not know it.
Q. Do you believe he was driven out?
A. No, sir; I do not. if not believe it was necessary for him to leave at all unless he wanted to.
Q. Had he not incurred the odium of honest people in that county interested in good government, the property-owners?
A. Yes, sir; quite a number of them.
Q. What has been his business?
The WINNESS. Since he has been out of office?
Mr. EUSTIS, Yes; for the last few years.
A. He has advertised as a real-estate agent.
Q. Has he had any business?
A. Very little in the country court then that I know of. I do not remember a single transaction, although there may possibly have been some. I think he is principally engaged in colonizing the lower part of the State down there. I do not know a great deal about his private business.
Q. What do you mean by colonizing; do you mean colonizing negroes?
A. I do not know except from hearsay; but it is understood that he was colonizing the lower country down there with freedmen from that section of the country.
Q. What do you know about the defaleations of Republican officials there since you have been clerk of the court?

country.
Q. What do you know about the defaleations of Republican officials there since you have been clerk of the court?
A. Well, several of them have defaulted.

Q. Who are they?
A. Harvin for one, and Leib for another.
Q. Who else?

A. Harvin for one, and the second of the sec

A. I think Dr. Smith, the former tax-collector, compromised with the county for a claim that he was short on.

Q. Do you know whether these Republicans ran Harvin for sheriff after he was known to be a defaulter?

A. Yes, sir; he ran for sheriff in 1884, I think it was, on the Republican

oket.
Q. After it was known that he was a defaulter to the county?
A. Yes, sir.
Q. What is the law of Texas with regard to the filing of stubs with regard to

Q. What is the law of Texas with regard to the filing of stubs with regard to the county taxes?

A. The law requires one report to be made to the comptroller, one report to the county clerk, and the stubs are required to be filed in the county clerk's office. I think they are made out in triplicate now, and that one set may be kept for the tax-collector.

Q. Did the Republican officials comply with that law?

A. Not always.

Q. Did they fail to comply with it at any time?

A. Yes, sir; Mr. Harvin did.

Q. How long was he in office?

A. I don't remember, but I think he was there from 1876 up to the time he was indicted; I don't remember how long, but I think two or three terms.

Q. Was that intended as a check upon the collector?

A. Yes, sir.

was indicted; I don't remember now long, but I think two or three terms.
Q. Was that intended as a check upon the collector?
A. Yes, sir.
Q. And without that check he could appropriate that money to his own use?
A. Yes, sir; he would be found out eventually, I suppose, but that was the object of it.

I desire to call attention to the fact that this witness, Hugh M. Lewis, answers that he had held office, and is now and has been the county clerk of Washington County since 1875. He is a Democrat, and has been elected in a strong Republican county five times in succession. I know Mr. Hugh M. Lewis well. He is a man who in any community in any State in this Union would be a popular, an influential, and a highly-esteemed man. You have heard his testimony. He has been indorsed in five successive elections, although a Democrat, by the Republicans and by the people of Washington County, a strong Republican county; and for that reason I call especial attention to his testimony, in which he speaks of Hackworth and Schutze and Moore, and he says they were not required to leave Washington County, that they were as safe there as he was, and that their exile is voluntary.

He states that the character of these men is bad, very bad. His testimony is full. He produces the records of the court showing the in-

dictments against Hackworth, showing the report of the grand jury against him. The testimony is in every regard satisfactory, and shows that the good people of Washington County are being held responsible here by these bad men who presented the memorial, unjustly and with-

out cause. Before passing to the testimony of Henry Muller, while the testimony of Mr. Hugh M. Lewis is fresh in the mind of the Senate, I desire to call attention to what the report of the Committee on Privileges and Elections says with reference to these memorialists. It says:

THE PETITIONERS RESPECTABLE AND SUBSTANTIAL CITIZENS AT HOME.

The committee is unable to attach any importance to the efforts, in the testimony, to disparage the characters and lives of these petitioners.

But for the political agitations, the fierce passions, the violent and cruel and bloody incidents which mark the election of Washington County and its sequel, the committee is persuaded that the people of Brenham, where the petitioners had long been residents, would have found no occasion for any reflections upon them other than such as belonged to the heat of political contests for place and influence between opposing parties.

That is a statement of this report franked to the country, scattered broadcast in the CONGRESSIONAL RECORD, in full view of the fact, and without mention of the fact, that out of some twenty-seven witnesses here who were summoned by the people of Washington County, about twenty of them declared them to be bad men, their characters and reputations to be bad.

I will except Mr. Moore, one of the memorialists, and will not claim that the same proportion of witnesses denounced him as a bad man that do the others, but enough of the best men in Washington County denounced J. L. Moore as a bad man and his character as being bad in the community where he lived to be ample in any court of justice in the world to condemn him.

I call attention to the statement in this report, because it is of a piece with the rest of the report on every other point in this investigation. The statement with reference to the character of these men is not a particle further from what the weight and bulk and mass of the testimony proves and establishes than is its other statements on other material points.

I now ask the Secretary to turn to page 380 and read the testimony of Henry Muller.

The Secretary read as follows:

TESTIMONY OF HENRY MULLER.

Henry Muller, having been duly sworn, was interrogated as follows:

By Mr. Eusris:

What is your full name?
Henry Muller.
How old are you?
I am forty-four years old.
Where do you live?
At Brenham, Tex.
How long have you lived there?
At Brenham about fourteen years.
What is your business?
I am publishing a newspaper and keeping a bookstore,
What is the name of the paper?

- A. The Texas Volksbote.
  Q. What are your politics?
  A. I am a Republican.
  Q. How long have you been a Republican?
- About twenty-seven years.
  Are you a Republican now?
  I am.
  Were you in the army during the war?

- A bown to grant years.

  A lam.

  Q. Were you a Republican now?

  A. I am.

  Q. Were you fine army during the war?

  A. I was.

  Q. Are you drawing your pension now?

  A. I was.

  Q. Were you an officer or private soldier?

  A. I am.

  Q. Were you an officer or private soldier?

  A. I am.

  Q. Were you an officer or private soldier?

  A. I am.

  Q. Were you an officer or private soldier?

  A. I am.

  Q. Were you an officer or private soldier?

  A. I am.

  Q. Were you an officer or private soldier?

  A. A private soldier.

  A. Berryed five years in the volunteer service, and after that I served in the regular Army.

  Q. Who did you support at the last Presidential election?

  A. Mr. Blaine.

  Q. Who did you support at the last Presidential election.

  A. I supported the People's ticket in Washington County.

  A. I ves, sir; strongly.

  Q. What ticket did you support in the last election, in November, 1886?

  A. I supported the People's ticket in Washington County.

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  A. I supported the Hepublican ticket in 1884 in I supported the Hepublican ticket in 1884; I mean in State and national affairs.

  Q. What local ticket did your paper support in 1886—the last elections. I advised the people to vote for the best men. I supported the Hepublican ticket in 1884; I mean in State and national affairs.

  Q. What ticket in 1886 was simply formed by a petition signed by hundreds of citizens of both parties requesting the then present officers to run again for their respective offices—the county officers.

  Q. Can you state about how many signed that call?

  Q. To the ticket in 1886 was simply formed by a petition signed by hundreds of citizens of both parties

- yes, sir.

  Q. What is the general reputation of C. Schutze in that community?

  A. It is very low.

  Q. What are the reasons, if you know, why he enjoys that reputation?

  A. I do not know much of my own personal experience.

  Q. I speak of what you have heard said, the general impression in the community.
- munity.

  A. Oh, he is considered to be low and vile in his habits, dishonest and unreliable.

  Q. I suppose you know quite a number of respectable Republicans in Bren-

- Q. I suppose you know quite a number of respectable Republicans in Brenham?
  A. Yes, sir.
  Q. Is any man, from the mere fact that he is a Republican, at all molested in that community?
  A. No, sir.
  Q. Either in his social relations or his business relations or any other relations?

- tions?

  A. Not on account of his politics; I have never known an act of that kind.
  Q. How long has that been so?
  A. That has been so ever since I have been in Texas, where I live.
  Q. So that a Republican who attends to his business and works and votes for his party, who himself is a man of good standing and not obnoxious to the community, I understand you to say, is on precisely the same footing as a Democratic citizen would be?

  A. Yes, sir; he has the same rights and is not molested.
  Q. And there is no distinction made against him?
  A. No, sir.

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Q. So far as your observation extends, are not the people in that community a law-abiding, peaceable people?

A. Yes, sir; they are.
Q. People who want good government?
A. Yes, sir; they are that.
Q. Is not one of the causes of prejudice against these gentlemen you have mentioned their attempt to control and unite the negro people and the negro vote against the white people and the white vote?

A. That is understood so.
Q. Is not that very dangerous to the peace of the community?
A. It is at times.
Q. And that is deprecated, is it not, by the good people of that community, Democrats and Republicans?
A. I would say that the uniting of the colored vote is not so much deprecated as the uniting of the colored vote to support men whom people do not respect or like.

I desire to call attention to the testimony of this witness, Henry Muller, who says he is a Republican, a consistent Republican; who says he has been a Republican for twenty-seven years; who hean; who says he has been a nepublican for twenty-seven years, who says that he fought in the Union Army during the war; who says that he is drawing a pension now as a Union soldier. He says he was in the Army from the beginning to the close of the war, and a little after. He served five years in the volunteer service, and after that he served in the regular Army. He says he has always supported the Republican nominees for President and Vice-President; that he has always supported the Republican nominees for governor and for State officers, but that he went heartily into this movement in behalf of the People's ticket in order to save the county of Washington from spoliation by the people who were led by these men, Hackworth, Schutze, and Moore.

the people who were led by these men, Hackworth, Schutze, and Moore.

He says of Hackworth that he used his power as a leader for his own interest. He says he has always managed to control the colored vote for his own ends. He says the character of Hackworth in the neighborhood in which he lives is very bad, and he says that Mr. Schutze is a very low, vile man. When asked if any man from the mere fact that he is a Republican is at all molested in that county, that is in Wash-

ington County, he says:

Q. Either in his social relations or his business relations or any other relations?

Q. Either in his social relations or his business relations or any other relations?

A. Not on account of his politics; I have never known an act of that kind.
Q. How long has that been so?
A. That has been so ever since? have been in Texas, where I live.
Q. So that a Republican who attends to his business and works and votes for his party, who himself is a man of good standing and not obnoxious to the community, I understand you to say, is on precisely the same footing as a Democratic citizen would be?
A. Yes, sir; he has the same rights and is not molested.
Q. And there is no distinction made against him?
A. No, sir.
Q. So far as your observation extends, are not the people in that community a law-abiding, peaceable people?
A. Yes, sir; they are.
Q. People who want good government?
A. Yes, sir; they are that.
Q. Is not one of the causes of prejudice against these gentlemen you have mentioned their attempt to control and unite the negro people and the negro vote against the white people and the white vote?
A. That is understood so.

Here is a Union soldier, a pensioner of the Government, who testi-

Here is a Union soldier, a pensioner of the Government, who testifies as I have read you, and I take the report of the honorable Committee on Privileges and Elections and I look in vain for any intimation from that committee that any such testimony has ever been given before it.

Mr. President, I propose to make the testimony taken in this case argue it. I desire to say but little in it. I simply desire to call attention to sworn testimony, testimony which was before the Committee on Privileges and Florians testimony which was before the Committee on Privileges and Elections, testimony which that committee have utterly ignored at the time they were sending to the country what purported to be a fair statement of the result of the investigation.

Mr. HARRIS. I ask the Senator from Texas if he will yield to me in order that I may move that the Senate proceed to the consideration

of executive business?

Mr. COKE. I will yield.
Mr. HARRIS. Then I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 15, 1889, at 12 o'clock m.

## NOMINATIONS.

Executive nominations received by the Senate the 14th day of February, 1889. PROMOTIONS IN THE ARMY.

Third Regiment of Cavalry.

First Lieut. Bainbridge Reynolds, to be captain, January 17, 1889, vice Vroom, appointed inspector-general with the rank of major.

Second Lieut. Tyree R. Rivers, to be first lieutenant, January 17, 1889, vice Reynolds, promoted.

First Regiment of Infantry.

First Lieut. Frank H. Edmunds, regimental adjutant, to be captain, January 24, 1889, vice Scott, who vacates his line commission on accepting as captain commissary of subsistence.

Sixth Regiment of Infantry.

First Lieut. John Carland, to be captain, January 25, 1889, vice Badger, retired from active service.

Second Lieut. Reuben B. Turner, to be first lieutenant, January 25, 1889, vice Carland promoted.

Twenty-third Regiment of Infantry.

Second Lieut. Edwin P. Pendleton, to be first lieutenant, January 24, 1889, vice Hay, appointed commissary of subsistence with the rank of captain.

Twenty-fifth Regiment of Infantry.

Second Lieut. Harry A. Leonhaeuser, to be first lieutenant, January 31, 1889, vice Webb, resigned.

Ninth Regiment of Cavalry.

Second Lieut. Alfred B. Jackson, to be first lieutenant, February 1, 1889, vice Finley, appointed regimental adjutant.

Fourth Regiment of Cavalry.

Richmond McAllister Schofield, of New York, to be second lieutenant, February 11, 1889, vice Ryan, transferred to the Third Cavalry.

First Regiment of Cavalry.

Sergt. Henry A. Barber, Troop E, Seventh Cavalry, to be second lieutenant, February 11, 1889, vice Mills, nominated for promotion.

Third Regiment of Cavalry.

First Sergt. Michael M. McNamee, Troop G, Seventh Cavalry, to be second lieutenant, February 11, 1889, vice Rivers, nominated for pro-

Second Regiment of Artillery.

Sergt. Moses Gray Zalinski, Battery H, First Artillery, to be second lieutenant, February 11, 1889, vice Thompson, nominated for promo-

Fifth Regiment of Infantry.

Sergt. Robert W. Rose, Company C, Sixteenth Infantry, to be second lieutenant, February 11, 1889, vice Lyman, transferred to the Second ond Cavalry.

Sixth Regiment of Infantry.

Sergt. William C. Bennett, Company H, Seventeenth Infantry, to be second lieutenant, February 11, 1889, vice Turner, nominated for promotion.

Seventh Regiment of Infantry.

Corporal Frederic H. Sargent, Company G, Seventh Infantry, to be second lieutenant, February 11, 1889, vice Greene, promoted.

Ninth Regiment of Infantry.

Sergt, William A. Campbell, Company K, Twelfth Infantry, to be second lieutenant, February 11, 1889, vice Butler, nominated for transfer to the Fifth Cavalry.

Tenth Regiment of Infantry.

Corporal John M. Sigworth, Battery L, First Artillery, to be second lieutenant, February 11, 1889, vice Perry, nominated for transfer to the Ninth Cavalry.

Fifteenth Regiment of Infantry.

Corporal Harold L. Jackson, Company F, Fifteenth Infantry, to be second lieutenant, February 11, 1889, vice Anderson, nominated for transfer to the First Cavalry.

Eighteenth Regiment of Infantry.

Sergt. Percival G. Lowe, Company B, Eighteenth Infantry, to be second lieutenant, February 11, 1889, vice Hardin, promoted.

Twentieth Regiment of Infantry.

First Sergt. Wilson Chase, Troop B, Seventh Cavalry, to be second lieutenant, February 11, 1889, vice Hart, nominated for transfer to the Fourth Cavalry.

First Regiment of Cavalry.

Second Lieut. Edward Anderson, of the Fifteenth Infantry, to be second lieutenant, February 11, 1889, vice Robertson, nominated for pro-

Fourth Regiment of Cavalry.

Second Lieut. William H. Hart, of the Twentieth Infantry, to be second lieutenant, February 11, 1889, vice Fowler, resigned.

Fifth Regiment of Cavalry.

Second Lieut. Matthew C. Butler, jr., of the Ninth Infantry, to be second lieutenant, February 11, 1889, vice Cornish, nominated for promotion.

Ninth Regiment of Cavalry.

Second Lieut. Alexander W. Perry, of the Tenth Infantry, to be second lieutenant, February 11, 1889, vice Jackson, nominated for promotion.

Tenth Regiment of Cavalry.

Second Lieut. George E. Stockle, of the Twenty-fifth Infantry, to be second lieutenant, February 11, 1889, vice Hall, resigned.

Second Lieut. William T. Littebrandt, of the Tenth Infantry, to be second lieutenant, February 11, 1889, vice McDonald, nominated for

PROMOTIONS IN THE NAVY.

Commodore George E. Belknap, a resident of New Hampshire, to be a rear-admiral in the Navy, from the 12th February, 1889, vice Rear-Admiral Ralph Chandler, deceased.

Capt. John G. Walker, a resident of Iowa, to be a commodore in the Navy, from the 12th February, 1889, vice Commodore George E. Bel-

knap, promoted.

Commander Silas Casey, a resident of New York, to be a captain in the Navy, from the 12th February, 1889, vice Capt. John G. Walker, promoted.

Lieut. Commander James M. Forsyth, a resident of Pennsylvania, to be a commander in the Navy, from the 12th February, 1889, vice Commander Silas Casey, promoted (subject to the examination required by law).

Lieut. Charles Belknap, a resident of New York, to be a lieutenantcommander in the Navy, from the 12th February, 1889, vice Lieut. Commander J. M. Forsyth, promoted.

Lieut. Fidelio S. Carter, junior grade, a resident of Illinois, to be a lieutenant in the Navy, from the 12th February, 1889, vice Lieut. Charles Belknap, promoted (subject to the examination required by

Ensign Alfred L. Hall, a resident of Ohio, to be a lieutenant, junior grade, in the Navy, from the 15th January, 1889, vice Lieut F. S. Carter, junior grade, promoted (subject to the examination required

by law) Lieut. Walter S. Hughes, junior grade, a resident of Iowa, to be a lieutenant in the Navy, from the 15th January, 1889, vice Lieut. Charles R. Miles, deceased (subject to the examination required by

Ensign Harry M. Dombaugh, a resident of Ohio, to be a lieutenant, junior grade, in the Navy, from the 15th January, 1889, vice Lieut. W. S. Hughes, junior grade, promoted (subject to the examination

required by law).

Ensign William R. Rush, a resident of Louisiana, to be a lieutenant, junior grade, in the Navy, from the 11th February, 1889, vice Lieut. George C. Foulk, junior grade, resigned (subject to the examination required by law).

## CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1889. COMMISSIONER OF LABOR.

Carroll D. Wright, of Boston, Mass., to be Commissioner of Labor. INDIAN INSPECTOR.

Eugene E. White, of Arkansas, to be an Indian inspector.

# HOUSE OF REPRESENTATIVES.

THURSDAY, February 14, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXTRA COMPENSATION, EMPLOYÉS SIXTH AUDITOR'S OFFICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with a letter from the Sixth Auditor, a petition of employés in his bureau asking compensation for extra services from July 1, 1887, to September 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

GEORGE H. BECKWITH VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact in the case of George H. Beckwith vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

APPEALS TO SUPREME COURT OF THE UNITED STATES.

The SPEAKER also laid before the House the bill (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below; which was read a first and second time.

Mr. ROGERS. Mr. Speaker, a bill in exactly the same terms as this has already been unanimously reported by the Judiciary Committee of the House, and this was unanimously reported from the Senate Judiciary Committee. It is a short bill, but quite an important one; and in view of the importance of the subject involved I ask unanimous con-

sent for its present consideration.

Mr. BUCHANAN. Let it be read, subject to objection.

The bill was read, as follows:

Beit enacted, etc., That in all cases where a final judgment or decree shall be rendered in a circuit court of the United States in which there shall have been a ques-

tion involving the jurisdiction of the court, the party against whom the judgment or decree is rendered shall be entitled to an appeal or writ of error to the Supreme Court of the United States to review such judgment or decree without reference to the amount of the same; but in cases where the decree or judgment does not exceed the sum of \$5,000 the Supreme Court shall not review any question raised upon the record except such question of jurisdiction; such writ of error or appeal shall be taken and allowed under the same provisions of law as apply to other writs of error or appeals except as provided in the next following section.

SEC. 2. That in cases of judgments or decrees mentioned in the first section of this act, and heretofore rendered, where the period of limitation for taking writs of error or appeals in other cases has not expired, appeals or writs of error may be sued out at any time within one year after the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection, and the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF REAR-ADMIRAL CHARLES H. BALDWIN.

The SPEAKER also laid before the House the joint resolution (S. R. 125) authorizing the heirs of Rear-Admi. al Charles H. Baldwin, United States Navy, to receive a snuff-box set in diamonds from the Czar of Russia; which was read a first and second time, and referred to the Committee on Naval Affairs.

CLAIMS OF CALIFORNIA ON ACCOUNT OF INDIAN HOSTILITIES.

The SPEAKER also laid before the House the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California growing out of Indian hostilities therein and upon the borders thereof not heretofore reimbursed by the United States.

Mr. THOMPSON, of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of that bill. It is a short bill, and simply authorizes the Secretary of War to make a report in regard to the claims of the State on account of these expenditures assumed by

the State

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LANDES. I object.

Mr. HERMANN. I hope the gentleman will withdraw that objection. This bill has been favorably considered and reported. I ask the gentleman from Kentucky, the chairman of the Committee on War Claims, to state the facts in reference to it.

The SPEAKER But the interior has been week.

The SPEAKER. But objection has been made.

Mr. HERMANN. Then I ask unanimous consent that this bill be allowed to remain upon the Speaker's table for the present.

The SPEAKER. Without objection that order will be made.

RETURN OF BILL TO THE SENATE.

The SPEAKER also laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES, February 13, 1889. Ordered, That the Secretary be directed to request the House of Representa-tives to return to the Senate the bill of the Senate, 314, for the relief of Henry M. Rector.

The SPEAKER. Without objection this request will be complied

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YARDLEY, for five days, on account of important business

LEGISLATIVE APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I am directed by the Committee on Appropriations to submit a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Clerk read as 1010WS:

The Committee on Appropriations, to whom was referred the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having considered the same, beg leave to report that they recommend concurrence in the amendments of the Senate numbered 16, 90, and 93.

They recommend non-concurrence in the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 44, 45, 46, 47, 44, 95, 95, 15, 15, 25, 25, 36, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 63, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 94, 45, 96, and 97.

Mr. FORNEY I may be the adoption of the report

Mr. FORNEY. I move the adoption of the report.
Mr. BUCHANAN. There certainly ought to be some statement as
to the amendments recommended to be concurred in. The House is entitled to some knowledge as to what it is acting upon.

Mr. FORNEY. The amendments amount to very little, involving the sum of \$50,000 or \$60,000 in the aggregate as increased by the Senate. But we were not satisfied that we ought to agree, and simply nonconcur in the amendments and ask a conference. Then the conferees of the House will be able to determine the ground of the increase.

Mr. BUCHANAN. But I refer to those amendments wherein the committee recommend concurrence.

Mr. FORNEY. Let them be read.
Mr. WEAVER. Is there any new Is there any new legislation?

Mr. FORNEY. None whatever.
The SPEAKER. The Clerk will report the amendments in which concurrence is recommended.

The Clerk read as follows:

Amendment numbered 16, page 6, after the word "dollars," insert "or so much thereof as may be necessary."

Amendment numbered 90, page 72, line 19, strike out "the" and insert "for the "

Amendment numbered 93, page 80, line 1, strike out "of" where it first oc-

Mr. FORNEY. The amendments, the gentleman will see, are purely clerical.

Mr. BUCHANAN. The gentleman could have stated that these were merely formal amendments.

The report of the committee was adopted.

Mr. FORNEY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. FORNEY. Mr. Speaker, I move that the House request a conference with the Senate on the disagreeing votes on this bill.

The motion was agreed to.

The SPEAKER announced as the managers on the part of the House Mr. FORNEY, Mr. RANDALL, and Mr. CANNON.

FORTIFICATIONS APPROPRIATION BILL

Mr. SAYERS. Mr. Speaker, I rise to present a privileged report. I am directed by the Committee on Appropriations to report back the bill (H. R. 11917) making appropriations for fortifications and other works of defense, and to ask the adoption of the accompanying report, and request a conference with the Senate on the disagreeing votes of the two Houses.

The report was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows: They recommend concurrence in the amendments of the Senate thereto, 13. They recommend non-concurrence in the amendments numbered 2, 3, and 13. They recommend non-concurrence in the amendments numbered 1, 4, 5, 6, 7, 8, 9, 10, 11, and 12 11. and 12.

The SPEAKER. The question is on agreeing to the rep Mr. TOWNSHEND. I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it. The question is on agreeing to the report.

Mr. TOWNSHEND. Is this a report from the committee of con-

The SPEAKER. It is not. It is a privileged report from the Committee on Appropriations, and the gentleman makes the report and asks for a conference.

Mr. TOWNSHEND. I desire to ask the gentleman from Texas what items he asks non-concurrence in.

Mr. SAYERS. The first item we ask non-concurrence in is the first amendment, which is:

That the sums appropriated by this act shall be available until expended, and to be expended under the direct supervision of the Board of Ordnance and Fortification, created by the fortifications appropriation act approved September 22, 1888, and in the manner prescribed by said act.

We also ask non-concurrence in the fourth amendment, in which the Senate struck out:

For needful casemates and cable galleries to render it possible to operate submarine mines; for continuing torpedo experiments and for practical instruction of engineer troops in the details of the service, 330.

We also move to non-concur in the amendments numbered 5, 6, and 7, which are subdivisions of the fourth amendment. They are as follows:

(5) For needful casemates and cable galleries to render it possible to operate submarine mines, \$250,000.
(6) For continuing torpedo experiments and for practical instruction of engineer troops in the details of service, \$30,000.
(7) For the purchase of movable submarine torpedoes, propelled and controlled at will by power transmitted from shore stations, \$200,000.

In the eighth amendment the Senate strikes out that provision of the House bill which relates to the test of experimental guns-

Procured under the act of September 22, 1888, namely, for one 10-inch wire-wound gun, steel, \$28,000; for one 12-inch gun, steel-hooped, \$39,500.

We also move to non-concur in the Senate amendment numbered 9. which provides-

For the purchase of machine guns, musket caliber, of American manufacture, \$20,000.

A provision of that kind has already passed the House in the Army bill. We also ask to non-concur in the eleventh amendment-

For the manufacture of forty caissons and ten combined battery wagons and forges for 3.2-inch field guns, \$43,274.

And also in the twelfth amendment-

For procuring the necessary instruments and other materials and for the proper installation of instruments for conducting the annual heavy artillery practice of the Army, \$20,000.

We also move to concur in the thirteenth amendment, which provides that all material purchased under this act shall be of American

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The gentleman will state it. The SPEAKER.

Mr. TOWNSHEND. The gentleman, as I understand, is entitled, as a matter of privilege given to the Committee on Appropriations, to report this bill at any time. Has he the right to insist upon action upon the report at any time?

The SPEAKER. He has not, except in Committee of the Whole on

the state of the Union.

Mr. TOWNSHEND. Then I make the point of order that it shall be considered in Committee of the Whole on the state of the Union.

The SPEAKER. Then that order will be made.

DIVISION OF RESERVATION OF SIOUX INDIANS.

Mr. PEEL. I desire to call up, as a matter of privilege, the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes. It is a bill that was considered a few evenings ago, and the previous question was ordered upon the amendment of the gentleman from Illinois, with an amendment thereto by the gentleman from Kentucky.

The SPEAKER. It is not privileged, then.

Mr. PEEL. It is not privileged, then
Mr. PEEL. It is on the passage of the bill.
Mr. DOCKERY. Mr. Speaker, the bill was considered under a
special order a few evenings ago, and an amendment was offered by the
gentleman from Illinois [Mr. PAYSON], and to that an amendment was offered by the gentleman from Kentucky [Mr. BRECKINEIDGE], and the previous question was ordered on the amendments.

The SPEAKER. The gentleman calls up for consideration the bill the title of which will be read.

The Clerk read as follows:

The bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

Mr. BLOUNT. Before the bill is taken up I desire to understand whether it is likely to take any time, or whether there will be a yea-

Mr. PEEL. It is the understanding that we shall only take a vote.

If it requires that I will withdraw it.

The SPEAKER. The Chair is under the impression that this order was made by unanimous consent, and that some debate was provided for in the order.

Mr. PEEL. That, however, by agreement, has been withdrawn. Mr. PAYSON. That was the arrangement by unanimous consent in the House when this bill was under consideration. Since that time I have said to the gentleman from Arkansas, the chairman of the committee, that I will be content with a simple vote upon the two propositions; first on the proposition made by the gentleman from Kentucky, as modified by myself. If that shall be carried it will end the matter.

Mr. BLOUNT. I hope unanimous consent will be given to change the order

Mr. ANDERSON, of Kansas. What is the bill? The SPEAKER. The Clerk will report the title of the bill.

The title was again reported.

Mr. HOOKER. Is that a Senate or a House bill?
Mr. PEEL. That is the bill that was considered the other night. The SPEAKER. Is there objection to modifying the order so as not

to provide for debate, the previous order having made that provision? The Chair hears none.

Mr. PEEL. I ask unanimous consent to state the amendments so that the House may understand them.

That amendment applies to the disposition of the land acquired under the bill. The amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] is to let settlers have it free. The amendment of the gentleman from Illinois [Mr. PAYSON] is to let the honorably discharged soldiers and sailors have it free, the same proposition which was voted upon in the Oklahoma bill. I hope both amendments will be voted down.

The SPEAKER. The Clerk will report the amendment. This order was made by consent, and the business is in some confusion.

The Clerk read as follows:

Mr. Breckinginge, of Kentucky, moved to strike out the proviso set out in lines 8 to 18 of section 21.

The SPEAKER. The Clerk will report the proviso.

The Clerk read as follows:

Provided. That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums.

Mr. PAYSON. That amendment was accepted by the gentleman from Kentucky, including the next proviso, ending with the word "acra" The SPEAKER. The Clerk will report the additional proviso. The Clerk read as follows:

Provided, That all lands undisposed of under this act at the expiration of ten years from the taking effect of this act shall be paid for by the United States at 50 cents per acre.

The SPEAKER. The question is on agreeing to the amendment proposing to strike out all that has been read by the Clerk.

The question was taken; and there were—ayes 51, noes 58.

So the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

The following amendment is proposed by the gentleman from Illinois [Mr.

The following amendment is proposed by the gentleman from Thinds [24].

"Strike out, in line 25, page 24, the words 'except to said sums' and insert:

"For it is expressly provided that the rights of honorably discharged Union soldiers and sailors in the late civil war to make homes on the public lands under the existing homestead laws shall not in any degree be impaired by the passage of this bill, and the right of all such honorably discharged Union soldiers or sailors to make homestead entry and perfect the same by occupancy under the existing homestead law shall extend to any and all land which shall be opened to any settlement by the provisions of this bill."

The expection was put on agreeing to the amendment; and the Speaker

The question was put on agreeing to the amendment; and the Speaker declared that the noes seemed to have it.

Mr. PAYSON. I call for division.
The House divided; and there were—ayes 43, noes 81.
Mr. CHEADLE. No quorum.

Mr. PEEL. Mr. Speaker, I hope the gentleman will not insist upon that point.

The SPEAKER appointed as tellers Mr. CHEADLE and Mr. PEEL. The House divided; and the tellers reported—ayes 52, noes 112. So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and be-

ing engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

### ORDER OF BUSINESS.

Mr. WHITE, of New York. Mr. Speaker, I desire to call up a matter of privilege

Mr. BAKER, of New York. I desire to call up a privileged matter.

### ADMISSION OF DAKOTA, ETC.

Mr. SPRINGER. Mr. Speaker, I desire to call up the conference report on the bill S. 185, which was submitted on Saturday last and printed in the RECORD. It is a bill to provide for the admission of the State of South Dakota into the Union, and for the organization of the

Territory of North Dakota.

The SPEAKER. The Clerk will read the conference report.

Mr. BLOUNT. I desire to raise the question of consideration upon

The SPEAKER. Unless the reading of the report is dispensed with, the proper time to raise the question of consideration is after the report has been read. It has been printed in the RECORD, however, and unless some gentleman desires to have it read, the question can be taken without the reading. Is the reading of the report demanded?

Mr. SPRINGER. It had better be read.

Mr. BAKER, of New York. Accompanying the report there is a

request for further instruction.
The SPEAKER. That will come after the report. The instruc-

tions are no part of the report.

Mr. BLOUNT. Mr. Speaker, we have only thirteen legislative days left, including this, and it does seem to me that this bill ought not to be put forward at this time.

The SPEAKER. The gentleman from Illinois asks to have the re-

port read. The matter is not debatable.

Mr. COX. Mr. Speaker, is this matter debatable?

The SPEAKER. The question of consideration is not debatable.

Mr. COX. Mr. Speaker, is this matter debatable.

The SPEAKER. The question of consideration is not debatable.

The Clerk read the report.

The SPEAKER. The question is, Will the House proceed now to consider this report?

Mr. BLOUNT. I wish to call up the Post-Office appropriation bill.

The question being taken, there were—ayes 105, noes 23.

So the House decided to consider the report.

Mr. SPRINGER. I now move that the House further insist on its

amendments to the Senate bill-

The SPEAKER. The House must first dispose of this report.

Mr. SPRINGER. The report simply states the fact that the conferees have failed to agree.

The SPEAKER. Still the House must dispose of the report before it takes any further action. The question is upon agreeing to the report.

Several Members. Let it be read.

The SPEAKER. It has just been read. It simply states that the conferees have not been able to agree.

The report was agreed to.

Mr. SPRINGER. I now move that the House further insist upon its amendments to the Senate bill and agree to the conference re-

Mr. BAKER, of New York. Pending that, I move that the House recede from its amendments, in accordance with the resolution offered

by me the other day.

The SPEAKER. The motion to recede has priority over the motion to insist. But the Clerk will read the resolution of the gentleman. The Chair does not know whether the entire resolution has precedence.

The Clerk read as follows:

Resolved, That the House instruct the new conferees to recede

The SPEAKER. The only motions now in order are that the House insist, and that the House recede. After these motions are disposed of, if a further conference should be ordered by the House, it will be in order under the practice of the House to entertain a motion for instructions. The gentleman's motion now is that the House recede from its amendments. That is in order.

Mr. SPRINGER. The adoption of that motion would leave the South Dakota bill just as it came from the Senate, with the amendments that the Senate has put upon it. Therefore I hope that motion will be

The SPEAKER. This question is debatable; but the gentleman from New York [Mr. BAKER] is first entitled to the floor, if he desires to occupy it.

Mr. BAKER, of New York. I desire to state briefly the proposition

as it stands before the House now.

Mr. SPRINGER. I rise to a parliamentary inquiry. After the House shall have voted to further insist upon its amendments and agree to the conference it will then be in order, as I understand, to offer any

The SPEAKER. The Chair would so hold. The proposition for in-

structions is not now pending.

Mr. SPRINGER. The gentleman from New York, as I understand, does not now desire to move that the House recede absolutely from its amendments.

The SPEAKER. The gentleman has made that motion.

Mr. BAKER, of New York. I have made that motion. Mr. Speaker, how much time have I now?

The SPEAKER. Under the rules the gentleman is entitled to one

Mr. BAKER, of New York. Mr. Speaker, I desire to state briefly the position of the question as it is now presented to the House. The bill as passed the House embraced the proposition for an enabling act for New Mexico and also for a resubmission of the question of division to the people of both Dakotas. It also provided that the Territory of Montana may come in by proclamation of the President. A motion was made to provide for the admission of Washington Territory by proclamation, which motion was lost, as was also the proposition to provide for the admission of North Dakota by proclamation. tion made by me to recede involves the dropping out of this omnibus bill of New Mexico, receding from the proposition for a new vote upon the question of division—eliminating that from the bill—and providing further that the Territories of Washington, Montana, and North Dakota may come in, all by proclamation of the President or all by future act of Congress. The proposition made by me is that we shall recede from the pending omnibus bill as passed by the House in respect of those matters

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me an inquiry? Will these three Territories—Montana, Washington, and North Dakota—come in by proclamation or by act of Congress if your

motion to recede should prevail?

Mr. BAKER, of New York. In whichever way the House may di-

ct. Now, Mr. Speaker—— Mr. COX. My colleague will allow me to state that I desire to propose a substitute for the instructions moved by him, so as to strike out all the matter proposed and to bring in these Territories by proclamation only

Mr. BAKER, of New York. In a moment I will yield to my friend to enable him to offer an amendment or substitute to that effect.

Mr. CANNON. If the gentleman's motion to recede should prevail, will not that action pass the Senate bill?

Mr. SPRINGER. Of course.

Mr. BAKER, of New York. That is true; but it involves some consecsions on the vert of the Senate conference.

Mr. BAKER, of the Senate conferees.

Mr. STRUBLE. On what points, may I inquire?

Mr. BAKER, of New York. Some minor details. We propose to have Washington, Montana, and North Dakota come in under proclamation, with an exception, perhaps, in the case of North Dakota. The disposition of the conferees is to yield to either of the two propositions, and have all three Territories come in under proclamation, or all three by future act of Congress. My colleague from New York [Mr. Cox] proposes to amend the instructions; and we shall have no serious objection to that. But Washington and Montana, bear in mind-

Mr. BRECKINRIDGE, of Kentucky. How can there be any amendment of the instructions if we adopt the motion to recede? The effect of that motion, as I understand, will be that there will be no further

Mr. BAKER, of New York. That is a matter for future considera-

Mr. COX. I should like the Chair to state the effect of agreeing to the motion to recede. When do the gentlemen's instructions become ertinent? If we recede does not that pass the Senate bill?
The SPEAKER. Of course, if the House should recede from its

amendments no instructions are necessary.

Mr. SPRINGER. It would pass the Senate bill.

Mr. COX. As I have said, the effect of agreeing to the motion to recede is to pass the Senate bill.

The SPEAKER. It passes the Senate bill.

Mr. BAKER, of New York. The Senate bill does not embrace North Dakota, Washington, or Montana.

Then you do not want to make the motion to recede. Mr. BAKER, of New York. No. I do not want to pass the Senate

If we insist on our amendments it goes back to the conference committee in order that they may report an amendment bringing in Washington, Montana, and North Dakota.

The SPEAKER. If the House recedes from its amendment to the Senate bill, the Senate bill is passed and becomes the law when approved by the President. There is no doubt about that.

Mr. BÄKER, of New York. My amendment, then, is not now in

The SPEAKER. It is not in order now if it is an instruction. It will be in order as soon as the House determines to insist and agree to the further conference

Mr. SPRINGER. Then withdraw your amendment.
Mr. BAKER, of New York. I withdraw my amendment.
The SPEAKER. If there be no objection, the House will insist on its amendments to the Senate bill and request a further conference.

There was no objection, and it was ordered accordingly.

The SPEAKER. Now the amendment of the gentleman from New

York will be in order.
Mr. BAKER, of New York. My amendment will come in as an instruction, and I ask that it be read.

The Clerk read as follows:

Resolved, That the House instruct the new conferees to recede from the amendments to the Senate bill 185 in the following respects:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President, under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State officers, and without a new vote on the question of division.

3. Further providing that the prepared State of State of

A. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, i. e.:

(a) All of them under proclamation by the President; or

(b) All of them by formal acts of admission.

Mr. BAKER, of New York. In addition to the observations already made by me I wish to say, Mr. Speaker, there are some questions relating to the election of delegates, apportionment, date of admission, and resubmission of the South Dakota constitution which can be provided for by the conferees in their report. The material points are stated in the resolution which has just been read.

The main point of course is, as the House will see, there is eliminated from the bill New Mexico. It is evident there can be no agreement for New Mexico under an enabling act. As to South Dakota, North Dakota, Montana, and Washington there is no difference of opinion. As to New Mexico there is wide difference on both sides of the House. Personally, I do not have any serious objection to considering New Mexico in this bill; but the differences are so marked we have agreed it shall be brought up in a separate bill for future consideration. Therefore under this instruction the conferees will eliminate from the bill New Mexico, and it will provide for the admission of Washington, Montana, and North Dakota by proclamation or by future legislation. As to the matter of details there will be no difficulty. If this be carried out by the House, it will give to the Union four new States before the

end of the year.

I yield the floor to my colleague, [Mr. Cox].

Mr. PAYSON. Before the gentleman takes his seat I would like to ask him a question.

Mr. BAKER, of New York. Certainly.
Mr. PAYSON. I should like to inquire wherein there exists any necessity for a resubmission of the Sioux Falls constitution to the people of that Territory? For it looks to me as if we were simply continuing the same old policy of delay, delay, delay, without any end.

Mr. BAKER, of New York. Not at all.

Mr. PAYSON. I do not see what else it means.

Mr. BAKER, of New York. It is absolutely necessary to resubmit

it because there are some amendments which are necessary—as to the division lines, for instance.

Mr. PAYSON. That could all be provided for by the act of Con-

Mr. BAKER, of New York. It is deemed necessary that there should

be a resubmission on both sides.

Mr. PAYSON. There is one gentleman on this side, at least, who does not agree to that.

my time, and yield the remainder of it to my colleague from New

York [Mr. Cox].

Mr. CoX. Mr. Speaker, I shall propose at the proper time to offer a substitute for the instructions proposed by my colleague [Mr. BAKER]. The amendment which I propose is substantially the proposition of my colleague, except that I insert a new election for both State and Federal My substitute also strikes out that much of the provision as to North Dakota, Montana, and Washington, which alternatively requires either proclamation or formal action hereafter by Congress. My substi-tute provides that their admission be allowed under a proclamation alone of the President. As to the other matters not contained in the instructions referred to, such as fixing the day of the convention, the number of members, the boundaries of the districts, matters connected with school lands, and subjects of that immaterial character, I would leave them to the sound judgment of the conferees

Now, I will not take up much time in discussing this matter. I have already talked a good deal about it. I gave my views when this question was presented before, and when I addressed the House at that time I indicated that I would look perhaps to the Senate for certain legislation, in case we could not get here all that was desirable.

Let us thank the gentleman from Illinois [Mr. Springer] for giving us this amounts it at the senate that was desirable.

ing us this opportunity to act promptly. We are almost within a fort-night of the end of this Congress, but there is yet time, if fortunately we seize it, to prepare these Territories so that they may come in at

the next Congress by the action of this one.

It would seem that on three points the Senate and House differ. House declared for New Mexico. The Senate opposes. clared for a submission of the question of division of Dakota. The Senate opposes such submission. The Senate favors, with a view to prevent delay, a proclamation by the President to bring in these Territories and a resubmission, with which the House should be satisfied. To reconcile these disagreements is the object of my substitute. On these several points it is hoped that there may be a concurrence of the two branches, so that some law or finality shall be assured during the present session. There should not be undue delay nor hasty agreement. The subject-matter calls for moderation, discretion, and dignity.

As to the first point of difference, I am well satisfied, as I have stated in remarks heretofore, that New Mexico, if admitted as a State, would

be "republican," not merely in form, but in partisanship.

She prepared a constitution in 1876. The bill of admission passed both branches. It was lost through disagreement on amendments, just as she may now fail of admission. Any exclusion of the Territory on political grounds, whatever may be our party bias, is to be deprecated. It is therefore an act of great self-abnegation on the part of the Republicans of this House and of the Senate to reject New Mexico on grounds which I think are unsubstantial.

If I am right in my judgment, and I have good foundation for it, it would now seem impossible to make New Mexico Democratic. Her last two Legislatures were heavily Republican, and at present there are over two-thirds Republican majority in each branch. The election of our friend Mr. Joseph—the Delegate—in 1884, was owing to a split in the Republican party. But the two Republican candidates had a majority over Mr. Joseph of 2,851. The same vigilant gentleman was elected in 1886 owing to a bad nomination of the Republicans. His popularity was tested by his election in 1888, and it was owing to the fact that he championed the rights of the Territory to admission.

These facts, in addition to other data, show, à priori, that New Mexico will be Republican, and if the Republican Senate insists that she shall not be admitted, I would not make my insistence too emphatic against their wishes. And, therefore, since it is impossible to agree with the Senate on that point, I would yield it. I would yield it, because I would not nullify, by the failure of this bill, the good work as

to the other Territories already done by both Senate and House.

To conclude as to New Mexico, Mr. Speaker, allow me to say that in former remarks I presented all the points possible in my judgment for her admission. I know, and so advise gentlemen on both sides of the House, that New Mexico will not be admitted by the action of the Senate now. They stand on that.

Mr. DUNN. And we should stand on it.

Mr. COX. And so we all stand, but other Territories unhappily

As to the question of the division of Dakota, all who have taken the pains to inquire know how absolutely foregone is that conclusion. For myself I would not vote for Dakota nor for this bill, unless she were divided—not even to conform to the wishes of every one of her people, whether expressed separately by North and South Dakota or by the Territory as a whole. My reasons have already been given, and they are insuperable.

I would, therefore, yield to the Senate in that regard. The vote on the division is not a matter of great consequence, in view of the fact that it will not delay admission, and division is beyond peradventure.

As to the third idea, of admitting these Territories by proclamation of the President, I am entirely content, as I have said before. There are precedents as well as reasons for such action; and in view of long nes not agree to that.

Mr. BAKER, of New York. I desire now to reserve ten minutes of I would follow them as to the other Territories which have provided. constitutions, and whose constitutions, if they do not remain as the will of the people, may be resubmitted under such conditions as the conference made provide.

Therefore, with a view of testing what the good sense and patriotism of both parties and both branches of Congress may accomplish, I offer the substitute to the instructions of my colleague from New York [Mr. BAKER

As to the question of division, we also know now, though some did not know it last session or at the beginning of this session, but every man who cares to inform himself now knows that there is no question left in Dakota as to the wisdom and propriety of dividing that Territory. Time, circumstances, political questions, the last election, and other things have inexorably decided that there shall be a division of the Ter-

ritory.

As to the matter of bringing in North and South Dakota promptly by proclamation, including Montana and Washington, after their constitutions have been submitted or under their present constitutions or under resubmission of their constitutions to the people, why ought we not to be content with that arrangement? There are precedents for such ac-There is the case of Colorado. It is a prompt way of deciding questions that have hovered over Congress for many years. They ought to be settled. No question of "republican form" is possible. It is absurd to question the certainty of their institution as "republican" States in every conveivable definition of the word "republican," except its partisan meaning. The proclamation will conform to the constitutional requirement as well as to the expressed will of the people.

As I have said here before, these Territories have the requisite resources and population. They have all the intelligence and wisdom to conduct their own business as States. Now is a fit time, I think-the best time of all others-to complete the work which has been begun under the auspices of my distinguished friend, the chairman of the committee. I say it is a good time, because we never saw the United States of America in such a condition as now to contemplate and master its

Mr. Speaker, the country should congratulate itself, or Congress at least should, on the fact that we are permitted to look after our own domain, interests, and Government without foreign complications.

The black cloud that hovered over Hayti and over this House yesterday has happily rolled by. [Laughter.] Grim-visaged War, which the other day was impending with Germany, hath smoothed his wrinkled

My constituents of Teutonic origin can drink their beer and pursue their thritty occupations undisturbed by the chatter of the quadruma-bus activities of the remote Samoan Islands. We hope that in that mote Pacific group the inhabitants may continue to eat their breadmit in peace, while the monkeys swing with independent though prehensile grip to the cocoanut trees that make Pago Pago so alluring to commerce.

We may also congratulate ourselves that the great fishery question, which bid fair to add new horrors to the Arctic, remains in restful quietude-cool as the borean ice.

We are left, therefore, Mr. Speaker, to pursue the problems con-nected with immigration and the formation into States of our splendid domain, which is to be filled by our enterprising native and adopted

It is a matter, however, that has no felicitation along with it, that our gro ing Territories have not received that welcome invitation to statehood which their population, resources, and desires demand. That they have been bowing with cap in hand before Congress, or, rather, before our Committee on Territories, for several years is a matter of regret. It is worse. It is a matter of peril. It is a matter of discontent and unhappiness to them and a peril to public liberty.

I do not say that the honorable chairman of that Committee on Territories [Mr. SPRINGER] has been derelict in urging organism for Oklahoma or statehood for other Territories.

A MEMBER. He is a bad man.

Mr. COX. Oh. no; he is not a bad man. [Laughter.] Why, the gentleman from Illinois has labored in season and out of season over our vast realm and our Territories. He has looked after these Territories in the Northwest. All credit to him. He has been vigilant; he has been active; and still with all his digging around the young plants our Territorial and Stately growth in the West has had no result except a little flower which we have seen in his buttonhole; and now even that is gone. [Laughter.] All his work is fruitless, utterly fruitless

Let us decorate our friend from Illinois with something more substantial than flowers. Let him have some fruits as the result of his labor, Therefore I propose to end this matter by a substitute to the original instruction, which I will send up to be read at the Clerk's desk.

The Clerk read as follows:

Resolved. That the House instruct the new conferees to recede from the amendments to the Senate bill 1×5 in the following respects:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

may be excluded from the bill.

2. That the bil may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President, under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State officers, and without a new vote on the question of division.

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, and all of them under proclamation by the President.

Further, that all such matters as relate to the election of delegates and apportionment of the districts in which members to the convention are to be elected, the date of holding the convention, and the date of the resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited to be referred to the committee of conference for their discretion.

Mr. BAKER of New York. I have no objection to that, and will

Mr. COX. Iwant to insert, after the word "State," "and also Federal elections."

Mr. BAKER, of New York. I accept that.

Mr. COX. One word more, and then I will yield a portion of my time. As I have remarked heretofore, and I desire to give additional emphasis to it, I do not believe now that we should make the admission of New Mexico dependent upon Dakota, or vice versa.

This is not just to either Territory. Let each one of these Territories stand on its own merits in every regard. [Cries of "That's right!" on the Republican side. ] By taking this ground now we shall save great trouble, complexity, and anxiety when we legislate to bring in other Territories hereafter.

A fortnight only remains of the present Congress, and these Territorial matters are still in chaos. Better had we attempted nothing nothing whatever-than to fail now; and rather than fail now, I am willing, substantially, to come into accord with members of both branches that some practical and conclusive result may follow our ef-

I now yield to the honorable gentleman from Iowa [Mr. STRUBLE] Mr. STRUBLE. Mr. Speaker, I desire to say, as a member of the Committee on Territories of this House, that I am glad of the present indications of success in this great and important measure, and I am glad that the gentleman from New York [Mr. BAKER], a member of the committee of conference, is willing to accept the proposition ma e
by his colleague from New York [Mr. Cox]. Here is an opportunity
to lay aside all partisan considerations and deal with this great question of the admission of these Territories in a spirit of true patriotism. Here is an opportunity afforded both sides to rise above questions of party politics and reach out a hand towards these great Territories and welcome them into the Union. Partisan consideration aside, patriotism to the front! Let us unite together as Republicans and Democrats in adopting this proposition, which is far removed from the low and sometimes disgraceful considerations of partisanship.

One word in relation to New Mexico. I opposed the proposition to admit that Territory as a State. I did so, well knowing the fact to which the gentleman from New York has referred, namely, her disposition to vote the Republican ticket. I did not and do not believe that, in respect to important and essential requisitions, New Mexico is entitled to present admission. I think her admission should be deferred a little while longer; but I think and I believe that the policy of the next Congress will be to deal with that Territory in a spirit of fairness and in a spirit of proper liberality, with the view of doing in her case that which is patriotic and non-partisan. I hope, in conclusion, then, that we may unite here and now in support of this proposition of the gentleman from New York [Mr. Cox].

Mr. SPINOLA. I want a little time.

Mr. BAKER, of New York. I yield five minutes to my colleague from New York [Mr. SPINOLA].

Mr. SPINOLA. I do not know that I am on the same side as my friend.

Mr. BAKER, of New York. That is all right.

Mr. SPINOLA. Mr. Speaker, I have listened with some attention so as to hear if any of the gentlemen in favor of this proposition would assign a reason why New Mexico should not occupy the same position as Montana and Washington. I have heard no reason given except that, for certain political reasons, it is premature to admit New Mexico at this time. To-day we are enjoying a sort of a love feast by setting aside political questions; at least I judge so from the course of the discussion up to this time. I want it to be distinctly understood that I will vote for no measure unless New Mexico is put upon the same footing with Montana and Washington, and that is where I believe this side of the House ought to stand, as I do not agree that it is good statesmanship to oppose the admission of New Mexico on account of the religious opinions of a large majority of its inhabitants.

It is all very well to talk about what the next Congress will do, but my experience has taught me to believe that when the next Congress comes into power this side of the House may look for but very few favors, and they will get no considerat on whatever for any measure which will have the least shadow of a tendency towards strengthening the Democratic party in this country. The admission of New Mexico they are opposed to, they say, because it has some proclivity toward Republicanism. If it has, let it be Republican, but place it upon the same basis as, and give it the same privileges that you propose to concede to, Montana and Washington. There is no good objection to putting it there that I can see, and I have heard no reason given on the other side why it should not occupy that position before this House.

If we on this side are to concede everything here-which we are about

doing, because we are about bringing in three or four Republican States to put the Senate of the United States where the Democratic party can not regain control of it in the next quarter of a century-let us at least insist upon this one point: there will be no more Territories to come in to make new States, and therefore we shall have to fight the battle upon common ground and shall have to carry some of the Republican States and bring in Democratic Senators from them instead of bringing then in from new States.

Mr. HENDERSON, of Iowa. That is a fair field.

Mr. SPINOLA. Oh, it is a fair field for your side and I do not blame you for trying to occupy it. [Laughter.] I would do it myself if I was in your place. But, Mr. Speaker, for the reasons I have stated, I shall vote against this proposition unless New Mexico is granted the

same privileges as Montana and Washington.

Mr. BAKER, of New York. I want to say, in reply to my distinguished friend and colleague from New York [Mr. Spinola], that I have been and am very much of the same disposition that he has expressed. I feel very friendly towards New Mexico; but this proposi-tion to eliminate it from the pending bill is in the nature of a concession. I do not believe that my friend from New York is willing to keep four Territories out of the Union because perchance there is not a unanimons sentiment in favor of New Mexico. We are all alike in favor of the admission into the Union of States in the shortest possible time; we desire that every foot of our territory shall come into the Union under proper conditions. I believe that in the next Congress we shall bring into the Union four other States—New Mexico, Wyoming, Idaho, and Arizona. A bill has been reported from the Committee on Territories for Idaho, Arizona, and Wyoming. New Mexico may come in; but I am opposed to the idea of bunching Territories. I want each Territory and each State to come in upon its own merits; I desire that they shall be considered independently of each other; and I do not believe there is any disposition on the floor of Congress to keep out one State because another can not come in without due consideration. I am proud of the spirit manifested on both sides of the House and so ably reflected by my honored colleague [Mr. Cox].

Now, Mr. Speaker, I desire to yield two minutes to the gentleman from Iowa [Mr. KERR], and then I propose to move the previous ques-

Mr. KERR. Mr. Speaker, personally I am in favor of the admission of any Territory that has the requisite population. I have paid no attention and hereafter shall give no weight to any argument directed to establish the proposition that the people are not capable of self-gov-ernment. I believe that the way to do with men against whom any such imputation is made is not to exclude them, but to admit them to the full rights of citizenship and to membership in this Union, trusting that this will lead them to ability to maintain their rights and per-

form their duties as citizens.

I should be glad as an individual to have the opportunity of voting for the admission of New Mexico on the same footi g as the other States. I believe that the Republican party fifteen years ago made no mistake when they voted for the admission of New Mexico into the Union; and I believe that had New Mexico been then admitted, she would to-d y have not merely the population necessary to admission into the Union, but a population of 400,000 or 500,000. I believe, however, that the admission of New Mexico is impossible under the present circumstances. The only way in which we can hope to secure justice to Dakota, which has been long delayed, is to provide for the adoption of the substitute recommended by the gentleman from New York. I believe it is the duty of this House to accept that; and then we can admit these Territories upon a non-partisan basis.

I want to say further, Mr. Speaker, that if the Republican party in the next Congress should fail to admit New Mexico, they will find that in the Northwestern States where the people believe in the capacity of man for self-government, it will injure the Republican party. They will lose votes i they fail to admit New Mexico. I would prefer that each of these States should be admitted in a separate bill and on its own merits, but under the circumstances I shall vote for the proposition of the gentleman from New York which provides for the admission of South Dakota and for the organization of the Territories of North Dakota, Montana, and Washington, and accomplishes an act of

long delayed justice.

Mr. BAKER, of New York. I now demand the previous question.

Mr. SPRINGER. I hope the gentleman will not do that, Mr. BAKER, of New York. Of course I do not want to interfere with the time of the gentleman from Illinois [Mr. SPRINGER].
Mr. SPRINGER. The gentleman can reserve the remainder of his

time and allow me to take the floor.

Mr. BAKER, of New York. Certainly.

The SPEAKER. The gentleman from New York [Mr. BAKER] has thirty-five minutes remaining.

Mr. BAKER, of New York. I reserve that time.

Mr. SPRINGER. Mr. Speaker, I desire to state briefly the differences that arose in the conference committee between the conferees on the part of the Senate and those on the part of the House, or at least the majority of them. The Senate conferees proposed as a basis of agreement on this bill that the Territory of New Mexico and the pro-

posed State of New Mexico should be excluded from the bill, and that the proposed State of South Dakota should be admitted with the Sioux Falls constitution, provision being made for a new election of State officers, as provided in these instructions, without any further vote in the Territory upon the question of division. The other matters, it was believed on both sides, could be arranged without any instruction whatever from the House. On the other hand, the conferees representing the House stated in the conference that they were willing to submit the question of the exclusion of New Mexico from this bill to a vote of the two Houses of Congress and would be governed by that instruction, but that they would insist upon a vote being taken in Da-kota on the question of division. In a spirit of compromise we proposed to recede from that portion of our amendment which requires a majority of all the votes cast in both North and South Dakota to authorize division; we propose that the vote be taken in all the Territory, and that a majority of the votes cast in the whole be sufficient to decide the question whether there should be division or not.

Mr. HOOKER. Let me make an inquiry of the gentleman from II-

linois.

Mr. SPRINGER. Certainly.
Mr. HOOKER. Are you in favor of receding from that portion of the agreement made as to New Mexico?

Mr. SPRINGER. I am not.
Mr. HOOKER. What is the position of the committee on that sub-

Mr. SPRINGER. They insist on retaining New Mexico in the bill or leaving it to be determined by the two Houses. We are only the instrument of the two Houses, and will be bound by their instruction. The majority of the conferees on the part of the House were in favor of retaining New Mexico in the bill.

I am of the opinion that all these questions could be arranged without instructions. The conferees, however, thought there should be a vote in South Dakota on the question of the relocation of the temporary seat of gove nment, as agreed to by the House and suggested by

the Delegate from Dakota [Mr. GIFFORD].

The majority of the House conferees were in favor of the admission of South Dakota into the Union according to the amendment submit-ted by the gentleman from Kansas [Mr. Perkins] and agreed to by the House almost without division. That amendment required there should be resubmission of the question of division.

As to the question of excluding New Mexico, I desire to ask the tention of the House, and especially of the other side of the House the history of the efforts of New Mexico to be admitted as a State

the Union and to her c aims to admission.

In 1850 the Territory of New Mexico adopted a constitution, el a Representative to Congress, and the Legislature elected two Un...a States Senators, who came to Washington and asked to be admitted. Congress admitted only a Delegate on the floor of this House, refusing to admit the Senators or to pass a bill for the admission of the Terri-

tory as a State into the Union.

In 1874, at the first session of the Forty-third Congress, when Stephen B. Elkins was Delegate from that Territory, he introduced a bill for the admission of New Mexico into the Union as a State. That Lill was referred to the Committee on Territories of the House, and Mr. Mc-Kee, from the Committee on Territories, submitted a unanimous report from that committee, May, 1874, first session of the Forty-third Congress, that Congress being nearly two-thirds Republican in both branches; and that report was adopted in committee without any minority or dissenting views being submitted.

I wish to call the attention of my Republican friends to that report, because it was the basis of action in that Congress. It states:

New Mexico is three times as large as Ohio, larger than all New England and New York, and one hundred and sixteen times larger than Rhode Island.

It has a population of 135,000 aside from the Pueblos or village Indians, who from time immemorial have been agriculturists and among the best citizens of our Territory, and who now number little short of 10,000, making a total population of over 140,000 people, mostly a quiet pastoral people and as truly loyal to the Government under which they live as any people under the sun; that at the time of taking the last census there were in this Territory 100,000 people living in the many various mining districts remote from the mass of the settlements.

On March 3, when that Congress was about to adjourn finally, a final vote in the House was taken on that question.

I want further to call attention to the fact that at that session of Congress an act was passed to enable Colorado to be admitted as a State into the Union. The bill for New Mexico and the bill for Colorado were running along together through this House and through the Senate. The Colorado bill was passed, but the New Mexico bill failed. At that time Colorado did not have to exceed 60,000 population, and it was estimated a year and a half later the population was 100,000. New Mexico, still being in the shackles of Territorial government, had only increased from 135,000 to 175,000, while Colorado, clothed in the habiliments of statehood had increased from 60,000 to over 500,000. Every gentleman acquainted with these two Territories, and their climate and soil, knows there is more room in New Mexico, more resources upon which to build a State, than in Colorado,

The bill which was introduced at that time, and unanimously re-

ported, passed this House by a very large majority, there being 164 in the affirmative to 54 in the negative. That was a Republican House the affirmative to 54 in the negative. That was a Republican House of Representatives. Some of the gentlemen who voted for that bill at the time mentioned are also members of the present Congress, and I notice amongst them the gentleman from Tennessee [Mr. BUTLER], the member from Illinois [Mr. CANNON], whom I see before me now, the gentleman from Pennsylvania [Mr. HARMER], the gentleman from Pennsylvania [Mr. O'NEILL], and amongst them were other gentlemen who at that time were members of the House but who are now in the Senate, as Mr. FARWELL, of Illinois, the Senator from Maine, Mr. FRYE, and the Senator from Wisconsin, Mr. SAWYER. Also amongst those who were then members of this House, and voted ay, but are now out of Congress, I find the then Representative from Michigan, Mr. O. D. Conger, the gentleman from Ohio, Mr. Charles Foster, and Hon. William Lawrence, of Ohio, well known to all of you as Comptroller of the Treasury afterwards. There were a number of other gentlemen distinguished since, who voted for that bill. It went to the Senate and was passed at the second session of that Congress by a vote

Senate and was passed at the second session of that Congress by a vote of 32 in the affirmative to only 11 in the negative. Every Republican Senator, I believe, voted for it at that time.

But that bill having passed the House at the first session, and providing for the elections in the succeeding summer, it was necessary to amend it by providing a new day for the election of members of the convention as well as the time for holding the convention. The Senate put the formal amendments on the bill, and it came back here and remained on the Speaker's table until the night of the 3d of March, in the election bours of the Congress when it received a vote of two thirds the closing hours of the Congress, when it required a vote of two-thirds to take it from the Speaker's table and pass it. The Colorado bill was taken from the table and passed the House by a vote of 164 in the affirmative to 76 in the negative. Two-thirds having voted in the affirmative the amendments of the Senate to the Colorado bill were therefore agreed to, and the bill passed, and Colorado came into the Union by virtue of that vote passed in the closing hours of the Forty-third Two or three changes of votes would have changed the re-Congress. sult of that vote.

The next question came up in regard to New Mexico, and a motion was made to suspend the rules, take that bill from the Speaker's table, and pass it. The vote on that motion shows 154 in the affirmative to 87 in the negative, and hence it lacked only 7 votes of being twothirds and passing the bill at that time. I see that nearly every Re-5 publican member of the House at the time voted in the affirmative.

Mr. COX. And all the Democrats the other way?

Mr. SPRINGER. No, sir; not all.

Mr. COX. Well, very many.
Mr. SPRINGER. Quite a number voted in the negative, but, as I Mr. SPRINGER. Quite a number voted in the negative, but, as I have said, it came within 7 votes of having the necessary two-thirds to pass the bill. A number of Democrats voted for it, and many against it, as is shown by an examination of the record. I find among the yeas on the passage of the bill every Republican member from the State of Illinois at that time was present in his seat and voted in the affirmative, including my distinguished colleague [Mr. CANNON].

That was the position of the Republican party fourteen years ago in regard to the admission of the Territory of New Mexico. Since that time there has been a wonderful development in the Territory; there have been nearly 1,200 miles of railroad built; the common-school system has been adopted and a compulsory system of education put in force. School-houses and churches have sprung up in all parts of the country, and her resources have been largely developed, while her population has gone up to 175,000. If New Mexico had then been admitted into the Un on as a State it is my judgment that her resources would have still further increased and that the population in the Territory to day would be at least a half million of souls.

Now, why do you want to keep New Mexico out any longer? If she was equipped for statehood in the judgment of the Republican party in both branches of Congress fourteen years ago, when there was not a mile of railroad built in the broad limits of that great Territory, when it was an "outlying province" in fact as well as in theory, why is it that New Mexico is not entitled to admission now, with the vast in-crease of her population and resources? It is my opinion that if this bill passes and includes New Mexico, it will vastly stimulate the building of railroads and encourage the rapid settlement of that great Territory. Why should we, then, as representatives of the great American people, say to New Mexico she is not entitled to statehood, when at the same time we have before us a bill allowing statehood to North Dakota, Montana, and Washington, the two latter having less population according to the census than New Mexico.

Mr. Speaker, I do not insist upon the retention of New Mexico on this bill in any spirit of partisanship. I am willing to concede and do concede that the question as to the future politics of that Territory is one of doubt and uncertainty, and will be governed, as well as the votes in the other Territories, by circumstances as they may arise hereafter. But I believe that the best statesmanship requires the admission of the Territory now with the others mentioned here, and if I could have my way I would go still further and include, rather than exclude any Ter-

down and that we may be permitted to go into conference again uninstructed; and I have reason to believe, at least I hope, by presenting the facts to the committee of conference as I present them to you, that they will see the impolicy of retarding the march of progress in regard to these Territories. I believe it will add materially to the resources of New Mexico and increase her wealth, as has been the result in the other Territories.

There is no reason why New Mexico should be excluded that can not be applied to other Territories of equal population. Why, I have been asked, have these four Territories been put in this bill? It was not for any partisan consideration, but because these four Territories (and if Dakota is divided, five) have a population which Congress has determined on a former occasion entitled a Territory to admission, namely, population equal to the ratio of one member of this House. All the Territories that had that population were put in this bill except the Territory of Utah, which was deemed by the committee to have such peculiar surroundings as to entitle it to have a special bill in its behalf.

Mr. HENDERSON, of Illinois. Will my friend yield to me for a

remark?

Mr. SPRINGER. I will not yield for a remark. I will yield for a

question

Mr. HENDERSON, of Illinois. I want to say to my colleague and to the House that I am inclined myself to vote for the admission of New Mexico into the Union as a State. But we have kept Dakota out New Mexico into the Union as a State. But we have kept Dakota out of the Union until it is now conceded here that there is sufficient population for two Representatives in Congress in that Territory. Now, the question that I want to submit to my colleague, while I agree with him in regard to the admission of New Mexico, is, whether there is any fairness here in still further keeping South Dakota out of the Union with a population sufficient to entitle her to two Representatives in Congress because we can not agree upon the admission of New That is the question.

Mr. SPRINGER. I might answer the gentleman by asking him why we should insist upon keeping New Mexico out of the Union in

order that South Dakota might come in.

Mr. HENDERSON, of Illinois. If my colleague pleases, it is not myself; but I think it must be admitted that we can not agree upon the admission of New Mexico. And why keep four Territories out

of the Union because we can not agree as to New Mexico?

Mr. SPRINGER. So far as South Dakota is concerned, and the admission of Dakota as a State into the Union, the question has not heretofore been one of exclusion of Dakota, but the question has been solely one of division. We have differed upon that question. The friends of division have insisted that they would prefer to stay out of the Union unless Dakota should be divided. But this bill permits division, and such a division as is acceptable to all the voters of the Territory, and that provision met with the approval of the Delegate from Dakota on this subject. Therefore I believe that we will at this session meet this question fairly with the Senate conferees, and that before the close of the session the bill will pass. I will say that the House conferees have been met with great fairness by the conferees on the part of the Senate, and that a disposition has been manifested on all hands to reach a con-

clusion satisfactory to both Houses and to the whole country.

Mr. COX. Will the gentleman yield to me, not for a remark but for a question? Is it not true that the Delegates from Dakota, Montana, and Washington came here and introduced bills for the admission of their Territories as States; that they have urged them upon the committee and failed thus far to accomplish a result, and that the distinguished gentleman from New Mexico [Mr. JOSEPH] has never introdued a bill for the admission of his Territory although many of us desired that it should be offered? Why should all these other Territories be dependent upon New Mexico? I think my friend from Illinois [Mr. Springer] must have studied it over just as fally as did these others, and he ought not to make the other Territories dependent upon New Mexico for admission.

Mr. SPRINGER. I yield five minutes to the gentleman from Kentucky [Mr. Breckinridge]. Mr. Speaker, how much time have I remaining

The SPEAKER. There are two minutes remaining to the gentle-

Mr. SPRINGER. I reserved the remainder of my time and took the floor in my own right. I yield ten minutes to the gentleman from Kentucky [Mr. Breckingidge].
Mr. BAKER, of New York. I have yielded time to the gentleman

from Colorado.

Mr. BRECKINRIDGE, of Kentucky. I have no objection that he

should speak now.

Mr. SYMES. I am in favor of the proposition presented by the gentleman from New York as a matter of compromise at this late day in It very seldom happens, sir, that we can get exactly what we want, no matter how interested we feel, and with what degree of positiveness we may form opinions upon important matters of legislation. The whole history of legislation, as the celebrated Mr. Clay said, "is a matter of compromise" in the end. Now, sir, the proposition ritory, Arizona, Idaho, and Wyoming.

In regard to the instructions proposed, I hope that they will be voted of New Mexico by proclamation during the coming summer, keep out

the great Territories of South Dakota, Montana, and Washington, that have during the past five years been conceded from the Atlantic to the Pacific, and from the Gulf to the Lakes, to be more fitted for admission probably than any other Territories that have ever knocked at the

door of this Union for admission?

Sir, I am in favor of an enabling act for the admission of New Mexico into the Union. I voted for that when I voted for the omnibus But, sir, what are the facts? During the whole of the Fortyninth Congress, when the questions of the admission of these Territories seriatim and in omnibus bills were presented to the Territorial Committee, my friend, the Delegate from New Mexico, Mr. Joseph, and the governor of that Territory, Mr. Ross, were before the committee listening to the arguments, and Mr. Joseph was a member of the Territorial Committee, and neither he nor Governor Ross ever asked for the admission of New Mexico. Not one petition was ever presented, not one bill was ever introduced showing that the people of New Mexico then asked or desired admission into the Union; and when the gentleman from Iowa [Mr. STRUBLE] drew the minority report, which was signed by all the Republicans upon the committee except myself, I did not agree, sir, to many of the reasons which they gave why New Mexico should not be admitted into this Union; but I added to the report a special statement that I did not then favor the bringing in of New Mexico because the people of that Territory had not asked for admission. Sir, ever since I was a boy and read the speeches of Stephen A. Douglas I have advocated the doctrine that the people of a Terri-A. Douglas I have advocated the doctrine that the people of a Territory have a right to organize a government and come into the Union whenever they present a proper state of facts, bringing them within the precedents; but I never did advocate, and never will advocate that the people of a Territory like New Mexico, or any other, should be forced into the Union by tacking them on to a bill for political purposes when they do not desire admission.

When the Fiftight Consequence in the contract of the contrac

When the Fiftieth Congress met it appeared that the matter of admission to statehood had been worked up in New Mexico. How it had been worked up I do not know and I do not care. Suffice it to say that the people of New Mexico did then come before the Territorial Comthe people of New Mexico did then come before the Territorial Committee of the Fiftieth Congress and ask for an enabling act that they might organize a State government and present themselves for admission into the Union as a State. I voted in favor of that admission. I have voted to bring them in. I would bring them in in due time if I could; but you can not stand here consistently and contend that because the Senate, and many men upon this floor, will not agree to the admission of New Mexico by proclamation during the coming summer, when until lately she has not asked admission, and when in fact she did refuse to ask for admission during the whole of the Forty-ninth Congress—that because the Senate and some gentlemen here will not consent to that because the Senate and some gentlemen here will not consent to bring her in by proclamation under such circumstances therefore the admission of the great Territories of Dakota, Montana, and Washing-

ton shall be embarrassed and delayed.

The people of those Territories have each held constitutional conventions years ago and adopted constitutions. They have been asking admission for years.

Bills have passed the Senate to admit South Dakota and Washington. All admit South Dakota ought to have been admitted long ago on the

Sioux Falls constitution.

It is not right to keep these great Territories out of the Union, un-less a large majority are in favor of their admission as separate propositions, only because there is a difference of opinion as to the fitness for admission of New Mexico.

Mr. BAKER, of New York. Unless my friends on the other side desire to submit further remarks, I will now move the previous question. Mr. COX. I yield ten minutes to the gentleman from Kentucky

Mr. BRECKINRIDGE

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the principle of the omnibus bill which justified the putting of four Territories into one bill was that each Territory which had a population sufficient for one Representative and wealth sufficient to maintain the burden of a State government should be admitted into the Union. It was on that principle, and that principle only, that an omnibus bill could be justified. Now we are asked to exclude from the bill New Mexico, which has all the requisites of statehood, and to violate this principle, upon the sole ground that the Senate of the United States will not be in favor of the admission of that Territory, and this argument is made prior to the conference report being submitted to the Senate and prior to any instructions by that body to its conferees. It is our declaration in substance that we do not desire to admit New Mexico, and our justification of that declaration by laying it to the Senate, without the Senate having declared by instruction to its conferees that it agreed with us in that declaration. Therefore, the argument is not based upon the record, even if it were one that ought to influence us.

It is not at all certain that if this House, representing the people, will insist that these four Territories shall become States the Senate will

nate branch of Congress and let it refuse to do what is right; and it is not becoming in us to say that we will recede from a righteous act giving statehood to two hundred thousand people on the mere guess that the Senate will order its conferees not to agree to the admission of New Mexico. It is the only Territory in this bill whose admission has Congressional approbation. In the Forty-third Congress a large majority of the Senate and the House voted that this Territory was then fit for statehood; and in the Forty-fourth Congress the Senate (which is a continuous body, not dissolved, as the House is, every two years) reaffirmed this Senatorial judgment that New Mexico ought to be admitted. It is therefore the only Territory of which it can be said that both Houses of Congress have conceded, when it was more sparsely opulated and less wealthy, that it was in a condition to be admitted into the Union.

But, Mr. Speaker, admission into the Union is of itself a very great step in advance for a Territory. It is the cause of increased and more rapid development. And of all the Territories this remark will apply more truthfully and strongly to New Mexico than to any other. In the treaty by which we obtained New Mexico there were provisions about the titles of land which still remain to plague those people and to render their titles uncertain. Perhaps the greatest curse that a new country can have inflicted upon it is an uncertainty in the titles to its lands. Where a man can not buy a clear title to his homestead, especially when just across the line he can obtain cheap lands with perfect titles, he will not settle and invest his means. We shall never fect titles, he will not settle and invest his means.

fect titles, he will not settle and invest his means. We shall never have those titles cleared up except under the sovereign power of the State in whose courts they can be settled. There are questions growing out of Indian depredations and other questions which need behind them for speedy settlement the power of a State.

We declared fourteen years ago that New Mexico ought to be admitted. We declare it now. Why shall she not be admitted? Gentlemen say, "Because if you insist upon it you keep other communities from being admitted to privileges to which they are entitled." The answer I make is, "I do not; there is no such responsibility upon me; it is not I who do it." I deny that this House, until the very last effort has been exhausted, until every possible endeavor has been made me; it is not I who do it." I deny that this House, until the very last effort has been exhausted, until every possible endeavor has been made by conference, by respectful insistence, by earnest advocacy of the measure which we think just, has the right to surrender to the Senate what we believe to be proper. It is at the last moment that the wise statesmanship which resides in practical concessions is to be found. It is a violation of our duty and an abdication of our prerogatives if we give up before it is precessory.

give up before it is necessary.

I apprehend, Mr. Speaker, if I may trench upon partisan ground, that there are other reasons than those assigned for this surrender to that there are other reasons than those assigned for this surface to the Senate. We have heard a great deal this morning about this agreement being reached in a "non-partisan spirit." I hope I have as much of the "non-partisan" as the average man, though I confess I am a partisan. I believe what I believe with all my heart; and I am in favor of doing, as far as good conscience will let me, what is necessary for the building up of my party. And I do not put on any airs and pretend to any extra piety in believing or trying to make other people believe that I am not actuated by these motives. But I notice that the gentlemen who are talking about reaching an agreement in a "non-partisan spirit" are themselves exceedingly anxious that this "non-partisan spirit" shall be exhibited to the benefit of what they desire and to the detriment of those whom they are against. I would prefer to see a little more practical compromise than the compromise that they hold out, by which they get all they want and make us give up all that we want. [Laughter and applause.]

Now, Mr. Speaker, one word more. As to the proclamation, I am in favor of letting these Territories come in by proclamation when they fulfill the requirements of the statute. I have no desire to delay them. I would like to go a step further. I would like to put in the other Territories. I would like to put in the other Territories. I would like to put into this omnibus bill, if it were possible to do it, the Territories of Wyoming, Arizona, and Idaho; I would like to make a clean sweep, by having Utah admitted as soon as may be practicable. I would like to get rid of the "carpet-bag" government of the Territories. [Applause.] I would like to get rid of the anomalous condition we are in so long as we legislate at Washington for those great Territories. I believe they would, as States-increase with a great deal more rapidity. I believe the whole system of Territorial government is a mistake—a system which has grown up by accretion out of ment is a mistake-a system which has grown up by accretion out of, perhaps, mistaken construction of very narrow provisions of the Constitution. And I believe that the rings and syndicates which can eat up those lands and control those Territories, because we are so far from them, and because we legislate in ignorance of their true condition, would find an end to their pilfering as soon as we make those Territo-

Here the hammer fell.]

Mr. SPRINGER. I yield to the gentlem n a moment or two more. Mr. BRECKINRIDGE, of Kentucky. I therefore, Mr. Speaker, approach this subject, not as an enemy to the Territories, not as opposed take the responsibility of holding those Territories any longer in a Territorial condition. If it be true that New Mexico ought to be admitted, if it be true that we think upon our official responsibility as representatives of the people that it ought to be admitted, it is our duty to throw the responsibility of excluding that Territory upon the co-ordinary of the responsibility of the true that we think upon our official responsibility as representatives of the people that it ought to be admitted, it is our duty to their admission, but as anxious for their admission as rapidly as possible. I trust that the House will insist until the very last possible moment upon this provision in favor of New Mexico. The responsibility will not rest upon us of keeping this and other Territories out

of the Union by reason of a policy which will not admit a State that is ready to be admitted, whether such action grows out of political or religious prejudice, whether it grows out of the mere desire for political power, or whether it is based upon prejudices which find their root in religious differences. We ought to tender to the Senate in the name of a representative Union the proposition for this Territory to become a State, a Territory which they have said was competent for the duties of statehood. If the Senate does not choose to accept this tender it is not our fault.

For myself, Mr. Speaker, as to the whole political aspect of this question. I am not alarmed about it. I have no feeling of alarm as to the future.

If the party to which I belong can not win the suffrages of those Western people; if by the arguments that will be submitted to them and by their sense of what is best for them, and by the exercise of intelligence we can not carry those States, then it is the duty of my party to submit to the verdict, and we can not complain if it be against ns. Believing it important that we should get farther and farther from these Territorial and other disturbing questions; believing that until we get down to the great economic differences between parties we shall always have less strength than when we reach that issue, I

we shall always have less strength than when we reach that issue, I am anxious for all these questions to be settled as quickly as possible.

Mr. SPRINGER. I will yield now for five minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Speaker, I was profoundly impressed by the splendid speeches made by the Delegate from Montana [Mr. Toole] and the Delegate from Washington Territory [Mr. VOORHEES] when this question was originally up for consideration. I am as much in favor of the speedy admission of these great and growing Territories any other member mon this floor. Laconiesce in all that has been as any other member upon this floor. I acquiesce in all that has been said that when a Territory has sufficient population and possesses resources it is entitled as a matter of justice to immediate admission into the Union. But, sir, as a member of the House, and particularly as a member on this side of the House, I can not consent to yield up New Mexico to the mere refusal of the Senate until this House has exhausted every means of resistance of which we are pos

Why, Mr. Speaker, it seems to me we would stand in a poor attitude ward the citizens of that Territory. We admit the people of South akota upon a convention which was formed ex parte. We admit the toward the citizens of that Territory. We admit the p Dakota upon a convention which was formed ex parte. people of North Dakota, and I am willing to go as far, by way of extreme concession, as to admit all Territories on even terms on proclamation; but, having done that, now to come into the House and say we were only playing with New Mexico, that this House after putting New Mexico in the omnibus bill and sending it to the Senate, now when the bill is returned to us from the Senate with New Mexico struck out, to get up in this House and congratulate ourselves on accepting the Senate proposition, I say, sir, for one, is an outrage on the people of New Mexico and savors of insincerity. How can we justify our action as a non-sectional, unprejudiced, broad-minded party? If this is not a partisan measure how can we justify our action to the citizens of the great and growing Territory of New Mexico? As has been stated by the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Kentucky [Mr. BRECKINBIDGE], it is the only Territory which ever had a vote of the House and the Senate in favor of its admission into the Union as a State.

Mr. Speaker, it seems to me we have been only trifling with the people of this Territory of New Mexico. We offered the boon of statehood to them with a string attached, and as soon as they make an effort to comply with their constitutional duty, it is pulled out of their reach.

[Laughter and applause.]

As has been already stated, the people of New Mexico appeal to this House in favor of the admission of the Territory into the Union as a State. It is not proposed to force it upon them, as has been suggested, but they ask for it. I understand further that the Legislature of that Territory of New Mexico is in session and they have unanimously demanded their right to be admitted as a State into the Union. And the State of the gentleman from Colorado [Mr. SYMES], who has spoken in favor of receding, the Legislature of his State of Colorado has passed a resolution demanding the admission of New Mexico as a State into

I have not heard an argument, Mr. Speaker, I have not heard a reason given on the floor of this House during the whole of this discussion, not one, which would induce any fair-minded man to admit these other Territories into the Union and at the same time to exclude the Terri-

tory of New Mexico from the same right.

It is true there has crept in an insidious calumniation and narrowminded misrepresentation of the people of that Territory of New Mexico, which I, for one, as a Representative on this floor on this side of the House, most indignantly resent. In this great nation of ours, in this cosmopolitan land there are no sectarian or Old World racial questions; there are no special reasons why rights should be accorded to one and refused to another. The spirit of our institutions is free, catholic, and tolerant. Every branch of the Aryan race goes to make up the population of this country, and I will refuse by my vote to trifle with the rights of the citizens of New Mexico by applying to them a test which is unknown to the Constitution of the United States. Our people on

all public questions are neither Saxon, Celt, Norsemen, Frank, nor Iberian, but always and everywhere American, and only American. It is only pseudo-Americans who assert to the contrary. These Spanish-Americans of New Mexico are Americans by birth, sympathy, and education, and have so testified on the field of battle. They furnished more troops to the Union Army than some of the new States.

will make splendid citizens of the coming State.

When this bill was up as an original proposition the whole of this side of the House voted, if I remember aright, together with a few gentlemen on the other side of the House, in favor of the admission of the Territory of New Mexico into the Union. We are now asked that these other Territories shall be admitted into the Union as States and that New Mexico shall be excluded. Have we not been in earnest? Have we not been honest about this matter? Was it done simply for political effect? Were gentlemen merely juggling with the rights of the people of the Territory of New Mexico which to-day has more population than any of these other Territories?

How could any member of this House, how can any citizen of this Union stand up in the Territory of New Mexico and justify the admission of North Dakota, South Dakota, Washington, and Montana, and at the same time justify the exclusion of New Mexico? I hope this House will stand by its action in favor of the admission of New Mex-

I serve notice on the Republican side of this House I shall resort to every effort to resist doing such a gross act of injustice to the people of New Mexico. They are entitled to a speedy admission as a State into this Union with the other Territories. Thank Heaven, our blessed country is free from the bigotry, intolerance, savage selfishness, and cruel racial feuds of the Old World. The wretched bigots of our day may insinuate with assumed playfulness, but their cowardly and timeserving souls dare not unmask themselves in the light of day. In these days we despise them for their duplicity, and pity them for their weak-ness. America for the Americans, and by the blessing of God and an inspired Constitution we are all, wherever born, Americans in heart as well as name. Let the masked Tories gnaw files if it pleases them.

Mr. SPRINGER. I now yield five minutes to the gentleman from

Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Speaker, as this amendment of the gentleman from New York has been amended it lacks somewhat of the objectionable features I considered it to have when it was first introduced. As drawn by the gentleman in the first instance it legislated by this Congress into office men who were elected some three or four years ago by a mere fraction of the people of the Territory of Dakota. I speak knowingly on that subject, for Dakota is the oldest daughter of Minnesota, and I am pretty well acquainted with the sentiment of But the gentleman has consented to, and I am informed has written into his amendment, a provision which makes it necessary to have a new election for United States Senators and Members of Congress and of all Federal officers. And this is as it should be.

But, Mr. Speaker, there is another objection which to me is pretty radical, and it is by no means a question of party politics. man provides that we shall, without seeing the constitution or knowing what it contains, enact a law that shall practically declare the policy of the Government to be that the President of the United States may admit into the Union of States any Territory which presents a constitution to him and asks admission. The Constitution of the United States requires that the United States shall guaranty to each State a republican form of government, and I think it is the duty of Congress to see that the constitution presented is not only republican in form

but such as should be approved.

Mr. BUTTERWORTH. Is the course proposed by the amendment without precedent?

Mr. LODGE. Not at all.

Mr. WILSON, of Minnesota. It is not without precedent, that is true;

but the precedent has been an exception; and the question is whether we shall now make that into a rule which would be a very dangerous precedent, by authorizing the President of the United States to determine that the constitution submitted by the Territory is republican and proper in form as required by the Constitution, when there is no sufficient reason for making such an exception or establishing a rule which must become a precedent for future action in such matters. We can not tell in advance what objectionable features may be incorporated

into the constitution of States petitioning for admission.

What exigency, what great emergency arises which demands that we place such a power in the hands of the President of the United States, and that we surrender to him the right and duty which the Constitution has imposed on us? There may the most important questions arise

as to the admission of some new States.

Furthermore, sir, permit me to say that I am in favor of admitting Dakota as two States. I am frank to say, however, that if I were a citizen of Dakota I would not be in favor of its division. citizen of the Northwest I want all of the power there that we can ossibly get from the increase in the number of States and the two additional Senators. But I think it would be better for the people of that Territory themselves if they had but one State, and I am not certain that the sentiment of the people would not be pretty largely in

that direction. But as a citizen of the Northwest I say I want just as much influence as we can have to enable us to contend with the influence of certain other sections of the country that have too long been collecting tribute of us.

Mr. HAUGEN. But would not the people of Dakota be interested in having just as much influence as they would gain by the division of

the Territory and making two States?

Mr. WILSON, of Minnesota. Undoubtedly Dakota would have a ioint interest with all of the Northwest. But looking merely at their own interest as a State I think they would be enabled to exert greater influence as a single State than as two.

Mr. HAUGEN. But I mean as a part of the Northwest.

Mr. W LSON, of Minnesota. Yes, sir; their interest would be in common with all of the Northwest. And, as I before have said, I have been and am in favor of division and admission as speedily as possible.

But. Mr. Speaker, it is not true that we would fail to get any legislation if we insist upon those provisions that we think to be proper. have felt for several days that there would be an attempt to induce the House to recede, because there have been messages passing between the House and the Senate, and it has been whispered that there were several members, notably the gentleman from New York, who were going to recede. I think perhaps but for this there would have been an agreement by the conference committee before this.

But, sir, we should look at the question without reference to individual preferences or party affiliations, and I am opposed to the proposition here involved for the fundamental reason that the United States Government ought to have power and retain it in itself to say when

and on what constitution a State shall be admitted.

Here the hammer fell.

Mr. SPRINGER. I now yield five minutes to the Delegate from New Mexico.

Mr. JOSEPH. Mr. Speaker, New Mexico is the oldest Territory in the Union. New Mexico now, for the fourth time in her political history, comes knocking at the doors of Congress for admission as a State, and I claim that that Territory has stronger claims in the line of treaty obligations than any of the other Territories which have been admitted already or which are now upon this so-called omnibus bill.

Under the treaty of Guadalupe Hidalgo, under which the Territory of New Mexico was ceded and annexed to the United States, it was provided that New Mexico should, at an early day, and at the discretion of Congress, be admitted into the Union as a State. The people of New Mexico as early as 1850 held an election and elected a State Legislature and a Member of Congress, and the State Legislature elected two United States Senators. These Senators and that member of Congress came to the House of Congress and knocked for admission as a State; but then New Mexico was not admitted as a State but as a Territory, and the Congressman elected at that State election was admitted as the Delegate of that Territory. Again, in 1874 an enabling act similar to the one now under consideration was passed in this House by two-thirds majority in favor of the admission of New Mexico. The same bill was passed in the Senate by a two-thirds majority, and was only defeated by a mere technicality of disagreement between the two

Mr. KERR. Will the gentleman from New Mexico answer this question? Is it not true that you have not introduced the bill for the admission of New Mexico as a State into the Union until nearly the close of this session?

Mr. JOSEPH. It is true that I did not introduce a bill.
Mr. MORGAN (to Mr. JOSEPH). Is that because you did not think it was entitled to admission?

Mr. JOSEPH. It was not because our people did not want admis-on. There has been every manifestation by the people of New Mexico, thoroughly irrespective of politics, favoring the admission of New The present Legislature has unanimously adopted a memorial in favor of admission, and her expression upon that question has been seconded by the present Legislature of the State of Colorado. It is also true, as my distinguished friend, Hon. Mr. Cox, from New York, has stated, that New Mexico may be Republican in the future. But, sir, I assert that if even that should be, I would rather be a citizen of a Republican State than of a Democratic Territory. Therefore I stand here and insist and demand the rights of the people of New Mexico that they have by virtue of treaty stipulations. Furthermore, Mr. Speaker, New Mexico has more than 10,000,000 acres of the best land in the world, the titles to which are now clouded by either Spanish or Mexican land grants. We have tried repeatedly upon the floor of this House to get legislation to adjudicate these titles, but have failed. We also have upwards of \$5,000,000 in the way of Indian depredation claims. My people are getting overly anxious on seeing that Congress has failed for more than forty years to provide a remedy for those defective titles and to grant an adjudication of these Indian depredation claims, and they have come to the conclusion that statehood is the only solution of our present difficulties. They now come and ask for admission into the Union. I therefore appeal to gentlemen on both sides of this House to vote for the admission of New Mexico. We now ask admission for the fourth time on this omnibus bill.

Mr. BAKER, of New York. I will yield five minutes to the gentleman from New York [Mr. Cox].

Mr. COX. I rise now simply to respond to what fell from the gentleman from Minnesota [Mr. Wilson]. He intimated that he had heard the gentleman from New York (meaning myself) had receded or was about to recede from what is known as the omnibus bill, and that thereby there was some encouragement given to the Senate to insist upon the exclusion of New Mexico. In response to that I beg to tell the gentleman and the House that I did favor the omnibus bill, but it was temporary and was so intended. I made no sort of secret of the After our effort to bring in the omnibus bill-in pursuance, if you please, of our caucus instruction—I said on page 9 of a speech that has since been printed in pamphlet that-

I would have preferred that each one of these Territories should have come in by her own intrinsic vigor and virtue, and not through any interdependence or leaning upon one or more of the other Territories embraced in the bill. Perhaps in the end our legislation may run in that channel. Certainly such a channel will be more easily navigable and free from quicksands and difficulties. I can not see why South Dakota should depend on the admission of Washington, or North Dakota upon the admission of New Mexico.

I voted for the omnibus bill. Every time I spoke on the matter I said that I was willing to test this matter as to the quality of the omnibus. I served notice then if we failed on that line after conference with the Senate that I was willing to vote for these Territories separately and apart. I referred again to the matter afterwards. In a sub-sequent debate with my colleague from New York [Mr. BAKER] I said I was looking to the Senate for the final consummation of this matter; that I did not believe the House and the Senate would finally agree upon the matter of New Mexico and on other points of the omnibus bill. Further in my connection with this measure, when it was up before, I said that I would forever favor the division of Dakota. Because it was too large in population, area, and resources to come in as a unit. I said then, as I say now, that if every man, woman, and child of Dakota expressed their wish and judgment for admission as a unit I would never cast my vote for it. It was not fair to other States. I have given my reasons again and again for years, and could give them again if necessary, to show why so large a Territory should not be admitted as one State. These reasons grow with the growth of Dakota and its mani-

The gentleman from Kentucky, who is always engaging, spoke of partisauship in reference to the admission of these Territories. From the beginning of this Territorial business, as far back as 1857, I was devoted to the principle that I stand on to-day—that is, that these matters of Territorial nonage and mature statehood are higher than all your temporary and superficial Federal and State politics. Gentlemen pretend here to be uninfluenced by partisanship. It may be so. I may not be uninfluenced by party; but I hope not unduly biased. In every vote that I have given here by which States have come into the Union, including Oregon, Minnesota, Kansas, Nebraska, Nevada, Colorado, and New Mexico, I have given my vote in the interest of the people of the Territory and their statehood on honorable conditions. I repudiate the idea of the gentleman from Ireland [laughter]—I mean New Jersey [Mr. McAdoo]—when he says that he does not want New Mexico to be taken out of the omnibus bill. If, sir, it were a trans-Atlantic question, I would know where to find my friend on autonomy. He would favor each establishment, race, nationality, state, or province standing upon its own intrinsic merits, rights, liberties, and insti-

If it were a question, say, of the disestablishment of church and state in Great Britain and the question came up, "Shall we disestablish in Ireland, Wales, and Scotland?" I would not put the question as to Ireland to be determined upon the relation in which Scotland or Wales stood to the Church of England. Nor would I on the question of home rule stand on the idea that until Wales was autonomous or Scotland had local self-government that Ireland should continue to be held in chains to England. [Applause on the Republican side.]
Mr. BAKER, of New York. I now yield five minutes to the gen-

tleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I am grateful to the gentleman from New York [Mr. Baker] for yielding me time, because my views are not in harmony with his own. I have felt for some time, an inclination to express certain views upon this Territorial question, and in the five minutes so kindly given me, I propose to condense them as well as I can. I believe the time has arrived in the history of our country when this whole Territorial system ought to be wiped out. If I had control of it I should say, Adopt the constitutional amendment which shall make it impossible for Utah to come into the great sisterhood of States as an impure sister, and then wipe out the whole Territorial system by admitting all the Territories—Indian Territory as well—into the Union of the States. I believe there is no Territory in this country which is not ready, by virtue of its intelligence, of its integrity, of its wealth, of its power, of its population, to put off the swaddling clothes of Territorial government and to take on the full crinoline of a full-grown sister in the great sisterhood of American States. [Applause.] And so, Mr. Speaker, with this constitutional amendment wiping out polygamy from the face of our country, I would in one bill, if I had the

Rowell, Russell,Conn. Ryan,

Seull,
Seymour,
Sherman,
Shively,
Sowden,
Spooner,
Steele,
Stephenson,
Stewart, Vt.

Struble, Symes.

Taylor, E. B., Ohio Taylor, J. D., Ohio Thomas, Ky.
Thomas, Ili.
Thomas, Wis.
Thompson, Cal.
Turner, Kans.
Vance,
Vandever,
Wade,

Vandever, Wade, Weber, White, Ind. Whiting, Mass, Wickham, Wilber, Williams,

Rowland, Rusk,

Sawyer, Scull,

Struble,

power, embrace every Territory, so that we should forever abolish on the American continent the miserable carpet-bag governments in these Territories, which are a disgrace and a stigma to our civilization. These are my views of this question, and if we do not get New Mexico now, I hope that we shall get her as soon as it is possible to get her, and, along with her, every single solitary one of the Territories that have not yet been admitted into the Union of States.

Having said this much, I have only one observation to add. We have discussed during this receipt of Charges the Oklahome question.

Having said this much, I have only one observation to add. We have discussed during this session of Congress the Oklahoma question, and I want to invite the attention of the House to the fact that that Territory is ready for admission into the Union, and to the further fact that every interest of the Indian, every interest of ourselves, and every consideration of public policy, of Christianity, of wise statesmanship, and of the protection of the rights, the lives, and the property of the Indians depend upon an enabling act which shall enable those people, by a constitution framed by themselves, to protect their property rights when they come into the Union of States. So, I believe that there should be no period fixed during which they shall be subjected to a Territorial government, but that, on the contrary, through an enabling act, they should be allowed to frame their own constitution, and by it, which will be a compact with the other States of the Union, preserve which will be a compact with the other States of the Union, preserve and protect their own rights now before the unsettled parts of the Terand protect their own rights now before the unsettled parts of the Territory shall be settled up by white people whose superior intelligence and superior numbers shall enable them to deprive the Indians of the rights which they have acquired under the treaties that have been made with them heretofore. Having said this much, I have expressed, in a brief form, the views which I have entertained for some time upon the question of Territorial governments, and I again thank the gentleman from New York [Mr. BAKER] for his courtesy.

Mr. BAKER, of New York. I now demand the previous question. The SPEAKER. The Chair understands the gentleman from New York [Mr. BAKER] to withdraw his original proposition and to accept the one offered by the other gentleman from New York [Mr. Cox].

Mr. BAKER, of New York. I do.

Mr. BAKER, of New York. I do.

The SPEAKER. The question, then, is on the resolution offered by the gentleman from New York [Mr. Cox] and accepted by his colleague [Mr. BAKER]. The question is on ordering the previous question.

The previous question was ordered. The SPEAKER. The question is now on agreeing to the resolution. Mr. BUCHANAN. Let the resolution be reported.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the House instruct the new conferees to recede from the amendment to the Senate bill 185 in the following respects:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provision for a new election of State and Federal officers and without a new vote on the question of division.

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, i. e., all of them under proclamations by the President.

And further, such matters as relate to the election of delegates and the apportionment of the districts from which members of the convention are to be elected, the date of holding conventions and the date of resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited, be referred to the committee of conference for their discretion.

Mr. BRECKINRIDGE, of Kentucky. Iask for a division of the ques-

tion on that proposition.

The SPEAKER. In what way does the gentleman desire to have it divided?

Mr. BRECKINRIDGE, of Kentucky. I want a separate vote on the first proposition—the proposition which instructs the conferees to recede from the amendment as to New Mexico.

The SPEAKER. The Clerk will read that portion of the instruction.

The Clerk read as follows:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

The SPEAKER. The gentleman demands a division of the question, so as to take"a vote separately on the proposition which has just been read.

Mr. CUTCHEON addressed the Chair.

Mr. COX. Are these propositions separable?

The SPEAKER. They are divisible. The rule provides that wherever a measure contains several distinct propositions they may be divided. The Chair will now hear the gentleman from Michigan [Mr. CUTCHEON

Mr. CUTCHEON. The inquiry I was about to make has perhaps been already answered by the Chair. I wished to ask whether this was not in the nature of a single proposition, constituting one entire com-

The SPEAKER. The Chair thinks not. In the opinion of the Chair

the proposition is subject to division.

Mr. BRECKINRIDGE, of Kentucky. On this question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative-yeas 134, nays 105, not voting 84; as follows: YEAS-134.

Adams,
Allen, Mass,
Allen, Mich.
Anderson, Iowa
Anderson, Kans.
Arnold,
Atkinson, Cox, Cutcheon, Dalzell, Darlington, Davis, De Lano, Jackson, Johnston, Ind. Johnston, In Kean, Kelley, Kennedy, Kerr, Ketcham, La Follette, Lehlbach, Lind,

Dingley, Dorsey, Dunham,

Farquhar, Finley, Fitch, Flood,

Flood, Ford, Fuller, Funston, Gaines, Gear, Gest, Grout, Guenther, Harmer,

Baker, N.Y. Bayne, Belden, Biggs, Bingham, Bliss, Boothman,

Bound. Bowden, Breckinridge, Ky. Brewer. Brower, Browne, Ind. Brown, Ohio Brown, J. R., Va.

Bryce, Buchanan, Burrows, Butler, Cannon, Caswell, Chipman, Clark, Cogswell, Conger, Cooper,

Harmer,
Haugen,
Hayden,
Hayden,
Henderson, Ill.
Hermann,
Hiestand,
Hirs,
Hitt,
Holmes,
Hopkins, Ill.
Hopkins, N. Y.
Hunter, Dockery, Dougherty, Dunn, Elliott, Enloe, Forney, French, Gay, Gibson, Glass, Hare, Hatch, Hayes. Abbott, Anderson, Miss. Anderson, Ill.

Bacon, Baker, Ill. Bankhead, Blanchard, Blount, Buckalew.

Buckalew, Gibson, Glass, Campbell, F., N. Y Hare, Campbell, Ohio Hatch, Campbell, T. J., N. Y. Hayes, Candler, Carlton, Caruth, Cleadle, Herbert, Clardy, Clements, Clements, Cobb, Cothran, Johnston, N. C.

Henderson, N. C.
Herbert,
Holman,
Holman,
Hopkins, Va.
Hudd,
Hutton,
Johnston, N. C.
Jones,
Kilgore,
Laffoon,
Lagan,
Landes, Crain, Crisp, Culberson, Cummings, Davidson, Ala, Davidson, Fla.

Rice, Richardson,

YS—105,
Lane,
Lanham,
Latham,
Lawler,
Macdonald,
Martin,
McAdoo,
McClammy,
McMae,
McMae,
Millin,
McRae,
Mills,
Montgomery,
Moore,
Morgan,
Newton, Newton, Norwood, Oates, O'Ferrall, O'Neill, Mo. Peel, Penington, Pidcock, Randall,

Robertson,

Mahoney, Maish, Mansur, Mason, Matson,

Lind,
Lodge,
Long,
McComas,
McCormick,
McCullogh,
McKenna,
McKinley,
Moffitt,
Morrill,
Nichols,
O'Donnell,
O'Neill, Pa.
Osborne,

Osborne, Parker, Patton,

Payson, Perkins, Peters, Plumb,

Posey, Pugsley, Reed, Rockwell, Romeis,

NAYS-105.

Sayers, Scott, Seney, Simmons, Smith, Spinola, Springer, Stahlnecker, Stewart, Tex. Stewart, Ga. Stockdale, Stone, Ky. Stone, Mo. Stone, Mo.
Tarsney,
Walker,
Weaver,
Wilkinson,
Wilson, Minn.
Wilson, W. Va.,
Wise.
Woodburn,
Carlisle, Speaker,

Rogers, NOT VOTING-84.

Allen, Miss. Barnes, Barry, Bland, Boutelle, Felton, Fisher, Foran, Gallinger, Glover, Bowen, Breckinridge, Ark. Browne, T.H.B., Va Brumm, Goff, Granger, Greenman, Grimes, Bunnell. Bunnell,
Butterworth,
Catchings,
Cockran,
Collins,
Compton,
Cowles, Crouse,

Dargan, Davenport, Dibble, Ermentrout,

Grimes, Grosvenor, Hall, Hogg, Hooker, Houk, Howard, Laidlaw, Laird, Lee, Lyman, Lynch, Maffett,

Matson,
McCreary,
McKinney,
McShane,
MeShane,
Merriman,
Milliken,
Morrow,
Morse,
Neal,
Nelson,
Nutting,
O'Neall, Ind.
Outhwaite,
Owen. Owen, Perry, Phelan, Phelps,

Post, Rayner, Russell, Mass. Shaw, Snyder, Taulbee, Thompson, Ohio Tillman, Tracey, Townshend, Turner, Ga. Warner, Washington, West, Wheeler, White, N. Y. Whiting, Mich. Whitthorne, Wilkins,

So the first division of the proposed instructions was agreed to. Mr. RICHARDSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. BRECKINRIDGE, of Kentucky. I object.

The Clerk recapitulated the names.

The SPEAKER, at the conclusion of the roll-call, directed his name to be called, and he voted in the negative.

The following pairs were announced on all political questions until further notice:

Mr. RAYNER with Mr. THOMAS H. B. BROWNE, of Virginia, Mr. BARRY with Mr. YOST.

Mr. TRACEY with Mr. NUTTING.

Mr. PERRY with Mr. GROSVENOR.

Mr. GREENMAN with Mr. YARDLEY.

Mr. Phelan with Mr. Butler.

Whiting, Mich. Whitthorne, Wilkins,

Yardley,

Yoder, Yost.

Mr. MANSUR with Mr. WARNER. Mr. WHITTHORNE with Mr. LYMAN.

Mr. McShane with Mr. Laird. Mr. SNYDER with Mr. Bowen. Mr. NEAL with Mr. Houk.

Mr. Collins with Mr. Allen, of Massachusetts.

On this vote:

Mr. LEE with Mr. WASHINGTON. Mr. DARGAN with Mr. THOMPSON, of Ohio.

Mr. TURNER, of Georgia, with Mr. BUTTERWORTH.

For this day:

Mr. WILKINS with Mr. BOUTELLE. Mr. TOWNSHEND with Mr. WEST. Mr. OUTHWAITE with Mr. CROUSE. Mr. GRANGER with Mr. GALLINGER. Mr. BLAND with Mr. Goff.

Mr. McKinney with Mr. Bunnell. Mr. MILLIKEN with Mr. DIBBLE.

Mr. HOOKER with Mr. MORROW; Mr. MORROW would vote for Mr.

Cox's resolution of instructions, Mr. Hooker against it.

Mr. MATSON with Mr. RUSSELL, of Massachusetts; Mr. RUSSELL would vote for Mr. Cox's resolution of instructions, and Mr. MATSON

Mr. McCREARY. Mr. Speaker, I was called out of the House on business, and returned just after my name was called. If I had been present I should have voted "no."

Mr. GRIMES. I entered the Hall just after my name was called, would like to vote "no."

The SPEAKER. The gentleman, under the rule and the practice,

Mr. WHEELER. I was not in the Hall when my name was called,

Mr. Wheelers. I was not in the first when my hand was cancer, though I was in the building. If at liberty to vote, I should vote "no."

Mr. BRECKINRIDGE, of Kentucky (having voted in the negative), said, immediately before the result was announced: I desire to change my vote from "no" to "ay."

The vote was then announced as above recorded.

Mr. Baker, of New York, and Mr. Breckingidge, of Kentucky,

Mr. BAKER, of New York. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. BRECKINRIDGE, of Kentucky. I move to reconsider.

The SPEAKER. The gentleman from New York [Mr. BAKER] has moved to reconsider and to lay the motion to reconsider on the table.

Mr. BRECKINRIDGE, of Kentucky. I call for the yeas and nays upon laying on the table the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 109, not voting 77; as follows:

Adams,	Cooper,	Johnston, Ind.	Romeis,
Allen, Mass.	Cox,	Kean,	Rowell,
Allen, Mich.	Cutcheon,	Kelley,	Russell, Conn.
Anderson, Iowa	Dalzell,	Kennedy,	Ryan.
Anderson, Kans.	Darlington,	Kerr.	Sawyer.
Arnold,	Davis,	Ketcham,	Scull,
Atkinson,	De Lano,	La Follette.	Seymour,
Baker, N. Y.	Dingley,	Laidlaw,	Sherman,
Bayne,	Dorsey,	Lehlbach,	Shively,
Belden,	Dunham,	Lind,	Sowden,
Biggs,	Farquhar,	Lodge,	Spooner.
Bingham,	Finley,	Long,	Steele,
Boothman,	Flood,	McComas,	Stephenson,
Bound,	Ford,	McCormick,	Stewart, Vt.
Boutelle,	Fuller,	McCullogh,	Struble,
Bowden,	Funston,	McKenna,	Symes,
Brewer.	Gaines,	McKinley,	Taylor, E. B., Ohio
Brower.	Gear,	Moffitt,	Taylor, J. D., Ohio
Browne, Ind.	Gest,	Morrill,	Thomas, Ky.
Brown, Ohio	Grout,	Nichols,	Thomas, Ill.
Brown, J. R., Va.	Guenther,	O'Donnell,	Thomas, Wis.
Bryce,	Harmer,	O'Neill, Pa.	Thompson, Cal.
Buchanan,	Haugen,	Osborne,	Turner, Kans.
Burnett,	Hayden,	Owen,	Vance,
Burrows,	Henderson, Iowa	Parker.	Vandever,
Butler,	Henderson, Ill.	Patton,	Wade,
Butterworth,	Hermann,	Payson,	Weber,
Cannon,	Hiestand,	Perkins,	White, Ind.
Caswell.	Hires,	Peters,	White, N. Y.
Cheadle,	Hitt.	Plumb,	Whiting, Mass.
Chipman,	Holmes,	Posey,	Wickham,
Clark,	Hopkins, N. Y.	Post,	Wilber,
Cogswell,	Hunter,	Reed.	Williams,
Conger,	Jackson,	Rockwell,	Woodburn.
	NAT	79 100	

	NA	YS-109.	
abbott, Inderson, Miss, Inderson, Ill. Inderson, Il	Candler, Carlton, Caruth, Clardy, Clements, Cobb, Cowles, Crain, Culberson,	Y.Davidson, Fla, Dockery, Dougherty, Dunn, Elliott, Enloe, Ermentrout, Fisher, Forney, French, Gay, Gibson,	Glass, Grimes, Hare, Hatch, Hayes, Heard, Hemphill, Henderson, N. C. Herbert, Holman, Hopkins, Va. Howard,

	Hudd,	McAdoo,	Pidcock,	Stewart, Ga.
	Hutton,	McClammy,	Randall,	Stockdale,
	Johnston, N. C.	McCreary,	Rice,	Stone, Ky.
	Jones,	MeMillin,	Robertson,	Stone, Mo.
	Kilgore,	McRae,	Rogers,	Tarsney,
	Laffoon,	Mills.	Rowland,	Turner, Ga.
	Lagan,	Montgomery,	Rusk,	Walker,
	Landes,	Moore,	Sayers,	Weaver,
	Lane,	Morgan,	Scott,	Wheeler,
	Lanham,	Newton,	Seney,	Wilkinson,
	Latham,	Norwood,	Shaw,	Wilson, Minn.
	Lawler.	Oates,	Simmons,	Wilson, W. Va.
	Lynch,	O'Ferrall,	Smith,	Wise.
	Macdonald,	O'Neill, Mo.	Spinola,	
	Maish,	Peel,	Springer,	
	Martin,	Penington,	Stewart, Tex.	
	EALIGHTINES RIS	NOT	OTING-77.	
	Allen, Miss.	Dibble,	Mansur,	Russell, Mass.
	Bacon,	Felton,	Mason.	Snyder.
	Barnes,	Fitch,	Matson,	Stahlnecker,
	Barry,	Foran,	McKinney,	Taulbee,
	Bland,	Gallinger,	McShane,	Thompson, Ohio
	Bliss,	Glover,	Merriman,	Tillman,
	Bowen,	Goff,	Milliken,	Tracey,
	Breckinridge, Ark	. Granger.	Morrow,	Townshend,
	Browne, T.H.B., V	a.Greenman,	Morse,	Warner,
Ž.	Brumm,	Grosvenor,	Neal,	Washington,
	TO THE REAL PROPERTY OF THE PARTY OF THE PAR	The second secon	**	317

Houk, Laird, Lee, Lyman, Maffett, Mahoney, So the motion to reconsider was laid on the table.

Hogg, Hooker, Hopkins, Ill.

Houk

During the roll-call,

Catchings, Cockran,

Dargan, Davenport,

Collins. Compton, Cothran, Crisp, Crouse,

Mr. BAKER, of New York, moved to dispense with the reading of the names

Nutting, O'Neall, Ind. Outhwaite,

Perry, Phelan, Phelps, Pugsley,

Rayner, Richardson,

Mr. McMILLIN objected.

The following additional pairs were announced:

Mr. RICHARDSON with Mr. DAVENPORT, on all political questions,

Mr. RICHARDSON WITH Mr. DAVENPORT, on all political questions, for the rest of the day.

Mr. DARGAN with Mr. THOMPSON, of Ohio, for the rest of the day.

Mr. WASHINGTON with Mr. Lee, on this vote.

The vote was then announced as above recorded.

Mr. SPRINGER. I ask for the reading of the next proposition.

The Clerk read as follows:

2. And that the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President under the Sioux Falls constitution, to be resubmitted to the people of South Dakota with provisions for a new election of State officers, and without a new vote on the question of division.

Mr. SPRINGER. I would like to have a separate vote on the last clause of that second instruction.

The SPEAKER. The question is on agreeing to that second instruction, which is to be voted on as a whole.

The House divided; and there were—ayes 97, noes 73. Mr. McMILLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative-yeas 137, nays 103, not voting 82; as follows:

	YEA	S-137.	SHEET SHEET STATE
Adams, Allen, Mass. Allen, Mich. Anderson, Iowa Anderson, Kans. Arnold, Atkinson, Baker, N.Y. Baker, Ill. Bayne, Biggs, Bingham, Boothman, Bound, Boutelle, Bowden, Brewer, Brower, Brower, Brower, Brower, Browe, Ind. Brown, J. R., Va. Buchanan, Burrows, Butler, Butterworth, Cannon, Caswell, Cheadle, Clark, Cogswell, Conger, Cox, Cutcheon, Dalzell,	Darlington, Davis, Davis, De Lano, Dingley, Dorsey, Dunham, Farquhar, Felton, Finley, Fitch, Flood, Ford, Fuller, Fuller, Fuller, Funston, Gaines, Gear, Gest, Grout, Harmer, Hayden, Henderson, Iowa Henderson, Ill. Hermann, Hiestand, Hires, Hitt, Holmes, Hopkins, Ill. Hopkins, N. Y. Hunter, Jackson, Johnston, Ind. Kean, Kelley,	Kennedy, Kerr, Ketcham, La Follette, Laidlaw, Lehlbach. Lind, Lodge, Long, Macdonald, McCormick, McCollogh, McKenna, McKenna, McKenna, McKinley, Moffitt, Morrill, Nichols, O'Donnell, O'Neill, Pa. Osborne, Owen, Parker, Patton, Parker, Patton, Payson, Perkins, Peters, Phelps, Plumb, Posey, Post, Pugsley, Reed, Rockwell, Rockwell,	Rowell, Russell, Conn. Ryan, Sawyer, Scull, Seymour, Sherman, Shively, Sowden, Spooner, Steele, Stephenson, Stewart, Vt. Struble, Symes, Taylor, E. B., Ohio Taylor, J. D., Ohio Thomas, Kiy. Thomas, Ill. Thomas, Wis. Thompson, Cal. Turner, Kans. Vandever, Wade, Weber, White, Ind. White, N. Y. Whiting, Mass. Wickham, Williams, Woodburn.
9.2	NAY	7S-103.	
Abbott, Anderson, Miss.	Anderson, Ill. Bankhead,	Blanchard, Blount,	Breckinridge, Ky. Buckalew,

Bynum, Campbell, F., N. Y. Campbell, Ohio Candler, Carlton, Caruth, Catchings,	Gay, Gibson, Glass, Grimes, Hall,	Lane, Lanham, Latham, Lawler, Lynch, Martin, McAdoo,	Rice, Robertson, Rogers, Rowland, Sayers, Seney, Shaw,
Clardy, Clements,	Hare, Hatch,	McClammy, McCreary,	Simmons, Spinola,
Cobb,	Hayes,	McMillin,	Springer,
Cothran.	Heard,	McRae,	Stewart, Tex.
Cowles,	Henderson, N. C.	Mills,	Stockdale,
Crain,	Herbert,	Montgomery,	Stone, Ky.
Culberson,	Holman,	Moore,	Stone, Mo.
Cummings,	Hopkins, Va.	Morgan,	Tarsney,
Davidson, Ala.	Howard,	Newton,	Turner, Ga.
Davidson, Fla.	Hudd,	Norwood,	Walker.
Dockery,	Hutton,	Oates,	Washington,
Dougherty,	Johnston, N. C.	O'Ferrall,	Weaver,
Dunn, Elliott,	Jones, Kilgore,	O'Neill, Mo. Peel,	Wheeler, Wilkinson,
Enloe,	Laffoon,	Penington,	Wilson, W. Va.
Fisher,	Lagan,	Pideock,	Wise.
Foran,	Landes,	Randall,	11 2001
	NOT V	OTING-82	ALL STATE

Allen, Miss.	Dargan,	Mansur.	Smith,
Bacon.	Davenport.	Mason.	Snyder,
Barnes.	Dibble.	Matson,	Stahlnecker.
Barry,	Ermentrout.	- McKinney,	Stewart, Ga.
Belden.	Gallinger,	McShane,	Taulbee.
Bland,	Glover,	Merriman,	Thompson, Ohio
Bliss,	Goff.	Milliken,	Tillman,
Bowen,	Granger,	Morrow,	Tracey,
Breckinridge, Ark		Morse,	Townshend.
Browne, T.H.B., Va		Neal,	Vance,
Brumm,	Guenther.	Nelson,	Warner,
Bryce,	Hemphill,	Nutting.	West,
Bunnell.	Hogg,	O'Neall, Ind.	Whiting, Mich.
Burnett.	Hooker,	Outhwaite,	Whitthorne,
Campbell, T.J., N.Y	.Houk,	Perry,	Wilkins,
Chipman,	Laird,	Phelan,	Wilson, Minn.
Coekran,	Lee,	Rayner,	Yardley.
Collins,	Lyman,	Richardson,	Yoder,
Compton,	Maffett,	Russell, Mass.	Yost.
Crisp,	Mahoney,	Rusk,	
Crouse,	Maish,	Scott,	

So the second resolution of instructions was agreed to.

Mr. BAKER, of New York. I ask unanimous consent to dispense with the reading of the names.

Mr. McMILLIN. I object.

The Clerk then read the names of those voting.

The following additional pairs were then announced: Mr. Chipman with Mr. Brumm, for the rest of the day.

Mr. HEMPHILL with Mr. BELDEN, for the rest of the day.

Mr. Wilson, of Minnesota, with Mr. Burnett, on this question. The vote was then announced as above recorded. Mr. BAKER, of New York. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The question was taken on the motion to lay on the table; and on a division there were—ayes 100, noes 42.

Mr. BRECKINRIDGE, of Kentucky. No quorum.

Mr. BAKER, of New York. I call for the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. Pending that I move that the House do now adjourn.

The question was taken; and on a division there were-ayes 59, noes 99.

So the House refused to adjourn.

Mr. BAKER, of New York. Now, Mr. Speaker, in the interest of the consideration of the appropriation bills, I appeal to my friends upon the other side to let us conclude this matter without further delay.

I hope gentlemen will not filibuster.

Mr. BRECKINRIDGE, of Kentucky. I will say frankly to my friend from New York that I do not pretend to try to filibuster upon this question, or to delay final action upon it longer than that we may this question, or to delay man action upon it longer than that we may have a full House present. I think this vote should be taken in the morning in the presence of a full House, and there will be no further objection so far as I am concerned. But the House is thin, a great many members have left the Hall. [Cries of "Regular order!"] I only want a full House present when the vote is taken.

The SPEAKER. The regular order is on the demand of the gentleman from New York for the yeas and nays on the motion to lay on the

table the motion to reconsider. The yeas and nays were ordered.

Mr. BAKER, of New York. I ask to have the motion stated, Mr.

Speaker.

The SPEAKER. The motion is to lay on the table the motion of the gentleman from New York to reconsider the vote by which that part of the resolution of instructions was adopted.

Mr. McMILLIN. Pending that I move that the House do now ad-

I hope gentlemen are not going to filibuster.

IN. I have no disposition to filibuster against the con-Mr. McMILLIN. I have no disposition to filibuster against the consideration of this bill, but changes so important as this should be acted upon by a full House, and when we have that to-morrow morning I shall not only not make any objection, but shall favor going on with the bill. I have no objection to the admission of the Territories, but a matter so important ought to have consideration in a full House.

The question was taken; and on a division there were-ayes 54,

Mr. McMILLIN. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative-year 82, nays 143, not voting 97; as follows:

### YEAS-82.

ADDOLL,	Davidson, Fia.	Kugore,	Penington,
Anderson, Miss.	Dougherty,	Lagan,	Pidcock,
Anderson, Ill.	Elliott,	Laidlaw,	Randall,
Biggs,	Enloe.	Lane,	Rowland,
Blount,	Foran,	Lanham,	Sayers,
Breckinridge, Ky.	Forney,	Latham,	Scott.
Buckalew.	French,	Lawler.	Seney,
Bynum,	Gibson,	Maish,	Simmons,
Campbell, F., N. Y.	Glass.	Martin,	Spinola,
Campbell, Ohio	Grimes,	McAdoo,	Springer, .
Campbell, T.J., N.Y		McClammy,	Stewart, Tex.
Candler,	Hare,	McMillin.	Stone, Ky.
Caruth,	Hayes,	McRae,	Walker.
Catchings,	Heard,	Mills.	Washington,
Clardy,	Henderson, N. C.	Montgomery,	Wheeler,
Clements,	Herbert,	Moore,	Wilkinson,
Cobb.	Holman,	Newton.	Wilson, Minn.
Cothran,	Hopkins, Va.	Norwood,	Wilson, W. Va.
Culberson.	Howard,	Oates.	Wise.
Cummings,	Hudd,	O'Ferrall,	3300000
Davidson, Ala.	Johnston, N. C.	Peel,	

	NAY	YS-143.
Adams,	Dingley,	Kennedy,
Allen, Mass.	Dockery,	Kerr,
Allen, Mich.	Dorsey,	Ketcham.
Anderson, Iowa	Dunham,	La Follette,
Anderson, Kans.	Farquhar,	Lehlbach,
Arnold,	Felton,	Lind,
Atkinson,	Finley,	Long,
Baker, N. Y.	Fisher,	Macdonald,
Baker, Ill.	Fitch,	McComas,
Bayne,	Flood,	McCormiek.
Bingham,	Ford,	McCullogh,
Bliss,	Fuller,	McKenna,
Boothman,	Funston,	McKinley,
Bound,	Gaines,	Moffitt,
Boutelle,	Gay,	Morrill,
Brewer,	Gear,	Nelson.
Brower,	Gest,	Nichols,
Browne, Ind.	Grout.	O'Donnell,
Brown, Ohio	Guenther,	O'Neill, Pa.
Brown. J. R., Va.	Harmer,	Osborne,
Buchanan,	Haugen,	Owen,
Burrows,	Hayden,	Parker,
Butler,	Henderson, Iowa	Patton,
Butterworth,	Henderson, Ill.	Payson,
Cannon,	Hermann,	Perkins,
Caswell,	Hiestand,	Peters,
Cheadle,	Hires,	Phelps,
Cogswell,	Hitt,	Plumb,
Conger,	Holmes,	Posey,
Cooper,	Hopkins, Ill.	Post,
Cox,	Hopkins, N. Y.	Pugsley,
Cutcheon,	Hunter,	Reed,
Dalzell,	Hutton,	Rice,
Dargan,	Jackson,	Rockwell,
Darlington,	Johnston, Ind.	Rogers,
Davis,	Kean,	Romeis,

Rowell, Russell, Conn, Russell, Mass, Rusk, Ryan, Ryan, Sawyer, Scull, Seymour, Sherman, Shively, Spooner, Steele, Stephenson, Stewart, Vt. Stockdale, Struble, Struble,
Symes,
Tarsney,
Taylor, E. B., Ohio
Taylor, E. B., Ohio
Thomas, Ky.
Thomas, Ill.
Thomas, Wis.
Thompson, Ohio
Thompson, Cal.
Vandever,
Wade,
Weber,
White. Ind. Struble, White, Ind. White, N. Y. Whiting, Mass, Wickham, Wilber, Woodburn, Yoder,

## NOT VOTING-97

Bacon, Davenport, M Bankhead, De Lano, M	ynch, Smith, infett, Snyder, Iahoney, Sowden, Iansur, Stahlnecker,	
Barry, Barry, Barry, Blanchard, Blanchard, Blandd, Bowden, Bowen, Breckinridge, Ark. Greenman, Browne, T.H.B., Va. Grosvenor, Brumm, Bryce, Hemphill, Bunnell, Bunnett, Hooker, Carlton, Clark, Cockran, Collins, Compton, Compton, Compton, Compton, Carlto, Compton, Compton, Compton, Compton, Compton, Carlto, Compton, Compton, Compton, Candes, Compton, Compton, Compton, Candes, Candes, Compton, Candes, Ca	Iason, Stewart, Ga. Iatson, Stone, Mo. IcCreary, IcKinney, IcKinney, IcShane, Iracey, Illiman, IcGhane, Iracey, Illiman, Indicate	

Crisp, Lyman. So the House refused to adjourn.

Mr. BAKER, of New York. I ask, by unanimous consent, to dispense with the reading of the names.

Mr. BYNUM. I object.

The Clerk then read the names of those voting. The following additional pairs were announced:

Mr. HUDD with Mr. CLARK, for this day.

Mr. STONE, of Missouri, with Mr. KELLEY.

Mr. BRYCE with Mr. LODGE.

Mr. SOWDEN with Mr. BOWDEN.

The result of the vote was then announced as above recorded.

Mr. BRECKINRIDGE, of Kentucky. I move that we take a recess until half past 11 o'clock to-morrow.

Mr. BAKER, of New York. If the gentleman will allow this vote

to be taken on the motion to lay on the table the vote by which the

second resolution of instructions was adopted, I am pertectly willing that we shall adjourn until morning and continue the consideration of this ill at that time

Mr. BRECKINRIDGE, of Kentucky. I will gladly accept that with the modification that it be taken up at half past 12 o'clock to-morrow, and the vote be then taken on the motion of the gentleman to lay on the

Mr. BAKER, of New York. Let the vote befirst taken to lay on the table the vote on the second proposition and then we can take a recess.

Mr. BRECKINRIDGE, of Kentucky. I will accept the gentleman's

suggestion with the modification mentioned.

Mr. STEELE. Regular order.

Mr. COX. I hope my friend will not insist upon that.

The SPEAKER. The regular order is demanded, which is on the motion of the gentleman from Kentucky that the House take a recess until 11 o'clock and 30 minutes to-morrow.

Mr. BAKER, of New York. I understand the gentleman from Indiana is willing to withdraw the demand for the regular order, and I

again repeat my suggestion. Mr. BRECKINRIDGE, of Kentucky. And I again repeat my proposition to the gentleman, that the modification be accepted, and then we can adjourn or take a recess as the House may determine. [Cries

of "Regular order!"]
The SPEAKER. The regular order is on the motion of the gentleman from Kentucky that the House take a recess until 11.30 to-mor-

The question was taken; and on a division there were-ayes 21,

noes 67. Mr. BRECKINRIDGE, of Kentucky. No quorum.

The SPEAKER appointed Mr. Breckinginge, of Kentucky, and Mr. Baker, of New York, as tellers.

Mr. BAKER, of New York. Mr. Speaker, I understand the gentle-man from Indiana will not press the demand for the regular order. If we can agree to take a vote on this question to-night and then adjourn until to-morrow morning, I am perfectly willing. Let the motion to lay on the table be now adopted, and then we can finish up the vote on the other instructions in the morning.

Mr. BLOUNT. Mr. Speaker, I wish to suggest—
Mr. SPRINGER. It is evident that we can not conclude this bill Mr. SPRINGER. It is evident that we can not conclude this bill to-day, and I hope that the gentleman from New York will accept the suggestion of the gentleman from Kentucky.

Mr. BAKER, of New York. If my friends on the other side will agree that they are not to have a caucus on the Dakota question, I should not be unwilling to accept the suggestion.

Mr. SPRINGER. I do not see that any other business can be done,

and therefore I move that the House adjourn. I make that motion because I think we can not do anything further to-day.

Mr. CUTCHEON. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. CUTCHEON. If the House should now adjourn would this matter come up as unfinished business in the regular order?

The SPEAKER. It is a privileged question.

Mr. BLOUNT. I rise to a question of order.

The SPEAKER. The gentleman from Michigan has made a parliamentary inquiry and the Chair is answering it. The Chair will state to the gentleman from Michigan that it is unfinished business. question of the highest privilege; in other words, it is connected with the subject of a disagreement between the two Houses, and therefore is privileged.

Mr. CUTCHEON. And therefore would be the regular order.

The SPEAKER. And therefore would be the regular order.
Mr. SPRINGER. Then I move again that the House adjourn. We

can not do any further business. I have not favored these dilatory

Mr. BAKER, of New York. We have got a pretty full House.

Mr. BLOUNT. It does not seem to me that there should be any difficulty about the two sides of the House agreeing upon this matter.

Mr. REED. That is right; let us vote. [Laughter.]
Mr. BLOUNT. I hope the gentleman will allow me to go on with

Mr. REED. Then I misunderstood the gentleman.

Mr. BLOUNT. You generally do when you want to. I hope I may be allowed to proceed to make a statement. It does seem to me that we ought to be able to agree to something in this matter. [Cries of "Regular order!"]
The SPEAKER. The regular order is demanded, and that cuts off

all debate. The question is upon the motion to take a recess until half past 11 o'clock, upon which no quorum has voted, and the Chair will appoint as tellers the gentleman from New York, Mr. BAKER,

and the gentleman from Kentucky, Mr. BRECKINRIDGE.

Mr. SPRINGER. Pending that I move that the House do now ad-

ou rn.

The question was taken on the motion to adjourn; and the Speaker announced that the noes seemed to have it.

A division was demanded.

The House divided; and there were-ayes 70, noes 77.

Mr. SPRINGER. Let us have tellers on that. I think we can adjourn.

Mr. BAKER, of New York. I demand the yeas and nays. The SPEAKER announced that tellers were ordered.

Mr. SPRINGER. If it be in order I will withdraw the motion to adjourn.

Mr. McMILLIN. I renew it.

The question was taken on the motion to adjourn; and the Speaker announced that the noes seemed to have it.

Tellers were demanded.

Pending the division,

Mr. BAKER, of New York, said: I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative-yeas 86, nays 120, not voting 116; as follows:

	XI	CAS-86.	
Abbott,	Dockery,	Kilgore,	Pidcock,
Anderson, Miss.	Dougherty,	Lane,	Randall,
Anderson, Ill.	Dunn,	Lanham,	Rice,
Biggs,	Elliott,	Latham,	Rogers,
Blount.	Enloe.	Lawler.	Rowland,
Breckinridge, Ark.		Lynch,	Russell, Mass.
Breckinridge, Ky.		Maish,	Sayers,
Bynum,	Forney,	Matson,	Scott,
Campbell, Ohio	French,	McAdoo,	Simmons,
Candler,	Gibson,	McClammy,	Spinola,
Caruth,	Glass,	McCreary,	Springer,
Catchings, Clardy, Clements,	Grimes, Hall, Hare,	McMae, Mills,	Stewart, Tex. Stone, Ky. Thompson, Cal.
Cobb,	Hatch,	Montgomery,	Turner, Ga.
Cothran.	Hayes,	Moore,	Walker,
Cowles,	Henderson, N.	Newton,	Washington,
Culberson,	Herbert,	Norwood,	Weaver,
Cummings,	Holman,	O'Ferrall,	Wheeler,
Dargan,	Hopkins, Va.	O'Neall, Ind.	Wilson, W. Va.
Davidson, Ala.	Howard,	Peel,	
Davidson, Fla.	Johnston N.C.	Penington	

Davidson, Ala. Davidson, Fla.	Howard, Johnston, N.C.	Peel, Penington,	
Adams, Allen, Mass. Allen, Mich. Anderson, Iowa Anderson, Kans. Arnold, Atkinson, Baker, N. Y. Baker, Ill. Bayne, Bingham, Boothman, Bound, Bound, Bound, Brown, Ind. Brown, Ohio Brown, J. R., Va. Bryce, Brochanan, Bryce, Brownan, J. R., Va. Bryce, Brownan, Machanan,	Darlington, Davis, De Lano, Dorsey, Farquhar, Felton, Finley, Fitch, Flood, Fuller, Funston, Gaines, Gear, Gest, Grout, Guenther, Harmer, Hayden, Henderson, Iowa	(S-120, Kean, Kennedy, Kerr, Ketcham, La Follette, Lehlbach, Lind, Lodge, Long, Macdonald, McComnas, McComnick, McCullogh, McKinley, Moffitt, Morrill, Nelson, Nichols, O'Donnell, O'Neill, Pa.	Post, Pugsley, Reed, Rockwell, Romeis, Rowell, Russell, Conn. Scull, Seymour, Sherman, Spooner, Steele, Stephenson, Struble, Symes, Taylor, F. B., Ohio Taylor, J. D., Ohio Thomas, Ky. Thomas, Ill. Thomas, Wis.
Burrows,	Henderson, Ill.	O'Neill, Mo.	Thompson, Ohio
Butler,	Hermann,	Osborne,	Turner, Kans.
Butterworth,	Hiestand,	Owen, Parker,	Vandever, Weber,
Cheadle,	Hires, Hitt,	Patton,	White, Ind.
Cogswell,	Holmes,	Payson,	Whiting, Mass.
Jonger,	Hopkins, Ill.	Perkins,	Wiekham,
Cooper,	Hopkins, N. Y.	Peters,	Wilber.
The same of the sa	The state of the s	7735	**************************************

Jackson, Johnston, Ind.

	a a second a contract		
	NOT	VOTING-116.	
Allen, Miss.	Dalzell.	Lee,	Shaw,
Bacon,	Davenport,	Lyman.	Shively,
Bankhead,	Dibble,	Maffett,	Smith,
Barnes.	Dingley,	Mahoney,	Snyder,
Barry,	Dunham,	Mansur,	Sowden.
Belden,	Ementrout.	Martin,	Stahlnecker,
Blanchard,	Foran,	Mason,	Stewart, Ga.
Bland,	Gallinger,	McKenna,	Stewart, Vt.
Bliss,	Gay,	McKinney,	Stockdale,
Bowden,	Glover,	McShane,	Stone, Mo.
Bowen,	Goff,	Merriman,	Tarsney,
Brower,	Granger,	Milliken,	Taulbee,
	,Va.Greenman,	Morgan,	Tillman,
Brumm,	Grosvenor,	Morrow,	Tracey.
Buckalew,	Heard,	Morse,	Townshend,
Bunnell,	Hemphill,	Neal,	Vance,
Burnett,	Hogg,	Nutting,	Wade,
Campbell, F., N.	Y. Hooker,	Oates,	Warner,
Campbell, T.J., 1	N.Y.Houk,	Outhwaite,	West,
Carlton,	Hudd,	Perry,	White, N. Y.
Caswell,	Hunter,	Phelan,	Whiting, Mich.
Chipman,	Hulton,	Phelps,	Whitthorne,
Clark,	Jones,	Rayner,	Wilkins,
Cockran.	Kelley,	Richardson,	Wilkinson,
Collins,	Laffoon,	Robertson,	Wilson, Minn.
Compton,	Lagan,	Rusk.	Wise,
Crain,	Laidlaw.	Ryan,	Yardley,
Crisp,	Laird,	Sawyer,	Yoder,
Pronee	Landes	Soney	Vost.

So the House refused to adjourn.

Cutcheon,

During the roll-call, Mr. BAKER, of New York, said: I ask unanimous consent to dispense with the reading of the names.

Mr. BYNUM. I object.

The vote was read.

The following additional pairs frere announced:
Mr. Hogg with Mr. White, of New York, until further notice.
Mr. Buckalew with Mr. Dalzell, from now until Monday, Feb-

ruary 18.

Mr. OATES with Mr. STEWART, of Vermont, from this date until the 18th instant.

Mr. SHIVELY with Mr. WADE, for the rest of the day.
Mr. HEARD with Mr. DINGLEY, for the rest of the day.
Mr. CRAIN with Mr. BIGGS, on this question.
The result of the vote was then announced as above recorded.
The SPEAKER. The question now is upon the motion made by the The SPEAKER. The question now is upon the motion made by the gentleman from Kentucky [Mr. Breckineidee], that the House take a recess until half past 11 o'clock a. m. to-morrow, upon which no quorum voted, and the Chair appoints as tellers the gentleman from New York [Mr. Baker] and the gentleman from Kentucky [Mr. Breckineidee], who will please take their places.

The House divided; and the tellers reported—ayes 4.

Mr. Baker, of New York (pending the completion of the count by tellers). Mr. Speaker, I understand that the gentleman from Kentucky [Mr. Breckineidee] has a proposition to make with reference to taking a vote at some hour to-morrow without further filiphyster-

to taking a vote at some hour to-morrow without further filibuster-

ing.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I said to the gentleman from New York [Mr. BAKER] what I now repeat, that we are perfectly willing to have the vote taken to-morrow at any hour that may be agreed upon. I suggested half past 12; thinking it might take half an hour to read the Journal, but if the gentleman prefers I will say immediately after the reading of the Journal and the submission of the matters which shall be on the Speaker's table. I am willing that the votes shall be then taken, and there will be no disposition

on this side to resort to dilatory tactics.

Mr. BAKER, of New York. The understanding is, that we shall now have unanimous consent that there shall be no obstructions or dil-

atory motions resorted to.

Mr. BRECKINRIDGE, of Kentucky. I say, in the broadest way, that, so far as I know, there is no purpose whatever on this side to make any dilatory motions or to prevent the vote being taken at the hour which may be agreed upon. Let the vote begin at, say, half past 12 o'clock to-morrow, and let the voting continue on the various propositions until they are disposed of.

The SPEAKER. Is there objection to the arrangement proposed, that the vote be postponed until half past 12 o'clock to-morrow—

Mr. BRECKINRIDGE, of Kentucky (interposing). Mr. Speaker, at the suggestion of the gentleman from New York [Mr. Cox], I propose that the hour be at a quarter to 1 o'clock to-morrow instead of half past 12.

Mr. COX. I hope the House will accept that. We shall get along faster in that way and yet save our night.

Mr. McMILLIN. There has been no disposition to delay final action upon this matter, and if an arrangement can be made to take the vote at some hour to-morrow we shall not interpose any dilatory mo-

Mr. SPRINGER. I ask unanimous consent that further proceed-

ings upon the pending matter be postponed——
The SPEAKER. The proposition has already been made that this subject be postponed until fifteen minutes before 1 o'clock to-morrow, the votes to be then taken without any dilatory motions. Is there objection?

There was no objection, and it was so ordered.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. Allison, Mr.

DAWES, and Mr. COCKRELL.

It also announced that the Senate had passed with amendments a bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District, requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. FAULKNER, Mr. SPOONER, and Mr. FARWELL.

It also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 3116) granting an increase of pension to Thomas Wynne.

It also returned to the House, in compliance with its request, the

concurrent resolution providing for the printing of the Astronomical Observations of the Naval Observatory for 1886, 1887, and 1888.

It further announced that the Senate had passed with amendments bills of the following titles, requested a conference with the House on said bills and amendments, and had appointed conferees on the part of

the Senate as indicated, respectively:

A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia—conferees, Mr. HAWLEY, Mr. MANDEESON,

and Mr. Cockrell; and

A bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota—conferees, Mr. DAWES, Mr. SABIN, and Mr. JONES of Arkansas.

### DAKOTA.

The SPEAKER appointed as managers of the conference on the disagreeing votes of the two Houses on the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of South Dakota Mr. Springer, Mr. Barnes, and Mr. Barnes of New York.

## LEAVE OF ABSENCE.

Mr. BLAND, by unanimous consent, was granted leave of absence for the day, on account of sickness in his family.

## ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Eurolled Bills, reported that they had examined and found duly eurolled bills of the following titles; when the Speaker signed the same:
A bill (H. R. 855) for the relief of Jacob Cramer;
A bill (H. R. 1407) to authorize the Court of Claims to hear, determine,

and render final judgment upon the claim of the Old Settler or Western Cherokee Indians;

A bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona,

and for other purposes;

A bill (H. R. 3112) for the relief of Phineas T. Richardson;

A bill (H. R. 6404) for the relief of Charles F. Swain, master of bark

A bill (H. R. 11779) for the relief of J. Harry Adams; A bill (S.366) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;
A bill (S. 1804) to authorize the Cheyenne Street Railroad Company

to build its road on or across the Fort D. A. Russell military reserva-

A bill (S. 2714) for the relief of Thomas Lannigan;
A bill (S. 3116) granting an increase of pension to Thomas Wynne;
A bill (S. 3428) granting a pension to Mary C. Thompson;
A bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia; and

A bill (S. 3786) to change the dates for the commencement of the March terms of the district court for the northern district of Georgia.

PUBLIC BUILDING, HOLYOKE, MASS

Mr. WHITING, of Massachusetts, introduced a bill (H. R. 12580) to erect a public building in Holyoke, in the State of Massachusetts; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## REGULATION OF FOREIGN COMMERCE.

Mr. BAKER, of New York, introduced a bill (H. R. 12581) to regulate commerce between the United States and foreign countries; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Then, on motion of Mr. BRECKINRIDGE, of Kentucky (at 5 o'clock and 7 minutes p. m.), the House adjourned.

# PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

and referred as indicated below:
By Mr. G. A. ANDERSON: A bill (H. R. 12582) for the relief of
Frank H. Bates—to the Committee on the Post-Office and Post-Roads.
By Mr. BINGHAM: A bill (H. R. 12583) granting a pension to Hepza
Hobson Werden—to the Committee on Invalid Pensions.
By Mr. GAY: A bill (H. R. 12584) for the relief of E. W. Goude,
widow of C. F. Goude—to the Committee on War Claims.
Also, a bill (H. R. 12585) for the relief of A. E. and M. E. Goodrich—
to the Committee on War Claims.
By Mr. GUENTHER: A bill (H. R. 12586) for the relief of Freder-

to the Committee on War Claims.

By Mr. GUENTHER: A bill (H. R. 12586) for the relief of Frederike H. Krueger—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 12587) granting a pension to Francis M. Wilkinson—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 12588) for the relief of Stephen E. Beauchamp—to the Committee on War Claims.

Also, a bill (H. R. 12589) for the relief of Sarah A. Powell—to the Committee on War Claims.

By Mr. J. D. STEWART: A bill (H. R. 12590) granting a pension to William C. Malone—to the Committee on Invalid Pensions.

# PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of the Venezuela Steam-ship

Company, in relation to the seizure of three of its ships—to the Committee on Foreign Affairs.

By Mr. BLANCHARD: Petition of J. A. Prudhomme, administrator

of John E. Prudhomme, and of Jeanette D. Calvit, of Louisiana, for

reference of their claims to the Court of Claims-to the Committee on

By Mr. CROUSE: Petition of Buckley Post, Grand Army Republic, of Ohio, for a pension for Delilah Hunsicker—to the Committee on Invalid Pensions.

Also, petition of farmers of Hudson, Ohio, for protection to agriculture—to the Committee on Ways and Means.

By Mr. DE LANO: Petition of farmers of Broome County, New York, for protection to agriculture-to the Committee on Ways and Means

By Mr. ENLOE: Petition of John M. Crosnal, of Madison County,

Tennessee, for a pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of O. J. Lowry and 16 other citizens of Jericho, Vt., for protection to agriculture—to the Committee on Ways and Means.

By Mr. GUENTHER: Petition of citizens of Watertown, Wis., in favor of the claim of Adolph Muster—to the Committee on Claims.

By Mr. McKINLEY: Petition of Trescott Post No. 10, Grand Army of the Republic, of Ohio, for the speedy complete publication of the Official Records of the War of the Rebellion—to the Committee on Print-

By Mr. ROBERTSON: Petition of Stephen E. Beauchamp, of Hannah B. Butler, administratrix of Margaret E. Woodard, and of Sarah A. Powell, of Louisiana, for reference of their claims to the Court of

Claims-to the Committee on War Claims.

By Mr. SPRINGER: Memorial of the Legislative Assembly of New Mexico, praying restoration of forfeited railroad lands to the public domain without requiring the payment of the double minimum price when the roads have not been built—to the Committee on the Public

By Mr. WASHINGTON: Petition of the heirs of Azariah Dobson,

and of William A. Price, for relief—to the Committee on War Claims. By Mr. WHITTHORNE: Petition of Joseph Townsend, asking that his claim be referred to the Court of Claims-to the Committee on War

By Mr. WILKINSON: Petition of A. L. Ahrens, of New Orleans, La., against the international copyright bill-to the Committee on Patents.

The following petition for a national Sunday-rest law was received and referred to the Committee on Labor:

By Mr. PATTON: Of Rev. George Elliott and 50 others, citizens of Fleming, Pa.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of 455 citizens of Ohio.

By Mr. BROWER: Of 46 citizens of Kennersville and 20 of Centre,

N. C.

By Mr. T. M. BROWNE: Of 126 citizens of Union City, Ind. By Mr. COOPER: Of 72 citizens of Cardington, Ohio. By Mr. DORSEY: Of 43 citizens of Chapman, Nebr., and of 128 citizens of Melford, Nebr.

By Mr. FRENCH (by request): Of 16 citizens of Southbury, and of 27 citizens of East Haddam, Conn.

By Mr. GIFFORD: Of 15 citizens of Yankton, and of 37 citizens of

Lisbon, Dak.
By Mr. J. S. HENDERSON: Of 30 citizens of Thomasville, N. C.

By Mr. HIRES: Of 136 citizens of Haddonfield and vicinity, New Jersey.

By Mr. KEAN: Of 39 citizens of Stelton, N. J.

By Mr. LONG: Of 110 citizens of Taunton, Mass. By Mr. PHELPS: Of 18 citizens of Saddle River, N. J. By Mr. ROMEIS: Of 48 citizens of Maumee, Ohio.

By Mr. ROWLAND: Of 38 citizens of Wilmington, N. C.

# SENATE.

# FRIDAY, February 15, 1889.

Prayer by Rev. JAMES M. KING, of New York City. The Journal of yesterday's proceedings was read and approved.

# CREDENTIALS.

Mr. DAVIS presented the credentials of WILLIAM D. WASHBURN, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1889; which were read and ordered to be

# CHARLES J. ESTEY-VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

I return without approval Senate bill No. 2665, entitled "An act granting a pension to Charles J. Estey."

A bill in precisely the same words as the bill herewith returned was approved on the 8th day of July, 1886, and under its provisions the beneficiary is now upon the pension-rolls.

It is supposed that the bill now under consideration was passed by the Congress in ignorance of the previous statute. A duplication of the act would manifestly be entirely useless.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 14, 1889.

The PRESIDENT pro tempore. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SAWYER. I move that the bill with the message be referred to the Committee on Pensions.

The motion was agreed to.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of October 4, 1888, certain information in regard to employés in arsenals and armories, etc.; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

## DISTRICT CORPORATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the commissioners of the District of Columbia, transmitting, in response to a resolution of the 7th instant, certain information concerning the assessed market value of the capital stock of corporations in the District assessed under the existing provisions of the law governing such matters, and the amount of taxes paid by such corporations; which was read.

Mr. HARRIS. I move the reference of the communication to the Committee on the District of Columbia, with the following instructions:

Resolved. That the report (with documents accompanying it) made by the commissioners of the District of Columbia in response to the resolution of the Senate directing them to furnish information concerning personal assessments against corporations in said District, the tax paid by such corporations, and whether any of said corporations have evaded the law under which assessments are levied, be printed and referred to the Committee on the District of Columbia, with instructions to that committee to report such legislation as may be necessary to enable the commissioners to prevent any further evasion of said law and to collect from said corporations all taxes that may be due and owing by them for the present or any past year, payment of which has been evaded.

The motion was agreed to.

## HARDIN COUNTY, KENTUCKY.

The bill (H. R. 11871) for the relief of Hardin County, Kentucky, was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Com-

mittee on Claims.

Mr. BLACKBURN. I askunanimous consent of the Senate to have that bill considered at this time. The Committee on Claims have reported a Senate bill in the same terms. This is a House bill. It involves nothing except the disadvantage to which that county of the State of Kentucky was put by reason of the pleading of the statute of limitations against it, while every other county similarly situated has already had its accounts adjusted and settlements made. The Committee on Claims reported a similar Senate bill unanimously, and I ask unanimous consent of the Senate to have this House bill considered

Mr. HARRIS. Let it be read for information.

The PRESIDENT pro tempore. The order of reference will be reconsidered if there be no objection, and the bill be read at length for information

The Chief Clerk read the bill, as follows:

The Chief Cierk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is hereby authorized and required, on appeal to him made, to refund and pay back to the county of Hardin, State of Kentucky, out of any money in the Treasury not otherwise appropriated, any and all money collected from any and all corporations or from any other person or party whatsoever, as internal-revenue taxes on dividends on shares of stock owned by said county in the Louisville and Nashville Railroad Company, to the extent that such taxes were deducted from any dividends due and payable to said county, any statute of limitations to the contrary notwithstanding.

Mr. SHERMAN. Before the bill passes I should like to know upon

what ground the tax is to be refunded.

Mr. BLACKBURN. I will refer the Senator from Kansas to the chairman of the Committee on Claims [Mr. SPOONER], who sits by the Senator from Ohio, and state that there were several counties in the State of Kentucky which paid these taxes and they were recovered, but this county did not within the time limited by the statute present any claim or make any claim whatever, and there is simply a technical question as to the operation of the statute of limitations.

The bill has passed the House and a similar bill has been reported

here by the Committee on Claims unanimously, and the only question involved, as I am sure the chairman of the Committee on Claims will state to the Senator from Ohio, is simply whether the Government will continue to hold this money that has been refunded to every other

county except this one, and was not paid to this one simply because of its laches in presenting its claim within the time under the statute.

Mr. SHERMAN. I have no objection to treating the counties of Kentucky alike, but I do not see upon what ground a tax levied, unless it should be held to have been laid unlawfully, upon municipal corporations should be refunded.

Mr. SPOONER. I do not at this moment remember the precise facts

the case. I inquire who made the report.

The PRESIDENT pro tempore. The Senate bill was reported by the

Senator from Arkan as [Mr. JONES].

Mr. BLACKBURN. The Senator from Arkansas made the report, and I will state to the Senator from Ohio-

Mr. SHERMAN. Let the bill go over until a later hour in the day

and I will not object to considering it.

Mr. BLACKBURN. I will state to the Senator from Ohio that the refunding of the money in every other case was the result of judicial pro-

Mr. SHERMAN. If the Supreme Court held that the county was a part of the government of the State of Kentucky, one of its municipal corporations, I can see the point.

Mr. BLACKBURN. It was held to be a tax illegally levied and

improperly collected.

Mr. SPOONER. I ask that the Senator from Ohio will allow the report to be read.

Mr. SHERMAN. I have no objection. Mr. HARRIS. I suggest to the Senator from Kentucky that he let the bill lie over until the Senator from Arkansas who made the report comes in, and then renew his request.

Mr. BLACKBURN. I have no objection, unless the chairman of the Committee on Claims desires to speak upon it.

Mr. SPOONER. I ask that the report may be read.

The PRESIDENT pro tempore. The bill was not accompanied by a

report in writing. Mr. SPOONER. Then I ask that it lie over until the Senator from

Arkansas comes in. Mr. BLACKBURN. I have no objection to that.

The PRESIDENT pro tempore. It will be so ordered.

### THE CENSUS.

Mr. HALE. I desire to give notice from the Committee on the Census that on Monday morning next, after the routine business, I shall ask the Senate to proceed to the consideration of the census bill with the amendments that have been reported from the committee to the House bill.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted at a meeting of citizens of the District of Columbia, alleging discriminations against citizens in the public schools of the District of Columbia, and praying for legislation to remedy such injustice; which were referred to the Committee on the District of Columbia.

Mr. CAMERON presented a petition adopted by the Philadelphia (Pa.) Drug Exchange, together with a preamble and resolutions, praying for the abolishment of internal-revenue taxes; which was referred

to the Committee on Finance.

He also presented the petition of George Elliott and others, citizens of Fleming, Centre County, Pennsylvania; the petition of the Congregational Church of Ebensburgh, Cambria County, Pennsylvania; the petition of the Penn Creek Presbyterian Church, of New Texas, Allegheny County, Pennsylvania; the petition of Emanuel's Evangelical Lutheran congregation, of Williamstown, Dauphin County, Pennsylvania; the petition of the Presbyterian Church of Scrubgrass, Venango County, Pennsylvania, and the petition of 33 citizens of Nittany, Centre County,' Pennsylvania, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. FAULKNER. I present duplications of petitions from citizens of Pullman and Lost Creek, in the State of West Virginia, praying for a prohibitory constitutional amendment. I move that the petitions

lie on the table.

The motion was agreed to.

Mr. FAULKNER presented the petition of John J. Jacob and 34 others, citizens of West Virginia, favoring the passage of the bill to provide for the extirpation of contagious pleuro-pneumonia, foot-andmouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and their products; which was referred to the Com-

mittee on Agriculture and Forestry.

Mr. COCK RELL. I present a petition, signed numerously by adult residents of the United States, citizens of Maryville and other places in Nodaway County, Missouri, respectfully but earnestly petitioning the Senate of the United States not to pass any bill in regard to the observance of Sunday or any other religious institution or rite, and not to adopt any resolution for the amendment of the national Constitution that would by instruction in public schools or in any other way give preference to religious principles over the views of religion held by non-religious persons, but to keep the Government strictly secular and the separation of church and state complete.

I move that the petition be referred to the Committee on Education

and Labor.

The motion was agreed to.

Mr. MITCHELL presented a memorial of 39 citizens of Almata. Whitman County, Washington Territory, remonstrating against the proposed division of Whitman County, Washington Territory; which was referred to the Committee on Territories.

He also presented the petition of T. C. Armstrong and 26 others (19 voters and 8 women), citizens of Miles City, Mont.; the petition of N. Henton and 55 others (29 voters and 27 women), citizens of Ellensburgh, Wash.; and the petition of A. H. Kellogg and 20 others (16 voters and 5 women), citizens of Whidby Island, Wash., praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. HOAR presented the petition of Charles A. Kenner and 88 others (35 voters and 54 women), citizens of North Cambridge, Mass., praying for the submission to the States of a constitutional prohibitory

amendment; which was ordered to lie on the table.

Mr. WALTHALL presented a petition of 69 citizens of Vicksburg, Miss., and a petition of 6 citizens of Vicksburg, Miss., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. RANSOM presented the petition of Joseph R. Parker and 99 others (41 voters and 59 women), citizens of New Garden, N. C., praying for the submission to the States of a constitutional prohibitory amend-

ment; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of 13 citizens of Pittsfield, Ill., remonstrating against any legislation in regard to the observance of Sunday or any other religious institution or rite; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the board of directors of the Lumberman's Exchange, of Chicago, Ill., urging the passage of the bill to organize the Territory of Oklahoma; which were referred to

the Committee on Territories.

Mr. ALLISON presented a petition of 267 citizens of Iowa, and a petition of 22 citizens of Iowa, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. BERRY presented the petition of J. R. Turner and 10 others (7 voters and 4 women), citizens of Poplar Grove, Ark., praying for a submission to the States of a constitutional prohibitory amendment;

which was ordered to lie on the table.

He also presented the petition of W. L. Worthington and 31 others (17 voters and 15 women), citizens of Whelen Springs, Ark., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. BUTLER presented a petition of 260 citizens of Charleston, S.
C., praying for the passage of the Sunday-rest law; which was referred

to the Committee on Education and Labor.

Mr. PAYNE presented a petition of 32 citizens of Ohio, and a petition of the Methodist Preachers' Association, of Cleveland, Ohio, representing 40 Methodist ministers and 6,000 laymen, praying for the passage of the Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented the petition of Robinson Locke and 37 others (31 voters and 7 women), citizens of Toledo, Ohio, praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. FAULKNER presented a petition of 60 citizens of Cairo, W. Va., praying for the passage of the Sunday-rest bill; which was referred to

the Committee on Education and Labor.

Mr. CHACE presented a petition of 21 citizens of Providence, R. I., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. HISCOCK presented a petition of 159 citizens of New York, praying for the passage of a national Sunday-rest law; which was re-

ferred to the Committee on Education and Labor.

Mr. FARWELL presented a petition of 2,350 citizens of the State of Illinois, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of F. P. Knowles and 257 others (86 voters and 172 women), citizens of Guilford, Conn., and the petition of Frank A. Scofield and 95 others (40 men and 56 women), citizens of Higganum, Conn., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. BLAIR presented a petition of citizens of Bowesmont, Dak.; a petition of citizens of Washington, D. C., and a petition of citizens of Manchester, N. H., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. MANDERSON presented a petition of W. E. Billings and 65 others (35 voters and 31 women), citizens of Lennox, Dak.; a petition of Amos Dresser and 38 others (16 voters and 23 women), citizens of Dover, Nebr.; a petition of W. Moore and 69 others (44 voters and 26 women), citizens of Clark, Dak.; and a petition of J. Warner and 29 others (9 voters and 21 women), citizens of Rock Creek precinct, Otoe County, Nebraska, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the

Mr. DOLPH presented a memorial of citizens of Whitman County Washington Territory, remonstrating against the passage of the bill authorizing the county commissioners of Whitman County, Washington Territory, to issue bonds for building a court-house and jail in that county; which was referred to the Committee on Territories

He also presented a petition of citizens of Whitman and Spekane Counties, in Washington Territory, praying for the erection of a new county in that Territory; which was referred to the Committee on Territories.

He also presented a petition of A. T. Van De Vault and 49 others (26 voters and 24 women), citizens of Sunnydale, Wash.; a petition of H. O. Kems and 50 others (33 voters and 18 women), citizens of Elberton, Wash.; a petition of W. H. Koonty and 50 others (31 voters and 20 women), citizens of Waverly, Wash., and a petition of J. D. McLean and 158 others (71 voters and 68 women), citizens of Spokane County, Washington Territory, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. PALMER, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 3905) authorizing and directing the sale of certain property belonging to the United States situate in Pittsburgh, Pa., reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 588) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called Rock Creek Park, reported it with an

Mr. HAMPTON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes, reported it with amendments.

He also, from the same committee, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11817) vesting in the vestry of Christ Church, Washington Parish, in the District of Columbia, all of the right, title, and interest of the United States of America in and to square south of square 1092 in the city of Washington, District aforesaid, reported it with amendments.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 3037) for the relief of the officers and soldiers of the Seventh Regiment Tennessee Infantry, have instructed me to report the same back to the Senate adversely, and to recommend the indefinite postponement of the bill. The report is accompanied by a report from the Secretary of War.

Mr. HARRIS. Let that bill go upon the Calendar with the adverse

The PRESIDENT pro tempore. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3935) for the relief of George Hunter, late captain of Company A, Columbia County (Washington Territory) Volunteers, re-

ported it with an amendment.

Mr. STEWART. I report back from the Committee on Military Affairs the bill (S. 3590) authorizing the Secretary of War to lease to the Pike's Peak Astronomical and Meteorological Society certain lands. On reference to the War Department I ascertained that the reservation referred to in the bill has been abandoned and transferred to the Interior Department, and the subject is under consideration by the Committee on Public Lands. I therefore move that the Committee on Military Affairs be discharged, and that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HISCOCK, from the Committee on Finance, to whom was referred the bill (H. R. 9623) to provide for printing Government securities in the highest style of art, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

# BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 3966) to establish lights on the western end of Coney Island, New York; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 3967) granting a pension to W. A. Moore; which was read twice by its title, and referred to the Committee on Pensions

He also introduced a bill (S. 3968) granting a pension to Robert A. Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3969) to provide and maintain a national system of farmers' institutes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. SPOONER. I desire to say as to that bill that I am not prepared to state that it is a perfect bill, but it relates to a subject which affects an important interest, and I shall submit hereafter some amendments to it. I commend it to the careful and early attention of the Committee on Agriculture and Forestry.

Mr. MORGAN (by request) introduced a bill (S. 3970) to increase the compensation of fourth-class postmasters; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR introduced a bill (S. 3971) increasing the pension of John A. Waite; which was read twice by its title, and referred to the Committee on Pensions.

### AMENDMENTS TO BILLS.

Mr. MITCHELL submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be print-d.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying letter from the Secretary of War, referred to the Committee on Appropriations.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

Mr. STANFORD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and with the accompanying papers, referred to the Committee on Appropriations.

# DEPUTY MARSHALS IN NORTHERN NEW YORK.

Mr. HISCOCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Attorney-General be, and is hereby, directed to transmit to the Senate at once a list of the general deputy marshals appointed during the last six months by Walter H. Bunn, marshal for the northern district of New York, together with the residences of such deputy marshals, the dates of appointment, and the place where their respective oaths of office are filed.

# AGREEMENT WITH CREEK INDIANS.

The PRESIDENT pro tempore. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order.

Mr. DAWES. On the 6th of this month the President of the United States sent a message to Congress communicating an agreement with the Creek Indians to surrender their title to a large tract of land in the Indian Territory. This agreement must be ratified before the 1st of July or it will fail. Therefore I move that the Senate proceed at this moment with the consideration of the bill, the purpose of which is to ratify that agreement. I think there will be no depate upon the measure. It is Order of Business 2679.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill indicated

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (8. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the

Indian Territory, and for other purposes.

The amendment reported by the Committee on Indian Affairs was to insert as a new section the following:

SEC. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, but they shall only be disposed of in accordance with the laws regulating homestead entries, and to the persons qualified to make such homestead entries, not exceeding 160 acres to one qualified claimant. And the provisions of section 2301 of the Revised Statutes of the United States shall not apply to any lands acquired under said agreement. Any person who may enter upon any part of said lands in said agreement mentioned prior to the time that the same are opened to settlement by act of Congress shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## HARDIN COUNTY, KENTUCKY.

Mr. BLACKBURN. As the Senator from Arkansas [Mr. Jones], who reported a Senate bill similar to the House bill which I asked to have considered a few moments ago, is now in his seat, I ask the unanimous consent of the Senate to have that bill again considered.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent that the bill (H. R. 11871) for the relief of Hardin

County, Kentucky, be resumed. 'Is there objection?'
There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SPOONER. I will state to the Senator from Ohio [Mr. SHER-MAN] in regard to this bill that the county of Hardin, in Kentucky, owns stock in the Louisville and Nashville Railroad Company. The

dividends were taxed by the Government of the United States, and the railway company withheld from that county the tax on the dividends, which was paid over to the Government by the company.

A sum was withheld from several other counties similarly situated. These counties, upon the strength of the decision of the Supreme Court of the United States in 17 Wallace, where it was held that municipal corporations were not subject to the power of taxation by Congress in their municipal revenues, sued the Government in the circuit court of the United States in Kentucky to recover the amount withheld from them by the railway company, and they recovered and the amounts were refunded and paid back by the Government. I find in the report of the House committee a letter from the Acting Commissioner of Internal Revenue, in which he says:

Under the decision of the United States Supreme Court in the cases referred to (17 Wallace, 294, 17 Wallace, 322, and 20 Wallace, 323), dividends on stock owned by States, counties, and municipalities were not taxable, and if Hardin County, Kentucky, owned stock in the Louisville and Nashville Railroad, the tax paid by the said company on such stock would be refundable but for the statute of

As I said, all the money withheld from the other counties has been refunded, and the only obstacle to the refund to Hardin County is the technical bar of the statute of limitations. The committee were of opinion that as between the United States and the county, that bar ought not to prevent its recovery. It was an illegal exaction. That is all there is of it.

Mr. BLACKBURN. That is the whole case.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

The PRESIDENT protempore. Senate bill 3880, upon the same subject, favorably reported from the Committee on Claims will, if there be no objection, be indefinitely postponed.

#### PRIVATE LAND CLAIMS.

Mr. RANSOM. I desire to give notice that to-morrow morning, immediately after the regular morning business is through, I shall ask the Senate to take up Order of Business 2069, being the bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado, and to say that I shall re-new that motion every morning until the bill is put upon its final pas-

## WILLIAM ENGLISH.

Mr. DANIEL. I move that the Senate take up for consideration House bill 3721, authorizing the President to appoint William English

an officer in the regular Army of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to authorize the President to appoint William English a second lieutenant in the regular Army of the United States, and to assign him to any vacancy exist-

ing in that rank.
Mr. SHERMAN. That is making an officer of the regular Army without following the ordinary mode requiring a nomination by the

President and confirmation by the Senate. Let the report be read.

The PRESIDENT pro tempore. The bill was reported by the Senator from South Carolina [Mr. HAMPTON] from the Committee on

Military Affairs, and the report was not in writing.

Mr. SHERMAN. There ought to be some explanation of the bill.

Mr. DANIEL. I beg leave to state for the information of the Senator that Lieut. William English was a second lieutenant of infantry in the Army of the United States, and was stationed in Kansas. He is a son of Colonel English, his father having also been a regular Army officer. He was charged before a court-martial and tried for conduct unbecoming an officer and a gentleman in conjunction with Lieutenant Fuller, who was also an officer of the Army and in association with him. The court-martial directed that Lieutenant Fuller be reprimanded and forfeit a certain portion of his pay and be under suspension of duty for a certain time. The court-martial that tried Lieutenant Fuller for the identical offense committed in conjunction and companionship with Lieutenant English was then dissolved and another court was held, which tried Lieutenant English for the same offense for which Lieutenant Fuller had been suspended, and ordered his dismission.

The report in the case made by the House committee was adopted

by the Senate committee. It is quite a full one, and shows that these two young officers behaved rather badly, having become intoxicated; but of the graver offense charged they were both found not guilty, and I will read an extract from the report that Senators may see more spe-

cifically the views of the committee on the subject.

But in the case of Lieutenant English-

Says the House report from which I read-

it will be found that the court-martial made no direct finding on the charges and specifications which were read to him, but in gross violation of the rights of the accused substituted other and different charges and attempted to fit those new-vamped charges to the proof. Thus they pronounced a forced verdict, and upon it delivered a cruel and merciless judgment.

Mr. SPOONER. I think there are a number of Senators who would be glad to hear what the Senator from Virginia is stating to the Senate. It is impossible to hear him with the confusion in the Chamber.

The PRESIDENT pro tempore. The Chair appeals to Senators to be in order.

Mr. DANIEL .-

Such-

Says this report-

Says this report—

Such a proceeding, either in civil or martial courts, shocks not only the judgment but the common sense of mankind.

A careful examination of the extended record in the two cases against Lieutenant English and Lieutenant Fuller will show that they are precisely identical in every particular, both as to charges and specifications, and the question arises, why should the judgment of the court be so entirely different in precisely identical cases? They were two young men, with the quick blood of youth circulating rapidly in their veins. They were guilty of no conduct calculated to give undue publicity to their youthful escapade. Put the harshest judgment on their conduct, and subject it to the severest criticism, and it amounts to this and no more: Why should a military court pass judgment which would expel one of these young officers from the Army, while it permits the other to remain?

If there is any difference in the guilt of these two young men Fuller is evidently the guiltier.

The sentence in Mr. Fuller's case, after entirely exonerating him from the only grave charge against him, was "to forfeit \$50 of his pay per month for six months, confinement to the limits of his post for the same time, and a reduction of three files in rank;" and in the case of English the judgment was an absolute dismissal from the Army. The court that tried Lieutenant Fuller was dissolved after the finding in the case of Lieutenant Fuller, and a new court-martial ordered to try Lieutenant English, although he had been ordered to appear and answer before the court-martial which tried Lieutenant Fuller; and the natural inference is that had Lieutenant English been tried before the same court on identically the same charges he would have received the same sentence and judgment as was pronounced in case of Lieutenant Fuller.

Mr. SPOONER. Will the Senator allow me to ask a question.

Mr. SPOONER. Will the Senator allow me to ask a question.
Mr. DANIEL. Yes, sir.
Mr. SPOONER. Why was not Lieutenant English brought before the same court? Why was the court-martial that tried Lieutenant the same court? Fuller dissolved?

Mr. DANIEL. I do not see any reason assigned for that, and am unable to answer.

There is therefore no escape from the conclusion that this second court was rganized to convict.

Now let us see what were the charges against Lieutenant English.

"First, Absence without leave, to the prejudice of good order and military lieutenant."

"First, Absence without leave, and discipline.
"Second. Conduct unbecoming an officer and a gentleman."
It will be seen the very same charges were made against Lieutenant Fuller.
When we come to consider the specifications under these charges it will be observed that "Lieutenant English is not charged with as grave offenses as Lieutenant Fuller's."
Lieutenant Fuller's."

most of the specifications, and adds:

most of the specifications, and adds:

On the seventh specification, second charge, he was convicted in part only by striking out and substituting other and different charges than those read to the prisoner, and this charge, after being doctored and amended by the court, simply charged "that in company with Lieutenant Fuller they took refreshments at a restaurant with a prostitute;" and in order to make any conviction they were compelled to say that he was only guilty of the "substituted words," and not those embraced in original charge and specifications; and it will be remembered that the whole force of this charge rested on the truth of the allegation that Lieutenant English was well known in St. Josephas an officer of the Army, and that the reputation of the said woman was well known to the people of the restaurant. He was in fairness and justice entitled to a verdict of not guilty on this specification, and it was avoided alone by the process of substitution which had been adopted by the court in the interest of conviction.

The main difference between the specification and the substitute is that English was charged with registering himself and a prostitute as man and wife at the Pacific Hotel. Of this he was found "not guilty," and they, the court, substituted in their finding that he allowed this to be done by some one else, and that this was not the charge, nor was there proof in reference to it.

Now, Mr. President, without going further into the details of this natter, the substance of the ground upon which the committee has reported in favor of Lieutenant English is, first, the fact that an undue and cruel difference was made between him and his companion; and, second, that the punishment for an offense which is acknowledged and is not attempted to be condoned was too severe, all the circumstances considered.

I would say that I have examined carefully the entire record in this case, and while it seems to me just and right that these young officers should have received reprimend and punishment for conduct which was unbecoming officers of the Army, for which they should have been sternly and severely rebuked, it is hardly right to quench out the aspirations and to stigmatize the character of a worthy young man who had hitherto borne an excellent reputation by reason of a single act of departure from the proper course which becomes an officer and a gentleman, and all the more unjust is it when one equally guilty with himself is allowed to escape with much less punishment.

Mr. SPOONER. Will the Senator allow me to inquire of him if this

officer was a graduate of the Military Academy?

Mr. DANIEL. Both of them are graduates of the Military Academy, I understand.

Mr. BUTLER. I think Lieutenant English is not.

Mr. DANIEL. I understand he is.

I think he was appointed from civil life. Mr. BUTLER.

Mr. DANIEL. I can only state my information from the Senator who made the report. The House of Representatives has passed this bill, and the Senate Committee on Military Affairs has unanimously reported it. In my judgment it commends itself to the kindly and favorable consideration of the Senate.

Mr. HAWLEY. I am sorry to be obliged to make a correction of the statement of the Senator from Virginia. The Senate committee was not unanimous. I was one of those who voted against the report.

Mr. DANIEL. I was not speaking by the record. Of course I had Mr. HAWLEY. I tis not in accordance with the usage of the Sen-

ate, either, to go into matters that occurred in committee. I simply say that two of us avowed our opposition to the report. I think I must have misunderstood the Senator from Virginia. I do not know whether he said that the report from which he read was the report of the Senate committee or not.

Mr. DANIEL. I said it was the House report from which I was

reading

Mr. HAWLEY. If it was adopted by the Senate committee, I have no recollection of it. But that is not material, because I voted against the bill and should have voted against the report of course

Mr. HAMPTON. If the Senator from Connecticut will allow me a moment, I think I can explain that. If he remembers, I was instructed by the committee at first to make an adverse report and to have the

ease indefinitely postponed.

Mr. HAWLEY. That was unanimous.

Mr. HAMPTON. That was done. At the request, however, of the Senator from Virginia [Mr. DANIEL], who said he had some evidence and the hill was again referred. to submit, I moved a reconsideration and the bill was again referred to the Military Committee, and I was instructed to make a favorable report; and the bill having passed the House and been referred to the committee with a House report, I used that report, and in making my report here I simply reported it back favorably. That is the history of the case.

I confess, Mr. President, that at first blush I was in accord with the adverse majority; but when these other facts were brought to my attention, which were not brought up at first, I changed my opinion and I concur in what the Senator from Virginia has said so much better than I could say it. I think gross injustice was done to this young man. I am told that he has conducted himself remarkably well. His father was an old Army officer, and as the Senator from Virginia says, all his aspirations are to make an honorable record in the Army, and I for one

am disposed to give him the opportunity of trying to do so.

Mr. HAWLEY. I sympathize with the kindly purpose of the Senator from South Carolina, who is always generous in all these matters; and I do not care, as against the judgment of a majority of the committee on its second consideration, to go into any detailed argument in

The court-martial charges, the evidence, the whole details of the case are very disagreeable reading in public. I venture to guess that the commanding officer dissolved the first court-martial because it did not punish the first officer named, Fuller, as he ought to have been punished in the judgment of his superior officer. Therefore it is that there appears to be a distinction between the treatment accorded to Fuller and the treatment accorded to English. A subsequent court-

martial took up the English case and cashiered the officer.

I refrain from a detailed argument. I differed from a majority of the committee. I thought the committee was right when it was unanimous against the bill. I do not care to argue the question, but I express my profound regret that it is thought best to permit the President to nominate for restoration to the service a man in a case like this. I hold it to be against the discipline, the character, and the best good in all respects of the regular Army. I have never heard a more good in all respects of the regular Army. I have never heard a more vigorous protest in that direction than I have heard from officers of high standing at various times, not on this case only, but on many others

There was a time when restoration by revocation of the orders and decrees and judgments of courts-martial was common, and when Congress was very liberal about these restorations; but such was the bad fortune in restoring men believed to be incompetent and unworthy that there was a great reaction, and nothing of it was done for a long time. I admit that there must be a case occasionally in which it will seem equitable, not only generous but just, to endeavor to remedy an injustice; but I affirm that the cases in which a man has been cruelly and unjustly cashiered are very few indeed and are quite exceptional. I expect this to be so for some time, because the members of a courtmartial are not qualified, as judges in civil life of the highest standing are, to distinguish entirely between what is upon record and what they know outside the record; and there is, therefore, what you may call a prejudice against an officer, which they derive from general knowledge of him for some time and believe him to be unfit for the service. possible that we who see nothing but the bare record may think it was a pretty severe judgment under the circumstances. I do not know that that is true in this case.

I simply wish to put on record my opposition to the bill and to suggest the query whether the bill is in the usual form. It authorizes the President to appoint an officer to the Army. Is it not usual to give him authority to nominate, and we reserve to ourselves the usual constitutional power of confirming or not confirming?

Mr. DAVIS. Mr. President, as a member of the Committee on Military Affairs I gave this case particular consideration. The facts and circumstances out of which the charges against the young men grew are not necessary to be entered upon here particularly. It is sufficient to say, in brief, that two young men, both graduates of the Military Academy, of good families, with honorable lives behind them, with a bright future before them, committed an escapade not uncommon to youth, mitigated by all the facts and circumstances which the condition of youth may invoke to mitigate such a transaction.

The matter provoked an investigation; a court-martial was ordered upon them on the vague and indefinite charge of "conduct unbecoming an officer and a gentleman." One of them, Mr. Fuller, was found guilty, and, if I recollect correctly, his sentence was merely nominal, suspension from rank and perhaps from pay for the period of six months. The commanding officer who convened that court-martial dissolved it, although the form the principal of the province of though it was originally designed to try Mr. English too, for the reason that he believed that the sentence was too light, that it should be more severe, and convened another court under those facts and circumstances

severe, and convened another court under those facts and circumstances for the purpose of trying Mr. English.

This second court-martial, proceeding upon precisely the same facts, having in consideration precisely the same mitigating circumstances, condemns Mr. English, the comrade of Mr. Fuller, like him a graduate of the Military Academy, to the perpetual and indelible infamy of being cashiered and dismissed the military service.

I am inclined to think, taking all the facts and circumstances of these cases into consideration, and indeping these men charitably, as men of

cases into consideration, and judging these men charitably, as men of our ages ought to judge young men charitably, that the sentence of Mr. Fuller was severe enough. It did not seem to me as a member of the committee, it does not seem to me now, that it is worth while to visit

committee, it does not seem to me now, that it is worth while to visit upon the follies and perhaps the temporary and evanescent and curable recklessness of youth such a perpetual stamp of infamy as has been imposed upon the character of Mr. English.

I have very little respect for the ways and doings of most of the proceedings of frontier courts-martial. I know many of them by experience. I know how they are built up to convict, how they are dissolved when they are not sometimes sufficiently pliable to the will of the convening officer; and to my mind this was one of those cases which I have seen frequently repeated in the administration of military law upon the seen frequently repeated in the administration of military law upon the

frontier.

For these reasons, after having given this matter a very careful consideration, differing from two members of the Military Committee with great regret but with no diffidence, I came to the conclusion that it did not consist with the administration of military justice by this Government to allow one young man to go on and to hold his position in honor with all the opportunities that a long military career before him can give, and remit the other young gentleman into the unending and in-delible disgrace of a perpetual sentence of this kind. Therefore I think this bill ought to be passed.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I want simply to say that the form of this bill, in my opinion, is not the proper one. It is not the form in which bills are generally reported in such cases from the Committee on Military Affairs. It is a House bill, and I presume that was the reason no amendment was made. It simply says that the President is authorized to appoint a certain officer. The general form in all these cases has been that the President is authorized to nominate and by and with the advice and consent of the Senate to appoint. I think the bill should be amended. I therefore offer an amendment: "That the President be, and he is hereby, authorized to nominate and by and with the advice and consent of the Senate to appoint," to come in after the words "authorized to."

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Missouri.

The SECRETARY. After the word "to," in line 3, it is proposed to insert the words:

Nominate and by and with the advice and consent of the Senate to.

So as to read:

That the President be, and he is hereby, authorized to nominate and by and with the advice and consent of the Senate to appoint William English a second lieutenant in the regular Army of the United States, and to assign him to any vacancy in said rank existing therein.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read third time.

The bill was read the third time, and passed.

Mr. DANIEL. I move that the Senate insist on its amendment, and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. ANDERSON, and Mr. HAMPTON were appointed.

HEIRS OF GEORGE W. SAMPSON AND BENJAMIN HENRICKS.

Mr. COKE. I move that the Senate proceed to the consideration of the bill (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex.

The motion was agreed to, and the bill was considered as in Com-

mittee of the Whole. It provides for the payment of \$1,000 to the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex., as compensation for the use of a court-room and offices for the marshal and clerk of the United States district court of the western district of Texas, from the 1st of July, 1865, to the 1st of July, 1866.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (H. R. 3766) for the relief of William Pfaender.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It proposes to appropriate \$883.50 for the reimbursement of William Pfaender, late lieutenant-colonel of the Second Regiment Minnesota Cavalry Volunteers, for the loss of property destroyed by the burning of Government buildings at Fort Ridgely, Minn.,

on the 19th of January, 1865.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## ORDER OF BUSINESS.

Mr. SAWYER. I ask unanimous consent to call up the individual pension bills, subject to objection. There are only a few of them, and

it will not take twenty minutes, I guaranty, to pass them.

Mr. HARRIS. I do not object to the request of the Senator from Wisconsin, but as there are several bills that he wants to consider, and there are some of us here who have a single little matter we should be glad to have considered, I would rather he would postpone his request until those of us who have but a single bill are out of the way.

Mr. SAWYER. If Senators will permit me to call up private pension bills some time to-day I will not press the request now.

Mr. HARRIS. I will consent to the Senator's motion at any time

Mr. SAWYER. If Senators have bills they want to pass I do not

wish to be in their way. I shall not press my motion now.

### NAVAL ACADEMY COURSE.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (H. R. 9674) to regulate the course at the Naval Academy

The motion was agreed to; and the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Naval Affairs with amendments.

Mr. CHANDLER. I ask that the amendments of the committee

may be acted on as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The amendments will be considered as they are reached in the reading of the text of the bill, if there is no

objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, in section 1, line 5, after the word "cadets," to insert "then commencing their fourth year; " so as to read:

That the Academic Board of the Naval Academy shall on or before the 30th day of September in each year separate the first class of naval cadets then commencing their fourth year into two divisions, as they may have shown special aptitude for the duties of the respective corps, in the proportion which the aggregate number of vacancies occurring in the preceding fiscal year ending on the 30th day of June in the lowest grades of commissioned officers in the line of the Navy and Marine Corps of the Navy shall bear to the number of vacancies to be supplied from the Academy occurring during the same period in the lowest grade of commissioned officers of the Eagineer Corps of the Navy.

The amendment was agreed to.

The next amendment was, in section 1, line 22, after the word "graduation," to insert "at the end of their six years' course;" so as

And the cadets so assigned to the line and Marine Corps division of the first class shall thereafter pursue a course of study arranged to fit them for service in the line of the Navy, and the cadets so assigned to the Engineer Corps division of the first class shall thereafter pursue a separate course of study arranged to fit them for service in the Engineer Corps of the Navy, and the cadets shall thereafter, and until final graduation, at the end of their six years' course, take rank by merit with those in the same division, according to the merit marks.

The amendment was agreed to.

The next amendment was, in section 1, line 25, after the word "division," to insert "at the end of their six years' course;" and in line 31, after the word "division," to insert "at the end of their six years' course;" so as to read:

And from the final graduates of the line and Marine Corps division, at the end of their six years' course, appointments shall be made hereafter as it shall be necessary to fill vacancies in the lowest grades of commissioned officers of the line of the Navy and Marine Corps; and the vacancies in the lowest grades of the commissioned officers of the Engineer Corps of the Navy shall be filled in like manner by appointments from the final graduates of the Engineer division at the end of their six years' course.

The amendment was agreed to.

word "below," to strike out "seven" and insert "twelve;" so as to make the proviso read:

make the proviso read:

Provided, That no greater number of appointments into the said lowest grades of commissioned officers shall be made each year than shall equal the number of vacancies which shall have occurred in the same grades during the fiscal year then current; such appointments to be made from the final graduates of the year, in the order of merit as determined by the Academie Board of the Naval Academy, the assignment to be made by the Secretary of the Navy upon the recommendation of the Academie Board at the conclusion of the fiscal vear then current; but nothing contained herein or in the naval appropriation act of August 5, 1882, shall reduce the number of appointments of final graduates at the end of their six years' course below twelve in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid, occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available.

The amendment was agreed to.

The amendment was agreed to.

The nextamendment was, in section 2, line 3, before the word "years," to strike out "sixteen" and insert "fifteen;" in the same line, after the word "and," to insert "the;" and in line 4, before the word "years," to strike out "twenty-one" and insert "nineteen;" so as to read:

SEC. 2. That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be fifteen years and the maximum age nineteen

The amendment was agreed to.

The next amendment was, to add to section 2:

Cadets shall be appointed one year in advance of the time of their admission to the Academy except in cases where by reason of death or other cause a vacancy occurs which can not be provided for by such appointment in advance.

The amendment was agreed to.

The next amendment was, to strike out the last section of the bill, in the following words:

SEC. 2. That this act shall take effect when the first class shall be divided under its provisions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CHANDLER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. Cameron, Mr. Chandler, and Mr. Blackburn were appointed.

# ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. HARRIS. I move that the Senate proceed at this time to the consideration of the bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Railway Company.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Colum-

bia with amendments.

The first amendment was, in section 1, line 14, after the word ground," to insert:

and provided further. That the said company shall not be permitted to stop its cars at its terminus, or at any point within the city limits, for a longer time than is necessary to take on and let off its passengers.

The amendment was agreed to.

The next amendment was to add to the bill as a new section:

SEC. 4. That Congress reserves the right to alter, amend, or repeal this act

The amendment was agreed to.

Mr. SHERMAN. I desire to offer an amendment which I think the Senator from Tennessee will agree to. Mr. HARRIS. Let it be read.

Mr. SHERMAN. Let it be read. I think every Senator will agree to it

The PRESIDENT pro tempore. Where is it Mr. SHERMAN. As an additional section, Where is it to be inserted?

The PRESIDENT pro tempore. The amendment will be read.
The SECRETARY. It is proposed to insert as a new section:

SEC. 5. That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric pow r by storage or independent electrical batteries or underground wire, or by underground cables moved by steam power, on the whole or any portion of its roadway, the same to be done under the direction and with the approval of the commissioners of the District of Columbia, with authority to purchase and use any terminal grounds and facilities necessary for the purpose.

Mr. HAPPIS. I have no electricate to their analysis.

Mr. HARRIS. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment will be agreed to,

if there be no objection.

Mr. SHERMAN. Before the subject passes away I wish simply to state that if this bill does not become a law I expect to offer this as an amendment to the sundry civil appropriation bill. I wish to say, too, The next amendment was agreed to.

The next amendment was, in line 41, after the word "nothing," to strike out "herein contained" and insert "contained herein or in the naval appropriation act of August 5, 1882;" in line 44, before the word "final," to strike out "such;" in line 45, after "graduates," to insert "at the end of their six years' course;" and in the same line, after the that all the amendment proposes to do is to authorize any street railroad company now existing and authorized by law to occupy the pubelectric wires underground, the cable wires, or the storage battery, all of which are admitted to be safe and of no danger to human life.

I have taken the liberty to show this amendment to one or two leading gentlemen connected with the street railroads in the city of Washington, and I have given them pretty fair notice, so far as one mem ber of this body can, that unless they adopt modern modes of transportation for persons in the city of Washington they must expect to have rivals authorized by Congress at the next session, while if they will themselves, by the free permit that is here granted, adopt these new methods of transportation, probably there will then be no disposition to give to other companies the power to tear up the streets of Washing-

Mr. COCKRELL. What is the purport of the amendment?
Mr. SHERMAN. It simply gives to any company now existing and authorized to run a street railroad the proper authority to adopt either of the three systems I have mentioned.

Mr. COCKRELL. Along their present lines?

Mr. SHERMAN. Along their present lines. It does not change the charter, but simply permits them, at their pleasure, to do it, and if they do not, then Congress will feel more at liberty to pass laws that

will create competition here.

Mr. HARR S. I shall favor the amendment of the Senator from Ohio to this bill, and also to the appropriation bill, if this measure shall not become a law before the appropriation bill is passed. I think it important to the District that the authority given by the amendment of the Senator from Ohio should be granted to the railroad companies of the District.

Mr. CALL. As I heard the bill read, I think there is another objection to it worthy of consideration, and that is that it authorizes an increase of the stock of this company to the amount of \$100,000. As I understand it, this community is already afflicted with a vast amount of watered stock and with charges upon transportation, based upon no

expenditure of money.

Mr. HARRIS. If the Senator from Florida will allow me, I will state that perhaps for the first time in the legislation in respect of corporations in the District of Columbia, in the case of every railroad company that has been chartered by the Fiftieth Congress we have required the estimates of competent engineers as to the cost of constructing and equipping the road, and we have limited the amount of stock and bonds to a fair and reasonable amount allowed for the construction and the equipment. This bill authorizes an extension over new territory, and upon the estimates of the engineers the increase of stock is only equal to the cost of constructing and equipping the road authorized to be constructed.

Mr. CALL. The explanation of the Senator I think goes to a con-

siderable extent to relieve the objection which I made. If I understand him to say that these street roads have been carefully examined as to their present value and that the capitalization of them in the shape of stock is no greater than a reasonable valuation, the objection is entirely done away with. I simply desired for myself, however, to call attention to the fact, which has been impressed upon me by repeated statements made in the Senate by members of the Committee on the District of Columbia, that there was an excessive capitalization of these

I am not prepared to say that that is true.

Mr. HARRIS. In order that the Senator from Florida may not misunderstand my statement, or that nobody else may misunderstand me, I say every bill chartering a road by the Fiftieth Congress which has been reported from the Senate Committee on the District of Columbia has limited the authority to issue stock and bonds to a fair estimate of the actual cost of construction and equipment. As to the roads previously incorporated I think the Senator is right when he says that in some of them at least the stock has been from time to time watered. With that question I am not now dealing.

Mr. SPOONER. The Senator from Tennessee may also truthfully

add that in every charter passed at this session provision has been made

for the prompt payment of the capital in cash.

Mr. HARRIS. The Senator is quite right.
Mr. CALL. But I understand that the bill relates to companies pre-

viously chartered.

Mr. HARRIS. The amendment of the Senator from Ohio simply gives authority to existing corporations to adopt the newer methods of motive power; that is, to adopt the storage battery, or the underground electric wire, or what is known as the cable road.

Mr. COCKRELL. It does not give any power to issue stock at all. Mr. HARRIS. It does not give any power whatever to issue stock. Mr. CALL. Do I understand the Senator to say that the bill reported from the Committee on the District of Columbia, which is now about to pass, does not give power to issue additional stock?

Mr. HARRIS. It gives to the Eckington and Soldiers' Home Railroad Company power to issue stock in an amount equal to the cost of extending its road over the territory on which the bill authorizes the extension; no more; and it authorizes no other company to issue one dollar's or one cent's worth of stock.

Mr. CALL. Then I will say that the statement of the Senator from Tennessee is entirely satisfactory.

The PRESIDENT pro tempore. The amendment proposed by the fairs from its further consideration.

Senator from Ohio will be agreed to if there be no objection. It is

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM S. ROSECRANS.

Mr. HAWLEY. I move that the Senate proceed to the considera-tion of the bill (S. 3560) for the relief of William S. Rosecrans.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the President to nominate and, by and with the advice and consent of the Senate, to appoint William S. Rosecrans, late a major-general of United States Volunteers and brigadier-general in the regular Army of the United States, to the position of brigadier-general in the Army, and to place him upon the retired-list of the Army as of that grade (the retired-list being thereby increased in number to that extent).

Mr. HOAR. I know very well the high reputation of this distin-

guished officer and gentleman, and the high esteem in which he is held by his comrades. I do not propose, therefore, to ask even an explanation of the reasons which moved the committee to propose this measure so far as they relate to him; but I desire to ask the Senator from Connecticut if he is of opinion that it is within the constitutional power of Congress to select a particular person by name and pass a special bill authorizing the President to appoint that officer to a certain office, and no other, in the Army?

Mr. HAWLEY. I am perfectly well aware of the gently malicious trend of the Senator from Massachusetts. He wishes to prod me with the Fitz-John Porter case

Mr. HOAR. Not with the case, but with the argument made by

members of the committee.

Mr. HAWLEY. I thought myself we were right in opposing that case on that particular ground, but I did also think that we were even more than right in opposing it on the general merits of the question. As to this other question with regard to the construction of the law, I submit to the overwhelming judgment of Congress asserted more than once, and to the action of the President of the United States in confirming it; and when a distinguished gentleman named A B gets back into the Army in spite of a court-martial, I am in favor of putting another man on the retired-list who did not have a court-martial, but was a magnificent old soldier.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# J. EDWIN PILCHER.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (H. R. 10240) for the relief of J. Edwin Pilcher.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to J. Edwin Pilcher, of Louisville, Ky., \$905, the amount of one bond of \$100 and \$805 in paper money of the Republic of Texas; but he shall first surrender the securities to the Secretary of the Treasury.

The bill was reported to the Senate without amendment.

There was an amendment reported by the Committee Mr. HOAR. on Claims to the bill, an essential amendment, that the Secretary of the Treasury was to find certain facts. The amendment will be found in the last paragraph of the report of the committee. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be read.
The SECRETARY. It is proposed to insert, after the word "Texas,"

Provided, That the Secretary of the Treasury shall find that said Pileher's claims are within the class of claims heretofore paid by the United States out of the Texas indemnity fund: And provided, That the Secretary of the Treasury shall be satisfied that said bond and money are genuine: And.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

# RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (S.3681) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which the Secretary began to

Mr. JONES, of Arkansas. Since calling the bill up I find that a House bill covering the same purpose exactly has been passed by that body, and I ask that the House bill be taken up in lieu of the Senate

bill and put on its passage now.

The PRESIDENT pro tempore. It will be necessary, before the House bill can be reached, to move to discharge the Committee on Indian Af-

Mr. JONES, of Arkansas. I move that the Committee on Indian Affairs be discharged from the further consideration of the House bill

and that it be substituted for the Senate bill which has been taken up.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the Committee on Indian Affairs be discharged from the further consideration of the bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to an near Rayter Souries in the State of through the Indian Territory, to or near Baxter Springs, in the State of Kansas.

Mr. DAWES. Has the Senator from Arkansas compared the two bills?

Mr. JONES, of Arkansas. I have.
Mr. DAWES. They are substantially the same?
Mr. JONES, of Arkansas. They are substantially the same. The
Senate bill provides for a limitation of three years in which the road is to be built, and the House bill provides a limitation of four years.

Mr. DAWES. I remember that.

Mr. JONES, of Arkansas. The Senate bill also provides that 50 miles shall be built within a year, while the House bill has no limitation of the kind.

Mr. DAWES. I now remember the differences between the two

bills.

Mr. JONES, of Arkansas. With the exceptions stated they are

identically the same.

The PRESIDENT pro tempore. If there be no objection, House bill 11777 is before the Senate as in Committee of the Whole, and will be read at length.

The Secretary proceeded to read the bill, and was interrupted by—
The PRESIDENT pro tempore. The Secretary will suspend. The
hour of 2 o'clock having arrived, the Senate resumes the consideration
of the unfinished business, being the resolution reported by the Senator from New York [Mr. EVARTS] directing the Committee on Privileges and Elections to revise the existing laws regulating the elections
of members of Congress, etc. The Senator from Taylor Mr. Covania. of members of Congress, etc. The Senator from Texas [Mr. Coke] is

entitled to the floor.

Mr. JONES, of Arkansas. I ask the indulgence of the Senate to have the regular order informally laid aside that the pending bill may be disposed of. It has been half read; it is before the Senate; it is a matter of local importance, and will only require time enough to finish

the reading of the bill.

Mr. COKE. I will yield for that purpose.

The PRESIDENT pro tempore. The reading of the House bill 11777

will proceed.

The Secretary resumed and concluded the reading of the bill.
Mr. JONES, of Arkansas. There is a misprint in line 1 of section
the word "amended" should be "amend it." I presume that

an be corrected by the clerks.

The PRESIDENT protempore. On page 4, in line 39, after the word "petition," the word "of'" should be stricken out and "to" inserted.

Mr. JONES, of Arkansas. Yes; that change should also be made.

The PRESIDENT pro tempore. It may be that the engrossed bill is correct, and that the errors are typographical merely.

Mr. JONES, of Arkansas. I move the amendment in both places.

The PRESIDENT protempore. The amendments will be agreed to

The PRESIDENT protempore. The amendments will be agreed to, if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JONES, of Arkansas. I move that the Senate request a conference with the House of Representatives on the bill and amendments. The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. PLATT, and Mr. JONES of Arkansas were appointed.

The PRESIDENT pro tempore. If there be no objection, Senate bill

3681, similarly entitled, upon the same subject, will be indefinitely postponed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3949) to enable the President to protect the interests of the United States in Pan-

The message also announced that the House had agreed to the amend-

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota.

The message further announced that the House had agreed to the second amendment of the Senate to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, had disagreed to the first amendment of the Senate to the said bill, selved a conference with the Senate on the disagreeing votes of the two States for the fiscal year ending June 30, 1890, and for other purposes, had disagreed to the first amendment of the Senate to the said bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAN, Mr. GAY, and Mr.

The bill (H. R. 10879) increasing the pension of Permelia Smith was considered as in Committee of the Whole. It proposes to pay Permelia Smith, widow of William M. Smith, a private in T. W. Armstrong's company, Twenty-fourth Regiment United States Infantry, in

HENDERSON of Iowa managers at the conference on the part of the

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, numbered 2, 3, and 13, and it had disagreed to the residue of the amendments of the Senate to the said bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. RANDALL, and Mr. BUTTER-WORTH managers at the conference on the part of the House.

## ORDER OF BUSINESS.

Mr. SAWYER. Mr. President—
The PRESIDENT pro tempore. The Senate resumes the consideration of the resolution reported by the Senator from New York [Mr. Ev-ARTS] from the Committee on Privileges and Elections, on which the Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. SAWYER. I ask the Senator from Texas to yield to me for

twenty minutes that I may call up the remaining pension bills on the

twenty minutes that I may call up the remaining pension only on the Calendar. It will take not exceeding twenty minutes to pass them.

Mr. COCKRELL. The bills unobjected to?

Mr. SAWYER. Unobjected individual pension bills.

Mr. COKE. I think generally that those who have the floor have no right to farm it out. At the same time, it is the custom here to do things of that sort. The Senator from Wisconsin appealed to me to allow him twenty minutes to consider unobjected pension bills, and I required him that I would yield.

promised him that I would yield.

Mr. MITCHELL. Will the Senator from Wisconsin yield to me long enough to have a House bill passed, to which I think there will be no

objection?

Mr. SAWYER. I cannot do that. The first pension bill on the Calendar is Order of Business 2614, House bill 8406.

### CARA CURTIS.

The bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cara Curtis, daughter of Maj. Gen. Samuel R. Curtis, at \$25 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

The bill (H. R. 9179) granting a pension to W. B. Green was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of W. B. Green, acting assistant surgeon, United States Army.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# CHARLES G. SANDERS.

The bill (H. R. 11515) granting a pension to Charles G. Sanders was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Charles G. Sanders, late private in Company H, Twenty-second Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARGARET M. NUGENT.

The bill (H. R. 11736) granting a pension to Margaret M. Nugent was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Margaret M. Nugent, foster-mother of Patrick J. Hayes, late of Company G, One hundred and fifty-first Regiment New York Volunteers, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JULIANNA MULLER.

The bill (H. R. 917) for the relief of Julianna Muller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julianna Muller, widow of Frederick Muller, late a member of Company I, Thirty-fifth Regiment New Jersey Volunteers. The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JOHN EBERT.

The bill (H. R. 10337) granting a pension to John Ebert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Ebert, late a private in Company A, One hundred and fourteenth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# PERMELIA SMITH.

the war of 1812, a pension of \$25 per month, in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GEORGE W. LLOYD.

The bill (H. R. 7566) granting a pension to George W. Lloyd was considered as in Committee of the Whole. It proposes to place the name of George W. Lloyd on the pension-roll, he being a soldier in the late war, in Company D, Tenth Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to

# a third reading, read the third time, and passed. WILLIAM FOWLER.

The bill (H. R. 10216) granting a pension to William Fowler was considered as in Committee of the Whole. It proposes to put upon the pension-roll the name of William Fowler at the rate of \$20 per month. The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## JAMES METCALF.

The bill (H. R. 11311) granting a pension to James Metcalf was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Metcalf, father of James A. Metcalf, late of Company E, Second New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN H. STARR.

The bill (H. R. 10975) granting a pension to John H. Starr was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of John H. Starr, who was a private in Capt. William C. Rall's company of Illinois Mounted Volunteers in Colonel Thompson's regiment in the Black Hawk war, at \$20 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## WILLIAM H. KOCH.

The bill (H. R. 2428) granting an increase of pension to William H. Koch was considered as in Committee of the Whole. It proposes to increase the pension of William H. Koch, late a sergeant of Company E, One hundred and twenty-eighth Pennsylvania Volunteers, to \$50 per month, on account of wounds received in the line of duty while a volunteer in the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY WHITNEY.

The bill (H. R. 5790) granting a pension to Mary Whitney was con sidered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Whitney, widow of William E. Whitney, late a private in Company I, Twenty-first Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to third reading and the third time without amendment, ordered to

a third reading, read the third time, and passed.

## MARY H. STACY.

The bill (H. R. 3888) granting a pension to Mary H. Stacy, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary H. Stacy, widow of Byt. Lieut. Col. M. H. Stacy, late a captain in the Twelfth Regiment United States Infantry, at \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE COLWELL.

The bill (H. R. 12047) granting an increase of pension to George Colwell was considered as in Committee of the Whole. It proposes to increase the pension of George Colwell, late a private of Company I, Eighty-third Regiment Indiana Volunteers, to the rate of \$25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LEONARD SCHAEFER.

The bill (H. R. 12006) granting an increase of pension to Leonard Schaefer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Leonard Schaefer, late a private in Company C, Twenty-fifth Regiment Connecticut Infantry Volunteers, for rheumatism, in addition to the pension now received for wound of abdomen.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE H. BURGESS.

The bill (H. R. 11300) granting a pension to George H. Burgess was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George H. Burgess, late corporal in Company H, Twenty-sixth Connecticut Volunteers, the pension to be payable to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARINDA WAKEFIELD REED.

The bill (H. R. 10791) granting a pension to Marinda Wakefield Reed was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Marinda Wakefield Reed, widow of William Alexander Reed, deceased, late of Company D, Ninety-first Regiment of Ohio Volunteer Infantry, war of 1861.

The bill was reported to the Senate without amendment, ordered to

DORCUS ALFORD.

# a third reading, read the third time, and passed.

The bill (H. R. 10474) granting a pension to Dorcus Alford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dorcus Alford, of Fulton County, Georgia, widow of James Alford, ensign in the Creek Indian war of 1836.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

#### STEPHEN WILLIAMS.

The bill (H. R. 11586) for the relief of Stephen Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen Williams, of Company E, Fourteenth Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 11993) granting a pension to Mary A. Long was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Long, widow of William W. Long, late second lieutenant Company D, Fifth Regiment of Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

### EMILY CROSS.

The bill (H. R. 10301) for the relief of Emily Cross was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily Cross, mother of Robert S. Cross, late private of Company F, Thistieth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## DANIEL M. MAULDING.

The bill (H. R. 717) granting an increase of pension to Daniel M. Maulding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "at," to strike out "an increased rate per month" and insert "the rate of \$30 per month, in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, e'c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Maulding, late captain of Company H. Sixth Illinois Cavalry, at the rate of \$30 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read third time.

The bill was read the third time, and passed.

Mr. SAWYER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. DAVIS, and Mr. TURPIE were appointed.

# MARIA BRASTED.

The bill (H. R. 6598) granting a pension to Maria Brasted was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria Brasted, mother of Daniel W. Brasted, deceased, late private Company A, Thirty-fifth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## MARY GRAY.

The bill (H. R. 6535) granting a pension to Mary Gray was considered as in Committee of the Whole. It proposes to place the name of Mary Gray, mother of Charles R. Gray, deceased, late a private in Company I, Fifty-first Regiment New York Veteran Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ALEXANDER M. BOATRIGHT.

The bill (H. R. 11741) granting a pension to Alexander M. Boatright was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Alexander M. Boatwright, late of Captain Houston's company, Colonel Sanford's volunteers, Illinois Mili-

tia, at \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 11924) granting a pension to Annie Balser was considered as in Committee of the Whole. It proposes to place upon the pension-roll, at \$18 per month, the name of Annie Balser, the helpless and invalid daughter of William Balser, late a member of Company F, Nineteenth Wisconsin Infantry, and to pay the same to her legally con-

stituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTER GAVEN.

The bill (H. R. 12303) granting a pension to Ester Gaven was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Ester Gaven, mother of Bernard Gaven, late private in Company D, Seventy-first Regiment Ohio Volunteer Infan-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NANCY HAMILTON.

The bill (H. R. 10882) granting a pension to Nancy Hamilton was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Nancy Hamilton, widow of David Hamilton, late of Company K, Fourteenth Regiment of Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BENJAMINE E. SNYDER.

The bill (H. R. 10780) for the relief of Benjamine E. Snyder was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamine E. Snyder, late of Company L, Fifth Regiment New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM LOGAN.

The bill (H. R. 8801) granting a pension to William Logan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Logan, late a teamster in the Quartermaster's Department, United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# JOHN Y. HOOPER.

The bill (H. R. 10639) granting a pension to John Y. Hooper was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of John Y. Hooper, late of Company F, First Regiment Nebraska Volunteer Cavalry, and who is now an inmate of the hospital for the insane at St. Peter, Minn., the pension to be paid to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HANNAH M'KEE.

The bill (H. R. 6886) granting a pension to Hannah McKee was considered as in Committee of the Whole. It proposes to place on the pension-roll, at \$30 per month, the name of Hannah McKee, mother of John H. McKee, late of Company F, Twelfth Regiment Indiana Volunteers; Joseph A. McKee, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry; George B. McKee, late of Battery A, Fourth United States Artillery; and Ossian H. McKee, late of Company D, Fourth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ELIZABETH MYERS

The bill (H. R. 424) granting a pension to Elizabeth Myers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Myers; of Appleton City, St. Clair County, Missouri, widow of John H. Myers, deceased, late private in Company F of the Sixtieth Regiment of Missouri Enrolled Militia, at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# CATHARINE MUTZ.

The bill (H. R. 7123) for the relief of Catharine Mutz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Mutz, widow of Max Mutz, late of Company H, Sixth Regiment New York Heavy Artillery

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## JULIET OPIE H. AYRES.

The bill (S. 3944) granting a pension to Juliet Opie H. Ayres was

considered as in Committee of the Whole. It proposes to pay to Juliet Opie H. Ayres, widow of Romeyn Beck Ayres, late colonel of the Second Regiment Artillery, United States Army, a pension at the rate

of \$50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CHARLES SCHULER.

The bill (H. R. 11923) granting a pension to Charles Schuler was considered as in Committee of the Whole. It proposes to place upon the pension-roll, at \$18 per month, the name of Charles Schuler, late a member of Company K, Fourth Minnesota Infantry, he being mentally and physically incapacitated, and to pay the same to his lawfully constituted guardian.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

### MARY A. SELBACH.

The bill (H. R. 11466) granting a pension to Mary A. Selbach was considered as in Committee of the Whole. It proposes to place the name of Mary A. Selbach on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HARLAN E. KING.

The bill (H. R. 11430) to increase the pension of Harlan E. King was considered as in Committee of the Whole. It proposes to pay to Harlan E. King, late private in Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, a pension of \$45 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## PATRICK GERAGHTY.

The bill (H. R. 12506) granting an increase of pension to Patrick Geraghty was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Patrick Geraghty, late a private of Company G, Fourth Regiment United States Cavalry, at the rate of \$8 per month.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

# STEPHEN L. KEARNEY.

The bill (H. R. 9408) granting an increase of pension to Stephen L. Kearney was considered as in Committee of the Whole. It proposes to place the name of Stephen L. Kearney, late a first lieutenant of the Third Regiment of Colored Troops in the service of the United States, on the pension-roll of the United States at the rate of \$12.25 per month, in lieu of the pension of \$8 per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to

a third reading, read the third time, and passed.

## PENSIONS APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes.

Mr. DAWES. I move that the Senate insist on its amendments and

agree to the conference.

The motion was agreed to. By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. Allison, Mr. DAWES, and Mr. GORMAN were appointed.

# FORTIFICATIONS APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes

Mr. DAWES. I move that the Senate insist on its amendments and

agree to the conference asked by the House of Representatives

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson.

The message also announced that the House had passed the bill (S.

2091) granting a pension to Frances H. Plummer, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following resolutions:

Resolved. That the House further insists upon its amendments to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota, and agrees to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Springer, Mr. Baker of New York, and Mr. Barnes be the managers of the further conference on the part of the House. Resolved, That the House instructs the managers of the further conference on the part of the House to recede from the amendments of the House to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota in the following re-spects:

and for the organization of the Territory of North Dakota in the following respects:

1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State and Federal officers and without a new vote on the question of division.

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, i. e., all of them under proclamations by the President.

Further, that such matters as relate to the election of delegates and the apportionment of the districts from which members of the convention are to be elected, the date of holding conventions and the date of resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited, be referred to the committee of conference for their discretion.

ORDER OF BUSINESS.

## ORDER OF BUSINESS.

Mr. SAWYER. Have the pension bills on the Calendar been con-

The PRESIDENT pro tempore. They have all been disposed of.
Mr. SAWYER. I yield the rest of my twenty minutes to the Sena-Mr. SAWYER. I yield the rest of my twenty minutes to the Senator from Oregon [Mr. MITCHELL].

The PRESIDENT pro tempore. The Senator from Texas [Mr. Coke]

is entitled to the floor on the unfinished business

Mr. MITCHELL. I ask the Senator from Texas to yield to me to call up a House bill which, I think, will elicit no debate.

Mr. SAWYER. I yield the rest of the twenty minutes. I have only

occupied thirteen minutes.

The PRESIDENT pro tempore. The Senator from Texas is entitled

to the floor. Does he yield?

Mr. COKE. I yielded to the Senator from Wisconsin for twenty minutes, and that time has not quite expired, and he has made some

arrangement with the Senator from Oregon for the consumption of the remainder.

Mr. SAWYER. Yes; that is the case.
Mr. COKE. I desire to ask the Senator from Oregon if his bill will consume any time?

Mr. MITCHELL. I think it will lead to no debate. It is a House

bill which was reported unanimously from the Committee on Claims.

Mr. COKE. I am willing that the twenty minutes shall be consumed. If the bill can be passed before the expiration of that time I shall not object.

Mr. MITCHELL. If it leads to any lengthy debate I shall not insist on it.

Mr. COKE. Very well.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the bill (H. R. 9718) for the relief of J. W. Parish & Co.

The PRESIDENT pro tempore. What is the Order of Business?
Mr. MITCHELL. The Order of Business is not given. The bill is on the table.

Mr. SHERMAN. I think that is too important a claim to be taken up in the absence of so many Senators. It ought to be called up some time when the Senate is fuller. It is an old claim.

Is the bill objected to?

Mr. MITCHELL. I shall not press my request for its consideration. CONGRESSIONAL ELECTIONS.

The Senate resumed the consideration of the resolution reported by Mr. EVARTS, from the Committee on Privileges and Elections, directing that committee to revise the existing laws regulating the election of members of Congress, etc.

Mr. COKE. Mr. President, yesterday I laid before the Senate a response to the memorial of three citizens of Washington County, Texas, arraigning the people of Washington County, a counter-memorial making denial of the material allegations in the memorial and setting out independent facts, and I informed the Senate that I would proceed to substantiate the counter-memorial and the allegations in it by laying before the Senate testimony which had been taken by the Committee on Privileges and Elections, which testimony had not been included in the report of that committee made and laid upon the desks of members of the Senate.

I propose to pursue the same line of proceeding and to lay before the Senate additional testimony on this subject. I will commence by asking the Secretary to turn to page 391 of the record of evidence taken by the Committee on Privileges and Elections and read the testimony

The PRESIDENT pro tempore. The Secretary will read as requested. The Chief Clerk read as follows:

W. W. Searcy, having been duly sworn, was interrogated as follows: By Mr. EUSTIS:

Q. What is your full name? A. W. W. Searcy. Q. How old are you? A. I am thirty years old. Q. Where do you live?

A. I live in Washington County, Texas.
Q. How long have you lived there?
A. I have lived there since January 7, 1877.
Q. What is your business?
A. I am an attorney at law; and I have been chairman of the Democratic executive committee of that county for the past six years.
Q. You know what the subject-matter of this investigation is?
A. Yes, sir.
Q. In regard to these gentlemen, Messrs. Hackworth, Schutze, and Moore?
A. I know them all.
Q. You say you are chairman of the Democratic executive committee?
A. I have been for the past six years.
Q. Has there been any regular Democratic convention or organization for some years past in Washington County?
A. There has been a Democratic organization all the time for the purpose of sending delegates to the State convention. We call a county convention together whenever there is to be a State or district nomination in order to send out delegates. But for county nominations there has been no convention for the past two elections.

By Mr. Spooner:

By Mr. SPOONER:

Q. You mean for 1834 and 1836?
A. Yes, sir; for 1834 and 1836. In 1836 I was myself, individually, opposed to to the citizens' meeting. I thought that the Democratic organization of the county ought to be kept up and refused to go into the citizens' meeting. Also, I did not sign the call made last autumn on the candidates, because I have always been in favor of keeping up the Democratic organizations of our county.

By Mr. EUSTIS:

By Mr. Eustis:

Q. What do you know about the occasion for forming this People's ticket which was formed in the fall of 1886?

A. So far as I know about the forming of that ticket, it was done in order to protect the tax-payers of the county from a lot of thieves who had lived there like vipers on their substance for the past twenty years. When I first went there Len Smith, the former tax-collector, was then settling with the commissioners' court for a default that he had made, and compromised for \$1.000 with the county for his default. Then there was Hutcheson, one man who has been spoken of here, who had been indicted and convicted by the jurors of that county for squandering the funds there when he was road overseer, but whose case was reversed by the supreme court upon technicalities of the law, not because the man was not guilty, but because they said in their decision that there was no law for punishing that offense. He was tried and convicted by the jurors of our county, but the supreme court of the State reversed and dismissed the case, because they said there was no law for punishing that sort of an offense.

By Mr. EVARTS:

Q. What was the name of that one?
A. J. H. Hutcheson. After that default, and after he had been convicted, after his case was reversed and sent back, he was nominated by these same men for sheriff of that county, and was elected two or three successive terms as sheriff, and has since been sued on his bond there for sheriff for money collected and not turned over to the county.

By Mr. EUSTIS:

By Mr. Eustis:

Q. When you say he was nominated by these same men for sheriff of the county, to whom do you refer?

A. I refer to Hackworth and the Republican party. Then there came along Dick Harvin, who was elected collector in 1876, I believe it was; that was before I went there. When I went there I found him in the collector's office. In 1889, when I was appointed chairman of the Democratic executive committee, we all knew these people were squandering the money that they collected, and I went to work and worked up the case against Harvin, and he was indicted eleven times by the grand jury. The indictments were quashed, and then the State sued him for \$10,000 as a defaulter. He was then county collector, and he resigned. He had been renominated by the Republican party, but he resigned his position as tax-collector, and withdrew from the ticket after these defaults had been brought out on him, and then two years afterwards they nominated him for sheriff of the county and ran him. Then there was Leib, who was nominated, I believe, in 1880, who stole \$25,000 of the people's money, and now is in the penitentiary serving a sentence for that.

Q. These four individuals you have mentioned are Republicans?

A. Yes, sir; they are all Republicans, and they have been the principal office-holders, and they have held the moneyed offices of the county nearly all the time. Mr. Amsler, a German, succeeded Harvin in the tax-collector's office. He was the first tax-collector, Harvin was, and he held that office until he was proved to be a defaulter and forced to re-ign. Then Mr. Amsler was elected and honestly administered the affairs of the office for two ye urs and then declined to run again, and his deputy was taken up the people's movement, and he is now tax-collector of the county. Now, as to Mr. Schutze, he has no moral character there at all.

Mr. COKE. I ask the Secretary to turn to page 401 and read the

Mr. COKE. I ask the Secretary to turn to page 401 and read the testimony of F. A. Engelke.

The Chief Clerk read as follows:

F. A. Engelke, having been duly sworn, was interrogated as follows: By Mr. EUSTIS:

By Mr. Eustis:

Q. What is your name?
A. F. A. Engelke.
Q. And your age?
A. I am fifty-three years old.
Q. Where do you live?
A. In Brenham, Washington County, Texas.
Q. How long have you lived there?
A. I have lived in Brenham seventeen years.
Q. What is your business?
A. I am president of the First National Bank there.
Q. How long have you been president of that bank?
A. I believe about four years.
Q. What was your business before that?
A. I had a private banking business of my own there, a private house.
Q. What are your polities?
A. I am a Republican.
Q. How long have you been a Republican?
A. Just as long as I am in the United States, and I was a Republican before I came here, too.
Q. What local ticket did you support at the last election?
A. The People's ticket.
Q. Were you one of the signers of the call to get up this People's ticket?
A. I was not a signer, but I approved it afterwards; after it was formed I approved it; I believe I signed it then.
Q. You woted for it?
A. Yes, sir.
Q. What was the reason that People's ticket was formed?
A. On account of bad administration of the Republican party.

Q. The local administration?
A. Yes, sir; the local administration. The money was stolen, and the people were not satisfied with those officers.
Q. Was there a good deal of dissatisfaction with the local administration among prominent Repulicans?
A. Yes, sir.
Q. Among the best men, the men of property?
A. Yes, sir.
Q. And men interested in good government?
A. Oh, yes, sir; they all wanted good government.
Q. Were there many of your acquaintances who took the same view of this as yourself?

Q. And men interested in good government?
A. Oh, yes, sir; they all wanted good government.
Q. Were there many of your acquaintances who took the same view of this as yourself?
A. Yes, sir; a good many.
Q. German Republicans?
A. Yes, sir.
Q. Men of prominence in the community?
A. Yes, sir, most all of them; nearly all of them went with them; they were dissatisfied.
Q. You knew you were voting for some Democrats on the local ticket?
A. Yes, sir; we did.
Q. And you, a Republican, voted for a Democrat?
A. Yes, sir; I never would vote for a Republican if I knew that a Democrat was the better man.
Q. How d.d you vote on the national ticket?
A. Mostly always the Republican ticket. The last time I don't know whether I voted at all.
Q. You say you have a good many friends who are Republicans?
A. I have.
Q. Do you know of any reason why a man should leave that community simply because he is a Republican?
A. I did not see any necessity for anybody who was a Republican leaving there; I do not know of any necessity.
Q. His personal or business relations are not interfered with on account of his politics?
A. No, sir; not at all; I do not know of any case at all.
Q. Do you know what is the general reputation and standing in that community of S. A. Hackworth?
A. His reputation is not good.
Q. Do you know anything about the reputation and standing of Mr. Schutze?
A. Hoi, it is mighty low; that is what it is.
Q. Do you know anything about the reputation and standing of Mr. J. L.
Moore?
A. No; I can not tell you much about Mr. Moore.
Mr. COKE. I call the attention of the Senate to the testimony of

Mr. COKE. I call the attention of the Senate to the testimony of this witness, Mr. F. A. Engelke, a German, a Republican, an old resident of Washington County and Brenham, a man who votes the national Republican ticket always, and who joined the movement composed of Democrats and Republicans, known as the People's ticket, in 1884, and again in 1886, for the purpose of expelling from power the men who signed the memorial and arraigned the people of Washington County before the Senate and the country. It was done, says this witness, because of the corruption and bad government of these officials. The same people composing the People's ticket went on voting the national Republican ticket, but voted with the Democrats for the purpose of getting rid of these vampires who were preying upon the best interests of Washington County and her people. I desire to call special attention to what this gentleman says with reference to the standing of these three memorialists:

Q. Do you know of any reason why a man should leave that community simply because he is a Republican?

A. I did not see any necessity for anybody who was a Republican leaving there; I do not know of any necessity.

Q. His personal or business relations are not interfered with on account of his politics?

his polities?

A. No, sir: not at all; I do not know of any case at all.

Q. Do you know what is the general reputation and standing in that community of S. A. Hackworth?

A. His reputation is not good.

Q. Do you know anything about the reputation and standing of Mr. Schutze?

A. I think it is mighty low; that is what it is.

The last witness whose testimony was read here just before the adjournment yesterday, Mr. Muller, in response to the same question, says that Mr. Schutze is a vile, low man. Every witness who has been examined has testified to the same effect about Schutze and Hackworth.

These men, Schutze and Hackworth, have been always since the war the leading spirits in Washington County, fomenting trouble, intriguing with the lowest class of the negro population, creating all the disturbance they could create, not for any public purpose, not for any public good, but for their own private ends and to get themselves into power. These are the men who come here and assail the people of Washington County and the State of Texas; and I want the Senate to listen to what the witnesses who live in the same county with them say is their character. I venture the assertion that there never have been three men whose characters have been more universally denounced as utterly abandoned than these three memorialists. Yet, Mr. President, the report of the honorable Committee on Privileges and Elections is based chiefly upon their testimony.

There is one other witness who figured and who is much quoted in the report, one Jodon, of Brenham. I ask Senators to look into the report of this testimony and they will find that while Mr. Jodon is a witness who knows everything that is necessary to be known on any point that comes up, that at the same time he appeared in the committee as a prosecutor. He alternated with members of the committee in the examination of witnesses. The proceedings before the committee show it. And he, with the other three, Schutze, Hackworth, and Moore, are the witnesses upon whose testimony the report of the Committee on Privileges and Elections is chiefly based. I submit that it was an impropriety in that committee to permit this man to sit there and examine witnesses in this proceeding. It should not have been I

permitted; and certainly decency forbade that the same man should be prosecutor and witness in the same cause. Yet that committee permitted it, for here is the evidence of it in the interrogatories propounded by Mr. Jodon to various witnesses.

I ask now that the Secretary turn to page 405 and read the testimony

of E. Reichardt.

The Chief Clerk read as follows:

E. Reichardt, having been duly sworn, was interrogated as follows:

By Mr. Eustis:
Q. What is your age?
A. I am fifty-three years of age.
Q. Where do you live?
A. I live in Brenham at present.
Q. How long have you lived there?
A. Since 1873, I think.
Q. What is your business?
A. I have got a business in town, a furniture-house business, and other business besides. I live out 3 miles from town on my farm.
Q. What are your politics?
A. In politics I am a Democrat.
Q. How long have you been a Democrat?
A. I voted for Pierce and Buchanan, and after the war I could not vote for anybody else. I voted the Democratic ticket all the time.
Q. Do you know Mr. S. A. Hackworth?
A. Yes, sir.
Q. How long have you known him?

Yes, sir.
How long have you known him?
Since the time I was in Brenham.
What is his standing and general reputation in that community?
Well, his standing might be good with somebody; with me it is not much.
I speak of his general reputation.
It is not very great.
I do not ask you whether he is a great man; I want to know about his repion.

utation.

A. It was not very good in regard to business ways. I speak as a business man. He never pays his debts except he is forced to do it.

Q. You mean his credit is not very good in that community?

A. Nor his other standing.

Q. His credit and his other standing you say is not good?

A. Not with a good many people; it may be good with some.

Q. What is the general reputation and character of Mr. Schutze?

A. Well, it is about the same thing.

Q. Give us a little more definite idea if you can.

A. Well, I had for years no dealings with Mr. Schutze except last year when I took his paper for a year. Schutze is about the same way. He gets into anybody and tries to evade paying, and in regard to his social standing he has none.

Q. Do you know anything about Mr. Moore? A. Mr. Moore is a good man except he left Brenham without paying his debts.

debts.
Q. In old times it was said people went to Texas to avoid paying their debts.
A. Yes, sir; and a good many come there.
Q. Do you know anything about the circumstances of Mr. Hackworth, Mr. Schutze, and Mr. Moore leaving there?
A. Yes, sir; I found that out.
Q. From what you know, do you think there is any reason for their leaving?
A. No, sir; none in the world. They could have been there just as quietly and as well off as anybody. But all those parties were deeply involved in debt, and they had no source of making anything, and that was the last recourse they took. None of them was a producer, nor did he do anything to make a living.

Mr. COVE. This old Coverns banker, this citizen of Washington.

Mr. COKE. This old German banker, this citizen of Washington County, condenses this whole business with reference to these three men into a nutshell in answer to this question:

Q. From what you know, do you think there is any reason for their leaving?

A. No, sir; none in the world. They could have been there just as quietly and as well off as anybody. But all those parties were deeply involved in debt, and they had no source of making anything, and that was the last recourse they took. None of them was a producer, nor did he do anything to make a living.

The truth is that these three men were professional agitators. They had nothing in Washington County. They lived on office. They plundered the people to such an extent that in 1884 the people, as you have heard before in this testimony, without reference to party or political affiliations, combined, and Democrats and Republicans made up a People's ticket, composed of Democrats and Republicans, and elected a People's ticket, composed of Democrats and Republicans, and elected it, throwing these three memorialists out of office. When they got out of office they were like fish out of water. They tried to regain power in 1886. They failed to do it. They were run completely aground; they were stranded; they were bankrupt in fortune as well as in character; and they left there voluntarily, as this old man says, and as twenty-eight other witnesses prove whose testimony is here, and they were not driven off because they were Republicans, as they allege in their memorial.

I ask the Secretary to turn to page 409 and read the testimony of Harry Haynes

The Chief Clerk read as follows:

TESTIMONY OF HARRY HAYNES,

Harry Haynes, having been duly sworn, was interrogated as follows: By Mr. Pugn:

By Mr. Pugh:

Q. Give your full name and place of residence.
A. Harry Haynes; I live at Independence, Washington County, Texas,
Q. How long have you resided there?
A. I was born there, and never have lived elsewhere.
Q. About how old are you?
A. I am thirty-seven years old.
Q. What is your occupation?
A. I am a farmer.
Q. Were yo present at Brenham when they had the citizens' meeting?
A. Yes, sir.
Q. What was the cause of that meeting: for what purpose was it held?
A. It was held more as a conference meeting than anything else, to determine what action the people would take with reference to the result of the elec-

tion that had just been held and to perfect harmony and concert of action; to

tion that had just been held and to perfect harmony and concert of action; to discuss the situation generally.

Q. What were the objects that were intended to be accomplished by that meeting; were they lawful or unlawful? State the purpose of it.

A. It was lawful in every respect. We were there in the interest of law and order. It was currently reported throughout the country that there were lawless mobs or bands of people who intended to control the result of the election by force. That being the case, the law-abiding people of the country concluded that it would be best to consult together and to adopt some means to prevent any disturbance.

by force. That being the case, the law-animag people of the county concluded that it would be best to consult together and to adopt some means to prevent any disturbance.

Q. What was the character of the people who assembled there?

A. It was the most essentially representative body that I ever saw convened on any occasion or for any purpose, in Washington County. It was composed of bona fide citizens irrespective of party, nationality, color, creed, or otherwise, and there were Republicans, colored people, Democrats, Independents, and people of all political shades of opinion.

Q. They were a representative body of the people?

A. It was so regarded, and it was so strikingly so that it excited general comment in the press of the county and the adjoining counties.

Q. What expression of feeling was given by that meeting while they were in session; what was the character of the speeches, if there were any?

A. There were several speeches made which were distinguished for conservatism, the result of which was that we determined we had achieved the victory and would hold to it.

Q. What evidence did you have that there were any persons organized in the county to prevent the lawful result of the election from being recognized and enforced?

county to prevent the lawful result of the election from being recognized and enforced?

A. Well, in some parts of the county I suppose they had ocular evidence of it, but in my section of the county we had nothing more than current rumor. We were connected by telegraph and telephone with other sections of the county, and through this medium of communication we had been informed that in the eastern part of the county these insurrections, riots, rebellions, or whatever you choose to term them, were being organized. I suppose in the eastern part of the county these things came under the observation of individuals, but in my part of the county we saw nothing of the sort, except that the town in which I live, a village situated 15 miles north of Brenham, was entirely deserted by the male colored population. It was a notorious fact that for twenty-four hours not a negro man was seen in the town, nor scarcely any who were able to go away at all.

all.

Q. At what point was that?

A. At Independence. The women were very closely housed, but the men had all gone, and we have never been able to find out just exactly where they went. The supposition with us was that they had gone to the eastern part of the county to join these mobs that were being organized. We have no positive evidence, however, to that end. There were usually a good many colored people in our town, but for twenty-four or thirty-six hours we did not see a colored man there at all, and that confirmed the rumors we had received that these mobs were being organized in different parts of the county.

Q. Whether that was true or false, was the apprehension general and well founded in belief; did the people just affect to believe that, or was the apprehension of danger real?

A. I never saw people more serious in my life. If they were joking about it,

hension of danger real?

A. I never saw people more serious in my life. If they were joking about it, they acted the hypocrite most consummately I must say. There was great distress among the women of the country. The men are not easily frightened, but they were distressingly serious on the subject. You asked me about the character of the speeches. I would like to go back and speak about them.

Q. My question was as to what speeches had been made at that meeting?

A. Colonel Giddings, who delivered, I suppose, the leading speech, advised the people to be prudent, discreet, and cautious, and to hold to what they had gained, but to resort to no acts of violence. That was about the character and substance of his speech.

gained, but to resort to no acts of violence. That was about the character and substance of his speech.

Q. There was no man at that meeting who was more influential with the people who attended the meeting than Colonel Giddings?

A. No, sir; he was decidedly the most influential man there, I suppose.

Q. He is a large property-holder, is he not?

A. Yes, sir; he is one of our wealthiest citizens, and a banker.

Q. What positions had he filled; what public trusts?

A. I do not know that he had ever filled any, except that he had served two or three terms in Congress.

Q. He is a large property-holder, is he not.

Q. What positions had he filled; what public trusts?

A. I do not know that he had ever filled any, except that he had served two or three terms in Congress.

Q. When had he served those people in Congress?

A. Washington County was in his old district, or was in 1874, I believe. It was the Fifth Congressional district of the State, and Washington County is still the old Fifth Congressional district, though it is in district number nine now.

Q. You say that was the character of the counsel Colonel Giddings gave at that meeting?

A. Yes, sir.

Q. Was there anything in the speech which you heard from Colonel Giddings calculated to excite any resort to violence or any breach of the peace?

A. Well, I can answer that question with more than ordinary confidence. If he delivered a single sentence or used a word or phrase that was calculated to stir up any bad blood it has entirely escaped my memory, and more than that, it did not create any such impression on me at the time. It was remarkably conservative, more so than any speech I have ever heard Colonel Giddings deliver, and I have heard him deliver hundreds, I suppose, in the course of my life. He is not regarded as an archangel in our part of the world; he is a man with plenty of temper, aggressive and bold, and in his public discussions is a very aggressive talker. But on this occasion he was very lamb-like and submissive, and his voice was altogether for peace, and he so stated it. I think I had better state the feelings of the man when I state this publicly. It created some surprise, the conservative spirit of the speech; I know it created some surprise.

Q. The effect of it was to allay, you say, any spirit or feeling other than that of keeping the peace, preserving order, executing the laws, and respecting the rights of everybody?

A. Yes, sir; that was the character of the speech; I know it created some surprise.

Q. Who else spoke at that meeting?

A. There were some six or seven short speeches delivered. I be

thirty-six hours, I received notice before the meeting convened of a certain matter. I had heard of these outrages, insurrections, mobs, or whatever you call them—I think the word mob would convey the most accurate idea of the character of those meetings held in the eastern part of the county—and I said in that speech, when I heard of those mobs being organized in the county, that if their expressed intention was to slaughter and slay the people of the county, that my voice was for war. But when I heard these reports contradicted I said that I intended to attend that meeting upon a mission of peace. The expresses my views and the way I happened to use those words on that occasion; that having heard of these insurrections in the other parts of the county, my voice tend that meeting upon a mission of peace. I hope I make that clear to the committee. I would like for them to get it exactly right, as it has been misapprehended by witnesses who have been before the committee heretofore.

Q. Who was the next speaker after you?

A. I can not name the speakers in the order in which they were called.

Q. Did Judge Kirk speak?

A. No, sir; he was not the next speaker.

Q. Did Judge Kirk speak?

A. No, sir; he was not the next speaker.

Q. Did Judge Kirk speak?

A. That was about all. That is my recollection; if there were any other speeches made, except to just indorse the sentiments they had expressed, I have no recollection of it, except that Mr. Felder five were any other speeches made, except to just indorse the sentiments they had expressed, I have no recollection of it, except that Mr. Felder digressed to say that he thought Judge Kirk had made a very brillant campaign, and had worthly won his hone alled to produce.

Q. Now, in reference to the purpose of that meeting, did anybody in it go so far as to propose to drive any one out of the county, or to take any steps to do so, to tell any one to leave? What have you to say about that?

A. No, sir; there was nothing of that sort attempted.

Q. What do you know about

I recollect.

Q. Did you ever have any notice of a movement by any individuals or body of people in Brenham to drive these men out of the county?

A. No, sir; I never did.
Q. Or to tell them to leave?
A. No, sir; I never heard of any movement of the sort at all.
Q. Is there anything else you think of which you would like to state? Do you know the general character or standing of Mr. Moore, Mr. Schutze, or Mr. Hackworth in Washington County or in the neighborhood where they live?

A. A man could hardly live in Washington County and not be familiar with the character of this famous trio.
Q. What was that character?

A. A man could hardly live in Washington County and not be familiar with the character of this famous trio.

Q. What was that character?

A. Well, it was not at all like Cæsar's wife. They did not stand well among the masses of the people there.

Q. Why was it that they had that standing among the people where they lived; what gave them that character.

A. As far as Mr. Moore is concerned, I think his want of standing was owing altogether to his devotion to the worst element of the Republican party in that county. Some of the very best people in our county there are Republicans, but Mr. Moore's affiliation was not with that character of people in the Republican party; it was with the scapegoats and ragamuffins, and the worst element of the party there; I think his want of standing in the county there was owing to that. Mr. Schutze was a man notoriously immoral, and his character was owing to that. Mr. Schutze was a man notoriously immoral, and his character was bad, and he was in disrepute in a great many ways. I do not know that I can specify and say just exactly what, unless you would permit me to go into the details of some affairs which the committee would not probably like to hear, in regard to his marriage and final separation from his wife, and the causes of that separation, and the great indignation manifested on the part of his wife's relatives. All those things would be enough to disgrace a dog if the details were brought out. But I only know, generally, that his German fellow-citizens, irrespective of their party, have no great respect for him or confidence in the man. These things are general and I cannot specify.

Mr. Hackworth, I think, was a man of little or no standing there socially, politically, or financially. I understand that his credit was bad, and I know that he did not have the respect of the respectable people of the county, including his own relatives, his blood kin; that they denounced him in unmeasured terms, and severely, and did not hesitate to do so. These parties had all been in

worth of work on the roads, besides carrying the scrip from 40 cents up to par. Thus under the two administrations the thing was so patent that it brought the whole thing into disrepute there. It argued inefficiency, dishonesty, and the misappropriation or misuse of the county funds.

Mr. COKE. Mr. President, I desire to say of this witness, Harry Haynes, that he is a gentleman well known to my colleague [Mr. REA-GAN], I think, as also to myself. He is a gentleman of unusual intel ligence, a man of the very highest character, born and raised in Washington County, a farmer. He has been several times a member of the Texas Legislature, and I do not know a man in Washington County or in any other county of the State whose utterances would meet and command higher respect and regard, a man who would be a good citi zen and highly esteemed man anywhere and in any country. He speaks of the public meeting which was called at Brenham at which speeches were made. This was the meeting which this trio of memorialists have represented to be one at which it was determined that they should be driven out of the county. It will be seen that Mr. Haynes expressly negatives anything of that sort. He shows conclusively that no proceeding of that sort was contemplated; that the meeting was peaceable; that the advice of the speakers was conservative notwithstanding the high excitement which existed on account of rumors of combinations of negroes who intended to make attacks upon the white

I call especial attention to this part of the testimony of Mr. Haynes: Q. What do you know about these persons being compelled to leave, or required to leave, or notified to leave?

It will be remembered that these men had sworn in their memorial that they were driven out of Washington County.

that they were driven out of Washington County.

Q. What do you know about these persons being compelled to leave, or required to leave, or notified to leave?

A. Oh, it was altogether voluntary on their part.

Q. What reason have you for saying so; why do you make that statement?

A. So far as Mr. Schutze is concerned, I do not know what motives he had, or what his intention has been heretofore. I speak now with reference to Mr. Moore and Mr. Hackworth. Last spring I was at the Pennington Hotel in the town of Brenham, and Mr. Moore drove up in front of the hotel with a load of vegetables. I believe at that time he was engaged in the market-garden business. He had been a man that I had known somewhat intimately, and I stepped on the gallery, being somewhat surprised to see him selling vegetables, and had some words with him. I asked him what he meant by that. "Well," he says, "this is the way I have to make my living." I used some expression, such as "How are the mighty fallen!" and asked him if he expected to continue that and he said, "No. Haynes; I can not see how I can make a living here, and I have made up my mind to go to California." Just what else occurred in the course of that conversation I have no recollection.

Mr. Moore did go to California, and this occurred long before these

Mr. Moore did go to California, and this occurred long before these troubles, when he said he was ordered out of the county.

Q. That was at what time?
A. That was last spring; that is, the spring before the election.

He has gone to California since, but it was in pursuance of this intention expressed to Mr. Haynes some seven or eight months previous. It was in the spring, and the election was in the fall when the disturbances occurred; and yet in the memorial presented here, Moore swears that he was driven out of Washington County to California.

Now, as to Mr. Hackworth, he says:

Now, as to Mr. Hackworth, he says:

Last summer, a year ago, in August, I was with Mr. Hackworth, and we were invited to deliver speeches down in Austin County. At that time there was a local-option contest pending in one of the magistrate's beats of Washington County, and we had been invited down there to deliver speeches in that election. On the way down we talked about a great many things, and when we got in the vicinity of Wallace, where the speeches were to take place, he began to talk about his speeches down there to a large number of negroes that he had colonized. He was agent for large tracts of land, and he expected to colonize there, and he told me on that occasion that he expected to dispose of that property and settle down in Fort Bend County or Austin County, near the line, as soon as he could dispose of his property in Brenham. So I say that as far as Mr. Moore and Mr. Hackworth are concerned, their forcible exile is in obedience to a plan long matured and quietly expressed to me. If I have violated the proprieties of a private conversation in giving this testimony before a committee, I ask the pardon of those gentlemen in doing it; but that is the way it occurred, as far as I recollect.

Vet these men have sworn that they were driven from Washington.

Yet these men have sworn that they were driven from Washington County; that they were exiled from Washington County; and he is as good a man as lives in Washington County or anywhere else, who swears

both of them expressed to him seven or eight months before they left Washington County a settled, fixed intention to sell out and leave.

Now, I call attention further to what Mr. Haynes says about the standing of Mr. Moore, Mr. Schutze, and Mr. Hackworth in that community. The men who undertake to assail the people of a great State must expect to be examined, to be put under the microscope, and for it to be ascertained whether or not their allegations are worthy of belief.

Mr. Haynes speeking on that subject says: Mr. Haynes, speaking on that subject, says:

Mr. Haynes, speaking on that subject, says:

Mr. Schutze was a man notoriously immoral, and his character was bad, and he was in disrepute in a great many ways. I do not know that I can specify and say just exactly what, unless you would permit me to go into the details of some affairs which the committee would not probably like to hear, in regard to his marriage and final separation from his wife, and the causes of that separation, and the great indignation manifested on the part of his wife's relatives. All those things would be enough to disgrace a dog if the details were brought out. But I only know generally that his German fellow-citizens, irrespective of their party, have no great respect for him or confidence in the man. These things are general and I can not specify. Mr. Hackworth, I think, was a man of little or no standing there socially, politically, or financially. I understand that his credit was bad, and I know that he did not have the respect of the respectable people of the county, including his own relatives, his blood kin; that they denounced him in unmeasured terms and severely, and did not hese islate to do so. These parties had all been in the administration of affairs there during our worst days, when embezzlements and defalcations and high taxes were being thrust upon the people, and the odium that surrounds these men is worse

now from the fact that they left the county with a debt of twelve or fifteen thousand dollars, with its scrip sometimes down to 40 cents and never higher than 40, with no internal improvements going on whatever; and after the administration of the affairs of the county fell into the hands of the respectable, good people of the county, in two years, with the same rate of taxation precisely, they paid off this debt of \$15,000, built \$12,000 worth of bridges, and had done several thousand dollars' worth of work on the roads, besides carrying the scrip from 10 cents up to per 10 cents up to par.

I would state one fact here that I should like every Senator on this floor to remember. By some twenty-seven or twenty-eight witnes Schutze is universally described as a perfectly monstrous man in his mmorality; some of them say he is a moral leper. One witness whose testimony I read last night said he was a low, vile man. Here is another witness who says "that the details of Schutze's conduct would disgrace a dog." Germans, negroes, Republicans, and Democrats all unite in denouncing him as a man of infamous character; and yet with a full knowledge of this inlamy, this man Schutze was, by the management of Hackworth, controlling the worst elements of the Republican party in Washington County, put at the head of the Republican ticket for county judge of Washington County, and he is the man who was beaten by Judge Kirk in the last election.

I do not want that fact lost sight of. This man Hackworth and his coadjutors put Schutze, this monster of immorality as he is described by the witnesses, this moral leper, at the head of the Republican ticket for the highest judicial honor in Washington County, and veted for him and fought for him. What is the record of this man Schutze? I will read from the memorial indorsed by about two hundred of the best people of Washington County:

Schutze, it is believed, came to Brenham about 1871, as alleged by him. We are informed that he was the keeper of a restaurant in the city of Austin before he came to Brenham. He was there arrested under the charge of swindling, and after several weeks of imprisonment was released after being made to dis-

That is his record before he went to Washington County, and you have heard his record after he did go there.

I now ask the Secretary to turn to page 427, the testimony of Frederick Fischer, which I desire to have read.

The Chief Clerk read as follows:

#### TESTIMONY OF FREDERICK FISCHER.

Frederick Fischer, having been duly sworn, was interrogated as follows:

By Mr. Pugn:

By Mr. FUGH;
Q. Please give your name to the committee.
A. My name is Frederick Fischer.
Q. Where do you reside?
A. I live in Brenham, Washington County, Texas.
Q. What is your occupation?
A. I am a butcher.
Q. How long have you lived in Brenham?
A. I have lived in Brenham since 1869.
Q. Are you a property-holder there?
A. Yes, sir.
Q. What is the extent of your possessions there; are they in real estate or that?

A. I own a farm and a house and a couple of houses in the city.
Q. A wooden or a brick house?
A. One brick house, one frame house, and about a dozen other farm houses.
Q. About what do you estimate your property there to be worth?
A. About \$30,000.
Q. What party have you voted with there; what do you claim to be in poli-

tics?

A. I am a Republican.
Q. Did you take any part in the war?
A. Yes, sir.
Q. Which side were you on?
A. I was on the Northern side.
Q. You were a Union soldier?
A. Yes, sir.
Q. When did you go to Brenham?
A. In 1869.
Q. Have you been there ever since?
A. Yes, sir; I have.
Q. Please give the committee what knowledge you have of the formation of a People's party and a People's ticket in 1834, and afterwards; why was that party formed?
A. Well, in 1884, or before that, our officers got to stealing our money.
Q. The county officers?
A. Yes, sir.

Q. The county officers?
A. Yes, sir.
Q. What were they, Republicans or Democrats?
A. One of them was a Republican.
Q. Who were the county officers?
A. This man I was alluding to was Leib.
Q. What offices did he fill?
A. He was the treasurer.
Q. He got to stealing the people's and the county money?
A. Yes, sir; he stole it all.
Q. And that was the reason you got up this movement to turn that sort of men out of those offices?
A. Yes, sir. We got together and selected a set of people of both parties, honest men.

honest men. onest men.

Q. The people of both parties got together and made the ticket?

A. Yes, sir; the People's ticket.

Q. That was the reason it was called the People's ticket?

A. Yes, sir.

Q. You took part in that movement?

A. Yes, sir.

Q. You helped to make the ticket?

A. Yes, sir.

Q. You helped to make the ticket A. Yes, sir.
Q. And helped to elect it?
A. Yes, sir.
Q. And those men were elected?
A. Yes, sir.
Q. Fairly and openly?
A. Yes, sir.

By Mr. TELLER:

- Q. That was in 1884? A. Yes, sir; in 1884.
  - By Mr. Pugh:
- Q. It was claimed then that the People's candidates got possession of the county offices?

  A. Yes, sir.

  Q. When they got possession what was the condition of the county credit and

- Q. When they got possession what was the condition of the funds?

  A. We stand first class there, and the papers are good; our scrip I mean.

  Q. That is, at this time. But I mean when you first got possession of those offices by the movement of these people; what was the condition of the county credit in 1884?

  A. Oh, that fellow almost bankrupted us.

  Q. What was county scrip worth then?

  A. I don't recollect. Sixty-five cents was offered for it.

  Q. Since the people elected the county officers, what has been the result?

  A. It is dollar for dollar.

  Q. It has gone up dollar for dollar?

  A. Yes, sir.

- A. It is adonar for dollar?
  A. Yes, sir.
  Q. Were you in Brenham when this public meeting was called and held?
  A. I got there late.
  Q. Do you know anything about the object or purpose of that meeting?
  A. What I understood was that the negroes were getting themselves together, and there was to be some trouble with them.
  Q. You really heard that?
  A. Yes, sir; that is what I understood.
  Q. And you understood that this meeting was called on account of that condition of things?
  A. Yes, sir; to protect us.
  Q. Were you in the meeting?
  A. I was there a while.
  Q. While you were there what sort of speeches did you hear; what sort of feeling was expressed?
  A. Well, I don't know, really. The feeling seemed to be pretty strong against those darkies.
  Q. Pretty strong against the darkies?

- Q. Pretty strong against the darkies?
  A. Yes, sir; on account of that movement.
  Q. Do you know anything about any movement or any combination to drive anybody out of the county?

anybody out of the county?

A. No, sir.

Q. Did you ever have any conversation with Mr. Potter with reference to these notices that were going around there?

A. Yes, sir.

Q. State what conversation you had with him.

A. Mr. Potter came down to my market and showed me that note that he got, and I told him he need not be alarmed, that I did not think there was anything in it, and he says himself that he thought Frank Harvin wrote him the note.

By Mr. TELLER: Q. This was the notice that he got to leave, was it? A. Yes, sir.

By Mr. Pugn:

- Q. This was the notice that he got to seave, was 1?

  A. Yes, sir.

  By Mr. Pugh:

  Q. What was the general understanding and talk there; what did you gather from the conversation around about these notices that were being given?

  A. Well, it was generally believed that some of them wrote them themselves.

  Q. Who did Mr. Potter say he thought gave him his notice?

  A. He said he thought Frank Harvin wrote it for devilment.

  Q. Is Harvin an enemy of his?

  A. No, sir, he said he done it for devilment.

  Q. Do you know any fact going to show that Mr. Moore, Mr. Schutze, and Mr. Hackworth left that county on account of their belief that they were in danger, or anything of that sort?

  A. They were in no more danger than I was.

  Q. In no more danger than you were?

  A. No, sir.

  Q. Do you know their general character in the neighborhood where these parties live; do you know what their general character is there among the people where they live?

  A. Well, Mr. Schutze—

  Q. But do you think you know the general character of those men?

  A. Just about what the people thought and said.

  Q. You know from what the people said?

  A. Yes, sir.

  Q. Now what sort of a character was that?

  A. Well, as to Mr. Schutze, nobody would hardly associate with him any more. The report is that he whipped his wife and she had to run to her friends to find protection.

  Q. He whipped his wife and she had to go to her friends for protection?

  A. Yes, sir.

  Q. What about his credit there?

  A. His credit was not good.

  Q. What about his associations, his moral character and standing?

  A. He has none at all.

  Q. Do you know anything about Mr. Schutze keeping a negro woman there as a sort of mistress?

  A. I do not know about that.

  Q. Was there any talk or rumor of that?

  A. There was a sort of rumor, but I do not know.

  Q. Do you know anything about Mr. Hackworth?

  A. Yes, sir; I know him.

  Q. What do you know about his general character and standing there in Brenham?

am?

A. His general character and standing was not good.
Q. Do you know or think you have any reason for saying that?
A. Well, he would not pay his debts.
Q. What was the character of his associations?
A. The character of his associations was with the lowest class of darkies.
Q. His credit was not good?

A. No six

No, sir.

From that character of Mr. Hackworth's would you believe him under

oath—
Mr. TELLER. You must ask what was his reputation for truth and veracity;
that is the question to put to him on that subject.
Q. Was there any other cause for his standing except his low associations and
his not paying his debts? Was there any other cause for his low standing?
A. Not that I know of, in particular.

Mr. COKE. I desire to emphasize this testimony of Frederick Fischer, a good, conservative old German, living in Brenham, Washington County. He is asked:

Q. Are you a property-holder there? A. Yes, sir.

Q. What is the extent of your possessions there; are they in real estate or

A. I own a farm and a house and a couple of houses in the city.
Q. A wooden or a brick house?
A. One brick house, one frame house, and about a dozen other farm-houses,
Q. About what do you estimate your property there to be worth?
A. About \$30,000.
Q. What party have you voted with there; what do you claim to be in police?

I am a Republican. Did you take any part in the war?

Q. Did you take any part in the wa A. Yes, sir. Q. Which side were you on? A. I was on the Northern side. Q. You were a Union soldier? A. Yes, sir. Q. When did you go to Brenham? A. In 1869.

Mr. President, I desire also his estimate of the character of these three memorialists, Schutze, Hackworth, and Moore, preserved in the memory of the Senate. I desire those three men understood. They

have made grave charges here against the people of Texas, and I de sire that the exact weight to which they are entitled as witnesses shall be ascertained and remembered.

Now I ask the Secretary to turn to page 433 and read the testimony of William Perry.

The Chief Clerk read as follows:

#### TESTIMONY OF WILLIAM PEERY.

William Perry, having been duly sworn, was interrogated as follows:

By Mr. Pugh:

By Mr. Pugh:

Q. What is your name?
A. William Perry.
Q. Where do you reside?
A. In Brenham, Washington County, Texas.
Q. What is your business?
A. I am superintendent of a cotton-press at Brenham.
Q. How long have you lived in Brenham?
A. Nearly five years; five years the coming July.
Q. Were you at the meeting held at Eldridge Hall?
A. Yes, sir.
Q. Describe the character and object of that meeting.
A. After the vote there was considerable excitement all over the county, and some farmers came in from the country and said there was a good deal of excitement among the negroes. A meeting of citizens was called; a good many farmers were there, and a good many citizens of the town, and Colonel Giddings made a little speech, and advised everybody to be quiet and not be hasty in doing anything they would regret afterwards. There seemed to be considerable excitement among them.

a little speech, and advised everybody to be quiet and not be hasty in doing anything they would regret afterwards. There seemed to be considerable excitement among them.

Q. What caused the excitement?

A. The killing of Bolton.

Q. Was there any rumor or talk of a combination among the negroes?

A. Yes, sir; it was said that the negroes were organizing on Sunday. Our meeting was held by probably Tuesday or Wednesday. On Sunday it was said that some of the negroes had made some talk out there at their churches in regard to the election and what they would do; that their talk was that their ticket had been elected, and they wanted to have their candidates put in office. That is what caused this excitement, and we called the meeting.

Q. Do you know of the general character and standing of Messrs, Hackworth, Schutze, and Moore in that community?

A. Well, I should judge—

Q. Just from what the people said, I mean?

A. From my experience and what I saw I should judge their character was not at all good, and from their associates; that is, as far as Hackworth and Schutze are concerned. Moore I know very little of any further than seeing him on the streets, and his having held office there and associating with a class of people that a person would naturally suppose were birds of a feather who went together.

Q. What was the talk, if there was any, about the influence these men were exerting upon the negro population?

A. Sir?

Q. What was the talk, if there was any talk of that sort, about the influence

exerting upon the negro population?

A. Sir?

Q. What was the talk, if there was any talk of that sort, about the influence and the teachings of these men towards the colored population?

A. Of course they were recognized as the leaders of the Republican party, which in our country is the negro vote. There are good Republicans who vote for the white or People's ticket; we do not have any Democratic ticket. We have a People's ticket, and Republicans and Democrats both vote for the People's ticket.

Q. They combine?

A. Yes, sir; they combine on the People's ticket.

Q. What was the cause of that combination of Democrats and Republicans?

A. To get good men in office. The menthat the Republicans heretofore have put in office have robbed the county and stolen in every way that they could.

Q. And these men had filled these offices and had done so by the aid of the negro vote?

Q. And these men had lined these offices and had done so by the aid of the negro vote?

A. Yes, sir; that is the way it was done.
Q. It was the influence they exerted upon the negroes that enabled them to get those offices?
A. Yes, sir.

Mr. COKE. I now ask the Secretary to turn to page 440, the testimony of Boling Eldridge.

The Chief Clerk read as follows:

# TESTIMONY OF BOLING ELDRIDGE,

Boling Eldridge, having been duly sworn, was interrogated as follows:

By Mr. Pugh:

Q. What is your full name?
A. Boling Eldridge.
Q. Where do you reside?
A. In Brenham, Washington County, Texas.
Q. How long have you lived there?
A. About thirty-seven years.
Q. Were you in Brenham the day that the public meeting was held after the lection of this last year?
A. Yes, sir.

A. Yes, sir.

Q. Tell what that meeting was called for, and what was done and said, as ell as the character of the people who attended it.

Mr. Evarrs. Is this the Eldridge Hall meeting which has been spoken of?
Mr. Pugh. Yes.

The Witness. There was a good deal of excitement about that time. I was attending to my business, and heard that a meeting was called there on account of the killing of Bolton, and other rumors that were afloat. You could hear almost anything at that time.

Q. But those rumors were afloat, were they?
A. Yes, sir.
Q. What effect did they seem to have upon the people; what was the condition of feeling there?
A. The people were very much excited, so far as I could see, and held a meeting which was largely attended.
Q. What were these rumors which you speak of?
A. The rumor was that the negroes were arming themselves, and that probably there would be a fight between the races; that was about the meaning of it.
Q. And the killing of Bolton?
A. Seemed to have been the eause of it.
Q. That seemed to have been the beginning of it?
A. Yes, sir; so far as I know.
Q. What was said about the killing of Bolton being the beginning of that work, of that conviction among the negroes, or the effect of the teachings among the negroes by whites, or whatever was said about it? State as well as you renember, if you know anything.
A. I do not know much about that. It was stated that during the canvass there were speeches made that tended to excite the negroes and bring about a hard feeling between the whites and the blacks; I heard those rumors.
Q. To stir up the race feeling?
A. That is about what I heard; yes, sir. I did not attend any of the meetings, and did not here any of the speeches.
Q. Do you know anything about the move to combine the members of both parties in forming a People's party, and getting up a People's ticket?
A. Yes, sir; I recollect about the time that it organized.
Q. What year was that?
A. That was in 1884, I believe; that was the first year, I think.
Q. Why was that combination made or entered into?
A. I think, as best I know, that the people, the best people in the Republican party, were tired of the Republican administr

A. Tes, sir, I wante to put out a tester, to tan a contention and put out a tester.

Q. They succeeded in forming a People's party and got out a People's candidate against your opposition?

A. Yes, sir; they succeeded in getting the ticket out, and elected it.

Q. Then from the time that People's party was formed was there any politics, any Republicanism or Democracy in it?

A. No, sir; nothing at all.

Q. That combination was made to keep the county offices in the hands of honest, qualified men?

A. Yes, sir; that was about what it was.

Q. Were the candidates selected without regard to politics, and with reference to their qualifications chiefly?

A. They were selected because of their qualifications, I think. There were some Democrats on the ticket and some Republicans. It was a People's ticket; it was no Democratic ticket, but a ticket gotten up and selected by the people.

Q. Who elected or tried to elect that ticket, the members of both parties and all classes?

A. That is what I understand. I reckon there were a good many negroes

A. That is what I understand, I reckon there were a good many negroes who voted for it, and Republicans also,
Q. You mean a good many white Republicans?
A. Yes, sir. I understand it would not have been elected had not a good many of the white Republicans voted for it as well as Democrats. I do not know that all the Democrats voted for it,

Mr. COKE. I ask that the Secretary turn to page 447, the testimony of Hermann Fischer.

The Chief Clerk read as follows:

TESTIMONY OF HERMANN FISCHER.

Hermann Fischer, having been duly sworn, was interrogated as follows: By Mr. Pugh:

What is your name?

Q. What is your name?
A. Hermann Fischer.
Q. Where do you reside?
A. I reside in Brenham,
Q. What business do you do there?
A. I am a merchant.
Q. How long have you been engaged in that business?
A. About nineteen years.
Q. You are pretty generally acquainted with the people of that county and neighborhood?

A Ves sir. eighborhood?
A. Yes, sir.
Q. With the white and black people?
A. Yes, sir.
Q. What have been your politics?
A. I am a Republican.
Q. What have been your politics since
A. Republican.
Q. When did you last vote the Republ
A. In 1883; the county ticket.
Q. Since that time what ticket have you.
A. The People's ticket.

I am a Republican. What have been your politics since you resided in Brenham? Republican. When did you last vote the Republican ticket?

In 1882; the county ticket. Since that time what ticket have you supported? The People's ticket. What ticket was that; a ticket to fill county offices?

Q. Since that time what ticket have you supported?
A. The People's ticket.
Q. What ticket was that; a ticket to fill county offices?
A. Yes, sir.
Q. And no other than offices in the county?
A. Only the county offices.
Q. Why was it that you joined the people in making that party and in nominating that ticket; what was the cause of that?
A. We were dissatisfied with the Republican officers.
Q. The Republican government of the county, or the Republican management of the county?
A. Yes, sir; with the officers.
Q. What was the character of the people engaged in this movement to unite and elect the People's candidates to those offices.
A. They were the very best elements in the county.
Q. And that element was made up by Republicans and Democrats?
A. Yes, sir.
Q. Who were the opposing candidates for those county offices against the People's ticket in the last election?
A. So-called Republicans.
Q. Were all the candidates for county offices on the Republican ticket Republicans?

A. Yes, sir. Q. Then the Republicans put their ticket out by that name; it was a Republican ticket?

lican ticket?

A. Yes, sir.
Q. Was the People's party formed, and were these candidates nominated by them, so as to break down the Republican party; did you gentlemen think to break down the Republican party as a party, and to defeat Republican principles and Republican policy?

A. No, sir; not at all.
Q. Then there was no purpose of that sort in the People's organization?
A. No.
Q. That was not the object of nominating those candidates?
A. No.

A. No.

Q. That was not the object of nominating those candidates?

A. No.

Q. Then what was the object?

A. We wanted to get able and honest officers.

Q. For the county government?

A. Yes, sir.

Q. Do you know Mr. Hackworth?

A. Yes, sir.

Q. How long have you known him?

A. I think ever since I have been in Brenham.

Q. What has been and is his standing there in that county; his general character and standing?

A. His reputation is very bad there.

Q. What is the cause of that, in your judgment? Why is it that he has that standing and that reputation and character among the people there?

A. His association with negroes.

Q. His association are with negroes?

A. Yes, sir.

Q. What is the idea, if there is governed.

standing and that reputation and character among the people there?

A. His associations are with negroes?

A. Yes, sir.

Q. What is the idea, if there is any, as to the purpose of that association; what use does he want to make of those negroes?

A. He wanted to get elected by them to office.

Q. He wanted to get possession of the county offices by their vote?

A. Yes, sir.

Q. That is your opinion and that is the general understanding?

A. Yes, sir.

Q. Now, what use does he want to make of the county offices when he gets them, and what use has he made of them when he had them?

Mr. Evarts. I suppose you mean to confine yourself to the general sentiment down there?

Q. I want your judgment and the opinion of the people there as to the cause they had for nominating these People's candidates. Why did they want Schutze and Hackworth defeated; why did they want to prevent them from getting possession of those county offices?

A. Because they had tried them before.

Q. You had some experience of what use they would make of them if they got them again?

A. Yes, sir.

Q. When they had them what was the condition of the county funds and credit and the character of the county improvements?

A. Our scrip was worth about 50 to 65 cents and now it is at par.

Q. Then after they were turned out, and the people elected their candidates, how long was it before the county credit got up to par and everything in the county was in a healthy condition?

A. It was one or two years later.

Q. And that is the present condition of the county?

A. Yes, sir.

Q. Has that been made so by turning out these men and putting better men in, or what has been the cause of it?

A. Yes, sir; that was the cause.

Q. Do you know of any instances showing transactions, propositions, or offers from Mr. Hackworth that, in your judgment, were dishonest or proves what sort of a man he is, what sort of character he has; if so, give any instances you can?

A. Mr. Hackworth made me once a proposition to go out about a mile from there to an old farmer and m

can?
A. Mr. Hackworth made me once a proposition to go out about a mile from there to an old farmer and make him drunk and swindle him out of his farm.
Q. What was the name of that man?
A. I think his name was Murf.
Q. Who was this man; what sort of a man was he?
A. He was an old bachelor.
Q. What was his intelligence and capacity to contract and deal for himself; what sort of sense did he have?
A. I think he did not have good sense.
Q. He was rather a weak-minded man?
A. Yes, sir.

A. I think he did not have good sense.
Q. He was rather a weak-minded man?
A. Yes, sir.
Q. What did Mr. Hackworth propose to you to do?
A. He asked me to join him and go along and take a bottle of whisky there and make him drunk and buy his land; swhidle him out of it.
Q. What answer did you make?
A. I declined, certainly.
Q. When was that?
A. I think that was about five or six years ago.
Q. Can you name any other transactions or acts of his in the same direction?
A. No, sir; that is about the only one I recollect. I did not have any dealings with him for several years.
Q. Who was to furnish the money to buy the farm of this old man?
A. I was to furnish the money.
Q. He wanted you to furnish the money?
A. Yes, sir.
Q. What part did he propose to act?
A. To make out the deed.
Q. To make out the deed.
Q. To make the purchase?
A. Yes, sir.
Q. Was he to make the contract if you were to furnish the money?
A. Yes, sir.
Q. Who was to do the trading if you were to furnish the money?

Yes, sir.
Who was to do the trading if you were to furnish the money?
He was to do the trading.
Do you know Mr. Schutze?
Vos cir.

Yes, sir.
What is your understanding of his general character there among the peo-

ple?
A. His character is very bad. He is not allowed in a respectable family.
Q. He is not allowed in a respectable family?
A. No, sir.
Q. What do you know about the state of feeling there about the time Bolton was killed and from that time down to the election? State if there was any excitement in the county; and, if so, the cause of it.
A. There was some excitement about there.
Q. What was the cause of it?
A. The hanging of Bolton.

B. M. Evener.

By Mr. EVARTS:

Q You mean the killing of Bolton? A. Yes, sir; I mean the killing of Bolton. By Mr. Pugn:

Q. That was the cause of the excitement?

- A. Yes, sir.
  Q. Did you hear any rumors or reports there about the negroes combining in any part of the county?
  A. Yes, sir.
  Q. What were they combining to do?
  A. The rumor was they were arming themselves.
  Q. Was there any talk about who had influenced them to arm themselves; was there any talk about that and was anybody charged with teaching the negroes and advising them to arm for any purpose; and, if so, what?
  A. Yes, sir; and expressly Lockett and Gilder, they were the ones.
  Q. Who was this Gilder, and how was he related to Mr. Moore?
  A. He is brother-in-law to Mr. Moore.
  Q. What was Gilder's standing and character among the people?
  A. I didn't know much about him; he is a young man.

Mr. COKE. I desire Senators to understand this testimony and bear in mind that this man Hermann Fischer, who is an old resident of Washington County, a Republican who always voted the Republican ticket until the People's ticket to rescue the county government from the hands of the plunderers was formed, when asked to state what he knows about S. A. Hackworth, and Mr. Schutze, and Mr. Moore, says:

- A. Mr. Hackworth made me once a proposition to go out about a mile from there to an old farmer and make him drunk and swindle him out of his farm.
  Q. What was the name of that man?
  A. I think his name is Murf.
  Q. Who was this man; what sort of a man was he?
  A. He was an old bachelor.
  Q. What was his intelligence and capacity to contract and deal for himself; what sort of sense did he have?
  A. I think he did not have good sense.
  Q. He was rather a weak-minded man?
  A. Yes, sir.

- A. I think he did not have good sense.
  Q. He was rather a weak-minded man?
  A. Yes, sir.
  Q. What did Mr. Hackworth propose to you to do?
  A. He asked me to join him and go along and take a bottle of whisky there and make him drunk and buy his land; swindle him out of it.
  Q. What answer did you make?
  A. I declined, certainly.
  Q. When was that?
  A. I think that was about five or six years ago.
  Q. Can you name any other transactions or acts of his in the same direction?
  A. No, sir; that is about the only one I recollect. I did not have any dealings with him for several years.
  Q. Who was to furnish the money to buy the farm of this old man?
  A. I was to furnish the money?
  A. I was to furnish the money?
  A. Yes, sir.
  Q. What part did he propose to act?
  A. To make out the deed.
  Q. To make the purchase?
  A. Yes, sir.
  Q. Was he to make the contract if you were to furnish the money?
  A. Yes, sir.
  Q. Who was to do the trading if you were to furnish the money?
  A. He was to do the trading.
  Q. Do you know Mr. Schutze?
  A. Yes, sir.
  Q. What is your understanding of his general character there among the peo-

- A. Yes, sir.
  Q. What is your understanding of his general character there among the peo-ple?
  A. His character is very bad. He is not allowed in a respectable family.

These are, as the Senate is aware, the two leading active men in instituting and carrying on this prosecution. This witness has no Southern prejudices; he has no Democratic prejudices. He is, as I believe, an honest man; he is a Republican who votes the Republican State and national tickets, but votes the People's county ticket in Washington County in order to preserve himself and his neighbors from being plundered by Hackworth and Schutze and their following.

I ask the Secretary to turn to page 455, the testimony of Joseph

The Secretary read as follows:

# TESTIMONY OF JOSEPH TRISTRAM.

Joseph Tristram, having been duly sworn, was interrogated as follows:

By Mr. Pugh:

- By Mr. Pugh:

  Q. Please give your full name.
  A. Joseph Tristram.
  Q. Where do you reside?
  A. At Brenham.
  Q. How long have you resided there?
  A. I have been there since February, 1875.
  Q. In what business are you engaged?
  A. It am a druggist.
  Q. What is the extent of your business there?
  A. It amounts to from \$18,000 to \$24,000 a year.
  Q. And you are a property-holder there outside of the drug business?
  A. Yes, sir; I pay taxes to the amount of \$20,000; that is, on \$20,000.
  Q. Do you mean outside of the drug business?
  A. No, sir; I mean everything included.
  Q. You pay taxes on \$20,000 worth of property?
  A. Yes, sir.
  Q. Are you interested in the national bank there?
  A. Yes, sir.
  Q. In its stock?
  A. Yes, sir.
  Q. Who is the president of the national bank there?
  A. Mr. F. A. Engelke.
  Q. How are you related to him?
  A. I am his son-in-law.
  Q. Were you in Brenham when that public meeting was held in Ed. Were you in Brenham when that public meeting was held in Eldridge Q. V

Hall?

A. Yes, sir.
Q. Did you attend it?
A. Yes, sir, I was there.
Q. Now give us your knowledge of that meeting, the character of it, what it was called for, and what it did?
A. The meeting was called, and Colonel Giddings made a speech congratulating the people on the victory which had been won by the citizens' party and condoling at the same time the murder of Dewees Bolton. After that several other speakers got up and made remarks of the same kind.

- Q. What gave rise to that meeting?
  A. First, it was to praise the battle won, and secondly, to condole the killing of Dewees Bolton.
  Q. Were there any rumors of the negroes combining?
  A. Oh, certainly. There were rumors from Graball that the negroes were rising in masses and they were trembling.
  Q. Were those reports pretty generally circulated?
  A. Yes, sir; they were circulated pretty generally.
  Q. Did the people there seem to credit them?
  A. Most certainly; I believed they were true.
  Q. The killing of Bolton, in connection with the reports of that combining of the negroes, caused this feeling, this excitement?
  A. Yes, sir.

- of the negroes, caused this feeling, this excitement?

  A. Yes, sir.
  Q. And the meeting was called for the purpose of providing against danger and trouble, was it?

  Mr. Eyarts. He said it was to congratulate on the success of the People's ticket and to condole with Bolton.
  Q. But the meeting was called for the purpose of providing against danger and trouble, was it?

  A. I do not want to put it in that way. There was no protection called for. Nobody in the citizens' meeting spoke about having to act or take arms or anything of that kind.
  Q. I want your idea of the character of that meeting and the purposes of it, what it was called for?

  A. It was called just to congratulate the people of the county on the election of the officers, and to put on record the death of Dewees Bolton, and they wanted to see what action should be taken in case of an uprising by the negroes.
  Q. You wanted to see what action should be taken in case there was a rising of the negroes?

  A. Yes, sir.

- Q. You wanted to see what action should be taken in case there was a rising of the negroes?

  A. Yes, sir.
  Q. Now, what sort of people attended that meeting?
  A. The very best that Washington County holds; the very best.
  Q. Does Washington County hold murderers, and law-breakers, and men who resort to mob violence, and all that sort of thing?
  A. No, sir; I have never seen anything of that kind.
  Q. That is not the character of the people in Washington County?
  A. No, sir; not as I know it.
  Q. How do the people of Washington County compare wift the people of other counties in Texas?
  A. I think they are much better there than is any other county.
  Q. Where did you come from when you went to Washington County?
  A. I was clerking in New Orleans.
  Q. Have you ever resided in any Northern State?
  A. I have resided in St. Louis for two years, and I lived in Illinois for about a year, and was in New York probably eight weeks.
  Q. What has been your politics; what party have you acted with there?
  A. My action has not been very prominent, but I have always voted for a Democratic President, and in county politics I haven't any politics at all. I never have voted the straight ticket except on the last two elections. I always took the best men of either party, and voted for them.
  Q. Did you have anything to do with the late war?
  A. No, sir; I was too young then.
  Q. You were not a soldier on either side during the war?
  O. What is your age?
- No, sir. What is your age? I am thirty-seven years old. Do you know Mr. Hackworth?

- A. I am thinly seven the control of the control of

- Q. Was it either Republican or Democratic?
  A. No.
  Q. Were there Republicans and Democrats in that meeting?
  A. Certainly; yes, sir.
  Q. The best people of either side?
  A. Yes, sir; of either party.
  Q. There are a great many Germans in that county?
  A. Yes, sir; there are.
  Q. Are you a native German?
  A. Yes, sir; I am a native of Germany.
  Q. How long is it since you left Germany?
  A. I left there in 1871, at the end of 1871.
  Q. What was the cause of this movement to make a People's party and a People's ticket to nominate the People's candidates; what was the reason for that?
  A. Because they found the county finances in a very bad fix. Under Repub-
- People's ticket to nominate the People's candidates; what was the reason for that?

  A. Because they found the county finances in a very bad fix. Under Republican rule money had been stolen, and the county was nearly about bankrupt. Scrip during the latter years was perhaps 75 to 55 cents on the dollar, and today it is at par since the Democrats got in. I know that, because my predecessor in business made \$4,000 or more in a year in buying up scrip at 40 cents on the dollar, more or less; I do not know exactly the price.

  Q. After the people elected their candidate to these county offices what was the effect?

  A. The effect is that the county is in a good condition, and every man on the jury gets his scrip paid at full value.

  Q. The scrip is at par and the county credit good?

  A. Yes, sir.

  Q. Who was this man that you bought out; what is his name?

  A. Dr. Wood.

  Q. Who was the tax-collector and sheriff at that time?

  A. I believe Dr. Smith was tax-collector, if I am not mistaken.

  Q. What about this \$4,000 that was made by Dr. Wood in buying county scrip; do you know of any division of profits between the men who made that sum out of county scrip?

  A. People said it was an underhand game, but I don't know anything about it.

  Q. You have no personal knowledge about it?

  A. No, sir; no personal knowledge, only from hearsay.

  Q. What did you hear was going on between this tax-collector and the others?

  A. I do not know that; I only heard that there was something wrong about it. I have no personal knowledge about it.

  Q. Do you know anything about a suit that the tax collector afterwards brought against Dr. Wood's estate to recover a part of that \$4,000.

- A. I heard about it, but I did not meddle with it. The administrator was not in Brenham, but somewhere in Northern Texas. I have no special knowledge of that
- of that.
  Q. Do you know Mr. Schutze?
  A. Yes, sir; I know him.
  Q. What is his general character and standing there?
  A. It is the possibly worst that a man can have.
  Q. What gave him that character; what was the cause of it?
  A. The man had a good showing in the commencement (of course he was a German), if he had behaved himself, and he could have had a good law practice in Washington County; but the way he lived there, and the way he treated his wife, besides what he wrote in his paper, made him very obnoxious to any decent man. Q. Did he become obnoxious also to the decent Republicans?
  A. Yes, sir, to Republicans and Democrats alike.

  Q. What do you know about Mr. Moore?

  A. I voted several times for Mr. 2.
- Q. When?
  A. When he ran, I believe, for county clerk, or for district clerk, I voted for him and considered him a right good man, until his associations and his speeches made me sort of fall out with him.
  Q. When did that change in him take place and what was the cause of it?
  A. It was about two years ago, when the People's ticket was organized.
  Q. What was the cause of that change of opinion in regard to him; what was the cause of his change in standing, if there was any?
  A. I do not catch that quite.
  Q. I mean if there was any change in Mr. Moore's standing, what was the

- Well, his making those speeches that he did at the last election. I did not

A. Well, his making those spectare.

A. Well, his making those spectare.

Iike it very much.

Q. What sort of speeches did you hear him make, any?

A. No, sir; I never have been to any.

I desire Senators to remember the Mr. COKE. I desire Senators to remember the fact that this witness, a substantial citizen of Washington County, pays taxes on \$25,000 worth of property, is a man of influence and character, and that he gives to the three memorialists, Schutze, Hackworth, and Moore, as bad a character as all the other witnesses give them. The Secretary bad a character as all the other witnesses give them. will please turn to the testimony of Rinehardt Hoffmann, and read it.

The Secretary read as follows:

#### TESTIMONY OF RINEHARDT HOFFMANN.

Rinehardt Hoffmann, having been duly sworn, was interrogated as follows

By Mr. Pugn:

- Q. What is your name?
  A. Rinehardt Hoffmann.
  Q. Where do you reside?
  A. In Brenham, Washington County, Texas.
  Q. How long have you been there?
  A. Since 1865.
  Q. What is your pursuit there?

- A.Q.A.Q. I am a merchant.

- Q. What is your pursuit there?
  A. I am a merchant.
  Q. Do you do business on a small or on a pretty large scale?
  A. Well, I do an average business.
  Q. Where do you buy your goods?
  A. I buy my goods in New York.
  Q. Did you ever make any purchases of either one of these memorialists,
  Hackworth, Schutze, or Moore?
  A. I bought a piece of property from Mr. Hackworth.
  Q. What sort of property was it?
  A. It was his homestead in our city.
  Q. In Brenham?
  A. Yes, sir; in Brenham.
  Q. When did he make that purchase?
  A. In December some time, I think.
  Q. Last December?
  A. About the 1st of December.
  Q. The 1st of December last?
  A. Yes, sir.

- A. About the 1st of December.
  Q. The 1st of December last?
  A. Yes, sir.
  Q. What did you pay him for it?
  A. I paid down \$1,000 in cash, and I had to pay the taxes on the property, amounting to about \$150. The taxes had not been paid for some years.
  Q. You paid \$1,000 in cash and taxes amounting to \$150?
  A. Yes, sir; about \$150.
  Q. What was the reasonable market value of that property at the time you purchased it?
  A. I think I paid all it was worth.
  Q. What disposition have you made of it?
  A. I sold it since.
  Q. What did you get for it?
  A. I got \$1,000.
  Q. You got \$150 less than you paid?
  A. Yes, sir.
  Q. Do you know about Mr. Hackworth's effort to sell that property before you purchased it?
  A. The same party that bought it was the one that Mr. Hackworth offered it to before.
  Q. How long before?
  A. I think perhaps twelve months previous, and he asked \$1,200 for it.

- to before.
  Q. How long before?
  A. I think perhaps twelve months previous, and he asked \$1,200 for it.
  Q. He offered that same property for sale twelve months before he sold it to you?
  A. Yes, sir.
  Q. How much did he ask for it then?
  A. I think he asked \$1,200.
  Q. The year before?
  A. Yes, sir.
  Q. What is your judgment as to the value of the property a year before?
  A. Well, the property was worth fully as much twelve months ago as when I bought it.
  Q. And you paid \$1,150 cash?

- bought it.
  Q. And you paid \$1,150 cash?
  A. Yes, sir.
  Q. How about the title?
  A. The title was all perfect, I believe. I had to get a release from some parties that had sold to Hackworth.
  Q. Did he owe any of the purchase-money for it?
  A. No, sir; the title was all clear, only I had to get a release from the former owner who sold it to Hackworth.
  Q. Why did you have to do that; didn't Mr. Hackworth have a deed?
  A. He had a deed, but there was something about it, and the attorney advised the gentleman who bought it from methat he would have to get a release from this party before I could make him a good title,
  Q. Had it been sold for taxes?

A. Yes, sir; it had been sold for State, county, and city taxes, I believe. Q. And you had to redeem those?
A. Yes, sir.

Mr. COKE. I call the attention of the Senate to the fact that the memorial of Hackworth and others states that he had several thousand dollars' worth of valuable property which he had to sacrifice when he was forced to leave Brenham. This is the testimony of the gentleman was forced to leave Brenham. This is the testimony of the gentleman who bought the property from him when he left and gave him \$1,150 for it, and Hackworth had offered it for \$1,200 the year before and had continued to offer it for \$1,200, and this gentleman bought it for \$1,000 cash, and he had to pay \$150 taxes on it. He kept it a year and then sold it for all he could get for it and he got but \$1,000. He lost absolutely \$150 by the purchase, and yet Hackworth in the memorial says he had to sacrifice the property he had in Brenham in order to get away from

## DEATH OF HON. EDWARD W. ROBERTSON.

The PRESIDENT pro tempore. In pursuance of arrangement under an announcement heretofore made, the Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, January 19, 1889.

Resolved. That the House has heard with profound sorrow of the death of Hon. Edward White Robertson, late a Representative from the State of Louisiana. Resolved. That in his demise the country has suffered the loss of a wise legislator, a valuable citizen, and an able and faithful public servant. Resolved. That, as an additional mark of respect to the memory of the deceased, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. GIBSON. Mr. President, I offer the resolutions which I send to the desk, and ask that they be read.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read as follows:

Resolved. That the Senate shares with the House of Representatives in its expressions of sorrow at the death of the Hon. Edward White Robertson, lately a Representative in that body from the State of Louisiana.

Resolved, That, as a mark of sympathy toward the family of the deceased, the Secretary of the Senate will transmit to them a copy of these proceedings.

Mr. GIBSON. Mr. President, I must ask Senators to turn aside from their accustomed duties and solicitudes, from the turmoil of political strife and the heats of strenuous debates, and to join in commemorating the public life and character of a servant of the people who but a short time ago, eager as the most zealous among the representatives in Congress to promote the public welfare, was called to answer the universal summons that shall come to all, in private life or in the public employment, rich or poor, old or young, to render the final account of his stewardship upon earth. Louisiana mourns the death of an honored and ever faithful representative, and around her gather in generous sympathy her sister States while she places emblems of her sorrow and affection upon the tomb of her beloved son.

Hon, Edward White Robertson, after a long and useful public career in many positions of importance and responsibility under the government of the State, and after completing three terms as a Representative in Congress, and while a Representative-elect for the fourth term, departed this life, in the sixty-fifth year of his age, at Baton Rouge, the capital of the State, on August 2, 1887, surrounded by his bereaved and loving

The governor of the State in fitting terms announced the sad event to the people, and all classes from the town and from the neighboring country poured forth on the day of his funeral to testify their grateful sense of his public services and their appreciation of his personal character and worth. Groups of scarred veterans, his old comrades in the Mexican and civil wars, who had shared with him the joys of the bivouac and the privations and hardships of many sieges and campaigns, and had passed with him through the fiery furnaces of many battles, came to lay upon his grave the immortelles of love and grief. The members of the bar of which he had been an ornament assembled and adopted suitable resolutions expressive of the esteem in which he was

held as an upright, safe, learned, and eloquent jurist and advocate.

Hon. E. W. Robertson was descended from those sturdy pioneers who, after the war for independence, in which they had contributed without stint their blood and treasure, crossed over the mountains to found new American commonwealths in the trackless wilderness inhabited by cruel savages. They bore as their birthright the cherished principles of religious and constitutional freedom and an aptitude for organization, and a knowledge of affairs that enabled them to build up in this western country commonwealths that quickly attracted immigration, and that soon became well-settled communities-republics modeled on the older States and members of the Federal Union on an equal footing with them. They constituted a remarkable class of men, bold, houest, just, benevolent, sagacious, enterprising, familiar with the state papers of that day, papers that set forth more fully and clearly than any, perhaps, had done before the true elements of popular liberty, the wise and necessary limitations upon the people as well as upon governments, the essential principles of our constitutional system with all its divisions of powers, checks, and balances. They and their fathers had read the Declaration of Independence, and had resolved with the They and their fatherspatriots of 1876 to make good its words with their lives; and they had

listened with eager and enlightened interest to all the discussions in their neighborhood during and after the war of the Revolution on popular government. Many of course were unlettered, but most of them were well educated for the times, and adhered with stubborn fidelity to their convictions. They were familiar with the Federalist, Plutarch's Lives, Rollin's Greece, Shakespeare, and the History of England. Their lives were simple and noble—free from ostentations; their

Their lives were simple and noble—free from ostentations; their standards were taken from the best types, on which Washington himself was modeled, and many among them would have been welcomed as true knights at the round table of King Arthur—

To teach high thought, and amiable words, And courtiness, and the desire of fame, And love of truth, and all that makes a man,

Above all, they drew their ideas of right and duty not from speculative writers, but from the original fountain. They were accustomed daily to gather their entire households around the evening fireside in their humble homes and read aloud a chapter in the Bible, or if the head of the family did not do so, either his brave and gentle wife or daughter, companions of the labors and dangers of pioneer life, would perform the task; and thus it came to pass that the Ten Commandments and Christ's Sermon on the Mount formed the corner-stone of their faith and the firm foundation of their private and public virtues whereon governments of law, courts, schools, colleges, and churches, and the enduring ligaments that bind communities to concord and prosperity, freedom and stability were finally established and made fast.

Conspicuous among the pioneers of the State of Tennessee was General James Robertson, the grandfather of the recently deceased Representative. His own father, the late William Blount Robertson, soon after the birth of his son, Edward White Robertson, following the march of immigration, made his home in Louisiana, on the banks of the Mississippi River, in the parish of Iberville, where he and his descendants, always occupying positions of the highest respectability in private life, became leaders of the people in all the important questions vitally affecting the public welfare.

In Hon. E. W. Robertson were developed to the highest degree those characteristics and traits that had marked the pioneers, tempered by larger opportunities and wider associations. Whenever occasion permitted he sought recreation from the cares and responsibilities of a busy life, from the engrossing exactions of the law, and the still more absorbing occupations of a Congressional career, among the pine-clad hills and along the clear running streams of Eastern Louisiana, with his rod and gun and dog, and friends who knew him and loved him, not so much for his talent and public services, though these were highly appreciated, as for his joy in the chase and his devotion to sports that develop frankness and kindness and sympathy in our associations with our fellow-men.

Hon. E. W. Robertson was zealous in his attention to public duties and discharged with distinguished ability the responsibilities of his position as a Representative. He had hardly been sworn in as a member of the Forty-fifth Congress when the Speaker, Hon. SAMUEL J. RANDALL, conferred upon him the unprecedented honor of the appointment to be chairman of the Committee on Levees of the Mississippi River, and in that high position he rendered inestimable service. Captain Eads had promulgated a theory which had been applied for deepening the mouth of the Mississippi River successfully, and the representatives of the Mississippi Valley had sought to have it extended for the improvement of the river from its mouth to the highlands. In this great undertaking, from the time he became a member of the House, no one was more active or took a more conspicuous part than Hon. E. W. Robertson as chairman of the committee, and his name will long be remembered by the people of Louisiana with gratitude and affection.

As a lawyer he was trustworthy and learned; as a soldier he was brave and skillful; as a Representative he was indefatigable in the discharge of his duties and able and sagacious in shaping legislation; as a man he was pure and confiding. He died leaving a spotless name. He still lives in the grateful memory of his people, in the respect and admiration of his associates in public life, and in the person of an honored son who now fills the chair he left vacant in the House of Representatives.

Mr. EUSTIS. Mr. President, the enlogies which have been delivered upon the life and public services of Hon. Edward W. Robertson, late a Representative from the State of Louisiana, by his former associates in the House have been so extended that I do not feel called upon to repeat anything that has been said. I simply rise to bear testimony to the fact that the praise and admiration which have been expressed by those who have spoken because of the death of that honored Representative are fully deserved by his memory.

I knew the deceased well and intimately. I am familiar with the place which he occupies in the affections of the people of Louisiana. I am familiar with the public services which he rendered to that State. I know how deeply and sincerely his loss is regretted. And I know that the reason why he was so much respected and so frequently honored by the people of Louisiana was because he always deserved the full measure of their affection and of their confidence.

He was a man who was fond of public service and public life. In

that respect he was a typical American. He believed that ambition to be laudable which found expression in a desire and a readiness always to obey whatever call was made upon him by the people of Louisiana. He died, as it was expected that he would die, in the public service,

honored by a trusting constituency.

He was a man of simple tastes, of rugged honesty, carrying with him from what was then a Western State those habits, those tastes, those methods, those aspirations which were peculiar to the people of the State from which he emigrated. He came to Louisiana to seek his fortune among what was then considered a strange and almost alien population. With them, because of the difference in their habits, education, traditions, and foreign ancestry, he found himself willing and ready to form an immediate, cordial, and sympathetic association; and I remember, Mr. President, that the last time I had occasion to make a canvass of the State of Louisiana I was called upon to make a speech in French; and Colonel Robertson, although he looked and talked and acted and thought like a pure, unadulterated Anglo-Saxon, when called upon was able to make a speech in that difficult and polished language.

I refer to that circumstance to show that he was a man who was always ready to secure any of those accomplishments and any of those acquirements which would render him useful and sympathetic to the people whom he was called upon to serve, for a large number of his constituents were what are known as creoles; that is, the French-speaking portion of the State of Louisiana, a warm-hearted and refined population, who justly esteem it a compliment when an American acquires their mother tongue, for which they manifest a sincere attachment and a pardonable pride.

Mr. President, I can add nothing by mere formal expression, by the mere use of language, by the mere composition of phraseology, to this fact, which will stand out boldly in the history of Louisiana, that Colonel Robertson was a tried, faithful, honest, and able public servant. The people of that State have been called upon to undergo many trials and many tribulations. There have been situations, there have been conditions in the history of the people of that State which required from those who were placed in a position to give counsel to that people or to stand in the attitude of a guide and a leader, qualities representing the highest and best type of manhood, of courage, of political earnestness, political morality, and political sagacity.

He was one of those men who, in the darkest hours, when there was scarcely a silver lining to the cloud that overhung the almost hopeless destinies of that people, never lost heart, never lost courage, but always, standing forth in the front light, was willing to assume leadership in the public and popular councils, showing by his stern example that right and justice could be secured under the form of government to which we are all attached.

His memory will live among his old associates and among the younger generation, for the mantle which was worn so worthily and with so much dignity and with so much dignity and with so much pride by Hon. E. W. Robertson has fallen upon a worthy son, who now represents the State of Louisiana in the House of Representatives.

Colonel Robertson left to his family the priceless heritage of a spotless and unsullied name. I need say nothing more.

Mr. REAGAN. Mr. President, I shall do little more than second

Mr. REAGAN. Mr. President, I shall do little more than second the adoption of the resolutions before the Senate which were proposed by the Senator from Louisiana [Mr. Gibson]. It was my privilege to serve in the House of Representatives with

It was my privilege to serve in the House of Representatives with Mr. Robertson for six years and to have more or less intimate acquaintance and association with him there.

I realize under circumstances like these the futility of words in the expression of our sorrow for the loss of friends. I can say truly, with the Senators who have spoken so feelingly of him, that Mr. Robertson in the discharge of his duty as a Representative was faithful, earnest, sincere, and that his convictions were strong upon every subject with which he had to deal. No man had more of the respect of those who were associated with him, and no man perhaps deserved that respect more than he

Mr. President, there is a lesson in events like this which should not be lost upon ourselves. In the transaction of the business with which we are connected we very often attach great importance to our own action, to what we are doing in this world and in our country. We should never lose sight of the fact that very soon we, like our honored friend, will only be remembered as of the past, that the places which know us now shall know us no more, and that whatever we do for good or for evil will soon be forgotten by men. If we could take this lesson more frequently to ourselves in our relations to one another and to the great business of the country I am persuaded that more charity, more virtue, more love of our kind and of our country would animate our hearts.

I once heard a thoughtful man say to a Representative in the other branch of Congress who was about to return to Washington for the discharge of his duties that he understood he was in the habit of working very hard in Congress. That gentleman observed that he found many duties to perform and endeavored to perform them. It was the fatherin-law of the member who spoke to him, and who said to him, "From what I learn you are likely to kill yourself by your application to duty;

and what I have to say to you is that when you are dead the world will go on just as it does now, and soon you will be forgotten."

This was a strong way of putting that suggestion by a father-in-law to his son-in-law, but it is one that each of us may well take to himself as a most valuable lesson.

Mr. President, no one appreciated more highly than myself the character, the ability, the worth, and the patriotism of Mr. Robertson. If we had more such men we should have a better country than we have, we should be more disinterested, fair-minded, brave, earnest, and

Mr. President, I second the adoption of the resolutions of the Senator from Louisiana

The PRESIDENT pro tempore. The question is on the resolution offered by the Senator from Louisiana [Mr. Gibson].

The resolutions were agreed to unanimously.

Mr. GIBSON. I offer the following resolution:

Resolved, That, as a further mark of respect to the memory of Edward White Robertson, the Senate do now adjourn.

The resolution was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 16, 1889, at 12 o'clock m.

# HOUSE OF REPRESENTATIVES.

FRIDAY, February 15, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved. HARBOR OF ST. AUGUSTINE, FLA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of a board of engineers upon the expediency of further improving the harbor of St. Augustine, Fla.; which was referred to the Committee on Rivers and Harbors.

LAWS OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 8309) to secure to the District of Columbia a compilation of the laws of said District, with amendments of the Senate thereto; which was referred to the Committee on the District of Columbia.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota, with an amendment of the Senate thereto.

Mr. NELSON. I ask unanimous consent that the House concur in the Senate amendment.

The SPEAKER. The amendment will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Page 2, line 11, strike out "as to the amount of said compensation" and insert "to the provisions of this act."

Mr. NELSON. The effect of that amendment is that the Indians must consent before the grant of the right of way becomes operative.

The SPEAKER. Is there objection to the request of the gentleman

from Minnesota that the amendment of the Senate be concurred in?

Mr. HOLMAN. I desire to have the original language read so as to

see what change is made by the amendment.

The SPEAKER. The Clerk will again report the amendment.

The Clerk again read the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection, and the amendment was concurred in. Mr. NELSON moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to,

# MILITIA OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia, with amendments of the Senate thereto; which was referred to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Whiting, of Michigan, for to-day, on account of sickness. To Mr. Stewart, of Vermont, until next week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. MAHONEY, by unanimous consent, obtained permission to withdraw from the files of the House, without leaving copies, the papers in the pension case of Timothy Dudley.

TARIFF BILL.

Mr. MILLS. Mr. Speaker, I rise to present a privileged report from the Committee on Ways and Means. I report back the bill (H. R. the Committee on Ways and Means. I report back the bill (11. 12. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and the substitute of the Senate, with the report of the Committee on Ways and Means thereon, and with a resolution, accompanying the report, declaring that the action of the Senate is in violation of the Constitution. The resolution raises a question of privilege, and I give notice that I will call it up for consideration

next Tuesday, immediately after the reading of the Journal.

Mr. McKINLEY. Mr. Speaker, this constitutional objection raised by the majority of the Committee on Ways and Means to a reduction of the revenue has only been called to the attention of the committee of the revenue has only been called to the attention of the committee this morning. The minority of the committee have had no time for conference and no time to prepare their views. I therefore ask leave for the minority to present such views hereafter as they may think proper, to accompany the report of the majority.

There being no objection, leave was granted.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The SPEAKER. This bill will be referred to the Committee of the Whole on the state of the Union. The resolution does not go to the Committee of the Whole on the state of the Union. As the Chair understands the gentleman's statement—

Mr. BAYNE. Let the resolution be read. The Clerk read as follows:

Resolved. That the substitution by the Senate-

Mr. REED. Does the Chair rule that the bill goes to the Commit-

The SPEAKER. The Chair so rules; it has been sent there.
Mr. MILLS. It does not go to the Committee of the Whole until
the House determines whether it shall go there?

The SPEAKER. It will go to the Committee of the Whole on the state of the Union under the rules-

Mr. REED. Precisely.

The SPEAKER. The resolution submitted proposes, as the Chair presumes, some disposition of the bill, though the Chair does not know. The resolution will be read.

The Clerk read as follows:

Resolved, That the substitution by the Senate, under the form of an amendment, for the bill of the House (H. R. 9051) entitled "An act to reduce taxation and simplify the laws in relation to the collection of the revenue," of another and different bill, containing a general revision of the laws imposing import duties and internal taxes, is in conflict with the true intent and purpose of section 7, Article I, of the Constitution, and that said bill and substitute be returned to the Senate with the respectful suggestion that said section vests in the House of Representatives the sole power to originate such a measure.

Mr. REED. I wish to make a point of order in regard to this resolution, and as the matter is new and I desire to examine it, I suppose

it can go over.

The SPEAKER. The point of order will be reserved. The resolution will remain on the table. If in order, it presents a question of privilege which the House will have to consider. The Chair will reserve the point of order. The gentleman will have the right to make it hereafter.

RELIEF OF LABORERS ON PANAMA CANAL.

Mr. McCREARY. I rise to make a privileged report from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Kentucky reports from the Committee on Foreign Affairs a bill, which will be read.

The Clerk read as follows:

A bill (S. 3949) to enable the President to protect the interests of the United States in Panama.

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000 to enable the President to protect the interests of the United States and to provide for the security of persons and property of citizens of the United States at the Isthmus of Panama, in such manner as he may deem expedient.

Mr. McCREARY. Mr. Speaker, a few days ago the President of the United States sent to Congress a message referring to possible disturbances on the Isthmus of Panama in the event of the stoppage of work on the proposed interoceanic canal, and inclosed a report from the Secretary of State, with accompanying correspondence. Since that time work on the Panama Canal has stopped; and there are now something like 15,000 laboring men thrown out of employment, many of them very destitute. Of that number, as I am informed, between four and five thousand are Americans. This emergency has caused the minister of the United States at Bogota to send the following dispatch to Secretary Bayard:

The Colombian Government fears disorders, and requests the United States to provide means to transport home discharged laboring men from Panama Canal. Great Britain has been similarly asked.

MAURY.

After this dispatch was received Mr. Bayard wrote a letter to the

chairman of the Committee on Foreign Relations of the Senate, from which I now read an extract:

I hasten to place before you a copy of a cipher telegram received late last night from Mr. Maury, our minister at Bogota, by which you will perceive the expediency of hastening as rapidly as possible the action of Congress towards enabling the President to provide transportation of United States citizens from the Ishmus of Panama, in order to save them from the disasters threatened by the stoppage of work on the Panama Canal.

As I have stated, work has now stopped. Members of this House are most of them familiar with the treaty of 1846 between the United States and New Granada. Under the treaty of the United States with New Granada (now the United States of Colombia), made in 1846, the United States is required to maintain an uninterrupted and unembarrassed right of transit across the Isthmus of Panama. Not only that, but our Government has guarantied the neutrality of the Isthmus of Panama, and also guaranties the sovereignty and the property which New Granada possesses on that island. The Senate of the United States has already passed this bill. The Committee on Foreign Affairs of the House of Representatives unanimously recommend its passage; and action should be taken immediately. Between four and five thousand Americans are now in Panama, many of them in a destitute condition, and the object of the bill is to enable the President to protect the interests of the United States and provide for the security of the persons and property of citizens of the United States at the Isthmus of Panama. I hope,
Mr. Speaker, this bill will be passed immediately.
Mr. BLOUNT. Will the gentleman yield for a question?
Mr. McCREARY. Yes, sir.
Mr. BLOUNT. I do not want, of course, to impede the passage of
the bill, but it provides that the interests of the United States shall be
protected, as well as those people who are in distress. My friend so

protected, as well as those people who are in distress. My friend, so far as I have heard his presentation of the case, has made no estimate or statement as to what is deemed necessary to relieve the people who are in distress there, nor does it appear up to this time what is the particular interest which the people of the United States have in this matter other than one of mere charity.

Mr. McCREARY. In answer to the gentleman I will state that the

relief asked in the bill is in compliance with our obligations under the

treaty of 1846.

Mr. COX. How is this money to be expended, likely-in paying the

Mr. COA. How is this money to be expended, likely—in paying the passage of these people home?

Mr. McCREARY. In bringing home American citizens and in such manner as the President may deem expedient.

Mr. BLOUNT. How much of the money is to go that way?

Mr. McCREARY. The sum appropriated by the bill is \$250,000, and is placed in the hands of the President of the United States.

Mr. BLOUNT. But what part for the special purpose, and what part to protect the interests of the United States?

Mr. McCREARY. The money will be used as needed and as the

Mr. McCREARY. The money will be used as needed and as the

President thinks proper and expedient.

Mr. BLOUNT. But is there any estimate at all in detail of the amount necessary, and as to the probable manner of its disbursement?

Mr. McCREARY. I have already stated that I have received information to the effect that there are between four and five thousand

American citizens there who are in distress, without employment

Mr. ADAMS. And in danger.
Mr. McCREARY. Yes, and perhaps in danger; and I am informed that some of them are without shelter. Mr. FARQUHAR. Is this to be expended through the State De-

Mr. McCREARY. The bill provides that "there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000 to enable the President to protect the interests of the United States and provide for the security of persons and property,"

to. The President will control the disbursement.

Mr. FARQUHAR. Would it not be well to amend this bill by saying "or so much thereof as may be necessary?"

Mr. McCREARY. The President of the United States will not use more than is necessary

Mr. McMILLIN. But what is the objection to putting that in?
Mr. McCREARY. An amendment will send the bill back to the
Senate. Personally I think we can afford to trust President Cleveland
as well as the President who is to be inaugurated on the 4th of March

with this appropriation.

Mr. BLOUNT. I do not think it is a question of whether we will

trust the President or not. It is a question as to our own action here

in appropriating the public revenues.

Mr. McCREARY. And I think there should be no delay in the matter. There is necessity for immediate action. The Government or Colombia is appealing to us, our minister at Bogota is telegraphing for assistance and instructions, the President and the Secretary of State are urging immediate action, the Senate of the United States has passed the bill and sent it to us, and I hope the House will not delay action.

Mr. KILGORE. I would like to ask the gentleman a question.

Mr. McCREARY. Certainly.

Mr. KILGORE. I understand this is intended for the relief or for bringing back home some Americans who are left there destitute. Mr. McCREARY. Yes, sir.

Mr. McCREARY. American citizens.
Mr. KILGORE. Does it occur to the gentleman that there are a great many American citizens who are destitute at home? "Charity begins at home?" is suggested here near me.

Mr. KILGORE. Men who went there on their own motion.

Mr. McCREARY. I wish to say to the gentleman from Texas that under our treaty obligations entered into in 1846 the United States Government is required to maintain an uninterrupted and unembarrassed transit across the Isthmus of Panama. During the present Administration we have been compelled to send a war vessel to Panama and land marines to quell a disturbance and comply with our treaty obligations.

Mr. BLOUNT. But did you provide for that as you propose to pro-

vide for this, or simply by the use of the Navy?

Mr. McCREARY. The present condition of things did not exist

Mr. BLAND. The gentleman from Kentucky does not pretend that under that bill we will have the right to bring these people here?

Mr. McCREARY. I contend that it would be best for the United

States, under our treaty obligations, to remove them from there.

Mr. BLAND. But does the bill authorize that?

Mr. BLAND. But does the bill authorize that.

Mr. McCREARY. It places the money at the disposal of the President, to be used as he may deem necessary.

Mr. OATES. I will ask the gentleman from Kentucky to have that part of the treaty read to which he has referred.

Mr. McCREARY. I will. I ask the Clerk to read the thirty-fifth

article of the treaty.

The Clerk read as follows:

## ARTICLE XXXV.

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

First. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated the Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges, and immunities concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence, and merchandise of the United States, in their transit across the said territory, from one sea to the other. The Government of New Granada guaranties to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, that no other tolls or charges shall be levied or collected upon and collected from the Granadian citizens; that any lawful produce, manufactures, or merchandise, of lawful commerce, belonging to the citizens of the United States, that passing form one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or, having paid such duties, they shall be entitled to drawback upon their exportation; nor shall

Mr. McCREARY. I will ask the Clerk to read a letter from the Sec-

retary of State. Mr. McMILLIN. Before that is done, if my friend from Kentucky will permit a question, I would like to ask him whether that treaty has been broken; and if so, to inform the House in what particular?

Mr. McCREARY. That treaty is now in force, and so recognized by

the State Department.

Mr. McMILLIN. And has not been broken?
Mr. McCREARY. And has not been broken; and under that treaty this Administration sent a war vessel down there and marines were landed in order to quell a disturbance and keep open the route across the Isthmus and comply with the obligations of the treaty.

Mr. McMILLIN. If that has remained an unbroken treaty I want to know on what ground you ask for this appropriation?

Mr. McCREARY. The law authorizes our seamen to be brought

home, and there are several instances

Mr. McMILLIN. But these are not our seamen.
Mr. McCREARY. I know that. And there are instances where laboring men have been brought home where it was necessary to com-

ply with a treaty, preserve peace, and maintain neutrality.

Mr. McMILLIN. Bring our people home in order to keep peace!

That is a sad commentary upon the peaceful character of our people.

Mr. McCREARY. I wanted to say to the gentleman from Tennessee that under the treaty we are compelled to maintain uninterrupted and unembarrassed transit across the Isthmus of Panama.

Mr. McMILLIN. Here that been endangered?

Mr. McMILLIN. Has that been endangered?

Mr. McCREARY. We have information from the President of the Republic of Colombia that a disturbance is threatened there—

Mr. McMILLIN. But it has not occurred. Mr. McCREARY. On account of all these On account of all these men being thrown out of employment there is imminent danger. He has asked Great Britain to provide means to remove the subjects of that country.

Mr. McMILLIN. I want to enter my protest here against this House making an appropriation to bring our people out of any country in the

world in order to keep the peace there.

Mr. McCREARY. I ask that the letter which I have sent to the Clerk's desk be read, after which I will yield to the gentleman from New York [Mr. Cox].

The Clerk read as follows:

413 MASSACHUSETTS AVENUE, February 10, 1889.

My Dear Sir: I have your note of this date, and do consider the situation to be sufficiently urgent to call for a resolution of Congress as rapidly as possible to enable the President in his discretion to provide transportation to the United States on the Isthmus of Panama for such citizens of the United States as may otherwise be unable to get away from the possible terrors of that locality. You are aware of our treaty obligations to keep open that trans-Isthmus route, and the cheapest way for us to perform that duty will be to deport those impoverished laborers who have been attracted there by the lavish expenditures of the late French canal company. The reasons are obvious why an exercise of this duty and power is highly expedient at this juncture, and I believe it would be very wise if you should ask unanimous consent for the instant passage of the resolution as suggested.

wise if you should ask unanimous consent for the instant passage of the resolution as suggested.

The Colombian authorities already have, as Congress has been well aware, notified our consuls of possible (probable) difficulties and disorder; and besides that, the appropriation has just now even greater significance than the performance of treaty stipulations.

The appropriation should be in general terms, so as to leave the Executive free to meet circumstances.

The probable line of action would be the charter and provisioning of steamtransports, and, as I mentioned in my note, I have telegraphed for information as to the probable number to be transported and cared for. The expenditure would be limited to actual needs, and the cautionary amount could be made \$250,000. You will perceive the possible usefulness in indicating our earnestness in connection with the general subject. You will use this note in any way you see fit, and I will be glad to acquaint the Speaker of the House with its purport and intent.

Very respectfully yours,

T. F. BAYARD.

Hon. JOHN SHERMAN, Chairman.

Mr. McCREARY. I now yield five minutes to the gentleman from

New York [Mr. Cox].

Mr. COX. I suppose, Mr. Speaker, that the House may not have paid attention to the reading of the thirty-fifth article of the treaty of 1846 with New Granada. Under that treaty we are bound to guaranty the neutrality of the Isthmus and protection to persons and property of the citizens of the United States in New Granada. We can not escape from

that treaty. It is still the supreme law of the land. That treaty was either the sequence or if preceded the difficulties on the Isthmus, I think in 1846. Then our people had gathered on the Isthmus on their way to California and there was a mob of large dimensions there that attacked our people. mensions there that attacked our people. They were there because the steam-ships for the South American ports and Pacific ports did not make connection. Our people there were shot by the miscegenated class of Greasers who make up that mingling of all races and colors upon the Isthmus. They are mulattoes, half white and half black; zamboes, half-breed Indians and negroes; with other crosses shading down into quadroon, octoroon, etc., until the cross vanishes into a nondescript hardly human. Such a composite and "rakebelly rout of ragged

rascals" break down all the laws of humanity and order upon the Isthmus.

Afterwards along came the Cass-Heeran treaty, and New Granada was bound under that treaty to pay our people for the losses sustained because the New Granadian Government had not the power or disposition to protect our citizens. But it is the treaty of 1846 by which I will answer the gentleman from Tennessee [Mr. McMillin]. This treaty tion to protect our citizens. But it is the treaty of 1846 by which I will answer the gentleman from Tennessee [Mr. McMillin]. This treaty guaranties to our people their rights and immunities, not only in person, but in property. This great big mob of people there are thrown out of employment, extending between Aspinwall and Panama, and they have taken possession of that Isthmus. We are bound to do as the Secretary of the Navy and the Administration did some two years are as a second thing he was a second the second that it is the second that i ago-send vessels of war to make manifestations or something by which we may assert our authority there to protect our people, and by which to protect the property of the United States from these immense mobs on the Isthmus.

Therefore, I think, sir, if we will read this treaty carefully and see the nature of the obligation we are under, we shall forward this matter, for it is a matter of great urgency, as the gentleman from Kentucky [Mr. McCreary] has well said.

Mr. McCREARY. I now yield three minutes to the gentleman from Illinois [Mr. HITT], who is a member of the committee.

Mr. HITT. Mr. Speaker, this joint resolution to provide for bringing away our citizens and protecting our interests at Panama is urgent. The lavish expenditure that has been made by the French canal com-pany on the Isthmus has drawn there from the four quarters of the pany on the islamus has trawn there from a laborary distribution of earth probably 30,000 people beyond the former number of inhabitants. About 12,000 or 15,000 have been on the pay-rolls. The company has failed. All its millions are gone. All hope of further money is gone. That improvident army of day laborers is to be turned adrift; the last

of them will be discharged to-day. Within a short time, perhaps within a week, under a weak government, and in a country where disorder among the people breaks out as readily as an earthquake in the ground, there will be, as the gentleman from New York [Mr. Cox] has just said, widespread disturbance; there will certainly be distress.

Those strong men, when their money is gone, when there is no more employment or pay, will not be quiet. Four or five, or perhaps six thousand of them, as nearly as we can learn, are from the United States. In those approaching disorders, what grave questions of rights invaded and property destroyed may arise. We can spend a million dollars very readily in a diplomatic quarrel, ensuing after the event, over the protection of even one American citizen involved in trouble. More than once has our Government become involved in grave disputes and large expenditures when the cause seemed a small thing. How much better to promptly remove all cause or prospect of disturbance. How much worthier our Government to answer the call of the Government of Colombia which has been made upon us, and which the gentleman from Kentucky has just recited, to relieve them from the danger of disorder and at the same time to relieve our own peeple of the dauger of distress and peril and death by a small expenditure to bring them away. Perhaps only a fraction of the \$250,000 which we now propose to appropriate will be required. We are obliged by the treaty

How prudent is it to cheaply provide in advance to prevent trouble.

The English Government has been called on to remove its subjects, and will do it. Our people who are there will be involved in the widespread convulsions that may come, and the vindication or redress they will claim may be enormous in consequences. Our pledged national faith compels us to guaranty the rights of sovereignty and property of Colombia. Shall we wait till the Isthmus is in conflagration and revolution? Is it not prudent, with this small expenditure in advance, to vindicate the Monroe doctrine in its most beneficent form, in a generous and humane intervention-intervention this time asked for and promptly accorded? The Republic is rich enough to care for its children in distress. It can and will to-day and always assert its position on the American continent, its great traditional doctrine, and maintain its plighted faith, calm in the consciousness of right and the repose of strength. [Ap-

Mr. McCREARY. Mr. Speaker, if no other gentleman desires to be

heard, I move the previous question.

Mr. McMILLIN. I ask the gentleman from Kentucky to accept an amendment inserting the words "or so much thereof as may be neces-

Mr. McCREARY. I would like to accommodate my friend from Tennessee, but the proposed legislation is necessary and urgent, and I can not agree to delay action upon this bill by sending an amendment to the Senate. I am satisfied no more money will be used by the President than is necessary, and the gentleman's proposed amendment is not needed.

Mr. McMILLIN. One day's delay will not endanger the bill. Mr. McCREARY. I think the bill is properly drawn. The President will use no more of this money than is absolutely necessary.

The question was taken on ordering the bill to a third reading, and the Speaker declared that the ayes seemed to have it.

Mr. KILGORE. I ask for a division.

The House divided; and there were-ayes 122, noes 3.

Mr. KILGORE. No quorum.

Several MEMBERS on the Republican side. Let us have the yeas and

Mr. McCREARY. I demand the yeas and nays.

ADMISSION OF DAKOTA, ETC.

The SPEAKER (at 12 o'clock and 45 minutes p. m.). The hour fixed by the House to resume the consideration of the resolution which vas before the House at the adjournment yesterday has arrived and

suspends this proceeding for the present.

Mr. SPRINGER. I call up the unfinished business.

Mr. McCREARY. As I understand it, the proceedings upon this bill are only suspended, and will be resumed immediately after action

on the pending resolution.

The SPEAKER. The Chair has already stated that this business is suspended. The gentleman from Illinois [Mr. SPRINGER] calls up the unfinished business. The question is upon the motion of the gentleman from New York [Mr. BAKER] to lay the motion to reconsider upon the table, and on that question the yeas and nays have been or-

dered by the House.

Mr. SPRINGER. I think the proposition upon which the vote was

taken should be read, as a good many members were not present yesterday when we voted upon it.

The SPEAKER. The Clerk will read that part of the proposition upon which the vote was taken and to which the motion to reconsider applies.

The Clerk read as follows:

2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provision for a new election of State and Federal officers and without a new vote on the question of division.

Dargan,

The SPEAKER. The House by vote agreed to this resolution. The gentleman from New York [Mr. BAKER] moved to reconsider that vote, and moved that the motion to reconsider be laid on the table. The vote is now to be taken on the motion to lay on the table.

The question was taken; and it was decided in the affirmative—yeas

145, nays 109, not voting 68; as follows:

### YEAS-145.

Allen, Mass. Allen, Mich. Allen, Mich. Davis, Allen, Mich. Davis, Anderson, Iowa De Lano. La Follette, Russell, Conr Anderson, Kass. Dingley, Dunham, Atkinson, Ermentrout, Baker, N. Y. Baker, N. Y. Baker, Ill. Bayne, Biptey, Bigs, Biles, Biles, Biles, Biles, Biles, Biles, Boothman, Bound, Gaines, Bound, Gaines, Bound, Gaines, Bowdel, Gest, Browne, Finley, McCollogh, Browne, Bowden, Bound, Bo	
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Cogswell, Hopkins, N.Y. Phelps, Williams,	
Conger, Hunter, Plumb, Woodburn,	
Cooper, Jackson, Posey, Yoder.	
Cox, Johnston, Ind. Post,	
Cutcheon, Kean, Pugsley,	
Dargan, Kelley, Reed,	

## NAYS-109.

Abbott,	Dockery,	Kilgore,	Robertson,
Allen, Miss.	Dougherty,	Laffoon,	Rogers,
Anderson, Miss.	Dunn,	Lagan,	Rowland,
Anderson, Ill.	Elliott,	Landes,	Rusk,
Bacon,	Enloe,	Lane,	Sayers,
Bankhead,	Foran,	Lanham,	Scott,
Blanchard,	Forney,	Latham,	Smith,
Bland,	French,	Lawler,	· Spinola,
Blount,	Gibson,	Maish.	Springer,
Breckinridge, Ark.		Martin,	Stewart, Tex.
Breckinridge, Ky.	Granger,	Matson,	Stewart, Ga.
Bynum,	Grimes,	McAdoo, '	Stockdale,
Campbell, Ohio	Hall.	McClammy,	Stone, Ky.
Campbell, T.J., N.Y	Hare.	McCreary,	Stone, Mo.
Candler,	Hatch,	McMillin,	Taulbee,
Caruth,	Hayes,	McRae,	Tillman,
Clardy,	Heard,	Mills,	Tracey,
Cobb,	Hemphill,	Montgomery,	Turner, Ga.
Compton,	Henderson, N.C.	Moore,	Walker,
Cothran,	Herbert,	Morgan,	Washington,
Cowles.	Holman,	Oates,	Wheeler,
Crain,	Hooker,	O'Ferrall,	Wilkinson,
Crisp,	Hopkins, Va.	Outhwaite,	Wilson, Minn,
Culberson,	Howard,	Penington,	Wilson, W. Va.
Cummings,	Hudd,	Pideock,	Wise.
Davidson, Ala.	Hutton,	Randall,	
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# NOT VOTING-68.

Richardson,

Dalzell,	Mansur,	Shively,
	Mason,	Simmons,
Fisher.	McKinney.	Snyder,
Fitch.	McShane.	Sowden.
Gay.		Stahlnecker,
Glover.		Stewart, Vt.
Goff.		Townshend,
Greenman.		Warner,
		Weaver,
		Weber,
		White, Ind.
		Whiting, Mich.
	Perry.	Whitthorne,
	Phelan.	Wilber.
		Wilkins,
	Seney.	Yardley,
Mahoney,	Shaw,	Yost.
	Dorsey, Fisher, Fitch, Gay, Glover, Goff, Greenman, Grosvenor, Hogg, Houk, Laird, Lee, Lyman, Lynch, Maffett,	Dorsey, Mason, Fisher, McKinney, Fitch, McShane, Gay, Merriman, Glover, Neal, Goff, Newton, Greenman, Norwood, Grosvenor, Nutting, Houk, O'Neill, Mo. Laird, Peel, Lee, Perry, Lyman, Lynch, Maffett, Seney,

So the motion to reconsider was laid on the table.

On motion of Mr. SPRINGER, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. RAYNER with Mr. STEWART, of Vermont.

Mr. BRYCE with Mr. BRUMM.

Mr. PERRY with Mr. CROUSE.

Mr. WHITING, of Michigan, with Mr. BELDEN. Mr. GLOVER with Mr. BUNNELL.

Mr. BARRY with Mr. Yost.

Mr. COCKRAN with Mr. NUTTING. Mr. GREENMAN with Mr. YARDLEY. Mr. PHELAN with Mr. BUTLER.

Mr. MANSUR with Mr. WARNER. Mr. WHITTHORNE with Mr. LYMAN.

Mr. McShane with Mr. Laird. Mr. Snyder with Mr. Bowen.

Mr. NEAL with Mr. Houk.
Mr. Collins with Mr. Allen, of Massachusetts.
Mr. Buckalew with Mr. Dalzell, until the 18th instant.
Mr. Catchings with Mr. Grosvenor, on the Territorial bill.

Mr. WILKINS with Mr. GOFF, for this day. Mr. SENEY with Mr. DORSEY, on this vote.

Mr. SOWDEN with Mr. FITCH, on this vote.

The result of the vote was announced as above stated.
The SPEAKER. The question is now on agreeing to the remainder

of the resolution. Mr. COX. With the permission of the House I will withdraw the last paragraph of my resolution, embracing immaterial matters in regard to which I am informed by gentlemen of the committee the con-

ferees will have no difficulty in agreeing. Mr. McMILLIN. Let us hear what that is. Mr. BAKER, of New York. Let it be read.

The Clerk read as follows:

And further, that such matters as relate to the election of delegates and the apportionment of the districts from which members of the convention are to be elected, the date of holding conventions and the date of resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited, be referred to the committee of conference for their discretion.

Mr. BURROWS. Is that the whole of the third proposition?
The SPEAKER. That is not the third proposition; it is the con-

cluding part of the resolution.

Mr. BURROWS. I would like to hear the third provision of the

proposition read. The SPEAKER. The Clerk will read it.

The Clerk read as follows:

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, 4. c., all of them under proclamation by the President.

The SPEAKER. The gentleman from New York does not propose to withdraw what has last been read.

Mr. BURROWS. Let us have a vote on that first.
Mr. PAYSON. Does this proposition to withdraw a part of the resolution require unanimous consent?

The SPEAKER. It does.

Mr. PAYSON. Well, it is all nicely provided for; I think it had

The SPEAKER. If no further division be demanded, the question is on agreeing to that part of the resolution not already voted upon.

Mr. McMILLIN. Does that embrace the portion which the gentle-

man from New York [Mr. Cox] has proposed to withdraw?
The SPEAKER. It does.

Mr. McMILLIN. I demand a division.

The SPEAKER. On what part of the proposition does the gentleman desire a separate vote?

Mr. McMILLIN. The resolution, I believe, still embraces the third proposition?

The SPEAKER. The Clerk will read, and the gentleman will indicate upon what part he desires a separate vote.

The Clerk again read the third division of the resolution, as follows: 3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis,  $i.\ e.$ , all of them under proclamation by the President.

The SPEAKER. Upon what, then, does the gentleman demand a

Mr. McMILLIN. If that is all it embraces, I am willing the vote shall be taken.

The SPEAKER. If a division is not demanded, the question will be put on agreeing to the entire remaining part of the resolution.

Mr. McMILLIN. Did the Clerk read all that is to be voted on?
The SPEAKER. He has read that portion which the gentleman from New York proposes to withdraw. Then if there be no objection, the last paragraph will be withdrawn. The other part has not yet

been read by the Clerk.

Mr. McMILLIN. The third paragraph down to the words "and further, such matters as relate to the election of delegates," etc., I have no objection to and am willing to adopt.

The SPEAKER. Then on what part does the gentleman desire a separate vote?

Mr. McMILLIN. Beginning with the words "and further, such matters as relate to the election of delegates," etc.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

And further, such matters as relate to the election of delegates and the apportionment of the districts from which members of the convention are to be elected, the date of holding conventions and the date of resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited, be referred to the committee of conference for their discretion.

Mr. McMILLIN. Was there objection to the withdrawal by the gentleman from New York? I hope, if not, there will be none.
Mr. SPRINGER. Except as to the last clause.

Mr. COX. This last proviso which has been read, which I propose to withdraw, is on matters immaterial. I am informed the gentleman from Illinois is in perfect concord on that subject. On the substantial

proposition, number 3, we are now to take a vote.

Mr. PAYSON. It can work no possible injury to leave it as it is. This proviso looks to an arrangement of the conference committee as to This provise looks to an arrangement of the conference committee as to subdivision into districts, and a speedy admission of their representatives into this and the other body. Whatever looks to the facilitation of that action meets with my approval. The idea of withdrawing this matter from the committee of conference, I fear, is in the nature of an obstacle. It has been the only obstacle to the admission of Dakota.

Mr. COX. I withdraw my withdrawal in order to save time.

The SPEAKER. The question is on agreeing to that part of the resolution which has just been read.

The question was taken and agreed to.

The question was taken and agreed to.

The SPEAKER. The question recurs next upon agreeing to the remainder of the resolution.

Mr. BAKER, of New York. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The SPEAKER. There being no objection, the latter motion will be

agreed to.

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE, of Kentucky. The remaining portion of the resolution is the instruction clause.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

 $\it Resolved$  . That the House instruct the new conferees to recede from the amendments to Senate bill 185 in the following respects.

The SPEAKER. The first and second have been agreed to, and the Clerk will now read part third.

A MEMBER. Part fourth? The SPEAKER. No; part third. The Clerk read as follows:

3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis; i. e., all of them under proclamations by the President.

Mr. BAKER, of New York. We have passed on that. The SPEAKER. It was not passed on; a separate vote was not asked on it.

Mr. McMILLIN. The third portion was what I thought the House had acted on.

The SPEAKER. It was not.

Mr. McMILLIN. I do not ask for a separate vote on that. I said I had no objection to it.

The SPEAKER. Then, if the gentleman withdrew his objection, there was no separate vote asked on it. The question now is on agreeing to the remainder of the resolution.

Mr. BRECKINRIDGE, of Kentucky. What is it?

The SPEAKER. The Clerk has just read it.

Mr. BRECKINRIDGE, of Kentucky. Does it include the instructions along the second se

The SPEAKER. It does. This is a vote on the instructing clause.

Mr. BRECKINRIDGE, of Kentucky. In reference to that, Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. If the vote on the instructing clause of the resolution is "no," does it leave the conferees free

to go into the conference uninstructed?

The SPEAKER. Except in so far as they may accept these votes

as expressing the sense of the House.

Mr. BRECKINRIDGE, of Kentucky. I know, but what I mean is it leaves them free-

The SPEAKER. It contains no positive instructions, of course, to

e conferees. The question is— Mr. BRECKINRIDGE, of Kentucky. Before the question is subthe conferees.

mitted, Mr. Speaker, allow me a moment. Then a vote of "no"

Mr. COX. I object to argument.

Mr. BRECKINRIDGE, of Kentucky. I am not arguing the question.

Mr. COX. It is "in the nature of an argument," in the language of the Senator from Kansas. [Laughter.]
The SPEAKER. The question is not debatable.

Mr. BRECKINRIDGE, of Kentucky. The question I desire to submit to the Speaker is this: If the vote is "no," whether the conferees go into the conference with full liberty to-[Cries of "Regular

The SPEAKER. Gentlemen must decide that for themselves. The Chair has simply stated that if this part of the resolution is not agreed to, the resolution will contain no positive instructions to the committee, or no instructions whatever, except in so far as the committee may consider itself bound by the votes of the House as expressing the sense of the House on the subject.

The question is on agreeing to the remainder of the resolution. The question was taken; and on a division there were-ayes 103.

Mr. BRECKINRIDGE, of Kentucky. I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative-veas 148, nays 103, not voting 71; as follows:

Davenport, Davis,	Ketcham, La Follette,	Rowell, Russell, Conn.
De Lano,	Laidlaw,	Russell, Mass.
Dingley,	Lehlbach,	Ryan,
		Sawyer,
		Scull,
		Seymour,
Finley.		Sherman,
Flood,		Sowden,
Ford,		Spooner,
Fuller.	McCormick.	Steele,
Funston.	McCullogh.	Stephenson,
Gaines.	McKenna.	Stewart, Vt.
Gallinger.	McKinley.	Struble,
Gear.	Milliken.	Symes,
	Moflitt	Tarsney,
		Taylor, E. R., Ohio
		Taylor, J. D., Ohio
	Nelson.	Thomas, Ky.
	Nichols	Thomas, Ill.
	O'Donnell.	Thomas, Wis.
		Thompson, Ohio
Henderson, Ill.		Thompson, Cal.
Hermann.		Tillman,
Hiestand.		Townshend,
		Turner, Kans.
	Perkins.	Vance,
	Peters	Vandever,
Hopkins, Ill.	Phelps.	Wade,
Hopkins, N. Y.	Plumb.	Weber,
Hunter.	Posev.	West,
Jackson.	Post.	White, N. Y.
		Whiting, Mass.
Kean.		Wickham,
Kelley.		Williams,
		Woodburn,
		Yoder.
	Dorsey, Dunham, Farquhar, Finley, Flood, Ford, Ford, Fuller, Funston, Gaines, Gallinger, Gear, Gest, Grout, Harmer, Haugen, Henderson, Iowa Henderson, Ill, Hermann, Hiestand, Hires, Hitt, Holmes, Hopkins, Ill, Hopkins, N. Y. Hunter, Jackson, Johnston, Ind. Kean, Kelley, Kerr,	Dorsey, Dunham, Lodge, Farquhar, Finiey, Flood, Ford, Ford, Fuller, Funston, Gaines, Gallinger, Gest, Grout, Haugen, Henderson, Ill. Hermann, Hestand, Hitt, Hopkins, Ill. Hopkins, N.Y. Homson, House, Hongkins, Ill. Hopkins, N.Y. Johnston, Ind. Kean, Kelley, Kenna, McComas, McComas, McCullogh, McCullogh, McKenna, McKenna, McKenna, McKenna, McKinley, Milliken, Gest, Mofilit, Morrill, Morrow, Nichols, O'Donnell, O'Neill, Pa. Osborne, Parker, Patton, Parker, Patton, Payson, Hitt, Hopkins, N.Y. Plumb, Hopkins, N.Y. Johnston, Ind. Kean, Kelley, Kennedy, Rockwell,

	NA	YS-103.	
Abbott, Anderson, Miss. Anderson, Ill. Bacon, Bankhead, Bland, Blout, Breekinridge, Ark. Breekinridge, Ky. Bynum, Campbell, Ohio Campbell, T. J., N. Y. Candler, Caruth, Clardy, Cobb,	Dougherty, Dunn, Elliott, Enloe, Foran, Forney, Glass, Grimes, Hall, Hare, Hatch, Hayes, Heard, Henderson, N.C. Herbert, Holman,	YS-103.  Lane, Lanham, Latham, Lawler, Mahoney, Martin, Matson, McAdoo, McClammy, McCreary, McMillin, McRae, Mills, Montgomery, Moore, Morgan, Norwood,	Rogers, Rowland, Rusk, Sayers, Scott, Seney, Simmons, Smith, Spinola, Springer, Stewart, Tex. Stockdale, Stone, Mo. Taulbee, Tracey, Turner, Ga.
Cothran, Cowles, Crain, Culberson, Cummings, Davidson, Ala, Davidson, Fla, Dibble, Dockery,	Hopkins, Va. Howard, Hudd, Hutton, Johnston, N. C. Jones, Kilgore, Lagan, Landes,	Oates, O'Ferrall, Outhwaite, Peel, Penington, Pidcock, Randall, Richardson, Robertson,	Walker, Washington, Weaver, Wheeler, Wilkinson, Wilson, Minn. Wilson, W. Va. Wise.

# NOT VOTING-71.

Allen, Miss.	Compton,	Houk,	Owen,
Barnes,	Crisp,	Laffoon,	Perry.
Barry,	Crouse,	Laird.	Phelan,
Belden.	Dalzell.	Lee.	Rayner,
Bliss,	Ermentrout,	Lyman,	Shaw.
Bowen,	Felton,	Lynch,	Shively,
Brumm,	Fisher.	Maffett.	Snyder,
Bryce,	Fitch,	Mansur,	Stahlneeker.
Buckalew.	French.	Mason,	Stewart, Ga.
Bunnell,	Gay,	McKinney,	Warner,
Butler,	Gibson,	McShane,	White, Ind.
Campbell, F., N. Y.	Glover.	Merriman,	Whiting, Mich.
Carlton,	Goff.	Morse,	Whitthorne,
Caswell,	Granger,	Neal.	Wilber,
Catchings,	Greenman,	Newton,	Wilkins,
Clements,	Grosvenor,	Nutting.	Yardley.
Coekran.	Hemphill,	O'Neall, Ind.	Yost.
Collins,	Hogg,	O'Neill, Mo.	

So the resolution was adopted. On motion of Mr. DOCKERY, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BAKER, of New York, moved to reconsider the vote by which the resolution of instructions was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# RELIEF OF LABORERS ON PANAMA CANAL.

Mr. McCREARY. I now call up the unfinished business, being the bill (S. 3949) to protect the interests of the United States in Panama. The SPEAKER. The tellers will take their places. The question

is on ordering the bill to be read the third time, upon which no quorum

Mr. BLOUNT. I hope the gentleman from Texas will not insist upon the point of no quorum.

Mr. KILGORE. If we can have the yeas and nays I will with-

Mr. McCREARY. This is only on the third reading.
Mr. KILGORE. I understand this is only on the third reading of the bill and not on its passage?

The SPEAKER. That is correct.

Mr. KILGORE. I withdraw the point of no quorum.

So (no further count being demanded) the bill was ordered to a third reading, and was accordingly read the third time.

The question recurred upon the passage of the bill.

The question was taken; and on a division there were-ayes 106, noes 6.

Mr. KILGORE. No quorum.
The SPEAKER appointed Mr. KILGORE and Mr. McCreary as tellers.

Mr. McCREARY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. McCREARY. I withdraw the demand and will take the vote by tellers.

Mr. KILGORE. I renew the demand for the yeas and nays.

The yeas and nays were not ordered, there being 16 in favor thereof and 100 in opposition, the affirmative being less than one-fifth of the total.

The SPEAKER. The tellers will take their places.
The House divided; and the tellers reported—ayes 160, noes 6.

So the bill was passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KILGORE. I move that the House do now adjourn.

The motion was not agreed to.

## FORTIFICATIONS APPROPRIATION BILL.

Mr. SAYERS. I ask unanimous consent, Mr. Speaker, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the fortifications bill, so that the report of the Committee on Appropriations may be adopted and the matter go into

Mr. TOWNSHEND. As I understand the purpose of the gentleman is simply to ask formal action in the shape of non-concurrence and put the bill in conference, I withdraw the objection I made the other

day.

There being no further objection, the Committee of the Whole was

discharged from the further consideration of the bill.

Mr. SAYERS. I now move the adoption of the report and ask for a conference.

The report was adopted.

The SPEAKER appointed as conferees on the part of the House Mr. SAYERS, Mr. RANDALL, and Mr. BUTTERWORTH.

## PENSIONS APPROPRIATION BILL.

Mr. FORAN. I desire to make a privileged report from the Committee on Appropriations on the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, and ask concurrence in the report.

The Clerk read the report, as follows:

The Clerk read the report, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, together with amendments of the Senate thereto, having considered the same, beg leave to report: They recommend concurrence in the amendment of the Senate numbered 2, and they recommend non-concurrence in the amendment numbered 1.

The SPEAKER. The question is on agreeing to the report. Mr. HOLMAN. I think the amendments should be read.

The amendments were read, as follows:

The amendments were read, as follows:

Amendment No. 1, in which non-concurrence is recommended, on page 1, line 12, after the word "separately," insert:

"And provided further, That a check or checks drawn by a pension agent in payment of pension due, and malled by him to the address of the pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall in the case of a husband be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children."

Amendment No. 2, in which concurrence is recommended, on page 1, after line 16, insert:

"For rents, \$18,200. And hereafter the Secretary of the Treasury, where practicable, shall cause suitable rooms to be set apart in the public buildings under his control in the cities where pension agencies are located, which shall be acceptable to the Secretary of the Interior, for the use and occupancy of the said agencies respectively."

The report was adonted.

The report was adopted.

Mr. FORAN. I move a conference be requested with the Senate. The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FORAN, Mr. GAY, and Mr. HENDERSON of Iowa.

## FRANCES H. PLUMMER.

Mr. BROWNE, of Indiana. I rise to a question of privilege.
The SPEAKER. The gentleman will state it.
Mr. BROWNE, of Indiana. Upon the 18th of January the House ordered the previous question on passage of the Senate bill 2091, granting a pension to Frances H. Plummer. I have deferred to the wish of the House from time to time, in order that the appropriation bills might be expedited, until the session is nearly through. I now ask to call up that bill and take a vote upon it.

## ORDER OF BUSINESS.

Mr. RICHARDSON. While that measure is pending, Iask the gentleman from Indiana to yield to me, so that I may ask unanimous consent to have time set apart for the consideration of bills from the Com-

mittee on Printing.

Mr. BROWNE, of Indiana. I have no objection.

Mr. RICHARDSON. Mr. Speaker, I ask that on Tuesday, immediately after the reading of the Journal, one hour be set apart for the consideration of bills reported from the Committee on Printing. There are many matters pending in which members are interested, and this

are many matters pending in which members are interested, and this is the only way in which they can be disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and it is so ordered.

Mr. TOWNSHEND. I will ask the gentleman from Indiana to allow me to ask for an evening session on Tuesday for the consideration of bills from the Committee on Military Affairs.

Mr. BROWNE, of Indiana. I have no objection.

Mr. TOWNSHEND. Then, Mr. Speaker, I ask that on Tuesday, at 5 o'clock, the House take a recess until half past 7, and that the evening session be held for the consideration of bills reported from the Committee on Military Affairs.

Mr. ROGERS. If it is limited to half past 10 I will make no ob-

Mr. TOWNSHEND. I will accept that.
Mr. KILGORE. Limit it to 10 o'clock and I will make no objection.
Mr. TOWNSHEND. I will accept that.

The SPEAKER. Is there objection to the request of the gentleman from Illinois, that on Tuesday at 5 o'clock the House take a recess until half past 7, and that the evening session be devoted to the consideration of bills reported from the Committee on Military Affairs, the session to be limited to 10 o'clock? The Chair hears none, and it s so ordered.

Mr. McCREARY. I ask that Wednesday evening be given to the

Committee on Foreign Affairs.

Mr. CLARDY. I ask unanimous consent that the House take a recess from 5 o'clock until 7.30 p. m. on Wednesday, the evening session to be devoted to the consideration of bills reported by the Committee on Commerce.

Mr. McCREARY. I ask for Thursday night for the Committee on

Foreign Affairs.

Mr. RANDALL. I shall object unless conference reports are per-

mitted to come in at any time they are ready.

Mr. HOLMAN. There are two important bills pending before the Committee on Public Lands that ought to be passed, and I ask unanimous consent-

The SPEAKER. There is a request pending undisposed of.
Mr. ROGERS. I ask that the evening sessions be limited to 10 o'clock.

The SPEAKER. The gentleman from Missouri [Mr. CLARDY] asks unanimous consent that on Wednesday at 5 o'clock the House take a recess until 7.30 p. m., the evening session to be devoted to the consideration of bills reported from the Committee on Commerce, to be limited to 100'clock, and the gentleman from Pennsylvania insists that reports of conference committees on all these evenings may come in.

Is there objection to the request?
Mr. TOWNSHEND. I object.
Mr. CLARDY. I ask unanimous consent that the Wednesday evening session be set apart for the consideration of bills reported from the Committee on Commerce.

The SPEAKER. Is there objection to the request of the gentleman

from Missouri?

Mr. RANDALL. I do not know that it will be necessary to present conference reports, but if the public exigency require, it ought to be permitted.

Mr. TOWNSHEND. I desire to know whether that interferes with

Mr. TOWNSHEND. I desire to know whether that interferes with Tuesday night's session.

Mr. CLARDY. I accept that modification.

Mr. TOWNSHEND. If the request of the gentleman from Pennsylvania does not apply to Tuesday evening's session, I will not object.

There was no further objection, and it was so ordered.

Mr. McCREARY. I yielded to the gentleman from Missouri, and now I ask for Thursday night for the consideration of bills reported from the Committee on Foreign Affairs.

Mr. COWLES and others. I object. [Cries of "Regular order!"]

Mr. COWLES and others. I object. [Cries of "Regular order!"]

FRANCES H. PLUMMER.

The SPEAKER. The regular order is demanded, and the Clerk will proceed to read the title of the bill called up by the gentleman from Indiana [Mr. BROWNE]

The Clerk read as follows:

A bill (S. 2091) granting a pension to Frances H. Plummer.

Best enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Frances H. Plummer, widow of Brig. Gen. Joseph B. Plummer, United States Army, and to pay her a pension of \$100 a month, in lieu of the pension she is now receiving.

The SPEAKEK. Under the order of the House the previous question is ordered upon the third reading and the passage of this bill, with

the right to debate for thirty minutes

Mr. BROWNE, of Indiana. Mr. Speaker, I do not intend to occupy the time of the House for more than one or two minutes, briefly to state the history of this bill. It originated in the Senate and passed there allowing the beneficiary \$100 per month. The House committee, by an amendment, reduced the sum to \$75 a month, and the bill as it is now presented for the consideration of the House is at that sum. report in the case is a somewhat elaborate one. It has been on the record since the 19th of January last, and I do not intend, so far as I am concerned, to read it, but simply to state the facts. General Plummer entered the regular Army in 1841 and was in the Mexican war from Vera Cruz to the city of Mexico. At the breaking out of the rebellion he was stationed with his command at Fort Cobb, and, through great hardships and privations, he made his way to the States and was assigned to the Army of the Missouri. He was at the battle of Wilson's Creek, made historic by the death of General Lyon, where he was severely wounded by a minie ball. Subsequently he was promoted to colonel of volunteers and then to brigadier-general. He was in various battles in the Southwest. He was at Island No. 10, and from there he went to Corinth, and at Corinth, in 1862, in the line of duty, he died. He was complimented for his gallantry by all the generals under whom he served-by Pope, by Schofield, and by Rosecrans. I reserve the balance of my time.

Mr. KERR. I ask for the reading of the report.

The SPEAKER. That can only be done in the time allowed for debate. The gentleman from Iowa [Mr. KERR] has the right to take the floor in opposition to the bill and have the report read in his time.

Mr. KERR. I will do that.

The Clerk proceeded to read the report, which is as follows:

Mr. KERR. I will do that.

The Clerk proceeded to read the report, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2991) granting a pension to Frances H. Plummer, have had the same under consideration, and beg leave to submit the following report:

Mrs. Frances H. Plummer is now on the pension-rolls, under special act of Congress approved March 3, 1863, at the rate of \$50 per month, as the widow of the late Brig. Gen. Joseph B. Plummer.

The records of the War Department show the following facts concerning General Plummer's services: Graduated from West Point July 1, 1841, and appointed second lieutenant; promoted to first lieutenant March 15, 1848; to captain May 1, 1852, and major Eighth United States Infantry, April 25, 1862. Served in the war with Mexico, at Vera Cruz and city of Mexico; subsequently in Texas and the Indian Territory, where he was stationed at the breaking out of the late war, in command of Fort Cobb. While most of the United States troops in that section of the country either surrendered or were captured, Captain Plummer, after a long and tedious march, during which the troops were on short rations, succeeded in bringing his men safely into Missouri, where he arrived at that critical moment which, for a time at least, gave the Confederate forces control of the southern and western part of that State.

Captain Plummer participated in the battle of Wilson's Creek, Missouri, August 10, 1831, in which General Lyon was killed and the Union forces, after a desperate fight against superior numbers, were finally compelled to retreat. Captain Plummer, while leading the regulars to a final charge, received a serious wound in hip from a large minic ball, which was never removed. He continued the fight until he fell from exhaustion. On September 25, 1861, he was mustered in as colonel of the Eleventh Missouri Volunteers, and on October 22, 1861, he was promoted to brigadier-general. He served with his regiment in Missouri until March 1, 1862, being engaged wi

during the fatigues and exposures of active campaign. I know no officer of the Army of his grade who has rendered more valuable and distinguished services to his country or who is better entitled to the most favorable consideration of his Government."

Major-General Schofield, in a letter addressed to this committee, and who was personally acquainted and associated with General Plummer, speaks in the highest terms of the latter's ability and devotion to the Union cause, and his zealous discharge of every duty.

Mrs. Plummer is dependent upon the pension now received, not only for her own support, but for the maintenance of a daughter, who is a great sufferer from a nervous ailment which prevents her from making any exertions toward her support.

In view of the gallant services of the deceased officer, and the dependent condition of his surviving family, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass, amended, however, by striking out the words "one hundred" in line 6, and insert therein instead the words "seventy-five."

Mr. KERR (before the reading of the report was completed). Mr. Speaker, all of the report that I care to have read has now been read. and I have a few remarks which I desire to submit in regard to this bill. I know nothing about any special hardships in this case. the report declares that this widow is already receiving a pension of \$50 a month. I do not know that there are any circumstances in her case showing any peculiar hardships which would entitle her to a larger pension than we give to the great body of the widows of officers of the United States Army. I do not think it is right for us to pension the widows of officers at any higher rate than \$50 a month. I question whether it is right to pension them at that rate. I know that in the early days of American history, the days in which the character of our people was formed, the widow of Commodore Perry was allowed only \$400 a year, and \$150 a year each for the support of her children till they arrived at the age of sixteen years.

Mr. DUNHAM. It costs twice as much to live now as it did then. Mr. KERR. I know that there is no one in American history more distinguished or who accomplished so much for the country as that eminentseaman, Commodore Perry. He died in the service of his country on an important and dangerous mission in a foreign land. I know that there was no man in the American Senate at the time the question was up who advocated giving his widow a larger sum than \$400 a year, and they refused a pension to his aged mother, and that action remained a precedent in American history for a great number of years. Now, Mr. Speaker, I know that gentlemen on our side of the House are in the habit of saying that this is only a small sum, and that it is not taken from the general fund of the American people which might be used for the pension of other deserving widows, but I know this, that the resources of the American people for these purposes are not illimitable.

There must be an end somewhere and sometime to these large expenditures of public money for such purposes, and I know of no better rule, in a government which recognizes the equality of all men before the law, and which has for one of its fundamental principles the doctrine that there shall be no privileged class, but that equal and exact justice shall be meted out to all, than to allow pensions to widows of deserving soldiers upon the basis of the most rigid frugality. I know this also, that if we appropriate large pensions to a great number of our soldiers or their widows there will be a very large proportion of deserving widows of men who died in the service of their country, who have been left with families to support, and who are to-day earning their living at the wash-tub or by other such means, and who will have no aid at all from the Government. Now, I appeal to gentlemen on this side of the House, right here and now, to put a stop to this business. I think that when a widow has \$50 a month pension she ought not to come to the American Congress for any more, when she knows that there are thousands of other widows who have not the means to pay for their daily bread, and who are as much deserving of the gratitude of the American people and the care of this Congress as she is herself. Mr. Speaker, I reserve the residue of my time.

[Cries of "Vote!" "Vote!"]

Mr. GALLINGER. Mr. Speaker, I desire to occupy the attention of the House a very few minutes in the discussion of this bill. It was reported from the Committee on Invalid Pensions, of which I am a member. I wish to say to the House candidly that it is a bill of more than ordinary merit. In the discussion of these pension cases a very great effort has been made to create prejudice on the ground that the committee and the House were doing injustice to the private soldiers and the widows of private soldiers in granting these large pensions to generals and the widows of generals. Mr. Speaker, during the brief term of service I have rendered in this House I have, on one or two former occasions, stated that I thought this House would not be able to do what has not been done either by the laws or by nature—to equalize the citizens of this Republic, or of the world, and put them upon a common basis so far as salaries or pensions are concerned. We pay generals a larger salary than we pay privates; we pay the widows of generals larger pensions than we pay the widows of privates. We have a right to do it under the laws. It is natural that it should be done. No man ought to stand on this floor and say that we do an injustice to the private soldiers or the widows of private soldiers when we do this thing.

A few days ago, when a bill similar to this was under discussion, the gentleman from Indiana [Mr. CHEADLE] made this statement:

I have been unable to find, and I challenge any member upon this floor to find, where there has been submitted to the American Congress a bill to grant to a widow of a soldier of the line a pension for a larger amount than is authorized by the general pension laws.

Mr. GALLINGER. We do it by special act.

Mr. CHEADLE. The gentleman from New Hampshire says we do it by special act. If gentlemen can name any acts which have been passed granting a pension for a larger sum than the amount authorized by the general law, \$12 per month, I will pause and give them time to name the bill. I claim, Mr. Speaker, that no such cases can be found in favor of the widows of the men of the rank and file.

Mr. Speaker, when the gentleman from Indiana made that challenge

to me on this floor I was aware of the fact that there were hundreds of pension bills passed by this Congress and preceding Congresses, and which he could find by consulting the statutes, paying to private soldiers and the widows of private soldiers larger amounts of pension than those authorized by the general laws. Since that time I have taken instance. just a moment to glance at the laws, and I desire to cite to the gentle-man some references. If he will look at the statutes of the Forty-eighth Congress, page 646, he will find that Julia A. Chambers, widow of John Chambers, a private, had her pension increased from \$8 a month to \$20 a month. He will find that by an act passed in the same Congress Polly Young, widow of Jesse Young, had her pension increased from \$8 to \$30 per month. He will find that by an act passed in the same Congress Mary A. Gremon, widow of William H. Gremon, had her pension gress Mary A. Gremon, widow of William H. Gremon, had her pension increased from \$8 to \$30 per month. And in the Forty-ninth Congress Isabella J. Ramsdell, widow of David D. Ramsdell, had her pension increased from \$12 to \$30 per month. And if the gentleman will extend his inquiries and look at the general statutes passed in the Fiftieth Congress (if they are printed, and I think they are, because I believe the act to which I refer was passed in the first session of this Congress) have a will find that the men assembled here passed a special act increashe will find that the men assembled here passed a special act increasing the pension of Martha Woodrum, widow of James Woodrum, a private soldier, from \$12 to \$50 per month. Now, Mr. Speaker, as I said before, there are hundredsof special acts

which have been passed by the Congress of the United States increasing the pensions of private soldiers and the widows of private soldiers above the amounts authorized by the general pension laws of the country.

Mr. CUTCHEON. Is it not true that every case in which we have passed a special act was a case in which the general law would not

give the amount of pension proposed?

Mr. GALLINGER. As the gentleman from Michigan [Mr. CUTCH-EON] very properly suggests, the very object of a special act is to grant to the soldier or the widow of the soldier a larger amount than could be obtained under the general law. But I desired simply to call attention to the fact that the statutes are the best answer that can be made to any gentleman who stands upon this floor and says that we discriminate against the private soldiers or the widows of the private soldiers of this Republic.

Mr. DOCKERY. The gentleman will allow me to add in this connection that in the Forty-ninth Congress we passed a bill granting a The gentleman will allow me to add in this conension of \$25 per month to the widow of Nat. M. Gwynne, of Kansas

City, a private soldier. Mr. GALLINGER. Certainly; the statutes are full of these cases. The gentleman from Indiana ought to have consulted the record before he made his challenge on this floor, for the record does not bear out the assertions he has made here so repeatedly and which have gone out to the country, which would indicate that the Committee on Invalid Pensions and members of this House have been disposed to do a wrong to the private soldiers and the widows of the private soldiers of this country. The precise opposite is the fact. The committee have carefully guarded the rights of the private soldier, and most of our pension legislation has been in that direction.

Mr. CHEADLE. How much time is there now remaining to each

side?

The SPEAKER. The order of the House provides that there shall be thirty minutes' debate, but makes no provision whatever as to the manner in which the time shall be divided. Therefore any gentleman obtaining the floor might occupy the entire time.

Mr. CHEADLE. How much of the thirty minutes remains?

The SPEAKER. Thirteen minutes.

Mr. BROWNE, of Indiana. I suggest that the remaining time be divided equally between those who are in favor of the bill and those

who are against it.

Mr. CHEADLE. I will trespass only a moment upon the time or I thank my distinguished friend, the gentleman from New Hampshire [Mr. GALLINGER], for finding upon record in the history of the private pension bills which have been enacted into laws six cases—think of it—six cases, out of the more than a million widows or cases—think of it—six cases, one of the more than a limited water of private soldiers of this country, where a greater sum than \$12 a month has been granted by the laws of the land.

Mr. GALLINGER. The gentleman does not mean to say that there

are a million of widows-

Mr. CHEADLE. I say there have been nearly a million widows of men of the line in the Northern army. There were more than 2,800,-000 soldiers in that war, and less than a million are now living.

Mr. BOUTELLE. Our soldiers were not Mormons. [Laughter.]
Mr. CHEADLE. Oh, no; they were not Mormons; but I say there
are about one million widows of soldiers; and I say to the gentleman from Maine that in the Northland there are to-day nearly fifty thousand widows of the men who died that this Government might live, who are subjects of charity of those among whom they live, or are living in the almshouses of the land.

Mr. BROWNE, of Indiana. Fifty thousand?

Mr. CHEADLE. Yes, sir; fifty thousand. I will say to the gentleman that in the community where I live, a small place, there are more than a dozen of these widows who are not receiving a cent of pension.

I want to stand here in my place and denounce as non-American and as monstrous the proposition or theory advanced by the distinguished gentleman from New Hampshire [Mr. Gallinger] that there is no equality before the law in this Government of ours. I shall never say nor have I ever pretended to say that God, in His infinite wisdom, has given the same talents to each and every human being or that we can all obtain the same social standing. But, Mr. Speaker, it was for the purpose of demonstrating the fact that, politically and legally, there should be absolute equality before the law that this Government of ours was established. It is the very fundamental principle upon which the whole superstructure of our Government rests.

I ask the gentleman who has charge of this bill if there is any special reason, if the financial condition of this claimant shows that she is entitled either in law or equity to a greater sum than she is now re-

ceiving, \$50 a month? Mr. WASHINGTON. Is she not now receiving the amount provided for the widow of a brigadier-general?

Mr. CHEADLE. She is.

Mr. WASHINGTON. Did she not get that by special law?
Mr. CHEADLE. She did. We heard the members of the Committee on Invalid Pensions say that the amount fixed for the widows of brigadier-generals was \$50. It is against the injustice of this special class legislation I object. I denounce the principle, and not the individual to be benefited by it. The financial condition of this widow is not such as to entitle her to this special consideration at the hands

I say this whole system of special legislation in reference to pensions is radically wrong. Every pension allowed should be under a general law. It is a thousand times better in the administration of this pension question that a few meritorious claimants shall suffer than that the whole principle for which our comrades died shall be trampled in

I say he is a blind man and an unwise reasoner who does not see that the whole tendency of our legislation in the last ten years has been in the interest of classes and not in the interests of the people. Standing here to-day I ask any member to point me in the legislation of the Fiftieth Congress to a single law which has been in favor of the general welfare of the American people.

[Here the hammer fell.]

Mr. KERR. The remarks of the gentleman from New Hampshire do not at all affect the justice of this proposition.

Mr. SPINOLA. Let me ask the gentleman a question.

Mr. KERR. Certainly.

Mr. SPINOLA. That gentleman said when he was upon the floor, "Widows of private soldiers make their living at the wash-tub and other means, such as are common to our society." What does he mean by that?

Mr. KERR. Honorable means of making a living. The gentleman from New York will not intimate that working at the wash-tub is not an honorable mode of making a living?

Mr. SPINOLA. I do not so understand the gentleman.

Mr. KERR. The gentleman then will correct his impression.
Mr. SPINOLA. You did not stop at the wash-tub, but went furner. You said "the widows of private soldiers make their living at the wash-tub and other means which are common to our society." What other means does the gentleman refer to?

Mr. KERR. I am not responsible for the wanderings of the gentle-

man's mind.

Mr. SPINOLA. There are no wanderings on my part. Your language is ambiguous.

Mr. KERR. Other means, such as are common to our society—that is, all kinds of menial labor, if the gentleman wishes it made more explicit. His mind could not arrive at the same conclusion mine did in regard to the matter.

Mr. SPINOLA. That would be impossible.

Mr. KERR. I wish to say this, further, that the argument of the gentleman from New Hampshire cuts no figure against the proposition of the gentleman from Indiana. If there are any private soldiers' widows who are receiving pension more than is paid to the mass of these widows it is an act of injustice. It only shows that there are individual members of this House who come here and urge special pension claims for their constituents, and that they are not willing to pass a general law to grant the same amount to the widows of other soldiers who fell in defense of the country.

Mr. GALLINGER. Will the gentleman yield for a question?

Mr. KERR. Yes, sir.
Mr. GALLINGER. If the gentleman will recur to the record he will be unwilling, I am convinced, to go before the country on the state-

ment he has just made.

Mr. KERR. What statement?

Mr. GALLINGER. That the members have been persistent in pushing the claims of their constituents for these pensions. In all of these cases, and there were hundreds of them, there were special considerations why the legislation should be had.

Mr. KERR. That only sustains my point, that there have been no

special considerations brought forward why this widow should have \$75 a month, when other widows of officers of like grade are receiving but

Mr. MACDONALD. And I will add right here, if the gentleman will permit me, that I know there are none.

Mr. KERR. And the gentleman adds that he knows there are no

such special reasons.

Now, I ask if gentlemen, members on this side of the House, are willing to put themselves on record of occupying the time of this Congress and of this country in bringing forward and advocating the increase of special pension claims from \$50 to \$75 per month, while the great mass of the widows of the soldiers, many of them in absolute want, are denied any pension at all, unless their husbands died of wounds or diseases contracted in the service?

Mr. ANDERSON, of Iowa. Will my colleague yield for a question?

Mr. KERR. Yes, sir. Mr. ANDERSON, of Iowa. In what way will the refusal to grant this increase help the widows of private soldiers who are not now

getting pensions?

Mr. KERR. For this reason, that there is a limit to the ability of the country to pay pensions; and if you pay to a large and favored class of widows \$75 per month you thereby diminish the fund out of which the mass should receive some sort of consideration.

Now I hold that this is a safe rule, and it was held to be so by the fathers of the country-that all partial laws are iniquitous, that all special privileges are wrong, and I, as a Republican and a member of this side of the House, enter my protest against this discrimination, which is an injustice to the great mass of the widows of this country.

Mr. LONG. Will the gentleman state what is the present law pro

Mr. LONG. Will the gentleman state what is the present law providing pensions for widows of this grade?

Mr. KERR. She is now getting \$50 per month.

Mr. STEELE. The law provides \$30 per month pension.

Mr. ANDERSON, of Iowa. Is not this increase in the direction of liberalizing pension legislation? My colleague is trying to restrict it by refusing this pension, instead of liberalizing the law.

Mr. KERR. I understand that this widow is now receiving \$20 per month more than the general law allows widows of officers of the same grade. That is a still stronger reason for resisting any increase now. Under the general law she gets \$30 per month, but by a special act she gets fifty, and if this bill passes we have no assurance whatever that she will not come in after awhile and ask an increase of \$100 per month. I do not call that liberalizing; it is making a partial law. I do not call that liberalizing; it is making a partial law. month. I do not call that liberalizing; it is making a pattern and.

Mr. BROWNE, of Indiana. How much time, Mr. Speaker, remains

to this debate?

The SPEAKER. Two minutes.

Mr. BROWNE, of Indiana. I hope that time will be granted to some gentleman who desires to fight this widow's claim, and then we will have a vote.

Mr. GALLINGER. I desire, Mr. Speaker, to occupy that time in making a brief response to what the gentleman from Indiana [Mr. Cheadle] has said. That gentleman the other day threw down the gantlet of defiance to any person who would point him to a case where Congress had increased the pension of a widow of a private soldier. When I take up the gantlet and confront him with five cases, the names of which I give him, and tell him there are hundreds of others, he says that is no proof, that I have only found five cases in all of the vast mass of claims, and hence that he made only five mistakes. Again he says that all the legislation of Congress in regard to pensions has been in the direction of favored classes. That is not true.

been in the direction of favored classes.

The Committee on Invalid Pensions of the Fiftieth Congress have labored diligently. We have reported and we have passed hundreds of private pension bills, and almost every bill reported and passed has been for a pension to a private soldier or a widow, and scarcely one for a general or the widow of a general. The legislation of Congress passed for ten years tells the same story; and the general bills reported to Congress, some of them on the (alendar and some of them have become laws, provide for the benefit of the private soldiers of the Republic and their widows. The Mexican pension bill, which was a service pension, was for the benefit of men who fought in the ranks, and not for the complete of the description. and not for the generals of the Mexican war. And I want to say to the gentleman, when he arraigns the Committee on Invalid Pensions or the membership of that committee upon charges that they are legislating in behalf of a favored class, or for the generals of the Army, that he is stating what the record does not show to be true. [Applause.]

[Here the hammer fell.]

Mr. KERR. Does the gentleman insist that there are only a few cases of large pensions? [Cries of "Regular order!"]

The SPEAKER. The first question is on agreeing to the amendment proposed by the committee.

The amendment was adopted.

The bill was ordered to be read a third time, and was accordingly read the third time.

The question recurred upon its passage.

Mr. CHEADLE. Upon that I demand the yeas and nays.

The yeas and nays were not ordered, 18 members only voting in favor thereof.

Mr. MATSON. I demand tellers upon the yeas and nays.

Tellers were refused.

Mr. CHEADLE. I desire to make a statement, with the consent of the House

The SPEAKER.

Is there objection?

Not exceeding one minute. I want simply to Mr. CHEADLE. state that this bill is one of a large number that came over from a Friday night session-

Mr. GALLINGER. Mr. Speaker, how does this matter come up for

discussion now?

The SPEAKER. The gentleman asked unanimous consent to make a statement not exceeding one minute.

Mr. HEARD. I object. Mr. SOWDEN. It is too late now.

Mr. KERR. Mr. Speaker, did not the objection come too late? The SPEAKER. The Chair had not asked for objection. The Chair simply stated the request of the gentleman from Indiana, and he proceeded to address the House.

Mr. BROWNE, of Indiana. I am satisfied we will expedite business

of the House by consenting to a yea-and-nay vote on the passage of this bill, and I therefore demand the yeas and nays.

The SPEAKER. The gentleman from Indiana asks unanimous consent to reconsider the vote by which the yeas and nays were refused. Is there objection to that? The Chair hears none. The question now recurs on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. MATSON. I rise to a parliamentary inquiry. Has the bill

passed its third reading?

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The SPEAKER. It has, and the question is on the passage of the bill, and upon that question the yeas and nays are ordered.

The question was taken; and it was decided in the affirmative—yeas 95, nays 84, not voting 143; as follows:

	YE	AS-95.	
en, Mich. derson, Iowa	Cummings, Darlington,	Kennedy, Ketcham,	Rice, Rowell,
derson, Kans.	Davenport,	La Follette,	Sawyer,
nold.	De Lano,	Lawler.	Scott,
ker, N. Y.	Dingley,	Lehlbach,	Scull,
ker, Ill.	Farquhar.	Lodge,	Seney,
yne,	Foran,	Mahoney,	Sherman,
gham,	Funston,	Maish,	Sowden,
88,	Gaines,	McComas.	Spinola,
utelle.	Gallinger,	McCormick,	Steele,
ewer,	Gay,	McCullogh,	Struble,
owne, Ind.	Gear,	McKenna,	Taylor, J. D., Ohio
own, Ohio	Gest,	McKinley,	Thomas, Ky.
own, J. R., Va.	Grout,	Moffitt,	Thomas, Wis.
tterworth,	Guenther,	Morrow,	Vandever,
mpbell, F., N. Y.		O'Neill, Pa.	West,
mpbell, Ohio	Hayes,	O'Neill, Mo.	White, Ind.
	. Henderson, Iowa	Osborne,	White, N. Y.
swell,	Hermann,	Parker,	Whiting, Mass.
ipman,	Hitt,	Patton,	Wickham,
rk,	Holmes,	Plumb,	Wilber,
nger,	Hopkins, N. Y.	Post,	Wilkinson,
oper,	Hunter,	Pugsley,	Yoder.
X.	Jackson.	Randall,	

NAYS-84. Dunn, Elliott, Enloe, Fisher, Ford, Lanham, Abbott, Anderson, Miss. Anderson, Ill. Bankhead, Latham. Robertson. Long, Macdonald, Martin, Rogers, Rowland, Biggs, Bland, Sayers, Shively, Forney, Fuller, Matson, McClammy, McMillin, McRae, Smith, Smith, Stewart, Tex. Stewart, Ga. Stone, My. Stone, Mo. Blount, Breckinridge, Ark Breckinridge, Ky. Glass, Grimes, Grimes,
Hall,
Hare,
Hatch,
Hemphill,
Henderson, N. C.
Henderson, Ill.
Herbert,
Holman,
Jones,
Kerr. McRae, Mills, Montgomery, Moore, Morgan, Nelson, Norwood, Oates, O'Donnell, Outhwaite, Peel. Caruth, Catchings, Cheadle, Clements, Tarsney, Taulbee, Townshend, Cobb. Turner, Ga. Vance, Walker, Wilson, Minn. Wilson, W.Va. Compton, Cothran, Crain, Culberson, Kerr, Kilgore, Landes, Peel, Penington, Peters, Dargan, Davidson, Ala, Wise, Woodburn. Dibble,

NOT VOTING-143. Burrows, Butler, Bynum, Candler, Cannon, Adams, Allen, Mass. Allen, Miss. Atkinson, Bacon, Ermentrout, Carlton, Barnes.

Barry, Belden, Clardy, Cockran Cogswell, Collins, Cowles, Crisp, Blanchard, Boothman, Bound, Bowden, Crouse, Cutcheon, Bowen, Brower, Browne, T.H.B., Va Brumm, Bryce, Buchanan, Dalzell, Davidson, Fla. Davis, Dockery, Buckalew, Bunnell, Burnett, Dorsey, Dougherty, Dunham,

Houk, Howard, Hudd, Hutton, Johnston, Ind. Johnston, N.C. Fried, Finley, Fitch, Flood, French, Gibson, Glover, Goff, Granger, Kean, Kelley, Laffoon, Lagan, Laidlaw Granger, Greenman, Grosvenor, Haugen, Hayden, Heard, Hiestand, Hires, Hogg, Hooker, Laird, Lane, Lee, Lind, Lyman, Lynch, Maffett, Mansur, Hopkins, Il. Hopkins, Va. Mason, McAdoo

Shaw, Simmons, Snyder, Spooner, McCreary, McKinney, McShane, Tracey, Turner, Kans. Wàde, Warner, Perkins, Perry, Phelan, Phelps, Pideock, Merriman, Milliken, Morrill, Morse, Neal, Springer, Stahlnecker, Stephenson, Stewart, Vt. Stockdale, Washington. Washington, Weaver, Weber, Wheeler, Whiting, Mich. Whitthorne, Wilkins, Williams, Yardley, Yost. Pidcock,
Posey,
Rayner,
Reed,
Rockwell,
Romeis,
Russell, Coun.
Russell, Mass. Newton, Nichols, Nutting, O'Ferrall, O'Neall, Ind. Symes,
Taylor, E. B., Ohio
Thomas, Ill.
Thompson, Ohio
Thompson, Cal.
Tillman, Rusk, Ryan, Seymour,

So the bill was passed.

So the bill was passed.
Pending the announcement of the vote,
Mr. DOCKERY said: I was called to the Senate. If I had been
present, I should have voted "ay."
Mr. DAVIDSON, of Florida. I was in the Senate at the time the
vote was taken. If I had been present, I should have voted "no."
On motion of Mr. GALLINGER, by unanimous consent, the reading of the names was dispensed with.
The following additional pairs were announced:
Mr. OATES with Mr. STEWART, of Vermont, until the 18th instant.
Mr. GRANGER with Mr. KELLEY, for the rest of the day.
Mr. THOMPSON, of California, with Mr. McKENNA, for the rest of the
day. day.

Mr. Stockdale with Mr. Mason, for the rest of the day.

Mr. Cowles with Mr. Boothman, for the rest of the day.

Mr. Stahlnecker with Mr. Dorsey, for this day.

Mr. Johnston, of North Carolina, with Mr. Wade, on this vote.

Mr. O'FERRALL with Mr. Stephenson, on this vote.
Mr. Washington with Mr. Thompson, of Ohio, on this vote.
Mr. Thompson were present, Mr. Washington would vote "no."
The result of the vote was then announced as above recorded.

Mr. BROWNE, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be

laid on the table. The latter motion was agreed to.

MRS. MARY HEAP NICHOLSON.

Mr. WHITE, of New York. Mr. Speaker, I rise to a question of

The SPEAKER. The gentleman will state it.

Mr. WHITE, of New York. I send to the Clerk's desk the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson, on which the previous question has been ordered, and ask for its consideration at this

Mr. BLOUNT. I wish to ask my friend from New York if this bill

will take up any time in general debate?

Mr. WHITE, of New York. If any debate develops upon it I will

withdraw it from consideration at this time.

Mr. BLOUNT. That was the understanding with the gentleman.

Mr. WHITE, of New York. This is the case of Mary H. Nicholson, Senate bill 1831, upon which the previous question has been ordered on the passage of the bill. I ask now a vote upon the question. Debate was limited to thirty minutes, but I think there is no disposition to debate; and if there is I will withdraw the bill from consideration. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Heap Nicholson, widow of James W. A. Nicholson, late rear-admiral (retired) of the United States Navy, and pay her a pension at the rate of \$50 per month from the date of the passage of this act,

The SPEAKER. The question, if there be no debate, is upon ordering the bill read a third time.

The bill was ordered to be read a third time.

The SPEAKER. The question now is upon the passage of the bill. The question was put; and the Chair announced that the ayes seemed to have it.

Mr. CHEADLE. Division.

The House divided; and there were—ayes 75, noes 20.
Mr. CHEADLE. No quorum.
The SPEAKER. The Chair will appoint as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from New York [Mr. WHITE].

Mr. RANDALL. I ask for the yeas and nays. It will save time.
Mr. CHEADLE. In the interests of public business I will withdraw the call for a quorum. [Applause.]
Mr. KERR. I renew the demand.

Mr. KERR. I renew the demand. [Cries of "Too late!"] The SPEAKER. The Chair thinks it is too late.

Mr. KERR. I will withdraw the point.

The SPEAKER. The ayes have it, and the bill is passed.

Mr. WHITE, of New York, moved to reconsider the vote by which
the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection the bill (H. R. 6317) for the relief of Mary H. Nicholson will be laid upon the table. The Chair hears no objection, and it is so ordered.

## CATLENA LYMAN.

Mr. LAWLER. I rise to a question of privilege, but so as not to take up the time of the House at present with the consideration of the take up the time of the House at present with the consideration of the bill (S. 2606) granting a pension to Catlena Lyman, on which the previous question has been ordered, and thus defer consideration of the appropriation bill, I ask to have the bill taken up after the appropriation bill shall have been disposed of.

The SPEAKER. The question must be made at the time, and the gentleman does not call the bill up at this time.

My LAWLER. I would like to have it considered; but so as not to

Mr. LAWLER. I would like to have it considered; but so as not to interfere with the appropriation bill I desire to have it considered after the appropriation bill shall have been disposed of.

The SPEAKER. The question can only be made at the time.

Mr. LAWLER. I said that I would call it up after this appropria-

tion bill was disposed of.

#### ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, I move to dispense with the morning hour.

Mr. RANDALL. Mr. Speaker, I desire to make a report, and if I can have consent to do so I will not object to dispensing with the morning hour.

Mr. BLOUNT. I was going to ask consent that gentlemen desiring to present reports upon private bills may have leave to file them with the Clerk.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. BLOUNT], to dispense with the hour for the call of committees

Mr. RANDALL. I desire to present a report, and if I am not interrupted in that by an objection I will not object to the motion to dispense with the morning hour. The bill that I desire to report is of a public nature.

Mr. MILLS. This is Friday, and such a bill is not in order.

The SPEAKER. If the hour for the call of committees is dispensed with, of course there will be no reports received to-day unless unanimous consent is given.

Mr. RANDALL. Then I shall object to dispensing with the morn-

ing hour.

Mr. MILLS. I desire to make the point against the gentleman's bill that this is Friday and that no public bill is in order.

The SPEAKER. That is a point to come in later. This being Fri-

day, of course no public bill can be reported unless by consent.

Mr. BLOUNT. I hope the gentleman from Pennsylvania will not raise any objection to dispensing with the morning hour.

Mr. RANDALL. But I will unless I can have an opportunity to

present this report.

The SPEAKER. The Chair will state to the gentleman that this being Friday, public bills are not in order unless by consent.

Mr. RANDALL. Well, I ask unanimous consent to make

Well, I ask unanimous consent to make a report upon a public bill.

Mr. TOWNSHEND. Let the title of the bill be read.

Mr. RANDALL. The title can be read.

The Clerk read as follows:

A bill (H. R. 12131) to amend the internal-revenue laws.

Mr. MILLS, Mr. TRACEY, and others objected.
The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] moves to dispense with the hour for the call of committee

Mr. TAULBEE. I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I understood the gentleman from Georgia [Mr. BLOUNT] to request, pending the motion to dispense with the morning hour, that gentlemen having reports to present on bills of a private nature be allowed to file them with the Clerk.

The SPEAKER. He did not. The gentleman stated that he would

follow the pending motion with such a request if the motion was

agreed to.

Mr. TAULBEE. Then I make that request.

The SPEAKER. But the motion of the gentleman from Georgia is still pending, and unless that gentleman yields—

Mr. TAULBEE. My parliamentary inquiry is this, Whether or not, if that permission is granted, gentlemen having reports of a private nature, or bills of a private nature, as to which there are minority views to be presented, can in each case have the views of the minority filed and printed with the report of the majority.

The SPEAKER. There is no parliamentary right in the minority of a committee to present their views in the form of a report. The universal practice is that the House must give leave for the presentation of the views of the minority, and of course if the reports are merely handed to the Clerk without action of the House, the minority in any case can not at this time have leave to present its views or to have them printed.
Mr. TAULBEE.

Is it in order for the House to grant such leave? The SPEAKER. The Nouse may do so in advance if it so chooses. Mr. TAULBEE. Generally, or in each separate case?

The SPEAKER. The House can grant the leave in advance, but there is no such request now pending. The pending question is on the motion to dispense with the call of committees.

Mr. TAULBEE. But I want to understand whether it is in order for the House to grant unanimous consent for the filing and printing of the views of the minority.

the views of the minority.

The SPEAKER. It is, at any time.

The motion to dispense with the morning hour was agreed to.

Mr. BLOUNT. I now ask unanimous consent that gentlemen having reports to present of a private character may have leave to file them with the Clerk, and that in each case the minority of the committee be allowed to present their views and have them printed with the report of the committee.

There was no objection, and it was so ordered.

#### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

#### ELLEN B. FARR.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3588) granting a pension to Ellen B. Farr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ROBERT ZAHN.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3809) for the relief of Robert Zahn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY HORNING.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11627) granting a pension to Mary Horning; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JAMES M. BARRETT.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 12575) to increase the pension of James M. Barrett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MRS. LYDIA E. QUAW.

Mr. SAWYER also, from the Committee on Invalid Pensions, re-ported back favorably the bill (S. 3857) granting a pension to Mrs. Lydia E. Quaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ORRIN F. WALLER.

Mr. SAWYER also, from the Committee on Invalid Pensions, re-ported back favorably the bill (S. 3749) granting a pension to Orrin F. Waller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## HAMPTON AND OLD POINT COMFORT BAILWAY COMPANY.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 12574) granting right of way and other privileges to the Hampton and Old Point Comfort Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JOHN J. FREELAND.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12513) to restore John J. Freeland to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ST. LOUIS AND MISSISSIPPI TRANSPORTATION COMPANY.

Mr. MANSUR, from the Committee on Claims, reported as a substitute for bill H. R. 11546, a bill (H. R. 12591) to authorize the Court of Claims to take jurisdiction and adjudge the claim of the St. Louis and Mississippi Transportation Company; which was read a first and second time, referred to the Committee of the Whole House on the Private

Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 11546 was reported back with a recommendation that it be laid on the table.

# CHARLES E. HASBROOK.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (H. R. 12214) for the relief of Charles E. Hasbrook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## FORMAN MATHEWS AND DAVID STOUT PARKER.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (S. 2013) for the relief of Forman Mathews and David Stout Parker; which was referred to the Committee of the Whole

House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# SURETIES OF GEORGE W. HOOK, DECEASED.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (S. 2783) for the relief of the sureties of George W. Hook, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

# LEGAL REPRESENTATIVES OF CHAUNCEY M. LOCKWOOD.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (S. 726) for the relief of the legal representatives of Chauncey M. Lockwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### M. JOSIE M'LAIN.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 11663) granting a pension to M. Josie McLain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ELIZABETH A. JONES.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10255) granting a pension to Elizabeth A. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### NANCY POLOCK.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3762) granting a pension to Nancy Polock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WAGON-ROAD LAND-GRANTS IN OREGON.

Mr. STOCKDALE, from the Committee on the Public Lands, reported back the bill (8. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon; which, with the accompanying report, was ordered to be printed and recommitted, with leave to the minority of the committee to file their views, to be printed with those of the majority.

### LEAVE TO PRINT.

The SPEAKER. The Chair has been requested to ask permission that all gentlemen desiring to do so may print remarks upon the resolution disposed of to-day in regard to the action of the conferees on the bill to admit certain Territories as States into the Union. Is there obtection !

Mr. BIGGS. I object to printing remarks unless they were delivered. Mr. COX. I hope the gentleman will not object. The request has

been made by several gentlemen.
Mr. BIGGS. Very well; I wit

Mr. BIGGS. Very well; I withdraw the objection.

The SPEAKER. If there be no further objection, the leave requested will be granted. The Chair hears no objection, and it is so ordered.

# ORDER OF BUSINESS.

Mr. BLOUNT. I move to dispense with private business for to-day.
Mr. STONE, of Kentucky. This is private-bill day. I have a bill
here in which very many members of the House feel an interest, and which it will not take five minutes to pass. If the gentleman from Georgia will allow this bill to pass, I will make no factious opposition to his motion.

Mr. RANDALL. Public business of great importance has been objected to already to-day. I think we had better make no exceptions in

this matter.

A MEMBER (to Mr. STONE, of Kentucky). Is your bill a private bill?

Mr. STONE, of Kentucky. In one sense it is, and in another it is ot. It is a bill to pay what are known as "4th of July claims." Mr. BLOUNT. That can be passed any day.

The question being taken on the motion of Mr. BLOUNT to dispense

with private business for to-day, there were—ayes 67, noes 17.

Mr. STONE, of Kentucky. I make the point that no quorum has voted.

Tellers were ordered; and Mr. O'FERRALL and Mr. BLOUNT were appointed.
The House again divided; and the tellers reported—ayes 130, noes 34.

So the motion of Mr. BLOUNT to dispense with private business for to day was agreed to.

Mr. BLOUNT. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of

general appropriation bills.

The SPEAKER pro tempore (Mr. DOCKERY), having put the question, said: The ayes seem to have it.

Mr. STONE, of Kentucky. I call for a division. The question was again taken; and there were—ayes 106, noes 6. Mr. STONE, of Kentucky. No quorum.

Tellers were ordered; and Mr. STONE, of Kentucky, and Mr. BLOUNT were appointed.

The House again divided; and the tellers reported—ayes 129, noes 24. So the motion was agreed to.

## POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole (Mr. Turner, of Georgia, in the chair) and resumed the consideration of the unfinished business, being the bill (H. R. 12490) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The following pending amendments were read:

By Mr. Cannon:
In line 10, page 2, strike out "5" and insert "8;" so that the clause will read:
"For compensation to clerks in post-offices, \$6,850,000."
By Mr. Horana:
After the word "provided," in line 14, insert:
"Provided, however, That the aggregate salaries as fixed by such classification shall not exceed the sum hereby appropriated."

Mr. BLOUNT. Mr. Chairman, there has been a misunderstanding as to the effect of this classification in increasing this sum. The average increase has been less than \$200,000. It is claimed and estimated, I believe, by the chief of the salary and allowance division that this classification will increase the sum appropriated in this bill by the amount of \$300,000. Now I ask the attention of this Committee of the Whole to a statement which I hold in my hand from that officer. In making his estimates, he takes the maximum and the minimum salaries, ascerand the minimum salaries, ascertains the average of the two, and then multiplies the number of employés by that. Take the matter of assistant postmasters. There are ninty-seven, I think. The average amount of salary is \$2,250; and there are less than twenty of the ninety-seven who do not get the amount of this average. Yet this is the basis which is reported for the purpose of getting at the cost which this legislation will bring to the

country.

Now, I desire to remark that the cost depends upon the administration; and I ask the attention of the committee especially to two items.

One item relates to mailing-clerks, letter-distributers, dispatchers, registry, money-order, and directory clerks, etc. Here are 2, 439 persons, the maximum salary being \$1,400, the minimum salary \$600. The average is made \$1,000. He makes the aggregate salaries \$2,493,-000. Now, it is to be observed that the great mass of employée belong to the laws greated but this bill life up these employées of the laws. to the lower grade; but this bill lifts up these employés of the lower grade. This minimum salary of \$600 here contemplated is a lifting up from about \$200. Suppose by proper administration you make \$800 the average, and this is quite easily done, what have you, by reason of that change of administration, on that single item? You have an increase of the salaries, but you have, by taking \$800 instead of \$1,000

as the average, a saving of \$541,800 on that single item.

Now, take separators and assorters, paper distributors, record clerks, general-delivery clerks, inquiry clerks, clerks for special-delivery mail, raters of third and fourth class mail matter, weighers of second-class mail matter, stock and supply clerks, and time-keepers. The average maximum salary proposed in the bill in this connection is \$1,200, and the minimum \$600, the mean average being \$900. Now, it was brought up from about \$200. Suppose you shall make it \$700, you will have raised largely the grade of employés, and yet you have saved in this item alone some \$347,000. You have saved on these two items, as estimated by the chief of the allowance division, \$889,600, and yet the proposition is to increase the amount of the bill by the amount of 900,000. I ask, then, if it is not clear that the Committee on the Post-Office and Post-Roads, in giving an increase of \$600,000, have been exceedingly liberal; and I beg gentlemen on this side as well as gentlemen on the other side, who are anxious for the success of this law, that they will not embarrass us at this time by a proposition to increase the appropriation, which is not justified upon any data whatever.

CHAIRMAN. The time of the gentleman has expired. Mr. BLOUNT. This is quite an important matter, and I hope I may

be permitted to proceed.

The CHAIRMAN. Without objection, the gentleman will be permitted to proceed for five minutes.

There was no objection.

Mr. BLOUNT. Mr. Chairman, so far as the classification of the clerks is concerned, the matter of the most importance is the legislation. I am willing to vote whatever money is sufficient for the perfection of the service; but I trust, sir, that we shall not now be embarrassed by such a proposition as that pending. In the nature of things there are none who can give us the absolute facts on which to base our legislation; in the nature of things this bill has been constructed upon the experience of the Department, in the offices of the country, and in the nature of things whatever defects may appear in the legislation will be

fully exposed hereafter and the next Congress may take the benefit of it.

Mr. REED. What does the Department think the appropriation

ought to be—the total, I mean?

Mr. BLOUNT. I have just stated, sir, that the chief of the salary and allowance division made an estimate, and that has been forwarded to us, making it about the amount of the amendment asked by the

gentleman from Illinois. I have taken that allowance and I have endeavored to show that in two items alone to which I have just called attention the amount of the bill could be largely reduced and the clerks

in all these offices elevated above what they are now.

I desire to be perfectly frank with the House, but I think, sir, there are ample funds provided for the purpose of elevating all of these salaries, and I think it is quite manifest to this committee that when the Committee on the Post-Office and Post-Roads has put on already in the bill the sum of \$600,000, when the increase has run from \$100,000 to \$200,000, that it has not failed to recognize the fact that we are proposing an increase of expenditures for the purpose of giving a better

But what I have said in reference to the salaries of the clerks runs through all the features of the bill. The calculation is based upon the mistaken idea of putting into each class the same number of men, whereas the highest class, as any gentleman will recognize, is composed of the highest type of intelligence and the most important men. The great mass of the work does not require it, and you may put it in the lower grade.

Mr. BINGHAM. Mr. Chairman, all I desire in connection with this legislation is that we may thoroughly understand, first, as to how far this legislation will go in giving to the Postmaster-General discretionary power, or power to exceed the appropriation of Congress; and second, that proposition once determined, whether the appropriation stated in this bill for clerk-hire, covering \$6,550,000, is sufficient to administer this part of the bill if enacted into law.

If this bill gives the Postmaster-General discretionary power to exceed the appropriation voted by Congress, then I am unqualfiedly against it, however much I may wish a classification of that service. And right there I desire to say that this bill does not give him that power; but in order to be sure in the movement we attempt to incorporate now by this provision, I am in favor of the amendment of the gentleman from Indiana [Mr. HOLMAN], which in effect declares the Postmaster-General shall not in the carrying out of this legislation exceed the appropriation by Congress.

Now, next, does this appropriation of \$600,000, larger than the amount of the appropriation for the present fiscal year, cover the actual requirements of the legislation proposed to be incorporated in this bill in reference to the classification of the clerks? I have but this one fact before me. I take the report of the honorable gentleman from Georgia, the chairman of the Committee on the Post-Office and Post-Roads, and he gives as a reason in his report, indorsed by the committee, why this \$600,000 additional asked in the estimates of the Postmaster-General should be acceded to by this House:

It has been found that for several years erroneous estimates and erroneous appropriations have left the Department so restricted in money as to force too low rates of compensation to employés and too few of them to handle the mail matter with which they were charged.

He comes to this House and uses this language as a basis for asking the increase. In that I yield to him my full accord, and believe his

statement to be correct in every particular.

But since the estimates submitted by the Postmaster-General, reported to Congress by the Secretary of the Treasury, and approved by your Committee on Post-Offices and Post-Roads, giving this increase of \$600,000 for clerical force in first and second class offices, we come to the date January 28, 1889, when there is formulated by the Department, after a review of the commission of a year ago, a classification of the clerks in the first and second class offices. The gentleman from Georgia distinctly states in his report with the accompanying bill that "it will result, in the opinion of the Postmaster-General, in an increase of expenditures to the amount of \$300,000." I therefore say to this House, to carry out the gentleman's first proposition, that for years past erroneous estimates and erroneous appropriations have left the Department so restricted in money as to force too low a rate of compensation to employés; \$600,000 is the estimate of the Postmaster-General last December, as approved by the committee.

But in January of this year the classification of the clerks by unanimous consent of this House has been allowed to be incorporated as new legislation upon this bill, and the chairman of the committee apprehends in his report, which I believe in and which I have agreed to, that to carry out the details of this legislation, \$300,000 more will be necessary. Therefore I think the House should agree to the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. DOCKERY. Will the gentleman from Pennsylvania allow a

question ?

Mr. BINGHAM. Certainly.\*
Mr. DOCKERY. Is it not true that the subcommittee of the Committee on the Post-Office and Post-Roads reduced the estimates of the Post-Office Department in respect to the amount of clerical hire \$300,-000; but that after-

Mr. BINGHAM. All of which was held in abeyance.
Mr. DOCKERY. After we had agreed upon a classification of the clerks the committee restored the amount to the sum as it appears now in the bill.

Mr. BINGHAM. That is true.

Mr. DOCKERY. The judgment of the subcommittee, which con-

sisted of the distinguished gentleman from Pennsylvania, the gentleman from Georgia, and myself, was that the amount of the estimate for clerk-hire ought to be reduced \$300,000, but after we made the classification it was thought proper to restore the amount to what it was in the estimate.

Mr. BINGHAM. It was not positively determined by the whole committee. It was never reported to the full committee. The gentleman roust understand the point that I desire to reach. That is, that we make an appropriation that will allow a complete and full carrying out of this law if it is enacted. That is all. I do not care whether it takes three hundred or five hundred thousand dollars.

Mr. DOCKERY. That is really the point at issue; and I submitted the state of fact in reply to the observation of the gentleman from Pennsylvania, so as to show the House that but for the classification this estimate would have been reduced \$300,000.

Mr. BINGHAM. That the gentleman has no authority to state. The proposition never went to the full committee.

Mr. DOCKERY. I am not referring to the action of the full committee, but I am speaking of the subcommittee. The point I am making is, that in the subcommittee we reduced this amount \$300,000; but after it was determined to classify the clerks, we restored it to the full

amount required by the estimate.

Mr. BLOUNT. Mr. Chairman, the House need not be misled. Whatever may have occurred in the committee; whatever reasons may have actuated it; whatever conclusion it may have reached; whatever it may understand as to the correctness of these conclusions, or whatever opinion we had, it is sufficient to say we are now in a position where we need not have the least doubt about the sufficiency of the appropriation in this bill. The gentleman from Pennsylvania [Mr. BINGHAM] says, quoting from the report that I had the honor to make accompanying this bill, "that erroneous estimates and erroneous appropriations have brought about too low salaries and affected the service." That I admit, sir. That was with reference to a period for the last three or four years. This was due specially to legislation which provided for the clerks in post-offices known as money-order clerks, who were paid out of the fees, and which thereafter were provided to be paid for that service out of the item in the appropriation bill known as the sum for the compensation of clerks.

These clerks were transferred from one fund to the other, and there was too small an increase in the appropriation. It did produce trouble; but, sir, during this very Congress, with a view of correcting and remedying the wrong coming from that source, the round sum of \$400,-000 was added to the service with a view of making up whatever damage might have occurred in that way. As I said to you, the appropriation ran over one or two years in this manner. We have proposed

in this bill an increase of \$600,000.

We have proposed it by reason of this classification. Now, sir, very much of the cost of this bill depends upon the use of this fund. If you should grant ad libitum authority to the Postmaster-General, then if he were inclined he could put them all in the higher grades. should restrict the amount of the appropriation, he must place many of them in the lower grades; and as you allow a greater or a less sum all along the line from the maximum to the minimum grade, he must govern himself in the distribution of this fund. Now, I have shown the committee, from a statement sent to me by the Postmaster-General, made by the chief of the salary and allowance division, and based upon the amount which the proposition of the gentleman from Illinois [Mr. CANNON] would make the appropriation—I have shown from that statement that you can raise all of these salaries largely, and yet by a reduction in two items alone from this estimate there will be a saving

Mr. HOLMAN. How is that saving made?

Mr. BINGHAM. What are those two items?
Mr. BLOUNT. I have a calculation which has been made by the chief of the salary and allowance division upon which this estimate has been made. I take two items: First, "mailing clerks, etc.," where there are 2,439 employés. The maximum salary is \$1,400 and the minimum salary is \$600. This calculation takes \$1,000 as the figure, and gives to every one of these 2,439 clerks \$1,000 a year. Many of these clerks are paid at this time below \$300 a year. If you take \$800 as the average salary of these clerks you make a saving of \$541,000. Then take the very next item, separators and assorters. There are 1,213 of them, and by making the salary \$700 a year instead of \$1,000 you have a saving of \$363,900; and these clerks are all receiving hundreds of dollars less now than they would be receiving under such an allowance.

Mr. HOLMAN. I will ask my friend to explain how it happens that the amount of the appropriation is decreased while these salaries

are all increased? Is the number of employés reduced? All the salaries are virtually proposed to be increased by this classification, and the number of employés, I understand, is not diminished. How, then, do you diminish the amount of the appropriation?

Mr. BLOUNT. The gentleman must recollect that the estimate is

Mr. BLOUNT. The gentleman must recollect that the estimate is for the next fiscal year, and that we have proposed in this bill an increase of \$600,000 over the appropriation of last year.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOLMAN was recognized, and yielded to Mr. BLOUNT.

Mr. BLOUNT. The gentleman from Indiana [Mr. HOLMAN] now asks me whether the number of these clerks does not remain the same, and if so, how I reduce the amount.

Mr. HOLMAN. When you at the same time increase all the salaries, how do you save eight hundred or nine hundred thousand dol-

Mr. BLOUNT. If the gentleman will give me his attention I will tell him. I have not said that I reduce the salaries by the amount of eight hundred or nine hundred thousand dollars. There is where the gentleman falls into error.

Mr. HOLMAN. Then what is it that is being reduced some eight hundred or nine hundred thousand dollars?

Mr. BLOUNT. If the gentleman will allow me I will explain. The item in this bill for clerk-hircis \$6,550,000. The gentleman from Illinois [Mr. CANNON] proposes to increase the sum by \$300,000. The Committee on the Post-Office and Post-Roads have reported an increase of \$600,000 over the appropriation of last year. This increase was designed for the purpose of increasing the salaries of all the employés. signed for the purpose of increasing the salaries of air the employes. The gentleman from Illinois [Mr. CANNON] claims that it is not enough and proposes to add \$300,000 more.

Mr. HOLMAN. If my friend will allow me—
Mr. BLOUNT. I prefer to answer my friend's question without interruption. Then I will answer anything else he desires to ask.

Mr. HOLMAN. Very well.

Mr. BLOUNT. I am simply showing that I can take these two items that I have read and make a certain amount of saving. This is a calculation made at the Department as to what the cost will be. Taking the maximum and the minimum salaries, and taking the average of the two, I am showing that the result of that average is too high, and that I can go below that average and still pay the men more than they are paid now, and at the same time reduce the amount of the appropriation below the amount proposed by the gentleman from Illinois. I do not mean to say that I intend to do that, but I am simply taking this calculation from this paper for the purpose of illustrat-ing the point that the amount contained in this bill now is more than ample for the purpose for which it is designed.

Mr. HOLMAN. But, as a matter of fact, the amount of the appropriation for the clerical force is increased \$600,000 by this bill, and that, believe, is about \$450,000 more than the previous increase from year

Mr. BLOUNT. I hope the gentleman will quote from the books. His quotations heretofore have not been in conformity with the official reports.

Mr. HOLMAN. The increase has been from a hundred thousand to

hundred and fifty thousand dollars a year, has it not?

Mr. BLOUNT. I will let the gentleman state it himself, as we do not agree about these official figures. The increase this year was over

Mr. HOLMAN. The appropriation does not show that.

Mr. BINGHAM. Yes.

Mr. HOLMAN. I think my friend is mistaken. I think the increase was about a hundred and fifty thousand dollars. The increase I think has generally been about a hundred thousand dollars a year for several years past, but now in this bill it is \$600,000, and the gentleman from Illinois [Mr. CANNON] proposes to increase that by \$300,000 more. The increase in 1834 over 1883 was \$364,000; the next year the increase was \$105,000; the next year \$101,000; the next year \$406,000; the next year \$119,000; and this fiscal year it is in the neighborhood of \$500,000.

Mr. HOLMAN.

For this present year? Yes, sir; for this present year. Mr. BLOUNT.

Mr. HOLMAN. I do not see how you reach those figures.
Mr. BLOUNT. Well, sir, a report accompanies this bill.
Mr. HOLMAN. My friend is more apt to be accurate on a matter

of this kind than I am; but I examined into this question a few days ago and reached a very different conclusion.

Mr. BLOUNT. Why, Mr. Chairman, if the gentleman had exam-

ined the statutes he would have found a very large increase.

The present Postmaster-General-I have not the figures, for I could not anticipate all these questions—the present Postmaster-General, during the last fiscal year, claimed that an appropriation, I think, of some \$200,000 increase was not sufficient; and he sent in supplemental estimates to this House. I think there is hardly a gentleman here who will not bear me out in the statement that there was spent at the local offices everywhere by reason-

Here the hammer fell.

Mr. ADAMS obtained the floor and said: I do not wish to take the floor from the gentleman from Georgia.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Adams] yield to the gentleman from Georgia [Mr. BLOUNT]?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. BLOUNT. Now, Mr. Chairman, the appropriations were much larger than usual during the fiscal year for the purpose of making up

for whatever cramping had come by reason of the legislation changing the mode of paying clerks, a matter which had not been properly provided for by previous legislation.

Now, on the one hand, my friend from Indiana claims that this appropriation is extravagant by the sum of \$400,000; while on the other, gentlemen here contend that we are short \$300,000 in the amount necessary to be appropriated in order to insure represent the beautiful in order to insure represent the second of the state of the content of the properties of the second of th essary to be appropriated in order to insure proper service. I have given these figures, which have been made at the Post-Office Department. If this Committee of the Whole wishes to appropriate an extravagant amount of money for the payment of clerks in the post-offices of the country it can vote the sum of money here proposed; but if it wants to be anywhere in the region of conservatism, if it wants to make a reasonable classification of this service, the amount which we propose in this bill is ample for the purpose. I beg that gentlemen on either side will not be hasty in voting the enormous sum promen on either side will not be hasty in voting the enormous sum proposed.

It has been alleged loosely that this classification amounts to an increase of from \$600,000 to \$1,000,000. The information which I have had and which I have to-day contradicts that statement. I trust that this classification scheme is not to be discredited in the commencement of this debate by extravagance in statement one way or the other.

Mr. ADAMS. Mr. Chairman, there are two propositions before the committee. There is the amendment of my colleague [Mr. CANNON] proposing an increase in the appropriation; and then there is an entirely distinct proposition of the gentleman from Indiana [Mr. Hol-MAN] in the form of a proviso. I wish to speak in favor of the amendment of my colleague. I think gentlemen who have spoken during the last twenty minutes have argued these two propositions somewhat

Mr. BLOUNT. The gentleman will allow me to say that I do not think there is any difference about the amendment of the gentleman

from Indiana [Mr. HOLMAN].

Mr. ADAMS. Does the gentleman mean that there is not objection

Mr. BLOUNT. I do. Mr. ADAMS. Well, I wish to ask the gentleman from Indiana [Mr. HOLMAN] one question. How can the Postmaster-General keep the control of th amount of a classification within the amount of an appropriation except by a limitation of the number of employés-

Mr. HOLMAN. There is another mode.
Mr. ADAMS. Wait one moment; I will complete the question—or else by reducing to a lower-priced class those clerks that, according to the judgment of the Department in previous years, and probably in the judgment of the committee, would belong to a higher class? For instance, on page 3 of this bill I find that the salaries of stamp clerks are divided into ten classes, from \$800 to \$1,700. Now, I am aware that if all your stamp clerks are \$800 clerks, you can employ more stamp clerks within a certain total expenditure than if some are \$1,700

clerks; and I want to know——
Mr. BLOUNT. Will the gentleman allow me to tell him what the

minimum salary of a stamp clerk now is?

Mr. ADAMS. Yes, sir.

Mr. BLOUNT. One hundred and fifty One hundred and fifty dollars; and this bill makes

the minimum \$600.

Mr. ADAMS. But the gentleman from Georgia evidently mistakes my proposition. I took this item because it was the first that fell under my eye. I find here that certain clerks are divided into classes, ranging from lower salaries to higher salaries. Now, I suppose it is the judgment of the Department that there should be different classes of stamp clerks, some receiving higher salaries and some lower salaries. Yet I can see how the Postmaster-General could keep the entire scheme of classification within the total sum appropriated if his authority were confined to the appointment of clerks of the lower grades.

I do not intend to say that this classification is defective; I know too little in regard to it to say that. What I say is that the proviso of

the gentleman from Indiana is, I think, imperfectly understood by myself and perhaps by others on the floor.

Mr. HOLMAN. My friend from Illinois [Mr. ADAMS] can see very readily that the amount charged to the Treasury in the aggregate for salaries will depend upon how many clerks are put in the higher classes, how many in the average classes, and how many in the lower.

Mr. ADAMS. Yes, sir.
Mr. HOLMAN. So that under this bill, if you leave the subject without restriction, it is very clear that the Postmaster-General can make the salaries double or treble the amount appropriated; and he can make them fixed salaries which will be a permanent charge upon the Treasury.

Mr. ADAMS. You mean he might make a smaller number of higher-

priced men instead of a larger number of lower-priced men?

Mr. HOLMAN. Yes, sir; he determines what number shall be placed in each class, higher and lower. Instead of expending the amount appropriated he can double, perhaps treble it, and make these salaries a permanent charge upon the Treasury whether you appropriate the money or not.

Mr. ADAMS. I doubt the policy of the proviso; but as members of

the committee seem to be agreed upon it, I do not care to discuss it

Mr. BLOUNT. I ask the gentleman whether he does not think that

Mr. BLOUNT. I ask the gentleman whether he does not love a dewould be the law at any rate?
Mr. ADAMS. The gentleman seems to think the Postmaster-General would at the beginning of the year pay the clerks to perform the service of the country regardless of a deficiency in the appropriation; because, as the gentleman says, he could come back here and ask Congress to supply that deficiency which was found to exist. The gentleman from Maine and myself think technically he might do so, but we know that he would not because the Postmaster-General does not love a dethat he would not, because the Postmaster-General does not love a deficiency any more than the gentleman from Georgia.

Mr. BLOUNT. I yield now to the gentleman from Illinois [Mr.

CANNON

Mr. ADAMS. I wish to discuss my colleague's amendment when

it comes up.

Mr. CANNON. I wish to say, in all kindness, I made this amendment to increase the amount by \$300,000 for the reason that the chief of the salary and allowance division reported to the Committee on the Post-Office and Post-Roads, as I learn from the gentleman from Pennsylvania [Mr. BINGHAM], that this classification would require for the next fiscal year \$300,000 more than was recommended in the bill. And I wish to give notice, if this legislation is to be added, I propose to walk up and pay the bill. If you refuse to pay the bill, then I am against the legislation. I am ready to vote. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I have a word to say. I regret very much the statements of any officer of the Government, unwritten, should be introduced into this debate. As I am on the floor I will make some reference to it myself. When this estimate of \$600,000, a most abnormal increase, was proposed by the Committee on the Post-Office and Post-Roads the chief of the salary and allowance division was sent for to come to the committee-room, and he was asked why he had made this extraordinary increase. His answer was that it was because we intended to classify the clerks. That was the reason distinctly given.

I am furnished with a statement from an official paper subsequently, in which he proposes to make it \$300,000 additional. Now, I have shown to the House you can increase salaries of 5,559 clerks in first-class offices and 1,863 clerks in second-class offices on what they are paid now and bring down the amount proposed in the gentleman's amendment to the extent of \$980,000. If that be true, then the argument is that the officer upon whom we relied for his statement was extravagant there and extravagant here.

I am persuaded, sir, that we have given a liberal estimate to the incoming administration for clerks in post-offices of the country. I am not of those who for any partisan advantage would cripple the postal service of the United States. This bill does not disclose any such spirit

in any branch of the service.

The amendment of the gentleman from Illinois, in my opinion, honestly made after examination of official papers, would be a gross piece of extravagance. If this classification of salaries shall be reasonable and shall result in a large increase, I am just as willing as the gentleman from Illinois to vote the bill; but I am not willing to facilitate legislation of a beneficial nature, as I understand it, which is simply in behalf of enormous extravagance. I trust the House will not put on this amendment.

Mr. ADAMS. If the amendment of my colleague is before the committee, or is to be so regarded, I wish to say something about it. The question whether the amount in this bill is sufficient for the needs of the service may depend somewhat as to whether the postal service in the Northwest is to be neglected as it has been for a series of years. I want to put in the RECORD a statement which I have secured since I spoke on the subject last week, showing the business of the post-office at Chicago compared with that of other first-class post-offices in the country; and I now ask unanimous consent of the House that it may be printed in the RECORD.

There was no objection, and it was so ordered. The statement is as follows:

Comparative statement of postal and money-order business at some of the larger post-offices during the year ended December 31, 1888.

\$5, 162, 968. 81 14, 919, 710, 05
20, 082, 678. 86
1, 891, 982, 48 3, 270, 986, 33
2, 634, 818. 62 9, 839, 155. 40
12, 473, 974. 02
912, 911, 75 1, 721, 906, 87

Philadelphia: Total postal receipts	\$1,953,374.30 4,442,471.25
Total receipts	6, 395, 845, 53
Total expenses (including \$502,649.83 for free-delivery service).  Net revenue	857,834.58 1,095,539.72
New York: Postal receipts	5, 162, 968, 81 2, 634, 818, 62
New York over Chicago Or 95, 95 per cent.	2, 528, 150. 19
New York: Postal receiptsPhiladelphia: Postal receipts	5, 162, 968, 81 1, 953, 374, 30
New York over PhiladelphiaOr 164 per cent.	3, 209, 594. 5
Chicago: Postal receipts	2, 634, 818, 63 1, 953, 374, 30
Chicago over Philadelphia Or 34.88 per cent.	681, 444. 33
New York: Money-order receipts	14, 919, 710. 00 9, 839, 155. 40
New York over Chicago Or 51.63 per cent.	5, 080, 554. 6
New York: Money-order receipts	14, 919, 710. 0 4, 442, 471. 2
New York over Philadelphia	10, 477, 238. 8
Chicago: Money-order receipts	9, 839, 155. 4 4, 442, 471. 2
Chicago over Philadelphia Or 121 per cent.	5, 396, 684. 17
MAILING DIVISIONS—DOMESTIC MAILS,	
Chicago: Total number of pieces of all classes handled Philadelphia: Total number of pieces of all classes handled	313, 750, 00 208, 905, 07
Chicago over Philadelphia Or 50 per cent.	104, 844, 93
FOREIGN MAILS.  Chicago: Number of pieces handled  Philadelphia: Number of pieces handled	4, 490, 61 3, 575, 15
Chicago over Philadelphia	915, 45
City delivery division: Chicago: Total number of pieces handled Philadelphia: Total number of pieces handled	312, 999, 94 347, 969, 14
Philadelphia over Chicago Or 11,17 per cent.	34, 969, 20
Registry business: Chicago: Total number of pieces handled Philadelphia: Total number of pieces handled	2,914,99 1,067,70
Chicago over Philadelphia	1, 847, 29
Free-delivery service.	10 4 11 15 1
From Postmaster-General's Report for the fiscal year ended J	

Cities.	ers.	Pieces handled.	
	Carri	Aggregate.	Per carriers.
Boston Chicago	333 401 768 513	152, 397, 712 282, 602, 800 355, 672, 049 325, 533, 537	457, 650 704, 745 463, 115 634, 568

# Cost of service.

Cities.	Aggregate.	Per carrier.	Per piece in mills.
Boston	\$383, 564, 36	\$1,001.69	2.2
Chicago	364, 256, 49	908.37	1.2
New York	712, 169, 46	927.30	2.0
Philadelphia	444, 864, 34	867.18	1.3

Percentage of expenses to gross receipts, year ended June 30, 1888.

Cities.	Per cent.	Remarks.
Boston	40 35	Include \$9,753.64 expense mail-bag repair shop, and \$2,920 salaries of em-
New York	36	ployés in postal-card subagency, Include \$18,141.02 expense mail-bag re-
Philadelphia	42	pair shop.

Gross receipts, expenses, and net revenue for fiscal year ended June 30, 1888. [Postmaster-General's Report.]

Office.	Post- master's salary.	Gross receipts.	Total expenses.	Net revenue.
Chicago	\$6,000	\$2, 469, 811, 42	\$869, 151, 04	\$1,600,660.38
	6,000	1, 871, 889, 23	782, 189, 76	1,089,699.47
	6,000	-1, 724, 608, 13	682, 949, 05	1,041,659.08
	6,000	930, 970, 35	875, 575, 87	555,394.48
	6,000	693, 872, 81	246, 725, 42	447,147.39
	5,000	600, 261, 55	256, 291, 94	343,969.61
	5,000	551, 095, 78	266, 982, 53	284,113.25
	5,000	352, 045, 78	281, 918, 40	70,127.38

Mr. ADAMS. This statement, Mr. Chairman, shows that the Chicago post-office has not been put on an equality with the post-offices in the other large cities of the country for a series of years, and I am not blaming anybody for it, but simply expressing regret, and am doing what I can to secure a change.

Gentlemen will remember that a very large part of the increase of the population of the United States takes place west of that city, and that that city is the post-office center of an enormous and rapidly growing

that city is the post-once center of an enormous and rapidly growing section of the country. This reason—

Mr. BLOUNT. Mr. Chairman, I have not been following the gentleman from Illinois closely, and dislike now to interrupt him—

Mr. ADAMS. It is no interruption.

Mr. BLOUNT. The gentleman does not think that this bill fixes

the amount of money allowed at the Chicago post-office?

Mr. ADAMS. No, not at all; but as I said the other day, if it is true, as my colleague [Mr. CANNON] thinks, and as the gentleman from Pennsylvania [Mr. BINGHAM], on the Committee on the Post-Office and Post-Roads thinks, that the adoption of this classification feature would require an appropriation of \$300,000 more than is carried by the bill, I fear that they make that classification on the basis of the existing state of the service, and the existing state of the service in that part of the country I help to represent is one of insufficiency and needs im-

Mr. BINGHAM. Mr. Chairman, the distinguished chairman of the committee made a statement which, although I do not think it was purposely intended, did signify to the House that I gave utterance or expression to my friend from Illinois of the language of a confidential communication to our committee

Mr. BLOUNT. Oh; no; not at all.
Mr. BINGHAM. That is sufficient.
Mr. BLOUNT. The only idea was that there was a subcommittee in which the gentleman made the statement. I regretted it because that statement was in conflict with the statement made here, and it was necessary to bring it up, which I did not care to do.

Mr. BINGHAM. The proposition contained in the increase of \$600,-000 shown by the committee, together with the \$300,000 suggested by the gentleman from Illinois, simply presents itself to the House in this way: The Department entreats the Committee on the Post-Office and Post-Roads, in recognition of the growth of the service and the limited compensation paid the clerical force in the service-entreats and recommends an increase of \$600,000, which will meet the demands of the gentleman from Illinois—from Chicago.

Mr. ADAMS. Will the gentleman from Pennsylvania tell me what he thinks my demands are?

Mr. BINGHAM. A recognition of the growth of the service. Mr. ADAMS. That is it; the growth of the service at Chicago.

Mr. ADAMS. That is it; the growth of the service at Chicago.
Mr. BINGHAM. I do not know specifically at Chicago.
Mr. ADAMS. That is what I am referring to.
Mr. BINGHAM. But I speak of the great West generally. We did not take up specifically the different cities of the country. That is done by the Department itself. But in the estimates made to Congress they give us only the sum total.
Mr. ADAMS. True. But I will ask the gentleman whether it does not follow, when the new Postmaster-General is to run the postal service for the people of the United States on an insufficient appropriation.

for the people of the United States on an insufficient appropriation, the city of Chicago and every other city in the United States will be considerably affected by the total sum appropriated?

Mr. BINGHAM. That is correct.

Mr. ADAMS. Exactly, and that is the point I was making.
Mr. BINGHAM. And for that reason I say, recognizing the growth
and development of the service, the committee have increased this
amount \$600,000 over and above what it has been for any preceding

But I want to go a step further. That \$600,000 is given in recognition of the development and growth of the service, together with the well-known fact that the clerical force in the first and second class of-fices have heretofore been poorly paid. Now take the next step. The chairman of the committee makes the statement in the report that \$300,000, in the opinion of the Postmaster-General, is necessary to carry out the details of the legislation incorporated in the bill covering the clerical force of the first and second class offices.

With this classification?

Mr. BINGHAM. With this classification. That is the simple proposition for the House to consider. Now, if the House believes that \$600,000 will be sufficient, in recognition of the growth of the service and recognition of the legislation carried in the bill, all right, let them so vote. But if the House believes that the \$600,000 as recommended by your Postmaster-General, together with the \$300,000 as stated by the same official for the carrying out of this recommended legislation is necessary, then the vote should be for the amendment of the gentleman from Illinois.

Will the gentleman permit me to ask him this ques-Mr. ADAMS. tion, because he is very familiar with the post-office business, perhaps as much as any gentleman on the floor? In the increase of \$600,000, did the Department or the committee take into consideration the fact, for it is a fact to me, that in that particular city and in that particular part of the country there has not been adequate service in the past for

the lack of adequate appropriations?

Mr. BINGHAM. The committee took up no special city or special section. We could not do that.

The CHAIRMAN. The time of the gentleman from Illinois has

expired.

Mr. BLOUNT. I will say this, Mr. Chairman, that in the making up of the estimate the report disclosed the fact that there was a large increase in the receipts at Chicago and in quite a number of first-class offices, and upon that an increase was made in the allowance.

Mr. ADAMS. If the gentleman will allow me a moment, I will say that the other day he spoke of an increase of 7 per cent. or something

like that.

Mr. BLOUNT. That did not relate to the Chicago office.
Mr. ADAMS. Now, I suppose that is the increase for the whole country, and I feared that we should suffer in a part of the country where the percentage of increase has been very rapid, running from 17, where the percentage of the state of the sta

The question was put on the amendment of Mr. CANNON, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. Division.

The committee divided; and there were—ayes 35, noes 32.

Mr. BLOUNT. Tellers. Mr. HOLMAN. No qu

Mr. HOLMAN. No quorum.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Illinois [Mr. CANNON] and the gentleman from Georgia [Mr. BLOUNT].

The committee informally rose to receive a message from the Senate,

Mr. McCREARY in the chair.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes; agreed to the conference asked by the House, and had appointed as conferees on its part Mr. ALLISON, Mr. DAWES, and Mr. GORMAN.

The message also announced that it insisted upon its amendments, disagreed to by the House, to the bill (H. R. 11917) making appropria-tions for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; agreed to the conference asked by the House, and had appointed as conferees on its part Mr. DAWES, Mr. PLUMB,

and Mr. GORMAN.

It also announced that the Senate had passed bills of the following title; in which concurrence was asked:

A bill (S. 3944) granting a pension to Juliet Opie H. Ayres; and A bill (S. 3560) for the relief of William S. Rosecrans.

The message also announced that the Senate had passed bills of the House of the following titles:

A bill (H. R. 10474) granting a pension to Dorcus Alford;
A bill (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex.;
A bill (H. R. 3888) granting a pension to Mary H. Stacy;
A bill (H. R. 424) granting a pension to Elizabeth Myers;
A bill (H. R. 917) for the relief of Julianna Muller;
A bill (H. R. 9498) granting an increase from the William M.

A bill (H. R. 2428) granting an increase of pension to William H. Koch:

Koch;
A bill (H. R. 5790) granting a pension to Mary Whitney;
A bill (H. R. 6595) granting a pension to Mary Gray;
A bill (H. R. 6598) granting a pension to Maria Brasted;
A bill (H. R. 6886) granting a pension to Hannah McKee;
A bill (H. R. 7123) for the relief of Catharine Mutz;
A bill (H. R. 7566) granting a pension to George W. Lloyd;
A bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll;
A bill (H. R. 8801) granting a pension to William Logan;
A bill (H. R. 9179) granting a pension to W. B. Green;

A bill (H. R. 9408) granting an increase of pension to Stephen L.

A bill (H. R. 10216) granting a pension to William Fowler; A bill (H. R. 10301) for the relief of Emily Cross; A bill (H. R. 10337) granting a pension to John Ebert;

A bill (H. R. 10639) granting a pension to John Y. Hooper;
A bill (H. R. 10780) for the relief of Benjamin E. Snyder;
A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed;
A bill (H. R. 10879) increasing the pension of Permelia Smith;

A bill (H. R. 10882) granting a pension to Nancy Hamilton; A bill (H. R. 10975) granting a pension to John H. Starr;

A bill (H. R. 11300) granting a pension to George H. Burgess; A bill (H. R. 11311) granting a pension to James Metcalf; A bill (H. R. 11430) to increase the pension of Harlan E. King; A bill (H. R. 11466) granting a pension to Mary A. Selbach;

A bill (H. R. 11515) granting a pension to Charles G. Sanders; A bill (H. R. 11586) for the relief of Stephen Williams;

A bill (H. R. 11936) for the rener of Stephen Williams;
A bill (H. R. 11736) granting a pension to Margaret M. Nugent;
A bill (H. R. 11741) granting a pension to Alexander M. Boatright;
A bill (H. R. 11923) granting a pension to Charles Schuler;
A bill (H. R. 11924) granting a pension to Annie Balser;
A bill (H. R. 11993) granting a pension to Mary A. Long;
A bill (H. R. 12006) granting an increase of pension to Leonard Schaefer

A bill (H. R. 12047) granting an increase of pension to George Col-

well;
A bill (H. R. 12303) granting a pension to Ester Gaven; and
A bill (H. R. 12506) granting an increase of pension to Patrick Geraghty.

The committee then resumed its session.

## POST-OFFICE APPROPRIATION BILL.

The committee again divided; and the tellers reported-ayes 69, noes

47.

Mr. BLOUNT. I still insist upon the point of no quorum; but as there are not, in my opinion, a sufficient number of members present to pass a bill carrying an appropriation of sixty-six millions, I will move that the committee rise.

Mr. KILGORE. I make the point of order that that is not in order. The rule laid down is that when the Committee of the Whole finds itself without a quorum the Chairman shall cause the roll to be called and report the absentees to the House.

The CHAIRMAN. The present occupant of the chair thinks that it is in order to move at this time that the committee rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker pro tempore, Mr. TURNER, of Georgia, reported that the Committee of the Whole had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

## ADMISSION OF NEW MEXICO.

Mr. JOSEPH, by unanimous consent, introduced a bill (H. R. 12592) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

## FOURTH OF JULY CLAIMS.

Mr. STONE, of Kentucky. I ask unanimous consent for the present consideration of the bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treas-

ury Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill indicated by the gentleman from Kentucky?

Mr. BUCHANAN. Pending objection, I would like to inquire of the gentleman in charge of this bill how many claims there are and what the aggregate amount appropriated?

Mr. STONE, of Kentucky. I do not remember the number of the claims. The amount is about \$30,000. There is no legislation in the bill. It is supposed to be the last one of these 4th of July claims bills that will ever be presented to Congress. The one preceding this carried about \$200,000, but this carries only about \$30,000. The reading of the bill will give no information, as it simply contains the names of the parties and the amounts allowed to each.

The SPEAKER pro tempore. Is there objection to the present con-

sideration of this bill?

There was no objection.

Mr. STONE, of Kentucky. I ask unanimous consent that the reading of the bill be dispensed with.

Mr. HOLMAN. Mr. Speaker, I think the first reading of the bill may well be dispensed with, but it will not take long to read the bill, and before we act upon it I think it had better be read. It is rather too early in the session to begin passing bills without reading them.

Mr. STONE, of Kentucky. I have no objection to the bill being read, but there will be no information given by the reading.

The SPEAKER pro tempore. The Cl The Clerk proceeded to read the bill. The Clerk will report the bill.

Mr. ROWELL (before the completion of the reading). Mr. Speaker, if this is the 4th of July bill, so called, I think we may as well consider it without reading, and I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BUCHANAN, That request relates, I suppose, simply to the names and amounts. Any general provisions which may be contained

in the bill ought to be read.

Mr. STONE, of Kentucky. The names and amounts are all there is

of it.

The SPEAKER pro tempore. The Chair is advised that this bill contains only the names of the claimants and amounts appropriated to

them, respectively.

Mr. HOLMAN. Are there no additional sections?

Mr. STONE, of Kentucky. There is no legislation at all in the bill.

There is one amendment, including a claim which was sent to the committee after the others had been received, and which we have added to the bill as an amendment.

Mr. ROWELL. There are no claims included in the bill, as I understand, except those that have been adjudicated by the accounting officers of the Treasury.

Mr. STONE, of Kentucky. None.

The SPEAKER pro tempore. Is there objection to the request that the reading of the bill be dispensed with?

Mr. HOLMAN. I ask that that amendment be reported first. The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill by adding the following: "To Edward Fitzgerald, of Little Rock, Ark., \$17,385."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. ROWELL] that the further reading of this bill be dispensed with?

Mr. HOLMAN. I wish to inquire of the gentleman from Kentucky when the item contained in that amendment was received by the com-

mittee?

Mr. STONE, of Kentucky. That item was referred to the Quarter-master-General by an act passed at the first session of the Fiftieth Congress and was examined by him as other claims of a similar character have been, and was reported back. The Secretary of the Treasury sent it with a letter supplemental to the letter transmitting the other claims, and when the committee received it they included it in the bill with the others

Mr. HOLMAN. Can my friend state what the original claim was

for?

Mr. STONE, of Kentucky. Edward Fitzgerald is a Catholic priest, in whom the property of the Catholic church in Little Rock is vested, and the claim was for the use of that property during the war. was a bill passed at the first session of the Fiftieth Congress referring the claim to the Quartermaster-General for investigation and report, as other claims have been examined and reported upon under the act.

Mr. HOLMAN. And the Quartermaster-General recommends the

allowance of this sum?

Mr. STONE, of Kentucky. He does.
Mr. HOLMAN. And the claim comes through the regular official channels?

Mr. STONE, of Kentucky. It comes through the regular channels like the others, and the committee have attached it to the bill as an amendment.

Mr. HOLMAN. It went to the Third Auditor?
Mr. STONE, of Kentucky. It has gone through the regular channels

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the further reading of the bill be dispensed with?

There was no objection.

The amendment recommended by the committee was agreed to The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 3766) for the relief of William Pfaender; and A bill (H. R. 11871) for the relief of Hardin County, Kentucky. The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 10240) for the relief of J. Edwin Pilcher.

The message further announced that the Senate had passed, with amendments, bills of the following titles; requested a conference with

the House on said bills and amendments; and had appointed conferees on the part of the Senate as indicated, respectively:

A bill (H. R. 717) granting an increase of pension to Daniel M. Maulding—conferees, Mr. Sawyer, Mr. Davis, and Mr. Turpie.

A bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States—conferees, Mr. Davis, Mr. Manderson, and Mr. Hampton.

A bill (H. R. 9674) to regulate the course at the Naval Academy—conferees, Mr. Campon, Mr. Champton, and Mr. Plackerson.

conferees, Mr. CAMERON, Mr. CHANDLER, and Mr. BLACKBURN.

A bill (H. R. 11777) granting the right of way to the Fort Smith,
Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs in the State of Arkansas—conferees, Mr. Dawes, Mr. Platt, and Mr. Jones of Arkansas.

The message also announced that the Senate had passed a bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Rail-

way Company; in which the concurrence of the House was requested.

## ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House now take a recess until half past 7 o'clock.

I hope the gentleman will not insist on that motion. Mr. BOWDEN. There has already been one request for unanimous consent granted on the other side.

Mr. TAULBEE. I hope the gentleman from Georgia will withdraw his demand until I can present a bill which I wish to have passed.

Mr. ENLOE. I would like to make a statement. [Cries of "Reg-

ular order!"

Mr. BLOUNT. I withdraw my motion.

#### STEAMER SCYTHIAN.

Mr. BOWDEN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9081) to authorize an American register to be issued for the screw steel steamer Scythian, and that the bill be now considered and passed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to permit the British screw steel steamer, called the "Seythian," of Glasgow, Scotland, of the burden of 240 tons, to be registered as an American vessel by and in the name of "The Baker Salvage Company," of Norfolk, Va., upon the submission to the Secretary of the Treasury aforesaid of satisfactory evidence:

First. That "The Baker Salvage Company" aforesaid is an American organization, with the principal office in Norfolk County, Virginia.

Second. That it has been duly incorporated by the Legislature of the State of Virginia.

Second. That is has been day more the bona fide owner of the said steamer Virginia.

Third. That, by purchase, it has become the bona fide owner of the said steamer Scythian, her boilers, engines, machinery, tackle, and apparel.

Fourth. That said purchase was made to enable "The Baker Salvage Company" aforesaid to extend its wrecking business and salvage operations along the Atlantic coast of the United States and in the Gulf of Mexico.

The amendment reported by the Committee on Merchant Marine and Fisheries was read, as follows:

Add to the bill these words:
"Provided, That said vessel shall in no wise be used in the foreign or coast wise carrying trade."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. RANDALL. Let the report be read.

The SPEAKER pro tempore. The gentleman from Pennsylvania, reserving the right to object, calls for the reading of the report.

Mr. TAULBEE. That will defeat the bill, as the time is so short

before the recess.

The Clerk proceeded to read the following report, by Mr. DUNN:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 9081) to authorize an American register to be issued for the screw steel steamer Scythian, have considered the same, and report it back with an amendment.

The Baker Salvage Company, of Norfolk, Va., is a wrecking company chartered under the laws of the State of Virginia, and operating mainly in foreign waters.

waters.

The British steam-ship Silverdale, being stranded off St. Domingo with a valuable cargo of iron for the Panama Railroad Company, the company sent their wrecking steamer the Resolute to her rescue, and the Resolute foundered in a gale on her way there.

The company endeavored to charter or purchase a wrecking steamer to enable them to comply with their contract, but a suitable vessel could not be procured in the United States, and they were therefore, to meet the exigency compelled to go abroad to purchase a suitable steamer. The steamer Scythian was secured in Glasgow, and the company being a distinctively American company and destring to carry on their operations, which are largely in foreign waters, under the American flag, ask that an American register be authorized for said steamship.

ship.

The facts in the case are as stated in the following letter from Charles Sharp, esq., to Hon. G. E. BOWDEN, of Virginia:

"LAW OFFICES OF SHARP & HUGHES,
"TALBOT BUILDING, 57 MAIN STREAT,
"Norfolk, Va., April 2, 1888.

"Dear Sir: I can not well leave home. The Baker Salvage Company has a Virginia charter; actual capital \$72,000. Operates from the Maryland line, on South Atlantic, and must take care of the Gulf (no other salvors there to handle distressed vessels).
"The Silverdale, steam-ship (British), is stranded off St. Domingo, with a valuable cargo of iron for Panama Railroad Company.
"Baker Salvage Company, under contract to save it, lost the steamer Resolute; foundered in a gale on her way there.
"Had no time to build another; six months' time required for such building.

'Had to charter in Scotland, as there was no wrecking steamer for sale in the

"Had to charter in Scotland, as there was no wrecking steamer for sale in the United States.

"The charter-party credits the charter money or hire and charges interest on purchase-money instead, provided salvage company shall buy the Scythian, now on her way to the Gulf.

"This will be a great saving, but it can not be made unless Congress will very soon (for it is a short charter) allow the Scythian to be registered if so purchased.

"Remember, she is not to be in the carrying trade, generally operating in the Gulf, but must sometimes be used in towing the prizes into American (salvage) ports per United States court award of salvage.

"Remember, she is not to be in the carrying trade, generally operating in the Gulf, but must sometimes be used in towing the prizes into American (salvage) ports per United States court award of salvage.

"Even now salvage is deemed a reward for services of American mechanics, and therefore counting at Treasury Department as part of the repairs of a salvored vessel, foreign build, claiming registration, when purchased by American citizens at admiralty (salvage) sale.

"That analogy is perfect, applying well to case of foreign-built salvor steamers, to be used in the interest of humanity and commerce.

"Press these points:

"1. No such vessel for sale in America.

"2. Requires six months to build.

"3. Salvage service can not wait so long.

"4. Much money will be saved by crediting the hire on the purchase.

"5. Salvor vessel operating mainly in foreign waters.

"6. They are American seamen and mechanics.

"7. An industry to be protected by United States.

"8. Only casually used in American waters.

"9. And then only to relieve distress.

"10. Unless permission is granted, salvors may have to use her exclusively in foreign waters; they can not afford to give her up and lose the money already paid for hire.

"11. Not at all used in the carrying trade or in the coasting trade.

"12. A mere exception to the general (navigation) law, prompted by humanity and by tenderness to American wreckers.

"Will this do? You will have far more influence, then, than I.

"Yours, very truly,

"Hon, G. E. Bowden, M. C."

"CHARLES SHARP.

"Hon. G. E. Bowden, M. C." In view of these facts and the peculiar circumstances of the case, the commit-tee recommend the passage of the bill with an amendment prohibiting the use of the vessel, while so registered, in the foreign or coastwise carrying trade, by adding at the end of the bill the proviso there written.

Mr. FARQUHAR (before the reading of the report was concluded) said: I ask unanimous consent that the further reading of this report be dispensed with. This bill has been considered by the Committee on Merchant Marine and Fisheries, and has received their approval.

There being no objection, the further reading of the report was dispensed with; and the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. BOWDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## TARIFF ON HAT TRIMMINGS.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. McAdoo] offers a resolution for reference to the Committee on Ways and Means. If there be no objection, that order will be made.

There being no objection, the following resolution was referred to

the Committee on Ways and Means:

Whereas there is pending before this House a joint resolution to amend the tariff laws with relation to the silk schedule as it affects hat trimmings; and Whereas the Treasury Department and the legal representatives of the Government have insisted in the courts, and do still insist, that there is no necessity for a change of the statute: Therefore,

Be it resolved. That the Secretary of the Treasury and the Attorney-General be directed to send to this House the facts and the law in the cases now pending in the United States courts with reference to the duty on said hat trimmings as they affect the existing silk schedule, and whether any compromise of said cases is contemplated by them.

The SPEAKER was tempore. This being Eviden and the hour of 5

The SPEAKER pro tempore. This being Friday, and the hour of 5 o'clock having arrived, the House, in accordance with its standing order, takes a recess until half past 7 o'clock p. m.

## EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. McMILLIN as Speaker pro tempore.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 15, 1889. Hon, Benton McMillin is hereby designated to preside at the session of the House this evening. JOHN G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, Clerk.

## ARMY NURSES.

Mr. MATSON. The bill (S. 373) for the relief of women enrolled as army nurses is erroneously on the Private Calendar. It is a public bill and ought to be on the Calendar of the Committee of the Whole

on the state of the Union. I ask that the correction be made.

The SPEAKER pro tempore. If there be no objection, the bill will be placed on the Calendar of the Committee of the Whole on the state of the Union. The Chair hears no objection, and it is so ordered.

Mr. JACKSON addressed the House on the general subject of pension legislation, and, by unanimous consent, was granted permission to extend his remarks in the RECORD. He withholds them for revision. [See Appendix.]

#### ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole for the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

Mr. FINLEY. I ask unanimous consent for the present consideration of a bill increasing the pension of General Frank Wolford from \$30 to \$50 a month.

The CHAIRMAN. Is there objection?
Mr. LANE. I call for the regular order.
Mr. FINLEY. Very well; then you will not pass another bill here to-night.

Mr. MACDONALD. When a request similar to this was made on a previous evening the gentleman from Kentucky [Mr. FINLEY] was the first man to object

Mr. FINLEY. Other gentlemen have obtained unanimous consent without my objection.

JOHN LIMERIC.

Mr. ALLEN, of Michigan, called up for consideration the bill (H. R. 5390) granting a pension to John Limeric.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Limeric, late of the Sixth Ohio

The report (by Mr. THOMPSON, of Ohio) is as follows:

The report (by Mr. THOMPSON, of Ohio) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R, 5390) for the relief of John Limeric, make the following report:

The claimant was a private in the Sixth Ohio Independent Battery, commanded by Captain Beardsley. Claimant enlisted in October, 1861, and was honorably discharged. Claimant makes oath that while on duty, unloading baled hay from a barge, and while lifting the hay and placing it on the dock, he received a rupture; that Lieut, O. H. Payn, who was superintending the work, ordered him to his quarters for that injury so received as aforesaid; and that he suffered thereafter by reason of the rupture, and has continued to suffer up to the present time from that rupture, and that he is disabled thereby.

Claimant further makes oath that he was sent to the barracks at Louisville, Ky.; remained there one day and night, then went to a private house, 2 miles out of town, used as a hospital; thence to ward 12, Camp Denison, Ohio; from there was discharged by reason of a surgeon's certificate of disability.

The examing surgeon of the Pension Bureau says in his certificate:

"Judging from his present'condition, and from the evidence before me, it is my belief that the said disability originated in the service aforesaid in line of duty."

The committee recommend that the bill do pass.

The CHAIRMAN. Without objection, the bill will be laid aside to be reported to the House with the recommendation that it do pass. Mr. FINLEY. I object.

Mr. ALLEN, of Michigan. Mr. Chairman, I would prefer to withdraw the bill rather than have the point of no quorum raised and defeat the consideration of other measures to-night.

Mr. FINLEY. I have said that I would not allow any bill to pass to-night unless consideration is given to the one that I sought to call

up pensioning General Wolford.

The CHAIRMAN. The Chair will submit the question to the committee The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. FINLEY. I object.

The CHAIRMAN. The question is for the committee to determine. The question was taken; and the Chairman decided that the motion had been agreed to.

Mr. FINLEY. I do not understand, Mr. Chairman, when I object, how this bill could be laid aside.

The CHAIRMAN. The Chair announced that the question would

be submitted to the committee; the vote was taken, and no gentleman called for a division. [Cries of "Regular order!"]

Mr. FINLEY. Very well; let it go, but this will be the only one. So, no further count being demanded, the bill was laid aside to be reported to the House with the recommendation that it do pass.

## BENNETT COOPER.

Mr. ALLEN, of Mississippi, called up the bill (H. R. 12403) granting a pension to Bennett Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Bennett Cooper, who served in Captain Campbell's company, from the State of Alabama, Indian war, 1836, and to pay him a pension at the rate of \$12 per month.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12403) granting a pension to Bennett Cooper, have considered the same, and report as fol-

lows:

The claimant served in the Florida war, in Captain Campbell's company, from the State of Alabama, from March 1 to June 1, 1836. He was honorably discharged therefrom and received a land warrant in 1834. He is seventy-five years of age, in feeble health, and not able to work.

Your committee believe he should have a service pension, and therefore recommend the passage of the bill, amended by changing the word "Campbell's," in line 5, to "Cammel's," the latter being the correct manner of spelling the captain's name.

The amendment recommended by the committee was adopted. The CHAIRMAN. The question is on laying the bill aside, as amended, to be reported to the House with a favorable recommenda-

Mr. FINLEY. I demand a division.

The committee divided; and there were-ayes 51, noes 5.

That is no quorum, I believe. Mr. FINLEY.

The CHAIRMAN. The Chair will appoint tellers.

Mr. FINLEY. The gentleman from New York [Mr. Baker] says that when his name is reached he will call up the bill to which I referred, for consideration. That being the case, I will withdraw further objection.

So, no further count being demanded, the bill as amended was laid aside to be reported to the House with the recommendation that it do

#### NEWTON C. RIDENOUR.

Mr. ANDERSON, of Iowa, called up for consideration the bill (H. R. 12273) for the relief of Newton C. Ridenour.

The bill was read, as follows:

The bill was read, as follows:

Whereas by an error committed by the adjudicating officers of the Pension Bureau Newton C. Ridenour, late second lieutenant Company P. Twenty-third Regiment Iowa Infantry, was not placed on the pension-roll as a second lieutenant upon the allowance of a pension to him; and

Whereas by act of Congress a bill was passed for his relief in this regard, and to rate him in accordance with said rank and with the intention only of correcting this error, but which contained the words that it should "be in lieu of all other pensions;" and

Whereas he now claims to be entitled to an increase of pension on account of disabilities, for which he was originally pensioned, and to pension for additional disabilities; but the Pension Bureau and the Department of the Interior construe the language quoted of the act of Congress mentioned as barring his rights thereto, regardless of the merits: Therefore,

Bettenacted, etc., That said act of Congress for the relief of said Newton C. Ridenour shall be construed as only correcting the error of the adjudicating officers of the Pension Bureau as to the rank of said Ridenour and his proper rating by reason thereof, and that his right to increase of pension and to additional pension for other disabilities shall not be affected thereby.

The report (by Mr. SPOONER) is as follows:

The report (by Mr. SPOONER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12273) for the relief of Newton C. Ridenour, respectfully report that the facts in the case are correctly set forth in the preambles to the bill. Upon the passage of the act of Congress approved June 3, 1884, which was manifestly only for the purpose of making the pension rate according to rank, the words that it should "be in lieu of all other pensions" were added. Thereafter, when the pensioner made a claim for increase on account of alleged increased disability, the same was rejected, without regard to the actual merits of the claim, and upon the ground that the words quoted in the special act barred the right to such increase. Upon appeal to the Secretary of the Interior this ruling was affirmed, and the following from the opinion of Hon. H. L. Muldrow, First Assistant Secretary, shows the view taken of the matter:

"The appellant, who is receiving a pension of \$7.50 per month for varicocele of left side, is pensioned as a second lieutenant under special act of Congress approved June 3, 1884, which provides that said allowance shall be in lieu of all other pensions.

"September 27, 1886, he filed an application for increase based on the original disability, and rheumatism. \* \* Subsequently so much of this claim as related to the pensioner's disability was rejected, \* \* \* on the ground that the appellant was then being paid the full amount therefor to which he was lawfully entitled, and that part thereof which embraced rheumatism was rejected on the ground that under the provisions of said Congressional enactment his right to an additional pension was barred. \* \* \* The question involved is the construction of a private act which provides, \* \* \* (quoting bill with part quoted above).

"While it may be true, as claimed by appellant, that the only question passed upon by Congress was the question of rank, yet the Department is precluded from going back of the plain language of the statute. \* \* \* Claimant's only relief must be obtained from Congress, \* \* \* the power which created the act alone can correct the error."

It is plain that the quoted words in the act and which brought about this result were in fact there by error or without any relevancy to the object of the act itself, and to now give them the effect of barring all claims of the pensioner for an increase of pension, or for additional pension to which he may be entitled, is manifestly unjust and we believe entirely out of any Congressional intention in passing the act.

The present bill simply removes the effect of this construction and leaves the pensioner to the laws as they now exist, with simply the right to avail himself of them.

Your committee therefore report the bill favorably, with the recommendation

Your committee therefore report the bill favorably, with the recommendation

Mr. ANDERSON, of Iowa. I move to amend the bill by striking out the initial letter "P," in the first preamble, and inserting "F." The motion was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## MARY P. MYERS.

Mr. ANDERSON, of Mississippi. I ask consideration of the bill (S. 3540) granting a pension to Mary P. Myers.

The bill is as follows:

Be it enacled, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Myers, widow of David Myers, late a private in Captain Whitmore's company, Colonel Goodwin's regiment of Mounted Volunteers, in Florida war.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3540) granting a pension to Mary P. Myers, have considered the same, and report as follows: The claimant is the widow of David Myers, who was a private in Captain Whitmore's company, Colonel Goodwin's regiment of Mounted Volunteers, in the Florida war with the Seminole Indians. The soldier volunteered at Orangeburgh Court-House, S. C., in February, 1836, and was honorably discharged in May following, at Tampa Bay, Florida.

The soldier died in August last, leaving surviving him a widow, the claimant, now seventy-four years of age, and in very poor and needy circumstances. This committee have, at the present session, reported favorably a service pension bill to pension the surviving soldiers of the Indian wars from 1832 to 1842, and the widows of such soldiers (Report No. 1194, bill H. R. 8594). This claimant would become a beneficiary under said bill.

Your committee are of the pinion the claimant should have a service pension. This bill will grant her \$12 per month. Its passage is therefore recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### LUCINDA MEWMAN.

Mr. ANDERSON, of Illinois, called up for consideration the bill (H. R. 12491) granting a pension to Lucinda Mewman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Mewman, of Payson, Ill., daughter of John Mewman, late private of Company K, Seventy-eighth Regiment Illinois Volunteers, and pay her a pension at the rate of \$12 a month.

The report (by Mr. LANE) was read, as follows:

The report (by Mr. Lane) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12491) granting a pension to Lucinda Mewman, submit the following report:

This applicant for pension is the sister of John W. Mewman, late of Company K, Seventy-eighth Regiment Illinois Volunteers, who was killed in the battle of Kenesaw Mountain. A pension was granted to the mother of the soldier, and continued until the death of the old lady last year. The applicant lived with her mother and was ky bt by her during her life. Since then she has lived with her sister, who earns a living as seamstress. The affidavits of neighbors and physicians show that the applicant, Lucinda Mewman, is so weak-minded that she can not earn a living, but has to be watched and taken care of on account of mental weakness.

In view of the fact that neither the applicant nor her sister have any property of any value, and that the applicant can not earn a living herself, but has to be taken care of, your committee recommend the allowance of a pension at the rate of \$18 per month.

The committee recommend the passage of the bill with the following amendments:

ments: Insert in line 6, after the word John, the letter "W," and by striking out in line 6 the word "daughter" and inserting the word "sister," and by striking out in line 9 the word "twelve" and inserting the word "eighteen."

The amendments recommended by the committee were agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## JOHN B. COVERT.

Mr. ATKINSON called up for consideration the bill (S. 2314) granting a pension to John B. Covert.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John B. Covert, late a private in Company B, One hundred and forty-seventh Regiment Pennsylvania Volun

The report (by Mr. LYNCH) was read as follows:

The report (by Mr. LYNCH) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2314) granting a pension to John B. Covert, have had the same under consideration and beg leave to report:

The claimant under the bill, late of Company B. One hundred and forty-seventh Pennsylvania Volunteer Infantry, filed a declaration for pension on account of rheumatism contracted in service, which was rejected on the ground that the evidence adduced fails to show that the alleged disease originated in the service or existed at date of discharge.

The records in the case show that ten witnesses, comprising doctors, relatives, neighbors, and acquaintances, testify to claimant's soundness before enlistment; that claimant and two comrades testify to rheumatism in service and treatment therefor; that while the hospital records do not show treatment for the specific disease alleged, they do show repeated attacks of sickness, and in one case specify inflammation of the knee-joint; that the claimant returned from service complaining of his disease, and that within ten days thereafter he was compelled to take his bed, and was treated for rheumatism, and that six witnesses, including physicians, furnish testimony which amounts to continuous disability since discharge.

While There is lacking in the case evidence of the highest class, there appears to be enough to warrant the conclusion that there is merit in the claim, and that the bill should be reported favorably and with a recommendation that it do pass, which is hereby done.

The bill was laid aside to be reported to the House with the recommendation that it do pas

Mr. MATSON. Mr. Chairman, this is a Senate bill, and itreminds me of a suggestion I desired to make to the House. It is that gentlemen having Senate bills, as well as House bills, on the Calendar ought, if possible, give preference to the Senate bills for consideration, because there is a possibility at least of their becoming laws, whereas the passage of House bills at this late date in the session is almost farcical, there being but little hope of their becoming laws.

## JESSIE ISHERWOOD.

Mr. BACON called up for consideration the bill (H. R. 11184) for the relief of Jessie Isherwood.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jessie Isherwood, daughter of James R. Isherwood, deceased, late private Company G, Seventh New York Heavy Artillery, and to pay her a pension at the rate of \$18 per

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. K. 11184) for the relief of Jessie Isherwood, submit the following report:
Jessie Isherwood is the daughter of James R. Isherwood, late private Company G, Seventh New York Heavy Artillery, who, as shown by his medical recommendations of the company G, Seventh New York Heavy Artillery, who, as shown by his medical recommendations.

ord, died in hospital at Washington, D. C., June 28, 1884, of wounds received June 18, 1884, in battle before Petersburgh, Va. She is now about twenty-eight years of age. Her mother is dead and she is dependent on charity for support. The testimony filed with the committee shows that she is now and has long been an imbecile, of feeble body, and unable to do any work. Up to her sixteenth year she was on the pension-rolls.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### FRANK WOLFORD.

Mr. BAKER, of New York, called up for consideration the bill (H. R. 12062) granting an increase of pension to Frank L. Wolford.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank L. Wolford, late colonel of the First Kentucky Volunteer Cavalry, and grant him a pension of \$70 per month, in lieu of the pension he is now receiving.

The report (by Mr. HUNTER) was read, as follows:

The report (by Mr. Hunter) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12062) granting an increase pension to Frank Wolford, have considered the same, and submit the following report:

The claimant was colonel of the First Regiment Kentucky Volunteer Cavalry, and was discharged March 24, 1804, on account of gunshot wound of left hip and right leg. He is now drawing a pension of \$30 per month, and his application for rerating and increased disabilities, resulting from his services in the Army, has been rejected in the Pension Office on the ground that under existing laws he can not receive a higher rating for the injuries admitted to have been incurred in the Army and in line of duty.

In his application for increase and rerating he alleges that he received a gunshot wound of left hip at Lebanon, Ky., May 5, 1862, causing a permanent fall of the lower bowels: that he received a wound of right leg above the hip at Monticello, Ky., and bronchitis contracted while in the service on the same day, by getting wet after riding 12 miles very fast in the rain, after which pneumonia set in, and that the wound of right leg was received in a fight with the rebels under Pegram, Monticello, Ky., June 10, 1863.

Captain Sweeny testifies:

"That claimant received a gunshot wound in left hip and lower bowels at Lebanon, Ky., in action; that he was by his side when wounded; that in said fight claimant was captured by the enemy and taken about 12 miles, when his men following recaptured him; Wolford's horse was killed and he was left in the road exposed to rain for several hours, thus contracting bronchitis."

Lieut Col. Silas Adams testifies the same as Captain Sweeny. Surgeon Rippe testifies that he treated claimant for gunshot wound of left hip and lower bowels in May, 1862, and that elaimant from exposure about that time contracted pneumonia and bronchitis. Assistant Surgeon Huffman testifies substantially to the same state of facts.

The medical board at Columbia, Ky., Novemb

The medical board at Columbia, Ky., November, 1887, gives his condition at that time as follows:

"Two gunshot wounds left hip, one passing into and through lower portion of abdominal cavity and coming out near juncture of ileum and sacrum, 6 inches from entrance wound. Second, entering lower edge of abdomen, striking body of pubis, imbedding itself in bone; ball extracted from entrance wound; cicatrices of former tender, adherent, and dragging; latter tender, inflamed, open, and discharging offensive pus. Shell and gunshot wounds of right leg, carrying away a considerable portion of tibla. Left leg from knee to ankle discolored, indicating recent discharge of pus; part very much swollen."

In view of the foregoing, your committee feel that this is a meritorious claim, and report back the bill with a favorable recommendation.

Amend the title and body of the bill by striking out the letter "L;" so that it shall read as follows: "A bill granting an increase pension to Frank Wolford," and crase the word "seventy," after the word "of," in seventh line, and insert in lieu thereof the word "fifty."

The amendments recommended by the committee were agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## CHARLOTTE T. ALDERMAN.

Mr. BAKER, of Illinois, called up for consideration the bill (H. R. 2439) granting a pension to Charlotte T. Alderman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charlotte T. Alderman, widow of James Alderman, who was a private in Company E, Forty-second Regiment Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The report (by Mr. Lane) was read, as follows:

The Committee on Pensions, to whom was referred a bill granting a pension to Charlotte T. Alderman, have examined the same, and report:

This a bill to place the name of Charlotte T. Alderman, widow of James Alderman, who was a private in Company E. Forty-second Regiment Illinois Volunteers, on the pension-roll, subject to the usual restrictions. The soldier was granted a pension from June 17, 1855, to March 31, 1873, the date of his death. The Pension Office denies the widow relief on the ground that the soldier's death was not due to his service. There was an appeal, and the Secretary of the Interior sustained the bureau decision, and this action is based solely on the opinion of the medical referee. A bill for the widow's relief was introduced in a previous Congress and passed by the Senate, but was not reached by the House. The simple and single question now to decide is, did the soldier die in consequence of his wounds?

The soldier had three severe wounds. A gunshot wound of left shoulder, fracturing left scapula; a gunshot wound of left side, shattering a rib below the arm going backward, issued near the spine. A piece of shell struck him on the right temple, causing dizziness and injuring the optic nerve. The Pension Office official doctors admit that these wounds totally incapacitated him for labor. Nevertheless he was allowed only \$\frac{3}{2}\$ a month. The testimony of the physicians who attended him is that he died of chronic pneumonia, resulting in abscess of the left lung. Dr. Leavens, the doctor who treated him after his discharge and until his death, as he makes affidavit, avers that the ball which entered his left side lodged in the pleural cavity, and that, in his opinion, it was by constant irritation of the external surface of the lung by the lodged missile that a chronic form of pneumonia, resulting in abscess of the lung, was produced.

Several special examinations were made to show that the soldier's death was duced

Several special examinations were made to show that the soldier's death was caused by erysipelas and not by his wounds. To this end the purpose of the examiner seems to have been to depreciate Dr. Leavens, who says the wounds

were the death cause, and to magnify Dr. Gordon, who says he died of erysipe-

were the death cause, and to magnify Dr. Gordon, who says he died of erysipelas.

The committee have no means of knowing Dr. Gordon, who was never investigated in the interest of the claimant, as was Dr. Leavens; nor can they properly estimate the opinion of the special examiner, who says the latter "is not possessed of a superfluity of medical lore."

Dr. Leavens is a graduate of the Medical College of Cincinnatt, and the Dr. Gordon referred to is probably an educated physician. The two may differ honestly and in accordance with the habit conceded to the profession; but, after all, there is not a wide divergency of opinion between them. Dr. Leavens says the man died of lung disease, which he traces to his wounds; not he swears he heard Dr. Gordon say he had abscess of the lungs. Dr. Gordon says he died of erysipelas, from which he might have recovered but for the prostration caused by his wounds; but, strange to say, he admits that he did not see the wounds, which the Pension Office board of surgeons pronounced totally disabling, until after death. The neighbors testify of the wounds and of their disabling and fatal character.

It is true Dr. Leavens, under the pressure of the Pension Office examining expert, exhibits some inconsistency between his affidavits and his testimony last delivered; but he finally says his affidavits were based on his own observations, what others intimate with the soldier's case said, and the statements of Dr. Gordon. This soldier was wounded in the service to an extent that disqualified him for any occupation from the time of his discharge until his death. He was covered with wounds, and a great sufferer. To insist that there was no connection between his disabilities and his death is, in the opinion of the committee, a mere quibble. For the committee to decide that the widow is entill d to a pension is in strict accordance with the facts, and it should entitle her to a pension.

The bill is reported favorably, with the recommendation that it do pass.

The bill is reported favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## THEODORE WHITE.

Mr. BANKHEAD called up for consideration the bill (H. R. 12540) to increase the pension of Theodore White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore White, formerly a corporal in Company M, Seventh New York Heavy Artillery Volunteers, and to pay him a pension for disease of lungs, in addition to the pension he now receives for gunstate ward.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYER) was read, as follows:

The claimant, Theodore White, is now receiving a pension of \$4 a month for gunshot wound below the right shoulder.

Application for increase of pension has been denied by the Pension Bureau on the ground that the disease of the lungs, from which the claimant is disabled, can not be admitted as a result of gunshot wound.

There is conclusive testimony that no predisposition to lung disease has ever existed in claimant's family; also that he was in good health before receiving the wound, and that ever since he has been, at intervals, subject to hemorrhages. Your committee in determining the merits of the case have given great weight to sworn statements of Dr. Albert Vander Veer and Dr. Samuel B. Ward, both of Albany, N. Y. These gentlemen stand very high in the profession, and have recently examined the claimant.

Dr. Vander Veer, after stating in detail the particulars of the examination made by him, says: "From the present appearance of the wound it is reasonable to believe that the ball entered the cavity of the chest;" also, "That it is reasonable to believe that his present ill health is but the outcome of his gunshot wound."

Dr. Ward states in his affidavit: "The supposition that the ball did not penetrate the left lung is surrounded by very great difficulties." Dr. Ward also states "that in 1879 the claimant again had a severe hemorrhage, in the course of which a piece of clothing was discharged," and Dr. Ward, in concluding his sworn statement, says, "This is a history and a condition entirely in harmony with a supposed wound of the lung and different from those of any lung disease."

Your committee, in the light of so much testimony favoring the claimant, and considering his disabled condition, deem it proper to make a favorable report. They recommend that the bill pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

# TRENE RUCKER SHERIDAN.

Mr. BINGHAM called up for consideration the bill (S. 3423) granting pension to Irene Rucker Sheridan, widow of General P. H. Sheridan. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Irene Rucker Sheridan, widow of Philip H. Sheridan, late General of the Army of the United States, and pay her at the rate of \$5,500 per year during her natural life, from and after the 5th day of August, 1888.

The report (by Mr. MORRILL) was read, as follows:

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, submit the following report:

A similar bill introduced in the House and referred to this committee was favorably reported during the first session of the Fiftieth Congress.

There has been decided opposition in this committee to these unusually large pensions to widows, but this report is made favorable in this case upon the ground that Congress can not well refuse such action after giving large pensions to others who are less meritorious.

Your committee therefore recommend the passage of the bill, with an amendment striking out all after the word "year," in line 5.

The CHAIRMAN. The question is on the amendment of the com-

The CHAIRMAN. The question is on the amendment of the com-

Mr. BINGHAM. In the report the recommendation is to strike out all after the word "year" in line 5. It should be "in line 7." The Clerk read the amendment in the bill, as follows:

In line 7, after the words "per year," strike out lines 7, 8, and 9 at the end of

The amendment was agreed to.

The CHAIRMAN. The question is upon laying the bill aside as amended with a favorable recommendation.

Mr. CHEADLE. I want to know what order the gentleman from Pennsylvania asks in this case?

ennsylvania asks in this case? • Mr. BINGHAM. What I ask first is, consideration of the bill at

Mr. CHEADLE. It will not be passed unless a quorum is present.
Mr. BINGHAM. Then, Mr. Chairman, I would move that this bill follow the form that has heretofore been accepted and adopted, and make the order for its consideration immediately after the reading of the Journal to-morrow, Saturday, February 16, the previous question to be considered as ordered on the the third reading and passage of the bill; and whatever may be agreeable as the time for debate.

Mr. CHEADLE. Mr. Chairman, if the gentleman will let the hour be fixed for its consideration next Wednesday morning immediately

after the reading of the Journal, and give to the opponents of the bill one hour and twenty minutes for debate, I shall not object.

Mr. BINGHAM. What do you want that length of time for? Mr. CHEADLE. There are more than one desiring to speak in op-

position to this bill.

A MEMBER. Let them print.

Mr. CHEADLE. We do not desire to print. I am willing fort he previous question to be ordered on the third reading of the bill with the right to amend, and that the vote shall be taken by yeas and nays.

If that is agreeable I am perfectly willing for that order to be made.

Mr. BINGHAM. As I understand the gentleman in opposition, this is to be immediately after the reading of the Journal on Wednesday.

Why will not the gentleman let it be Tuesday?

Mr. CHEADLE. I am perfectly willing for this bill to be considered by a full House. There are more than one person opposed to the passage of this bill, as the yeas and nays will show, and there are more than one person who will speak in opposition. I trust it will not re quire more than forty-five or fifty minutes' time to discuss the question from the standpoint of those who are opposed to its passage; and I only ask that the previous question shall be considered as ordered with the further provision of the right to amend—to offer one amendment.

Mr. BINGHAM. There is no objection to that.

Mr. CHEADLE. And that the vote shall be taken by the yeas and nays, in order that there may be no time lost in getting to a vote.

Mr. BINGHAM. I have no objection to that.
Mr. CUTCHEON. What is the understanding as to the length of

time to be allowed for debate?

The CHAIRMAN. The Chair will state the proposition. The Chair understands the proposition of the gentleman from Pennsylvania to be that this bill shall be reported to the House with the recommendation that the previous question be ordered upon the third reading and passage of the bill, with the right to offer one amendment, and that debate be allowed to the extent of one hour and twenty minutes by the opposition to the bill.

Mr. BINGHAM. And half an hour for those in favor of it. Will the gentleman accept that?

The CHAIRMAN. And one-half hour for those in favor of the bill, the bill to be called up immediately after the reading of the Journal on Wednesday next.

Mr. CHEADLE. The vote to be taken by yeas and nays.

The CHAIRMAN. And the vote to be taken by yeas and nays on

the passage of the bill.

Mr. KILGORE. Mr. Chairman, there is more business before the House than can be transacted before the 4th of March, and I will not while I am present agree to having any bill carried over from these night sessions with the previous question ordered which compels consideration in the House.

Mr. MATSON. I suggest to my colleague from Indiana [Mr. Cheadle] and the gentleman from Texas [Mr. KILGORE] that this bill can

as well be discussed to-night as at any other time.

Several MEMBERS. Oh, no.

Several MEMBERS. Oh, no.

Mr. MATSON. We have about an average attendance of the House even in the day sessions, and while perhaps there is no quorum here this bill might as well be discussed to-night and let it go over to be voted upon in a day session.

Mr. CHEADLE. I am not prepared to discuss it to-night, and one gentleman who has a speech prepared is not here at all, and his speech relates to the early history of pension legislation and will doubtless be interesting; but I am perfectly willing to let it go over.

Mr. BLANCHARD. Regular order.

The CHAIRMAN. The regular order is demanded, and the request of the gentleman from Pennsylvania is objected to. The question, then

of the gentleman from Pennsylvania is objected to. The question, then, will be whether the bill shall be laid aside with a favorable recommendation.

Mr. CHEADLE. Does this go over under the order that has been

suggested?
The CHAIRMAN. The order was objected to. The question is now simply on the motion to lay aside the bill with a favorable recommen-

Mr. WASHINGTON. In what position will that leave the bill? The CHAIRMAN. In the event that the motion is agreed to, it goes

to the House with the recommendation that it pass.

Mr. WASHINGTON. I object to its going over by unanimous con-

The CHAIRMAN. The question is on the motion to lay aside the bill with a favorable recommendation.

The question was put, and the Chair announced that the ayes seemed to have it.

Mr. WASHINGTON and Mr. KILGORE. Division.

The House divided; and there were—ayes 59, noes 9.
Mr. WASHINGTON. No quorum.
The CHAIRMAN. The Chair will appoint as tellers the gentleman from Pennsylvania, Mr. BINGHAM, and the gentleman from Tennessee, Mr. WASHINGTON.

Mr. BINGHAM. As nothing can be accomplished by pressing the bill further at this time, I will withdraw it with the understanding Mr. BINGHAM.

that it shall retain its place on the Calendar.

The CHAIRMAN. If there be no objection, that course will be pursued, and the bill will retain its place on the Calendar.

There was no objection, and it was so ordered.

## NOAH W. YODER.

Mr. BLANCHARD (when his name was called). I call up the bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to adjudicate the pension claim of Catharine Z. Yoder, late widow of Noah W. Yoder, second lieutenant of Company G, Fifty-first Regiment Ohio Volunteers, as though the death of said officer had been directly chargeable to his military service, and pay to the surviving children of said Noah W. Yoder a pension at the rate provided by the general pension laws, from the date of his death until they severally arrive at the age of sixteen years.

The report (by Mr. YODER) was read, as follows:

The report (by Mr. Yoder) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill No. 12542, have had the same under consideration, and beg leave to make the following report:

Lieut. Noah W. Yoder entered the service as second lieutenant of Company G. Fitty-first Regiment Ohio Volunteer Infantry, September 19, 1851, and resigned July 30, 1856, having lost his leg below the knee and sustained a fracture of the left clavicle in consequence of gunshot wounds received at the battle of Stone River. He was pensioned for the amputation of leg and injury to the clavicle and died March 9, 1877. The widow applied for pension June 21, 1877. Her claim was rejected in March, 1878, on the ground that the soldier's death was not the result of his military service. He was a physician in country practice, and his death occurred from drowning while on his way to visit a patient, as will more fully appear in the testimony. The claim was submitted to the Commissioner of Pensions, who, after giving it personal consideration, submitted the same to the Secretary of the Interior with the following communication of transmittal:

"[Claim No. 232004, widow of Noah W. Yoder second lieutenant Comments of the same to the Service of the Service of the same to the Service of the Service

"[Claim No. 232004, widow of Noah W. Yoder, second lieutenant Company G,
Fifty-first Ohio Volunteers.]

"Department of the Interior, Bureau of Pensions, "Washington, D. C., February 8, 1889,

"Sir: I have the honor to submit herewith the papers in the pension claim above indicated, for transmittal through your office to the chairman of the Committee on Invalid Pensions, House of Representatives, that the attention of Congress may be invited to the facts in the case for such action in the premises, under the provisions of joint resolution approved May 29, 1830, as that honorable body may deem just and proper.

"In this case it appears that the officer was pensioned for amputation of leg and injury to clavicle, and was drowned March 9, 1877, while crossing a swollen stream in a buggy on the way to attend a sick patient. The buggy was overturned and the officer and a companion with him were swept down by the current until stopped by a fence, where the companion easily drew himself out of the water, but the officer, by reason of the loss of leg and injury to shoulder, was unable to escape, and was drowned.

"It is believed that the case possesses equitable features, and that relief should be sought at the hands of Congress, this bureau being unable under the law to admit the case.

"Very respectfully,

"J. C. BLACK, Commissioner.

"J. C. BLACK, Commissioner.

"The SECRETARY OF THE INTERIOR,"

The Secretary of the Interior transmitted the Commissioner of Pensions' communication to the chairman of the Committee on Invalid Pensions in the following communication:

"DEPARTMENT OF THE INTERIOR, "Washington, February 8, 1889.

"Sie: I have the honor to forward herewith a communication from the Commissioner of Pensions, and a complete record in the pension claim of the widow of Noah W. Yoder, second lieutenant Company G. Fifty-first Ohio Volunteers, as the same appears among the files of this Department, for such action by Congress as that body may deem proper under joint resolution of May 29, 1830.

"Very respectfully,"

"D. L. HAWKINS, Assistant Secretary.

"Hon. C. C. MATSON,
"Chairman of the Committee on Invalid Pensions,
"House of Representatives."

"House of Representatives."

William Henry Shie testifies that he and the soldier were riding in a buggy, and endeavored to ford a creek which, by reason of rain, had become deeper and more rapid than they expected. The current turned the buggy so that the soldier and affiant were thrown out and carried down the stream to a fence, where affiant, having the use of his arms and legs, got out of the water without much trouble, but the soldier, for the want of the use of his left shoulder and left leg, was unable to get out and was drowned. Affiant believes that if he had had the use of said shoulder and leg he would have been able to get out as easily as affiant did.

Jacob A. Mast, M. D., testifies that the injury to soldier's left shoulder and the loss of his leg rendered him unable to exert and help himself as other men do, and that he believes that if he had had the proper use of said shoulder and leg he would not have been drowned. Affiant examined the body after death.

Peter Goeler and Jacob Kratz testify that the soldier was a man of good health and strong constitution; that he had a large, lucrative practice at the time of his death.

Medical certificates on file show that the soldier's leg was amputated about 4 inches below the knee, and that the wound of the left shoulder affected the strength of the shoulder and lessened the power to use the arm.

He also bore on his person the sears of other flesh wounds; but they caused no

disability.

The adidavit of Hon. S. S. Yoder, the soldier's brother, recently filed, is here-

attitude the order to the control of the control of

Mr. BUCHANAN (during the reading of the report). Mr. Chairman, I ask unanimous consent that the further reading of that report be dispensed with. Enough has been read to show that this man's heirs are entitled to half a dozen pensions.

Mr. TRACEY. I would like to hear the report read in full, Mr.

The Clerk resumed and completed the reading of the report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## WILLIAM S. KELLINGTON.

Mr. BLISS (when his name was reached). I call up the bill (H. R. 8225) for the relief of William S. Kellington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of William S. Kellington, late of the Fifth Independent Battery New York Light Artillery.

The report (by Mr. CHIPMAN) was read, as follows:

Fifth Independent Battery New York Light Artillery.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8225) for the relief of William S. Kellington, have had the same under consideration, and beg leave to submit the following report:

Kellington enlisted in the Fifth Independent Battery, New York Light Artillery, September 20, 1861, and was discharged therefrom November 7, 1864, His claim for pension on account of blindness and partial deafness has been rejected by the Pension Bureau on the ground that there is no record of the alleged disabilities, and that the evidence presented by a special examination falls to show the origin or existence of alleged disabilities in service or at discharge.

The claimant alleges that deafness was caused by continuous firing at the battle of Fair Oaks, in 1862; that the first injury to eyes was received on the sixth day of the seven days' fight; that his eyes became again affected in battle at Fredericksburgh, and again from the bursting of his gun at Gettysburgh. He further swears that his eyes became worse in 1864, during his services in the Shenandoah Valley, and at discharge his eye-sight was much impaired; became totally blind in right eye about two years later, and has been totally blind since December, 1885.

From the report of the special examiner the committee find the following facts as to the origin of alleged disabilities: Charles B. Wessman, a comrade of good repute, testifies that claimant had some difficulty with his eyes at Fredericksburgh, Va. At the battle of Gettysburgh the gun on which claimant and affiant were stationed bursted, knocking claimant down, after which he always complained of his eyesight and hearing; also remembers that claimant was nearly blind for two or three days while in the Shenandoah Valley, and took care of him; knows that claimant was deaf at discharge.

Comrade John Adlington also testifies to the bursting of the gun at Gettysburgh, and claimant's company repo

The most searching investigation failed to disclose any evidence adverse to the claim, while special medical examination clearly showed that the disease of eyes and ears have no connection whatever with any disease probably due to vicious habits.

of eyes and ears have no connection whatever with any disease probably due to vicious habits.

The special examiner, in submitting his report to the Pension Bureau, says:

"I do not think the evidence showing total blindness as due to the service strong enough to warrant the admission of the claim, and it is too strong to reject it. If this case was one for damages against an individual and before a jury. I think the jury would disagree. If before a jury as a case against the Government, the jury would find for the plaintiff."

The claimant is shown by the evidence to have entered the service of the United States a sound and healthy man. The arm of the service in which he was employed affords ample opportunities for the incurrence of disabilities from which this unfortunate claimant now suffers. He served more than three years and was engaged in many of the hardest fights of the war. His eyesight and hearing is shown by uncontroverted testimony to have been injured in service and line of duty. He may not have taken sufficient precaution after discharge to prevent the serious results now shown. But, unaware of the threatening danger, he labored on to the best of his ability to support his wife and seven helpiess children, until finally the disease became incurable.

Your committee believe this to be a very meritorious case, and deplore the inability of the Pension Office to grant a pension under the general law upon what we deem to be almost conclusive evidence of the incurrence of the disability in the service and line of duty.

For these reasons the accompanying bill is returned, with the recommendation that it do pass; amended, however, by adding after the word "artillery," in line 7, the words "and pay him a pension at the rate of \$40 per month."

The amendment recommended by the committee was agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

# ELIZABETH PETERSON.

Mr. BOOTHMAN (when his name was reached). I call up for present consideration the bill (H. R. 10644) granting a pension to Elizabeth Peterson

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of lilizabeth Peterson, widow of Andrew Peterson, alias Peters, deceased, late of Company F, Sixty-fourth Ohio Volunteers.

The report (by Mr. YODER) was read, as follows:

The report (by Mr. Yoder) was read, as follows:

The beneficiary named in this bill is the widow of Andrew Peterson, alias Peters, late a private in Company F, Sixty-fourth Regiment Ohio Volunteers. The husband died February 6, 1878. Prior to his death he drew a small pension on account of gunshot wound.

The Adjutant-General's records regarding the service of this soldier show that he received a gunshot wound through the breast at the battle of Stone River, December 31, 1862, from the effects of which he was in hospital some four months, when he returned to duty; that at the battle of Rocky Face Ridge, May 9, 1864, he again received another wound, which sent him to the hospital during the remainder of his service; that he was discharged October 26, 1864, having served three full years.

The evidence further shows that he was married to the claimant October 11, 1868, and as a result of the union one child was born October 6, 1869. The widow's claim for pension has been rejected on the ground that the death of the soldier was caused by congestive chills, not the result nor caused by the gunshot wound for which he was pensioned. This conclusion is based upon the opinion of the medical board of the Pension Office. The evidence on file relating to the cause of death is in substance as follows:

Dr. Z. Dresbach says that he was the family physician of Peterson and treated him for three years next prior to his death, and during his last illness; that he

found him at this time "sick with congestion of the lungs, which was caused by a gunshot wound in his right lung, which caused inflammation of the lung, the immediate cause of his death, from which he died in about five or six days; "that "during all the time" he treated him he complained of this wound. He further swears that he is "firmly of the opinion" that the soldier never recovered from the wound in the breast, and that it caused his death.

The doctor has given three affidavits in the case and all substantially to the above effect. He is supported in this view by a number of the soldier's neighbors, whose veracity is certified to be good by the postmaster of Spencerville, Ohio, where they reside, and who substantially say that the soldier never was able after his return from the Army to do a full day's work; that he continually complained of the wound in the breast hurting him, and that it caused his death.

It seems apparent to the compatitor from the culture that it caused his

death.

It seems apparent to the committee from the evidence that, whatever may be the "book theory" of the cause of death in this case, the fact of the existence of the wound; the soldier's complaint about it while living; the further fact that the soldier died from a disease of the lungs injured by the wound; that he died in middle age; that those who were present at his death and knew him say this wound caused his death; that the attending physician has no doubt upon the subject, and attributes the death to the wound—all these facts lead the committee to give the widow the benefit of the doubt, if any there be, and we therefore report the bill favorably.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN FAGAN.

Mr. BOUND (when his name was reached). I call up the bill (S. 781) granting a pension to John Fagan.

The bill was read, as follows.

Be it enacted, etc., That the Seretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Fagan, late of Company H, Seventh Regiment Pennsylvania Reserves.

The report (by Mr. LYNCH) was read, as follows:

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 781) granting a pension to John Fagan, have had the same under consideration, and respectfully report as follows:

That the claimant was a private in Company H, Seventh Regiment Pennsylvania Volunteers. He enlisted August 25, 1862, and was discharged July 7, 1865, serving nearly three years. The application for pension is based upon disability arising from dropsy of the kidneys, and resultant weakness of the back an 1 spine. The evidence shows that the soldier was engaged in the battles of South Mountain and Antietam, and that during the march from Sharpsburgh, Md., to Fredericksburgh, Va., after said battles, he was attacked by dropsy of the kidneys; was sent to the hospital, where he remained some time, when, upon partial recovery, he was transferred to the Invalid Corps, in which he remained, doing hospital duty until he was finally discharged.

The personal friends and near neighbors of the claimant testify, to the number of eight, that he was a person of good health and sound physical condition during the time before the war up to the period of his enlistment, and that since the close of the war he has been much broken in health, weak in the back, not fit for manual labor, frequently under treatment, often in bed, disabled much of the time. The fact that he had "rheumatism and a rheumatic diathesis" many years before the war does not, we think, go to show that he was not injured and disabled by his military service. The examining surgeons certify that he is not now suffering from any disease of the kidneys; but this is nothing against the fact that he is laboring at this time under weakness of the back and spine, and is laboring under disability permanently rendering him unable to perform ordinary labor.

He became an invalid in the service, was treated as such therein, remained an invalid, served as such, and was discharged as such, and is yet an invalid.

The passage of the bill is recomm

The bill was laid aside to be reported to the House with the recommendation that it do pass.

# MARGARET A. HILLARD.

Mr. BOUTELLE (when his name was reached). I call up the bill (S. 2993) granting a pension to Margaret A. Hillard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is bereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hillard, widow of Frank S. Hillard, late a lieutenant in the Seventh United States Colored Troops.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2993) granting a pension to Margaret A. Hillard, having examined the same, report as follows:

as follows:

The report of the Senate Committee on Pensions shows that Margaret A. Hillard is the widow of Frank S. Hillard, who was a lieutenant in the Seventh United States Colored Troops. He applied for pension in consequence of kidney disease, but the claim was rejected on the ground that its incurrence in the service was not fully proved. In the Forty-eighth Congress he was pensioned by special act, and the report of the committee is herewith appended for information, and to show how strong the claim was:

"[Senate Report No. 1520, Fiftieth Congress, first session.]

"The claimant, Frank S. Hillard, was enlisted as a private in Company F, Fifth Regiment Massachusetts Militia Volunteers, July 16, 1864, for one hundred days, and mustered out November 16, 1864. He re-enlisted, and was mustered in as a second lieutenant of the Seventh Regiment of United States Colored Troops June 15, 1865, and discharged October 16, 1866, at Indianola, Tex., with his company.

"The claimant filed his application for a pension August 7, 1879, alleging that
"The claimant filed his application for a pension August 7, 1879, alleging that
at Indianola. Tex., in the spring and summer of 1866, he contracted disease of

at Indianola, Tex., in the spring and summer of 1866, he contracted disease of the kidneys.

"The claim was rejected by the Pension Office 'because the records of the War Department fail to show the existence of alleged disabilities in the service,' and the origin in the service is not proved.

"The testimony shows the claimant to have been sound and healthy when he entered the service the second time, in 1885. There is no record of any treatment while in the service, but claimant swears he was treated several times for attacks of sickness by the assistant surgeon who was with the regiment. Lieut. J. N. Danforth swears that the claimant had quite a severe attack of sickness, contracted in the service and line of duty, after which he did not regain his former health and strength, and that he had during such service other attacks. The claimant and Lieutenant Danforth both swear that the situation of the camp at Indianola was a very unhealthy one, built on a shell reef but a few feet above high water; that they depended on rain-water and that drawn from shallow wells sunk in the sand and shell formation for their water for drinking and other

purposes. This water, found at the depth of 2 feet or more from the surface, rose and fell with the tide, and was o strongly impregnated with lime and other substances as to be totally unfit for use.

"This is substantially all the evidence as to origin in the service, as the assistant surgeon is dead and his testimony can not be procured; the surgeon was absent on detached service, and claimant was during a great part of the time mentioned in command of the company. The captain was a Swede, and has since returned to his native country. Second Lieutenant Danforth is since dead, and his wife states that all his papers have been destroyed, to which his affidavit refers for data of above facts.

"As to the evidence of disability since discharge, the claimant swears that soon after his discharge he had several attacks of the same sickness, and a little later he began to pass blood in his urine, and has never since been free from it Lieutenant Danforth testified, in 1822, that he was cognizant of the fact that soon after claimant's disconarge he was totally disabled and incapacitated for performing manual labor, and has been in that condition the greater portion of the time since; that he saw claimant at 'frequent intervals after his discharge, and knew of his disability from personal observation.

"A.J. Phipps, general agent of the Massachusetts board of education, was a neighbor of claimant, and testifies that in 1867, when he became acquainted with him and for some time subsequent, he was afflicted with disease of the kidneys, and this disease continued cither totally or in a great measure till he left for California, in 1875 or 1876.

"The evidence of physicians who treated him, and others, shows that the disease has become chronic and that he is permanently disabled. The examining surgeon rates him as total, second grade, or 324 per month.

"The examiner in the Pension Office, upon the above evidence, made the following indorsement:

"The examiner in the Pension Office, upon the above evidence, made the following indorsement:

"From my examination of all the evidence submitted in this case, I am of the opinion that the claim should be admitted for disease of kidneys, if it is found upon special examination that said disease was contracted in the service and line of duty."

"A special examiner in California thereupon visited the claimant at his residence in Los Angeles, examined him, and several physicians, and closed his report by saving:

"From the testimony in the case, I believe this to be a meritorious claim, but recommend examination in Boston, Mass., as to treatment since discharge."

charge.'
"Thereupon a special examiner in Boston, Mass., examined a number of wit-

"Thereupon a special examiner in Boston, Mass., examined a number of witness. He states:

"'As to origin or treatment in service, I have been unable to obtain any trace of officers or comrades, as the Seventh United States Colored Troops was recruited in Texas, and officered by representatives of all parts of the country.'

"He also found that Dr. Morrill, who treated claimant first after his discharge, was dead, and his professional records had been destroyed. The father of the claimant testified he began to complain of his trouble very soon after return from the service, and long before he consulted a physician. A brother testified.

turn from the service, and long before he consulted a physician. A brother testified:

"My brother's sickness developed itself very soon after his return from the army, and he has been sick ever since; he did not seem to know what it was, and did improve under treatment."

"Upon the recommendation of this examiner the case was rejected.

"Your committee are of opinion that in view of the death of the surgeon and other officers the origin of this disease has been fairly established, and taking into consideration the unhealthy character of the water the troops were compelled to use for more than a year, the insiduous nature of this disease, its rapid development and persistent intractability to treatment by some of the best physicians of the country, they are not disposed to insist upon any technical doubt as to the period of origin as against this claimant. He appears to have been a good soldier; he was a healthy man when he entered the service, and the fact is he has hardly seen a well day since he left it; he has submitted to several dangerous and painful operations, and is now unable to work, dragging out a miserable existence in a distant State."

When soldier died he was drawing a pension at the rate of \$30 per month for

When soldier died he was drawing a pension at the rate of \$30 per month for "disease of the kidneys, resulting in incapacity for performing manual labor." Considering the fact that this case might properly have been allowed in the Pension Office, and that soldier unquestionably died of the diseases for which he was pensioned, your committee are of opinion that the widow should be granted a pension, and therefore report the bill back favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## MARY CALVERT TRUXTUN.

Mr. BOWDEN (when his name was reached). I call up the bill (S. 2275) granting a pension to Mary Calvert Truxtun.

The CHAIRMAN. The Chair is advised that this bill has been already considered in Committee of the Whole, and it is now in the House. Mr. BOWDEN. Then I will call up the House bill.
Mr. MATSON. I move that the committee rise for the purpose of

Mr. MATSON. I move that the committee rise for the purpose of considering that bill at this time, in order that the gentleman from Virginia may not lose his turn.

Mr. COOPER. Why not consider the bill along with the rest that will be reported from the Committee of the Whole this evening?

Mr. MATSON. The gentleman from Virginia [Mr. BOWDEN] wishes to have his bill considered. It has been once reported—
Mr. COOPER. But consider and pass it with the rest of the bills

this evening after the committee rises

Mr. MATSON. Very well; I am satisfied with that if it is understood that the gentleman from Virginia shall not lose his turn. The CHAIRMAN. The bill can be called up then only by unani-

Mr. BOWDEN. I do not want to lose my turn, Mr. Chairman. Mr. WISE. Mr. Chairman, I want to know whether it is distinctly understood, by unanimous consent, that when we go into the House

this bill shall be considered?

The CHAIRMAN. That can only be an understanding, because the committee can not bind the House. There may be, however, an informal understanding, such as the gentleman suggests.

Mr. WISE. But the committee is the House; that is, the same men

compose the committee and the House. The CHAIRMAN. Of course an informal understanding such as the gentleman proposes can be had, but no order can be made in committee to bind the House, and the committee can not make any order with respect to this bill because it is not before the committee.

Mr. BOWDEN. If it is understood that the bill will be considered in the House I shall be satisfied.

Several MEMBERS. Regular order.

Mr. WEAVER (when the name of Mr. BRECKINRIDGE, of Arkansas, was reached). Mr. Chairman, I ask unanimous consent that the name of Mr. BRECKINRIDGE, of Arkansas, be passed over with the right on his part to call up a bill hereafter.

A MEMBER. Not this evening.

Mr. WEAVER. Yes, this evening.
Mr. ATKINSON. I object, as the gentleman from Arkansas is not here.

He has been present this evening.

Mr. ATKINSON. I did not know that. I withdraw the objection. The CHAIRMAN. Is there further objection to the request of the gentleman from Iowa?

There was no objection.

#### ANN E. COONEY.

Mr. BREWER (when his name was reached). I call up the bill (S. 1822) granting a pension to Ann E. Cooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Cooney, a volunteer army nurse during the late rebellion, and pay her, during life, a pension of \$25 per mouth, from and after the passage of this act, in lieu of the pension now received by her.

The report (by Mr. CHIPMAN) was read, as follows:

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1822) granting a pension to Ann E. Cooney, submit the following report:

The Senate report on this bill is as follows, namely:

"Ann E. Cooney, who was a prominent and efficient army nurse during the war, was pensioned at last Congress at \$20 per month. The reduction of \$5 per month from the usual rate was due in her case to the impression that she had been in receipt of regular pay during the term of her service. From information laid before the committee this is shown to be an error. She received no compensation up to October, 1864, except \$24, which she was obliged to accept as payment for two months' service at Wilmington, N. C., in order to provide herself with funds to pay transportation to Washington, D. C., where she went at that date to take service under Mi-s Dix.

"In point of intelligent and devoted work in hospital and camp the claimant stands on an equality with the most distinguished of the women of the war, and the discrimination against her shown in the reduction referred to is unwarranted and unjust."

We are informed that the claimant is aged and poor, and that she incurred disabilities in the service and as a direct result thereof, from which she still suffers and will permanently suffer.

This committee has always made a distinction between persons who served as nurses without and those who served with pay, especially where, as in this case, the service was long in duration.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## WILLIAM A. TAYLOR.

Mr. BROWER (when his name was reached). I call up the bill (H. R. 9159) granting a pension to William A. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William A. Taylor, late of Company M, Sixth Regiment Kentucky Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The report (by Mr. Hunter) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9159) granting a pension to W. A. Taylor, have considered the same and report:
That William A. Taylor entered the United States service August 19, 1862, as a private in Company M. Sixth Kentucky Volunteer Cavalry, and served until May 29, 1865, when he was honorably discharged. That claimant filed his claim for pension January 9, 1830, claiming disability on account of dislocation of shoulder received while in line of duty near Brentwood, Tenn., on or about April 1, 1863, and the same was rejected because he could not prove time, place, and circumstances of said dislocation and line of duty by officers or comrades and treatment for same.

Claimant shows by his own sworn statement that he with some sixteen other soldiers, not of his company or regiment and strangers to him except Lieut. George Richardson, were ordered on picket duty near Brentwood, Tenn., that they were fired upon and pursued the enemy. That in the pursuit his horse fell, threw him, and dislocated his left shoulder, from effects of which he has never recovered. That he was treated by Dr. Keeler, surgeon of the regiment, at Brentwood, but he is dead. That he does not know the post-office address of Lieutenant Richardson, if alive; has advertised for and used all possible means to find him, and the Pension Bureau has been asked to give his address, but he can not be found, so that he is unable to produce the evidence of any one who was present when he received his injury. That the records that would show his treatment were captured and destroyed at the battle of Chickamauga, and the records of the War Department fail by reason thereof to show his treatment for said injury.

But claimant shows by the testimony of John S. Perkins, of same reciment.

But claimant shows by the testimony of John S. Perkins, of same regiment, that he was sound when he entered the service; knows claimant left camp at Brentwood about April, 1863, sound and well, to go on a scout, and when he returned he had his arm in a sling, and learned from his comrades how it hap-

pened.

W. R. Wilson, of Glasgow, Ky., swears that claimant was sound when he left camp, and that he came back with his arm in a sing.

John W. Wilkerson and John W. Burch swear they were well acquainted with claimant since 1865, and that he has complained of his shoulder and is dis-

Drs. Gunshel and Biakely swear they have examined claimant, and that his shoulder has been dislocated, is deformed and is subject to dislocation, and rating him unfit for full manual labor.

Your committee has not given the exact language of the witness, but the sub-

Your committee has not given the exact anguage.

Examining Surgeon W. T. Watkins states that he examined claimant and found "evidence of injury to left shoulder; physical signs are fracture of distal end of the clavicle, enlargement and stiffness of the shoulder-joint." Claimant can not place the hand upon the top of the head without violent pain. The injury has resulted in partial loss of the use of left shoulder. Where the fracture occurred there is a piece of the bone over the shoulder-joint that has formed a prominence that is very painful to the touch.

From all of which your committee feel constrained to believe claimant received the disability, as claimed, in the service and in the line of duty, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ANNIE KRUMPHOLZ.

Mr. BROWN, of Ohio (when his name was reached). I call up the bill (H. R. 3737) granting a pension to Annie Krumholz. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Annie Krumholz, wido wo of Herman Krumholz, late a private in Company F, Fifteenth Regiment Kentucky Volunteers, subject to the provisions and limitations of pension laws

The report (by Mr. YODER) was read, as follows:

The report (by Mr. Yoder) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2737) granting a pension to Anna Krumpholz, submit the following report:

Anna Krumpholz is the widow of Herman Krumpholz, who enlisted as a private on October 12, 1861, in Company I, Fifteenth Regiment of Kentucky Volunteers, and served in said command until December 15, 1862, when he was discharged on surgeon's certificate that he had heart disease and enlargement of heart, which entirely incapacitated him for the performance of duly.

Dr. D. Bramble, of Cincinnati, testifies that he commenced to treat him during the same month in which he was discharged and continued to treat him during the same month in which he was discharged and continued to treat him until December, 1874, when he was sent to the Military Home at Dayton, Ohio, and that during all his term of treatment he had hemiplegia or partial paralysis.

Dr. Weaver, of Soldiers' Military Home, certifies that he died at the Military Home on July 27, 1876, of paralysis.

This claim was rejected by the Commissioner of Pensions because, as alleged, he did not contract the fatal illness, paralysis, in the service.

Your committee are convinced from the testimony that paralysis was the result of the service, and that the Commissioner erred in rejecting same, and therefore recommend that the bill do pass, with an amendment correcting the spelling of claimant's name in both the title and body of the bill so as to read, "Anna Krumpholz."

The amendments recommended by the committee were agreed to. The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

### FRANK M. MARTIN.

Mr. JOHN R. BROWN. I call up the bill (H. R. 9113) granting a pension to Frank M. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Frank M. Martin, late of Company H, Sixth Regiment Kentucky Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The claimant was a private soldier in Company H, Sixth Regiment of Kentucky Volunteer Cavalry, in the late war of the rebellion, and served therein from the 1st day of August, 1862, until July 14, 1865, when he was honorably dis-

from the 1st day of August, 1862, until July 14, 1865, when he was honorably discharged.

In August, 1875, he filed his claim before the Pension Bureau for pension for disease of lungs, which he declared had followed and resulted from an attack of typhoid pneumonia, which he contracted in the summer of 1863 while in the line of duty.

The claim was rejected on October 3, 1885, by the Pension Bureau on the ground that there is no record of said disease at the War Department, and claimant was unable to furnish any medical evidence of treatment in service or prior to the year 1878, and the other testimony in the case does not show a well-defined lung disease at date of discharge.

Upon a careful examination of the papers in the case, together with the testimony procured by a special examiner of the Pension Office, your committee are of the opinion that the claimant is affected by a disease of lungs which is clearly chargeable to his three years of military service.

Your committee will briefly refer to some of the testimony which leads them to this conclusion:

Special Examiner Thomas J. Brown, who spent some time among the witnesses in claimant's neighborhood and cross-examined them, states in his report:

"I believe the claim to have merit, and respectfully recommend its admission."

The claimant in his statement before the special examiner testifies that at the time he contracted the fever which resulted in disease of lungs, he was treated in regimental hospital and subsequently for the disease in field hospital at Calhoun, Ga. The records of both said hospitals are not preserved, and hence claimant is deprived of the most usual and valuable source of proof of his discase during service.

claimant is deprived of the most usual and valuable source of proof of his disease during service.

Lieut. Frank M. Vowels, an officer in claimant's company, testifies before Special Examiner Brown that he remembers distinctly that about August, 1864, while in camp at Calhoun, Ga., claimant contracted disease of lungs, and was treated by the regimental surgeons (now deceased). He states:

"I saw him when he was sick. He was taken at the start with a severe cold and coughing, and was reported sick by the orderly sergeant, and sent to sick-call three or four times. He was then sent to a temporary hospital at a vacant house in Calhoun, Ga. \* \* After leaving the hospital he had a cough, and never afterwards appeared to be stout. I noticed claimant having this cough, heard him coughing of nights, and complaining of his lungs the remainder of the service."

the service."

Lieutenant Vowels is reported to be of good reputation for credibility and

Thomas Craven, a comrade of good reputation, also testifies to claimant's sickness in service, and states as follows:

"He was taken off sick to the hospital. He was complaining of being in a bad fix, coughing, before he was taken away. When he came back from the hospital he complained of not being able to do anything for a long time. I could not say where his trouble was located, only he had a powerful cough,"

James Cross, a witness of good reputation, who testifies before Special Examiner Brown, states:

"He has been complaining of his breast and side ever since he came home from the war. The side he complained of was his left side. \* \* \* I saw him the day he got back from the Army, and he was complaining of these troubles then. Always when I would meet with him since his discharge he would complain and seem to be in the same trouble. \* \* \* The first two years after claimant came home from the Army he worked for me at carpentering and was disabled by his breast or lung trouble about one-half during that time, frequently having to stop his work. \* \* \* He has had a cough in bad weather pretty much since discharge."

An abundance of other evidence corroborates the above testimony, the comrades and neighbors testifying to the broken condition of his health during the last year of his service and since his return home. There is medical evidence of treatment in 1877 and since, and the doctor who treated claimant before that is dead.

is dead.

Examinations made of claimant's physical condition by three examining surgeons in 1880, 1881, and 1883 find disease of lungs existing and rate the disability at one-half of total, or \$4 per month.

In view of the facts in the case, your committee return the bill to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### GEORGE HUNTER.

Mr. BUCHANAN. I ask the consideration of the bill (H. R. 12510) granting a pension to George Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the general pension laws, the name of George Hunter, late captain Company A, Dayton Volunteers, of Washington Territory, who was severely wounded in the shoulder and neck in a battle with the Indians in the war with the Nez Percés, and to pay him a pension from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12510) granting a pension to George Hunter, have considered the same, and report:

This case comes to the committee with the recommendation that a special act of Congress be passed in favor of the claimant, as indicated by the following letter of the honorable Commissioner of Pensions, transmitted through the honorable Secretary of the Interior:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS, "Washington, D. C., February 1, 1889.

"Sie: Pursuant to the provisions of the resolution of May 29, 1830, which directs that a several list's shall be furnished to the Senate and House of Representatives of such persons as shall have made application for a pension, and as, in the opinion of the Department charged with the execution of the pension laws, 'ought to be placed upon the pension-roll,' and 'for doing which they have no sufficient power or authority,' I have the honor to transmit, for submission to Congress if thought proper, the claim of George Hunter, captain of Company A, Columbia County (Washington Territory) Volunteers, in the war against the Nez Percé Indians in 1877, who appears by evidence in the case to have been wounded in the shoulder and neck in such service.

"This is a claim of great merit, which this bureau has been obliged to reject in compliance with the provisions of the third paragraph of section 4693, Revised Statutes of the United States, the officer not having been enlisted or mustered into the service of the United States, and the act of March 3, 1881, 'for the relief of citizens of Montana,' not having made any provision for citizens of Washington Territory.

"Yery respectful,"

"JOHN C. BLACK, Commissioner.

"JOHN C. BLACK, Commissioner.

"Hon. WILLIAM F. VILAS, "Secretary of the Interior."

It thus appears (and also by the records and evidence in the case) that this claimant, a soldier in the Nez Percé Indian war of 1877, is deprived of his pension for wounds received in such service, under the act of March 3, 1881, because said act by its title restricts its application to citizens of Montana, while this soldier enlisted from Washington Territory and is a citizen thereof.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## ELIZABETH L. SNELL.

Mr. BUTLER. I call up the bill (H. R. 12482) to increase the pension of Elizabeth L. Snell.

The bill was read, as follows:

Be il enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. Elizabeth L. Snell, dependent mother of the late Alfred T. Snell, a commander in the Navy, to \$40 per month, instead of \$25 per month, the amount which she is now receiving.

The report (by Mr. BUTLER) was read, as follows:

The report (by Mr. BUTLEB) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12482) granting an increase of pension to Elizabeth L. Snell, have considered the same, and report as follows:

Alfred T. Snell, the son of the claimant, was appointed a midshipman at the Naval Academy September 26, 1857. He was promoted to ensign June 1, 1861; promoted to lieutenant July 16, 1862; promoted to lieutenant-commander July 25, 1865; promoted to commander September 19, 1874. He died September 8, 1876, at San Francisco, Cal. He left neither widow nor children.

His widowed mother applied for pension, which was granted her at the rate of \$25 per month, it being decided by the Pension Bureau that the fatal disease, apoplexy, had its commencement in malaria, which was contracted while the sailor, then a lieutenant, was serving in Panama, in 1864. Application made to the Pension Bureau for a rerating of her pension from the date of the officer's death, in 1876, at \$30 per month, has been rejected. The latter rating would have been allowed under the general law had the fatal disease been held to have originated subsequent to July 25, 1866, when the officer was promoted to lieutenant-commander. There are facts in the case which give an equity to the claim that the rating should have been placed at \$30 per month under the general law.

the earth that he rating should have been placed at 500 per month under the general law.

The sailor was in almost continuous service up to his death. In 1863 and 1864 he had a protracted attack of malaria and its sequences at Panama, and was sent to the United States as a means for his recovery. In October, 1864, while serving on the Glencoe, he was sick for fifteen days with pleuritis. The records

show that he was again sick in September and October, 1870, with malaria, which the record states was incurred while attending to his duties as executive officer, and the sickness was of short duration. In April and September, 1872, he again had attacks or malarial illness, and in March, 1874, an attack of catarrh and soreness of the throat.

The death certificate, signed by Surgeon Ward, attributes the inception of the fatal disease to the climatic exposure in Panama.

The records do not show that the officer had any sickness of any kind from 1864 to 1870, and in July, 1866, when he was promoted to lieutenant-commander, he was medically examined and pronounced sound. Surgeon Ward, who signed the death certificate, seems to have had no extended previous acquaintance with the officer. The facts would thus seem to point to the conclusion that Surgeon Ward was incorrect in attributing the death cause to the attack of malaria in 1864, there being nothing to show that the deceased officer was ill at any time from 1864 to 1870.

The bill before the committee is for an increase of pension to \$40 per month, and in the statement accompanying the bill the injustice of the present rating of \$25, instead of a rating of the rank of commander (\$30), is urged as a reason for the increase. Moreover, the claimant is seventy years old, wholly without means, with no child or other relative to look to for support, and she is in frail and delicate health.

Congress has established precedents in several cases by granting an increase of pension to \$50 per month to the widows of commanders, the rank held by this claimant's son at the time of his death.

The passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

### WIDOW OF MAJOR FARR.

Mr. MORRILL (when Mr. BUTTERWORTH's name was called). The gentleman from Ohio [Mr. BUTTERWORTH] is unavoidably absent to-night; it was impossible for him to be here. He is very much interested in the case of the widow of Major Farr, an ex-member of Congress—I think he was a member of the Forty-seventh Congress. This bill proposes simply to increase the pension of this widow from \$17 a month to \$25. Major Farr, when he contracted the disability from which he died, was a lieutenant, but was mustered out as a major; and the bill proposes to give this lady the pension of a major's widow. I hope there will be no objection to permitting me to call up the bill and have it passed. The bill is lying on the Speaker's table. The re-

mr. COGSWELL. I object.

Mr. COGSWELL. I do not want to be factions about this matter—
Mr. COGSWELL. Well, I do not want to lose my chance.

Mr. MORRILL. This will only take a moment. It is for the benefit of the widow of an ex-member of Congress.

Mr. CARUTH. Regular order.
The CHAIRMAN. Objection being made to the request of the gentleman from Kansas [Mr. Morrill], the Clerk will call the next

# CATHERINE HAYS.

Mr. CAMPBELL, of Ohio. I ask the consideration of the bill (H. R. 5398) granting a pension to Catherine Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to put on the pension-roll the name of Catherine Hays, widow of Stephen Hays, late first lieutenant in Company G, Sixty-first Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The report (by Mr. YODER) was read, as follows:

Stephen Hays was first lieutenant of Company G, Sixty-first Ohio Infantry Volunteers. He applied in July, 1855, for a pension, owing to a sunstroke occurring in July, 1862, and rheumatism contracted in December, 1862. He resigned February 3, 1863, upon a medical certificate, dated January 29, 1863, showing the foregoing facts. While his claim was pending—on July 15, 1886—he died. His widow, Catherine Hays, applied for pension, but the Commissioner of Pensions did not consider that the death of Stephen Hays was sufficiently proven to have been the direct effect of disability incurred in the military service aforesaid.

The testimony shows that Hays

ice aforesaid.

The testimony shows that Hays, owing to his mind becoming affected by the sunstroke, acted very queerly before his death, and even before he applied for pension, and that he constantly complained of his head paining him, and talked so incoherently and insanely as to attract the attention of all persons who came in contact with him.

These facts are fully and conclusively set out in the testimony of his physician, Dr. John A. Ambrose: his priest, Rev. H. J. McDermott, and his neighbors, Daniel Demas, Thomas L. Conroy, Daniel Snyder, and others, all persons of the best reputation for veracity. The Rev. Dr. McDevitt testifies as follows, his statement being corroborated by all the others, to wit:

I live corner of Ludlow and Fifth, and am pastor of the Sacred Heart

"I live corner of Ludiow and Finil, and am passes.

Church.

"The deceased was a member of my church. I have known him about three years. I always thought him strange, but I could not say that he was not in his right mind. About two years and a half ago I took him home in my buggy, and then noticed he acted strangely. About six weeks ago I was called to his house by his daughter Mary. I went and found him complaining of pains in his head. His actions were so queer that I thought him deranged. I spoke of it to his mother and children. Frequently afterwards I asked about him.

"I have no doubt he was deranged. I met him two or three weeks ago, and talked with him only a few moments, and did not have any conversation with him.

On the evening of July 14, 1886, he acted more strangely than ever, and performed various crazy antics. At 3 o'clock the next morning he arose without the knowledge of his family or the inmates of the house, and left in a nearly nude condition. His body was found in mill-race about noon the same day, and the coroner's verdict, rendered in conformity to the testimony, showed that he drowned himself while in an insane condition.

Your committee have no doubt that he was insane from the effects of the sunstroke, for which he had been discharged from the Army, and that his death was the direct result thereof.

Your committee therefore recommend the passage of the bill, so amended as to read "subject to the rules and limitations of the pension laws."

The amendment recommended by the committee in the concluding paragraph of the report was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

#### W. W. WILSON.

Mr. CAINE. I call up the bill (H. R. 8429) granting a pension to W. W. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. W. Wilson, late in Company H. Eighteenth Regiment Missouri Volunteers, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The report (by Mr. WALKEB) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8429) granting a pension to W. W. Wilson, have had the same under consideration, and beg leave to submit the following report:

William W. Wilson was drafted at Chillicothe, Mo., December 20, 1864, and assigned to Company H, Eighteenth Regiment Missouri Volunteers, in which command he served until mustered out, July 18, 1865. He alleges that while on the march from Savannah, Ga., to Goldsborough, N. C., in February, 1865, he incurred variocele of right side from straining himself in litting army wagons out of the mud. The claim has been rejected by the Pension Bureau on the ground that the evidence does not satisfactorily connect the disability with the service.

Comrade Joseph Gross, sergeant of claimant!

comrade Joseph Gross, sergeant of claimant's company, who is reported by the special examiner as of excellent reputation, testifies that while on the march aforesaid Wilson, after helping to lift wagons out of the mud, complained to afflant of being hurt. Afflant did not at the time understand the nature of the injury, but remembers distinctly that he was excused from duty by the surgeon, Dr. Randolph, now deceased. Claimant was allowed to march at leisure, but finally gave out and was left behind. Lieut, John J. Abrigg, also of good repute, testifies that claimant was train-guard on said march, and was injured in side or hip from lifting at wagons which were mired in the mud. Afflant's information was obtained from claimant at the time of the injury.

The records of the War Department show treatment in hospital from April 25 to July, 1865, but principally for rheumatism.

There is ample testimony of the existence of the disability, which by the examining surgeons is described as hydrocele complicated with hernia since discharge.

amining surgeons is described as a flavore charge.

The special examiner recommends the allowance of the claim. It is true that the proof in the case is not conclusive, but the fact that claimant was drafted, and that at discharge he was suffering from a disability which has ever since greatly disabled him for the performance of manual labor, together with the evidence of an injury heretofore referred to, would seem to warrant your committee in solving all doubts in the case in favor of the claimant.

The bill is therefore returned, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

### ANNA J. WEAVER.

Mr. CANDLER. I ask the consideration of the bill (H. R. 8100) granting a pension to Annie J. Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject (except as to age of said Anna J. Weaver) to the provisions and limitations of the pension laws, the name of Annie J. Weaver, daughter Julius G. Weaver, late of Company K, One hundred and fifty-first Regiment of New York Infantry Volunteers.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8100) granting a pension to Anna J. Weaver, respectfully report: Anna J. Weaver is the imbecile daughter of Julius G. Weaver, who was a private in Company K, One hundred and fifty-first Regiment New York Volunteers. She was pensioned under the general laws as the minor daughter of the soldier until June 10, 1878, when she became sixteen years of age, and such pension

consequently ceased.

Her mental and physical condition is testified to in affidavits filed with the petition of her mother to the present Congress, of which the affidavit of Dr. J. A. Carson, of Maquoketa, Iowa, is fairly illustrative.

Dr. Carson testilies that he has known said Anna for the last six years, and has treated her from time to time for such troubles as she complained of. He

"Know she is physically and mentally incapacitated for earning her own livelihood. Her mental condition is such she has to be taken care of like an infant child, and is a great charge to her mother; can not be left alone at any time; and it is my unqualified opinion that during my acquaintance with her she has been physically and mentally weak all of her life."

Your committee, following the line of precedent in a number of similar cases, report the bill with the recommendation that it be amended by striking out all after the word "pension-roll," in line 4, and inserting in place thereof the follow-

after the word "pension-roll," in line 4, and inserting in place dielectric force ing:

"The name of Anna J. Weaver, imbecile daughter of Julius G. Weaver, late private of Company K. One hundred and fifty-first Regiment New York Volunteers, and pay to her legally-constituted guardian, for her use and benefit, a pension at the rate of \$18 per month."

And that, as so amended, the bill pass, Also amend title of bill by striking out "Annie" and inserting in place thereof "Anna."

The amendments recommended by the committee in the concluding paragraphs of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## MRS. NANCY SMITH.

Mr. CARUTH. I call up the bill (S. 3634) granting a pension to Mrs. Nancy Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Nancy Smith, daughter of the late Maj. Charles Fuller, of the Fourth Infantry Regiment, United States Army, subject to the limitations and restrictions of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3634) granting a pension to Mrs. Nancy Smith, have examined the same, and adopt as their own the Senate report hereto attached:

"The Committee on Pensions, to whom was referred the bill granting a pension to Nancy Smith, have examined the same, and report:

"The claimant, Mrs. Nancy Smith, who now resides at No. 1220 West Jefferson street, Louisville, Ky., is the daughter of Maj. Charles Fuller, of the Fourth United States Infantry, and who was a gallant officer in the war of 1812 and of the Indian wars immediately preceding. He commenced making history for himself during the prevalence of the Indian troubles, and fought with General William H. Harrison through the battles of the Thames and Tippecanoe. He was captured and incarcerated in a Canadian prison hulk for over a year.

"Mrs. Smith is seventy-two years old, is in very feeble health, and is dependent upon her daily toil for her own and the partial support of an invalid brother, who was a soldier in the Mexican war.

"In consideration of these facts, your committee are of the opinion that the bounty of the Government should be extended to this old lady, and therefore recommend the passage of the bill with the following amendment:

Strike out all after the word "Army," in the seventh line, and insert the words "and pay her at the rate of \$12 per month."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### GERTRUDE NORTHROP.

Mr. CASWELL. I ask the consideration of the bill (H. R. 11707) granting an increase of pension to Gertrude Northrop. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gertrud's Northrop, minor child of Marshall A. Northrop, late a captain of Company G. Sixth Regiment of Wisconsin Volunteers, and pay her a pension at the rate of \$20 per month hereafter,

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11707) granting an increase of pension to Gertrude Northrop, submit the following re-

ranting an increase of pensions, to whom was referred the bill (H. R. 11707) granting an increase of pension to Gertrude Northrop, submit the following report:

It appears from the evidence presented to this committee that the father of Gertrude Northrop, the beneficiary named in this bill, was captain of Company G, in the Sixth Regiment of Wisconsin Volunteers. While in the service he contracted disease of the lungs and chronic diarrhea, with which he died on the 6th day of October, 1864.

He left surviving him a widow and four children. The widow died on the 81st day of July, 1872. The minor children received the pension of \$20 per month, to which the father would have been entitled had he survived, until the youngest, the beneficiary named in this bill, reached the age of sixteen, which was on the 18th day of September, 1878, at which time the pension ceased. She is now twenty-six years of age, and single. She is a confirmed invalid and without means of support, entirely dependent upon others for the necessaries of life. Her physician, Dr. H. R. Clark, testifies that he has prescribed for her six years—

"That she is badly deformed by spinal curvature. Is unable to care for herself or do anything except the lightest work, being unable to walk, except as she places one hand on her knee, and much of the time is confined to her bed from abscess in her hip, caused by necrosis of pelvic hip bones. She also has chronic diarrhea. For these reasons she is entirely dependent upon others for her care and support."

Dr. S. J. Dean testifies, October 12, 1888:

"She has necrosis of some of the bones of the pelvis and upper part of the femur. She is wholly unfit for labor of any kind and really ought to have some one help to care for her."

The object and intent of the pension laws, of a general nature, is to confer aid upon the children of the deceased soldier during that period in which they are unable to earn a living. The beneficiary named in this bill is twenty-six years of age, and not within the age mentioned in t

The amendments recommended by the committee in the concluding paragraph of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

## MARTHA RHODES.

Mr. BRECKINRIDGE, of Arkansas. I call up the bill (H. R. 12428) for the relief of Martha Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll the name of Martha Rhodes, mother of Joseph Rhodes, late a member of Company G, Second Iowa Infantry Volunteers, and who was killed in the line of duty at the battle of Fort Donelson, in the late war for the suppression of the rebellion; that the rate of said pension shall be \$12 per month from the date of the passage of this act.

The report (by Mr. SPOONER) was read, as follows:

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12428) for the relief of Martha Rhodes, have had the same under consideration, and beg leave to submit the following report:

The proposed beneficiary is the mother of Joseph Rhodes, who was killed in battle at Fort Donelson in February, 1862. Being possessed of some property and income at time of the son's death she had no title to pension and therefore never applied at the Pension Office.

Hon. J. B. Weaver, of the House of Representatives, who is personally cognizant of all the facts in the case, makes the following statement:

"Her son, Joseph Rhodes, was a corporal in Company G, Second Iowa Volunteers, and was killed in line of duty while storming Fort Donelson, Tennessee, with his company February, 1862. I saw him fall, and assisted in his burial after the battle. His parents are now aged, and, though they were not dependent at date of soldier's death, very poor. I personally know that Joseph frequently sent a part of his wages to his mother. The soldier left no family, never having married."

The case comes clearly within the well-established rule of the House to grant

The case comes clearly within the well-established rule of the House to grant

relief to the aged parents of soldiers who, although not strictly dependent at time of the son's death, are now dependent upon their own efforts for support. Your committee therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### JOHN MANN.

Mr. CHEADLE. I ask the consideration of the bill (H. R. 6763) granting a pension to John Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of John Mann, late private in Company D, First Regiment United States Infantry, and pay him a pension of \$8 a month, said Mann being in the military service of the United States during the period of the Mexican war.

The report (by Mr. BLISS) was read, as follows:

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6763) granting a pension to John Mann, have considered the same, and report as follows:

The claimant, John Mann, was a corporal in Company D. First United States Infantry, from November 18, 1841, to November 18, 1846. From the mmencement of the Mexican war until the date of his discharge he was stationed at Fort Snelling, Ind. T. His pension claim for a service pension under the act of January 29, 1887, granting pensions to the survivors of the Mexican war, was rejected on the ground that claimant was not in Mexico, on the frontier thereof, or en route thereto during the war with that nation.

At the first session of the present Congress this committee favorably reported a bill, amendatory of the Mexican pension act, and by which pension is recommended to be allowed to those soldiers who, though not in Mexico, were stationed at forts and elsewhere in lieu of soldiers who were sent to the seat of war.

war.

Under such an amendment this claimant would be entitled to pension.

Moreover, it appears in proof that this man, a non-commissioned officer, was detailed to remain at Fort Snelling to drill recruits who were subsequently sent to the seat of war.

Evidence before the committee shows that Mann is now over seventy years of age, in poor health, without property, and is supported along with his aged wife by two step-sons.

Your committee are of the opinion that a pension should be granted in this case, and hence report it back recommending its passage.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### MRS. HELEN SUTHERLAND.

Mr. CHIPMAN called up for consideration the bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to put on the pension-roll the name of Mrs. Helen Sutherland, dependent mother of Andrew Sutherland, late private Company H, First Regiment Michigan Light Artillery.

The report (by Mr. CHIPMAN) was read, as follows:

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland, submit the following report:

That the claimant was the widowed mother of Andrew Sutherland, private in Company H, First Regiment Michigan Artillery. He died in the service at Memphis, August 25, 1862. She is eighty-two years of age; applied for a pension, but was refused on the ground that she was not dependent on the soldier for support. While this decision was right, she is now in her extreme old age, without means and dependent upon others for support. We recommend the

passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

## ELIZABETH SHRAKE.

Mr. CLARK called up for consideration the bill (H. R. 4203) granting a pension to the widow of Adam Shrake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Elizabeth Shrake, widow of Adam Shrake, late a private in Company C, Forty-eighth Regiment of Wisconsin Infantry Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The report (by Mr. SAWYEE) was read, as follows:

The report (by Mr. SAWYEE) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 4203) granting a pension to Elizabeth Shrake, widow of Adam Shrake, deceased, late of Company C, Forty-eighth Regiment of Wisconsin Volunteer Infantry, have considered this case, and find the following facts from the evidence:

The husband, Adam Shrake, enlisted in Company C, Forty-eighth Regiment Wisconsin Infantry, and served with his regiment until discharged, March 24, 1866. In 1875 the soldier was pensioned for eczema at the rate of \$4 per month, to date from the day of his discharge. September 15, 1881, his pension was increased to \$8 per month. He died February 3, 1883.

The testimony establishes the fact that the soldier, who was a man of correct habits, was afflicted with the disease for which he was pensioned constantly, from its incurrence from overheating, followed by severe cold in the service, down to the time of his death; that this disease became so aggravated as to cover the whole of his body and render him totally unfit for manual labor. In seeking some relief from this violent eczema, or disease of the skin, through its partial and temporary suppression from time to time, the soldier was invariably thrown into a severe diarrhea exceedingly difficult to check. The continuance of the diarrhea always produced congestion of the liver, followed by severe inflammation of that organ.

Under these attacks the soldier was constantly reduced, and in one of them died, his physician assigning hepatitis, or inflammation of the liver, as the immediate cause of his death.

His widow applied for a pension, which was rejected, because in the opinion of the Pension Office the soldier's death was not directly caused by the eczema for which he was pensioned.

His physician all of the time since then but about three months. Know him to have been afflicted with chronic eczema all of the time since lepatitis, which he was afflicted with when he d

duced by the eczema, which was the fact in his case. I was present when he died and examined him after his death, and he was completely covered with

the skin disease."

Dr. T. H. Chambers, an old and highly-respected physician of Grant County, Wisconsin. where the soldier lived and died, testifies:

"I have known Adam Shrake for the past fifteen or twenty years, but was not his family physician. Prescribed once for him. a few years before his death, for chronic eczema; did not see him again until the 2sth of January, 1883, in consultation with Dr. O. P. Sala, when I found hepatitis existing in a marked degree, which I believe was the result of the chronic eczema. I have practiced medicine for the past thirty years, and the most of that time in Grant County, Wisconsin."

medicine for the past thirty years, and the most of that time in Grant County, Wisconsin."

Dr. Willis H. Glasier, an established physician of the same county, who treated the soldier for several weeks shortly before he died, testifies:

"I have been intimately acquainted, as a neighbor, with Adam Shrake since May, 1879, and know him to have been an invalid unable to do manual labor since then. I was his physician during the months of November and December, 1882, and know that he suffered with eczema the whole of that time. Also that if from any cause the eczema was suppressed diarrhea was the inevitable result. This diarrhea was very difficult to check, and as it continued congestion of the liver became connected with it and was caused by it.

"This congestion soon increased to inflammation, which was present to some extent when I examined him December 19, 1882. Though hepatitis might have been one of the immediate causes of death, the eczema was the primary cause of the whole illness and consequent decease of Adam Shrake."

Your committee think there is no reasonable doubt but that the soldier's death is directly traceable to the disease for which he was pensioned. We therefore recommend that the bill pensioning his widow do pass.

The bill was laid aside to be reported to the House with the recom-

The bill was laid aside to be reported to the House with the recommendation that it do pas

Mr. MATSON moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Anderson, of Illinois, having taken the chair as Speaker pro tempore, Mr. Dockery reported that the Committee of the Whole House on the Private Calendar had had under consideration the special order, and had directed him to report to the House sundry bills with various recommendations.

# HOUSE BILLS PASSED WITHOUT AMENDMENT.

Bills of the following titles, reported favorably, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5390) granting a pension to John Limeric;
A bill (H. R. 11184) for the relief of Jessie Isherwood;
A bill (H. R. 12540) to increase the pension of Theodore White;
A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder;
A bill (H. R. 10644) granting a pension to Elizabeth Peterson;
A bill (H. R. 9159) granting a pension to William A. Taylor;

A bill (H. R. 9159) granting a pension to William A. Taylor;
A bill (H. R. 9113) granting a pension to Frank M. Martin;
A bill (H. R. 12510) granting a pension to George Hunter;
A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell;
A bill (H. R. 8429) granting a pension to W. W. Wilson;
A bill (H. R. 12428) for the relief of Martha Rhodes;
A bill (H. R. 6763) granting a pension to John Mann;
A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland; and

A bill (H. R. 4203) granting a pension to the widow of Adam Shrake. HOUSE BILLS PASSED WITH AMENDMENTS.

Amendments reported to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the A bill (H. R. 12403) granting a pension to Bennett Cooper;
A bill (H. R. 12273) for the relief of Newton C. Ridenour;
A bill (H. R. 12491) granting a pension to Lucinda Mewman;
A bill (H. R. 8225) for the relief of William S. Kellington;

bill (H. R. 5398) granting a pension to Catherine Hays;

A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford (title amended to conform);

A bill (H. R. 2737) granting a pension to Annie Krumholz (title amended to conform)

A bill (H. R. 8100) granting a pension to Annie J. Weaver (title amended to conform); and

A bill (H. R. 11707) granting an increase of pension to Gertrude Northrop.

SENATE BILLS PASSED WITHOUT AMENDMENT.

Senate bills of the following titles reported favorably were severally ordered to a third reading; and they were accordingly read the third time, and passed:
A bill (S. 3540) granting a pension to Mary P. Myers;

A bill (S. 2314) granting a pension to John B. Covert; A bill (S. 2439) granting a pension to Charlotte T. Alderman;

A bill (S. 781) granting a pension to John Fagan;

A bill (S. 2993) granting a pension to Margaret A. Hillard; A bill (S. 1822) granting a pension to Ann E. Cooney; and A bill (S. 3634) granting a pension to Mrs. Nancy Smith. Mr. DOCKERY moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MARY CALVERT TRUXTUN.

Mr. WISE. I call up for consideration the bill (S. 2275) granting a pension to Mary Calvert Truxtun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Calvert Truxtun, widow of the late Commodore William T. Truxtun, of the United States Navy, and pay her a pension at the rate of \$50 per month; said pension to be in lieu of her present pension.

The report (by Mr. YODER) was read, as follows:

Your committee concur in Senate Report No. 1421, and adopt said report as their own, with recommendation that the bill do pass.

[Senate Report No. 1421, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2275) granting a pension to Mary Calvert Truxtun, have had the same under consideration, and

a pension to Mary Calvert Truxtun, have had the same under consideration, and report:

The object of this bill is to increase the pension of the claimant from \$30 to \$50 per month.

It appears from the papers in the case that Commodore W. T. Truxtun was entitled to the rank and pay of a rear-admiral from the 19th of February, 1886, (See Exhibit A. hereto attached.) It further appears from affidavit filed that Rear-Admiral Truxtun died leaving the claimant and five children, two girls and three boys, who are now living and entirely dependent for their support and education upon the claimant. The eldest is eleven years of age and the youngest between one and two years of age.

Dr. J. C. Byrnes, who has been the attending physician of the claimant for the last three years, testifies that—

"On account of nervous prostration she is physically disqualified for work of any kind whereby she could increase her income for the support of herself and children. The duration of her disease, which has existed for several years, is indefinite."

The committee would therefore report Senate bill 2275 favorably and recom-

mend that it do pass,

#### EXHIBIT A.

DEPARTMENT OF JUSTICE. Washington. May 4, 1886.

DEPARTMENT OF JUSTICE, Washington, May 4, 1886.

SIR: An opinion is asked by you upon the following case:
On the 18th of February, 1886, Rear-Admiral Earl English was, by virtue of section 1444 of the Revised Statutes, transferred from the active to the retired list of the Navy, and Commodore William T. Truxtun was nominated by the President to be a rear-admiral on the active-list of the Navy, to fill the vacancy caused by the retirement of Rear-Admiral English, after having been duly examined and found qualified for promotion.

While this nomination was before the Senate awaiting final action Commodore Truxtun attained the age of sixty-two years, and was, by force of said section 1444, transferred from the active to the retired list to rank as a commodore. If Commodore Truxtun had attained the age of sixty-two after confirmation and appointment as rear-admiral he would have gone upon the retired-list with that rank.

The question arising upon this state of facts is, whether this officer could be still commissioned as a rear-admiral if the Senate should confirm his nomination for that position, which is now pending before them.

Promotion among officers in the line of the Navy goes by seniority, and seniority is determined by the date of commission; that is to say, the date from which the commission recites that the appointment to a given grade begins. By the law and usage of the service a line officer of the Navy has as good a right to promotion, if found qualified for it, and to his proper rank in the grade to which he belongs, as he has to his pay, and questions involving the right to rank or promotion are always important because of the bearing they have on the efficiency of the service.

By the settled practice of the service promotion to a higher grade includes the right to the rank of that grade from the date of the vacancy filled by the promotion.

By the settled practice of the service promotion to a higher grade includes the right to the rank of that grade from the date of the vacancy filled by the promotion.

This practice has the distinct recognition of Congress.

Section 1562 of the Revised Statutes provides that where an officer, through no fault of his own, is prevented from undergoing an examination for promotion at the appointed time and shall afterward pass his examination, the increased pay to which the promotion entitles him shall commence from the time when he should have been examined in regular course.

And by the first section of the act of 22d June, 1874 (18 Stat., 191), it is provided that "any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill." Thus not only recognizing the practice of making the right to rank antedate the time of the appointment to which the rank belongs, but extending it so as to give pay from the time rank begins.

Before the legislation referred to several of my predecessors had decided that it was competent for the appointing power to give rank by relation in making promotions. "For instance," says Mr. Legaré, "an officer under arrest on groundless charges is not promoted, because promotion were a pardon; he is acquitted, and is nominated by relation back."

Everybody sees that this is no arbitrary advancement through partiality, but sheer justice and a faithful execution of the law.

So, if any law entitle an officer to promotion at the end of ten years, and the Executive, having neglected to give him his due for some time, afterwards confer it, relation back seems called for by the law itself. This is Vinton's case, 2 Sumner, 299 (4 Op., 124).

For other recognitions of the practice of promoting by relations I beg to refer to the opinion of Mr. Attorney-General Cushing on the Navy efficiency act, and to the precedents

right.
I have the honor to be, sir, your obedient servant,
A. H. GARLAND, Attorney General.

Mr. CHEADLE. This is one of the bills which went over to be considered by a full House.

The SPEAKER pro tempore. There has been no special order in this case at all.

Mr. CHEADLE. It went over. I think this is one of the bills. Mr. MATSON. The gentleman is correct; but the previous question was never ordered, and this does not stand in the category with the others.

Mr. CHEADLE. It was to be considered in a full House, Mr. MATSON. The gentleman from Virginia asks the previous question be considered as ordered on the passage of the bill.

Mr. CHEADLE. I am willing to let this bill go over with the pre-

ious question ordered upon it. Mr. WISE. Very well; I w Mr. WISE. Very well; I will accept that—the previous question ordered upon the passage of the bill and that we take a vote on it without debate to-morrow.

Mr. DOCKERY. The request, then, is that the previous question

be ordered and the bill go over until to-morrow.

Mr. KILGORE. No previous question. I have very serious objection to that. Gentlemen in charge of appropriation bills are completely obstructed every day for two or three hours by these matters coming over from night sessions.

Mr. BOUTELLE, This will not take over a half hour.
Mr. KILGORE. Why not let it go through to-night?

Mr. WISE. I wish I could; but between you and the gentleman

from Indiana I can not get anything through. [Laughter.]
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? The Chair hears none, and it is so ordered.

Some time subsequently, Mr. CHEADLE said: Mr. Speaker, I am told that the claimant in this case, Mrs. Truxtun, is very old and is bed-ridden. I withdraw

my objection. Mr. WISE. Then I ask unanimous consent to put the bill on its passage.

There being no objection, the bill was ordered to a third reading; and

being read the third time, was passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. MATSON. I move that the House do now adjourn.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 2758) granting a pension to Susan P. Murdock.

Mr. LANE. I object.

The motion of Mr. MATSON was then agreed to; and accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CUTCHEON: A bill (H. R. 12593) granting a pension to

Mary B. Hunt-to the Committee on Invalid Pensions. By Mr. DORSEY: A bill (H. R. 12594) granting a pension to Mary B. Hunt, widow of Brevet Maj. Gen. Henry J. Hunt, deceased—to the

Committee on Pensions. By Mr. HOWARD: A bill (H. R. 12595) granting a pension to Peter Rowe-to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 12596) for the relief of the heirs of Joseph Henderson-to the Committee on War Claims.

## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk,

under the rule, and referred as follows:

By Mr. JEHU BAKER: Petition of Andrew H. Meek and other citizens of the United States, in favor of so amending the Constitution of the United States that its preamble shall recognize God-to the Committee on the Judiciary.

By Mr. BUTLER: Petition of Elisha Nott, and of Cyrus A. Royston, of Green County, and of O. C. Cardwell, of Claiborne County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GIFFORD: Memorial of the Legislative Assembly of Dakota, relating to the opening of a portion of the Fort Randall military reservation to settlement under the homestead law—to the Committee on the Public Lands.

Also, joint resolution and memorial for the passage of the pending bill for the opening to settlement of a portion of the Sioux Indian reservation in Dakota-to the Committee on Indian Affairs.

By Mr. HARE: Petition of sundry citizens of Anadarko, Ind. T., asking for the establishment of a Federal court at Henrietta, Tex .-

to the Committee on the Judiciary. By Mr. HOWARD: Declaration of Peter Rawl and affidavits, for pri-

vate pension bill-to the Committee on Invalid Pensions. By Mr. McCREARY: Petition of Sarah and George W. Beasley, for reference of their claim to the Court of Claims-to the Committee on War Claims

By Mr. NORWOOD: Petition of heirs of Dr. Jerry R. Johnson, of Bryan County, Georgia, for reference of his claim to the Court of Claims-to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Board of Trade, for the passage of Senate bill 2851, amending the interstate-commerce law—to the Committee on Commerce.

Also, resolutions of the Philadelphia Maritime Exchange, for the passage of the bill creating a naval reserve as reported from the Committee on Naval Affairs-to the Committee on Naval Affairs.

By Mr. PARKER: Petition of farmers of Crary's Mills, N. Y., for protection to agriculture-to the Committee on Ways and Means.

By Mr. PERKINS: Petition of H. S. Johnson and 74 others, citizens of Cowley County, Kansas, for legislation that will enable each school district to obtain a copy of the CONGRESSIONAL RECORD-to the Com-

mittee on Printing.

By Mr. PHELAN: Petition of William R. Webber, administrator of Mathew W. Webber, of Shelby County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. RICE: Resolutions of the Board of Trade of Minneapolis, Minn., favoring the immediate opening of the Sioux reservation-to the Committee on Indian Affairs.

The following petition for a national Sunday-rest law was received

and referred to the Committee on Labor:
By Mr. THOMAS WILSON: Of citizens of Spring Valley, Minn.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BROWER: Of 83 citizens of New Garden, N. C.

By Mr. BUCHANAN: Of 256 citizens of Trenton, and of 33 citizens

of Beverly, N. J.

By Mr. COOPER: Of 31 citizens of Lewis Centre, and of 54 citizens

of Scioto Township, Ohio.

By Mr. CROUSE: Of 26 citizens of Tallmadge, Ohio.

By Mr. DAVIS: Of 61 citizens of Westport, Mass.

By Mr. FRENCH (by request): Of 256 citizens of Guilford, and of

38 citizens of Higganum, Conn.

By Mr. GIFFORD: Of 64 citizens of Clark, of 67 citizens of Lennox, and of 65 citizens of Avon, Dak.

By Mr. HAYDEN: Of 102 citizens of North Cambridge, Mass.

By Mr. J. S. HENDERSON: Of 110 citizens of Lexington, N. C.

By Mr. McRAE: Of 34 citizens of Whelen Springs, Ark.
By Mr. NELSON: Of 55 citizens of Grove Lake and Raymond, Minn.

By Mr. C. A. RUSSELL: Of 71 citizens of Plainfield, Conn. By Mr. C. A. RUSSELL: Of 72 citizens of Plainfield, Conn. By Mr. VANCE: Of 86 citizens of Manchester, Conn. By Mr. VANDEVER: Of 39 citizens of Nordhoff, Cal.

## SENATE.

# SATURDAY, February 16, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. GEORGE HEARST, a Senator from the State of California, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate for an appropriation of \$10,-000 for surveys and reconnaissances in military divisions and departments for the fiscal year ending June 30, 1890; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 31, 1889, a statement of the total gross amount of the proceeds in money of cotton and other property which were received into the Treasury or by Treasury officials under the so-called "captured and abandoned property acts," and the total gross amount of such proceeds which have been restored to claimants or otherwise paid out from the Treasury under the authority of the Secretary of the Treasury or upon judgments of the Court of Claims, and referring to a previous statement of May 11, 1868, transmitted by the Secretary of the Treasury to the President of the Senate for detailed information on the subject; which, on motion of Mr. CHANDLEB, was, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, a report from the president of the Board of Commissioners of the Solreport from the president of the Board of Commissioners of the Soldiers' Home, near Washington City, with an accompanying statement of moneys received from the United States Treasury and other sources for ten years from the fourth quarter of 1878 to the end of the third quarter of 1888, under the provisions of the act approved March 3, 1851, to found a military asylum for the relief and support of invalid and disabled soldiers of the Army of the United States; which, on motion of Mr. Cockrell, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 8, 1889, a letter of the Adjutant-General and a card-index record of the One hundred and sixty-second New York Volunteers; which was read.

Mr. COCKRELL. I ask that the communication may be printed with the accompanying documents, and referred to the Committee on Military Affairs. I know it is rather a large document, but it is exceedingly important. I think it is a stepping-stone to the solution of the question in regard to the muster-rolls of the volunteer forces during the late war. It is a card-index record of one regiment, and it has been arranged in a certain way. I want to have it printed so that Senators may see it, and see that it is the only sensible, practical method of having a record which can be accessible quickly at all times for use in regard to the records of soldiers. I should like to have the order to print made special so as to have the document printed immediately.

The PRESIDENT pro tempore. It will be so ordered.

The communication and accompanying papers were referred to the Committee on Military Affairs, and ordered to be printed.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the 29th ultimo, a statement in regard to the nature and extent of the recent accident to the stern of the cruiser Baltimore; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, stating, in response to a resolution of the 15th instant, that the Department is not in possession of a list of the general deputy marshals appointed during the last six months by Walter H. Bunn, marshal for the northern district of New York, but has instructed Marshal Bunn to furnish such list to the Department at once, when it will be transferred to the control of the control of the list of the department at once, when it will be transferred to list of the control of the list of the list of the list of the control of the list of t mitted without delay to the Senate; which was ordered to lie on the table, and be printed.

#### FRANCES H. PLUMMER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2091) granting a pension to Frances H. Plummer, which was, in line 6, before the word "dollars," to strike out "one hundred" and insert "seventy-five." Mr. DAVIS. I move that the Senate concur in the amendment of

the House of Representatives.

The amendment was concurred in.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9081) to authorize an American register to be issued

for the screw steel steamer Scythian; and

A bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

The message also announced that the House had passed the follow-

ing bills:

A bill (S. 781) granting a pension to John Fagan;
A bill (S. 1822) granting a pension to Ann E. Cooney;
A bill (S. 2275) granting a pension to Mary Calvert Truxtun;
A bill (S. 2314) granting a pension to John B. Covert;

A bill (S. 2439) granting a pension to Charlotte T. Alderman; A bill (S. 2993) granting a pension to Margaret A. Hillard;

A bill (S. 3540) granting a pension to Mary P. Myers; and A bill (S. 3634) granting a pension to Mrs. Nancy Smith.

# PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of Edward Heinzel, of Chester, Pa., praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of E. Y. Robbins, of Washington, D.

C., praying for permission to put an improvement in warming and ventilation into one of the committee-rooms of the Senate of the United States; which was referred to the Committee on Rules

He also presented a petition from the people of Old Albuquerque, Mex., denouncing a certain petition recently sent from the city of Albuquerque, protesting against the admission of New Mexico as a State into the Union; which was referred to the Committee on Terri-

He also presented a concurrent resolution of the Legislature of Kansas, praying for certain legislation in regard to the disposition of the Prairie band of Pottawatomie Indians; which was referred to the Committee on Indian Affairs.

He also presented the petition of citizens of the United States, praying for the passage of the Sunday-rest bill; which was referred to the

Committee on Education and Labor.

Mr. SHERMAN presented a petition of 776 citizens of the State of Ohio, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented the petition of A. M. De Witt and 87 others (39 voters and 49 women), citizens of Trumbull County, Ohio, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic

liquors as a beverage; which was ordered to lie on the table.

Mr. HARRIS. I present a petition of the attendants and employés of the Hospital for the Insane of the District of Columbia, praying for

increased compensation. It is a matter which the Committee on the District of Columbia has considered twice, but I move that the petition be referred to that committee.

The motion was agreed to.

Mr. BERRY. By request I present the memorial of Q. M. Bixiler and 12 other citizens of Rogers, Ark., remonstrating against the passage of any bill in regard to the observance of Sunday, etc. I move that the memorial be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. DAVIS presented petitions of citizens of Richland, Champlin, Kasota, Buffalo, Grove Lake, Tracy, Red Wing, Lake Wilson, West Concord, Smith's Mills, Minneapolis, and La Crescent, in the State of Minnesota, praying for a submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented the petition of W. J. McAllister and 45 others, citizens of Clayton, Murray County, Minnesota, and the petition of Mrs. J. Morrell and 69 others, citizens of Northfield, Minn., praying for the passage of a Sunday-rest law; which were referred to the Com-

mittee on Education and Labor.

Mr. MANDERSON. I present a memorial of the State Farmers' Alliance of Nebraska, in favor of the issue of an increased volume of The memorial was presented by this association to the Legislature of the State of Nebraska, and was by the Legislature referred for appropriate legislation to the Senate of the United States. I ask that it may be printed as a document, as it contains important matter, and that it be referred to the Committee on Finance.

The PRESIDENT pro tempore. The memorial will be printed, if

there be no objection, and referred to the Committee on Finance.

Mr. MANDERSON presented a petition of citizens of McCook, Nebr., praying for the passage of the Oklahoma bill; which was referred to

the Committee on Territories.

He also presented the petition of W. G. McColin and 107 others (64 voters and 44 women), citizens of Wakefield and Corcors, Nebr.; the petition of J. K. Osborn and 27 others (13 voters and 15 women), citizens of Spring Lake, Dak.; the petition of F. M. Townsend and 25 others (18 voters and 8 women), citizens of Templeton, Dak.; the petition of F. S. Nicholls and 81 others (34 voters and 48 women), citizens of Fredericks, Dak., and the petition of Walter R. Latta and 14 others (6 voters and 9 women), citizens of Pingree, Dak., praying for the submission to the States of a prohibitory constitutional amendment; which were ordered to lie on the table.

Mr. HISCOCK presented a petition of 2,598 citizens of New York, praying for the passage of a Sunday-rest law; which was referred to

the Committee on Education and Labor.

Mr. CAMERON presented a petition of 3,150 citizens of the State of Pennsylvania, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Philadelphia (Pa.) Maritime Exchange, favoring the passage of the naval reserve bill;

which was referred to the Committee on Naval Affairs,

Mr. EDMUNDS presented a petition of the Vermont Dairymen's Association, praying for the passage of a law requiring all manufactured cheese from which any portion of the cream has been taken to be branded "skim cheese;" which was referred to the Committee on Agriculture and Forestry.

Mr. CALL presented the petition of Albert J. Russell, late State superintendent of education in Florida, and similar petitions of other citizens of Florida, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. CHACE presented the petition of J. F. McDonald and 1,340 others (630 voters and 711 women) citizens of Auburn, Providence County, Rhode Island, praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exporta-tion, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. DAWES presented the petition of C. O. Nystrom and 27 others (14 voters and 14 women), citizens of Auburn, Mass., and the petition of F. H. Norton and 62 others (21 voters and 42 women), citizens of Chicopee, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the

He also presented the petition of 2,936 citizens of Massachusetts, praying for the passage of the Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. PAYNE presented the petition of Sylvester Leamon and 115 others (40 voters and 76 women), citizens of Croton, Ohio, and the petition of J. Buchanan and 47 others (22 voters and 26 women), citizens of Stenbenville, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the

Mr. PALMER presented the petition of 1,208 citizens of Michigan, praying for the passage of the Sunday-rest law; which was referred to

the Committee on Education and Labor.

Mr. VEST presented a petition of 48 citizens of the State of Missouri, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. TURPIE presented the petition of 681 citizens of Indiana, pray-

ing for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented the petition of S. R. Lichtenwalter and 46 others (25 voters and 22 women), citizens of Cedar, Iowa; the petition of John I. Yeend and 117 others (83 voters and 95 women), citizens of Walla Walla, Ind. T., and the petition of David Wirt and 52 others, citizens of Medical Lake, Wash., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. HOAR presented the petition of Arthur Titcomb and 27 others (13 voters and 15 women), citizens of Gilbertville, Mass., and the petition of H. M. Green and 51 others (17 voters and 35 women), citizens of East Brookfield, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on

the table.

Mr. DOLPH presented the petition of J. W. Range and 16 others (9 voters and 8 women), citizens of Cheney, Wash., and the petition of John G. Devore and 104 others (81 voters and 24 women), citizens of Tacoma, Wash., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. FARWELL presented the petition of 708 citizens of Illinois, praying for the passage of the Sunday-rest bill: which was referred to

the Committee on Education and Labor.

Mr. PLUMB presented a petition of the Territorial council of Cimarron Territory, so called, in the Indian Territory, praying for the passage of the Oklahoma bill; which was referred to the Committee on Territories.

He also presented the petition of Thomas Brown and 70 others (29 voters and 42 women), citizens of Welda, Kans., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented a petition of 6 citizens of Herrington, Kans., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

#### REPORTS OF COMMITTEES.

Mr. CHACE. I am authorized by the Committee on Patents, to whom was referred the bill (S. 3798) for the relief of Judah Touro Robertson, to report it without amendment. I desire to say that the Senator from Arkansas [Mr. Jones] does not concur in the report.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre, reported it without amendment, and submitted a report there-

He also, from the same committee, to whom was referred the bill (S. 1605) for the relief of Lieut. Col. Edward E. Eyre, reported ad-

versely thereon, and the bill was postponed indefinitely.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 2396) for the relief of the heirs of John R. Treutlen, reported it without amendment, and submitted a report

He also, from the same committee, to whom was referred the bill (S. 1823) for the relief of Waterman Clift, Robert May, James M. Shackelford, the heirs of William Marr, and the heirs of Amos Cordson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 3572) to pay the stenographers for reporting the several trials of the case of Hallet Kilbourn vs. John G. Thompson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 8307) for the relief of John T. Higgins, reported it with amendments, and submitted a report thereon.

Mr. HOAR, from the special committee to make arrangements for the inauguration ceremonies, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

# REPORT OF COMMISSIONER OF LABOR.

Mr. MANDERSON, from the Committee on Printing, reported without amendment the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and

Resolved by the House of Representatives (the Senate concurring), That there be printed, in cloth binding, wrapped for mailing, 10,000 additional copies of the third annual report of the Commissioner of Labor, for the use of the Department of Labor.

REPORT ON WOMAN SUFFRAGE.

Mr. MANDERSON, from the Committee on Printing, reported without amendment the following resolution, submitted by Mr. BLAIR on the 14th instant; which was considered by unanimous consent, and

Resolved, That 10,000 copies of the report of the Committee on Woman Suffrage on Senate resolution 11 be printed for the use of the Senate, 1,000 of which

shall be for the use of the committee, and the same number of views of the minority when the same are submitted,

#### LIGHT-HOUSE STATIONS

Mr. PALMER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, to report it with an amendment in the nature of a substitute, and I would ask the Senate for its immediate consideration. It is a lighthouse bill, and will lead to no discussion.

The PRESIDENT pro tempore. The bill will be read at length for

information.

Mr. EDMUNDS. Is there a report?

Mr. PALMER. There is a report of the Light-House Board.

Mr. EDMUNDS. I should like to hear the report of the Light-

The PRESIDENT pro tempore. The only report sent up is a letter from the Light-House Board.

Mr. EDMUNDS. I should like to hear that read, if the Chair

The PRESIDENT pro tempore It will be read.

The Chief Clerk read as follows:

United States General Light-House Depot, Office United States Light-House Engineer, Third District, Tompkinsville, N. Y., January 25, 1889.

Tompkinsville, N. Y., January 25, 1889.

Sir: In reply to board's letter of 16th January, 1889, inclosing copy of H. R. bill 12126 for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, I have the honor to refer to the joint report of the third inspector as to its advisability and location.

To make this light of the greatest practical use it should be in range with Waackaack to define the inshore channel; the latter light is at present too low both for this and its original purpose of marking the main channel. The present wooden tower is old and should be shortly rebuilt.

I therefore recommend in this connection that it be replaced by a skeleton fron tower similar to those erected at Cape San Blas, Sanibel Island, and Anclote Keys. These towers are 96 feet 7 inches from base to focal plane; the present tower is 68 feet; this increase in height would be sufficient. Such a tower in position would cost about \$15,000.

For the proposed light on Old Orchard Shoal I recommend an iron caisson 30 feet in diameter, filled with concrete and surmounted by an iron tower similar to the one designed for Lubec Narrows. The caisson should be protected with riprap.

lar to the one designed for Acceptable 1 and 1 a

D. P. HEAP,
Major of Engineers, United States Army,
Engineer Third Light-House District,

The Chairman of the Light-House Board, Washington, D. C.,

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The amendment reported from the Committee on Commerce will be read.

The CHIEF CLERK, It is proposed to strike out all after the enacting

That the sum of \$60,000 be, and is hereby, appropriated for establishing a light-house and fog-signal at or near Old Orchard Shoal, Princess Bay, New York, and for a new tower at Waackaack light-station, New Jersey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes."

## BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3972) for the relief of James Healy; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 3973) enlarging the rights of homesteaders on the public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STEWART introduced a bill (S. 3974) for the relief of the West-ern Beet Sugar Company of California; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 3975) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON, of Iowa, introduced a bill (S. 3976) for the relief of Mary J. Dorr; which was read twice by its title, and referred to the Committee on Military Affairs.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropria-

tion bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## WITHDRAWAL OF PAPERS.

On motion of Mr. PLUMB, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of William J. Uhler.

#### HOUSE BILLS REFERRED.

The bill (H. R. 9081) to authorize an American register to be issued for the screw steel steamer Scythian was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

#### RODMAN M. PRICE.

Mr. CAMERON. I ask the Senate to consider at this time the bill (S. 2271) for the relief of Rodman M. Price.

The PRESIDENT pro tempore. The Calendar, under Rule VIII, being in order, the Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (S. 2271) for the relief of Rodman M. Price. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to adjust, upon principles of equity and justice, the accounts of Rodman M. Price, late purser in the United States Navy, and acting navy agent at San Francisco, Cal., ere 'iting him with the sum paid over to and receipted for by his successor, A. M. Van Nostrand, acting purser, January 14, 1850, and pay to said Rodman M. Price, his heirs or assigns, out of any money in the Treasury not otherwise appropriated, any sum that may be found due him upon such adjustment.

The PRESIDENT pro tempore. If there be no objection, the bill is

before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the report read if there be The bill does not show how large these sums of money are, nor what is the evidence upon which the bill states that the money was paid over and receipted for by Price's successor. I think we ought to have some information about it.

Mr. CAMERON. There is a report setting out the facts. Mr. EDMUNDS. Let the report be read. The PRESIDENT pro tempore. The report will be read.

The Chief Clerk read the following report, submitted by Mr. CAME-BON August 29, 1888:

RON August 29, 1888:

The Committee on Naval Affairs, to whom was referred the bill (8, 2271) for the relief of Rodman M. Price, having had the same under consideration, beg leave to submit the following report:

The facts in this case are briefly as follows: Purser Rodman M. Price, United States Navy, was ordered and directed by the Secretary of the Navy in 1848 to proceed to California, which territory had but recently been acquired by the United States, and in addition to his ordinary duties as a purser in the Navy was ordered to establish himself as fiscal agent of the United States in order to facilitate Government disbursements on the Pacific coast. The recent discovery of gold on that coast and the disturbed monetary condition of affairs caused some anxiety on the part of the Government with respect to the finances of the United States, and it was deemed important to prevent the exportation of gold to England and to secure a means of exchange on New York or Washington. This important duty was assigned to Purser Price under the following instructions from the Secretary of the Navy:

"Navy Department, Washington, December 6, 1848.

"NAVY DEPARTMENT, Washington, December 6, 1848.

"NAVY DEPARTMENT, Washington, December 6, 1848.

"Sir: The cost of obtaining funds for the naval disbursements in the Pacific Ocean has for many years embarassed the Department.

"The acquisition of an extensive front on that ocean, the certainty that a naval depot and yard for repairs on that coast will be authorized by law, and the great production of the precious metals, and the probable establishment of a mint, render it very important to the naval service that measures should at once be adopted to provide means for their disbursements without any loss of exchange, directly in the sale of bills, or indirectly by drawing on London.

"If it can be successfully established, as I doubt not it can be, that bills on the Department, at short dates, can be converted into coin at an advance beyond their value on their face, the results will be highly important—it will promote exchanges in the Atlantic cities, and may supersede the necessity of the expensive agency at Lima.

"The anxious wish to accomplish these results induced the preparatory orders given to you.

"The anxious wish to accomplish these results induced the preparatory orders given to you.

"You will proceed, by the most speedy conveyance, across the Isthmus to San Francisco, and establish yourself there or at Monterey, as shall be most convenient for the transaction of the important business confided to you.

"Your duty will be to procure funds for the squadron and other public naval purposes on bills drawn on the Navy Department.

"You will, when required by the commodore or the senior naval officer present, effect such negotiations, taking care never to sell a bill below par, and realizing for the service any amount of premium which the market affords.

"If such negotiations are impracticable on the terms suggested, you are authorized to call on John Parrott, esq., temporary Navy agent at Mazatlan, and who has authority to draw on London.

"A copy of his instructions are inclosed to you. You will be allowed moderate office rent and a clerk at the compensation of \$600 per annum to aid you at San Francisco.

"To attenda joint board of Army and Navy officers in making a survey of the coast, the steam propeller Massachusetts, expected to reach San Francisco in February next, will be placed in command of a naval officer.

"You will discharge the duties of purser while she is so engaged, and will be allowed a clerk on board at the annual compensation of \$500 per annum and a ration.

"You will take care of any public property belonging to the naval service."

"You will take care of any public property belonging to the naval service which may be placed in your hands.
"You will pay all officers of the Navy on special service in California, or who may be in that part of the United States detached from service.

"You will be allowed the traveling expenses of yourself and clerks from the

"You will be anowed the traveling experience of your United States.
"You will communicate with the Department on every suitable opportunity, and in all cases give due notice of bills drawn.
"Your accounts will be settled with the Fourth Auditor, agreeable to regula-

"The duty on which you are employed is regarded as highly important, and you will use every exertion to accomplish the objects of the Department.
"They are to save the expense of transmitting specie to the Pacific, to dispense with bills on London by introducing those on Washington, to realize a premium to the extent of the local market, and to promote economy in naval disbursements.

premium to the extent of the disbursements.

"I am, very respectfully, your obedient servant,

"J. Y. MASON, Secretary of the Navy.

"RODMAN M. PRICE, Esq., "Purser, U. S. Navy."

Under these orders he proceeded to California, arriving there in February 1849. The duties assigned him were performed until December, 1849, when he was relieved by A. M. Van Nostrand, acting purser:

The order relieving Mr. Price from duty is as follows:

"NAVY DEPARTMENT, Washington, D. C., August 4, 1849.

"Sir: You are hereby detached from duty at the naval station of California, as assigned to you under the letters of instruction addressed to you by this Department on the 6th of December last, and you will transfer all public money and public property remaining in your hands to your successor, or to such other disbursing officer of the Navy as may be designated by the commanding naval officer of that station.

"I mediately after such transfer you will repair to the city of Washington for the purpose of settling your accounts.

"I am, respectfully, etc.,

"W. BALLARD PRESTON,

"W. BALLARD PRESTON, "Secretary of the Navy.

"Purser Rodman M. Price,
"U. S. Navy, San Francisco, Cal."

He turned over to his successor the public property and funds for which he was responsible, and as no authority was vested in Van Nostrand to procure additional funds, Mr. Price, at the solicitation of Commodore Ap Catesby Jones, the commandant of the station, advanced for the use of the Navy on January 14, 1850, the sum of \$75,000.

This latter advance became necessary by reason of the fact that the demand for money in California was so great that Government bills of exchange could not be cashed at less than 10 per cent. discount, and even at that rate no one after Price's departure would be authorized to draw drafts, as will be seen from the following communication copied from the files of the Navy Department:

"Exchange and Banking House.

"EXCHANGE AND BANKING HOUSE, "San Francisco, January 4, 1850.

"Sir: Mr. Van Nostrand has inquired of me the rate at which I could buy Government bills of exchange, or rather your bills drawn on the Navy Depart-

Government oils of exemange, or raiser, you seement.

"I could not buy any exchange, however satisfactory, at less than 10 per cent. discount, and at this time of the month I should add the interest up to the 15th to this discount.

"There must have been some misunderstanding on the part of Commodore Jones when he called at our office a day or two since; Captain Green, with whom he conversed, understood him to ask at what rate we drew exchange on the United States, not at what we would buy.

"Respectfully, your obedient servant,"

"THOMAS G. WELLS.

"R. M. PRICE, Purser, U. S. Navy."

The money so turned over was receipted for by Van Nostrand in his official capacity, and it appears from a certified copy of his account that the sum so advanced by Purser Price was received and charged in his official accounts with the Department.

On being relieved from duty Price started on his way home, and while en route to Washington the steamer Olean St. John, upon which he was a passenger, was, on March 5, 1850, destroyed by fire coming up the Alabama River, and all his vouchers, accounts, and personal property were lost, he barely escaping with his life.

ms vouchers, accounts, and personal property were lost, he barely escaping with his life.

In the mean while, and before Price could duplicate his accounts, some contention arose between the Navy Department and Commodore Jones in regard to the appointment of Van Nostrand.

The following letter taken from the files of the Navy Department explains the appointment of Mr. Van Nostrand as acting purser:

"Flag-ship Savannah, Benicia Roads, January 30, 1850.

"Flag-ship Savannah, Benicia Roads, January 30, 1850.

"Sie: \* \* The recall of Purser Price and the inability of the newly-appointed navy agent to give satisfactory security left me no alternative but to make an acting appointment, vice Mr. Price, until the arrival of Purser Hambleton. Mr. A. M. Van Nostrand, the temporary successor of Mr. Price, has fulfilled all the requirements of the law of appointment and has entered into bonds with two unquestionable sureties, and from his long and honorable connection with the Navy on the New York station every confidence may be safely confided in Mr. Van Nostrand, whose duties to the public will be faithfully discharged whether he receives pay or not.

"I have the honor to be, your obedient servant,
"THOS. AP C. JONES,
"Commander-in-Chief Pacific Squadron.

"Hon. WM. BALLARD PRESTON, "Secretary of the Navy."

The Secretary of the Navy before the receipt of this letter had disapproved the appointment of Van Nostrand, and had so informed the Fourth Auditor of the Treasury, and Price was refused credit for all moneys turned over to his successor. This state of affairs resulted in a suit against Price in the United States district court for New Jersey, where the validity of the appointment of Van Nostrand was affirmed and credit allowed for sufficient of the money turned over to acquit Price of an indebtedness to the United States. The validity of Van Nostrand's appointment was subsequently affirmed upon the opinion of the Attorney-General, as will be seen by the following communication:

"[Extract from letter of Secretary of Navy.]

"NAVY DEPARTMENT, March 17, 1854.

"Sir: The questions arising on the settlement of the accounts of Mr. Price as purser of the naval station of California having been submitted to the Attorney-General, I have received a communication from him on the subject, in which he states that his opinion upon the whole case is—

"1. That the appointment of Van Nostrand as acting purser by Commodore Jones was lawful and valid under the circumstances, and that the subsequent disapproval of the appointment by Mr. Secretary Preston could not retroact to make void previous lawful acts of the acting purser in his receipt from Mr.

Price of public money and other public property in obedience to the order of Commodore Jones.

"I am, respectfully, your obedient servant,

"J. C. DOBBIN.

"The papers submitted by you are herewith returned.

"J. C. D.

"A. O. DAYTON, Esq., "Fourth Auditor Treasury Department."

In the mean time the accounts of Purser Price have remained unsettled upon the books of the Treasury. In view of the loss of many vouchers, through no fault of the claimant, your committee are of the opinion that the technical rulings of the Department ought not to be enforced, but that the accounts ought to be adjusted upon fair and equitable principles, and that Purser Price ought to be credited for all the funds that he turned over to his successor, with which Van Nostrand charged himself and accounted for with the United States. We therefore report back the bill, and recommend its passage.

Mr. EDMUNDS. Mr. President, the first part of this bill, regarding having this gentleman credited with what the courts have found he had a right to have credited on the books of the Treasury to him, is evidently, on the statement in the report, clearly right; but the last clause of the bill provides for paying employés, in regard to which it is stated in one place in the report that this gentleman, thirty-rive years ago, really loaned the United States out of his own private funds about \$75,000. How he did that, how thirty-five years could have gone by without that being in some way explained or repaid to him, I am not able to see from this report. I ask, therefore, that the bill go over without losing its place until I can make a little examination of the documents about it, to save time.

Mr. CAMERON. It is understood that the bill is on the Calendar

to be taken up to-morrow immediately after the morning business.

Mr. EDMUNDS. It does not lose its place. It will be the first in order under Rule VIII.

Mr. CAMERON. If that is the case I have no objection.
The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the pending bill may be passed over informally, its consideration to be resumed to-morrow morning as the first order of business on the Calendar under Rule VIII.

Mr. EDMUNDS. It would be the first, would it not? Does it not

stand at the head?

The PRESIDENT pro tempore. No.
Mr. EDMUNDS. I have no objection to its being taken up on Monday at whatever time is convenient.

The PRESIDENT pro tempore. The Chair hears no objection to the course suggested.

DR. DAVID BELL.

Mr. BATE. I ask unanimous consent of the Senate to call up House bill 8557, Order of Business 2640.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8557) for the relief of Dr. David

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Tennessee," to strike out "his pay as assistant surgeon of the Thirteenth Tennessee Cavalry" and insert "the pay of an assistant surgeon in the United States Army;" so as to make the bill read:

So as to make the oill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Dr. David Bell, of Limestone Cove, Unicoi County, Tennessee, the pay of an assistant surgeon in the United States Army from the 15th day of May, 1864, to the 1st day of January, 1855; he having discharged the duties as such surgeon by the request and direction of the colonel of said regiment and General Gillem, commander of the brigade in which said regiment belonged. His services were required on account of an unusual amount of sickness in said regiment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

JURISDICTION IN ALABAMA.

Mr. PUGH. I ask unanimous consent that the Senate proceed to the consideration of House bill 4470, Order of Business 2490.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, line 8, after the word "judge," to strike out "and to courts;" so as to make the section

That from and after the passage and approval of this act the judge of the district court for the southern judicial district of the State of Alabama shall have jurisdiction throughout the middle district of said State, and shall hold the courts therein with all power and jurisdiction now appertaining to the judge of said middle district.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "State," to add "and he shall not be required to reside in said northern district, any law to the contrary notwithstanding;" so as to make the section read: That the present judge of the said middle and northern districts of said State shall continue to be the district judge of, and hold the courts in, both the northern and southern divisions of said northern district of said State, and he shall not be required to reside in said northern district, any law to the contrary notwithstanding.

The amendment was agreed to.

Mr. SHERMAN. That is the Alabama bill, is it not?

The PRESIDENT pro tempore. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama.

Mr. SHERMAN. I know there is a great deal of local opposition to that bill, and I would like to have the chairman of the Judiciary Committee [Mr. EDMUNDS] here, who has certain papers that were sent to him, and if the Senate will pass it by informally for a moment we can send for the Senator from Vermont.

Mr. PUGH. I have no objection.

The PRESIDENT pro tempore. The bill will lie over.

#### PRIVATE LAND CLAIMS.

Mr. RANSOM. I ask unanimous consent of the Senate that immediately after the disposition of the census bill the bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado shall be taken up for consideration.

I shall be obliged to object to that. I do not know but that I shall withdraw the objection when the time comes, but at present there are bills upon the Calendar of so much importance that it seems to me to be too early to make assignments by unanimous con-

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the consideration of the bill named by him. Is there objection? Does the Senator withdraw his request?

Mr. RANSOM. I shall not press it now.

#### MILO M'CRILLIS.

Mr. SHERMAN. I ask the Senate to proceed to the consideration of House bill 7718.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7718) for the relief of Milo McCrillis. It provides for the payment to Milo McCrillis, late postmaster at Weaver's Corners, Huron County, Ohio, of \$75.76, for postage-stamps, postal-cards, and stamped envelopes feloniously taken by burglars from the office of the postmaster March 1, 1883, without any fault or negligence on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES BELGER.

Mr. SHERMAN. I move that the Senate proceed to the considera-tion of Order of Business 2199, a bill which twice previously, I think, has passed the Senate at former sessions.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2766) for the relief of Maj. James

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Maj. James Belger (now retired with the rank of major) to the position of colonel in the United States Army, and thereupon to place the said Belger upon the retired-list as of that rank and grade; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

Mr. EDMUNDS. I should like to hear the report in that case. remember that the matter has developed a considerable difference of opinion, if I may so state it, in the Senate heretofore, and I should like

to hear the report read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. BATE August 31, 1888:

August 31, 1888:

The Committee on Military Affairs, to whom was referred life bill (S. 2766) for the relief of Maj. James Belger, having considered the same, beg leave to report:

The leading facts and considerations in the case are forcibly presented in the following extract from the report of the House Committee on Military Affairs, Forty-eighth Congress, made by General Rosecrans:

"I. That Maj. James Belger, United States Army (retired), has the following record in the Army Register for 1884:

"James Belgerentered from State of New York in 1832; was private, corporal, sergeant, Company H, and sergeant-major, Second United States Infantry, 7th November, 1832, to 15th October, 1838.

"Second lieutenant Sixth Infantry, October 15, 1838; accepted 15th October, 1838.

"Second lieutenant Sixth Infantry, October 15, 1838; accepted 15th October, 1838.

"First lieutenant February 27, 1843; captain, assistant quartermaster, 18th June, 1846; accepted 26th August, 1846.

"Acting major, Quartermaster's Department, 3d August, 1861.

"Appointed colonel and additional aid-de-camp 3d July, 1892; accepted; out of service November 30, 1863.

"Major quartermaster March 3, 1871; accepted April, 1871.
"Retired 19th June, 1879; over sixty-two years of age.

"2. That being an officer of high standing for ability, integrity, and efficiency, he was placed in charge of the quartermaster's depot at Baltimore on account of its immense business of purchasing, of employing transports, and forwarding supplies and troops, one of the most important in the service. (See Affidavit A, annexed.)

annexed.)
"3. That while so employed his services were regarded as of such importance

that the Government declined to allow him to accept a commission of majorgeneral of volunteers, which Governor Curtin, of Pennsylvania, desired him to accept, to command United States volunteers, Pennsylvania troops.

"4. That he was also chief quartermaster of the Middle Department, under General R. C. Schenck, in addition to his duties as general depot quartermaster above named, and, under careful observation and criticism, performed the duties of that positions os as to command General Schenck's entire confidence and approbation. (See General Schenck's letter of the 18th of February, 1884, to chairman, hereto annexed, marked D.)

man, hereto annexed, marked D.)

"A political of the Charles, and the Statement of the guartermaster's department at Baltimore, he immediately applied to the War Department for a court of inquiry, although the newspaper in question in a subsequent issue disclaimed the statement aforenamed. (See A, annexed.)

"C. That the Secretary of War sent for General Schenck to consult with him about the matter of the charges, and appeared to be strongly prejudiced against Belger, disposed to believe all the charges, and that instead of a court of inquiry a court-martial ought to be immediately ordered to try him on them.

"This,'says General Schenck,' i declined too. I represented to him that such a trial could result in nothing but acquittal, and that the most thorough investigation would, in my opinion, discover not an act of corruption or scrious irregers in the command of my department than to order, against my judgment, a court-martial which I believed uncalled for, and would be fruitless. I preferred, if there was to be a trial under such circumstances, it should be ordered by the Secretary of thi

and a half thereafter Major Belger, steeped in poverty, was unable to go into any business.

"11. Meanwhile, always protesting that he was as guiltless as the court found him, and cut off from the Army by an outrageous exercise of arbitrary power, he found among all who knew him a general conviction of his innocence, and on the 11th of November, 1867, the President, satisfied that Major Belger's dismissal was wholly illegal, issued an executive order restoring him to duty. But a captain, W. S. Hancock, had been nominated and confirmed to the place from which he had been thus unlawfully thrust. It was held that this executive order required legislation to give it effect.

"12. Accordingly, in 1871, after careful investigation, the Military Committee of the Senate unanimously instructed its chairman, Hon. Henry Wilson, to report favorably a bill restoring Major Belger to his position in the Army, with rank, pay, emoluments, rights, and privileges the same as if never dismissed, providing only that out of what would thus become due to him should be deducted what the Government had paid to him for services in civil employment between 1867 and the date of the act. This bill, modified on motion of Senators Howe and Nye, so as to restore him to his rank from the date of the act, became a law. But it is in evidence that those Senators expressed their regret for having procured the amendments offered on general principles, and as soon as made aware of the special circumstances of the case, that Mr. Wilson advised Major Belger to take what the bill allowed, making subsequent application to Congress for the further redress he now asks and for which this bill provides. (See A, parts annexed.)

"13. Moreover, the letter of the Adjutant-General of the Army states that had

(See A, parts annexed:)
"13. Moreover, the letter of the Adjutant-General of the Army states that had
Major Belger remained in the service at the date of his restoration in 1871, he
would presumably have reached the rank of colonel in the Quartermaster's De-

would presumably have reached the rank of colonel in the Quartermaster's Department.

"14. Besides the honorable acquittal by the court-martia', the honorable testimonials to his rectitude and efficiency by the accounting officers of the Treasury Department on the settlement of his accounts, the issuance of the executive order in 1877 for his restoration, and the unanimous report of the Senate Military Committee in 1871, that he ought to be restored to rank, pay, allowances, rights, and privileges, as if never dismissed, we have also evidence in the affiaivits and statements of Rev. Dr. Charles H. Hall, General R. C. Schenck, and of Mrs. and Major Belger that subsequently even Mr. Stanton himself became convinced of Major Belger's innocence and expressed his deep regret for the wrong he had done him and his wish to do what he could to repair it."

The case is a peculiar one. The applicant appears to have been regarded at the beginning of the late civil war as a man of great force, energy, capacity, and military enthusiasm. On account of the immense business of purchasing and employing transports and forwarding supplies to troops he was placed in charge of the extensive quartermaster's depot at Baltimore. Whilst there he held the profoundest confidence and respect of General Schenck, his superior, and all others in authority over him. His reports show the handling and disbursement of an immense amount of money, assounting to nearly \$11,000,000 in a single year.

ment of an immense amount of inches; and the single year.

In 1863 there appeared in a Philadelphia newspaper the critical article referred to above, which reflected upon the methods of his office.

Before the appearance of a subsequent retraction by the editor, Belger, jealous of his honor and unwilling, for a moment, to remain under the shadow of unjust imputation, demanded of the Secretary of War, Mr. Stanton, a court of inquiry. Then began the misfortunes that have clung so tenaciously to this wor-

thy soldier. The Secretary, then as ever during the great struggle that was then shaking this continent, surrounded by most trying situations, conceived, as he afterwards admitted, a prejudice against Belger, and instead of a court of inquiry, ordered a court-martial. This, as is shown by the records, was duly constituted, made up of some of the best men in the Army, and gave thorough investigation to the various specifications and the charge. Vigorous prosecution resulted only in a complete vindication of the accused, who secured a verdict of "not guilty" as to cach and every specification and to the charge.

This honorable acquittal was, however, succeeded by an exercise of power on the part of the Secretary of War as unjust as it was arbitrary. Major Belger was by him peremptorily and dishonorably dismissed the service. This, too, in the face of the above decision and of the strenuous remonstrance from General Schenck and other trusted officers, under whose command Belger was at the time and to whem all of the details of his official life while at Baltimore were familiar.

Up to this time his services in his responsible position of quartermaster at Baltimore had been so highly appreciated that the Government had refused to spare them and allow him to accept the command of eleven regiments, with the rank of major-general, offered him by the governor of Pennsylvania.

Notwithstanding the severe blow that had been unjustly dealt him, such was Major Belger's patriotism that, in spite of his wrongs, he spent two years and a half succeeding his dismissal in adjusting and closing the vast accounts of the Government in his hands. At the end of that period his accounts were found to be absolutely faultiess, and Major Belger having performed this service gratis, and being without any income, found himself penniless.

Various attempts have been made to redress, as far as possible, the irreparable wrong done this soldier. It is even established indubitably by the evidence that the Secretary himself afterwards regretted

ter from him, together with one from General Grant, constitutes a part of this report.

The present situation of this poor old man is such as appeals to the sympathy of those who are familiar with his career. After a long life spent in the military service of his country, he is left by that country poor, dependent, and helpless. Burdened with debts, contracted through no fault of his own, he sits crippled in a chair at Garfield Hospital and thinks of the honors torn away from him in the strength of his vigorous manhood. Age and disease are doing their work, and the country should not only do some part of justice to his past, but should take care of him until he dies.

The committee are of the opinion that it would not be more than proper recompense to this brave and faithful soldier, who has long suffered, that tardy justice should at last be extended and that he be promoted to the rank of colonel, being that to which continuous service in regular gradation would have entitled him.

The additional rank thus conferred would make grateful a heart long bowed

The additional rank thus conferred would make grateful a heart long bowed down under the seeming indifference of his countrymen, and the slight additional pay would do much to soften the hardships and mellow the decilning years of the old soldier.

The committee therefore report the accompanying substitute and recommend the passage of the substitute, and that the bill S. 2776 do lie upon the table.

APPENDIX.

DISTRICT OF COLUMBIA, City of Washington:

District of Columbia, City of Washington:

James Belger, being duly sworn, says: While quartermaster in United States service at Baltimore, in 1863, I noticed a brief statement in a Philadelphia newspaper, emanating from its Washington correspondent, intimating that irregularities existed in my administration of my office as quartermaster.

Jealous of my honor, I at once demanded a court of inquiry, without waiting to learn the foundation of the charge, which charge was retracted in the same paper in an early subsequent edition, though without my knowledge until after the retraction. Secretary Stanton ordered a court-martial instead of a court of inquiry, and before said court martial I was arraigned on a charge containing thirteen specifications. The court, after a strongly-pressed hearing, in which evidence of unlimited extent, occupying thirty days, was presented, unanimously found me not guilty of the charge and honorably acquitted me.

The proceedings having been duly forwarded to the Secretary of War to be by him submitted to the President, in accordance with the law then in force, for the exercise of his personal judgment in the matter, were not referred to the President at all, nor in any manner submitted to him, as I have been informed and verily believe. Secretary Stanton, acting without authority from the President, and being influenced, as I have since been informed, by private are parte statements made to him from outside rumors, disapproved the finding of the court-martial and caused an order to be issued dismissing me from the United States military service. This order was issued November 3, 1863. Secretary Stanton afterwards, as I am informed and believe, expressed the deepest regret for his action, and said I had been unjustly dismissed by him from the service; that I had been wronged in the matter, and that I should be restored to my position, and that he would restore me if he had the power. His action in thus dismissing me from the service without cause and wrongfully, as he himself admitted

by Secretary Stanton in 1863.

It was found that this order was incompetent to restore me to my position as the law stood, and Senator Henry Wilson, at the session of 1871, introduced a bill, which I am informed had the sanction and approval of the entire Military

Committee, restoring me to my position as though continuing in the service, with all my pay, emoluments, and privileges.

This bill was reported late in the session, and Senator Wilson was compelled to accept two amendments offered by Senators Howe and Nye, respectively, striking out the provision relating to pay and emoluments. Senator Nye informed me the next day that he had offered his amendment without understanding the facts of the case and without knowledge of its merits, on general principles, and that he was very sorry for his action, and if I would present my claim at another session of Congress he would vote for my bill and aid me in every way in his power that was proper. He was convinced that his amendment was wrong and should not have been offered. I accepted the provisions of that bill under the advice of Senator Henry Wilson, who informed me that it was best to do so for the time being; that it would not injure my claim for complete reparation; that I could again come to Congress for my full remedy, and that he would assist me in so doing. I desire to add that the passage of the bill under the circumstances will not interfere with the rank, pay, or promotion of any other officer, as I am now and would remain under the bill appended on the retired-list. I have had in my possession the original letters and documents mentioned and referred to in Executive Document No. 72. House of Representatives, second session Forty-first Congress, and also Exhibits A, B, C, and D, mentioned and referred to in my petition to the Congress of the United States at the session of 1882, and said printed copies in said Executive Document No. 72, and said printed petitions are true and correct copies of the originals. The originals have been presented to the Military Committees of Congress at previous sessions and are not now under my control, but are believed by me to be in the possession in force of the required provided to the distance of the course of the Government.

While quartermaster in the regular Army, early in

Subscribed and sworn to before me this 31st day of January, 1884.

JOHN E. BEALL, Notary Public,

JANUARY 31, 1884.

DISTRICT OF COLUMBIA, City of Washington:

Fannie N. Belger, being duly sworn, says:

I am the wife of Maj. James Belger, United States Army, a bill for the relief of whom is now pending before Congress.

The dismissal of Major Belger from the military service of the Government by order of Secretary Stanton in 1863 caused me and my two daughters to undergo the severest deprivations and sufferings. At times we have suffered for want of medicine, elothing, food, and the common necessaries of life, and during the entire period since his dismissal we have been limited to the strictes economy, and nevertheless have been involved in deep financial embarrassment. A bill introduced for the relief of Major Belger at the session of Congress, 1871, by Senator Henry Wilson, which received, as I have been informed by him, the unanimous support of the Military Committee, was passed at said session after the amendments offered by Senators Howe and Nye. Senator Wilson was compelled to accept said amendments, as he informed me, or defeat the passage of the bill, as it was then late in the session. He advised Major Belger to accept the provisions of the said bill, and to make further application to Congress for the full relief urgently asked for by him. Senator Howe informed me personally that he offered his amendment without understanding the facts in the case, and on general principles, and that he deeply regretted his action, and if my husband would again appeal to Congress he would heartily support his claim.

FANNY N. BELGER.

Subscribed and sworn to before me January 31, 1884.

Subscribed and sworn to before me January 31, 1884.

JOHN E BEALL, Notary Public,

STATE OF NEW YORK,
County of Kings, Cily of Brooklyn, ss:

Charles H. Hall, D. D., of said city, being by me duly sworn, deposes and says: I am now the rector of the Church of the Holy Trinity in said Brooklyn; I was formerly rector of the Church of the Epiphany in Washington, D. C., and as the rector of said church became well acquainted with Hon. E. M. Stanton, then Secretary of War, who was my parishioner. My relations with him were intimate and confidential. I had been, up to the time of my leaving Washington, in 1869, well acquainted with Col. James Belger, U.S. A., and with his wife. Before leaving Washington I had an interview with Mr. Stanton relative to the action of the Secretary in dismissing Colonel Belger from the service. I can not now fix the date with precision, but it must have been between 1863 and 1869. After this lapse of time I will not undertake to give the exact language of the Secretary expressed himself to me in the strongest terms favorably to Colonel Belger and to his restoration to the Army. I am confident also, without undertaking to give the exact language, that the Secretary stated to me he would restore him to the Army if he possessed the power, but at the time he had not such power, owing to some cause the precise nature of which has escaped my memory.

Without undertaking to give the exact language of the Secretary, I can say with confidence that he expressed himself to me as deeply regretting the part taken by him in the dismissal of Colonel Belger after the proceedings of the court-martial acquitting him, and felt that he had done him an injustice which he would be glad to rectify if it were in his power. I do not remember distinctly that the Secretary stated to me in terms that Colonel Belger was dismissed without the actor knowledge of the President, nor that the proceedings of the court-martial avere not submitted to him for revision, nor that he (the Secretary) took action in the matter without any conversation with the President, but solely as his own act, but such was the purport of the whole conversation and expressing regret

Sworn to before me this 29th January, 1884, by the above-named Charles H.

Hall, whom I well know as the party mentioned in the foregoing, and who subscribed the same.

SEAL.

J. R. CURRAN, Notary Public, New York County.

Certificate filed in Kings County.

D.

WASHINGTON, D. C., February 18, 1884.

Washington, D. C., February 18, 1884.

My Dear General: I have received your note in relation to the case of Major Belger, and will cheerfully answer your inquiries.

During the year 1863 I was in command of the Eighth Army Corps and Midde Military Department, with my headquarters at Baltimore. When I was assigned to duty there I found Major Belger acting as chief depot quartermaster, and he continued in that service during the greater part of the time of my being stationed at that point. He was also chief quartermaster of the department, though not of my corps. As a purchasing, disbursing, and forwarding officer at that point his duties were important, multiform, and onerous. Hearing at different times intimations of irregularities in the conduct of his business. I did not fail to make careful inquiry in regard to such complaints, but became satisfied that they were groundless. I found Major Belger an efficient officer, devoted, as it seemed to me, to a faithful discharge of his public duties, industrious, and making no serious error unless it was in undertaking too much work. He was surrounded with difficulties and doubtless made some mistakes, but I became satisfied that the complaints made against him originated mainly among dissatisfied contractors and persons who were in sympathy with Southern rebels and desired to have him removed. The reports against the administration and character of Major Belger being communicated also to Mr. Stanton, the Secretary of War, he sent for me to confer with him on the subject.

I found Mr. Stanton strongly prejudiced against Belger, and ready to believe all the charges made against him. Belger had, I believe, asked for a court of inquiry. Mr. Stanton thought that the charges against him ought at once to be formulated and a court-martial ordered for his trial, and that I ought at once to order such a court-martial. This I declined to do. I represented to the Secretary that I had become convinced that such a trial could result in nothing but acquittal, and that the wood be

the service.

Perhaps, in justice, as well to the Secretary himself as to Major Belger, I ought to add to this statement the fact that some years afterwards, in conversation with Mr. Stanton at his residence in Washington, shortly before his death, when we were talking of Belger's application for reinstatement, he expressed to me his regret for having so arbitrarily dismissed him from the service.

I shall be glad if this statement of mine of facts, peculiarly within my personal knowledge, can have any influence in inducing your committee and Congress to do whatever may be needful and within their power to right a wrong done a deserving and faithful officer.

Law years respectfully and truly, yours

I am, very respectfully and truly, yours,

ROB'T C. SCHENCK.

General WILLIAM S. ROSECRANS, Chairman Committee on Military Affairs, House of Representatives.

E.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE, Washington, D. C., April 19, 1882

My Dear General: A verbal message, purporting to come from you, is de-livered to me requesting information as to what would have been the rank at date of retirement of Maj. James Belger, formerly of the Quartermaster's De-partment, and now retired, had he served continuously from date of entry into service. In reply I have the honor to state that had he been continuously in service Maj. Belger's rank at date of retirement would have been that of colonel, with date of commission, presumably, June 6, 1872. Yours, very truly.

Yours, very truly,

R. C. DRUM, Adjutant-General.

Hon. JOSEPH R. HAWLEY, United States Senator.

NEW YORK CITY, December 4, 1883.

New York City, December 4, 1883.

Dear Senator: I send you inclosed the petition of Col. James Belger, United States Army, retired, for restoration of pay and rank claimed to be unjustly, if not illegally, withheld from him.

May I ask that you will give the petitioner a hearing and such action as your undgment will approve of after due consideration? One fact stands out clear, that Colonel Belger was tried by court-martial and acquitted honorably; that the findings of the court were not approved by the Secretary of War-I say the Secretary, because I do not believe he presented the case to the President—who then dismissed the prisoner by order. It seems his accounts were settled promptly, thus affording some evidence of the injustice of the dismissal.

Very truly, yours,

Hon. John A. Logan, United States Senate.

G.

Indorsement written by General Rosecrans to a number of members of the Fiftieth Congress, urging them to aid the applicant.

WASHINGTON, D. C., May 16, 1888.

Maj. L. Thomas brings me the within list of my old colleagues, and a letter, dated at the Garfield Memorial Hospital, from that gallant and much-wronged officer, Maj. James Belger, whose very integrity has been the cause of all the years of penury inflicted upon him and his family. In that letter he begs me to ask such members as I can to give their just consideration to the bill (H. R. 9933) for his relief.

Unable to call on you, gentlemen, I send Major Thomas with this indorsement, asking your special attention to this case of long-delayed and inadequate justice.

W. S. ROSECRANS.

H.

Indorsement from General Hancock.

GOVERNOR'S ISLAND, N. Y., December 4, 1882.

GOVERNOR'S ISLAND, N. Y., December 4, 1882.

COLONEL: In reply to your note of the 28th of November I have to state that an examination of the printed "statement and brief" inclosed herewith makes it apparent that you were wrongfully dismissed from the military service in 1863, and that your restoration by Congress was simply justice in your case. It seems to me, however, that in reinstating you as an officer of the Army you were manifestly entitled (considering all the facts attending your dismissal) to be restored in the grade to which you would have attained at the date of your restoration provided you had remained continuously in the service, and in this view of the matter I am of the opinion that legislation by Congress to that end would be fully warranted by the circumstances of your case, and this especially as such action in your behalf would not increase the number of officers on the retired-list (where you now belong) but would only give you that advanced grade thereon to which you seem clearly entitled.

W. S. HANCOCK.

To Col. James Belgen, United States Army.

Mr. EDMUNDS. Mr. President, this case is one which has attracted the attention of the Senate a good many times in the course of the last twenty years, and I had supposed that it was finally disposed of by the act of 1871, when all the circumstances were brought into review and an act did pass providing for Mr. Belger's restoration to the Army in a certain grade, and he was nominated and restored. I believe I am right about that, am I not?

Mr. SHERMAN. Restored, I think, as major.

Mr. SHEKMAN. Restored, I think, as major.

Mr. EDMUNDS. Yes, but according to the act of Congress and according to the judgment of the two Houses upon the whole case as it was then stated and appeared, and there is nothing new about it, all the equities and the supposed injustice—and very likely it was an ininstice, I am not making any complaint of this gentleman—were disposed of according to the judgment of Congress then, as being on the

whole the right thing to do; and so it was done. Now, after the lapse of time, it is proposed to have an additional retribution or recompense to this gentleman because Congress in 1871 did not give him all the reparation that he and his friends thought he was entitled to. I have been from the first extremely reluctant, as in the case of General Porter, not that I had any personal dislike to him, and in the case of a great many other Army and Navy officers, to Congress being called upon as a court of appeal to be continually reviewing the actions or mistakes or wrongs of the administrative department during the stress of war and undertaking to make a universal day of judgment and leveling up what appears from the ex parte representations of the friends of gentlemen who think that they had not been fairly promoted or had been unjustly dismissed, and all that, during those great operations. If we do it unto one we must do it unto every one who appeals to us, and come to constitute ourselves a kind of final board of review, as in pension cases from the Department; and then having once reviewed when everything was fresh, much more fresh than it is now, soon after the end of the war, and when many of the persons were living who could make counter-explanations, and so on, Congress having once disposed of this subject, it does appear to me to be against the public interest and the public justice in the sense of applying it to everybody—and it must be applied to everybody if it be public justice—now to undertake to re-review and reconsider and reprovide for the very considerable number of these gentlemen all over the country who think they were wronged in the course of the administration of the executive

department during the war or since the war.

Therefore, upon the principle I have stated, and without going at all into the question of what Mr. Stanton would say in the way of explanation if he were living at this moment, or into what President Lincoln would say, if living, in the way of explanation, it does not appear to me to be wise legislation to be continually reviewing and re-reviewing these matters in cases where they have once certainly been disposed of, to try to provide what is supposed to be additional reparation. So I am compelled (and it is not necessary to say without the slightest personal application or impugnment of Major Belger) to vote against this bill.

Mr. SHERMAN. I do not think it is necessary after the report has been read to discuss this bill. If Major Belger had not been removed without recease authority, he would have been size held the reads of

without proper authority, he would have long since held the rank of colonel and would have been retired before this time with that rank.

Mr. EDMUNDS. If my friend will permit me to interrupt him, when he says that this gentleman was removed without proper authority, I think he will admit in a moment that he is mistaken, because the laws of the United States, as I remember them, positively and clearly provided that in a time of war the President of the United States might remove anybody, from the General of the Army down, and therefore the act was a perfectly lawful one.

Mr. SHERMAN. Congress has already settled the fact that this was an extraordinary act. A great injustice was done to Major Belger, but I do not think it is necessary to go into that at all. It is certain if he had remained in the Army he would some years since have been retired as a colonel and been now drawing the retired-pay of a colonel. The Military Committee, to which we defer in all matters of this kind, have reported in favor of allowing Major Belger the retired-pay of a It seems to me that is a sufficient justification for my vote.

I know Major Belger and have always sympathized with him. I simply ask that this measure of justice, or rather this measure of re-

lief if you please to call it, which the Military Committee say should be allowed to him, may now be done. I have no familiarity with the case, further than the general familiarity which I think any man who has been in the Senate during or since the war must have with the case of Major Belger.

I hope in the few years he has to live-he must be getting to be a very old man now-he may receive the retired-pay of a colonel rather

than that of a major.

Mr. COCKRELL. I desire to call the attention of the Senator from Vermont to the fact that the amendment proposed by the Committee on Military Affairs is an entire change of the principle upon which the original bill was based. The original bill proposed to restore Major Belger to his position "as major and quartermaster by the act of March 3, 1871," and that he-

Be considered as having been continuously in the service from the 30th day of November, 1863; and the said James Belger is hereby declared entitled to all the rights, privileges, pay, emoluments, and promotion pertaining to such continuous service, deducting from pay due him the amount he has received while employed in the civil service subsequent to said 30th day of November, 1863.

In other words, the bill was to place him back in the position which it was supposed by mathematical calculation he would have attained had he never been out of the service; and that theory the Committee on Military Affairs thoroughly rejected, and probably as much out of sympathy as anything else they agreed to place him where he would nat-urally have been, in the position of colonel on the retired-list, for the few remaining days of his existence. He is quite old and quite infirm, and I believe is now in a hospital here. This bill as amended simply gives him the rank and pay of colonel from the day of its passage, and while I agree with the remarks of the Senator from Vermont regard to undertaking to overhaul all these matters, yet I agreed not to make opposition to this bill if it were reduced to the form in which it is now, and all claims as to the past should be abandoned.

Mr. EDMUNDS. I am not objecting to this bill on the ground that will take a thousand dollars, or two or three or four or five thousand dollars out of the Treasury of the United States, justly or unjustly, although that would be a matter of proper concern for every Senator who is disposing of the people's money; but I do not put it on that ground at all, and I do not put it on any ground of want of sympathy with this gentleman, who, so far as the evidence goes, I believe myself was unjustly treated, as a great many other people must have been and were, as we know, in both armies and in both administrations during the rebellion, from the public necessities of the military service where the Executive or the persons who had the power had to act upon such information as came to them ex parte and instantaneously, and think-ing that the public interest, acting in good faith themselves, required the thing to be done, that man must suffer. That is the fate of everything and everybody in times of that kind.

The point that I wish to make for the consideration of the Senateof course I know it is perfectly hopeless-is the principle of the thing, that this matter once having been thoroughly overhauled, either rightfully or wrongfully, and Congress having passed its judgment upon it and decided what ought to be done, and all that ought to be done, as a matter of principle-for this will be a precedent perhaps for many other similar propositions, the putting of people up-we ought not to do it. And the fact that this gentleman is infirm and ill, while it meets my entire sympathy and sorrow, does not alter the public conduct as it appears to me where the representatives of the States and the people ought to exert themselves in having a government of law

that applies to everybody alike. That is all I have to say.

Mr. HAWLEY. Mr. President, I do not fear so much the force of

this act, if you make it an act, as a precedent. Congress necessarily does a great many things as a court of equity, and they are not to be called precedents unless in the impossible case that somebody shall come with precisely the same state of circumstances.

I want to say a word or two about this case, because I am an earnest advocate of this bill. I admit the objections made by the Senator from Vermont; but because I know the whole story from beginning to end, and know the old colonel and his wife and the whole of them well, I am willing to see this great Government do this act notwithstanding the criticisms which may be passed upon it.

The Senator observed that at this lapse of time persons were not living who could suggest the considerations upon the other side that were visible to them at that time. Mr. President, there are no such considerations. If Mr. Stanton were here he could have none. I do not think there is anybody who could have any considerations to submit that would differ with our opinion that Colonel Belger was treated with the greatest possible injustice; and in saying that I do not mean to pass any censure upon the great War Secretary, Mr. Stanton, because occasional acts, arbitrary and unjust, were inevitable in the management of two millions of men in a great war like that.

In the first place, Colonel Belger is a man whose capacity and integrity were never doubted by the men who knew him, from the time he was a private soldier in the regular Army until he became a major and quartermaster and trusted with very great and important positions. They never doubted him. There are plenty of old soldiers still alive, including Rosecrans and others, and some who have gone, like General

Grant and others, who knew the old man well and never did doubt and never could doubt him.

There was a newspaper report that he was unfaithful to his duty in Baltimore, in charge of that great purchasing and disbursing station.

The old major was mad and he demanded an inquiry, and the court acquitted him absolutely, as being even without suspicion on the question. Then Mr. Stanton, who sometimes did what was just in these matters and was a great organizer of war, with a sweep of his pen—I have not the slightest idea that Mr. Lincoln ever heard of it—sent the old man out by an arbitrary dismissal. The old man would not submit, and, I am happy to say, his brave wife would not submit, and they brought the case strongly to the attention of the Government, and in 1867 the then President undertook to revoke that existing order and put Belger back in his place; but the opinion of the law officer stepped in and said that that could not be done.

Then the old man was given a place as clerk in the Treasury Department to support himself, and after he had been out of office, engaged two years and a half in adjusting his great accounts, his accounts were found right to a dime. Then he was in the Treasury Department, a clerk, a while, and then in 1871 the Military Committee of this Senate reported a bill aimed to do all and much more than all that this present bill does, to put him back with all his rights exactly as he would have stood in the Army; but somebody moved an amendment in the Senate to strike out and insert the word "major;" I think that was the only change; and rather than have the matter delayed any longer and the old man without any commission or pay, that was accepted. As a matter of course, in a sense that was a closure of the whole case and an estoppel against further demands; but it was not considered equitable then by the men who promoted the bill, including the subsequent Vice-President, Wilson, and others; they were not satisfied with it.

The question whether it would have been as well to submit and let it all go is not exactly the question here now, because the colonel and his friends would not let it go. They have been to Congress again and again asking for a fuller measure of justice. He is now far below in rank where he would have been but for that injustice, far below in He has been years out of commission, involved in debt necessarily in defending his claims, spending two years and a half in settling his accounts without any pay for it. This bill simply gives him the increase of pay due to the difference between major and colonel.

I admit that rank and commission upon the retired-list are very unequally held. Here we have just made a gallant cavalry commander a major on the retired-list. Another man who held high cavalry commands in many divisions and fought them gallantly has gone back to the retired-list, a man more or less broken in health, willing to take the place of captain.

This is not a case to which you can apply logic. It is a case in which the Government comes as a great father. Logic or no logic, I am willing to let the old man have the little difference in pay. He is seventy-

five or eighty years old, and in the hospital now.

Mr. EDMUNDS. So am I, and I will subscribe for it myself to the extent of my means, if the Senator's views are correct.

The question is, if we are going to do this thing for this gentleman, with what face can we say we are going to do it to rectify the inequalities that the Senator from Connecticut confesses exist in the retiredlist now? Let us look at this case as it stood when the President of the United States dismissed this gentleman from the Army. The law said that in time of war the President of the United States might dismiss anybody from the Army, with reason or without reason. If the President thought that the interest of the public service required him to say to me or to my friend—though I was not in the Army except as a captain of militia, without a gun, during that time, and my friend was at the front all the time—that our service was no longer required, he had the power to say it. The law imputed that discretion to the President of the United States; it was a discretion that was necessary, and I suppose in the four years of the war the President of the United States dismissed probably two or three or four or five hundred, or perhaps, a thousand officers, going down from general to lieutenant, which I believe is the lowest commissioned officer.

Now, the question is whether the President of the United States, having exercised the power that the law reposed in him of dispensing with the services of a military or a civil officer, either of those citizens has any claim upon Congress to review that action of the President, and say you ought not to have turned this man out of the public service and remitted him to his condition of a citizen of the United States, and we are to be a board of appeal higher than the President under the Constitution, and say, "You did wrong in doing that; the public service would have been better promoted and this gentleman's emoluments and honors would have been greater if you had not done it, and we will therefore pass a law at some later time to rectify that error that we think you committed."

I do not believe you can carry on a government justly and wisely in that way. If you undertake to do it, it will become a government of bias, of favoritism or prejudice, depending upon the influences that can be brought to bear upon me—I will not speak of any other Sena-tor or Member of the House of Representatives—to push this particular gentleman's case because he lives in my State, or because his wife is a

very persuasive logician, a sympathetic person who will lead you to feel that whatever she may wish at that time is just to her husband, and so on. It does not appear to me that government should go on in that way; and when the Constitution and the laws vest in the President of the United States the right to select, and negatively to dispense with, the services of public officers, either in military or civil service, and he does it, it is no part of the business of Congress to undertake to review that action of the President.

The present Administration has dismissed many persons from the civil service of the United States that I believe to have been wrongly dismissed, and whose dismissal was injurious to the public service. we waive the distinction which I admit does exist to an extent between the civil and military service in such matters, every person in the civil service who has been dismissed by the President of the United States in the last three or four years may come and say to Congress, "Now give me the pay and the rank of a judge in a Territory, or a collector of customs, or a postmaster, or an internal-revenue officer, or an Indian agent, or a consul, or a minister," or whatever may be the whole range that is covered by this exercise of a discretion which the Constitution and the law have imputed to another branch of the Government than this. That is my point. It has no relation to the personal question about Mr. Belger at all. It has relation to the broader thing, if we do right equally to all men, that we are acting upon a principle involved which is highly injurious, as I believe, to the public interests.

Mr. HAWLEY. Mr. President, just a word more and that is all.

I can not agree with the Senator from Vermont in saying that Congress is never to exercise anything like the reviewing power of a court of equity. I think it ought reasonably to be expected that when one of its great executive officers commits an act appearing and acknowledged to be, I may say, an act of great injustice, an act inflicting offi-cial infamy, as well as personal loss at the same time, it is within the power of the supreme government in those instances to make some sort of atonement—or if you do not use the word "atonement" to do some sort of justice to the man.

If the Senator will go into the office of the Secretary of State he will find that Congress itself has not been above repentance. He will find an act of censure placed upon a great soldier, afterwards President of the United States, which was expunged by express order of Congress, and worse than expunged—not erased from the book, but around it he will find heavy black lines of a subsequent disapproval and revoca-

Mr. HOAR. What case is that?

Mr. HAWLEY. The famous Andrew Jackson case.
Mr. HOAR. Not expunged by order of Congress, as the Senator stated, but by the Senate alone.

Mr. HAWLEY. By the Senate alone, then. That is enough for my purpose. I am only speaking of the Senate. This is not the first time in the world by any means that Congress has tried to do equity notwithstanding the severe letter of law.

Mr. BATE. Mr. President, in reply to what has been said by the Senator from Vermont [Mr. EDMUNDS] I simply desire to read what has been stated by General Grant. It seems from his statement that the dismissal in this case was not the act of the President of the United States, but that of the Secretary of War. While the President has the right, of course, to make removals, yet the Secretary of War, as General Grant states it, acted without consultation with the President I desire to read what General Grant has said upon that point in behalf of this gallant old soldier who now seeks some reparation for the wrong done him.

This was written but a short time before the death of General Grant, to General Logan, and is as follows:

NEW YORK CITY, December 4, 1883.

New York City, December 4, 1883.

Dear Senator: I send you inclosed the petition of Col. James Belger, United States Army, retired, for restoration of pay and rank claimed to be unjustly, if not illegally, withheld from him.

May I ask that you will give the petitioner a hearing and such action as your judgment will approve of after due consideration? One fact stands out clear, that Colonel Belger was tried by court-martial and acquitted honorably; that the findings of the court were not approved by the Secretary of War—I say the Secretary, because I do not believe he presented the case to the President—who then dismissed the prisoner by order. It seems his accounts were settled promptly, thus affording some evidence of the injustice of the dismissal.

Very truly, yours,

U. S. GRANT.

Hon. John A. Logan, United States Senate.

U. S. GRANT.

I read that merely in response to what was said by the Senator from Vermont in regard to the right of the President to dismiss such officers. It seems that this gallant old soldier now tottering on the verge of the grave, and I believe in hospital, partly from poverty and perhaps paralyzed, was dismissed from the service dishonorably by an arbitrary He was sensitive as to his rights and his fame, and his friends sympathized with him and they would not let the matter rest. came to Congress and an act was passed during the administration of President Johnson, I believe, for his restoration. He was only partially restored. Something was necessary to be done. General Grant states that he would have restored him when President if he had had the power and such is the proof in this record. After that he continued knocking at the door of Congress for justice, and at last we find the Military Committee of the Senate, to which this matter was re-

ferred, examined all these reports and the letters of Grant and Rosecrans and Schenck, under whom he served, and taking all the circumstances into consideration (though it may be a bad precedent in one sense) agreed to make an exception of this case and override former prece-So the committee has asked the Senate to recognize the rights

of this old man even at this late day, and to give him this relief.

It is very natural for a man who had received the military education Belger had, and who has gone along the checkered road he has, to prefer to be buried when he dies-and that must be soon-in the uniform and with the epaulets of a colonel. It is a passion with him, and the committee looked at all these things, which did make to some ex-

tent a strong case of equity.

I have read, in response to what was said by the Senator from Vermont, the words of General Grant, written just before his death, and I ask in the name of the Military Committee, which I think was unanimous—we have heard from the chairman of the committee—that this old man be restored to his rights. It is a small pittance to this great Government, it is true, but it is a great thing to him. He has served the country faithfully, \$11,000,000 going through his hands in one year, and he settled his accounts without the loss of a penny. I say such a man should be recognized, and it is the duty of the Government to provide for him whenever it can be done consistently with its law and in keeping with its precedents.

I ask, therefore, that this old man may get as unanimous a vote as possible, even if it comes to a yea and nay vote, to sustain him and let it go upon the record, and when he dies let him be buried, as he desires

to be, in the uniform of a colonel, which he has never disgraced.

The PRESIDENT pro tempore. The question is on the amendment

The PRESIDENT pro tempore. The question is on the amendment proposed by the Committee on Military Affairs.

Mr. HOAR. What is the amendment? Let it be again read. The PRESIDENT pro tempore. The amendment will be read. Mr. EDMUNDS. Let us see what is the first proposition. Let the

original bill be read.

The Chief Clerk read the bill and the amendment of the Committee on Military Affairs.

Mr. HOAR. I should like to inquire of the committee whether that last phrase—it is an unusual and very inartificial, technical one—is at all essential to their purpose:

And all laws and parts of laws in conflict herewith are suspended for this pur-

Mr. COCKRELL. That is the usual provision. The President can not appoint any officer above the grade of second lieutenant in the Army and below that of colonel—from colonel down—except by promotion from a lower grade; and we suspend the law requiring this appointment to be made by promotion.

Mr. HOAR. But the act of Congress suspends it without saying

Mr. COCKRELL. That is the usual form. That has been adopted to show that we suspend the law of promotion for this purpose.

Mr. HOAR. I will not make any point upon it, but it certainly strikes me as a very inartificial and clumsy phrase. If we make a law, that is the law, supposing it under the Constitution to be within our constitutional power, and that of course prevails over all other laws,

and it is not necessary to suspend them for this purpose only. I will not move an amendment, but I wish to enter my protest.

Mr. CALL. Mr. President, the Senator from Massachusetts is manifestly right, and it is an improper use of language when we make a law which has the force and effect of repealing a previous or inconsistent statute to say that such previous statute shall be suspended temporarily, the law itself having that effect. But I think there is another point that should be made in regard to this bill. We sit as judges in a case like this, and here is a case where the public faith has been pledged to an officer to repair an injustice done him. So this report states.

The President of the United States himself declared in 1867, as the report states, that being convinced of the injustice of the treatment accorded Major Belger, he revoked the order of dismissal and restored him to the Army. This order failed of effect, Congressional legislation being required to render it effectual. The matter rested until 1871, when a bill restoring him to the rank of major from the date of its passage became a law. The report also states that the Secretary himself sage became a law. The report also states that the Secretary himself would have repaired the wrong. This action of the Secretary of War dismissing Major Belger was unauthorized by law, as it was manifestly

Now, with what propriety can the committee recommend or Congress declare that they will not redress a wrong done without authority of law and therefore of no legal validity, but still effecting all the injury that it would have done if it had been done with full authority of law? The Senator from Vermont objects to this bill, because he says that we should do equal justice to all, and we should commence doing this equal justice to all by doing injustice in this particular case! Because if we do justice to this man and do not redress every other wrong, the justice done will be unequal. That is to say, we shall not do justice to any man because justice can not be done at the same time to all men. There is no sound reasoning in this proposition of the Senator from Vermont.

Equal justice to all men may be impossible, but the proposition of the Senator from Vermont that therefore no justice should be done to

any man is a non sequitur, and impossible, as a rule of either public or

private morals.

Here is an officer removed without authority of law and in defiance of law, so interpreted by the Executive himself, by the general under whose command he served, by every succeeding general, and the proposition is to restore him to the position of which he was unlawfully deprived. What object of public policy can there be in saying that this man should not have the position which was wrongfully taken from him and all its emoluments?

Are you going to build up patriotic citizen soldiers in that way, by refusing to do them justice, by allowing unlawful and usurped authority to deprive them of their good names and of their just emoluments? The bill ought to pass giving Major Belger the rank and emoluments which belong to him by law, he having never been lawfully deprived of them, and as a question of law and right never having been out of the service. A man can not lawfully be deprived of his office by a Secretary of War without the President's approval. In this case it is proved that the President did not approve the Secretary's action, and that the Secretary himself did not approve his own action in the premises, but sought to reverse and annul it.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

Mr. EDMUNDS. I hope this bill may be finished. I have no dis-

position to delay it.

The PRESIDENT pro tempore. The Senator from Texas [Mr. Coke] is entitled to the floor on the unfinished business.

Mr. SHERMAN. Will the Senator from Texas yield?

Mr. COKE. I will yield if a vote can be had immediately, without further debate.

Mr. CALL. I do not propose to delay the consideration of this case. I only wish to point out the manifest wrong of the case.

The PRESIDENT pro tempore. Does the Senator from Texas yield for further debate?

Mr. COKE. I am not willing to yield for further debate.

The PRESIDENT pro tempore. The Senator from Texas objects to the consideration of the bill.

Mr. CALL. Mr. President

The PRESIDENT pro tempore. Does the Senator from Florida object to the consideration of the bill?

Mr. CALL. I do not.

Mr. SHERMAN. I ask if the Senator from Florida will not yield and let us have a vote?

Mr. CALL. Yes, I yield.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the Speaker of the House, had signed the following enrolled bills; and they were thereupon signed by the President pro tempore

A bill (H. R. 424) granting a pension to Elizabeth Myers; A bill (H. R. 917) for the relief of Julianna Muller; A bill (H. R. 2428) granting an increase of pension to William H. Koch:

A bill (H. R. 3766) for the relief of William Pfaender; A bill (H. R. 3888) granting a pension to Mary H. Stacy; A bill (H. R. 4789) for the relief of George W. Sampson and Benja-A bill (H. R. 4789) for the relief of George W. Sampson a min Henricks, of Austin, Tex.;

A bill (H. R. 5790) granting a pension to Mary Whitney;

A bill (H. R. 6535) granting a pension to Mary Gray;

A bill (H. R. 6598) granting a pension to Maria Brasted;

A bill (H. R. 6886) granting a pension to Hannah McKee;

A bill (H. R. 7123) for the relief of Catharine Mutz;

bill (H. R. 7566) granting a pension to George W. Lloyd;

A bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll;

A bill (H. R. 8801) granting a pension to William Logan; A bill (H. R. 9179) granting a pension to W. B. Green; A bill (H. R. 9408) granting an increase of pension to Stephen L. Kearney

A bill (H. R. 10216) granting a pension to William Fowler;
A bill (H. R. 10301) for the relief of Emily Cross;
A bill (H. R. 10337) granting a pension to John Ebert;
A bill (H. R. 10474) granting a pension to Dorcus Alford;
A bill (H. R. 10639) granting a pension to John Y. Hooper;
A bill (H. R. 10780) for the relief of Benjamin E. Snyder;

A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed; A bill (H. R. 10879) increasing the pension of Permelia Smith;

A bill (H. R. 10882) granting a pension to Nancy Hamilton; A bill (H. R. 10975) granting a pension to John H. Starr; A bill (H. R. 11300) granting a pension to George H. Burgess;

A bill (H. R. 11311) granting a pension to James Metcalf;
A bill (H. R. 11430) to increase the pension of Harlan E. King;
A bill (H. R. 11466) granting a pension to Mary A. Selbach;
A bill (H. R. 11515) granting a pension to Charles G. Sanders;
A bill (H. R. 11586) for the relief of Stephen Williams;
A bill (H. R. 11736) granting a pension to Margaret M. Nugent;
A bill (H. R. 11741) granting a pension to Alexander M. Boatright;
A bill (H. R. 11871) for the relief of Hardin County, Kentucky;
A bill (H. R. 11923) granting a pension to Charles Schuler;
A bill (H. R. 11924) granting a pension to Annie Balser:

A bill (H. R. 11924) granting a pension to Charles Schuler; A bill (H. R. 11994) granting a pension to Mary A Long; A bill (H. R. 12006) granting a pension to Leonard Schaefer; A bill (H. R. 12047) granting an increase of pension to George Col-

A bill (H. R. 12303) granting a pension to Ester Gaven;

A bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation in the State of Minnesota; and

A bill (H. R. 12506) granting an increase of pension to Patrick Geraghty.

#### JOHN B. READ.

Mr. EDMUNDS. I desire to have some papers printed from the War

Department concerning a claim that is about to come up.

I have received from the Ordnance Department some official papers concerning the claim of Dr. John B. Read, which I ask, with the letter of the Chief of Ordnance to me, may be printed for the use of the

The PRESIDENT pro tempore. The papers referred to by the Senator from Vermont will be printed, if there be no objection. The Chair hears none.

#### ABBY J. SLOCUM.

Mr. SAWYER. I wish to submit a conference report which will take but a moment, because no action of the Senate is necessary. ask that the report be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (8.169) granting an increase of pension to Abby J. Slocum having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as

follows: That the House recede from its amendment.

PHILETUS SAWYER,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate. J. LOGAN CHIPMAN, S. S. YODER, H. J. SPOONER, Managers on the part of the House.

The PRESIDENT pro tempore. The report requires no action by the

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States

for the fiscal year ending June 30, 1890.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding, agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. LANE, Mr. YODER, and Mr. SPOONER managers at the conference on the part of the House.

The message further announced that the House had agreed to the

The message lutriner announced that the house had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 10240) for the relief of J. Edwin Pilcher; and
A bill (H. R. 11777) granting the right of way to the Fort Smith,
Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the
Indian Territory, to or near Baxter Springs, in the State of Kansas.

The message also announced that the House had receded from its

amendment to the bill (S. 169) granting an increase of pension to Abby J. Slocum.

The message further announced that the House had passed a bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, in which it requested the concurrence of the Senate.

# ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3949) to enable the President to protect the interests of

the United States in Panama; and

A bill (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

#### CONGRESSIONAL ELECTIONS.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections in relation to Congressional elections

Mr. COKE. Mr. President, I propose this morning to proceed with as little delay as possible to lay before the Senate additional testimony in support of the memorial read two days ago from citizens of Washin support of the memorial read two days ago from chizeles of the investigation of the Washington County, Texas, disturbances was had, and I will ask the Secretary to turn to page 471, testimony of E. P. Curry.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

# TESTIMONY OF E. P. CURRY.

E. P. Curry, having been duly sworn, was interrogated as follows:

E. P. Curry, having been duly sworn, was interrogated as follows:

By Mr. Eustris:

Q. What is your full name?

A. E. P. Curry.

Q. What is your full name?

A. I. Re. Curry.

Q. What is your age?

A. I are twenty-eight years old.

Q. Where do you live?

A. I live in Brenham, Washington County, Texas.

Q. How long have you lived there?

A. I live do county all my life; in Brenham the last three years.

Q. Hat eounty all my life; in Brenham the last three years.

Q. Hat are your polities?

A. I am a lawyer.

Q. What are your polities?

A. I am a Democrat.

Q. Were you a candidate at the last election?

A. Yes, sir.

Q. For whadidate for magistrate on the People's ticket.

Q. Were you elected or defeated?

A. I was defeated.

Q. Who defeated you?

The Wirnsess. Do you mean who was my opponent?

Mr. Eustris. Yes.

A. Mr. Riggs Hackworth.

Q. What was the character of the canvass that you had; did you take an easily all the second of the convention of the convention of the convention of the citizens where they met at school-houses and places of that sort to discuss of the citizens where they met at school-houses and places of that sort to discuss of the citizens where they met at school-houses and places of the wort to yote the People's ticket were intimidated by Republicans?

A. I know they were induced to believe that they would be—

Mr. Stoonen. That is not an answer to the question.

The Wirnses. Mether they were intimidated by the Republicans?

A. I know they were induced to believe that they would be—

Mr. Stoonen. That is not an answer to the question.

The Wirnses. Whether they were intimidated by the Republicans?

A. I know they were induced to believe that they would be—

Mr. Stoonen. That is not an answer to the question.

The Wirnses. The were speeches made which were calculated to dissatisfy the negroes in our oounty, and make then believe they were not getting the rights that belonged to them, and they were told if they continued to support the Democrats it would finally result in ruin. I heard some of

By Mr. SPOONER:

Q. Were these threats that you are talking about threats that were made in ness meetings of secret societies?

A. It was, as a rule, in secret societies.
Q. Are you a member of any of those secret societies?
A. No, sir.
Q. Then how do you know anything about it?
A. I said I heard that reported from negroes.

By Mr. Eustis:

Q. Did you hear that from negroes?

Q. Did you hear that from negroes?
A. Yes, sir.
Q. Who told you?
A. I think I heard a dozen or more negroes say so in Brenham; some who voted with us.
Q. Do you know S. A. Hackworth?
A. I do.
Q. How long have you known him?
A. I have known him about six or seven years.
I have known him by reputation ever since I can remember, but personally I have known him for five or six years.

Q. What is his standing and general reputation in that community?

Q. What is his standing and general reputation in that community?

A. It is not good.

Mr. Spooner. For what?

Q. Do you mean it is bad?

A. Yes, sir; it is bad.

Q. What is the general standing and reputation of Mr. Schutze there?

A. I do not know very much about Mr. Schutze, but I have heard the Germans speak of him, and from what they say about him it is not at all good; that he had quit his wife, and so forth, and was not very honorable.

Q. Do you know what the standing and reputation of Mr. Moore is there?

A. I have heard a great many say that he would not pay his debts, and things of that sort. I do not know a great deal about Mr. Moore, but I do not think he had any business, at least not just before he left.

Q. Do you think there is any reason, from the mere fact that a man is a Republican, why he has to leave that community?

A. I know it is no reason for his leaving.

Mr. Spooner. The witness's opinion on that subject does not amount to anything, or change the facts. We are trying to get at what happened. His individual judgment is not important. If you ask about the public sentiment, that is one thing, but his individual opinion we do not care anything about.

The Witness. I can give you the opinion of the public generally, if you want it. Mr. Eustis. Very well.

The Witness, Asto whether they would be safe or not there, I have not heard of any organized mob which would do anything to them, and I have been right in with the Democrats of that county, and I think the mere fact that part of them did stay and were never molested is a very good reason to suppose that the others were not in any danger.

By Mr. Spooner:

By Mr. SPOONER:

Q. Yousay you think the negroes were intimidated against voting the People's ticket?
A. Yes, sir; I do.
Q. Do you know whether they were or not?
A. I think they were.
Q. Iask you if you have any personal knowledge of any negro being intimidated?
A. I have seen them as Well and the people of the

A. I have seen them pulled away from the polls by other negroes when they

wanted to vote.

Q. You have seen white men pull them away from the polls when they wanted to vote?

A. I do not know that I have.

By Mr. EUSTIS:

Q. Pulled away when they wanted to vote what?
A. When they wanted to vote the Citizens' ticket. We had no Democratic ticket in our county.

Mr. COKE. I desire to call attention to one fact developed in the testimony of this witness. It is that he was a candidate for the office of justice of the peace, and that his opponent was Mr. Riggs Hackworth, who resides in Brenham, Washington County, a brother, as I have understood, of the memorialist, Stephen A. Hackworth. Mr. Riggs Hackworth was elected and this gentleman was defeated. I call attention to this fact to show that Mr. Riggs Hackworth, an active Republican and a brother of the memorialist, Stephen A. Hackworth, is in Brenham now exercising the duties of a magistrate, and is doing well. I desire that fact to be remembered in connection with the charge of intolerance against the people of Washington County.

I now ask the Secretary to turn to the testimony of Henry Hodde, and read it, on page 486.

and read it, on page 486.

The PRESIDING OFFICER (Mr. Pasco in the chair). The Secre-

tary will read as requested.

The Secretary read as follows:

# TESTIMONY OF HENRY HODDE.

Henry Hodde, being duly sworn, was interrogated as follows:

By Mr. EUSTIS:

Henry Hodde, being duly sworn, was interrogated as follows:

By Mr. Eustis:

Q. What is your name?

A. Henry Hodde.

Q. How old are you?

A. I aw forty-eight years old.

Q. Where do you live?

A. I live in Brenham, Washington County, Texas,

Q. How long have you lived there?

A. I have lived there about twenty-seven years.

Q. What is your politics?

A. Merchandising.

Q. What are your politics?

A. I am a Republican.

Q. How long have you been a Republican?

A. Ever since I have been in America.

Q. What ticket did you vote in 1884—what local ticket?

The Witness. Do you mean two years ago, or this election?

Mr. Eustis. I mean two years ago.

A. I voted the People's ticket.

Q. What were the reasons for making up a People's ticket in that county?

A. Our county heretofore, for many years back, had been badly managed, and the good citizens of the county and tax-payers agreed to put polities aside and make a People's ticket regardless of politics, and select the men, and those men were selected and elected.

Q. Did many Republicans take that view of it?

A. Yes, sir, I think the German population, seven-eighths of them, belong to the Republican party, and they took the same view and supported the People's ticket—that is, the local ticket. But in national politics the ticket was headed either Democratic or Republican, so that they could vote as they pleased; but in local affairs they voted the People's ticket.

Q. That was caused, you say, by bad administration in county affairs previous to 1884?

A. Yes, sir.

Q. What party was in power there in the county at that time?

A. It was said to be the Republican party, but there were some few Democrats also who were elected—for instance, the county clerk.

Q. Do you know what is the standing and general reputation of S. A. Hackworth?

A. In the community it is considered not very good.

Q. Do you know what the standing and reputation of Mr. Schutze is?

A. About the same; not considered very good.

worth?

A. In the community it is considered not very good.

Q. Do you know what the standing and reputation of Mr. Schutze is?

A. About the same; not considered very good.

Q. Do you know whether the mere fact that a man is a Republican in that community prevents him from living there peaceably and quietly?

- A. Under no circumstances. I have freely explained my opinions, Q. A man is not molested in his business or social relations on that account? A. Not in the least. Q. Do you think that Mr. Hackworth, Mr. Schutze, and Mr. Moore could have remained there if they chose?

  A. Of course; that is my opinion.
- Mr. COKE. I ask the Secretary to turn to page 489 and read the testimony of William Thompson.

The Secretary read as follows:

TESTIMONY OF WILLIAM THOMPSON.

William Thompson, having been duly sworn, was interrogated as follows:

By Mr. Eustis:

- By Mr. EUSTIS:
  Q. What is your full name?
  A. William Thompson.
  Q. Where do you live?
  A. I live near Brenham, in Washington County, Texas.
  Q. How far from Brenham?
  A. About two miles and a half.
  Q. How long have you lived there?
  A. I have been living two and a half miles from Brenham for sixteen years.
  Q. What is your business?
  A. I purchase cotton for Northern manufacturers.

By Mr. TELLER:

- Q. You are a cotton broker? A. A cotton dealer; yes, sir.

By Mr. Eusris:

- What are your politics?
  I have always voted the Democratic ticket since the war.
  Do you know Mr. S. A. Hackworth?
  Yes, sir.

- One of the memorialists?
- A. Yes, sir.
  Q. One of the memorialists?
  A. Yes, sir: I have known him for a number of years there.
  Q. What is his standing and reputation in that community?
  A. I know very little about Mr. Hackworth personally, and never had much association with him, but as an official there, I know he was odious to the best sentiment of the community and the county. He was an official only in one of the precincts of the county. In our town or justices' precinct his reputation was not very good.
  Q. Do you know anything about the standing and reputation of Mr. Schutze?
  A. Only from the general reputation of the man in the community. He is a man with whom I had no intercourse of any character. I do not think I ever knew a man afflicted with as great an amount of leprosy in my life as Mr. Schutze, personally.
  Q. By "leprosy" you mean moral leprosy?
  A. Yes, sir; I mean moral leprosy. As an official he was regarded as corrupt, and I think his social ostracism from the entire German families of that county (and they are very clamish) is complete and perfect. I do not think there were half a dozen families in the county that he would be admitted access to.
  Q. Do you know anything about the standing and reputation of Mr. Moore?
  A. Yes, sir; I have known Mr. Moore rather familiarly for a long time. I know nothing on earth against Mr. Moore's character. As an official he was regarded as having discharged the duties of his office always fairly and faithfully.
  O Do you know anything about the circumstances of his leaving?

- regarded as having discharged the discretizations fully.

  Q. Do you know anything about the circumstances of his leaving?

  A. I do not.

  Q. And he never told you?

  A. No, sir; I never heard him say a word about it. I think the could be raised to Mr. Moore was probably that sometime A. I do not.

  Q. And he never told you?

  A. No, sir; I never heard him say a word about it. I think the only objection that could be raised to Mr. Moore was probably that sometimes in his official intercourse he was not as courteous as he might have been, but I never felt the effect of that myself. I think Mr. Moore is a different man from the
- ficial intercourse he was not as courteous as he might have been, but I never felt the effect of that myself. I think Mr. Moore is a different man from the other two, entirely.

  Q. What is your opinion, from what you heard and from everything that has occurred and transpired, so far as your observation extends, as to these people being obliged to leave that community simply because they were Republicans; do you believe any such thing as that?

  A. I do not know anything of the sort. I can hardly realize that in a community like ours a man should have to leave on account of his politics. No, sir; I do not know that either of those political leaders, Hackworth or Schutze, had to leave, and I do not know that I have ever heard Mr. Moore charge that he was advised to leave; he has not testified, I believe. I think those other individuals were not odious because they were Republicans, but in regard to Mr. Hackworth especially I think it was because he manipulated the colored element of the Republican party, and that is only one element of it, because almost the entire German community there are Republicans. He manipulated the colored element of the Republican party in such a way as to impose upon the people of that county office-holders who were obnoxious, and I think the opposition to them was chiefly on that account. It gave birth, as has been testified here by a number of others, to a People's party, the People's ticket, which was the result of a fusion between the Republicans and the Democrats in the interest of good county government. of good county government.
- Mr. COKE. I desire to state of this gentleman that I know him well. He is an ex-member of the Legislature of the State of Texas, a gentleman who stands high in Washington County and everywhere else where he is known.

Now I ask the Secretary to turn to page 492 and read the testimony of Gus Hopkins.

The Secretary read as follows:

TESTIMONY OF GUS HOPKINS.

Gus Hopkins (colored), having been duly sworn, was interrogated as follows: By Mr. EUSTIS:

- By Mr. LUSTIS:

  Q. Are you a white or a colored man?
  A. I am a colored man.
  Q. The reason I ask you that, preliminarily, is to get a photograph which has to go down in writing. How old are you?
  A. I am twenty-eight years old, or will be in a few months.
  Q. Where do you live?
  A. In Brenham, Washington County, Texas.
  Q. How long have you lived there?
  A. I have been there about twenty-seven years.
  Q. What is your business?
  A. I am employed by the city.

  - Q. What is your business?
    A. I am employed by the city.
    Q. In what capacity?
    A. As a cartman.
    Q. What are your politics?
    A. I am a Republican.

- Q. Did you vote for Blaine and Logan? A. Yes, sir; I voted for Blaine and Logan. Q. What local ticket did you vote, the People's ticket or the Republican

- A Q'A Q'A Q'A
- et?
  The People's ticket.
  Did you vote that ticket in 1884, do you remember?
  Part of it I did.
  I mean two years ago?
  Yes, sir; part of the People's ticket I voted.
  How did you vote at the last election?
  I voted the People's ticket straight out and out.
  Why did you vote for the People's ticket instead of the Republican ticket he last election?
  WITHERS. Why did I do it this last time?
  FEUSTIS. Yes.

- A. I voted the People's ticket straight out and out.
  Q. Why did you vote for the People's ticket instead of the Republican ticket at the last election?
  The WITNESS. Why did I do it this last time?
  Mr. EUSTIS. Yes.
  A. Because the People's administration had shown to me that it was a more fair and honest administration, and was better for the people in general.
  Q. Do you know whether a good many of your colored people wanted to vote the People's ticket?
  A. Yes, sir; there was a good many who wanted to do it, and there was a good many who did vote the People's ticket.
  Q. Was it the opinion of yourself, and people like you, who voted the People's ticket, that your rights would be fully protected under that administration?
  A. Yes, sir; that was the conclusion that a majority of the people—well, a

- A. Yes, sir; that was the conclusion that a majority of the people—well, a large number of them, but not the majority of the colored people, came to.

  Q. Was it known among the colored people that the administration of their school affairs was better for the colored people under the People's administration than under the Republican ticket?

  A. Yes, sir; that was about one of the first things that caused the colored people—so many of them—to go that way. We had seen the difference. The teachers of the county never had any trouble in getting their money for teaching or anything like that since the People's administration had been in power there.

- teachers of the county never had any trouble in getting their money for teaching or anything like that since the People's administration had been in power there.

  Q. Do you know of any efforts being made by these white Republican leaders to prevent the colored people from voting the People's ticket?

  A. Yes, sir; there had been some effort made to prevent it, and it created quite a disturbance and excitement among them.

  Q. Among the colored people?

  A. Yes, sir.

  Q. Haven't the colored people there a good many societies?

  A. Yes, sir.

  Q. Church and charitable societies?

  A. Yes, sir.

  Q. And social organizations?

  A. Yes, sir.

  Q. And social organizations?

  A. Yes, sir.

  Q. Are not the colored people who want to vote the People's ticket threatened with losing their membership in the church and their membership in these societies if they vote the People's or Democratic ticket?

  A. Yes, sir; if they vote the People's ticket.

  Q. They consider it a great hardship, do they not, to be excluded from any of their societies?

  A. Yes, sir; from any of their societies at all.

  Q. Do you know a colored preacher named J. R. Bryan?

  A. Yes, sir;

  Q. Do you know of any trouble into which he got because he advised the colored people to vote the People's ticket?

  A. Yes, sir; 1 think he was notified by some of the members of his church that he had better pull up stakes and leave there, because the members of that church intended to starve him out there in this coming year if he staid there; that they did not intend to pay him; and he had several insults offered to him and was treated very rough by them afterwards.

  Q. And that was because he had advised the colored people to vote the People's ticket.

- A. Yes, sir; to vote the People's ticket.
  Q. You had two brothers who were killed, did you not?
  A. Yes, sir; two of my brothers were killed.
  Q. What were their names?
  A. Oscar Hopkins and Tom Hopkins.
  Q. Do you know whether they voted the People's ticket?
  A. Yes, sir; they both voted the People's ticket.
  Q. Did not that cause, so far as you know, a great prejudice against them among the colored people?
  A. Yes, sir; they both voted the People's ticket.
  Q. Did not that cause, so far as you know, a great prejudice against them among the colored people?
  A. Yes, sir; it caused a great prejudice against them, and was the cause of their lives being taken from them as they were.
  Q. Who killed them?
  A. Dan Nelson.
  Q. Who is Dan Nelson?
  A. He is a colored man, and supposed to be a Republican; one of the Repub-

- Q. Who killed them?
  A. Dan Nelson?
  A. He is a colored man, and supposed to be a Republican; one of the Republican men there.
  Q. Is he an active Republican?
  A. Tolerably active; he is in with them a good deal.
  Q. Were your brothers killed on the spot?
  A. Yes, sir; they were shot down; one lived to get home, and the other one did not live to get home.
  Q. How were they shot?
  A. The first one was shot right in the center of the back, and when he fell the youngest one turned around to stand him upon his feet, and whilst he was stooping down to pull him on his feet, they shot him right in the forehead.
  Q. Was it generally known among the colored people that they had voted the People's ticket?
  A. Yes, sir; it was generally known. We had been out on several occasions playing for them in the band, and we had several insults offered to us about our being a Democratic band, and things of that kind.
  Q. Have any threats been made against you for voting the People's ticket; I mean by colored people?
  A. Yes, sir.
  Q. State what threats have been made; state fully what you know about it.
  A. There was a coloredman, a Republican, and a very prominent Republican, among them, came to me awhile after my brothers were shot and told me I had better go to work and sell my place np there where I was living at, becau-e I didn't have a friend in that end of the town; and he said that they didn't intend to come up to my face and hurt me, but they would do it like they did to the boys, they waylaid them; that they would kill me just like they killed the two boys; and he said that he could have told the boys a week before they were killed that they work lied up in that way, and if he was in my place he would sell the place and go nearer in to town, to a thicker settlement, where I had some friends living, but if I staid there I would be certain to be hurt, and there would be no telling which one would do it. He said he could have told me or the boys either, a week before the killing taken place, that they would be killed, but he didn't want

trouble when he was in it; that he didn't want to lose his friendship by giving away anything that happened in their meetings. He said that they had a meeting in Mr. Frieke's office down there the evening before he told me about it, and had decided to kill three of us—that was me, Algie Hunt, and his boy—and he said they were going to meet and kill Algie and his boy together. One of the colored men in the meeting got up and told them that if they killed Algie to kill his boy with him, just like I told you about killing those two young Hopkinses; it would not do to leave him, because they ought to kill me first and then kill him.

Q. What did they want to kill you and Algie Hunt for?

A. I don't know, sir, unless it was for supporting the People's ticket. I asked him what did they say they wanted to kill us for, and he said it was on account of the course in politics that we had taken.

Q. In supporting the People's ticket?

A. Yes, sir. I asked him was there any more that he knew they was going to hurt, and he said no, that we three was the main ones they intended to hurt if they hurt any more.

Q. You, Algie Hunt, and Hunt's son?

A. Eighteen or nineteen years old, as near as I can come at it. He even told me, if I remained where I was, if my wife or child would die up there, there would never anybody come to us to see it unless it was Algie's family and Willis Bagby, another colored People's ticket man; that no one would even attend the funeral if either one of us was killed.

Q. That the colored People would not come to see your wife if she was sick or if your child was sick?

A. Yes, sir.

Q. Have you heard any threats made against other colored people; did any other colored people ever tell you of threats made against them on account of their voting the People's ticket?

A. Yes, sir.

Q. Brut they would not come to their funeral?

A. Yes, sir.

Q. But they would not be allowed in their church or societies?

A. For what, if they voted the People's men to speak, and would obe mistreated in that way. But for

A. That is it, yes, sir.
Q. And that a colored man came to you and told you what threats had been made against you and your family for having voted the People's ticket?
A. Yes, sir.

Mr. COKE. I call the attention of the Senate to what every man in the South knows to be true with reference to the intimidation of negro voters. It is that the only intimidation they are subjected to is by people of their own color. The negroes invariably intimidate the people of their own color in order to keep them in line politically. This man tells of intimidation in Washington County. Two of his brothers were shot down like dogs because they had voted the People's ticket. He states that they are excluded from the societies of colored people; that they are expelled from the churches. He tells of a minister, Mr. J. R. Bryan, who because he voted the People's ticket had to leave his congregation and be assigned elsewhere in another county to preach.

That is a phase of political life and warfare which is not understood outside of the South. I have never known of any intimidation of colored voters by white people; I have never heard of it; but there is not a county, I venture the assertion, in the South where everybody does not know that the colored people do intimidate and bulldoze each

not know that the colored people do intimidate and bulldoze each other. They make a persenal matter of politics.

Now, when you put such men as Hackworth and Schutze and that sort of leaders among them it is not difficult to imagine the excesses to which they may be led. Naturally the negroes are docile and confiding and not prone to engage in conflict, but when they are led by such men as Hackworth and Schutze and Moore have been proved to be there is nothing that they can not be made to do. This negro's testimony discloses a condition of things in Washington County under the leadership of these men that I presume every man here from the South leadership of these men that I presume every man here from the South can truthfully say he has seen duplicated under similar conditions in his own part of the country.

I ask the Secretary to turn to page 499 and read the testimony of

Algie Hunt. The Chief Clerk read as follows:

TESTIMONY OF ALGIE HUNT.

Algie Hunt (colored), having been duly sworn, was interrogated as follows: By Mr. Eustis:

By Mr. EUSTIS:

Q. What is your full name?

A. Algie Hunt.
Q. Are you a white or a colored man?
A. I am a colored man.
Q. Where do you live?
A. I live in Washington County, Texas,
Q. How long have you lived there?
A. About forty-two years.
Q. Where do you live; at Brenham?

I live within 2 miles of Brenham. What is your business?

What is your business?
Farming.
What are your politics?
Republican.
Did you vote for Blaine and Logan?
Yes, sir; I did.
What local ticket did you vote for at the last election?
I voted the ticket that was made up by the people.
What was called the People's ticket?

A. I voted the ticket that was made up by the people.

Q. What was called the People's ticket?

A. Yes, sir.

Q. How came you, a Republican, to vote for the People's ticket against the regular Republican ticket?

A. Well, the last Republican ticket we had proved so bad that the colored and the white people together made up a ticket out of the honest men, and when that ticket was made it was elected, I believe, all except one or two candidates; and then the administration of those men proved to be a success to the county, and got the county in better condition and taken care better of the people's property, and one thing and another; and this time—this last election—they sent out a petition—the citizens did—got up a petition inviting the same candidates to make the run over again, and I signed it, and afterwards I supported the whole of the People's ticket.

Q. You are a farmer; do you own a farm?

A. No, sir; I work on Col. Tom Swangeon's place.

Q. Is there much bitterness of feeling between the colored people, those who vote the People's ticket and those who vote the straight Republican ticket?

A. Yes, sir; there is a right smart of bitterness.

Q. What is the cause of it?

A. I think it is all caused by those white Republicans there amongst us who stir up strife and try to run themselves into office, and all such things as that. We have got some good, honest Republicans there, but those are the office-seckers.

seekers.
Q. Who do you mean by some of those white Republican leaders who stir up

Q. Who do you mean by some of those white Republican leaders who stir up this strife?

A. I mean such men as Hackworth and Schutze.
Q. S. A. Hackworth?
A. Yes, sir.
Q. Who else?
A. Mr. Schutze.
Q. Does this bitterness extend to your societies and churches?
A. Yes, sir.
Q. Do you colored people who vote the People's ticket receive threats of expulsion from those societies and churches?
A. Yes, sir. and it is an every-day cry there amongst us. Some of the Republicans, colored men, are cussing us, and I can hear something of that kind every time I come to town.
Q. They abuse you?
A. Yes, sir; abusing us; and they even sow the seed of discord among the women, and they commence talking.
Q. Isn't it a sort of tyranny that they try to exercise to compel these colored people to vote the local Republican ticket?
A. Yes, sir.
Q. You know what ostracizing means, don't you?
A. I think I do.
Q. Is there not a general system of ostracism there?
A. Yes; that is just what it is.
Q. And these colored people render your life almost unbearable, simply because you vote with the Democratic party for the People's ticket?
A. Yes, sir.
Mr. COKE. I ask the Secretary to turn to page 502 and read the

Mr. COKE. I ask the Secretary to turn to page 502 and read the testimony of John Levin.

The Chief Clerk read as follows:

TESTIMONY OF JOHN LEVIN.

John Levin, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

By Mr. Eustis:

Q. What is your full name?
A. John Levin.
Q. How old are you?
A. I am fifty years old.
Q. Where do you live?
A. I live at Brenham, Washington County, Texas.
Q. How long have you lived there?
A. About twelve years; since 1875.
Q. What is your business?
A. I am engaged in the newspaper business; I am part publisher and editor of the Brenham Banner.
Q. What are the politics of that paper?
A. Democratic.
Q. Do you know Mr. S. A. Hackworth, one of these memorialists?
A. Yes, sir.
Q. Do you know Mr. Schutze?
A. I do.
Q. Do know Mr. Moore?
A. I do.
Q. What is the general standing and reputation of Mr. Hackworth in that community?
A. I the pot good community? . It is not goed. . What is the standing and general reputation of Mr. Schutze in that neigh

Q. What is the standing and general hood?
A. It is not good, not good at all.
Q. Do you mean by that it is bad?
A. Yes, sir.
Q. In both cases?
A. Yes, sir.

By Mr. TELLER:

Q. Both of them are bad? A. Yes, sir.

By Mr. Eustis:

Q. What is the standing and general reputation of Mr. Moore? A. Mr. Moore has stood reasonably fair in the community up to the last elec-

tion.
Q. Do you know what is the reason that the general reputation of Mr. Hackworth is not good there; why is it bad?
A. Principally on account of politics—that is, his actions politically, and his failure to pay his debts, and a generally meddlesome disposition.
Q. He has held office there in that county?
A. Since I have been there he has held the office of justice of the peace.
Q. How do you account for the bad reputation and standing of Mr. Schutze in that community?

in that community?

A. His general conduct has been such as to bring him into disrepute.

- Q. Do you know whether the mere fact of a man being a Republican in that community has anything to do with his business or social standing at all?

  A. None whatever.
  Q. Do you know that it is a reason for his leaving that community; do you know that the mere fact of a man being a Republican is a reason for his leaving that community?

Mr. COKE. I ask the Secretary to turn to the testimony of Mr. E. Rouse, upon page 541, and read it.
The Chief Clerk read as follows:

#### TESTIMONY OF E. ROUSE.

E. Rouse, having been duly sworn, was interrogated as follows:

By Mr. Eusris:

- What is your name?

- By Mr. Eustis;
  Q. What is your name?
  A. E. Rouse.
  Q. What is your age?
  A. I am forty-six years of age.
  Q. Where do you live?
  A. In Brenham, Washington County, Texas.
  Q. How long have you lived there?
  A. I have lived in the county twenty years.
  Q. What is your posities?
  A. I am a mechanic, and a dealer in oils, paints, and colors.
  Q. What are your polities?
  A. I have always voted independent; just as I pleased, regardless of party.
  I have voted for what I thought was the best man. I have voted for Republicans,
  Democrats, and Greenbackers.
  Q. Do you know Mr. S. A. Hackworth?
  A. Yes, sir.
  Q. What is his general reputation and standing in that community?
  A. Mr. Hackworth's reputation is bad, sir.
  Q. Do you know Mr. Schutze?
  A. Yes, sir.
  Q. What is his reputation and standing in that community?
  A. Still worse, I think.
  Q. Do you know Mr. Moore?
  A. Yes, sir.
  Q. How does he stand?
  A. Mr. Moore has always stood very well in our county up to this last election.

Mr. COKE. I ask the Secretary to turn to page 545, and read the testimony of J. M. Wesson.

The Chief Clerk read as follows:

#### TESTIMONY OF J. M. WESSON.

J. M. Wesson, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

By Mr. Eustis:
Q. What is your full name?
A. J. M. Wesson.
Q. How old are you?
A. I am twenty-three years of age.
Q. Where do you live?
A. In Navasota, Grimes County, Texas.
Q. What is your business?
A. I am a lawyer by profession,
Q. Are you in the militia?
A. Yes, sir, I am captain of a militia company there.
Q. In November last were you and your company ordered to Graball?
A. Yes, sir.
Q. By whom?
A. I received a telegram from Adjutant-General King.
Q. Is he the adjutant-general of the State?
A. Yes, sir.
Q. What was that telegram?
A. I haven't the telegram with me, but as near as I remember it—
Mr. Spooner. See if this was it; I guess it was:

"Austin, Tex., November." "AUSTIN, TEX., November 8.

"Capt. J. M. WESSON, Navasota:

"Put your company under arms and report to J. H. Roberts, secretary of the citizens' meeting. Preserve the peace at all hazards.
"W. H. KING, Adjutant-General."

- "Put your company under arms and report to J. H. Roberts, secretary of the citizens' meeting. Preserve the peace at all hazards.

  "W. H. KING, Adjutant-General."

  The Witness. That is the telegram.
  Q. How many men did you take with you?
  A. Sixteen men of my company besides myself.
  Q. You went to Graball at once?
  A. Yes, sir; to Lott's Store, very near to Graball—a mile and a half on the other side of Graball.
  Q. When did you get there?
  A. I got there about half past 11 o'clock that night.
  Q. What day of the month was it?
  A. It was the 8th of November.
  Q. To whom did you report?
  A. When I arrived there I found some members of the citizens' committee. I did not go to Mr. Roberts's house; I sentsome of my men there, though. We were distributed then among the houses of the citizens in the vicinity. I think three of the men went to one house, and they were distributed around in that way. There was no reporting done to any one that night, though I reported to Mr. Roberts next morning at a citizens' meeting held near Lott's Store.
  Q. You went there armed and equipped?
  A. We went as militiamen to preserve the peace.
  Q. What did you understand from Mr. Roberts or the citizens was the occasion of your going there?
  A. I understood that they had been alarmed by reports from the negroes in the vicinity; that they apprehended trouble with them.
  Q. What do you mean by trouble?
  A. They apprehended that their houses would be burned and that they would be attacked.
  Q. That the white people would be?
  A. Yes, sir; the white people, the white Democrats of the vicinity.
  Q. In other words, you understood there would be an uprising of the negroes in that locality?
  Mr. Spooner. He is an intelligent man; let him tell.
  Q. I ask you if that is true?
  A. Yes, ithat is what you understood was the reason and occasion of your going there as a captain of a militia company?
  A. Yes, sir;

- Q. Ordered there by the adjutant-general of the State?

- A. 1 cs, str.
  Q. How long did you remain there?
  A. We arrived there, as I said, about 11 o'clock on the night of the 8th, and we remained there all day on the 9th, leaving about sundown, and returning to Navasota

- Navasota.

  Q. You say you scattered your men around?

  A. I scattered them around that night for lodgings. As I say, next morning we all got together and remained together while we were in the county.

  Q. Where did you remain together, at what place?

  A. As I said, they had a meeting near Lott's Store, and we left Lott's Store and went to Flewellen, where the killing of Bolton had taken place.

  Q. How far is that from Lott's Store?

  A. I should judge it was about 4 miles. We got there about 10 or 11 o'clock the next morning and remained there several hours, and then returned home by a somewhat circuitous route; it was sundown before we got out of the county.

  Q. When you left everything appeared to be quiet?

  A. Yes, sir.

  Q. And you considered that you had fulfilled your orders?

  A. Yes, sir; I saw no further necessity for remaining.

  Mr. COKE. I desire to say that this is the captain of a military com-

Mr. COKE. I desire to say that this is the captain of a military company, who is represented by these memorialists to have been sent to Washington County to bulldoze and overawe the Republicans and ne-groes. His statement shows that they were in the county only about a day and a half; that they were ordered there to preserve the peace,

and finding that the alarm was unnecessary, they returned home.

I now ask the Secretary to turn to page 548 and read the testimony

of B. S. Rogers.

The Chief Clerk read as follows:

TESTIMONY OF B. S. ROGERS.

- B. S. Rogers, having been duly sworn, was interrogated as follows; By Mr. EUSTIS:

- What is your full name?
  Ben S. Rogers.
  How old are you?
  I am thirty-five years old.
  Where do you live?
  In Brenham, Tex.
- A. In Brenham, Tex.
  Q. How long have you lived there?
  A. I have lived in Brenham a little over two years, perhaps three years, but I have lived near there for about twenty years.
  Q. What is your occupation?
  A. I am a practicing lawyer.
  Q. Did you ever hold any office?
  A. Yes, sir; I am county attorney of Washington County at the present time.
  Q. How long have you held that office?
  A. Since 1884.
  Q. You were elected in 1884?
  A. Yes, sir.
  Q. And re-elected in 1886?
  A. Yes, sir.
- A. Yes, sir. Q. Did you conduct the inquest over the bodies of the three negroes who were

- Q. And re-elected in 1886?
  A. Yes, sir.
  Q. Did you conduct the inquest over the bodies of the three negroes who were hung?
  A. Yes, sir.; I was present during the inquest.
  Q. Were you present there in an official capacity?
  A. Yes, sir.
  Q. Under the law of the State?
  A. Yes, sir.
  Q. Representing the State?
  A. Representing the State in the examination.
  Q. Did you use all proper efforts to discover who the parties were who committed that act?
  A. Every possible effort that I could use was put forward in that investigation to ascertain who it was who hung them.
  Q. Did you take an active part in the last canvass?
  A. Yes, sir.
  Q. Did you hear any of those speeches made by the Republican leaders?
  A. I seard a great many of them.
  Q. Were they what you would call incendiary speeches, some of them?
  A. I do not know that I would term them that. They made use of a great many expressions and declarations that had a tendency to discontent the negroes and make them dissatisfied with their condition.
  Q. I mean did you hear any appeals made to their prejudices as colored people, or to their fears as ignorant people?
  A. Yes, their speeches had that tendency.
  Q. Go on and state what you recollect about it.
  A. I do not know that I could give what each or any of the speakers said particularly, except in a few instances perhaps. Some of the Republican speakers made use of the language that "the Democrats won't let you eat with them, won't let you eith them, won't let you sie their families, or sit in their parlors, or converse with their daughters, and I do not see why you should vote for them," and such expressions as that.
  Q. What else do you remember, if anything, showing the general character of their speeches?
  A. Well, they would go on and stell the negroes that the Democratic tariff was the cause of their situation, was the cause of their being poor, and the cause of their otton being worth but 6 or 8 cents, and the cause of their getting a low price for the picking of the cotton, that it was occasioned by the tariff; also that

- A. Yes, sir.

  Q. What is his general standing and
  The Witness. In the community at Brenham?
  Mr. EUSTIS. Yes.
  A. Well, I will say, from the way it is discussed there, it is bad.

  A. Well, I will say, from the way it reputation is. Do you spear
- Q. You are asked what his general reputation is. Do you speak of it prior to the excitement of the last election?

  A. Yes, sir; I mean ever since I have known him.

By Mr. Eustis:

By Mr. Eustis:

Q. It has not improved since, has it?

A. Not that I know of.

Q. What is the general character, standing, and reputation of Mr. Schutze there in the community?

A. As bad as it possibly could be in the community.

Q. What is Mr. Moore's reputation and standing?

A. I think he stands better than Mr. Schutze.

Q. Do you know anything about any threats being made against either of those gentlemen, compelling them to leave there?

A. No, sir; I do not.

Q. Did you hear of anything except what occurred at that meeting?

A. I did not hear that; I was not present.

Q. Did you hear among the leading Democrats there any statements or declarations made to the effect that they intended to expel those men from that community?

larations made to the effect that they intended to expel those men from that community?

A. No, sir. The nearest I heard towards anything of that kind was when these men were going around the streets and making these statements. George Campbell told me that Mr. Potter had just told him that they had carried the election, and rather than submit to being kept out of the offices they would resort to shotguns, or something of that kind. That was the only direct and positive assertion I heard on that point, but the rumor was that they were going around with that report among the negroes, and I had heard Democrats say if that was to be the result that such men ought not to be permitted to stay there; I do not know that any names even were called.

Q. That report did exist, then, that Mr. Potter had said they would resort to the shotgun?

A. Yes, sir; it was all over Brenham.

ne snotgun?
A. Yes, sir; it was all over Brenham.
Q. In order to recover possession of those offices?
A. Yes, sir; if it was necessary to resort to arms or shotguns that they would

A. Yes, SIF; If It was necessary to these things had been stated to the negroes do so.

Q. There was also a report that those things had been stated to the negroes there; do I understand you to say that?

A. Yes, sir; that was my understanding from what Mr. Potter told Mr. Campbell, that that was what they intended to do.

Q. Did you understand that he said that any negroes had been informed of that purpose?

A. No, sir; Mr. Campbell did not state.

Mr. COKE. I ask the Secretary to turn to page 558 and read the testimony of Lewis R. Bryan.

The Chief Clerk read as follows:

TESTIMONY OF LEWIS R. BRYAN.

Lewis R. Bryan, having been duly sworn, was interrogated as follows:

By Mr. Eustis:

By Mr. Eustis:
Q. What is your full name?
A. Lewis R. Bryan.
Q. What is your age?
A. I am twenty-eight years old.
Q. Where do you live?
A. In Brenham, Washington County, Texas.
Q. How long have you lived there?
A. I have lived in the town of Brenham about six years, but have lived in Washington County for twenty-four years.
Q. What is your business?
A. I am a lawyer.
Q. What are your politics?
A. I am a Democrat.
Q. Have you had any regular Democratic nominations in that county since 1884?

Q. What are your politics?
A. I am a Democrat.
Q. Have you had any regular Democratic nominations in that county since 1884?
A. We have not. I will go on and state about that matter, knowing of course what you want, and it will save time. In 1884, just as the other witnesses have stated here, the condition of our county had been, from a tew years atter the war up to 1884, a peculiar one. The county had been mainly under Republican rule. I wish to state here that Washington County is a Republican county. It is understood that on a strict party vote on national and State issues the majorities in Washington County range from 600 to 500 or 900 in favor of the Republicans. My recollection is that Garfield got a majority of some 500 votes over General Hancock in 1890, and Blaine's majority was some 600 or 700 over Mr. Cleveland. The statement was made by some one here yesterday that out of 5,500 or 5,600 votes in the county there was usually about 2,500 colored and about 3,000 white. Of the white vote we usually estimate 1,200 or 1,300 as the American vote, and about 1,700 or 1,800 as the foreign vote, and in that foreign vote, as we call it, we include the Germans. Polanders, and Bohemians. The Bohemians generally vote the Democratic ticket, and there are about 200 of them.

The German vote is generally Republican with the exception of a few old Germans who came there prior to the war. The most of the Germans in our county have come there since the war and they are generally Republicans. They are these gentlemen we have here with us as witnesses. We had a commissioner's court, and from 1882 to 1884 Mr. Hodde was on that court; I forget who was with him. At any rate, there were two men, and they were a sort of check on what seemed to have been makedministration prior to that time. Things had been going on from bad to worse until finally we had such an existing state of affairs there that in 1844 a card was published in the Brenham Banner (I think Mr. Haynes, one of the witnesses here, signed that call among others) c

our officers on this People's ticket, and the result, I think, fully justified our course in the matter. In 1886 we got up a petition. I know that in Brenham I carried around the petition myself and got a good many signers to it. It was a petition calling upon these incumbents of the various offices, including among others Mr. Joe Hoffman, a Republican candidate for assessor (the one who was re-elected at the last election), and I signed that petition myself, and a number of Democrats did also.

By Mr. EVARTS:

By Mr. EVARTS:

Q. What was the object of that petition; what did you ask to have done?

A. The petition asked the present incumbents to stand for re-election. The object I had was (and many who signed it expressed to us the same statement) that as we were satisfied with the county administration of the officers as they then stood, taking it as a whole, we wanted to re-elect them; we thought we would ask them to stand for re-election again. Times were very hard in our county, and they were especially worse at each election because of the demoralized condition of the negroes, their leaving their work and failing to gather the crops in the fall. The excitement of the election had a bad effect in that way; they were out at nights attending political meetings, neglected gathering their crops, and they didn't give their work the same attention that they ought to. I know that some of the merchants there spoke of that; they had made advances to them which they could not repay, and the farmers said they hoped there would be a quiet election, so that the negroes would stay at home and gather their crops and attend to their business: that it would be so much better for the county. I know some of the Republicans spoke in the same way, business men who signed this petition. I know at this election several gentlemen told me, Captain Smith and Mr. Couch and other men who were the most pronounced Democrats and extreme men, too, partisans, that they voted for Lockett on the Republican ticket. They said they did not consider that there was any politics in it, and there was no Democratic ticket in the field.

By Mr. Eustis:

Q. Mr. Lockett, I understand, was indorsed by the Republicans.
A. Mr. Lockett was the regular Republican nominee. Mr. Minkwitz was the one who had run before on the People's ticket, and who was called upon in this petition to run; was included in it.
Q. Do you know Mr. S. A. Hackworth?
A. Yes, sir.
Q. How long have you known him?
A. Ever since I can recollect, by reputation, and a good many years personally

ally.
Q. What is his standing and general reputation?

It is bad, sir.
In that community, you mean?
Yes, sir; it is bad.
Do you know Mr. Schutze?

Yes, sir.
What is his standing and general reputation?
It is bad.
Do you know Mr. Moore?

Q. Do you know Mr. Moore?
A. Yes, sir.
Q. What is his standing and general reputation?
A. Mr. Moore among the Republicans, that is, among the Germans, stood well.
Mr. Moore stood well among the German Republicans, but among the Democrats his reputation was little better than the others; he conducted himself more decently, however. He had held offices that did not require the handling of any money. He was district clerk and was never charged with malfeasance or maladministration.

Mr. COKE. I ask the Secretary to turn to page 582, and read the testimony of D. C. Giddings.

The Chief Clerk read as follows:

TESTIMONY OF D. C. GIDDINGS.

D. C. Giddings, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

D. C. Giddings, having been duly sworn, was interrogated as follows:

By Mr. Eustis:

Q. Where do you reside?

A. I reside in Brenham, Washington County, Texas.

Q. What is your age?

A. I am fifty-eight years of age.

Q. Have you ever held any office?

A. Yes, sir.

Q. What office?

A. I was a member of the constitutional convention of Texas in 1866, and served three terms in Congress, in the House of Representatives, in the Forty-second, Forty-third, and Forty-fifth Congresses, I think.

Q. In regard to these outrages, the raiding on the ballot-boxes and so on, I want you to state what possible connection any of these disturbances have had with the Congressional election in 1886?

A. None whatever.

Mr. Stooner. All right, then.

The WINNESS. I meant this, that had the entire vote of Washington County either been counted out, or all had been counted in for the opposing candidate, for Colonel Mills, he would still have been elected.

Mr. STOONER. You do not mean to say that it did not have any connection with the Congressional result?

The WINNESS. I say it did not affect the result.

Mr. STOONER. That is another thing; that is what I think.

Q. Was there any canvass or any excitement with reference to the Congressional election at all?

A. Colonel Mills made two or three speeches in the county. There was no other canvass, and no particular interest felt; that is, it was regarded that Colonel Mills was so far ahead of his competitor that he was in no danger, and that no necessity existed for exertion on his part or on the part of his friends; that he was entirely safe in the election.

Q. That was generally understood, was it not?

A. Yes, sir.

Q. Did you have anything to do in the late canvass?

A. No. sir; nothing at all. I took no part in the election. I will state this; I am a Democrat, and have believed in keeping up the Democratic organization and making a square fight, even if we got whipped. I took no part in the election of 1886 except to go to the polls and vote, and was not out of my office more th

before the meeting occurred. I was informed, and knew from my intercourse with those who came into my office, that there was a great deal of excitement. The belief there was (and it was universal so far as I know; I heard no contradiction of it) that young Bolton had gone to the poils simply to learn how his father was running. His father was candidate for county commissioner; and that he went there alone, unarmed, as a peaceable, quiet citizen, and that he had been shot down without any provocation whatever; and it was elicited in this examination that it was in pursuance of the instructions given to negroes in that community.

father was running. His father was candidate for county commissioner; and that he went there alone, unarmed, as a peaceable, quiet clitzen, and that he had been shot down without any provocation whatever; and it was elicited in this examination that it was in pursuance of the instructions given to negroes in that community.

A. By an egro named Polk Hill; and that it was in pursuance of instructions they had received from Gilder and Lockett, Republicans, who had been sent there to manipulate the vote during the day; that they had given the advice to the negroes to come to the polls armed and shoot down any white man who might come about here. It was described to me that he knocked at the door, and was told to come in by the proprietor of the house, and as the door opened that he was shot down right in the doorway, and without any sort of provocation; that he was alone; in fact, I never heard anything to the contrary until I came here as to anybody being along with him; until it was testified to by witnesses on the stand. There was intense excitement, and I, in the interest of law and order, went to the meeting and advised the observance of law, and although the his provocation was great, and although the character of the speeches that had been made, or represented to have been made, by these parties were, as I thought, outrageous, and made to ignorant, excitable, and credulous people as the negroes are known to be, still that the canvass was over, and, as we believed, the Pople's that had been committed, that the people should be quiet, should observe the laws, should be guilty of no violence and no excesses whatever; and I gave that advising, notwithstanding the outrages that had been committed, that the people should be quiet, should observe the laws, should be guilty of no violence and no excesses whatever; and I gave that advised, publicly, and one of the memorialists, I think, in a circular stated, in effect, that but for my speech violence would have been done to him and others probably that day. But I ne

candidates.

Q. You are acquainted, I suppose, with the prominent German business men in Brenham?

n. Yes, sir.
Q. Is that not the prevailing sentiment among them, that there ought to have been a change, regardless of party lines and regardless of color?
A. Yes, sir.
Q. A large number of them supported the People's ticket?
A. Yes, sir.; I think so.
Q. Men who were Republicans?
A. I think the principal property-holders who are Republicans in and about Brenham supported the People's ticket, and many others through the county that I am acquainted with.
Q. What is the standing and reputation of S. A. Hackworth?
A. It is not good; it is bad.
Q. How about Carl Schutze?
A. That is also bad, judging from statements mainly by Germans. I know but little personally of Mr. Schutze. I never had any transactions with him, and had but little to do with him, but I know he is very unpopular with the Germans.
Q. What about Mr. Moore's standing?

Germans.
Q. What about Mr. Moore's standing?
A. His standing is bad also.
Q. Do you know anything about those men being obliged to leave, as they claim, on account of their being Republicans?
A. No, sir; I do not think they are obliged to leave on account of their being Republicans.
A. No, sir; I do not think they are obliged to leave on account of their being Republicans. I think they were what is termed there "Republicans for revenue only;" Republicans for the sake of getting office at the hands of the negro vote, and when they failed in that, in 1884, their occupation was gone. As they were ekking out a miserable existence making a living, it would seem natural that they would want to change their location. They had lost caste with the best element of the Republican party, and they would very naturally want to leave; and understanding, as they doubtless do, that they would find support in the Senate of the United States, it was the opinion—it was my opinion, at least—that they came on here purposely to pose as martyrs, with a view of recognition in a Federal position of some sort.

By Mr. Spooner:

By Mr. SPOONER:

Q. They could not expect to get any very remarkable Federal position at the hands of a Democratic administration, even with a Republican Senate?

A. I do not know about that, but I know there are a good many Republicans holding positions under the Democratic administration.

By Mr. Eustis:

Q. You mean by "posing as political martyrs" that they would, by being per-

secuted, as they claim, have some right of recognition in case a Republican President was elected?

A. Yes, sir; I think that is the sole object.

Mr. COKE. Mr. President, I wish to say just one word with reference to this witness, Colonel Giddings. He is a native of Pennsyl-He came to Texas when he was twenty-two or twenty-three years old, a poor young man, but by his force of character, his ability, and his business talent he has long been one of the wealthiest men in Texas. I suppose his draft among those who know him in New York would be as good for a quarter of a million dollars as the draft of anyone else there. He has been three times elected to Congress. He is known to many gentlemen in this Chamber and in the other House. He is a man of great honesty and of the highest character.

Among all the contributions-and they have been manythe State of Pennsylvania to the population of the newer States and Territories, she has never sent out of her borders a nobler specimen of manhood than De Witt Clinton Giddings, the man whose testimony has just been read. I now ask the Secretary to turn to the testimony

of Robert J. Moore, on page 668.

The Chief Clerk read as follows:

TESTIMONY OF ROBERT J. MOORE.

Robert J. Moore (colored) swern and examined.

By Senator Pugn:

By Senator Pught:

Where do you reside?
In Washington, Washington County, Texas.
How long have you lived there?
I have been there between eighteen and nineteen years; since 1870.
About what is your age now?
Between forty-five and forty-seven; I don't know my exact age.
Are you in any position in Washington County?
Yes, sir.
What is it?
I represent Washington County in the twentieth legislature.
You represent Washington County in the Texas Legislature?
Yes, sir.
To what political party do you belong?
I am a Republican.
Have you ever belonged to any other party?
No, sir.
Have you ever voted for any other than Republican candidates?

Q. Have you ever belonged to any other party?
A. No, sir.
Q. Have you ever voted for any other than Republican candidates?
A. Yes, sir; I have voted for men that were not Republican candidates; I have voted mixed tickets.
Q. Why did you vote at any time for others than Republicans; if you had any reasons, what were they?
A. Because the Republican ticket didn't suit me altogether.
Q. When were you elected to the Legislature?
A. I were elected at our last general election.
Q. Was that last year, 1887, or this year?
A. No, sir; it was two years ago this fall, 1886,
Q. How many times have you been elected?
A. I have been elected three times.
Q. You say you were elected as a Republican?
A. Yes, sir.
Q. Who supported you—anybody but Republicans?
A. I couldn't tell you who all supported me; I was elected.
Q. I mean did you have any opposition?
A. Oh, yes.

Q. I mean du you have.
A. Oh, yes.
Q. Did any Democratic candidate run against you?
A. Yes, sir; once—well, twice; I don't know but that there was a Democratic andidate against me every time; I don't know for certain.
Q. There were Democratic candidates running against you every time you rere elected?
A. Hold, right there, I know there were candidates; whether they were

were elected?

A. Hold, right there. I know there were candidates; whether they were brought out by the Democratic party or not I can't say, but there were Democratic candidates against me

Q. But you were elected and declared elected in that county?

A. Yes, sir.

Q. Were you there at the election in 1886?

A. Oh, yes, sir.

Q. Will you tell us all you know about the character of that contest, the election in November. 1885?

Q. Will you tell us all you know about the character of that contest, the election in November, 1885?

A. Well, sir, I know nothing more than what I have heard about it. I was a candidate, but I never went to but one box, the box I served at; that was the Graball box, and I went there and staid perhaps a couple of hours, and then right back home, and didn't go there again until they were counting the vetes, some three or four or five days afterwards—I can't recollect exactly how long. I went back home that night and staid at home for three or four or five days until, I believe, the last day that they were counting the votes.

Q. You were a Republican candidate for the Legislature in that election in 1886?

A. Yes, sir: I always run as a Republican.

Yes, sir; I always run as a Republican.
 You were elected, were you, that year to the Legislature from Washington

Q. You were elected, were you, that year to the Legislature from Washington County?

A. Yes, sir.
Q. That was the time you were elected for the term you are now serving?

A. Yes, sir.
Q. Do you know anything about the feeling, the excitement, that was gotten up, if there was any more than usual? If so, what was the cause of it?

The WITNESS: In that election?

Senator Pugh. Yes; in that election of 1886 in that county. Tell what the trouble was, what the contention was, if any, and what officers were to be elected.

elected.

The Witness, I know of no trouble before the election or during the canvass more than just heated debates with one another; that is, before the election.

Q. You had a contest, as you always had in such elections; was there any dif-

Q. You had a concest, and ference?

A. Yes, sir. We can vassed the county as we usually do—one party against another—and of course they had some pretty flery debates during the can vass, but there was no fighting that I know of; if there was any I didn't know it.

Q. Against whom was the principal opposition made; the county officers, or whom?

whom?

A. The opposition were altogether against the county officers, pretty generally.

Of course, every man tried to be elected, but the people seemed to be more interested in the county officers than the State officers, that is, representatives.

Q. In Washington County?

A. Yes, sir; in that county.

O. What was the reason there was more excitement about the election of

Q. What was the reason there was more excitement about the election of county officers?

A. The reason of that simply was that the county officers paid better than the representative's office, and of course they were more interested in it.

Q. Who were the candidates for the county offices?

A. I don't know that I could name them all from memory, but I can name some of them. Judge Kirk was on the People's ticket for county judge, and Judge Schutze was on the Republican ticket; well, I can't say that it was the Republican ticket, because the way that we have—I will give it to you just as it was; It was not a Republican ticket, as I understood it; in fact, that ticket was; It was not a Republican salways make a ticket.

Q. Which ticket?

A. The ticket that Schutze ran on. He was in opposition to Judge Kirk; Mr. Fricke was in opposition to Mr. Dever for sheriff. I can't name all of them exactly, but the county collector and sheriff and treasurer they took more interest in that election than they did any other county officers, because the offices pay better.

Q. Whom did you support in that election for those county offices?

A. I supported every one on the Citizens' ticket?

By Senator Teller:

By Senator TELLER:

Q. The Citizens' ticket? A. The People's ticket.

By Senator Pugn:

Q. Give your reasons for voting that ticket. A. Simply because every one on the other ticket was voting for me,

By Senator TELLER:

By Senator Teller:

Q. The other candidates were working against you?

A. Yes, sir. I do believe that perhaps there may have been a few candidates that were running that perhaps may have supported me, but I didn't know it, because I believe they thought more of me than they did of the man I was running against. If I got any votes among the candidates that were running on the ticket—on Judge Hackworth's ticket—if I got any votes on that ticket at all among the candidates, it was the white candidates. I am satisfied of that, because of the two men, I believe, every one has told me as far as I was concerned I was in the wrong place, but as men they liked me the best, or as well. I don't know any white men were running but what preferred me to the man running against me, but at the same time they couldn't do better than to make the canvass against me.

Q. You were opposed by Mr. Hackworth, or did he support you?

A. I don't really believe that Judge Hackworth opposed me, but, of course, he was on the other side, and he worked, of course, against me.

By Senator Pugh:

A. I don't really believe that Judge Hackworth opposed me, but, of course, he was on the other side, and he worked, of course, against me.

By Senator Pugh:

Q. You say Schutze was a candidate against Kirk? Was Schutze nominated by the Republicans?

A. No, sir.

Q. How did he come to be a candidate?

A. I will tell you if you will give me time. We usually, in Texas, and have been ever since 1870—our counties have been divided up into what is known as precincts—and we usually at each precinct have a precinct meeting just before the ticket is made, and elect delegates to go to Brenham, our county seat, to make a Republican ticket. That is what divided Judge Hackworth and me. Judge Hackworth and others and Blunt were in favor of just calling a mass meeting, and letting people in mass make a ticket. I opposed it. I reasoned with the other Republicans and did all I could to keep them from doing it. I didn't think the colored people would understand it, but I could do nothing with them, and hence they met and attempted to overrun me with the people. We called a vote on it when we met in county convention. We made speeches. But still, when we called the vote the people were with me, and the chairman wouldn't put the question, but got down out of his seat and went downstain and wouldn't put the vote.

Finally, after the people had gone away, in the night, he goes up there, and goes on the street and around town and gets a few of them into the hall again that night, after the people had gone away, in the night, he goes up there, and goes on the street and around town and gets a few of them into the hall again that night, after the people had the meeting. Then it was too strong for him, and the meeting broke up in a row. Later I had to go to Austin for some purpose. I think some weeks later they met there again. I was not in the meeting. I got back that night and calls a meeting, and of course then he tried to carry a vote for a mass meeting. Then it was too strong for him, and the meeting broke up in a row. Later I had

O. What are the causes of the division?
The WITNESS. You want me to tell you?
Senator Pugh. Yes; that is the reason I ask you the question.
The WITNESS. Very well; I will take pleasure in doing that. We had two very prominent men in our county, Mr. Harvin and Mr. Clayton. At the first split I was chairman of the county convention, and their names were presented to that convention. Mr. Harvin was nominated fairly and honorably and honorably. estly.

By Senator TELLER:

Q. For what office?

A. The office of county collector, the largest office, as I look at it, and the best paying office in the county. Judge Hackworth, for some cause, I don't know what it was, and Blunt and Caine and quite a number of others, boiled the convention and run Clayton anyhow. They made up a ticket after we had come out of the convention, and run a man by the name of Clayton. That split the Republican party. I and Judge Hackworth canvassed the county against one another, fought one another politically all over the county, but I beat him and elected my man, and since that time we have had a little split all the way up. I am sorry to say that, while the judge is a good Republican, he was the cause of our split. Before that there wasn't a sign of any bolt, but from that time

they have been bolting more or less ever since. But before that time they would vote for anybody that I or Judge Hackworth or any influential Republican told them to vote for.

By Senator Pugn:

By Senator Fught:

Q. I understand you to say that the feeling of opposition and excitement was mainly in regard to the election for the office of county judge.

The WITNESS. Last election?
Senator Pught. And in 1886.

The WITNESS. Yes, sir; I believe that was about the only real excitement, with one or two exceptions, at precincts. I have heard of it, but I have never seen it. Most of the excitement was created, as a general thing, from Mr. Schutze and Judge Kirk. I believe there was great opposition; of course I know it. know it.

Q. The contest between these two men was the cause of the excitement at the

with one or two exceptions, at precincts. I have neared of it, but I have never seen it. Most of the excitement was created, as a general thing, from Mr. Schutze and Judge Kirk. I believe there was great opposition; of course I know that the contest between these two men was the cause of the excitement at the election that year?

A. Yes, sir; there was great opposition to Schutze, more than to any of the other candidates that were running, I think. The Democratic party didn'tilke Schutze, and they were opposed to having him as a candidate, and they did everything to beat him.

Q. What was the ground of the opposition to Schutze—that he was a Republican, or why were they against him? Was it on account of his personal character; e.g., and they were they against him? Was it on account of his character.

A. All I ever heard speak about it opposed him on account of his character.

Q. On account of his personal character; yes, sir.

Q. About what was the extent of the opposition to him in the Republican party—one-third, a quarter, or a half? How much opposition did he have from Republicans for that office?

A. I couldn't exactly say.

Q. What is your best judgment?

A. All could give you my best judgment about, sir, is, he was opposed by me, for one, and by my influence. I didn't want to see Judge Schutze elected, A good many colored people have been against him, I couldn't say how many, and there would have been quite a number voted against Mr. Schutze. We taught our Republicans down there not to scratch the ticket, but Judge Hack-couldn't be scratched; you had to vote that telete or not vote it. Of course, all the colored men wanted to vote the Republican ticket; then if you exatched it you couldn't insert another name, and many voted for him, and not only for him but for others because they couldn't make that change. I know that Mr. Schutze got votes that he wouldn't have got had it not been for that teleket.

Q. You say that Mr. Hackworth made that statement publicly, that they couldn't scratch off any man?

A. O

By Senator TELLER:

Q. So he could indict them, do you mean? A. So he could indict them, as a sort of detective.

By Senator Pugh:

By Senator Pugh:

Q. How many were indicted in that way?
A. God only knows.
Q. Five or six hundred?
A. I couldn't answer that question.
Q. There was a large number, was there not?
A. Yes, sir; there was a large number.
Q. Did you ever hear of his not reporting any who paid him to not do so?
A. Yes, sir; the heard that.
Q. Outside of the number that were indicted but not tried, did he get pay from any one that you know of?
A. He was charged with it, sir, in the county. I want to tell just exactly the truth, and nothing but the truth, what I swore to. He was charged with it in the canvass by Mr. Rogers there, and Judge Kirk and others, that dared him to deny it; said it was a matter of record, and that brought up several other charges. I don't know whether they are true or not. They said they were matters of record, and could show them, and he didn't deny them.
Q. The opposition from the colored Republicans was from those who had been reported by him and indicted, was it not? These persons who opposed him did it with knowledge that he had reported them for indictment, and got pay from them to stop the prosecution?
A. Partly so. But the colored people of Washington County didn't want Judge Schutze for county judge. They voted for him, as I stated, because he was on the Republican ticket, and we had ever taught them not to bolt the ticket.
Q. Not to scratch it?
A. Yes, sir; not to scratch the ticket.
Q. What was the general feeling, friendly or unfriendly, and what is it between the whites and blacks in Washington County?
A. The general feeling has been very good ever since I have been in Wash

ington County. The feeling has been about as well as it could reasonably be expected to be in any Southern county. The colored people and the white people have got along. Of course, occasionally we would have trouble. What I have reference to, there is counties and States—I didn't see it—where they don't allow colored people to hold office, and where they give them a great deal of trouble at the ballot-box in voting. In Washington County I don't know of but one instance—I don't know that, I heard it; where I voted there is a very large colored vote, and I am always at the polls, and I have never saw in the part of Washington County where I am (at Washington) any man come up and deny any colored man the right to vote. The general feeling has been, except the trouble about Bolton and that trouble, very good.

I believe I could say safely that seven out of every ten colored men that get into trouble, as a general thing, have got Democrats to go on their bond. I know they went on my bond. For instance, the feeling is like this: A man's father was probably a slave; the children have grew up; one of those slaves gets into trouble, and they will generally go on their bond and get them-out on bail. They have did that. And really, I don't know what we people down there would do in Washington County, I don't know about anywhere else, but it is pretty general all over Texas, if they didn't go on our bonds and help us, there would be hundreds, yes, I reckon a thousand, in the jails of Texas to-day.

Q. They go to the white people for assistance whenever they need it, do they?

A. They are bound to do it.

Q. And they generally get it?

A. Yes, sir.

Q. And they get it from these white people who used to own their fathers?

A. They are bound to get it from them; there is no one else to get it from, as a general thing. Republicans?

A. They are bound to get it from them; there is no one else to get it from, as a general thing. Republicans?

A. No, sir; I am speaking of Southern Republicans, American Republicans; this don't i

to give all the necessary bonds and to help and give us the aid that we need at times in Texas.

Q. Where was the principal opposition to Schutze from the colored people; in what beats?

A. In Washington beat pretty generally, precinct I.

Q. What is the name of that?

A. Washington precinct. That is also the case in the Chapel Hill precinct.

Q. And Graball; where is that?

A. That is in my precinct.

Q. Graball is the Washington precinct?

A. It is in the Washington precinct.

Q. Then Flewellen; where is that?

A. That is in my precinct; that is in Washington precinct.

Q. Flewellen and Graball beats, as some of them here call them, are where the principal opposition from the colored people to Schutze came from?

A. Yes, sir; right there, especially Graball and Flewellen; they rousted him, Ibelieve, there more than they did in any other part of Washington County.

Q. Do you know anything about the destruction of boxes and all that trouble about the voting?

A. No, sir; I do not know who destroyed the boxes.

Q. You do not know anything about that?

A. No, sir; I don't know who did it.

Q. How have colored people been treated there by the county officials in respect to jury trials, sitting on juries, their rights in courts, and all that sort of thing?

A. Lbelieve they have been treated very well. Labare never heard any par-

Q. How have colored people ocen treated after by the County and all that sort of thing?

A. I believe they have been treated very well. Lihave never heard any particular complaint. I am hardly ever at Brenham—that is, during court time—unless I am summoned there, and I don't know that I have ever been summoned there more than once or twice. But I have heard no complaint.

Q. You have heard no complaint about the colored people not getting all the rights to which they are entitled from the Democratic officials in that county?

A. No, sir; that is, if there is anything of that I know nothing of it. I know that they treat me the same as a Republican. If I have business with them I go in there, and they treat me just like any other officer would. They have some colored men in there, employed there, around about the court-house. They have a colored constable there, and other officers. They have never bothered us in our holding offices, or anything like that. We have been beating them at elections all the time until five or six years ago, and then we commenced mixing up our ticket. This last trouble is the only trouble we have had amongst the officers, that I know of. We did have some trouble at Independence, but I didn't know what it was exactly, and that has been a year ago. I want to tell the truth as near as I can. the truth as near as I can. Mr. Наскwовтн. Don't forget Chapel Hill in 1884. Some men were killed

there.
The Wirness, Yes, sir; there was some trouble there.

Mr. HARRIS. I ask the Senator from Texas if he will consent that I may ask the unanimous consent of the Senate that the pending resolution be informally laid aside in order that the residue of the evening may be devoted to the Calendar?

Mr. EDMUNDS. I object.

## RETURN OF DIRECT TAXES.

During the remarks of Mr. Coke,

Mr. SHERMAN. I ask the Senator from Texas to yield that I may submit the report of a committee of conference, which I think it important to have acted upon.

Mr. COKE. I yield for that purpose.

The PRESIDING OFFICER (Mr. PASCO in the chair). The report will be read.

The Chief Clerk read the report, as follows:

The Cinier Cierk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (8, 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1851, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same amended to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of the Treasury to pay to such person as shall in each case apply therefor, and furnish satisfactory evidence that such applicant was at the time of the sales hereinafter mentioned the legal owner, or is the heir at law or devisee of the legal owner of such lands as

were sold in the parishes of St. Helena and St. Luke's, in the State of South Carolina, under the said acts of Congress, the value of said lands in the manner following, to wit: To the owners of the lots in the town of Beaufort, one-half of the value assessed thereon for taxation by the United States direct-tar commissioners for South Carolina; to the owners of lands which were rated for taxation by the State of South Carolina; to the owners of lands which were rated for taxation by the State of South Carolina as being usually cultivated, \$5 per nace for each acer thereof returned on the proper tax-book; to the owners of all other lands, \$1 per acer for each acer thereofore turned on said tax-book: Provided, That in all eases where such owners, or persons claiming under them, have redeemed or purchased said lands, or any part thereof, from the United States, they shall not receive compensation for such part so redeemed or purchased, and any sum or sums held or to be held by the said State of South Carolina in trust for any such owner under section 3 of this act shall be deducted from the sum due to such owner under the provisions of this section: And provided further, That in all cases where said owners have heretofore receive Index the United States the surplus proceeds arising from the sale of their lands, such sums shall be deducted from the sum which they are entitled to receive under this act. That in all cases where persons, while serving in the Army or Navy or Marine Corps of the United States or who had been honorably discharged from said service, purchased any of said lands afterwards reverted to the United States, it shall be the duty of the Secretary of the Treasury to pay to such persons as shall in each case apply therefor, or otheir heirs at law, devisees, or grantees, in good faith and for valuable consideration, whatever asm was so paid to the United States in such case. That before paying any money to such persons the Secretary of the Treasury shall require the person or persons entitled to rec

The PRESIDING OFFICER. Does the Senator from Ohio ask for immediate action on the report?

Mr. SHERMAN. Yes, sir.

The PRESIDING OFFICER. Will the Senate agree to the report of the committee of conference?

The report was concurred in. Mr. BLAIR subsequently said: I ask the attention of the Senate for a moment to a personal request.

The PRESIDENT pro tempore. The Senator will state his request.

Mr. BLAIR. I was called from the room on a matter of importance, and, being detained some fifteen minutes perhaps, during my absence the direct-tax bill was passed. I requested the Senator who had it in charge that when it was called up I might be notified, as I desired to say a word upon the passage of that bill, which I opposed and voted against when it was first passed by the Senate.

I ask unanimous consent now for not exceeding five minutes to make a statement in regard to that bill, and that my remarks be received and considered in connection with its passage.

Mr. HARRIS. Does the Senator move to reconsider?
Mr. BLAIR. I simply desire to say a word by unanimous consent. The PRESIDENT protempore. The Senator from Texas [Mr. COKE] being entitled to the floor, the Senator from New Hampshire can proceed with his consent. Does the Senator from Texas yield?

Mr. COKE. Yes, sir.

Mr. BLAIR. Mr. President, the direct-tax bill has been much discussed in the country, and its general provisions are of course thoroughly understood. The amount of money that will be returned under its provisions to the State of New Hampshire is \$185,000, but, notwithits provisions to the State of New Hampshire is provisions to the State of New Hampshire is provided by standing that this is quite a considerable sum coming to our pockets, I standing that this is quite a considerable sum coming to our pockets, I felt under the necessity of opposing the bill and voted against it. did so without explanation or argument, and before it had become to any extent or in any sense a party measure. I opposed it purely and simply upon its merits. I gave, however, no reasons for my action upon the bill.

Naturally considerable criticism falls upon those who vote that their own States shall not receive money from any source and every source by which it can be derived by any process short of theft, and this, certainly, is not a process of that description. But it seemed to me that it was a proceeding unconstitutional in its character and injudicious for many reasons, and therefore I opposed it. I do not wish at this time to enter into any discussion of the legality or constitutionality of the measure. I had other practical reasons for opposing the bill,

one or two of which I desire to mention.

For a long time there have been claims preferred against the General Government by various States, of one character and another, to which, by reason of their relations with the General Government, there are offsets, or offsets in the way of claims whether they be legal offsets or not, and this particular matter of the uncollected tax, which is due or supposed to be due from any of the States, has in discussions and in

committee-work and in other more prominent work perhaps often been urged as a reply to specific claims which it is exceedingly difficult to collect or to establish on behalf of those States. Notable among these collect or to establish on behalf of those States. Notable among these are the swamp-land claims which have been preferred from time to time, and to which it has often been replied in committees and elsewhere by asking payment of this direct tax, and I think it has been the means of protecting this Government against injurious legislation in the past.

By this bill all these matters are to be wiped out; these States go scot-free; and those other claims, which may or may not have legality in them—perhaps they may have legality, but certainly nothing of justice so far as I understand their merits—are left to find their way to sat-

tice so far as I understand their ments—are left to find their way to satisfaction out of the national Treasury, as I believe they will inevitably. I should have been very glad to have kept this direct tax due and owing from the States who preferred these large claims for swamp lands, and perhaps for other reasons I should have been very glad to have kept them where they were as a sufficient and perpetual bar to prevent the collection of what I believe to be, if legally right, morally ex-

ceedingly wrong.

But I have still another reason. We have not a great deal of money to spare in New Hampshire, and this is a proposition to take out of the people of our State at least \$300,000, whereas they will receive not over one hundred and eighty or one hundred and eighty-five thousand dollars by the distribution.

Mr. President, this is not a proposition to repay to the States the money that was collected from them. The money has become merged money that was collected from them. The money has become merged in the general funds of the nation, and went, a quarter of a century ago, to preserve its unity and its integrity. That money has gone. It is proposed now to return to the States, not that money plus the interest due thereon, but simply the amount that was originally paid. This amount of money now in the Treasury and to be taken out of the Treasury to be applied in this way is money which but for its use of that character would be applied upon the national debt or to the current expenses of the Government, and it is money which must be replaced in the Treasury by taxation now existing or to be imposed hereafter. In other words, future collections from the people of New Hampshire are to take out of the people of New Hampshire the entire amount of money which is now to be returned from the Treasury; and beyond that, as I have stated, a very considerable sum in advance. our system of taxation, as we all understand, the funds in the Treasury are derived not per capita, but are a mortgage or a lien upon the consumption of the various States. The money is paid in the form of customs dues, which are ultimately paid by those who consume the articles which are imported. It is paid in the impositions upon articles subject to internal-revenue taxation, and from those sources the money that is now being taken out of the Treasury will necessarily

lections. The people of the State of New Hampshire are consumers, as compared with the remaining people of this country, to the extent of at least \$1.50, where the average is \$1. Taking the average of the entire country at large and fixing it at 100 cents, you will find that the citizens of New Hampshire, by reason of the increased consumption of our people, pay of the taxation with which this money is to be replaced at least 50 per cent. more than the average citizen of the United States. Thus it is that this \$185,000 which is to go to my own State is simply a loss to us in the aggregate effect of the operation of the bill by very nearly \$100,000, or one-half of the whole.

This is one of those practical reasons which apply directly in refu-

within a short time be replaced by still further impositions and col-

tation or in extinction of the motive which leads to the enactment of the bill. Ours is one of those States obliged to pay at least one-half more than they receive thus in advance. I was opposed to the bill, although I did not take the time of the Senate to express my reasons. I was opposed to the bill because it was a wrong to the people of my State in the matter of mere money, and because within the next two or three years every dollar of this \$185,000 or \$200,000 which we are to receive we shall replace with one-half as much more in addition

These are the ideas, very briefly expressed, which I desired to state more at length if I had been present when the conference report was I ask that they be printed in connection with the adoption of the conference report.

The PRESIDENT pro tempore. The Chair hears no objection.
Mr. EDMUNDS. I ask leave of the Senator from Texas to say a

word about the refunding direct-tax bill.

The PRESIDENT pro tempore. Does the Senator from Texas yield?
Mr. COKE. I yield.
Mr. EDMUNDS. I was not present in the Senate when the report

of the conference committee was acted upon, but from having seen it a day or two ago in the newspapers I am very much of the impression that it involves a very heavy expenditure by the United States as regards certain parts of that bill, which do not rest upon principles of justice and will become a mere gift or gratuity not resting upon any foundation of principle or justice at all to some of the States of the Union. Had I been present at the time the matter came up I should have endeavored to ask the gentleman in charge of it to explain pre-

cisely what was meant and what would be the effect of certain phrases in the bill as it now stands.

I am very much afraid that we shall all be surprised one, two, or three years hence to see what its outcome is as it regards some of the States and as it regards the justice of taking money from the Treasury upon such considerations. But as I was not present at the time I have no right to move a reconsideration. My apology, or rather my justification, for not being present is the circumstance of my being a member of a joint committee of the two Houses concerning the Washington Aqueduct tunnel, which was authorized, and in fact required, in this late stage of the session, to come to a conclusion as soon as it may.

I now move, as my friend from Texas, I understand, does not care to conclude his remarks to-night, that the Senate adjourn.

Mr. HARRIS. I ask the Senator from Vermont if we may not have brief executive session?

Mr. EDMUNDS. As it is Saturday evening, I think we had better

wait until Monday.

The PRESIDENT pro tempore. The Senator from Vermont moves

that the Senate adjourn. The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, February 18, 1889, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

# SATURDAY, February 16, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

# EMPLOYÉS OF THE STATE DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a statement showing the names and compensation of the employes in that Department, the time each has been employed, and stating that their services are indispensable; which was referred to the Committee on Expenditures in the State Department, and ordered to be printed.

#### DEFICIENCY APPROPRIATION FOR FOREIGN MISSIONS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a letter from the Secretary of State relative to the appropriation for contingent expenses of foreign missions for the fiscal year 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

## FORT SMITH, PARIS AND DARDANELLE RAILWAY COMPANY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State

The SPEAKER. The amendments to this bill are merely verbal, the substitution of the word "of" for "with," and "amend" for "amended."

Mr. ROGERS. I ask unanimous consent to concur in the Senate amendments.

There was no objection, and it was so ordered.

# J. EDWIN PILCHER.

The SPEAKER also laid before the House the amendment of the

Senate to the bill (H. R. 10240) for the relief of J. Edwin Pilcher.

Mr. CARUTH. I will ask, Mr. Speaker, that the Senate amendment be concurred in. It simply protects more carefully the interests of the Government.

The SPEAKER. The Senate amendment will be read, after which the Chair will ask for objection.

The amendment of the Senate was read, as follows:

Insert, after the word "Texas," the words:
"Provided, That the Secretary of the Treasury shall find that said Pileher's claims are within the class of claims heretofore paid by the United States out of the Texas indemnity fund; And provided, That the Secretary of the Treasury shall be satisfied that said bond and money are genuine: And."

There being no objection, the Senate amendment was concurred in.

### DANIEL M. MAULDING.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding

Mr. TOWNSHEND. I ask unanimous consent that the conference requested by the Senate be granted.

The SPEAKER. The House must first dispose of the Senate amend-

ment.

Mr. TOWNSHEND. I ask to non-concur in the Senate amendment and agree to the conference.

The SPEAKER. The amendment will be read. The amendment of the Senate was read at length. There being no objection, the amendment was non-concurred in, and

the request for a conference acceded to.

The SPEAKER appointed as conferees on the part of the House Mr. LANE, Mr. YODER, and Mr. SPOONER.

ADDITIONAL CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. KILGORE. I wish to submit a resolution at this time for reference to the Committee on Accounts, in regard to additional assistance in the Committee on Enrolled Bills.

Mr. RANDALL. The matter referred to by the gentleman from Texas relates to the employment of an extra force in connection with the enrollment of bills; and I think it had better be acted upon without reference to a committee, as it is manifestly proper.

The SPEAKER. The Chair thinks it is an important matter in expediting the business in the closing days of the session.

The resolution was read, as follows:

Resolved. That the Clerk of the House be authorized and directed to employ for the remainder of this session four expert assistants in the enrolling-room of the House, at a compensation to be fixed by the Committee on Accounts, to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. OUTHWAITE. How does this come before the House?
The SPEAKER. It comes on the suggestion of the gentleman from
Pennsylvania. Is there objection to the consideration of the resolu-

Mr. SOWDEN. I have no objection, but move an amendment that the compensation be not more than \$100 per month.

Mr. RANDALL. They will be employed only about two weeks, and

Mr. SOWDEN. I withdraw the proposition to amend. I understand they will be required to work day and night.

The resolution was agreed to.

Mr. KILGORE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM ENGLISH.

The SPEAKER laid before the House the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States, with a Senate amendment.

Mr. HOOKER. I ask unanimous consent to have the amendment

What is the bill?

Mr. HOOKER. I will state to the gentleman that the Senate amendment is a mere restriction on the bill that was passed last year.

Mr. REED. I would like to hear the bill read.

Mr. HOOKER. I ask unanimous consent to have the amendment

The bill was read, as follows:

Be itenacted, etc., That the President be, and he is hereby, authorized to appoint William English a second lieutenant in the regular Army of the United States, and to assign him to any vacancy in said rank existing therein.

The Clerk read as follows:

The amendment of the Senate is to insert the words "nominate and, by and with the advice and consent of the Senate;" so that it will read; "That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William English," etc.

Mr. REED. Does this require unanimous consent?

The SPEAKER. It does. Mr. REED. Then I object.

Mr. HOOKER. Who is it that objects?
Mr. REED. I do.
Mr. HOOKER. It is simply a restriction of the bill that passed the House at the last session.

Mr. RANDALL. Regular order.
Mr. HOOKER. I request that the bill be retained for the present on the Speaker's table.

There was no objection, and that order was made.

NAVAL ACADEMY.

The SPEAKER also laid before the House the bill (H. R. 9677) to regulate the course at the Naval Academy, with Senate amendment; which was referred to the Committee on Naval Affairs.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Railway Company; which was read twice, and referred to the Committee on the District of

JULIET OPIE H. AYRES.

The SPEAKER also laid before the House the bill (S. 3944) granting a pension to Juliet Opie H. Ayres; which was read twice, and referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. PERRY, for ten days, on account of important busines

To Mr. WHITING, of Michigan, for this day, on account of sickness.

SPECIAL EXAMINERS IN PENSION BUREAU.

Mr. DARGAN. Mr. Speaker, I present a privileged report. The Clerk read as follows:

Whereas there were appointed, under an act of Congress approved March 3, 1834, one hundred and fifty special examiners, at a salary of \$1,000 a year each, with a per diem allowance for subsistence of \$3 per day each, with the view of sending said examiners to the residence of claimants and witnesses, to make a personal examination by seeing claimants and witnesses face to face, and ascertaining the merit of each claim referred to them for this purpose. Therefore, Resolved, That the Secretary of the Interior be requested to furnish to Congress a list of the persons originally appointed under this law and a statement showing how many of them are still in the service of the United States, and whether any of them have been recalled and assigned to other duty; if so, how many, and why these changes have been made.

The report was read, as follows:

The Committee on Reform in the Civil Service, to whom was referred the foregoing resolution, recommend that the same be amended by striking out the word "appointed," in the first line, and insert in lieu thereof the word "authorized," and that the same as amended be adopted.

The amendment was agreed to, and the resolution as amended adopted. Mr. DARGAN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

EMPLOYÉS IN THE INTERIOR DEPARTMENT.

Mr. DARGAN. Mr. Speaker, I desire to present a privileged report, which I send to the desk, from the Committee on Reform in the Civil

Mr. HOOKER. I hope the gentleman will withhold that for the present

Mr. RANDALL. This is a privileged report; let it be read.
Mr. HOOKER. The gentleman from Maine [Mr. REED] withdraws
his objection to the matter which I desire to have considered.
Mr. RANDALL. Well, I do not. [Laughter.]
The SPEAKER. The Clerk will proceed to read the report.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the Secretary of the Interior be requested to furnish to the House of Representatives the following information, to wit:

1. The number of clerks or employes appointed in his Department since March 4, 1855, without examination and certification by the Civil Service Commissioners, classifying them as to grades and compensations.

2. The number appointed as above that are now within the classified service, and how many of such have, since appointment, been examined and certified by the Civil Service Commissioners.

3. The number of divisions existing on March 4, 1856, which were specifically provided for by law in the several appropriation or other acts of Congress, the chiefs of which were not included in the classified service, with name of each division and the amount of compensation of chief in each case.

4. Number of divisions provided for as above now in existence, naming them.

5. Number of divisions recognized by the Department March 4, 1885, naming them.

of each division and the amount of compensation of chief in each case.

4. Number of divisions provided for as above now in existence, naming them.

5. Number of divisions provided for as above now in existence, naming them.

6. Number of divisions now recognized by the Department March 4, 1885, naming them.

6. Number of divisions made or organized since March 4, 1885, by bureau or departmental order and officered by chiefs or clerks in charge by appointments made since March 4, 1885, without examination and certification by the Civil Service Commissioners.

8. Number of clerks of class 4 (\$1,800), provided for in the several appropriation acts of Congress, appointed since March 4, 1885, from outside the classified service without examination and certification by the Civil Service Commissioners; the number so appointed from each State and Territory, and the several duties to which they were assigned; also give the forms used in making such appointments.

9. Number of appointments made since March 4, 1885, as clerks, type-writers, or assistants to bureaus, or assistant bureau officers, chief clerks, heads of divisions, and others, without examination and certification by the Civil Service Commissioners, stating the position to which each was appointed and the duties actually performed by each, and the number so appointed that have been subsequently promoted or advanced in salary.

10. Number of clerks or employes in all grades appointed since March 4, 1885, and the number so appointed that have been subsequently promoted or advanced in salary.

11. How many of the ten clerks designated as principal examiners of land claims and contracts in the Bureau of the General Land Office and provided for by act of Congress approved July 11, 1888, Fiftleth Congress, first session, cb. 615, 1888, have been appointed; from what States or Territories were the several appointments made; were the persons so appointed examined and certified by the Civil Service Commissioners, and were any of the appointments made from clerks emp

Mr. DARGAN (before the completion of the reading of the resolution). I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

Mr. GROSVENOR. Is there any objection to adopting the resolu-

tion and putting it into effect?

Mr. DARGAN. No objection whatever.

The SPEAKER. That is the question before the House, but the

gentleman from South Carolina [Mr. DARGAN] asks unanimous con-

sent to dispense with the further reading of the resolution.

Mr. GRÔSVENOR. I have no objection to that, but I want the report of the committee to be acted upon.

The SPEAKER. It is now before the House for action. The resolution was adopted.

Mr. DARGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several Members. Regular order. The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

DIPLOMATIC APPROPRIATION BILL.

Mr. McCREARY. I desire to present a conference report which I send to the Clerk's desk.

The Clerk read as follows:

The Cierk read as 1010ws.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. H. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 13, 25, 26, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, and agree to the same.

Eathle.

That the House recede from its disagreement to the amendments of the Senate numbered II and 12 and agree to the same with an amendment as follows: Substitute for the sum proposed the following: "\$378,500;" and the Senate agree to the same.

JAMES B. McCREARY, CHARLES E. HOOKER, ROBERT R. HITT, Managers on the part of the House. EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The managers on the part of the House submitted the following state-

ACCOMPANYING STATEMENT OF THE HOUSE CONFEREES.

The conferees on the part of the House respectfully submit the following state-

The conferces on the part of the House respectfully submit the following statement:

The Senate conferces recede from amendment No. 5, which provides an appropriation of \$100,000 for the survey, improvement, and occupation of the bay and harbor of Pago Pago, in the island of Tutula, Samea, and for the construction of the necessary wharves and buildings for such occupation, and for coaling station therein. An appropriation having been made for this purpose in the naval appropriation bill, it is not deemed necessary or proper to include it in this bill.

The Senate conferces recede from the amendments numbered 6.7.13.25.26 and

tion of the necessary wharves and buildings for such occupation, and for coaling station therein. An appropriation having been made for this purpose in the naval appropriation bill, it is not deemed necessary or proper to include it in this bill.

The Senate conferees recede from the amendments numbered 6, 7, 13, 25, 26, and 27, the effect of which is to restore the rank of "consul-general" to the consul at Montreal, and to dispense with the allowance for a clerk at Ottawa.

The House conferees recede from their disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

The first two are simply to make the gross amount appropriated conform to amendments.

The effect of number 3 is "to enable the President to cause to be paid to the Government of Japan, to be by it distributed among the families of the Japanese subjects accidentally killed or injured by the explosion of shells from the United States steamer Omaha while engaged in target practice near the island of Ikisima on the 4th of March, 1887, 25,000, the same to be received as full indemnity for the loss and injuries caused as aforesaid, said sum to be immediately available."

This appropriation was recommended by the President in his annual message transmitted to the Congress of the United States on the 3d of December, 1885, and the amount of 35,000 was recommended by the Secretary of State as being adequate to meet the exigencies of the case.

It appears from a report made by the United States consul at Nagasaki, under date of March 12, 1887, to the United States minister at Tokio that the United States steamer Omaha, engaged in target practice on the 4th of March, 1887, at the island of Ikisima, about 25 miles from Nagasaki, and fired about forty shells at a floating target below a high builf on the shore of the island mentioned. So far as those upon the vessel were in a position to judge, the shells fired appeared to have exploded without causing any injury, and thereupon the Omaha proce

JAMES B. McCREARY, CHAS. E. HOOKER, ROBERT R. HITT,

Mr. McCREARY. Mr. Speaker, the statement made by the managers of the conference on the part of the House is very full, and I hope we shall have immediate action on the report.

The conference report was adopted.

Mr. McCREARY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF.

Mr. McMILLIN, from the Committee on Ways and Means, reported a bill (H. R. 12597) to reduce taxation and simplify the laws in relation to the collection of the revenue, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report,

ordered to be printed.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported a bill (H. R. 12598) to reduce taxation, and for and Means, reported a bill (H. R. 12598) to reduce taxation, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. REED. Let the report be read.

The SPEAKER. It is not before the House for consideration.

Mr. REED. Is there not a report accompanying the bill?

The SPEAKER. The report can not be read until the matter is

The SPEAKER. The report can not be read until the matter is before the House for consideration.

Mr. REED. Is there a report with the bill?

The SPEAKER. There is a brief report.

Mr. BRECKINRIDGE, of Kentucky. Yes, there is a report with the bill.

ABBY J. SLOCUM.

Mr. SPOONER. I rise to present a privileged report. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 169) granting an increase of pension to Abby J. Slooum, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. LOGAN CHIPMAN, S. S. YODER, H. J. SPOONER, Managers on the part of the House. PHILETUS SAWYER, C. K. DAVIS, DAVID TURPIE, Managers on the part of the Senate.

The following statement, submitted under the rule, was read:

Statement to accompany conference report upon bill (S. 169) granting an increase of pension to Abby J. Slocum.

The effect of the action recommended will be to restore the rate of pension proposed by the Senate bill and heretofore recommended by the Committee on Invalid Pensions of the House.

J. LOGAN CHIPMAN,
S. S. YODER,
H. J. SPOONER,
Managers on the part of the House of Representatives.

Mr. BRECKINRIDGE, of Kentucky. I ask the reading of the House amendment, from which the conferees recommend that we now recede. The Clerk read as follows:

Strike out "50" and insert "30"

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, in every case (with scarcely an exception, I believe) in which the House has adopted an amendment to a Senate bill reducing the amount of the pension, that amendment to a scenare birretateing the amount of the pension, that amendment has been receded from by the House conferees. There may be an exception to this statement, though I do not now recall one. It has become a matter of regular procedure that the Senate passes a bill, it comes to the House, and if the House reduces the amount it is accepted by the friends of the bill without any complaint; a conference committee is appointed; and then the conferees on the part of the House recede from the amendments of the House; and thus by the means of a conference report the pension as fixed by the Senate becomes the law.

Now, I know nothing about the special merits of this case; but we have had with iteration and reiteration almost every week during this session and a part of last session the proceeding which I have described; and I protest against the repetition of the practice in this case, scribed; and I protest against the repetition of the practice in this case, unless the gentleman on the other side [Mr. Spooner] can show some special reason why the judgment of the Senate that this lady should receive \$50 a month is a wiser judgment than that of the House that she should receive only \$30, for I presume that both of these sums are larger than that which she would be allowed by the general law, and the presumption in every case is that the amount allowed by general law is the proper amount. While I hold that Congress not only has the right, but in certain cases ought to exercise it as a duty, to give a larger amount than that allowed by the general law, the facts of the particular case ought to demonstrate that the proper occasion is presented for such action. I therefore protest against the adoption of this conference report, unless the gentleman from Rhode Island [Mr. Spooner], who I believe made this report—